



REPUBLIC OF KENYA
PARLIAMENT
THE NATIONAL ASSEMBLY

PRE-SWEARING BRIEFING ON CONVENING OF THE FIRST SITTING OF THE NATIONAL ASSEMBLY

WHAT YOU NEED TO KNOW

IT IS NOTIFIED for the information of the Members-Elect and the general public, the following important information relating to the convening of the first sitting of the National Assembly-

When shall the first sitting of the House be held?

1. The First Sitting of the House shall be held on a date appointed and published in the *Gazette* by the President in accordance with Article 126(2) of the Constitution which provides that **“whenever a new House is elected, the President, by notice in the Gazette, shall appoint the place and date for the first sitting of the new House, which shall not be more than thirty days after the election”**. In this regard, upon the notification of the date of the first sitting of the 13th Parliament by H.E. the President, the Clerk of the National Assembly shall publicize the information to all Members-Elect of the National Assembly.

What business shall be conducted during the first sitting?

2. (a) **Swearing-in of Members-Elect:** During the first sitting of the House, the Clerk of the National Assembly shall administer Oath or Affirmation of Office to Members-Elect present in accordance with Article 74 of the Constitution and Standing Orders 3 of the National Assembly Standing Orders.

(b) **Election of a Speaker and Deputy Speaker:** Upon the swearing-in of Members-Elect, Members shall proceed to elect the Speaker and Deputy Speaker of the National Assembly at the same sitting.

What is the procedure for swearing-in the Members-Elect?

3. Pursuant to Standing Order 3 of the National Assembly Standing Orders, the Clerk shall at the first sitting of the House, administer the Oath or Affirmation of Office to Members-Elect in alphabetical order using the following order of precedence—

(a) A Member-Elect who has served in a House of Parliament as—

- (i) Speaker;
- (ii) Leader of the Majority Party;
- (iii) Leader of the Minority Party; or
- (iv) Deputy Speaker;

(b) Members- Elect with the longest cumulative period of service in the National Assembly;

(c) Members- Elect with the longest cumulative period of service in the National Assembly, the Senate, and the East African Legislative Assembly;

(d) Members- Elect with the longest cumulative period of service in the Senate;

(e) Members- Elect with the longest cumulative period of service in the East African Legislative Assembly; and

(f) all other Members-Elect.

When shall the office of the Speaker and Deputy Speaker fall vacant?

4. Article 106(2) of the Constitution provides that the office of the Speaker or Deputy Speaker shall become vacant when a new House of Parliament first meets after an election or if the office holder, as a member of the relevant House, vacates office under Article 103 of the Constitution.

Who qualifies to be elected as Speaker and Deputy Speaker of the National Assembly?

5. Article 106(1) of the Constitution provides that a Speaker shall be elected from among persons who are qualified to be elected as Members of Parliament but are not such Members while the Deputy Speaker is elected in accordance with the Standing Orders from among the Members of the House.

How is the nomination of candidates for election to the Office of the Speaker and Deputy Speaker undertaken?

6. Pursuant to Standing Order 5 of the National Assembly Standing Orders-

(a) Upon the President notifying the place and date for the first sitting of a new Assembly pursuant to Article 126(2) of the Constitution, the Clerk, by notice in the *Gazette*, shall notify that fact to the public and invite interested persons to collect nomination papers for election to the office of the Speaker;

(b) The candidates shall be required to return the nomination papers at **least 48 hours** before the time appointed for the House to meet to elect the Speaker; and

(c) The nomination papers of a candidate shall be accompanied by the names and signatures of **twenty (20) Members-Elect** who support the candidate

and a declaration by the Members-Elect that the candidate is qualified to be elected as a Member of Parliament under Article 99 of the Constitution and is willing to serve as Speaker of the National Assembly.

(d) Immediately upon the close of the nomination period, the Clerk shall **publicize and make available** to all Members, a list showing all qualified candidates together with copies of their curriculum vitae, for information.

7. Pursuant to Standing Order 13(3) of the National Assembly Standing Orders, the procedure for electing a Deputy Speaker is, **with necessary modifications**, the same as that prescribed for the election of the Speaker. In this regard, any Member interested to stand for election as a Deputy Speaker shall be required to comply with the same nomination procedure.

How can interested persons apply to stand for election as Speaker or Deputy Speaker of the National Assembly?

8. Upon declaration of the vacancies by the Clerk, an interested person shall be required to duly fill out a **nomination paper**. The nomination paper shall be accompanied by the names and signatures of **twenty (20) Members-Elect** who support the candidate, a declaration by them that the candidate is qualified to be elected as a Member of Parliament under the Constitution and is willing to serve as Speaker of the National Assembly. **A SAMPLE nomination paper of a candidate for election may be accessed in the Ninth Schedule to the National Assembly Standing Orders available at the Parliamentary Website at <http://www.parliament.go.ke/the-national-assembly/standing-orders>.**

When and where to collect nomination papers

9. Upon the appointment of the place and date for the first sitting of the new House by H.E. The President, the Clerk of the National Assembly shall formally declare the vacancies in the Office of the Speaker and Deputy Speaker of the National Assembly and invite interested persons who qualify for election as Speaker and Deputy Speaker of the National Assembly to collect the nomination papers. **The dates, time, and place for the collection of the nomination papers and the date and time for return of nomination papers shall be specified in the notification of the Clerk.**

FURTHER, PLEASE ALSO NOTE that candidates shall be required to submit:

(a) a letter from the Independent Electoral and Boundaries Commission evidencing the fact that the candidate is qualified to be elected as a Member of Parliament under Article 99 of the Constitution and that the candidate is not such a Member, in the case of the position of the Speaker;

(b) a copy of his or her National ID Card;

(c) two recent coloured passport photographs;

(d) a copy of his or her curriculum vitae (CV); and,

(e) copies of the candidate’s academic certificates and other relevant documents in accordance with Article 99(2) of the Constitution.

How shall the election of the Speaker and Deputy Speaker be conducted?

10. National Assembly Standing Orders 6, 7, 11, 12, and 13 provide for the procedure on the election of Speaker and Deputy Speaker of the National Assembly. Pursuant to these provisions the election of the Speaker and the Deputy Speaker is conducted through **secret ballot**. The procedure for electing a Deputy Speaker shall, with necessary modifications, be the same as that prescribed for the election of the Speaker. **The National Assembly Standing Orders are available at the Parliamentary Website at <http://www.parliament.go.ke/the-national-assembly/standing-orders>.**

Where can I get further information?

11. For more information, you may contact the **Office of the Clerk of the National Assembly, Main Parliament Buildings, Nairobi** on Telephone **020-2848000** Ext. 3300/3350 or email clerk.nationalassembly@parliament.go.ke. Important information on the National Assembly is also available at www.parliament.go.ke

Clearance by former Members of the National Assembly

12. Former Members of the National Assembly are requested to conclude any pending administrative clearances to facilitate a smooth transition of the 13th Parliament.

SERAH M. KIOKO, MBS
AG. CLERK OF THE NATIONAL ASSEMBLY
30th August 2022