



COUNTY ASSEMBLY OF KISUMU



PROCEDURAL HANDBOOK



**FIRST EDITION
JULY, 2022**

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July, 2022

FOREWORD

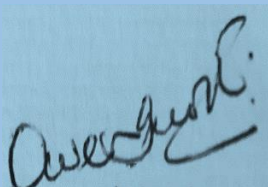
This handbook is prepared for the guidance of Members and staff of the County Assembly in the performance of their legislative and procedural duties. It sets out in brief form some of the modalities of the working of County Assembly and the rules of procedure used to transact business in the County Assembly. The opportunity of producing this edition has also made it possible to provide some basic information on the County Assembly.

The handbook is not a substitute for the Constitution, the County Assembly Powers and Privileges Act or the County Assembly Standing Orders. Members are advised to study and familiarize themselves with all the legal and procedural aspects of County Assembly. In addition, the Speaker shall from time to time, in consultation with the Procedure and Rules Committee, issue Speaker's Orders to regulate the conduct of Members and visitors within the precincts of County Assembly.

ACKNOWLEDGEMENT

The development of this handbook has been made possible through the contribution of various actors, led by the County Assembly Service Board (CASB), Assembly leadership. Special mention goes to the members of the Taskforce on Transition of the Third Assembly led by the Deputy Clerk, Mr. Nashon Kusina for their role in reviewing and offering technical guidance on the contents of this publication.

Similar commendations go to various members of staff for their support and input to this document. Special recognition goes to the taskforce sub-Committee on Legislative Procedures led by Mr. Peter Anditi, Principal Clerk Assistant, who worked tirelessly to compile various background information that has led to the success of this document.

A handwritten signature in black ink on a light blue background. The signature is written in a cursive style and appears to read 'Owen Eliud Ojuok'.

OWEN ELIUD OJUOK,
CLERK OF THE COUNTY ASSEMBLY.

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CHAPTER ONE

DEFINITIONS

- 1. Parliament:** Pursuant to Article 93 of the Constitution, the Parliament of Kenya consists of the National Assembly and the Senate. In accordance with Article 102 of the Constitution, the term of each House of County Assembly expires on the date of the next General Election but when Kenya is at war, a term may be extended, for not more than six months at a time. The extension is sanctioned through a resolution in each House supported by at least two thirds of members of the House. Article 101 of the Constitution provides that a general election of members of parliament shall be held on the second Tuesday in August in every fifth year. Parliament commences upon a proclamation by the President through a Gazette Notice appointing a place and date of the first sitting of the new Parliament. There have been eleven Parliaments since independence.
- 2. County Assembly:** Refers to the County Assembly as established under Articles 176 and 185 of the Constitution of Kenya, 2010 and part III of the County Governments Act, 2012.
- 3. Session:** The sittings of the County Assembly commencing when it first meets after a General Election or on the second

Tuesday of February of each calendar year and terminating on the first Thursday of December, or at the expiry of the term of County Assembly. Pursuant to the Standing Orders, a period of three months shall not intervene between the last sitting of the County Assembly in one session and the first sitting in the next session.

4. **Sitting:** Period during which the County Assembly is sitting continuously without adjournment. The sittings of the County Assembly are regulated by the Standing Orders.
5. **Sitting Day:** Any day on which the County Assembly sits.
6. **Special Sitting:** A sitting convened by the Speaker when County Assembly is on recess, on the request of the County Assembly Majority Leader or the County Assembly Minority Leader, with the support of at least fifteen Members.
7. **Regular Hours of Meeting:** Sittings are held on Tuesdays, Wednesdays and Thursdays, commencing at 2.30 p.m. and are interrupted at 6.30 p.m. except for Wednesdays which there is a sitting commencing at 9.00 a.m. and interrupted at 12.30p.m.
8. **Recess:** period during which the County Assembly stands adjourned to a day other than the next normal sitting day.
9. **Oath or Affirmation of Office:** Pursuant to Article 74 of the Constitution, every person shall, before assuming a State office, take and subscribe to the Oath or Affirmation of Office. The Clerk of the County Assembly administers the Oath or Affirmation of Office to Members on the first sitting of a new County Assembly and to the Speaker in the presence of the assembled Members.

10. Procedure on Assembly of a New County Assembly: At the first sitting of a new County Assembly, the procedure followed is as follows:

- a. once all Members have taken their seats, the Clerk of the County Assembly reads the notification of the Governor appointing the place and date for the first sitting of County Assembly after which he or she lays on the Table of the County Assembly, a complete list of all Members elected and nominated to the new County Assembly;
- b. in administering the Oath or Affirmation of Office, the following order of precedence as provided for in the County Assembly Standing Orders.
 - i) The Clerk calls out the full names of each Member who then proceeds to the Bar of the County Assembly, where he or she bows to the empty Chair, then proceeds to the left of the Table;
 - ii) The Member then moves into the space between the Clerks' seats at the Table, and bows again.
 - iii) The Clerk inquires from him or her, the religion he or she belongs to and whether he or she wishes to take an Oath or Affirmation of Office.
 - iv) Depending on one's faith, he or she would be given an appropriate religious book, which while lifting it by his or her right hand and holding a form containing the written

Oath or Affirmation of office with the left hand, will proceed to read it. Where the Member elects to take the Oath or Affirmation of Office, he or she will lift his or her right hand and, holding a form containing the written Affirmation of Office with the left hand, will proceed to read it.

- v) On conclusion, the Member shakes hands with the Clerk, proceeds to the left side of the Table and signs the Oath or Affirmation book, and then returns to his or her place, amidst congratulatory bench thumping by other colleagues.
- c. The Member is at liberty to take the Oath or Affirmation of Office in any of the three languages used for communication in proceedings of the County Assembly (*See Appendix 1E*)
- d. The form of the Oath or Affirmation is also available in Kiswahili and in Braille for the visually impaired.

On other occasions, the administration of the Oath or Affirmation of Office is carried out by the Speaker as the first item of the proceedings at a sitting, soon after prayers. At such moments, the newly elected or nominated Member sits behind the Bar during prayers. Immediately after prayers, the Clerk of the County Assembly reads out the first Order of the Day which is Administration of Oath, after which he or she reads out the full names of the new Member. The Speaker, the Member, all Members, Clerks and visitors rise and remain standing to the end of the Administration of Oath. The new Member then proceeds to the Bar sandwiched between two sponsoring Members, the three bow to the Chair,

proceed to stand in front of the Mace, bow to the Chair again; proceed to the space between the Clerks' seats and the Chair, facing the Speaker. The senior of the two sponsoring Members, who is normally on the new Member's right, introduces him or her to the Speaker.

The Speaker then asks the new Member his or her religion and whether he or she would take an Oath or Affirmation of Office. Depending on the reply, the Speaker is then handed the relevant material by the Clerk of the County Assembly which he or she hands to the new Member. The Member, taking the Bible, the Koran or such other religious book, in the right hand raises it up and holds the form containing the Oath or Affirmation of Office in his or her left hand which he or she reads out aloud. The Member then returns the religious book and the Oath/Affirmation of Office to the Speaker. The Speaker shakes hands with the new Member, utters the special words of "congratulations, welcome and best of luck". Thereafter the new Member and his or her two sponsors proceed to the left of the Table where a Clerk is waiting with the Oath or Affirmation book, which the new Member signs. The trio then proceeds to the Bar, where they bow to the Chair before moving to their respective seats, amidst bench thumping by other colleagues.

11. **Speaker of the County Assembly:** The presence of the Speaker as the Presiding Officer over the County Assembly is provided for under Article 178 of the Constitution. His or her election and removal from office are provided for in Section 21(1) of the Elections Act No. 24 of 2011 and Section

11 of the County Government Act No. 17 of 2012 respectively.

Constitutionally and procedurally, the Speaker presides at the sittings of the County Assembly. In his or her absence, the Deputy Speaker presides. In the absence of the Speaker and the Deputy Speaker, another Member elected by the County Assembly, presides.

The Speaker is the repository and custodian of all the powers, privileges and immunities of the County Assembly. He or she is the spokesperson of the County Assembly in all fora as well as the final authority on all matters touching on the interpretation and application of the practice and procedure of the County Assembly. In presiding over the proceedings of the County Assembly, the Speaker's decisions and the considered rulings he or she makes on matters brought to his or her attention constitute the "case law" of the County Assembly. As the presiding officer, he or she ensures the strict observance of the rules for preservation of order.

Members rise and remain standing in their places, whenever the Speaker enters or leaves the Chamber. When the County Assembly dissolves into committee of the whole, as the Speaker rises to withdraw, Members also rise and remain standing until he or she has withdrawn from the Chair. Members do likewise, when the Speaker resumes the Chair at the end of the committee proceedings. In the course of proceedings, whenever the Speaker speaks or rises to his or her feet, the Member then on the floor resumes his or her seat, until the Speaker has concluded speaking, or resumes his or her seat. During proceedings, the Speaker decides on all points of order raised by any Member. His or her decisions or rulings on such points of order may be made immediately or be deferred to some other time. Such

decisions or rulings and other actions by the Speaker may only be questioned or criticized on a substantive motion.

In the enforcement of rules of procedure, the Speaker's powers are far-reaching. They include the exclusive right to decide on all matters not specifically provided for in the Standing Orders; in case of disorder or grave disorder, he or she could order the withdrawal of an errant Member from the Chamber; and on such a Member being named, he or she would be obligated to suspend him or her. A Member who is named for disorderly conduct on three or more occasions in the same session faces exclusion from the precincts for a maximum of twenty-eight sitting days. In the case of grave disorder, the Speaker may suspend the sitting or adjourn the County Assembly.

12. **The Deputy Speaker of the County Assembly:** The Deputy Speaker is elected by the House in accordance with Section 21(3) of the Elections Act and Section 9(A) of the County Governments (Amendment) Act, 2020.

The Deputy Speaker is the chairperson of committee of the whole. If the Deputy Speaker is absent or if he or she wishes to take part in proceedings in committees, any member of the Speaker's Panel chairs or any other Member presiding over a committee of the whole is referred to as acting chairperson.

13. **Members of the Speakers Panel:** The three members of the Speakers Panel are elected upon being nominated by the Speaker in consultation with County Assembly party leaders and the County Assembly House Business Committee. The Panel is constituted pursuant to the provisions of Standing Orders.

- 14. Clerk of the County Assembly:** The office of the Clerk of the County Assembly is set out under Part IV of the County Assembly Services No. 24 of 2017 and Section 13(1) of the County Governments Act No. 17 of 2012. The Clerk is appointed by the County Assembly Service Board with the approval of the County Assembly. The office of Clerk and offices of staff in the Clerk's Chambers are offices in the County Assembly Service.

In keeping with the age-old parliamentary traditions and conventions, the Clerk of the County Assembly is the repository of and principal advisor to the Speaker and all Members irrespective of their political persuasions, on matters of County Assembly traditions, conventions, practices and procedures. In the offering of advice, the Clerk does not impose it on them, but is concerned that decisions made should be on the basis of sound County Assembly knowhow; as decisions of the House become precedents for future reference.

The Clerk is usually present at all sittings of the County Assembly, occupying the seat in front of the Speaker at the Table; from where he or she can be seen moving to and from the Speaker's Chair whenever the need for consultation arises in the course of proceedings. Procedural consultations between the two are continuous, even outside the Chamber.

The Clerk is also the administrative head of the County Assembly, the Accounting Officer and the Authorized Officer. The Clerk is in charge of the formulation and implementation of all policies as well as financial and administrative matters. In addition, the Clerk is the custodian of journals, papers and records of proceedings of County Assembly and its committees and all such material and information presented to the County Assembly in

accordance with the law and procedure. Pursuant to section 17 and 19 of the County Assembly Services Act No 24 of 2017, the Clerk of the County Assembly also serves as Secretary to the County Assembly Service Board.

There exists clear-cut differentiation between the roles and functions of the Speaker and the Clerk. The tenacious hold between them is that the Clerk does offer advice on virtually all of the Speaker's powers and functions to County Assembly. Thus, the Clerk, acting under the specified authority takes decisions on admissibility of motions, bills, petitions and requests for statements, in the name of the Speaker. However, he or she does not work under delegated authority. All advice, information received, decisions made and actions taken by the Clerk, in fulfillment of his or her role and functions are privileged in terms of the County Assembly Powers and Privileges Act.

15. **County Assembly Buildings:** The words “County Assembly Buildings” refer to all the buildings in which accommodation for the use of County Assembly is situated.
16. **Notice Paper:** The paper containing the business of the County Assembly for each sitting day of the week together with such other information as the Speaker may decide.
17. **Quorum:** Quorum of the County Assembly or of a committee is a third of all members of the House or of Members of that committee respective.

CHAPTER TWO

SITTINGS AND ADJOURNMENTS

- 18. Sittings:** Sittings are held on Tuesdays, Wednesdays and Thursdays, commencing at 2.30 p.m. and are interrupted at 6.30 p.m. except for Wednesdays which there is a sitting commencing at 9.00 a.m. and interrupted at 12.30p.m.

The above notwithstanding, the County Assembly may resolve to—

- a) extend its sitting time;
- b) meet at any other time on a sitting day; or
- c) meet on any other day in order to transact business.

- 19. Adjournments:** The interruption of proceedings of normal sittings comes at 6.30 p.m.

The County Assembly may also be adjourned in the event of lack of Quorum. Such adjournment is without question put.

- 20. Adjournment Motions:** Additionally, the County Assembly may be adjourned through a motion. Such a motion may be moved at any time in the course of the proceedings. Motions in this regard include those seeking the adjournment of the County Assembly to facilitate attendance of the County Assembly to some urgent County matters outside the County Assembly.

Whenever the County Assembly has to adjourn to a day other than the next normal Sitting Day, the adjournment is secured through an adjournment motion in which case the County

Assembly decides, by a vote, whether to adjourn or not. Such adjournment motions are moved without notice, and have often been for the convenience of the County Assembly.

However, if the adjournment is in accordance with the County Assembly Calendar, the County Assembly adjourns without Question put. This is for the simple fact that the date is already specified in the Calendar which is approved by the House at the commencement of each session.

The County Assembly may also adjourn to discuss a definite matter of urgent County importance.

An adjournment motion to discuss a definite matter of urgent County importance usually enables a Member of County Assembly to raise a matter considered urgent and of County importance. Motions seeking this kind of adjournment are moved at any time and without notice. The sequence of events leading up to the moving of such motions is as follows–

- a) the Member submits a written notification of the matter to the Speaker at least one hour before the commencement of a sitting at which he or she intends to raise the matter;
- b) the Speaker decides whether the matter falls within the meaning of “a definite matter of urgent County importance”
- c) when the Speaker decides in the affirmative, he or she informs the County Assembly accordingly when the matter is raised and, if five or more other Members rise in their places in support, the Speaker nominates a time on the same day at which such a motion may be moved;

- d) when the Speaker decides on the contrary, he/she makes a formal communication to the Member informing him/her of the same.
- e) this form of motion is intended to facilitate the discussion of a specific subject, and only that subject may be discussed. The object is not literally to adjourn the County Assembly but to set aside scheduled business and time to facilitate deliberation on the matter;
- f) at the conclusion of the debate, no Question is put.

21. Adjournment of Debate: Motions to adjourn debate may be moved at any time after a Question has been proposed. A Member wishing to move a motion to adjourn debate does so by stating that he or she wishes to postpone to some future occasion the further discussion of the question then before the County Assembly. If the motion is moved when the County Assembly is in plenary, the motion would be "That, the debate be now adjourned". If in the committee of the whole, the motion would be "That, the chairperson do report progress". The Speaker or the chairperson has to decide whether such a motion is not frivolous and an abuse of the proceedings of the County Assembly and, if it is not, the Speaker will forthwith put the question. If it is frivolous, the Speaker may decline to propose the question.

The debate on any such motion is confined to the matters raised in the motion, which, if adopted, the debate on the question before the County Assembly ceases forthwith.

22. Closure of Debate: A Member may at any time seek to curtail the further discussion of a question to which the mover has a right to reply, by moving a closure. The Member moving this kind of a motion rises in his or her place on a point of order and states - "That, the mover be now called upon to reply". The Speaker has the duty to decide whether such a motion is an abuse of the proceedings of the House or an infringement of the rights of

Members, and, if not, the question shall be put forthwith and decided without debate; and if he or she thinks so, then the debate on the question then before the House shall resume. If the Speaker puts the question and it is decided in the affirmative, then the mover shall reply immediately and if he or she does not wish to reply, the Speaker shall put the question of the main question.

23. **Dilatory Motions:** These are motions made for the purpose of evading or superseding a question with a view to delaying the consideration of a subject.

CHAPTER THREE

PROCEEDINGS OF THE COUNTY ASSEMBLY

- 24. What Constitutes Proceedings:** In a nutshell, the proceedings of the County Assembly comprise and denote all the happenings in the County Assembly from the moment the Speaker's procession marking the commencement of the sitting enters the Chamber, to the time the proceedings are interrupted by suspension or adjournment. The guide for the proceedings is usually the Order Paper, though not all such proceedings are indicated on it. For instance, there are matters like points of order, notices of motions of adjournment under Standing Order No. 29; motions of adjournment under Standing Order No. 31; motion which may be moved without notice under Standing Order No. 50, et cetera, which are not listed on the Order Paper.
- 25. The Order Paper:** The Order Paper is a schedule showing the sequence of the matters to be dealt with by the County Assembly at a Sitting, called, Orders of the Day. It is prepared by the Clerk of the County Assembly under the direction of the Speaker by the authority of the County Assembly House Business Committee.

The Order Paper is, in fact, the agenda through which the proceedings of the County Assembly are closely steered.

The running sequence of the Items on the Order Paper is as follows:—

1. *Administration of Oath* - This is to enable any newly elected or nominated Member or Chairperson or Vice Chairperson of a Committee to take the Oath or Affirmation of Office.
2. *Communication from the Chair* - This is for the Speaker to convey any message, for example notification of assent to bills by H.E. the Governor; or give a considered ruling or some information to the County Assembly regarding the Orders of the Day or some procedural guidance.
3. *Messages* – Refer to communication from a Senate to the County Assembly, or from a County Governor to the County Assembly or from the County Assembly to the Senate. Messages have to be in writing and signed.
4. *Petitions* – A written prayer to the County Assembly under Articles 37 and 119 of the Constitution by a member of the public or a group of people requesting the County Assembly to consider any matter within its authority as contemplated in Articles 176 and 185 of the Constitution including enacting, amending, or repealing any legislation.
5. *Papers* - Any printed or electronic material laid on the Table of the County Assembly or a committee of the County Assembly pursuant to any law or the Standing Orders or any other material as the Speaker may determine. This is an opportunity for official documents, such as reports of statutory bodies or those of select committees to be formally presented to the County Assembly.
6. *Notices of Motion* - This is an opportunity for a Member who has a motion he or she intends to move in the future to bring the terms of such a motion to the attention of the County Assembly. Notices relate only to substantive motions, which will have been approved by the Speaker and

balloted by the County Assembly House Business Committee.

7. *Statements* – Constitute general pronouncements by any Member on issues of topical concern, or information by a designated member of the County Assembly House Business Committee bringing to the attention of the County Assembly the business coming before the County Assembly the following week, or a statement by the County Assembly Majority Leader or the County Assembly Minority Leader, as the case may be, relating to their responsibilities in the County Assembly, or a statement sought by a Member from a committee chairperson relating to the matters under the mandate of the committee.
8. *Motions* - A motion is a self-contained proposal submitted for the approval of the County Assembly and drafted in such a way as to be capable of expressing a decision of the County Assembly. Save as otherwise provided by the Standing Orders, notice must be given by a Member of any motion which he or she proposes to move. Before giving notice of a motion, a Member must deliver to the Clerk a signed copy of the proposal. The Clerk submits the same to the Speaker, who may direct that it be altered or that it is inadmissible. When the motion is approved by the Speaker, the Member gives notice by reading it in the County Assembly when the Clerk calls “Notices of Motion”. Party-sponsored motions shall have precedence over all other motions on such days as the County Assembly House Business Committee, in consultation with the Speaker, may determine, and in such order as the committee may determine, and subject thereto.
9. *Bills* – A bill is a draft legislation for consideration by the County Assembly. After being approved by the County Assembly, a bill is presented to the Governor for assent. Each Member will receive a copy of all bills which are for

introduction in the County Assembly. A bill passes through several stages. These are:

- a) Pre- publication scrutiny
- b) Publication
- c) First Reading - To draw Members' attention to the bill. At this stage, the bill shall be referred to the relevant standing committee;
- d) Second Reading - Members discuss the principles of the bill;
 - i. Clerk reads the title of the Bill.
 - ii. Committee of the Whole House Stage - The bill is considered clause by clause, and members may propose and vote for or against proposed amendments;
 - iii. Report Stage - The committee of the Whole House informs the County Assembly of its consideration of the bill;
- e) Third Reading - Members may again briefly debate the principles of what is already in the bill and may propose further amendments.

26. Assent to Bills: When a bill has passed third reading stage in the County Assembly, a certified copy shall be signed by the Clerk and endorsed by the Speaker and forwarded to the Governor for assent as referred to under Standing Orders No. 137.

Not more than one stage of a bill may be taken at any one sitting without the leave of the County Assembly, with certain exceptions i.e. money bills.

27. **How a Matter gets into the Order Paper:** The County Assembly House Business Committee determines matters for inclusion in the Order Paper. There are those matters that are automatically included and those that are put by initiative of a Member.

The matters that are automatically included in the Order Paper, comprise–

- a) Prayer;
- b) Administration of Oath;
- c) Communication from the Chair;
- d) Messages;
- e) Petitions;
- f) Papers; and
- g) Notices of motions.

Matters whose inclusion arises from initiative of a Member comprise - substantive:

- a) Motions for debate;
- b) Stages of a bill;
- c) Motions for adjournment of the County Assembly; and
- d) Notice of amendments to bills

28. **Votes and Proceedings:** The Votes and Proceedings is the precise summary of the proceedings of the County Assembly at each sitting. The summary contains a record of what was done or transacted at the sitting in the order in which they were dealt with or occurred. The sequence set out on the Order Paper is sometimes not strictly followed. Whenever this happens, the

alteration is recorded too. Nevertheless, there are some parts of the proceedings not recorded in the Votes and Proceedings.

The parts of the proceedings not recorded in the Votes and Proceedings include, points of order on matters of procedure, the Speaker's entry, withdrawal and departure from the Chamber and any action or noise by visitors.

The parts of the proceedings that are included in the Votes and Proceedings include–

- a) The time the County Assembly assembled;
- b) Prayer;
- c) Administration of Oath, if any was carried out;
- d) Communication from the Chair, if any was given;
- e) Petitions, if any were presented;
- f) Papers laid; if any were laid on the Table of the House;
- g) Notices of motions; if any were given;
- h) A record of the business disposed of in the sequence it was transacted, whether it was adopted, negated, deferred, or dropped;
- i) Other proceedings in the process of disposing of business, such as motions to adjourn the County Assembly under Standing Orders 29 and 31; adjournment of debate under S.O. 94; resumption of interrupted business under S.O. 30; lack of Quorum in the County Assembly under Standing Orders 32, and 34; the several motions under Standing Order 44; suspension of a Member from the

precincts of the County Assembly under Standing Order 108, adjournment of the County Assembly due to grave disorder under Standing Order 111; et cetera, are also recorded, plus a brief summary of any statements requested or issued;

- j) Results of Division, by name;
- k) Time of interruption of proceedings, the name of the Presiding Officer, the day and date of reconvening, if known; and
- l) Sequence of events during committee of the whole stage, covering the transition from plenary to committee and back, et cetera.

29. Modes of Decision Making: Pursuant to Article 122 of the Constitution, decisions of the County Assembly are signified by voting. The voting is either by the collecting of voices (oral) or by electronic voting or by roll call. These modes of decision making apply to all matters of a substantive nature on which the County Assembly is required to make a decision.

However, there are various occasions in which divisions with specific majority votes are mandatory. i.e:–

- a) To impeach the Governor under Article 181 of the Constitution and section 33 of the County Governments Act, in which case 2/3 of all Members vote to uphold any impeachment charge;
- b) To impeach the Deputy Governor, in which case 2/3 of all Members vote to uphold any impeachment charge;
- c) To impeach the Speaker,
- d) To impeach the Deputy Speaker,

- e) To impeach County Executive Committee Member
- f) To impeach a member of the board
- g) Voting on a bill referred back to County Assembly by the Governor for reconsideration pursuant to Article 115 of the Constitution, in which case to reject or amend the Presidents reservations on the bill, a vote is carried only if supported by 2/3 of the delegations in the County Assembly; and
- h) Voting on a matter affecting counties, in which case a vote is carried only if supported by a majority of all county delegations.

On all other occasions, decisions are carried by a simple majority of those present and voting.

CHAPTER FOUR

PRACTICE AND PROCEDURE

- 30. Content of County Assembly Practice and Procedure:** The processes by which County Assembly transacts its proceedings, members' relation to each other, the totality of what County Assembly applies in carrying out its role and functions, is in one word called procedure.
- 31. Entering and Leaving the Chamber:** When the five-minute bell rings at the commencement of a sitting, Members should proceed with dignity to the Chamber. On the Speaker being announced, Members should make their way to their places where they should stand in silence. The Speaker will bow at the Bar and on reaching the Chair, read a Prayer.

On concluding reading the prayer, the Speaker bows to the Members on the right, and then to the Members on the left. Members should turn slightly towards the Speaker and return his bow. When the Speaker sits, Members sit.

At the conclusion of business, the Speaker rises and bows. Members should also rise and return the Speaker's bow.

Members remain standing in silence in their places until the Speaker's Procession is out of the Chamber.

When Members enter the Chamber during a sitting, they should halt at the Bar and bow to the Chair. Members may also show respect in any other manner consistent with their faith and with the dignity of the County Assembly. This is a customary practice by which every Member acknowledges with respect the authority of the Chair.

A Member must not pass between the Chair and any Member who is speaking; to do this is violation of County Assembly etiquette.

A Member wishing to leave the Chamber should bow to the Speaker on rising from the seat and proceed to the Bar of the County Assembly where he or she should again bow.

A Member crossing the floor from one side of the Chamber to the other must pause and bow to the Chair. It is out of order to pass between the Chair and the Table, i.e. in front of the Speaker and behind the Clerks.

Should Members on opposite sides of the County Assembly Chamber wish to consult, they should withdraw through the main entrance or proceed to the screen behind the Speaker's Chair or as directed by the Sergeant at Arm.

A Member wishing to leave the Chamber should do so only through the Main entrance.

- 32. In the Chamber:** Members must not read extraneous papers such as newspapers, periodicals, et cetera, in the Chamber unless such documents are to be quoted in the course of a debate.

Conversations between Members are not out of order, but they must be in low tones.

Items such as weapons, walking sticks, and umbrellas should not be brought into the Chamber.

Members should attend sittings of the County Assembly dressed respectably. A male Member shall be dressed in a coat, collar shirt, tie, long trousers, socks and shoes, or service uniform, religious attire or such other decent dressing as may be approved by the Speaker from time to time. An equivalent standard shall apply in respect of women Members who may also wear *Kitenge* or such other African attire but not ostentatious headgear or other dress.

When the speaker or the chairperson of committees, who is the deputy speaker rises to intervene in a debate, Members must be silent. Should a Member, at that time be speaking, or standing, he or she must resume his or her seat. It is out of order to interrupt the Speaker or the chairperson of committees while either is speaking, and any Member entering the Chamber at that time must stand in a respectful manner at the Bar until the Speaker, or the chairperson of committees, has completed speaking.

Members may draw the attention of the Speaker to any breach of order. To do so, a Member may interrupt a Speaker by standing in his/her place to catch the Speaker's eye and or by pressing the "Intervention" button on the digital congress system. The Speaker will give the Member an opportunity to raise the point of order which will be followed by a brief ruling on the matter.

- 33. Personal Statements:** This mechanism provides a limited opportunity for a Member to explain matters of a personal nature although there is no question before the County Assembly.

34. **Speaking in the County Assembly:** Erskine May's *Treatise on County Assembly Practice and Procedure* states that, "Good temper and moderation are the characteristics of County Assembly language. County Assembly language is never more desirable than when a member is canvassing the opinions and conduct of his opponents in debate."

Reflections in the Chamber during debate against the character and proceedings of the County Assembly or Members which tend to degrade the Legislature are prohibited.

Save for those with physical challenges, Members must stand up to speak, and all Members should address their remarks to the Chair.

Members must speak from their own place, except that the Majority and Minority leaders may speak from the dispatch box.

It is out of order to read a speech, although there are exceptions to this rule. For example, a party spokesperson or chairperson of a committee, while moving a motion or making or responding to a Statement, may be permitted by the Speaker to use rather full notes, as he or she may be giving utterance to authoritative announcements, or dealing with figures or technicalities, which cannot be memorized easily, or whenever the Speaker is satisfied that the necessity for precision of the statement of the facts, justifies the reading of the speech.

A Member has a right to be heard without interruption, provided he or she is not out of order, irrelevant or repetitive; though inoffensive interjections which do not seriously interrupt one's speech are not discouraged. Thus, the Speaker has ruled that an occasional interjection may add spice to a debate, but continuous interruption cannot be tolerated.

A Member who is speaking may permit interruption by another Member who wishes to elucidate a point. Such Member will attempt to rise with the words. “Will the distinguished Member permit me”? or “Would the distinguished Member kindly give way”? or “On a point of information”. The Member then speaking will usually resume his or her seat while the interrupter gives explanation of a point; but if the hour is late, or if the Member then speaking suspects the other of merely trying to harass, he or she may indicate that they are not prepared to give way.

A Member speaking may be interrupted at any time on a point of order. The words used are, “Mr./Madam Speaker, on a point of order”. With the digitization of the County Assembly Chamber, Members need to indicate their intention on the digitized system or stand in his/her place in order to catch the Speaker’s eye. The Member interrupting must be certain that his or her point is a point of order and not a point of explanation or a point of argument. Points of order may relate either to the propriety of what the Member then speaking has said, or to any other matter which is immediately relevant to procedure (including a proposal to move the closure of a debate).

A Member may not speak in a debate until called out by the Speaker, upon making a request through the electronic telecommunication and voting system or stand in his place to catch the eye of the speaker.

A Maiden speech: which is the first speech given by a newly elected or appointed Member is given high priority and usually treated with special courtesy. Ideally, before making a maiden speech, the Member should announce vividly his or her name

and the Ward he or she represents, or other status as the case may be.

Members may refer to other Members by the title, “Hon. Member..... (name of the Member)”.

Members whose speeches are uninteresting, repetitive or irrelevant will soon find themselves speaking to empty benches, even if not called to order for repetition or irrelevance.

Members may only speak once on each question in debate. This excludes matters discussed in committee of the whole or points of order. Personal explanations do not fall into the category of a debate.

No Member other than the proposer and seconder may speak in a debate until the question has been proposed from the Chair.

The occupant of the Chair is addressed as Mr. or Madam Speaker, or Mr. or Madam Deputy Speaker, as the case may be, or in committee, as Mr. or Madam Chairperson.

Members are expected to observe moderation of language and avoid saying anything which might reflect adversely on another Member’s motives, honesty or sincerity. While there may be no exact definition of un-parliamentary expression, the Speaker has ruled such references as “ignorant”, “wasting time,” “sit down,” “stooge”, “shut up”, ‘nonsense”, “lie”, “liar”, “stupid”, and many others, as out of order.

Cries of “shame”, particularly if voiced loudly, are considered to be a gross form of interruption; cries of “hear, hear”, in moderation, can be used, but when frequent and loud for the

purpose of interrupting a speech, are considered as un-parliamentary.

A Member may raise a point of order at any time to draw the Speaker's attention to the fact that a quorum is not present.

SOME RULES OF DEBATE

35. **Personal Interest:** A Member who wishes to speak on any matter in which he or she has a pecuniary or proprietary interest shall first declare that interest.
36. **Relevance:** The subject matter of the motion must be studied, to ensure that speeches are relevant. Irrelevance could cause the Speaker to discontinue a Member's speech.
37. **Matters already decided:** When a matter has been decided by resolution of the County Assembly, it cannot be discussed further in the same session, except upon a motion to rescind that decision made with the permission of the Speaker.
38. **Anticipation:** It shall be out of order to anticipate the debate of a bill which has been published in the Gazette by discussing the subject matter upon a substantive motion. It is also not allowed to anticipate the debate of a motion of which notice has been given.
39. **Repetition:** Members must not repeat, in the course of any debate, what they or other Members have already said.
40. **Reading Speeches:** Members are not allowed to read their speeches, except so far as is necessary to refer to notes or to quote brief extracts from documents. The Speaker may allow a

speech to be read in particular cases when it is necessary for precision in statement of facts.

41. **Allegations of Fact:** Members must not allege specific matters of fact as being true unless they are prepared to substantiate them by producing some kind of evidence which reasonably justifies such allegations, though not necessarily amounting to strict proof.
42. **Considering Substantive Motions:** A substantive motion is a self-contained proposal submitted for the approval of the County Assembly and drafted in such a way as to be capable of expressing a decision of the County Assembly. Save as otherwise provided by the Standing Orders, notice must be given by a Member of any motion which he or she proposes to move.

Before giving notice of a motion, a Member must deliver to the Clerk a signed copy of the proposed motion. The Clerk submits the same to the Speaker, who may direct that it be altered or that it is inadmissible.

When the motion is approved by the Speaker, the Member gives notice of it by reading it out in the County Assembly when the Clerk calls “Notices of Motion”.

Motions sponsored by the Majority Party, Minority Party or committee shall have precedence over other motions on such days as the County Assembly House Business Committee in consultation with the Speaker may determine; and in such order as the County Assembly House Business Committee may determine.

Having given notice of a motion, a Member waits for the motion to be scheduled on the Order Paper for debate. A

motion may be withdrawn by the Member giving notice and notice of that motion may be given again either by the same or any other Member save as otherwise provided by the Standing Orders.

No motion may be moved which is the same as any question already resolved during the preceding six months unless it is to rescind the decision already taken on that question.

A Member who has a motion standing in his or her name may authorize in writing another Member to move that motion in his or her stead.

If a Member is not present to move his or her motion at the time when it appears on the Order Paper, such motion shall not appear again on the Order Paper during the same session except with the leave of the Speaker.

The substance of a motion should be prefaced with such words as:

“That in the opinion of the County Assembly...”

“That the County Assembly approves...”

“That the County Assembly urges the Government to...”

“That the County Assembly notes...”

“That the County Assembly calls upon the executive to...”
et cetera.

A motion must be seconded, and in order to reserve his or her right to speak later in the debate, the Member seconding may do so by rising in his or her place and bowing without speaking.

Upon a Member having moved his or her motion, the Speaker will, provided the motion has been seconded, propose the question by saying, "I propose the question that...." (reads out the motion). When the question has been thus proposed, the motion is open to debate and deemed to be in the possession of the County Assembly; and cannot be withdrawn without the leave of the County Assembly.

Amendments and amendments to amendments can be proposed in the course of the debate.

Only one question should be before the County Assembly at one time. The County Assembly, therefore, has to dispose of other amendments before resuming the debate on the original or amended motion, as the case may be.

If the motion has been amended, the Speaker proposes the question in the new form before the debate continues.

Any Member who has not spoken to the original motion can take part in the continued debate even though he or she has spoken to the amendment, unless the Speaker has ruled that the motion and amendment should be debated together.

Before the debate ends, the mover of the original motion has the right to reply.

A Member is not restricted to the number of times he or she may speak to a motion in committee of the whole.

When the debate is concluded, the Speaker puts the question and a vote is taken. The question is put in the following words:

"Will as many as are of that opinion say "Aye".

"Will as many as are of contrary opinion say "No".

The Speaker must then collect the voices and decide whether the “Ayes” or “Noes” have it;

The chair will then pause and if no one objects or claims “division” he or she will say;

“The Ayes, or Noes have it”, as the case may be, and that is the end of the matter.

Where the motion before the House is on a matter affecting the county, each member having one vote.

43. Division: Unless the Speaker, for the convenience of the County Assembly otherwise directs, voting on any division shall be either by manual or electronic voting. When the Speaker directs that an electronic vote be taken, the Division Bell shall be rung for five minutes.

At the expiry of the five minutes, the Speaker orders the doors to be locked and the bar drawn. No Member may thereafter enter or leave the chamber.

Members shall then cast their votes by rollcall or by pressing the “Yes” or “No” or “Abstain” button.

No Member shall be obliged to vote in a division, but those present but not voting either for or against the motion being voted on shall respond by calling “Abstain” or press the “Abstain” button on the electronic telecommunication and voting system.

As soon as the result of the voting appears on the indicator board and after the Members, if any who are unable to vote

electronically record their vote verbally, the Speaker shall announce the results of the division.

The Speaker shall direct a division to be taken if a Member claims for a division and—

- a) The Speaker considers there is reasonable doubt as to the outcome of an electronic vote; or
- b) if, on a question other than a question of procedure, fifteen or more Members rise to support the Member claiming the division; or
- c) the Constitution requires the question to be carried by a certain majority of Members.

When the Speaker directs a roll call vote to be taken, the Division Bell is to be rung for five minutes.

At the expiry of five minutes, the Speaker orders the doors to be locked and the Bar drawn. No member may thereafter enter or leave the Chamber.

The Speaker directs the Clerk to call out the names of Members in alphabetical order in the presence of the tellers who shall thereupon rise in their places and declare assent or dissent or abstention.

The Table Clerks tick off each Member's name on a list accordingly.

After the voting has ended the Speaker shall announce the results of the division.

A Member who has a pecuniary interest in the matter which is the subject of a division shall not vote.

44. Considering Amendments: A proposal before the County Assembly may be agreed to or negated as it stands, or it might be agreed to if it were altered in some way by means of an amendment. This procedure is applicable to motions and bills.

Every amendment must be relevant to the question which it proposes to amend.

No amendment is permitted if it implies a direct negative of the original proposal, or elimination of its main purport. The correct way to expressing a contrary opinion is by voting against the motion.

An amendment may be moved at any time after the original motion has been proposed and before the final question has been put. Any amendment proposed in the County Assembly must be seconded unless it is an amendment in committee of the whole House.

An amendment may take one or other of the following forms—

- a) leaving out certain words;
- b) adding or inserting certain words; or
- c) leaving out certain words and adding or inserting others.

An amendment must be handed to the Clerk in writing before it is moved.

An amendment to a bill in committee must be notified to the Clerk in writing at least twenty-four hours before the commencement of the sitting at which that bill is to be considered, unless it is moved by the Member in charge of that bill. An amendment to an amendment in committee may, however, be moved on delivering it, in writing, to the chairperson at that time.

45. **Leave of the County Assembly:** Where, in accordance with the Standing Orders, any procedure requires “the leave of the County Assembly”, that means there being no objection by any Member, either with the sympathy of the Speaker or, with the support of at least two other Members.
46. **Limitation of Debate:** The County Assembly may impose a limit on the duration of a debate on any particular motion and also a limit on the amount of time set aside for each Member wishing to speak to the debate. Both limitations could be imposed on the same motion. There are limitations imposed on certain specific business, e.g. debate on both public and private bills; adoption of reports of select committees and of the sessional papers. Members should refer to provisions of the Standing Orders and sessional orders for the specific limitations.
47. **Closure of Debate:** After the question of a motion whose mover has the right to reply has been proposed, any Member may claim to move that, “The Mover be now called upon to reply,” but the decision whether to put that question or not rests with the Speaker. If he or she decides to put it and the County Assembly decides in the affirmative, then the mover replies immediately.

As soon as the mover has concluded, the Speaker shall forthwith put the question or on the request of a Member, defer the putting of the question to a later date.

After the question of a motion, whose mover has no right to reply has been proposed, any Member may claim to move that, “The question be now put”. The decision whether to put that question or not rests with the Speaker. If he or she decides to put it and the County Assembly decides in the affirmative, then, the question of the motion is put forthwith.

CHAPTER FIVE

COUNTY ASSEMBLY COMMITTEES

Section 14 of the County Governments Act empowers County Assemblies to establish committees in such a manner and for such general or special purposes as it considers fit, and regulate the procedure of any committees so established.

The procedure of the County Assembly provides for the formation of five kinds of committees–

- a) Select Committees;
- b) Sectoral Committees;
- c) Joint Committees; and
- d) Ad hoc Committees.

48. Select Committees: The lifespan of membership of these committees are stipulated in the Standing Orders of respective Committees. The committees falling under this category are:–

- a) The County Assembly House Business Committee which prepares and manages the County Assembly calendar with the approval of the County Assembly, monitors and oversees the implementation of County Assembly business and programmes; and implements the Standing Orders;

- b) The Committee on Selection - nominates Members to serve in Committees save for the membership of the County House Business Committee and the Committee on Appointments.
- c) Powers and Privileges Committee derives its mandates from Constitution of Kenya 2010 and the County Assemblies Power and Privileges Act 2017.
- d) Committee on Appointments - Considers for approval by the County Assembly, appointments under Articles 179(2) of the Constitution.
- e) The County Budget and Appropriations Committee – Investigate, inquire into and report on all matters related to coordination, control and monitoring of the County Budget.
- f) The Committee on Procedure and Rules – Considers and reports on all matters relating to, including proposing amendments to the County Assembly Standing Orders and proposing rules for orderly and effective conduct of Committee businesses.
- g) The Committee on Implementation – scrutinize resolutions of the County Assembly (including adopted Committee reports), petitions and the undertakings given by the County Executive Committee.
- h) The Committee on Delegated Legislation - scrutinizes statutory instruments laid in the County Assembly; and
- i) The County Public Accounts and Investments Committee - examines the report of the Controller of Budget on the implementation of budgets of county governments and scrutinizes reports of the Auditor

General on the annual accounts of county governments.

49. **Sectoral Committees:** These are nominated by the County Assembly Selection Committee and approved by the House. They consist of an odd number of members, being not less than seven and not more than nine. The lifespan of membership of these committees coincides with that of a County Assembly. The committees falling under this category are set out in the Second Schedule of the Standing Orders.
50. **Ad hoc Committees:** These are appointed by the County Assembly as and when need arises to investigate, study and make recommendations on certain specific matters and issues for consideration by the County Assembly.
51. **Joint Committees:** These comprises two or more Committees of the County Assembly considering similar matters. They are established though approval by the Speaker in accordance with S.O No. 185
52. **Other Committees:** The Powers and Privileges Committee is established under the County Assembly Powers and Privilege Act, and deals with issues regarding powers and privileges of County Assembly, members, staff and witnesses.
53. **Membership of Committees:** Committees of the whole constitute all Members and assemble in the Chamber. Nominations to select committees are made by the Selection Committee, subject to approval by the House. In certain cases, the composition is made directly by the Speaker or the House, especially in case of ad hoc committees.

54. Procedure in Committees: The procedure in committees should be as nearly as possible the same as that in the committee of the whole.

The procedure in the committee of the whole is a general relaxation of that in the County Assembly, in which, for instance a Member may speak several times on the same question; the chairperson of committees who is the Deputy Speaker is the designated presiding officer, but the proceedings, just as those of the County Assembly, are privileged.

Proceedings of select committees are with a few exceptions, held in public and are as privileged as those of the County Assembly.

The work of a select committee can continue, notwithstanding the adjournment of the County Assembly except after sine die adjournment.

CHAPTER SIX

COUNTY ASSEMBLY PRIVILEGE

55. **What Constitutes Privilege:** *Erskine May*, the acknowledged authority on County Assembly practice, has defined County Assembly Privilege as “the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law”.

The distinctive mark of a privilege is its ancillary character, which puts County Assembly Privilege in the context of the rights that are “absolutely necessary for the due execution of its powers”.

Privileges are enjoyed by individual members, because the House cannot perform its functions without unimpeded use of the services of its members; and by each House for the protection of its members and the vindication of its own authority and dignity. Indeed, the origin of privilege was as “the King’s peace (protection) enjoyed by his subjects, but in special measure by his servants (the staff of the royal courts, the Lords, et cetera.”

However, with time, newcomers to the High Court of Parliament, the Commons, began to lay claim to privileges enjoyed by the Lords.

The struggle by the House of Commons to gain some privilege from the Crown, the courts and the Lords has been fierce and prolonged. Today, the U.K. House of Commons claims Parliamentary privilege as customary rights. By extension, these privileges were introduced to colonial Legislatures; hence it is part of the great Parliamentary tradition that at the commencement of a new Parliamentary, the Speaker reminds the Executive of the Legislature's claim to its ancient rights and privileges.

By practice, Parliament Privilege which is the short form of all the rights, immunities and privileges awarded to Parliamentary and the individual members are now enjoyed by officers of the House, witnesses appearing before the House and its committees and persons involved in the printing and production of records of its proceedings and works.

The powers, immunities, rights and privileges enjoyed by the County Assembly of Kenya and its members are codified in the County Assembly Powers and Privileges Act. The privileges awarded are double-edged. They give all due protection and facilitate the operations of the County Assembly and members in their individual capacity, but in the same vein, they lay and make certain demands on them.

It is not intended to discuss here the details of the County Assembly Powers and Privileges Act but the following are mentioned to give members an indication of the extent of privilege-

56. **Immunities and Privileges:** The object of these is to ensure that County Assembly and its members go about their business without any impediment.

They include–

Immunity from legal proceedings: No legal proceedings, whether criminal or civil shall be instituted against any member for words spoken before or written in a report to the County Assembly or a committee; or for any other matter in the course of members’ duties.

Freedom from arrest for civil debt: A member may not be arrested for civil debt during a session, unless it is related to or has criminal intentions.

57. **Speaker’s Orders:** These are issued by the Speaker from time to time for the better carrying out of the purposes of the County Assembly Powers and Privileges Act. Such orders cover matters such as the deduction from members’ earnings in payment of refreshments or other facilities made available to them within the precincts of County Assembly. These orders are normally authenticated by the Clerk and their exhibition in a conspicuous position in the precincts of County Assembly is deemed to be sufficient notice to all concerned persons.

58. **Code of Conduct:** The County Assembly Code of Conduct, made pursuant to the Public Officer Ethics Act, regulates the conduct of Members and members of the County Assembly.

Conduct in the Chamber is governed by the Standing Orders.

59. **Committee of Powers and Privileges:** This committee inquires into reported complaints and breaches of privilege by any Member that is intended or likely to reflect adversely on the dignity or integrity of County Assembly. Reports of such inquiries and any recommendations are placed before the County Assembly for consideration.
60. **Evidence:** The object of the powers and privileges in relation to the gathering of evidence by the County Assembly and its committees is to ease the processes and extend the privileges to persons co-operating in that regard. They include:–
61. **Power to Order Attendance of Witnesses:** In the course of its proceedings, a select committee has powers to order the attendance before it of any person it deems has evidence, papers, records or documents that would be useful to the committee.
62. **Witnesses may be Examined on Oath:** The persons appearing before the County Assembly or any of its committees to give oral evidence, may be examined on oath, as the County Assembly or committee finds appropriate.
63. **Privileges of Witnesses:** All persons summoned to give evidence or to produce a document before a County Assembly or a Committee shall be entitled to the same rights and privileges that are applicable to a witness before a court of law. And in accordance with the provisions of the County Assembly Powers and Privileges Act (2017).
64. **False Evidence:** Witnesses who give false evidence before County Assembly or any of its committees shall be guilty of an offence under section 108 of the Penal Code (Cap 63,

Laws of Kenya). Members are barred from receiving a reward for promotion or opposition to bills, motions, et cetera, before the House.

Any member who in the course of his or her duties receives or accepts either directly or indirectly any bribe, fee, compensation, gift or reward for the promotion of or opposition to any bill, motion or any matter submitted for the consideration of the County Assembly or committee, shall be guilty of an offence and liable to **imprisonment for a term not exceeding two years or to a fine not exceeding ten thousand shillings, or to both**; and every bribe, fee, compensation, gift or reward accepted or received by him or her shall be forfeited.

65. **Protection of Persons Responsible for Publications Authorized by County Assembly:** All persons and organizations involved in the printing and publication of any reports, papers, minutes or votes and proceedings enjoy immunity from any legal process as long as a certificate issued under the hand of the Speaker shall signify that such persons or their servants were acting under the authority of County Assembly. Courts are not to exercise jurisdiction in respect of acts of the Speaker and officers of County Assembly.

The exercise of any power vested or conferred upon the Speaker or any officer of County Assembly shall not be subject to the jurisdiction of any court.

Every officer of County Assembly shall, for the purposes of the County Assembly Powers and Privileges Act and of the application of the provisions of the criminal law, have all the powers and enjoy all the privileges of a police officer.

The above summary is meant to guide Members who should, however, familiarize themselves with the County Assembly Powers and Privileges Act so as to improve their understanding of County Assembly privilege and its application. It is also recommended that Members read relevant material in Erskine May's Treatise which is available in the County Assembly Library.

CHAPTER SEVEN

GENERAL PROVISIONS

66. **Management and Directorates of the County Assembly:** In the discharge of its mandate as set out in Section 13 of the County Governments Act No. 17 of 2012 and section 18 of the County Assembly Services Act No. 24 of 2017, the County Assembly Service Board established the following offices in the County Assembly Service for the smooth operations of the County Assembly–
67. **Office of the Clerk of the County Assembly:** The Office of Clerk of the County Assembly is provided for in section 18 of the County Assembly Services Act No. 24 of 2017. The County Assembly Scheme of Service provides that the Clerk of the County Assembly shall be
- a) The Administrative head of the County Assembly and the Authorized Officer for the County Assembly;
 - b) Secretary and Chief Executive Officer to the County Assembly Service Board;
 - c) Responsible for all policy and organizational matters relating to the County Assembly;
 - d) Responsible for enhancing public understanding and knowledge of the work of the County Assembly;

- e) Responsible for dealing with external relations including international relations, inter-County Assembly relations, conferences and protocol;
- f) The principal adviser on all County Assembly procedures, practices, conventions and traditions to the Speaker of the County Assembly, the Deputy Speaker, other Presiding Officers and to all honorable Members;
- g) The Chief advisor to the Speaker in the exercise of all powers and functions that belong to the Speaker and through him to the House; and
- h) Responsible for marshalling all legislative measures passed by the County Assembly.

68. Deputy Clerk(s): Deputy Clerk of the County Assembly are the principal deputy to the Clerk of the County Assembly. In this capacity, s/he perform duties including the following–

- a) General supervision of all Directorates;
- b) Promoting and enhancing public understanding and knowledge of the work of County Assembly and increasing public access and awareness on the operations of the County Assembly;
- c) Offering procedural advice to the Speaker, other Presiding officers and Members as required;
- d) Preparation and presentation of orientation programmes for newly elected Members; and
- e) General management of County Assembly internship programmes.

69. Directorate of Legislative Procedures and Committee Services: The Directorate of Legislative Procedures and Committee Services is responsible for matters relating to procedures, business of the County Assembly, drawing budgets of County Assembly committees and coordinating committee meetings including drawing committee schedules. Duties and responsibilities of the Directorate include–

- a) Marshalling of published bills, motions and sessional papers;
- b) Facilitating the County Assembly House Business Committee in processing of weekly programmes of Business and preparation and timely circulation of Order Papers and Votes and Proceedings of the County Assembly;
- c) Chamber duties and providing procedural advice to the Speaker, other Presiding officers and Members as required and overseeing the proceedings of the House;
- d) Carrying out procedural research;
- e) Preparation of the County Assembly Calendar;
- f) Custody of County Assembly Journals and records and archiving of those records;
- g) Facilitating public participation in the legislative process, including responding to inquiries from Members, staff, the public and other legislative bodies and involvement in the activities of the Committees including Committees' inquiries.

- h) Coordination and supervision of committees of the County Assembly;
- i) Keeping custody of records of County Assembly committees.

70. Directorate of Supply Chain Management: The Supply Chain Management function entails coordinating activities in delivering combination of inputs, outputs/outcomes for specified requirements in accordance with Public Procurement and Asset Disposal Act, 2015 and Regulations 2020. and other laws and policy on procurement, preparing procurement plans in accordance with budget processes, requisitioning, receiving and issuing of stores, preparing and maintenance of stores records, stocktaking and reconciling ,store security safety, maintenance and proper preservation of stores reviewing, updating, interpreting and implementing existing procurement regulations. The overall mandate of the Directorate is: To Process requests for goods, services and works of up to Kshs.3, 000,000.00 within 30 days.

- i) To process requests for goods, services and works of above Ksh.3, 000,000.00 within 75 days.
- ii) To annually dispose all unserviceable, obsolete and surplus stores, assets and equipment.
- iii) To comply with the Public Procurement and Asset Disposal Act, 2015 and Regulations 2020.
- iv) To report on procurement awards as required by PPRA on monthly, quarterly, semiannually and annually.

71. Directorate of Finance and Accounting Services: The directorate provide such services as:-

- (1) Processing of payments:
 - i) Imprest/Refunds
 - ii) Suppliers
 - iii) Payroll
- (2) Exchequer release.
- (3) Preparation of County Assembly financial statement and accounts:
 - i) Quarterly reports
 - ii) Annual Reports
- (4) Correspondence and feedback on:
 - i) Memo
 - ii) Emails
 - iii) Letters
- (5) Remittance of statutory deductions.
- (6) Remittance of withholding tax.

72. Directorate of Human Resource and Administration: The Directorate is responsible for:-

- i) Recruitment, selection, appointment and placement performance management
- ii) Welfare and employee relations
- iii) Training and development
- iv) Payroll management
- v) Promotions and career progression
- vi) Records management
- vii) Disciplinary control
- viii) Leave management
- ix) Pension management
- x) Asset Registration
- xi) Transport

- xii) Insurance –staff and assets
- xiii) Infrastructure/Asset maintenance and repairs
- xiv) Secretarial duties and Office Assistants

73. The Serjeant-at-Arms: The Chief Serjeant-at-Arms Department provides services to the Speaker, Members, the Clerk and other staff of the County Assembly. The Department also performs a number of security and safety duties including the following– Maintaining custody of the Mace;

- a) Ensuring protective security for all persons and property and advising the Speaker and the Clerk on the same;
- b) Performing chamber and ceremonial duties;
- c) Providing interdepartmental and chamber support services;
- d) Enforcing and implementing the Speaker’s orders and other directives; and
- e) Allocating office accommodation to Members, County Assembly committees and staff.

74. The Hansard: The Hansard Department is responsible for the verbatim record of proceedings of the County Assembly and its committees. The duties and responsibilities of the Hansard Department include:

- a) Coordination and production of the Hansard (Official Record of the County Assembly);
- b) Editing transcribed records, processing manuscripts, preparing accurate drafts;

- c) Maintaining a consistent and accurate Hansard publishing format;
- d) Maintaining an accurate database of Hansard publications;
- e) Development and maintenance of policies, rules, standards and procedures governing Hansard production; and
- f) Maintaining links with Government Ministries/Department, the public media, and other Commonwealth Editors' Associations and Unions.

75. The Legal Officers: Directorate of Legal Services provides legal services to the County Assembly. Its functions include—

- a) Providing legal advice/opinion to the Speaker, the Clerk, Members and committees of the County Assembly;
- b) Formulation and dissemination of legal drafting policy in the County Assembly;
- c) Drafting bills and amendments to bills;
- d) Handling litigation matters involving the County Assembly;
- e) Providing any other legal services that may be required by the County Assembly, its committees, County Assembly, the Speaker or the Clerk; and
- f) Conducting legal research on matters before the Directorate.

76. The Library: A library in the County Assembly set up acts as a repository of knowledge. The library thus performs the following functions:

- (1) Preserves essential elements/documents from House debates or legislative process.
- (2) Creates, stores, manages and disseminates reliable and relevant and authoritative information to the County Assembly.
- (3) Acts as a one-stop shop where legislators can seek information on parliamentary documents
- (4) Referencing & document enquiry and research services
- (5) Library ICT user support
- (6) Information Literacy Training including E-resources, Referencing and citation
- (7) Photocopying, printing and binding (of documents) needs of Members.

CHAPTER EIGHT

PROCEDURES FOR REMOVAL FROM OFFICE

77. Removal of the Governor: Section 33 of the County Government Act No.17 of 2012 and Standing Orders No. 63 of the Kisumu County Assembly Standing Orders provides for the procedures for removal of the Governor. Standing Orders No. 63 provides that:-

- (1) Before giving notice of Motion under, section 33 of the County Governments Act, 2012 the member shall deliver to the Clerk a copy of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made, for the impeachment of the Governor on the ground of a gross violation of a provision of the Constitution or of any other law; where there are serious reasons for believing that the Governor has committed a crime under national or international law; or for gross misconduct or abuse of office. The notice of Motion shall be signed by the Member who affirms that the particulars of allegations contained in the motion are true to his or her own knowledge and the same verified by each of the members constituting at least a third of all the members and that the allegations therein are true of their own

knowledge and belief on the basis of their reading and appreciation of information pertinent thereto and each of them sign a verification form provided by the Clerk for that purpose.

- (2) The Clerk shall submit the proposed Motion to the Speaker for approval.
- (3) A member who has obtained the approval of the Speaker to move a Motion under paragraph (1) shall give a seven (7) days' notice calling for impeachment of the Governor.
- (4) Upon the expiry of seven (7) days, after notice given, the Motion shall be placed on the Order Paper and shall be disposed of within three days; Provided that if the Assembly is not then sitting, the Speaker shall summon the Assembly to meet on and cause the Motion to be considered at that meeting after notice has been given.
- (5) When the Order for the Motion is read, the Speaker shall refuse to allow the member to move the motion, unless the Speaker is satisfied that the member is supported by at least a third of all Members of the Assembly to move the motion; Provided that within the seven days' notice, the Clerk shall cause to be prepared and deposited in his office a list of all Members of the Assembly with an open space against each name for purposes of appending signatures, which list shall be entitled "SIGNATURES IN SUPPORT OF A MOTION FOR REMOVAL OF GOVERNOR BY IMPEACHMENT" Any signature appended to the list as provided under paragraph (5) shall not be withdrawn.

- (6) When the Motion has been passed by two-thirds of all members of the Assembly, the Speaker shall inform the Speaker of the Senate of that resolution within two days.

78. Procedure for removal of Deputy Governor: Standing Order No.64 states that removal of Governor shall apply, with the necessary modifications, to the removal of the Deputy Governor.

79. Procedure for removal of Speaker: The procedures for removal of the speaker from office is provided for in section 11 of the Government Act No. 17 of 2012 and the provisions of the County Assembly Standing Orders. Standing order No. 61 of the Kisumu County Assembly Standing Orders provides for the procedure for removal of speaker as follows;

- (1) The Speaker may be removed from office by the Assembly through a resolution supported by not less than seventy five percent of all the Members of the County Assembly.
- (2) A notice of the intention to move a Motion for a resolution to remove the Speaker shall be given in writing to the Clerk of the County Assembly, signed by at least one third of all the Members of the County Assembly stating the grounds for removal as provided under section 11 of the County Governments Act.
- (3) Once informed by the Clerk that the Motion contemplated under paragraph (2) has met the legal threshold, the Speaker shall approve the Motion

and inform the County House Business Committee to slot the Motion for debate within 7 sitting days from the date of submission of the Motion to the Clerk.

- (4) A Motion for a resolution to remove the Speaker shall be presided over by a Member of the County Assembly elected to act as Speaker as contemplated under Article 178(2) (b) of the Constitution.
- (5) Before the debate and voting on a Motion under paragraph (3) are concluded, the Speaker shall be accorded an opportunity to respond to the allegations on the floor of the Assembly.

80. Deputy Speaker: The procedures for impeachment of the deputy speaker shall be applied in accordance with procedures for impeachment of the speaker with necessary modifications.

Deliberations on the impeachment of the deputy speaker shall be presided over by the speaker.

APPENDICES

APPENDIX 1: OATHS OF OFFICE

APPENDIX 1A: FOR SPEAKER/ACTING SPEAKER

I....., having been elected as speaker/ acting speaker of the county assembly of county do swear/solemnly affirm that I shall always truly and diligently serve the people and the Republic of Kenya in the office of speaker/acting speaker of the county assembly in county; that I shall respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya; and that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of Parliament without fear or favour, affection or ill health. (So help me God).

APPENDIX 1B: FOR DEPUTY SPEAKER

I....., having been elected as deputy speaker of the county assembly of county do swear/solemnly affirm that I shall always truly and diligently serve the people and the Republic of Kenya in the office of deputy speaker of the county assembly in county; that I shall respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya; and that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of Parliament without fear or favour, affection or ill health. (So help me God).

APPENDIX 1C: FOR COUNTY EXECUTIVE COMMITTEE MEMBER

I , do swear/solemnly affirm that I shall always truly and diligently serve the people and the Republic of Kenya in the office the executive committee member of county; that I shall diligently discharge my duties and perform my functions in the said office, to the best of my judgment; that I shall at all times, when so required, faithfully and truly give my counsel and advice to the governor of the county; that I shall do justice to all. (So help me God).

APPENDIX 1D: FOR COUNTY ASSEMBLY CLERK

I....., do swear/solemnly affirm that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the clerk of the county assembly in county; that I shall diligently discharge my duties and perform my functions in the said office, to the best of my judgment; that I shall at all times, when so required, faithfully and truly give my counsel and advice to the Speaker of the county assembly of county; that I shall do justice to all. (So help me God).

APPENDIX 1E: FOR COUNTY ASSEMBLY MEMBERS

I....., do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of county assembly member of county; that I shall diligently discharge my duties and perform my functions in the said office, to the best of my judgment; that I shall at all times, respect, uphold, preserve, protect and defend this Constitution of the Republic of

Kenya; and that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of Parliament, that I shall do justice to all. (So help me God).

APPENDIX 1F: KIAPO CHA MWANACHAMA WA BARAZA LA WAAKILISHI WA KATA

Mimi, naapa ya kwamba katika kazi zangu za afisi ya mwanachama wab baraza la waakilishi wa Kaunti la.....nitatekeleza shughuli na kazi zangu za afisi hiyo kwa uwezo wangu wote, nitaheshimu, nitahifadhi, nitaitetea na kulinda katiba ya Jamhuri ya Kenya, na kwamba nitatenda haki kwa watu wote kulingana na Katiba ya Kenya, sheria na mikataba iliyoidhinishwa na Bunge la Kitaifa, na kwamba nitatenda haki kwa watu wote. (Ewe Mwenyezi Mungu nisaidie)

APPENDIX 2: SAMPLE TEMPLATE OF A STATEMENT

COUNTY ASSEMBLY OF KISUMU



THIRD ASSEMBLY - FIRST SESSION

REQUEST FOR STATEMENTS

Hon. Speaker,

Pursuant to Standing Order _____, I wish to request for a statement from the Chairperson of the Sectoral/ Select Committee on _____ regarding the _____ (subject of request in summary).

Hon. Speaker, _____ (explain subject of request in detail, keeping to the main issues but detailing what the problem is and efforts if any to address the problem which have failed).

- i. Hon. Speaker, in the statement, the Chairperson should inquire into and report on: – Steps taken to _____ (list issues you want dealt with); and
- ii. Measures being taken to _____ (detail questions that seek to answer subject matter sufficiently).

Hon. _____, MCA
Member for _____ Ward

Date: _____

APPENDIX 3: SAMPLE TEMPLATE OF A MOTION

COUNTY ASSEMBLY OF KISUMU



THIRD ASSEMBLY - FIRST SESSION

MOTION - (Hon. _____, MCA)

THAT, aware that _____ (summarize subject matter of motion in brief/background)

FURTHER AWARE that _____ (give synopsis of subject matter of Motion);

NOTING THAT _____ (any key observations that can be made from subject matter and how it has been dealt with or should be dealt with)

DEEPLY CONCERNED that _____ (additional information to note which buttresses the subject of the Motion);

This ASSEMBLY URGES/RESOLVES that _____ (insert resolution of Motion from subject matter).

The Hon. _____, MCA

Member for _____ Ward

Date: _____

APPENDIX 4: GENERAL FORM OF A PUBLIC PETITION

I/We, the undersigned,

(Here, identify in general terms who the petitioner or petitioners are, for example, citizens of Kenya, residents of province or region, workers of industry, etc.)

DRAW

the attention of the assembly to the following: (Here, briefly state the reasons underlying the request for the intervention of the assembly by outlining the grievances or problems by summarizing the facts that the petitioner or petitioners wish the assembly to consider.)

THAT

[Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.]

THAT

[Here confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.]

HEREFORE your humble petitioner(s) pray that assembly—

(Here, set out the prayer by stating in summary what action the petitioners wish the assembly to take or refrain from.)

Name of petitioner(s)	Full Address (es)	National ID/Passport No.	Signature/Thumb.
.....
.....
.....
.....

(Here, repeat the summary in first page)

Name of petitioner	Signature/Thumb
.....
.....
.....

(Subsequent Pages)

*** This form may contain such variations as the circumstances of each case may require**

APPENDIX 5: NOMINATION PAPER – CANDIDATES FOR ELECTION AS SPEAKER COUNTY ASSEMBLY OF KISUMU



THIRD ASSEMBLY FIRST SESSION

NOMINATION PAPER FOR ELECTION TO THE OFFICE OF SPEAKER OF THE COUNTY ASSEMBLY OF KISUMU

PART A: CANDIDATE PERSONAL INFORMATION			
Last Name		Other Names	
Postal Address		Mobile Phone Number	
E-mail		Phone Number	
Gender		Date of Birth	
Occupation			

PART B: PROPOSED AND SECONDED BY

- a) Proposer
 - First Name.....
 - Other Names.....

b) Seconder

First Name.....

Other Names.....

We the undersigned having been duly elected to the County Assembly of Kisumu do hereby certify that, of our personal knowledge, the candidate named above is not a Member of the County Assembly of Kisumu is willing to serve in the office of Speaker of the County Assembly and is qualified to be elected as a Member of the County Assembly under Article 193 of the Constitution of Kenya. We further confirm that we have not nominated any other candidate for the position of Speaker of the County Assembly of Kisumu

Signature

- Proposer..... Date
- Seconder Date

CANDIDATE’S CONSENT TO NOMINATION

I..... do hereby consent to my nomination as a candidate for election as Speaker of the County Assembly of and attach herewith my curriculum vitae and relevant supporting documents.

Signature of Candidate..... Date.....

CERTIFICATE OF THE CLERK OF THE COUNTY ASSEMBLY

I certify that this nomination paper was delivered to me at my office
by..... at a.m./p.m. on
the day of 2022

Signature of the Clerk
Clerk of the County Assembly

APPENDIX 6: AFFIDAVIT OF CANDIDATE FOR ELECTION AS SPEAKER OF THE COUNTY ASSEMBLY

IN THE MATTER OF THE OATHS AND STATUTORY DECLARATION ACT (CAP 15 OF THE LAWS OF KENYA)

AND

IN THE MATTER OF THE ELECTION OF THE SPEAKER OF THE COUNTY ASSEMBLY OF KISUMU

AFFIDAVIT OF CANDIDATE FOR ELECTION AS SPEAKER OF THE COUNTY ASSEMBLY

1. I..... of P. O Box in the republic of Kenya hereby make oath and state as follows:-
2. THAT I am an adult Kenyan citizen of sound mind and the holder of National Identity Card/Passport Number..... and competent to swear this Affidavit.
3. THAT I have been nominated to stand for election to the office of Speaker of the County Assembly.
4. THAT I am registered as a voter in..... Constituency and that my Elector's number issued by the Independent Electoral and Boundaries Commission is.....
5. THAT I satisfy the educational, moral and ethical requirements prescribed by the Constitution and by other legislation for election as a Member of County Assembly.
6. THAT I am not a person who is disqualified from being elected as a Member of County Assembly under Article 193(2) of the Constitution.

7. THAT I swear this affidavit in support of my nomination to stand for election to the office of Speaker of the County Assembly of.....
8. THAT all what is deponed herein is true to the best of my knowledge, information and belief.

SWORN at.....]

on this..... day of 2017]

by the said _____] _____

BEFORE ME

DEPONENT

]

]

]

(JUDGE/MAGISTRATE/COMMISSIONER FOR OATHS

LIST OF CONTRIBUTORS

No.	NAME	DEPARTMENT
1.	Owen Ojuok	Clerk of the Assembly
2.	Nashon Kusina	Deputy Clerk
3.	Peter Anditi	Legislative Procedures and Committee Services
4.	Annebelle Wabuge	Legislative Procedures and Committee Services
5.	David Ochieng'	Legislative Procedures and Committee Services
6.	Bill Omondi	Legislative Procedures and Committee Services
7.	Herman Moses	Legislative Procedures and Committee Services
8.	Angelyne Obonyo	Legislative Procedures and Committee Services
9.	Abraham Odegi	Legislative Procedures and Committee Services
10.	Raphael Juma	Hansard, Research and Information Services



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