

SPECIAL ISSUE



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GAZETTE NOTICE NO. 1901

THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION ACT

(No. 9 of 2011)

DECLARATION OF VACANCIES

WHEREAS Paragraph 1 (1) of the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011 (“the Act”) requires that at least six months before the lapse of the term of the Chairperson or a Member(s) of the Commission the President shall appoint a Selection Panel comprising of seven persons for recruitment of their successor(s) in Office;

WHEREAS a notification of impending vacancies in the Office of the Chairperson and two Members of the Independent Electoral and Boundaries Commission (IEBC) was proclaimed *vide* Kenya Gazette Notice No. 12816 of 21st October, 2022;

WHEREAS subsequent to the notification of impending vacancies, three Members of the IEBC tendered their resignations from Office through letters of resignation addressed to the Head of State and Government as required by law;

WHEREAS one Member of the IEBC stands suspended pursuant to Article 251 of the Constitution and is subject to an inquiry by the Tribunal appointed *vide* Kenya Gazette Notice No. 14890 of 2nd December, 2022;

WHEREAS the High Court of Kenya in Constitutional Petition No. E364 of 2020 declared section 2 (a) of the Independent Electoral and Boundaries Commission (Amendment) Act, 2020 as unconstitutional; effectively annulling the composition of the Selection Panel as set out under paragraph 1 (2) of the First Schedule to the Act;

WHEREAS a Bill to remedy the lacuna in the selection process of the Chairperson and Members of the IEBC was published, passed by both Houses of Parliament, and assented to by the President on 23rd January, 2023;

WHEREAS the Independent Electoral and Boundaries Commission (Amendment) Act, 2023 came into force on the 7th February, 2023, by dint of the lapse of the fourteen (14) days’ constitutional timeline set out under Article 116 (2) of the Constitution; and

WHEREAS pursuant to the aforesaid amendments, the membership of the Selection Panel now features representatives of: the Parliamentary Service Commission, the Public Service Commission, the Political Parties Liaison Committee, the Law Society of Kenya, and the Inter-Religious Council of Kenya;

NOW THEREFORE, in exercise of the powers conferred by section 7A (2) of the Independent Electoral and Boundaries Commission Act, 2011 as read with paragraph 1 (1) of the First Schedule to the Act, I, William Samoei Ruto, President of the Republic of Kenya and Commander-in-Chief of the Defence Forces, declare vacancies in the positions of—

- (a) Chairperson; and
- (b) Five Members

of the Independent Electoral and Boundaries Commission.

Dated the 14th February, 2023.

WILLIAM SAMOEI RUTO,
President.