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THE SENATE

ELEVENTH PARLIAMENT

THE STANDING COMMITTEE

ON

LEGAL AFFAIRS AND HUMAN RIGHTS

A REPORT ON THE ELECTION LAWS (AMENDMENT) BILL (NATIONAL  
ASSEMBLY BILLS NO. 37 OF 2016)

Clerk's Chambers,  
First Floor,  
Parliament Buildings,  
**NAIROBI.**

*Paper laid  
On 8th September  
2016  
Maka*

*Rt. Hon. Speaker  
You may approve  
for tabling.  
08/09/16*



*[Signature]*  
*Speaker  
Senate  
8th SEPTEMBER, 2016*

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## **ABBREVIATIONS AND ACRONYMS**



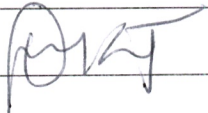

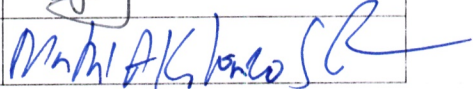
MP	Member of Parliament
Sen	Senator

PARLIAMENT OF KENYA

THE SENATE

THE SENATE STANDING COMMITTEE ON LEGAL AFFAIRS & HUMAN RIGHTS

Adoption of the Committee Report on the Election Laws (Amendment) Bill  
(National Assembly Bills No. 37 of 2016).

NO.	NAMES	SIGNATURE
1.	Sen. Amos Wako - Chairperson	
2.	Sen. Stephen Sang - Vice-Chairperson	
3.	Sen. Kembi Gitura	
4.	Sen. Kiraitu Murungi	
5.	Sen. Fatuma Dullo	
6.	Sen. Kipchumba Murkomen	
7.	Sen. Hassan Omar Hassan	
8.	Sen. Judith Sijeny	
9.	Sen. Mutula Kilonzo Junior	



## **PREFACE**

### **Establishment of the Committee**

The Standing Committee on Legal Affairs and Human Rights is established pursuant to the Senate Standing Order 208 and mandated to consider all matters related to constitutional affairs, the organization and administration of law and justice, elections, promotion of principles of leadership, ethics and integrity; and implementation of the provisions of the Constitution on human rights.

### **Membership of the Committee**

The Committee is comprised of the following members;

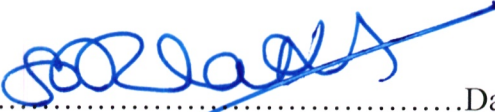
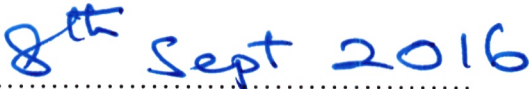
1. Sen. Amos Wako - Chairperson
2. Sen. Stephen Sang' - Vice Chairperson
3. Sen. Kembi Gitura
4. Sen. Kiraitu Murungi
5. Sen. Fatuma Dullo
6. Sen. Kipchumba Murkomen
7. Sen. Hassan Omar Hassan
8. Sen. Mutula Kilonzo Junior
9. Sen. Judith Sijeny

### **Acknowledgement**

The Committee wishes to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to it in the conduct of the public hearings. The Committee also expresses its gratitude to members of the public who made submissions, both orally and in writing.

**Mr. Speaker Sir,**

It is my pleasant duty, pursuant to Standing Order 201, to present a Report of the Standing Committee on Legal Affairs and Human Rights on the consideration of The Election Laws (Amendment) Bill (National Assembly Bills No. 37 of 2016)

Signed..........Date..........

**SEN. AMOS WAKO, EGH, MP**

**CHAIRPERSON**

**STANDING COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS**

## EXECUTIVE SUMMARY

The Election Laws (Amendment) Bill (National Assembly Bills No. 37 of 2016) is sponsored jointly by Hon. Aden Duale, MP, the National Assembly Leader of Majority Party and Hon. Francis Nyenze, MP, the National Assembly Leader of Minority Party. The Bill seeks to consolidate the offences relating to elections into one Act in order to enhance the administration of elections and prosecution of offences relating to elections. The Bill also seeks to ensure clarity with respect to some of the existing provisions which, as currently set out in the Elections Act, make it difficult to prosecute. The Bill also sets a time limit within which the Director of Public Prosecutions may commence proceedings in relation to an election offence.

The Bill was read a First time in the National Assembly on 30<sup>th</sup> August, 2016. It was read a Second time on 31<sup>st</sup> August, 2016 and a Third time on 1<sup>st</sup> September, 2016 and thereafter was referred to the Senate on 2<sup>nd</sup> September, 2016. Following the First Reading in the Senate, it stood committed, pursuant to Standing Order 130(1), to the Standing Committee on Legal Affairs and Human Rights for facilitation of public participation. Subsequently, the Committee, pursuant to Article 118 of the Constitution and Standing Order 130 (4) of the Senate Standing Orders, invited submissions from members of the public on the Bill. The Committee further observed that the Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission had also received fifty-eight (58) oral submissions and one hundred and thirteen (113) written Memoranda from members of the public and other stakeholders prior to the formulation of the Bill.

The Committee held a public hearing on 7<sup>th</sup> September, 2016 at County Hall Building, Nairobi. The Committee received oral and written submissions from stakeholders. These include; the oral submission from the Inter- Religious Council of Kenya, the Commission on Administrative justice and the Law Society of Kenya. The stakeholders generally supported the proposed Bill.

After considering the Bill and the views of stakeholders on the Bill, the Committee recommends that the Senate passes the Bill without amendment.

## CHAPTER ONE

### INTRODUCTION

#### 1.0 Background

1. On Tuesday, 5<sup>th</sup> July, 2016, and on Wednesday, 6<sup>th</sup> July, 2016, the Senate and the National Assembly, respectively, approved a Motion for the establishment of a Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission. The mandate of the Committee as stated in the Motion, was-
  - (a) to inquire into the allegations against the Independent Electoral and Boundaries Commission Commissioners and the Secretariat;
  - (b) on the findings of (a) above, make recommendations on legal mechanisms for the vacation from office of the current Commissioners of the Independent Electoral and Boundaries Commission and Secretariat in accordance with the Constitution;
  - (c) recommend legal, policy and institutional reforms to strengthen the Independent Electoral and Boundaries Commission and improve the electoral system and processes so as to ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner; and
  - (d) On the basis of the findings and recommendations in (a), (b) & (c) prepare a report and a draft Bill or draft Bills.
2. The Committee was further required to receive views from experts, members of the public, the business community, civil society, religious groups, political parties, county governments and any other persons on matters relating to the Independent Electoral and Boundaries Commission and the electoral process.

3. One of the outcomes of engagement with stakeholders and deliberations of the Joint Select Committee was the recommendation for amendment of various laws relating to election processes through the proposed Election Laws (Amendment) Bill, 2016, in order to enhance the administration of elections.
4. Under the Motion that led to the formation of the Joint Parliamentary Select Committee, the Committee was required prepare a report and a draft Bill or draft Bills. The Election Laws (Amendment) Bill, 2016 was therefore one of the Bills prepared by the Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission and was one of the annexes to the Report of the Committee. The Report was tabled in both Houses of Parliament on 18<sup>th</sup> August, 2016 and adopted in the Senate on 24<sup>th</sup> August, 2016 and in the National Assembly, on 25<sup>th</sup> August, 2016.
5. Following the adoption of the Report of the Joint Parliamentary Select Committee, the Election Laws (Amendment) Bill was published on 26<sup>th</sup> August, 2016 as National Assembly Bills, No. 36 of 2016. It was Read a First time in the National Assembly on 30<sup>th</sup> August, 2016. a Second time on 31<sup>st</sup> August, 2016 and a Third time on 1<sup>st</sup> September, 2016 and thereafter was referred to the Senate on 2<sup>nd</sup> September, 2016.
6. The Bill was Read a First Time in the Senate on 7<sup>th</sup> September, 2016. Following the First Reading in the Senate, pursuant to standing order 130(1), it stood committed, to the Standing Committee on Legal Affairs and Human Rights for facilitation of public participation. Subsequently, the Committee, pursuant to Article 118 of the Constitution and Standing Order 130 (4), invited submissions from members of the public on the Bill.

### **1.1 Objects of the Bill**

7. The Bill mainly seeks to amend the Elections Act, 2011, the Independent Electoral and Boundaries Commission Act, 2011, the Political Parties Act, 2011, the Supreme Court Act, 2011 and the Registration of Persons Act, Cap 106, in order to address concerns



noted by the Joint Committee on matters relating to the Independent Electoral and Boundaries Commission and the conduct of elections.

**(1) Overview of the Bill**

The Bill, in summary, provides as follows –

**(i) Amendments relating to the Elections Act:**

Clause 2 of the Bill seeks to amend section 2 of the Elections Act, 2011 to clarify the fact that there is only one register of voters by substituting the term "Principal Register of Voters" with "Register of Voters". It also defines the terms "biometric" and "integrated electronic electoral system". Clause 26 is a consequential amendment to substitute references to the "Principal Register of Voters" with the "Register of Voters". Clause 3 of the Bill seeks to amend section 5 of the Elections Act, 2011 to disallow the use acknowledgement of registration certificate (waiting card) as an identification document for the purposes of an election.

Clause 4 of the Bill seeks to amend section 6 of the Elections Act, 2011 to require the Commission to maintain a public web portal to allow for online inspection of the Register of Voter. Clause 5 of the Bill seeks to amend the Elections Act, 2011 by inserting a new section 6A to provide for a ninety-day period for the biometric verification of the Register of Voters before a general election. clause 6 of the Bill seeks to amend the Elections Act, 2011 to insert a new section 8A to provide for an audit of the Register of Voters and to require that for the purposes of the August 2017 General Election, the Commission engages an independent firm to conduct an audit to verify the accuracy of the Register and to update the Register. The Commission is also required to submit the report of the audit to Parliament, implement the recommendations set out in the report and to submit the report of such implementation to Parliament.

Clause 8 and 9 of the Bill seeks to amend the Elections Act for the conduct of party primaries and the date for membership lists to the Commission from at least fifteen days before the election to at least sixty days and ninety days respectively.

The Bill seeks to amend the Elections Act, 2011 to require that the Commission conducts and supervises a party primary upon the request of a political party. It further requires political parties to submit the names of persons contesting in the primaries and the date of their primaries at least twenty one days before the nomination day. The names and dates are to be published in the Gazette within seven days of receipt by the Commission. Only members of political parties are allowed to vote for candidates at party primaries.

Whereas Clause 11 of the Bill seeks to amend the Act, to require independent candidates to submit to the Commission, their names at least ninety days before the general election and that the Commission publishes the names in the Gazette at least fourteen days before the nomination day. Clause 12 of the Bill seeks to amend section 35 of the Elections Act, 2011 by requiring political parties to submit their Party Lists required under Article 90 of the Constitution at least forty-five days to the general election. Clause 13 of the Bill seeks to amend the Act, to insert a new section to limit the number of voters per polling station to five hundred.

The Bill seeks to amend the Act, to require the establishment of an integrated electronic electoral system that allows for the biometric registration of voters, electronic voter identification and electronic transmission of results. For the purposes of the August, 2017 elections, the use of technology is to be limited to the registration and identification of voters. It also seeks to ensure the electronic transmission of election results from polling stations, constituency tallying centres and county tallying centres to the National Tallying Centre as appropriate. The Bill also seeks to amend

section 40 of the Elections Act, 2011 to allow the Commission to partner with non-state agencies in the provision of voter education.

Clause 16 of the Bill seeks to amend section 43 of the Act to delete references to election offences which are proposed to be contained in a separate election law on offences. Clause 18 is a consequential provision following the repeal of election offences from the Elections Act, 2011 to the proposed new Election Offences Bill, 2016. Clause 21 of the Bill seeks to amend section 87 of the Elections Act, 2011 to require that a separate criminal process be pursued by the Director of Public Prosecutions in the event an election court makes a finding that an electoral malpractice of a criminal nature may have occurred during an election. Clause 21 of the Bill seeks to amend section 87 of the Elections Act, 2011 to require that a separate criminal process be pursued by the Director of Public Prosecutions in the event an election court makes a finding that an electoral malpractice of a criminal nature may have occurred during an election. Clause 25 of the Bill seeks to amend section 110 of the Elections Act, 2011 to delete references to election offences.

The bill seeks to amend the Act, so as to clarify that the period for the filing of petition against the election of Member of Parliament, county Governor or Member of County Assembly begins to run from the date of the declaration of results. Further, it provides that an appeal against the judgment of an election court acts as an automatic stay of the holding of a by-election

Clause 22 of the Bill seeks to repeal section 104 of the Act which relates to election offences and replace it with a new section to require that the Commission puts mechanisms in place to facilitate the voting of persons with special needs including persons with disabilities. Clause 24 of the Bill seeks to amend section 109 of the Elections Act to require the making of regulations for the progressive realization of the registration of prisoners as voters and their right to vote. Lastly, the Bill retains the

form of the oath of secrecy to be taken by officers of the Commission previously provided for under Part VI of the Act.

**(ii) Amendments relating to the Political Parties Act:**

Clause 28 of the Bill seeks to amend section 25 of the Political Parties Act, 2011 to provide fiscal incentives to political parties in order to assist in implementing the two-thirds gender principle. Fifteen percent of the Political Parties Fund is proposed to be distributed among parties based on the number of elected special interest candidates.

**(iii) Amendments relating to the Independent Electoral Commission and Boundaries Act, 2011:**

Clause 30 of the Bill seeks to amend section 4 of the Independent Electoral Commission and Boundaries Act, 2011 to remove the investigative and prosecutorial powers previously granted to the Commission which are proposed to be exercised by the Office of the Director of Public Prosecutions.

Clause 31 of the Bill seeks to amend section 5 of the Independent Electoral Commission and Boundaries Act, 2011 to provide for the composition and appointment of the members of the Commission who are proposed to be reduced to seven members from the current nine members. Clause 32 of the Bill seeks to amend section 6 of the Independent Electoral Commission and Boundaries Act, 2011 to remove the requirement that Commissioners be citizens of Kenya.

The bill seeks to amend the Act, by inserting new sections to provide for; other modes of vacation from office of Commissioner and the Secretary of the Commission including death and resignation from office not covered under the Independent Electoral Commission and Boundaries Act, 2011. The Bill further seeks to insert a new clause to delineate the functions of the members of the Commission and the secretariat.



Clause 36 of the Bill seeks to amend section 24 of the Independent Commission and Boundaries Act, 2011 to require the Commission to issue an annual report to Parliament, a report on progress made in the realization of the registration of citizens as voters and the progressive realization of the rights of Kenyans in the Diaspora and prisoners. Clause 37 of the Bill seeks to amend section 31 of the Independent Electoral Commission and Boundaries Act, 2011 to delete a provision already provided for under section 109 of the elections Act, 2011. Clause 38 of the Bill seeks to amend the First Schedule to the Independent Electoral Commission and Boundaries Act, 2011 to provide for the procedure for the appointment of the chairperson and members of the Commission.

**(iv) Amendments relating to the Supreme Court Act, 2011 Supreme Court Act, 2011:**

Clause 39 of the Bill seeks to amend section 12 of the Supreme Court Act, 2011 to require the submission of certified copies of the documents used to declare the results of the election of the President to the Supreme Court within forty-eight hours of the service of a petition challenging the election of the President.

**(v) Amendments relating to the Registration of Persons Act, CAP 107:**

Clause 40 of the Bill seeks to amend section 9 of the Registration of Persons Act to require the issuance of an Identification Card within thirty days of the date of registration and replacement of an Identification Card within fourteen days. Clause 41 of the Bill seeks to amend section 16 of the Registration of Persons Act to require the Kenya Citizens and Foreign Nationals Management Service to prescribe simple guidelines for the vetting of applicants prior to issuance or replacement of an Identity Card.



## CHAPTER TWO

### SUBMISSIONS FROM MEMBERS OF THE PUBLIC

#### (1) Attendance by stakeholders

The Committee, pursuant to Article 118 of the Constitution and Standing Order 130 (4), invited submissions from members of the public on the Bill on 7<sup>th</sup> September, 2016 at County Hall Building, Nairobi. The Committee received oral submissions from the Inter-Religious Council of Kenya and written submission from the Commission on Administrative Justice and the Law Society of Kenya.

#### (2) Submissions from Stakeholders

1.1.1 The Inter-Religious Council of Kenya made oral submissions on the Bill as follows-

- i. The Council thanked the Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission for taking into account the views of the stakeholders;
- ii. The Council appreciated the inclusion of religious leaders in the selection panel that would select the new Independent Electoral and Boundaries Commission Commissioners and reiterated its willingness and commitment to work with the Parliamentary Service Commission;
- iii. That the Parliamentary Service Commission and Inter-Religious Council of Kenya should work together in the selection process to ensure regional balance, representations of the face of Kenya and that the two third gender requirement is met;
- iv. That the report Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission recommended that the new Commissioners should be in office by 30<sup>th</sup> September, 2016. To this end they supported the expedient passing of the Bill.

1.1.2 The Commission on Administrative Justice made written submission in support of the Bill.

1.1.3 The Law Society of Kenya made written submission in support of the Bill.

## **CHAPTER THREE**

### **OBSERVATIONS**

1. The Committee observed that on Tuesday, 5<sup>th</sup> July, 2016 and on Wednesday, 6<sup>th</sup> July, 2016, the Senate and the National Assembly, respectively, approved a Motion that established a Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission.
2. This was in recognition that through pronouncements, sections of the Kenyan society have raised issues on the credibility, impartiality, integrity and independence of the Independent Electoral and Boundaries Commission, the electoral processes and the electoral law.
3. The Committee observed that the the Joint Committee on matters relating to the Independent Electoral and Boundaries Commission had received fifty-eight (58) oral submissions and one hundred and thirteen (113) written Memoranda from members of the public and other stakeholders which led to the formulation of the Bill.
4. After reviewing the content of the Bill, the Committee observed that the nature and content of the Bill will support the achievement of free and fair elections and will contribute to ensuring that the elections are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner. The Committee therefore supports the enactment of the Bill.
5. The Committee observed that stakeholders stated that the bill had included their views as presented to the Joint Parliamentary Committee on Matter relating to Independent Electoral and Boundaries Commission.

6. The Committee further observed that the report of the Joint Parliamentary Select Committee on the Independent Electoral and Boundaries Commission recommended that, the new Commissioners of the Independent Electoral and Boundaries Commission be in office by 30<sup>th</sup> September, 2016. To this end, they noted the need to expedite the passing of the bills.

## **CHAPTER FOUR**

### **RECOMMENDATIONS**

The Committee made recommendations as follows based on the observations-

1. that the Senate passes the Election Laws (Amendment) Bill (National Assembly Bills No. 37 of 2016) without amendments;
2. that the Senate adopts this Report; and
3. that in view of the fast approaching general elections, that the House prioritizes the passage of the Bill.

**MINUTES OF THE 18<sup>TH</sup> SITTING OF THE STANDING COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON 7<sup>TH</sup> SEPTEMBER, 2016 AT 2.00 P.M IN COUNTY HALL MINI-CHAMBER ON 1<sup>ST</sup> FLOOR, COUNTY HALL BUILDING**

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**PRESENT**

1. Sen. Amos Wako - (Chairperson)
2. Sen. Stephen Sang (Chairing) - (Vice Chairperson)
3. Sen. Kipchumba Murkomen
4. Sen. Judith Sijeny
5. Sen. Mutula Kilonzo Junior

**ABSENT WITH APOLOGY**

1. Sen. Kembi Gitura
2. Sen. Kiraitu Murungi
3. Sen. Hassan Omar.
4. Sen. Fatuma Adan Dullo

**IN ATTENDANCE**

**STAKEHOLDERS**

1. Dr. Francis Kuria - Inter-Religious Council of Kenya (IRCK) Steering Board

**IN ATTENDANCE**

**SENATE SECRETARIAT**

- a) Mr. Mohamed Hassan - Clerk Assistant
- b) Ms. Judy Ndegwa - Legal Counsel
- c) Ms. Clare Kidombo - Researcher
- d) Sarah Rukwaro - Serjeant-At-Arm

**Min. No.094/2016 PRELIMINARIES**

The meeting was called to order at 2.20 p.m followed by a word of prayer.

**Min. No.095/2016 ADOPTION OF THE AGENDA**

The Agenda was adopted after it was proposed by Sen. Judith Sijeny and Seconded by Sen. Murkomen as follows;

**AGENDA**

- 1.** Prayer
- 2.** Adoption of the Agenda
- 3.** Public Hearing (Presentation of views and submission of memoranda) on;



- a) **The Election Offences Bill (National Assembly Bills No. 36 of 2016);**
- b) **The Election Laws (Amendment) Bill (National Assembly Bills No. 37 of 2016).**

**4.** Any Other Business

- (a) The following Bills were read a 1<sup>st</sup> time and are pending before the Committee for Public Hearing;
  - i. The County Government (Amendment) (No. 2) Bill, Senate Bill No. 7 of 2016 by Sen. Mutula Kilonzo Junior on behalf of the Committee
  - ii. The County Government (Amendment) Bill, Senate Bill No. 4 of 2016 by Sen. Daniel Karaba
  - iii. The Assumption of the Office of Governor Bill, Senate Bill No. 10 of 2016 by Sen. Kimani Wamatangi
  - iv. The Impeachment Procedure Bill, Senate Bills No. 8 of 2016 by Sen. Muriuki Karue
  - v. The Public Appointment (Parliamentary Approval) (Amendment) Bill, Senate Bills No. 9 of 2016)
  - vi. The Constitution of Kenya (Amendment) Bill, National Assembly Bills No. 2 of 2015 by Hon. Peter Kaluma

**5.** Date of Next Meeting

**6.** Adjournment

**Min. No.096/2013**

**PUBLIC HEARING (PRESENTATION OF VIEWS AND SUBMISSION OF MEMORANDA) ON THE FOLLOWING BILLS;**

- a) **The Election Offences Bill (National Assembly Bills No. 36 of 2016);**
- b) **The Election Laws (Amendment) Bill (National Assembly Bills No. 37 of 2016).**

After a brief introduction the Chairperson invite the representative of the Inter-Religious Council of Kenya (IRCK) Steering Board make submission.

The representative of IRCK steering board inform the Committee that the views of the IRCK remain the same as presented before the Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission and as contained in its report.

The representative further submitted that it is the expectation of the IRCK that the appointment of the selection panel for the recruitment of the Chairperson and Commissioners of the new Independent Electoral and Boundaries Commission will comply with the constitutional requirement of not more two thirds of panel shall be of the same gender, regional and ethnic balance and inclusion of person with disabilities and youth.

He further informed the Committee that IRCK has no any proposed amendment to the Bills.

The Chairperson informed the Committee that other stakeholders were invited and despite the short notice the Office of the Attorney General and the Law Society of Kenya promised to send written memoranda on the Bills. The Commission on Administrative Justice informed the Committee through an electronic mail that it is unable to give submission on the Bills due to the short notice.

**Min. No.097/2016**

**ANY OTHER BUSINESS**

(a) The following Bills were read a 1<sup>st</sup> time and are pending before the Committee for Public Hearing;

- (i) The County Government (Amendment) (No. 2) Bill, Senate Bill No. 7 of 2016 by Sen. Mutula Kilonzo Junior on behalf of the Committee
- (ii) The County Government (Amendment) Bill, Senate Bill No. 4 of 2016 by Sen. Daniel Karaba
- (iii) The Assumption of the Office of Governor Bill, Senate Bill No. 10 of 2016 by Sen. Kimani Wamatangi
- (iv) The Impeachment Procedure Bill, Senate Bills No. 8 of 2016 by Sen. Muriuki Karue
- (v) The Constitution of Kenya (Amendment) Bill, National Assembly Bills No. 2 of 2015 by Hon. Peter Kaluma.

**The Committee resolved to postpone the determination of the dates to conduct public hearing on the above mention Bills to the next meeting.**

**Min.No. 098/2016**

**ADJOURNMENT**

There being no any other business in the agenda, the meeting was adjourned at 3.00 p.m.

Signed

  
(Chairperson)

Date

7<sup>th</sup> Sept. 2016.

**MINUTES OF THE 19<sup>TH</sup> SITTING OF THE STANDING COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON 7<sup>TH</sup> SEPTEMBER, 2016 AT 3.30 P.M IN COUNTY HALL MINI-CHAMBER ON 1<sup>ST</sup> FLOOR, COUNTY HALL BUILDING**

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**PRESENT**

1. Sen. Amos Wako - **(Chairperson)**
2. Sen. Stephen Sang (Chairing) - **(Vice Chairperson)**
3. Sen. Kipchumba Murkomen
4. Sen. Judith Sijeny
5. Sen. Mutula Kilonzo Junior

**ABSENT WITH APOLOGY**

1. Sen. Kembi Gitura
2. Sen. Kiraitu Murungi
3. Sen. Hassan Omar.
4. Sen. Fatuma Adan Dullo

**IN ATTENDANCE**

**SENATE SECRETARIAT**

- a) Mr. Mohamed Hassan - Clerk Assistant
- b) Ms. Judy Ndegwa - Legal Counsel
- c) Ms. Clare Kidombo - Researcher
- d) Sarah Rukwaro - Serjeant-At-Arm

**Min. No.099/2016 PRELIMINARIES**

The meeting was called to order at 2.20 p.m followed by a word of prayer.

**Min. No.0100/2016 ADOPTION OF THE AGENDA**

The Agenda was adopted after it was proposed by Sen. Mutula Kilonzo Junior and Seconded by Sen. Murkomen as follows;

**AGENDA**

1. Prayer
2. Adoption of the Agenda
3. **Adoption of Public Hearing on;**
  - a) **The Election Offences Bill (National Assembly Bills No. 36 of 2016);**
  - b) **The Election Laws (Amendment) Bill (National Assembly Bills No. 37 of 2016).**

**4. Any Other Business**

(a) The following Bills were read a 1<sup>st</sup> time and are pending before the Committee for Public Hearing;

- i. The County Government (Amendment) (No. 2) Bill, Senate Bill No. 7 of 2016 by Sen. Mutula Kilonzo Junior on behalf of the Committee
- ii. The County Government (Amendment) Bill, Senate Bill No. 4 of 2016 by Sen. Daniel Karaba
- iii. The Assumption of the Office of Governor Bill, Senate Bill No. 10 of 2016 by Sen. Kimani Wamatangi
- iv. The Impeachment Procedure Bill, Senate Bills No. 8 of 2016 by Sen. Muriuki Karue
- v. The Public Appointment (Parliamentary Approval) (Amendment) Bill, Senate Bills No. 9 of 2016)
- vi. The Constitution of Kenya (Amendment) Bill, National Assembly Bills No. 2 of 2015 by Hon. Peter Kaluma.

**5. Date of Next Meeting**

**6. Adjournment**

**Min. No.0101/2013                      ADOPTION OF PUBLIC HEARING ON;ON THE FOLLOWING BILLS;**

**a) The Election Offences Bill (National Assembly Bills No. 36 of 2016);**

After considering the public hearing report, the Committee adopted the Report on the Election Offences Bill (National Assembly Bills No. 36 of 2016) without amendment.

**b) The Election Laws (Amendment) Bill (National Assembly Bills No. 37 of 2016).**

After considering the public hearing report, the Committee adopted the Report on the Election Laws (Amendment) Bill (National Assembly Bills No. 37 of 2016) without amendment.

**Min. No.0102/2016                      ANY OTHER BUSINESS**

The Committee was informed that the following Bills were read a 1<sup>st</sup> time and are pending before the Committee for Public Hearing;

- (i) The County Government (Amendment) (No. 2) Bill, Senate Bill No. 7 of 2016 by Sen. Mutula Kilonzo Junior on behalf of the Committee
- (ii) The County Government (Amendment) Bill, Senate Bill No. 4 of 2016 by Sen. Daniel Karaba
- (iii) The Assumption of the Office of Governor Bill, Senate Bill No. 10 of 2016 by Sen. Kimani Wamatangi

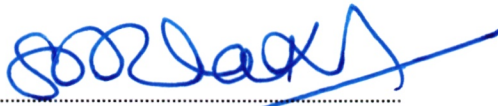
- (iv) The Impeachment Procedure Bill, Senate Bills No. 8 of 2016 by Sen. Muriuki Karue
- (v) The Constitution of Kenya (Amendment) Bill, National Assembly Bills No. 2 of 2015 by Hon. Peter Kaluma.

**The Committee resolved to postpone the determination of the dates to conduct public hearing on the above mention Bills to the next meeting.**

**Min.No. 0103/2016                      ADJOURNMENT**

There being no any other business in the agenda, the meeting was adjourned at 4.00 p.m.

Signed .....



**(Chairperson)**

Date .....

7<sup>th</sup> Sept 2016.