



THIRD ASSEMBLY – (FOURTH SESSION)

VOTES AND PROCEEDINGS

WEDNESDAY 16TH APRIL, 2025 AT 2.30 P.M.

1. The House convened at Thirty Minutes past Two O'clock.
2. Proceedings were opened with a word of prayer.
3. **PRESIDING**- Honourable Speaker on the Chair.
4. **COMMUNICATION FROM THE CHAIR**

The Honourable Speaker made the following Communications;

**COMMUNICATION FROM THE CHAIR AS RELATES TO THE
NOTIFICATION OF CHANGES IN MAJORITY PARTY
LEADERSHIP.**

Honourable Members,

I wish to bring to your attention a matter of significant procedural and legal concern regarding the notification of changes in the Majority Party Leadership as received from Hon. Daniel Ngoima Kimanzi on 7th July, 2025.

Honourable Members,

The said letter from the Honourable Member sought to notify the Office of the Speaker of changes in the leadership of the Majority Party – Wiper Democratic Movement - Kenya, including the positions of Leader of the Majority Party, Deputy Leader of the

(061)

(285)

Majority Party, Majority Party Whip and Deputy Majority Party Whip as below;

- i. That Hon. Munyoki Mwinzi had been elected as the Leader of the Majority Party,
- ii. That Hon. Daniel Ngoima Kimanzi had been elected as the Majority Party Whip, and
- iii. That Hon. Cyrus Kisavi Musyoka had been elected as the Deputy Majority Party Whip.

The communication was accompanied by minutes of the purported meeting convened to effect these changes.

Upon receipt of this communication, my Office directed the Office of the Clerk to seek a legal opinion on the matter. This was duly undertaken and the opinion received on 10th July, 2025.

Honourable Members,

The legal opinion sought to address the validity of the notification issued by Hon. Daniel Ngoima Kimanzi on change of the Majority party leadership by addressing the following issues for determination;

- i. Whether the notification issued was proper and procedurally compliant.
- ii. The legal effect of the said notification.
- iii. The legal implications of the Wiper Democratic Movement's leadership elections conducted on 4th July, 2025 in light of court orders issued by the High Court of Kenya at Kitui.

To this end, I wish to inform this House of the following key findings from the legal opinion/analysis:

(061)

(286)

a. On the procedural validity of the notification

Hon. Daniel Ngoima Kimanzi, as the purportedly elected Majority Whip, issued the notification to the Office of the Speaker pursuant to Standing Order No. 15(9) of the Kitui County Assembly, which provides;

“The whip of the largest party or coalition of parties in the County Assembly shall forthwith, upon a decision being made under this standing Order, communicate to the Speaker in writing, the decision together with the minutes of the meeting at which the decision was made”

It is a well-established parliamentary practice that any change in leadership of the Majority Party only takes effect upon formal communication by the Speaker of the House. At the time of issuing the notification, Hon. Daniel Ngoima Kimanzi, had not been formally recognized as the Majority Party Whip. Additionally, both the Majority Party Whip and the Deputy Majority Party Whip had been removed without their replacements being duly recognized in the House, thereby creating a procedural vacuum. In the absence of a formally recognized Whip or Deputy Whip, the notification was procedurally defective and inconsistent with the Standing Orders.

b. Legal effect of the notification

Honourable Members, as the notification was issued by a person not formally recognized as the Majority Party Whip in the Assembly, it lacks legal standing. In accordance with Standing Order No. 15(9), only a duly recognized Whip may communicate

(061)

(287)

such changes. Therefore, the Speaker is under no lawful obligation to act on this communication.

c. Legal implications of the High Court stay orders:

Honourable Members, the High Court of Kenya sitting in Kitui issued stay orders suspending the implementation of part (b) of the judgment by the Political Parties Disputes Tribunal (PPDT), which had directed fresh elections within the Wiper Democratic Movement within thirty (30) days. These court orders remain in force and are binding on all parties, including this Assembly. As such, any attempt to effect leadership changes at this juncture would contravene lawful judicial orders.

Honourable Members,

In the view of the above, I wish to communicate and guide as follows:

1. That the notification dated 7th July, 2025 is both procedurally and legally defective;
2. That the County Assembly shall not recognize any purported changes in the Majority Party Leadership based on the said notification; and
3. That the current leadership structure of the Majority Party remains valid where;
 - Hon. Harrison Maluki Mawia is the Leader of the Majority Party,
 - Hon. Boniface Mukwate Katula is the Whip of the Majority Party, and

(061)

(288)

- Hon. Godfrey Muthengi Ndagara is the Deputy Whip of the Majority Party.

These office bearers shall continue to discharge their functions until such a time the stay orders are lifted or a final determination is made by the court.

Honourable Members,

I urge all of us to uphold the rule of law, protect the dignity of this House and allow the judicial process to take its full course.

I thank you.

5. STATEMENTS

The following statements were given pursuant to standing order No. 41(1) and 41(2) (c);

- i. Schedule of plenary business and committee sittings for the week ending on 25th July, 2025. *(Designated Member of the County Assembly Business Committee)*
- ii. Response to Statement request made by Honourable Cyrus Musyoka Kisavi on recent lay-off of some community health promoters in Ikanga/Kyatune ward. *(Chairperson, Committee on Labour and Social Welfare)*

6. MOTION ON THE GOVERNOR'S ON THE STATE OF THE COUNTY.

(Leader of the Majority Party)

THAT, pursuant to the provisions of the Kitui County Assembly Standing Order No. 20 (5), the thanks of the County Assembly be

(061)

(289)

recorded for the exposition of public policy contained in the Address of the Governor.

(Hon. Harrison Maluki Mawia – M.C.A.)

(Motion deferred with the leave of the Honourable Speaker to Tuesday 22nd July, 2025 during the 9:00 A.M. sitting)

7. ADJOURNMENT- and the time being thirteen minutes to Three O'clock, the Honourable Speaker adjourned the House.

8. ASSEMBLY ROSE – at Thirteen minutes to Three O'clock.

M E M O R A N D U M

*The Honourable Speaker will take the chair on
Tuesday, 22nd July, 2025, at 9:00 A.M.*

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