The Constitution of Kenya (Amendment) Bill, 2019 159

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**THE CONSTITUTION OF KENYA (AMENDMENT)**

**BILL, 2019**

**A Bill for**

**AN ACT of Parliament to amend the Constitution ENACTED** by the Parliament of Kenya, as follows-

# This Act may be cited as the Constitution of Kenya (Amendment) Act, 2019.

1. Article 90 of the Constitution is amended in clause (2)(a) by deleting the words "who would stand

elected if the party were to be entitled to all seats provided for".

Short title.

Amendment of Article *90* of the Constitution .

*The Constitution f!f Kenya (Amendment) Bill,\_2019*

MEMORANDUM OF OBJECTS AND.REASONS

Statement of objects and reasons

The principal object ofthis Bill is to amend Article 90.of the Constitution

\_ in order to align it with the proposed amendment to section 35 of the

* Elections ·\_Act which seeks -to change th timing for submission of p!iftY lists by political parties for persons elected under \_ Article 90 of the

- Constitution from at least forty-five days from the date -of general election to·within twenfy-one days after the date of general election.

Statement on the delegation of legislatiNe powers and -limitation of flindamental rights and freedoms

The Bill does not delegate legislative power-s nor does it limit fundamental rights and freedoms.

Ql- ,, Statement that the Bill does not \_concern County Governments The.Bill is a ·Bill corlcemiftg County Governments in terms f Article 110

-(1).(a) of the Copstitution as itrelates to the election of the Members of the Senate. -

. -Statementtltat the Bill -is a money-Bill within th meaning of Artice

. -114.of the Constitution '"' - - - - - . · .

- - - -

'fhe enactment o( this Bill may not o·ccasion additional expenditure of

pubiic funds.

FLORENCE MurtJA,

*Member of Parliament.*

*The Constitution of Kenya (Amendment) Bill, 2019*

*Article 90 of the Constitution which isproposed to be amendd-*

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i\llocation of party list seats

90. (1) Elections for the seats in Parliament \_provided for -under Articles 97(1) (c) and 98 (1) (b), (c) and (d), and\_ for the members of

county assemblies uncfer article l77(i) (b) arid (c), shall be on the basis of

proportional representation by use of party lists. -

1. The Jnaependent Electoral and Boundaries ·commission shall be esponible for the conduct and supervision of elections for seats pi:o, vided for under c1ause (1) and shall ensure that- ·

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1. each ·P. itical P!U1Y participating -in a general election nominates and submits a list of all the persons who would statid elected if

the party were to be entitled to all the seats provided for under - clause (1), within the time prescribed by national legislation;

1. except -in the case of the ·seats provided for \_Wider Article 98(1) - · " (b), each party list comprises the apprQpriate nurn1'er of qualified candidates and alternates between male .an& female candidates in

the priorityoin -which.tliey are listed;-and · -

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1. except in the case.of county asseml:)ly seats, -each ·party list reflects the regional-and ethnic diversicy ofthe peoJ>le of Kenya. · · ·

"'1;' - -

1. The seats referred to in clause (1) shall be allocated to political

- parties in proportion to the total nl.imber of seats won by candidates of the

* political party at the general eJecticm.