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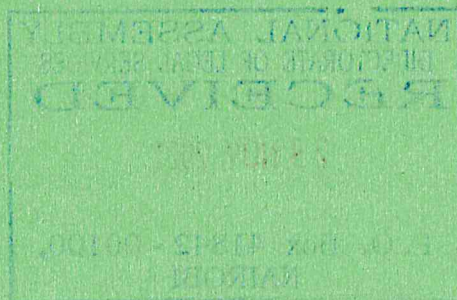
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**THE POLITICAL PARTIES (AMENDMENT) BILL,
2021**

A Bill for

**AN ACT of Parliament to amend the Political Parties
Act; and for connected purposes**

ENACTED by the Parliament of Kenya as follows—

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

Short title.

2. Section 2 of the Political Parties Act, 2011 (hereinafter referred to as “the principal Act”) is amended by—

Amendment of
section 2 of No.
11 of 2011.

(a) deleting the definition of the term “political party” and substituting therefor the following new definition—

“political party”—

(a) means an association of citizens with an identifiable ideology or programme that is constituted for the purpose of influencing public policy or nominating candidates to contest elections; and

(b) includes a coalition political party;

(b) deleting the definition of the term “party primary”; and

(c) inserting the following new definitions in proper alphabetical sequence—

“coalition political party” means a coalition that is registered by the Registrar as a political party;

“direct party nomination” means the process by which a political party, through its registered members, elects its candidates for an election;

“indirect party nomination” means the process by which a political party, through the use of delegates selected from registered members of the political party and interviews, selects its candidates for an election; and

“statement of ideology” means a statement setting out the doctrine, ethical ideals, and principles of the party.

3. The principal Act is amended by inserting the following new sections immediately after section 4—

Insertion of new section 4A in No. 11 of 2011.

Roles and functions of a political party.

4A. A political party may—

- (a) recruit and enlist members;
- (b) nominate candidates for elections;
- (c) promote representation in Parliament and county assemblies of women, persons with disabilities, youth, ethnic and other minorities and marginalized communities;
- (d) sensitize the public on the functioning of the political and electoral system;
- (e) promote and enhance national unity;
- (f) mobilize citizens into participating in political decisions;
- (g) solicit and articulate public policy priorities as identified by its members; and
- (h) shape and influence public policy.

Reservation of name, symbol and slogan.

4B. (1) An association of persons or organization may apply in writing to the Registrar for the reservation of a name, symbol and slogan for a proposed political party.

(2) Where a name, symbol or slogan has not been reserved for a proposed or registered political party by any other association of persons or organization, the Registrar shall reserve the name, symbol or slogan in respect of the applicant under subsection (1) for ninety days.

(3) The Registrar shall notify the applicant in writing of the availability of the name, symbol or slogan within fourteen days of the application under subsection (1).

4. Section 5 of the principal Act is amended—

Amendment of
section 5 of No.
11 of 2011.

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

(1A) An application for provisional registration under subsection (1) may be made after the notification by the Registrar under section 4A (3):

Provided that if the application is not made within the period specified in section 4A (2), the reservation of the name, symbol or slogan of the proposed political party shall lapse.

- (b) in subsection (5), by deleting the words “one hundred and eighty days” and substituting therefor the words “two hundred and seventy days”.

5. Section 6 of the principal Act is amended—

Amendment of
section 6 of No.
11 of 2011.

- (a) in subsection (2), by inserting the following new paragraph immediately after paragraph (d)—

(da) be accompanied by a statement of the ideology of the proposed political party;

- (b) in subsection (3), by inserting the words “and slogan” immediately after the word “symbol”.

6. Section 7 of the principal Act is amended—

Amendment of
section 8 of No. 7
of 2011.

- (a) in subsection (2) (f), by adding the following new item immediately after item (iv)—

(v) the address of the official website of the political party.

- (b) by adding the following new subsections immediately after subsection (5)—

(6) A coalition political party shall not be required to comply with the provisions of sections 5 and 6.

(7) The Registrar shall, upon the deposit of a coalition agreement for the formation of a coalition political party, issue the coalition political party with a certificate of full registration.

(8) The governance of a coalition political party shall be in accordance with the provisions of the Act relating to the governance of a coalition and the Regulations made in that regard.

(9) A member of a coalition shall not be a member of another coalition.

7. Section 8 of the principal Act is amended—

Amendment of
section 8 of No.
11 of 2011.

- (a) in the opening statement, by inserting the words “the slogan” immediately after the word “name”;
- (b) in paragraph (c), by inserting the word “slogan” immediately after the word “name”;
- (c) by adding the following new paragraphs immediately after paragraph (c)—
 - (d) is similar to, or associated with, a group or association that has been proscribed under any written law; or
 - (e) is against the public interest.

8. Section 10 of the principal Act is amended—

Amendment of
section 10 of No.
11 of 2011.

- (a) in subsection (1), by inserting the words “or a coalition political party” immediately after the words “form a coalition”; and
- (b) by adding the following proviso to subsection (2)—

Provided that in the case of a coalition political party, the coalition political party shall submit the coalition agreement at least six months before a general election.

9. Section 14 of the principal Act is amended by—

Amendment of
section 14 of No.
11 of 2011.

- (a) deleting subsection (5);
- (b) deleting subsection (5A);
- (c) deleting subsection (6); and
- (d) deleting subsection (7).

10. The principal Act is amended by inserting the following new sections immediately after section 14—

Insertion of new
section 14A in
No. 11 of 2011.

When a member may be deemed to have resigned from a political party.

14A. (1) A person who, while being a member of a political party shall be deemed to have resigned from that party if that person—

- (a) forms another political party;
- (b) joins in the formation of another political party;
- (c) joins another political party;
- (d) in any way or manner, publicly advocates for the formation of another political party; or
- (e) promotes the ideology, interests or policies of another political party.

(2) A political party shall, before deeming a member to have resigned under subsection (1)—

- (a) notify the member that he or she has been deemed to have resigned from the political party and that the political party intends to remove his or her name from the list of its members; and
- (b) afford the member a fair opportunity to be heard in accordance with the procedure set out in the constitution of the political party.

(3) A political party which deems a member to have resigned from the political party shall notify the Registrar in writing of the member's resignation and request the Registrar to remove that person's name from the register of members of that political party.

(4) Upon the notification under subsection (3), the Registrar may, where the Registrar is satisfied that the political party has complied with procedure under

subsection (2), remove the member's name from the register of members of the political party within seven days of the notification and notify the member in writing that he or she has ceased to be a member of that political party.

(5) Where the Registrar is not satisfied in accordance with subsection (4), the Registrar shall refer the matter back to the concerned political party for reconsideration.

(6) Subsection (1) (c), (d) and (e) shall not apply to a member of a political party which enters or proposes to enter into a merger or a coalition with another political party.

Expulsion of a member from a political party.

14B. (1) A person may be expelled from a political party if that person contravenes any of the provisions of the constitution of the political party.

(2) A political party shall, before expelling a member under subsection (1), afford such member a fair opportunity to be heard in accordance with the internal party disputes resolution mechanism prescribed in the constitution of the political party.

11. Section 16 of the principal Act is amended in subsection (4) by inserting the words "and in the political party's official website" immediately after the word "circulation"

Amendment of section 16 of No. 11 of 2011.

12. Section 20 of the principal Act is amended—

Amendment of section 20 of No. 11 of 2011.

(a) in subsection (2), by—

- (i) deleting the word "two" and substituting therefor the word "one"; and
- (ii) inserting the words "and in the political party's official website" immediately after the word "circulation";

(b) by adding the following new subsections immediately after subsection (3A)—

(4) An objection to the proposed change, amendment or alteration contemplated under subsection (1) shall be dealt with in accordance with the constitution of the political party and the political party shall inform the Registrar of the manner in which the objection was dealt with.

(5) Where the Registrar is satisfied that the political party has complied with the provisions of this section, the Registrar shall, within fourteen days after the notification under section (3A), notify the political party in writing that the change, amendment or alteration has been made to the constitution of the political party.

13. Section 21 of the principal Act is amended—

- (a) by deleting the marginal note and replacing it with the following new marginal note—

“Suspension and deregistration of a political party”.

- (b) in subsection (1), by inserting the word “suspend” immediately after the word “may”;
- (c) by inserting the following new subsections immediately after subsection (1)—

(1A) Where a registered political party contravenes the provisions of subsection (1), the Registrar may—

- (a) serve the party with a notice in writing specifying the nature of the contravention, requiring the political party to redress the contravention within the period specified in the notice;

Provided that the period of the notice shall not exceed three months;

- (b) where the political party fails to comply with the notice under paragraph (a) within the specified period, suspend the registration of the political party for a period not exceeding one year; and
- (c) where, after the expiry of the period specified in paragraph (b), the party fails to

remedy the contravention and persists in contravening the provisions of this Act, deregister the party.

- (d) in subsection (2), by inserting the words “suspending and” immediately after the word “before”;
- (e) by deleting subsection (3); and
- (f) by inserting the following new subsection immediately after subsection (4)—

(4A) A political party that is dissatisfied with the decision to suspend it under this section may, within thirty days of receiving the notice of suspension, apply to the Registrar for a review of the decision.

- (g) by inserting the following new subsection immediately after subsection (6)—

(7) A political party which is dissatisfied with the decision of the Registrar under subsections (1) or (2) may appeal to the Tribunal against the decision.

14. Section 22 of the principal Act is amended by—

Amendment of
section 22 of No.
11 of 2011.

- (a) deleting subsection (2) and substituting therefor the following new subsection—

(2) A member of a deregistered political party holding an elective office established by the Constitution at the time of the political party's deregistration shall continue to hold office for the remainder of the elective term as a member of another political party or independent of any political party.

- (b) deleting subsection (3).

15. Section 25 of the principal Act is amended—

Amendment of
section 25 of No.
11 of 2011.

- (a) by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Fund shall be distributed as follows—

- (a) seventy per cent of the Fund proportionately by reference to the total number of votes secured by each political party in the preceding general election;
 - (b) fifteen per cent of the Fund proportionately to political parties based on the number of candidates of the political party from special interest groups elected in the preceding general election;
 - (c) ten per cent of the Fund proportionately to political parties based on the total number of representatives from the political party elected in the preceding general election; and
 - (d) five per cent for the administration expenses of the Fund.
- (b) in the opening words of subsection (2), by inserting the words “under subsection (1) (a)” immediately after the words “from the Fund”; and
- (c) by inserting the following new subsection immediately after subsection (2A)—
- (2B) Despite subsection (1), a political party shall not be entitled to receive funding from the Fund under subsection (1) (a) or (b) if—
- (a) more than two-thirds of its registered office bearers are of the same gender;
 - (b) the party does not have, in its governing body, representation of special interest groups;
 - (c) the party does not have—
 - (i) an elected member of the National Assembly;
 - (ii) an elected member of the Senate;
 - (iii) an elected Governor; or
 - (iv) an elected member of a county assembly.

16. Section 26 of the principal Act is amended by inserting the following new subsection immediately after subsection (1)—

Amendment of
section 26 of No.
11 of 2011.

(1A) The monies allocated to a coalition political party shall be distributed by the Registrar in accordance with the coalition agreement.

17. Section 29 of the principal Act is amended in subsection (2) by—

Amendment of
section 29 of No.
11 of 2011.

- (a) deleting the word “two” and substituting therefor “one”; and
- (b) inserting the words “and in the political party’s official website” immediately after the word “circulation”.

18. Section 30 of the principal Act is amended in subsection (1) by deleting the word “sixty” and substituting therefor the words “one hundred and twenty”.

Amendment of
section 30 of No.
11 of 2011.

19. Section 31 of the principal Act is amended by deleting subsection (3).

Amendment of
section 31 of No.
11 of 2011.

20. Section 34 of the principal Act is amended—

Amendment of
section 34 of No.
11 of 2011.

- (a) by inserting the following new paragraph immediately after paragraph (d)—

(da) keep and maintain a register of members of registered political parties;

- (b) in paragraph (f), by deleting the word “his” appearing immediately after the words “the Commission of” and substituting therefor the word “the”;

- (c) by inserting the following new paragraphs immediately after paragraph (f)—

(fa) certify that an independent candidate in an election is not a member of any registered political party;

(fb) 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;

- (fc) certify that the names appearing in a party list are the names of members of the political party presenting the party list;
- (fd) regulate political party nominations in accordance with this Act; and
- (fe) train political party election agents.

21. The principal Act is amended by inserting the following new sections immediately after section 34A—

Insertion of new section in No. 11 of 2011.

Use of technology.

34B. (1) Subject to this section, there is established a political parties management information system.

(2) The Registrar shall use the system established under subsection (1) for processing political parties' records for the purposes of this Act.

(3) The Registrar shall ensure that the technology established under subsection (1) is simple, accurate, verifiable, secure, accountable and transparent.

(4) The Registrar shall make Regulations for the better carrying into effect the provisions of this section.

Powers of the Registrar in respect of political party records.

34C. (1) The Registrar may make changes to the records of political parties submitted to the Registrar under this Act where—

- (a) the application by a provisionally registered political party for full registration has not been not granted;
- (b) a political party has been deregistered;
- (c) a member of a political party resigns or is deemed to have resigned from the political party and the Registrar has been notified of the resignation;
- (d) a member of a political party has been expelled from the political

party and the Registrar has been notified of the expulsion;

- (e) a member of a political party dies;
- (f) a member of a political party has ceased to be a citizen of Kenya;
- (g) a political party has merged with another political party;
- (h) the constitution of a political party has been amended, changed or altered; or
- (i) any other event that justifies the changes occurs.

(2) The changes contemplated under subsection (1) may include—

- (a) amendment of the register of members of a political party;
- (b) amendment, change or alteration of the constitution of a political party;
- (c) addition or deletion of records;
- (d) addition, deletion or alteration of names; and
- (e) any other change that is consistent with the provisions of this Act.

22. The principal Act is amended by inserting the following new Part immediately after section 38—

Insertion of new Part in No. 11 of 2011.

PART IVA—PARTY NOMINATIONS

Methods of conducting party nominations.

38A. A political party may conduct party nominations using any of the following methods—

- (a) direct party nomination method; or
- (b) indirect party nomination method.

Establishment of party structures.

38B. (1) When conducting party nominations, a political party shall—

- (a) establish mechanisms for the resolution of disputes arising out of the nominations;

- (b) designate the person who shall issue nomination certificates to candidates after political party nominations; and
- (c) prescribe the functions of the body within the political party that shall be responsible for conducting the nominations.

Registered members
to participate in party
nominations.

38C. (1) A registered member of a political party shall be entitled to participate in the nominations conducted by the political party.

(2) A political party that intends to conduct political party nominations under this Act shall use a certified register of members for the nominations.

(3) A political party that intends to conduct political party nominations under this Act shall apply in writing to the Registrar for a certified copy of the register of members at least twenty-one days before the date of the nominations.

(4) The Registrar shall issue the political party with a certified copy of the register of the political party's members within seven days after the application under subsection (3).

(5) A political party shall not allow any person who is not a registered member of the political party to participate in the party nominations.

Access to register.

38D. A political party shall ensure that the register of members used in party nominations is accessible to the registered members of the party.

Notification on party
nominations.

38E. (1) A political party shall, not more than seven days before the date of party nominations, notify the Registrar in writing of—

- (a) the method it intends to use in conducting party nominations, which method shall be in accordance with the nomination rules of the political party;
- (b) the date of the party nominations;
- (c) the venue or venues for the party nominations; and
- (d) the list of members of the party who wish to be nominated by the party.

(2) At least seven days before the date of the nominations, the—

- (a) political party shall publish in the official website of the political party the dates and venues of the nominations; and
- (b) the Registrar shall publish in the Registrar's website the dates and venues of the political party's nominations.

Conduct of direct
party nominations.

38F. (1) A political party that intends to conduct direct party nominations shall—

- (a) post in a conspicuous place within each venue where the nominations will be held the list of members of the party who are eligible to participate in the nominations at that venue; and
- (b) provide at each polling venue essential election materials including—
 - (i) ballot papers;
 - (ii) ballot boxes;
 - (iii) a copy of the register of the members of the party;
 - (iv) pens; and

(v) nomination results slips.

(2) A political party that intends to use direct nomination method shall submit to the Registrar the—

- (a) particulars of the body within the party that shall conduct the nominations; and
- (b) procedure intended to be used in direct nomination.

Conduct of indirect
party nominations.

38G. (1) A political party that intends to conduct indirect party nominations shall—

- (a) select delegates who shall participate in the party nominations from among the registered members of the party;
- (b) submit the list of delegates to the Registrar at least seven days before the date of the party nominations;
- (c) specify the date and venue of the delegates meeting;
- (d) specify the polling process used by the delegates during the nominations;
- (e) specify the mode of interviews; and
- (f) specify the body within the party that shall conduct the interviews of potential candidates.

(2) The procedure for the selection of delegates to participate in the indirect party nominations shall be provided for in the party nomination rules of the political party.

(3) The list of delegates shall contain the names, addresses and identifying particulars of the delegates.

Vetting of candidates.

38H. A political party conducting party nominations shall ensure that each candidate who is nominated—

- (a) makes and deposits a self-declaration form in the prescribed form under the Leadership and Integrity Act, 2012;
- (b) possesses the qualifications to hold the elective office as specified in the Constitution and any other relevant written law; and
- (c) meets such other requirements as may be prescribed by the constitution and nomination rules of the political party.

Resolution of party
nominations disputes.

38I. A political party shall resolve any disputes arising out of the party nominations within thirty days after the date of the party nominations.

23. Section 40 of the principal Act is amended—

Amendment of
section 40 of No.
11 of 2011.

(a) in subsection (1), by—

- (i) deleting the words “a political party and a political party” appearing in paragraph (b) and substituting therefor the words “a political party and the political party”; and
- (ii) by deleting the words “party primaries” appearing in paragraph (fa) and substituting therefor the words “party nominations”;

(b) in subsection (2), by deleting the expression “paragraphs (a), (b), (c) or (e)” and substituting therefor the expression “paragraphs (a), (b), (c), (e) or (fa)”.

(c) by inserting the following new subsection immediately after subsection (1)—

(3) Notwithstanding subsection (1), the Tribunal shall not hear or determine disputes between members of a coalition political party.

(4) A coalition agreement shall provide for internal dispute resolution mechanisms.

(5) Where a member of a coalition political party is dissatisfied by the decision of the coalition political party internal dispute resolution mechanism, it may appeal against that decision to the High Court.

(6) The High Court shall—

(a) in the case of an appeal relating to a dispute that occurred before the general election, hear and determine the appeal before the deadline for the registration of candidates in the general election; and

(b) in the case of an appeal that occurs after a general election, hear and determine the appeal within three months.

(7) A person who is dissatisfied with the decision of the High Court may appeal to the Court of Appeal.

(8) The Court of Appeal shall hear and determine an appeal under subsection (7) within three months from the date it is filed and the decision of the Court shall be final.

24. Section 45 of the principal Act is amended by inserting the following new subsection immediately after subsection (1)—

Amendment of
section 45 of No.
11 of 2011.

(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.

25. Section 49 of the principal Act is amended in subsection (2), by inserting the following new paragraph immediately after paragraph (c)—

Amendment of
section 49 of No.
11 of 2011.

(ca) prescribing the manner of conducting political party nominations.

26. The principal Act is amended in the Second Schedule by inserting the following new paragraph immediately after paragraph 5—

Amendment of the
Second Schedule
to No. 11 of 2011.

5A. The address of the official website of the political party.

27. The Elections Act, 2011 is amended—

Amendment of
No. 24 of 2011.

- (a) in section 27, by inserting the following new subsection immediately after subsection (1)—

(1A) The Registrar of Political Parties shall certify the nomination rules submitted under subsection (1).

- (b) by inserting the following new section immediately after section 28—

Certification of party
membership lists.

28A. (1) A political party that nominates a person for an election under this Act shall, at least fourteen days before submitting the party membership list to the Commission under section 28 (1), submit the party membership list to the Registrar of Political Parties for certification.

(2) The Registrar shall verify the names contained in the party membership list submitted by a political party under subsection (1) and, where the names are of members of that political party, certify the membership list within seven days after receiving the application under subsection (1).

- (c) by inserting the following new section immediately after section 35—

Certification of party lists.

35A. (1) A political party intending to submit a party list to the Commission shall, at least fourteen days before the submission of the party list to the Commission under section 35, submit the party list to the Registrar for certification.

(2) The Registrar shall verify that the names appearing in the party list belong to registered members of the political party and certify the party list within seven days after the application under subsection (1).

(3) Any dispute arising out of the certification of a party list under this section shall be referred to the Political Parties Dispute Tribunal for determination.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons

The principal object of this Bill is to amend the Political Parties Act, 2011 and for connected purposes. The Bill has a total of twenty-seven clauses.

Clause 1 of the Bill is the short title.

Clause 2 of the Bill proposes to amend the Act by replacing the definition of “political party” with a new definition; and to insert new definitions of “coalition political party”, “direct party nomination”, indirect party nomination” and “statement of ideology” that are consistent with other proposed amendments to the Act contained in the Bill.

Clause 3 of the Bill proposes to insert a new section on the roles and functions of a political party including recruitment and enlistment of members; nomination of candidates for elections; promotion of representation in Parliament and county assemblies of special interest groups; promotion and enhancement of national unity; mobilization of citizens in political decision-making; solicitation and articulation of public policy priorities; and shaping and influencing public policy. Clause 3 also proposes to insert a new section to provide for the reservation of a name, slogan and symbol by a political party for ninety days.

Clause 4 of the Bill proposes to amend section 5 of the Act to provide that an application for the provisional registration of a political party shall be done after the reservation of a name, symbol and slogan, and the lapsing of the reservation of the application is not done within ninety days of the reservation of the name, symbol and slogan.

Clause 5 of the Bill proposes to amend section 6 of the Act to provide that an application for provisional registration shall be accompanied by a statement on the ideology of the proposed political party.

Clause 6 of the Bill proposes to amend section 7 of the Act to provide that one of the conditions for full registration of a political party shall include the address of the official website of the political party. Clause 6 also proposes to provide for the procedure to be followed for the registration of a coalition political party.

Clause 7 of the Bill proposes the amendment of section 8 of the Act to include the slogan of a party as one of the factors to be considered in making a determination whether or not to register a political party, and to increase grounds upon which the Registrar may decline registration of a political party

Clause 8 of the Bill proposes to amend section 10 of the Act to provide for the formation of a coalition political party and the submission of a coalition political party agreement to the Registrar.

Clause 9 of the Bill proposes to delete subsections (5), (5A), (6) and (7) of section 14 of the Act.

Clause 10 of the Bill proposes to amend the Act by inserting new sections 14A and 14B to provide for when a member of political party shall be deemed to have resigned from the political party; and the grounds for the expulsion of a member of a political party from the political party.

Clause 11 of the Bill proposes to amend section 16 of the Act to provide for the publication of the information required under that section in the political party's official website.

Clause 12 of the Bill proposes to amend section 20 of the Act to provide that the notification of proposed changes or alterations to the constitution of a political party shall be made in one newspaper with a nationwide circulation, instead of two newspapers, and in the official website of the political party.

Clause 13 of the Bill provides for the amendment of section 21 of the Act to provide for both the suspension and deregistration of a political party and the applicable process for suspension or deregistration.

Clause 14 of the Bill provides for the amendment of section 22 of the Act to provide for the continued holding of an office established under the Constitution by a person elected to that office after the deregistration of the political party to which that person belongs, whether or not the person joins another political party or remains independent of any political party.

Clause 15 of the Bill provides for the amendment of section 25 with regard to the disbursements from the Political Parties Fund.

Clause 16 of the Bill proposes to amend section 26 of the Act to provide for the allocation of monies to coalition political parties out of the Political Parties Fund.

Clause 17 of the Bill provides for the amendment of section 29 of the Act to provide that the publication of a political party's sources of funds shall be made in one newspaper with a nationwide circulation, instead of two, and in the official website of the political party.

Clause 18 of the Bill proposes to amend section 30 of the Act to extend the period specified in that section from 60 days to 120 days.

Clause 19 of the Bill proposes to amend section 31 of the Bill by deleting subsection (3).

Clause 20 of the Bill proposes to amend section 34 of the Bill to provide for an additional function of the Registrar which shall be the keeping and maintaining a register of members of political parties; the certification that independent candidates in an election are not members of political parties; certification that symbols intended to be used by independent candidates in an election are not similar to symbols of registered political parties; certification that names appearing in a party list presented by a political party during an election are the names of members of the political party presenting the party list; regulating political party nominations; and training political party election agents.

Clause 21 of the Bill provides for the insertion of new sections 34B and 34C in the Act to provide for the use of technology by the Registrar on the management of political party records; and the powers of the Registrar in respect of political parties' records.

Clause 22 of the Bill provides for the insertion of a new Part consisting of new sections on political party nominations including methods of conducting nominations; the establishment of structures by political parties for the conduct of nominations; the participation of registered members of a political party in its nominations; the accessing of the register of members of the political party during the political party's nominations; the procedure for the conduct of direct and indirect party nominations; the vetting of candidates contesting party nominations; and the period within which political party nomination disputes should be resolved by the political party.

Clause 23 of the Bill provides for the amendment of section 40 of the Act to provide that the Political Parties Disputes Tribunal shall also hear and determine disputes relating to political party nominations. Clause 23 also provides for the hearing of disputes relating to coalition political parties to be heard by the internal political party dispute resolution mechanism, and appeals to be heard by the High Court and Court of Appeal.

Clause 24 of the Bill provides for the amendment of section 45 of the Act to provide that the enlistment of a person as a member of a political party without that person's consent shall be an offence.

Clause 25 of the Bill provides for the amendment of section 49 (2) of the Act to provide that the Registrar may make regulations for the conduct of political party nominations.

Clause 26 of the Bill provides for the amendment of the Second Schedule to the Act to provide that the constitution of a political party shall provide for the address of the official website of the political party.

Clause 27 of the Bill provides for consequential amendments to the Elections Act, 2011, relating to the role of the Registrar of Political Parties in the certification of the nomination rules of a political party; the certification of political party membership lists and the certification of party lists.

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

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

Statement that the Bill concerns county governments

The Bill concerns county governments in terms of Article 110(1)(a) of the Constitution as it contains provisions that affect the functions and powers of county governments as set out in the Fourth Schedule to the Constitution. Article 110(1)(b) of the Constitution provides that a Bill relating to the election of members of a county assembly is a Bill concerning county governments. To the extent that the Bill among other things provides for circumstances under which a member of a political party may be deemed to have resigned from a political party including a member of a county assembly and further makes consequential amendments to the Elections Act No. 24 of 2011, the Bill is a Bill concerning county governments within the meaning of Article 110(1)(a) of the Constitution.

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.

AMOS KIMUNYA,
Leader of Majority Party.

Section 2 of No. 11 of 2011 that is proposed to be amended—

Interpretation

In this Act, unless the context otherwise requires—

“branch” means any devolved unit of a political party;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to elections;

“coalition” means an alliance of two or more political parties formed for the purpose of pursuing a common goal and is governed by a written agreement deposited with the Registrar;

“Commission” means the Independent Electoral and Boundaries Commission established under Article 88 of the Constitution;

“election” means the act of selecting by vote, of a person or persons from among a number of candidates to fill an office or to membership of any political party and includes a presidential, parliamentary or county election;

“ethnic minorities” means a group that is not the dominant one in a given society;

“founding members of a political party” means the persons who form a political party and who have contributed or offered to contribute either in cash or in kind to the initial assets of the party in respect of the first year of its existence;

“Fund” means the Political Parties Fund established by section 23;

“Gazette” means the Kenya Gazette published by the authority of the national government, or a supplement of the Kenya Gazette;

“governing body” means the committee responsible for administering the affairs of a political party;

“marginalised community” has the meaning assigned to it under Article 260 of the Constitution;

“merger” means where two or more political parties consolidate their operations and combine all officers, structure, and other functions of the political parties;

“office holder” in relation to a political party means any person who is elected by the members of the political party to hold office and is registered with the Registrar of Political Parties;

“part primary” means the process through which a political party elects or selects its candidates for a forthcoming general election or for a forthcoming by-election;

“political party” has the meaning assigned to it in Article 260 of the Constitution; “public officer” has the meaning assigned to it under Article 260 of the Constitution;

“Registrar” means the Registrar of political parties appointed under section 33;

“special interest groups” includes —

- (a) women;
- (b) persons with disabilities;
- (c) youth;
- (d) ethnic minorities; and
- (e) marginalized communities.

“State” when used as a noun, means the collectivity of offices, organs and other entities comprising the government of the Republic under the Constitution; and

“Tribunal” means the Political Parties Disputes Tribunal established under section 39;

“youth” has the meaning assigned to it under Article 260 of the Constitution.

Section 5 of No. 11 of 2011 that is proposed to be amended—

5. Provisional registration of a political party

(1) An association of persons or organisation applying to be registered as a political party may apply to the Registrar for provisional registration.

(2) Upon receipt of an application for registration under subsection (1), the Registrar shall—

- (a) within fourteen days, publish a notice in the Gazette and in at least two newspapers with nationwide circulation, inviting objections from any person or any other political party concerning the registration of the name, symbol, colour of the political party, or any other issue relating to the registration of the political party;

(b) within thirty days of the association or organisation fulfilling the conditions prescribed in section 6, issue that association or organisation with a certificate of provisional registration.

(3) A political party that has been provisionally registered under subsection (2) shall, not later than one hundred and eighty days from the date of provisional registration, apply to the Registrar for full registration.

(4) Deleted by Act No. 21 of 2016, s. 4(b).

(5) The provisional registration of a political party which has not applied for full registration shall lapse at the expiry of one hundred and eighty days from the date of issue of the certificate of the provisional registration.

(6) The provisional registration of a political party which has applied for full registration shall be valid until the political party is issued with a certificate of full registration, or until the application of the political party to be registered has been rejected.

(7) A political party that has been provisionally registered under subsection (2) shall not be entitled to participate in an election.

Section 6 of No. 11 of 2011 that is proposed to be amended—

6. Application for provisional registration

(1) An application for the provisional registration of a proposed political party shall be in writing and be signed by the applicants, of whom not more than two thirds shall be of the same gender.

(2) An application for provisional registration shall—

- (a) include signed minutes of the first meeting of the founding members of the political party;
- (b) set out the name of the political party;
- (c) if the political party wishes to use an abbreviation of its name for the purposes of this Act, set out that abbreviation;
- (d) be accompanied by a copy of the Constitution of the proposed political party which shall comply with the provisions of section 9;
- (e) include an undertaking to be bound by this Act and the Code of Conduct set out in the First Schedule; and
- (f) be accompanied by the prescribed fee.

(3) An application for provisional registration shall include a request for the registration of the symbol of the political party.

Section 7 of No. 11 of 2011 that is proposed to be amended—

7. Conditions of full registration

(1) An application for full registration of a political party shall be in writing and shall be signed by an authorized official of the political party.

(2) A provisionally registered political party shall be qualified to be fully registered if—

- (a) it has recruited as members, not fewer than one thousand registered voters from each of more than half of the counties;
- (b) the members referred to in paragraph (a) reflect regional and ethnic diversity, gender balance and representation of special interest groups;
- (c) the composition of its governing body reflects regional and ethnic diversity, gender balance and representation of special interest groups;
- (d) not more than two-thirds of the members of its governing body are of the same gender;
- (e) it has demonstrated that members of its governing body meet the requirements of Chapter Six of the Constitution and the laws relating to ethics;
- (f) it has submitted to the Registrar—
 - (i) a list of the names, addresses and identification particulars of all its members;
 - (ii) the location of its head office, which shall be a registered office within Kenya and a postal address to which notices and other communication may be sent; and
 - (iii) the location and addresses of the branch offices of the political party, which shall be in more than half of the counties; and
 - (iv) the disaggregated data of its membership based on each of the components of the special interest groups;
- (g) it has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule.

(3) A person is disqualified from being a member of the governing body if that person—

- (a) is an undischarged bankrupt;
- (b) has been convicted of a criminal offence and sentenced to imprisonment for a period of not less than six months;
- (c) has been suspended for a period of six months for violating the code of conduct of the political party; or
- (d) has contravened the provisions of Chapter Six of the Constitution.

(4) The Registrar shall, within thirty days of an application under subsection (2), issue a certificate of full registration to a provisionally registered political party which has fulfilled the conditions of full registration.

(5) A person who is not a citizen of Kenya shall not be appointed to any office or be a member of a political party in Kenya.

Section 8 of No. 11 of 2011 that is proposed to be amended—

8. Parties with certain names not to be registered

The Registrar may refuse an application for the registration of a political party if the name of the political party, the abbreviation of the name or the symbol that it wishes to use for the purposes of this Act—

- (a) is obscene or offensive;
- (b) is the name, or is an abbreviation of another political party that is registered under this Act; or
- (c) so nearly resembles the name or symbol, or an abbreviation of the name of another political party registered under this Act or any other legal entity registered under any other written law.

Section 10 of No. 11 of 2011 that is proposed to be amended—

10. Coalitions

(1) Two or more political parties may form a coalition before or after an election and shall deposit the coalition agreement with the Registrar.

(2) A coalition agreement entered into before an election shall be deposited with the Registrar at least three months before that election.

(3) A coalition agreement entered into after an election shall be deposited with the Registrar within twenty-one days of the signing of the coalition agreement.

(4) A coalition agreement shall set out the matters specified in the Third Schedule.

Section 14 of No. 11 of 2011 that is proposed to be amended—

14. Resignation from political party

(1) A member of a political party who intends to resign from the political party shall give a written notice prior to his resignation to—

- (a) the political party;
- (b) the clerk of the relevant House of Parliament, if the member is a member of Parliament; or
- (c) the clerk of a county assembly, if the member is a member of a county assembly.

(2) The resignation of the member of the political party shall take effect upon receipt of such notice by the political party or clerk of the relevant House or county assembly.

(3) The political party of which the person is a member, the member, or the clerk of the relevant House of Parliament or of a county assembly of which the person is a member shall notify the Registrar of such resignation within seven days of the resignation.

(3A) Upon receiving the notification under subsection (3), the Registrar shall cause the name of such member to be removed from the membership list of that political party.

(4) A person shall not be a member of more than one political party at the same time.

(5) A person who, while being a member of a political party—

- (a) forms another political party;
- (b) joins in the formation of another political party;
- (c) joins another political party;
- (d) in any way or manner, publicly advocates for the formation of another political party; or
- (e) promotes the ideology, interests or policies of another political party, shall, notwithstanding the provisions of subsection (1) or the provisions of any other written law, be deemed to have resigned from the previous political party.

(5A) A political party whose member is deemed to have resigned under subsection (5), shall in accordance with the procedure set out in the constitution of that political party, notify the Registrar of such decision within seven days.

(6) Subject to specific provisions of a coalition or merger agreement, subsection (5)(c), (d) and (e) shall not apply to a member of a political party which enters into a merger or a coalition with another party.

(7) A member of a political party may only be expelled from that political party if the member has infringed the Constitution of the political party and after the member has been afforded a fair opportunity to be heard in accordance with the internal party disputes resolution mechanisms as prescribed in the Constitution of the party.

(8) A person who suppresses or attempts to suppress any lawful political activity of another person commits an offence and shall, on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both.

Section 16 of No. 11 of 2011 that is proposed to be amended—

16. Corporate status of political party and declaration of assets, etc.

(1) A political party which has been fully registered under this Act shall be a body corporate with perpetual succession and a common seal and shall be capable, in its own name, of—

(a) acquiring and disposing of property;

(b) suing and being sued; and

(c) doing or performing all such acts and things as a body corporate may by law do or perform.

(2) A political party shall, within sixty days after being issued with a certificate of full registration under section 7, submit to the Registrar a written declaration giving details of all assets and expenditure including all contributions, donations or pledges of contributions or donations, whether in cash or in kind, made or to be made to the initial assets of the political party by its founding members in respect of the first year of its existence.

(3) A declaration submitted to the Registrar under subsection (2) shall—

(a) state the sources of all funds and other assets of the political party;

(b) contain such other relevant particulars as the Registrar may prescribe; and

(c) be supported by a statutory declaration made by the person designated to issue such a declaration by the governing body of the political party.

(4) The Registrar shall, within thirty days after the receipt of the declaration required under subsection (2), cause the declaration to be published in the Gazette and in at least one daily newspaper having nationwide circulation.

(5) Notwithstanding any other penalty prescribed by this Act or any other written law, the Registrar shall, subject to section 21(2), deregister a political party which—

(a) fails to comply with this section; or

(b) submits a declaration which is false in any material particular.

(5A) A fully registered political party shall be deregistered if it has not presented a candidate in two consecutive general elections.

(5B) Upon deregistration under subsection (5A), the Registrar shall publish a notice in the Gazette and notify the Attorney-General in accordance with section 48, for purposes of winding up of the political party.

Section 20 of No. 11 of 2011 that is proposed to be amended—

20. Notification of changes, alterations in Constitution, etc., of political party

(1) Where a fully registered political party intends to change or amend—

(a) its Constitution;

(b) its rules and regulations;

(c) the title, name or address of any party official

(d) its name, symbol, slogan or colour; or

(d) the address and physical location of the head office or country office,

it shall notify the Registrar of its intention and the Registrar shall, within fourteen days after the receipt of the notification, cause a notice of the intended change or alteration to be published in the Gazette.

(2) The political party giving notification under subsection (1) shall publish such notification in at least two daily newspapers having nationwide circulation.

(3) Upon the expiry of fourteen days from the date of publication of the notice in subsection (2), the political party may, after taking into

account any representations received from the public, effect the change or alteration in accordance with its constitution and rules.

(3A) The political party shall after the expiry of the period specified under subsection (3), notify the Registrar of the decision taken and the actual changes given effect.

Section 21 of No. 11 of 2011 that is proposed to be amended—

21. Deregistration of a political party

(1) The Registrar may deregister a political party if the political party—

- (a) has contravened the provisions of Article 91 of the Constitution;
- (b) does not promote free and fair nomination of candidates;
- (c) does not adhere to the law relating to the nomination of candidates;
- (d) does not respect the national values and principles of the Constitution;
- (e) obtained its registration in a fraudulent manner;
- (f) has instigated or participated in the commission of an election offence; or
- (g) has acted contrary to the provisions of section 26;
- (h) does not have representation of special interest groups;
- (i) does not maintain the requirements set out under section 7;
- (j) has contravened the provisions of Article 81(b) of the Constitution.

(2) The Registrar shall, before deregistering a political party—

- (a) inform the political party, in writing, of the particulars of the breach or contravention;
- (b) inform the political party, in writing, of the intention to deregister the political party; and
- (c) direct the political party to remedy the breach or contravention within ninety days or otherwise show cause why the party should not be deregistered.

(3) The Registrar may suspend the registration of a political party to enable that political party to remedy the breach specified in the notice issued by the Registrar under subsection (2).

(4) A political party that has been suspended under subsection (3) shall not be entitled to any of the rights and privileges specified in section 15.

(5) The Registrar shall deregister a political party which has not remedied the breach or complied with the Act as required by the Registrar under subsection (2).

(6) The Registrar shall deregister a political party which has been declared to be a prohibited organisation under the provisions of any written law. (6A) The Registrar shall, within fourteen days after deregistration of a political party under subsection (5), cause a notice of the deregistration to be published in the Gazette.

Section 22 of No. 11 of 2011 that is proposed to be amended—

22. Effect of deregistration

(1) Where a political party is deregistered under this Act, no person shall—

- (a) summon a meeting of members or officers of the political party other than for purposes of winding up the political party or for purposes of challenging the deregistration of the political party;
- (b) attend or make a person attend a meeting in the capacity of a member or officer of the political party;
- (c) publish a notice or advertisement relating to a meeting of the political party except for purposes of a meeting under paragraph (a);
- (d) invite persons to support the political party;
- (e) make a contribution or loan to funds held or to be held by or for the benefit of the political party or accept a contribution or loan; or (f) give a guarantee in respect of such funds.

(2) Where a political party that has been deregistered under section 21 had representatives elected to Parliament, or county assembly, such representatives shall continue to serve for the remainder of their term as independents or as members of other political parties.

(3) Notwithstanding subsection (2), where the de-registration of a political party is occasioned by a willful act or willful omission of a person who is a member of Parliament or of a county assembly, that person shall cease to be a member of Parliament or of the county assembly.

Section 25 of No. 11 of 2011 that is proposed to be amended—

25. Distribution of the Fund

(1) The Fund shall be distributed as follows—

(a) eighty per cent of the Fund proportionately by reference to the total number of votes secured by each political party in the preceding general election;

(aa) fifteen per cent of the Fund proportionately to political parties qualifying under paragraph (a) based on the number of candidates of the party from special interest groups elected in the preceding general election; and

(b) five per cent for the administration expenses of the Fund.

(2) Notwithstanding subsection (1), a political party shall not be entitled to receive funding from the Fund if—

(a) the party does not secure at least three per cent of the total number of votes at the preceding general elections; or

(b) more than two-thirds of its registered office bearers are of the same gender;

(ba) the party does not have, in its governing body, representation of special interest groups;

(c) the party does not have at least —

(i) twenty elected members of the National Assembly; and

(ii) three elected members of the Senate; and

(iii) three elected members who are Governors; and

(iv) forty members of County Assemblies.

(2A) For purposes of this section, “office bearers” means national and county officials elected or nominated by a political party in accordance with the party constitution.

(3) For purposes of subsections (1)(a) and (2)(a), the total number of votes secured by a political party shall be computed by adding the total number of votes obtained in the preceding general election by a political party in the election for the President, members of Parliament, county governors and members of county assemblies.

Section 26 of No. 11 of 2011 that is proposed to be amended—

26. Purposes of the Fund

(1) Moneys allocated to a registered political party from the Fund shall be used for purposes compatible with democracy including—

- (a) promoting the representation in Parliament and in the county assemblies of women, persons with disabilities, youth, ethnic and other minorities and marginalised communities;
- (b) promoting active participation by individual citizens in political life;
- (c) covering the election expenses of the political party and the broadcasting of the policies of the political party;
- (d) the organisation by the political party of civic education in democracy and other electoral processes;
- (e) bringing the political party's influence to bear on the shaping of public opinion; and
- (f) administrative and staff expenses of the political party which shall not be more than thirty per cent of the moneys allocated to the political party: Provided that not less than thirty per cent of the moneys allocated to a political party under section 25 shall be used for the purposes referred to in subsection (1)(a).

(2) The moneys allocated to a political party shall not be used for any other purposes other than those specified in this Act.

(3) Moneys allocated to a political party from the Fund shall not be used—

- (a) for paying directly or indirectly remuneration, fees, rewards, allowances or any other benefit to a member or supporter of the political party, other than a member of staff;
- (b) to finance or as a contribution to any matter, cause, event or occasion directly or indirectly in contravention of any code of ethics binding on public officers;
- (c) directly or indirectly for the purposes of establishing any business or acquiring or maintaining any right or financial interest whatsoever in any business or in any immovable property; or
- (d) for any other purpose incompatible with the promotion of a multiparty democracy and the electoral processes, or with the Constitution.

(4) A political party shall ensure accountability and transparency in its procurement processes.

(5) A person who contravenes the provisions of this section commits an offence.

Section 29 of No. 11 of 2011 that is proposed to be amended—

29. Publishing sources of funds

(1) A political party shall, within ninety days of the end of its financial year, publish—

(a) the sources of its funds stating—

(i) the amount of money received from the Fund;

(ii) the amount of money received from its members and supporters; and

(iii) the amount and sources of the donations given to the party;

(b) the income and expenditure of the political party; and

(c) the assets and liabilities of the political party.

(2) The publication referred to in subsection (1) shall be in at least two newspapers having nationwide circulation.

(3) A political party which contravenes this section commits an offence.

(4) Notwithstanding the provisions of subsection (3), a political party that fails to comply with this section shall, during the period of non-compliance, be disqualified from receiving moneys from the Fund.

Section 30 of No. 11 of 2011 that is proposed to be amended—

30. Declaration of assets, liabilities and expenditure in relation to elections (1) A political party shall, at least sixty days before a general election, submit to the Registrar a register of its members and a statement of its assets and liabilities in the prescribed form.

(2) Notwithstanding any other penalty provided in this Act or in any other written law, the Registrar shall deregister a political party which—

(a) fails to comply with this section; or

(b) submits a statement which is false in any material particulars.

Section 31 of No. 11 of 2011 that is proposed to be amended—

31. Audit of political parties accounts

(1) A political party shall keep proper books and records of account of the income, expenditure, assets and liabilities of the political party.

(2) A political party shall, within three months after the end of each financial year submit to the Auditor-General the accounts of the political party in respect of that year.

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

(4) The Registrar may at any time request the Auditor-General to carry out an audit of the accounts of a political party.

(5) Any person shall be entitled to inspect the audited accounts filed by a political party and, upon payment of a fee prescribed by the Registrar be issued copies of the audited accounts.

Section 34 of No. 11 of 2011 that is proposed to be amended—

34. Functions of the Registrar

The functions of the Registrar 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) maintain a register of political parties and the symbols of the political parties;
- (f) ensure and verify that no person is a member of more than one political party and notify the Commission of his findings;
- (g) investigate complaints received under this Act; and
- (h) perform such other functions as may be conferred by this Act or any other written law.

Section 40 of No. 11 of 2011 that is proposed to be amended—

40. Jurisdiction of Tribunal

(1) The Tribunal shall determine—

- (a) disputes between the members of a political party;
- (b) disputes between a member of a political party and a political party;
- (c) disputes between political parties;
- (d) disputes between an independent candidate and a political party;
- (e) disputes between coalition partners; and

- (f) appeals from decisions of the Registrar under this Act; (fa) disputes arising out of party primaries.

(2) Notwithstanding subsection (1), the Tribunal shall not hear or determine a dispute under paragraphs (a), (b), (c) or (e) unless the dispute has been heard and determined by the internal political party dispute resolution mechanisms.

Section 45 of No. 11 of 2011 that is proposed to be amended—

45. Offences

(1) A person who—

- (a) fails to furnish particulars or information required to be furnished by a political party or by him under this Act;
- (b) makes a statement which he knows to be false or which he has no reason to believe to be true; or
- (c) recklessly makes a false statement under this Act, commits an offence.

(2) Where a political party commits an offence under this Act, every office holder of that political party shall also be deemed to have committed the offence.

(3) Where an offence under this Act is committed by a body of persons other than a political party—

- (a) in the case of a body corporate other than a partnership, every director and the secretary of the body corporate shall also be deemed to have committed the offence; and
- (b) in the case of a partnership, every partner shall be deemed to have committed the offence.

(4) A person does not commit an offence under subsection (1) or (2) if that person proves to the satisfaction of the court or tribunal that the act in respect of which such person is charged was committed without his consent or connivance, and that he exercised all diligence to prevent the commission of that act as he ought to have exercised, having regard to all the circumstances.

(5) Where a political party commits an offence under this Act, the Registrar shall have the power to—

- (a) issue a warning and require the political party to conform to this Act within a specified period;

- (b) suspend the registration of the political party for a period not exceeding twelve months;
- (c) withhold funds to the political party for a period not exceeding twelve months; or
- (d) subject to section 21, deregister a political party.

(6) Despite subsection (5), an elected person who is a member of a political party whose registration has been suspended, shall continue in office for the unexpired term.

(7) The Registrar or an employee of the Office of the Registrar commits an offence where the Registrar or the employee of the Office of the Registrar of Political Parties knowingly subverts the objectives of the Constitution and of this Act.

Section 49 of No. 11 of 2011 that is proposed to be amended—

49. Regulations

(1) The Registrar may make regulations generally for the better carrying out of provisions of this Act.

(2) In particular and without prejudice to the generality of the power conferred by subsection (1), the Registrar may make regulations—

- (a) prescribing the manner of registration of political parties;
- (b) regulating the activities of political parties that are registered under this Act as provided under this Act;
- (c) regulating or restricting the use or changes of names, symbols or colours of political parties;
- (d) prescribing the forms, which may be used for carrying out the provisions of this Act;
- (e) for securing the submission, to the Registrar, of the audited accounts and financial accounts relating to the assets and liabilities, income and expenditure of political parties;
- (f) prescribing the fees in respect of anything to be done under this Act;
- (g) requiring the submission, to the Registrar, of annual or other periodical returns relating to the Constitution, objects and membership of political parties.

Second Schedule of No. 11 of 2011 that is proposed to be amended—

SECOND SCHEDULE

CONTENTS OF THE CONSTITUTION OR RULES OF A POLITICAL PARTY

1. The name of the political party and any abbreviation.
2. The logo and symbol of the political party and party colours.
3. The objects of the political party.
4. Clearly defined vision, mission, guiding principles and values.
5. The physical and postal address of the registered office.
6. Membership requirements including—
 - (a) the eligibility criteria;
 - (b) subscription fees for joining the party and for being a member of the party;
 - (c) the criteria for resignation from party membership or ceasing to be a member; and
 - (d) the rights and duties of members of the party;
 - (e) membership details to be contained in the register including identification details, region, ethnicity, disability, gender and county; and
 - (f) the procedure for conducting the annual general meeting or the other general meetings of the political party, including matters which may only be decided upon by a meeting of the party members or, as the case may be, of the county representatives of the party;
 - (fa) the requirement for continuous updating of the membership register.
7. Governing body requirements—
 - (a) the name of the governing body;
 - (b) the eligibility criteria for election to the governing body;
 - (c) the positions, titles and term of office;
 - (d) the rights and duties of members of the governing body;
 - (e) the procedure for the election of members of the governing body and other political party organs, including committees;

- (f) guidelines for the operations of the governing body and its committees;
- (g) quorum;
- (h) frequency of meetings;
- (i) decision making powers; and
- (j) guidelines for meetings; procedures of convening meetings; procedure of meetings and the official recording of resolutions passed at meetings.

8. A list of political party management structure of the political party and systems to be documented at the political party offices including—

- (a) the employee details and terms of employment;
- (b) the party human resource, financial and audit and administration and management policies and procedures; and
- (c) the party sub-branches within each county.

9. The forming of political party branches, including in the diaspora, and their roles and responsibilities.

10. The financial structure and system including—

- (a) the roles and responsibilities of individual political party officials, organs and governing bodies with regard to the finances of the political party;
- (b) the annual statutory and other audits of accounts of the political party; and (c) the purposes for which the funds may be used, and in particular the prohibition against the distribution of funds among members.

11. The general organisation structure and management of the political party, including the county structures and systems and county governing bodies.

12. The establishment and management of National Assembly, Senate and County Assemblies Caucuses.

13. The disciplinary measures against a member or official of a political party including—

- (a) the methods and procedure of disciplinary action in accordance with Articles 47 and 50 of the Constitution;
- (b) possible disciplinary actions and reasons;
- (c) criteria for various disciplinary actions; and

(d) consequences of each action for the national and county levels.

14. The right to inspect the books or list of members of the political party by a member of the party or a member of the public.

15. The authorized officials of a political party shall sign on behalf of the political party—

- (a) documents presented to the Registrar including membership register, mergers, and other reports to the Registrar;
- (b) the accounts and bank accounts of the political party;
- (c) the audited annual accounts and financial statements of the political party;
- (d) any report or document of the political party required under this Act or any other written law; and
- (e) the nomination certificates for any nomination or election of a member of the political party.

16. The policy documents which the political party will develop and on which the political party will perform including the manner and procedures in which they will be developed, approved and implemented.

17. The policy reporting documents and their regularity which the political party will produce including the manner and the procedures in which they will be developed, approved and publicized.

18. Asset management policies and procedures, the custody and investment of the funds and property of the political party, and the designation of the persons responsible for them.

19. The political party rules and regulations with respect to—

- (a) elections of the party officials;
- (b) nomination of candidates for elections; and
- (c) nomination of candidates to political party lists.

20. Provisions for the amendment of the name, symbol, party colours, Constitution, and rules of the political party.

21. Rules for mergers including—

- (a) the circumstances and criteria for mergers; and
- (b) the procedure and guidelines for such mergers as approved by an annual general meeting of the political party.

21A. Rules for entering into coalitions.

22. Provisions on dissolution of the political party, including—

- (a) provisions on the disposal of the property of the political party; and
- (b) the manner of and procedures to be followed for the dissolution of the political party or any branch of the party.

23. Internal party dispute resolution mechanism in accordance with Article 47 and 50 of the Constitution.

24. Democratic practices that cover gender, affirmative action for minorities and marginalized groups.

25. Reflect democratic practices covering human rights and gender.

26. The manner of implementing national values and principles of governance as provided in the Constitution.

Section 27 of No. 24 of 2011 that is proposed to be amended—

27. Submission of party nomination rules

(1) A political party shall submit its nomination rules to the Commission at least six months before the nomination of its candidates.

(2) An amendment to the nomination rules shall only be effective ninety days after submission of the amendments to the Commission.

(2A) Upon receipt of the nomination rules from a political party under subsection (1), the Commission shall, within fourteen days, review the rules 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 rules to ensure such compliance within fourteen days.

(2B) For purposes of subsection (2A), the Commission shall, by notice in the Gazette, issue Regulations prescribing guidelines to be complied with and the process by which political parties nominate candidates for nomination in accordance with Article 88 (4) (d) of the Constitution failing which the rules shall become void.