



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

SPECIAL SITTING

VOTES AND PROCEEDINGS

WEDNESDAY, DECEMBER 28, 2016 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past two O'clock.
2. The Proceedings were opened with Prayer said by the Speaker.
3. COMMUNICATION FROM THE CHAIR – VISIT BY STAKEHOLDERS ON THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2015)

The Speaker conveyed the following communication from the Chair-

Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting Stakeholders who have been invited to give their views on the Election Laws (Amendment) (No.3) Bill (National Assembly Bill No. 63 of 2015).

I request each member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

They are:

NAME

INSTITUTION

Mr. John Ngumi

-

Mkenya Daima

Ms. Lucy Muchoki

-

Mkenya Daima

Ms. Gloria Ndekei	-	Mkenya Daima
Mr. Vimal Shah	-	Mkenya Daima
Mr. John Kihui	-	Mkenya Daima
Mr. Suba Churchill	-	Civil Society Reference Group
Mr. Al- Hajj Adan Wachu	-	S.G.SUPKEM & Chair IRCK
Mr. Ezra Chiloba	-	IEBC CEO
Mr. Mucai Kunuma	-	Mkenya Daima
Mr. Daniel Juma Omondi	-	Mkenya Daima & Global Peace Forum
Mr. Isaac E. N. Okero	-	Law Society of Kenya
Mr. Keli Kiilu	-	Kenya Private Sector Alliance(KEPSA)
Mr. Francis Sitati	-	Communications Authority of Kenya
Mr. Juma K. Kandie	-	Communications Authority of Kenya
Mr. Abednego Ominde	-	IEBC

On behalf of the Senate and on my own behalf, I welcome them to the Senate and I wish them well for the remainder of their stay.

I thank you.

4. **MESSAGE FROM THE NATIONAL ASSEMBLY - THE PASSAGE OF THE ELECTION LAWS (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2015)**

The Speaker conveyed the following Message from the National Assembly -

I wish to report to the Senate that, pursuant to Standing Order 40 (3) and (5), I received the following Message from the Speaker of the National Assembly, on 23rd December, 2016, regarding the passage of the Election Laws (Amendment) (No. 3) Bill (National Assembly Bill No. 63 of 2015)-

“PURSUANT to the provisions of Standing Orders 41 and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Election Laws (Amendment) (No. 3) Bill (National Assembly Bill No. 63 of 2015) was published vide Kenya Gazette Supplement No. 189 of 27th November 2015 to give effect to Article 99 of the Constitution, amend the Elections Act, 2011, the Independent Electoral and Boundaries Commission Act, 2011 and the Election Campaign Financing Act, 2013 and to make other provisions relating to the electoral processes;

AND WHEREAS, on Thursday, 22nd December 2016, the National Assembly considered and passed the said Bill with amendments and in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration."

Hon. Senators,

This Message was received at a time when the Senate was on recess and pursuant to standing order 40 (5), I transmitted the Message to every Senator, vide letter Ref. SEN/L&P/MSG.2016 (65) dated 23rd December, 2016.

Hon. Senators,

Pursuant to standing order 148 which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with standing order 129, and following a request by the Senate Majority Leader, I approved the consideration of the said Bill during today's Special Sitting. As you may note, the Bill has been listed for First Reading at Order No. 5.

Hon. Senators,

Standing order 130 requires a Bill, which has been read a First Time, to be committed to a relevant Standing Committee for scrutiny and to facilitate public participation.

Hon. Senators,

In compliance with the provisions of standing order 130, after the First Reading of the Bill at Order No. 5, the Bill will stand committed to the Standing Committee on Legal Affairs and Human Rights. As Hon. Senators are aware, this Bill has been the subject of some contention. It is also not lost on us that we are counting down to the General Elections now due in just eight months. For these reasons, it is imperative that any legislation concerning the manner in which the elections shall be conducted be disposed off and concluded well ahead of time so that the public and all players are clear about the rules that shall apply. The urgency of the Senate proceeding with and concluding work on the Election Laws (Amendment) (No. 3) Bill (National Assembly Bill No. 63 of 2015), cannot therefore be overemphasized. There is no time to be lost.

Hon. Senators,

I accordingly direct that the Standing Committee on Legal Affairs and Human Rights, in accordance with Articles 117 and 118 of the Constitution, scrutinizes the Bill and undertakes public participation commencing immediately today after the First Reading of the Bill in the Senate and prepares its Report. The Committee should engage all stakeholders in the election process and take into consideration all issues that have been raised regarding the contents of this Bill.

Hon. Senators,

I wish to draw your attention that pursuant to standing order 29, the Senate Majority Leader has intimated to me that he will be requesting that two Special Sittings be held on Wednesday, 4th January, 2017. The Senate Majority Leader requests that the Election Laws (Amendment) (No. 3) Bill (National Assembly Bill No. 63 of 2015) be considered at Second Reading, Committee of the Whole and Third Reading in the said Special Sittings. I will be issuing a Gazette Notice to this effect.

The Standing Committee on Legal Affairs and Human Rights must therefore proceed with dispatch and be ready to table its Report on 4th January, 2017 when the Senate is expected to assemble for the morning Special Sitting.

Hon. Senators,

As we process this Bill, I would like to make a special appeal to you to display the same level of maturity and sobriety that this country has come to expect from the Senate. The people of Kenya are looking up to the Senate. They expect from the Senate nothing less than a sober reflection and circumspection on the issues before us. Debate robustly. Hold different views. It is your prerogative. But please do so with decency and decorum and in accordance with the Constitution, the laws and the rules of this House. To do otherwise is to subvert our democracy and our constitutional order which establishes Parliament as the place where the representatives of the people meet peacefully and unarmed and make the laws that govern the Nation. This must always be so.

I thank you.

5. **THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2015)**

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Justice and Human Rights without Question put pursuant to Standing Order 129.

6. **MOTION** – (Chairperson, Standing Committee on Land and Natural Resources)

THAT, pursuant to Section 7 of the Climate Change Act, 2016, Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 and Senate Standing Order 65, the Senate adopts the Report of the Joint Sitting of the Senate Standing Committee on Land and Natural Resources and the National Assembly Departmental Committee on Environment and Natural Resources on the vetting of nominees for appointment to the National Climate Change Council, laid on the Table of the Senate on Wednesday, December 28, 2016 and approves the recommendations of the Committees as follows:-

- i) Approves the nomination of Messrs. Suresh Patel and John Kioli for appointment to the National Climate Change Council;

- ii) Rejects the nomination of Ms. Cynthia Wechabe and Dr. Jane Mutheu for appointment to the National Climate Change Council; and
- iii) Recommends that the appointing authority submits nominees of the female gender to represent the marginalized communities and Commission for University Education as prescribed by the Public Appointments (Parliamentary Approval) Act.

Order deferred.

7. COMMITTEE OF THE WHOLE
CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM ON THE
PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION)
BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2015)
(The Senate Majority Leader)

Order deferred.

8. COMMITTEE OF THE WHOLE
CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM ON THE
ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)
(The Senate Majority Leader)

Order deferred.

9. THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL
ASSEMBLY BILL NO. 63 OF 2015)
(The Senate Majority Leader)

(Second Reading)

Order deferred.

10. COMMITTEE OF THE WHOLE
THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL
ASSEMBLY BILL NO. 63 OF 2015)
(The Senate Majority Leader)

Order deferred.

11. **MOTION** – (The Senate Majority Leader)

THAT, pursuant to standing order 210 (3), the Senate resolves that the mandate of the Sessional Committees appointed in the Fourth Session be extended until the commencement of the Fifth Session.

Order deferred.

And there being no other business, the Speaker adjourned the House at twenty five minutes past Five O'clock without Question put pursuant to the Standing Orders.

12. **SENATE ROSE** - at twenty five minutes past Five O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, January 4, 2017 at 10.00 a.m.*

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