



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (FOURTH SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**SPECIAL SITTING**

**MORNING SITTING**

**FRIDAY, AUGUST 29, 2025 AT 9.00 AM**

1. The Senate assembled at Nine O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM OF THE SENATE**

The Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

And there being Quorum before the expiry of the ten minutes, the Speaker invited the Clerk to call the Orders of the day.

4. **COMMUNICATION FROM THE CHAIR - ON EXPERT REPORT BY THE ICT AUTHORITY ON THE COUNTY ASSEMBLY OF KERICHO CHAMBER ELECTRONIC VOTING SYSTEM**

The Speaker conveyed the following Communication from the Chair –

“Honourable Senators,

As you may recall, at the sitting of the Senate yesterday, Thursday, 28<sup>th</sup> August, 2025, I allowed the application by Counsel for the Governor to admit the affidavit by Mr. Job Okuon Oguya and his Report on the cybersecurity audit on the Kericho County Assembly Electronic Voting System.

This decision was made based on the importance of the question on the voting system and the voting process that was undertaken by the County Assembly, and the need for the Senate to receive “*neutral, impartial and dispassionate advice on this matter away from the witnesses of the parties.*”

Honourable Senators will recall that to facilitate the Senate in making this determination, I directed that the report be submitted by the close of business on Thursday, 28<sup>th</sup> August, 2025, at 6:00 pm. However, by the time the Senate rose at 6:43 pm, the report was not ready for submission to the Senate. The Temporary Speaker (Sen. Veronicah Maina, MP) directed that the report be presented to the Senate today, 29<sup>th</sup> August, 2025, at 9:00 am.

Honourable Senators,

The Report by the experts from the ICT Authority was submitted to the Office of the Clerk of the Senate yesterday, 28<sup>th</sup> August, 2025 at 9:35 pm. In this respect, I now direct that the report be made available to all Honourable Senators. I further direct that the Parties be issued with copies of the report for their reference.

The Senate shall continue with the hearing as indicated in the Programme appended to the Order Paper. However, after the close of the evidence by the Governor (including the evidence in chief, cross examination, re-examination and questions/requests for clarification by Senators), I shall allow the ICT Authority experts to present the Report to the Senate before the closing statements by the Parties, after which Honourable Senators and the Parties will be given an opportunity to ask questions or seek clarifications on the Report.

The Senate is accordingly guided.

5. **HEARING AND DETERMINATION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. (DR.) ERICK MUTAI, GOVERNOR OF KERICHO COUNTY**

The Senate resumed the hearing and determination of the proposed removal from office, by impeachment, of Hon. (Dr.) Erick Mutai, the Governor of Kericho County.

**Presentation of the case of the Governor of Kericho County**

Counsel for the Governor resumed the presentation of the case of the Governor, by leading the following witnesses in presenting testimonies before the Senate as follows –

**a) Hon. Hillary Kibet Bosuben - Member of Kericho County Assembly, Cheplanget Ward**

The witness took oath and informed the Senate that –

- i. during the Sitting of the County Assembly held on 15<sup>th</sup> August, 2025, he had abstained from voting on the Motion to impeach the Governor, stating that his preferred mode of voting was through a “roll-call” division;

- ii. there was no proper framework governing the management of the electronic system with regard to its integrity and the process, policy and training for MCAs;
- iii. his reason for not voting electronically was due to fear that the system could have been manipulated and the results rigged in favour of the impeachment Motion;
- iv. the mover of the Motion, Hon. Kiprotich Rogony, called him later on the evening of 15<sup>th</sup> August, 2015 requesting him to sign an affidavit the following day, indicating that he had voted in favour of the impeachment. He added that Hon. Rogony further informed him that he had voted on his behalf using his credentials, an act which he considered impersonation. Hon. Rogony promised him Kshs. 200,000.00, a trip to Dubai or Rwanda and the chairmanship of the Committee on Labour if he agreed to sign the affidavit;
- v. the results of the electronic vote were inaccurate, noting that eighteen (18) MCAs had not voted; hence, the total votes should have been twenty-nine (29) and not thirty-three (33) as reflected in the log; and
- vi. he, together with seventeen (17) other MCAs, had reported the matter regarding the alleged impersonation in the voting process to the Police and to the Directorate of Criminal Investigations (DCI) in Nairobi.

The witness was cross-examined by Counsel for the County Assembly and re-examined by Counsel for the Governor.

Thereupon, Senators sought clarifications on the testimony, following which the witness was discharged.

**b) Hon. Amos Kimutai Birir - Member of Kericho County Assembly, Kapkatet Ward**

The witness took oath and informed the Senate that –

- i. during voting on the Motion to impeach the Governor on 15<sup>th</sup> August, 2025, he refrained from voting;
- ii. he stated that his decision not to vote was because he had been suspicious about the voting system after receiving a message on 14<sup>th</sup> August, 2025 indicating that his name was already in the system and reflected as having voted “yes” in support of the impeachment, even though he belonged to the opposing side;
- iii. on 15<sup>th</sup> August he did not cast any vote and affirmed under oath that he was telling the truth;
- iv. he, and seventeen (17) other Members did not vote on the impeachment motion and that they protested to the Speaker before

the Motion was debated. He confirmed that Counsel Katwa Kigen, the Governor's lawyer, declared this fact on the floor of the Assembly;

- v. he used a basic "*mulika mwizi*" phone which was not internet-enabled. Although he admitted having a WhatsApp and Facebook account, he maintained that these were operated by his Personal Assistant and Secretary since he did not know how to use them. He insisted that the voting link had been sent to his "*mulika mwizi*" phone, which could not access the internet. He denied having voted, stressing that neither his Personal Assistant nor Secretary voted on his behalf;
- vi. he reiterated that the Speaker had forced Members to use electronic voting despite their objections, and that many Members were suspicious of the voting system, which was being used for the first time to vote on a matter in the County Assembly;
- vii. he added that frequent Motions of impeachment and removal from office in the County Assembly were disrupting service delivery and that Members should focus on working for the people instead of political fights.

The witness was cross-examined by Counsel for the County Assembly and re-examined by Counsel for the Governor.

Thereupon, Senators sought clarifications on the testimony, following which the witness was discharged.

**c) Hon. Naaman Kipsigei Rop - Member of Kericho County Assembly, Soin Ward**

The witness took oath and informed the Senate that –

- i. during voting on the Motion to impeach the Governor on 15<sup>th</sup> August, 2025, he abstained, citing his preference for "roll-call" division over electronic voting;
- ii. his reason for not voting electronically was informed by the fact that the system had been introduced abruptly, was not verifiable and had not undergone the requisite procurement process;
- iii. in his view, voting through the system could have compromised not only his vote but also the overall outcome of the impeachment Motion;
- iv. he further contended that the results of the vote were not correctly captured.

The witness was cross-examined by Counsel for the County Assembly and re-examined by Counsel for the Governor and thereafter discharged.

**d) Hon. Kiptoo Paul Bii - Member of Kericho County Assembly, Kapsaos Ward**

The witness took oath and informed the Senate that –

- i. during voting on the Motion to impeach the Governor on 15<sup>th</sup> August, 2025, he abstained, citing his preference for “roll-call” voting over electronic voting;
- ii. his decision to abstain from voting was influenced by the fact that new electronic voting gadgets had been introduced on the eve of the Motion to impeach the Governor of Kericho County;
- iii. he stated that he did not have faith in the voting system and suspected malice in the system. He further stated that the system was new and Members had not had a chance to interact with it before.

The witness was cross-examined by Counsel for the County Assembly and re-examined by Counsel for the Governor and thereafter discharged.

**e) Fancy Chepkorir Korir – Nominated Women Representative Member of Kericho County Assembly**

The witness took oath and informed the Senate that –

- i. during voting on the Motion to impeach the Governor on 15<sup>th</sup> August, 2025, she, together with other Members of County Assembly, requested the use of “roll-call” division;
- ii. this was informed by the fact that the electronic voting system was new and she had just encountered it on the day of the Impeachment Motion;
- iii. in her judgment therefore, the system was prone to manipulation as had been encountered during previous voting;

And the time being fifteen minutes past one O'clock the Speaker adjourned the Senate without Question put, pursuant to the Standing Orders.

6. **SENATE ROSE** – at fifteen minutes past one O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Friday, August 29, 2025 at 2:30 pm*