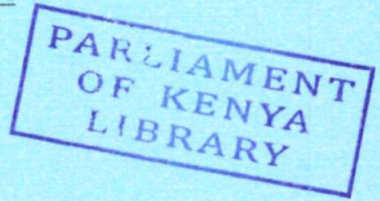


SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2026

NAIROBI, 20th February, 2026

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**THE COUNTY GOVERNMENTS
(AMENDMENT) BILL, 2026**

A Bill for

AN ACT of Parliament to amend the County Governments Act to provide for compliance with the two-thirds gender principle and consideration of persons living with disabilities in the appointment of county executive committee members; and for connected purposes

ENACTED by the Parliament of Kenya, as follows —

1. This Act may be cited as the County Governments (Amendment) Act, 2026.

Short title.

2. Section 35 of the County Governments Act is amended by —

Amendment to section 35 of Cap 265.

(a) deleting subsection (1) and substituting therefor the following new provisions —

(1) The County Governor shall, when nominating and appointing members of the county executive committee —

- (a) ensure that not more than two-thirds of the nominees are of the same gender;
- (b) ensure that the composition of the executive committee reflects the community and cultural diversity of the county;
- (c) ensure that the composition of the executive committee takes into account persons living with disabilities; and
- (d) take into account the principles of affirmative action as provided for in the Constitution.

(b) deleting subsection (2) and substituting therefor the following new subsection —

(2) A county assembly shall not consider for approval a list of nominees to the executive committee unless the nominations comply with the requirements under subsection (1).

(c) by inserting the following new subsection immediately after subsection (2) –

(2A) If the rejection of a nominee results in non-compliance with the requirements under subsection (1), the county assembly shall require the county governor to submit within fourteen days, the name of a qualified person whose nomination or appointment would ensure compliance with subsection (1).

MEMORANDUM OF OBJECTS AND REASONS

Statement of Objects and Reasons

The principal object of this Bill is to amend the County Government Act, Cap. 265 to ensure compliance with constitutional principles of inclusivity and diversity in the appointment of county executive committee members.

The Bill seeks to explicitly require county governors to adhere to the two-thirds gender principle enshrined in Article 27(8) of the Constitution when nominating and appointing members of the county executive committee. This amendment will ensure that not more than two-thirds of county executive committee members are of the same gender, thereby promoting gender equality in county governance.

Additionally, the Bill introduces a requirement for County Governor to consider persons living with disabilities in the composition of county executive committees. This provision aligns with Article 54 of the Constitution, which guarantees the rights of persons with disabilities to participate in governance and public affairs.

The Bill further reinforces existing provisions requiring that county executive committees reflect the community and cultural diversity of the respective counties and adhere to constitutional principles of affirmative action.

The Bill also establishes a mechanism that ensures compliance with these provisions, whereby, the county assembly has the power to reject nominees for reasons of non-compliance with the two thirds gender rule, the diversity requirements and consideration of persons with disabilities. In this instance, the county governor is required to submit names of nominees who would comply with the diversity and inclusivity requirements.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill does not delegate any legislative powers or only to the extent of giving effect to the provisions of this Act. The delegation of powers however does not limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill seeks to amend the County Governments Act to implement the two-thirds gender principle, promote inclusive representation in county executive committees and enhance the role of county assemblies in the

county executive committee members approval process. The Bill therefore concerns county governments.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 27th August, 2025.

CHUTE MOHAMMED SAID,
Senator

Section 35 which it is proposed to amend —

35. Appointment of county executive members

(1) The Governor shall, when nominating members of the executive committee —

- (a) ensure that to the fullest extent possible, the composition of the executive committee reflects the community and cultural diversity of the county; and
- (b) take into account the principles of affirmative action as provided for in the Constitution.

(2) The county assembly shall not approve nominations for appointment to the executive committee that do not take into account —

- (a) not more than two thirds of either gender;
- (b) representation of the minorities, marginalized groups and communities; and
- (c) community and cultural diversity within the county.

(3) A person may be appointed as a member of the county executive committee if that person —

- (a) is a Kenyan citizen;
- (b) is a holder of at least a first degree from a university recognized in Kenya;
- (c) satisfies the requirements of Chapter Six of the Constitution; and
- (d) has knowledge, experience and a distinguished career of not less than five years in the field relevant to the portfolio of the department to which the person is being appointed.

(4) A member of the county executive committee shall not hold any other State or public office.