



REPUBLIC OF KENYA

TWELFTH PARLIAMENT (FIRST SESSION)

THE NATIONAL ASSEMBLY

COMMUNICATION FROM THE CHAIR

_____ (No.020 of 2022) _____

ON THE PROCEDURE FOR CONDUCT OF ELECTION OF MEMBERS OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

Honourable Members,

1. As you are aware, pursuant to Rule 15 (1) of the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017, the Clerks of the Houses of Parliament, who, pursuant to Rule 2 of the said Rules are the Presiding Officers, appointed today, Thursday, 17th November, 2022, as the day for the election of Members of the East African Legislative Assembly. The appointment was made vide Gazette Notice No. 14039 of 16th November, 2022, and vide advertisement in the dailies on 16th November, 2022,
2. Allow me therefore to provide guidance to the House on the procedure that we shall follow in conducting the election of Members of the East African Legislative Assembly (EALA). The election exercise will be undertaken pursuant to the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017.

3. Honourable Members, the election shall be conducted here in the National Assembly Chamber and in the Senate Chamber, being the venues appointed for this purpose by the Presiding Officers.

4. In accordance with Rule 2 of the said rules, the Clerk of the National Assembly and the Clerk of the Senate are the Presiding Officers while the Speaker of the National Assembly and the Speaker of the Senate are the Returning Officers in the respective Houses. For purposes of the election, a "voter" is defined in Rule 2 as a Member of the National Assembly or a Member of the Senate.

5. Honourable Members, with respect to the conduct of the election in the National Assembly, Rule 16(1) requires the Presiding Officer to prepare and, at the time appointed for the election, to issue to each Member, one ballot paper, on which shall be written in alphabetical order, the names of all duly nominated candidates, their gender, age and County. I confirm that the ballot papers have been prepared in the manner required.

6. I note that the candidates have also been clustered under the headings of the names of the respective categories of nomination, in accordance with Rules 5 and 9.

7. Honourable Members, Voting will be done through roll call where the Clerk will call out the names of Members in the order in which they appear in the Division List.

Members who are present, on signing a Ballot Issuance Register, which is available with the Presiding Officer, will be issued with one ballot paper.

8. Each Member, on receiving a ballot paper which has been duly stamped, shall proceed to one of the ballot booths, which are located on either side of the Chair, and secretly record his/her votes by putting a mark in the space provided on the ballot paper for recording of a vote against the names of their preferred candidates as clustered.
9. **Honourable Members** Rule 6(1) provides for the allocation ratio for each party which *"shall be three times the figure arrived at by multiplying the number of elected Members of that party by such number as the Joint Select Committee shall determine and dividing the result by the total number of elected Members of Parliament"*.
10. As such, kindly note that the ballot paper is divided into two clusters, that is Kenya Kwanza Alliance and Azimio la Umoja One Kenya Coalition Party. The Kenya Kwanza Alliance cluster has fifteen (15) candidates while the Azimio la Umoja One Kenya Coalition Party cluster has twelve (12) candidates.
11. In respect of the Kenya Kwanza Alliance Coalition cluster which consists of fifteen (15) candidates, a Member will be entitled to vote for not more than five (5) candidates. The Persons to be declared elected in respect of the Kenya Kwanza Alliance cluster shall be the **FIVE (5)** candidates with the highest number of votes, who must include at least **TWO (2) candidates of either gender**.
12. In respect of the Azimio la Umoja One Kenya Coalition Party cluster which consists of twelve (12) candidates, a Member will be entitled to vote for not more than four (4) candidates. The persons to be declared elected in respect of the Azimio la Umoja One Kenya Alliance Coalition Party cluster shall be the **FOUR (4)** candidates with the highest number of votes, who must include at least **ONE (1) candidate of either gender**.

13. Honourable Members, please bear in mind that in accordance with Rule 17(3), a voter, can only cast as many votes as the number of the total candidates to be elected; in this case, **nine (9) candidates.**

14. It is also important to note that in reckoning the candidates to be declared elected, section 4(4) of the East African Legislative Assembly Elections Act, 2011, requires that at least one-third of the elected Members shall reflect either gender.

15. Honourable Members, let me also clarify that under Rule 17 (4), where a voter casts more votes than the number of candidates required to be elected, the ballot paper of that voter shall be regarded as **spoilt.**

16. Rule 17 (5) provides that "*a ballot paper shall not be regarded as spoilt where the voter casts a number of votes that falls below the number of candidates to be elected.*"

17. In accordance with Rule 17(6), a Member who accidentally spoils a ballot paper while voting is in progress, is entitled, on surrendering the spoilt ballot paper to the Presiding Officer, to be issued with another ballot paper in place of the spoilt one.

18. Honourable Members, after marking the ballot paper, and while still in the booth, you are required to fold your ballot paper and proceed to deposit it in the ballot box, placed on the Table of the House, and resume your seat.

19. Honourable Members, as required by Rule 18(1), once all Members have cast their votes, I will appoint two Members, one from either side of the coalitions, to be the counting agents for the candidates.

20. In accordance with Rule 18(2), the Presiding Officer, shall, in the presence of the counting agents, count and tally the votes cast.

21. Honourable Members, pursuant to the provisions of Rule 19, when the votes have been counted and the results of the election ascertained-

- a) the Presiding Officer shall record the results of the tally and report to the House the results of the election together with the number of votes recorded for each candidate under the respective clusters;
- b) The Returning Officer of this House shall thereafter send a Message to the Senate communicating the results of the National Assembly, which the Speaker of the Senate, as the other Returning Officer, will announce to the Senate; and
- c) The Presiding Officer of the Senate will likewise record, tally the results and report the results of the Senate elections to the Senate and the Returning Officer of the Senate will send a Message to the National Assembly communicating the Senate election results.

22. Honourable Members, Upon receipt of the Message from the Senate on the results of the elections in the Senate and the consolidated results from both Houses of Parliament, I will announce the results to the House.

23. Honourable Members, let me also point out that in the event of a tie between two or more candidates amongst those with the highest votes in any of the clusters, the process will be repeated in both Houses between the respective candidates.

24. As I conclude, I would like to remind the House that during the entire election exercise, the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017 and the National Assembly Standing Orders are applicable, and will be enforced by the Speaker as necessary.

25. Finally, **Honourable Members**, I wish to draw your attention to Standing Order 91 on decorum during division which require, among others, that Honourable Members shall maintain order in the House.
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26. That said **Honourable Members**, we shall forthwith commence the elections and I now direct the Presiding Officer to proceed.

I thank you.


THE RT. HON. MOSES WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Thursday, 17th November, 2022