

# 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 10.02 a.m.*

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

### PRAYER

DETERMINATION OF QUORUM  
AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Kingi): Do we have quorum? Let us proceed with the first order.

*(The Senator-Elect for Elgeyo Marakwet County entered the  
Chamber escorted by the Leader of Majority (Sen. Cheruiyot),  
Sen. Osotsi and Sen. Munyi Mundigi)*

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I am pleased to introduce to you, the Hon. William Kipkemoi Kisang', Senator-Elect for Elgeyo Marakwet County. Welcome.

### ADMINISTRATION OF OATH

The Oath of Allegiance was administered to:

Hon. William Kipkemoi Kisang - Elgeyo Marakwet County

**The Speaker** (Hon. Kingi): Congratulations, Senator. This will help you navigate the corridors of the Senate.

**Sen. William Kipkemoi Kisang'**: Thank you, Mr. Speaker, Sir.

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*(The Speaker consulted the Clerk-at-the-Table)*

## COMMUNICATIONS FROM THE CHAIR

### CONVENING OF SPECIAL SITTING OF THE SENATE

**The Speaker** (Hon. Kingi): Hon. Senators, I welcome you to this Special Sitting of the Senate. This may be the very first time in 2023 that we are meeting. Allow me to take this opportunity to wish you a happy and prosperous new year.

*(Applause)*

On the request of the Senate Majority Leader, vide letter Reference CIN/MLS/01/CORR dated 16<sup>th</sup> January, 2023 and with the support of requisite number of Senators, I appointed today, Thursday 19<sup>th</sup> January, 2023, as a day for a Special Sitting of the Senate vide Gazette Notice No.455, dated 17<sup>th</sup> January, 2023.

In the Gazette Notice, I indicated that the business to be transacted at this Special Sitting shall be –

(1) The swearing-in of William Kipkemoi Kisang, the Senator-elect for Elgeyo-Marakwet County; which we have just done.

(2) The consideration of the Independent Electoral and Boundaries Commission (Amendment) Bill, 2022 (National Assembly Bills No.49 of 2022).

Hon. Senators, in accordance with Standing Order No.33 (5), the business specified in the Gazette Notice referred to above, and as outlined in the Order Paper, shall be the only business before the Senate during the Special Sitting, following which the Senate shall stand adjourned until Tuesday 14<sup>th</sup> February, 2023, at 2.30 p.m. in accordance with the Senate Calendar.

I thank you.

### VISITING DIGNITARIES TO THE SENATE

Hon. Senators, I would like to acknowledge the presence of the following persons in the Speakers Gallery-

(1) Hon. Sudi David – Former MP for Marakwet East and party leader of the New Democrats.

(2) Capt. (Rtd.) Jimmis Wanyonyi Wafubwa, who are in the Senate for a visit.

Hon. Senators, on behalf of the Senate and on my own behalf, I welcome the said dignitaries to the Senate and wish them well for the remainder of their visit.

I thank you.

*(Applause)*

### RESOLUTION TO HOLD HYBRID SITTINGS

Hon. Senators, at this meeting held on Wednesday 18<sup>th</sup> January, 2023, the Senate Business Committee considered the Order Papers for the morning and afternoon sittings

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during today's Special Sittings. The Committee noted that the business before the Senate is critical and of utmost urgency, noting that the vacancies in the Independent Electoral and Boundaries Commission (IEBC).

Hon. Senators, during the deliberations, the Senate Business Committee noted that some Members of four Standing Committees namely; The Standing Committee on Health; The Standing Committee on Agriculture, Livestock and Fisheries; The Standing Committee on Devolution and Inter Governmental Relations; and, The Standing Committee on National Security Defence and Foreign Relations, are out of the country on official business. The number of Senators in this Committee engagements are substantial and may affect the threshold required to vote on the Bill under consideration.

Hon. Senators, considering these circumstances and pursuant to Standing Order No.258 (1)(a), I designated today's Special Sitting to hybrid to enable Hon. Senators who are out on official Senate Business to participate. Therefore, pursuant to Standing Order No. 259 (1), I issued a notice in today's Order Papers to the fact that today's sittings will be hybrid and indicated the online platform to be used.

Further, pursuant to Standing Order No.258 (4), I issued guidelines to the effect that only those Senators in the cited committee delegations will be allowed to participate virtually. Part 32 of the Senate Standing Orders on virtual sittings will apply during the hybrid Special Sittings. The Senate stands guided.

Hon. Senators, if there is a Senator who is not out of the country on official business, he may not be able to take advantage of this particular facility. It is only those Senators who are out of the country on official business who will virtually participate in today's proceedings. However, those on holiday may not be able to virtually participate in today's proceedings.

Kindly stand guided.

*(Applause)*

Next Order.

### **PAPER LAID**

**The Speaker** (Hon. Kingi): The Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights, kindly proceed to lay your Paper on the Table.

#### REPORT ON THE IEBC (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 49 OF 2022)

**Sen. Wakili Sigei:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, 19<sup>th</sup> January, 2023-

Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the IEBC---

**The Speaker** (Hon. Kingi): Sen. Madzayo, what is your point of order?

**Sen. Madzayo:** Bw. Spika, tuko na mwenzetu, Seneta aliyechaguliwa ameingia na kuapishwa. Kama ilivyo kawaida yetu, nafikiri ingekuwa muhimu kwetu kwanza tuweze kumkaribisha na kumpa kongole yake kubwa kwa sababu alishiriki katika

uchaguzi ambao ulipiganiwa na watu lakini aliweza kushinda. Amekuja hapa na hilo ni jambo la kujivunia.

Bw. Spika, ingekuwa vyema kama Maseneta wangepewa nafasi kumpatia kongole mmoja wao ambaye ameingia ndani ya hili Bunge la Seneti; upande ule wa walio wengi na upande huu wa walio wachache.

**The Speaker** (Hon. Kingi): Very well, Sen. Madzayo. We will allow the Chairperson of Committee on Justice, Legal Affairs and Human Rights to proceed to lay the report. Thereafter, I will allow three speakers from both sides, one minute each, to congratulate the newly sworn in Senator.

Chairperson Justice, Legal Affairs and Human Rights, please proceed.

**Sen. Wakili Sigei:** Mr. Speaker, Sir, thank you once again. I beg to lay the following Paper on the Table of the Senate today, 19<sup>th</sup> January, 2023 -

Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the IEBC (Amendment) Bill (National Assembly Bills No.49 of 2022)

*(Sen. Wakili Sigei laid the document on the Table)*

**The Speaker** (Hon. Kingi): We will now proceed to receive the congratulatory messages.

I will start with Sen. Osotsi.

**Sen. Osotsi:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to welcome my friend, Hon. Sen. William Kisang.

I start by congratulating him for winning the seat following a very stiff competition. We all witnessed what happened in Elgeyo Marakwet County. He deserves the win. We served with him in the National Assembly for five years. He was the Chairperson of the National Assembly Committee on Information, Communication and Technology (ICT) where I was also a Member for five years. I remember him as a good Chairperson of the Committee who understood his work and he was very competent.

I remember an incident when the Jubilee Party was carrying out a purge in the National Assembly and they sent home several chairpersons of Committees. It is only two chairpersons who survived; Hon. William Kisang and Hon. Katoo Ole Metito. They survived not because they were favoured by the then Government, but they were very competent chairpersons who were able to lead their Committees without favouritism or regard for political affiliations of their Members.

I can give a testimony in this House that Hon. Kisang will serve the people of Elgeyo Marakwet competently as their Senator. He has done that for 10 years in the National Assembly. He understands what it entails to oversight and the people of Elgeyo Marakwet---

*(Sen. Osotsi's microphone was switched off)*

**The Speaker** (Hon. Kingi): Hon. Senator, your time is up. Sen. Kinyua, you have the Floor.

**Sen. Kinyua:** Asante Bw. Spika. Ninaungana na wenzangu kumkaribisha Sen. Kisang na kumpa kongole kwa kazi nzuri aliyoifanya mpaka akaibuka mshindi.

Seneta mgeni ambaye ameungana nasi amekuja kutetea Kaunti ya Elgeyo Marakwet pamoja na kaunti zingine zote za Jamhuri ya Kenya. Ni vizuri ajue ya kwamba Seneta aliyemtangulia, sasa ni Waziri Sen. Murkomen. Ni kiongozi aliyebobea sana katika hii Seneti na hata katika Jamhuri ya Kenya kwa kazi yake. Sen. Kisang, ninajua viatu utakavyovivaa ni vikubwa kidogo lakini najua utajisatiti kwa sababu wewe ni mchapa kazi.

Ninamjua Seneta vizuri kwa sababu alipokuwa Mwenyekiti wa Kamati ya ICT katika Bunge la Taifa, mimi nilikuwa katika Kamati kama hiyo ya Bunge la Seneti. Kwa hivyo tulifanya kazi naye na nina hakika ya kwamba---

*(Sen. Kinyua's microphone was switched off)*

**The Speaker** (Hon. Kingi): Senator, unfortunately, your time is up.

Sen. Kavindu Muthama, please proceed.

**Sen. Kavindu Muthama:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to welcome the Senator for Elgeyo Marakwet. Before I do that, allow me to say Happy New Year to all Senators and to the Senator who has just joined us.

Congratulations for your win and welcome. We will walk with you and I am sure you will deliver to the people of Elgeyo Marakwet like Sen. Murkomen did in this House. We expect you to do the same. If you are fitting in the shoes of Sen. Murkomen, the bar is high so tighten you belt.

**The Speaker** (Hon. Kingi): Sen. Kathuri, you may proceed.

**Sen. Kathuri:** Bw. Spika, ninakushukuru sana kwa nafasi hii ili nimkaribishe rafiki yangu Seneta mpya ambaye amechaguliwa juzi, Sen. William Kisang.

Tumefanya kazi na yeye miaka 10 katika Bunge la Taifa. Ninamjua kama kiongozi aliwafanyia watu wa eneo Bunge lake kazi nzuri sana.

Ninachukua nafasi kuwapongeza wale wageni walioko katika Bunge hili kutoka Kaunti ya Elgeyo Marakwet kwa sababu ya kumuuunga mkono na kumchagua mhe. Kisang kuwa Seneta wao.

Sen. Kisang, ninakukaribisha katika Bunge hii kwa roho safi sana kwa sababu wewe ni rafiki yangu wa kindani. Kabla ya uchaguzi tuliongea tukiwa ziara fulani ya kikazi na nikakuambia kuwa mimi ninaenda Seneti nawe ukaenda ule upande mwingine.

Ninashukuru Mungu kwa sababu ametuunganisha tena tuweze kuwafanyia Wakenya kazi. Nikiwa Naibu wa Spika hapa tutaungana na ninaomba uingie kwa kamati ile uliyokuwa unaipenda ya ICT na zingine ambazo utataka kufanyia kazi ili tuweze kutekeleza kazi yetu vizuri.

Ninashukuru sana, Bw. Spika.

**The Speaker** (Hon. Kingi): Sen. Madzayo, you have the Floor.

**Sen. Madzayo:** Asante, Bw. Spika. Kwanza ninataka kumpa kongole ya juu sana ndugu yetu Sen. Kisang Wiliam Kipkemoi. Amefanya juhudi ya kuwabwaga wale wengine ili kupata nafasi ya kuja hapa akiwa Seneta wa Elgeyo Marakwet. Hilo ni jukumu la watu wa Elgeyo Marakwet ambao wamekupatia na ni lazima uwafanyie kazi.

Ninaona umeambatana na *delegation* kubwa sana. Hiyo ni kumaanisha ya kwamba wako na imani na wewe. Kitu ambacho ninaweza kukueleza ni kwamba ukiwa hapa kama Seneta ni lazima utaona ya kwamba vile tunavyojadiliana hapa, hili ni Bunge

ambalo liko na watu wenye akili na elimu ya juu. Wanaelewa wanayoyafanya; ni watu ambao wamekomaa.

Ndungu yangu, Sen. Kisang, umekuja hapa kama Seneta na tunakuunga mkono. Tunakuomba kila la kheri ya kuwa uwafanyie watu wa Elgeyo Marakwet kazi kama Seneta wao. Ninakutakia kila la kheri katika utendakazi wako.

**The Speaker** (Hon. Kingi): Sen. Gataya Mo Fire, you have the Floor.

**Sen. Gataya Mo Fire:** Thank you, Mr. Speaker, Sir. I sincerely wish to welcome my brother from Elgeyo Marakwet County.

This House has manufactured political giants. This is the House where Hon. (Sen.) Murkomen, Hon. (Sen.) (Prof.) Kithure Kindiki and several other members of high ranking in the current Government used to sit.

My brother, Sen. Kisang, I am happy that you won. The campaign was very tiresome and cumbersome. This House stays like a family just like one House. We have no issues to do with anybody. I wish you the best as you interact with Members of this House. You are most welcome.

**The Speaker** (Hon. Kingi): Hon. Sen. Kisang, I know this is your maiden speech, but be mindful of the business ahead.

Kindly proceed.

**The Senator for Elgeyo Marakwet County** (Sen. William Kipkemoi Kisang): Thank you, Mr. Speaker, Sir. I take this opportunity to thank God for the opportunity that he has given me to serve the great people of Elgeyo Marakwet County. I also thank the people of Elgeyo Marakwet County for giving me the same opportunity, my campaigners, my competitors and all who participated in the by-elections of 5<sup>th</sup> January, 2023.

There are many things and pledges that I made to the people of Elgeyo Marakwet County. The Members who have spoken said that Sen. (Prof.) Kithure Kindiki and Sen. Murkomen, who are now Cabinet Secretaries, were here. I promise that I will measure to the standards of those Members that you have mentioned.

I have been told that the shoes that Sen. Murkomen wore in this House were large. I promise that mine might be larger than his. I want you to watch this space for the next four and a half years. I promise that I will deliver and I will debate.

As my colleagues who were in the National Assembly have said, I was the Chairperson of the Committee on Information, Communication and Technology (ICT). The chairpersons of Committees who survived the purge that was there were only two; the current State House Comptroller, Hon. Katoo Ole Metito and I, because of what we did. We served the nation impartially. I promise this is what I will do in this House and, of course, also being loyal to my party.

Finally, Mr. Speaker, Sir, I made promises to the people of Elgeyo Marakwet County. However, the current revenue and resources that Elgeyo Marakwet County is receiving from the national allocation is very low. Elgeyo Marakwet County is actually among the bottom three. During revision of the revenue allocation, I will convince this House to help so that we change the formula, to ensure Elgeyo Marakwet County resources increase from the current Kshs4.6 billion to about Kshs7 billion. It is because of our unique terrain, which is not the same as the other counties. It is just the way God made that county.

I promised to do many other things, including setting up a new university in that county. The Arror and Kimwarer dams were suspended because of political issues. We have fluorspar and other minerals.

Mr. Speaker, Sir, because of the business before the House, I do not want to spend a lot of time. However, I promise you that I will be very active. I believe the leadership of the House is also planning to put me in relevant Committees, especially in those where I have expertise and those that will mainly target counties. As you have said, this House is a family. As delegates from counties, we will ensure that our people get value for money from the resources that go to our counties. That is what I promised to do.

Mr. Speaker, Sir, thank you for the opportunity. God bless you and happy new year to everybody in this House and all Kenyans. To my supporters and family, thank you for standing with me.

**The Speaker** (Hon. Kingi): Thank you, Sen. Kisang and welcome to the Senate.  
Next Order, Clerk.

## BILL

### *Second Reading*

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

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

Mr. Speaker, Sir, the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No.49 of 2022) is a Bill of the National Assembly that was first published there.

To the best of my recollection, this is the first time I am moving a National Assembly Bill before this House. For the benefit of the new Members, some of whom may be asking why we are moving a National Assembly Bill in the Senate, this is purely about nomenclature. A Bill is named after the originating House. If a Bill begins its legislative journey in the Senate, even when it is read in the National Assembly, it will be referred to as a Senate Bill.

On 1<sup>st</sup> December, 2022, the National Assembly passed this Bill without any amendments. Thereafter, the Bill was referred to us for consideration. That is why we are here today. The principal object of the Bill is to amend the IEBC Act in its First Schedule, which provides for membership of the Selection Panel, for purposes of appointment of the Chairman or members of IEBC.

Mr. Speaker, Sir, the proposed amendments to the Act were necessitated by the declaration by the High Court through Constitution Petition No. E36 of 2020 by Sen. Okiya Omtatah versus the Attorney General. Sen. Okiya Omtatah then, was just as an ordinary citizen. I will be making a comment about our colleague Senator, as there are things that I wish to understand better. This is especially in the unique situation that we find ourselves in, now being our colleague and there are things that we discuss here. You

may need to guide us, but I will speak about it later. I wish he was in the House while I say this.

The Bill seeks to cure the above cited malady as proscribed by the High Court in its ruling. Reducing the number of membership of the Parliamentary Service Commission (PSC) from four to two and to allow the Political Parties Liaison Committee and the Public Service Commission (PSC) to each nominate one member to the panel.

Mr. Speaker, Sir, specifically the Bill proposes the following new paragraphs 1 and 2 on the position of the panel, be as follows:

"(2) The selection panel shall consist of —

- (a) one man and one woman, nominated by the Parliamentary Service Commission"

Mr. Speaker, Sir, I love that. It is a new way of drafting our legislation and we are becoming more descriptive. If you have followed the journey of legislations in Parliament, on many occasions we used to just say "two members." It is now increasingly becoming a culture where if you have two, you specify and say at least a man and a woman. I would have expected my good friend, Sen. Beth Syengo and all the women in the House would be stamping their feet because that is good progress for the womenfolk of this country.

- "(b) one person nominated by the Public Service Commission;
- (c) one person nominated by the Political Parties Liaison Committee;
- (d) one person nominated by the Law Society of Kenya; and
- (e) two persons nominated by the Interreligious Council of Kenya."

Mr. Speaker, Sir, I will say this because I know you, the Senate Minority Leader and a few other lawyers in the House, are interested parties. However, we will soon be discussing about the Law Society of Kenya (LSK). We keep on proposing that LSK needs to have people in almost every legislation that we pass in this House. What about architects, engineers, doctors and *bodaboda* riders in this country? This is especially for us that profess the bottom-up economic approach. This business of allocating almost every position in any commission that we pass here to the LSK, I believe it is time we reconsidered it. Even our auditors and the rest need to be considered.

**An hon. Senator:** How?

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I know lawyers will protest, but we will have that conversation.

I urge hon. Senators to consider and pass this important Bill to ensure that IEBC Selection Panel is constitutionally constituted to allow them effectively perform their mandate.

This is a very interesting scenario. I know the journey of this Bill very well. I was in this Parliament when we passed it. I also happened to have served in the Parliamentary Service Commission (PSC) at that time when we did the Selection Panel. There were very interesting intrigues back then.

I made this revelation I think two days ago at Statehouse when we were celebrating the exit of the Chairman of IEBC, Mr. Wafula Chebukati. That when we retreated, I observed that the law, as then proscribed in my thinking - I still hold that view - that four members nominated by the PSC, is not arrogating ourselves as Parliament too



much powers. It is because Parliament is a reflection of the entire country. Everybody knows that Parliament has two sides, the Minority and the Majority.

Even then, as we sat in the PSC, we wrote letters to the leadership of both Houses - the Majority and Minority sides - and asked them to each nominate two members to the Selection Panel. The only unfortunate thing is that, at that time, because of the handshake policy that existed, the Majority and Minority were one side. Therefore, it ended that one side of the political divide, ended up nominating all the members of the Selection Panel. That gave birth to the infamous - what we now refer to as - the “opaque four.” It is a history that we would not wish to go back to.

Mr. Speaker, Sir, for people to go to court and say that if Parliament gives itself that kind of powers, we are emasculating out the rest of the reflection of society. I feel I do not agree with that ruling. It is unfortunate. We find ourselves in a unique situation where the Chairperson and two Commissioners have now left office. Therefore, we need to set up a Selection Panel to bring into place a constitutional Commission because we understand the urgency.

If there was to be a by-election for whatever reason - and you know there are many petitions in court - or even in the unfortunate event that a vacancy arose in any House, there is no Commission to run it. This is despite the constitutional provision that we have to do an election and that IEBC must carry out an election within 90 days. Therefore, this business is extremely important.

However, I go back to my point on Parliament being the nominating body. This is a political process. I expected Sen. Okiya Omtatah to have argued how the composition of the four members of the Selection Panel is a rider so that you have the shed of the country. Unfortunately, he is not here. This is because when Parliament is gathered like this, every form of political opinion in this country is reflected.

Mr. Speaker, Sir, it is erroneous to argue that out of seven, if you give Parliament the power to nominate four, you have rewarded Parliament. You know, Sen. Okiya Omtatah presents us with a unique situation. Now, he seats in the Committee on Justice, Legal and Human Rights.

I would have wanted to say this when he was here, but unfortunately, he is not with us. As a member of the Committee on Justice, Legal Affairs and Human rights, he will sit with us.

If after listening to arguments, for example, about a particular Bill, Members make a decision in the best interest of the country. If somebody was to sit in that Committee and vote with us, the decision of Parliament or Senate as a House carries the day. If then they move to court and use information referred to as evidence that they acquired through the lawmaking process that presents us with a very unique constitutional question. You may want to guide us and give a ruling on whether it is possible for a Member to participate in our proceedings then go back and injunct the same House where they participated.

I do not think we have ever found ourselves in that situation. It is something I would not wish to derail us. This is a very straightforward process. I urge colleague Senators that we quickly dispense of this business of nominating the members of the Selection Panel.

I have taken time to see the Report of the Committee that has been tabled here. There are various proposals some of which disturb me. Sen. Okiya Omtatah reduced the PSC from four to two. Now the Committee on Justice, Legal Affairs and Human Rights want to reduce it from two to one.

It will take a lot of convincing for me to agree with that proposal that wants us to legislate ourselves out of work. Surely, how can one be a Member of Parliament and not believe we can rise above petty partisan politics and do that which is good for the country?

Anyway, we will make that decision in the afternoon when we are doing the Committee of the Whole. I would wish to listen to the argument, especially by Members of Committee on Justice, Legal Affairs and Human Rights, to convince us how they want to spread these 7 Members. This is because if you speak about the rank of the instructions that are being listed there, to me, the Parliamentary Service Commission (PSC) is the most accommodative because it had both Members of Majority and Minority.

When you speak about the interreligious council, this country is unique because we have members of the Christian faith, Muslims and Hindu. I believe when they sit and we give them two slots, they will agree, pick a Christian and perhaps one of the others; either Hindu, Muslim, Rastafarian or the one Sen. Sifuna professes of Jehova Wanyonyi. It is important, because we are talking about religion, to let it not be one religion that is proposing. The rest can be followed.

I do not intend to take much time because I see it is far much spent and I know we must conclude on this business by 12.30 p.m. if we want to move on to the second stage.

With those many remarks, I beg to move and request Sen. (Dr.) Khalwale, the Majority Whip to second and guide us on to the next stage.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. I rise to second this very important Motion. Before I do so, allow me to say being a leader in this country who has been on these streets for a while, I am seeing the 13<sup>th</sup> Parliament - both the Senate and the National Assembly - demonstrating serious maturity and commitment to their legislative role.

I say this because starting with this House this is the second time you are recalling is for a Special Sitting. As the public can see, we are here in full numbers. This is serious commitment.

Secondly, the National Assembly has risen to that maturity by unanimously agreeing to move that this Bill that is before us passes without amendments. That the Senate Majority Leader is asking us to pass this Bill without amendments is the maturity the country needs.

We cannot be divided on everything, including the important and the small things. We must demonstrate national leadership by agreeing on issues that require to be fixed, like the IEBC. For those who are uncomfortable that probably political parties should be given more people and that kind of argument, let me tell you, you are here today because you were elected on the United Democratic Alliance (UDA), Orange Democratic Movement (ODM), the Jubilee Party and so on.

Four years from now, you have no idea on which party you will be elected. Politics is dynamic. Therefore, by rooting yourself in a position that your coalition or party wants you to push, you are refusing politics is dynamic.

I appeal to colleagues; Members on the Majority side are requesting members of the Minority side that this is the time for us to close ranks to demonstrate to the country that we are not sitting this morning and afternoon to pick commissioners of IEBC. We are sitting to create a roadmap that will be used to identify those distinguished commissioners.

I, therefore, would like people to forget that maybe I was sympathetic to the outgoing Chairman Wafula Chebukati or that another person was sympathetic to the other commissioner who resigned; Juliana Cherera. That is not the debate. The debate is that we create a proper roadmap.

Mr. Speaker, Sir, with those few remarks, I second.

*(Question proposed)*

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

**The Speaker** (Hon. Kingi): What is your point of order?

**Sen. (Dr.) Lelegwe Ltumbesi:** Mr. Speaker, Sir, pursuant to Standings Order No. 111(1) I beg to move that the debate on the Motion appearing on Order No. 8 be limited to a maximum of four minutes per Senator and request Sen. Wakili Sigei to second.

**Sen. Wakili Sigei:** Thank you, Mr. Speaker, Sir, I rise to support the Motion moved by the hon. Senator, the Deputy Majority Whip, to limit the time for debate on the Motion to four minutes per Senator.

The reasoning behind that is because of the nature of the business that we have to transact in the House between now and timelines of midday and thereafter in the afternoon Sitting.

I support.

**The Speaker** (Hon. Kingi): Hon. Senators, this is a rather straightforward issue which I do not want us to debate on. The Bill before us is extremely important which I know each of us would wish to contribute to. If we allow the 20 minutes per Senator, most of you will not have an opportunity to speak to the Bill.

By consensus, I think we should agree that we proceed at least to allocate four minutes per Senator.

*(Loud consultations)*

Do we go with five minutes per Senator? Is that the consensus of the House?

**Hon. Senators:** Yes! Yes!

**The Speaker** (Hon. Kingi): We will proceed that way, save for the Senate Minority Leader whom we will exempt from that time limit by virtue of his position. He is going to be allocated 10 minutes. Equally, the Leader on the Government side - if he has to contribute - will be allocated 10 minutes.

**The Senate Minority Leader:** (Sen. Madzayo): Asante, Bw. Spika. Kwanza naunga mkono mageuzi yanayotakiwa na Kamati ya Haki, Masuala ya Kisheria na Haki za Kibinadamu kuhusu Jopo la Uteuzi wa Makasmishna wa IEBC.

Bw. Spika, vyama vya kisiasa vimepewa nafasi ya kuchagua mtu wake. Hili na jambo ambalo kama hatungelipata, pengine kungekuwa na upinzani mkubwa sama.

Lakini, hivi sasa, katika kipengele cha pili cha mageuzi haya, vyama vya kisiasa vimepata nafasi hiyo.

*Public Service Commission* (PSC) imeingia hapa na hiyo ndio tashwishi. Shirika hilo lisingefaa kuwa hapa. Ningependa kukubaliana na Kiongozi wa Waliowengi kwamba hiyo nambari ya PSC ingepewa Wabunge au vyama. Kwa hivyo, sioni kama kuna shida sana. Lakini sioni sababu ya PSC kuwekwa katika hiyo hesabu.

Pili, tunaolewa ya kwamba katika hali ya uchaguzi nchini yetu, Kenya, kunakuwa na shida kubwa sana. Watu huwa na ukabila na utengano kwa sababu ya kura. Lakini ikiwa watu wa dini wanaweza kupewa nafasi hizo ili wawe na nafasi ya kuchagua mume na mke mmoja, itakuwa jukumu lao kuwaleta kwenye jopo ambalo litachagua makameshina.

Mwisho, ni lazima tuzingatie uhuru wa IEBC. Kwa sababu, mara nyingi tunaona ya kwamba inaweza kuingiliwa na kuwa na upotevu fulani.

Aliyekuwa Mwenyekiti wa IEBC, Bw. Chebukati, alisema kwamba aliweza kutendewa vitu fulani ambavyo avikuwa na ushahidi wa kutosha. Lakini ikiwa kutakuwa na vitu kama hivyo, basi kutakuwa na umuhimu sana kuona ya kwamba shirika ambalo linasimamia uchaguzi nchini liwe uhuru sana. Lisiwe huru kidogo ili waweze kuingiliwa au kuambiwa kitu fulani basi, liwe huru zaidi.

Kwa hivyo, maoni yangu ni hii ndio njia ya kwenda.

Ninaunga mkona Hoja hii.

**Sen. Mungatana, MGH:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to also make my contribution to this very important debate.

I want to bring a new perspective and thinking into this debate. The amount of suspicion and emotion that goes into electioneering comes because people do not trust the process.

I want to congratulate the Senate Majority Leader and the team behind him for starting the look at the electoral laws at an early stage so that we can develop trust before actual electioneering takes place.

I am happy to hear our colleagues from the Opposition side say that they are comfortable because they have been given an opportunity to participate, from the very beginning, in the selection of the commissioners who will manage our elections.

Mr. Speaker, Sir, we should support this in a bipartisan manner. I pray that the Senate Majority Leader will go back and look at the rest of the electoral laws that we need to look at. Particularly, we can properly fix the question of integrity of the elections as far as computer transmission and the use of electronic system is concerned and perfect it, all these processes will not become an issue.

I urge that we should not only do it with the IEBC, but go further to look at our own political parties. We can make systems to be electronic, therefore, removing the human interference bit of it. Our political parties are good. They have proper electronic system to manage their nominations and even a better system at the IEBC, then these processes will not be a matter of concern to all of us.

In fact, we can quickly agree on the Selection Panel if we are happy with the integrity of the system that will manage the elections. We can easily agree on who the commissioners are, if the system is devoid of human interference.

Mr. Speaker, Sir, my urge this morning, is to tell the teams that are working particularly, the Justice, Legal Affairs and Human Rights to take a step, *suo motu* invite the IEBC.

Let us get all these laws in place, particularly the ones that say we protect the integrity of the electronic voting system. If everybody is happy, even when they lose their elections, they will not have a problem.

I support this Bill.

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. From the onset, I hold a very different view on the matter that is before the House this morning.

I have two specific problems with the Bill as presented before us, in Sub-Article 2(b) and (c).

When you determine who the stakeholders in any institution are, a very cursory research of what the words ‘stakeholder’ means is that, it is a party that has an interest in an institution and can either affect or be affected by the business of that institution.

There are many stakeholders in the political process.

Every single citizen has an interest in the operations of the IEBC and in the elections and politics of this country. However, you must identify the primary and secondary stakeholders. I urge this House that when it comes to matters IEBC the primary stakeholders are the political actors, especially those represented through their various political parties.

Allow me to give an example. There were certain controversies at the onset of Christianity that needed to be settled. For example, the divinity of Christ was in question; whether Christ is divine or he is to be made and the criteria to be used in settling the gospels; which books were going to go into what we know today as the Bible. They convened the Council of Nicaea which was fully composed of bishops and leaders in the Christian faith to settle these controversies.

Let me give another example. The clubs that play the league because those are the primary stakeholders determine the leadership of the Federation of Kenyan Football (FKF). The leadership of Rugby Kenya is decided or selected by the rugby teams that are part of the league.

Mr. Speaker, Sir, what I am trying to say is that I will be very hesitant to limit the number of slots that are allocated to the political players in this Bill. The Senate Majority Leader raised concern about the question of LSK. Many of these institutions interact with the law in their daily operations. My colleagues and I who served in the Special Committee that considered the proposed impeachment of Governor Kawira Mwangaza will bear me witness that they saw the benefit of having at least one lawyer in that Committee. We bring some value, especially when the team and the institution interact with the law.

Mr. Speaker, Sir, my biggest problem with this Bill is with the Public Service Commission (PSC). Whose interest does the PSC represent? Looking at the composition of the PSC, it is composed of a chairperson, vice-chairperson and seven other members who are appointed by the President with the approval of the National Assembly. If there is a partisan organization that can only serve to represent the interest of one side of the political divide, it is the PSC. I would be more inclined to return one slot to the Parliamentary Service Commission so that both the Majority and Minority sides get slots.

We should also get a representative of the Political Parties Liaison Committee (PPLC), which is also a representative of the political parties in this country, that have the majority and minority representation to get a slot. I am not saying these things because I am in the Orange Democratic Movement (ODM) today. There is no problem with me looking for a seat on any other political party. We are not doing this because I intend to run again in 2027. It is very possible that we can set an objective criterion that will bring about some level of balance in the manner in which these panels are constituted.

Mr. Speaker, Sir, I have been having conversation with the Senator for Kiambu County, Sen. Thang'wa and he is convinced to join the ODM and run under our party's ticket in the next General Election in 2027. He will still meet a representative of the ODM on that Selection Panel. Even if I were to also crossover, I would also find a representative of the political party that I would move to. This Bill is not about us. It does not matter where you fall in four years' time. We can establish an objective criterion for us to select the individuals who sit on the Selection Panel to achieve some level of balance.

Finally, I would like to assure this House that all of us, be it religious leaders, political leaders or whatever other field that one operates in, you have biases whether you acknowledge them or not. My party leader likes to say that even the Pope when given a---

**The Speaker** (Hon. Kingi): Sen. Sifuna, I am afraid your time is up.

Sen. Kathuri, you may proceed.

**Sen. Kathuri:** Mr. Speaker, Sir, I thank you for this opportunity to contribute to this important Bill. I support the Bill as was moved by the Senate Majority Leader. We need to get the selection of IEBC commissioners right straight from the word go. I would be happy if we moved away from controversies because we should now be focusing on the general elections for 2027. We need to move together as a team. Let us not be partisan on issues legislation.

As the Senator for Nairobi City County has said, this is not about the parties that participated in the 2022 elections. It is about the future. We do not know what will happen tomorrow. I can already see many political handshakes here and there. We should, therefore, legislate for posterity. I will be very happy to support whatever came from the National Assembly so that the two Houses of Parliament move forward together magnanimously.

The Committee on Justice, Legal Affairs and Human Rights has made suggestion to give slots to various players, for example; two slots should be given to the Interreligious Council of Kenya. We have various diversities in our religious organizations. I am also happy that the Committee specified that the two nominees appointed by the Parliamentary Service Commission; one should be from the Majority side and the other one from the Minority side. I think that is a fair proposal. Previously, the Parliamentary Service Commission had four slots and there was no specification on how those four could be shared.

Mr. Speaker, Sir, the report from the National Assembly is fair. I am glad that the Political Parties Liaison Committee (PPLC) will also get a slot because the players there are the small political parties some of which are represented in Parliament and others, which did not get any slot. It is important to also move with them.

In the last Parliament, the Jubilee Party had so many Members of Parliament (MPs). Currently, the Jubilee Party has less than 20 MPs. We do not know which party will have the majority tomorrow. The Majority side now may have less than five MPs in the next Parliament.

I, therefore, urge us to legislate for posterity so that we can get this record straight. I will be very happy if we come up with a unanimous decision as a House at the Second Reading, Committee of the Whole and Third Reading of this Bill.

Mr. Speaker, Sir, I thank you.

**The Speaker** (Hon. Kingi): Sen. Maanzo, you may proceed.

**Sen. Maanzo:** Mr. Speaker, Sir, I thank you giving me an opportunity to contribute to this important piece of legislation. You realize that what is being amended is different. Initially, the provision provided for the appointment of two men and two women nominated by the Parliamentary Service Commission; one person nominated by the Law Society of Kenya (LSK), two persons nominated by the Interreligious Council of Kenya.

The composition of the Selection Panel has been expanded and improved to what we now have as an amendment. The IEBC is a very important Commission in Kenya. The Bill we are considering today is meant to amend the Selection Panel that will eventually get the commissioners to serve in the IEBC. If the selection is biased from the beginning, it is likely to be biased all the way. There should be a lot of checks and balances from the selection to the matter coming before Parliament and then proceeding back for the appointments.

Mr. Speaker, Sir, when an electoral commission for whatever reasons is seen to be biased, it is likely to affect the stability of the nation. For example, recent allegations has it that the outgoing Chairman of the IEBC was to be assassinated. If that was to happen in the future, it would mean that there would be no one to announce the results. Therefore, having these amendments under our Committee to improve what the National Assembly did; it means that the matter must now proceed for mediation in one way or another.

We should legislate for posterity for the laws to be used many years to come. We should not legislate for purposes of the current Government. Sometimes, we may make legislation thinking it is for us only for a new person or Government to benefit from that legislation and that has happened before. It happened while making the Constitution and some people wanted it tailor made for them only to realise that it was against them the next day. We, therefore, must be seen to be fair.

I believe that all these appointments can be skewed. The people who will be dealing with this need higher moral authority for us not to have interference from the State or any other part. On religious representation, we should have a Christian and a Muslim for us to have balanced shades of opinion in the country. There is something positive about the Public Service Commission (PSC). That is because it is the one that gives guidelines on the quality of people that we want to work for the people of Kenya. Parliamentary Service Commission (PSC) is critical because it represents us; the two Houses.

I believe that these amendments can be made better and I know that we mean well for the nation. Nothing closes further amendments at this stage. I support the amendments

as they are now. I will still consult for us to see if we can improve this before we cross this session for us to make something good for the nation.

I thank you.

**Sen. Seki:** Thank you, Mr. Speaker, Sir. I rise to support this important Bill that has come to this House. The IEBC is an important Commission because it determines the future of this country as we have witnessed.

We need to support this Bill as it is. The amendments are in order. The clause that gives a slot to the Public Service Commission (PSC) is good because it helps us to get people from different diversities who have different experiences and careers. The PSC is known for its high level of integrity. We also recognize the presence of LSK.

I believe that the slots have been distributed well. We support this Bill as it is. We understand the issues that are ahead of us such as the issues of boundaries. This is the chance the chance for us come in, have the structures done well and agreed on for us to get people of integrity. They should be people who are accountable to this country. We should do this on time without political interference. This is the right time. We are still in the early stages and we need to support this Bill as it is.

**Sen. Mumma:** Thank you, Mr. Speaker, Sir, for giving me this chance. I am a Member of the Committee on Justice, Legal Affairs and Human Rights and I attended all the sessions where these amendments were discussed. I want to thank our Chairperson, who attended all the sessions, and the Members for the robust debate that we had on this Bill.

I prepared a Minority Report. However, for some reason or the other, the Secretariat told me today at 9.20 a.m. that they had not submitted my Minority Report. However, I am glad that the Floor is open for us to discuss. My colleagues in the Committee on Justice, Legal Affairs and Human Rights are aware that I had a slightly different decision from what they had.

This Selection Panel is the most important panel in this country because it helps select the body that makes the biggest political decisions in this country. The body's decisions can plunge us into problems or hold us up. We have had problems with nearly every IEBC on record, except for the one that was picked after the selection by the Inter-Parties Parliamentary Group (IPPG).

The appointment of commissioners of IEBC is political even though the Constitution states that they are supposed to be neutral people. The Selection Panel needs to balance the political interest of all political players in the country in order for there to be peace. If it will be seen to be politically leaning on one side and not the other from the word go, then we will have a problem. The people they will bring, even if they have integrity, will not be seen to have integrity.

I want to urge Members of this House to take this job seriously. They should not hurry just because we want to put this panel in place just for us to end up with a Committee that is not acceptable to Kenyans.

In that discussion, I suggested that we increase the members to nine for us to take into account all the public contribution that we have received suggesting that we bring other players on board. We were given an opinion that I disagreed with which said that we cannot amend the numbers from seven to nine. I conceded on that particular issue, but



I would want to understand the legal reason behind curtailing Parliament's power to legislate and why we cannot move from seven to nine.

My view is that the slots for Parliamentary Service Commission (PSC) must be slots that can be shared by both sides; Government and Opposition. We cannot have one slot. Having one slot means that it has to go to one side or the other and that is going to bring a problem. I suggested to the team that we need to retain two slots for the PSC.

I initially suggested that religious organisations have no business in this political space and they can, probably, take one slot instead of giving the PSC one slot. However, we were reminded, which is true, that in this country, we always have a balance of the Christian and other religious organisations. It, therefore, made sense to retain the two slots for the religious organisations. I, therefore, suggested that the slot that has been brought in for the Public Service Commission (PSC)---

**The Speaker** (Hon. Kingi): Senator, I am afraid your time is up. We will hear from Sen. Wakili Sigei.

**Sen. Wakili Sigei:** Thank you, Mr. Speaker, Sir, for the opportunity to contribute to this Bill. I am part of the team that went through the Bill that came from the National Assembly. I am the Chairperson of the Committee that the Bill was committed to.

While we appreciate the importance of the Selection Panel to the IEBC commissioners, we must also appreciate the importance of the history that we have had as a country. The history that has led us to where we are is very important to the decisions that we are going to make. As the Chairperson of that Committee, it is important for me to lay out the process; where we have come from up to where we are.

The Committee of this House, where this Bill was committed to, received the Report on 8<sup>th</sup> December, 2022. This House sat and the Bill was thereafter committed to the Standing Committee to deal with the considerations.

**Sen. Kinyua:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): What is your point of order, Sen. Kinyua?

**Sen. Kinyua:** Mr. Speaker, Sir, from where I sit, I think it will be neat if the Members of the Committee that prepared this Report were the last ones to speak on this. You can guide me on that.

**The Speaker** (Hon. Kingi): There is no particular order. We would wish to harvest your thoughts on this Report as Senators, whether you were a Committee Member or not, without necessarily having the Members of the Committee speak last.

Proceed, Senator.

**Sen. Wakili Sigei:** Thank you, Mr. Speaker, Sir

**Sen. M. Kajwang':** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): What is your point of order, Sen. M. Kajwang'?

**Sen. M. Kajwang':** Mr. Speaker, Sir, looking at the Order Paper, the distinguished Senator has an amendment to this Bill. Unless he has withdrawn that amendment, will it not be neat for him to move, so that we debate his amendment and dispense with it, because we cannot speak to the original version that came from the National Assembly and then later speak to his amendment?

**The Speaker** (Hon. Kingi): Sen. M. Kajwang', we will have that in the afternoon sitting where the amendments shall be moved, debated and voted through the Committee of the Whole.

Sen. Wakili Sigei, proceed to conclude your comments.

**Sen. Wakili Sigei:** Thank you, Mr. Speaker, Sir, for that guidance. I believe that I will be added the time which has been interrupted by interventions by Sen. Kinyua and Sen. M. Kajwang'.

I wanted to indicate that pursuant to Article 118 of the Constitution and Standing Order No.145(5) of this House, we proceeded as a Committee---

**The Senate Minority Leader** (Sen. Madzayo): On a point of order!

**The Speaker** (Hon. Kingi): What is your point of order, Sen. Madzayo?

**The Senate Minority Leader** (Sen. Madzayo): Bw. Spika, je, ni sawa kwa Mwenyekiti wa Kamati ya Haki, Masuala ya Kisheria na Haki za Kibinadamu--- Ingekuwa bora kama angekuwa wa mwisho baada ya Maseneta wote kuzungumza. Amepewa nafasi ya kuzungumza. Endapo tena atapewa nafasi ya kuzungumza katika kikao cha alasiri, hilo halitakuwa jambo nzuri.

Atakuwa na muda mrefu wa kutueleza vizuri wakati wa kipindi cha alasiri kwa nini anapendekeza mabadiliko haya. Kwa hivyo, ni vyema awape nafasi Maseneta wengine nafasi ya kuongea. Huo ndio utaratibu.

Asante, Bw. Spika.

**The Speaker** (Hon. Kingi): Hon. Senator, I have made a ruling on that particular issue. The Senator for Laikipia rose on a point of order on the same issue and I made a determination on it. Sen. M. Kajwang' rose on a point of order on the same issue and I ruled on it. Therefore, you should stand guided by the directions I have given.

You have to understand that at the end of these contributions, it is not even the Chairman who is going to reply. It will be the Mover, who is the Senate Majority Leader. So, these amendments that you are yearning to hear, you are certainly going to hear about them during the afternoon sitting when the substantive amendments shall be moved, debated and we shall proceed to vote.

We are proceeding with the debate as contained in the Order Paper as read by the Clerk. Sen. Wakili Sigei, proceed and conclude your contribution. You have two minutes.

**Sen. Wakili Sigei:** Mr. Speaker, Sir, I should have utilised less than a minute. I have lost a minute because of interruptions. Kindly indulge me.

I indicated that on 9<sup>th</sup> December, we invited people, through a notice published in the media, to support or raise issues, petitions or memoranda on the Bill as was published.

We did receive views from a number of stakeholders, among them, the Office of the Registrar of Political Parties, the Council of Governors (CoG), the National Gender and Equality Commission (NGEC), the County Assemblies Forum (CAF), and the Katiba Institute, among others. We also had various considerations, including even Kenyans of goodwill such as a gentleman by the name Mr. Eliud Malindi who also gave his support on the issues which had been raised in the Bill. We proceeded as a Committee.

I am aware that later on in the afternoon, we will have a session to give a consideration of the amendments that the Committee is proposing. However, it is important to lay the foundation in this sitting of what the Committee had. It was pursuant to what my colleague, Sen. Okiya Omtatah, had filed in the Petition No. E364 of 2020 where the court gave direction or its finding to the extent that the Selection Panel as it were, was not constitutional.

Among the issues that the Committee received for purposes of consideration were concerns in the Petition where the court made its findings, including one reason and the basis to ensure that the Selection Panel complied with the provisions of Article 27(8) of the Constitution of Kenya on the issue of the two-thirds gender rule.

We also considered the provisions of Section 38 of the Political Parties Act on the element of the representation from the Political Parties Liaison Committee (PPLC), noting that the PPLC is a creation of an Act of Parliament that comprised concerns which had been raised to include the Independent Electoral and Boundaries Commission (IEBC), which is a body that the Selection Panel creates and also the political parties which my colleague, Sen. Sifuna, spoke about.

The Committee considered the fact that for purposes of posterity, we must ensure that membership of the Selection Panel comprise of persons whose interests will be the interest to protect the political class. We had extensive conversations on this issue.

In the afternoon, I will present the propositions which ultimately the Committee had. That is where Sen. M. Kajwang' and the team will either support or not the propositions that we have.

The Standing Committee executed the assignment on the issues which had been presented before it with utmost fidelity. I must appreciate Members of the Committee.

At this stage, Mr. Speaker, Sir, I support the Second Reading of the Bill as has been moved by the Senate Majority Leader.

I thank you.

**The Speaker** (Hon. Kingi): Proceed, Sen. Osotsi.

**Sen. Osotsi:** Thank you, Mr. Speaker, Sir, for this opportunity to also make my comments on this important Bill.

Election is the greatest risk to this country. Because of that, colleague Senators, this House has been known to be a House of reason. It has been known to be a House that engages in a bi-partisan arrangement whenever we have a matter of importance like this. I ask that we exercise that today by looking at this matter objectively and thinking about the nation and not whichever side we are in.

I have looked at the amendments proposed by the Committee on Justice, Legal Affairs and Human Rights. I agree with Sen. Sifuna that the process of conducting elections is a political process, and that process must be done with the stakeholders in mind.

Regarding the one position for the Parliamentary Service Commission (PSC), I want to suggest that we enhance it to two positions so that the Majority side has one slot and the Minority side has one slot. That position we will get it from the Public Service Commission. Actually, there is no need for the Public Service Commission which conducts the interviews to again be given a slot.

Mr. Speaker, Sir, I have also looked at the two positions which have been given to the Religious Council and I think we need to be very clear. We should say that there should be either one Muslim or one Christian representative because there is no legislation that establishes the Religious Council.

A lot has been said on the issue of the Law Society of Kenya (LSK) but I think it is discriminatory to always give the LSK a position. What about the engineers, the teachers or the ICT people like me? I think it is discriminatory and in any case, we can

still get commissioners who are lawyers. Why do we insist on the LSK getting a slot there? That is discriminatory.

Mr. Speaker, Sir, as Senators, we have an opportunity to demonstrate leadership by agreeing on this. Today, the issue is not about numbers but about this country and where we are going. The Commission that will be selected is the one that will lead us to review boundaries and the 2027 elections. We want to get a Commission that is acceptable and competent. It should be a Commission that will unite this country and not one that will divide us along party or tribal lines.

This country needs to move on and we can only guide this country to move on if we make good laws for posterity. We should not make a law that is going to give someone an edge over the other. We need a law that will be there for a long time to come. This law that we are trying to amend here is a law that was passed in this House just before the last election. It is barely one year in existence and yet we are amending it. Our colleagues on the other side celebrated when this law was passed. The Senators on the other side should not celebrate because it will come to haunt them in future. We should ensure that we pass a law that will be there for posterity and a law that will not divide this country.

Mr. Speaker, Sir, you have heard a lot about elections. There is a conversation outside there about elections. I want to say that the President has said there will be a commission of inquiry. On this side, we welcome an independent commission of inquiry because we have a lot to say about the last elections. So, it should be put in place as soon as possible. We want that commission to come up with recommendations that will change the legal architecture of elections in this country.

**The Speaker** (Hon. Kingi): Senator, your time is up.

**Sen. Methu:** Thank you, Mr. Speaker, Sir. I also rise to support the Bill that originated from the National Assembly. I agree with my colleagues who have said that we need to employ a bipartisan approach to this matter. The Chairman of the Committee on National Security and Foreign Relations, Sen. Cheptumo, usually reminds me that when he was the Chairman of the National Assembly Committee on Justice and Legal Affairs (JLAC), he was not very kind to the Senate. As fate would have it, he is now a Member of the Senate and he really regrets that. I would not want to regret later that I participated in legislating a law that I will not be proud of in future.

Mr. Speaker, Sir, this is one of the most important selection panel in the country. It will require a lot of convincing from the Chairman of JLAC and his team as to why he wants to limit the powers of the Parliamentary Service Commission and reduce our numbers. Initially, the proposal was four, then two and now it is one. We need to have two from the Parliamentary Service Commission so that we can have one for the Majority side and one for the Minority side.

There was a second proposal which came from the leading political parties. A comment was made by the Leader of the Majority that Senators who are sitting on the Government side, I will give an example of Sen. Kinyua who joined the Senate as a member of the Jubilee Party which was the Majority side then. He completed that term while still being a member of the Jubilee Party but on the Minority side. There were other members of the Jubilee Party in the Majority side. We may not know what will happen

but we only need to legislate and do the right thing. I agree we should get a member from each of the leading political parties.

On religion, I would want to disagree with the Member who said that the whole matter is political. Despite the fact that the Independent Electoral and Boundaries Commission (IEBC) will be making political decisions, I think that we shall need religious players from Christianity, Islam, Hinduism and Buddhism.

Mr. Speaker, Sir, you saw the work that was done by the choir in the Bomas of Kenya. They may not have done the political work but they played a big role in reducing tension. I agree we need religious players in the selection panel.

The Public Service Commission is tasked with ensuring that we get the right people in all public offices. To have two representatives from the Public Service Commission is also a good proposal. I agree with all my colleagues who have said that our decision on this should be unanimous.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Dullo.

**Sen. Dullo:** Thank you, Mr. Speaker, Sir. I wish to confirm to the House that I am a Member of JLAC. I sat through in part of the debate and discussions in the Committee. We have history with this particular legislation. In 2017, we had a joint Committee which comprised of both sides of the aisle that looked at the amendment to the IEBC legislation. I wish the same thing happened at this particular time.

The Committee has looked at the amendments that came from the National Assembly. We tried to look at how we could increase the numbers. We were advised that it was not possible legally because of the timeline and other things. We had a debate and some Members proposed that we remove one slot from the religious institutions and give it to the Parliamentary Service Commission.

The practice in this country is that when it comes to matters to do with interfaith, we have always had two slots; one to be given to Christians and one to Muslims. In that meeting, I categorically said that if that position is not carried, I will give a dissenting opinion. That position still stands as far as this amendment is concerned.

Mr. Speaker, Sir, I have no problem with the slot of the Public Service Commission (PSC) being given to Parliamentary Service Commission (PSC) for the purpose of balancing. However, in our discussion, we agreed on all these. Towards the tail-end, some Members tried to change their minds, which is okay. On the other hand, it is also important for us to balance both sides of the aisle. One of the things this Committee did was to amendment to political parties, which we took care of both sides.

I believe it is important for us to also appreciate the role that the Committee played. Of course, not everybody will agree, but the Committee has done a lot as far as this debate is concerned.

Mr. Speaker, Sir, I know it is a very difficult time. Nevertheless, we need to put our heads together and see how we can take the interests of this country before us, instead of looking at political parties or individual interests. I know that there is an amendment that will come in the afternoon, which we are either going to support or not. The bottom line is for the country to heal. We must look at the history and see where we are heading. It is not important who wins and who loses. The bottom line is how we are going to heal this country.

For years now, this country has been having problems with election laws. In the Report, we said that the stakeholders to various legislations should be cured at the consensus of the Speakers level. I wish the Speakers of both Houses looked at this Bill before it came to us. If those issues of stakeholders were resolved at that consensus level, we would not be at loggerheads today or trying to suspect each other.

Mr. Speaker, Sir, since you sit at the consensus level, in future, when such issues come up at the panel, you need to look at the stakeholders as far as Bills are concerned.

Thank you.

**The Speaker** (Hon. Kingi): Sen. (Dr.) Oburu, please, proceed.

**Sen. (Dr.) Oburu:** Thank you, Mr. Speaker, Sir, for the opportunity. The Bill that is before us is a very important one. It is an important one because we are a young democracy and are maturing or rather want to mature into a mature democracy. We do not want our standards of democracy to be compared with our neighbours and the other countries in Africa. We want our democracy to be the best and be compared with the best in the world.

Therefore, when we talk about the IEBC, it is a very crucial tool in the election process and we must not be partisan. Some people have mentioned that when you make laws, sometimes you do so thinking that you are on the better side of the divide and will, therefore, always be there. Things change and you might be on the receiving end where you thought you would never be.

Mr. Speaker, Sir, when we make laws, let it be for posterity, Kenyans and improvement of our democratic process in this country. On this particular Bill, I would like to support what will come in the afternoon, which is attached to this Order Paper as an amendment proposed by the Committee on Justice, Legal Affairs and Human Rights.

I would like to comment on the inclusion of the Public Service Commission (PSC). The Public Service Commission (PSC) is part of the Executive, and the Executive is also represented here by the Majority side. There is no reason that one slot should go to the Public Service Commission (PSC). I would suggest that it goes to the Parliamentary Service Commission (PSC), where there is only one slot so that one slot will go to the Majority and the other goes to the Minority, so that it is balanced the way it has been balanced for the Political Parties Liaison Committee.

Mr. Speaker, Sir, I would also have liked the religious groups who are proposed to have two slots to have at least one from the Christian community and the other from the other communities, which is Muslim or others. I believe it should be specifically Muslim and Christian. That should be specified in the Bill.

I do not want to say more. However, I would have liked a situation where this particular Bill is discussed in the Senate in a bi-partisan manner, where we do not take partisan positions. We should consider everything presented here before us objectively and for posterity.

With those few remarks, I would like to support the Bill.

**The Speaker** (Hon. Kingi): Sen. Thang'wa, please, proceed.

**Sen. Thang'wa:** Thank you, Mr. Speaker, Sir. Before I give my submission, I would like to tell Sen. Sifuna that the only discussion that we are having together is how to make Kiambu County a better bedroom, because it is the bedroom of Nairobi City County, and for him to make an environment for the hawkers, business people and

*matatus* to work here in Nairobi City County. The only orange thing I can be associated with is that citrus, tennis ball looking fruit called an orange. Anything else is neither here nor there.

Mr. Speaker, Sir, as I support the Second Reading of this Bill, this House is being gracious and benevolent enough to share the two slots that they were supposed to have; giving one to the Public Service Commission (PSC) and the other one to the Political Parties Liaison Committee.

What I would want us not to do is to try to come up with a criterion of how these entities are supposed to elect their members. We cannot tell the inter-religious council how to elect. I believe it is a body that understands their mandate, the same way we are not telling the lawyers we need *wakili wa mashamba* or a constitutional lawyer. They know who to bring to this Panel. At the same time, we are thinking about the next election, not this one. I do not even understand what the majority and minority mean now because you do not know the next Government that is coming.

All we need is men and women of integrity to be appointed to this Panel so that they can have a nice Commission that is not partisan. This amendment is bringing a multi-partisan Panel of people from different sides of the political divide. The politicians are in the Parliamentary Service Commission (PSC), the workers of the nation are in the Public Service Commission (PSC), our faith is in the Inter-religious Council and the learned friends are in the Law Society of Kenya (LSK). When it comes to the political parties---

That is why without anticipating debate, I will not support the amendments that will be coming. This is because you cannot tell the Political Parties Liaison Committee to select the majority and minority parties there. What about the smallest parties; the *Tujibebe*, *Tujiweke* of this world and all those parties? We need them to also vote and have a voice.

I always say that I have the majority votes in the Senate from the Kenya Kwanza side. Sen. Sifuna has the majority votes from the Azimio side, but we each only have one vote. Otherwise, if you want them to bring somebody here so that the majority can be voting, then I should have three or four votes in the Senate. We speak of one man, one vote. That should be kept in their minds when they are selecting their members.

I am happy when I see my good friend, Sen. Osotsi, talking about the formation of the Commission of Inquiry. The Government is going to do that. We formed a Tribunal of inquiry on the “Cherera Four” and they advised them to resign and not to speak to this inquiry. Now they are asking for another inquiry. That inquiry will come because we want to make sure that this country has the best elections that will be emulated by other nations.

We will be bringing more amendments to the election law because we do not want the IEBC to be moving on their own motion not to clear certain candidates. We have to bring that amendment so that we make sure that they cannot deny anybody a chance to run by their own motion. This is what the lawyers call *Suo Moto*.

I support the second amendment.

**The Speaker** (Hon. Kingi): The Senator for Laikipia, you have the Floor. As you contribute, Sen. Wambua, who is online, should be ready to contribute after you.

**Sen. Kinyua:** Asante, Bw. Spika, kwa kunipa fursa hii. Kwanza, ninasimama kuunga mkono na kusema ya kwamba ni vizuri vile hili Jopo la Uteuzi limeundwa.

Nikiangalia naona ya kwamba vile liko ni vizuri kabisa. Ukweli wa mambo ni kwamba wakati wote sheria ambayo inahusu uchaguzi inaposhughulikiwa, kumekuwa na vurugu na mvutano lakini kwa wakati huu nina furaha kwa sababu tutaongea kwa amani bila vurugu ya kuelewana kwa sababu sharia hizi za uchaguzi zinahusu Wakenya wote.

Nimesikia Sen. Osotsi akisema ya kwamba kuna wale ambao hawapaswi kuwa wakiangaliwa zaidi, wale wanaopaswa kuangaliwa ni vyama.

Ninataka kumwambia ya kwamba watu wote wana sehemu katika uchaguzi kwa sababu uchaguzi si wa waniasia peke. Wakati wa kupiga kura hata wale ambao ni watu wa kanisa na wafanya kazi wa umma wana jukumu la kupiga kura na kufanya uamuzi. Ni vizuri kila mtu ahusishwe.

Ninasimama kuunga mkono na kusema kuwa hii sehemu moja ambayo imepatiwa hawa ambao ni wa Tume ya Utumishi wa Umma, wale wabaki pale kwa sababu wanajua mambo ya kisheria. Hasa nikisema kuhusu *professionalism*, wale ndio watakaoshughulikia zaidi.

Nimesikiliza ndugu zangu wakisema ya kwamba hii ni sehemu ya serikali. Watumishi wa Umma wale ambao hautawaweka kwa serikali hii ama ile kwa sababu wanafanya na serikali iliyoko na ijapokuwa nilisikia ati wanapoteuliwa na rais ni mpaka waletwe katika Bunge. Bunge lenyewe lina usemi; wanaweza kukataa ama kukubali. Kwa hivyo, Bunge lina usemi katika sehemu ile.

Vile ambavyo imetengenezwa kusema ya kwamba kuwe na watu katika Tume ya Bunge; mwanamume na mwanamke mmoja, ninaunga mkono mia kwa mia. Vile vile, watumishi wa umma ni mpaka washughulikiwe. Mahali ambapo nina tashwishi ni hawa wanasheria. Kila mahali kukitajwa katika serikali ama katika sheria unapata ni mpaka hawa wanasheria watajwe ama ile tume ya wanasheria.

Swali ni hili : kuna wale ambao ni madaktari na wahandisi. Hata hao wanapaswa kushughulikiwa. Ninaona Sen. Omogeni akisema mpaka waangaliwe kwa sababu yeye ni mwanasheria. Ninaona Sen. Madzayo pia akisema mpaka waangaliwe lakini Sen. Thang'wa hapa si mwanasheria naye ataangaliwa wakati gani ?

Ni vizuri hata badala ya kusema watu wa kutoka *Law Society of Kenya (LSK)* waangaliwe wangesema mwanasheria tu ili hata wao waweze kuangaliwa. Wale ambao ni wachungaji ama *religious organizations* - nimesikia wengine wakisema ati ni mpaka tuzingatie na tuseme ati mmoja awe ni Mwislamu na yule mwingine awe ni Mkristo lakini hakuna haja ya kusema hayo yote kwa sababu wenyewe wanajua vile ambavyo wanapaswa kufanya.

Mimi nitafuatilia haya na ninaunga mkono kwa sababu sheria hizi ndizo zitakazosaidia tukiendelea mbele---

*(Sen. Kinyua's microphone was switched off)*

**The Speaker** (Hon. Kingi): Is Sen. Wambua online?

Kindly, proceed, Sen. Wambua, to make your contribution.

*(Technical hitch)*



Mr. Clerk, do we have some technical challenge so that we skip and move to the next Senator?

**Sen. Wambua:** I am here, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Proceed, Sen. Wambua.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir and sorry for that technical hitch. I hope I can be heard now.

**The Speaker** (Hon. Kingi): Sen. Wambua, kindly, put your camera on. We need to see where you are. You also need to be dressed appropriately.

**Sen. Wambua:** Mr. Speaker, Sir I would like to do that, but the network cannot sustain it.

**The Speaker** (Hon. Kingi): You may not be able to proceed without the camera on because we need to know your location and how you are dressed.

*(Loud consultations)*

Please, proceed.

**Sen. Wambua:** Sen. Kinyua, what is the problem? Can I proceed? Can I contribute?

Mr. Speaker, Sir, I begin by saying that this is a very important Bill that is on the Floor of the Senate.

*(Loud consultations)*

Mr. Speaker, if I can be heard---

**The Speaker** (Hon. Kingi): Sen. Wambua, you are not properly dressed.

**Sen. Wambua:** Mr. Speaker, Sir, this is a Kenyan dress. This is the flag of the Republic of Kenya.

**The Speaker** (Hon. Kingi): Sen. Wambua, the mere fact that there is a flag on what you are describing as your top does not meet the dress code as required by the standard of the Senate. You may be proceeding to a soccer pitch.

*(Laughter)*

I am afraid, Sen. Wambua, that you may not be able to proceed to make your contribution because you are not dressed appropriately for the House.

Sen. Kisang, you may proceed.

**Sen. Kisang:** Thank you, Mr. Speaker, Sir. I beg to make my comments.

First, we make laws for posterity and it is good that this particular law has come at the beginning of the term of this Parliament because if it comes towards the campaign period, the temperatures are usually very high. I believe that we will debate soberly and agree on issues.

On the Public Service Commission (PSC) nominee, the PSC is the expert in terms of human resource issues in the country. I believe that it is very important that we get a nominee from the PSC in that selection panel to guide and help so that we do not

eventually appoint people to the IEBC like the four who almost burnt the country. It is important to get persons of integrity who will interview and vet properly.

Mr. Speaker, Sir, on the one position for the Parliamentary Service Commission (PSC), I believe it is important that we have two so that the Minority Side produces one and the Majority Side produces one.

The LSK are not very important here because even in the laws that we passed in the National Assembly in the last Parliament, they said everywhere that you must have a lawyer. Why can we not remove the nominee from LSK and add to Parliamentary Service Commission and then we put a rider that one of them must be a lawyer, to take care of lawyers if we need legal expertise in this Selection Panel? This is why I believe needs to be done.

Regarding the Inter-religious Council of Kenya, we know the country is 80 per cent Christian and others are 20 per cent. We should not specify. Let us give them the leeway to choose. Maybe they can choose a Catholic or Protestant this time and next time, they can choose a Muslim or Hindu to represent the Inter-religious Council of Kenya in this Selection Panel.

The problem that we have in the country is not the commissioners or the Selection Panel. The issue is that we do not accept election results. People do not accept when they are defeated. It is good that if you do not win, you accept and move on. We are 67 in this House and there are 47 elected Senators. There are many who contested and lost and they accepted. The issue is at the presidency level at the top, where people do not accept the outcome of the elections.

The IEBC has embraced technology. We currently have a President because of technology. If there was no technology, those who went to the Bomas of Kenya would have changed the results but we had the results way before and it was very difficult for anybody to manipulate the results and declare somebody who had no majority of the votes. It is because of the technology that IEBC has embraced.

This is the way to go. In fact, eventually, if it is possible, in the course of the term of this Parliament, we need to encourage parties to also use technology when they are doing their primaries. There are many issues across the political divide when it comes to the party primaries.

Mr. Speaker, Sir, let us debate soberly and agree. I propose that the Chairperson of the Committee on Justice, Legal and Human Rights, Sen. Sigei, if there are amendments that you will bring in the afternoon, you can drop the nominee from LSK and move it to the Parliamentary Service Commission. I believe Members will agree, so long as you put a rider that that one Member should be a lawyer. This particular Member will give legal advice to the Selection Panel as they interview Commissioners of IEBC.

**The Speaker** (Hon. Kingi): Sen. Omogeni, proceed.

**Sen. Omogeni:** Thank you, Mr. Speaker, Sir. I also rise to contribute to this important Bill. However, I am really saddened by the spirited attack against lawyers that I have seen in this House in the morning and part of the afternoon. This is in particular to LSK. People are talking as if they do not know the history of this country. The LSK has been in the thick of things. It is LSK that fought for multiparty democracy in this country. How can we sit here attacking LSK the whole morning as if we do not know about the history of this country?

Mr. Speaker, Sir, I want to inform the Hon. Members that LSK is a statutory body, created by an Act of Parliament. I mean, look at the mandate of LSK under Section Four---

**Sen. (Dr.) Khalwale:** Point of order, Mr. Speaker, Sir!

**The Speaker** (Hon. Kingi): What is your point of order, Sen. Dr. Khalware?

**Sen. Omogeni:** Your son is a lawyer.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I do not wish to interrupt my colleagues, who I respect very much. However, because we want to have a clear record of proceedings for posterity, may the record show that the people who fought for the second liberation were not limited to LSK alone. In fact, I was in the struggle from the age of 22 at the University of Nairobi, up to until we succeeded. Could he withdraw the fact that it was only LSK?

**Sen. Omogeni:** Mr. Speaker, Sir, I thought doctors normally listen carefully. I am surprised that Sen. (Dr.) Khalware does not seem to be listening keenly. I said LSK was in the forefront. I have not said you were not in the forefront. I have said that history bares me witness that LSK has been in the forefront.

Mr. Speaker, Sir, this is not the first time LSK is participating as a panelist in picking Commissioners for IEBC. When I was the Chairperson of LSK, LSK was given slots. We picked nominees that picked the commissioners that reformed IEBC.

Let us appreciate the fact that LSK is a very key professional body in this country. It has been on the forefront even defending people who have fought for human rights in this country. The best way we should recognise that role is by giving them two slots and not even one. One woman and one man, instead of parking these nominees with the Public Service Commission (PSC). Why do we want to park Public Service Commission (PSC) in picking panelist who are going to interview our commissioners?

Mr. Speaker, Sir, the best way to approach this matter is to allow non-partisan, professional bodies, civil society--- In fact, during that time when LSK was given slots, we had the Association of Professional Societies of East Africa (APSEA) sending a nominee. The Kenya Anti-Corruption Advisory Board (KACAB) sent a nominee.

I hope Sen. Kinyua is listening. The LSK is not an animal that we need to demonise. When the "system" will come for you, as it will at some stage, you will run to LSK to defend you. So, you should be acknowledging the good work and contribution that LSK has made to this country.

I persuade my colleague Senators that please, this is a law you are making for posterity. This law will not just serve the commissioners that are being picked now, but it is for posterity. I appeal to you, please, do not remove LSK from the Selection Panel. In fact, as I have urged, we should have two representatives instead of one. I am happy that even Sen. Mungatana, MGH, is in support of this preposition.

Mr. Speaker, Sir, you are also a lawyer, and you know when we fight for the expansion of democracy as LSK, we are applauded. However, when we are being given just a small slot to be panelists, we are being demonized.

**Sen. Kinyua:** On a point of order, Mr. Speaker, Sir!

**The Speaker** (Hon. Kingi): What is your point of order, Sen. Kinyua?

Sen. Kinyua: Bw. Spika, sio ati ninadharau hili jopo la wanasheria. Nilisema nchi hii ya Kenya iko na watu wengi katika taaluma mbalimbali. Kwa hivyo, Sen. Omogeni

kusema ati hata hilo jopo liongezewe nafasi kwa sababu wewe, Bw. Spika, ni mwanasheria, Wakenya wataona kwamba unapendelea wengine.

Bw. Spika, ninataka tu kuwa upande wako ndio usije ukaonekana kana kwamba unapendelea wengine. Sisi hatuna shida na wanasheria kwa sababu hao ndio huwa wanatutea wakati tuko na shida. Hata hivyo, wazingatie Wakenya wengine ambao sio wanasheria.

**The Speaker** (Hon. Kingi): What is your point of order? I have not got it. Kindly, proceed Sen. Omogeni to conclude your contribution. I think you had 19 second.

**Sen. Omogeni:** Mr. Speaker, Sir, the other point I wanted to make is that because this is a bi-partisan team, we want both sides of the political divide to be represented. The Parliamentary Service Commission (PSC) should be given two slots so that we have a slot reserved for the Majority Side and one for the Minority Side.

With those few remarks, I support.

**Sen. Mandago:** On a point of order, Mr. Speaker, Sir!

**The Speaker** (Hon. Kingi): What is your point of order?

**Sen. Mandago:** Mr. Speaker, Sir, I rise under Standing Order No.109. Considering the debate, contributions from Members and the time that we have, I request that you call the Mover of the Motion to reply.

**The Speaker** (Hon. Kingi): Hon. Senators, the hon. Mandago has through his contribution requested that due to the time constraints - since as you are aware, we need conclude business by 12.30 pm - the Chair calls the Mover to reply.

I will proceed to put the question.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

May the Mover proceed to reply.

**The Senate Majority Leader** (Sen. Cheruiyot): This is one of the Standing Orders we need to amend because people such as Sen. M. Kajwang' have the sound of two people. So he voted on behalf of two people.

*(Laughter)*

Anyway, apologies to my colleagues. We know we have been here since 10 o'clock. Had Sen. M. Kajwang' been here when I made the moving notes, he would have known I did in a record four minutes because I wanted to as much as possible---

*(An hon. Senator spoke off record)*

No, no. I think it was three minutes, if I am not wrong. I wanted to, as much as possible, afford the opportunity to every Senator to speak and share their opinion. I have listened to Senators speak on the debate about the LSK. I hear Sen. Kinyua wants to propose that we deny LSK and give the position to members of this professional association, I think the Touts' Association of Kenya. The decision will be made in the afternoon. I humbly request our colleagues---

*(Laughter)*

**An hon. Senator:** Even Sen. Omtatah has not spoken.

**The Senate Majority Leader** (Sen. Cheruiyot): Sen. Omtatah should have been here at 10 am in the morning when we first made these orders. I am sure he will an opportunity in the afternoon.

Mr. Speaker, Sir, I thank my colleagues who have spoken to the Motion. I have listened to others make a case for the Inter-Religious Council of Kenya. Others have preferred that we reduce the other one. We will have that conversation during the Committee of the Whole when people file amendments and perhaps share them with us, then we will be convinced on what we need to do.

Thank you, Members for participating. I beg to Reply.

**The Speaker** (Hon. Kingi): Pursuant to Standing to Standing Order 263, I make a determination that the voting will be by roll call in view of the Hybrid Sitting. I direct that the Division Bell be rung for two minutes.

*(The Division Bell was rung)*

**The Speaker** (Hon. Kingi): Let us take our seats. Sen. Shakila Abdalla, you are out of order. Kindly take your seat.

The Ayes have nominated Sen. (Dr.) Lelegwe as the Teller for the Ayes. Is that the position?

**Hon. Senators:** Yes!

**The Speaker** (Hon. Kingi): Who is the Teller for the Nays side? Sen. Shakila. Kindly, proceed to the Dispatch Table.

Clerk, you may now proceed with the roll call for division.

*(Voting in progress)*

**The Speaker** (Hon. Kingi): Sen. Veronica Maina, kindly approach the Chair.

*(Sen. Veronica Maina approached the Chair)*

*(Voting in progress)*

*(Several Senators stood in their places)*

*(Sen. (Prof.) Tom Ojienda crossed from the Minority to the Majority side)*

**The Speaker** (Hon. Kingi): Order, Hon. Senators. You need to understand that the House is still in session.

Sen. (Prof.) Tom Ojienda, you should not cross the House as if you are crossing from one bedroom to the other. You know the rules of the House.

*(Laughter)*

Sen. (Prof.) Ojienda, kindly proceed to bow before you cross over.

*(Sen. (Prof.) Tom Ojienda bowed at the Bar)*

*(Tallying in progress)*

## **BILL**

*Second 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 Second Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Mahcacos 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. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mandago, Usain Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi 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 Ayes:** Sen. (Dr.) Lelegwe Ltumbesi

**NOES:** Nil

**Teller of the Noes:** Sen. Shakila Abdalla

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

**AYES:** 29

**NOES:** Nil

**ABSENTIONS:** Nil

The Ayes have it.

Clerk-at-the-Table, please proceed to read the Bill a Second time.

*(Question carried by 29 votes to nil)*

*(The Bill was read a Second Time and committed to a Committee of the Whole today, by leave of the House)*

### ADJOURNMENT

**The Speaker** (Hon. Kingi): Hon. Members, there being no other business on the Order Paper, it is time to adjourn the House. The Senate, therefore, stands adjourned to today, Thursday, 19<sup>th</sup> January 2023 at 2.30. p.m.

The Senate rose at 12.33 p.m.