



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

SPECIAL SITTING

THURSDAY, SEPTEMBER 08, 2016 AT 10.00 A.M.

1. The Senate assembled at Ten O'clock.
2. The Proceedings were opened with Prayer said by the Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following communications from the Chair-

**a) Procedure for consideration of the proposed removal from office, by impeachment, of Hon. James Nderitu Gachagua, Governor of Nyeri County**

"Honourable Senators, following the Resolution of the Senate, yesterday, Wednesday 7<sup>th</sup> September, 2016, on the Motion against the establishment of a Special Committee to investigate the matter of the proposed removal from office, by impeachment of the Governor of Nyeri County, I undertook to rule on the manner in which the Senate will proceed with the disposal of this matter.

Honourable Senators will recall that on every occasion on which the question of the manner in which to consider the proposal for the removal of a Governor by impeachment has arisen before this Senate, the Senate has proceeded to approve the formation of a special committee which has then, in terms of section 33(4) of the County Governments Act, 2012, investigated the matter and reported within a period not exceeding ten days, whether it found the particulars of the allegations to have been substantiated.

The defeat of the Motion for the establishment of the Special Committee yesterday means that we must determine the procedure and the timelines we will require in order for the Senate, acting as the whole legislative body rather than a committee, to dispose of the matter.

Honourable Senators will note that neither Article 181 of the Constitution nor section 33 of the County Governments Act, nor indeed our own Standing Orders, shed any light on the procedure to be used if the route we took yesterday is adopted.

This unprecedented situation necessitates recourse to standing order 1 of our Standing Orders which provides as follows –

- (1) In all cases where matters are not expressly provided for by these Standing Orders or by other Orders of the Senate, any procedural question shall be decided by the Speaker.*
- (2) The decisions made in paragraph (1) shall be based on the Constitution of Kenya, statute law and the usages, forms, precedents, customs, procedures and traditions of the Parliament of Kenya and other jurisdictions to the extent that these are applicable to Kenya.*

In making this ruling, I am also guided by Article 259 of the Constitution which requires that the Constitution (in this case Article 181) be interpreted in a manner that “*promotes its purposes, values and principles*”, “*advances the rule of law*” and “*permits the development of the law*”.

Applying Article 259, it is clear to me that there are two main pillars set out by the Constitution and the County Governments Act on the manner of proceeding with this process. These pillars are-

- (a) **Expedition**, namely that the process must not linger or be left in abeyance for an inordinate amount of time seeing that it is the question of a possible vacancy in the high office of a governor of a County that is in issue. This is the reason that the Act provides for the special committee to investigate the matter and conclude within a period of not more than ten days; and
- (b) **Procedural propriety**, namely, that the Senate, acting as a quasi-judicial organ, must observe the principles of natural justice and, so far as possible, provide all the protections available to a citizen who is required to vindicate a right before a constitutionally mandated organ.

Taking one thing with another, and borrowing from the procedure we have employed in the past, I direct that having read the Charges against the Hon. Gachagua, the Governor of Nyeri County yesterday, the Senate, sitting in Plenary will conduct a hearing and make a determination on whether it finds the charges against the Governor to have been substantiated.

I direct that the procedure which the Senate has previously utilized through its special committee will apply, with necessary modifications, to the hearing by the Senate in Plenary. These procedures relate to appointment and notification to the public of the dates on which the Senate will consider the matter, invitation to the parties to appear, summoning of witnesses and the procedure for the actual hearing. The detailed particulars of these are contained in the Rules of Procedure for the Hearing and Determination of the Proposed Removal from Office by Impeachment of a Governor which have been previously developed and which shall be circulated to all Senators and the parties.

Suffice it to state for now, that the Senate will meet on Tuesday, 13<sup>th</sup>, Wednesday, 14<sup>th</sup> and Thursday, 15<sup>th</sup> September, 2016 to hear and determine whether it finds any of the charges to have been substantiated. For the avoidance of doubt, the proceedings of the Senate during the hearings shall be held in public and the rules of the Senate when Sitting in Plenary shall apply with such modifications as the Speaker shall determine. It should be noted, however, that prior to voting on the charges, the Senate shall retire to a deliberative session in camera.

In summary, the procedure will be as follows-

- (a) Before the Sitting of the Senate on Tuesday, 13<sup>th</sup> September, 2016, the Office of the Clerk shall issue invitations to appear to the Governor and to the County Assembly of Nyeri in which shall be set out the charges and which invitation shall indicate the date of the hearing and the information and documents required for the purposes of the hearing.
- (b) Charges against the Governor of Nyeri County will be availed to members today, Thursday, 8<sup>th</sup> September, 2016.
- (c) Prior to the commencement of the hearings on Tuesday, 13<sup>th</sup> September, 2016, the Senate shall meet in a pre-hearing camera briefing session. The Senate shall thereafter conduct the hearing which shall consist of hearing the case by the County Assembly for removal of the Governor and the response of the Governor to the charges. On conclusion of the hearings, the Senate shall, as I have indicated before, adjourn to a deliberative closed session whereafter, the Senate shall re-assemble in Plenary and vote on each of the charges. In accordance with section 33(7) and standing order 68(5), the voting shall be by county delegations.
- (d) The Governor shall cease to hold office if a majority of all the county delegations of the Senate vote to uphold any impeachment charge and if the charges are not substantiated, the Governor will remain in office.

Honourable Senators, the responsibility that vests on all of us in the disposal of this matter is great. The more so because of the adoption of this procedure by the plenary. I would therefore direct that all Honourable Senators avail yourselves to the service of the Senate and the Nation throughout the period of the hearings next week, culminating in the voting on proposed removal from office by impeachment of the Governor of Nyeri County. As a result, all other business of committees stand suspended until the conclusion of this process.

Honourable Senators, in the usual manner, according to our Standing Orders and parliamentary procedures and practice, the Senate and each and every Senator, being now seized of the matter of the proposed removal from office by impeachment of the Governor of Nyeri County, it is not open to any Senator to comment in any forum in any manner prejudicial or pre-emptive to the fair and judicious determination of the matter.

I thank you."

**b) Visiting students and teachers from Koindi Boys Secondary School from Murang'a County**

"Honourable Senators,

I wish to recognize the presence of visiting students and teachers from Koimbi Boys Secondary School.

They are seated at the public gallery.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit

I thank you."

**c) Visiting students and teachers from Sossiot Girls Secondary School from Kericho County**

The Temporary Speaker (Sen. Mositet) made the following communication from the Chair-

"Honourable Senators,

I wish to recognize the presence of visiting students and teachers from Sossiot Girls Secondary School from Kericho County. They are seated in the Public gallery.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you."

4. PAPERS LAID

The following Papers were laid on the Table of the Senate-

- i) Report of the Standing Committee on Legal Affairs and Human Rights on the Election Offences Bill (National Assembly Bills No. 36 of 2016);
- ii) Report of the Standing Committee on Legal Affairs and Human Rights on the Election Laws (Amendment) Bill (National Assembly Bills No.37 of 2016)

*(Chairperson, Standing Committee on Legal and Human Rights)*

5. NOTICE OF MOTION – *(The Senate Majority Leader)*

**THAT**, pursuant to Standing Order 28(4), the Senate resolves to alter its Calendar in respect of Part 111 of the Fourth Session for the sittings scheduled to resume on 20<sup>th</sup> September, 2016 instead commences on 27<sup>th</sup> September, 2016

6. MOTION ON THE ALTERATION OF THE SENATE CALENDAR IN RESPECT OF PART III OF THE FOURTH SESSION

Motion made and Question proposed;

**THAT**, pursuant to Standing Order 28(4), the Senate resolves to alter its Calendar in respect of Part 111 of the Fourth Session for the sittings scheduled to resume on 20<sup>th</sup> September, 2016 instead commences on 4<sup>th</sup> October, 2016.

*(The Senate Majority Leader)*

*(Motion moved in an amended form)*

Debate arising;

And there being no other Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 72, the Speaker informed the Senate that the Motion did not affect Counties;

Question of the Motion, as amended, put and agreed to.

**RESOLVED ACCORDINGLY-**

**THAT**, pursuant to Standing Order 28(4), the Senate resolves to alter its Calendar in respect of Part 111 of the Fourth Session for the sittings scheduled to resume on 20<sup>th</sup> September, 2016 instead commences on 4<sup>th</sup> October, 2016.

7. MOTION TO APPROVE THE NOMINATION OF SEN. MUTULA KILONZO JUNIOR AND SEN. NAISULA LESUUDA TO PRESIDE OVER THE SITTING OF THE SENATE ON THURSDAY, 8<sup>TH</sup> SEPTEMBER 2016

Motion made and Question proposed;

**THAT**, pursuant to Article 107 (1) (c) of the Constitution and Standing Order No. 18 of the Senate, the Senate resolves to elect Senator Mutula Kilonzo Junior and Senator Naisula Lesuuda to preside over the Senate, today, Thursday, 8<sup>th</sup> September, 2016.

*(The Senate Majority Leader)*

Debate arising;

And there being no other Senator wishing to contribute;

Before the question was put and pursuant to Standing Order No. 72, the Temporary Speaker (Sen. Mositet) ruled that the question did not affect counties;

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, pursuant to Article 107 (1) (c) of the Constitution and Standing Order No. 18 of the Senate, the Senate resolves to elect Senator Mutula Kilonzo Junior and Senator Naisula Lesuuda to preside over the Senate today Thursday, 8<sup>th</sup> September 2016.

8. THE ELECTION OFFENCES BILL (NATIONAL ASSEMBLY BILLS NO. 36 OF 2016)

Order for Second Reading Read;

Motion made and Question proposed-

**THAT**, the Election Offences Bill (National Assembly Bills No. 36 of 2016) be now read a second time.

*(The Senate Majority Leader)*

Debate arising;

There being no other Senator wishing to contribute;

The Mover Replied;

Raising a point of order, the Senator for Tharaka- Nithi County (Sen.(Prof) Kindiki) requested for deferment of putting of the Question pursuant to Standing Order 54(3).

And the Temporary Speaker (Sen. Mutula Kilonzo Junior) acceding to the request deferred putting the question.

9. THE ELECTION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 37 OF 2016)

Order for Second Reading Read;

Motion made and Question proposed-

**THAT**, the Election Laws (Amendment) Bill (National Assembly Bills No. 37 of 2016) be now read a Second Time.

*(The Senate Majority Leader)*

Debate arising;

There being no other Senator wishing to contribute;

The Mover Replied;

Raising a point of order, the Senator for Tharaka- Nithi County (Sen.(Prof) Kindiki) requested for deferment of putting of the Question pursuant to Standing Order 54(3).

And the Temporary Speaker (Sen. Mutula Kilonzo Junior) acceding to the request deferred putting the question.

10. SUSPENSION OF THE SENATE

The Temporary Speaker (Sen. Mutula Kilonzo Junior) suspended the sitting at fifteen minutes past Two O'clock.

11. HOUSE RESUMED - at five minutes past Four O'clock (Speaker in the Chair).

12. COMMUNICATION FROM THE CHAIR ON VISITING STUDENTS AND TEACHERS OF KAPKORES PRIMARY SCHOOL, NAKURU COUNTY

The Speaker issued the following Communication from the Chair-

"Honourable Senators,

I wish to recognize the presence of visiting students and teachers from Kapkores primary school from Nakuru County. They are seated at the public gallery.

In our usual tradition of receiving and welcoming visitors to parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you."

13. THE ELECTION OFFENCES BILL (NATIONAL ASSEMBLY BILLS NO. 36 OF 2016)

Order for Second Reading Read;

Motion made and Question proposed-

**THAT**, the Election Offences Bill (National Assembly Bills No. 36 of 2016) be now read a second time.

*(The Senate Majority Leader)*

Debate interrupted resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for Five minutes;

After the expiry of two minutes, the Speaker directed that the bar be drawn and the doors be locked and requested Senators to log-in using their cards;

The Speaker put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Speaker allowed ten Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as **"Yes"**-

1. Sen. Gwendu Joy
2. Sen. Khaniri George
3. Sen. Lesan Wilfred
4. Sen. Lesuuda Naisula
5. Sen. Murkomen Kipchumba
6. Sen. Musila David
7. Sen. Muthama Johnston
8. Sen. Orengo James
9. Sen. Wako Sitswila Amos
10. Sen. Wetangula Moses

The results of the Division were as follows-

AYES - 25

NOES - 0

ABSTENTIONS - 0



**AYES**

1. Sen. Bule Ali Abdi
2. Sen. Boy, Juma Boy
3. Sen. Chelule Liza-voted on behalf of Nakuru county Delegation
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Chiaba Abu Mohamed
6. Sen. Mohamud Halima Abdille- voted on behalf of Wajir Delegation
7. Sen. Kajwang' Moses
8. Sen. Khalwale Boni
9. Sen. Khaniri George
10. Sen. Kilonzo Mutula Junior
11. Sen. Kindiki Kithure
12. Sen. Gwendu Joy -voted verbally on behalf of Nairobi County Delegation
13. Sen. Lesan Wilfred Rotich- voted verbally
14. Sen. Lesuuda Naisula- voted verbally on behalf of Samburu County Delegation
15. Sen. Mositet Peter
16. Sen. Murkomen Onesmus Kipchumba-voted verbally
17. Sen. Musila David-voted verbally
18. Sen. Muthama Johnson Ndunya-voted verbally
19. Sen. Mwakulegwa Danson Mwazo
20. Sen. Obure Christopher Mogere
21. Sen. Okong'o Kennedy Monga'are
22. Sen. Orengo James-voted verbally
23. Sen. Sang Stephen Kipyego
24. Sen. Wako Sitswila Amos-voted verbally
25. Sen. Wetangula Moses Masika-voted verbally

Question - **agreed to**

Bill read a Second Time and committed to the Committee of the Whole, today, by leave of the Senate.

14. **THE ELECTION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 37 OF 2016)**

Order for Second Reading Read;

Motion made and Question proposed-

**THAT**, the Election Laws (Amendment) Bill (National Assembly Bills No. 37 of 2016) be now read a Second Time.

*(The Senate Majority Leader)*

Debate interrupted resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for Five minutes;

After the expiry of two minutes, the Speaker directed that the bar be drawn and the doors be locked and requested Senators to log-in using their cards;

The Speaker put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Speaker allowed one Senator to record her vote verbally.

Thereupon Sen. Joy Gwendu recorded her vote as **"Yes"**-

The results of the Division were as follows-

AYES - 25

NOES - 0

ABSTENTIONS - 0

**AYES**

1. Sen. Bule Ali Abdi
2. Sen. Boy, Juma Boy
3. Sen. Chelule Liza-voted on behalf of Nakuru County Delegation
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Chiabu Abu Mohamed
6. Sen. Mohamud Halima Abdille-voted on behalf of Wajir County Delegation
7. Sen. Kajwang' Moses
8. Sen. Khalwale Boni
9. Sen. Khaniri George
10. Sen. Kilonzo Mutula Junior
11. Sen. Kindiki Kithure
12. Sen. Gwendu Joy- voted verbally on behalf of Nairobi County Delegation
13. Sen. Lesan Wilfred Rotich
14. Sen. Lesuuda Naisula-voted on behalf of Samburu Delegation
15. Sen. Mositet Peter Korinko
16. Sen. Murkomen Onesmus Kipchumba
17. Sen. Musila David
18. Sen. Muthama Johnson Nduya
19. Sen. Mwakulengwa Danson Mwazo
20. Sen. Obure Christopher Mogere
21. Sen. Okong'o Kennedy Mong'are
22. Sen. Orengo James
23. Sen. Sang Stephen Kipyego
24. Sen. Wako Sitswila Amos
25. Sen. Wetangula Moses Masika

Question - agreed to

Bill read a Second Time and committed to the Committee of the Whole, today, by leave of the Senate.

15. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. Stephen Sang) – in the Chair)

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

Clauses 3-25, Clause 2, the Title and Clause 1 be part of the Bill

The Committee proceeded to a Division;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 74 (5), the Acting Chairperson allowed one Senator to record her vote verbally.

Thereupon, Sen. Gwendolyn Joy recorded her vote as **“Yes”**-

The results of the Division were as follows-

AYES - 25

NOES - 0

ABSTENTIONS – 0

**AYES**

1. Sen. Boy Juma Boy
2. Sen. Bule Ali Abdi
3. Sen. Chelule Liza-voted on behalf of Nakuru County Delegation
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Chiaba Abu Mohamed
6. Sen. Mohamud Halima Abdille-voted on behalf of Wajir county Delegation
7. Sen. Kajwang' Moses
8. Sen. Khalwale Boni
9. Sen. Khaniri George

10. Sen. Kilonzo Mutula Junior
11. Sen. Kindiki Kithure
12. Sen. Gwendu Joy - voted on behalf of Nairobi County
13. Sen. Lesan Wilfred Rotich
14. Sen. Lesuuda Naisula-voted on behalf of Samburu County Delegation
15. Sen. Mositet Peter Korinko
16. Sen. Murkomen Onesmus Kipchumba
17. Sen. Musila David
18. Sen. Muthama Johnson Nduya
19. Sen. Mwakulegwa Danson Mwazo
20. Sen. Obure Christopher Mogere
21. Sen. Okong'o Kennedy Mong'are
22. Sen. Orengo James
23. Sen. Sang Stephen Kipyego
24. Sen. Wako Sitswila Amos
25. Sen. Wetangula Moses Masika

Clauses 3-25, Clause 2, the title and Clause 1 - agreed to.

**Motion made:-**

**That**, the Bill be reported without amendments;

*(The Senate Majority Leader)*

Before the question was put and pursuant to Standing Order 72, the Acting Chairperson (Sen. Stephen Sang) ruled that the question did not affect counties;

Question put and agreed to.

16. HOUSE RESUMED - (Temporary Speaker- Sen. Mositet) - in the chair.
17. THE ELECTION OFFENCES BILL (NATIONAL ASSEMBLY BILLS NO. 36 OF 2016)

Bill reported without amendments;

Motion made and Question proposed-

**THAT**, the Senate do agree with the Committee of the Whole in the said Report.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 72, the Temporary Speaker (Sen. Mositet) ruled that the question did not affect counties;

Question put and agreed to.

**Motion made and question proposed-**

**THAT**, the Election Offences Bill (National Assembly Bills No. 36 of 2016) be now Read a Third Time.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

The House proceeded to a Division;

The Temporary Speaker directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Temporary Speaker directed that the doors be locked and asked Senators to log-in for electronic voting;

The Temporary Speaker put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 74 (5), the Temporary Speaker (Sen. Mositete) allowed two Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **"Yes"**-

- 1) Sen. Gwendu Joy
- 2) Sen. Mositete Peter

The results of the Division were as follows-

AYES - 25

NOES - 0

ABSTENTIONS - 0

**AYES**

1. Sen. Boy Juma Boy
2. Sen. Bule Ali Abdi
3. Sen. Chelule Liza-voted on behalf of Nakuru County delegation
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Chiaba Abu Abdi
6. Sen. Mohamed Halima Abdille -voted on behalf of Wajir county delegation
7. Sen. Kajwang' Moses
8. Sen. Khalwale Boni
9. Sen. Khaniri George
10. Sen. Kilonzo George
11. Sen. Kindiki Kithure
12. Sen. Gwendu Joy- voted verbally on behalf of Nairobi County delegation
13. Sen. Lesan Wilfred Rotich

- 14.Sen. Lesuuda Naisula-voted on behalf of Samburu County delegation
- 15.Sen. Mositet Peter-voted verbally
- 16.Sen. Murkomen Onesmus Kipchumba
- 17.Sen. Musila David
- 18.Sen. Muthama Johnson Nduya
- 19.Sen. Mwakulegwa Danson Mwazo
- 20.Sen. Obure Christopher Mogere
- 21.Sen. Okong'o Kennedy Monga're
- 22.Sen. Orengo James
- 23.Sen. Sang Stephen Kipyego
- 24.Sen. Wako Sitswila Amos
- 25.Sen. Wetangula Moses Masika

Question - agreed to.

Bill read a Third Time and passed.

18. **COMMITTEE OF THE WHOLE:**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. Stephen Sang – in the Chair)

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

Clauses 3-41, Clause 2, the Title and Clause 1 be part of the Bill

The Committee proceeded to a Division;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and Senators asked to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 74 (5), the Acting Chairperson allowed one Senator to record her vote verbally.

Thereupon, Sen. Joy Gwendu recorded his votes as **"Yes"**-

The results of the Division were as follows-

AYES - 25NOES - 0ABSTENTIONS - 0**AYES**

1. Sen. Boy Juma Boy
2. Sen. Bule Ali Abdi
3. Sen. Chelule Liza -voted on behalf of Nakuru County Delegation
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Chiaba Abu Mohamed
6. Sen. Kajwang' Moses
7. Sen. Khalwale Boni
8. Sen. Khaniri George
9. Sen. Kilonzo Mutula Junior
10. Sen. Kindiki Kithure
11. Sen. Gwendu Joy- voted verbally on behalf of Nairobi County Delegation
12. Sen. Lesan Wilfred
13. Sen. Lesuuda, Naisula- voted on behalf of Samburu County Delegation
14. Sen. Mohamed Halima Abdille- voted on behalf of Wajir County Delegation
15. Sen. Mositet Peter Korinko
16. Sen. Murkomen Onesmus Kipchumba
17. Sen. Musila David
18. Sen. Muthama Johnson Nduya
19. Sen. Mwakulegwa Danson Mwazo
20. Sen. Obure Christopher Mogere
21. Sen. Okong'o Kennedy Mong'are
22. Sen. Orengo James
23. Sen. Sang Stephen Kipyego
24. Sen. Wako Sitswila Amos
25. Sen. Wetangula Moses Masika

Clauses 3-49, Clause 2, the Title and Clause 1 - agreed to

**Motion made:-**

**That**, the Bill be reported **without** amendments;

*(The Senate Majority Leader)*

Before the question was put and pursuant to Standing Order 72, the Acting Chairperson (Sen. Stephen Sang) ruled that the question did not affect counties;

Question put and **agreed to.**

19. **HOUSE RESUMED** - (Temporary Speaker- Sen. Mositet) - in the chair.

20. THE ELECTION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 37 OF 2016)

Bill reported **without** amendments;

Motion made and Question proposed-

**THAT**, the Senate do agree with the Committee of the Whole in the said Report.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 72, the Temporary Speaker (Sen. Mositet) ruled that the question did not affect counties;

Question put and **agreed to.**

**Motion made and question proposed-**

**THAT**, the Election Laws (Amendment) Bill (National Assembly Bills No. 37 of 2016) be now Read a Third Time.

*(The Senate Majority Leader)*

There being no Senator wishing to contribute;

The House proceeded to a Division;

The Temporary Speaker directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Temporary Speaker directed that the doors be locked and asked Senators to log-in for electronic voting;

The Temporary Speaker put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 74 (5), the Temporary Speaker allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their vote as **"Yes"**-

- 1) Sen. Gwendu Joy
- 2) Sen. Mositet Peter
- 3) Sen. Okong'o Kennedy Mong'are

The results of the Division were as follows-



AYES - 25

NOES - 0

ABSTENTIONS - 0

**AYES**

1. Sen. Boy Juma Boy
2. Sen. Bule Ali Abdi
3. Sen. Chelule Liza-voted on behalf of Nakuru County Delegation
4. Sen. Cheruiyot Aaron Kipkirui
5. Sen. Chiaba Abu Abdi
6. Sen. Kajwang' Moses
7. Sen. Khalwale Boni
8. Sen. Khaniri George
9. Sen. Kilonzo George
10. Sen. Kindiki Kithure
11. Sen. Gwendu Joy -voted verbally on behalf of Nairobi county Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Lesuuda Naisula-voted on behalf of Samburu County Delegation
14. Sen. Mohamed Halima Abdille-voted on behalf of Wajir County
15. Sen. Mositet Peter Korinko-voted verbally
16. Sen. Murkomen Onesmus Kipchumba
17. Sen. Musila David
18. Sen. Muthama Johnson Nduya
19. Sen. Mwakulegwa Danson Mwazo
20. Sen. Obure Christopher Mogere
21. Sen. Okong'o Kennedy Monga're-voted verbally
22. Sen. Orengo James
23. Sen. Sang Stephen Kipyego
24. Sen. Wako Sitswila Amos
25. Sen. Wetangula Moses Masika

Question - agreed to.

Bill read a Third Time and passed.

There being no other business, the Temporary Speaker (Sen. Mositet) interrupted the proceedings at five minutes past Five O'clock and adjourned the Senate without Question put, pursuant to the Standing Orders.

21. **SENATE ROSE** - at five minutes past five O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Tuesday, October 04, 2016 at 2.30 p.m.*

---X---