

# REPUBLIC OF KENYA

## COUNTY ASSEMBLY OF SIAYA

### THE HANSARD

**Tuesday 20th September, 2022**

**Third Assembly - First Sitting**

*(Convened by notification vide Gazette Notice No. 11010 of 2022)*

The House met at the County Assembly Chamber at 9.30 a.m.

*[The proceedings were opened with a prayer read by the Ag. Assembly Clerk (Mr. Erick Ogenga)]*

### COMMUNICATION FROM THE CLERK OF THE ASSEMBLY

WELCOME TO HON. MEMBERS OF COUNTY ASSEMBLY AND NOTIFICATION OF PLACE AND TIME OF FIRST SITTING OF THE ASSEMBLY

**The Ag. Clerk** (Mr. Ogenga) Hon. Members, let me take this singular opportunity to welcome you to the First Sitting of the Third Assembly. It is my pleasure and privilege to congratulate you for having fought a hard battle and won your seats in this prestigious House.

I want to take this chance to recognize important officers in our midst, an officer from the magistrate's Court who has come to witness the swearing - in of the Members and also officers from the EACC, Western Region Kisumu, they are seated on my left.

I also wish to recognize all the invited guests seated at the Speaker's Gallery and at the Public Gallery who have come to be part of the occasion for this County.

Section 7A (1) of the County Governments Act, 2012 (revised 2020), stipulates that; *A County Assembly shall not be fully and dully constituted for that First Sitting after a General Election unless all Members provided for under paragraphs (b) and (c) of Article 177 (1) of the*

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*Constitution have been dully nominated and their names published in the Gazette. Section 7B (1) of the County Governments Act, 2012 (revised 2020), further provides that;*

*(1) Whenever a new county assembly is elected, the governor, by notice in the Gazette shall appoint —*

*(a) the place of sitting within the county as set out in the Third Schedule; and*

*(b) the date of the first sitting of the new County Assembly, which shall not be more than thirty days from the date on which the County Assembly shall be fully constituted as provided for under section 7A.*

The elected and nominated members were Gazetted vide gazette notice number 9956 dated 24<sup>th</sup> August, 2022 and legal notice number 10712 dated 9<sup>th</sup> September, 2022 respectively. The Assembly Standing Order No. 3(2) (a) provides that;

*(2) On the first sitting of a new Assembly after a General Election, the Clerk shall-*

*(a) read the notification of convening the Assembly as published in the Gazette; In accordance with section 7B(1) of the County Governments Act, 2012, the Governor vide gazette notice no. 11010 dated 12th September, 2022 appointed the place and date of the new Assembly of which I will read;*

*“PURSUANT to the provisions of Section 7B (1) of the County Governments Act, 2012, and Standing Order No. 3 of the Siaya County Assembly Standing Orders, it is notified for the information of the elected and nominated Members of the County Assembly and the general public that I, James Orenge, the Governor of Siaya County, have appointed Tuesday, 20<sup>th</sup> September, 2022, at 9.00 a.m. at the County Assembly Buildings, Siaya Urban Areas”.*

## **PAPERS LAID**

### **LIST OF GAZETTED MEMBERS OF SIAYA ASSEMBLY**

Hon Members, The Assembly Standing Order No. 3(2) (b) provides that;

*(2) On the first sitting of a new Assembly after a General Election, the Clerk shall-*

*(b) lay a list of the names of the persons elected as Members on the Table of the Assembly;*

I will now proceed to lay on the Table of the Assembly the Gazette Notice listing all elected Members of the Assembly and the Gazette Notice listing all the nominated Members of the Assembly.

*[The Ag. Clerk of the Assembly (Mr. Ogenga) laid  
the documents on the Table of the House]*

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*(Several Members entered the Chamber)*

## **ADMINISTRATION OF OATH OR AFFIRMATION OF OFFICE**

### PROCEDURE TO BE FOLLOWED IN ADMINISTRATION OF OATH OR AFFIRMATION OF OFFICE

Hon. Members, Standing Order No. 3(1) (1) requires that on the First Sitting of a new County Assembly, pursuant to Governor's notification under Standing Order No. 3(2) (c) of the Standing Orders, the Clerk shall;

*(c) administer the oath or Affirmation of office provided for in the first Schedule of the County Government Act 2012 to all Members present in the Assembly in the order set out in order 3(3). Standing Order 3(3) provides that; The Clerk shall administer the oath or Affirmation of office to Members of the Assembly in Alphabetical order using the following precedence;*

*a) Members with disability.*

I therefore direct the Senior Serjeant-at-Arms to confirm to this House if we have any Member with disability.

*(One Member confirmed – Hon. Andrew Omwende)*

Having confirmed that in our midst we have Hon. Andrew Omwende, living with disability, the said Member will therefore take precedence. Thereafter we will have;

*b) Members with longest cumulative period of service in the Assembly and*

*c) All others will follow.*

Hon. Members; Standing Order No. 3(4) provides that;

*“Pursuant to Article 74 of the Constitution, no persons shall assume or perform any function of the office of a Member before taking and subscribing to the oath or Affirmation of office provided for under Standing Order 3(2) (c).*

I further wish to draw your attention to Standing Order No. 3(5) which further provides 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 to the Speaker, any question arising in the Assembly shall be determined by the Clerk, who shall during that period exercise the powers of the Speaker.*

Pursuant to the provisions of Standing Order No. 3(3), I now proceed to administer the oath or Affirmation of office to all Hon. Members of County Assembly present in order of precedence that is set out in Standing Order No. 3(3).

In order to facilitate this process, the name of each Member of County Assembly shall be called out. When called out, the Member of the County Assembly shall proceed to the podium

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on my left and thereupon shall have the option to take the oath or Affirmation of office as you may choose and in accordance with your respective religious persuasion.

After taking the oath or Affirmation of office, the Hon. Members of County Assembly shall proceed to ascribe to the oath or Affirmation of office at the table by signing the oath book.

Hon members, Section 40 of the Leadership and Integrity Act, 2012 read together with regulation 34(2) of the Leadership and Integrity Regulations, 2015 stipulates that *a person at the time of taking oath of office or within seven days of assuming a state office, shall sign and commit to the specific Leadership and Integrity code prescribed in accordance with Section 37 by the public entity to which he/she has been elected, appointed or nominated.*

Legal Notice No. 2 of 19<sup>th</sup> June, 2020, gazetting the specific Leadership and Integrity code of conduct for members of County Assembly of Siaya requires you to sign and commit to respect the values, principles and provisions of the Constitution and other applicable laws or policies on the standards of conduct and performance expected of holders of public office in the discharge of their duties.

For this purpose, **Form ‘J’** has been provided of which the Hon. Magistrate is here to witness as required by the Act. Subsequently, the High Court Registrar will put a seal which in turn shall be forwarded to Ethics and Anti-Corruption Commission confirming that you did commit yourself to the code of conduct as provided for in law.

We are now ready to commence the process of administration of oath or affirmation of office. I will direct that Clerk at the Table to call out the names. When your name will have been called out I will kindly ask you to rise from your seat, you will move to the bar where you will bow and then after proceed to the podium where you will take the oath or affirmation of office.

After taking the oath, you will proceed to the table on my left where the Registrar of the High Court is seated, sign the oath book and also sign the leadership and integrity code. That will be witnessed by the officers that I have so far mentioned.

Once you have signed, I will again ask you to move back to the bar, bow and then you resume your seat. That is the order and the procedure in which we are going to undertake the process thereafter. Therefore the Clerk at the Table, I now call upon you to read out the names.

The Oath of Allegiance was administered to the following Members of Siaya county Assembly:

- |                                  |                     |
|----------------------------------|---------------------|
| 1. Omolo Andrew Omwende          | Sigomre ward        |
| 2. Adida Lorna Achieng’ Ochieng’ | Nominated           |
| 3. Madialo Sylvester Otieno      | Usonga ward         |
| 4. Otare James Obiero            | Siaya Township ward |
| 5. Otieno Edwin Martin           | Ugunja ward         |
| 6. Onyango William Kinyanyi      | Yala Township ward  |
| 7. Adala Bernard Onyango         | North Ugenya ward   |
| 8. Awita Emily Agnes             | Nominated           |
| 9. Bonyo Booker Washington       | North Uyoma ward    |
| 10. Odawa Vincent Otieno         | North Alego ward    |

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11. Odinga Truphosa Osewe	West Sakwa ward
12. Odongo Andericus Oduor	West Ugenya ward
13. Oduor Joseph Peter Omondi	Ukwala ward
14. Okumu Felix Ouma	West Alego ward
15. Okwiry Susan Achieng	West Gem ward
16. Omoro Fredrick Oluoch	East Ugenya ward
17. Otiato Francis Otieno	Yimbo East ward
18. Achieng Eunice Rahel	South Sakwa ward
19. Angule Simon	Yimbo East ward
20. Apodo John Otieno	Sidindi ward
21. Arika Oliver	North Sakwa ward
22. Arunda Wilfrida Ogundha	Nominated
23. Ochieng Dorah Abonyo	Nominated
24. Ochieng Seth Baraka	East Gem ward
25. Odhiambo Alice Ochieng	Nominated
26. Oguta Justus	West Uyoma ward
27. Oinga Dorothy Awino	Nominated
28. Okello Julie Akinyi	Nominated
29. Okeyo Mark Okeyo	West Asembo ward
30. Olango Bismark Otieno	Central Sakwa ward
31. Oluoch Phillip	North Gem ward
32. Onguuru Gordon	East Asembo ward
33. Onyango Cynthia Akinyi	Nominated
34. Onyango Rose Awino Rabinya	Nominated
35. Osoo Ann Wanzila	Nominated
36. Otieno Shalom Oduor	Nominated
37. Adiala Michael Otieno	South Uyoma ward
38. Madingu Silas	Central Gem ward
39. Madowo Scolastica Masidis	South East Alego ward
40. Ragen David Omondi	Central Alego ward

**The Ag. Clerk (Mr. Ogenga):** Allow me once more to congratulate all of you most sincerely on your ascension to the office of the Member of County Assembly of Siaya in accordance with Article 74 of the Constitution of Kenya 2010.

Hon. Members you have now shed off the title of Member-Elect and you are now fully a Member of the County Assembly (MCA) of Siaya. Congratulations!

*(Applause)*

*(Loud consultations)*

**ELECTION OF THE SPEAKER****COMMUNICATION FROM THE Ag. CLERK**

**The Ag. Clerk** (Mr. Ogenga): Hon. Members, as we execute this Order I want to request the Hon. Members that the bar will be closed and there shall be no leaving of Chamber until we are done with this Order.

Hon. Members, pursuant to the provisions of Standing Order No.4 provides as follows; *A Speaker, shall be elected when Assembly first meets after a General Election and before Assembly proceeds with the dispatch of any Business except the administration of oath or affirmation of office to Members present.*

Standing Order No.5 (1) requires *upon the Governor notifying the place and date of First Sitting of the New Assembly pursuant to Standing Order No.3 the Clerk shall by notice in the gazette notify the fact and invite interested persons to submit their nomination papers for the election to the Office of the Speaker.*

Hon. Members, my office invited qualified and interested persons to collect and submit their nomination papers for the election of the Office of the Speaker vide Kenya Gazette No. 1028 dated 13<sup>th</sup> September, 2022. The same was also advertised in the print media for purposes of consumption of the public.

Standing Order No. 5 (2) requires as follows; *the names of the candidates for the election to the Office of the Speaker shall be entered in a register upon nomination papers obtained from the Clerk and back to the Clerk at least 48 hours before the time appointed which the Assembly is to meet to elect a Speaker.*

Standing Order No. 5 (3) also requires that the nomination papers of a candidate shall be accompanied by the names and signatures of at least 2 Members who support the candidate and a declaration by them that the candidate is qualified to be elected as a Member of Assembly under Article 193 of the Constitution and is willing to serve as the Speaker of the County Assembly.

Standing Order No. 5(4) requires that the Clerk shall obtain a register in which shall be showing the date and time when each candidate nomination papers were received and shall ascertain that every such member for the election to the Office of the Speaker is qualified to be elected as such under Article 193 of the Constitution.

Hon. Members, I wish to draw your attention to the Standing Order No. 5 (5) which requires that immediately upon the close of the nomination period approved for in Standing Order 5(2), the Clerk shall publicize and make available to all Members a list showing all qualified candidates and make available to all Members copies of the CV of the qualified candidates.

I wish to confirm that Members were issued with the list of the candidates and their respective curriculum vitae.

The process of coming up with successful nominees for the Speaker's position included us following and implementing the provisions of the Standing Orders and the Elections Act as I have alluded to.

Upon the *gazettment* of the vacancy in the Office of the Speaker through gazette notice No. 11028 dated 13<sup>th</sup> September 2022 and a further notification to the applicants through

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advertisement in the Daily Nation newspaper of Wednesday 14<sup>th</sup> September, 2022, 12 applicants came forth and picked the nomination papers. I am going to read their names;

1. George Mbeya Mugoye
2. Evans Oruenjo Umidha
3. Joseph Omondi Agoko
4. Daniel Awandu
5. Fredrick Handa
6. Morris John Okumu
7. George Okode
8. Caleb Ouma Otieno
9. Andrew Horace Omondi
10. Pamela Akello
11. Isiah Ndisi Munje
12. Fredrick Athuok

By the end of Business on Friday 16<sup>th</sup> 2022, 3 of the applicants had not and did not finally return the nomination papers. The 3 applicants were;

1. George Mbeya Mugoye
2. Morris J Okumu
3. Andrew Horace Omondi

It is important to note that that provision that I read of the Standing Order No. 5(3) because it is important I will requote it “the nomination papers of a candidate shall be accompanied by the names and signatures of at least 2 Members who support the candidate and a declaration by them that the candidate is qualified to be elected as a member of Assembly under Article 193 of the Constitution and is willing to serve as the Speaker of the County Assembly.”

My office did due diligence on the forms and the documents that were returned and made the following observations:

1. Joseph Omondi Agoko did not submit his CV. His form contained names of 2 Members; Hon. Gordon Onguru and Hon. Philip Oluoch as proposers and seconders respectively. On doing due diligence these Members denied having signed to endorse Hon. Agoko’s candidature. Now that the Members are here if they have any rejoinder to make as far as that claim is concerned, I would ask the Member(s) to say so.

**Hon. Onguuru:** Thank you, Mr. Ag. Clerk, my attention was drawn to the claim that I had signed for one Joseph Agoko. In my entire life I met him in 2014 when he was a colleague to my former MCA for East Asembo Ward, William Owiti Angul and we exchanged numbers.

The only favour I did to Hon. Agoko was to send to him names of my 3 colleagues from Rarieda to talk to. I have not met him in his quest to be the Speaker of the Assembly. Therefore the signature and my name in that paper are forged. I request this Assembly that after this process to take the right action towards the said applicant. Thank you.

**The Ag. Clerk (Mr. Ogenga):** Yes, Hon. Philip Oluoch

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**Hon. Oluoch:** Thank you, Mr. Ag. Clerk, it is a sad day for this nation for a person aspiring for such a position of a Speaker who will be in charge and be the custodian of our records to forge Members' documents.

It is very sad I have never met this person and I wish to request this House to take necessary action against this person. This is a criminal offense and should be taken to DCI immediately. Thank you.

**The Ag. Clerk (Mr. Ogenga):** The other applicants Mr. Daniel Awandu and Mr. Fredrick Handa, did not have any Member endorsing their candidature.

The applicant Mr. Caleb Ouma Otieno had his form signed by 2 persons, one being Hon. James Otare who during due diligence denied ever knowing the aspirant. The other signatory Hon. Abigael Awino is a former Member of this Assembly and therefore according to the Standing Orders was not supposed to sign but on further investigations we noted that even the named Hon. Abigael did not know the said Mr. Caleb Ouma Otieno. Those were forgeries.

I welcome Hon. Otare to give a rejoinder.

**Hon. Otare:** Thank you, Mr. Ag. Clerk. It is very much disappointing to a person that wants to be a Speaker of County Assembly of Siaya to do such kind of things. It's unfortunate if a person can take even the name of a person who is no longer an MCA as a proposer.

As a hon. Member I would just ask this House to take action and if it cannot, I am going to take action on that person so that he can be prosecuted and charged according to the law.

**The Ag. Clerk (Mr. Ogenga):** The other applicant Pamela Akello also had nomination forms signed by 2 Members purported to have endorsed her candidature. The name of Hon. Gordon Onguuru again featured in that nomination paper and Hon. Eunice Ndolo who on due diligence denied ever signing in support of the said candidate.

She later on withdrew her candidature but if the Hon. Members so mentioned again wish to say something about that claim, if they don't so wish we proceed.

**Hon. Achieng':** Thank you, Mr. Ag. Clerk. I am Eunice Achieng from South Sakwa Ward. I have heard what Ms. Pamela did, in fact that is very untrue. I did not sign for her any document and that is very wrong to forge someone's signature. I didn't meet Ms Pamela and I didn't sign for her any form. Thank you.

**The Ag. Clerk (Mr. Ogenga):** The other applicant Isaiah Ndisi Munje did not have any Member endorsing his candidature. Mr Fred Athuok also did not have any member endorsing his candidature. Mr. George Okode and Mr. Evans Oruenjo Umidha met all the nomination requirements. Based on the foregoing, we have 2 candidates nominated to contest for the position of Speaker. These are; Mr. George Okode and Mr. Evans Oruenjo Umidha.

*(Loud consultations)*

I wish to bring to your attention another matter that is of importance to this House and in relation to the election of the Speaker of the County Assembly. It is important because it is in the public domain and it is in order that when such matters are brought to the Office of the Clerk of the Assembly, they are dealt with in a manner that correct guidance is given.



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My attention was drawn to concerns raised by an advocate known as Willis Evans Otieno of Otieno, Ogolla and Company Advocates acting for a Mr. Samuel Nundu vide a letter written to my office dated 15<sup>th</sup> September, 2022 and delivered on the same day.

Of their concern was that the then sitting County Assembly Speaker, George Okode who had expressed his bid to defend his seat of the Speaker of the County Assembly was not to be declared to contest.

Their reasoning was drawn from the judgement delivered by Hon. Justice Edwin Ong'udi on Petition E37 of 2022 that is Philip K. Langat vs IEBC and 5 others delivered on 17<sup>th</sup> August, 2022.

This judgement was based on section 43(5) of the Election Act which provides that: a public officer who intends to contest in an election under this Act shall resign from the public office at least 6 months before the date of the election.

The author of the claim contended that the aspirant George Okode being the then sitting Speaker of the County Assembly of Siaya should have resigned in February 2022 if he wanted to vie for the position again.

Mr. Nundu therefore made a plea to the County Assembly Clerk to disqualify the then Speaker George Okode on the appellant grounds. I considered the arguments of Mr. Nundu through the advocates in the said letter together with the sections and the statutes relied upon by the said advocate.

The guidance that I wish to give is as follows; that Section 43(6) of the Elections Act exempts certain categories of officers from the requirements of resigning 6 months before the election is held. These people include; the President, Deputy President, Member of Parliament, County Governor, Deputy County Governor and Member of County Assembly.

The issue that we needed to confirm about ourselves with Hon. Members is whether a sitting Speaker of a County Assembly is a Member of County Assembly. This we do by relying on the unchallenged case laws and the defining provisions of the statute.

If we go back to Election Petition No. 1 of 2013 Kipkemoi Terer vs John Langat IEBC and another the court interpreted that a Speaker is a Member of County Assembly in line with the provisions of Article 127(10) (d) of the Constitution. This has never been challenged by any authority.

Hon. Justice Ong'udi in his judgment on Petition No. 317 of 2022 in paragraph 142 contended as follows "*A reading of the Constitution under Article 177 divulges that the Members of County Assembly include the Speaker of County Assembly who is an ex-officio Member*".

Further in another case by Charles Omanga and another vs IEBC and another 2012 EKL the Hon. Judge said "For the government at national and devolved levels to function during an election period certain functions cannot be suspended including those of the President and a County Governor. Otherwise there would be chaos. How would a government function without the head of state and other such officers?"

The Speaker is the head of the County Assembly and the Chairman of the County Assembly Service Board. If the Speaker was to resign in February and then elections held in August, how would a County Assembly operate? Wouldn't there be chaos in the Assembly? Is there any law that can be so oblivious of the detrimental consequences?

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In the spirit of common knowledge, the Elections Act 2011 then came into effect in the year 2011 this Act that was referred to by the said claimant has governed general elections of 2012, 2017 and 2022. Of course without further amendment.

The immediate former Speaker of National Assembly Justin Muturi was elected a Speaker in 2012, he defended his seat and was re-elected in 2017. Did Hon. Muturi resign before contesting in 2017? The answer is negative. Therefore we ask ourselves, did Hon. Muturi break the law? There was no law to be broken.

The last issue was for Ekwe Ethuro who was the Speaker in the Senate from 2013 -2017. In 2017, Dr. Ethuro unsuccessfully defended his seat against Hon. Ken Lusaka. Dr. Ethuro having been the Speaker of the Senate did not resign before defending his seat. The question we ask is in the mind of the claimant. Is there something that should be different against the Siaya County Assembly? This House stands guided.

I proceed that the Standing Order No. 6(1) provides that the election of the Speaker shall be by secret ballot. Standing Order 6(2) further provides that the Clerk, at the commencement of each ballot shall show the ballot box empty and locked to be displayed to the Assembly and shall in the presence of all Members lock the box which shall thereafter be kept in full view of the Assembly until the conclusion of the ballot. I now direct that the ballot box, empty and unlocked, be displayed to the Assemblers.

Yes Hon. Booker.

**Hon. Booker:** Thank you, Mr. Ag. Clerk, on a point of order. May I know, could there be a proposer and a seconder to this?

**The Ag. Clerk (Mr. Ogenga):** Thank you, Hon. Booker, we are coming to that.

*(The ballot box was unlocked and displayed to the Members)*

I now direct that the ballot box be locked. There are Members who have to go out and will be escorted by the Serjeant-at- Arms.

*(The ballot box was locked)*

**Hon. Otiato:** Thank you, Mr. Ag. Clerk, I think our Assembly is well secured and if there is anybody with any doubt of entrance to these Chambers I think they need to go and confirm whether we have locked everywhere we need polling booth to be secured and put in the right position. I request that it be returned to where it was.

**The Ag. Clerk (Mr. Ogenga):** I will make a determination in consultation with the Serjeants-at-Arm in a short while. Having confirmed the security arrangements of the Assembly with the Senior Serjeant-at-Arm and his team.

It is true we have a fire escape route from this point going down. It has 2 doors. 1 door is on the ground floor which is locked from inside and a security officer placed manning the door from outside. The 2<sup>nd</sup> door is also locked so the possibility of any Member accessing the Chamber at this juncture is nil.

The security arrangements are in order and our Standing Order requires that we place the booth where the Members will be voting without looking at their back so that decision and the

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confirmation by the Serjeant-at-Arms that we are safe and secure so we will put the booth at the position so that the Members vote without any hindrance. We stand guided.

There was a concern about the agents of the aspirants. They will come when the voting has concluded and we are counting and tallying the ballots.

Standing Order 6(3) requires that the Clerk shall not issue more than 1 ballot paper to each Member who comes to the Table to obtain it and a Member who wishes to vote shall proceed to the booth at the designated area on my right and shall while there mark the ballot paper by placing a mark in the space opposite to the name of the candidate for whom the Members wishes to vote.

You shall then fold the ballot paper before leaving the booth or designated area and place the folded paper in the ballot box.

You will come to the Table where the Clerks- at- the -Table are seated. You will be issued with 1 ballot paper. You will proceed to the polling booth where you will mark your ballot, fold it and come and put it inside the ballot box.’

Serjeants-at-Arm, ensure that there is a pen at the polling booth.

Pursuant to Standing Orders, the name of each Member of County Assembly shall be called out following which the Member shall come to the Table and obtain the ballot paper and then proceed to the polling booth clearly marked and mark the paper and fold it. The Clerk shall make such arrangement as may be necessary to enable any Member with disability to vote pursuant to Standing Order No. 6(5).

We noted that Hon. Omwende is here with us and for that reason I will direct that he be the first to vote at his convenience before other Members will be called upon by the Clerks- at- the- Table to vote. Therefore, I now direct the Polling Clerks to ensure that that is done.

I now direct the Clerks-at-the-Table to call upon the Members to cast their votes as per Order of Precedence described here above. As that happens the door should be locked, the bar closed and there shall be no leaving or entering the chambers until when the process is concluded. I so direct!

*(Several Members entered the Chamber)*

*(Loud consultations)*

*(The voting process commenced)*

Hon. Members, I now want to ask if there is any Member who has not cast their vote. Given that all Members have cast their vote and before we count and tally the results I would wish to bring to the attention of the Members the following provisions of our Standing Orders that govern this election. That is SO No.7 (1) which states that;

SO 7. (1) A person shall not be elected as Speaker, unless supported in a ballot by the votes of two-thirds of all Members.

(2) 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

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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

Provisions of No. 9 also states that,

9. If, in the further ballot referred to in Standing Order 7 (Election threshold), more than one candidate receives the highest number of votes, the ballot shall again be taken, and if there is an equality of the highest number of votes a further ballot shall be taken until one candidate obtains more votes than the other or others.

Hon. Members, we shall now proceed to count and tally the results. I now request the agents of the two contestants to come forward to witness the counting and tallying of the results and there after sign the tallying forms. I now request the Agent for Hon. Okode to come forward, oh, you want to be two! It is okay we have the commissioner in the house.

*(Hon. Adala and Hon. Awita stepped forward as Okode's agents)*

I request the agent for Hon. Evans Orwenjo Umidha to come forward to assist in tallying. Ok, now that we do not have an agent for Orwenjo we will now proceed to count, sort and tally the votes. Therefore, the polling clerks you will open the box, empty the content at a point where we all will be able to observe and there after continue with the counting, sorting and tallying.

*(The Clerks- at- the- Table opened the ballot box)*

Empty the content on the table and Madam Dorothy will act as agent for the other contestant.

*(Hon. Oinga Dorothy stepped forward as Orwenjo's agent)*

*(The Clerk-at-the-Table proceeded to count the votes)*

**The Ag. Clerk** (Mr. Ogenga) Order! Order, Order, Hon. Members!

Having successfully completed the process of ballot tallying which have been witnessed by the agents of various candidates, the results for the ballot are as follows:

NAME	VOTES
1. Evans Orwenjo Umidha -	2
2. George Owino Okode -	38

*(The Ag. Clerk accordingly declared Mr. George Owino Okode, the duly elected Speaker of County Assembly of Siaya and directed the Serjeant-at-Arms to search for the said Mr. George Owino Okode and bring him to the Chamber)*

*(Applause)*

*(On arrival, Hon. George Okode was escorted to the Chair by the Serjeant- at -arms. The Clerk thereupon administered the Oath of Allegiance to the Speaker-elect, Hon. George Okode, who after the Oath took the Chair.)*

*(More prolonged Applause)*

**The Ag. Clerk** (Mr. Ogenga): The Speaker will be escorted to the bar and be robbed.

*[The Speaker (Hon Okode) was accordingly escorted to the Bar, robbed and escorted back to assume his Chair]*

Hon. Members, Hon. Speaker, you can now take charge of your House.

*(Applause)*

*[The Ag. Assembly Clerk (Mr. Ogenga) then bowed to the Speaker and took his seat at the senior most Table – Clerk]*

## COMMUNICATION FROM THE CHAIR

### ACCEPTANCE SPEECH BY HON. GEORGE OKODE UPON ELECTION AS THE SPEAKER OF SIAYA COUNTY ASSEMBLY

**The Speaker** (Hon. Okode) Hon. Members,

*(Applause)*

Allow me to thank all of you for this great occasion. Hon Members, allow me to thank your constituents for electing you to represent them in this House and congratulate you for being sworn in today. Members, allow me to appreciate members of the public with us today.

Allow me to take this opportunity to thank Members of the First and the Second Assembly for laying the foundation and for standing with us this far. You are the Third, congratulations! I am aware that it was not easy for you to campaign and to listen to me and to put your vote today in support or in fav or of your candidate George Okode.

I am aware there were temptations and their pressures and attempted influence but you stood firm; that is an indication that this House will be a House known for its independence. A House that will resist any external influence. A House that will be in-charge of its own destiny that your future will be in your hand by yourselves for yourselves.

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Hon. Members, as we take this mantle I want to share with you that I am very much aware that there is much task ahead of us and from my interactions with you and from the experience, I am aware what is geared in our minds is it's important that we make sure that Members are empowered and I promise you if there is anything I will never do is fail to empower you.

I am aware that you want Ward allocation increased; if there is anything I will never do is to fail you. I am also aware you want projects and programs that add value to the people you represent; if there is anything I will never do is to fail you.

I am aware that majority of you come from one populous party, ODM; I am also aware that we have other two political parties represented in this House and an independent Member. Under my watch; for the good of the people you represent, there will be no nominated, no UDM, no Federal Party, no independent, no ODM; there will be one County Assembly of Siaya.

Hon. Members, I want to assure you that I know we have a duty to check the Executive; under my leadership the Executive will be checked with decorum and within the law. What the Executive expects from us, we will work with them as long as we have a symbiotic relationship.

We will make sure that in our interactions with the Executive the people we represent, the people who elected you be it through direct election or through nomination will be the guiding principle and for everything we want to do we will be asking if the people are happy. And are the Members happy? If there is anything I will never do is to desert you in that quest, I will stand with you.

Hon. Members, I am well aware that people think that sometimes it is how often you sleep with the Executive that you can guarantee your re-election and some also think that it is how many times you impeach a member of the Executive that you guarantee your election.

I am telling you from experience it doesn't matter how many times you impeach a Governor or a CECM; it doesn't matter how many times you sleep with them. It only matters that we have a shared focus for the benefit of people and respect for elected leaders and Members of the County Assembly together with the Executive.

For that reason, we will keep to our lane and will urge the Executive to keep to their lane. We are blessed to have an Executive that is headed by a guru in legislation, a parliamentarian of long standing. We expect that will be used to synergize our relationship with the Executive. We will be looking at the eye to eye, face to face to make sure that the people of Siaya are happy.

You have been here for so long and there is a lot more that we can share but I want to make it brief because I know you have responsibilities and assignments back at home. This victory of today, 20<sup>th</sup> September, 2022 is not my sole victory; it is the victory of you all who cast your votes and the people you represent.

As I finalize, Hon. Members, after this we shall adjourn and reconvene on the 11<sup>th</sup> October, 2022. Within the two weeks we will be able to undergo the necessary training to ensure that we are equipped with the right skills and information to discharge our duties. Within that same time we will be able to liaise with the Executive so that the Governor can come and give his address.

The same time we will be able to have our Committees put in place and House leadership elected as per procedure. I want to thank the ODM party for not meddling in the affairs of the County Assembly of Siaya. They never showed us who to elect for a Speaker neither did they

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show us who not to elect for a Speaker. This is your vote; I will defend your vote in the best of your interest, may God bless you all.

Hon. Members would you be upstanding for adjournment.

### **ADJOURNMENT**

**The Speaker** (Hon. Okode). There being no other business this House adjourns until the 11<sup>th</sup> October, 2022. We will converge in the chambers at 2.30 p.m.

The House rose at 12.30 p.m.