



THE NAIROBI CITY COUNTY ASSEMBLY
SECOND ASSEMBLY - FIRST SESSION
COMMUNICATION BY THE CLERK

—PROCEDURE TO BE FOLLOWED IN ELECTION OF
SPEAKER

Hon. Members, I have a Communication to make regarding the procedure to be followed in the election of the Speaker of the County Assembly.

—Confirmation of Quorum

Firstly, **Hon. Members,** I wish to confirm that the Assembly is properly constituted in terms of Standing Order 35, which provides that *a quorum of the County Assembly or of a Committee of the whole County Assembly shall be a third of its members*, which number is 41 members. From my counting and looking at the Membership seated in the Assembly, I can confirm that the Assembly is properly seated, having attained the 41 Members requirement.

Hon. Members, His Excellency the Governor of the Nairobi City County notified this first sitting of the 2nd Assembly of the Nairobi City County vide Legal Notice No.1 of 2017 dated 30th August 2017.

Hon. Members, Article 178(1) of the Constitution provides that each County Assembly shall have a speaker elected by

the County Assembly from among persons who are not members of the assembly.

In furtherance of the foregoing, Standing Order No. 5(1) of the Nairobi City County Assembly Standing Orders provides thus:-

“A Speaker shall be elected when the County Assembly first meets after a General Election and before the County Assembly proceeds with the dispatch of any other business, except the administration of the Oath or Affirmation of Office to Members present.”

Accordingly, the Office of the Speaker became vacant at the commencement of this sitting today in the morning, being the first sitting of a new County Assembly after an election.

Hon. Members, pursuant to the Standing Orders, a number of activities were required for the election of the Speaker before this first sitting. I will proceed to detail each such activity and the manner in which we have complied with the Standing Orders.

Firstly, Standing Order No. 6(1) requires:-

“Upon the Governor notifying the place and date for the first sitting of a new County Assembly pursuant to Standing Order 4, the Clerk shall by notice in the Gazette notify that fact and invite interested persons to submit their nomination papers for election to the office of Speaker.”

In exercise of the powers conferred by Standing Order No.6 (1), I notified the general public of a vacancy in the Office of the Speaker of the County Assembly via *Gazette Notice* No.8383 of 2017 dated 30th August, 2017. Additionally, I

publicized the declaration of the vacancy by advertisement in two newspapers of national circulation.

In the notice and advert, I invited interested persons who qualify to be elected as Members of County Assembly, but are not such Members to submit their nomination papers for election as Speaker of the County Assembly.

Hon. Members, for the position of Speaker of the County Assembly, the following candidates collected nomination papers as at the close of the nomination period:-

1. Hon. Beatrice K. Elachi
2. Hon. Karen Wanjiku
3. Bishop Gabriel A. Bakhwenya
4. Mr. Francis Shivelenge Jumba
5. Mr. Mohamed Ibrahim Idle
6. Mr. Credius Nyamwange Oigara
7. Ms. Mildred Achieng Biko Ajumbo
8. Hon. Kamau Thuo Fiunifiu
9. Mr. Nicario Irungu Wamwea
10. Mr. Kirimi Henry Misheck
11. Mr. Edward Lisamula Milimu
12. Mr. Abdi Ali Abdi
13. Dr. Sidhe Robert
14. Mr. Collins Ochieng Opande
15. Mr. Erick Ochieng Oloo
16. Mr. George Wainana Njogu
17. Mr. Joseph Mungai Thiongo
18. Mr. Ahmed Dubow Subanea
19. Mr. Ismael Atudo Otieno
20. Mr. William Odhiambo Osodo
21. Hon. Kennedy O. Ngondi
22. Hon. Samwel N. Nyangwara

23. Hon. John C. Chege

Hon. Members, as per the *Gazette Notice* and advertisement, a person who collected nomination papers was required to submit the completed papers together with his or her curriculum vitae and relevant supporting documents as detailed under the First Schedule to the Standing Orders to the Office of the Clerk of the County Assembly not later than 9.00 a.m. on Monday, 4th September 2017.

At the close of the nomination period, which was Monday, 4th September, 2017 at 9.00 a.m., the following five persons had submitted their nomination papers for election as Speaker of the County Assembly:

1. Hon. Beatrice K. Elachi
2. Hon. Karen Wanjiku
3. Hon. Kamau Thuo Fiunifiu
4. Mr. Abdi Ali Abdi
5. Mr. George Wainana Njogu

Hon. Members, pursuant to the provisions of Article 193 of the Constitution and Standing Order 6 of the County Assembly Standing Orders, all the five persons who completed and submitted their nomination papers, qualified as candidates for election as the Speaker of the County Assembly:

Secondly, **Hon. Members,** Standing Order 6(5) requires that:-

“The Clerk shall maintain a register in which shall be shown the date and time when each candidate’s nomination papers were received and shall ascertain that every such candidate for election to the office of

Speaker is qualified to be elected as such under Article 193 of the Constitution.”

I hereby confirm that a register has been maintained in accordance with the requirements of this Standing Order.

Thirdly, **Hon. Members**, Standing Order No. 6 (6) requires that:-

“Immediately upon the close of the nomination period provided for in paragraph (2), the Clerk shall-

- (a) publicize and make available to all Members, a list showing all qualified candidates; and*
- (b) make available to all Members, copies of the curriculum vitae of the qualified candidates.*

Hon. Members, I hereby confirm that a list showing all qualified candidates was publicized and was made available to all Members. I further confirm that I made available to all Members a list with extracts of the curriculum vitae of the qualified candidates.

Hon. Members, Standing Order 7 provides that the election of the Speaker shall be by secret ballot.

Specifically, Standing Order 7 (2) provides that:-

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

Hon. Members, Standing Order 7(3) requires that the Clerk shall issue not more than one ballot paper to each Member who comes to the Table to obtain it and each Member who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall, while there, mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the Member wishes to vote, fold the marked ballot paper before leaving the booth or area and place the folded ballot paper in the ballot box.

To facilitate this process, the name of each Member shall be called out; following which the Member shall come to the table (*Station 1*), directly in front of the Clerks-at-the-Table and obtain a ballot paper.

Hon. Members, each Member shall then proceed to either of the two polling booths which are clearly displayed and while there, mark the ballot paper by placing a visible mark in the space provided, opposite the name of the candidate he or she wishes to vote for and fold it. The Member shall then leave the booth and place the marked ballot paper in the ballot box at the dispatch area.

The polling booths are on my extreme left and right as displayed.

Hon. Members, Standing Order 7(4) provides that a Member who, before the conclusion of a ballot has marked a paper in error may, by returning it to the Clerk, obtain another in its place and the Clerk shall immediately cancel and destroy the paper so returned.

Hon. Members, when it appears to the Clerk that all Members who are present and who wish to vote have placed 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 the result of the ballot; and no Member who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box.

Standing Order 7(7) provides that a ballot paper is spoilt, if in the Clerk's opinion, it does not identify the candidate purported to be selected by the member voting. The Clerk shall declare a ballot paper to be invalid in the presence of and after inspection by the Members representing each of the candidates in the election.

The counting of the ballots shall take place in the presence of all Members and Members appointed as agents or representatives by the candidates. So I will shortly ask for the agents of the candidates to come forward.

Hon. Members, in line with the requirement of Standing Order 8(1), a person shall not be elected as Speaker unless he or she is supported in a ballot by the votes of two-thirds of all Members, i.e. 81 Members in our case.

If no candidate is supported by the votes of two-thirds of all Members, the candidate or candidates who received the highest number of votes in the first ballot and the candidate or candidates who in that ballot received the next highest number of votes shall alone stand for election in a further ballot and the candidate who receives the highest number of votes in the further ballot shall be elected Speaker, and I will declare so.

Hon. Members, I wish to remind the Assembly that the voting exercise we are about to undertake is by secret ballot as earlier communicated. Accordingly, Members are not allowed to display their marked ballot papers to the Assembly, the galleries or to any other person.

Members of the media are also reminded to observe rule 3(c) of the Assembly Broadcasting Rules, which provides that:

“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.”

Hon. Members, we have arranged the two voting booths on my extreme left and right. For convenience of the Assembly, Members on my right side will cast their ballots in the voting booth to my right and vice-versa.

We are now ready to commence the voting process. But before we start, may the agents or representatives for the candidates please come forth?

Agent for –

1. Hon. Beatrice K. Elachi
2. Hon. Karen Wanjiku
3. Hon. Kamau Thuo Fiunifiu
4. Mr. Abdi Ali Abdi
5. Mr. George Wainana Njogu

Having explained the voting procedure, I now direct the Sergeant-At-Arms to open the ballot box and display it to the Assembly.

Hon. Members, you have all witnessed for yourselves that the ballot box is empty, in which case I now direct the Sergeant-At-Arms to close it and seal it.

Hon. Members, we are now ready to vote. I direct the Clerks-at-the-Table to call out the names.

(Members pick ballots and Voting Continues...)

When last Member has voted ...

Hon. Members, is there is any member who has not voted for any reason? Could there be any Member who is present but has not voted?

(Pause)

It appears that all the Members who wished to vote have already done so.

Hon. Members, Standing Order 7(6) provides that when it appears to the Clerk that all Members who are present and who wish to vote have placed 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 the result of the ballot; and no Member who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box.

Therefore, in accordance with this Standing Order, I direct that the ballot box be unlocked and the ballot papers be examined. Once it is ascertained whether there are some which are unmarked or spoilt, we will start counting the votes.

You can now open the seals.

(Counting of votes commences after sorting...)

Declaration of results of the election...

Hon. Members, I wish to announce the results of the first ballot.

NAME	VOTES
1. Hon. Beatrice K. Elachi	_____
2. Hon. Karen Wanjiku	_____
3. Hon. Kamau Thuo Fiunifiu	_____
4. Mr. Abdi Ali Abdi	_____
5. Mr. George Wainana Njogu	_____

Total Votes Cast

Hon. Members, Standing Order 8(1) provides that a person shall not be elected as Speaker, unless supported in a ballot by the votes of two-thirds of all Members.

Two-thirds of 122 Members is 81. The candidate with the highest number of votes obtained _____ votes. That candidate is Mr./Ms. _____. The number (**meets** or **falls**) short of the threshold.

(If threshold met...)

Hon. Members, having met the two thirds threshold as prescribed under Standing Order 8(1), I therefore declare _____ as the duly elected Speaker of the second Assembly of the Nairobi City County.

Hon. Members, Standing Order 11 provides that *immediately the results are declared, all the ballot papers used in the election of a Speaker shall be packed and sealed in the presence of the County Assembly and kept in the custody of the Clerk for a period of six months and shall thereafter be destroyed.*

I now direct that the ballot papers be packed and sealed for safe custody.

Hon. Members, Standing Order 13 provides that immediately following the election of the Speaker, the Clerk shall administer the Oath or Affirmation of Office to the Speaker in the presence of the assembled County Assembly.

The said Oath of Office for the Speaker derives from the Constitution under Article 74, 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.

Hon. Members, the said Oath or Affirmation as highlighted above is indeed specifically detailed under the First Schedule to the County Governments Act, 2012.

May I now direct the Sergeant-at-Arms to search, find the said _____ and present her/him before the Assembly forthwith for Swearing-in.

SCENARIO TWO

(If highest votes hasn't met threshold...)

Therefore, none of the candidates has reached the threshold. Consequently, I will invoke Standing Order 8 (2) which qualifies Standing Order 8(1) as follows:

"If no candidate is supported by the votes of two-thirds of all Members, the candidate or candidates who received the highest number of votes in the ballot referred to in paragraph (1) and the candidate or candidates who in that ballot received the next highest number of votes shall alone stand for election in a further ballot and the candidate who receives the highest number of votes in the further ballot shall be elected Speaker."

Accordingly, these two candidates, namely, _____ and _____ will proceed for the second ballot. Members will proceed for a further ballot, but because I am aware some Members may have taken leave, I direct the Sergeant-at-Arms to ring the Bell for three minutes to ask them to come in for the second ballot. In the meantime, I direct my officers to prepare to give out the ballot papers.

After three Minutes ...

Hon. Members, we can now start.

Hon. Members, we shall now repeat the process as earlier detailed, in which case I direct the Sergeant-At-Arms to unlock the ballot box and display it to Assembly.

Having confirmed that it is empty, I now direct the *Sergeant-At-Arms* to lock it.

Hon. Members, I presume that the same agents will stand in for the candidates. Members, you may wish to know that the color of the ballot papers you are using for a further ballot is different from the ballot for the first vote. This is meant to differentiate between the two votes.

I now direct the Clerks-at-the-Table to call out names and issue out ballot papers.

(Members pick ballots and voting progresses)

When last Member has voted...

Hon. Members, is there any member who has not voted for any reason? Could there be any Member who is present but has not voted? (***Pause***) It seems all Members who wished to vote have so done.

Hon. Members, I will refer you to Standing Order 7(6) on conclusion of voting.

Therefore, in accordance with this Standing Order, I direct that the ballot box be unlocked and the ballot papers be examined. Once it is ascertained whether there are some which are unmarked or spoilt, we will start counting the votes.

Sergeant-at-Arms, you can now open the seals.

(Sorting and counting of votes)...

Declaration of results of the Second election

Hon. Members, I wish to announce the results of the second ballot.

	NAME	VOTES
1.	_____	_____
2.	_____	_____

Total Votes Cast

Hon. Members, Standing Order 8(2) provides as follows:

If no candidate is supported by the votes of two-thirds of all Members, the candidate or candidates who received the highest number of votes in the ballot referred to in paragraph (1) and the candidate or candidates who in that ballot received the next highest number of votes shall alone stand for election in a further ballot....

We have just concluded that ballot and the results have been announced. The said Standing Order further provides:

“---and the candidate who receives the highest number of votes in the further ballot shall be elected Speaker”.

Therefore, **Hon. Members,** noting that _____ has received the highest number of votes in the second vote, and pursuant to Standing Order 8(2), the said _____ stands elected as the Speaker of the Nairobi City County Assembly.

Hon. Members, Standing Order 11 provides that *immediately the results are declared, all the ballot papers used in the election of a Speaker shall be packed and sealed in the presence of the County Assembly and kept in the custody of the Clerk for a period of six months and shall thereafter be destroyed.*

I now direct that the ballot papers be packed and sealed for safe custody.

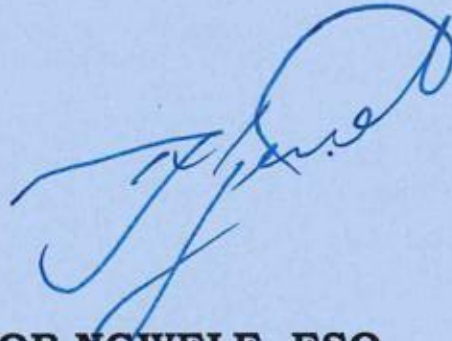
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The said Oath of Office for the Speaker derives from the Constitution under Article 74, which provides that –

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.

Hon. Members, the said Oath or Affirmation as highlighted above is indeed specifically detailed under the First Schedule to the County Governments Act, 2012.

May I now direct the Sergeant-at-Arms to search, find the said _____ and present her/him before the Assembly forthwith for Swearing-in.



JACOB NGWELE, ESQ
CLERK, NAIROBI CITY COUNTY ASSEMBLY

ELECTION RESULTS**FORM SE 1A****NAIROBI CITY COUNTY ASSEMBLY****SECOND ASSEMBLY, FIRST SESSION****FINAL ELECTIONS RESULTS TALLY FOR ELECTION OF THE SPEAKER****ROUND I**

Name Of Speaker Candidate	Total Votes Garnered
1. Hon. Karen Wanjiku	1
2. Hon. Beatrice Elachi	90
3. Mr. Abdi Ali Abdi	27
4. Mr. George Wainaina Njogu	4
5. Hon. Kamau Thuo Fiumifiu	0
Votes Spoilt/ Disputed	1
TOTAL NUMBER OF VOTES CAST	122

I, the undersigned, being the Clerk to the Nairobi City County Assembly and being present when the results of the Election of the Speaker were announced, do hereby declare the results shown above are the true and accurate count of the ballots.

Clerk *Jacob Njiru* Signature *J. Njiru* Date *06/9/17*

Agents of Candidates

Name Of Agent	ID No	Signature	Date
<i>JOHN K. NYUMU</i>	<i>1806229</i>	<i>[Signature]</i>	<i>6/9/17</i>
<i>Melvincent Othman</i>	<i>10842128</i>	<i>[Signature]</i>	<i>6/9/17</i>
<i>Paul rhen shiech</i>	<i>13581666</i>	<i>[Signature]</i>	<i>06/09/17</i>