REPUBLIC OF KENYA

PARLIAMENT

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SENATE BILLS

(***Bill No. 2 of 2024***)

THE COUNTY GOVERNMENTS ELECTION LAWS (AMENDMENT) BILL, 2024

(A Bill published in the Kenya *Gazette* Supplement No. 35 of 20th February, 2024 and passed by the Senate, with amendments, on 3rd March, 2026.)

THE COUNTY GOVERNMENTS ELECTION LAWS (AMENDMENT) BILL, 2024

A Bill for

AN ACT of Parliament to amend the Elections Act and the County Governments Act to provide for nomination of members of a county assembly to represent marginalised groups and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the County Governments Election Laws (Amendment) Act, 2024.

Amendment of section 36 of Cap 7.

2. Section 36 of the Elections Act is amended –

(a) in subsection (1) by deleting paragraph (f) and substituting therefor the following new paragraph –

(f) Article 177 (1) (c) of the Constitution shall include-

(i) two candidates representing the youth;

(ii) two candidates representing minority groups within the county; and

(iii) candidates with disability reflecting the number of wards in the respective county.

(b) by deleting subsection (3) and substituting therefor the following new subsection –

(3) The party list referred to under subsection (1)(f)(iii) shall take into account the various disabilities including physical, hearing and visual impairments.

(c) by deleting subsection (8) and substituting therefor the following new subsection –

(8) For purposes of subsection (1)(f)(iii), the Commission shall draw from the list, such number of special seat members in the order given by the party, necessary to ensure that at least five percent of the members of a county assembly or two members, whichever is greater, are persons with disability.

Amendment of section 7 of Cap. 7.

3. Section 7 of the County Governments Act is amended—

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

(1) In addition to the members who are elected under Article 177(a) of the Constitution, the members who are nominated under Article 177(b) of the Constitution, and the speaker, a county assembly shall comprise—

(a) two nominated members, being one man and one woman, representing the youth;

(b) two nominated members, being one man and one woman, representing minority groups within the county; and

(c) five percent of the total number of members contemplated in Article 177(a) and 177(b) of the Constitution, and paragraphs (a) and (b) of this subsection or two members, whichever is greater, nominated to represent persons with disability.

(b) in subsection (2) by inserting the following new paragraph immediately after paragraph (a) –

(aa) there is representation of the various categories of disability including permanent physical, mental, intellectual, neurodivergent, developmental or sensory impairments;

(ab) due consideration is given to intersecting forms of discrimination shaped by gender, age, ethnicity, geographical location, social economic status and disability.

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

(3) The number of members nominated under subsection (1)(c) shall—

(a) be reviewed to accord with the number of

wards determined by the Independent Electoral and Boundaries Commission under section 26(3)(a); and

(b) take into account members with disability elected under Article 177(1)(a) of the Constitution.

I certify that this printed impression is a true copy of the Bill as passed by the Senate on 3rd March, 2026.

Clerk of the Senate

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 161 of the Senate Standing Orders.

Speaker of the Senate

PRINTED BY THE CLERK OF THE SENATE