

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****SPECIAL SITTING**

*(Convened vide Gazette Notice
No.14165 of 24th December, 2021)*

Wednesday, 29th December 2021

The House met at 2.30 p.m.

[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]

PRAYERS

Hon. Deputy Speaker: Hon. Members, I would have doubted the numbers that we have in here, but with the kind of flow that we are having, we probably have the numbers.

(Hon. David ole Sankok consulted loudly)

Order, Hon. Sankok! From where I sit, I can see very far and I can see the numbers as they come. So, it is unnecessary for us to call for the Quorum Bell to be rung. We will be wasting time; we would rather proceed.

Before we proceed, just be notified that we have a Special Sitting Supplementary Order Paper. As you make any comments, also have information that we have a Special Sitting Supplementary Order Paper.

Let us proceed.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Deputy Speaker (Hon. Moses Cheboi) left the Chair]

IN THE COMMITTEE

[The Temporary Deputy Chairman (Hon. Christopher Omulele) took the Chair]

THE POLITICAL PARTIES (AMENDMENT) BILL

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, we are now sitting in the Committee of the whole House to resume the business that we started this morning. So, Hon. Members may make their way in as the Hon. Sankok makes his Point of Order. Proceed, Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Chairman. I rise under Standing Order Nos. 73, 74 and 76. We have been voting at the Committee of the whole House, yet we do not have the voting register. We do not know who is here and who is not. I am requesting you that before we do any voting, we should have a head count. We will also use the logging in to know the numbers that we have in the House and how many have voted so that we do not have any rigging within the House. Otherwise, we will be putting into jeopardy, the general elections if there would be any rigging in the House. The House must have fair, free and transparent elections. We cannot vote when we do not have a voting register. We have to know how many of us are here so that we know who has voted. We cannot have 286 Members in this House. It is not even enough for all of us. This is a right; it is not a favour. The voting register must be availed before any further voting.

Thank you, Hon. Temporary Deputy Chair.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Jared, what is out of order?

Hon. Jared Okelo (Nyando, ODM): I thank you very much, Hon. Temporary Deputy Chairman. I am perturbed by what is advanced by my brother Hon. Sankok. There is no better register than the manual inscription of names as we vote. Unless there is anything sinister that he is holding and he does not want to reveal to us, what we are doing at the moment is the best roll call ever.

I thank you.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Leader of the Minority Party.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Temporary Deputy Chairman. Much as I agree with Hon. Sankok that we need transparency in any electoral process, it would also be in order so that we avoid any doubts around these elections because it takes a lot of time, to whip Members to be here.

I am rising on two things: First, we have our clerks, and there is some voting that has already taken place. The clerks can audit those lists to find out if there are Members who have voted more than once, because that would not pass the test of a fair electoral process.

Finally, Hon. Temporary Deputy Chairman, even though this is the Committee of the whole House, this is still the House Chamber. I earlier rose but I did not catch your eye. It is important that we maintain the dressing code. Hon. Catherine Waruguru, who has not arrived here, is dressed like someone who is coming from her *shamba*. She is dressed in jeans and sneakers. Let us not lower the dignity of this House. If that Hon. Member comes back here dressed in the same manner, she should be ordered to go and dress appropriately.

I thank you.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Aden Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, we are dealing with a very important matter in this Special Sitting. Since 2008 – and Hon. Kimunya, Hon. Mbadi and the rest will agree with me – what we are asking for is something very procedural and

simple. Instead of somebody writing the names – and I am sure that if you look at the list you will notice it being corrected – there is a list that is always with the Office of the Clerk with my name, Duale Aden Bare, which I can sign at the end of it. I agree with Hon. Mbadi. Why do we have to scrutinize after a vote has taken place? We need to look at the integrity of that vote before it is taken. We should ask for that document which is typed. It can just be printed from the Clerk's website and then a Member can just sign.

Secondly, and very importantly, let us take this matter serious. These irregularities you are seeing can be used by people to challenge this piece of legislation.

(Hon. Peter Kaluma spoke off record)

Hon. Kaluma, you know you are my friend.

Hon. Temporary Deputy Chairman, protect me from Hon. Kaluma. The people of Homa Bay and the people of Garissa...

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Kaluma, just be kind to Hon. Duale. Please let him have his say.

Proceed, Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Temporary Deputy Chairman. I do not want to go into Hon. Kaluma's history.

Hon. Temporary Deputy Chairman, I want us to have a seamless process so as to avoid any element of people voting twice, and all this integrity being raised later. Let us have that list. The way we are doing now is even better than if we were using our cards, so that we move. I really want you to be considerate to all of us, because we have left our families as we came back from holiday, and we want to finish with this matter expeditiously.

I thank you.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Chairman, for giving me the Floor. I agree that all of us require a very transparent voting process; but you do notice that the first time that the Hon. Duale's side voted and they won, they did not raise this issue. They are now raising the issue because they have lost.

I would like us to note that the technique that their side is using is called filibustering. We are masters of filibustering. I am encouraging our Members to stay put and be resilient. We are going to sit here until midnight, even if we are going to just do five clauses, we will do so and urge the Leader of the Majority to call another Special Sitting. You want to miss your holiday, we are game. We are going to be here with you for the long haul. So, you can filibuster all you want. I know my voice is bad. You can filibuster all you want with my bad voice, we are going to be here to defeat each and every proposed amendment.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Millie, resume your seat.

(Loud consultations)

Order! Hon. Members. There is nothing out of order. Just retain your seat. These are the directions. Hon. Members, the only time that the House takes a headcount is when there is a threshold that has been set out by the Constitution that needs to be determined. That is in our Standing Orders. I have listened to the concerns of the Members and I think what Hon. Sankok

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and Hon. Duale and the rest of us, including the Leader of the Minority Party, are raising genuine concerns. It is important, even to this Chair, that whatever we are doing here meets the bar of fairness to all of us. That is my interest in this, that whatever we do here is fair and it can be seen by anybody that it is fair.

Therefore, this is the way we are going to proceed. We are going to have the division list here with us. It will not be chaotic. We have in our Standing Orders a division list which will be here. Each side is going to nominate two tellers who will be here; one on this side and the other one on this other side for both teams. Our clerks will be here and they will tick for every Member voting here. I am doing this for certainty and to ascertain the fact of voting that this Member presented himself and his name has been ticked in that register. I believe that is the purpose of any Parliament. So, we shall proceed in that manner. It might take a little more time but we shall be a Parliament of account.

Hon. Member for Suna East, what is out of order?

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Chairman, I am not trying to go against your ruling, but the method that we have been using today for voting in this House is the same one we used in the previous Special Sitings; it is not new. We have used the same process in the last sittings.

(Loud consultations)

Let me say what I want to say. I have a right to say what I want to say. Do not heckle me. This is the same process we have used in voting.

Hon. Temporary Deputy Chairman, secondly, we know that there are people who want to tick for Members who are not around. We know people who are bribing people with Kshs100,000. We are not going to allow our process to be convoluted. We will not allow that.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order, Hon. Members! Hon. Peris, kindly take your seat. Hon. Members, this is a House of debate. You may disagree with a Member, but allow them to speak. Hon. Duale had his opinion and he said it. The Minority Whip also has an opinion; let us listen to him. We should listen to each other.

*(Hon. (Ms.) Odhiambo-Mabona stood up
in her place and consulted loudly)*

Hon. Member for Suba North, keep your peace. Hon. Millie, you are out of order! Hon. Members, I ask you to kindly be honourable to each other. This is a House of honour. If we continue to shout at each other at cross-purposes, we will not make any progress. I have already made a determination. The voting will be guided by the roll call here. It will be done.

(Hon. Olago Aluoch stood up in his place)

Hon. Aluoch, just retain your seat; I am on my feet. I have already made that determination. It will move very swiftly. This is verifiable and in all our interests. For every vote we shall undertake, there is a verifiable list.

(Loud consultations)

There is nothing out of order. Let us make progress.

(Several Hon. Members chanted loudly)

(Hon. Olago Aluoch and Hon. Vincent Kemosi stood up in their places)

Order! Member for Kisumu West, resume your seat. Hon. Kemosi, resume your seat. Hon. Kemosi, I have seen you singing so much in this House today. There will be time for all of us to sing.

(Loud consultations)

Hon. Members, hold your peace. I have already made a determination. Just hold your peace. We shall vote. Let us make progress on this business.

Clause 6

The Temporary Deputy Chairman (Hon. Christopher Omulele): There is a proposed amendment by Hon. Alice Wahome. Proceed.

Hon. Members: No!

Hon. (Ms.) Alice Wahome (Kandara, JP): Thank you, Hon. Temporary Deputy Chairman. I can hear some voices saying “no”. They have no authority to deny a Member the right to speak on the Floor.

Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 6.

Clause 6 seeks to amend Section 7 of the principal Act. The reason why I seek this amendment is that Section 7(6) of the principal Act is an offending provision under our Constitution. It seeks to create a coalition political party which does not exist. The term “coalition political party” does not exist within the Constitution. Therefore, I am motivated by the fact that it is important that as this House legislates, it also takes care and minds how the amendments sit within the Constitution.

You cannot come up with a new terminology to replace what is in the Constitution. If you read the provisions of the Constitution in Articles 260 and 91, you will not find the term “coalition political party”. Therefore, coming up with the new term “coalition political party” within a legislation offends Articles 260 and 91. That is the spirit of this particular provision.

I know this is not the end. Should we proceed, it is obvious that we will be acting in vain. This House should never act in vain.

(Loud consultations)

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I am not here to please you but to prosecute my...

Hon. Temporary Deputy Chairman, I need protection. I am here to prosecute an amendment.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, allow the Member for Kandara to speak.

Hon. (Ms.) Alice Wahome (Kandara, JP): I am here to prosecute an amendment. The bravado and arrogance on display shows that these people have not learnt. They lost in 2013, in 2017 and with the Building Bridges Initiative (BBI). They will lose in 2022 because of this bravado.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Member for Kandara, you need to make your proposal and not get carried away.

Hon. (Ms.) Alice Wahome (Kandara, JP): Hon. Temporary Deputy Chairman, how do I stay within my proposal when I am not being protected from hecklers who do not seek...

The Temporary Deputy Chairman (Hon. Christopher Omulele): Member for Kandara, you are addressing the Chair.

Hon. Alice Wahome (Kandara, JP): Thank you, Hon. Temporary Deputy Chairman. I am well-directed and advised. I have made my case on the proposed amendment.

The amendment is linked to my amendment to Clause 2. I have concerns regarding the coalition of political parties. I have also proposed an amendment to Clause 2 on the same issue. I will still be contributing on the same.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): The first to get a go at it will be the Chairperson of the Departmental Committee on Justice and Legal Affairs.

Hon. Clement Kigano (Kangema, JP): Thank you, Hon. Temporary Deputy Chairman. When we came here on...

(Loud consultations)

I stand to oppose the amendment. When we came here on 22nd December, Hon. Murugara raised the same constitutional points on the unconstitutionality of amending Section 2, and the Speaker ruled on it. With a lot of respect to Members, there is a scheme to procrastinate on the proceedings of the House.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, just allow Hon. Muturi Kigano to make his point.

Hon. Clement Kigano (Kangema, JP): There is a scheme being hatched here to procrastinate on the proceedings of the House. You have powers under Standing Order No.1 to stop any abuse of the processes of this Chamber, just like in a court of law. There is a scheme to scuttle, procrastinate and frustrate this Bill. That is why you hear a lot of heckling and no decorum in the House.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Let us have the Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Chairman. I stand to oppose the amendment by Hon. Alice Wahome which, for the avoidance of doubt, seeks to delete the entire Clause 6 on the pretence that a coalition political party is coming to the Bill and has never been defined, yet she knows or should know, as a lawyer, that we start with other clauses and end with definitions in Clause 2.

I am not quite sure what law school Hon. Alice Wahome went to, because as a lawyer or somebody who purports to be a lawyer, she ought to know how laws are made in this country.

(Applause)

(Loud consultations)

You can rise, you can shout, but when people expose their ignorance on the Floor of this House, we cannot save them from exposing their ignorance on the subject matter of legislative agenda of the House.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order! Order!

(Loud consultations)

Hon. Members: Kimunya must go! Kimunya must go! Kimunya must go!

Hon. Amos Kimunya (Kipipiri, JP): I have done it before. In the meantime---

Hon. Members: Kimunya must go! Kimunya must go! Kimunya must go!

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order, Members!

Hon. Members: Kimunya must go! Kimunya must go! Kimunya must go!

Hon. Amos Kimunya (Kipipiri, JP): Are we supposed to dance?

Hon. Members: Kimunya must go! Kimunya must go! Kimunya must go!

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order, Members! Order! Order! Order! Order, Hon. Members! Order, Hon. Members! I know the times are very exciting. There are those who just come to the House when they want to enjoy themselves a little bit. I hope that has served whatever purpose. But we must make progress.

Hon. Members, allow me then to now put the Question.

*(Question, that the words to be left
out be left out, put and negated)*

(Several Hon. Members stood up in their places)

You have the numbers. We shall put it to the vote. I direct that the Division Bell be rung for two minutes. Prepare yourselves to vote. I need to see the returning...

(Loud consultations)

Hon. Members, just be peaceful. We shall carry out the vote as fast as possible. The Division Bell to be rung for two minutes.

(The Division Bell was rung)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, I direct that the Bar to be drawn.

(The Bar was drawn)

We now proceed. Serjeant-at-Arms.

So, this is the way we shall proceed, Hon. Members. The ayes will be to my right here, and the noes will be to my left here. I hope. So, let us proceed with the vote. We shall use the roll as I have already directed. So, let us vote. Hon. Members, voting is open.

(Voting in progress)

(Hon. John Mbadi and Hon. Kipsengeret Koros engage in a fistfight)

Order, Hon. Members! The Members behind the Speaker, please move.

(Hon. John Kiarie and Hon. David ole Sankok consulted loudly)

Hon. John Kiarie and Hon. Sankok, get out! Hon. Members, there will be order.

(Several Members stood up in their places)

(Loud consultations)

Hon. Members, there shall be order! Order, Hon. Members! Members will resume their seats and we shall proceed. Hon. Members, get out of here. Hon. Keter, please resume your seat.

(Hon. David Gikaria, Hon. Benjamin Tayari and Hon. Didmus Barasa stood behind the Speaker)

Hon. Gikaria, Hon. Tayari, Hon. Barasa, and the Member for Bahati, get out of here. Resume your seats.

(Hon. (Ms.) Alice Wahome consulted loudly)

Hon. Alice, that is completely below you. I am going to throw out quite a number of Members. You better resume your seats.

(Hon. Fred Ouda and Hon. William Cheptumo stood up in their places)

Hon. Ouda and Hon. Cheptumo, please resume your seats. Hon. Cheptumo, you are a senior Member.

(Loud consultations)

Hon. Nguna, go back to your seat. You cannot address me from here. Hon. Gikaria, get off that seat. Hon. Barasa, step down.

All these Members behind the Speaker, please resume your seats.

(Hon. Leonard Yegon stood up in his place)

The Member for Konoin, resume your seat.

(Voting in progress)

(Loud consultations)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order, Hon. Members! Member for Bahati, resume your seat so that I can give directions. Hon. Members, kindly resume your seats so that I give directions.

(Several Hon. Members stood at the Dispatch Box)

The Hon. Members to my right, kindly resume your seats. This is a House of honour. This House belongs to the people of Kenya; it does not belong to Hon. Omulele. You are Hon. Members of Parliament. I am requesting that you resume your seats. Hon. Members, if you do not listen to me I will rule that you are out of order. Let us have order. Resume your seat or I rule that you are all out of order. Hon. Members, I will only direct twice that you resume your seats, otherwise, I will rule that you are out of order.

(Hon. Members chanted in the House)

Hon. Members, resume your seats or I name each one of you for disorder.

(The Hon. Chairman consulted with the Clerks-at-the-Table)

Hon. Members, I am now looking at Standing Order No. 107 on disorderly conduct. This is what it says. "A Member commits an act of disorderly conduct if the Member—

- (a) creates actual disorder;
- (b) knowingly raises a false point of order;
- (c) unnecessarily interrupts proceedings or consults in a disruptive manner;"

(Loud consultations)

(Pandemonium)

Hon. Members, resume your seats or I will be forced...

(Loud consultations)

(Pandemonium)

(Hon. Tuwei spoke to the Hon. Temporary Deputy Chairman off-record)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Tuwei, resume your seat.

(Loud consultations)

(Pandemonium)

(Voting in progress)

(Pandemonium)

(Hon. Mbadi threw a water bottle at Hon. Kipsengeret Koros)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order, Hon. Members! Resume your seats. I need to hear from the Member for Sigowet. Member for Sigowet.

Hon. Kipsengeret Koros (Sigowet/Soin, Independent): Hon. Temporary Deputy Chairman, I have been attacked in this House by the master of violence in this House. Now I cannot see and I cannot vote. We cannot accept to be injured in this national House like this. That cannot happen here.

(Loud consultations)

(Pandemonium)

(The Hon. Temporary Deputy Chairman consulted with the Clerks-at-the-Table)

(The House resumed)

*[The Temporary Deputy Speaker
(Hon. Christopher Omulele) in the Chair]*

The Temporary Deputy Speaker (Hon. Christopher Omulele): Order, Hon. Members! Hon. Tuwei, let us have order. Hon. Members, this is the direction that we shall take. Following the chaos that have happened in this House this afternoon, I am now directing that the House stands suspended for the next 15 minutes.

(The House was suspended at 3.46 p.m.)

(The House resumed at 4.00 p.m)

Order, Members. Let us have order. I order that the resumption Bell be rung for five minutes. We shall deal with all those issues. Just resume your seats.

(The Bell was rung)

(Loud consultations)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Order, Members. Let us have order.

Hon. Members: Mbadi must go!

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, you must allow the Speaker to also speak.

(Loud consultations)

Order, Hon. Members! Members, our Standing Order No.107(a) states that if a Member commits an act of gross disorderly conduct, if the Member uses violence against a Member or another or other persons in the House or Committee...

(Loud consultations)

It is disheartening and dishonorable for Members to behave this way.

(Loud consultations)

(Several Members stood up in their places)

Members, just resume your seats so that we can have order. I will allow you to take your seats.

(Loud consultations)

Hon. Members, these are the directions of the Speaker. Hon. John Mbadi has clearly...

(Several Hon. Members stood along the gangways)

Hon. Members, take your seats. I want to make a ruling. I will make a series of rulings. For the Members who are standing here, you are also disorderly, and this rule will also apply to you. Let me finish what I am starting with, but before I make this determination, I would like to be given the names of these Members who are standing here.

(Loud consultations)

I need the names of all the Members who are up standing, contrary to the Speaker's orders. Clerk, kindly provide these names.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Order, Hon. Members! There will be order in the House. Hon. Gikaria, Hon. KJ and the Member for Kapseret, resume your seats.

Hon. Members, I had cited Standing Order 107(a) with regard to the Hon. Mbadi. This is something that happened in the full sight of the Hon. Temporary Deputy Speaker. Hon. Mbadi you are hereby directed to leave the precincts of this House for gross disorderliness to order. You are asked to withdraw from the precincts of Parliament for a minimum of five days.

(Applause)

Hon. Mbadi withdraw from the House.

(Hon. Mbadi left the Chamber)

Order, Hon. Members. The Member for Kisumu, you have danced enough for one day. I direct that the Member for Sigowet/Soin, who was involved in the altercation with the Hon. Mbadi goes to hospital. There will be directions to be given after he has received treatment. His Speaker has ascertained that Hon. Koros was actually injured in the eye and needs to be treated.

Thirdly, on the same Standing Order 107, it was clear to the sight of this Temporary Deputy Speaker that Hon. Sankok was throwing bottles across the Floor to other Members. Hon. Sankok, I do not have evidence that you have injured somebody, but I saw it and that is not to be repeated. Hon. Wamunyinyi, I equally caught sight of you. Hon. Kiarie, I also noted you. You are a young Member and you have been contributing in this House, but you have been completely disruptive and this is not good. Hon. Alice Wahome as well.

Hon. Members, this is where I saw myself and this is in the direct eye glare of the Hon. Temporary Deputy Speaker. Hon. Alice, Hon. Kiarie, Hon. Wamunyinyi you know what you did. This is completely disruptive of the business of the House and it is dishonourable. That being what it is, I have already given direction that Hon. Mbadi be out of the House for the next five days.

Hon. Members, we shall proceed in this manner and style. Going forward, I will only have two tellers here on each side. We shall have Members come one by one to vote.

(Loud consultations)

Just hold on, Hon. Members, let us be fair to each other. We have 349 names here. Will it be in order if I direct that all these names be called out then you come and vote at that point?

Hon. Members, to avoid the kind of circus that we have had here, I do not mind if I sat here until tomorrow. We will call out all those names and you will come and vote. Therefore, the vote that we were taking, I direct that what had happened that far be nullified and we start afresh. So, the Noes will be to my left and the Ayes will be here to my right. The names will be called by the Clerk. We shall move swiftly so that everybody has a chance to vote. So, everybody retains the

seat where you are and come when you are called to vote. We have Hon. (Dr.) Pukose, Hon. Kioni, Hon. Member for Limuru and the Hon. Member for Baringo South.

Noes to my right and Ayes to my left. Hon. Members just hold your peace. There is nothing out of order. Let us take this vote.

Clerk call the first Member. We are voting on Clause 6.

Hon. Members, I am resuming my position in the Committee.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Temporary Deputy Speaker (Hon. Christopher Omulele) left the Chair]

IN THE COMMITTEE

[The Temporary Deputy Chairman (Hon. Christopher Omulele) took the Chair]

THE POLITICAL PARTIES (AMENDMENT) BILL

*(Resumption of consideration
interrupted in Committee today)*

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, we are now in the Committee of the whole House. You can resume your seats. The Division Bell will be rung for two minutes only.

(The Division Bell was rung)

Hon. Members, the two minutes are over. We are voting on Clause 6 of the Bill.

(Hon. David ole Sankok spoke off record)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hold on, Hon. Sankok. There is no problem.

Hon. Members, I direct the Bar to be drawn. If you are outside, you will not vote. You are considering the amendment which was proposed by Hon. Alice Wahome, Member for Kandara, in Clause 6. That is the Question that you are voting for now. The Ayes will vote here on my right side and the Noes on my left side. When your name is called, you will approach the table here, one at a time, and you will proceed to vote. Let us start.

(Voting in progress)

Hon. Daniel Wanyama (Webuye West, JP): Order! Order! Order!

(Loud consultations)

The Temporary Deputy Chairman (Patrick Mariru): Hon. Wanyama, what order is coming from you? Just vote. You cannot order Members, at least not from where you are.

(Voting in progress)

(Loud consultations)

Hon. Daniel Wanyama (Webuye West, JP): I need to be heard, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Patrick Mariru): Okay. Proceed.

(Voting in progress)

(Loud consultations)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order Members! I want to confirm whether there is any Member who has not been called to vote, but he or she is present in the chamber. We seem to have gone through the list. It seems there is none. Is Hon. Tim Wanyonyi here?

Hon. Members: No!

(Vote tallying in progress)

Hon. Jeremiah Kioni (Ndaragwa, JP): Hon. Temporary Deputy Chairman, results of the voting on the Division that Clause 6 be amended as proposed by Hon. Wahome are as follows: Ayes 134 and the Noes 158.

(Applause)

(Loud consultations)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Hon. Members! Enough of that now. Order, Hon. Members! On that Question that Clause 6 be amended as proposed by Hon. Wahome, Ayes have 134 and the Noes have 158. Therefore, the Noes have it.

(Question negated by 158 votes to 134)

AYES: Hon. Ali Amin, Hon. Ali Sharif, Hon. Lemanken Aramat, Hon. Owen Baya, Hon. (Ms) Florence C.K. Bore, Hon. Kangogo Bowen, Hon. Sakwa Bunyasi, Hon. (Ms.) Jane Chebaibai, Hon. (Ms.) Joyce Korir, Hon. (Ms.) Charity Chepkwony, Hon. Fred Kapondi, Hon. Samuel Moroto, Hon. Aden Duale, Hon. James Lomenen, Hon. (Ms.) Joyce Emanikor, Hon. Rigathi Gachagua, Hon. Kinuthia Gachobe, Hon. James Gakuya, Hon. David Gikaria, Hon. (Ms.) Faith Gitau, Hon. Gichimu Githinji, Hon. George Kariuki, Hon. Anab Gure, Hon. (Ms.) Rehema Hassan, Hon. Hassan Hulufu, Hon. (Ms.) Nasri Ibrahim, Hon. Kimani Ichung'wah, Hon. Kubai Iringo, Hon. (Ms.) Rehema Jaldesa, Hon. Wainaina Jungle, Hon. Josphat Kabeabea, Hon. Charles

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Kamuren, Hon. Joshua Kandie, Hon. (Ms.) Aisha Jumwa, Hon. Alfred Keter, Hon. Gideon Keter, Hon. (Ms.) Jayne Kihara, Hon. Julius Melly, Hon. William Cheptumo, Hon. Joseph Kipkosgei, Hon. Kipyegon Ngeno, Hon. Moses Kirima, Hon. William Kisang, Hon. Marwa Kitayama, Hon. Nelson Koech, Hon. Wilson Kogo, Hon. (Ms.) Beatrice Kones, Hon. Nixon Korir, Hon. Hilary Kosgei, Hon. Alexander Kosgey, Hon. Caleb Kositany, Hon. Gideon Koske, Hon. Dominic Koskei, Hon. John Waluke, Hon. Leonard Yegon, Hon. Moses Lessonet, Hon. Joseph Limo, Hon. (Ms.) Liza Chelule, Hon. Peter Lochakapong, Hon. Mark Lomunokol, Hon. Mwambu Mabongah, Hon. Sylvanus Maritim, Hon. Nimrod Mbai, Hon. (Ms.) Cecily Mbarire, Hon. Kareke Mbiuki, Hon. Vincent Kemosi, Hon. Ahmed Kolosh, Hon. Lokiru Ali, Hon. Shadrack Mose, Hon. (Ms.) Halima Mucheke, Hon. Michael Muchira, Hon. Titus Khamala, Hon. Gabriel Kago, Hon. (Dr.) Victor Munyaka, Hon. James Murgor, Hon. George Gitonga, Hon. Kathuri Murungi, Hon. Japheth Mutai, Hon. Didmus Barasa, Hon. John Mutunga, Hon. Geoffrey Muturi, Hon Benjamin Mwangi, Hon. Khatib Mwashetani, Hon. John Paul Mwirigi, Hon. Lodepe Nakara, Hon. Christopher Nakuleu, Hon. Daniel Nanok, Hon. George Koimburi, Hon. Kimani Ngunjiri, Hon. Charles Njagagua, Hon. Eric Njiru, Hon. Patrick Ntwiga, Hon. (Ms.) Beatrice Nyaga, Hon. John Nyaga, Hon. Joash Nyamoko, Hon. Ndindi Nyoro, Hon. Korei ole Lemein, Hon. Katoo ole Metito, Hon. David ole Sankok, Hon. Silvanus Onyiego, Hon. (Dr.) Robert Pukose, Hon. Feisal Bader, Hon. Ali Rasso, Hon. Mugambi Rindikiri, Hon. Mathias Robi, Hon. Daniel Rono, Hon. Cornelly Serem, Hon. (Ms.) Gladys Boss Shollei, Hon. Majimbo Kalasinga, Hon. Daniel Wanyama, Hon. (Ms.) Janet Sitienei, Hon. Wilson Sossion, Hon. Oscar Sudi, Hon. George Sunkuyia, Hon. Benjamin Tayari, Hon. (Ms.) Janet Teyiaa, Hon. George Theuri, Hon. (Ms.) Peris Tobiko, Hon. (Ms.) Lillian Tomitom, Hon. Gabriel Tongoyo, Hon. Ronald Tonui, Hon. Daniel Tuitoek, Hon. (Dr.) Tecla Tum, Hon. Vincent Tuwei, Hon. (Ms.) Soipan Tuya, Hon. (Ms.) Rahab Mukami, Hon. (Ms.) Alice Wahome, Hon. James Wamacukuru, Hon. (Ms.) Gathoni Wamuchomba, Hon. John Wanjiku, Hon. (Ms.) Janet Nangabo, Hon. Catherine Waruguru, Hon. Benjamin Washiali, Hon. John Kiarie.

NOES: Hon. Yusuf Hassan, Hon. Paul Abuor, Hon. (Ms.) Beatrice Adagala, Hon. (Ms.) Fatuma Gedi, Hon. Rashid Kassim, Hon. (Dr) Otiende Amollo, Hon. Ayub Angatia, Hon. Jimmy Angwenyi, Hon. Simba Arati, Hon. Marselino Arbelle, Hon. Samuel Atandi, Hon. Babu Owino, Hon. Bady Twalib, Hon. Sakwa Bunyasi, Hon. (Ms.) Rozaah Buyu, Hon. (Ms.) Sabina Chege, Hon. (Ms.) Gladwell Cheruiyot, Hon. Mohamed Duale, Hon. Ahmed Gaa, Hon. (Ms.) Mercy Wanjiku, Hon. Chachu Ganya, Hon. Mohamed Hire, Hon. (Ms.) Dennitah Ghati, Hon. (Dr.) Lilian Gogo, Hon. Ali Guyo, Hon. Kulow Maalim, Hon. (Ms.) Zuleikha Hassan, Hon. T. J. Kajwang', Hon. Peter Kaluma, Hon. Maina Kamanda, Hon. (Ms.) Joyce Kamene, Hon. Kamket Kassait, Hon. Memusi ole Kanchory, Hon. (Dr.) Irene Kasalu, Hon. Paul Katana, Hon. Oku Kaunya, Hon. Kanini Kega, Hon. Adan Keynan, Hon. Anthony Kiai, Hon. (Ms.) Wanjiku Kibeh, Hon. Clement Kigano, Hon. Peter Kimari, Hon. Charles Kilonzo, Hon. Joshua Kivinda, Hon. Amos Kimunya, Hon. Simon King'ara, Hon. Patrick Makau, Hon. Jeremiah Kioni, Hon. Ken Chonga, Hon. Jackson Lekumontare, Hon. Maison Leshoomo, Hon. Naisula Lesuuda, Hon. Jeremiah Lomorukai, Hon. Caleb Luyai, Hon. Justus Kizito, Hon. Daniel Maanzo, Hon. Joseph Manje, Hon. Maore Maoka, Hon. Alfred Masadia, Hon. Peter Masara, Hon. Julius Mawathe, Hon. Mishi Mboko, Hon. Robert Mbui, Hon. Omboko Milemba, Hon. Mohamed Abdikhaim, Hon. (Ms.) Asha Hussein, Hon. Kipruto Moi, Hon. Ben Momanyi, Hon. (Ms.) Jerusha Momanyi, Hon. Gichuki Mugambi, Hon. (Ms.) Elsie Muhanda, Hon. Stephen Mule, Hon. Gideon Mulyungi, Hon. (Ms.) Rose Mumo, Hon. Stanley Muthama, Hon. (Ms.) Florence Mutua, Hon. Andrew Mwadime, Hon. Danson Mwashako,

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Hon. Joshua Mwalyo, Hon. Teddy Mwambire, Hon. William Mwamkale, Hon. Jonah Mwangi, Hon. (Ms.) Wangari Mwaniki, Hon. (Ms.) Gertrude Mwanyanje, Hon. Peter Mwathi, Hon. Oscar Nabulindo, Hon. Johnson Naicca, Hon. Abdullswamad Nassir, Hon. Isaac Ndirangu, Hon. Joseph Nduati, Hon. Charles Nguna, Hon. (Ms.) Jane Njiru, Hon. Jude Njomo, Hon. (Ms.) Mary Njoroge, Hon. (Ms.) Sophia Noor, Hon. Junet Nuh, Hon. Rachael Nyamai, Hon. Mark Nyamita,, Hon. Edith Nyenze, Hon. James Nyikal, Hon. Thuddeus Nzambia, Hon. Paul Nzengu, Hon. Erastus Nzioka, Hon. (Ms.) Eve Obara, Hon. (Ms.) Ruweida Obo, Hon. David Ochieng, Hon. (Ms.) Pamela Ochieng, Hon. Geoffrey Odanga, Hon. Tom Odege, Hon. Elisha Odhiambo, Hon. (Ms.) Odhiambo-Mabona, Hon. (Prof.) Jacqueline Oduol, Hon. (Dr.) Christine Ombaka, Hon. (Prof.) Zadoc Ogutu, Hon. Jared Okelo, Hon. Benard Okoth, Hon. Adipo Okuome, Hon. Anthony Oluoch, Hon. Ezekiel Ombaki, Hon. Geoffrey Omuse, Hon. George Aladwa, Hon. Janet Ongera, Hon. Richard Onyonka, Hon. Godfrey Osotsi, Hon. Fred Ouda, Hon. (Dr.) Wilberforce Oundo, Hon. John Owino, Hon. Martin Owino, Hon. Aduma Owuor, Hon. Onyango Oyoo, Hon. Joseph Oyula, Hon. (Ms.) Esther Passaris, Hon. David Pkosing, Hon. Joshua Kutuny, Hon. Sammy Seroney, Hon. (Dr.) Naomi Shaban, Hon. (Ms.) Jennifer Shamalla, Hon. Omar Mwinyi, Hon. Benard Shinali, Hon. Abdi Shurie, Hon. (Dr.) Eseli Simiyu, Hon. Kassim Tandaza, Hon. Abdi Tepo, Hon. Silas Tiren, Hon. Richard Tong'i, Hon. Josphat Kabinga, Hon. (Dr.) Chris Wamalwa, Hon. Munene Wambugu, Hon. Ngunjiri Wambugu, Hon. Wafula Wamunyinyi, Hon. Opiyo Wandayi, Hon. Gladys Wanga, Hon. Christopher Wangaya, Hon. Emmanuel Wangwe, Hon. Raphael Wanjala, Hon. Ferdinand Wanyonyi, Hon. Charles Ong'ondo, Hon. Yussuf Adan.

ABSTENTION: None.

Order, Hon. Members!

Hon. T. J. Kajwang' (Ruaraka, ODM): On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Patrick Mariru): What is out of order, Hon. Kajwang'?

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairman, I want to make it very brief. We have been here the whole day and we are still prepared to be around. Would you kindly revert back to the voting procedure that we had before? It is faster, convenient and keeps the House in order. If we are going to go this way, you can just do your mathematics and you see that we are only going to handle one other clause. I beseech you to apply your mind to this. If it works, it is good for us. Thank you very much.

The Temporary Deputy Chairman (Hon. Patrick Mariru): What is it, Hon. Duale? Hon. Sheikh, have your seat.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, you have made a ruling. We have proved beyond reasonable doubt that we have a Special Sitting and the Special Sitting ends at midnight on the clock. Those of us who want to stand with the Constitution want a clean process. This process is watertight and we are not in a hurry. Can you put the global Question so that we can move to the next Division?

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Hon. Members! This is a very small matter, Hon. Junet. I will give direction. What is it before I give direction?

Hon. Junet Nuh (Suba East, ODM): Hon. Temporary Deputy Chairman, I am Standing under Standing Order No.73(5). This is a House of rules and we are guided by the Standing Orders. We are not guided by the rule of the jungle. The Standing Order clearly says:

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“When called out, each Member shall, thereupon rise in his or her place and declare assent or dissent to the question in the following manner; “I vote yes”; or, “I vote No”; or, “I abstain,” or use appropriate Kenyan sign language”.

Hon. Temporary Deputy Chairman, there is no provision in the Standing Order where a Member is called upon to vote and he says “I am representing so and so. I am representing the hustler nation. I am representing which people.” We cannot run this House in that manner.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Junet, just finish.

Hon. Junet Nuh (Suba East, ODM): Let me finish. Hon. Temporary Deputy Chairman, I have a right to speak in this House. The ruling of the Chair who on the Chair, Hon. Omulele, is like this: Each Member’s name will be called out. They will come to the polling booth here and then their names will be ticked and not to be given a microphone to lecture us. They are people who do not have numbers. We are going to defeat them.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Hon. Member! I have heard all of you. Order, Hon. Junet! Order, Hon. Members! Hon. Gikaria, Order! Order, Hon. Gikaria! Order, Hon. Members! Hon. Members, take your seats. Order, Hon. Members! Let me give direction on those issues because we must make progress. Hon. Gikaria, please, take your seat. Hon. Members, it is very surprising. We have had around one-and-a-half hours to two hours very peaceful and I am sure we will proceed in that manner. You can express yourself, but in a peaceful manner. On the issue of the voting, there was a ruling by the Chair who was here earlier. It is because of what had happened that we reverted to this Division list. We shall stick to that process. On what Hon. Junet has raised, I have seen from both sides that when Members are given the microphone, there is a bit of addition around that. Even though there is nothing really out of order on that, look at it this way. I have seen it on both sides. When you are given a chance, just vote and then we make progress.

Order, Hon. Members! The doors can be opened. I will put the global Question first. In light of the amendments by Hon. Alice having fallen, I will now put the global Question. Hon. Members, it is important you get to what I am doing. I am putting the global Question on Clause 6.

(Question that Clause 6 be part of the Bill put and negatived)

(Several Hon. Members stood in their places)

The Temporary Deputy Chairman (Hon. Patrick Mariru): We have the numbers for Division. I order that the Bell be rung for three minutes.

(The Division Bell was rung)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Hon. Members! For the Members who are outside, please, note that we are going to draw the Bars. You better get in fast. Order, Hon. Members! Voting will now start. Take your seats. I order that the doors be closed and the Bars drawn.

(The doors were closed and the Bars drawn)

Hon. Members, we shall now proceed. The tellers are already here. We shall now proceed. Order, Hon. Members! Take your seats. Hon. Duale and Hon. Korir, please, take your seats. So that the Members can get refreshed on what we are doing, we are putting the Question that Clause 6 be part of the Bill. That is what we are voting on.

Proceed.

(Voting in progress)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Musau, you were not in the chamber. Therefore, your vote cannot count. That is why we close the doors and draw the Bars.

(Voting in progress)

(Loud consultations)

Order Members. Could there be a Member in the Chamber who has not been called to vote?

I mean only those in the Chamber. Not those up there.

(Voting in progress)

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Chairman, the results of the Division on the Question that Clause 6 be part of the Bill are as follows: Ayes are 155, Noes are 127 and Abstentions nil.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Hon. Members. On the Division that Clause 6 be part of the Bill, the results are as follows:

The Ayes: 155

The Noes: 127

Abstentions: 0

The Ayes have it.

(Question carried by 155 votes to 127)

AYES: Hon. Yusuf Hassan, Hon. Paul Abuor, Hon. (Ms.) Beatrice Adagala, Hon. (Ms.) Fatuma Gedi; Hon. Rashid Kassim, Hon. (Dr) Otiende Amollo, Hon. Ayub Angatia, Hon. Jimmy Angwenyi, Hon. Samuel Arama, Hon. Simba Arati, Hon. Marselino Arbelle, Hon. Samuel Atandi, Hon. Babu Owino, Hon. Bady Twalib; Hon. (Ms.) Rozaah Buyu, Hon. (Ms.) Sabina Chege, Hon. (Ms.) Gladwell Cheruiyot, Hon. Mohamed Duale, Hon. Ahmed Gaal; Hon. (Ms.) Mercy Wanjiku,

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Hon. Chachu Ganya, Hon. Mohamed Hire; Hon. (Ms.) Dennitah Ghata; Hon. (Dr.) Lilian Gogo, Hon. Ali Guyo, Hon. Kulow Maalim; Hon. (Ms.) Zuleikha Hassan, Hon. Ibrahim Abdi, Hon. T. J. Kajwang', Hon. Peter Kaluma, Hon. Maina Kamanda, Hon. Kamket Kassait, Hon. Memusi ole Kanchory, Hon. (Dr.) Irene Kasalu, Hon. Paul Katana, Hon. Oku Kaunya, Hon. Kanini Kega, Hon. Adan Keynan, Hon. Anthony Kiai; Hon. (Ms.) Wanjiku Kibeh, Hon. Clement Kigano, Hon. Peter Kimari, Hon. Charles Kilonzo, Hon. Joshua Kivinda, Hon. Amos Kimunya, Hon. Simon King'ara, Hon. Patrick Makau, Hon. Jeremiah Kioni, Hon. Ken Chonga, Hon. Jackson Lekumontare, Hon. Maison Leshoomo, Hon. Naisula Lesuuda, Hon. Caleb Luyai, Hon. Justus Kizito, Hon. Daniel Maanzo, Hon. Joseph Manje, Hon. Maore Maoka, Hon. Peter Masara, Hon. Julius Mawathe; Hon. Mishi Mboko, Hon. Robert Mbui, Hon. Omboko Milemba, Hon. Mohamed Abdikhaim; Hon. (Ms.) Asha Hussein; Hon. Mohammed Mohamud, Hon. Ben Momanyi, Hon. (Ms.) Jerusha Momanyi, Hon. Gichuki Mugambi, Hon. (Ms.) Elsie Muhanda, Hon. Stephen Mule, Hon. Gideon Mulyungi, Hon. Stanley Muthama, Hon. (Ms.) Florence Mutua, Hon. Danson Mwashako, Hon. Joshua Mwalyo, Hon. Teddy Mwambire, Hon. William Mwamkale, Hon. Jonah Mwangi; Hon. (Ms.) Wangari Mwaniki, Hon. (Ms.) Gertrude Mwanyanje; Hon. Peter Mwathi, Hon. Oscar Nabulindo, Hon. Johnson Naicca, Hon. Abdullswamad Nassir, Hon. Isaac Ndirangu, Hon. Joseph Nduati, Hon. Charles Nguna; Hon. (Ms.) Jane Njiru, Hon. Jude Njomo; Hon. (Ms.) Mary Njoroge, Hon. (Ms.) Sophia Noor; Hon. Junet Nuh, Hon. Rachael Nyamai, Hon. Mark Nyamita, Hon. (Mrs) Edith Nyenze, Hon. James Nyikal, Hon. Thuddeus Nzambia, Hon. Paul Nzengu, Hon. Erastus Nzioka; Hon. (Ms.) Eve Obara, Hon. (Ms.) Ruweida Obo; Hon. David Ochieng; Hon. (Ms.) Pamela Ochieng, Hon. Geoffrey Odanga, Hon. Tom Odege, Hon. Elisha Odhiambo; Hon. (Ms.) Odhiambo-Mabona, Hon. (Prof.) Jacqueline Oduol; Hon. (Dr.) Christine Ombaka; Hon. (Prof.) Zadoc Ogutu, Hon. Jared Okelo, Hon. Benard Okoth, Hon. Adipo Okuome, Hon. Anthony Oluoch, Hon. Ezekiel Ombaki, Hon. Geoffrey Omuse, Hon. George Aladwa, Hon. Janet Ongera, Hon. Richard Onyonka, Hon. Godfrey Osotsi, Hon. Fred Ouda, Hon. (Dr.) Wilberforce Oundo, Hon. John Owino, Hon. Martin Owino, Hon. Aduma Owuor, Hon. Onyango Oyoo, Hon. Joseph Oyula; Hon. (Ms.) Esther Passaris; Hon. David Pkosing, Hon. Joshua Kutuny, Hon. Sammy Seroney, Hon. (Dr.) Naomi Shaban; Hon. (Ms.) Jennifer Shamalla; Hon. Omar Mwinyi, Hon. Benard Shinali, Hon. Abdi Shurie, Hon. (Dr.) Eseli Simiyu, Hon. Kassim Tandaza, Hon. Abdi Tepo, Hon. Silas Tiren, Hon. Richard Tong'i, Hon. Josphat Kabinga, Hon. (Dr.) Chris Wamalwa, Hon. Munene Wambugu, Hon. Ngunjiri Wambugu, Hon. Wafula Wamunyinyi, Hon. Opiyo Wandayi; Hon. Gladys Wanga; Hon. Christopher Wangaya, Hon. Emmanuel Wangwe, Hon. Raphael Wanjala, Hon. Ferdinard Wanyonyi, Hon. Charles Ong'ondo, Hon. Tim Wanyonyi, Hon. Yussuf Adan.

NOES: Hon. Alfah Ondieki, Hon. Ali Amin, Hon. Ali Sharif, Hon. Lemanken Aramat, Hon. Owen Baya; Hon. (Ms.) Jane Chebaibai; Hon. (Ms) Florence C. K. Bore, Hon. (Ms.) Joyce Korir, Hon. (Ms.) Charity Chepkwony; Hon. Fred Kapondi, Hon. Samuel Moroto, Hon. Aden Duale, Hon. James Lomenen, Hon. Rigathi Gachagua, Hon. Kinuthia Gachobe, Hon. James Gakuya, Hon. David Gikaria; Hon. (Ms.) Faith Gitau; Hon. Gichimu Githinji, Hon. George Kariuki, Hon. (Dr.) Lilian Gogo; Hon. Anab Gure, Hon. (Ms.) Rehema Hassan; Hon. Hassan Hulufu, Hon. Kimani Ichung'wah, Hon. Kubai Iringo; Hon. (Ms.) Rehema Jaldesa; Hon. Wainaina Jungle, Hon. Josphat Kabeabea, Hon. Charles Kamuren, Hon. Joshua Kandie; Hon. (Ms.) Aisha Jumwa; Hon. Alfred Keter, Hon. Gideon Keter; Hon. (Ms.) Jayne Kihara; Hon. Julius Melly, Hon. William Cheptumo, Hon. Joseph Kipkosgei, Hon. Kipyegon Ngeno, Hon. William Kisang, Hon. Marwa Kitayama, Hon. Nelson Koech, Hon. Wilson Kogo; Hon. (Mrs) Beatrice Kones; Hon.

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Nixon Korir, Hon. Hilary Kosgei, Hon. Alexander Kosgey, Hon. Caleb Kositany, Hon. Gideon Koske, Hon. Dominic Koskei, Hon. John Waluke, Hon. Leonard Yegon, Hon. Moses Lessonet, Hon. Joseph Limo; Hon. (Ms.) Liza Chelule; Hon. Peter Lochakapong, Hon. Mark Lomunokol, Hon. Mwambu Mabongah, Hon. Sylvanus Maritim, Hon. Nimrod Mbai; Hon. (Ms.) Cecily Mbarire; Hon. Kareke Mbiuki, Hon. Vincent Kemosi, Hon. Ahmed Kolosh, Hon. Lokiru Ali, Hon. Shadrack Mose; Hon. (Ms.) Halima Mucheke, Hon. Michael Muchira, Hon. Gabriel Kago, Hon. (Dr.) Victor Munyaka, Hon. George Gitonga, Hon. Kathuri Murungi, Hon. Japheth Mutai, Hon. Didmus Barasa, Hon. John Mutunga, Hon. Geoffrey Muturi, Hon Benjamin Mwangi, Hon. Khatib Mwashetani, Hon. John Paul Mwirigi, Hon. Lodepe Nakara, Hon. Christopher Nakuleu, Hon. Daniel Nanok, Hon. George Koimburi, Hon. Kimani Ngunjiri, Hon. Charles Njagagua, Hon. Eric Njiru, Hon. Patrick Ntwiga; Hon. (Ms.) Beatrice Nyaga; Hon. John Nyaga, Hon. Joash Nyamoko, Hon. Ndindi Nyoro, Hon. Katoo ole Metito, Hon. David Sankok, Hon. Silvanus Onyiego, Hon. (Dr.) Robert Pukose, Hon. Feisal Bader, Hon. Ali Rasso, Hon. Mugambi Rindikiri, Hon. Mathias Robi, Hon. Daniel Rono, Hon. Cornelly Serem, Hon. (Ms.) Gladys Boss Shollei, Hon. Majimbo Kalasinga, Hon. Daniel Wanyama; Hon. (Ms.) Janet Sitienei; Hon. Wilson Sossion, Hon. Oscar Sudi, Hon. George Sunkuyia, Hon. Benjamin Tayari, Hon. (Ms.) Janet Teyiaa; Hon. George Theuri; Hon. (Ms.) Peris Tobiko, Hon. (Ms.) Lillian Tomitom; Hon. Gabriel Tongoyo, Hon. Ronald Tonui, Hon. Daniel Tuitoek, Hon. (Dr.) Tecla Tum, Hon. Vincent Tuwei; Hon. (Ms.) Soipan Tuya, Hon. (Ms.) Rahab Mukami, Hon. (Ms.) Alice Wahome; Hon. James Wamacukuru, Hon. John Wanjiku; Hon. (Ms.) Janet Nangabo, Hon. Catherine Waruguru, Hon. Benjamin Washiali, Hon. John Kiarie

ABSTENTION: None

(Loud consultations)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Hon. Members! I have been petitioned by a few Members on health break, but I want to direct like this:

(Loud consultations)

Order, Hon. Members! It is okay. I have not given direction. I want to give this direction. Order, Hon. Members! The direction is like this: The Sitting shall continue. When we get to the next clause, I can give a few Members a chance to debate so that then the doors can open for one minute.

(Loud consultations)

If there is no debate that is fine. I am okay. Order, Hon. Members. We can still proceed. I have no problem. A Member can proceed. Order, Hon. Members. We are proceeding.

Hon. Kimani Ichung'wah (Kikuyu, JP): On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Patrick Mariru): What is out of order, Hon. Ichung'wah?

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Chairman, having listened to what you have just said on the petition for a health break, you are aware that we are

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here pursuant to a Legal Gazette Notice that was published in the course of the week, it is clear in that Gazette Notice, we were to have two Sittings today. The Gazette Notice is clear that the first Sitting was to start at 10.00 a.m. and the afternoon Sitting...

You are also aware that our Standing Orders are very explicit on the timings of our Sittings. Morning Sittings lapse at 1.00 p.m. and evening Sittings lapse at 7.00 p.m. I am aware that this is a Special Sitting. The drafter of the Legal Notice was aware that the Standing Order stipulates Sittings begin at 2.30 p.m. and end at 7.00 p.m. That is why the drafter of that Legal Notice indicated that should there be need for a further evening sitting, there would be one. I am seeking your ruling and your guidance. The import of that Gazette Notice was that if there is to be an evening sitting, should there be need, there ought to have been a Procedural Motion extending time from 7.00 p.m. further. It is my submission to you that what you are holding now is an illegal night gathering without a Procedural Motion extending the Sitting.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Members. There is no chance to debate the issue that has been raised. It is very clear. Hon. Kimani Ichung'wah, if you were here when the Sitting was starting at 10.00 a.m., the Speaker said very expressly that the afternoon shall proceed until midnight. We cannot revisit that direction by the Speaker. Therefore, this Sitting shall proceed.

(Applause)

Clause 7

Hon. (Ms.) Alice Wahome (Kandara, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 7.

(Hon. (Ms.) Rozaah Buyu consulted loudly)

There are people who are having stomach-ache because of this amendment. Can we have decorum from Hon. Rozaah Buyu? I need protection from Hon. Rozaah Buyu.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Alice, proceed. You are protected. You have the Floor.

Hon. (Ms.) Alice Wahome (Kandara, JP): Hecklers should stop. The proposal that I have brought is reasonable one and Members should listen.

If you look at Clause 7 of the Bill, the opening statement talks about inserting the word "slogan" immediately...

Hon. Temporary Deputy Speaker, you remember I had proposals to amend Clause 3 and 4 on the inclusion of slogan as one way of protecting the parties' slogans. I still have a problem with having the import of a slogan in this particular section. The importation of the word slogan is likely to be abused. Political parties are known to use different slogans. You are aware that there are even some political parties that use "tibim", "tialala", *hustler* and others now use "azimio" from *Orange*. The restriction that a slogan should be registered provides a restriction that may not be necessary. It is going to be cumbersome and not conducive to democratic space.

It is my view, and I want to urge the Members to look at this thing with a broad mind... The broad mind will tell them that without bringing in the slogan and the restrictions that it must be registered, it will be beneficial to all political parties. We have in the past had the symbols and names protected. We are now bringing in a slogan. So, tomorrow, if you use a different slogan

during the campaigns, you will be accused of using a slogan that does not exist and that is not registered.

(Hon. Ayub Savula spoke off-record)

Hon. Savula, the time, place and space is mine. This is my moment. I am urging you that you might actually require this to be removed. It is in the interest of all parties that they are not restricted. What we have been trying to do...

(Hon. (Ms.) Rozaah Buyu spoke off-record)

I could even dance as part of prosecuting my amendment. Hon. Rozaah, you should mind about the people of Kisumu.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Hon. Alice! Do not go for that crossfire. You are protected.

(Loud consultations)

Order, Hon. Members! Let us hear Hon. Alice.

Hon. Alice Wahome (Kandara, JP): Hon. Temporary Deputy Chairman, there is a cartel that has been formed by Hon. Rozaah and Hon. Gladys Wanga. Every time I rise to speak, they do not want to hear. Unfortunately, you do not have the liberty to intimidate. You know that you are used to intimidating people and that is why you are trying to force things here.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Hon. Alice! Let us not get there.

Hon. Alice Wahome (Kandara, JP): Hon. Temporary Deputy Chairman, we are digressing. If they want us to digress, we shall digress.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Proceed, Hon. Alice. Conclude so that we make progress.

Hon. Alice Wahome (Kandara, JP): Unless they give me time and space, I will not be intimidated. The shouting by Hon. (Ms.) Rozaah Buyu has been consistent.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order! Hon. Members. Order, Hon. Alice and Hon. Buyu Rozaah!

Hon. Alice Wahome (Kandara, JP): Hon. Temporary Deputy Chairman, I will wait...

(Hon. (Ms.) Rozaah Buyu spoke off-record)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order! Hon. Rozaah. Hon. Alice, please stick to your script. Do not be diverted.

(Hon. (Ms.) Odhiambo-Mabona consulted loudly)

Order, Hon. Millie!

(Loud consultations)

Order, Hon. Members! Let us have Hon. Alice prosecute her case.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Rozaah Buyu, Hon. Millie Odhiambo, please give her a chance. Let her prosecute her point. I will give you a chance to speak to this. Hon. Alice Wahome, proceed.

Hon. (Ms.) Alice Wahome (Kandara, JP): Hon. Temporary Deputy Chairman, there is need to listen to a Member when he or she is moving his or her amendments. Tomorrow, my colleagues will be moving their amendments.

A slogan can change in the course of a political campaign. When I look at the proposed amendment, it creates restrictions. We have seen a tendency of abusing and frustrating some political parties, giving advantage to others and ensuring that others do not have similar space. Therefore, I am of the view that this slogan was calculated. This amendment targets some parties. There have been many people...

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Alice, I will give you a chance to conclude. It is only that we are in the Committee of the whole House and you know the general rules. You will still have an opportunity, but it is not unlimited. You will still get a chance. Let Hon. Alice be heard as she concludes, then I will open it to the Floor.

Hon. Alice, please be mindful of the rules of the Committee of the whole House.

Hon. (Ms.) Alice Wahome (Kandara, JP): I am guided, Hon. Temporary Deputy Chairman. Thank you. I am happy that now I can be listened to.

(Loud consultations)

I am mindful of time and I know that the rule that time is of the essence applies both in court and in the Chamber. With people who seem to be irritated by everything because they are in a rush to come up with *Azimio la Umoja*...

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Hon. Alice. What is it, Hon. Junet? Hon. Alice, just take your seat.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Chairman, we are in the Committee of the whole House. We are not in the Second reading of the Bill where someone can just talk about anything. I am not talking about Hon. Wahome. I know that this morning, Hon. Amos Kimunya asked which law school she went to. I do not know. I know that this is the Committee of the whole House.

Hon. Temporary Deputy Chairman, can you order her to shorten her presentation so that we can move to the next business? We cannot be held to ransom by a 74-year-old lady.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Members. Hon. Alice, I had asked that you be mindful of the rules of the Committee of the whole House because this is not the Second Reading. I will give you a chance to conclude and then we can make progress.

Hon. (Ms.) Alice Wahome (Kandara, JP): Thank you, Hon. Temporary Deputy Chairperson. There is one person whose advice I would not take. Somebody who is a declared cow cannot advise me. Thank you very much, self-declared cow.

(Loud consultations)

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The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Members.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Patrick Mariru): I will give an opportunity to Hon. Duale and then Hon. Opiyo.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, I will not take a lot of time. The amendment has been proposed, Hon. T.J.

I support Hon. Alice Wahome because the problem with this amendment is that there are unfettered powers given to the Registrar of Political Parties in deciding whether to allow registration or decline the registration of a political party, if among other things, the slogan of that political party, in the opinion of the registrar, is a matter of public interest.

On Temporary Deputy Chairman, where we have a problem and the Committee should have helped if we had consensus that we should have defined the meaning of public interest.

The sweeping powers that the Registrar of Political Parties is being given and in the absence of a definition of what amounts to public interest which he or she can use to decline the registration of political parties, where the Registrar can in her opinion, use arbitrary means to determine or make a decision on the type of slogan for a party that she deems is in the public interest. This House must rise to the occasion. What we do in the evenings or what we do during the day is enough.

(Loud consultations)

No, particularly from the culture where I come from, a lady cannot tell me it is enough. No, she cannot.

(Loud consultations)

No, a lady cannot tell me it is enough.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Duale proceed. Order, Hon. Members.

Hon. Aden Duale (Garissa Township, JP): You know you cannot fit within the parameters of those who can tell me it is enough. After she keeps quiet, I will continue.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Duale, proceed. Order Members. Let us give Hon. Duale a chance to conclude his remarks.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, I am not in a hurry. So, if they give time, I will continue.

The Temporary Chairman Chairman (Hon. Patrick Mariru): I will tell you as I told Alice that it is important to be mindful that this is the Committee of the whole House. Order Members. Give him a chance to prosecute his case.

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Hon. Aden Duale (Garissa Township, JP) Hon. Temporary Deputy Chairman, stop the perpetual hecklers not to interrupt me. Let me continue.

This Clause is very retrogressive and is subject to abuse hence, in my opinion, looking at Article 91 of the Constitution on functions of political parties, looking at the definition of a political party within the reading of Article 260 of the Constitution, having fought for multi-party democracy, I support Hon. Alice Wahome.

(Loud consultations)

I am not in a hurry.

The Temporary Chairman Chairman (Hon. Patrick Mariru): Order Members. Order Hon. Duale. I have already given direction. I know you will be given a chance to conclude. But for the sake of other Members, I know we may want to speak and speak, but this is the Committee of the whole House. It is important, Hon. Duale, you will still get a chance to conclude, but let us be mindful that this is a Committee of the whole House and in the Committee of the whole House, unlike in the Second Reading, we may not have unlimited time. But, Hon. Duale, you have a chance.

Hon. Aden Duale (Garissa Township, JP): The powers given to the Registrar of Political Parties in making a decision on the slogan of a political party when it comes to registration and using the statement of the public interest, which has not been defined, in my opinion is retrogressive, it is unconstitutional and I support the deletion of the clause by Hon. Alice Wahome.

The Temporary Chairlady Speaker (Hon. Patrick Mariru): Before I give the Leader of the Majority Party, let us hear Hon. Opiyo.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Member, we are getting another microphone for you. It seems that that one is not functional.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Temporary Deputy Chairman, there is absolutely no reason to attempt to define “public interest”. Public interest just remains as public interest. It is a matter of common sense. For instance, if someone came up with a slogan that threatens the national security, do you want the Registrar of Political Parties to go asking whether that is allowable or not? This proposed amendment is superfluous, unnecessary and should be rejected in totality. Put the Question.

The Temporary Deputy Chairman (Hon. Patrick Mariru): I had said that I will give the Majority Leader and one more person an opportunity. Majority Leader.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Chairman. I rise to oppose this amendment which has only been halfway explained. If I remember very well; earlier in the morning, the Mover of this amendment agreed that we could add “slogan”, “symbol” and even “colours.”

First of all, we have agreed that a party can have a name, symbol and even a dominant colour. Now, Section 7 is trying to expand the limitations that are in Section 8 of the Act, where the Registrar already has power to determine, if a party name is obscene or offensive. Therefore, we are not giving any extra power to the Registrar where they have the power to determine whether

the name or abbreviation is similar to that of another political party. She has the powers to determine whether the symbol or name resembles that of another party. Now, we are extending it in line with the Constitution requirement in Article 91, to limit that, no symbol or name can be used, if it is similar or associated with a group or association that has been prescribed under any law.

Therefore, if someone brings in a party and pleads that its name is “*Mungiki*” it will instill fear in people.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Leader of Majority, I do not want to cut you short, but the same rule must apply to you as well.

Hon. Amos Kimunya (Kipipiri, JP): Let me finish. The point is, we must protect that people do not use parties or symbols to ignite things that have been proscribed in law or to bring things in the name of public interest. I remember that there is someone who started “The Placenta Party”. These are things that are against morality and public interest. This is exactly what we are trying to avoid. Anyone who believes in a moral society should be supporting the Bill and voting against the amendment by Hon. Alice Wahome.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Very well, Leader of Majority. The same rule must apply to you as well.

Hon. Amos Kimunya (Kipipiri, JP): We oppose this vehemently.

The Temporary Deputy Chairman (Hon. Patrick Mariru): Very well. Lastly, let us have Hon. Barasa.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Temporary Deputy Chairman. It is very important to note that political parties must be strengthened. The only thing we need to do is to allow them to develop slogans of their choice. If we are going to give the powers of deciding which slogan to be used by political parties, this clause is going to be abused. Today, we could be celebrating because you think that another political party is going to be curtailed but tomorrow, it will be you. So, I support this amendment and I ask everyone in this House to support this amendment.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Hon. Members! Order. Who is this Member? I know that more Members would have loved to debate on this, but we must make progress.

*(Question, that the words to be left out
be left out, put and negatived)*

(Several Members stood up in their places claiming a Division)

Hon. Members, there are enough numbers to cause a Division. I will order that the Division Bell be rung for 5 minutes.

(The Division Bell was rung)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Members. The five minutes are over. Please take your seats. The Voting will start. We want to have the Tellers here.

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The Tellers, please. Where are the two Tellers for both sides? Order, Members. I order that the Door be closed and the Bar be drawn because we shall now start the voting. Take your seats, Hon. Members. We will proceed with the voting now.

(Hon. Japheth Mutai stood up in the Aisle)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Hon. Mutai, I am sure you can consult while seated.

(Voting in progress)

(Loud consultations)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Members. When the Doors are closed and the Bar is drawn, there shall be no entry of a Member. I know there are some Members who are in the back room here. But no Member shall come from outside.

(Several Members stood behind the Chair)

I can tell there are some Members there. They will stay up there. There will be no Member from outside coming into the Chamber. That is the rule. I am sure those who are responsible are making sure no Member gets into the Chamber.

(Roll call voting in progress)

(Several Hon. Members stood up in their places)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Hon. Members! Take you seats.

(Several Hon. Members chanted)

The Temporary Deputy Chairman (Hon. Patrick Mariru): Order, Hon. Members! Order, Members! Please take your seats. I want to give direction on this matter. Hon. Mbarire, lead your team back to their seats.

(Several Hon. Members chanted)

Order, Members. Take your seats. I want to give direction.

(Loud consultations)

Order, Members. Take your seats. I want to give direction. Hon. Mbarire and Hon. Didmus Barasa, take your seats. Order, Members. I want to give this direction. I have seen some Members up there. I am the one to give direction. These Members must give me space to give direction. This cannot be a shouting place. I have seen some Members out there. And I am told there are some Members

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held up here. Let it be very clear that when the Division Bell is rung for five or three minutes or whatever time and when the Bar is drawn, there should be no Member getting into the Chamber whichever way. When the Division Bell rings and the door is closed and the Bar is drawn, there must never be a Member getting in after that. That must be very clear to the Serjeant-at-Arms and everyone else. Doing that will be gross misconduct. I order that the door be opened. Ring the Bell for two minutes and then we can start.

(The Division Bell was rung)

Order Members, order Members! That is a lapse of two minutes. Order, Members. I shall now order that the Door be closed and the Bars be draw and then we shall commence voting.

(Loud consultations)

Let the Bars be drawn plus the Door up there too. Everywhere else must be closed.

(The Serjeant-at-Arms proceeded to close the Bars)

We shall proceed with the counting. Members, just to refresh yourselves on the Question we are voting on. It is that Clause 7 be amended as proposed by Hon. Alice Wahome. That is the Question we are voting on. We may now proceed.

(Voting in progress)

Hon. Kubai Iringo (Igembe Central, JP): I, Hon. Kubai Iringo, Member of Parliament for Igembe Central, would like to invite you after this session for *miraa* chewing after midnight.

(Laughter)

I have already ordered a pickup which will bring that *miraa* so that we chew it together. Therefore, be patient...

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Iringo, just vote “yes” or “no”.

Hon. Kubai Iringo (Igembe Central, JP): I believe it will be a nice session. On that note, I Kubai Iringo...

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Iringo, vote “yes” or “no” and that is it. Hon. Members, this is the direction we must take.

Hon. Kubai Iringo (Igembe Central, JP): Hon. Temporary Deputy Chairman, I am voting. I was giving direction on what will happen after this and then I vote.

The Temporary Deputy Chairman (Hon. Christopher Omulele): You are not giving anybody directions. Hon. Iringo, will you vote or not?

Hon. Kubai Iringo (Igembe Central, JP): Hon. Temporary Deputy Chairman, I could not be here...

The Temporary Deputy Chairman (Hon. Christopher Omulele): Call the next Member.

Hon. Kubai Iringo (Igembe, Central, JP): Okay. I, Hon. Kubai Iringo, I vote yes.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, you just vote “yes” or “no”. It is straightforward.

Hon. (Ms.) Rehema Jaldesa (Isiolo (CWR), JP): I, Hon. Rehema Dida Jaldesa, from the County of Isiolo, a Member of a strong party called the United Democratic Alliance (UDA)...

The Temporary Deputy Chairman (Hon. Christopher Omulele): Call the next Member. Take that microphone.

Hon. (Ms.) Rehema Jaldesa (Isiolo (CWR), JP): I, Hon. Rehema Dida Jaldesa, from the County of Isiolo, a Member of a strong party called United Democratic Alliance (UDA), I vote yes.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Call the next Member.

(Loud consultations)

*(Hon. Silvanus Onyiego stood up in his place
and consulted loudly)*

Hon. Osoro, return to your seat. I need that microphone. Next Member.

(Several Hon. Members stood up in their places and chanted)

Hon. Members, return to your seats.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, resume your seats. Order! Order!

Hon. Members: She must vote! She must vote! She must vote!

The Temporary Deputy Chairman (Hon. Christopher Omulele): The Hon. Gikaria, return to your seat. Hon. Members, just listen. Just listen.

Hon. Members: She must vote! She must vote! She must vote!

The Temporary Deputy Chairman (Hon. Christopher Omulele): You must listen. The Hon. Jaldesa’s vote has been recorded. The Hon. Jaldesa’s vote has been recorded. Just return to your seats.

(Loud consultations)

The Hon. Osoro, I will rule you to be out of order. The Hon. Jaldesa’s vote has been recorded. Return to your seats.

(Loud consultations)

The Member for Dagoretti South, you have been a very troublesome Member today. Hon. Members, return to your seats. The next Member. The Hon. Jungle.

(Loud consultations)

(Voting resumed)

*(The Temporary Deputy Chairman
(Hon. Christopher Omulele) left the Chair)*

*(The Temporary Deputy Chairlady
(Hon. (Ms.) Soipan Tuya) in the Chair)*

(Voting in progress)

(Hon. Ndindi Nyoro spoke in Kikuyu)

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order Members! Hon. Members, let us observe some decorum. You are out of order, Members! Order! You only converse in the acceptable parliamentary language. Let us proceed with the voting.

(Voting in progress)

(Loud consultations)

Hon. Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Hon. Members! I know we are all tired. You are out of Order, Hon. Kioni. You cannot direct what I am doing. Hon. Members, let us stick to voting. We are all tired, but we must stick to voting so that we may finish the business of the day.

Hon. Members, let us avoid side shows.

(Voting in progress)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Take your seats, Hon. Members. Order, Members. Please, take your seats. I want to report the voting on the Division on the deletion of Clause 7 as proposed by Hon. Alice Wahome.

(Loud consultations)

Order Members! I now order the Tellers to do the reporting. Let us give them time to do the reporting.

(Loud consultations)

(Several Hon. Members stood in their places)

DIVISION

(Question put and House divided)

(Question negated by 145 votes to 126)

(Clause 7 agreed to)

AYES: Hon. Ali Sharif, Hon. Lemanken Aramat, Hon. Owen Baya, Hon. Kangogo Bowen, Hon. (Ms.) Florence C.K. Bore, Hon. (Ms.) Jane Chebaibai, Hon. (Ms.) Joyce Korir, Hon. Fred Kapondi, Hon. (Ms.) Charity Chepkwony, Hon. Samuel Moroto, Hon. Aden Duale, Hon. James Lomenen, Hon. (Ms.) Joyce Emanikor, Hon. Rigathi Gachagua, Hon. Kinuthia Gachobe, Hon. David Gikaria, Hon. (Ms.) Faith Gitau, Hon. Gichimu Githinji, Hon. George Kariuki, Hon. (Ms.) Anab Gure, Hon. (Ms.) Rehema Hassan, Hon. Hassan Hulufu, Hon. Kimani Ichung'wah, Hon. Kubai Iringo, Hon. (Ms.) Rehema Jaldesa, Hon. Wainaina Jungle, Hon. Josphat Kabeabea, Hon. Charles Kamuren, Hon. Joshua Kandie, Hon. (Ms.) Aisha Jumwa, Hon. Alfred Keter, Hon. Gideon Keter, Hon. (Ms.) Jayne Kihara, Hon. Julius Melly, Hon. William Cheptumo, Hon. Joseph Kipkosgei, Hon. Kipyegon Ngeno, Hon. Moses Kirima, Hon. William Kisang, Hon. Marwa Kitayama, Hon. Nelson Koech, Hon. Wilson Kogo, Hon. (Ms.) Beatrice Kones, Hon. Nixon Korir, Hon. Hilary Kosgei, Hon. Caleb Kositany, Hon. Gideon Koske, Hon. Dominic Koskei, Hon. Leonard Yegon, Hon. Moses Lessonet, Hon. Joseph Limo, Hon. (Ms.) Liza Chelule, Hon. Peter Lochakapong, Hon. Mark Lomunokol, Hon. Mwambu Mabongah, Hon. Sylvanus Maritim, Hon. Nimrod Mbai, Hon. (Ms.) Cecily Mbarire, Hon. Kareke Mbiuki, Hon. Vincent Kemosi, Hon. Ahmed Kolosh, Hon. Lokiru Ali, Hon. Shadrack Mose, Hon. Michael Muchira, Hon. (Ms.) Halima Mucheke, Hon. Gabriel Kago, Hon. (Dr.) Victor Munyaka, Hon. James Murgor, Hon. George Gitonga, Hon. Kathuri Murungi, Hon. Vincent Musau, Hon. Japheth Mutai, Hon. Didmus Barasa, Hon. John Mutunga, Hon. Geoffrey Muturi, Hon. Benjamin Mwangi, Hon. Khatib Mwashetani, Hon. John Paul Mwirigi, Hon. Lodepe Nakara, Hon. Christopher Nakuleu, Hon. Daniel Nanok, Hon. George Koimburi, Hon. Ngunjiri Wambugu, Hon. Charles Njagagua, Hon. Eric Njiru, Hon. Patrick Ntwiga, Hon. (Ms.) Beatrice Nyaga, Hon. John Nyaga, Hon. Joash Nyamoko, Hon. David ole Sankok, Hon. Ndindi Nyoro, Hon. Korei ole Lemein, Hon. Katoo ole Metito, Hon. Silvanus Onyiego, Hon. (Dr.) Robert Pukose, Hon. Feisal Bader, Hon. Ali Rasso, Hon. Mugambi Rindikiri, Hon. Mathias Robi, Hon. Daniel Rono, Hon. Cornelly Serem, Hon. (Ms.) Gladys Boss Shollei, Hon. (Dr.) Eseli Simiyu, Hon. Majimbo Kalasinga, Hon. (Ms.) Janet Sitienei, Hon. Wilson Sossion, Hon. Oscar Sudi, Hon. George Sunkuyia, Hon. Benjamin Tayari, Hon. George Theuri, Hon. Zachary Thuku, Hon. (Ms.) Peris Tobiko, Hon. (Ms.) Lilian Tomitom, Hon. Ronald Tonui, Hon. Gabriel Tongoyo, Hon. Daniel Tuitoek, Hon. (Dr.) Tecla Tum, Hon. Vincent Tuwei, Hon. (Ms.) Rahab Mukami, Hon. (Ms.) Alice Wahome, Hon. James Wamacukuru, Hon. (Ms.) Gathoni Wamuc`qhomba, Hon. Wanjiku John Njuguna, Hon. (Ms.) Janet Nangabo, Hon. (Ms.) Catherine Waruguru, Hon. Benjamin Washiali, Hon. John Kiarie.

NOES: Hon. Paul Abuor, Hon. (Ms.) Beatrice Adagala, Hon. (Ms.) Fatuma Gedi, Hon. Rashid Kassim, Hon. (Dr.) Otiende Amollo, Hon. Ayub Angatia, Hon. Jimmy Angwenyi, Hon. Marselino Arbelle, Hon. Samuel Atandi, Hon. Babu Owino, Hon. Bady Twalib, Hon. Sakwa Bunyasi, Hon. (Ms.) Rozaah Buyu, Hon. (Ms.) Sabina Chege, Hon. (Ms.) Gladwell Cheruiyot, Hon. Mohamed Duale, Hon. (Ms.) Mercy Wanjiku, Hon. Chachu Ganya, Hon. Mohamed Hire,

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Hon. (Ms.) Dennitah Ghati, Hon. (Dr.) Lilian Gogo, Hon. Ali Guyo, Hon. Kulow Maalim, Hon. (Ms.) Zuleikha Hassan, Hon. T. J. Kajwang', Hon. Peter Kaluma, Hon. Maina Kamanda, Hon. (Ms.) Joyce Kamene, Hon. Kassait Kamket, Hon. Memusi ole Kanchory, Hon. (Dr.) Irene Kasalu, Hon. Paul Katana, Hon. Adan Keynan, Hon. Anthony Kiai, Hon. (Ms.) Wanjiku Kibeh, Hon. Clement Kigano, Hon. Peter Kimaru, Hon. Charles Kilonzo, Hon. Joshua Kivinda, Hon. Amos Kimunya, Hon. King'ara Simon, Hon. Patrick Makau, Hon. Jeremiah Kioni, Hon. Ken Chonga, Hon. Jackson Lekumontare, Hon. (Ms.) Maison Leshoomo, Hon. (Ms.) Naisula Lesuuda, Hon. Jeremiah Lomorukai, Hon. Caleb Luyai, Hon. Justus Kizito, Hon. Daniel Maanzo, Hon. Joseph Manje, Hon. Maoka Maore, Hon. Peter Masara, Hon. Julius Mawathe, Hon. (Ms.) Mishi Mboko, Hon. Robert Mbui, Hon. Mohamed Abdikhaim, Hon. (Ms.) Asha Hussein, Hon. (Ms.) Jerusha Momanyi, Hon. Gichuki Mugambi, Hon. (Ms.) Elsie Muhanda, Hon. Stephen Mule, Hon. Gideon Mulyungi, Hon. Stanley Muthama, Hon. (Ms.) Florence Mutua, Hon. Andrew Mwadime, Hon. Joshua Mwalyo, Hon. Teddy Mwambire, Hon. William Mwamkale, Hon. Jonah Mwangi, Hon. (Ms.) Wangari Mwaniki, Hon. (Ms.) Gertrude Mwanyanje, Hon. Peter Mwathi, Hon. Oscar Nabulindo, Hon. Johnson Naicca, Hon. Abdullswamad Nassir, Hon. Isaac Ndirangu, Hon. Joseph Nduati, Hon. Charles Nguna, Hon. (Ms.) Jane Njiru, Hon. Jude Njomo, Hon. (Ms.) Mary Njoroge, Hon. (Ms.) Sophia Noor, Hon. Junet Nuh, Hon. (Ms.) Rachael Nyamai, Hon. Mark Nyamita, Hon. (Ms.) Edith Nyenze, Hon. (Dr.) James Nyikal, Hon. Thuddeus Nzambia, Hon. Paul Nzengu, Hon. Erastus Nzioka, Hon. (Ms.) Eve Obara, Hon. (Ms.) Ruweida Obo, Hon. David Ochieng', Hon. (Ms.) Pamela Ochieng, Hon. Geoffrey Odanga, Hon. Tom Odege, Hon. Elisha Odhiambo, Hon. (Ms.) Odhiambo-Mabona, Hon. (Prof.) Jacqueline Oduol, Hon. (Prof.) Zadoc Ogutu, Hon. Jared Okelo, Hon. Benard Okoth, Hon. Adipo Okuome, Hon. Anthony Oluoch, Hon. Ezekiel Ombaki, Hon. Geoffrey Omuse, Hon. George Aladwa, Hon. (Ms.) Janet Ong'era, Hon. Richard Onyonka, Hon. Godfrey Osotsi, Hon. Fred Ouda, Hon. (Dr.) Wilberforce Oundo, Hon. John Owino, Hon. Martin Owino, Hon. Onyango Oyoo, Hon. Joseph Oyula, Hon. (Ms.) Esther Passaris, Hon. David Pkosing, Hon. Joshua Kutuny, Hon. Sammy Seroney, Hon. (Dr.) Naomi Shaban, Hon. (Ms.) Shamalla Jennifer, Hon. Omar Mwinyi, Hon. Benard Shinali, Hon. Abdi Shurie, Hon. (Dr.) Eseli Simiyu, Hon. Kassim Tandaza, Hon. Abdi Tepo, Hon. Silas Tiren, Hon. Richard Tong'i, Hon. Josphat Kabinga, Hon. (Dr.) Chris Wamalwa, Hon. Munene Wambugu, Hon. Ngunjiri Wambugu, Hon. Wafula Wamunyinyi, Hon. Opiyo Wandayi, Hon. (Ms.) Gladys Wang, Hon. Christopher Wangaya, Hon. Emmanuel Wangwe, Hon. Raphael Wanjala, Hon. Ferdinand Wanyonyi, Hon. Charles Ong'ondo, Hon. Yussuf Adan.

(The Division Bell was rung)

Hon. Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Hon. Members! The time for the Division Bell is up. Please, settle down.

(Loud consultations)

Order, Hon. Members! Settle down. You can now close the doors and draw the Bars. Hon. Sankok, what is out of order? Hon. Members, settle down. Hon. Members, please, take your seats. Yes, Hon. Sankok.

Hon. David ole Sankok (Nominated, ODM): Thank you very much, Hon. Temporary Deputy Chairlady. This is a Special Sitting which was gazetted for 29th December 2021. You cannot spill it over to 30th because anything that will be transacted beyond midnight will be on 30th

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and it will be illegal, unconstitutional and null and void. So, Hon. Temporary Deputy Chairlady, I ask you to use your discretion...

Hon. Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Hon. Sankok! Order, Hon. Members! Hon. Members, please take your seats. Hon. Members, we are guided by the rules about timings on the hours of meeting of the House. With regard to the point raised by Hon. Sankok, we are in the middle of a Division. Whether it is at the beginning, at the end or in the middle, we are in the process of a Division. We shall be guided by Standing Order No.30(5). This is what it says:

“If at the time appointed for the interruption of business, a Division is in progress or a Question is being put from the Chair and a Division results immediately thereon, such interruption shall be deferred, until after the declaration of the numbers and the results of the Division”.

In light of this, I wish to guide Members that we have started the Division process. I urge you to concentrate on the voting because we are in the process of a Division, so that we can finish and go home. We will conclude after I deliver the results of the Division. Clerks, let us go on. Tellers, come forward.

Hon. A. B. Duale (Garissa Township, JP): On a point of order. Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): As the Tellers come up, what is out of order, Hon. Duale?

Hon. A.B. Duale (Garissa Township, JP): Hon. Temporary Deputy Chair, I am still guided by your ruling and I want to confirm that we are ready to sit until 2.00 a.m. In your ruling, however, I want you to make it clear whether Standing Order No.30 applies to a Special Sitting and not an ordinary sitting of the House. If you look at the Gazette Notice, this Special sitting has been gazetted for one day, the day ends at midnight. We have a serious legal and legislative team and I think this is one of the things that we may need to look at when we are amending the Standing Orders. This being a gazetted Special Sitting, I want you to take some time. I want to say it at the outset that we are ready. We have just had a meal. I want you to check whether Standing Order No.30...

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I have heard you, Hon. Duale, and as we take time to prepare a guidance for the House, we are still within the timing of the Special Sitting and we need to continue. Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Chair, I have listened very carefully to Hon. Duale. You know Hon. Duale is a former Leader of the Majority Party. He has done the business we are doing for quite a long period of time. Today, he is on the wrong side of history. The Standing Order No.30 covers both ordinary sittings and special sittings. There are no Standing Orders for special sittings and different ones for ordinary sittings. Standing Orders cater for all sittings of the House. We are ready to stay here until tomorrow morning. We are prepared. Those people who have been asking for Division, let them stay here with us until tomorrow morning. We are not leaving. We are not going. We have nowhere to go.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Junet, we have heard you. Hon. Members, in response to the point raised by Hon. Duale, whether it is a Special Sitting or an ordinary Sitting of the House, the Standing Orders refer to a process of Division which has already began. So, whether it is a Special Sitting or an ordinary Sitting, we are within the confines of Standing Order No. 35.

Tellers, please come forward and let us begin the voting process. Where are the tellers? Where is the second teller for this side?

Hon. Members, please be keen to listen out for your names so that you are not skipped.

(Voting in progress)

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order Members. Hon. Members, kindly, let us conclude the business in front of us. Hon. Teddy, go ahead.

(Voting resumed)

A Hon. Member: It is Hon. Ali Sharif not Teddy.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Teddy, go on.

(Voting resumed)

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Members. Hon. Members, I think it is in the interest of everybody that we dispense with the business before us and conclude. It should be in the interest of everyone to conclude the business before us and go home. Please, let us confine ourselves to voting. Let us continue. Go on. Call the next Member.

(Voting in progress)

(Loud consultations)

(Several Members walked out of the Chamber)

Order Members! Order Members! We are in the process of voting.

(Loud consultations)

Close the doors and draw the Bars.

(Bars to the Chamber were drawn and doors closed)

Let us pick up from where we left.

(Loud consultations)

Let us go on. Order Members! Let us continue with the voting. Serjeant-At-Arms, close the doors.

(Voting in progress)

Hon. (Ms.) Jane Chebaibai (Elgeyo/Marakwet CWR, JP): Tuwache kupeana *speeches* sasa.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Chebaibai.

(Several Members stood up in their places)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Members, you are not allowed to walk out. Please take your seats. Go on Hon. Chebaibai. Take your vote.

Hon. (Ms.) Jane Chebaibai (Elgeyo/Marakwet (CWR), JP): Mhe. Naibu Spika wa Muda, ni siku ambayo nina huzuni. Kenya tulitawaliwa kitambo lakini sasa naona leo kwamba tunatatizo kubwa. Waheshimiwa wenzetu wanaita wenzao wauaji. Hiyo ni makosa na si vizuri. Kitu ambacho kinahuzunisha...

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Piga kura, Mhe. Chebaibai.

Hon. (Ms.) Jane Chebaibai (Elgeyo/Marakwet CWR, JP): Hakuna siku viongozi wa taifa letu la Kenya wamechukua nafasi ya kutuita kwa mkutano wa dharura, ili tuzungumzie mambo ambayo yanayotuhusu na wale watu ambao wamenyanyaswa. Kila mara, tunauliza maswali na tunatengeneza sheria ambayo inaumiza watu wa Elgeyo/Marakwet.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Please take your vote.

Hon. (Ms.) Jane Chebaibai (Elgeyo/Marakwet (CWR), JP): Watu wameuawa na wenzao, lakini hakuna mtu amechukua maanani kabisa. Leo tumekuja kuketi hapa ili watu watutukane. Tumekuja kuketi hapa tuzungumzie mambo ambayo inadhulumu taifa la *hustlers*. Tumenyanyaswa kwa muda mrefu katika taifa la Kenya. Watu wa Elgeyo/Marakwet na Kerio Valley wamekufa. Tumezungumzia jambo hilo hapa, lakini hakuna mtu anatia maanani. Naona tunapoteza wakati leo.

(Voting in progress)

Hon. Moses Kirima (Central Imenti, JP): Hon. Temporary Deputy Chairlady, as I vote, I have been in this House since morning. I cut short my leave to come to vote for this important Bill. Only to say that today, as it has been said by many others, is a sad day for none of us has behaved the way we are supposed to behave as Members of Parliament. Somebody may make noise but that cannot intimidate me. I have been in such a forum before and making noise does not prevent me from addressing you. We have really polarized this country and the common man in the village is running from us. Have we shown the best example to the people whom we represent when we come to fight on the Floor of the House? I am calling upon the leaders of this country to show us the way forward. It is only a few months to the elections. If we go on with this trend, sincerely, the whole country is going to regret at the end of the day. Even though nobody wants to listen to me, I stand alone to be quoted at the end of the day that something went wrong at a particular day. We need to be directed by the leaders ahead of us. Why are we heading Kenya to?

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Kirima, please register your vote.

Hon. Moses Kirima (Central Imenti, JP): As Hon. Mary, Hon. Rose and many others shout at me, there is nothing to fear of what I am saying and what I am telling Kenyans.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Please vote.

Hon. Moses Kirima (Central Imenti, JP): My vote is no. Nothing changes.

(Voting in progress)

Hon. Ken Chonga (Kilifi South, ODM): Mhe. Naibu Mwenyekiti wa Muda, naomba uniruhusu dakika moja. Naibu Mwenyekiti wa Muda aliyekuwa amekaa pale mbeleni alikuwa amehimiza ya kwamba mtu apige tu kura bila kuzungumza lolote. Wewe ukaanza kuwakubali na kuwasikiza *wakidebate*. Hiyo ndiyo imechangia fujo ambayo inaonekana hapa.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Chonga, you are out of order.

Hon. Ken Chonga (Kilifi South, ODM): Wale wako hapa wameona. Sisi tutasimama na ukweli. Napiga kura yangu nikisema *yes* lakini hilo litabaki kwa historia.

Asante, Mhe. Naibu Mwenyekiti wa Muda.

(Voting in progress)

Order, Hon. Members!

(Loud consultations)

(Hon. John Kiarie consulted loudly)

Order, Hon. Kiarie. Hon. Members, we are proceeding so well.

Hon. John Paul Mwirigi (Igembe South, Independent): Hon. Temporary Deputy Chairlady, I want to beg for your protection.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Hon. Mwirigi! Just address the Chair.

(Loud consultations)

Hon. John Paul Mwirigi (Igembe South, Independent): You were not there when the President gave me the vehicle. I was not voted in by any political party. I was voted for as an Independent Candidate. You should be ashamed of yourself. I vote NO.

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Hon. Members! We are going to designate two microphones on this side and two ordinary mics on this other side so as to save on time. You can also designate two at the front.

Hon. Abdullswamad Nassir (Mvita, ODM): Mimi, Abdullswamad Sherrif, ningependa kuwaambia wenzangu kuwa ngoma ya watoto haikeshi. Njoooni hapa tuwafundishe jinsi siasa inavyofanywa kama tutakavyowafundisha Agosti, 2022. Mtajua *Opposition* ni nini. Napiga kura ya ndio.

(Voting in progress)

Hon. (Ms.) Sophia Noor (Ijara, PDR): Hon. Temporary Deputy Chairlady, my name is Sofia Abdi Noor. I just want to say one word. Just as I said earlier on, there are people who went

to school but are not educated. This is a House of respect and we must respect each other. I vote yes.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Chairlady, first of all, before I vote, I want to take this opportunity to thank Members who have today stood with the people of this country. These are Members who have decided that this country is governed in a better manner come 2022. This is by ensuring that we have laws that are going to enhance good governance.

Hon. Temporary Deputy Chairlady, secondly, in the interest of the public, I want to inform Kenyans that we have today in this Parliament voted on Clauses 3, 4, 5, 6 and 7 of the Political Parties (Amendment) Bill, 2021. I want to tell them that two votings happened and *Tangatanga* got only one in the morning when our Members had not arrived. We have defeated them in all the other nine. *Sisi ndio tumeshinda zote tisa*. Now we are ready to come back another day. We will make sure this Bill is passed to the end, God willing.

Lastly, I want to tell Members that we must respect ourselves as a House. Members came here today to filibuster and waste our time until 1.00 a.m. in the morning by asking for Division on every clause. Even on a global question, they were saying that we must go for Division. It was very clear these were people who were sent to create chaos and anarchy. These were people who were sent to cause problems to this country. Now we know the people who believe in peace in this country; and we know the people who thrive on anarchy. When they realise that they have lost it, they all walked away. I know how the Opposition is. I have played Opposition politics. What happened today is very clear who is going to be in the Opposition in 2022. It is very clear today.

(Hon. (Ms.) Jayne Kihara spoke off the record)

Madam Jayne Kihara, just give me time. You keep quiet when you lose. You do not harass people.

Lastly, I want to vote “Yes” because I believe what is going to happen in this country is good for all of us.

(Voting in progress)

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Thank you. After being in this House for two terms, I can tell signs of a team that is headed to the Opposition. Our colleagues who just walked out of this august House are headed to the Opposition. I vote “Yes”.

Hon. Mark Nyamita (Uriri, ODM): I just wanted to inform my colleagues that the guys have not gone. They are out here. There is a van from Weston. They are eating. You know that hotel called Weston that is on grabbed land. They are out here eating. It is very clear today. In my village they would say the earth has taken its chest. *Piny osekau kore*. I vote “Yes”.

(Voting in progress)

Hon. (Dr.) James Nyikal (Seme, ODM): Today I have learned something; that, although politics is believed to be a game of perception, propaganda can never beat the truth. Therefore, I vote “Yes” because that is where the truth is.

(Voting in progress)

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): *Hasira ya mkizi, tijara kwa mvuvi.* I vote “Yes”.

(Voting in progress)

(Hon. Joshua Kutuny stood up in his place)

Hon. Kutuny you have voted. You cannot take the microphone twice. Hon. Nancy, please, take your vote.

(Voting in progress)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Millie, have you voted?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Yes.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): You want to change it to a no?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): I want to change it to yes-yes.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I now order the Tellers to do the tallying.

(Tallying in progress)

Order Members. The Tellers can now prepare to present the Report.

Teller: Hon. Temporary Deputy Chairlady the results of the Division that Clause 7 be part of the Bill are as follows:

Noes: 15

Ayes: 142

Abstention: None

(Applause)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order Members. I go on to confirm the voting on Division that Clause 7 be part of the Bill:

AYES: 142

NOES: 15

ABSTENTION: None

(Question carried by 142 to 15)

AYES: Hon. Paul Abuor; Hon. Beatrice Adagala; Hon. (Ms.) Fatuma Gedi; Hon. Rashid Kassim; Hon. (Dr.) Otiende Amollo; Hon. Ayub Angatia; Hon. Marselino Arbelle; Hon. Samuel Atandi; Hon. Babu Owino; Hon. Bady Twalib; Hon. Sakwa Bunyasi; Hon. (Ms.) Rozaah Buyu; Hon. (Ms.) Sabina Chege; Hon. (Ms.) Gladwell Cheruiyot; Hon. Mohamed Duale; Hon. Ahmed Gaal; Hon. (Ms.) Mercy Wanjiku; Hon. Chachu Ganya; Hon. Mohamed Hire; Hon. (Ms.) Dennitah Ghati; Hon. (Ms.) Lilian Gogo; Hon. Ali Guyo; Hon. Kulow Maalim; Hon. T.J. Kajwang; Hon. Peter Kaluma; Hon. Maina Kamanda; Hon. (Ms.) Joyce Kamene; Hon. Kassait Kamket; Hon.

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Kanchory Memusi; Hon. Paul Katana; Hon. Oku Kaunya; Hon. Kanini Kega; Hon. Anthony Kiai; Hon. (Ms.) Wanjiku Kibeh; Hon. Clement Muturi; Hon. Peter Kimaru; Hon. Charles Kilonzo; Hon. Joshua Kivinda; Hon. Amos Kimunya; Hon. Simon King'ara; Hon. Patrick Makau; Hon. Jeremiah Kionihonga; Hon. Jackson Lekumontare; Hon. (Ms.) Maison Leshoomo; Hon. (Ms.) Lesuuda; Hon. Jeremiah Lomorukai. Hon. Caleb Luyai Hon. Justus Kizito; Hon. Daniel Maanzo; Hon. Joseph Manje Hon. Maoka Maore; Hon. Peter Masara; 4. Hon. Julius Mawathe; Hon. (Ms.) Mishi Mboko; Hon. Robert Mbui; Hon. Mohamed Abdikhaim; Hon. (Ms.) Asha Hussein; Hon. (Ms.) Jerusha Momanyi; Hon. Gichuki Mugambi; 1. Hon. (Ms.) Elsie Muhanda; Hon. Stephen Mule; Hon. Gideon Mulyungi; Hon. Stanley Muthama; Hon. (Ms.) Florence Mutua; Hon. Andrew Mwadime; Hon. Danson Mwashako Hon. Joshua Mwalyo; Hon. Teddy Mwambire; Hon. Jonah Mwangi; Hon. William Mwamkale; Hon. (Ms.) Wangari Mwaniki; Hon. (Ms.) Gertrude Mwanyanj; Hon. Peter Mwathi; Hon. Oscar Nabulindo; Hon. Johnson Naica; Hon. Abdullswamad Nassir; Hon. Isaac Ndirangu; Hon. Joseph Nduati; Hon. (Ms.) Jane Njiru; Hon.. Jude Njomo; Hon. Sophia Noor; Hon. Junet Nuh; Hon. (Ms.) Rachael Nyamai; Hon. Mark Nyamita; Hon. (Ms.) Edith Nyenze; Hon. (Dr.) James Nyikal; Hon. Thuddeus Nzambia; Hon. Paul Nzengu; Hon. Erastus Nzioka; Hon. (Ms.) Eve Obara; Hon. (Ms.) Ruweida Obo; Hon. (Ms.) Pamela Ocheing'; Hon. Geoffrey Odanga; Hon. Tom Odege; Hon. Elisha Odhiambo; Hon. (Ms.) Odhiambo-Mabona; Hon. (Prof.) Jacqueline Aduol; Hon. (Ms.) Christine Ombaka; Hon. Zadoc Ogutu; Hon. Benard Okoth; Hon. Okuome Adipo; Hon. Anthony Oluoch; Hon. Ezekiel Machogu; Hon. Omuse Geoffrey; Hon. George Aladwa; Hon. Janet Ongera; Hon. Richard Onyonka; Hon. Godfrey Osotsi; Hon. Fred Ouda; Hon. (Dr.) Wilberforce Oundo; Hon. John Owino; Hon. Martin Owino; Hon. Aduma Owuor; Hon. Onyango; Oyoo Hon. Joseph Oyula; Hon. (Ms.) Esther Passaris; Hon. David Pkosing; Hon. Joshua Kutuny; Hon. Sammy Seroney; Hon. (Dr.) Naomi Shaban; Hon. (Ms.) Shamalla Jennifer; Hon. Omar Mwinyi; Hon. Benard Shinali; Hon. (Dr.) Eseli Simiyu; Hon. Kassim Tandaza; Hon. Abdi Tepo; Hon. Zachary Thuku; Hon. silas Tiren; Hon. Richard Tongi; Hon. Josphat Kabinga; Hon. Munene Wambugu; Hon. Wambugu Ngunjiri; Hon. Wafula Wamunyinyi; Hon. Opiyo Wandayi; Hon. (Ms.) Gladys Wanga; Hon. Christopher Wangaya; Hon Emmanuel Wangwe; Raphael Wanjala; Hon. Fedinard Wanyonyi; Hon. Charles Ong'ondo; and, Hon. Yussuf Adan.

NOES: Hon. Ali Sharif; Hon. Lamanken Aramat; Hon. Owen Bay; Hon. Kangogo Bowen; Hon. (Ms.) Jane Chebaibai; Hon. Wainaina Jungle; Hon. Charles Kamuren; Hon. (Ms.) Jayne Kihara; Hon. William Cheptumo; Hon. Moses Kirima; Hon. John Paul Mwirigi; Hon. David ole Sankok; Hon. Mugambi Rindikiri; Hon. (Ms.) Catherine Waruguru; and, Hon. John Kiarie.

ABSTENTION: None.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Serjeant-at-Arms, you can now open the doors and un-draw the Bars.

Hon. Members, having completed the process of voting, we now need to Report back to the House. I now call upon the Mover to move reporting.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move that the Committee does report to the House its consideration of the Political Parties (Amendment) Bill (National Assembly Bill No.56 of 2021) up to Clause 7 and its approval thereof with amendments and seek leave to sit again.

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(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya) in the Chair]

REPORT

THE POLITICAL PARTIES (AMENDMENT) BILL

Hon. T. J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House...

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Kajwang', I have not called you. Now you can proceed to report to the House as the Chair.

Hon. T. J. Kajwang' (Ruaraka, ODM): Most obliged. Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021) up to clause 7 and approved the same with amendments, and seeks leave to sit again.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Mover, move the agreement to the Report.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the House does agree with the Committee in the said Report. Before I call the Secunder for this Motion, I want to thank Members for coming today and having persevered perhaps the longest and the most well attended Committee in the history of this Parliament.

(Applause)

This is just to reassure ourselves that what we are doing is for posterity and in good faith, as we legislate for Kenya.

I also take this opportunity to report to this House that I have already signed a request to Hon. Speaker for Special Sittings on the 5th, 6th and 7th next week. This so that we can continue transacting this business until we finish the process. I do hope that next week the gadgets will have been reconfigured so that we can have electronic voting which will make it even faster.

Therefore, I encourage Members to keep up the resilience and the spirit. At the end of it all, what we are doing is for a better political party governance in this country as we deepen and widen our democracy for purposes of posterity and for this beloved Republic, we call Kenya.

Hon. Temporary Deputy Speaker, I beg to move and request Hon. Junet Mohamed, the Minority Whip, to second the Motion for agreement with the Report of the Committee of the Whole House.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, I want to go on record that there are Members who asked for Division and when we got into the process of voting, they went and blocked the Main Parliament gate and went away. That must remain in the history and in the records of this Parliament. With that, I second.

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The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Order, Hon. Members.

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Order, Members. Be on your feet.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, the time being 1.45 a.m., this House stands adjourned until Tuesday, 25th January 2022, at 2.30 p.m.

The House rose at 1.45 a.m.