

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****SPECIAL SITTING**

*(Convened vide Gazette Notice
No.14165 of 24th December, 2021)*

Wednesday, 5th January 2022

The House met at 2.30 p.m.

[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]

PRAYERS

Hon. Deputy Speaker On face value, we obviously have more than the required number. So, we will proceed with business.

Hon. (Ms.) Rehema Jaldesa (Isiolo CWR, JP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is it, Member for Isiolo?

Hon. (Ms.) Rehema Jaldesa (Isiolo CWR, JP): Hon. Deputy Speaker, I rise on a very important issue which concerns life. Since morning, we have been denied water and as you know, water is life. We are saying that if there is no water, there is no sitting this afternoon.

Hon. Deputy Speaker: That is an extremely valid concern. It is true we do not have water in the Chamber for very obvious reasons. Members, you were here last time when you utilised water for better things than thirst. We have given a provision that any Member who would wish to have some water will walk out. We will make provisions just outside the door. You will take your water there and only bring it inside your tummies, and not with your hands. So, there is no problem with that. That one is well sorted out. We want to make progress.

Hon. Aden Duale (Garissa Township, JP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Duale, what is it? That probably will be the last one and then we move on.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, I do not want to take a lot of time of the House. There are certain sections at the back of the Chamber where the electronic system is not working. I wish you could direct, through the Clerk, the ICT officers concerned to go and check, so that when we go to vote, we do not get interrupted by other Members saying that their system is not working.

Hon. Deputy Speaker: That is also extremely valid. All Members must vote when they want to vote and their votes must count. I instruct that those particular chairs that the Members are complaining about should be quickly checked by the ICT department to confirm they are working.

Hon. Vincent Tuwei (Mosop, JP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Tuwei, Hon. Duale has raised a point of order and I am addressing it. If you have a different point of order, allow us to deal with the one by Hon. Duale and if it is different from that one, we probably would want to hear what you have to say. But we will not take a lot of time on it.

The point of order by Hon. Duale is an extremely valid one. Members must be allowed to vote and their vote must count. So, the ICT department should check and not necessarily that particular side of the House. We need to make it clear that every Member who votes will have his vote counted, from all directions and from all the chairs the Members are using. Of course, Hon. Members, you will understand that we had initially reconfigured our system to cover a few Members, but now we are bringing the entire membership to vote and, therefore, there could be an issue that should be sorted quickly.

So, what is it, Hon. Tuwei?

Hon. Vincent Tuwei (Mosop, JP): Hon. Deputy Speaker, thank you for this opportunity. Now that we are aware that some of these gadgets are not working, it is my request that we have a list of those who voted to be verified more. I am worried. Hon. Deputy Speaker, as you look from your Chair, my colleagues are not wearing masks. We are exposed.

Hon. Deputy Speaker: On the second one about masks, Members are asked to be in their masks. It is extremely important. On the issue of availability of the number of the Members who voted, that is clearly on our *Hansard*. We should not have a problem with that. It is a matter that can be resolved. Once you go to the Committee, those ones will be available. Once you go to the Committee of the whole, you will deal with case by case. If Members, for example, do not vote at a particular time or vote and it is not clear, it will be sorted at that point in time.

We are now taking too long on these points of orders. We have resolved this issue. The last one is by Hon. Ichung'wah and that will be the last.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Deputy Speaker. At the risk of repeating and I have heard your guidance, indeed, when we broke for lunch, we took a physical head count of the Members who were voting and verified that as has been reported and raised by Hon. Duale, there are gadgets that were not working. I have heard what you have said, but I beg that you direct from the Chair that the last three votes that were taken, the Office of the Clerk supplies us, through the former Leader of the Majority Party, Hon. Duale, the list of Members who vote for our own records to verify.

Secondly, we want to conduct this afternoon's sitting in a very orderly manner. In a *kamukunji* that we have assembled here, we have resolved that we do not want the frequent interruptions.

(Hon. Oscar Sudi approached Hon. Deputy Speaker)

Thank you, Hon. Deputy Speaker, for protecting yourself from Hon. Sudi.

Hon. Deputy Speaker: Hon. Sudi, you must have your mask on. If there is a problem, we will supply you.

Hon. Kimani Ichung'wah (Kikuyu, JP): I will supply him with a mask. I have given him one.

Hon. Deputy Speaker: We will even give you more from...

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Deputy Speaker, I was seeking your guidance because it is only you who will guide the Chairs who will sit in the Committee of the whole House. If there are certain gadgets that are not working, there ought to be a procedural and

orderly manner in which Members can raise those issues without calling the vote until that matter is resolved. We are creating disorder when an officer from the ICT Department comes to my desk and verifies that, indeed, the gadget is not working, yet the vote is taken and concluded and that matter is left hanging.

(Applause)

We cannot go back unless we recommit the clauses that have already been passed. Going forward, you should help us to conclude this Bill within the next two hours and that is only possible if there is order and the sitting Chair is able to guide the House properly.

Hon. Deputy Speaker: Order. That is exactly what Hon. Duale had raised. If you notice, the lady and gentleman in white are from the ICT Department. Whenever you raise issues, we take them seriously. Those two members of staff will definitely verify the workability of the gadgets. In the meantime, for those Members who are not in a position to vote properly, there are a few more seats up here where they can come and make it easier for everyone.

Hon. Members, with that, I had said that this should be the last one.

Hon. (Ms.) Maison Leshoomo (Samburu CWR, KANU): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Members, what is it? The Member for Samburu County, I want us to make progress. That is the last one. You can raise the rest at the Committee of the whole House stage. Let us have Hon. Leshoomo.

Hon. (Ms.) Maison Leshoomo (Samburu CWR, KANU): Asante sana, Mheshimiwa Naibu Spika kwa kunipa nafasi hii. Tuna sheria ambazo zinalinda Bunge hili. Ningeomba mtumie sheria hizo ili tumalize Mswada huu. Ningependa pia kuuliza kama mashine za upande huu na upande huo mwingine ni tofauti. Ni muhimu tuelewe kwa sababu ninafikiria kuwa tunatumia mashine aina moja.

(Applause)

Hon. Deputy Speaker: Order, Hon. Members!

Hon. (Ms.) Maison Leshoomo (Samburu CWR, KANU): Niruhusu nimalize.

Hon. Deputy Speaker: Mheshimiwa Maison, una nafasi ya kuendelea lakini Wajumbe lazima waelezwe kuwa hatupigi makofi hapa. Hapa tunatumia tu miguu na masikio. Endelea.

Hon. (Ms.) Maison Leshoomo (Samburu CWR, KANU): Mheshimiwa Naibu Spika, kwa kweli, mashine hii ni moja. Hata upande huu tulikuwa na shida na kadi zetu lakini zilirekebishwa. Tuko hapa kupitisha sheria na tunaangaliwa na Wakenya wote. Ningeomba tupige kura kama watu wazima wanaojua wanachokifanya. Ni lazima pia tutumie sheria.

(Loud consultations)

Ingekuwa vyema tukiheshimiana. Kila mtu aheshimu mwingine. Tupige kura na watakaoshinda ndio watakuwa washindi. Tafadhali tuwache kuzungumza sana. Mashine ni moja na ni lazima tuendelee.

Hon. Deputy Speaker: This is why I said we did not need to open for a lot of points of order because we will eventually start debating before the Committee of the whole House. I have

made the ruling that we have confirmed that the gadgets are working. If there are any matters that shall arise, they will be dealt with on a case-by-case basis, at the Committee stage.

Hon. William Cheptumo (Baringo North, JP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Cheptumo hardly rises on a point of order. That should be the last one, and then we go to the Committee of the whole House.

Hon. Cheptumo, I hope it is a point of order.

Hon. William Cheptumo (Baringo North, JP): Hon. Deputy Speaker, there is a serious matter that I would like to raise before the House. The Leader of the Majority Party has a specific place designed for him to sit in this House. Hon. Kimunya has since vacated his place and is now sitting elsewhere. Is it in order to be in that seat as per the Standing Order? Will I be in order to request that Hon. Duale occupies his former seat? Is the Leader of the Majority Party in order?

Hon. Deputy Speaker: Hon. Cheptumo, if you want to consult the Leader of the Majority Party, all you need to do is to come here, bow a few times and go and consult with him on the other side. I am not really bothered as much because the issue of the seat of the Leader of the Majority Party is fairly administrative. It is not in the Standing Orders. I, therefore, do not see the Standing Order that he has violated. It is his office that is recognised, but not his sitting position.

Hon. Members, I think we are delving into things that are not useful.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Deputy Speaker (Hon. Moses Cheboi) left the Chair]

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Hon. Christopher Omulele took the Chair)]*

THE POLITICAL PARTIES (AMENDMENT) BILL

*(Resumption of consideration
in Committee interrupted on 5.1.2022 – Morning Sitting)*

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, we are now in the Committee of the whole House and we will proceed to consider the Political Parties (Amendment) Bill (National Assembly Bill No.56 of 2021).

Before we begin, it is important for us to understand the rules of engagement. I would like to guide the Members on electronic voting. First, when directed by the Chairperson to log out, please, do so by removing your card.

Secondly, when prompted by the Chairperson to vote, please, reinsert your card to login, key in your personal identification number (PIN) and press the microphone button once. The three buttons will light up. If not, press the microphone button one more time. Thirdly, even though the manuals indicate that we have 60 seconds within which to login, I order that the login and voting time be increased to 90 seconds each. Therefore, please, note that when prompted by the Chairperson to log in, you need to do so within 90 seconds. If you are late or fail to login, you will

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be unable to vote. Further, when the Chairperson announces ‘vote now’, please, do so by pressing either yes, no or abstain button only. You also do this within the further 90 seconds allocated for voting. I hope this is clear so that we can make progress on this. Hon. Members, let us proceed.

Clause 9

The Temporary Deputy Chairman (Hon. Christopher Omulele): There is a proposed amendment to this by Hon. Rasso Dido, Member for Saku, you have the Floor.

Hon. Ali Rasso (Saku, JP): Hon. Temporary Deputy Chairman, I beg to move: THAT, the Bill be amended by deleting Clause 9 and substituting therefor the following new Clause—

Amendment of section
14 of No.11 of 2021

9. Section 14 of the principal Act is amended by—
(a) deleting subsection (3);
(b) deleting subsection (5A);
(c) deleting subsection (6); and
(d) by deleting subsection (7)

Section 14(3) of the Political Parties Act, 2011 was declared unconstitutional by the High Court through Petition No.288 of 2014 for being contrary to Article 85 of the Constitution on the right of independent candidates to vie. When we are crafting laws in this country, I think we must observe the word and spirit of the Constitution. Any attempt to go against the spirit of the Constitution in a way by attempting to craft Bills or laws for a particular purpose, will go against the grain in this country. This is the supreme body that makes laws for every Kenyan, party, and institution. For this reason, I beg that we delete subsections (3), (5A), (6) and (7).

To this end, we intend to have this particular law aligned with the court decision. The House does not exist in perpetuity. It must act within the ambit of the law of the land. The amendment also seeks to retain Section 5, which in the principal Act clearly states the parameters put down to indicate or show how a member will exit a party or be removed.

Hon. Temporary Deputy Chairman, with those remarks, I beg to move and ask Hon. Aden Duale to second.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): The first one I see on my list who wishes to contribute is Hon. Ochieng Awuor, Member for Migori.

Hon. (Ms.) Pamela Ochieng (Migori CWR, ODM): Hon. Temporary Deputy Chairman, I oppose that amendment. Thank you.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Very well. The next one I will allow is Hon. Koske Kimutai, Member for Chepalungu.

Hon. Gideon Koske (Chepalungu, CCM): Hon. Temporary Deputy Chairman, I support the proposed amendment to the Bill.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Very well. The next one is Hon. Bore Florence, Member for Kericho.

Hon. (Ms.) Florence C.K. Bore (Kericho CWR, JP): Hon. Temporary Deputy Chairman, I support.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Very well. Hon. Members, recalling the Speaker's substantive communication in the morning, we should allow only two to three Members to contribute and those were more than three.

(Question, that the words to be left out be left out, put and negated)

The Noes have it.

(Several Hon. Members stood in their places)

Hon. Members: Division! Division!

The Temporary Deputy Chairman (Hon. Christopher Omulele): You have the numbers and we shall proceed to Division. I order that the bell be rung for the next three minutes. Hon. Members, remember the direction that it is very important for you to vote. So, maintain close contact with your voting point, I do not expect to see Members on the gangways. Let the bell be rung for three minutes.

(The Division Bell was rung)

Order, Hon. Members! The three minutes are over and I direct that the Bar be drawn and the door be closed for Division. Hon. Members, recall the directions. Order, Hon. Members! I now direct that you logout. I would like you to walk with me through these steps. I now direct you to reinsert your card, key in your PIN and press the mic button once. Remember the Question is, that Clause 9 be amended as proposed by Hon. Rasso Dido. You may vote now.

Order, Members. Just retain your seats. I need to give direction. I direct that we shall retake this vote. Just retain your seats. We will retake the vote. This time, follow instructions. Take your seats and listen to my directions carefully. When prompted by the Chairperson, please, insert your card, key in your PIN and press the mic button once. The three buttons will light up. If they do not, please, press the mic button one more time. Only one more time. Do not press it continuously. You will have 90 seconds. Logout now. If you have discerned that the machine you are trying to use is not working, you should move to another one. There are still empty seats in the House. We need to make progress.

I now direct you to login and press the mic button once. Once you have logged in, just relax. Hon. Members, listen to the next instruction carefully. I am now instructing you to vote.

(Loud consultations)

Hon. Members, remember you have 90 seconds to vote. Please, go ahead.

(Voting in progress)

(Several Hon. Members stood in their places)

Hon. Members, retain your seats. It has come to my attention that more than 20 panels have not worked. The ICT officers, you better get your acts together. We cannot be repeating this forever. Hon. Members, retain your seats.

(Several Hon. Members stood in their places)

I am directing that we re-take this vote. Through the Clerk, the ICT...

(Hon. Peter Kaluma stood in his place)

Hon. Kaluma, just retain your seat. Let us sort out this problem once and for all, so that we can have a fair and verifiable vote. Order, Members. As we sort out the technical problem, we shall have Hon. Junet on a point of order.

(Hon. Didmus Barasa consulted loudly)

Hon. Members, retain your seats! Hon. Barasa, let us be in the House.

Hon. Junet Nuh (Suna East, ODM): On a point of order. Hon. Temporary Deputy Chairman, we are now doing this vote for the third time. First, I want us to ascertain the number of Members in this House. I am aware of people who are voting for others. We want to know how many we are in this Chamber. We want a head count.

(Hon. (Ms.) Rehema Jaldesa spoke off-record)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Jaldesa, hold your peace.

(Hon. Cecily Mbarire spoke off-record)

Hon. Mbarire, what is out of order?

Hon. (Ms.) Cecily Mbarire (Nominated, JP): On a point of order. Hon. Temporary Deputy Chairman, the voting system is not lost on our side of the House. It is only on the other side that it is not working.

(Loud consultations)

We want to know why only Members on the other side are having a problem. If the ICT Department has been compromised, we will not go on with this thing.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Mbarire, you are out of order.

(Several Hon. Members raised their hands)

Hon. Members, just retain your seats. You do not need to lift your hands. I am now waiting for a report from the Clerk that the system is working, so that we can proceed. Just hold your peace.

(The Chair consulted with the Clerks-at-the-Table)

(Hon. Ayub Savula rose on a point of order)

Order, Members! Hon. Savula, retain your seat. There is nothing out of order. We shall proceed. It has been confirmed to me that the system is working and we shall now proceed. Members, kindly logout.

(Hon. Josphat Kabeabea rose in his place)

Member for Tigania, retain your seat. Log out. Hon. Members, have you logged out? Hon. Onyonka, Member for Kitutu Chache, please, logout. Members, let us proceed. Login now. Key in your PIN and press the microphone button once. You have 90 seconds. Do not do anything else. Vote now. Do not raise your hands. You have 90 seconds to vote.

(Applause)

Order Members! The results are:

AYES: 128

NOES: 158

ABSTENTIONS: 2

DIVISION

(Question put and the House divided)

(Question negated by 158 votes to 128)

AYES: Hon. Didmus Barasa, Hon. Julius Melly, Hon. John Mutunga, Hon. Geoffrey Muturi, Hon. (Ms.) Anab Gure, Hon. Fred Kapondi, Hon. (Ms.) Jayne Kihara, Hon. Samuel Moroto, Hon. Kangogo Bowen, Hon. Lemanken Aramat, Hon. Benjamin Mwangi, (Ms.) Hon. Rehema Hassan, Hon. Alfah Ondieki, Hon. Joseph Kipkosgei, Hon. John Paul Mwirigi, Hon. Kipyegon Ng'eno, Hon. Moses Kirima, Hon. Lodepe Nakara, Hon. Christopher Nakuleu, Hon.(Ms.) Janet Nangabo, Hon. Daniel Nanok, Hon. William Kisang, Hon. Marwa Kitayama, Hon. Hassan Hulufu, Hon. Kimani Ngunjiri, Hon. Eric Njiru, Hon. Nelson Koech, Hon. Wilson Kogo, Hon. Njuguna Wanjiku, Hon. Patrick Ntwiga, Hon. John Nyaga, Hon. (Ms.) Beatrice Nyaga, Hon. (Ms.) Beatrice Kones, Hon. Nixon Korir, Hon. Joash Nyamoko, Hon. Alexander Kosgey, Hon. Caleb Kositany, Hon. Ndindi Nyoro, Hon. Gideon Koske, Hon. Dominic Koskei, Hon. John Waluke, Hon. Ali Sharif, Hon. (Ms.) Nasri Ibrahim, Hon. Leonard Yegon, Hon. Kimani Ichung'wah, Hon. Moses Lessonet, Hon. Aden Duale, Hon. Joseph Limo, Hon. (Ms.) Liza Chelule, Hon. Peter Lochakapong, Hon. Kubai Iringo, Hon. Mark Lomunokol, Hon. (Ms.) Rehema Jaldesa, Hon. Mwambu Mabongah, Hon. (Ms.) Joyce Korir, Hon. James Lomenen, Hon. Korei ole Lemein, Hon. Katoo ole Metito, Hon. David ole Sankok, Hon. Patrick Mariru, Hon. Sylvanus Maritim, Hon. (Ms.) Joyce Emanikor, Hon. Josphat Kabeabea, Hon. Silvanus Onyiego,

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Hon. (Ms.) Cecily Mbarire, Hon. Kareke Mbiuki, Hon. (Ms.) Florence C.K. Bore, Hon. Rigathi Gachagua, Hon. Kinuthia Gachobe, Hon. (Ms.) Charity Chepkwony, Hon. Charles Kamuren, Hon. (Ms.) Haika Mizighi, Hon. Vincent Kemosi, Hon. (Dr.) Robert Pukose, Hon. Feisal Bader, Hon. Ali Rasso, Hon. Mugambi Rindikiri, Hon. Mathias Robi, Hon. Daniel Rono, Hon. Mohamed Ali, Hon. Cornelly Serem, Hon. William Cheptumo, Hon. Ahmed Kolosh, Hon. Lokiru Ali, Hon. Joshua Kandie, Hon. Daniel Wanyama, Hon. Owen Baya, Hon. (Ms.) Aisha Jumwa, Hon. (Ms.) Janet Sitienei, Hon. Wilson Sossion, Hon. Oscar Sudi, Hon. George Sunkuyia, Hon. Shadrack Mose, Hon. Michael Muchira, Hon. Benjamin Tayari, Hon. Gichimu Githinji, Hon. (Ms.) Janet Teyiaa, Hon. George Theuri, Hon. David Gikaria, Hon. (Ms.) Peris Tobiko, Hon. (Ms.) Lilian Tomitom, Hon. Gabriel Tongoyo, Hon. Ronald Tonui, Hon. Daniel Tuitoek, (Dr.) Tecla Tum, Hon. Vincent Tuwei, Hon. (Ms.) Soipan Tuya, Hon. (Ms.) Rahab Mukami, Hon. (Ms.) Alice Wahome, Hon. George Ndung'u, Hon. Alfred Keter, Hon. James Wamacukuru, Hon. Gabriel Kago, Hon. Majimbo Kalasinga, Hon. Gideon Keter, Hon. (Ms.) Faith Gitau, Hon. George Kariuki, Hon. (Dr.) Victor Munyaka, Hon. James Murgor, Hon. Charles Njagagua, Hon. George Gitonga, Hon. Kathuri Murungi, Hon. (Ms.) Catherine Waruguru, Hon. Benjamin Washiali, Hon. John Kiarie, Hon. Japheth Mutai, Hon. (Ms.) Gladys Boss Shollei and Hon. (Ms.) Halima Mucheke.

NOES: Hon. Yusuf Hassan, Hon. Major (Rtd.) Bashir S. Abdullah, Hon. Paul Abuor, Hon. (Ms.) Beatrice Adagala, Hon. (Ms.) Safia Sheikh, Hon. Olago Aluoch, Hon. Ayub Angatia, Hon. Rashid Kassim, Hon. Jimmy Angwenyi, Hon. Samuel Arama, Hon. Simba Arati, Hon. Marselino Arbelle, Hon. Samuel Atandi, Hon. Babu Owino, Hon. Bady Twalib, Hon. (Ms.) Rozaah Buyu, Hon. (Ms.) Sabina Chege, Hon. (Ms.) Gladwell Cheruiyot, Hon. David Ochieng', Hon. Rahim Dawood, Hon. (Dr.) Makali Mulu, Hon. (Dr.) Otiende Amollo, Hon. Mohamed Duale, Hon. (Ms.) Mercy Wanjiku, Hon. Chachu Ganya, Hon. (Ms.) Dennitah Ghata, Hon. Guyo Wario, Hon. Hassan Juma, Hon. Hassan Maalim, Hon. Hassan Maalim Omari, Hon. Said Hiribae, Hon. Ibrahim Ahmed, Hon. Moses Injendi, Hon. Jeremiah Kioni, Hon. Joshua Kutuny, Hon. Junet Nuh, Hon. Peter Kaluma, Hon. Maina Kamanda, Hon. (Ms.) Joyce Kamene, Hon. Kassait Kamket, Hon. Kanchory Memusi, Hon. Paul Katana, Hon. Kanini Kega, Hon. Kaunya Oku, Hon. Adan Keynan, Hon. Anthony Kiai, Hon. (Ms.) Wanjiku Kibe, Hon. Peter Kimaru, Hon. Clement Kigano, Hon. Charles Kilonzo, Hon. Joshua Kivinda, Hon. Amos Kimunya, Hon. Michael Kingi, Hon. Ken Chonga, Hon. Jackson Lekumontare, Hon. Alois Lentoimaga, Hon. (Ms.) Maison Leshoomo, Hon. (Ms.) Naisula Lesuuda, Hon. Caleb Luyai, Hon. Joseph Manje, Hon. Maoka Maore, Hon. Martin Owino, Hon. Peter Masara, Hon. Julius Mawathe, Hon. (Ms.) Mishi Mboko, Hon. Robert Mbui, Hon. Milemba Omboko, Hon. Swarup Mishra, Hon. Mboni Mwalika, Hon. (Ms.) Asha Hussein, Hon. (Ms.) Jerusha Momanyi, Hon. Ben Momanyi, Hon. Gichuki Mugambi, Hon. Titus Khamala, Hon. Stephen Mule, Hon. Stanley Muthama, Hon. (Ms.) Mumo Museu, Hon. Elsie Muhanda, Hon. Gideon Mulyungi, Hon. Joshua Mwalyo, Hon. Mwadime Andrew, Hon. (Ms.) Gertrude Mwanyanje, Hon. Peter Mwathi, Hon. Mwakwaona Mwashako, Hon. Teddy Mwambire, Hon. Mwamkale Kamoti, Hon. Jonah Mwangi, Hon. Ndirangu Waihenya, Hon. Jude Njomo, Hon. Justus Kizito, Hon. Johnson Naicca, Hon. Abdullswamad Nassir, Hon. Joseph Nduati, Hon. (Ms.) Jane Njiru, Hon. (Ms.) Mary Njoroge, Hon. (Ms.) Rachael Nyamai, Hon. Mark Nyamita, Hon. (Ms.) Edith Nyenze, Hon. (Dr.) James Nyikal, Hon. Thuddeus Nzambia, Hon. Paul Nzengu, Hon. Erastus Nzioka, Hon. (Ms.) Eve Obara, Hon. Obo Mohamed, Hon. (Ms.) Pamela Ochieng, Hon. Geoffrey Odanga, Hon. Tom Odege, Hon. (Ms.) Odhiambo-Mabona, Hon. Elisha Odhiambo, Hon. (Prof.) Jacqueline Oduor, Hon. (Dr.) Christine Ombaka, Hon. Gideon Ochanda, Hon. (Prof.) Zador Ogutu, Hon. Jared Okelo, Hon. (Ms.) Odhiambo-Mabona, Hon. Adipo Okuome, Hon. ole Kenta,

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Hon. Anthony Oluoch, Hon. Ezekiel Ombaki, Hon. Christopher Omulele, Hon. Geoffrey Omuse, Hon. (Ms.) Janet Ong'era, Hon. Richard Onyonka, Hon. Godfrey Osotsi, Hon. Fred Ouda, Hon. (Dr.) Wilberforce Oundo, Hon. John Owino, Hon. Aduma Owuor, Hon. Onyango Oyoo, Hon. (Ms.) Esther Passaris, Hon. David Pkosing, Hon. Sammy Seroney, Hon. (Dr.) Naomi Shaban, Hon. (Ms.) Shamalla Jennifer, Hon. Omar Mwinyi, Hon. Benard Shinali, Hon. Abdi Shurie, Hon. (Dr.) Eseli Simiyu, Hon. T.J. Kajwang', Hon. Kassim Tandaza, Hon. Abdi Tepo, Hon. Zachary Thuku, Hon. Silas Tiren, Hon. (Dr.) Chris Wamalwa, Hon. Munene Wambugu, Hon. Ngunjiri Wambugu, Hon. Wafula Wamunyinyi, Hon. Opiyo Wandayi, Hon. (Ms.) Gladys Wanga, Hon. Christopher Wangaya, Hon. Emmanuel Wangwe, Hon. (Ms.) Martha Wangari, Hon. Raphael Wanjala, Hon. Ferdinand Wanyonyi, Hon. Charles Ong'ondo, Hon. Tim Wanyonyi and Hon. Yussuf Adan.

ABSTENTIONS: Hon. Sakwa Bunyasi and Hon. Nicholas Mwale.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, we shall proceed now.

(Clause 9 agreed to)

Hon. Members: No! Division!

The Temporary Deputy Chairman (Hon. Christopher Omulele): You have the numbers. We shall move to Division. I direct the doors to be opened and the Division Bell to be rung for two minutes.

(The Division Bell was rung)

Order, Hon. Members. The two minutes are over. I direct the Serjeant-at-arms to close the door and draw the Bar for Division. Members, return to your seats, so that we can vote. The Members who are standing at the gangways, kindly return to your seats so that we can vote. Hon. Members, are you in your positions?

Hon. (Dr.) Robert Pukose (Endebess, JP): On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Pukose, what is out of order?

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you. Hon. Junet raised a very important point. He suggested that we do a headcount. I request that you order the Clerks-at-the-Table to ascertain the number of Members who are voting in this House. At the end of the day, the number of the headcounts should tally with the figures that we will get. That is for transparency and accountability.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Pukose, that issue was raised in this House last week. I directed that the only time there is a headcount is when there is a definite vote on the Constitution or such other vote that is required. I do not see the requirement for that at this time because Members have keyed in. All the Members who are in this House have checked in and they will vote. The vote is verifiable. Let us proceed.

Hon. Members, kindly logout. If you certify that your slot is not working, kindly move to another one. Hon. Gure Mohamed of Garissa and Hon. Nzengu Musyimi, Hon. Lemein, Hon. Okelo Odoyo, Member for Nyando, Hon. Kihara, Limo Joseph, the Member for Kipkelion, Hon. Liza Chepkorir, the Member for Nakuru, Hon. Nyaga Muchiri, the Member for Manyatta, and

other Members, logout. Hon. Liza Chepkorir, you have returned your card. Logout. Hon. Gure Mohamed, Member for Garissa, kindly logout. Hon. Members, now we have all logged out.

Listen to my directions. Return to your voting points. Now, Hon. Members, login, key in your PIN, press the microphone button once. You have 90 seconds to do this. Hon. Members, vote now.

(Voting in progress)

Order, Hon. Members. The result is:

AYES: 154

NOES: 132

ABSTENTION: None

The ayes have it.

DIVISION

(Question put and the House divided)

(Question carried by 154 votes to 132)

AYES: Hon. Robert Mbui, Hon. Omboko Milemba, Hon. Swarup Mishra, Hon. Makali Mulu, Hon. Peter Kaluma, Hon. Maina Kamanda, Hon. (Ms.) Asha Hussein, Hon. (Ms.) Joyce Kamene, Hon. Kassait Kamket, Hon. Mohamed Mohamud, Hon. (Dr.) Otiende Amollo, Hon. (Ms.) Jerusha Momanyi, Hon. Ben Momanyi, Hon. Memusi ole Kanchory, Hon. Paul Abuor, Hon. Gichuki Mugambi, Hon. Anthony Kiai, Hon. Samuel Atandi, Hon. (Ms.) Elsie Muhanda, Hon. (Dr.) Irene Kasalu, Hon. Paul Katana, Hon. Gideon Mulyungi, Hon. (Ms.) Rose Mumo, Hon. Mohamed Duale, Hon. Oku Kaunya, Hon. Kanini Kega, Hon. Aden Keynan, Hon. George Gitonga, Hon. Simba Arati, Hon. Marselino Arbelle, Hon. Stanley Muthama, Hon. (Ms.) Florence Mutua, Hon. Teddy Mwambire, Hon. Andrew Mwadime, Hon. William Mwamkale, Hon. Mwakuwona Mwashako, Hon. (Ms.) Wanjiku Kibeh, Hon. Joshua Mwalyo, Hon. Jonah Mwangi, Hon. (Ms.) Gertrude Mwanyanje, Hon. Peter Mwachithi, Hon. Babu Owino, Hon. Justus Kizito, Hon. Johnson Naicca, Hon. Clement Kigano, Hon. Peter Kimaru, Hon. Bady Twalib, Hon. Joshua Kivinda, Hon. Abdullswamad Nassir, Hon. Hon. Isaac Ndirangu, Hon. Joseph Nduati, Hon. Amos Kimunya, Hon. Patrick Makau, Hon. (Ms.) Jane Njiru, Hon. Jude Njomo, Hon. (Ms.) Mary Njoroge, Hon. Michael Kingi, Hon. (Ms.) Beatrice Adagala, Hon. (Ms.) Mercy Wanjiku, Hon. (Ms.) Rachael Nyamai, Hon. Chachu Ganya, Hon. (Ms.) Edith Nyenze, Hon. (Dr.) James Nyikal, Hon. (Ms.) Dennitah Ghati, Hon. Thuddeus Nzambia, Hon. Paul Nzengu, Hon. Erastus Nzioka, Hon. (Ms.) Eve Obara, Hon. (Ms.) Ruweida Obo, Hon. (Ms.) Pamela Ochieng, Hon. Geoffrey Odanga, Hon. Tom Odege, Hon. (Ms.) Odhiambo-Mabona, Hon. (Prof.) Jacqueline Oduol, Hon. (Dr.) Christine Ombaka, Hon. Gideon Ochanda, Hon. (Prof.) Zadoc Ogutu, Hon. Jared Okelo, Hon. Benard Okoth, Hon. Adipo Okuome, Hon. Richard ole Kenta, Hon. Yusuf Hassan, Hon. Ken Chonga, Hon. Sakwa Bunyasi, Hon. Anthony Oluoch, Hon. Ezekiel Ombaki, Hon. Hon. George Aladwa, Hon. Ms. Janet Ong'era, Hon. Major (Rtd.) Bashir S. Abdullaih, Hon. Richard Onyonka, Hon. Godfrey Osotsi, Hon. Fred Ouda, Hon. (Dr.) Wilberforce Oundo, Hon. John Owino, Hon. Aduma Owuor, Hon. Onyango Oyoo, Hon. (Ms.) Esther Passaris, Hon. David Pkosing, Hon. (Ms.) Sabina Chege, Hon. (Ms.) Fatuma Gedi, Hon. (Dr.) Lillian Gogo, Hon. Rashid Kassim, Hon. Ali Guyo, Hon. (Ms.) Zuleikha Hassan, Hon. Daniel Maanzo, Hon. Kulow Maalim, Hon. Sammy Seroney, Hon. (Dr.) Naomi Shaban, Hon. (Ms.) Shamalla Jennifer, Hon. Omar Mwinyi, Hon.

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Benard Shinali, Hon. Abdi Shurie, Hon. (Dr.) Eseli Simiyu, Hon. Omar Mohamed, Hon. Ayub Angatia, Hon. Jackson Lekumontare, Hon. Alois Lentoimaga, Hon. T. J. Kajwang', Hon. Kassim Tandaza, Hon. Said Hiribae, Hon. Abdi Tepo, Hon. (Ms.) Gladwell Cheruiyot, Hon. Ibrahim Ahmed, Hon. Silas Tiren, Hon. Jimmy Angwenyi, Hon. Samuel Arama, Hon. Jeremiah Lomorukai, Hon. Moses Injendi, Hon. Caleb Luyai, Hon. David Ochieng', Hon. Joseph Manje, Hon. Maoka Maore, Hon. Rahim Dawood, Hon. Jeremiah Kioni, Hon. Martin Owino, Hon.(Dr.) Chris Wamalwa, Hon. Peter Masara, Hon. Munene Wambugu, Hon. Ngunjiri Wambugu, Hon. Julius Mawathe, Hon. Wafula Wamunyinyi, Hon. Opiyo Wandayi, Hon. (Ms.) Gladys Wanga, Hon. Christopher Wangaya, Hon. Hon. Emmanuel Wangwe, Hon. Raphael Wanjala, Hon. (Ms.) Martha Wangari, Hon. Ferdinand Wanyonyi, Hon. Joshua Kutuny, Hon. Junet Nuh, Hon. (Ms.) Mishi Mboko, Hon. Charles Ong'ondo, Hon. Tim Wanyonyi, Hon. David Mboni and Hon. (Ms.) Leshoomo Maison.

NOES: Hon. Alfah Ondieki, Hon. Ali Sharif, Hon. Lemanken Aramat, Hon. Owen Baya, Hon. Kangogo Bowen, Hon. (Ms.) Jane Chebaibai, Hon. (Ms.) Joyce Korir, Hon. (Ms.) Charity Chepkwony, Hon. William Cheptumo, Hon. Fred Kapondi, Hon. Samuel Moroto, Hon. Aden Duale, Hon. James Lomenen, Hon. (Ms.) Joyce Emanikor, Hon. (Ms.) Florence C.K. Bore, Hon. Rigathi Gachagua, Hon. Kinuthia Gachobe, Hon. James Gakuya, Hon. Gichimu Githinji, Hon. David Gikaria, Hon. (Ms.) Faith Gitau, Hon. George Kariuki, Hon. (Ms.) Gladys Boss Shollei, Hon. (Ms.) Anab Gure, Hon. (Ms.) Rehema Hassan, Hon. Hassan Hulufu, Hon. (Ms.) Nasri Ibrahim, Hon. Kimani Ichung'wah, Hon. Kubai Iringo, Hon. (Ms.) Rehema Jaldesa, Hon. Josphat Kabeabea, Hon. Charles Kamuren, Hon. Joshua Kandie, Hon. (Ms.) Aisha Jumwa, Hon. Alfred Keter, Hon. Gideon Keter, Hon. David Kiaraho, Hon. Julius Melly, Hon. (Ms.) Jayne Kihara, Hon. Joseph Kipkosgei, Hon. Kipyegon Ng'eno, Hon. Moses Kirima, Hon. William Kisang, Hon. Marwa Kitayama, Hon. Nelson Koech, Hon. Wilson Kogo, Hon. John Njuguna, Hon. (Ms.) Beatrice Kones, Hon. Nixon Korir, Hon. Hilary Kosgei, Hon. Alexander Kosgey, Hon. Caleb Kositany, Hon. Gideon Koske, Hon. Dominic Koskei, Hon. John Waluke, Hon. Leonard Yegon, Hon. Moses Lessonet, Hon. Joseph Limo, Hon. (Ms.) Liza Chelule, Hon. Peter Lochakapong, Hon. Mark Lomunokol, Hon. Mwambu Mabongah, Hon. Patrick Mariru, Hon. Sylvanus Maritim, Hon. (Ms.) Cecily Mbarire, Hon. Kareke Mbiuki, Hon. (Ms.) Haika Mizighi, Hon. Vincent Kemosi, Hon. Mohamed Ali, Hon. Ahmed Kolosh, Hon. Lokiru Ali, Hon. Daniel Wanyama, Hon. Shadrack Mose, Hon. Michael Muchira, Hon. Gabriel Kago, Hon. Majimbo Kalasinga, Hon. (Dr.) Victor Munyaka, Hon. James Murgor, Hon. Charles Njagagua, Hon. Kathuri Murungi, Hon. Japheth Mutai, Hon. Didmus Barasa, Hon. John Mutunga, Hon. Geoffrey Muturi, Hon. Benjamin Mwangi, Hon. John Paul Mwirigi, Hon. Lodepe Nakara, Hon. Christopher Nakuleu, Hon. (Ms.) Janet Nangabo, Hon. Daniel Nanok, Hon. Kimani Ngunjiri, Hon. Eric Njiru, Hon. Patrick Ntwiga, Hon. John Nyaga, Hon. (Ms.) Beatrice Nyaga, Hon. Joash Nyamoko, Hon. Ndindi Nyoro, Hon. Korei ole Lemein, Hon. Katoo ole Metito, Hon. David ole Sankok, Hon. Silvanus Onyiego, Hon. (Dr.) Robert Pukose, Hon. Feisal Bader, Hon. Ali Rasso, Hon. Mugambi Rindikiri, Hon. Mathias Robi, Hon. Daniel Rono, Hon. Cornelly Serem, Hon. (Ms.) Janet Sitienei, Hon. Wilson Sossion, Hon. Oscar Sudi, Hon. George Sunkuyia, Hon. Benjamin Tayari, Hon. (Ms.) Janet Teyiaa, Hon. George Theuri, Hon. (Ms.) Peris Tobiko, Hon. (Ms.) Lilian Tomitom, Hon. Gabriel Tongoyo, Hon. Ronald Tonui, Hon. Daniel Tuitoek, Hon. (Dr.) Tecla Tum, Hon. Vincent Tuwei, Hon. (Ms.) Soipan Tuya, Hon. (Ms.) Rahab Mukami, Hon. (Ms.) Alice Wahome, Hon. George Ndungú, Hon. James Wamacukuru, Hon. (Ms.) Gathoni Wamuchomba, Hon. (Ms.) Catherine Waruguru, Hon. Benjamin Washiali, Hon. John Kiarie, Hon. (Ms.) Halima Muccheke and Yussuf Halima.

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(Applause)

Clause 10

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order, Hon. Members. I direct that the Bar be drawn and the doors be opened. There is a proposal by Hon. Barasa Didmus to delete Clause 10. Also, there are other amendments proposed by Hon. Dido Rasso, Hon. Aden Duale and Hon. Kimani Ichung'wah. If the proposal by Hon. Didmus Barasa passes, the other proposed amendments will fall by the way. So, we shall have the proposed amendments by Hon. Barasa proceeding.

Hon. Barasa, you have the microphone. Proceed. Hold on, Hon. Barasa. Hon. Kamuren, what is out of order? Is it Kimani who has a point of order? Is it Hon. Kamuren or Hon. Ichung'wah? Proceed with the point of order.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Temporary Deputy Chairman. It is only that I shouted and you gave it to Hon. Kamuren. Maybe you heard the voice as coming from him. First, let me thank you for the very good guidance that you are affording to us as we vote.

(Applause)

Indeed, and as I mentioned, if we were that orderly and there is such proper guidance, we can listen to each other, and persuade each other and legislate without politics. You have guided that if Hon. Didmus Barasa's amendment passes, the proposed amendment by Hon. Duale and myself will fall. I am seeking your guidance because in view of the ruling by the substantive Speaker, Hon. J.B. Muturi, and in view of what happened last week, we want your guidance. In case the amendment by Hon. Didmus Barasa falls, at what point does Hon. Duale and Hon. Kimani Ichung'wah move their amendments so that we do not go to the global Question?

That is what happened. The global Question was put and after it was put, the Speaker ruled this morning that beyond that global Question, no further amendment can be moved on that clause. Therefore, I seek your guidance so that we are properly guided. In case the one by Hon. Didmus Barasa falls, do I move a third time before the global Question or do we wait for you to move the global Question?

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Kimani Ichung'wah, this is the procedure: Hon. Barasa's proposal is to delete. If his proposal is carried, there will be nothing that we will amend. If his proposed amendments to delete fails, that means the provision as provided for in the Bill will be available for you to amend. Immediately it fails, you will have the opportunity to move your proposals to amend. I will give you that opportunity from this point. Do not worry.

So, can we have Hon. Barasa to proceed, Hon. Members?

Hon. Didmus Barasa (Kimilili, JP): Thank you for giving me this opportunity, Hon. Temporary Deputy Chairman. I beg to move:

THAT, the Bill be amended by deleting Clause 10.

This clause says that if a member of a party promotes the ideology of a different political party, that person will seem to have resigned from that political party. We need to be very careful because this clause runs the danger of being misused. I say so because we have pre and post-coalition agreements. Today, this party called UDA has a coalition agreement with the Jubilee

Party. When Members of this party promote the ideals of the UDA, they are within the confines of the coalition. They are simply supporting a party that is within the political party. We should not give an opportunity for anybody to misuse this clause and begin to chase members from their party.

If we want to build democracy in this country, you must strengthen political parties and we also strengthen the freedom of association so that people can join parties of their choice. So, I seek to delete this section because it is a bit punitive, which will give room for misuse. I want to ask Members from this other side of the House to support this amendment because we are making these laws for posterity, not for any particular individual. Tomorrow, you will be in a coalition and you will be championing the interest of a sister party within a coalition and if the chair or the party leader of that party is a dictator, you will be thrown out.

With those very few remarks, I move.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): I will give the first opportunity to Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Temporary Deputy Chair, that proposed amendment must be defeated. Once you choose to belong to a political party, you must make that choice on the basis of shared ideology or subscribing to the ideology of that party. If you have no ideology to speak about, then you do not bring anything for this House to legislate.

By merely belonging to a coalition, that does not negate your membership of a political party. Therefore, the primary party you belong to must be a party whose philosophy and ideals you fully subscribe to. I reject that amendment.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Nakeleu, Member for Turkana North.

Hon. Christopher Nakuleu (Turkana North, JP): Thank you, Hon. Temporary Deputy Chair. I wish to support the amendment by Hon. Didmus Barasa on the basis that parties evolve just like history. If you look at the history of Kenya since Independence, we have moved from parties to parties, but there must be a framework. Some of our colleagues who are saying that you must share an ideology have moved from over five parties since 1992 to date. The best thing to do is to differentiate legislators from cows. Cows do not follow instructions, but leaders and legislators evolve over time and make changes accordingly.

With those few remarks, I support the amendment.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Maanzo.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Chairman. First of all, this clause is in the Constitution and it is already in the existing laws of political parties. So, you cannot delete it absolutely. We are trying to improve and make it better so that political parties can have discipline.

I thank you, Hon. Temporary Deputy Chairman. I oppose.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, allow me to put the Question.

*(Question, that the words to be left out
be left out, put and negated)*

Hon. Members: Division! Division!

The Temporary Deputy Chairman (Hon. Christopher Omulele): You have the numbers and, therefore, we shall move to Division. I now direct that the Division Bell be rung for two minutes.

(Division Bell was rung)

Hon. Members, Order! The time for running the Division Bell has lapsed. I now direct that the doors be closed and the Bar be drawn. Before we proceed with voting, Hon. Olago Aluoch, you have a point of order.

Hon. Olago Aluoch (Kisumu West, FORD-K): Hon. Temporary Deputy Chairman, there is something I want to bring to the attention of the House. A few minutes ago, you ruled that any Member who wishes to drink water will go outside the door and take his or her water from there. Hon. Ichung'wah has come in with several bottles of water which is being menacingly looked at by Hon. Junet. I have seen Hon. Gikaria with another bottle of water. This is going to put a challenge and is a security risk. Can the Serjeant-at-Arms be more serious?

The Temporary Deputy Chairman (Hon. Christopher Omulele): Serjeant-at-Arms kindly. Hon. Members, we know what happened in this House. I wish we could all enjoy this water, but we know what can happen. This is fairly emotive. The Speaker had ruled that you take the water from the points outside. That direction still stands. If you need water, when the door is opened, you can go and take a bottle of water for our safety.

I just want to inform you, Hon. Members, that when there was exchange of water bottles across the Floor, one of the Members here was hit so hard. He was almost being carried to hospital. Hon. Wamunyinyi, if you are in the House, I am really sorry. Hon. Wamunyinyi was injured by a bottle of water and it is terrible. These things happen. So, let us follow the Speaker's directions.

Hon. Members, I now direct that you withdraw your cards.

(Hon. Members logged out)

Hon. Lemein, Hon. Kamuren Charles, Member for Baringo South, Hon. Okelo Odoyo, Member for Nyando and Hon. Mwangi Mburu, Member for Lari, logout. Hon. Members, it is now clear. Allow me to speak for this purpose. This is a proposal to delete Clause 10 proposed by Hon. Didmus Barasa. I am just reminding you of what the Question is. I now direct that you all reinsert your cards to login. Key in your PIN, and press the microphone button once. Hon. Members, you can now vote.

(Voting in progress)

Order, Hon. Members. On the Division that Clause 10 be deleted as proposed by Hon. Didmus Barasa, the results are as follows:

AYES: 131

NOES: 163

ABSTENTION: None

DIVISION

(Question put and the House divided)

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(Question negatived by 163 votes to 131)

AYES: Hon. Ali Sharif, Hon. Aramat Lemanken, Hon. Baya Yaa, Hon. (Ms.) Joyce Korir, Hon. Charity Chepkwony, Hon. William Cheptumo, Hon. Fred Kapondi, Hon. Samuel Moroto, Hon. Aden Duale, Hon. James Lomenen, Hon. (Ms.) Joyce Emanikor, Hon. (Ms.) Florence C.K. Bore, Hon. Rigathi Gachagua, Hon. Kinuthia Gachobe, Hon. James Gakuya, Hon. Gichimu Githinji, Hon. David Gikaria, Hon. (Ms.) Faith Gitau, Hon. George Kariuki, Hon. (Ms.) Gladys Boss Shollei, Hon. Anab Gure, Hon. (Ms) Rehema Hassan, Hon. Hulufu Oda, Hon. (Ms.) Nasri Ibrahim, Hon. Kimani Ichung'wah, Hon. Kubai Iringo, Hon. (Ms.) Rehema Jaldesa, Hon. Josphat Kabeabea, Hon. Charles Kamuren, Hon. Joshua Kandie, Hon. (Ms.) Aisha Jumwa, Hon. Gideon Keter, Hon. David Kiaraho, Hon. Julius Melly, Hon. (Ms.) Jayne Kihara, Hon. Joseph Kipkosgei, Hon. Kipyegon Ng'eno, Hon. Moses Kirima, Hon. William Kisang, Hon. Marwa Kitayama, Hon. Nelson Koech, Hon. Wilson Kogo, Hon. John Njuguna, Hon. (Ms.) Beatrice Kones, Hon. Nixon Korir, Hon. Hilary Kosgei, Hon. Alexander Koskey, Hon. Caleb Kositany, Hon. Gideon Koske, Hon. Dominic Koskei, Hon. John Waluke, Hon. Leonard Yegon, Hon. Moses Lessonet, Hon. Joseph Limo, Hon. (Ms.) Liza Chelule, Hon. Peter Lochakapong, Hon. Mark Lomunokol, Hon. Mwambu Mabongah, Hon. Patrick Mariru, Hon. Sylvanus Maritim, Hon. (Ms.) Cecilly Mbarire, Hon. Kareke Mbuiki, Hon. (Ms.) Haika Mizighi, Hon. Vincent Kemosi, Hon. Mohamed Ali, Hon. Ahmed Kolosh, Hon. Lokiru Ali, Hon. Daniel Wanyama, Hon. Shadrack Mose, Hon. Michael Muchira, Hon. Majimbo Kalasinga, Hon. (Dr.) Victor Munyaka, Hon. James Murgor, Hon. Charles Njagagua, Hon. Kathuri Murungi Hon. Didmus Barasa, Hon. Geoffrey Muturi, Hon. Benjamin Mwangi, Hon. John Paul Mwirigi, Hon. Lodepe Nakara, Hon. Christopher Nakuleu, Hon. (Ms.) Janet Nangabo, Hon. Daniel Nanok, Hon. Kimani Ngunjiri, Hon. Eric Njiru, Hon. Patrick Ntwiga, Hon. John Nyaga, Hon. (Ms.) Beatrice Nyaga, Hon. Joash Nyamoko, Hon. Ndindi Nyoro, Hon. Katoole Metito, Hon. David ole Sankok, Hon. Silvanus Onyiego, Hon. (Dr.) Robert Pukose, Hon. Feisal Bader, Hon. Ali Rasso, Hon. Mugambi Rindikiri, Hon. Mathias Robi, Hon. Daniel Rono, Hon. Cornelly Serem, Hon. (Ms.) Janet Sitienei, Hon. Wilson Sossion, Hon. Oscar Sudi, Hon. George Sunkuyia, Hon. Benjamin Tayari, Hon. (Ms) Janet Teiyaa, Hon. George Theuri, Hon. (Ms.) Peris Tobiko, Hon. Gabriel Tongonyo, Hon. Ronald Tonui, Hon. Daniel Tutoek, Hon. (Dr.) Tecla Tum, Hon. Vincent Tuwei, Hon. (Ms.) Soipan Tuya, Hon. (Ms.) Rahab Mukami, Hon. (Ms.) Alice Wahome, Hon. George Ndungú, Hon. James Wamacukuru, Hon. (Ms.) Gathoni Wamuchomba, Hon. (Ms.) Catherine Waruguru, Hon. Benjamin Washiali, Hon. John Kiarie, Hon. (Ms.) Halima Mucheke, Hon. George Gitonga, Hon. Japheth Mutai, Hon. John Mutunga, Hon. (Ms.) Jane Chebaibai, Hon. Korei ole Lemein, Hon. Bowen Kangogo and Hon. Gabriel Kago.

NOES: Hon. Yusuf Hassan, Hon. Major (Rtd.) Bashir S. Abdullaih, Hon. Paul Abuor, Hon. (Ms.) Beatrice Adagala, Hon. Shakeel Shabbir, Hon. Olago Aluoch, Hon. (Ms.) Fatuma Gedi, Hon. Rashid Kassim, Hon. Ayub Angatia, Hon. Jimmy Angwenyi, Hon. Samuel Arama, Hon. Simba Arati, Hon. Marselino Arbelle, Hon. Babu Owino, Hon. Bady Twalib, Hon. Sakwa Bunyasi, Hon. (Ms.) Rozaah Buyu, Hon. (Ms.) Sabina Chege, Hon. (Ms.) Gladwell Cheruiyot, Hon. David Ochieng', Hon. Rahim Dawood, Hon. Makali Mulu, Hon. (Dr.) Otiende Amollo, Hon. Mohamed Duale, Hon. Ahmed Gaal, Hon. (Ms.) Mercy Wanjiku, Hon. Chachu Ganya, Hon. (Ms.) Dennitah Ghati, Hon. (Dr.) Lilian Gogo, Hon. Ali Guyo, Hon. (Ms.) Zuleikha Hassan, Hon. Kulow Maalim, Hon. Omar Mohamed, Hon. Said Hiribae, Hon. Ibrahim Ahmed, Hon. Moses Injendi, Hon. Jeremiah Kioni, Hon. Joshua Kutuny, Hon. Junet Nuh, Hon. Peter Kaluma, Hon. Maina Kamanda, Hon. (Ms.) Joyce Kamene, Hon. Kassait Kamket, Hon. Memusi ole Kanchory, Hon.

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(Dr.) Irene Kasalu, Hon. Oku Kaunya, Hon. Kanini Kega, Hon. Adan Keynan, Hon. Anthony Kiai, Hon. (Ms.) Wanjiku Kibeh, Hon. Clement Kigano, Hon. Peter Kimaru, Hon. Charles Kilonzo, Hon. Joshua Kivinda, Hon. Amos Kimunya, Hon. Michael Kingi, Hon. Ken Chonga, Hon. Jackson Lekumontare, Hon. Alois Lentoimaga, Hon. (Ms.) Maison Leshoomo, Hon. (Ms.) Naisula Lesuuda, Hon. Jeremiah Lomorukai, Hon. Caleb Luyai, Hon. Peter Nabulindo, Hon. Joseph Manje, Hon. Maoka Maore, Hon. Martin Owino, Hon. Francis Masara, Hon. Julius Mawathe, Hon. (Ms.) Jessica Mbalu, Hon. (Ms.) Mishi Mboko, Hon. David Mboni, Hon. Robert Mbui, Hon. Omboko Milemba, Hon. Swarup Mishra, Hon. (Ms.) Asha Hussein, Hon. Mohamed Mohamud, Hon. (Ms.) Jerusha Momanyi, Hon. Ben Momanyi, Hon. Gichuki Mugambi, Hon. (Ms.) Elsie Muhanda, Hon. Stephen Mule, Hon. Gideon Mulyungi, Hon. (Ms.) Rose Mumo, Hon. Stanley Muthama, Hon. (Ms.) Florence Mutua, Hon. Andrew Mwadime, Hon. Danson Mwashako, Hon. Joshua Mwalyo, Hon. Teddy Mwambire, Hon. William Mwamkale, Hon. Jonah Mwangi, Hon. (Ms.) Gertrude Mwanyanje, Hon. Peter Mwathi, Hon. Justus Kizito, Hon. Johnson Naicca, Hon. Abdullswamad Nassir, Hon. Isaac Ndirangu, Hon. Joseph Nduati, Hon. Charles Nguna, Hon. (Ms.) Jane Njiru, Hon. Jude Njomo, Hon. (Ms.) Mary Njoroge, Hon. (Ms.) Rachael Nyamai, Hon. Mark Nyamita, Hon. (Ms.) Edith Nyenze, Hon. (Dr.) James Nyikal, Hon. Thuddeus Nzambia, Hon. Paul Nzengu, Hon. Erastus Nzioka, Hon. (Ms.) Eve Obara, Hon. (Ms.) Ruweida Obo, Hon. (Ms.) Pamela Ochieng, Hon. Geoffrey Odanga, Hon. Tom Odege, Hon. (Ms.) Odhiambo-Mabona, Hon. Elisha Odhiambo, Hon. (Prof.) Jacqueline Oduol, Hon. (Ms.) Christine Ombaka, Hon. Gideon Ochanda, Hon. (Prof.) Zadoc Ogutu, Hon. Jared Okelo, Hon. Benard Okoth, Hon. Okuome Adipo, Hon. Richard ole Kenta, Hon. Anthony Oluoch, Hon. Ezekiel Ombaki, Hon. Geoffrey Omuse, Hon. George Aladwa, Hon. (Ms.) Janet Ong'era, Hon. Richard Onyonka, Hon. Godfrey Osotsi, Hon. Fred Ouda, Hon. (Dr.) Wilberforce Oundo, Hon. John Owino, Hon. Aduma Owuor, Hon. Onyango Oyoo, Hon. (Ms.) Esther Passaris, Hon. David Pkosing, Hon. Daniel Maanzo, Hon. Sammy Seroney, Hon. (Dr.) Naomi Shaban, Hon. (Ms.) Shamalla Jennifer, Hon. Omar Mwinyi, Hon. Bernard Shinali, Hon. Abdi Shurie, Hon. (Dr.) Eseli Simiyu, Hon. T.J. Kajwang', Hon. Kassim Tandaza, Hon. Abdi Tepo, Hon. Silas Tiren, Hon. (Dr.) Chris Wamalwa, Hon. Munene Wambugu, Hon. Ngunjiri Wambugu, Hon. Wafula Wamunyinyi, Hon. Opiyo Wandayi, Hon. (Ms.) Gladys Wanga, Hon. Christopher Wangaya, Hon. Emmanuel Wangwe, Hon. Raphael Wanjala, Hon. (Ms.) Martha Wangari, Hon. Ferdinand Wanyonyi and Hon. Charles Ong'ondo.

ABSTENTION: None

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, you recall that I had directed that if the proposal by Hon. Barasa is not carried, then the rest of the amendments to this will be debated. We shall now have the proposal by Hon. Dido Rasso. Hon. Rasso, proceed to prosecute your proposed amendment. I direct that the doors be opened and the Bar be drawn.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Temporary Deputy Chairman. I beg to move my proposal.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order, Hon. Members! Allow Hon. Dido Rasso to move his proposed amendment. Proceed, Hon. Dido Rasso, Member for Saku.

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Hon. Ali Rasso (Saku, JP): Thank you, Hon. Temporary Deputy Chairman. I think we are making law and it is necessary that we have silence. I need your protection.

I beg to move:

THAT, Clause 10 of the Bill be amended in the proposed new Section 14A by deleting subsection (1).

As per the principal Act, and this is also in line with what Hon. Barasa had proposed on freedom of association, parties should not curtail freedom of individuals to join any party of their choice in a democracy. Today, we are witnessing a voting machine where instead of seriously debating and looking at issues...

(Loud consultations)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, it will be nice if you could lower your tones to hear this important discussion that the Member for Saku is making. Please, allow the Member for Saku to be heard in this House.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Temporary Deputy Chairman. In the principal Act, we intend to challenge through this amended Bill, Section 14 on resignation from political parties. In the previous section, that was Clause 9, what we had proposed was negated. We had proposed to retain the circumstances under which a member is considered to have left a political party. The principal Act says:

“A person who, being a member of a political party, forms another political party, joins in the formation of another political party and in any way or manner publicly advocates for the formation of another political party or promotes the ideology, interests or policies of another political party.”

We retained this particular section under Article 14 and in this particular case, as per the proposal in the Bill by the Leader of Majority Party, we have said that it becomes a consequential clause as far as we are concerned. I am, therefore, proposing that this particular section be deleted.

Thank you.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): I will give the first opportunity to Hon. Abdisalan.

Hon. Ibrahim Ahmed (Wajir North, ODM): Thank you, Hon. Temporary Deputy Chairman. I rise to oppose this proposal. The idea of having a political party is to instill discipline. Secondly, we need to ensure that party ideologies are respected. This is happening globally. Mahatma Gandhi, in his book, identified six big sins that one can commit. One of the sins include politics without principle. In the event we become nomads, moving from one place to another, then we have no ideologies to subscribe to. In the event you have no ideologies to subscribe to, then you have no reasons to serve anybody in this country. I think we must strengthen political parties by ensuring that their ideologies are respected. That notwithstanding, you cannot subscribe to ideologies in different political parties. If you form another political party, then you cease to be a member of a political party that you have been serving.

Hon. Temporary Deputy Chairman, I oppose strongly.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Teyiaa Marania, Member for Kajiado.

Hon (Ms.) Janet Teyiaa (Kajiado CWR, JP): I support.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. (Dr.) Otiende.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Temporary Deputy Chairman. This proposal by Hon. Rasso must fall for the same reason the proposal by Hon. Didmus Barasa fell. But, it is even more serious. He proposes deletion of subsection (1) and leaves subsection (2) to sit. Subsection (1) is the substantive section. Subsections 2 to 6 are the procedure. You cannot delete the substantive part and wish to leave the rest. It is illogical. These proposals aim to bring political hygiene.

I oppose, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Iringo Kubai.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Temporary Deputy Chairman. I stand to support the proposal.

(Question, that the words to be left out be left out, put and negatived)

Hon. Members: Division! Division!

The Temporary Deputy Chairman (Hon. Christopher Omulele): You have the numbers. We shall move to Division. The Division Bell to be rung for two minutes. The door remains open as the Division Bell is ringing.

(The Division Bell was rung)

Order, Members. The time for the Bell to ring has lapsed. I now direct that the door be closed and the Bar be drawn so that we can move on to voting.

Hon. Members, kindly, ensure that you are close to a working voting point so that we can make progress.

Hon. Members, I will allow one minute so that Member can take their positions. Take your position where your voting point is. Hon. Gikaria, I am sure you want to vote.

Hon. Members, you may withdraw your cards now. Withdraw your cards. Hon. Barasa, withdraw your card. The Member for Lugari Hon. Savula, my brother Hon. Omboko, Hon. Mishra, Hon. George Macharia, and Member for Ndia, Hon. Adagala and Hon. Wamunyinyi, kindly withdraw your cards. Hon. George Macharia, Member for Ndia, Hon. Majimbo Kalasinga, withdraw your cards, please. Anybody seated next to Hon. G.K. Macharia? Hon. George Macharia, Member for Ndia. Very well.

Hon. Members, we are now ready. Listen to my instructions, Hon. Members. I now direct you re-insert your cards to log in and key in your PIN and press the microphone button once.

Hon. Members, vote now.

(Voting in progress)

Hon. Members: Six versus one! Six versus one!

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order! Order, Members! On the Division that clause 10 be amended as proposed by Hon. Rasso; the Ayes are 130, the Noes are 163. The Noes have it.

DIVISION

(Question put and the House divided)

(Question negated by 163 votes to 130)

AYES: Hon. Didmus Barasa, Hon. David Kiaraho, Hon. John Mutunga, Hon. Geoffrey Muturi, Hon. Samuel Moroto, Hon. Julius Melly, Hon. (Ms.) Anab Gure, Hon. Lemanken Aramat, Hon. (Ms.) Jayne Kihara, Hon. Benjamin Mwangi, Hon. Ali Sharif, Hon. (Ms.) Jane Chebaibai, Hon. Owen Baya, Hon. John Paul Mwirigi, Hon. (Ms.) Rehema Hassan, Hon. Joseph Kipkosgei, Hon. Lodepe Nakara, Hon. Christopher Nakuleu, Hon. (Ms.) Janet Nangabo, Hon. Daniel Nanok, Hon. Kipyegon Ng'eno, Hon. Moses Kirima, Hon. William Kisang', Hon. Marwa Kitayama, Hon. Kimani Ngunjiri, Hon. Eric Njiru, Hon. Aden Duale, Hon. Nelson Koech, Hon. Wilson Kogo, Hon. Patrick Ntwiga, Hon. John Nyaga, Hon. (Ms.) Beatrice Nyaga, Hon. John Njuguna, Hon. (Ms.) Beatrice Kones, Hon. Joash Nyamoko, Hon. Nixon Korir, Hon. Hilary Kosgei, Hon. Ndindi Nyoro, Hon. Alexander Kosgey, Hon. Caleb Kositany, Hon. Gideon Koske, Hon. Dominic Koskei, Hon. John Waluke, Hon. Hassan Hulufu, Hon. (Ms.) Joyce Korir, Hon. Leonard Yegon, Hon. (Ms.) Nasri Ibrahim, Hon. Moses Lessonet, Hon. Kimani Ichung'wah, Hon. Joseph Limo, Hon. (Ms.) Liza Chelule, Hon. Peter Lochakapong, Hon. James Lomenen, Hon. Mark Lomunokol, Hon. Kubai Iringo, Hon. Mwambu Mabongah, Hon. Korei ole Lemein, Hon. Katoo ole Metito, Hon. David ole Sankok, Hon. (Ms.) Rehema Jaldesa, Hon. (Ms.) Joyce Emanikor, Hon. Patrick Mariru, Hon. Silvanus Maritim, Hon. (Ms.) Florence C.K. Bore, Hon. Silvanus Onyiego, Hon. (Ms.) Charity Chepkwony, Hon. Josphat Kabeabea, Hon. Rigathi Gachagua, Hon. (Ms.) Cecily Mbarire, Hon. Kareke Mbiuki, Hon. Kinuthia Gachobe, Hon. James Gakuya, Hon. William Cheptumo, Hon. Charles Kamuren, Hon. (Dr.) Robert Pukose, Hon. Feisal Bader, Hon. Ali Rasso, Hon. Mugambi Rindikiri, Hon. Mathias Robi, Hon. Daniel Rono, Hon. Kangogo Bowen, Hon. Cornelly Serem, Hon. (Ms.) Haika Mizighi, Hon. Vincent Kemosi, Hon. Mohamed Ali, Hon. Joshua Kandie, Hon. Ahmed Kolosh, Hon. Lokiru Ali, Hon. (Ms.) Janet Sitienei, Hon. Wilson Sossion, Hon. Oscar Sudi, Hon. George Sunkuyia, Hon. Daniel Wanyama, Hon. Fred Kapondi, Hon. Benjamin Tayari, Hon. Gichimu Githinji, Hon. Ms. Janet Teyiaa, Hon. George Theuri, Hon. Shadrack Mose, Hon. Michael Muchira, Hon. (Ms.) Peris Tobiko, Hon. Ms. Lilian Tomitom, Hon. Gabriel Tongoyo, Hon. Ronald Tonui, Hon. Daniel Tuitoek, Hon. (Dr.) Tecla Tum, Hon. Vincent Tuwei, Hon. (Ms.) Soipan Tuya, Hon. (Ms.) Rahab Mukami, Hon. (Ms.) Alice Wahome, Hon. George Ndung'u, Hon. (Ms.) Aisha Jumwa, Hon. James Wamacukuru, Hon. David Gikaria, Hon. Gabriel Kago, Hon. (Ms.) Gathoni Wamuchomba, Hon. Majimbo Kalasinga, Hon. (Ms.) Faith Gitau, Hon. Gideon Keter, Hon. George Kariuki, Hon. (Dr.) Victor Munyaka, Hon. Charles Njagagua, Hon. George Gitonga, Hon. Kathuri Murungi, Hon. (Ms.) Catherine Waruguru, Hon. Benjamin Washiali, Hon. John Kiarie, Hon. Japheth Mutai, Hon. (Ms.) Gladys Boss Shollei and Hon. (Ms.) Halima Mucheke.

NOES: Hon. Yusuf Hassan, Hon. Major (Rtd.) Bashir S. Abdullahi, Hon. Paul Abuor, Hon. (Ms.) Beatrice Adagala, Hon. Shakeel Shabbir, Hon. Olago Aluoch, Hon. (Ms.) Fatuma Gedi, Hon. Rashid Kassim, Hon. Ayub Angatia, Hon. Jimmy Angwenyi, Hon. Samuel Arama, Hon. Simba Arati, Hon. Marselino Arbelle, Hon. Samuel Atandi, Hon. Babu Owino, Hon. Bady Twalib, Hon. (Ms.) Rozaah Buyu, Hon. (Ms.) Sabina Chege, Hon. (Ms.) Gladwell Cheruiyot, Hon. David Ochieng', Hon. Rahim Dawood, Hon. Makali Mulu, Hon. (Dr.) Otiende Amollo, Hon. Mohamed Duale, Hon. Ahmed Gaal, Hon. (Ms.) Mercy Wanjiku, Hon. Chachu Ganya, Hon. (Ms.) Dennitah Ghati, Hon. (Dr.) Lilian Gogo, Hon. Ali Guyo, Hon. (Ms.) Zuleikha Hassan, Hon. Kulow Maalim, Hon. Omar

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Mohamed, Hon. Said Hiribae, Hon. Ibrahim Ahmed, Hon. Moses Injendi, Hon. Jeremiah Kioni, Hon. Joshua Kutuny, Hon. Junet Nuh, Hon. Peter Kaluma, Hon. Maina Kamanda, Hon. (Ms.) Joyce Kamene, Hon. William Kamket, Hon. Memusi ole Kanchory, Hon. (Dr.) Irene Kasalu, Hon. Paul Katana, Hon. Oku Kaunya, Hon. Kanini Kega, Hon. Adan Keynan, Hon. Anthony Kiai, Hon. (Ms.) Wanjiku Kibe, Hon. Clement Kigano, Hon. Peter Kimaru, Hon. Charles Kilonzo, Hon. Joshua Kivinda, Hon. Amos Kimunya, Hon. Michael Kingi, Hon. Ken Chonga, Hon. Jackson Lekumontare, Hon. Alois Lentoimaga, Hon. (Ms.) Maison Leshoomo, Hon. (Ms.) Naisula Lesuuda, Hon. Jeremiah Lomorukai, Hon. Caleb Luyai, Hon. Peter Nabulindo, Hon. Maoka Maore, Hon. Martin Owino, Hon. Peter Masara, Hon. Julius Mawathe, Hon. (Ms.) Jessica Mbalu, Hon. (Ms.) Mishi Mboko, Hon. David Mboni, Hon. Robert Mbui, Hon. Omboko Milemba, Hon. Swarup Mishra, Hon. (Ms.) Asha Hussein, Hon. (Ms.) Jerusha Momanyi, Hon. Ben Momanyi, Hon. Gichuki Mugambi, Hon. (Ms.) Elsie Muhanda, Hon. Stephen Mule, Hon. Gideon Mulyungi, Hon. (Ms.) Rose Mumo, Hon. Stanley Muthama, Hon. (Ms.) Florence Mutua, Hon. Andrew Mwadime, Hon. Danson Mwashako, Hon. Joshua Mwalyo, Hon. Teddy Mwambire, Hon. William Mwamkale, Hon. Jonah Mwangi, Hon. (Ms.) Gertrude Mwanyanje, Hon. Peter Mwathi, Hon. Justus Kizito, Hon. Johnson Naicca, Hon. Abdullswamad Nassir, Hon. Isaac Ndirangu, Hon. Joseph Nduati, Hon. Charles Nguna, Hon. (Ms.) Jane Njiru, Hon. Jude Njomo, Hon. (Ms.) Mary Njoroge, Hon. (Ms.) Rachael Nyamai, Hon. Mark Nyamita, Hon. (Ms.) Edith Nyenze, Hon. (Dr.) James Nyikal, Hon. Thuddeus Nzambia, Hon. Paul Nzengu, Hon. Erastus Nzioka, Hon. (Ms.) Eve Obara, Hon. (Ms.) Ruweida Obo, Hon. (Ms.) Pamela Ochieng', Hon. Geoffrey Odanga, Hon. Tom Odege, Hon. (Ms.) Odhiambo-Mabona, Hon. Elisha Odhiambo, Hon. (Prof.) Jacqueline Oduol, Hon. (Dr.) Christine Ombaka, Hon. Gideon Ochanda, Hon. (Prof.) Zadoc Ogutu, Hon. Jared Okelo, Hon. Benard Okoth, Hon. Adipo Okuome, Hon. Richard ole Kenta, Hon. Anthony Oluoch, Hon. Ezekiel Ombaki, Hon. Geoffrey Omuse, Hon. George Aladwa, Hon. (Ms.) Janet Ong'era, Hon. Richard Onyonka, Hon. Godfrey Osotsi, Hon. Fred Ouda, Hon. (Dr.) Wilberforce Oundo, Hon. John Owino, Hon. Aduma Owuor, Hon. Onyango Oyoo, Hon. (Ms.) Esther Passaris, Hon. David Pkosing, Hon. Daniel Maanzo, Hon. Sammy Seroney, Hon. (Dr.) Naomi Shaban, Hon. (Ms.) Shamalla Jennifer, Hon. Omar Mwinyi, Hon. Bernard Shinali, Hon. (Dr.) Eseli Simiyu, Hon. T. J. Kajwang', Hon. Kassim Tandaza, Hon. Abdi Tepo, Hon. Zachary Thuku, Hon. Silas Tiren, Hon. (Dr.) Chris Wamalwa, Hon. Munene Wambugu, Hon. Ngunjiri Wambugu, Hon. Wafula Wamunyinyi, Hon. Opiyo Wandayi, Hon. (Ms.) Gladys Wanga, Hon. Christopher Wangaya, Hon. Emmanuel Wangwe, Hon. Raphael Wanjala, Hon. (Ms.) Martha Wangari, Hon. Ferdinand Wanyonyi, Hon. Charles Ong'ondo and Hon. Tim Wanyonyi.

ABSTENTION: Hon. Sakwa Bunyasi.

The Temporary Deputy Chairman (Hon. Christopher Omulele): The reason why there was division on the proposal by Hon. Dido Rasso is because he was proposing to delete the entire 10. Hon. Duale, Member for Garissa Township proposes to delete only 10(1)(e). We shall now move to his proposal.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 10 of the Bill be amended in the proposed new section 14A (1) by deleting paragraph (e).

Clause 10 of the Bill and particularly...

Hon. Mark Nyamita (Uriri, ODM): On a point or order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Christopher Omulele): I direct that the doors be opened and that the Bars be drawn. Hon. Mark Nyamita, what is out of order? Hon. Duale, just hold on.

Hon. Mark Nyamita (Uriri, ODM): On a point of order, Hon. Temporary Deputy Chairman. In fairness to all Members in this House, this is a Special Sitting. Otherwise, Members would be in the constituencies doing what we do best.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Mark Nyamita, what is out of order?

Hon. Mark Nyamita (Uriri, ODM): I just wanted to seek some clarification. Now that we are in this House, have sized each other, all the men and women have held their *ginene* and our hands are full, why not consolidate all the amendments proposed by the other side, vote at once and go?

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Mark Nyamita, take your seat. Hon. Aden Duale proceed. As you proceed, Hon. Mutunga also has a proposal similar on all fronts to the one by Hon. Duale. So, Hon. Mutunga whatever fate will befall Hon. Duale's proposal will be the same that will face your proposal because they are similar on all fronts. Proceed Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, my advice to Hon. Nyamita is that he is four years old here. He should pick the Standing Order and read No. 133 to the end. Then he will understand why he has only been here for four years.

I am proposing to delete Clause 10 of the Bill which provides that a person, while being a member of a political party, shall be deemed to have resigned from that party, if the person promotes the ideology, interests and policies of another political party. This provision will go to court because it is unconstitutional and contradicts Article 38 of the Constitution, which gives and provides every citizen, including Members of Parliament, the right to campaign for a political party course or be free to make political choices. This Bill outlaws the political rights of an individual.

The most cherished Chapter in our Constitution is the Bill of Rights. That is why for it to be amended, you must seek the concurrence of the people of Kenya through a referendum. You cannot create political parties owned by individuals to cajole the interests of that member and the people he represents. A classic example is the former Jubilee Party which is in the Intensive Care Unit (ICU) that was formed as a result of the collapsing of 14 parties. Today, Jubilee, which had a national outlook, fell into the hands of crooks, brokers and drunkards. It is shameful. The only job they are doing is to chase members away and violating their rights under Article 38 of the Constitution.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Duale, you should withdraw the words 'crooks' and 'shameful'.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, I withdraw. The Bill outlaws the rights and more so, if enacted...

Hon. Adan Keynan (Eldas, JP): On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Yes, Member for Eldas.

Hon. Adan Keynan (Eldas, JP): Hon. Temporary Deputy Chairman, is it in order ...

Hon. Aden Duale (Garissa Township, JP): I have withdrawn.

Hon. Adan Keynan (Eldas, JP): No. It is not only about withdrawing. So that we have civility in our political... Is it in order for Hon. Duale, now that he consciously left Jubilee, to talk about it instead of discussing his proposal in the House? He dismisses everyone who disagrees with him. Is he in order?

The Temporary Deputy Chairman (Hon. Christopher Omulele): Member for Eldas, I have already asked Hon. Duale to withdraw that part where he has referred to the party as...Hon. Duale, proceed to move your amendment.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, you know my good friend, Hon. Keynan is a pastoralist and we do not argue over carcasses. Jubilee is a carcass. I do not want to argue about it.

(Loud consultations)

I agree with the Member for Kieni. I will leave you alone.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Duale, you know you have a proposal to move. So, when you call other people who are still in that party carcasses, it is not good. Just withdraw and proceed to make your point.

Hon. Aden Duale (Garissa Township, JP): I withdraw. The country and people have heard, but on *Hansard* I have withdrawn and apologised. Finally, I want to tell Members seated here, today you might feel safe in your party. Do not make a law unless you are in a party that is run through a card system. If that is your party, fine! But in a democratic party, if you feel safe, your day will come. I want you to internalise my amendment. I beg to move.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): I see interest from Hon. (Dr.) Makali Mulu, Member for Kitui Central.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Chairman. I oppose this amendment because this clause is discussing a member of a political party. If you decided to join a political party, it is important you adhere to its ideology, interest and policies. If you want to promote another party, just resign, go to that other party and seek fresh mandate. We are wasting time with unnecessary amendments. I oppose.

Hon. Members: Put the Question.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Ntwiga Munene, Member for Chuka/Igambang'ombe. Give Hon. Munene the microphone.

Hon. Patrick Ntwiga (Chuka/Igambang'ombe, JP): Thank you, Hon. Temporary Deputy Chairman. As we sit in this House today and legislate party dictatorship into the Constitution of this country, I wish to tell those who support this Bill that one day, and very soon, it will come to haunt and punish them. It is good to realise that we make laws for eternity. I want to warn my colleagues that, as they go on shouting and voting for this Bill, it will come to haunt them one day.

(Question, that the words to be left out be left out, put and negatived)

Hon. Members: Division! Division!

The Temporary Deputy Chairman (Hon. Christopher Omulele): You have the numbers. We shall proceed to Division. I direct that the Division Bell be rung for two minutes.

(The Division Bell was rung)

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The Temporary Deputy Chairman (Hon. Christopher Omulele): Order, Members. The time for the Division Bell has lapsed. Return to your seats. I will allow Members one minute to settle down in their voting spaces. I direct that the doors be closed and the Bar be drawn. Hon. Tuwei, I have received your complaint. I direct that Members have their masks on as directed by the Speaker earlier on. Hon. Tuwei is complaining that Members around him are not wearing their masks.

I now direct that you withdraw your cards. I hope we are all now accustomed to the process. The vote is on a proposal by Hon. Aden Duale to delete paragraph (e). I now direct that you log in and press the microphone button once. You have 90 seconds to do that. Just relax and do it correctly. Hon. Members, vote now.

On Division that clause 10 be amended as proposed by Hon. Aden Duale, the Ayes are 128 and the Noes are 164. The Noes have it.

DIVISION

(Question put and the House divided)

(Question negated by 164 votes to 128)

AYES: Hon. Didmus Barasa, Hon. (Ms.) Jayne Kihara, Hon. John Mutunga, Hon. Geoffrey Muturi, Hon. Lemanken Aramat, Hon. Ali Sharif, Hon. (Ms.) Jane Chebaibai, Hon. (Ms.) Rehema Hassan, Hon. Joseph Kipkosgei, Hon. Benjamin Mwangi, Hon. Kipyegon Ng'eno, Hon. Moses Kirima, Hon. William Kisang, Hon. John Paul Mwirigi, Hon. Marwa Kitayama, Hon. Owen Baya, Hon. Lodepe Nakara, Hon. Christopher Nakuleu, Hon. (Ms.) Janet Nangabo, Hon. Daniel Nanok, Hon. Aden Duale, Hon. Nelson Koech, Hon. Wilson Kogo, Hon. John Njuguna, Hon. Kimani Ngunjiri, Hon. Eric Njiru, Hon. (Ms.) Beatrice Kones, Hon. (Ms.) Nasri Ibrahim, Hon. Nixon Korir, Hon. Patrick Ntwiga, Hon. John Nyaga, Hon. (Ms.) Beatrice Nyaga, Hon. Hilary Kosgei, Hon. Alexander Kosgey, Hon. Joash Nyamoko, Hon. Caleb Kositany, Hon. Ndindi Nyoro, Hon. Gideon Koske, Hon. Dominic Koskei, Hon. John Waluke, Hon. Kimani Ichung'wah, Hon. Innocent Obiri, Hon. Leonard Yegon, Hon. (Ms.) Joyce Korir, Hon. Moses Lessonet, Hon. Kubai Iringo, Hon. Joseph Limo, Hon. (Ms.) Liza Chelule, Hon. Peter Lochakapong, Hon. James Lomenen, Hon. Mark Lomunokol, Hon. (Ms.) Joyce Emanikor, Hon. (Ms.) Florence C.K. Bore, Hon. Josphat Kabeabea, Hon. (Ms.) Charity Chepkwony, Hon. Patrick Mariru, Hon. Korei ole Lemein, Hon. Katoo ole Metito, Hon. David ole Sankok, Hon. Sylvanus Maritim, Hon. Rigathi Gachagua, Hon. Kinuthia Gachobe, Hon. James Gakuya, Hon. Sylvanus Onyiego, Hon. Charles Kamuren, Hon. (Ms.) Cecily Mbarire, Hon. Kareke Mbiuki, Hon. William Cheptumo, Hon. Joshua Kandie, Hon. Kangogo Bowen, Hon. Gichimu Githinji, Hon. (Ms.) Aisha Jumwa, Hon. (Ms.) Haika Mizighi, Hon. (Dr.) Robert Pukose, Hon. Feisal Bader, Hon. Ali Rasso, Hon. Mugambi Rindikiri, Hon. Mathias Robi, Hon. Daniel Rono, Hon. Vincent Kemosi, Hon. Cornelly Serem, Hon. Mohamed Ali, Hon. David Gikaria, Hon. Ahmed Kolosh, Hon. Lokiru Ali, Hon. (Ms.) Faith Gitau, Hon. Daniel Wanyama, Hon. Gideon Keter, Hon. (Ms.) Janet Sitienei, Hon. Wilson Sossion, Hon. Oscar Sudi, Hon. George Sunkuyia, Hon. George Kariuki, Hon. Shadrack Mose, Hon. Benjamin Tayari, Hon. Michael Muchira, Hon. (Ms.) Janet Teyiaa, Hon. George Theuri, Hon. (Ms.) Gladys Boss Shollei, Hon. David Kiaraho, Hon. (Ms.) Peris Tobiko, Hon. (Ms.) Lilian Tomitom, Hon. Gabriel Tongoyo, Hon. Ronald Tonui, Hon. Daniel Tuitoek, Hon. (Dr.) Tecla

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Tum, Hon. Vincent Tuwei, Hon. (Ms.) Soipan Tuya, Hon. (Ms.) Rahab Mukami, Hon. (Ms.) Alice Wahome, Hon. George Ndungú, Hon. Gabriel Kago, Hon. James Wamacukuru, Hon. Majimbo Kalasinga, Hon. Fred Kapondi, Hon. (Ms.) Gathoni Wamuchomba, Hon. Julius Melly, Hon. (Ms.) Anab Gure, Hon. (Dr.) Victor Munyaka, Hon. James Murgor, Hon. Charles Njagagua, Hon. George Gitonga, Hon. Kathuri Murungi, Hon. Benjamin Washiali, Hon. John Kiarie, Hon. Japheth Mutai, Hon. Samuel Moroto and Hon. (Ms.) Halima Mucheke.

NOES: Hon. Yusuf Hassan, Hon. (Maj.) (Rtd.) Bashir S. Abdullaih, Hon. Paul Abuor, Hon. (Ms.) Beatrice Adagala, Hon. Shakeel Shabbir, Hon. Olago Aluoch, Hon. (Ms.) Fatuma Gedi, Hon. Rashid Kassim, Hon. Ayub Angatia, Hon. Jimmy Angwenyi, Hon. Samuel Arama, Hon. Simba Arati, Hon. Marselino Arbelle, Hon. Samuel Atandi, Hon. Babu Owino, Hon. Bady Twalib, Hon. Sakwa Bunyasi, Hon. (Ms.) Rozaah Buyu, Hon. (Ms.) Sabina Chege, Hon. (Ms.) Gladwell Cheruiyot, Hon. David Ochieng', Hon. Rahim Dawood, Hon. Makali Mulu, Hon. (Dr.) Otiende Amollo, Hon. Mohamed Duale, Hon. Ahmed Gaal, Hon. (Ms.) Mercy Wanjiku, Hon. Chachu Ganya, Hon. (Dr.) Lilian Gogo, Hon. Ali Guyo, Hon. Zuleikha Hassan, Hon. Kulow Maalim, Hon. Omar Mohamed, Hon. Said Hiribae, Hon. Ibrahim Ahmed, Hon. Malulu Injendi, Hon. Jeremiah Kioni, Hon. Joshua Kutuny, Hon. Junet Nuh, Hon. Peter Kaluma, Hon. Maina Kamanda, Hon. (Ms.) Joyce Kamene, Hon. Kassait Kamket, Hon. Memusi ole Kanchory, Hon. (Dr.) Irene Kasalu, Hon. Paul Katana, Hon. Oku Kaunya, Hon. Kanini Kega, Hon. Adan Keynan, Hon. Anthony Kiai, Hon. (Ms.) Wanjiku Kibeh, Hon. Clement Kigano, Hon. Peter Kimaru, Hon. Charles Kilonzo, Hon. Joshua Kivinda, Hon. Amos Kimunya, Hon. Michael Kingi, Hon. Ken Chonga, Hon. Ernest Kivai, Hon. (Ms.) Sara Korere, Hon. Jackson Lekumontare, Hon. (Ms.) Maison Leshoomo, Hon. (Ms.) Naisula Lesuuda, Hon. Jeremiah Lomorukai, Hon. Caleb Luyai, Hon. Peter Nabalindo, Hon. Joseph Manje, Hon. Maoka Maore, Hon. Martin Owino, Hon. Peter Masara, Hon. Julius Mawathe, Hon. (Ms.) Jessica Mbalu, Hon. (Ms.) Mishi Mboko, Hon. David Mboni, Hon. Robert Mbui, Hon. Omboko Milemba, Hon. Swarup Mishra, Hon. (Ms.) Asha Hussein, Hon. Mohamed Mohamud, Hon. (Ms.) Jerusha Momanyi, Hon. Ben Momanyi, Hon. Gichuki Mugambi, Hon. (Ms.) Elsie Muhanda, Hon. Stephen Mule, Hon. Gideon Mulyungi, Hon. (Ms.) Rose Mumo, Hon. Stanley Muthama, Hon. (Ms.) Florence Mutua, Hon. Andrew Mwadime, Hon. Danson Mwashako, Hon. Joshua Mwalyo, Hon. Teddy Mwambire, Hon. William Mwamkale, Hon. Jonah Mwangi, Hon. (Ms.) Gertrude Mwanyanje, Hon. Peter Mwathi, Hon. Justus Kizito, Hon. Johnson Naicca, Hon. Abdullswamad Nassir, Hon. Isaac Ndirangu, Hon. Joseph Nduati, Hon. Charles Nguna, Hon. (Ms.) Jane Njiru, Hon. Jude Njomo, Hon. (Ms.) Mary Njoroge, Hon. (Ms.) Rachel Nyamai, Hon. Mark Nyamita, Hon. (Dr.) James Nyikal, Hon. Thuddeus Nzambia, Hon. Paul Nzengu, Hon. Erastus Nzioka, Hon. (Ms.) Eve Obara, Hon. (Ms.) Ruweida Obo, Hon. (Ms.) Pamela Ochieng', Hon. Geoffrey Odanga, Hon. Tom Odege, Hon. (Ms.) Millie Odhiambo-Mabona, Hon. Elisha Odhiambo, Hon. (Prof.) Jacqueline Oduol, Hon. (Dr.) Christine Ombaka, Hon. Gideon Ochanda, Hon. (Prof.) Zadoc Ogutu, Hon. Jared Okelo, Hon. Imran Okoth, Hon. Adipo Okuome, Hon. Richard ole Kenta, Hon. Ezekiel Ombaki, Hon. Geoffrey Omuse, Hon. George Aladwa, Hon. (Ms.) Janet Ong'era, Hon. Richard Onyonka, Hon. Geoffrey Osotsi, Hon. Fred Ouda, Hon. (Dr.) Wilberforce Oundo, Hon. Walter Owino, Hon. Aduma Owuor, Hon. Onyango Oyoo, Hon. (Ms.) Esther Passaris, Hon. David Pkosing, Hon. Daniel Maanzo, Hon. Sammy Seroney, Hon. (Dr.) Naomi Shaban, Hon. (Ms.) Jennifer Shamalla, Hon. Omar Mwinyi, Hon. Benard Shinali, Hon. Abdi Shurie, Hon. (Dr.) Eseli Simiyu, Hon. T.J. Kajwang', Hon. Kassim Tandaza, Hon. Abdi Tepo, Hon. Zachary Thuku, Hon. Silas Tiren, Hon. (Dr.) Chris Wamalwa, Hon. Munene Wambugu, Hon. Ngunjiri Wambugu, Hon. Wafula Wamunyinyi, Hon. Opiyo Wandayi, Hon.

(Ms.) Gladys Wanga, Hon. Christopher Wangaya, Hon. Emmanuel Wangwe, Hon. Raphael Wanjala, Hon. Ferdinand Wanyonyi, Hon. Charles Ong'ondo and Hon. Tim Wanyonyi.

ABSTENTION: None.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Mutunga, as directed, the fate of your proposal is similar to the one by Hon. Duale.

THAT, Clause 10 of the Bill be amended in the proposed new section 14A (1) by deleting paragraph (e).

(Proposed amendment by Hon. John Mutunga dropped)

We shall now have the proposal by Hon. Ichung'wah, Member for Kikuyu. I direct that the Bar be drawn back and the doors be opened.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 10 of the Bill be amended:

(i) in the proposed new section 14A by—

- (a) deleting sub-section (2);
- (b) deleting sub-section (3);
- (c) deleting sub-section (4); and,
- (d) deleting sub-section (5).

(ii) in the proposed new section 14B by deleting the proposed new sub-section (2) and substituting therefor the following proposed new sub-sections—

(2) A political party shall, before expelling a member under sub-section (1)—

- (a) notify the member in writing, of the provisions allegedly contravened and the particulars of any conduct related to the contravention;
- (b) inform the member of his or her right to appear and be heard before the relevant organ of the party either in person or through a legal representative; and ,
- (c) afford the member an opportunity to be heard within a period of not less than ninety days from the date of the notice.

(3) A person holding elective office who is expelled from a political party under this section shall continue to hold office for the remainder of his or her elective term independent of any political party.

(4) The expulsion from a party of a person elected to Parliament or a county assembly shall constitute a ground for the recall from office of the person.

The import of this amendment, as it has been said by the Movers of the previous two amendments, is that what has spared Members from being evicted from political parties is the question that the courts have determined who deems you to have either promoted the ideals of another political party or who deems you to have formed or to have done whatever is provided for in the particular article.

It is good to note that the particular provisions in this clause are just as they were in the original Act save for determining the question of who deems you to have done all the things you are being accused of. The courts have upheld that there was no law that determined who deemed. What this now does is to determine that question. I can see the Leader of the Majority Party agreeing with me. Who do we give the powers to deem you to have contravened the sections that are in that particular clause? The proposal as it is, gives the power to deem to the Registrar of the Political Parties.

I had a lengthy engagement with the Leader of the Majority Party on this issue. The proposal I had was to corporatise the Office of the Registrar of the Political Parties so that you do not leave the question of who deems you as a Member to have contravened any particular section to one individual. Therefore, I just want Members to know that as we vote, we are giving powers to the Registrar of Political Parties, that is, one individual, to determine or to deem you to contravene whatever you will be accused of.

The clause also creates some sort of due process which is a good thing. However, that due process again, ends up in the Office of the Registrar of Political Parties. That is a risk and I want to point out to Members that even as we vote, do so with that in mind.

I beg to move that we delete the particular sections that will make it easier for you to be deemed to have either formed a political party, joined the formation of another political party, are joining another one, or promoting the ideology, interest and policy of another political party. The risk is, if we leave that particular responsibility to one person, there lies a danger and it will only come to you as Members of Parliament because it is you who, if deemed, will lose your seats. I must state here that I run no such risk, but in due time, many or some of you will see the folly of what we are doing today.

I rest my case.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): I will give the first opportunity to Hon. Janet Ongera.

Hon. (Ms.) Janet Ong'era (Kisii CWR, ODM): Hon. Temporary Deputy Chairman, thank you for giving me that opportunity.

I oppose without thinking.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Christopher Omulele): I will give the next opportunity to the Nominated Member, 001.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Chairman.

I have just heard somebody vote without thinking. For us Members of this august House, it is shameful and funny especially now that the public is watching. That there are cows who vote without thinking.

I am a victim if I can think through this particular amendment. I am a nominated Member of Parliament. When you are one, you are between a hard place and a rock. For instance, I do not know whether to pledge my loyalty to the 6.5 million Kenyans with disability that I represent, who may have a contrary idea to what the party is doing, or to the party.

I want this House to know that there is a thin line between differing in opinion and being disloyal to the party. Sometimes, you just differ in opinion and you want your opinion to count and enrich the party. But then they deem it as if it is contrary to the party.

Lastly, Hon. Kimunya has a seat designated: 'Leader of the Majority Party'. Next time, we require a brave Leader like Hon. Duale who will not run away when the seat becomes very hot. Hon. Kimunya has vacated his office and is now in the Opposition side. I do not know if he is deemed to have promoted the ideology of ODM, the Opposition and vacated being the Leader of

Government Business in this House. He is already within the Opposition side. I, therefore, implore Hon. Kimunya, please, we are missing you. Come back because we want to consult you.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Kimunya, Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Chairman. I stand to oppose the proposal by Hon. Kimani Ichung'wah and to put it very clear for the record that he has been very economical with the truth in explaining this matter. Unless, he is reading another Bill, it is very clear in Clause 14A of the Bill that I am holding and the one before this House, that it is the political party that would deem whether you have resigned or not and the political party shall notify the Registrar to take action. So, when he comes here to say that it is the Registrar of Political Parties who will deem you, he is trying to get the emotions of these people to show that they would be removed by the Registrar of Political Parties when the Bill is very clear. That is unfortunate. You are being untruthful to this House on a matter that is on public record. I, therefore, ask Members to reject this thing without further debate so that people do not come here to be economical with truth so that they can sway Members in a certain direction.

*(Question, that the words to be left out be left out,
put and negatived)*

Hon. Members: Division! Division.

The Temporary Deputy Chairman (Hon. Christopher Omulele): You have the numbers. We shall then proceed to the Division. I direct that the Quorum Bell be rung for 10 minutes so that Members can have access to water.

(The Division Bell was rung)

Order, Members! The 10 minutes for the Division Bell have lapsed. Members, kindly resume your seats. I am allowing Members two minutes to access their seats. Members, let us access our seats. Members for Nakuru, Kieni, Dagoretti South, please take your seats. Hon. Members, before we took that small break, we were considering a proposal by Hon. Kimani Ichung'wah, Member of Kikuyu, to amend Clause 10. I now direct that you withdraw your cards, the Doors be closed and the Bar be drawn now. Hon. Members, have we withdrawn our cards? The set is now clear. You have withdrawn your cards. Get ready. Ascertain that your voting point is good. Wait for my instructions.

If we are all good, I now direct that you reinsert your card to log in. Key in your PIN and press the microphone button once. Members, now vote.

(Voting in progress)

Order, Members. Member for Kilifi South! Just relax.

The Temporary Deputy Chairman (Hon. Christopher Omulele): On the Division that Clause 10 be amended as proposed by Hon. Kimani Ichung'wah, the Ayes are 123 and the Noes are 154. Therefore, the Noes have it.

DIVISION

(Question put and the House divided)

(Question negated by 154 votes to 123)

NOES: Hon. Yusuf Hassan, Hon. Major (Rtd.) Bashir S. Abdullaih, Hon. Paul Abuor, Hon. (Ms.) Beatrice Adagala, Hon. Shakeel Shabbir, Hon. Olago Aluoch, Hon. (Ms.) Fatuma Gedi, Hon. Rashid Kassim, Hon. Ayub Angatia, Hon. Jimmy Angwenyi, Hon. Samuel Arama, Hon. Simba Arati, Hon. Marselino Arbelle, Hon. Samuel Atandi, Hon. Babu Owino, Hon. Bady Twalib, Hon. Sakwa Bunyasi, Hon. (Ms.) Sabina Chege, Hon. (Ms.) Gladwell Cheruiyot, Hon. David Ochieng, Hon. Rahim Dawood, Hon. Makali Mulu, Hon. (Dr.) Otiende Amollo, Hon. Mohamed Duale, Hon. Ahmed Gaal, Hon. (Ms.) Mercy Wanjiku, Hon. Chachu Ganya, Hon. Mohamed Hire, Hon. (Ms.) Dennitah Ghata, Hon. Ali Guyo, Hon. (Ms.) Zuleikha Hassan, Hon. Kulow Maalim, Hon. Omar Mohamed, Hon. Said Hiribae, Hon. Ibrahim Ahmed, Hon. Moses Injendi, Hon. Jeremiah Kioni, Hon. Joshua Kutuny, Hon. Junet Nuh, Hon. Peter Kaluma, Hon. Maina Kamanda, Hon. (Ms.) Joyce Kamene, Hon. Kassait Kamket, Hon. Memusi ole Kanchori, Hon. (Dr.) Irene Kasalu, Hon. Paul Katana, Hon. Oku Kaunya, Hon. Kanini Kega, Hon. Adan Keynan, Hon. Anthony Kiai, Hon. (Ms.) Wanjiku Kibeh, Hon. Clement Kigano, Hon. Peter Kimaru, Hon. Charles Kilonzo, Hon. Joshua Kivinda, Hon. Simon King'ara, Hon. Michael Kingi, Hon. Ken Chonga, Hon. Jackson Lekumontare, Hon. Alois Lentoimaga, Hon. Jeremiah Lomorukai, Hon. Caleb Luyai, Hon. Peter Nabulindo, Hon. Joseph Manje, Hon. Maoka Maore, Hon. Martin Owino, Hon. Peter Masara, Hon. (Ms.) Mishi Mboko, Hon. David Mboni, Hon. Robert Mbui, Hon. (Ms.) Asha Hussein, Hon. Mohamed Mohamud, Hon. (Ms.) Jerusha Momanyi, Hon. Ben Momanyi, Hon. Gichuki Mugambi, Hon. (Ms.) Elsie Muhanda, Hon. Stephen Mule, Hon. Gideon Mulyungi, Hon. Stanley Muthama, Hon. (Ms.) Florence Mutua, Hon. Andrew Mwadime, Hon. Danson Mwashako, Hon. Joshua Mwalyo, Hon. Teddy Mwambire, Hon. William Mwamkale, Hon. Jonah Mwangi, Hon. (Ms.) Getrude Mwanyanje, Hon. Peter Mwathi, Hon. Justus Kizito, Hon. Abdulswamad Nassir, Hon. Isaac Waihenya, Hon. Joseph Nduati, Hon. Charles Nguna, Hon. (Ms.) Jane Njiru, Hon. Jude Njomo, Hon. (Ms.) Mary Njoroge, Hon. (Ms.) Rachael Nyamai, Hon. Mark Nyamita, Hon. (Ms.) Edith Nyenze, Hon. (Dr.) James Nyikal, Hon. Thuddeus Nzambia, Hon. Paul Nzengu, Hon. Erastus Nzioka, Hon. (Ms.) Eve Obara, Hon. (Ms.) Ruweida Obo, Hon. Geoffrey Odanga, Hon. Tom Odege, Hon. (Ms.) Odhiambo Mabona, Hon. Elisha Odhiambo, Hon. (Prof.) Jacqueline Oduol, Hon. (Dr.) Christine Ombaka, Hon. Gideon Ochanda, Hon. (Prof.) Zadoc Ogutu, Hon. Jared Okelo, Hon. Bernard Okoth, Hon. Adipo Okuome, Hon. Richard ole Kenta, Hon. Antony Oluoch, Hon. Ezekie Ombaki, Hon. Geoffrey Omuse, Hon. George Aladwa, Hon. (Ms.) Janet Ong'era, Hon. Richard Onyonka, Hon. Godfrey Osotsi, Hon. Fred Ouda, Hon. (Dr.) Wilberforce Oundo, Hon. John Owino, Hon. Aduma Owuor, Hon. Onyango Oyoo, Hon. (Ms.) Esther Passaris, Hon. David Pkosing, Hon. Daniel Maanzo, Hon. (Dr.) Naomi Shaban, Hon. Bernard Shanali, Hon. Abdi Shurie, Hon. (Dr.) Eseli Simiyu, Hon. T. J. Kajwang', Hon. Kassim Tandaza, Hon. Abdi Tepo, Hon. Zachary Thuku, Hon. Silas Tiren, Hon. Munene Wambugu, Hon. Ngunjiri Wambugu, Hon. Wafula Wamunyinyi, Hon. Opiyo Wandayi, Hon. (Ms.) Gladys Wang'a, Hon. Christopher Wangaya, Hon. Emmanuel Wangwe, Hon. Raphael Wanjala, Hon. (Ms.) Martha Wangari, Hon. Ferdinand Wanyonyi, Hon. Charles Ong'ondo, Hon. Tim Wanyonyi and Hon. (Ms.) Wangari Mwaniki

AYES: Hon. John Mutunga, Hon. Geoffrey Muturi, Hon. Gideon Keter, Hon. (Ms.) Gladys Boss Shollei, Hon. (Ms.) Anab Gure, Hon. David Kiaraho, Hon. Ali Sharif, Hon. Benjamin Mwangi, Hon. Julius Melly, Hon. (Ms.) Charity Chepkwony, Hon. Khatib Mwashetani, Hon. Aden Duale, Hon. John Paul Mwirigi, Hon. (Ms.) Jayne Kihara, Hon. Lodepe Nakara, Hon. Christopher Nakuleu, Hon. (Ms.) Janet Nangabo, Hon. Daniel Nanok, Hon. William Cheptumo, Hon. (Ms.) Rehema Hassan, Hon. James Lomenen, Hon. Hassan Hulufu, Hon. Kimani Ngujiri, Hon. Eric Njiru, Hon. Joseph Kipkosgei, Hon. Kipyegon Ngeno, Hon. Moses Kirima, Hon. Patrick Ntwiga, Hon. John Nyaga, Hon. (Ms.) Beatrice Nyaga, Hon. William Kisang, Hon. Marwa Kitayama, Hon. Joash Nyamoko, Hon. (Ms.) Joyce Emanikor, Hon. Wilson Kogo, Hon. Ndindi Nyoro, Hon. Njuguna Wanjiku, Hon. Beatrice Kones, Hon. Nixon Korir, Hon. Hilary Kosgey, Hon. Caleb Kositany, Hon. Gideon Koske, Hon. Dominic Koskei, Hon. John Waluke, Hon. (Ms.) Nasri Ibrahim, Hon. Kimani Ichung'wah, Hon. Leonard Yegon, Hon. Moses Lessonet, Hon. Joseph Limo, Hon. (Ms.) Liza Chelule, Hon. Peter Lochakapong, Hon. (Ms.) Florence C. K. Bore, Hon. Mark Lomunokol, Hon. Korei ole Lemein, Hon. Katoo ole Metito, Hon. David ole Sankok, Hon. Kubai Iringo, Hon. Mwambu Mabongah, Hon. Owen Baya, Hon. Rigathi Gachagua, Hon. Kinuthia Gachobe, Hon. Silvanus Onyiego, Hon. Patrick Mariru, Hon. Sylvanus Maritim, Hon. Wainaina Jungle, Hon. Josphat Kabeabea, Hon. (Ms.) Cecily Mbarire, Hon. James Gakuya, Hon. Fred Kapondi, Hon. Samuel Moroto, Hon. (Ms.) Haika Mizighi, Hon. (Dr.) Robert Pukose, Hon. Suleiman Dori, Hon. Ali Rasso, Hon. Mugambi Rindikiri, Hon. Mathias Robi, Hon. Daniel Rono, Hon. Vincent Kemosi, Hon. Cornelly Serem, Hon. Bowen Kangogo, Hon. Ahmed Kolosh, Hon. Lokiru Ali, Hon. Charles Kamuren, Hon. Wilson Sossion, Hon. Oscar Sudi, Hon. George Sunkuyia, Hon. Lemanken Aramat, Hon. Joshua Kandie, Hon. Benjamin Tayari, Hon. Shadrack Mose, Hon. (Ms.) Teyiaa, Hon. George Theuri, Hon. Michael Muchira, Hon. Gichimu Githinji, Hon. (Ms.) Peris Tobiko, Hon. (Ms.) Lilian Tomitom, Hon. Gabriel Tongoyo, Hon. Ronald Tonui, Hon. Daniel Tuitoek, Hon. (Dr.) Tecla Tum, Hon. Vincent Tuwei, Hon. (Ms.) Soipan Tuya, Hon. (Ms.) Rahab Mukami, Hon. (Ms.) Alice Wahome, Hon. George Ndung'u, Hon. James Wamacukuru, Hon. (Ms.) Catherine Wambilianga, Hon. David Gikaria, Hon. Gabriel Kago, Hon. (Ms.) Gathoni Wamuchomba, Hon. Majimbo Kalasinga, Hon. (Ms.) Aisha Jumwa, Hon. (Ms.) Faith Gitau, Hon. (Dr.) Victor Munyaka, Hon. James Murgor, Hon. Charles Njagagua, Hon. George Gitonga, Hon. Kathuri Murungi, Hon. (Ms.) Catherine Waruguru, Hon. John Kiarie, Hon. George Kariuki, Hon. Didmus Barasa and Hon. Alfred Keter.

ABSTENTION: None.

Hon. Benjamin Washiali (Mumias East, JP): On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Washiali, you are a seasoned Member. You know that there can never be anything out of order when the Speaker is on his feet. However, I will give you a chance to prosecute your point of order.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Temporary Deputy Chairman. For any vote to be trusted, there must be a systematic way of voting. If you looked at the amendment by Hon. Didmus Barasa, the total number of votes was 294. On the amendment by Hon. Rasso, the total number of votes was 292. The number of votes on the amendment by Hon. Duale was at 292. Now on this amendment, the total number of votes is 277. I want to find out from you because I think it is not possible...

(Loud consultations)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, just allow Hon. Washiali to prosecute his point of order.

Hon. Benjamin Washiali (Mumias East, JP): Even the technical man from the ICT came and realised that I could not vote. Are we sure of what we are doing in this House?

Hon. Members: Yes.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Washiali, you have been in this House for a long time. You remember that the doors keep opening and closing. Before I proceed, I direct that the Bar be drawn and the doors be opened. Members have freedom to move in and out. So, you will have different numbers of Members voting to different clauses. It is possible. I am very keen on fairness. Let us make progress.

(Clause 10 agreed to)

Clause 11

The Temporary Deputy Chairman (Hon. Christopher Omulele): There are two proposals to amend this clause. One is by Hon. Ndindi Nyoro and the other one is by Hon. Dido Rasso.

Hon. Ndindi Nyoro you will be the first on this.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you, Hon. Temporary Deputy Chair. I beg to move:

THAT, the Bill be amended by deleting Clause 11 and substituting therefor the following new clause:

Amendment of section 16

of No. 11 of 2011. 11. Section 16 of the principal Act is amended in—

- (a) subsection (4) by inserting the words “and in the political party’s official website” immediately after the word “circulation”; and,
- (b) sub-section (5B) by inserting the words “and in at least one daily newspaper having nationwide circulation” immediately after the words “in the Gazette”

It is just a matter of communication and the mode of communication. In the first instance, it is communication regarding the party asset register. Also, it is purely a matter of communication that the Registrar of Political Parties should communicate to the general public.

The initial one was purely communication through the Gazette Notice, but we are now trying to add that we also put the same communication in at least one daily newspaper for ease of communication to the party members out there.

As I wind up, I also want to decry the fact that we have wasted so much time. We should be deliberating on real issues touching on Kenyans. I would seek that we expedite these matters so that we can revert into discussing issues that are of importance to the Kenyan people. Any other time going forward, this Parliament must never be seen to converge to come and massage the egos of two leaders who want to bulldoze this House into making laws for their own benefit and personal ego.

I move.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put negatived)*

The Temporary Deputy Chairman (Hon. Christopher Omulele): We shall now have the one by Hon. Dido Rasso.

Hon. Ali Rasso (Saku, JP): Thank you very much, Hon. Temporary Deputy Chairman. Considering what Hon. Ndindi Nyoro has presented in terms of proposed amendment to this Bill, I think mine was also on the same realm. Therefore, I wish to withdraw.

(Proposed amendment by Hon. Dido Rasso withdrawn)

(Clause 11 agreed to)

Clause 12

The Temporary Deputy Chairman (Hon. Christopher Omulele): There are two amendments by Hon. Ndindi Nyoro and Hon. Dido Rasso. Hon. Ndindi.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Temporary Deputy Chairman, without elaborating much because I am sure we have had time to read the proposed amendments, I beg to move:

THAT, Clause 12 of the Bill be amended in paragraph (a) by deleting subparagraph (i). I suppose all Members have read and are abreast with what I am trying to do on this amendment.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and negatived)*

The Temporary Deputy Chairman (Hon. Christopher Omulele): We shall have the one by Hon. Dido Rasso, Member for Saku.

Hon. Ali Rasso (Saku, JP): Thank you very much, Hon. Temporary Deputy Chairman. This afternoon we have taught people how to flog their dead horse. This particular clause is just about that. Hon. Temporary Deputy Speaker, the proposal was just a clean up to this Bill. Since the chorus is a no, I too withdraw.

(Proposed amendment by Hon. Dido Rasso withdrawn)

(Clause 12 agreed to)

Clause 13

The Temporary Deputy Chairman (Hon. Christopher Omulele): There is a proposal to amend by Hon. Ndindi Nyoro and Hon. Dido Rasso. Hon. Ndindi Nyoro.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 13 of the Bill be amended by inserting the following marginal note—

“Amendment of section 21 of No. 11 of 2011”

This amendment is not far reaching because it only seeks to amend the marginal notes, the ones on the right hand of the Bill that Clause 13 of the Bill be amended by inserting marginal notes.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, you will allow the Hon. Member for Kiharu to speak in the House. Proceed.

Hon. Ndindi Nyoro (Kiharu, JP): I seek the indulgence of Members that we must desist from voting in a robotic manner where we are already programmed; that whatever comes and is moved by a person who looks like of a different colour, we are all like cows and vote either yes or no. We should try to look at the kind of amendment we are trying to do because some of them are very helpful to both sides of the divide.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and negatived)*

The Temporary Deputy Chairman (Hon. Christopher Omulele): I now invite Hon. Dido Rasso, Member for Saku, to prosecute his proposal.

Hon. Ali Rasso (Saku, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 13 of the Bill be amended by inserting the following new paragraph immediately after paragraph (g)—

(h) in subsection (6A) by inserting the words “and in at least two daily newspapers having nationwide circulation” immediately after the words “in the Gazette”.

My proposal was to align this Bill with the original Act. You can say no until the cows come home. I am a pastoralist! In this particular suggestion, we have said that the registrar in deregistering a political party must cause it to appear in two national newspapers of national circulation. If you think that is useless, I do not know what laws you are making in this particular House.

With those remarks, I beg to move.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and negatived)*

(Clause 13 agreed to)

Clause 14

The Temporary Deputy Chairman (Hon. Christopher Omulele): There are two proposals to this, one by Hon. Sylvanus Osoro and another by Hon. Ndindi Nyoro. Hon. Sylvanus Osoro, you have the Floor.

Hon. Sylvanus Onyiego (South Mugirango, KNC): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 14 of the Bill be amended in paragraph (a) in the proposed new subsection (2) by inserting the words “or nominated to an elective office” immediately after the words “holding an elective office”.

The proposal in Clause 14 states that a member of a deregistered political party holding an elective office established by the Constitution shall continue to hold office for the remainder of the elective term as a member of another political party or independent of any political party. That

leaves the question on what happens to the nominated Member of Parliament. What we seek in this amendment is to include the words, “nominated Member of Parliament” to give them a leeway. Most of the Members who are going to oppose are going to be nominated. It is very important for us to realise that.

I move that we amend as I have proposed.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): I will allow Hon. Sankok to speak to this.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Chairman. I urge the House to please support this amendment because the nominated Members of Parliament are also equal Members of this House. They have votes like any other Member. I plead with our elected Members of Parliament to include nominated Members of Parliament. Remember Uhuru Kenyatta was also nominated once in this House. Remember Millie Odhiambo was also nominated. Cecily was also nominated and many other powerful characters in this country. If we see the line President Uhuru Kenyatta took... He was first nominated. Later he became a President. There is also a possibility of nominee 001 going towards that direction of becoming a president.

Lastly, I am happy we have seen the numbers. They are 128 versus 158, which is actually seven versus one. So, one character has 128. So, hustlers, we count ourselves as having won and we are proud of our numbers. We are proud of our numbers. We are confident of our numbers and we are very proud.

Thank you, I support.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Wanga Nyasuna.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Chairman. What Hon. Osoro is trying to do is mute because nomination is election by party list. So, whether you are nominated or elected through universal suffrage, or you are elected through the party list, you are an elected Member. So, there should be no worry. So, what Hon. Osoro is doing achieves nothing and, therefore, he should withdraw it or we oppose it.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Seroney.

Hon. Sammy Seroney (Nominated, WDM-K): Thank you, Hon. Temporary Deputy Chairman. I am here as a nominated Member of Parliament representing a political party called Wiper Movement. What Hon. Osoro is trying to drive at and is supported by Hon. Sankok is null and void because we are elected through party lists.

If a party collapses, it is automatically ... Whom are you going to serve in this Parliament if your party has collapsed? You should go home.

I oppose totally.

*(Question, that the words to be inserted
be inserted, put and negatived)*

The Temporary Deputy Chairman (Hon. Christopher Omulele): There is a proposed amendment by Hon. Ndindi Nyoro.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Temporary Deputy Chairman, I beg to move: THAT, Clause 14(a) of the Bill be amended by inserting the words “or is

nominated to an office” immediately after the words “elective office” appearing in the proposed new subsection (2).

My amendment - and I want to speak to the other Members who seem to oppose everything that is coming from whichever side of the House... If, indeed, it is a matter of semantics, then it is not substantive. Therefore, there is actually no harm in passing the amendment to have clarity because as it is now, and let me read the original one:

“A member of a deregistered political party holding an elective office established by the Constitution at the time of political party’s deregistration, shall continue to hold office for the remainder of the elective term as a member of another political party or independent of any political party.”

I just want to reinforce the earlier amendment because it is similar. What we are seeking to do is to have clarity in law that other Members who are not as lucky to be elected through universal suffrage are also protected by the law by having Clause 14(a) of the Bill amended by inserting the words, “or is nominated to an office” immediately after the words “elective office”.

I submit.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and negatived)*

(Clause 14 agreed to)

Clause 15

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, there are quite some amendments to this. This first one will be by Hon. David Ochieng’.

Hon. David Ochieng’ (Uguya, MDG): Hon. Temporary Deputy Chairman, the amendment relates to the Political Parties Fund. After consultations with the Leader of the Majority Party and Leader of the Minority Party and being satisfied that his amendment to this Bill carries what I want to amend, I hereby withdraw my amendment.

Thank you.

(Proposed amendment by Hon. David Ochieng’ withdrawn)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, there are other amendments by Hon. Silvanus Osoro, Hon. Nixon Korir and Hon. Dido Rasso which are similar. They are proposing deletion of this clause. Therefore, we will have the first go at this by Hon. Silvanus Osoro. If this succeeds, the other proposals by the Leader of the Majority Party, Hon. Alice Wahome, the Chairperson of the Departmental Committee on Justice and Legal Affairs, Hon. Aden Duale and Hon. Didmus Barasa will fall automatically. If we delete, then there will be nothing to amend.

Let us have Hon. Silvanus Osoro.

Hon. Silvanus Onyiego (South Mugirango, KNC): Hon. Temporary Deputy Chairman, listening to the voting mood, and by the fact that we have allowed ourselves to vote in patterns, it

might not be possible for me to move this particular amendment. I do this in exchange of what I seek to have amended in Clause 20. I, therefore, withdraw my proposed amendment to Clause 15.

(Proposed amendment by Hon. Silvanus Osoro withdrawn)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Thank you, Hon. Osoro. We shall now have Hon. Nixon Korir, the Member for Lang'ata.

Hon. Nixon Korir (Lang'ata, JP): Thank you, Hon. Temporary Deputy Chairman. This Clause is about the Political Parties Fund and how it is distributed, considering that in the past, there is a coalition partner that has been taking advantage of other political parties and not giving them their fair share.

I also wish to drop this amendment.

(Proposed amendment by Hon. Nixon Korir withdrawn)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Thank you, Hon. Nixon. We shall now have Hon. Dido Rasso, the Member for Saku.

Hon. Dido Rasso (Saku, JP): Thank you very much, Hon. Temporary Deputy Chairman. I do not wish to withdraw. I therefore beg to move:

THAT, the Bill be amended by deleting Clause 15.

In the principal Bill, the Political Parties Fund is divided as follows: Total vote count gets 80 per cent, the number of candidates from special interest groups gets 15 per cent and 5 per cent for Fund administration. In the proposed Bill, 70 per cent goes to the number of total votes cast in the general elections, 15 per cent is to the special interest groups, 10 per cent to elected representatives and 5 per cent to Fund administration.

Hon. Temporary Deputy Chairman, we must look at the realm of developing parties, enhancing democracy and building on it. If we want to grow parties, like that of Hon. Wamunyinyi, if they do not bring an elected Member to any forum but they get so many votes, why should they not get any funds? In my judgment as a legislator, this Clause is discriminatory and it must not just be passed in view of the fact that people have already cast their position on this. For that reason, I beg to move. This particular amendment must be rejected.

(Question of the amendment proposed)

Hon. Members: Put the Question.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Is it the mood of the House that I put the Question?

Hon. Members: Yes.

*(Question, that the words to be left out
be left out, put and negatived)*

Hon. Members, the proposals to delete, having been negatived, we will now proceed with the proposals to amend Clause 15 by the Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 15 of the Bill be amended –

(a) by deleting paragraph (b) and substituting therefor the following new paragraph –
“(b) by deleting subsection (2) and substituting therefor the following new subsection –

(2) Notwithstanding subsection (1), a political party shall not be entitled to receive funding from the Fund under subsection (1) if-

- (a) more than two-thirds of its registered office bearers are of the same gender;
- (b) the party does not have, in its governing body, representation of special interest groups;
- (c) the party does not have—
 - (i) an elected member of the National Assembly;
 - (ii) an elected member of the Senate;
 - (iii) an elected Governor; or,
 - (iv) an elected member of a county assembly.
- (b) by deleting paragraph (c).

The essence of this is basically to correct a drafting error in the Bill. If you look at the Bill, it inserts a new 2 (a) and retains the 2 in the principal Act. So, we will end up with two provisions in the same Act. It is just for purposes of tidying it up. First of all, by deleting (b) then moving what was in the Bill as 2 (b) to now (b) and we delete (c). It is purely tidying up.

I have already explained the rationale. We explained in the Second stage. This also means that when we pass this, the provisions in the principal Act that a party must have those big numbers will not be there and parties will only require having an elected Member in the National Assembly or the Senate or an elected governor, or in the county assemblies to participate in the Fund.

This is so that the Political Parties Fund stops being a kitty for the ‘big boys’ and ‘big girls’ and becomes a kitty for every party. This is a clean-up exercise because as it is, we will end up with two conflicting provisions within the law.

I beg to move and seek the support of everyone across the divide.

Hon. Members: Put the Question.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Leader of the Majority Party, just hold on. You have two proposals to Clause 15. The one that is amending and then the one proposing to delete Clause 15 (c). Have you moved both?

Hon. Amos Kimunya (Kipipiri, JP): Yes, indeed. I moved both because the current (c) is what I am moving to (b) and so (c) becomes otiose and we delete it.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): I will allow some comments on this considering Hon. Duale has proposed amendments to this. Hon. Members, just listen and be a little patient because this is procedural. Hon. Duale also has a proposal to amend this and so it is proper he has a say on this. Proceed Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Temporary Deputy Chairman. I stand to oppose and the reason is that we must build national parties. What Hon. Kimunya, the Leader of the Majority Party, intends to do is to allow village, ethnic and regional parties to access the Political Parties Fund and taxpayers’ money where bigger parties like ODM or UDA have secured. This should not be allowed to briefcase and ethnic parties, the likes of Democratic Action Party- Kenya (DAP-K) and other small parties. You know even Jubilee will be in the category of a village party in the next election and so we should not allow this. If you want to access the

taxpayers' or people's money, you must go out, sell an agenda, win seats and votes, so as to get the money. This amendment is encouraging ethnic, regional and village parties. I oppose.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Alice Wahome also has a proposal to this and will have a say. Hon. Alice Wahome, Member for Kandara.

Hon. (Ms.) Alice Wahome (Kandara, JP): Thank you, Hon. Temporary Deputy Chairman. We discussed my amendment to Clause 15 with the Leader of the Majority Party. What I was proposing in Clause 15 has been adopted by him and so, I support.

(Proposed amendment by Hon. (Ms.) Alice Wahome withdrawn)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Very well. Hon. Didmus Barasa also has a proposal to this and will have his say.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Temporary Deputy Chairman. I was also trying to ensure this clause is very clear in terms of how parties will get their money, considering for the last very many years, one party has conned other parties. My aim is to streamline...

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Didmus just hold on, remove the word 'conned', withdraw and proceed.

Hon. Didmus Barasa (Kimilili, JP): Okay, I replace the word 'conned' with 'not being honest' and defrauding them of their money which they were supposed to be given. For this reason, I support the position taken by the Leader of the Majority Party.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Finally, the Chairman, Departmental Committee on Justice and Legal Affairs Committee (JLAC) had a proposal to amend this.

Hon. Clement Kigano (Kangema, JP): Hon. Temporary Deputy Chairman, in view of the amendments by the Leader of the Majority Party, my proposed amendments are spent.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Very well. That is correct. Hon. Members, then allow me now to put the Question.

(Proposed amendment by Hon. Clement Kigano dropped)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

The effect of this is that all the other proposals to amend this fall by the way, including the one by Hon. Duale. Hon. Members, allow me to propose that Clause 15 as amended be part of the Bill. Just hold on Members before we go to the global Question. Hon. Duale, your proposal to amend paragraph (c) cannot stand, in light of the amendment by the Leader of the Majority Party because he has amended what you were proposing to insert in your amendment. Give him an opportunity.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, I am amending paragraph (c) by inserting a new subsection immediately after subsection (2B). If the Leader of the Majority Party was deleting, then my amendment could have fallen by the wayside

but he has improved (c). Hon. Temporary Deputy Chairman, you should tell Amos Kimunya, Member for Kipipiri, to know that when I am on my feet, I can only listen to the Chair or Speaker. Of course, he is talking to me. Anyway, just guide.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Duale, the Leader of the Majority Party has deleted paragraph (c) which you were proposing to amend. So, your amendment is no longer anchored. Therefore, allow me to put the global Question.

(Proposed amendment by Hon. Aden Duale dropped)

(Clause 15 as amended agreed to)

Clause 16

The Temporary Deputy Chairman (Hon. Christopher Omulele): There is a proposal by Hon. Nixon Korir, Member for Lang'ata to delete. The Floor is yours.

Hon. Nixon Korir (Lang'ata, JP): Thank you, Hon. Temporary Deputy Chairman. This is for the same reason I withdrew Clause 15 because it is about the Political Parties Fund. We know of political parties that have been coning others in coalitions and this clause is curing this problem. So, I wish to also drop this one.

The Temporary Deputy Chairman (Hon. Christopher Omulele): The proposal to delete by Hon. Nixon Korir stands withdrawn. Now, we shall have the proposal to amend by the Leader of the Majority Party.

(Proposed amendment by Hon. Nixon Korir withdrawn)

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairman, I beg to move: THAT, Clause 16 of the Bill be deleted and substituted with the following new clause –

Amendment of Section 26 of No.11 Of 2011	16. Section 26 of the principal Act is amended – (a) by inserting the following new subsection immediately after subsection (1)— “(1A) The monies allocated to a coalition political party shall be distributed by the Registrar in accordance with the coalition agreement”; (b) in subsection (3)(a) by deleting the words “a member of staff” appearing at the end of the sub-section and substituting therefor the words “a party election agent or a contracted person in furtherance of the objectives under sub section (1) or an employee of the political party”
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This is in addition to what is already provided that the monies allocated to a coalition party shall be distributed by the Registrar in accordance with the coalition agreement. My amendment is inserting a new (b) which is basically expanding the number of persons who can be paid by a political party from the Political Parties Fund. They will now include party election agents or people who are contracted to do work that furthers the objectives. The current principal Act limits the amount of the money that can be paid. That it cannot be paid to a supporter of a party unless

you are a member of staff. But the same Act says that the objective of the money is to cover election expenses.

You cannot cover election expenses and fail to pay agents of the political party just because they are members of the party. We know agents are usually members of the party. So, I am now allowing political parties to use the Political Parties Fund to cover the election agents' expenses. Also, the costs of party members and supporters who are contracted to offer services to the party for purposes of enhancing the objectives of the party. I expect a full support on this from across the divide.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 16 as amended agreed to)

Clause 17

The Temporary Deputy Chairman (Hon. Christopher Omulele): There are two proposed amendments to this clause by Hon. Nixon Korir, Member for Lang'ata and Hon. Dido Rasso, Member for Saku. The amendments are similar. We shall start with the one by Hon. Nixon Korir.

Hon. Nixon Korir (Lang'ata, JP): Thank you, Hon. Temporary Deputy Chairman. I beg to move:

THAT, Clause 17 of the Bill be amended by deleting paragraph (a).

As you can see from what the Leader of the Majority Party is putting across and in the spirit of sharing resources by political parties, this clause tries to limit the coverage of publication by political parties of their sources of funds from two newspapers of wide circulation to one. It is mischievous while we need to open the space for members of the public to know the sources of funds and what the funds are being used for. Political parties are now run by taxpayers' money. This provision proposes to limit access to information by members of the public.

(Question of the amendment proposed)

*(Question, that the words to be left
out be left out, put and negated)*

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Dido Rasso, your proposal being similar to the one by Hon. Nixon Korir suffers the same fate. Therefore, it fails.

(Proposed amendment by Hon. Ali Rasso dropped)

(Clause 17 agreed to)

Clause 18

The Temporary Deputy Chairman (Hon. Christopher Omulele): I see a proposal by Hon. Nixon Korir to delete the clause.

Hon. Nixon Korir (Lang'ata, JP): Hon. Temporary Deputy Chairman, I wish to withdraw this amendment.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Very well. The proposal by Hon. Nixon Korir to delete the clause stands withdrawn.

(Proposed amendment by Hon. Nixon Korir withdrawn)

There are proposals by the Chairman of the Departmental Committee on Justice and Legal Affairs, Hon. George Kariuki and Hon. Dido Rasso, which are similar. We will start with the one by the Chairman.

Hon. Clement Muturi (Kangema, JP): Hon. Temporary Deputy Chairman, I beg to move: THAT, Clause 18 of the Bill be amended by deleting the words "one hundred and twenty" and substituting therefor the word "ninety".

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Because the proposals by Hon. George Kariuki and Hon. Dido Rasso are similar to the one by the Chairman of Departmental Committee on Justice and Legal Affairs, they are therefore automatically taken care of.

(Proposed amendments by Hon. George Kariuki and Hon. Ali Rasso withdrawn)

(Clause 18 as amended agreed to)

Clause 19

The Temporary Deputy Chairman (Hon. Christopher Omulele): There are proposals by Hon. Cecily Mbarire and Hon. Dido Rasso to delete the clause. We shall start with Hon. Mbarire.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 19.

The reason is that Section 31(3) of the Act provides that the Auditor-General shall audit accounts of political parties. This is in view of the fact that political parties receive taxpayers' money. The clause seeks to amend that section, which is not right. Political parties should be audited by the Auditor-General, especially in cases where they receive taxpayers' money.

I beg to move.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): The Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairman, I want to oppose the amendment by Hon. Mbarire and to explain to Members what this clause means. Section 31(2) reads:

“(2) A political party shall within three months after the end of a financial year submit to the Auditor-General the accounts of the political party in respect of that year.

(3) The accounts of every political party shall be audited annually by the Auditor-General and shall be submitted to the Registrar and tabled in the National Assembly.”

We know that when you submit your accounts to the Auditor-General, it is only for one purpose: for the Auditor-General to audit and report to the National Assembly. So, the provision is a duplication. And it is also not clear who should submit the reports to the Registrar and who should submit them to the National Assembly. It causes confusion. In tidying up the Act, this is one of the provisions that were flagged for deletion. We do not lose anything. Every political party will have to submit their accounts to the Auditor-General. The Auditor-General is obligated to audit every account submitted to him and report to the National Assembly.

Section 34(c) of the Act also obligates the Registrar of Political Parties to ensure publication of audited accounts of political parties. So, the Registrar is covered in section 34(c) of the Act while the Auditor-General is covered within section 31(2). The confusion that was being caused by section 31(3) in terms of duplication, since it does not provide for who takes the accounts to the Registrar and who brings the reports to National Assembly, is now removed deleting the redundant provision from the Act. That is the essence of the deletion in the Bill. I am an auditor, so I know what I am saying. So we vote no.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, I think the principle in this particular matter is that the Office of Registrar of Political Parties is independent.

Two, the funds that are being discussed in this particular Article are taxpayers’ money allocated and appropriated by this House. It is only fair that the Auditor-General as it is now, submits it to this House and this House submits it to the relevant Committee, be it the Special Funds Account Committee or Public Accounts Committee. With that, we need to move and agree for the first time whether he is an auditor or not. That is not the matter for discussion.

(Laughter)

I agree with the Leader that at all times public money and taxpayers’ money, now that it is being given to village parties, must be accounted for.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Babu Owino.

Hon. Babu Owino (Embakasi East, ODM): Hon. Temporary Deputy Chairman, I support.

(Loud consultations)

Sorry, just keep quiet I dispense knowledge. I stand to oppose the amendment by Hon. Cecily. I, clearly, want to say that at least today we are sending the miscreant gang of the *Tanga Tanga* Members into political oblivion.

Hon. Members: No, sit down!

Hon. Babu Owino (Embakasi East, ODM): It is my time to speak. I am the one speaking. Just keep quiet.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order, order, order! Order, Members!

Let us proceed. Allow me to put the Question.

*(Question, that the words to be left out be left out,
put and negatived)*

The proposed amendment by Hon. Dido Rasso suffers the same fate.

(Proposed amendment by Hon. Ali Rasso dropped)

We shall now have the proposal by the Chair, JLAC. Chair, just hold on. Members, you know where we have come from. If the House is experiencing a little peace, it is in the interest of all the Members to maintain peaceful discussions of these matters as much as possible. Let us be kind to each other.

(Hon. William Cheptumo stood up)

Hon. Cheptumo, just hold on. Let the Chair for JLAC move his proposed amendments then I will give you an opportunity.

Hon. Clement Kigano (Kangema, JP): Hon. Temporary Deputy Chairman, the proposal we seek is to amend Clause 19(31). This is what the Leader of the Majority Party said that the reporting office shall be the Registrar who in turn is overseen by Parliament. So, I withdraw the amendment.

(Proposed amendment by Hon. Clement Kigano withdrawn)

(Clause 19 agreed to)

Clause 20

The Temporary Deputy Chairman (Hon. Christopher Omulele): There are proposals to amend this by Hon. Silvanus Osoro, the Leader of the Majority Party, Hon. Didmus, Hon. Mutunga and Hon. Cecily Mbarire. If the proposal to amend by the Majority Leader is carried, the amendment by Hon. Aden Duale, Hon. Didmus, Hon. John Mutunga and Hon. Cecily Mbarire will fall automatically. We shall begin with the amendment by Hon. Silvanus Osoro.

Hon. Silvanus Onyiego (South Mugirango, KNC): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 20 of the Bill be amended in Paragraph (a) by deleting the proposed new paragraph (da) and substituting therefor the following new paragraph—

(da) keep and maintain a register of members of a registered political party;

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Provided that reference to a registered political party shall not include a registered coalition political party;

Going by what has been happening in this House from Clauses 1 to 20, you will notice that the coalition political party has already passed but there is no such a thing as a corporate list of members of a coalition political party. That is why we propose that each political party should maintain their register. There is no such a thing as a corporate register that the coalition political party should have. Perhaps, a bigger party and a smaller party which perhaps form a coalition will go for a joint nomination. It is important for each political party to use their own register and not a corporate register. If they agree to have a nomination in a certain region, no person from one party would move to the other party to participate in the nomination because there is no such a thing as a corporate register of a coalition political party. So, what this amendment seeks is to have each party have their own register because there is no such a thing as a coalition political party.

I beg to move.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and negatived)*

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Duale, what is out of order?

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, I humbly request that the statements made by Hon. Babu Owino must be expunged from the *Hansard*. He should withdraw and apologise. You forgot to ask him to do that. You have done that to many Members.

(Hon. Simba Arati stood up in his place)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Simba Arati, just relax. Hon. Babu, just be kind enough to your fellow Members. Withdraw that part of the statement which was unparliamentary and fairly harsh.

Hon. Babu Owino (Embakasi East, ODM): Hon. Temporary Deputy Chairman, I do not understand which part you are asking. Is it the word “oblivion”? Before I withdraw it, let me define the word “oblivion”. Oblivion is entombment of the unworthy into their own dust of nothingness.

Hon. Members: Apologise!

Hon. Babu Owino (Embakasi East, ODM): Okay. I withdraw to suit your ego, the *Tanga Tanga* Members.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Babu, there is something to do with humility and it takes you very far. Sometimes it is good. Be that as it may, we shall proceed. There is an amendment by the Leader of the Majority Party in Clause 20.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 20(c) of the Bill be amended in the proposed new paragraph (fe) by inserting the words “upon the request and financing by the political party” immediately after the word “agent”.

One of the functions of the Registrar of Political Parties will be to train the agents of political parties. This will only happen at the request of the political party and then financing. It

will not be mandatory for him or her to train all agents to avoid disputes coming in, that they were trained wrongly. If the political parties request for training and then they finance it, it will be okay.

(Question of the amendment proposed)

*(Question, that the words to be inserted be inserted,
put and agreed to)*

Hon. Jude Njomo (Kiambu, JP): On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Is Hon. Duale in the House? The next amendment is by Hon. Duale. He has a proposal to amend Clause 20 which I will allow him to prosecute. Hold on. I want to hear what is out of order from Hon. Jude Njomo, Member for Kiambu.

Hon. Jude Njomo (Kiambu, JP): Thank you, Hon. Temporary Deputy Chairman. Hon. Babu has withdrawn his remarks. In the same spirit, I request Hon. Duale to withdraw the abuses that he said about our Jubilee Party. He talked about carcasses and other unparliamentary language.

The Temporary Deputy Chairman (Hon. Christopher Omulele): He did that.

Hon. Jude Njomo (Kiambu, JP): In the same breath Hon. Temporary Deputy Chairman, there is something that is happening in this House which I have never seen for the longest time I have been here. There are some Members who are distributing lollipops which Members are licking. Some of the behaviour that I see is suspicious. Nominee No. 1 is loitering up and down as if he is dazed. I wonder whether these lollipops have some intoxicating effects.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Jude Njomo, I direct the Serjeant-at-Arms to investigate the source of these lollipops. I had promised to give Hon. Cheptumo an opportunity to contribute. Hold on, Hon. Duale. Hon. Cheptumo, proceed.

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairman, I listened to Hon. Owino. I do not think that he has apologised. I doubt it. He has referred to Members on this side as the *Tanga Tanga* gang. He has to withdraw and apologise clearly.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Cheptumo, resume your seat. Hon. Aden Duale, proceed.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Temporary Deputy Chairman. My amendment has nothing to do with lollipops. I passed that age of eating them.

Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 20 of the Bill be amended in paragraph (c)—

- (a) by deleting the proposed new paragraph (fd); and
- (b) by deleting the proposed new paragraph (fe).

Clause 20 (fd) and (fe) of the Bill provide additional functions for the Registrar of Political Parties which shall be to regulate political parties' nominations and train election agents. I want Members to listen to me. I am sure that you will remember me because you will be victims of this proposed law. The framers of the Constitution did not contemplate that one of the functions of the Registrar of the Political Parties would be to train your agents for party nominations. Hon. Otiende Amollo is seated in the House. I am sure that the function of the Registrar of Political Parties was never contemplated to deal with nomination of parties.

The Registrar has no role whatsoever in regulating political parties' nominations or training of election agents. As we sit here, political parties submitted rules of nomination and procedure to the Independent Electoral and Boundaries Commission (IEBC). It gave each of the many political

parties a certificate. The functions of the Registrar of Political Parties are like those of a department of IEBC. We have already subscribed to IEBC based on our party constitution. This amendment is trying to create an imperial Registrar of Political Parties who will manage who to train as agents. She can deny some of you the training, or key supporters and family members chances to be in that certified register. This function falls within the political parties' constitution. This amendment is trying to confer upon the Registrar powers that amount to interference with the democratic space of political parties to conduct their affairs.

I want Members to listen to me. I am moving this amendment on behalf of the people of Garissa Township. I do not need to withdraw. For the first time in the history of Kenya, political parties are formed from the provision in the Constitution on multi-party system. If we can subject ourselves as parties to be regulated by the Office of the Registrar of Political Parties, then what was the essence of political parties submitting nomination rules and procedures? We must listen to each other here. It is not about United Democratic Alliance (UDA), Orange Democratic Movement (ODM) or Kenya African National Union (KANU). This matter is so serious. Some of you who are seated here will miss their close diehard supporters, family members, including their wives, in that register. We are trying to mortgage power that belongs to parties, secretary generals, chairs and party leaders to an individual. You might be very close to the Registrar of Political Parties today. However, you will cry tomorrow. I want to tell the Members of the National Assembly that they will be the first victims.

(Loud consultations)

I am moving my amendment. If you do not agree with it, I have no problem. However, I will go on record that I have warned you. Parties should be free to conduct their nominations, choose and train persons of their choice as party agents. Hence, my amendment to remove these proposed new functions. Since when in the history of this country have we said that our party agents can be trained that way? I have been in the ODM; I have been in the URP; I am in Jubilee, on my way out - I have left the carcass, I am in the UDA. Since when did we ask the Registrar of Political Parties to train our party agents? Hon. Junet, read Clause 20(fd) and (fe) of this Bill. We cannot allow the Registrar of Political Parties to change that. I really want the House to agree with me that you support the amendment. Please, let us save political parties from imperial registrars.

I beg to move.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): The honourable Whip of the Minority Party.

Hon. Junet Nuh (Suna East, ODM): First, the amendment that has been proposed by the Leader of the Majority Party has already passed. Secondly, I do not know the narrative I am seeing, where political parties want to run away from the Registrar of Political Parties. This Office of the Registrar of Political Parties was created purely for the purposes of political parties. If that office is not going to regulate parties and look at what parties are doing, then we shall abolish that office. We should remove it. To make it worse, that office is independent.

I have keenly listened to Hon. Duale. Political parties are like membership clubs. You are supposed to have members in your party. If a party does not have a membership, maybe its only membership is Members of Parliament (MPs) and not the ordinary people, why do we call that a

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political party? We must bring hygiene and order to our political parties. Our political parties receive funds from the Exchequer. They use public funds to operate. It will not be good if we do not make our parties function within the law. Hon. Duale, I do not know why you have not formed your party. You should have formed one by now. *Wachana na kufuata hii* UDA. That one belongs to someone. So, let us have political parties that make sense in this country.

I want to conclude by saying this: We cannot divorce political parties from the Office of the Registrar of Political Parties, unless we politicise that office. Thank you, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Member for Emurua Dikirr.

Hon. Kipyegon Ng'eno (Emurua Dikirr, KANU): Hon. Temporary Deputy Chairman. I wish also to support Hon. Duale's amendment. When we talk about the Registrar of Political Parties, it is a body that is only meant to regulate political parties on registrations and all those other matters that concern parties. But, it is not meant to regulate the activities of parties, especially nominations, party elections and all that. That one must be left to the parties themselves to deal with. If we were to indulge or allow the Registrar of Political Parties to run nominations of parties, I think we would be arm-twisting parties and even Members of the parties. In a way, the Registrar of Political Parties will be influencing each and every affair that is happening.

One thing that I understand is that if we want our nominations to be run freely and fairly, there is the IEBC that we can indulge during the nominations. To claim a body that is meant to be regulating the parties or the registration of parties and registration of members can run the activities of nominations and registration of members is wrong. I support the amendment by Hon. Duale.

*(Question, that the words to be left out
be left out, put and negated)*

(Clause 20 as amended agreed to)

*[The Temporary Deputy Chairman
(Hon. Christopher Omulele) left the Chair]*

*[The Temporary Deputy Chairlady
(Hon. (Ms.) Soipan Tuyu) took the Chair]*

Clause 21

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Honourable Leader of the Majority Party, take your amendment.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 21 of the Bill be amended in the proposed New Section 34C by inserting the following new subsections immediately after subsection (2) –

“(3) The Registrar shall notify the political party of any change made to its records under subsection (1).

(4) A political party that is dissatisfied by the decision of the Registrar under subsection (1) may appeal to the Political Parties Disputes Tribunal”.

The essence of this amendment to proposed New Section 34C is to ensure conclusion of a process of changes being made and how they are notified to the political parties. The principal Act as well as this Bill give certain obligations and powers to the Registrar of Political Parties to amend the register based on certain circumstances. But, the missing link was that after those amendments to the register are made - for example where the member has died or when a political party has requested for a change, or a member has requested for a change - there is no feedback mechanism in law that obligates the Registrar to notify the political party that the change has taken place. That is so that the party can evaluate whether it is in agreement or not in agreement and they seek relief within the universal decision to appeal to the Political Parties Disputes Tribunal. The essence of this is, basically, to complete that process. In the discussions that have been held, political parties have expressed the feeling that the Registrar of Political Parties has the discretion to make changes such as prompting a member or a political party, or when circumstances change. But, the political party may not know that the change has been effected.

This for tidying up. I ask for support from across the divide. It is really for the good of political parties. It is to ensure that any changes made are communicated to them. If they are not in agreement, they have the right to appeal to the Political Parties Disputes Tribunal and onwards, to the High Court and all that.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): The Chairperson of the Departmental Committee on Justice and Legal Affairs.

Hon. Clement Kigano (Kangema, JP): I beg to move:

THAT, Clause 21 of the Bill be amended –

(a) In the proposed new section 34B by-

- (i) deleting the words “there is established” appearing in sub-clause (1) and substituting therefor the words “the Registrar shall establish”;
- (ii) inserting the words “data and” immediately after the word “parties” appearing in sub-clause (2);

(b) in the proposed new section 34C (1) by deleting the word “not” appearing immediately after the word “been” in paragraph (a).

The amendments are purely for cleaning up, they do not go to the substratum of the clause. It is for purposes of mere clarity, certainty and cleaning up typographical errors.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Sankok, what is it?

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Chairlady, I do not know what Hon. Fatuma Gedi is distributing amongst Members. There was a sweet I was given that made me feel dizzy.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Sankok, what is your point of order?

Hon. David ole Sankok (Nominated, JP): She is out of order. She is distributing something. I do not know whether it is money or sweets, but there is something that she is distributing.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Ndindi Nyoro, do you want to contribute?

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Temporary Deputy Chairlady, I rose on a point of order because this is an honourable House and we make our decisions based on persuasion and conviction. It is abhorrent to see Hon. Gedi distributing money, about Ksh100,000 to Members to vote their way. We cannot have bribery happening in this House in the glare of cameras.

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order Members! Hon. Gedi, I can see you moving around. I can actually see Hon. Gedi moving around distributing something. Hon. Gedi, what are you distributing?

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Hon. Temporary Deputy Chairlady, the sugar levels of Members have gone down...

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order Members! I just proposed a Question. If no one is willing to contribute further, I will go on to put the Question.

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

*(Question, that the words to be inserted be inserted,
put and agreed to)*

Hon. Members: Division! Division!

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Can we ascertain that we have the numbers for Division?

I think we do have the requisite number for Division and we shall proceed to vote. I order that we begin the process of Division.

Hon. Members take your seats. Hon. Fatuma Gedi, Hon. Ndindi Nyoro has said you are distributing money. I want to give you an opportunity to speak. I have seen you moving around the House distributing something. Can you state clearly what it is you are distributing?

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Hon. Temporary Deputy Chairlady...

(Several Hon. Members stood up in their places)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order Members! Hon. Members please take your seats.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): On a point of order, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Wanga, what is your point of order? Hon. Members, take your seats.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Chairlady. Hon. Ndindi Nyoro rose in his place without any substantiation whatsoever and made a ridiculous claim that is totally unfounded. That erodes the dignity...

(Several Hon. Members stood up in their places)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Gladys Wanga, just a minute. Hon. Members, take your seats so that we can hear what Hon. Wanga is saying.

(Hon. (Ms.) Rozaah Buyu stood up in her place).

Hon. Buyu, take your seat. Go on Hon. Wanga.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Chairlady. Hon. Ndindi Nyoro rose in his place and made totally reckless and unfounded statements that erode not only the dignity of some Members but of all the Members of this House. He made an unfounded claim that Hon. Fatuma Gedi was walking around this House giving out money. As the Chair, I would like you to challenge Hon. Ndindi Nyoro to substantiate that very reckless claim that he made against Hon. Gedi. If he cannot substantiate it, he should go ahead and withdraw that statement. This is not on Hon. Ndindi but it is on you. This matter is squarely on your desk to ask Hon. Ndindi Nyoro to either substantiate his claim or go ahead and withdraw it and apologise to the Members of this House.

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Members, please listen. Hon. Ndindi Nyoro alleged that Hon. Gedi was moving around distributing money. Hon. Gedi has confirmed on record that she was distributing sweets. I, therefore, order Hon. Ndindi Nyoro to either withdraw the statement or substantiate his claim.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you, Hon. Temporary Deputy Chairlady. I need protection from these hecklers. I stated here that I saw Hon. Gedi distributing the Kenya Medical Supplies Authority (KEMSA) money in the tune of Kshs100, 000 and Kshs200, 000.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Ndindi Nyoro, are you able to prove that?

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Temporary Deputy Chairlady, we have evidence that these Members were being bribed by Hon. Gedi using the KEMSA money in the tune of Kshs100, 000, and Kshs200, 000.

Hon. Members: No! No! Apologise!

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Order, Hon. Members!

Hon. Ndindi Nyoro, you are imputing improper motives on a fellow Member of Parliament. When you call out a Member on such grave allegations, you can only do so when you can substantiate. Hon. Ndindi you need to withdraw your claims.

Hon. Members: Ndindi must go! Ndindi must go!

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Temporary Deputy Chairlady, I need to be heard. I want to put it very categorically that there has been a trend of bribing Members in this House. Today, we saw money being distributed by Hon. Gedi to Members to vote for the Political Parties (Amendment) Bill. I want to tell them that you can bribe Members here but not the people of Kenya. As a son of *Mau Mau*, I cannot be intimidated by these hecklers and COVID-19 billionaires. There is evidence that money was changing hands in this House.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Hon. Members! Based on Standing Order No. 107 and having misled the House, I order that Hon. Ndindi Nyoro be removed from the precincts of Parliament. Hon. Ndindi Nyoro, you will be out of the House for two days. Get out of the House.

Hon. Fatuma Gedi, you are out of order for distributing food in the House. You should also get out. Hon. Fatuma Gedi, for disorderly conduct, you should be out of the precincts of Parliament for a day. They should both leave the House. They should both leave the House, Serjeant-at-Arms. Order Members! Hon. Members, I have cited Standing Order No.107. To start with, Hon. Ndindi Nyoro, you are in violation of Standing Order No.107 for deliberately giving false information to the House which you are unable to substantiate.

On the same note, Hon. Fatuma Gedi is in violation of the Standing Orders of this House for distributing food in the Chamber and I caution you not to distribute food in the House anymore. Serjeant-at-Arms! Order Hon. Members! Order Members! Take your seats Members.

(Several Hon. Members heckled)

Members, no one will hear what you are saying, you will not hear what I am saying. Just take your seats Members. Take your seats.

(Several Members stood in the gangway)

(The House resumed)

*[The Temporary Deputy Speaker
(Hon. (Ms.) Soipan Tuya) in the Chair]*

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Order, Members. In order for us to restore order in the House, I order the House to be suspended for 30 minutes.

(The House was suspended)

(The House resumed)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Order! For the Members walking in, please, take your seats.

Hon. Members, I want to call your attention to Standing Order No.107, which addresses the National Assembly on matters of orderly conduct in the House. In reference to the issue raised by Hon. Ndindi Nyoro as a Member of this House, by now all of us should know the remarks that

would be disparaging on fellow Members of Parliament; remarks that would put the House into disrepute and discredit the integrity of the House.

On the same note, Hon. Fatuma Gedi, you moved around distributing food in the Chamber, which is not allowed.

(Loud consultations)

Order, Members! Order, Members! On the part of Hon. Ndindi Nyoro, you provided false information which you have not been able to substantiate. In that case, before we proceed, I order that both Hon. Ndindi Nyoro and Hon. Fatuma Gedi be removed from the precincts of the House for the remainder of the Sitting, and then we can proceed.

Hon. Fatuma Gedi, get out of the House. Hon. Fatuma Gedi and Hon. Ndindi Nyoro, please, exit the Chamber!

(Applause)

(Hon. Ndindi Nyoro and Hon (Ms.) Fatuma Gedi were escorted out of the Chamber by the Serjeant-at-Arms)

(Applause)

Order, Members! We can now move on to the next business.

An Hon. Member: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): I cannot be out of order. So, you have no point of order to raise. Let us proceed to the next business.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Temporary Deputy Speaker

(Hon. (Ms. Soipan Tuya) left the Chair]

IN THE COMMITTEE

[The Temporary Deputy Chairlady

(Hon. (Ms. Soipan Tuya) took the Chair]

THE POLITICAL PARTIES (AMENDMENT) BILL

(Resumption of consideration interrupted in Committee today)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Members, we are back in the Committee of the whole House. Leader of the Majority Party, we were in Clause 21.

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Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I rise on a point of order. First of all, I wish to congratulate you for restoring order and the wise decision that you made. You indicated that Hon. Ndindi Nyoro raised some comments that disparage the entire House. I would like to ask that you order...

Hon. Members: Hon. Kimunya must go! Kimunya must go!

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Leader of the Majority Party! I have just made a conclusive ruling. You are out of order for taking us back.

(Applause)

Let us proceed, Hon. Members. Hon. Cecily Mbarire, by virtue of the amendment that was moved by the Leader of the Majority Party and the Chair of the Departmental Committee on Justice and Legal Affairs, your amendment automatically falls. That is for your information.

We can proceed.

(Proposed amendment by Hon. (Ms.) Cecily Mbarire dropped)

(Clause 21 as amended agreed to)

Clause 22

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): We have a proposed amendment. I call upon Hon. Tuitoek to move his amendment.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Chairlady, for giving me this opportunity to move this amendment to Clause 22.

I beg to move:

THAT, Clause 22 of the Bill be amended—

(a) by deleting the proposed Section 38A and substituting the following proposed new section—

Methods of conducting party nominations.

38A. A political party may conduct party nominations using—

- (a) direct party nomination method;
- (b) indirect party nomination method; or
- (c) any other method as established by the political party.

- (b) by deleting the proposed section 38C;
- (c) by deleting the proposed section 38D;
- (d) by deleting the proposed section 38E;
- (e) in the proposed section 38F, by deleting subsection (2);
- (f) by deleting the proposed section 38G; and,
- (g) by deleting the proposed section 38H.

The issue of nominations in political parties is very important. This clause attempts to give powers to the Registrar of Political Parties to manage nominations of political parties. Political parties have already been guided by the IEBC to deposit their nomination rules by a certain time in October. This amendment will bring confusion to political parties. This proposal is to amend Section 38A by retaining Section AB and adding any other method as established by the political party.

Secondly, I also propose that we delete the proposed sections 38C, 38D, 38E and in the proposed Section 38F, delete subsection (2), and delete the proposed section 38G and the proposed Section 38H. Thank you.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): After the chaos, now that the House can listen to me, I want to go on record again because I have a further amendment. For the first time in the history of our country, we see serious contradictions in the running of political parties. All parties, including the one I prescribe to, submitted nomination rules and procedures to the IEBC. The IEBC, after due diligence, has given those parties certificates of powers to conduct free and fair party nominations. This evening, this House is creating another entity called the Registrar of Political Parties, who will certify a register; who can feel a member who feels aggrieved in his party cannot move to another party or cannot be an independent candidate. I really ask the House to look at this amendment for posterity. Let us not look at this amendment and subject ourselves to another dictatorship. Multi-party democracy was about giving members and parties free and fair nominations. The nominations are key, particularly in certain regions for certain parties. I might not be a victim, but those of you who come from regions where party dominance is key, tonight you might be sending yourselves home in the next elections. I rest my case.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Chair, I rise to oppose this amendment. I have said that political parties are like membership clubs. When you want to get out of a party, you must go to the Registrar of Political Parties to remove your name from the ODM, UDA, Jubilee or any other party for you to move over to the other party. It is the responsibility of political parties to keep registers of their membership. So, if you are told to use your membership register to conduct your nominations, why would you want to use people of the other party to participate in your nominations, if you are not planning mischief? We must have hygiene in our politics. This Bill has come to bring hygiene in our politics. If UDA wants to do a nomination process, it is the membership of UDA that participates. If it is the ODM, it is only ODM. If it is Jubilee, it is Jubilee. There are people who are planning not to have a register so that they can use the IEBC register. The IEBC register is for general elections and not for party nominations. I come from a party that has conducted nominations for about seven elections.

(Loud consultations)

Hon. Temporary Deputy Chairlady, can you protect me?

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Go on, Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): I come from a party that has all the structures to conduct nominations. I am asking the other parties to do their work, create structures that assure that there can be free and fair nominations. I can see what is happening to Ngirici in Kirinyaga. It is very unfair after investing in this party for long, and now she is being told to go away, a newcomer has arrived.

Thank you, Hon. Temporary Deputy Chair.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Cecily.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Hon. Temporary Deputy Chairlady, I just want to add my voice to what Hon. Duale has said and say that this is the first time I have seen politicians passing a law that is preparing a rope that will hang them in the future. I have no doubt with my 20 years' experience that the law we have passed today will be the biggest impediment for your future, going forward. When you listen to Hon. Junet, who knows he has control over the party he belongs to, you are being naïve. You will look for Junet, he will not be there to help you. Today was a chance for you to make sure that you pass a law where even if your worst enemy is in power, you will be protected, but you are behaving like people who have not been to any political office. I am a very sad person today. I rest my case.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Savula

Hon. Ayub Angatia (Lugari, ANC): Thank you, Hon. Temporary Deputy Chairlady. In this country, we have institutions that regulate and others that manage. We cannot leave politics of this country and political parties to operate in a vacuum. We are strengthening the Office of the Registrar of Political Parties to regulate political parties. The work of the IEBC is managing elections, not to regulate political parties. Look at the Independent Electoral and Boundaries Commission Act, it does not contain the section that we are trying to put in the Political Parties (Amendment) Bill. There is a regulator and a manager for elections. If you lump them together, regulation of political parties under the IEBC, they will not focus on elections and instead, you will bring us problems in this country. Elections have brought problems in this country. We have seen our President and his Deputy going to The Hague. Let us leave the work of regulation of political parties in this Act under the Registrar of Political Parties, and the management of the elections to the IEBC.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I will give a chance to one more person on this side and another one on the other side, and then we will proceed to put the Question.

Hon. Mohamed Ali.

Hon. Mohamed Ali (Nyali, Independent): Shukrani sana, Naibu Mwenyekiti wa Muda. Ningependa kusema ya kwamba sheria hizi ambazo zinajaribu kutungwa hapa Bungeni ni za kuwangadamiza wanasiasa na wahusika watakaotaka kujiunga katika siasa. Nataka kutoa mfano bora na ushahidi wa kutosha kuhusu vile mimi mwenyewe nilivyotendwa. Huyu Junet anayezungumza ndiye aliyeuza tiketi yangu. Kama sio Junet...

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Hon. Ali...

Hon. Mohamed Ali (Nyali, Independent): Kama sio Junet...

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Address the Chairlady.

(Loud consultations)

Hon. Mohamed Ali (Nyali, Independent): Naibu Mwenyekiti wa Muda, kama hakungekua na uwazi, leo singelikua Mbunge kwa sababu nilipewa nafasi...

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Hon. Ali! You only address the Chair. Stop addressing another Member.

Hon. Mohamed Ali (Nyali, Independent): Asante, Naibu Mwenyekiti wa Muda. Nataka kusema hivi. Hii sheria itatumiwa...

Hon. Members: No! No!

Hon. Mohamed Ali (Nyali, Independent): Naomba ulinzi, Mwenyekiti. Hii sheria itatumika kugandamiza watu, itatumiwa na watu ambao wanatumia vyama vibaya, watu ambao itakua ni vigumu kuwapata wakati ambapo watu wanataka msaada. Hii sheria... Nazungumza nikisema na nikitia mfano wangu kwa sababu leo singekuwa katika hili Bunge kama singefuata njia nyingine ya kutafuta usaidizi. Leo Junet anasema hivyo na kesho yeye ndiye atagandamiza watu kwa sababu...

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Hon. Ali! Hon. Members, the habit of mentioning other people's names... Just address the Chair. Now, Hon. Junet has to exonerate himself. Hon. Junet?

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Chairlady, thank you very much. You see this is a House of records. Whatever we say here remains in the records of this House unless it is expunged by the Chair or the Speaker. I never participated in the nominations for Nyali. The ODM was not interested in Mohamed Ali. He was very corrupt when he was working for the Kenya Television Network. The ODM chased him away. They were not interested in him.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Okay, Hon. Members, I will now put the Question.

(Question, that the words to be left out be left out, put and negated)

(Several Hon. Members stood up in their places)

Hon. Members: Division! Division!

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I see you have sufficient numbers for Division. So, I order that we go into the Division process. I order that the Division Bell to be rung for five minutes.

(The Division Bell was rung)

Hon. Members, our five minutes are up. I now order that the doors be closed and the Bar be drawn for us to begin voting on the Division.

(Voting in progress)

Hon. Mohamed, there is nothing out of order because we are in the process of voting. Hon. Members, let us proceed to vote. Kindly withdraw your cards from the machines. Hon. Gichimu, Hon. Kago, Hon. Janet Ong'era, Hon. Robi and Hon. Nguna, withdraw your cards. Hon. Members, you can now log in and put in your PIN. You have 90 seconds to log in, put in your PIN and then press your microphone once or twice. If you press once and it does not respond, do a second press. Hon. Members, 15 seconds to go, you may now vote.

Hon. Members, on the vote that Clause 22 be amended as proposed by Hon. Tuitoek, the Noes are 162 and the Ayes are 120. Therefore, the Noes have it.

DIVISION

(Question put and the House divided)

(Question negated by 162 votes to 120)

AYES: Hon. (Ms.) Wangari Mwaniki, Hon. (Ms.) Jayne Kihara, Hon. (Ms.) Rehema Hassan, Hon. (Ms.) Joyce Korir, Hon. Benjamin Mwangi, Hon. Hassan Hulufu, Hon. James Lomenen, Hon. Khatib Mwashetani, Hon. (Ms.) Nasri Ibrahim, Hon. John Paul Mwirigi, Hon. Kimani Ichung'wah, Hon. Joseph Kipkosgei, Hon. Christopher Nakuleu, Hon. (Ms.) Janet Nangabo, Hon. Daniel Nanok, Hon. Kipyegon Ng'eno, Hon. Moses Kirima, Hon. William Kisang, Hon. (Ms.) Joyce Emanikor, Hon. Kimani Ngunjiri, Hon. Eric Njiru, Hon. Nelson Koech, Hon. Wilson Kogo, Hon. John Njuguna, Hon. Patrick Ntwiga, Hon. John Nyaga, Hon. (Ms.) Beatrice Nyaga, Hon. (Ms.) Beatrice Kones, Hon. Nixon Korir, Hon. Joash Nyamoko, Hon. Caleb Kositany, Hon. Gideon Koske, Hon. Hilary Kosgei, Hon. John Waluke, Hon. Kubai Iringo, Hon. (Ms.) Florence C.K. Bore, Hon. Leonard Yegon, Hon. (Ms.) Charity Chepkwony, Hon. Moses Lessonet, Hon. Kinuthia Gachobe, Hon. Joseph Limo, Hon. (Ms.) Liza Chelule, Hon. Peter Lochakapong, Hon. Wainaina Jungle, Hon. Mark Lomunokol, Hon. Josphat Kabeabea, Hon. William Cheptumo, Hon. Kangogo Bowen, Hon. Sylvanus Maritim, Hon. Korei ole Lemein, Hon. Katoo ole Metito, Hon. David ole Sankok, Hon. Fred Kapondi, Hon. Samuel Moroto, Hon. Charles Kamuren, Hon. Gichimu Githinji, Hon. Cecily Mbarire, Hon. Sylvanus Onyiego, Hon. Joshua Kandie, Hon. David Gikaria, Hon. Faith Gitau, Hon. Haika Mizighi, Hon. Mohamed Ali, Hon. Aisha Jumwa, Hon. Ahmed Kolosh, Hon. (Ms.) Lokiru Ali, Hon. (Dr.) Robert Pukose, Hon. Feisal Bader, Hon. Ali Rasso, Hon. Mugambi Rindikiri, Hon. Mathias Robi, Hon. Daniel Rono, Hon. (Ms.) Gladys Boss Shollei, Hon. Cornelly Serem, Hon. Daniel Wanyama, Hon. Lemanken Aramat, Hon. Gideon Keter, Hon. Shadrack Mose, Hon. Michael Muchira, Hon. (Ms.) Anab Gure, Hon. Ali Sharif, Hon. (Ms.) Janet Sitienei, Hon. Wilson Sossion, Hon. Oscar Sudi, Hon. George Sunkuyia, Hon. Gabriel Kago, Hon. Majimbo Kalasinga, Hon. Benjamin Tayari, Hon. David Kiaraho, Hon. (Ms.) Janet Teyiaa, Hon. George Theuri, Hon. (Ms.) Jane Chebaibai, Hon. (Dr.) Victor Munyaka, Hon. (Ms.) Peris Tobiko, Hon. (Ms.) Lilian Tomitom, Hon. Ronald Tonui, Hon. Daniel Tuitoek, Hon. (Dr.) Tecla Tum, Hon. Vincent Tuwei, Hon. (Ms.) Rahab Mukami, Hon. (Ms.) Alice Wahome, Hon. George Ndungú, Hon. James Murgor, Hon. James Wamacukuru, Hon. Charles Njagagua, Hon. George Gitonga, Hon. Gathoni Wamuchomba, Hon. Kathuri Murungi, Hon. Japheth Mutai, Hon. Julius Melly, Hon. Didmus Barasa, Hon. Owen Baya, Hon. John Mutunga, Hon. Geoffrey Muturi, Hon. Ali Wario, Hon. Benjamin Washiali, Hon. John Kiarie, Hon. Andrew Mwadime, Hon. (Ms.) Halima Mucheke and Hon. Aden Duale.

NOES: Hon. Yusuf Hassan, Hon. (Maj.) (Rtd.) Bashir S. Abdullaih, Hon. Paul Abuor, Hon. (Ms.) Beatrice Adagala, Hon. Shakeel Shabbir, Hon. Olago Aluoch, Hon. Rashid Kassim, Hon. Ayub Angatia, Hon. Jimmy Angwenyi, Hon. Samuel Arama, Hon. Simba Arati, Hon. Marselino Arbelle, Hon. Samuel Atandi, Hon. Babu Owino, Hon. Bady Twalib, Hon. Sakwa Bunyasi, Hon. (Ms.) Rozaah Buyu, Hon. (Ms.) Sabina Chege, Hon. (Ms.) Gladwell Cheruiyot, Hon. David Ochieng', Hon. Rahim Dawood, Hon. Makali Mulu, Hon. (Dr.) Otiende Amollo, Hon. Mohamed Duale, Hon. Ahmed Gaal, Hon. (Ms.) Mercy Wanjiku, Hon. Chachu Ganya, Hon. Mohamed Gire, Hon. (Ms.) Dennitah Ghati, Hon. (Dr.) Lilian Gogo, Hon. Ali Guyo, Hon. (Ms.) Zuleikha Hassan, Hon. Kulow Maalim, Hon. Omar Mohamed, Hon. Said Hiribae, Hon. Ibrahim Ahmed, Hon. Malulu Injendi, Hon. Jeremiah Kioni, Hon. Joshua Kutuny, Hon. Junet Nuh, Hon. Peter Kaluma, Hon. Maina Kamanda, Hon. (Ms.) Joyce Kamene, Hon. Kassait Kamket, Hon.

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Memusi ole Kanchory, Hon. (Dr.) Irene Kasalu, Hon. Paul Katana, Hon. Oku Kaunya, Hon. Kanini Kega, Hon. Adan Keynan, Hon. Anthony Kiai, Hon. (Ms.) Wanjiku Kibeh, Hon. Clement Kigano, Hon. Peter Kimaru, Hon. Charles Kilonzo, Hon. Joshua Kivinda, Hon. Amos Kimunya, Hon. Patrick Makau, Hon. Simon King'ara, Hon. Michael Kingi, Hon. Ken Chonga, Hon. Jackson Lekumontare, Hon. Alois Lentoimaga, Hon. (Ms.) Maison Leshoomo, Hon. (Ms.) Naisula Lesuuda, Hon. Jeremiah Lomorukai, Hon. Caleb Luyai, Hon. Peter Nabulindo, Hon. Maoka Maore, Hon. Martin Owino, Hon. Peter Masara, Hon. Julius Mawathe, Hon. (Ms.) Jessica Mbalu, Hon. (Ms.) Mishi Mboko, Hon. David Mboni, Hon. Robert Mbui, Hon. (Ms.) Asha Hussein, Hon. Mohamed Mohamud, Hon. (Ms.) Jerusha Momanyi, Hon. Ben Momanyi, Hon. Gichuki Mugambi, Hon. (Ms.) Elsie Muhanda, Hon. Stephen Mule, Hon. Gideon Mulyungi, Hon. Stanley Muthama, Hon. (Ms.) Florence Mutua, Hon. Danson Mwashako, Hon. Joshua Mwalyo, Hon. Teddy Mwambire, Hon. William Mwamkale, Hon. Jonah Mwangi, Hon. (Ms.) Gertrude Mwanyanje, Hon. Peter Mwathi, Hon. Justus Kizito, Hon. Johnson Naicca, Hon. Abdullswamad Nassir, Hon. Isaac Ndirangu, Hon. Joseph Nduati, Hon. Charles Nguna, Hon. (Ms.) Jane Njiru, Hon. Jude Njomo, Hon. (Ms.) Mary Njoroge, Hon. Rachel Nyamai, Hon. Mark Nyamita, Hon. (Ms.) Edith Nyenze, Hon. (Dr.) James Nyikal, Hon. Thuddeus Nzambia, Hon. Paul Nzengu, Hon. Erastus Nzioka, Hon. (Ms.) Eve Obara, Hon. (Ms.) Ruweida Obo, Hon. (Ms.) Pamela Ochieng', Hon. Geoffrey Odanga, Hon. Tom Odege, Hon. (Ms.) Odhiambo-Mabona, Hon. Elisha Odhiambo, Hon. (Prof.) Jacqueline Oduol, Hon. (Dr.) Christine Ombaka, Hon. Gideon Ochanda, Hon. (Prof.) Zadoc Ogutu, Hon. Jared Okelo, Hon. Benard Okoth, Hon. Adipo Okuome, Hon. Richard ole Kenta, Hon. Anthony Oluoch, Hon. Ezekiel Ombaki, Hon. Geoffrey Omuse, Hon. George Aladwa, Hon. (Ms.) Janet Ong'era, Hon. Richard Onyonka, Hon. Geoffrey Osotsi, Hon. (Dr.) Wilberforce Oundo, Hon. Walter Owino, Hon. Aduma Owuor, Hon. Onyango Oyoo, Hon. (Ms.) Esther Passaris, Hon. David Pkosing, Hon. Daniel Maanzo, Hon. Sammy Seroney, Hon. (Dr.) Naomi Shaban, Hon. (Ms.) Jennifer Shamalla, Hon. Omar Mwinyi, Hon. Benard Shinali, Hon. Abdi Shurie, Hon. (Dr.) Eseli Simiyu, Hon. T.J. Kajwang', Hon. Kassim Tandaza, Hon. Abdi Tepo, Hon. Zachary Thuku, Hon. Silas Tiren, Hon. (Dr.) Chris Wamalwa, Hon. Munene Wambugu, Hon. Ngunjiri Wambugu, Hon. Wafula Wamunyinyi, Hon. Opiyo Wandayi, Hon. (Ms.) Gladys Wanga, Hon. Christopher Wangaya, Hon. Emmanuel Wangwe, Hon. Raphael Wanjala, Hon. Ferdinand Wanyonyi and Hon. Charles Ong'ondo.

ABSTENTION: None.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Hon. Members, I order that the doors be opened. Please, listen to the consequence of the failure of the amendment by Hon. Tuitoek. A similar amendment by Hon. Didmus Barasa and another by Hon. Joseph Limo fall automatically.

*(Proposed amendments by Hon. Didmus Barasa
and Hon. Joseph Limo dropped).*

Let us consider the proposal by Hon. Bunyasi.

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Temporary Deputy Chairlady. I beg to move:

THAT, Clause 22 of the Bill be amended—

(a) in the proposed new section 38A—

(i) by renumbering the existing section as subsection (1); and;

(ii) by inserting the following new subsections immediately after subsection (1)—

(2) The Registrar may make Regulations relating to party nominations and for the better carrying into effect the provisions of this Part.

(3) The Regulations made under this Part shall be approved by both Houses of Parliament.

(b) in the proposed new section 38C—

(i) by deleting subsection (2);

(ii) by deleting subsection (3);

(iii) by deleting subsection (4); and,

(iv) by deleting subsection (5).

This will make the Act neat rather than going into a detailed narration of each nomination method.

I beg to move.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. Soipan Tuya): Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, we are not voting machines. We must convince each other. Whichever way the vote goes, we must understand the input of Hon. Bunyasi's amendment. What the Member for Nambale is saying is that for every law that this House makes, there must be a regulation that accompanies it; that it is anchored in the Statutory Instruments Act.

I want Members to listen to me that in the event a political party or parties will have a problem in the implementation of Section 22 of this proposed law, then the Registrar of Political Parties is under obligation to introduce regulations dealing with this law. That is the input of the Member for Nambale.

(Hon. T.J. Kajwang' spoke off-record)

Hon. Temporary Deputy Chairlady, when I am on my feet...

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Go on, Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): People like Hon. T.J. Kajwang' must have their time and wait.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Address the Chair, Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): The son of Duale has never been, and will never be intimidated and bribed. I have never bribed. I will never be intimidated and I will represent the people of Garissa in accordance with the Constitution and the oath I took.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Address the Chair, Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Those of you who think... I have been here for 14 years. They should hold their horses.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Go on, Hon. Duale. You are on the *Hansard*.

(Loud consultations)

Hon. Aden Duale (Garissa Township, JP): He is saying we give a proviso that the Registrar of Political Parties introduces regulations to man this piece of legislation.

I support.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Richard Onyonka.

Hon. Richard Onyonka (Kitutu Chache South, FORD-K): Hon. Temporary Deputy Chairlady, I do not know why Hon. Duale is screaming and complaining.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Address the Chair, Hon. Richard Onyonka.

Hon. Richard Onyonka (Kitutu Chache South, FORD-K): We are supporting him. This is a good amendment and it is logical. There is no reason why something that is reasonable cannot be agreed upon.

Thank you.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Murugara.

Hon. George Gitonga (Tharaka, DP): Hon. Temporary Deputy Chairlady, I agree with Hon. Onyonka that as proposed by Hon. Bunyasi, this is a good amendment. The Registrar is going to make regulations at the relevant section. Those regulations are called statutory instruments. They will go before the Delegated Legislation Committee, where they must be approved. Once they are approved, that is the end of it. The proposal by Hon. Bunyasi is that even if the Committee is going to approve the regulations, they will have to come to the House so that Parliament can approve them. We are trying to give ourselves solely more power so that we do the right thing. That is a good amendment.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I heavily oppose this amendment by Hon. Bunyasi that is being explained on the sweeter side. However, what is not being explained is that Hon. Bunyasi is intending to delete the entire Clause 38(c), which is about the party registers. However, coming through a roundabout route to say that he is introducing regulations of party nominations... The regulations on party nominations are already provided in the Bill in Clause 25. So, Clause 25 already empowers the Registrar to make regulations on conducting party nominations. So, you cannot amend when it is already in the Bill. However, it is a roundabout way of achieving what could not be achieved by Hon. Tuitoek's amendments.

This amendment must fall.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Members, I will go on to put the Question, which is that Clause 22 be amended as proposed by Hon. Sakwa Bunyasi.

*(Question, that the words to be inserted be inserted,
put and negatived)*

Hon. Members: Division! Division!

(Several Hon. Members stood in their places)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I can see that you have the requisite number of Members seeking a Division. I order the Division Bell to be rung for three minutes and then we proceed to voting.

(The Division Bell was rung)

Order Members! I order the doors to be closed and the Bar be drawn in readiness for voting. Members, you can withdraw your cards now. You still have so many of you logged-in. Hon. Hassan Maalim, Hon. Kimilu Joshua and Hon. Okelo, take your cards out. You can now log in for a countdown of 90 seconds. Members, vote now. Staff of the ICT Department, please, attend to Members whose cards are not working.

(Voting in progress)

Order, Members. I am reading the results of the Division. The Ayes stand at 118 Members and the Noes stand at 158 Members.

DIVISION

(Question put and the House divided)

(Question negated by 158 votes to 118)

AYES: Hon. Benjamin Mwangi, Hon. Ali Sharif, Hassan Hulufu, Hon. Khatib Mwashetani, Hon. James Lomenen, Hon. John Paul Mwirigi, Hon. (Ms.) Nasri Ibrahim, Hon. Kimani Ichung'wah, Hon. Christopher Nakuleu, Hon. (Ms.) Janet Nangabo, Hon. Daniel Nanok, Hon. (Ms.) Joyce Emanikor, Hon. Joseph Kipkosgei, Hon. Kipyegon Ngeno, Hon. Moses Kirima, Hon. Kimani Ngunjiri, Hon. Eric Njiru, Hon. William Kisang, Hon. Kubai Iringo, Hon. Nelson Koech, Hon. Patrick Ntwiga, Hon. John Nyaga, Hon. (Ms.) Beatrice Nyaga, Hon. Wilson Kogo, Hon. John Njuguna, Hon. Joash Nyamoko, Hon. (Ms.) Beatrice Kones, Hon. Nixon Korir, Hon. Hilary Kosgei, Hon. Caleb Kositany, Hon. Gideon Koske, Hon. Dominic Koskei, Hon. John Waluke, Hon. (Ms.) Florence C. K. Bore, Hon. (Ms.) Charity Chepkwony, Hon. Leonard Yegon, Hon. Kinuthia Gachobe, Hon. Moses Lessonet, Hon. Wainaina Jungle, Hon. Joseph Limo, Hon. (Ms.) Liza Chelule, Hon. Peter Lochakapong, Hon. Josphat Kabeabea, Hon. Mark Lomunokol, Hon. William Cheptumo, Hon. Owen Baya, Hon. Korei ole Lemein, Hon. Katoo ole Metito, Hon. David ole Sankok, Hon. Patrick Mariru, Hon. Sylvanus Maritim, Hon. Fred Kapondi, Hon. Samuel Moroto, Hon. Charles Kamuren, Hon. Silvanus Onyiego, Hon. Gichimu Githinji, Hon. Joshua Kandie, Hon. David Gikaria, Hon. (Ms.) Haika Mizighi, Hon. Mohamed Ali, Hon. (Ms.) Faith Gitau, Hon. Ahmed Kolosh, Hon. (Ms.) Aisha Jumwa, Hon. (Dr.) Robert Pukose, Hon. Feisal Bader, Hon. Ali Rasso, Hon. Mugambi Rindikiri, Hon. Mathias Robi, Hon. Daniel Rono, Hon. Daniel Wanyama, Hon. Cornelly Serem, Hon. (Ms.) Gladys Boss Shollei, Hon. Kangogo Bowen, Hon. Shadrack Mose, Hon. Michael Muchira, Hon. Gideon Keter, Hon. (Ms.) Anab Gure, Hon. Gabriel Kago, Hon. (Ms.) Janet Sitienei, Hon. Wilson Sossion, Hon. Oscar Sudi, Hon. George Sunkuyia, Hon. Sakwa Bunyasi, Hon. Lemanken Aramat, Hon. Benjamin Tayari, Hon. (Dr.) Victor Munyaka, Hon. (Ms.) Janet Teyiaa, Hon. George Theuri, Hon. James Murgor, Hon. Charles Njagagua, Hon. (Ms.) Peris Tobiko, Hon. (Ms.) Lilian Tomitom, Hon. Gabriel Tongoyo, Hon.

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Ronald Tonui, Hon. Daniel Tuitoek, Hon. (Dr.) Tecla Tum, Hon. Vincent Tuwei, Hon. (Ms.) Rahab Mukami, Hon. (Ms.) Alice Wahome, Hon. George Ndung'u, Hon. George Gitonga, Hon. James Wamacukuru, Hon. Kathuri Murungi, Hon. Japheth Mutai, Hon. (Ms.) Gathoni Wamuchomba, Hon. Didmus Barasa, Hon. (Ms.) Jane Chebaibai, Hon. John Mutunga, Hon. Geoffrey Muturi, Hon. Andrew Mwadime, Hon. Julius Melly, Hon. Aden Duale, Hon. Ali Wario, Hon. Benjamin Washiali, Hon. John Kiarie, Hon. (Ms.) Rehema Hassan, Hon. Ms. Halima Mucheke and Hon. (Ms.) Jayne Kihara.

NOES: Hon. Yusuf Hassan, Hon. Major (Rtd.) Bashir S. Abdullaih, Hon. Paul Abuor, Hon. Shakeel Shabbir, Hon. Olago Aluoch, Hon. Rashid Kassim, Hon. Ayub Angatia, Hon. Jimmy Angwenyi, Hon. Samuel Arama, Hon. Simba Arati, Hon. Marselino Arbelle, Hon. Samuel Atandi, Hon. Babu Owino, Hon. Bady Twalib, Hon. (Ms.) Rozaah Buyu, Hon. (Ms.) Sabina Chege, Hon. (Ms.) Gladwell Cheruiyot, Hon. David Ochieng', Hon. Rahim Dawood, Hon. Makali Mulu, Hon. (Dr.) Otiende Amollo, Hon. Mohamed Duale, Hon. Ahmed Gaal, Hon. James Gakuya, Hon. Chachu Ganya, Hon. Mohamed Hire, Hon. (Ms.) Dennitah Ghati, Hon. (Dr.) Lilian Gogo, Hon. Ali Guyo, Hon. (Ms.) Zuleikha Hassan, Hon. Kulow Maalim, Hon. Omar Mohamed, Hon. Said Hiribae, Hon. Ibrahim Ahmed, Hon. Moses Injendi, Hon. Jeremiah Kioni, Hon. Joshua Kutuny, Hon. Junet Nuh, Hon. Peter Kaluma, Hon. Maina Kamanda, Hon. (Ms.) Joyce Kamene, Hon. Kassait Kamket, Hon. Memusi ole Kanchory, Hon. (Dr.) Irene Kasalu, Hon. Paul Katana, Hon. Oku Kaunya, Hon. Kanini Kega, Hon. Adan Keynan, Hon. Anthony Kiai, Hon. David Kiaraho, Hon. (Ms.) Wanjiku Kibeh, Hon. Clement Kigano, Hon. Peter Kimaru, Hon. Charles Kilonzo, Hon. Joshua Kivinda, Hon. Amos Kimunya, Hon. Patrick Makau, Hon. Simon King'ara, Hon. Michael Kingi, Hon. Ken Chonga, Hon. Jackson Lekumontare, Hon. Alois Lentoimaga, Hon. (Ms.) Maison Leshoomo, Hon. (Ms.) Naisula Lesuuda, Hon. Jeremiah Lomorukai, Hon. Caleb Luyai, Hon. Maoka Maore, Hon. Martin Owino, Hon. Peter Masara, Hon. Julius Mawathe, Hon. (Ms.) Mishi Mboko, Hon. David Mboni, Hon. Robert Mbui, Hon. (Ms.) Asha Hussein, Hon. Mohamed Mohamad, Hon. (Ms.) Jerusha Momanyi, Hon. Ben Momanyi, Hon. Gichuki Mugambi, Hon. (Ms.) Elsie Muhanda, Hon. Stephen Mule, Hon. Gideon Mulyungi, Hon. (Ms.) Florence Mutua, Hon. Danson Mwashako, Hon. Joshua Mwalyo, Hon. Teddy Mwambire, Hon. William Mwamkale, Hon. Jonah Mwangi, Hon. (Ms.) Gertrude Mwanyanje, Hon. Peter Mwathi, Hon. Justus Kizito, Hon. Johnson Naicca, Hon. Abdullswamad Nassir, Hon. Isaac Ndirangu, Hon. Joseph Nduati, Hon. Charles Nguna, Hon. (Ms.) Jane Njiru, Hon. Jude Njomo, Hon. (Ms.) Mary Njoroge, Hon. (Ms.) Rachael Nyamai, Hon. Mark Nyamita, Hon. (Ms.) Edith Nyenze, Hon. (Dr.) James Nyikal, Hon. Thuddeus Nzambia, Hon. Paul Nzengu, Hon. Erastus Nzioka, Hon. (Ms.) Eve Obara, Hon. (Ms.) Ruweida Obo, Hon. (Ms.) Pamela Ochieng, Hon. Geoffrey Odanga, Hon. Tom Odege, Hon. (Ms.) Odhiambo-Mabona, Hon. Elisha Odhiambo, Hon. (Prof.) Jacqueline Oduol, Hon. (Dr.) Christine Ombaka, Hon. Gideon Ochanda, Hon. (Prof.) Zadoc Ogutu, Hon. Jared Okelo, Hon. Benard Okoth, Hon. Adipo Okuome, Hon. Richard ole Kenta, Hon. Anthony Oluoch, Hon. Ezekiel Ombaki, Hon. Geoffrey Omuse, Hon. George Aladwa, Hon. (Ms.) Janet Ong'era, Hon. Richard Onyonka, Hon. Godfrey Osotsi, Hon. (Dr.) Wilberforce Oundo, Hon. John Owino, Hon. Aduma Owuor, Hon. Onyango Oyoo, Hon. (Ms.) Esther Passaris, Hon. David Pkosing, Hon. Daniel Maanzo, Hon. Sammy Seroney, Hon. (Dr.) Naomi Shaban, Hon. (Ms.) Shamalla Jennifer, Hon. Omar Mwinyi, Hon. Benard Shinali, Hon. Abdi Shurie, Hon. (Dr.) Eseli Simiyu, Hon. T. J. Kajwang', Hon. Kassim Tandaza, Hon. Abdi Tepo, Hon. Zachary Thuku, Hon. Silas Tiren, Hon. (Dr.) Chris Wamalwa, Hon. Munene Wambugu, Hon. Ngunjiri Wambugu, Hon. Wafula Wamunyinyi, Hon. Opiyo Wandayi, Hon. (Ms.) Gladys Wanga, Hon. Christopher Wangaya, Hon.

Emmanuel Wangwe, Hon. Raphael Wanjala, Hon. Ferdinand Wanyonyi, Hon. Charles Ong'ondo and Hon. (Ms.) Wangari Mwaniki.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Members, the effect of Hon. Bunyasi's amendment affects Hon. Chris Wamalwa's amendment. They were similar. Therefore, Hon. Chris Wamalwa's amendment falls.

(Proposed amendment by Hon. (Dr.) Chris Wamalwa dropped).

The next amendment is by the Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 22 of the Bill be amended –

(a) in the proposed new section 38C by inserting the following new sub clause immediately after sub clause (5) –

“(6) Notwithstanding the provisions of sub section (5), a person may only participate in the nominations of a coalition political party if such person is registered member of a party forming the coalition political party”;

(b) in the proposed new section 38E (1) by deleting the words “more than seven” and substituting therefor the words “less than ten”.

This amendment is in two parts.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Leader of the Majority Party! Just a minute. I order that the doors be open and the Bar be drawn. Go on.

Hon. Amos Kimunya (Kipipiri, JP): Thank you. Within Clause 22, I am moving my amendment in Section 38C and b, in the New Section 38E(1). My amendment in Section 38C is to provide for a similar provision as applies to political parties, which is that only members of the constituent parties in a coalition party will be allowed to participate in the nomination of a coalition party. In Section 5, it says that only members of a political party will be allowed to participate in the nomination of a political party. Similarly, even for the coalition party, only members of the constituent parties will be allowed to participate in the nominations of that coalition party.

The second one is in Section 38E(1). Basically, I am correcting a drafting error. Just for the records of the House, in the Bill, it basically talks of not more than seven days for the information to be given to the Registrar for publishing. In (b), the Registrar is saying at least seven days to put it on our website. So, those two are diametrically opposite. What I am doing is correcting it, so that it makes logical sense that in the first instance, we will be changing what is written as ‘not more than seven’ to read, ‘not less than ten’, so that political parties will give to the Registrar not less than ten days, then the Registrar will put on their website within not less than seven days. So, at least, there is time for processing. It is more of tidying up.

I want to ask for support from across the two sides. I beg to move.

(Question of the amendment proposed)

Hon. Kipyegon Ng'eno (Emurua Dikirr, KANU): Hon. Temporary Deputy Chair, I do not know if the Leader of the Majority Party is contesting to be the Registrar of Political Parties. I do not know if he is revenging on what happened sometime back, I do not know how many years ago, where somebody made him leave the position he was holding. The amendments he is bringing to this House are completely outrageous. I do not understand how a man of such a caliber...

(Loud consultations)

Hon. Temporary Deputy Chair, protect me from...

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Ng'eno, just speak to your point on the amendment by the Leader of the Majority Party.

Hon. Kipyegon Ng'eno (Emurua Dikirr, KANU): The amendments which the Leader of the Majority Party is bringing to this House are extremely outrageous and unconstitutional. These amendments are going to bring chaos in this country. We are doing amendments while we are approaching an election and they are going to bring problems to parties. When problems arise in parties, the same problems will be transferred to the general elections. When parties undergo chaotic nominations, then we will definitely have chaotic elections. While these amendments will be passed because of the tyranny of numbers, I really feel that we are not doing good to the Constitution of this country.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Owino.

Hon. Jared Okelo (Nyando, ODM): Thank you, Hon. Temporary Deputy Chairlady. There will be convergence at the top.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): This is Hon. Owino, right?

Hon. Jared Okelo (Nyando, ODM): Okelo.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Okelo?

Hon. Jared Okelo (Nyando, ODM): Yes.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Yes, Hon. Okelo.

Hon. Jared Okelo (Nyando, ODM): For the record, I am the Member of Parliament for Nyando Constituency.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Yes.

Hon. Jared Okelo (Nyando, ODM): I am saying that there will be convergence at the Office of the President and his deputy. If we do not have such controls where only members aligned to that coalition vote for that leader, then there is the danger of intrusion by other parties in order to mess up an electoral process of a coalition. This Bill is very critical and very important for us to avoid any betrayal by intruders from other quarters.

Thank you.

*(Question, that the words to be inserted
be inserted, put and agreed to)*

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): We still have proposed amendments by Hon. Kimani Ichung'wah and Hon. Alice Wahome. Hon. Kimani Ichung'wah will go first.

(The Temporary Deputy Chairlady consulted with the Clerks-at-the-Table)

By virtue of the amendment by the Leader of the Majority Party going through, the proposed amendment by Hon Ichung'wah, Hon. Alice Wahome, Hon. Aden Duale, Hon. Didmus Barasa, Hon. Kathuri Murungi and the Chairperson of the Departmental Committee on Justice and Legal Affairs automatically fall.

Hon. Aden Duale (Garissa Township, JP): On a point of order, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Yes, Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, I just need your guidance because the words 'have fallen' do not make a lot of sense. Please, explain to me. My amendment was that Clause 22 of the Bill be amended in the proposed new section 38C, by deleting subsection (5). I will be very happy if you convince me how that has been affected by the amendment by the Leader of the Majority Party. Please convince me. I do not think my amendment has been affected, but if you convince me, I will be fine. You should know that this amendment belongs to the people of Garissa Township and it cannot be dropped just like that. It does not belong to me. The people of Garissa Township need to know the reasons.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): The Leader of the...

Hon. Aden Duale (Garissa Township, JP): Former.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Sorry, I meant Hon. Duale. You could actually be right. Just put across your amendment and we see how it relates with that of the Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, do not ask me how it relates, but ask me to move my amendment.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Duale, move your amendment.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, that is why I am a ranking Member.

I beg to move:

THAT, Clause 22 of the Bill be amended in the proposed new section 38C by deleting sub-Section (5).

What does this subsection (5) talk about? It provides for a requirement for the conduct of political party nominations which includes the requirement that outlaws participation in nomination of any other person who is not registered as a member of a political party. I had a discussion with the Leader of the Majority Party that the amendment by Hon. Bunyasi, which has fallen by the wayside, had two components that I did not know. The component of regulations that I was talking about, but had something else which I agree with the Leader of the Majority Party.

It is about the capacity of the Office of the Registrar in managing party registers, and upholding party members. But I am aware that the provision of Article 38 of the Constitution talks about the political rights of every citizen, be it a Member of Parliament or not. Every citizen is free to make political choices which include the right to form and participate in forming a political party, even to participate in a free, fair and regular elections. These regular elections can be party elections. I ask that we relook at this. We cannot deny members of a political party freedom to participate just because of the technical capacity of the Office of the Registrar of Political Parties. Based on Article 38 of the Constitution, the choice of citizens to choose a Member of Parliament, a Woman Representative, a Senator, a governor and a member of a county assembly (MCA) subject to nomination...

(Loud consultations)

Who is that hiding there talking to me? Hon. Temporary Deputy Chairlady, can you protect me?

(Laughter)

What is wrong with you guys? I have the Floor and I am representing the people of Garissa. If they do not want to represent their people, so be it.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Duale, focus and address the Chair.

Hon. Aden Duale (Garissa Township, JP): In my community, women respect men.

(Jeers)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Hon. Duale!

Hon. Aden Duale (Garissa Township, JP) I said, 'in my community'.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Duale, please, continue with your amendment.

Hon. Members: No! Apologise!

Hon. Aden Duale (Garissa Township, JP): This shall technically knock out many registered voters because of technical capacity. I said from my community. If you do not belong to my community, you can go hang yourself. You will never be part of my community.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Hon. Duale!

Hon. Aden Duale (Garissa Township, JP): I beg to move.

(Loud consultations)

Hon. Major (Rtd.) Bashir S. Abdullaih (Mandera North, JP): On a point of order, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): What is out of order?

Hon. Major (Rtd.) Bashir S. Abdullaih (Mandera North, JP): Hon. Temporary Deputy Chairlady, thank you very much. Hon. Duale is out of order by saying that in my community, which is 100 per cent Muslim, women respect men. Our women in Islam have rights as well and the rights of women in Islam rank highest. So, please, let him not insinuate that the Muslim women are subservient to men. That is unacceptable.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Members. Let us proceed.

(Question of the amendment proposed)

Hon. Members: Put the Question.

(Question, that the words to be left out be left out, put and negatived)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): The Noes have it. For the Members, I had inadvertently indicated that their amendments fall. They will actually proceed with them. So, let us have Hon. Kimani Ichung’wah.

Hon. Kimani Ichung’wah (Kikuyu, JP): Thank you, Hon. Temporary Deputy Chairlady. It is true that the amendment by the Leader of the Majority Party has no relation to ours.

I beg to move:

THAT, Clause 22 of the Bill be amended in the proposed new section 38C —

- (a) in subsection (2) by deleting the words “a certified” appearing immediately after the words “shall use” and substituting therefor the words “its”;
- (b) in subsection (3) by deleting the words “apply in writing to the Registrar for a certified copy of the” appearing immediately after the word “shall” and substituting therefor the words “submit to the Registrar a copy of its”;
- (c) by deleting subsection (4).

The import of that amendment is simply to delete the words “a certified”.

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Members! Order! Let us listen to Hon. Ichung’wah in silence.

Hon. Kimani Ichung’wah (Kikuyu, JP): Hon. Temporary Deputy Chairlady, I am simply seeking to delete the words “a certified” in clause 38C(2), which says that a political party which intends to conduct political party nominations under this Act, shall use a certified register of members for nomination. I replace that with “its” for it to read that the party shall use its’ register of members for the nomination.

Again, in subsection (3), I seek to delete the words “apply in writing to the Registrar for a certified copy of the”. Subsection (3) says that the party intending to conduct political party nominations under this Act, shall apply in writing to the Registrar for a certified copy of the register of members at least 21 days. Therefore, I seek to delete “apply in writing to the Registrar for a certified copy of the” and replace that with the word “shall” and substituting therefor the words “submit to the Registrar a copy of its”.

In essence, it is the question of going back to the Registrar when political parties are conducting party nominations to ask for a certified copy of their registers. I am simply giving political parties the option to use their own register that can be maintained by their own parties. The secretary-generals of the ODM, UDA and Jubilee have a register of their members. So, they do not need to ask for a certified copy from the Registrar for purposes of nomination.

That does not negate the role of the Registrar to collect party membership registers across all the 80 registered political parties only for purposes of political party nominations. We should not legislate today and then tomorrow... We say we are legislating for prosperity. Tomorrow when we read subsection (5) of that clause and it says that you shall be unable to participate in party nominations if you are not a member of a political party, the import of that, read together with sub clauses (2) and (3) is that if you are not in the certified list of members of a political party...

(Hon. T.J. Kajwang’ consulted loudly)

Hon. Temporary Deputy Chairlady, protect me from Hon. T.J. Kajwang'. He knows he can use his wide ears to listen and not his mouth.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Just focus, Hon. Ichung'wah. Go on.

Hon. Kimani Ichung'wah (Kikuyu, JP): I was saying that if you read subsections (2), (3) and (5), it means that if as a Member of Parliament running for nomination your name fails to appear in the certified list from the Registrar of Political Parties, then you shall not participate either to vote or to be voted for in the party nominations. Therefore, all I am doing in this amendment is to remove the issue of seeking certification from the Registrar and to allow a party to use its own register of members from its own party headquarters. If you are listed as a member of a political party, you may participate in party nominations. Hon. KJ is whispering to me a case example; the case of Raila Odinga's name missing from the voters register in 2007. There are discussions we had had earlier on the question of whether to use the word 'shall' or the word 'may'. That is a discussion that we had off the record.

As I conclude, we are in January of 2022. I want Members to look at me in the eyes. I promise you that by May of this year, some of you seated here will remember this day and how you have hanged yourselves.

I beg to move.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Chairlady. I do not know why people are excited when I am given the microphone. Let me have my time, you will have yours.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Focus on Hon. Ichung'wah's amendment.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Chairlady, the reason I am asking for your protection is that when I was coming in, I almost fell down because a Serjeant-at-Arms officer snatched an envelope from me. I think the CCTV clip is available. I have to say the truth.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): You are out of order, Hon. Sankok. If you are not speaking to Hon. Ichung'wah's amendment, you are out of order.

(Question, that the words to be left out be left out, put and negated)

Hon. Alice Wahome, you know your amendment and that of Hon. Ichung'wah were tied in the hip. So, yours falls. Hon. Alice.

(Proposed amendment by Hon. Alice Wahome dropped).

Hon. (Ms.) Alice Wahome (Kandara, JP): Hon. Temporary Deputy Chairlady, it would only have been fair for you to give me an opportunity to contribute to Hon. Ichung'wah's amendment. I raised my hand. I appreciate that my amendment is similar to that of Hon.

Ichung'wah. Going forward, it is important that Members with similar amendments and are likely to lose them contribute to the one moved.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuiya): That is a valid point, and it is noted.

Let us move to Hon. Didmus Barasa.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): On a point of order, Hon. Temporary Deputy Chairlady. We are in the Committee of the whole House. Could you give some guidance with regard to how you move your amendments in the Committee, other than having it as making contributions in Second Reading? I seek your guidance on that matter so that we are not treated to a 10 minute's presentation like we are in Second Reading.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuiya): Hon. Members, you all know that we are not in Second Reading. Therefore, you make your comments as brief as they can be.

Let us have Hon. Didmus Barasa. He seems not to be in the House. Unfortunately, we have to drop his amendments.

(Proposed amendment by Hon. Didmus Barasa dropped)

We have Hon. Kathuri Murungi.

(Loud consultations)

Hon. Kathuri Murungi (South Imenti, Independent): Thank you, Hon. Temporary Deputy Chairlady, I want to request our colleagues on the other side to be a bit patient.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuiya): Actually, your amendment is similar to that of Hon. Didmus. So, you can go on.

Hon. Kathuri Murungi (South Imenti, Independent): If he is not around, I want to execute the amendment.

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 22 of the Bill be amended in the proposed new Section 38C—

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

“(2) A political party that intends to conduct political party nominations under this Act shall use for the nominations—

(a) a certified register of the members of the political party;

(b) the political party's official register as approved by the party officials; or,

(c) the voters' register as approved by the Independent Electoral and Boundaries Commission.”

(b) by deleting the words “this Act” appearing in subsection (3) and substituting therefor the words “subsection (2) (a)”;

(c) by inserting the following new subsections immediately after subsection (4)—

“(4A) A political party that intends to conduct political party nominations using its official register under subsection (2)(b) shall submit a copy of its

official register to the Registrar at least fourteen days before the date of the nominations.

(4B) The Registrar may make Regulations for the better carrying into effect the provisions of this section.”

(d) by deleting subsection (5).

I intend to expand on how to do party nominations. I have three options. We can have the nominations through a certified register of the members of a political party and then we can also have the political party’s official register. I do not know the reason we have party officials, some of whom we have in this House, and we are not confident that they can be having a thorough and clean register. I am, therefore, proposing that the party list, the same way Hon. Kimani Ichung’wah is proposing that party officials, who are a party organ, have their own register which can be used for nominations.

As for No.3, I do not know what is changing this time around because we have been using the IEBC register since Independence. I do not know what is special in the 2022 elections. For sure, as many Members have put it, you will see so many causalities, some of whom are in this House in the 2022 elections.

I am proposing that the IEBC register can also be used for nominations. Since 1963, we have been using that method. So, what is changing this time? I am telling the Members of the *Azimio* especially, you will suffer the consequences more than any other members because we know the mischief which is in their parties. So, that is one of the amendments.

In the last one of (c), I intend to have 4A, which says that a political party that intends to conduct political party nominations using its official register under sub-section 2(b) shall submit a copy of its official register to the Registrar, at least, 14 days before the date of the nominations. This is simply to mean that if maybe UDA or ODM intends to do nominations, let us say by 9th of May, they can submit their register 14 days to the nomination date.

Hon. Temporary Deputy Chairlady, those are my amendments. I want to get support from both this side and the side of the *Azimio la Umoja*. They are happy today. However, people will weep and gnash their teeth in August 2022. I want to see these faces. As we speak, some of them are already former Members of Parliament.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and negated)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): The Chairperson, Departmental Committee on Justice and Legal Affairs, propose new Clause 38F.

Hon. Clement Kigano (Kangema, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT Clause 22 of the Bill be amended –

(b) in the proposed new Clause 38F by inserting the words “and publish in the party’s official website” immediately after the word “Registrar” appearing in the opening statement to sub clause (2).

I am aware that this is not the Second Reading. Part (a) of the Departmental Committee on Justice and Legal Affairs’ amendments was spent through the amendments by the Leader of the Majority Party. However, part (b) remained, which is justified because the timelines provided...

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Chairlady, on a point of order.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Junet, what is happening? The Chair is moving an amendment.

Hon. Junet Nuh (Suna East, ODM): Hon. Duale is imputing improper motive on the Chair of the Departmental Committee on Justice and Legal Affairs saying that he is the same age as Hon. Njonjo. Can you clear...

(Laughter)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): You are out of order, Hon. Junet! Proceed, Hon. Chair.

Hon. Clement Kigano (Kangema, JP): I did not hear that. Hon. Duale may be too young to know that Hon. Njonjo and I did not see eye to eye. We were major adversaries. He has phobia of every person who opposes him particularly in demeaning women.

(Laughter)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Chair, focus on your amendments.

Hon. Clement Kigano (Kangema, JP): Hon. Temporary Deputy Chairlady, I was saying that part (b), which we retained, has restrictive timelines for publication in websites and notifications to members.

With those remarks, I beg to move the amendment. This is for tidying up the Bill. Before I sit, because this is the only time that I will have that opportunity, I want to bring to the attention of the House that you are a Member of the Departmental Committee on Justice and Legal Affairs.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): You are out of order, Hon. Chair! You have just moved your amendment. Take your seat.

(Question of the amendment proposed)

*(Question, that the words to be inserted be inserted,
put and agreed to)*

(Clause 22 as amended agreed to)

Clause 23

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Silvanus Osoro.

Hon. Silvanus Onyiego (South Mugirango, KNC): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 23.

The Bill proposes to limit the chains of litigation as far as coalition parties' dispute is concerned. That, in the event there arises a dispute between the members of a coalition party, the tribunal shall not hear and determine disputes between them. What will take effect will be their coalition agreement. What that means is that the dominant party will dominate the smaller parties

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in decision making. Worse still is that in the event they do not agree, the section directs that the dispute goes directly to the High Court unlike what happens to the political parties where upon rising of a dispute within the members, there is an internal mechanism and then the tribunal. In case you need to appeal, you go to a higher court. As it is in the proposed Bill, in case of a dispute, if they do not agree within the coalition agreement, they go straight to the High Court and the appeal stops at the Court of Appeal. Ideally, it means the chains of litigation are limited. This really affects the minority in coalitions where the dominant party takes effect.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and negated)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Chair of the Departmental Committee on Justice and Legal Affairs on the same clause.

Hon. Clement Kigano (Kangema, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, Clause 23 of the Bill be amended by-

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

(b) by deleting sub-section (2) and substituting therefor the following new sub-section-

“(2) Notwithstanding subsection (1), the Tribunal shall not hear or determine a dispute under paragraphs (a), (b), (c), (e) or (fa) unless a party to the dispute adduces evidence of an attempt to subject the dispute to the internal political party dispute resolution mechanisms”.

(b) deleting sub-clause (3);

(c) deleting sub-clause (5);

(d) deleting sub-clause (6);

(e) deleting sub-clause (7); and,

(f) deleting sub-clause (8).

The effect of the proposed amendments is to create *ad hoc* extra members of the tribunal because normally, there is an upsurge and influx of cases before the tribunal. Because we want swift and expeditious disposals, we want to create *ad hoc* memberships just for that period. We also want to limit the appellate jurisdictions to remain within the High Court.

With those remarks, I beg to move.

(Question of the amendment proposed)

Question, that the words to be left out be left out, put and agreed to)

(Clause 23 as amended agreed to)

Clause 24

Hon. John Kiarie (Dagoretti South, JP): Hon. Temporary Deputy Chairlady, I would like to withdraw this amendment for the reason that it should have been preceded by earlier

amendments that I brought proposing that we upgrade the Office of the Registrar of Political Parties from being an individual desk with two assistants who appear as desk officers at the Attorney General's Office. I wanted us to replace that with a board because the matters that are being handled by the Registrar of Political Parties today are enough to be handled by an entire commission. Since my earlier amendments were not approved by the Speaker for consideration on the Floor, section (b) makes no sense. For that reason, I wish to withdraw this amendment.

Thank you very much, Hon. Temporary Deputy Chairlady.

(Proposed amendment by Hon. John Kiarie withdrawn)

(Clause 24 agreed to)

Clause 25

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): There is a proposed deletion by the Leader of the Majority Party, Hon. Alice Wahome and Hon. Silvanus Osoro. The three amendments are similar.

Proceed, Leader of Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move:

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THAT, the Bill be amended by deleting Clause 25.

The rationale for this deletion is that we have provided, within Clause 22, very elaborate electoral processes for nomination purposes.

An Hon. Member: ... *(Off record)*

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, we are talking about Clause 25.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Hon. Leader of Majority Party. Prosecute the amendment.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 25.

Hon. Temporary Deputy Chairlady, we are being distracted. Clause 25 basically says that the Registrar will prescribe the manner of conducting political party nominations. We have prescribed a very elaborate procedure in terms of how political parties will carry out their nominations, hence we do not need a Registrar to come and give contradictory nomination processes. Instead of leaving it out to a registrar to bring regulations to the Committee on Delegated Legislation, which then go to the Senate, we have decided that it is in the best interest and predictability of political parties that it is captured in the law and should not be left at the whims of the Registrar of the day to conduct party primaries through regulations.

Besides that, Article 88 (4) of our Constitution is very clear that the mandate of conducting and regulating elections falls under the IEBC. We do not want overlapping mandates between the two offices. We recommend that we delete Clause 25 from the Bill.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I will give priority to both Hon. Alice Wahome and Hon. Silvanus Osoro because they have similar thoughts.

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Hon. Alice.

Hon. (Ms.) Alice Wahome (Kandara, JP): Thank you, Hon. Temporary Deputy Chairlady. I support the Leader of the Majority Party on this particular proposed amendment to delete Clause 25. The essence of my amendment is that I looked at the mandate of the Registrar being proposed by that particular Clause and I found that, like the Leader of the Majority Party has said, it was encroaching on the mandate of the IEBC yet management of elections is purely a mandate of the IEBC, which is an independent body. Therefore, we cannot purport to share out that mandate with another office through legislation. The IEBC is not only an independent body; its mandate is constitutional. Therefore, we cannot purport to give the Registrar, through legislation, a mandate in respect of managing nominations. Nominations are part of the elections. Therefore, I concur with the Leader of the Majority Party. Once his amendment goes through, mine falls automatically.

Thank you.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Let us have Hon. Osoro.

Hon. Sylvanus Onyiego (South Mugirango, KNC): Hon. Temporary Deputy Chairlady, for the very first time, I want to associate myself with the sentiments made by the Leader of the Majority Party. This is a very good positive afterthought because this particular clause provides that the Registrar prescribes the manner of conducting political party nominations. That is more or less like duplication of roles of two offices or Government entities. This clause proposes to transfer a mandate of the IEBC to the Registrar of Political Parties. Therefore, I support the Leader of the Majority Party on this one. I ask that our side of the political divide supports the proposal to have the Clause deleted in its entirety.

Thank you.

(Question, that the words to be left out be left out, put and agreed to)

(Clause 25 deleted)

(Clause 26 agreed to)

Clause 27

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): There is a proposed deletion by Hon. Kimani Ichung'wah.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Chairlady, this was consequential amendments to the Elections Act but was hinged on the other amendment on Clause 22. I, therefore, wish to withdraw it since it will have nowhere to sit.

(Proposed amendment by Hon. Kimani Ichung'wah withdrawn)

(Clause 27 agreed to)

New Clause 2A

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move:

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THAT, the Bill be amended by inserting the following new clause immediately after Clause 2 –

Amendment of
section 3 of No. 11 of
2011.

2A. Section 3 of the principal Act is amended by inserting the following new subsection immediately after subsection (2) –

(2A) A citizen of Kenya who has attained the age of eighteen years may, subject to the provisions of this Act and any other law, join a political party-

(a) upon the payment of the party's membership fees; and,

(b) complying with any other requirements as prescribed by the party.

Hon. Temporary Deputy Chairlady, the essence of this amendment is to provide for an eligible Kenyan to join a political party. Members may notice that the Bill basically covers that people may participate in the formation of a political party but there is nowhere within the principal Act that allows members to join a political party. Now that we are cleaning the Act, this amendment is providing for a person who has reached the age of 18, subject to certain provisions and on meeting the requirements of a political party, to join a political party.

This is a very good amendment and I ask for support from both sides of the House.

I beg to move.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 14A

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after Clause 14 -

Amendment of
section 24 of No. 11
of 2011.

14A. Section 24 of the principal Act is amended in subsection (1) (a) by deleting the words “the revenue collected by the national government as may be provided by Parliament” and substituting therefor the words “all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218 of the Constitution as may be determined by the National Assembly”.

Hon. Temporary Deputy Chairlady, when we passed the Act in 2011, it was not harmonised with the Constitution in terms of reference to the basis for sharing of revenue. Therefore, Section

24 still talks of revenue and the percentage that shall be shared based on the national revenue collected. However, Article 218 of the Constitution has now defined that you only share what is attributable to the national Government after removing what belongs to the county governments, after the Division of Revenue Bill.

This is a clean-up exercise to ensure that reference to the sharable revenue is after taking into account the Division of Revenue Act and removing the portion that is supposed to go to the counties. This is to ensure that the Act complies with Article 218 of the Constitution.

With those remarks, I beg to move.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 19A

The Temporary Deputy Chairlady (Hon. (Ms). Soipan Tuya): Hon. Caleb Kositany, move Second Reading of New Clause 19A.

Hon. Caleb Kositany (Soy, JP): Hon. Temporary Deputy Chairlady, the Member for Belgut was disturbing me. We have just taken the booster shot. So, relax gentlemen.

Hon. Temporary Deputy Chairlady, I beg to move that the Bill be amended by deleting clause 1 and substitute therefor the following new clause...

The Temporary Deputy Chairlady (Hon. (Ms). Soipan Tuya): Hon. Caleb, we are on new Clause 19A.

Hon. Caleb Kositany (Soy, JP): Okay, I get. Thank you.

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after Clause 19—

Amendment of
section 33 of
no. 11 of 2011.

19A. Section 33 of the principal Act is amended by inserting the following new subsection immediately after subsection (5) —
(5A) The Office of the Registrar shall ensure reasonable access to its services at the county level and may determine from time to time conduct of its business in any part of the Republic.

Hon. Temporary Deputy Chairlady, the reason I am doing this is because we are creating an imperial Registrar. It is important for every county to be able to have a registrar of political parties in it. Therefore, the Office of the Registrar should open an office in every county so that it can be easily accessible to members of political parties rather than depend on a central point in Nairobi.

I beg to move.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and negatived)

The Temporary Deputy Chairlady (Hon. (Ms). Soipan Tuya): The “Noes” have it. I beg your pardon. There is nothing to move on to because it has suffered its death.

New Clause 20A

The Temporary Deputy Chairlady (Hon. (Ms). Soipan Tuya): I call upon the Mover to move Second Reading of new Clause 20A.

Hon. John Kiarie (Dagoretti South, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after Clause 20—

Repeal of section 34A
of No. 11 of 2011

20A. The principal Act is amended by repealing section 34A.

Hon. Temporary Deputy Chairlady, you realise that the Office of the Registrar of Political Parties is manned by one individual and two deputies. The job that is on the desk of the Registrar is enough to be carried out by a fully-fledged independent commission with a board and a secretariat. This was my proposal in the amendment that I sought to move. However, since the other amendments were not approved by the Speaker, I do withdraw the amendment seeking to include this new clause.

Thank you very much.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): You have withdrawn the amendment. That is in order.

(Proposed amendment by Hon. John Kiarie withdrawn)

New Clauses 21A and 21B

Hon. John Kiarie (Dagoretti South, JP): Hon. Temporary Deputy Chairlady, I beg to move:

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THAT, the Bill be amended by inserting the following new clauses immediately after Clause 21—

Repeal of section
36 of No.11 of 2011.

21A. The principal Act is amended by repealing section 36.

Repeal and replacement of
section 37 of No.11 of 2011.

21B. The principal Act is amended by repealing section 37 and replacing it with the following new section—

Removal of Registrar
or Assistant Registrar.

37. (1) A Registrar or Assistant Registrar may be removed from office for—

(a) a serious violation of the Constitution or any other law;

(b) gross misconduct, whether in performance of their functions or otherwise;

(c) physical or mental incapacity to perform the functions of office;

(d) incompetence;

(e) bankruptcy; or

(f) engaging in active politics.

(2) A person desiring the removal of a Registrar or Assistant Registrar under subsection (1) may present a petition to the National Assembly setting out the alleged facts constituting each ground.

(3) A Registrar or Assistant Registrar sought to be removed under subsection (1) shall be given a fair hearing before a decision is made by the relevant committee of the National Assembly.

(4) The relevant committee of the National Assembly shall, upon receiving a petition under subsection (2), consider the petition and may recommend that the Registrar or Assistant Registrar be suspended pending the outcome of the complaint.

(5) The relevant committee of the National Assembly shall consider the petition and if it is satisfied that it discloses a ground under subsection (1), it shall make a determination that the Registrar or Assistant Registrar be removed from office and the Registrar or Assistant Registrar shall stand removed from office upon the making of that determination.

The first amendment is to tidy up the Act. It speaks to many amendments that have been brought to this Act by many Members, most of which have been passed. By repealing Section 36, we shall tidy up the Act so that it is in tune not only with the Constitution but also with the amendments that have been made today.

The import of the second amendment is the fact that we have to tidy up the process of removal of the Registrar of Political Parties or her assistant. This is because she is a person who holds the office in trust for the people of Kenya. Even as we protect their security of tenure, we should give any aggrieved Kenyan an opportunity and guidelines on how they can be removed from office.

The process will include bringing the charges to this House to be considered by the relevant Committee, in this case the Departmental Committee on Justice and Legal Affairs; so that we do not end up punishing Kenyans.

Thank you very much.

(Question of the new clauses proposed)

(New clauses read the First Time)

(Question, that the new clauses be read a Second Time, proposed)

The Temporary Deputy Chairlady (Hon. Soipan Tuya): The Leader of Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I stand to oppose these amendments by Hon. Kiarie.

First of all, he is economical with the truth to this House. He wants the Sixth Schedule deleted but he is giving a different reason that deals with appointment of the Registrar. If we delete the Sixth Schedule, we will have no basis for appointment of the Registrar.

In Section 37, the Act is very elaborate. What he is trying to do is shifting the responsibility of resolving matters from the tribunal to Parliament. So, this amendment must fail.

(Question, that the new clause be read a Second Time, put and negatived)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I call upon the Chair of the Departmental Committee to move Clauses 22A and B.

Hon. Members: Clause 21C!

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I had already stated that New Clause 21C is dropped.

(Proposed New Clause 21C by Hon. John Kiarie dropped)

New Clauses 22A and 22B

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): We are now on New Clauses 22A and 22B.

Proceed, Chair of Departmental Committee on Justice and Legal Affairs.

Hon. Clement Kigano (Kangema, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 22 -

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 22 –

Amendment of section 39 of No.11 of 2011.

22A. Section 39 of the principal Act is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (b) –

“(c) The members of the Tribunal shall elect a vice chairperson from among the members who are Advocates of the High Court of Kenya under paragraph (b)”.

Insertion of new section 39A in No.11 of 2011. 22B.

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22B. The principal Act is amended by inserting the following new section immediately after section 39 –

Appointment of ad hoc members
of the Tribunal.

39A. (1) At least six months to the date of a general election, the Judicial Service Commission shall appoint not more than eighteen *ad hoc* members of the Tribunal of whom:

(a) nine shall be Advocates of the High Court of Kenya of at least seven years standing; and,

(b) nine shall be professionals with outstanding governance, administrative, social, political, economic and other record.

(2) The *ad hoc* members of the Tribunal shall hold office for a term not exceeding one year.

(3) The *ad hoc* members of the Tribunal shall serve together with the members of the Tribunal appointed under section 39 and they shall be responsible to the chairperson of the Tribunal.

(4) A person shall not be qualified to be appointed as an *ad hoc* member of the Tribunal if that person is a public officer or holds office in a political party.

(5) A person shall not be qualified for appointment under this section unless the person meets the requirements of Chapter Six of the Constitution.

Hon. Temporary Deputy Chairlady, the facts of the amendments are as stated in the Order Paper. New Clause 22A provides for a vice-chair while New Clause 22B provides for extra *ad hoc* members of the tribunal to serve for at least one year. It also provides for the qualifications thereof.

With those remarks, I beg to move.

(Question of the new clauses proposed)

(New clauses read the First Time)

(Question, that the new clauses be read a Second Time, proposed)

(Question, that the new clauses be read a Second Time, put and agreed to)

(The new clauses were read a Second Time)

(Question, that the new clauses be added to the Bill, put and agreed to)

New Clause 23A

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): I call upon the Mover who is the Chairperson of the Departmental Committee on Justice and Legal Affairs to move his amendment.

Hon. Clement Kigano (Kangema, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after Clause 23 –

Amendment of section 41
of No. 11 of 2011.

23A. Section 41 of the principal Act be amended –

(a) in subsection (2) by deleting the words “to both the Court of Appeal and the Supreme Court” and substituting therefor the words “to the Court of Appeal and the decision of the Court of Appeal shall be final”.

(b) in subsection (3) by inserting the words “but the Tribunal shall have the powers of the High Court to punish for any acts or omissions amounting to contempt of the Tribunal” immediately after the words “Magistrates Court”.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): We are doing a Second Reading. Chair, just for the record, you need to state that the new clause you are proposing should be read a Second Time.

Hon. Clement Kigano (Kangema, JP): I propose that the new clause be read a Second Time.

The reasoning behind this amendment is to provide for the Court of Appeal as the final court without one having to go to the Supreme Court.

The last portion of the amendment seeks to give the tribunal the powers to punish for contempt.

With those remarks, I beg to move.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 26A

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. John Kiarie.

Hon. John Kiarie (Dagoretti South, JP): Hon. Temporary Deputy Chairlady, I wish to get the attention of the House because this is a critical amendment.

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after Clause 26—

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Amendment of
the Third
Schedule of
No. 11 of 2011.

26A. The principal Act is amended in the Third Schedule in paragraph 3(e) by inserting the words “including any entitlements to positions in the Cabinet, eligible State offices and leadership positions in Parliament and its committees” immediately after the words “within the coalition”.

The import of this new clause is to protect small parties within a coalition. In our short history of coalitions, we have seen dominant parties within a coalition bullying their siblings. Cases arise where the dominant party denies its coalition members their rightful dues in terms of monies given to political parties. Dominant parties bully small parties when it comes to positions in Cabinet and leadership positions in this House. A coalition negates coalition agreements whenever they get to the House and short-change their coalition partners. With the new Clause 26A, parties like Wiper Democratic Movement-Kenya, Forum for the Restoration of Democracy, Kenya (FORD-K) and Amani National Congress (ANC) are protected. Parties that were conned in the arrangements called Coalition for Reforms and Democracy (CORD) and the National Super Alliance (NASA) have opportunities to redeem themselves with the new Clause 26A. Dominant parties in a coalition bully their junior siblings.

With those remarks, I beg to move.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and negated)

Hon. John Kiarie (Dagoretti South, JP): On a point of order, Hon. Temporary Deputy Chairlady.

Clause 2

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Alice Wahome has proposed a deletion on this clause.

Hon. Members: Withdraw!

Hon. Alice Wahome (Kandara, JP): Hon. Temporary Deputy Chairlady, I hear a word like “withdraw”.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): What is out of order, Hon. Kiarie?

Hon. John Kiarie (Dagoretti South, JP): Hon. Temporary Deputy Chairlady, it is being brought to my attention that an Hon. Member is smoking in the House. I would like to know if the Member is in order to be smoking in the House, knowing what the House is.

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The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Who is smoking in the House, Hon. Kiarie? Hon. Kiarie, I am addressing you. That is a point of misconduct. So, who is smoking in the House? Can you say who it is? If you are not able to substantiate, just withdraw the allegation. We need to move on. You should not make such statements without substantive evidence.

Hon. John Kiarie (Dagoretti South, JP): If my eyesight has failed me, I withdraw and apologise.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Alice Wahome, proceed.

(Loud consultations)

Just a minute, Hon. Alice. What is out of order, Hon. Junet?

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Chairlady, first, I want to thank you for the ruling you have made on Hon. Kiarie. More importantly, we can disagree on issues of the Bill here with regard to proposed amendments but we cannot put the House to disrepute. Initially, a Member of this House said here that Members were being bribed. Now another Member has said that Members are smoking inside this House. There is something wrong with these *Tangatanga* MPs. Something has gone bad in their heads. Something bad is in their heads.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I have already ruled on the matter raised by Hon. Kiarie. He is out of order. Members, you are in the glare of television cameras. You are being heard by your constituents. Let us maintain the integrity of the House.

Hon. Alice, proceed.

Hon. (Ms.) Alice Wahome (Kandara, JP): Thank you, Hon. Temporary Deputy Chairlady. I wanted to make an intervention before I proceed because...

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): No, Hon. Alice Wahome. Please, the matter has been dispensed with. The matter raised by Hon. Kiarie and the statements made by Hon. Junet have been dispensed with. Let us move on, Hon. Alice Wahome.

Hon. (Ms.) Alice Wahome (Kandara, JP): I think it is not fair because Hon. Junet has just generalised and called us *Tangatanga*. He is also supposed to withdraw that remark. That is my intervention.

Hon. Temporary Deputy Chairlady, it is important that we balance some of these sentiments and opportunities to object. I know that I am supposed to be moving my amendment:

THAT, the Bill be amended by deleting Clause 2.

In normal circumstances I would have withdrawn this amendment but I do not intend to do so. I intend to move it.

Gladys Wanga, I do not account to you, neither do I respond to you! Idiot!

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Wahome, please address the Chair. Just address the Chair and focus on your amendment.

Hon. (Ms.) Alice Wahome (Kandara, JP): I am sorry, Hon. Temporary Deputy Chairlady. I protest the withdrawal of my microphone. I do not think that is right. My microphone should not be withdrawn. There is a problem because every time I try to speak, Gladys Wanga's mouth is open. I must protest in the strongest words possible. I protest, I protest, I protest. Let me now proceed. Yes. When did she become my prefect or a prefect of this House?

Hon. Members: You should withdraw.

Hon. (Ms.) Alice Wahome (Kandara, JP): Oh! I am saying, No! No! No!

Hon. Temporary Deputy Chairlady, this particular amendment is informed by the fact that I strongly believe that creation of coalition of political parties is unconstitutional. I am aware that some provisions have already passed. Nevertheless, let me just move my amendment for record purposes. This is a House of records and traditions. This House will be able to show through the *Hansard* that I said there is now room for a coalition political party in Kenya because the Constitution of the Republic of Kenya does not have any name like coalition political parties.

So, everything we have done here about coalition of political parties is about people who intend to mess up with the Constitution. It is not the first time that this House has made laws that have been found to be unconstitutional. I want to say that this may end up as one of those laws that have been found to be unconstitutional. I do not want to be part of it.

I, therefore, beg to move.

Hon. Members, I beg that you support my proposed amendments.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chair...

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Hon. Wanga, what is out of order?

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Hon. Temporary Deputy Chairlady, I appreciate that Hon. Alice Wahome and the entire brigade of UDA MPs have had a very rough day but to take it out on me is really out of order. She cannot carry all the frustrations of losing all the amendments and put them on me. These are the numbers here. These are the people who have defeated those amendments. It has nothing to do with Gladys Wanga. It is only because team *Tangatanga* has been walking everywhere saying that they have the requisite numbers to see through their amendments. When she finally realised that they do not have the numbers, she resorted to calling out my name.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Leader of the Majority Party, proceed.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to oppose the proposed amendment, which is basically a very mischievous one intended to dilute all the work we have done this afternoon by denying the law the definition it requires. I also want to correct Hon. Alice Wahome. I said this the other day. I respect Hon. Alice Wahome as a lawyer but I would want to ask her to read Article 108 of the Constitution tonight.

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Order, Hon. Wahome! Proceed, Leader of the Majority Party. Address the Chair.

Hon. Amos Kimunya (Kipipiri, JP): I want to invite Hon. Alice Wahome to read Article 108 of the Constitution of Kenya. It clearly says that the Leader of the Majority Party shall be the Member from the largest party or coalition of parties. The Hon. Member has put it on record that the Constitution of Kenya does not have the word "coalition." I am alerting her to read Article 108 of the Constitution because she will find it there. I now doubt whether you are really a lawyer.

Thank you.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Chairlady, I stand to oppose the amendment of Hon. Alice Wahome. She has just said that this Bill is unconstitutional yet she is proposing an amendment to it. What kind of a lawyer is she? She must be a Murang'a College University lawyer.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Junet, you are out of order.

Hon. Pukose.

Hon. (Dr.) Robert Pukose (Endebes, JP): Thank you, Hon. Temporary Deputy Chairlady.

Hon. (Ms.) Alice Wahome (Kandara, JP): On a point of order, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Hon. Members! Order, Hon. Wahome! Hon. Pukose, please proceed.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Temporary Deputy Chairlady. I want to support the amendment by Hon. Alice Wahome. I know that the coalition on KEMSA is waiting to be paid for the evening.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Pukose, please confine yourself to your support.

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Temporary Deputy Chairlady, this is a good amendment but it is a fact that the coalition on KEMSA is waiting to be paid for the day.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Pukose, you are out of order.

*(Question, that the words to be left out
be left out, put and negated)*

Hon. Members, we have more amendments by Hon. Duale and Hon. Didmus Barasa. Let us have Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Temporary Deputy Chairlady. I do not want to engage in sideshows.

I beg to move:

THAT, Clause 2 of the Bill be amended—

(a) by deleting paragraph (a); and,

(b) by deleting paragraph (c).

Hon. Temporary Deputy Chairlady, Article 260 of the Constitution defines a political party as an association as contemplated in Chapter 7 of the Constitution. Clause 2 (a) of the Bill seeks to delete this specific constitutional definition and substitute therefor the following words; “A political party means an association of citizens with an identifiable ideology or program that is constituted for the purpose of influencing public policy on nominating candidates.”

In my view, the Constitution has not defined it as such, and it does not allow anyone to modify, alter or attempt to redesign this definition. If you read Article 260 together with Article 91 of the Constitution, you will note that the functions of a political party are well stipulated. Therefore, Clause 2 (a) is a complete departure from Article 260 of the Constitution. The least that this Bill can do is to cut and paste the constitutional definition. It should not introduce a new definition that is strange to the Constitution. That is one of the reasons as to why I want it deleted.

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In my opinion, it is strange to the Constitution. We are amending a provision of the Constitution through an Act of Parliament. I can tell you that when this Clause goes to those who are mandated by the Constitution to interpret it, they will listen to what I am saying.

Further, Clause 2 (c) of the Bill introduces completely new definitions of the terms “direct nomination”, “indirect nomination” and “statement of ideology.” Direct party nomination has been defined in the Bill to mean a process through which registered members elect candidates for an election. I propose to delete paragraphs (a) and (c). Hon. Alice Wahome, who is not here, is a competent lawyer. I have just checked as people were bashing her. She is an active member of the Law Society of Kenya (LSK) and...

(Laughter)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Proceed, Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): It is late in the night. We still have until midnight. So, my proposed amendment is based on the provisions of the Constitution as contained in Articles 260 and 91.

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Proceed, Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, you need to protect me from Junet and his type.

This clause is trying to amend Articles 260 and 90 of the Constitution through the backdoor. So, I propose that the two paragraphs be deleted.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I can see that Members want to contribute.

Proceed, Hon. Cheptumo.

Hon. William Cheptumo (Baringo North, JP): Thank you, Hon. Temporary Deputy Chairlady.

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order Members. Order Members. The Member on the Floor has not lost his right to contribute.

Hon. William Cheptumo (Baringo North, JP): Thank you, Hon. Temporary Deputy Chairlady. The Constitution is the supreme law of the land. We cannot attempt to use a legislation to give a different meaning to something that is defined in our Constitution. If there is any intention to give a different meaning, it is only fair to amend the Constitution. To use a statute to give a different meaning to what is already defined in the Constitution is not acceptable. I would like to say to my colleagues that we are all leaders. We all swore to defend the Constitution. We cannot use the backdoor, because of political expediency, to pass a law that gives a different meaning to what is already provided in the Constitution.

I support the proposal by Hon. Duale and appeal to Members that we delete these paragraphs.

Thank you, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Temporary Deputy Chairlady. Hon. Members, in the last election we had the NASA Coalition. I am using it as an example. Parties came together and agreed on a candidate but, by law, the candidate was sponsored by ODM because the coalition could not field him as its own candidate. Despite the coalition bringing together many parties, the candidate vied as an ODM candidate. The same was the case for the Jubilee Party in 2013 where they had The National Alliance (TNA) and United Republic Party (URP).

Ultimately, President Kenyatta was on the ballot papers as the TNA candidate yet there was convergence in mind with URP. What we are doing is to ensure that when parties agree to form a coalition, they should field a candidate without subduing him or her under the mother political party. There is no reason to change this provision.

Lastly, we have been blackmailed unnecessarily for far too long about what the High Court will do. The High Court does not exercise supervisory jurisdiction over Parliament. It only looks at the constitutional provisions to ascertain whether contested provisions of a statute are constitutional or otherwise. Parliament is equal to the High Court in rank. So, the threat that we should be looking at what the High Court is doing should not suffice. We should not suffer this blackmail.

Hon. Temporary Deputy Chairlady, I therefore oppose the amendment.

(Question, that the words to be left out be left out, put and negatived)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): We have proposed amendments by Hon. Tuitoek and Hon. Silvanus Osoro. Are they in the House? Hon. Tuitoek, you might want to say something about your amendment. This is because with the falling of Hon. Duale's amendment, yours does not survive.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Chairlady for giving me an opportunity to say something about my amendments. I realised that Clause 2 (c), which Hon. Duale has just referred to, was referring to the issue of registered members. In Clause 22, the Registrar of Political Parties was given excessive powers, including powers to certify members' registers. This amendment was to address that aspect, so that nominations are not restricted to particular registered members of a party. However, since the other amendments were not successful, I withdraw my amendments.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Hon. Osoro.

(Proposed amendments by Hon. David Tuitoek and Hon. Silvanus Onyiego dropped)

(Clause 2 agreed to)

(Title agreed to)

Clause 1

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): There is a proposed amendment by Hon. Kositany.

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Hon. Caleb Kositany (Soy, JP): Thank you, Hon. Temporary Deputy Chairlady. I believe that this is the last amendment we are having on the Political Parties (Amendment) Bill.

I beg to move:

THAT, the Bill be amended by deleting Clause 1 and substituting therefor the following new clause—

Short title and commencement. 1. This Act may be cited as the Political Parties (Amendment) Act, 2021 and shall come into operation immediately after the next general elections.

Hon. Temporary Deputy Chairlady, I say this because we have been called for Special Sittings. This is the third session we are having on this Bill. All that we have been discussing has nothing to do with the people we represent in this House. This is a House of representatives. We represent the people. We do not come here to legislate for individuals so that they may con each other or go back on their words.

The issue of coalitions is with us. I want Members to listen to me. There was a coalition called NASA, and another one between URP and TNA. There was also CORD. There was dishonesty in the TNA-URP Coalition although the leaders were people who keep their words. They kept their words. The NASA Coalition had issues because its leaders did not keep their words. We have been called for these Special Sittings with so much urgency that Kenyans wonder: Who is this that is so desperate to have this Bill passed? We saw what happened in the first Special Sitting when the Speaker ruled that we would not proceed with the Afternoon Sitting. Hon. Junet was among those whose tempers flared.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Kositany, there is a point of order.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Chairlady, I wanted to bring to your attention that the Standing Orders recommend relevance to what is being debated. Hon. Kositany is talking about issues that have nothing to do with the Bill. He is the man who killed the Jubilee Party.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Kositany, confine yourself to the Bill and be relevant.

Hon. Caleb Kositany (Soy, JP): Hon. Temporary Deputy Chairlady, Hon. Junet should add that I killed Jubilee Party with his help and the help of ODM. We want to thank you because Jubilee Party is no more. Some of the Bills we have passed here - and I say this with authority - are meant to bring back the Building Bridges Initiative (BBI) through the back door. The BBI sought to give us an imperial presidency. We are creating imperialism in political parties. What we have done today is that when you are a member of a political party, you are not different from gas in a tank. Without somebody turning the button on, you are stuck in that tank and your rights are infringed on. Yes, you have the numbers: six versus one. Yes, the Bill will pass the way the BBI Bill passed. However, these laws are not for the people of Kenya but for individuals.

Going forward, we need to amend the Standing Orders of this House so that there is a threshold for calling Special Sittings. This has been the worst Christmas and the worst New Year for Members of Parliament in the history of the Republic of Kenya. I pity young Members of Parliament. I have no problem because my youngest child is about 23 years old. There are Members who have young families. We have denied them an opportunity to enjoy the New Year with their families. So, I propose that all these amendments take effect after the next general election.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Jayne Kihara.

Hon. (Ms.) Jayne Kihara (Naivasha, JP): Hon. Temporary Deputy Chairlady, I share the opinion of my brother, Hon. Kositany. Coming from holiday not to discuss issues affecting our people is not right. What we need in this country is political hygiene. We do not need to take care of cons. We know people are dying in Lamu. Instead of talking about insecurity in Lamu, we are here protecting...

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Kihara, support the amendment by Hon. Kositany and confine yourself to it.

What is it, Hon. Otiende Amollo?

Hon. (Dr.) Otiende Amolo (Rarieda, ODM): Hon. Temporary Deputy Chairlady, I oppose that proposal for a very direct reason. Clause 1 is merely restricted to describing the legislation we are dealing with. The question of commencement, if it was to be considered, is a substantive question. It would not come under the Title. It would come under a substantive path that would seek to basically vary what is in the Constitution and what is in the law.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): But we are on Clause 1.

Hon. (Dr.) Otiende Amolo (Rarieda, ODM): There are statements that have been made by five Members on constitutionality. We should not let this go because it might be supposed that we accept ...

(Hon. Owen Baya spoke off-record)

Hon. Baya, I am now talking about the Constitution. Hon. Alice Wahome has spoken about this matter.

Article 260 is very clear. The definition in Article 260 does not exclude the possibility of a definition of a coalition political party. So, the relevant Articles to consider are Articles 91 and 92. Nobody pointed out anything.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Are you on Clause 1, Hon. Otiende?

Hon. (Dr.) Otiende Amolo (Rarieda, ODM): Let us agree that there is no question of constitutionality. It is just a question of either carrying the amendment or not. Now that it has been carried, let it rest there.

Thank you.

(Question, that the words to be left out be left out, put and negated)

(Clause 1 agreed to)

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE POLITICAL PARTIES (AMENDMENT) BILL

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move that the Committee does report to the House its consideration of the Political Parties (Amendment) Bill (National Assembly Bill No.56 of 2021) and its approval thereof with amendments.

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(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Temporary Deputy Speaker (Hon. Patrick Mariru) in the Chair]

Hon. (Ms.) Soipan Tuyu (Narok CWR, JP): Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Political Parties (Amendment) Bill (National Assembly Bill No.56 of 2021) and approved the same with amendments.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the House does agree with the Committee in the said Report.

I request Hon. Muturi Kigano to second the Motion for agreement with the Committee of the whole House.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Muturi Kigano.

Hon. Clement Kigano (Kangema, JP): Hon. Temporary Deputy Speaker, I second.

Hon. Peter Kaluma (Homa Bay Town, ODM): On a point of order, Hon. Temporary Deputy Speaker.

(Question proposed)

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is out of order, Hon. Kaluma?

Hon. Peter Kaluma (Homa Bay Town, ODM): I thank you, Hon. Temporary Deputy Speaker.

Hon. Temporary Deputy Speaker, I beg to move that the Motion for agreement with the Report of the Committee of the whole House be amended by inserting the following words: "subject to re-committal of Clause 3."

This is the first clause which was treated to some circumstances which are known. I will not overindulge on it.

I move the amendment and beg the Leader of the Majority Party to second.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to second the amendment for the purpose of cleaning up the record.

(Question proposed)

Hon. Members: Put the Question!

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well.

(Question put and agreed to)

(Clause 3 recommitted)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Temporary Deputy Speaker (Hon. Patrick Mariru) left the Chair]

IN THE COMMITTEE

[The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya) took the Chair]

THE POLITICAL PARTIES (AMENDMENT) BILL

(Recommittal of Clause 3)

Clause 3

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): There were amendments by Hon. John Mutunga and Hon. Alice Wahome. Hon. Mutunga, we are on recommittal of Clause 3, which takes us back to the *status quo*.

(Loud consultations)

Order, Members!

Hon. John Mutunga (Tigania West, JP): Hon. Temporary Deputy Chairlady, everyone who is still in this House today, and was here last week, is clearly aware of what is happening. Our friends and foes are passing a law that will affect them. That particular clause was to assist political parties to become better in terms of civility. However, we have Members here who believe that they must deliver what their masters want. I withdraw my amendment to that particular clause.

(Proposed amendment by Hon. John Mutunga withdrawn)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Let us hear Hon. Alice Wahome on Clause 3.

(Loud consultations)

Hon. (Ms.) Alice Wahome (Kandara, JP): Thank you, Hon. Temporary Deputy Chairlady for giving me an opportunity to tell those who....

Hon. Members: Wear your mask!

Hon. (Ms.) Alice Wahome (Kandara, JP): I am alone here. The people telling me to wear a mask have not worn masks.

When the Clause was passed last time, we had agreed that I drop my amendment once Hon. Mutunga's amendment passes. I have nothing to add other than to tell these people that today is your day. Tomorrow will be our day. You are making a thorny bed for yourselves. I have nothing

useful to add. We are dealing with self-declared cows and dictatorship at its best. This House is under capture of the Handshake.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Alice Wahome, have you dropped your amendment?

Hon. (Ms.) Alice Wahome (Kandara, JP): No, I have not. I did not say that I have dropped it. I said I have nothing useful to add other than what I had said before.

THAT, Clause 3 of the Bill be amended in the proposed new section 4B—

(a) in the marginal note by deleting the words “symbol and slogan” and substituting therefor the words “and symbol”;

(b) in subsection (1) by deleting the words “symbol and slogan” appearing immediately after the word “name” and substituting therefor the words “and symbol”;

(c) in subsection (2) by deleting the words “symbol or slogan” wherever they appear and substituting therefor the words “or symbol”;

(d) in subsection (3) by deleting the words “symbol or slogan” appearing immediately after the word “name” and substituting therefor the words “or symbol”.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Members, I will proceed to put the Question.

(Question, that the words to be left out be left out, put and negated)

(Clause 3 agreed to)

I now call upon the Mover to move reporting.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move that the Committee does report to the House its consideration of the Political Parties (Amendment) Bill (National Assembly No.56 of 2021) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Temporary Deputy Speaker (Hon. Patrick Mariru) in the Chair]

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE POLITICAL PARTIES (AMENDMENT) BILL

Hon. (Ms.) Soipan Tuya (Narok CWR, JP): Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Political Parties (Amendment) Bill (National Assembly No.56 of 2021) and has approved the same with amendments.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the House does agree with the Committee in the said Report.

I also request Hon. Junet Mohamed to second the Motion for agreement with the Committee of the whole House.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, this is a very important day. I second.

(Question proposed)

(Question put and agreed to)

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the Political Parties (Amendment) Bill (National Assembly Bill No.56 of 2021) be now read a Third Time.

I want to thank all the Members of this House regardless of the positions they took, because we interrupted our holiday at a time when we are supposed to be with our families. We came here to express our democratic right. Let me also take this opportunity to thank the presiding Speakers for the coordination that they have had.

I would also like to take this opportunity to thank our staff for the time they have put in. We interrupted their holidays. They are supposed to be with their children for holidays but they dedicated their time to come. My gratitude goes to the Serjeant-at-Arms, who had to do an extra duty of protecting all of us from ourselves, and to all the other staff of the National Assembly.

Most importantly, I want to thank the hardworking Members of the Departmental Committee on Justice and Legal Affairs Committee and all the stakeholders. They dedicated their holiday time to travel, to consult and to bring a Report to us. I know there has been a lot of talk about public participation. However, there have been a lot of discussions since 2017 to date. I want to thank all the people who have participated in the development of this Bill.

Hon. Temporary Deputy Speaker, I beg to move and request Hon. Junet to second.

Hon. Junet Nuh (Suna East, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to second.

I also want to thank the Members from both sides of the House who helped us to pass this Bill. I do not want to thank people who came here to fight us. These people have done a good job. These are good people who understand what they are supposed to do to move this country forward.

In any contest there must be a winner and a loser. Today, we are known as people who are together. As the *Azimio* group, we are one. We have the bragging rights tonight. We have defeated *Tangatanga* badly. They are bruised. I do not know whether they will recover from this.

With those few remarks, I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Patrick Mariru): I will give chance to at least two people to speak – one from this side and one from the other side.

Hon. Aden Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, today is a great day. I am sure the people of Kenya who are watching will make a decision. When this House

was called a number of times for the Special Sitting on this Bill, I decided to go to the *Hansard* room. I decided to listen to this House's proceedings of previous years up to the 11th Parliament. Specifically, I picked on a record of one afternoon when the late Charles Njonjo decided to introduce a legislation that made Kenya a one party political system.

At the outset, I want to thank our worthy competitors in this House. We have shown them, for the first time, that the largest political caucus in this House with 137 Members is none other than the UDA.

Hon. Temporary Deputy Speaker, let me go on record to thank the Office of the Speaker, the Office of the Clerk and the many men and women who serve in the Legal Department, who sometimes I could call late in the night, who I could call at short notice to make sure that the people of Garissa Township and the brigade that I caucus around with the UDA ideas and amendments are executed. As we retreat to our homes, some of us will walk with our conscience intact. We will go home to have dinner, shower and sleep. I am sure that other people will be around Parliament Buildings for about two hours. What they will be doing, I do not know and I do not want to speculate.

I want it to go into history that this House has passed a Bill. This Bill will be taken to the Senate within the reading of Articles 109 and 110 of the Constitution. In the event that the Senate changes even a comma, I will have another opportunity in this House to deal with the Bill. If this House disagrees with the Senate on that comma, this Bill will end up in mediation.

So, Hon. Temporary Deputy Speaker, as you retreat to many other offices within the building... "Within the building" can mean your own office. So, relax. Why are you guilty? I did not say anything. It can mean the bar or the lounge. I have only said that as you go to other ...

(Loud consultations)

Hon. Jude Njomo, we are neighbours. After you finish your business, I can give you a lift.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Aden Duale, I am sure you are concluding so that...

Hon. Aden Duale (Garissa Township, JP): Let me finish, Hon. Temporary Deputy Speaker. We waited and we must speak to the people of Kenya. I heard a Member of the Chairperson's Panel say, "Do not turn the House into politics." This is a House of politics. I voted politics. This is a House of debate. I served under ODM in the 10th Parliament with 106 Members. I served under URP and TNA with 133 Members. Today, I want to confirm that the largest political caucus is none other than UDA, led by the "Chief Hustler"; the Deputy President. Those who do not subscribe to that, look for the nearest transformer; go and hang yourselves.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Temporary Deputy Speaker for giving me this opportunity. Of course, I support the Third Reading. I just want to say one or two things.

First of all, it is a fallacy. I note that Duale is running away because he does not want to hear when I give him facts but I want to tell him before he goes that UDA is not the largest conglomerate of anything because in UDA they have Chama Cha Mashinani; in UDA, they have Chama Cha Dancers; in UDA, they have KANU; in UDA, they have ODM with Aisha; in UDA,

they have Jubilee; in UDA, I even hear that their Secretary-General is an official Member of ODM. So, they are just people who are living a fantasy about a large party that is not large. They had been talking to us about numbers out there but when they came here, we discovered that the numbers they were talking about are telephone numbers. They are not numbers of Members of this House. When it came to where the rubber meets the road, we discovered that UDA has telephone numbers only.

Hon. Temporary Deputy Speaker, UDA keeps on threatening us about taking this law to court. I hope the courts are listening. As a lawyer, I want to advise the courts not to be seen to be aligned to one side of the political divide. The UDA cannot purport to say that when they have been defeated by numbers here on issues which are not constitutional, they are going to court. Why? My sisters, Hon. Alice Wahome and Hon. Cecily Mbarire, kept telling us this.

Hon. Temporary Deputy Speaker, there are two things that shocked me. When I was seated here, I thanked the Almighty God that in my lifetime, I saw Hon. Alice Wahome singing *Bado Mapambano*. In my lifetime, I heard them say *tibim*. In my lifetime, I heard them asking us to be mindful that we are a House that needs to make laws for posterity. We have been preaching this since I joined this Parliament. So, I am glad that they are finally converted. However, they should not be converted for two minutes but for life. Please, ensure that you make laws for posterity. I am glad that even as you say that this will come for mediation or whatever, please, we must learn to sober up as a House.

Hon. Temporary Deputy Speaker, finally, I want to challenge the House leadership. We have disagreed in this House before but what the House leadership is doing – perhaps no other Member will raise this matter with you – is reducing this House to a joke. How do we allow people to come here dressed in party colours? How do we allow Members to come to this House with *lesos*? How do we allow the kind of things that people have been doing here? There are lies that people have been telling here without blinking an eye.

On the partiality of some of the Members of the Speakers' Panel, I have been pressing the intervention button since I came here in the morning but it is just the same people being given chances to raise points of order, especially when there is one specific presiding Speaker in the Chair.

Hon. Temporary Deputy Speaker, as you sit there, you have done fairly well. Hon. Members, when you sit there as the Speaker, you must guide the House properly.

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well, Hon. Millie.

(Loud consultations)

Order, Hon. Members! I indicated that I will have one Member from each side. We must proceed now. I have confirmed that the House is properly constituted for the purpose of making a decision.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

Hon. Members, as you are aware, there was more business. I am sure the Leader of the Majority Party wants to speak to it.

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Next Order!

BILL

Second Reading

THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, Members have been here for quite a long time. Given my earlier comments about them sacrificing their time and also wanting to be on the ground, I would wish to step down the item appearing under Order No.9 until a time when the House Business Committee (HBC) will allocate it time. Consequently, item number 10 will be stood down. I want to thank Members for being here until now. Enjoy the rest of your holiday.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, since we have more business listed by the Leader of the Majority Party, I agree with what he has said. The three days are, therefore, considered as spent.

(Bill deferred)

Hon. Members, I want to take this opportunity to thank all of you for the few days we have engaged on this matter. Sometimes it was with a bit of passion but that was it. I want to thank you for your time.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, the House stands adjourned until Tuesday, 25th January 2022 at 2.30 p.m.

The House rose at 10.36 p.m.