

**To: National Assembly of Kenya**  
C/O The Clerk Kenya National Assembly  
Parliament Buildings P.O Box 41842 - 00100, Nairobi, Kenya

**PETITION TO PARLIAMENT UNDER ARTICLE 119 OF THE CONSTITUTION AND  
STANDING ORDERS 202 OF THE NATIONAL ASSEMBLY ON THE AMENDMENTS  
TO THE POLITICAL PARTIES ACT 2011, ELECTIONS ACT 2011 AND THE  
VETTING OF JUDGES AND MAGISTRATES ACT 2011 THROUGH THE  
MISCELLANEOUS AMENDMENT BILL 2012**

**WE, the undersigned,**

Citizens of Kenya, representing no less than seventy (70) non governmental, quasi governmental organizations and individuals

**DRAW the attention of the House to the following:**

1. The Constitution of Kenya 2010 reposes all sovereign authority in the People of Kenya;
2. The People of Kenya have delegated legislative authority to Parliament as the representatives of the People;
3. We appreciate the work parliament has done in passing laws in compliance with the dictates of the Constitution
4. On June 20<sup>th</sup> and 21<sup>st</sup>, 2012, a number of very controversial amendments were introduced. These amendments included the amendment of Section 14 of the Political Parties Act 2011, Section 22 of the Elections Act 2011 and Section 23 (2) of the Vetting of Judges and Magistrates Act 2011.
5. We are concerned that the amendments tabled through the Statute (Miscellaneous) Amendment Bill 2012 have provisions that have the effect of negating the very constitutional principles upon which they were enacted;
6. We are aware that the current parliament is on its last days before the next General elections thus the amendments are being made with a measure of bias and self-interest;
7. We strongly oppose the amendments to the Elections Act 2011, the Political Parties Act 2011 and the Vetting and Magistrates Act 2011 through the the Statute (Miscellaneous) Amendment Bill 2012
8. A majority of Kenyans agreed by voting for the constitution that the vetting of Judges and Magistrates be undertaken in order to address the issues surrounding the integrity of the judiciary.
9. We oppose the amendment of the Judges and Magistrates Act that seeks to transfer the vetting of Magistrates to the Judicial Service Commission as commission made up of

PETITION TO PARLIAMENT UNDER ARTICLE 119 OF THE CONSTITUTION AND STANDING ORDERS 202 OF THE NATIONAL ASSEMBLY ON THE AMENDMENTS TO THE POLITICAL PARTIES ACT 2011, ELECTIONS ACT 2011 AND THE VETTING OF JUDGES AND MAGISTRATES ACT 2011 THROUGH THE MISCELLANEOUS AMENDMENT BILL 2012

---

members of the judiciary goes against the principles of independent vetting of the judiciary as envisioned in the constitution.

10. We remind our Members of Parliament that the Constitution and the Public Officers Ethics Act is clear that the Parliament and Public officials shall not confer advantages to themselves and must not make decisions that favour them in the conflict of interest provisions.
11. We oppose the proposal to allow presidential candidates and their running mates to also run for other elective posts as this is in contravention of the constitution and the wishes of Kenyans.
12. We are strongly opposed to the proposal to allow presidential candidates and their running mates to appear on the list of persons who will be nominated members of the National Assembly as per article 97(1(c)). These seats are intended for persons from historically marginalized groups such as persons with disabilities. Persons who have failed to be elected do not in any way constitute a historically marginalized group.
13. We oppose the proposal to allow Public officers intending to contest for an elective seats to stay in office up to 5 months to the election date as compared to the 7 months as prescribed in the constitution
14. We oppose the amendment to the Political Parties Act to allow for persons who are standing for elective office to change their party severally up until to two months to the date of the general election.
15. The various amendments tabled in the Statute (Miscellaneous) Amendment Bill 2012 out rightly breaching the letter, purpose and spirit of the Constitution;

**THEREFORE, your humble Petitioners PRAY that Parliament and the Government of the Republic of Kenya:**

- a) That this Petition be dealt with immediately in view of the urgency of this matter.
- b) That all amendments that are of a substantive nature that have the effect of changing the import of the relevant law be dropped pending public participation on the veracity and necessity of the amendment.



**PETITION TO PARLIAMENT UNDER ARTICLE 119 OF THE CONSTITUTION AND STANDING ORDERS 202 OF THE NATIONAL ASSEMBLY ON THE AMENDMENTS TO THE POLITICAL PARTIES ACT 2011, ELECTIONS ACT 2011 AND THE VETTING OF JUDGES AND MAGISTRATES ACT 2011 THROUGH THE MISCELLANEOUS AMENDMENT BILL 2012**

---

No.	NAME OF PETITIONER	FULL ADDRESS	NATIONAL ID/PP NO	SIGNATURE

**Therefore, your humble Petitioners pray that Parliament and the Government of the Republic of Kenya:**

- a) That this Petition be dealt with immediately in view of the urgency of this matter.
- b) That all amendments that are of a substantive nature that have the effect of changing the import of the relevant law be dropped pending public participation on the veracity and necessity of the amendment.
- c) That the Speaker of the House invoke his mandate and duty to restrain the House from debating proposals that have the potential of breaching or in any way undermining the Constitution
- d) That the House proceeds to debate and urgently enact the Bill related to the enforcement of Chapter six of the Constitution, namely on Leadership and Integrity;
- e) That parliament focuses its energy in scrutinizing the budget with a view of strengthening the realization of the economic and socio-cultural rights now enshrined in the Constitution;
- f) That Parliament do prioritize the enactment of the law that will facilitate the application of Article 104 on the Right of Recall by the voters.

**PETITION TO PARLIAMENT UNDER ARTICLE 119 OF THE CONSTITUTION AND STANDING ORDERS 202 OF  
THE NATIONAL ASSEMBLY ON THE AMENDMENTS TO THE POLITICAL PARTIES ACT 2011, ELECTIONS  
ACT 2011 AND THE VETTING OF JUDGES AND MAGISTRATES ACT 2011 THROUGH THE MISCELLANEOUS  
AMENDMENT BILL 2012**

---

And your petitioners will ever pray.

**Petitioned and dated at Nairobi this 25<sup>th</sup> day of June, 2012**



**PETITION TO PARLIAMENT UNDER ARTICLE 119 OF THE CONSTITUTION AND STANDING ORDERS 202 OF  
THE NATIONAL ASSEMBLY ON THE AMENDMENTS TO THE POLITICAL PARTIES ACT 2011, ELECTIONS  
ACT 2011 AND THE VETTING OF JUDGES AND MAGISTRATES ACT 2011 THROUGH THE MISCELLANEOUS  
AMENDMENT BILL 2012**

---

**PETITION TO PARLIAMENT UNDER ARTICLE 119 OF THE CONSTITUTION AND STANDING ORDERS 202 OF  
THE NATIONAL ASSEMBLY ON THE AMENDMENTS TO THE POLITICAL PARTIES ACT 2011, ELECTIONS  
ACT 2011 AND THE VETTING OF JUDGES AND MAGISTRATES ACT 2011 THROUGH THE MISCELLANEOUS  
AMENDMENT BILL 2012**

---