

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (THIRD SESSION)

THE NATIONAL ASSEMBLY

COMMUNICATION FROM THE CHAIR

(No.4 of 2019)

**REGARDING THE SECOND READING OF THE CONSTITUTION OF
KENYA (AMENDMENT) BILL NATIONAL ASSEMBLY BILL NO. 4 OF 2018**

Honourable Members,

As you are all aware, this afternoon the House will be taking a vote on the question for the Second Reading of the Constitution of Kenya (Amendment) Bill National Assembly Bill No. 4 of 2018, as provided for in Article 256 of the Constitution. Article 256 provides that a Bill to amend the Constitution shall be passed by the House, if it is supported by not less than two-thirds of all the Members of that House at the Second Reading. For Clarity, Article 256(1)(d) states and I quote-

"256 (1) A Bill to amend this Constitution-

(d) shall have been passed by Parliament when each House of Parliament has passed the Bill, in both its second and third readings, by not less than two-thirds of all the members of that House"

Honourable Members, you may also be aware that on 17th October 2018, I guided the House on procedure for voting on a similar matter during the Second Reading of Constitution of Kenya (Amendment) (No. 2) Bill, National Assembly Bill No. 5 of 2018, by the Member for Kiminini, the Hon. ^{Dr.} Chris Wamalwa. For avoidance of doubt allow me to further explain the procedure as follows:-

- i) To ascertain the Members present, I will cause the Division Bell to be rung for 10 minutes.
- ii) At the end of 10 minutes, the doors shall be locked and the bar drawn. *No member shall enter or leave the House after this stage.*
- iii) I will then request all Members present in the Chamber to log out of the system.
- iv) During this log out step, I will require Members without their cards to stand by the public servants benches to be recorded manually by Clerks-at-the-Table and continue staying there until the end the of voting process.
- v) Members with their cards will have 60 seconds to log into the system.
- vi) Members without cards will be recorded manually.
 - vii) The number of Members with cards shall be displayed on the screens, while the number of Members recorded manually will be tallied by the Clerks-at-the-Table.
 - viii) The total Members present as displayed on the screens and those recorded manually will be tallied.

- ix) If not less than 233 Members are in the House, the House shall proceed with the Voting. If less than 233 Members, voting shall not proceed.

Honourable Members, to vote electronically, the following will happen-

- a) I will request all Members to log out of the system.
- b) I will thereafter request Members to log into the system. In this case, Members will have 60 seconds to do so.
- c) Members without their cards standing by the public servants benches shall have their votes recorded manually by Clerks-at-the-Table by stating whether there are "in favour of" or "against" or "abstains" from the Question, and continue staying there until the end the voting process.
- d) I will thereafter put the Question for the Second Reading of the Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 4 of 2018).
- e) I will then allow the system to take count of the members present for 60 seconds before voting.
- f) Thereafter, Members will have 60 seconds to vote.

- g) All Members shall cast their votes by pressing either the "Yes" "No" or "Abstain" buttons. No Member shall fail to vote either of the two options or record their abstention.
- h) As voting is going on, the results of the electronic vote will be displayed on the screens and shown with a "positive" (+) being "Yes", "a negative" (-) being "No" and a "Zero" being Abstention".
- i) Results of electronic votes as appearing on the screens and votes recorded manually shall be tallied.
- j) After the tally, I shall forthwith announce the results and guide on the next course of action, depending with the result of the vote taken.

Please be advised accordingly".

I thank you!

THE HON. JUSTIN B.N. MUTURI, E.G.H, MP
SPEAKER OF THE NATIONAL ASSEMBLY
Wednesday, February 27, 2019