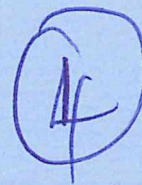


COUNTY GOVERNMENT OF NAIROBI CITY



SECOND ASSEMBLY

THE NAIROBI CITY COUNTY ASSEMBLY
(FOURTH SESSION)

COMMUNICATION FROM THE CHAIR

No. 38 of 2020

DIRECTIONS ON THE VOTING PROCESS ON THE MOTION FOR REMOVAL OF THE GOVERNOR FROM OFFICE

Hon. Members, having come to the conclusion of debate it is now time for the Assembly to take a decision on this Motion.

In this regard, **Hon. Members**, before I put the question on this matter, I wish to guide the Assembly on the voting process as follows:

Hon. Members, Standing Order 74 provides that unless otherwise provided under the Constitution, or any other written law, a question arising in the County Assembly shall be decided by a majority of the members in the County Assembly, present and voting.

Further, **Hon. Members**, whenever the law requires that a fixed number of Members is necessary to support the moving of, or to decide any question on a Motion, for the convenience of the Assembly, the Chair need to first ascertain presence of the requisite quorum before proceeding to put the question. In this case, Section 33 of the County Governments Act, 2012 requires that a Motion for removal of the Governor from Office must be supported by **two thirds** of the Members. Consequently, I can confirm that we have the required **two thirds** quorum to proceed with the vote.

Hon. Members, on the voting process, Standing Order 75 provides that unless the Speaker, for the convenience of the County Assembly otherwise directs, voting on a division in the County Assembly shall be by electronic voting.

Consequently, **Hon. Members**, we shall proceed with electronic voting. However, in the current circumstances, where we have Members who are physically present and others following proceedings virtually, the voting process shall be through the **virtual platform**.

Hon. Members, the provisions of Standing Order 75 on electronic voting shall be applied with necessary modifications to suit the current circumstances. Allow me

Hon. Members to emphasize on the following provisions of the aforementioned Standing Order:-

- “75 (2) *When the Speaker directs that an electronic voting to be taken, the Division Bell shall be rung for not more than ten minutes and the County Assembly shall proceed to a vote at the expiry of the ten minutes, or such further time as the Speaker may, for the convenience of the County Assembly, direct.*
- (3) *During electronic voting, Members shall cast their votes by pressing either the “Yes,” “No” or “Abstain” button.*
- (4) *At the **expiry of ninety seconds** or as soon as the result of the voting appears on the indicator board, the Speaker or the Chairperson, as the case may be, shall announce the results of the division forthwith.*
- (5) *A Member who is not able to cast his or her vote due to any reason considered sufficient by the Speaker, may before the result of the division is announced and after obtaining the permission of the Speaker, have his or her vote recorded verbally by stating whether he or she is in favour of or against the Question*
- (7) *Any Member present in the County Assembly but who shall not have voted at the expiry of ninety seconds or after the announcing of the results, whichever is earlier, shall forfeit the right to vote and shall be deemed to have abstained from voting.”*

In the same breath, the Chair wishes to draw your attention to the amendments on the Standing Orders which the Assembly adopted on **2nd June, 2020** regarding virtual sittings. Specifically, the Assembly adopted that and I quote:-

“231 D Use of Technology:-

- (1). *The Speaker may, taking into account the gazetted precincts of the Assembly, prescribe appropriate information and communications technology platforms for the conduct of virtual proceedings under this part.*
- (2). *The platform described under paragraph (1) shall;*

(d) where the Assembly is wholly precluded from conducting a physical sitting, incorporate a system that allows Members to vote.

(3) The voting system incorporated under paragraph (2) (d) shall be simple, accurate, verifiable, secure, accountable, transparent and facilitate the prompt declaration of results of each vote taken."

With the forgoing, **Hon. Members**, upon expert advice, the Chair has chosen the *customized zoom application* as the platform that shall be used. In arriving at this decision, the Chair is satisfied that the application is simple, accurate, verifiable, secure, secrete, accountable, transparent and has the ability to facilitate prompt declaration of results.

Indeed, **Hon. Members**, once voting shall be declared, you will be prompted on your various electronic devices to make your choice by clicking on either **YES** (in support of the Motion) or **NO** (against the Motion). Once, every member will have completed voting, the results shall appear on your devices and on the screens for those in the Chamber. It is mandatory that all Members who wish to vote, including those currently in the chamber, to login through the zoom platform using your official email addresses and gazetted names.

Hon. Members, I also wish to remind you of the provisions of Standing Order 81 on decorum during division which provides:-

81 (1) A Member shall not be obliged to vote in a division, but those present and not voting shall either-

- a) in the case of electronic voting , press the "**Abstain**" button ; or*
- b) in the case of roll call voting, record their abstention with the clerk.*

(2). It shall be disorderly conduct for a Member to fail to record his or her abstention in a division.

(4) During division, members shall maintain order in the County Assembly and shall be in their designated seats and must remain seated until the result is announced.

Hon. Members, allow me now to put the question:-


(Refer to the Motion and read the entire text of the Motion)

VOTING

Hon. Members, we are now ready to take a vote on this Motion. The Sergeant-at-Arms to ring the Division Bell for ten (10) minutes.

(The bell to be rung... ..)

Hon. Members, I now direct that the ICT team prompts the question to allow Members to vote. Remember you have ninety (90) seconds to make your decision.



The Hon. Benson Mutura, MCA

SPEAKER, NAIROBI CITY COUNTY ASSEMBLY

Thursday, 3rd December, 2020