

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 19<sup>th</sup> January, 2023

### Special Sitting

*(Convened via Kenya Gazette Notice  
No.455 of 17<sup>th</sup> January, 2023)*

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.30 p.m.*

*[The Speaker (Hon. Kingi) in the Chair]*

### PRAYER

DETERMINATION OF QUORUM  
AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Kingi): Clerk, do we have quorum? Okay, let us proceed with the first Order of the day.

### COMMITTEE OF THE WHOLE

*(Order for Committee read)*

*[The Speaker (Hon. Kingi) left the Chair]*

### IN THE COMMITTEE

*[The Temporary Chairperson (Sen. Abdul Haji) in the Chair]*

THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILLS No. 49 OF 2022)

*(Sen. Cheruiyot on 19.01.2023)*

*(Resumption of debate interrupted on 19.01.2023)*

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- morning sitting)

**The Temporary Chairperson** (Sen. Abdul Haji): Hon. Senators, we are in the Committee of the Whole to discuss the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No. 49 of 2022). I will ask the Clerk to read the amendments of the Committee on Justice, Legal Affairs and Human Rights and the other amendments.

*Clause 2*

**The Temporary Chairperson** (Sen. Abdul Haji): The amendments are to be moved by the Chairperson of the Committee on Justice, Legal Affairs and Human Rights.

*(Sen. Wakili Sigei consulted the Clerk-at-the-Table)*

Chairperson of the Committee on Justice, Legal Affairs and Human Rights, kindly proceed.

**Sen. Wakili Sigei:** Mr. Temporary Chairman, Sir, I rise as the Chairman of the Committee on Justice, Legal Affairs and Human Rights. In the morning, we had our report placed before the House. Upon consultation with Members of the Committee, I would like to withdraw the proposed amendment from the Floor of the House.

I thank you.

**The Temporary Chairperson** (Sen. Abdul Haji): Thank you, Senator. The amendment having been withdrawn, we will move to the other amendment by Sen. Catherine Mumma, MP. Can we have Sen. Mumma move her amendment?

**Sen. Mumma:** Thank you, Mr. Temporary Chairman, Sir, for giving me this opportunity.

I beg to move-

THAT the Bill be amended by deleting Clause 2 and substituting therefor the following new clause –

Amendment of the First Schedule to No. 9 of 2011. 2. The First Schedule to the Independent Electoral and Boundaries Commission Act, 2011 is amended in paragraph (1) by –

- (a) deleting sub-paragraph (2) and substituting therefor the following new sub-paragraph –
  - (2) The Selection Panel shall consist of –
    - (a) one man and one woman nominated by the Parliamentary Service Commission;
    - (b) one man and one woman nominated by the majority and minority political parties represented in the Political Parties Liaison Committee at the national level;
    - (c) one person nominated by the Law Society of Kenya; and

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- (d) one man and one woman nominated by the Inter-Religious Council of Kenya.
- (b) deleting the expression “(2)(b) and (c)” appearing immediately after the words “bodies under sub-paragraphs” in subparagraph (3) and substituting therefor the expression “(2)(b), (c) and (d).”

Mr. Temporary Chairman, Sir, I will briefly explain my amendment. Hon. Members, my amendment takes into account the conversations we had this morning.

It proposes that two persons be nominated by the Parliamentary Service Commission (PSC), two persons to be nominated by the Inter-Religious Council of Kenya (IRCK), two persons to be nominated by political parties represented in the Political Parties Liaison Committee (PPLC), and one person to be nominated by the Law Society of Kenya (LSK). This will help to accommodate the fears around representation of religious bodies. It will also allay fears around representation of nominees from the PSC.

I request Sen. Maanzo to second.

**The Temporary Chairperson** (Sen. Abdul Haji): There is no need of seconding during the Committee of the Whole.

*(Question of the amendment proposed)*

Is it a point of order, Sen. Osotsi?

*(Sen. Osotsi spoke off record)*

Sen. Osotsi, do you have a point of order?

**Sen. Osotsi:** Mr. Temporary Chairman, Sir, I stand to support the amendment by Sen. Mumma. That is the best arrangement that resulted from the discussions we had in the morning. Members of the Committee on Justice, Legal Affairs and Human Rights discussed and we are ready to go by that amendment.

As we said in the morning, the work of the Selection Panel is to select members of the Independent Electoral and Boundaries Commission (IEBC). Therefore, political parties must be given a lot of space. Political parties will be given space under the Parliamentary Service Commission, where they will appoint two people. The PPLC will also bring two people. In total, there will be four people.

If we agree on that, we will be in a better position than what had been proposed by the National Assembly. This side of the divide will be more than willing to support this position that has been brought by Sen. Mumma.

For those few remarks, I support the amendment.

**Sen. Maanzo:** Mr. Temporary Chairman, Sir, I rise to support the amendment. The reasoning is that for you to have a balance, one man and one woman should be nominated by the Parliamentary Service Commission, and again, one man and one woman should be nominated by the majority and minority political parties. That makes

the total four. That means that the nominee by the Public Service Commission will be dropped.

There is justification of doing that. The Public Service Commission does the shortlisting. Therefore, if it continues to be here, it means it will be playing two roles.

For the purpose of balancing the political parties, initially, we were to have one person nominated by the Public Service Commission and one person nominated by political parties, but there are two divides of political parties. That is the majority and the minority.

If you give both the majority and the minority one slot only, it means it can only fall on one side. Therefore, this balances and justifies the action and leaves the participation of political parties as key players in this amendment.

I support and believe that Members will support this. The Public Service Commission has its role in the Constitution. It will participate in one way or another by doing the shortlisting. Therefore, it is already catered for.

I thank you, Mr. Temporary Chairman, Sir.

**Sen. Sifuna:** I thank you, Mr. Temporary Chairman, Sir, for the opportunity to speak to the amendment brought by Sen. Mumma. Like I said in the morning, I had only two problems with the proposals as they were in the morning. That is Clause 2(b) and (c).

My position was that, in fact, the Public Service Commission, being a partisan organisation in the manner in which it is constituted, would represent an imbalance in terms of the public perception as to the fairness of this particular panel.

As we all understand, politics is all about perception. We must start this particular journey towards an IEBC that will be responsible for 2027 General Elections with the full confidence of all the political players and all sectors of the society.

I believe that this particular amendment brought by Sen. Mumma will ensure that we achieve just that. Not only does it seek to achieve that perception of fairness in terms of the political balance of the people or organisations that are being represented on that particular panel, but also in terms of gender because for the first time, it is making it clear that even the Parliamentary Service Commission slots being two, we will have one man and one woman and from the PPLC, we will also have one man and one woman and representatives of the minority and the majority parties.

I am also happy that she has seen it fit to retain the position of the LSK for reasons we advanced here in the morning. We will also have one man and one woman nominated by the IRCK.

With those few remarks, I stand to support the amendment as proposed by Sen. Mumma.

**The Temporary Chairperson** (Sen. Abdul Haji): Thank you. Let us now listen to Sen. William Kipkemoi Kisang.

**Sen. Kisang:** Earlier in the morning, I said that the role of the Public Service Commission (PSC) is to bring in their expertise in Human Resource (HR). If we drop the nominee from this Commission, where shall we get that type of wisdom considering that they are the experts in the country in human resource management?

Mr. Temporary Chairman, Sir, the proposer of the amendment should have dropped the Law Society of Kenya (LSK) and retained the one for the Public Service Commission (PSC).

I oppose the amendment.

**The Temporary Chairperson** (Sen. Abdul Haji): Thank you.

**Sen. Kathuri:** Thank you, Mr. Temporary Chairman, Sir. I contributed in the morning and requested Members to walk together in this matter. The Public Service Commission (PSC) is an integral part of our society and it carries a lot of voiceless people who do not belong to the political parties. Removing this Commission from this Panel is not the right thing to do.

I, therefore, oppose that amendment.

**The Temporary Chairperson** (Sen. Abdul Haji): Thank you, Senator.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Temporary Chairman, Sir. I will struggle to be convinced by the argument being pushed by Sen. Mumma. The Public Service Commission (PSC) is one of the Chapter 15 Independent Commissions.

The Chairperson, Vice Chairperson and the seven Members are appointed and approved by the National Assembly. How can you refer to an institution that has gone through all those checks as a partisan constitutional commission, deny them an opportunity in the selection panel and give the same slot to the Political Parties Liaison Committee (PPLC)? I do not know who is the Chair or the Secretary General of that body. I struggled to be convinced by Members of the National Assembly on how they allowed them in the first place.

This is a body made up of many political parties, yet in this House, we hardly know more than five political parties. You are told that, that body has around 120 political parties in Kenya. Many of those are briefcase carriers who are idle. In fact, they are akin to the Bunge La Mwananchi at Jevanjee Gardens.

Mr. Temporary Chairman, Sir, do we give more slots to those over the Public Service Commission (PSC)? I strongly feel---

**The Temporary Chairperson** (Sen. Abdul Haji): What is your point of order, Sen. Osotsi?

**Sen. Osotsi:** Mr. Temporary Chairman, Sir, the Senate Majority Leader is misleading this House by claiming that the PPLC is an amorphous organization, yet he is well aware that this is a recognized body in the Political Parties Act. I have served as a member of PPLC.

Is the Senate Majority Leader in order to mislead this House by claiming that PPLC is like Bunge La Mwananchi? This body has been involved in the electioneering process. Majority of discussions around the Independent Electoral and Boundaries Commission (IEBC) involve PPLC.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Chairman, Sir, I cannot debate Sen. Osotsi when it comes to political parties' matters considering he knows how to survive in political parties. He survived the last parliamentary term even after falling out with his party leader. He knows a lot about intrigues of political parties.

My argument is that you cannot compare the Public Service Commission (PSC) with the PPLC. The Commission is a corporate body established by the Constitution, not a statute and it nominates its members, who get approved by both sides in the National Assembly. We are being misled here.

**The Temporary Chairperson** (Sen. Abdul Haji): What is your point of order, Sen. Sifuna?

**Sen. Sifuna:** Mr. Temporary Chairman, Sir, is the Senate Majority Leader in order to mislead the House as to how Members of the Public Service Commission (PSC) are appointed?

The law is clear that the appointing authority is the President. Let him not hide that fact. When he spoke about the appointments, he skipped that and went straight to the National Assembly. The names originate from the President.

**The Senate Majority Leader** (Sen. Cheruiyot): Is Sen. Sifuna forgetting that the President is, first, a symbol of national unity? Secondly, the Presidency is the highest office in the land. Thirdly, we are a constitutional democracy that observes the presidential system. The fact that a President nominates means that there are checks in the sense that the National Assembly Members of his party get to vet those people.

If they find the people nominated by the President do not fit the bill, they reject them. If you read our Constitution, the definition of who can serve in the Public Service Commission (PSC) is laid out. Persons who have been in politics in the last five years do not qualify to serve in that body. It has serious checks and the President cannot wake up and nominate every Tom, Dick and Harry. There are procedures laid out by the Constitution on how one gets to be nominated as a member of the Public Service Commission (PSC).

Mr. Temporary Chairman, Sir, I struggle to understand how the House can take that slot meant for the Parliamentary Service Commission (PSC) and give it to the PPLC. Sen. Wakili Sigei has agreed with those who spoke in the morning that we cannot legislate ourselves out of work.

Sen. Okiya Omtatah has reduced Parliament from four to two slots. Now, we want to reduce ourselves again from two to one. That is why I rose and said that I struggle to understand how we could do that. I am glad that the Chairman of the Justice and Legal Affairs and Human Rights Committee (JLAC) has withdrawn that amendment and, therefore, we are back to the default mode.

We will have two slots for the Inter-Religious Council of Kenya and this is very important. I explained in the morning that it is good for us to have good justification because this is a multi-religious society.

**The Temporary Chairperson** (Sen. Abdul Haji): What is your point of order, Sen. Maanzo?

**Sen. Maanzo:** Mr. Temporary Chairman, Sir, is it in order for the Senate Majority Leader to mention Sen. Okiya Omtatah when he is not here to defend himself? Is Sen. Cheruiyot also stating that Sen Okiya Omtatah is the one who reduced the slots for Parliament?

**The Temporary Chairperson** (Sen. Abdul Haji): Senator, that is not a point of order. Sen. Okiya Omtatah is a Member of this House and he has filed a case in court, which Sen. Cheruiyot was referring to. Therefore, I guide you on that.

**Sen. Maanzo:** Mr. Temporary Chairman, Sir, I accept your guidance.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Chairman, Sir, please, guide Sen. Maanzo to not be frivolous with his points of orders. I thought he was raising a legal issue. We had explained in the morning on how we find ourselves in this situation and the person who took this matter to court.

With the withdrawal of the amendment by Sen. Wakili Sigei, I want to convince the House, including Sen. Mumma, that we are back to square one, where the Bill is as it was brought to the House. Two slots had been given to the Inter-Religious Council of Kenya. In the morning, there were Members who wanted those slots reduced to one. However, others argued that there were people of a different religious persuasion. I believe two slots are good.

**The Temporary Chairperson** (Sen. Abdul Haji): What is your point of order, Sen. Mumma?

**Sen. Mumma:** Mr. Temporary Chairman, Sir, my point of order is to challenge Sen. Cheruiyot's assertion that we fall on default mechanisms, since the Chairperson of JLAC has withdrawn the amendment.

The Order Paper had the JLAC amendment and it had my amendment to it, an issue I spoke to in the morning. I confirm that the Chairperson of JLAC does not represent the Committee. He has not met with the Committee to withdraw. So, when he withdraws, it cannot be said the default mode is the other one. This conversation was done in the Committee and what was left after he withdrew was my proposed amendment.

Is it fair for the Senate Majority Leader to assume that the amendment I have proposed is not anything to look at and the default is what came from the National Assembly?

**The Senate Majority Leader** (Sen. Cheruiyot): It is not my decision as to what will be the eventual arrangement of the Order Paper or what would be the default Bill. That is a decision for the entire House to agree on. I am pushing an argument and persuading Members of the House saying that in my opinion, now that the Committee on Justice, Legal Affairs and Human Rights (JLAHR) has withdrawn; and you have an amendment of which I am not comfortable and perhaps many others do not agree with, I am trying to persuade the whole House because we will vote as a House, that let us revert to what had been proposed by the National Assembly where we had two. I have explained the importance of having two nominees from the Inter Religious Council of Kenya (IRC), two from the Parliamentary Service Commission (PSC), the LSK and PPLC have one.

I humbly request our colleagues that since people are persuaded by different things; some feel strongly about the Public Service Commission (PSC). At least there is unanimity on the Parliamentary Service Commission having two. Let us then just drop the amendments that are being proposed and go back to these other two. In any case, for

heaven's sake, it is a selection panel. It has been specified about how we are going to agree and work upon.

That is my proposal and I wish to request the House to agree with us, so that we conclude this business. We are still supposed to be on recess. Let us go back on recess and carry on with our duties.

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Gataya Mo Fire, please proceed.

**Sen. Gataya Mo Fire:** Mr. Temporary Chairman, Sir, I oppose the amendment by my good friend, Sen. Mumma. The Public Service Commission (PSC) encompasses and brings on board quite a number of sectors in this society. As a House, it would be very unfair for us to deny the Public Service Commission a chance because it is a body that brings on board quite a number of players. So, it is important that Sen. Mumma gets to know that this is a serious body and one we cannot just avoid as a House.

In this respect, I very humbly beg to oppose the amendment.

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Faki, please proceed.

**Sen. Faki:** Asante, Bw. Mwenyekiti wa Muda kwa kunipa fursa hii kuchangia mapendekezo ya mabidiliko ya Sen. Mumma. Mapendekezo ya Sen. Mumma yanatilia maanani sehemu zote ambazo ni muhimu katika mchakato huu wa kuchagua makamishna wapya ambao watahudumia jopo la IEBC.

Tukiangalia, amependekeza apatikane mke na mume katika maswala ya uwakilishaji katika watu ambao watachaguliwa na *Parliamentary Service Commission* (PSC). Vile vile wale ambao wamebakia katika mchakato huo ni kwamba wote watawakilisha wale ambao wanahusika katika mambo hayo. Naona mapendekezo yaliyopandishwa yame---

**The Temporary Chairperson** (Sen. Abdul Haji): Is there a point of order, Sen. Veronica Maina?

*(Sen. Veronica Maina spoke off record)*

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Faki, please, proceed.

**Sen. Faki:** Asante, Sen. Veronica Maina. Pia, karibu na *haircut* mpya mwaka huu.

Bw. Mwenyekiti wa Muda, jopo ambalo limependekezwa litaweza kufanya kazi hii kwa njia nzuri zaidi kuliko lile ambalo lilikuwa limpendekezwa mwanzo katika Mswada ambao ulipita katika Bunge la Kitaifa.

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. (Dr.) Khalwale, please proceed.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Temporary Chairman, Sir. I would like to appeal to Sen. Mumma to think hard and long about her amendment. The strength of this House and of the National Assembly is based on the committee system. You are a Member of JLAHRC elected by a popular vote. During the proceedings in the Committee, you instructed the Chair to make amendments, and the Chair has folded and withdrawn.

Under parliamentary practise, relying on the Committee, the Chair having folded, the Committee has folded. At the moment, there is no evidence before this House that



Sen. Mumma, who has every right to move this amendment, has denounced her membership from the Committee. I appeal to you more and because of you being a legal mind, my sister, I invite you and Sen. Osotsi to read Article 259 on construing of this Constitution.

You are both right when you say that PPLC is not the equivalent of *Bunge la Mwananchi*. You find that truth in the provision of the Political Parties Act. I beg you, under Article 259, the provision of the Constitution supersedes the provision of our statute and you know that. Therefore, so that we do not raise issues on matters which ordinarily should bring the country together, we have had our say, the National Assembly had its say and they have voted.

It would be nice if this country, given the prevailing political pronouncements surrounding elections in the country, if we could see that the Senate and the National Assembly are in agreement. It is so critical. You will be amazed the pronouncements we are making here, when you follow discussions on the new era of social media, you realise how seriously members of the public take what we are doing.

I appeal, Sen. Mumma, please step down your amendment. You will be judged by how you help the Committee and this Senate to succeed.

I oppose the amendment.

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Mungatana, MGH. Please proceed.

**Sen. Mungatana, MGH:** Thank you, Mr. Temporary Chairman, Sir, for giving me the opportunity to also say something about this proposed amendment. I almost always agree with my colleague, Sen. Mumma, because she is a brilliant mind. However, I invite her to rethink dropping the Public Service Commission in the proposed amendment.

We, in the political class, almost always interact at the very top when we are brought in by the electorate. A lot of these people who have stayed in the public service have come up the ranks. They go for training, have degrees, experience and most important, they have institutional memory.

This committee will most likely nominate someone who probably participated in other selection panels for any other constitutional bodies. So, I see that the person who would come there from the Public Service Commission (PSC) will be bringing institutional memory on what he or she did in another panel, maybe a similar panel in selecting some constitutional body.

I urge my colleague to rethink about dropping these people. Most of us who have been in Government and served in Government as Ministers know what capacities our public service has. I ask my learned friend, Sen. Mumma, if she can rethink that. It is not about winning or losing. At the Senate, we almost always try to reach decisions on consensus.

So, I ask my learned friend to rethink that and we allow the Public Service Commission to participate so that we nominate someone who is knowledgeable, someone with experience and institutional memory to be part and parcel of this selection panel so that we get good people to serve as commissioners.

I regrettably have to oppose your amendments.

I thank you.

**The Temporary Chairperson** (Sen. Abdul Haji): Thank you, Senator.

Sen. Kinyua, you may proceed.

**Sen. Kinyua:** Asante, Bw. Mwenyekiti wa Muda, kwa kunipa fursa hii. Nikiangalia marekebisho yaliyoletwa na Sen. Mumma, ninapatwa na shida, yeye kusema ya kwamba katika Jopo la Uteuzi angependa kumwondoa mwakilishi wa Tume ya Utumishi wa Umma.

Ningemwomba kwa unyenyekevu aweze kuondoa hayo marekebisho kwa sababu mwakilishi wa Tume ya Utumishi wa Umma ni muhimu zaidi wakati hii Tume inapofanya kazi yake. Vile ambavyo mwenyekiti wa kamati ambayo walikuwa wakifanya kazi wakiwa pamoja, Sen. Wakili Sigei, ameweza kuondoa marekebisho aliyoyaleta, bila marekebisho, vile ilivyotoka katika Bunge la Kitaifa hivyo ndivyo inafaa zaidi.

Kwa hivyo, ningemwomba Sen. Mumma akubali kuondoa hayo marekebisho ili tupige kura bila ya kujaribu kuondoa mwakilishi huyu wa kamati ya Utumishi wa Umma kwa sababu inafaa zaidi tuwe na mwakilishi pale.

Nimemsikia Seneta wa Kaunti ya Nairobi akisema kwamba siasa ni mtazamo. Ikiwa siasa ni mtazamo, itaonekana aje wawakilishi wa Tume ya Umma hawana mwakilishi yeyote? Hata pale kutakuwa na shida; itaonekana kwamba hata sisi hatuwatambui wafanyikazi wa umma. Yeye mwenyewe alisema kuwa ni mtazamo wa kisiasa na vile vile wale wafanyikazi wa umma ni Wakenya na wanapaswa kuwa na usemi wakati ile tume inapoundwa.

Asante, Bw. Mwenyekiti wa Muda.

**The Temporary Chairperson** (Sen. Abdul Haji): Asante sana, Seneta.

Sen. (Dr.) Murango, you may proceed.

**Sen. (Dr.) Murango:** Thank you, Mr. Temporary Chairman, Sir, for giving me this opportunity. I stand to oppose the amendment by Sen. Mumma.

This is the Public Service Commission against a liaison of political parties. As the name goes, this is the Public Service Commission and we either choose what represents the public or we choose what represents political parties.

I oppose the Motion and I will go with the public for the representation of the Public Service Commission.

I thank you

**The Temporary Chairperson** (Sen. Abdul Haji): Thank you, Senator,

Sen. Mandago, you have the Floor.

**Sen. Mandago:** Thank you, Mr. Temporary Chairman, Sir. I rise to oppose the amendments because the Public Service Commission by its stature represents a very large population of this nation.

If you look at the entire public service, which is close to over a million public servants represented by the Commission, we are therefore as politicians and as a House carrying the aspirations of the public service who are the consumers of the policies and the laws that are passed by this House.

It will look like Parliament is disregarding the Public Service Commission in the decision yet we expect them to implement what this House decides. I therefore think that the Public Service Commission should have a nominee who sits in that panel.

In any case, this House and the National Assembly still have a chance when the names will be forwarded to this House for approval. So, on the question of selection, it will only be fair if we give them a chance to participate.

Secondly, if you look at political parties, the Parliamentary Service Commission, we, as politicians of the House, have been adequately represented by those who are already sitting in that panel. Why should we feel so jittery in having other Kenyans participate in a process that will not be consumed by Parliament only but will be consumed by the rest of the country?

If it is possible we should expand this Committee to include Persons with Disability and the Youth. We should also expand the religious representation because the religions that we have in this country are not only the Muslims and Christians. We have Hindus, Buddhists and the traditionalists. You may notice that every time Parliament is being opened, we have a traditional prayer. Where are their views going to be heard? When are they going to sit in the committees?

I therefore oppose the amendments and second that the Public Service Commission must have a nominee in that panel so that civil servants at least who represent millions of families will also be represented in that panel.

I therefore, oppose the amendments.

**The Temporary Chairperson** (Sen. Abdul Haji): Thank you, Senator.

Sen. Okenyuri, you have the Floor.

**Sen. Okenyuri:** Thank you, Mr. Temporary Chairman, Sir. I also rise to oppose the amendments by my dear Sen. Mumma.

The Public Service Commission is a principal employer of Government. You simply cannot do without the principal employer of Government who actually assess the competences of the people who are going to be selected and leave them out.

If we argue from that angle, then we might as well question the inclusion of the Law Society of Kenya (LSK) which is providing legal expertise just as the Public Service Commission is providing Human Resource expertise.

I thank you.

**The Temporary Chairperson** (Sen. Abdul Haji): Thank you, Senator.

Sen. (Dr.) Oburu, you have the Floor.

**Sen. (Dr.) Oburu:** Thank you, Mr. Temporary Chairman, Sir. I rise to support the amendment by Sen. Mumma. I do so because the inclusion of the Public Service Commission is actually inclusion of the President who is a player in the elections in the nomination of the Select Committee.

As you know, the Public Service Commission is the instrument which the President uses to nominate or appoint people to public service.

**Sen. Kathuri:** Point of information.

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. (Dr.) Oburu, would you like to be informed by Sen. Kathuri?

**Sen. (Dr.) Oburu:** No, I do not need information because I have enough.

*(Laughter)*

Mr. Temporary Chairperson, Sir, I am speaking from a point of knowledge that the President actually uses the Public Service Commission as the instrument for appointing people to the public service.

Therefore, when you include that one and he is also a politician and you also give him a hand in the nomination in Political Parties Liaison Committee and you also give him only one chance in the Parliamentary Service Commission because if they are not two, then there is going to be only one which is also likely to go to the Majority; then you are giving the President who is a player in the elections a hand in the nomination of the Commissioners of the IEBC. As a result, there will be the same perception about the IEBC and there will be demonstrations and demonstrations in this country.

I plead that we do not include the Public Service Commission in this nomination process.

I thank you.

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Methu, you may proceed.

**Sen. Methu:** Thank you, Mr. Temporary Chairman, Sir. I rise to oppose the amendments proposed by Sen. Mumma. I would want to join my colleagues who have spoken and we do not want to belabour the importance and the role that will be played by the Public Service Commission.

Mr. Temporary Chairman, Sir, this morning, we were schooled by Commissioner, Sen. Omogeni, on why we really require LSK to have a nominee in the Selection Panel. Sen. Sifuna gave a lot of input when he worked in the Committee that investigated the impeachment matter last week.

It is on the same strength and breath, that I would want to say the Public Service Commission (PSC), in Article 233(2) of the Constitution, is where the Senator for Meru County wanted to inform our very respected Senator for Siaya County.

You mentioned that appointment will be done by the President. Besides the appointment, there is the role that will be played by Parliament, especially the National Assembly on approval. If anybody is seen not to be of conduct and standing of sufficient integrity, the check is the National Assembly. I believe the people that are serving in the Public Service Commission (PSC) are competent enough. I oppose a proposal to have the slot meant for the Public Service Commission (PSC) taken to any other side.

In fact, to even propose that we take it from the Public Service Commission (PSC) and give it to the Political Parties Liaison Committee (PPLC) makes it worse. It was a bad situation and it is even being made worse. So, I oppose the amendments.

**The Temporary Chairperson** (Sen. Abdul Haji): Thank you, Senator.

Sen. (Prof.) Tom Ojienda, SC, proceed.

**Sen. (Prof.) Tom Ojienda, SC:** Thank you, Mr. Temporary Chairman, Sir. I want to address the House on a different perspective. I will borrow from the constitutional perspective as ligated in Petition No.364 of 2020: Okiya Omtatah versus Attorney General and five others.

I believe the Committee has considered this particular petition and the reason why it was allowed. Therefore, from where I stand, I disagree fundamentally on questions of law on the effect of the amendments.

The amendment is attractive because if you remove a nominee from the Public Service Commission (PSC) and take that position to another body; if you take it to the PPLC and appoint another member as Sen. Methu proposes, you then create weight in favour of politicians. That was the sense of the Petition.

If you take the position to the Parliamentary Service Commission (PSC) and have two representatives, then again the question is whether you are not weighing too heavy and giving politicians a majority in the seven representatives and have four: three.

Therefore, Mr. Temporary Chairman, Sir, the concern is that the Public Service Commission (PSC) is seen to create a fair balance in terms of representation in the Committee. It is because where you have a member of LSK, he or she is an independent member. Two members appointed by IRCK are again considered to be fair or balanced individuals.

Now, the representative of the Public Service Commission (PSC) is also seen as independent, although I hear Sen. (Dr.) Oburu say that as an appointee of the President, he is likely to have a leaning to the President. However, I think the contribution that we should be having here is how to meet the objectives of the outcome of Okiya Omtatah and the Attorney General, to ensure that whatever panel we have, does not have politicians as a majority and therefore, bring a fair process.

However, remember as well that the appointment process--- If you look at (2) that is not amended, it will comply with the basic principles contained in the Constitution. I think we are running ahead of ourselves by thinking of what kind of people we are likely to have. The dictates of the Constitution mandates whichever body that will be appointing people to the IEBC to appoint people with integrity and individuals who satisfy the requirements of Chapter Six of the Constitution.

My very good and one of my closest friends, Sen. Mumma, brought this amendment. In my view, this amendment will take away the balance and create weight in favour of politicians and, therefore, violate the very principles as the court set out in Okiya Omtatah petition.

**The Temporary Chairperson** (Sen. Abdul Haji): Thank you, Senator. Senator, are you opposing or supporting the amendment.

**Sen. (Prof.) Tom Ojienda, SC:** Mr. Temporary Chairman, Sir, I think it is obvious that from what I have submitted, *in extenso*, I oppose the amendments.

**The Temporary Chairperson** (Sen. Abdul Haji): Thank you, Senator.  
Sen. Veronica Maina, proceed.

**Sen. Veronica Maina:** Mr. Temporary Chairman, Sir, I rise to oppose the amendment proposed by my colleague, Sen. Mumma. It is for the reason that when I look at the reason that was brought from the National Assembly for the amendments of this Bill, it is my view that the proposal by the National Assembly presented a very balanced Selection Panel.

The Public Service Commission (PSC) is an independent Commission established under the Constitution. By allowing Public Service Commission (PSC) to participate in the Selection Panel or to appoint somebody to represent their interests in the Selection Panel, we will be giving the Selection Panel an opportunity to tap into the

professionalism and the expertise offered by an independent Commission which is best positioned to speak into personnel matters and development of human resource.

Mr. Temporary Chairman, Sir, I know Sen. Prof. Tom Ojienda, SC has already spoken to the kind of balance that has been achieved by the proposed Selection Panel. We have the Parliamentary Service Commission (PSC) which is made up of partly elected Members proposed into it. So, it offers the political class an opportunity to propose members.

The Public Service Commission (PSC) is the one entrusted by Kenyans under the Constitution, to handle matters professionally on human resource. If you look at PPLC, it gives the contending parties in the political sphere an opportunity to select members into the panel.

The proposal to have one person from LSK gives Kenyans an opportunity to have a representative who is coming from a watchdog institution in Kenya. This covers both the public and private.

We then have the one man and one woman nominated by the IRCK. Should I call that the moderating panel? It is the sober panel that will look at both ends of the coin and give a balanced perspective.

Mr. Temporary Chairman, Sir, I rise to oppose the proposal by Sen. Mumma, suggesting that we remove the Public Service Commission (PSC). I support the proposal for amendments from the National Assembly as it is.

**The Temporary Chairperson** (Sen. Abdul Haji): Thank you, Senator.

Sen. Omogeni, proceed.

**Sen. Omogeni:** Mr. Temporary Chairman Sir, for the record I find myself in the very unfamiliar territory where I have to differ with my colleague, Senior Counsel Prof. Ojienda who has gone on record as opposing this amendment.

I appeal to the Majority side to rise to the occasion and be the upper House. This is a House of reason. Sen. Cheruiyot, Majority Leader, you have done very well in the past. I want us to reflect and read the spirit of Article 127 that creates the Parliamentary Service Commission. It recognizes that the Parliamentary Service Commission represent the government and the minority side.

If we create one position for the Parliamentary Service Commission, we are going into legal problems. We are giving room for another Sen. Omtatah to go to court and say that the amendment will be locking out one political side. Read Article 127. I hope---

**Senate Majority Leader** (Sen. Cheruiyot): On a point of information Mr. Chairman, Sir.

**The Chairperson** (Sen. Abdul Haji): Do you want to be informed?

**Sen. Omogeni:** The only person I can allow to inform me is my neighbor, the Senate Majority Leader.

*(Laughter)*

**The Senate Majority Leader** (Sen. Cheruiyot): I want to inform my good neighbour that it was the Committee that was proposing what you are talking about. It was reducing the slots of the Parliamentary Service Commission, a constitutional body of which you are a member from two to one slot.

In the morning, I argue against it on the same basis that you are arguing. The Chair of the Committee on Justice, Legal Affairs and Human Rights has been convinced and since---

My other good neighbour is distracting him. Allow me to have the full attention of my good neighbour, Sen. Omogeni. The Chair of Committee on Justice, Legal Affairs and Human Rights has since agreed with you in that position that the Parliamentary Service Commission needs two slots. He has therefore, withdrawn his amendment.

The person who now is putting us in a very difficult situation for those of us who love this Constitutional Commissions is my good friend and neighbour from Kisumu County -Sen. Mumma. She wants us to deny the Public Service Commission- a constitutional body a slot and give it to Political Parties Liaison Committee (PPLC).

It is for that good reason that you see, Senior Counsel, a man who believes in the rule of law, the good Senator Prof. Ojienda has said in all fairness, he does not think that will be a fair proposal.

I plead with you, Sen. Omogeni, because I know now you have good reason to agree with Sen. (Prof.) Ojienda so that we can conclude on this matter and move ahead. That is what I wanted to inform you.

**Sen. Omogeni:** I thank the Senator of Kericho, my good neighbor, for that information. That is of some comfort now. If the Parliamentary Service Commission has two slots, that is in compliance with Article 127 of the Constitution and should be okay.

Secondly, is this idea of bringing on board the Public Service Commission. Distinguished Senators, we all know that IEBC should as far as possible reflect a body that is independent, non-partisan and non-leaning, that can enjoy the confidence of Kenyans. They are a referee in a political contest.

Let us not pack the Panel with people whose allegiance is to the National Executive. Let us try and create a panel of people who are not tied to the Executive of the day.

The proposal on the table, I understand, is to expand space for the PPLC so that we do away with the Public Service Commission. If you read the Constitution, if the wisdom of Kenyans was to allow to the Public Service Commission, ask yourself why the Public Service Commission was excluded from picking commissioners of IEBC.

If you read that Chapter, it is called the Independent Electoral and Boundaries' Commission. Sen.(Dr.) Khalwale, underline the word Independent. There should not be any inkling of overreach from the Executive on IEBC. We all want to go to an electoral contest where the referee is non-aligned and able to conduct an election that Kenyans can term to be free and fair.

We do not need to bring the Public Service Commission to picking commissioners of an independent office. We do not want to open ourselves to litigation.

The National Assembly can make mistakes but we as an upper House, the Senate should rise to the occasion. I urge you to agree with the Amendments proposed by Sen. Mumma.

I support.

**Sen. Thang'wa:** Thank you, very much, Mr. Temporary Chairman, Sir. I rise to oppose the Amendment for the following reasons: as per our Constitution, one of the mandates of the Public Service Commission is to promote good governance.

Do we want to deny such a body that is mandated by the Constitution to promote good governance from taking part in the democracy of our nation? The Public Service Commission is the only mandated Commission to establish offices and abolish them, appoint persons to hold or act in those offices yet we do not want them to take part in formation of the Selection Panel that will select the IEBC commissioners that will for sure represent the democracy of this nation.

Article 234 of the Constitution gives that mandate to the Public Service Commission. The other reason for opposing that amendment is that the role of PPLC is that they are supposed to provide a platform for dialogue between the Registrar of Political Parties, the Independent Electoral and Boundary Commission and political parties.

They are the arbitrators. Do we want to give the arbitrators an opportunity to appoint people in a commission where they will be mandated to arbitrate upon? You cannot send somebody to be a spy wherever you are supposed to be arbitrating. One person is enough. Giving them two people will be too much.

Whoever brought this PPLC did not do enough research but since it is there, we will do with it for now.

Mr. Temporary Chairman, Sir, I urge the side of the Minority as we have been urged by Sen. Omogeni, let us rise to the occasion. Give the slot to only office that is mandated to establish offices to give us a Selection Panel.

If I remember very well, the only department that outlives politicians is the Public Service. We go and come. Who want a country that has good governance other than the Public Service Commission?

I urge this Senate to stand with the amendments as they were moved by the Senate Majority Leader and we do away with the new amendment because the country is waiting. We would like the President to appoint this Panel so that we can have the commissioners.

I know I mentioned something which Sen. Mumma said, "there you go." I mean that after we pass this, the President has seven days to approve it so that the Panel can sit and start nominating the commissioners.

I oppose the amendment.

**The Temporary Chairperson** (Sen. Abdul Haji): Hon. Senators, there is a lot of interest in this debate and we seem to be taking a lot of time. I would like to guide the House that the remaining Members who want to contribute should spend a maximum of two minutes.

**Sen. Wafula:** Asante, Mwenyekiti wa Muda, kwa nafasi hii ambayo umenitunuku. Ni nafasi yangu ya kwanza kutaja au kuchangia pakubwa kuhusiana na swala la IEBC na mchakato mzima wa kikosi cha kuchagua watu hawa.

Tume ya Serikali ambayo inahusishwa pakubwa kuajiri watu kazi ni lazima ipewe nafasi yake kikatiba ili iwape Wakenya watu ambao wana tajriba, wakakamavu, historia yao inaeleweka na wanaweza kuwajibika katika majukumu yao.



Iwapo Bunge hili la Seneti litawapiga mgongo ama kuwakata miguu, itakuwa tunawaambia Wakenya tume hiyo haina haki ya kufanya kazi kikatiba jinsi ilivyokuwa inafanya.

Mimi ninapinga mabadiliko hayo nikisema kwamba Mswada huu uendelee kama ulivyotoka katika Bunge la Kitaifa, ili tuwakikishe kwamba tunafiki malengo ya kidemokrasia na ya Serikali kuhakikisha kwamba kura zinapopigwa, zinawajibika, kueleweka na matokeo yanawafurahisha Wakenya wote.

Kwa hayo, ninapinga mabadiliko haya na tuende pamoja kama Bunge la Seneti.

**Sen. Osotsi:** On a point of order.

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Osotsi, you want to stand on a point of order but you have not indicated here and there is nobody on the Floor. So, can we have Sen. Beatrice Akinyi?

**Sen. Ogola:** Thank you, Mr. Temporary Chairman, Sir, for giving me the chance to add my voice to the amendment Bill before the House. Going by the presentation about the Public Service Board, you would think that we did not need other members of the panel and that the PSC would be able to do all that the panel should do. However, two things stand out for me today.

In the morning, I heard the Senate Majority Whip say that we are not here to pick commissioners. This afternoon, I heard the Senate Majority Leader say that this is just a panel.

Mr. Temporary Chairman, Sir, the process of recruitment begins from the selection panel. Everything that ends well begins well. That is why we are taking our time to add our voice to this process of the selection panel. This is because if the selection panel does not do a good job, we will not end up with the commissioners that we desire.

My concern today is, at the end of it, I am not sure whether to oppose or support. This is because in sub-paragraph of the selection panel, I would have loved from the onset, to see a component of one person nominated by an umbrella of women organization.

**The Temporary Chairperson** (Sen. Abdul Haji): Senator, your time is up.

Sen. Osotsi, what is your point of order?

**Sen. Osotsi:** Mr. Temporary Chairman, Sir, I rise on Standing Order No. 38 and 153.

Standing Order No.38(1) reads-

“At any time during the proceedings, a Senator may, for reasons stated claim to move “That, the Senate do suspend its proceedings for.... (time)... in order to...”

(5) A suspension under this Standing Order shall not exceed sixty minutes or such other time as the Speaker may direct”

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Osotsi, let me guide you. We are in a Committee of the Whole.

**Sen. Osotsi:** I am coming to that. That is Standing Order No. 38. If you go to Standing Order No. 153, on reporting progress, it reads-

“If any Senator, before the conclusion of the proceedings on a Bill in a Committee of the Whole House, moves to report progress and such Motion is

carried, the Chairperson shall leave the Chair and the Chairperson or, if the Chairperson has taken the Speaker's Chair, the Senator in charge of the Bill, shall report progress to the Senate and shall seek leave to sit again, and a day for the resumption of the proceedings shall be determined by the Senate Business Committee in consultation with the Senator in charge of the Bill.

Mr. Temporary Chairperson, Sir, you clearly see the direction that this matter is taking. We came here in the morning and the mood of the House was bipartisan but this afternoon, things seems to have changed.

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Osotsi, please approach the Chair.

*(Sen. Osotsi, Sen. Muma, Sen. (Dr.) Khalwale and Sen. Cheruiyot approached the Chair)*

Hon. Senators, we shall proceed with the debate. The remaining Senators will have a minute to contribute. They are Sen. Mwaruma, Sen. Kavindu Muthama and Sen. Mundigi.

Proceed, Sen. Munyi Mundigi.

**Sen. Munyi Mundigi:** Bw. Mwenyekiti wa Muda, naunga mkono pendekezo kwamba tupitishwe Mswada huu vile ulivyo kwa sababu ulijadiliwa katika Buge la Taifa na ukapitishwa. Tupitishwe majina haya vile yalivyo.

Ningependa kumkosoa Sen. (Dr.) Oburu Odinga---

**Sen. Faki:** Hoja ya nidhamu, Bw. Mwenyekiti wa Muda.

**The Temporary Chairperson** (Sen. Abdul Haji): What is your point of order, Sen. Faki?

**Sen. Faki:** Bw. Mwenyekiti wa Muda, ningependa kumkumbusha Sen. Mundigi ya kwamba hatujafikia wakati wa kupiga kura. Tunajadili mapendekezo ya mabadiliko yaliyopendekezwa na Sen. Mumma. Pili, hakuna majina yaliyopendekezwa.

**The Temporary Chairperson** (Sen. Abdul Haji): Proceed, Sen. Mundigi.

**Sen. Munyi Mundigi:** Bw. Mwenyekiti wa Muda, Sen. (Dr.) Oburu Odinga amesema kuwa Mswada huu ukipitishwa ulivyo, tutakuwa na maandamano mara kwa mara. Kutoka tupate uhuru, kila baada ya miaka tano, huwa kuna maandamano. Tumezoea maandamano. Kwa hivyo, hakuna wakati walio wachache watakubali matokeo ya uchaguzi hata wakishindwa. Kwa hivyo, naomba tupitishwe Mswada huu vile ulivyo.

*(Laughter)*

**The Temporary Chairperson** (Sen. Abdul Haji): Proceed, Sen. Mwaruma.

**Sen. Mwaruma:** Mr. Temporary Chairman, Sir, I take this opportunity to respectfully oppose this amendment by Sen. Mumma on the strength that we do not know the calibre and qualifications of the people who are appointed by the Parliamentary Service Commission (PSC) and religious groups. Similarly, we do not know the qualifications and type of people who would come from the political parties.

The one thing that I know is that the most qualified persons to do this exercise are the members of the PSC. In a game, there are what we call utility players. In the whole of this proposed IEBC Selection Panel, the most qualified person will be that one from the PSC. We would require a marking scheme or rubric to evaluate the IEBC commissioners to be. The person who would do that work perfectly would be a member of the PSC.

I know Sen. Mumma wanted to cure the fact that we would have only one nominee from the PSC. However, the Chairperson of the Committee on Justice, Legal Affairs and Human Rights has removed the amendment. I will be comfortable to have two members from the PSC; one from the Minority and the other one from the Majority side. Therefore, I am comfortable with the initial Bill as it were.

I thank you, Mr. Temporary Chairman, Sir.

**The Temporary Chairperson** (Sen. Abdul Haji): The Senate Minority Leader, you may proceed.

**The Senate Minority Leader** (Sen. Madzayo): Asante, Bw. Mwenyekiti wa Muda. Naunga mkono mapendekezo ya Sen. Mumma. Ukweli wa mambo ni kuwa sisi sote ni binadamu. Sen. Wakili Sigei ambaye ni shupavu katika masuala ya sheria asubuhi alipendekeza marekebisho kwa Mswada huu. Hata hivyo, amerudi hapa alasiri na akageuza mwelekeo. Tumejipata katika njia panda. Nasema hivyo kwa sababu sisi hatuwezi kuwa *conveyor belt* ya Bunge la Taifa. Kama wao hawawezi kufanya kazi kisawasawa, sisi tutafanya kazi yetu kisawasawa.

Kamati ya Haki, Masuala ya Kisheria na Haki za Kibinadamu inaheshimiwa sana hapa Seneti. Ripoti zinazotokana na Kamati hiyo ni muhimu kwani zinaongoza sheria tunazopitisha hapa Seneti. Kama tunavyojua kuna leo na kesho. Leo, unaweza kupitisha sheria inayokupendelea wewe na kesho sheria hiyo hiyo, ikukate wewe ukijipata upande huu mwingine.

Wenzangu tuliokuwa nao katika Bunge la Kumi na Moja na Bunge la Kumi na Mbili watakumbuka kuwa kulikuwa na kiongozi hapa ambaye leo ninavaa viatu vyake aliyeitwa Sen. James Orenge ambaye alituonya kwamba tuwewaangalifu wakati tunajadili na kupitisha sheria hapa Seneti. Tusijetukapitisha sheria ambazo zitatukimbiza kwa ofisi yake tukitaka utetezi. Naona tutajipata katika hali aliyotabiri mhe. Orenge kama tutapitisha Mswada huu jinsi ulivyo.

Sen. Wakili Sigei, ambaye ni Mwenyekiti wa Kamati ya Haki, Masuala ya Kisheria na Haki za Kibinadamu alitueleza vizuri sana katika kikao cha asubuhi lakini sasa amegeuka kama kinyonga ambaye hugeuka rangi mara kwa mara na kuwa kitu kingine. Lazima tuwewaaminifu ili wananchi wanaotutazama waelewe kazi yetu hapa Seneti. Hatufai tuonekane kuwa sisi ni mikanda tu ya kubeba mizigo kutoka Bunge la Taifa

Naunga mkono mapendekezo ya Sen. Mumma kwa sababu Mwenyekiti wa Kamati ya Haki, Masuala ya Kisheria na Haki za Kibinadamu ameshindwa kueleza kinaga ubaga na kutushawishi ni kwa sababu gani amekubaliana na mapendekezo ya Bunge la Taifa na kutupilia mbali mapendekezo yake aliyoyaleta hapa Seneti wakati wa kikao cha asubuhi.

Bw. Mwenyekiti wa Muda, tume ya utumishi wa umma au Public Service Commission (PSC) ni tume ambayo viongozi au wafanya kazi wake huchaguliwa na Mhe. Rais. Tunamheshimu Rais lakini---

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir.

**The Senate Minority Leader** (Sen. Madzayo): Sen. (Dr.) Khalwale, keti chini. Tuliza boli.

Ni rahisi kwa Mhe. Rais kuwashawishi wanaofanya kazi katika tume ya hiyo kwa sababu ni wafanyi kazi wa Serikali.

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. (Dr.) Khalwale, what is your point of order?

**Sen. (Dr.) Khalwale:** Mr. Temporary Chairman, Sir, as it was demonstrated in the morning, we are in the process of building respect from both Houses. I, therefore, rise under Standing Order 46 and demand that the Senator for Kilifi County withdraws his derogatory remarks.

Standing Order 46 provides that Messages can move from one House to the other. That does not imply that the House that receives the Message becomes a conveyor. For the respect of Standing Order No.46, I request the Senate Minority Leader to withdraw his remarks so that we maintain the cordial relationship between the two Houses. We will convey our Message to the National Assembly tomorrow and we will expect them to support it.

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. (Dr.) Khalwale, allow me to guide you. Sen. Madzayo aliongea kwa lugha ya Kiswahili na alisema, ‘Tusione kama mikanda ya kubeba mizigo’

Sen. Madzayo endelea.

**The Senate Minority Leader** (Sen. Madzayo): Bw. Mwenyekiti wa Muda, ninaunga mkono mapendekezo ya Sen. Mumma kwani makamishna wa tume ya utumishi wa umma wanachaguliwa na Mhe. Rais. Hivyo, Mhe. Rais atakuwa na uwezo mkubwa juu ya tume hiyo. Sisemi kuwa Mhe. Rais atatumia mamalaka yake vibaya. Leo Mhe. Rais anaweza kuwa mzuri na kutumia sheria hiyo vizuri. Je, kesho tukipata Mhe. Rais mwingine?

Tukiwa hapa kama Wabunge ni lazima tupitisha sheria ambazo zitawafaidi watoto wetu, wajukuu wetu and vitukuu wetu. Siku moja wakija hapa, waweze kusema ya kwamba, ‘wazee wetu ambao walikuwa hapa kama Sen. (Dr.) Khalwale walipitisha sheria ambayo ilidumu maisha.’

Naunga mkono mapendekezo ya Sen. Mumma kwa sababu yanaleta mwelekeo na uelekezi wa Bunge la Seneti.

*(Sen. Cheruiyot consulted loudly)*

Bw. Mwenyekiti wa Muda, ninataka unitete. Unaona Kiongozi wa Walio Wengi katika Bunge la Seneti yuko katika mstari wa mbele kufanya vile. Unaona anaongea. Hata mimi niko na ujuzi huo. Naweza kutumia nafasi hiyo kumfanyia fujo mpaka ashindwe kuongea.

**The Temporary Chairperson** (Sen. Abdul Haji): Ni sawa Seneta. Nitakutetea.

What is your point of order, Sen. Osotsi?

**Sen. Osotsi:** Mr. Temporary Chairperson, Sir, protect me from the Senate Majority Leader.

I raised a point of order under Standing Order Nos. 38 and 153 and you asked me to approach the Chair. After consulting with the Chairperson, the Senate Majority Leader and the Senate Majority Whip, I beg to move that pursuant to Standing Order No.153, the Committee of the House do report progress on its consideration of the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No. 49 of 2022) and seek leave to sit again today.

*(Question proposed)*

*(Question put and negatived)*

**The Temporary Chairperson** (Sen. Abdul Haji): Hon. Senators, we have ventilated enough on this amendment Bill.

*Clause 2*

*(Question of the amendment proposed)*

Division will be at the end.

*The Title and Clause 1*

*(Question that the Title and Clause 1 be part of the Bill proposed)*

Division will be at the end.

I put the question that Clause 2 be amended as proposed. I will ask the Serjeant-at-Arms to ring the Division Bell for two minutes. We will be in Division.

*(The Division Bell was rung)*

Serjeant-at-Arms, please close the door.

*(The doors were closed and Bars drawn)*

Hon. Senators, take your seats. We have Sen. (Dr.) Lelegwe Ltumbesi as the teller for the Nays and Sen. Ogola for Ayes. I put the question that Clause 2 be amended as proposed by Sen. Mumma.

I would like to clarify that if you vote 'yes', it means that you are voting for the amendment to be included. If you vote 'no', it means that you are voting against the amendment. I hope that is clear to all the Senators.

*(The Senators proceeded to vote by Roll Call)*

*(Voting in progress)*

**The Temporary Chairperson** (Sen. Abdul Haji): Senator for Baringo, unmute your microphone and vote. We cannot hear you.

*(Voting in progress)*

**The Senate Minority Leader** (Sen. Madzayo): Point of order, Mr. Temporary Chairman, Sir.

**The Temporary Chairperson** (Sen. Abdul Haji): What is your point of order, Senate Minority Leader?

**The Senate Minority Leader** (Sen. Madzayo): Bw. Mwenyekiti wa Muda, tulipokuwa na kikao asubuhi, Sen. Wambua anayewakilisha Kitui alikuwa amevaa visivyo kulingana na taratibu za Seneti. Spika alimwambia kuwa hangemruhusu kuongea licha ya kupiga kura ambayo ni muhimu zaidi.

Hatuwezi kuwa na misimamo miwili tofaut; moja kwa Sen. Wambua ambaye hakuwa amevaa kisawasawa kulingana na taratibu za Seneti na kufanya tofauti ikija kwa wakili ambaye anaelewa taratibu kuhusu mavazi ndani ya Seneti.

**The Temporary Chairperson** (Sen. Abdul Haji): Kiongozi wa Wachache, nafikiri tulimwona Sen. Cheptumo vizuri. Alikuwa amevaa korti ambalo halina kola lakini alikuwa amefunga kitufe cha juu. Watu huwa wanavaa hivyo.

**Sen. Sifuna:** Point of order!

**The Temporary Chairperson** (Sen. Abdul Haji): What is your point of order, Sen. Sifuna?

**Sen. Sifuna:** Bw. Mwenyekiti wa Muda, ni jambo la kustaajabisha sana. Sijui nisemeje wakati ambapo Mwenyekiti wa Muda anasema uongo ulio wazi kwa sababu sisi wote tuna macho. Tunaweza kuomba wanaosimamia teknolojia katika Seneti waonyeshe picha ambazo tumeona kutoka kwenye chumba cha kulala cha yule Seneta. Hakuwa amevaa korti lenye kola. Lazima sheria zitumike kwa kila mtu kisawa na tusiambiwe uongo wa wazi.

**The Senate Majority Leader** (Sen. Cheruiyot): Hoja ya nidhamu, Bw. Mwenyekiti wa Muda. Kabla turejeele mjadala huu, ni lazima Seneta wa Nairobi aondoe matamshi aliyosema kuhusu wewe kama kiongozi wa Seneti. Anafaa kuomba msamaha na kuondoa matamshi aliyosema kwenye nukuu za kile kinachoendelea katika Seneti.

Ikiwa Seneta hawezi kumwambia Seneta mwenzake kwamba amendanganya, iweje Seneta aambie Mwenyekiti wa Muda kama wewe kuwa unadanganya? Anafaa kuomba radhi na kuondoa matamshi hayo ili turejeele mjadala.

Tukirejeele mjadala, Bw. Mwenyekiti wa Muda, tayari umeshatoa mwelekeo kuhusu jambo hili. Tukumbuke kwamba mara ya kwanza, Sen. Osotsi alileta Hoja ya kutaka kutupilia mbali kikao hiki hadi kesho. Kile wanachojaribu kufanya ni kupoteza muda ili ifike 6.30 p.m. kisha twende nyumbani. Tafadhali wacha kuwaruhusu kupoteza muda. Mwenyekiti akishatoa mwelekeo, hatuwezi kuanza tena kujadili na kubishana.

**The Temporary Chairperson** (Sen. Abdul Haji): Asante, Seneta. Sen. Sifuna, ningependa uombe msamaha kwa sababu mwelekeo ninaotoa hapa si wangu. Kuna watu wawili kando yangu ambao wananisaidia kwa maamuzi ninayofanya hapa. Huu si uamuzi wangu binafsi. Tafadhali omba msamaha.

**Sen. Sifuna:** Bw. Mwenyekiti wa Muda, unanijua kama mtu wa heshima kwa wale wote ambao wanakalia kiti hicho. Hata hivyo, haiwezekani, kwa mfano, Sen. Methu kusema kwamba anaona pembe kwenye kichwa cha Sifuna na isemekane kwamba hatuwezi kuzungumzia hilo.

Ikiwa ulinisikia vizuri, nilianza kwa kusema sijui nifanyeje mimi kama Seneta wakati ambapo wewe ukiwa kwenye kiti hicho unatoa hoja ambayo kwangu mimi ni uongo wa wazi kwa sababu nina macho. Nilikuwa nimechanganyikiwa na sikujua cha kufanya mimi kama Seneta.

**The Temporary Chairperson** (Sen. Abdul Haji): Seneta, mtu akikuambia uongo, unamwita muongo. Kwa hivyo umeniita muongo kutokana na maoni yangu.

Nilivyokueleza, hayo si maoni yangu. Nikiwa hapa, ninapata usaidizi kutoka kwa wafanyakazi wa Seneti. Kwa hivyo, naomba uombe msamaha.

**Sen. Sifuna:** Bw. Mwenyekiti wa Muda, basi wale walio kando yako ni waongo. Naomba radhi kwako kama Mwenyekiti wa Muda lakini wale wanaokuelekeza ambao wamekaa kando yako wanakupotosha.

**The Senate Majority Leader** (Sen. Cheruiyot): Point of order!

**The Temporary Chairperson** (Sen. Abdul Haji): What is your point of order, Senate Majority Leader?

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Chairman, Sir, like I said, please do not fall a victim to this move. I want you to be firm and decisive.

Sen. Sifuna is grossly out of order. You cannot refer to the Chair as having lied. We do not have a problem with you agreeing or disagreeing with him. That you can do, but the problem is your language. You can choose to tell the Temporary Chairperson that you do not agree with his interpretation, but you cannot call the Chair of a session a liar.

Secondly, Mr. Temporary Chairman, Sir, after you---

*(Sen. Madzayo spoke off record)*

**The Temporary Chairperson** (Sen. Abdul Haji): He is on a point of order.

**The Senate Minority Leader** (Sen. Madzayo): But it is the same issue.

**The Senate Majority Leader** (Sen. Cheruiyot): It is a point of order. Relax Sen. Madzayo, you will have your chance.

Mr. Temporary Chairman, Sir, I have been in this House long enough to know when people do not want a matter to progress to its logical conclusion.

I have been in this House long enough to know when people do not want a matter to progress to its logical conclusion. The Minority side and the ones rejecting this Motion just want to derail the process. What is difficult in voting and concluding the matter because you made a resolution and we move on?

If the amendment carries the day, we will agree and support it. If it does not, that will be the end of the matter.

**The Temporary Chairperson** (Sen. Abdul Haji): What is your point of order, Senate Minority Leader?

**The Senate Minority Leader** (Sen. Madzayo): Bw. Mwenyekiti wa Muda, ameomba radhi. Radhi kwetu ni kusamehe. Wewe ndio ulimwambia na sio hao wawili

wako naye. Kama amesema ameomba radhi, hiyo itakuwa imetosha. Ingekuwa vyema tuendelee.

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Sifuna, sisi hatukusikia ukiomba radhi. Tulisikia ukiwaita hawa Makarani waongo. Tafadhali omba msamaha na ufutilie mbali hayo maneno.

**Sen. Sifuna:** Bw. Mwenyekiti wa Muda, nina haki zangu kama Seneta. Ninaomba hizo picha zirejelewe. Iwapo kile ambacho umesema umekiona kitaonekana kiwazi, nitaomba msamaha tena maradufu.

*(Several Senators spoke off record)*

Kwa lugha zote hata ikiwa ni lugha ya mama ya Kiranja wa Walio Wengi. Warejelee picha za yule Seneta akiwa kwenye *bedroom* yake.

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Kinyua, what is your point of order?

**Sen. Kinyua:** Bw. Mwenyekiti wa Muda, lile linalotusumbua si vile picha ilivyokua, ila ni ile lugha Seneta wa Nairobi alitumia. Aliita Mwenyekiti anayeongoza Bunge hili mwongo. Haikubaliki! Tutakubali kwanza ikiwa Seneta wa Nairobi akiomba msamaha kwa kutumia lugha isiyokubalika katika Bunge hili. Baadaye, zile picha zinaweza kuletwa.

Aliyesema hizo picha si nzuri ni Kiongozi wa Walio Wengi na amevaa miwani. Kwa hivyo, anaweza kosa kuona vizuri.

*(Several Senators spoke off record)*

**The Temporary Chairperson** (Sen. Abdul Haji): Order! Order, Senators. *Wacha amalize.*

**Sen. Kinyua:** Bw. Mwenyekiti wa Muda, tutaonekana kama tunafanya mzaha ikiwa tutanukuu ukiitwa mwongo, na baada ya wewe kusema vile, anarudia kuwaita wale wanaokushauri hapo waongo.

Hilo si jambo nzuri. Ni vizuri aombe msamaha ndio tuonekana tunaheshimu Kanuni tulizozitunga sisi wenyewe.

*(Loud consultations)*

**The Temporary Chairperson** (Sen. Abdul Haji): Senators, let us proceed, please.

*(The Senators proceeded to vote by Roll Call)*

**Sen. Wamatinga:** Mr. Temporary Chairman, Sir, the great people of Nyeri vote 'No.'

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Wamatinga, we have to see you on the screen. Switch on your camera.

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**Sen. Wamatinga:** Mr. Temporary Chairman, Sir, the camera is on.

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Wamatinga, can you switch on your camera, so that we see you?

**Sen. Wamatinga:** Yes, Mr. Temporary Chairman, Sir.

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Wamatinga, we will proceed first and then come back to you. We need to see you in order to take your vote. We will have to disregard your vote for now.

**Sen. Wamatinga:** Mr. Temporary Chairman, Sir, I am here and the camera is working.

**The Temporary Chairperson** (Sen. Abdul Haji): Can we see your dress code, Senator? Are you wearing a tie?

**Sen. Wamatinga:** Yes, Mr. Chairman, Sir. I have a white tie.

*(Loud consultations)*

**The Temporary Chairperson** (Sen. Abdul Haji): Order, Senators! We need to hear from the Senator.

Sen. Wamatinga, your tie looks like your shirt. We need to see your dress code again and also confirm to us that you are wearing a tie.

**Sen. Wamatinga:** Yes, Mr. Temporary Chairman, Sir.

**The Temporary Chairperson** (Sen. Abdul Haji): Senator, can we see the tie?

**Sen. Wamatinga:** Yes, Mr. Temporary Chairman, Sir.

**The Temporary Chairperson** (Sen. Abdul Haji): We will proceed without your vote, Sen. Wamatinga. I am sorry.

Let us proceed.

*(Roll call voting in progress)*

**Sen. (Dr.) Khalwale:** Point of order, Mr. Temporary Chairman, Sir.

**The Temporary Chairperson** (Sen. Abdul Haji): What is out of order, Majority Whip?

**Sen. (Dr.) Khalwale:** Mr. Temporary Chairman, Sir, we are in roll call voting and Standing Order No.88 (5) clearly stipulates that-

“When called out, each Senator shall, thereupon rise in his or her place and declare assent or dissent to the question in the following manner: **“I vote Yes”** or **“I vote No”** or **“I abstain”** or use appropriate Kenyan sign language.”

Mr. Temporary Chairman, Sir, two delegations of Isiolo and Machakos counties defied and contravened Standing Order No.88(5). They attempted to vote when they are seated. So, the Chair must make a determination that those are two spoilt votes.

**The Temporary Chairperson** (Sen. Abdul Haji): Senate Majority Whip, Sen. (Dr.) Khalwale, you should have brought that matter up at that time. At this point, I will have to overrule you on that matter.

## DIVISION

## ROLL CALL VOTING

*(Question, that Clause 2 be amended as proposed, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Kavindu Muthama, Machakos County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Oburu, Siaya County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County and, Sen. Sifuna, Nairobi City County.

**Teller of the Ayes:** Sen. Ogola.

**NOES:** Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Transa Nzoia County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elegeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. (Prof.) Tom Ojienda, SC, Kisumu County; Sen. Wafula, Bungoma County and Sen. Wakili Sigei, Bomet County.

**Teller of the Noes:** Sen. (Dr.) Lelegwe Ltumbesi.

**The Temporary Chairperson** (Sen. Abdul Haji): Hon. Senators, the results of the division on Sen. Mumma's amendment are as follows-

**AYES:** 9

**NOES:** 26

**ABSENTIONS:** 0

The amendment has been rejected.

*(Question negatived by 26 votes to 9)*

**The Temporary Chairperson** (Sen. Abdul Haji): Hon. Senators, I now put the question that Clause 2, the Title and Clause 1 be part of the Bill.

*(Question, that Clause 2, the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by county delegations)*

**The Temporary Chairperson** (Sen. Abdul Haji): Can we have the tellers for Ayes and Noes? Hon. Senators, just to clarify, if you vote yes, you are voting for the Bill as it is and if you vote no, you are voting against the Bill.

*(Hon. Senators proceeded to vote by Roll Call voting)*

Sen. Cheptumo, we cannot hear you. Can you unmute your microphone and proceed to vote?

**Sen. Sifuna:** On a point of order, Mr. Temporary Chairman, Sir,

**The Temporary Chairperson** (Sen. Abdul Haji): What is your point of order, Sen. Sifuna?

**Sen. Sifuna:** Mr. Temporary Chairman, Sir, you can see where we had our differences. That gentleman is clearly not in a tie; he is not appropriately dressed. He should not be counted as being part of these proceedings.

*(Several Senators spoke off record)*

**The Temporary Chairperson** (Sen. Abdul Haji): Please let us have order. I am being advised that I made a ruling. However, having looked at the Senator again, I doubt that I made the right ruling. However, the ruling has already been made. The procedure is that once the ruling has been made, we cannot debate it again. I guess we will---

*(Loud consultations)*

**The Temporary Chairperson** (Sen. Abdul Haji): Sen. Sifuna, as much as you request for an apology, unfortunately, the Chair cannot apologise. I guess we will proceed.

*(Roll call voting in progress)*

## DIVISION

### ROLL CALL VOTING

*(Question, that Clause 2, the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by county delegations)*

**AYES:** Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans-Nzoia County; Sen. Cheptumo, Baringo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang' Elgeyo Marakwet County; Sen. Lelegwe, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mundigi, Embu County; Sen. Mungatana MGH, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Seki. Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thangw'a, Kiambu

County; Sen. (Prof.) Tom Ojienda SC. Kisumu County; Sen. Wafula Bungoma County; Sen. Wakili Sigei, Bomet County and Sen. Wamatinga, Nyeri County.

**Teller of the Ayes:** Sen. (Dr.) Lelegwe Ltumbesi.

**NOES:** Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Oburu, Siaya County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County and Sen. Sifuna, Nairobi City County.

**Teller of the Noes:** Sen. Ogola.

**The Temporary Chairperson** (Sen. Abdul Haji): Hon. Senators, the results of the vote on the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No.49 of 2022) is as follows: -

**AYES:** 28

**NOES:** 7

**ABSTENTIONS:** 0

*(Question carried by 28 votes to 7)*

**The Temporary Chairperson** (Sen. Abdul Haji): Hon. Senators, I call upon the Mover.

**The Senate Leader of Majority** (Sen. Cheruiyot): Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of the Independent Electoral and Boundaries Commission (Amendment) Bill, 2022 (National Assembly Bills No. 49 of 2022) and its approval thereof without amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*(The Deputy Speaker (Sen. Kathuri) in the Chair)*

## REPORT

### THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 49 OF 2022)

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, I now call upon the Chairperson to report progress.

**Sen. Abdul Haji:** Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the Independent Electoral and Boundaries Commission (Amendment) Bill 2022, (National Assembly Bill No.49 of 2022) and its approval thereof without amendments.

**The Deputy Speaker** (Sen. Kathuri): Very well. I now call upon the Mover of the Bill

**The Senate Leader of Majority** (Sen. Cheruiyot): Mr. Deputy Speaker, Sir I beg to move that the House do agree with the Committee on the said report and I request Sen. Methu to Second.

**Sen. Methu:** Mr. Deputy Speaker, Sir, I Second.

*(Question proposed)*

**The Deputy Speaker** (Sen. Kathuri): Let me put the question again.

**Some hon. Senators:** No! We said “Aye”!

*(Loud consultations)*

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, listen. I think the Members were not attentive on what the Motion was to be.

*(Loud consultations)*

*(Sen. Sifuna spoke off record)*

Hon. Members! Sen. Sifuna, I want to put the question again.

**An hon. Senator:** Are we serving orders?

**An hon. Senator:** Wewe!

**An hon. Senator:** Huyu sio Sen. Abdul Haji.

*(Question put and agreed to)*

*(Loud consultations)*

**The Deputy Speaker** (Sen. Kathuri): Order, Members!

**An hon. Senator:** Sen. Sifuna did not vote.

*(Loud consultations)*

**The Deputy Speaker** (Sen. Kathuri): Order, Members! I am calling them over. Senate Majority Leader, proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Deputy Speaker, I beg to move that the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No.49 of 2022) be now read a Third Time.

I request the Senator for Nakuru County, Sen. Tabitha Keroche to second.

**Sen. Tabitha Keroche:** Mr. Deputy Speaker, I second the Bill.

*(Question proposed)*

I call for a Division. The Serjeant-at-Arms can ring the Bell for two minutes.

*(The Bell was rung)*

Serjeant-at-arms, do the necessary. Close the doors and draw the Bar.

*(The doors were closed and the Bar drawn)*

Clerk, let us start the voting again. Let me have the other Teller for the “Noes”.  
Sen. Ogola?

**Sen. Ogola:** Mr. Deputy Speaker, I am here.

**The Deputy Speaker** (Sen. Kathuri): Okay. Clerk, proceed.

*(Voting in progress)*

**The Deputy Speaker** (Sen. Kathuri): Serjeant-at-arms, open the door.

*(The door was opened)*

### **THIRD READING**

THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION  
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 49 OF 2022)

### **DIVISION**

### **ROLL CALL VOTING**

*(Question, that the Independent Electoral and Boundaries Commission (Amendment) Bill  
(National Assembly Bill No.49 of 2022, be now read a  
Third Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Usain Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang’wa, Kiambu County; Sen. (Prof.) Tom Ojienda, SC, Kisumu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and Sen. Wamatinga, Nyeri County.

**Teller of the Ayes:** Sen. Kisang.

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**NOES:** Sen. Dullo, Isiolo County and Sen. Faki, Mombasa County.

**Teller of the Noes:** Sen. Ogola.

**The Speaker** (Hon. Kathuri): Hon. Senators, the results are as follows-

**AYES:** 28

**NOES:** 2

**ABSENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 28 votes to 2)*

*(The Bill was accordingly read a Third Time and passed)*

**The Deputy Speaker** (Hon. Kathuri): Hon. Senators, we are done with today’s business. Thank you so much for your time and dedication to the duty of this Republic.

### **ADJOURNMENT**

Hon. Senators, there being no other business on the Order Paper, The Senate stands adjourned until Tuesday, 14<sup>th</sup> February, 2023 at 2.30 p.m.

The Senate rose at 5.05p.m.