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PARLIAMENT OF KENYA LIBRARY

REPUBLIC OF KENYA

KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT-FOURTH SESSION

REPORT

OF THE SELECT COMMITTEE ON EQUAL OPPORTUNITY

ON

THE DISTRIBUTION OF WATER BOREHOLES IN THE COUNTRY FOR THE LAST THREE YEARS

FEBRUARY, 2011

1.0 PREFACE

Mr. Speaker Sir, on behalf of the Members of the Select Committee on Equal Opportunity and pursuant to Standing Order No. 181, I would like to take this opportunity to present to the House, the Committee's Report on the distribution of water boreholes drilled countrywide during the last three years

The membership of the Committee comprise of the following:-

The Hon. Mohammed Affey, MP - **(Chairperson)**
The Hon. Joseph Lekuton, MP - **(Vice-Chairperson)**
The Hon. Maison Leshoomo, MP
The Hon. Chesebe Fred Kapondi, MP
The Hon. Luka Kigen, MP
The Hon Francis Chachu Ganya, MP
The Hon. Millie Odhiambo, MP
The Hon. Raphael Letimalo, MP
The Hon. Eng. Ephraim Maina, MP

The functions of this Select Committee as established under Standing Order No. 192 are:-

(a) Monitor and promote measures designed to enhance the equalisation of opportunities and improvement in the quality of life and status of all persons including groups who are marginalised persons on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground;

(b) Investigate, inquire into and report on all matters relating to discrimination or marginalisation of the groups referred to under sub-paragraph (a);

(c) Make proposals to the House including legislative proposals for the protection, equalisation of opportunities and promotion of the welfare of the groups referred to under sub-paragraph (a); and

(d) Examine the activities and administration of all Ministries, departments and statutory bodies in so as they relate to the rights and welfare of the groups referred to under sub-paragraph (a).

Mr. Speaker Sir,

The matter regarding the drilling and distribution of boreholes was referred to the Committee on Equal Opportunity by the House arising out of question No. 313 by **Hon. Francis Chachu Ganya, MP.**

Question:

(a) Could the Minister table the list of boreholes successfully drilled by the Ministry of Water and Irrigation in all 210 constituencies in the last 3 years.

(b) Is the Minister further aware that not a single borehole has been drilled successfully in North-Horr constituency by the Ministry in the last three years; and

(c) What plans does the Ministry have for developing water points in North Horr constituency.

The House was not satisfied with the answer given by the Minister for Water and Irrigation sighting unfairness in the distribution of the boreholes in the country. Consequently, the matter was referred to the Committee on Equal Opportunity in line with its mandate to investigate and report back to the House. The Committee held a meeting with the Minister for Water and Irrigation to shed more light on the matter.

Mr. Speaker Sir

on behalf of the Select Committee on Equal Opportunity, I have the honour and pleasure to present the Committee's Report and recommendation on the distribution of boreholes for consideration and adoption by the House.

Mr. Speaker Sir,

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations on the matter.

Thank you.

Signed.....

Hon. Mohammed Affey, M.P.

Chairman,

Select Committee on Equal Opportunity

Date.....1st March 2011

2.0 DELIBERATIONS ON THE DRILLING & DISTRIBUTION OF BOREHOLES IN THE COUNTRY

2.1. Ministry's mandate and budgetary allocation

The Minister informed the Committee that:-

(i) The Ministry has been allocated Kshs.36,309,606,177 consisting of 32,529,667,077 from development partners for the financial year 2010/2011 to carry out its mandate.

(ii) The mandate of the Ministry of Water and Irrigation is to ensure adequate water supply and sewerage services, irrigation development and water storage. In implementing this mandate, the Ministry is being guided by the wider government development agenda, principle of equitable distribution of resources and affirmative action on marginalized segments of the society like ASAL areas, women and girl child.

(iii) The Ministry's budget utilization aim at providing access and reducing gross national water scarcity for domestic, livestock and irrigation use. This is based on equity, most feasible method of water provision and socio economic consideration. Ministerial budgeting is carried out based on four programmes namely:-

- Water policy and management;
- water supply and sewerage services;
- Water resources management; and
- Water storage and development of irrigation and drainage infrastructure.

(iv) The Ministry implements development programmes which are supported by both Government of Kenya and Development partners. There are also other donor funded projects which are multi-sectoral and targeting specific areas that the Ministry has no

control over. E.g. UNICEF WASH programme which targets 20 ASAL districts on development of boreholes, shallow wells and sand dams.

2.2 Ministry's Achievements in 2009/10 Financial Year

The Minister informed the Committee that:-

(i) The Ministry has provided access to clean drinking water to an additional 2.5 million people, consisting of 1.3 million people in rural areas and 1.2. million people in urban areas. This has been achieved through rehabilitation and expansion of 12 urban and 128 rural water supplies, drilling and equipping of 182 boreholes, and construction and de-silting of 112 water pans and dams.

(ii) Under the economic stimulus programme for the last financial year, 6,500ha was put under irrigation development which produced 185,000 bags of maize and 805,000 bags of rice through the rehabilitation and expansion of Ahero, Bura and Hola irrigation schemes aimed at improving food security.

2.3 Drilling and distribution of boreholes

The Minister informed the Committee that:-

(i) The Ministry's reasons for the disparity in the drilled boreholes was due to the scarcity and uneven distribution of water resources in the country. As a result, the Ministry has always appraised and designed projects that are tailor made to specific areas. For instance, in the high potential areas like Central, Western, parts of the Rift Valley and Coast there are many perennial rivers which form the main sources of water and therefore water programmes utilize these rivers.

(ii) Despite the Ministry's mandate to ensure adequate supply of water and sewerage services, irrigations development and water storage,

not all parts of the country can be provided with water through drilling of boreholes sighting other methods of providing water.

(iii) In the lower potential areas that frequently go through perennial drought like Lower and Upper Eastern, parts of Rift Valley, Coast and North Eastern, the main source of water is ground water exploited through drilling of boreholes, shallow wells and sand dams, supplemented with large/small dams, water pans and water tracking.

(iv) In the high potential areas like Central, Western parts of the Rift Valley and Coast Provinces there are many perennial rivers which form the main sources of water and therefore utilize the rivers.

(v) In places where bore holes were not drilled due to various reasons other water projects were undertaken, distributed by region in 2007/08-2009/10 as indicated in the table below:-

DISTRIBUTION OF BOREHOLES AND OTHER WATER SOURCES/PROJECTS BY REGION FOR FY - 2007/08-2009/10

	Region	No. of Boreholes	Other Water Sources / Projects
1.	North Rift	32	124
2.	Central Rift	11	64
3.	South Rift	46	54
4.	Western	30	121
5.	Nyanza	5	75
6.	Nairobi	66	18
7.	Central	35	77
8.	Upper Eastern	23	32
9.	Central Eastern	3	35
10.	Lower Eastern	89	37
11.	North Eastern	47	56
12.	Coast	25	69

North Rift	-	Turkana, West Pokot, Trans Nzoia, Baringo, Uasin Gishu, Elgeyo Marakwet
Central Rift	-	Samburu, Laikipia, Nakuru
South Rift	-	Nandi, Kericho, Narok, Kajiado, Bomet
Western	-	Bungoma, Busia, Kakamega, Vihiga
Nyanza	-	Kisumu, Migori, Kisii, Nyamira, Siaya, Homabay
Nairobi	-	Nairobi
Central	-	Nyeri, Kirinyaga, Muranga, Kiambu, Nyandarua
Upper Eastern	-	Marsabit, Isiolo
Central Eastern	-	Meru, Tharaka Nithi, Embu
Lower Eastern	-	Kitui, Machakos, Makueni
North Eastern	-	Mandera, Wajir, Garissa
Coast	-	Malindi, Kilifi, Taita-Taveta, Lamu, Mombasa, Kwale

2.4. DISTRIBUTIONOF BOREHOLES COUNTRYWIDE IN THE LAST THREE YEARS

The Minister informed the Committee that the Ministry of Water and Irrigation has drilled 412 boreholes countrywide in the last three years and in the 210 constituencies in particular as indicated in the table below.

BOREHOLES DRILLED IN THE LAST THREE YEARS IN 210 CONSTITUENCIES

No.	Borehole site	District	Constituency	Status/Condition	Funding Agency
1.	Mabole Secondary	Butere	Butere	Operational	GOK
2.	Bumamu	Butere	Butere	Operational	GOK
3.	Bukura market	Butere	Butere	Operational	GOK
4.	Bukura	Butere	Butere	Operational	GOK
5.	Butere A.P Camp	Butere	Butere	Operational	GOK
6.	Emukangu	Butere	Butere	Operational	GOK

7.	Mumias D.C office	Mumias	Mumias	Operational	GOK
8.	Endo health centre	Marakwet	Marakwet East	Not equipped	GOK
9.	Koitilial	Marakwet	Marakwet East	Not equipped	GOK
10.	Barberi	Marakwet	Marakwet East	Operational	GOK
11.	Chepkum	Marakwet	Marakwet East	Operational	GOK
12.	Tot health centre	Marakwet	Marakwet East	Operational	GOK
13.	Queen of peace	Marakwet	Marakwet East	Operational	GOK
14.	Malanga	Butula	Butula	Operational	GOK
15.	Busia Prison	Busia	Nambale	Operational	GOK
16.	Esikulu/Nasikina	Busia	Nambale	Operational	GOK
17.	Webuye MTC	Bungoma East	Webuye	Operational	GOK
18.	Lukusi	Bungoma East	Webuye	Operational	GOK
19.	Yasulwe	Bungoma East	Webuye	Operational	GOK
20.	Matulo	Bungoma East	Webuye	Operational	GOK
21.	Makhese	Bungoma East	Webuye	Operational	GOK
22.	Khayega	Kakamega East	Shinyalu	Operational	GOK
23.	Mukulusi village	Kakamega East	Shinyalu	Operational	GOK
24.	Mukulusi Primary	Kakamega East	Shinyalu	Not equipped	GOK
25.	Shanderema	Kakamega East	Shinyalu	Not equipped	GOK
26.	Sivilie Primary	Kakamega Central	Lurambi	Operational	GOK
27.	Malinya Market	Kakamega South	Ikolomani	Operational	GOK
28.	Bushiangala Secondary	Kakamega South	Ikolomani	Not equipped	GOK
29.	Chemonei	Eldoret West	Eldoret North	Operational	GOK
30.	Cheptiret Secondary	Eldoret South	Eldoret South	Dry	GOK
31.	St Mary's Tarakwa	Wareng'	Eldoret South	Operational	GOK
32.	Chepteret	Tarakwa	Eldoret south	Dry	GOK

33.	Kaplamai Primary	Transnzoia East	Cherengani	Operational	GOK
34.	Gideal/ Kobos	Kwanza	Kwanza	Operational	GOK
35.	Goseta Sec	Kwanza	Kwanza	Dry	GOK
36.	Munyanja	Samia	Funyula	Operational	GOK
37.	Namunywenda	Samia	Funyula	No power	GOK
38.	Ganjala	Funyula	Funyula	Operational	GOK
39.	Nabuganda Health Centre	Funyula	Funyula	Operational	GOK
40.	Wokape	Bungoma Central	Sirisia	Operational	GOK
41.	Luuya Girls	Bungoma Central	Sirisia	Operational	GOK
42.	Sirisia Town	Sirisia	Sirisia	Operational	GOK
43.	Khosoko	Bungoma Central	Bumula	Operational	GOK
44.	Sandai	Baringo Central	Baringo Central	Not equipped	GOK
45.	Kapkokwon	Baringo Central	Baringo Central	Operational	GOK
46.	Buiwon	Baringo Central	Baringo Central	Not equipped	GOK
47.	Muchongoi	Baringo Central	Baringo Central	Operational	GOK
48.	Chemondoi	Baringo North	Baringo North	Dry	GOK
49.	Koyoin	Baringo North	Baringo North	Not equipped	GOK
50.	Kipsaraman	Baringo North	Baringo North	Not equipped	GOK
51.	Katikit	Baringo East	Baringo East	Not equipped	GOK
52.	Ghatoi	East pokot	Baringo East	Not equipped	GOK
53.	Pombo (Tangulbei)	Baringo East	Baringo East	Not equipped	GOK
54.	Kapriria	Keiyo South	Keiyo South	Operational	GOK

55.	Kapchorwa	Keiyo South	Keiyo South	Operational	GOK
56.	Kaptaren	Keiyo North	Keiyo North	Not equipped	GOK
57.	Chelingwa	Keiyo North	Keiyo North	Operational	GOK
58.	Mindililwo	Keiyo North	Keiyo North	Operational	GOK
59.	Chebonet	Keiyo North	Keiyo North	Not equipped	GOK
60.	Bebogoi	Mogotio	Mogotio	Operational	GOK
61.	Orterit	Mogotio	Mogotio	Not equipped	GOK
62.	Muiya	Mogotio	Mogotio	Not equipped	GOK
63.	Kibias	Eldama Ravine	Eldama Ravine	Operational	GOK
64.	Oterit	Koibatek	Eldama Ravine	Dry	GOK
65.	Amakuriat	Kacheliba	Kacheliba	Not equipped	GOK
66.	Kanyikenyi	Kacheliba	Kacheliba	Operational	GOK
67.	Nakapalimen	Pokot North	Kacheliba	Operational	GOK
68.	Kupolio	Kacheliba	Kacheliba	Operational	GOK
69.	Chemolunjo	Kacheliba	Kacheliba	Operational	GOK
70.	Mai Mahiu 1.	Naivasha	Naivasha	Operational	GOK
71.	Mai Mahiu 2.	Naivasha	Naivasha	Operational	GOK
72.	Naivasha W.S.	Naivasha	Naivasha	Not equipped	GOK
73.	Aitong	Narok South	Narok South	Operational	GOK
74.	Enelerai	Narok South	Narok South	Operational	GOK
75.	Iturben	Narok South	Narok South	Operational	GOK
76.	Oletukat	Narok	Narok South	Not equipped	GOK
77.	Morijo-Loitia	Narok South	Narok South	Operational	GOK
78.	Magwagwa 2	Nyamira	North Mungirango	Not equipped	GOK
79.	Bondo Nyironge	Migori	Migori	Dry	JICA
80.	Kogelo I	Siaya	Alego	Operational	GOK

81.	Kogelo II	Siaya	Alego	Operational	GOK
82.	Barkowino	Bondo	Bondo	Operational	GOK
83.	Mawingo I.D.P Camp	Nyandarua South	Kipiriri	Not equipped	GOK
84.	Mangu	Rongai	Rongai	Not equipped	GOK
85.	Napetaeu	Turkana	Turkana south	Dry	GOK
86.	Nakabaren	Turkana	Turkana south	Operational	GOK
87.	Lodwar Town	Turkana Central	Turkana south	Not equipped	GOK
88.	Kapuus	Turkana Central	Turkana south	Not equipped	GOK
89.	Lodwar W.S.I.	Turkana Central	Turkana Central	Not equipped	GOK
90.	Lodwar W.S.2.	Turkana Central	Turkana Central	Not equipped	GOK
91.	Nasigel	Turkana Central	Turkana Central	Not equipped	GOK
92.	Lekomor	Turkana Central	Turkana Central	Not equipped	GOK
93.	Lokichogio Airport	Turkana North	Turkana North	Operational	GOK
94.	Nadapal	Turkana North	Turkana North	Operational	GOK
95.	Katilu	Turkana South	Turkana South	Operational	GOK
96.	Katilo	Turkana South	Turkana South	Operational	GOK
97.	Elelea	Turkana South	Turkana South	Not equipped	GOK
98.	Losuk	Samburu	Samburu East	Operational	GOK
99.	Chelomboi	Kapenguria	Kapenguria	Operational	GOK
100	Senetwo	Kapenguria	Kapenguria	Operational	GOK
101	Bendera	Kapenguria	Kapenguria	Operational	GOK
102	Kangelen	West Pokot	Kapenguria	Not equipped	GOK
103	Karenger	Kapenguria	Kapenguria	Not equipped	GOK

104	Muchatha	Molo	Molo	Not equipped	GOK
105	Rurii 1	Olkalau	Ol kalau	Operational	GOK
106	Rurii 2	Olkalau	Ol kalau	Operational	GOK
107	Kaeton	Narok North	Narok North	Not equipped	GOK
108	Rotian	Narok North	Narok North	Dry	GOK
109	Enabelbel	Narok	Narok North	Not equipped	GOK
110	Sandai	Baringo Central	Baringo Central	Operational	GOK
111	Sapul Moi	Pokot Central	Sigor	Operational	GOK
112	Buru Buru Secondary	Makadara	Makadara	Operational	GOK
113	Makadara NCC Dispensary	Makadara	Makadara	Operational	GOK
114	Plainsview Primary	Makadara	Makadara	Operational	WORLD BANK
115	St. John's Primary School	Makadara	Makadara	Operational	WORLD BANK
116	NWCPC HQ - borehole	Makadara	Makadara	Operational	GOK
117	Huruma Girls Secondary school	Makadara	Makadara	Operational	GOK
118	Tree Lane	Langata	Langata	Operational	GOK
119	Mbagathi Ridge	Langata	Langata	Operational	GOK
120	Karen C	Langata	Langata	Operational	GOK
121	Langata Women's Prison	Langata	Langata	Operational	GOK
122	Karen -Hardy water compound centre	Langata	Langata	Operational	WORLD BANK
123	Olympic Primary School	Langata	Langata	Operational	WORLD BANK
124	Kongoni Primary	Langata	Langata	Operational	WORLD BANK

125	Kibera Decanting Site-Borehole	Langata	Langata	Operational	WORLD BANK
126	Nyayo High rise	Langata	Langata	Operational	GOK
127	Wilson Airport	Langata	Langata	Operational	GOK
128	Thigio Borehole	Limuru	Limuru	Operational	GOK
129	DO's Office	Kiairia Borehole	Githunguri	Githunguri	Operational
130	Kiunyu Girls	Gatanga	Gatanga	Operational	WORLD BANK
131	Jamhuri Primary	Dagoretti	Dagoretti	Operational	WORLD BANK
132	Dagoretti reservoir tanks	Dagoretti	Dagoretti	Operational	WORLD BANK
133	Ndurarua Primary School	Dagoretti	Dagoretti	Operational	GOK
134	Gichagi borehole	Dagoretti	Dagoretti	Operational	WORLD BANK
135	Gatina Primary School	Dagoretti	Dagoreti	Operational	WORLD BANK
136	Kinyanjui Primary School	Dagoretti	Dagoretti	Operational	WORLD BANK
137	Riruta Primary	Dagoretti	Dagoretti	Operational	WORLD BANK
138	Waithaka chiefs office	Dagoretti	Dagoreti	Operational	GOK
139	Ngando chiefs office	Dagoretti	Dagoretti	Operational	GOK
140	Kabiru Pri School	Dagoretti	Dagoretti	Operational	GOK
141	Joseph Kangethe Pri. School	Dagoretti	Dagoretti	Operational	WORLD BANK
142	Kariokor DO's Office	Starehe	Starehe	Operational	WORLD BANK
143	Jamhuri High School -	Starehe	Starehe	Operational	WORLD BANK
144	Huruma Primary,	Starehe	Starehe	Operational	WORLD BANK

145	Kiboro Primary School	Starehe	Starehe	Operational	WORLD BANK
146	Komarock Primary school	Komarock	Embakasi	Operational	WORLD BANK
147	Ruai Chief's Camp	Ruai	Embakasi	Operational	WORLD BANK
148	Athi Primary School	Kamulu	Embakasi	Operational	WORLD BANK
149	Nyayo Estate - Embakasi	Embakasi	Embakasi	Operational	WORLD BANK
150	Imara Primary School	Kayole	Embakasi	Operational	WORLD BANK
151	Soweto Social Hall	Kayole, Soweto	Embakasi	Operational	WORLD BANK
152	Mihango Primary School -	Mihango	Embakasi	Operational	WORLD BANK
153	New Referral Hospital	Umoja II	Embakasi	Operational	WORLD BANK
154	Outer Ring Road Tank Tower	Donholm	Embakasi	Operational	WORLD BANK
155	Imara Daima chief's camp	Imara Daima	Embakasi	Operational	GOK
156	Rapid Deployment Unit (RDU)	Embakasi	Embakasi	Operational	WORLD BANK
157	Johevah Jire	Kayole Maili Saba	Embakasi	Operational	GOK
158	RuaiVeld	Utawala - Ruai	Embakasi	Operational	GOK
159	Utawala Market	Utawala	Embakasi	Operational	GOK
160	Umoja 1 Dispensary	Embakasi	Embakasi	Operational	WORLD BANK
161	Thawabu Primary School	Embakasi	Embakasi	Operational	GOK
162	Matopeni Primary Kayole	Embakasi	Embakasi	Operational	WORLD BANK
163	Donholm Primary	Embakasi	Embakasi	Operational	WORLD BANK
164	Fedha Estate	Embakasi	Embakasi	Operational	WORLD

					BANK
165	Kiambiu Chief's Office	Kamkunji	Kamkunji	Operational	WORLD BANK
166	Nairobi River Primary	Kamkunji	Kamkunji	Operational	WORLD BANK
167	Kangemi Chief's camp	Westlands	Westlands	Operational	GOK
168	Uthiru chief's office	Westlands	Westlands	Operational	GOK
169	Uthiru Tank	Westlands	Westlands	Operational	WORLD BANK
170	Dandora III Hospital	Kasarani	Kasarani	Operational	WORLD BANK
171	Ushirika High School -	Kasarani	Kasarani	Operational	WORLD BANK
172	Kahawa West Borehole	Kasarani	Kasarani	Operational	WORLD BANK
173	Kiwanja Primary	Kasarani	Kasarani	Operational	WORLD BANK
174	Githurai Primary School	Kasarani	Kasarani	Operational	WORLD BANK
175	Kamiti Prison	Kasarani	Kasarani	Operational	WORLD BANK
176	Marura Primary	Kasarani	Kasarani	Operational	WORLD BANK
177	Kasarani water Tank	Kasarani	Kasarani	Operational	WORLD BANK
178	Mwiki primary school	Kasarani	Kasarani	Operational	GOK
179	Kahawa west – Chiefs Camp	Kasarani	Kasarani	Operational	GOK
180	Mahiga Primary School	Kasarani	Kasarani	Operational	GOK
181	Kiganjo Chiefs Camp	Gatundu South	Gatundu South	Operational	GOK
182	Kimunyu Primary	Gatundu South	Gatundu South	Operational	GOK
183	Kilimambogo	Thika East	Juja	Operational	WORLD

	Borehole				BANK
184	Thika Fourteen Falls	Thika East	Juja	Operational	WORLD BANK
185	Murera Coffee	Ruiru	Juja	Operational	GOK
186	Mangu Borehole	Thika West	Juja	Operational	WORLD BANK
187	Greystone	Thika West	Juja	Operational	GOK
188	Kalimoni	Thika West	Juja	Operational	GOK
189	Waingere	Ruaka	Kiambaa	Operational	GOK
190	Ngumi	Kawaida	Kiambaa	Operational	GOK
191	Ndumberi	Kiambu	Kiambaa	Operational	GOK
192	Gathanga	Karuri	Kiambaa	Operational	GOK
193	Gathanga	Gathanga	Kiambaa	Operational	GOK
194	Kiambaa Kawaida	Kiambu	Kiambaa	Operational	GOK
195	Rwaka Nursery School	Ruaka	Kiambaa	Operational	GOK
196	Thimbigwa Primary	Karuri	Kiambaa	Operational	GOK
197	Rwaka Cattle Dip	Rwaka	Kiambaa	Operational	GOK
198	Kariani	Lari	Lari	Operational	GOK
199	Gathwariga,	Lari	Lari	Operational	GOK
200	Soko Mjinga	Lari	Lari	Operational	GOK
201	Kingatua	Lari	Lari	Operational	GOK
202	Qachacha	Marsabit	Saku	Operational	GOK
203	Karare	Marsabit	Saku	Dry	GOK
204	Dribgobo 3	Marsabit	Saku	Dry	GOK
205	Dribgobo 4	Marsabit	Saku	Dry	GOK
206	Kabibanya	Marsabit	Saku	Not equipped	GOK
207	Nahagan/Martaba	Marsabit South	laisamis	Not equipped	GOK
208	Indikir	Marabit south	laisamis	Operational	GOK

209	Sakadala	Marsabit South	laisamis	operational	GOK
210	Lengima	Marsabit South	laisamis	operational	GOK
211	laisamis	Marsabit south	laisamis	operational	GOK
212	Arge	Marsabit south	laisamis	operational	GOK
213	Lagga fereji	Marsabit south	laisamis	operational	GOK
214	Lukumai	Marsabit south	laisamis	operational	GOK
215	Kargi	Laisamis	Laisamis	Operational	GOK
216	Lengima II	Laisamis	Laisamis	Operational	GOK
217	Torbi	North Horr	North Horr	operational	GOK
218	Shurr 1	North Horr	"	operational	GOK
219	Shurr 2	North Horr	"	operational	GOK
220	Shurr 3	North Horr	"	operational	GOK
221	Bobisa	North Horr	"	operational	GOK
222	Dosa Wacha	North Horr	"	operational	GOK
223	Elhadi	North Horr	"	Dry	GOK
224	Burgabo	North Horr	"	Dry	GOK
225	Olla	Mandera North	Mandera North	Operational	GOK
226	Kubi	Mandera North	"	Operational	GOK
227	Shurshi	Mandera North	"	Operational	GOK
228	Qarsadamu	Mandera central	"	Operational	GOK
229	Sarohindi	Mandera East	Mandera East	Operational	GOK
230	Omar Jillo	Mandera East	"	Operational	GOK
231	Kamor Urban	Mandera East	"	Operational	GOK
232	Hareri Hosle	Mandera East	"	Operational	GOK
233	Kabo	Mandera East	"	Operational	GOK
234	Alango	Mandera East	"	Operational	GOK
235	Libehiya	Mandera East	"	Operational	GOK
236	Bambo 11	Mandera East	"	Operational	GOK
237	Qumbiso	Mandera East	"	Operational	GOK
238	Garbagolei	Mandera East	"	Operational	GOK
239	Mandera Urban	Mandera East	"	Operational	GOK

240	Burabor	Mandera East	"	Operational	GOK/UN ICEF
241	Bella	Mandera East	"	Operational	GOK/UN ICEF
242	Gedudia	Mandera East	"	Operational	GOK/UN ICEF
243	Odha	Mandera East	"	Operational	GOK
244	Farey	Mandera East	"	Operational	GOK
245	Karo	Mandera East	"	Operational	GOK
246	Wangaidahan 1	Mandera West	Mandera West	Not equipped	GOK
247	Wangaidahan II	"	"	Operational	GOK
248	Takaba	"	"	Operational	GOK
249	Takaba II	"	"	Operational	GOK
250	Danaba	"	"	Not equipped	GOK
251	Banderema	Moyale	Moyale	Dry	GOK
252	Sololo	Moyale	Moyale	Dry	GOK
253	Watiti	Moyale	Moyale	Dry	GOK
254	Yaballo	Moyale	Moyale	Dry	GOK
255	Yaballo II	Moyale	Moyale	Dry	GOK
256	Elborr	Moyale	Moyale	Dry	GOK
257	Sololo	Moyale	Moyale	operational	GOK
258	Sololo (Bandalelo)	Moyale	Moyale	operational	GOK
259	Hagarbul 1	Lagdera	Lagdera	Dry	GOK
260	Mathagisi	Lagdera	Lagdera	Operational	GOK
261	Gurfa	Lagdera	Lagdera	Operational	GOK
262	Damajale	Lagdera	Lagdera	Operational	GOK
263	Bahuri	Lagdera	Lagdera	Operational	GOK
264	Saretho-5	Garissa	Lagdera	Operational	GOK
265	Shimbley	Garissa	Dujis	Operational	GOK
266	Abdi Senet 1	Garissa	Dujis	Operational	GOK
267	Abdi Senet II	Garissa	Dujis	Operational	GOK

268	Abdi Senet III	Garissa	Dujis	Operational	GOK
269	Katama II	Fafi	Fafi	Operational	GOK
270	Machesa III	Wajir South	Wajir South	Operational	GOK
271	Airport	Wajir East	Wajir East	Operational	GOK
272	Lunga lunga	Msambweni	Msambweni	Operational	GOK
273	Matuga Girls	Mwatate	Matuga	Operational	GOK
274	Tiwi E	Kwale	Matuga	Operational	GOK
275	Mkongani	Kilifi	Kilifi	Operational	GOK
276	Kizingo	Kilifi	Bahari	Not equipped	GOK
277	Dzihoshe	Kilifi	Bahari	Not equipped	GOK
278	Mkongani	Kilifi	Bahari	Operational	GOK
279	Bura Zare	Mwatate	Mwatate	Operational	GOK
280	Mwanachi setl. 1	Mwatate	Mwatate	Not equipped	GOK
281	Alia	Mwatate	Mwatate	Operational	GOK
282	Kirumbi	Mwatate	Mwatate	Operational	GOK
283	Nyolo	Mwatate	Mwatate	Operational	GOK
284	Mulunguni	Magarini	Magarini	Operational	GOK
285	Kakimwaita	Taita	Wundanyi	Operational	GOK
286	Mitangani Rima	Ganze	Ganze	Operational	GOK
287	Mwahera Pry	Ganze	Ganze	Operational	GOK
288	Kinarani Disp	Kaloleni	Kaloleni	Operational	GOK
289	Haroresa	Tana River	Galole	Operational	GOK
290	Waldena	Tana River	Galole	Dry	GOK
291	Challa	Taveta	Taveta	Operational	GOK
292	Kabanga Ranch I	Taveta	Taveta	Dry	GOK
293	Kabanga Ranch II	Taveta	Taveta	Dry	GOK
294	Kabanga Ranch III	Taveta	Taveta	Dry	GOK
295	Kone	Tana Delta	Garsen	Not equipped	GOK

296	Haroresa	Tana River	Bura	Dry	GOK
297	Olorika	Kajiado	Kajiado	Not equipped	GOK
298	Oldule	Loitoktok	Loitoktok	Not equipped	GOK
299	Oloitoktok	Kajiado	Kajiado	Operational	GOK
300	Ngatataek	Kajiado central	Kajiado Central	Operational	GOK
301	Ilmamen Farm	Kajiado Central	Kajiado Central	Operational	GOK
302	Imaroro 2	Kajiado Central	Kajiado Central	Dry	GOK
303	Makueni boys sec	Makueni	Makueni	Operational	GOK
304	Mbitini	Makueni	Makueni	Operational	GOK
305	Katana	Mutomo	Kitui South	Not Equipped	GOK
306	Kalyambeu	Mwala	Mwala	Not equipped	GOK
307	Mbaani	"	"	Operational	GOK
308	Kaloleni	"	"	Operational	GOK
309	Matinyani	Kitui West	Kitui West	Operational	GOK
310	Kitamwiki	"	"	"	GOK
311	Kamutei	"	"	"	GOK
312	Katutu	Kitui West	Kitui West	Not equipped	GOK
313	Muvitha	"	"	Not equipped	GOK
314	Kyaithani	"	"	Dry	GOK
315	Kavuta	"	"	Operational	GOK
316	Kiseuni	"	"	Operational	GOK
317	Mutune	Kitui Central	Kitui Central	Operational	GOK
318	Mbooni	Kitui Central	Kitui Central	Operational	GOK
319	Wanzua	"	"	Operational	GOK
320	Musyua	"	"	Operational	GOK

321	Kyambiti Sec	Kitui Central	Kitui Central	Not equipped	GOK
322	Kanzau	"	"	Not equipped	GOK
323	Ivingoni/Makutano	Kibwezi	Kibwezi	Not equipped	GOK
324	Ivingoni	"	"	Operational	GOK
325	Utu	"	"	Not equipped	CDF
326	Thua Secondary	Mutito	Mutito	Not equipped	GOK
327	Kasunguni	"	"	Dry	GOK
328	Kosovo	Athi-River	Kathiani	Operational	GOK
329	Makadara	"	"	Operational	GOK
330	Syokimau	"	"	Operational	GOK
331	Utawala	"	"	Operational	GOK
332	Embakasi	"	"	Operational	GOK
333	Kiangini	"	"	Operational	GOK
334	Ngalalya	Kangundo	Kangundo	Operational	GOK
335	Kangundo hospital	"	"	Operational	GOK
336	Kavilinguni	"	"	Operational	GOK
337	Katheini	"	"	Operational	GOK
338	Iia Itune	"	"	Operational	GOK
339	Maiuni	"	"	Operational	GOK
340	Ngiini	Kangundo	Kangundo	Operational	GOK
341	Syuuni	Mbooni west	Mbooni	Operational	GOK
342	Munyuuka	Mbooni west	Mbooni	Operational	GOK
343	Kakuswi	"	"	Operational	GOK
344	Kimela	Kyuso	Mwingi North	Operational	GOK
345	Sosoma	"	"	Operational	GOK
346	Mitamisyi Kanzui	"	"	operational	GOK
347	Muumoni	"	"	Not equipped	GOK

348	Karumu	Tseikuru	"	Operational	GOK
349	Tseikuru Secondary	"	"	Operational	GOK
350	Muna	"	"	Operational	GOK
351	Kaningo	"	"	Operational	GOK
352	Mandongoi	"	"	Dry	GOK
353	Misai	Mwingi East	Mwingi South	Operational	GOK
354	Kwa Makusi	"	"	Operational	GOK
355	Kalitini	"	"	Operational	GOK
356	Tuvaani	"	"	Dry	GOK
357	Nzeluni Girls	"	"	Not equipped	GOK
358	Miwani Market	"	"	Not equipped	GOK
359	Inyonywe	Mukaa	Kilome	Not equipped	GOK
360	Aimi ma kilungu	"	"	Operational	GOK
361	Kwakea	"	"	Operational	GOK
362	Munyiiki	Masinga	Masinga	Operational	GOK
363	Musingini	"	"	Operational	NGO
364	Simisi	Mutomo	Kitui South	Operational	GOK
365	Ilusya 1	"	"	Operational	GOK
366	Ilusya 2	"	"	Operational	GOK
367	Ilusya 3	"	"	Operational	GOK
368	Mbitini	"	"	Operational	GOK
369	Wanzauni	"	"	Operational	GOK
370	Mikuyuni	"	"	Not equipped	GOK
371	Senda	"	"	Operational	GOK
372	Malivani	"	"	Not equipped	GOK
373	Kiteta Girls Secondary	Mbooni East	Mbooni	Operational	GOK

374	Kaliini	"	"	Operational	GOK
375	Itaava	"	"	Not equipped	GOK
376	Mukimwani	Mbooni East	Mbooni	Operational	GOK
377	Kakuswi	Mbooni East	Mbooni	Operational	GOK
378	Matiliku	Mbooni East	Mbooni	Operational	GOK
379	Iipolosat	Kajiado North	Kajiado North	Operational	GOK
380	Naserian	"	"	Operational	GOK
381	Kibiko	"	"	Operational	GOK
382	Olekasaai	"	"	Operational	GOK
383	Olosirikon	"	"	Operational	GOK
384	Narumoru	"	"	Operational	GOK
385	Olturoto	"	"	Operational	GOK
386	Enkutote Empash	"	"	On going	GOK
387	Kahara	"	"	Operational	GOK
388	Kitengela township	"	"	Not equipped	GOK
389	Merisho	"	"	Operational	GOK
390	Ngong	"	"	Operational	GOK
391	Kithimani	Yatta	Yatta	Operational	GOK
392	Kyua/Mlolongo	Yatta	Yatta	Operational	GOK
393	Matuu health centre	"	"	Operational	GOK
394	Ianguni	"	"	Operational	GOK
395	Bisil	"	"	Operational	GOK
396	Utawala	Machakos	Machakos central	Operational	GOK
397	Machakos MTC	"	"	Operational	GOK
398	Kwakala	"	"	Operational	GOK
399	Kalama	"	□□Operationa	Operational	GOK
400	Wendano Wa Utiithi	"	"	Operational	GOK
401	Kyumbi	"	"	Operational	GOK

402	Loolkil	Tigania East	Tigania East	Not equipped	GOK
403	Lubunu	Tigania west	Tigania west	Not equipped	GOK
404	Gaturiri community	Kieni east	Kieni	Not equipped	GOK
405	Kinyaiti	Kieni east	Kieni	Not equipped	GOK
406	Kabati	Nyeri north	Kieni	Not equipped.	GOK
407	Giteero	Nyeri north	Kieni	Not equipped	GOK
408	Kimicha GSU camp	Igeembe north	Igeembe north	Dry	GOK
409	Kahuhia Girls Sec.	Murang'a north	Kiharu	Dry	GOK
410	Kiria	Muranga East	Kiharu	Operational	GOK
411	Nguthuru	Murang'a south	Maragwa	Operational	GOK
412	Gitura/Gaicanjiru	Kandara	Kandara	operational	GOK

2.5. WATER SUPPLY PROJECTS ALLOCATIONS PER COUNTY FOR THE LAST TWO YEARS

	COUNTY	AMOUNT ALLOCATED IN MILLIONS KSHS.
1	**Kiambu**	**972.6**
2.	**Muranga**	**151.1**
3.	**Nairobi**	**7,000**
4.	**Trans Nzoia**	**117.8**
5.	**Uasin Gishu**	**170.4**
6.	**Elgeyo Marakwet**	**68.4**
7.	**Bungoma**	**271.55**

8.	Busia	197.18
9.	Nandi	76.52
10.	Vihiga	88.92
11.	Kakamega	392.84
12.	Bomet	78.10
13.	Homabay	346.5
14.	Kericho	150.92
15.	Kisii	298.15
16.	Kisumu	724.89
17.	Migori	59.87
18.	Siaya	551.40
19.	Garissa	724.20
20.	Isiolo	56.30
21.	Wajir	98
22.	Samburu	61.8
23.	Marsabit	443.44
24.	Mandera	107.7
25.	Laikipia	128.31
26.	Embu	48.27
27.	Kirinyaga	28
28.	Meru	187.3
29.	Nyeri	429.3
30.	Tharaka	300

31.	Kitui	248.02
32.	Machakos	467.1
33.	Makueni	38.5
34.	Kajiado	27.5
35.	Baringo	120.88
36.	Narok	62.01
37.	West Pokot	111.54
38.	Nakuru	109.63
39.	Nyandarua	254.98
40.	Elgeyo Marakwet	21.78
41.	Turkana	67.03
42.	Kilifi	461.24
43.	Kwale	66.4
44.	Tana River	62.73
45.	Taita Taveta	95.20
46.	Mombasa	393.50
47.	Lamu	46

2.6. RESOURCE DISTRIBUTION FOR F/Y 2009/10-2010/11

No.	REGION	AMOUNT IN BILLIONS 2009-10	AMOUNT IN BILLIONS 2010-11
1.	North Rift	1.19	0.94
2.	Western	3.85	1.82

3.	Nyanza	1.8	3.1
4.	Central Rift	1.03	0.66
5.	South Rift	0.53	1.45
6.	Nairobi	3.44	4.69
7.	Coast	1.46	5.97
8.	Lower Eastern	0.86	1.87
9.	Central	0.61	1.45
10.	Central Eastern	0.75	1.17
11.	North Eastern	0.96	1.39
12.	Upper Eastern	0.56	1.40

2.7 CHALLENGES FACING THE MINISTRY OF WATER & IRRIGATION

The Minister informed the Committee that Ministry was facing the following challenges in the execution of its mandate:-

- Declining water resources availability due to catchment degradation and climate change.
- Increased pollution of water sources caused by commercial farming and industrial growth.
- High operation and maintenance cost for water services due to high cost of energy.
- Lack of investment in water storage resulting to increased water insecurity.
- Low funding on sector programmes.

3.0 COMMITTEE'S OBSERVATIONS

(i) The Committee observed that the ministry had allocated resources for drilling of boreholes Country wide, However the Committee was unable to establish whether actual drilling of boreholes were undertaken.

(ii) The Committee also observed that 30% of the boreholes drilled in the country were in the Lower Eastern on the country.

(iii) The Committee further observed that the funding by other development partners have not been equally distributed to all the needy regions in the country.

4.0. COMMITTEE'S RECOMMENDATIONS

The Committee unanimously agreed that the Ministry of Water and Irrigation has done a commendable job in carrying out its mandate of providing water to the citizens of Kenya and recommends that:-

(i) The Ministry should be given more allocation of funds to enable it carry out its mandate.

(ii) The Ministry should continue to develop water projects using the most suitable water sources either ground water or surface water equitably. However, there should be affirmative action in allocation of financial resources in areas with permanent water shortage like ASAL areas, specifically Samburu East, Sigor, East Pokot, Wajir South e.t.c.

(iii) The Ministry should carry out extensive research to know the water potential resources of each region to be able to identify the right projects to provide water. Some regions were largely left out in the drilling of boreholes and that the Ministry should use other

methods of providing water like the rock water catchment, water pans e.t.c.

(iv) Given the disparity in the drilling of boreholes more resources should be allocated for drilling of boreholes in regions which have traditionally relied on boreholes to improve access to water in such regions.

O

MINUTES OF THE SECOND SITTING OF THE COMMITTEE ON EQUAL OPPORTUNITY HELD ON THURSDAY 24th FEBRUARY, 2011 IN MEMBERS LOUNGE, PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

Hon: Mohammed Affey, M.P **(Chairman)**

Hon: Millie odhiambo- Mabona,M.P

Hon: Raphael Lakalei Letimalo, M.P

ABSENT WITH APOLOGY

Hon: Joseph Lekuton, M.P **(Vice-Chairman)**

Hon: Maison Leshoomo, M.P

Hon: Francis Chachu Ganya, M.P

Hon: Luka kipkorir Kigen, M.P

Hon: Ephraim Maina, M.P

Hon: Chesebe Fred Kapondi, M.P

NATIONAL ASSEMBLY

Florence Abonyo - First Clerk Assistant

Abdullahi Aden - Third Clerk Assistant

Rose Mudibo - Protocol Officer

MIN NO 6/2011 **REPLACEMENT OF A COMMITTEE MEMBER**

The Committee resolved to report to the Liaison Committee the matter regarding the replacement of Hon. Ephrahim Maina, MP as a Committee Member pursuant to Standing Order No. 169.

MIN NO 07/2011 **ADOPTION OF REPORT**

The Committee unanimously agreed and adopted the report on the distribution of boreholes countrywide for the last three year.

MIN. NO 8/2011 **ANY OTHER BUSINESS**

(i) The Committee agreed to go for a retreat to deliberate on the following pending reports;

- Committee visit to Rwanda and Uganda
- Committee visit to Denmark and Finland

(ii) The Committee resolved to undertake study tours to the following countries:-

- Parliament of United Kingdom
- Parliament of Cuba

MIN.NO 9/2011 **ADJOURNMENT**

The Chairman adjourned the meeting at Forty Five Minutes past Eleven O' Clock.

SIGNED.....

CHAIRPERSON

DATE...1st March 2011.....

MINUTES OF THE TWENTY SEVENTH SITTING OF THE COMMITTEE ON EQUAL OPPORTUNITY HELD ON THURSDAY, 21ST OCTOBER 2010, IN THE COMMITTEE ROOM ON 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT

The Hon. Mohamed Abdi Affey, M.P. (Chairman)

The Hon. Joseph Lekuton, M.P. (Vice Chairman)

The Hon. Luka Kigen, M.P.

The Hon. Raphael Letimalo, M.P.

ABSENT WITH APOLOGY

The Hon. Ephraim Maina, M.P.

The Hon. Millie Odhiambo, M.P.

The Hon. Fred Chesebe Kapondi, M.P.

The Hon. Francis Chachu Ganya, M.P.

The Hon. Maison Leshoomo, M.P.

MINISTRY OF WATER

Hon. Charity Ngilu, E.G.H., M.P.	-	Minister for Water
Eng. David Stower, C.B.S., O.G.W.	-	Permanent Secretary Ministry of Water
Eng. Lawrence. N. Simitu	-	Director, Water Services
John Rao Nyaoro	-	Director of Water Resources
Eng. Petronilla. A. Ogut	-	MD / National Water Conservation and Pipeline Cooperation
Peter. M. Musura	-	Economist
Eng. Robinson. K. Gaita	-	Director, Irrigation
Eng. D. K. Barasa	-	General Manager, National

		Irrigation Board
Eng. Richard Karuri	-	MWI / IDWS
Rose Nyaga	-	Ag. Chief Executive Officer, Arthi Water Services Board

KENYA NATIONAL ASSEMBLY

Ms. Rose Mudibo	- Secretary
Mr. Abdullahi Aden	- Clerk Assistant

MIN NO. 111/2010 **PRAYER**

The Chairman called the meeting to order at 10.30 a.m. followed by a word of prayer.

MIN NO. 112/2010 **INTRODUCTION**

The Chairman introduced the Members of the Committee to the delegation and gave the Minister a chance to do the same of the accompanying delegation.

MIN NO. 113/2010 **BRIEFING BY THE CHAIRMAN**

The Chairman welcomed the Members of the Committee and the delegation from the Ministry of Water. He further apologized to the delegation for the many times the meeting had been postponed and thanked them for hounouring the invitation. The Chairman also took the delegation through the mandate of the Committee and why the meeting had been called having been initiated by a question from the Hon. Francis Chachu Ganya, M.P. on the floor of the House on 1st September, 2010, and later referred to the Committee for further investigations due to an unsatisfactory answer.

MIN NO. 114/2010 **BRIEFING BY THE MINISTER FOR WATER**

- The Committee was informed that the Mandate of the Ministry of water is to ensure adequate supply of water and sewerage services, irrigation development and water storage. It was also informed that the Ministry is guided by the wider

government development agenda, principle of equitable distribution of resources and affirmative action on marginalized segments of the society like in ASAL areas, women and girl child.

- That the Ministry's budget utilization aim at providing access and reducing gross national water scarcity for domestic, livestock and irrigation use, which is based on equity, most feasible method of water provision and socio economic consideration.
- That ministerial budgeting is carried out based on four programmes namely water policy and management, water supply and sewerage services, water resources management and water storage and development of irrigation and drainage infrastructure.
- That the Ministry implements development programmes which are supported by both GoK and Development partners. There are also other donor projects which are multi-sectoral and targeting specific areas that the Ministry may not have total control over. i.e. UNICEF WASH programme targets 20 ASAL districts on development of boreholes, shallow wells and sand dams.

The Minister informed the Committee that the Ministry faces some challenges amongst them:-

- Declining water resources availability due to catchment degradation and climate change.
- Increased pollution of water sources caused by commercial farming and industrial growth.
- High operation and maintenance cost for water services due to high energy costs.
- Lack of investment in water storage resulting in increased water insecurity.
- Low funding on sector programmes.

The Minister highlighted to the Committee some of the achievements made by the Ministry amongst them:-

- That in 2009/10 FY, the Ministry has provided access to clean drinking water to an additional 2.5 million people, consisting of 1.3 million people in rural areas and 1.2 million people in urban areas, achieved through rehabilitation and expansion of 12 urban and 128 rural water supplies, drilling and equipping of 182 boreholes, and construction and desilting of 112 water pans and dams.
- That irrigation development, under the economic stimulus programme, for last financial year, 6,500ha was put under irrigation which produced 185,000 bags of maize and 805,000 bags of rice through the rehabilitation and expansion of Ahero, Bura and Hola irrigation schemes aimed at improving food security.

The Committee was informed that in the budgetary allocation of 2010/2011, the Ministry has been allocated Kshs36,309,606,177 consisting of Kshs32,529,667,077 development and Kshs3,779,939,100 recurrent, which consist of both Government of Kenya and development partners contributions.

MIN NO.115/2010 **BOREHOLES DRILLED IN THE COUNTRY.**

The Committee brought to the attention of the Minister the intention and concern of the House on the issue of the distribution of boreholes in the country raising the following questions.

- Why is it that 30% of boreholes drilled in the country for the last three years were in the Lower Eastern?
- The Minister was also required to confirm if the list she had provided to the Committee on distribution of boreholes was the same she had provided to the House on the 1st of September, 2010.

- The Members also sought to know from the Minister if she was satisfied that the distribution of boreholes was equal opportunity compliant in the country.
- The Committee was also interested to know whether there were other areas that deserved similar attention as the Lower Eastern.
- What criteria determine what allocation of resources an area gets?
- What informs the Ministry that an area cannot be drilled?

MIN NO.116 2010 **MINISTER'S RESPONSE**

In her response the Minister felt that the question put to her Ministry was skewed and explained that not all parts of the country could be provided with water through drilling of boreholes. She further informed the Committee that the Ministry has always appraised and designed projects that are tailor made to specific areas i.e.

- In the high potential areas like Central, Western, parts of Rift Valley and Coast there are many perennial rivers which form the main sources of water and therefore utilize the rivers.
- That in lower potential areas that frequently go through perennial drought like Lower and Upper Eastern, parts of Rift Valley, Coast and North Eastern, the Main source of water is ground water exploited through drilling of boreholes, shallow wells and sand dams, supplemented with large/small dams, water pans and water tracking.
- The Minister apologized to the Committee that the list provided to the House on 1st of September, 2010 was not up to date, hence the one given to the Committee had been slightly updated.
- The Minister was categorical that she was satisfied that the distribution of boreholes was equal putting in consideration that boreholes can only be drilled in some

areas. She further explained that the Ministry had drilled boreholes in some areas and yielded no water or salty water and the Ministry then had to look for other sources. The Minister said that boreholes drilled had no direct bearing on levels of financial allocation on region by region basis.

- The Minister agreed that 'yes' there are other areas that needed similar attention as the Lower Eastern, but that studies had shown that the area has more potential of ground water which was exploited by the Ministry.
- On the criteria for allocation of funds, the Minister said that the Ministry exercises affirmative action in financial resources, i.e. in high potential areas in the current financial year, the Ministry will spend Kshs684 per capita to implement projects while in the same period it will spendKshs1121 per capita in ASAL areas. Therefore the per capita expenditure in ASAL areas is almost double that in high potential areas.
- The Minister told the Committee that the Ministry has qualified experts who assess to determine whether an area has the potential of underground water before embarking on a project.

MIN NO. 117/2010 **COMMENTS FROM THE COMMITTEE**

- The Committee requested the Minister to provide it with a detailed report showing the distribution of water resources apart from drilling of boreholes, in all the constituencies in the country within a week.
- Committee advised the Minister that in future the Ministry should give advice to the donor partners on where resources were most required.

MIN. NO. 118/2010 **PRESENTATION**

The Minister gave a presentation on slide form of what the Ministry had been doing to help distribute and provide water in the country.

MIN.NO. 119/2010 **ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting at 11.45 a.m.

SIGNED:.....
(CHAIRPERSON)

DATE: 16/11/2010

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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT (FIRST SESSION)

THE SELECT COMMITTEE ON ELECTION LAWS, 2017

REPORT OF THE SELECT COMMITTEE ON THE CONSIDERATION OF THE ELECTION LAWS (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILLS NO. 39 OF 2017)

VOLUME 1

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ABBREVIATIONS AND ACRONYMS

AIC	African Inland Church
CA	Communications Authority of Kenya
CBK	Central Bank of Kenya
CEO	Chief Executive Officer
CISA	Certified Information Systems Auditor
CMD	Centre for Multi- Party Democracy
CPA	Certified Public Accountant
CTC	Constituency Tallying Center
EGH	Elder of the Order of the Golden Heart
ENG.	Engineer
FORD	Forum for Restoration of Democracy
HCK	Hindu Council of Kenya
ICPAK	Institute of Certified Public Accountants of Kenya
ICT	Information and Communication Technology
ICTAK	Information Communication Technology Association of Kenya
ID	Identification
IEBC	Independent Electoral and Boundaries Commission
IFMIS	Integrated Financial Management Information Systems
IRCK	Inter- Religious Council of Kenya
HON	Honourable
KANU	Kenya African National Union

KCCB	Kenya Conference of Catholic Bishops
KICTA-Net	Kenya ICT Action Network
KIEMS	Kenya Integrated Elections Management Systems
KNCHR	Kenya National Commission on Human Rights
KNNCI	Kenya National Chamber of Commerce and Industry
MAWE	Maendeleo ya Wanaume
MP	Member of Parliament
MYWO	Maendeleo ya Wanawake Organization
NARC	National Rainbow Coalition
NASA	National Super Alliance
NCCK	National Council of Churches of Kenya
NMLF	National Muslim Leaders Forum
NTC	National Tallying Centre
SDA	Seventh Day Adventists
SEN.	Senator
SUPKEM	Supreme Council of Kenya Muslims
UKAI	Ukambani Agricultural Institute

PREFACE

Mr. Speaker Sir,

Honourable Members will recall that on 28th September, 2017, the National Assembly approved a Motion that established a Select Committee on Election Laws, 2017 pursuant to Standing Order 127 to deliberate on the Election Laws (Amendment) Bill, (National Assembly Bills No. 39 of 2017).

The Bill was read a first time in the National Assembly on 28th September, 2017 and, pursuant to Standing Order 127 stood committed to the Select Committee on the Election Laws, 2017 for consideration and public participation.

Mandate of the Select Committee on the Election Laws, 2017

The Select Committee on the Election Laws, 2017 is mandated to examine and undertake public participation on the Election Laws (Amendment) Bill (National Assembly Bills No. 39 of 2017) and any other related Bills and report to the House on or before Tuesday, 10th October, 2017.

Joint Sitting with the Senate Select Committee on Election Laws (Amendment) Bill, 2017

In a sitting held on 30th September, 2017, the Select Committee resolved to hold joint sittings with the Senate Select Committee on Election Laws (Amendment) Bill, 2017. Standing Order 202A of the National Assembly Standing Orders and Standing Order 218 of the Senate Standing Orders provide for Joint Sittings. Noting that the two select committees have a similar mandate, the select committees of the Houses deemed it fit to hold Joint Sittings.

Mr. Speaker Sir,

The Select Committee on the Election Laws, 2017, pursuant to Article 118 of the Constitution and Standing Order 127 of the National Assembly Standing Orders, invited submissions from the public and stakeholders in an advertisement in the Daily Nation and Standard Newspapers dated 29th September 2017 (***Annex 3).*** Following the resolution to hold a joint sitting, the Select Committees of the National Assembly and Senate on the Election Laws (Amendment) Bill, 2017, pursuant to Article 118 of the Constitution, Standing Order127 of the National Assembly Standing Orders and Standing Order 134 of

the Senate Standing Orders, invited submissions from the public and stakeholders in an advertisement in the Daily Nation and Standard Newspapers dated 1st October 2017 (*Annex 4).* In addition the proceedings of the Select Committees were aired live by various media houses with nation-wide coverage.

The Select Committees of the National Assembly and the Senate on the Election Laws (Amendment Bill), 2017 thereafter held public hearings and received submissions of written memoranda from the public and stakeholders between 3rd October, 2017 and 5th October, 2017. A total of one hundred and eighty five (185) oral presentations and written submissions, and a further sixty (60) memoranda were received from members of the public, constitutional commissions, the business community, civil society, religious groups, political parties, among other stakeholders through the Offices of the Clerks of the National Assembly and the Senate.

Thereafter, the Select Committee proceeded for a report writing retreat which provided the opportunity to consider the submissions of the public and stakeholders and to further draft, consider and approve its Report.

Acknowledgement

The Select Committee on the Election Laws, 2017 wishes to thank the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it during the consideration of these critical Bills especially in the conduct of public hearings and preparation of this report.

The Select Committee also wishes to extend its appreciation for the overwhelming participation by the members of the public, institutions and organisations who appeared before the Committees and/or submitted Memoranda.

The Select Committee also acknowledges the members of the public who have keenly followed the deliberations of the Select Committee on these important Bills and the media who ensured that the country was informed on the proceedings.

Mr. Speaker Sir,

It is now my pleasant duty, pursuant to Standing Order 199, to present the Report of the Select Committee on the Election Laws, 2017 on the consideration of Election Laws (Amendment) Bill (National Assembly Bill No. 39 of 2017).

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

HON. WILLIAM CHEPTUMO, M.P.

CHAIRPERSON

ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON THE ELECTION LAWS, 2017

We, the undersigned Members of the Select Committee on the Election Laws, 2017 do hereby append our signatures to adopt the Report.

NAME		SIGNATURE
Hon. William Cheptumo, MP	-Chairperson	.....
Hon. Gladys Jepkosgei- Boss Shollei, MP	-Member	.....
Hon. Isaac Waihenya Ndirangu, MP	-Member	.....
Hon. Ali Wario, MP	-Member	.....
Hon. Jennifer Shamalla, MP	-Member	.....
Hon. Adan Haji Yussuf, MP	-Member	.....
Hon. George Gitonga Murugara, MP	-Member	.....
Hon. Stanley Muthama, MP	-Member	.....
Hon. Alice Muthoni Wahome, MP	-Member	.....

CHAPTER ONE

INTRODUCTION

1.1 Background

1. The Election Laws (Amendment) Bill (National Assembly Bills No. 39 of 2017) sponsored by Hon. William Cheptumo, MP was published on 27th September, 2017 and were first read in the National Assembly on 28th September, 2017.

2. On 28th September 2017 the National Assembly resolved to establish a Select Committee to be known as the Select Committee on Election Laws, 2017 to examine and undertake public participation on the Election Offences (Amendment) Bill (National Assembly Bill No. 38 of 2017) and the Election Laws (Amendment) Bill, (National Assembly Bills No. 39 of 2017). The Motion was as follows-

ESTABLISHMENT OF A SELECT COMMITTEE ON ELECTION-RELATED LAWS
(The Leader of the Majority Party)

***THAT**, aware that the country is still in an election cycle, arising out of the requirement for a fresh Presidential Election in October, 2017; further aware that there is need to legislate on and address certain legal lacunas and in compliance with judicial decisions asking Parliament to legislate on certain matters to ensure that the elections conform with the provisions of Article 81 of the Constitution on general principles for the electoral system; noting that such election-related matters would ordinarily require consideration by the relevant Committee of the House which is yet to be established; further noting the limited period of time before the date of the said fresh election; cognizant of the urgent need to consider and conclude with all matters relating to the elections to allow the Independent Electoral and Boundaries Commission ample time to implement any changes related to the review of the election related laws; **NOW THEREFORE**, pursuant to the provisions of Standing Order 127(2) , this House **resolves** –*

*(a) to establish a Select Committee to be known as the **Select Committee on the Election Laws,** 2017 comprising of not more than fifteen Members, to examine and undertake public participation on the Election Laws (Amendment) Bill, (National Assembly Bill No.39 of 2017) and **any other** related Bills;*

(b) that, the Committee comprise of the following Members-

1. *The Hon. William Kipkiror Cheptumo, MP- Chairperson*
2. *The Hon. Gladys Jepkosgei-Boss Shollei, MP*
3. *The Hon. Isaac Waihenya Ndirangu, MP*
4. *The Hon. Ali Wario, MP*
5. *The Hon. Jennifer Shamalla, MP*
6. *The Hon. Adan Haji Yusuf, MP*
7. *The Hon. George Gitonga Murugara, MP*
8. *The Hon. Stanley Muthama, MP*
9. *The Hon. Alice Muthoni Wahome, MP*

(c) that, the quorum of the Committee be the Chairperson and four other Members; and,

(d) that, the Committee considers the matters under its mandate and reports to the House on or before ***Tuesday, October 10, 2017.***

3. After the Bill was read a first time in the National Assembly on 28th September, 2017, it stood committed to the Select Committee on Election Laws, 2017 pursuant to Standing Order 127, for facilitation of public participation.

4. The Speaker of the National Assembly, Hon. Justin Muturi, E.G.H., MP issued a communication in response to a question raised with regard to whether the Election Laws (Amendment) Bill, 2017 (National Assembly No. 39 of 2017) is a Bill concerning county governments and whether the Bill will be transmitted to the Senate. Jointly, with the Speaker of the Senate, the Speaker of the National Assembly determined that the Bill concerns county governments, as it seeks to amend several Statutes, among them the Elections Act, 2011 which makes the Bill fall squarely within the definition set out at Article 110 (1)(b) to the extent that it relates to "*the election of members of a county assembly*". If passed by the House, the Bill shall be forwarded to the Senate for consideration. The Communication from the Speaker of the National Assembly is attached at ***Annex 2.***

5. The Select Committee on the Election Laws, 2017, pursuant to Article 118 of the Constitution and Standing Order127 of the National Assembly Standing Orders, invited submissions from the public and stakeholders in an advertisement in the Daily Nation and Standard Newspapers dated 29th September 2017 (***Annex 3).*** Following a resolution to hold a Joint Sitting with the Senate Select Committee on Election Laws (Amendment) Bill, 2017 and pursuant to Article 118 of the Constitution and Standing Order127 of the National Assembly Standing Orders and Standing Order 134 of the Senate Standing Orders, the Select Committees of the National Assembly and the Senate on the Election Laws (Amendment) Bill,

2017 invited submissions from the public and stakeholders in an advertisement in the Daily Nation and Standard Newspapers dated 1st October 2017 (***Annex 4).***

6. The Select Committees of the National Assembly and the Senate on the Election Laws (Amendment) Bill, 2017 thereafter held public hearings and received submissions of written memoranda from the public and stakeholders between 3rd October, 2017 and 5th October, 2017. A total of one hundred and eighty five (185) oral presentations and written submissions, and a further sixty (60) memoranda were received from members of the public, constitutional commissions, the business community, civil society, religious groups, political parties, among other stakeholders through the Offices of the Clerks of the National Assembly and the Senate.

1.2 Brief History of Electoral Law Reforms in Kenya (1991-2017)

7. The former Constitution had provisions on the manner in which elections should be conducted in Kenya. In particular, section 41 established the Electoral Commission of Kenya (ECK) which was mandated to conduct elections in Kenya. Apart from the Constitution, the National Assembly and Presidential Elections Act Cap. 7 also governed the registration of voters and holding of elections to the office of President and to the National Assembly and the conduct of the Electoral Commission and of political parties participating in elections in Kenya.

8. In 1997 there were negotiations between the political parties (Democratic Party, Forum for Restoration of Democracy- Kenya (FORD Kenya), Forum for Restoration of Democracy- Asili (FORD Asili) and Safina) and the government on the reform of the Electoral Commission of Kenya which then gave rise to the Inter-Parliamentary Political Parties Group (IPPG) agreement. Notably, the agreement provided that each of the Parliamentary Parties would be allocated seats in the Commission in accordance with the number of seats each of the Parties had in Parliament and subject to appointment by the President. However, the Inter-Parliamentary Political Parties Group agreement was never entrenched in law.

9. In 2008, following the post-election violence, there were negotiations for a brokered settlement which gave rise to the National Accord. The National Accord and Reconciliation Act, 2008 provided for, among other things, the setting up of a commission which was mandated to examine the country's electoral process and propose possible electoral reforms to prevent future electoral disputes. During the same period, the Independent Electoral Review Committee (Kriegler Commission) which was established to look into the election processes in Kenya observed major

weaknesses in the electoral laws and recommended a myriad of reforms including the need to amend the law to have more detailed provisions on the Electoral Commission of Kenya institutional aspects and review of the term of office of Commissioners.

10. In 2009, Parliament implemented the recommendations of the Kriegler report by establishing the Interim Independent Electoral Commission (IIEC) consisting of nine commissioners who were nominated through a competitive process by Parliament and appointed by the President in consultation with the Prime Minister. The Interim Independent Electoral Commission, established under section 41 of the former Constitution, continued in office until 2011 when the Independent Electoral and Boundaries Commission (IEBC) was established under the new Constitution.

11. Following the promulgation of the new Constitution in 2010, Parliament enacted the Elections Act (No. 24 of 2011) to provide for the conduct of elections to the office of the President, the National Assembly, the Senate, county governor and county assembly among other provisions, the IEBC Act (No. 9 of 2011) to provide a framework for appointment and effective operation of the Independent Electoral and Boundaries Commission established under Article 88 of the Constitution; and the Political Parties Act (Cap 7B) which provides for the regulation of political parties.

12. Pursuant to a Joint Resolution passed by the Senate on Tuesday, 5th July 2016 and the National Assembly on Wednesday, 6th July 2016 Parliament established a Joint Select Committee to inquire into allegations against Independent Electoral and Boundaries Commission Commissioners and the Secretariat, recommend legal mechanisms for the vacation from office of the Commissioners and Secretariat in accordance with the Constitution; and recommend legal, policy and institutional reforms to strengthen Independent Electoral and Boundaries Commission and improve the electoral system and processes so as to ensure the August, 2017 elections were free and fair and administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner. The recommendations of the Joint Select Committee included, among other things, the replacement of the then Commissioners of the Independent Electoral and Boundaries Commission and the establishment of a Selection Panel to oversee the appointment of new Commissioners comprising largely of religious leaders.

13. The Committee also forwarded two Bills to Parliament namely the Election Offences Bill, 2016 which sought 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 and the Elections Laws (Amendment) Bill, 2016 which sought 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 Independent Electoral and Boundaries Commission and the conduct of elections. The Bills were enacted into law and the Elections Act and the Independent Electoral and Boundaries Commission Act as amended now form the legal framework governing the conduct of elections in Kenya.

1.3 Overview of the Bill

14. The Election Laws (Amendment) Bill (National Assembly Bills No. 39 of 2017) seeks to amend the Independent Electoral and Boundaries Commission Act, 2011 (No. 9 of 2011), the Elections Act, 2011 (No. 24 of 2011) and the Election Offences Act, 2016 (No. 37 of 2016) to provide for the proper conduct of the affairs and business of the Independent Electoral and Boundaries Commission, for effective management of elections and in order to address the concerns that resulted following the General Election in 8th August 2017. The amendments are as follows-

1.4 Amendments to the Independent Electoral and Boundaries Commission Act, 2011

Definition of the term "chairperson"

15. Clause 2 of the Bill seeks to amend Section 2 of the Independent Electoral and Boundaries Commission Act, 2011 to provide that the term "chairperson" means the chairperson of the commission, and in the absence of the chairperson, the vice-chairperson, or such other person acting as the chairperson in the absence of both the chairperson and vice-chairperson.

Qualification for appointment as Chairperson and Chairing of commission meetings in the absence of the Chairperson

16. Clause 3 of the Bill seeks to amend section 6 of the Independent Electoral and Boundaries Commission Act, 2011 to provide for, among other things, the expansion of the qualifications for appointment as chairperson; and that in the absence of the chairperson, the vice-chairperson shall assume the duties and

responsibilities of the chairperson. Further, the Bill provides that in the event of the absence of the chairperson or the vice-chairperson, the members of the Commission shall elect from amongst themselves one of their Members to act as chairperson and exercise the duties and responsibilities of the chairperson.

Quorum for Commission meetings and decision- making

17. Clause 4 of the Bill seeks to amend paragraph 5 and 7 of the Second Schedule to the IEBC Act, 2011 to provide that the quorum for the conduct of business at a meeting of the Commission shall be at least half of the existing members of the Commission, provided that the quorum shall not be less than three members. Further, the amendment seeks to provide that a decision on any matter before the Commission shall be by a majority of the members present and voting, unless a unanimous decision is reached.

1.5 Amendments to the Elections Act, 2011

Nomination of presidential candidates

18. Clause 5 of the Bill seeks to delete section 29 of the Elections Act, 2011 to remove the requirements that persons who nominate a presidential candidate shall be members of the candidate's political party and further that the persons who nominate an independent presidential candidate shall not be members of any political party.

Transmission of results

19. Clause 6 of the Bill seeks to amend section 39 of the Elections Act, 2011 to provide for, among other things the electronic and manual transmission of tabulated results of an election for the President from a polling station to the constituency tallying centre and to the national tallying centre. The amendment also seeks to place an obligation on the Independent Electoral and Boundaries Commission to facilitate public information by establishing a mechanism for the live-streaming of results as announced.

Use of technology

20. Clause 7 of the Bill seeks to amend section 44 of the Elections Act, 2011 to clarify the regulation making powers of the Independent Electoral and Boundaries Commission with respect to the use of technology to ensure compliance with the

provisions of Article 38 of the Constitution, which espouses the right to free and fair elections and the free expression of the will of the electorate.

Complementary mechanism for identification of voters

21. Clause 8 of the Bill seeks to delete and replace section 44A of the Elections Act, 2011 to clarify the role of the Independent Electoral and Boundaries Commission in putting up a complementary mechanism for identification of voters.

Nullification of election

22. Clause 9 of the Bill seeks to amend section 83 of the Elections Act, 2011 to provide that no election shall be declared void by reason of non-compliance with any written law relating to that election, if it appears that the election was conducted in accordance with the principles laid down in the Constitution and in that written law and that the non- compliance did not affect the result of the election.

Procedure to be followed at a fresh election

23. Clause 10 of the Bill seeks to amend the Elections Act, 2011 to provide for the procedure for the conduct of a fresh election where a presidential election is invalidated by the Supreme Court.

1.6 Amendments to the Election Offences Act, 2016

Failure or refusal to sign election results

24. Clause 11 of the Bill seeks to insert a new section in the Election Offences Act, 2016 to prescribe an offence for a presiding or returning officer who among other things knowingly fails or refuses to sign or complete the prescribed document or willfully submits an incomplete document containing the results of an election.

CHAPTER TWO

PUBLIC PARTICIPATION

Introduction

25. Pursuant to Article 118 of the Constitution and Standing Order127 of the National Assembly Standing Orders and Standing Order 134 of the Senate Standing Orders, the Select Committees of the National Assembly and the Senate on the Election Laws (Amendment) Bills, 2017 invited submissions from the public and stakeholders. During the joint sittings held between 3rd October, 2016 and 5th October, 2017, the Select Committees received oral submissions and/or written memoranda from individual members of the public and several key stakeholders. The written memoranda are attached at ***Annex 6*** while the Hansard report of the Committee proceedings is attached at ***Annex 7.*** The Select Committees took into consideration proposals from stakeholders and individual members of the public on specific clauses of the Bills, as follows:

2.1 Amendments to the IEBC Act, 2011

2.1.1 Clause 2: Definition of the term "chairperson"

(a) Submissions from institutions and organizations

26. The Independent Electoral and Boundaries Commission (IEBC) submitted that the amendment implies that the commission may appoint anyone to act as the Chairperson in the absence of the Chairperson and the Vice- Chairperson. The Commission proposed to replace the word "person" with the word "member".

27. The Jubilee Party agreed with the amendment and submitted that the law does not provide any succession procedure regarding the above unique role of the Chairperson before a new Chairperson is appointed, and that such a lacuna especially during an election year would throw the country into an unprecedented crisis.

28. The Council of Imams and Preachers of Kenya represented by Mr. Bakari Shaban from the Mt. Kenya Region Chapter submitted that the Council supported the amendment as it ensures that there was no vacuum in the Independent Electoral and Boundaries Commission (IEBC) should the Chairperson of the Commission for whatever reason be absent or unable to discharge his duties.

29. The Law Society of Kenya (LSK) submitted that the composition of a commission and the identification, selection and appointment of each of its members are provided for by the Constitution. No vice-chair or member not having been selected and appointed as chairperson under the Constitution can legally purport to exercise by statutory authority derived from the proposed legislation any constitutional functions and powers of the office of the Chairperson except upon an amendment of the Constitution. Parliament cannot purport to amend the Constitution by conferring the obligation to discharge a constitutional mandate on a member of the committee.

30. The Institute for Social Accountability (TISA) suggested that the proposed amendment poses a conflict in view of the Constitutional process of appointment (requirement of approval of Parliament and appointment by the President) of a Chairperson. The bill proposes to amend the architecture of the Independent Election and Boundaries Commission (IEBC) by conflating the qualifications and powers of the Chairperson and the members of the IEBC, contrary to the constitutional requirements on the same.

31. The Chalvins Law Consulting Group submitted that the proposed amendment expands the definition of the term chairperson contrary to what is provided for in the Constitution.

32. The Kenya National Commission on Human Rights (KNCHR) recommended that the amendment was not good practice and furthermore the definition and presence of 'Vice-Chairperson' takes care of an alternate for the Chairperson. The framing of Article 138(10) is mandatory and this role cannot be delegated.

33. Catholic Justice and Peace Commission Parliamentary Liaison Desk submitted that the amendment violates Article 250(2) of the Constitution as Parliament as the representative of the people will not have the opportunity to vet the person replacing the Chairperson. Further since the term "absence" has not been explained, it is bound to create confusion.

34. Centre for Minority Rights Development proposed that Clause 2 be amended to make reference to Article 259(3)(b) of the Constitution for clarity as the Constitution already contemplates the role of a successor in State or public offices, the Chairperson of IEBC being one of them.

(b) Submissions from individual members of the public

35. Mr. Zeth Ouma Omollo submitted that the Vice-Chairperson automatically assumes the duties of the Chairperson in the absence of the latter. This simple and traditional legal-administrative principle suffices.

36. Ms. Florence Gicheru stated that the Vice-Chairperson is elected by the members from amongst themselves, therefore, until the Constitution allows for the appointment of a vice chairperson, the powers of the Chairperson cannot be delegated.

37. Mr. David Wati stated that the proposed amendment will render the Chairperson redundant and powerless and exposes the Chairperson to danger as he/she may be prevented from accessing the National Tallying Centre.

38. Johnson Moriasi Nyandika proposed that clause 2 be amended to provide reasons for the absence of the chairperson such as: fatigue; incapability to write; or as the Constitution of Kenya puts it in the case of the President, resigns in writing or dies because the current proposal does not provide for any reasons for the absence.

39. Njimu wa Kaiya and Ngiri wa Wangui opposed the amendment on grounds that the definition of a chairperson conflates the meaning of chairperson and member.

40. Ms. Vellah Kadeiza opposed the proposed amendment because, in her opinion, the likelihood of the chairperson and the vice-chairperson to be absent at the same time are low.

2.1.2 Clause 3: Qualification for appointment as Chairperson and Chairing of Commission meetings in the absence of the Chairperson

(a) Submissions from institutions and organizations

41. The Independent Electoral and Boundaries Commission (IEBC) submitted that Elections are managed through a complex web of legal procedures that require the head of the institution to be competent in Law. The Commission suggested that a good intervention should balance between the need for continuity and relevant qualifications. The Commission, therefore, proposed the maintaining of the qualifications of the Chairperson as set out in the current law.

42. On the Chairing of Commission meetings in the absence of the Chairperson, the Independent Electoral and Boundaries Commission asserted that it would be useful to have a provision that provides for the exercise the powers of the Chairperson in acting capacity and proposed that the provisions of 1A and 1B should be seen within the context of Article 259(3)(b) of the Constitution.

43. The Jubilee Party was of the opinion that the expansion of the qualifications for the Chairperson would promote inclusiveness, equity and equality.

44. The Stewards Revival Pentecostal Church supported the proposed amendment as it removes the risk of paralysis in the absence of both the Chairperson and Vice-Chairperson of Independent Electoral and Boundaries Commission.

45. The Law Society of Kenya (LSK) proposed that there was logic in the requirement of the Chairperson of the Independent Electoral and Boundaries Commission to be a lawyer and to have Supreme Court qualifications as the Chair of the Independent Electoral and Boundaries Commission had auxiliary duties to sit on appeal over petitions of aggrieved persons during party primaries. Further the Law Society of Kenya was of the opinion that the proposed amendment will assign the role and function of the Chairperson to the Vice-Chairperson and other members who have not been selected or appointed in accordance with the constitutional requirement. The Law Society of Kenya in its submissions recommended that the amendment can only be effected constitutionally and not statutorily, and that unless the Vice Chairperson has similar qualifications as the Chairperson that office cannot fall under the contemplation of Article 259(3)(b) in regard to the constitutional functions of the Chairperson.

46. The Kenya National Commission on Human Rights submitted that:
    (i) For qualifications of a Chairperson, the impact in the seniority and expertise on the critical interpretation and application of the law will be lost yet the constitutional and statutory functions of Independent Electoral and Boundaries Commission naturally point to the need to have a serious legal mind to head the Commission. As such the Chairperson must be well versed in the interpretation of election laws, regulations and constitutional provisions.
    (ii) The Independent Electoral and Boundaries Commission Act envisions a vacancy arising in the office of chairperson or member as under Section 7A of Independent Electoral and Boundaries Commission Act which is effective enough.

(iii) Clauses 1A and 1B are hostile to the distinct role of the Chairperson as provided for by the Constitution to the extent that it seeks to introduce an ambiguous ground "absence from office".

47. The Catholic Justice and Peace Commission Parliamentary Liaison Desk submitted that the amendment reduces the qualifications required for the appointment of the Chairperson yet the Constitution deals with constitutional and legal issues which requires somebody who is trained in law.

48. The Office of Registrar of Political Parties offered that the electoral process is a highly legal process and the Chairperson is constantly interpreting the law, as such, the academic requirement of Chairperson to be a lawyer should be retained. Also, clauses 1A and 1B deal with matters that are covered under the second schedule therefore they should be deleted.

49. The Lamu Students Association proposed the amendment of the clause to reduce the fifteen years' experience to ten years to accommodate the youth.

50. The Centre for Multi-party Democracy of Kenya through its Chairman Hon. Omingo Magara suggested that the change of the qualifications for appointment as Independent Electoral and Boundaries Commission chairperson was not necessary in view of paragraph 8 of the Second Schedule to the Independent Electoral and Boundaries Commission Act.

51. The National Rainbow Coalition (NARC) Kenya offered that there is need to reconsider the reasoning behind the current requirement that the Chairperson of the Independent Electoral and Boundaries Commission should be a lawyer qualified to be a Supreme Court Judge because a non-lawyer would have to fully rely on advice and interpretation of others in order to strictly adhere to the election laws as required.

(b) Submissions from individual members of the public

52. Mr. Abel Onchario supports the proposed amendments as they seek to ensure continuity by dealing with the issues of absence in the office of the Chairperson and expands the qualifications for persons eligible to serve as Chairperson of the Independent Electoral and Boundaries Commission and opens it up to all other professions.

53. Mr. Elijah Ole Metiang from Kajiado County supports the proposed amendment as it ensures that there is no vacuum in the Office of the Chairperson.

54. Mr. Wilson Mwai agreed with the amendment and proposed an expansion of the qualification to include additional professional qualifications such as ICT, CISA, CRIST and CPA because auditors and accountants have a better understanding of the computer systems that work with numbers.

55. Mr. Johnson Moriasi Nyandika proposed that the Chairman or other Commissioners should be well versed in statistics too as the Independent Electoral and Boundaries Commission duties are mainly about numbers.

56. Mr. Fwamba NC Fwamba supported the amendments but submitted that there was need to define the term "absence" that would occasion the chairing of the commission by the Vice- Chairperson or any another person.

57. Ms. Mburu Nice Muthoni supports the proposed amendments to the Bill as it removes the risk of paralysis in the absence of both the Chairperson and vice-chair of the Independent Electoral and Boundaries Commission.

58. Mr. Eliud Kinuthia proposed that clause 3 (a) be amended to include experience in management of people and transformative leadership because the position of the Chairperson of the Commission requires one to have proven experience on how to manage people and offer leadership especially within our electoral system.

59. Eng. Paul Mboga asserted that "Chairperson" is a very important position whose functions should not be delegated to the deputy or any other member.

60. Dr. Duncan Ojwang, Dean African Nazarene Law School proposed that the use of the word "in the absence" is too broad and vague, as such there was need to clarify the circumstances that would lead to the absence of the Chairperson of the Independent Electoral and Boundaries Commission.

61. Njimu wa Kaiya and Ngiri wa Wangui opposed the amendment on grounds that the qualifications for a chairperson to be a lawyer are necessary noting the functions a chairperson is required to perform.

62. Mr. Kenneth Mavale opposed the amendment in stating that it dilutes the definition of the term "chairperson".

2.1.3 Clause 4: Quorum for Commission meetings and decision- making

(a) Submissions from institutions and organizations

63. The Independent Electoral and Boundaries Commission (IEBC) submitted that the proposed amendment affects the quorum of the commission plenary to make decisions, it also reiterates mandatory voting in the procedure of making decisions where there is no unanimous decision at plenary as already provided for under Independent Electoral and Boundaries Commission Act Schedule II. The Commission, therefore, offered that in order to enhance majority decision-making the current quorum of 5 should be retained. Also, the Commission proposed that Paragraph 7 be amended to read:

> *"Unless a unanimous decision is reached, a decision on any matter before the Commission shall be by concurrence of a* ***simple majority*** *of all the members."*

64. The Law Society of Kenya (LSK) opposed the amendment, as three members could constitute a quorum, meaning that a minority composition of the Independent Electoral and Boundaries Commission could make decisions that would bind the majority. The proposed amendments shall have the effect of undermining the structure and authority of the Commission by creating an authority for the proffered quorum of three which is not only unconstitutional but creates an inbuilt structure for a dead lock with the consequential constitutional ramification. The magnitude and gravity of the Independent Electoral and Boundaries Commission's constitutional mandate requires that its decisions are made by a quorum of an odd number of not less than half of the full complement of its members which can only be five. The LSK recommended that the proposed amendment to reduce the quorum from 5 to 3 offends the spirit of the Constitution and ought therefore to be discarded with the current provisions being retained as they are.

65. The Jubilee Party supported the amendment, as they noted that the current law that set the quorum for the conduct of business at five members was flawed as it assumed that the Commission would always have the Constitutional maximum of nine members which might not always be the case.

66. The Kenya Private Sector Alliance submitted that the quorum should be at least 50 percent of all the Members and decisions should be made by a simple majority of members present in line with the principles of corporate governance.

67. The Catholic Justice and Peace Commission Parliamentary Liaison Desk submitted that the amendment lowers the quorum threshold. Considering that the Independent Electoral and Boundaries Commission deals with weighty matters this may cause tension if not handled well. There may be a situation where three of the Commissioners meet and make a decision and then the other three also meet and make another different decision that leads to a stalemate. The amendment will also create competing groupings, conflicts and tensions.

68. The Kenya Law Reform Commission agrees with the proposed amendments in the Bill save for clause 4 which reduces quorum to three since it may occasion unintended consequences including parallel meetings and creates the possibility of the minority deciding for the majority. Further, a vacancy in the membership of the Independent Electoral and Boundaries Commission would not invalidate the proceedings of Independent Electoral and Boundaries Commission so long as the majority of the Members support the decision.

69. The Non-Governmental Organizations Council through its Chairman Mr. Stephen Cheboi, was of the opinion that a quorum of four Members would better ensure accountability.

70. Hon. Omingo Magara, Chairman of the Centre for Multiparty Democracy Kenya, offered that a quorum of not less than half of the members of the Commission would be more appropriate.

71. Kenya Law Reform Commission proposed that clause 4 be amended to provide as follows-

    4. *The Independent Electoral and Boundaries Commission Act, 2011 is amended by-*

    (a) deleting the phrase "at least five" appearing in paragraph 5 and substituting therefor the words "a majority of the";

    (b) deleting paragraph (7) and substituting therefor the following new paragraph-

    7. Unless a unanimous decision is reached, a decision on any matter before the Commission shall be by a majority of the Members.

72. The Kenya Law Reform Commission was of the opinion that reducing the quorum to three may occasion unintended consequences including parallel meetings and creating the possibility of the minority deciding for majority. Further, a vacancy in the membership of the *Independent Electoral and Boundaries* Commission would not invalidate the proceedings of Independent Electoral and Boundaries Commission so long as the majority of the Members support the decision.

73. The Institute of Certified Public Accountants of Kenya submitted that a quorum of three members would be too low for purposes of making binding decisions and it poses a challenge in case of a tie. Also, amendment to section 4(b) undermines the powers of the Commission if the members present and voting are three. The institute was of the opinion that best practices dictate that quorum for decision-making be 50% or more. Further, some decisions should be decided by all commissioners particularly if they relate to the delivery of a presidential vote which is a crucial point towards the establishment of Kenya's governance systems.

74. The Institute for Social Accountability (TISA) submitted that the amendment would result in a minority number of the Commission members making binding decisions on behalf of the majority. The institute was of the opinion that usually legislative drafting principles require that quorum for meetings and decision - making must be half or more because if the quorum is less than half then there could be two parallel meetings by the same commission and two conflicting binding decisions over the same issue at the same time. The existing Independent Electoral and Boundaries Commission Act on the Second Schedule part 7 provides that the Chairperson has an obligation to ensure that the Commission makes a decision on the basis of concurrence of a majority of all the members.

(b)Submissions from individual members of the public

75. Mr. Abel Onchario supports the amendment as it aligns the Second Schedule of the Independent Electoral and Boundaries Commission Act with Article 250 of the Constitution which provides that constitutional commissions shall consist of at least three Members of

76. Mr. Samuel Githaiga supported the amendments save for the amendment on the issue of quorum which may give rise to disunity in the Commission where three commissioners may oust a chairperson.

77. Eng. Paul Mboga proposed that the quorum to be two-thirds (2/3) of the membership to ensure fairness and accountability.

78. Mr. John Kisigwa proposed that the quorum should be a simple majority plus one commissioner.

79. Mr. Kenneth Mavale the opposed the amendment stating that the quorum was too simplified.

2.2 Amendments to the Elections Act, 2011

2.2.1 Clause 5: Nomination of Presidential Candidates

(a)Submissions from institutions and organisations

80. The Independent Electoral and Boundaries Commission supported the amendment that Section 29 of the Elections Act be deleted on the grounds that the section was declared unconstitutional in ***Peter Solomon Gichira vs Independent Electoral and Boundaries Commission. Petition No 243 of 2017 eKLR [2017].***

81. Conversely, several organisations and institutions opposed the deletion of section 29 of the Elections Act including the Law Society of Kenya (LSK), Institute of Public Accountants of Kenya (ICPAK), Chalvins Law Consulting, and the Office of the Registrar of Political Parties.

82. Specifically, the Institute of Certified Public Accountants of Kenya submitted there was no justification for the amendment and that it contravened Article 137(1) (d) of the Constitution. They stated that Section 29 grants powers to members of the Presidential candidate political party to nominate him. They stated that the democratic rights of members should not be infringed.

83. Chalvins Law Consulting were of the opinion that the amendment negates the concept of discipline of members by political parties.

84. The Office of the Registrar of Political Parties was of the view that Clause 5 should be deleted. They submitted that the political system in Kenya enshrined under Article 38 and Article 88(4)(d) of the Constitution underscores that the duty of a political party, through its members, to nominate candidates for election. Removal of this provision will have adverse effects on the procedure for nominations as strangers to the party will be able to nominate candidates.

85. This position was further supported by the Catholic Justice and Peace Commission Parliamentary Liaison Desk stating that the amendment disempowers political

party members as it removes their powers to nominate Presidential and Independent candidates. The amendment further violates Article 38 of the Constitution.

86. The Kenya National Commission on Human Rights were of the opinion that deletion of section 29 is in contravention of Article 137(1)(d) of the Constitution. They averred that it is important that a presidential appointment who is a member of a political party is nominated by their members and if independent, by persons who are not members of any political party.

(b)Submissions from individual members of the public

87. Mr. John Kisigwa was of the view that Section 29 should not be deleted as Article 85 is silent on the criteria for nomination.

88. Njimu wa Kaiya and Ngiri wa Wangui opposed the amendment noting that the deletion of section 29 is unconstitutional as it renders the political party system nugatory.

2.2.2 Clause 6 : Determination and Declaration of Results

(a)Submissions from institutions and organisations

89. Noting that the amendment gives credence to the original statutory forms, the Independent Electoral and Boundaries Commission proposed to replace the amendment in Clause 6 (a) to section 39 (1C) (a) as follows-

    Electronically transmit ***and physically deliver*** *the tabulated results for an election for the president from a polling station to the constituency tallying centre and national tallying centre.*

90. The Institute of Certified Public Accountants of Kenya submitted that the Clause amends the Principle Act by deleting "in the prescribed form" which is vital for consistency and authenticity of the formats used in transmission of election results. They proposed that the Committee retain the current provisions as stipulated in the Elections Act. The Certified Institute of Public Accountants of Kenya were also of the view that the essence of electronic transmission of results was to curb against election malpractices associated with manual transmission of results. This was also to fast-track collating and transmitting results whilst making the declared figures verifiable. It means securing the spirit of Article 86 of the Constitution in as far as defining the verifiability of declared results.

91. The Law Society of Kenya opposed the amendment and proposed that the Clause be deleted on the grounds that first, the Clause ignores the historical context of the use of technology in our elections as set out in the Kriegler Report. The following are some of the reasons why electronic transmission of results was introduced: Ballot stuffing, physical alteration of results forms, violence leading to destruction of voting materials and erasing of all possible physical footprints. It was their opinion that a mischievous presiding or returning officer could electronically transmit the correct result but manually transmit a fraudulent result or vice versa. Secondly, the proposed amendment assumes that manual election results are incapable of manipulation, contrary to the widely acknowledged conclusion of the Kriegler Report. Thirdly, the amendment runs afoul of the Constitution which requires the Independent Electoral and Boundaries Commission to put in place appropriate structures and mechanisms to eliminate electoral malpractice. It was their submission that the proposed amendments set up a legislative framework that falls far short of the constitutional standards and therefore ought to be discarded with the current legislation retained unchanged.

92. Kenya ICT Action Network (KICTAnet) proposed the deletion of clause 6 noting that Kriegler commission recommended use of technology to curb electoral fraud. The network proposed that the use of technology in elections ensures efficiency, accountability, accuracy, credibility. It was their opinion that it is better to fortify the existing electronic transmission. Further, making the manual system superior to the electronic one allows for and endorses irregularities hence eroding accountability, accuracy and verifiability. There is also no incentive to observe strict adherence to the law because an officer could feed the system with correct information and forward a falsified document.

93. The Kenya Private Sector Alliance submitted that the electronic and manual systems should complement each other and that the forms for transmission of results should be official, uniform and verifiable.

(b)Submissions from individual members of the public

94. Mr. Edward Githaiga, Chairman, Nairobi Branch, National Youth Council of Kenya, supported the amendments and stated that technology/ electronic transmission of results could be compromised/manipulated therefore supports that the Bill grants similar prominence to both transmission mechanisms and applauds the attendant provisions criminalising any tampering.

95. Mr. Paul Gichuki proposed that Clause 6 be amended by deleting the word 'shall' in paragraph (a) and use the words 'appropriate technology' in relation to electronic transmission. It should not be mandatory to use technology.

96. Njimu wa Kaiya and Ngiri wa Wangui opposed the amendment on the grounds that section 39 ignores the historical context for the use of technology as set out in the Kriegler report, manual results can be manipulated and further negates the provisions of Article 86(d) of the Constitution.

97. Mr. Kenneth Mavale the opposed the amendment stating that we should stick to electronic transmission and that manual system should be secondary to electronic.

98. Mr. Michael Odiembo opposed the proposed amendments as, in his opinion it gives room for fraud through alteration of results.

99. Hon. Kalembe Ndile observed that the manual system is a better system than the use of technology due to the systemic failure of technology.

Clause 6 (b): Where there is a discrepancy between electronically transmitted and manually transmitted results (391C and 1D)

(a)Submissions from institutions and organisations

100. The Kenya Law Reform Commission proposed that the section 39 1D be redrafted as follows-

(1D) Where there is a discrepancy between the electronically transmitted and manually transmitted results, the Commission shall, despite any other legal requirement order the returning officer to recount and declare the results within such period as the Commission may prescribe, but such period shall not exceed any period prescribed by the Constitution and the Elections Act within which the results must be declared.

101. Several stakeholders opposed the amendment including the Institute of Certified Public Accountants of Kenya and the Catholic Justice and Peace Commission Parliamentary Liaison Desk. Specifically, the Institute of Certified Public Accountants of Kenya submitted that the amendments be deleted and that the Committee retain the current the current provision as stipulated in the Elections Act. They were of the view that the results transmitted electronically should be an image of the manually transmitted results. Further, that the forms transmitted electronically form the basis for authenticating the print copies of the results declared at the National Tally Centre. Additionally, they were of the opinion that the amendment aims to legalize an electoral malpractice which should be

considered as an electoral offence liable to punishment as stipulated under the Election Offences Act, 2016.

102. Catholic Justice and Peace Commission Parliamentary Liaison Desk were of the opinion that Electronic transmission was meant to ensure integrity of the process and faster transmission of results. The proposed amendment to include manual will contribute to increased electoral malpractice as results may be manipulated easily in a manual transmission. Further, that the proposed section 39(1D) will create conflicts arising from differences between the figures transmitted electronically and manually. The results management especially in areas considered as political strongholds is likely to be manipulated.

(b)Submissions from individual members of the public

103. Mr. Patrick O. Onyango-Paddy proposed that new sections 1C and 1D in clause 6 be deleted because for the manually transmitted results to prevail over the electronically transmitted results, the manually transmitted results must be verified against data entries in the forty thousand eight hundred and eighty-three (40,883) Kenya Integrated Election Management Systems (KIEMS) kits and the IEBC Server. The KIEMS are the primary data taken together with Forms 34As and Form 34Bs. Relying solely on manual transmission is retrogressive and will be prone to fraudulent manipulation of the transmission forms.

104. Mr. John Nyakway opposed the amendment stating that the proposed new subsection (1D) if allowed, will give way to the easy manipulation of results through Ballot stuffing as that is the mischief that was intended to be cured by the adoption of electronic transmission.

105. Mr. Paul Mutisya submitted that polling stations shall be the origin and end of the tallying of the polls while the National Tallying Center (NTC) shall be for the purposes of communicating to the public what each polling station has announced as the final polls. It was his opinion that the transfers of results from polling centers to the Constituency Tallying Center (CTC) and from the Constituency Tallying Center to the National Tallying Center are the most risky activities where manipulation, omissions, hacking and distortion of results can occur. Direct transmission of results from the polling stations will eliminate the crafty loopholes likely to occur when the existing transmission process is being used. Also, votes should be counted and tallied at the polling station and transmitted electronically and manually by Form 34As from the polling stations directly to the National Tallying Centers without being taken to the Constituency Tallying Centers. The

amendment to this law should aim to curb any loophole on transmission of the results from the original polling station to the final National Tallying Center. The IEBC should ensure that proper authentication, validation and accuracy of the poll results in Form 34A and in electronic form are done at the original polling station and at the National Tallying Center. This way the poll results will have a trail up to the polling station and any dispute arising will be easy to handle by tracking activities from the specific polling station.

106. Mr. Paul Mutisya further proposed that all the agents must be given copies of the results as in the Form 34As and must obtain an electronic copy through mobile phones or cameras which they can forward to their candidates. No results shall be made public and transmitted where the agents have not signed form 34A and obtained copies and photos of the results at the polling station. The NTC shall announce results from each polling station and cumulative poll results simultaneously as the polling station results stream in one by one from each polling station.

107. Mr. Haron Nyandika opposed the proposed amendment on grounds that neither electronic nor manual systems can supersede the other. Mr. Haron also submitted that the electronic system of voting is safe and reliable and that the Independent Electoral and Boundaries Commission should allow access to servers.

108. Mr. Paul Kithuke proposes that until the government and by extension the Independent Electoral and Boundaries Commission are able to stand on their own in terms of technology, electronic transmission should only remain as an option to be used by the Independent Electoral and Boundaries Commission when appropriate.

Clause 6 (b): Failure to transmit results in an electronic format shall not invalidate the results (39 1E)

(a)Submissions from institutions and organisations

109. The Kenya Law Reform Commission proposed that Clause 1E be amended to delete the words "to facilitate public information" noting that the words are superfluous.

110. The Institute of Certified Public Accountants of Kenya submitted that the amendment be deleted on the grounds that it may open the transmission and publication of electronic results to manipulation. They were of the opinion that there has been heavy investment in ICT infrastructure around voter identification

and results transmission which the IEBC must be obligated to operate at the most functional level.

(b) ***Submissions for individual members of the public***

111. Ms. Sheila Githaiga representing, Mothers United for Peace, while supporting the amendment submitted that the entire voting process that falls under the responsibility of the voter is manual in nature. This includes going to the polling centre, presenting oneself for identification as a voter, ticking the ballot paper, and dropping the ballot paper in the ballot box. She questioned why the Chief Justice ruled that her vote did not count just because there was a problem in the way it was transmitted. She felt disenfranchised because the court relied on another process "electronic transmission" that she did not fully understand to decide that her vote did not count. It was her opinion that, Article 86 requires the Independent Electoral and Boundaries Commission to ensure that the voting method is simple, verifiable, secure, accountable and transparent- all which the manual process is but the electronic is not. Therefore, manual voting should be supreme.

112. Mr. John Nyakway opposed the amendment stating that the proposed clause 1E should be deleted because if allowed, it would enable those in authority to use state machinery to rig elections and malicious individuals could compromise the elections results.

Clause 6 (b): Live-streaming of results (39 1F)

(a)Submissions from institutions and organisations

113. The Independent Electoral and Boundaries Commission held the view that the amendment directs the Commission to provide and establish mechanisms for the live streaming of results as announced at polling stations which shall not be used as a basis for declaration by the Commission. They proposed that it should include definition for provisional results to mean electronically transmitted text results. Experience shows that human error in data entry is likely to occur when entering text data into the KIEMS.

114. The Commission proposed to amend Section 39 (1F) as follows-

> *"The Commission **MAY**, establish a mechanism for the electronic display of provisional results, and the results so displayed shall be for purposes of public information only and shall not be the basis for a declaration by the Commission."*

115. The Centre for Minority Rights Development also proposed an amendment to section 39(1F) as follows:

> *"The Commission shall, to facilitate public information, establish a mechanism for livestreaming of results at polling stations, by the media, and while the results streamed shall be for public information only and shall not be the basis for a declaration by the Commission, the Commission shall have the discretion to investigate and determine any major discrepancy between such streamed results and the official verified results in its possession before making a final declaration, and in so doing shall be under obligation to explain the cause of such discrepancy to the public."*

116. The provision will ensure that results are accessible to the Kenyan public as they are announced at the respective polling stations and Constituency Tallying Centres.

117. The Centre for Minority Rights Development further proposed that a provision be inserted under section 39 for all agents of any candidate to keep a copy of the final results form that has been duly signed by all parties and stamped by the Independent Electoral and Boundaries Commission for verification purposes, with Independent Electoral and Boundaries Commission keeping the original form, in case of a dispute arising as to the actual announced results. This would ensure the integrity of the manual result and hence its superiority over any other result.

118. The Institute of Certified Public Accountants of Kenya submitted that the amendment be deleted on the grounds that it contravenes Section 39 of the Elections Act No.24 of 2011 where the results streamed should be the tallied and verified results. It contravenes provisions of Article 35 of the Constitutional on timely and accurate information. Besides, punitive measures have been proposed to deal with rogue returning officers. The Clause restricts the realisation of the right to information as laid out under Article 35 of the Constitution. Institute of Certified Public Accountants of Kenya further reiterated that the entire Clause 6 of the Bill in the current forms shall serve to defeat the integrity of the electoral process.

2.2.3 Clause 7: Use of Technology

(a) Submissions from institutions and organisations

119. The Independence Electoral and Boundaries Commission agreed with the amendment which requires the Commission to consult with relevant agencies,

institutions and stakeholders, and make regulations for the implementation of this section. They noted that political parties were covered as stakeholders under the amendment. Further, subsection 6 is a spent proviso; it can be repealed while Subsection 7 applied for the first General Election where the Commission was required to deploy technology which is restricted to the process of voter registration, identification of voters and results transmission.

120. The Commission noted that Subsection 7 could also be spent, if one interprets "general election" to mean the elections of 8th August, 2017. The Committee further noted that Subsection 8 was declared unconstitutional in the ***Kenneth Otieno and another vs Attorney General of 2017.***

121. Kenya ICT Action Network (KICTAnet) proposed that Clause 7 be deleted and that IEBC should undertake public participation while making regulations for the sake of transparency. Further, they submitted that Parliamentary scrutiny of regulations is necessary hence subsection (d) should not be deleted.

(b)Submissions from individual members of the public

122. Njimu wa Kaiya and Ngiri wa Wangui opposed the amendment on the grounds that the proposed amendment to section 44 will 'make it possible to hold sham elections'.

123. Mr. Hillary Bidanye from Lamu County supports the proposed amendments as they among other things seeks to deal with eventualities of failure of technology in transmission of election results.

2.2.4 Clause 8: Complementary Mechanism for Identification of Voters

(a) Submissions from institutions and organisations

124. The Independent Electoral and Boundaries Commission held the view that the proposed amendment does not tie complimentary mechanism to section 39.The Commission noted that the amendment further removes the mandatory requirement to provide for a complimentary mechanism for Transmission of Election Results. It is a necessary consequence of the amendment to Section 39, which makes the manual form to be the results.

125. The Information Communication and Technology (ICT) Authority submitted that all measures should be put in place to ensure that the election technology is secure

and reliable. The Acting CEO of the Authority submitted that it was imperative to provide that manual systems be deployed in parallel with technology in the event of failure of technology.

126. The Communication Authority supported the amendment because it is imperative that manual systems be deployed in parallel with technology and in the event of a failure, the manual system should be considered as final. They averred that while electronic systems backed by technology are efficient and dependable, they are prone to having downtimes due to unforeseeable reasons and therefore it is prudent to have a redundancy mechanism in place in the event of such an occurrence. A manual mechanism is a viable backup plan due to, among other reasons, the turnaround time for transmitting and announcing election results and the fact that it is difficult to predict the time it would take an electronic system to recover in the event of a failure.

127. Further, the Authority submitted that the Independent Electoral and Boundaries Commission is dependant on third parties for infrastructure and therefore does not have absolute control of the electronic systems that are relied on for transmission of results. Also of note was that a considerable area of the country does not have 3G and 4G coverage. Currently 3G land coverage is 17% and population coverage is 78%. Absence of a manual system of transmitting election results in areas which do not have 3G coverage would pose a major challenge in the transmission of electronic results.

128. The Law Society of Kenya proposed that Clause 8 be deleted because this provision on complimentary mechanism is vague as it does not disclose any specific complementary mechanism. This lacuna opens the entire process to machinations and malpractice that may not foster electoral integrity. It was their opinion that it is clearly an affront to values and principles under article 10 of the Constitution. Further, it also offends article 232 of the Constitution- both the letter and the spirit and has utterly nothing to do with article 38 which has been thrown under memorandum and objects to justify its existence. It is retrogressive as it seeks to undo the previous progress amendments undertaken through a bipartisan approach. The imperative word "SHALL "has been replaced with the optional word "MAY" leaving the IEBC with no mandatory obligation to set up a complementary system that is simple, accurate, verifiable, accountable and transparent to identify voters and transmit results.

129. The Kenya National Commission on Human Rights proposed that clause 8 be deleted since the complementary system must be developed, and known before the fresh elections.

(b) Submissions from individual members of the public

130. Mr. Harun Nyandika observed that both electronic and manual system can be manipulated and none therefore supersedes the other.

131. Eng. Paul Mboga proposed that section 44A be deleted (remove complimentary mechanism) to adhere to the letter and spirit of the Constitution since Kenyans agreed to the electronic transmission system.

132. Mr. John Kisigwa proposed that clause 8 be amended to replace the word "may" with "shall" because there is need to have a ready back up always in place.

2.2.5 Clause 9: Nullification of Election

(a) Submissions from institutions and organisations

133. In support of the amendment, the Jubilee Party submitted that on the issue of lack of clarity in section 83 the proposed amendment will create clarity and further align the Act with the existing section 72 of Cap. 2. Further, the Party submitted that the amendment should be broadened to provide that where there has been substantial compliance with constitutional principles and the written law, and where it is shown that the non-compliance did not affect the results substantially, then the results in question shall not be nullified.

134. The Independent Electoral and Boundaries Commission noted that the proposal suggests that where there is deviation from the law, which deviation is not calculated to mislead, then the process will not be void by reason of that deviation. The Commission agreed with the proposed amendment on the grounds that not all infractions to the regulations should result in nullification of the elections. The burden should be placed on a person challenging an election to prove that there was a breach of the law and that that breach affected the results.

135. The Catholic Justice and Peace Commission Parliamentary Liaison Desk proposed that section 83 be deleted as the section gives room for the commission of illegalities and irregularities so long as the results are not impacted.

136. Chalvins Law Consulting proposed that clause 9(c) be deleted since the errors and omissions which would cause an officer jail term cannot invalidate an election which is contradictory. Further, the proposed amendments to section 83 of the Elections Act are unconstitutional as they offend the provisions of Articles 2,(4), 10, 38, 81 and 86 of the Constitution.

137. Kenya ICT Action Network (KICTAnet) recommended that clause 9 be deleted because emphasis should be placed on adherence to the principles in the constitution. The result of the election is the product of every decision and applicable laws therefore contravention of any law does affect the result of an election. It was their opinion that the lack of uniformity of the forms fails to meet the constitutional requirement for an accountable and transparent electoral process.

138. The Centre for Minority Rights Development proposed that clause 9 be deleted since the proposed amendments to section 83 are unconstitutional and upset Article 2(4), 10, 38, 81 and 86 of the Constitution. Current provision should be upheld to ensure that the fresh election and subsequent elections are held by its high standard and that IEBC and the political leadership gains the trust of the people of Kenya.

139. The Institute for Social Accountability (TISA) suggested that clause 9(b) be deleted because Section 83 provides that no election shall be declared to be void because of non-compliance with any written law relating to that election if it appears that the election was conducted in accordance with the principles laid down in the Constitution and in that written law or that the non-compliance did not affect the results of the election.

140. The Ethics and Anti-Corruption Commission (EACC) submitted that there was need to review clause 9 as the amendment does not cure the ambiguity in section 83 of the Elections Act.

141. The Law Society of Kenya proposed that clause 9 be deleted because Election forms are generated in advance of elections and are uniform. This is so that any form that does not correspond is deemed invalid and so that all players know what a genuine form looks like in order to spot the fraudulent ones. Further, this amendment is ambiguous. First, it purports to require persons who file an election petition to prove both noncompliance with the principles set out in the Constitution and that such noncompliance affected the results. This offends the provisions of Article 2 (4) of the Constitution. It also offends the provisions of Articles 10, 38, 81 and 86 of the Constitution. Second, the amendments purport to excuse all

irregularities in election declaration forms as long as they are not calculated to mislead. The amendments would also permit the situation we saw at the Supreme Court, where one could not tell the official Forms from the unofficial or forged ones.

142. The Kenya National Commission on Human Rights proposed that clause 9 be deleted as it reduces the electoral parameters in respect of the principles of non-compliance. It is a dangerous amendment especially in respect to special, vulnerable and/or marginalized candidates.

(b) Submissions from individual members of the public

143. Mr. David Wati proposed that clause 9 be deleted as it will allow for the use of illegal materials including foolscaps or cardboards etc.

144. Mr. Silas Asaka proposed that clause 9 be deleted as the proposal would enable the use of forged forms. Further the proposal serves no purpose if the returning officer is accountable for defective forms.

145. Mr. Isaiah Waweru Ngumi proposed that clause 9 be amended to provide that the presidential election shall not be invalidated if court is convinced that the results are in accordance with article 138(1) and 138(7).

146. Hon. Priscilla Nyokabi, Hon. Florence Kajuju and Hon. Samuel Gichigi while supporting the amendments proposed that clause 9 (c) be amended by inserting the words "and has in fact misled" immediately after the words "to mislead" because the mere intention to mislead should not lead to nullification of results.

147. Njimu wa Kaiya and Ngiri wa Wangui opposed the amendment on the grounds that the proposed amendments to section 83 are unconstitutional as they offend the provisions of Articles 2, 10, 38, 81 and 86 of the Constitution.

148. Mr. Haron Nyandika opposed the proposed amendment on grounds observing that the removal of the word "or" in section 83 of the Elections Act as in the proposed amendment is injurious to free, fair, and credible elections.

2.2.6 Clause 10: Procedure to be followed at a Fresh Election

(a) Submissions from institutions and organisations

149. The Independent Electoral and Boundaries Commission noted that the provision provides that: The Commission will Gazette the new election date on 7 days; who will be the candidates participating in a fresh election depending on the parties to a presidential petition; whether or not there will be fresh nominations after nullification of an election; instances where a candidate(s) withdraw; and the effects of the withdrawal and the procedure thereof. Of importance to note is that one of the candidates withdraws the other will be declared as the president elect and no election will be held.

150. The Commission accepted the proposal by the Committee but further proposed that there was need to provide for the procedure for elections under Article 138 (5) and 138 (8). Further, that the Committee considers a proposal to include the procedure where a candidate dies before the election is held.

151. The Institute for Social Accountability proposes that clause 10 be deleted as the proposed clause 10 lowers the threshold for transparent and accountable elections contrary to the provisions of Article 86 (a). The provision is calculated to raise the threshold for cancelling an election by limiting the Supreme Court ability to nullify, as the court is required to consider both the qualitative and quantitative aspects of the election.

152. The Kenya National Commission on Human Rights was of the opinion that the proposed amendment locks out potential presidential candidates and is a disenfranchisement to voters on their preferred choice among the other candidates. As such, the Commission proposed that the clause be deleted.

153. The Catholic Justice and Peace Commission Parliamentary Liaison Desk proposed that clause 10 be deleted as the section will limit the rights of potential candidates, which is in violation of Article 38 of the Constitution.

154. Jubilee Party proposed that the wording in section 86 (4)(b) be amended considering that the presidential election preceding the fresh elections will have been nullified by the Supreme Court. The question arises as to whether the withdrawal of one candidate should have the effect of having the remaining candidate declared president-elect automatically without an election.

155. The Party also proposed to insert an additional clause immediately after section 86A (5)(b) in the following wording:

"For the avoidance of doubt, an election shall be deemed to have occurred in any Constituency if the Commission has provided all the polling officials and all the material necessary to facilitate the elections and shall not be invalidated by reason of any voters not participating in the election."

156. The Law Society of Kenya proposed that clause 10 be deleted as the proposed clause 86A of the Elections Laws (Amendment) Bill, 2017 (the Bill) purports to say who can and who cannot run in a fresh election in the event a presidential election is nullified by the Supreme Court. The Law Society of Kenya was of the view that there is no constitutional basis for purporting to restrict who can and who cannot run in the fresh election.

157. Further, the LSK submitted that the proposed amendment is based on *obiter dicta* from the decision in Presidential Election Petition No. 5 of 2013. Of the various types of "fresh election" envisioned in article 138 to 140 of the Constitution, only one has a constitutional limitation on who can run and who cannot run and the proposed amendment is not in relation to such an election. It is unreasonable for Parliament to purport to change the rules of an electoral contest mid-stream and thereby deny a candidate an opportunity to offer themselves to the electorate in a repeat poll. The right to participate in any elections is granted by the Constitution subject only to such qualifications as is prescribed by the Constitution and to any order of the Court in accordance with the Constitution. That cannot be limited by legislation. The proposed amendment contravenes the constitutional provisions on 'political rights.

158. The Kenya Law Reform Commission submitted that there was need to relook at section 86A (2) and (3) as there was need to distinguish between a fresh election under Article 140 (3) and Article 138 of the Constitution with a view to clarifying who can participate.

(b)Submissions from individual members of the public

159. While supporting the amendment, Mr. Eliud Kinuthia proposed that the Committee should make provisions for circumstances such as absence, death and incapacitation of a candidate.

160. Mr. Edward Nyakeriga supported the amendments save that there is need to differentiate between afresh, a repeat and a run-off election.

161. Mr. S.M. Njihia proposed that repeat elections should only be done in the constituencies whose results were in contention and asked the committee to refer to the decision in *Gore vs Bush.*

162. Mr. Paul Gichuke proposed that clause 10 be amended to provide for a mechanism through which a candidate gives a formal indication of his/ her willingness and readiness to participate in a repeat election.

163. Hon. Priscilla Nyokabi, Hon. Florence Kajuju and Hon. Samuel Gichigi during their submissions proposed that clause 10 be amended by deleting the term president-elect and replacing with the word "candidate" and insert at the end of paragraphs (b) and (c) the words "provided that any candidate intending to participate in the fresh election shall give written notice to the Commission of the intention to participate within seven days of the nullification by the Court". It was his opinion that after nullification of elections there is no president-elect. The *Raila Odinga case of 2013* at Supreme Court restricting the competition to 1st and 2nd leading candidates is wrong in law.

164. Njimu wa Kaiya and Ngiri wa Wangui opposed the amendment on grounds that the proposed section 86(A) has no constitutional basis.

2.3 Amendments to the Election Offences Act, 2016

2.3.1 Clause 11:- Failure or refusal to sign election results

(a) Submissions from institutions and organisations

165. In support of the amendment, the Jubilee Party submitted that the Supreme Court judgment made it mandatory that forms must be signed necessitating the amendments including the offences by returning officers failure to sign forms.

166. The Independent Electoral and Boundaries Commission disagreed with the amendment proposed because that this proposal places an obligation on the Returning Officers and Presiding Officers to sign, completely fill election materials including statutory forms and lays criminal liability in case of failure to do any duties. The Commission submitted that the amendment amounted to over legislation considering that; firstly, the mischief sought to be cured never occurred, and secondly, the facts which would constitute an offence under this Section are provided for under Section 6 of the Election Offences Act. The Commission

further noted that persons employed by the Commission were only for a contract of three weeks hence the amendment would deter people from working for the Commission.

167. The Institute of Certified Public Accountants of Kenya submitted that the current provision under the Election Offences Act adequately caters for offences and penalties. They proposed that the Committee retain the current provisions as stipulated in the Election Offences Act, 2016.

168. The Kenya Private Sector Alliance submitted that the offence should be expanded to include Commissioners and any other officers with responsibility in electoral process.

(b)Submissions from individual members of the public

169. Mr. Eliud Kinuthia supported the amendment and proposed that Clause 11 be amended to add the option of a fine and an increase the jail term prescribed to over six (6) years.

170. Similarly, Mr. Tommy Randall and Mr. Vitalis Njoroge supported the proposal that the penalties be enhanced for electoral officials who commit malpractices.

171. Mr. Hillary Bidanye from Lamu County supported the proposed amendment as it will deter Independent Electoral and Boundaries Commission (IEBC) officials from failing to discharge their lawful duties.

172. Mr. Fwamba NC Fwamba supported the amendments and further proposed that the Committee enhance the clause by prescribing a minimum sentence of for instance two years.

173. Ms. Dahabo Darro representing Women of Kenya Initiative from Marsabit County supported the Bill in its entirety as it introduces the penal provisions.

174. Hon. Kalembe Ndile supported the amendment and observed that the penalty under clause should be enhanced.

175. Njimu wa Kaiya and Ngiri wa Wangui opposed the amendment on the grounds that the proposed section 6A of the Elections Offences Act seeks to punish returning officers yet the same errors and omissions cannot invalidate an election.

176. Mr. Charles Tabu Okumu of the Bunge la Wazalendo opposed the amendment citing that severe punishment proposed on electoral officials who refused to sign the election declaration result forms was political mischief.

2.4 The Election Offences Amendment Bill, 2017 (National Assembly Bill. No.38)

177. The Ethics and Anti-Corruption Commission while supporting the amendment submitted that an informed public is more likely to report corruption and economic crimes. It was their opinion that this remains true before, during, or after the election period.

178. The Independent Electoral and Boundaries Commission preferred not to comment on the amendment to section 14(2) of the Elections Offences Act, 2016 noting that the matter was pending in court in ***Petition Number 468 of 2017 – Katiba Institute vs. Presidency Delivery Unit and 3 Others.***

179. The Institute for Certified Public Accountants proposed that the provisions as provided for in Section 14 of Act be retained. It was their submission that the Bill proposes to delete an important provision guiding the conduct of the government in place during an election, thus creating a level playing field for candidates participating in the election.

2.5 General Submissions on the Bill

2.5.1 Comments on Legal and Constitutional Challenges

180. Several stakeholders and individual members of the public made general submissions on the legal and constitutional challenges arising out of the Bills as follows-

181. Ms. Mary Waruguru submitted that Parliament is properly constituted to consider the Bill as proposed and that there was nothing unconstitutional about the Bill.

182. The Small Traders Women Self Help Group supports the amendments in the Bill as they seek to simplify and ease the management of elections by providing clarity.

183. Mr. Mark Too Kibiwott supports the Bill in its entirety, for the reason that it will protect the will of the voter in future.

184. Mr. Kamuri Gachoki Alex supports the proposed amendments as they will enhance the existing laws and ensure free, fair and credible elections.

185. Ebby Wangatia from Bungoma County supported the amendments in totality and in particular amendments criminalizing non-performance of duty by Independent Electoral and Boundaries Commission staff. It was her submission that any action taken against the Independent Electoral and Boundaries Commission staff should be within the provisions of the Constitution.

186. Stewards Revival Pentecostal Church supports the proposed amendments to the Bill as it among other things removes the risk of paralysis in the absence of both the chair and vice-chair of Independent Electoral and Boundaries Commission, seeks to implement the High Court decision in Solomon Gichira case, Maina Kiai case and Kenneth Otieno case, addresses uncertainty of conducting a fresh election and enhances the penalties for willful or deliberate failure to sign election.

187. Mr. Clement Nyamongo supported the amendments in the Bill by observing that among other things Parliament was lawfully exercising its legislative role.

188. Yabbesh Onyancha Geke observed that the period given for public participation was limited.

189. In his comments against the amendment Mr. Zeth Ouma Omollo proposes-

(a) that the Bill be deferred and re-introduced after the repeat polls owing to the timing and the prevailing political environment;

(b) that the existing legal infrastructure on the management of elections in Kenya suffices as all the matters arising from the Supreme Court Ruling (2017) could be cured exclusively by upholding fidelity to the existing laws, and fixing administrative issues at IEBC; and

(c) that the elections scheduled for 26th October 2017 are by letter and spirit of the Supreme Court Ruling "a repeat election" and this implies that the "rules of the game" must remain unchanged for purposes of the said repeat poll.

190. Mr. Daniel Ashman expressed concerns on the constitutionality of the amendments and opposed them citing that in his view; the amendments proposed in the Bill are unreasoned, untimely and unfair.

191. Eng. Kiiva Yosef Timothy opposed the amendments noting that, in its judgement, the Supreme Court did not quote the existing election law as lacking.

He also expressed concern on the timing of the amendments and questioned the capacity of the President to assent to the Bill at this "transitional period". He also expressed concern that change in law may cause confusion and that the ordered repeat election should be conducted under the prevailing law.

192. Mr. Timothy Kanda opposed the proposed amendments because, in his opinion, they undermine fundamental rights and challenge the free will of the people of Kenya.

193. Mr. Dalmas Olumasi opposed the Bill noting that it has negative effects, the timing is mischievous, Kenyans are past manual systems, the Independent Electoral and Boundaries Commission chairperson should be the only person in charge of declaration of results, the Supreme Court is independent and the Legislature should not attempt to criticize it or reduce powers bestowed on it by the Kenyan people.

194. Mr. Benji Ndolo opposed the Bill on grounds that the amendments were tantamount to changing the rules of the game in the middle of the game and hence mischievous in the prevailing circumstances. He observed that the reduction of the publication period of the Bill is inappropriate and the offences in the Bill are not of any consequence as what the Committee should address are the root causes of irregularities in the electoral system.

195. Mr. Michael Odiembo opposed the proposed amendments as, in his opinion it gives room for fraud through alteration of results. He further proposed that the quorum should be maintained at five, identification of voters should only be through KIEMS and the penalty for election offences by the presiding officers and returning officers should be enhanced to ten years. He observed that there is need for consensus between the political players and suggested that there is need to amend the law to: Prescribe an offence for any person who excludes agents at polling stations, define stray ballots and how to account for them, among other things.

196. Mr. Joseph Vekya opposes the Bill for the sake of future generations on the grounds that it is taking us back after a long fight to have a good Constitution.

197. In a written letter dated 5th October 2017, the International Commission of Jurists (ICJ) notified the Committee that it would neither appear nor present memorandum to the Committee. The International Commission of Jurists informed the Joint Committee that the unilateral decisions taken by Parliament to amend the

laws governing the elections in the middle of the Electoral Process is not well conceived or in good faith but an attempt to subvert the electoral architecture for short-term political gain. Further, that proposed amendments backtrack on the reforms that have been made to strengthen democracy and seek to legitimise illegalities and irregularities that the court found were not adhered to in the 8th August, 2017 Presidential elections. They observed that they did not find fault with the current law save for the fact that the Election Management Body did not comply with the law.

198. The National Rainbow Coalition (NARC Kenya) observed that the laws that the committee sought to amend were arrived at through consensus by a bipartisan committee. As such any changes to them should be negotiated by a bipartisan committee and further enriched by public participation. Further, effecting amendments without a consensus will amount to shifting of goalposts by one team before a rematch thereby tainting the process. They also stated that the lack of a bipartisan approach will polarize the nation and undermine our nationhood.

199. Mr. Ahmed Ali proposed that the vice-chairperson should also be a lawyer, the quorum should be clear and that the electronic system should prevail over the manual system.

200. Mr. Edward Githaiga, Chairman, Nairobi Branch, National `Youth Council of Kenya, supports the amendments and opposes extra-constitutional methods to bring reforms.

2.5.2 Comments on the Timing of the Bill

201. Noting that Kenya was still in an election cycle with the fresh election expected to take place on 26th October, 2017, the matter of whether it was the right time for Parliament to propose the amendments drew varied reactions from the public and stakeholders. Some members of the public were as follows-

202. Some stakeholders were of the opinion that the amendments were timely and necessary before the elections of 26th October, 2017. The Jubilee Party observed that six months to 28th August, 2017 there were at least forty cases filed in court which repealed numerous sections of electoral law creating the need for amendments. It was also noted that this was not the first time that new requirements have been put in place for the Independent Electoral and Boundaries Commission close to the election. It was noted by several stakeholders that the decision in the ***Independent Electoral and Boundaries Commission vs Maina***

Kiai & 5 others , Civil Appeal No.105 of 2017 [Maina Kiai Case] a ruling was given that affected the electoral process thirty five (35) days before the election.

203. Other stakeholders including the Political Parties Liaison Committee, the Inter-religious Council of Kenya among others were of the opinion that the amendments are ill-timed and that even though the amendments were necessary in the future, the political temperatures were high and they should be carried out in a bi-partisan process after the 26th October, 2017.

204. The Baraka Women Center Community Based Organization a woman's group through Teresia Mwangi observed that Parliament should change the law before the next election to protect women against gender based violence which is usually rampant whenever there are election disputes.

205. Cecilia Nyokabi from League of Kenya Women Voters and Family Organization for Empowerment (FOREM) supported the amendments and that it was appropriate that the same should be done before the fresh elections to avoid the same outcome.

206. UNIK Women self-help group observed that it supports Parliament to make the necessary changes to close all loopholes that may lead to the nullification of 26th October, 2017 elections.

207. Other stakeholders and members of the public supported the Bill in its entirety. They emphasized that the timing was appropriate as it would help the country resolve the current political impasse. They were: Mr. Benard Macharia, Mr. Christopher Muraguri from Tharaka Nithi County, Mr. Kenneth Orengo of the Africa Electoral Organization Group, Mr. Kamuri Gachoki Alex, Mr. Danson Mwangangi, Ms. Stacy Saida Chepkemoi, Mr. Washington Makodingo, Mr. Gabriel Muthuma, Mr. Jackson Mwalulu, Mr. Peter Amunga, Mr. Oliver Kipchumba, Mr. John Muthaka, Bishop Stephen Muketha, Ms. Janet Iminza Wanjohi, Mr. James Kipsang Ngetich, Ms. Geoffrey Mwaviso Muchawia , Bishop Stephen Muketha, Dr. Robert Kagiri, Ms. Sandra Ochola , Ms. Marion Njoroge on behalf of Wazalendo Huru

208. Mr. Lewis Bucheche, Mr. Oyugi Lawi, Reverend Khayo, supported the amendments and its noble intention but disagreed with the timing of the amendments noting the prevailing political situation in the country and urged the committee to proceed with the amendments after the 26th October , 2017 elections.

209. Similarly, Mr. Evans Migiro from Nyamira County supported the proposed amendments save that he did not agree with the timing of making the amendments in light of the fresh elections scheduled for 26th October, 2017. He suggested that the proposed amendments if enacted should apply in the next General Elections.

210. The Institute of Certified Public Accountants of Kenya noted that the Bill should be shelved until after the upcoming fresh elections. The Institute indicated that the current laws are adequate and guarantee free, fair and credible elections as per Article 81(e) of the Constitution.

211. The Political Parties Liaison Committee recommended that the Bill be shelved and the Independent Electoral and Boundaries Commission be allowed to conduct the fresh presidential election after which there should be a national discourse on the relevant changes needed for our electoral laws. In their submission, they stated that conformity of an electoral process with the principles of the Kenyan Constitution cannot be judged on the basis of legislation alone. Though it is important for the country to audit recurrent challenges and problematic issues resulting from both legislation and practice that cannot be done now.

212. The National Rainbow Coalition (NARC Kenya) observed that the amendments, however meritorious, are ill-timed and should be shelved in the interest of the nation till after the 26th October, 2017 elections and even then be handled by a bipartisan committee.

213. The United Disabled Persons of Kenya submitted that without prejudice to the merits or demerits of the Bill the same be put on hold until after the fresh Presidential election. While they appreciated Parliament's legislative mandate, it was their opinion that the timing of the Bill could polarize the country.

214. Mr. Charles Tabu Okumu of the Bunge La Wazalendo opposed the amendments on the grounds that the current political climate was unpredictable and polluted and therefore it was not the right time to undertake amendments to the Elections law, also there was no hurry in making the amendments. Instead, dialogue between the two contesting political parties should be encouraged. He further maintained that there was no time to address the issue of an acting Chairperson of the Independent Electoral and Boundaries Commission and there should be no speculation on his absence.

215. Similar opinions were shared by Mr.Alex Otunga.Mr. Lewis Bucheche, Mr. Boniface F. Makau, Ms. Catherine Watuka, Mr. Ledama Lee, Ms. Laureen

Amateshe, Mr. Mohammed Abdulahi and Mr. John Kunga Magige who generally opposed the amendments noting the limited time to the repeat election and the attendant tension in the country as reasons.

2.5.3 Comments relating to other areas of the law that require amendments

216. Some stakeholders and individual members of the public also made additional proposals and comments to the Committee on other areas of the law that did not touch on the provisions of the law but would require amendments. They included:

(1) Functions of the Independence Electoral and Boundaries Commission

217. Mr. Benson M. Karanja proposed the following range of amendments touching on the functions of the Independent Electoral and Boundaries Commission-

(a) That all returning officers should have qualification on human resource management, project management capabilities and skills required in high pressure environments

(b) Deputies in the counties and constituencies be recruited six (6) months to the Presidential Election

(c) The Presiding and Deputy Presiding Officers be recruited thirty(30) days before the Presidential Election

(d) The responsibility of hiring, training and payment of wages and allowances of Presiding and Deputy Presiding Officers be that of the County Returning Officers and not the Constituency Returning Officer as is the case today

(e) In the case where the Presiding Officer is required to attend Court as a witness, IEBC County Returning should be compelled to facilitate payment of allowances and other legal assistance to the Presiding Officer

(f) All IEBC returning officers, IEBC Commissioners, IEBC Secretariat Staff, part time staff including but not limited to deputies at the counties, deputies at the constituencies, ICT officials, Presiding and Deputy Presiding Officers, be subject to and fully comply with the Public Officer Ethics Act.

(2) Use of Technology

218. Wilson Mwai requested the committees to look into the issue of exposure, for example, the database of voters being leaked by insiders, creation of logic bombs (which are like computer viruses), etc.

219. The Kenya Private Sector Alliance proposed that section 2 be amended on the definition of the term "*integrated electronic system*" to include a computer based system.

(3) Transmission of Results

220. The Kenya Private Sector Alliance proposed that the law be amended to permit media to announce elections once they are announced by constituency returning officers since results announced at the constituency are final.

221. Mr. Johnson Moriasi Nyandika presented a revised version of Forms 34A, 34B and 34C showing-

(a) the time and date of signing;
(b) customized rubber stamps;
(c) Ballots allocated, issued and their balance; and
(d) Ballots data, signature of the Presiding Officers, Valid votes, objected to votes, rejected votes and disputed votes.

222. Mr. Nyandika further proposed that the election should provide for localized cancellation or repeat of voting from only polling station, constituency or county where the irregularities or illegalities are identified in order to save the taxpayers an additional burden. Additionally, the IEBC should pay the two agents per polling station for the major parties or coalitions to ensure a strengthened agent base as in a referendum;

223. Mr. David Ngumi observed that electronic transmission cannot be the single measure of a successful election and forms 34A should also be physically submitted to the Constituency Tallying Centre for collation. As such, the Independent Electoral and Boundaries Commission should develop a logistics plan that can expedite and facilitate delivery. Further, he stated that the role of Parliament is to legislate, look at the gaps in law and correct them.

224. Mr. Kenneth Mavale proposed that the Committee should legislate on timelines within which results should be transmitted which, in his opinion, should be within a day.

225. Mr. Isaiah Ngumi proposed that the Presiding Officers and Returning Officers should have deputies. He also wants the Independent Electoral and Boundaries

Commission to hire two agents in every constituency to act for the main political parties. The agents should also countersign the result transmission forms.

226. Mr. Phillip Magona submitted that the KIEMS should scan forms 34A and that the server should be monitored by among others Human Rights bodies and the Police. Also, media houses should give alerts of results received. It was his opinion that the declaration of results should be done after all the forms 34B are received and all party agents have signed form 34C.

(4) Legal Process

227. The Jubilee Reforms Lobby Group while supporting the amendments, proposed several legal and constitutional amendments relating to elections as follows-

(a) amendment of Article 138(2) of the Constitution to delete the word "shall" and insert "will";

(b) the Independent Electoral and Boundaries Commission should record number of voters in constituencies that do not vote;

(c) where the gap between the leading candidate and the runners-up is wide, to the extent that even if the votes of areas where people did not vote are added to the candidate with the second highest votes, it would not alter the result of the election, the leading candidate should be declared President.

(d) where the gap between the leading candidates and the runners-up is narrow to the extent that the votes of areas where people did not vote if added can alter the result of the election, an election shall only be held in such areas;

(e) Article 140 should be amended to substitute 14 with 30 days;

(f) Supreme Court cannot invalidate an election unless the irregularities can alter the final result;

(g) Require two thirds out of the seven judges can nullify an election;

(h) Within 30 days judges should give their reasoned ruling;

(i) Judges to identify persons responsible for irregularities and the Director of Public Prosecutions should investigate such cases;

(j) Supreme Court judgements nullifying the Presidential Election should be subject to judicial review where false evidence was given, or there was conflict of interest of a judge;

(k) Fresh elections should be held within sixty days from the date of the judgement;

(l) Article 138(4) be amended to prescribe a threshold for majority of votes.

228. Hon. Kalembe Ndile observed that there is need to review the powers of the Court so that it can order a recount following an election petition.

229. Mr. Ngachuche observed that there is need to enhance the penalties for witnesses who swear false affidavits in court, elevate burden of proof in presidential election petitions to proof beyond reasonable doubt and provide for appeal against court decisions on president elections at the Senate.

230. Apostle Joe Kamau suggested that the three arms of Government should review their perspectives on the entire electoral law and processes.

231. The Non-governmental Organisations Council urged the Committee to among other things observe the independence of the three arms of government and ensure the laws debated and passed by Parliament are for posterity and can stand the test of time.

232. Mr. Mark Too sought clarification on what would happen if the Chief Justice refused to attend the swearing in ceremony of a President-elect.

233. Hon. Samuel Gichigi requested the Committee to look into the issue of gazettement of judges to hear and determine election petitions relating to elections of members of county assemblies contrary to section 75 of the Elections Act.

234. Mr. Nkeissery Kamau Christopher proposed that an election should be an event and not a process.

235. Mr. Nderitu Njoka, Chairperson of Maendeleo ya Wanaume, proposed that polling stations should not be in schools but may be public grounds to avoid affecting the academic calendar. Also, he proposed that the voting age be lowered to sixteen (16) years.

236. Mr. Wanjohi Nyambu submitted that the swearing-in of the President should be conducted by the Speaker of the National Assembly and the Senate.

237. Bishop Stephen Muketha spoke to the issue of providing an age limit during demonstrations/protests and on conduct of protests and demonstrations.

(5) National Unity and Peace

238. Several stakeholders and individual members of the public made calls for national unity and peace. They include-

239. Tom Shivachi, Chairman of Kakamega Forum, Anticorruption committee in Kakamega who asked for sobriety among all stakeholders as they address the challenges facing elections in Kenya for the sake of posterity and the best interests of the country.

240. Prophet Paul Mwangi, from House of Prophets supported all amendments as they would avert the likelihood of any crisis befalling the nation.

241. Mr. Robert Owango from Homa Bay County observed that the proposed amendments are in order but urged the Members of Parliament to ensure that peace prevails in the country.

242. Ms. Vellah Kadeiza proposed consensus-building by the two major political parties as a way forward.

2.5.4 General Observations of the Committee

243. The Committee took into account the views of the public and considered at length all concerns expressed on various issues relating to the Bills.

244. With regard to the issue of the timing of the Bill, the Committee noted that the Supreme Court ruling pointed out irregularities in the election transmission process that had to be addressed before the next elections so as to avoid the same irregularities. The Committee noted that Parliament has a constitutional mandate to make laws, an obligation to solve the current political impasse and address the legal issues raised by the Supreme Court. Of note was that the Supreme Court asserted in its majority judgement in the case of ***Raila Odinga and another vs IEBC and 2 others , Presidential Petition No.1 of 2017*** in para 402 (pg.176) as follows-

> *"It ought to lead IEBC to soul-searching and to go back to the drawing board. If not, this Court, whenever called upon to adjudicate on a similar dispute will reach the same decision if the anomalies remain the same, irrespective of who the aspirants may be"*

245. While noting the concerns of various members of the public on the reduced period of publication of the Bills, the Select Committees observed that the Standing Orders of both Houses provide for this, subject to the resolution of the Houses. Standing Order 120 of the National Assembly Standing Orders provides that:

"No Bill shall be introduced unless such Bill together with the memorandum referred to in Standing Order 117 (Memorandum of Objects and Reasons), has been published in the Gazette (as a Bill to be originated in the Assembly), and unless, in the case of a Consolidated Fund Bill, an Appropriation Bill or a Supplementary Appropriation Bill, a period of seven days, and in the case of any other Bill a period of fourteen days, beginning in each case from the day of such publication, or such shorter period as the House may resolve with respect to the Bill, has ended."

246. Similarly Standing Order 128 of the Senate Standing Orders provides that:

"No Bill shall be introduced unless such Bill together with the memorandum referred to in Standing Order 125 (Memorandum of Objects and Reasons), has been published in the Gazette (as a Bill to be originated in the Senate), and unless, in the case of a Division of Revenue Bill or a County Allocation of Revenue Bill, a period of seven days, and in the case of any other Bill a period of fourteen days, beginning in each case from the day of such publication, or such shorter period as the Senate may resolve with respect to the Bill, has ended."

247. Further, the Parliament of Kenya has on various occasions, following the adoption of procedural motions on the same, resolved to shorten the period for publication of various Bills. These include:

Bill	**Reduction of Publication Period**	**Rationale**
The Constitution (Amendment) Bill, 2008	From 14 days to 5 days	To facilitate the power sharing agreement following the post-election violence of 2007/8. The amendment Bill sought to establish the posts of Prime Minister and

		Deputy Prime Minister.
The National Accord and Reconciliation Bill, 2008	From 14 days to 5 days	To provide legal basis for the terms of the power-sharing arrangement in 2008
Security Laws (Amendment) Bill, 2014	From 14 days to 1 day	To facilitate the nation's security apparatus to address the security crisis occasioned by sustained attacks by Al Shabab terrorist group
Anti- Doping (Amendment) Bill, 2016	From 14 days to 7 days	To meet the World Anti- Doping Agency (WADA) deadline for adoption of guidelines to align the Anti-Doping Act, 2016 with the UNESCO Convention Against Doping in Sport.

CHAPTER THREE

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

249. The Select Committee on the Election Laws, 2017 made the observations and recommendations based on the deliberations of the Bill and stakeholder input as listed below-

3.1 Clause 2: Definition of the term Chairperson

250. Clause 2 of the Bill seeks to amend the definition of the term "Chairperson" in Section 2 of the IEBC Act. It provides that the Chairperson of the Commission means the Chairperson appointed in accordance with Article 250(2) of the Constitution and, in the absence of the Chairperson, the Vice-Chairperson, or such other person acting as the Chairperson in the absence of both the Chairperson and Vice-Chairperson.

Observations

The Committee observed that-

251. There is need to provide expressly for the manner in which the affairs of the Commission will be run to ensure there is no vacuum in leadership and continuity in the affairs of the Commission. The mischief that the Bill seeks to cure is not simply in the definition of the term "chairperson" but to also consider the exercise of the powers of the Chairperson such as the powers of the chairperson being the Returning Officer in the presidential election. The functions of the Chairperson are not ordinary and therefore there must be an express provision for the vice-chairperson or a member elected by other members, to act for the chairperson.

252. Providing for the vice chairperson or any other member of a Commission to deputize the Chairperson is a standard practice and is also provided for in law with respect to other state and public offices. For instance, Article 147 (3) of the Constitution provides that, "*Subject to Article 134, when the President is absent or is temporarily incapacitated, and during any other period that the President decides, the Deputy President shall act as the President*".

253. Article 259(3)(b) of the Constitution provides that, *"every provision of this constitution shall be construed according to the doctrine of interpretation that the law is always speaking and therefore among other things... any reference in this constitution to a state or other public office or officer, or a person holding such an*

office, includes a reference to the person acting in or otherwise performing the functions of the office at any particular time".

254. With respect to the structure of other Constitutional Commissions, the Committee observed that for example, in the Parliamentary Service Act No. 10 of 2000, the term "**Chairman**" is defined to include the vice-chairman or any other member of the Commission when discharging the functions of the chairman. Similarly, in the Judicial Service Act, No. 1 of 2011, the term "**Chairperson**" is defined to include the Vice Chairperson or any other member of the Commission when discharging the functions of the Chairperson. The proposed new definition of "chairperson" therefore is in line with the general organization structure of other Constitutional Commissions.

255. Further the Interpretation and General Provisions Act Cap 2 Laws of Kenya (which provides for construction, application and interpretation of written law) provides, at section 45, that "*in this Act and in any other written law, instrument, warrant or process of any kind, a reference to a person holding an office shall include a reference to any person for the time being lawfully discharging the functions of that office".* The Constitution and the Interpretation and General Provisions Act therefore provide for the continuity in the leadership and management of state and public offices.

256. Where the vice-chairperson or a member of the Commission acts in the stead of the Chairperson as a temporary measure to ensure that there is no impediment to the efficient running of the affairs of the Commission.

257. The use of the words "such other person" in definition of the term Chairperson, as proposed in the Bill, implies that anyone else apart from the members of the Commission could possibly act as Chairperson.

Recommendation

258. Delete the proposed definition of chairperson and substituting therefor the following new definition—

"Chairperson" means the chairperson of the Commission appointed in accordance with Article 250(2) of the Constitution or the vice-chairperson or a Member of the Commission when discharging the functions of the chairperson."

3.2 Clause 3: Qualification for appointment as Chairperson and chairing of Commission meetings in the absence of the Chairperson

259. Clause 3 of the Bill seeks to amend Section 6 of the IEBC Act to-

(a) provide for new qualifications for the chairperson of the Commission. Presently Section 6(1) of the Act provides that *"the chairperson of the Commission shall be a person who is qualified to hold the office of judge of the Supreme Court under the Constitution"*. The Bill however proposes that the Chairperson shall hold a degree in public administration, public finance, governance, electoral management, social science or law and have at least fifteen years' experience in the aforementioned fields;

(b) provide that in the absence of the chairperson, the vice-chairperson shall assume the duties and responsibilities of the chairperson. Further in the event of an absence of the chairperson or the vice-chairperson, members of the Commission shall elect from amongst themselves a person to act as chairperson and exercise the duties and responsibilities of the chairperson;

Observations

260. The Committee noted that there is a standard practice with regards to assumption of the Chairperson's role in his/her absence and the law also provides for it. For example, Article 147 of the Constitution provides that *".....when the President is absent or is temporarily incapacitated, and during any other period that the President decides, the Deputy President shall act as the President"*. In the same vein, standing order 196 and 188 of the Senate Standing Orders and the National Assembly Standing Orders respectively provide that in the absence of the chairperson and vice-chairperson at any meeting, the members present shall elect one of them to take the Chair.

261. As to the proposed changes to the qualifications of the chairperson, the Committee observed that because of the nature of the duties of the chairperson, qualifications in law would be essential to the discharge of the duties of the chairperson. The electoral process is tempered by numerous legal instruments and processes. For instance, under the Second Schedule to the Elections Act the Electoral Code of Conduct Enforcement Committee requires that the chairperson of the committee be a person qualified to hold the office of a judge of the High Court. In the present composition of the Commission only the chairperson of the Commission is qualified to be the Chairperson of the Committee.

262. Therefore while the Committee appreciates that the secretariat to the commission would give the Chairperson guidance on legal matters, it is an added advantage that the Chairperson has extensive experience in the practice of law.

263. The Committee, however, proposes that it would be appropriate to expressly provide in law that while the Chairperson of the Commission must be a person qualified to be a Judge of the Supreme Court, the vice-chairperson or a member who acts in the stead of the chair need not have similar qualifications as those of the Chairperson.

264. Further comparable Constitutional Commissions provide for higher qualifications for the chairperson *vis-à-vis* the other members of the Commission. The Ethics and Anti-Corruption Commission, Teachers Service Commission, Commission on Administrative Justice, National Gender and Equality Commission, Kenya National Human Rights Commission and the National Land Commission provide for the chairperson to have at least fifteen years' experience in the applicable field and members to have ten years' experience.

265. As to the proposed insertion of new 1A and 1B on who may act in the absence of the Chairperson, the Committee observed that there must be a clear distinction between the terms "absence" and "vacancy". Section 7A of the Act presently provides for the situations in which a vacancy arises and the procedure for the filling of the vacancy. However, it does not speak to who may act as the Chairperson before the filling of the vacancy. This would potentially lead to the same vacuum as that created during the absence of the Chairperson.

Recommendation

The Committee therefore recommends that-

266. Clause 3 (1) be deleted and recommended that

The proposed new sections 1A and 1B be redrafted to provide for persons who shall act as Chairperson in the event of –

(a) the Chairperson; or

(b) a vacancy in the office of the chairperson pending the filling of the vacancy under section 7A.

(c) Notwithstanding the qualifications in section 6(1) of the Elections Act, 2011 when acting as chairperson, the vice chairperson or a member does not have to possess similar qualifications as the Chairperson

3.3 Clause 4: Quorum for Commission meetings and decision-making

267. Clause 4 seeks to amend the Second Schedule to the Act to-

(a) provide that the quorum for the conduct of business at a meeting of the Commission shall be at least half of the existing members of the Commission, provided that the quorum shall not be less than three members. Presently, paragraph 5 of the Second Schedule to the Act provides that *"the quorum for the conduct of business at a meeting of the Commission shall be at least five members of the Commission"*; and

(b) insert a new paragraph 7 to provide for the procedure through which decisions of the Commission shall be taken. The Bill proposes that a decision on any matter before the Commission shall be by a majority of the members present and voting, unless a unanimous decision is reached. Presently, paragraph 7 of the Second Schedule provides that *"unless a unanimous decision is reached, a decision on any matter before the Commission shall be by concurrence of a majority of all the members"*.

Observation

The Committee observed that-

268. Article 250(1) contemplates that a constitutional commission may consist of at least three and not more than nine members. Section 5 of the Independent Electoral and Boundaries Commission Act provides that the Commission consists of seven members of the Commission. Presently under paragraph 5 of the Second Schedule to the Elections Act provides that *"the quorum for the conduct of business at a meeting of the commission is stipulated as at least five members"*. The Committee therefore observes that it may be possible for the Commission to be comprised of three members. Further, and in the alternative, certain members of the Commission may be unavailable to attend meetings of the Commission. In both these instances, the work of the Commission would be seriously impeded.

Recommendation

269. The Committee therefore recommends that clause 4 of the Bill be retained in the form it is.

3.4 Clause 5: Nomination of Presidential Candidates

270. Clause 5 of the Bill proposes to delete Section 29 of the Elections Act. This Section provides for the persons eligible to nominate a presidential candidate in the following terms-

> *(1) The persons who nominate a presidential candidate shall be members of the candidate's political party.*
>
> *(2) The persons who nominate an independent presidential candidate shall not be members of any political party;*

Observation

271. Deletion of section 29 of the Elections Act as proposed in clause 5 of the Bill is a legislative expression of the findings of the court in ***Peter Solomon Gichira v Independent Electoral and Boundaries Commission & Attorney-General (Petition No. 234 of 2017)*** where the court found that-

(1) by enacting that the persons who nominate an independent presidential candidate shall not be members of any political party, section 29 of the Elections Act contravened the letter and the spirit of Article 38 as read with Article 137(1)(d) of the Constitution. Similarly, by enacting that the persons who nominate a presidential candidate shall be members of the candidate s political party, the same section contravened the letter and the spirit of Article 38 as read with Article 137(1)(d) of the Constitution;

(2) by restricting section 29 of the Elections Act to presidential candidates, the said section contravened Article 27 of the Constitution that enshrines freedom from discrimination;

(3) by providing that all presidential candidates submit their list of 2000 supporters from at least 24 counties to the Commission by Excel, the Independent Electoral and Boundaries Commission went overboard and purported to unlawfully and unjustifiably restrict or limit the rights of such candidates to exercise their political rights under the Constitution. I further find that the said requirement does not meet the fairness and reasonability test as provided for under Article 24 of the Constitution.

Recommendation

272. The Committee recommends that clause 5 be retained in the form it is.

3.5 Clause 6: Mode of transmission of results

273. Clause 6 of the Bill proposes to amend Section 39 of the Elections Act to provide that-

(a) the Independent and Electoral Boundaries shall transmit electronically and manually the results of a presidential election from a polling station to the constituency tallying centre and to the national tallying centre;

(b) in the event of a discrepancy, manually transmitted results shall prevail over electronically transmitted results;

(c) failure to transmit or publish election results electronically shall not invalidate the results as announced and declared;

(d) the Independent and Electoral Boundaries Commission shall establish a mechanism for live-streaming of results; and

(e) live-streamed results shall not form the basis of a declaration by the Independent and Electoral Boundaries.

Observations

274. The phrase "manually transmit" is not clear as to the type of additional transmission of results required under the Act. Inclusion of the phrase "physically" deliver properly obligates the Commission to ensure the delivery of the physical copies of the results to the National Tallying Centre in addition to the electronic transmission of results. The proposed new sub-sections (ID) and (IDA) also seeks to clarify the role of the Chairperson in verifying results in light of Articles 86(b) and 138(3)(c) of the Constitution and the decisions of the High Court, the *Court of Appeal in the Independent Electoral and Boundaries Commission versus Maina Kiai* and five others and the Supreme Court. The amendment also seeks to create an obligation on the Independent Electoral and Boundaries Commission to establish a mechanism for the live streaming of results as announced at the polling stations but the results so streamed shall be for purposes of public information. As it is presently, section 39(IC)(c) of the Elections Act, 2011 provide that the Commission shall publish the polling result forms on an online public portal. This mechanism of informing the public on presidential results is not adequate as

accessibility of information may be limited due to unavailability of internet technology in certain areas of the country. In this regard the amendment is meant to add to the public portal in terms of ensuring access to information by the members of the public.

275. The amendment also seeks to delete paragraph (d) as it would not be possible in light of Article 138(10) of the Constitution for the Chairperson to have received all the results before declaring the presidential election results. Article 138(10) of the Constitution requires the Chairperson to declare results within seven days after the presidential election. The amendment therefore allows the chairperson of the Commission to declare a candidate elected as the President before all the constituencies have transmitted their results if the Commission is satisfied the results that have not been received will not affect the result of the election

Recommendation

The Committee recommends that-

276. Amend clause 6 —

(a) in paragraph (a) by deleting the words "and manually transmit" and substituting therefor the words "transmit and physically deliver";

(b) by deleting the proposed new subsection (1D) and substituting therefor the following new sub-sections—

"(1D) The Commission shall verify that the results transmitted under this section are an accurate record of the results tallied, verified and declared at the respective polling stations."

"(1DA) Where there is a discrepancy between the electronically transmitted and the physically delivered results, the Commission shall verify the results and the result which is an accurate record of the results tallied, verified and declared at the respective polling station shall prevail.

(c) deleting paragraph (d) and substituting therefor the following new paragraph—

"(d) by deleting sub-section (2) and substituting therefor the following new subsection—

(2) The Chairperson may declare a candidate elected as the President before all the constituencies have transmitted their results if the Commission is satisfied the results that have not been received will not affect the result of the election.

3.6 Clause 7: Use of Technology

277. Clause 7 of the Bill proposes to amend Section 44 of the Elections Act to-

(a) clarify the regulation making powers of the Commission with respect to the use of technology. Presently, Section 44(5) of the Act provides that the Commission shall, in consultation with relevant agencies, institutions and stakeholders, including political parties, make regulations relating to transparent acquisition and disposal of information and communication technology assets and systems; testing and certification of the system; mechanisms for the conduct of a system audit; data storage and information security; data retention and disposal; access to electoral system software source codes; capacity building of staff of the Commission and relevant stakeholders on the use of technology in the electoral process; telecommunication network for voter validation and result transmission; and development, publication and implementation of a disaster recovery and operations continuity plan. The Bill proposes to delete this particular provision and provide for a general power to make regulations for the use of technology;

(b) delete certain subsections under Section 44 which applied to regulations for the use of technology in reference to the first general election after the commencement of the section.

(c) delete subsection (8) which presently provides for the establishment of a technical committee of the Commission consisting of such members and officers of the Commission and such other relevant agencies, institutions or stakeholders to oversee the adoption of technology in the electoral process and implement the use of such technology.

Observations

278. The Committee observes that clause 7 of the Bill proposes to-

(a) amend subsection (5) of section 44 of the Elections Act to exclude political parties as a specifically identified category of stakeholders and to give the Commission the general power to make regulations with respect to the use of technology. This is to ensure that the Commission has the discretion to provide for the most appropriate mechanisms for the use of technology in the electoral process. Further the amendment does not preclude the Commission from consulting political parties, as they are relevant stakeholders.

(b) delete subsection (6) and (7) of section 44 of the Elections Act as these provisions were to be applicable to the election held on 8th August, 2017 and have ceased to have effect;

(c) delete subsection (8) of section 44 which required the establishment of the technical committee on the use of technology, in line with the following findings of the court in ***Kenneth Otieno v Attorney-General & Another (Petition No. 127 of 2017)***. That-

(i) the use of general words such as "relevant agencies, institutions or stakeholders" leaves room for inclusion of people expressly excluded by Article 88(2) of the Constitution from running the affairs of IEBC, and the composition of the committee and the functions given to it threatens the structural independence of IEBC that is guaranteed by the Constitution;

(ii) section 44(8) may be used to involve governmental, political or other partisan influences in the implementation of the electronic electoral processes contrary to Article 249(2) of the Constitution. Our finding therefore is that the effect of section 44(8) contravenes Articles 88 and 249(2) of the Constitution with respect to the independence of IEBC, and is therefore unconstitutional.

Recommendation

279. The Committee therefore recommends that clause 7 of the Bill be retained.

3.7 Clause 8: Complementary Mechanism for Identification of Voters

280. Clause 8 of the Bill proposes to amend section 44A of the Elections Act by removing the reference to section 39 and further by making it discretionary for the Commission to put in place a complementary mechanism for identification of voters.

Observation

281. The proposed amendment to section 39 provides for both electronic and manual transmission (through physical delivery of forms tabulating results), it is therefore necessary to make it mandatory for the independent Electoral and Boundaries Commission to set up a complementary mechanism to ensure that no eligible voter who is registered is left out of voting

Recommendation

282. Delete clause 8 of the Bill therefore retaining section 44 (A) as it is in its present form in the Elections Act.

3.8 Clause 9: Nullification of Elections

283. Clause 9 of the Bill proposes to amend section 83 by providing that-

(a) no election shall be declared to be void by reason of non-compliance with any written law relating to that election if it appears that the election was conducted in accordance with the principles laid down in the Constitution **and** in that written law and that the non-compliance did not affect the result of the election;

(b) a form prescribed by the Act shall not be void by reason of a deviation from the requirements of the form as long as the deviation is not calculated to mislead;

Observations

The Committee observed that-

284. It is necessary to amend section 83 of the Elections to provide that for an election to be invalidated, a petitioner must prove that there was non-compliance with the written law and the constitution and that the non-compliance did not substantially affect the result of the election.

285. The Supreme Court ***(in Raila Odinga & Another v IEBC & 2 others Presidential Petition No. 1 of 2017),*** found that the use of "or" is disjunctive and therefore an election may be invalidated if a petitioner proves either that there was non-compliance with the law and need further demonstrate that the non-compliance affected the result of the election. In reaching this decision the court observed that—

"the Legislature in its wisdom chose the words in Section 83 of the Elections Act and in keeping to our oath, we cannot, to placate any side of the political divide, alter, amend, read into or in any way affect the meaning to be attributed to that section".

286. It is therefore within Parliament's purview to amend section 83 to render the two conditions conjunctive.

1-3-2011

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TENTH PARLIAMENT-FOURTH SESSION

REPORT

OF THE SELECT COMMITTEE ON EQUAL OPPORTUNITY

ON

THE DISTRIBUTION OF WATER BOREHOLES IN THE COUNTRY FOR THE LAST THREE YEARS

FEBRUARY, 2011

1.0 PREFACE

Mr. Speaker Sir, on behalf of the Members of the Select Committee on Equal Opportunity and pursuant to Standing Order No. 181, I would like to take this opportunity to present to the House, the Committee's Report on the distribution of water boreholes drilled countrywide during the last three years

The membership of the Committee comprise of the following:-

The Hon. Mohammed Affey, MP - **(Chairperson)**
The Hon. Joseph Lekuton, MP - **(Vice-Chairperson)**
The Hon. Maison Leshoomo, MP
The Hon. Chesebe Fred Kapondi, MP
The Hon. Luka Kigen, MP
The Hon Francis Chachu Ganya, MP
The Hon. Millie Odhiambo, MP
The Hon. Raphael Letimalo, MP
The Hon. Eng. Ephraim Maina, MP

The functions of this Select Committee as established under Standing Order No. 192 are:-

(a) Monitor and promote measures designed to enhance the equalisation of opportunities and improvement in the quality of life and status of all persons including groups who are marginalised persons on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground;

(b) Investigate, inquire into and report on all matters relating to discrimination or marginalisation of the groups referred to under sub-paragraph (a);

(c) Make proposals to the House including legislative proposals for the protection, equalisation of opportunities and promotion of the welfare of the groups referred to under sub-paragraph (a); and

(d) Examine the activities and administration of all Ministries, departments and statutory bodies in so as they relate to the rights and welfare of the groups referred to under sub-paragraph (a).

Mr. Speaker Sir,

The matter regarding the drilling and distribution of boreholes was referred to the Committee on Equal Opportunity by the House arising out of question No. 313 by **Hon. Francis Chachu Ganya, MP.**

Question:

(a) Could the Minister table the list of boreholes successfully drilled by the Ministry of Water and Irrigation in all 210 constituencies in the last 3 years.

(b) Is the Minister further aware that not a single borehole has been drilled successfully in North-Horr constituency by the Ministry in the last three years; and

(c) What plans does the Ministry have for developing water points in North Horr constituency.

The House was not satisfied with the answer given by the Minister for Water and Irrigation sighting unfairness in the distribution of the boreholes in the country. Consequently, the matter was referred to the Committee on Equal Opportunity in line with its mandate to investigate and report back to the House. The Committee held a meeting with the Minister for Water and Irrigation to shed more light on the matter.

Mr. Speaker Sir

on behalf of the Select Committee on Equal Opportunity, I have the honour and pleasure to present the Committee's Report and recommendation on the distribution of boreholes for consideration and adoption by the House.

Mr. Speaker Sir,

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations on the matter.

Thank you.

Signed.....

Hon. Mohammed Affey, M.P.

Chairman,

Select Committee on Equal Opportunity

Date.....1st March 2011

2.0 DELIBERATIONS ON THE DRILLING & DISTRIBUTION OF BOREHOLES IN THE COUNTRY

2.1. Ministry's mandate and budgetary allocation

The Minister informed the Committee that:-

(i) The Ministry has been allocated Kshs.36,309,606,177 consisting of 32,529,667,077 from development partners for the financial year 2010/2011 to carry out its mandate.

(ii) The mandate of the Ministry of Water and Irrigation is to ensure adequate water supply and sewerage services, irrigation development and water storage. In implementing this mandate, the Ministry is being guided by the wider government development agenda, principle of equitable distribution of resources and affirmative action on marginalized segments of the society like ASAL areas, women and girl child.

(iii) The Ministry's budget utilization aim at providing access and reducing gross national water scarcity for domestic, livestock and irrigation use. This is based on equity, most feasible method of water provision and socio economic consideration. Ministerial budgeting is carried out based on four programmes namely:-

- Water policy and management;
- water supply and sewerage services;
- Water resources management; and
- Water storage and development of irrigation and drainage infrastructure.

(iv) The Ministry implements development programmes which are supported by both Government of Kenya and Development partners. There are also other donor funded projects which are multi-sectoral and targeting specific areas that the Ministry has no

control over. E.g. UNICEF WASH programme which targets 20 ASAL districts on development of boreholes, shallow wells and sand dams.

2.2 Ministry's Achievements in 2009/10 Financial Year

The Minister informed the Committee that:-

(i) The Ministry has provided access to clean drinking water to an additional 2.5 million people, consisting of 1.3 million people in rural areas and 1.2. million people in urban areas. This has been achieved through rehabilitation and expansion of 12 urban and 128 rural water supplies, drilling and equipping of 182 boreholes, and construction and de-silting of 112 water pans and dams.

(ii) Under the economic stimulus programme for the last financial year, 6,500ha was put under irrigation development which produced 185,000 bags of maize and 805,000 bags of rice through the rehabilitation and expansion of Ahero, Bura and Hola irrigation schemes aimed at improving food security.

2.3 Drilling and distribution of boreholes

The Minister informed the Committee that:-

(i) The Ministry's reasons for the disparity in the drilled boreholes was due to the scarcity and uneven distribution of water resources in the country. As a result, the Ministry has always appraised and designed projects that are tailor made to specific areas. For instance, in the high potential areas like Central, Western, parts of the Rift Valley and Coast there are many perennial rivers which form the main sources of water and therefore water programmes utilize these rivers.

(ii) Despite the Ministry's mandate to ensure adequate supply of water and sewerage services, irrigations development and water storage,

not all parts of the country can be provided with water through drilling of boreholes sighting other methods of providing water.

(iii) In the lower potential areas that frequently go through perennial drought like Lower and Upper Eastern, parts of Rift Valley, Coast and North Eastern, the main source of water is ground water exploited through drilling of boreholes, shallow wells and sand dams, supplemented with large/small dams, water pans and water tracking.

(iv) In the high potential areas like Central, Western parts of the Rift Valley and Coast Provinces there are many perennial rivers which form the main sources of water and therefore utilize the rivers.

(v) In places where bore holes were not drilled due to various reasons other water projects were undertaken, distributed by region in 2007/08-2009/10 as indicated in the table below:-

DISTRIBUTION OF BOREHOLES AND OTHER WATER SOURCES/PROJECTS BY REGION FOR FY - 2007/08-2009/10

	Region	No. of Boreholes	Other Water Sources / Projects
1.	North Rift	32	124
2.	Central Rift	11	64
3.	South Rift	46	54
4.	Western	30	121
5.	Nyanza	5	75
6.	Nairobi	66	18
7.	Central	35	77
8.	Upper Eastern	23	32
9.	Central Eastern	3	35
10.	Lower Eastern	89	37
11.	North Eastern	47	56
12.	Coast	25	69

North Rift	-	Turkana, West Pokot, Trans Nzoia, Baringo, Uasin Gishu, Elgeyo Marakwet
Central Rift	-	Samburu, Laikipia, Nakuru
South Rift	-	Nandi, Kericho, Narok, Kajiado, Bomet
Western	-	Bungoma, Busia, Kakamega, Vihiga
Nyanza	-	Kisumu, Migori, Kisii, Nyamira, Siaya, Homabay
Nairobi	-	Nairobi
Central	-	Nyeri, Kirinyaga, Muranga, Kiambu, Nyandarua
Upper Eastern	-	Marsabit, Isiolo
Central Eastern	-	Meru, Tharaka Nithi, Embu
Lower Eastern	-	Kitui, Machakos, Makueni
North Eastern	-	Mandera, Wajir, Garissa
Coast	-	Malindi, Kilifi, Taita-Taveta, Lamu, Mombasa, Kwale

2.4. DISTRIBUTIONOF BOREHOLES COUNTRYWIDE IN THE LAST THREE YEARS

The Minister informed the Committee that the Ministry of Water and Irrigation has drilled 412 boreholes countrywide in the last three years and in the 210 constituencies in particular as indicated in the table below.

BOREHOLES DRILLED IN THE LAST THREE YEARS IN 210 CONSTITUENCIES

No.	Borehole site	District	Constituency	Status/Condition	Funding Agency
1.	Mabole Secondary	Butere	Butere	Operational	GOK
2.	Bumamu	Butere	Butere	Operational	GOK
3.	Bukura market	Butere	Butere	Operational	GOK
4.	Bukura	Butere	Butere	Operational	GOK
5.	Butere A.P Camp	Butere	Butere	Operational	GOK
6.	Emukangu	Butere	Butere	Operational	GOK

7.	Mumias D.C office	Mumias	Mumias	Operational	GOK
8.	Endo health centre	Marakwet	Marakwet East	Not equipped	GOK
9.	Koitilial	Marakwet	Marakwet East	Not equipped	GOK
10.	Barberi	Marakwet	Marakwet East	Operational	GOK
11.	Chepkum	Marakwet	Marakwet East	Operational	GOK
12.	Tot health centre	Marakwet	Marakwet East	Operational	GOK
13.	Queen of peace	Marakwet	Marakwet East	Operational	GOK
14.	Malanga	Butula	Butula	Operational	GOK
15.	Busia Prison	Busia	Nambale	Operational	GOK
16.	Esikulu/Nasikina	Busia	Nambale	Operational	GOK
17.	Webuye MTC	Bungoma East	Webuye	Operational	GOK
18.	Lukusi	Bungoma East	Webuye	Operational	GOK
19.	Yasulwe	Bungoma East	Webuye	Operational	GOK
20.	Matulo	Bungoma East	Webuye	Operational	GOK
21.	Makhese	Bungoma East	Webuye	Operational	GOK
22.	Khayega	Kakamega East	Shinyalu	Operational	GOK
23.	Mukulusi village	Kakamega East	Shinyalu	Operational	GOK
24.	Mukulusi Primary	Kakamega East	Shinyalu	Not equipped	GOK
25.	Shanderema	Kakamega East	Shinyalu	Not equipped	GOK
26.	Sivilie Primary	Kakamega Central	Lurambi	Operational	GOK
27.	Malinya Market	Kakamega South	Ikolomani	Operational	GOK
28.	Bushiangala Secondary	Kakamega South	Ikolomani	Not equipped	GOK
29.	Chemonei	Eldoret West	Eldoret North	Operational	GOK
30.	Cheptiret Secondary	Eldoret South	Eldoret South	Dry	GOK
31.	St Mary's Tarakwa	Wareng'	Eldoret South	Operational	GOK
32.	Chepteret	Tarakwa	Eldoret south	Dry	GOK

33.	Kaplamai Primary	Transnzoia East	Cherengani	Operational	GOK
34.	Gideal/ Kobos	Kwanza	Kwanza	Operational	GOK
35.	Goseta Sec	Kwanza	Kwanza	Dry	GOK
36.	Munyanja	Samia	Funyula	Operational	GOK
37.	Namunywenda	Samia	Funyula	No power	GOK
38.	Ganjala	Funyula	Funyula	Operational	GOK
39.	Nabuganda Health Centre	Funyula	Funyula	Operational	GOK
40.	Wokape	Bungoma Central	Sirisia	Operational	GOK
41.	Luuya Girls	Bungoma Central	Sirisia	Operational	GOK
42.	Sirisia Town	Sirisia	Sirisia	Operational	GOK
43.	Khosoko	Bungoma Central	Bumula	Operational	GOK
44.	Sandai	Baringo Central	Baringo Central	Not equipped	GOK
45.	Kapkokwon	Baringo Central	Baringo Central	Operational	GOK
46.	Buiwon	Baringo Central	Baringo Central	Not equipped	GOK
47.	Muchongoi	Baringo Central	Baringo Central	Operational	GOK
48.	Chemondoi	Baringo North	Baringo North	Dry	GOK
49.	Koyoin	Baringo North	Baringo North	Not equipped	GOK
50.	Kipsaraman	Baringo North	Baringo North	Not equipped	GOK
51.	Katikit	Baringo East	Baringo East	Not equipped	GOK
52.	Ghatoi	East pokot	Baringo East	Not equipped	GOK
53.	Pombo (Tangulbei)	Baringo East	Baringo East	Not equipped	GOK
54.	Kapriria	Keiyo South	Keiyo South	Operational	GOK

55.	Kapchorwa	Keiyo South	Keiyo South	Operational	GOK
56.	Kaptaren	Keiyo North	Keiyo North	Not equipped	GOK
57.	Chelingwa	Keiyo North	Keiyo North	Operational	GOK
58.	Mindililwo	Keiyo North	Keiyo North	Operational	GOK
59.	Chebonet	Keiyo North	Keiyo North	Not equipped	GOK
60.	Bebogoi	Mogotio	Mogotio	Operational	GOK
61.	Orterit	Mogotio	Mogotio	Not equipped	GOK
62.	Muiya	Mogotio	Mogotio	Not equipped	GOK
63.	Kibias	Eldama Ravine	Eldama Ravine	Operational	GOK
64.	Oterit	Koibatek	Eldama Ravine	Dry	GOK
65.	Amakuriat	Kacheliba	Kacheliba	Not equipped	GOK
66.	Kanyikenyi	Kacheliba	Kacheliba	Operational	GOK
67.	Nakapalimen	Pokot North	Kacheliba	Operational	GOK
68.	Kupolio	Kacheliba	Kacheliba	Operational	GOK
69.	Chemolunjo	Kacheliba	Kacheliba	Operational	GOK
70.	Mai Mahiu 1.	Naivasha	Naivasha	Operational	GOK
71.	Mai Mahiu 2.	Naivasha	Naivasha	Operational	GOK
72.	Naivasha W.S.	Naivasha	Naivasha	Not equipped	GOK
73.	Aitong	Narok South	Narok South	Operational	GOK
74.	Enelerai	Narok South	Narok South	Operational	GOK
75.	Iturben	Narok South	Narok South	Operational	GOK
76.	Oletukat	Narok	Narok South	Not equipped	GOK
77.	Morijo-Loitia	Narok South	Narok South	Operational	GOK
78.	Magwagwa 2	Nyamira	North Mungirango	Not equipped	GOK
79.	Bondo Nyironge	Migori	Migori	Dry	JICA
80.	Kogelo I	Siaya	Alego	Operational	GOK

81.	Kogelo II	Siaya	Alego	Operational	GOK
82.	Barkowino	Bondo	Bondo	Operational	GOK
83.	Mawingo I.D.P Camp	Nyandarua South	Kipiriri	Not equipped	GOK
84.	Mangu	Rongai	Rongai	Not equipped	GOK
85.	Napetaeu	Turkana	Turkana south	Dry	GOK
86.	Nakabaren	Turkana	Turkana south	Operational	GOK
87.	Lodwar Town	Turkana Central	Turkana south	Not equipped	GOK
88.	Kapuus	Turkana Central	Turkana south	Not equipped	GOK
89.	Lodwar W.S.I.	Turkana Central	Turkana Central	Not equipped	GOK
90.	Lodwar W.S.2.	Turkana Central	Turkana Central	Not equipped	GOK
91.	Nasigel	Turkana Central	Turkana Central	Not equipped	GOK
92.	Lekomor	Turkana Central	Turkana Central	Not equipped	GOK
93.	Lokichogio Airport	Turkana North	Turkana North	Operational	GOK
94.	Nadapal	Turkana North	Turkana North	Operational	GOK
95.	Katilu	Turkana South	Turkana South	Operational	GOK
96.	Katilo	Turkana South	Turkana South	Operational	GOK
97.	Elelea	Turkana South	Turkana South	Not equipped	GOK
98.	Losuk	Samburu	Samburu East	Operational	GOK
99.	Chelomboi	Kapenguria	Kapenguria	Operational	GOK
100	Senetwo	Kapenguria	Kapenguria	Operational	GOK
101	Bendera	Kapenguria	Kapenguria	Operational	GOK
102	Kangelen	West Pokot	Kapenguria	Not equipped	GOK
103	Karenger	Kapenguria	Kapenguria	Not equipped	GOK

104	Muchatha	Molo	Molo	Not equipped	GOK
105	Rurii 1	Olkalau	Ol kalau	Operational	GOK
106	Rurii 2	Olkalau	Ol kalau	Operational	GOK
107	Kaeton	Narok North	Narok North	Not equipped	GOK
108	Rotian	Narok North	Narok North	Dry	GOK
109	Enabelbel	Narok	Narok North	Not equipped	GOK
110	Sandai	Baringo Central	Baringo Central	Operational	GOK
111	Sapul Moi	Pokot Central	Sigor	Operational	GOK
112	Buru Buru Secondary	Makadara	Makadara	Operational	GOK
113	Makadara NCC Dispensary	Makadara	Makadara	Operational	GOK
114	Plainsview Primary	Makadara	Makadara	Operational	WORLD BANK
115	St. John's Primary School	Makadara	Makadara	Operational	WORLD BANK
116	NWCPC HQ - borehole	Makadara	Makadara	Operational	GOK
117	Huruma Girls Secondary school	Makadara	Makadara	Operational	GOK
118	Tree Lane	Langata	Langata	Operational	GOK
119	Mbagathi Ridge	Langata	Langata	Operational	GOK
120	Karen C	Langata	Langata	Operational	GOK
121	Langata Women's Prison	Langata	Langata	Operational	GOK
122	Karen -Hardy water compound centre	Langata	Langata	Operational	WORLD BANK
123	Olympic Primary School	Langata	Langata	Operational	WORLD BANK
124	Kongoni Primary	Langata	Langata	Operational	WORLD BANK

125	Kibera Decanting Site-Borehole	Langata	Langata	Operational	WORLD BANK
126	Nyayo High rise	Langata	Langata	Operational	GOK
127	Wilson Airport	Langata	Langata	Operational	GOK
128	Thigio Borehole	Limuru	Limuru	Operational	GOK
129	DO's Office	Kiairia Borehole	Githunguri	Githunguri	Operational
130	Kiunyu Girls	Gatanga	Gatanga	Operational	WORLD BANK
131	Jamhuri Primary	Dagoretti	Dagoretti	Operational	WORLD BANK
132	Dagoretti reservoir tanks	Dagoretti	Dagoretti	Operational	WORLD BANK
133	Ndurarua Primary School	Dagoretti	Dagoretti	Operational	GOK
134	Gichagi borehole	Dagoretti	Dagoretti	Operational	WORLD BANK
135	Gatina Primary School	Dagoretti	Dagoreti	Operational	WORLD BANK
136	Kinyanjui Primary School	Dagoretti	Dagoretti	Operational	WORLD BANK
137	Riruta Primary	Dagoretti	Dagoretti	Operational	WORLD BANK
138	Waithaka chiefs office	Dagoretti	Dagoreti	Operational	GOK
139	Ngando chiefs office	Dagoretti	Dagoretti	Operational	GOK
140	Kabiru Pri School	Dagoretti	Dagoretti	Operational	GOK
141	Joseph Kangethe Pri. School	Dagoretti	Dagoretti	Operational	WORLD BANK
142	Kariokor DO's Office	Starehe	Starehe	Operational	WORLD BANK
143	Jamhuri High School -	Starehe	Starehe	Operational	WORLD BANK
144	Huruma Primary,	Starehe	Starehe	Operational	WORLD BANK

145	Kiboro Primary School	Starehe	Starehe	Operational	WORLD BANK
146	Komarock Primary school	Komarock	Embakasi	Operational	WORLD BANK
147	Ruai Chief's Camp	Ruai	Embakasi	Operational	WORLD BANK
148	Athi Primary School	Kamulu	Embakasi	Operational	WORLD BANK
149	Nyayo Estate - Embakasi	Embakasi	Embakasi	Operational	WORLD BANK
150	Imara Primary School	Kayole	Embakasi	Operational	WORLD BANK
151	Soweto Social Hall	Kayole, Soweto	Embakasi	Operational	WORLD BANK
152	Mihango Primary School -	Mihango	Embakasi	Operational	WORLD BANK
153	New Referral Hospital	Umoja II	Embakasi	Operational	WORLD BANK
154	Outer Ring Road Tank Tower	Donholm	Embakasi	Operational	WORLD BANK
155	Imara Daima chief's camp	Imara Daima	Embakasi	Operational	GOK
156	Rapid Deployment Unit (RDU)	Embakasi	Embakasi	Operational	WORLD BANK
157	Johevah Jire	Kayole Maili Saba	Embakasi	Operational	GOK
158	RuaiVeld	Utawala - Ruai	Embakasi	Operational	GOK
159	Utawala Market	Utawala	Embakasi	Operational	GOK
160	Umoja 1 Dispensary	Embakasi	Embakasi	Operational	WORLD BANK
161	Thawabu Primary School	Embakasi	Embakasi	Operational	GOK
162	Matopeni Primary Kayole	Embakasi	Embakasi	Operational	WORLD BANK
163	Donholm Primary	Embakasi	Embakasi	Operational	WORLD BANK
164	Fedha Estate	Embakasi	Embakasi	Operational	WORLD

					BANK
165	Kiambiu Chief's Office	Kamkunji	Kamkunji	Operational	WORLD BANK
166	Nairobi River Primary	Kamkunji	Kamkunji	Operational	WORLD BANK
167	Kangemi Chief's camp	Westlands	Westlands	Operational	GOK
168	Uthiru chief's office	Westlands	Westlands	Operational	GOK
169	Uthiru Tank	Westlands	Westlands	Operational	WORLD BANK
170	Dandora III Hospital	Kasarani	Kasarani	Operational	WORLD BANK
171	Ushirika High School -	Kasarani	Kasarani	Operational	WORLD BANK
172	Kahawa West Borehole	Kasarani	Kasarani	Operational	WORLD BANK
173	Kiwanja Primary	Kasarani	Kasarani	Operational	WORLD BANK
174	Githurai Primary School	Kasarani	Kasarani	Operational	WORLD BANK
175	Kamiti Prison	Kasarani	Kasarani	Operational	WORLD BANK
176	Marura Primary	Kasarani	Kasarani	Operational	WORLD BANK
177	Kasarani water Tank	Kasarani	Kasarani	Operational	WORLD BANK
178	Mwiki primary school	Kasarani	Kasarani	Operational	GOK
179	Kahawa west – Chiefs Camp	Kasarani	Kasarani	Operational	GOK
180	Mahiga Primary School	Kasarani	Kasarani	Operational	GOK
181	Kiganjo Chiefs Camp	Gatundu South	Gatundu South	Operational	GOK
182	Kimunyu Primary	Gatundu South	Gatundu South	Operational	GOK
183	Kilimambogo	Thika East	Juja	Operational	WORLD

	Borehole				BANK
184	Thika Fourteen Falls	Thika East	Juja	Operational	WORLD BANK
185	Murera Coffee	Ruiru	Juja	Operational	GOK
186	Mangu Borehole	Thika West	Juja	Operational	WORLD BANK
187	Greystone	Thika West	Juja	Operational	GOK
188	Kalimoni	Thika West	Juja	Operational	GOK
189	Waingere	Ruaka	Kiambaa	Operational	GOK
190	Ngumi	Kawaida	Kiambaa	Operational	GOK
191	Ndumberi	Kiambu	Kiambaa	Operational	GOK
192	Gathanga	Karuri	Kiambaa	Operational	GOK
193	Gathanga	Gathanga	Kiambaa	Operational	GOK
194	Kiambaa Kawaida	Kiambu	Kiambaa	Operational	GOK
195	Rwaka Nursery School	Ruaka	Kiambaa	Operational	GOK
196	Thimbigwa Primary	Karuri	Kiambaa	Operational	GOK
197	Rwaka Cattle Dip	Rwaka	Kiambaa	Operational	GOK
198	Kariani	Lari	Lari	Operational	GOK
199	Gathwariga,	Lari	Lari	Operational	GOK
200	Soko Mjinga	Lari	Lari	Operational	GOK
201	Kingatua	Lari	Lari	Operational	GOK
202	Qachacha	Marsabit	Saku	Operational	GOK
203	Karare	Marsabit	Saku	Dry	GOK
204	Dribgobo 3	Marsabit	Saku	Dry	GOK
205	Dribgobo 4	Marsabit	Saku	Dry	GOK
206	Kabibanya	Marsabit	Saku	Not equipped	GOK
207	Nahagan/Martaba	Marsabit South	laisamis	Not equipped	GOK
208	Indikir	Marabit south	laisamis	Operational	GOK

209	Sakadala	Marsabit South	laisamis	operational	GOK
210	Lengima	Marsabit South	laisamis	operational	GOK
211	laisamis	Marsabit south	laisamis	operational	GOK
212	Arge	Marsabit south	laisamis	operational	GOK
213	Lagga fereji	Marsabit south	laisamis	operational	GOK
214	Lukumai	Marsabit south	laisamis	operational	GOK
215	Kargi	Laisamis	Laisamis	Operational	GOK
216	Lengima II	Laisamis	Laisamis	Operational	GOK
217	Torbi	North Horr	North Horr	operational	GOK
218	Shurr 1	North Horr	"	operational	GOK
219	Shurr 2	North Horr	"	operational	GOK
220	Shurr 3	North Horr	"	operational	GOK
221	Bobisa	North Horr	"	operational	GOK
222	Dosa Wacha	North Horr	"	operational	GOK
223	Elhadi	North Horr	"	Dry	GOK
224	Burgabo	North Horr	"	Dry	GOK
225	Olla	Mandera North	Mandera North	Operational	GOK
226	Kubi	Mandera North	"	Operational	GOK
227	Shurshi	Mandera North	"	Operational	GOK
228	Qarsadamu	Mandera central	"	Operational	GOK
229	Sarohindi	Mandera East	Mandera East	Operational	GOK
230	Omar Jillo	Mandera East	"	Operational	GOK
231	Kamor Urban	Mandera East	"	Operational	GOK
232	Hareri Hosle	Mandera East	"	Operational	GOK
233	Kabo	Mandera East	"	Operational	GOK
234	Alango	Mandera East	"	Operational	GOK
235	Libehiya	Mandera East	"	Operational	GOK
236	Bambo 11	Mandera East	"	Operational	GOK
237	Qumbiso	Mandera East	"	Operational	GOK
238	Garbagolei	Mandera East	"	Operational	GOK
239	Mandera Urban	Mandera East	"	Operational	GOK

240	Burabor	Mandera East	"	Operational	GOK/UN ICEF
241	Bella	Mandera East	"	Operational	GOK/UN ICEF
242	Gedudia	Mandera East	"	Operational	GOK/UN ICEF
243	Odha	Mandera East	"	Operational	GOK
244	Farey	Mandera East	"	Operational	GOK
245	Karo	Mandera East	"	Operational	GOK
246	Wangaidahan 1	Mandera West	Mandera West	Not equipped	GOK
247	Wangaidahan II	"	"	Operational	GOK
248	Takaba	"	"	Operational	GOK
249	Takaba II	"	"	Operational	GOK
250	Danaba	"	"	Not equipped	GOK
251	Banderema	Moyale	Moyale	Dry	GOK
252	Sololo	Moyale	Moyale	Dry	GOK
253	Watiti	Moyale	Moyale	Dry	GOK
254	Yaballo	Moyale	Moyale	Dry	GOK
255	Yaballo II	Moyale	Moyale	Dry	GOK
256	Elborr	Moyale	Moyale	Dry	GOK
257	Sololo	Moyale	Moyale	operational	GOK
258	Sololo (Bandalelo)	Moyale	Moyale	operational	GOK
259	Hagarbul 1	Lagdera	Lagdera	Dry	GOK
260	Mathagisi	Lagdera	Lagdera	Operational	GOK
261	Gurfa	Lagdera	Lagdera	Operational	GOK
262	Damajale	Lagdera	Lagdera	Operational	GOK
263	Bahuri	Lagdera	Lagdera	Operational	GOK
264	Saretho-5	Garissa	Lagdera	Operational	GOK
265	Shimbley	Garissa	Dujis	Operational	GOK
266	Abdi Senet 1	Garissa	Dujis	Operational	GOK
267	Abdi Senet II	Garissa	Dujis	Operational	GOK

268	Abdi Senet III	Garissa	Dujis	Operational	GOK
269	Katama II	Fafi	Fafi	Operational	GOK
270	Machesa III	Wajir South	Wajir South	Operational	GOK
271	Airport	Wajir East	Wajir East	Operational	GOK
272	Lunga lunga	Msambweni	Msambweni	Operational	GOK
273	Matuga Girls	Mwatate	Matuga	Operational	GOK
274	Tiwi E	Kwale	Matuga	Operational	GOK
275	Mkongani	Kilifi	Kilifi	Operational	GOK
276	Kizingo	Kilifi	Bahari	Not equipped	GOK
277	Dzihoshe	Kilifi	Bahari	Not equipped	GOK
278	Mkongani	Kilifi	Bahari	Operational	GOK
279	Bura Zare	Mwatate	Mwatate	Operational	GOK
280	Mwanachi setl. 1	Mwatate	Mwatate	Not equipped	GOK
281	Alia	Mwatate	Mwatate	Operational	GOK
282	Kirumbi	Mwatate	Mwatate	Operational	GOK
283	Nyolo	Mwatate	Mwatate	Operational	GOK
284	Mulunguni	Magarini	Magarini	Operational	GOK
285	Kakimwaita	Taita	Wundanyi	Operational	GOK
286	Mitangani Rima	Ganze	Ganze	Operational	GOK
287	Mwahera Pry	Ganze	Ganze	Operational	GOK
288	Kinarani Disp	Kaloleni	Kaloleni	Operational	GOK
289	Haroresa	Tana River	Galole	Operational	GOK
290	Waldena	Tana River	Galole	Dry	GOK
291	Challa	Taveta	Taveta	Operational	GOK
292	Kabanga Ranch I	Taveta	Taveta	Dry	GOK
293	Kabanga Ranch II	Taveta	Taveta	Dry	GOK
294	Kabanga Ranch III	Taveta	Taveta	Dry	GOK
295	Kone	Tana Delta	Garsen	Not equipped	GOK

296	Haroresa	Tana River	Bura	Dry	GOK
297	Olorika	Kajiado	Kajiado	Not equipped	GOK
298	Oldule	Loitoktok	Loitoktok	Not equipped	GOK
299	Oloitoktok	Kajiado	Kajiado	Operational	GOK
300	Ngatataek	Kajiado central	Kajiado Central	Operational	GOK
301	Ilmamen Farm	Kajiado Central	Kajiado Central	Operational	GOK
302	Imaroro 2	Kajiado Central	Kajiado Central	Dry	GOK
303	Makueni boys sec	Makueni	Makueni	Operational	GOK
304	Mbitini	Makueni	Makueni	Operational	GOK
305	Katana	Mutomo	Kitui South	Not Equipped	GOK
306	Kalyambeu	Mwala	Mwala	Not equipped	GOK
307	Mbaani	"	"	Operational	GOK
308	Kaloleni	"	"	Operational	GOK
309	Matinyani	Kitui West	Kitui West	Operational	GOK
310	Kitamwiki	"	"	"	GOK
311	Kamutei	"	"	"	GOK
312	Katutu	Kitui West	Kitui West	Not equipped	GOK
313	Muvitha	"	"	Not equipped	GOK
314	Kyaithani	"	"	Dry	GOK
315	Kavuta	"	"	Operational	GOK
316	Kiseuni	"	"	Operational	GOK
317	Mutune	Kitui Central	Kitui Central	Operational	GOK
318	Mbooni	Kitui Central	Kitui Central	Operational	GOK
319	Wanzua	"	"	Operational	GOK
320	Musyua	"	"	Operational	GOK

321	Kyambiti Sec	Kitui Central	Kitui Central	Not equipped	GOK
322	Kanzau	"	"	Not equipped	GOK
323	Ivingoni/Makutano	Kibwezi	Kibwezi	Not equipped	GOK
324	Ivingoni	"	"	Operational	GOK
325	Utu	"	"	Not equipped	CDF
326	Thua Secondary	Mutito	Mutito	Not equipped	GOK
327	Kasunguni	"	"	Dry	GOK
328	Kosovo	Athi-River	Kathiani	Operational	GOK
329	Makadara	"	"	Operational	GOK
330	Syokimau	"	"	Operational	GOK
331	Utawala	"	"	Operational	GOK
332	Embakasi	"	"	Operational	GOK
333	Kiangini	"	"	Operational	GOK
334	Ngalalya	Kangundo	Kangundo	Operational	GOK
335	Kangundo hospital	"	"	Operational	GOK
336	Kavilinguni	"	"	Operational	GOK
337	Katheini	"	"	Operational	GOK
338	Iia Itune	"	"	Operational	GOK
339	Maiuni	"	"	Operational	GOK
340	Ngiini	Kangundo	Kangundo	Operational	GOK
341	Syuuni	Mbooni west	Mbooni	Operational	GOK
342	Munyuuka	Mbooni west	Mbooni	Operational	GOK
343	Kakuswi	"	"	Operational	GOK
344	Kimela	Kyuso	Mwingi North	Operational	GOK
345	Sosoma	"	"	Operational	GOK
346	Mitamisyi Kanzui	"	"	operational	GOK
347	Muumoni	"	"	Not equipped	GOK

348	Karumu	Tseikuru	"	Operational	GOK
349	Tseikuru Secondary	"	"	Operational	GOK
350	Muna	"	"	Operational	GOK
351	Kaningo	"	"	Operational	GOK
352	Mandongoi	"	"	Dry	GOK
353	Misai	Mwingi East	Mwingi South	Operational	GOK
354	Kwa Makusi	"	"	Operational	GOK
355	Kalitini	"	"	Operational	GOK
356	Tuvaani	"	"	Dry	GOK
357	Nzeluni Girls	"	"	Not equipped	GOK
358	Miwani Market	"	"	Not equipped	GOK
359	Inyonywe	Mukaa	Kilome	Not equipped	GOK
360	Aimi ma kilungu	"	"	Operational	GOK
361	Kwakea	"	"	Operational	GOK
362	Munyiiki	Masinga	Masinga	Operational	GOK
363	Musingini	"	"	Operational	NGO
364	Simisi	Mutomo	Kitui South	Operational	GOK
365	Ilusya 1	"	"	Operational	GOK
366	Ilusya 2	"	"	Operational	GOK
367	Ilusya 3	"	"	Operational	GOK
368	Mbitini	"	"	Operational	GOK
369	Wanzauni	"	"	Operational	GOK
370	Mikuyuni	"	"	Not equipped	GOK
371	Senda	"	"	Operational	GOK
372	Malivani	"	"	Not equipped	GOK
373	Kiteta Girls Secondary	Mbooni East	Mbooni	Operational	GOK

374	Kaliini	"	"	Operational	GOK
375	Itaava	"	"	Not equipped	GOK
376	Mukimwani	Mbooni East	Mbooni	Operational	GOK
377	Kakuswi	Mbooni East	Mbooni	Operational	GOK
378	Matiliku	Mbooni East	Mbooni	Operational	GOK
379	Iipolosat	Kajiado North	Kajiado North	Operational	GOK
380	Naserian	"	"	Operational	GOK
381	Kibiko	"	"	Operational	GOK
382	Olekasaai	"	"	Operational	GOK
383	Olosirikon	"	"	Operational	GOK
384	Narumoru	"	"	Operational	GOK
385	Olturoto	"	"	Operational	GOK
386	Enkutote Empash	"	"	On going	GOK
387	Kahara	"	"	Operational	GOK
388	Kitengela township	"	"	Not equipped	GOK
389	Merisho	"	"	Operational	GOK
390	Ngong	"	"	Operational	GOK
391	Kithimani	Yatta	Yatta	Operational	GOK
392	Kyua/Mlolongo	Yatta	Yatta	Operational	GOK
393	Matuu health centre	"	"	Operational	GOK
394	Ianguni	"	"	Operational	GOK
395	Bisil	"	"	Operational	GOK
396	Utawala	Machakos	Machakos central	Operational	GOK
397	Machakos MTC	"	"	Operational	GOK
398	Kwakala	"	"	Operational	GOK
399	Kalama	"	□□Operationa	Operational	GOK
400	Wendano Wa Utiithi	"	"	Operational	GOK
401	Kyumbi	"	"	Operational	GOK

402	Loolkil	Tigania East	Tigania East	Not equipped	GOK
403	Lubunu	Tigania west	Tigania west	Not equipped	GOK
404	Gaturiri community	Kieni east	Kieni	Not equipped	GOK
405	Kinyaiti	Kieni east	Kieni	Not equipped	GOK
406	Kabati	Nyeri north	Kieni	Not equipped.	GOK
407	Giteero	Nyeri north	Kieni	Not equipped	GOK
408	Kimicha GSU camp	Igeembe north	Igeembe north	Dry	GOK
409	Kahuhia Girls Sec.	Murang'a north	Kiharu	Dry	GOK
410	Kiria	Muranga East	Kiharu	Operational	GOK
411	Nguthuru	Murang'a south	Maragwa	Operational	GOK
412	Gitura/Gaicanjiru	Kandara	Kandara	operational	GOK

2.5. WATER SUPPLY PROJECTS ALLOCATIONS PER COUNTY FOR THE LAST TWO YEARS

	COUNTY	AMOUNT ALLOCATED IN MILLIONS KSHS.
1	**Kiambu**	**972.6**
2.	**Muranga**	**151.1**
3.	**Nairobi**	**7,000**
4.	**Trans Nzoia**	**117.8**
5.	**Uasin Gishu**	**170.4**
6.	**Elgeyo Marakwet**	**68.4**
7.	**Bungoma**	**271.55**

8.	Busia	197.18
9.	Nandi	76.52
10.	Vihiga	88.92
11.	Kakamega	392.84
12.	Bomet	78.10
13.	Homabay	346.5
14.	Kericho	150.92
15.	Kisii	298.15
16.	Kisumu	724.89
17.	Migori	59.87
18.	Siaya	551.40
19.	Garissa	724.20
20.	Isiolo	56.30
21.	Wajir	98
22.	Samburu	61.8
23.	Marsabit	443.44
24.	Mandera	107.7
25.	Laikipia	128.31
26.	Embu	48.27
27.	Kirinyaga	28
28.	Meru	187.3
29.	Nyeri	429.3
30.	Tharaka	300

31.	Kitui	248.02
32.	Machakos	467.1
33.	Makueni	38.5
34.	Kajiado	27.5
35.	Baringo	120.88
36.	Narok	62.01
37.	West Pokot	111.54
38.	Nakuru	109.63
39.	Nyandarua	254.98
40.	Elgeyo Marakwet	21.78
41.	Turkana	67.03
42.	Kilifi	461.24
43.	Kwale	66.4
44.	Tana River	62.73
45.	Taita Taveta	95.20
46.	Mombasa	393.50
47.	Lamu	46

2.6. RESOURCE DISTRIBUTION FOR F/Y 2009/10-2010/11

No.	REGION	AMOUNT IN BILLIONS 2009-10	AMOUNT IN BILLIONS 2010-11
1.	North Rift	1.19	0.94
2.	Western	3.85	1.82

3.	Nyanza	1.8	3.1
4.	Central Rift	1.03	0.66
5.	South Rift	0.53	1.45
6.	Nairobi	3.44	4.69
7.	Coast	1.46	5.97
8.	Lower Eastern	0.86	1.87
9.	Central	0.61	1.45
10.	Central Eastern	0.75	1.17
11.	North Eastern	0.96	1.39
12.	Upper Eastern	0.56	1.40

2.7 CHALLENGES FACING THE MINISTRY OF WATER & IRRIGATION

The Minister informed the Committee that Ministry was facing the following challenges in the execution of its mandate:-

- Declining water resources availability due to catchment degradation and climate change.
- Increased pollution of water sources caused by commercial farming and industrial growth.
- High operation and maintenance cost for water services due to high cost of energy.
- Lack of investment in water storage resulting to increased water insecurity.
- Low funding on sector programmes.

3.0 COMMITTEE'S OBSERVATIONS

(i) The Committee observed that the ministry had allocated resources for drilling of boreholes Country wide, However the Committee was unable to establish whether actual drilling of boreholes were undertaken.

(ii) The Committee also observed that 30% of the boreholes drilled in the country were in the Lower Eastern on the country.

(iii) The Committee further observed that the funding by other development partners have not been equally distributed to all the needy regions in the country.

4.0. COMMITTEE'S RECOMMENDATIONS

The Committee unanimously agreed that the Ministry of Water and Irrigation has done a commendable job in carrying out its mandate of providing water to the citizens of Kenya and recommends that:-

(i) The Ministry should be given more allocation of funds to enable it carry out its mandate.

(ii) The Ministry should continue to develop water projects using the most suitable water sources either ground water or surface water equitably. However, there should be affirmative action in allocation of financial resources in areas with permanent water shortage like ASAL areas, specifically Samburu East, Sigor, East Pokot, Wajir South e.t.c.

(iii) The Ministry should carry out extensive research to know the water potential resources of each region to be able to identify the right projects to provide water. Some regions were largely left out in the drilling of boreholes and that the Ministry should use other

methods of providing water like the rock water catchment, water pans e.t.c.

(iv) Given the disparity in the drilling of boreholes more resources should be allocated for drilling of boreholes in regions which have traditionally relied on boreholes to improve access to water in such regions.

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MINUTES OF THE SECOND SITTING OF THE COMMITTEE ON EQUAL OPPORTUNITY HELD ON THURSDAY 24th FEBRUARY, 2011 IN MEMBERS LOUNGE, PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

Hon: Mohammed Affey, M.P **(Chairman)**

Hon: Millie odhiambo- Mabona,M.P

Hon: Raphael Lakalei Letimalo, M.P

ABSENT WITH APOLOGY

Hon: Joseph Lekuton, M.P **(Vice-Chairman)**

Hon: Maison Leshoomo, M.P

Hon: Francis Chachu Ganya, M.P

Hon: Luka kipkorir Kigen, M.P

Hon: Ephraim Maina, M.P

Hon: Chesebe Fred Kapondi, M.P

NATIONAL ASSEMBLY

Florence Abonyo - First Clerk Assistant

Abdullahi Aden - Third Clerk Assistant

Rose Mudibo - Protocol Officer

MIN NO 6/2011 **REPLACEMENT OF A COMMITTEE MEMBER**

The Committee resolved to report to the Liaison Committee the matter regarding the replacement of Hon. Ephrahim Maina, MP as a Committee Member pursuant to Standing Order No. 169.

MIN NO 07/2011 **ADOPTION OF REPORT**

The Committee unanimously agreed and adopted the report on the distribution of boreholes countrywide for the last three year.

MIN. NO 8/2011 **ANY OTHER BUSINESS**

(i) The Committee agreed to go for a retreat to deliberate on the following pending reports;

- Committee visit to Rwanda and Uganda
- Committee visit to Denmark and Finland

(ii) The Committee resolved to undertake study tours to the following countries:-

- Parliament of United Kingdom
- Parliament of Cuba

MIN.NO 9/2011 **ADJOURNMENT**

The Chairman adjourned the meeting at Forty Five Minutes past Eleven O' Clock.

SIGNED.....

CHAIRPERSON

DATE...1st March 2011.....

MINUTES OF THE TWENTY SEVENTH SITTING OF THE COMMITTEE ON EQUAL OPPORTUNITY HELD ON THURSDAY, 21ST OCTOBER 2010, IN THE COMMITTEE ROOM ON 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT

The Hon. Mohamed Abdi Affey, M.P. (Chairman)

The Hon. Joseph Lekuton, M.P. (Vice Chairman)

The Hon. Luka Kigen, M.P.

The Hon. Raphael Letimalo, M.P.

ABSENT WITH APOLOGY

The Hon. Ephraim Maina, M.P.

The Hon. Millie Odhiambo, M.P.

The Hon. Fred Chesebe Kapondi, M.P.

The Hon. Francis Chachu Ganya, M.P.

The Hon. Maison Leshoomo, M.P.

MINISTRY OF WATER

Hon. Charity Ngilu, E.G.H., M.P.	-	Minister for Water
Eng. David Stower, C.B.S., O.G.W.	-	Permanent Secretary Ministry of Water
Eng. Lawrence. N. Simitu	-	Director, Water Services
John Rao Nyaoro	-	Director of Water Resources
Eng. Petronilla. A. Ogut	-	MD / National Water Conservation and Pipeline Cooperation
Peter. M. Musura	-	Economist
Eng. Robinson. K. Gaita	-	Director, Irrigation
Eng. D. K. Barasa	-	General Manager, National

		Irrigation Board
Eng. Richard Karuri	-	MWI / IDWS
Rose Nyaga	-	Ag. Chief Executive Officer, Arthi Water Services Board

KENYA NATIONAL ASSEMBLY

Ms. Rose Mudibo - Secretary

Mr. Abdullahi Aden - Clerk Assistant

MIN NO. 111/2010 **PRAYER**

The Chairman called the meeting to order at 10.30 a.m. followed by a word of prayer.

MIN NO. 112/2010 **INTRODUCTION**

The Chairman introduced the Members of the Committee to the delegation and gave the Minister a chance to do the same of the accompanying delegation.

MIN NO. 113/2010 **BRIEFING BY THE CHAIRMAN**

The Chairman welcomed the Members of the Committee and the delegation from the Ministry of Water. He further apologized to the delegation for the many times the meeting had been postponed and thanked them for hounouring the invitation. The Chairman also took the delegation through the mandate of the Committee and why the meeting had been called having been initiated by a question from the Hon. Francis Chachu Ganya, M.P. on the floor of the House on 1st September, 2010, and later referred to the Committee for further investigations due to an unsatisfactory answer.

MIN NO. 114/2010 **BRIEFING BY THE MINISTER FOR WATER**

- The Committee was informed that the Mandate of the Ministry of water is to ensure adequate supply of water and sewerage services, irrigation development and water storage. It was also informed that the Ministry is guided by the wider

government development agenda, principle of equitable distribution of resources and affirmative action on marginalized segments of the society like in ASAL areas, women and girl child.

- That the Ministry's budget utilization aim at providing access and reducing gross national water scarcity for domestic, livestock and irrigation use, which is based on equity, most feasible method of water provision and socio economic consideration.
- That ministerial budgeting is carried out based on four programmes namely water policy and management, water supply and sewerage services, water resources management and water storage and development of irrigation and drainage infrastructure.
- That the Ministry implements development programmes which are supported by both GoK and Development partners. There are also other donor projects which are multi-sectoral and targeting specific areas that the Ministry may not have total control over. i.e. UNICEF WASH programme targets 20 ASAL districts on development of boreholes, shallow wells and sand dams.

The Minister informed the Committee that the Ministry faces some challenges amongst them:-

- Declining water resources availability due to catchment degradation and climate change.
- Increased pollution of water sources caused by commercial farming and industrial growth.
- High operation and maintenance cost for water services due to high energy costs.
- Lack of investment in water storage resulting in increased water insecurity.
- Low funding on sector programmes.

The Minister highlighted to the Committee some of the achievements made by the Ministry amongst them:-

- That in 2009/10 FY, the Ministry has provided access to clean drinking water to an additional 2.5 million people, consisting of 1.3 million people in rural areas and 1.2 million people in urban areas, achieved through rehabilitation and expansion of 12 urban and 128 rural water supplies, drilling and equipping of 182 boreholes, and construction and desilting of 112 water pans and dams.
- That irrigation development, under the economic stimulus programme, for last financial year, 6,500ha was put under irrigation which produced 185,000 bags of maize and 805,000 bags of rice through the rehabilitation and expansion of Ahero, Bura and Hola irrigation schemes aimed at improving food security.

The Committee was informed that in the budgetary allocation of 2010/2011, the Ministry has been allocated Kshs36,309,606,177 consisting of Kshs32,529,667,077 development and Kshs3,779,939,100 recurrent, which consist of both Government of Kenya and development partners contributions.

MIN NO.115/2010 **BOREHOLES DRILLED IN THE COUNTRY.**

The Committee brought to the attention of the Minister the intention and concern of the House on the issue of the distribution of boreholes in the country raising the following questions.

- Why is it that 30% of boreholes drilled in the country for the last three years were in the Lower Eastern?
- The Minister was also required to confirm if the list she had provided to the Committee on distribution of boreholes was the same she had provided to the House on the 1st of September, 2010.

- The Members also sought to know from the Minister if she was satisfied that the distribution of boreholes was equal opportunity compliant in the country.
- The Committee was also interested to know whether there were other areas that deserved similar attention as the Lower Eastern.
- What criteria determine what allocation of resources an area gets?
- What informs the Ministry that an area cannot be drilled?

MIN NO.116 2010 **MINISTER'S RESPONSE**

In her response the Minister felt that the question put to her Ministry was skewed and explained that not all parts of the country could be provided with water through drilling of boreholes. She further informed the Committee that the Ministry has always appraised and designed projects that are tailor made to specific areas i.e.

- In the high potential areas like Central, Western, parts of Rift Valley and Coast there are many perennial rivers which form the main sources of water and therefore utilize the rivers.
- That in lower potential areas that frequently go through perennial drought like Lower and Upper Eastern, parts of Rift Valley, Coast and North Eastern, the Main source of water is ground water exploited through drilling of boreholes, shallow wells and sand dams, supplemented with large/small dams, water pans and water tracking.
- The Minister apologized to the Committee that the list provided to the House on 1st of September, 2010 was not up to date, hence the one given to the Committee had been slightly updated.
- The Minister was categorical that she was satisfied that the distribution of boreholes was equal putting in consideration that boreholes can only be drilled in some

areas. She further explained that the Ministry had drilled boreholes in some areas and yielded no water or salty water and the Ministry then had to look for other sources. The Minister said that boreholes drilled had no direct bearing on levels of financial allocation on region by region basis.

- The Minister agreed that 'yes' there are other areas that needed similar attention as the Lower Eastern, but that studies had shown that the area has more potential of ground water which was exploited by the Ministry.
- On the criteria for allocation of funds, the Minister said that the Ministry exercises affirmative action in financial resources, i.e. in high potential areas in the current financial year, the Ministry will spend Kshs684 per capita to implement projects while in the same period it will spendKshs1121 per capita in ASAL areas. Therefore the per capita expenditure in ASAL areas is almost double that in high potential areas.
- The Minister told the Committee that the Ministry has qualified experts who assess to determine whether an area has the potential of underground water before embarking on a project.

MIN NO. 117/2010 **COMMENTS FROM THE COMMITTEE**

- The Committee requested the Minister to provide it with a detailed report showing the distribution of water resources apart from drilling of boreholes, in all the constituencies in the country within a week.
- Committee advised the Minister that in future the Ministry should give advice to the donor partners on where resources were most required.

MIN. NO. 118/2010 **PRESENTATION**

The Minister gave a presentation on slide form of what the Ministry had been doing to help distribute and provide water in the country.

MIN.NO. 119/2010 **ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting at 11.45 a.m.

SIGNED:.....
(CHAIRPERSON)

DATE: 16/11/2010

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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT (FIRST SESSION)

THE SELECT COMMITTEE ON ELECTION LAWS, 2017

REPORT OF THE SELECT COMMITTEE ON THE CONSIDERATION OF THE ELECTION LAWS (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILLS NO. 39 OF 2017)

VOLUME 1

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ABBREVIATIONS AND ACRONYMS

AIC	African Inland Church
CA	Communications Authority of Kenya
CBK	Central Bank of Kenya
CEO	Chief Executive Officer
CISA	Certified Information Systems Auditor
CMD	Centre for Multi- Party Democracy
CPA	Certified Public Accountant
CTC	Constituency Tallying Center
EGH	Elder of the Order of the Golden Heart
ENG.	Engineer
FORD	Forum for Restoration of Democracy
HCK	Hindu Council of Kenya
ICPAK	Institute of Certified Public Accountants of Kenya
ICT	Information and Communication Technology
ICTAK	Information Communication Technology Association of Kenya
ID	Identification
IEBC	Independent Electoral and Boundaries Commission
IFMIS	Integrated Financial Management Information Systems
IRCK	Inter- Religious Council of Kenya
HON	Honourable
KANU	Kenya African National Union

KCCB	Kenya Conference of Catholic Bishops
KICTA-Net	Kenya ICT Action Network
KIEMS	Kenya Integrated Elections Management Systems
KNCHR	Kenya National Commission on Human Rights
KNNCI	Kenya National Chamber of Commerce and Industry
MAWE	Maendeleo ya Wanaume
MP	Member of Parliament
MYWO	Maendeleo ya Wanawake Organization
NARC	National Rainbow Coalition
NASA	National Super Alliance
NCCK	National Council of Churches of Kenya
NMLF	National Muslim Leaders Forum
NTC	National Tallying Centre
SDA	Seventh Day Adventists
SEN.	Senator
SUPKEM	Supreme Council of Kenya Muslims
UKAI	Ukambani Agricultural Institute

PREFACE

Mr. Speaker Sir,

Honourable Members will recall that on 28th September, 2017, the National Assembly approved a Motion that established a Select Committee on Election Laws, 2017 pursuant to Standing Order 127 to deliberate on the Election Laws (Amendment) Bill, (National Assembly Bills No. 39 of 2017).

The Bill was read a first time in the National Assembly on 28th September, 2017 and, pursuant to Standing Order 127 stood committed to the Select Committee on the Election Laws, 2017 for consideration and public participation.

Mandate of the Select Committee on the Election Laws, 2017

The Select Committee on the Election Laws, 2017 is mandated to examine and undertake public participation on the Election Laws (Amendment) Bill (National Assembly Bills No. 39 of 2017) and any other related Bills and report to the House on or before Tuesday, 10th October, 2017.

Joint Sitting with the Senate Select Committee on Election Laws (Amendment) Bill, 2017

In a sitting held on 30th September, 2017, the Select Committee resolved to hold joint sittings with the Senate Select Committee on Election Laws (Amendment) Bill, 2017. Standing Order 202A of the National Assembly Standing Orders and Standing Order 218 of the Senate Standing Orders provide for Joint Sittings. Noting that the two select committees have a similar mandate, the select committees of the Houses deemed it fit to hold Joint Sittings.

Mr. Speaker Sir,

The Select Committee on the Election Laws, 2017, pursuant to Article 118 of the Constitution and Standing Order 127 of the National Assembly Standing Orders, invited submissions from the public and stakeholders in an advertisement in the Daily Nation and Standard Newspapers dated 29th September 2017 (***Annex 3).*** Following the resolution to hold a joint sitting, the Select Committees of the National Assembly and Senate on the Election Laws (Amendment) Bill, 2017, pursuant to Article 118 of the Constitution, Standing Order127 of the National Assembly Standing Orders and Standing Order 134 of

the Senate Standing Orders, invited submissions from the public and stakeholders in an advertisement in the Daily Nation and Standard Newspapers dated 1st October 2017 (*Annex 4).* In addition the proceedings of the Select Committees were aired live by various media houses with nation-wide coverage.

The Select Committees of the National Assembly and the Senate on the Election Laws (Amendment Bill), 2017 thereafter held public hearings and received submissions of written memoranda from the public and stakeholders between 3rd October, 2017 and 5th October, 2017. A total of one hundred and eighty five (185) oral presentations and written submissions, and a further sixty (60) memoranda were received from members of the public, constitutional commissions, the business community, civil society, religious groups, political parties, among other stakeholders through the Offices of the Clerks of the National Assembly and the Senate.

Thereafter, the Select Committee proceeded for a report writing retreat which provided the opportunity to consider the submissions of the public and stakeholders and to further draft, consider and approve its Report.

Acknowledgement

The Select Committee on the Election Laws, 2017 wishes to thank the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it during the consideration of these critical Bills especially in the conduct of public hearings and preparation of this report.

The Select Committee also wishes to extend its appreciation for the overwhelming participation by the members of the public, institutions and organisations who appeared before the Committees and/or submitted Memoranda.

The Select Committee also acknowledges the members of the public who have keenly followed the deliberations of the Select Committee on these important Bills and the media who ensured that the country was informed on the proceedings.

Mr. Speaker Sir,

It is now my pleasant duty, pursuant to Standing Order 199, to present the Report of the Select Committee on the Election Laws, 2017 on the consideration of Election Laws (Amendment) Bill (National Assembly Bill No. 39 of 2017).

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

HON. WILLIAM CHEPTUMO, M.P.

CHAIRPERSON

ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON THE ELECTION LAWS, 2017

We, the undersigned Members of the Select Committee on the Election Laws, 2017 do hereby append our signatures to adopt the Report.

NAME		SIGNATURE
Hon. William Cheptumo, MP	-Chairperson	.....
Hon. Gladys Jepkosgei- Boss Shollei, MP	-Member	.....
Hon. Isaac Waihenya Ndirangu, MP	-Member	.....
Hon. Ali Wario, MP	-Member	.....
Hon. Jennifer Shamalla, MP	-Member	.....
Hon. Adan Haji Yussuf, MP	-Member	.....
Hon. George Gitonga Murugara, MP	-Member	.....
Hon. Stanley Muthama, MP	-Member	.....
Hon. Alice Muthoni Wahome, MP	-Member	.....

CHAPTER ONE

INTRODUCTION

1.1 Background

1. The Election Laws (Amendment) Bill (National Assembly Bills No. 39 of 2017) sponsored by Hon. William Cheptumo, MP was published on 27th September, 2017 and were first read in the National Assembly on 28th September, 2017.

2. On 28th September 2017 the National Assembly resolved to establish a Select Committee to be known as the Select Committee on Election Laws, 2017 to examine and undertake public participation on the Election Offences (Amendment) Bill (National Assembly Bill No. 38 of 2017) and the Election Laws (Amendment) Bill, (National Assembly Bills No. 39 of 2017). The Motion was as follows-

ESTABLISHMENT OF A SELECT COMMITTEE ON ELECTION-RELATED LAWS
(The Leader of the Majority Party)

***THAT**, aware that the country is still in an election cycle, arising out of the requirement for a fresh Presidential Election in October, 2017; further aware that there is need to legislate on and address certain legal lacunas and in compliance with judicial decisions asking Parliament to legislate on certain matters to ensure that the elections conform with the provisions of Article 81 of the Constitution on general principles for the electoral system; noting that such election-related matters would ordinarily require consideration by the relevant Committee of the House which is yet to be established; further noting the limited period of time before the date of the said fresh election; cognizant of the urgent need to consider and conclude with all matters relating to the elections to allow the Independent Electoral and Boundaries Commission ample time to implement any changes related to the review of the election related laws; **NOW THEREFORE**, pursuant to the provisions of Standing Order 127(2) , this House **resolves** –*

*(a) to establish a Select Committee to be known as the **Select Committee on the Election Laws,** 2017 comprising of not more than fifteen Members, to examine and undertake public participation on the Election Laws (Amendment) Bill, (National Assembly Bill No.39 of 2017) and **any other** related Bills;*

(b) that, the Committee comprise of the following Members-

1. *The Hon. William Kipkiror Cheptumo, MP- Chairperson*
2. *The Hon. Gladys Jepkosgei-Boss Shollei, MP*
3. *The Hon. Isaac Waihenya Ndirangu, MP*
4. *The Hon. Ali Wario, MP*
5. *The Hon. Jennifer Shamalla, MP*
6. *The Hon. Adan Haji Yusuf, MP*
7. *The Hon. George Gitonga Murugara, MP*
8. *The Hon. Stanley Muthama, MP*
9. *The Hon. Alice Muthoni Wahome, MP*

(c) that, the quorum of the Committee be the Chairperson and four other Members; and,

(d) that, the Committee considers the matters under its mandate and reports to the House on or before ***Tuesday, October 10, 2017.***

3. After the Bill was read a first time in the National Assembly on 28th September, 2017, it stood committed to the Select Committee on Election Laws, 2017 pursuant to Standing Order 127, for facilitation of public participation.

4. The Speaker of the National Assembly, Hon. Justin Muturi, E.G.H., MP issued a communication in response to a question raised with regard to whether the Election Laws (Amendment) Bill, 2017 (National Assembly No. 39 of 2017) is a Bill concerning county governments and whether the Bill will be transmitted to the Senate. Jointly, with the Speaker of the Senate, the Speaker of the National Assembly determined that the Bill concerns county governments, as it seeks to amend several Statutes, among them the Elections Act, 2011 which makes the Bill fall squarely within the definition set out at Article 110 (1)(b) to the extent that it relates to "*the election of members of a county assembly*". If passed by the House, the Bill shall be forwarded to the Senate for consideration. The Communication from the Speaker of the National Assembly is attached at ***Annex 2.***

5. The Select Committee on the Election Laws, 2017, pursuant to Article 118 of the Constitution and Standing Order127 of the National Assembly Standing Orders, invited submissions from the public and stakeholders in an advertisement in the Daily Nation and Standard Newspapers dated 29th September 2017 (***Annex 3).*** Following a resolution to hold a Joint Sitting with the Senate Select Committee on Election Laws (Amendment) Bill, 2017 and pursuant to Article 118 of the Constitution and Standing Order127 of the National Assembly Standing Orders and Standing Order 134 of the Senate Standing Orders, the Select Committees of the National Assembly and the Senate on the Election Laws (Amendment) Bill,

2017 invited submissions from the public and stakeholders in an advertisement in the Daily Nation and Standard Newspapers dated 1st October 2017 (***Annex 4).***

6. The Select Committees of the National Assembly and the Senate on the Election Laws (Amendment) Bill, 2017 thereafter held public hearings and received submissions of written memoranda from the public and stakeholders between 3rd October, 2017 and 5th October, 2017. A total of one hundred and eighty five (185) oral presentations and written submissions, and a further sixty (60) memoranda were received from members of the public, constitutional commissions, the business community, civil society, religious groups, political parties, among other stakeholders through the Offices of the Clerks of the National Assembly and the Senate.

1.2 Brief History of Electoral Law Reforms in Kenya (1991-2017)

7. The former Constitution had provisions on the manner in which elections should be conducted in Kenya. In particular, section 41 established the Electoral Commission of Kenya (ECK) which was mandated to conduct elections in Kenya. Apart from the Constitution, the National Assembly and Presidential Elections Act Cap. 7 also governed the registration of voters and holding of elections to the office of President and to the National Assembly and the conduct of the Electoral Commission and of political parties participating in elections in Kenya.

8. In 1997 there were negotiations between the political parties (Democratic Party, Forum for Restoration of Democracy- Kenya (FORD Kenya), Forum for Restoration of Democracy- Asili (FORD Asili) and Safina) and the government on the reform of the Electoral Commission of Kenya which then gave rise to the Inter-Parliamentary Political Parties Group (IPPG) agreement. Notably, the agreement provided that each of the Parliamentary Parties would be allocated seats in the Commission in accordance with the number of seats each of the Parties had in Parliament and subject to appointment by the President. However, the Inter-Parliamentary Political Parties Group agreement was never entrenched in law.

9. In 2008, following the post-election violence, there were negotiations for a brokered settlement which gave rise to the National Accord. The National Accord and Reconciliation Act, 2008 provided for, among other things, the setting up of a commission which was mandated to examine the country's electoral process and propose possible electoral reforms to prevent future electoral disputes. During the same period, the Independent Electoral Review Committee (Kriegler Commission) which was established to look into the election processes in Kenya observed major

weaknesses in the electoral laws and recommended a myriad of reforms including the need to amend the law to have more detailed provisions on the Electoral Commission of Kenya institutional aspects and review of the term of office of Commissioners.

10. In 2009, Parliament implemented the recommendations of the Kriegler report by establishing the Interim Independent Electoral Commission (IIEC) consisting of nine commissioners who were nominated through a competitive process by Parliament and appointed by the President in consultation with the Prime Minister. The Interim Independent Electoral Commission, established under section 41 of the former Constitution, continued in office until 2011 when the Independent Electoral and Boundaries Commission (IEBC) was established under the new Constitution.

11. Following the promulgation of the new Constitution in 2010, Parliament enacted the Elections Act (No. 24 of 2011) to provide for the conduct of elections to the office of the President, the National Assembly, the Senate, county governor and county assembly among other provisions, the IEBC Act (No. 9 of 2011) to provide a framework for appointment and effective operation of the Independent Electoral and Boundaries Commission established under Article 88 of the Constitution; and the Political Parties Act (Cap 7B) which provides for the regulation of political parties.

12. Pursuant to a Joint Resolution passed by the Senate on Tuesday, 5th July 2016 and the National Assembly on Wednesday, 6th July 2016 Parliament established a Joint Select Committee to inquire into allegations against Independent Electoral and Boundaries Commission Commissioners and the Secretariat, recommend legal mechanisms for the vacation from office of the Commissioners and Secretariat in accordance with the Constitution; and recommend legal, policy and institutional reforms to strengthen Independent Electoral and Boundaries Commission and improve the electoral system and processes so as to ensure the August, 2017 elections were free and fair and administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner. The recommendations of the Joint Select Committee included, among other things, the replacement of the then Commissioners of the Independent Electoral and Boundaries Commission and the establishment of a Selection Panel to oversee the appointment of new Commissioners comprising largely of religious leaders.

13. The Committee also forwarded two Bills to Parliament namely the Election Offences Bill, 2016 which sought 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 and the Elections Laws (Amendment) Bill, 2016 which sought 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 Independent Electoral and Boundaries Commission and the conduct of elections. The Bills were enacted into law and the Elections Act and the Independent Electoral and Boundaries Commission Act as amended now form the legal framework governing the conduct of elections in Kenya.

1.3 Overview of the Bill

14. The Election Laws (Amendment) Bill (National Assembly Bills No. 39 of 2017) seeks to amend the Independent Electoral and Boundaries Commission Act, 2011 (No. 9 of 2011), the Elections Act, 2011 (No. 24 of 2011) and the Election Offences Act, 2016 (No. 37 of 2016) to provide for the proper conduct of the affairs and business of the Independent Electoral and Boundaries Commission, for effective management of elections and in order to address the concerns that resulted following the General Election in 8th August 2017. The amendments are as follows-

1.4 Amendments to the Independent Electoral and Boundaries Commission Act, 2011

Definition of the term "chairperson"

15. Clause 2 of the Bill seeks to amend Section 2 of the Independent Electoral and Boundaries Commission Act, 2011 to provide that the term "chairperson" means the chairperson of the commission, and in the absence of the chairperson, the vice-chairperson, or such other person acting as the chairperson in the absence of both the chairperson and vice-chairperson.

Qualification for appointment as Chairperson and Chairing of commission meetings in the absence of the Chairperson

16. Clause 3 of the Bill seeks to amend section 6 of the Independent Electoral and Boundaries Commission Act, 2011 to provide for, among other things, the expansion of the qualifications for appointment as chairperson; and that in the absence of the chairperson, the vice-chairperson shall assume the duties and

responsibilities of the chairperson. Further, the Bill provides that in the event of the absence of the chairperson or the vice-chairperson, the members of the Commission shall elect from amongst themselves one of their Members to act as chairperson and exercise the duties and responsibilities of the chairperson.

Quorum for Commission meetings and decision- making

17. Clause 4 of the Bill seeks to amend paragraph 5 and 7 of the Second Schedule to the IEBC Act, 2011 to provide that the quorum for the conduct of business at a meeting of the Commission shall be at least half of the existing members of the Commission, provided that the quorum shall not be less than three members. Further, the amendment seeks to provide that a decision on any matter before the Commission shall be by a majority of the members present and voting, unless a unanimous decision is reached.

1.5 Amendments to the Elections Act, 2011

Nomination of presidential candidates

18. Clause 5 of the Bill seeks to delete section 29 of the Elections Act, 2011 to remove the requirements that persons who nominate a presidential candidate shall be members of the candidate's political party and further that the persons who nominate an independent presidential candidate shall not be members of any political party.

Transmission of results

19. Clause 6 of the Bill seeks to amend section 39 of the Elections Act, 2011 to provide for, among other things the electronic and manual transmission of tabulated results of an election for the President from a polling station to the constituency tallying centre and to the national tallying centre. The amendment also seeks to place an obligation on the Independent Electoral and Boundaries Commission to facilitate public information by establishing a mechanism for the live-streaming of results as announced.

Use of technology

20. Clause 7 of the Bill seeks to amend section 44 of the Elections Act, 2011 to clarify the regulation making powers of the Independent Electoral and Boundaries Commission with respect to the use of technology to ensure compliance with the

provisions of Article 38 of the Constitution, which espouses the right to free and fair elections and the free expression of the will of the electorate.

Complementary mechanism for identification of voters

21. Clause 8 of the Bill seeks to delete and replace section 44A of the Elections Act, 2011 to clarify the role of the Independent Electoral and Boundaries Commission in putting up a complementary mechanism for identification of voters.

Nullification of election

22. Clause 9 of the Bill seeks to amend section 83 of the Elections Act, 2011 to provide that no election shall be declared void by reason of non-compliance with any written law relating to that election, if it appears that the election was conducted in accordance with the principles laid down in the Constitution and in that written law and that the non- compliance did not affect the result of the election.

Procedure to be followed at a fresh election

23. Clause 10 of the Bill seeks to amend the Elections Act, 2011 to provide for the procedure for the conduct of a fresh election where a presidential election is invalidated by the Supreme Court.

1.6 Amendments to the Election Offences Act, 2016

Failure or refusal to sign election results

24. Clause 11 of the Bill seeks to insert a new section in the Election Offences Act, 2016 to prescribe an offence for a presiding or returning officer who among other things knowingly fails or refuses to sign or complete the prescribed document or willfully submits an incomplete document containing the results of an election.

CHAPTER TWO

PUBLIC PARTICIPATION

Introduction

25. Pursuant to Article 118 of the Constitution and Standing Order127 of the National Assembly Standing Orders and Standing Order 134 of the Senate Standing Orders, the Select Committees of the National Assembly and the Senate on the Election Laws (Amendment) Bills, 2017 invited submissions from the public and stakeholders. During the joint sittings held between 3rd October, 2016 and 5th October, 2017, the Select Committees received oral submissions and/or written memoranda from individual members of the public and several key stakeholders. The written memoranda are attached at ***Annex 6*** while the Hansard report of the Committee proceedings is attached at ***Annex 7.*** The Select Committees took into consideration proposals from stakeholders and individual members of the public on specific clauses of the Bills, as follows:

2.1 Amendments to the IEBC Act, 2011

2.1.1 Clause 2: Definition of the term "chairperson"

(a) Submissions from institutions and organizations

26. The Independent Electoral and Boundaries Commission (IEBC) submitted that the amendment implies that the commission may appoint anyone to act as the Chairperson in the absence of the Chairperson and the Vice- Chairperson. The Commission proposed to replace the word "person" with the word "member".

27. The Jubilee Party agreed with the amendment and submitted that the law does not provide any succession procedure regarding the above unique role of the Chairperson before a new Chairperson is appointed, and that such a lacuna especially during an election year would throw the country into an unprecedented crisis.

28. The Council of Imams and Preachers of Kenya represented by Mr. Bakari Shaban from the Mt. Kenya Region Chapter submitted that the Council supported the amendment as it ensures that there was no vacuum in the Independent Electoral and Boundaries Commission (IEBC) should the Chairperson of the Commission for whatever reason be absent or unable to discharge his duties.

29. The Law Society of Kenya (LSK) submitted that the composition of a commission and the identification, selection and appointment of each of its members are provided for by the Constitution. No vice-chair or member not having been selected and appointed as chairperson under the Constitution can legally purport to exercise by statutory authority derived from the proposed legislation any constitutional functions and powers of the office of the Chairperson except upon an amendment of the Constitution. Parliament cannot purport to amend the Constitution by conferring the obligation to discharge a constitutional mandate on a member of the committee.

30. The Institute for Social Accountability (TISA) suggested that the proposed amendment poses a conflict in view of the Constitutional process of appointment (requirement of approval of Parliament and appointment by the President) of a Chairperson. The bill proposes to amend the architecture of the Independent Election and Boundaries Commission (IEBC) by conflating the qualifications and powers of the Chairperson and the members of the IEBC, contrary to the constitutional requirements on the same.

31. The Chalvins Law Consulting Group submitted that the proposed amendment expands the definition of the term chairperson contrary to what is provided for in the Constitution.

32. The Kenya National Commission on Human Rights (KNCHR) recommended that the amendment was not good practice and furthermore the definition and presence of 'Vice-Chairperson' takes care of an alternate for the Chairperson. The framing of Article 138(10) is mandatory and this role cannot be delegated.

33. Catholic Justice and Peace Commission Parliamentary Liaison Desk submitted that the amendment violates Article 250(2) of the Constitution as Parliament as the representative of the people will not have the opportunity to vet the person replacing the Chairperson. Further since the term "absence" has not been explained, it is bound to create confusion.

34. Centre for Minority Rights Development proposed that Clause 2 be amended to make reference to Article 259(3)(b) of the Constitution for clarity as the Constitution already contemplates the role of a successor in State or public offices, the Chairperson of IEBC being one of them.

(b) Submissions from individual members of the public

35. Mr. Zeth Ouma Omollo submitted that the Vice-Chairperson automatically assumes the duties of the Chairperson in the absence of the latter. This simple and traditional legal-administrative principle suffices.

36. Ms. Florence Gicheru stated that the Vice-Chairperson is elected by the members from amongst themselves, therefore, until the Constitution allows for the appointment of a vice chairperson, the powers of the Chairperson cannot be delegated.

37. Mr. David Wati stated that the proposed amendment will render the Chairperson redundant and powerless and exposes the Chairperson to danger as he/she may be prevented from accessing the National Tallying Centre.

38. Johnson Moriasi Nyandika proposed that clause 2 be amended to provide reasons for the absence of the chairperson such as: fatigue; incapability to write; or as the Constitution of Kenya puts it in the case of the President, resigns in writing or dies because the current proposal does not provide for any reasons for the absence.

39. Njimu wa Kaiya and Ngiri wa Wangui opposed the amendment on grounds that the definition of a chairperson conflates the meaning of chairperson and member.

40. Ms. Vellah Kadeiza opposed the proposed amendment because, in her opinion, the likelihood of the chairperson and the vice-chairperson to be absent at the same time are low.

2.1.2 Clause 3: Qualification for appointment as Chairperson and Chairing of Commission meetings in the absence of the Chairperson

(a) Submissions from institutions and organizations

41. The Independent Electoral and Boundaries Commission (IEBC) submitted that Elections are managed through a complex web of legal procedures that require the head of the institution to be competent in Law. The Commission suggested that a good intervention should balance between the need for continuity and relevant qualifications. The Commission, therefore, proposed the maintaining of the qualifications of the Chairperson as set out in the current law.

42. On the Chairing of Commission meetings in the absence of the Chairperson, the Independent Electoral and Boundaries Commission asserted that it would be useful to have a provision that provides for the exercise the powers of the Chairperson in acting capacity and proposed that the provisions of 1A and 1B should be seen within the context of Article 259(3)(b) of the Constitution.

43. The Jubilee Party was of the opinion that the expansion of the qualifications for the Chairperson would promote inclusiveness, equity and equality.

44. The Stewards Revival Pentecostal Church supported the proposed amendment as it removes the risk of paralysis in the absence of both the Chairperson and Vice-Chairperson of Independent Electoral and Boundaries Commission.

45. The Law Society of Kenya (LSK) proposed that there was logic in the requirement of the Chairperson of the Independent Electoral and Boundaries Commission to be a lawyer and to have Supreme Court qualifications as the Chair of the Independent Electoral and Boundaries Commission had auxiliary duties to sit on appeal over petitions of aggrieved persons during party primaries. Further the Law Society of Kenya was of the opinion that the proposed amendment will assign the role and function of the Chairperson to the Vice-Chairperson and other members who have not been selected or appointed in accordance with the constitutional requirement. The Law Society of Kenya in its submissions recommended that the amendment can only be effected constitutionally and not statutorily, and that unless the Vice Chairperson has similar qualifications as the Chairperson that office cannot fall under the contemplation of Article 259(3)(b) in regard to the constitutional functions of the Chairperson.

46. The Kenya National Commission on Human Rights submitted that:
    (i) For qualifications of a Chairperson, the impact in the seniority and expertise on the critical interpretation and application of the law will be lost yet the constitutional and statutory functions of Independent Electoral and Boundaries Commission naturally point to the need to have a serious legal mind to head the Commission. As such the Chairperson must be well versed in the interpretation of election laws, regulations and constitutional provisions.
    (ii) The Independent Electoral and Boundaries Commission Act envisions a vacancy arising in the office of chairperson or member as under Section 7A of Independent Electoral and Boundaries Commission Act which is effective enough.

(iii) Clauses 1A and 1B are hostile to the distinct role of the Chairperson as provided for by the Constitution to the extent that it seeks to introduce an ambiguous ground "absence from office".

47. The Catholic Justice and Peace Commission Parliamentary Liaison Desk submitted that the amendment reduces the qualifications required for the appointment of the Chairperson yet the Constitution deals with constitutional and legal issues which requires somebody who is trained in law.

48. The Office of Registrar of Political Parties offered that the electoral process is a highly legal process and the Chairperson is constantly interpreting the law, as such, the academic requirement of Chairperson to be a lawyer should be retained. Also, clauses 1A and 1B deal with matters that are covered under the second schedule therefore they should be deleted.

49. The Lamu Students Association proposed the amendment of the clause to reduce the fifteen years' experience to ten years to accommodate the youth.

50. The Centre for Multi-party Democracy of Kenya through its Chairman Hon. Omingo Magara suggested that the change of the qualifications for appointment as Independent Electoral and Boundaries Commission chairperson was not necessary in view of paragraph 8 of the Second Schedule to the Independent Electoral and Boundaries Commission Act.

51. The National Rainbow Coalition (NARC) Kenya offered that there is need to reconsider the reasoning behind the current requirement that the Chairperson of the Independent Electoral and Boundaries Commission should be a lawyer qualified to be a Supreme Court Judge because a non-lawyer would have to fully rely on advice and interpretation of others in order to strictly adhere to the election laws as required.

(b) Submissions from individual members of the public

52. Mr. Abel Onchario supports the proposed amendments as they seek to ensure continuity by dealing with the issues of absence in the office of the Chairperson and expands the qualifications for persons eligible to serve as Chairperson of the Independent Electoral and Boundaries Commission and opens it up to all other professions.

53. Mr. Elijah Ole Metiang from Kajiado County supports the proposed amendment as it ensures that there is no vacuum in the Office of the Chairperson.

54. Mr. Wilson Mwai agreed with the amendment and proposed an expansion of the qualification to include additional professional qualifications such as ICT, CISA, CRIST and CPA because auditors and accountants have a better understanding of the computer systems that work with numbers.

55. Mr. Johnson Moriasi Nyandika proposed that the Chairman or other Commissioners should be well versed in statistics too as the Independent Electoral and Boundaries Commission duties are mainly about numbers.

56. Mr. Fwamba NC Fwamba supported the amendments but submitted that there was need to define the term "absence" that would occasion the chairing of the commission by the Vice- Chairperson or any another person.

57. Ms. Mburu Nice Muthoni supports the proposed amendments to the Bill as it removes the risk of paralysis in the absence of both the Chairperson and vice-chair of the Independent Electoral and Boundaries Commission.

58. Mr. Eliud Kinuthia proposed that clause 3 (a) be amended to include experience in management of people and transformative leadership because the position of the Chairperson of the Commission requires one to have proven experience on how to manage people and offer leadership especially within our electoral system.

59. Eng. Paul Mboga asserted that "Chairperson" is a very important position whose functions should not be delegated to the deputy or any other member.

60. Dr. Duncan Ojwang, Dean African Nazarene Law School proposed that the use of the word "in the absence" is too broad and vague, as such there was need to clarify the circumstances that would lead to the absence of the Chairperson of the Independent Electoral and Boundaries Commission.

61. Njimu wa Kaiya and Ngiri wa Wangui opposed the amendment on grounds that the qualifications for a chairperson to be a lawyer are necessary noting the functions a chairperson is required to perform.

62. Mr. Kenneth Mavale opposed the amendment in stating that it dilutes the definition of the term "chairperson".

2.1.3 Clause 4: Quorum for Commission meetings and decision- making

(a) Submissions from institutions and organizations

63. The Independent Electoral and Boundaries Commission (IEBC) submitted that the proposed amendment affects the quorum of the commission plenary to make decisions, it also reiterates mandatory voting in the procedure of making decisions where there is no unanimous decision at plenary as already provided for under Independent Electoral and Boundaries Commission Act Schedule II. The Commission, therefore, offered that in order to enhance majority decision-making the current quorum of 5 should be retained. Also, the Commission proposed that Paragraph 7 be amended to read:

> *"Unless a unanimous decision is reached, a decision on any matter before the Commission shall be by concurrence of a* ***simple majority*** *of all the members."*

64. The Law Society of Kenya (LSK) opposed the amendment, as three members could constitute a quorum, meaning that a minority composition of the Independent Electoral and Boundaries Commission could make decisions that would bind the majority. The proposed amendments shall have the effect of undermining the structure and authority of the Commission by creating an authority for the proffered quorum of three which is not only unconstitutional but creates an inbuilt structure for a dead lock with the consequential constitutional ramification. The magnitude and gravity of the Independent Electoral and Boundaries Commission's constitutional mandate requires that its decisions are made by a quorum of an odd number of not less than half of the full complement of its members which can only be five. The LSK recommended that the proposed amendment to reduce the quorum from 5 to 3 offends the spirit of the Constitution and ought therefore to be discarded with the current provisions being retained as they are.

65. The Jubilee Party supported the amendment, as they noted that the current law that set the quorum for the conduct of business at five members was flawed as it assumed that the Commission would always have the Constitutional maximum of nine members which might not always be the case.

66. The Kenya Private Sector Alliance submitted that the quorum should be at least 50 percent of all the Members and decisions should be made by a simple majority of members present in line with the principles of corporate governance.

67. The Catholic Justice and Peace Commission Parliamentary Liaison Desk submitted that the amendment lowers the quorum threshold. Considering that the Independent Electoral and Boundaries Commission deals with weighty matters this may cause tension if not handled well. There may be a situation where three of the Commissioners meet and make a decision and then the other three also meet and make another different decision that leads to a stalemate. The amendment will also create competing groupings, conflicts and tensions.

68. The Kenya Law Reform Commission agrees with the proposed amendments in the Bill save for clause 4 which reduces quorum to three since it may occasion unintended consequences including parallel meetings and creates the possibility of the minority deciding for the majority. Further, a vacancy in the membership of the Independent Electoral and Boundaries Commission would not invalidate the proceedings of Independent Electoral and Boundaries Commission so long as the majority of the Members support the decision.

69. The Non-Governmental Organizations Council through its Chairman Mr. Stephen Cheboi, was of the opinion that a quorum of four Members would better ensure accountability.

70. Hon. Omingo Magara, Chairman of the Centre for Multiparty Democracy Kenya, offered that a quorum of not less than half of the members of the Commission would be more appropriate.

71. Kenya Law Reform Commission proposed that clause 4 be amended to provide as follows-

4. *The Independent Electoral and Boundaries Commission Act, 2011 is amended by-*

(a) deleting the phrase "at least five" appearing in paragraph 5 and substituting therefor the words "a majority of the";

(b) deleting paragraph (7) and substituting therefor the following new paragraph-

7. Unless a unanimous decision is reached, a decision on any matter before the Commission shall be by a majority of the Members.

72. The Kenya Law Reform Commission was of the opinion that reducing the quorum to three may occasion unintended consequences including parallel meetings and creating the possibility of the minority deciding for majority. Further, a vacancy in the membership of the *Independent Electoral and Boundaries* Commission would not invalidate the proceedings of Independent Electoral and Boundaries Commission so long as the majority of the Members support the decision.

73. The Institute of Certified Public Accountants of Kenya submitted that a quorum of three members would be too low for purposes of making binding decisions and it poses a challenge in case of a tie. Also, amendment to section 4(b) undermines the powers of the Commission if the members present and voting are three. The institute was of the opinion that best practices dictate that quorum for decision-making be 50% or more. Further, some decisions should be decided by all commissioners particularly if they relate to the delivery of a presidential vote which is a crucial point towards the establishment of Kenya's governance systems.

74. The Institute for Social Accountability (TISA) submitted that the amendment would result in a minority number of the Commission members making binding decisions on behalf of the majority. The institute was of the opinion that usually legislative drafting principles require that quorum for meetings and decision - making must be half or more because if the quorum is less than half then there could be two parallel meetings by the same commission and two conflicting binding decisions over the same issue at the same time. The existing Independent Electoral and Boundaries Commission Act on the Second Schedule part 7 provides that the Chairperson has an obligation to ensure that the Commission makes a decision on the basis of concurrence of a majority of all the members.

(b)Submissions from individual members of the public

75. Mr. Abel Onchario supports the amendment as it aligns the Second Schedule of the Independent Electoral and Boundaries Commission Act with Article 250 of the Constitution which provides that constitutional commissions shall consist of at least three Members of

76. Mr. Samuel Githaiga supported the amendments save for the amendment on the issue of quorum which may give rise to disunity in the Commission where three commissioners may oust a chairperson.

77. Eng. Paul Mboga proposed that the quorum to be two-thirds (2/3) of the membership to ensure fairness and accountability.

78. Mr. John Kisigwa proposed that the quorum should be a simple majority plus one commissioner.

79. Mr. Kenneth Mavale the opposed the amendment stating that the quorum was too simplified.

2.2 Amendments to the Elections Act, 2011

2.2.1 Clause 5: Nomination of Presidential Candidates

(a)Submissions from institutions and organisations

80. The Independent Electoral and Boundaries Commission supported the amendment that Section 29 of the Elections Act be deleted on the grounds that the section was declared unconstitutional in ***Peter Solomon Gichira vs Independent Electoral and Boundaries Commission. Petition No 243 of 2017 eKLR [2017].***

81. Conversely, several organisations and institutions opposed the deletion of section 29 of the Elections Act including the Law Society of Kenya (LSK), Institute of Public Accountants of Kenya (ICPAK), Chalvins Law Consulting, and the Office of the Registrar of Political Parties.

82. Specifically, the Institute of Certified Public Accountants of Kenya submitted there was no justification for the amendment and that it contravened Article 137(1) (d) of the Constitution. They stated that Section 29 grants powers to members of the Presidential candidate political party to nominate him. They stated that the democratic rights of members should not be infringed.

83. Chalvins Law Consulting were of the opinion that the amendment negates the concept of discipline of members by political parties.

84. The Office of the Registrar of Political Parties was of the view that Clause 5 should be deleted. They submitted that the political system in Kenya enshrined under Article 38 and Article 88(4)(d) of the Constitution underscores that the duty of a political party, through its members, to nominate candidates for election. Removal of this provision will have adverse effects on the procedure for nominations as strangers to the party will be able to nominate candidates.

85. This position was further supported by the Catholic Justice and Peace Commission Parliamentary Liaison Desk stating that the amendment disempowers political

party members as it removes their powers to nominate Presidential and Independent candidates. The amendment further violates Article 38 of the Constitution.

86. The Kenya National Commission on Human Rights were of the opinion that deletion of section 29 is in contravention of Article 137(1)(d) of the Constitution. They averred that it is important that a presidential appointment who is a member of a political party is nominated by their members and if independent, by persons who are not members of any political party.

(b)Submissions from individual members of the public

87. Mr. John Kisigwa was of the view that Section 29 should not be deleted as Article 85 is silent on the criteria for nomination.

88. Njimu wa Kaiya and Ngiri wa Wangui opposed the amendment noting that the deletion of section 29 is unconstitutional as it renders the political party system nugatory.

2.2.2 Clause 6 : Determination and Declaration of Results

(a)Submissions from institutions and organisations

89. Noting that the amendment gives credence to the original statutory forms, the Independent Electoral and Boundaries Commission proposed to replace the amendment in Clause 6 (a) to section 39 (1C) (a) as follows-

    Electronically transmit ***and physically deliver*** *the tabulated results for an election for the president from a polling station to the constituency tallying centre and national tallying centre.*

90. The Institute of Certified Public Accountants of Kenya submitted that the Clause amends the Principle Act by deleting "in the prescribed form" which is vital for consistency and authenticity of the formats used in transmission of election results. They proposed that the Committee retain the current provisions as stipulated in the Elections Act. The Certified Institute of Public Accountants of Kenya were also of the view that the essence of electronic transmission of results was to curb against election malpractices associated with manual transmission of results. This was also to fast-track collating and transmitting results whilst making the declared figures verifiable. It means securing the spirit of Article 86 of the Constitution in as far as defining the verifiability of declared results.

91. The Law Society of Kenya opposed the amendment and proposed that the Clause be deleted on the grounds that first, the Clause ignores the historical context of the use of technology in our elections as set out in the Kriegler Report. The following are some of the reasons why electronic transmission of results was introduced: Ballot stuffing, physical alteration of results forms, violence leading to destruction of voting materials and erasing of all possible physical footprints. It was their opinion that a mischievous presiding or returning officer could electronically transmit the correct result but manually transmit a fraudulent result or vice versa. Secondly, the proposed amendment assumes that manual election results are incapable of manipulation, contrary to the widely acknowledged conclusion of the Kriegler Report. Thirdly, the amendment runs afoul of the Constitution which requires the Independent Electoral and Boundaries Commission to put in place appropriate structures and mechanisms to eliminate electoral malpractice. It was their submission that the proposed amendments set up a legislative framework that falls far short of the constitutional standards and therefore ought to be discarded with the current legislation retained unchanged.

92. Kenya ICT Action Network (KICTAnet) proposed the deletion of clause 6 noting that Kriegler commission recommended use of technology to curb electoral fraud. The network proposed that the use of technology in elections ensures efficiency, accountability, accuracy, credibility. It was their opinion that it is better to fortify the existing electronic transmission. Further, making the manual system superior to the electronic one allows for and endorses irregularities hence eroding accountability, accuracy and verifiability. There is also no incentive to observe strict adherence to the law because an officer could feed the system with correct information and forward a falsified document.

93. The Kenya Private Sector Alliance submitted that the electronic and manual systems should complement each other and that the forms for transmission of results should be official, uniform and verifiable.

(b)Submissions from individual members of the public

94. Mr. Edward Githaiga, Chairman, Nairobi Branch, National Youth Council of Kenya, supported the amendments and stated that technology/ electronic transmission of results could be compromised/manipulated therefore supports that the Bill grants similar prominence to both transmission mechanisms and applauds the attendant provisions criminalising any tampering.

95. Mr. Paul Gichuki proposed that Clause 6 be amended by deleting the word 'shall' in paragraph (a) and use the words 'appropriate technology' in relation to electronic transmission. It should not be mandatory to use technology.

96. Njimu wa Kaiya and Ngiri wa Wangui opposed the amendment on the grounds that section 39 ignores the historical context for the use of technology as set out in the Kriegler report, manual results can be manipulated and further negates the provisions of Article 86(d) of the Constitution.

97. Mr. Kenneth Mavale the opposed the amendment stating that we should stick to electronic transmission and that manual system should be secondary to electronic.

98. Mr. Michael Odiembo opposed the proposed amendments as, in his opinion it gives room for fraud through alteration of results.

99. Hon. Kalembe Ndile observed that the manual system is a better system than the use of technology due to the systemic failure of technology.

Clause 6 (b): Where there is a discrepancy between electronically transmitted and manually transmitted results (391C and 1D)

(a)Submissions from institutions and organisations

100. The Kenya Law Reform Commission proposed that the section 39 1D be redrafted as follows-

(1D) Where there is a discrepancy between the electronically transmitted and manually transmitted results, the Commission shall, despite any other legal requirement order the returning officer to recount and declare the results within such period as the Commission may prescribe, but such period shall not exceed any period prescribed by the Constitution and the Elections Act within which the results must be declared.

101. Several stakeholders opposed the amendment including the Institute of Certified Public Accountants of Kenya and the Catholic Justice and Peace Commission Parliamentary Liaison Desk. Specifically, the Institute of Certified Public Accountants of Kenya submitted that the amendments be deleted and that the Committee retain the current the current provision as stipulated in the Elections Act. They were of the view that the results transmitted electronically should be an image of the manually transmitted results. Further, that the forms transmitted electronically form the basis for authenticating the print copies of the results declared at the National Tally Centre. Additionally, they were of the opinion that the amendment aims to legalize an electoral malpractice which should be

considered as an electoral offence liable to punishment as stipulated under the Election Offences Act, 2016.

102. Catholic Justice and Peace Commission Parliamentary Liaison Desk were of the opinion that Electronic transmission was meant to ensure integrity of the process and faster transmission of results. The proposed amendment to include manual will contribute to increased electoral malpractice as results may be manipulated easily in a manual transmission. Further, that the proposed section 39(1D) will create conflicts arising from differences between the figures transmitted electronically and manually. The results management especially in areas considered as political strongholds is likely to be manipulated.

(b)Submissions from individual members of the public

103. Mr. Patrick O. Onyango-Paddy proposed that new sections 1C and 1D in clause 6 be deleted because for the manually transmitted results to prevail over the electronically transmitted results, the manually transmitted results must be verified against data entries in the forty thousand eight hundred and eighty-three (40,883) Kenya Integrated Election Management Systems (KIEMS) kits and the IEBC Server. The KIEMS are the primary data taken together with Forms 34As and Form 34Bs. Relying solely on manual transmission is retrogressive and will be prone to fraudulent manipulation of the transmission forms.

104. Mr. John Nyakway opposed the amendment stating that the proposed new subsection (1D) if allowed, will give way to the easy manipulation of results through Ballot stuffing as that is the mischief that was intended to be cured by the adoption of electronic transmission.

105. Mr. Paul Mutisya submitted that polling stations shall be the origin and end of the tallying of the polls while the National Tallying Center (NTC) shall be for the purposes of communicating to the public what each polling station has announced as the final polls. It was his opinion that the transfers of results from polling centers to the Constituency Tallying Center (CTC) and from the Constituency Tallying Center to the National Tallying Center are the most risky activities where manipulation, omissions, hacking and distortion of results can occur. Direct transmission of results from the polling stations will eliminate the crafty loopholes likely to occur when the existing transmission process is being used. Also, votes should be counted and tallied at the polling station and transmitted electronically and manually by Form 34As from the polling stations directly to the National Tallying Centers without being taken to the Constituency Tallying Centers. The

amendment to this law should aim to curb any loophole on transmission of the results from the original polling station to the final National Tallying Center. The IEBC should ensure that proper authentication, validation and accuracy of the poll results in Form 34A and in electronic form are done at the original polling station and at the National Tallying Center. This way the poll results will have a trail up to the polling station and any dispute arising will be easy to handle by tracking activities from the specific polling station.

106. Mr. Paul Mutisya further proposed that all the agents must be given copies of the results as in the Form 34As and must obtain an electronic copy through mobile phones or cameras which they can forward to their candidates. No results shall be made public and transmitted where the agents have not signed form 34A and obtained copies and photos of the results at the polling station. The NTC shall announce results from each polling station and cumulative poll results simultaneously as the polling station results stream in one by one from each polling station.

107. Mr. Haron Nyandika opposed the proposed amendment on grounds that neither electronic nor manual systems can supersede the other. Mr. Haron also submitted that the electronic system of voting is safe and reliable and that the Independent Electoral and Boundaries Commission should allow access to servers.

108. Mr. Paul Kithuke proposes that until the government and by extension the Independent Electoral and Boundaries Commission are able to stand on their own in terms of technology, electronic transmission should only remain as an option to be used by the Independent Electoral and Boundaries Commission when appropriate.

Clause 6 (b): Failure to transmit results in an electronic format shall not invalidate the results (39 1E)

(a)Submissions from institutions and organisations

109. The Kenya Law Reform Commission proposed that Clause 1E be amended to delete the words "to facilitate public information" noting that the words are superfluous.

110. The Institute of Certified Public Accountants of Kenya submitted that the amendment be deleted on the grounds that it may open the transmission and publication of electronic results to manipulation. They were of the opinion that there has been heavy investment in ICT infrastructure around voter identification

and results transmission which the IEBC must be obligated to operate at the most functional level.

(b) ***Submissions for individual members of the public***

111. Ms. Sheila Githaiga representing, Mothers United for Peace, while supporting the amendment submitted that the entire voting process that falls under the responsibility of the voter is manual in nature. This includes going to the polling centre, presenting oneself for identification as a voter, ticking the ballot paper, and dropping the ballot paper in the ballot box. She questioned why the Chief Justice ruled that her vote did not count just because there was a problem in the way it was transmitted. She felt disenfranchised because the court relied on another process "electronic transmission" that she did not fully understand to decide that her vote did not count. It was her opinion that, Article 86 requires the Independent Electoral and Boundaries Commission to ensure that the voting method is simple, verifiable, secure, accountable and transparent- all which the manual process is but the electronic is not. Therefore, manual voting should be supreme.

112. Mr. John Nyakway opposed the amendment stating that the proposed clause 1E should be deleted because if allowed, it would enable those in authority to use state machinery to rig elections and malicious individuals could compromise the elections results.

Clause 6 (b): Live-streaming of results (39 1F)

(a)Submissions from institutions and organisations

113. The Independent Electoral and Boundaries Commission held the view that the amendment directs the Commission to provide and establish mechanisms for the live streaming of results as announced at polling stations which shall not be used as a basis for declaration by the Commission. They proposed that it should include definition for provisional results to mean electronically transmitted text results. Experience shows that human error in data entry is likely to occur when entering text data into the KIEMS.

114. The Commission proposed to amend Section 39 (1F) as follows-

> *"The Commission **MAY**, establish a mechanism for the electronic display of provisional results, and the results so displayed shall be for purposes of public information only and shall not be the basis for a declaration by the Commission."*

115. The Centre for Minority Rights Development also proposed an amendment to section 39(1F) as follows:

> *"The Commission shall, to facilitate public information, establish a mechanism for livestreaming of results at polling stations, by the media, and while the results streamed shall be for public information only and shall not be the basis for a declaration by the Commission, the Commission shall have the discretion to investigate and determine any major discrepancy between such streamed results and the official verified results in its possession before making a final declaration, and in so doing shall be under obligation to explain the cause of such discrepancy to the public."*

116. The provision will ensure that results are accessible to the Kenyan public as they are announced at the respective polling stations and Constituency Tallying Centres.

117. The Centre for Minority Rights Development further proposed that a provision be inserted under section 39 for all agents of any candidate to keep a copy of the final results form that has been duly signed by all parties and stamped by the Independent Electoral and Boundaries Commission for verification purposes, with Independent Electoral and Boundaries Commission keeping the original form, in case of a dispute arising as to the actual announced results. This would ensure the integrity of the manual result and hence its superiority over any other result.

118. The Institute of Certified Public Accountants of Kenya submitted that the amendment be deleted on the grounds that it contravenes Section 39 of the Elections Act No.24 of 2011 where the results streamed should be the tallied and verified results. It contravenes provisions of Article 35 of the Constitutional on timely and accurate information. Besides, punitive measures have been proposed to deal with rogue returning officers. The Clause restricts the realisation of the right to information as laid out under Article 35 of the Constitution. Institute of Certified Public Accountants of Kenya further reiterated that the entire Clause 6 of the Bill in the current forms shall serve to defeat the integrity of the electoral process.

2.2.3 Clause 7: Use of Technology

(a) Submissions from institutions and organisations

119. The Independence Electoral and Boundaries Commission agreed with the amendment which requires the Commission to consult with relevant agencies,

institutions and stakeholders, and make regulations for the implementation of this section. They noted that political parties were covered as stakeholders under the amendment. Further, subsection 6 is a spent proviso; it can be repealed while Subsection 7 applied for the first General Election where the Commission was required to deploy technology which is restricted to the process of voter registration, identification of voters and results transmission.

120. The Commission noted that Subsection 7 could also be spent, if one interprets "general election" to mean the elections of 8th August, 2017. The Committee further noted that Subsection 8 was declared unconstitutional in the ***Kenneth Otieno and another vs Attorney General of 2017.***

121. Kenya ICT Action Network (KICTAnet) proposed that Clause 7 be deleted and that IEBC should undertake public participation while making regulations for the sake of transparency. Further, they submitted that Parliamentary scrutiny of regulations is necessary hence subsection (d) should not be deleted.

(b)Submissions from individual members of the public

122. Njimu wa Kaiya and Ngiri wa Wangui opposed the amendment on the grounds that the proposed amendment to section 44 will 'make it possible to hold sham elections'.

123. Mr. Hillary Bidanye from Lamu County supports the proposed amendments as they among other things seeks to deal with eventualities of failure of technology in transmission of election results.

2.2.4 Clause 8: Complementary Mechanism for Identification of Voters

(a) Submissions from institutions and organisations

124. The Independent Electoral and Boundaries Commission held the view that the proposed amendment does not tie complimentary mechanism to section 39.The Commission noted that the amendment further removes the mandatory requirement to provide for a complimentary mechanism for Transmission of Election Results. It is a necessary consequence of the amendment to Section 39, which makes the manual form to be the results.

125. The Information Communication and Technology (ICT) Authority submitted that all measures should be put in place to ensure that the election technology is secure

and reliable. The Acting CEO of the Authority submitted that it was imperative to provide that manual systems be deployed in parallel with technology in the event of failure of technology.

126. The Communication Authority supported the amendment because it is imperative that manual systems be deployed in parallel with technology and in the event of a failure, the manual system should be considered as final. They averred that while electronic systems backed by technology are efficient and dependable, they are prone to having downtimes due to unforeseeable reasons and therefore it is prudent to have a redundancy mechanism in place in the event of such an occurrence. A manual mechanism is a viable backup plan due to, among other reasons, the turnaround time for transmitting and announcing election results and the fact that it is difficult to predict the time it would take an electronic system to recover in the event of a failure.

127. Further, the Authority submitted that the Independent Electoral and Boundaries Commission is dependant on third parties for infrastructure and therefore does not have absolute control of the electronic systems that are relied on for transmission of results. Also of note was that a considerable area of the country does not have 3G and 4G coverage. Currently 3G land coverage is 17% and population coverage is 78%. Absence of a manual system of transmitting election results in areas which do not have 3G coverage would pose a major challenge in the transmission of electronic results.

128. The Law Society of Kenya proposed that Clause 8 be deleted because this provision on complimentary mechanism is vague as it does not disclose any specific complementary mechanism. This lacuna opens the entire process to machinations and malpractice that may not foster electoral integrity. It was their opinion that it is clearly an affront to values and principles under article 10 of the Constitution. Further, it also offends article 232 of the Constitution- both the letter and the spirit and has utterly nothing to do with article 38 which has been thrown under memorandum and objects to justify its existence. It is retrogressive as it seeks to undo the previous progress amendments undertaken through a bipartisan approach. The imperative word "SHALL "has been replaced with the optional word "MAY" leaving the IEBC with no mandatory obligation to set up a complementary system that is simple, accurate, verifiable, accountable and transparent to identify voters and transmit results.

129. The Kenya National Commission on Human Rights proposed that clause 8 be deleted since the complementary system must be developed, and known before the fresh elections.

(b) Submissions from individual members of the public

130. Mr. Harun Nyandika observed that both electronic and manual system can be manipulated and none therefore supersedes the other.

131. Eng. Paul Mboga proposed that section 44A be deleted (remove complimentary mechanism) to adhere to the letter and spirit of the Constitution since Kenyans agreed to the electronic transmission system.

132. Mr. John Kisigwa proposed that clause 8 be amended to replace the word "may" with "shall" because there is need to have a ready back up always in place.

2.2.5 Clause 9: Nullification of Election

(a) Submissions from institutions and organisations

133. In support of the amendment, the Jubilee Party submitted that on the issue of lack of clarity in section 83 the proposed amendment will create clarity and further align the Act with the existing section 72 of Cap. 2. Further, the Party submitted that the amendment should be broadened to provide that where there has been substantial compliance with constitutional principles and the written law, and where it is shown that the non-compliance did not affect the results substantially, then the results in question shall not be nullified.

134. The Independent Electoral and Boundaries Commission noted that the proposal suggests that where there is deviation from the law, which deviation is not calculated to mislead, then the process will not be void by reason of that deviation. The Commission agreed with the proposed amendment on the grounds that not all infractions to the regulations should result in nullification of the elections. The burden should be placed on a person challenging an election to prove that there was a breach of the law and that that breach affected the results.

135. The Catholic Justice and Peace Commission Parliamentary Liaison Desk proposed that section 83 be deleted as the section gives room for the commission of illegalities and irregularities so long as the results are not impacted.

136. Chalvins Law Consulting proposed that clause 9(c) be deleted since the errors and omissions which would cause an officer jail term cannot invalidate an election which is contradictory. Further, the proposed amendments to section 83 of the Elections Act are unconstitutional as they offend the provisions of Articles 2,(4), 10, 38, 81 and 86 of the Constitution.

137. Kenya ICT Action Network (KICTAnet) recommended that clause 9 be deleted because emphasis should be placed on adherence to the principles in the constitution. The result of the election is the product of every decision and applicable laws therefore contravention of any law does affect the result of an election. It was their opinion that the lack of uniformity of the forms fails to meet the constitutional requirement for an accountable and transparent electoral process.

138. The Centre for Minority Rights Development proposed that clause 9 be deleted since the proposed amendments to section 83 are unconstitutional and upset Article 2(4), 10, 38, 81 and 86 of the Constitution. Current provision should be upheld to ensure that the fresh election and subsequent elections are held by its high standard and that IEBC and the political leadership gains the trust of the people of Kenya.

139. The Institute for Social Accountability (TISA) suggested that clause 9(b) be deleted because Section 83 provides that no election shall be declared to be void because of non-compliance with any written law relating to that election if it appears that the election was conducted in accordance with the principles laid down in the Constitution and in that written law or that the non-compliance did not affect the results of the election.

140. The Ethics and Anti-Corruption Commission (EACC) submitted that there was need to review clause 9 as the amendment does not cure the ambiguity in section 83 of the Elections Act.

141. The Law Society of Kenya proposed that clause 9 be deleted because Election forms are generated in advance of elections and are uniform. This is so that any form that does not correspond is deemed invalid and so that all players know what a genuine form looks like in order to spot the fraudulent ones. Further, this amendment is ambiguous. First, it purports to require persons who file an election petition to prove both noncompliance with the principles set out in the Constitution and that such noncompliance affected the results. This offends the provisions of Article 2 (4) of the Constitution. It also offends the provisions of Articles 10, 38, 81 and 86 of the Constitution. Second, the amendments purport to excuse all

irregularities in election declaration forms as long as they are not calculated to mislead. The amendments would also permit the situation we saw at the Supreme Court, where one could not tell the official Forms from the unofficial or forged ones.

142. The Kenya National Commission on Human Rights proposed that clause 9 be deleted as it reduces the electoral parameters in respect of the principles of non-compliance. It is a dangerous amendment especially in respect to special, vulnerable and/or marginalized candidates.

(b) Submissions from individual members of the public

143. Mr. David Wati proposed that clause 9 be deleted as it will allow for the use of illegal materials including foolscaps or cardboards etc.

144. Mr. Silas Asaka proposed that clause 9 be deleted as the proposal would enable the use of forged forms. Further the proposal serves no purpose if the returning officer is accountable for defective forms.

145. Mr. Isaiah Waweru Ngumi proposed that clause 9 be amended to provide that the presidential election shall not be invalidated if court is convinced that the results are in accordance with article 138(1) and 138(7).

146. Hon. Priscilla Nyokabi, Hon. Florence Kajuju and Hon. Samuel Gichigi while supporting the amendments proposed that clause 9 (c) be amended by inserting the words "and has in fact misled" immediately after the words "to mislead" because the mere intention to mislead should not lead to nullification of results.

147. Njimu wa Kaiya and Ngiri wa Wangui opposed the amendment on the grounds that the proposed amendments to section 83 are unconstitutional as they offend the provisions of Articles 2, 10, 38, 81 and 86 of the Constitution.

148. Mr. Haron Nyandika opposed the proposed amendment on grounds observing that the removal of the word "or" in section 83 of the Elections Act as in the proposed amendment is injurious to free, fair, and credible elections.

2.2.6 Clause 10: Procedure to be followed at a Fresh Election

(a) Submissions from institutions and organisations

149. The Independent Electoral and Boundaries Commission noted that the provision provides that: The Commission will Gazette the new election date on 7 days; who will be the candidates participating in a fresh election depending on the parties to a presidential petition; whether or not there will be fresh nominations after nullification of an election; instances where a candidate(s) withdraw; and the effects of the withdrawal and the procedure thereof. Of importance to note is that one of the candidates withdraws the other will be declared as the president elect and no election will be held.

150. The Commission accepted the proposal by the Committee but further proposed that there was need to provide for the procedure for elections under Article 138 (5) and 138 (8). Further, that the Committee considers a proposal to include the procedure where a candidate dies before the election is held.

151. The Institute for Social Accountability proposes that clause 10 be deleted as the proposed clause 10 lowers the threshold for transparent and accountable elections contrary to the provisions of Article 86 (a). The provision is calculated to raise the threshold for cancelling an election by limiting the Supreme Court ability to nullify, as the court is required to consider both the qualitative and quantitative aspects of the election.

152. The Kenya National Commission on Human Rights was of the opinion that the proposed amendment locks out potential presidential candidates and is a disenfranchisement to voters on their preferred choice among the other candidates. As such, the Commission proposed that the clause be deleted.

153. The Catholic Justice and Peace Commission Parliamentary Liaison Desk proposed that clause 10 be deleted as the section will limit the rights of potential candidates, which is in violation of Article 38 of the Constitution.

154. Jubilee Party proposed that the wording in section 86 (4)(b) be amended considering that the presidential election preceding the fresh elections will have been nullified by the Supreme Court. The question arises as to whether the withdrawal of one candidate should have the effect of having the remaining candidate declared president-elect automatically without an election.

155. The Party also proposed to insert an additional clause immediately after section 86A (5)(b) in the following wording:

"For the avoidance of doubt, an election shall be deemed to have occurred in any Constituency if the Commission has provided all the polling officials and all the material necessary to facilitate the elections and shall not be invalidated by reason of any voters not participating in the election."

156. The Law Society of Kenya proposed that clause 10 be deleted as the proposed clause 86A of the Elections Laws (Amendment) Bill, 2017 (the Bill) purports to say who can and who cannot run in a fresh election in the event a presidential election is nullified by the Supreme Court. The Law Society of Kenya was of the view that there is no constitutional basis for purporting to restrict who can and who cannot run in the fresh election.

157. Further, the LSK submitted that the proposed amendment is based on *obiter dicta* from the decision in Presidential Election Petition No. 5 of 2013. Of the various types of "fresh election" envisioned in article 138 to 140 of the Constitution, only one has a constitutional limitation on who can run and who cannot run and the proposed amendment is not in relation to such an election. It is unreasonable for Parliament to purport to change the rules of an electoral contest mid-stream and thereby deny a candidate an opportunity to offer themselves to the electorate in a repeat poll. The right to participate in any elections is granted by the Constitution subject only to such qualifications as is prescribed by the Constitution and to any order of the Court in accordance with the Constitution. That cannot be limited by legislation. The proposed amendment contravenes the constitutional provisions on 'political rights.

158. The Kenya Law Reform Commission submitted that there was need to relook at section 86A (2) and (3) as there was need to distinguish between a fresh election under Article 140 (3) and Article 138 of the Constitution with a view to clarifying who can participate.

(b)Submissions from individual members of the public

159. While supporting the amendment, Mr. Eliud Kinuthia proposed that the Committee should make provisions for circumstances such as absence, death and incapacitation of a candidate.

160. Mr. Edward Nyakeriga supported the amendments save that there is need to differentiate between afresh, a repeat and a run-off election.

161. Mr. S.M. Njihia proposed that repeat elections should only be done in the constituencies whose results were in contention and asked the committee to refer to the decision in *Gore vs Bush.*

162. Mr. Paul Gichuke proposed that clause 10 be amended to provide for a mechanism through which a candidate gives a formal indication of his/ her willingness and readiness to participate in a repeat election.

163. Hon. Priscilla Nyokabi, Hon. Florence Kajuju and Hon. Samuel Gichigi during their submissions proposed that clause 10 be amended by deleting the term president-elect and replacing with the word "candidate" and insert at the end of paragraphs (b) and (c) the words "provided that any candidate intending to participate in the fresh election shall give written notice to the Commission of the intention to participate within seven days of the nullification by the Court". It was his opinion that after nullification of elections there is no president-elect. The *Raila Odinga case of 2013* at Supreme Court restricting the competition to 1st and 2nd leading candidates is wrong in law.

164. Njimu wa Kaiya and Ngiri wa Wangui opposed the amendment on grounds that the proposed section 86(A) has no constitutional basis.

2.3 Amendments to the Election Offences Act, 2016

2.3.1 Clause 11:- Failure or refusal to sign election results

(a) Submissions from institutions and organisations

165. In support of the amendment, the Jubilee Party submitted that the Supreme Court judgment made it mandatory that forms must be signed necessitating the amendments including the offences by returning officers failure to sign forms.

166. The Independent Electoral and Boundaries Commission disagreed with the amendment proposed because that this proposal places an obligation on the Returning Officers and Presiding Officers to sign, completely fill election materials including statutory forms and lays criminal liability in case of failure to do any duties. The Commission submitted that the amendment amounted to over legislation considering that; firstly, the mischief sought to be cured never occurred, and secondly, the facts which would constitute an offence under this Section are provided for under Section 6 of the Election Offences Act. The Commission

further noted that persons employed by the Commission were only for a contract of three weeks hence the amendment would deter people from working for the Commission.

167. The Institute of Certified Public Accountants of Kenya submitted that the current provision under the Election Offences Act adequately caters for offences and penalties. They proposed that the Committee retain the current provisions as stipulated in the Election Offences Act, 2016.

168. The Kenya Private Sector Alliance submitted that the offence should be expanded to include Commissioners and any other officers with responsibility in electoral process.

(b)Submissions from individual members of the public

169. Mr. Eliud Kinuthia supported the amendment and proposed that Clause 11 be amended to add the option of a fine and an increase the jail term prescribed to over six (6) years.

170. Similarly, Mr. Tommy Randall and Mr. Vitalis Njoroge supported the proposal that the penalties be enhanced for electoral officials who commit malpractices.

171. Mr. Hillary Bidanye from Lamu County supported the proposed amendment as it will deter Independent Electoral and Boundaries Commission (IEBC) officials from failing to discharge their lawful duties.

172. Mr. Fwamba NC Fwamba supported the amendments and further proposed that the Committee enhance the clause by prescribing a minimum sentence of for instance two years.

173. Ms. Dahabo Darro representing Women of Kenya Initiative from Marsabit County supported the Bill in its entirety as it introduces the penal provisions.

174. Hon. Kalembe Ndile supported the amendment and observed that the penalty under clause should be enhanced.

175. Njimu wa Kaiya and Ngiri wa Wangui opposed the amendment on the grounds that the proposed section 6A of the Elections Offences Act seeks to punish returning officers yet the same errors and omissions cannot invalidate an election.

176. Mr. Charles Tabu Okumu of the Bunge la Wazalendo opposed the amendment citing that severe punishment proposed on electoral officials who refused to sign the election declaration result forms was political mischief.

2.4 The Election Offences Amendment Bill, 2017 (National Assembly Bill. No.38)

177. The Ethics and Anti-Corruption Commission while supporting the amendment submitted that an informed public is more likely to report corruption and economic crimes. It was their opinion that this remains true before, during, or after the election period.

178. The Independent Electoral and Boundaries Commission preferred not to comment on the amendment to section 14(2) of the Elections Offences Act, 2016 noting that the matter was pending in court in ***Petition Number 468 of 2017 – Katiba Institute vs. Presidency Delivery Unit and 3 Others.***

179. The Institute for Certified Public Accountants proposed that the provisions as provided for in Section 14 of Act be retained. It was their submission that the Bill proposes to delete an important provision guiding the conduct of the government in place during an election, thus creating a level playing field for candidates participating in the election.

2.5 General Submissions on the Bill

2.5.1 Comments on Legal and Constitutional Challenges

180. Several stakeholders and individual members of the public made general submissions on the legal and constitutional challenges arising out of the Bills as follows-

181. Ms. Mary Waruguru submitted that Parliament is properly constituted to consider the Bill as proposed and that there was nothing unconstitutional about the Bill.

182. The Small Traders Women Self Help Group supports the amendments in the Bill as they seek to simplify and ease the management of elections by providing clarity.

183. Mr. Mark Too Kibiwott supports the Bill in its entirety, for the reason that it will protect the will of the voter in future.

184. Mr. Kamuri Gachoki Alex supports the proposed amendments as they will enhance the existing laws and ensure free, fair and credible elections.

185. Ebby Wangatia from Bungoma County supported the amendments in totality and in particular amendments criminalizing non-performance of duty by Independent Electoral and Boundaries Commission staff. It was her submission that any action taken against the Independent Electoral and Boundaries Commission staff should be within the provisions of the Constitution.

186. Stewards Revival Pentecostal Church supports the proposed amendments to the Bill as it among other things removes the risk of paralysis in the absence of both the chair and vice-chair of Independent Electoral and Boundaries Commission, seeks to implement the High Court decision in Solomon Gichira case, Maina Kiai case and Kenneth Otieno case, addresses uncertainty of conducting a fresh election and enhances the penalties for willful or deliberate failure to sign election.

187. Mr. Clement Nyamongo supported the amendments in the Bill by observing that among other things Parliament was lawfully exercising its legislative role.

188. Yabbesh Onyancha Geke observed that the period given for public participation was limited.

189. In his comments against the amendment Mr. Zeth Ouma Omollo proposes-

(a) that the Bill be deferred and re-introduced after the repeat polls owing to the timing and the prevailing political environment;

(b) that the existing legal infrastructure on the management of elections in Kenya suffices as all the matters arising from the Supreme Court Ruling (2017) could be cured exclusively by upholding fidelity to the existing laws, and fixing administrative issues at IEBC; and

(c) that the elections scheduled for 26th October 2017 are by letter and spirit of the Supreme Court Ruling "a repeat election" and this implies that the "rules of the game" must remain unchanged for purposes of the said repeat poll.

190. Mr. Daniel Ashman expressed concerns on the constitutionality of the amendments and opposed them citing that in his view; the amendments proposed in the Bill are unreasoned, untimely and unfair.

191. Eng. Kiiva Yosef Timothy opposed the amendments noting that, in its judgement, the Supreme Court did not quote the existing election law as lacking.

He also expressed concern on the timing of the amendments and questioned the capacity of the President to assent to the Bill at this "transitional period". He also expressed concern that change in law may cause confusion and that the ordered repeat election should be conducted under the prevailing law.

192. Mr. Timothy Kanda opposed the proposed amendments because, in his opinion, they undermine fundamental rights and challenge the free will of the people of Kenya.

193. Mr. Dalmas Olumasi opposed the Bill noting that it has negative effects, the timing is mischievous, Kenyans are past manual systems, the Independent Electoral and Boundaries Commission chairperson should be the only person in charge of declaration of results, the Supreme Court is independent and the Legislature should not attempt to criticize it or reduce powers bestowed on it by the Kenyan people.

194. Mr. Benji Ndolo opposed the Bill on grounds that the amendments were tantamount to changing the rules of the game in the middle of the game and hence mischievous in the prevailing circumstances. He observed that the reduction of the publication period of the Bill is inappropriate and the offences in the Bill are not of any consequence as what the Committee should address are the root causes of irregularities in the electoral system.

195. Mr. Michael Odiembo opposed the proposed amendments as, in his opinion it gives room for fraud through alteration of results. He further proposed that the quorum should be maintained at five, identification of voters should only be through KIEMS and the penalty for election offences by the presiding officers and returning officers should be enhanced to ten years. He observed that there is need for consensus between the political players and suggested that there is need to amend the law to: Prescribe an offence for any person who excludes agents at polling stations, define stray ballots and how to account for them, among other things.

196. Mr. Joseph Vekya opposes the Bill for the sake of future generations on the grounds that it is taking us back after a long fight to have a good Constitution.

197. In a written letter dated 5th October 2017, the International Commission of Jurists (ICJ) notified the Committee that it would neither appear nor present memorandum to the Committee. The International Commission of Jurists informed the Joint Committee that the unilateral decisions taken by Parliament to amend the

laws governing the elections in the middle of the Electoral Process is not well conceived or in good faith but an attempt to subvert the electoral architecture for short-term political gain. Further, that proposed amendments backtrack on the reforms that have been made to strengthen democracy and seek to legitimise illegalities and irregularities that the court found were not adhered to in the 8th August, 2017 Presidential elections. They observed that they did not find fault with the current law save for the fact that the Election Management Body did not comply with the law.

198. The National Rainbow Coalition (NARC Kenya) observed that the laws that the committee sought to amend were arrived at through consensus by a bipartisan committee. As such any changes to them should be negotiated by a bipartisan committee and further enriched by public participation. Further, effecting amendments without a consensus will amount to shifting of goalposts by one team before a rematch thereby tainting the process. They also stated that the lack of a bipartisan approach will polarize the nation and undermine our nationhood.

199. Mr. Ahmed Ali proposed that the vice-chairperson should also be a lawyer, the quorum should be clear and that the electronic system should prevail over the manual system.

200. Mr. Edward Githaiga, Chairman, Nairobi Branch, National `Youth Council of Kenya, supports the amendments and opposes extra-constitutional methods to bring reforms.

2.5.2 Comments on the Timing of the Bill

201. Noting that Kenya was still in an election cycle with the fresh election expected to take place on 26th October, 2017, the matter of whether it was the right time for Parliament to propose the amendments drew varied reactions from the public and stakeholders. Some members of the public were as follows-

202. Some stakeholders were of the opinion that the amendments were timely and necessary before the elections of 26th October, 2017. The Jubilee Party observed that six months to 28th August, 2017 there were at least forty cases filed in court which repealed numerous sections of electoral law creating the need for amendments. It was also noted that this was not the first time that new requirements have been put in place for the Independent Electoral and Boundaries Commission close to the election. It was noted by several stakeholders that the decision in the ***Independent Electoral and Boundaries Commission vs Maina***

Kiai & 5 others , Civil Appeal No.105 of 2017 [Maina Kiai Case] a ruling was given that affected the electoral process thirty five (35) days before the election.

203. Other stakeholders including the Political Parties Liaison Committee, the Inter-religious Council of Kenya among others were of the opinion that the amendments are ill-timed and that even though the amendments were necessary in the future, the political temperatures were high and they should be carried out in a bi-partisan process after the 26th October, 2017.

204. The Baraka Women Center Community Based Organization a woman's group through Teresia Mwangi observed that Parliament should change the law before the next election to protect women against gender based violence which is usually rampant whenever there are election disputes.

205. Cecilia Nyokabi from League of Kenya Women Voters and Family Organization for Empowerment (FOREM) supported the amendments and that it was appropriate that the same should be done before the fresh elections to avoid the same outcome.

206. UNIK Women self-help group observed that it supports Parliament to make the necessary changes to close all loopholes that may lead to the nullification of 26th October, 2017 elections.

207. Other stakeholders and members of the public supported the Bill in its entirety. They emphasized that the timing was appropriate as it would help the country resolve the current political impasse. They were: Mr. Benard Macharia, Mr. Christopher Muraguri from Tharaka Nithi County, Mr. Kenneth Orengo of the Africa Electoral Organization Group, Mr. Kamuri Gachoki Alex, Mr. Danson Mwangangi, Ms. Stacy Saida Chepkemoi, Mr. Washington Makodingo, Mr. Gabriel Muthuma, Mr. Jackson Mwalulu, Mr. Peter Amunga, Mr. Oliver Kipchumba, Mr. John Muthaka, Bishop Stephen Muketha, Ms. Janet Iminza Wanjohi, Mr. James Kipsang Ngetich, Ms. Geoffrey Mwaviso Muchawia , Bishop Stephen Muketha, Dr. Robert Kagiri, Ms. Sandra Ochola , Ms. Marion Njoroge on behalf of Wazalendo Huru

208. Mr. Lewis Bucheche, Mr. Oyugi Lawi, Reverend Khayo, supported the amendments and its noble intention but disagreed with the timing of the amendments noting the prevailing political situation in the country and urged the committee to proceed with the amendments after the 26th October , 2017 elections.

209. Similarly, Mr. Evans Migiro from Nyamira County supported the proposed amendments save that he did not agree with the timing of making the amendments in light of the fresh elections scheduled for 26th October, 2017. He suggested that the proposed amendments if enacted should apply in the next General Elections.

210. The Institute of Certified Public Accountants of Kenya noted that the Bill should be shelved until after the upcoming fresh elections. The Institute indicated that the current laws are adequate and guarantee free, fair and credible elections as per Article 81(e) of the Constitution.

211. The Political Parties Liaison Committee recommended that the Bill be shelved and the Independent Electoral and Boundaries Commission be allowed to conduct the fresh presidential election after which there should be a national discourse on the relevant changes needed for our electoral laws. In their submission, they stated that conformity of an electoral process with the principles of the Kenyan Constitution cannot be judged on the basis of legislation alone. Though it is important for the country to audit recurrent challenges and problematic issues resulting from both legislation and practice that cannot be done now.

212. The National Rainbow Coalition (NARC Kenya) observed that the amendments, however meritorious, are ill-timed and should be shelved in the interest of the nation till after the 26th October, 2017 elections and even then be handled by a bipartisan committee.

213. The United Disabled Persons of Kenya submitted that without prejudice to the merits or demerits of the Bill the same be put on hold until after the fresh Presidential election. While they appreciated Parliament's legislative mandate, it was their opinion that the timing of the Bill could polarize the country.

214. Mr. Charles Tabu Okumu of the Bunge La Wazalendo opposed the amendments on the grounds that the current political climate was unpredictable and polluted and therefore it was not the right time to undertake amendments to the Elections law, also there was no hurry in making the amendments. Instead, dialogue between the two contesting political parties should be encouraged. He further maintained that there was no time to address the issue of an acting Chairperson of the Independent Electoral and Boundaries Commission and there should be no speculation on his absence.

215. Similar opinions were shared by Mr.Alex Otunga.Mr. Lewis Bucheche, Mr. Boniface F. Makau, Ms. Catherine Watuka, Mr. Ledama Lee, Ms. Laureen

Amateshe, Mr. Mohammed Abdulahi and Mr. John Kunga Magige who generally opposed the amendments noting the limited time to the repeat election and the attendant tension in the country as reasons.

2.5.3 Comments relating to other areas of the law that require amendments

216. Some stakeholders and individual members of the public also made additional proposals and comments to the Committee on other areas of the law that did not touch on the provisions of the law but would require amendments. They included:

(1) Functions of the Independence Electoral and Boundaries Commission

217. Mr. Benson M. Karanja proposed the following range of amendments touching on the functions of the Independent Electoral and Boundaries Commission-

(a) That all returning officers should have qualification on human resource management, project management capabilities and skills required in high pressure environments

(b) Deputies in the counties and constituencies be recruited six (6) months to the Presidential Election

(c) The Presiding and Deputy Presiding Officers be recruited thirty(30) days before the Presidential Election

(d) The responsibility of hiring, training and payment of wages and allowances of Presiding and Deputy Presiding Officers be that of the County Returning Officers and not the Constituency Returning Officer as is the case today

(e) In the case where the Presiding Officer is required to attend Court as a witness, IEBC County Returning should be compelled to facilitate payment of allowances and other legal assistance to the Presiding Officer

(f) All IEBC returning officers, IEBC Commissioners, IEBC Secretariat Staff, part time staff including but not limited to deputies at the counties, deputies at the constituencies, ICT officials, Presiding and Deputy Presiding Officers, be subject to and fully comply with the Public Officer Ethics Act.

(2) Use of Technology

218. Wilson Mwai requested the committees to look into the issue of exposure, for example, the database of voters being leaked by insiders, creation of logic bombs (which are like computer viruses), etc.

219. The Kenya Private Sector Alliance proposed that section 2 be amended on the definition of the term "*integrated electronic system*" to include a computer based system.

(3) Transmission of Results

220. The Kenya Private Sector Alliance proposed that the law be amended to permit media to announce elections once they are announced by constituency returning officers since results announced at the constituency are final.

221. Mr. Johnson Moriasi Nyandika presented a revised version of Forms 34A, 34B and 34C showing-

(a) the time and date of signing;
(b) customized rubber stamps;
(c) Ballots allocated, issued and their balance; and
(d) Ballots data, signature of the Presiding Officers, Valid votes, objected to votes, rejected votes and disputed votes.

222. Mr. Nyandika further proposed that the election should provide for localized cancellation or repeat of voting from only polling station, constituency or county where the irregularities or illegalities are identified in order to save the taxpayers an additional burden. Additionally, the IEBC should pay the two agents per polling station for the major parties or coalitions to ensure a strengthened agent base as in a referendum;

223. Mr. David Ngumi observed that electronic transmission cannot be the single measure of a successful election and forms 34A should also be physically submitted to the Constituency Tallying Centre for collation. As such, the Independent Electoral and Boundaries Commission should develop a logistics plan that can expedite and facilitate delivery. Further, he stated that the role of Parliament is to legislate, look at the gaps in law and correct them.

224. Mr. Kenneth Mavale proposed that the Committee should legislate on timelines within which results should be transmitted which, in his opinion, should be within a day.

225. Mr. Isaiah Ngumi proposed that the Presiding Officers and Returning Officers should have deputies. He also wants the Independent Electoral and Boundaries

Commission to hire two agents in every constituency to act for the main political parties. The agents should also countersign the result transmission forms.

226. Mr. Phillip Magona submitted that the KIEMS should scan forms 34A and that the server should be monitored by among others Human Rights bodies and the Police. Also, media houses should give alerts of results received. It was his opinion that the declaration of results should be done after all the forms 34B are received and all party agents have signed form 34C.

(4) Legal Process

227. The Jubilee Reforms Lobby Group while supporting the amendments, proposed several legal and constitutional amendments relating to elections as follows-

(a) amendment of Article 138(2) of the Constitution to delete the word "shall" and insert "will";

(b) the Independent Electoral and Boundaries Commission should record number of voters in constituencies that do not vote;

(c) where the gap between the leading candidate and the runners-up is wide, to the extent that even if the votes of areas where people did not vote are added to the candidate with the second highest votes, it would not alter the result of the election, the leading candidate should be declared President.

(d) where the gap between the leading candidates and the runners-up is narrow to the extent that the votes of areas where people did not vote if added can alter the result of the election, an election shall only be held in such areas;

(e) Article 140 should be amended to substitute 14 with 30 days;

(f) Supreme Court cannot invalidate an election unless the irregularities can alter the final result;

(g) Require two thirds out of the seven judges can nullify an election;

(h) Within 30 days judges should give their reasoned ruling;

(i) Judges to identify persons responsible for irregularities and the Director of Public Prosecutions should investigate such cases;

(j) Supreme Court judgements nullifying the Presidential Election should be subject to judicial review where false evidence was given, or there was conflict of interest of a judge;

(k) Fresh elections should be held within sixty days from the date of the judgement;

(l) Article 138(4) be amended to prescribe a threshold for majority of votes.

228. Hon. Kalembe Ndile observed that there is need to review the powers of the Court so that it can order a recount following an election petition.

229. Mr. Ngachuche observed that there is need to enhance the penalties for witnesses who swear false affidavits in court, elevate burden of proof in presidential election petitions to proof beyond reasonable doubt and provide for appeal against court decisions on president elections at the Senate.

230. Apostle Joe Kamau suggested that the three arms of Government should review their perspectives on the entire electoral law and processes.

231. The Non-governmental Organisations Council urged the Committee to among other things observe the independence of the three arms of government and ensure the laws debated and passed by Parliament are for posterity and can stand the test of time.

232. Mr. Mark Too sought clarification on what would happen if the Chief Justice refused to attend the swearing in ceremony of a President-elect.

233. Hon. Samuel Gichigi requested the Committee to look into the issue of gazettement of judges to hear and determine election petitions relating to elections of members of county assemblies contrary to section 75 of the Elections Act.

234. Mr. Nkeissery Kamau Christopher proposed that an election should be an event and not a process.

235. Mr. Nderitu Njoka, Chairperson of Maendeleo ya Wanaume, proposed that polling stations should not be in schools but may be public grounds to avoid affecting the academic calendar. Also, he proposed that the voting age be lowered to sixteen (16) years.

236. Mr. Wanjohi Nyambu submitted that the swearing-in of the President should be conducted by the Speaker of the National Assembly and the Senate.

237. Bishop Stephen Muketha spoke to the issue of providing an age limit during demonstrations/protests and on conduct of protests and demonstrations.

(5) National Unity and Peace

238. Several stakeholders and individual members of the public made calls for national unity and peace. They include-

239. Tom Shivachi, Chairman of Kakamega Forum, Anticorruption committee in Kakamega who asked for sobriety among all stakeholders as they address the challenges facing elections in Kenya for the sake of posterity and the best interests of the country.

240. Prophet Paul Mwangi, from House of Prophets supported all amendments as they would avert the likelihood of any crisis befalling the nation.

241. Mr. Robert Owango from Homa Bay County observed that the proposed amendments are in order but urged the Members of Parliament to ensure that peace prevails in the country.

242. Ms. Vellah Kadeiza proposed consensus-building by the two major political parties as a way forward.

2.5.4 General Observations of the Committee

243. The Committee took into account the views of the public and considered at length all concerns expressed on various issues relating to the Bills.

244. With regard to the issue of the timing of the Bill, the Committee noted that the Supreme Court ruling pointed out irregularities in the election transmission process that had to be addressed before the next elections so as to avoid the same irregularities. The Committee noted that Parliament has a constitutional mandate to make laws, an obligation to solve the current political impasse and address the legal issues raised by the Supreme Court. Of note was that the Supreme Court asserted in its majority judgement in the case of ***Raila Odinga and another vs IEBC and 2 others , Presidential Petition No.1 of 2017*** in para 402 (pg.176) as follows-

> *"It ought to lead IEBC to soul-searching and to go back to the drawing board. If not, this Court, whenever called upon to adjudicate on a similar dispute will reach the same decision if the anomalies remain the same, irrespective of who the aspirants may be"*

245. While noting the concerns of various members of the public on the reduced period of publication of the Bills, the Select Committees observed that the Standing Orders of both Houses provide for this, subject to the resolution of the Houses. Standing Order 120 of the National Assembly Standing Orders provides that:

"No Bill shall be introduced unless such Bill together with the memorandum referred to in Standing Order 117 (Memorandum of Objects and Reasons), has been published in the Gazette (as a Bill to be originated in the Assembly), and unless, in the case of a Consolidated Fund Bill, an Appropriation Bill or a Supplementary Appropriation Bill, a period of seven days, and in the case of any other Bill a period of fourteen days, beginning in each case from the day of such publication, or such shorter period as the House may resolve with respect to the Bill, has ended."

246. Similarly Standing Order 128 of the Senate Standing Orders provides that:

"No Bill shall be introduced unless such Bill together with the memorandum referred to in Standing Order 125 (Memorandum of Objects and Reasons), has been published in the Gazette (as a Bill to be originated in the Senate), and unless, in the case of a Division of Revenue Bill or a County Allocation of Revenue Bill, a period of seven days, and in the case of any other Bill a period of fourteen days, beginning in each case from the day of such publication, or such shorter period as the Senate may resolve with respect to the Bill, has ended."

247. Further, the Parliament of Kenya has on various occasions, following the adoption of procedural motions on the same, resolved to shorten the period for publication of various Bills. These include:

Bill	**Reduction of Publication Period**	**Rationale**
The Constitution (Amendment) Bill, 2008	From 14 days to 5 days	To facilitate the power sharing agreement following the post-election violence of 2007/8. The amendment Bill sought to establish the posts of Prime Minister and

		Deputy Prime Minister.
The National Accord and Reconciliation Bill, 2008	From 14 days to 5 days	To provide legal basis for the terms of the power-sharing arrangement in 2008
Security Laws (Amendment) Bill, 2014	From 14 days to 1 day	To facilitate the nation's security apparatus to address the security crisis occasioned by sustained attacks by Al Shabab terrorist group
Anti- Doping (Amendment) Bill, 2016	From 14 days to 7 days	To meet the World Anti- Doping Agency (WADA) deadline for adoption of guidelines to align the Anti-Doping Act, 2016 with the UNESCO Convention Against Doping in Sport.

CHAPTER THREE

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

249. The Select Committee on the Election Laws, 2017 made the observations and recommendations based on the deliberations of the Bill and stakeholder input as listed below-

3.1 Clause 2: Definition of the term Chairperson

250. Clause 2 of the Bill seeks to amend the definition of the term "Chairperson" in Section 2 of the IEBC Act. It provides that the Chairperson of the Commission means the Chairperson appointed in accordance with Article 250(2) of the Constitution and, in the absence of the Chairperson, the Vice-Chairperson, or such other person acting as the Chairperson in the absence of both the Chairperson and Vice-Chairperson.

Observations

The Committee observed that-

251. There is need to provide expressly for the manner in which the affairs of the Commission will be run to ensure there is no vacuum in leadership and continuity in the affairs of the Commission. The mischief that the Bill seeks to cure is not simply in the definition of the term "chairperson" but to also consider the exercise of the powers of the Chairperson such as the powers of the chairperson being the Returning Officer in the presidential election. The functions of the Chairperson are not ordinary and therefore there must be an express provision for the vice-chairperson or a member elected by other members, to act for the chairperson.

252. Providing for the vice chairperson or any other member of a Commission to deputize the Chairperson is a standard practice and is also provided for in law with respect to other state and public offices. For instance, Article 147 (3) of the Constitution provides that, "*Subject to Article 134, when the President is absent or is temporarily incapacitated, and during any other period that the President decides, the Deputy President shall act as the President*".

253. Article 259(3)(b) of the Constitution provides that, *"every provision of this constitution shall be construed according to the doctrine of interpretation that the law is always speaking and therefore among other things... any reference in this constitution to a state or other public office or officer, or a person holding such an*

office, includes a reference to the person acting in or otherwise performing the functions of the office at any particular time".

254. With respect to the structure of other Constitutional Commissions, the Committee observed that for example, in the Parliamentary Service Act No. 10 of 2000, the term "**Chairman**" is defined to include the vice-chairman or any other member of the Commission when discharging the functions of the chairman. Similarly, in the Judicial Service Act, No. 1 of 2011, the term "**Chairperson**" is defined to include the Vice Chairperson or any other member of the Commission when discharging the functions of the Chairperson. The proposed new definition of "chairperson" therefore is in line with the general organization structure of other Constitutional Commissions.

255. Further the Interpretation and General Provisions Act Cap 2 Laws of Kenya (which provides for construction, application and interpretation of written law) provides, at section 45, that "*in this Act and in any other written law, instrument, warrant or process of any kind, a reference to a person holding an office shall include a reference to any person for the time being lawfully discharging the functions of that office".* The Constitution and the Interpretation and General Provisions Act therefore provide for the continuity in the leadership and management of state and public offices.

256. Where the vice-chairperson or a member of the Commission acts in the stead of the Chairperson as a temporary measure to ensure that there is no impediment to the efficient running of the affairs of the Commission.

257. The use of the words "such other person" in definition of the term Chairperson, as proposed in the Bill, implies that anyone else apart from the members of the Commission could possibly act as Chairperson.

Recommendation

258. Delete the proposed definition of chairperson and substituting therefor the following new definition—

"Chairperson" means the chairperson of the Commission appointed in accordance with Article 250(2) of the Constitution or the vice-chairperson or a Member of the Commission when discharging the functions of the chairperson."

3.2 Clause 3: Qualification for appointment as Chairperson and chairing of Commission meetings in the absence of the Chairperson

259. Clause 3 of the Bill seeks to amend Section 6 of the IEBC Act to-

(a) provide for new qualifications for the chairperson of the Commission. Presently Section 6(1) of the Act provides that *"the chairperson of the Commission shall be a person who is qualified to hold the office of judge of the Supreme Court under the Constitution"*. The Bill however proposes that the Chairperson shall hold a degree in public administration, public finance, governance, electoral management, social science or law and have at least fifteen years' experience in the aforementioned fields;

(b) provide that in the absence of the chairperson, the vice-chairperson shall assume the duties and responsibilities of the chairperson. Further in the event of an absence of the chairperson or the vice-chairperson, members of the Commission shall elect from amongst themselves a person to act as chairperson and exercise the duties and responsibilities of the chairperson;

Observations

260. The Committee noted that there is a standard practice with regards to assumption of the Chairperson's role in his/her absence and the law also provides for it. For example, Article 147 of the Constitution provides that *".....when the President is absent or is temporarily incapacitated, and during any other period that the President decides, the Deputy President shall act as the President"*. In the same vein, standing order 196 and 188 of the Senate Standing Orders and the National Assembly Standing Orders respectively provide that in the absence of the chairperson and vice-chairperson at any meeting, the members present shall elect one of them to take the Chair.

261. As to the proposed changes to the qualifications of the chairperson, the Committee observed that because of the nature of the duties of the chairperson, qualifications in law would be essential to the discharge of the duties of the chairperson. The electoral process is tempered by numerous legal instruments and processes. For instance, under the Second Schedule to the Elections Act the Electoral Code of Conduct Enforcement Committee requires that the chairperson of the committee be a person qualified to hold the office of a judge of the High Court. In the present composition of the Commission only the chairperson of the Commission is qualified to be the Chairperson of the Committee.

262. Therefore while the Committee appreciates that the secretariat to the commission would give the Chairperson guidance on legal matters, it is an added advantage that the Chairperson has extensive experience in the practice of law.

263. The Committee, however, proposes that it would be appropriate to expressly provide in law that while the Chairperson of the Commission must be a person qualified to be a Judge of the Supreme Court, the vice-chairperson or a member who acts in the stead of the chair need not have similar qualifications as those of the Chairperson.

264. Further comparable Constitutional Commissions provide for higher qualifications for the chairperson *vis-à-vis* the other members of the Commission. The Ethics and Anti-Corruption Commission, Teachers Service Commission, Commission on Administrative Justice, National Gender and Equality Commission, Kenya National Human Rights Commission and the National Land Commission provide for the chairperson to have at least fifteen years' experience in the applicable field and members to have ten years' experience.

265. As to the proposed insertion of new 1A and 1B on who may act in the absence of the Chairperson, the Committee observed that there must be a clear distinction between the terms "absence" and "vacancy". Section 7A of the Act presently provides for the situations in which a vacancy arises and the procedure for the filling of the vacancy. However, it does not speak to who may act as the Chairperson before the filling of the vacancy. This would potentially lead to the same vacuum as that created during the absence of the Chairperson.

Recommendation

The Committee therefore recommends that-

266. Clause 3 (1) be deleted and recommended that

The proposed new sections 1A and 1B be redrafted to provide for persons who shall act as Chairperson in the event of –

(a) the Chairperson; or

(b) a vacancy in the office of the chairperson pending the filling of the vacancy under section 7A.

(c) Notwithstanding the qualifications in section 6(1) of the Elections Act, 2011 when acting as chairperson, the vice chairperson or a member does not have to possess similar qualifications as the Chairperson

3.3 Clause 4: Quorum for Commission meetings and decision-making

267. Clause 4 seeks to amend the Second Schedule to the Act to-

(a) provide that the quorum for the conduct of business at a meeting of the Commission shall be at least half of the existing members of the Commission, provided that the quorum shall not be less than three members. Presently, paragraph 5 of the Second Schedule to the Act provides that *"the quorum for the conduct of business at a meeting of the Commission shall be at least five members of the Commission"*; and

(b) insert a new paragraph 7 to provide for the procedure through which decisions of the Commission shall be taken. The Bill proposes that a decision on any matter before the Commission shall be by a majority of the members present and voting, unless a unanimous decision is reached. Presently, paragraph 7 of the Second Schedule provides that *"unless a unanimous decision is reached, a decision on any matter before the Commission shall be by concurrence of a majority of all the members"*.

Observation

The Committee observed that-

268. Article 250(1) contemplates that a constitutional commission may consist of at least three and not more than nine members. Section 5 of the Independent Electoral and Boundaries Commission Act provides that the Commission consists of seven members of the Commission. Presently under paragraph 5 of the Second Schedule to the Elections Act provides that *"the quorum for the conduct of business at a meeting of the commission is stipulated as at least five members"*. The Committee therefore observes that it may be possible for the Commission to be comprised of three members. Further, and in the alternative, certain members of the Commission may be unavailable to attend meetings of the Commission. In both these instances, the work of the Commission would be seriously impeded.

Recommendation

269. The Committee therefore recommends that clause 4 of the Bill be retained in the form it is.

3.4 Clause 5: Nomination of Presidential Candidates

270. Clause 5 of the Bill proposes to delete Section 29 of the Elections Act. This Section provides for the persons eligible to nominate a presidential candidate in the following terms-

> *(1) The persons who nominate a presidential candidate shall be members of the candidate's political party.*
>
> *(2) The persons who nominate an independent presidential candidate shall not be members of any political party;*

Observation

271. Deletion of section 29 of the Elections Act as proposed in clause 5 of the Bill is a legislative expression of the findings of the court in ***Peter Solomon Gichira v Independent Electoral and Boundaries Commission & Attorney-General (Petition No. 234 of 2017)*** where the court found that-

> *(1) by enacting that the persons who nominate an independent presidential candidate shall not be members of any political party, section 29 of the Elections Act contravened the letter and the spirit of Article 38 as read with Article 137(1)(d) of the Constitution. Similarly, by enacting that the persons who nominate a presidential candidate shall be members of the candidate s political party, the same section contravened the letter and the spirit of Article 38 as read with Article 137(1)(d) of the Constitution;*
>
> *(2) by restricting section 29 of the Elections Act to presidential candidates, the said section contravened Article 27 of the Constitution that enshrines freedom from discrimination;*
>
> *(3) by providing that all presidential candidates submit their list of 2000 supporters from at least 24 counties to the Commission by Excel, the Independent Electoral and Boundaries Commission went overboard and purported to unlawfully and unjustifiably restrict or limit the rights of such candidates to exercise their political rights under the Constitution. I further find that the said requirement does not meet the fairness and reasonability test as provided for under Article 24 of the Constitution.*

Recommendation

272. The Committee recommends that clause 5 be retained in the form it is.

3.5 Clause 6: Mode of transmission of results

273. Clause 6 of the Bill proposes to amend Section 39 of the Elections Act to provide that-

(a) the Independent and Electoral Boundaries shall transmit electronically and manually the results of a presidential election from a polling station to the constituency tallying centre and to the national tallying centre;

(b) in the event of a discrepancy, manually transmitted results shall prevail over electronically transmitted results;

(c) failure to transmit or publish election results electronically shall not invalidate the results as announced and declared;

(d) the Independent and Electoral Boundaries Commission shall establish a mechanism for live-streaming of results; and

(e) live-streamed results shall not form the basis of a declaration by the Independent and Electoral Boundaries.

Observations

274. The phrase "manually transmit" is not clear as to the type of additional transmission of results required under the Act. Inclusion of the phrase "physically" deliver properly obligates the Commission to ensure the delivery of the physical copies of the results to the National Tallying Centre in addition to the electronic transmission of results. The proposed new sub-sections (ID) and (IDA) also seeks to clarify the role of the Chairperson in verifying results in light of Articles 86(b) and 138(3)(c) of the Constitution and the decisions of the High Court, the *Court of Appeal in the Independent Electoral and Boundaries Commission versus Maina Kiai* and five others and the Supreme Court. The amendment also seeks to create an obligation on the Independent Electoral and Boundaries Commission to establish a mechanism for the live streaming of results as announced at the polling stations but the results so streamed shall be for purposes of public information. As it is presently, section 39(IC)(c) of the Elections Act, 2011 provide that the Commission shall publish the polling result forms on an online public portal. This mechanism of informing the public on presidential results is not adequate as

accessibility of information may be limited due to unavailability of internet technology in certain areas of the country. In this regard the amendment is meant to add to the public portal in terms of ensuring access to information by the members of the public.

275. The amendment also seeks to delete paragraph (d) as it would not be possible in light of Article 138(10) of the Constitution for the Chairperson to have received all the results before declaring the presidential election results. Article 138(10) of the Constitution requires the Chairperson to declare results within seven days after the presidential election. The amendment therefore allows the chairperson of the Commission to declare a candidate elected as the President before all the constituencies have transmitted their results if the Commission is satisfied the results that have not been received will not affect the result of the election

Recommendation

The Committee recommends that-

276. Amend clause 6 —

(a) in paragraph (a) by deleting the words "and manually transmit" and substituting therefor the words "transmit and physically deliver";

(b) by deleting the proposed new subsection (1D) and substituting therefor the following new sub-sections—

"(1D) The Commission shall verify that the results transmitted under this section are an accurate record of the results tallied, verified and declared at the respective polling stations."

"(1DA) Where there is a discrepancy between the electronically transmitted and the physically delivered results, the Commission shall verify the results and the result which is an accurate record of the results tallied, verified and declared at the respective polling station shall prevail.

(c) deleting paragraph (d) and substituting therefor the following new paragraph—

"(d) by deleting sub-section (2) and substituting therefor the following new subsection—

(2) The Chairperson may declare a candidate elected as the President before all the constituencies have transmitted their results if the Commission is satisfied the results that have not been received will not affect the result of the election.

3.6 Clause 7: Use of Technology

277. Clause 7 of the Bill proposes to amend Section 44 of the Elections Act to-

(a) clarify the regulation making powers of the Commission with respect to the use of technology. Presently, Section 44(5) of the Act provides that the Commission shall, in consultation with relevant agencies, institutions and stakeholders, including political parties, make regulations relating to transparent acquisition and disposal of information and communication technology assets and systems; testing and certification of the system; mechanisms for the conduct of a system audit; data storage and information security; data retention and disposal; access to electoral system software source codes; capacity building of staff of the Commission and relevant stakeholders on the use of technology in the electoral process; telecommunication network for voter validation and result transmission; and development, publication and implementation of a disaster recovery and operations continuity plan. The Bill proposes to delete this particular provision and provide for a general power to make regulations for the use of technology;

(b) delete certain subsections under Section 44 which applied to regulations for the use of technology in reference to the first general election after the commencement of the section.

(c) delete subsection (8) which presently provides for the establishment of a technical committee of the Commission consisting of such members and officers of the Commission and such other relevant agencies, institutions or stakeholders to oversee the adoption of technology in the electoral process and implement the use of such technology.

Observations

278. The Committee observes that clause 7 of the Bill proposes to-

(a) amend subsection (5) of section 44 of the Elections Act to exclude political parties as a specifically identified category of stakeholders and to give the Commission the general power to make regulations with respect to the use of technology. This is to ensure that the Commission has the discretion to provide for the most appropriate mechanisms for the use of technology in the electoral process. Further the amendment does not preclude the Commission from consulting political parties, as they are relevant stakeholders.

(b) delete subsection (6) and (7) of section 44 of the Elections Act as these provisions were to be applicable to the election held on 8th August, 2017 and have ceased to have effect;

(c) delete subsection (8) of section 44 which required the establishment of the technical committee on the use of technology, in line with the following findings of the court in ***Kenneth Otieno v Attorney-General & Another (Petition No. 127 of 2017)***. That-

(i) the use of general words such as "relevant agencies, institutions or stakeholders" leaves room for inclusion of people expressly excluded by Article 88(2) of the Constitution from running the affairs of IEBC, and the composition of the committee and the functions given to it threatens the structural independence of IEBC that is guaranteed by the Constitution;

(ii) section 44(8) may be used to involve governmental, political or other partisan influences in the implementation of the electronic electoral processes contrary to Article 249(2) of the Constitution. Our finding therefore is that the effect of section 44(8) contravenes Articles 88 and 249(2) of the Constitution with respect to the independence of IEBC, and is therefore unconstitutional.

Recommendation

279. The Committee therefore recommends that clause 7 of the Bill be retained.

3.7 Clause 8: Complementary Mechanism for Identification of Voters

280. Clause 8 of the Bill proposes to amend section 44A of the Elections Act by removing the reference to section 39 and further by making it discretionary for the Commission to put in place a complementary mechanism for identification of voters.

Observation

281. The proposed amendment to section 39 provides for both electronic and manual transmission (through physical delivery of forms tabulating results), it is therefore necessary to make it mandatory for the independent Electoral and Boundaries Commission to set up a complementary mechanism to ensure that no eligible voter who is registered is left out of voting

Recommendation

282. Delete clause 8 of the Bill therefore retaining section 44 (A) as it is in its present form in the Elections Act.

3.8 Clause 9: Nullification of Elections

283. Clause 9 of the Bill proposes to amend section 83 by providing that-

(a) no election shall be declared to be void by reason of non-compliance with any written law relating to that election if it appears that the election was conducted in accordance with the principles laid down in the Constitution **and** in that written law and that the non-compliance did not affect the result of the election;

(b) a form prescribed by the Act shall not be void by reason of a deviation from the requirements of the form as long as the deviation is not calculated to mislead;

Observations

The Committee observed that-

284. It is necessary to amend section 83 of the Elections to provide that for an election to be invalidated, a petitioner must prove that there was non-compliance with the written law and the constitution and that the non-compliance did not substantially affect the result of the election.

285. The Supreme Court ***(in Raila Odinga & Another v IEBC & 2 others Presidential Petition No. 1 of 2017),*** found that the use of "or" is disjunctive and therefore an election may be invalidated if a petitioner proves either that there was non-compliance with the law and need further demonstrate that the non-compliance affected the result of the election. In reaching this decision the court observed that—

"the Legislature in its wisdom chose the words in Section 83 of the Elections Act and in keeping to our oath, we cannot, to placate any side of the political divide, alter, amend, read into or in any way affect the meaning to be attributed to that section".

286. It is therefore within Parliament's purview to amend section 83 to render the two conditions conjunctive.

The proposed amendment renders the two conditions conjunctive. In effect, a petitioner would be required to demonstrate non-compliance with the law as well as the substantial effect of the non-compliance on the outcome of the result. Indeed a conjunctive rendering of the provisions of section 83 is replicated across the Commonwealth including in Nigeria, Ghana, Zambia, Tanzania and Uganda.

Recommendation

287. Amend by deleting the Section 83 and substituting therefor the following new section—

83. (1) A Court shall not declare an election void for non-compliance with any written law relating to that election if it appears that—

(a) the election was conducted in accordance with the principles laid down in the Constitution and in that written law; **and**

(b) the non-compliance did not substantially affect the result of the election

(2) Pursuant to section 72 of the Interpretation and General Provisions Act, a form prescribed by this Act or the regulations made thereunder shall not be void by reason of a deviation from the requirements of that form, as long as the deviation is not calculated to mislead.

3.9 Clause 10: Procedure at fresh elections

288. The Bill proposes to insert a new section 86A in the Elections Act to-

(a) provide that the Commission shall publish, within seven days, a notice in the Gazette indicating that a presidential election has been invalidated, the date for fresh elections and the names and political parties of the candidates to participate in the fresh elections;

(b) set out persons eligible to participate in a fresh presidential election in the event that the Supreme court invalidates a presidential election. In this respect, the Bill proposes that-

(i) where the petition was filed by the runner-up candidate, the fresh election shall be confined to the petitioner and the president-elect;

(ii) where the petition was filed by more than one candidate who participated in the original election, the petitioning candidates and the president-elect may participate in the election;

(iii) where the petitions was filed by a person who was not a candidate in the original election, then each of the candidates in the election may participate in the fresh election;

(c) preclude the commission from conducting fresh nominations for an election arising out of an invalidated election; and

(d) provide for the conditions applicable where an eligible candidate withdraws from an election.

Observation

289. From the public participation exercise conducted, various individuals and organisations highlighted the issue that the proposed provision limits the rights of persons to vie for elective office contrary to Article 38 of the Constitution which provides—

(1) Every citizen is free to make political choices, which includes the right—

(a) to form, or participate in forming, a political party;

(b) to participate in the activities of, or recruit members for, a political party; or

(c) to campaign for a political party or cause.

(2) Every citizen has the right to free, fair and regular elections based on universal suffrage and the free expression of the will of the electors for—

(a) any elective public body or office established under this Constitution; or

(b) any office of any political party of which the citizen is a member.

(3) Every adult citizen has the right, without unreasonable restrictions—

(a) to be registered as a voter;

(b) to vote by secret ballot in any election or referendum; and

(c) to be a candidate for public office, or office within a political party of which the citizen is a member and, if elected, to hold office.

Recommendation

290. The Committee therefore recommends that clause 10 be amended by deleting subsection (2) of the proposed new section 86A.

3.10 Clause 11: Failure or refusal to sign election results

291. Clause 11 of the Bill proposes to amend the Elections Offences Act to penalize a presiding or returning officer who knowingly fails or refuses to sign or complete a document containing the results of an election. The Bill further proposes to penalize a presiding or returning officer who wilfully submits an incomplete document or wilfully alters or falsifies a document. The Bill proposes a penalty of imprisonment for a term not exceeding five years upon conviction.

Observations

292. The Committee observed that the offences proposed in the Bill, to be introduced through an amendment of the Elections Offences Act, are already adequately couched in Section 6 of the Elections Offences Act that provides for offences by members and staff of the Commission in the following terms-

A member of the Commission, staff or other person having any duty to perform pursuant to any written law relating to any election who—

(a) makes, in any record, return or other document which they are required to keep or make under such written law, an entry which they know or have reasonable cause to believe to be false, or do not believe to be true;

(b) permits any person whom they know or have reasonable cause to believe to be able to read or write to vote in the manner provided for persons unable to read or write;

(c) permits any person whom they know or have reasonable cause to believe not to be visually impaired or a person with disability to vote in the manner provided for persons who are visually impaired or persons with disability, as the case may be;

(d) wilfully prevents any person from voting at the polling station at which they know or have reasonable cause to believe such person is entitled to vote;

(e) wilfully rejects or refuses to count any ballot paper which they know or have reasonable cause to believe is validly cast for any candidate in accordance with the provisions of such written law;

(f) wilfully counts any ballot paper as being cast for any candidate which they know or have reasonable cause to believe was not validly cast for that candidate;

(g) interferes with a voter in the casting of his vote in secret;

(h) where required under the Elections Act (No. 24 of 2011) or any other law to declare the result of an election, fails to declare the results of an election;

(i) except in the case of a member, officer or person authorised to do so, purports to make a formal declaration or formal announcement of an election result;

(j) without reasonable cause does or omits to do anything in breach of his official duty;

(k) colludes with any political party or candidate for purposes of giving an undue advantage to the political party or candidate;

(l) wilfully contravenes the law to give undue advantage to a candidate or a political party on partisan, ethnic, religious, gender or any other unlawful considerations; or

(m) fails to prevent or report to the Commission or any other relevant authority, the commission of an electoral offence committed under this Act,

commits an offence and is liable on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three years or to both".

293. The Supreme Court in ***Raila Odinga & Another v IEBC & 2 others Presidential Petition No. 1 of 2017*** made the following observations with regard to certain prescribed forms-

The Court notes further that from the report on Forms 34B, the Registrar out rightly made an observation that some of the forms were photocopies, carbon copies and not signed. And out of the 291 forms, 56 did not have the watermark feature while 31 did not bear the serial numbers. A further 5 were not signed at all and 2 were only stamped by the returning officers but not signed. In addition, a further 32 Forms were not signed by agents. The above incidences are singled out since they are incidences where the accountability and transparency of the forms are in question.

294. There is need to enhance the penalty as it will act as deterrent for members of the Commission, staff of the Commission and any other person who has a legal

obligation to perform certain duties with respect to the electoral process from failing to discharge their duties.

Recommendation

295. The Committee recommends that clause 11 of the Bill be deleted and substituted with a new clause 11 which would amend section 6 of the Election Offences Act, 2016 to enhance the imprisonment term from three years to five years and the fine from one million shillings to two million shillings.

PARLIAMENT OF KENYA LIBRARY

REPUBLIC OF KENYA

Approved
Hon
4/5/16

NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FIFTH SESSION - 2016

REPORT OF

THE SELECT COMMITTEE ON THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND, ON THE CONSIDERATION OF 140 CONSTITUENCY COMMITTEES OF THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND

Paper laid by
Hon. Moses Kessonet
on 4/5/2016

04 MAY 2016

CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI **APRIL, 2016**

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1.0 EXECUTIVE SUMMARY

The purpose of this report is to seek the approval of the National Assembly for the Nominees to the National Government Constituencies Development Fund Constituency Committees (NG-CDFC) pursuant to Section 43(4) of the NG-CDF Act, 2015 and Regulation 5(10).

2.0 CHAIRMAN'S FOREWORD

The Committee considered the list of Nominees by the NG-CDF Board to the NG-CDFCs' submitted to the House on 26th and 28th April 2016.

On behalf of the Members of the Select Committee on National Government Constituencies Development Fund, Section 50 (5) (d) of the NG-CDF Act, 2015, Regulation (5)10 the NG-CDF Regulations, 2016 and pursuant to Standing Order 199, it is my pleasure and duty to present to the House, the Report of the National Government Constituencies Development Fund Committee on its consideration of the Nominees to the Constituency Committees on the National Government Constituencies Development Fund.

3.0 MANDATE OF THE COMMITTEE

Section 50 of the Constituencies Development Fund Act, 2013, expounds on the mandate of the Committee, and states that:-

(5) The functions of the National Assembly Select Committee are —

a) to oversee the implementation of this Act and in this respect, shall after every two years submit a report to the National Assembly and where necessary, propose any amendments to this Act, in particular, with respect to the quantum of funds repayable into the Fund in accordance with section 4 of the Act;
b) to oversee the policy framework and legislative matters that may arise in relation to the Fund;
c) to continually review the framework set out for the efficient delivery of development programmes financed through the Fund;
d) to consider and recommend to the National Assembly , with recommendations, names of persons required to be approved by the National Assembly under this Act, and;

e) to carry out any other functions relevant to the work of the Fund.

(6) The National Assembly Committee may make reports other than the statutory report stated in sub section 5(b) to appraise the National Assembly on various matters relating to the Fund and to seek various approvals as required by the Act.

3.1 COMMITTEE MEMBERSHIP

Chairperson	1. The Hon. Moses Lessonet, MP
Vice – Chairperson	2. The Hon. Esther Gathogo, MP
	3. The Hon. (Eng.) Nicolas Gumbo, MP
	4. The Hon. Mohamed Haji, MP
	5. The Hon. Yusuf Chanzu, MP
	6. The Hon. Benson Mbai Itwiku, MP
	7. The Hon. Raphael Letimalo, MP
	8. The Hon. Maina Kamanda, MP
	9. The Hon. Peter Kaluma, MP
	10.The Hon. Abdikadir Ore, MP
	11.The Hon. Mohamed Abass, MP
	12. The Hon. John Lodepe Nakara, MP
	13. The Hon. Silas Kipkoech Tiren, MP
	14. The Hon. Kyengo KatathaMaweu, MP
	15. The Hon. Elijah MosomiMoindi, MP
	16. The Hon. Gideon O. Ochanda, MP
	17. The Hon. Kamoti Mwamkale, MP
	18. The Hon. Joseph O. Ndiege, MP
	19. The Hon. David Wafula, MP

SECRTETARIAT

1.	Mr. Ahmad Kadhi	–	Clerk Assistant II
2.	Ms. Ella Kendi	-	Clerk Assistant III
3.	Mr. Wilson Dima Dima	-	Legal Counsel
4.	Mr. Wellington Namenge	-	Policy Analyst & Research Officer
5.	Mr. Apaa Eugene	-	Research Officer

INTRODUCTION

4.0 CONSIDERATION OF NOMINEES TO THE NATIONAL GOVERNMENTCONSTITUENCIES DEVELOPMENT FUND CONSTITUENCY COMMITTEES

The tenure of the Constituency Development Fund Committees expired on 19th February 2016 following the lapse of the Constituency Development Fund Act (CDF) 2013. The enactment of the National Government Constituency Development Fund (NGCDF) Act, 2015 and the coming into effect of the National Government Constituencies Development Fund Regulations 2016 mandates the setting up of the said Constituency Committees to ensure implementation of the Fund.

Section 43(2) of the Act states that each Constituency Committee shall comprise:-

a) The national government Official responsible for coordination of national government functions;
b) Two men each nominated in accordance with subsection (3), one of whom shall be a youth on the date of appointment;
c) Two women nominated in accordance with subsection (3), one of whom shall be a youth at the date of appointment;
d) One person with disability nominated by a registered group representing persons with disabilities in the constituency in accordance with subsection (3)
e) Two persons nominated by the Constituency office established under Regulations made pursuant to the Parliamentary Service Act;
f) The officer of the Board seconded to the Constituency Committee by the Board who shall be an ex officio member without a vote;
g) One member co-opted by the board in accordance with NG-CDF Regulations;

Further, Section (3) expounds that the persons in section 43(2) above "shall be selected in such manner and shall have such qualifications as the Board may, by regulations, prescribe.

The NG-CDF Regulations, 2016 require that the National Assembly approve the Nominees as spelt out in (Regulation 5 (10))

The provisions of the NG-CDF Act 2015 Section 43(3) are made operational through Section 5 and 6 of the NG-CDF Regulations 2016. Specifically, the Regulations provide for nomination of five members of the NG-CDFC outlined in Section 43(2) paragraphs (b), (c) and (d) through a Selection Panel composed of:

i. One person nominated by the National Government Official in charge of the Sub-county, or a designated representative who shall chair the Panel;

ii. The Officer of the Board seconded to the Constituency who shall be the Secretary to the Selection Panel; and

iii. Two persons, **one of either gender,** nominated by the Constituency Office (established under Regulations made pursuant to the Parliamentary Service Act).

Further, the Regulations require that for one to serve as a member of the NG-CDFC, he or she must be (a.) a citizen of Kenya; (b) ordinarily a resident voter in the constituency; (c) able to read and write, and (d) to communicate in English and Kiswahili; and (e) meet the requirement of Chapter six of the Constitution of Kenya; (f)is available to participate in activities of a constituency committee. For the youth nominee, he/she must have attained the age of eighteen years but be below the age of thirty-five years. Additionally in line with Constitutional spirit of the youth requirement, the youth nominee must possess the foregoing attributes for the duration of their term on the NG-CDFC. Further, the Regulations require that for a person to be elected Chairman or Secretary of NG-CDFC, he/she must hold Kenya Certificate of Secondary Education or equivalent

To facilitate the process, Fund Managers were required to:

a. Write to the Deputy County Commissioner requesting him to nominate a suitable officer (in writing), who will sit in and chair the NG-CDFC Selection Panel;
b. Write to the Constituency Office Manager, requesting him/her to nominate two persons among the residents of the Constituency to be part of the NG-CDFC Selection Panel. The nomination must be in writing.
c. Invite in a widely publicized manner, written applications from person who qualify for appointment to the Constituency Committee in the Format annexed herewith;
d. Guide the Selection Panel in considering the applications and select five suitable persons taking into account age, gender, special interest groups, and regional balance.
e. Obtain names of two nominees to the NG-CDFC from the Constituency office Manager via a formal written nomination;
f. Submit the list of seven nominees (five from the Selection Panel and two nominated by the Constituency office) to the Board within seven days of the Selection process in the Format annexed herewith.
g. Ensure the original report of the Selection Panel duly signed by all members of the Panel, original letter from the Constituency Office Manager forwarding two nominees to the NG-CDFC, copies of National Identity Cards, IEBC voters cards of the nominees, the long-listing and shortlisting criteria, and three coloured passport photographs of each respective nominee are attached to the list submitted to the Board.

The two persons to be nominated by the Constituency Office in each case, to sit in the Selection Panel and the NG-CDF Committee are to be drawn from the Community, and not serving public officers.

5.0 0BSERVATIONS

The Committee observed that;

- The selection process was taking longer than anticipated due to the nomination requirements set out by the Board. Nominees had challenges demonstrating or documenting conformity to Chapter 6 of the Kenya Constitution, 2010 on Leadership and Integrity among other requirements.
- Members were satisfied that the board had taken due diligence in the selection process and stood guided by Standing Order 45 on Approval of Public Appointments, Section 43(4) of the NG-CDF Act of 2015 and Regulation 5(10)
- It was noted that the main challenge was the set legal framework such as meeting the requirements of youth and gender balance as well as nominees accessing government documentation (e.g. good conduct certificates).
- The Committee resolved to table and seek approval of the National Assembly for Approval of the Nominees to the various NG-CDFCs.

6.0 RECOMMENDATIONS

The Committee recommends that, the House Approves the Nominees to the following 140 National Government Constituencies Development Fund Constituency Committees (NG-CDFC).

1. AINABKOI CONSTITUENCY

8.	Felix Kimutai Kibor	Male Youth Representative
9.	Daniel Kipchirchir	Male Adult Representative
10.	Tabitha Wanjiku Mwangi	Female Youth Representative
11.	Joan Chepkoech Too	Female Adult Representative
12.	Salina Kibor	Representative of Persons with Disability
13.	Enos Kimutai Maiyo	Nominee of the Constituency Office(Female)
14.	Joyce Jelagat Too	Nominee of the Constituency Office(Male)

2. BUMULA CONSTITUENCY

1.	Eric Wesonga Busuru	Male Youth Representative
2.	George Sifuna Soita	Male Adult Representative
3.	Jenepher Maloba Makhulo	Female Youth Representative
4.	Maximilla Nasambu Osundwa	Female Adult Representative
5.	Justus Wekesa Simiyu	Representative of Persons with Disability
6.	Stephen Munjaru Wamalwa	Nominee of the Constituency Office (Male)
7.	Olivia Nanjala Nyongesa	Nominee of the Constituency Office(Female)

3. CHUKA IGAMBANG'OMBE CONSTITUENCY

1.	Patrick Munene Ntwiga	Male Youth Representative
2.	Doreen Mwende Nthigai	Female Youth Representative
3.	Josphat Mutegi Zaphania	Male Adult Representative
4.	Mary Njeri Isaac	Female Adult Representative
5.	Humphrey Gitonga Ntwiga	Representative of Persons with Disability
6.	Catherine Kageni Jotham	Nominee of the Constituency Office(Female)

7.	David Mutegi Ndatho	Nominee of the Constituency Office(Male)

4. ELDAMA RAVINE CONSTITUENCY

8.	Joseph Kibor Aiyabei	Male Adult Representative
9.	Anthony Kipkorir Kimutai	Male Youth Representative
10.	Ann Jepkorir Cheboi	Female Adult Representative
11.	Everlyne Chepngetich Too	Female Youth Representative
12.	Elijah Kamiti Kamau	Representative of Persons with Disability
13.	Anne Mwihaki Mwangi	Nominee of the Constituency Office(Female)
14.	Samson Keitany Chebunyei	Nominee of the Constituency Office(Male)

5. ENDEBES CONSTITUENCY

1.	Michael Kemei Samoei	Male Youth Representative
2.	Julius Bushendich Laibich	Male Adult Representative
3.	Ann Chebet Stephen Masai	Female Youth Representative
4.	Agnes Nasimiyu Wamocho	Female Adult Representative
5.	David Wekulo Mabuka	Representative of Persons with Disability
6.	Simon Lonyangalem Sidii	Nominee of the Constituency Office(Male)
7.	Mary Senetio Ndiwa	Nominee of the Constituency Office(Female)

6. GATUNDU NORTH CONSTITUENCY

1.	Patrick Nguru Nganga	Male Youth Representative
2.	Bernard Karanja Ndungu	Male Adult Representative
3.	Mary Wanjiku Nginya	Female Youth Representative
4.	Beth Wanjiru Kinyanjui	Female Adult Representative
5.	Jane Waruguru Kungu	Representative of Persons with Disability
6.	James Kamanda Njuguna	Nominee of the Constituency Office(Male)

7.	Pauline Njoki Kiburu	Nominee of the Constituency Office(Female)

7. HOMA BAY TOWN CONSTITUENCY

1.	Owala Isaiah Nyadiero	Male Youth Representative
2.	Hannington Oluoch Owuor	Male Adult Representative
3.	Monica Akinyi Nyadiero	Female Youth Representative
4.	Careen Atieno Odiyo	Female Adult Representative
5.	Jenipher Akinyi Oula Malit	Representative of Persons with Disability
6.	Conslate Anyango Ngonga	Nominee of the Constituency Office(Female)
7.	Joseph Obuya Ogolla	Nominee of the Constituency Office(Male)

8. IJARA CONSTITUENCY

1.	Issack Muse Abdille	Male Youth Representative
2.	Musa Abdi Dagane	Male Adult Representative
3.	Meynun Mohammed Dabar	Female Adult Representative
4.	Rabia Siyat Abdullahi	Female Youth Representative
5.	Dek Sahal Damony	Representative of Persons with Disability
6.	Magol Muhiyadin Abdi	Nominee of the Constituency Office(Female)
7.	Dahir Sheikh Ahmed	Nominee of the Constituency Office(Male)

9. KAJIADO SOUTH CONSTITUENCY

8.	Kilelo Kilitia	Male Adult Representative
9.	John Milia Muli Kekutuk	Male Youth Representative
10.	Rosemary Nailantei Mantai	Female Adult Representative
11.	Esther Naesiai Nyamai	Female Youth Representative
12.	Zipporah Wairimu Wambui	Representative of Persons with Disability
13.	Joshua Kipeno Lomunyak	Nominee of the Constituency Office(Male)
14.	Veronicah Narasha Kiretu	Nominee of the Constituency Office(Female)

10. KATHIANI CONSTITUENCY

8.	Leonard Muindi Kioko	Male Youth Representative
9.	Philip Wambua Ndolo	Male Adult Representative
10.	Caroline Kamene Mutua	Female Youth Representative
11.	Agnes Nzisa Muasya	Female Adult Representative
12.	Patrick Wambua Kyalo	Representative of Persons with Disability
13.	Bernard Kioko Ngila	Nominee of the Constituency Office(Male)
14.	Mirriam Nyiva Muthoka	Nominee of the Constituency Office(Female)

11. KITUI WEST CONSTITUENCY

1.	Shariff David Mukulu	Male Youth Representative
2.	Jafeth Kilonzo Kikuu	Male Adult Representative
3.	Ruth Mbithe Munywoki	Female Youth Representative
4.	Benedeta Temea Vetelo	Female Adult Representative
5.	Peter Nzoka Kitema	Representative of Persons with Disability
6.	Wilfred Nzangi Keli	Nominee of the Constituency Office(Male)
7.	Rhodester Mwende Muthui	Nominee of the Constituency Office(Female)

12. LAIKIPIA EAST CONSTITUENCY

1.	Patrick Murage Gichuru	Male Youth Representative
2.	Newton M. Kabuthia	Male Adult Representative
3.	Ann Wangechi Mwangi	Female Youth Representative
4.	Ann Wangui Kahuthu	Female Adult Representative
5.	Nimo Ali Amin	Representative of Persons with Disability
6.	John Mutahi Muritu	Nominee of the Constituency Office(Male)
7.	Mary Gathoni Wahome	Nominee of the Constituency Office(Female)

13. LAIKIPIA WEST CONSTITUENCY

8.	Anthony Wathiari Mungai	Male Youth Representative
9.	Samuel Murage Kingori	Male Adult Representative
10.	Pauline Nyawira Maina	Female Youth Representative
11.	Rahab Wangui Mureithi	Female Adult Representative
12.	Charity Loktano Kerio	Representative of Persons with Disability
13.	Charles Kimani Mwangi	Nominee of the Constituency Office(Male)
14.	Grace Wanjiru Wachira	Nominee of the Constituency Office(Female)

14. MACHAKOS TOWN CONSTITUENCY

8.	Nicholus Kitolo Mulwa	Male Youth Representative
9.	Sylvester Mutinda Mumo	Male Adult Representative
10.	Faith Mbula Musyoki	Female Youth Representative
11.	Jacinta Kaluki Mulwa	Female Adult Representative
12.	Abdalla Dalukaria	Representative of Persons with Disability
13.	Jackson Ngui Kilundo	Nominee of the Constituency Office(Male)
14.	Jacinta Mutete Nthenge	Nominee of the Constituency Office(Female)

15. MANYATTA CONSTITUENCY

1.	Boniface Kinyua Njiru	Male Youth Representative
2.	Evans Rutere Mbogo	Male Adult Representative
3.	Bancy Njoki Njagi	Female Youth Representative
4.	Rehema Rwamba Omar	Female Adult Representative
5.	George Muriithi Kimani	Representative of Persons with Disability
6.	Ruciana Gitiri Nyaga	Nominee of the Constituency Office(Female)
7.	Peterson Kinyua Njiru	Nominee of the Constituency Office(Male)

16. MASINGA CONSTITUENCY

1.	Fidelis Musyoki Kiilu	Male Adult Representative
2.	Patrick Muindi Kituku	Male Youth Representative
3.	Felistus Nzembi Mutisya	Female Adult Representative
4.	Magdalene Mwikali Muindi	Female Youth Representative
5.	Samuel Kitonyi Mbindyo	Representative of Persons with Disability
6.	Benjamin Musee Musau	Nominee of the Constituency Office(Male)
7.	Philomena Ngina Kyalo	Nominee of the Constituency Office(Female)

17. MAVOKO CONSTITUENCY

1.	Jeremiah Gakinya Karimi	Male Youth Representative
2.	Michael Mulei Kimeu	Male Adult Representative
3.	Caryn Mumbua Kimuyu	Female Youth Representative
4.	Alice Ndete Daniel	Female Adult Representative
5.	Moses Nzuki Kilonzo	Representative of Persons with Disability
6.	Dorothy Muthoka Musya	Nominee of the Constituency Office (Female)
7.	Titus Mwendwa Katingu	Nominee of the Constituency Office (Male)

18. MOYALE CONSTITUENCY

1.	Hussein Ismail Abagala	Male Youth Representative
2.	Abdi Ibrahim Boru	Male Adult Representative
3.	Abagana Maka Kadir	Female Youth Representative
4.	Batula Dalacha Guyo	Female Adult Representative
5.	Mohamed Wanago Aila	Representative of Persons with Disability
6.	Barako Duba Boru	Nominee of the Constituency Office (Male)
7.	Saida Mohammed	Nominee of the Constituency Office (Female)

19. MUKURWE-INI CONSTITUENCY

1.	Ignatious Wahome Wambugu	Male Youth Representative
2.	Ellias Magutu Waiganjo	Male Adult Representative
3.	Beth Wangechi Wachira	Female Youth Representative
4.	Ann Wanjira Macharia	Female Adult Representative
5.	Benson Wachira Wambugu	Representative of Persons with

		Disability
6.	John Philip Gichohi Kaguchia	Nominee of the Constituency Office(Male)
7.	Mary Wanjiru Mwangi	Nominee of the Constituency Office(Female)

20. MUMIAS WEST CONSTITUENCY

1.	Kenneth Otieno Onyango	Male Youth Representative
2.	Iddi Abbas Keya	Male Adult Representative
3.	Rose Achieng Ajuoga	Female Youth Representative
4.	Rukia Matseshe Mukoya	Female Adult Representative
5.	Samuel Isaac Kombe	Representative of Persons with Disability
6.	Philip George Otieno Musumba	Nominee of the Constituency Office (Male)
7.	Ruth Chuma Mukabana	Nominee of the Constituency Office (Female)

21. MWINGI NORTH CONSTITUENCY

1.	John Mue Kathanzu	Male Adult Representative
2.	Kimwele Kasavo	Male Youth Representative
3.	Christine Katui Mwenga	Female Adult Representative
4.	Elizabeth Mueni Samuel	Female Youth Representative
5.	Agnes Kanonmbwe Kiseki	Representative of Persons with Disability
6.	Priscilla Kalimi Mwema	Nominee of the Constituency Office(Female)
7.	Lazarus Mutua Kasovo	Nominee of the Constituency Office(Male)

22. MWINGI WEST CONSTITUENCY

1.	Ahijah Kioko Gedion	Male Youth Representative
2.	Joseph Nguna Mutunga	Male Adult Representative
3.	Elizabeth Mwatha Ngungi	Female Youth Representative
4.	Serrah Ngonyo Muatha	Female Adult Representative
5.	Kennedy Kianda Nyaa	Representative of Persons with Disability
6.	Justus Musyoka Muthui	Nominee of the Constituency Office(Male)
7.	Josephine Mwikali Mwendwa	Nominee of the Constituency Office(Female)

23. NAKURU TOWN WEST CONSTITUENCY

1.	Elphas Museve M'Mbaya	Male Youth Representative
2.	Mathew Kipchirchir Kirui	Male Adult Representative
3.	Jane Wambui Alfonzo	Female Youth Representative
4.	Dorcah Kemunto Gwako	Female Adult Representative
5.	Wilfred Nyakundi Omariba	Representative of Persons with Disability
6.	Douglas Sengera Nyamoko	Nominee of the Constituency Office(Male)
7.	Wambui Hannah	Nominee of the Constituency Office(Female)

24. NYARIBARI MASABA CONSTITUENCY

15.	Peterson Gisiora Osoro	Male Youth Representative
16.	Richard Onchari Okindo	Male Adult Representative
17.	Jane Kerubo Amwamu	Female Youth Representative
18.	Grace Kemuma Makori	Female Adult Representative
19.	Ondieki Ogero	Representative of Persons with Disability
20.	Charles Matundura Mokua	Nominee of the Constituency Office(Male)
21.	Teresah Moraa Morang'a	Nominee of the Constituency Office(Female)

25. RUIRU CONSTITUENCY

1.	Peter Njuguna Kinyanjui	Male Youth Representative
2.	Edward Mungai Nganga	Male Adult Representative
3.	Abdi Guyatu Hussein	Female Youth Representative
4.	Mary Wairimu Gicheru	Female Adult Representative
5.	James Muriuki Mbuthu	Representative of Persons with Disability
6.	Benson Mwangi Kamau	Nominee of the Constituency Office (Male)
7.	Anne Wambui Muya	Nominee of the Constituency Office(Female)

26. SAKU CONSTITUENCY

1.	Stephen Wario Guracha	Male Youth Representative
2.	Denge Wario Guracha	Male Adult Representative
3.	Madina Woche Boro	Female Youth Representative
4.	Josphine Nchabayo Harabore	Female Adult Representative
5.	Wario Kullu Dabassa	Representative of Persons with Disability
6.	Aga Galgallo Bilala	Nominee of the Constituency Office (Male)
7.	Sadia Nura Gobana	Nominee of the Constituency Office(Female)

27. SOUTH IMENTI CONSTITUENCY

8.	Japhet Kithure Ndege	Male Youth Representative
9.	Nahason Kiruki Mukiri	Male Adult Representative
10.	Francisca Wanjiru	Female Youth Representative
11.	Jane Karambu Edward	Female Adult Representative
12.	Kabii Moses Kariba	Representative of Persons with Disability
13.	Nathaniel Mbae Samson	Nominee of the Constituency Office(Male)
14.	Ann Kathambi Gitonga	Nominee of the Constituency Office(Female)

28. SOY CONSTITUENCY

8.	Gilbert Kiptoo Bett	Male Youth Representative
9.	Timothy Kipketer Bor	Male Adult Representative
10.	Joyce Jepchirchir Kipyego	Female Youth Representative
11.	Everlyne Chepkoech Muttai	Female Adult Representative
12.	Josephine Chebotip Lelei	Representative of Persons with Disability
13.	Mark Saina Morogo	Nominee of the Constituency Office(Male)

14.	Lydiah Chepngetich Kemboi	Nominee of the Constituency Office(Female)

29. SUBA CONSTITUENCY

1.	David Okatch Odero	Male Youth Representative
2.	Maurice Odicha Opinde	Male Adult Representative
3.	Evaline Adhiambo Dunga	Female Youth Representative
4.	Elizabeth Atonga Kasimiel	Female Adult Representative
5.	Charles Juma Oyugi	Representative of Persons with Disability
6.	Christopher Odero Lesso	Nominee of the Constituency Office (Male)
7.	Sophine Adhiambo Mourice	Nominee of the Constituency Office(Female)

30. SUNA EAST CONSTITUENCY

1.	William Otieno Odero	Male Youth Representative
2.	Alphonce Ouma Ombok	Male Adult Representative
3.	June Judith Odhiambo	Female Youth Representative
4.	Jane Ngoli Ndege	Female Adult Representative
5.	Tom Omondi Opiyo	Representative of Persons with Disability
6.	Kennedy Oluoch Tiengo	Nominee of the Constituency Office (Male)
7.	Elida Atieno Osunga	Nominee of the Constituency Office (Female)

31. TAVETA CONSTITUENCY

8.	Peter Kimathi M'munyi	Male Youth Representative
9.	Saidi Suleiman Shuma	Male Adult Representative
10.	Naomi Kaute Masila	Female Youth Representative
11.	Julita Baby Mbelle	Female Adult Representative
12.	Cornelly Juma Lesabulu	Representative of Persons with Disability
13.	Ndamson Ochola Norman	Nominee of the Constituency Office(Male)
14.	Annete Nachoi Shodo	Nominee of the Constituency Office(Female)

32. TIATY CONSTITUENCY

8.	Patrick Apuke Kaos	Male Youth Representative
9.	Ezekiel Lonyangapeta	Male Adult Representative
10.	Edna Kakuko Cheretei	Female Youth Representative
11.	Jane Cheprinda Amos	Female Adult Representative
12.	Miriam Mengich	Representative of Persons with Disability
13.	Musa Mengich Ngotelum	Nominee of the Constituency Office(Male)
14.	Josphine Cheparwala Kitilit	Nominee of the Constituency Office(Female)

33. TONGAREN CONSTITUENCY

1.	Andrew Wekesa Muhanji	Male Youth Representative
2.	Maurice Changalwa Wanyonyi	Male Adult Representative
3.	Scovia Nafula Mutete	Female Youth Representative
4.	Janet Nanjekho Wasike	Female Adult Representative
5.	David Juma Wanyonyi	Representative of Persons with Disability
6.	Imbega Rose Muchinia	Nominee of the Constituency Office (Male)
7.	Wafubwa Khisa Stephen	Nominee of the Constituency Office(Female)

34. TURKANA CENTRAL CONSTITUENCY

8.	Eweet Ekai Mathew	Male Adult Representative
9.	Mathew Alany Lonyait	Male Youth Representative
10.	Christine Arukudi Tioko	Female Adult Representative
11.	Asibitar Ekuwom Cecilia	Female Youth Representative
12.	David Amojong Erot	Representative of Persons with Disability
13.	John Lohoi	Nominee of the Constituency Office(Male)

14.	Esther Lokisa Lokwangale	Nominee of the Constituency Office(Female)

35. TURKANA EAST CONSTITUENCY

8.	Joram Ngasike Ekai	Male Youth Representative
9.	Daniel Emikwi Lokaale	Male Adult Representative
10.	Joyce Eggis Esekon	Female Youth Representative
11.	Rebecca Jairus Lokwawi	Female Adult Representative
12.	Joseph Nawata Ebei	Representative of Persons with Disability
13.	Joseph Ewoi Eragae	Nominee of the Constituency Office(Male)
14.	Benta Aligoi Lowoi	Nominee of the Constituency Office(Female)

36. TURKANA SOUTH CONSTITUENCY

8.	Longoria Ekeno Raphael	Male Youth Representative
9.	Peter Emeri Lodio	Male Adult Representative
10.	Sarah Lemuya Akorita	Female Youth Representative
11.	Selina Achor Emeri	Female Adult Representative
12.	Paul Ipolot Lokonyi	Representative of Persons with Disability
13.	Moru Ngibeyo Kebo	Nominee of the Constituency Office(Male)
14.	Vanice Akuwam Erupe	Nominee of the Constituency Office(Female)

37. WESTLANDS CONSTITUENCY

1.	Victor Vieri Olayo	Male Youth Representative
2.	Samson Kemunche Ongeri	Male Adult Representative
3.	Salome Wambui Kahuti	Female Youth Representative
4.	Roselida Upendo Atundo	Female Adult Representative
5.	Freddah Seleto Kaelo	Representative of Persons with Disability
6.	John Ngusale Kadede	Nominee of the Constituency Office(Male)
7.	Mary Akoth Obong'o	Nominee of the Constituency Office(Female)

38. YATTA CONSTITUENCY

1.	Tom Kiilu Musili	Male Youth Representative
2.	Ambrose Munyao Mwanzia	Male Adult Representative
3.	Janet Mutono Mutisya	Female Youth Representative
4.	Carolyne Mwelu Kilonzo	Female Adult Representative
5.	Benson Muindi Kaloki	Representative of Persons with Disability
6.	Sebastian Ngao Nzuki	Nominee of the Constituency Office(Male)
7.	Jacinta Kalunde Solo	Nominee of the Constituency Office(Female)

39. BAHATI CONSTITUENCY

1	Daniel Macharia Kimani	Male Youth Representative
2	Anthony Njuguna Njui	Male Adult Representative
3	Leah Wambui Ng'ang'a	Female Youth Representative
4	Grace Wambui Mwathi	Female Adult Representative
5	Juddy Wairimu Mirangoh	Representative of Persons with Disability
6	Sammy Gitau Njuguna	Nominee of the Constituency Office(Male)
7	Elizabeth Wanjiku Waweru	Nominee of the Constituency Office(Female)

40. BONCHARI CONSTITUENCY

1.	Charles Oino Nyamira	Male Youth Representative

2.	Erick Oigo Nyakeya	Male Adult Representative
3.	Jescah N. Ogega	Female Youth Representative
4.	Getrude Kerubo Ombasa	Female Adult Representative
5.	Athanas Getembe Onchoke	Representative of Persons with Disability
6.	Morema Onyando Justus	Nominee of the Constituency Office(Male)
7.	Grace Kwamboka Nyang'wono	Nominee of the Constituency Office(Female)

41. BONDO CONSTITUENCY

1.	Charles Omondi Ochuti	Male Youth Representative
2.	Fredrick Ochieng Amolo	Male Adult Representative
3.	Irene Shirley Oyuago	Female Youth Representative
4.	Agnes Aoko Obara	Female Adult Representative
5.	Barack Dola Agola	Representative of Persons with Disability
6.	Charles Otieno Ondiek	Nominee of the Constituency Office(Male)
7.	Florence Juma Anyango	Nominee of the Constituency Office(Female)

42. BUTERE CONSTITUENCY

1.	Naftali Wakhu Otuya	Male Youth Representative
2.	James Elphas Khabeko Shibu	Male Adult Representative
3.	Beatrice Alice Olesi Ngaje	Female Youth Representative
4.	Berrinah Nthenya Muisyo	Female Adult Representative
5.	Benson Fredrick Kasamani	Representative of Persons with Disability
6.	Arthur Ankrah Muleshe	Nominee of the Constituency Office(Male)
7.	Fenike Muhonja	Nominee of the Constituency Office(Female)

43. GEM CONSTITUENCY

1.	Geofrey Owour Osare	Male Youth Representative
2.	Japheth Otieno Okumu	Male Adult Representative
3.	Mercy Akinyi Okaka	Female Youth Representative
4.	Priscilla P. A. Nyakombo	Female Adult Representative
5.	Barack Omondi Okuon	Representative of Persons with Disability
6.	Glady's Jumba Juma	Nominee of the Constituency Office(Female)
7.	Steven Agola Otieno	Nominee of the Constituency Office(Male)

44. GITHUNGURI CONSTITUENCY

1.	Shaolin Chui Ngochi	Male Youth Representative
2.	Mburu Karoba	Male Adult Representative
3.	Patricia Njeri Kibui	Female Youth Representative
4.	Ruth Kabura Nderu	Female Adult Representative
5.	Zachariah Njuguna Wainaina	Representative of Persons with Disability
6.	Paul Ngigi Kabiriti	Nominee of the Constituency Office(Male)
7.	Salome Nduta Mburu	Nominee of the Constituency Office(Female)

45. KALOLENI CONSTITUENCY

1.	Milton Yaa Baya	Male Adult Representative
2.	Teresia Raphael Kenga	Female Adult Representative
3.	Stephen Kahindi Ngala	Male Youth Representative
4.	Elvina Malombo Sanga	Female Youth Representative
5.	Matano Ndoro Charo	Representative of Persons with Disability
6.	Mwalimu Shikari Kombe	Nominee of the Constituency Office (Male)
7.	Anthonina Rehema Kiti	Nominee of the Constituency Office (Female)

46. KANGEMA CONSTITUENCY

1.	James Nduati Kibuthu	Male Youth Representative
2.	John Maina Mwangi	Male Adult Representative
3.	Esther Wambui Irungu	Female Youth Representative
4.	Margaret Wangui Irungu	Female Adult Representative
5.	Saimon Ndaruga Macharia	Representative of Persons with Disability
6.	Patrick Mwangi Kariuki	Nominee of the Constituency Office(Male)
7.	Jane Njoki Njuki	Nominee of the Constituency Office(Female)

47. KIAMBAA CONSTITUENCY

1.	James Njangiru Njuguna	Male Youth Representative
2.	Stephen Kimani Njenga	Male Adult Representative
3.	Loise Njeri Kahoro	Female Youth Representative
4.	Esther Muthoni Maina	Female Adult Representative
5.	Ann Nduta Kariuki	Representative of Persons with Disability
6.	Francis Gaithuma Rimui	Nominee of the Constituency Office (Male)
7.	Esther Wanjiku Karanja	Nominee of the Constituency Office (Female)

48. KIMILILI CONSTITUENCY

1.	Amos Juma Wasike	Male Youth Representative
2.	Joseph Walubengo Pwoka	Male Adult Representative
3.	Salome Inziani Ayoti	Female Youth Representative
4.	Jedidah Nafula Khisa	Female Adult Representative
5.	Simiyu G.M. Wanyama	Representative of Persons with Disability

6.	George Stevens Okiru	Nominee of the Constituency Office(Male)
7.	Agnes Nelima Wakhungu	Nominee of the Constituency Office(Female)

49. KIPIPIRI CONSTITUENCY

1.	Joel Ithagu Kamau	Male Youth Representative
2.	Peter Karanja Kibe	Male Adult Representative
3.	Margaret Muthoni Mukuria	Female Youth Representative
4.	Phoebe Muthomi Mbugua	Female Adult Representative
5.	Janet Njeri Mburu	Representative of Persons with Disability
6.	William Gathundo Ndegwa	Nominee of the Constituency Office(Male)
7.	Anastasia Njoki Njagi	Nominee of the Constituency Office(Female)

50. KISAUNI CONSTITUENCY

1.	Abubakar Hussein Amani	Male Youth Representative
2.	Allan Omondi Owano	Male Adult Representative
3.	Tumu Aweso Mchangamwe	Female Youth Representative
4.	Hadija Hassan Abdalla	Female Adult Representative
5.	Kingi Ian Yaa	Representative of Persons with Disability
6.	Mohamed Yusuf Shee	Nominee of the Constituency Office (Male)
7.	Hilda Wughanga Mapinga	Nominee of the Constituency Office (Female)

51. KITUI CENTRAL CONSTITUENCY

1.	Anastacia Muyathi Mwanzi	Female Youth Representative
2.	Hassan Athumani	Male Youth Representative
3.	Janet Syombua Mumo	Female Adult Representative
4.	Bonny B.M. Kithita	Male Adult Representative
5.	Serah Owen Mbithuka	Representative of Persons with

		Disability
6.	Peter Kimanga Wambua	Nominee of the Constituency Office(Male)
7.	Rose Kavulu Mbula	Nominee of the Constituency Office(Female)

52. KURIA EAST CONSTITUENCY

1.	Marwa Bosuben Robert	Male Youth Representative
2.	Lawrence Mwita Mogoya	Male Adult Representative
3.	Margaret Mogendi Daniel	Female Youth Representative
4.	Mary Chacha Caleb	Female Adult Representative
5.	Charles Mwita Sigore	Representative of Persons with Disability
6.	John Waisiko Nyahiri	Nominee of the Constituency Office(Male)
7.	Tabitha Mboke Makongo	Nominee of the Constituency Office(Female)

53. MALAVA CONSTITUENCY

1	Sylvan Kaitori Lambala	Male Youth Representative
2	Festus Newton Mmasi	Male Adult Representative
3	Roseline Lumbasi	Female Youth Representative
4	Ruth Merabu Muchuma	Female Adult Representative
5	Moses Kenyatta Wasike	Representative of Persons with Disability
6	Henry Barasa Anaswa	Nominee of the Constituency Office (Male)
7	Hellen Khasoa Mambuya	Nominee of the Constituency Office(Female)

54. MOLO CONSTITUENCY

1	Kenneth Kibet Lelei	Male Youth Representative

2	Peter Kenda Mwirigi	Male Adult Representative
3	Nancy Wambui Gathoronjo	Female Youth Representative
4	Emily Chepkorir Kirui	Female Adult Representative
5	Francis Kiiru Wathika	Representative of Persons with Disability
6	Mburu Githae	Nominee of the Constituency Office(Male)
7	Margaret Ruguru Kamau	Nominee of the Constituency Office(Female)

55. NAROK EAST CONSTITUENCY

1	Leonard Saruni Ntaoni	Male Youth Representative
2	Tapaiya Olngashar Punyua	Male Adult Representative
3	Alice Siparo Kaleke	Female Youth Representative
4	Kirankua Ene Kileli Shakai	Female Adult Representative
5	Paul Shomet Nkalo	Representative of Persons with Disability
6	Isaack Tonkei Sunte	Nominee of the Constituency Office (Male)
7	Semoi Ene Saoli	Nominee of the Constituency Office(Female)

56. NAROK NORTH CONSTITUENCY

1	James Leparan Naimodu	Male Youth Representative
2	Benson Tianta Ole Soiyantet	Male Adult Representative
3	Asha Mohamed Madey	Female Youth Representative
4	Linah Nooi	Female Adult Representative
5	Grace Silantoi Gituri	Representative of Persons with Disability
6	Kisaika Ole Rorat	Nominee of the Constituency Office(Male)
7	Lanet Ene Esho	Nominee of the Constituency Office(Female)

57. NORTH IMENTI CONSTITUENCY

1.	Marete Yassin Osman	Male Youth Representative
2.	Andrew Gituma	Male Adult Representative

3.	Dyna Kadogo Mwarania	Female Youth Representative
4.	Jane Kaimuri Kimathi	Female Adult Representative
5.	Patrick Mutethia Koome	Representative of Persons with Disability
6.	Teresa Kuri K. Arachi	Nominee of the Constituency Office(Female)
7.	Gerard Francis Murungi	Nominee of the Constituency Office(Male)

58. OL KALOUCONSTITUENCY

1.	Paul Kamau Wanjiru	Male Youth Representative
2.	Simon Nduati Kariuki	Male Adult Representative
3.	Ruth Njeri Maina	Female Youth Representative
4.	Susan Wachera Thuku	Female Adult Representative
5.	John Kariuki Kimani	Representative of Persons with Disability
6.	Joyce Njeri Karuga	Nominee of the Constituency Office(Female)
7.	Samuel Macharia Kanyi	Nominee of the Constituency Office(Male)

59. RARIEDA CONSTITUENCY

1.	George Owuor Obange	Male Youth Representative
2.	John Obor Otieno	Male Adult Representative
3.	Anne Auma Okoyo	Female Youth Representative
4.	Hellen A. Winga	Female Adult Representative
5.	Alloyce Socrates Chacha Maganda	Representative of Persons with Disability
6.	Mourice Omondi Nyiera	Nominee of the Constituency Office(Male)
7.	Florence Atieno Nguono	Nominee of the Constituency Office(Female)

60. RABAI CONSTITUENCY

1.	Oliver Tuji Tsuma	Male Youth Representative
2.	Munga Mwayaona Chireka	Male Adult Representative
3.	Grace Mildred Onyapidi	Female Youth Representative
4.	Constance Mwamutsi Hanjari	Female Adult Representative
5.	Chitsava Wale Chitsava	Representative of Persons with Disability
6.	Jana Tsuma Jana	Nominee of the Constituency Office(Male)
7.	Josephine Umazi Kapenja	Nominee of the Constituency Office(Female)

61. KURIA WEST CONSTITUENCY

1.	Nchagwa John Mang'era	Male Youth Representative
2.	James Robi Wambura	Male Adult Representative
3.	Matinde Consolata Nokwe	Female Youth Representative
4.	Maurine Akata Maroa	Female Adult Representative
5.	Susan Robi Mwita	Representative of Persons with Disability
6.	Bhoke Christine Nchamah	Nominee of the Constituency Office(Male)
7.	Moses Makenge Rioba	Nominee of the Constituency Office(Female)

62. KILOME CONSTITUENCY

1.	Patrick Muoki Mailu	Male Youth Representative
2.	Alexander Mwau Kimweli	Male Adult Representative
3.	Florah Mwende Kimindu	Female Youth Representative
4.	Annah Mbithe Mutisya	Female Adult Representative
5.	Boniface Mulwa Kieti	Representative of Persons with Disability

6.	Grishon Kyalo Mativo	Nominee of the Constituency Office(Male)
7.	Ziporah Kamanthe Masavu	Nominee of the Constituency Office(Female)

63. EMBAKASI NORTH CONSTITUENCY

1.	Joseph Maina Mwihaki	Male Youth Representative
2.	Richard Mwangi Chuchu	Male Adult Representative
3.	Agnes Njeri Muthoni	Female Youth Representative
4.	Florence Nyambura Njeri	Female Adult Representative
5.	Eros Kamau Mukami	Representative of Persons with Disability
6.	Elimina Atamba Mwimali	Nominee of the Constituency Office(Female)
7.	Peter Kinyua Kimemia	Nominee of the Constituency Office(Male)

64. KASIPUL CONSTITUENCY

1.	Evans Omondi Arogo	Male Youth Representative
2.	Walter Ochieng Aoko	Male Adult Representative
3.	Imelda Amollo Nyambok	Female Youth Representative
4.	Eunice Akinyi Ogello	Female Adult Representative
5.	Chrisphine Opiyo Ogeta	Representative of Persons with Disability
6.	Gabriel Odongo Owidi	Nominee of the Constituency Office(Male)
7.	Dorine Aoko Odhiambo	Nominee of the Constituency Office(Female)

65. UGUNJA CONSTITUENCY

1.	Daniel Ouma Omondi	Male Youth Representative
2.	Joseph Odhiambo Otako	Male Adult Representative

3.	Eileen Atieno Oluoch	Female Youth Representative
4.	Jane Achieng Odhiambo	Female Adult Representative
5.	Clement Lutta Owino	Representative of Persons with Disability
6.	John Otieno Apodo	Nominee of the Constituency Office(Male)
7.	Martha Achieng Oduor	Nominee of the Constituency Office(Female)

66. KEIYO NORTH CONSTITUENCY

1.	Duncan Kiprotich Kimaiyo	Male Youth Representative
2.	Paul Kipkosgei Tarus	Male Adult Representative
3.	Maurine Jepkorir Keror	Female Youth Representative
4.	Kwambai Jemaiyo Peneteta	Female Adult Representative
5.	Evelyne Kangogo Chelal	Representative of Persons with Disability
6.	Teresa Jebet Kiyeng	Nominee of the Constituency Office(Female)
7.	Kenneth Kipkemboi Cherop	Nominee of the Constituency Office(Male)

67. TESO NORTH CONSTITUENCY

1.	Kenneth Ipala Oiriah	Male Youth Representative
2.	John Okiring Omuse	Male Adult Representative
3.	Janet Ato Sogoli	Female Youth Representative
4.	Isabellah Inyele	Female Adult Representative
5.	Alex Ochumba Ekirapa	Representative of Persons with Disability
6.	Julius Aineya Omuse	Nominee of the Constituency Office(Male)
7.	Catherine Amoiti Etyang	Nominee of the Constituency Office(Female)

68. MARAKWET WEST CONSTITUENCY

1.	Absolom Biwott Komen	Male Youth Representative
2.	Joel Kiplangat Kiplal	Male Adult Representative
3.	Hasca Jerono Rotich	Female Youth Representative
4.	Isabella Jebet Kaino	Female Adult Representative
5.	Joseph Kanda Sirma	Representative of Persons with Disability
6.	John Kipkurgat Kosgei	Nominee of the Constituency Office(Male)
7.	Judith Jebiwott Kipchumba	Nominee of the Constituency Office(Female)

69. KEIYO SOUTH CONSTITUENCY

1.	Harrison Kiplagat Kipngoswa	Male Youth Representative
2.	Philip Kiyeng Chumo	Male Adult Representative
3.	Sandra Jemutai Sego	Female Youth Representative
4.	Agnes Jepkoech Kiplagat	Female Adult Representative
5.	Jonathan Barkutwo Kendagor	Representative of Persons with Disability
6.	Paul Mathew Sang	Nominee of the Constituency Office(Male)
7.	Jepkemoi Biwott	Nominee of the Constituency Office(Female)

70. BELGUT CONSTITUENCY

1.	Kipkirui Edmond Bore	Male Youth Representative
2.	Gilbert Kipngeno Langat	Male Adult Representative
3.	Chebet Rispher Tum	Female Youth Representative
4.	Priscilla Chepkemoi Chepkwony	Female Adult Representative
5.	Raymond Kiprotich Cheruiyot	Representative of Persons with Disability

6.	Japhet Magun Kiplangat	Nominee of the Constituency Office(Male)
7.	Sally Cherono Kirui	Nominee of the Constituency Office(Female)

71. LUANDA CONSTITUENCY

1.	Evans Mukoya Otiato	Male Youth Representative
2.	Samuel Omukala Mbati	Male Adult Representative
3.	Jesca Ongachi Khelwa	Female Youth Representative
4.	Ruth Minayo Owuor	Female Adult Representative
5.	Wilfred Omuyoyi Osiolo	Representative of Persons with Disability
6.	Josephat Nixon Imbukwa	Nominee of the Constituency Office(Male)
7.	Mercy Anjao Etale	Nominee of the Constituency Office(Female)

72. MAKADARA CONSTITUENCY

1.	Elvis Andrew Irungu Mwangi	Male Youth Representative
2.	Antony Kimemia Gathumbi	Male Adult Representative
3.	Mercy Wambui Kimani	Female Youth Representative
4.	Ann Lydia Wambui	Female Adult Representative
5.	George Shitsili Magani	Representative of Persons with Disability
6.	Isaac Wamae Muchai	Nominee of the Constituency Office(Male)
7.	Miriam Asagi Lusiola	Nominee of the Constituency Office(Female)

73. LARI CONSTITUENCY

1.	Peter Mbugua Githahu	Male Youth Representative
2.	Isaack Njoka Mbugua	Male Adult Representative
3.	Mary Wanjiku Githu	Female Youth Representative

4.	Mary Wanjiru Wathika	Female Adult Representative
5.	Jane Wanja Kihara	Representative of Persons with Disability
6.	Paul Mburu Kariuki	Nominee of the Constituency Office(Male)
7.	Jane Wanjiku Migwi	Nominee of the Constituency Office(Female)

74. NJORO CONSTITUENCY

1.	Lydiah Wanjugu Macharia	Female Youth Representative
2.	Lucy Wangui Mwangi	Female Adult Representative
3.	Stephen Njenga Wamagata	Male Adult Representative
4.	Peter Waweru Kimei	Male Youth Representativet
5.	Christopher Mandil Somoei	Representative of Persons with Disability
6.	James Kariuki Kibunja	Nominee of the Constituency Office(Male)
7.	Monicah Nyambura Nduati	Nominee of the Constituency Office(Female)

75. MOGOTIO CONSTITUENCY

1.	Evans Kigen Molok	Male Youth Representative
2.	Michael K. Lagat	Male Adult Representative
3.	Valarie Jepkosgei Ngeny	Female Youth Representative
4.	Alice Jepkorir Morogo	Female Adult Representative
5.	Samson Kipkoech Murei	Representative of Persons with Disability
6.	Anthony Kiptanui	Nominee of the Constituency Office(Male)
7.	Jane Jelimo Kemei	Nominee of the Constituency Office(Female)

76. GILGIL CONSTITUENCY

1.	Suleiman Musa Leboi	Male Youth Representative
2.	Joseph Mwaniki Ngure	Male Adult Representative
3.	Mary Nyambura Njoroge	Female Youth Representative
4.	Jane Wambui Maina	Female Adult Representative
5.	Joshua Kimani Gitau	Representative of Persons with Disability
6.	Lawrence Michael Kamau Chegeh	Nominee of the Constituency Office(Male)
7.	Betty Jebiwott Koech	Nominee of the Constituency Office(Female)

77. NAIVASHA CONSTITUENCY

1.	Samuel Maina Naomi	Male Youth Representative
2.	James Kuria Maina	Male Adult Representative
3.	Faith Ruth Wambui Wadu	Female Youth Representative
4.	Ann Nyambura Kiraya	Female Adult Representative
5.	Peter Njoroge Ndung'u	Representative of Persons with Disability
6.	Mutete Ole Kishau	Nominee of the Constituency Office(Male)
7.	Rose Nyambura Kinuthia	Nominee of the Constituency Office(Female)

78. LAIKIPIA NORTH CONSTITUENCY

1.	Dennis Lochilit Losute	Male Youth Representative
2.	James Kaipoi Masiaine	Male Adult Representative
3.	Eliza Sharon Samaita	Female Youth Representative
4.	Jane Yiampaire Maranga	Female Adult Representative
5.	Joseph Kariringah Lerina	Representative of Persons with Disability
6.	Judith Kagwiria	Nominee of the Constituency Office(Female)

7.	James Kwerei Lekango	Nominee of the Constituency Office(Male)

79. KAJIADO NORTH CONSTITUENCY

1.	Sospeter Juma Makhoha	Male Youth Representative
2.	John Sironick Muraya	Male Adult Representative
3.	Jedidah Wambui Marimbet	Female Youth Representative
4.	Margaret Wangari Ngugi	Female Adult Representative
5.	Julius Kamaru Suiyanga	Representative of Persons with Disability
6.	Mohamed Elias	Nominee of the Constituency Office(Male)
7.	Joyce Wanjiru Kimani	Nominee of the Constituency Office(Female)

80. KAJIADO WEST CONSTITUENCY

1.	Oimeru Ole Tarayia	Male Youth Representative
2.	Jane Njeri Karomo	Female Adult Representative
3.	Elizabeth Repeson Pateli	Female Youth Representative
4.	Josephat Mbogua Munyu	Male Adult Representative
5.	Jeremiah Sapati Loitaika	Representative of Persons with Disability
6.	Joyce Naipanoi Likama	Nominee of the Constituency Office(Female)
7.	Justus Kayetuai Ole Manyara	Nominee of the Constituency Office(Male)

81. EMURUA DIKIRR CONSTITUENCY

1.	Richard K. Ngeno	Male Adult Representative
2.	Richard Ngetich Kipkemoi	Male Youth Representative
3.	Viola Chepngeno	Female Adult Representative

4.	Edith Chepkemoi	Female Youth Representative
5.	Richard Ole Simotwo	Representative of Persons with Disability
6.	Kibii Mutai David	Nominee of the Constituency Office(Male)
7.	Juliana Chesige Langat	Nominee of the Constituency Office(Female)

82. MAARA CONSTITUENCY

1.	Humphrey Mawira Mputhia	Male Youth Representative
2.	Njue Njagi Kaithungu	Male Adult Representative
3.	Moline Muthoni Naivasha	Female Youth Representative
4.	Mercy Gaceri Mate	Female Adult Representative
5.	Eliphas Kimathi Nyaga	Representative of Persons with Disability
6.	Jasper Nyaga M'muga	Nominee of the Constituency Office(Male)
7.	Catherine Kanyua Ndiga	Nominee of the Constituency Office(Female)

83. KIBRA CONSTITUENCY

1.	Edward Muriithi Muchemi	Male Youth Representative
2.	Emmanuel Ngei Mungami	Male Adult Representative
3.	Anne Wambui Ithara	Female Youth Representative
4.	Leah Agutu Asego	Female Adult Representative
5.	Richard Ong'ong'o Doyle	Representative of Persons with Disability
6.	Jacob Ochieng Seje	Nominee of the Constituency Office(Male)
7.	Siyama Ismail	Nominee of the Constituency Office(Female)

84. KIENI CONSTITUENCY

1.	Michael Wachira Karumba	Male Youth Representative
2.	Peter Hamisi Thang'wa Njenga	Male Adult Representative
3.	Mary Wangui Wanjiku	Female Youth Representative
4.	Charity Wangui Wachira	Female Adult Representative
5.	Peter Gitonga Ndururi	Representative of Persons with Disability
6.	James Maina Munene	Nominee of the Constituency Office(Male)
7.	Teresa Wamuyu Muthoni	Nominee of the Constituency

		Office(Female)

85. KURESOI NORTH CONSTITUENCY

1.	Langat Emmanuel	Male Youth Representative
2.	Samuel Kiplangat Maritim	Male Adult Representative
3.	Caroline Chesang	Female Youth Representative
4.	Rosemary Wambui Nyaga	Female Adult Representative
5.	Peter Kipkoros Kapketwony	Representative of Persons with Disability
6.	Samuel Ataya Matundura	Nominee of the Constituency Office(Male)
7.	Rael Chepngetich Soi	Nominee of the Constituency Office(Female)

86. MBEERE SOUTH CONSTITUENCY

1.	Noah Mwanzia Wambua	Male Youth Representative
2.	Peter Mukengwa Wambua	Male Adult Representative
3.	Dorus Mwendia Njeru	Female Youth Representative
4.	Charity Muthoni Njeru	Female Adult Representative
5.	Catherine Muturi Njeru	Representative of Persons with Disability
6.	Benjamin Njiru Ireri	Nominee of the Constituency Office(Male)
7.	Hellen Muthoni Maringa	Nominee of the Constituency Office(Female)

87. KIMININI CONSTITUENCY

1.	Rodgers Lubekho Barasa	Male Youth Representative
2.	Samuel Sisela Chemei	Male Adult Representative
3.	Mercy Chepkorir Tanui	Female Youth Representative
4.	Violet Nafula Wangila	Female Adult Representative
5.	Margaret Nasimiyu Walekhwa	Representative of Persons with Disability
6.	John Siboe Timothy Makokha	Nominee of the Constituency Office(Male)
7.	Marcelina Nanjala Wanyama	Nominee of the Constituency Office(Female)

88. NAMBALE CONSTITUENCY

1.	Stephen Okwembah Zalongo	Male Youth Representative
2.	James Okumu Makokha	Male Adult Representative
3.	Praxedis Apiyo Omula	Female Youth Representative
4.	Salome Mwanika Alukohe	Female Adult Representative

5.	Wilson Ogingo Okumu	Representative of Persons with Disability
6.	Benjamin Lunzalu Opemi	Nominee of the Constituency Office(Male)
7.	Judith Indasi Murwayi	Nominee of the Constituency Office(Female)

89. KITUTU MASABA CONSTITUENCY

1.	Dennis Matundura Mogeni	Male Youth Representative
2.	Jared Ogecha Ongiri	Male Adult Representative
3.	Rael Amemba	Female Youth Representative
4.	Josephine Kemunto Moturi	Female Adult Representative
5.	Michael G. Matoke	Representative of Persons with Disability
6.	Stephen Mose Nyachwaya	Nominee of the Constituency Office(Male)
7.	Rose Omwoyo Momanyi	Nominee of the Constituency Office(Female)

90. AWENDO CONSTITUENCY

1.	John Oddhiambo Gor	Male Youth Representative
2.	Martin Ogola Ondong	Male Adult Representative
3.	Achieng Nancy	Female Youth Representative
4.	Priscilla Akoth Abich	Female Adult Representative
5.	James Onyango Juma	Representative of Persons with Disability
6.	Ong'welo Onyango Walter	Nominee of the Constituency Office(Male)
7.	Judith Achieng Okeyo	Nominee of the Constituency Office(Female)

91. IKOLOMANI CONSTITUENCY

1.	Hillary Musinya Agoi	Male Youth Representative
2.	David Muliru Lisamula	Male Adult Representative
3.	Philis Malesi Muliro	Female Youth Representative
4.	Pasilisa Khatayi Shitsukane	Female Adult Representative
5.	Gideon Malukas Khasiani	Representative of Persons with Disability
6.	Joseph N Manyonyi Mwanjilwa	Nominee of the Constituency Office(Male)
7.	Hellen Ingato Munzala	Nominee of the Constituency Office(Female)

92. POKOT SOUTH CONSTITUENCY

1.	Japhet Chamer	Male Youth Representative
2.	Julius Siwareng	Male Adult Representative
3.	Florence Cherotich Lopongole	Female Youth Representative
4.	Leah Chepocheropoi Merimuk	Female Adult Representative
5.	Clementinah Sepulion Petaikwang	Representative of Persons with Disability
6.	Lopeyoi Yaramuket	Nominee of the Constituency Office(Male)
7.	Monica Kasiwotoi Serono	Nominee of the Constituency Office(Female)

93. SABOTI CONSTITUENCY

1.	Timothy Karanja Mburu	Male Youth Representative
2.	Philip Otuko Makete	Male Adult Representative
3.	Jacklyne Chelagat Ndara	Female Youth Representative
4.	Alice Khisa Barasa	Female Adult Representative
5.	Titus Wanyonyi Wamalwa	Representative of Persons with Disability
6.	Adan Hassan Issack	Nominee of the Constituency Office(Male)
7.	Lydia Kanzine Lihali	Nominee of the Constituency Office(Female)

94. NYANDO CONSTITUENCY

1.	Hanningtone Owuor Ocharo	Male Youth Representative
2.	Richard Omega Jagero	Male Adult Representative
3.	Elizabeth Achieng Ayiecho	Female Youth Representative
4.	Alice Asaka	Female Adult Representative
5.	Judith Awuor Ochola	Representative of Persons with Disability
6.	Alfred Amos Osunga Osieko	Nominee of the Constituency Office(Male)
7.	Phoebe Auma Ochieng	Nominee of the Constituency Office(Female)

95. MWALA CONSTITUENCY

1.	Dominic Muya Mutiso	Male Youth Representative
2.	Athanas Mbatha Muinde	Male Adult Representative
3.	Domittila Muthini Muoka	Female Youth Representative
4.	Catherine Ndunge Musau	Female Adult Representative
5.	Danson Mutinda Muange	Representative of Persons with Disability

6.	Boniface Mbatha Mwanthi	Nominee of the Constituency Office(Male)
7.	Mary Syombua Nzuki	Nominee of the Constituency Office(Female)

96. KAMUKUNJI CONSTITUENCY

1.	Abdiaziz Mohamed Hirsi	Male Youth Representative
2.	Raphael Maingi Kimilu	Male Adult Representative
3.	Hamida Hussein Roba	Female Youth Representative
4.	Theresa Wambui Thuo	Female Adult Representative
5.	Violet Lihemo Kivaya	Representative of Persons with Disability
6.	Peter Kimani Wambui	Nominee of the Constituency Office(Male)
7.	Marion Wambui Musyoki	Nominee of the Constituency Office(Female)

97. THARAKA CONSTITUENCY

1.	Mark Murimi Muru+gu	Male Youth Representative
2.	Stanley Mutemi Mitambo	Male Adult Representative
3.	Tabitha Gacheri Peter	Female Youth Representative
4.	Janet Makena Njagi	Female Adult Representative
5.	Stephen Njeru Mukembu	Representative of Persons with Disability
6.	Gerrad Njagi Matumo	Nominee of the Constituency Office(Male)
7.	Judith Karea Nyamu	Nominee of the Constituency Office(Female)

98. TINDERET CONSTITUENCY

1.	Simion Biwott	Male Youth Representative
2.	David Kipsang Rop	Male Adult Representative
3.	Jenifer Chepkosgei	Female Youth Representative
4.	Alice Jepkirui Sitieni	Female Adult Representative
5.	Florence Jepkirong Sitienei	Representative of Persons with Disability
6.	Solomon K' A Nyango	Nominee of the Constituency Office(Male)
7.	Ednah Jepleting Lagat	Nominee of the Constituency Office(Female)

99. MUMIAS EAST CONSTITUENCY

1.	Charles Orata Opembe	Male Youth Representative

2.	Patrick Juma Washika	Male Adult Representative
3.	Vivian Namayi Namwalo	Female Youth Representative
4.	Tabitha Okoyah Washika	Female Adult Representative
5.	Christopher Makana Tabuche	Representative of Persons with Disability
6.	Protus Lusiche Ekaya	Nominee of the Constituency Office(Male)
7.	Saida Oteya Shisia	Nominee of the Constituency Office(Female)

100. DAGORETTI NORTH CONSTITUENCY

1.	Eric Nyandiko	Male Youth Representative
2.	James Kihara waweru	Male Adult Representative
3.	Leunidah Nyotah Joshua	Female Youth Representative
4.	Lydia Kwamboka Nyamwange	Female Adult Representative
5.	Leonard Ochuka Odera	Representative of Persons with Disability
6.	Joseck Wetumbire Tsuma	Nominee of the Constituency Office(Male)
7.	Rukia Abdi Haro	Nominee of the Constituency Office(Female)

101. KABUCHAI CONSTITUENCY

1.	Douglas Mukhongo Munyasia	Male Youth Representative
2.	Charles Sirengo Wenganga	Male Adult Representative
3.	Penina Nangila Masinde	Female Youth Representative
4.	Maximilla Wambani Wanyonyi	Female Adult Representative
5.	Galus Mutacho Wanjala	Representative of Persons with Disability
6.	Fredrick Barasa Mutieme	Nominee of the Constituency Office(Male)
7.	Susan Nelima Sevoi	Nominee of the Constituency Office(Female)

102. MARAKWET EAST CONSTITUENCY

1.	Oscar Kemboi Kilimo	Male Youth Representative
2.	Joseph Chebii	Male Adult Representative
3.	Juliana Jemaiyo Chelawa	Female Youth Representative
4.	Agatha Kibaina Jerotich	Female Adult Representative
5.	Julius Maiyo Chesir	Representative of Persons with Disability
6.	John Kitum Lochaa	Nominee of the Constituency Office(Male)
7.	Zilpah Jeboi Biwott	Nominee of the Constituency

		Office(Female)

103. BARINGO SOUTH CONSTITUENCY

1.	Dennis Kipkoech Rotich	Male Youth Representative
2.	Haron Kipyego Kipkochoi	Male Adult Representative
3.	Lucy Leakwara	Female Youth Representative
4.	Rosaline Jebichii Kibet	Female Adult Representative
5.	George Lejason Lekumbe	Representative of Persons with Disability
6.	Kimosop Meja Kimunyan	Nominee of the Constituency Office(Male)
7.	Peris Jepkemoi Komen	Nominee of the Constituency Office(Female)

104. BARINGO CENTRAL CONSTITUENCY

1.	Mark Kiprop Kosgei	Male Youth Representative
2.	Gabriel Kipchirchir Kangor	Male Adult Representative
3.	Geraldine Kaptuya Yegon	Female Youth Representative
4.	Jemutai James	Female Adult Representative
5.	Edwin Kipserem Kandie	Representative of Persons with Disability
6.	William Chemjor Kibet	Nominee of the Constituency Office(Male)
7.	Elima Kipchilis	Nominee of the Constituency Office(Female)

105. KIAMBU CONSTITUENCY

1.	Joseph Githinji Njiraini	Male Youth Representative
2.	Stephen Mwaura Ngugi	Male Adult Representative
3.	Mary Njeri Nganga	Female Youth Representative
4.	Josphine Wanjiku Mwangi	Female Adult Representative
5.	Joseph Kamau Muriithi	Representative of Persons with Disability
6.	Moses Macharia Mburu	Nominee of the Constituency Office(Male)
7.	Rose Nguhi Wakaba	Nominee of the Constituency Office(Female)

106. KANDUYI CONSTITUENCY

1.	Shadrack Simiyu Makokha	Male Youth Representative
2.	George Wasike Makari	Male Adult Representative
3.	Linet Atemba Mulumia	Female Youth Representative
4.	Alice Nanyama Kibaba	Female Adult Representative

5.	Ann Khalayi Mamai	Representative of Persons with Disability
6.	Peter Sifuna Mukhebi	Nominee of the Constituency Office(Male)
7.	Scolastica Nanjala Satia	Nominee of the Constituency Office(Female)

107. ALDAI CONSTITUENCY

1.	Elphas Kipchirchir	Male Youth Representative
2.	Vincent Cheruiyot Kogo	Male Adult Representative
3.	Joyce Jepyego	Female Youth Representative
4.	Rose Jerotich Mutai	Female Adult Representative
5.	Beatrice Cherop	Representative of Persons with Disability
6.	Joseph Choge Ang'ang'a	Nominee of the Constituency Office(Male)
7.	Jane Kavurani Muguni	Nominee of the Constituency Office(Female)

108. GARISSA TOWNSHIP CONSTITUENCY

1.	Abdi Aden Ibrahim	Male Youth Representative
2.	Hassan Osman Shurie	Male Adult Representative
3.	Maryan Somo Hussein	Female Youth Representative
4.	Fatuma Abdi Sanweine	Female Adult Representative
5.	Siyad Hared Muhumed	Representative of Persons with Disability
6.	Mahamud Ahmed Dayib	Nominee of the Constituency Office(Male)
7.	Haretha Kahiya Saman	Nominee of the Constituency Office(Female)

109. THIKA TOWN CONSTITUENCY

1.	Zacharia Gathu Ndungu	Male Youth Representative
2.	Ephraim Njihi Macharia	Male Adult Representative
3.	Lydiah Kavuli Ndonye Kimeu	Female Youth Representative
4.	Emmah Wanjiku Ndirangu	Female Adult Representative
5.	Daniel Wathiari Maina	Representative of Persons with Disability
6.	George Njuguna Njagi	Nominee of the Constituency Office(Male)
7.	Lucy Nyakiringa Kiarie	Nominee of the Constituency Office(Female)

110. NDARAGWA CONSTITUENCY

1.	Samuel Kihanga Kuria	Male Youth Representative
2.	James Muriethi Guandaru	Male Adult Representative
3.	Jane Njambi Wachira	Female Youth Representative
4.	Teresa Wanja Gichure	Female Adult Representative
5.	Lucy Njoki Maina	Representative of Persons with Disability
6.	Fredrick Karanja Gathirimu	Nominee of the Constituency Office(Male)
7.	Esther Wanjiru Kabugu	Nominee of the Constituency Office(Female)

111. IGEMBE NORTH CONSTITUENCY

1.	Peter M'Mwenda Ipwi	Male Youth Representative
2.	Fredrick Kabuacha Ntonja	Male Adult Representative
3.	Judy Kanana Mungania	Female Youth Representative
4.	Susan Kabuuli Miriti	Female Adult Representative
5.	Germano Kobia M'Birithu	Representative of Persons with Disability
6.	Robert Kinyua Mwenda	Nominee of the Constituency Office(Male)
7.	Pamela Nkatha Akubu	Nominee of the Constituency Office(Female)

112. MBEERE NORTH CONSTITUENCY

1.	Peter Muchangi Ngari	Male Youth Representative
2.	Richard Nyaga Thiriku	Male Adult Representative
3.	Eusebia Chuka Munene	Female Youth Representative
4.	Purity Wangari Njeru	Female Adult Representative
5.	Bernard Nyaga Kandia	Representative of Persons with Disability
6.	Eliphas Njuki Nthimba	Nominee of the Constituency Office(Male)
7.	Lilian Mbuya	Nominee of the Constituency Office(Female)

113. RONGO CONSTITUENCY

1.	Okoth Benard	Male Youth Representative
2.	Joseph Onyango Ngare	Male Adult Representative
3.	Philice Adoyo Ngere	Female Youth Representative
4.	Florence Atieno Opiyo	Female Adult Representative
5.	Jared Aol Otieno	Representative of Persons with Disability
6.	Clement Odhiambo Ochieng	Nominee of the Constituency

		Office(Male)
7.	Pamela Acheing Otieno	Nominee of the Constituency Office(Female)

114. KILIFI NORTH CONSTITUENCY

1.	Ramadhani Khamisi Ndiga	Male Youth Representative
2.	Lennox Masha Charo	Male Adult Representative
3.	Priscillah Njeri Kissangi	Female Youth Representative
4.	Zainab Rajab Ali	Female Adult Representative
5.	Chengo Saro Nyanje	Representative of Persons with Disability
6.	Karisa Kalu Tinga	Nominee of the Constituency Office(Male)
7.	Faiza Muha ji Shally	Nominee of the Constituency Office(Female)

115. LURAMBI CONSTITUENCY

1.	Peter Khalumi Okwako	Male Youth Representative
2.	Habib Rashid Anyolo	Male Adult Representative
3.	Lung'atso Auka Modesta	Female Youth Representative
4.	Neddy Khavakali Murunga	Female Adult Representative
5.	Rydon Kadasia Kiombe	Representative of Persons with Disability
6.	Aaura Rajab Yusufu Nyanje	Nominee of the Constituency Office(Male)
7.	Susan Akinyi Omondi	Nominee of the Constituency Office(Female)

116. LIKONI CONSTITUENCY

1.	Juma Mwalimu Mwahima	Male Youth Representative
2.	Suleiman Salim	Male Adult Representative
3.	Dephence Talu Mwachari	Female Youth Representative
4.	Ciclia Wanjiru Mburu	Female Adult Representative
5.	Stephen Musyoki Mutinda	Representative of Persons with Disability
6.	Timothy Ochola Omuga	Nominee of the Constituency Office(Male)
7.	Time Abdalla Bakari	Nominee of the Constituency Office (Female)

117. KIGUMO CONSTITUENCY

1.	Anthony Karanja Gitonga	Male Youth Representative
2.	Jeremiah Ngumo Kiguru	Male Adult Representative

3.	Melanie Wangari Gateru	Female Youth Representative
4.	Mary Nyambura Ndungu	Female Adult Representative
5.	Leah Njeri Wamahiga	Representative of Persons with Disability
6.	Simon Muchoki Mwangi	Nominee of the Constituency Office(Male)
7.	Grace Njoki Kamau	Nominee of the Constituency Office(Female)

118. SOUTH MUGIRANGO CONSTITUENCY

1.	Evans Moi Mogoi	Male Youth Representative
2.	Johnson Morara Okechi	Male Adult Representative
3.	Elmelda Nyaboke Kaosi	Female Youth Representative
4.	Zerah Nyaserema Omwando	Female Adult Representative
5.	James Magero Ayiega	Representative of Persons with Disability
6.	Samson Angima Otieno	Nominee of the Constituency Office(Male)
7.	Ann Moragwa Obutu	Nominee of the Constituency Office(Female)

119. EMGWEN CONSTITUENCY

1.	Benson Kiprop Keter	Male Youth Representative
2.	Johana Kipkorir Chulai	Male Adult Representative
3.	Elizabeth Jepkemboi	Female Youth Representative
4.	Sofia Chepkemboi Yaccub	Female Adult Representative
5.	Ben Maina	Representative of Persons with Disability
6.	Julius Kibungei Maiyo	Nominee of the Constituency Office(Male)
7.	Salima Ali Faraj	Nominee of the Constituency Office(Female)

120. TURBO CONSTITUENCY

1.	Elijah Kipkoech Kutto	Male Youth Representative
2.	Elijah Kiplagat	Male Adult Representative
3.	Lilian Chellagat	Female Youth Representative
4.	Grace Chepkemei Yebei	Female Adult Representative
5.	Isaac Kipkemboi Y Lagat	Representative of Persons with Disability
6.	Selly Chepkoech	Nominee of the Constituency Office(Male)
7.	John Kimani Mwaura	Nominee of the Constituency Office(Female)

121. SEME CONSTITUENCY

1.	Benard Onyango Dajo	Male Youth Representative
2.	Jack Aloo Yoga	Male Adult Representative
3.	Lorna Achieng Odongo	Female Youth Representative
4.	Monica Atieno Ogot	Female Adult Representative
5.	Charles Ouma Okelo	Representative of Persons with Disability
6.	Ambrose Ouma Jagongo	Nominee of the Constituency Office(Male)
7.	Anne Emma Akinyi Owiti	Nominee of the Constituency Office(Female)

122. URIRI CONSTITUENCY

1.	Longa Paul Chasia	Male Youth Representative
2.	Joseph Odoyo Gome	Male Adult Representative
3.	Maurine Aoko Ongadi	Female Youth Representative
4.	Herine Atieno Odhiambo	Female Adult Representative
5.	Marthlida Auma Oloo	Representative of Persons with Disability
6.	Joel Ooko Otieno	Nominee of the Constituency Office(Male)
7.	Monicah Achieng Mugah	Nominee of the Constituency Office(Female)

123. KITUTU CHACHE SOUTH CONSTITUENCY

1.	Kelvin Zambia Maubi	Male Youth Representative
2.	James Maobe Mokaya	Male Adult Representative
3.	Winfridah Kemunto Maisiba	Female Youth Representative
4.	Jane Kwamboka Ombongi	Female Adult Representative
5.	John Ongeri Ondieki	Representative of Persons with Disability
6.	Benard Ongeri Makuru	Nominee of the Constituency Office(Male)
7.	Pacifica Moraa Onyango	Nominee of the Constituency Office(Female)

124. TIGANIA WEST CONSTITUENCY

1.	Mugambi Titus Nahashon	Male Youth Representative
2.	Jimmy Kinyua Munjuri	Male Adult Representative
3.	Irene Mwendwa Mutea	Female Youth Representative
4.	Joanina Karimi	Female Adult Representative
5.	Stephen Ndereba Nkumbuku	Representative of Persons with

		Disability
6.	Kailutha Stanley Naituri	Nominee of the Constituency Office(Male)
7.	Gaceri Winfred Kalwigi	Nominee of the Constituency Office(Female)

125. BANISSA CONSTITUENCY

1.	Hassan Kalla Bonaya	Male Youth Representative
2.	Mohamed Yusuf Alio	Male Adult Representative
3.	Zeytun Issack Molu	Female Youth Representative
4.	Habiba Ali Guyo	Female Adult Representative
5.	Hassan Mohamud Abdulla	Representative of Persons with Disability
6.	Hassan Mohamed Hillow	Nominee of the Constituency Office(Male)
7.	Fatuma Hassan Abdille	Nominee of the Constituency Office(Female)

126. KHWISERO CONSTITUENCY

1.	Benjamin Khainga Amule	Male Youth Representative
2.	Elijah Anjere Keya	Male Adult Representative
3.	Ann Adhiambo Odhiambo	Female Youth Representative
4.	Pamela Mmboga Mutasia	Female Adult Representative
5.	Mahmood Tsuma Khainga	Representative of Persons with Disability
6.	Amos Aromba	Nominee of the Constituency Office(Male)
7.	Mwando	Nominee of the Constituency Office(Female)

127. VIHIGA CONSTITUENCY

1.	Simeon Kirivwa Ambura	Male Youth Representative
2.	Evans Muswahili Ladtema	Male Adult Representative
3.	Calvine Inyangu Elavuna	Female Youth Representative
4.	Rachel Kageha Aliga Okuso	Female Adult Representative
5.	Ruth Ajando Osako	Representative of Persons with Disability
6.	Joseph Lukuyu Oyavo	Nominee of the Constituency Office(Male)
7.	Janet Nyangasi Senelwa	Nominee of the Constituency Office(Female)

128. NAKURU TOWN EAST CONSTITUENCY

1.	Samuel Njumbi Muhindi	Male Youth Representative
2.	Nicodemus Onserio Akibah	Male Adult Representative
3.	Gladys Jelagat Kiptui	Female Youth Representative
4.	Fatuma Alhajji Yusuf	Female Adult Representative
5.	Margaret Wanjiru Gikaria	Representative of Persons with Disability
6.	Antony Otieno Oduor	Nominee of the Constituency Office(Male)
7.	Susan Wangeci Macharia	Nominee of the Constituency Office(Female)

129. SIGOWET/SOIN CONSTITUENCY

1.	Reuben Cheruiyot Murgong	Male Youth Representative
2.	Richard Kipkorir Chepkwony	Male Adult Representative
3.	Faith Chepkirui	Female Youth Representative
4.	Petronilla Chepkemoi Rotich	Female Adult Representative
5.	Benjamen Kipkorir Koech	Representative of Persons with Disability
6.	Chepkorir Hellen	Nominee of the Constituency Office(Female)
7.	Moses Kiplangat Koech	Nominee of the Constituency Office(Male)

130. KIPKELION EAST CONSTITUENCY

1	Kipkurui Keter Charles	Male Youth Representative
2	Bernard Kiprotich Too	Male Adult Representative
3	Norah Chepkemoi Sigey	Female Youth Representative
4	Janet Tobon	Female Adult Representative
5	Langat Chepkemoi	Representative of Persons with Disability
6	Ann Chepkorir Tumm	Nominee of the Constituency Office(Male)
7	James Munji Njuguna	Nominee of the Constituency Office(Female)

131. KIPKELION WEST CONSTITUENCY

1	Kiprotich Rono	Male Youth Representative
2	Korir Kiplangat P. Koske	Male Adult Representative
3	Chepkurui Sambu	Female Youth Representative
4	Jackline Chebet	Female Adult Representative
5	Josphat Kipkurui Mibei	Representative of Persons with Disability
6	Samwel Kiplangat Tanui	Nominee of the Constituency Office(Male)

7	Margaret Chepketer Kiget	Nominee of the Constituency Office(Female)

132. OTHAYA CONSTITUENCY

1	Fredlick Gathigi Muruthi	Male Youth Representative
2	Simon Kingori Mubuu	Male Adult Representative
3	Josephine Wanjiru Murage	Female Youth Representative
4	Peris Wangari Muriithi	Female Adult Representative
5	Julius Nderitu Miitii	Representative of Persons with Disability
6	Michael Wambugu Wainaina	Nominee of the Constituency Office(Male)
7	Hannah Warukira Kabui	Nominee of the Constituency Office(Female)

133. KINANGOP CONSTITUENCY

1	Duncan Ngigi Kirichu	Male Youth Representative
2	John Maragua Kanyi	Male Adult Representative
3	Beth Nyambura Mututo	Female Youth Representative
4	Lydiah Nyaguthii Githendu	Female Adult Representative
5	Anthony Wanjohi Gitau	Representative of Persons with Disability
6	Rebecca Wambui Muiruri	Nominee of the Constituency Office (Female)
7	Peter Mburu Kimani	Nominee of the Constituency Office(Male)

134. SIRISIA CONSTITUENCY

1	Joseph Masika Maori	Male Youth Representative
2	Noah Okwamong Ojala	Male Adult Representative
3	Mercy Nekesa Wepukhulu	Female Youth Representative
4	Linet Kasaya Gidosi	Female Adult Representative
5	Nelson Simiyu Wanambisi	Representative of Persons with Disability
6	Philip Simiyu Wanjala	Nominee of the Constituency Office (Male)
7	Biliah Nasambu Kutukhulu	Nominee of the Constituency Office(Female)

135. MSAMBWENI CONSTITUENCY

1	Salim Mohamed Kirinzo	Male Youth Representative
2	Muhsin Abdallah Kitwana	Male Adult Representative

3	Mwanakombo Hamisi Kudi	Female Youth Representative
4	Mwanasiti Saidi Mwadzogolo	Female Adult Representative
5	Swaleh Omar Mohamed	Representative of Persons with Disability
6	Bakari Kassim Mjusi	Nominee of the Constituency Office (Male)
7	Kavata Mbondo	Nominee of the Constituency Office(Female)

136. MAKUENI CONSTITUENCY

1	Benedict Musembi Muange	Male Youth Representative
2	Titus Kimuya Munuve	Male Adult Representative
3	Alice Mumbua Kivuva	Female Youth Representative
4	Esther Nzula Levu	Female Adult Representative
5	Justina Nthenya Katiku	Representative of Persons with Disability
6	Benard Tivu Mutua	Nominee of the Constituency Office (Male)
7	Stella Mueni Mutuku	Nominee of the Constituency Office(Female)

137. STAREHE CONSTITUENCY

1	Victor Odhiambo Obote	Male Youth Representative
2	John Maina Muhoro	Male Adult Representative
3	Saidi Sidi Mtawali	Female Youth Representative
4	Alice Wambui Njuguna	Female Adult Representative
5	Serah Wambui Muhia	Representative of Persons with Disability
6	John Philip Mwangi Gaturu	Nominee of the Constituency Office (Male)
7	Jacqueline Kwamboka Omare	Nominee of the Constituency Office(Female)

138. KITUI SOUTH CONSTITUENCY

1.	Julius Mutunga Kivuko	Male Youth Representative
2.	Kenneth Musee Kitonyo	Male Adult Representative
3.	Mwongeli Ngiani	Female Youth Representative
4.	Florence Mbesa Martin	Female Adult Representative
5.	Stephen Mulatya Muliki	Representative of Persons with Disability
6.	Titus Nzau Theresia	Nominee of the Constituency Office(Male)
7.	Christine Awinjo Kimbui	Nominee of the Constituency Office(Female)

139. MARAGUA CONSTITUENCY

1.	Johnson Irungu Wambui	Male Youth Representative
2.	Robert Mburu Kariuki	Male Adult Representative
3.	Sarah Njeri Njoroge	Female Youth Representative
4.	Scholastica Wairimu	Female Adult Representative
5.	Damaris Muthoni Irungu	Representative of Persons with Disability
6.	Joyce Nzilani Ngumbi	Nominee of the Constituency Office(Male)
7.	Paul Mbugua Wakarura	Nominee of the Constituency Office(Female)

140. IGEMBE SOUTH CONSTITUENCY

1	John Gituma Karai	Male Youth Representative
2	Kirimi Peter Mwereria	Male Adult Representative
3	Faith Kanyiri Mungania	Female Youth Representative
4	Norah Kaario Nkwene	Female Adult Representative
5	Jeniffer Nkirote Immana	Representative of Persons with Disability
6	Ciano Julius Munoru	Nominee of the Constituency Office (Male)
7	Grace Kambura Muchena	Nominee of the Constituency Office(Female)

Signed.....

Hon. Moses Lessonet, MP
Chairman, Select Committee on National Government Constituencies Development Fund (NG-CDF)

Date 23rd May 2016

7.0 ANNEXURE

Annex 1	Adoption List
Annex 2	Committee Minutes
Annex 3	Advert to Members of the Public Calling For Application to NG-CDFC
Annex 4	Papers Laid on List of Nominees to the NG-CDFC

ANNEX 1

NATIONAL ASSEMBLY

NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND COMMITTEE

MEMBERS ATTENDANCE SCHEDULE

DATE: 5/3/2016 TIME: 10:00 am

AGENDA: ADOPTION of REPORT on NOMINEES TO CDFC VENUE: 9th Floor Harambee Plaza

	NAME	SIGNATURE
1	Hon Lecrome Moses K	
2	Hon Esther N. Gathoni	
3	HON ELIJAH M MOINDI	
4	Hon Mohamed Abdi Hus	
5	Hon Benson - MP	
6	Hon Raphael Letimalo	
7	Hon. Nicola Gumbo	
8	HON KIENGO K. MAINDI	
9	Hon. Ochanda H.O	
10	KANOTI MWAMKALE	
11	ABDIKADIR OKE	
12	Hon Joseph O. Oyiego	
13	Hon David Ndiwa Nekesa	
14	Hon John Joseph NAKARA	
15		
16		
17		
18		
19		

AHMAD KADHI

FOR -CLERK OF THE NATIONAL ASSEMBLY

ANNEX 2

MINUTES OF THE 6th SITTING OF THE SELECT COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND, HELD ON TUESDAY, 3RD MAY, 2016 IN THE BOARDROOM, 9TH FLOOR HARAMBEE PLAZA, PARLIAMENT BUILDINGS AT 10:00 A.M.

PRESENT

1. **Hon. Moses Lessonet, MP** - **Chairperson**
2. **Hon. Esther Gathogo, MP** - **Vice - Chairperson**
3. Hon. Elijah Mosomi Moindi, MP
4. Hon. Mohamed Haji, MP
5. Hon. Benson Mbai Itwiku, MP
6. Hon. Joseph Ndiege, MP
7. Hon. Kamoti Mwamkale, MP
8. Hon. Gideon Ochanda, MP
9. Hon. Kyengo Katatha Maweu, MP
10. Hon. Silas Tiren, MP
11. Hon. John Lodepe Nakara, MP
12. Hon. Eng. Nicolas Gumbo, MP
13. Hon. Raphael Letimalo, MP
14. Hon. Abdikadir Ore, MP
15. Hon. David Wafula, MP

ABSENT WITH APOLOGY

1. Hon. Yusuf Chanzu, CBS, OGW, HSC, MP
2. Hon. Maina Kamanda, MP
3. Hon. Mohamed Abass, MP
4. Hon. George P. Kaluma, MP

IN ATTENDANCE	–	NATIONAL ASSEMBLY
Ahmad Kadhi	-	Clerk Assistant II
Ella Kendi	-	Clerk Assistant III
IN ATTENDANCE	-	NGCDF BOARD
Yusuf Mbuno	-	Ag. Chief Executive Officer

MINUTE NO. 23/2016: PRELIMINARIES

The Chairperson called the Meeting to order. The sitting commenced with prayers.

MINUTE NO. 24/2016: CONFIRMATION OF MINUTES

Minutes of the previous meetings were confirmed and thereafter signed by the Chairperson as follows;

Minutes of the 3rd sitting; proposed by the Hon. Mohammed Haji, MP and seconded by the Hon. Kamoti Mwamkale, MP.

Minutes of the 4th sitting; proposed by the Hon. Elijah Mosomi Moindi, MP and seconded by the Hon. Gideon Ochanda, MP.

Minutes of the 5th sitting; proposed by the Hon. Benson Mbai Itwiku, MP and seconded by the Hon. Kyengo Katatha Maweu, MP.

MINUTE NO. 25/2016: ADOPTION OF THE REPORT ON THE CONSIDERATION OF NOMINEES TO THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND COMMITTEES (NG-CDFCs)

The Committee deliberated the draft report before it and was in agreement that the report be adopted and forwarded to the House for its approval of the Nominees to the various NG-CDFCs.

The report was adopted by the Committee having been proposed by the Hon. Eng. Nicolas Gumbo, MP and seconded by the Hon. Raphael Letimalo, MP.

Members noted that it was necessary for the Board to move with speed to set up the Constituency Committees that had submitted compliant nominees to the NG-CDFCs.

Members also heard that 140 constituencies had complied with the requirements on setting up the said Constituency Committees.

MINUTE NO. 26/2016: ADJOURNEMENT

There being no other business, the meeting was adjourned at thirty minutes past twelve noon to a Thursday 5th May at 10.00 am.

SIGNATURE.....

CHAIRPERSON

DATE.....03rd May, 2016.....

MINUTES OF THE 5th SITTING OF THE SELECT COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND, HELD ON THURSDAY, 28TH APRIL, 2016 IN THE BOARDROOM, 9TH FLOOR HARAMBEE PLAZA, PARLIAMENT BUILDINGS AT 10:00 A.M.

PRESENT

1. **Hon. Moses Lessonet, MP** - **Chairperson**
2. **Hon. Esther Gathogo, MP** - **Vice - Chairperson**
3. Hon. Yusuf Chanzu, MP
4. Hon. Elijah Mosomi Moindi, MP
5. Hon. Mohamed Haji, MP
6. Hon. Benson Mbai Itwiku, MP
7. Hon. Joseph Ndiege, MP
8. Hon. Kamoti Mwamkale, MP
9. Hon. Gideon Ochanda, MP
10. Hon. Kyengo Katatha Maweu, MP
11. Hon. Silas Tiren, MP
12. Hon. John Lodepe Nakara, MP

ABSENT WITH APOLOGY

1. Hon. Mohamed Abass, MP
2. Hon. Eng. Nicolas Gumbo, MP
3. Hon. Raphael Letimalo, MP
4. Hon. Maina Kamanda, MP
5. Hon. Abdikadir Ore, MP
6. Hon. David Wafula, MP
7. Hon. George P. Kaluma, MP

IN ATTENDANCE	–	NATIONAL ASSEMBLY
Ahmad Kadhi	-	Clerk Assistant
Wilson DimaDima	-	Senior Legal Counsel
Wellington Namenge	-	Policy Analyst & Research Officer
Lillian Wambui	-	Legal Pupil / Intern
IN ATTENDANCE	**-**	**NGCDF BOARD**
Yusuf Mbuno	-	Ag. Chief Executive Officer
Elizabeth Chesoni	-	Legal Counsel

MINUTE NO. 19/2016: PRELIMINARIES

The Chairperson called the Meeting to order. The sitting commenced with prayers.

The Chairperson invited the Members to the meeting and informed them that the meeting with the Cabinet Secretary for the National Treasury was rescheduled to Thursday 5th May on request of the invitee. The briefing from the Litigation and Compliance was also moved to the next sitting.

The Agenda of the day was amended to postpone the meeting with the National Treasury to; Consideration of Nominees to the NG-CDFC's. It was proposed by the Hon. Raphael Letimalo, M.P and seconded by the Hon. Kyengo Katatha Maweu, M.P.

MINUTE NO. 20/2016: CONSIDERATION OF NG-CDFC'S NOMINEES

The meeting was informed that the Board had submitted to the National Assembly a list of 39 Constituencies that had complied with the necessary requirements of Nominees to the National Government Constituencies Development Fund Committees on 26th April, 2016. The list was tabled in the House, and was before the Committee. A second list of an additional 42 Constituencies Nominees' was to be submitted on 28th April, 2016 for the same.

Members considered the list of Nominees tabled in the House on 27th April, 2016 and sought the following clarifications;

- Whether the nominees had met the requirements in law to be members of the NG-CDFCs/
- whether the Board is satisfied with the compliance of the nominees
- whether there was public participation of the constituents and if there were any complaints on the suitability of the nominees

Members heard that;

- The Board had constituted a team that looking into the compliance of nominees to meet the constitutional requirements, compliance to the NG-CDF Act, 2015 as well as the NG-CDF Regulations, 2016.
- The Fund Account Managers in each constituency had received clear guidelines from the Board guiding the formation of NG-CDFC's.
- The Board considers the Nominees as received by each constituency and once compliance is ascertained the same is forwarded to the National Assembly.
- Complaints received from various constituencies had received and were being addressed by the Board, therefore only compliant constituencies had been forwarded for the approval of the National Assembly.

It was noted that the main challenge was the set legal framework such as meeting the requirements of youth and gender balance as well as nominees accessing government documentation (e.g. good conduct certificates).

Members were satisfied that the board had taken due diligence in the selection process and stood guided by Standing Order 45 on Approval of Public Appointments, Section 43(4) of the NG-CDF Act of 2015 and Regulation 5(10)

The Committee resolved to proceed and table a report seeking the approval of the National Assembly for the Nominees to the NG-CDFC's.

MINUTE NO. 21/2016: INSPECTION VISITS

In execution of its oversight mandate, the Committee resolved to visit Bondo, Tiaty and Garissa Township Constituencies. Members would be notified of the programme at a later sitting.

MINUTE NO. 21/2016: ADJOURNEMENT

The meeting was adjourned to a Tuesday 2nd May at 10.00 am to adopt the Report on the Consideration of Nominees to the NG-CDFC's.

SIGNATURE.....

CHAIRPERSON

DATE.....03rd May. 2016.....

MINUTES OF THE 4th SITTING OF THE SELECT COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND, HELD ON THURSDAY, 14TH APRIL, 2016 IN THE MEDIA CENTRE, MAIN PARLIAMENT BUILDING AT 10:00 A.M.

PRESENT

1. Hon. Moses Lessonet, MP - Chairperson
2. Hon. Esther Gathogo, MP - Vice - Chairperson
3. Hon. Yusuf Chanzu, MP. CBS, OGW, HSC
4. Hon. Elijah Mosomi Moindi, MP
5. Hon. Mohamed Haji, MP
6. Hon. Benson Mbai Itwiku, MP
7. Hon. Joseph Ndiege, MP
8. Hon. Kamoti Mwamkale, MP
9. Hon. George P. Kaluma, MP
10. Hon. Gideon Ochanda, MP
11. Hon. Mohamed Abass, MP

ABSENT WITH APOLOGY

1. Hon. Kyengo Katatha Maweu, MP
2. Hon. Eng. Nicolas Gumbo, MP
3. Hon. Raphael Letimalo, MP
4. Hon. Maina Kamanda, MP
5. Hon. Abdikadir Ore, MP
6. Hon. David Wafula, MP
7. Hon. Silas Tiren, MP
8. Hon. John Lodepe Nakara, MP

IN ATTENDANCE	–	NATIONAL ASSEMBLY
Ahmad Kadhi	-	Clerk Assistant
Wilson Dima Dima	-	Senior Legal Counsel
Wellington Namenge	-	Policy Analyst & Research Officer
Apaa Eugene	-	Research Officer
Lillian Wambui	-	Legal Pupil / Intern

IN ATTENDANCE	-	NGCDF BOARD
Simon Ndweka	-	Corporation Secretary
Kimenjo Gachara	-	Senior Accountant

MINUTE NO. 13/2016: PRELIMINARIES

The Chairperson called the Meeting to order at twenty five minutes past Ten o'clock. The sitting commenced with prayers.

Adoption of the Agenda was proposed by the Hon. Elijah Mosomi Moindi, MP and seconded by the Hon. Mohammed Hajji, M.P.

MINUTE NO. 14/2016: CONFIRMATION OF MINUTES

The Minutes of the 2nd Sitting were confirmed and signed by the Chairperson having been proposed by the Hon. Esther Gathogo, M.P. and Seconded by the Hon. Gideon Ochanda, M.P.

MINUTE NO. 15/2016: MATTERS ARISING

MINUTE NO. 7/2016:

Members revisited Section 15. (3) of the NGCDF Act, 2015 and recalled that the Committee had recommended that the Cabinet Secretary shall appoint the Chairperson of the Board from amongst the seven persons to be appointed in accordance with paragraph (c) of Section 15. (1).

The sitting was advised that the amendment was a substantive one and may not fall within the scope of a Rectification Order under the Revision of Laws, CAP 1.

It was thereafter resolved that a substantive amendment be done at the maturity of six months to Section 15. (3) To replace 'five' with 'seven'.

MINUTE NO. 16/2016: BRIEFING BY THE NGCDF BOARD ON NOMINATIONS TO NGCDF CONSTITUENCY COMMITTEES

The Committee heard that a circular dated 4th April 2016 had been sent to all constituency offices to guide the formation of the NGCDF Constituency Committees.

Members were informed that, as of Tuesday 19th April, the following Constituencies had submitted Nominees to the NGCDF Board;

1. Nakuru Town West
2. Gatundu North
3. Gatundu South

4. Marakwet East
5. Marakwet West
6. Bonchari
7. Ruiru
8. Tharaka
9. Nyaribari Masaba
10. Mwea
11. Lamu West
12. Fafi
13. Kilgoris
14. Starehe
15. Ndaragua
16. Kigumo
17. Endebess

The Committee noted that the selection process was taking longer than anticipated due to the nomination requirements set out by the Board. Nominees had challenges demonstrating or documenting conformity to Chapter 6 of the Kenya Constitution, 2010 on Leadership and Integrity among other requirements.

The Meeting resolved that the Board needed to clarify and communicate the requirements to the Constituencies.

MINUTE NO. 17/2016: BRIEFING ON DISBURSEMENTS FROM THE NATIONAL TREASURY

The Meeting was informed that on Tuesday 19th April, Kshs 2 Billion was received from the National Treasury and the same was to be shortly disbursed to the respective Constituency accounts.

The allocation for the FY 2015/2016 was Kshs 35.213 Billion of which Kshs 22 Billion had been received and disbursed, leaving a balance of Kshs 13.213 Billion.

The Committee noted that there were arrears from previous financial years of Kshs. 4.9 Billion. After deliberations it was resolved that the Committee meets with the National Treasury to deliberate on the matter of disbursements.

MINUTE NO. 18/2016: ADJOURNEMENT

There being no other business, the meeting was adjourned to a Tuesday 26th April at 10.00 am.

SIGNATURE.....

CHAIRPERSON

DATE.....3rd May 2016.....

MINUTES OF THE 3rd SITTING OF THE SELECT COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND, HELD ON TUESDAY, 12TH APRIL, 2016 IN THE COMMONWEALTH PARLIAMENTARY ASSOCIATION (C.P.A.) ROOM, MAIN PARLIAMENT BUILDING AT 10:00 A.M.

PRESENT

1. **Hon. Moses Lessonet, MP - Chairperson**
2. Hon. Elijah Mosomi Moindi, MP
3. Hon. Mohamed Haji, MP
4. Hon. Yusuf Chanzu, MP
5. Hon. Joseph Ndiege, MP
6. Hon. Silas Tiren, MP
7. Hon. Kamoti Mwamkale, MP
8. Hon. George P. Kaluma, MP
9. Hon. David Wafula, MP
10. Hon. John Lodepe Nakara, MP
11. Hon. Gideon Ochanda, MP
12. Hon. Mohamed Abass, MP

ABSENT WITH APOLOGY

1. **Hon. Esther Gathogo, MP - Vice - Chairperson**
2. Hon. Benson Mbai Itwiku, MP
3. Hon. Kyengo Katatha Maweu, MP
4. Hon. Eng. Nicolas Gumbo, MP
5. Hon. Raphael Letimalo, MP
6. Hon. Maina Kamanda, MP
7. Hon. Abdikadir Ore, MP

IN ATTENDANCE	–	NATIONAL ASSEMBLY
Ahmad Kadhi	-	Clerk Assistant
Wellington Namenge	-	Policy Analyst & Research Officer

IN ATTENDANCE	-	NGCDF BOARD
Elizabeth Kitundu	-	Projects Manager
Elizabeth Chesoni	-	Legal Counsel

MINUTE NO. 10/2016: PRELIMINARIES

The Chairperson called the Meeting to order. The sitting commenced with prayers.

Adoption of the Agenda was proposed by the Hon. Peter Kaluma, MP and seconded by the Hon. Elijah Mosomi Moindi, MP.

MINUTE NO. 11/2016: FORMATION OF NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND COMMITTEES

The Committee deliberated the setting up of the Constituency Committees following the coming into force of the NG-CDF Regulations 2016 on 30th March 2016. The Committee had received communication from the Board on the process of setting up the said Committees and through the office of the Clerk; the same was communicated to the House.

Members were thereafter informed as follows;

- Section 43 of the NGCDF Act, 2015 stipulates the composition of the Constituency Committees, which was made operational by the provisions of Section 5 and 6 of the NGCDF Regulations, 2016.
- Section 53 of the NGCDF Act establishes the Constituency Oversight Committees, whose operations and formation is guided by Regulation 34 of the NGCDF Regulations, 2016.

The Committee heard that Constituencies that had submitted their nominees as at 12th April included;

1. Bonchari Constituency
2. Kajiado South Constituency
3. Kigumo Constituency
4. Ndaragua Constituency
5. Starehe Constituency

The Committee was concerned that few constituencies had submitted the Names of Nominees to the Constituency Committees and noted as follows;

- Communication to clarify Section 43, 2. (g) on the one member to be co-opted by the Board be sent to the Constituency
- The selection panel should not lock out public servants since its mandate would lapse soon after the Committees are set up
- Some constituencies had challenges on how to Nominees would demonstrate compliance with Chapter 6 of the Constitution of Kenya, 2010.

Members noted that each constituency faced unique challenges and the Board was impressed upon to report progress to the Select Committee in the next sitting and transmit to the National Assembly for approval Nominations from the Constituencies.

MINUTE NO. 12/2016: ADJOURNEMENT

The sitting was adjourned to a Thursday 14th April at 10.00 am.

SIGNATURE.....

Chairperson

DATE.....23rd May, 2016.

ANNEX 3

Annex 3- Draft Advert to Members of the Public calling for Applications to NG-CDFC

National Government Constituencies Development Fund
----------Constituency
P.O Box xxxx-xxxx
....., Kenya
Tel: ..... | **Cell:** .....
Email: cdfxxxxx@cdf.go.ke/info@cdf.go.ke | **Website:** www.cdf.go.ke

Our Ref:

NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND -------CONSTITUENCY

CALL FOR APPLICATIONS FROM MEMBERS OF THE PUBLIC FOR MEMBERSHIP TO THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND COMMITTEE

The National Government Constituencies Development Fund (NG-CDF) Act was enacted by the National Assembly on December 4th, 2015. In light of the foregoing and pursuant to Sections 43(1), (2),(3) & 57(1) of the National Government Constituencies Development Fund Act, regulations to the NG-CDF Act have been published and are therefore in force with effect from 30th March 2016.

Accordingly, National Government Constituency Development Fund---------- Constituency invites members of general public to submit written applications for consideration for appointment as members of the National Government Constituency Development Fund Committee of ----------Constituency.

Applicants should have the following qualifications:-

1. Be a citizen of Kenya;
2. Ordinarily a resident voter in the constituency;
3. Be able to read and write, and to communicate in English and Kiswahili;
4. Meet the requirement of Chapter six of the Constitution of Kenya;
5. Is available to participate in activities of a constituency committee.
6. For the youth nominee, he/she must have attained the age of eighteen years but be below the age of thirty-five years.

Draft

Interested applicants are required to submit their applications in writing addressed to the Fund Account Manager, NG-CDF Constituency Office, ----Constituency attaching certified copies of testimonials for the above requirements clearly indicating the position applied for, the home ward, copy of identity card and voter's card, daytime telephone number, postal and e-mail addresses as to reach the undersigned on or before ----------day, -----Month, -----Date, 2016 at 1700hrs.

Copies of the NG-CDF Act 2015 & published Regulations may be downloaded from National Government Constituencies Development Fund Board website, www.cdf.go.ke.

FUND ACCOUNT MANAGER

NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND- ------
CONSTITUENCY

ANNEX II- DRAFT LETTER SUBMITTING NOMINEES FOR APPOINTMENT TO THE NG-CDFC, TOGETHER WITH THE NECESSARY ATTACHEMENTS

National Government Constituency Development Fund
----------Constituency
P.O Box xxxx-xxxx
....., Kenya
Tel: ..... | **Cell:** .....
Email: cdfxxxxx@cdf.go.ke/info@cdf.go.ke | **Website:** www.cdf.go.ke

Our Ref:

The Chief Executive Officer
Constituencies Development Fund Board
P.O. Box 46682 – 00100
NAIROBI

Draft

RE: SUBMISSION OF NOMINEES FOR APPOINTMENT TO THE SHINYALU NATIONAL GOVERNMENT CONSTITUENCY DEVEWLOPMENT FUND COMMITTEE

Further to your letter REF: NG-CDFB/CIRCULARS/VOL. II/(112) of 4th April 2016, I wish to submit the -------Constituency nominees to the National Government Constituency Development Fund Committee.

Five nominees were picked by a Selection Panel composed of the following persons

	NAME	TITLE/POSITION IN SOCIETY	MEMBERSHIP CATEGORY
1.		Assistant County Commissioner	Chairman
2.		Fund Account Manager	Secretary
3.		E.g. Retired Teacher	Nominee of the Constituency Office
4.		E.g. Religious Leader	Nominee of the Constituency Office

Out of the total 212 applicants, the Selection panel developed a short listing criterion (copy attached), which enabled picking of the five nominees.

Two additional nominees were proposed by the Constituency office as per Section 43 of the NG-CDF Act 2015.

ANNEX 4

THE NATIONAL ASSEMBLY
RECEIVED
28 APR
DIRECTOR COMMITTEE SERVICES
Time:

Directorate of Legislative and Procedural Services

MEMO

TO : **DIRECTOR, COMMITTEE SERVICES**

FROM : **FIRST CLERK ASSISTANT**

DATE : **APRIL 28, 2016**

SUBJECT : **PAPERS LAID ON APRIL 27, 2016**

The following **Papers** were laid on the Table of the House on Tuesday, **April 27, 2016**;

(1) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2015 and the certificates therein:- PIC

(i) Agricultural Settlement Fund Trustees;

(ii) Nursing Council of Kenya; and

(iii) National Housing Corporation.

(2) List of Nominees to the National Government Constituencies Development Fund Committees from the National Government Constituencies Development Fund Board. CDF

(3) The Ministry of Land, Housing and Urban Development Reviewed National Housing Policy, November, 2015. PC TRANSPORT

Wanjiru Ndindiri

Copy: Clerk of the National Assembly
Director, Legislative and Procedural Services

1. SUSAN
2. KATHI
3. KAZUNA

Pls deal
FA 28/4

National Government Constituencies Development Fund Board
Harambee Plaza, 10th Floor
Junction of Haile Selassie Avenue & Uhuru Highway
P.O Box 46682-00100
Nairobi, Kenya
Tel: 020-2230015/9, 2230027, 2230032 | Cell: 0709894000
Email: info@cdf.go.ke | Website: www.cdf.go.ke

NG-CDF BOARD

25th April 2016

OUR REF: NG-CDFB-CEO/KNA/VOL.003(25)

Mr. Justin N. Bundi, CBS
Clerk of the National Assembly,
Parliament Buildings,
Parliament Road,
P O Box 41842-00200,
NAIROBI

D/L&P
Pse process
Board
CNA
26/4/16

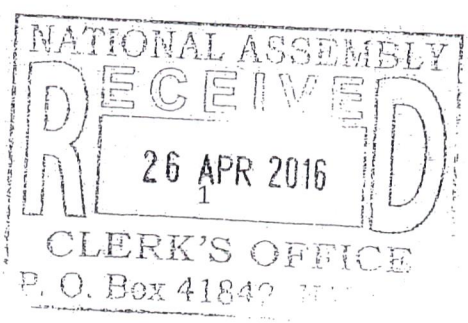
Hon Wanjiku
P/s process
26/4

Dear Sir,

RE: SUBMISSION OF NOMINEES TO THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND COMMITTEES

Reference is made to our circulars Ref: NG-DFB/CIRCULARS/VOL. II (112) of 4th April 2016 which communicated the commencement of the process of nomination of members of the National Government Constituency Development Fund Committee (NG-CDFC) following the expiry of the tenure of the Constituency Development Fund Committees established pursuant to the lapsed Constituencies Development Fund Act (CDF) 2013 and implication of the same on the operations of the National Government Constituencies Development Fund (NG-CDF).

Pursuant to Section 43(4) of the NG-CDF Act of 2015 & Regulation 5(10), which provide for National Assembly approval of the nominees to the National Government Constituencies Development Fund Committees prior to gazettement by the National Government Constituencies Development Fund Board, we hereby forward the following names for approval by the National Assembly:-



1. AINABKOI CONSTITUENCY

1.	Felix Kimutai Kibor	Male Youth Representative
2.	Daniel Kipchirchir	Male Adult Representative
3.	Tabitha Wanjiku Mwangi	Female Youth Representative
4.	Joan Chepkoech Too	Female Adult Representative
5.	Salina Kibor	Representative of Persons with Disability
6.	Enos Kimutai Maiyo	Nominee of the Constituency Office(Female)
7.	Joyce Jelagat Too	Nominee of the Constituency Office(Male)

2. BUMULA CONSTITUENCY

1.	Eric Wesonga Busuru	Male Youth Representative
2.	George Sifuna Soita	Male Adult Representative
3.	Jenepher Maloba Makhulo	Female Youth Representative
4.	Maximilla Nasambu Osundwa	Female Adult Representative
5.	Justus Wekesa Simiyu	Representative of Persons with Disability
6.	Stephen Munjaru Wamalwa	Nominee of the Constituency Office (Male)
7.	Olivia Nanjala Nyongesa	Nominee of the Constituency Office(Female)

3. CHUKA IGAMBANG'OMBE CONSTITUENCY

1.	Patrick Munene Ntwiga	Male Youth Representative
2.	Doreen Mwende Nthigai	Female Youth Representative
3.	Josphat Mutegi Zaphania	Male Adult Representative
4.	Mary Njeri Isaac	Female Adult Representative
5.	Humphrey Gitonga Ntwiga	Representative of Persons with Disability
6.	Catherine Kageni Jotham	Nominee of the Constituency Office(Female)
7.	David Mutegi Ndatho	Nominee of the Constituency Office(Male)

4. ELDAMA RAVINE CONSTITUENCY

1.	Joseph Kibor Aiyabei	Male Adult Representative
2.	Anthony Kipkorir Kimutai	Male Youth Representative
3.	Ann Jepkorir Cheboi	Female Adult Representative
4.	Everlyne Chepngetich Too	Female Youth Representative
5.	Elijah Kamiti Kamau	Representative of Persons with Disability
6.	Anne Mwihaki Mwangi	Nominee of the Constituency Office(Female)
7.	Samson Keitany Chebunyei	Nominee of the Constituency Office(Male)

5. ENDEBES CONSTITUENCY

1.	Michael Kemei Samoei	Male Youth Representative
2.	Julius Bushendich Laibich	Male Adult Representative
3.	Ann Chebet Stephen Masai	Female Youth Representative
4.	Agnes Nasimiyu Wamocho	Female Adult Representative
5.	David Wekulo Mabuka	Representative of Persons with Disability
6.	Simon Lonyangalem Sidii	Nominee of the Constituency Office(Male)
7.	Mary Senetio Ndiwa	Nominee of the Constituency Office(Female)

6. GATUNDU NORTH CONSTITUENCY

1.	Patrick Nguru Nganga	Male Youth Representative
2.	Bernard Karanja Ndungu	Male Adult Representative
3.	Mary Wanjiku Nginya	Female Youth Representative
4.	Beth Wanjiru Kinyanjui	Female Adult Representative
5.	Jane Waruguru Kungu	Representative of Persons with Disability
6.	James Kamanda Njuguna	Nominee of the Constituency Office(Male)
7.	Pauline Njoki Kiburu	Nominee of the Constituency Office(Female)

7. HOMA BAY TOWN CONSTITUENCY

1.	Owala Isaiah Nyadiero	Male Youth Representative
2.	Hannington Oluoch Owuor	Male Adult Representative
3.	Monica Akinyi Nyadiero	Female Youth Representative
4.	Careen Atieno Odiyo	Female Adult Representative
5.	Jenipher Akinyi Oula Malit	Representative of Persons with Disability
6.	Conslate Anyango Ngonga	Nominee of the Constituency Office(Female)
7.	Joseph Obuya Ogolla	Nominee of the Constituency Office(Male)

8. IJARA CONSTITUENCY

1.	Issack Muse Abdille	Male Youth Representative
2.	Musa Abdi Dagane	Male Adult Representative
3.	Meynun Mohammed Dabar	Female Adult Representative
4.	Rabia Siyat Abdullahi	Female Youth Representative
5.	Dek Sahal Damony	Representative of Persons with Disability
6.	Magol Muhiyadin Abdi	Nominee of the Constituency Office(Female)
7.	Dahir Sheikh Ahmed	Nominee of the Constituency Office(Male)

9. KAJIADO SOUTH CONSTITUENCY

1.	Kilelo Kilitia	Male Adult Representative
2.	John Milia Muli Kekutuk	Male Youth Representative
3.	Rosemary Nailantei Mantai	Female Adult Representative
4.	Esther Naesiai Nyamai	Female Youth Representative
5.	Zipporah Wairimu Wambui	Representative of Persons with Disability
6.	Joshua Kipeno Lomunyak	Nominee of the Constituency Office(Male)
7.	Veronicah Narasha Kiretu	Nominee of the Constituency Office(Female)

10. KATHIANI CONSTITUENCY

1.	Leonard Muindi Kioko	Male Youth Representative
2.	Philip Wambua Ndolo	Male Adult Representative
3.	Caroline Kamene Mutua	Female Youth Representative
4.	Agnes Nzisa Muasya	Female Adult Representative
5.	Patrick Wambua Kyalo	Representative of Persons with Disability
6.	Bernard Kioko Ngila	Nominee of the Constituency Office(Male)
7.	Mirriam Nyiva Muthoka	Nominee of the Constituency Office(Female)

11. KITUI WEST CONSTITUENCY

1.	Shariff David Mukulu	Male Youth Representative
2.	Jafeth Kilonzo Kikuu	Male Adult Representative
3.	Ruth Mbithe Munywoki	Female Youth Representative
4.	Benedeta Temea Vetelo	Female Adult Representative
5.	Peter Nzoka Kitema	Representative of Persons with Disability
6.	Wilfred Nzangi Keli	Nominee of the Constituency Office(Male)
7.	Rhodester Mwende Muthui	Nominee of the Constituency Office(Female)

12. LAIKIPIA EAST CONSTITUENCY

1.	Patrick Murage Gichuru	Male Youth Representative
2.	Newton M. Kabuthia	Male Adult Representative
3.	Ann Wangechi Mwangi	Female Youth Representative
4.	Ann Wangui Kahuthu	Female Adult Representative
5.	Nimo Ali Amin	Representative of Persons with Disability
6.	John Mutahi Muritu	Nominee of the Constituency Office(Male)
7.	Mary Gathoni Wahome	Nominee of the Constituency Office(Female)

13. LAIKIPIA WEST CONSTITUENCY

1.	Anthony Wathiari Mungai	Male Youth Representative
2.	Samuel Murage Kingori	Male Adult Representative
3.	Pauline Nyawira Maina	Female Youth Representative
4.	Rahab Wangui Mureithi	Female Adult Representative
5.	Charity Loktano Kerio	Representative of Persons with Disability
6.	Charles Kimani Mwangi	Nominee of the Constituency Office(Male)
7.	Grace Wanjiru Wachira	Nominee of the Constituency Office(Female)

14. MACHAKOS TOWN CONSTITUENCY

1.	Nicholus Kitolo Mulwa	Male Youth Representative
2.	Sylvester Mutinda Mumo	Male Adult Representative
3.	Faith Mbula Musyoki	Female Youth Representative
4.	Jacinta Kaluki Mulwa	Female Adult Representative
5.	Abdalla Dalukaria	Representative of Persons with Disability
6.	Jackson Ngui Kilundo	Nominee of the Constituency Office(Male)
7.	Jacinta Mutete Nthenge	Nominee of the Constituency Office(Female)

15. MANYATTA CONSTITUENCY

1.	Boniface Kinyua Njiru	Male Youth Representative
2.	Evans Rutere Mbogo	Male Adult Representative
3.	Bancy Njoki Njagi	Female Youth Representative
4.	Rehema Rwamba Omar	Female Adult Representative
5.	George Muriithi Kimani	Representative of Persons with Disability
6.	Ruciana Gitiri Nyaga	Nominee of the Constituency Office(Female)
7.	Peterson Kinyua Njiru	Nominee of the Constituency Office(Male)

1.	Fidelis Musyoki Kiilu	Male Adult Representative
2.	Patrick Muindi Kituku	Male Youth Representative
3.	Felistus Nzembi Mutisya	Female Adult Representative
4.	Magdalene Mwikali Muindi	Female Youth Representative
5.	Samuel Kitonyi Mbindyo	Representative of Persons with Disability
6.	Benjamin Musee Musau	Nominee of the Constituency Office(Male)
7.	Philomena Ngina Kyalo	Nominee of the Constituency Office(Female)

17. MAVOKO CONSTITUENCY

1.	Jeremiah Gakinya Karimi	Male Youth Representative
2.	Michael Mulei Kimeu	Male Adult Representative
3.	Caryn Mumbua Kimuyu	Female Youth Representative
4.	Alice Ndete Daniel	Female Adult Representative
5.	Moses Nzuki Kilonzo	Representative of Persons with Disability
6.	Dorothy Muthoka Musya	Nominee of the Constituency Office (Female)
7.	Titus Mwendwa Katingu	Nominee of the Constituency Office (Male)

18. MOYALE CONSTITUENCY

1.	Hussein Ismail Abagala	Male Youth Representative
2.	Abdi Ibrahim Boru	Male Adult Representative
3.	Abagana Maka Kadir	Female Youth Representative
4.	Batula Dalacha Guyo	Female Adult Representative
5.	Mohamed Wanago Aila	Representative of Persons with Disability
6.	Barako Duba Boru	Nominee of the Constituency Office (Male)
7.	Saida Mohammed	Nominee of the Constituency Office (Female)

19. MUKURWE-INI CONSTITUENCY

1.	Ignatious Wahome Wambugu	Male Youth Representative
2.	Ellias Magutu Waiganjo	Male Adult Representative
3.	Beth Wangechi Wachira	Female Youth Representative
4.	Ann Wanjira Macharia	Female Adult Representative
5.	Benson Wachira Wambugu	Representative of Persons with Disability
6.	John Philip Gichohi Kaguchia	Nominee of the Constituency Office(Male)
7.	Mary Wanjiru Mwangi	Nominee of the Constituency Office(Female)

20. MUMIAS WEST CONSTITUENCY

1.	Kenneth Otieno Onyango	Male Youth Representative
2.	Iddi Abbas Keya	Male Adult Representative
3.	Rose Achieng Ajuoga	Female Youth Representative
4.	Rukia Matseshe Mukoya	Female Adult Representative
5.	Samuel Isaac Kombe	Representative of Persons with Disability
6.	Philip George Otieno Musumba	Nominee of the Constituency Office (Male)
7.	Ruth Chuma Mukabana	Nominee of the Constituency Office (Female)

21. MWINGI NORTH CONSTITUENCY

1.	John Mue Kathanzu	Male Adult Representative
2.	Kimwele Kasavo	Male Youth Representative
3.	Christine Katui Mwenga	Female Adult Representative
4.	Elizabeth Mueni Samuel	Female Youth Representative
5.	Agnes Kanonmbwe Kiseki	Representative of Persons with Disability
6.	Priscilla Kalimi Mwema	Nominee of the Constituency Office(Female)
7.	Lazarus Mutua Kasovo	Nominee of the Constituency Office(Male)

1.	Ahijah Kioko Gedion	Male Youth Representative
2.	Joseph Nguna Mutunga	Male Adult Representative
3.	Elizabeth Mwatha Ngungi	Female Youth Representative
4.	Serrah Ngonyo Muatha	Female Adult Representative
5.	Kennedy Kianda Nyaa	Representative of Persons with Disability
6.	Justus Musyoka Muthui	Nominee of the Constituency Office(Male)
7.	Josephine Mwikali Mwendwa	Nominee of the Constituency Office(Female)

23. NAKURU TOWN WEST CONSTITUENCY

1.	Elphas Museve M'Mbaya	Male Youth Representative
2.	Mathew Kipchirchir Kirui	Male Adult Representative
3.	Jane Wambui Alfonzo	Female Youth Representative
4.	Dorcah Kemunto Gwako	Female Adult Representative
5.	Wilfred Nyakundi Omariba	Representative of Persons with Disability
6.	Douglas Sengera Nyamoko	Nominee of the Constituency Office(Male)
7.	Wambui Hannah	Nominee of the Constituency Office(Female)

24. NYARIBARI MASABA CONSTITUENCY

1.	Peterson Gisiora Osoro	Male Youth Representative
2.	Richard Onchari Okindo	Male Adult Representative
3.	Jane Kerubo Amwamu	Female Youth Representative
4.	Grace Kemuma Makori	Female Adult Representative
5.	Ondieki Ogero	Representative of Persons with Disability
6.	Charles Matundura Mokua	Nominee of the Constituency Office(Male)
7.	Teresah Moraa Morang'a	Nominee of the Constituency Office(Female)

25. RUIRU CONSTITUENCY

1.	Peter Njuguna Kinyanjui	Male Youth Representative
2.	Edward Mungai Nganga	Male Adult Representative
3.	Abdi Guyatu Hussein	Female Youth Representative
4.	Mary Wairimu Gicheru	Female Adult Representative
5.	James Muriuki Mbuthu	Representative of Persons with Disability
6.	Benson Mwangi Kamau	Nominee of the Constituency Office (Male)
7.	Anne Wambui Muya	Nominee of the Constituency Office(Female)

26. SAKU CONSTITUENCY

1.	Stephen Wario Guracha	Male Youth Representative
2.	Denge Wario Guracha	Male Adult Representative
3.	Madina Woche Boro	Female Youth Representative
4.	Josphine Nchabayo Harabore	Female Adult Representative
5.	Wario Kullu Dabassa	Representative of Persons with Disability
6.	Aga Galgallo Bilala	Nominee of the Constituency Office (Male)
7.	Sadia Nura Gobana	Nominee of the Constituency Office(Female)

27. SOUTH IMENTI CONSTITUENCY

1.	Japhet Kithure Ndege	Male Youth Representative
2.	Nahason Kiruki Mukiri	Male Adult Representative
3.	Francisca Wanjiru	Female Youth Representative
4.	Jane Karambu Edward	Female Adult Representative
5.	Kabii Moses Kariba	Representative of Persons with Disability
6.	Nathaniel Mbae Samson	Nominee of the Constituency Office(Male)
7.	Ann Kathambi Gitonga	Nominee of the Constituency Office(Female)

1.	Gilbert Kiptoo Bett	Male Youth Representative
2.	Timothy Kipketer Bor	Male Adult Representative
3.	Joyce Jepchirchir Kipyego	Female Youth Representative
4.	Everlyne Chepkoech Muttai	Female Adult Representative
5.	Josephine Chebotip Lelei	Representative of Persons with Disability
6.	Mark Saina Morogo	Nominee of the Constituency Office(Male)
7.	Lydiah Chepngetich Kemboi	Nominee of the Constituency Office(Female)

29. SUBA CONSTITUENCY

1.	David Okatch Odero	Male Youth Representative
2.	Maurice Odicha Opinde	Male Adult Representative
3.	Evaline Adhiambo Dunga	Female Youth Representative
4.	Elizabeth Atonga Kasimiel	Female Adult Representative
5.	Charles Juma Oyugi	Representative of Persons with Disability
6.	Christopher Odero Lesso	Nominee of the Constituency Office (Male)
7.	Sophine Adhiambo Mourice	Nominee of the Constituency Office(Female)

30. SUNA EAST CONSTITUENCY

1.	William Otieno Odero	Male Youth Representative
2.	Alphonce Ouma Ombok	Male Adult Representative
3.	June Judith Odhiambo	Female Youth Representative
4.	Jane Ngoli Ndege	Female Adult Representative
5.	Tom Omondi Opiyo	Representative of Persons with Disability
6.	Kennedy Oluoch Tiengo	Nominee of the Constituency Office (Male)
7.	Elida Atieno Osunga	Nominee of the Constituency Office (Female)

31.

32. TAVETA CONSTITUENCY

1.	Peter Kimathi M'munyi	Male Youth Representative
2.	Saidi Suleiman Shuma	Male Adult Representative
3.	Naomi Kaute Masila	Female Youth Representative
4.	Julita Baby Mbelle	Female Adult Representative
5.	Cornelly Juma Lesabulu	Representative of Persons with Disability
6.	Ndamson Ochola Norman	Nominee of the Constituency Office(Male)
7.	Annete Nachoi Shodo	Nominee of the Constituency Office(Female)

33. TIATY CONSTITUENCY

1.	Patrick Apuke Kaos	Male Youth Representative
2.	Ezekiel Lonyangapeta	Male Adult Representative
3.	Edna Kakuko Cheretei	Female Youth Representative
4.	Jane Cheprinda Amos	Female Adult Representative
5.	Miriam Mengich	Representative of Persons with Disability
6.	Musa Mengich Ngotelum	Nominee of the Constituency Office(Male)
7.	Josphine Cheparwala Kitilit	Nominee of the Constituency Office(Female)

34. TONGAREN CONSTITUENCY

1.	Andrew Wekesa Muhanji	Male Youth Representative
2.	Maurice Changalwa Wanyonyi	Male Adult Representative
3.	Scovia Nafula Mutete	Female Youth Representative
4.	Janet Nanjekho Wasike	Female Adult Representative
5.	David Juma Wanyonyi	Representative of Persons with Disability
6.	Imbega Rose Muchinia	Nominee of the Constituency Office (Male)
7.	Wafubwa Khisa Stephen	Nominee of the Constituency Office(Female)

1.	Eweet Ekai Mathew	Male Adult Representative
2.	Mathew Alany Lonyait	Male Youth Representative
3.	Christine Arukudi Tioko	Female Adult Representative
4.	Asibitar Ekuwom Cecilia	Female Youth Representative
5.	David Amojong Erot	Representative of Persons with Disability
6.	John Lohoi	Nominee of the Constituency Office(Male)
7.	Esther Lokisa Lokwangale	Nominee of the Constituency Office(Female)

36. TURKANA EAST CONSTITUENCY

1.	Joram Ngasike Ekai	Male Youth Representative
2.	Daniel Emikwi Lokaale	Male Adult Representative
3.	Joyce Eggis Esekon	Female Youth Representative
4.	Rebecca Jairus Lokwawi	Female Adult Representative
5.	Joseph Nawata Ebei	Representative of Persons with Disability
6.	Joseph Ewoi Eragae	Nominee of the Constituency Office(Male)
7.	Benta Aligoi Lowoi	Nominee of the Constituency Office(Female)

37. TURKANA SOUTH CONSTITUENCY

1.	Longoria Ekeno Raphael	Male Youth Representative
2.	Peter Emeri Lodio	Male Adult Representative
3.	Sarah Lemuya Akorita	Female Youth Representative
4.	Selina Achor Emeri	Female Adult Representative
5.	Paul Ipolot Lokonyi	Representative of Persons with Disability
6.	Moru Ngibeyo Kebo	Nominee of the Constituency Office(Male)
7.	Vanice Akuwam Erupe	Nominee of the Constituency Office(Female)

38. WESTLANDS CONSTITUENCY

1.	Victor Vieri Olayo	Male Youth Representative
2.	Samson Kemunche Ongeri	Male Adult Representative
3.	Salome Wambui Kahuti	Female Youth Representative
4.	Roselida Upendo Atundo	Female Adult Representative
5.	Freddah Seleto Kaelo	Representative of Persons with Disability
6.	John Ngusale Kadede	Nominee of the Constituency Office(Male)
7.	Mary Akoth Obong'o	Nominee of the Constituency Office(Female)

39. YATTA CONSTITUENCY

1.	Tom Kiilu Musili	Male Youth Representative
2.	Ambrose Munyao Mwanzia	Male Adult Representative
3.	Janet Mutono Mutisya	Female Youth Representative
4.	Carolyne Mwelu Kilonzo	Female Adult Representative
5.	Benson Muindi Kaloki	Representative of Persons with Disability
6.	Sebastian Ngao Nzuki	Nominee of the Constituency Office(Male)
7.	Jacinta Kalunde Solo	Nominee of the Constituency Office(Female)

Yours Sincerely

YUSUF MBUNO
AG. CHIEF EXECUTIVE OFFICER

Copy to: Mr. Torome Saitoti
Principal Secretary
State Department of Planning and Statistics
Ministry of Devolution and Planning
P.O. Box 30005-00100
NAIROBI

National Government Constituencies Development Fund Board
Harambee Plaza, 10th Floor
Junction of Haile Selassie Avenue & Uhuru Highway
P.O Box 46682-00100
Nairobi, Kenya
Tel: 020-2230015/9, 2230027, 2230032 | Cell: 0709894000
Email: info@cdf.go.ke | Website: www.cdf.go.ke

NG-CDF BOARD

28th April 2016

OUR REF: NG-CDFB-CEO/KNA/VOL.003(26)

Mr. Justin N. Bundi, CBS
Clerk of the National Assembly,
Parliament Buildings,
Parliament Road,
P O Box 41842-00200,
NAIROBI

URGENT

Hon Lilly Mangale J.N
Process for Tabling We need to present on Tuesday and notify the House accordingly JN 28/4 for Consideration Sialai 28/4

Dear Sir,

RE: SUBMISSION OF NOMINEES TO THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND COMMITTEES

Further to our letter Reference Ref: NG-CDFB-CEO/KNA/VOL.003(25) of 25th April 2016 forwarding our initial list of nominees to the National Government Constituency Development Fund Committees pursuant to Section 43(4) of the NG-CDF Act of 2015 and Regulation 5(10) of the NG-CDF Regulations 2016, we wish to forward the following additional names of nominees per constituency for consideration and approval by the National Assembly:-

1. BAHATI CONSTITUENCY

1	Daniel Macharia Kimani	Male Youth Representative
2	Anthony Njuguna Njui	Male Adult Representative
3	Leah Wambui Ng'ang'a	Female Youth Representative
4	Grace Wambui Mwathi	Female Adult Representative
5	Juddy Wairimu Mirangoh	Representative of Persons with Disability
6	Sammy Gitau Njuguna	Nominee of the Constituency Office(Male)
7	Elizabeth Wanjiku Waweru	Nominee of the Constituency Office(Female)

NATIONAL ASSEMBLY
RECEIVED
28 APR 2016
CLERK'S OFFICE
P. O. Box 41842, NAIROBI

2. BONCHARI CONSTITUENCY

1.	Charles Oino Nyamira	Male Youth Representative
2.	Erick Oigo Nyakeya	Male Adult Representative
3.	Jescah N. Ogega	Female Youth Representative
4.	Getrude Kerubo Ombasa	Female Adult Representative
5.	Athanas Getembe Onchoke	Representative of Persons with Disability
6.	Morema Onyando Justus	Nominee of the Constituency Office(Male)
7.	Grace Kwamboka Nyang'wono	Nominee of the Constituency Office(Female)

3. BONDO CONSTITUENCY

1.	Charles Omondi Ochuti	Male Youth Representative
2.	Fredrick Ochieng Amolo	Male Adult Representative
3.	Irene Shirley Oyuago	Female Youth Representative
4.	Agnes Aoko Obara	Female Adult Representative
5.	Barack Dola Agola	Representative of Persons with Disability
6.	Charles Otieno Ondiek	Nominee of the Constituency Office(Male)
7.	Florence Juma Anyango	Nominee of the Constituency Office(Female)

4. BUTERE CONSTITUENCY

1.	Naftali Wakhu Otuya	Male Youth Representative
2.	James Elphas Khabeko Shibu	Male Adult Representative
3.	Beatrice Alice Olesi Ngaje	Female Youth Representative
4.	Berrinah Nthenya Muisyo	Female Adult Representative
5.	Benson Fredrick Kasamani	Representative of Persons with Disability
6.	Arthur Ankrah Muleshe	Nominee of the Constituency Office(Male)
7.	Fenike Muhonja	Nominee of the Constituency Office(Female)

1.	Geofrey Owour Osare	Male Youth Representative
2.	Japheth Otieno Okumu	Male Adult Representative
3.	Mercy Akinyi Okaka	Female Youth Representative
4.	Priscilla P. A. Nyakombo	Female Adult Representative
5.	Barack Omondi Okuon	Representative of Persons with Disability
6.	Glady's Jumba Juma	Nominee of the Constituency Office(Female)
7.	Steven Agola Otieno	Nominee of the Constituency Office(Male)

6. GITHUNGURI CONSTITUENCY

1.	Shaolin Chui Ngochi	Male Youth Representative
2.	Mburu Karoba	Male Adult Representative
3.	Patricia Njeri Kibui	Female Youth Representative
4.	Ruth Kabura Nderu	Female Adult Representative
5.	Zachariah Njuguna Wainaina	Representative of Persons with Disability
6.	Paul Ngigi Kabiriti	Nominee of the Constituency Office(Male)
7.	Salome Nduta Mburu	Nominee of the Constituency Office(Female)

7. KALOLENI CONSTITUENCY

1.	Milton Yaa Baya	Male Adult Representative
2.	Teresia Raphael Kenga	Female Adult Representative
3.	Stephen Kahindi Ngala	Male Youth Representative
4.	Elvina Malombo Sanga	Female Youth Representative
5.	Matano Ndoro Charo	Representative of Persons with Disability
6.	Mwalimu Shikari Kombe	Nominee of the Constituency Office (Male)
7.	Anthonina Rehema Kiti	Nominee of the Constituency Office (Female)

8. KANGEMA CONSTITUENCY

1.	James Nduati Kibuthu	Male Youth Representative
2.	John Maina Mwangi	Male Adult Representative
3.	Esther Wambui Irungu	Female Youth Representative
4.	Margaret Wangui Irungu	Female Adult Representative
5.	Saimon Ndaruga Macharia	Representative of Persons with Disability
6.	Patrick Mwangi Kariuki	Nominee of the Constituency Office(Male)
7.	Jane Njoki Njuki	Nominee of the Constituency Office(Female)

9. KIAMBAA CONSTITUENCY

1.	James Njangiru Njuguna	Male Youth Representative
2.	Stephen Kimani Njenga	Male Adult Representative
3.	Loise Njeri Kahoro	Female Youth Representative
4.	Esther Muthoni Maina	Female Adult Representative
5.	Ann Nduta Kariuki	Representative of Persons with Disability
6.	Francis Gaithuma Rimui	Nominee of the Constituency Office (Male)
7.	Esther Wanjiku Karanja	Nominee of the Constituency Office (Female)

10. KIMILILI CONSTITUENCY

1.	Amos Juma Wasike	Male Youth Representative
2.	Joseph Walubengo Pwoka	Male Adult Representative
3.	Salome Inziani Ayoti	Female Youth Representative
4.	Jedidah Nafula Khisa	Female Adult Representative
5.	Simiyu G.M. Wanyama	Representative of Persons with Disability
6.	George Stevens Okiru	Nominee of the Constituency Office(Male)
7.	Agnes Nelima Wakhungu	Nominee of the Constituency Office(Female)

1.	Joel Ithagu Kamau	Male Youth Representative
2.	Peter Karanja Kibe	Male Adult Representative
3.	Margaret Muthoni Mukuria	Female Youth Representative
4.	Phoebe Muthomi Mbugua	Female Adult Representative
5.	Janet Njeri Mburu	Representative of Persons with Disability
6.	William Gathundo Ndegwa	Nominee of the Constituency Office(Male)
7.	Anastasia Njoki Njagi	Nominee of the Constituency Office(Female)

12. KISAUNI CONSTITUENCY

1.	Abubakar Hussein Amani	Male Youth Representative
2.	Allan Omondi Owano	Male Adult Representative
3.	Tumu Aweso Mchangamwe	Female Youth Representative
4.	Hadija Hassan Abdalla	Female Adult Representative
5.	Kingi Ian Yaa	Representative of Persons with Disability
6.	Mohamed Yusuf Shee	Nominee of the Constituency Office (Male)
7.	Hilda Wughanga Mapinga	Nominee of the Constituency Office (Female)

13. KITUI CENTRAL CONSTITUENCY

1.	Anastacia Muyathi Mwanzi	Female Youth Representative
2.	Hassan Athumani	Male Youth Representative
3.	Janet Syombua Mumo	Female Adult Representative
4.	Bonny B.M. Kithita	Male Adult Representative
5.	Serah Owen Mbithuka	Representative of Persons with Disability
6.	Peter Kimanga Wambua	Nominee of the Constituency Office(Male)
7.	Rose Kavulu Mbula	Nominee of the Constituency Office(Female)

14. KURIA EAST CONSTITUENCY

1.	Marwa Bosuben Robert	Male Youth Representative
2.	Lawrence Mwita Mogoya	Male Adult Representative
3.	Margaret Mogendi Daniel	Female Youth Representative
4.	Mary Chacha Caleb	Female Adult Representative
5.	Charles Mwita Sigore	Representative of Persons with Disability
6.	John Waisiko Nyahiri	Nominee of the Constituency Office(Male)
7.	Tabitha Mboke Makongo	Nominee of the Constituency Office(Female)

15. MALAVA CONSTITUENCY

1	Sylvan Kaitori Lambala	Male Youth Representative
2	Festus Newton Mmasi	Male Adult Representative
3	Roseline Lumbasi	Female Youth Representative
4	Ruth Merabu Muchuma	Female Adult Representative
5	Moses Kenyatta Wasike	Representative of Persons with Disability
6	Henry Barasa Anaswa	Nominee of the Constituency Office (Male)
7	Hellen Khasoa Mambuya	Nominee of the Constituency Office(Female)

16. MOLO CONSTITUENCY

1	Kenneth Kibet Lelei	Male Youth Representative
2	Peter Kenda Mwirigi	Male Adult Representative
3	Nancy Wambui Gathoronjo	Female Youth Representative
4	Emily Chepkorir Kirui	Female Adult Representative
5	Francis Kiiru Wathika	Representative of Persons with Disability
6	Mburu Githae	Nominee of the Constituency Office(Male)
7	Margaret Ruguru Kamau	Nominee of the Constituency Office(Female)

17. NAROK EAST CONSTITUENCY

1	Leonard Saruni Ntaoni	Male Youth Representative
2	Tapaiya Olngashar Punyua	Male Adult Representative
3	Alice Siparo Kaleke	Female Youth Representative
4	Kirankua Ene Kileli Shakai	Female Adult Representative
5	Paul Shomet Nkalo	Representative of Persons with Disability
6	Isaack Tonkei Sunte	Nominee of the Constituency Office (Male)
7	Semoi Ene Saoli	Nominee of the Constituency Office(Female)

18. NAROK NORTH CONSTITUENCY

1	James Leparan Naimodu	Male Youth Representative
2	Benson Tianta Ole Soiyantet	Male Adult Representative
3	Asha Mohamed Madey	Female Youth Representative
4	Linah Nooi	Female Adult Representative
5	Grace Silantoi Gituri	Representative of Persons with Disability
6	Kisaika Ole Rorat	Nominee of the Constituency Office(Male)
7	Lanet Ene Esho	Nominee of the Constituency Office(Female)

19. NORTH IMENTI CONSTITUENCY

1.	Marete Yassin Osman	Male Youth Representative
2.	Andrew Gituma	Male Adult Representative
3.	Dyna Kadogo Mwarania	Female Youth Representative
4.	Jane Kaimuri Kimathi	Female Adult Representative
5.	Patrick Mutethia Koome	Representative of Persons with Disability
6.	Teresa Kuri K. Arachi	Nominee of the Constituency Office(Female)
7.	Gerard Francis Murungi	Nominee of the Constituency Office(Male)

20. OL KALOU CONSTITUENCY

1.	Paul Kamau Wanjiru	Male Youth Representative
2.	Simon Nduati Kariuki	Male Adult Representative
3.	Ruth Njeri Maina	Female Youth Representative
4.	Susan Wachera Thuku	Female Adult Representative
5.	John Kariuki Kimani	Representative of Persons with Disability
6.	Joyce Njeri Karuga	Nominee of the Constituency Office(Female)
7.	Samuel Macharia Kanyi	Nominee of the Constituency Office(Male)

21. RARIEDA CONSTITUENCY

1.	George Owuor Obange	Male Youth Representative
2.	John Obor Otieno	Male Adult Representative
3.	Anne Auma Okoyo	Female Youth Representative
4.	Hellen A. Winga	Female Adult Representative
5.	Alloyce Socrates Chacha Maganda	Representative of Persons with Disability
6.	Mourice Omondi Nyiera	Nominee of the Constituency Office(Male)
7.	Florence Atieno Nguono	Nominee of the Constituency Office(Female)

22. RABAI CONSTITUENCY

1.	Oliver Tuji Tsuma	Male Youth Representative
2.	Munga Mwayaona Chireka	Male Adult Representative
3.	Grace Mildred Onyapidi	Female Youth Representative
4.	Constance Mwamutsi Hanjari	Female Adult Representative
5.	Chitsava Wale Chitsava	Representative of Persons with Disability
6.	Jana Tsuma Jana	Nominee of the Constituency Office(Male)
7.	Josephine Umazi Kapenja	Nominee of the Constituency Office(Female)

1.	Nchagwa John Mang'era	Male Youth Representative
2.	James Robi Wambura	Male Adult Representative
3.	Matinde Consolata Nokwe	Female Youth Representative
4.	Maurine Akata Maroa	Female Adult Representative
5.	Susan Robi Mwita	Representative of Persons with Disability
6.	Bhoke Christine Nchamah	Nominee of the Constituency Office(Male)
7.	Moses Makenge Rioba	Nominee of the Constituency Office(Female)

24. KILOME CONSTITUENCY

1.	Patrick Muoki Mailu	Male Youth Representative
2.	Alexander Mwau Kimweli	Male Adult Representative
3.	Florah Mwende Kimindu	Female Youth Representative
4.	Annah Mbithe Mutisya	Female Adult Representative
5.	Boniface Mulwa Kieti	Representative of Persons with Disability
6.	Grishon Kyalo Mativo	Nominee of the Constituency Office(Male)
7.	Ziporah Kamanthe Masavu	Nominee of the Constituency Office(Female)

25. EMBAKASI NORTH CONSTITUENCY

1.	Joseph Maina Mwihaki	Male Youth Representative
2.	Richard Mwangi Chuchu	Male Adult Representative
3.	Agnes Njeri Muthoni	Female Youth Representative
4.	Florence Nyambura Njeri	Female Adult Representative
5.	Eros Kamau Mukami	Representative of Persons with Disability
6.	Elimina Atamba Mwimali	Nominee of the Constituency Office(Female)
7.	Peter Kinyua Kimemia	Nominee of the Constituency Office(Male)

26. KASIPUL CONSTITUENCY

1.	Evans Omondi Arogo	Male Youth Representative
2.	Walter Ochieng Aoko	Male Adult Representative
3.	Imelda Amollo Nyambok	Female Youth Representative
4.	Eunice Akinyi Ogello	Female Adult Representative
5.	Chrisphine Opiyo Ogeta	Representative of Persons with Disability
6.	Gabriel Odongo Owidi	Nominee of the Constituency Office(Male)
7.	Dorine Aoko Odhiambo	Nominee of the Constituency Office(Female)

27. UGUNJA CONSTITUENCY

1.	Daniel Ouma Omondi	Male Youth Representative
2.	Joseph Odhiambo Otako	Male Adult Representative
3.	Eileen Atieno Oluoch	Female Youth Representative
4.	Jane Achieng Odhiambo	Female Adult Representative
5.	Clement Lutta Owino	Representative of Persons with Disability
6.	John Otieno Apodo	Nominee of the Constituency Office(Male)
7.	Martha Achieng Oduor	Nominee of the Constituency Office(Female)

28. KEIYO NORTH CONSTITUENCY

1.	Duncan Kiprotich Kimaiyo	Male Youth Representative
2.	Paul Kipkosgei Tarus	Male Adult Representative
3.	Maurine Jepkorir Keror	Female Youth Representative
4.	Kwambai Jemaiyo Peneteta	Female Adult Representative
5.	Evelyne Kangogo Chelal	Representative of Persons with Disability
6.	Teresa Jebet Kiyeng	Nominee of the Constituency Office(Female)
7.	Kenneth Kipkemboi Cherop	Nominee of the Constituency Office(Male)

29. TESO NORTH CONSTITUENCY

1.	Kenneth Ipala Oiriah	Male Youth Representative
2.	John Okiring Omuse	Male Adult Representative
3.	Janet Ato Sogoli	Female Youth Representative
4.	Isabellah Inyele	Female Adult Representative
5.	Alex Ochumba Ekirapa	Representative of Persons with Disability
6.	Julius Aineya Omuse	Nominee of the Constituency Office(Male)
7.	Catherine Amoiti Etyang	Nominee of the Constituency Office(Female)

30. MARAKWET WEST CONSTITUENCY

1.	Absolom Biwott Komen	Male Youth Representative
2.	Joel Kiplangat Kiplal	Male Adult Representative
3.	Hasca Jerono Rotich	Female Youth Representative
4.	Isabella Jebet Kaino	Female Adult Representative
5.	Joseph Kanda Sirma	Representative of Persons with Disability
6.	John Kipkurgat Kosgei	Nominee of the Constituency Office(Male)
7.	Judith Jebiwott Kipchumba	Nominee of the Constituency Office(Female)

31. KEIYO SOUTH CONSTITUENCY

1.	Harrison Kiplagat Kipngoswa	Male Youth Representative
2.	Philip Kiyeng Chumo	Male Adult Representative
3.	Sandra Jemutai Sego	Female Youth Representative
4.	Agnes Jepkoech Kiplagat	Female Adult Representative
5.	Jonathan Barkutwo Kendagor	Representative of Persons with Disability
6.	Paul Mathew Sang	Nominee of the Constituency Office(Male)
7.	Jepkemoi Biwott	Nominee of the Constituency Office(Female)

32. BELGUT CONSTITUENCY

1.	Kipkirui Edmond Bore	Male Youth Representative
2.	Gilbert Kipngeno Langat	Male Adult Representative
3.	Chebet Rispher Tum	Female Youth Representative
4.	Priscilla Chepkemoi Chepkwony	Female Adult Representative
5.	Raymond Kiprotich Cheruiyot	Representative of Persons with Disability
6.	Japhet Magun Kiplangat	Nominee of the Constituency Office(Male)
7.	Sally Cherono Kirui	Nominee of the Constituency Office(Female)

33. LUANDA CONSTITUENCY

1.	Evans Mukoya Otiato	Male Youth Representative
2.	Samuel Omukala Mbati	Male Adult Representative
3.	Jesca Ongachi Khelwa	Female Youth Representative
4.	Ruth Minayo Owuor	Female Adult Representative
5.	Wilfred Omuyoyi Osiolo	Representative of Persons with Disability
6.	Josephat Nixon Imbukwa	Nominee of the Constituency Office(Male)
7.	Mercy Anjao Etale	Nominee of the Constituency Office(Female)

34. MAKADARA CONSTITUENCY

1.	Elvis Andrew Irungu Mwangi	Male Youth Representative
2.	Antony Kimemia Gathumbi	Male Adult Representative
3.	Mercy Wambui Kimani	Female Youth Representative
4.	Ann Lydia Wambui	Female Adult Representative
5.	George Shitsili Magani	Representative of Persons with Disability
6.	Isaac Wamae Muchai	Nominee of the Constituency Office(Male)
7.	Miriam Asagi Lusiola	Nominee of the Constituency Office(Female)

35. LARI CONSTITUENCY

1.	Peter Mbugua Githahu	Male Youth Representative
2.	Isaack Njoka Mbugua	Male Adult Representative
3.	Mary Wanjiku Githu	Female Youth Representative
4.	Mary Wanjiru Wathika	Female Adult Representative
5.	Jane Wanja Kihara	Representative of Persons with Disability
6.	Paul Mburu Kariuki	Nominee of the Constituency Office(Male)
7.	Jane Wanjiku Migwi	Nominee of the Constituency Office(Female)

36. NJORO CONSTITUENCY

1.	Lydiah Wanjugu Macharia	Female Youth Representative
2.	Lucy Wangui Mwangi	Female Adult Representative
3.	Stephen Njenga Wamagata	Male Adult Representative
4.	Peter Waweru Kimei	Male Youth Representativet
5.	Christopher Mandil Somoei	Representative of Persons with Disability
6.	James Kariuki Kibunja	Nominee of the Constituency Office(Male)
7.	Monicah Nyambura Nduati	Nominee of the Constituency Office(Female)

37. MOGOTIO CONSTITUENCY

1.	Evans Kigen Molok	Male Youth Representative
2.	Michael K. Lagat	Male Adult Representative
3.	Valarie Jepkosgei Ngeny	Female Youth Representative
4.	Alice Jepkorir Morogo	Female Adult Representative
5.	Samson Kipkoech Murei	Representative of Persons with Disability
6.	Anthony Kiptanui	Nominee of the Constituency Office(Male)
7.	Jane Jelimo Kemei	Nominee of the Constituency Office(Female)

38. GILGIL CONSTITUENCY

1.	Suleiman Musa Leboi	Male Youth Representative
2.	Joseph Mwaniki Ngure	Male Adult Representative
3.	Mary Nyambura Njoroge	Female Youth Representative
4.	Jane Wambui Maina	Female Adult Representative
5.	Joshua Kimani Gitau	Representative of Persons with Disability
6.	Lawrence Michael Kamau Chegeh	Nominee of the Constituency Office(Male)
7.	Betty Jebiwott Koech	Nominee of the Constituency Office(Female)

39. NAIVASHA CONSTITUENCY

1.	Samuel Maina Naomi	Male Youth Representative
2.	James Kuria Maina	Male Adult Representative
3.	Faith Ruth Wambui Wadu	Female Youth Representative
4.	Ann Nyambura Kiraya	Female Adult Representative
5.	Peter Njoroge Ndung'u	Representative of Persons with Disability
6.	Mutete Ole Kishau	Nominee of the Constituency Office(Male)
7.	Rose Nyambura Kinuthia	Nominee of the Constituency Office(Female)

40. LAIKIPIA NORTH CONSTITUENCY

1.	Dennis Lochilit Losute	Male Youth Representative
2.	James Kaipoi Masiaine	Male Adult Representative
3.	Eliza Sharon Samaita	Female Youth Representative
4.	Jane Yiampaire Maranga	Female Adult Representative
5.	Joseph Kariringah Lerina	Representative of Persons with Disability
6.	Judith Kagwiria	Nominee of the Constituency Office(Female)
7.	James Kwerei Lekango	Nominee of the Constituency Office(Male)

1.	Sospeter Juma Makhoha	Male Youth Representative
2.	John Sironick Muraya	Male Adult Representative
3.	Jedidah Wambui Marimbet	Female Youth Representative
4.	Margaret Wangari Ngugi	Female Adult Representative
5.	Julius Kamaru Suiyanga	Representative of Persons with Disability
6.	Mohamed Elias	Nominee of the Constituency Office(Male)
7.	Joyce Wanjiru Kimani	Nominee of the Constituency Office(Female)

42. KAJIADO WEST CONSTITUENCY

1.	Oimeru Ole Tarayia	Male Youth Representative
2.	Jane Njeri Karomo	Female Adult Representative
3.	Elizabeth Repeson Pateli	Female Youth Representative
4.	Josephat Mbogua Munyu	Male Adult Representative
5.	Jeremiah Sapati Loitaika	Representative of Persons with Disability
6.	Joyce Naipanoi Likama	Nominee of the Constituency Office(Female)
7.	Justus Kayetuai Ole Manyara	Nominee of the Constituency Office(Male)

43. EMURUA DIKIRR CONSTITUENCY

1.	Richard K. Ngeno	Male Adult Representative
2.	Richard Ngetich Kipkemoi	Male Youth Representative
3.	Viola Chepngeno	Female Adult Representative
4.	Edith Chepkemoi	Female Youth Representative
5.	Richard Ole Simotwo	Representative of Persons with Disability
6.	Kibii Mutai David	Nominee of the Constituency Office(Male)
7.	Juliana Chesige Langat	Nominee of the Constituency Office(Female)

44. MAARA CONSTITUENCY

1.	Humphrey Mawira Mputhia	Male Youth Representative
2.	Njue Njagi Kaithungu	Male Adult Representative
3.	Moline Muthoni Naivasha	Female Youth Representative
4.	Mercy Gaceri Mate	Female Adult Representative
5.	Eliphas Kimathi Nyaga	Representative of Persons with Disability
6.	Jasper Nyaga M'muga	Nominee of the Constituency Office(Male)
7.	Catherine Kanyua Ndiga	Nominee of the Constituency Office(Female)

Yours Sincerely

YUSUF MBUNO
AG. CHIEF EXECUTIVE OFFICER

Copy to: Mr. Saitoti Torome
Principal Secretary
State Department of Planning and Statistics
Ministry of Devolution and Planning
P.O. Box 30005-00100
NAIROBI

National Government Constituencies Development Fund Board
Harambee Plaza, 10th Floor
Junction of Haile Selassie Avenue & Uhuru Highway
P.O Box 46682-00100
Nairobi, Kenya
Tel: 020-2230015/9, 2230027, 2230032 | Cell: 0709894000
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NG-CDF BOARD

OUR REF: NG-CDFB-CEO/KNA/VOL.003(27)

3rd May 2016

Mr. Justin N. Bundi, CBS
Clerk of the National Assembly,
Parliament Buildings,
Parliament Road,
P O Box 41842-00200,
NAIROBI

NATIONAL ASSEMBLY
RECEIVED
03 MAY 2016
CLERK'S OFFICE
P. O. Box 41842, NAIROBI

Dear Sir,

RE: SUBMISSION OF THIRD BATCH OF NOMINEES TO THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND COMMITTEES

Further to our letter **Ref: NG-CDFB-CEO/KNA/VOL. 003(25)** of 25th April 2016 and **REF: NG-CDFB-CEO/KNA/VOL.003(26)**of 28th April 2016 forwarding our first and second batch of nominees to the National Government Constituency Development Fund Committees pursuant to Section 43(4) of the NG-CDF Act of 2015 and Regulation 5(10) of the NG-CDF Regulations 2016, we wish to forward the following additional names of nominees per constituency for consideration and approval by the National Assembly:-

1. KIBRA CONSTITUENCY

1.	Edward Muriithi Muchemi	Male Youth Representative
2.	Emmanuel Ngei Mungami	Male Adult Representative
3.	Anne Wambui Ithara	Female Youth Representative
4.	Leah Agutu Asego	Female Adult Representative
5.	Richard Ong'ong'o Doyle	Representative of Persons with Disability
6.	Jacob Ochieng Seje	Nominee of the Constituency Office(Male)
7.	Siyama Ismail	Nominee of the Constituency Office(Female)

2. KIENI CONSTITUENCY

1.	Michael Wachira Karumba	Male Youth Representative
2.	Peter Hamisi Thang'wa Njenga	Male Adult Representative
3.	Mary Wangui Wanjiku	Female Youth Representative
4.	Charity Wangui Wachira	Female Adult Representative
5.	Peter Gitonga Ndururi	Representative of Persons with Disability
6.	James Maina Munene	Nominee of the Constituency Office(Male)
7.	Teresa Wamuyu Muthoni	Nominee of the Constituency Office(Female)

3. KURESOI NORTH CONSTITUENCY

1.	Langat Emmanuel	Male Youth Representative
2.	Samuel Kiplangat Maritim	Male Adult Representative
3.	Caroline Chesang	Female Youth Representative
4.	Rosemary Wambui Nyaga	Female Adult Representative
5.	Peter Kipkoros Kapketwony	Representative of Persons with Disability
6.	Samuel Ataya Matundura	Nominee of the Constituency Office(Male)
7.	Rael Chepngetich Soi	Nominee of the Constituency Office(Female)

4. MBEERE SOUTH CONSTITUENCY

1.	Noah Mwanzia Wambua	Male Youth Representative
2.	Peter Mukengwa Wambua	Male Adult Representative
3.	Dorus Mwendia Njeru	Female Youth Representative
4.	Charity Muthoni Njeru	Female Adult Representative
5.	Catherine Muturi Njeru	Representative of Persons with Disability
6.	Benjamin Njiru Ireri	Nominee of the Constituency Office(Male)
7.	Hellen Muthoni Maringa	Nominee of the Constituency Office(Female)

5. KIMININI CONSTITUENCY

1.	Rodgers Lubekho Barasa	Male Youth Representative
2.	Samuel Sisela Chemei	Male Adult Representative
3.	Mercy Chepkorir Tanui	Female Youth Representative
4.	Violet Nafula Wangila	Female Adult Representative
5.	Margaret Nasimiyu Walekhwa	Representative of Persons with Disability
6.	John Siboe Timothy Makokha	Nominee of the Constituency Office(Male)
7.	Marcelina Nanjala Wanyama	Nominee of the Constituency Office(Female)

6. NAMBALE CONSTITUENCY

1.	Stephen Okwembah Zalongo	Male Youth Representative
2.	James Okumu Makokha	Male Adult Representative
3.	Praxedis Apiyo Omula	Female Youth Representative
4.	Salome Mwanika Alukohe	Female Adult Representative
5.	Wilson Ogingo Okumu	Representative of Persons with Disability
6.	Benjamin Lunzalu Opemi	Nominee of the Constituency Office(Male)
7.	Judith Indasi Murwayi	Nominee of the Constituency Office(Female)

7. KITUTU MASABA CONSTITUENCY

1.	Dennis Matundura Mogeni	Male Youth Representative
2.	Jared Ogecha Ongiri	Male Adult Representative
3.	Rael Amemba	Female Youth Representative
4.	Josephine Kemunto Moturi	Female Adult Representative
5.	Michael G. Matoke	Representative of Persons with Disability
6.	Stephen Mose Nyachwaya	Nominee of the Constituency Office(Male)
7.	Rose Omwoyo Momanyi	Nominee of the Constituency Office(Female)

8. AWENDO CONSTITUENCY

1.	John Oddhiambo Gor	Male Youth Representative
2.	Martin Ogola Ondong	Male Adult Representative
3.	Achieng Nancy	Female Youth Representative
4.	Priscilla Akoth Abich	Female Adult Representative
5.	James Onyango Juma	Representative of Persons with Disability
6.	Ong'welo Onyango Walter	Nominee of the Constituency Office(Male)
7.	Judith Achieng Okeyo	Nominee of the Constituency Office(Female)

9. IKOLOMANI CONSTITUENCY

1.	Hillary Musinya Agoi	Male Youth Representative
2.	David Muliru Lisamula	Male Adult Representative
3.	Philis Malesi Muliro	Female Youth Representative
4.	Pasilisa Khatayi Shitsukane	Female Adult Representative
5.	Gideon Malukas Khasiani	Representative of Persons with Disability
6.	Joseph N Manyonyi Mwanjilwa	Nominee of the Constituency Office(Male)
7.	Hellen Ingato Munzala	Nominee of the Constituency Office(Female)

10.POKOT SOUTH CONSTITUENCY

1.	Japhet Chamer	Male Youth Representative
2.	Julius Siwareng	Male Adult Representative
3.	Florence Cherotich Lopongole	Female Youth Representative
4.	Leah Chepocheropoi Merimuk	Female Adult Representative
5.	Clementinah Sepulion Petaikwang	Representative of Persons with Disability
6.	Lopeyoi Yaramuket	Nominee of the Constituency Office(Male)
7.	Monica Kasiwotoi Serono	Nominee of the Constituency Office(Female)

11. SABOTI CONSTITUENCY

1.	Timothy Karanja Mburu	Male Youth Representative
2.	Philip Otuko Makete	Male Adult Representative
3.	Jacklyne Chelagat Ndara	Female Youth Representative
4.	Alice Khisa Barasa	Female Adult Representative
5.	Titus Wanyonyi Wamalwa	Representative of Persons with Disability
6.	Adan Hassan Issack	Nominee of the Constituency Office(Male)
7.	Lydia Kanzine Lihali	Nominee of the Constituency Office(Female)

12.NYANDO CONSTITUENCY

1.	Hanningtone Owuor Ocharo	Male Youth Representative
2.	Richard Omega Jagero	Male Adult Representative
3.	Elizabeth Achieng Ayiecho	Female Youth Representative
4.	Alice Asaka	Female Adult Representative
5.	Judith Awuor Ochola	Representative of Persons with Disability
6.	Alfred Amos Osunga Osieko	Nominee of the Constituency Office(Male)
7.	Phoebe Auma Ochieng	Nominee of the Constituency Office(Female)

13.MWALA CONSTITUENCY

1.	Dominic Muya Mutiso	Male Youth Representative
2.	Athanas Mbatha Muinde	Male Adult Representative
3.	Domittila Muthini Muoka	Female Youth Representative
4.	Catherine Ndunge Musau	Female Adult Representative
5.	Danson Mutinda Muange	Representative of Persons with Disability
6.	Boniface Mbatha Mwanthi	Nominee of the Constituency Office(Male)
7.	Mary Syombua Nzuki	Nominee of the Constituency Office(Female)

14.KAMUKUNJI CONSTITUENCY

1.	Abdiaziz Mohamed Hirsi	Male Youth Representative
2.	Raphael Maingi Kimilu	Male Adult Representative
3.	Hamida Hussein Roba	Female Youth Representative
4.	Theresa Wambui Thuo'	Female Adult Representative
5.	Violet Lihemo Kivaya	Representative of Persons with Disability
6.	Peter Kimani Wambui	Nominee of the Constituency Office(Male)
7.	Marion Wambui Musyoki	Nominee of the Constituency Office(Female)

15.THARAKA CONSTITUENCY

1.	Mark Murimi Muru+gu	Male Youth Representative
2.	Stanley Mutemi Mitambo	Male Adult Representative
3.	Tabitha Gacheri Peter	Female Youth Representative
4.	Janet Makena Njagi	Female Adult Representative
5.	Stephen Njeru Mukembu	Representative of Persons with Disability
6.	Gerrad Njagi Matumo	Nominee of the Constituency Office(Male)
7.	Judith Karea Nyamu	Nominee of the Constituency Office(Female)

16.TINDERET CONSTITUENCY

1.	Simion Biwott	Male Youth Representative
2.	David Kipsang Rop	Male Adult Representative
3.	Jenifer Chepkosgei	Female Youth Representative
4.	Alice Jepkirui Sitieni	Female Adult Representative
5.	Florence Jepkirong Sitienei	Representative of Persons with Disability
6.	Solomon K' A Nyango	Nominee of the Constituency Office(Male)
7.	Ednah Jepleting Lagat	Nominee of the Constituency Office(Female)

17.MUMIAS EAST CONSTITUENCY

1.	Charles Orata Opembe	Male Youth Representative
2.	Patrick Juma Washika	Male Adult Representative
3.	Vivian Namayi Namwalo	Female Youth Representative
4.	Tabitha Okoyah Washika	Female Adult Representative
5.	Christopher Makana Tabuche	Representative of Persons with Disability
6.	Protus Lusiche Ekaya	Nominee of the Constituency Office(Male)
7.	Saida Oteya Shisia	Nominee of the Constituency Office(Female)

18.DAGORETTI NORTH CONSTITUENCY

1.	Eric Nyandiko	Male Youth Representative
2.	James Kihara waweru	Male Adult Representative
3.	Leunidah Nyotah Joshua	Female Youth Representative
4.	Lydia Kwamboka Nyamwange	Female Adult Representative
5.	Leonard Ochuka Odera	Representative of Persons with Disability
6.	Joseck Wetumbire Tsuma	Nominee of the Constituency Office(Male)
7.	Rukia Abdi Haro	Nominee of the Constituency Office(Female)

19.KABUCHAI CONSTITUENCY

1.	Douglas Mukhongo Munyasia	Male Youth Representative
2.	Charles Sirengo Wenganga	Male Adult Representative
3.	Penina Nangila Masinde	Female Youth Representative
4.	Maximilla Wambani Wanyonyi	Female Adult Representative
5.	Galus Mutacho Wanjala	Representative of Persons with Disability
6.	Fredrick Barasa Mutieme	Nominee of the Constituency Office(Male)
7.	Susan Nelima Sevoi	Nominee of the Constituency Office(Female)

20. MARAKWET EAST CONSTITUENCY

1.	Oscar Kemboi Kilimo	Male Youth Representative
2.	Joseph Chebii	Male Adult Representative
3.	Juliana Jemaiyo Chelawa	Female Youth Representative
4.	Agatha Kibaina Jerotich	Female Adult Representative
5.	Julius Maiyo Chesir	Representative of Persons with Disability
6.	John Kitum Lochaa	Nominee of the Constituency Office(Male)
7.	Zilpah Jeboi Biwott	Nominee of the Constituency Office(Female)

21. BARINGO SOUTH CONSTITUENCY

1.	Dennis Kipkoech Rotich	Male Youth Representative
2.	Haron Kipyego Kipkochoi	Male Adult Representative
3.	Lucy Leakwara	Female Youth Representative
4.	Rosaline Jebichii Kibet	Female Adult Representative
5.	George Lejason Lekumbe	Representative of Persons with Disability
6.	Kimosop Meja Kimunyan	Nominee of the Constituency Office(Male)
7.	Peris Jepkemoi Komen	Nominee of the Constituency Office(Female)

22. BARINGO CENTRAL CONSTITUENCY

1.	Mark Kiprop Kosgei	Male Youth Representative
2.	Gabriel Kipchirchir Kangor	Male Adult Representative
3.	Geraldine Kaptuya Yegon	Female Youth Representative
4.	Jemutai James	Female Adult Representative
5.	Edwin Kipserem Kandie	Representative of Persons with Disability
6.	William Chemjor Kibet	Nominee of the Constituency Office(Male)
7.	Elima Kipchilis	Nominee of the Constituency Office(Female)

23. KIAMBU CONSTITUENCY

1.	Joseph Githinji Njiraini	Male Youth Representative
2.	Stephen Mwaura Ngugi	Male Adult Representative
3.	Mary Njeri Nganga	Female Youth Representative
4.	Josphine Wanjiku Mwangi	Female Adult Representative
5.	Joseph Kamau Muriithi	Representative of Persons with Disability
6.	Moses Macharia Mburu	Nominee of the Constituency Office(Male)
7.	Rose Nguhi Wakaba	Nominee of the Constituency Office(Female)

24. KANDUYI CONSTITUENCY

1.	Shadrack Simiyu Makokha	Male Youth Representative
2.	George Wasike Makari	Male Adult Representative
3.	Linet Atemba Mulumia	Female Youth Representative
4.	Alice Nanyama Kibaba	Female Adult Representative
5.	Ann Khalayi Mamai	Representative of Persons with Disability
6.	Peter Sifuna Mukhebi	Nominee of the Constituency Office(Male)
7.	Scolastica Nanjala Satia	Nominee of the Constituency Office(Female)

25. ALDAI CONSTITUENCY

1.	Elphas Kipchirchir	Male Youth Representative
2.	Vincent Cheruiyot Kogo	Male Adult Representative
3.	Joyce Jepyego	Female Youth Representative
4.	Rose Jerotich Mutai	Female Adult Representative
5.	Beatrice Cherop	Representative of Persons with Disability
6.	Joseph Choge Ang'ang'a	Nominee of the Constituency Office(Male)
7.	Jane Kavurani Muguni	Nominee of the Constituency Office(Female)

26. GARISSA TOWNSHIP CONSTITUENCY

1.	Abdi Aden Ibrahim	Male Youth Representative
2.	Hassan Osman Shurie	Male Adult Representative
3.	Maryan Somo Hussein	Female Youth Representative
4.	Fatuma Abdi Sanweine	Female Adult Representative
5.	Siyad Hared Muhumed	Representative of Persons with Disability
6.	Mahamud Ahmed Dayib	Nominee of the Constituency Office(Male)
7.	Haretha Kahiya Saman	Nominee of the Constituency Office(Female)

27. THIKA TOWN CONSTITUENCY

1.	Zacharia Gathu Ndungu	Male Youth Representative
2.	Ephraim Njihi Macharia	Male Adult Representative
3.	Lydiah Kavuli Ndonye Kimeu	Female Youth Representative
4.	Emmah Wanjiku Ndirangu	Female Adult Representative
5.	Daniel Wathiari Maina	Representative of Persons with Disability
6.	George Njuguna Njagi	Nominee of the Constituency Office(Male)
7.	Lucy Nyakiringa Kiarie	Nominee of the Constituency Office(Female)

28. NDARAGWA CONSTITUENCY

1.	Samuel Kihanga Kuria	Male Youth Representative
2.	James Muriethi Guandaru	Male Adult Representative
3.	Jane Njambi Wachira	Female Youth Representative
4.	Teresa Wanja Gichure	Female Adult Representative
5.	Lucy Njoki Maina	Representative of Persons with Disability
6.	Fredrick Karanja Gathirimu	Nominee of the Constituency Office(Male)
7.	Esther Wanjiru Kabugu	Nominee of the Constituency Office(Female)

29. IGEMBE NORTH CONSTITUENCY

1.	Peter M'Mwenda Ipwi	Male Youth Representative
2.	Fredrick Kabuacha Ntonja	Male Adult Representative
3.	Judy Kanana Mungania	Female Youth Representative
4.	Susan Kabuuli Miriti	Female Adult Representative
5.	Germano Kobia M'Birithu	Representative of Persons with Disability
6.	Robert Kinyua Mwenda	Nominee of the Constituency Office(Male)
7.	Pamela Nkatha Akubu	Nominee of the Constituency Office(Female)

30. MBEERE NORTH CONSTITUENCY

1.	Peter Muchangi Ngari	Male Youth Representative
2.	Richard Nyaga Thiriku	Male Adult Representative
3.	Eusebia Chuka Munene	Female Youth Representative
4.	Purity Wangari Njeru	Female Adult Representative
5.	Bernard Nyaga Kandia	Representative of Persons with Disability
6.	Eliphas Njuki Nthimba	Nominee of the Constituency Office(Male)
7.	Lilian Mbuya	Nominee of the Constituency Office(Female)

31. RONGO CONSTITUENCY

1.	Okoth Benard	Male Youth Representative
2.	Joseph Onyango Ngare	Male Adult Representative
3.	Philice Adoyo Ngere	Female Youth Representative
4.	Florence Atieno Opiyo	Female Adult Representative
5.	Jared Aol Otieno	Representative of Persons with Disability
6.	Clement Odhiambo Ochieng	Nominee of the Constituency Office(Male)
7.	Pamela Acheing Otieno	Nominee of the Constituency Office(Female)

32. KILIFI NORTH CONSTITUENCY

1.	Ramadhani Khamisi Ndiga	Male Youth Representative
2.	Lennox Masha Charo	Male Adult Representative
3.	Priscillah Njeri Kissangi	Female Youth Representative
4.	Zainab Rajab Ali	Female Adult Representative
5.	Chengo Saro Nyanje	Representative of Persons with Disability
6.	Karisa Kalu Tinga	Nominee of the Constituency Office(Male)
7.	Faiza Muha ji Shally	Nominee of the Constituency Office(Female)

33. LURAMBI CONSTITUENCY

1.	Peter Khalumi Okwako	Male Youth Representative
2.	Habib Rashid Anyolo	Male Adult Representative
3.	Lung'atso Auka Modesta	Female Youth Representative
4.	Neddy Khavakali Murunga	Female Adult Representative
5.	Rydon Kadasia Kiombe	Representative of Persons with Disability
6.	Aaura Rajab Yusufu Nyanje	Nominee of the Constituency Office(Male)
7.	Susan Akinyi Omondi	Nominee of the Constituency Office(Female)

34. LIKONI CONSTITUENCY

1.	Juma Mwalimu Mwahima	Male Youth Representative
2.	Suleiman Salim	Male Adult Representative
3.	Dephence Talu Mwachari	Female Youth Representative
4.	Ciclia Wanjiru Mburu	Female Adult Representative
5.	Stephen Musyoki Mutinda	Representative of Persons with Disability
6.	Timothy Ochola Omuga	Nominee of the Constituency Office(Male)
7.	Time Abdalla Bakari	Nominee of the Constituency Office (Female)

35. KIGUMO CONSTITUENCY

1.	Anthony Karanja Gitonga	Male Youth Representative
2.	Jeremiah Ngumo Kiguru	Male Adult Representative
3.	Melanie Wangari Gateru	Female Youth Representative
4.	Mary Nyambura Ndungu	Female Adult Representative
5.	Leah Njeri Wamahiga	Representative of Persons with Disability
6.	Simon Muchoki Mwangi	Nominee of the Constituency Office(Male)
7.	Grace Njoki Kamau	Nominee of the Constituency Office(Female)

36. SOUTH MUGIRANGO CONSTITUENCY

1.	Evans Moi Mogoi	Male Youth Representative
2.	Johnson Morara Okechi	Male Adult Representative
3.	Elmelda Nyaboke Kaosi	Female Youth Representative
4.	Zerah Nyaserema Omwando	Female Adult Representative
5.	James Magero Ayiega	Representative of Persons with Disability
6.	Samson Angima Otieno	Nominee of the Constituency Office(Male)
7.	Ann Moragwa Obutu	Nominee of the Constituency Office(Female)

37. EMGWEN CONSTITUENCY

1.	Benson Kiprop Keter	Male Youth Representative
2.	Johana Kipkorir Chulai	Male Adult Representative
3.	Elizabeth Jepkemboi	Female Youth Representative
4.	Sofia Chepkemboi Yaccub	Female Adult Representative
5.	Ben Maina	Representative of Persons with Disability
6.	Julius Kibungei Maiyo	Nominee of the Constituency Office(Male)
7.	Salima Ali Faraj	Nominee of the Constituency Office(Female)

38. TURBO CONSTITUENCY

1.	Elijah Kipkoech Kutto	Male Youth Representative
2.	Elijah Kiplagat	Male Adult Representative
3.	Lilian Chellagat	Female Youth Representative
4.	Grace Chepkemei Yebei	Female Adult Representative
5.	Isaac Kipkemboi Y Lagat	Representative of Persons with Disability
6.	Selly Chepkoech	Nominee of the Constituency Office(Male)
7.	John Kimani Mwaura	Nominee of the Constituency Office(Female)

39. SEME CONSTITUENCY

1.	Benard Onyango Dajo	Male Youth Representative
2.	Jack Aloo Yoga	Male Adult Representative
3.	Lorna Achieng Odongo	Female Youth Representative
4.	Monica Atieno Ogot	Female Adult Representative
5.	Charles Ouma Okelo	Representative of Persons with Disability
6.	Ambrose Ouma Jagongo	Nominee of the Constituency Office(Male)
7.	Anne Emma Akinyi Owiti	Nominee of the Constituency Office(Female)

40. URIRI CONSTITUENCY

1.	Longa Paul Chasia	Male Youth Representative
2.	Joseph Odoyo Gome	Male Adult Representative
3.	Maurine Aoko Ongadi	Female Youth Representative
4.	Herine Atieno Odhiambo	Female Adult Representative
5.	Marthlida Auma Oloo	Representative of Persons with Disability
6.	Joel Ooko Otieno	Nominee of the Constituency Office(Male)
7.	Monicah Achieng Mugah	Nominee of the Constituency Office(Female)

41.KITUTU CHACHE SOUTH CONSTITUENCY

1.	Kelvin Zambia Maubi	Male Youth Representative
2.	James Maobe Mokaya	Male Adult Representative
3.	Winfridah Kemunto Maisiba	Female Youth Representative
4.	Jane Kwamboka Ombongi	Female Adult Representative
5.	John Ongeri Ondieki	Representative of Persons with Disability
6.	Benard Ongeri Makuru	Nominee of the Constituency Office(Male)
7.	Pacifica Moraa Onyango	Nominee of the Constituency Office(Female)

42. TIGANIA WEST CONSTITUENCY

1.	Mugambi Titus Nahashon	Male Youth Representative
2.	Jimmy Kinyua Munjuri	Male Adult Representative
3.	Irene Mwendwa Mutea	Female Youth Representative
4.	Joanina Karimi	Female Adult Representative
5.	Stephen Ndereba Nkumbuku	Representative of Persons with Disability
6.	Kailutha Stanley Naituri	Nominee of the Constituency Office(Male)
7.	Gaceri Winfred Kalwigi	Nominee of the Constituency Office(Female)

43. BANISSA CONSTITUENCY

1.	Hassan Kalla Bonaya	Male Youth Representative
2.	Mohamed Yusuf Alio	Male Adult Representative
3.	Zeytun Issack Molu	Female Youth Representative
4.	Habiba Ali Guyo	Female Adult Representative
5.	Hassan Mohamud Abdulla	Representative of Persons with Disability
6.	Hassan Mohamed Hillow	Nominee of the Constituency Office(Male)
7.	Fatuma Hassan Abdille	Nominee of the Constituency Office(Female)

44. KHWISERO CONSTITUENCY

1.	Benjamin Khainga Amule	Male Youth Representative
2.	Elijah Anjere Keya	Male Adult Representative
3.	Ann Adhiambo Odhiambo	Female Youth Representative
4.	Pamela Mmboga Mutasia	Female Adult Representative
5.	Mahmood Tsuma Khainga	Representative of Persons with Disability
6.	Amos Aromba	Nominee of the Constituency Office(Male)
7.	Mwando	Nominee of the Constituency Office(Female)

45. VIHIGA CONSTITUENCY

1.	Simeon Kirivwa Ambura	Male Youth Representative
2.	Evans Muswahili Ladtema	Male Adult Representative
3.	Calvine Inyangu Elavuna	Female Youth Representative
4.	Rachel Kageha Aliga Okuso	Female Adult Representative
5.	Ruth Ajando Osako	Representative of Persons with Disability
6.	Joseph Lukuyu Oyavo	Nominee of the Constituency Office(Male)
7.	Janet Nyangasi Senelwa	Nominee of the Constituency Office(Female)

46. NAKURU TOWN EAST CONSTITUENCY

1.	Samuel Njumbi Muhindi	Male Youth Representative
2.	Nicodemus Onserio Akibah	Male Adult Representative
3.	Gladys Jelagat Kiptui	Female Youth Representative
4.	Fatuma Alhajji Yusuf	Female Adult Representative
5.	Margaret Wanjiru Gikaria	Representative of Persons with Disability
6.	Antony Otieno Oduor	Nominee of the Constituency Office(Male)
7.	Susan Wangeci Macharia	Nominee of the Constituency Office(Female)

47. SIGOWET/SOIN CONSTITUENCY

1.	Reuben Cheruiyot Murgong	Male Youth Representative
2.	Richard Kipkorir Chepkwony	Male Adult Representative
3.	Faith Chepkirui	Female Youth Representative
4.	Petronilla Chepkemoi Rotich	Female Adult Representative
5.	Benjamen Kipkorir Koech	Representative of Persons with Disability
6.	Chepkorir Hellen	Nominee of the Constituency Office(Female)
7.	Moses Kiplangat Koech	Nominee of the Constituency Office(Male)

48. KIPKELION EAST CONSTITUENCY

1	Kipkurui Keter Charles	Male Youth Representative
2	Bernard Kiprotich Too	Male Adult Representative
3	Norah Chepkemoi Sigey	Female Youth Representative
4	Janet Tobon	Female Adult Representative
5	Langat Chepkemoi	Representative of Persons with Disability
6	Ann Chepkorir Tumm	Nominee of the Constituency Office(Male)
7	James Munji Njuguna	Nominee of the Constituency Office(Female)

49. KIPKELION WEST CONSTITUENCY

1	Kiprotich Rono	Male Youth Representative
2	Korir Kiplangat P. Koske	Male Adult Representative
3	Chepkurui Sambu	Female Youth Representative
4	Jackline Chebet	Female Adult Representative
5	Josphat Kipkurui Mibei	Representative of Persons with Disability
6	Samwel Kiplangat Tanui	Nominee of the Constituency Office(Male)
7	Margaret Chepketer Kiget	Nominee of the Constituency Office(Female)

50. OTHAYA CONSTITUENCY

1	Fredlick Gathigi Muruthi	Male Youth Representative
2	Simon Kingori Mubuu	Male Adult Representative
3	Josephine Wanjiru Murage	Female Youth Representative
4	Peris Wangari Muriithi	Female Adult Representative
5	Julius Nderitu Miitii	Representative of Persons with Disability
6	Michael Wambugu Wainaina	Nominee of the Constituency Office(Male)
7	Hannah Warukira Kabui	Nominee of the Constituency Office(Female)

51.KINANGOP CONSTITUENCY

1	Duncan Ngigi Kirichu	Male Youth Representative
2	John Maragua Kanyi	Male Adult Representative
3	Beth Nyambura Mututo	Female Youth Representative
4	Lydiah Nyaguthii Githendu	Female Adult Representative
5	Anthony Wanjohi Gitau	Representative of Persons with Disability
6	Rebecca Wambui Muiruri	Nominee of the Constituency Office (Female)
7	Peter Mburu Kimani	Nominee of the Constituency Office(Male)

52. SIRISIA CONSTITUENCY

1	Joseph Masika Maori	Male Youth Representative
2	Noah Okwamong Ojala	Male Adult Representative
3	Mercy Nekesa Wepukhulu	Female Youth Representative
4	Linet Kasaya Gidosi	Female Adult Representative
5	Nelson Simiyu Wanambisi	Representative of Persons with Disability
6	Philip Simiyu Wanjala	Nominee of the Constituency Office (Male)
7	Biliah Nasambu Kutukhulu	Nominee of the Constituency Office(Female)

53. MSAMBWENI CONSTITUENCY

1	Salim Mohamed Kirinzo	Male Youth Representative
2	Muhsin Abdallah Kitwana	Male Adult Representative
3	Mwanakombo Hamisi Kudi	Female Youth Representative
4	Mwanasiti Saidi Mwadzogolo	Female Adult Representative
5	Swaleh Omar Mohamed	Representative of Persons with Disability
6	Bakari Kassim Mjusi	Nominee of the Constituency Office (Male)
7	Kavata Mbondo	Nominee of the Constituency Office(Female)

54. MAKUENI CONSTITUENCY

1	Benedict Musembi Muange	Male Youth Representative
2	Titus Kimuya Munuve	Male Adult Representative
3	Alice Mumbua Kivuva	Female Youth Representative
4	Esther Nzula Levu	Female Adult Representative
5	Justina Nthenya Katiku	Representative of Persons with Disability
6	Benard Tivu Mutua	Nominee of the Constituency Office (Male)
7	Stella Mueni Mutuku	Nominee of the Constituency Office(Female)

55. STAREHE CONSTITUENCY

1	Victor Odhiambo Obote	Male Youth Representative
2	John Maina Muhoro	Male Adult Representative
3	Saidi Sidi Mtawali	Female Youth Representative
4	Alice Wambui Njuguna	Female Adult Representative
5	Serah Wambui Muhia	Representative of Persons with Disability
6	John Philip Mwangi Gaturu	Nominee of the Constituency Office (Male)
7	Jacqueline Kwamboka Omare	Nominee of the Constituency Office(Female)

56. KITUI SOUTH CONSTITUENCY

1.	Julius Mutunga Kivuko	Male Youth Representative
2.	Kenneth Musee Kitonyo	Male Adult Representative
3.	Mwongeli Ngiani	Female Youth Representative
4.	Florence Mbesa Martin	Female Adult Representative
5.	Stephen Mulatya Muliki	Representative of Persons with Disability
6.	Titus Nzau Theresia	Nominee of the Constituency Office(Male)
7.	Christine Awinjo Kimbui	Nominee of the Constituency Office(Female)

57. MARAGUA CONSTITUENCY

1.	Johnson Irungu Wambui	Male Youth Representative
2.	Robert Mburu Kariuki	Male Adult Representative
3.	Sarah Njeri Njoroge	Female Youth Representative
4.	Scholastica Wairimu	Female Adult Representative
5.	Damaris Muthoni Irungu	Representative of Persons with Disability
6.	Joyce Nzilani Ngumbi	Nominee of the Constituency Office(Male)
7.	Paul Mbugua Wakarura	Nominee of the Constituency Office(Female)

58. IGEMBE SOUTH CONSTITUENCY

1	John Gituma Karai	Male Youth Representative
2	Kirimi Peter Mwereria	Male Adult Representative
3	Faith Kanyiri Mungania	Female Youth Representative
4	Norah Kaario Nkwene	Female Adult Representative
5	Jeniffer Nkirote Immana	Representative of Persons with Disability
6	Ciano Julius Munoru	Nominee of the Constituency Office (Male)
7	Grace Kambura Muchena	Nominee of the Constituency Office(Female)

Additional list of nominees will be processed and forwarded to the National Assembly for approval once received from the respective constituencies.

Yours Sincerely

YUSUF MBUNO
AG. CHIEF EXECUTIVE OFFICER

Copy to: Mr. Saitoti Torome
Principal Secretary
State Department of Planning and Statistics
Ministry of Devolution and Planning
P.O. Box 30005-00100
NAIROBI

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THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – THIRD SESSION: 2015

SELECT COMMITTEE ON REGIONAL INTEGRATION

REPORT OF THE COMMITTEE'S VISIT TO THE EAST AFRICA COMMUNITY INSTITUTIONS IN ENTEBBE, KAMPALA AND JINJA, UGANDA 27TH - 31ST JANUARY 2015

CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

APRIL, 2015

1.0. Introduction

The Select Committee on Regional Integration is established under Standing Order No. 212 and is mandated to:-

1. Enhance the role and involvement of the House in intensification and development of the integration process in the East African Community and the greater African region;
2. Examine the records of all the relevant debates and resolutions of the meetings of the East African Legislative Assembly;
3. Examine the Bills introduced in the East African Legislative Assembly and Acts of the East African Community;
4. Examine the records of all the relevant debates and resolutions of the meetings of the Pan African Parliament, the African, Caribbean and Pacific-European Union Joint Parliamentary Assembly and other regional integration bodies;
5. Inquire into and examine any other matter relating to regional integration generally requiring action by the House

1.1. Committee's Membership

The committee comprises the following Members:-

1. Hon. Florence Kajuju, MP (Chairperson)
2. Hon. Christopher Nakuleu, MP (Vice Chairperson)
3. Hon. David Ouma Ochieng, MP
4. Hon. Dan Kazungu, MP
5. Hon. Bady Twalib Bady, MP
6. Hon. Robert Mbui, MP
7. Hon. Anyanga Andrew Toboso, MP
8. Hon. Florence Mwikali Mutua, MP
9. Hon. Ogendo Rose Nyamunga, MP
10. Hon. Charles Mutisya Nyamai, MP
11. Hon. Alois Lentoimaga, MP
12. Hon. Anthony Kimaru, MP
13. Hon. David Kariithi, MP
14. Hon. Wanjiku Muhia, MP
15. Hon. Murungi Kathuri, MP
16. Hon. Ali Wario, MP
17. Hon. Eric Keter, MP
18. Hon. Mary Seneta, MP

19. Hon. Gideon Konchella, MP
20. Hon. Dido Ali Rasso, MP
21. Hon. Ann Nyokabi, MP
22. Hon. Emmanuel Wangwe, MP
23. Hon. Peter Shehe, MP
24. Hon. Alex Mwiru, MP
25. Hon. Mark Lomunokol, MP
26. Hon. Sarah Korere, MP
27. Hon. Cyprian Kubai Iringo, MP
28. Hon. Timothy Bosire, MP
29. Hon. Joseph Kahangara, MP

1.2. Objectives of the Visit

The Select Committee on Regional Integration was established in the Eleventh Parliament in May, 2013. The Committee is tasked with the mandate of enhancing the role and the involvement of the House in intensification and development of the integration process in the East African Community and the greater African region among other duties. Parliament therefore is faced with a major role of legislating for the region as it endeavors to strengthen the economic, social, cultural, political and technological ties for the establishment of a strong EAC, with an East African Customs Union, a Common Market, a monetary union and ultimately a political federation.

The delegation intended to meet with the officials of the EAC institutions hosted in Uganda to understand how they discharge their institutional mandate in the region especially on areas of regional integration.

The delegation was also interested in understanding the measures and plans that the institutions have in place to be good ambassadors of regional integration and to help in integration process.

The Committee visited the following institutions;

a. Civil aviation Security and safety oversight Authority
b. Inter University Council Of East Africa
c. Lake Victoria Fisheries Organization

The Committee also paid a visit to the Kenya High Commission in Uganda.

1.3. The Delegation

The Delegation comprised of the following:

1. Hon. Florence Kajuju, MP - Leader of the Delegation
2. Hon. Cyprian Kubai Iringo, MP
3. Hon. Anyanga Andrew Toboso, MP
4. Hon. Ochieng' David Ouma, MP
5. Hon. Mary Seneta, MP
6. Hon. Kathuri Murungi, MP
7. Mr. Fredrick Otieno - Delegation Secretary

2.0. BACKGROUND INFORMATION ON EAST AFRICAN COMMUNITY

The East African Community (EAC) is a regional intergovernmental organisation of the Republics of Burundi, Kenya, Rwanda, the United Republic of Tanzania, and the Republic of Uganda, with its headquarters in Arusha, Tanzania.

The Treaty for Establishment of the East African Community was signed on 30 November 1999 and entered into force on 7 July 2000 following its ratification by the original three Partner States – Kenya, Tanzania and Uganda. The Republic of Rwanda and the Republic of Burundi acceded to the EAC Treaty on 18 June 2007 and became full Members of the Community as from 1 July 2007.

The EAC region comprises a combined population of more than 140 million, land area of 1.82 million sq. kilometers and a combined Gross Domestic Product of $74.5 billion. The realization of a large regional economic bloc encompassing Burundi, Kenya, Rwanda, Tanzania and Uganda bears great strategic and geopolitical significance and prospects of a renewed and reinvigorated East African Community.

3.0. COURTESY CALL TO THE HIGH COMMISSIONER IN KAMPALA

The delegation made a courtesy call to the Kenya High Commission in Kampala and held a meeting with the him. In His brief, the High Commissioner highlighted that: Regional Integration implies three things: Integration (adjustment), cooperation (coordination on challenges arising) and interdependence (reciprocity), all within the law and through institutions. Thus, Regional Integration is cooperation, coordination, integration and correlation of activities among member states through the establishment of regional institutions as guided by treaties, laws, norms and policies for enhancing collective benefits. It is also about reciprocation.

He indicated that emphasis should be placed on:

i. A positive dynamic interaction between politics and economics (IPE) with the political process assisting the economic integration process in accordance with the law of cumulative causation
ii. The integration of the physical, institutional and social infrastructure
iii. Integration of the production structures
iv. The integration of the regional markets and investments
v. Resolution of intra and inter-country conflicts and the prevention of acts of political destabilization
vi. Integration of sustainability issues in principles of development

3.1. Rationale for regional integration

The rationale for regional integration is individual and collective economic growth and development as a strategy. States believe, together economically, they will enhance trade and commerce; politically, they will enhance governance; and security – wise, they will enhance collective security.

3.2. The value and significance of Integration

The value and significance of integration lie in goals or purpose (which is cooperation towards common interests), the objectives (which is to maximize individual capacities within the collective capacities) and the benefits (which are economic, political and security).

3.3. Benefits of Regional Integration

The benefits of Regional Integration are as follows;

i. Political - policy and decision making
ii. Economical - trade and commerce
iii. Socio-cultural - common identity
iv. Technological - enhancing technology, development and transfer

3.4. Challenges to Regional Integration

In a nutshell, the challenges to Regional Integration can be seen as:

i. Lack of political will to establish effective and dynamic supra-national institutions and to implement agreed treaties and protocols.
ii. Lack of sanctions against non-performance
iii. Overlapping memberships – many members are unable to manage effectively and fund adequately the many RIAs which they belong to
iv. Heavy reliance on tariffs for fiscal revenue
v. Inadequate mechanisms for equitable sharing of the costs and benefits of integration
vi. Over ambitious goals and unrealistic time frames

vii. Non observance of the rule of law and good governance code (democracy)
viii. Poor private sector, civil society and people-to-people participation

3.5. Proposed solutions to the challenges

The following are some of the proposed solutions to the challenges facing Regional Integration:

1. Economic:
    - Taxation should be harmonized, coordinated and correlated for cooperation. A harmonized banking system that involves monetary and fiscal policies.
    - Finance (budgeting, exchange rates and currency- The solution to this is one single common currency. Common currency should be stronger than national currency and stability of the currency should be maintained.
    - Budgets of the partner states should be read on the same day to enable planning
    - Partner states should borrow jointly by meeting the conditions of joint borrowing and should share the duties and obligations of borrowing for infrastructures.
    - Non-compliance should be punished through diplomacy, sanctions and finally expulsion.
2. Political:
    - Partner states that have divided loyalties in different regional bodies must meet conditions set by the laws.
    - Weak states that cannot control their territories and have porous borders should be subjected to joint monitoring and evaluation (inspection) as this can lead to leaking tariffs.
    - Government lacking legitimacy may have to wait out. The conditionalities for entry must ensure domestic legitimacy.
    - Democracy and good governance should be key
3. Security
    - Joint Operation Exercises – to avert disaster management, terrorism, epidemics ,disarmament e.t.c
    - Cultural and sports activities

4.0. THE CIVIL AVIATION SECURITY & SAFETY OVERSIGHT AUTHORITY (CASSOA)

The CASSOA came into existence following the recommendations from the International Civil Aviation Organization (ICAO) to pull the regional resources together to create safe and orderly development of international civil aviation.

The major achievements of CASSOA since its establishment have been the harmonization of regulations and development of guidance materials which have been promulgated in the partner states.

CASSOA has also trained inspectors in partner states to supervise aircrafts. Each aircraft in the region has an inspector.

4.1. The Department of Finance

The department is a support function of The CASSOA, responsible for the prudent management of financial resources of the Agency. It is entrusted with recording and reporting all financial transactions of the Agency, responsible for coordination of the budget preparation exercise and coordination of Internal and External audit exercises

It has a Staff composition of two; a Senior Accountant and Accountant.

4.1.1. Sources of funding

The CASSOA receives its funding from the following sources;

- Contributions from the Partner States - 80%
- Funding from Development Partners - 15%
- Other income from the activities of the Agency- 5%
- Any other sources as approved by the Council

4.1.2. Annual funding by source

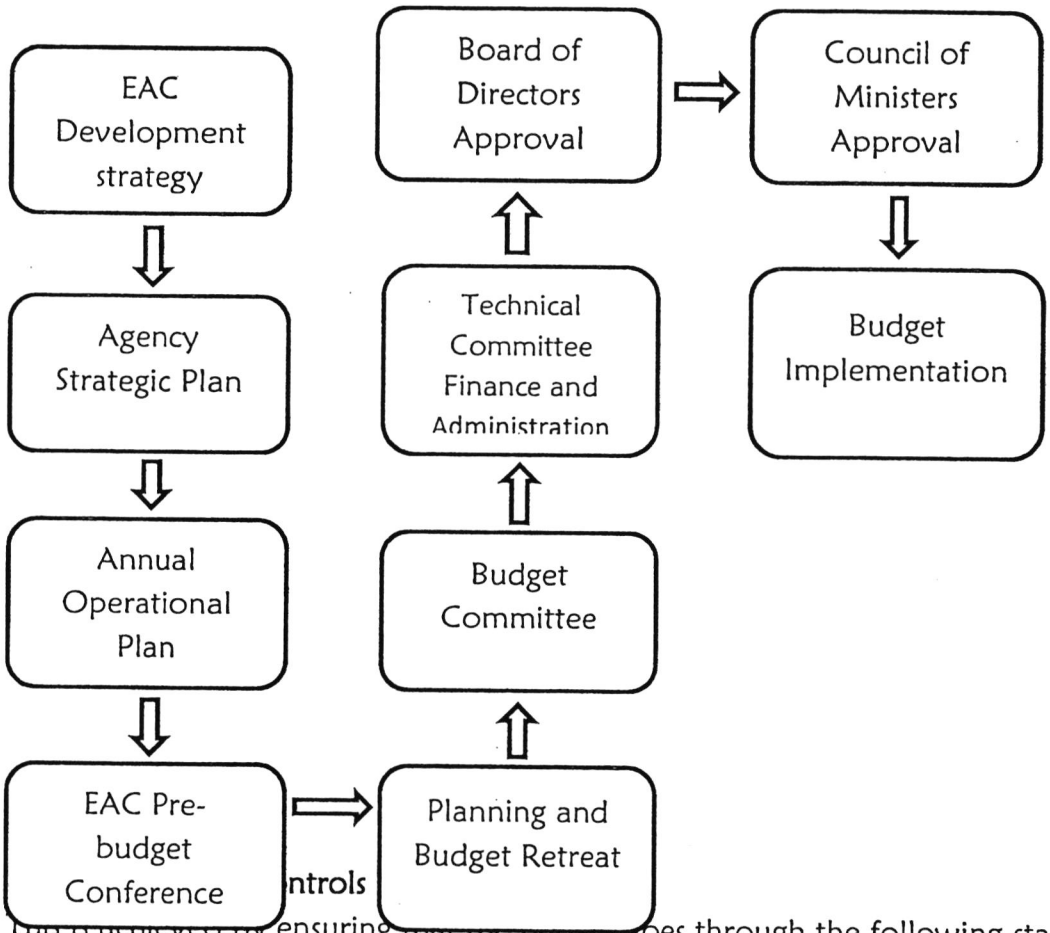
Financial Year	Contributions From the Civil Aviation Authorities	Development Partners	Other Income	Total
2011/2012	1,250,000.00	293,750.00	3,250.00	1,547,000.00
2012/2013	1,250,000.00	-	1,500.00	1,251,500.00
2013/2014	1,379,911.00	161,700.00	1,500.00	1,543,111.00
2014/2015	1,661,654.00	361,780	4,305.00	2,027,739.00

4.1.3. Financial Rules and Regulations

Financial management at the Agency is guided by the Agency Financial Rules and Regulations (2013) which are based on the broader EAC Financial Rules and Regulations and customized to fit the structure of the Agency.

The Agency is also guided by Treaty requirements for Self accounting institutions of the Community (Article 132).

4.1.4. CASSOA Budget cycle



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This is achieved by ensuring that the budget goes through the following stages;

- Board and Council approval of budgets
- Pre-expenditure approvals by Accounting Officer
- Quarterly reporting to the Board of Directors through the Technical Committee Finance and Administration
- Quarterly Internal Audit reviews
- Annual external audit

4.1.6. Achievements

The department managed to achieve the following:

- Track record of unqualified audit reports
- Strong internal controls
- Adoption of quarterly reports to the Board of management.

4.2. Information Technology Department

4.2.1 CASSOA IT Infrastructure

CASSOA's IT infrastructure incorporates a blend of Servers, Software, Storage, and Networks which are all supported by an IT officer.

1. **CASSOA IT Systems**

   The Agency uses a number of software solutions for its day to day work.
   These include:

   - Windows Operating systems Platforms
   - ORACLE Database / Finance System
   - Microsoft Enterprise 2007
   - Kaspersky business space security
   - VOB finance and payroll system
   - CASSOA Website
   - Document Management System

4.2.2 Safety Oversight Facilitated Integration Application (SOFIA)

SOFIA is a proven European Aviation Safety Agency (EASA) IT application that can assist a Regional Safety Oversight Organisation or a single Civil Aviation Authority in reorganising its process and streamlining its technical tasks to be more efficient and effective.
SOFIA aims to assist the CASSOA and its members in the harmonisation and streamlining of their safety oversight responsibilities. Using SOFIA in a Regional context will support and speed up the harmonisation process, as the need for standardization and harmonisation is self-evident when using the same application.

SOFIA was launched officially by the CASSOA Board during the 24th Board Meeting of 31st October to 1st November, 2013 in Entebbe. It is hosted at CASSOA on a dedicated Server and all Partner States are connected to the server and access SOFIA through web.

The Challenges of using SOFIA:

The use of SOFIA continues to be at a very low level; all Partner States are not using SOFIA as a primary working tool for Personnel Licensing, Aircraft Registration, Airworthiness and AOC Certificate issuance. CASSOA and Partner States need to enhance sensitization and training of all the safety inspectors on the use of SOFIA.

4.2.3 EAC Examination System

The CASSOA in collaboration with the EAC Partner States has initiated efforts to improve the quality of the examination system within the region with a view to improving the competency of licensed aviation personnel within the Region to enhance aviation safety.

The objective of this project is to enhance the examination system for aviation licensed personnel within the EAC by eliminating the examiner-candidate interface while at the same time having a harmonised examination technique to facilitate the free movement of labour within the EAC. The CASSOA has procured a computerized examination system under development funding for this purpose.

The Aviation personnel required to be licensed are pilots, Flight Engineers, Aircraft Maintenance Engineers, Air Traffic Controllers and Flight Operations Officers.

Currently, the EAC Examination system has capability for candidates of Aircraft Maintenance Engineer (6,781) and Flight Crew (9,069) category licenses and all licenses conversion examination. The available questions for flight crew license cover the scope of Airline Transport Pilot License (ATPL), Commercial Pilot License (CPL), Private Pilot License (PPL) and all AMEL modules. The examination system is yet to get populated with questions in the categories of ATC, Flight Operations officers, and Ground instructors.

It is anticipated that the establishment of the Examination taskforce, comprised of experts nominated by Partner States will enhance and improve the capacity to set questions and build the Examinations bank, validate existing ones and expand the scope of categories of the Examinations within the Systems. It is therefore absolutely essential, that the Agency engages an officer/coordinator dedicated to full time Coordination and operation of the Examination System.

Advantages of Common Examination System

i. Harmonization of licenses within the EAC.
ii. Flexibility of examination system due to large pool of questions.
iii. Eliminates manipulation of examination results by interested parties–minimizes/ eliminates cheating by candidates or examiners.

4.3. Flight Safety Standards Department (FSS)

The Department deals with the following sets of Regulations:

i. Aerial Work
ii. Aircraft Registration and Marking
iii. Airworthiness
iv. Approved Maintenance Organization
v. Air Operator Certification and Administration
vi. Aviation Training Organization
vii. Commercial Air Transport Operations In and out of (EAC).
viii. Instruments and Equipment
ix. Operation of Aircraft
x. Parachute Operations
xi. Personnel Licensing
xii. Rules of the Air and Air traffic
xiii. Safety Management
xiv. The Department ensures the Regulations are up-to-date and comply with ICAO SARPs and EAC stakeholders recommendations

The Department carries out research to ensure the Model EAC Civil Aviation Regulations are in tandem with global best practices, for example the AOC Regulation 27(5) regarding 100 hours non-revenue demonstration Flights which was amended to remove the 100 hour requirement after carrying out detailed research.

The Flight Safety Department is comprised of three divisions that deal with specific sets of regulations and technical guidance materials. The divisions are:

- Airworthiness,
- Flight Operations,
- Personnel Licensing.

4.3.1. Technical Guidance Materials (TGMs)

TGMs provide detailed information which is of guidance in nature.

The FSS Department develops & updates the following TGMs:

i. **Policies** - Provides high level information and guidance to CAA Management.
ii. **Orders** - provide information and guidance to the CAA inspectors on the implementation of Regulations.
iii. **Advisory Circulars** - Provides information and guidance to the service providers on the compliance with the Regulations.
iv. **Manuals** - Provide detailed procedures and guidance to inspectors and service providers.

v. **Checklists** - Used by CAA inspectors to document activities carried out.

The TGMs are reviewed after promulgation of Civil Aviation Regulations by the CASSOA Board. This function is achieved through convening of FSS Working Groups comprised of experts from the Region.

4.3.2. Technical Missions

The FSS Department carries out technical missions to the EAC Partner States in order to:

i. Ascertain the level of implementation of the promulgated Civil Aviation Regulations.
ii. Ascertain the extent to which the CAA Inspectors and the Service providers use the developed TGMs.
iii. Assist the Partner States in preparation for ICAO Audits.
iv. Assist the Partner States in developing their post-audit corrective action plans.
v. Assist the Partner States in closing their ICAO audit findings.
vi. Ascertain the extent to which the Partner States use the developed IT tools like the SOFIA, EA AITS, ECCAIRS, and Examination System etc.

4.3.3. Training

The Department coordinates/conducts training to the CAA inspectors on:

i. Overview and implementation of EAC Civil Aviation Regulations and Technical Guidance Materials
ii. Use of various tools like the Inspector Training Program, ECCAIRs, SOFIA
iii. Specialized courses like Resolution of Safety Concerns, Surveillance, Aircraft type courses etc

4.3.4. Achievements

The FSS in conjunction with other Departments successfully coordinated development of the following projects:

i. The establishment of Centre for Aviation Medicine (with HR)
ii. East African Examination System (with IT),
iii. East African Aviation Inspector Training System (with HR).
iv. Regional Safety Program (with ICAO ESAF).
v. SOFIA (with IT).

4.3.5. ECCAIRS

- ECCAIRS is a computer based application developed and recommended by ICAO to be used by Contracting States to record accident/ incident data.
- The Agency has installed the software in all EAC Partner States and facilitated training for the end users.

4.4. Department of Human Resource & Administration

The main function of the department is to provide effective and efficient human resource and administrative management support to the Agency

4.4.1. Main Duties and Responsibilities

i. Coordinate all matters related to Human Resource including recruitment, performance management, development of job description and training.
ii. Manage all administrative matters of the Agency including procurement of goods, services and works.
iii. Ensure effective running of the Agency offices.
iv. Provide departmental input in preparation of the annual Programme of activities and budget for the Agency.

4.4.2. Staff

CASSOA currently employs 11 staff members and two consultants as detailed below:

- One Executive staff
- Six Professional staff
- Four General staff, and
- Two consultants (One medical Assessor responsible for functioning of the Centre for Aviation Medicine and a Flight Operation Coordinator).

Currently there are 6 vacant positions at CASSOA: these are;

- Airworthiness Coordinator,
- Aviation Security (AVSEC) Coordinator,
- Airlines Ground Assistance(AGA) Coordinator,
- Air Navigation Services(ANS) Coordinator, and
- Senior IT Officer
- Internal Auditor(currently using EAC-HQ internal auditor)

4.3 Challenges facing CASSOA

The agency faces the following challenges:

i. **Staff constraints-** CASSOA is affected by inadequate numbers of technical and administrative personnel for effective operation and execution of its mandate. This can be attributed to unattractive terms and conditions of service offered by the East African Community, specifically for Aviation experts in relation to the industry.

ii. **Inadequate funding-**Insufficient finance to fund the activities of the departments of the agency.

iii. The Partner States are not fully utilizing the developed IT tools such as SOFIA, ECCAIRS etc.

iv. **Lack of commitment by partner states-**Developed /amended EAC Regulations take too long to be promulgated by Partner States.

4.4.3. Achievements

Despite the challenges, the department has been able to achieve the following:

i. Development of the Inspector Training System (ITS)
ii. Coordinate the review of Regulations and Technical Guidance materials,
iii. carry out missions to Partner States,
iv. Facilitate training for Regional inspectors,
v. Develop the EAC Examination system and SOFIA implementation; and
vi. Assist Partner States prepare and go through the ICAO audits.

4.4.4. Delegation's Concerns and Observations

The delegation made the following observations and concerns:

1. **Source of funding for the institution-** It was observed that the institution gets its funding from the Partner States' contributions through their respective Civil Aviation Authorities and other Development Partners.
2. **Commitment by partner states-**Whether the partner states were fully committed or which ones were not engaged fully to help in fast tracking the process of integration. It was noted that Kenya, Uganda and Tanzania are contributing equally.
3. **Human resource constraints-** It was observed that the institution has a shortage of human resource especially the technical staff due to lack of enough funding, thus affecting its ability to discharge its functions effectively.
4. **Security at the airports** especially on the measures that the institution has put in place to ensure proper screening is done at the security checks to ensure that any form of insecurity is dealt with.

5.0. INTER-UNIVERSITY COUNCIL FOR EAST AFRICA (IUCEA)

Background

IUCEA was established in 1970 as Inter-University Committee under the former East African Community (1967 – 1977) to foster and facilitate collaboration among the newly established separate universities after the dissolution of the University of East Africa iit comprised of:

- Makerere University (Uganda)
- University of Dar es Salaam (Tanzania)
- University of Nairobi (Kenya)

Inter-University Committee survived the collapse of the former East African Community (1967 – 1977)

In 1980 Inter-University Committee was transformed into Inter-University Council for East Africa of today, as an inter-governmental organization of Kenya, Tanzania and Uganda facilitating contacts between universities in these countries

In 1999 when the East African Community was re-established, the Inter-University Council for East Africa was recognized as a surviving institution of the former East African Community, hence was taken up once again as an institution of the Community.

5.1. IUCEA Legal Framework

In 2002 IUCEA was re-established under a Protocol ratified by Kenya, Tanzania and Uganda. The Protocol is part of the Treaty for the Establishment of the East African Community of 1999, which came into force in July 2000.

In 2009 the IUCEA Act was enacted by the East African Legislative Assembly (EALA). IUCEA operates under this Act.

5.2. IUCEA Financing

IUCEA is financed through:

i. Equal contributions by the East African Community Partner States (Burundi, Kenya, Rwanda, Tanzania, Uganda)
ii. Subscriptions by:
    - Higher Education Institutions that are members of IUCEA

- National Commissions/Councils for Higher Education
- National Commissions/Councils for Science and Technology
- East African Business Council

iii. Specific projects funded by development partners (local as well as foreign organizations, including funding obtained through programmes at the EAC Secretariat)

5.3. Role of Inter-University Council for East Africa

i. It is an institution of the East African Community responsible for coordinating the development of higher education and research
ii. Advises the East African Community Partner States on higher education matters in the Community
iii. Facilitates networking among higher education institutions in the Community, and with external institutions
iv. Facilitates maintenance of quality standards and harmonization of higher education systems for promoting regional integration
v. Provides support for the development of higher education systems and research
vi. Coordinates inter-university student exchange between EAC Partner States
vii. Coordinates academic staff exchange between EAC Partner States as short-term lecturers, external examiners and research collaborators

5.4. Inter-University Council for East Africa Governance and Operation Framework

The Protocol is part of the Treaty for the Establishment of the East African Community. Operations are guided by the Inter-University Council for East Africa Act enacted by the East African Legislative Assembly in 2009.

Governance is through the Executive Committee, which is a Governing Board on operational issues. On policy issues, it reports to the EAC Sectoral Council responsible for Education and the EAC Council of Ministers.

It operationally works with national commissions/councils for higher education and higher education institutions in the Partner States

5.4.1. Important Higher Education Harmonization Interventions

1. Development of a regional quality assurance system upon which regional higher education agencies and institutions operate, which is based on regional policy framework referred to as Principles and Guidelines for Quality Assurance in Higher

Education in East Africa, providing a common frame of reference to assist and guide national higher education commissions and councils and higher education institutions in the Community to operationalize the regional quality assurance system in a harmonized approach

2. Development of harmonised quality assurance standards, guidelines and procedures contained in the Handbook for Quality Assurance developed in four volumes. The Handbook is in use in most universities and all commissions/councils for higher education in the EAC Partner States.
3. Development of Regional Programme Benchmarks based on learning outcomes, skills and competence development, and clearly defined regional credit system. However, this is still work in progress

5.5. East African Qualifications Framework for Higher Education

This is a convergence platform for harmonisation of higher education and training systems thus providing for mutual recognition of qualifications among the EAC Partner States, thereby enabling free movement of students and labour in the Partner States, institutions and education levels.

The framework also provides for international comparability of qualifications in EAC, and facilitates lifelong learning.

It is a platform for anchoring national qualifications frameworks in the EAC partner State as an instrument for their harmonization.

5.6. Regional Quality Assurance Policy

The policy framework has already been developed under the title "Principles and Guidelines for Quality Assurance in Higher Education in East Africa".

It is a common frame of reference for guiding higher education institutions and national commissions/councils for higher education in operationalizing the regional quality assurance system, and in developing and practicing a common quality assurance culture in line with the regional aspirations for harmonization of higher education systems, and international developments in quality assurance.

5.6.1. Capacity Building in Quality Assurance

This was one of the first initiatives to be undertaken as part of the process to develop a regional quality assurance system for East Africa, in order to ensure that higher education institutions and national commissions/councils for higher education have the human capacity to operationalize the system in their institutions

Achievements in the capacity building process include:

- successful training of 72 institutional Quality Assurance Coordinators/Officers in three cohorts (2007 – 2014), training for each cohort lasting 18 – 20 months in about 5 sessions of one week each, as well as carrying out pilot self-evaluation and peer reviews
- Periodically organizing advocacy events as well as information and networking visits for top leadership (ES, VCs, DVCs, Registrars) to European institutions under DAAD/HRK support
- 64 programs subjected to both internal and external review using the quality assurance handbook guidelines and standards
- 78 East African peer reviewers trained and participated in the peer review process

5.7. Instruments to be developed for Operationalization of the EAQFHE

- Regional Higher Education Policy and Strategy
- Guidelines on Determination/Calculation of Credits
- Regional Qualifications Register and Policy
- Qualifications Issuance Policy
- Policy on Addition and Removal of a Qualification to/from the Register
- Guidelines for Alignment of EAQFHE with Qualifications Framework(s) elsewhere

5.8. Impact of the Process of Harmonization of Higher Education

i. Mutual recognition of academic/professional qualifications thus simplifying mobility of labour and students
ii. Contributed towards transforming EAC into a Common Higher Education Area
iii. Regional quality assurance framework has contributed to quality improvement of the graduates for the regional labour market
iv. Regional quality assurance framework has promoted transparency in the academic world in the Community.

5.9. Academia-Public-Private Partnership Forum and Exhibitions

Aim

To provide a point of connection between knowledge and human resources produced by the academia on one hand and on the other, the dissemination and use of knowledge by the private sector, for eventual diffusion into the productive, social and service

sectors. The current PPP is between the following institutions which fall under the auspices of the EAC:

- Inter-University Council for East Africa
- East African Business Council
- East African Development Bank

5.10. Lake Victoria Research Initiative (VicRes)

A regional collaborative multidisciplinary research programme for East Africa established in 2002 with support from Sida. VicRes awards research grants on a competitive basis and is open to researchers in universities, research institutions and government agencies in the EAC Partner States, addressing the following themes:

1. Wetlands
2. Land Use
3. Ethnobotany and Health
4. Fisheries and Aquaculture
5. Indigenous and Local Knowledge
6. Land Use Options
7. Natural Resources Management
8. Pollution and Heavy metals

5.11. Ultimate Goal: Common Higher Education Area

The East African Community decided that by 2015 East Africa has to be transformed into a Common Higher Education Area. Higher Education will be characterized by comparable, compatible, coherent and harmonized systems of higher education thereby facilitating free mobility of student, staff, programmes and institutions, and mutual recognition of qualifications.

5.12. Conclusion

The success in harmonization of higher education in East Africa is due to:

- Involvement of key stakeholders through consultative and participatory processes
- Conducive political support by all the five EAC Partner States and the EAC Secretariat
- Ownership and sustainability of the process by IUCEA, National Commissions/Councils for Higher Education, and Higher Education Institutions

- Regional and International support from various organizations, particularly DAAD, HRK, Sida, UNESCO, East African Business Council, Private sector organizations, etc.

5.13. Delegation's Concerns and Observations

1. The quality of education that is offered within the EAC and the need to harmonize qualifications within the region-There has been a decline in the quality of education hence the interest in knowing what plans the institution had put in place to ensure all the higher institutions of learning are running under the EAC requirements.
2. It was observed that most of the institutions of higher learning in EAC are only producing white collar jobs graduates and job seekers instead of producing wealth creators. there is need for institutions of higher learning to ensure that learning is such that students are equipped with technical and entrepreneurial skills that will enable them be self-employed instead of being over reliant on employment especially given the high levels of youth unemployment in the EAC region.
3. A concern was raised over the mutual recognition of qualifications from different institutions of higher learning within EAC region. Some qualifications from institutions in some Partner States were not recognized by other Partner States; for example Kenya students who were denied admission into Kenya School of Law, because the law qualification they earned from an institution in Uganda was not recognized.
4. It was further observed that the IUCEA lacks publicity and its visibility is still low. It was a surprise to the delegation that even most of the people in Kampala, Uganda where the institution is located do not know about it.

6.0. LAKE VICTORIA FISHERIES ORGANIZATION (LVFO) SECRETARIAT

The delegation visited the Institution in Jinja and had discussions with the Secretariat on different issues.

6.1. Lake Victoria – The Importance of the fisheries to the Region

The Lake Victoria Basin is shared by the 5 EAC Partner States- Kenya, Uganda, Tanzania, Rwanda, and Burundi. The Lake is shared by Kenya (6%); Tanzania (51%) and Uganda 43%) and covers a total area of 68,800 KM^2

It is the largest fishery in the continent - 1 million tons annually- and very important to the economies of the East African Community (EAC) Partner States. It supports more than 200,000 fishermen and about 4 million people in the Lake Basin who indirectly depend on the fisheries for their daily livelihoods. The value of the fishery at beach level in 2011

was estimated at US $ 550 million with Nile perch contributing US $ 372 million (68%). It yields economic returns of approximately US$ 3-4 billion annually.

There are 3 commercially important species in the current fishery;

i. Nile perch (Lates niloticus)
ii. Tilapia (Oreochromis niloticus)
iii. Dagaa (Rastrineobola argentea)

6.2. LVFO Convention

The Convention for the Establishment of LVFO was signed on 30th June 1994 in Kisumu, Kenya by the "Contracting Parties" who consist of the three partner states of the East African Community namely: Kenya, Uganda and Tanzania. It entered into force on 24th May 1996. Upon entering into force of the treaty establishing the EAC, the LVFO became a specialized institution of the Community. However, the EAC now also comprises of the Republic of Burundi and Rwanda which need to be incorporated into the LVFO operations.

Formation:
The Director-General of the Food and Agriculture Organization of the United Nations shall be the Depositary of this Convention.

The Depositary shall:

- Send certified true copies of this Convention to the Contracting Parties and to any other government which so requests;
- Arrange for the registration of this Convention, upon its entry into force, with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.

6.3. Objectives

The objective of the LVFO is to Foster cooperation among the Partner States by harmonizing national measures, developing and adopting conservation and management measures for the sustainable utilization of living resources of Lake Victoria for maximum Socio-economic Benefits.

6.4. Mandate

The Lake Victoria Fisheries Organization (LVFO) is a regional organization under the East African Community.

It is responsible for coordinating and managing fisheries resources of Lake Victoria.

The organization was formed through a Convention signed in 1994 by the three East African Community (EAC) Partner States of Kenya, Uganda and Tanzania sharing Lake Victoria.

6.5. The Institutional Structure of LVFO

The main organs of the LVFO are the

i. Council of Ministers,
ii. Policy Steering Committee,
iii. Executive Committee,
iv. Fisheries Management Committee, Scientific Committee,
v. Working Groups,
vi. Beach Management Units and the
vii. Secretariat.

6.6. The Functions of the LVFO

- Promote the proper management and optimum utilization of fisheries and other resources of the lake;
- Enhance the capacity of existing fisheries institutions;
- Provide a forum for discussion of the impacts of initiatives on the lake;
- Provide for the conduct of research on the living resources of the lake and its environment;
- Coordinate and undertake training and extension in all aspects of fisheries;
- Consider and advise on the impact of introduction of non-indigenous organisms into the Lake Victoria;
- Serve as a clearinghouse and a data bank for information on the fisheries of the lake; and
- Promote the dissemination of information.

6.7. Recent Accomplishments

- Catch Assessment Survey
- Stock Assessment
- Hydro acoustic survey
- Frame survey
- Regional working groups meetings on Fisheries policy harmonization, and Development of Fisheries Management plans

6.8. Challenges

- Excessive fishing pressure in the Lake
- Insufficient operational funds from partner states
- Need to review the operational area in line with the East African Community and hence revision of the convention
- Need for widening the scope of activities and the mandate

6.9. Towards integration

- Amendment of the LVFO convention
- Alignment to the Regional Economic community
- Roadmap for the full Integration of the Republic of Rwanda and Burundi
- Embracing Aquaculture as supported by EDF 11 through the East African community
- Shifting the findings from the institutions of Fisheries to the Ministry of East African community affairs.

6.2. Delegation Concerns and Observations

The following issues were flagged by the delegation:

1. Whether the LVFO was mandated to help in the maintenance of the environment of the lake especially removal of water hyacinth which has been a problem in the lake.
2. What strategies and plans the organization has put in place to ensure value addition to the products from the lake. It was noted that most of the products from Lake Victoria especially Kenya were processed outside the country and then the end products sold back to the Country.
3. The efforts that the Organization has put to encourage investors of fish and fish products to the area and even open up industries.
4. The plans and how the Organization intends to work with the Kenyan Counties that lie along the lake and the measures the organization has apart from fisheries to improve integration.

7.0. GENERAL OBSERVATIONS AND FINDINGS

7.1. Observations

Having held fruitful interactions with various institutions, the delegation observed the following:

1. The institutions are funded by the respective ministries of EAC Partner States and the highest percentage of funding comes from donors. It was further noted that the funds are not enough to enable the institutions effectively discharge their mandates.
2. The institutions were faced with the problems of human resource. Most of the institutions were under staffed due to lack of capacity to retain qualified personnel in terms of funds.
3. Publicity and Visibility: the delegation observed that the institutions were not known to the public to an extent that even the citizens of the countries where the institutions are hosted are not aware of their existence. Some are located in places where they cannot be easily accessed. This was an indication of lack of enough sensitization of the public.
4. Over reliance on tariffs for fiscal revenue, this is a great challenge to regional integration. Communication from one partner state to another has proven to be expensive due to different tariffs.
5. The challenges in the borders due to inaccessible roads especially on the Kenya side. The Kenyan roads are not accessible rendering it impossible for the security officers to patrol along the border to deal with insecurity cases as compared to the Ugandan side which have accessible roads at the border.

8.0 Recommendations

The delegation made the following recommendations:

1. The government should prioritize and strengthen EAC and other organs of EAC through funding in order to help in speeding up the integration process.
2. The partner states should thoroughly do sensitization to create awareness to the public of the existence of the institutions. The leadership of the institutions should as well market the institutions through advertisements on media and also ensure their offices are visible to the public.
3. The partner states should come up with a common tariff to solve the problems of movement, trade and communication.
4. The Kenya Government should open up inaccessible roads at the borders to enable easy movement along the border and to ensure adequate security.

MINUTES OF THE 5TH SITTING OF THE COMMITTEE ON REGIONAL INTEGRATION HELD ON TUESDAY 3RD MARCH, 2015 IN CONTINENTAL HOUSE, 2ND FLOOR, COMMITTEE ROOM, PARLIAMENT BUILDINGS AT 12.00 PM

Present:

1. Hon. Florence Kajuju, MP - **Chairperson**
2. Hon. Christopher Nakuleu, MP - **Vice-Chairperson**
3. Hon. David Ouma Ochieng', MP
4. Hon. Mary Seneta, MP
5. Hon. Peter Shehe, MP
6. Hon. David Karithi, MP
7. Hon. Robert Mbui, MP
8. Hon. Andrew Toboso, MP
9. Hon. Eric Keter, MP
10. Hon. Ogendo Rose Nyamunga, MP
11. Hon. Gideon Konchella, MP
12. Hon. Timothy Bosire, MP
13. Hon. Mark Lomunokol, MP

Absent With Apology

1. Hon. Dan Kazungu, MP
2. Hon. Bady Twalib Bady, MP
3. Hon. Sarah Korere, MP
4. Hon. Wanjiku Muhia, MP
5. Hon. Kathuri Murungi, MP
6. Hon. Dido Ali Rasso, MP
7. Hon. Emmanuel Wangwe, MP
8. Hon. Alois Lentoimaga, MP
9. Hon. Ali Wario, MP
10. Hon. Joseph Kahangara, MP
11. Hon. Florence Mutua, MP
12. Hon. Anthony Kimaru, MP
13. Hon. Annah Nyokabi, MP
14. Hon. Alex Mwiru, MP
15. Hon. Cyprian Kubai Iringo, MP

Absent

Hon. Charles Nyamai, MP

In Attendance

1. Ms. Fredrick Otieno - Clerk Assistant

2. Ms. Lynette Otieno - Legal Counsel

MIN.NO. CRI/015/2015 PRELIMINARIES

The Chairperson called the meeting to order at 12.15 p.m and prayed. She then welcomed all Members to the meeting.

MIN.NO. CRI/016/2015 ADOPTION OF THE REPORT ON THE VISIT TO EAST AFRICAN COMMUNITY ORGANS AND INSTITUTIONS, UGANDA

The Committee having considered the report on the visit to the East African Community Organs and Institutions in Uganda, made the following recommendations-

1. The EAC, organs, institutions and Partner States must get a well-structured funding line.
2. The Partner States should do thorough sensitization to create awareness to the public of the existence of the EAC institutions. The EAC Institutions should sensitize the public on existence of the institutions, their functions and services by ensuring visibility of their programmes.
3. Partner states should ensure proper implementation of the Common Market Protocol especially in movement of students and parity in payment of fees.
4. The Kenyan Government should open up roads at the borders to enable easy movement and to ensure adequate security.
5. Partner States should hasten the implementation of one area network and harmonization of calling rates.
6. Partner states should encourage relevant national institutions to encourage uptake of modern methods of fish farming, value addition and consumption.

The Committee thereafter adopted the report unanimously as proposed by Hon. David Ouma Ochieng, MP and seconded by Hon. Mary Seneta, MP.

MIN.NO. CRI/017/2015 CONSIDERATION OF THE EAC PEACE AND SECURITY PROTOCOL AND MUTUAL PACT ON PEACE AND SECURITY

The Chairperson informed the Committee Ministries of Interior and Coordination, Foreign affairs and International Trade, East African Affairs, Tourism and Trade and the National Treasury will be appearing to brief the Committee on the provisions of the security pact and the protocol. She then asked the members to go through the information brief that had been prepared by the Research Officer attached to the Committee in readiness for the Cabinet Secretaries.

MIN.NO. CRI/018/2015 ANY OTHER BUSINESS

1. The Chairperson informed the Members of the intention by the East Africa Legislative Assembly, Kenya Chapter to invite the Committee for a retreat between 6th to 11th April, 2015 and 15th to 17th June, 2015 and asked Members to settle on a preferred date. The former was agreed in principle pending receipt of the invitation letter and venue.

MIN.NO. CRI/019/2015 ADJOURNMENT

The Chairperson adjourned the meeting at 1.20 p.m.

Signed.....
Chairperson

Date.....19th March. 2015.....