PRESS STATEMENT BY CPA DR. AURELIA C. RONO, CBS, PRINCIPAL SECRETARY, STATE DEPARTMENT FOR PARLIAMENTARY AFFAIRS, ON THE ELECTIONS (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 29 OF 2024)

24 October 2026

The Office of the Principal Secretary, State Department for Parliamentary Affairs has noted with concern, misleading reports regarding the implications of amendments made to the Elections Act vide the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024). In view of the public interest generated by the Bill, the Office wishes to provide clarification on its contents and address inaccurate reports relating to the livestreaming of election results.

The Office wishes to assure members of the public that, contrary to reports suggesting otherwise, the amendment passed by the National Assembly retains the requirement on the Independent Electoral and Boundaries Commission (IEBC) to establish a mechanism for the livestreaming of election results.

1. Background

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.
2. The Bill was referred to the Departmental Committee on Justice and Legal Affairs for public participation and engagement with sector stakeholders, including the IEBC.
3. On Thursday, 22 October 2026, the National Assembly passed the Bill, with amendments.

2. What the Bill Seeks to Do

The Bill, as passed by the Senate and amended by the National Assembly, seeks to:

1. Require the register of voters to be made available for inspection at all times, except for designated periods before an election or referendum.
2. Delete provisions requiring involvement of the IEBC in political party primaries.
3. Revise the provisions on the exercise of the right of recall of a Member of Parliament to ensure conformity with the Constitution.
4. Provide political parties with greater flexibility in the identification and nomination of persons for elective and party-list positions.
5. Suspend the registration of voters during a by-election only in 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.

6. Promote substantive justice, fairness and accountability in the hearing and determination of electoral disputes.

3. Clarification on Misinformation Regarding Livestreaming of Election Results

1. The attention of the Office of the Principal Secretary has been drawn to **FALSE** and **MISLEADING** reports on the implications of the amendments made to the Bill, particularly on the issue of livestreaming of election results.
2. **CONTRARY to these reports, the amendment passed by the National Assembly retains 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 22 September 2026 in **Okoiti & another v Independent Electoral and Boundaries Commission & 5 others [2026] KEHC 13916 (KLR).**
4. In the decision, the High Court 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 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 recast it in a different form. Cognisant 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, following public participation on the Bill and guided by the recent judgment, the National Assembly retained Section 39 of the Elections Act and the attendant established procedure for the determination and declaration of election results.

4. Next Steps

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

The Office of the Principal Secretary **encourages members of the public to seek information on legislative proposals from official sources and to verify information** before sharing it.

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