

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY THIRTEENTH PARLIAMENT (SECOND SESSION)

CONVEYANCE OF PUBLIC PETITION

(No. 40 of 2023)

REGARDING THE DELIMITATION OF ELECTORAL UNITS

- 1. Honourable Members,** Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member.
- 2. Honourable Members,** in this regard, I wish to report to the House that my office has received a petition from Centre for Accountability, Reform and Democracy calling for delimitation of electoral units.
- 3.** The Petitioners states that on 9th January 2012, the Independent Electoral and Boundaries Commission (IEBC) published the revised preliminary report relating to the delimitation of boundaries of Constituencies and Wards, which was presented to the Departmental Committee on Justice and Legal Affairs on the same date.
- 4.** Th Petitioners further state that after considering the recommendations by Parliament on its revised preliminary Report, the IEBC published the National Assembly Constituencies and County Assembly Wards Order, 2012 dated 6th March, 2012 published in the Kenya Gazette as **Legal Notice No. 14 of 2012**. The gazette informs the present constituencies and wards in place.
- 5.** The Petitioners appreciate that following the publication of the final report and the National Assembly Constituencies and County Assembly Wards Order, 2012, complaints were raised regarding the manner in which 80 extra Constituencies and 1450 County Assembly Wards were created, their distribution, their names, boundaries and areas of allocation.

6. The Petitioners note that in accordance with the provisions of Article 89 (2) of the Constitution, the next review of boundaries of Constituencies and Wards must be undertaken and concluded not later than March 2024.
7. **Honourable Members**, the Petitioners are worried that Parliament has not developed a legal framework for the creation and determination of sub-locations that takes into account the obligation of the IEBC to progressively achieve population parity.
8. **Honourable Members**, the Petitioners aver that the Independent Electoral and Boundaries Commission (IEBC) has been dysfunctional since August 2022 General Election. The Commission is presently in limbo pending the recruitment of new commissioners thus no substantive constitutional functions can therefore be discharged by the Commission.
9. **Honourable Members**, the Petitioners therefore pray that the National Assembly engages the relevant authorities and stakeholders to take a more proactive role to ensure the review of the electoral units is carried out in a constitutionally compliant manner including meeting the deadline established under Article 89(2) of the Constitution.
10. **Honourable Members**, having determined that the matters raised by the petitioner are well within the authority of this House; and further that the matters raised in the Petition are not pending before any court of law, constitutional or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A.
11. The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2).

I thank you.


THE RT. HON. (DR.) MOSES E.M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Date 8/8/23