



## REPUBLIC OF KENYA

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### TWELFTH PARLIAMENT - (FIFTH SESSION)

### THE NATIONAL ASSEMBLY

### COMMUNICATIONS FROM THE CHAIR

\_\_\_\_\_ (No. 23 of 2021) \_\_\_\_\_

### ON INNACURATE REPORT ON DIVISION WITH RESPECT TO THE CONSTITUTION OF KENYA AMENDMENT BILL, 2020

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**Honourable Members,**

As you may recall on Thursday, 6<sup>th</sup> May 2021, the House upon a Question for Second Reading of the Constitution of Kenya (Amendment) Bill, 2020 promoted by the Building Bridges Initiative the Houses proceeded to a Roll-Call Vote. At the end of the Vote, I did declare the results as follows-

Ayes: 235

Nays: 83

Abstention: 2

**Total Members Voting: 320**

**Honourable Members,** You may also recall that, for the first time, and in furtherance of the provisions of **Part XXVIII A of Standing Orders** (*Conduct of Proceedings in Exceptional Circumstances*), I permitted Members who could not attend the Sitting physically to Vote virtually. As you all observed, it was evident that our staff faced some challenges with regard to recording of some Votes that were cast virtually, especially where the voice of the Members present virtually was not clearly audible. This slight challenge was likely to affect the correctness of the results as declared then.

In this regard, **Honourable Members**, pursuant to the provisions of Standing Order 75 regarding *correction of errors following a Vote*, I wish to report to the House that upon further verification of the actual video recording of Members who voted virtually, it was determined that-

- 1. The Member for Trans-Nzoia County, the Hon. Janet Nangabo who was initially counted as having voted "YES" did not actually participate in the Virtual Vote;**
- 2. There were further errors in tallying the total votes for the "NOES" which resulted in a variation of two Votes.**

**Honourable Members**, the errors, which affected the results declared with respect to the "Ayes" and "Nays" vote, have since been brought to my attention by the Clerk of the National Assembly. I hasten to affirm that, as your Speaker, it is my duty to ensure that the records of the House are correctly and accurately captured and reported at all times. In this regard, I wish to announce that the correct tally after confirmation of the Vote in question is as follows –

The "Ayes"	–	234 ( <i>and <b>not</b> 235</i> )
The "Noes"	–	81 ( <i>and <b>not</b> 83</i> )
Abstentions	–	2
<b>Total Votes</b>	<b>–</b>	<b>317</b>

**Honourable Members**, Allow me to take this opportunity to also speak to the conduct of Members taking part in the Virtual Sitzings of the House. When the House amended the Standing Orders to provide for virtual participation, the intention of the House was to ensure that no Member desirous of partaking proceedings of the House on any matter is excluded on account of not being physically present in the House.

Indeed, **Part XXVIII A of the Standing Orders** (*Conduct of Proceedings in Exceptional Circumstances*) is explicitly clear on virtual proceedings. I wish to remind Hon. Members that the August House is a House of Rules and that every Member has a duty to observe the rules of procedure and decorum. Suffice to say that the role of a legislator is hallowed and therefore, it ought not be exercised in multiplicity with third parties at one time.

In this regard, I wish to caution the Member for South Mugirango, the Hon. Silvanus Osoro, MP, who abused the privilege of participating virtually by Voting in the company of a crowd. This conduct was not in keeping with the decorum of the House. While I permitted the Clerk to record his vote, let it be clear to the House that, neither such manner of voting nor the conduct by the Hon. Osoro shall be permitted in subsequent virtual proceedings.

In view of the foregoing **Honourable Members**, and pursuant to the provisions of Standing Order 75, I have directed the Clerk to make the necessary corrections to the records of the House to reflect the corrections I have made. The House is accordingly thus informed.

**I thank you!**



**THE HON. JUSTIN B.N. MUTURI, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

Tuesday, May 11, 2021

