

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – SIXTH SESSION – 2022

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

REPORT ON THE ELECTION CAMPAIGN FINANCING (AMENDMENT)
BILL, 2021 (NATIONAL ASSEMBLY BILL NO. 37 OF 2021)

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 24 FEB 2022	DAY: Thurs
TABLED BY:	Hon. Richard Alois
CLERK-AT THE-TABLE:	Alois Kentoimaga, MP Mainah Wanjiku

Directorate of Audit, Appropriations
and Other Select Committees
The National Assembly,
Parliament Buildings,
NAIROBI.

FEBRUARY 2022

Approved for Table
24/2/22
[Signature]
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TABLE OF CONTENTS

ABBREVIATIONS AND ACRONYMS	3
LIST OF ANNEXURES	4
CHAIRPERSON'S FOREWORD.....	5
1.0 PREFACE.....	7
1.1.Establishment of the Committee	7
1.2.Committee Membership	7
1.3.Committee Secretariat	8
1.4.Aoption of the Committee report	8
2.0. BACKGROUND AND HIGHLIGHTS OF THE BILL.....	9
2.1 Background	9
2.2 Highlights of the Bill	10
3.0 PUBLIC PARTICIPATION IN THE REVIEW OF THE BILL	11
3.1. Legislative provisions on public participation	11
3.2 Public participation.....	12
3.3 Summary of views from the public hearings	13
3.4 Analysis of written submissions received from stakeholders	15
4.0 OBSERVATIONS AND RECOMMENDATIONS	18
4.1 Observations.....	19
4.2 Recommendations	19

ABBREVIATIONS AND ACRONYMS

AG	Attorney-General
CIOC	Constitutional Implementation Oversight Committee
IEBC	Independent Electoral and Boundaries Commission
IRCK	Inter-Religious Council of Kenya
KLRC	Kenya Law Reform Commission
MCA	Member of County Assembly
NCKK	National Council of Churches of Kenya
NGEC	National Gender and Equality Commission

LIST OF ANNEXURES

- Annexure 1:** Summary of views collected from the public hearings in the various counties
- Annexure 2:** Minutes of Committee sittings on consideration of the Bill and adoption of report
- Annexure 3:** Copy of newspaper advertisement of 12th November, 2021 and 9th December, 2021 notifying the public of intended public hearings and inviting the public to submit memoranda on the Bill
- Annexure 4:** Attendance lists for the Public Hearings in the various counties
- Annexure 5:** Written Memoranda on the Bill received from Members of the Public and other stakeholders
- Annexure 6:** Attendance register of Members who attended meeting adopting the Bill

CHAIRPERSON'S FOREWORD

The Election Campaign Financing (Amendment) Bill (National Assembly Bill No. 37 of 2021) is a Bill sponsored by the Constitutional Implementation Oversight Committee through its immediate former Chairperson Hon Jeremiah Kioni, MP seeking to amend the Election Campaign Financing Act, 2013, No. 42 of 2013. It was published on 12th August, 2021 and went through First reading in the National Assembly on, 9th November, 2021. Pursuant to Standing Orders 127(6)(a) of the National Assembly Standing Orders, the Bill was committed to the Constitutional Implementation Oversight Committee for consideration and facilitation of public participation.

The Bill seeks to amend various sections of the Election Campaign Financing Act, 2013, No. 42 of 2013, in order to align its provisions with the Elections Act, 2011 and further propose amendments that will enable its full implementation. Specifically, the Bill seeks to repeal the provisions in the Act establishing the expenditure committee that is established by a candidate, a political party or a referendum committee for purposes of regulating spending by a candidate, a political party or a referendum committee during an election period or a referendum campaign period as the case may be.

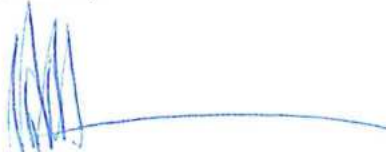
The Bill when enacted into law will allow candidates and political parties to be able to raise their own resources and regulate their expenditures during election period or referendum campaign period.

Pursuant to Article 118(1)(a) of the Constitution, the Constitution Implementation Oversight Committee resolved to undertake public hearings on the Bill in various Counties in order to get views from a wide section of the public. Subsequently advertisements were made in the Daily newspapers of 12th November, 2021 and 9th December, 2021 for the Committee to undertake public hearings in various Counties and also requesting for submission of memoranda from the public on the Bill.

The Committee held public hearings in the Counties of Nairobi, Bungoma, Homabay, Busia, Embu, Kirinyaga, Meru, Laikipia, Kilifi and Kwale during which members of the public either individually or representing institutions and organizations made oral presentations and/ or submitted memoranda which the Committee took into account while considering the Bill.

May I take this opportunity to commend the Committee Members for their devotion and commitment to duty in the consideration of the Bill. I further express my gratitude to the Offices of Speaker and Clerk of the National for providing technical and logistical support to the Committee while considering the Bill.

On behalf of the Constitutional Implementation Oversight Committee and pursuant to the provisions of Standing Order 199 (6), it's my pleasant duty and privilege to present to the House a report of the Committee on the Election Campaign Financing (Amendment) Bill (National Assembly Bill No. 37 of 2021).



HON. ALOIS M. LENTOIMAGA, M.P.

CHAIRPERSON,

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

1.0 PREFACE

1.1. Establishment of the Committee

1. The Constitutional Implementation Oversight Committee (CIOC) is a National Assembly Select Committee established under Section 4 of the Sixth Schedule to the Constitution of Kenya. The Committee is responsible for overseeing the implementation of the Constitution and among other things-

- (i) Shall receive regular reports from the Commission on the Implementation of the Constitution (CIC) on the implementation of the Constitution of Kenya, 2010 including reports concerning: -
 - (a) the preparation of the legislation required by the Constitution and any challenges in that regard;
 - (b) the process of establishing the new commissions;
 - (c) the process of establishing the infrastructure necessary for the proper operation of each county including progress on locating offices and assemblies and establishment and transfers of staff.
 - (d) the devolution of powers and functions to the counties under the legislation contemplated in section 15 of the sixth Schedule;
 - (e) any impediments to the process of implementing this Constitution.
- (ii) Coordinate with the Attorney-General, the Commission on the Implementation of the Constitution and relevant Parliamentary committees to ensure the timely introduction and passage of the legislation required by the Constitution; and
- (iii) Take appropriate action on the reports including addressing any problems in the implementation of the Constitution.

1.2. Committee Membership

2. The Committee consists of the following Members-

- 1) The Hon. Alois M. Lentoimaga, M.P. - **Chairperson**
- 2) The Hon. Peter Kaluma, M.P. - **Vice- Chairperson**
- 3) The Hon. Yusuf Hassan Abdi, M.P.
- 4) The Hon. T.J Kajwang', M.P.
- 5) The Hon. (Dr.) Christine Ombaka, M.P.
- 6) The Hon. Raphael B. S. Wanjala, M.P.

- 7) The Hon. Peris Tobiko, CBS, M.P.
- 8) The Hon. Abdi Shurie, M.P.
- 9) The Hon. Simon Ng'ang'a King'ara, M.P.
- 10) The Hon. Anthony Oluoch, M.P.
- 11) The Hon. Benard Okoth, M.P.
- 12) The Hon. Purity Ngirici, M.P.
- 13) The Hon. (Dr.) Naomi Shaban, EGH, M.P.
- 14) The Hon. Charles Gimose, M.P.
- 15) The Hon. Daniel Rono, M.P.
- 16) The Hon. Halima Mucheke, M.P.
- 17) The Hon. Fabian K. Muli, M.P.
- 18) The Hon. Japheth Mutai, M.P.
- 19) The Hon. (Col.) Geoffrey Kingangi, M.P.
- 20) The Hon. Joash Nyamoko, M.P.
- 21) The Hon. Moses Kirima, M.P.
- 22) The Hon. Didmus Barasa, M.P.
- 23) The Hon. Catherine Wambilianga, M.P.

1.3. Committee Secretariat

3. The Committee is facilitated by the following Secretariat-

- | | |
|-------------------------|--|
| 1) Mr. Edward Libendi | - Senior Legal Counsel/Head of the Secretariat |
| 2) Ms. Lynette Otieno | - Legal Counsel I |
| 3) Mr. Eugene Apaa | - Research Officer |
| 4) Ms. Deborah Mupusi | - Media Relations Officer |
| 5) Mr. Michael Chege | - Senior ICT Officer |
| 6) Mr. Sakana Ole Saoli | - Hansard Officer |
| 7) Mr. Boniface Mushila | - Sergeant-at-Arms |

1.4. Adoption of the Committee Report

4. We, the Members of the Constitutional Implementation Oversight Committee have, pursuant to Standing Order 199, adopted this report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity as per the attached list (Annexure 6).

2.0 BACKGROUND AND HIGHLIGHTS OF THE BILL

2.1 Background

5. The Constitutional Implementation Oversight Committee is mandated under section 4 of the sixth schedule of the Constitution to prepare any legislation required to implement the Constitution and address any impediments to the process of implementation of the Constitution of Kenya.
6. The Committee in the execution of its mandate undertook the task of auditing the Constitution, Statutes enacted to operationalize the Constitution and existing government policies to establish the status of implementation of the Constitution and any gaps existing in the Constitution that could be hampering implementation or impediments to full realization of the letter and spirit of the Constitution.
7. The Committee observed that Article 88(4)(1) of the Constitution provides that it shall be the responsibility of the Independent Electoral and Boundaries Commission (IEBC) to regulate the amount of money that may be spent by or on behalf of a candidate or party during election campaigns.
8. To give effect to Article 88(4) of the Constitution, Parliament enacted the Elections Campaign Financing Act, 2013. However, upon enactment, it was realized that there were difficulties in implementing the Act due to some provisions in the Act, key among them the provisions requiring candidates and political parties to form campaign expenditure committees to manage campaign funds on their behalf.
9. The Committee observed that public funding of political parties alone cannot sustain campaign requirements of political parties and the candidates and therefore there was necessity for candidates and political parties to raise additional funds for campaigns privately.
10. The Committee noted that with the volatile nature of Kenyan political competition, it would be very difficult for an individual to raise funds for electoral campaigns using private means like selling their parcels of land and then give these resources to third parties to manage these funds on their behalf during campaigns

11. The Committee therefore in execution of its mandate resolved to review the Election Campaign Financing Act, 2013 and thereafter developed the Election Campaign Financing (Amendment) Bill, 2021 (National Assembly Bill No. 37 of 2021) which sought to amend the 2013 legislation in order to make it implementable.

2.2 Highlights of the Bill

12. Clause 2 of the Bill provides that the Election Campaign Financing Act, 2013 (the principal Act) be amended in section 2 by deleting the definition of the expression “expenditure committee”.
13. Clause 3, 4 and 5 of the Bill proposes to repeal section 7, 8 and 9 of the principal Act respectively with the effect of abolishing the political party expenditure committee, the independent candidate expenditure committee and the referendum expenditure committee respectively.
14. Clause 6 of the Bill proposes to repeal section 10 of the principal Act which provides the requirement of a candidate, political party and referendum committee to submit expenditure reports to the Commission containing all records of income and expenditure.
15. Clause 7 of the Bill proposes to repeal section 16 of the principal Act and substitute with a new section 16 whose effect is to require a candidate, political party and referendum committee to disclose the amount and source of contributions received for campaign for a nomination, election or a referendum and creates an offence for failure to so disclose.
16. Clause 8 of the Bill proposes to repeal section 17 of the principal Act which mandated candidates or political parties to disclose any surplus campaign funds to the Commission and guided how the surplus funds would be applied.

17. Clause 9 of the Bill proposes to repeal section 21 of the principal Act which provides dispute resolution mechanisms for disputes arising out of alleged breach of the provisions of the principal Act.
18. Clause 10 of the Bill proposes to repeal section 25 of the principal Act which provides for registration and dissolution of expenditure committees.
19. Clause 11 of the Bill proposes to amend section 26(3) of the principal Act to enable the Commission to determine whether the information made available on request for inspection requires to be treated with confidentiality.
20. Clause 12 of the Bill proposes to repeal section 27 of the principal Act which mandates the Auditor General, upon request by the Commission to audit the accounts relating to campaign expenses of candidates, political parties or expenditure committees.
21. Clause 13 of the Bill proposes to repeal section 28 of the principal Act which allows persons dissatisfied with any matter relating to campaign finance expenditures submitted by a candidate, political party or expenditure committee to file a claim to the Commission and the timeframe of hearing and determination of the claim.
22. Clause 14 of the Bill proposes to amend section 29(2) of the principal Act by inserting a new paragraphs (i) and (j) seeking to allow the Commission to make regulations in relation to audit of accounts and procedure for claims.

3.0 PUBLIC PARTICIPATION IN THE REVIEW OF THE BILL

3.1. Legislative provisions on public participation

23. Article 118 (1) (b) of the Constitution of Kenya provides as follows-

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees”

24. Standing Order 127(3) provides as follows-

“The Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee makes its recommendations to the House”

3.2 Public Participation

25. In an effort to reach as many members of the public and stakeholders as possible in consideration of the Bill, the Committee resolved to hold public hearings on the Bill in a number of Counties and the sample to be picked at least one from the former Provinces. The Committee also sent out letters to specific stakeholders involved in electoral matters inviting them to submit memoranda on the Bill and to have a meeting with the Committee where necessary.
26. In line with the Constitution and Standing Orders, the Constitutional Implementation Oversight Committee, through the office of the Clerk of the National Assembly advertised the plan to hold public hearings and invitation for memoranda in the Daily Nation and Standard Newspapers of Friday, 12th November, 2021 and 9th December, 2021 in the Counties of Nairobi, Nyamira, Bungoma, Homabay, Busia, Embu, Kirinyaga, Meru, Laikipia, Kilifi, and Kwale.
27. The Committee also sent invitations to the respective County Governors and County Assemblies to attend and participate in the hearings and make presentations on the proposed Bill and also requested the respective County Commissioners' offices to invite members of the general public to the advertised venues.
28. The Committee facilitated public hearing sessions in the above Counties, during which members of the public either individually or representing institutions and organizations made presentations and/ or submitted memoranda which the Committee took into account while considering the Bill.
29. In view of the limited time available, and to ensure that all the above counties were covered, the Committee resolved that the Members of the Committee would establish

sub-committees for purpose of conducting public hearings in the various Counties concurrently.

30. A comprehensive list of members of the public who attended the public hearings in the various counties is attached to this report as *annexure 4*.

3.3 Summary of views from the Public hearings

31. The Committee observed that a majority of the Members of the Public (over 90%) who attended the public hearings in the various Counties visited supported the Bill with varying reasons.
32. Below is a summary of views that the Committee received from members of the public during the public hearings in support of the Bill:
- (a) That, candidates or political parties contesting elections should come with their own money and not fundraise from members of the public since this ends up becoming a source of corruption because those who contribute funds for candidate's campaigns will need favors and tenders from the candidates hence influencing the decisions of the candidate if they win a seat.
 - (b) That, there are expectations by persons who contribute funds to a candidate or political party's cause and if the candidate or political party then fails to win the intended seat, those members of the public who contributed funds may start asking for a refund of their money.
 - (c) That, the Election Campaign Financing law is a source of vice and enslavement and should be abolished altogether since people who contribute more funds may feel more entitled and therefore distract the candidate from his core representation mandate.
 - (d) That, people intending to contest for political office should raise their own funds and therefore manage the same funds on their own because if people raise funds for a politician and he doesn't do as they please like not attending funerals or going to the Constituency as frequently as they wish, the people may resort to violence and attack the politician imagining how they contributed their funds to a person who now disregards them.

- (e) That, there should be no limit on the amount a candidate or political party can spend during the campaigns and so long as the money has been acquired in the right manner, the owner should have freedom to use the money how they deem fit and not be answerable to a Committee.
- (f) That, in the Kenyan political environment there is a lot of dishonesty and a competitor may influence another's Campaign expenditure committee so that when he requires resources to be applied towards a particular cause, the Committee may reject or delay the release in order to give undue advantage to the opponent.
- (g) That, the NCKK recognizes that campaign financing plays a major role in the quality of elections and democratization of the country and whereas candidates and parties have limited capacity to campaign effectively without adequate funding, they nonetheless have a responsibility to account for such funds to ensure transparency and forestall corruption.
- (h) That, the NCKK is concerned that the Bill would ostensibly water down the oversight on campaign financing especially in consideration of the fact that the Bill was being considered against a background of rejection of the Campaign Financing Regulations by the National Assembly in August, 2021.
- (i) That, the NCKK is concerned that the Bill creates loopholes for money laundering through the donations and spending.
- (j) The IEBC indicated that it had developed amendments to the Election Campaign Financing Act which seeks to address areas identified as ambiguous, conflicting and un-implementable and therefore will require joint consultations with the Committee.

3.4 Analysis of written Submissions received from stakeholders

PROVISION IN BILL	STAKEHOLDER	STAKEHOLDER PROPOSAL	ANALYSIS COMMITTEE	BY

Amendment of section 2 of the Election Campaign Financing Act, 2013 to delete the provision of “expenditure committees”	National Council of Churches Kenya (NCCCK)	Opposed the amendment on the basis that expenditure committees enable supervision and oversight of campaign funds	The Committee observed that campaigns were largely funded by private individuals. In this regard candidates ought to be given discretion in the manner of use of funds. Further there were provisions within the Elections Campaign Financing Act, 2013 Elections Act, 2011 and other related laws that ensured there was transparency and accountability on matters related to campaign financing and spending.
Amendment of section 2 of the Election Campaign Financing Act, 2013 to delete the provision of “expenditure committees”	Kenya Law Reform Commission (KLRC)	Amend section 2 by deleting the terms “Expenditure account” and “Expenditure report” since they are consequential amendments to deletion of the “Expenditure Committees”.	The committee observed that for purposes of enhancing accountability and transparency in election campaign financing, expenditure accounts and expenditure reports may be retained in the Act
Proposed new amendment to section 6 of the Election Campaign Financing Act , 2013 that provides	Kenya Law Reform Commission (KLRC)	Amend section 6 of the principal Act by: a) In subsection (1) by (i) deleting paragraphs (c) and substituting	The committee observed that the amendment is subject to Standing Order 133(5) which provides that no

for authorized persons for purposes of regulating election campaign financing		<p>therefore "(c) an "agent of a political party"</p> <p>(ii) deleting paragraph (d) and substituting therefor (d) an agent of a referendum committee;</p> <p>(b) by deleting subsection (2)</p> <p>(c) by deleting subsection (3)</p> <p>(d) by deleting subsection (6); and</p> <p>(e) by deleting subsection (7)</p>	<p>amendment shall be permitted to be moved if it deals with a different subject matter or proposes to unduly expand the subject matter of the Bill.</p>
Repeal of section 7, 8 and 9 of the Election Campaign Financing Act, 2013 that provide for establishment of the party expenditure committees, independent candidate expenditure committee, referendum expenditure committees and submission of expenditure committees reports respectively.	National Council of Churches Kenya (NCCCK)	<p>Opposed the proposed amendment stating that sections 7, 8 and 9 of the Principal Act which had been proposed for deletion be retained as contained in the principal Act since Expenditure Committees help candidates and political parties to manage their campaign expenses and ensure compliance with laws</p>	<p>The Committee observed that campaigns were largely funded by the candidates from private sources.</p> <p>In this regard, candidates ought to be given discretion in the manner of use of funds. Further there were provisions within the Elections Campaign Financing Act, 2013 Elections Act, 2011 and other related laws that ensured there was transparency and accountability on matters</p>

		and regulations	related to campaign financing and spending.
Repeal of section 10 of the Election Campaign Financing Act, 2013 that provides for submission of expenditure reports.	National Council of Churches Kenya (NCCCK)	They agreed with the Committee in deletion of section 10(1)(a) of the principal Act which requires candidates or political parties to submit preliminary reports within 21 days of party primaries but stated that the other provisions of section 10 be retained as is contained in the principal Act on the basis that it is important for transparency and accountability to require all candidates and political parties to submit reports of their expenses and source of funds	The Committee observed that the Act makes provision for the Commission to make regulations on submission of reports and manner of disclosure of matters related to campaign financing so this matter is adequately addressed by the regulations.
Amendment of sections 16, 17, 21, 25, 26, 27 and 28 of the Election Campaign Financing Act, 2013	National Council of Churches Kenya (NCCCK)	They opposed the amendment to sections 16, 17, 21, 25, 26, 27 and 28 on the basis that the provisions enhanced transparency and	The Committee observed that the Act makes provision for the Commission to make regulations on

		<p>accountability related to election campaign financing and helped to reduce corruption, electoral malpractices and use of illicit funds in elections.</p>	<p>submission of reports and manner of disclosure of matters related to campaign financing so this matter is adequately addressed in regulations. Further other laws such as the Elections Act, 2011 have provisions that act as adequate deterrence against electoral malpractices.</p>
<p>Repeal of section 17 of the Election Campaign Financing Act , 2013 that provides for the manner in which surplus campaign funds shall be dealt with</p>	<p>Kenya Law Reform commission (KLRC)</p>	<p>They opposed repeal of section 17 which dealt with surplus campaign funds on the basis that the intention of Article 88(4)(i) of the Constitution is to give the IEBC mandate of regulating amount of funds that may be spent in campaigns.</p>	<p>The Committee observed that Act gives the Commission the power to make regulations prescribing procedures for disclosure of the amount of contributions made to a candidate or to a party, the nature of these contributions and the intended expenditures by a candidate or a party and generally for disclosure of matters related to campaign financing.</p> <p>The Committee further observed that elections in Kenya are not wholly funded by public funds.</p>

			In this regard it would be unreasonable to require a candidate who uses their private funds to submit any such surplus funds as is provided for currently in the Act.
Amendment of section 29 of the Election Campaign Financing Act , 2013 that seeks to enable the Commission to make regulations to prescribe the manner of audit of accounts relating to the campaign expenses of a candidate, a political party or a referendum committee and the procedure for claims objecting to any matter related to campaign finance expenditures submitted by a candidate	National Council of Churches Kenya (NCKK)	They support the proposed amendment to section 29 of the Principal Act as it provides for audit mechanism for candidates or political parties.	

4.0 OBSERVATIONS AND RECOMMENDATIONS

4.1. OBSERVATIONS

33. The committee observed the following:-

- (a) That Article 88(4)(1) of the Constitution provides that it shall be the responsibility of the Independent Electoral and Boundaries Commission (IEBC) to regulate the amount of money that may be spent by or on behalf of a candidate or party during election campaigns.
- (b) That to give effect to Article 88(4) of the Constitution, Parliament enacted the Elections Campaign Financing Act, 2013. However, upon enactment, it was realized that there were difficulties in implementing the Act due to some provisions in the Act, key among them the provisions requiring candidates and political parties to form campaign expenditure committees to manage campaign funds on their behalf.
- (c) That public funding of political parties alone cannot sustain campaign requirements of political parties and the candidates and therefore there was necessity for candidates and political parties to raise additional funds for campaigns privately.
- (d) That from the public hearings that the Committee undertook in the Counties, members of the public held a strong view that candidates or political parties seeking to participate in elections should not raise funds from the public but should look for own resources and therefore should not relinquish management of campaign funds to any expenditure committee.
- (e) That further, with the volatile and competitive nature of Kenyan elections, there was likelihood of the members of the campaign expenditure committee of a candidate being compromised by a competitor hence a candidate should be given a leeway to manage their own funds.
- (f) Regarding the proposals from the National Council of Churches of Kenya that the proposed amendments be dropped as it would lead to opaqueness in regulation of campaign spending, the Committee observed that it had maintained the requirement for candidates to have campaign expenditure accounts and reports to ensure that candidates or political parties banked

their campaign funds in certain accounts and submitted reports on utilization of the said funds to the Commission only recommending abolishing of the expenditure committee and therefore ensuring that transparency and accountability are maintained.

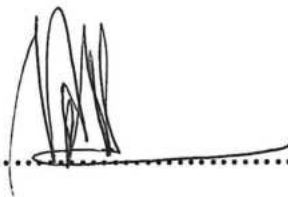
(g) Regarding the proposal by the Kenya Law Reform Commission on deletion of expenditure Accounts and expenditure reports, the Committee observed that the two terms were not tied to the Expenditure committee and therefore abolishment of the expenditure committees did not necessarily mean that there would be no expenditure accounts and expenditure reports, which were crucial for accountability by candidates and political parties.

(h) In view of the Committee's finding on the various issues above, the committee did not adopt the amendments proposed by the invited stakeholders.

4.2. RECOMMENDATION

34. The Committee noting the proposals from the public and invited stakeholders and having considered the same, hereby recommends that the Bill be adopted without amendments.

Signature:



Date: 23/2/2022

HON. ALOIS M. LENTOIMAGA, M.P.

CHAIRPERSON,

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

Summary of Views from Public Hearings

CONSTITUTIONAL IMPLEMENETATION OVERSIGHT COMMITTEE (CIOC) PUBLIC HEARING ON:

- 1. THE ELECTIONS (AMENDMENT) BILL, 2021**
- 2. THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL, 2021**

BUNGOMA COUNTY

DATE: FRIDAY, 19TH NOVEMBER, 2021

VENUE: RED CROSS HALL, KANDUYI

CHAIRPERSON: HON. RAPHAEL WANJALA, M.P.

The Hon. Catherine Wambilianga, M.P. welcomed the Committee Members to Bungoma County and invited the Chairperson of the session, Hon. Rapahel Wanjala, M.P. who took members of the public through the contents of the two Bills explaining the purpose of the meeting as a chance for the Committee to hear and collate views of the public on the two Bills.

He thereafter invited members of the public to give their views on the two Bills urging them to be as candid as possible.

The members of the public who gave views on the two Bills raised the following as grounds in support of and in opposition to the Bills:

A. THE ELECTIONS (AMENDMENT) BILL, 2021

- a) That in the current County Assembly of Bungoma there are some nominated MCAs who are from Busia County and they do not add value to the county government as they do not understand the issues affecting the residents of Bungoma.
- b) That when nominees are required to be registered voters in the counties where they are nominated, it will reduce cases of corruption where candidates who do not deserve nominations have simply been paying the political party owners in order to be nominated.
- c) That the nominees should be residents and registered voters in the counties as then they would be more conversant with the issues affecting the people and therefore

would be more reliable in addressing the people's concerns and making relevant legislations useful to the county government.

- d) That the nominated MCAs should not just be registered voters but residents of the county for a minimum period of say five years to avoid people just coming to register for purposes of nomination and since as residents, they are in touch with the people of the county and therefore in performing their representation role, they are able to find sources of information on various issues of concern to the citizenry.
- e) That the Bill when enacted into law will reduce cases of personal interests which include; nomination of boyfriends and girlfriends from other counties who do not have knowledge about issues concerning the people of the county.
- f) That the Bill should be amended to require political parties to include religious leaders as special groups, and nominate them to allow them to bring back stability to the Government of Kenya.
- g) That the nominees from other counties do not invest in the county since they just come for assembly sittings and go back to their counties.
- h) That apart from the candidates being registered voters of their respective counties, they should also have contributed to and supported the political party
- i) That the nominee MCAs should be ancestrally from the county so that the values of the residents of that county are preserved.
- j) That nominations for MCAs and even MPs should not be for more than one term so as to give other people chances.
- k) That for one to be nominated to the county assembly, they should be a resident and have participated as an aspirant in elections to prove interest in position.
- l) That the law should be amended to require electoral colleges consisting of local residents from the special interest group to be established to propose the MCA candidate to be nominated because they would choose the most qualified candidate for the position as is the case in the neighboring country of Uganda.
- m) That the fundamental document to be considered in nomination should be the birth certificate and not just to be registered voters in the county of nomination.
- n) One person who opposed the Bill sated that in some cases, people become residents of a county during the electoral cycle by virtue of marriage and should not be disadvantaged when they are supporters of the political party.

B. THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL, 2021

- a) That as long as the money used in campaigns has been acquired in the right manner, the candidate should exercise freedom on how to use the money.
- b) That there should be no limit on how to spend the money during campaigns.
- c) That Kenyans want someone with money to be elected so as to solve their problems and not someone with no money and therefore the candidates and political parties should use their own money for campaigns.
- d) That in case people fundraise for a particular candidate or political party and they to clinch the intended seat, some of the members of the public who contributed will start asking for a refund of their money leading to disorder.
- e) They will be enslaved by the common mwananchi who will need the candidate to meet their demands which are unnecessary. The candidates should come with their own strength by campaigning with their own money.
- f) That the campaign expenditure committees may become infiltrated by the opponents of a candidate or political party thus derailing the agenda of the candidate or political party.

BUSIA COUNTY

DATE: SATURDAY, 20TH NOVEMBER, 2021

VENUE: PORT VICTORIA SOCIAL HALL, PORT VICTORIA TOWN

CHAIRPERSON: HON. SIMON KING'ARA, M.P.

The Hon. Raphael Wanjala, M.P. welcomed the Members of the Committee to Busia County and invited the Chairperson of the session, Hon. Simon King'ara, M.P. who took members of the public through the contents of the two Bills explaining the purpose of the meeting as a chance for the Committee to hear and collate views of the public on the two Bills.

He thereafter invited members of the public to give their views on the two Bills urging them to be as candid as possible.

The members of the public who gave views on the two Bills raised the following as grounds in support of and in opposition to the Bills:

A. THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL, 2021

1. That people intending to venture into politics should raise their own funds for campaigns and not to source funds from members of the public to use during elections.
2. That if the members of the public from say the constituency raised funds for a politician to use for campaigns and the politician wins the seat, if he subsequently does not satisfy their requirements for example attending their social activities and being present in the constituency regularly, the people may resort to violence against the politician on grounds that without their funds, he would not have won the seat or begin to demand reimbursement of their funds.
3. That the law is a source of corruption as people who raise more funds may come demanding for tenders and favours from the politicians who then lose focus on their core mandate of representation, legislation and oversight.
4. That the Bill is timely as it allows persons intending to contest to raise their own funds and to manage their monies without the requirement of establishing committees consisting of persons who may not share ideologies with the candidate or particular political party.

B. THE ELECTIONS (AMENDMENT) BILL, 2021

1. That the Bill was timely to prevent nepotism and other ills during nomination of MCAs as witnessed during the 2013 general elections where one party official nominated his child and a wife to the Busia County Assembly.
2. That during the 2013 general elections, ODM party got 12 nomination slots but two of the people nominated were not from Busia county and another official nominated his househelp, and even the persons with disabilities did not get a nomination slot.
3. That the law when enacted would control abuse of power by the political party leaders who nominate their friends without considering merit
4. That if political parties were to nominate MCAs from among residents of that particular county who had expertise in a particular field e.g. teachers, fisher folk or irrigation experts, then these persons would add value to the county.
5. That there is need to institutionalize and strengthen political parties by nominating people who have capacity and have supported the political parties.

6. That political parties with a chance to nominate MCAs to the County Assembly should be liaising in nominations to ensure there is regional balance to ensure that the nominees are distributed across the sub counties. In Busia county during the 2017 general elections for example, 3 MCAs were nominated from the same sub-county by different political parties
7. That the Bill should be amended so that the person nominated should have resided in the county for at least 2 years or a certain minimum duration.
8. That nominations of MCAs have become a source of corruption whereby in some cases, persons nominated from outside the counties, agree with political party leaders to pay them a certain amount of money for purposes of being nominated.

NYAMIRA AND HOMABAY COUNTIES

DATE: FRIDAY, 19TH NOVEMBER, 2021

VENUE: EKERENYO EDUCATION HALL, NYAMIRA

DATE: SATURDAY 20TH NOVEMBER, 2021

VENUE: CDF HALL, KABUNDE, HOMABAY

CHAIRPERSON: HON. PETER KALUMA, M.P.

1. The public hearings were held at Ekerenyo Social Hall (Nyamira County) and Kabunde (Homabay County) on 19th and 20th November 2021 respectively.
2. Several members of the public either individually or representing institutions and organizations submitted their views to the Committee by way of written and oral submissions.
3. In response to the Committee's invitation, the members of the public either individually or representing institutions and organizations made presentations and/ or submitted memoranda.
4. A comprehensive list of members of the public who attended the public hearings in the various counties is attached to this report.

A. THE ELECTIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2021)

5. The Committee observed that a large number (about 90%) of the persons who presented their views expressed support on the proposed amendment to section 34 of the Elections Act, 2011 on the following grounds:

- a) There was need for appropriate laws to govern elections and the nomination process that promoted greater stakeholder engagement to reduce the occurrence of contentious nominations.
 - b) The amendments proposed will ensure the objectives of Article 90 (2) (C) are realized as it will enhance equity and ensure that the list of nominees for the county assembly seats reflects the true face of the county. Only the persons who are registered as voters in a county will be eligible for nomination in that County.
 - c) The proposed amendment will enhance representation to the extent that persons who are nominated are registered as voters in a particular county, and therefore will be more aware of the issues affecting the county thus able to effectively articulate and address those issues through their respective assemblies. As opposed to the current situation where persons who are not registered voters in a particular County and have no interest or knowledge on the issues of the county have been nominated thereby not adding value to the said counties.
 - d) The essence of nominations is to bring persons with special knowledge or expertise into county assemblies or to represent special interests groups. In this regard this objective would be better achieved if persons nominated into the county assembly had knowledge of the county they are nominated in.
 - e) There were proposals that the Bill be amended to put an additional requirement that other than being a registered voter in the county that the person is nominated, the person ought to have resided in that county for an uninterrupted period of eight years or any other such reasonable amount of time.
 - f) There was need for further amendments to ensure there was equitable distribution of nomination positions amongst all the wards and communities constituting a particular county. Further areas and communities within the county that are marginalized should be given priority in the nomination process.
6. The Committee observed the following as the main reasons others gave while opposing the Bill-
- a) The Constitution does not bar any individual from vying in any part of the country; in this regard nomination of persons should not be limited to persons registered in the county they are nominated;
 - b) Allowing persons to be nominated in any county and not limiting only to those registered voters in that particular county would help to enhance national unity. The proposed amendment may likely lead to tribalism;

- c) The amendment may disenfranchise certain groups of persons such as women who inter-marry and may wish to be nominated in the counties they are married in. Such women may likely not be nominated as they will be seen as “outsiders.”

**B. THE ELECTIONS (CAMPAIGN FINANCING (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 37 OF 2021)**

- 7. The Committee observed that a large number (about 80%) of the persons who presented their views expressed support on the proposed amendments to the Elections Campaign Financing Act, 2013, (No. 42 of 2013) on the following grounds:
 - a) Noting Kenya’s historical context on elections and election financing it wouldn’t make sense simply to mirror the political funding models of the Western Countries and regulation of the same in Kenya. The Elections Campaign Financing Act, 2013 heavily borrowed its provision from established democracies without taking into consideration the social, economic and political context of Kenya.
 - b) Election campaigns in Kenya are primarily financed by individual candidates and not through contributions of third parties or political parties for candidates sponsored by parties. In this regard it would be overbearing to require a person upon the completion of campaigns to surrender their personal funds to political parties or charitable organizations.
 - c) Taking into consideration that individuals primarily finance their elections campaigns through use of privately sourced funds. Such individuals should be at liberty to determine the manner in which they use those funds and not be compelled to cede control of such funds to third parties.
 - d) Election campaign funds in most instances are not public funds hence the provision on audit of such funds by the auditor-general is inexplicable and laborious reporting requirements are unreasonable. There was no justifiable reason to expend public funds auditing monies that are not from the public coffers.
 - e) There existed agencies that could effectively monitor and audit use of funds during campaigns such as the Ethics and Anti-Corruption Commission.
- 8. The Committee observed the following were the main reasons others gave while opposing the Bill-
 - a) There was need to ensure that funds sourced from third parties other than individual personal funds are audited to ensure accountability and ensure funds were not from proceed of crimes.

- b) Persons should not be compelled to constitute election campaign committees, however it was important to provide for disclosure of sources of campaign funds and audit of the manner that the funds are used so as to reduce electoral malpractices such as bribery as in most instance campaign funds were used for bribery as opposed to funding organizational and logistical issues related to campaigns.
- c) The Act if fully implemented as it currently is, gives an opportunity for the electorate to interrogate candidates for various positions based on their leadership qualities and not funds they put in place to campaign or handouts given.

EMBU AND MERU COUNTIES

DATE: FRIDAY, 26TH NOVEMBER, 2021

VENUE: CDF HALL KIRITIRI, EMBU

DATE: SATURDAY 27TH NOVEMBER, 2021

VENUE: KAMUNDI MEMORIAL HALL, MERU

CHAIRPERSON: HON. MOSES KIRIMA, M.P.

1. The public hearings were held at the CDF Hall Kiritiri (Embu County) and Kamundi Memorial Hall (Meru County) on 26th and 27th November 2021 respectively.
2. Several members of the public either individually or representing institutions and organizations submitted their views to the Committee by way of written and oral submissions.
3. In response to the Committee's invitation, the members of the public either individually or representing institutions and organizations made presentations and/ or submitted memoranda.
4. A comprehensive list of members of the public who attended the public hearings in the various counties is attached to this report.

A. THE ELECTIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2021)

5. The Committee observed that a large number (about 90%) of the persons who presented their views expressed support on the proposed amendment to section 34 of the Elections Act, 2011 on the following grounds:

- a) The amendments proposed will ensure objective of Article 90 (2) (C) are realized as it will enhance equity and ensure that the list of nominees for the county assembly seats reflects the true face of the county. Only persons who are registered voters in a county will be eligible for nomination in that County.
- b) That the nominees should be residents and registered voters in the counties as then they would be more conversant with the issues affecting the people and therefore would be more reliable in addressing the people's concerns and making relevant legislations useful to the county government.
- c) That there was need to provide for a clear and credible nomination process so as to ensure that the objectives of Article 90 of the Constitution were achieved and there was effective representation of special interest groups. Further there was need for criteria including setting out academic qualifications for persons to be nominated in counties.
- d) That there was need for enhanced civic education of electoral matters as most Kenyans were not aware of the electoral laws governing elections.
- e) That the electorate ought to be given an opportunity to vet Party lists and in this regard nominations should be done after elections and after proper vetting of persons nominated to counties.
- f) That there was need for balancing in the nomination of various categories of special interest groups, as a lot of focus had been placed on women at the expense of other special interest groups such as persons living with disabilities and marginalised communities.

B. THE ELECTIONS (CAMPAIGN FINANCING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2021)

6. The Committee observed that a large number (about 80%) of the persons who presented their views expressed support on the proposed amendment to the Elections Campaign Financing Act, 2013, (No. 42 of 2013) on the following grounds:

- a) The Elections Campaign Financing Act, 2013 heavily borrowed its provision from established democracies without taking into consideration the social, economic and political context of Kenya and its application in Kenya may be difficult.

- b) Election campaigns in Kenya are primarily financed by individual candidates and not through contributions of third parties or political parties for candidates sponsored by parties. In this regard it would be overbearing to require a person upon the completion of campaigns to surrender their personal funds to political parties or charitable organizations.
 - c) Candidates for various positions primarily finance their elections campaigns through use of privately sourced funds consequently should be at liberty to determine the manner in which they use those funds and not be compelled to cede control of such funds to third parties.
 - d) It is unjustifiable or otherwise unreasonable to expect individuals who use personal monies to conduct election campaigns to submit any surplus funds after conclusion of elections to political parties and charitable organizations yet these were private funds.
 - e) Election campaign funds in most instances are not public funds hence the provision on audit of such funds by the auditor-general is inexplicable and laborious reporting requirements are unreasonable. There was no justifiable reason to expend public funds auditing monies that are not from the public.
7. The Committee observed that the following were the main reasons others gave while opposing the Bill-
- a) There was need to ensure that funds sourced from third parties other than individual personal funds are audited to ensure accountability and ensure funds were not from proceeds of crimes;
 - b) Persons should not be compelled to constitute election campaign committees to manage utilization of privately raised funds.
 - c) That the Act if fully implemented will give an opportunity for the electorate to interrogate candidates for various positions based on their leadership qualities and not funds they put in place to campaign or hand-outs given.
 - d) That there was need to strengthen political parties so that individuals are sponsored by political parties as this would help to reduce the impact of money being a key determinant for persons being elected into leadership positions.

KIRINYAGA COUNTY

DATE: FRIDAY, 26TH NOVEMBER, 2021

VENUE: ST. PAULS ACK, KUTUS HALL

CHAIRPERSON: HON. PETER KALUMA, M.P.

The Hon. Purity Ngirici, M.P. welcomed the Members to Kirinyaga County and invited the Chairperson, Hon. Peter Kaluma, M.P. who took Members of the public through the contents of the two Bills explaining the purpose of the meeting as a chance for the Committee to hear and collate views of the public on the two Bills.

He thereafter invited members of the public to give their views on the two Bills urging them to be as candid as possible. Below is a summary of the views received from the members of the public on the two Bills:

A. THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL, 2021

1. That the Election Campaign Financing Act is akin to requiring a candidate to have a lot of money for them to vie since for one to have a committee to manage the funds, the monies must be a lot.
2. That the Bill will ensure implement-ability of the law since it will allow a candidate and political parties to spend upto a limit of what they have.
3. That considering that the funds used in election campaigns are mainly raised by individuals and political parties, the individuals should be allowed to control how they spend it.
4. One person gave an analogy of a candidate who during the 2017 general elections sold his land in order to campaign, and he forms a committee to manage the funds and then loses elections, would it be fair for the candidate to return the remainder of the money he raised from the sale of the land to the political party and not pick up from his loss?
5. That the Committee may misappropriate the funds or be infiltrated by other contestants who may be a stumbling block to one's political aspirations.
6. That sometimes candidates may have taken a loan to contest and if they lose the seat on allegations that the money raised was mismanaged by the committee, it may lead to threats to the lives of the committee members.

B. THE ELECTIONS AMENDMENT BILL, 2021

1. That MCAs nominated from outside the county cannot understand the issues affecting the people in that area
2. That the Bill when enacted will abolish the issue of flower girls and boys who don't speak in the Assembly and are just there to vote even on issues they do not comprehend.

3. That nominations of people from outside the county has led to erosion of the culture and values of the people of a county as the imported person comes with new cultures that may be immoral.
4. That nominations of persons from outside the county have been sources of corruption as people just pay monies in order to be nominated.
5. That nominations should be reserved to people who supported the political party.
6. That nominees from outside the county will not add value to the county and their people and this will amount to misuse of public funds of that particular county.
7. That some people have become serial nominees nominated in different counties during each electoral cycle.
8. Nominations should ensure there is regional balance so that the nominees don't come from one part of the county or are relatives of the Governor or MP.
9. That after nominations, the people should know which ward a candidate comes from so that apart from representing the specific category of persons generally, the people of that ward are able to benefit representation of the candidate.
10. That there should be participation of the nominees in the political parties and invest in the said party as political parties are like investments as they are the only ones who understand the needs of the local community for devolution to thrive.
11. That amend the law so that the nominee should have been a resident of the county for a particular period e.g. 5 years before that election as it may leave gap of people registering last minute just to be nominated.
12. The nominee should have shown interest in the position and if possible participated in the general elections and also be an active participant in a political party.

LAIKIPIA COUNTY

DATE: SATURDAY, 27TH NOVEMBER, 2021

VENUE: NANYUKI POLYTECHNIC

CHAired BY HON. PETER KALUMA, M.P.

Prayers by Hon. Kaluma

Explanation of Elections (Amendment) Bill by Hon. Kaluma

To amend the Elections Act so that those who are nominated as MCAs should come from the county and be registered voters in that county.

Explanation on the Election Campaign Financing (Amendment) Bill by Hon. Anthony Oluoch, M.P.

Views by Wananchi

ELECTION CAMPAIGN FINANCING COMMITTEE

- That this can be reserved for the President only since the candidates are few.
- Amend so that there is need to know the source of funds though
- That there should be a limit of the amount of money a candidate can use for campaigns
- Zoning of the country by political players should not be there.

ELECTIONS AMENDMENT BILL

- That the law should cover all seats
- Academic qualifications-There should be minimum qualifications for the political positions

CONCLUSION

Response by Hon. Peter Kaluma to issues raised by the Members of the public.

Question

1. Political parties discipline in nominating MCAs from other counties

KILIFI AND KWALE COUNTIES

DATE: FRIDAY, 3RD DECEMBER, 2021

VENUE: MAKIO HALL, MAJENGO, KILIFI

DATE: SATURDAY 4TH DECEMBER, 2021

VENUE: KWALE CULTURAL CENTRE HALL, KWALE

CHAIRPERSON: HON. DANIEL RONO, M.P.

8. The public hearings were held at Makio Social Hall (Kilifi County) and Kwale Cultural Centre Hall (Kwale County) on 3rd and 4th December, 2021 respectively.
9. Several members of the public either individually or representing institutions and organizations submitted their views to the Committee by way of written and oral submissions.
10. In response to the Committee's invitation, the members of the public either individually or representing institutions and organizations made presentations and/ or submitted memoranda.
11. A comprehensive list of members of the public who attended the public hearings in the various counties is attached to this report.

A. THE ELECTIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2021)

12. The Committee observed that all the persons who presented their views expressed support on the proposed amendment to section 34 of the Elections Act, 2011 on the following grounds:
 - a) That the proposed amendment will enhance representation to the extent that person who are nominated are being registered voters in a particular county, will be more aware of the issues affecting the county thereby able to effectively articulate and address those issues through their respective assemblies. As opposed to the current situation where persons who are not registered voters in a particular County and have no interest or knowledge on the issues of the county have been nominated thereby not adding value to the said counties.
 - b) That there were proposals that the Bill be amended to put an additional requirement that other than being a registered voter in the county, the person ought to have resided in that county for an uninterrupted period of five years or any other such reasonable amount of time.
 - c) That there was need for further amendments to ensure there was equitable distribution of nomination positions amongst all the wards and communities constituting a particular county.
 - d) That the nominees should be residents and registered voters in the counties as then they would be more conversant with the issues affecting the people and therefore would be more reliable in addressing the people's concerns and making relevant legislations useful to the county government.
 - e) That the nominated MCAs should not just be registered voters but residents of the county for a minimum period of say five years to avoid people just coming to register for purposes of nomination and since as residents, they are in touch with the people

of the county and therefore in performing their representation role, they are able to find sources of information on various issues of concern to the citizenry.

- f) That the Bill when enacted into law will reduce cases of personal interests which include; nomination of boyfriends and girlfriends from other counties who do not have knowledge about issues concerning the people of the county.
- g) That nominations for MCAs and even MPs should not be for more than one term so as to give other people chances.
- h) That for one to be nominated to the county assembly, they should be a resident and have participated as an aspirant in elections to prove interest in position.

B. THE ELECTIONS (CAMPAIGN FINANCING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2021)

13. The Committee observed that a large number (about 80%) of the persons who presented their views expressed support on the proposed amendment to the Elections Campaign Financing Act, 2013, (No. 42 of 2013) on the following grounds:

- a) That the Election Campaign Financing Act, 2013 heavily borrowed its provisions from established democracies without taking into consideration the social, economic and political context of Kenya and its application in Kenya may be difficult.
- b) That candidates for various positions primarily finance their elections campaigns through use of privately sourced funds and therefore they should be at liberty to determine the manner in which they use those funds and not be compelled to cede control of such funds to third parties.
- c) That it is unjustifiable to expect individuals who use personal monies in undertaking election campaigns to submit any surplus funds after conclusion of elections to political parties and charitable organizations yet these were private funds.
- d) That the political climate during elections in Kenya is very fluid and therefore campaign expenditure committees may be corrupted or infiltrated by the opponents of a candidate or political party thus derailing the agenda of the candidate or political party.

14. The Committee observed the following as the main reasons members of the public gave in opposition to the Bill-

- a) There was need to ensure that funds sourced from third parties other individual personal funds are audited to ensure accountability and ensure funds were not from proceed of crimes.

- b) Persons should not be compelled to constitute election campaign committees, however it was important to provide for disclosure of sources of campaign funds and audit of the manner the funds are used so as to reduce electoral malpractices such as bribery as in most instance campaign funds were used for bribery as opposed to funding organizational and logistical issues related to campaigns.

**MINUTES OF THE FOURTH SITTING (SIXTH SESSION) OF THE
CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE HELD ON
THURSDAY, 17TH FEBRUARY, 2022 AT THE MEDIA CENTRE, MAIN PARLIAMENT
BUILDINGS AT 11:30 A.M.**

PRESENT

- | | | |
|---|---|----------------------|
| 1. The Hon. Alois M. Lentoimaga, M.P. | - | Chairman |
| 2. The Hon. Peter Kaluma, M.P. | - | Vice Chairman |
| 3. The Hon. Charles Gimose, M.P. | | |
| 4. The Hon. Daniel Rono, M.P. | | |
| 5. The Hon. Bernard Okoth, M.P. | | |
| 6. The Hon. Didmus Barasa, M.P. | | |
| 7. The Hon. T.J Kajwang, M.P. | | |
| 8. The Hon. Moses Kirirma, M.P. | | |
| 9. The Hon. Halima Mucheke, M.P. | | |
| 10. The Hon. Raphael B.S. Wanjala, M.P. | | |
| 11. The Hon. Abdi Shurie, M.P. | | |
| 12. The Hon. Christine Ombaka, M.P. | | |

APOLOGIES

1. The Hon. (Dr.) Naomi Shaban, M.P.
2. The Hon. Joash Nyamoko, M.P.
3. The Hon. Japheth Mutai, M.P.
4. The Hon. Catherine Wambilianga, M.P.
5. The Hon. Purity Ngirici, M.P.
6. The Hon. Fabian K. Muli, M.P.
7. The Hon. (Col.) Geoffrey Kingangi, M.P.
8. The Hon Yussuf Hassan Abdi, M.P.
9. The Hon. Peris Tobiko, M.P.
10. The Hon. Catherine Wambilianga, M.P.
11. The Hon. Simon Ng'ang'a King'ara, M.P.

SECRETARIAT

- | | |
|------------------------|--|
| 1. Mr. Edward Libendi | - Principal Legal Counsel/CIOC Clerk |
| 2. Ms. Lynette Otieno | - Legal Counsel |
| 3. Mr. Sakana Saoli | - Hansard Reporter III/Clerk assistant |
| 4. Mr. Solomon Lelekwa | - Intern |
-

MIN.NO.CIOC/2022/13

PRELIMINARIES

The Chairperson called the meeting to order at twenty minutes to Twelve O'clock (11:40 am) and opened it with a word of prayer.

The Chair thereafter proceeded to once again thank the Members of the Committee for giving him a chance to be the Chairperson. He also requested Members to work together as a team and to try conclude the business pending before the Committee keeping in mind the short period of time left before the general elections in August, 2022.

Members thereafter adopted the agenda of the meeting as follows:

- 1) Adoption of the report of the Committee on its consideration of the Elections (Amendment) Bill, 2021(National Assembly Bill No. 41 of 2021).
- 2) Adoption of the report of the Committee on its consideration of the Election Campaign Financing (Amendment) Bill, 2021 (National Assembly Bill No. 37 of 2021).

**MIN.NO.CIOC/2022/14 ADOPTION OF COMMITTEE REPORT ON THE
ELECTIONS AMENDMENT BILL (NATIONAL ASSEMBLY BILL NO. 41, 2021)**

The Chairperson requested the Legal Counsel to take Members through the report of the Committee on the Elections (Amendment) Bill, (National Assembly Bill No. 41 of 2021). The Counsel went through the Bill explaining the background and reasons for development of the Bill and the mischief that the proposed amendment sought to achieve. She also took Members through a summary of the views from the public indicating that almost all members of the public who spoke supported the Bill. Some with proposals for amendment.

Members of the committee were satisfied with the highlights and resolved to adopt the report with an amendment to require that while undertaking the nominations, the IEBC should ensure that there is equitable distribution of the nominees in the wards of the County so that we don't have a situation whereby all the nominated MCAs come from one sub-county.

Members thereafter adopted the report of the Committee after it had been proposed by the Hon. Peter Kaluma, M.P. and seconded by the Hon. Moses Kirima, M.P.

**MIN.NO.CIOC/2022/15 ADOPTION OF COMMITTEE REPORT ON THE
ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL, (NATIONAL
ASSEMBLY BILL NO. 37 OF 2021)**

The Chairman thereafter invited the Legal Counsel to take Members through the second report, the report of the Committee on the Election Campaign Financing (Amendment) Bill, 2021

(National Assembly Bill No. 37 of 2021). The Counsel took Members through the Committee report highlighting the background, reasons for development of the Bill and the importance of the said amendments in ensuring that the parent Act is implementable. The Committee noted that members of the public in most of the counties where it undertook public hearings and invited stakeholders supported the Bill with only a few opposing the same.

Members considered the objections to the Bill clause by clause noting the reasons for the opposition and rejected the proposals to amend or delete the provisions in the Bill. Members thereafter adopted the report of the Committee on the Bill without any amendment after it had been proposed by the Hon. Daniel Rono, M.P. and seconded by the Hon. Peter Kaluma, M.P.

MIN.NO.CIOC/2022/16

ANY OTHER BUSINESS AND ADJOURNMENT

Invitation to a retreat.

The Chairperson brought to the attention of the committee a letter from the Inter-Governmental Relations Technical Committee (IGRTC) inviting the Members of the Committee to a joint retreat from 10th to 13th March, 2022.

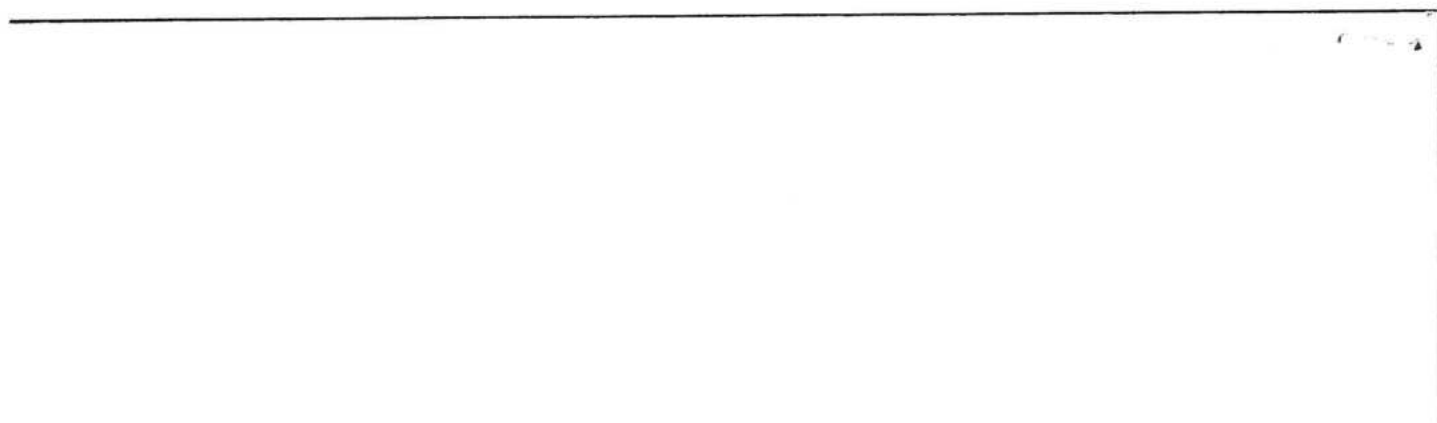
Members of the committee deliberated on the invitation and resolved that the retreat be rescheduled to be held from 7th to 10th March, 2022 since the National Assembly which will be on recess during the period.

Adjournment.

There being no other business, the meeting was adjourned at fifteen minutes past One O'clock (1.15 pm).

SIGN.....
THE HON. ALOIS LENTOIMAGA M.P.

DATE 23/2/2022
CHAIRPERSON



NEWS GENERAL

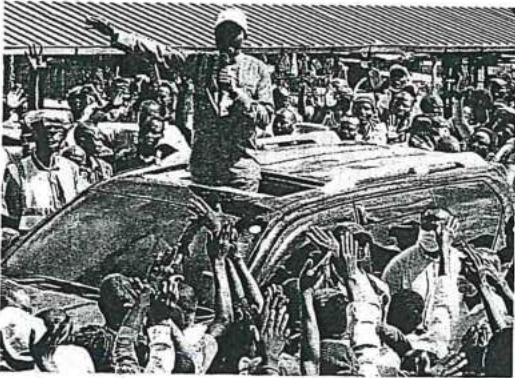


PHOTO STORY

Wiper leader Kalonzo Musyoka addresses wanchi at Kiritiri market on Thursday
/DENIS KAVISU

BLAME GAME

Ruto, Raila allies trade barbs over violence

ODM leaders say they won't apologise for chaos stage-managed by UDA for sympathy and profiling

LUKE AWICH
@TheStarKenya

Allies of Deputy President William Ruto and ODM leader Raila Odinga's on Thursday traded barbs over Wednesday's violence in Kisumu that saw the DP's rally in Kondele end prematurely.

Speaking in Parliament buildings, MPs allied to both sides engaged in bitter blame game even as the United Democratic Alliance—a party associated with Ruto—demanded disqualification of ODM from the 2022 general election.

UDA national chairman Johnson Muthama said the Independent Electoral and Boundaries Commission should take action against ODM for the action of its "supporters".

"The IEBC should take action in disciplining the ODM party by even disqualifying them from participating in the coming general election," Muthama said.

"UDA has been committed to peaceful campaigns and has gone out of its way to warn its aspirants of being disqualified if they engage in violence. This is what we expect from all other political and non-political players in the country participating in next year's elections."

In Parliament, Raila and Ruto troops engaged each other in blame game even as Tangatanga lawmakers linked the skirmishes to the Oppo-

sition chief. The DP allies, numbering over 30, said the violence was ODM Raila's strategy to protect his territory against "a surging hustler movement".

The MPs said Raila has realised that the hustler movement is unstoppable and is using every means to stop it.

"The events in Kondele, Kisumu, were ODM Raila Odinga's desperate attempt to protect his last bastion against a surging and unstoppable hustler nation," said Patrick Munene, Chuka Igambang'ombe MP.

The leaders also faulted the police for engaging in politics, accusing them of being part of a broader scheme to frustrate Ruto's campaigns. Kimilili MP Didimus Barasa said the ODM leader should publicly condemn violence meted out to Ruto on Wednesday.

"The events of Kisumu yesterday were purely an ODM affair. The violence said everything about Odinga's violent brand of politics," Barasa said.

But in a quick rejoinder, Raila allies—Sam Atandi (Alego Usonga), Abdulsamad Nassir (Mvita), Peter Masara (Sunu West), Mark Nyamita (Uriti), Lilian Gogo (Rangwe) and nominated MP Godfrey Osoti—dismissed the claims.

They said the chaos was stage-managed by the DP team for political mileage.

INVESTIGATION

Police stations in sorry state — senators

JULIUS OTIENO/ Senators are investigating the status of police stations in the country amid concerns most of them are congested and in a sorry state.

Speaker Kenneth Lusaka ordered the inquiry after the senators raised the alarm over what they termed as disturbing revelations about the conditions of the premises. The stations are nearly inhabitable as they

are dilapidated and small in size.

They said people in police custody are undergoing untold pain, contrary to the provisions of the Constitution and laws on human rights.

ODM-nominated Senator Beatrice Kwamboka sparked the debate on the status of the stations as she called on the National Security, Defence and Foreign Relations committee to launch an inquiry.

**REPORT
SAYS POLICE
PREMISES ARE
CONGESTED
AND ARE
HARDLY EVER
FUMIGATED**



REPUBLIC OF KENYA THE NATIONAL ASSEMBLY TWELFTH PARLIAMENT – FIFTH SESSION

In the matters of consideration by the National Assembly:-

1. The Elections (Amendment) Bill, (National Assembly Bill No. 41 of 2021)
2. The Election Campaign Financing (Amendment) Bill, (National Assembly Bill No. 37 of 2021)

PUBLIC HEARINGS/SUBMISSION OF MEMORANDA

Article 118 (1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of the Parliament and its Committees". The National Assembly Standing Order 127 requires the Select Committee to which a Bill is committed to facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House.

The Elections (Amendment) Bill, (National Assembly Bill No. 41 of 2021) seeks to amend the Elections Act No. 24 of 2011 to provide that persons nominated to County Assemblies by political parties pursuant to Article 177 of the Constitution, shall be persons who are registered voters in the county in which they are nominated.

The Election Campaign Financing (Amendment) Bill, (National Assembly Bill No. 37 of 2021) seeks to amend the Election Campaign Financing Act No. 42 of 2013 to align its provisions with the Elections Act, 2011 and to enable its implementation since the existing provisions do not take into consideration the current socio-economic and political structures that has hindered its full implementation.

The above mentioned Bills have undergone First Reading pursuant to Standing Order 126 and have been committed to the **Constitutional Implementation Oversight Committee** for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118 (1)(b) of the Constitution and Standing Order 127(3), the Committee invites interested members of the public to submit any representations they may have on the aforementioned Bills. The Committee will also be conducting public hearings on the said Bills in the following Counties from 9.00 am to 3.00 pm as indicated below:-

No.	COUNTY	VENUE	DATE
1.	Nyamira	Ekerenyo Education Hall	Friday, 19th November, 2021
2.	Bungoma	Red Cross Hall, Kanduyi	Friday, 19th November, 2021
3.	Hombay	CDF Hall, Kabunde	Saturday, 20th November, 2021
4.	Busia	Port Victoria Social Hall, Port Victoria Town	Saturday, 20th November, 2021
5.	Embu	CDF Hall Kiritiri	Friday, 26th November, 2021
6.	Kirinyaga	ACK, Kutus Hall	Friday, 26th November, 2021
7.	Meru	Kamundi Memorial Hall,	Saturday, 27th November, 2021
8.	Laikipia	Nanyuki Social hall	Saturday, 27th November, 2021
9.	Kilifi	Makio Hall, Majengo	Friday, 3rd December, 2021
10.	Kwale	Kwale Cultural Centre	Saturday, 4th December, 2021
11.	Nairobi	County Hall, Parliament Buildings	Tuesday, 7th December, 2021
12.	Mombasa	County Assembly of Mombasa Chambers	Friday, 10th December, 2021
13.	Lamu	Mwanafafa Hall	Saturday, 11th December, 2021

Due to the need to comply with the Ministry of Health, COVID-19 containment measures, members of the public are encouraged to prepare **written memoranda** on the said Bills and submit to the Committee at the above-mentioned venues during the scheduled public hearings.

The representations or written submissions may also be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Friday, 10th December, 2021 at 5:00 pm.

Copies of the Bills are available at the National Assembly Table Office or be accessed from the parliamentary website at: www.parliament.go.ke/the-national-assembly/house-business/bills.

MICHAEL R. SIALAI, CBS
CLERK OF THE NATIONAL ASSEMBLY
12th November, 2021

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY TWELFTH PARLIAMENT - FIFTH SESSION

In the matter of consideration by the National Assembly:-
Medium Term 2022 Budget Policy Statement and the 2022 Medium Term
Debt Management Strategy

PARTICIPATION/SUBMISSION OF MEMORANDA

1) of the Constitution provides that, "Parliament shall facilitate public participation and legislative and other business of Parliament and its Committees"

With the provisions of Section 25(7) of the Public Finance Management Act, 2012, the Medium Term Budget Policy Statement and the 2022 Medium Term Debt Management Strategy Paper to Parliament on Tuesday, 30th November, 2021 for consideration.

provisions of Article 118(1)(b) of the Constitution, Section 25(7) of the Public Finance Management Act, 2012 and Standing Order 232 of the National Assembly, the Budget and Appropriations Committee members of the public to submit their representations on the Medium Term Budget Policy Statement and the 2022 Medium Term Debt Management Strategy.

Representations or written submissions may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Wednesday, 15th December, 2021.

Documented documents are available at the National Assembly Table Office or be accessed from the parliamentary website at: www.parliament.go.ke/the-national-assembly/house-business/

MICHAEL R. SIALAI, CBS
CLERK OF THE NATIONAL ASSEMBLY
9th December, 2021

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY TWELFTH PARLIAMENT - FIFTH SESSION

- In the matters of consideration by the National Assembly:-
1. The Elections (Amendment) Bill, (National Assembly Bill No. 41 of 2021)
 2. The Election Campaign Financing (Amendment) Bill, (National Assembly Bill No. 37 of 2021)

RE-ADVERTISEMENT PUBLIC HEARINGS/SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of the Parliament and its Committees". The National Assembly Standing Order 127 requires the Select Committee to which a Bill is committed to facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House.

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The Election Campaign Financing (Amendment) Bill, (National Assembly Bill No. 37 of 2021) seeks to amend the Election Campaign Financing Act No. 42 of 2013 to align its provisions with the Elections Act, 2011 and to enable its implementation since the existing provisions do not take into consideration the current socio-economic and political structures that has hindered its full implementation.

With reference to the notification for public hearings and request for submission of memoranda advertisements on the aforementioned Bills, that appeared in the Daily Nation, Standard and Star Newspapers of Friday, 12th November, 2021, the National Assembly wishes to inform the general public that, the public hearings which were scheduled for Tuesday, 7th December, 2021 at County Hall, Parliament Buildings, Nairobi County; Friday, 10th December, 2021 at the County Assembly of Mombasa Chambers, Mombasa County; and Saturday, 11th December, 2021 at Mwanarafa Hall, Lamu County, have been rescheduled as indicated hereunder:-

No.	COUNTY	VENUE	DATE
1.	Mombasa	Kenya School of Government, Hall	Friday, 28 th January, 2022
2.	Lamu	Mwanarafa Hall	Saturday, 29 th January, 2022
3.	Nairobi	County Hall, Parliament Buildings	Tuesday, 1 st February, 2022

Pursuant to the provisions of Article 118(1)(b) of the Constitution of Kenya and Standing Order 127(3), the Constitutional Implementation Oversight Committee will be conducting public hearings on the aforementioned Bills in the said Counties and venues from 10.00 am to 3.00 pm as indicated above.

Due to the need to comply with the Ministry of Health's COVID-19 containment measures, members of the public are encouraged to prepare written memoranda on the Bills and submit to the Committee at the above mentioned venues during the scheduled public hearings.

Representations may also be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi or emailed to clerk@parliament.go.ke, to be received on or before Friday, 28th January, 2022 at 5:00 pm.

Copies of the Bills are available at the National Assembly Table Office or be accessed from the parliamentary website at: www.parliament.go.ke/the-national-assembly/house-business/bills.

MICHAEL R. SIALAI, CBS
CLERK OF THE NATIONAL ASSEMBLY
9th December, 2021

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 19/11/21 County: NYAMIRA Venue: Evareye Education Hall

	NAME	ID CARD NO	SIGNATURE
1.	TOM MARAGA	11700308	
2.	Margret Obare	12503861	
3.	THOMAS MOSE OBONYA	6936634	
4.	EVANS MACHINI SAKOKE	1322537	
5.	DAVID ONDIRA	7316718	
6.	THOMAS MONGIRE KIBWECO	7607576	
7.	RAVINE 12		
8.	Mary Mogaqa	24066383	
9.			
10.			
11.			
12.			

	NAME	ID CARD NO	SIGNATURE
13.			
14.			
15.			
16.			
17.			
18.			
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Name:.....

Committee Clerk

Signature

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY










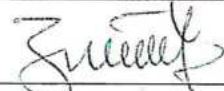



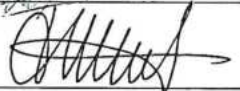



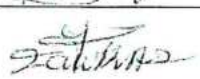
CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 19/11/21 County: NYAMIRA Venue: Ekereyo Educa Hall

	NAME	ID CARD NO	SIGNATURE
1.			
2.	AKIMU MOURDE OMEGO	7304887	Akimo
3.	Pr Charles Nyanero Dgechi	1600402	Charles
4.	Gladys Momanyi (CEM Health)	10784190	Gladys
5.	Stephen Onwonga (CEM Trade)	0353633	Stephen
6.	Samuel Haiko	6420231	Samuel
7.	URACE KAKATI CP	10003535	Urace
8.	WILLIAM TOROITICH D/C	11863374	William
9.	NELSON TANJI C.C.C	10000085	Nelson
10.	SAMUEL KIROGO NGARUWA	33189899	Samuel
11.	JAPHETH TIONGESA	10851260	Japheth
12.	Jackline N. WAKONGE	20597239	Jackline

	NAME	ID CARD NO	SIGNATURE
13.	MARK ADONTO ORINETO	3159711	
14.	PROCHARLES NYANARO ELEGCHI	1602402	
15.	AKIMU MOUNKE OMEGO	7304887	
16.	THOMAS MOSE OBENDI	6936634	
17.	EVANS MACHINI SAROKI	1322537	
18.	DAVID ONAIBA	7316718	
19.	THOMAS MOUNKE KIBWOGA	7607576	
20.	PAULINE R. MDSIGISI	22354209	
21.	LILIAN B. MOENGA	9110559	
22.	ZABLON D. ONCHIEKI	13568887	
23.	DAVID K GEANCHE	0305127	
24.	JENIPHER OMULO	8202833	
25.	PATRICK ARISA KIRIAHO	1207177	
26.	EVANS O. NYAISOGA	22545649	
27.	Richard M. Nyamunyamu	22736196	
28.	Margaret Nj. Njoket/9	12899849	
29.	David Amungu Makoni	1600302	
30.	Rev. Lawrence Kibunga Hembo	2586065	

Name:.....

Committee Clerk

Signature

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY


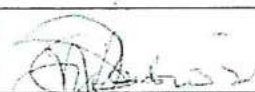
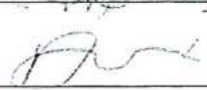
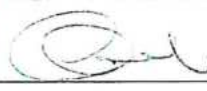

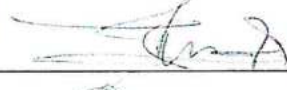
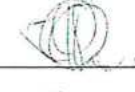
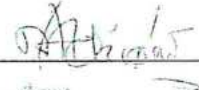

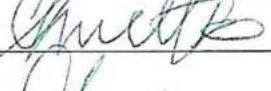



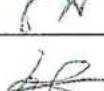
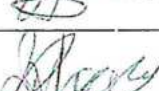



CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

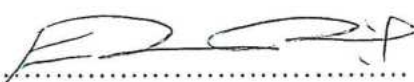
1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 19/11/21 County Bungoma Venue: Red Cross Social Hall

	NAME	ID CARD NO	SIGNATURE
1.	JASON M. WEXESA	6994089	[Signature]
2.	MOSES N. WANZAMA	22 928035	[Signature]
3.	SHUA RAMADHAN TABUCHI	0131766	[Signature]
4.	DAVID K. SIMMY	8325017	[Signature]
5.	LINET ANGARWA	9901032	[Signature]
6.	PETER A. ISOMI	1666682	[Signature]
7.	FRANCIS MAKOKHA	0435807	[Signature]
8.	NAFIALY NJOROGE	34722766	[Signature]
9.	JANET KIDALIZA	6721157771	[Signature]
10.	SHADRACK WANJALA	11159955	[Signature]
11.	MOSES NELSON KIATIBILA	35111966	[Signature]
12.	VERONICA MASAMBU MAMAI	28365967	[Signature]

	NAME	ID CARD NO	SIGNATURE
13.	Wycliffe KATITI	32287351	
14.	Charles Ndungu	8785237	
15.	MARTIN WANJOIYI	23889043	
16.	Wilson OTANGA	26417532	
17.	Rosele Limali	3037663	
18.	John Wangoma Sitati	11757496	
19.	OTIENO O JULIUS	29280105	
20.	MONICA DBUYA	9757880	
21.	MUSU WICKESU	3673556	
22.	Christopher Shisutea	11328558	
23.	Chaspinus Simiyu	26641725	
24.	Kennedy Ngonjera	28712271	
25.	NOBERT WATAKA	32452198	
26.	PHILIP OMONGI	22595115	
27.	LIVING WANDANDWA	30521390	
28.	MERCY KUISA BARASA	32598301	
29.	Centina Wagal	13661509	
30.	Emily Mulefi	12587157p	

Name: E. Libendi
Committee Clerk

Signature: 

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

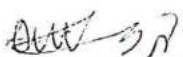







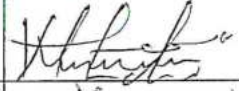







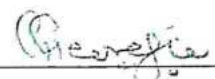

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

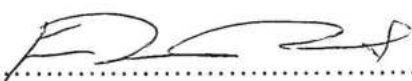
1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 19/11/21 County: Bungoma Venue: Red Cross Social Hall

	NAME	ID CARD NO	SIGNATURE
1.	IMAM MALUR M. KUPANG	13715136	
2.	BSP CARISTUS BAZASA	10857409	
3.	PETERSON OKILO	3456706	
4.	RICHARD MAMIASI	3913458	
5.	EMMANUEL J. KHISA	0682419	
6.	HYPOLITUS NATEMBEYA LUKOSI	13718019	
7.	ANNAH A. NYAWANDA	4023183	
8.	ROBERT WEFWAFWA	20080184	
9.	JOSEPH W. LUKIBISI	12939067	
10.	CHRISTINE WABIKI	12703933	
11.	MOSES M. KHAEMBA	23889038	
12.	ELIA W. K. 35800816	35800816	

	NAME	ID CARD NO	SIGNATURE
13.	Abigali N. Walaka, Advocate	26402777	
14.	CS (ST/24) Moses Mawke	0403119	
15.	MICHAEL WANGUNDA WESONGA	6087849	
16.	MALESI WATULA	36864465	
17.	IAN IMBARA	38420374	
18.	EVER-LINA KATILAKUNNU	12581610	
19.	Zaidun Dajab	22626882	
20.	AMOS ICHISA	34868681	
21.	WANGALA WISDOM	24966571	
22.	XHERBY XUMOI	25171588	
23.	TOM SIMIYU	24887110	
24.	HESSEN INDASSIO	26285417	
25.	SIMON WAMAHWA	32268331	
26.	EVANS MASIKA	28709414	
27.	OMAR BAKAR, ISSI	25446737	
28.	BUNDU TIMOTHY	24446625	
29.	GEORGE WESSEK JUMA	20950214	
30.	VINCENT JUMA	24462541	

Name: E. Libendi
Committee Clerk

Signature 

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 19/11/21 County Bungoma Venue: Red Cross Hall

	NAME	ID CARD NO	SIGNATURE
1.	STEPHEN A. MBARAKA	10801781	
2.	CHRISTOPHER WAFUKA	22957317	
3.	MARK TAPUSI	22597202	
4.	PETER S. ASANAS	1125758	
5.	MAURICE WEKESA	30388469	
6.	MODESTA WANYONYI	29112487	
7.	DANIS KILIC	27118321	
8.	BENSON MATHARE	22618000	
9.	WILSON MATHUKO	2688477	
10.	GEORGE M. WANYONYI	2098086	
11.	SIMON T. MUKHESA	20650299	
12.	WILLIAMSON W. SIUNDU	24368316	

	NAME	ID CARD NO	SIGNATURE
13.	DAVID WANYONYI	2020194	[Signature]
14.	DORIS H WANYONYI	23603280	[Signature]
15.	VERONICA NAWAKA	2112767	[Signature]
16.	EMMANUEL WANTALA	29802845	[Signature]
17.	MATINI WANFULA	24805579	[Signature]
18.	MAKIMAH WANJALA	13548570	[Signature]
19.	JOYCE N. MISTICO	2242025	[Signature]
20.	FUMICE WANJALA	4441383	[Signature]
21.	FLERIA MUKHOLA	6092562	[Signature]
22.			
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Name: E. Libendo
Committee Clerk

Signature: [Signature]

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

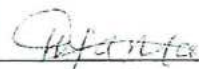


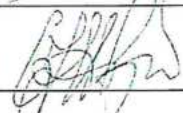



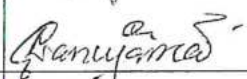

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:


1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 19/4/21 County ... Bungoma ... Venue: Red Cross Hall

	NAME	ID CARD NO	SIGNATURE
1.	SAMUEL GCHIRWA ONDIFT	30955667	
2.	MOSES BANARA	29913086	
3.	AMOSIES WAMBALO	32208522	
4.	LEONARD W. WANJALA	29710591	
5.	ENOS SIMIGU	35803583	
6.	Brian Wanjala	33496633	
7.	MAURICE WANJALA	22211671	
8.	MARGREY MARIUKI	9515536	
9.	Fred Sanane Khaemba	28818633	
10.	WETAREI'UHO JAMES MUKHWAHA	0127534	
11.	Daniel Baraza	3399246	
12.	JOSEPH BAGAFA	8782009	

	NAME	ID CARD NO	SIGNATURE
13.	WYALITE WEYANA	6054362	
14.	LUCAS PAUL LUTILO	0473832	
15.	AMINA RASHID	96881411	
16.	JOSEPH WASWA	0311950	
17.	GODFREY AWINTA	27847894	
18.	IBDI SHIONDO	21746417	
19.	JAMES DUYA	0423970	
20.	ALICE WASIKE	10430443	
21.	BONVENTURE M. WEMANA	6623681	
22.	LINUS O		
23.			
24.			
25.			
26.			
27.			
28.			
29.			
30.			

Name: E. Libendi
Committee Clerk

Signature: 

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 19/11/21 County Bungoma Venue: Red Cross Hall

	NAME	ID CARD NO	SIGNATURE
1.	MARTHA N. KIBORONGI	8414505	AK
2.	CLEOPHAS M. MUTAMBO	4391653	Emmanuel
3.	Richard N Wangila	0549267	Richard
4.	FELYSTA N. SANGURA	27159364	FBS.
5.	Pius MABONGA	2092872	Pius
6.	MOSES WANAKA	6876727	Moses
7.	LINUS O. EKISA	3355319	Linus
8.	METRINE N. MAKHARU	20827170	Metrine
9.	LEONARD S. NANDEMO	12849930	Leonard
10.	TRINE N. WAMALWA	13158541	Trine
11.	CHRISTINE KABELE	11020854	Christine
12.	GEOFFREY W. KHAMBA	20688927	Geoffrey

	NAME	ID CARD NO	SIGNATURE
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Name: E. Libendi
Committee Clerk

Signature E. Libendi

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 19/11/21 County Bungoma..... Venue: Red Cross Hall

	NAME	ID CARD NO	SIGNATURE
1.	MUSE STEPHEN	22447446	
2.	NYANG'ORI LENENCIA	28058481	
3.	CHRISTOPHER OTIAIO	2580238	
4.	MAUDALINE A. MACHO	4228313	
5.	AZI NGUU	25160341	
6.	STANLEY O HALUSA	33625032	
7.	POLLYCUP J. OKELO	23321275	
8.	FRANCIS OUGAMO	0698571	
9.	MARSELA N. MUSAKHI	13168132	
10.	STEVEN J. OBINGO	9104870	
11.			
12.			

	NAME	ID CARD NO	SIGNATURE
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Name: E. Libendi
Committee Clerk

Signature [Signature]

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date:..... County HONKAY Venue: CDF Hall Kabunde

	NAME	ID CARD NO	SIGNATURE
1.	DOMINICK O. NYAURI	22558325	
2.	ATUPAMOI L. MASES	26164169	
3.	ROBERT W. O. LANGE	9122756	
4.	JOSHUA C. ODATOBO	5957785	
5.	HANSON OUKO	12597842	
6.	JOSEPH OBOTA OCUOLA	11344901	
7.	DAWA B. KENNEDY	21799663	
8.	BOB OLANDO	32178930	
9.	HASSAN OJENGO O	23023783	
10.	NEHEMIAH O. NYABAKA	27266394	
11.	JOSEPH WASONCIA OSORLO	30696691	
12.	JAMES O. OMUNE	9797031	

ROSE A OGOLA 9544902

R

JANE BUNDE
Maurice Kaundo

1259679

	NAME	ID CARD NO	SIGNATURE
13.	JAMES OWUA OKYA	7953273	James
14.	ROBERT OUKO OSHAMBO	30295225	Robert
15.	ELIAS OYUGI OCHAM		
16.	Philip Agola Okumu	5958188	Philip
17.	PAUL OGENDO AGOLA	1508783	Paul
18.	Peter Ombango Ndani	9396839	Peter
19.	SAMSON AGONGA	5851108	Samson
20.	SAHWA JABUYA	28275889	Sahwa
21.	MART AGENDO	-	Mart
22.	LUCY DWILI	29993692	Lucy
23.	DAISY OUMA	31408591	Daisy
24.	Celestine Berg	30257932	Celestine
25.	Carolynne Anna	25600034	Carolynne
26.	Sheila Ouma	-	Sheila
27.	Anthony S. Syengo	6646989	Anthony
28.	JOHN ODARLO NDONDI	21032174	John
29.	CARDINE AKINYI	12461786	Cardine
30.	SUSAN ADHIAMBO	1512205	Susan

31. PETER OYABLO
OTISNO Alanya

11215659
23102304
Signature

Name:

Committee Clerk

(32) Rose Odono

(33) Peter Engonola Ouyango 21306016

(34) Joyce Ate

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 20/11/21 County: Homabay Venue: C.D.F. Hall, Kabunde

	NAME	ID CARD NO	SIGNATURE
1.	Tom Otiemo Obongo	13656841	
2.	Donnic Ochengo Ombok	8584831	
3.	Dismas N. Mumbere	20079263	
4.	Bella Amoor	25357197	Bella
5.	Ronica Aoko Ouma	25576065	
6.	Wendy Akoth Ochiame	28065128	WAT
7.	Mercy Rachel	36158435	
8.	Lilian Achiong	34156436	
9.	Daisy Akoth	36168732	
10.	Elias Oyoko Ochiame	8148607	
11.	Joseph Owona Ocharuba	16680543	
12.	Dickens Ouma Owaro	29946564	

BLACK Tyson Odoyo 37932432

Calvince Otiemo Manyala 38911294

Kennedy Akendo Anjolo 23376081

SN	NAME	ID CARD	Signature
3	Joshua Otuji Dawa		
	Michael Otieno Dwiki	22327641	Signature
	Denish Bunde	35490363	Signature
	Erick Omondi	35871585	Signature
	Benard Ompango	26414189	Signature
	VICTOR Omondi Agiku	34116081	Signature
	KEVIN OMONDI	33693944	Signature
	Judith Atieno Omtango	30711533	Signature
	GRANTON AILA	26392502	Signature
	NAFTALI OKINYI	35227923	Signature
	LEONATH Odon	35743276	Signature
	JARED OMONDI	35988805	Signature
	GEORGE ONYAZIGO	13895995	Signature
	VICTOR ODHIMO	29383344	Signature
	SAMUEL ODIWUOR	40092584	Signature
	JOAN OMORO	0958847	Signature
	BRIAN OUPIA	38384459	Signature
	OTIENO ALDICE	36193840	Signature
	BRIAN OCHIENG	36211419	Signature
	SILAS OCHIENG	33733894	Signature
	Dumo Sumwai Doko	34886711	Signature
	keneth Odora	35743276	Signature
	Mohamed Otieno	23104309	Signature
	Gohi Collins Otieno	3538612	Signature
	FELIX Omondi OUALLO	29214027	Signature

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 20/11/2021 County: BUSIA Venue: PORT VICTORIA TOWN HALL

	NAME	ID CARD NO	SIGNATURE
1.	WON CYNTHIA MUTERU	10319788	
2.	VINCENT JUMA ABWOGA	10667369	
3.	PETERSON NYAMURU GITAGU	5839116	
4.	RODREKA-NAMULU	9340508	
5.	JOHN KUDOMBI ONOR	4793249	
6.	JOHN AFULA BENSON	22988715	
7.	CANUTE OWAGWANDA	0263164	
8.	OMONDI MOEKE	21269926	
9.	PAUL PATRICK AGDYA	5329190	
10.	PETER OMENO	4210482	
11.	GODFREY WANJALA	25871253	
12.	EDWIN OCHIENG ONYANGO	20233220	

	NAME	ID CARD NO	SIGNATURE
13.	PAUL JUMA OTIENG	6180289	
14.	VINCENT MICHAEL DRAGO	4009500	
15.	MICHAEL NICHOLAS WANJIZA	23397153	
16.	BENJAMIN DUMA	26955499	
17.	AHEREN DUMA	26043861	
18.	CHARLES OBARE	8132416	
19.	BETHUEL MANGO	13671331	
20.	DAVID WANJA	22190699	
21.	CHARLES PAMBA	7508964	
22.	ANDREW OKUKU	30329825	
23.	ELIAS AISI	31481654	
24.	VINCENT JUMA LUBATO	23896554	
25.	DOUGLAS AMBANI ELISHA	14530819	
26.	ORIANA BERNARD	23321429	
27.	Duma Christopher Oduba	10120790	
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Name: E. Libendo
Committee Clerk

Signature:

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

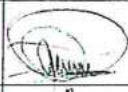

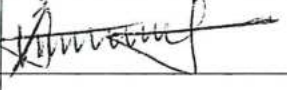

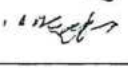



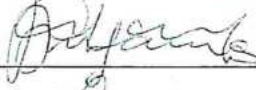




CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

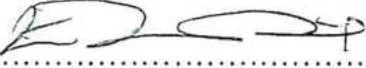
1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 20/11/24 County: Busia Venue: Port Victoria Town Hall

	NAME	ID CARD NO	SIGNATURE
1.	OTANDO J. NELSON	14530692	
2.	AUSTINE MDEGE	2794666	
3.	WILLIAM M. JUMA	7506030	
4.	MICHAEL C OUMA	5685382	
5.	PASCHAL O. NADDI	4210756	
6.	JOSEPH M. OBAYI	0250354	
7.	ALFRED M. OMBWORI	16003784	
8.	CORNEL ODEBA MANDU	2056417	
9.	JOHN D. DWANNO	0359434	
10.	ANACLET M. WAMBURA	1012024	
11.	CHRISTOPHER SIRINDA	10120281	
12.	MANNUEL O. OJIAMBO	25025494	

	NAME	ID CARD NO	SIGNATURE
13.	PASCAL O. WAMIAWA	4226479	
14.	PAUL K. ODELI	9390289	
15.	KHADIANGU ALPHONCE	25197374	
16.	BARTHOLOMEW OYIERI	0256268	
17.	MICHAEL DIACA OSURI	4229816	
18.	GREGORY R. WAMBO	4009668	
19.	JOHN B. ABWOGA	8616462	
20.	ABURU BULUMA N	8373542	
21.	WANYAMA NOAH	20053914	
22.	Alex Omyango		
23.	MORIN M. EDWARDS	13168621	
24.	DICKSON OKENO	28099676	
25.	CHRISTOPHER ADUNDO	29316667	
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Name: E. Libendi
Committee Clerk

Signature 

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY



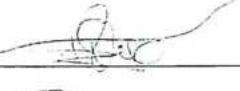
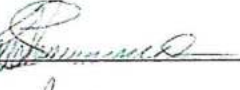
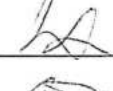





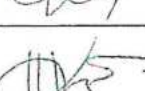

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

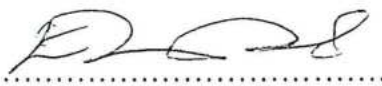
1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 20/11/21 County: Busia Venue: Port Victoria Town Hall

	NAME	ID CARD NO	SIGNATURE
1.	PJ. JOHN OSMBO	7509173	
2.	EDWIN WANDERA	25638876	
3.	RONALD MUKUDI	20215548	
4.	Juliane Nabwoile	1909500	
5.	Judith Nereah Ombudie	27896730	
6.	Mathilda Maira	26250751	
7.	BENSON OBUKO OLUMBE	5682077	
8.	ANTONY WANGA	11422413	
9.	MOSES ONDOLO KAYWA	1916024	
10.	ROBERTO NADIMO	4809263	
11.	CORNEL OBANDA	7030512	
12.	ALFRED W SIDUWA	20898731	

	NAME	ID CARD NO	SIGNATURE
13.	ANDERA EDWIN	261-641241	
14.	IRRAHIM MUDENDO	22338511	
15.	WIKIKISTAR A. J. J. J.	30140749	
16.	BISHOP DAVID DUMUJI JIMATI	9340304	
17.	CLEMENT O. SUMBA	22976241	
18.	OSCMBO BENRO	28860719 0707618623	
19.	SIMON WANGAIA	27602887 090429134	
20.	JULIUS MUGABE	091245003	
21.	PASTOR LAWRENCE NGUYE	8072941	
22.	BENSON EDIPO	30152430	
23.	Modling Muyekhera	5683760	
24.	Michael Wanku Siotu	22196464	
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Name: E. Libendi
Committee Clerk

Signature 

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY




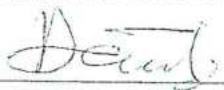



CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 26/11/21. County ENDBU Venue: ... (OF HALL KIRITIRI

	NAME	ID CARD NO	SIGNATURE
1.	ARTHUR MURUGI	8310732	
2.	Joseph Msanu	33816465	
3.	Simone NYAKI KITHO	25283052	
4.	Theresa N/romo	14073213	
5.	NEBERT NGARI	23794526	
6.	ELIAS MUNYI	24297410	
7.	Lucy M. KITHARA	13264703	
8.	JUDY KAMBUI	29475371	
9.	JULIET NJIRUH	30044042	
10.	FAITH MWANGANGI	37126595	
11.	MARTIN NJUGUNA	29544196	
12.	DIANA NGARI	36832818	

	NAME	ID CARD NO	SIGNATURE
13.	Edwin Mboze Kura	33232147	
14.	John Kinyua Murete	28573700	
15.	Morthe Bonface Mboya	33887986	
16.	David Njeru Ngure	27527862	
17.	DAVID -IK- Nguni	24830802	
18.	Salome Mhandi Muri	34651450	
19.	Francis Mwendwa	13248996	
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Name:
Committee Clerk

Signature

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY




CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 26/11/21... County: EMBU... Venue: C.B.F. HALL KIRITIRI

	NAME	ID CARD NO	SIGNATURE
1.	IRENE MUTHONI NJERI	9284666	[Signature]
2.	ANITA MUTU MACHUKU	9285085	[Signature]
3.	HENRY KIMUTHIA K.	2024848	[Signature]
4.	PASTOR ERASTUS W. MURANGI	0884991	[Signature]
5.	PASTOR JOSPHAT M. MWANGI	0516196	[Signature]
6.	MARGARET I. WACHIRA	13263195	[Signature]
7.	PETER N. NGOGI	8067988	[Signature]
8.	JACINTA M. MUTHINI	9522835	[Signature]
9.	Rebecca KIDUKU	0428836320	[Signature]
10.	REV. Julius Kipkuri	0721230545 9172994	[Signature]
11.	DAVID IRERI	24752249	[Signature]
12.	SAMUEL M. KOMU	22466626	[Signature]

	NAME	ID CARD NO	SIGNATURE
13.	Nyamawu CHAKA	12902784	
14.	ALBERT Mr Kimoto	2742259	
15.	Wensious MWangala	29793773	
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Name:.....
Committee Clerk

Signature

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 26/11/21. County ... ENDOU Venue: C.O.F. HALL KIRITIRI

	NAME	ID CARD NO	SIGNATURE
1.	SAMUEL MUTHI	13339640	
2.	BONIFACE MUMBO	23065490	
3.	BENJAMIN NIEU	1151473	
4.	NANCY LUCY M. NGONDI	9678974	NANCY
5.	JONATHAN NAMU	8660641	
6.	STEPHEN MARGWAD MUGO	9284666	
7.	JEREMIAH MICHAEL NJERU	11606655	
8.	HARON MURIMI IREAI	28460124	
9.	JACOB MURITHI	20197292	
10.	KEVIN MACHARIA	031433204	
11.	JOHNSON WAWERU	27404290	
12.	NICHOLAS NYAGA	0743564289	

	NAME	ID CARD NO	SIGNATURE
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Name:.....
Committee Clerk

Signature

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 26/11/21. County: ENDU Venue: CDF HALL KIRITIRI

	NAME	ID CARD NO	SIGNATURE
1.	PROF. GODFREY NGURU	3462008	
2.	DOMINIC NGARI MUNYI	0341888	DNM
3.	JOSEPH WAMBUA MUTHARA	23293871	
4.	PIUS NZIOKI SILA	8660908	
5.	JAMES MATHERI KIRIOT	1898143	
6.	BEATRICE W. WAGSANDU	0442026	
7.	SAMUEL M. NDETI	25700195	
8.	JIMMY MUGO WAITUIKA	0356121	
9.	ANTONY MUSAVA	23778183	
10.	Mary Ndunge Mutus	1092748	
11.	Mathias Ndiso	11210193	
12.	NANCY W. NJUGUNA	10043772	

	NAME	ID CARD NO	SIGNATURE
13.	Simon Ngari	0883879	[Signature]
14.	MARY NDUNGE	20663794	MURIEL
15.			
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Name:.....

Committee Clerk

Signature

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY




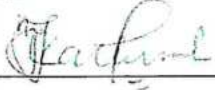














CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 26/11/24 County: Kirinyga Venue: ACK Kibura Hall

	NAME	ID CARD NO	SIGNATURE
1.	Peter munere Kabibu	10496632	
2.	Robert Mwaniki Nyagi	11501044	
3.	CAROLINE WAMARWA	10648156	
4.	SARAH MURAGE	11380347	
5.	Patrick Nyaga AMOS	2929122	
6.	Poline Wangari	22252208	
7.	FELIX MURITHI KIBURU	23923177	
8.	BAKARI GAKO KIBICHO	8630664	
9.	DAVID KARUKU NDOGI	20959252	
10.	MOHAMMED KANGAO	12484172	
11.	EZEKIEL MUMMI NSEMI	27856561	
12.	TIMOTHY CHOMBA MURUKU	23006160	

	NAME	ID CARD NO	SIGNATURE
13.	Stephen Muriithi	29907570	
14.	NEPHTHAS N. J. N. N.	9580276	
15.	STANLEY WANGARI	28923692	
16.	JAMES KATHIRU	8091695	
17.	EVELYN WAMBUI	28868573	
18.	JUDY WANDIRU	21582162	
19.	VERONICA NJOWI	21972907	
20.	AGNES WANDIRU	9718084	
21.	ANN MURIITHI	24248859	
22.	PHILIP WACHIRA	A953769	
23.	JAMES G. GEORGE	1670168	
24.	DOLLY MUTHONI FESTUS	4468379	
25.	WANSIA D. JAMES	2895408	
26.	MUSO MUTHIGA	0317972	
27.	STEPHEN I. KIRIACU	13751723	
28.	FRANCIS KIJERU N.	13473342	
29.	DANISON M. SIMBA	271380511	
30.	FRANCIS M. MUGIRO	24893088	

Name:.....

Committee Clerk

Signature

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY





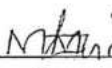
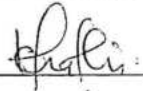


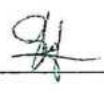

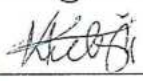
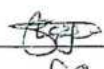

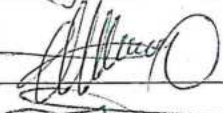
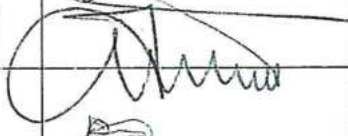

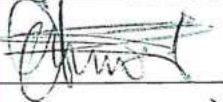
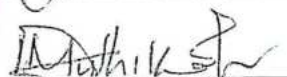
CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 26/11/2021 County: Kirinyaga Venue: ACK-Kutus Hall

	NAME	ID CARD NO	SIGNATURE
1.	DOMINIC MATHUA	8528729	
2.	JUSTUS GICHORI	4950794	
3.	DOUGLAS MUGO	0318474	
4.	PAUL KIRANGI	11288638	
5.	MARY MUTHORI	23267873	
6.	MERAY WANJA	31038316	
7.	CAROLINE GATERE	13772417	
8.	YUSSUF OMAR	320504065	
9.	GEORGE AGUGI	10865862	
10.	SARAH KARUKI	23944471	
11.	HELEN WANJERU	20593039	
12.	ESTER WAMBUI	11599936	

	NAME	ID CARD NO	SIGNATURE
13.	Rahab Nyawira	239956	
14.	Purity Wanjiru	23429956	
15.	JAMLECK MUAHWA	0710648504	
16.	JAMES MWANGI JENET	23725071	
17.	MARIO MURIITHI NYAGA	29953165	
18.	ROSE MURIITHI	26713462	
19.	JOHNSTONE GITAU NJOROGU	3560476	
20.	LEONARD MURIUKI NDEGE	11599690	
21.	SHADRACK NYAGA NDAMBIRI	13563793	
22.	James Guttingi Nyamus	9303170	
23.	Isabel Kibhingi Gitare	21421614	
24.	BENJAMIN KIBICHO WANJAU	23331262	
25.	HAWA MOHAMED	93220230	
26.	Kelvin Waweru Nguri	11355060	
27.	Daphne E. Mwangi	23429956	
28.	RANAB- NYAWIRA	22818090	
29.	FRANCIS MUTEGI	13263481	
30.	DAVID MUTHIKE	20273335	

Name:.....

Signature

Committee Clerk

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 26/11/21 County: Kirinyaga Venue: ACK Kiburi Hall

	NAME	ID CARD NO	SIGNATURE
1.	Lucy Njeri	234699	[Signature]
2.	LAURENCE MUGWI	24217226	[Signature]
3.	DATRICK MBUGE	13582504	[Signature]
4.	JOHN KINYUA	5796 5753706	[Signature]
5.	Rev Gerald Mwangi	11171436	[Signature]
6.	Ernest Mwangi	87522862	[Signature]
7.	SIMON MUTHIKE WANJA	23071840	[Signature]
8.	MORGAN KARANTA MBUGUA	27883993	[Signature]
9.	ANN KAHINI MBUKO	23039725	[Signature]
10.	Samuel Muthie	4237552	[Signature]
11.	JOHN ALEX MURURI	22547860	[Signature]
12.	Gabriel A. Kungu	13638144	[Signature]

	NAME	ID CARD NO	SIGNATURE
13.	Daniel W. Kamanya	5783755	<i>Daniel</i>
14.	Cyrus W. Kimani	26844595	<i>Cyrus</i>
15.	Zui-ah muthoni	21732879	<i>Zui-ah</i>
16.	MARIAM WAIRIMU	5100869	<i>Mariam</i>
17.	Alex Githugi	2901998	<i>Alex</i>
18.	PETERSON NGANDU	10233219	<i>Peter</i>
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Name:.....
Committee Clerk

Signature

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 27/11/2021 County: NERO Venue: KAMUNDO MEMORIAL HALL

	NAME	ID CARD NO	SIGNATURE
1.	NIARANGWI D.M'MURITHI	1857802	
2.	DAVID KIRIMI	7469233	
3.	SHADRACK GITUMA	10146205	
4.	JANE NAWENA	21127204	
5.	SILINA WANJIRU	11544997	
6.	SUSAN GAKU ISMAH	23778135	
7.	CECILIA GAITI	3746229	
8.	JAPHET NTEERE	2370316	
9.	JOSHUA LIMATHI MUIRA	21578659	
10.	GREGORY GITONGA	11696449	
11.	PAUL NJAGI	10253239	
12.	Solomon Mutuma	7011438	

	NAME	ID CARD NO	SIGNATURE
13.	BRIAN MWEZITA MUCONAH	27522770	
14.	KELIAS MUCONAH NJACU	14413346	
15.	Solomon MURIA	21607976	
16.	Peter Mwanika	0447041	
17.	Charity Ndegwa	8075790	
18.	Cecilia KATHI MUCONAH	4469458	
19.	Zaverio Muriuki Mbuti	5172224	
20.	AMARIS MUGURE IKIARA	11327768	
21.	RUFUS NIUGAMBI SAMUEL	16032125	
22.	PATRICK KATHIRIMA	24868342	
23.	PURITY NYAMU	36778895	
24.	DOUGLAS MUCONAH	25236941	
25.	Van Anise	5247725	
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Name:

Committee Clerk

Signature

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY





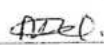
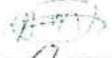


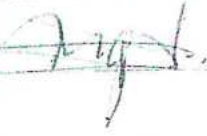
CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 27/11/2021 County: MERU Venue: KANWANI MEMORIAL HALL

	NAME	ID CARD NO	SIGNATURE
1.	JOHN MWENJA	11257992	
2.	FAITH MAKENA	22132180	
3.	GEORGE KIBITI	7710598	
4.	JOHANN KIBURIA	0451741	
5.	JULIUS KAMENYI	10146775	
6.	SILAS KIRIMI	7768922	
7.	GERALD GITOREGA	3747281	
8.	EUTICUS THURANIRA	31667158	
9.	Lucy Kambo	20615220	
10.	Christopher Mugiine	20608826	Chris
11.	Zakayo MUREURWA	23711998	
12.	JOHN KIHATHA	31551590	

	NAME	ID CARD NO	SIGNATURE
13.	DICKSON MWITI	24647643	
14.	GAICINDA MURITHI	34818713	
15.	RUGENDO ANTONY	31495867	
16.	Noeline A. Juma	32634317	
17.	MOSES M. MUNIGATHA	31923254	
18.	MWANGI ALEX	35830694	
19.	JULIUS GICHUWA	7677592	
20.	GEORGE KIROO	7731518	
21.	TEBERRAH M. IRANGO	10342501	
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Name:

Committee Clerk

Signature

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 03/12/17 County: KILIFI Venue: Makio Hall

	NAME	ID CARD NO	SIGNATURE
1.	PATIENCE DAMA DADU	14499774	
2.	SAIRU HASSANI BAYA	32058180	
3.	Sophia Rombo	10830849	
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	NAME	ID CARD NO	SIGNATURE
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Name: K. Libardi
Committee Clerk

Signature [Signature]

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 03/12/22 County: KILIFI Venue: Makio Hall

	NAME	ID CARD NO	SIGNATURE
1.	DANIEL MWAMBEU NGALA	3932933	
2.	HARON TOTE NDUNDU	11876095	
3.	JAMES LEWIS	11262756	
4.	JIBRI MONGO	5013471	
5.	EUGEN MWARANDU	32118761	
6.	DANIEL TEMBO	22214451	
7.	DANIEL S. KARISK	2127164	
8.	GRADYS KANZE	8458248	
9.	M. J. LEWA	5022988	
10.	PETER MUGANYAGU	16602366	
11.	ERICK MUGANDA	29805869	
12.	FESTUS MUGOMBA	26828079	

	NAME	ID CARD NO	SIGNATURE
13.	FREDRICK TUNJE	30337370	<i>[Signature]</i>
14.	JAMES K KUTO	30897008	<i>[Signature]</i>
15.	RASHID A. NAIGARANT	0687031	<i>[Signature]</i>
16.	Margaret Banda	9773918	<i>[Signature]</i>
17.	TAIBU ANDERSON	4474263	<i>[Signature]</i>
18.	ADWAAN RAFII	3232636-2	<i>[Signature]</i>
19.	ANNA WILSON	21967668	<i>[Signature]</i>
20.	MARK MKOKA	36568753	<i>[Signature]</i>
21.	Diana Karisa	9962358	<i>[Signature]</i>
22.	Harrison Karisa	5033624	<i>[Signature]</i>
23.	SAMSONI KARISA	35425828	<i>[Signature]</i>
24.	BEATRICE TATI	0706482884	<i>[Signature]</i>
25.	NURU SALIM	13625863	<i>[Signature]</i>
26.	NYANJE ZIRO	20200770	<i>[Signature]</i>
27.	OMAR M. BANDA	24314400	<i>[Signature]</i>
28.	MLAA ICATANA MWI	5011182	<i>[Signature]</i>
29.			
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Name: E. Libendi
Committee Clerk

Signature *[Signature]*

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 4/12/21 County: KWALE Venue: Kwale Cultural Centre

	NAME	ID CARD NO	SIGNATURE
1.	SOFIA MOHAMED	8435373	
2.	SUBIRA HASSAN MWADZILUME	25071331	
3.	HALIMA MBWANA	28975939	
4.	Fahima Rashid	0687464	
5.	MESALIM H. KUNGURU	27236392	
6.	MBAYU KUNGURU	20342253	
7.	JUMA GANTONI	24307732	
8.	NKUMANYA MOHAMED	8435286	
9.	FATUMA HUSEN HASSAN	2208374	3
10.	ANNA VIDEODI	12488459	
11.	FADHILI MUSEHEMU	27763430	
12.	MWALEWE M. GASARE	14598232	

	NAME	ID CARD NO	SIGNATURE
13.	Juma Juma	21-47091	J. J.
14.	Khadia Mwandishi	673812304	K. M.
15.	Ramadhan Umar	27343819	R. U.
16.	HASSAN AL. Mwandishi	11001475	H. A.
17.	RAMADAN IDB GONGO	243489957	R. I.
18.	MWANGIRO TSIMP	24942131	M. T.
19.	WAKIL MWATUNDO	22422002	W. M.
20.	JUMAH RENTRICH	1372103	J. R.
21.	A.		
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Name: E. Libardi
Committee Clerk

Signature: E. Libardi

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

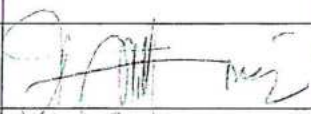









CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 4/12/21 County: KWALE Venue: Cultural Centre Kwale Hall

	NAME	ID CARD NO	SIGNATURE
1.	HASSAN SAID RANDANI	11600769	
2.	ABDALLA MOHAMED SAWIA	28909513	
3.	RAMADHAN T. VINYU	0658843	
4.	ABBASI M. SAWA	27697110	
5.	JUMA M. KAZUNGU	4622875	
6.	GIATU P. MGANDI	2206226	
7.	SAIDI MWALEJA	5421823	
8.	AHUMAM MOHAMED MWATENDI	26280254	
9.	HALFANI J. M. NASIRANI	22871076	
10.	ELIJAH K. ZARI	5334501	
11.	NASIRI MAULIDI ALMASI	1168207	
12.	BATLARI MNYIKA		

	NAME	ID CARD NO	SIGNATURE
13.	MESAIU CHICHEZA NUNDO	2207737	
14.	Mohamed M. Almasi	1168141	
15.	Combo. M. ABUL	10505477	
16.	Miganda Mwarakeno	0466314	
17.	NKUBO RASHID	12901276	
18.	MARY HADEE KALUME	2206085	
19.	FATUMA JUMA MSEMCO	31483858	F J M
20.	MIBEYU MRABU NYAWA	30979886	M. M. N.
21.	MWANALIMA MUSA GARASHI	8593854	M. M. G
22.	ANGETA KAVULANI LUSINA	1787747	A. K. L.
23.	FATUMA ALI BORA	21085590	F. A. B.
24.	Mishi Mbulana mwachangoma	36790614	
25.	JACKLINE RUTH KACHE	8619010	
26.	Juma MOHAMED MWATOGILO	0469444	Jm M.
27.	RASHID MOHAMMED MWAKULOLA	0469411	
28.	SAIDI SIOALEHE MWACHINYAMBWI	20311864	
29.	RIZIKI JUMA TANDIKO	12902938	
30.	AMINA MWAMACHACHE	21706850	

Name:.....

Committee Clerk

Signature

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY









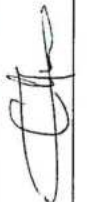
CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

PUBLIC HEARINGS IN NAIROBI COUNTY ON CONSIDERATION OF:

1. The Election Campaign Financing (Amendment) Bill, (NA Bill No. 37 of 2021) and
2. The Elections (Amendment) Bill, (NA Bill No. 41 of 2021)

Date: 01/02/2022 County NAIROBI Venue: COUNTY MCHAMBER - PARLIAMENT

NAME	ORGANISATION	DESIGNATION	SIGN
1. Rev. Fr. JOSEPH MUTIE	IRCK - DARC-K	IRCK Chairman / DARC-K General Sec.	[Signature]
2. Joseph Duche, MBI	KLBC	CEO	[Signature]
3. Paula Neneh	NCK	Communications	[Signature]
4. Anthony Ngachira	NCK	Programs	[Signature]
5. Mary Wanjiku	IRCK	Communications	[Signature]
6. Dr. John Njagi	NGEC	NGEC Director - Corporate	[Signature]
7. Caroline Lantupun	NGEC	NGEC Commissioner	[Signature]

	NAME	ORGANISATION	DESIGNATION	SIGN
8.	THOMAS KOTIEK	NGEC	Commissioner	
9.	Pr. Joyce M. Mburu	NGEC	Chairperson	
10.	Belle Saugwa-Ndaga	NGEC	CEO	
11.	Hon. Priscilla Nyirakwera	EBs NGEC	Commissioner	
12.	Desire Nyamwera	NGEC	AD. legal	
13.	Ausene Mutesere	CAF	LEGAL	
14.	William Kurobo	CAF	LEGAL	
15.	Olachon Rot Tobia	CAF	LEGAL	
16.	Rev. Chris Kinyanjui	NCCK	General secretary	
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OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE

① DAASC
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20/12/21

Our Ref: AG/LDD/1113/1/16
AG/LDD/24/1/48

17th December, 2021

The Clerk of the National Assembly
Clerk's Chambers
Parliament Buildings
P. O. Box 41842-00100
NAIROBI.

② LIBENDI
Please deal
for
20/12/21

③ Engr
Please note
for
20/12/21

RE: SUBMISSION ON THE ELECTION CAMPAIGN FINANCING
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF
2021) AND THE ELECTIONS (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILL NO. 41 OF 2021)

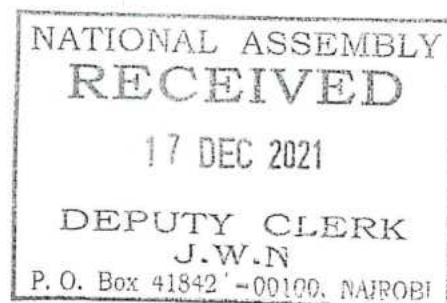
Reference is made to your letter dated 18th November, 2021 and Ref. No.
KNA/DAA&OSC/TPWH/CIOC/2021(44) requesting for comments from this
Office on the above captioned Bills.

We have reviewed the above captioned Bills and hereby submit our comments
in the annexed matrix as directed.

LM
L. M. MURILA
CHIEF STATE COUNSEL
FOR: ATTORNEY-GENERAL

Copy to: 1. P. Kihara Kariuki, EGH
Attorney-General.

2. Kennedy-Ogeto, CBS
Solicitor-General.



SHERIA HOUSE, HARAMBEE AVENUE
P.O. Box 40112-00100, NAIROBI, KENYA. TEL: +254 20 2227461/2251355/07119445555/0732529995
E-MAIL: info.statelawoffice@kenya.go.ke WEBSITE: www.attorney-general.go.ke

DEPARTMENT OF JUSTICE
CO-OPERATIVE BANK HOUSE, HAILLE SELLASIE AVENUE P.O. Box 56057-00200, Nairobi-Kenya TEL: Nairobi 2224029/ 2240337
E-MAIL: legal@justice.go.ke WEBSITE: www.justice.go.ke



MATRIX ON THE ELECTIONS CAMPAIGN FINANCING (AMENDMENT) BILL, 2021
AND THE ELECTIONS (AMENDMENT) BILL, 2021

THE ELECTIONS CAMPAIGN FINANCING (AMENDMENT) BILL, 2021		
PROVISION IN THE BILL	STAKEHOLDER PROPOSAL	RATIONALE
<p>1. Clause 2 which proposes to amend section 2 of the Act by deleting the definition of the expression "expenditure committee".</p> <p>"expenditure committee" means a committee established by a candidate, a political party or a referendum committee to regulate spending by a candidate, a political party or a referendum committee during an election or a referendum campaign period as the case may be;</p>	We are in agreement with the proposal.	The effect of these proposal is to remove expenditure committees and their functions from the Act. The provisions relating to the expenditure committee can be covered under section 3 of the Act which mandates the Commission under sub section (1) (f) to provide a framework for the reporting of campaign expenses; and (1) (g) advise a candidate, a political party or a referendum committee on any matter relating to campaign expenses. These are the main functions of the expenditure committee.
<p>2. Clause 3 which proposes to repeal section 7 of the Act.</p> <p><i>Section 7 of the Act which is proposed to be repealed.</i></p> <p><i>7. Party expenditure committee</i></p> <p>(1) A political party intending to contest in an election shall, in accordance with the constitution and rules of the political party, constitute a party expenditure committee which shall consist of nine members—</p> <p>(a) three of whom shall be persons nominated by the governing body of that political party, of whom one shall be the secretary-general of the party;</p> <p>(b) not more than one of whom shall be from one region; and</p> <p>(c) not more than two-thirds of whom shall be of one gender.</p> <p>(2) The appointment of members of the referendum expenditure</p>		<p>Sections 5 and 29 also mandate the Commission to make rules and regulations to regulate election campaign financing and to provide guidelines for expenditure rules for political parties and independent candidates.</p>

<p>committee referred to in subsection (1) shall take into account regional and other diversity of the people of Kenya.</p> <p>(3) The members of a party expenditure committee shall not include members of a party candidate expenditure committee.</p> <p>(4) The party expenditure committee referred to in subsection (1) shall—</p> <p>(a) open a party expenditure committee account into which all the money in respect of the election campaign of that party shall be deposited;</p> <p>(b) be signatories to the party expenditure committee account;</p> <p>(c) advise the political party on all financial matters related to the party nomination or to the party campaign expenditure;</p> <p>(d) manage the party expenditure committee account of the political party and keep the books of account updated and available for inspection; and</p> <p>(e) receive party nomination and campaign expenditure reports from each party candidate;</p> <p>(f) monitor the campaign expenditure of the party candidate and ensure that the party candidate complies with party nomination and campaign expenditure rules;</p> <p>(g) compile the expenditure reports received from the party candidates and submit to the Commission the preliminary nomination expenditure report and the final campaign</p>		
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	<p>expenditure report; and</p> <p>(h) submit to the Commission the final campaign expenditure report of the political party.</p> <p>(5) A political party shall, as soon as reasonable, notify the Commission of any changes in the membership of the party expenditure committee.</p>		
3.	<p>Clause 4 which proposes to repeal section 8 of the Act.</p> <p><i>Section 8 of the Act which is proposed to be repealed.</i></p> <p><i>8.Independent candidate expenditure committee</i></p> <p>(1) An independent candidate intending to contest in an election, shall, constitute an independent candidate expenditure committee.</p> <p>(2) The independent candidate expenditure committee referred to in subsection (1) shall consist of three members nominated by the candidate.</p> <p>(3) The independent candidate expenditure committee shall—</p> <p>(a) open an independent candidate expenditure committee account into which all the money in respect of the election campaign of that candidate shall be deposited;</p> <p>(b) be signatories to the independent candidate expenditure committee account;</p> <p>(c) advise the independent candidate on all financial matters related to the campaign expenditure; and</p> <p>(d) manage the candidate</p>		

<p>expenditure committee account of the independent candidate and keep the books of account updated and available for inspection;</p> <p>(e) receive expenditure reports from the independent candidate; and</p> <p>(f) compile and submit to the Commission the final campaign expenditure report of the independent candidate with respect to the election period.</p>		
<p>4. Clause 5 which proposes to repeal section 9 of the Act.</p> <p><i>Section 9 of the Act which is proposed to be repealed.</i></p> <p><i>9. Referendum expenditure committee</i></p> <p>(1) A national referendum committee intending to campaign in a referendum shall constitute a referendum expenditure committee which shall consist of nine members—</p> <p>(a) three of whom shall be persons nominated by the national committee established under section 51 of the Elections Act;</p> <p>(b) not more than one of whom shall be from one region; and</p> <p>(c) not more than two-thirds of whom shall be of one gender.</p> <p>(2) The appointment of members of the referendum expenditure committee referred to in subsection (1) shall take into account regional and other diversity of the people of Kenya.</p> <p>(3) The referendum expenditure committee referred to in subsection (1) shall—</p>		

	<p>(a) open a referendum expenditure committee account into which all the money in respect of the referendum campaign shall be deposited;</p> <p>(b) be signatories to the referendum expenditure committee account;</p> <p>(c) advise the national committee on all financial matters related to referendum campaign expenditure;</p> <p>(d) manage the referendum expenditure committee account of the relevant national committee and keep the books of account updated and available for inspection; and</p> <p>(e) receive campaign expenditure reports from each constituency committee;</p> <p>(f) monitor the campaign expenditure of the national committee and the constituency committees and ensure that the committees comply with campaign expenditure rules; and</p> <p>(g) compile and submit to the Commission the preliminary nomination expenditure report and the final campaign expenditure report.</p> <p>(5) A national committee shall, as soon as reasonable, notify the Commission of any changes in the membership of the referendum expenditure committee.</p>	
5.	<p>Clause 6 which proposes to repeal section 10 of the Act.</p> <p><i>Section 10 of the Act which is proposed to be repealed.</i></p> <p><i>10. Submission of expenditure reports</i></p>	

<p>(1) A party candidate shall submit to the political party of that candidate and to the Commission—</p> <p>(a) a preliminary nomination expenditure report, within twenty-one days of the political party nomination; and</p> <p>(b) the final expenditure report within, three months after elections.</p> <p>(2) A political party shall within three months after the elections submit a final expenditure report to the Commission.</p> <p>(3) An independent candidate shall within three months after the election, submit the final expenditure report to the Commission.</p> <p>(4) A referendum committee shall, within three months after the referendum submit the final expenditure report to the Commission.</p> <p>(5) The expenditure reports submitted under subsections (1)(b), (2), (3), and (4) shall include records showing all transactions and income and expenditure statement.</p>		
<p>6. Clause 7 which proposes to repeal section 16 of the Act and substitute the following new section 16—</p> <p>16 (1) A candidate, political party and a referendum committee shall disclose the amount and source of contributions received for campaign for a nomination, an election or a referendum, as the case may be.</p> <p>(2) A candidate who, or a political party or a referendum committee</p>	<p>We are in agreement with the proposal.</p>	<p>The proposed amendment will require a candidate, political party or referendum committee to disclose the amounts received for a campaign. Further, section 29(2) (d) of the Act mandates the Commission to make regulations prescribing procedures for disclosure of the amount of contributions made to a candidate or to a party, the nature of these contributions and the</p>

<p>which fails to disclose funds or donations is required under this Act commits an offence.</p> <p><i>Section 16 of the Act which is proposed to be repealed.</i></p> <p><i>16. Disclosure of funds</i></p> <p>(1) A candidate who, or a political party or a referendum committee which, receives contributions under this Act shall issue a receipt for any contribution exceeding twenty thousand shillings.</p> <p>(2) Where contributions are received from a harambee, the authorised person shall keep a record of the specific details of the harambee including the venue, date, organiser of the harambee and total contributions.</p> <p>(3) A candidate, political party and a referendum committee shall disclose the amount and source of contributions received for campaign for a nomination, an election or a referendum, as the case may be.</p> <p>(4) The disclosure of funds under this section shall, for purposes of this Act and in the absence of any other factors, be sufficient evidence that the candidate, political party or referendum committee has complied with the requirement for disclosure of funds.</p> <p>(5) The disclosure of funds shall be confidential and details of such funds shall not be divulged except where such information is the subject of a complaint or an investigation, or is the subject of proceedings in a court of law.</p> <p>(6) A candidate who, or a political</p>		<p>intended expenditure by candidate or a party. An additional requirements in relation to the disclosure and nature of contributions received during campaign can be provided in the regulations.</p>
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<p>party or referendum committee which fails to disclose funds or donations as required under this Act commits an offence.</p>		
<p>Clause 8 which proposes to repeal section 17 of the Act.</p> <p><i>Section 17 of the Act which is proposed to be repealed.</i></p> <p><i>17. Surplus campaign funds</i> (1) A candidate, political party or a referendum committee shall—</p> <p>(a) within three months after the date of an election or referendum, notify the Commission of any surplus campaign funds held in the expenditure committee;</p> <p>(b) within three months after the date of an election or referendum, submit the surplus campaign funds to—</p> <ul style="list-style-type: none"> (i) in the case of a political party campaign finance committee, to the political party; (ii) in the case of a party candidate, to the political party that nominated the candidate for purposes of the activities of the youth, women and persons with disability; (iii) in the case of an independent candidate or a referendum committee, to a charitable organisation preferred by that independent candidate or referendum committee, as the case may be; <p>(c) within three months after the date</p>	<p>We are in agreement with the proposal.</p>	<p>The proposed amendment is in line with the proposed amendments to section 7, 8, 9 and 10 that seek to remove expenditure committees.</p>

	of an election or referendum, report to the Commission in respect of the action taken under this section.		
3.	<p>Clause 9 which proposes to repeal section 21 of the Act.</p> <p><i>Section 21 of the Act which is proposed to be repealed.</i></p> <p><i>21. Dispute resolution</i></p> <p>(1) Any person may lodge a complaint with the Commission alleging that a breach of this Act has been committed.</p> <p>(2) The Commission may investigate a breach of this Act.</p> <p>(3) Where a complaint has been filed or a breach detected under this section, the Commission shall hear and determine that complaint—</p> <p>(a) within seven days, if filed before an election;</p> <p>(b) within fourteen days, if filed after an election.</p> <p>(4) In determining a complaint, and subject to section 4, the Commission shall have the powers to—</p> <p>(a) request for the attendance of any person believed to have information related to the complaint;</p> <p>(b) call for any information believed to be relevant in the determination of the complaint.</p> <p>(5) Where the Commission makes a finding that there is a breach of a provision of this Act, the Commission may make any of the following orders—</p> <p>(a) order the rectification of any</p>	We are in agreement with the proposal.	Any disputes arising under the Act can be handled under the dispute resolution mechanism set out under the Election Act, 2011.

	<p>record;</p> <p>(b) issue a formal warning;</p> <p>(c) impose a fine as may be specified under the regulations;</p> <p>(d) prohibit the errant candidate, political party or referendum committee from campaigning for a specified period or within a specified area;</p> <p>(e) prohibit media coverage of the errant candidate, political party or referendum committee within a specified period;</p> <p>(f) disqualify the errant candidate, political party or referendum committee from contesting in that election or referendum, as the case may be.</p> <p>(6) Where the offence is discovered after an election and an order of disqualification is made, the candidate or the political party shall be disqualified from contesting in the subsequent by- election or general election.</p> <p>(7) Where an order of disqualification is made under this section, the order shall be—</p> <p>(a) registered in the High Court, in the case of presidential, parliamentary, governor elections or referendum; and</p> <p>(b) registered in the resident magistrate's court in the case of county assembly elections.</p>		
4.	<p>Clause 11 which proposes to amend section 26 in subsection (3) by inserting the words "if required by the Commission" immediately after</p>	<p>We are in agreement with the proposal.</p>	<p>The proposed amendment will enable the Commission to determine whether the information made available</p>

	<p>the words "shall."</p> <p><i>Section 26 of the Act which is proposed to be amended</i></p> <p>26. Records</p> <p>(1) For purposes of financial accountability under this Act, a candidate, a political party, a referendum committee or an organization registered to campaign in support of a candidate, a political party or a referendum committee shall keep records of—</p> <p>(a) funds received for campaign expenses indicating the amount and the nature of funds received;</p> <p>(b) names, postal, physical and electronic addresses of contributors;</p> <p>(c) funds spent for nomination expenditure and campaign expenditure, as the case may be; and</p> <p>(d) in case of an organization registered to campaign in support of a candidate, a political party or a referendum committee, the name of the candidate, the political party or the referendum committee that the organization supported.</p> <p>(2) The Commission shall on request, make available for inspection information submitted by a candidate, a political party or a referendum committee under this Act.</p> <p>(3) A request for information referred to under subsection (2) shall be subject to confidentiality requirements of the Commission.</p>	for inspection requires to be treated with confidentiality.
5.	<p>Clause 12 which proposes to repealing section 27 of the Act.</p> <p><i>Section 27 of the Act which is proposed to be repealed.</i></p>	<p>We are in agreement with the proposal.</p> <p>The audit of accounts relating to the campaign expenses of a candidate, a political party or a referendum committee do not fall under the mandate of</p>

	<p>27. Audit of accounts</p> <p>The Auditor-General may, on the request of the Commission, audit the accounts relating to the campaign expenses of a candidate, a political party or a referendum committee.</p>		<p>the Auditor-General as provided under Article 229 (4) and section 7 of the Public Audit Act and as such he may not have capacity to handle such audits. The Commission may, through regulations prescribe the manner of auditing the accounts relating to the campaign expenses of a candidate, a political party or a referendum committee.</p>
6.	<p>Clause 13 which proposes to repeal section 28 of the Act.</p> <p>28. Claims and objections</p> <p>(1) A person who objects to any matter related to campaign finance expenditures submitted by a candidate, political party or a referendum committee may file a claim to the Commission in the prescribed form and manner and within the prescribed time.</p> <p>(2) The claim submitted under subsection (1), shall be determined within—</p> <p>(a) seven days, if filed before an election; and</p> <p>(b) fourteen days, if filed after an election.</p>	<p>We are in agreement with the proposal.</p>	<p>The provision of section 28 of the Act may pose a challenge to the Commission as the timelines stipulated under subsection (1) are too close to and after an election at which time the Commission will be handling elections and election related matters such settlement of election disputes as provided under Article 88(4)(e) of the Constitution and section 74 of the Elections Act, 2011. The Commission is also mandated to declare election results within seven days after the election as per Article 138(10), handle petitions challenging election of the President elect within seven days of the declaration of results and determination of the validity of presidential elections within fourteen days after filing of the petition as stipulated under Article 139 etc.</p>
7.	<p>Clause 14 which proposes to amend section 29 subsection (2) by inserting the following new paragraph immediately after paragraph (h) —</p> <p>(i) prescribe the manner of audit of accounts relating to the campaign</p>	<p>We are in agreement with the proposal.</p>	<p>The proposed amendment will enable the Commission make detailed regulations in relation to audit of accounts and procedure for claims.</p>

<p>expenses of a candidate, a political party or a referendum committee.</p> <p>(j) prescribe the procedure for claims objecting to any matter relating to campaign finance expenditure submitted by a candidate, political party or a referendum committee.</p> <p><i>29. Provisions on delegated powers</i></p> <p>(1) The Commission may make regulations for the better performance of its functions under this Act, and such regulations shall be laid before the National Assembly for approval before they are published in the Gazette.</p> <p>(2) In particular and without prejudice to the generality of the power conferred by subsection (1), the Commission may make regulations—</p> <p>(a) providing for spending limits for the different elections;</p> <p>(b) providing guidelines for expenditure rules for political parties and independent candidates;</p> <p>(c) prescribing the manner in which contributions may be made;</p> <p>(d) prescribing procedures for disclosure of the amount of contributions made to a candidate or to a party, the nature of these contributions and the intended expenditures by a candidate or a party;</p> <p>(e) prescribing mechanisms and procedures for reporting on and monitoring the spending limits;</p> <p>(f) prescribing the manner in which</p>		
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	<p>records shall be prepared and maintained;</p> <p>(g) prescribing procedures for the determination of claims and objections; and</p> <p>(h) prescribing anything which is required to be prescribed for purposes of this Act.</p>		
	THE ELECTIONS (AMENDMENT) BILL, 2021		
1.	<p>Clause 2 which proposes to amend section 34 by inserting the following new subsection immediately after subsection (8) —</p> <p>“(8A) A person shall not be nominated by a political party under subsection (4) unless the person is, on the date of submission of the party list by the political party, a registered voter in any of the wards in the county in which the person is to be nominated.”</p> <p><i>34 of the Act which is proposed to be amended.</i></p> <p><i>34. Nomination of party lists members</i></p> <p>(1) The election of members for the National Assembly, Senate and county assemblies for party list seats specified under Articles 97(1)(c) and 98(1)(b)(c) and (d) and Article 177(1)(b) and (c) of the Constitution shall be on the basis of proportional representation and in accordance with Article 90 of the Constitution.</p> <p>(2) A political party which nominates a candidate for election under Article 97(1)(a) and (b) shall submit to the Commission a party list in accordance with Article 97(1)(c) of the Constitution.</p>	<p>We are in agreement with the proposal.</p>	<p>The proposed amendment will ensure that the persons nominated in line with Article 177 of the Constitution are registered voters in that county.</p>

<p>(3) A political party which nominates a candidate for election under Article 98(1)(a) shall submit to the Commission a party list in accordance with Article 98(1)(b) and (c) of the Constitution.</p> <p>(4) A political party which nominates a candidate for election under Article 177(1)(a) shall submit to the Commission a party list in accordance with Article 177(1)(b) and (c) of the Constitution.</p> <p>(4A) In the case of a person nominated pursuant to Article 177(1)(c) of the Constitution, the party list shall include a certification in the manner prescribed by the Commission.</p> <p>(5) The party lists under subsections (2), (3) and (4) shall be submitted in order of priority.</p> <p>(6) The party lists submitted to the Commission under this section shall be in accordance with the constitution or nomination rules of the political party concerned.</p> <p>(6A) Upon receipt of the party list from a political party under subsection (1), the Commission shall review the list to ensure compliance with the prescribed regulations and—</p> <p>(a) issue the political party with a certificate of compliance; or</p> <p>(b) require the political party to amend the party list to ensure such compliance failing which the Commission shall reject the list.</p> <p>(6B) For purposes of subsection (6A), the Commission may, by notice in the gazette, issue regulations prescribing</p>		
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<p>guidelines to be complied with in preparation of party lists.</p> <p>(7) The party lists submitted to the Commission shall be valid for the term of Parliament.</p> <p>(8) A person who is nominated by a political party under subsections (2), (3) and (4) shall be a person who is a member of the political party on the date of submission of the party list by the political party.</p> <p>(9) The party list shall not contain a name of a candidate nominated for an election.</p> <p>(10) A party list submitted for purposes of subsections (2), (3), (4) and (5) shall not be amended during the term of Parliament or the county assembly, as the case may be, for which the candidates are elected.</p>		
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INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION



(3) Amended
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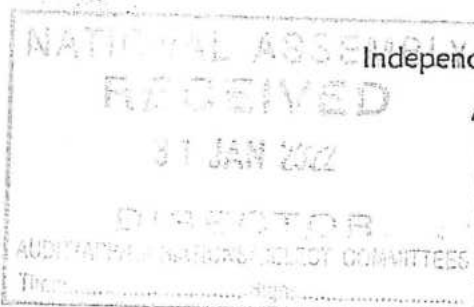
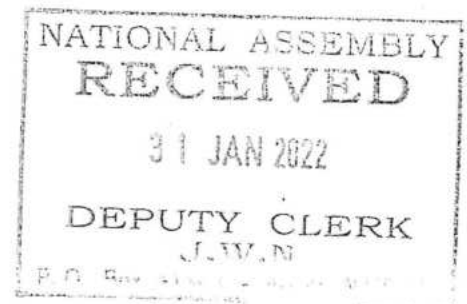
THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

MEMORANDUM

TO THE CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE OF PARLIAMENT

ON
THE FOLLOWING BILLS;

1. The Election Campaign Financing(Amendment) Bill, (National Assembly Bill No. 37 of 2021)
2. The Elections (Amendment) Bill, (National Assembly Bill No. 41 of 2021)



Independent Electoral & Boundaries Commission (I.E.B.C)

Anniversary Towers, Off University Way

P.O. Box 45371-00100, Nairobi-Kenya

Telephone: +254 (0) 20 29925

1] The IEBC Memorandum on CIOC Election Campaign Financing and Elections Act Amendment Bills, February 2021

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I. INTRODUCTION

1. The Independent Electoral and Boundaries Commission (IEBC) established under Article 88 of the Constitution is responsible for the conduct or supervision of referenda and elections to any elective body or office established by the Constitution and any other elections prescribed by an Act of Parliament.
2. The IEBC is a Constitutional Commission established under Chapter 15 of the Constitution with particular reference to Article 249 which sets out the object of Constitutional Commissions.
3. The general functions of the IEBC and other Commissions as we are aware are set-out under Article 252(1). However, the specific mandate of the Commission is primarily governed by Article 88(4) of the Constitution and the IEBC Act.
4. The Commission notes the Bills under reference and makes submissions:

II. THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 37 OF 2021)

Purpose of the Bill

5. The Bill seeks, among others, to amend the Election Campaign Financing Act, 2013 to align its provisions with the Elections Act, 2011 and to enable its implementation since the existing provisions do not take into consideration the current socio-economic and political structures which have hindered its full implementation.
6. We welcome this Bill and wish to make some general comments as follows:

General Comments

7. The Commission in consultation with the Justice and Legal Affairs Committee of Parliament (JLAC) has also developed amendments to the Election Campaign Financing Act which seek to address areas identified as ambiguous, conflicting and un-implementable.

Specific Comments

8. This Bill intends to review provisions of the Act that have contrary proposals to those under review by the Commission's Election Campaign Financing (Amendment) Bill, 2021 thus may require joint consultations:



III. THE ELECTIONS (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 41 OF 2021)

Purpose of the Bill

9. The Bill seeks to amend the Elections Act, 2011 to provide that persons nominated to County Assemblies by Political Parties pursuant to Article 177 of the Constitution shall be persons who are registered voters in the county in which they are nominated.

10. We note the proposals in the Bill and wish to make some general comments as follows:

General Comments

11. The Commission in consultation with the Justice and Legal Affairs Committee of Parliament (JLAC) has also developed amendments to the Elections Act, 2011.

12. The Commission's Election Amendment Bill was informed by extensive discussions at operational and administrative level including comparative analysis of other similar electoral systems and electoral management and identifies with reforms around the conduct of elections generally with a focus on voter eligibility and registration, and candidate eligibility and nomination.

Special Comments

13. The Bill proposes a deliberative legislative intervention to ensure that persons nominated to the County Assembly are resident in that particular county so as to prevent cross-county nominations. This goes against the constitutional prescription that one may register anywhere and stand for election anywhere, the law does not prescribe any exception to any category of persons.

CONCLUSION

14. The Commission requests this Honourable Committee to consider the proposals herein.



W.W. CHEBUKATI

CHAIRMAN

THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 37 OF 2021)				
No.	Provision of the Bill	Issue Addressed	Observation /Proposal	Rationale/Justification
1.	Clause 2: Section 2 of the Act is amended by deleting the definition of the expression "expenditure committee".	Seeks to do away with the concept of reporting through additionally established structures.	The Commission adopts the proposal as it is in line with the Commission's proposal that seeks to introduce a self-regulating mechanism	This will avoid duplication of roles. Political Parties already have structures and mechanisms within the political party composition that may be effectively utilized to report. Independent Candidates are then expected to inform the Commission on their intended reporting structures.
2.	Clause 3-6: Deletion of Sections 7-10 that provide for establishment of the Committees and reporting by the Committees	Seeks to do away with all proposed reporting committees for candidates and political parties.	The Commission adopts the proposal as it is in tandem with the proposed amendments in No.1 above.	The provision aligns with the object of No.1 above.
3.	Clause 7: The principal Act is amended by deleting section 16 and substituting therefore the following new section 16— (1) 'A candidate, political party and a referendum committee shall disclose the amount and source of contributions received for campaign for a nomination, an election or a referendum, as the case may be. (2) A candidate who, or a political party or	Seeks to do away with 'Disclosure of Funds' by a party or candidate through the appointed authorized official and leaves it generally to the party while making it a penalty not to do so.	The provision leaves the reporting structure open-ended thus an opportunity for abuse.	It is important to identify the appropriate structure. Who reports and how? This guarantees transparency.

THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 37 OF 2021)			
No.	Provision of the Bill	Issue Addressed	Observation /Proposal
	referendum committee which fails to disclose funds or donations as required under this Act commits an offence.		
4.	Clause 8-The principle Act is amended by repealing Section 17.	Seeks to delete provisions governing how to manage surplus funds (monies received beyond the prescribed limit)	The Commission's proposal in its Bill is to enable political parties determine where the funds go, however Independent Candidates are guided to donate to a charitable organization.
5.	Clause 9-The principle Act is amended by repealing Section 21.	Seeks to delete provisions on Dispute Resolution that provide for how complaints are to be lodged and determined before the Commission.	By deleting , the Bill ought to provide an alternative means of addressing complaints raised.
6.	Clause 10-The principle Act is amended by repealing Section 25.	Seeks to delete provisions on dissolution of expenditure committees.	The Commission adopts the proposal as it is in line with the Commission's proposal to equally delete it.
8.	Clause 11-Section 26 of the principal Act is amended in subsection (3) by inserting the words "if required by the Commission" immediately after the words "shall."	Seeks to do away with mandatory submission of information to the Commission unless requested by Commission.	The amendment is superfluous as sub-section (2) already addresses this by the words- " <u>The Commission shall on request....</u> "
9.	Clause 12-The principle Act is amended by repealing Section 27.	Seeks to delete provisions on Audit of Accounts.	The Commission adopts the proposal as it is in line with the
			Not necessary.
			This would align with the proposed direction to embrace a self-regulating mechanism.

THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 37 OF 2021)				
No.	Provision of the Bill	Issue Addressed	Observation /Proposal	Rationale/Justification
			Commission's proposal to equally delete it. <u>However, we propose adoption of the Commission's proposal to:</u> i. Enable parties to rely on structures for audited accounts under the Political Parties Act, 2011 and for Independent candidates to establish their own measures. ii. Provide for donation reports and declarations thereof by the Party or Independent Candidate Treasurer.	
10.	<u>Clause 13</u> -The principle Act is amended by repealing Section 28.	Seeks to do away with provisions on "Claims and Objections"	Appears to be aligned to the proposed deletion on Dispute Resolution under Clause 9-No. 5 above.	No.5 above refers.
11.	<u>Clause 14</u> -. Section 29 of the principal Act is amended in subsection (2) by inserting the following new paragraph immediately after paragraphs (h) _____	Seeks to expand the areas to be covered by Regulations to be developed in respect to the governing provisions of the Act.	Proposal adopted with hindsight that procedures for handling claims as per No. 10 above and audit of accounts as per Clause 10-No. 9 above have been relegated to regulations however the same would need then to be equally considered	Enables the Commission to regulate based on the existing socio-economic and political situation at hand.

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THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 37 OF 2021)			
No.	Provision of the Bill	Issue Addressed	Observation / Proposal
	<p>(i) prescribe the manner of audit of accounts relating to the campaign expenses of a candidate, a political party or a referendum committee;</p> <p>(j) prescribe the procedure for claims objecting to any matter related to campaign finance expenditures submitted by a candidate, political party or a referendum committee; and.</p>		with respect to dispute resolution processes as per Clause 9-No. 5 above.

THE ELECTIONS (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 41 OF 2021)				
No.	Provision of the Bill	Issue Addressed	Observation/Proposal	Rationale/Justification
1.	<p>The Principal Act is amended in Section 34 by inserting the following new subsection immediately after subsection (8)-</p> <p>(8A)- A person shall not be nominated by a political party under subsection (4) unless the person is, on the date of submission of the party list by the political party, a registered voter in any of the wards in the county in which the person is to be nominated."</p>	<p>Seeks to qualify the existing provision to ensure that such nominee belongs to the particular ward-</p> <p>(8) A person who is nominated by a political party under subsections (2), (3) and (4) shall be a person who is a member of the political party on the date of submission of the party list by the political party.</p>	<p>Conflicts with the provisions of the Constitution.</p> <p>Qualifications on eligibility to stand for election as governed by the Constitution and Elections Act simply require that one is a 'registered voter'.</p>	<p>If an aspirant for MCA position is allowed to register anywhere and stand for election elsewhere it only follows that the same principle applies to nominated MCA's.</p> <p>Article 90 of the Constitution on Allocation of party list seats only provides one exception under 2 (c)-The Independent Electoral and Boundaries Commission shall be responsible for the conduct and supervision of elections for seats provided for under clause (1) and shall ensure that—</p> <p>(c) except in the case of county assembly seats, each party list reflects the regional and ethnic diversity of the people of Kenya.</p>



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When replying please quote

Ref: No: NGE/CS/NAS/005/VOL. I (59)

31st January 2022

Michael R. Sialai, CBS
Clerk of the National Assembly
Clerk's Chambers
Parliament Building
P.O. Box 41842-00100
NAIROBI

clerk@parliament.go.ke

Dear Mr. Sialai,

SUBMISSION OF MEMORANDA ON THE ELECTIONS (AMENDMENT) BILL, 2021 (NATIONAL ASSEMBLY BILL NO. 41 OF 2021)

Reference is made to your letter Ref. KNA/DAA&OSC/CIOC/2021(44) of 18th November 2021, and your letter Ref. KNA/DAA&OSC/CIOC/2022(1) of 26th January 2022.

The National Gender and Equality Commission (NGEC) is a Constitutional Commission with the mandate of promoting and ensuring gender equality, principles of equality and non-discrimination for all persons in Kenya, with a focus on Special Interest Groups (SIGs) who include women, children, Persons with Disabilities (PWDs), youth, older members of society and minority and marginalized groups.

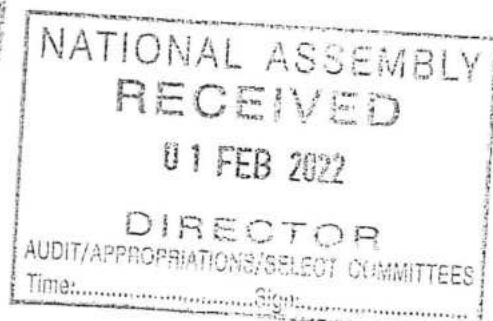
Section 8 (b) of the National Gender and Equality Commission Act, No. 15 of 2011 mandates the Commission to, *'monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions'*;

In line with its mandate, the Commission wishes to submit the attached memorandum on the Elections (Amendment) Bill, No 41 of 2021 for your consideration.

Yours sincerely,

Betty Sungura-Nyabuto, MBS
COMMISSION SECRETARY/CEO

Encl.





MEMORANDUM ON THE ELECTIONS (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 41 OF 2021)

Date: 31st January 2022

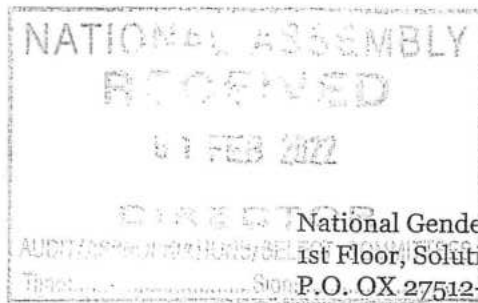
Submitted to: clerk@parliament.go.ke

S/NO	SECTION/CLAUSE	PROPOSAL	JUSTIFICATION
1.	(8A) A person shall not be nominated by a political party under subsection (4) unless the person is, on the date of submission of the party list by the political party, a registered voter in any of the wards in the county in which the person is to be nominated	<p>Amend the clause by adding the following proviso:</p> <p>Provided that nominations for persons with disabilities shall be accompanied by a certificate of registration certified by the National Council for Persons with Disabilities (NCPWD) and in the case of youth nominees, a proof from the registrar of persons that such a nominee is a youth from the date of nomination till the expiry of five years or remainder of the term of representation.</p>	<p>There has been persistent abuse of section 34 to the extent majority of the nominees representing youth are not youth and nominees representing PWDS are not persons with disabilities.</p> <p>To rectify this, the nominated persons must be at the time of nomination be youth and remain such for the period of the term while persons with disabilities must have been registered and provide a copy of registration from the National Council for Persons with Disabilities (NCPWD).</p> <p>This proviso will ensure that only the intended nominees are nominated and that such nominees represent the issues and</p>

			interest of the constituents that they are nominated for.
2.	<p>27 (1) A political party shall submit its nomination rules to the Commission at least six months before the nomination of its candidates.</p> <p>(2) An amendment to the nomination rules shall only be effective ninety days after submission of the amendments to the Commission.</p>	<p>Amend section 27 (1) by deleting the words “six months” and replacing them with the words “five months”.</p> <p>Amend section 27 (2) by deleting the words “ninety days” and replacing them with the words “sixty days”</p>	<p>The proposed amendment seeks to align the Elections Act with the new times provided for in the Political Parties Act in respect to Coalition Parties. The net effect of the new proviso to section 10 of the Political Parties is that Coalition Parties must submit new nomination rules to the Commission since there are no coalition parties at present.</p>

General observations

1. The Commission (NGEC) supports the Bill on grounds that only registered voters representing the issues of marginalised groups, youth and persons with disabilities would be able to comprehensively appreciate the issues and interests of the special interest groups in the wards, constituencies, counties and the entire country. Such registered members, are deemed to have a strong social connection with the special interest groups and as such would ably pass the principle of meaningful representation.
2. The Bill rectifies the common abuse of the section being amended by political parties thus, ‘nominating persons not registered as voters in that county’.
3. The proposed suggestions and comments by the Commission (NGEC) seeks to address the current abuse where some counties have nominees representing the youth, persons with disabilities or marginalized groups but whom are not themselves ‘youth’, or PWD, or from marginalized groups respectively and as appropriate.



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When replying please quote

Ref: No: NGEK/CS/NAS/005/VOL. I (60)

31st January 2022

NATIONAL GENDER AND EQUALITY COMMISSION

Michael R. Sialai, CBS
Clerk of the National Assembly
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NAIROBI

clerk@parliament.go.ke

DAA SC
g.

Dear Mr. Sialai,

SUBMISSION OF MEMORANDA ON THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 37 OF 2021)

Reference is made to your letter Ref. KNA/DAA&OSC/CIOC/2021(44) of 18th November 2021, and your letter Ref. KNA/DAA&OSC/CIOC/2022(1) of 26th January 2022.

The National Gender and Equality Commission (NGEC) is a Constitutional Commission with the mandate of promoting and ensuring gender equality, principles of equality and non-discrimination for all persons in Kenya, with a focus on Special Interest Groups (SIGs) who include women, children, Persons with Disabilities (PWDs), youth, older members of society and minority and marginalized groups.

Section 8 (b) of the National Gender and Equality Commission Act, No. 15 of 2011 mandates the Commission to, *'monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions'*;

The Commission supports the proposed amendment Bill for the reason that it eliminates the rigorous procedures of disclosure of campaign finance. By reducing the compliance threshold to simplified procedures for disclosure of campaign funds received, the Bill paves way for implementation of the Election Campaign Finance Act, 2013.

The full implementation of the Election Campaign Finance Act No 42 of 2013 will pave way for a meaningful monitoring and evaluation of its applications, and enforcement. These shall provide the country with necessary lessons useful for either further revision or

improvement of the law, and contribute towards formulation of better and robust regulatory frameworks on campaign financing in Kenya.

Yours *sincerely*,

A handwritten signature in black ink, appearing to read 'Betty Sungura-Nyabuto'.

Betty Sungura-Nyabuto, **MBS**
COMMISSION SECRETARY/ CEO



SUBMISSIONS ON THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2021) AND THE ELECTIONS (AMENDMENT) BILL NATIONAL ASSEMBLY BILL NO. 41 OF 2021)

Your letter dated 18th November, 2021 requesting submission of comments on the above legislative proposals refers.

The Kenya Law Reform Commission makes the following suggestions and proposals in relation to the proposed amendments:

S/No	Provision of the draft Bill	Suggestion and the rationale	Proposed amendment
1.	Amendment of section 2 of the Election Campaign Financing Act (the Act) by deleting the definition of the expression "expenditure committee"	This suggestion is proper since the subsequent amendments seek to repeal the provisions relating to the establishment of the expenditure committee. However, it would be good if all related terms are also deleted since they suffer the same fate.	Delete the definitions of the terms "expenditure account" and "expenditure report"
2.	Deletion of sections 7 to 10 the Act.	The sections relate to establishment of expenditure committees and expenditure reports for political parties, independent candidates and referenda. If the policy is to do away with these committees, it is necessary to remove all references to the committees in the Act.	Amend section 6 of the Act to remove all references to the committees. It is proposed that the following section be inserted in the Bill as the new clause 3: 3. Section 6 of the principal Act is amended— (a) in subsection (1) by— (i) deleting paragraphs (c) and substituting therefor "(c) an agent of a political party"; (ii) deleting paragraph (d) and substituting therefor (d) an agent

			<p>of a referendum committee”;</p> <p>(b) by deleting subsection (2);</p> <p>(c) by deleting subsection (3);</p> <p>(d) by deleting subsection (6); and</p> <p>(e) by deleting subsection 7.</p>
3.	Amendment of section 16 of the Act	The proposed amendment simplifies the requirements for disclosure of funds.	No proposed changes
4.	Amendment of section 17 of the Act by repealing it.	Section 17 deals with surplus campaign funds. Its repeal therefore leaves a gap on how surplus campaign funds will be accounted for; this leaves room for abuse and money laundering.	The intention of Article 88 (4) (i) of the Constitution is to give the IEBC the mandate and responsibility to regulate the amount of money that may be spent by or on behalf of a candidate or a political party.
5.	Amendment of section 21 of the Act by repealing it.	Deals with dispute resolution and gives the IEBC powers to punish errant candidates or political parties.	No proposed changes
6.	Amendment of section 25 of the Act by repealing it.	Deals with registration and dissolution of expenditure committees	No proposed changes
7.	Amendment of section 26 of the Act.	Enhances clarity	No proposed changes
8.	Amendment of section 28 of the Act by repealing it.	This is flowing from the proposed repeal of section 21.	No proposed changes
9.	Amendment of section 29 of the Act by providing for powers to prescribe manner of audit of accounts and procedure for claims objecting any matter under the Act.	Since the Commission shall have powers to prescribe manner of audit of accounts, it may not be necessary to retain section 27 of the Act which provides that the Auditor-General to audit accounts relating to campaign expenses.	Repeal section 27.

NB: The proposed single amendment to section 34 of the Elections Act is in our view proper and we have no further additions to make.

We seek your indulgence for submitting our comments later than the required date of 17th December, 2021. Thank you for your continued support and cooperation.

Yours

Sincerely

A handwritten signature in black ink, appearing to read 'Joash Dache', written over a circular stamp or seal.

Joash Dache, MBS
SECRETARY/CEO



COUNCIL OF GOVERNORS

Westlands Delta House 2nd Floor, Waiyaki Way,
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Our Ref: COG/6/11 Vol. 3 (37)

31st January, 2022

Mr. Michael Sialai, EBS
Clerk of the National Assembly
Clerk's Chambers
Parliament Building
NAIROBI

Dear

Mr. Sialai, EBS.

INVITATION TO A PUBLIC HEARING ON THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2021) AND THE ELECTIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2021)

This has reference to the above matter and to your letter dated 26th January, 2022 under Ref: KNA/DAA&OSC/CIOC/2022(1).

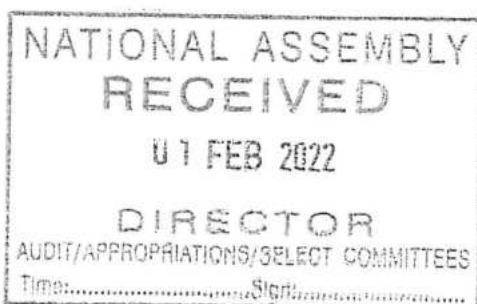
We have reviewed the two Bills and wish to state that in our view the legislative proposals therein are not contentious and we therefore support the Bills.

Please accept assurance of our highest esteem and consideration.

Yours

Sincerely,

Mary Mwiti
Chief Executive Officer





COUNCIL OF GOVERNORS

Westlands Delta House 2nd Floor, Waiyaki Way.
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Nairobi.

Tel: (020) 2403314, 2403313
+254 718 242 203
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Our Ref: COG/6/11 Vol. 3 (37)

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Mr. Michael Sialai, EBS
Clerk of the National Assembly
Clerk's Chambers
Parliament Building
NAIROBI

Dear

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INVITATION TO A PUBLIC HEARING ON THE ELECTION CAMPAIGN FINANCING
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2021) AND THE ELECTIONS
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Chief Executive Officer



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INTER-RELIGIOUS COUNCIL of KENYA

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MEMORANDUM

TO

THE NATIONAL ASSEMBLY

ON

THE ELECTION CAMPAIGN FINANCING AMENDMENT BILL 2021.

1ST FEBRUARY 2022

The Election Campaign Financing Amendment Bill of 2021

A. Introduction

Inter-Religious Council of Kenya (IRCK) appreciates the opportunity to present this memorandum making input on the Election Campaign Financing Amendment Bill of 2021. This follows the publication of the call for public participation in line with Article 118(1)(b) of the Constitution of Kenya 2010. The undersigned, on their own behalf and on behalf of the endorsing institutions that have congregated under the umbrella name IRCK submit this memorandum in this regard.

B. IRCK

The Inter-Religious Council of Kenya (IRCK) is the national coalition of the main faith communities in Kenya. Established as a Society under the Societies Act, IRCK is purposed on the harnessing the spiritual, moral and social resources of religious leaders and their communities for peaceful coexistence and interreligious harmony in the country and to address the social, economic and justice issues affecting Kenyans.

C. General Comments

Campaign finance issues have a significant impact on the quality of elections. Without adequate financing, candidates and parties have little chance of campaigning effectively or conveying their messages to voters. At the same time, state authorities and citizens have a legitimate interest in ensuring that the campaign finance system is equitable, transparent and limits the potential for corruption. So, campaign finance regulations must balance two needs: on the one hand, the need to respect freedom of expression and, on the other, the need to ensure a fair electoral process.

We are concerned that the proposed amendments seem to water down the oversight on campaign finances by doing away with the requirements for campaign finance committees, complaints resolution, disclosure of source of funds and audit of accounts. This is against the backdrop of the rejection of the Campaign Finance Regulations gazetted by the IEBC. It is worrying that since the passage of the Election Campaign Finance Act in 2013 it has not been applied at any election. For a truly level playing field in elections it is imperative that the campaign finance system is equitable and transparent, and limits the potential for corruption of the democratic process.

The proposals contained in this memorandum have been drawn from broad consensus arrived at following consultative meetings with our members.

D. SPECIFIC COMMENTS ON THE ELECTION CAMPAIGN FINANCING
AMENDMENT BILL OF 2021

Provisions in the Bill	Stakeholder Proposal	Rationale
Clause 2: Proposes the repeal of the definition of "expenditure committee"	Retain the definition.	<p>Expenditure committees are crucial for two reasons:</p> <ol style="list-style-type: none"> 1. It takes pressure off the party and the candidate. The need to ensure availability of funds and how it is expended is left to a committee, leaving the party and the candidate free to participate in the elections. 2. It enables supervision and oversight of campaign expenses and may lead to less wastage and savings for the candidate. Oversight ensures sources of funds are legitimate and legal, ensures proper records are kept, and ensures the candidate and party abide by all laws and regulations.
Clause 3: Proposes repeal of section 7 which requires political parties to establish expenditure committees.	Retain Section 7	<p>Expenditure committees help political parties to manage their campaign expenses and ensure compliance with laws and regulations. This will improve accountability and transparency.</p> <p>Campaign financing refers to all contributions and expenses, monetary and in-kind, made to and incurred by political parties and candidates for electoral purposes. Such activities could include, for example, renting temporary offices and hiring staff, paying for campaign-related communications and transport, holding electoral rallies, conducting door-to-door campaigning, production of campaign materials and campaign advertising in mass media.</p> <p>To ensure a transparent and fair campaign finance system, campaign finance must be distinguished from political party financing which encompasses monetary and in-kind contributions to and expenses</p>

		incurred by political parties in their routine activities. The expenditure committees with separate accounts is the best way to achieve this.
Clause 4: Proposes repeal of section which requires independent candidates to establish expenditure committees.	Retain Section 8	Expenditure committees help candidates to manage their campaign expenses and ensure compliance with laws and regulations. This will improve accountability and transparency.
Clause 5: Proposes repeal of Section 9 of the Act which provides for the establishment of referendum expenditure committees.	Retain Section 9.	Expenditure committees helps in the management of campaign expenses and ensures compliance with laws and regulations. This will improve accountability and transparency.
Clause 6: Proposes repeal of Section 10 of the Act which provides for	Delete Section 10 (1)(a) which requires preliminary reports within 21 days of party primaries from each candidate. Retain the rest of Section 10.	The post party primaries period is a very hectic period for candidates, as they are actively campaigning. The requirement to submit accounts within 21 days of the party primaries is too tedious and does not add much value. The requirement to submit a final report three months after the elections is sufficient. It is important for transparency and accountability to require all candidates and political parties to submit reports of their expenses and source of funds. This will reduce corruption, and ensure that the legitimacy of campaign funds.
Clause 7: Proposes repeal of parts of Section 16 that provides for disclosure of funds to do away with: <ul style="list-style-type: none"> • Issuing of a receipt for any contributions over 20,000/- Kenya shillings. • Maintaining records of any fundraisers held including date, venue and total sum collected. • The provision that the information provided can be revealed where a complaint is raised. 	Retain Section 16 in entirety.	Issuing of receipts for money is a useful accounting mechanism, and helps with tracking donations or alleged contributions. Maintaining records of fundraisers is a useful tool for promoting accountability and transparency. Where a complaint is raised, it is imperative that disclosure. Confidentiality cannot apply in such circumstances.

<p>Clause 8: Proposes repeal of Section 17 which provides for surrender of surplus campaign funds to the political party to be used in promoting SIGs and in the case of an independent candidate to a charity of their choice. The section includes reporting obligations to the Commission on the amount of the surplus funds, and action taken.</p>	<p>Retain Section 17</p>	<p>Money raised for campaigns is not for profit or personal gain, and must not be retained by the candidate. It is therefore crucial and good citizenship to ensure that any surplus funds are deployed towards common good.</p>
<p>Clause 9: Proposes repeal of Section 21 of the Act which provides for dispute resolution.</p>	<p>Retain Section 21</p>	<p>The section provides a process for resolving any disputes and gives powers to the Commission to hear and determine disputes.</p> <p>This is very progressive as it provides a quick, cost-effective and speedy process for resolving any disputes. Court processes are usually slow and costly.</p> <p>Deleting the section leaves complainants at the mercy of the courts. It is vital that complainants have the option to approach the commission to handle disputes. This will be a quasi-judicial process, less formal and less tedious.</p>
<p>Clause 10: Proposes repeal of Section 25 of the Act which provides for registration and dissolution of expenditure committees.</p>	<p>Retain Section 25</p>	<p>Follows from proposals above for retaining expenditure committees.</p>
<p>Clause 11: Proposes amendment of Section 26(3) to include the wording "if required by the commission" immediately after the word shall.</p>	<p>Retain the section as is.</p>	<p>The amended section would read as below.</p> <p>A request for information referred to under subsection (2), shall <i>if required by the Commission</i> be subject to confidentiality requirements of the Commission.</p> <p>Subsection (2) provides that a person or entity can ask for information, and subsection (3) qualifies that the information shall be subject to the confidentiality rules of the Commission.</p> <p>The proposed amendment does not add any value to the overall intention of the section. It causes confusion as to the intention of the drafter. The amendment should be excluded.</p>

<p>Clause 12: Proposes repeal of Section 27 of the Act that provides that the Auditor General may on request of the Commission audit accounts of any political party, candidate or referendum committee.</p>	<p>Retain Section 27.</p>	<p>One of the main purposes of campaign financing legislation is to improve accountability and transparency in elections, and to reduce corruption and use of illicit funds in elections.</p> <p>Audit is a key component of overseeing accounts, and is therefore crucial in enabling the Act achieve one of its over-arching goals.</p>
<p>Clause 13: Proposes repeal of Section 28 of the Act which provides for who may file claims and objections under the Act, and the time limits for disposing of the same.</p>	<p>Retain Section 28</p>	<p>This follows from the suggestion above to retain the dispute resolution clause.</p> <p>The section requires claims to be determined within 14 days. This is beneficial to the candidates or political parties as they shall be rid of the complaint timeously;</p> <p>The section should be retained as it clarifies who may lodge a complaint and provides timelines for concluding the complaint.</p>
<p>Clause 14: Provides for amendment to Section 29 to include the following two new sub-clauses:</p> <p>prescribe the manner of audit of accounts relating to the campaign expenses of a candidate, a political party or a referendum committee;</p> <p>prescribe the procedure for claims objecting to any matter related to campaign finance expenditures submitted by a candidate, political party or a referendum committee;</p>	<p>We support the proposed amendments.</p>	

E. CONCLUSION

Honourable Chairman, it is now our request to the Committee that these proposals be considered urgently before enactment of the law.

For Inter-Religious Council of Kenya



Rev. Fr. Joseph Mutie

Chairman



NATIONAL COUNCIL OF CHURCHES OF KENYA

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GENERAL SECRETARIAT

MEMORANDUM BY THE NATIONAL COUNCIL OF CHURCHES OF KENYA TO THE NATIONAL ASSEMBLY ON THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL 2021

JANUARY 2022

Michael R Sialai, CBS
Clerk of the National Assembly
P. O. Box 41842, 00100
NAIROBI

1. Preamble

The National Council of Churches of Kenya (NCCK) is a committed promoter of constitutionalism and the rule of law, and has been a lead actor in this sector for more than 100 years. Besides fighting for the rights of workers and opposing the conscription of boys, the NCCK in the early days was a key driver in the formulation of the Devonshire White Paper. In the leadup to independence, the NCCK made contribution to and supported the drafting of the Constitution. From the early 1980s, the NCCK strongly championed for constitutional review when few other institutions could voice the interests of the citizens. Upon promulgation of the Constitution of Kenya 2010, the NCCK alongside other faith institutions committed to support its implementation and to continue advocating for good governance, peace and cohesion in the country.

The NCCK therefore appreciates the role of the Legislature (National Assembly, Senate and County Assemblies) in formulating and enacting legislation that give effect to the provisions of the Constitution of Kenya 2010. We are therefore pleased to submit the following views on the Election Campaign Financing (Amendment) Bill 2021 currently being considered by the Honorable Members.

2. Background

The NCCK recognizes that campaign financing plays a major role in the quality of elections and democratization of the country. Whereas candidates and parties have limited capacity to campaign effectively without adequate funding, they nonetheless

have a responsibility to account for such funds to ensure transparency and forestall corruption. Campaign financing regulations are therefore required to ensure balance, equitability and freedom of expression.

The NCKK is therefore concerned that the Campaign Financing (Amendment) Bill 2021 will ostensibly water down the oversight on campaign financing. This is especially so in consideration that the Bill is being debated against a background of rejection of the Campaign Financing Regulations by the National Assembly in August 2021.

Further, it is a concern to the NCKK, and all Kenyans, that the Election Campaigning Act has not been applied in any elections despite having been passed in 2013. It is critical that the Campaign Financing system be operationalized to limit the potential for corruption in the democratic process.

3. Recommendation on the Election Campaign Financing (Amendment) Bill 2021

In view of the foregoing, the NCKK has undertaken extensive consultations and recommends the following amendments on the Election Campaign Financing (Amendment) Bill 2021.

Provisions in the Bill	Stakeholder Proposal	Rationale
Clause 2: Proposes the repeal of the definition of "expenditure committee"	Retain the definition	Expenditure Committees are crucial for two reasons: <ol style="list-style-type: none"> 1. It takes pressure off the party and the candidate. The need to ensure availability of funds and how it is expended is left to a committee, leaving the party and the candidate free to participate in the elections. 2. It enables supervision and oversight of campaign expenses and may lead to less wastage and savings for the candidate. Oversight ensures sources of funds are legitimate and legal, ensures proper records are kept, and ensures the candidate and

		party abide by all laws and regulations.
Clause 3: Proposes repeal of Section 7 which requires political parties to establish Expenditure Committees	Retain Section 7	<p>Expenditure Committees help political parties to manage their campaign expenses and ensure compliance with laws and regulations. This will improve accountability and transparency.</p> <p>Campaign financing refers to all contributions and expenses, monetary and in-kind, made to and incurred by political parties and candidates for electoral purposes. Such activities could include, for example, renting temporary offices and hiring staff, paying for campaign-related communications and transport, holding electoral rallies, conducting door-to-door campaigning, production of campaign materials and campaign advertising in mass media.</p> <p>To ensure a transparent and fair campaign finance system, campaign finance must be distinguished from political party financing which encompasses monetary and in-kind contributions to and expenses incurred by political parties in their routine activities. The expenditure committees with separate accounts is the best way to achieve this.</p>
Clause 4: Proposes repeal of Section 8 which requires independent candidates to establish Expenditure Committees	Retain Section 8	<p>Expenditure committees help candidates to manage their campaign expenses and ensure compliance with laws and regulations.</p> <p>This will improve accountability and transparency.</p>
Clause 5: Proposes repeal of Section 9 of the Act which provides for the establishment of referendum Expenditure Committees	Retain Section 9	Expenditure Committees helps in the management of campaign expenses and ensures compliance with laws and regulations.

		This will improve accountability and transparency.
Clause 6: Proposes repeal of Section 10 of the Act which provides for submission of expenditure reports	Delete Section 10 (1)(a) which requires preliminary reports within 21 days of party primaries from each candidate. Retain the rest of Section 10.	The post party primaries period is a very hectic period for candidates, as they are actively campaigning. The requirement to submit accounts within 21 days of the party primaries is too tedious and does not add much value. The requirement to submit a final report three months after the elections is sufficient. It is important for transparency and accountability to require all candidates and political parties to submit reports of their expenses and source of funds. This will reduce corruption, and ensure that the legitimacy of campaign funds.
Clause 7: Proposes repeal of parts of Section 16 and introduces new	Retain Section 16 in entirety	Issuing of receipts for money is a useful accounting mechanism, and helps with tracking donations or alleged contributions. Maintaining records of fundraisers is a useful tool for promoting accountability and transparency. Where a complaint is raised, it is imperative that disclosure is made. Confidentiality cannot apply in such circumstances.
Clause 8: Proposes repeal of Section 17 which provides for surrender of surplus campaign funds to the political party to be used in promoting SIGs and in the case of an independent candidate to a charity of their choice. The section includes reporting obligations to the Commission on the amount of the surplus funds, and action taken.	Retain Section 17	Money raised for campaigns is not for profit or personal gain, and must not be retained by the candidate. It is therefore crucial and good citizenship to ensure that any surplus funds are deployed towards common good.

Clause 9: Proposes repeal of Section 21 of the Act which provides for dispute resolution.	Retain Section 21	<p>The section provides a process for resolving any disputes and gives powers to the Commission to hear and determine disputes.</p> <p>This is very progressive as it provides a quick, cost-effective and speedy process for resolving any disputes. Court processes are usually slow and costly.</p> <p>Deleting the section leaves complainants at the mercy of the courts. It is vital that complainants have the option to approach the commission to handle disputes. This will be a quasi-judicial process, less formal and less tedious.</p>
Clause 10: Proposes repeal of Section 25 of the Act which provides for registration and dissolution of Expenditure Committees	Retain Section 25	Follows from proposals above for retaining Expenditure Committees
Clause 11: Proposes amendment of Section 26(3) to include the wording "if required by the commission" immediately after the word shall.	Retain the section as is	<p>The amended section would read as below:</p> <p>A request for information referred to under subsection (2), shall <i>if required by the Commission</i>, be subject to confidentiality requirements of the Commission.</p> <p>Subsection (2) provides that a person or entity can ask for information, and subsection (3) qualifies that the information shall be subject to the confidentiality rules of the Commission.</p> <p>The proposed amendment does not add any value to the overall intention of the section. It causes confusion as to the intention of the drafter. The amendment should be excluded.</p>

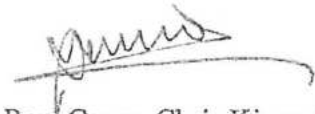
<p>Clause 12: Proposes repeal of Section 27 of the Act that provides that the Auditor General may on request of the Commission audit accounts of any political party, candidate or referendum committee.</p>	<p>Retain Section 27</p>	<p>One of the main purposes of campaign financing legislation is to improve accountability and transparency in elections, and to reduce corruption and use of illicit funds in elections.</p> <p>Audit is a key component of overseeing accounts, and is therefore crucial in enabling the Act achieve one of its over-arching goals.</p>
<p>Clause 13: Proposes repeal of Section 28 of the Act which provides for who may file claims and objections under the Act, and the time limits for disposing of the same.</p>	<p>Retain Section 28</p>	<p>This follows from the suggestion above to retain the dispute resolution clause.</p> <p>The section requires claims to be determined within 14 days. This is beneficial to the candidates or political parties as they shall be rid of the complaint timeously.</p> <p>The section should be retained as it clarifies who may lodge a complaint and provides timelines for concluding the complaint.</p>
<p>Clause 14: Provides for amendment to Section 29 to include the following two new sub-clauses:</p> <p>prescribe the manner of audit of accounts relating to the campaign expenses of a candidate, a political party or a referendum committee;</p> <p>prescribe the procedure for claims objecting to any matter related to campaign finance expenditures submitted by a candidate, political party or a referendum committee;</p>	<p>We support the proposed amendments.</p>	<p>The clause provides for audit mechanism for political parties which is good for Kenya.</p>

4. Conclusion

In conclusion, we in the NCCCK urge the National Assembly to amend the Election Campaign Financing (Amendment) Bill 2021 as per the matrix above. It is prudent that the primary Act is not watered down to ensure transparency and protection of the democratic dispensation of the country.

On our part, we remain committed to supporting the implementation of the Constitution of Kenya 2010 and promoting constitutionalism and rule of law.

Signed on this 31st day of January 2022 at *Jumuia Place, Nairobi*, on behalf of the Member Churches and Organizations (attached) of the National Council of Churches of Kenya:



Rev. Canon Chris Kinyanjui
GENERAL SECRETARY

NCKK MEMBER CHURCHES

1. Africa Brotherhood Church
2. African Christian Churches and Schools
3. African Church of the Holy Spirit
4. African Independent Pentecostal Church of Africa
5. African Interior Church
6. African Israel Niveneh Church
7. African Orthodox Church of Kenya
8. Anglican Church of Kenya
9. Church of Africa Sinai Mission
10. Church of Christ in Africa
11. Church of God East Africa
12. Coptic Orthodox Church
13. Episcopal Church of Africa
14. Evangelical Lutheran Church of Kenya
15. Free Methodist Church in Kenya
16. Free Pentecostal Fellowship in Kenya
17. Friends Church in Kenya
18. Full Gospel Churches of Kenya
19. Kenya Assemblies of God
20. Kenya Evangelical Lutheran Church
21. Kenya Mennonite Church
22. Lyahuka Church of East Africa
23. Maranatha Faith Assemblies
24. Methodist Church in Kenya
25. National Independent Church of Africa
26. Overcoming Faith Center Church of Kenya
27. Pentecostal Evangelical Fellowship of Africa

28. Presbyterian Church of East Africa
29. Reformed Church of East Africa
30. Salvation Army
31. Scriptural Holiness Mission
32. Zion Harvest Mission

NCKK ASSOCIATE MEMBERS

1. Bible Society of Kenya
2. Christian Churches Education Association
3. Christian Health Association of Kenya
4. Christian Hostels Fellowship
5. Fellowship of Christian Unions
6. Kenya Ecumenical Church Loan Fund
7. Kenya Students Christian Fellowship
8. Kenya United Independent Churches
9. Public Law Institute
10. Scripture Union
11. St Pauls University
12. Young Mens Christian Association
13. Young Womens Christian Association

NCKK FRATERNAL MEMBERS

1. African Evangelistic Enterprise
2. Daystar University
3. Trans World Radio
4. Trinity Fellowship
5. World Vision



NATIONAL COUNCIL OF CHURCHES OF KENYA

Jeremia Place, Lamia Road, P.O. Box 45009 - 00100 GPO Nairobi (Tel: +254 20 2721249, 2690814 /10/11,
0721-388277; 0714 606971 34, 0733758736 E-mail: gs@ncck.org Website: www.ncck.org

GENERAL SECRETARIAT

MEMORANDUM BY THE NATIONAL COUNCIL OF CHURCHES OF KENYA TO THE NATIONAL ASSEMBLY ON THE ELECTIONS (AMENDMENT) BILL 2021

JANUARY 2022

Michael R Sialai, CBS
Clerk of the National Assembly
P. O. Box 41842, 00100
NAIROBI

1. Preamble

The National Council of Churches of Kenya (NCCK) is a committed promoter of constitutionalism and the rule of law, and has been a lead actor in this sector for more than 100 years. Besides fighting for the rights of workers and opposing the conscription of boys, the NCCK in the early days was a key driver in the formulation of the Devonshire White Paper. In the leadup to independence, the NCCK made contribution to and supported the drafting of the Constitution. From the early 1980s, the NCCK strongly championed for constitutional review when few other institutions could voice the interests of the citizens. Upon promulgation of the Constitution of Kenya 2010, the NCCK alongside other faith institutions committed to support its implementation and to continue advocating for good governance, peace and cohesion in the country.

The NCCK therefore appreciates the role of the Legislature (National Assembly, Senate and County Assemblies) in formulating and enacting legislation that give effect to the provisions of the Constitution of Kenya 2010. We are therefore pleased to submit the following views on the Elections (Amendment) Bill 2021 currently being considered by the Honorable Members.

2. Background

The NCCK appreciates that nomination to the County Assembly, provided for in Article 177 of the Constitution of Kenya 2010, contributes to democracy in Kenya. The Elections Act provides qualifications for persons nominated.

The Elections (Amendment) Bill 2021 is intended to amend the Elections Act by introducing registration as a voter within the county as a basis for nomination.

3. Recommendation on the Elections (Amendment) Bill 2021

In view of the foregoing, the NCCK recommends that the Elections (Amendment) Bill 2021 be adopted.

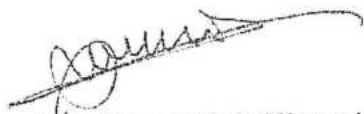
After broad consultations, the NCCK finds that the requirement that a person nominated to a County Assembly be registered as a voter within that county is prudent. This is because it will ensure that a person nominated to a County Assembly is already invested in that county.

4. Conclusion

In conclusion, we in the NCCK urge the National Assembly to pass the Elections (Amendment) Bill 2021.

On our part, we remain committed to supporting the implementation of the Constitution of Kenya 2010 and promoting constitutionalism and rule of law.

Signed on this 31st day of January 2022 at *Jumua Place, Nairobi*, on behalf of the Member Churches and Organizations (attached) of the National Council of Churches of Kenya:



Rev. Canon Chris Kinyanjui
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ANXB

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (SIXTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE
ADOPTION OF REPORT ON ELECTIONS (AMENDMENT) BILL, 2021.

ATTENDANCE REGISTER

Venue: Media Centre Date: 17/2/2022 Time: 11-30 am

	HON. MEMBER	SIGNATURE
1.	Hon. Alois M. Lentoimaga, M.P. (Chairman)	
2.	Hon. Peter Kaluma, M.P. (Vice Chairman)	
3.	Hon. (Dr.) Naomi Shaban, M.P.	
4.	Hon. Raphael Wanjala, M.P.	
5.	Hon.(Dr.) Christine Ombaka, M.P.	
6.	Hon. Charles Gimose, M.P.	
7.	Hon. Yussuf Hassan Abdi, M.P.	
8.	Hon. T. J Kajwang, M.P.	
9.	Hon. Anthony Oluoch, M.P.	
10.	Hon. Catherine Wambilianga, M.P.	

	HON. MEMBER	SIGNATURE
11.	Hon. Didmus Barasa, M.P.	VIRTUAL
12.	Hon. (Col.) Geoffrey King'angi, M.P.	
13.	Hon. Abdi Shurie, M.P.	
14.	Hon. Fabian K. Muli, M.P.	
15.	Hon. Daniel Rono, M.P.	
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19.	Hon. Peris Tobiko, CBS, M.P.	
20.	Hon. Purity Ndirici, M.P.	
21.	Hon. Japheth Kiplangat Mutai, M.P.	
22.	Hon. Halima Mucheke, M.P.	
23.	Hon. Moses Kirima, M.P.	

Name: E. Libendi Signature: [Signature] Date: 17/2/2022
Committee Clerk

Name: [Signature] Signature: [Signature] Date: 23/2/2022
Director, Committee Services

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (SIXTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE
ADOPTION OF REPORT ON ELECTION CAMPAIGN FINANCING
(AMENDMENT) BILL, 2021.

ATTENDANCE REGISTER

Venue: Media Centre Date: 17/2/2022 Time: 11:30am

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REPUBLIC OF KENYA



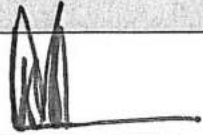

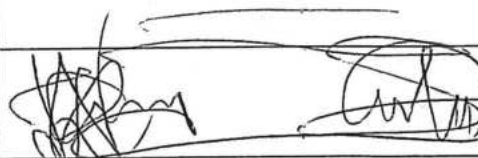
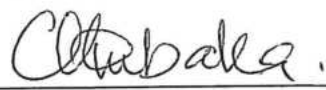

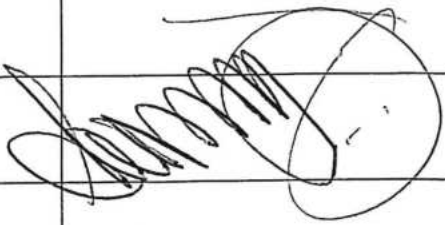
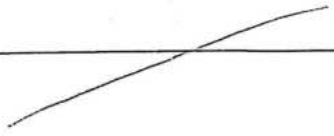
TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

ATTENDANCE REGISTER

Venue: Media Centre Date: 17/2/2022 Time: 11:30am

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Committee Clerk

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Director, Committee Services