



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FIRST SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, JANUARY 19, 2022 AT 2:30 PM

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.

3. **QUORUM IN THE HOUSE**

The Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was Quorum, pursuant to Standing Order 40, invited the Clerk to call the Orders of the day.

4. **COMMITTEE OF THE WHOLE**

Order for Committee Read;

IN THE COMMITTEE

The Ag. Chairperson of Committees (Sen. Abdul Haji, MP) – in the Chair

**The Independent Electoral and Boundaries Commission
(Amendment) Bill, 2022 (National Assembly Bills No. 49 of 2022)**

Clause 2 – Amendment proposed

THAT the Bill be amended by deleting clause 2 and substituting therefor the following new clause –

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

2. The First Schedule to the Independent Electoral and Boundaries Commission Act, 2011 is amended in paragraph (1) by –

(a) deleting sub-paragraph (2) and substituting therefor the following new sub-paragraph –

(2) The Selection Panel shall consist of –

- (a) one person nominated by the Parliamentary Service Commission;
- (b) one person nominated by the Public Service Commission;
- (c) one man and one woman nominated by the majority and minority political parties represented in the Political Parties Liaison Committee at the national level;
- (d) one person nominated by the Law Society of Kenya; and
- (e) one man and one woman nominated by the Inter-Religious Council of Kenya.

(b) deleting the expression “(2)(b) and (c)” appearing immediately after the words “bodies under sub-paragraphs” in subparagraph (3) and substituting therefor the expression “(2)(b), (c), (d) and (e)”.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Amendment withdrawn by the Mover.

Further Amendment proposed:

THAT the Bill be amended by deleting clause 2 and substituting therefor the following new clause –

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

2. The First Schedule to the Independent Electoral and Boundaries Commission Act, 2011 is amended in paragraph (1) by –

(a) deleting sub-paragraph (2) and substituting therefor the following new sub-paragraph –

(2) The Selection Panel shall consist of –

- (a) one man and one woman nominated by the Parliamentary Service Commission;
- (b) one man and one woman nominated by the majority and minority political parties represented in the Political Parties Liaison Committee at the national level;
- (c) one person nominated by the Law Society of Kenya; and

(d) one man and one woman nominated by the Inter-Religious Council of Kenya.

(b) deleting the expression “(2)(b) and (c)” appearing immediately after the words “bodies under subparagraphs” in subparagraph (3) and substituting therefor the expression “(2)(b), (c) and (d)”.

(Sen. Catherine Mumma, MP)

Debate arising;

Motion made: -

THAT, pursuant to Standing Order 153 the Committee of the Whole reports progress on its consideration of the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 49 of 2022) and seeks leave to sit again today;

(Sen. Osotsi Godfrey Atieno, MP)

Before the Question was put and pursuant to Standing Order 84, the Acting Chairperson (Sen. Abdul Haji, MP) ruled that the Question did not affect counties;

Question put and **negatived**.

Debate resumed;

And there being no other Senator wishing to contribute;

The Committee proceeded to a Division;

The Ag. Chairperson (Sen. Abdul Haji, MP) directed that roll call division be taken pursuant to Standing Order 88 (1), and that the division bell be rung for five minutes;

After the expiry of five minutes, the Ag. Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Beatrice Ogolla, MP – AYES
2. Sen. (Dr.) Lelegwe Ltumbesi, MP – NOES

The Ag. Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 9

NOES - 26

ABSTENTIONS – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Maanzo Daniel Kitonga
3. Sen. Madzayo Stewart Mwachiru
4. Sen. Mogeni Erick Okong’o
5. Sen. Muthama Agnes Kavindu
6. Sen. Mwinyihaji Mohamed Faki
7. Sen. Oginga Oburu
8. Sen. Osotsi Godfrey Atieno
9. Sen. Sifuna Edwine Watenya

NOES

1. Sen. Cheruiyot Aaron Kipkirui
2. Sen. Chesang Allan Kiprotich
3. Sen. Ekomwa James Lomenen
4. Sen. Haji Abdul Mohammed
5. Sen. Kamau Joseph Githuku
6. Sen. Kathuri Murungi
7. Sen. Keroche Tabitha Karanja
8. Sen. Khalwale Boni
9. Sen. Kipkorir William Cheptumo – voted virtually
10. Sen. Kisang William Kipkemoi
11. Sen. Lelegwe Steve Ltumbesi
12. Sen. Mandago Jackson Kiplagat
13. Sen. Methu, John Muhia
14. Sen. Mundigi Alexander Munyi
15. Sen. Mungatana Danson
16. Sen. Murango James Kamau
17. Sen. Mwaruma Johnes Mwashushe
18. Sen. Mwenda Gataya Mo Fire
19. Sen. Nderitu John Kinyua
20. Sen. Ojienda Odhiambo Tom
21. Sen. Recha Julius Murgor
22. Sen. Roba Ali Ibrahim
23. Sen. Seki Lenku Ole Kanar
24. Sen. Thangwa Paul Karungo
25. Sen. Wafula David Wakoli
26. Sen. Wakili Hillary Kiprotich Sigei

Question, negatived.

Clause 2, the Title and Clause 1

Motion made and Question proposed;

THAT, Clause 2, the Title and Clause 1 be part of the Bill;

(The Senate Majority Leader)

And there being no Senator wishing to contribute;

The Committee proceeded to a Division;

The Ag. Chairperson (Sen. Abdul Haji, MP) directed that roll call division be taken pursuant to Standing Order 88 (1), and that the division bell be rung for five minutes;

After the expiry of five minutes, the Ag. Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Lelegwe Ltumbesi, MP – AYES
2. Sen. Beatrice Ogolla, MP – NOES

The Ag. Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 28

NOES - 7

ABSTENTIONS – 0

AYES

1. Sen. Cheruiyot Aaron Kipkirui
2. Sen. Chesang Allan Kiprotich
3. Sen. Ekomwa James Lomenen
4. Sen. Haji Abdul Mohammed
5. Sen. Kamau Joseph Githuku
6. Sen. Kathuri Murungi
7. Sen. Keroche Tabitha Karanja
8. Sen. Khalwale Boni
9. Sen. Kipkorir William Cheptumo – voted virtually
10. Sen. Kisang William Kipkemoi
11. Sen. Lelegwe Steve Ltumbesi
12. Sen. Mandago Jackson Kiplagat
13. Sen. Methu John Muhia
14. Sen. Mundigi Alexander Munyi
15. Sen. Mungatana Danson Buya
16. Sen. Murango James Kamau
17. Sen. Muthama Agnes Kavindu
18. Sen. Mwaruma Johnes Mwashushe
19. Sen. Mwenda Gataya Mo Fire
20. Sen. Nderitu John Kinyua

21. Sen. Ojienda Odhiambo Tom
22. Sen. Recha Julius Murgor
23. Sen. Roba Ali Ibrahim
24. Sen. Seki Lenku Ole Kanar
25. Sen. Thangwa Paul Karungo
26. Sen. Wafula David Wakoli
27. Sen. Wakili Hillary Kiprotich Sigei
28. Sen. Wamatinga Wahome – voted virtually

NOES

1. Sen. Adan Dullo Fatuma
2. Sen. Madzayo Stewart Mwachiru
3. Sen. Mogeni Erick Okong’o
4. Sen. Mwinyihaji Mohamed Faki
5. Sen. Oginga Oburu
6. Sen. Osotsi Godfrey Atieno
7. Sen. Sifuna Edwine Watenya

Question agreed to.

Motion made;

THAT, the Committee do report to the Senate, its consideration of the Independent Electoral and Boundaries Commission (Amendment) Bill, 2022 (National Assembly Bills No. 49 of 2022) and its approval thereof without amendments.

(The Senate Majority Leader)

Before the question was put and pursuant to Standing Order 84(1), the Ag. Chairperson ruled that the Question did not affect counties;

Question put and agreed to.

5. **HOUSE RESUMED** – The Deputy Speaker in the Chair
6. **THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL, 2022 (NATIONAL ASSEMBLY BILLS NO. 49 OF 2022)**

Bill reported **without** amendments;

Motion made and Question proposed;

THAT, the House do agree with the Committee in the said report.

(The Senate Majority Leader)

Before the question was put and pursuant to Standing Order 84(1), the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

Motion made and Question proposed;

THAT, the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No. 49 of 2022) be now read a Third Time.

(The Senate Majority Leader)

There being no Senator wishing to contribute;

The House proceeded to a Division;

The Deputy Speaker directed that roll call division be taken pursuant to Standing Order 88 (1), and that the division bell be rung for two minutes;

After the expiry of two minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. (Dr.) Lelegwe Ltumbesi, MP – AYES
2. Sen. Beatrice Ogolla, MP – NOES

The Deputy Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 28

NOES – 2

ABSTENTIONS – 0

AYES

1. Sen. Cheruiyot Aaron Kipkirui
2. Sen. Chesang Allan Kiprotich
3. Sen. Ekomwa James Lomenen
4. Sen. Haji Abdul Mohammed
5. Sen. Kamau Joseph Githuku
6. Sen. Kathuri Murungi
7. Sen. Keroche Tabitha Karanja
8. Sen. Khalwale Boni
9. Sen. Kipkorir William Cheptumo – voted virtually
10. Sen. Kisang William Kipkemoi
11. Sen. Lelegwe Steve Ltumbesi
12. Sen. Mandago Jackson Kiplagat
13. Sen. Methu John Muhia

14. Sen. Mundigi Alexander Munyi
15. Sen. Mungatana Danson Buya
16. Sen. Murango James Kamau
17. Sen. Muthama Agnes Kavindu
18. Sen. Mwaruma Johnes Mwashushe
19. Sen. Mwenda Gataya Mo Fire
20. Sen. Nderitu John Kinyua
21. Sen. Ojienda Odhiambo Tom
22. Sen. Recha Julius Murgor
23. Sen. Roba Ali Ibrahim
24. Sen. Seki Lenku Ole Kanar
25. Sen. Thangwa Paul Karungo
26. Sen. Wafula David Wakoli
27. Sen. Wakili Hillary Kiprotich Sigei
28. Sen. Wamatinga Wahome – voted virtually

NOES

1. Sen. Adan Dullo Fatuma
2. Sen. Mwinyihaji Mohamed Faki

Question agreed to.

Bill read a Third Time and passed.

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

7. **SENATE ROSE** - at four minutes past Five O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, February 14th, 2023 at 2.30 p.m.*

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