



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, DECEMBER 03, 2025 (AFTERNOON SITTING)

1. The Senate assembled at Thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM OF THE SENATE**

The Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was a Quorum, invited the Clerk to call out the Orders of the Day.

4. **COMMUNICATION FROM THE CHAIR ON THE PRELIMINARY ISSUES ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. AMOS KIMWOMI NYARIBO, GOVERNOR OF NYAMIRA COUNTY.**

The Speaker conveyed the following communication from the Chair: -

“Honourable Senators, Ladies and Gentlemen,

As you will recall, at the commencement of the hearing of the proposed removal from office, by impeachment, of Hon. Amos Kimwomi Nyaribo, Governor of Nyamira County, earlier today, Wednesday, 3rd December, 2025, Counsel for the Governor raised a preliminary objection to the hearing of the proposed removal from office, by impeachment, of Hon. Amos Kimwomi Nyaribo, on the following grounds –

- (a) That the impeachment motion dated 11th November, 2025 failed to attain the constitutional and statutory threshold and that therefore the purported resolution for the removal of the Governor by way of impeachment was invalid and incompetent as it failed to meet the mandatory threshold under Article 181 of the Constitution and section 33 of the County Governments Act; and
- (b) That the concept of proxy voting was alien, illegal and null and void and the attempt to explain the discrepancy through “proxy voting” was legally untenable and compounds the illegality of the proceedings premised on acts of fraud, forgery and misrepresentation.

Honourable Senators, Ladies and Gentlemen,

In urging that the Senate finds that the threshold of two-thirds of all Members of the County Assembly in support of the impeachment motion was not achieved, Counsel Elias Mutuma for the Governor stated that the County Assembly of Nyamira comprises 35 members and that, therefore, the requisite two-thirds majority for a valid impeachment resolution was 24 members of the County Assembly.

Counsel further submitted that the official record of the sitting of the County Assembly held on 25th November, 2025, confirmed that only 19 members were physically present in the Assembly chamber. Counsel stated that despite this, the Assembly recorded 23 votes in favour of the Motion and that this was numerically impossible and that to him, this demonstrated that improper and fraudulent voting had occurred.

Counsel for the Governor submitted that the phrase “all the members of the county assembly in section 33(2) of the County Governments Act, is not ambiguous and refers to the total composition of the County Assembly as established under Article 177 of the Constitution and as gazetted by the Independent Electoral and Boundaries Commission after the 2022 General Elections. Counsel contended that as the membership of the Nyamira County Assembly is 35 members and as two-thirds of 35 is 23.33; this can only be rounded off to 24 members.

Counsel further submitted that that the County Assembly's argument that the three vacancies in the Assembly reduced "all the members" from 35 to 32 was legally flawed and absurd. Counsel therefore urged that for these reasons, the impeachment proceedings before the Senate could not proceed and required to be terminated at the preliminary stage.

Counsel for the County Assembly took a different view on the matter. The thrust of their argument in response to the first preliminary issue was that the Independent Electoral and Boundaries Commission (IEBC) in Gazette No. 9956 of 2022 published on 24 August, 2022, set out the names of the elected members of Nyamira County Assembly and further that this was not the limit or absolute number of members who were required to sit in the Assembly at any given time.

Counsel further noted that when the Constitution and the County Governments Act imposed the requirement of two-thirds, this could only refer to two-thirds of the members present at any particular time. According to Counsel, an alternative interpretation would mean that no activity could go on should there be a vacancy or a challenge in filling the vacancy and further, that any business that has been transacted by the County Assembly of Nyamira on the basis of the members of the County Assembly of Nyamira at that time would be null and void. Counsel further stated that this issue was a question of fact that ought to be determined through the examination of evidence during the hearing.

On the second limb of the preliminary objection relating to voting by proxy by four members of the County Assembly, Counsel for the Governor stated that

this was alien to the County Assembly procedures, illegal, and null and void. Counsel further stated that no authority was granted by any member to vote on their behalf by proxy and that the four Members of the County Assembly in whose names proxy votes were recorded had provided sworn statements confirming that they were neither present in the Assembly nor did they issue any authority, written or otherwise, for any member to vote on their behalf.

In this regard, Counsel for the Governor referred to the standing order 67 of the Nyamira County Assembly Standing Orders, which requires that decisions of the Assembly be made by "members present and voting." Counsel argued that the act of proxy voting was expressly prohibited and was a nullity, as it contravened Standing Order 67 of the Nyamira County Assembly Standing Orders and the principles of representative democracy. It was Counsel's case that the unauthorized casting of votes in the names of absent members without their authority constituted fraudulent misrepresentation, forgery, and impersonation, further vitiating the entire process.

As such, the Governor takes the view that the maximum number of voting MCAs would have been 19 MCAs. The Governor concludes that the required statutory threshold of 24 members of the County Assembly to support the motion was not achieved.

In response, Counsel for the County Assembly stated that the delegation of voting by proxy was carried out in the right manner and further, that the proxy letters were available as evidence of the said delegation.

In support of this submission, Counsel referred to the case of *Mukisa Biscuit Manufacturing Co Ltd v. West End Distributors (1969) EA 696* which set out the threshold for a preliminary objection. In particular, Counsel stated that the issues in question i.e. the number of persons who voted was a contested fact that ought not to be argued at the preliminary stage. He further stated that although the Governor's counsel had indicated that there was evidence of affidavits sworn by four Members of the County Assembly averring that they did not delegate such authority, the County Assembly would, at the hearing, provide evidence of mobile telephone and email communication to counter this allegation. It was therefore not possible for the Senate to make a determination on the matter at the preliminary stage without hearing evidence on the matter.

Counsel further argued that although proxy voting was not expressly provided for in the standing orders, the Speaker of the Nyamira County Assembly had exercised the discretion provided for under standing order 1 of the Nyamira County Assembly Standing Orders, to allow for the proxy voting. He further stated that although the Standing Orders were silent in expressly providing for proxy voting, this did not bar the use of proxy voting in the Assembly

Honourable Senators, Ladies and Gentlemen,

Following the oral submissions on the preliminary objections and responses, Sen. Edwin Sifuna, Sen. Enoch Wambua and Sen. Boni Khalwale sought various clarifications from counsel including on the relationship between provisions of the Constitution on vacation of office by Members of Parliament or County Assemblies vis a vis the provisions of law that set out thresholds for voting on a matter, at what point the membership of a County Assembly is determined, after election or whether this is a moving target and whether it would not be prudent to give the County Assembly the opportunity to adduce evidence on the matters raised in the preliminary objection in the main hearing.

Subsequently, the respective Counsel gave their responses to the questions and clarifications sought by Senators.

Arising from the preliminary issues canvassed, the following are the issues that require determination by the Senate -

- (1) Whether the preliminary objection raised qualifies as a preliminary objection properly so called and whether therefore its determination must precede the further progress of the current impeachment process; and
- (2) If the answer to the first issue is in the affirmative, then, whether the two-thirds threshold required for the voting on the impeachment motion at the County Assembly was met.

Honourable Senators, Ladies and Gentlemen,

I shall commence with the first question which is whether the preliminary objection raised qualifies as a preliminary objection properly so called and whether therefore its determination must precede the further progress of the current impeachment process. As you will recall, the Senate has previously been confronted with this question in previous impeachment proceedings.

The question of what constitutes a preliminary objection was well set out in the leading of Mukisa Biscuit Manufacturing Co Ltd v. West End Distributors (1969) EA 696 as follows-

A preliminary objection consists of a point of law which has been pleaded or which arises by clear implication out of pleadings and which if argued as a preliminary point may dispose of the suit. Examples are an objection to the jurisdiction of the court or a plea of limitation or a submission that the parties are bound by the contract giving rise to the suit to refer the dispute to arbitration. A preliminary objection raises a pure point of law which is argued on the assumption that all the facts pleaded by the other side are correct. It cannot be raised if any fact has to be ascertained or if what is sought is the exercise of judicial discretion.

Honourable Senators, Ladies and Gentlemen,

In light of this and similar decisions, it is now well established in our practice that a preliminary objection does not require evidence to be adduced as proof of its existence. It is limited to points of law and cannot be raised if a fact has to be ascertained by the use of evidence to be adduced.

Reference has been variously made by Counsel for the Governor and Counsel for the County Assembly to the jurisprudence that has been laid down by this House in the two Kericho impeachment matters now commonly referred to as Kericho I and Kericho II in which the Senate arrived at different conclusions on the nature of a preliminary objection and the appropriate place at which to make a determination. In fact, there was no contradiction in the determinations made by this House in Kericho I and Kericho II.

In Kericho I, the Senate determined that a classical preliminary objection was one which was purely on matters of law and which required no evidence to be adduced for its determination. In that case, it was not in contention that the number of county assembly members who had voted in support of the impeachment motion was 31. It was also not in contention that the total number of Kericho county assembly members was 47. The only question was whether 31 members constituted the two-thirds threshold required by law.

In Kericho II, on the other hand, the question was whether some of the county assembly members alleged to have voted in support of the motion did actually vote. This was a matter requiring evidence to be adduced including the examination and cross-examination of the said county assembly members and accordingly, this was not a matter that could be determined at preliminary level without hearing the evidence. Kericho II was therefore ruled to belong to the second category of preliminary objection that can only be reasonably subsumed in the full hearing but for which a determination by the Senate would have to be made at the end before proceeding to vote on the charges.

The question therefore is whether the current preliminary objection belongs to the jurisprudence of Kericho I or Kericho II.

Honourable Senators, Ladies and Gentlemen,

In the current impeachment proceedings, it is not in contention that there were 19 members in the County Assembly of Nyamira present and voting at the time of impeachment. Secondly, although there is contestation about the validity of the votes purportedly cast by proxy by another 4 members, there is no contestation that the total number of members who voted did not exceed 23 members. The County Assembly by its own admission has submitted a list of 23 members as having supported the impeachment. The Governor's side on the other hand, objects to this impeachment on the basis that the correct threshold should have been 24 members rather than any lesser number. What is in contention therefore is whether the threshold of members required to have voted in the matter is 24 or 23 or any lesser number. What is additionally in

contention, is whether in reckoning the two-thirds threshold the number of members of the county assembly is to be applied as thirty-five or thirty-two.

The legal question in contention is whether the number of legislators of the county assembly remains fixed and unaffected by any vacancies for the purposes of reckoning thresholds or whether as Counsel Katwa Kigen for the county assembly argues, it is a moving target that cannot be reckoned in advance and depends on the membership of the assembly at a particular time having subtracted any vacancies existing. Honourable Senators will appreciate that this is a constitutional and legal question of the most fundamental ramifications, the decision on which will reverberate far and wide well beyond Nyamira County Assembly and possibly including this Chamber where at various times and for various reasons we have had vacancies. The decision the Senate takes on this legal question would no doubt bind us going forward in the manner in which we reckon delegations for purposes of voting when there are vacancies in the Senate.

From this perspective, it is clear to me that even though a number of matters of fact were raised by the County Assembly in their preliminary objections, the fundamental legal question of threshold and whether the correct number of delegations that were required to impeach the Governor of Nyamira County at the time the impeachment was undertaken was 24 or 23 or any lesser number is a pure question of law whose determination by the Senate is necessary before these proceedings can continue. This is a preliminary objection of Kericho I typology.

Honourable Senators, Ladies and Gentlemen,

This legal question goes to the substratum of the impeachment proceedings and has the prospect of terminating the proceedings at this point. Accordingly, and as I have guided from this Chair before, this kind of preliminary objection raised by the Governor requires to be determined by a vote of the Senate which is the trial court in impeachment matters. It also obviates the need to answer the second question on whether the threshold was met as this is what will be the subject of the vote.

The manner of proceeding to this vote will be by a Motion moved in the usual manner after a Notice of Motion has been given. Debate will ensue in the usual manner and the vote will be taken upon the conclusion of debate. To this end, I have directed the Clerk of the Senate to prepare and circulate a Supplementary Order Paper containing a Notice of Motion and the Motion limited to the preliminary objection on the threshold that was required for this impeachment.

Honourable Senators, the decision on the proposed removal from office, by impeachment, of a county governor and any consequential or incidental decision thereto are matters concerning counties as has been previously ruled in all impeachment processes undertaken by the Senate. These decisions are made by the Senate by vote; by county delegations. Accordingly, the preliminary issue will be upheld only if supported by the votes of at least 24 delegations.

If the preliminary issue is upheld, this impeachment shall terminate forthwith. If, however, the preliminary issue is negated, the Senate will proceed to the main hearing of the impeachment proceedings.

It is so ordered.”

5. **NOTICE OF MOTION – PRELIMINARY OBJECTION BY THE GOVERNOR OF NYAMIRA COUNTY ON THE THRESHOLD APPLIED FOR THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE GOVERNOR OF NYAMIRA COUNTY BY THE COUNTY ASSEMBLY**

(The Senate Majority Leader)

THAT, AWARE that pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, 2012, on Tuesday, 25th November, 2025, the County Assembly of Nyamira approved a Motion for the removal from office by impeachment, of Hon. Amos Kimwomi Nyaribo, the Governor of Nyamira County;

NOTING THAT, by letter Ref. SPK/CAN/1/2025, dated 25th November, 2025, and received in the Office of the Speaker of the Senate on 26th November, 2025, the Speaker of the County Assembly of Nyamira informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly including the list of 23 Members of the County Assembly that voted in favour of the removal from office, by impeachment, of the Governor of Nyamira County;

FURTHER NOTING that one of the preliminary objections raised by Hon. Amos Kimwomi Nyaribo, the Governor of Nyamira County was that the requisite threshold for passage of a Motion for the removal of a Governor from office, by impeachment, being two-thirds of the Members of the County Assembly, as provided for in section 33 of the County Governments Act and standing order 62 of the Standing Orders of the County Assembly of Nyamira, is 24 Members of the County Assembly and was not met;

NOW, THEREFORE, the Senate resolves to uphold the preliminary objection that the threshold required for removal of a Governor from office, by impeachment, contemplated in section 33 of the County Governments Act and Standing Order 62 of the County Assembly of Nyamira was not met, and forthwith terminates the hearing on the proposed removal from office, by impeachment, of Hon. Amos Kimwomi Nyaribo, the Governor of Nyamira County.

6. **MOTION – PRELIMINARY OBJECTION BY THE GOVERNOR OF NYAMIRA COUNTY ON THE THRESHOLD APPLIED FOR THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE GOVERNOR OF NYAMIRA COUNTY BY THE COUNTY ASSEMBLY**

Order read;

Motion made and Question proposed;

THAT, AWARE that pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, 2012, on Tuesday, 25th November, 2025, the County Assembly of Nyamira approved a Motion for the removal from office by impeachment, of Hon. Amos Kimwomi Nyaribo, the Governor of Nyamira County;

NOTING THAT, by letter Ref. SPK/CAN/1/2025, dated 25th November, 2025, and received in the Office of the Speaker of the Senate on 26th November, 2025, the Speaker of the County Assembly of Nyamira informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly including the list of 23 Members of the County Assembly that voted in favour of the removal from office, by impeachment, of the Governor of Nyamira County;

FURTHER NOTING that one of the preliminary objections raised by Hon. Amos Kimwomi Nyaribo, the Governor of Nyamira County was that the requisite threshold for passage of a Motion for the removal of a Governor from office, by impeachment, being two-thirds of the Members of the County Assembly, as provided for in section 33 of the County Governments Act and standing order 62 of the Standing Orders of the County Assembly of Nyamira, is 24 Members of the County Assembly and was not met;

NOW, THEREFORE, the Senate resolves to uphold the preliminary objection that the threshold required for removal of a Governor from office, by impeachment, contemplated in section 33 of the County Governments Act and Standing Order 62 of the County Assembly of Nyamira was not met, and forthwith terminates the hearing on the proposed removal from office, by impeachment, of Hon. Amos Kimwomi Nyaribo, the Governor of Nyamira County.

(The Senate Majority Leader)

Debate arising;

And there being no more Senators wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3) the Mover requested for the deferment of the putting of Question to a later time during the sitting;

And the Speaker acceding to the request, deferred putting of the Question to a later time during the sitting.

7. SUSPENSION OF THE SITTING

The Speaker suspended the sitting for one hour, at thirty minutes past Six O'clock to allow Senators to consult on emerging issues on the Motion on the Preliminary Objection.

8. **SENATE RESUMED** – at thirty-five minutes past Seven O'clock (the Speaker – in the Chair).

9. **MOTION – PRELIMINARY OBJECTION BY THE GOVERNOR OF NYAMIRA COUNTY ON THE THRESHOLD APPLIED FOR THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE GOVERNOR OF NYAMIRA COUNTY BY THE COUNTY ASSEMBLY**

THAT, AWARE that pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, 2012, on Tuesday, 25th November, 2025, the County Assembly of Nyamira approved a Motion for the removal from office by impeachment, of Hon. Amos Kimwomi Nyaribo, the Governor of Nyamira County;

NOTING THAT, by letter Ref. SPK/CAN/1/2025, dated 25th November, 2025, and received in the Office of the Speaker of the Senate on 26th November, 2025, the Speaker of the County Assembly of Nyamira informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly including the list of 23 Members of the County Assembly that voted in favour of the removal from office, by impeachment, of the Governor of Nyamira County;

FURTHER NOTING that one of the preliminary objections raised by Hon. Amos Kimwomi Nyaribo, the Governor of Nyamira County was that the requisite threshold for passage of a Motion for the removal of a Governor from office, by impeachment, being two-thirds of the Members of the County Assembly, as provided for in section 33 of the County Governments Act and standing order 62 of the Standing Orders of the County Assembly of Nyamira, is 24 Members of the County Assembly and was not met;

NOW, THEREFORE, the Senate resolves to uphold the preliminary objection that the threshold required for removal of a Governor from office, by impeachment, contemplated in section 33 of the County Governments Act and Standing Order 62 of the County Assembly of Nyamira was not met, and forthwith terminates the hearing on the proposed removal from office, by impeachment, of Hon. Amos Kimwomi Nyaribo, the Governor of Nyamira County.

(The Senate Majority Leader)

Debate interrupted resumed on a Division;

Before the Question was put, and pursuant to Standing Order No. 84 (2), the Speaker ruled that the Motion affects counties;

The Speaker directed that electronic voting be taken, pursuant to Standing Order 86 (2), and that the Division bell be rung for five minutes;

Upon the expiry of the five minutes, the Speaker directed that the doors be locked and the bars drawn and asked Senators to log-in for electronic voting;

And the Speaker having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

The Speaker put the Question and directed Senators to cast their votes by pressing either the “Yes”, “No” or “Abstain” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed three (3) Senators to record their votes verbally;

Thereupon, the following Senators recorded their votes as “Yes” –

1. Sen. Mwaruma Johnes Mwashushe, MP
2. Sen. Okoiti Andrew Omtatah, MP
3. Sen. Thang’wa Paul Karungo, MP

The results of the Division were as follows:

AYES – 38

NOES - 4

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cheburet Kiprono Chemitei, MP
5. Sen. Cherarkey Samson, MP
6. Sen. Cheruiyot Aaron Kipkirui, MP
7. Sen. Chesang Allan Kiprotich, MP
8. Sen. Chute Mohamed Said, MP
9. Sen. Ekomwa James Lomenen, MP
10. Sen. Kajwang’ Moses Otieno, MP
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kisang William Kipkemai, MP
16. Sen. Lelegwe Steve Ltumbesi, MP
17. Sen. Maanzo Daniel Kitonga, MP
18. Sen. Madzayo Stewart Mwachiru, MP
19. Sen. Mandago Jackson Kiplagat, MP
20. Sen. Methu John Muhia, MP
21. Sen. Mundigi Alexander Munyi, MP
22. Sen. Mungatana Danson Buya, MP

23. Sen. Murango James Kamau, MP
24. Sen. Muthama Agnes Kavindu, MP
25. Sen. Mwaruma Johnes Mwashushe, MP – voted verbally
26. Sen. Mwenda Gataya Mo Fire, MP
27. Sen. Mwinyihaji Mohamed Faki, MP
28. Sen. Oketch Eddy Gicheru, MP
29. Sen. Okoiti Andrew Omtatah, MP – voted verbally
30. Sen. Olekina Ledama, MP
31. Sen. Onyonka Richard Momoima, MP
32. Sen. Osotsi Godfrey Atieno, MP
33. Sen. Seki Lenku Ole Kanar, MP
34. Sen. Sifuna Edwin Watenya, MP
35. Sen. Thang’wa Paul Karungo, MP – voted verbally
36. Sen. Wafula David Wakoli, MP
37. Sen. Wamatinga Wahome, MP
38. Sen. Wakili Hillary Kiprotich Sigei, MP

NOES

1. Sen. Mogeni Erick Okong’o, MP
2. Sen. Nderitu John Kinyua, MP
3. Sen. Nyutu Joe, MP
4. Sen. Omar Mariam Sheikh, MP – on behalf of Mandera County Delegation

RESOLVED ACCORDINGLY

THAT, AWARE that pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, 2012, on Tuesday, 25th November, 2025, the County Assembly of Nyamira approved a Motion for the removal from office by impeachment, of Hon. Amos Kimwomi Nyaribo, the Governor of Nyamira County;

NOTING THAT, by letter Ref. SPK/CAN/1/2025, dated 25th November, 2025, and received in the Office of the Speaker of the Senate on 26th November, 2025, the Speaker of the County Assembly of Nyamira informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly including the list of 23 Members of the County Assembly that voted in favour of the removal from office, by impeachment, of the Governor of Nyamira County;

FURTHER NOTING that one of the preliminary objections raised by Hon. Amos Kimwomi Nyaribo, the Governor of Nyamira County was that the requisite threshold for passage of a Motion for the removal of a Governor from office, by impeachment, being two-thirds of the Members of the County Assembly, as provided for in section 33 of the County Governments Act and standing order 62 of the Standing Orders of the County Assembly of Nyamira, is 24 Members of the County Assembly and was not met;

NOW, THEREFORE, the Senate resolves to uphold the preliminary objection that the threshold required for removal of a Governor from office, by impeachment, contemplated in section 33 of the County Governments Act and Standing Order 62 of the County Assembly of Nyamira was not met, and forthwith terminates the hearing on the proposed removal from office, by impeachment, of Hon. Amos Kimwomi Nyaribo, the Governor of Nyamira County.

10. **COMMUNICATION FROM THE CHAIR ON THE EFFECT OF THE VOTE ON THE PRELIMINARY OBJECTION BY THE GOVERNOR OF NYAMIRA COUNTY ON THE THRESHOLD APPLIED FOR THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE GOVERNOR OF NYAMIRA COUNTY BY THE COUNTY ASSEMBLY**

The Speaker conveyed the following Communication from the Chair:

“Honourable Senators,

I have a communication to make regarding the effect of the vote on the Motion on the preliminary objection.

Honourable Senators,

The Motion having been approved, the hearing on the proposed removal from office, by impeachment, of Hon. Amos Kimwomi Nyaribo, Governor of Nyamira County, is hereby terminated.

Further, as you will recall, the Senate, at the sitting held on Tuesday, 2nd December, 2025, resolved to alter its hours of meeting on Wednesday, 3rd December, 2025 and Thursday, 4th December, 2025, in order to investigate the proposed removal from office, by impeachment, of the Governor of Nyamira County.

In these exceptional circumstances and pursuant to Standing Order 1, I direct the Clerk to circulate a further Supplementary Order Paper containing a Procedural Motion on the hours of sitting for tomorrow, Thursday, 4th December, 2025.

I thank you!”

11. **PROCEDURAL MOTION – ALTERATION OF THE HOURS OF SITTING**

Order read;

Motion made and Question proposed;

THAT, notwithstanding the Resolution of the Senate made on Tuesday, 2nd December, 2025, to alter the hours of meeting for Wednesday 3rd and Thursday, 4th December, 2025; and aware that on Wednesday, 3rd December, 2025, the Senate resolved to terminate the investigations on the proposed removal from office, by impeachment of Hon. Amos Kimwomi Nyaribo, Governor of Nyamira County;

NOW THEREFORE, the Senate resolves to rescind its resolution made on Tuesday, 2nd December, 2025, in respect of the morning sitting of Thursday, 4th December, 2025, and to revert to the sitting hours provided under Standing Order 34 of the Senate.

(The Senate Majority Leader)

And there being no Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 84 (2), the Speaker ruled that the Motion does not affect counties.

And the Speaker having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, notwithstanding the Resolution of the Senate made on Tuesday, 2nd December, 2025, to alter the hours of meeting for Wednesday 3rd and Thursday, 4th December, 2025; and aware that on Wednesday, 3rd December, 2025, the Senate resolved to terminate the investigations on the proposed removal from office, by impeachment of Hon. Amos Kimwomi Nyaribo, Governor of Nyamira County;

NOW THEREFORE, the Senate resolves to rescind its resolution made on Tuesday, 2nd December, 2025, in respect of the morning sitting of Thursday, 4th December, 2025, and to revert to the sitting hours provided under Standing Order 34 of the Senate.

And there being no other business on the Order paper, the Speaker adjourned the Senate at fourteen minutes past Eight O'clock without Question put, pursuant to the Standing Orders.

12. **SENATE ROSE** – at fourteen minutes past Eight O'clock

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, December 4th, 2025 at 2:30 pm*