



Ref: IEBC/CP/7/3 ✓

26th May, 2026

Rt. Hon. Dr. Moses M. Wetang'ula, EGH, MP
Speaker of the National Assembly,
Parliament Buildings,
NAIROBI.

Rt. Hon. Amason Jeffah Kingi, EGH, MP
Speaker of the Senate,
Parliament Buildings,
NAIROBI.

RE: SUBMISSION OF THE ELECTION LAWS (AMENDMENT) BILL,
2026 TO BOTH HOUSES OF PARLIAMENT

Forwarded herewith, please find the Election Laws (Amendment) Bill, 2026.

Thank you.


Erastus Edung Etheke, HSC
CHAIRPERSON

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION



SUBMISSION OF THE ELECTION LAWS (AMENDMENT) BILL, 2026 TO BOTH HOUSES OF PARLIAMENT

Dated 15th MAY, 2026

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

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1.0 INTRODUCTION

1. Elections are central to democracy, protecting citizens' rights to vote or contest for office. Their credibility depends on being free and fair, as flawed elections can lead to instability and violence.
2. In Kenya, the Independent Electoral and Boundaries Commission (IEBC) is constitutionally mandated to oversee elections and referenda, guided by several laws including the Elections Act, 2011 and the Election Offences Act. However, successful elections require collaboration among multiple stakeholders beyond the IEBC.
3. Following the 2017 General Election, the IEBC initiated a series of reform efforts aimed at strengthening Kenya's electoral framework by addressing identified gaps, ambiguities, and inconsistencies in the existing legal regime. While several draft legislative proposals were developed as part of this process, none was enacted by Parliament prior to the 2022 General Election.
4. In lieu of legislative amendments, the Commission consolidated its reform proposals and legal analyses into a comprehensive Election Law Report, which was formally submitted to Parliament and made publicly available. The report remains a critical reference point for understanding the legal and operational challenges encountered in election management. It also provides a clear and structured roadmap for future electoral law reforms, underscoring the IEBC's commitment to transparency, institutional learning and continuous improvement in electoral governance.
5. Following the launch of its 2022 Post-election Evaluation report, the Commission commenced electoral legal reform through various stakeholder engagements. The initiative sought to identify what worked, what did not work well and generate proposals for legal review.

2.0 ELECTORAL LEGAL REFORM

6. The legal reform agenda has been part of the Commission's preparation for the General Election especially in view of IREC's recommendation to have electoral reforms done at least two years before a General Election.
7. The 2017 elections, were governed by a series of electoral laws, some of which had come into force a few months before the elections. The following regulations were enacted on 5th April, 2017, just a few months before the 2017 General Election:

- i) Election (Voter Registration) (Amendment) Regulations, 2017;*
- ii) Election (General)(Amendment) Regulations, 2017;*
- iii) Election (Voter Education) Regulations, 2017;*
- iv) Election (Technology) Regulations, 2017; and*
- v) The Elections (Party Primaries and Party Lists) Regulations, 2017.*

8. As the Commission prepared for the 2022 General Election, further engagements were held specifically with Justice and Legal Affairs Committee (JLAC) of the National Assembly to deliberate on electoral issues. The Commission processed targeted legislations initiated by JLAC, which process resulted in the development and submission of the following drafts: -

- i. Draft Independent Electoral and Boundaries Commission (Amendment) Bill, 2020;*
- ii. Draft Election Campaign Financing (Amendment) Bill, 2020;*
- iii. Draft Election Campaign Financing Regulations, 2020;*
- iv. Draft Referendum Bill, 2020; and*
- v. Rules of Procedure on Delimitation of Boundaries, 2021.*

9. The Elections Laws (Amendment) Bill, 2022 was successfully, debated and passed by the National Assembly. The same Bill was forwarded to Senate for deliberation and enactment during the tenure of the 12th Assembly but was not enacted.
10. Following the submission of the Draft Bills to Parliament, the Commission interrogated the effect of the proposed amendments under the Election Act, to the existing Election Regulations including the impact of the then enacted Political Parties (Amendment) Act, 2022 and pursuant to section 109 of the Elections Act, 2011 submitted draft

amendments to Parliament on 7th April, 2022 on the election regulations which includes;

- i. Election (Voter Registration) (Amendment) Regulations, 2022;*
- ii. Election (General) Regulations) (Amendment) Regulations, 2022;*
- iii. Election (Voter Education) (Amendment) Regulations, 2022;*
- iv. Elections (Party Primaries and Party Lists) Amendment) Regulations, 2022 and*
- v. Elections (Technology) (Amendment) Regulations, 2022.*

3.0 THE CURRENT STATUS

11. The Commission's current legal reform agenda is firmly anchored in the post-2022 General Election review. In accordance with the established practice, a Technical Working Group (TWG) comprising representatives from all Directorates and Field Offices was constituted to ensure that the reforms reflect institution-wide input.
12. Building on this foundation, the Commission undertook extensive multi-sectoral consultations, engaging consultants, reviewing submissions to the National Dialogue Committee (NADCO), and liaising with relevant Parliamentary Committees. These efforts culminated in the preparation of draft legislative proposals and amendments to subsidiary legislation designed to strengthen Kenya's electoral legal framework.
13. The multi-sectoral working group included representation from key institutions such as the Judiciary, KLRC, Katiba Institute, National Assembly, Attorney General, ORPP, ICJ, TI-K, PPLC, PPDT, ELGIA, and ELOG, though notably the Senate and LSK did not participate despite invitations.
14. To advance this agenda, the Commission has continued structured engagements aimed at consolidating stakeholder collaboration and refining the proposed legislative and regulatory instruments.
15. The Commission, has in place a draft Election Laws (Amendment) Bill, 2026 ready for submission to Parliament for consideration and enactment.

4.0 CONCLUSION

16. In conclusion, the Commission's electoral legal reform agenda constitutes a deliberate and consultative process anchored in the constitutional imperative to safeguard democracy.
17. Drawing from the post-2022 General Election review and extensive multi-sectoral engagement, the Commission has developed the draft Election Laws (Amendment) Bill, 2026, now ready for Parliamentary consideration and enactment.
18. This Bill embodies the principles of clarity, flexibility, and constitutional compliance, while reinforcing mechanisms for citizen participation and peaceful dispute resolution. Its enactment will mark a pivotal step in entrenching transparency, accountability, and the progressive maturation of Kenya's democratic governance.


Erastus Edung Etheke, HSC
CHAIRPERSON

Encl. Draft Laws (Amendment) Bill, 2026

THE ELECTION LAWS (AMENDMENT) BILL, 2026

A Bill for

AN ACT of Parliament to amend the Elections Act, Election Offences Act and Public Finance Management Act; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the Election Laws (Amendment) Act, 2026.

Amendment of
section 2 of
Cap. 7.

2. The Elections Act is amended in section 2—

a) by inserting the word “valid” immediately after the words “means a” appearing in the definition of “identification document”;

(b) by deleting the definition of “nomination” and substituting therefor the following new definition—

“nomination” means the process through which a political party elects or selects its candidates for elections;

(d) by deleting the definition of “nomination day”;

(e) by deleting the definition of “political party” and substituting therefor the following new definition—

“political party” has the meaning assigned to it under Article 260 of the Constitution;

(f) by inserting the following new definitions in proper alphabetical sequence—

“forensic image” means an exact duplicate of a digital storage device including a server, computer, laptop, tablet or memory card collected in a manner that preserves the contents of the storage device for purposes of presentation and analysis of the contents;

“registration of a candidate” means the process through which a person applies to, and is cleared by, the Commission to be registered as a candidate in an election.

3. Section 5 of the Elections Act is amended—

(a) in subsection (1)—

Amendment of
section 5 of
Cap. 7.

Amendment of
section 6 of
Cap. 7.

- (i) by inserting the words “within the affected electoral area” immediately after the words “such by-election” appearing in paragraph (b);
- (ii) by inserting the words “of the referendum question” immediately after the word “publication” appearing in paragraph (ba);
- (b) in subsection (3), by inserting the word “valid” immediately after the words “identity card or a”.

4. Section 6 of the Elections Act is amended—

- (a) by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Commission shall cause the register of voters to be opened for inspection by members of the public at all times.

- (b) by inserting the following new subsection immediately after subsection (1)—

(1A) The Commission may revise the particulars of voters in the register of voters at any time except—

- (a) in the case of a general election or an election under Article 138(5) of the Constitution, during the sixty-day period before the date of the election;
- (b) in the case of a by-election, between the date of the declaration of the vacancy of the seat and the date of the by-election; or
- (c) in the case of a referendum, between the date of the publication of the referendum question and the date of the referendum.

- (c) by deleting subsection (2).

5. Section 6A of the Elections Act is amended—

- (a) by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Commission shall, at any time before a general election, open the register of voters for verification of biometric data for a period that the Commission may consider appropriate but not later than sixty days before the date of a general election

- (b) by inserting the following new subsection immediately after subsection (1)—

(1A) For the purposes of a by-election, the Commission shall open the register of voters for verification of biometric data at polling stations:

Amendment of
section 6A of
Cap. 7.

Provided that it shall not be for a period later than fourteen days before the date of a by election.

- (c) in subsection (2), by deleting the expression “subsection (1)” and substituting therefor the expression “subsections (1) and (1A)”;
- (d) in subsection (3), by deleting the expression “subsection (1)” and substituting therefor the expression “subsections (1) and (1A)”.

Amendment of
section 8 of
Cap. 7.

6. Section 8 of the Elections Act is amended—

- (a) in subsection (2), by inserting the words “or ward” immediately after the word “county” appearing in paragraph (e);
- (b) by inserting the following new subsections immediately after subsection (2)—

(2A) In recommending the deletion of the names of deceased voters under subsection (2)(b), the Commission shall publish in the *Gazette* and publicize in any other media the list of the names of the deceased voters reported in the audit report.

(2B) The Commission shall invite, and resolve, any challenges regarding the published report within a period the Commission may determine.

Amendment of
section 8A of
Cap. 7.

7. Section 8A of the Elections Act is amended—

- (a) in subsection (1), by deleting the word “six” appearing immediately after the words “at least” and substituting therefor the word “nine”;
- (b) by deleting subsection (3);
- (c) in subsection (4), by deleting the expression “subsection (3)” and substituting therefor the expression “subsection (1)”.

Insertion of
new section 8B,
8C and 8D in
Cap. 7.

8. The Elections Act is amended by inserting the following new sections immediately after section 8A—

Fresh voter
registration after
review of
constituency
boundaries
review.

8B. The Commission shall conduct a fresh voter registration at intervals of not less than eight years and not more than twelve years, immediately after the Commission reviews the names and boundaries of the constituencies in accordance with Article 89(2) of the Constitution.

Revision of
number, names
and boundaries
of wards.

8C. The Commission shall review the number, names and boundaries of wards whenever a review of the names and boundaries of counties necessitates a review.

Revision of
register after
review of county
boundaries.

8D. The Commission shall revise the register of voters whenever county boundaries are altered in accordance with Article 94(3) of the Constitution.

Commission may
audit voter
register.

8E. (1) Notwithstanding any other provision of this Act, the Commission may, at any time before the date of an election, by-election or referendum, cause an audit of the register of voters to be conducted.

(2) Despite subsection (1), audit conducted under subsection (1) shall be conducted—

(a) in the case of a general election, at least sixty days before the date of the general election; and

(b) in the case of a by-election or referendum, within such period before the by-election or referendum as the Commission may determine.

Amendment of
section 16 of
Cap. 7.

9. Section 16 of the Elections Act is amended by deleting subsection (4).

Amendment of
section 19 of
Cap. 7.

10. Section 19 of the Elections Act is amended by deleting subsection (4).

Insertion of
new section
20A in Cap. 7.

11. The Elections Act is amended by inserting the following new section immediately after section 20—

Campaign
period.

20A. The campaign period shall commence on the date that the Commission issues a notice of an election under section 14(1), 16(1), 17(1) or 19(1) and end on the date that is forty-eight hours before the date the election is to be held.

Amendment of
section 26 of
Cap. 7.

12. Section 26 of the Elections Act is amended by adding the following new subsection immediately after subsection (2)—

(3) A person who registers as a voter during the period when registration of voters is suspended for the purposes of a by-election shall not be eligible to be registered as a candidate in the electoral area affected by the by-election.

Amendment of
section 27 of
Cap. 7.

13. Section 27 of the Elections Act is amended by inserting the following new subsection immediately after subsection (1A)—

(1B) Notwithstanding the subsection (1), a coalition political party shall, within fourteen days of registration, submit to the Commission a copy of the coalition political

party's nomination rules certified by the Registrar of Political Parties

Amendment of
section 31 of
Cap. 7.

14. Section 31 of the Elections Act is amended—

- (a) by deleting subsection (2);
- (b) in subsection (2B), by deleting the words “nomination day” and substituting therefor the words “date of the registration of candidates”;
- (c) by deleting subsection (2E);
- (d) by deleting section (2F);
- (e) by adding the following new subsection immediately after subsection (2F)—

(2G) Each political party shall ensure that the not more than two-thirds of the candidates of the political party submitted to the Commission under this section in a general election for parliamentary elections are of the same gender.

Amendment of
section 32 of
Cap. 7.

15. Section 32 of the Elections Act is amended—

- (a) in subsection (1), by deleting the words “nomination day” appearing immediately after the words “days before” and substituting therefor the words “the date for registration of candidates”;
- (b) in subsection (1A), by deleting the word “nomination” appearing immediately after the words “days before” and substituting therefor the words “the date for registration of candidates”;
- (c) by deleting subsection (3) and substituting therefor the following new subsection—

(3) The Commission may refuse to approve the symbol of an independent candidate if the symbol—

- (a) is obscene or offensive;
- (b) is the symbol of a political party or another independent candidate in the same county;
or
- (c) so nearly resembles the symbol of a political party, another independent candidate in the same county or any other legal entity registered under any other written law.

Amendment of
section 33 of
Cap. 7.

16. Section 33 of the Elections Act is amended—

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

- (i) by deleting the word “nominated” appearing in the introductory words and substituting therefor the word “registered”;
- (ii) by deleting the words “nomination paper” appearing in paragraph (b) and substituting therefor the words “registration of candidates form”;
- (iii) by deleting the words “nomination day” appearing in paragraph (c) and substituting therefor the words “date for registration of candidates”;
- (iv) by deleting paragraph (d);
- (c) by deleting subsection (2).

Amendment of
section 34 of
Cap. 7.

17. Section 34 of the Elections Act is amended by inserting the following new subsection immediately after subsection (8)—

(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 nominated.

Amendment of
section 36 of
Cap. 7.

18. Section 36 of the Elections Act is amended by deleting subsection (2) and substituting therefor the following new subsection—

(2) A party list submitted under subsection (1)(a), (c) (d), (e) and (f) shall commence with the name of a female candidate and alternate between male and female candidates in the priority in which they are listed.

Amendment of
section 39 of
Cap. 7.

19. Section 39 of the Elections Act is amended—

- (a) by deleting subsection (1D) and substituting therefor the following new subsection—

(1D) The Commission shall verify that results transmitted are an accurate reflection of the results tallied, verified and declared at the respective polling stations.

- (b) by deleting subsection (1E);
- (c) by deleting subsection (1F);
- (d) by deleting subsection (1G);
- (e) by deleting subsection (2);
- (f) by deleting subsection (3).

Amendment of
section 44 of
Cap. 7.

20. Section 44 of the Elections Act is amended—

- (a) in subsection (4), by deleting the word “and” appearing at the end of paragraph (a) and substituting therefor the word “or”;

Repeal and
replacement of
section 45 of
Cap. 7.

(b) by deleting subsection (5).

21. The Elections Act is amended by repealing section 45 and replacing it with the following new section—

45. (1) The electorate in a county or constituency may recall a member of Parliament elected from the county or constituency before the end of the term of the member on any of the grounds specified in subsection (2).

(2) A member of Parliament may be recalled on any of the following grounds—

- (a) gross violation of the Constitution or any other law;
- (b) incompetence;
- (c) gross misconduct; or
- (d) conviction of an offence punishable by imprisonment for at least six months.

(3) A recall under subsection (1) shall only be initiated within a period of twenty-four months after the election of the member of Parliament and not later than twelve months immediately preceding the next general election.

(4) A recall petition shall not be filed against a member of Parliament more than once during the term of that member in Parliament.

Repeal and
replacement of
section 46 of
Cap. 7.

22. The Elections Act is amended by repealing section 46 and replacing it with the following new section—

46. (1) A recall under section 45 shall be initiated by a petition filed with the Commission and the petition shall be—

- (a) in writing; and
- (b) signed by a petitioner who is a voter in the county or constituency in respect of which the recall is sought.

(2) The petition referred to in subsection (1) shall—

- (a) specify any of the grounds for recall set out in section 27(2);
- (b) contain a list of names of voters in the county or constituency supporting the recall which shall represent at least thirty per cent of the registered voters in that county or constituency; and
- (c) be accompanied by the fee prescribed for an election petition.

(3) The list of names referred to in subsection (2)(b) shall contain the names, address, national identity card number or passport number and signature of the voters supporting the petition.

(4) The petitioner shall collect and submit to the Commission the list of names under subsection (2)(b) within a period of thirty days after filing the petition.

(5) The Commission shall verify the list of names within a period of thirty days of receipt of the list.

(6) The Commission, if satisfied that the requirements of this section are met, shall within fifteen days after the verification, issue a notice of the recall to the speaker of the Senate or National Assembly, as the case may be.

(7) The Commission shall conduct a recall election within the county or constituency within ninety days of the issuance of the notice under subsection (6).

Repeal of
section 48 of
Cap. 7.

23. The Elections Act is amended by repealing section 48.

Amendment of
section 74 of
Cap. 7.

24. Section 74 of the Elections Act is amended—

(a) by inserting the following new subsection immediately after subsection (1)—

(1A) Lodging of disputes under (1) above on registration of candidates for an election shall commence immediately upon the close of registration of candidates for an election and end not later than seventy-two hours after the close of registration of all candidates in that election.

(b) in subsection (2), by deleting the words “ten days” and substituting therefor the words “fourteen days”;

(c) by adding the following new subsections immediately after subsection (3)—

(4) A party list dispute shall be lodged within seventy-two hours of publication of the lists in the newspapers of national circulation.

(5) The Commission shall determine a party list dispute lodged under subsection (4) within seven days after the close of lodging of disputes with the Commission.

(6) An appeal from a decision of the Commission shall lie to the High Court on matters of both law and fact.

(7) The decision of the High Court on an appeal under this section shall be final.

(8) Disputes and subsequent appeals arising from registration of candidates for election shall be heard and determined thirty days before a general election.

Amendment of
section 75 of
Cap. 7.

25. Section 75 of the Elections Act is amended in subsection (4)—

(a) by inserting the following new paragraph immediately after paragraph (a)—

(aa) act as an automatic stay of the execution of the decision of the Magistrate's Court;

(b) by adding the following new subsection immediately after subsection (4)—

(5) The decision of the High Court shall be final.

Insertion of
new section
82A in Cap. 7.

26. The Elections Act is amended by inserting the following new section immediately after section 82—

Scrutiny of
technology.

82A. (1) The Commission shall, pursuant to an order of an election court for a forensic image of the server, memory cards or any other materials, provide the server, memory cards or other materials under confidential cover for scrutiny by the Court.

(2) The Commission shall comply with the Data Protection Act when providing the election court with the server, memory cards or other materials.

(3) The parties to an election petition shall comply with the Data Protection Act when dealing with or otherwise handling the server, memory cards or other materials provided to the election court by the Commission.

(4) The server, memory cards or other materials submitted to the election court under subsection (1) shall be returned to the Commission under confidential cover within seven days of the delivery of the judgment of the election court.

(5) The Commission shall make Regulations to give effect to the provisions of this section.

Amendment of
section 83 of
Cap. 7.

27. Section 83 of the Elections Act is amended in subsection (1), by deleting the word “and” appearing at the end of subsection (1) and substituting therefor the word “or”.

Amendment of
section 85A of
Cap. 7.

28. Section 85A of the Elections Act is amended by adding the following new subsection immediately after subsection (2)—

(3) No second appeal shall lie to the Court of Appeal under this section or any other law from a judgment or decision of the High Court in an election petition concerning the election of a member of a county assembly.

Amendment of
section 109 of
Cap. 7.

29. Section 109 of the Elections Act is amended—

(a) by deleting subsection (3) and substituting therefor the following new subsection—

(3) The Commission shall make or amend its regulations and publish them in the *Gazette* not later than four months before the date of a general election.

(b) by inserting the following new subsection immediately after subsection (3)—

(3A) The Commission shall subject the regulations made or amended pursuant to subsection (3) to public participation in accordance with the Statutory Instruments Act.

Cap. 2A.

(c) by deleting subsection (4).

Amendment of
the Second
Schedule to
Cap. 7.

30. The Elections Act is amended in the Second Schedule—

(a) in paragraph 1, by adding the following new subparagraph immediately after subparagraph (3)—

(4) This Code shall bind all registered political parties and candidates who have executed this Code from the date of execution until the date when the tenure of Parliament or county assemblies lapses.

(b) by inserting the following new paragraph immediately after paragraph 7—

7A. A political party or candidate who contravenes the provisions of the Act relating to the campaign period shall be in breach of the electoral code of conduct.

Repeal of
section 20 of
Cap. 66.

31. The Election Offences Act is amended by repealing section 20.

Amendment of
section 26 of
Cap. 265.

32. Section 26 of the County Governments Act is amended—

(a) by deleting subsection (1);

(b) by deleting subsection (2);

(c) by deleting subsection (3).

Amendment of
section 27 of
Cap. 412A.

33. Section 27 of the Public Finance Management Act is amended in subsection (2), by inserting the words “the judiciary” immediately after the words “allocated to” appearing in paragraph (a)(ii).