



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT-FIFTH SESSION (2026)
THE NATIONAL ASSEMBLY

EXPLAINER ON THE ELECTIONS (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 29 OF 2024)

A. History of the Bill

(1) The Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) was passed by the Senate, with amendments and referred to the National Assembly for consideration. The Bill was referred to the Departmental Committee on Justice and Legal Affairs for public participation and engagement with sector stakeholders, including the Independent Electoral and Boundaries Commission (IEBC).

(2) On Thursday, 22nd October 2026, the National Assembly passed the Bill, with amendments.

B. What does the Bill as passed by the Senate and amended by the National Assembly seek to do?

The Bill as passed by the Senate and amended by the National Assembly seeks to, among others,—

- (a)** require the register of voters to be made available for inspection at all times, except for designated periods before an election or referendum;
- (b)** delete provisions requiring involvement of the IEBC in political party primaries;
- (c)** revise the provisions on the exercise of the right of recall of a member of Parliament to ensure conformity with the Constitution;
- (d)** provide political parties with greater flexibility in the identification and nomination of persons for elective and party-list positions;
- (e)** suspend the registration of voters during a by-election only to the affected electoral area and prohibit a person who registers as a voter during such suspension from contesting in the by-election of the affected electoral area; and
- (f)** promote substantive justice, fairness and accountability in the hearing and determination of electoral disputes.

C. Misinformation on the Bill

- (1) The attention of the National Assembly has been drawn to **FALSE** and **MISLEADING** reports, on the implications of the amendments made to the Bill, in particular on the issue of livestreaming of election results.
- (2) **CONTRARY** to the false reports, the amendment passed by the National Assembly **RETAIN** the requirement on the IEBC to establish a mechanism for the livestreaming of election results.
- (3) Section 39 of the Elections Act which provides for the determination and declaration of election results, including announcement of results and livestreaming, has been the subject of extensive litigation with the most recent judgment issued by the High Court in Nairobi on 22nd September, in *Okoiti & another v Independent Electoral and Boundaries Commission & 5 others [2026] KEHC 13916 (KLR)*.
- (4) In the decision, the High Court, among others, **upheld the constitutionality of section 39 of the Elections Act and Regulation 83(2) of the Elections (General) Regulations** and **declined** to grant the request by the Petitioners to quash the two provisions of the law. Additionally, the Court categorically cautioned the National Assembly to “*have regard to the construction of Section 39 of the Elections Act adopted in this judgment in finalizing the Elections (Amendment) (No. 2) Bill, 2024 or any other legislation ahead of the 2027 General Election.*”
- (5) Clause 22 of the Bill received from the Senate sought to delete section 39 of the Elections Act and to recast it in a different form. **Cognizant of the guidance of the High Court, the National Assembly deleted Clause 22 to ensure the retention of section 39 as it is currently provided for in the Elections Act and also retained the requirement for livestreaming as provided for under section 39(1G).**
- (6) In this regard, the National Assembly, after public participation on the Bill and guided by the recent judgment, resisted the attempt to interfere with section 39 of the Elections Act and the attendant established procedure for the determination and declaration of election results.

D. The next steps on the Bill

Having being passed by the National Assembly, with amendments, the Bill will be submitted back to the Senate in accordance with the provisions of Article 110(4) of the Constitution.

PUBLIC COMMUNICATIONS, NATIONAL ASSEMBLY

23rd October, 2026

“For the Welfare of Society and the Just Government of the People”