

SPECIAL ISSUE

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NATIONAL ASSEMBLY BILLS, 2022

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**THE INDEPENDENT ELECTORAL AND
BOUNDARIES COMMISSION (AMENDMENT)
BILL, 2022**

A Bill for

AN ACT of Parliament to amend the Independent Electoral and Boundaries Commission Act and for connected purposes

ENACTED by Parliament of the Republic of Kenya, as follows—

1. This Act may be cited as the Independent Electoral and Boundaries Commission (Amendment) Act, 2022.

Short title.

2. The First Schedule to the Independent Electoral and Boundaries Commission Act, 2011 is amended in paragraph(1) by deleting sub-paragraph(2) and substituting therefor the following new sub-paragraph—

Amendment of the First Schedule to No. 9 of 2011.

“(2) The selection panel shall consist of —

- (a) one man and one woman, nominated by the Parliamentary Service Commission;
- (b) one person nominated by the Public Service Commission;
- (c) one person nominated by the Political Parties Liaison Committee;
- (d) one person nominated by the Law Society of Kenya; and
- (e) two persons nominated by the Inter-religious Council of Kenya.”

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the First Schedule to the Independent Electoral and Boundaries Commission No. 9 of 2011 to change the composition of the Selection Panel that oversees the filling of vacant positions in the Commission. The proposal seeks to reduce the current allocation of the Parliamentary Service Commission which nominates four out of the seven members of the Panel. The proposal will allow the Political Parties Liaison Committee, established under section 38 of the Political Parties Act, No. 11 of 2011 and the Public Service Commission to each nominate one member to the Panel.

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

The Bill neither delegates legislative powers nor does it contain provisions limiting fundamental rights and freedoms.

Statement on whether the Bill concerns county governments

This is a Bill concerning county governments in terms of Article 110(1) (a) of the Constitution.

Statement on the financial implications of the Bill

The enactment of this Bill shall not occasion additional expenditure of public funds to be provided for in the estimates.

Dated the 31st October, 2022.

KIMANI ICHUNG'WAH,
Leader of the Majority Party.

The First Schedule to the Independent Electoral and Boundaries Commission Act which it is proposed to amend—

FIRST SCHEDULE

PROCEDURE FOR APPOINTMENT OF CHAIRPERSON AND MEMBERS OF THE COMMISSION

1. (1) At least six months before the lapse of the term of the chairperson or member of the Commission or within fourteen days of the declaration of a vacancy in the office of the chairperson or member of the Commission under the Constitution or this Act, the President shall appoint a selection panel consisting of seven persons for the purposes of appointment of the chairperson or member of the Commission.

(2) The selection panel shall consist of —

(a) two men and two women nominated by the Parliamentary Service Commission;

(b) one person nominated by the Law Society of Kenya; and

(c) two persons nominated by the Inter-religious Council of Kenya.

(2A) A person is qualified for appointment as a member of the selection panel if such person —

(a) is a citizen of Kenya;

(b) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution; and

(c) holds a degree from a university recognized in Kenya.

(3) The respective nominating bodies under sub-paragraphs (2)(b) and (c) shall, within seven days of the declaration of a vacancy in the office of the chairperson or member of the Commission, submit the names of their nominees to the Parliamentary Service Commission for transmission to the President for appointment.

(4) The selection panel shall, at its first sitting, elect a chairperson and vice-chairperson from amongst its number.

(5) Subject to the provisions of this Schedule, the selection panel shall determine its own procedure.

(6) The Parliamentary Service Commission shall provide the secretariat services and facilities required by the selection panel in the performance of its functions.

2. Oath or affirmation of office

The chairperson and members of the selection panel shall, before assuming office, take and subscribe the oath or affirmation of office prescribed in the Third Schedule.

3. Selection of nominees

(1) The selection panel shall, within seven days of its appointment, invite applications from qualified persons and publish the names of all applicants and their qualifications in the Gazette, two newspapers of national circulation and on the website of the Parliamentary Service Commission.

(2) The selection panel shall consider the applications, shortlist and interview the applicants.

(3) The interviews under subparagraph (2) shall be conducted in public.

(4) After conducting interviews under subparagraph (2), the selection panel shall select two persons qualified to be appointed as chairperson and nine persons qualified to be appointed as members of the Commission and shall forward the names to the President for nomination of one person for appointment as the chairperson and six persons for appointment as members.

(5) The President shall, within seven days of receipt of the names under sub-paragraph (4), forward the list of nominees to the National Assembly for approval in accordance with the Public Appointments (Parliamentary Approval) Act.

4. Appointment by the President

The President shall, within seven days of receipt of the names approved by the National Assembly, by notice in the Gazette, appoint the Chairperson and the members of the Commission.

5. Gender equity and regional balance

In short listing, nominating or appointing persons as chairperson and members of the Commission, the selection panel, the National Assembly and the President shall ensure that not more than two-thirds of the members are of the same gender and shall ensure regional balance.

6. Dissolution of Selection Panel

The selection panel shall stand dissolved upon the requisite appointments being made under paragraph 4.