

NATIONAL ASSEMBLY

OFFICIAL REPORT

SPECIAL SITTING

Thursday, 22nd December, 2016

The House met at 9.30 a.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

COMMUNICATIONS FROM THE CHAIR

RE-COMMITTAL OF CLAUSES OF A BILL

Hon. Speaker: Hon. Members, this Communication relates to the manner of recommitting clauses of a Bill in respect of the re-committal of the Election Laws (Amendment) Bill (National Assembly Bill No.3 of 2015).

Before we resume business on Order No.8, I wish to address one issue out of the many issues that were raised in the House on Tuesday this week during the Morning Sitting. That issue relates to the question of procedure for re-committal of clauses of a Bill as raised by the Member for Laikipia East, Hon. Anthony Kimaru. That was also partly sought by the Member for Ruaraka, Hon. Tom Joseph Kajwang’.

The Member for Laikipia East was of the view that a Motion to recommit a clause ought to be moved in the Committee of the whole House as opposed to the plenary after the Bill is reported. May I draw your attention to the provisions of Standing Order No.136 (3), which reads as follows:

“(3) A Member who desires to delete or amend any provision contained in a Bill, or to introduce a new provision in the Bill under paragraph (2) may propose any amendment to add, at the end of a Motion under paragraph (1), the words “subject to the re-committal of the Bill (in respect of some specified part or of some proposed new clause or new schedule) to a Committee of the whole House,” and if that Motion is agreed to with such an amendment, the Bill shall stand so re-committed and the House shall either forthwith or upon a day named by the House Business Committee in consultation with the Member in charge of the Bill dissolve itself into a Committee to consider the matters so re-committed.”

From the reading of that provision of the Standing Order, it is clear that the re-committal process commences upon resumption of the House and after the question for the Motion for agreement with the Report of the Committee of the whole House is proposed. That is exactly what the Leader of the Majority Party did during the morning sitting.

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Indeed, the Committee of the whole House on Tuesday, 1st December, 2016 considered the said Bill but the Motion on the agreement with the Report of the Committee of the whole House was not made. It is, however, a matter of good practice, but not mandatory, that the intention to recommit a clause is notified to the Chairperson of the Committee of the whole House. This, therefore, must settle the question of procedure because the question must be determined by the whole House.

I thank you, Hon. Members

DISORDERLY CONDUCT OF MEMBERS

Hon. Speaker: Since some of you are not in your places, just remain where you are. Hon. Wangamati, just remain where you are, it will be a few minutes.

Hon. Members, this further Communication relates to the question of disorderly conduct of Members during proceedings of the House. I have received formal complaints about the conduct of some Members during the afternoon sitting of Tuesday, December 20th, 2016. It was reported that some Members sneaked offensive items into the Chamber, including pepper sprays and whistles.

The Legislature is by practice and tradition an institution of order and procedure. It is through these tenets, together with the rules that we set for ourselves that we are able to carry out business of the institution. I will remind you that of all the three arms of Government, much more is expected of the Legislature in terms of leadership and finesse. It is, therefore, incumbent upon all of us to uphold the high expectations of the society of the institution and its membership.

Regarding the complaints so far received, I hereby refer the matter to the Powers and Privileges Committee, which will handle them case by case.

Please be accordingly guided.

(Applause)

PAPERS LAID

On Papers, we have Hon. Chepkong'a.

Hon. Chepkong'a: Thank you Hon. Speaker.

On Tuesday, you directed that I table the relevant documents that were discussed by the Departmental Committee on Justice and Legal Affairs Committee.

I hereby table the following documents:

The Departmental Committee on Justice and Legal Affairs Report approved by yourself on 27th October, 2016 and tabled on the same day in the National Assembly reflecting the discussions that went on between the Independent Elections and Boundaries Commission (IEBC) and the Departmental Committee on Justice and Legal Affairs.

The Minutes of the Committee dated 30th November, 2016 discussing the amendment to Section 39 dealing with electronic transmission.

The IEBC report dated 25th October, 2016 requesting us to make those amendments.

Hon. Speaker, the fourth documents is the amendment matrix report prepared by counsel

attached to the Departmental Committee on Justice and Legal Affairs, showing the amendments that were proposed to be made.

Finally, we had an opportunity yesterday to meet with the IEBC together with the Communications Authority of Kenya. We table the Report of the Communications Authority of Kenya tabled today in our Committee on the ICT network connectivity in Kenya.

Hon. Speaker, you will be happy to note that what we said is true. In Garissa the network coverage of 3G is 4.6 per cent, while in my county it is 76 per cent. So, it is for Members to note this. Thank you.

Hon. Speaker: Hon. Chepkong'a, it is not a document that you are tabling. You are saying it was tabled in 27th October. You are just responding to the issue that I raised because an issue arose as to whether the Report had been tabled. So, this is just to reconfirm that you had already tabled the Report.

Next Order!

Hon. Oyugi: On a point of Order.

Hon. Speaker: Hon. Aghostinho Neto, what is your point of order?

Hon. Oyugi: Thank you, Hon. Speaker. I rise on a point of order under Standing Order Nos. 136 and 133. You have sufficiently spoken to us this morning in your ruling that was raised by the Member for Laikipia. Before I prosecute my issues under Standing Order No.136, let me thank you for using very good provisions of Standing Order No.29 (5) with regard to setting a specific time; that today, we can go until midnight.

That is the reason why this House of debate should be allowed to expand the issues in the Standing Orders. Allow me to bring to your attention the very provisions you have read about Standing Order No.136(3). With your permission, I will read the various provisions and ask specific questions which I would request that you make a ruling on, if you permit me.

Section 136(3) that you have raised with regard to re-committal speaks to many things. Part of the things that it speaks to is that a re-committal of a Bill can be done at any particular stage, but that re-committal if looked at properly at 136(3) says that the person requesting that re-committal ought to specifically state the clauses that Hon. Member wants to re-commit.

The first question I would like you to rule on is whether the Member who is proposing the re-committals has specifically requested for them. Let me prosecute my points because we have the whole day.

Secondly, what is the meaning of Standing Order No. 136(3) with regard to the power of the House Business Committee (HBC)? My understanding is that the power of the House Business Committee under Section 136 (3) is mandatory. So, I would like you to read and determine whether Standing Order No. 29(5) can happen without the meaning of Standing Order No.1 36(3) with regard to the House Business Committee, listening to that amendment.

(Loud consultations)

Hon. Speaker, I request you to protect me.

Hon. Speaker: Hon. Neto, you are out of order. If you did not understand the ruling of the Speaker, please, walk to Room 8, pick a copy, read and get an interpretation. I will not interpret it further than I have done in my ruling. Resume your seat. I advise Members, when the Hon. Speaker has made a ruling, it can never be the subject of further debate. I thought Hon. Neto was alleged to

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be a lawyer. If, indeed, it is true that you are one, you know what that means. Unfortunately, we have no appeal machinery within Parliamentary processes. Hon. Neto resume your seat.
Next Order!

MOTION

REPORT OF THE COMMITTEE OF WHOLE HOUSE ON ELECTION LAWS (AMENDMENT) BILL

THAT, this House do agree with the Report of Committee of the whole House on its consideration of the Election Laws (Amendment) Bill (National Assembly Bill No.3 of 2015)

(Hon. Duale on 20.12.2016)

(Resumption of Debate interrupted on 20.12.2016)

Hon. Speaker: Yes, Hon. Leader of the Majority Party.

Hon. A. B Duale: Hon. Speaker, in accordance with the provisions of Standing Order No. 136(3) I beg to move:

THAT, the Motion be amended by inserting the words, "subject to recommittal of the Long Title and Clauses 4, 7, 11, 12, 14 and 32."

I said it on Tuesday and I will say it again. I am moving this amendment because I have received several requests from Members, the Departmental Committee on Justice and Legal Affairs and other Members of this House indicating the desire to introduce amendments under these five clauses and the Long Title.

I ask Hon. Chepkong'a to second.

Hon. Chepkong'a seconded.

Hon. Speaker: Hon. Chepkonga, on record!

Hon. Chepkong'a: Hon. Speaker, I second.

An Hon. Member: On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Members, it is disorderly for one to persist in making utterances when the House is in session.

*(Question, that the words to be inserted be inserted,
proposed)*

*(Question, that the words to be inserted be inserted,
put and agreed to)*

Hon. Members: Division! Division!

Hon. Speaker: The Members standing in their places claiming for a Division meet the threshold required. I, therefore, direct that there be a Division and the Division Bell be rung for 10 minutes.

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(The Division Bell was rung)

Order Members! Resume your seats!

(Loud consultations)

Hon. Speaker: Order Members! Hon. Members, resume your seats. Hon. Members, resume your seats, please. Resume your seats, Hon, Members! Hon. Member, for avoidance of doubt as to what session went through, we are to read out the Question and thereafter, we can exercise our rights.

Draw the bars.

(Several Hon. Members stood in the aisle)

Hon. Members, you will be locked out. Hon. Members, I will read the Question which is this House do agree with the Report of the Committee of the whole House on its consideration of the Election Laws (Amendment) Bill (National Assembly Bill No.3 of 2015) subject to re-committal of Long Title and clauses 4, 7, 11, 12, 14 and 32.

Hon. Members, those that may have had their cards logged in, please, log out. The Members without cards, you can come to the front. Let us be quick.

(Several Hon. Members walked to the front)

Hon. Members, if you know you do not have a card, come to the front. For those who have cards, you may now log in.

(Hon. Members logged in their cards)

(Hon. Wekesa walked in the aisle)

Hon. Wafula, what is the issue? Do you not have a card? Please, come in front. Hon. Grace Kiptui and Hon. Chidzuga, remove your cards, please.

Hon. Members, vote now. You have 60 seconds.

(Hon. Members voted)

Order, Hon. Members! Hon. Members, resume your seats.

DIVISION

(Question put and the House divided)

(Question carried by 155 votes to 1)

AYES: Messrs. A.B. Duale, K.K Kinyanjui, Lati, ole Kenta, S.A Ali, Ms. Tuya, Messrs. Njagagua, Shidiye, Dawood, Farah, Dido, J.K. Bett, Ms. Wahome, Messrs. Bii, Lentoimaga, Kimaru, Shill, Ms. B.N. Nyaga, Messrs. Gitau, Washiali, B.K. Bett, Lagat, Kinoti, Ganya, Nakuleu, Wambugu, Serem, Nanok, Sitati, Bowen, Karithi, Kiaraho, Losiakou, Waweru, Wangwe, J.K Chege, Ngare, Eric Keter, Kilonzo, Nderitu, Francis Waititu, Njenga, Irea, Konchella, Mungaro, Rai, Ms. Kiptui, Ms. Chepkwony, Ms. T.G. Ali, Ms. Wanyama, Ms. Mbarire, Messrs. J.K. Ng'ang'a, Abass, Kang'ata, Mwaura, Kiptanui, Rop, Arama, Macharia, Gakuya, Ekomwa, Murgor, Angwenyi, Omagwa, Katoo, Kihagi, Serut, J.M. Nyaga, Koyi, Sakaja, Lomwa, M'uthari, Manje, Ms. Emanikor, Ms. Kanyua, Ms. Mitaru, Ms. Mbugua, Ms. Kiptui, Ms. Chidzuga, (Dr.) Laboso, Messrs. Kamanda, Shinali, Melly, Nuh, Kemei, Mbiuki, Murungi, Mwashetani, Bitok, ole Lemein, Aramat, Sang, Lomunokol, Ms. Seneta, Ms. Munene, Ms. Mathenge, Ms. W.K. Njuguna, Ms. Otucho, Ms. Muhia, Ms. Gathogo, Ms. Muia, Ms. Tobiko, Ms. Leshoomo, Messrs. Gikaria, Sudi, Mohamed Abdi, Kuria, Barchilei, Aburi, Mati, Dr. Shaban, Prof. Sambili, Ms. Shebesh, Messrs. Waiganjo, Wario, A.O. Ahmed, Mohamed Abass, Tong'i, Injendi, Kariuki Ndegwa, Njomo, Limo, Abdinoor, Mutambu, Gaichuhie, Ngikor, Ngunjiri, Muthomi, ole Ntutu, Koinange, Mwangi, Rotino, Akujah, Ms. R.K. Nyamai, Ms. Changorok, Ms. Korere, Dr. Pukose, Ms. S.W. Chege, Messrs. Cheboi, Mwaita, Wekesa, Chepkong'a, Gichigi, Ndiritu, Chumel, Karani, Manoti, Steven Kariuki, Ms. Sunjeev, Ms. Chebet, Ms. Chidzuga, Dr. Munyaka, Messrs. Cheptumo, Kisang and Opore.

NOES: Mr. Ababu.

ABSTENTION: Mr. Kipyegon.

Hon. Speaker: Order Members! The following is the result of the division.

Electronic votes: Ayes, 109; Noes, 1

Manual votes: Ayes, 46; Noes, 0

Total Ayes: 155;

Total Noes: 1.

Abstention: 1 electronically.

(Hon. (Ms.) Chidzuga voted both electronically and manually)

The result of the Division is that the "Ayes" have it. The net effect is that the House goes into the Committee of the whole House. Open the doors.

(The doors and bars were opened)

Order, Members, the House goes into the Committee of the whole House.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Hon. Muturi) left the Chair]

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IN THE COMMITTEE

[The Chairlady (Hon. (Dr.) Laboso) took the Chair]

THE ELECTION LAWS (AMENDMENT) (NO. 3) BILL

Hon. Chairlady: Order, Hon. Members! We are now in the Committee of the whole House to consider the Election Laws (Amendment) (No.3) Bill of 2015.

Clause 5

Hon. A.B. Duale: There was no re-committal of Clause 5.

Hon. Chairlady: Hon. Members, I want to make that clarification. There was no re-committal for clauses 5 and 9. Let us have that clarification on record.

Clause 7

Hon. A.B. Duale: Hon. Chairlady, I beg to move:

THAT, Clause 7 of the Bill be amended—

(a) in paragraph (a) by deleting sub paragraph (ii) and substituting therefor the following new sub paragraph—

“(ii) in the case of a member of a county assembly, a degree from a university recognized in Kenya.”

(b) in paragraph (b) by deleting subsection (1A) and substituting thereof the following new subsection—

“(1A) Notwithstanding subsection (1), this section shall come into force and shall apply to qualifications for candidates in the general elections to be held after the 2017 general elections.”

It is very simple. It insulates Members on the issue of qualifications both for the Members of county assemblies and Members of Parliament until 2022 after the 2017 General Election

(Question of the amendment proposed)

Hon. Members: Put the Question!

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted,
put and agreed to)*

(Clause 7 as amended agreed to)

Hon. Chairlady: Hon. Members, I know Hon. Limo had an amendment, but now that the Majority Leader's amendment has won, then, Hon. Limo's amendment falls. Next!

(Proposed amendment by Hon. Limo withdrawn)

New Clause 4A

Hon. Chepkong'a: Hon. Chairlady, I beg to move:

THAT, the Bill be amended by inserting the following new clause after Clause 4—

Amendment of section 6A of No. 24 of 2011. 4A. Section 6A of the Elections Act, 2011 is amended in subsection (1) by deleting the word "ninety" and substituting therefor the word "sixty."

We are seeking to amend by reducing the timelines. There were some problems with regard to timelines with procurement. So, we want to reduce the timelines within which the verification will be done from 90 to 60 days.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

Hon. Members: Put the Question!

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 11A

Hon. Chepkong'a: Hon. Chairlady, I beg to move:

THAT, the Bill be amended by inserting the following new clause after clause 11—

Amendment of section 33 of No. 24 of 2011. 11A. Section 33 of the Elections Act, 2011 is amended in subsection (1) by inserting the words "and symbol" immediately after the words "submitted to the Commission the name" appearing in paragraph (c).

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The import of this clause is to require the independent candidates to file their symbols. This was not included in the Bill when it was amended. All the others who are sponsored by parties are required to do so.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

Hon. Members: Put the Question!

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

Hon. Chairlady: Isaack Mwaura.

Hon. Members: Withdraw!

Hon. Chairlady: Hold on, Members. Let us proceed as we have done. Can we allow Hon. Mwaura to prosecute his amendment? Hon. Chairman, if you have any issues, you can raise them after he has moved.

Hon. Mwaura: Thank you, Hon. Chairlady. Based on other considerations, I wish to withdraw this amendment.

(Applause)

Hon. Chairlady: That amendment falls as it has been withdrawn.

(Proposed amendment by Hon. Mwaura withdrawn)

New Clause 12A

Hon. Chairlady: This is Hon. Florence Mutua's amendment. Since she is not in the House, the amendment falls.

(Proposed amendment by Hon. (Ms.) F.M. Mutua dropped)

New Clause 14A

Hon. Chepkong'a: On a point of order, Hon. Chairlady.

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Hon. Chairlady: Hon. Chepkong'a, the Chairman of the Departmental Committee on Justice and Legal Affairs.

Hon. Chepkong'a: Thank you, Hon. Chairlady. Why I rise on a point of order is that you need to give us direction. This is my Bill. If a matter was not recommitted, it cannot be part of re-committal here. The Leader of the Majority Party was very clear on the clauses that were supposed to be re-committed. So, those who did not request for re-committal should not be called. It is not part of it.

Hon. Chairlady: Clause 11 is part of the recommitted clauses. It is not about whether 11(a), (b), and (c) have been recommitted. That matter is closed because it has been withdrawn.

New Clause 14A

Hon. Chepkong'a: Hon. Chairlady, I beg to move:-

THAT, the Bill be amended by inserting the following new clause after Clause 14—

Amendment of
Section 44A of No.
24 of 2011

14A. Section 44 of the Elections Act, 2011 is amended—

(a) in Subsection (4) by deleting the words “eight months” appearing in paragraph (a) and substituting therefor the words “one hundred and twenty days”;

(b) in Subsection (7) by deleting the words “eight months” appearing in paragraph (b) and substituting therefor the words “one hundred and twenty days”.

Hon. Chairlady, we had an agreement with the Departmental Committee on Justice and Legal Affairs, which was fully constituted, that in light of the fact that the eight months have since expired before the Independent Electoral and Boundaries Commission (IEBC) procures the equipment---

(Loud consultations)

Hon. Chairlady: Hon. Members, let us have some order so that we can listen to these crucial amendments that the Departmental Committee on Justice and Legal Affairs, which is represented by Hon. Chepkong'a, is moving.

Hon. Chepkong'a: Hon. Chairlady, we are reducing the time within which the IEBC ought to procure the equipment from eight months to 120 days. They are still procuring. It is impractical to have it in the law as eight months.

(Question of the new clause proposed)

(New Clause read the First Time)

*(Question, that the new clause be read a Second Time,
proposed)*

(Question, that the new clause be read a Second Time,

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put and agreed to)

(The new clause was read a Second Time)

*(Question, that the new clause be added to the Bill,
put and agreed to)*

New Clause 14B

Hon. Chepkong'a: Hon. Chairlady, I beg to move:-

THAT, the Bill be amended by inserting the following new clause immediately after the proposed new clause 14A—

Amendment of
No. 24 of 2011.

14B. The Elections Act, 2011 is amended by inserting the following new section immediately after section 44—

Complementary
mechanism for
identification of
voters

44A. (1) Notwithstanding the provisions of section 44, the Commission shall put in place a complementary mechanism for identification of voters that is simple, accurate, verifiable, secure, accountable and transparent to ensure that the Commission complies with the provisions of Article 38 of the Constitution.

Hon. Chairlady, I want to drop Subclause (2) because there was no consensus. I want to retain Subclause (1) because it was agreed by the Committee. I have minutes of the meeting towards that effect as it was discussed yesterday.

(Proposed New Clause 14A(2) dropped)

(Question of the new clause proposed)

(New clause read the First Time)

*(Question, that the new clause be read a Second Time,
proposed)*

Hon. Chairlady: Hon. Ng'eno.

Hon. Kipyegon: Thank you, Hon. Chairlady. I want to go on record to oppose this particular amendment just as I did yesterday during the Committee's meeting. The Chief Executive Officers (CEOs) of the IEBC and the Communication Authority of Kenya (CAK) told us that these machines are made in a way that they cannot fail.

(Loud consultations)

Hon. Chairlady: Order, Hon. Members! You are prolonging this progress by shouting. Let us allow Hon. Kipyegon to finish his contribution.

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Hon. Kipyegon: Hon. Chairlady, that is my opinion and of those who understand this process. This amendment is open and we are saying that if a small mistake occurs, people have to go back to manual voting. According to the CEO of IEBC, the question of machine failure was not the only issue but fingerprints failure to identify a voter. These machines have not yet been manufactured and we agreed that they should be made in a way that fingerprints will not be the only factor to identify a voter.

Hon. Chairlady: Hon. Kipngeno, this is Third Reading. Please wind up.

Hon. Kipyegon: I am saying that there are various ways of identifying a voter.

Hon. Chairlady: Your point has been made. Hon. A.B. Duale has a further amendment.

Hon. A.B. Duale: Hon. Chairlady, I beg to move:-

THAT, the proposed New Clause 14B be further amended in paragraph (1) of the New Section 44(A) by deleting the word “44” and substituting therefor the words “Section 39 and 44”, and (2) inserting the words “and transmission of election results” immediately after the words “identification of voters”.

This further amendment seeks to empower the commission to employ a complementary mechanism for transmission of results in the event of technological malfunction in addition to the proposed complementary for the voter identification. My further amendment covers both identification and transmission of results.

(Question of the further amendment proposed)

*(Question, that the word to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted,
put and agreed to)*

*(Question, that the words to be inserted be inserted,
put and agreed to)*

*(Question, that the new clause be read a Second Time,
put and agreed to)*

(The new clause was read a Second Time)

*(Question, that the new clause be added to the Bill,
put and agreed to)*

New Clause 32A

Hon. Chepkong’a: Hon. Chairlady, I beg to move:-

THAT, the Bill be amended by inserting the following new clause immediately after clause 32—

32A. The Elections Campaign Financing Act, 2013 is amended by inserting the following new section immediately after section 1—
 Suspension of operation of Act 1A. The operation of this Act is suspended and the Act shall come into force immediately after the general elections to be held in the year 2017.

Hon. Chairlady, we are amending the Elections Campaign Financing Act to suspend its operation so that it does not apply to the election of 2017 but to that of 2022 because there are no regulations that have been approved by this House, which ought to have been approved so that we can operationalise this information.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 32B

Hon. Chairlady: Hon. Chepkong'a.

Hon. Chepkong'a: Hon. Chairlady, I beg to move:-

THAT, the Bill be amended by inserting the following new clause immediately after the proposed New Clause 32A—

Amendment of section 6 of No. 42 of 2013. 32B. Section 6 of the Elections Campaign Financing Act, 2013 is amended in subsection (5) by deleting the word "eight" appearing in paragraph (a) and substituting therefor the word "two."

The import of this is to reduce the time within which candidates are expected to file their returns with the IEBC, that is their finance committee to manage the affairs and to file their accounts. The reason being that, you do not expect aspirants to do so; you only become a candidate when you have been nominated by your party. Therefore, to require aspirants and people who intend to run and they are still employed in Government is an absurdity in law. Therefore, we are proposing that when the law comes into operation, it will be two months instead of eight months.

I thank you.

(Question of the new clause proposed)

(New clause read the First Time)

*(Question, that the new clause be read a Second Time,
proposed)*

*(Question, that the new clause be read a Second Time,
put and agreed to)*

(The new clause was read a Second Time)

*(Question, that the new clause be added to the Bill,
put and agreed to)*

Long Title

Hon. Chairlady: Hon. Chepkong'a.

(Loud consultations)

Order, Hon. Members! We are finishing.

Hon. Chepkong'a: Hon. Chairlady, I beg to move:-

THAT the long title of the Bill be amended by inserting the words "give effect to Article 99 (1)(b) of the Constitution" immediately after the words "AN ACT of Parliament to."

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Long Title as amended agreed to)

Hon. Chairlady: Hon. Members, I will now call upon the Mover to respond. Is it Hon. Chepkong'a or the Leader of the Majority Party?

Hon. Chepkong'a: Hon. Chairlady, I beg to move that the Committee doth report to the House its consideration of the Elections Laws (Amendment) (No. 3) Bill (National Assembly Bill No. 63 of 2015) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Speaker (Hon. Muturi) in the Chair]

REPORT AND THIRD READING

THE ELECTION LAWS (AMENDMENT) (NO.3) BILL

Hon. Speaker: Order, Hon. Members! Let us have the Chairperson.

Hon. (Dr.) Laboso: Hon. Speaker, I beg to report that a Committee of the whole House has considered the Elections Laws (Amendment) (No. 3) Bill (National Assembly Bill No. 63 of 2015) and its approval thereof with amendments.

Hon. Chepkong'a: Hon. Speaker, I beg to move that the House doth agree with the Committee in the said Report. I also request the Leader of the Majority Party to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. A.B. Duale: I second.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: Hon. Members, for record purposes, I do notice that we have more than the necessary quorum.

(Question put and agreed to)

Hon. Chepkong'a: Hon. Speaker, I beg to move that the Elections Laws (Amendment) (No. 3) Bill (National Assembly Bill No. 63 of 2015) be now read a Third Time.

Hon. Speaker, this is a very important Bill. What we did yesterday as a Committee of Justice and Legal Affairs Committee was very bipartisan. We had serious experts that appeared before our Committee. In fact, those who were doubting as to the availability of the network in this country noted very clearly that in Garissa, the availability of 3G, which is expected to transmit results, is 4.6 per cent. In Wajir, it is 8.4 per cent; in Migori, 69.3 per cent; in Baringo, 49.1 per cent. Therefore, are we saying that results will not be transmitted from these areas where there is no coverage of telecommunication?

Secondly, with regard to the question of identification, it was clearly noted that notwithstanding the fact that someone has been registered biometrically; in Musiro Ward, which was conducted recently by IEBC using modern technology, there were two people who were not able to be identified biometrically. We have Members of Parliament in this House who won elections with a difference of three votes only. Therefore, if you do not allow those people who are not able to be identified for various reasons, some of them are mechanics opening some of those things. Maybe, when you were registering your fingerprints were okay. After some time, they evaporate.

(Laughter)

They get disfigured. Therefore, you require an alternative method to identify these voters. For your information, IEBC had to identify those people by sending texts and a photo appearing and it was accepted and people voted.

I thank you, Hon. Speaker.

Hon. Speaker: Who is seconding? Hon. Pukose.

Hon. (Dr.) Pukose: I second, Hon. Speaker.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: Being the desire of the House and having confirmed that we quorate, I put the Question as desired by the House.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

(Hon. Okoth consulted loudly)

ADJOURNMENT

Hon. Speaker: Hon. Members, we are in the House and not in Kibra. Hon. Members, there being no other business, this House stands adjourned until Tuesday, 24th January 2017 at 2.30 p.m.

The House rose at 10.40 a.m.