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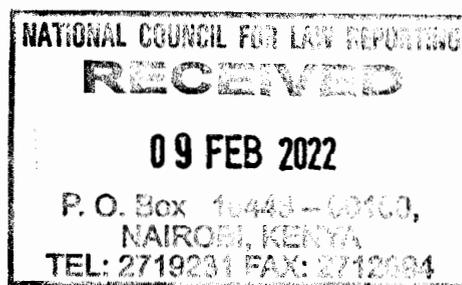
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THE ELECTIONS (AMENDMENT) BILL, 2022

A Bill for

AN ACT of Parliament to amend the Elections Act

ENACTED by the Parliament of Kenya as follows—

1. This Act may be cited as the Elections (Amendment) Act, 2022. Short title.

2. Section 2 of the Elections Act, 2011 (hereinafter referred to as “the principal Act”) is amended by— Amendment of section 2 of No. 24 of 2011.
 - (a) deleting the definition of “nomination” and substituting it therefor with the following new definition—
“nomination” means the process through which a political party elects or selects its candidates for elections;
 - (b) deleting the definition of “nomination day”;
 - (c) deleting the definition of political party and substituting it therefor with the following new definition —
“political party” has the meaning assigned to it under section 2 of the Political Parties Act, No. 11 of 2011; and
 - (d) inserting the following new definition in proper alphabetical sequence—
“registration of a candidate” means the process through which a person applies to the Commission to contest in an election.

3. Section 5 of the principal Act is amended in subsection (3) by inserting the word “valid” immediately after the words “identity card or a”. Amendment of section 5 of No. 24 of 2011.

4. Section 6 of the principal Act is amended by deleting subsection (2). Amendment of section 6 of No. 24 of 2011.

5. Section 7 of the principal Act is amended by inserting the following new subsection immediately after subsection (2)— Amendment of section 7 of No. 24 of 2011.
 - (3) A voter may not transfer his or her registration unless, on the date of the application to transfer the registration, the voter has been—

- (a) ordinarily resident;
- (b) carrying on business;
- (c) employed; or
- (d) possessed land or a residential building, in a constituency that he or she intends to transfer his or her registration for at least six months immediately preceding the date of the application for transfer of registration.

6. Section 8A of the principal Act is amended—

Amendment of section 8A of No. 24 of 2011.

- (a) by deleting subsection (3); and
- (b) in subsection (4), by deleting the expression “subsection (3)” and substituting therefor the expression “subsection (1)”.

7. Section 14 of the principal Act is amended in subsection (2)—

Amendment of section 14 of No. 24 of 2011.

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) the day or days for the registration of candidates for the presidential election;
- (b) by deleting the word “nomination” appearing in paragraph (b) and substituting therefor the words “registration of candidates”.

8. Section 16 of the principal Act is amended in subsection (2)—

Amendment of section 16 of No. 24 of 2011.

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) the day or days for registration of candidates for the parliamentary election;
- (b) by deleting the word “nomination” appearing in paragraph (c) and substituting therefor the words “registration of candidates”.

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

Amendment of section 17 of No. 24 of 2011.

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

- (a) the day or days for registration of candidates for the governor election;
- (b) by deleting the word “nomination” appearing in paragraph (b) and substituting therefor the words “registration of candidates”.

10. Section 19 of the Principal Act is amended in subsection (2)—

Amendment of section 19 of No. 24 of 2011.

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) the day or days for registration of candidates for the county elections;
- (b) by deleting the word “nomination” appearing in paragraph (b) and substituting therefor the word “registration”; and
- (c) by deleting the word “nomination” appearing in paragraph (c) and substituting therefor the word “registration”.

11. Section 22 of the principal Act is amended—

Amendment of section 22 of No. 24 of 2011.

- (a) in the marginal note, by deleting the word “nomination” and substituting therefor the word “registration”;
- (b) in subsection (1), by deleting the word “nominated” and substituting therefor the word “registered”;
- (c) in subsection (1B), by deleting the words “to nomination” and substituting therefor the words “for registration”; and
- (d) in subsection (2), by deleting the word “nominated” and substituting therefor the word “registered”.

12. Section 23 of the Principal Act is amended—

Amendment of section 23 of No. 24 of 2011.

- (a) in the marginal note, by deleting the word “nomination” and substituting therefor the word “registration”;
- (b) in subsection (1), by deleting the word “nomination” and substituting therefor the word “registration”; and

- (c) in subsection (2), by deleting the word “nomination” and substituting therefor the word “registration”.

13. Section 24 of the principal Act is amended—

Amendment of section 24 of No. 24 of 2011.

- (a) in the marginal note by deleting the word “nomination” and substituting therefor the word “registration”;
- (b) in subsection (1)—
- (i) by deleting the word “nomination” and substituting therefor the word “registration”;
- (ii) by deleting paragraph (a) and substituting therefor the following new paragraph—
- (a) is a registered voter at the time of the occurrence of the vacancy.

14. Section 25 of the principal Act is amended—

Amendment of section 25 of No. 24 of 2011.

- (a) in the marginal note by deleting the word “nomination” and substituting therefor the word “registration”;
- (b) in subsection (1)—
- (i) by deleting the word “nomination” and substituting therefor the word “registration”; and
- (ii) by deleting paragraph (a) and substituting therefor the following new paragraph—
- (a) is a registered voter at the time of the occurrence of the vacancy.

15. Section 27 of the principal Act is amended —

Amendment of section 27 of No. 24 of 2011.

- (a) in subsection (1) by deleting the words “its nomination rules” and substituting therefor the words “a copy of the political party’s nomination rules certified by the Registrar of Political Parties”;
- (b) by inserting the following new subsection immediately after subsection (1) —
- “(1A) Notwithstanding the provisions under subsection (1), a coalition political party shall