

SPECIAL ISSUE

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Kenya Gazette Supplement No. 13 (National Assembly Bills No. 5)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2018

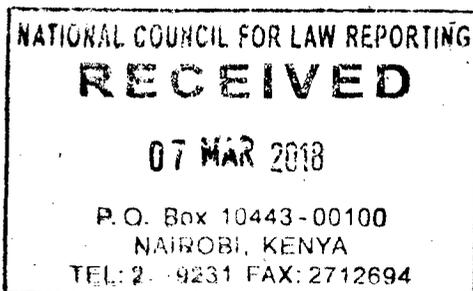
NAIROBI, 22nd February, 2018

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**THE CONSTITUTION OF KENYA (AMENDMENT)
BILL, 2018**

A Bill for

AN ACT of Parliament to amend the Constitution of Kenya

ENACTED by the Parliament of Kenya, as follows—

- | | |
|--|---|
| <p>1. This Act may be cited as the Constitution of Kenya (Amendment) Act, 2018.</p> | <p>Short title.</p> |
| <p>2. Article 101 of the Constitution of Kenya is amended by deleting the words “second Tuesday in August” appearing in clause (1) and substituting therefor the word “third Monday in December”.</p> | <p>Amendment of Article 101 of the Constitution of Kenya.</p> |
| <p>3. Article 136 of the Constitution of Kenya is amended in clause (2) by deleting the word “second Tuesday in August” appearing in paragraph (a) and substituting therefor the words “third Monday in December”.</p> | <p>Amendment of Article 136 of the Constitution of Kenya.</p> |
| <p>4. Article 177 of the Constitution of Kenya is amended in clause (1) by deleting the words “second Tuesday in August” appearing in paragraph (a) and substituting therefor the words “third Monday in December”.</p> | <p>Amendment of Article 177 of the Constitution of Kenya.</p> |
| <p>5. Article 180 of the Constitution is amended in clause (1) by deleting the words “second Tuesday in August” and substituting therefor the words “third Monday in December”.</p> | <p>Amendment of Article 180 of the Constitution of Kenya.</p> |

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal objective of the Bill is to amend Articles 101 (1), 136 (2) (a), 177 (1) (a) and 180 (l) of the Constitution of Kenya by changing the existing date for the general election for members of Parliament, the President, member of County Assembly and the county governors and deputy county governors from second Tuesday of August in every fifth year to third Monday in December in every fifth year.

The Bill seeks to introduce a new date for conducting a general election that would be more favourable to Kenya's circumstances.

The amendment is to ensure that the date of elections reflects the unique circumstances and tradition of Kenya. The current date for the general elections unduly disrupts the education calendar and most importantly the conduction of national examination in case of either a fresh election or a "run-off" or an invalidation of a Presidential election. Also, the tradition of reading the Budget concurrently in East Africa has been disrupted by the current election date.

The amendment seeks to restore the tourism high season and the aspirations of a section of Kenyans who are not able to get time out of their busy schedules to take part in the general elections at their places of preference. The amendment will also clarify and put to rest all doubts regarding the exact date of the next general elections and the term of the current Parliament.

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

The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement as to whether the Bill does concerns county governments

The Bill affects the functions of the county governments and is therefore a Bill concerning counties for purposes of the Standing Orders.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The Bill is a money Bill for the purposes of Article 114 of the Constitution as the enactment of this Bill will occasion additional expenditure of public funds.

Dated the 17th November, 2017.

CHRIS WAMALWA,
Member of Parliament.