



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIRST SESSION)

THE SENATE

SUPPLEMENTARY ORDER PAPER

THURSDAY, OCTOBER 12, 2017 AT 2.30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (As Listed in the Appendix)
6. Notices of Motion
7. Statements (As Listed in the Appendix)

8. **COMMITTEE OF THE WHOLE**

*****THE ELECTION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS
NO. 39 OF 2017)**

(The Senate Majority Leader)

9. **MOTION** – (Sen. Susan Kihika)
(Ministry of Environment & Natural Resources)

THAT, aware that cities, towns and urban areas in Kenya are increasingly getting overpopulated leading to overstretching of services and amenities; concerned that improper management of waste has become a major cause of pollution of neighborhoods, water sources and other natural resources leading to rise of environment-related diseases which cause many deaths; further concerned that in most urban areas, waste is dumped in an uncontrolled manner posing a great challenge to the wellbeing of urban dwellers, particularly those living near dumpsites; acknowledging that the problem continues to rise despite the efforts made to mitigate the problem through various statutory bodies, private entities and communities; the Senate calls upon the National Government to take immediate steps to develop effective waste management regulations and put in place proper disposal facilities, including for harmful waste and that this be done in consultation with all key stakeholders.

...../ *Motion*

10. **MOTION** - (The Senate Majority Leader)

THAT, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 7th November, 2017.

NOTICES

The Senate resolved on 13th September, 2017 as follows:-

- a) **THAT**, pursuant to Standing Order 100 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

- b) **THAT**, notwithstanding the provisions of Standing Order 100 (4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

KEY

******** - Denotes a Majority /Minority Party Bill

******* - Denotes a National Assembly Bill

****** - Denotes a Committee Bill

***** - Denotes any other Bill

NOTICE OF AMENDMENTS

*****THE ELECTION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 39 OF 2017)**

(The Senate Majority Leader)

NOTICE is hereby given that Sen. Mutula Kilonzo Junior, intends to move the following amendments to the Election Laws (Amendment) Bill (National Assembly Bills No. 39 of 2017)-

CLAUSE 2

THAT the Bill be amended by deleting clause 2.

CLAUSE 4

THAT the Bill be amended by deleting clause 4.

CLAUSE 5

THAT the Bill be amended by deleting clause 5.

CLAUSE 6

THAT clause 6 of the Bill be amended -

(a) by deleting paragraph (a) and substituting therefor the following new paragraph-

(a) deleting subsection (1C) and substituting therefor the following new subsection - -

(1C) For purposes of a presidential election, the Commission shall -

- (a) electronically transmit the tabulated results of an election of the President from a polling station to the constituency tallying centre and to the national tallying centre;
- (b) deliver the polling result forms with respect to the election of the President from a polling station to the constituency tallying centre and to the national tallying centre;
- (c) tally the electronic results and verify the electronic results with the polling result forms delivered under paragraph (b); and

...../ **Amendments**

(d) publish the verified electronic results and the polling result forms on an online public portal maintained by the Commission.;

(b) in paragraph (b) by-

(i) deleting the proposed new subsection (1DA) and substituting therefor the following new subsection -

(1DA) Any error arising in the tallying or verification of results shall be determined at the constituency tallying centre or the national tallying centre before the publication of the results.

(ii) deleting the proposed new subsection (1F) and substituting therefor the following new subsections -

(1F) The Commission shall ensure that the polling result forms used in an election under this Act have such security features as shall be determined by the Commission.

(1G) The Commission shall establish a mechanism for the live-streaming of results as announced and verified at all polling stations and constituency tallying centres.

(1H) The Commission may, for the purposes of subsection (1G), engage and accredit such media houses as it considers necessary for the live-streaming of results.

(1I) The results streamed under subsection (1H) shall be for the purpose of public information only and shall not be the basis for a declaration of the final results by the Commission.

(iii) deleting paragraph (c) and substituting therefor the following new paragraph -

(c) renumbering subsection (1D) as (1J);

(iv) deleting paragraph (d) and substituting therefor the following new paragraph -

(d) by deleting subsection (2) and substituting therefor the following new subsection -

(2) The Commission shall not determine and declare the final results of an election under subsection (1) unless it has received the results transmitted and delivered in accordance with this Act.

CLAUSE 7

THAT clause 7 of the Bill be amended by –

- (a) deleting paragraph (c); and
- (b) deleting paragraph (d).

CLAUSE 8

THAT the Bill be amended by deleting clause 8 and substituting therefor the following new clause–

Amendment of section 44A of No. 24 of 2011.	8. The Elections Act, 2011 is amended by deleting section 44A and substituting therefor the following new section -
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Complementary mechanism for identification of voters.	44A. (1) The Commission may put in place a complementary mechanism for identification of voters and transmission of election results that is simple, accurate, verifiable, secure, accountable and transparent to ensure that the Commission complies with the provisions of Article 86 of the Constitution.
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(2) The Commission shall, in consultation with the relevant agencies, institutions and stakeholders make regulations for the better carrying out into effect the provisions of this section.

CLAUSE 9

THAT clause 9 of the Bill be amended by deleting subsection (2) of the proposed section 83.

CLAUSE 10

THAT clause 10 of the Bill be amended in the proposed new section 86A by –

- (a) deleting the words “publish a notice in the Gazette” appearing immediately after the words “the Commission shall” in the introductory paragraph;
- (b) inserting the words “publish a notice in the Gazette” immediately before the words “indicating that” in paragraph (a).

(6) The relevant Committee shall, within fourteen days of receipt of the revised preliminary report, table the report in the respective House of Parliament together with its recommendations.

(c) in subsection (7) by inserting the words “and the Senate” immediately after the words “National Assembly”;

(d) in subsection (8) by inserting the words “and the Senate” immediately after the words “National Assembly”;

(e) in subsection (9) by inserting the words “or the Senate” immediately after the words “National Assembly”.

THAT the Bill be amended by inserting the following new clauses immediately after clause 10 –

Amendment of section 109 of No. 24 of 2011.

10A. Section 109 of the Elections Act, 2011 is amended –

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

(3) The power to make regulations under this Act shall be exercised only after a draft of the proposed regulations has been approved by the National Assembly and the Senate, at least four months preceding a general election:

Provided that this applies to the first general election under this Act.

(b) in subsection (4) by inserting the words “and the Senate” immediately after the words “the National Assembly”.

Amendment of section 112 of No. 24 of 2011.

10B. Section 112 of the Elections Act, 2011 is amended by inserting the following new sub-section immediately after sub-section (2) –

(3) The provisions of the Election Laws (Amendment) Act, 2017 shall not apply to an election petition filed under this Act and pending before a court of law on the date of the commencement of the Election Laws (Amendment) Act, 2017.

APPENDIX

1. PAPERS

- a) The Business of the Senate for the coming week;

(The Senate Majority Leader)

- b) The Report of the *Ad-hoc* Committee on the Election Laws (Amendment) Bill, 2017 on the Election Laws (Amendment) Bill (National Assembly Bills No. 39 of 2017);

(Chairperson, Ad-hoc Committee on the Election Laws (Amendment) Bill, 2017)

2. STATEMENTS

(I) TO BE REQUESTED

- a) The Senator for Makueni County (Sen. Mutula Kilonzo Jnr.) to seek a statement from the Senate Majority Leader regarding the spillage that occurred at Thange area in Kibwezi East Constituency, Makueni County in the year 2015;
- b) The Nominated Senator (Sen. (Dr.) Getrude Musuruve) to seek a statement from the Senate Majority Leader regarding the non compliance with Article 100 of the Constitution on the promotion of representation of marginalized groups as well as status of inclusion of Persons with Disabilities in the Public Service;
- c) The Nominated Senator (Sen. (Dr.) Getrude Musuruve) to seek a statement from the Senate Majority Leader regarding access to procurement opportunities in Government by Persons with Disabilities, Women and Youth.

(II) TO BE ISSUED

- a) The Senate Majority Leader to issue a statement on delay in disbursement of funds to County Governments (Sen. George Khaniri);
- b) The Senate Majority Leader to issue a statement on withdrawal of security officers attached to the former Prime Minister and the former Vice President (Sen. Ledama Olekina);
- c) The Senate Majority Leader to issue a statement on clashes between members of the Maa Community and the Kipsigis Community in Esoit Naibor area in Kimintent Ward in Narok County (Sen. Ledama Ole Kina);
- d) The Senate Majority Leader to issue a statement on Business of the Senate for the coming week.
