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REPUBLIC OF KENYA


THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON:

**THE APPROVAL HEARINGS OF NOMINEES FOR
APPOINTMENT AS CHAIRPERSON AND MEMBERS OF
THE INDEPENDENT ELECTORAL AND BOUNDARIES
COMMISSION (IEBC)**

 THE NATIONAL ASSEMBLY PAPERS LAID	
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PARLIAMENT BUILDINGS
NAIROBI

JUNE 2025

TABLE OF CONTENTS

Table of Contents	i
List of Abbreviations and Acronyms	iii
List of Annexures	iv
Chairperson's Foreword	v
 CHAPTER ONE	 1
1 Preface	1
1.1 Establishment of the Committee	1
1.2 Mandate of the Committee	1
1.3 Committee Membership	3
1.4 Committee Secretariat	4
 CHAPTER TWO	 5
2 Background Information	5
2.1 Legal Framework	5
2.2 Notification of Nominations	5
2.3 Notification to the House and Referral to the Committee	6
2.4 Notification to the Public	6
2.5 Notification to the Nominees	6
2.6 Clearance and Compliance Requirements	6
2.7 Criteria for Consideration during the Approval Hearings	7
2.7.1 Procedure for Nomination	8
2.7.2 Constitutional and Statutory Requirements	10
2.7.3 Suitability of the nominees for the proposed appointment having regard to whether the nominees' abilities, experience and qualities meet the needs of the offices to which nomination are being made	12
 CHAPTER THREE	 13
3 Memoranda from the Public on Suitability of Nominees	13
3.1 Memoranda that complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act	13
3.1.1 Memorandum by Dr. Magare Gikenyi	13
3.1.2 Memorandum by Mr. Kelvin Roy Omondi	14
3.1.3 Memorandum by Ms. Sheila Masinde	14
3.2 Notification of the Nominees of the Issues Raised in the Memoranda	15
 CHAPTER FOUR	 16
4 Approval Hearing of Nominees	16
4.1 Mr. Erastus Edung Ethekon – Nominee to the Office of Chairperson of IEBC	16
4.1.1 Questions from General Questionnaire	16
4.1.2 General and Sector Specific Questions for the Nominee	18
4.1.3 Nominee's Response to Allegations arising from Memoranda	21
4.1.4 Observations on Memoranda submitted against the Nominee	22
4.1.5 Committee Observations on the Suitability of the Nominee	22
4.2 Ms. Ann Njeri Nderitu – Nominee to the Office of Member of the IEBC	22
4.2.1 Questions from General Questionnaire	22
4.2.2 General and Sector Specific Questions for the Nominee	27

4.2.3	Nominee's Response to Allegations arising from Memoranda.....	29
4.2.4	Observations on Memoranda submitted against the Nominee.....	29
4.2.5	Committee Observations on the Suitability of the Nominee.....	29
4.3	Mr. Moses Alutalala Mukhwana – Nominee to the Office of Member of the IEBC.....	30
4.3.1	Questions from General Questionnaire.....	30
4.3.2	General and Sector Specific Questions for the Nominee	32
4.3.3	Nominee's Response to Allegations arising from Memoranda.....	34
4.3.4	Observations on Memoranda submitted against the Nominee.....	34
4.3.5	Committee Observations on the Suitability of the Nominee.....	35
4.4	Ms. Mary Karen Sorobit – Nominee to the Office of Member of the IEBC.....	35
4.4.1	Questions from General Questionnaire.....	35
4.4.2	General and Sector Specific Questions for the Nominee	37
4.4.3	Nominee's Response to Allegations arising from Memoranda.....	39
4.4.4	Observations on Memoranda submitted against the Nominee.....	39
4.4.5	Committee Observations on the Suitability of the Nominee.....	40
4.5	Mr. Hassan Noor Hassan – Nominee to the Office of Member of the IEBC.....	40
4.5.1	Questions from General Questionnaire.....	40
4.5.2	General and Sector Specific Questions for the Nominee	41
4.5.3	Nominee's Response to Allegations arising from Memoranda.....	42
4.5.4	Observations on Memoranda submitted against the Nominee.....	43
4.5.5	Committee Observations on the Suitability of the Nominee.....	43
4.6	Mr. Francis Odhiambo Aduol – Nominee to the Office of Member of the IEBC	44
4.6.1	Questions from General Questionnaire.....	44
4.6.2	General and Sector Specific Questions for the Nominee	48
4.6.3	Observations on Memoranda submitted against the Nominee.....	49
4.6.4	Committee Observations on the Suitability of the Nominee.....	49
4.7	Ms. Fahima Araphat Abdallah – Nominee to the Office of Member of the IEBC.....	50
4.7.1	Questions from General Questionnaire.....	50
4.7.2	General and Sector Specific Questions for the Nominee	52
4.7.3	Nominee's Response to Allegations arising from Memoranda.....	54
4.7.4	Observations on Memoranda submitted against the Nominee.....	54
4.7.5	Committee Observations on the Suitability of the Nominee.....	55
CHAPTER FIVE		56
5	Committee Observations.....	56
CHAPTER SIX		57
6	Committee Recommendations	57

LIST OF ABBREVIATIONS AND ACRONYMS

ANC	-	Amani National Congress
CBS	-	Chief of the Order of the Burning Spear
CECM	-	County Executive Committee Member
CEO	-	Chief Executive Officer
CUE	-	Council for University Education
DCI	-	Directorate of Criminal Investigations
EACC	-	Ethics and Anti-Corruption Commission
EBS	-	Elder of the Order of the Burning Spear
EGH	-	Elder of the Order of the Golden Heart
FORD	-	Forum for the Restoration of Democracy
H.E.	-	His Excellency
HSC	-	Head of State Commendation
IEBC	-	Independent Electoral and Boundaries Commission
IIBRC	-	Interim Independent Boundaries Review Commission
IFES	-	International Foundation for Election Systems
KNCHR	-	Kenya National Commission on Human Rights
KRA	-	Kenya Revenue Authority
KSG	-	Kenya School of Government
KSL	-	Kenya School of Law
LSK	-	Law Society of Kenya
MBS	-	Moran of the Order of the Burning Spear
MCCP	-	Maendeleo Chap Chap Party
MP	-	Member of Parliament
NYS	-	National Youth Service
ODM	-	Orange Democratic Movement
OGW	-	Order of the Grand Warrior
ODPP	-	Office of the Director of Public Prosecutions
ORPP	-	Office of the Registrar of Political Parties
PWD	-	Person with Disability
SLDP	-	Strategic Leadership Development Programme
UDA	-	United Democratic Alliance
UDM	-	United Democratic Movement
UN	-	United Nations
WDM	-	Wiper Democratic Movement
WJF	-	Western Jurists Forum

LIST OF ANNEXURES

- Annexure 1: Transmittal Letter by the Head of Public Service
- Annexure 2: Notification No. 007 of 2025 and Message No. 004 of 2025 from the Speaker
- Annexure 3: Advertisements notifying the public of the approval hearings
- Annexure 4: Letters from the Clerk of the National Assembly inviting the nominees for the approval hearings and seeking their responses to memoranda
- Annexure 5: Letters from the Clerk of the National Assembly to DCI, EACC, HELB, KRA, ODPP, ORPP, CUE and tertiary institutions requesting information on the nominees
- Annexure 6: Letters of clearance from DCI, EACC, HELB, KRA, ODPP and ORPP
- Annexure 7: Gazette Notices No.s 1901 of 14th February 2023, 2643 of 1st March 2023 and 715 of 27th January 2025
- Annexure 8: *Curricula Vitae*, certificates and testimonials of the nominees
- Annexure 9: Memoranda Contesting suitability of the nominees
- Annexure 10: Responses by the nominees on the memoranda received
- Annexure 11: Adoption Schedule and Minutes

CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Departmental Committee on Justice and Legal Affairs during the approval hearings of persons nominated for appointment as Chairperson and Members of the IEBC as forwarded by the Selection Panel and communicated to the House by the Speaker of the National Assembly on 9th May 2025.

On 27th January 2025, vide Gazette Notice No. 715 and pursuant to paragraph 1(1) of the First Schedule to the IEBC Act, Cap. 7C, H.E. the President appointed a selection panel for the recruitment of nominees for appointment as the Chairperson and six (6) Members of the IEBC. Guided by paragraph 3(2) of the First Schedule to the IEBC Act, Cap. 7C, the selection panel invited applications from the public, conducted interviews and shortlisted eleven (11) persons qualified for appointment as Chairperson and one hundred and eleven (111) persons qualified for appointment as Members of the IEBC. Consequently, the selection panel forwarded the names of the selected candidates to the President for nomination.

In exercise of powers conferred by Article 250(2)(c) of the Constitution and paragraph 3(5) of the First Schedule to the IEBC Act, Cap. 7C as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, H.E. the President nominated **Mr. Erastus Edung Etheke** for appointment as Chairperson; and **Ms. Ann Njeri Nderitu, Mr. Moses Alutalala Mukhwana, Ms. Mary Karen Sorobit, Mr. Hassan Noor Hassan, Mr. Francis Odhiambo Aduol and Ms. Fahima Araphat Abdallah** for appointment as Members of the IEBC.

The Rt. Honourable Speaker vide Notification No. 007 of 2025 dated 9th May 2025 and Message No. 004 of 2025 dated 27th May 2025 conveyed to the House the Message from H.E. the President and subsequently referred it and the *curricula vitae* of the nominees to the Committee for approval hearings in accordance with section 4 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F and Standing Order 42(3)(c) of the National Assembly Standing Orders. While referring the matter to the Committee, the Speaker directed that the Committee undertakes the approval hearings and reports to the House within twenty-eight (28) days in accordance with section 8 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F. The Rt. Hon Speaker further directed the Clerk of the National Assembly to notify the nominees and the general public of the time and place of holding the approval hearings.

In fulfilment of the provisions of Article 118 of the Constitution, the Departmental Committee on Justice and Legal Affairs had advertised the vetting to be held on 26th May 2025. On 13th May 2025, *Nairobi High Court Petition No. E269 of 2025* was filed against the House challenging the nomination for appointment of all the nominees to IEBC. On 19th May 2025, the High Court suspended the vetting of all the nominees by the National Assembly, pending the delivery of its Ruling. On 29th May 2025, the High Court lifted the bar it had placed on this critical parliamentary process.

Noting the delay occasioned to the constitutional and statutory timelines by the Court proceedings, the Committee was constrained to hold its approval hearings on 31st May 2025. This decision was informed by the nearly three (3) year period during which the IEBC has been unable to function on account of the lack of Commissioners since the declaration of vacancies on 14th February 2023 and 1st March 2023; the deadline for the critical process of boundary review having lapsed on 24th March 2024 and the existence of vacancies in the membership of Parliament and county assemblies across the country. The Committee noted

that the actions of various litigious political players and court cases relating to the IEBC have significantly contributed to the delay in reconstituting the Commission.

Additionally, and pursuant to section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F, the Clerk of the National Assembly placed an advertisement in the print media inviting the public to submit memoranda by way of written statements on oath (affidavit) on the suitability or otherwise of each of the nominees. The advertisement indicated that the submissions were to be received by 21st May 2025 at 5.00 pm. By close of the submission deadline, the Committee had received ten (10) memoranda from the public. Of these, six (6) memoranda were in support of the appointment of the nominees while four (4) contested their suitability. Only three (3) complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F. The detailed analysis of the memoranda is contained in Chapter Three of this Report.

The Clerk of the National Assembly also wrote to the DCI, EACC, HELB, KRA, ODPP, ORPP and CUE seeking references and background checks relating to the suitability of the nominees. The nominees appeared before the Committee on 31st May 2025 as scheduled and the Committee examined their suitability based on the criteria set out in section 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F including the procedure used to arrive at the nominees, the constitutional and statutory requirements relating to the offices in question and suitability of the nominees for the appointments proposed, having regard to whether the nominees' abilities, experience and qualities meet the needs of the office in question. Furthermore, the Committee examined the nominees' academic credentials, relevant professional training and experience, knowledge of sector issues and personal integrity in accordance with section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F.

In holding the approval hearings, it was the view of the Committee that the Courts should uphold the doctrine of separation of powers and refrain from interrupting the constitutional and statutory functions of the National Assembly. Article 250 (2) of the Constitution grants the National Assembly a general confirmatory mandate of approving all persons recommended for appointment as members of constitutional commissions or holders of independent offices as part of the checks and balances against the other arms of government and organs of the state. In deference to the accepted practice in constitutional democracies, the courts should decline any invitation to injunct parliamentary processes.

Regarding suitability of the nominees, the Committee observed that the nominees demonstrated deep understanding of the affairs of the IEBC and their respective roles of Chairperson and Members of the IEBC. They possess the requisite abilities, academic qualifications and professional experience required for persons nominated to serve as the Chairperson and Members of the IEBC.

The Committee therefore recommends that this House approves **Mr. Erastus Edung Etheke** for appointment as **Chairperson of the IEBC**; and **Ms. Ann Njeri Nderitu, Mr. Moses Alutalala Mukhwana, Ms. Mary Karen Sorobit, Mr. Hassan Noor Hassan, Mr. Francis Odhiambo Aduol and Ms. Fahima Araphat Abdallah** as **Members of the IEBC**.

The Committee wishes to thank the Offices of the Speaker and of the Clerk of the National Assembly for the technical support accorded to it during the exercise. The Committee further extends its appreciation to the nominees for their cooperation during the parliamentary

approval process. The Committee also appreciates the DCI, EACC, HELB, KRA, ODPP and ORPP for providing references and background checks relating to the suitability of the nominees. Finally, I acknowledge and appreciate the Honourable Members of the Committee who sat for long hours and made useful contributions towards the preparation and production of this Report.

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to Article 124(4)(b) of the Constitution, section 8(1) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F and the provisions of Standing Order 199(6) of the National Assembly Standing Orders, it is now my duty and privilege to present to the House the Report of the Departmental Committee on Justice and Legal Affairs on the Approval Hearings of Nominees for Appointment as Chairperson and Members of the Independent Electoral and Boundaries Commission.

Hon. Murugara George Gitonga, CBS, MP
Chairman, Departmental Committee on Justice and Legal Affairs



CHAPTER ONE

I PREFACE

I.1 Establishment of the Committee

1. The Departmental Committee on Justice and Legal Affairs is one of twenty departmental committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:

- (a) *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- (b) *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
- (c) *To, on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
- (d) *To study and review all legislation referred to it;*
- (e) *To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
- (f) *To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- (g) **To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve**, except those under Standing Order 204 (Committee on Appointments);
- (h) *To examine treaties, agreements and conventions;*
- (i) *To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation;*
- (j) *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- (k) *To examine any questions raised by Members on a matter within its mandate.*

I.2 Mandate of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider:

- (a) The Judiciary;
- (b) Tribunals;
- (c) Access to Justice;
- (d) Public prosecutions;
- (e) Ethics, Integrity and Anti-corruption;
- (f) Correctional services;
- (g) Community service orders and witness protection;
- (h) Constitutional Affairs;
- (i) Sovereign immunity;
- (j) Elections including referenda;
- (k) Human rights;
- (l) Political parties; and
- (m) The State Law Office including insolvency, law reform, public trusteeship, marriages and legal education.

3. In executing its mandate, the Committee oversees the following Ministries, Departments and Agencies:

- (a) The Judiciary;
 - (b) Judicial Service Commission;
 - (c) State Department for Correctional Services;
 - (d) State Law Office and Department of Justice;
 - (e) State Department for Justice, Human Rights and Constitutional Affairs;
 - (f) Office of the Director of Public Prosecutions;
 - (g) Ethics and Anti-Corruption Commission;
 - (h) Independent Electoral and Boundaries Commission;**
 - (i) Commission on Administrative Justice;
 - (j) Office of the Registrar of Political Parties;
 - (k) Witness Protection Agency;
 - (l) Kenya National Commission on Human Rights;
 - (m) Kenya Law Reform Commission; and
 - (n) Council of Legal Education.
-

1.3 Committee Membership

4. The Committee comprises the following Members:

Chairperson

Hon. Murugara George Gitonga, CBS, MP
Tharaka Constituency

UDA Party

Vice-Chairperson

Hon. Mutuse Eckomas Mwengi, OGW, MP
Kibwezi West Constituency

MCCP Party

Hon. Gladys Boss, MGH, MP
Uasin Gishu Constituency

UDA Party

Hon. Maalim Farah, EGH, MP
Dadaab Constituency

WDM-Kenya

Hon. Onyiego Silvanus Osoro, CBS, MP
South Mugirango Constituency

UDA Party

Hon. Francis Kajwang' Tom Joseph, CBS, MP
Ruaraka Constituency

ODM Party

Hon. Wetang'ula Timothy Wanyoyi, CBS, MP
Westlands Constituency

ODM Party

Hon. (Dr.) Otiende Amollo, SC, EBS, MP
Rarieda Constituency

ODM Party

Hon. Muchira Michael Mwangi, MP
Ol Jorok Constituency

UDA Party

Hon. Muchangi Karemba, CBS MP
Runyenjes Constituency

UDA Party

Hon. Makali John Okwisia, MP
Kanduyi Constituency

FORD-Kenya

Hon. Mogaka Stephen M., MP
West Mugirango Constituency

Jubilee Party

Hon. Aden Daud, EBS, MP
Wajir East Constituency

Jubilee Party

Hon. Siyad Amina Udgoon, MP
Garissa County (CWR)

Jubilee Party

Hon. CPA Suleka Hulbale Harun, MP
Nominated Member

UDM Party

1.4 Committee Secretariat

5. The Committee is facilitated by the following staff:

Mr. Ahmed Salim Abdalla
Clerk Assistant I / Head of Secretariat

Mr. Ronald Walala
Senior Legal Counsel

Mr. Abdikafar Abdi
Clerk Assistant III

Ms. Jael Ayiego
Clerk Assistant III

Mr. Isaac Nabiswa
Legal Counsel II

Mr. Omar Abdirahim
Fiscal Analyst I

Ms. Vivienne Ogega
Research Officer III

Mr. John Nduaci
Serjeant-At-Arms

Mr. Meldrick K. Sakani
Audio Assistant

Ms. Mary Kamande
Public Communications Officer III

Mr. Calvin Karung'o
Media Relations Officer III

Mr. Silas Opanga
Hansard Reporter III

6. Further the Committee Secretariat was supported by the following technical officers:

- | | | | |
|--------|----------------------|---|----------------------|
| (i) | Mr. Dennis Ogechi | - | Clerk Assistant I |
| (ii) | Mr. Brian Githinji | - | Research Officer III |
| (iii) | Mr. Moses Amunavi | - | Clerk Assistant III |
| (iv) | Mr. Danton Kimutai | - | Audio Assistant |
| (v) | Mr. Kelvin Lengasi | - | Audio Assistant |
| (vi) | Ms. Cynthia Chemiryo | - | ICT Officer |
| (vii) | Mr. Said Wako | - | Serjeant-At-Arms |
| (viii) | Ms. Mwanaisha Juma | - | Serjeant-At-Arms |
| (ix) | Mr. Shawn Ngoyo | - | JLAC Intern |

CHAPTER TWO

2 BACKGROUND INFORMATION

2.1 Legal Framework

7. The Committee was guided by the following provisions of the Constitution and statutes in executing its mandate:

- (1) Article 10 of the Constitution on the national values and principles of governance;
- (2) Chapter 6 of the Constitution on leadership and integrity;
- (3) Article 77 of the Constitution on restriction on activities of State Officers;
- (4) Article 78 of the Constitution on dual citizenship;
- (5) Article 88(2) and (3) of the Constitution on eligibility for appointment as a Member of the IEBC;
- (6) Article 118 of the Constitution on public participation;
- (7) Article 124(4) of the Constitution on consideration of persons for appointment to public office;
- (8) Article 232 of the Constitution on values and principles of public service;
- (9) Article 250(2) of the Constitution on the appointment process of the Chairperson and Members of a constitutional commission;
- (10) The Independent Electoral and Boundaries Commission Act, Cap. 7C;
- (11) The Public Appointments (Parliamentary Approval) Act, Cap. 7F;
- (12) The Access to Information Act, Cap. 7M;
- (13) The Leadership and Integrity Act, Cap. 185C;
- (14) The Ethics and Anti-Corruption Commission Act, Cap. 7H; and
- (15) The Public Officer Ethics Act, Cap. 185B.

2.2 Notification of Nominations

8. Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F stipulate as follows:

“3. Exercise of powers of appointment

An appointment under the Constitution or any other law for which the approval of Parliament is required shall not be made unless the appointment is approved or deemed to have been approved by Parliament in accordance with this Act.

5. Notification of nomination

- (1) An appointing authority shall, upon nominating a person for an appointment to which this Act applies, notify the relevant House of Parliament accordingly.*
- (2) A notification under subsection (1) shall be —*
 - (a) in writing;*
 - (b) be lodged with the Clerk of the relevant House of Parliament.*
- (3) A notification of appointment shall be accompanied by information concerning the nominee, having regard to the issues mentioned in section 7.*
- (4) For purposes of this Act, a notification of nomination shall be deemed to be duly given on the day on which it complies fully with subsections (2) and (3).”*

9. Pursuant to sections 5(4) and 7 of the IEBC Act, Cap. 7C as read with the aforementioned provisions of the law, H.E. the President, through the Head of Public Service, transmitted to the Rt. Hon. Speaker of the National Assembly the Presidential Nomination Certificate

No. 5 of 2025, the Report of the Selection Panel and the nominees' *curricula vitae* vide letter referenced EOP/CAB.26/4A/VOL.VII(145) dated 8th May 2025 (Annexure 1).

2.3 Notification to the House and Referral to the Committee

10. Standing Order 42(2) of the National Assembly Standing Orders provides that:
"If a message is received from the President, at a time when the House is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the House on the day the House next sits."
11. To this end, therefore, the Rt. Hon. Speaker, vide Notification No. 007 of 2025 dated 9th May 2025 and Message No. 004 of 2025 dated 27th May 2025 (Annexure 2) conveyed to the House the Message from H.E. the President nominating one (1) person for appointment as Chairperson of the IEBC and six (6) persons for appointment as Members of the IEBC.
12. In addition, and pursuant to sections 4 and 8 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, the Rt. Hon. Speaker referred the names and *curricula vitae* of the nominee to the Departmental Committee on Justice and Legal Affairs for approval hearing and reporting to the House within twenty-eight (28) days.

2.4 Notification to the Public

13. Article 118 of the Constitution provides that *Parliament shall facilitate public participation and involvement in the legislative business and other business of Parliament and its Committees.*
14. Section 6(4) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F and Standing Order 45(3) of the National Assembly Standing Orders further provide that the Clerk shall notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing.
15. Accordingly, the Clerk of the National Assembly placed an advertisement in the print media on 12th May 2025 notifying the nominees and the general public that the Committee would conduct the approval hearings on 26th May 2025. Subsequently, vide an advertisement placed in the print media on 30th May 2025 the Committee informed the nominees and the general public that the approval hearings would be held on 31st May 2025 at the Mini Chamber, First Floor, County Hall, Parliament Buildings (Annexure 3).

2.5 Notification to the Nominees

16. The Clerk of the National Assembly vide letters dated 12th and 29th May 2025 referenced NA/DDC/JLAC/2025 (029-035) and NA/DDC/JLAC/2025 (042-048) (Annexure 4) invited the nominees for the approval hearings in accordance with section 6(3) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F.

2.6 Clearance and Compliance Requirements

17. Vide letters dated 12th May 2025 and referenced NA/DDC/JLAC/2025(023), (024), (0250, (026), (027) and (028) the Clerk of the National Assembly wrote to the DCI, EACC, HELB, KRA, ODPP, ORPP, CUE and various tertiary institutions (Annexure 5) requesting for reports with respect to the nominees on the following matters:
- (a) criminal records;
 - (b) ethics and integrity;
 - (c) higher education loan repayment(s);

- (d) tax compliance;
 - (e) active criminal court proceedings;
 - (f) political party affiliations;
 - (g) authenticity of academic certificates.
18. In addition, the Clerk of the National Assembly vide letters dated 13th May 2025 referenced *NA/DDC/JLAC/2025/037, 038, 039, 040* wrote to the CUE, University of Nairobi, Moi University and Kenyatta University, respectively, requesting for reports relating to the authenticity of the nominees' academic certificates.
19. The following institutions wrote back to the National Assembly clearing the nominees: HELB vide letter Ref No. *HELB/RR/112009/V/401* dated 16th May 2025; KRA vide letter Ref No. *KRA/5/1002/5(12385)* dated 22nd May 2025; ODPP vide letter Ref No. *ODPP/CONF/5/50A* dated 19th May 2025; and ORPP vide letter Ref No. *RPP/ORG/34 VOL. IX (5)* dated 15th May 2025 (Annexure 6).
20. The DCI vide letter Ref No. *DCI/CRO/SEC/6/7/2/A/VOL.XVII/4* dated 21st May 2025 indicated that it had conducted forensic fingerprint analysis and confirmed that Mr. Erastus Edung Etheke, Ms. Ann Njeri Nderitu, Mr. Hassan Noor Hassan and Ms. Fahima Araphat Abdallah had no previous criminal records. Further, they advised that Mr. Moses Alutalala, Ms. Mary Karen Sorobit and Mr. Francis Odhiambo Aduol present themselves to the nearest Huduma Centre DCI Desk for fingerprinting services. Notably, during the approval hearings, the three nominees provided individual clearance certificates Ref. no. *PCC-L5SRBNE7Y* dated 2nd December 2024, *PCC-R6SLMNYGP* dated 28th May 2025 and *PCC-5GSBYV44Y* dated 26th May 2025 from the DCI (Annexure 6).
21. Vide letter Ref No. *EACC.7/10/5 VOL XXXII (28)* dated 16th May 2025, the EACC noted that it has not undertaken any investigations pursuant to its mandate against Mr. Erastus Etheke, Ms. Ann Nderitu, Mr. Moses Alutalala, Ms. Mary Karen Sorobit, Mr. Francis Aduol and Ms. Fahima Araphat. It further stated that it investigated allegations of procurement irregularities at the National Youth Service where Mr. Hassan Noor Hassan and others were charged in court. Mr. Hassan Noor Hassan was acquitted of the charges and is not under any other investigation.
22. As at the time of approval hearing, the CUE had not responded.

2.7 Criteria for Consideration during the Approval Hearings

23. Section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F provides that:
- “(7) An approval hearing shall focus on a candidate’s academic credentials, professional training and experience, personal integrity and background.*
- (8) The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate.”*
24. Additionally, section 7 of the Act provides that the issues for consideration by the relevant House of Parliament in relation to any nomination shall be:
- (a) the procedure used to arrive at the nominee;
 - (b) any constitutional or statutory requirements relating to the office in question; and

- (c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.

25. While conducting the approval hearings, the Committee was guided by the provisions of section 6(7) and (8) and section 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F.

2.7.1 Procedure for Nomination

26. Article 250 of the Constitution provides that:

"Composition, appointment and terms of Office.

(1) Each commission shall consist of at least three, but not more than nine, members.

(2) The chairperson and each member of a commission, and the holder of an independent office, shall be—

(a) identified and recommended for appointment in a manner prescribed by national legislation;

(b) approved by the National Assembly; and

(c) appointed by the President.

(3) To be appointed, a person shall have the specific qualifications required by this Constitution or national legislation.

(4) Appointments to commissions and independent offices shall take into account the national values referred to in Article 10, and the principle that the composition of the commissions and offices, taken as a whole, shall reflect the regional and ethnic diversity of the people of Kenya.

(5) The chairperson and each member of a commission, and the holder of an independent office, shall be—

*(a) identified and recommended for appointment in a manner prescribed by **national legislation;***

(b) approved by the National Assembly; and

(c) appointed by the President."

27. Section 5 of the IEBC Act, Cap. 7C provides that:

"Composition and appointment of the Commission

(1) The Commission shall consist of a chairperson and six other members appointed in accordance with Article 250(4) of the Constitution and the provisions of this Act.

(2) The chairperson and members of the Commission shall be appointed in accordance with the procedure set out in the First Schedule.

(3) The process of replacement of a chairperson or a member of the Commission shall commence at least six months before the lapse of the term of the chairperson or member of the Commission.

(4) The procedure set out in the First Schedule shall apply, with the necessary modifications, whenever there is a vacancy in the Commission."

28. In accordance with the aforementioned provisions and in exercise of his powers in Article 250(2)(c) of the Constitution and sections 5(4) and 7(1) of the IEBC Act, Cap. 7C, H.E. the President vide Gazette Notice No. 1901 dated 14th February 2023 and Gazette Notice No. 2643 dated 1st March 2023 (Annexure 7), declared vacancies in the positions of Chairperson and Members of the IEBC.

29. Paragraph 1(1) of the First Schedule to the IEBC Act, Cap. 7C provides that:
"Declaration of vacancy in the Office of Chairperson or Member of the Commission
(1) At least six months before the lapse of the term of the chairperson or member of the Commission or within fourteen days of the declaration of a vacancy in the office of the chairperson or member of the Commission under the Constitution or this Act, the President shall appoint a selection panel consisting of nine persons for the purposes of appointment of the chairperson or member of the Commission."
30. Vide Gazette Notice No. 715 dated 27th January 2025 (Annexure 7) and pursuant to aforementioned provision, H.E. the President appointed a Selection Panel for the recruitment of nominees for appointment as Chairperson and Members of the IEBC.
31. Paragraph 3 of the First Schedule to the IEBC Act, Cap. 7C provides as follows regarding the procedure of selecting qualified persons for members of IEBC:
"(1) The selection panel shall, within seven days of its appointment, invite applications from qualified persons and publish the names of all applicants and their qualifications in the Gazette, two newspapers of national circulation and on the website of the Parliamentary Service Commission.
(2) The selection panel shall consider the applications, shortlist and interview the applicants.
(3) The interviews under subparagraph (2) shall be conducted in public.
(4) After conducting interviews under subparagraph (2), the selection panel shall select two persons qualified to be appointed as chairperson and nine persons qualified to be appointed as members of the Commission and shall forward the names to the President for nomination of one person for appointment as the chairperson and six persons for appointment as members.
(5) The President shall, within seven days of receipt of the names under sub-paragraph (4), forward the list of nominees to the National Assembly for approval in accordance with the Public Appointments (Parliamentary Approval) Act (Cap. 7F)."
32. The Selection Panel advertised, shortlisted and interviewed the applicants and selected two persons qualified for appointment as Chairperson and nine persons qualified for appointment as Members of the IEBC. Subsequently, the Selection Panel forwarded the names of the selected candidates to H.E. the President for nomination in accordance with paragraph 3(4) of the First Schedule to the IEBC Act, Cap. 7C.
33. Accordingly, H.E. the President, through the Head of Public Service, forwarded the names of Mr. Erastus Edung Etheke for appointment as Chairperson of the IEBC; and Ms. Ann Njeri Nderitu, Mr. Moses Alutalala Mukhwana, Ms. Mary Karen Sorobit, Mr. Hassan Noor Hassan, Mr. Francis Odhiambo Aduol and Ms. Fahima Araphat Abdallah for appointment as Members of the IEBC to the National Assembly for approval in accordance with Article 250(2)(b) of the Constitution, paragraph 3(5) of the First Schedule to the IEBC Act, Cap. 7C and section 3 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F.
34. Paragraph 5 of the First Schedule to the IEBC Act, Cap 7C provides that the short-listing, nomination and appointment of Chairperson and Members of the IEBC should ensure regional balance and that no more than two-thirds of the members are of the same gender.

2.7.2 Constitutional and Statutory Requirements

35. The Committee was guided by the following provisions of law on the requirements for appointment to the State offices:

(a) National Values and Principles of Governance

36. Article 10 of the Constitution provides for the national values and principles of governance which State officers must abide by in discharging their mandate. They include: patriotism; national unity; sharing and devolution of power; the rule of law; democracy and participation of the people; human dignity; equity; social justice; inclusiveness; equality; human rights; non-discrimination and protection of the marginalized; good governance; integrity; transparency and accountability; and sustainable development.

(b) Conduct of State Officers

37. Article 75 of the Constitution requires a State Officer, whether in public or private life to behave in a manner that avoids conflict between personal interest and public official duties. The Article further prohibits a State officer who has been dismissed or otherwise removed from office for contravention of provisions of Chapter Six of the Constitution from holding any other State office.

38. Article 77 of the Constitution outlines that a full-time State officer must not participate in any other gainful employment and that any appointed State officer must not hold office in a political party.

39. Moreover, the Constitution under Article 78 further stipulates that a State officer must not hold dual citizenship but instead shall be a citizen of Kenya only.

40. Article 232 provides for the values and principles of public service as high standards of professional ethics; efficient, effective and economic use of resources; responsive, prompt, effective, impartial and equitable provision of services; involvement of the people in the process of policy-making; accountability for administrative acts; transparency and provision to the public of timely, accurate information; fair competition and merit as the basis of appointments and promotions; representation of Kenya's diverse communities; and affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of men and women, members of all ethnic groups and persons with disabilities.

41. The Public Officer Ethics Act, Cap. 185B outlines the obligations of a public officer as professionalism; carrying out duties in accordance with the law; prohibition from unjust enrichment; avoiding conflict of interest; not using the office as an avenue for soliciting or collecting *harambees*; not acting for foreigners; care of property; political neutrality, not practising nepotism or favouritism; giving impartial advice; conducting private affairs in a way that maintains public confidence; not engaging in sexual harassment; and submission of a declaration of income, assets and liabilities once every two years.

(c) Qualifications for Appointment as Chairperson and Members of the IEBC

42. Article 250(2)(a) of the Constitution contemplates that the IEBC Act, Cap. 7C shall prescribe the manner in which the Chairperson and Members of the IEBC shall be appointed.

43. Section 6(1) of the IEBC Act, Cap. 7C provides for the qualifications of the Chairperson of the IEBC as follows:

“The chairperson of the Commission shall be a person who is qualified to hold the office of judge of the Supreme Court under the Constitution”

44. Article 166(3) of the Constitution provides for the qualifications of a judge of the Supreme Court to include:

- “ (a) at least fifteen years’ experience as a superior court judge; or*
- (b) at least fifteen years’ experience as a distinguished academic, judicial officer, legal practitioner or such experience in other relevant legal field; or*
- (c) held the qualifications specified in (a) and (b) for a period amounting, in aggregate, to fifteen years.”*

45. Section 6(2) of the IEBC Act, Cap. 7C provides for the qualifications of a member of the IEBC as follows:

- “ (b) holds a degree from a recognized university;*
- (c) has proven knowledge and at least ten years’ experience in any of the following fields—*
 - (i) electoral matters;*
 - (ii) management;*
 - (iii) finance;*
 - (iv) governance;*
 - (v) public administration;*
 - (vi) law;*
 - (vii) information and communication technology; and*
 - (viii) accounting.*
- (d) meets the requirements of Chapter Six of the Constitution.”*

(d) Leadership and Integrity

46. The Committee, in determining the suitability of the nominees, was also guided by the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, Article 73(2) of the Constitution provides that the guiding principles of leadership and integrity include:

- (a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;*
- (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;*
- (c) selfless service based solely on the public interest, demonstrated by*
 - (i) honesty in the execution of public duties; and*
 - (ii) the declaration of any personal interest that may conflict with public duties.*
- (d) accountability to the public for decisions and actions; and*
- (e) discipline and commitment in service to the people.*

47. In addition, the Committee considered section 10 of the Leadership and Integrity Act, Cap. 185C in particular which provides that:

“A State officer shall, to the best of their ability—

- (a) carry out the duties of the office efficiently and honestly;*
- (b) carry out the duties in a transparent and accountable manner;*
- (c) keep accurate records and documents relating to the functions of the office; and*

(d) report truthfully on all matters of the organization which they represent.”

2.7.3 Suitability of the nominees for the proposed appointment having regard to whether the nominees’ abilities, experience and qualities meet the needs of the offices to which nomination are being made

48. The suitability of nominees was assessed after scrutiny of the nominees’ academic credentials, professional training and experience, personal integrity, background and qualities as well as their performance during the approval hearings conducted on 31st May 2025.

CHAPTER THREE

3 Memoranda from the Public on Suitability of Nominees

49. Article 118 of the Constitution provides that Parliament shall facilitate public participation and involvement in the legislative business and other business of Parliament and its Committees.
50. Section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F provides that *“any person may, prior to the approval hearing and by **written statement on oath**, provide the Clerk **with evidence contesting the suitability of a candidate** to hold office to which the candidate has been nominated”*.
51. Pursuant to Article 118 of the Constitution as read with section 6(9) of Public Appointments (Parliamentary Approval) Act, Cap. 7F, the Clerk of the National Assembly placed an advertisement in the print media on 12th May, 2025 inviting the public to submit memoranda by way of written statement on oath (affidavit) on the suitability or otherwise of the nominees in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act.
52. The advertisement indicated that the submissions were to be received on or before 21st May, 2025 at 5.00 pm. At the close of the submission deadline, the Committee had received ten (10) memoranda.
53. Six (6) memoranda were submitted in support of the nominees by the African Inland Church, Milimani, Nairobi; Nakuru County Public Opinion Consultative Initiative (2); Bunge la Mwananchi Social Movement; Mr. George Mukeywa Kisaka; and Mr. Justus Mutuku.
54. **Four (4) of the memoranda** contested the suitability of the nominees out of which only **three (3) memoranda were written statements on oath** that complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F (*Annexure 9*). One memorandum by a Mr. Zakariah Eyauma was an unsworn statement and hence inadmissible in the approval hearings.

3.1 Memoranda that complied with section 6(9) of the Public Appointments (Parliamentary Approval) Act

55. The Committee received three (3) statements on oath sworn by Dr. Magare Gikenyi, Mr. Kelvin Roy Omondi and Ms. Sheila Masinde contesting the suitability of the nominees.

3.1.1 Memorandum by Dr. Magare Gikenyi

56. The deponent challenged the suitability of Mr. Erastus Edung Etheke as the chairperson of IEBC and averred that the nominee is likely to be biased in the performance of his functions based on his affiliation with the Mr. Josephat Nanok who is the current Deputy Chief of Staff at State House.
57. The deponent objected to the appointment of Ms. Mary Karen Sorobit as a member of the IEBC and asserted that the nominee is disqualified for appointment as a member of IEBC since the nominee was an Executive Director and member of a governing organ of Jubilee Party, contrary to the provisions of Article 88(2) of the Constitution.

58. On the appointment of Mr. Hassan Noor Hassan, the deponent claimed that the appointment was not transparent contrary to the provisions of Article 10, 73 and 232 of the Constitution. It was his view that the IEBC Selection Panel failed to explain the circumstances under which the nominee was shortlisted.
59. Additionally, the deponent contested the appointment of Ms. Anne Njeri Nderitu as a member of IEBC and averred that the nominee is disqualified for appointment as a member of IEBC because the nominee is a State officer serving as the Registrar of Political Parties, contrary to the provisions of Article 88(2) of the Constitution.
60. Lastly, the deponent objected to the appointment of all the nominees and asserted that the appointment does not take into account the national values outlined in Article 10 of the Constitution and fails to reflect the regional and ethnic diversity of the people of Kenya.

3.1.2 Memorandum by Mr. Kelvin Roy Omondi

61. The deponent objected to the appointment of all the nominees and asserted that the appointment was unconstitutional as it did not meet the requirements espoused under Articles, 10, 232, 250(4) of the Constitution of Kenya as read with the IEBC Act, Cap. 7C.
62. He deponed that the Mr. Hassan Noor Hassan was never shortlisted for the interviews and was only sneaked in through an addendum contrary to the selection and nomination process under the IEBC Act, Cap. 7C.
63. He averred that the nomination of Ms. Mary Karen Sorobit is unconstitutional and unlawful since she was, at the time of her nomination, a member and office bearer of a political party having served as a county chairperson of the Jubilee Party within the preceding five years; contrary to the provisions of Article 88(2) of the Constitution.
64. Additionally, he claimed that the nomination of Mr. Erastus Edung Etheke as the Chairperson of IEBC is unconstitutional and illegal as his nomination was laced with perception of a likelihood of bias on account of affiliation with Mr. Josephat Nanok, who is the Deputy Chief of Staff in State House.
65. The deponent further alleged that the nomination of the seven (7) persons is unconstitutional because the Selection Panel failed to publicize their report contrary to the provisions of Article 35 of the Constitution.
66. Lastly, he alleged that contrary to the recommendations of the National Dialogue Committee (NADCO), the President failed to consult with the majority party and minority party in Parliament prior to nominating the persons.

3.1.3 Memorandum by Ms. Sheila Masinde

67. The deponent challenged the nomination of Mr. Hassan Noor Hassan on the basis that the nominee was unlawfully shortlisted and interviewed thus violating the transparency and integrity of the selection process under the Constitution and the IEBC Act, Cap. 7C.
68. Furthermore, the deponent alleged that the nomination by the President included persons who are ineligible for appointment as members of the IEBC. Also, she alleged that the

nomination fails to include persons with disabilities contrary to Article 232(1)(i) of the Constitution.

3.2 Notification of the Nominees of the Issues Raised in the Memoranda

69. The Clerk of the National Assembly vide letters referenced NA/DDC/JLAC/2025/042-048 dated 29th May 2025 (*Annexure 4*) wrote to the nominees to respond to issues that were raised in the affidavits by the public pursuant to Section 6(9) of the Act contesting their suitability for appointment to office.
70. During the approval hearings, the Committee examined the nominees on the issues that were raised in the memoranda. The responses by the nominees and the observations of the Committee on the issues raised by the public are contained in Chapter Four of this Report.

CHAPTER FOUR

4 APPROVAL HEARING OF NOMINEES

71. The Committee held a sitting on 31st May 2025 to deliberate on the approval hearings and noted the following:

- (1) The nominees had not notified the Clerk of the National Assembly of their withdrawal from the approval process as outlined in section 6(10) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F.
- (2) Article 27(8) of the Constitution as read with paragraph 5 of the First Schedule to the IEBC Act, Cap. 7C provides for gender equity, that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender. Out of the seven nominees, four (4) were men and three (3) women thereby in conformity with this provision.
- (3) The shortlisting and nomination process adhered to the requirement to take into account regional and ethnic balance as provided for in paragraph 5 of the First Schedule to the IEBC Act, Cap 7C.

72. The Committee, therefore, proceeded to examine the nominees on the areas set out in sections 6(7), 6(8) and 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F as follows:

4.1 Mr. Erastus Edung Etheke – Nominee to the Office of Chairperson of IEBC

73. The nominee appeared before the Committee on 31st May 2025 and was vetted under oath to examine his suitability. The Committee noted the following:

4.1.1 Questions from General Questionnaire *Citizenship, Date and Place of Birth*

74. The nominee is a male Kenyan citizen and does not hold any other citizenship. He was born on 2nd October 1976 in Turkana County.

Academic and Professional Qualifications

75. The nominee is a legal practitioner and Advocate of the High Court of Kenya, a strategic programmes coordinator and technical advisor. He holds:

- (a) 2016: Master of Laws (LL.M) in Oil, Gas and Energy Law, the University of Derby, United Kingdom;
- (b) 2013: Master of Science (MSc.) in Project Management, the University of Liverpool, United Kingdom;
- (c) 2012: Master of Arts (M.A) in Peace, Conflict and Development Studies, Universidad Jaume I, Valencia, Spain;
- (d) 2007: Post Graduate Certificate in Implementation of International Human Rights Treaties, University of Nottingham, United Kingdom (British Foreign & Commonwealth Chevening Fellowship);
- (e) 2003: Post Graduate Diploma in Law, the Kenya School of Law (KSL), Nairobi; and
- (f) 2001: Bachelor of Laws (LL.B), University of Nairobi.

Employment Record and Work Experience

76. The nominee has worked in the following capacities:

- (a) 2024 to date: Expert on Peace, Security and Development Nexus and Demographic Dividend Programmes, the African Union Development Agency–NEPAD, Johannesburg, South Africa;
- (b) 2004 to date: Consultant and Partner, Northern Consulting Solution and E. Ethecon & Co. Advocates, Nairobi, Kenya;
- (c) 2018-2024: County Attorney, Turkana County Government;
- (d) 2015-2018: Program Coordinator and Chief Technical Advisor on Area-Based Development Programming in Kenya, Office of the United Nations Resident Coordinator, Nairobi;
- (e) 2016: Program Advisor for the United Nations Development Programme, Regional Service Centre for Africa & Africa Union (AU) Addis Ababa, Ethiopia;
- (f) 2007-2015: Programs Management Specialist, United Nations Development Program (UNDP), Enhanced Governance, Conflict Prevention and Peacebuilding Unit, Nairobi;
- (g) 2005-2007: Senior Human Rights Officer for Research, Policy, Legislation and International Human Rights Treaties, Kenya National Commission on Human Rights & Equality (KNCHR);
- (h) 2004-2005: Founding Director, Northern Frontier Districts Center for Human Rights and Research, Nairobi;
- (i) 2003: Legal Counsel Ali and Associates, Nairobi;
- (j) 2002-2003: Research Associate, Parliament of Kenya/State University of New York Centre for International Development;
- (k) 2001-2002: Associate Lawyer (Legal Apprenticeship), Musysimi & Co. Advocates, Nairobi; and
- (l) 1997-2002: Registration and Presiding Officer, Electoral Commission of Kenya (ECK), Nairobi.

Honours and Awards

77. The nominee has received the following awards:

- (a) Head of State Commendation (HSC) by H.E. President Mwai Kibaki;
- (b) Gold Award by the Presidential Award Scheme in Kenya (Equivalent of the Duke of Edinburgh Award);
- (c) Certificate in Facilitating Dialogue and Mediation Processes, Folke Bernadotte Academy (Sweden); and
- (d) Certificate in Strategic Leadership Development Programme (SLDP), Kenya School of Government (KSG).

Memberships and Professional Associations

78. The nominee indicated that he is:

- (a) Member, Law Society of Kenya (LSK);
- (b) Alumni, Foreign and Commonwealth Chevening Fellowship;
- (c) Member, Pan African InterAction Leadership Network; and
- (d) Associate Fellow, East African Parliamentary Institute (EAPI).

Published Writings

79. The nominee indicated that he has the following publications:

- (a) Ethecon, E 2016, "Evaluating the Legal, Political and Commercial Risks in the Emerging Oil and Gas Sector in Kenya", Masters Dissertation, University of Derby, Derby.

- (b) Ethekeon, E 2012, "Risk Management in Selected International Development Cooperation Projects in Kenya", Masters Dissertation, University of Liverpool, Liverpool.
- (c) Ethekeon, E 2012, "Terrorism and Human Rights in Kenya", Masters Dissertation, Universidad Jaume I, Valencia.

Public Office, Political Activities and Affiliations

- 80. The nominee stated that he was appointed and served as County Attorney, Turkana County from 2018 to 2024 and Senior Human Rights Officer, KNCHR from 2005 to 2007.

Integrity

- 81. The nominee submitted that he has not been charged in a court of law, nor has he been adversely mentioned in any investigatory report produced by Parliament or a Commission of Inquiry within the past three years. In addition, the nominee stated that he has never been dismissed or removed from office for violating the provisions outlined in Article 75 of the Constitution.

Income and Net Worth

- 82. The nominee estimated his net worth to be Kshs. 276,882,237 comprising of land, livestock, shares and motor vehicles. He indicated his current sources of income to include salary from employment, dividends and expected gratuity from the Turkana County Government.

Potential Conflict of Interest

- 83. The nominee declared that he is currently not associated with any persons or matters that would present a potential conflict of interest should he assume the position of the Chairperson of the IEBC. If a conflict of interest were to arise, he stated that he would resolve it according to the provisions of the law.

Pro Bono and Charity Work

- 84. The nominee indicated that he contributes to the building of churches, to the advancement of education by paying school fees for needy students and supporting the endowment fund of Starehe Boys Centre. He is also a mentor.

4.1.2 General and Sector Specific Questions for the Nominee

- 85. The Committee posed several questions to the nominee on his suitability for appointment as Chairperson of the IEBC. The nominee responded as follows:

On inspiring confidence and ensuring free, fair, credible and verifiable elections

- 86. The nominee stated that the foundation for credible elections lies in Kenyans developing self-trust, which will naturally translate into confidence in the Constitution, legal frameworks, regulations and the institutions established to protect electoral integrity.
- 87. He committed to be strictly guided by the law in both interpreting the existing electoral frameworks and in holding accountable any individuals or institutions that undermine the electoral process through malpractice.

On his nomination process

88. The nominee asserted that he applied for both the position of Chairperson and Member of the Commission through the legally prescribed process. He underwent rigorous interviews, background checks, and all requisite vetting procedures.

On the history of electoral violence

89. The nominee acknowledged Kenya's painful history of electoral violence and pledged to be part of the solution. He committed to working closely with relevant institutions to build resilient systems that prevent a recurrence of such turmoil and eliminate electoral malpractice. Central to his vision is the institutionalization of robust internal mechanisms within the IEBC to guarantee credible, secure, and transparent elections.
90. He further reassured the Committee of his unwavering patriotism, stating he would not retreat to his residence in South Africa in the face of electoral challenges, but would stand with the country and serve with integrity in its hour of need.

On use of digital technology in elections

91. The nominee noted that he would leverage on technology as a catalyst for enhancing the integrity and efficiency of Kenya's electoral process. He underscored the importance of consulting widely with technology experts to identify and implement digital solutions tailored to the Kenyan context.
92. Further, he pledged to work collaboratively with stakeholders to combat the growing threat of misinformation and disinformation, which undermine electoral credibility.
93. Recognizing the transformative power of the youth, the nominee also highlighted their potential to drive digital innovation and provide homegrown technological solutions that can safeguard and modernize Kenya's democratic processes.

On his suitability for the role

94. The nominee underscored that his extensive expertise in International Human Rights Law squarely aligns with the constitutional threshold set out in Article 166(3)(b). He affirmed that his legal background not only meets the formal requirements but also equips him with a strong foundation to uphold the rule of law, protect democratic rights, and steward the IEBC in accordance with the spirit and letter of the Constitution.
95. He added that he brings a blend of extensive experience, a wide network of professional relationships, and an unwavering passion for public service to the Commission. He emphasized his deep, personal commitment to safeguarding and strengthening Kenya's electoral integrity, vowing to serve with dedication, impartiality, and a vision anchored in restoring public trust and upholding democratic principles.

On relationship with the former Governor of Turkana

96. The nominee clarified that his association with the former Governor of Turkana County stemmed solely from his official role as County Attorney, a professional engagement that concluded with the end of his term in 2022. He stated that he continued to serve under the succeeding Governor for an additional two years which indicates that his tenure was not tied to the tenure of the Governor. He added that he is not related to the Governor, in any way.

97. The nominee gave a firm assurance to the Committee that he will remain independent and resist influence from the Executive or any other high office. He emphasized his unwavering commitment to fairness, impartiality, and constitutional fidelity, underscoring this by swearing an affidavit as a solemn pledge to uphold the integrity of the office and safeguard the sovereignty of the electoral process.

On election costs

98. The nominee observed that the high cost of elections in Kenya is closely tied to the prevailing deficit of public trust in the electoral process. To address this, he pledged to implement a robust, proactive media and communications strategy aimed at enhancing transparency, fostering public confidence, and inviting greater scrutiny and citizen engagement. He noted that he would open up the IEBC to continuous public dialogue and accountability in seeking to rebuild trust and reduce the financial and social costs of managing elections.

On voter registration, turnout and pending by-elections

99. The nominee acknowledged the growing voter apathy and declining turnout, attributing it to widespread disillusionment and mistrust in the electoral system. To counter this, he outlined a commitment to restore public confidence by accelerating voter registration drives and deploying targeted, inclusive communication strategies that inspire civic engagement and broaden participation.

100. Additionally, he addressed the pressing issue of delayed by-elections in affected areas, attributing the lapse to the current vacancies within the IEBC. He assured the Committee that, if appointed, the Commission under his leadership would act swiftly and lawfully to conduct all pending by-elections and reaffirmed the Commission's mandate to uphold electoral justice and representation.

On ensuring harmony in the IEBC

101. The nominee pledged to institute a comprehensive induction program for all Commissioners, aimed at deepening their understanding of institutional roles, responsibilities, and ethical obligations while fostering internal cohesion and teamwork.
102. He further committed to establishing robust and credible dispute resolution mechanisms, leveraging his extensive experience in conflict mediation and legal arbitration. He also emphasized the importance of engaging religious institutions as trusted partners in promoting social harmony and resolving electoral disputes through non-adversarial, community-driven approaches.

On his education funding and sponsorship

103. The nominee clarified that his educational journey has been shaped by merit, resilience, and diverse forms of institutional support. He was a beneficiary of the late Dr. Geoffrey Griffin's scholarship program for needy students at Starehe Boys' Centre. His undergraduate studies in law at the University of Nairobi were sponsored by the Government of Kenya, while his Master of Laws (LL.M) was fully self-funded. He further pursued a Master of Arts in Peace, Conflict and Development Studies with sponsorship from the Government of Valencia, and later obtained a Master of Science in Project Management through a scholarship awarded by the United Nations Development Programme (UNDP), under whose employment he served.

4.1.3 Nominee's Response to Allegations arising from Memoranda

104. The nominee responded to the Affidavits contesting his suitability vide an Affidavit sworn on 30th May, 2025 (*Annexure 10*) as follows:

- (a) On perceived bias in favour of the President and impartiality, the nominee noted that:
 - (i) the claim is baseless and unsupported by evidence and he has never held any political office; has never been a member of a political party; and has never engaged in partisan activities; and
 - (ii) his professional record as County Attorney for Turkana County and legal advisor at AUDA-NEPAD demonstrates impartial service.
- (b) On affiliation with Mr. Josphat Nanok, the nominee stated that:
 - (i) his relationship with Mr. Nanok was strictly professional and limited to his role as county attorney; and
 - (ii) he has no personal, familial or political ties with Mr. Nanok and that their professional engagement ended in 2022.
- (c) On lack of regional and ethnic balance in the appointments, the nominee stated that:
 - (i) Article 250(4) of the Constitution requires that IEBC, as a whole, reflect regional and ethnic diversity. His nomination, alongside other commissioners from diverse regions, contributes to the achievement of this balance; and
 - (ii) as a person from Turkana, he represents a historically marginalized region thereby his nomination enhances inclusivity.
- (d) On lack of transparency in the process by the Selection Panel, the nominee stated that:
 - (i) the Selection Panel complied with the IEBC Act by publishing vacancy notices on 1st February, 2025 and shortlisted candidates on 6th and 14th March 2025 in the *Gazette* and dailies; and
 - (ii) the process met the requirement of transparency since his interview was conducted publicly on 25th March 2025 and he submitted all required documents to confirm his eligibility.
- (e) On interference of the selection process by the Executive, the nominee deponed that:
 - (i) the allegation is speculative and not supported by evidence and that his nomination followed a competitive, independent process by the Selection Panel;
 - (ii) he applied and was shortlisted on merit and underwent an interview and the President's role was limited to forwarding his name to Parliament for approval; and
 - (iii) his professional history demonstrates his independence from political influence and that he will ensure to uphold the mandate of impartiality.

4.1.4 Observations on Memoranda submitted against the Nominee

105. The Committee noted that the nominee continued to serve as the County Attorney for Turkana County for a period of 2 years after the end of the term of Governor Josphat Nanok. Further, the Committee noted that paragraph 3 of the First Schedule to the IEBC Act provides for the selection procedure of the Chairperson and Members of the IEBC.
106. The Committee further noted that Article 54(2) provides for the progressive implementation of the principle that at least 5% of the members of the public in elective and appointive bodies are PWDs.
107. Additionally, with respect to access to the Report of the Selection Panel, the Committee noted that the deponents seeking access to the Report had elected to seek the intervention of the court in a case that is currently pending before the High Court.

4.1.5 Committee Observations on the Suitability of the Nominee

108. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F his *curriculum vitae*, memoranda from the public and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Chairperson of IEBC:
- (1) THAT the nominee holds a Bachelor of Laws Degree from the University of Nairobi thereby meets the requirements of section 6(2)(b) of the IEBC Act, Cap. 7C.
 - (2) THAT pursuant to Article 166(3) of the Constitution as read with Section 6(1) of the IEBC Act, Cap. 7C the nominee demonstrated expertise in law having at least fifteen years' experience as a legal practitioner in private practice and as a County Attorney and possessing further experience as an international human rights practitioner and peace and conflict resolution expert
 - (3) THAT the nominee demonstrated an aspiration for integrity in public service and thus meets the requirements of Chapter Six of the Constitution and section 6(2)(d) of the IEBC Act, Cap. 7C on leadership and integrity.
 - (4) THAT the nominee, having been cleared by DCI, EACC, HELB, KRA, ODPP and ORPP with regard to criminal records, ethics and integrity, higher education loan repayments, tax compliance, active criminal court proceedings and political party affiliations, has met the statutory requirements for appointment as the Chairperson of the IEBC.

4.2 Ms. Ann Njeri Nderitu – Nominee to the Office of Member of the IEBC

109. The nominee appeared before the Committee on 31st May 2025 and was vetted under oath to examine her suitability. The Committee noted the following:

4.2.1 Questions from General Questionnaire Citizenship, Date and Place of Birth

110. The nominee is a female Kenyan citizen of and does not hold any other citizenship. She was born on 12th August 1971 in Nyandarua County.

Academic and Professional Qualifications

111. The nominee is a career public administrator with twenty-three (23) years of experience of hands-on leadership and administration. She holds a Master's Degree in Linguistics from

the University of Nairobi and a Bachelor of Education (Arts) Degree from the Moi University. She has attended the Senior Management Course and the Strategic Leadership Development Programme at the KSG.

112. She has also attended several trainings in election management and administration in India, South Africa and South Korea amongst other trainings. Further, she has been an election observer in over 21 countries.

Employment Record and Work Experience

113. The nominee has worked in the following capacities:

- (a) August 2018 to date: Registrar of Political Parties and Chief Executive Officer (CEO);
- (b) 2016-August 2018: Head of Technical Electoral Training, IEBC;
- (c) 2014-2016: Director, Voter Education and Partnership, IEBC;
- (d) 2010-2015: Manager, Partnerships, IEBC;
- (e) 2009-2010: District Education Officer, Mbooni East;
- (f) 2005-January 2006: District Quality Assurance and Standards Officer (D.Q.A.S.O), Kiambu West;
- (g) 2001-2004: Area Education Officer (AEO)/Inspector of schools in charge of all schools in Limuru Division;
- (h) 2000-2001: Inspector of Schools in Lari Division in Charge of Secondary Schools;
- (i) 1997-1998: Inspector of Schools in the DEO'S Office;
- (j) 1997-1998: Graduate Teacher, Muthithi Secondary School; and
- (k) 1995-1996: In Service Teacher, Kabarak High School and Mosop Girls.

114. The nominee also undertook the following presentations, consultancies and part-time assignments:

- (a) 1st - 8th November 2024: USA Election Observation Mission, 2024; International Foundation for Electoral Systems (IFES), USA Election Programme;
- (b) 16th - 21st November 2024: Guest Speaker at the 10th International Day of Democracy Conference themed '2024: A year of Election' in Brussels, Belgium: Topic 'The Role of Youth in Democracy';
- (c) 10th - 23rd March 2024: Government of Kenya Delegate in the 68th Session of the Commission on the Status of Women, New York, USA;
- (d) July 2024: Facilitator for three virtual training for potential women aspirants registered under the Democracy Trust Fund - Echo Network Africa (ENA);
- (e) June 2024: Facilitator for "Running to Win: 2027 Agenda" Training - Echo Network Africa (ENA);
- (f) 6th - 17th March 2023: Government of Kenya Delegate in the 67th Session of the Commission on the Status of Women, New York, USA;
- (g) 13th April 2023: Speaker on 'Legal Framework on Inclusion of Special Interest Groups in Political Parties in Kenya', Oslo Center in conjunction with Danish Institute for Parties and Democracy in Brussels, Belgium;
- (h) 17th - 28th February 2023: Observation Delegate in Nigeria, International Election, National Democratic Institute (NDI);
- (i) 19th - 22nd November, 2022: Netherlands, Peer Review and Information Sharing Study, International Institute for Democracy and Electoral Assistance (International IDEA);

- (j) 27th April 2022: Presentation at ICS Conference, Mombasa on The Role of ORPP and Professionals in Promoting Credible Elections in a Transitional Turbulent Period;
 - (k) 2020 and 2021: Conference Paper at County Assembly Forums, Electoral Governance, Political Party Management and Inclusive Participation;
 - (l) Presentation of a Conference Paper at a Women Corporate Leaders organized by Kenya Institute of Management.: Political Savvy: Surviving through Corporate Politics as a Woman Leader;
 - (m) International Conference on Leadership, Governance and Integrity, Kuala Lumpur, Malaysia;
 - (n) Paper on The Dynamics of Electoral Results Management, Galilee Institute of Management, Israel;
 - (o) 2016: Paper on Gender and Elections; Increasing Women Participation in the Electoral Process; Mulanje, Malawi, 2016 Conference on Women Participation with 42 countries in attendance;
 - (p) Paper on: Structure and Role of Electoral Management Body in Electoral Dispute Resolution; Kenyan Experience; Seoul, South Korea with 27 Countries in attendance;
 - (q) 2014: Presented a paper on: Voter Education Strategies and Election Stakeholder engagement: Kenyan Experience; Egypt, Cairo 2014 Voter Education Conference with 38 Countries in attendance;
 - (r) 2012: Paper on Role of Political Parties in the Electoral Process, Pretoria, South Africa, Learning platform for Political Parties Liaison with Electoral Management Body with Political Parties from 4 Countries in attendance; and
 - (s) 2012: Paper on Value Based Electoral Stakeholders Engagement Programmes. New Delhi, India.
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115. The nominee has also been a Guest Speaker/Honor at:

- (a) 2023: Regional Conference: The place and effect of women in Election Management Bodies, Great Lakes Conference;
- (b) 2023: Election and Political Conflict Management; International IDEA Sierra Leone Conference; and
- (c) Election Conference: The Role of Political Parties in Peaceful 2022 Elections, Nairobi.

116. The nominee has also been part of the following taskforces and consultancies:

- (a) 2023: BRIDGE TtF Co-Facilitator at an International BRIDGE Trainer of Trainers which hosted electoral and governance practitioners from 9 Nationalities including Somaliland, Ethiopia, Cameroon, Serbia, Zimbabwe, Netherlands, Kenya, Malawi;
- (b) 2023: Consultancy on the development of training material and training of the Sierra Leone Political Parties Regulation Commission, Trained the Commission in March, 2023 on Political Parties Mediation, Negotiation and Conflict Management;
- (c) 2023: Support and Training and coaching of several African countries to strengthen or establish Regulatory Framework through study visit and exchange programmes. The countries that are in active engagement includes: Somaliland, Tanzania, Sierra Leone, Zimbabwe, Sudan, Nigeria among others;
- (d) 2022: FIDA Kenya, 2013-2017, Voter Education Sessions on the Inclusion of Women in the Electoral Process. Nairobi, Kenya;
- (e) 2018: Regular Consultant Trainer on Election Operational Planning and Monitoring, Election stakeholders and Gender Mainstreaming in elections at International Peace

- Support Training Centre, Nairobi. Facilitated about 15 courses where several African countries participate in each of the courses;
- (f) FIDA Kenya, 2013-2017, Voter Education Sessions on the Inclusion and positioning of Women in political parties. Nairobi, Kenya;
 - (g) Consultancy for Tanzania Electoral Commission; 2014 Preparation of Voter Education Materials and Guidelines for Accreditation of Voter Education Providers, supported by IFES;
 - (h) 2016: Consultancy with EISA in development of Observer Guidelines;
 - (i) 2016, 2017: Consultant for the Office of Registrar of Political Parties and UN-Women on Training Programme on Women in Party Leadership, Various Counties, Kenya;
 - (j) 2011-2012: Member Task force on Review of Political Parties Act; The review resulted on the repealed Political Parties Act;
 - (k) 2013-2015: Chairperson Taskforce on the Review of Elections Act and Election Regulation, 2011 in preparation of 2017 election. The review was enacted into law in 2016;
 - (l) 2018-2019: Chairperson of Taskforce on development and drafting of the Political Parties Act, Registration and Regulations, 2019, Political Parties Funding Regulations, 2019;
 - (m) 2020-2022: Chairperson of Taskforce on Review of Political Parties Act in preparation of 2022 General Election; this resulted into enactment of Political Parties (Amendment) Act, 2022. The amendments created significant change in Political Parties nominations and contributed greatly to peaceful General Elections
 - (n) 2022: Chairperson on development of Membership Regulations for Political Parties Act, The Regulations were published in 2022;
 - (o) 2023: Member of National Multi-agency Taskforce on the Implementation of 2/3 gender rule to address the implementation gaps since 2010 Constitution; and
 - (p) 2023: Spearheaded the Report writing on 2022 General Election on the Political Parties and Office of Registrar of Political Parties.

Honours and Awards

117. The nominee has received the following awards and recognitions:

- (a) Certificate of Excellence from the Turning Point International Women's Day Expo in 2025;
- (b) Diversity and Inclusion Awards & Recognition (DIAR) Award in 2025 for the following:
 - (i) ORPP Best Statutory Commission and Authority on Equitable Allocation of Opportunities and Resources;
 - (ii) ORPP Best Statutory Commission and Authority on Performance Management;
 - (iii) ORPP Best Statutory Commission and Authority on Governance, Transparency and Accountability; and
 - (iv) ORPP Best Statutory Commission and Authority on Ethnic Representation.
- (c) Winner of Utumishi Bora Award (UBA), Leadership Category in 2024;
- (d) Honorary Doctor of Corporate Governance from the Commonwealth University in 2023;
- (e) Diversity and Inclusion Awards & Recognition (DIAR) Award in 2020 to 2022 for the following:
 - (i) Best institution in diversity, inclusion and protection of human rights in 2022;
 - (ii) Best public institution in promotion of inclusion of women, youth and persons with disabilities in 2021; and

- (iii) ORPP as best public institution in inclusion, innovation and diversity.
- (f) Presidential National Awards in 2017, 2022 and 2023 for:
 - (i) Trailblazer Award;
 - (ii) Chief of the Burning Spear (CBS); and
 - (iii) Moran of the Order of the Burning Spear (MBS).
- (g) Financial Report Awards (FiRe) Awards from 2018 to 2022 on:
 - (i) 1st Runners-up of Best Managed Institution in Accounting and Financial Reporting in all Public Institutions, Financial Year 2021/2022;
 - (ii) Best Managed Public Institution in Accounting and Financial Reporting (Category of Independent Offices and Commissions) Financial Year 2020/2021; and
 - (iii) Best Managed Public Institution in Accounting and Financial Reporting (Category of Independent Offices and Commissions) Financial Year 2018/2019.
- (h) Leadership Awards in Education from 1998 to 2006.

Memberships and Professional Associations

118. The nominee indicated that she is a member of the Kenya Institute of Management and the Africa Association for Public Administrators.

Published Writings

119. The nominee indicated that she has the following publications:
- (a) Nderitu, A. (2007). The Master in Linguistics thesis entitled: 'A pragmatic analysis of lexical euphemism in HIV/AIDS discourse.' [Master's Thesis]. University of Nairobi, Nairobi: Kenya
 - (b) The IEBC Partnership Policy.
 - (c) The Guidebook for Election Observers
 - (d) BRIDGE position paper for Kenya.
 - (e) Various funding proposals including to IFES and UN Women.

Public Office, Political Activities and Affiliations

120. The nominee submitted that the positions she occupied under this were not elective. Further, that they were all on permanent and pensionable basis with the exception of the Registrar of Political Parties/CEO which was a six (6) year contract. The positions include:
- (a) Registrar of Political Parties/CEO;
 - (b) Head of Electoral Training, IEBC;
 - (c) Manager, Partnerships, IEBC;
 - (d) Director Voter Education and Partnerships;
 - (e) District Education Officer (DEO), Ministry of Education;
 - (f) District Quality Assurance and Standard Officer (DQASO), Ministry of Education;
 - (g) Area Education Officer (AEO), Ministry of Education;
 - (h) Division Inspector of Schools for Sec Schools, Ministry of Education;
 - (i) Zonal Inspector of Schools (ZIS), Ministry of Education; and
 - (j) Graduate Teacher, Teachers Service Commission.

Integrity

121. The nominee submitted that she has neither been charged in a court of law nor adversely mentioned in any investigatory report produced by Parliament or a Commission of Inquiry within the past three years. In addition, the nominee stated that she has never been dismissed or removed from office for violating the provisions outlined in Article 75 of the Constitution.

Income and Net Worth

122. The nominee estimated her net worth is Kshs.138.3 million comprising real estate assets, vehicles, dairy farming investments and stocks. She indicated her current sources of income to include salary from employment, dividends from stocks, Sacco shares, fixed deposits/unit trusts, consultancy services, farm income, and proceeds from family business.

Potential Conflict of Interest

123. The nominee declared that she is currently not associated with any persons or matters that would present a potential conflict of interest should she assume the position of Member of the IEBC. If a conflict of interest were to arise, she stated that she would resolve it according to Article 75 of the Constitution.

Pro-bono/Charity Work

124. The nominee is involved in the following:
- (a) Central Region Chairperson of Christian Women Service (CWS);
 - (b) Executive of Tenda Wema Foundation charity organization that supports education for vulnerable children in Kiambu County;
 - (c) Patron of Bible Club in Kiambu County, a club that operates in all the Public Primary and Secondary schools in Kiambu;
 - (d) Member of Prime Age Women Investment groups, a women's group that helps women to consolidate their savings to investment;
 - (e) Member of GETON Ministries a Christian Evangelistic team that focuses on Universities and Colleges in Kenya and the Region;
 - (f) Women of Purpose (WOP) - A charity organization that help and support women and children in family and marital distress;
 - (g) Member of Kenya Students Christian Fellowship an associates' group that support evangelistic missions in secondary schools;
 - (h) Participation in Mater Heart Runs;
 - (i) Participation in National Bank Walk in support of Chesire Home for the disabled;
 - (j) Currently supporting 4 needy students to continue with school;
 - (k) Donations to children Kenya Kids Children Homes;
 - (l) Quarterly visits to the sick in hospitals through church organized programme;
 - (m) Voluntary Support to needy families;
 - (n) Contribution to CSR programme of ORPP;
 - (o) Donations to the resident association. Community in support of identified projects that target the less fortunate;
 - (p) National Tree Growing day Programme Support;
 - (q) Voluntary mentorship programme of identified groups of university students from University of Nairobi, Strathmore University and Kenyatta University and others; and
 - (r) Parenting Counselling Programme under Compassion International.

4.2.2 General and Sector Specific Questions for the Nominee

125. The Committee posed several questions to the nominee on her suitability for appointment as Member of the IEBC. The nominee responded as follows:

On her suitability

126. The nominee drew the attention of the Committee to a Ruling of the Speaker of the National Assembly made on 4th December 2014 where the Speaker guided that the seat for a Member of Parliament does not fall vacant on account of nomination for appointment as a Cabinet Secretary. According to the Speaker, a State officer is only required to vacate office by tendering resignation just before assuming the office the officer is nominated to.
127. She noted that she is fully versed in the legal provisions governing her nomination and that having not been formally appointed to the Commission, her nomination was fully compliant with the law.
128. She described herself as a strategic executor with strong negotiation and mentoring skills. She underscored that her calm and composed demeanour would be instrumental in managing electoral tensions and fostering trust during moments of uncertainty in the Commission, if appointed.

On ensuring harmony in the Commission

129. The nominee stressed the importance of fostering unity within the Commission through teambuilding efforts. She pledged to be a team player, working harmoniously under the leadership of the Chairperson to promote cohesion and prevent divisions within the Commission.

On her perceived fast career progression

130. The nominee affirmed that she applied for the role and went through the full selection process, highlighting that her nomination was not the result of undue influence. She attributed her career progression to her own hard work and personal philosophy of excellence, as well as her religious belief, which she credited for motivating her commitment to integrity and service.

On her prolonged stint in political and electoral governance

131. The nominee asserted that her extensive civil service experience within the political and electoral governance sector should not be viewed negatively or bar her appointment to the Commission. She maintained that her deep institutional knowledge, professional insight, and transferable skills would add value to the Commission, enabling her to strengthen the IEBC's capacity and effectiveness.

On the independence of ORPP

132. The nominee emphasized that the registration of political parties in Kenya is a transparent, law-driven process overseen by the Office of the Registrar of Political Parties (ORPP). She affirmed that the ORPP registers all parties that meet the legal threshold, underscoring Kenya's commitment to multiparty democracy.
133. Further, she asserted that the Office has consistently operated with integrity and accountability, with any grievances handled strictly within the bounds of the law.

On the establishment of an electoral training school within the IEBC

134. The nominee underscored the critical need for establishing a dedicated electoral school to institutionalize training and professional development within the IEBC. She noted that she participated in developing a concept paper for this initiative during her tenure as an electoral training manager. Additionally, she submitted played a key role in designing an online training examination for electoral staff.

On neutrality of IEBC staff

135. The nominee praised the IEBC staff for their professionalism, noting that they are continuously trained and possess some of the best skills on electoral matters in the region. She however noted that most of the staff need to be motivated, mentored and protected to effectively discharge their roles. She stressed that issues which arise from the electoral process should be addressed to the Commission rather than unfairly targeting staff.

On the “Running to Win 2027 Agenda” Training outlined in her CV

136. The nominee explained that the initiative was a targeted civic education program aimed at fostering greater electoral participation among youth, women, and persons with disabilities (PWDs). She outlined that the program specifically engages university students, women who previously contested but did not win elective seats, and PWDs by empowering them with the knowledge, skills, and confidence to actively participate and compete in future electoral processes.

On potential bias toward stakeholders in the electoral process

137. The nominee emphasized the vital importance of inclusive stakeholder engagement in the electoral process, underscoring the need to provide timely, accurate information to all actors. She affirmed that every stakeholder must be given a meaningful platform to voice their perspectives, and that the Commission has a duty to actively listen and respond. In her view, genuine transparency and inclusive decision-making are foundational to building public trust and safeguarding the credibility of elections.

4.2.3 Nominee’s Response to Allegations arising from Memoranda

138. In response to the allegation that her nomination was in violation of Article 88(2)(b) of the Constitution, she noted that a State officer is only required to vacate office by tendering resignation upon appointment to the office. She averred that she is fully versed in the legal provisions governing her nomination and that having not been formally appointed to the Commission, her nomination was fully compliant with the law.

4.2.4 Observations on Memoranda submitted against the Nominee

139. The Committee noted that the nominee is yet to be appointed to the Commission. Her appointment is subject to approval by the National Assembly and resignation before assuming office in accordance with Article 88(2)(b) of the Constitution.
140. The Committee further noted that Article 54(2) provides for the progressive implementation of the principle that at least 5% of the members of the public in elective and appointive bodies are PWDs.
141. Additionally, with respect to access to the Report of the Selection Panel, the Committee noted that the deponents seeking access to the Report had elected to seek the intervention of the court in a case that is currently pending before the High Court.

4.2.5 Committee Observations on the Suitability of the Nominee

142. The Committee having considered the nominee’s filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, Cap 7F her curriculum vitae, memoranda from the public and having heard her oral submission during the

approval hearing, made the following observations on her suitability for appointment as Member of the IEBC:

- (1) THAT the nominee holds a Bachelor of Education (Arts) Degree from Moi University thereby meets the requirements of section 6(2)(b) of the IEBC Act, Cap. 7C.
- (2) THAT pursuant to section 6(2)(c) of the IEBC Act, Cap. 7C the nominee demonstrated expertise in public administration and electoral matters having served as Registrar of Political Parties, Head of Technical Electoral Training, IEBC; Director, Voter Education and Partnership, IEBC; Manager, Partnerships, IEBC; District Education Officer, District Quality Assurance and Standards Officer and Area Education Officer/Inspector of schools.
- (3) THAT the nominee demonstrated a history of integrity in public service and thus meets the requirements of Chapter Six of the Constitution and section 6(2)(d) of the IEBC Act, Cap. 7C on leadership and integrity.
- (4) THAT the nominee, having been cleared by DCI, EACC, HELB, KRA, ODPP and ORPP with regard to criminal records, ethics and integrity, higher education loan repayments, tax compliance, active criminal court proceedings and political party affiliations, has met the statutory requirements for appointment as the Member of the IEBC.

4.3 Mr. Moses Alutalala Mukhwana – Nominee to the Office of Member of the IEBC

143. The nominee appeared before the Committee on 31st May 2025 and was vetted under oath to examine his suitability or otherwise. The Committee noted the following:

4.3.1 Questions from General Questionnaire Citizenship, Date and Place of Birth

144. The nominee is a male Kenyan citizen and does not hold any other citizenship. He was born on 10th May 1957 in Kakamega County.

Academic and Professional Qualifications

145. The nominee holds the following:

- (a) 2011-2015: SMA Swiss Management Academy – Switzerland: Doctorate in Global Management;
- (b) 2012-2013: Kenya School of Law, Post Graduate Diploma in Law;
- (c) 2009-2010: SMA Swiss Management Academy, Switzerland: Masters in Business Administration (Global Management);
- (d) 1998-2003: University of Nairobi, Bachelor of Laws;
- (e) 1989-1990: Kagumo Teachers Training College: Diploma in Education;
- (f) 1985-1986: Muguga High School: Kenya Advanced Certificate of Education “A” Level; and
- (g) 1981-1984: R.G.S Secondary School: Kenya Certificate of Secondary Education “O” Level.

Employment Record and Work Experience

146. The nominee has worked in the following capacities:

- (a) 2014 to date: Lead Attorney and Managing Partner, Alutalala Mukhwana & Company Advocates;
- (b) 2014-2016: Litigation Associate, PL Mutuli & Associate Advocates;

- (c) 2007-2013: Principal and Lecturer of International Business Law, SMA Swiss Management Academy, Kenya Campus;
 - (d) 2002-2007: Co-Founder and CEO/Principal West Park Academy, a British Curriculum School;
 - (e) 1993-2002: Teacher and Head of Department, Oshwal High School; and
 - (f) 1991-1992: Teacher of History, Kiswahili and Sports, Mokomoni SDA Mixed Secondary School.
147. The nominee has also undertaken the following consultancies and part-time assignments:
- (a) October 2024 to date: Member of University Council and Chairperson of the Audit, Risk and Governance Committee of the South Eastern Kenya University (SEKU-Kitui);
 - (b) July 2024 to date: Member of the Presidential Taskforce for Addressing Human Resources for Health (PTF for HRH);
 - (c) Co-founder and Vice Chair, Western Jurists Forum;
 - (d) Co-founder and Vice Chair, Western Jurists SACCO; and
 - (e) Contributor on Politics and Governance at the: British Broadcasting Corporation (BBC); Deutsche Welle Germany (DW); Voice of America (VOA); Citizen TV, KTN TV; NTV; KBC Radio Ingo; and Radio Citizen and Muleembe FM.

Public Office, Political Activities and Affiliations

148. The nominee has held the following public offices:
- (a) Member of the University Council of South Eastern Kenya University (SEKU) appointed on a three (3) year Contract; and
 - (b) Member of the Presidential Taskforce on Addressing Human Resources for Health (PTF for HRH) appointed for six months renewed for a further one month.
149. The nominee has had the following political engagement:
- (a) Legal consultant/advisor for the Amani National Congress Party (ANC); and
 - (b) Currently a member of the UDA Party.

Memberships and Professional Associations

150. The nominee is a member of three professional associations: American Society of Neuro-Linguistic Programming (Dr. Richard Bandler); Law Society of Kenya; and Western Jurists Forum.

Income and Net Worth

151. The nominee estimated his net worth to be Ksh. 55,230,000 comprising two family ranch lands in Mwingi, family commercial plots in Kitui, Ngong and Kakamega, family developed residential land in Kakamega and a family motor vehicle. He indicated his current sources of income to include professional fees, sitting allowance, family rental income and farming income.

Potential Conflicts of Interest

152. The nominee declared that he is currently not associated with any persons or matters that would present a potential conflict of interest should he assume the position of the Chairperson of the IEBC. If a conflict of interest were to arise, he stated that he would resolve it according to the provisions of the law.

Integrity

153. The nominee demonstrated integrity that he has not been charged in a court of law or mentioned in any investigatory reports of Parliament or any Commission of Inquiry in the last three (3) years. Further, he has never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

Pro-bono/Charity Work

154. The nominee is involved in charity work through pro bono legal consultancy and civic education to the public through local and international TV and radio stations on the topics of elections, governance and politics. The nominee also submitted that he is the Co-Founder of the Western Jurists Forum (WJF) which conducts philanthropic and charity work in the five counties of the former Western Province.
155. The nominee submitted that through WJF's he has participated in offering scholarships to bright and needy students, construction of sanitation block in Busende Primary School in Busia, book donation to Chetoto Primary in Trans Nzoia, Mahiakalo Primary in Kakamega and Township Primary in Busia, and finally improving citizens civic and legal awareness through the WJF's program of *Wakili Nyumbani*.

4.3.2 General and Sector Specific Questions for the Nominee

156. The Committee posed several questions to the nominee on his suitability for appointment as Member of the IEBC. The nominee responded as follows:

On his experience in electoral governance

157. The nominee emphasized his strong track record as an accomplished educator which would be invaluable to the IEBC through civic education and fostering a culture of informed voting. He underscored the urgent need to engage and mobilize the youth through targeted voter registration campaigns.
158. Additionally, he committed to revitalizing the Commission's public image by implementing effective communication and marketing strategies, addressing critical gaps identified in IEBC Post Election Evaluation Reports. His focus, he noted, would be on making the IEBC more accessible, transparent, and trusted by all Kenyans.

On impartiality

159. The nominee clarified that his engagement with the defunct ANC Party was purely in a professional and consultancy capacity. He stated that he was never part of the party's governing organ, and therefore held no decision-making role that would compromise his neutrality. He affirmed that he would not be in a position of conflict of interest and would adhere to the law. He further stated that he had been a part of the winding up process of the ANC Party in his capacity as the consultant of the party.
160. In addition, the nominee stated that his appointment to the Presidential Taskforce on Human Resources for Health was based solely on his professional qualifications and not due to any political allegiance or expectation to act outside the bounds of the law. He added that professional referrals are a common and legitimate practice. He further informed the Committee that the taskforce is currently defunct following a court injunction.

161. Emphasizing his commitment to integrity, the nominee stated that all IEBC decisions are made collegially, and in the event of any future conflict of interest, he would promptly declare it and recuse himself from the decision-making process to uphold transparency and ethical standards.

On membership to the UDA Party

162. The nominee submitted that he is a member of the UDA Party which is a right guaranteed under Article 38 of the Constitution. He assured the Committee that, if appointed, he would uphold the law and discharge his duties with professionalism and integrity, as demonstrated in his previous roles.

On public trust in the IEBC

163. The nominee submitted that the trust deficit in Kenya's electoral process stems not from the IEBC, but from a political culture shaped by ethnic majoritarianism where minority communities feel excluded from governance. He described this as a systemic issue requiring a national reconfiguration of the political ecosystem. As a solution, he proposed adopting a political party list system, where citizens vote for parties and government positions are allocated proportionally. In his view, this would enhance inclusion of women, youth, and persons with disabilities. He further urged Parliament to lead this national conversation, with the IEBC playing an advisory role by recommending reforms.

On boundary delimitation

164. The nominee noted that the matter is currently active in court and emphasized the need for its swift resolution to prevent a potential constitutional crisis. He further pointed out that the law requires boundary delimitation to be completed at least twelve months before a general election.

On alleged corruption and unethical conduct in IEBC

165. The nominee emphasized that it is unjust to condemn anyone without according them a fair hearing, as guaranteed under Article 50 of the Constitution. He noted that perceptions and gossip are part of human nature but stressed that any wrongdoing must be addressed through established legal frameworks.
166. He committed to fostering accountability by promoting consultation with accounting officer in cases of concern. The nominee further observed that corruption is a systemic issue embedded in society, requiring broader legal reforms and a national conversation to address its root causes.

On harmony in the Commission

167. The nominee emphasized the value of individual divergent views in enriching institutional decision-making. He argued that having lawyers within the IEBC is advantageous, given the legal complexity of electoral matters. Citing past challenges faced by a Commission with fewer lawyers, he noted that legal expertise enhances institutional strength.

On his suitability

168. The nominee submitted that he was admitted to the Bar in 2014, thereby meeting the required minimum of ten years' experience to qualify for appointment as a Member of the IEBC.

4.3.3 Nominee's Response to Allegations arising from Memoranda

169. The nominee responded to the Affidavits contesting his suitability vide an Affidavit sworn on 30th May, 2025 (Annexure 10) as follows:

- (a) On the allegation that the selection and nomination process was in violation of the Constitution and other laws, the nominee stated that:
 - (i) his application pursuant to an advert by the Selection Panel was done in compliance with the law and it followed due process;
 - (ii) he was shortlisted and interviewed on 15th April 2025 at the College of Insurance and he demonstrably and evidently performed to the satisfaction of the Selection Panel; and
 - (iii) the members of the public were equally invited to avail any information with respect to the suitability of any shortlisted applicants.
- (b) On the allegation that he scored low marks in the interview, the nominee stated that the claim was unfounded and without merit since it was not supported by any evidence contrary to section 107 and 109 of the Evidence Act, Cap. 80.
- (c) On the claim that the nominations fail to meet the requirement of ethnic and regional balance, the nominee stated that:
 - (i) all seven nominees hail from seven different and dissimilar ethnic extractions spread across the Republic of Kenya; and
 - (ii) the law limits the composition of IEBC to seven members making it impossible and impractical to accommodate all 42 ethnic communities in the Commission.
- (d) On the nomination lacking representation of PWDs, the nominee stated that:
 - (i) the constitutional requirement for consideration for appointment of persons with disabilities comes with an overriding expectation that a suitable person, including PWDs, shall possess the requisite qualifications for appointment; and
 - (ii) no evidence has been tendered to prove that any PWD met the criteria but was discriminated against.
- (e) On failure by the President to consult before nominating persons to IEBC, the nominee stated that the law places an obligation to the President solely to nominate persons from the names forwarded by the Selection Panel.

4.3.4 Observations on Memoranda submitted against the Nominee

170. The Committee noted that paragraph 3 of the First Schedule to the IEBC Act, Cap. 7C provides for the selection procedure of a Member of the IEBC.

171. The Committee further noted that Article 54(2) provides for the progressive implementation of the principle that at least 5% of the members of the public in elective and appointive bodies are PWDs.

172. Additionally, with respect to access to the Report of the Selection Panel, the Committee noted that the deponents seeking access to the Report had elected to seek the intervention of the court in a case that is currently pending before the High Court.

4.3.5 Committee Observations on the Suitability of the Nominee

173. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, Cap 7F his curriculum vitae, memoranda from the public and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Member of the IEBC:

- (1) THAT the nominee holds a Bachelor of Laws Degree from the University of Nairobi thereby meets the requirements of section 6(2)(b) of the IEBC Act, Cap. 7C.
- (2) THAT pursuant to Section 6(2)(c) of the IEBC Act, Cap. 7C the nominee demonstrated expertise in law having demonstrated continuous practice of law for ten years since his admission on 4th December 2014. The nominee explained the apparent inconsistencies in the certificates and *curricula vitae* submitted.
- (3) THAT the nominee demonstrated an aspiration for integrity in public service and thus meets the requirements of Chapter Six of the Constitution and section 6(2)(d) of the IEBC Act, Cap 7C on leadership and integrity.
- (4) THAT the nominee, having provided a clearance certificate from the DCI relating to criminal records and been cleared by EACC, HELB, KRA, ODPP and ORPP with regard to ethics and integrity, higher education loan repayments, tax compliance, active criminal court proceedings and political party affiliations, has met the statutory requirements for appointment as the Member of the IEBC.

4.4 Ms. Mary Karen Sorobit – Nominee to the Office of Member of the IEBC

174. The nominee appeared before the Committee on 31st May 2025 and was vetted under oath to examine her suitability. The Committee noted the following:

4.4.1 Questions from General Questionnaire Citizenship, Date and Place of Birth

175. The nominee is a female Kenyan citizen and does not hold any other citizenship. She was born on 14th February 1969, Uasin Gishu County.

Academic and Professional Qualifications

176. The nominee has the following academic and professional qualifications:

- (a) 2024: Certified Public Secretary of Kenya;
- (b) 2005: Notary Public;
- (c) 18th Nov 1999: Commissioner of Oaths;
- (d) 11th January 1996: Advocate of the High Court of Kenya;
- (e) 1994-1996: Post-graduate Diploma in Law, Kenya School of Law;
- (f) 1990-1993: Bachelor of Laws LL.B (Hons), University of Nairobi;
- (g) 1988-1989: Simotwo High School, Kenya Advanced Certificate of Education; and
- (h) 1983-1987: Kituro Secondary School, Kenya Certificate of Secondary Education.

177. The nominee has undertaken the following training, seminars and workshops;

- (a) November 2019: Procurement Audit, Public Law Institute, Georgetown University, Washington USA;
- (b) June 2019: PPP Structuring Legal Agreements and Concession Contracts, Institute of Public Private Partnership, Washington USA;
- (c) February 2017: Strategic Leadership and Organisational Transformation Programme, London, United Kingdom;
- (d) January 2017: Board Development Programme, Strathmore Business School;
- (e) November 2016: Mwongozo Induction Programme for Boards of State Corporates, State Corporation Advisory Committee;
- (f) April 2016: Enhancing Audit Committee Effectiveness-Intra Africa Group-Dubai, UAE;
- (g) May 2015: Best Practices for Finance, Administration and Budget Committee, KCA University;
- (h) June - July 2014: Senior Executive Programme, University of Birmingham, UK; and
- (i) June - July 1998: International High Rights Procedures at the Africa Centre for Democracy and Human Rights Studies, Banjul, the Gambia.

Employment Record and Work Experience

178. The nominee has worked in the following capacities:

- (a) July 2023 to date: Conveyancing Law Practitioner at Robson Harris and Company Advocates;
- (b) January 2017 - October 2021: Deputy Executive Director and Director of Legal and Regulatory Affairs at Jubilee Party of Kenya;
- (c) January 2012 - December 2016: Assisting Counsel at Judges and Magistrates Vetting Board;
- (d) 2006 - 2011: Deputy Secretary/ CEO (Compliance and Ethics) and Secretary to the Advocates Disciplinary Committee of the Law Society of Kenya;
- (e) January 2004 - May 2006: Litigation and Conveyancing law practice at Robson Harris & Company Advocates;
- (f) August 1998 - December 2003: Corporation Secretary and Legal Officer at the Kenya Ordnance Factories Corporation; and
- (g) 1996 - July 1998: Litigation and Conveyancing law practice at Kibet & Company Advocates.

Public office, Political Activities and Affiliations

179. The nominee has held the following public offices:

- (a) November 2021 to December 2022: Director, Consolidated Bank of Kenya;
- (b) Director Kenya Highways Authority-Director representing LSK and Chair;
- (c) March 2014 to March 2021: Audit, Risk and Governance Committee;
- (d) Member, IEBC Selection Panel of October 2016- January 2017; and
- (e) October 2008 to June 2009: Member, National Task Force on Heroes and Heroines.

180. The nominee has had the following political engagements:

- (a) February 2017 - October 2021: Deputy Executive Director and Head of Legal and Regulatory affairs Jubilee Party of Kenya; and
- (b) Member, UDA Party.

Memberships and Professional Associations

181. The nominee indicated that she is a member of the following professional associations and bodies:

- (a) Law Society of Kenya (PI05/3006/96);
- (b) Institute of Certified Public Secretaries of Kenya (R/CPS/I346);
- (c) East Africa Law Society;
- (d) Commonwealth Lawyers Association;
- (e) International Road Federation; and
- (f) Board of Management Member, St. George's Girls' Secondary School, Eldoret.

Honours and Awards

182. The nominee was awarded the following awards:

- (a) Dedicated Servant Leadership Award, Kenya National Highways Authority; and
- (b) Certificate of Achievement, Institute of Public-Private Partnership.

Income and Net Worth

183. The nominee estimated her family financial net worth as at 16th May 2025 to be Ksh. 80,000,000 comprising houses, land, motor vehicles and livestock. She indicated her source of income includes associate allowances and farming income.

Integrity

184. The nominee demonstrated integrity that she has not been charged in a court of law or mentioned in any investigatory reports of Parliament or any Commission of Inquiry in the last three (3) years. Further, she has never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

Potential Conflict of Interest

185. The nominee declared that she is currently not associated with any persons or matters that would present a potential conflict of interest should she assume the position of the Chairperson of the IEBC. If a conflict of interest were to arise, she stated that he would resolve it according to the provisions of the law.

Pro-bono/Charity Work

186. The nominee is involved in charity work through annual financial contributions to the welfare kitty of AIC Chepkatet in Uasin Gishu and AIC Milimani to cater for the needs of widows and orphans and annual school fee sponsorship to needy students at St. Georges Secondary School, Uasin Gishu.

4.4.2 General and Sector Specific Questions for the Nominee

187. The Committee posed several questions to the nominee on her suitability for appointment as Member of the IEBC. The nominee responded as follows:

On her suitability

188. The nominee clarified that she was not a member of the Jubilee Party's governing organ as evidenced by the official list filed with the Registrar of Political Parties at the time of the party's registration. She explained that, according to the party's constitution, only the Executive Director is a member of the governing body. She served as Deputy Executive Director and Director of Legal and Regulatory Affairs, roles which are strictly within the Secretariat.

189. She added that upon learning of the allegations, she took the initiative to conduct an official search with the Office of the Registrar of Political Parties (ORPP), which unequivocally cleared her. As further affirmed in her replying affidavit and the ORPP's response, both the original and amended Gazette Notices made no mention of her name, confirming that she served solely in a technical, non-governing capacity within the party.

190. The nominee emphasized the importance of conducting a comprehensive audit of the previous election to identify shortcomings and implement corrective measures. She pledged to serve as a neutral and impartial umpire if appointed to the IEBC and committed to upholding the integrity of the electoral process. She further affirmed her dedication to ensuring continuous voter registration and widespread civic education, recognizing them as foundational pillars for credible, participatory, and transparent elections.

On perceived bias

191. The nominee affirmed that throughout her professional career she has consistently upheld impartiality and integrity in all her assignments. She assured the Committee that, if appointed, she would remain steadfast and unbiased, guided solely by her duty to the Republic of Kenya and fully accountable for her actions under the law.

192. In response to concerns about her partiality to the Jubilee Party she stated that she has not been a member of the Jubilee Party since 2021 and that she is now a member of the UDA Party. She emphasized that her affiliation with political parties will not influence her judgment, and reaffirmed her commitment to upholding neutrality, fairness, and the constitutional mandate of the Commission.

On challenges facing the electoral system

193. The nominee highlighted her extensive experience in electoral matters including conducting party primaries and resolution of electoral disputes. She noted that one of Kenya's greatest electoral challenges is perception, where politicians often refuse to accept defeat and, in some cases, shift allegiance to other parties after losing primaries.

194. She asserted that allegations that elections have been stolen should be backed by evidence and that the courts should be relied upon to nullify irregular outcomes where malpractice and irregularities are proven.

195. The nominee also submitted that with robust civic education, vigilant citizen participation, and the active presence of candidates' agents at polling stations, it would not be possible to steal elections.

On association with the 2017 nullified presidential elections

196. The nominee clarified that the Supreme Court's decision pointed most irregularities to the Independent Electoral and Boundaries Commission (IEBC) and not the Jubilee Party. She emphasized that her role was strictly within the party framework and that no findings of wrongdoing were made against her or the party.

On the delimitation of boundaries

197. The nominee noted that the boundary delimitation exercise is already behind schedule, having been constitutionally due by 24th March 2024. She submitted that, to ensure that

the exercise is conducted, Article 89 of the Constitution should be amended to extend the timeframe for undertaking boundary review allowing for thorough public participation, technical accuracy, and institutional preparedness.

On youth and PwD inclusion in electoral matters

198. The nominee submitted that trust is built over time and that she will include the youth in decision making through a structured way of engagement.
199. The nominee committed to actively engaging PWDs as key stakeholders through the establishment of a dedicated caucus within the electoral framework. On the matter of affirmative action, she proposed that PWDs be allocated dedicated seats akin to the model of County Women Representatives allowing them to compete among themselves and enhance their representation in elective leadership.

4.4.3 Nominee's Response to Allegations arising from Memoranda

200. The nominee responded to the Affidavits contesting her suitability vide an Affidavit sworn on 30th May, 2025 (Annexure 10) as follows:

- (a) On ineligibility for appointment pursuant to Article 88(2)(a)(ii) of the Constitution, the nominee stated that:
 - (i) she has never served as the Executive Director or a member of Jubilee Party's governing body within the preceding five years but was a member of the Jubilee Party secretariat; and
 - (ii) there is a distinction between a political party's governing body and the secretariat/staff.
- (b) On the allegation that the selection and nomination process was in violation of the Constitution, the nominee stated that:
 - (i) no real and tangible evidence was provided; and
 - (ii) the selection and nomination process were open, transparent and merit-based as required by Article 10, 73(2)(a), 88, 232 and 250 of the Constitution.

4.4.4 Observations on Memoranda submitted against the Nominee

201. The Committee observed that Section (2) of the Political Parties Act, Cap. 7D defines 'governing body' as the Committee responsible for administering the affairs of a political party. Further, paragraph 7 of the First Schedule to the Political Parties Act provides for the eligibility criteria for election to the governing body.
202. The Committee noted that the nominee demonstrated by affidavit and extracts of records from the ORPP that her name does not appear in the governing body of the Jubilee Party. Additionally, the Committee noted that membership to a political party is not a bar to nomination for appointment to public office.
203. The Committee observed that the Gazette Notices did not mention the name of the nominee as a member of the governing body of Jubilee Party.

204. The Committee further noted that Article 54(2) provides for the progressive implementation of the principle that at least 5% of the members of the public in elective and appointive bodies are PWDs.

205. Additionally, with respect to access to the Report of the Selection Panel, the Committee noted that the deponents seeking access to the Report had elected to seek the intervention of the court in a case that is currently pending before the High Court.

4.4.5 Committee Observations on the Suitability of the Nominee

206. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, Cap 7F her curriculum vitae, memoranda from the public and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Member of the IEBC:

- (1) THAT the nominee holds a Bachelor of Laws Degree from the University of Nairobi thereby meets the requirements of section 6(2)(b) of the IEBC Act, Cap. 7C.
- (2) THAT pursuant to Section 6(2)(c) of the IEBC Act, Cap. 7C the nominee demonstrated expertise in law having served as an Advocate of the High Court for 29 years.
- (3) THAT pursuant to Section 6(2)(c) of the IEBC Act, Cap. 7C the nominee demonstrated expertise in public administration having served as a Director Consolidated Bank of Kenya, Director Kenya Highways Authority, Member to the 2016 IEBC Selection panel and Member to the National Task Force on Heroes and Heroines.
- (4) THAT the nominee demonstrated a history of integrity in public service and thus meets the requirements of Chapter Six of the Constitution and section 6(2)(d) of the IEBC Act, Cap. 7C on leadership and integrity.
- (5) THAT the nominee, having provided a clearance certificate from the DCI relating to criminal records and been cleared by EACC, HELB, KRA, ODPP and ORPP with regard to ethics and integrity, higher education loan repayments, tax compliance, active criminal court proceedings and political party affiliations, has met the statutory requirements for appointment as the Member of the IEBC.

4.5 Mr. Hassan Noor Hassan – Nominee to the Office of Member of the IEBC

207. The nominee appeared before the Committee on 31st May 2025 and was vetted under oath to examine his suitability. The Committee noted the following:

4.5.1 Questions from General Questionnaire Citizenship, Date and Place of Birth

208. The nominee is a male Kenyan citizen and does not hold any other citizenship. He was born on 1st January 1958 in Mandera County.

Academic and Professional Qualifications

209. The nominee holds a Master of Arts in International Studies and Diplomacy from the Washington International University (2011), a Bachelor of Arts in Sociology and Political Science from the University of Nairobi (1980) and East African Advanced Certificate of Education (1979).

Employment Record, Professional Experience and Public Office

210. The nominee has worked in the following capacities:

- (a) January 2020 to January 2022: Chief Administrative Secretary in the Ministry of Education, in the State Department for Vocational and Technical Training;
- (b) 2018 to 2020: Chief Administrative Secretary in the Ministry of Sports, Culture and Heritage, in the State Department for Culture and Heritage;
- (c) Director of Administration in the Ministry of Devolution and Planning;
- (d) Chief Coordinator and Head of Secretariat at the Kenya Water Towers;
- (e) Director of Administration in the Ministry of Local Government; and
- (f) 1985-2009: District Officer, District Commissioner, Provincial Commissioner in all provinces of Kenya.

Memberships & Professional Associations

211. The nominee stated that he is a member of the Institute of Civil Defense and Disaster Studies, United Kingdom. He also submitted a Certification in Advanced Project Management course at the Kenya Institute of Administration (KIA).

Honours and Awards

212. The nominee received the following honours and awards:

- (a) Elder of the Moran of the Burning Spear, EBS; and
- (b) Awarded as the best Public Officer by the Kenya Human Rights Commission in February 2007.

Potential Conflict of Interest

213. The nominee declared that he is currently not associated with any persons or matters that would present a potential conflict of interest should he assume the position of Member of the IEBC. If a conflict of interest were to arise, he stated that he would resolve it according to Article 75 of the Constitution.

Income and Net Worth

214. The nominee estimated his net worth to be Ksh. 502,000,000 comprising movable property, motor vehicles and livestock. He added that his current sources of income are rentals and pension.

Integrity

215. The nominee has been charged in a court of law for allegations of procurement irregularities at the National Youth Service but was later acquitted of the charges.

216. The nominee was mentioned in an investigatory report of the EACC on Inquiry into the allegations of procurement irregularities at the National Youth Service, however, he is currently not under any investigation after his acquittal. Further, he stated that he has never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

4.5.2 General and Sector Specific Questions for the Nominee

217. The Committee posed several questions to the nominee on his suitability for appointment as Member of the IEBC. The nominee responded as follows:

On his suitability

218. The nominee highlighted his extensive service as a public officer across nearly all regions of Kenya, bringing with him a deep understanding of the country's diverse geographical, social, and political landscape. He noted that, during his tenure as a national government administrator, he provided critical backroom support during electoral processes.
219. Furthermore, drawing from his background as a provincial administrator, he stated that his grounding in conflict management and dispute resolution would foster cohesion and address electoral disputes within the Commission.

On elections during his tenure in the provincial administration

220. The nominee clarified that while the provincial administration did not directly conduct elections, it often played a facilitative role. He emphasized his personal integrity and professionalism throughout his public service career. Notably, he was recognized as the Best Public Servant of the Year in 2007. He further stated that he initiated 'Operation Rudi Nyumbani' to ensure resettlement of those displaced after the 2007/2008 post-election violence.

On eligibility for appointment as a Member of the IEBC

221. The nominee affirmed that he has never served as a member of the governing body of any political party. Despite previously contesting in gubernatorial elections, he emphasized that this does not disqualify him from appointment under Article 88(2)(a) of the Constitution. He underscored his respect for constitutional boundaries and affirmed his readiness to serve with impartiality and integrity.

On affiliation with the Leader of the Minority Party

222. The nominee confirmed that he is the brother-in-law to the Leader of the Minority Party. He added that this familial connection has no bearing on his professional independence or suitability for appointment.

On the procedure of his nomination

223. The nominee stated that, in response to the public notice issued by the Selection Panel, he formally applied for the position and was duly longlisted. He clarified that his name appeared in the Panel's published addendum of shortlisted candidates and that he played no role whatsoever in the work of the Selection Panel.

On his net worth

224. The nominee disclosed that his wealth comprises both movable and immovable assets, including houses and vehicles, primarily acquired through bank financing. He further declared that the highest remuneration he has earned was Kshs. 700,000, which he received during his tenure as Chief Administrative Secretary.

4.5.3 Nominee's Response to Allegations arising from Memoranda

225. The nominee responded to the allegations contesting his suitability during the approval hearing on 31st May, 2025 that he formally applied for the position and was duly longlisted. Further, he clarified that his name appeared in the Selection Panel's published addendum of shortlisted candidates and that he played no role whatsoever in the work of the Selection Panel.

4.5.4 Observations on Memoranda submitted against the Nominee

226. The Committee noted that Article 88(2)(a)(i) disqualifies a person who stood for election as a Member of Parliament or member of county assembly from appointment as a Member of the IEBC.
227. The Committee also noted that from the Report on the Recruitment of Nominees for Appointment as Chairperson and Members of IEBC, the name of the nominee was included in the long-list and the shortlist republished by the Selection Panel on 25th March 2025 in accordance with paragraph 3 of the First Schedule to the IEBC Act, Cap. 7C.
228. The Committee further noted that Article 54(2) provides for the progressive implementation of the principle that at least 5% of the members of the public in elective and appointive bodies are PWDs.
229. Additionally, with respect to access to the Report of the Selection Panel, the Committee noted that the deponents seeking access to the Report had elected to seek the intervention of the court in a case that is currently pending before the High Court.

4.5.5 Committee Observations on the Suitability of the Nominee

230. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F his curriculum vitae, memoranda from the public and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Member of the IEBC:
- (1) THAT the nominee holds a Bachelor of Arts in Sociology and Political Science Degree from the University of Nairobi thereby meets the requirements of section 6(2)(b) of the IEBC Act, Cap. 7C.
 - (2) THAT pursuant to Section 6(2)(c) of the IEBC Act, Cap. 7C the nominee demonstrated expertise spanning over forty years in public administration, governance and electoral matters having served as a Chief Administrative Secretary, Director of Administration in the public service, Chief Coordinator and Head of Secretariat at the Kenya Water Towers, District Officer, District Commissioner and Provincial Commissioner.
 - (3) THAT the nominee demonstrated a history of integrity in public service and thus meets the requirements of Chapter Six of the Constitution and section 6(2)(d) of the IEBC Act, Cap. 7C on leadership and integrity.
 - (4) The Committee noted that the only records available with respect to his service in the provincial administration is one of commendation and exemplary performance that was recognized by various stakeholders. Further, the Committee noted that previous service in the provincial administration is not a bar.
 - (5) The Committee noted that the nominee had been charged with respect to procurement irregularities at the NYS but was acquitted of all the charges and is not under any other investigation as indicated by the EACC.
 - (6) THAT the nominee was cleared by DCI, EACC, HELB, KRA, ODPP and ORPP with regard to criminal records, ethics and integrity, higher education loan repayments, tax compliance, active criminal court proceedings and political party affiliations., has met the statutory requirements for appointment as the Member of the IEBC.

- (7) The Committee further noted that being related to a Member of Parliament is not a bar to nomination for appointment to public office unless it is demonstrated that such a relationship has influenced the nomination and appointment process.

4.6 Mr. Francis Odhiambo Aduol – Nominee to the Office of Member of the IEBC

231. The nominee appeared before the Committee on 31st May 2025 and was vetted under oath to examine his suitability. The Committee noted the following:

4.6.1 Questions from General Questionnaire

Citizenship, Date and Place of Birth

232. The nominee is a male Kenyan citizen and does not hold any other citizenship. He was born on 6th July 1951 in Kisumu County.

Academic and Professional Qualifications

233. The nominee has a Doctorate Degree in Geodesy from the University of Stuttgart, Germany in 1988; a Postgraduate Degree in Surveying from the University of Nairobi in 1981; a Postgraduate Degree in Economics from the University of Nairobi in 2012; and a Bachelor of Science Degree in Engineering from the University of Nairobi in 1976.

Public Office, Work and Professional Experience

234. The nominee has worked in the following capacities:

- (a) May 2023 to date: Professor, School of Surveying and Spatial Sciences, Technical University of Kenya;
- (b) May 2001 to July 2021: Professor of Geospatial Science and Engineering, University of Nairobi;
- (c) July 1994 to May 2001: Associate Professor, the University of Nairobi;
- (d) 1988 to 1994: Senior Lecturer, University of Nairobi;
- (e) 1981 to 1988: Lecturer, University of Nairobi;
- (f) 1977 to 1981: Tutorial Fellow, University of Nairobi;
- (g) July 1975 to September 1975: Survey Assistant, Nyanza-Western Provincial Survey Office, Kisumu; and
- (h) October 1974 to January 1975: Surveyor Assistant, Wapimaji Surveyors Limited, Nairobi.

Memberships & Professional Associations

235. The nominee submitted that he was a member of the following associations:

- (a) July 2020 - July 2023: Council Member, Association of Commonwealth Universities;
- (b) January 2020 - July 2020: Member, Association of Commonwealth Universities (ACU), Regional Committee for Eastern and Southern Africa;
- (c) 2008-2023: Member of the Executive Board, Commonwealth Association of Technical Universities and Polytechnics in Africa;
- (d) 1998-2008: Member, University Council, University of Nairobi;
- (e) 1991-2013: Member, University Senate, University of Nairobi; and
- (f) 1999-2008: Member, University Management Board, University of Nairobi.

Published Writings

236. The nominee indicated that he made the following publications:

- (a) Aduol FWO. 2012. An Input-output model for resource allocation amongst University Departments: The Case of the University of Nairobi. MA project, University of Nairobi, 2012;
- (b) Aduol FWO. 2003. Robust geodetic parameter estimation under least squares through weighting on the basis of the mean square error. In *Geodesy- The Challenge of the Third Millenium* (Eds. E. W. Grafarend, F. W. Krumm and V. S. Schwarze), Springer Verlag: Berlin, Heidelberg, New York, etc, 2003.
- (c) Gacoki TG, Aduol FWO. 2002. Transformation between GPS coordinates and local plane UTM coordinates using the Excel spreadsheet. *Survey Review*, Vol. 36, No. 284, April 2002;
- (d) Awange JL, Aduol FWO. 2002. An evaluation of some robust estimation techniques in the estimation of geodetic parameters- Part II. *Survey Review*, Vol. 36, No 283, January 2002, London.
- (e) Aduol FWO. 1999: Robust geodetic parameter estimation under least squares through weighting on the basis of the mean square error. *Quo vadis geodesia...? Festschrift for Erik W. Grafarend on the occasion of his 60th birthday*. Technical Reports of the Department of Geodesy and Geinformatics, University of Stuttgart, Report Nr. 1999. 6-1, October 1999, pp. 5-15.
- (f) Awange JL, Aduol FWO. 1999: An evaluation of some robust estimation techniques in the estimation of geodetic parameters. *Survey Review*, Vol. 35, NO 273, July 1999, London;
- (g) Aduol FWO. 1998: The Surveying profession beyond the year 2000 and the Kenyan Surveyor. Second Licensed Surveyors Seminar, Kenya Institute of Surveying and Mapping (KISM), Nairobi, 27th August 1998. *The Kenya Surveyor*, Vol. 7, No. 1, pp18-19. May/June 1999;
- (h) Aduol FWO. 1998: Engineering education at the University of Nairobi, Kenya *Engineer Journal of the Institution of Engineers of Kenya*, Vol. 18, No 2, March/April 1998, Nairobi;
- (i) Aduol FWO. 1997: Project KENREF: The Kenya geodetic reference system project. United Nations / European Space Agency Symposium on Space Industry Cooperation with the Developing World. Graz, Australia, 8-11 September 1997;
- (j) Aduol FWO. 1997: A model for a four-dimensional regional geodetic reference datum. *Survey Review*, Vol. 34, No 264, April 1997, London.
- (k) Musyoke SM, Aduol FWO. 1997: A three-dimensional geodetic network model for the analysis of localised earth deformation. *Survey Review*, Vol. 34, Jan 1997, London among others.
- (l) Aduol FWO. 1995: The Surveying profession beyond the year 2000 with reference to the profession in Kenya. Institution of Surveyors of Kenya Seminar, 23rd July 1995, Nairobi
- (m) Aduol FWO, Syagga PM, Mbatha CM, Mulaku GC. 1995: Education for a modern integrated survey professional: a model curriculum with special reference to developing Countries. Presented at the Commonwealth Association of Surveying and Land Economy (CASLE) and the International Federation of Surveyors (FIG) Seminar, Harare, 13-17 August 1995
- (n) Aduol FWO, Kingoriah GK, Mbatha CM, Mulaku GC. 1995: The Surveyor profession into the 21st Century. *The Kenya Surveyor*, Vol. 3 No 4 Nov/Dec 1994 and Vol. 4 No 1 June 1995, Nairobi;

- (o) Aduol FWO. 1995: A three-dimensional adjustment model for small scale survey networks. *South African Journal of Surveyor and Mapping*, Vol. 23, Part 1, April 1995;
- (p) Aduol FWO. 1994: Robust Geodetic parameter estimation through iterative weighting. *Survey Review*, Vol. 32, No 252, April 1994, London;
- (q) Aduol FWO. 1993: A model for the establishment of integrated regional geodetic datum. *Survey review*, Vol. 32, No 250, October 1993, London;
- (r) Aduol FWO. 1993: A static -dynamic model for densification of geodetic networks. *Allgemeine Vermessungs-Nachrichten*, International Edition, 1993, Karlsruhe, Germany.
- (s) Aduol FWO, Schaffrin N. 1990: Geodetic models for monitoring crustal deformation along the African Rift System. *IASPEI/UNESCO/ICL Regional Seismological Assembly in Africa*, Nairobi, Aug. 1990;
- (t) Aduol FWO. 1989: Integrierte geodatische Netzanalyse mit stochastischer Vorinformation über Schwerefeld und Referenzellipsoid. *Deutsche Geodatische Kommission (German Geodetic Commission)*, Report No. C-351, Munich, 1989, 111pp;
- (u) Aduol FWO. 1987: Detection of outliers in geodetic networks using principal component analysis and bias parameter estimation. *Technical Report No. 2*, Institute of Geodesy, University of Stuttgart, 1987, 104pp;
- (v) Aduol FWO, Schaffrin B. 1986: on outlier identification in geodetic networks using principal component analysis. *International Conference on Influential Data analysis*, University of Sheffield, Sheffield, UK, April 1986;
- (w) Aduol FWO. 1983: Four lectures on geodetic network analysis: (i) Practical techniques for computation of geodetic networks; (ii) A possible course of action for the reestablishment of the Eastern African geodetic network; (iii) Geodetic network analysis by conventional techniques; (iv) Fundamentals of three-dimensional geodesy. *UNDP Graduate Course in Geodesy for Eastern Africa*, UN Regional Centre for Services in Surveying, mapping and remote sensing, Nairobi, Aug 1983;
- (x) Aduol FWO. 1981: Optimisation of three-dimensional terrestrial geodetic networks, second symposium on Geodesy in Africa, Nairobi, Kenya, 1981;
- (y) Aduol FWO. 1981: Optimisation of a three-dimensional terrestrial geodetic network. *MSc thesis*, University of Nairobi, 1981;

Publications on University Administration

- (a) Aduol FWO. 2024. Foreward. *African Women in Intellectual Leadership- Life stories from Western Kenya* (Eds. Maurice N. Amutabi, Emily Achieng Akuno, Humphrey J Ojwang and Dannica Fleuss), Routledge, London, 261pp.
- (b) Aduol FWO. 2023. A model for the determination of academic staff workload for university programmes, submitted for publication.
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- (h) Aduol FWO. 1999. Establishing teaching staff requirements for university academic programmes. Higher Education Policy, 12/1 (1999) 101-106. Elsevier Science Ltd;
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- (k) Aduol FWO. 2008. The Role of geo-information in national development. Keynote address. Workshop on the role of Geo-Information in National Development; Regional Centre for Mapping of Resources for Development, Nairobi, 25th-26th August 2008;
- (l) Aduol FWO. 1997. Commercialisation of academic programmes. University of Nairobi, Senior Management Workshop, Mount Kenya Safari Club, Nanyuki, 4th – 6th July 1997;
- (m) Aduol FWO. 1995. The Challenges of the agricultural engineer in Africa. Keynote address. Kenya Society for Agricultural Engineers Conference 1995, Jomo Kenyatta University of Agriculture and Technology, 14-15 December 1995;
- (n) Aduol FWO. 1995. The University- its nature and function, Seminar paper presented at the Department of Agricultural Engineering, University of Nairobi, 11th October 1995; and
- (o) Aduol FWO. 1994. The Education System in the Federal Republic of Germany. A report prepared for the academic qualifications Committee of the Engineers' Registration Board of Kenya, Nairobi, October 1994; 100pp.

Potential Conflict of Interest

237. The nominee declared that he is currently not associated with any persons or matters that would present a potential conflict of interest should he assume the position of Member of the IEBC. If a conflict of interest were to arise, he stated that he would resolve it according to Article 75 of the Constitution.

Sources of Income and Net-worth

238. The nominee estimated his net worth to be Ksh. 81,200,000 comprising of land and buildings, motor vehicles, furniture and books. He added that his current source of income is salaries from employment.

Pro-bono/Charity Work

239. The nominee indicated that he was involved in various *harambee* contributions to churches, school and miscellaneous social needs and has contributed towards health centres in Bodi/Seme Sub-County from 2003 to 2007.

Integrity

240. The nominee demonstrated integrity. He has not been charged in a court of law or mentioned in any investigatory reports of Parliament or any Commission of Inquiry in the last three (3) years. Further, he has never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

4.6.2 General and Sector Specific Questions for the Nominee

241. The Committee posed several questions to the nominee on his suitability for appointment as Member of the IEBC. The nominee responded as follows:

On his expertise and experience

242. The nominee asserted that his expertise in survey, geospatial science and geodesy uniquely position him to contribute meaningfully to the fair and scientific delimitation of electoral boundaries in the country. He further stated that his leadership experience in university administration has played a pivotal role in shaping higher education institutions and policy frameworks in Kenya. These combined capabilities, he submitted, make him exceptionally well-suited for appointment as a Member of the IEBC.

On delimitation of boundaries

243. The nominee underscored his extensive experience and technical proficiency in the delimitation of electoral boundaries, citing his active role in the 2011 boundary review conducted by the Interim Independent Boundaries Review Commission (IIBRC). He emphasized that boundary delimitation must transcend population metrics alone, advocating for the inclusion of geographic, administrative and community considerations to ensure fair and effective representation. To this end, he proposed the integration of Geographic Information Systems (GIS), Global Positioning System (GPS) and advanced spatial technologies as essential tools for achieving equity and precision in the process.
244. He further stated that he had come up with a comprehensive delimitation formula which included population, area and a component of poverty levels. In his view, individual components of the formula cannot be used as the sole determinant of boundaries as it may lead to absurd results.
245. Noting that the prescribed timelines for boundary delimitation had expired, he noted that it would require a constitutional amendment and as such the exercise would need at least 12 months.
246. Additionally, he submitted that in January 2025, the Court pronounced itself on the census results for Wajir, Mandera and Garissa that there is no official total population figure which ultimately affects the delimitation exercise. The population of the three counties would be as at 2025 while the rest would be as at 2019 and therefore constitutionality of the 290 constituencies could be challenged in the event of delimitation of boundaries.

On over-representation

247. The nominee submitted that the concept of representation must be guided by the objectives it seeks to fulfil. He noted that the current framework under Article 89 of the Constitution endeavours to uphold equity by balancing multiple factors including population size, geographical features, community interests, and historical and administrative boundaries. However, he stressed the critical importance of conducting timely boundary review to ensure that representation remains responsive, fair and aligned with the country's evolving demographics and governance needs.

On technology in electoral processes

248. While recognizing the evolving nature of electoral challenges, the nominee stated the importance of adopting technology to ensure the credibility of electoral outcomes. He underscored the need to deploy emerging and advanced technology in the electoral processes such as voter registration, accurate boundary delimitation and real time result transmission.

On pending bills in the IEBC

249. The nominee stated that he was the architect of the Differentiated Unit Cost (DUC) funding model for public universities, a transformative policy that was later adopted nationwide through the Universities Fund to guide equitable and performance-based university financing. He underscored that this landmark contribution reflects his strategic policy-making acumen, a strength he believes uniquely qualifies him to serve effectively as a Member of the IEBC.

On political affiliations

250. The nominee stated that he is not affiliated with any political party and holds no official position within any political formation. He added that he would uphold the principles of independence and impartiality in the execution of his duties, should his nomination be approved.

On election malpractices

251. The nominee acknowledged that public officers are bound by the Public Officer Ethics Act alongside institution-specific codes such as those governing the IEBC. He pledged to uphold the highest standards of integrity and ethical leadership if appointed, emphasizing that such conduct is vital to safeguarding public confidence in the credibility of electoral processes.

4.6.3 Observations on Memoranda submitted against the Nominee

252. The Committee noted that Article 54(2) provides for the progressive implementation of the principle that at least 5% of the members of the public in elective and appointive bodies are PWDs.

253. Additionally, with respect to access to the Report of the Selection Panel, the Committee noted that the deponents seeking access to the Report had elected to seek the intervention of the court in a case that is currently pending before the High Court.

4.6.4 Committee Observations on the Suitability of the Nominee

254. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F his curriculum vitae, memoranda from the public and having heard his oral submission during the approval

hearing, made the following observations on his suitability for appointment as Member of the IEBC:

- (1) THAT the nominee holds a Bachelor of Science Degree in Engineering from the University of Nairobi thereby meets the requirements of section 6(2)(b) of the IEBC Act, Cap. 7C.
- (2) THAT pursuant to Section 6(2)(c) of the IEBC Act, Cap. 7C, the nominee demonstrated expertise in electoral matters, including boundary delimitation having served in the IIBRC and the Committee of Experts and other relevant institutions as an expert in Geospatial Science and Engineering.
- (3) THAT the nominee represents the only resource on boundary delimitation among the seven persons nominated for appointment to the IEBC and possesses exceptional qualifications and technical proficiency in the delimitation of boundaries.
- (4) THAT additionally, the nominee demonstrated qualifications and experience in public administration having served as Vice Chancellor of the Technical University of Kenya.
- (5) THAT the nominee demonstrated a history of integrity in public service and thus meets the requirements of Chapter Six of the Constitution and section 6(2)(d) on leadership and integrity.
- (6) THAT the nominee, having provided a clearance certificate from the DCI relating to criminal records and been cleared by EACC, HELB, KRA, ODPP and ORPP with regard to ethics and integrity, higher education loan repayments, tax compliance, active criminal court proceedings and political party affiliations, has met the statutory requirements for appointment as the Member of the IEBC.

4.7 Ms. Fahima Araphat Abdallah – Nominee to the Office of Member of the IEBC

255. The nominee appeared before the Committee on 31st May 2025 and was vetted under oath to examine her suitability. The Committee noted the following:

4.7.1 Questions from General Questionnaire

Citizenship, Date and Place of Birth

256. The nominee is a female Kenyan citizen and does not hold any other citizenship. She was born on 10th June 1992 in Lamu County.

Academic and Professional Qualifications

257. The nominee has a Masters of Arts in Project Planning and Management from the University of Nairobi (2020), a Bachelor of Commerce in Accounting from Kenyatta University (2014) and Kenya Certificate of Secondary Education from Lamu Girls Secondary School from (2009).

Work and Professional Experience

258. The nominee has worked in the following capacities:

- (a) July 2023 to date: Private Consultant in Leadership and Governance, Project Management and Implementation;
- (b) January 2023 to date: Member of the County Assembly Service Board in the County Assembly of Lamu;
- (c) 3rd February 2021 - 28th November 2021: County Executive County Member of Finance, Strategy, Budget and Economic Planning in Lamu County;

- (d) 31st October 2019 - 2nd February 2021: Additional responsibility on Acting Capacity as County Executive Committee Member in Lamu County;
- (e) October 2017 - 2nd February 2021: County Executive County Member of Lands, Physical Planning, Housing, Urban Development, Infrastructure and Energy in Lamu County;
- (f) January 2014 - September 2017: Ward Administrator in Shella Ward in Lamu County; and
- (g) 2011-2013: Accounts Assistant in TSS Group of Companies.

Public Office, Political Activities and Affiliations

259. The nominee has served in the following public offices:
- (a) January 2023 to date: Member of the County Assembly Service Board in the County Assembly of Lamu; and
 - (b) 3rd February 2021 - 28th November 2021: County Executive County Member of Finance, Strategy, Budget and Economic Planning in Lamu County.

Memberships & Professional Associations

260. The nominee submitted that she is a member of the following institutions:
- (a) Project Management Institute;
 - (b) Chartered Institute for Securities and Investment; and
 - (c) Kenya Association of Project Managers.
261. The nominee also indicated that she studied the following courses:
- (a) Certified Public Accountant (CPA) Advanced level;
 - (b) SLDP, KSG;
 - (c) Investment on Import and Export Trade, Shandong Foreign Trade College in China; and
 - (d) Studied Governance, Public Policy Design and Management, Managing Intergenerational Workforce, Corporate Governance and Board Competence and Performance in Eastern & Southern African Management Institute.

Honours and Awards

262. The nominee was awarded the following awards:
- (a) 2021: An Order of the Grand Warrior (OGW);
 - (b) 2021: The Best CECM in Lamu County;
 - (c) 2022: The Best CECM in Lamu County; and
 - (d) Appointment by Shandong Foreign College in China as Country Representative on investment, import and export trade.

Published Writings

263. The nominee submitted that she had done a case study of Lamu County 'Project Management Skills and the Implementation of Land Settlement Schemes: A Case Study of Lamu County 2021'.

Sources of Income and Net-worth

264. The nominee estimated her net worth at Ksh. 77,000,000 consisting of movable and immovable assets including some parcels of land in Shella Ward, Lamu County.

Pro-bono/Charity Work

265. The nominee indicated that she is involved in the following:
- (a) Chairlady, Coast Peoples Forum;
 - (b) Chairlady, Shella Ladies Education Organization;
 - (c) Chairlady, Shella Women Initiative;
 - (d) Introduced adult classes for women in her village;
 - (e) Annual contribution to Shella Bursary Fund since 2014 to date; and
 - (f) Participated in mentoring and giving career guidance to students.

Integrity

266. The nominee demonstrated integrity. She has not been charged in a court of law or mentioned in any investigatory reports of Parliament or any Commission of Inquiry in the last three (3) years. Further, she has never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

4.7.2 General and Sector Specific Questions for the Nominee

267. The Committee posed several questions to the nominee on her suitability for appointment as Member of the IEBC. The nominee responded as follows:

On gender inclusivity in the electoral process

268. The nominee stated that while a robust legal framework already exists, including provisions such as the two-thirds gender rule, her primary focus, if approved, would be to ensure full and effective implementation of the law. She further committed to championing nationwide civic education, with a particular focus on empowering women by raising awareness of available opportunities and the critical importance of their participation in electoral processes. Additionally, the nominee underscored the urgent need for legal reforms and progressive policy advocacy to enhance the political inclusion of women, youth, and persons with disabilities, thereby fostering a more inclusive and representative democratic system.

On low voter turnout among the youth

269. The nominee stated that she would spearhead the integration of comprehensive civic education targeting youth in public spaces across the country. This initiative, she noted, would aim to instil a deeper understanding of the value of voting, active participation in democratic processes, and the rights and responsibilities of citizens in governance.
270. She added that her nomination is already serving as a catalyst, inspiring youth interest and engagement in the country's electoral processes. She further committed that, if approved, the Commission would establish a structured and inclusive dialogue with young people leveraging social media platforms and other youth-centric channels to capture their insights, rebuild trust and ensure their ideas meaningfully inform decision-making within the Commission.
271. Additionally, she proposed the establishment of Electoral Innovation Hubs to foster the development and adoption of newer technology, creative strategies and forward-thinking practices to enhance aimed at enhancing the efficiency, transparency, and inclusivity of electoral processes.

On interaction with the electoral process

272. The nominee stated that she has been a registered voter since 2013 and has actively participated in three general elections in 2013, 2017 and 2022.
273. She further noted that she had served as an election agent, and assisted in empowering the public through civic education and mobilizing many to register as voters and engage meaningfully in the electoral process. She submitted that, if approved, she would transform how the youth perceive their electoral rights and responsibilities, fostering a generation that is both informed and actively involved in shaping the country's democratic future.

On the cost of elections

274. The nominee emphasized the importance of a well-structured and properly prioritized budget as a tool for controlling election-related costs and ensuring the efficient use of resources. She noted that cost escalation can be mitigated through strategic planning and financial discipline. Additionally, she proposed that the Commission explores partnerships with development partners to supplement its funding, while safeguarding its institutional independence. She further advocated for strengthened inter-agency collaboration to allow the IEBC to tap into existing human and physical resources from other government institutions where appropriate.

On inter-generational relations within the Commission

275. The nominee stated that she upholds values that promote respectful and constructive communication, even in the face of divergent views, an approach she believes is essential for fostering positive, collaborative, and inclusive interactions within the Commission.

On election campaign financing

276. The nominee emphasized the need for a multi-stakeholder engagement involving key actors such as Parliament to effectively address the gaps surrounding the Election Campaign Financing Act. She argued that such collaborative dialogue is essential in formulating clear, practical, and enforceable regulations.

On her net worth

277. The nominee attributed her net worth to the high value of land in Shela where she owns two parcels.

On exposure outside Lamu

278. The nominee shared that her time at Kenyatta University provided her with the invaluable experience of interacting with individuals from diverse regions, religions, and cultural backgrounds, deepening her understanding of the varied needs and aspirations of Kenyans across the country. She further noted that she has already travelled within Kenya and, if approved, she committed to visiting other counties to engage directly with a broad cross-section of citizens.

On apathy in applying for the position

279. The nominee stated that Kenya's youth are eager and prepared to take up various positions when given the opportunity. She pledged that, if approved, she would advocate for the IEBC to allocate a dedicated portion of its recruitment to young people, both as a means of empowering them and as a strategic move to inspire greater youth participation in the electoral process.

4.7.3 Nominee's Response to Allegations arising from Memoranda

280. The nominee responded to the Affidavits contesting her suitability vide an Affidavit sworn on 30th May, 2025 (*Annexure 10*) as follows:

- (a) On lack of diversity and representation as required by the Constitution, the nominee stated that she is a woman from the Bajuni community which is a minority group from Lamu county. Therefore, her presence amongst other nominees reflects regional and ethnic diversity in the country.
 - (b) On interference of the selection process by the Executive, the nominee deponed that:
 - (i) she was not aware of any influence from any person from the Executive in the process; and
 - (ii) her nomination was based on merit as she was shortlisted and nominated purely on the basis of her professional and academic qualifications.
 - (c) On lack of representation of PWDs, the nominee stated that all persons, including PWDs, were invited to apply.
 - (d) On failure by the Selection Panel to publish the scores of the interviews, the nominee stated that there is no provision in law that requires the scores to be made public for the sake of transparency.
-
- (e) On the nomination violating the provisions of Article 10 and 232 of the Constitution, the nominee stated the claims had not been substantiated.
 - (f) On failure to publicize the names submitted to the President for nomination, the nominee stated that the IEBC Act is required to forward the names to the President for nomination. There is no requirement for publicizing the names submitted to the President.

4.7.4 Observations on Memoranda submitted against the Nominee

281. The Committee noted that Articles 27(8), 55 and 56 of the Constitution requires the State to take measures including affirmative action programmes to ensure the inclusion of the women, youth and minorities and marginalised communities in representation and participation in political, social, economic and other spheres of life. As a youth, a woman and a member of the Bajuni tribe which is a distinct minority, the nominee meets these three criteria.

282. The Committee further noted that Article 54(2) provides for the progressive implementation of the principle that at least 5% of the members of the public in elective and appointive bodies are PWDs.

283. Additionally, with respect to access to the Report of the Selection Panel, the Committee noted that the deponents seeking access to the Report had elected to seek the intervention of the court in a case that is currently pending before the High Court.

4.7.5 Committee Observations on the Suitability of the Nominee

284. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F her curriculum vitae, memoranda from the public and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Member of the IEBC:

- (1) THAT the nominee holds a Bachelor of Commerce Degree in Accounting from Kenyatta University thereby meets the requirements of section 6(2)(b) of the IEBC Act, Cap. 7C.
- (2) THAT pursuant to Section 6(2)(c) of the IEBC Act, Cap. 7C the nominee demonstrated expertise in governance having served as a Ward Administrator, County Executive County Member of Finance, Strategy, Budget and Economic Planning in Lamu County and a Member of the Lamu County Assembly Public Service Board.
- (3) THAT the nominee demonstrated a history of integrity in public service and thus meets the requirements of Chapter Six of the Constitution and section 6(2)(d) of the IEBC Act, Cap. 7C on leadership and integrity.
- (4) THAT the nominee, having been cleared by the DCI, EACC, HELB, KRA, ODPP and ORPP with regard to criminal records, ethics and integrity, higher education loan repayments, tax compliance, active criminal court proceedings and political party affiliations, has met the statutory requirements for appointment as the Member of the IEBC.

CHAPTER FIVE

5 COMMITTEE OBSERVATIONS

285. Pursuant to sections 6(7) and (8) and 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, the Committee observed that:

(a) Procedure for Nomination

- (1) The nominees were selected in accordance with the provisions of Article 250(2) of the Constitution as read with Paragraph 3 of the First Schedule to the IEBC Act, Cap. 7C.

(b) Constitutional and Statutory Requirements

- (2) The nominees have satisfied all the following constitutional and statutory requirements including those on citizenship; leadership, ethics and integrity; tax compliance; and higher education loan repayments.
- (3) The nominees meet the integrity threshold, demonstrated knowledge of topical, administrative and technical issues of the positions to which they had been nominated, and had the requisite abilities, academic qualifications and professional experience to be approved for appointment.

(c) Suitability of the nominee for the proposed appointment having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which the nomination is made

- (4) The nominees have demonstrated deep understanding of the affairs of the IEBC and ~~their respective roles of Chairperson and Members of the IEBC~~. They possess the requisite abilities, academic qualifications and professional experience required for persons nominated to serve as the Chairperson and Members of the IEBC.

(d) General Observations

- (5) The Committee was constrained to hold its approval hearings on Saturday, 31st May 2025 by the delay occasioned to the constitutional and statutory timelines by pending Court proceedings. The decision was informed by the nearly three (3) year period during which the IEBC has been unable to function on account of the lack of Commissioners since the declaration of vacancies on 14th February, 2023 and 1st March, 2023; the deadline for the critical process of boundary review having lapsed on 24th March 2024 and the existence of vacancies in the membership Parliament and county assemblies across the country.
- (6) The Committee noted that the actions of various litigious political players and court cases relating to the IEBC have significantly contributed to the delay in reconstituting the Commission. The Courts should uphold the doctrine of separation of powers and refrain from interrupting the constitutional and statutory functions of the National Assembly. Article 250 (2) of the Constitution grants the National Assembly a general confirmatory mandate of approving all persons recommended for appointment as members of constitutional commissions or holders of independent offices as part of the checks and balances against the other arms of government and organs of the state. In deference to the accepted practice in constitutional democracies, the courts should decline any invitation to injunct parliamentary processes.

CHAPTER SIX

6 COMMITTEE RECOMMENDATIONS

286. Having considered the nominees pursuant to Article 250(2) of the Constitution, sections 5 and 6 of IEBC Act, Cap. 7C and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, the Committee recommends that the National Assembly:

- (1) **approves** the appointment of **Mr. Erastus Edung Etheke** to the Office of **Chairperson of the Independent Electoral and Boundaries Commission**;
- (2) **approves** the appointment of **Ms. Ann Njeri Nderitu** to the Office of **Member of the Independent Electoral and Boundaries Commission**;
- (3) **approves** the appointment of **Mr. Moses Alutalala Mukhwana** to the Office of **Member of the Independent Electoral and Boundaries Commission**;
- (4) **approves** the appointment of **Ms. Mary Karen Sorobit** to the Office of **Member of the Independent Electoral and Boundaries Commission**;
- (5) **approves** the appointment of **Mr. Hassan Noor Hassan** to the Office of **Member of the Independent Electoral and Boundaries Commission**;
- (6) **approves** the appointment of **Mr. Francis Odhiambo Aduol** to the Office of **Member of the Independent Electoral and Boundaries Commission**; and
- (7) **approves** the appointment of **Ms. Fahima Araphat Abdallah** to the Office of **Member of the Independent Electoral and Boundaries Commission**.

SIGNED.....




DATE.....

3/6/2025

HON. GEORGE GITONGA MURUGARA, CBS, MP
CHAIRMAN

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 03 JUN 2025	
DAY: 	
TABLED BY:	CHAIRPERSON, JUSTICE & LEGAL AFFAIRS COMMITTEE
CLERK-AT THE-TABLE:	WILLIS OBIERO

