

COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY
THIRD ASSEMBLY - FIRST SESSION

COMMUNICATION 9 FROM THE CLERK

ELECTION OF THE DEPUTY SPEAKER

Hon. Speaker, I have a report to make regarding the procedure to be followed in the election of the Deputy Speaker. If it pleases the Assembly, for purposes of the said Election, I am the Returning Officer.

Hon. Speaker, 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.*

Further, Article 178(2) (b) provides that *“in the absence of the speaker, another Member of the Assembly elected by the Assembly shall preside over a sitting of the County Assembly”.* In furtherance of the foregoing, Section 9A (1) of the County Governments Act, 2012, provides for the Office of the Deputy Speaker in reference to the “Member” cited in Article 178(2) (b) of the Constitution.

In addition, **Hon. Speaker, Hon. Members,** the said Office of Deputy Speaker is provided for under Part IV of the Nairobi City County Assembly Standing Orders.

Hon. Speaker, Hon. Members, the Office of the Deputy Speaker became vacant on 9th August, 2022 when the term of the Second Assembly lapsed. Standing Order No.17 (1) provides as follows regarding the election of the Deputy Speaker -

“As soon as practicable after the election of a Speaker following a General Election, a Deputy Speaker shall be elected in accordance with Article 178(2) (b) of the Constitution and as referred to in Section 9(A)(2) of the County Governments) Act, 2012”

Further, **Hon. Speaker, Hon. Members,** Standing Order No. 17 (3) provides that the Speaker shall preside over the election of the Deputy Speaker. Specifically, Standing Order No.17 (4) provides that the procedure for electing a Deputy Speaker shall, with necessary modifications, be the same as that prescribed for the election of the Speaker. This means that we shall be making reference to Standing Orders No. 5 to 13.

Accordingly, **Hon. Speaker, Hon. Members**, in exercise of the power conferred by Standing Order 6 (*nomination of candidates*), I notified the membership of a vacancy in the Office of the Deputy Speaker of the Nairobi City County Assembly through Gazette Notice No. 11496 of 2022 dated 23rd September, 2022. Additionally, I publicized the declaration of the vacancy by advertisement in two newspapers of national circulation. In the notice and adverts, I invited interested persons who qualify to be elected as Deputy Speaker of the Nairobi County Assembly in accordance with the Constitution to submit their nomination papers for elections as the Deputy Speaker of the Nairobi City County Assembly.

Hon. Members, the following candidate(s) collected nomination papers from the office of the Clerk of the Nairobi City County Assembly, namely:

1. Hon. Kiguathi Kados Paul Muiruri
2. Hon. Athman Hashim Kamau
3. Hon. Samora Mwaura

However, **Hon. Members**, before the commencement of this Sitting, my office was in receipt of a letter from Hon. Athman Hashim Kamau withdrawing his candidature and I accordingly struck his name from the ballot papers. In addition, at this very sitting, Hon. Samora Mwura rose in his sit and withdrew his candidature. **Hon. Members**, the implication of this developments is that Hon. Paul Kiguathi Kados remains the only candidate for the position of the Deputy Speaker.

In this regard and pursuant to the provision of Standing Order No.12, which provides that if there is only one candidate who has been duly nominated for election as Speaker, in this case, Deputy Speaker at the expiry of the nomination period, that candidate shall be declared forthwith to have been elected Speaker [Deputy Speaker] without any ballot or vote being required, I therefore declare one Hon. Paul Kiguathi Kados, MCA duly elected Deputy Speaker of the Nairobi City County Assembly.

Hon. Members, in line with parliamentary practice, I direct the sergent-at-arms to escort the Deputy Speaker elect outside the Chamber for the purpose of formal admission to the Office of the Deputy Speaker.

EDWARD O. GICHANA

CLERK, NAIROBI CITY COUNTY ASSEMBLY