

PARLIAMENT OF KENYA

THE SENATE

BILLS DIGEST

**THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2026 SENATE
BILLS NO. 7 OF 2026**

Sponsor: Sen. James Kamau Murango, MP

Type of Bill: Constitution Amendment Bill

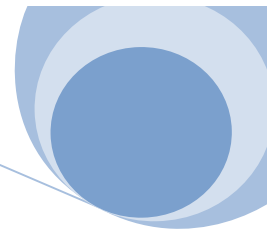
A. Overview of the Bill

The principal object of the Bill is to amend the Constitution and the Elections Act (Cap. 7 Laws of Kenya) to introduce new disqualifications for persons vying for elective office in both the Senate and county assemblies. Specifically, it proposes to amend Articles 99 and 193 of the Constitution, as well as sections 24 and 25 of the Elections Act (Cap. 7, Laws of Kenya) to bar individuals who are serving as county governors, or who have served as county governors within the five years immediately preceding an election, from contesting for seats in the Senate or county assemblies.

The justification for the amendment is that governors, during their tenure, are subject to oversight by the Senate and county assemblies, particularly in relation to financial and administrative accountability. Audit reports prepared by the Office of the Auditor General are submitted to these oversight bodies for scrutiny. Allowing former governors to immediately transition into legislative roles within these same bodies would create a conflict of interest and potentially interfere with ongoing accountability processes.

By imposing a five-year cooling-off period, the Bill aims to ensure that oversight institutions have sufficient time to complete inquiries into the conduct of former governors without undue influence. It also intends to give voters a clearer basis for assessing the suitability of such individuals for future elective office, since accountability processes would have been concluded by the time they seek re-election.

It is noted that this proposal is similar to an earlier Bill (Constitution of Kenya (Amendment) Bill, Senate Bills No. 52 of 2023), which was withdrawn.



B. Consequences of the Bill

County governors, in the course of their duties, have to account to their respective county assemblies and the Senate for any financial and administrative decisions made. Annual audit reports prepared by the Office of the Auditor General are submitted to the Senate and the relevant county assembly pursuant to section 32 of the Public Audit Act (Cap. 412C Laws of Kenya) for scrutiny. Barring former county governors from vying for elections will allow for ongoing accountability processes related to administration and financial management affairs of the county to be completed, as these would have a bearing on the suitability of the former county governor to hold any other elective position.

The effect of this would be—

- (a) oversight bodies would have adequate time to inquire into any matters arising from the tenure of a previous holder of the office of county governor without interference by the former county governor, which is highly likely particularly if the person is elected as member of county assembly or to the Senate; and
- (b) voters would have a reference point in making an informed choice on the candidates suitability for another elective office since all accountability processes would have been completed.

C. WAY FORWARD

What next?

The Bill was read a First Time in the Senate on 26th March, 2026. Pursuant to standing order 145 of the Senate Standing Orders, the Senate Standing Committee on Justice, Legal Affairs and Human Rights shall facilitate public participation and shall take into account the views and recommendations of the public when the committee submits its report to the Senate.

What is expected of members of the public

Members of the public are expected to present their views to the Senate Standing Committee on Justice, Legal Affairs and Human Rights for consideration.