



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. I NO. 1

THE HANSARD

Thursday, 8th September 2022

Thirteenth Parliament – First Sitting

(Convened vide Gazette Notice No. 10527 of 5th September 2022)

*(The National Assembly met at 9.00 a.m.
at the Main Parliament Buildings)*

PRAYERS

COMMUNICATION FROM THE CHAIR

WELCOME ADDRESS BY THE ACTING CLERK

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Hon. Members-elect, you may be seated. Those standing, please, take your seats. Having looked at the number of Members-elect present in the House this morning, I can confirm that we have the requisite quorum necessary to transact the business before the House as set out under Article 121 of the Constitution of Kenya.

Hon. Members-elect, I have the following Communication to make: on behalf of the staff of the National Assembly and on my own behalf, I wish to welcome you all to this First Sitting of the National Assembly of the 13th Parliament. I take this opportunity to particularly welcome back all Members who have been re-elected from previous parliaments.

(Applause)

I also extend a special welcome to the Members joining the National Assembly for the very first time.

(Applause)

Congratulations to you all on your election as Members of this august House. Hon. Members-elect, Standing Order No.3 of the National Assembly Standing Orders provides as follows:

3(1) On the first sitting of a new House pursuant to the President's notification under Article 126(2) of the Constitution, the Clerk shall—

- (a) read the notification of the President as published in the Gazette;
- (b) lay a list of the names of the persons elected as Members on the Table of the House; and
- (c) administer the Oath or Affirmation of Office provided for in the Third Schedule to the Constitution to all Members-elect present in the House in the order set out in paragraph (3).

Hon. Members-elect, His Excellency the President of the Republic of Kenya and Commander-In-Chief of the Defence Forces, pursuant to the provisions of Article 126(2) of the

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Constitution, notified this First Sitting of the National Assembly of the 13th Parliament through a Gazette Notice No. 10527 of 5th September, 2022.

(Several Members-elect walked into the Chamber)

Members at the Bar, please, take your seats. Hon. Members-elect, please, take your seats. In accordance with the provisions of Standing Order No. 3 (1) (a), I now wish to read the Notification of His Excellency the President as published in the Gazette Notice dated 5th September 2022. I quote:

“In exercise of the powers conferred by Article 126(2) of the Constitution of Kenya, I Uhuru Kenyatta, President and Commander-in-Chief of the Kenya Defence Forces, appoint that the First Sitting of the National Assembly shall be held at the Main Parliament Buildings in the National Assembly Chamber on 8th September 2022 at 9.00 a.m.”

Accordingly, Hon. Members-elect, this sitting is properly convened. Hon. Members-elect at the Bar, you may please take your seats.

(Several Members-elect walked into the Chamber)

Hon. Members-elect, in accordance with the requirements of Standing Order No. 1(3) (b), I will now proceed to lay on the Table of the House, a list of the names of persons elected as Members to the National Assembly as published in the Kenya Gazette by the Independent Electoral and Boundaries Commission (IEBC) vide Gazette Notice No. 9948 of 23rd August 2022, Gazette Notice No. 10533 of 6th September 2022 and Gazette Notice No. 10537 of 7th September 2022.

Hon. Members-elect, it is notable that these Gazette Notices exclude the name of one person nominated under Article 97(1)(c) of the Constitution. The IEBC indicated in the Gazette Notice No. 10537 of 7th September 2022 that the slot is unallocated due to an interim restraining court order. This notwithstanding, I am guided by the provisions of Articles 121 and 124 (3) (a) of the Constitution providing for Quorum and the proceedings of the House respectively.

Permit me, Hon Members-elect, particularly to re-state the provisions of Article 124 (3) (a) of the Constitution, which is relevant in the circumstances and which provides as follows:

- 124 (3) The proceedings of either House are not invalid just because of—
- (a) A vacancy in its membership.

I will now guide the House on the procedures to be followed in the Administration of Oath or Affirmation of Office. Standing Order No. 3 (3) requires the Clerk of the National Assembly to administer the oath or affirmation of office to Members of the House in alphabetical order using the following order of precedence:

- (a) A Member-elect who has served in the House as
 - (i) Speaker.
 - (ii) Leader of the Majority Party.
 - (iii) Leader of the Minority Party.
 - (iv) Deputy Speaker.
- (b) Members-elect with the longest cumulative period of service in the National Assembly.

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- (c) Members-elect with the longest cumulative period of service in the National Assembly, Senate or the East African Legislative Assembly (EALA)
- (d) Members-elect with the longest cumulative period of service in the Senate.
- (e) Members-elect with the longest cumulative period of service in the East African Legislative Assembly (EALA) and,
- (f) All other Members-elect.

In this regard, Hon Members-elect, I would like to confirm that I have, in accordance with the above provisions, prepared the list containing names of all Members-elect as published by IEBC in the gazette notices I have referred to. I, therefore, direct the Deputy Clerk to lay on the Table of the House the list of Members-elect in the order of precedence prescribed under Standing Order No. 3(3).

(Hon. Members-elect stood at the Bar)

Hon. Members-elect, please, come in and take your seats.

(Several Members-elect walked into the Chamber)

(The list of names of Members-elect was laid on the Table)

Please, take your seats so that we can proceed.

I will now allow the Chief Serjeant-at-Arms to immediately distribute copies of the list of Members-elect, in order of precedence to you.

Hon. Members-elect, do you now have the list of precedence? We need to continue. Please, take your seats so that we continue. We need to continue.

Hon. Members-elect, Standing Order No.3(2) provides that pursuant to Article 74 of the Constitution...

(Loud consultations)

I request Hon. Members-elect to consult in low tones.

Hon Members-elect, Standing Order No.3(2) provides that pursuant to Article 74 of the Constitution, no person shall assume or perform any functions of a Member before taking and subscribing to the oath or affirmation of office provided under paragraph (1).

(Loud consultations)

Hon. Members-elect, please let us maintain silence and order.

Article 74 of the Constitution, which is actualised in the above Standing Order, states as follows:

“Before assuming a State office, acting in a State office, or performing any functions of a State office, a person shall take and subscribe to the oath or affirmation of office, in the manner and form prescribed by the Third Schedule or under an Act of Parliament.”

Hon. Members-elect, the office of a Member of Parliament is among those defined as a State office under Article 260 of the Constitution. As such, unless a person elected to this House

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takes and subscribes to the oath or affirmation of office prescribed by the Third Schedule of the Constitution, he or she cannot assume or perform any functions associated with the office of a Member of the National Assembly, including the functions of electing the Speaker and the Deputy Speaker, for purposes of today's business. To this end, so as to comply with the provisions of Article 74 of the Constitution and Standing Order No.3(2), the first business of any new House is the swearing in of Members-elect.

Hon. Members-elect, I wish to emphasise that this is a sitting of the House. Therefore, all Members-elect are expected to be orderly and to follow the rules of procedure set out in the Standing Orders, which this House has passed, namely, the Speaker's Rules, the established precedence, customs, procedures and traditions of the House. Members are, however, at liberty to sit freely as there are no reserved seats today.

I shall now proceed to administer the oath or affirmation of office to all Members-elect present in the order of precedence set out under Standing Order No.3(3). In so doing, the name of each Member-elect will be called out, following which the Member-elect will proceed to the space between the Chair and the Table and indicate whether to take and subscribe to the oath or affirmation of office. After taking and subscribing to the oath or affirmation of office, the Member shall proceed to the designated area and subscribe to the oath or affirmation of office by signing the Oath or Affirmation Book.

Hon. Members-elect, we are now ready to commence the process. I will shortly ask the Deputy Clerk to call out the names of the Members-elect. However, after administering the oath or affirmation of office to the three Hon. Members-elect in the category of Standing Order No.3(a), that is the former Leader of the Majority Party, the former Leader of the Minority Party and the former Deputy Speaker, I will seek the indulgence of the House to proceed to where Members-elect with disabilities are seated and administer the oath or affirmation of office to them from their seats before resuming with the sequence under paragraphs (b) to (f) of Standing Order No.3, as per the list distributed in the House. In the event that a Member-elect with disabilities is not present, I will accord priority to them when they come into the Chamber before the conclusion of the administration of the oath or affirmation of office.

Deputy Clerk, please, read the next order and proceed to call out the names of Members-elect.

(Loud consultations)

Hon. Members-elect, can you take the oath so that you are free to transact business? There is no business that you can transact without being sworn in. I request that you allow us to swear you in first and we will give you time to raise any matter that you may want to.

Deputy Clerk, please, proceed.

ADMINISTRATION OF OATH

The Oath of Office was administered to:

1. Mr. Aden Bare Duale
2. Mr. John Mbadi Ng'ongo
3. Mr. Farah Maalim

The Ag. Clerk of the National Assembly (Ms Serah Kioko): Hon. Members, we will now administer the Affirmation of Office to Members-elect with disabilities.

The Oath of Office was administered to:

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4. Ms. Rose Museo Mumo
5. Mr. Joseph Samal Lomwa

6. Mr. Tim Wanyonyi
Wetangula

The Ag. Clerk of the National Assembly (Ms Serah Kioko): Hon. Members, we will continue to call the names in the order of precedence. Please, maintain order. Thank you.

(Loud consultations)

Order, Members. Please, maintain order so that we can hear the names being read out.

The Oath of Office was administered to:

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|-------------------------------------|-------------------------------------|
| 7. Mr. Samwel Chumel Moroto | 18. Mr. Samuel Arama |
| 8. Mr. Adan Keynan Wehliye | 19. Mr. Lemanken Aramat |
| 9. Mr. Samuel Gonzi Rai | 20. Mr. David Kangongo Bowen |
| 10. Mr. Abdi Yusuf Hassan | 21. Mr. Bady Twalib Bady |
| 11. Mr. Shakeel Shabbir Ahmed | 22. Ms. Sabina Wanjiru Chege |
| 12. Mr. Festus Mwangi Kiunjuri | 23. Mr. James Mwangi Gakuya |
| 13. Mr. Joseph Lekuton | 24. Mr. Kiprono Samuel Chepkonga |
| 14. Mr. Kareke Mbiuki Japhet Miriti | 25. Mr. Tom Joseph Kajwang' Francis |
| 15. Mr. Musa Sirma Cherutich | 26. Mr. Fred Kapondi Chesebe |
| 16. Mr. Raphael Wanjala Sauti Bitta | 27. Mr. Charles Gumini Gimose |
| 17. Mr. Rahim Dawood Abdul | |

(Loud consultations)

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Hon. Members, I request you to consult in low tones so that you give the Members swearing in time to be heard. I thank you.

The Oath of Office was administered to:

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|------------------------------------|----------------------------------|
| 28. Mr. Moses Malulu Injendi | 45. Mr. Robert Mbui |
| 29. Mr. Anthony Kimani Ichung'wah | 46. Mr. Junet Sheikh Nuh Mohamed |
| 30. Mr. George Peter Opondo Kaluma | 47. Mr. Stephen Mutinda Mule |
| 31. Mr. Elijah Memusi ole Kanchory | 48. Dr. Makali Benson Mulu |
| 32. Mr. Jackson Kipkemoi Kosgei | 49. Mr. Vincent Musyoka Musau |
| 33. Mr. David Njuguna Kiaraho | 50. Ms. Rachael Kaki Nyamai |
| 34. Ms. Jayne Wanjiru Njeri Kihara | 51. Mr. Naicca Many Johnson |
| 35. Mr. Patrick Makau King'ola | 52. Mr. Daniel Epuyo Nanok |
| 36. Mr. Johana Ng'eno Kipyegon | 53. Dr. James Wambura Nyikal |
| 37. Mr. Julius Melly Kibiwott | 54. Mr. Ferdinard Kevin Wanyonyi |
| 38. Mr. Harrison Garama Kombe | 55. Mr. David Pkosing |
| 39. Ms. Sarah Korere Paulata | 56. Dr. Christine Oduor Ombaka |
| 40. Mr. John Koyi Waluke | 57. Mr. Gideon Ochanda Ogolla |
| 41. Mr. James Onyango K'Oyoo | 58. Mr Joshua Aduma Owuor |
| 42. Ms. Mishi Juma Hamisi Mboko | 59. Dr Robert Pukose |
| 43. Mr. Benjamin Langat Kipkurui | 60. Mr. Dido Ali Rasso |
| 44. Ms. Jessica Mbalu Nduku Kiko | |

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| 61. Mr Mathias Nyamabe Robi | 96. Ms. Rozaah Akinyi Buyu |
| 62. Mr Bernard Masaka Shinali | 97. Dr. Lilian Achieng Gogo |
| 63. Mr Daniel Wanyama Sitati | 98. Mr. Kalasinga Joseph Wekesa
Simiyu Majimbo |
| 64. Mr Omar Mwinyi Shimbwa | 99. Mr. George Macharia Kariuki GK |
| 65. Mr Oscar Kipchumba Sudi | 100. Mr. Joseph Mburu Kahangara |
| 66. Mr Julius Lekakeny Ole Sunkuli | 101. Ms. Joyce Kamene |
| 67. Mr James Opiyo Wandayi | 102. Mr. Charles Kamuren |
| 68. Mr. Emmanuel Wangwe | 103. Mr. Joshua Chepyegon Kandie |
| 69. Ms. Liza Chepkorir Chelule | 104. Mr. Stephen Wachira Karani |
| 70. Ms. Martha Wangari Wanjira | 105. Mr. Eric Muchangi Njiru Karemba |
| 71. Ms. Naisula Lesuuda Josephine | 106. Ms. Irene Muthoni Kasalu |
| 72. Ms. Alice Wahome Muthoni | 107. Mr. William Kassait Kamket |
| 73. Dr. Wilberforce Oundo Ojiambo | 108. Mr. Paul Kahindi Katana |
| 74. Ms. Wanjiku Muhia | 109. Mr. Justice Kipsang Kemei |
| 75. Maj. (Rtd) Abdullahi Sheikh Bashir | 110. Mr. Joshua Kivinda Kimilu |
| 76. Ms. Beatrice Adagala Kahai | 111. Mr. Simon King'ara Ng'ang'a |
| 77. Dr. Otiende Amollo Paul | 112. Mr. Moses Kirima Nguchine |
| 78. Mr. Protus Ewesit Akujah | 113. Mr. Ken Chonga Kiti Richard |
| 79. Mr. Miruka Alfah Ondieki | 114. Mr. David Gikaria |
| 80. Mr. Rashid Juma Bedzimba | 115. Mr. Nelson Koech |
| 81. Mr. John Kiragu Chege | 116. Mr. Hilary Kosgei Kiplang'at |
| 82. Mr. Samuel Kinuthia Gachobe | 117. Mr. Zachary Thuku Kwenya |
| 83. Mr. Joseph Gachoki Gitari | 118. Mr. Jackson Lekumontare Lentoijoni |
| 84. Mr. Samuel Onunga Atandi | 119. Mr. Peter Lochakapong |
| 85. Mr. Owen Yaa Baya | 120. Mr. Maisori Kemero Marwa
Kitayama |
| 86. Mr. Salim Feisal Bader | 121. Mr. Caleb Amisi Luyai |
| 87. Ms. Charity Kathambi Chepkwony | 122. Mr. Julius Musili Mawathe |
| 88. Mr. Mejjadonk Benjamin Gathiru | 123. Mr. Michael Mwangi Muchira |
| 89. Ms. Faith Wairimu Gitau | 124. Mr. Nimrod Mbithuka Mbai |
| 90. Mr. Ali Wario Guyo | 125. Ms. Lydia Haika Mnene Mizighi |
| 91. Mr. Kulow Maalim Hassan | 126. Mr. Mohamed Ali Mohamed |
| 92. Mr. Lawrence Mpuru Aburi | |
| 93. Mr. Said Buya Hiribae | |
| 94. Mr. Kagesi Ernest Ogesi Kivai | |
| 95. Mr. Robert Gichimu Githinji | |

The Affirmation of Office was administered to:

127. Ms. Millie Grace Akoth Odhiambo

The Oath of Office was administered to:

128. Mr. Innocent Obiri Momanyi
129. Mr. David Ouma Ochieng
130. Mr. Titus Khamala Mukhwana

131. Ms. Jerusha Momanyi Mongina
132. Ms. Elsie Busihile Muhanda
133. Mr. Fabian Kyule Muli

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134. Mr. Gideon Mutemi Mulyungi
 135. Mr. George Gitonga Murugara
 136. Mr. Muthama Stanley Muiruri
 137. Mr. Rindikiri Mugambi Murwithania
 138. Mr. Geoffrey Makokha Odanga
 139. Mr. John Kanyuithia Mutunga
 140. Mr. Nicholas Tindi Mwale
 141. Mr. Didmus Wekesa Barasa Mutua
 142. Mr. Danson Mwashako Mwakuwona
 143. Mr. David Mboni Mwalika
 144. Ms. Janet Sitienei Jepkemboi
 145. Mr. Peter Oscar Nabulindo
 146. Mr. John Paul Mwirigi
 147. Mr. Koimburi Ndung'u George
 148. Ms. Alice Ng'ang'a Wambui
 149. Mr. Charles Nguna Ngusya
 150. Ms. Mary Njoroge Wamaua Waithira
 151. Mr. Mark Nyamita Ogolla
 152. Mr. Patrick Ntwiga Munene
 153. Mr. Joash Nyamoko Nyamache
 154. Ms. Edith Nyenze Vethi
 155. Ms. Gertrude Mbeyu Mwanyanje
 156. Mr. Nzambia Thuddeus Kathua
 157. Mr. Paul Musyimi Nzengu
 158. Mr. Tom Mboya Odege
 159. Ms. Ruweida Mohamed Obo
 160. Mr. Samson Ndindi Nyoro
 161. Mr. Nicholas Ng'ikor Nixon
 Ngikolong
 162. Mr. Erastus Kivasu Nzioka
 163. Ms. Eve Akinyi Obara
 164. Mr. Andrew Adipo Okuome
 165. Mr. Okello Jared Odoyo
 166. Mr. Elisha Ochieng' Odhiambo
 167. Mr. Jeremiah Omboko Milemba
 168. Mr. Edward Oku Kaunya
 169. Mr. George Aladwa Omwera
 170. Ms. Mary Emase Otucho
 171. Mr. Babu Owino Paul Ongili
 172. Mr. Silvanus Osoro Onyiego
 173. Mr. John Walter Owino
 174. Mr. Martin Peters Owino
 175. Mr. Anthony Tom Oluoch
 176. Mr. Joseph Maero Oyula
 177. Ms. Esther Muthoni Passaris
 178. Mr. George Sunkuyia Risa
 179. Ms. Rahab Mukami Wachira
 180. Mr. James Wamacukuru Githua
 Kamau
 181. Mr. Kassim Tandaza Sawa
 182. Mr. Gabriel Tongoyo Koshal
 183. Mr. Paul Abuor
 184. Ms. Gladys Jepkosgei Boss Shollei
 185. Mr. Ibrahim Saney Abdi
 186. Mr. Abdi Shurie Omar
 187. Ms. Catherine Nanjala Wambilianga
 188. Ms. Gathoni Wamuchomba
 189. Mr. Adan Haji Yusuf
 190. Mr. Charles Ong'ondo Were
 191. Ms. Naomi Jillo Waqo
 192. Mr. John Njuguna Wanjiku
 193. Mr. Abdi Ali Abdi
 194. Mr. Christopher Aseka Wangaya
 195. Mr. John Kiarie Waweru
 196. Ms. Beatrice Kadeveresia Elachi
 197. Mr. Joseph Kipkosgei Tonui
 198. Mr. Brighton Leonard Yegon
 199. Francis Kuria Kimani
 200. Mr. Khamis Chome Abdi
 201. Ms. Florence Jematiah Sergon
 202. Mr. Hussein Weytan Mohamed
 Abdirahman
 203. Mr. Joshua Mbithi Mwalyo
 204. Mr. Adow Mohammed Aden
 205. Mr. Mohamed Abdi Abdirahman
 206. Ms. Donya Dorice Aburi
 207. Mr. Abdisirat Khalif Ali
 208. Ms. Amina Dika Abdullahi
 209. Mr. Patrick Simiyu Barasa
 210. Mr. Nolfason Obadiah Barongo

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Hon. Members, after this Member is sworn in, I request your indulgence. We will, first, swear in Hon. Masara because he has a problem.

Thank you.

The Oath of Office was administered to:

211. Mr. Hussein Barre Abdi
 212. Mr. Robert Ngui Basil
 213. Mr. Maurice Kakai Bisau
 214. Mr. John Okano Bwire
 215. Ms. Mumina Gollo Bonaya
 216. Mr. Peter Francis Masara
 217. Mr. Paul Kibichy Biego
 218. Ms. Ruth Adhiambo Odinga Busia
 219. Ms. Phylis Jepkemoi Bartoo
 220. Ms. Jeptoo Caroline Ng'elechei
 221. Mr. Paul Chebor Kibet
 222. Mr. Mangale Chiforomodo Munga
 223. Mr. Joseph Hamisi Denar
 224. Mr. Joseph Emathe Namuar
 225. Mr. George Gachagua N
 226. Mr. Edwin Gichuki Mugo
 227. Mr. Joseph Chererot Kimutai
 228. Ms. Zamzam Mohammed Chimba
 229. Ms. Pamela Njeru Njoki Double N
 230. Mr. Yusuf Mohamed Farah
 231. Mr. John Gichohi Kaguchia Philip
 232. Mr. Adhe Guyo Wario
 233. Mr. Clive Ombane Gisairo
 234. Mr. Abdul Ebrahim Haro
 235. Mr. Fredrick Lusuli Ikana
 236. Mr. Joseph Wainaina Iraya
 237. Prof. Guyo Waqo Jaldesa
 238. Mr. Jhanda Zaheer
 239. Mr. Kakuta Maimai Hamisi
 240. Ms. Suleka Hulbale Harun
 241. Ms. Dorothy Muthoni Ikiara
 242. Dr. Shadrack Mwiti Ithinji
 243. Ms. Fatuma Abdi Jehow
 244. Ms. Jane Wangechi Kagiri
 245. Mr. Gabriel Gathuka Kagombe
 246. Mr. Eric Mwangi Kahugu
 247. Ms. Elizabeth Karambu Kailemia
 248. Mr. Ronald Kamwiko Karauri
 249. Mr. Kiili Daniel Karitho
 250. Ms. Beatrice Chepng'eno Kemei
 251. Mr. Phelix Odiwour Khodhe
 252. Mr. Peter Irungu Kihungi
 253. Ms. Suzanne Ndunge Kiamba
 254. Mr. Richard Cheruiyot Kilel
 255. Mr. Joseph Kipkoros Makilap
 256. Mr. David Kiplagat
 257. Mr. Kitilai Ole Ntutu
 258. Mr. Reuben Kipng'ok, Kiborek
 259. Mr. Alfred Kiprono Mutai
 260. Mr. Abraham Kirwa Kipsang
 261. Ms. Marianne Kitany Jebet
 262. Mr. Bernard Kitur Kibor
 263. Mr. Victor Koech Kipnetich
 264. Mr. Kibet Komingoi Kirui
 265. Mr. Anthony Kibagendi
 266. Mr. Adams Kipsanai Korir
 267. Mr. Yakub Adow Kuno
 268. Ms. Pauline Lenguris
 269. Mr. Letipila Dominic Eli
 270. Mr. Clement Logova Sloya
 271. Mr. Mohamed Soud Machele
 272. Mr. Gideon Kipkoech Kimaiyo
 273. Mr. Elijah Njore Njoroge Kururia
 274. Mr. Josses Kiptoo Kosgey Lelmengit
 275. Ms. Linet Chepkorir Toto
 276. Mr. Lotee Titus
 277. Mr. Julius Taitumu M'Anaiba
 278. Ms. Betty Njeri Maina
 279. Ms. Jane Maina Njeri
 280. Mr. Amos Maina Mwangi
 281. Ms. Mary Maingi
 282. Mr. John Okwisia Makali
 283. Mr. Charles Onchoke Mamwacha
 284. Dr. Daniel Manduku Ogwoka
 285. Ms. Monica Muthoni Marubu
 286. Ms. Fatuma Hamisi Masito
 287. Mr. Duncan Maina Mathenge
 288. Ms. Amina Laura Mnyazi
 289. Mr. Abdikadir Hussein Mohamed
 290. Mr. Aden Mohammed Daudi
 291. Ms. Irene Mayaka Nyakerario
 292. Mr. Japheth Mokaya Nyakundi
 293. Ms. Irene Mrembo Njoki
 294. Mr. Innocent Mugabe Maino
 295. Ms. Cynthia Muge Jepkosgei
 296. Ms. Umulkher Harun Mohamed
 297. Ms. Fatuma Zinabu Mohammed
 298. Mr. John Gitonga Mukunji Mukunji
 299. Mr. Geoffrey Mulanya Ekesa

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| 300. Mr. Stephen M. Mogaka | 301. Mr. Caleb Mule Mutiso |
| 302. Mr. Anthony Mupe Kenga | 308. Mr. Augustine Mwafrika Kamande |
| 303. Mr. Joseph Munyoro Kamau | 309. Mr. Geoffrey Wandeto Mwangi |
| 304. Mr. John Murumba Chikati | 310. Ms. Teresia Mwangi Wanjiru |
| 305. Mr. Eckomas Mutuse Mwenji | 311. Mr. Mark Samuel Muriithi Mwenje |
| 306. Ms. Ann Wanjiku Mugo Muratha | 312. Mr. Nabwera Nabii Daraja |
| 307. Mr. Edward Muriu Wakili | 313. Mr. Paul Nabuin Ekwom |
| 314. Mr. Bernard Muriuki Nebart | 318. Mr. Joshua Oron Odongo |
| 315. Dr. John Namoit Ariko | 319. Mr. Patrick Osero Kibagendi |
| 316. Mr. Onesmus Ngogoyo Nguro | 320. Ms. Cecilia Asinyen Ngikit |
| 317. Ms. Catherine Nakhabi Omanyoo | 321. Mr. Caroli Omondi |
| 322. Mr. Peter Ochieng Orero | 333. Ms. Umul Ker Kassim Sheikh |
| 323. Mr. Osogo Bensouda Joyce Atieno | 334. Ms. Amina Siyad Udgoon |
| 324. Mr. Dick Oyugi Maungu | 335. Ms. Lilian Siyoi Chebet |
| 325. Mr. Geoffrey Kariuki Kiringa Ruku | 336. Ms. Rebecca Noonaiishi Tonkei |
| 326. Mr. Julius Kipletting Rutto | 337. Mr. Timothy Toroitich Kipchumba |
| 327. Ms. Agnes Mantaine Pareyio | 338. Mr. Kenneth Kazungu Tungule Charo |
| 328. Mr. Parashina Samuel Sakimba | 339. Mr. Antony Wainaina Njoroge |
| 329. Mr. Peter Kalerwa Salasya | 340. Mr. Michael Wainaina Wambugu |
| 330. Ms. Leah Sankaire Sopiato | 341. Mr. Nelson Jack Wamboka |
| 331. Mr. Peter Shake Mbogho | 342. Mr. John Waithaka Machua |
| 332. Mr. Francis Kipyegon arap Sigei | |

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Hon. Members, the Member-elect who has come to be sworn in has requested to be assisted. So, I will do it now.

*(The Ag. Clerk of the National Assembly (Ms. Serah Kioko)
assisted Mr. Wanyonyi Martin Pepela to take the Oath of Office)*

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| 343. Mr. Wanyonyi Martin Pepela | 345. Mr. Richard Yegon Kipkemoi |
| 344. Mr. Farah Yakub Salah | |

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Hon. Members, we are about to conclude the first part of today's Sitting. At this point, I would like to ask if there is any Member present in the House who has not taken and subscribed to the Oath or Affirmation of Office. Is there any Member? Please, come forward.

(Ms. Rael Kasiwai Chepkemoi stood to take the Oath of Office)

The Oath of Office was administered to:

346. Ms. Rael Kasiwai Chepkemoi

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Is there any other Member who has not taken or subscribed to the Oath of Office? Hon. Members, it appears to me that all

Members present in the House today have taken and subscribed to the Oath or Affirmation of Office in accordance with the requirements of the Constitution and the Standing Orders. You can now discharge the duties of the Office of a Member of Parliament.

Congratulations once again.

(Applause)

Hon. Members, before we proceed to the next Order and in keeping with the established practice of the House, I will suspend the sitting of the House for forty-five minutes to allow officers make the necessary arrangements to facilitate the transaction of business in the next Order.

(The Ag. Clerk of the National Assembly (Ms. Serah Kioko) was interrupted)

(Ms. Susan Ngugi walked into the chamber)

Sorry, Members. Before we suspend the Sitting, there is a Member who has just walked in. We will swear her in before we suspend this Sitting.

The Oath of Office was administered to:

347. Ms. Susan Ngugi Nduyo

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Might there be any other Member who has not taken the Oath? As we wait for the Member who has just been sworn in to sign, do we have any other Member who might be seated somewhere and they have not been sworn in? We do not want to conclude before every Member present today has been sworn in.

(Loud consultations)

I can see that the Member has been sworn in. It is now time to suspend the House. The time being 2.55 p.m., this Sitting stands suspended until 3.40 p.m. The Bell will be rung for five minutes before resumption of the Sitting.

Thank you, Hon. Members.

(The House was suspended at 2:55 p.m.)

(The House resumed at 3.45 p.m.)

*[The Ag. Clerk of the National Assembly
(Ms. Serah Kioko) in the Chair]*

COMMUNICATION FROM THE CHAIR

ELECTION OF SPEAKER

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The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Hon. Members, I would like to welcome you back to the House from the short break. We shall now move to the next business. I now call upon the officers at-the-Table to read out the next Order.

Hon. Members, before I allow you to make any points of order, please, allow me to make a short communication and then we proceed.

Hon. Members, at this point, I wish to stipulate the procedure that will apply today for the election of the Speaker as follows:

Article 106 (2)(a) of the Constitution of Kenya provides that the Office of the Speaker shall become vacant when a new House of Parliament first meets after a General Election. In this regard, the Office of the Speaker of the National Assembly became vacant at the commencement of today's Sitting being the First Sitting of a new House of Parliament after the General Election.

Hon. Members, Standing Order No.4 provides that a Speaker shall be elected when the House first meets after a General Election and before the House proceeds with the dispatch of any other business, except the administration of the Oath or Affirmation of Office to Members-elect present.

In accordance with the provisions of the National Assembly Standing Orders, the following procedural requirements ought to be fulfilled before the election of the Speaker is conducted:

(i) Standing Order 5 (1)(a) requires the Clerk to notify the public of a vacancy in the Office of the Speaker of the National Assembly by notice in the gazette and to invite interested persons to submit their nomination papers for election to the Office of the Speaker.

In this regard, Hon. Members, I did notify the public and invited interested persons to submit nomination papers for election to the Office of the Speaker *vide* Gazette Notice No.10529 dated 5th September 2022. Further, Hon. Members, on 6th September 2022 I did publicize the declaration of vacancy by advertisement in three local dailies of nation-wide circulation and also extended the invitation to interested persons to submit their nomination papers for the election to the Office of the Speaker of the National Assembly.

(ii) Standing Order 5 (1)(b) requires the Clerk to also designate the place and period for receipt of nomination papers.

In this regard, Hon. Members, I appointed Wednesday, 7th September 2022 as the day for receipt of nomination papers and designated the place for the receipt of the papers. Further, in keeping with the requirements of Standing Order 5(4), I also maintained a register for purpose of collection and receipt of nomination papers.

(iii) Pursuant to Standing Order 5(5), immediately upon the close of the nomination period last evening, I publicized and made available to all Members-elect a list showing all qualified candidates for election to the Office of the Speaker of the National Assembly, and copies of the Curriculum Vitae (CV) of all qualified candidates were also availed.

Hon. Members, the following 37 persons collected nomination papers from my office between Monday, 5th September 2022 at 2.30 p.m. and Wednesday, 7th September 2022 at 12.30 pm:

- | | |
|--------------------------------|-----------------------------|
| 1. Isaac Alouch Polo Alouchier | 8. David Mwaure Waihiga |
| 2. Jared Oluoch Oundo | 9. Daniel Wanyonyi Opilo |
| 3. Dr. Noah Winja | 10. Timothy Ayieko Olingo |
| 4. Moses Masika Wetangula | 11. Marshall Mong'are |
| 5. Stephen Kalonzo Musyoka | 12. William Wachira Mwaniki |
| 6. Gideon Kiplangat Cheruiyot | 13. Isaac Wangengi Wainaina |
| 7. Gilbert Kipng'etich | 14. Samuel Nyachwaya Nyamao |

- | | |
|--------------------------------|----------------------------|
| 15. Kelvin Mabetta Nyamari | 27. Kenneth Otiato Marende |
| 16. Dorothy Kemunto Nyangori | 28. Miriti Joseph Mulindu |
| 17. Matthew Eric Deya Okong'o | 29. George Gitanu Thiong'o |
| 18. Orina Jephnei Nyakwama | 30. David Gikabi Mwangangi |
| 19. Joshua Kipkemoi Boit | 31. Danson Gathuthi |
| 20. Thiangeta Fredrick Mukaria | 32. Nabiswa Brian |
| 21. Dr. Mbii Kavindu | 33. Katukei K Romanos |
| 22. Peter O Nyananga | 34. Amos Otieno Ochuka |
| 23. Jinani Nzioki Mbiuva | 35. Fredrick Otieno Gaya |
| 24. Omari Dhambi | 36. Gathii Irungu |
| 25. Samuel Mwangangi Nzamalu | 37. Joseph Mijire Gaku |
| 26. Stanley Muindi Maasai | |

By the close of the nomination period on Wednesday, 7th September 2022 at 8.30 pm, the following 19 persons had returned to the Clerk their respective nomination papers for election as Speaker of the National Assembly:

- | | |
|-------------------------------|--------------------------------|
| 1. Dr Noah Winja | 11. Joshua Kipkemoi Boit |
| 2. Moses Masika Wetangula | 12. Thiangeta Fredrick Mukaria |
| 3. Gideon kiplangat cheruiyot | 13. Dr. Mbii Kavindu |
| 4. Timothy Ayieko Olingo | 14. Jinani Nzioki Mbiuva |
| 5. Marshall Mong'are | 15. Samuel Mwangangi Nzamalu |
| 6. William Wachira Mwaniki | 16. Kenneth Otiato Marende |
| 7. Isaac Wangengi Wainaina | 17. George Gitanu Thiong'o |
| 8. Kelvin Mabetta Nyamari | 18. David Gikabi Mwangangi |
| 9. Dorothy Kemunto Nyangori | 19. Danson Gathuthi Karaya |
| 10. Matthew Eric Deya Okong'o | |

Hon Members, I also wish to notify the House that I also received a letter from one Mr. Omari Dhambi dated 7th September 2022 withdrawing his candidature for election as Speaker of the National Assembly.

I wish to report that Mr. Isaac Aluoch Polo Aluochier, one of the persons who collected nomination papers, did not return the completed form. However, he appeared before the Clerk and verbally withdrew his candidature.

The following 15 persons who returned their nominations papers did not qualify as candidates for election as Speaker of the National Assembly. This is because their nomination papers were not accompanied by names and signatures of 20 Members in support of their respective candidatures as required by Standing Order 53.

- | | |
|-------------------------------|------------------------------|
| 1. Dr. Noah Winja | 9. Joshua Kipkemoi Boit |
| 2. Gideon Kiplangat Cheruiyot | 10. Dr. Mbii Kavindu |
| 3. Timothy Ayieko Olingo | 11. Jinani Nzioki Mbiuva |
| 4. Marshall Mong'are | 12. Samuel Mwangangi Nzamalu |
| 5. William Wachira Mwaniki | 13. George Gitanu Thiong'o |
| 6. Isaac Wangengi Wainaina | 14. David Gikabi Mwangangi |
| 7. Kelvin Mabetta Nyamari | 15. Danson Gathuthi Karaya |
| 8. Dorothy Kemunto Nyangori | |

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Hon Members, you recall that at the close of the nomination period yesterday evening, I did notify Hon Members of the two candidates qualified to participate in the election of the Speaker of the National Assembly. In my notification I stated that my office was in the process of verifying the documentation submitted in support of two other applicants namely; Thiangeta Fredrick Mukaria and Mr Matthew Eric Deya Okong'o.

Hon Members, I wish to inform the House that the verification of documents submitted by the two applicants against the copies of identification documents available at my office by the various Members who purported to have supported the candidature for today's election revealed glaring anomalies.

With regard to the nomination paper returned by Mr Thiangeta Fredrick Mukaria, it was noted that the Kenya National Identification numbers appended to the names of several Hon Members are at variance with the information officially available by Hon Members to Parliament as part of their biodata.

(Loud consultations)

Similarly, it was noted that the nomination papers returned by Mr. Matthew Eric Deya appended signatures purported to belong to several Hon Members that did not tally with the signatures recognized by my office from the biodata forms signed by the affected Members. Indeed, I have to date since received written complaints from a number of the affected Members regarding falsification of their support to the two candidates. In particular, Hon Members have disowned their purported endorsement of the said candidates. As at the time of this Communication, I have on record formal protest from the following Members:

- | | |
|--------------------------------|------------------------------|
| 1. Hon. Kimani Ichung'wah, | 8. Hon. (Dr.) Robert Pukose, |
| 2. Hon. Beatrice Adagala, | 9. Hon. Jane Kihara, |
| 3. Hon. Mohammed Ali Mohammed, | 10. Hon. Julius Melly, |
| 4. Hon. Mary Wamaua, | 11. Hon. Wanjiku Muhia, |
| 5. Hon. John Mutunga, | 12. Hon. Charity Kathambi, |
| 6. Hon. Githua Wamacukuru, | 13. Hon. Paul Mwirigi, and |
| 7. Hon. Samwel Moroto, | 14. Hon. David Gikaria. |

Hon. Members, in light of the above cited anomalies and the form of protest received from Members, I have disqualified the two persons from contesting in the election for the Speaker scheduled for today, 8th September 2022. Cognisant of the fact that the wilful submission of documents containing misleading, falsified or fraudulent information for use in proceedings of a very crucial nature by this House may constitute a criminal offence, I have formally requested the Directorate of Criminal Investigations (DCI) to investigate the circumstances under which the documents were submitted and take appropriate steps thereafter.

Hon. Members, pursuant to the provisions of Article 106 of the Constitution of Kenya and Standing Order 5 of the National Assembly, out of the 19 persons who completed and returned their nomination papers, the following two persons qualified as candidates for election as Speaker of the National Assembly:

- (i) Kenneth Otiato Marende;

(Applause)

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(ii) Moses Masika Wetang'ula

(Applause)

Standing Order 6 provides as follows regarding the voting procedure where more than one candidate qualifies to stand for election as the Speaker:

(i) The election of the Speaker shall be by secret ballot.

(ii) The Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked, to be displayed to the House and shall, in the presence of the House, lock the box, which shall thereafter be kept in the full view of the House until the conclusion of the ballot.

Hon. Members, we shall shortly proceed to issue ballot papers to you, which will be issued by officers to each Member in the manner I will guide. When your name is called, you will receive one ballot paper at the Table and proceed to the voting booth. Mark your ballot paper and proceed to cast your vote. For clarity, a Member who wishes to vote shall mark his or her ballot paper by placing a visible mark in the box provided for beside the name of the preferred candidate as a Member wishes to vote for.

Thereafter, the Member should fold the marked ballot paper before leaving the booth and deposit the folded ballot paper in the ballot box. A Member, who in the process of voting has marked his or her paper in error, may by returning it to the Clerk, obtain another ballot paper in its place. The initial ballot paper marked in error shall be marked cancelled and destroyed by the Clerk.

Hon. Members, when it appears to the Clerk that all Members present in the House and who wish to vote have voted and deposited their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot papers, and having rejected those unmarked or spoilt, report to the House the result of the ballot.

May I also notify you that after the Clerk has unlocked the ballot box, a Member who has not already recorded his or her vote, shall not be entitled to do so. The verification and counting of ballots shall take place in the presence of Members appointed as agents or representatives by the candidates. For clarity, each candidate is allowed a maximum of one agent or representative, for the purpose of the ballot.

In line with the requirements of Standing Order 7 (1), a person shall not be elected as Speaker unless supported by votes of two-thirds of all Hon. Members. The House is reminded that this two-thirds threshold is not a constitutional requirement but a procedural step to ease election of a Speaker on the first round of the ballot. The procedural threshold applies only to the first round of voting and does not affect the quorum required for the commencement and continuation of the sitting and the election.

Hon. Members, pursuant to the provisions of Standing Order 7 (2), in the event that no candidate is supported by the votes of the two-thirds of all Members at the first round of voting, the candidate who receives the highest number of votes and the candidate who receives the next highest number of votes, shall alone stand for election in the next round. The candidate who receives the highest number of votes in the second round, shall stand elected Speaker.

We have arranged the voting booths next to the dispatch table. There are two booths on each side of the table. Members on my righthand side will cast their ballots in the voting booths placed on their side of the table and vice versa for Members on my left.

Before the House proceeds to vote, I wish to remind the House that this particular voting is by secret ballot. Members are not allowed to display their marked ballots to the House or the

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galleries. Members from the media are also reminded to observe Rule 3 of the Broadcasting Rules in the First Schedule to the Standing Orders. For the avoidance of doubt, the said rule provides as follows:

“Wide angle shots of the Chamber shall be used during voting and Division and no shot shall be taken so as to show the manner in which a Member has voted in any secret ballot.”

Having explained the voting procedure, I now wish to direct the Chief Serjeant-at-Arms to open the ballot box and display it to Hon. Members.

(Loud Consultations)

(The Serjeant-at-Arms opened and displayed the empty ballot box to Hon. Members)

Hon. Members, you have witnessed for yourselves that the ballot box is empty. I now direct the Serjeant-at-Arms to close and lock the ballot box.

(The Serjeant-at Arms sealed the ballot box)

The next step before we start to call out names of Members to come and vote is to enquire of the House of any Member designated by the candidates as their agent or representative, which is strictly one agent or representative per candidate. If any, I request them to step forward and approach the Table, so that we can proceed. I request them to step forward and approach the Table so that we can proceed. Who is the agent for Hon. Marende? Okay, it is Hon. T.J. Kajwang'. And who is the agent for Hon. Wetang'ula? It is Hon. (Dr.) Pukose.

Hon. T.J. Kajwang' (Ruaraka, ODM): On a point of order.

(Loud consultations)

(Hon. T.J. Kajwang' approached the Chair)

Hon. Members, please be seated so that I can guide the House. Take your seats. I want to guide the House. I will allow a few interventions from Members before we proceed to the ballot. I will now allow the Hon. T.J. Kajwang' to raise his point of order.

Hon. T.J. Kajwang' (Ruaraka, ODM): Thank you, the Ag. Clerk of the National Assembly. Since this is the first time we are interacting with the Table, we want to thank you for preparing this House elaborately to accommodate all of us.

I have a fundamental constitutional issue to raise. Members who have been here before and those joining us for the first time, this is a debating Chamber and we will be here for five years. And so all issues that need to be addressed and which the nation needs to know should be addressed. That is why we are here. We took oath to present these issues.

I rise to raise a fundamental constitutional issue on whether Hon. Sen. Moses Wetang'ula...

(Loud consultations)

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I am sure that when Members keep quiet and listen, they will be able to follow what I am saying and respond. All the issues can be responded to in a civilised manner. I raise the issue of whether that candidate is eligible to run for Speaker. Article 103 of the Constitution, as read with Article 106, provides that a person is qualified if that person is not a Member of this House and if he is a Member of the other House, he is qualified when he has submitted his resignation to the Speaker.

(A Member spoke off record)

Just give me time. You are an old man. Do not say so. Use parliamentary words.

I have been able to check and candidate number 4 on the list is actually an elected Senator of the other House. If he is an elected Member of the other House, he ought to have presented his resignation to the Speaker. I have learnt, reliably, that that person presented his resignation letter allegedly to the Speaker of that House on 9th August 2022.

(Loud consultations)

Allow me to make my point. Order! Order! Order! I am explaining myself, please. The Speaker to whom he allegedly delivered his resignation letter was already an elected Governor. Article 102 of the Constitution says the term of Parliament expires on the date of a general election. The terms of this House and the other House expired on 8th August 2022, not on 9th August 2022. The term of the Speaker of that House expired at the time when he was elected as Governor. It means that on 9th August 2022, there was no Speaker to whom the candidate would have given his resignation letter. The fact of the matter is that if you have an office without a substantive holder thereof, then that office is 'no office'. I am reliably informed that he tendered his resignation to an office without a substantive holder. He submitted his resignation to no Speaker. This is an issue which is not only important to us but also to all other candidates, some of whom are not in this House, and have a valid responsibility to ask.

The last point may draw a lot of protest from somebody who does not like my thinking. In this House, we must not like each other's thinking. There is a valid resolution in this House which is on record saying that that particular person is not eligible to hold a public office in Kenya.

(Loud consultations)

This is a House of records. There is a resolution passed by this House and implementable by this House to the effect that the person should not hold a public office because of matters concerning integrity.

So, on both grounds, I ask you, Madam Returning Officer, to find that one Moses Wetang'ula is not eligible to be a candidate for election as Speaker of this House.

I thank you very much.

The Ag. Clerk of the National Assembly (Ms Serah Kioko): Hon. Members, I will now allow Hon. Ichung'wah to raise his point of order.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Ag. Clerk. Let me just begin by thanking Hon. T.J. Kajwang' for that point of order. I would like to beg the 13th Parliament that we allow each other time to be heard because Hon. T.J. Kajwang' has a right to raise whatever

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issue he wants to raise and we all have a right to respond. Eventually, the Presiding Officer will make a determination.

Allow me to just go straight to some of the issues that Hon. T.J. Kajwang' has raised. It is indeed true that one can only be elected as Speaker if one is not a sitting Member of Parliament, and that includes Members of Senate. It is also true what Hon. T.J. Kajwang' alleges – that, Hon. Senator Wetang'ula resigned on the 9th of August. It is indeed preposterous for Hon. T.J. Kajwang' to make an allegation in this House that he cannot substantiate by way of probably tabling a copy of the letter that he purports Hon. Senator Wetang'ula resigned on the 9th of August.

It is also in my knowledge, Ag. Clerk, that Hon. Moses Wetang'ula indeed resigned two days after the gazettelement of Senators by the Independent Electoral and Boundaries Commission (IEBC) in the *Kenya Gazette*. Those are facts and I want to believe, Madam Ag. Clerk, that in your office you have a copy of that letter which the Hon. T.J. Kajwang' does not have. What he is purporting here can only be equated to what they said was opaque.

Madam Ag. Clerk, when the Constitution that Hon. T.J. Kajwang' is quoting says that the term of the 12th Parliament ended on the 8th of August, it is true it ended for Hon. T.J. Kajwang', myself and Hon. Senator Wetang'ula, who was a Senator in the 12th Parliament. However, the Office of the Speaker exists in perpetuity until another Speaker is elected. As we speak, Speaker J.B. Muturi is still the Speaker of the National Assembly until a new Speaker is elected this afternoon.

Madam Acting Clerk, Hon. T.J. Kajwang' knows, because he is a seasoned lawyer; that, what he is telling the country on live television is not true because the Speaker's Office exists in perpetuity until and unless we elect a new Speaker. Speaker J.B. Muturi remains in office. In fact, as we speak, Speaker Muturi is seated in his office transacting business. Let me not belabour that point. I just want to beseech the House that we do not spend a lot of time arguing on things that could be described as rumours and hot air - things that are opaque.

Madam Acting Clerk, I would beg that you stick to the rules and procedures of this House and occasion the election of a new Speaker to progress without wasting much time. We saw these shenanigans at the Bomas of Kenya. Some of the people who were at the Bomas of Kenya are here. I really want to beg that you direct that we proceed, Madam Acting Clerk.

Thank you.

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Hon. Members, I will allow two more Members, starting with Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Mine is a different issue.

The Ag. Clerk of the National Assembly (Ms Serah Kioko): It is not on the election of the Speaker?

Hon. Opiyo Wandayi (Ugunja, ODM): No, it is not.

The Ag. Clerk of the National Assembly (Ms Serah Kioko): Okay. Let us hear Hon. Duale.

(Members consulted loudly)

Hon. Aden Duale (Garissa Township, UDA): Hon. Madam Acting Clerk and the Returning Officer, first, I want to ask the House that it is great to welcome the new Members and everybody in the 13th Parliament.

I really want us to listen to each other and then at the end of the day we will vote. Hon. T.J. Kajwang' raised two issues and Hon. Ichung'wah answered one issue. Madam Acting Clerk, I want to refer you to Article 74 of the Constitution that says "Before assuming a State Office or

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acting in a State office, or performing any function of a state office, a person shall take and subscribe to the oath of affirmation of office in a manner and form prescribed by the Third Schedule of the relevant Act of Parliament.

Madam Acting Clerk and the Presiding Officer for this afternoon, until this morning, before I took an Oath as the Member for Garissa Township, I was not a State Officer. Consequently, Hon. Moses Masika Wetang'ula ceased to be the Senator for Bungoma on 9th August 2022. From the 9th of August to this afternoon, Hon. Moses Masika, even before he submitted his resignation, was a Senator-elect and so is not a State Officer. In fact, my submission to you is that, based on Article 74 of the Constitution, you become a State Officer after taking an oath of affirmation. Hon. Moses Wetang'ula, Senator-elect, was not under any legal or constitutional obligation to even resign. Resign from what? He is not a State Officer, based on Article 74 of the Constitution.

Secondly, Hon. T.J. has raised an adverse Report of this House - a resolution of this House that indicted the Senator-elect, the candidate of this afternoon. Hon. Madam Acting Clerk, I want to prove to you that I had the privilege of being a Member of that 10th Parliament, in which Hon. T.J. Kajwang' was not a Member. The said Report was prepared by the Defence and Foreign Relations Committee, which ranking Member, Hon. Aden Keynan, chaired. Based on that Report, Hon. Moses Wetang'ula stepped aside.

Resolutions of this House are always based on further investigation by Government agencies within the criminal justice system. This House does not have the tools and the equipment to do a serious investigation. So, the resolution of this House was sent to other bodies just as we forward similar cases to the DCI, the Auditor General and the Ethics and Anti-Corruption Commission (EACC). I want to confirm that those agencies cleared Moses Masika Wetang'ula and President Kibaki reappointed him back to his ministerial position. Facts speak for themselves. Let us not use the law selectively.

We need to vote. Today we have an opportunity. Apart from nominated Members, all of us seated here have been dealing with voters. Today we are voters too. The 349 of us must exercise our constitutional rights. The law is very clear. Even if Moses Masika Wetang'ula did not resign, or did not bring you a resignation letter, based on Article 74 of the Constitution, he is not a Senator in the Third Senate! It is because he has not taken an oath of office! The moment we all took an oath of office, we became State officers. At that point, one can resign. So, let us not have a debate. Let us give a chance to these Members because they have an opportunity and a constitutional right. We have a very daunting task ahead of us. So, that report was not tabled. Myself, Hon. Mbadi, Hon. Keynan, and a few others who were in the 10th Parliament know much about that report. Those who want to vote for Kenneth Marende can do so. I served under him when he was the Speaker. Those who want to vote for Moses Masika Wetang'ula will vote for him. Let us, like the Senate, stop the shenanigans and side shows. Instead, let us elect a Speaker so that next week we go for induction and start implementing the Kenya Kwanza Hustler Fund as fast as possible.

The Ag. Clerk of the National Assembly (Ms Serah Kioko): Hon. Members, before I rule, it is only fair that because I have given three Members on this side a chance to speak, I will also give three Members on the other side a chance.

(Loud consultations)

Okay then. I will allow Hon. Mbadi. Please, let me give Hon. Mbadi a chance.

Hon. John Mbadi (Nominated, ODM): Thank you very much Madam Presiding Officer.

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(Loud consultations)

She is presiding over the election. She may be the returning officer. I do not know whether she was gazetted or she gazetted herself.

I want to take this opportunity to congratulate all Members who have made it to the 13th Parliament. I know it was not easy.

Having said that, allow me just to say one thing. Even if this matter will not be resolved today and we proceed to vote, it is something that the people of Kenya need to look into. At what point would an elected Member be considered a Member of Parliament?

(Loud consultations)

That is your opinion! Let me give mine. I am intelligent enough. Assuming office is not the same thing as being elected. The moment the returning officer in your electoral area pronounces you as elected, it is only a court of law which can reverse that decision, whether you take the oath of office or you do not. Once you have been elected, pronounced as such, and gazetted in the Kenya Gazette as a Senator, you become a Senator-elect whether the word 'elect' comes after your name or after the word 'Senator'. You are a Senator. This is a matter that cannot be wished away. In fact, I think we the people of Kenya made a mistake when we passed this Constitution. There is a law.

(Loud consultations)

Just a minute! When you look at the Constitution, it says, no one can be a Member of Parliament if they are State officers. It goes ahead to exempt serving Members of Parliament from running. The same should have happened. I do not see why a sitting Member of National Assembly cannot run for the office of the Speaker and resign after being elected. That is what happened in 2008 when Kenneth Otiato Marende was the Member of Parliament for Emuhaya. So if something is wrong with our laws, we need to accept it. Let us not just take sides. You took an oath just a few minutes ago to protect this Constitution. There is a problem in the Constitution and we need to fix it. As it is today, there are grey areas and, therefore, whether you let Hon. Moses Wetang'ula to run or not, the people of Kenya will have to deal with the elephant in the room, that there is a problem with that provision of the law requiring even sitting Members of Parliament to resign before they become the Speaker of either Houses of Parliament.

I submit my case.

Hon. Members: Let us vote!

Hon. Samwel Chepkong'a (Ainabkoi, UDA): Thank you very much, the Ag. Clerk of the National Assembly. I would just like to say that I believe in the freedom of speech. I want to rise pursuant to Standing Order No.83 as read together with Standing Order No.107. I am very surprised that you have been allowing people who have been in this House for some time to just rise on points of order without basing it on any particular order. A good example is my very good friend Hon. Mbadi, whom I respect a lot. He did not rise on any point of order. There is no debate or Bill in the House.

I would like to say this: As the Ag. Clerk of the National Assembly, you have issued a statement. My very good friend Hon. T. J Kajwang', who is a lawyer like myself, knows that once you have issued a statement, it is either factual in accordance with the Standing Orders of this

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House and the Constitution and if not, then he needs to give further information. He cannot bring third-rate hearsay into this House to challenge your statement. Your statement cannot be challenged on the basis of what somebody has heard. They must produce documentary evidence to countenance your statement. In the absence of that, you should rule everybody out of order.

According to Standing Order No.107, a Member commits an act of disorderly conduct if he deliberately gives false information to the House. We were told that Senator Moses Wetang'ula resigned on the 9th of August, but that information has not been given to us here and you just allowed that Member to sit. He is a very senior member of the Bar and I have a lot of respect for him.

Hon. Members: Let us vote! *Tupige kura!*

Hon. Samwel Chepkong'a (Ainabkoi, UDA): *Kura tutapiga wewe.* We are going to vote. My submission is that in the absence of any documentary evidence contrary to your statement, I submit that we vote.

Thank you.

(Loud consultations)

The Ag. Clerk of the National Assembly (Ms Serah Kioko): Hon. Members, I would like to respond to the issues that have been raised. Members if you could be silent, I would respond on the matters that have been raised concerning one of the candidates in this election. I want to respond as follows, especially on the matters that have been raised by Hon. T.J Kajwang'. He has asked a question about a person who is elected as a Member of Parliament and in this case a Senator and whether this Senator is eligible for election as a Speaker. I have also listened to the various submissions on the matter by the Members who have spoken from both sides of the House. I have also looked at the relevant provisions of the Constitution and the law and I now wish to communicate my findings on this matter.

Hon. Members, Article 106(1)(a) of the Constitution provides that there shall be a Speaker of each Parliament, who shall be elected by the House in accordance with the Standing Orders from among persons who are qualified to be elected Members of Parliament but are not such Members. The relevant qualification for election as a Member of Parliament is set out in Article 99(1)(a) and (b) of the Constitution, that is, that the person is registered as a voter and also has satisfied any educational, moral and ethical requirements prescribed by the Constitution or by an Act of Parliament.

Additionally, Article 99(2) provides that a person is disqualified from being elected a Member of Parliament if that person is a State officer or other public officer other than a Member of Parliament; has at any time within the five years immediately preceding the date of election held office as a member of the Independent Electoral and Boundaries Commission (IEBC); has not been a citizen of Kenya for at least 10 years immediately preceding the date of the election; is a member of a county assembly; is of unsound mind; is an undischarged bankrupt; is subject to a sentence of imprisonment of at least six months as at the date of registration as a candidate, or at the date of election; or is found in accordance with any law, to have misused or abused a State or public office, or in any way to have contravened the provisions of Chapter Six of the Constitution.

Hon. Members, let me just go through my findings. The first thing I would want to say about the issues that have been raised by Members is that, on 5th September 2022, after the candidate in question submitted his nomination papers, pursuant to Standing Order No.5 of the National Assembly Standing Orders, I wrote to the IEBC seeking confirmation as to whether this

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particular candidate is qualified to be elected as a Member of Parliament under Article 99 of the Constitution. In a letter dated 6th September 2022, the IEBC wrote back to me confirming that pursuant to Article 99 of the Constitution and Section 24 of the Elections Act No.24 of 2011, Moses Masika Wetang'ula is a registered voter No.00105121119094511 in Kabuchai Constituency. The IEBC indicated that he is duly qualified to contest for election as Speaker of the National Assembly.

Hon. Members, as you all know, the IEBC is a body established by Article 88 of the Constitution of Kenya and charged with the registration of voters and candidates for elections. The determination by the Commission is formally on record in my office.

Secondly, allow me to draw your attention to Article 74 of the Constitution, which Hon. Duale has made reference to and which provides that before assuming a State office, acting in a State office or performing any functions of a State office, a person shall take and subscribe the oath or affirmation of office, in the manner and form prescribed by the Third Schedule or under an Act of Parliament. It should also be noted that the Third Schedule to the Constitution sets out various forms of national oaths or affirmation for State officers, including the one for Members of Parliament.

Hon. Members, taking a comparative glance at jurisdictions elsewhere in the world, I would like to quote the United Kingdom:

“A Member of Parliament is not deemed to be a Member until that person has taken the required oath of office”.

In the United Kingdom, Members of both Houses of Parliament are required by law to take an oath of allegiance to the crown and MPs cannot take their seats, speak in debates or vote, or receive a salary until they have taken oath or affirmation. In fact, in the United Kingdom, your seat could be declared vacant if you make such a mistake. In the United States of America (USA), the Constitution also requires Members of Congress to take and to be bound by an oath of office or affirmation as such. Members usually take the oath before they have assumed office.

In view of the aforesaid provisions of Article 74 of the Constitution, it is clear that a person who has been elected to serve as a Member of Parliament retains his status as a member of the public until they assume office as a Member of Parliament by taking or subscribing to the oath or affirmation of a Member of Parliament as set out in the Third Schedule to the Constitution.

(Loud consultations)

Let me finish. Lastly, in any event, even if we were to overlook the provisions of Article 74 of the Constitution relating to the assumption of office, as I have enumerated, and argued that there was need for the Senator to resign from office, may I now confirm that I am in receipt of a letter dated 29th August 2022 written by Hon. Moses Masika Wetang'ula addressed to the Speaker of the Senate in which he communicated in writing to the Speaker of the Senate his decision to resign from his position as Senator-elect for Bungoma. This letter is addressed to the Office of the Speaker of the Senate, which by virtue of the provisions of Article 106(1)(2), only became vacant when the new Senate first met today. The spirit of the Constitution expounds under Article 103(1)(c) that the seat automatically becomes vacant upon receipt of the resignation letter and there is no corresponding obligation imposed on the Speaker to accept or decline the resignation.

Therefore, Hon. Members, in the present circumstances and guided by the provisions of Article 74 of the Constitution, and the letters from the IEBC and from Hon. Moses Wetang'ula, I

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have satisfied myself that Hon. Moses Masika Wetang'ula is qualified for election as a Speaker of the National Assembly.

The House is accordingly guided.

(Loud consultations)

Hon. Members, I would like us to now proceed with the process of voting. I now invite the Deputy Clerk to call out the names. After your name is called, you will be issued with a ballot paper, and we shall proceed with voting.

(Loud consultations)

(Members were issued with ballot papers and proceeded to vote)

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Hon. Members, I will allow the clerks to take the ballot papers to the Members with disabilities. They are: Hon. Lomwa Joseph Samal, Hon. Masara Peter Francis, Hon. Kosgei Jackson and Hon. Mumo Rose Museu.

(Members were issued with ballot papers and proceeded to vote)

(Voting in progress)

The Ag. Clerk of the National Assembly (Ms Serah Kioko): Hon. Members, a Member has asked a question. He has raised concerns about how to mark the ballot paper. I want to give you guidance. Standing Order No. 6 provides that you are supposed to mark the ballot paper by placing a mark in the space which is opposite the name of the candidate. I urge Members to put a tick or an X. Any other mark is sufficient because you will not be disqualified. Put the mark in the place which is provided for you to mark. I appreciate a tick or an X, but any other mark is acceptable.

(Voting in progress)

Hon. Members, please, those who have voted should clear from the voting area so as to allow other Members to vote. Hon. Members, once you have voted, please, clear from the voting area so as to allow other Members to vote. Thank you.

(Voting in progress)

Hon. Members, we are almost coming to the conclusion of voting, but before we do that, I have received a request from the Member for Gatanga, Hon. Muriu Wakili. He has indicated to me that he has spoiled his ballot. I will indulge him and he will be issued with another ballot. I have the ballot that he had already marked and I will proceed to cancel it now. I have cancelled and destroyed it.

(The Ag. Clerk tore the spoiled ballot)

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Hon. TJ Kajwang' (Ruaraka, ODM): We were not heard on the matter and yet I had raised an objection on it.

The Ag. Clerk of the National Assembly (Ms Serah Kioko): Hon. Members, the Member has not cast this ballot.

Hon. TJ Kajwang' (Ruaraka, ODM): The Member has clearly marked a box. He has not marked two boxes.

The Ag. Clerk of the National Assembly (Ms Serah Kioko): Since he has not cast the vote and he has made a request, he should vote.

Hon. Member: The Standing Orders say if a ballot is in error, you have to prove that it is in error. Look at that Standing Order. I am doing my work as an agent. You have to show that the ballot is in error.

The Ag. Clerk of the National Assembly (Ms Serah Kioko): Hon. Members, to the best of my knowledge, you vote by will. You vote for whom you desire to vote for. So I will allow the Member to pick another ballot and vote according to his will. I will allow the guy to vote according to his will.

Hon. T.J. Kajwang' (Ruaraka, ODM): Has that ballot been registered as a spoilt ballot, so that the Member is not entitled to another ballot? If you have spoilt your ballot paper, you cannot be issued with another one.

(Loud consultations)

The Acting Clerk of the National Assembly (Ms. Serah Kioko): Hon. Members, is there any other Member who has not voted and would like to vote? So, Hon. Members, it appears to me that the last ballot has been cast; however, if there is any Member who has not voted, he or she may now step forward and vote. Is there any? Okay, there is none.

So Hon. Members, pursuant to Standing Order 6 (6), it does appear to me that every Member present who wishes to vote has voted. Now, therefore, I invite the two agents, one for each candidate, to come forward and witness the counting. I see the agents have stepped forward. I now order that the ballot boxes be unlocked for examination of the ballot papers. I further direct that each ballot paper be examined once the boxes are opened. Officer, please, proceed to count and tally the votes.

(Loud consultations)

(The clerks unlocked the ballot boxes and proceeded to count the votes)

(Vote counting in progress)

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Order, Hon. Members. Please take your seats.

(Hon. Members resumed their seats)

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Hon. Members, please, take your seats so that I can guide the House on the next course of action.

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As earlier mentioned, Standing Order 71 provides that “A person shall not be elected as Speaker unless supported in a ballot by the votes of two-thirds of all the Members.” That is, unless supported, in our case, by the votes of 233 Members.

Hon. Members, it is clear from these results that none of the candidates has met the threshold required under Standing Order 71 to secure the first round of the win. The results I have with me are as follows:

RESULTS

NAME	VOTES
Hon. Moses Masika Wetang’ula	215
Hon. Kenneth Otiato Marende	130
Spoilt ballots	1

The total number of valid votes cast is 345. We have 1 spoilt vote and no abstention. Total number of votes cast is 346. This is signed by the tellers, Hon. T.J. Kajwang’, MP, and Hon. (Dr.) Robert Pukose, MP.

Given this scenario, we do not have a clear winner. What ordinarily ought to happen is that this should take us to Standing Order No.72, which provides thus: “If no candidate is supported by votes of two-thirds of all Members as has happened in this election, a fresh election shall be held. In that election, the only candidates shall be the candidate or candidates who received the highest number of votes in the ballot referred to in Paragraph (1). In this case, Hon. Moses Masika Wetang’ula and the candidate or candidates who in that ballot received the next highest number of votes, in this case, Hon. Kenneth Otiato Marende. Indeed, there are no other candidates as you are aware.

Hon. Members, we should, therefore, be proceeding to the next round of ballot.

(Loud consultations)

Hon. Members at the Bar, please, take your seats.

(Hon. Members resumed their seats)

However, I have received a written communication from one of the candidates, namely, Hon. Kenneth Otiato Marende, indicating that he does not wish to proceed to the next round of ballot.

(Applause)

Hon. Members, this communication is witnessed by the Member for Suna East, Hon. Junet Mohamed. In the circumstances, noting that there is no other candidate to compete with Hon. Moses Masika Wetang’ula, I now take this opportunity to declare that Hon. Moses Masika Wetang’ula stands elected as the Speaker of the National Assembly.

Hon. Members: Weta! Weta! Weta!

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The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Hon. Members, please, take your seats.

Having declared Hon. Moses Masika Wetang'ula elected as the Speaker of the National Assembly of the 13th Parliament, I now direct the Chief Serjeant-at-Arms to search for the said Moses Masika Wetang'ula, identify and present him before me here in the assembled House so that he may take and subscribe to the Oath of Office of a Speaker in accordance with the Constitution.

Chief Serjeant-at-arms, proceed.

(Applause)

(Hon. Moses Wetang'ula was presented to the Ag. Clerk by the Chief Serjeant-at-Arms)

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Congratulations, *Mheshimiwa*.

Hon. Moses Wetang'ula: Thank you.

ASSUMPTION OF OFFICE BY SPEAKER

(The Ag. Clerk thereupon administered the Oath of Office to the Speaker-elect)

(Applause)

The Outgoing Speaker (Hon. Justin Muturi): Hon. Speaker, congratulations on your election as the eighth Speaker of the National Assembly of the Republic of Kenya, on whom falls the greatest responsibility of guardianship of the authority of this House. I wish you well and commend that you submit to the will of the House. As you assume the office and embark on discharging the duties of the Speaker, I trust that you will find this set of past rulings by your predecessors most useful. Congratulations, Hon. Speaker.

(The outgoing Speaker handed a bundle of Speaker's rulings to the new Speaker)

(The Speaker marched from the Bar to the Table and was received by the Ag. Clerk)

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Hon. Speaker of the National Assembly, congratulations. Please, do take charge of the House now.

[The Speaker (Hon. Moses Wetang'ula) took the Chair]

(The Mace was placed on the Table)

COMMUNICATION FROM THE CHAIR

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SUBMISSION OF THE SPEAKER TO THE WILL OF THE HOUSE

Hon Speaker: Order, Hon. Members. Order.

Hon. Members, the Ag. Clerk of the National Assembly, distinguished guests, ladies and gentlemen, I wish to express my heartfelt gratitude to the Hon. Members here assembled for the high honour that you have bestowed upon me by electing me as the Speaker of this august House.

(Applause)

I accept and submit to your will and I am ready to serve as the eighth Speaker of the National Assembly since our Independence. I commend all the citizens who expressed interest in becoming your Speaker, by formally returning their nomination papers, and laud the efforts of my worthy opponent in today's election, Hon. Kenneth Otiato Marende, who also happens to be one of my distinguished predecessors having served as the sixth Speaker. My other distinguished predecessors include Sir Humphrey Slade, Hon. Fredrick Mbiti Gideon Mati, Hon. Moses Kiprono arap Keino, Hon. (Prof) Kimetet arap Ng'eno, Hon. Kausai Francis Xavier ole Kaparo, and my immediate predecessor, Hon. Justin Bedan Njoka Muturi. I am eternally humbled and extremely privileged to now occupy this hallowed seat.

Hon. Members, when I look at you and visualise the gruelling campaigns you have all undergone, I must say that I am proud of all of you for ultimately making it to this House, a dream for everybody. I commend you.

(Applause)

I am delighted to note that over 55 per cent of Members of the last Parliament have been re-elected. Of this category, 24 served in previous Parliaments. Your re-election demonstrates the confidence that the citizenry has in the leaders that they elect to this House. Spurred by this, we should, therefore, be confident that if we are true to our Oaths or Affirmations of Office and responsive to the needs of our people, who are the sovereign, this will always be the people's House.

Allow me at this point to single out and congratulate part of the leadership of the last and previous Parliaments who have made it back to this House. They include Hon. Aden Duale, who was the Leader of the Majority Party in the 11th Parliament and the larger part of the 12th Parliament. My felicitations also go to Hon. John Mbadi, the immediate former Leader of the Minority Party and the former Deputy Leader of the Minority Party, Hon. Robert Mbui. Permit me to recognise Hon. Farah Maalim, who served as Deputy Speaker in the 10th Parliament. My congratulations also extend to Hon. Emmanuel Wangwe, the immediate former Whip of the Majority Party, Hon. Junet Mohammed, the immediate former Whip of the Minority Party, and Hon. Jessica Mbalu, a former member of the Presidium. I welcome you back to the service of this House.

Hon. Members, the National Assembly of the 11th Parliament had 68 female Members. That number increased to 76 in the last Parliament. Today, the 13th Parliament has seen the number rise to 82, with 29 women having been elected to represent single-member constituencies.

(Applause)

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This increase is a significant step towards achieving the aspiration of gender parity in representation as desired by our Constitution. I wish to single out Hon. Millie Odhiambo, who is now serving her fourth consecutive term. I salute you, Member for Suba North, for your resilience and continued service to our nation. Particular mention also goes out to Hon. Linet 'Toto' Chepkorir, Member for Bomet County, who at the age of 24 is the youngest Member of the 13th Parliament. *Mheshimiwa*, you are a great inspiration to youthful leaders of this country and we wish you well.

I am also reminded of the premium that our society now places on the leadership qualities of persons with disabilities (PWDs) when I see seated in this chamber Hon. Timothy Wanyonyi Wetang'ula, my younger sibling and a leader in his own right. He now commences his third consecutive term as a Member of Parliament. He is ably joined by Hon. Rose Museo, serving her third term; Hon. Joseph Samal Lomwa, who was here before and has come back for a second term; Hon. Jackson Kipkemoi Kosgei and Hon. Martin Pepela Wanyonyi. You are a great inspiration and a beacon of inclusive leadership in our great country despite the odds.

Hon. Members, I also do recognise and acknowledge Hon. Samuel Moroto, Hon. Adan Keynan and Hon. Gonzi Rai, who are currently embarking on their fifth terms, thus becoming what we refer to in parliamentary parlance as the 'fathers of the House'. Their parliamentary experience shall enrich deliberations and output of this House.

Hon. Members, for those who served in the 12th Parliament, you will recall that the Standing Orders were reviewed before the final adjournment of the House. Notably, the Standing Orders now allow for co-sponsorship of legislative proposals and Bills by Members. Members of this House shall also be able to co-sponsor Bills with senators and vice versa, where an identified Member shall be in charge of steering debate on a Senate Bill in this House. This, in my view, is a progressive addition to the procedures of the House.

Hon. Members, the revision of the Standing Orders in the 12th Parliament also increased the number of the Committees of the House. New Committees include the Diaspora Affairs and Migrant Workers Committee, the Public Petition Committee, the Public Debt and Privatisation Committee and the Decentralised Funds Accounts Committee. These changes and many others to the Standing Orders shall strengthen and streamline the workings of Parliament. My predecessor, Hon. Justin Muturi, in his acceptance speech after being reelected as Speaker for the 12th Parliament, undertook to implement a paperless system in the House. This was in line with the Strategic Pillar Four of the Parliamentary Service Commission Strategic Plan, 2019-2030, on the implementation of an e-Parliament by automating and digitising all systems and processes. In this regard, I urge you all to be friends with electronic gadgets in this House and in the committees.

Speaking of Hon. Justin Muturi, what many of you may not know is that he is not just my predecessor, he was my roommate at the University of Nairobi, at the School of Law. He was also my classmate. He is my age mate and a long-time friend. We made our debut in the 7th Parliament together. We were appointed earlier in our years as magistrates on the same date. Indeed, I do not know whether to call it fate, sheer coincidence or maybe it is God's plan, but whatever it is, our paths in life have always met, and today, they meet again. Although once in a while we have found ourselves in different political sides, our friendship with Hon. Muturi goes back many years. I am, therefore, honoured today to take over from my dear friend.

Hon. Members, Hon. Justin Muturi shall be remembered for the great legacy and reforms he leaves behind and you do not have to look further, just look around. Members who have previously served in this House can attest to this. Members of the 13th Parliament shall move into the new modern offices in the tall brown building you may have seen at the corner of the

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Parliamentary Square. A project that was well executed under Hon. Muturi's leadership. As the Chairperson of the Parliamentary Service Commission (PSC), he has left behind an excellent and professional PSC. His communications and rulings on various constitutional practices and procedural matters were landmark, novel and rich in jurisprudence. I could go on and on, but all I can say is that he did a great job for this House and this country.

(Applause)

Hon. Members, I am particularly honoured that for the first time in the history of Parliament, Hon. Justin Muturi has also set a precedent through a symbolic and formal handover process that you just witnessed when I was declared the Speaker. This is not only honourable, but it is an act that shall remind us for a long time of his great leadership style. The symbolic handover process by a speaker should, indeed, be part of the traditions of this House and it is a practice we should carry on. Having said this, join me now in applauding the former Speaker of this House, Hon. Justin Muturi.

(Applause)

Thank you.

Hon. Members, the author Gary Levy in the book *Speakers of the Canadian House of Commons* notes that presiding officers in the Commonwealth customary relinquish their rights to participate in debates. Put differently, despite the title, a speaker does not speak, but allows Members to speak, and presides over debates in the House. I am aware that the Constitution precludes the Speaker from voting on any Question proposed for decision in the House, but as your Speaker, I will let my work speak for me. In this 13th Parliament, I undertake to prioritise two key issues. These are: Enhancing public trust in this House and the institution of Parliament, and nurturing and upholding comity between our two Houses, and also between the National Assembly and other arms of Government, with particular attention to our Judiciary, which has often appealed for reasonable consideration by the legislature.

Hon. Members, the Constitution states that the authority that has been a subject assigned to you and I under oath is a "public trust". Hubert Humphrey Jr., the 38th Vice President of United States of America is quoted to have stated that "anyone who has ever been elected to public office understands that one commodity above all others, namely, the trust and confidence of the people is fundamental in maintaining a free and open political system." In assuming our respective offices in this House, we are under a constitutional obligation to discharge our mandate in a manner befitting the offices that we have been entrusted to hold. As your Speaker, I undertake to strengthen public trust in the institution of Parliament. I will be keen to midwife through the PSC live broadcast of committee proceedings and the full operationalisation of *Bunge TV* channels to highlight the work done by this House and its Members. In addition to the live broadcast of chamber proceedings, I will support efforts to further actualise the provisions of Article 119 of the Constitution 2010 on petitions made to the House, by adequately facilitating the work of the new Public Petitions Committee. To my mind, ensuring meaningful access to the House will, like a transparent glass, make Parliament more visible, disrobed of the mystery that people might perceive of its processes.

Hon. Members, my second assurance to this House is that I will actively maintain comity with other constitutional bodies, promote consultation and cultivate healthy relations within the

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bounds of our Constitution and our governing statutes. In the exercise of our oversight function over State offices and public bodies, I will strive to ensure that all material information necessary for the work of Parliament is availed in a timely fashion by the persons in the national Executive ultimately responsible to this House. I shall strictly enforce the requirement enshrined under Article 153(3) and (4) of the Constitution 2010 which requires cabinet secretaries to attend before the committee of the House to exhaustively answer questions and give full and regular reports on matters under their control.

Indeed, as some of you may be aware, I served in this House as a Member from the 7th Parliament, and I, therefore, fully understand what it is to be one of you. I have also been a Senator, and hence fully understand what it is to be a sibling. I have served in the Executive as a minister and assistant minister in different portfolios. I have led various reforms, to the rules of procedure of this House, during the 7th Parliament, and was the head of the delegation of the African, Caribbean and Pacific European Union (ACPEU) joint assemblies, and internationally, I will continue building on the long and rich relationship we have, not just with the ACPEU, but also the East African Legislative Assembly (EALA), the Pan African Parliament, regional integration bodies, the Commonwealth Parliamentary Association, and the International Parliamentary Union.

Hon. Members, it will suffice to mention that the Standing Orders you enjoy using today with the Committee system were drafted by yours truly, the late Hon. Bonaya Godana, Hon. Julius Sunkuli – whom I believe has been re-elected to this House – and Hon. Bishop Kimani, the then Member of Parliament from Nakuru.

Hon Members, I have worn many hats, but one of the greatest leadership lessons I carry with me to date is that a leader is a servant of the people. I live by the great words of the 22nd and 24th President of the United States of America (USA), Stephen Grover Cleveland, who served between 1885 to 1889 and 1893 to 1897. He once said, “Officeholders are the agents of the people not their masters”. These words always ring true to me and hence moving on, I will be your servant and your agent. My eyes shall be keen to see and listen to all of you. My office will not be an ivory tower; it will be accessible to all of you. I undertake to be impartial and promise to see to it that you are able to effectively discharge your constitutional mandate. I am fully confident of building on the past successes of this House and charting new paths that will lead us to more glory, and maintain this House as the pride of all Kenyans.

Hon. Members, I wish to inform you that the National Assembly has organised an induction retreat for all Members of this House which will take place from 18th to 24th September, 2022, at a venue to be communicated in due course. This retreat will be a great opportunity for you to thoroughly acquaint yourselves with your mandate, parliamentary processes, the secrets and tools that will give you a head-start in serving your electorate. I encourage you to attend all the sessions.

Hon. Members, I wish to commend the acting Clerk of the National Assembly and her able team of officers for the successful conduct of the pre-swearing-in orientation last month. The Ag. Clerk has informed me that more than 95 per cent of the Members turned up for this exercise. This is a clear sign of your passion to discharge your constitutional mandate, and I encourage all of you to maintain that enthusiasm to serve our people.

Hon. Members, as I conclude, I unequivocally submit myself to the collective will of this House and reiterate my singular desire to serve with impartiality, fidelity to the Constitution and the Laws of this land; our Standing Orders, practices, precedence and traditions of this House.

I thank you all. God bless Kenya, God Bless our Parliament.

(Applause)

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Hon. Members, I now direct the Clerk to read the next Order and proceed with the steps necessary for the election of the Deputy Speaker.

Thank you.

(Applause)

ELECTION OF DEPUTY SPEAKER

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Hon. Speaker, I have the following communication to make as a returning officer on this Order.

His Excellency the President of the Republic of Kenya and the Commander in Chief of the Armed Forces of the Kenya Defence Forces, notified this First Sitting of the National Assembly of the 13th Parliament *vide* Gazette Notice No.10527 of 2022 dated 5th September, 2022.

Pursuant to the provisions of Article 106(2)(a) of the Constitution, the Office of the Deputy Speaker of the National Assembly became vacant when the previous holder, as a Member of this House, vacated the office under Article 103 of the Constitution.

Hon. Speaker, Hon. Members, in exercise of the powers conferred by Standing Order No. 13, I notified the general public of a vacancy in the Office of the Deputy Speaker of the National Assembly *vide* Gazette Notice No.10530 dated 5th September 2022. I additionally, publicised the declaration of the vacancy by advertisement in three newspapers of national circulation. In the notice and in the advertisement, I invited interested persons who qualified to be elected as Deputy Speaker of the National Assembly in accordance with the Constitution to submit their nomination papers for election as Deputy Speaker of the National Assembly. The following seven persons collected the nomination papers from the office of the Clerk of the National Assembly between Monday, 5th September, 2022 and Wednesday, 7th September, 2022:

1. Mr. Robert Gichimu Githinji
2. Mr. Farah Maalim
3. Ms. Gladys Jepkosgei Boss
4. Mr. Farah Yusuf Mohamed
5. Mr. Moses Nguchine Kirima
6. Mr. Paul Otiende Amollo
7. Mr. George Peter Opondo Kaluma

Hon. Speaker, as per the Gazette Notice and the advertisement, a person who collected nomination papers was required to submit the completed nomination papers together with their curriculum vitae and the relevant supporting documents to the Clerk of the National Assembly in Committee Room No. 7, Main Parliament Building not later than 8.30 p.m. on Wednesday, 7th September, 2022.

The Office of the Clerk of the National Assembly remained open on Monday, 5th September, 2022, from 2.30 p.m. to 8.30 p.m.; on Tuesday, 6th September, 2022, from 7.00 a.m. to 8.30 p.m.; and Wednesday, 7th September, 2022, from 8.00 a.m. to 8.30 p.m. for purposes of both collection and return of nomination papers.

Hon. Speaker and Hon. Members, at the close of the nomination period, the following three persons had submitted their nomination papers for election as Deputy Speaker of the National Assembly; the Hon. Farah Maalim, the Hon. Gladys Jepkosgei Boss and the Hon. George Peter Opondo Kaluma.

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Further, Hon. Speaker, I wish to notify the House that I received a letter from the Hon. Dr. Otiende Amollo dated 7th September, 2022, conveying the withdrawal of his candidature for election as the Deputy Speaker of the National Assembly. Pursuant to the provisions of Article 106 of the Constitution and Standing Order No. 5 of the National Assembly's Standing Orders, the three Members who returned their nomination papers qualified as candidates for election to the office of the Deputy Speaker of the National Assembly are the Hon. Farah Maalim, the Hon. Gladys Jepkosgei Boss, and the Hon. George Peter Opondo Kaluma.

Accordingly, Hon. Speaker, I published and made available to all Hon. Members the list showing the three Members who qualified as candidates for election as the Deputy Speaker of the National Assembly in the ballot to be conducted during the third business of the First Sitting of the House.

Hon. Speaker, I wish also to notify the House that, I have since received a letter from the Hon. George Peter Opondo Kaluma dated today, 8th September, 2022, conveying the withdrawal of his candidature for election as Deputy Speaker of the National Assembly. The decision, therefore, compels me to invoke the provisions of Standing Order No. 8 on withdrawal of a candidate. It provides that:

“A candidate may, by written notice to the Clerk, withdraw his or her name before a ballot is started, and in the event of such withdrawal, the Clerk shall cross-out the name of that candidate off any ballot papers issued for that or any subsequent ballot.”

Accordingly, Hon. Speaker, I would therefore like to request that the name of the Hon. George Peter Opondo Kaluma be crossed-out before the issuance of the ballot papers for the election.

The provisions of Standing Order No. 13(3) provide as follows:

“The procedure of electing a Deputy Speaker, shall with necessary modifications, be the same as that prescribed for the election of the Speaker.”

Hon. Speaker, for the record, Standing Order No. 6 provides as follows with regard to the voting procedure where more than one candidate qualifies to stand for election as Speaker.

“(1) The election of Speaker shall be by secret ballot.

(2) The Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked to be displayed to the House and shall, in the presence of the House lock the box, which shall thereafter be kept in the full view of the House until the conclusion of the ballot.”

In this regard, each Hon. Member will be issued with one ballot paper at the Table and proceed to mark his or her vote at the voting booths. Ballots shall be issued by the officers to Members on either side of the House. A Member who wishes to vote shall mark his or her ballot paper by placing a visible mark in the space provided besides the name of the candidate he or she wishes to vote for. Thereafter, the Member should fold the marked ballot paper before leaving the booth and deposit it in the ballot box. A Member who, before conclusion of the ballot, has marked his or her paper in error may, by returning it to the Clerk, obtain another in its place. The first ballot paper shall be marked cancelled and shall be destroyed.

Hon. Members, when it appears to me that all Members who are present and who wish to vote have deposited their ballot papers in the ballot box, I shall unlock the box, examine the ballot papers and having rejected those unmarked or spoilt, report the result of the ballot. May I also notify Hon. Members that a Member who shall not already have recorded his or her vote after I have unlocked the ballot box shall not be entitled to do so. Counting of the ballots shall take place

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in the presence of all Members and Members appointed as agents or representatives by the candidates. Each candidate is allowed a maximum of one agent for purposes of the ballot.

Hon. Speaker, in line with the requirements of Standing Order No.7(1), a person shall not be elected as Deputy Speaker unless he or she is supported in the ballot by the votes of two-thirds of all Members during the first round. I would like to remind the House that this two-thirds threshold is not a constitutional requirement, as I had said earlier, and it was never the intention of the framers of the Constitution to say that it has to be two-thirds. Otherwise, it should have been clearly stated. It is a procedural step to ease the election of a Deputy Speaker in the first round of the ballot. Therefore, pursuant to provisions of Standing Order No.7 (2), in the event that no candidate is supported by the votes of two-thirds of all the Members after the first round of voting, the candidate who receives the highest number of votes, and the candidate who receives the next highest number of votes shall alone stand for election in the second round. The candidate who receives the highest number of votes in the second round shall stand elected as Deputy Speaker.

Hon. Speaker, I wish to remind the House that this particular voting is by secret ballot. Members are not allowed to display their marked ballots to the House, the galleries or any other person. If it is brought to the attention of the Returning Officer that a Member has displayed his or her ballot paper, it will be considered a spoilt vote.

Members of the media fraternity are also reminded to observe Rule 3(c) of the Broadcasting Rules, which provides that wide shots of the Chamber shall be used during voting and division and no shot shall be taken so as to show the manner in which a Member has voted in any secret ballot.

Hon. Members, we have set the voting booths next to the Dispatch Table. There are four voting booths on each side of the Table. Members on the right side of the Speaker will cast their ballot in the voting booth on that side of the Table, and vice versa.

Having explained the voting procedure, I now wish to ask the Chief Serjeant-at-Arms to go forward to open the ballot box and display it to Hon. Members.

(The Chief Serjeant-at-Arms opened the ballot box and displayed it to Members)

Hon. Members, you have witnessed for yourselves that the ballot boxes are empty. I will now request the Chief Serjeant-at-Arms to close and lock the ballot boxes.

(The Chief Serjeant-at-Arms closed the ballot box)

After the ballot boxes are closed and locked, the next step before we start to call out the names of the Members to come and vote is for the candidates to appoint agents. I will start with the first candidate who is Hon. Farah Maalim. *Mheshimiwa*, do you have an agent? Alright, I see Hon. T.J. Kajwang. I now move to Hon. Gladys Jepkosgei Boss. I see Hon. (Dr.) Robert Pukose and the agents have already stepped forward.

Hon. Speaker, I now ask my officers to prepare to call out the names of Hon. Members in the order I stated earlier. When the name of an Hon. Member is called, please make your way forward and pick your ballot paper and vote. We will accord priority to the three senior Members of the House and Members with disabilities. Voting will start now.

(Members were issued with ballot papers and proceeded to vote)

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(Voting in progress)

(Several Members stood in the aisle)

Hon. Speaker: Order, Hon. Members. The Clerks-at-the-Table are requesting, and I direct, that you remain in your seats if you have not been called. That is so that we do not have too much crowding at the voting table. If you have not been called, resume your seats and wait for your name to be called. Then, you can come and cast your ballot.

(Voting in progress)

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Hon. Speaker, it appears to me that the last ballot has been cast; however, before proceeding to count the ballots, if there is any Member who has not voted, he or she may now step forward and vote.

(A Member stepped forward)

Fine. Proceed and vote. Is there any other Member?

(Several Members stepped forward)

There are. Okay.

Hon. Members, is there any other Member who has not voted? There is none. I would now want to request the two agents for each of the candidates to come forward so that they can witness the counting of the votes. I see they are there. I now order, with the permission of the Speaker, that the ballot boxes be unlocked for examination of the ballot papers.

I also ask that each of the ballot papers be examined. Officers, please proceed to count and tally the votes.

(The Clerks unlocked the ballot boxes and proceeded to count the votes)

(Vote counting in progress)

Hon. Speaker: Order, Hon. Members! Order! Resume your seats please. Those standing in the aisle take your seats so that the Clerk, who is the returning officer of this election, can announce the results.

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Hon. Speaker, having concluded the counting and tallying, I now wish to report the results of the ballot as follows.

(The Clerk opened the ballot box and counted the votes)

RESULTS

NAME	VOTES
Hon. Farah Maalim	139
Hon. Gladys Boss	198

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Total valid cast votes	337
Spoilt ballots	1
Abstention	0
Total cast votes	338

Hon. Speaker: Hon. Members, the Clerk having announced the final results of the votes I declare Hon. Gladys Jepkosgei Boss...

(Hon. Speaker consulted with the Clerk)

Hon. Speaker: Sorry for the incisive enthusiasm.

The Ag. Clerk of the National Assembly (Ms. Serah Kioko): Hon. Speaker, as per the results of the vote, no candidate has received the votes of two-thirds of all Members, as required under Standing Order No.71 as read together with Standing Order No.13(3). We shall, therefore, proceed to conduct a second round of election in order to determine the winner.

Hon. Farah Maalim (Dadaab, WDM-K): On a point of order, Hon. Speaker.

Hon. Speaker: There is a point of order from the distinguished Member, Hon. Farah.

Hon. Farah Maalim (Dadaab, WDM-K): Hon. Speaker, to begin with, I want to congratulate you for having being elected as the Speaker of the 13th Parliament – National Assembly. Secondly, I want to thank all the Members who have participated in this election. They also had the honor and trust of their own electorates so as to become Members of this 13th National Assembly. Thirdly, I also want to congratulate my worthy opponent, Hon. Gladys Boss Shollei, who is a very good friend.

This reminds me of exactly 15 years ago in this Parliament, where you were also a Member. A similar situation happened and at that time, Gitobu Manyara was my opponent. I want to do what is noble and good. I have conceded defeat in this case.

So, Hon. Speaker you can proceed and declare Hon. Gladys Boss Shollei as the duly elected Deputy Speaker of the 13th Parliament.

Thank you.

Hon. Speaker: Thank you. Hon. Members, we must salute the magnanimity and sportsmanship spirit of Hon. Farah Maalim. Congratulations Hon. Farah, you have served this House before in the capacity you were seeking to serve again.

Hon. Members, the Clerk having announced the final results of the votes, I therefore declare Hon. Gladys Jepkosgei Boss, Woman Representative for Uasin Gishu County, duly elected as the Deputy Speaker of the National Assembly in the 13th Parliament.

(Applause)

I now request two Hon. Members of this House to locate, identify, escort and introduce to me the Deputy Speaker elect so that she may take and subscribe to the Oath of Office of a Deputy Speaker here before me in the assembled House in accordance with the Constitution.

*(Hon. Gladys Boss was escorted to the Chair by
Hon. Faith Gitau and Hon. Farah Maalim)*

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Hon. Speaker: I am advised that your journey must start from the Bar. So we may have to repeat that.

(Applause)

(The Speaker accordingly declared Hon. (Ms.) Gladys Shollei Boss elected Deputy Speaker of the National Assembly and administered the Oath to her accordingly)

Congratulations. You may proceed and sign the Oath of Office.

Order Hon. Members. You may resume your seats. We have now concluded the Business of the day.

I wish to bring to your attention Standing Order 14(1), which states thus:

“After taking and subscribing to the Oath or Affirmation of Office, under Standing Order 12 (Swearing-in of the Speaker), the Speaker shall notify the Members of the place, date and time of the opening of Parliament.”

Further, Article 132 (1a) of the Constitution 2010 states as follows:

“The President shall-

(a) address opening of each newly elected Parliament.”

Therefore Hon. Members, I shall communicate the place, date and time of the opening of Parliament in due course. In the meantime I wish to reiterate that the induction of all Members of this House as announced earlier, shall be from Sunday 18th September, 2022, to 24th September, 2022, at a hotel within Nairobi. Since today is an exceptional day for all of us and in keeping with our customs, I invite all Members to a modest Speaker’s Cocktail at the rise of the House at the gardens adjacent to the Parliamentary restaurant.

ADJOURNMENT

Hon. Speaker: Hon. Members, the time being past 10:30 p.m., the House stands adjourned until a date to be notified later.

House rose at 10:36 p.m.