

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 5th April, 2017

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Ring the Quorum Bell.

(The Quorum Bell was rung)

We may commence business.

COMMUNICATION FROM THE CHAIR

GOLD COAST 2018 QUEEN'S BATON RELAY

Hon. Speaker: Hon. Members, I am in receipt of a Communication from the National Olympic Committee of Kenya (NOCK) informing Parliament of the Gold Coast 2018 Queen's Baton Relay. As you may be aware, the Queen's Baton Relay, similar to the Olympic Torch Relay, is a sports event around the world held prior to the beginning of the Commonwealth Games. The Baton carries a message from the Head of the Commonwealth, currently Queen Elizabeth II. The Relay traditionally begins at Buckingham Palace in London, as part of the City's Commonwealth Day festivities. The Queen entrusts the Baton to the first relay runner and at the end of the opening ceremony of the games, the final relay runner hands the baton to the Queen or her representative who reads the message aloud to officially open the Games.

Hon. Members, the Baton was, therefore, launched on 15th March 2017 at the Buckingham Palace by Her Majesty Queen Elizabeth II, and commenced its journey in the international sector by covering the African region. The baton will travel for 388 days spending time in every nation and territory of the Commonwealth. In this regard therefore, the Queen's Baton is expected to arrive in Kenya from Lagos, Nigeria, today, Wednesday, 5th April 2017, since Kenya is a Member of the Commonwealth countries and has profound athletics record in the Commonwealth games.

Hon. Members, His Excellency the President will receive the Queen's Baton at Parliament Buildings on Thursday, 6th April 2017 at 10.00 a.m. Thereafter, the Relay Baton will be received in Parliament Buildings. This is, therefore, to request you, Hon. Members, to accompany me, the Chairperson of the Departmental Committee on Labour and Social Welfare

and the Chairperson of the Bunge Sports Club, Hon. Wafula Wamunyinyi, to receive the Baton in Parliament buildings and conduct a short relay at the Parliament gardens. Therefore, all Members are invited to congregate at the Main Gate, facing Kenyatta International Convention Centre (KICC) for a mock relay at 10.45 a.m. tomorrow, Thursday, 6th April 2017.

I thank you. The Member for Cherangany should be available to lead the House in the relay.

PETITION

NON-REMITTANCE OF PROCEEDS OF COFFEE SALE TO KARITHATHI FARMERS' CO-OPERATIVE SOCIETY

Hon. Barua: Thank you, Hon. Speaker.

I, the undersigned, on behalf of the members of Karithathi Farmers' Co-operative Society Limited of Gichugu Constituency, draw the attention of the House to the following:

THAT, the Kenya Planters Co-operative Union Limited (KPCU) is a farmers-owned institution, whose membership comprises of over 700,000 small scale farmers represented by over 300 co-operatives and about 2,000 estate farmers owning small, medium and large scale farms.

THAT, KPCU's mandate is to market coffee produce on behalf of coffee cooperative societies;

THAT, in the year 2008/2009, KPCU sold coffee valued at US\$148,378.09 belonging to Karithathi Farmers' Co-operative Society, but did not remit the proceeds to the said cooperative society;

THAT, this has caused serious anguish to the coffee farmers and the cooperative society;

THAT, efforts to resolve the matter with the relevant authorities have been futile; and,

THAT, the issues in respect of which this Petition is made are not pending before any court of law, constitutional or legal body.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Agriculture, Livestock and Cooperatives:

- i. Causes an audit of the accounts of the Kenya Planters' Co-operative Union Limited;
- ii. recommends payment of the outstanding amount owed to Karithathi Farmers' Co-operative Society; and,
- iii. makes any other order or direction that it deems fit in the circumstances of the matter.

And your Petitioners will forever pray.

Hon. Speaker: Member for Molo, Hon. Jacob Macharia, has indicated to have a Petition that he is to present. If the Member is absent, the Petition is dropped. Take it back to the village.
Next Order.

PAPER LAID

Hon. Speaker: The Leader of the Majority Party.

Hon. A.B. Duale: Thank you, Hon. Speaker. The Member for Emurua Dikirr is torn between vying on Mashinani or KANU tickets or as an independent candidate. We have advised him that the latter option is the best and that is why we had a serious discussion.

Hon. Speaker, I beg to lay the following Paper on the Table of the House, Today, Wednesday, 5th April, 2017:

The First Commissioners End Term Report of the Commission on Revenue Allocation (CRA).

Hon. Speaker: Hon. Co-Chair of the Joint Select Committee reviewing the procedure and rules for election of Members to the East African Legislative Assembly, Hon. Katoo.

Hon. Katoo: Hon. Speaker, I seek your indulgence. This is a Report of the Joint Committee from both Houses and some tidying up is being done from the other side. I seek your indulgence that I table it in the course of this sitting.

Hon. Speaker: In the course of this session?

Hon. Katoo: Yes, Hon. Speaker.

Hon. Speaker: Very well. As you know, it is very important. Permission granted.
Next Order.

NOTICE OF MOTION

Hon. Speaker: Hon. Katoo, you will give notice of Motion when you table that Report.
Hon. Ronald Tonui.

NOTING OF PROGRESS REPORT ON PETITION FOR REMOVAL OF THE AUDITOR GENERAL

Hon. Tonui: Hon. Speaker, I beg to give notice of the following Motion:
THAT, this House notes the Progress Report of the Departmental Committee on Finance, Planning and Trade on the Petition for the Removal from office of the Auditor General, Mr. Edward R. O. Ouko, CBS, laid on the Table of the House on Thursday, 30th March 2017.

Thank you.

Hon. Speaker: Very well.

Next Order.

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD OF A BILL

Hon. Speaker: Chairperson, Departmental Committee on Finance, Planning and Trade. The Leader of the Majority Party, are you doing it on his behalf? He might be engaged in some serious exercise.

Hon. A.B. Duale: Hon. Speaker, you know the Chair of the Departmental Committee on Finance, Planning and Trade is also planning to be the next governor of Kericho and we have few days to nominations, which will be free and fair because we do not give certificates for free like other people.

(Applause)

People in the Jubilee Party must compete.

Hon. Speaker, I beg to move:

THAT, pursuant to the provisions of Standing Order No.120, this House resolves to reduce the publication period of the Finance Bill (National Assembly Bill No.16 of 2017), from fourteen (14) to three (3) days.

Without anticipating debate, we are going for a long recess of one month beginning Friday morning and because the Finance Bill is very crucial and has timelines based on the Budget, we will reduce the publication period, so that it can be referred to the Committee and within the month of April, the Committee can engage all the stakeholders, including the National Treasury, within the reading of Article 118 of the Constitution on public participation. I ask the House that we reduce the publication period from 14 days to three days. I will ask Hon. Chepkong'a to second.

Hon. Chepkong'a: Thank you, Hon. Speaker. I rise to second. This is a very important Motion that will be coming and it needs to be debated before we go on recess. I second.

(Hon. Members walked into the Chamber)

Hon. Speaker: Order, Members! Member for Kibra, you are in the National Assembly. Do not do that. Just stand where you are. You are just about to go for elections and you do not know what you are supposed to do. Kibra is just near here.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Hon. Member in a *buibui*, you have a problem sitting.

REPORT AND THIRD READING

THE CLINICAL OFFICERS (TRAINING, REGISTRATION AND LICENSING) BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Clinical Officers (Training, Registration and Licensing) Bill (National Assembly Bill No. 27 of 2016)

(Question put and agreed to)

Hon. Sang: Hon. Speaker, I beg to move that the Clinical Officers (Training, Registration and Licensing) Bill, National Assembly Bill No. 27 of 2016 be now read the Third Time.

I request Hon. Robert Pukose to second.

Hon. (Dr.) Pukose: I second.

(Question proposed)

Hon. Speaker: It seems to be the desire of the House that I put the Question and I have confirmed the House has quorum.

(Question put and agreed to)

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

REPORT AND THIRD READING

THE LIVESTOCK AND LIVESTOCK PRODUCTS DEVELOPMENT AND MARKETING BILL

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Livestock and Livestock Products Development and Marketing Bill (National Assembly Bill No.44 of 2016)

(Loud consultations)

Hon. Speaker: Hon. Members!

(Question put and agreed to)

Hon. A.B. Duale: Let me help. He is a nominated Member of Parliament and he did not know the procedure. He thought his Bill was over this morning.

Hon. Speaker: Hon. Members, I know this is a Private Members' Bill, including the one by Hon. Sang, but because of the problems that the House is experiencing, we are to get through these processes at this time and that is why there is a Supplementary Order Paper. I will just request the few of you that have made your way, to please, give us the next few minutes to clear this. These are Bills by Private Members and it is only fair they are given the light of day. So, if you could just bear with us, sit for another 30 minutes. You will still get re-elected if you have done what you should have done in the last four years. Thirty minutes will not affect your re-election.

(Laughter)

Hon. A.B. Duale: Hon. Speaker, the only Member who is restless is the Member for Kibra. You know he missed out in the direct nominations depending on who he is competing with. He is not expecting that nomination. He is very restless. We are telling him to pray. In Jubilee, we allow free nominations.

Hon. Speaker, I beg to move that the Livestock and Livestock Produce Marketing Promotion Bill (National Assembly Bill No.44 of 2016) be now read the Third Time.

I request Hon. Washiali, who is a Member of the Agriculture, Livestock and Cooperatives Committee where this Bill has gone through, to second on behalf of our colleague, Hon. Abdinoor.

Hon. Washiali: Thank you, Hon. Speaker. I second.

(Question proposed)

(Question put and agreed to)

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

BILLS

Second Reading

THE APPROPRIATION BILL

(Hon. Musyimi on 4.4.2017)

(Debate concluded on 4.4.2017)

Hon. Speaker: Hon. Members, debate on this Bill was concluded yesterday in the evening and what remains is for the Question to be put, which I hereby do.

(Question put and agreed to)

*(The Bill was read a Second Time and committed
to a Committee of the whole House tomorrow)*

Second Reading

THE EQUALISATION FUND APPROPRIATION BILL

(Hon. Musyimi on 4.4.2017)

(Debate concluded on 4.4.2017)

Hon. Speaker: Member for Nakuru Town East, just sit down. You are in the habit of wanting to greet everybody. Hon. Members, again, debate on this Bill was concluded yesterday in the evening. What remained was for the Question to be put, which I hereby do.

(Question put and agreed to)

*(The Bill was read a Second Time and committed
to a Committee of the whole House today
by leave of the House)*

THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL

(Hon. Masadia on 29.3.2017)

(Debate concluded on 5.4.2017 – Morning Sitting)

Hon. Speaker: Hon. Members, again, this is a Private Members' Bill, whose debate was concluded in the morning and moved by Hon. Alfred Agoi Masadia. What remains is for the Question to be put, which I hereby do.

(Question put and agreed to)

*(The Bill was a read a Second Time and committed
To a Committee of the whole House tomorrow)*

First Reading

THE FINANCE BILL

*(Order for First Reading read – Read the First
Time and ordered to be referred to the relevant
Departmental Committee)*

Hon. Speaker: The Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, there are too many people who have issues with nominations around me today and they are confusing me. I am not going through nominations. Before we go to the Committee of the whole House, the Chair of the Departmental Committee on Justice and Legal Affairs has consulted me. There are a number of amendments on the Prevention of Torture Bill, which have been introduced by the Members and he wants to look at them. I want to request you to defer this Bill to tomorrow afternoon in the Committee of the whole House. This will give him time, today and tomorrow morning.

Hon. Speaker: The business appearing as Order No.15(iii) is taken out of the Order Paper. Hon. Members, I wish to give some direction not so much because of the next Order, but to guide the House on what should happen when we get to consideration of the Motion appearing as Order No.16, which is the Approval of the Election-Related Regulations.

In accordance with the Standing Order No.40(2), for the convenience of the House, the business appearing as Order No.16 has some proposed amendments by Hon. David Eseli, Member for Tongaren, and Hon. Patrick Musimba, Member for Kibwezi West. If we proceed in plenary, the House will find itself in difficulties. As you all know, sooner than later, there will be less than 20 of you considering those amendments. Therefore, in order to allow proper consideration of those amendments as happens in other circumstances, I have rearranged that business. When the House goes into Committee to consider the other two businesses which Hon. Mutava Musyimi will be moving, after conclusion, the business appearing as Order No.16 will be considered in the Committee of the whole House, so that the amendments can be considered with greater ease than when they are considered when the House is sitting in plenary.

Therefore, after the amendments are disposed of, debate can resume in plenary for consideration of Report with or without those amendments. That way, the House will get over the hurdle of having to put the Questions and disposing them in Committee as opposed to the rigours of having to put Questions on the proposed amendments to get approval and then proceed to the next amendment which may prove fairly difficult in terms of quorum. It is now an altruism that we have gotten into some serious headache about realising quorum. Hon. Members, that is

the way it will be considered and thereafter, the House can resume sitting in plenary to consider the Report.

Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

*[The Temporary Deputy Chairman (Hon. Cheboi)
took the Chair]*

THE APPROPRIATION BILL

(By leave of the House)

The Temporary Deputy Chairman (Hon. Cheboi): Order, Members! We will now proceed to the Appropriation Bill. Next will be the Equalisation Fund Appropriation Bill. Hon. Members, let us proceed. Order Members! Those who are retreating, do so in an orderly manner.

(Clauses 2 and 3 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

I now ask the Mover to move reporting. Yes Hon. Musyimi.

Hon. Musyimi: Hon. Temporary Deputy Chairman, I beg to move that this House do agree with the Committee in the said Report and request Hon. Benjamin Washiali to second.

The Temporary Deputy Chairman (Hon. Cheboi): No, you will just move reporting. We do not need a Seconder at this point.

Hon. Musyimi: I beg your pardon. I stand guided.

Hon. Temporary Deputy Chairman, I beg to move that the Committee does report to the House its consideration of the Appropriation Bill (National Assembly Bill No.15 of 2017) and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, we will now move to the Equalisation Fund Appropriation Bill (National Assembly Bill No.12 of 2017).

THE EQUALISATION FUND APPROPRIATION BILL

(By leave of the House)

(Clauses 2 and 3 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairman (Hon. Cheboi): Let us have the Mover to move reporting on this one.

Hon. Musyimi: Hon. Temporary Deputy Chairman, I beg to move that the Committee does report to the House its consideration of the Equalisation Fund Appropriation Bill (National Assembly Bill No.12 of 2017) and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Chairman (Hon. Cheboi): We will now move to the next one. This is the approval of election-related regulations. We will start with the Draft Election (Technology) Regulations, 2017.

THE DRAFT ELECTIONS (TECHNOLOGY) REGULATIONS

(Regulations 3, 4, 5, 6, 7 and 8 agreed to)

Regulation 9

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. (Dr.) Eseli Simiyu on this one. Can you move your amendment?

Hon. (Dr.) Simiyu: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Regulation 9 of the Draft Elections (Technology) Regulations, 2017 is amended in sub-regulation (2) by deleting the words “The commission may publish” and substituting therefor the words “The commission shall publish”.

This is because sub-regulation (1) states that “the commission shall issue a public notice specifying the date, time and place of the testing and invite stakeholders to attend.” If that is “shall”, then it follows the rest should also be “shall”. It should not now be by discretion when we get to sub-regulation 2.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I will give an opportunity to two Members and then we will make a decision on it. Is that fine? Let us hear what the Chair of the Committee has to say, Hon. Cheptumo.

Hon. Cheptumo: Hon. Temporary Deputy Chairman, I have no problem with the replacement of the word “may” with the word “shall”.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. (Dr.) Wamalwa.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Chairman. When it comes to matters of technology particularly in elections, this must be made mandatory. I support the amendment by Hon. (Dr.) Eseli that we use the word “shall” as opposed to “may”.

*(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)*

(Regulation 9 as amended agreed to)

The Temporary Deputy Chairman (Hon. Cheboi): We will now have Regulations 10 to 32.

Hon. (Dr.) Simiyu: On a point of order, Hon. Temporary Deputy Chairman. There are amendments to Regulations 21 and 22.

The Temporary Deputy Chairman (Hon. Cheboi): Regulation 21 is not captured here. Just a minute, Hon. Simiyu, that is actually the true position. We will read them again, so that we can omit the ones with amendments. We will do it again, Members. Thank you, Hon. Simiyu and the Member for Kitui Central, Hon. Makali Mulu, for pointing that out.

*(Regulations 10, 11, 12, 13, 14, 15, 16,
17, 18, 19 and 20 agreed to)*

Regulation 21

The Temporary Deputy Chairman (Hon. Cheboi): Let us have the Mover of the proposed amendment, Hon. Musimba. Just hold on a little, Hon. Musimba.

Hon. Musimba: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Regulation 21 of the Draft Elections (Technology) Regulations, 2017 be amended by inserting the following sub-regulation immediately after sub-regulation (3) —

“(4) Where the Commission engages a consortium in the manner specified in sub-regulation (3), the Commission shall require the service provider to use internal roaming services.”

The import of this change is just to fortify Regulation 21(1) which says that the commission shall identify and communicate in a timely manner to stakeholders the network services available at different polling stations. You will note that the network services at

different polling stations or around the country are not the same. Various network operators have differing strength of signal.

For instance, here at Parliament, you will find that Orange is strong and Safaricom is weak. So as not to penalise any access to services, by inserting “internal roaming services”, we are saying that your device will be accessible to any network which is available from where you are because it already exists in an interconnect arrangement within the Communication Authority of Kenya (CAK) laws.

Thank you, Hon. Temporary Deputy Chairman.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Let me give Hon. Okoth of Kibra. Do you want to speak to this one?

Hon. Okoth: No.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have the Leader of the Majority Party. Do you want to speak to this one?

Hon. A.B. Duale: Yes, Hon. Temporary Deputy Chairman. Initially, I was waiting for the Chair to give us his view, but he has kept quiet. Hon. Musimba, being the only expert on ICT in this House, is asking that all the various networks work together in order to provide the linkage of transmission of results from very remote polling stations to the tallying centres. He is only improving on the technology that is already available.

I beg to support.

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

(Regulation 21 as amended agreed to)

Regulation 22

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Musimba.

Hon. Musimba: Hon. Temporary Deputy Chairman I beg to move:

THAT, Regulation 22 of the Draft Elections (Technology) Regulations, 2017 be amended —

(a) by renumbering the existing provision as sub-regulation (1).

(b) by inserting the following new sub-regulation immediately after sub regulation

(1) —

“(2) The Commission shall before publishing the network coverage under sub-regulation (1), ensure that a quantity of service parameter test is carried out”

Sub-regulation (1) says that “the telecommunication network service providers shall ensure secure traceability and availability of the network. The commission, in collaboration with a service provider or providers, shall place the appropriate telecommunication network infrastructure to facilitate the election technology for voter validation and results transmission and shall publish the network coverage 45 days before the date of the general elections. Introducing this sub-regulation will ensure that the quality of service parameter test is carried out.

The import of this is that we will get an independent person. It is like we are saying that we can audit the list of voters prior to the validation of the election register. We will validate from an independent player, which will be through the commission, the state of the network service all over the country. Once that has been caused, then you will know the reliability of the networks in different areas and the strengths of the signals, so that the transmission is done seamlessly and that there is time for the telecommunication providers to remedy any shortfalls that may occur within the network.

Thank you.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I will give two Members. We will start with Hon. Cheptumo.

Hon. Cheptumo: Hon. Temporary Deputy Chairman, I oppose this amendment. If you read the regulation as drawn, what the Commission wants to achieve is very clear. It says “appropriate infrastructure.” The Commission in collaboration with a service provider or providers shall put in place the appropriate telecommunication network infrastructure to facilitate the elections technology for voter validation, results transmission and so on.

What the Member attempts to do is---

(Several Members consulted loudly)

The Temporary Deputy Chairman (Hon. Cheboi): Order. Let us consult in lower tones Hon. Member for Meru and your team there. Proceed, Hon. Chair.

Hon. Cheptumo: What the Member attempts to do is to limit that particular right. So, the publication of the network coverage for 30 days by the Commission informing the public is sufficient.

So, I oppose this amendment.

The Temporary Deputy Chairman (Hon. Cheboi): I see Hon. Musimba wants to clarify that, but let us first start with Hon. Makali Mulu.

Hon. Mulu: Hon. Temporary Deputy Chairman, listening to what Hon. Musimba is saying, in terms of explaining the imports of this amendment, I am tempted to support him. I actually support him because what he is saying it that there is need, other than just indicating the network coverage, to do an audit to confirm that it will work to avoid a situation where it could collapse like it has always been doing. To me, that is very important.

Hon. Duale has just said that Hon. Musimba is an authority on this issue. Are we questioning the authority we have already confirmed?

The Temporary Deputy Chairman (Hon. Cheboi): Let us hear Hon. Musimba and then I will give a chance to the Leader of the Majority Party.

Hon. Musimba: Hon. Temporary Deputy Chairman, this is just a clarification to the Chair.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Musimba, let us first have the Leader of the Majority Party then you will have the last say.

Hon. Musimba: Okay.

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, his authority on ICT was in as far as Regulation 21 is concerned. I am not changing. Everybody is an authority on something. Hon.

Makali is an authority on economics. That is why we consult him when it comes to the budget, but that does not mean that we agree with him.

Why I oppose the amendment is that this House gave the Independent Electoral and Boundaries Commission (IEBC) timelines. This amendment is introducing a new timeline that the IEBC must go around the country to test the parameters of service providers. That can take 60 days or 90 days. There are areas which do not have network. So, what are you going to test?

I urge my colleague that at this stage, we have less than 100 days to the elections. The timelines of the IEBC are already critical and we must have an election on 8th August. I really want to ask, Hon. Musimba, the only man who won twice as an independent, to drop the amendment. He is the only man who is not looking for any nomination or bribing anyone to get nominated because he does not want to go through it. He wants to be an independent candidate. This amendment is good, but it is creating another huge monster in terms of timelines.

I oppose and I ask the House to oppose it.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Musimba.

Hon. Musimba: Hon. Temporary Deputy Chairman, this is just a clarification. It actually fortifies it. It is a wrong analogy even by the Leader of the Majority Party. The quality of service parameters is actually tested daily by all the service providers. All what we are saying is that they should make this report public. That is it. It does not change any timelines, whatsoever, and it is not an exercise. All networks are there for business. So, every day, they have to ensure there is adequate coverage at Parliament for purposes of optimising how much money they make. What we are saying is that for purposes of the public, let that report be made public. That is the import of the statement that I am making. It does not change, whatsoever, the 45 days or the timelines for them. It is something that is accessible within any network. In the event there is a botch, after elections, you will not be holding the wrong side of the carrot stick. You will be able to ask why the network was down at Chepalungu when they had published that Chepalungu was up or in Mwinzau within my constituency.

I ask for indulgence.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, you make your decision loud and clear.

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

(Regulation 22 agreed to)

*(Regulations 23,24,25,26,27,28,
29,30,31 and 32 agreed to)*

Regulation 33

Hon. (Dr.) Simiyu: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Regulation 33 of the Draft Elections (Technology) Regulations, 2017 is amended in paragraph (c) by deleting the expression “Majority Party (1) and Minority Party (1)” appearing in subparagraph (v) and substituting therefor the expression “Majority Party (2) and Minority Party (2)”.

The reason for this is that when we passed the Election Laws (Amendment) Bill, we proposed to form an ICT Committee that will work with the IEBC on operationalising the use of technology. You realise that on the use of technology, all the parties are involved. The Act that we passed foresaw the involvement of political parties. However, if we restrict them to one Member each, if that Member were to be absent, then that party would be disadvantaged. That is why I am proposing to increase them to two. This is out of experience. They have tried to operationalise the committee, but so far, it has proven to be difficult without that number.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I will give two Members a chance to speak, namely, Hon. Duale and Hon. Serut.

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, this amendment seeks to increase the number of representation in the Election Technology Advisory Committee. It is stated in the Act. You cannot amend an Act of Parliament through regulations. For that reason, I oppose it. Secondly, it has given a chance to the Leader of the Majority Party and the Leader of the Minority Party. I can send my deputy or any of our representatives. The import of his amendment is for the Minority Party to bring two representatives and the Majority Party to do the same. This is because Hon. Nyenze decided to have a different shade of opinion. You cannot sort out your political party issues out there through regulations here. I oppose! Hon. Eseli, you cannot amend an Act of Parliament through regulations. The Act says one person from the Majority Party and one person from the Minority Party. Why do you want to increase the number to two?

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Serut.

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, if you allow me, the amendment seeks - and this is from the Legal Department - to increase the number of representation in the Election Technology Advisory Committee. What is the representation? It proposes the Majority Party and Minority Party to have two representatives each. We already have one representative each. In my absence, somebody from Jubilee can represent me. Hon. Nyenze can nominate somebody to represent him in his absence. So, why do you want to add another person? That is over-legislation and we are opposing it. Hon. Nyenze had a different shade of opinion.

Hon. (Ms.) Mbalu: Point of information, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Member for Kibwezi East wants to inform you. Are you willing to be informed?

Hon. Duale: No!

The Temporary Deputy Chairman (Hon. Cheboi): Then let us give Hon. Serut a chance, first.

Hon. Serut: Hon. Temporary Deputy Chairman, whatever Hon. Eseli is trying to amend is already in the Elections Act. There is no way we can amend it. The regulations are there to implement the Act and not to amend it. I want to agree with the Leader of the Majority Party on the issue of regulations, but not on the other issues to do with politics.

The Temporary Deputy Chairman (Hon. Cheboi): I will give a chance to the representative for Kibwezi East and then I will give Hon. Eseli an opportunity to clarify.

Hon. (Ms.) Mbalu: Hon. Temporary Deputy Chairman, Hon. Duale is always afraid when I stand. He says he does not want my information. I did not stand to inform him, but to get clarification.

Hon. A.B. Duale: Afraid of what?

Hon. (Ms.) Mbalu: I do not know what you are afraid of.

Hon. Member: Where you belong!

Hon. (Ms.) Mbalu: Yes, he knows where I belong. What the Member tried to clarify is making sense. It is important not to play politics. What would be the difference in having two representatives? If it is under the regulations, then we can accept. It is important that we argue from a point of information and not from a perspective of politics.

We agree with the Leader of the Majority Party, but it is important to know that this House does not belong to people of Garissa only. This House belongs to Members of Parliament. We should have independent minds here.

Hon. A.B. Duale: On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): Order! What is your point of order, Leader of the Majority?

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, I am not afraid of the Member for Kibwezi East. One, I do not belong to their party, so I am not seeking a nomination certificate from their party leader. Two, I have said it many times here that I have three more chances if I needed to marry another wife, but I have not made that intention. Thirdly---

Hon. (Ms.) Mbalu: On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): He is on a point of order.

Hon. A.B. Duale: I am on a point of order! The Standing Orders are very clear.

Hon. (Ms.) Mbalu: Hon. Temporary Deputy Chairman, I have a husband. I do not need Duale!

Hon. A.B. Duale: Yes.

(Laughter)

Hon. Temporary Deputy Chairman (Hon. Cheboi): Order! I knew this was going to take that direction. You are very senior Members of this House.

Hon. (Ms.) Mbalu: I have one husband and I do not need an extra husband. I know you have one wife.

The Temporary Deputy Chairman (Hon. Cheboi): Order, Members! Just to bring down the tempers, let me recognise two schools here.

Hon. (Ms.) Mbalu: *(Inaudible)*

The Temporary Deputy Chairman (Hon. Cheboi): These are two very serious Members of this House. I do not want us to go that direction.

As we proceed, let me take this opportunity to recognise, in the Speaker's Gallery, Sacred Hills Girls School from Kipkelion East Constituency in Kericho County and Wesley Boarding Primary School from South Imenti in Meru. They are here to study the operations of Parliament.

I hope that brings the temperatures a little lower. So, can we have Hon. Eseli Simiyu to clarify his remarks then I will put the Question and you will make your decision?

Hon. (Dr.) Simiyu: Hon. Temporary Deputy Chairman, it is unfortunate that this matter has degenerated into a sexist debate. As Members of the National Assembly, we should be ashamed of that kind of portrayal.

The Temporary Deputy Chairman (Hon. Cheboi): Clarify the issues you raised.

Hon. (Dr.) Simiyu: If you recall, I was part and parcel of crafting the Act that we are referring to. One can interpret it in a cynical manner as the Leader of the Majority Party is trying

to do, but the import of that amendment was so that each of the parties, be it the Majority Party or the Minority Party, sends experts. Remember this is an ICT committee. That was the import of that amendment. It was not intended for the Leader of the Majority Party nor the Leader of the Minority Party. That is the reason for the amendment.

The Temporary Deputy Chairman (Hon. Cheboi): Okay. That is fine. I think that is fair clarification. Let us put the Question.

Hon. (Dr.) Simiyu: Hon. Temporary Deputy Chairman, this is very critical. We are going to an election that will be composed of ICT components. If we mishandle that area, we will be opening ourselves to disaster. If we go on this way, we will also be opening IEBC to chances of litigation, which will further delay their work.

The Temporary Deputy Chairman (Hon. Cheboi): Let us dispose of this issue. Hon. Members, I think we can safely dispose this off. Make your decisions loud and clear either way.

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

Hon. (Dr.) Simiyu: On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Speaker (Hon. Cheboi): What is your point of order, Hon. Simiyu?

Hon. (Dr.) Simiyu: Hon. Temporary Deputy Chairman, I think you will have to control the Leader of the Majority Party. I do not think yelling across the aisle and pointing fingers is parliamentary.

The Temporary Deputy Chairman (Hon. Cheboi): I am not able to see that. Order, Hon. Members! Can we, please, maintain some coolness? I know the temperatures are rising, especially as we go towards the party primaries. Hon. Members, let us keep our cool. I will put the Question.

(Regulation 33 agreed to)

(Regulation 34 agreed to)

Regulation 35

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. (Dr.) Simiyu.

Hon. (Dr.) Simiyu: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Regulation 35 of the Draft Elections (Technology) Regulations, 2017 is amended by deleting the word “commission” and substituting therefor the words “The commissioner in charge of ICT or in his or her absence, the Director in charge of ICT”

The import of this amendment is that leaving it open that the commission will chair is very amorphous. We have to have somebody accountable chairing that committee. This is a very important committee and just leaving it open like that, I felt it was not giving it proper anchoring. Therefore, this amendment is just to make sure that there is somebody accountable who will chair the committee.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I will give two Members a chance, one from either side. I will start with the Chair of the Committee.

Hon. Cheptumo: Hon. Temporary Deputy Chairman, I oppose this amendment. The amendment seeks to specify the meetings of the Election Technology Advisory Committee to be chaired by the Commissioner in charge of ICT. In the committee, we have three commissioners sitting. What the amendment proposes to do is to replace a commissioner to chair those meetings with the Director of ICT. It is not proper. It should be chaired by a commissioner of that particular committee on technology.

The Temporary Deputy Chairman (Hon. Cheboi): I will give Hon. Makali Mulu a chance. Before I put the Question, I will give the Leader of the Majority Party an opportunity for a brief one.

Hon. Mulu: Thank you, Hon. Temporary Deputy Chairman. I think from the explanation of the Chair, if there are other commissioners seated there, then it will be difficult to have a director chairing the meeting when commissioners are there. On that note, it is important to leave the word “commission” so that any of the commissioners can chair.

The Temporary Deputy Chairman (Hon. Cheboi): Therefore, are you opposing or supporting?

Hon. Mulu: I oppose this one.

The Temporary Deputy Chairman (Hon. Cheboi): Leader of the Majority Party, you have the Floor. We cannot have all Members speaking to this. Hon. Members, let us not put up our hands.

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, we are dealing with a serious matter of regulations. I want to read to the House what Hon. Eseli is trying to do in Regulation 35. He seeks to specify that the meetings of the Elections Technology Advisory Committee be chaired by the Director of ICT or a commissioner.

Number one, on the face of it, IEBC decisions are taken as a commission. Two, every department within IEBC is chaired by a commissioner. Human Resource (HR), Finance and ICT committees are chaired by commissioners. So, it is even good for us if the Act says “the commission.” Let us leave it for the commission. This is an internal matter. Why do we want to legislate the administrative matters of an institution?

The Temporary Deputy Chairman (Hon. Cheboi): Members will now make their decision.

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

(Regulation 35 agreed to)

The Temporary Deputy Chairman (Hon. Cheboi): I am a little surprised. I did not hear the Mover responding to this one. I do not know if he was convinced halfway. Hon. Members, let us concentrate because it is very brief, anyway. I am sure you can concentrate for a few more minutes and we will be through with this one.

Regulation 36

Hon. (Dr.) Simiyu: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Regulation 36 of the Draft Regulations be amended by deleting sub-regulation (1) and substituting therefor the following-
“(1) the committee shall hold its first sitting within two week of these regulations coming in force to assess and determine frequency venue and time of their sitting guided by the relevant workload”.

Hon. Temporary Deputy Chairman, this is a very important committee. In these regulations, they are saying that the committee will sit for a maximum of four meetings in a year. We are just about to implement a massive ICT programme at the IEBC with the tenders that they have just given for an integrated system. Could we just cap the number of meetings to four in a year if they will be implementing the programme? I think there is a move to sort of emasculate the committee. That is why I am allowing the committee to have freedom to decide the number of times they will meet to implement the ICT programmes. Capping their meetings to four in a year and where and when they will happen is decided by somebody else. There is no need to have the ICT committee in the first place.

We are treading on finesse and this amendment is very important because if we allow the committee to only meet four times in a year at such a critical time when we are implementing a new technology in elections, it is a danger.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Serut.

Hon. Serut: Hon. Temporary Deputy Chairman, let me thank my colleague Hon. Simiyu for bringing this amendment but, unfortunately, I am going to oppose it. We cannot micro-manage IEBC through these regulations. The onus lies with IEBC, to come up with its own programmes as to how they are going to hold their meetings. This is administrative. I want to persuade my colleagues to oppose this, and we leave it to IEBC.

Thank you.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Serut, you talked of micro-management. Is putting a maximum number of meetings per year not micro-managing? I do not want to participate in the debate. I can see what is already there is putting a maximum.

Anyway, let us have Hon. ole Ntutu. Let us be brief.

Hon. ole Ntutu: Thank you, Hon. Temporary Deputy Chairman. I support Hon. David Eseli because what we are trying to do here is giving space. Let them prepare their own timetable. I do not see any problem with this. And I do not think it is going to---

(Hon. (Ms.) Kajuju stood on the isle)

The Temporary Deputy Chairman (Hon. Cheboi): Order, Hon. Kajuju! I cannot see properly. Take your seat.

Hon. ole Ntutu: What I was saying is this: I do not think it will change much, even if we put this regulation because the law is already clear. So, I support Hon. David Eseli.

The Temporary Deputy Chairman (Hon. Cheboi): The Leader of the Majority Party.

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, I do support Hon. Eseli. Article 249(2) (b) of the Constitution says that:

“The commissions and holders of independent offices are independent and not subject to direction or control by any person or authority.”

When we sit in this House and legislate how many times IEBC, in its procurement, business to conduct an election, sits, that is an administrative matter. It is unconstitutional. I sit in that Committee. Hon. Nyenze sits there also. When we are not there, we send people. This House cannot legislate on administrative matters. That is an independent commission. I oppose. We in the political class cannot---

The Temporary Deputy Chairman (Hon. Cheboi): You are not being clear, Leader of the Majority Party. Initially, you said you are supporting and now, you say you are not supporting. That brings some confusion.

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, by reading for you an Article of the Constitution, I was opposing. What the amendment intends is to micro-manage IEBC.

Secondly and more fundamental, it is in the same Act that says four times in a year. So, how do you amend an Act of Parliament through regulations?

The Temporary Deputy Chairman (Hon. Cheboi): Okay. I will put the Question.

(Loud consultations)

No, Members! I will not allow that again. I will put the Question; just make your decision.

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

Hon. Members, if you do not concentrate, then you do not have to bring these kind of amendments or make the arguments you are making.

(Regulation 36 agreed to)

Hon. (Dr.) Simiyu: On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): What is your point of order, Hon. (Dr.) Simiyu?

Hon. (Dr.) Simiyu: Given that my colleagues on the other side are keen on making sure that none of my amendments go through - and probably they are on a mission - I, therefore, decide to withdraw any further amendments and, perhaps, we meet in court.

Thank you.

(All proposed amendments by Hon. (Dr.) Simiyu withdrawn)

The Temporary Deputy Chairman (Hon. Cheboi): Okay. Let us proceed.

(Regulations 37, 38, 39 and 40 agreed to)

(First Schedule agreed to)

(Second Schedule agreed to)

(Regulation 2 agreed to)

(Title agreed to)

(Regulation 1 agreed to)

DRAFT ELECTIONS (REGISTRATION OF VOTERS)
(AMENDMENT) REGULATIONS

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, we will now consider the Draft Elections (Registration of Voters) (Amendment) Regulations, 2017.

*(Regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 agreed to)*

(Regulation 2 agreed to)

(Title agreed to)

(Regulation 1 agreed to)

DRAFT ELECTIONS (VOTER EDUCATION) REGULATIONS

Hon. Members, we will now consider the Draft Elections (Voter Education) Regulations, 2017.

*(Regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
15, 16, 17, 18, 19, 20, 21 and 22 agreed to)*

(Schedule agreed to)

(Regulation 2 agreed to)

(Title agreed to)

(Regulation 1 agreed to)

DRAFT ELECTIONS (GENERAL) (AMENDMENT) REGULATIONS

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, we now have Draft Elections (General)(Amendment) Regulations, 2017. Hon. Eseli, for clarity purposes, we have a few amendments that you have here. Are you going to be moving them? Let us have you on record so that we are able to---

Hon. (Dr.) Simiyu: Hon. Temporary Deputy Chairman, given that the other side had mobilised to ensure that nothing changes, I will not waste my breath.

The Temporary Deputy Chairman (Hon. Cheboi): Very well. You are on record having withdrawn your proposed amendments. So, we proceed.

(All proposed amendments by Hon. (Dr.) Simiyu withdrawn)

(Regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42 agreed to)

(First Schedule agreed to)

(Second Schedule agreed to)

(Regulation 2 agreed to)

(Title agreed to)

(Regulation 1 agreed to)

DRAFT ELECTIONS (PARTY PRIMARIES AND PARTY LISTS) REGULATIONS

(Regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 agreed to)

(Regulation 2 agreed to)

(Title agreed to)

(Regulation 1 agreed to)

The Temporary Deputy Chairman (Hon. Cheboi): We have come to the end of this. Therefore, I will call upon the Mover to call the reporting please. Hon. Cheptumo, the Floor is yours.

Hon. Cheptumo: Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the following five Draft Election-Related Regulations, 2017, and there approval thereof with amendments:

- (i) The Draft Elections (Technology) Regulations, 2017;
- (ii) The Draft Elections (Registration of Voters)(Amendment) Regulations, 2017;
- (iii) The Draft Elections (Voter Education) Regulations, 2017;
- (iv) The Draft Elections (General) (Amendment) Regulations, 2017; and,
- (v) The Draft Elections (Party Primaries and Party Lists) Regulations, 2017.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Speaker
(Hon. (Ms.) Mbalu) in the Chair]*

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, Members! We are now on the reporting. We are going to Report in this Order the Appropriation Bill, National Assembly Bill No.15 of 2017, followed by the Equalisation Fund Appropriation Bill, National Assembly Bill No.12 of 2017 and Approval of Elections-Related Regulations.

I, therefore, call upon the Chairperson to start reporting with the first one.

THE APPROPRIATION BILL

Hon. Cheboi: Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Appropriation Bill, National Assembly No.15 of 2017, and approved the same without amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Can we have the Mover to do the reporting?

Hon. Musimba: Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I request Hon. Cheptumo to second the Motion for agreement with the Report of the Committee of the whole House.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Cheptumo to second.

Hon. Cheptumo: I second.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Bowing is also seconding as per the procedures of the House. Order, Hon. Members, the Temporary Deputy Speaker is on her feet!

(Question proposed)

Hon. Members, we are not in a position to put the Question because of obvious reasons. I, therefore, order that the Question to this be put in the next appropriate time as given by the House Business Committee.

(Putting of the Question deferred)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Next is the Equalisation Fund Appropriation Bill, National Assembly Bill, No.12 of 2017. The Chairperson to do the reporting.

THE EQUALISATION FUND APPROPRIATION BILL

Hon. Cheboi: Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Equalisation Fund Appropriation Bill, National Assembly Bill, No.12 of 2017, and approved the same without amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Mover to move the agreement with the Report.

Hon. Musimba: Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I request Hon. Cheptumo to second the Motion for agreement with the Report of the Committee of the whole House.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Cheptumo for seconding.

Hon. Cheptumo: I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, we are not in a position to put the Question because of obvious reasons. I, therefore, order that the Question to this be put in the next appropriate time as given by the House Business Committee. Let us go to the Regulations.

APPROVAL OF ELECTIONS-RELATED REGULATIONS

Hon. Cheboi: Thank you, Hon. Temporary Deputy Speaker. I beg to report that the Committee of the whole House has considered the five draft elections-related regulations and approved the same with amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Can we have the Mover of the Bill to move the agreements of the report. Order, Hon. Members! We have loud consultations. Hon. Deputy Leader of the Majority Party, thank you for being a lady. Please, proceed.

Hon. Cheptumo: Thank you, Hon. Temporary Deputy Speaker. I beg to move that the House doth agree with the Committee in the said report, and request the Hon. Leader of the Majority Party to second.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us have the Hon. Leader of the Majority Party.

Hon. A.B. Duale: I am the Hon. Leader of the Majority Party for now. I do not know about tomorrow, unless my Coalition does a PG.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): We pray for you.

Hon. A.B. Duale: I have served them very well and so, I do not think they have a reason to replace me. I beg to second.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Members, if you can lend me your ears, this is the only time you will debate these amendments on the regulations and you know how important they are. So, it is important that I relay the information.

(Question proposed)

I will allow some debate. Let us have the Hon. Leader for the Majority Party

Hon. A.B. Duale: Thank you, Hon. Temporary Deputy Speaker. I have noted that the Committee gave a clean bill of health to the Elections-Related Regulations and confirmed that they conform to the Constitution, statutes, National Assembly Standing Orders and, as such, I support the Committee's recommendation that this House approves the regulations for publication by the regulation-making authority, which is the Independent Electoral and Boundaries Commission (IEBC).

The enactment of the Elections Laws (Amendment) Act No. 36 of 2016 and the Election Laws (Amendment) Act No.1 of 2017 occasioned a significant reform in the electoral process in

our country. Fundamentally, that included the use of technology and a requirement that only party-registered members shall vote at party primaries. Effective voter education mechanisms are fundamentally important for any election because it is through such processes that persons are informed on the electoral matters.

These regulations intend to do the following: To implement Article 88(4) of the Constitution which relates to IEBC and the delimitation of electoral units. They intend to create an environment for effective and objective voter education for all Kenyans. It ensures efficient coordination of voter education for purposes of harmonisation of the content of the voter education materials that will be used.

These regulations provide a framework for monitoring and evaluation of voter education programmes across the country and promote effectiveness and efficient use of resources that are set aside for voter education. The Draft Elections (General) (Amendment) Regulations, 2017 provide for the alignment of Election (General) Regulations, 2012 with the amendments effected under the Election Laws (Amendment) Act No.36. This ensures the integrity of the voter register by providing for the provision of register of voters through removal of names of persons who did not meet qualifications of being registered as voters. It sets down procedures for inspection, verification of the register of voters in order to avoid disenfranchising of the population in terms of the electoral process.

Finally, the Draft Elections (Technology) Regulations require IEBC to do the following:

To regularly upgrade existing and acquire new elections technology with a view to enhancing the integrity, efficiency and transparency of our electoral process. They mandate IEBC to carry out timely testing of elections technology before the election process.

Finally, it will publish on its official website or any telecommunication network service provider to be used in the elections.

Having said that, I want to go on record that the Legal Department of Parliament can do us better than what we saw this afternoon. When Members bring amendments, they must be guided. I am ready to be challenged! You cannot purport to amend an existing act of Parliament through a regulation. That is what was happening.

Secondly, we must, as a House, safeguard the Constitution. There are too many people out there who are talking about setting up of tallying centers and bringing 50 people along in polling stations. The law is very clear. The function of every citizen is to go to a polling station, vote and keep off 100 meters away from the polling station.

The function of tallying, tabulating and releasing results at the constituency level is the function of a returning officer duly appointed and sworn in. I am sure IEBC is currently in the process of appointing county election management officers who will deal with the county positions of governor, senator and women representative.

It is in law that the only tallying center for presidential results, recognised and gazetted is the one of IEBC and the only returning officer in law to declare results is the IEBC Chair. For now, it is Mr. Chebukati.

(Applause)

So, let us not play games.

The function of political parties, political players and citizens is to go to the polling stations and elect their leaders based on whatever parameters they want to use. They can use ethnicity or track record and leave the polling stations.

I want to thank the Chair of the Committee on Delegated Legislation. In the shortest time possible, you and your staff, the men and women who are legal officers, researchers or clerks to the committees have done a good job. For the first time, the Independent Electoral and Boundaries Commission (IEBC) has brought voluminous pieces of regulations. I saw Hon. Sakaja carrying them and I asked him if he was carrying a petition with many signatures. We are approaching the general elections and party primaries.

Hon. Temporary Deputy Speaker, this is a House of politics and I want to go on record. When I became the Member for Dujis in the last Parliament and then the Member for Garissa Township, I did not choose to go to a Sunday school or *Madrassa*. I came to the highest institution where politics plays center stage. I will use this Floor to play politics, of course, with responsibility and within the Standing Orders and the Constitution. This morning, I saw Senator Ongoro crying. She wanted to raze down the offices of one of the most popular parties in the country, the Orange Democratic Movement (ODM), a party that was founded by the party leader of Labour Party of Kenya (LPK) and me. It was founded by Ababu Namwamba, Aden Duale, Najib Balala and William Ruto.

When I see Members like Hon. Wandayi fighting for it, I think he should get counsel from the founding members of the party. I got news through 411 of what was happening. I own a small property near Orange House and I rushed there to see whether my property would be engulfed by fire. I am happy neither your party nor mine are doing that. The era of dishing out nominations to individuals in broad daylight is not in line with the Political Parties Act that we passed here.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Leader of the Majority Party, can you marry what you are saying to the Regulations in as much as you are doing politics?

Hon. A.B. Duale: Of the five Regulations which are before this House - and the Chair is behind me - one is about party primaries.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Now, you are talking. Please marry your points to the Regulations.

Hon. A.B. Duale: Yes. I am talking about the Regulations on party primaries and they do not tell us to sell your certificates to the highest bidder, next of kin or practise favouritism! Hon. Ababu Namwamba and I are living examples. We can recount issues. Those certificates are not being given for free. They are being bought. I want to advise my sister, Elizabeth Ongoro, to go and find out how much T.J. Kajwang' has paid. Then, she can come to us, her friends, to raise some money which will enable her to buy the certificate. This is the truth. Elizabeth Ongoro was my colleague partially in the Cabinet. We are talking about implementing the two-third gender principle in this House, affirmative action for the women of Kenya and now she is being chased away because her pockets are not that deep and friendly. Elizabeth Ongoro, if you are watching me, find out how much T. J. paid. Ababu, I and others like Waititu here will help you raise some money and get a certificate.

With those many remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You beg to support. Order! Leader of the Majority Party, you are through with your contribution. Next on my request list is

Hon. Ababu Namwamba, who is now perceived to be part of the--- Let us hear what he has to say on this.

Hon. Ababu: Hon. Temporary Deputy Speaker, I am perceived to be part of what?

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your name has been mentioned. Hon. Duale takes advantage of me when I am seated here.

Hon. Ababu: There is no need for perception when the man himself is in the House. I just want to declare support for these Regulations because their purpose is to smoothen the whole arena of democracy and deepen the culture of democracy which many of us believe in very strongly. We hope that we can hasten these Regulations because this is part of enabling the IEBC to settle down and make sure that the nuts, bolts and Ts are crossed and everybody is ready for elections.

My contribution is that we hasten and conclude this debate so that the Commission can get down to business of preparing for elections. I dare to add my voice to this whole question of party primaries. This is because we have got to be men and women who say what they mean and mean what they say. If you say you believe in democracy, then practise it. Do not say you believe in democracy for the ears of those listening but, in the real sense, your commitment to the spirit of democracy is doubtful. Party primaries normally provide a very good opportunity for parties to demonstrate that they, indeed, believe in what they preach and when you are handed the responsibility to lead this country, they can practise what you preach.

What we are witnessing - like the spates of violence in Migori the other day - is completely unacceptable. As the leader of the Labour Party, I want to declare that my party has total faith in IEBC to preside over the elections. We must be a country which shows fidelity to the constitutional order of this country. We must also be people who respect the institutions we put in place to manage the affairs of this country. We cannot engage in this vicious cycle of putting in place institutions and before they have settled in office, we start undermining their authority and responsibility. Only a year ago, everybody wanted a new IEBC and we got it. Everybody wanted Issack Hassan out of office and we got a new Chairman of the IEBC, Mr. Chebukati, son of the very good people of *Mulembe*, who have no time for dishonesty and insincerity.

I want to declare that we have faith in Mr. Chebukati to preside over the 2017 elections. Those who are running all over the place and painting IEBC as being unable or unprepared to preside over the elections, are doing a great disservice to this country. They are undermining the authority of a constitutional body and even creating an environment to declare parallel results. That is a subversion of the constitutional order. We know that the law allows monitoring of voting. You have your party agents to monitor the exercise from point "A" to the very last and, indeed, you can tally your own numbers for purposes of comparison.

But to say that you can declare a parallel set of results in a general election is to usurp the authority of the Independent Electoral and Boundaries Commission (IEBC) and to subvert the constitutional order of this land. That is desperate, it is reckless and it is a recipe for anarchy. We are passing laws. The kind of regulations we are passing here must be seen in light of the series of laws that this House has had occasion to debate and enact. We have made amendments to the Elections Act. We have a Constitution that lays out very clearly the framework of conducting elections in this country.

I just want to urge the protagonists in the 2017 Elections that for once, let us act mature; let us show that we are real democrats. Democracy entails respect for the rule of law. The rule of law is anchored on fidelity to the Constitution and respect for the institutions established in that

Constitution. You cannot say that you respect the rule of law when you subvert the Constitution and undermine institutions that are created under the Constitution.

Mr. Chebukati and the IEBC, wherever you are, the Labour Party of Kenya (LPK) is declaring on the Floor of the National Assembly that we have faith in you. Go ahead and execute the mandate of your Office without fear or intimidation. Let no player in this game intimidate you. We are all players and every player must respect the referee. Stop intimidating the referee. Prepare and train to be fit for the game; enter the field and play to the rules. Stop intimidating the referee. Intimidating the referee can never win you the game. Just be fit, play fair and play to the rules. The Labour Party is ready to play to the rules. Are you ready to play to the rules? I hope that those rules and regulations will enable the Commission to also enforce its authority fully.

As I conclude, my mind is on election and political violence. This country has paid a heavy price as far as political violence is concerned. We have sufficient laws and regulations that arm the IEBC and law enforcement agencies sufficiently to clamp down on election-related violence. Incidents such as what we witnessed in Migori a couple of days ago have no place in modern Kenya. Whenever such incidents happen, we want to see the IEBC, the law enforcement agencies and the concerned political parties acting swiftly and ruthlessly in terms of calling the perpetrators to account.

Let me remind all of us that what is good for the goose must be good for the gander. You have to be consistent. You cannot in one moment complain that someone comes to your county to undermine you and then tomorrow, you do the exact same thing to a fellow leader. That is the kind of inconsistent conduct that triggers the kind of violence that we saw in Migori. Let us see respect, decorum and honourable conduct from all leaders across the board. If we do that, we will reduce incidences of violence.

The IEBC should show some teeth. It should demonstrate that it is not toothless. We want to see candidates being banned from participating in these elections as a sanction. We want to see candidates being fined heavily because of being agents of violence. We must deploy the law, those regulations and the full authority of IEBC to protect the 2017 General Elections from violence.

I support these regulations and the IEBC. I demand that we respect IEBC and show absolute fidelity to the constitutional order of this country.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Has the Member for Kibra just walked out? He is coming back. Let us have the Member for Juja, Hon. Francis Waititu.

Hon. Francis Waititu: Thank you, Hon. Temporary Deputy Speaker, for giving me this chance. I also support my colleagues who have contributed.

(Hon. Kanini Kega crossed the Floor without bowing at the Bar)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, Hon. Kanini Kega! I can see you. You do it so sarcastically. You know what you have just done. Can you do the right thing?

(Hon. Kanini Kega bowed at the Bar)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Now you are in order, Hon. Kanini Kega. You know the rules and procedures of this House. There is no day that we will

allow any Member to break the rules. We understand that we are in the nomination period but, we cannot break the rules. Carry on, Hon. Member.

Hon. Francis Waititu: Hon. Temporary Deputy Speaker, being in this 11th Parliament which has the best lawyers who have followed the rules of this country and the laws---

We know very well what this country went through in 1997. We now have a new IEBC. Everybody, including the Jubilee Alliance Party and the Opposition were against the former IEBC. We all agreed that we need a change. Now we have change. I remember in 1997 when there was chaos everywhere in this country. Everybody was talking about a parallel IEBC.

Recently, we heard some Members of Parliament and some people outside saying that they will have a different tallying centre. We have never heard of such things in the whole country and even in the world. If it happens, this will be the first time that we will have a parallel tallying centre. We have faith in the people that we give jobs to in this country. When people start talking about a new commission that we have just set up out there, people are praying day and night for this country because we do not want to get to where we got then.

When I hear the leader of LPK and other party leaders talking about the support they have for the IEBC--- We know that we have definitely returned the nomination papers. What we now need to do as Members of Parliament (MPs) is to support the IEBC and show them that we have faith in them. We always call the IEBC when we have some issues with them. They come before MPs and they are ready to answer any question. I remember one time when we started saying that votes had been stolen. This brought a lot of tension in this country and people died. Are we ready to go that way again?

This country has some of the best lawyers in the world. The Senate also has good lawyers. This is the time we should come together. It is a few days to the elections. Our people are always asking whether we will have free and fair elections in this country. The answer is yes. That is because the Chair of the IEBC that we have today was approved by Parliament. We all agreed that, that is the man who should lead IEBC. I ask the former Prime Minister, whom we respect as an elder of this country, to please not utter words that will not help him. People are listening to every word that he says. Remember we had chaos because he and the former President were the people who wanted to be the presidents of this country. People lost property and lives. People will question this House tomorrow.

We will say that we did our best to make sure that before we go for the elections, we fought very hard in this House to put in place laws that will ensure that there is no chaos in this country. That is what the 11th Parliament will be remembered for. So, we ask anybody who has a question that needs to be answered to ask the Committee on Delegated Legislation. They are ready to answer any question that is brought to this House. We do not want to hear any chaos in this country. This is a country where we are all praying for peaceful elections. We know people lost property. Today, there is a community in this country which lost its property in Nairobi. Today, there is a community squatting on peoples' properties but, because of peace, we have been quiet. We do not want to go into that. We are all brothers and sisters. Except for power that we are fighting for in this country, this is a very peaceful country. We ask everybody to support the current Independent Electoral and Boundaries Commission (IEBC) and avoid talking about a parallel tallying centre because it is not within the law.

Thank you, Hon. Temporary Deputy Speaker, for giving me this chance.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, Hon. Waititu. Hon. Okoth, you were on intervention. I did not call your name at intervention. There was nothing that was out of order. I thought you were calling for a division. Your request still remains on the

request list. I cancelled you from the intervention because you had gone to consult. I want to give two other Members before you. Hon. Sakwa Bunyasi.

Hon. Bunyasi: Thank you, Hon. Temporary Deputy Speaker. I rise to contribute to the Regulations before us; the various Regulations that IEBC has presented to us. First, I must thank them for getting their act together. They are beginning to deal with things that are essential to clear the way towards the preparation for elections. I also thank the Committees that have diligently ploughed through these regulations. There has been significant delay but they are finally here and we can move on with them. That is the good part.

Let me comment on some general issues around these Regulations and the emotions they seem to evoke in different persons in this country. People have talked about trust. Trust without verification is complete naivety. You might trust as much as you can - you trust your wife, your husband and your children - but verification is an important component. I see that there is enormous concern that people who have gone to school in this Republic, probably millions of them, should not be allowed to do basic arithmetic of adding when any of these Members in this House, including myself, do our own tallying on the day of elections. I create a wall room with laptops and phones and do my own tallying. We count the figures before I walk to the tallying centre. I do not go there to discover the numbers. There may be differences because of, maybe, the way they transmitted figures and they can be inter-posed by those with small errors of margin. I cannot walk from my house and go to the tallying centre completely unknowing what the numbers are. That is my small constituency of one MP. What about the whole Republic?

When you are running, your constituency is the republic. Why would do you not want to do that? I see no big deal about the National Super Alliance (NASA) saying they will have a tallying centre. We know the law says that the only entity that can announce the legal results is going to be the IEBC. But should there be such a small difference in the margin of error, that is fine. But if the difference is in the order of magnitude that runs into millions, they will know that something is fundamentally wrong. There should be absolutely no basis for panic. When people argue that you cannot tally and some Members have said they have not seen anywhere in the world where this has happened--- Next time when you watch TV, for example, about the American politics, who do you hear from? You hear from CNN and various news agencies. You do not hear from the agency that has the legal mandate to tally and there is one. In the case of America, it is the various secretaries of the various states who are the custodians of the formal results which are cast, as you know, when they hold elections in the first week of November. They are not broadcast until sometime in December. That is when you get the official results but, people know the decisions of the people of that country based on the tallying returns that are done by the news media.

Why would you gag them? The moment the results have been announced at the polling centre, it is public information. Whether you decide to tally it or just pick yours and go home, that is your business. I do not see it contravening anything about access to information. I do not see it usurping any institution's authority and nobody has suggested that the power to announce the official results will be taken away from the IEBC. So, I get surprised. My compatriot from my county has left. It is interesting to hear the new tune. That is, of course, within everybody's constitutional rights and so on, but none of this is usurping IEBC's powers. The concern is that whereas there has been trust, people are nervous about verification. Let us not keep referring to the 2007 elections as if some were victims and others were perpetrators. This was all a very costly affair and we do not want to go there.

Secondly, I concur with the comments that relate to the need to curb violence. We are four months away or thereabouts. It has already become competitive and temperatures have risen. To the extent that these regulations will help infuse a sense of democracy within parties, is extremely welcome. It is not enough though to spell it out in the regulations. It is only a start. Of course, we have the law and the Constitution. All those have been in existence. What is going to be important is the true test of this IEBC; the true test of whether we should trust it and the true test if it is up to the task. It is going to be how it responds when there are cases like this. Laws already existed even before the Regulations. Regulations are here to operationalise them and see what actions they will take. If they do not, they will undermine our trust.

The fact that we got a new Commission did not mean that, suddenly, the IEBC was up to the task and ready. It is obvious and people know it - especially those who have taken the trouble - that IEBC is significantly behind in many critical respects in preparation for the elections. They can, of course, blame the previous Commission who hanged on for too long. In fact, they have caused this country great amount of pain by hanging in there and not moving the process forward as was expected.

In the area of technology, technology preparedness is now even worse than it was in 2013. They will have to work doubly hard to get equipment in place, to train people and improve consistency in various components of the electoral technology chain from the Biometric Voter Registration (BVR) kits to the results transmission. They probably can do it, but it is going to take a lot of hard work.

We have an issue on the need to audit the register. They have, themselves, agreed that there are mistakes. When you have such a huge database being put in place, there are obviously going to be mistakes that occur advertently or inadvertently. That is a possibility. We do not know the motivation for mistakes. We do not want to cast any aspersion. All we say and all I would say, as Member for Nambale, is that the national register has to be audited in the interest of everybody. We may be looking at each other across the aisle as if the views from this side and that side are different by virtue of the side of the aisle that you are sitting. Let me assure you that there might be mistakes. In your own constituency you might discover that one ID number is registered to four human beings who have voted against you. Then you will realise that there were mistakes. On issues of this nature, we must stand together irrespective of which side of the House we are in.

It has, indeed, been demonstrated that there is need to do that audit of the register. That was said in 2007, when Kriegler wrote his report. It is still an important issue now and I suggest that both sides of the House should stand up and insist on it being audited.

There is nothing intrinsically wrong with any criticism of an institution. When you criticise an institution, it does not mean you have no faith in it. You simply feel that in respect to that particular aspect that you are concerned with, it may need rectification. It may need them to strengthen their systems and clean the dirt that is in their systems. It is by doing that, that we will get change. We are just talking about incremental change and that is going to be an important part that we must not give in to anybody.

I am looking forward to a moment when elections in this country will just be something critical and very important that goes on and we carry on with our lives both before and after. As you can see, that is not how our elections are. The stakes in our elections have been raised too high. I am also looking to a point in future when we have governance systems where the national election is not a one-day or the six-month event that completely slows down investments and growth. This year, we are projecting about 6 per cent growth when you know it cannot get there

because the election virtually stops our economy for at least six months of the year. It should not be like that. It should be more routine! It will get more routine; if we go by the laws as they are. There are rules and regulations that we have put in place and if we punish people appropriately and accordingly, irrespective of which side they are in; whether they are in the corner of Busia, somewhere in Dujis or wherever it is, they must face the law equally. We have to get serious on this Floor and carefully look at our regulations.

I support. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member for Westlands Constituency.

Hon. Wetangula: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice. First, I am a member of the Committee on Delegated Legislation that sat and went through these regulations. They have come here on the Floor of this House. We can assure you that we did quite some good work and I believe that IEBC is ready to go and conduct elections.

I think what the Member for Nambale, my good friend Hon. Bunyasi, has spoken about is exactly what I wanted to say. But I will say it. It is time for election. We must do an analysis of the systems that IEBC is going to use for voter registration. In fact, we are just putting on high alert that they must test their systems. Even the last elections, the media houses were relaying results. They had their own tallying centres but, at the end, they were presenting and saying they were not official results. Official results would be declared by IEBC. So, there is nothing wrong for anybody trying to do the same thing as long as you are not declaring yourself or declaring that those are the official results of IEBC, but you can just do a comparative analysis.

What the Hon. Prime Minister said is being blown out of proportion. He did not mean what is being insinuated. Speaking as a Member of the Orange Democratic Movement, some things being insinuated here that people have been given direct nominations for the highest bidder are not true. I am one of the beneficiaries and I paid no cent. I was unopposed. I am being given a certificate because nobody stepped forward to oppose me. That does not mean that I paid money. They should mind their own affairs and stop interfering. It is not payback time. Let us not raise temperatures in the country. It is time for us to politic, but we must be careful with our pronouncements. Some of the pronouncements that we are making are creating hatred. We are trying to make some people be looked at in different lights. We must be careful. In politics, something very small can trigger violence. We condemn any form of violence against anybody. Even as our party has come out strongly and condemned what happened in Migori. Nobody can condone such a thing.

We have seen even within our own party machinery that we have disciplined some Members who have been involved in violence. These regulations are good. I believe there must be some weaknesses here and there but, I am sure they are good enough for IEBC to run a free and credible election. It is now up to them. This is going to be a litmus test for them because they are new. It is time for them to make Kenyans have confidence in the institution of IEBC. They are an independent body. They are not subject to anybody directing them. It is up to them to conduct elections and give Kenyans credible results that are acceptable to everybody. Let the winners celebrate and let the losers also celebrate. They will have known that, at least, it was a free, fair and credible election. We believe that these laws are good enough to give teeth to IEBC to crack its whip in areas where people are misbehaving. They should not even look at the other side. They should not even pretend that they have not heard who is saying what. From both

political divides, let it not be that this side is being castigated and the other side is being left off the hook when we know what is going on.

I support these regulations and I support IEBC. Let me go on record to say that we have full confidence in IEBC. IEBC to conduct elections and IEBC as constituted, we support it and we have no problem with it. We believe they will do a good job to deliver a free, fair and credible election to this country. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member for Kibra.

Hon. Okoth: Thank you, Hon. Temporary Deputy Speaker. We are in a very interesting and important time for Kenya. We are looking at the elections which will determine how the next Government under the new Constitution will look like, and how the next governments in our devolved county system will look like. We have had four years under the new Constitution. Definitely, as this House, we have tried. We have set the ground and the pace in many ways in terms of the breadth of legislation that is needed. Of course, there are some places that we have not quite reached, but that is a story for another day. You try your best.

*[The Temporary Deputy Speaker
(Hon. (Ms.) Mbalu left the Chair]*

*[The Temporary Deputy Speaker
(Hon. Omulele) took the Chair]*

When I think about the election regulations and the job of IEBC coming up here, I do not want to go into the specifics and the details. We had a thorough debate on the details of those at a Committee Stage with the proposed amendments, and you saw the push and pull. What strikes me philosophically is our commitment to learn as a country. Do we learn from our own history, or even the very recent history? The Kriegler Commission Report told us that to have a credible election which people will have a sense of trust and confidence in, we must make sure that we have our election rules set up two years before the elections.

Hon. Temporary Deputy Speaker, we are at a space where we are looking at very few weeks - less than two quarters or less than six months - for the elections to happen. These are regulations, guidelines and rules of the game that should have been set very early, but here we are. We find ourselves at the last minute with the IEBC asking the House and the Committees to change some deadlines, with tenders being offered under questionable circumstances, with technology that is a critical component of elections being purchased without possible scrutiny and building the confidence. We are looking at the elections that, as much as we want to be hopeful beyond the individuals who will run the elections, there will still be a lot of questions.

I can see our court system will have a lot of work to do with the challenges that are coming up and after those elections. This is about the possible legitimacy based on how the process has gone. Maybe it is time. We have not figured it out yet, but as we move to future elections after this one, we should go into an election after we have set the rules. In two financial years, the funding is in place and the tendering and purchase of available technology should be done.

A second key issue that bothers me as we approach these elections is the fact that we still have not looked at the constitutional principle on the two-thirds gender rule as a House and committed to passing a formula one way or another. There have been critical debates about this. Should the size of the House be reduced? Are Kenyans overrepresented? Is the wage bill too

high? Is the nomination under Article 177 of the Constitution of members into county assemblies actually not affirmative action but permanent apartheid in our political system where people will just say: “We have a solution for getting women in without them getting elected and therefore, let all the seats belong to the men”? We know the culture and history of some parts of this country.

Therefore, I really think it is an honest discussion that must be heard. Maybe time has run out for it at the moment as we look at the August 8 elections. That is really a shame and I hope that the next Parliament and whoever will be in charge must make sure that--- I know that if we, as the National Super Alliance (NASA) take over, we will be serious about this issue of the gender rule and inclusivity for people with disabilities, the marginalised communities as well as the youth. We will make sure they are all included. So, the two-thirds gender rule is not just about the rule of getting women leaders elected because right now they are the minority, but it also goes to other constitutional dictates about the inclusion of the youth, people with disabilities, the marginalised and other different groups in our society.

There has been a huge brouhaha about the question of tallying centres. If what you are doing as the IEBC is solid and good, you should have nothing to hide. You should have no reason to worry about other people verifying and confirming the same or daring to show you where your gaps and mistakes are so you can verify and improve them. I think that is important.

I can see the Member for Juja is leaving the House and I wanted to comment on something he brought up in his contribution. Could he be kind enough to allow me to speak to something he brought up that was important? I think simple, clean and verifiable elections are required as per our Constitution. The laws and regulations that we are making here should be going towards that direction.

We are in a technology age. We are relying too much on technology and it is also an age of hacking. This is where even advanced countries like the United States of America are at risk of hacking by sophisticated hackers from places like Russia and North Korea.

The Member for Juja raised a sensitive point about the Internally Displaced Persons (IDPs) in Nairobi and people whose homes may have been taken and the need for justice and reconciliation in Kenya. I agree with him totally. I feel their pain, but also that is a sensitive issue that we cannot just speak superficially to as politicians when it is people’s real lives. There are people in Rift Valley whose land was taken. The coalition that is ruling this country today is made up of principals from those two communities. That included your people who were burnt in a church in a Kiambaa and have never been given justice.

We are not talking about The Hague here. We need a local tribunal. We need local people held accountable. We need all the people from your community who were moved to other places as IDPs and compensated under special programmes under the Ministry of Devolution. Why were they not allowed to go back to their real land? So, when we talk about the Truth, Justice and Reconciliation Commission (TJRC) Report for my people in Nairobi and the ones you are talking about, they are your people and they are my people, I know who you are talking about. The fact of the matter is that we have petitioned former Cabinet Secretary (CS) Waiguru and the current CS Kiunjuri. He has been completely deaf to the plea of the IDPs from Nairobi County. He says they have been paid.

In Nairobi, there is no political clout to be gained by engaging the needs of the poorest IDPs in the City. Yes, they exist. I thank you for bringing up the matter and I share it with you. I hope we can, through the aisle, bring it up to the people who are more powerful than us in this country to say: “Let us face this.” We looked at the TJRC Report. We found some truth but we

were not ready to face it in this House and debate it. We were never able to say what justice is. It can be through compensation or through measures to make the people who suffered injuries, the women who were raped and people who were displaced accept where they were resettled by choice and not by coercion or were not underpaid through the funds that were set up.

In two State of the Nation Addresses, the President of Kenya came and told us here that there is Kshs10 billion Restorative Justice Fund. Money has been allocated to that in two budget cycles and I believe even in this third budget cycle. There is no list that anyone in the Government can tell us where the Kshs10 billion has gone to from the last time President Uhuru talked about the Kshs10 billion Restorative Justice Fund. There is no regulation or law anchored for the Restorative Justice Fund. This is the case and yet we have the Budget and Appropriations Committee, where I sit. We pass it.

We have the Justice and Legal Affairs Committee led by Hon. Chepkong'a that should fight for human rights. There is no Bill, law or framework. How are we to know that that Kshs10 billion could have taken care of the interests of those people in Kibra and places like that when we say let us talk to each other? How do we make you whole as a country and as leadership? Do you forgive each other? How do we give you what you lost? We are doing work on reconciliation. There are people who have relinquished houses they took in my constituency in Kibra from other people. They have voluntarily given them back. We have not done it by force. It has been a process of engagement, discussion, dialogue, recognising everyone's dignities and saying this was wrong and how do we fix it. I think it is an important issue that must be done.

Hon. Temporary Deputy Speaker, please allow me just one more minute. I see my time is running out. I want to make one or two quick things. In Kibra, we are talking about peaceful campaigns and there has been insinuations that---

The Temporary Deputy Speaker (Hon. Omulele): The Member for Kibra, you have a minute.

Hon. Okoth: Thank you, Hon. Temporary Deputy Speaker. I will use my minute carefully to just make my final point. I want to talk to the young people of this country. There have been insinuations and attacks that I think some are exaggerated and unwarranted about my party of ODM. There have been allegations of corruption and things like that, which were not substantiated. I think people of honour and dignity such as Hon. Tim Wanyonyi, one of the best Members of Parliament in Nairobi County, if not the best in this Parliament we have served in, in his outreach and service to his constituency, got a direct nomination because nobody else rose up to challenge him in the party. Because of his effectiveness as a leader, he is closer to his people. Therefore, to besmirch his achievements as a leader by alleging that he only got it because he paid is not true.

Hon. T.J. Kajwang' is being challenged by Hon. Ongoro. It is on record that there has been major violence, some of it pointing at her supporters, which has resulted in three deaths.

I support the Prime Minister Raila Amolo Odinga, my party leader to campaign to become president but those are three voters he will not have because people were campaigning and having shenanigans and were willing to kill for nomination. We need to think through these things and I beg the youth of this country. It is our turn to make sure we are fighting for our space at the table. But we should do this in a mature way through our numbers. We should show that we have the vote and stay alive to vote. We should not just be used to fight other people's battles and then latter on we are not in the agenda and at the table to make those decisions.

I think if we, as Kenyans, pull ourselves together, we can have a credible and competitive election. Everybody should understand that your ultimate weapon and voice in our political

democracy is your vote. Make sure you cast it. Adopt a polling centre. Be vigilant about how the polls are conducted there and how they are counted and that way, we will make sure that the results that are relayed tally with what happened in the polling centre and reflect the wishes of the people. That way, we will have a credible election, justice and peace. God bless you.

Thank you.

The Temporary Deputy Speaker (Hon. Omulele): We shall have Hon. Njoroge Baiya.

Hon. Baiya: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute and support these regulations.

Listening to where the country is moving to as perceived by the leaders, one thing that comes out quite disturbingly is the fact that, as a country, we identify problems and we are not incapable as far as identifying problems and challenges are concerned. We identify solutions, but when it comes to actual implementation, we seem to have a gap in terms of trusting ourselves; trusting that we can actually do what we have undertaken to give to ourselves.

I am saying this because these regulations have come about as a result of the amendments to the election laws that we did in a very bipartisan manner; all parties were consulted. Eventually, the IEBC has been involved. It is actually the main body making the regulations being considered. Looking at the content and substance of these regulations, it is basically about improving our electoral system: making it efficient and making it up to date in terms of uptake of technology. At the end of the day, we expect effective, efficient and very credible elections if we implement these faithfully.

Being a country that comes from a background of suspicion and so on, it is really imperative, and this is a responsibility of every player in this electoral process--- We have been told time and again that even the political players are stakeholders, and it is up to them to also lower their rhetoric around elections. The bottom line is this: Looking at where we were in 2007, we did a lot of improvement to the electoral system through the Constitution. Even when we did elections in 2013, it is the constraint of time that caused the problem we experienced, otherwise we had attempted to computerise, especially the biometric system we had brought on board. What we lacked in 2013 is the transmission aspect, which failed because of the kind of equipment we had acquired.

We have seen one of the sides to the system, and I believe it is the Opposition, even when they participate in the electoral system, even in the revitalisation of the institution, they still insist time and again on challenging and questioning the implementation process. This is to a point where the country begins to wonder whether there is genuine commitment to facilitate the institution set up by the Constitution to perform its responsibilities as given by the Constitution. I am very sure that if these regulations are properly followed as we have enacted them, there is clear commitment by the IEBC. This is particularly bearing in mind the possible precedent set by the way the country has treated previous holders of these offices – worst of all was the Kivuitu Commission which received clear approval just around November, 2007, only for it to be vilified and even expelled from office without the benefit of their terminal dues. As a country we are not doing ourselves any good when we treat fellow Kenyans like that just because they have served in these offices.

It is not always that the elections are stolen. Indeed, by capturing the biometric data system, those who were able to follow what the voter registration was after biometric voter registration and those who were used to the practice of ballot stuffing--- We saw some numbers dramatically reducing in some places. Even as we speak, we know the registration that has taken place so far will be verified. That is very okay. There will be voter inspection, which is part of

the election laws. All parties have opportunity to use all those windows conferred by the law to verify the process. Otherwise, I am very sure going by the kind of reforms and changes we have pushed to implement within our electoral framework, the country is most probably going to undertake elections very effectively and very efficiently.

About the integrated elections management system, we know that time constraint was the main factor that caused the IEBC to cancel that tender, and even prefer going to the same manufacturer who had supplied the biometric computer system in 2013 for very obvious reasons. They spoke about compatibility. What we are going to be supplied with as part of the integrated electoral management system, if it is supplied by a different supplier, you are not assured within the constraints of time whether there will be compatibility, which is what happened in 2013. I support the IEBC in terms of assuring the country that that was the right decision given the circumstances they are in. We hope and trust that this supplier will be able to supply the remaining component to ensure that the country has an integrated electoral management system. This is basically for facilitating transmission, tallying and leading to announcement of final results of the election.

If we look back to what the Kriegler Report had said, we will find that one of the problems we had in the electoral system was the manual electoral system, including announcement of results, which of course took a lot of time. This is the case and yet it was a time when the country was undergoing a lot of stress in terms of awaiting the outcome of the election. If we have electronic tallying and transmission system, what will happen is that official announcement, which can be done only by IEBC, will be available, even though provisionally, at the earliest opportunity. This question, therefore, of anybody saying they can have their parallel tallying system needs not even arise.

Look at what they do in the US; those media stations always follow the interim tallied results from the US electoral body. We believe if the IEBC will properly implement the integrated management system and if it will have an effective transmission system, clearly there will be no need for anybody to speak about a parallel tallying system. It will, in fact, be overtaken by events in the sense that we believe IEBC will do it in good time, therefore bringing down the tension and getting to see what the outcome of the elections in any particular area is and getting those who are anxious to have the results settle their anxiety.

I believe if the IEBC lives to its mark, which I have no doubt it will, Kenya will very soon enter into a phase where by the time we conduct elections, the outcome---

The Temporary Deputy Speaker (Hon. Omulele): Hon. Baiya, because of your seniority, I will allow you to wonder.

Hon. Baiya: Thank you, Hon. Temporary Deputy Speaker. I just hope that after we have done this, the electoral system that we will be putting in place will be effective to an extent the elections will be won and lost before people can comment about what they thought was going on because of the efficiency of the system. It is every Kenyan's right to have a fair and credible electoral system. I believe we have made so much progress in this regard. These regulations will seal all the gaps and assure Kenyans of fair and peaceful elections.

I beg to support.

The Temporary Deputy Speaker (Hon. Omulele): Yes, Hon. Wafula Wamunyinyi. Just before you go on, Hon. Wamunyinyi, Hon. Chris Wamalwa, I believe you have contributed to this debate.

Hon. Wamunyinyi: Hon. Temporary Deputy Speaker, Hon. Chris Wamalwa has just come in. He should not complain. I am senior to him.

Hon. Wakhungu: I am senior!

The Temporary Deputy Speaker (Hon. Omulele): I thought he had contributed but now that he has the microphone, let him complete then you will have your chance.

Hon. Wamunyinyi: Hon. Temporary Deputy Speaker, Hon. Wamalwa cannot claim to be senior to me. He has just come in. *Hata hivyo vitu vyao havijapita barabara ya kwenda kule nje.*

Hon. Temporary Deputy Speaker, I thank you for giving me the opportunity to contribute to the debate on this important Motion.

In order for elections to be seen to project our country as a strong democracy, adequate preparations by the agency responsible is necessary. The Government and everybody involved must play their roles to ensure that each one is prepared to face an election. It is for that reason that appropriate statute regulations are developed for purposes of elections. This endeavour has caused these elections regulations to be brought to the House in order for us to address all the aspects of preparations for holding the forthcoming general elections.

I have been listening to Members contribute to these regulations. Obviously, you could notice some frustrations and concerns by Members about some of the provisions contained in the regulations. However, good regulations will lead to credible elections and to the satisfaction of everybody, including local and international election observers.

Recently, we heard threats issued by Government agents. They went to the extent of saying that if anybody refuses to agree with the election results as relayed by the IEBC, such action will amount to commission of an offence. Obviously, there would be reasons for one to disagree with election results as may be declared by the IEBC or a returning officer. That is what needs to be looked at. Threats like saying that if anybody refuses to agree with election results announced by the IEBC he will have committed an offence and, therefore, will be arrested and arraigned in court are not warranted.

For the years I have participated in elections, and particularly from the year we started tallying votes and announcing results at polling stations, I have seen improvement in election credibility. I also have my parallel tallying centre. I also have my people everywhere. I sit in one command centre, from where I issue instructions and get the results. I do not see anything wrong with establishing a parallel tallying centre. If you establish a parallel vote tallying centre, it does not mean that you will be announcing the results. Such a centre will only be confirming that the results that have been announced by the presiding officers and the returning officers are correct. It is just a way of verifying.

We are all aware of the suspicion that exists in this country. I cannot sit down and watch as my opponents play games. I will make sure that I put in place measures that will follow the process of voting and counting. That is why we have election agents, mobilisers, counting agents and other people following up. Therefore, I do not understand why some people are worried about the decision by certain people to establish a parallel vote tallying centre. When you threaten people by saying that anybody who will not agree with the results announced by the IEBC will have committed an offence and will, therefore, be arrested and taken to court, you are saying that nobody should follow up the vote tallying process after voting.

From my understanding, it is an indicator that something is wrong. I may be wrong but, from the way this matter of threats came up, it means that someone somewhere knows that something wrong will happen with the counting of votes, and this will force people to reject the election results that will be announced by the IEBC. Previously, we have seen polling stations registering more than 100 per cent voter turnout in this country. We will not agree to such things

happening. Let me say it here. Do you think if you have more than 100 per cent voters casting votes at a polling station, we will agree? No, I can assure you that we will not agree. You will have to charge very many people.

If you threaten to charge people who will not agree with election results that show clearly what transpired at a polling station, then the police will arrest and charge in court very many people. However, that is not the democracy we are looking for. It is not that we enjoy seeing people being arrested or charged in court. We do not want something like that to happen. We do not want to see a situation like the 2007/2008 post-election violence repeated in this country. People were killed. Even in my own County of Bungoma, many people were killed. We received IDPs. They were pursued from other places and killed in my county. Those people have not even recovered. People lost millions of shillings worth of properties. Some of the displaced people have not been compensated. They are still lying desperately in many parts of this country. Even if you go out of this country, you will notice that Kenyans are very tribal. Kenyans hate each other on the basis of tribe. You are known to be Kikuyu, Luhya and other tribe arising from the way you conduct your affairs.

Tribalism has portrayed us, as a country, in very bad light regionally and internationally. We have a responsibility to restore our lost glory. We can only do that if we conduct our general elections in the best way possible.

The IEBC will not allow manual transmission. It is one of the major recommendations in the Kriegler Report. There has to be proper Biometric Voter Registration (BVR) and electronic transmission of results based on the outcome of the voting. The IEBC should not allow people to do it manually and make phone calls. We need to ensure that we give the IEBC a chance to conduct the election properly.

With those few remarks, I thank you. But we will not say “Yes” if the election is stolen.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Wamunyinyi your contributions have been taken into account. You are asking Hon. Temporary Deputy Speaker whether he has an opinion on--- You see when he is presiding over here, his opinion does not matter but when he is on the other side he could have an opinion. Let us have Hon. Savula, the Member for Lugari

Hon. Angatia: Thank you, Hon. Deputy Speaker. I was dosing because I have been here for a long time. I have been here since 2.00 p.m. I am also junior in this House. So, do not interfere. I would, therefore, like to contribute to this Motion on the Approval of Election-related Regulations.

First, I would declare that I have full confidence in the current leadership of the IEBC. I am sure they are going to deliver credible results that will avoid a repeat of what happened in 2007 where the current President and his deputy were suspects at The Hague. We are going to avoid a repeat of international embarrassment that led to international mediation led by Koffi Annan. It was a total embarrassment for an expansive democracy like Kenya.

These regulations are very important because they are part of the genesis that caused the Post-Election Violence (PEV). The 10th Parliament failed to enact laws that would allow electronic voting. When the transmission failed, each party was claiming victory and that led to election disputes leading to the country being referred to the International Criminal Court (ICC) for international arbitration.

The amendment simply seeks to review the existing provision of the regulations in regard to new aspects that have been introduced like registration of prisoners. This is the first time that prisoners are going to vote. We have never heard of prisoners voting in Kenya because they have

been deemed criminals who are not supposed to participate in any electoral process in this country. These regulations are going to provide clear-cut systems for inspection and verification of registers to avoid disenfranchisement of voters during the current voting system

However, I have a problem with the current voter inspection exercise. The company that was assigned duties lacks experience on how to carry out voter inspection. So, we have to be careful in future to avoid such mistakes because this will be the basis of argument that an election has been rigged.

The regulations also provide a framework for verification of biometric data because we have synchronised the whole IEBC exercise to a technology-based process. This will help us have credible elections and results.

The regulation also looks into the removal of names from the register. The Coalition for Reforms and Democracy (CORD) has always complained. These days it is called National Super Alliance (NASA) and I am happy to be part of it through Amani National Congress (ANC). They have always complained that dead people are going to participate in the voter registration exercise. However, with biometrics in place we will eliminate all the dead voters from the register.

The regulations, for the first time, talk about party primaries and lists of names. We know today is the deadline for submission of party nomination lists for those who are going to participate in the nomination exercise. For a credible election to be held we need to have a credible nomination process. The regulations here talk about the nomination process. However, going forward, we will seek funding for all political parties to ensure that they have enough money to carry out credible nominations. That way, we are assured of a credible general election process.

Parties such as ANC have no political funding. We only have the ODM, The National Alliance (TNA) and the Jubilee Party receiving money from the National Treasury. Other small parties did not meet the requirement. We need a regulation where all political parties will be funded for their primaries to ensure that we avoid a repeat of chaos.

Lastly, the IEBC has done zero on voter education. If you move to the villages, you will find ladies who have never gone to school and are aged between 50 and 60 years still own the outdated voters card. If you ask them if they participated in the last election, they will tell you, “*Nilienda kwa laini na nikafukuzwa, ilhali nilikuwa na kadi ya kura*”. They do not realise that the cards they have were used in 2007 and are not admissible in the coming general election. So, we need thorough voter education prior to the general election.

With those many remarks I beg to support the approval of the Elections-related Regulations.

The Temporary Deputy Speaker (Hon. Omulele): Very well spoken, Hon. Savula and we wish you good in your elections. We shall have Hon. Patrick ole Ntutu, the Member for Narok West followed by Hon. Moroto in that order.

Hon. ole Ntutu: Thank you, Hon. Temporary Deputy Speaker for also giving me this opportunity to support this Motion. A lot has been spoken about these regulations and it is because we are nearing elections and everybody seems to want to know what is going to happen.

For a long time, people have feared elections in this country because of rigging. What we have done this time around will go a long way to help the IEBC do its work.

We have invested a lot of money in the IEBC. We wish them good luck and support them to ensure that they do what they are required to do. I have no doubt in my mind that with all the laws that we have put in place, the new team in office will do a good job.

One of the issues that these regulations has brought forward is the registration of prisoners. For a long time we have not given prisoners an opportunity to register and vote.

This is the case and yet that is their right as enshrined in our new Constitution. I think this will go a long way in giving them the right to vote. The IEBC verification is very important. All Kenyans will be given time to verify the registers in various polling stations and when the time comes, we will all go to the polling stations knowing our names are there and we are ready to vote. The same thing applies to biometric data. With the new technology, I think it is easier since people do not have to visit polling stations because they can verify their names and records using a phone.

This is the first time we have seen the IEBC really interested in knowing about our party primaries. For a long time, the IEBC did not want to know what was happening. I am happy with the new regulations because they give parties timeframes to hold their primaries. Also the list of those nominated by various parties should be taken to the IEBC on time so that records are kept well. Their photographs should be attached so that nobody will claim that their names are missing or there is something wrong.

This afternoon, I have been sitting here listening to my colleagues talking about the popular parallel IEBC. When I look at it, I do not think there should be any concern, unless there is the so called "Raila phobia". If it was just somebody else like ole Ntutu who has spoken about the parallel IEBC, it would not have made any news. But simply because Hon. Raila Odinga has said he wants to verify and make sure that all the votes cast in this country are correct, everybody is scared. I do not find anything improper with that.

I am going for the gubernatorial seat for Narok. I will make sure that I have a parallel IEBC of my own to make sure that all my votes in the county are counted. There is nothing wrong with that. I wish the Leader of the Majority Party, my good friend Aden Duale was here so that I can tell him that there is nothing to worry about. If you know that all the votes are going to be counted properly, then you should not worry about Raila Odinga having a parallel IEBC. He will just be crosschecking to make sure his numbers are okay. So, be ready to win or lose.

I think in Ghana a few months ago, the Opposition had parallel vote counting and for the first time they won the elections. The Constitution gives us the right to make sure that all the votes cast in a polling station, sub-county, county and the national tallying station are correct.

I think our colleagues are just trying to play politics out of this. Kenyans particularly those in Narok are ready to make sure that all the votes cast in the polling stations tally. With the new technology, there is nothing wrong with taking a picture of Form 16 and sending it to your agents in the county to make sure that what you got in polling station "A" is correct.

I want to tell my colleagues to stop the Raila phobia. Simply because he said he is going to have a parallel IEBC, they are making a big deal out of nothing. After all, we are the ones who made the law that it is only IEBC which is mandated by law to announce the results. There is nothing wrong with anybody checking to make sure that the results announced are correct and there is no monkey business happening. We all know in Africa people try to take advantage of the remote areas. You may hear a polling station has voted 100 per cent but how on earth can that happen? There is nothing like 100 per cent. Even in life you cannot be 100 per cent. So, for them to tell us that polling station "B" has voted 102 per cent is unheard of all over the world. It is only in Kenya where this happens.

This time round, it is not going to be business as usual because all of us are interested in these elections. With the new technology, Kenyans can crosscheck. Nowadays, when your opponent holds a meeting in a certain place, people send you photographs showing the number

of people they met and there is nothing wrong with that. I want to tell the IEBC that I, Hon. ole Ntutu, will make sure that all the votes cast in Narok are correct. I will have my own parallel IEBC but that does not mean I will announce the results. I will alert the IEBC, security agents, everybody and air them on radio but that does not mean that I will announce the results.

The people of this country want to make sure that nothing will happen to our votes this time round. There will be no stealing of votes and rigging. We do not want any monkey business this time round. Let those who will be elected win fairly and go home happy. Let it not be because one belongs to a certain party or knows somebody in power and imagine that they will rig the elections this time round. That will not be in Kenya but somewhere else.

The other thing is the issue about funding particularly for smaller parties. We have realised that it is only big parties which are recognised in this country. We want to see if those who will come after us will change this. We are not helping small parties if it is only the NASA and Jubilee that are funded.

I belong to the Chama Cha Mashinani (CCM), we are not being funded and this affects our party.

With those few remarks, I want to thank you for giving me this opportunity. I wish the IEBC the best in their job but they must deliver good and credible elections.

The Temporary Deputy Speaker (Hon. Omulele): Very well and passionately spoken. Hon. Cheptumo, just hold on. We will have Hon. Moroto before you reply.

Hon. Chumel: Thank you, Hon. Temporary Deputy Speaker. I rise to say that I have been here longer than most Members, although, there are others who have been here longer than me. I participated in the *mlolongo* system of elections and they are the ones which brought me here. I went through the Kenya African National Union (KANU) primaries. The good thing with *mlolongo* system is you can know which line is longer than the others. Unfortunately, things would turn and the shorter line would be declared the winner.

We need to be very careful and I am happy the Chair of the Committee is here. We are playing with the minds and lives of Kenyans. Personally, I speak what is in my heart. I come from a hostile area.

We neighbour Uganda and there is no difference between them and us because we are all in the East African region. We also play one national anthem of East African Community (EAC).

For a Committee meeting to go on, the quorum needed is only nine members out of 29. You will find that many were absent with apologies but few attended. Even here today when we were passing these regulations, the House was almost empty. I do not want to lie because I am a Christian by faith. We were deciding something that can affect the lives of millions of Kenyans. I believe and pray that other Kenyans can also follow whatever was decided today. If they are in agreement with it, let it be. If not, they can take other steps. We do not want to repeat it.

People now talk about what happened in 2007/2008. For us, the war started even before Independence. We always take sides along tribal lines. You belong to where your people are. This is the time we need to talk. This is a different era. We want to correct the evils that are now developing in our hearts, are taking over our minds and are getting stronger.

I am happy and I respect the Committee. I have gone through the regulations and most of them are perfect. I am a teacher by profession and I have seen it. Let us move with other Kenyans. I wanted to ask whether communities participated when we were formulating those regulations.

Those Regulations will guide the elections. Whoever will be elected will be here for five years. What type of a person will we bring here? What will we show others when we are here?

What will be the picture outside there? Some areas have started the primary nominations. You have seen what is happening with the ODM. Tomorrow it will be another party. Even in the Jubilee Alliance Party, where I am a member, we have seen the same happening.

I am a Member of Kapenguria Constituency. I will face other friends during nominations and they are welcome. They are young men and I am always with them. After that, I will face others because this is democracy. It is the people of Kapenguria to decide who will represent them for the next five years. But is there guidance especially in the regulations, the law and the Constitution of Kenya which will give them power to exercise their rights? Will we deny them? Will we have some regulations that do not suit them?

My concern as a Member is to pray that we run our nominations and the elections properly. Some of the Members here said that they have faith in the IEBC. Personally, I have not tested the IEBC. Judging by the by-election which happened the other day, you can see some light at the end of the tunnel. I cannot conclusively say that they will do it. We even praised the late Samuel Kivuti who was the Chairman of the then Electoral Commission of Kenya (ECK). We praised him and people said that he was the best man. At the end of the day, he was removed. Another group was put in. Even here, if you go back to what people said when they were passing the names of those Commissioners, you will find that they were like angels at that time. But immediately after that, there were other issues coming up and we removed them the other day. We now have another Commission. I would just like to caution them and tell them that they should first, fear God because that is the beginning of knowledge. If they put God first and human beings behind, they should not even fear a gun or any other threat. They should put God first.

They should also know that they are responsible for the lives of millions of Kenyans. We do not want to lose even one life. That is why we are here to ensure that we have peaceful elections. Let those who will succeed do so and rejoice. Like I said before I am facing other young men. If I defeat them, I will be in a position to carry them along with me. There was a time that I lost and whoever took over, we were all with him for five years. That is why some of us are here. Why the enmity? Why quarrel? It is the people's decision. The people have spoken that it is so and so to represent them and not everybody.

I want to call upon those in charge of the IEBC and this House to be very careful with anything they pass. I want to tell the IEBC that Kenyans are now looking at them. We do not care where they come from. You are just Kenyan. The nine of you can come from the same womb but what will you do for these good Kenyans. You are part of it. Mine is just to pray. The documents should be out tomorrow. Those technocrats who interpret the law should tell us if it is good for us or not. If not, they have to change it and put it in a proper way. I know they participated because our Chairman is also part of that family of technocrats and he knows these things because he has represented us in many cases. I do not doubt him and most of the guys who are there. But when we come to this place to debate, some guys want to go overboard to praise something which is not there. You want to bring your village issues to this House so as to convince us or praise your masters which will not benefit us at all.

I rest my case.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Moroto, just for my own elucidation, let us imagine that in the party that you are in, you fill in your nomination forms and nobody challenges you in your constituency. Would you be glad to be declared to be the candidate for your party for that area if nobody has challenged you?

Hon. Chumel: I would be happy, Hon. Temporary Deputy Speaker. If they say today that I will be the candidate, I will rejoice. But if they say we go for nominations, I am ready to go with them.

The Temporary Deputy Speaker (Hon. Omulele): If in the main election after your party nomination, there is nobody who challenges you from any other party, would the IEBC be correct to declare you the duly elected Member of Parliament for your area?

Hon. Chumel: That is proper.

The Temporary Deputy Speaker (Hon. Omulele): Thank you very much. Hon. Cheptumo, please let us have your reply.

Hon. Cheptumo: Thank you, Hon. Temporary Deputy Speaker. I want to very sincerely thank my colleagues for having time to go through these regulations. I remember last week on Thursday we adjourned the debate on these regulations to enable Members to go through them. After that time, we only received about five amendments to the regulations. In fact, there were only amendments to two regulations. For the rest, no proposals for amendments were actually brought to the House confirming that these regulations were properly done.

Therefore, I want to thank my colleagues for their contributions and for raising concerns in areas where they feel we need to improve. These regulations are applicable this year and they continue to apply. We have a right as a House to continue to input and add value to them.

Hon. Temporary Deputy Speaker, I want to thank my colleagues in the Committee which I chair. We had several meetings with the IEBC. I wish to confirm to the House that we are satisfied that there was serious public participation when these regulations were being developed by the IEBC. We confirmed that the various stakeholders, political parties and others gave their contributions. So, the outcome of the public participation sessions culminated into these regulations. I am happy that Kenyans had a moment to do so.

Finally, elected leaders of this country had a chance to give an input to these regulations. I would like to say that if we had not concluded these regulations, we would have had a very serious challenge as we prepare for the coming elections. This is because the various Acts - the Elections Act and the Political Parties Act - required the IEBC to formulate these regulations and this House to approve them four months before the next elections. I know that today is 5th of April and that is within the timeframe the law requires us to pass these regulations. I thank my colleagues who were able to successfully achieve the timelines that are required in law.

As we have all mentioned, we have had five sets of regulations. Technology is now part of our culture as a country. For us to appreciate the role of technology in our elections and in our institutions--- I am happy that these regulations have been approved so that tallying of results and transmission of results in constituencies, polling stations and even in the national tallying centre can now be done swiftly through the technology we have passed in these regulations. Of course, I know this has been a serious debate whether the entire country can successfully use technology because of the level of network coverage. There was serious debate initially and we were able to agree as a country, a people and as a House that we allow alternative or complementary system of transmission in areas that may not have full coverage.

The five sets of regulations address every aspect and every relevant area. If you look at the registration of voters, you will find that this is a continuous function of the IEBC. These regulations reinforce that particular role of the IEBC so that as we conclude our elections in August, this year, continuous registration of voters will be achieved as an on-going process.

On voter education, Kenyans should be informed on how important it is for them to participate in an election to choose their leaders and confirm good leaders and vote out bad ones.

So, voter education, again, is a process that should be continuous. There are regulations for party primaries and party lists. We have been saying that we want this country to have credible, fair and transparent elections. This can only be done if we start with political parties.

These regulations will bring about discipline, order and procedures for political parties to follow during their nominations. Unfortunately, parties like ODM, I am told, are doing theirs this week or next week. That is few days after the passage of these regulations. The regulations are not just meant for these nominations but rather for the years to come. So, I want to believe that from today henceforth, with the application of these regulations on party primaries and party lists, we are going to have orderly and very organised party nominations. I would like to call upon political parties, whether small or big---

We talk about the major parties like Jubilee and ODM having systems. You could be big with systems but unless you respect the systems, they may as well bring problems. My appeal to our political parties and the leadership is to speak about fair and transparent elections in August. We must start with our political parties so that we practise the same as we move forward. I am proud to be in this 11th Parliament because this is the Parliament that has been able to approve these regulations. So, we are part and parcel of the institution that is able to bring forth order in our political process. These Members should realise that they have performed a very important responsibility.

Finally, from time to time, the IEBC shall be formulating regulations touching on these five areas and any other areas. I want to wish all my colleagues well even as we go for the nominations starting this week. We are going to implement these regulations for the betterment of our country.

I beg to reply and thank Hon. Members in the House. I also thank the Speaker's Office, the Legal Directorate and the Clerk's Office for the support they gave us when we were dealing with these regulations with the IEBC.

With those remarks, I beg to move.

The Temporary Deputy Speaker (Hon. Omulele): Very well. We also wish you success in your nominations. For obvious reasons, I will not put the Question. I direct that we move to the next business.

(Putting of the Question deferred)

BILLS

Second Readings

THE NAIROBI INTERNATIONAL FINANCIAL CENTRE BILL

The Temporary Deputy Speaker (Hon. Omulele): The Leader of the Majority Party is not in. I direct that we move to the next Order.

(Bill deferred)

THE PRESIDENT'S AWARD BILL

The Temporary Deputy Speaker (Hon. Omulele): I direct that we step that business down because the Leader of the Majority Party is not here.

(Bill deferred)

THE LEGAL METROLOGY BILL

The Temporary Deputy Speaker (Hon. Omulele): I direct that we also step that business down because the Leader of the Majority Party is not here.

(Bill deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Omulele): Hon. Members, the time being 6.10 p.m., this House stands adjourned until tomorrow, Thursday 6th April, 2017, at 2.30 p.m.

The House rose at 6.10 p.m.