



CHAIRMAN’S KEYNOTE ADDRESS DURING THE NATIONAL ELECTION CONFERENCE 2022, HELD ON THE 11TH AND 12TH JULY 2022 AT THE KENYATTA NATIONAL CONFERENCE CENTRE NAIROBI.

Lady Justice Njoki Ndungu representing the Hon Chief Justice and President of SCOK.

Presidential Candidates for the 2022 General Election

Chairpersons and Members of Constitutional Commissions and Independent Offices (CCIOs)

Led by Chairperson Gershom Otachi

Members of Election Management Bodies: Ms Janet Love- South Africa, Dr. Bossman Asare-Ghana, Amb. Ndiyoi Muliwana Mutiti-Zambia and Ms Rindai Chipfunde-Vava ~National Director Zimbabwe Electoral support network.

Resident Coordinator and Resident Rep - UNDP Kenya

High Commissioners and Ambassadors

Our Development Partners

Stakeholders from 47 Counties (including one woman, one youth one PWD)

Commissioners and staff of IEBC

Distinguished Guests

Ladies and Gentlemen

1. I am delighted to welcome you to this is important conference whose theme, “***Moving Kenya Towards a Stronger Democracy***” affords us an opportunity to both reflect on Kenya’s democratic journey, and, also, identify key markers for her present and future electoral process. Elections, being the hemoglobin of democratic systems, are vital in ensuring the emergence and survival of a heathy and vibrant democratic society and politic. We must acknowledge that democracy is the best system of Government so far invented by man and which we must strive to protect, uphold and render to the people of Kenya.
2. Kenya is a growing democracy whose journey must be celebrated. Fifty-nine (59) years after independence, Kenya is poised to hold its 12th General Election. Thirty years (30) after the reintroduction of multiparty politics in 1992, the country is poised to hold its seventh General Election. The nation is on the cusp of a third democratic and peaceful transition of power through elections to her fifth President. This is a remarkable achievement, especially in a continent scarred by civil strife that at times characterize political transitions.

3. It is scarcely noticed but Kenya's electoral culture is so strong in view of the fact that we hold regular and periodic elections. It is an electoral culture we need to celebrate and built on its foundation stone for a more perfect and enduring legacy of democracy not just for us but the future Generation as well. Our task as a nation defeats the tendencies that continue to hinder the emergence of a substantive electoral culture that would fully satisfy the test of a mature democracy.
4. Election management is a central element in sustainability of elections. It is the avenue through which the people of Kenya exercise their political rights and activate their Sovereign Power as enshrined in the Constitution. It is therefore imperative that our elections must adhere to the general principles of the of our electoral system as encapsulated in Article 81 of the Constitution of Kenya. These are:
 - (a) Freedom of citizens to exercise their political rights.
 - (b) Not more than two-thirds of members of elective public bodies shall be of the same gender.
 - (c) Fair representation of persons with disability.
 - (d) Universal suffrage based on the aspirations for fair representation and equality of vote
 - (e) Free and fair elections, which are by secret ballot; free from violence, intimidation, improper influence or corruption; conducted by an independent body; transparent; and administered in an impartial, neutral, efficient, accurate and accountable manner.
5. These are the yardsticks we must use in assessing our Democracy and working towards making it stronger. On its part, the Commission is alive to the road travelled in the journey towards a strong Election Management Body. From being a department managed by a Supervisor of Election in the Attorney General's Chambers to being an Independent Commission established by the Supreme law of the land; the Constitution of Kenya 2010. From elections conducted through the *mlolongo* system to voting by secret ballot. From elections managed by temporal poll officials drawn from the executive to a Secretariat of full-time professional, technically competent and knowledgeable election practitioners. From a lean body of election laws to an elaborate legal framework that covers all aspects of electoral process.
6. To ensure that it discharges its constitutional mandate in line with the rule of law and protects the sovereignty of the people of Kenya, the Commission has endeavored to uphold its Independence and fidelity to the rule of law and the Constitution. It has not been an easy walk but it's a path the Commission has kept in full appreciation of the solemn oath that we took on assumption of office.

Ladies and Gentlemen:

Preparations for the 2022 General Elections.

7. Having said that, let me now turn to efforts made by the Commission in strengthening democracy through building a robust electoral process. I wish to point out that the Commission's long and tested experience in election management has created a large body of technical competence and practical knowledge that informs its preparations for the General Election. Since 2010, the Commission has conducted two (2) General Elections, one Referendum and a considerable numbers of by elections.
8. The Commission's preparations for these upcoming elections began immediately after the 2017 General Election with conduct of Post-Election Evaluation and its report launched in February 2019. The Report provided important insights into the conduct of the 2017 General Election, and in particular, what worked, what did not work and areas of improvement. Key among this were the findings of the Supreme Court ruling that nullified the Presidential election Results. The Commission established an implementation mechanism that incorporated the reasoning of the Supreme Court including Results being final at the polling station and Forms 34A being the Election Results. The Commission further consolidated the reasoning into its proposed Legal Reforms that were submitted to Parliament as part of the draft Election Amendment Bills that are yet to be enacted in Law.
9. In addition the Commission addressed systemic challenges in the Commission's systems and operations by developing or reviewing various Policy and Standard Operating Procedure (SOP) Manuals to streamline key processes. Specifically, the Commission reviewed: Supply Chain Policies and Procedures Manual; Human Resource and Administration Manual (Policies and Procedures); Finance and Accounts Policies and Procedures Manual; Internal Audit Policies and Procedures Manual; Internal Audit Charter; Audit and Risk Committee Charter; Risk Management Framework; Risk Management Policy; Compliance Management Framework and Gender and Social Inclusion Policy.

Development of Strategic Plan 2020-2024 and Election Operation Plan

10. Further, Commission developed its Strategic Plan 2020-2024, which was officially launched on 15th June 2021, to provide a roadmap for the Commission to fulfil its mandate within the set five years that the 2022 General Election falls.
11. The commission also developed the Elections Operations Plan (EOP) as the implementation tool for the Commission's Strategic Plan 2020-2024. It provides implementation schedules, activities and timelines. With 28 days left to the General Eection, I am happy to report that the Commission is fully on course in terms of implementing the EOP.
12. The Commission has continued to sensitize stakeholders, and the public at large, on election timelines contained in the EOP through press releases and stakeholder consultative forums. Where need be, the Commission has varied these timelines in consultation with stakeholders but in strict compliance with the set electoral legal timelines. A case in point was variation of

administrative timelines for submission of presidential and gubernatorial candidates and their running mates from 28th April to 16th May 2022 after consultation with Aspirants.

13. The Commission's Strategic Plan and EOP overall goal is to ensure that opportunity is afforded to all eligible citizens to exercise their right to vote and be elected

Ladies and Gentlemen:

Regulation of the Process by which Parties Nominate their Candidates

14. Political Parties are responsible for mobilizing eligible citizens to contest as candidates and to elect candidates to contest election through party primaries. It is therefore imperative that they maintain strong internal party mechanisms and structure that foster democracy.
15. The Elections Act, 2011 requires political parties to submit nomination rules to be approved by the Commission. The Commission primarily reviewed these Nomination rules of Political parties to ensure that they promote internal party democracy; provide for independent and separate structures including a National Executive Committee; a National Election Board, and an internal Dispute Resolution board. Consequently, Political Parties, including a coalition party, submitted their rules to the Commission for review and 83 political parties were cleared to participate in the 2022 General Election.

Two-Thirds Gender Rule

16. **Article 81(b)** of the Constitution provides that "not more than two-thirds of the members of elective public bodies shall be of the same gender." This provision has been attained in the County Assemblies by way of gender top-up through the party list model. However, the realization of the two-third gender rule has remained elusive in Parliament with several unsuccessful attempts at providing legislation to operationalize the principle.
17. On its part, the High Court of Kenya in ***Katiba Institute vs. the Independent Electoral and Boundaries Commission {2017} e KLR*** issued orders directing political parties to make measures to formulate rules and regulations for purposes of actualizing the two-third gender principle during nominations of the 290 Constituency based elective positions for Members of the National Assembly and 47 county based elective positions for members of the Senate. In default the Respondent (IEBC) was directed to devise administrative mechanisms to ensure that the two-third gender principle was realized among political parties during nomination exercises for parliamentary elections. The Commission was further directed to reject any nomination list of a political party for its candidates for the 290 constituency based elective positions for Members of the National Assembly and 47 county based positions for Members of Senate that do not comply with the two-third gender rule.
18. The Commission set out to implement this order by ensuring that political party submit lists of candidates to the Senate and National Assembly that are compliant to the two-thirds gender rule. As at 12th May 2022, seventy-five (75) out of seventy-seven (77) political parties' nomination lists for Member of the National Assembly and sixty-eight (68) out of sixty-nine

(69) political parties' nomination lists for Senate had complied with the two-thirds gender principle. This represents a 98% compliance. However, on Wednesday 11th May 2022, the High Court in **Adrian Kamotho Njenga vs. The Independent Electoral and Boundaries Commission** granted orders that in effect suspended the implementation of the two-thirds gender principle in the nomination of candidates for the 9th August, 2022 General Election.

19. The implementation of the two-thirds gender rule now lays in limbo and the next House has the responsibility to ensure its attainment.

Registration of Voters

20. The Commission has a responsibility to ensure that citizens are afforded an opportunity to exercise their political rights by, among others, registering as voters and voting by secret ballot in an election or referendum.
21. The Commission launched Continuous Voter Registration (CVR) on 15th October 2018 and later conducted two Enhanced Continuous Voter Registration in all the 1450 County Assembly Wards. This realized an enrolment of 2, 743, 498 new registered voters. The Commission also carried out voter registration of citizens residing outside the country in twelve (12) states namely: United States of America (USA), United Kingdom (UK), Canada, United Arab Emirates, Qatar, Germany, South Sudan, Tanzania, Uganda, Rwanda, Burundi and South Africa. The registration was conducted in Kenyan Embassies, High Commissions and Consulates in the respective counties. This exercise yielded 3,538 new voters in the diaspora countries bringing the total number of diaspora voters to 10,443.
22. The Commission then subjected the register to verification of biometric data, audit and cleaning up of the register by removing duplicate records of registration, deceased voters, registration done using invalid identification documents has produced a Register of 22,120,458 voters with 46,233 polling stations. Registered voters can check their registration detail by sending sms of **Identification Document number#year of birth to 70000.**

The final register of voters is now available to stakeholders upon payment of a minimal fee.

Registration of candidates

23. The Commission conducted registration of candidates for the six elective seats from the 29th of May to the 6th of June 2020 where a total of **16 098** candidates were registered for the six elective positions. In instances where persons felt aggrieved by the decisions of the decisions, The Commission's Dispute Resolution Committee availed an avenue for redress. The Committee dealt with 325 disputes arising from the registration of candidates out of which 31 went on Appeal to the High Court by way of judicial review. So far the Commission has registered 5 more candidates based on Appeals allowed. We urge the Judiciary to finalise the pending Appeals to avert instances where the Commission will be unable to enforce court orders due to time constraints. In such instances the Commission may be compelled to postpone elections in Electoral areas where orders have been issued refraining it from printing ballot papers or where court orders affecting nomination lists come too late to be

enforced. It is instructive to note that the ballot printing and delivery process is ongoing and will be concluded on 29th July 2022.

Accreditation of Observers and Media

24. The Commission has institutionalized scrutiny of its processes, procedures and its conduct through various mechanisms that are anchored in law. Facilitation of observation and monitoring of elections is a core mandate that has been entrenched in Kenya's elections and one which enhances transparency.
25. Through its automated Accreditation Management System (AMS) the Commission has accredited domestic and international observers to undertake election observation on long and short-term for all electoral processes.
26. The Commission has equally engaged the media in a bid to ensure a quick flow of information in election reporting to the public. The Commission and the Kenya Media Sector Working Group (KMSWG) established the IEBC-KMSWG Joint Taskforce to sustain collaboration efforts between the two institutions. This resulted in a tripartite signing of a Memorandum of Understanding (MOU) by the Commission, Kenya Editors Guild and Kenya Union of Journalist to enable collaboration in training media practitioners on elections and promoting access to electoral information for accurate reporting.
27. To this effect, the IEBC- KMSWG Joint Taskforce has held cascaded training in 8 regions including Nairobi, Nakuru, Eldoret, Kisumu, Nyeri, Meru, Garissa and Mombasa, drawing over 600 journalists from the media houses across the country. The training centred on the electoral process with a view to ensure an informed election reporting, sensitize on the rights of journalists and the media in political and democratic processes, and empower journalists to interrogate electoral issues.
28. The Commission has invited the media fraternity to deploy its members to all the 46,233 polling station where results are final for purposes of accurate reporting of elections results or to at least the 290 constituency tallying centers. Media and candidates are encouraged to tally results as announced by the Presiding officers at polling stations polling but ultimately it's the Commission that will declare results.

Procurement of Strategic Election Materials

29. The Commission has procured all the strategic election materials including ballot papers, and election technology. The Commission is printing ballot papers equal to the number of registered voters as follows;The total ballot papers are 132,190,610.
 - (a) President(include Diaspora and Prisoners)– 22, 120, 458
 - (b) Member National Assembly – 22,102. 532
 - (c) Governor - 22,102, 532
 - (d) Senator - 22,102,532
 - (e) County Woman Member to National Assembly (excluding Kericho County) – 21, 674, 465

(f) County Assembly ward (excluding Ravine in Baringo and Sabena in Garissa) - 22,088,091

30. The procurement exercise is therefore on course, save for ballot papers for electoral areas with restraining court orders related to nomination of candidates, and is expected to be concluded in good time for the conduct of the General Election.

Recruitment of Staff

31. The Commission has concluded recruitment of temporal poll officials before thoroughly training them on polling, counting and managing election results. The Commission expects to hire over three hundred thousand (300,000) temporary poll officials (Presiding Officers, Deputy Presiding Officers, Poll clerks, ICT clerks and Logistic assistants).

The Commission has deployed its permanent staff as Returning Officers in each of the 47 Counties and 290 constituencies. In addition 290 permanent staff have been deployed as Constituency Deputy Constituency Returning Officers. To support this staff the Commission has employed on temporary basis an additional 47 Deputy County Returning Officers and 290 Deputy Constituency Returning Officers.

The Commission requests that the poll officials be accorded all the support they need and condemns the ethnic profiling of Returning Officers and their Officers that is not only designed to intimidate them but may also incite members of the public to cause them harm. The Commission has requested the Director of Criminal Investigations (DCI) to apprehend the perpetrators for prosecution.

Stakeholder Engagement

32. The Commission is alive to the significant role played by stakeholders in the electoral process and it shall continue to engage all relevant stakeholders within the confines of the law and in particular Article 88 of the Constitution of Kenya 2010.
33. The Commission in collaboration with the National Police Service is implementing the Election Security Arrangement Programme (ESAP) whose overall aim is to ensure coordinated security management for a peaceful election environment. The Commission and the National Police Service have cascaded training on election security down to the constituency level and its expected that the election staff and the security sector will work together towards ensuring elections are conducted peacefully within their jurisdictions.
34. The Commission has also been in consultation with the Judiciary through the Judiciary Committee on Elections to discuss ways of bettering the various processes of dispute resolutions after declaration of results. Through the consultations, the Commission has trained Judicial Officers on the election process, and held discussion on grey areas including scrutiny of election results.
35. The Commission appeals to stakeholders to extend their support to enable it undertake a successful General Election on 9th August 2022. As the Returning Officer for the Presidential

elections I specially call upon the candidates in the race to commit to peace before, during and after elections.

36. I equally call upon the Commission's stakeholder number One; the Voters to turn out in large numbers and exercise their democratic right on the 9th August 2022 at the ballot. The Commission will count every vote because every vote counts.
37. I wish you fruitful deliberations.

A handwritten signature in black ink, appearing to read 'W.W. Chebukati', written in a cursive style.

W.W. CHEBUKATI
CHAIRMAN