

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – FIRST SESSION

Tuesday 20th September, 2022

(Convened by notification vide Gazette Notice No. 11005 of 2022)

The House met at 9:30 a.m. at the Assembly Chamber on Tuesday 20th September, 2022, it being the First Sitting of the Third Assembly)

*(The proceedings were opened with a prayer read by the Clerk of the Assembly
(Mr. Ojuok)*

The Clerk of the Assembly (Mr. Ojuok): Mr. Clerk take through the Order Paper of today.

The Clerk of the Assembly (Mr. Ojuok): Next order!!

COMMUNICATION FROM THE CLERK OF THE ASSEMBLY

**CONVOCATION OF THE FIRST SITTING, AND ELECTION OF THE SPEAKER: AS
PRESIDED BY THE CLERK OF THE COUNTY ASSEMBLY**

The Clerk of the Assembly (Mr. Ojuok): Hon Members, welcome to this session. Allow me to recognize the presence of Kisumu County Commissioner Madam Betty Ouko. I would like to recognize the presence of the Ethics and Anti-Corruption Commission (EACC) Regional Manger

Mr. George Oira and his Officer Mr. Lemayan who have come to witness the signing of the EACC Code of Conduct under Leadership and Integrity Act.

The Clerk of the Assembly (Mr. Ojuok): Order Honourable Members!

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, it is my pleasure and privilege to welcome you to the first sitting of the third Assembly. I wish to take this opportunity to congratulate all of you for your victory having been elected after going through a vigorous campaign period. I also wish to acknowledge all members who have been nominated to this house to represent special interest groups. It is my prayer that as we start this third assembly, we shall be steadfast in ensuring that we accomplish our mandate as enshrined in the Constitution.

Honourable Members, the County Assembly of Kisumu Standing Order No 3 (1) provides that: Whenever a new County Assembly is elected, the Governor by notice in the Kenya Gazette, shall appoint the place and date of the First Sitting of the new County Assembly, which date shall not be later than thirty days after the Gazettement of both Elected and Nominated Members of the County Assembly as provided under section 7(a) of the County Governments Act, 2012.

Honourable Members, in fulfilling this provision His Excellency the Governor Prof. Peter Anyang' Nyong'o appointed this sitting and notified the general public through *Gazette Notice No. 11005 of 2022* dated 13th September 2022

In line with the provision of Standing Order No 3(2) (a) I will proceed to read the notification of convening this sitting as published in the Kenya Gazette.

FIRST SITTING OF THE COUNTY ASSEMBLY

Pursuant to Standing Order No 3(1) of the County Assembly of Kisumu Standing Orders, it is notified for the information of the elected and nominated Members of the County Assembly and the general public that, I, Prof. Peter Anyang' Nyong'o, the Governor of Kisumu County, appoint that the first sitting of the third County Assembly shall be held at the County Assembly Chambers, on Tuesday 20th September, 2022 at 9.00am

Dated 13th September 2022

Prof. Peter Anyang' Nyong'o

GOVERNOR, KISUMU COUNTY

The Clerk of the Assembly (Mr. Ojuok): Next Order Mr. Clerk!

PAPERS LAID**GAZETTE NOTICE NO. 11005 OF SEPTEMBER, 2022**

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, Pursuant to the provisions of Kisumu County Assembly Standing Orders No. (3)(2)(a), I wish to table today Tuesday 20th September, 2022 the Convocation for this First Sitting vide Gazette Notice No.11005 dated 13th September, 2022.

(The Clerk of Assembly (Mr. Ojuok) lays the document on the Table)

LIST OF GAZETTED MEMBERS OF THE COUNTY ASSEMBLY

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, Pursuant to the provisions of Section 7 of the County Governments Act 2012 read together with Kisumu County Assembly Standing Orders No. (3)(2)(b), I wish to table today Tuesday 20th September, 2022, the list of elected and nominated Members of the County Assembly as published vide the Gazette Notice No. 9956 dated 24th August, 2022 and Gazette Notice No. 10712 dated 9th September, 2022 respectively

(The Clerk of Assembly (Mr. Ojuok) lays the document on the Table)

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, once again, allow me to recognize the presence of the Honourable Member of Nyakach Constituency Hon. Aduma Owuor. Karibu Mheshimiwa.

ADMINISTRATION OF OATH**PROCEDURE TO BE FOLLOWED IN ADMINISTRATION OF OATH OR AFFIRMATION OF OFFICE TO MEMBERS OF THE COUNTY ASSEMBLY.**

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, Standing Order No 3 (2) (c) requires that on the First sitting of a new Assembly, pursuant to the convocation of the first sitting by the Governor, under the Standing Order No 3 (1), the Clerk shall administer the oath or Affirmation of Office provided for in the first schedule of the County Governments Act, to all Members present in the Assembly in the order set out in Standing Order No 3(3). Which provides: *“The Clerk shall administer the Oath or Affirmation of Office to Members of the County Assembly in alphabetical order using the following order of precedence:*

(a) Members with the longest cumulative period of service

(b) All other Members”

Honourable Members, it is important to observe that Standing Order No. 3(4) provides: that: *“Pursuant to Article 74 of the Constitution, no person shall assume or perform any functions of*

the Office of a Member before taking and subscribing to the Oath or Affirmation of Office provided for under paragraph (1)”

Honourable Members, allow me to also further state that all matters arising while undertaking the exercise of administration of oath or Affirmation of Office shall be determined by the Clerk, and Standing Order No. 3 (5) directs that:

“When the Clerk is administering the oath or Affirmation of Office to Members and before the Clerk has administered the oath or Affirmation of Office of the Speaker, any question arising in the County Assembly shall be determined by the Clerk who shall, during that period, exercise in powers of the Speaker”.

(The Clerk consulting the Clerks -at-the-Table)

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, pursuant to the provisions of Standing Order No. 3 (1) (c), I shall now proceed to administer the oath or Affirmation of Office to all Members here present in the Order of Precedence that is set out in Standing Order No. 3 (3)(a) & (b). In order to facilitate this process, the name of each member shall be called out by the Deputy Clerk. When called out, the Member shall proceed to the podium on my right and there up shall have the option of take the oath or Affirmation of office as they may choose and in accordance with their respective religious persuasion. After taking the oath or Affirmation of Office, the Hon Member shall proceed to subscribe to the Oath or Affirmation of Office by signing the Oath or Affirmation Certificate.

Honourable Members, you are also required to sign the commitment to leadership and integrity code for state officers in the County Assembly of Kisumu. This is in compliance with the Constitution of Kenya 2010, under the Leadership and Integrity Act and the Public Officer Ethics Act 2003.

I now direct the Deputy Clerk to read the names of the Members according to the list and Order of Precedence.

The Oath of Allegiance/Affirmation of Office was administered to following Members

- | | | |
|----------------------------|---|--------------------|
| 1. Othuthu George Abaja | - | West Seme |
| 2. Oiko Benny Pete | - | Kabonyo Kanyagwal |
| 3. Jagongo Vincent Onyango | - | North West |
| 4. Ngeta Maurice | - | Awasi Onjiko |
| 5. Nyasuna Habil Omondi | - | Masogo Nyangoma |
| 6. Obonyo Jenipher Akeyo | - | South West |
| 7. Ochieng Seth | - | Market Milimani |
| 8. Olima Gard Okoth | - | South West Nyakach |
| 9. Omieno Oketch Joachim | - | Kondele |
| 10. Ooko Kennedy Ouma | - | Ahero |
| 11. Okumu Seth Ogutu | - | East Seme |
| 12. Dede Samuel Otieno | - | Kisumu North |

13. Nereah Akoth Okombo	-	Manyatta “B”
14. Ochele Moses Odhiambo	-	East Kano Wawidhi
15. Okoth Kevin Odhiambo	-	Kolwa Central
16. Omollo James Ochieng	-	West Nyakach
17. Oyoo Pamela Awuor	-	Migosi
18. Were James Oyugi	-	Nyalenda “B”
19. Adeg Benson Ambuti	-	Kajulu
20. Biko Mildred Achieng	-	Central Seme
21. Bill Oliver	-	Kobura
22. Boitone Ratib Ahmed	-	Nyalenda A
23. K’Ómudho Vitalis Oliewo	-	Muhoroni Koru
24. Nyaoke Tom Odhiambo	-	North Nyakach
25. Obuya Vincent Odhiambo	-	Central Nyakach
26. Odari Fredrick Ochieng Adonija	-	Chemelil/Tamu
27. Odhiambo Carren Ajwang	-	Kaloleni Shaurimoyo
28. Okoyo Zacharia Mbuya	-	Central Kisumu
29. Omollo Samwel Onyango`	-	Railways
30. Omuya Millicent Atieno	-	North Seme
31. Onditi Tom Onditi	-	Ombeyi
32. Ouko Kennedy Odhiambo	-	West Kisumu
33. Owade Patrick Lumumba	-	South East Nyakach
34. Rakwach Reuben Okoth	-	Kolwa East
35. Warindo Geoffrey	-	Miwani
36. Alice Wajewa Odek	-	Nominated
37. Anne Atieno Ocholla	-	Nominated

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, I have the following communication to make. There is a technical issue that I would like to bring to your attention.

(Chaos erupts from the Floor of the House)

The Clerk of the Assembly (Mr. Ojuok): Order!! Honourable Members. Let us proceed. The matter before us is a simple thing. We are going to proceed with swearing in of Members. The issue before us is a matter from the court, and the ODM Party, a matter in which I am also party to.

(Chaos interrupts communication by the Clerk on the matter from the court)

The Clerk of the Assembly (Mr. Ojuok): Order!! Honourable Members. Mr. Clerk call the next Member in the list.

(Oath of Allegiance/Affirmation of office proceeds)

38. Carolyne Lawino Opar	-	Nominated
39. Emily Anyango Oginga	-	Nominated
40. Eunice Atieno Alandoh	-	Nominated
41. Henrietta Atieno Bodo	-	Nominated
42. Kennedy Otieno Ajwang	-	Nominated
43. Mariam Atieno Ochieng Abeid	-	Nominated
44. Mickey Awuor Ochieng	-	Nominated
45. Nancy Vivienne Matara	-	Nominated
46. Peter Henry Obaso	-	Nominated
47. Regina Atieno Kizito	-	Nominated

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, this is just to confirm that all Honourable Members present have been sworn in and subscribed to the Oath or Affirmation of Office because the next business will require that any member who has not been sworn –in- will not participate in the Election of the Speaker. I now want to give in last opportunity to any member who has not been sworn –in- to come forth with.

The Clerk of the Assembly (Mr. Ojuok): Next Order Mr. Clerk!

ELECTION OF THE SPEAKER

The Clerk of the Assembly (Mr. Ojuok): Yes, Hon. Ochele.

Hon. Ochele: Thank you Mr. Clerk. I have two observations to make. First, I want to commend the security within and without the Assembly. By yesterday, I feared because I was not certain of the kind of security that would be offered. I believe that and noted that, you have scored Mr. Clerk for organization security better than that of the National Assembly and the Senate. This is the best.

Secondly, any other thing has its own weaknesses. We tolerate each other, we are brothers at the end of the day and you are the CEO of this Assembly. I thank you so much Mr. Clerk because you have ensured that all nominated Members have been sworn in and issued with certificates. Thank you so much and may God bless you.

The Clerk of the Assembly (Mr. Ojuok): Honourable 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 County Assembly.

Further, Standing Order No. 4(1) provides thus: *"A Speaker shall be elected when the County Assembly first meets after a General Election and before the County Assembly proceeds with the*

dispatch of any other business, except the administration of the Oath or Affirmation of Office to Members present. "

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

Honourable Members, pursuant to the Standing Orders, a number of activities were required for the Election of the Speaker before this First Sitting. I will proceed to detail each such activity and the manner in which my office has complied with our Standing Orders.

Honourable Members, in exercise of the powers conferred by the provisions of Standing Order No.4 (1), I notified the general public of a vacancy in the Office of the Speaker of the County Assembly via Gazette Notice No 11036 dated 14th September 2022. Additionally, I went ahead to publicize the Declaration of the Vacancy by advertisement in two newspapers of national circulation. That is the Daily Nation of September 16th 2022 and the Star Newspaper of 16th September 2022

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

Honourable Members, as per the Gazette Notice and advertisement, a person who collected Nomination Papers was required to submit the completed nomination papers together with his or her Curriculum Vitae, relevant supporting documents and MUST be supported by at least two Members of County Assembly as a Proposer and a Seconder. In regard of the above, at the close of the nomination period, which was, Monday, 19th September, 2022 12.00 Noon; the following persons had submitted their nomination papers for election as Speaker of the County Assembly:

Candidate

1. James Kounah Ochieng
2. Samuel Onyango Ong'ou
3. Kenneth Oduor Amondi
4. Eng. Elisha Jack Oraro
5. Victor Otieno Odongo
6. Linda Ogweno Atieno
7. Nelson Lennoa Jalang'o Adul

Honourable Members, pursuant to the provisions of Article 193 of the Constitution, The Elections Act read together with the Standing Order No. 5 of the County Assembly Standing Orders, only Four out of the Seven applicants who completed and submitted their nomination papers, qualified as candidates for election as the Speaker of the County Assembly: The four are:

1. James Kounah Ochieng
2. Samuel Onyango Ong'ou
3. Kenneth Oduor Amondi
4. Eng. Elisha Jack Oraro

Honourable Members, Standing Order 4 requires that: - *"The Clerk shall maintain a register in which shall be shown the date and time when each candidate's nomination papers were received and shall ascertain that every such candidate for election to the office of Speaker is qualified to be elected as such under Article 193 of the Constitution."*

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

Honourable Members, Standing Order No. 4 (2) requires that: -

"Immediately upon the close of the nomination period provided for in paragraph (2), the Clerk shall- (a) publicize and make available to all Members, a list showing all qualified candidates; and (b) make available to all Members, copies of the curriculum vitae of the qualified candidates."

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

Honourable Members, Standing Order No. 5 provides that the Election of the Speaker shall be by secret ballot.

Specifically, Standing Order No. 5 (2) provides that: - *"The Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked, to be displayed to the County Assembly and shall, in the presence of the County Assembly, lock the box, which shall thereafter be kept in the full view of the County Assembly until the conclusion of the ballot. "*

Standing Order No. 5 (3) requires the Clerk shall issue not more than one ballot paper to each Member who comes to the table to obtain it and each Member who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall, while there, mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the Member wishes to vote, fold the marked ballot paper before leaving the booth or area and place the folded ballot paper in the ballot box,

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

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

Honourable Members, Standing Order No. 5 (6) provides that when it appears to the Clerk that all Members who are present and who wish to vote have placed their ballot papers in the Ballot Box, the Clerk shall unlock the box, examine the ballot papers and, having rejected those unmarked or spoilt, report the result of the ballot; and no Member who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box.

Honourable Members, Standing Order No. 5 (7) provides that a ballot paper is spoilt, if in the Clerk's opinion, it does not identify the candidate purported to be selected by the member voting. The Clerk shall declare a ballot paper to be invalid in the presence of and after inspection by the Members representing each of the candidates in the election.

The counting of the ballots shall take place in the presence of all Members and Members appointed as agents or representatives by the candidates.

So, I will shortly ask for the agents of the candidates to come forward as I also request the Clerks and the Serjeant-at-Arms to bring the ballot boxes and papers.

(The Serjeant-At-Arms displays the ballot box, empty and opened)

(Loud consultations)

Hon. Oraro: Point of Order Mr. Clerk.

The Clerk of the Assembly (Mr. Ojuok): Granted. Please proceed Hon. Oraro

Hon. Oraro: Mr. Clerk, allow me, on the same breadth, just as my colleague Hon Ochele had stated, on the good work of observing Standing Orders and ensuring the same is adhered to. Mr. Clerk, according to Standing Order No. 5 (1), it reads, the Election of the Speaker shall be by secret ballot, and I have seen whatever we have done. My only worry and I want you to rule from the Chair that there is only one element that is a bit sensitive.

The mater that is a bit sensitive Mr Clerk concerns the ballot paper. If voting is going to be done according to the list and Order of Precedence followed in the swearing-in process then, this will interfere with the spirit of the provisions of the Standing Orders. This is because it will be easier to know those who have voted.

Mr. Clerk, I want you to rule that if we are using the Order of Precedence, then the same should be juggled to guarantee privacy of Members.

(Loud consultations)

Mr. Clerk, if the serial numbers of the ballot paper reads 001 and I am number one in the list, it will be easy to know the direction I have voted for. I want you to rule that the voting that does follow the sequence of the ballot papers. I am also asking that you protect me Mr. Clerk.

The Clerk of the Assembly (Mr. Ojuok): Hon. Oraro, your concern is taken care of.

The Clerk of the Assembly (Mr. Ojuok): Yes, Hon. Okombo.

Hon. Okombo: Thank you Mr. Clerk. Mr. Clerk, the Honourable Member is preempting and I do not believe that a member stands any legal grounds to advice on how to run the procedures of the House. He is one of the Members who just a while ago made a lot of noise on how the House should be run and which communications should come first. Mr. Clerk, it is my belief that Hon. Oraro is out of order.

The Clerk of the Assembly (Mr. Ojuok): Yes Hon. Kanga.

Hon. Kanga: Thank you Mr Clerk. The proceedings of the Honourable House including those of Parliament of Kenya are inherited from the tradition of Westminster. The traditions and norms spell out that the Order of Precedence in which we vote is the same as that of the swearing in. Mr. Clerk, I ask that you stick to the traditions and the provisions of Standing Orders. Thank you.

The Clerk of the Assembly (Mr. Ojuok): Yes Hon. Ochele.

Hon. Ochele: Thank you Mr. Clerk. I rise, once again, to defend the position of the law. If the law says that the Election of the Speaker will be by Secret Ballot, underline the word secret. Then the meaning of secret will be violated if we allow the Serial Numbers of the ballot papers to go by the Order of Precedence.

Mr. Clerk, to protect the secrecy and privacy of Members, just juggle it. It takes no energy to do so, so that a particular candidate cannot victimize me for having voted in a particular way.

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, I now want to make a ruling on this matter. Honourable Members, vote by secret ballot is what the law provides and uses the mandatory shall in that provision. Secondly, this is the Election of the Speaker and as a Member, you have the right to choose your preferred candidate. I do not foresee a situation in which a person will be victimized because of the person he or she has voted for. All the sealed ballot papers will be kept in our offices. Therefore, I want to urge Members to feel free because this is like any other voting process. I wish to appreciate you all for maintain peace.

Honourable Members, Standing Order No. 5 (2) provides that: - *"The Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked, to be displayed to the*

County Assembly and shall, in the presence of the County Assembly, lock the box, which shall thereafter be kept in the full view of the County Assembly until the conclusion of the ballot. "

I order the Clerks to do so.

(Clerks- at- the -Table displays the ballot box, empty and open)

(The Clerk call out agents of various candidates to confirm their satisfaction with the initial process)

Honourable Members, in line with the requirement of Standing Order 6(1), a person shall not be elected as Speaker unless he or she is supported in a ballot by the votes of two-thirds of all Members, in our current case is 32 Members. If no candidate is supported by the votes of two-thirds of all Members, the candidate or candidates who received the highest number of votes in the first ballot and the candidate or candidates who in that ballot received the next highest number of votes shall alone stand for election in a further ballot and the candidate who receives the highest number of votes in the further ballot shall be elected Speaker, and I will declare so.

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

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

We are now ready to commence the voting process. As a practice any Member who proposed a candidate must represent the candidate as his agent. Therefore, before we start, may the agents representing the candidates please come forth?

(Members representing various candidates stepped forward to witness the voting process)

Having explained the voting procedure, I now direct the Serjeant-at-Arms to open the Ballot Box and display it to the Assembly. Which we have done. You have all witnessed that.

Honourable Members, we are now ready to vote. I direct the Clerks-at-the-Table to call out the names in the Order of Precedence.

(Voting in progress in the Order of Precedence)

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, if there is any member who has not voted for any reason? Could there be any Member who is present but has not voted?

(No response)

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, it appears that all the Members who wished to vote have already done so. Honourable Members, therefore, in accordance with the provisions of Standing Order 5(6), I direct that the ballot box be unlocked and the ballot papers be sorted. Once it is ascertained whether there are some which are unmarked or spoiled, we will start counting the votes. You can now open the seals.

(Counting of votes commences after sorting.)

The Clerk of the Assembly (Mr. Ojuok): Clerk, please empty the contents on the table and then pick one at a time and display to everyone.

(Clerks- at- the -Table proceeds to count the votes.)

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, I wish to announce the results of the Election of the Speaker in the process we have just undertaken.

NAME		VOTES
1. James Kounah Ochieng	-	0
2. Samwel Onyango Ong'ou	-	23
3. Kenneth Oduor Amondi	-	0
4. Eng. Elisha Jack Oraro	-	24
5. Spoilt votes	-	0
Total Votes Cast	-	47

Honourable Members, Standing Order 8(1) provides that a person shall not be elected as Speaker, unless supported in a ballot by the votes of two-thirds of all Members. Two-thirds of 47 Members is 33. Therefore, none of the candidates has reached the threshold.

Consequently, I will invoke the provisions of Standing Order 6 (2) which qualifies Standing Order 6 (1) as follows:

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

Accordingly, these two candidates, namely, Elisha Jack Oraro and Samwel Onyango Ong'ou will proceed for the second ballot. Members will proceed for a further ballot.

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, we shall now repeat the process as earlier detailed, in which case I direct the Serjeant-at-Arms to unlock the ballot box and display it to the Assembly.

(Serjeant- at- Arms displays the ballot box, empty and opens)

The Clerk of the Assembly (Mr. Ojuok): Having confirmed that it is empty, I now direct the Serjeant-at-Arms to lock it. We can now start.

(Voting in progress in the order of precedence)

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, is there any Member who has not voted for any reason? Could there be any Member who is present but has not voted?

(No response)

(Counting of votes commences after sorting.)

(Clerks- at- the -Table proceeds to count the votes.)

NAME	VOTES
1. Samwel Onyango Ong'ou -	22
2. Eng. Elisha Jack Oraro -	25

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, the Declaration of Results after second round of voting. Hon. Elisha Jack Oraro has obtained the highest number of votes. That is a total of 25. Hon. Elisha Jack Oraro stands Elected as the Speaker of the County Assembly of Kisumu.

(Applause)

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, the provisions of Standing Order 9 stipulates that immediately the results are declared, all the ballot papers used in the election of a Speaker shall be packed and sealed in the presence of the County Assembly and kept in the custody of the Clerk for a period of six months and shall thereafter be destroyed. I now direct that the ballot papers be packed and sealed for safe custody.

(The used ballot papers were collected and sealed)

Honourable Members, Standing Order 11 stipulates that immediately following the election of the Speaker, the Clerk shall administer the Oath or Affirmation of Office to the Speaker in the presence of the assembled County Assembly.

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, I now direct the Serjeant-at-Arms to proceed forth and find the said Elisha Jack Oraro and bring him to the Chamber, where upon we shall administer the oath to him.

(The Clerk accordingly directs the Serjeant-at-Arms to search for the said Hon. Elisha Jack Oraro and bring him to the Chamber)

(On arrival of Hon. Oraro in the Chamber, he is escorted to the Chair by Hon. Okumu and Hon. Omieno)

(On arrival at the Chair, the Clerk thereupon administers the Oath of Allegiance to the Speaker-elect, Hon. Oraro)

(The Speaker, Hon. Oraro, takes the Chair, and the Mace, which before lay under the Table, is placed upon the Table)

The Clerk of the Assembly (Mr. Ojuok): Honourable Members, the Speaker of the Assembly.

(Applause)

COMMUNICATION FROM THE CHAIR

ACCEPTANCE SPEECH BY HON. ELISHA JACK ORARO

THE SPEAKER OF THE COUNTY ASSEMBLY

The Speaker (Hon. Oraro): Honorable Members, the Clerk of the County Assembly, distinguished guests, ladies and gentlemen;

Let take this opportunity to thank God for congregating us here as one family of Kisumu County to do that what gives glory to His name and advance the cause of His people, the electorate of Kisumu County.

Two, allow me to take this opportunity to congratulate all the Members of this honorable house. You are here courtesy of the confidence of the people of this great county whom you have today taken an oath to serve unreservedly. Further, you being here is testament to your unfailing loyalty to our great party ODM which has given you the mandate to serve her people in this August House.

My heart goes out to our people out there with bleeding hearts for the deferred dream. Yes, but the Bible reminds us to grieve like a people with hope. And in deed hope we harbor.

Honorable Members, I am deeply honored by the confidence you have bestowed upon me by electing me to serve as your Speaker in the Third County Assembly of Kisumu. Having chosen me from a list of other Three (3) exceptionally outstanding citizens of this County who had expressed interest in the same seat is something I don't take for granted.

Special recognition and gratitude goes to my brother Wakili Kenneth Oduor Amondi, who for the love of the unity of this House and by extension this county, graciously stepped down in my favour.

Let me take this opportunity to also congratulate my colleagues who took their time to place their resumes before you for consideration of this noble responsibility. I am convicted that there is no winner and loser in this exercise but that Kisumu has once again proven that it has at its disposal sons and daughters who have the breath of this great county at heart and I believe that we shall be calling upon their collective strengths from time to time as we steer this great county to greater heights – together.

All these are actions that in humility I attribute to God for the advancement of the greater good of the people of Kisumu County, who from today become our collective masters.

Honorable Members, as we set on this journey, I reserve the words of the 1964 Nobel peace prize winner Dr. Martin Luther King: “I come as a trustee for in the depth of my heart, I am aware that this election is more than an honor to me personally. As I uphold my reserved statement in enthusiasm to serve you as the Speaker, I solemnly affirm that I will perform my functions in this House with diligence, dignity and honor. I will discharge my duties with the high degree of efficiency and impartiality; I will do the best of my ability, respect and uphold the Constitution assigned to this House.

I submit myself to the will of this House and assure you that I will strive to be accessible to every Member and ensure that we work together for the well-being of this great County of Kisumu.

Honorable Members, the people of Kisumu have assigned to us a huge responsibility. We must safeguard public trust by conducting our work with integrity and in a manner that brings order and dignity to the County. These are legal and moral obligations enshrined in the Constitution of Kenya, Public Officer Ethics Act, Leadership and Integrity Act, and the County Assembly’s Powers and Privileges Act, 2017. Of great importance, Honorable Members, is the need to observe that the Parliamentary Privileges and Powers Act prescribes a Code of Conduct for all Members of Parliament and County Assemblies at large. The purpose of the code is to create public trust and confidence in the members of Parliament and the County Assemblies and to protect the integrity of this legislative organ. We all undertook to abide by the code and this should be our point of reference in discharging our respective duties and responsibilities.

Honorable Members, further, we communally have a huge responsibility to serve all citizens of Kisumu and to continuously seek to address their aspirations. We are called upon to exercise the sovereign power of the people through legislation, representation, oversight of state officers and state organs and the deliberation of the various issues of concern to the people of this great County.

In undertaking these noble responsibilities, we must be guided by the values of good governance, democracy, patriotism, national unity, inclusivity as well as the broad spectrum of national values and principles of governance enshrined in the constitution.

As political leaders, we must dedicate ourselves to serve the County and national interests and advance the common good. Adversarial politics only serves to undermine public confidence in our institutions. Let us promote, embrace, enhance and commit to serve the public in the spirit of integration and reconciliation. The priority of this House is to consolidate the achievements enshrined in the Constitution and to seek progress. Mindful of the words of Winston Churchill who emphasized that if we open a quarrel between the past and the present, we shall find that we have lost the future.

In this regard, I encourage this House to embrace cooperation, fellowship, mutual and reciprocal respect when conducting all its proceedings. Let us be the agents that promote unity and advancement of this indivisible County. Let us understand our responsibilities in a dynamic and proactive manner and for the sake of the people of Kisumu and Kenya at large. Let the words of the 28th president of the United States of America, Woodrow Wilson, continuously and also echo in our minds: You are not here merely to make a living. You are here to enrich the world and you impoverish yourselves if you forget the errand. Honourable Members, it is my view that this House should seek to consolidate the gains made by its predecessor, the Second Assembly.

Honourable Members, may we live to fulfill a legacy. A legacy that consolidates our democratic gains and brings transformation as we launch this County towards a trajectory of steady economic growth, social and political development.

Honourable members, I am proud to preside over the one institution that manifests the diversity of the County; represents the will of the people and exercises their sovereignty. Let our diversity enhance and enrich all our deliberations. I look forward to working together with all of you in discharging that mandate. Together we can make our County proud.

Finally, I commend the Clerk of the County Assembly, Mr. Owen Ojuok, and all the staff of the County Assembly for the manner in which they have conducted this process; including the pre-swearing-in sessions. I request you to continue facilitating the Honourable Members with this elevated degree of proficiency, professionalism and impartiality.

In conclusion, I want to thank my family for sharing my dreams and aspirations and always standing by me. Your support through the years has been invaluable. I equally thank my party ODM and the entire leadership of the party for the trust it has in me to steer this Honorable House for the next five years.

We are all standing at the cusp of history for we shall be remembered for having played a critical role in steering this bastion of the Luo renaissance at the hour of need.

Asanteni sana. God bless Kisumu County Assembly and the people of Kisumu at large. Thank you.

(Applause)

The Speaker (Hon. Oraro): Next order Mr. Clerk.

ELECTION OF THE DEPUTY SPEAKER

The Speaker (Hon. Oraro): Honourable Members, our Standing Order provides that the Election of the Deputy Speaker is done in the same manner in which the Speaker is elected. Having consulted the Clerk, we have agreed that we do it in the manner in which the election of the Speaker is done except that it will be by simple majority. That is round one.

Honourable Members, Article 178 (1) of the Constitution is very clear on the Election of the Speaker. Standing Order No. 5 (2) provides that: - *"The Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked, to be displayed to the County Assembly and shall, in the presence of the County Assembly, lock the box, which shall thereafter be kept in the full view of the County Assembly until the conclusion of the ballot. "*

The Speaker (Hon. Oraro): Honourable Members, I order the Clerks to do so!!

(Clerks- at- the -Table displays the ballot box, empty and opens)

(The Clerk calls out agents of various candidates to confirm their satisfaction with the initial process)

The Speaker (Hon. Oraro): Honourable Members, the provisions of Standing Order No. 5 (3) states that;

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

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

(5) The Clerk shall make such arrangements as may be necessary to enable any Member with disability to vote.

(6) When it appears to the Clerk that all Members who are present and who wish to vote have placed their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot papers and, having rejected those unmarked or spoilt, report the result of the ballot; and no

Member who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box.

(7) A ballot paper is spoiled, if in the Clerk's opinion, it does not identify the candidate purported to be selected by the Member voting.

The Speaker (Hon. Oraro): Honourable Members, the provisions of Standing Order No. 6, states that; A person shall not be elected Deputy Speaker, unless supported in a ballot by simple majority. The candidates are Hon. Akoth Okombo Nereah and Hon. Vincent Odhiambo Obuya. Proceed Mr. Clerk.

(Voting in progress in the order of precedence)

The Speaker (Hon. Oraro): Honourable Members, is there any member who has not voted for any reason? Could there be any Member who is present but has not voted?

(No response)

(Counting of votes commences after sorting.)

(Clerks- at- the -Table proceeded to count the votes.)

The Speaker (Hon. Oraro): Honourable Members, I wish to announce the results of the Election of the Deputy Speaker in the process we have just undertaken.

NAME	VOTES GARNERED	
1. Hon. Akoth Okombo Nereah	-	24
2. Hon. Vincent Odhiambo Obuya	-	23
3. Spoilt votes	-	0
Total votes cast	-	47

(Applause)

The Speaker (Hon. Oraro): Honourable Members, Hon. Akoth Okombo Nereah is therefore declared the Deputy Speaker of the County Assembly of Kisumu.

(Applause)

The Speaker (Hon. Oraro): Honourable Members, I therefore request Hon. Akoth Okombo Nereah to come forward and take the Oath as the Deputy Speaker of Kisumu County Assembly.

(Laughter)

(Administration of the Oath of Allegiance to the Deputy Speaker Hon. Okombo)

(Applause)

The Speaker (Hon. Oraro): Honourable Members, I want to refer you to the provision of Standing Order No. 9. That is the Custody of Ballot Papers. It states;

“Immediately the results are declared, all the ballot papers used in the election of a Speaker shall be packed and sealed in the presence of the County Assembly and kept in the custody of the Clerk for a period of six months and shall thereafter be destroyed.

(The used ballot papers are collected and sealed)

The Speaker (Hon. Oraro): Next order Mr. Clerk.

ADJOURNMENT

The Speaker (Hon. Oraro): Honourable Members, we have come to end of this session. I want to communicate that all Members and visitors are proceeding to Tom Mboya Labour College for a luncheon.

Honourable Members, at end of the First Sitting Gazetted by the Governor, we shall adjourn for a period that is enough for us to carry out induction as organized by the Office of the Clerk. In that regard, I want urge the Clerk to move with speed and carryout the induction of the Honourable Members. I suggest that it should not be more than two weeks. We shall communicate through gazette the First Sitting of the Assembly by the Speaker.

Honourable Members, there being no other business to transact, the House now stands adjourned until such a date as shall be notified as the date set for the new opening of the Assembly.

House rose at 3:10 p.m.

Addendum

Hansard Team

Zablon Otiende – Senior Hansard Reporter (Sub-Editor)

Edward Odanga – Hansard Reporter

Fanuel Okoyo – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jacklyne Otieno – Hansard Reporter

Jesca Otieno – Hansard Reporter

Valerie Achieng' – Hansard Reporter