



REPUBLIC OF KENYA

13TH PARLIAMENT | 5TH SESSION

THE SENATE

STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND
HUMAN RIGHTS

PAPERS LAID	
DATE	08/09/2026
TABLED BY	DANIEL M. ANZO
COMMITTEE	
CLERK AT THE TABLE	CHEROP CAROLINE



REPORT ON A PETITION BY MR LABAN OMUSUNDI AND OTHERS
ON THE LIMITATION OF THE TENURE OF NOMINATED MEMBERS
OF COUNTY ASSEMBLIES (MCAs) TO A SINGLE TERM OF FIVE
YEARS



Rt. Hon. Speaker
You may approve for tabling
J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary, PSC
Date: 07/08/26

Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

August, 2026

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RE. Hon. Speaker
 Hon. Member of Parliament
 12th April 2014
 (P.L.) of the Parliament of Singapore
 Singapore

LIST OF ABBREVIATIONS AND ACRONYMS

CoE	– Committee of Experts.
IEBC	– Independent Electoral & Boundaries Commission
MCAs	– Members of County Assemblies

ESTABLISHMENT, MANDATE AND MEMBERSHIP OF THE COMMITTEE

Establishment and Mandate of the Committee

The Standing Committee on Justice, Legal Affairs and Human Rights is established under the Standing Orders of the Senate and is mandated *'to consider all matters relating to constitutional affairs, the organization and administration of law and justice, elections, promotion of principles of leadership, ethics, and integrity; agreements, treaties and conventions; and implementation of the provisions of the Constitution on human rights'*.

Membership of the Committee

The Committee comprises -

- | | |
|--|--------------------|
| 1. Sen. Wakili Hillary Sigei, CBS, MP | - Chairperson |
| 2. Sen. Veronica W. Maina, CBS, MP | - Vice-chairperson |
| 3. Sen. Raphael Chimera Mwinzagu, MP | - Member |
| 4. Sen. Karen N. Nyamu, MP | - Member |
| 5. Sen. Andrew Omtatah Okoiti, MP | - Member |
| 6. Sen. (Prof.) Tom Ojienda, SC, MP | - Member |
| 7. Sen. Crystal Kegehi Asige, MP | - Member |
| 8. Sen. Daniel Kitonga Maanzo, EBS, MP | - Member |

Minutes of the Committee in considering the petition by Mr Laban Omusundi and Others on the limitation of the tenure of Nominated Members of County Assemblies (MCAs) to a single term of five years are attached to this Report as ***Annex 1***.

FOREWORD BY THE CHAIRPERSON

Honourable Speaker,

This Report sets out the proceedings of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of a Petition by Mr Laban Omusundi and others seeking the limitation of the tenure of nominated Members of County Assemblies to a single term of five years. The Petition was reported in the Senate on 15th July 2026 whereupon it was committed to the Committee for consideration.

Honourable Speaker,

In considering the Petition, the Committee met the Petitioners on 23rd July, 2026, the where they briefed the Committee of the background, rationale and justification for the proposed amendments.

Thereafter, the Committee considered the legal framework governing elections of Members of County Assemblies via Party Lists, the arguments advanced for and against the proposal to cap the number of terms for which one may be nominated, the relevant judicial pronouncements, and the law and practice in comparative jurisdictions, as detailed in Chapter Two of this Report. The Committee made various considered Observations on the matter which are enumerated at Chapter Three of this Report.

Honourable Speaker,

Arising from its Observations, the Standing Committee on Justice, Legal Affairs and Human Rights resolved not to accede to the prayers by the Petitioners, and to retain the current legal framework, whereby the question of how many terms a person may be nominated as a Member of County Assembly is left to the discretion of the nominating political party. Consequently, the Committee recommends that the Petition by Mr Laban Omusundi, Ms Carolyn Soe and Ms Maryann Wangui on the limitation of the tenure for Nominated Members of County Assemblies (MCAs) to a single term of five years, be declined.

Honourable Speaker,

I take this opportunity to thank the Petitioners for appearing before the Committee as it assisted in its deliberations and determination on the Petition. I commend the Members of the Committee for their diligence in executing this assignment, and thank the Offices of the Speaker and Clerk of the Senate for the support extended to the Committee which made the consideration of the Petition successful.

Honourable Speaker,

It is now my pleasant duty, pursuant to Standing Order 223 of the Senate Standing Orders, to present the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition by Mr Laban Omusundi and others on the limitation of the tenure of nominated Members of County Assemblies (MCAs) to a single term of five years.

Signed



Date.....

06/08/2026

SEN. WAKILI HILLARY SIGEL, CBS, MP
CHAIRPERSON, STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS
AND HUMAN RIGHTS

CHAPTER ONE: INTRODUCTION

1.1 Right to Petition Parliament

1. The right to present petitions to public authorities is provided for at Article 37 of the Constitution. Article 119(1) further provides that ‘*Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.*’
2. Parliament enacted the Petition to Parliament (Procedure) Act (No. 12 of 2012) to make provision for the procedure for the exercise of this right. Further, Part XXVII of the Standing Orders of the Senate also makes provision of how this right may be exercised.

1.2 Summary of the Petition

3. At the sitting of the Senate held on Wednesday, 15th July 2026, the Speaker of the Senate reported that a Petition had been received from Mr Laban Omusundi, Ms Carolyn Soe and Ms Maryann Wangui on the Limitation of the tenure of Nominated Members of County Assemblies (MCAs) to a single term of five years.
4. The Petitioners' grievance was that the absence of any statutory or constitutional term limit for nominated MCAs permits political parties to renominate the same individuals repeatedly, thereby converting what was designed as an affirmative-action mechanism into a closed system of political reward and patronage. The Petition identifies four consequences said to flow from this state of affairs namely: the conversion of public office into a form of personal entitlement; the exclusion of youth, women and persons with disabilities from the opportunities the nomination mechanism was designed to extend to them; the defeat of the constitutional purpose of affirmative action; and the erosion of public confidence in devolved democratic institutions.
5. The Petitioners accordingly pray that legislation be enacted imposing a strict single term of five years limit on all nominated MCAs, without exception or transitional loophole, together with such further relief as may be necessary to uphold constitutionalism and the rule of law

6. A copy of the Petition is attached to this Report as *Annex 2*.

1.3 Consideration of the Petition

7. At its sitting held on Thursday, 23rd July, 2026, the Petitioners appeared before the Committee where they briefed the Committee of the background, rationale and justification for the proposed amendments.
8. Thereafter, the Committee considered the legal framework governing elections of Members of County Assemblies via Party Lists, the arguments advanced for and against the proposal to cap the number of terms for which one may be nominated, the relevant judicial pronouncements, and the law and practice in comparative jurisdictions. as detailed in the next Chapter.

CHAPTER TWO: ANALYSIS OF THE PETITION

2.1 Introduction

9. This Chapter contains an overview of the legislative history and legal framework governing elections of Members of County Assemblies via Party Lists, the arguments advanced for and against the proposal to cap the number of terms for which one may be nominated, the relevant judicial pronouncements, and the law and practice in comparative jurisdictions.

2.2 Legislative History

10. The Committee examined the record of the constitution-making process, comprising the Constitution of Kenya Review Act 2008, the Harmonised Draft Constitution, the Revised Harmonised Draft Constitution, the draft prepared by the Parliamentary Select Committee on 29 January 2010, and the Final Report of the Committee of Experts on Constitutional Review (the CoE). That record discloses that the question of repeat nomination and term limitation for special-seat members of county assemblies was never substantively debated by any of the review organs, whose attention was directed primarily at the mechanism for filling such seats rather than at the duration for which an individual nominee might occupy one.
11. The Final Report by the Committee of Experts records that the draft report by the Parliamentary Select Committee had inadvertently deleted the provisions on party-list governing the filling of special seats in county assemblies. In effect, the CoE reintroduced those provisions as a corrective exercise thus restoring a filling mechanism. The review organs were plainly alive to the risk of patronage in nominated office but elected to manage that risk through composition and proportionality rules culminating in the party-list model now reflected in Articles 90 and 177 rather than through limitation of tenure. The Committee noted that the term limitation did/does not appear as a proposal at any stage of the review process.
12. By contrast, term limitation was expressly and deliberately entrenched for two elective offices during the same process. The Presidency, capped at two five-year terms, and the office of county governor, similarly capped at two terms. The Committee considered that this contrast supports the view that the framers turned their minds to tenure limits for certain offices but left nominated legislative seats

untouched. The Committee considered that such an omission may be read either as a legislative gap Parliament is free to fill, or as a deliberate design choice reflecting the fact that occupancy of a nominated seat is, in principle, renewed through a fresh party list at each election.

2.3 Constitutional and Statutory Framework

13. Article 90 of the Constitution establishes proportional representation by party list as the mode of filling, among other seats, the special seats of county assemblies provided for under Article 177(1)(b) and (c), with the Independent Electoral and Boundaries Commission (IEBC) responsible for ensuring that each participating party submits a gender-alternating list of qualified candidates from which nominees are drawn in proportion to seats won.
14. Article 177(1) provides for special-seat members ensuring that no more than two-thirds of the membership of a county assembly is of the same gender. The provision also establishes representation for marginalised groups, including persons with disabilities and the youth, as prescribed by an Act of Parliament, nominated by parties in proportion to seats won and in accordance with Article 90.
15. Article 193 governs qualification for election and, by virtue of Article 90, extends to nomination as an MCA. The provision provides that eligibility may be conditioned on educational, moral and ethical requirements prescribed by the Constitution or statute, and Article 193(2) sets out an exhaustive list of disqualifications including the holding of another State or public office, prior IEBC membership within five years, insufficient citizenship tenure, unsoundness of mind, undischarged bankruptcy, a qualifying custodial sentence, and adverse findings of State-office abuse or Chapter Six misconduct. Prior service as a nominated MCA does not feature among these disqualifications.
16. Article 194 sets out an equally exhaustive list of grounds on which the office of an MCA becomes vacant, namely death, unauthorised absence, removal, resignation or deemed resignation from a political party, expiry of the assembly's term, and disqualification under Article 193(2). The Committee observed that this exhaustive list makes no reference to the expiry of a maximum number of terms as a ground for vacating a nominated seat.

17. This textual design stands in contrast to the treatment of the Presidency and the county governorship, for which Articles 142(2) and 180(7) impose self-executing, entrenched term limits of two terms requiring no enabling legislation. No equivalent provision exists for nominated MCAs, whether in Chapter Eight in respect of the analogous nominated seats in Parliament, or in Chapter Eleven on devolved government.
18. The Elections Act, Cap. 7 of the Laws of Kenya, operationalises Articles 90 and 177 through sections 34 to 37, which govern the preparation, submission and use of party lists, including the requirement that a nominee be a member of the nominating party on the date the list is submitted, the prohibition on amending a submitted list during the term of the relevant assembly, and the requirement that the list for marginalised-group seats prioritise persons with disability and the youth. These provisions are elaborated by regulations 54 to 56 of the Elections (General) Regulations 2012, which empower the IEBC to reject and require rectification of a non-compliant list. The County Governments Act, Cap. 265 of the Laws of Kenya, is silent on any maximum number of terms.
19. The Committee noted that Parliament has already legislated in considerable detail on the composition and eligibility criteria attaching to party lists including a membership qualification and a prioritisation rule without any suggestion that doing so required a constitutional amendment.

2.4 Judicial Pronouncements on Party-List Nominations

20. Kenyan courts have consistently held that party-list nominations under Articles 90 and 177 form part of the electoral process, subject to constitutional and statutory regulation, rather than being a purely internal party affair. In ***Mwicipi and 14 Others v IEBC and 5 Others***, the Supreme Court and High Court established that party-list nominations constitute a formal mode of '*election by nomination*' governed by the Constitution, and held that the preparation of a party list, while in the first instance an internal party affair, must nonetheless comply with the Constitution, the party's own constitution and the applicable nomination rules, with the IEBC bearing an express constitutional duty to ensure compliance and to settle nomination-related disputes. This provides the foundational legal basis for Parliament's competence to enact statutory limits on these positions.

21. In *Aden Noor Ali v IEBC & 2 Others*, the Court of Appeal confirmed that party-list nominations must comply with constitutional and statutory requirements and are amenable to judicial review, in a dispute concerning the ordering of nominees on a party list under Articles 90(2)(a) and 177. A related principle emerges from *National Gender and Equality Commission v IEBC*, in which the High Court, while affirming that the content of a party list is primarily a matter for the nominating party, held that the IEBC must nonetheless be satisfied those lists meet constitutional and statutory criteria confirming a regulatory competence over eligibility for party-list nomination distinct from the internal prerogatives of political parties.
22. The Committee observed that these authorities affirm the position that nomination slots exist to fulfil the national values of equality, inclusion and non-discrimination for marginalised groups, rather than to become lifetime entitlements. On the distinct question of how affirmative-action seats are to be interpreted, the Supreme Court's Advisory Opinion on the Principle of Gender Representation confirms that Article 177(1)(b) exists to give practical effect to the equality and non-discrimination values in Article 27 and the affirmative-action obligation in Article 100, and is accordingly to be interpreted purposively rather than restrictively.

2.5 Practical and Constitutional Feasibility

23. The Committee considered that two distinct legislative interventions must be kept separate, as they raise different constitutional questions. The first would be a retrospective rule vacating the seat of a sitting nominated MCA upon completion of one term, by way of an additional ground under Article 194(1); the Committee considered this route constitutionally precarious, as it would require amendment of an exhaustive constitutional list and would fall foul of the interpretive principle in *Mwigi* that the nomination process must proceed strictly within the four corners of the existing constitutional and statutory text.
24. The second, considerably more secure, intervention is a prospective bar on the renomination of a person who has already served the permitted number of terms. Article 193(1)(b) allows Parliament to set educational, moral and ethical eligibility requirements for elections, and the Elections Act already regulates party membership and candidate prioritisation for marginalised groups by ordinary legislation. A prospective bar of this kind is, in substance, an eligibility criterion governing who a party may lawfully place on a future list and does not purport to shorten a term the Constitution has already fixed at five years under Article 177 read with Article

194(1)(f). A restriction of this character engages Article 38(3)(c) less acutely than an involuntary vacation of office, since it operates prospectively, is known in advance, and targets no more than an expectation of indefinite renomination which Articles 90 and 177 were never designed to protect; any such limitation would, in any event, fall to be justified under Article 24.

25. Article 27(4) further prohibits discrimination on enumerated grounds such as race, sex, age, disability, religion, or ethnic origin. Kenyan courts have consistently held that this protection extends only to this protection to similar kinds of traits that is those that are immutable or fundamental to person's identity.
26. The mode of entry into office, whether by direct election under Article 177(1)(a) or by party-list nomination under Article 177(1)(b)–(c), is not such a personal characteristic. It is, instead, a constitutional category of office. Differentiation along this line therefore does not trigger the heightened scrutiny reserved under Article 27(4) but is assessed under the general principles of equality under Article 27(1)–(2), and by extension on whether it is rational and reasonable.
27. The distinction further has a rational and legitimate basis. An elected MCA derives their mandate from the electorate at the Ward level and can be removed only by that electorate or on the grounds set out in Article 194(1). The position of a nominated MCA by contrast, is a function of the party-list mechanism created by Articles 90 and 177 to serve affirmative-action purposes. A rule constraining renomination therefore targets the precise institutional feature of repeat party-list placement that gives rise to the concerns of patronage raised in the Petition. There is no equivalent mechanism to regulate in respect of directly elected members, whose continuation in office is already disciplined by periodic elections. The differentiation tracks a real structural difference rather than being arbitrary.
28. The Committee was of the view that even if a formulation of two-terms for nominated MCAs was preferred, it is unlikely to amount to either unconstitutional discrimination against elected MCAs, or to discrimination against nominated MCAs on a ground Article 27(4) recognises. The stronger residual risk in the Committee's view was political, in that singling out beneficiaries of affirmative action for a restriction not applied to directly elected members may be perceived as inequitable, even where it is not unconstitutional. The Committee noted this perception as a matter of legislative prudence, but affirmed that the proposal is constitutionally sound.

2.6 Comparative Jurisdictional Analysis

29. South Africa fills its National Assembly and its nine provincial legislatures entirely through closed-list proportional representation, with no directly elected constituency seats. Neither the Constitution nor the Electoral Act places any limit on the number of terms a list member may serve, re-election depending entirely on the member's position on the party list at each election. The Committee noted, however, that South Africa's list system does not create the quota-within-a-quota structure of Article 177(1)(b)–(c), and is accordingly a weaker analogue for the narrower affirmative-action question the Petition raises.
30. Uganda's affirmative-action design is considerably closer to Kenya's. Article 32 of its 1995 Constitution requiring reserved seats for women, youth, persons with disabilities, older persons and workers is replicated at local-government level under the Local Governments Act. No term limit has attached to these reserved seats since their introduction in 1989, notwithstanding that the policy was originally conceived as transitional. By 2026, this had become the subject of active parliamentary debate, Uganda's Equal Opportunities Commission having proposed a two-term limit for reserved-seat Women Members of Parliament, against resistance grounded in the concern that restricting tenure only on reserved seats would disadvantage women later contesting open seats against unrestricted incumbents.
31. Tanzania's 1977 Constitution establishes a comparable system of 'special seats' requiring that women constitute 30% of the National Assembly, seats being allocated to parties in proportion to votes received. As in Uganda, no term limit constrains special-seats members, an absence which scholarly commentary records as having permitted individual members to serve for decades without transitioning to a directly elected seat, undermining the mechanism's original conception as a temporary, capacity-building measure. This concern was addressed, but not adopted, in Tanzania's 2013 Draft Constitution, which proposed a general three-term cap for parliamentarians.
32. By contrast, the Philippine Local Government Code establishes sectoral representatives for women, agricultural and industrial workers, and other marginalised sectors in local legislative bodies including the *Sangguniang Panlalawigan*, and these sectoral seats are not exempted from the general rule capping elective local officials at three consecutive three-year terms. A sectoral

representative who has served three consecutive terms, nine years in total is accordingly disqualified from immediate renomination to the same seat, in exactly the same manner as a directly elected member, the justification being the prevention of entrenched political dynasties through continuous occupation of office.

2.7 Comparative Jurisprudence and Policy Lessons

33. In *Borja Jr v Commission on Elections*, the Supreme Court of Philippines held that an official who succeeds to office mid-term by operation of law, rather than by election, does not thereby serve a 'term' for purposes of the limit. In *Latasa v Commission on Elections*, the Court held that a Mayor who had served three consecutive terms could not evade the limit by seeking election to a newly created but substantially co-extensive local government unit. In *Aldovino Jr v Commission on Elections*, the Court clarified that a preventive suspension served during a term does not interrupt that term for purposes of the limit, since title to office is retained throughout. Read together, this jurisprudence demonstrates that a numerical term limit generates distinct interpretive questions as to what counts as a 'term', service 'by election', and what interruptions reset the count that a Kenyan reform of this kind would need to anticipate at the drafting stage.
34. India achieves a functionally similar restriction through mandatory rotation rather than a numerical cap. Article 243D of its Constitution requires that seats reserved for Scheduled Castes, Scheduled Tribes and women in *Panchayati Raj* Institutions be allotted, at each election, by rotation to different constituencies, so that no individual member can assume that the same reserved seat will remain available to them at the following election, a structural term limit at the level of the seat rather than the officeholder, justified by the prevention of capture of a reserved seat by a single family or faction.
35. In *Jagdish Singh v Election Commission of India & Others*, the Allahabad High Court upheld the constitutional validity of Section 9(1)(c) of the Delimitation Act, 2002, ruling that rotational reservation for SC/ST seats is a matter of legislative policy, not a constitutional defect. The Court emphasised that introducing or withholding rotation lies within Parliament's discretion, and the judiciary cannot compel such an amendment. This supports the view that asymmetric treatment of reserved categories is not unconstitutional, provided the governing constitutional provisions do not mandate uniformity.

36. These decisions affirm that legislatures have wide latitude to regulate nomination and rotation mechanisms for reserved seats. Kenya's Parliament, therefore, acts within its constitutional authority in considering a one-term limit for nominated MCAs. The stronger risk is political rather than legal, that nominated MCAs under affirmative-action may perceive the restriction as inequitable, even where it is constitutionally sound.
37. The Committee considered this pairing of decisions directly instructive. The Committee confirmed that a jurisdiction may deliberately confine a term- or rotation-based restriction on reserved representation to the local-government tier alone, without that asymmetry being constitutionally defective. This supports the proposition that Kenya could legislate a term restriction for nominated MCAs specifically, without being required to extend an identical restriction similarly to the nominated seats in the National Assembly and Senate.

CHAPTER THREE: OBSERVATIONS

3.1 Committee Observations

38. Having considered the Petition, received the testimony of the Petitioners, and undertaken an analysis of the issues raised in the Petition as set out at Chapter Two of this Report, the Standing Committee on Justice, Legal Affairs and Human Rights observed that-

- a) The Petition raises a legitimate concern of great public interest.
- b) Articles 193 and 194 of the Constitution set out exhaustive lists of qualification, disqualification and vacation criteria for elective office and make no reference to a maximum number of terms that Nominated MCAs may serve. This is as contrasted to the self-executing term limits that Articles 142(2) and 180(7) impose on the Presidency and the county governorship, respectively.
- c) The absence of a term limit for nominated or reserved seats is not a Kenyan peculiarity, but a design choice widely shared in the region, reflected in South Africa's list system and in the reserved-seat systems of Tanzania.
- d) Where jurisdictions have moved to restrict continuous occupation of a nominated or reserved sub-national seat, that is the Philippines by numerical cap and India by mandatory rotation, the restriction has in each case been accompanied by an articulated structural justification, and has in each case generated litigation over its precise scope and mechanics. The Committee considered that a Kenyan reform should anticipate, rather than leave to future litigation, questions as to the definition of a 'term', whether a partial term following a mid-term vacancy counts toward the limit, whether the limit attaches to a specific special-seat category or follows the individual across categories, and whether an interruption of service resets the count.
- e) A term limit confined to nominated MCAs alone risks being perceived as singling out affirmative-action beneficiaries for a restriction not applied to directly elected members.

- f) Indian courts have, however, confirmed that a term or rotation restriction may properly be confined to a lower tier of representation without a similar restriction being applied at a different/ higher tier of representation.
- g) A strict one-term cap of five years, as sought by the Petitioners, may be too short to allow a nominated member to acquire the institutional experience necessary to influence budgetary and legislative outcomes meaningfully. The Committee noted that the Ugandan Equal Opportunities Commission favors a two-term formula over a stricter alternative.
- h) A two-term limit would, in the Committee's view, align more closely with the two-term standard the Constitution already applies to the Presidency and county governors, and is consistent with the Constitution of Kenya (Amendment) (No. 2) Bill, 2025 (Senate Bills No. 16 of 2025), which proposes a two-term limit for persons elected through a party list under Article 90(1).

CHAPTER FOUR: RECOMMENDATION

4.1 Committee Recommendation

39. Arising from its Observations as set out in the preceding Chapter, the Standing Committee on Justice, Legal Affairs and Human Rights resolved **not to accede** to the prayers by the Petitioners, and to retain the current legal framework, whereby the question of how many terms a person may be nominated as a Member of County Assembly is left to the discretion of the nominating political party.
40. Consequently, the Committee recommends that the Petition by Mr Laban Omusundi, Ms Carolyn Soe and Ms Maryann Wangui on the limitation of the tenure for Nominated Members of County Assemblies (MCAs) to a single term of five years, **be declined**.

LIST OF ANNEXES

- Annex 1:* Minutes of the Committee in considering the Petition
Annex 2: Copy of the Petition

***Annex 1: Minutes
of the Committee
in considering the
Petition***



13TH PARLIAMENT | 5TH SESSION

**MINUTES OF THE 304TH SITTING OF THE STANDING COMMITTEE ON
JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON THURSDAY,
23RD JULY, 2026 AT 8.00 A.M., VIRTUALLY, VIA THE ZOOM ONLINE
MEETING PLATFORM**

PRESENT

- | | |
|--|---------------|
| 1. Sen. Wakili Hillary Sigeti, CBS, MP | - Chairperson |
| 2. Sen. Andrew Omtatah Okoiti, MP | - Member |
| 3. Sen. Daniel Kitonga Maanzo, EBS, MP | - Member |
| 4. Sen. (Prof.) Tom Ojienda, SC, MP | - Member |
| 5. Sen. Crystal Kegchi Asige, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--------------------------------------|--------------------|
| 1. Sen. Veronica W. Maina, CBS, MP | - Vice-chairperson |
| 2. Sen. Raphael Chimera Mwinzagu, MP | - Member |
| 3. Sen. Karen Njeri Nyamu, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|--|
| 1. Mr. Charles Munyua | - Principal Clerk Assistant II |
| 2. Mr. Boniface Kiambi | - Senior Clerk Assistant (<i>Taking Minutes</i>) |
| 3. Mr. Malcolm Ngugi | - Senior Legal Counsel |
| 4. Ms. Faith Wangui | - Legal Counsel II |
| 5. Ms. Angela Bonaya | - Clerk Assistant III |
| 6. Mr. Jackson Matheshe | - Research Officer III |
| 7. Ms. Linet Ascka | - Research Officer III |
| 8. Mr. Josphat Ngeno | - Media Relations Officer III |
| 9. Mr. Zenton Williams | - Audio Officer |
| 10. Mr. John Lekampule | - Serjeant-at-Arms |

IN ATTENDANCE / PETITIONERS

- | | |
|-----------------------|--------------|
| 1. Mr. Mohamed Alasow | - Petitioner |
| 2. Mr. Laban Omusundi | - Petitioner |

MIN. NO. 1041/2026

PRELIMINARIES

The meeting was called to order at ten minutes past eight O'clock and opened with a word of Prayer.

MIN. NO. 1042/2026

ADOPTION OF THE AGENDA

The Agenda of the meeting was adopted having been proposed by Sen. Daniel Kitonga Maanzo, EBS, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.

MIN. NO. 1043/2026

**PETITION BY MR. MOHAMED ALASOW
REGARDING THE RE-INTRODUCTION OF THE
ELECTIONS (AMENDMENT) BILL, 2021**

The Committee commenced consideration of the Petition by Mr. Mohamed Alasow regarding the proposed re-introduction of the Elections (Amendment) Bill, 2021, on the inclusion of candidates' popular or commonly known names on ballot papers alongside their official names.

Upon invitation by the Chairperson, the Petitioner took Members through the background, rationale and justification for the proposed amendments.

During deliberations, Members-

- a) noted that the current legal framework requires candidates' official names to appear on ballot papers, while also providing a legal process through which individuals may formally change their names; and
- b) considered the proposal that candidates' popular or commonly known names could be included on ballot papers alongside their official names, in a manner similar to the use of symbols by independent candidates, without necessitating a formal change of name.

Thereupon, the Committee resolved to resume consideration of the Petition the following week, at which it would consider the legal and policy implications of the proposed amendments.

MIN. NO. 1044/2026

**PETITION BY MR. LABAN OMUSUNDI
REGARDING THE LIMITATION OF TENURE OF
NOMINATED MEMBERS OF COUNTY
ASSEMBLIES (MCAS) TO ONE TERM**

The Committee commenced consideration of the Petition by Mr. Laban Omusundi regarding the proposed limitation of tenure for nominated Members of County Assemblies (MCAs) to one term.

Upon invitation by the Chairperson, the Petitioner took Members through the background, rationale and justification for the proposed amendments.

During its deliberations, Members-

- a) noted concerns regarding the nomination process, including the need to ensure that nominees meet the constitutional and statutory requirements for nomination; and

- b) examined the proposal to limit the tenure of nominated Members of County Assemblies to one term as a measure to promote inclusivity and provide opportunities for broader representation.

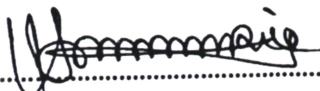
Thereupon, the Committee resolved to resume consideration of the Petition the following week, at which it would consider the legal and policy implications of the proposed amendments.

MIN. NO. 1045/2026 **ANY OTHER BUSINESS**

- i) Members were informed that the Liaison Committee was scheduled to meet the following week to deliberate on and apportion budgets to Committees for FY 2026/2027. This would inform preparation of the Committee's work plan and schedule of activities for the coming months.
- ii) Members were urged to avail themselves in Plenary during the afternoon sitting for that day, at which the Referendum Bill, 2026 (Senate Bills No. 3 of 2026) would be moved for debate at Second Reading stage.

MIN. NO. 1046/2026 **ADJOURNMENT**

The Chairperson adjourned the meeting at twelve minutes past nine O'clock. The next meeting will be held on Tuesday, 28th July, 2026 at 8:00 a.m.

SIGNED: 

DATE: 06/08/2026



13TH PARLIAMENT | 5TH SESSION

MINUTES OF THE 306TH SITTING OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON THURSDAY, 30TH JULY, 2026 AT 8.00 A.M. VIA THE ZOOM ONLINE MEETING PLATFORM

PRESENT

- | | |
|--|-----------------------------------|
| 1. Sen. Wakili Hillary Sigci, CBS, MP | - Chairperson (<i>Chairing</i>) |
| 2. Sen. Veronica W. Maina, CBS, MP | - Vice-chairperson |
| 3. Sen. Andrew Omtatah Okoiti, MP | - Member |
| 4. Sen. (Prof.) Tom Ojienda, SC, MP | - Member |
| 5. Sen. Daniel Kitonga Maanzo, EBS, MP | - Member |
| 6. Sen. Crystal Kegehi Asige, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--------------------------------------|----------|
| 1. Sen. Raphael Chimera Mwinzagu, MP | - Member |
| 2. Sen. Karen Njeri Nyamu, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|---|
| 1. Mr. Charles Munyua | - Principal Clerk Assistant II |
| 2. Mr. Malcom Ngugi | - Senior Legal Counsel |
| 3. Ms. Faith Wangui | - Legal Counsel II |
| 4. Ms. Angela Bonaya | - Clerk Assistant III (<i>Taking Minutes</i>) |
| 5. Mr. Jackson Matheshe | - Research Officer III |
| 6. Ms. Linet Aseka | - Research Officer III |
| 7. Mr. Josphat Ngeno | - Media Relations Officer |
| 8. Mr. Zenton Williams | - Audio Officer |

MIN. NO. 1051/2026 **PRELIMINARIES**

The meeting was called to order at twenty-four minutes past eight O'clock and opened with a word of Prayer.

MIN. NO. 1052/2026 **ADOPTION OF THE AGENDA**

The Agenda of the meeting was adopted having been proposed by Sen. Daniel Kitonga Maanzo, EBS, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.

MIN. NO. 1053/2026

PETITION BY MR. MOHAMED ALASOW
REGARDING THE RE-INTRODUCTION OF THE
ELECTIONS (AMENDMENT) BILL, 2021

The Committee resumed consideration of the captioned Petition and was taken through a brief on previous legislative attempts on the use of popular names during elections, the arguments advanced for and against the proposed amendments, and the law and practice in comparative jurisdictions.

Following deliberations, the Committee resolved to decline the prayers sought in the Petition and to retain the *status quo*, whereby a candidate wishing to use a popular or commonly known nickname in a party primary or election would be required to undergo a formal change of name as provided for in the Registration of Documents Act, Cap. 285 and the Registration of Persons Act, Cap. 107 of the Laws of Kenya.

Thereupon, the Committee directed the Secretariat to prepare the draft Report on the Petition for consideration and adoption.

MIN. NO. 1054/2026

PETITION BY MR. LABAN OMUSUNDI
REGARDING THE LIMITATION OF TENURE OF
NOMINATED MEMBERS OF COUNTY
ASSEMBLIES (MCAS) TO ONE TERM

The Committee resumed consideration of the captioned Petition and was taken through a brief on the legal framework governing elections of Members of County Assemblies via Party Lists, the arguments advanced for and against the proposal to cap the number of terms for which one may be nominated, the relevant judicial pronouncements, and the law and practice in comparative jurisdictions.

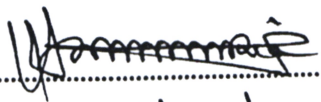
Following deliberations, the Committee resolved to decline the prayers sought in the Petition and to retain the current legal framework, whereby the question of how many terms a person may be nominated as a Member of County Assembly is left to the discretion of the nominating political party.

Thereupon, the Committee directed the Secretariat to prepare the draft Report on the Petition for consideration and adoption.

MIN. NO. 1055/2026

ADJOURNMENT

The Chairperson adjourned the meeting at fifteen minutes past nine O'clock. The next meeting would be held on Tuesday, 4th August, 2026 at 8:00 a.m.

SIGNED:

DATE:06/08/2026.....



13TH PARLIAMENT | 5TH SESSION

MINUTES OF THE 308TH SITTING OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON THURSDAY, 6TH AUGUST, 2026 AT 8.00 A.M. VIA THE ZOOM ONLINE MEETING PLATFORM

PRESENT

- | | |
|---------------------------------------|--------------------|
| 1. Sen. Wakili Hillary Sigci, CBS, MP | - Chairperson |
| 2. Sen. Veronica W. Maina, CBS, MP | - Vice-Chairperson |
| 3. Sen. Raphael Chimera Mwinzagu, MP | - Member |
| 4. Sen. Andrew Omtatah Okoiti, MP | - Member |
| 5. Sen. (Prof.) Tom Ojienda, SC, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|----------|
| 1. Sen. Karen Njeri Nyamu, MP | - Member |
| 2. Sen. Daniel Kitonga Maanzo, EBS, MP | - Member |
| 3. Sen. Crystal Kegehi Asige, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|--|
| 1. Mr. Charles Munyua | - Principal Clerk Assistant II |
| 2. Mr. Boniface Kiambi | - Senior Clerk Assistant (<i>Taking Minutes</i>) |
| 3. Mr. Malcolm Ngugi | - Senior Legal Counsel |
| 4. Ms. Faith Wangui | - Legal Counsel II |
| 5. Ms. Angela Bonaya | - Clerk Assistant III |
| 6. Mr. Jackson Matheshe | - Research Officer III |
| 7. Ms. Linet Aseka | - Research Officer III |
| 8. Mr. Josphat Ngeno | - Media Relations Officer |
| 9. Mr. Zenton Williams | - Audio Officer |

MIN. NO. 1062/2026

PRELIMINARIES

The meeting was called to order at sixteen minutes past eight O'clock and opened with a word of Prayer.

MIN. NO. 1063/2026

ADOPTION OF THE AGENDA

The Agenda of the meeting was adopted having been proposed by Sen. (Prof.) Tom Ojienda, SC, MP and seconded by Sen. Veronica W. Maina, CBS, MP.

MIN. NO. 1064/2026

CONFIRMATION OF MINUTES

- a) The Minutes of the 305th Sitting were confirmed as a true record of the proceedings having been proposed by Sen. (Prof.) Tom Ojienda, SC, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.
- b) The Minutes of the 307th Sitting were confirmed as a true record of the proceedings having been proposed by Sen. (Prof.) Tom Ojienda, SC, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.

MIN. NO. 1065/2026

MATTERS ARISING

Under Min. 1049/2026 and Min. 1059/2026 – Consideration of Legislative Proposals from IEBC, ORPP, JCE and PPDT

Members were informed that, following consultations between the Chairperson of the Committee and the Chairperson of the counterpart Committee in the National Assembly, it was resolved that the two Committees hold a joint retreat to consider all pending election-related legislation including the legislative proposals received from IEBC, ORPP, JCE and PPDT.

Thereupon, the Committee resolved that-

- a) the joint retreat with the National Assembly Departmental Committee on Justice and Legal Affairs be held on 10th to 13th September, 2026, in Naivasha, Nakuru County; and
- b) the technical teams from IEBC, ORPP, JCE and PPDT be invited to the said retreat to provide input and clarifications as may be required by the Committees.

Under Min. 1060/2026 – Committee Budgets for FY 2026/2027

Members were informed that the itemised work plan of the Committee for the FY 2026/2027 was being prepared and would be scheduled for consideration at the next meeting.

In the meantime, it was resolved that the Committee proceeds with the fact-finding visit to Narok and Bomet Counties on 1st to 4th October, 2026 to consider the Statement sought by Sen. Catherine Mumma, MP regarding the criminalization and re-victimization of survivors of Female Genital Mutilation (FGM), particularly in Bomet and Narok counties.

MIN. NO. 1066/2026

**PETITION BY MR. MOHAMED ALASOW
REGARDING THE RE-INTRODUCTION OF THE
ELECTIONS (AMENDMENT) BILL, 2021**

The Committee was taken through and considered the draft Report on the Petition, including the Committee observations and recommendation.

Thereupon, the Committee adopted the Report having been proposed by Sen. (Prof.) Tom Ojienda, SC, MP and seconded by Sen. Veronica W. Maina, CBS, MP.

MIN. NO. 1067/2026

PETITION BY MR. LABAN OMUSUNDI & 2
OTHERS REGARDING THE LIMITATION OF
TENURE OF NOMINATED MEMBERS OF
COUNTY ASSEMBLIES (MCAS) TO A SINGLE
TERM OF FIVE YEARS

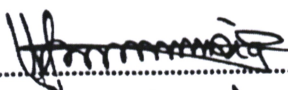
The Committee was taken through and considered the draft Report on the Petition, including the Committee observations and recommendation.

Thereupon, the Committee adopted the Report having been proposed by Sen. Veronica W. Maina, CBS, MP and seconded by Sen. (Prof.) Tom Ojienda, SC, MP.

MIN. NO. 1068/2026

ADJOURNMENT

The Chairperson adjourned the meeting at thirty-nine minutes past eight O'clock. The next meeting would be held on Tuesday, 8th September, 2026 at 8.00 a.m.

SIGNED: 

DATE: 06/08/2026

Annex 2: Copy of the Petition



in are dealing
2/17/26
**GRASSROOT CIVILIAN
OVERSIGHT INITIATIVE**

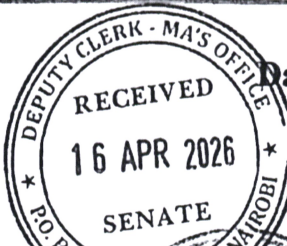
P.O Box 9759-20100 Nakuru,

Email: omusundi200@gmail.com

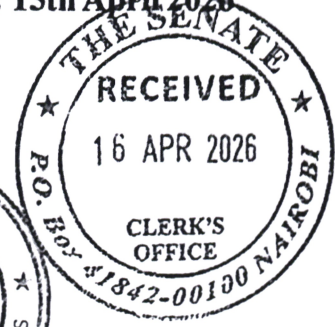


1)

DZPS
Please deal
MA
16/4/26



Date: 15th April 2026



TO:

THE SENATE OF THE REPUBLIC OF KENYA

P.O. BOX 41842-00100

NAIROBI, KENYA



**PETITION: LIMITATION OF NOMINATED MEMBERS OF COUNTY
ASSEMBLIES TO ONE TERM.**

We undersigned citizens of the Republic of Kenya, residents of Nakuru County, hereby petition the Senate pursuant to Article 119 of the Constitution as follows:

CONSTITUTIONAL FOUNDATION

1. **THAT**, Article 56 obligates the State to put in place affirmative action programs designed to ensure that minorities and marginalized groups are provided special opportunities in political representation.

2. **THAT**, Article 90 of the Constitution establishes party-list nominations as a mechanism to correct historical exclusion and expand representation, not to entrench privilege.

GRIEVANCES

Mr. Abdurrahman
Kindly review
and process
A. Mwachia
17/4/2026

48

2) Ms. Macharia

Please review the
Petition and process as
per the S.O.
D. Chemia
16/04/26

LIMITATION OF NOMINATED MEMBERS OF COUNTY ASSEMBLIES TO ONE TERM.

3. THAT, this scheme of RE-NOMINATION of nominated Members of County Assemblies amounts to a deliberate subversion of the Constitution, intended to convert nomination slots into a closed system of political reward and patronage.

4. THAT, the continued recycling of the same individuals through nomination:

- (A) Illegally converts public positions into personal property,
- (B) Locks out thousands of deserving Kenyans, including youth, women, and persons with disabilities,
- (C) Defeats the very purpose of affirmative action,
- (D) Erodes public confidence in democratic institutions.

5. THAT, the absence of an express statutory term limit for nominated MCAs has created a dangerous legislative vacuum, now being exploited by political cartels to capture and privatize constitutional opportunities.

6. THAT, while elective offices such as President, Governors, and other positions are subject to term limits to prevent entrenchment of power, it is legally irrational and constitutionally inconsistent to allow nominated positions—designed for inclusion to become lifetime entitlements.

7. THAT, unless urgently addressed, nomination slots risk being captured permanently by a small, self-serving political cartel, thereby transforming a progressive constitutional safeguard into a tool of exclusion and injustice.

8. THAT there is no other entity to approach to address this matter except the Senate. So this petition should not be declined on that grounds.

**LIMITATION OF NOMINATED MEMBERS OF COUNTY
ASSEMBLIES TO ONE TERM.**

9. THAT this matter is not pending in any court and any constitutional body between the parties herein.

PRAYERS

10. THEREFORE, your humble Petitioners prays that the Senate:

(A) ENACTS legislation imposing a STRICT ONE-TERM LIMIT for all nominated Members of County Assemblies, with no exceptions or transitional loopholes.

(B) Make any other recommendations or grant any relief deems fit in the subject matter to uphold rule of law and Constitutionalism.

Yours truly



Laban Omusundi - 1st Petitioner

ID No. 20579948



Carolyn So - 2nd Petitioner

ID No. 23002789



Maryann Wangui - 3rd Petitioner

ID No. 7120974