

NO. 24 OF 2011

ELECTIONS ACT

SUBSIDIARY LEGISLATION

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ELECTIONS (REGISTRATION OF VOTERS) REGULATIONS, 2012

[L.N. 126/2012, L.N. 73/2017.]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the Elections (Registration of Voters) Regulations, 2012.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"acknowledgement slip" means a document issued by the returning officer acknowledging application for registration;

"alphanumeric details" means all the other details of a voter except the biometric data;

"biometric" has the meaning assigned to it in section 2 of the Act (No. 24 of 2011);

"Commission" has the meaning assigned to it in the Act;

"foreign representative of Kenya" means a public officer serving in a Kenyan foreign mission abroad;

"identification document" has the meaning assigned to it in section 2 of the Act (No. 24 of 2011);

"prisoner" has the meaning assigned to it in section 2 of the Prisons Act (Cap. 90);

"register" *deleted by L.N. 73/2017, r. 2(a)*;

"Register of Voters" has the meaning assigned to it in section 2 of the Act (No. 24 of 2011);

"registration centre" means a centre designated and gazetted by the Commission under regulation 3; and

"Voter Records Book" means the first book of data entry during the registration of a voter.

[L.N. 73/2017, r. 2.]

PART II – ADMINISTRATION

3. Registration centres

(1) The Commission may, from time to time, designate and *Gazette* registration centers which shall include—

- (a) places within the Republic as provided for in subregulation (2);
- (b) premises of, or facilities provided by Kenyan missions abroad;
- (c) any facility belonging to a public body or private persons in any foreign country;
- (d) other facilities that the Commission may deem fit as registration centres for purposes of registering voters.

(2) The Commission may use, free of charge, for the purposes of voter registration—

- (a) a room or rooms in any public school as defined in the Education Act, (Cap. 211);
- (b) facilities belonging to, and maintained by, any public body;
- (c) facilities in any foreign country as the Commission may, by arrangement with the relevant authorities in that country, determine for the purpose of registering Kenyan citizens residing in that country;

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(d) such other public space or premises as the Commission may *Gazette*.

(3) Where, as a result of the use of any facility under this regulation, any damage is caused to that facility, or any expense is unavoidably incurred by any person having control over the facility, the Commission shall repair the damage, or compensate such person, as the case may be.

(4) The Commission may, with prior arrangement with the owner, use private facilities where in the opinion of the Commission public facilities are unavailable, inadequate or unsuitable.

(5) No place whose use as a registration centre may offend the sensitivities of sections of the public or that may cause conflict of interest shall be used for purposes of registration.

[L.N. 73/2017, r. 3.]

4. Registration officers

The Commission shall appoint—

- (a) a registration officer for every registration area; and
- (b) such number of registration officers to register Kenyan citizens living abroad as the Commission may determine.

5. Assistant registration officers

(1) The Commission may appoint one or more assistant registration officers to assist a registration officer.

(2) An assistant registration officer may have all the powers and duties of the registration officer.

(3) An assistant registration officer shall be subject to the general direction and control of the registration officer.

(4) The recruitment and appointment of registration officers and assistant registration officers under this regulation shall be done competitively and transparently.

5A. Gazettement of registration officers

Every appointment under regulations 4 and 5 shall—

- (a) be done transparently and competitively; and
- (b) be published in the *Gazette*.

[L.N. 73/2017, r. 4.]

PART III – THE REGISTER OF VOTERS

6. Preparation of register

Each registration officer shall prepare and maintain a register of voters for his or her polling station, ward and constituency in such form as the Commission may prescribe.

7. Registration areas and registration centres

(1) The Commission shall—

- (a) divide each constituency in which registration is to be held into registration areas or, if it deems fit, declare any particular constituency to be a single registration area;
- (b) assign to each registration area a distinguishing number or letter or a combination of number and letter;
- (c) appoint a place or places or designate a vehicle or vehicles, vessel or vessels at which the polling station or stations for each registration area shall be established;
- (d) designate such areas outside Kenya, in which registration is to be held, as a single registration area;

- (e) declare the entire territory of the foreign country or any part of a foreign country, to be a registration area;
- (f) declare a region consisting of more than one foreign country to be a single registration area; and
- (g) publish in the *Gazette* and publicise through electronic and print media of national circulation and other easily accessible medium a notice specifying—
 - (i) the registration areas established for registration;
 - (ii) the distinguishing number or letter, or combination thereof, assigned to each registration area; and
 - (iii) the place or places appointed, or the vehicle or vehicles, vessel and vessels designated, as registration centres.

(2) The Commission may designate any of its offices to be a registration centre and may provide for mobile registration centres.

(3) The Commission may use the facilities of Kenyan foreign missions abroad, free of charge, for the purposes of voter registration or polling, as the case may be.

(4) The Commission shall, in respect of each registration area appoint a registration officer to be responsible for the compilation of a register for the respective area.

(5) Notwithstanding subregulation (1), a registration officer may receive applications for registration at places not specified in the notice published under subregulation (1)(g)(iii).

(6) If a registration officer closes a registration centre, the registration officer shall post a notice at that place indicating the other places at which applications may be made.

(7) Where applications are received at a place other than the designated registration centre, the registration officer shall ensure that the voter is aware of the particulars of the centre and that he or she intends to register at the centre to which the registration in question relates.

8. Registration particulars

A register of voters shall contain biometric data and the particulars set out in Form A in the Schedule.

[L.N. 73/2017, r. 5.]

9. Changes to register

(1) A registration officer may, in accordance with these Regulations, make changes to the register of voters—

- (a) to carry out a decision relating to a claim;
- (b) related to transfer of registration;
- (c) to correct clerical or other errors;
- (d) to delete the name of a person who the registration officer is satisfied has died;
- (e) to ensure that no person is registered more than once;
- (f) to ensure that no person is registered if the person is not qualified to be so registered; and
- (g) to include any appropriate changes that may be requested by a registered voter in respect of his or her registration.
- (h) to correct loss of data owing to technological errors or any other causes;
- (i) to delete the names of persons who have renounced their Kenyan citizenship as provided for under section 19 of the Kenya Citizenship and Immigration Act, 2011 (No. 12 of 2011) and any other written law; and
- (j) to delete the names of persons whose citizenship has been revoked under section 21 of the Kenya Citizenship and Immigration Act, 2011 and any other written law.

[Subsidiary]

(2) Subject to paragraph (1)(d), the registration officer shall work in collaboration with the Registrar of Births and Deaths and National Registration Bureau to obtain the particulars in Form B set out in the Schedule.

[L.N. 73/2017, r. 6.]

10. Other changes requiring notice, etc.

The following provisions shall apply to any proposed change not initiated by the person in respect of whom they relate—

- (a) the registration officer shall give the person whose registration particulars are the subject of the proposed change, a notice of the change;
- (b) the notice under paragraph (a) shall be sent to the registered address of the person and the notice shall inform the person of his or her right to make representations under paragraph (c);
- (c) the registration officer shall give the person an opportunity to, within seven days after the date of the notice under paragraph (b), make representations with respect to the proposed change; and
- (d) after considering any representations that the person may make the registration officer may make the proposed change.

11. Periodic list of changes

(1) At least once every six months, each registration officer shall prepare a list of changes to the register of voters for his constituency and post the list at a place at the headquarters of the division and district within which the constituency is located where the public has access.

(2) The changes included on a list under subregulation (1) shall consist of the changes made since the previous list was prepared under subregulation (1).

(3) The list posted under subregulation (1) shall be posted for at least thirty days.

(4) The changes included on the first list prepared by each registration officer under subregulation (1) shall consist of the changes made since this regulation came into operation.

12. Certification of Register of Voters

(1) Where as a result of operation of section 5 of the Act, the registration of voters has been ceased, the Registration officer shall compile the list of registered persons.

(2) The registration officer shall after effecting compilation of the register of voters relating to the constituency submit his or her component for compilation by the Commission.

(3) The Commission shall compile the register of voters comprising of components under section 4 of the Act.

(4) The Commission shall certify and publish the Register of Voters in the *Gazette*.

(5) The published Register of Voters under sub regulation (4) shall include the names of the County Assembly Wards and the total number of registered voters therein.

[L.N. 73/2017, r. 7.]

PART IV – REGISTRATION OF VOTERS

13. Application for new registration

(1) A person who desires to be registered as a voter shall make an application in Form A set out in the Schedule.

(2) An application under sub regulation (1) shall be made to the registration officer for the constituency in which the person wishes to be registered.

(3) The registration officer shall collect biometric data of persons applying for registration.

[L.N. 73/2017, r. 8.]

13A. Registration procedure

(1) A person who applies to be registered as a voter shall present his or her identification document to the registration officer stationed at a Registration Centre of his or her choice.

(2) The registration officer shall, where the applicant is qualified to be registered as a voter, issue the applicant with Form A as set out in the Schedule.

(3) The applicant shall return the duly completed Form A to the registration officer and the registration officer shall confirm the details in the form and enter them in the biometric voter registration system and the Voters Record Book.

(4) The applicant shall be issued with an acknowledgement slip upon registration.

[L.N. 73/2017, r. 9.]

13B. Numerous registrations

(1) A person shall not, at any time, be registered as a voter in more than one constituency.

(2) A person shall not be registered as a voter more than once in the Register of Voters.

(3) A person who simultaneously makes two or more applications to be registered as a voter shall not be qualified as a registered voter.

[L.N. 73/2017, r. 9.]

13C. Transfer of registration

A voter is not qualified to transfer his or her registration unless at the date of his or her application to be transferred he or she was ordinarily resident in that constituency six months immediately preceding the date of his or her application for transfer.

[L.N. 73/2017, r. 9.]

14. Application for change in registration

(1) A person who is already registered as a voter, but who wishes to have a change described in subregulation (2) made, shall make an application in accordance with this regulation.

(2) The changes referred to in subregulation (1) are—

(a) a change in the particulars of the person's registration; or

(b) a change of the electoral area or polling station at which the person is registered to vote.

(3) An application for a change described in subregulation (2)(a) shall be made in Form B, to the registration officer for the constituency in which the person is registered.

(4) An application for a change described in subregulation (2)(b) shall be made in Form C, to the registration officer for the constituency in which the applicant wishes to be registered.

(5) Deleted by L.N. 73/2017, r. 10(c).

[L.N. 73/2017, r. 10.]

15. When applications not allowed

(1) A person may not make an application for registration under regulation 13 or 14—

(a) during a time in which the registration of voters and revision of the register of voters is not allowed under section 5 of the Act; or

(b) during a period in which the Commission has suspended, under subregulation (2), the making of applications under regulations 13 and 14.

(2) The Commission may, by notice in the *Gazette*, suspend the making of applications under regulations 13 and 14 for a period specified in the notice.

[L.N. 73/2017, r. 11.]

[Subsidiary]

16. Consideration by registration officer

(1) The registration officer to whom an application is made under regulation 13 or 14 shall consider the application and—

- (a) in the case of an application for registration under regulation 13, register the applicant if the registration officer is satisfied the applicant is qualified to be registered; or
- (b) in the case of an application for a change under regulation 14, make the requested change if the registration officer is satisfied that it is proper to do so.

(2) If the registration officer registers a person or makes a change under subregulation (1), the registration officer shall issue an acknowledgement slip, to the applicant.

[L.N. 73/2017, r. 12.]

PART V – CLAIMS**17. Time for making claims**

(1) A claim to a registration officer under section 12 of the Act in respect of an application under these Regulations shall be made at any time by the registered voter.

(2) A claim under subregulation (1) shall not be made within ninety days to the date of a general election or referendum or within sixty days to the date of a by-election.

18. Method for making claim

A claim shall be in Form D set out in the Schedule and shall be accompanied by a new application for registration under Part IV.

[L.N. 73/2017, r. 13.]

19. Notice of claims

(1) The registration officer shall, within seven days of receipt of a claim publish a notice of the claim.

(2) The notice of claim under subregulation (1) shall set out the names and addresses of all persons who have made claims and shall be in Form E set out in the Schedule.

[L.N. 73/2017, r. 14.]

20. Consideration of claims

(1) After publishing the notice of claims under regulation 19, the registration officer shall consider and determine each claim.

(2) For the purpose of considering a claim, the registration officer may require the claimant to attend before the registration officer.

(3) The registration officer shall within seven days of the date of publishing the Notice give the claimant a written notice of the determination of the claim.

[L.N. 73/2017, r. 15.]

21. Time for appeal

An appeal, under section 12(2) of the Act, to the Principal Magistrate Court from a determination by a registration officer may be made within fourteen days after the determination was made.

22. Method of appeal

(1) To make an appeal, the appellant shall deliver a written request to the Principal Magistrates Court or to High Court briefly stating the grounds of the appeal.

(2) The request shall be signed by the appellant.

23. Request

For each request received under regulation 22, the registration officer shall forward the following to the Principal magistrates Court or the High Court—

- (a) a copy of the claim and new application under regulation 18;
- (b) a copy of the notice of the determination of the claim under regulation 20(3); and
- (c) written reasons for the determination.

24. Hearing of appeal

- (1) This regulation applies with respect to the hearing of an appeal under section 12(2) of the Act.
- (2) The parties to the appeal are the appellant and the registration officer.
- (3) The Principal Magistrates Court or the High Court shall cause notice of the hearing of the appeal to be given to the parties at least seven days before the hearing.
- (4) The notice of the hearing of an appeal shall set out the time and place of the hearing of the appeal.
- (5) An appeal shall be heard and determined on a priority basis.

25. Changes to register

After an appeal has been determined under regulation 24, the registration officer shall—

- (a) make any changes to the register of voters that are necessary as a result of the appeal;
- (b) prepare a list of the changes made;
- (c) post the list at the place where the list of changes was posted under regulation 11(1); and
- (d) submit the list to the Commission for inclusion in the Principal Register of Voters.

26. Claims not to affect register

Claims under this Part shall not affect the validity of the register of voters.

PART VI – INSPECTION AND VERIFICATION OF REGISTER

[L.N. 73/2017, r. 16.]

27. Inspection of register

The Commission shall make available the Register of Voters for inspection to the public at all polling stations, by way of public web portal or any other medium the Commission may approve.

[L.N. 73/2017, r. 17.]

27A. Verification of Register of Voters

- (1) The Commission shall publish a notice of the availability of the register of voters for verification in the *Gazette* and in at least two newspapers of national circulation and through any other medium as the Commission may determine.
- (2) The notice published under sub regulation (1) shall set out—
 - (a) a statement calling on the public to verify their particulars as captured in the register;
 - (b) a statement specifying where and within which period the verification may be carried out; and
 - (c) the hours during which verification may be carried out.
- (3) The notice under sub regulation (2) shall be in Form F set out in the Schedule.

[L.N. 73/2017, r. 18.]

[Subsidiary]

27B. Process of Verification

(1) A voter may verify the details of his or her registration at the voter's polling station in accordance with regulation 27A.

(2) A voter may, where any of the details of the registration of the voter are incorrect, submit to the registration officer at the voter's polling station a claim form as prescribed by regulation 19.

(3) The registration officer shall consider and determine the claim within three days after submission.

[L.N. 73/2017, r. 18.]

28. Revision of register

After the last day of verification, the registration officer for each constituency in respect of which the inspection and verification was carried out shall revise the register of voters for the respective constituency within such period as the Commission may determine.

[L.N. 73/2017, r. 19.]

PART VII – PREPARATION OF NEW REGISTER

29. Direction from Commission

The Commission may direct that a new register of every constituency be prepared.

30. Notices

(1) If the Commission makes a direction under regulation 29, the Commission shall publish a notice in the *Gazette* and in one or more newspapers of national circulation.

(2) The notice shall set out?

- (a) a statement calling on all persons who wish to be registered to apply; and
- (b) a statement specifying where and when applications may be made.

(3) The notice shall be in Form G set out in the Schedule.

(4) The Commission may amend a direction under regulation 29 by publishing a notice of the amendment in the *Gazette* and in one or more newspapers. After the last day of verification, the registration officer for each constituency in respect of which the inspection and verification was carried out shall revise the register of voters for the respective constituency within such period as the Commission may determine.

[L.N. 73/2017, r. 20.]

31. Registrations

(1) A person may apply for registration in accordance with the notice published under regulation 30 and, for that purpose, regulations 13 and 14 shall, with necessary modifications apply.

(2) Notwithstanding paragraph (1), a registration officer may transfer a place specified in the notice published under regulation 30 for making applications if, in the opinion of the registration officer, the number of applications made at the place does not warrant keeping it open.

(3) If a registration officer transfers a place for making applications under paragraph (2), the registration officer shall post a notice at that place indicating the other places at which applications may be made.

32. Preparation of new register

As soon practicable after the last day for making applications to be registered in a constituency, the registration officer shall prepare a new register of voters under regulation 6.

33. Publication of register

(1) The registration officer shall publish the new register of voters in the following manner—

- (a) by making the relevant register available for inspection at the respective registration centre, ward and constituency Commission offices;
- (b) by posting, at a place at the Commission's website, constituency offices, registration centre and ward where the public has access, a notice, in Forms H set out in the Schedule, of the availability of the register for inspection; and
- (c) by having in place an electronic register which may be accessed on a website using a mobile phone or such other electronic media as the Commission may determine.

(2) The notice posted under paragraph (1)(b) shall explain how a person may make a claim under section 12 of the Act.

[L.N. 73/2017, r. 21.]

PART VIII – REGISTRATION OF KENYAN CITIZENS RESIDING OUTSIDE KENYA

34. Registration of Kenyan citizens residing out of Kenya

(1) The Commission shall, at regular intervals, publish the names of countries in which registration and voting is scheduled to take place.

(2) A decision by the Commission to register Kenyan citizens residing outside Kenya or to conduct elections outside Kenya shall be based on the presence of a Kenyan Embassy, High Commission or Consulate.

35. Registration particulars of Kenyan citizens residing out of Kenya

A register of voters who are Kenya citizens residing outside Kenya shall contain the particulars set out in Form I in the Schedule.

[L.N. 73/2017, r. 22.]

36. Application for registration by Kenyan citizens residing out of Kenya

A Kenya citizen residing outside Kenya shall apply for registration as a voter in Form I set out in the Schedule.

[L.N. 73/2017, r. 23.]

37. Eligibility to vote

A Kenya citizen residing outside Kenya shall apply for registration as a voter upon production of a valid Kenyan Passport.

Provided that citizens residing in countries within the East African Community may present an Identity Card.

[L.N. 73/2017, r. 24.]

38. Registration personnel

For the purpose of registration of Kenyan citizens residing outside Kenya as voters, the Commission may appoint a foreign any representative of Kenya who shall not be the Ambassador, Deputy Ambassador, High Commissioner or Deputy High Commissioner of a Kenyan mission.

39. Type of elections

A Kenya citizen residing outside Kenya shall only participate in a presidential election or a referendum.

PART VIIIA — REGISTRATION OF CITIZENS IN KENYAN PRISONS

[L.N. 73/2017, r. 25.]

39A. Registration of citizens in Kenyan prisons

The Commission shall, at regular intervals, publish the centres in which prisoners may register and vote.

[L.N. 73/2017, r. 25.]

[Subsidiary]

39B. Registration particulars of citizens in Kenyan prisons

A prisoner who is not already registered as a voter but wishes to be registered shall make an application in Form K set out in the Schedule.

[L.N. 73/2017, r. 25.]

39C. Eligibility to vote

A prisoner shall comply with the provisions relating to the identification of persons for the purposes of registration as a voter set out in regulation 13.

[L.N. 73/2017, r. 25.]

39D. Registration personnel

The Commission shall appoint Registration Officers for the purpose of the registration of prisoners.

[L.N. 73/2017, r. 25.]

39E. When prisoner may vote

A prisoner may only vote in a presidential election or a referendum.

[L.N. 73/2017, r. 25.]

PART IX – MISCELLANEOUS**40. Summoning witnesses, evidence, etc.**

A registration officer may, for the purpose of considering or determining an application or claim—

- (a) summon any person to appear before him or her; or
- (b) order the production of any document relevant to an issue that the registration officer is required to consider and determine.

[L.N. 73/2017, r. 26.]

41. Notices to individuals

All notices required to be given by a registration officer or the court to an individual shall be deemed to have been duly given if—

- (a) sent at least seven days to the date of hearing by registered post to the postal address, if any, given in the application, claim, appeal or; or
- (b) published in at least one newspaper with nationwide circulation.

42. Publication of notices

(1) If a notice is required by these Regulations to be published and, in the opinion of the authority required to publish the notice, the prescribed mode of publication does not give sufficient publicity of the notice, the authority may, in addition to publishing the notice as required, exhibit copies of the notice at prominent places or take such other steps as the authority may deem necessary for giving sufficient publicity to the notice.

(2) Subregulation (1) also applies, with necessary modifications, to anything that is required by these Regulations to be posted or to be made available for inspection.

43. Minor inaccuracies immaterial

No misnomer or inaccurate description of a person or place in a register of voters or other document prepared or issued under or for the purposes of these Regulations shall prejudice the validity of the register or document as respects that person or place, if the person or place is so designated as to be commonly understood.

44. Observation of the registration on process

(1) Every registered political party shall have the right to observe the registration of voters and the revision of registers of voters through designated representatives.

(2) A registered party shall notify the Commission, in writing, of the names of its designated representatives.

(3) Any person, association or organization may apply to the Commission to be allowed to observe the registration of voters and the revision of registers of voters and to verify the accuracy of the register.

(4) Representatives of the media shall have the right to observe the registration process and to access the registration centres.

(5) Every individual observing the registration of voters and the revision of registers of voters shall comply with any guidelines issued by the Commission respecting the conduct of such observation.

45. Alternative means of signification

If, because of physical inability, illness or illiteracy, a person cannot sign an application form, he or she may do any of the following instead of signing—

- (a) put the print of his or her thumb or other finger at the appropriate place in the form; or
- (b) if the person has no thumb, print at the appropriate place in the form, the print of any finger or such other mark as the registration officer may allow.

46. Revocation of L.N. 173/2002

The National Assembly Elections (Registration of Electors) Regulations, 2002, are revoked.

Elections

[Subsidiary]

SCHEDULE
[L.N. 73/2017, r. 27.]

FORM A

[Regs. 13 & 13A.]

APPLICATION FOR REGISTRATION AS A VOTER

To the Registration Officer
Constituency: County:
Ward: Registration Centre:
Surname: Other names:
Identity Card No./Kenyan Passport No.:
Date of birth: Sex:
Residential Address:
Contact Telephone:
Postal Address:
Email:
Disability (if any):
Whether you will require to be assisted by any one during voting:

I, the above named applicant, hereby apply to be registered in the Principal Register of Voters in accordance to the Constitution and the Elections Act.

DECLARATION

- I, declare that at the date of this application:
- (i) I am qualified to be, and not disqualified from being, registered as a voter under the law in respect of the classes of election for which I now apply for registration.
 - (ii) I am in possession of a national identity card or Kenyan passport with the number indicated in this application.
 - (iii) The particulars entered on this form or submitted to the Commission (which I have entered, read or have had read to me) are true to the best of my knowledge.

Dated: 20

Signature or Thumbprint of Applicant:

Witnessed by:

Registration Officer/Assistant Registration Officer

Official Stamp

FORM B

[Regs. 9(2) & 14(3).]

APPLICATION TO CHANGE PARTICULARS OF REGISTRATION

I, (the applicant), am registered in the register of voters as follows:—

Name of Constituency:

Constituency Code:

Name of Ward:

Ward Code:

Name of Registration Centre:

Registration Centre Code:

Surname:

Other Name(s):

Identity Card/Kenya Passport Number: Expiry Date:

Telephone Number:

I wish to change the particulars of my registration as follows:—

Surname:

Other names:

Identity Card/Kenya Passport Number:

Voter's Number:

Sex:

Date of Birth:

Dated: 20

Signature or Thumbprint of Applicant:

Witnessed by: (RO/RA)

FORM C

[Reg. 14(4).]

**APPLICATION FOR TRANSFER OF REGISTRATION
IN AREA WHICH A PERSON IS REGISTERED**

Surname

Other Names

Identity Card No./Kenyan Passport No.:

Date of Birth: Sex:

Residential Address:

Contact Telephone.....

Postal Address

Tel:

Elections

[Subsidiary]

Email:

Current Constituency:

Current County Assembly Ward:

Current Registration Centre.....

I, the above named applicant, is registered in the register of voters for the constituency noted above.

I wish to transfer my registration particulars to the register of voters for the following:—

County:

Constituency:

County Assembly Ward:

Registration Centre:

Signature or thumbprint of the applicant:

Dated: 20

Received by RO/ARO

Signature

Dated: 20

Stamp

FORM D

[Reg. 18.]

CLAIM UNDER SECTION 12 OF THE ACT

To the Registration Officer Constituency

Particulars of claimant

Surname:

Other Name(s)

Identity Card Number/Kenyan Passport Number:

Physical Address:

Postal Address:

Tel:

Email:

I, the claimant, applied to be registered in the register of voters but have not been so registered. I hereby make a claim under section 12 of the Act to be registered.

Dated: 20

Signature or thumbprint of Claimant

Elections

[Subsidiary]

FORM E

[Rule 19(2).]

NOTICE OF CLAIMS

Notice is hereby given that the following Claims have been filed at the office of the Registration officer;

<i>Name of Claimant</i>	<i>Address of Claimant</i>	<i>Date of Hearing of Claim</i>
.		
.		
.		
.		
.		

Dated:, 20

.....
Registration Officer

..... Constituency

FORM F

[Reg. 27A(3).]

NOTICE OF AVAILABILITY OF REGISTER FOR VERIFICATION

Date of posting notice:

NOTICE is hereby given that the new preliminary register of voters for the Constituency has been completed and is available for verification for days. The register may be inspected at the places listed in the Schedule.

How to make a claim:

A person who claims that his or her biometric data has not been captured in the register of voters may make a claim to the registration officer within the period prescribed for inspection.

The claim must be made in the prescribed Form.

Dated the, 20

Registration Officer:

Stamp

SCHEDULE

Places where application may be made:

1.
2.
3.

Elections

[Subsidiary]

FORM G

[Rule 30(3).]

NOTICE—REGISTER OF VOTERS TO BE REPLACED

NOTICE is hereby given that a new register of voters will be compiled for the following constituency/county/ward:

All persons who wish to be registered as voters should apply.

Applications may be made on or after, 20 but not later than, 20

Applications may be made at the places listed in the Schedule to this notice.

If a place listed in the Schedule is closed before the last day for making applications, a notice will be posted at that place indicating the other places where application may be made.

NB: Please take note that registration shall be done where one wishes to vote.

Any person who wishes to vote in any other place other than where he or she is registered he or she shall apply at the nearest constituency office.

SCHEDULE

PLACES WHERE APPLICATIONS MAY BE MADE

- 1.
- 2.
- 3.

Dated the, 20

.....
Chairperson
Independent Electoral and Boundaries Commission

FORM H

[Reg. 33 (1)(b).]

NOTICE OF AVAILABILITY OF REGISTER FOR INSPECTION

Date of posting notice:

NOTICE is hereby given that the new preliminary register of voters for the Constituency has been completed and is available for inspection fordays. The register may be inspected at the places listed in the Schedule.

How to make a claim:

A person who claims that he or she should be included in the register may make a claim to the registration officer within the period prescribed for inspection.

The claim must be made in the prescribed Form.

How to make an objection:

A person who is registered and who wishes to object to his or her own registration or the registration of another may make an objection to the Court within the period prescribed for inspection.

A person who is registered and who wishes to object to a claim of another may make an objection to the Court within the prescribed inspection period after the claim was posted.

An objection must be made in the prescribed form.

Dated the, 20

Registration Officer

Stamp

SCHEDULE

Places where application may be made:

- 1.
- 2.
- 3.

FORM J

[Regs. 35 & 36.]

APPLICATION FOR REGISTRATION BY A KENYAN CITIZEN RESIDING OUTSIDE KENYA

Surname

Other Name(s)

Passport Number, Date and place of issue, passport expiry date

Identity Card Number, Date and place of issue:

Date of birth:

CITIZENSHIP

Country of Birth.....

Citizen by birth/ registration

If by registration, date of registration (dd mm yyyy)

COUNTRY OF RESIDENCE:

PHYSICAL ADDRESS:

CONTACT ADDRESS

(a) Telephone (country code, telephone number)

(b) Email

(c) Postal Address

APPLICANT'S LAST RESIDENCE IN KENYA

(a) Constituency.....

(b) Ward.....

(c) Address.....

(d) Cell phone number.....

DURATION OF STAY IN COUNTRY OF RESIDENCE

(a) Years

(b) Months

(c) Days

Elections

[Subsidiary]

DISABILITY (if any):

WHETHER YOU WILL REQUIRE TO BE ASSISTED BY ANY ONE DURING VOTING:

I, the applicant, hereby apply to be registered in the register of voters for the following:

- (a) Presidential election
- (b) Referenda

DECLARATION

I declare that:

- (i) I am qualified to be, and not disqualified from being, registered as an voter under the Law in respect of the class or classes of election for which I now apply for registration.
- (ii) I am in possession of a Kenyan passport with the number indicated in this application.
- (iii) The particulars entered on this form (which I have entered, read or have had read to me) are in every respect true and correct.

Dated: 20

.....
Signature or thumbprint of Applicant

Declared before me:

Registration Officer/Assistant Registration Officer

Official Stamp:

SCHEDULE

PLACES WHERE APPLICATION MAY BE MADE:

- 1.
- 2.

FORM K

[Reg. 39B.]

APPLICATION FOR REGISTRATION AS A VOTER BY A PRISONER

To the Registration Officer Constituency:

County:

Ward:Name of Prison Facility:

Contact Telephone of the Facility:

Postal Address:

Surname: Other names:

Identity Card No./Kenyan Passport No:

Date of Birth: Sex:

Disability (if any):

Whether you will require to be assisted by any one during voting:
.....

I, the above named applicant, hereby apply to be registered in the Register of Voters in accordance to the Constitution and the Elections Act.

DECLARATION

Ideclare that at the date of this application:

- (i) I am qualified to be, and not disqualified from being, registered as a voter under the law in respect of the classes of election for which I now apply for registration.
- (ii) I am in possession of a National Identity Card or Kenyan Passport with the number indicated in this application.
- (iii) The particulars entered on this form or submitted to the Commission (which I have entered, read or have had read to me) are true to the best of my knowledge.

Dated:, 20

Signature or Thumbprint of Applicant:

Witnessed by:

Registration Officer/Assistant Registration Officer

Official Stamp

ELECTIONS (VOTER EDUCATION) REGULATIONS, 2012

[L.N. 127/2012.]

Revoked by L.N. 70/2017, r. 22.

ELECTIONS (GENERAL) REGULATIONS, 2012

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Elections

[Subsidiary]

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Regulation

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FORMS

[Subsidiary]

ELECTIONS (GENERAL) REGULATIONS, 2012

[L.N. 128/2012, L.N. 72/2017.]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the Elections (General) Regulations, 2012.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**acknowledgement slip**” means a document issued by the returning officer acknowledging application for registration;

“**Act**” means the Elections Act, 2011;

“**agent**” means a person appointed under section 30 of the Act;

“**authorised official of the party**” in relation to a person required to sign the nomination paper of a candidate means an official of a party authorised in that behalf in accordance with section 31(3) of the Act;

“**campaign**” means the promotion of a candidate or political party for the purposes of an election during the campaign period;

“**close of nominations**” means four o’clock in the afternoon of the last nomination day for respective elections;

“**Commission**” means the Independent Electoral and Boundaries Commission established under Article 88 of the Constitution;

“**copy register**” means the copy of the Register of Voters or part thereof supplied to a polling station under regulation 61(4)(a) or its electronic version;

“**county returning officer**” means a returning officer appointed pursuant to regulation 4;

“**election officer**”, means a person appointed by the Commission to assist in conducting an election under these Regulations and includes a returning officer, deputy returning officer, a presiding officer, a deputy presiding officer, a clerk or an interpreter;

“**electoral number**”, in relation to a voter, means the number shown against the name of that voter in the Register of Voters for his or her constituency;

“**nomination paper**” means nomination papers delivered, in accordance with these Regulations, to the appropriate officer by or on behalf of a person intending to contest as a candidate at an election;

“**party primary**” means the process through which a political party elects or selects a candidate for an election but does not include a party list;

“**police officer**” means a police officer assigned to perform the duties that are performed by a police officer under these Regulations;

“**political party candidate**” means a candidate nominated by a political party to contest an election under the Act;

“**polling day**” means the election date as stipulated in the Constitution or such other date set for an election by the Commission;

“**polling station diary**” means a record of all the activities at a polling station on the polling day;

“**presiding officer**” means a person appointed under regulation 5 to preside at a polling station;

“**rejected ballot paper**” means a ballot paper rejected in accordance with regulation 78;

“**returning officer**” has the meaning assigned to it under the Act and includes, a county returning officer appointed under regulation 4;

“**spoilt ballot paper**” means a ballot paper accepted as spoilt by the presiding officer under regulation 71;

“**stray ballot paper**” means ballot a paper cast in the wrong ballot box;

“**subscriber**” in relation to a nomination paper, means any supporter whose name appears on the nomination paper other than the authorised official of a political party.

[L.N. 72/2017, r. 2.]

PART II – MATTERS PRELIMINARY TO ELECTIONS

3. Constituency returning officers and other staff

(1) The Commission shall appoint a constituency returning officer for each constituency and may appoint such number of deputy constituency returning officer for each constituency as it may consider necessary.

(2) Prior to appointment under paragraph (1), the Commission shall provide the list of persons proposed for appointment to political parties and independent candidates at least fourteen days prior to the proposed date of appointment to enable them make any representations.

(3) The constituency returning officer shall be responsible for—

- (a) conducting elections at the constituency level;
- (b) receiving nomination papers in respect of candidates nominated for the post of National Assembly and Ward representative;
- (c) tallying, announcing and declaring, in the prescribed form, the final results from each polling station in a constituency for the election of a member of the National Assembly and members of the county assembly;
- (d) collating and announcing the results from each polling station in the constituency for the election of the President, county Governor, Senator and county woman representative to the National Assembly;
- (e) submitting, in Form 34B, the collated results for the election of the President to the national tallying center and the collated results for the election of the county Governor in Form 37B, Senator in Form 38B and county woman representative to the National Assembly in Form 39B, to the respective county returning officer; and
- (f) such other functions as may be assigned by the Commission.

(4) Every appointment under this regulation shall be done transparently and competitively and thereafter published in the *Gazette* and in such other manner as the Commission may deem necessary in order to widely publicize the appointment.

(5) A deputy constituency returning officer shall, subject to the general direction and control of the returning officer to whom he or she is a deputy, have all the power, and may perform all the duties, of the returning officer under these Regulations.

(6) The Commission shall appoint such other staff as it may deem necessary for the purpose of conducting elections.

[L.N. 72/2017, r. 3.]

[Subsidiary]

4. Appointment of county returning officers

(1) The Commission shall appoint county returning officers to be responsible for—

- (a) receiving nomination papers in respect of candidates nominated for the post of Governor or county woman representative to the National Assembly and the Senate;
- (b) tallying results from constituencies in the county for purposes of the election of the county Governor, Senator and county women representative to the National Assembly;
- (c) the declaration and announcement of results tallied under paragraph (b); and
- (d) such other functions as may be assigned by the Commission.

(1A) The Commission shall transparently and competitively appoint a deputy county returning officer who shall, subject to the general direction and control of the county returning officer to whom he or she is a deputy, have all the power, and may perform all the duties, of the county returning officer under these Regulations.

(2) Prior to appointment under subregulation (1), the Commission shall provide the list of persons proposed for appointment to political parties and independent candidates at least fourteen days prior to the proposed date of appointment to enable them make any representations.

(3) Every appointment under this regulation shall be done transparently and competitively and thereafter published in the *Gazette* and in such other manner as the Commission may deem necessary in order to widely publicize it.

(4) The county elections coordinator shall not be appointed as the returning officer or the deputy returning officer of the county in which he or she is deployed.

[L.N. 72/2017, r. 4.]

5. Presiding at polling station, oath of secrecy, etc.

(1) The Commission shall transparently and competitively appoint a presiding officer for every polling station and may similarly appoint such number of deputy presiding officers as may be necessary.

(1A) The functions of a presiding officer shall be—

- (a) presiding over elections at an assigned polling station;
- (b) tallying, counting and announcement of results at the Polling station;
- (c) submitting polling station results to the Constituency returning officer; and
- (d) electronically transmitting presidential results to the constituency, counties and national tallying centers.

(2) Prior to appointment under subregulation (1), the Commission shall provide the list of persons proposed for appointment to political parties and independent candidates at least fourteen days prior to the proposed date of appointment to enable them make any representations.

(3) A returning officer may preside at a polling station and in that case the returning officer shall, for the purposes of these Regulations, be deemed to be the presiding officer of that station.

(4) A deputy presiding officer may perform any act, including the asking of any question, which a presiding officer is required or authorized to perform by these Regulations.

(5) The returning officer shall require every presiding officer, deputy presiding officer, clerk, interpreter and agent authorised to attend at a polling station, as soon as he or she has made the oath of secrecy prescribed by the Act, to make before the returning officer, a declaration that the officer making the declaration understands that he or she shall not prompt any voter whom he or she is empowered by these Regulations to assist, and shall strictly follow the provisions of these Regulations, and any instructions which may lawfully be given to him or her relating to the election concerned.

(6) The declaration under subregulation (4) shall be in Form 1 set out in the Schedule.

(7) Every agent appointed by a candidate for the purposes of these Regulations shall at all times during the performance of the duties authorized by the candidate wear the official badge or insignia of the political party sponsoring the candidature of the candidate at the election or an insignia previously approved by the Commission for independent candidates.

[L.N. 72/2017, r. 5.]

6. Appointment of polling clerks

(1) The Commission shall appoint such number of polling clerks for each constituency as it may consider necessary.

(2) The Commission shall make the list of the persons appointed under subregulation (1) available to political parties and independent candidates within fourteen days from the date of appointment to enable them raise any objections.

(3) The list of the persons appointed under sub-regulation (1) shall be displayed prominently at the offices of the Commission within the constituency.

7. Electoral areas and polling stations

(1) The Commission shall—

- (a) assign to each electoral area a distinguishing number or letter or a combination of number and letter;
- (b) appoint a place or places or designate a vehicle or vehicles or a vessel or vessels at which the polling station or stations for each electoral area shall be established; and
- (c) publish in the *Gazette* and publicise through electronic and print media of national circulation and other easily accessible medium, a notice specifying—
 - (i) the polling stations established for each constituency, which may be the same as the registration centres which they respectively comprise;
 - (ii) the distinguishing number or letter, or combination thereof, assigned to each polling station; and
 - (iii) the place or places appointed or the vehicle or vehicles, vessel or vessels designated for the establishment of a polling station or stations for each electoral area.

(2) In determining the number of polling stations and the location of any polling station, the Commission shall have regard to geographical considerations, accessibility for persons with special needs, (including persons with disabilities), population and any other factors affecting communication between places within the electoral area.

(3) Subject to subregulation (2), the Commission may alter the number of polling stations and the location of any polling station made under subregulation (1), and shall thereupon publish a notice in the *Gazette* specifying the alteration at least three months before the date of any election.

8. Use of schools and other public facilities for elections

(1) The Commission may use, free of charge, for the purposes of polling—

- (a) a room or rooms in any public school within the meaning of the Education Act (Cap. 211) or any part of the school as a polling station;
- (b) such other facilities belonging to, and maintained by, public bodies.

(2) Where, as a result of the use of any facility under this regulation, any damage is caused to a school or facility belonging to or maintained by a public body, the Commission shall make good the damage, or compensate the school or facility, as the case may be.

(3) The Commission may, with prior arrangement with the owner and subject to the Public Procurement and Disposal Act (No. 3 of 2005) use private facilities where in the opinion of the Commission, the public facilities are unavailable, inadequate or unsuitable for purposes of polling.

[Subsidiary]

(4) The Commission may not designate as a polling station, any place which, by its nature may compromise the freedom of any voter to exercise his or her right to vote.

9. Party symbol

(1) The Commission shall, by notice in the *Gazette* and through electronic and print media of national circulation and other easily accessible medium notify the public of the distinctive symbol for use by each political party candidate at elections.

(2) The political party symbol shall be the symbol by which the respective party is registered under the Political Parties Act (Act No. 11 of 2011).

(3) Each political party in a coalition of political parties shall use its own symbol.

10. Independent candidate name and symbol

(1) The Commission shall by notice in the *Gazette* and through electronic and print media of national circulation and other easily accessible medium, publish the name and symbol approved for each independent candidate.

(1A) The name of the independent candidate referred to in sub regulation (1) shall be the same as the name appearing in the identification document used by the independent candidate to register as a voter.

(2) The symbols published under subregulation (1) shall be *gazetted* at the same time as the list of persons nominated to contest the election.

(3) The symbol of an independent candidate shall be submitted in an electronic and print format as prescribed by the Commission together with the candidates details in Form 11P set out in the Schedule.

[L.N. 72/2017, r. 6.]

11. Vacancy notices and notices for elections

(1) A notice issued by the Commission for presidential elections under section 14(1) of the Act shall be in Form 2 set out in the Schedule.

(2) A notice of a vacancy in the National Assembly or Senate shall be in Form 3 set out in the Schedule.

(3) A notice of a vacancy in the county assembly shall be in Form 4 set out in the Schedule.

(4) A notice issued by the Commission for parliamentary elections under section 16(1) of the Act shall be in Form 5 set out in the Schedule.

(5) A notice issued by the Commission for country governor elections under section 17(1) of the Act shall be in Form 6 set out in the Schedule.

(6) A notice issued by the Commission for county assembly elections under section 19(3) of the Act shall be in Form 7 set out in the Schedule.

12. Publication of notice of election

(1) The Commission shall publish a notice of the holding of the respective elections in the *Gazette* and in the electronic and print media of national circulation as set out in the Act and through other easily accessible medium.

(2) Immediately after the publication of a notice under section 14(1) of the Act, the returning officer of every constituency shall notify the holding of a presidential election in Form 8 set out in the Schedule.

(3) Immediately after publication of a notice under section 16(1), 17(1) and 19(1) of the Act, a returning officer shall notify the day or days on which each political party shall nominate candidates to contest parliamentary, county governor or county assembly elections and the holding of a parliamentary, county governor or county assembly election, which shall specify the place at which, and the time during which, nomination papers for parliamentary, county governor and county assembly elections may be obtained.

(4) For purposes of subregulation (3) a notice—

- (a) for the election of a member of Parliament shall be in Form 9 set out in the Schedule;
- (b) for the election of county governor shall be in Form 10 set out in the Schedule; and
- (c) for the election of a member of a county assembly shall be in Form 11 set out in the Schedule.

(5) After the publication of a notice under sub-regulation (3), the returning officer of every constituency shall proceed to hold the relevant election according to the terms of the notice and in accordance with these Regulations.

PART III – NOMINATION OF CANDIDATES BY POLITICAL PARTIES
AND PARTICIPATION OF INDEPENDENT CANDIDATES IN ELECTIONS

13. Parties to observe qualifications, etc.

(1) A political party that intends to nominate a candidate for an elective post under the Act shall observe the provisions of the Constitution, the Act and any other written law in respect of the qualifications and disqualifications for that office.

(1A) A political party whose nomination rules have been declared void by the Commission under section 27(2B) of the Act shall not participate in the elections.

(2) The Commission shall reject a candidate submitted by a political party for any elective post if the candidate is not qualified or eligible for election under the Constitution, the Act or any other written law.

(3) Each political party shall issue a nomination certificate, duly signed by the authorized party officials, to the candidate nominated to participate in the elections.

(4) The Commission shall reject a nomination certificate which has any alterations.

[L.N. 72/2017, r. 7.]

13A. Submission of Party membership lists

Each political party shall submit to the Commission a party membership list as prescribed in Form 11A in the Schedule.

[L.N. 72/2017, r. 8.]

13B. Submission of details by parties for primaries

Each political party shall submit to the Commission the date, venue and names of persons contesting in party primaries in both printed and electronic format set out in Forms 11B, 11C, 11D 11E, 11F and 11G.

[L.N. 72/2017, r. 8.]

13C. Submission of names

Every political party shall submit the names the party candidates who have been selected to participate in the general elections in both printed and electronic format as prescribed in Forms 11H, 11I, 11J, 11K, 11L and 11M set out in the Schedule.

[L.N. 72/2017, r. 8.]

14. Party to submit list of candidates

(1) Each political party intending to present a candidate in an election shall, after its nominations and on such date or within such period as the Commission may designate, submit a list of persons nominated as candidates indicating the elective posts to which they are seeking election.

(2) The list referred to in sub-regulation (1) shall be in the prescribed Forms set out in sub-regulation 13C.

[Subsidiary]

(3) The list submitted under this regulation shall be signed by the authorised official of the political party.

(4) Each political party shall submit only the name of one person as their candidate for a presidential election or for any electoral area as defined in the Act.

[L.N. 72/2017, r. 9.]

15. Certain requirements for independent candidates

A person who is a Kenyan citizen, and who intends to contest for an elective post as an independent candidate shall—

- (a) obtain and file with the Commission a clearance certificate from the Registrar of Political Parties certifying that the person has not been a member of any political party for at least three months immediately before the date of the election; and
- (b) file with the Commission a form of intention to contest, in the Form 11N.

[L.N. 72/2017, r. 10.]

PART IV – NOMINATION OF PRESIDENTIAL CANDIDATES

16. Manner of nomination of political party presidential candidate

(1) A political party candidate at a presidential election shall be nominated by a political party by and delivery to the Commission on the day fixed for the nomination of candidates at that election, an application for nomination in Form 12 set out in the Schedule.

(2) An application for nomination under this regulation shall be—

- (a) signed by the candidate, and the authorised official of the party; and
- (b) delivered to the Commission personally by the candidate or by an official of the party.

17. Manner of nomination of independent presidential candidate

(1) An independent candidate at a presidential election shall deliver to the Commission on the day fixed for the nomination of candidates at that election, an application for nomination in Form 12 set out in the Schedule.

(2) An application for nomination under this regulation shall—

- (a) signed by the candidate, and by two persons who have nominated the candidate in accordance with section 29(2) of the Act;
- (b) delivered to the Commission personally by the candidate or by any of the two persons referred to in paragraph (a).

18. Supporters of nomination of presidential candidate and statutory declaration

(1) The person delivering an application for nomination under regulation 16 or 17 shall at least five days to the day fixed for nomination, deliver to the Commission a list bearing the names, respective signatures, identity card or passport numbers of at least two thousand voters registered in each of a majority of the counties, in standard A4 sheets of paper and in an electronic form.

(2) The sheets of paper delivered under this regulation shall—

- (a) be serially numbered;
- (b) each have at the top, in typescript, the wording at the top of Form 12; and
- (c) be accompanied by copies of the identification document of the voters referred to in sub-regulation (1).

(3) There shall be delivered to the returning officer together with the application for nomination, a statutory declaration in Form 13 set out in the Schedule, made not earlier than one month before the nomination day.

[L.N. 72/2017, r. 11.]

19. Nomination fees of presidential candidates

An application for nomination for candidature at a presidential election shall be accompanied by a non-refundable nomination fee, in banker's draft of—

- (a) one hundred thousand shillings for a candidate who is a youth, a woman or a person with disability; and
- (b) two hundred thousand shillings for any other candidate.

20. Certain obligations of independent candidates for the office of president

(1) Every independent candidate contesting for the office of president shall establish and maintain a functioning office in Kenya.

(2) The office contemplated in subregulation (1) shall be established and be available for inspection by the Commission not later than forty-five days prior to the elections.

21. Declaration of no contest: Presidential election

If at the close of nominations for a presidential election, only one candidate is validly nominated, the Commission shall publish a notice in the *Gazette* showing the name of the candidate so nominated and stating that the presidential election shall not be held, and the Commission shall declare the candidate elected as President in Form 14.

PART V – NOMINATION OF CANDIDATES FOR NATIONAL ASSEMBLY

22. Nomination of political party candidates for National Assembly

A political party candidate at a parliamentary election for the National Assembly or county woman representative shall be nominated by a political party by delivery, to the returning officer on the day fixed for the nomination of candidates at that election, of an application for nomination in Form 15 set out in the Schedule.

23. Nomination of independent candidates for National Assembly

An independent candidate at a parliamentary election for the National Assembly or the county woman representative shall deliver to the returning officer, on the day fixed for the nomination of candidates at that election, an application for nomination in Form 15 set out in the Schedule.

24. Supporters of nomination of candidate for National Assembly

(1) The person delivering an application for nomination under regulation 23 shall at the same time deliver to the returning officer for each elective post, standard A4 sheets of paper bearing the names, respective signatures and identity card numbers of at least one thousand voters registered in the constituency or county, as the case may be.

(2) The sheets of paper delivered under sub-regulation (1) shall—

- (a) be serially numbered;
- (b) each have at the top, in typescript, the wording at the top of Form 15; and
- (c) be accompanied by copies of the identification documents of the voters referred to in sub regulation (1).

[L.N. 72/2017, r. 12.]

24A. Nomination of County Woman representative of the National Assembly

Where the nomination is for a county woman representative of the National Assembly, the candidate shall make an application for nomination in Form 15A as prescribed in the Schedule.

[L.N. 72/2017, r. 13.]

[Subsidiary]

25. Nomination fees for candidate for National Assembly

An application for nomination for candidature at a parliamentary election shall be accompanied by a non-refundable nomination fee, in banker's draft, of—

- (a) ten thousand shillings for a candidate who is a youth, woman or person with disability; and
- (b) twenty thousand shillings for any other candidate.

PART VI – NOMINATION OF CANDIDATES FOR SENATE

26. Nomination of political party candidate for Senate

A political party candidate at an election for the Senate shall be nominated by a political party by delivery, to the county returning officer on the day fixed for the nomination of candidates at that election, of an application for nomination in Form 16 set out in the Schedule.

27. Nomination of independent candidate for Senate

An independent candidate at an election for the Senate shall be nominated by delivery to the county returning officer on the day fixed for the nomination of candidates at that election, of an application for nomination in Form 16 set out in the Schedule.

28. Supporters of nomination of candidate for Senate

(1) The person delivering an application for nomination under regulation 27 shall at the same time deliver to the returning officer, standard A4 sheets of paper bearing the names, respective signatures and identity card numbers of two thousand registered voters in the county.

(2) The sheets of paper delivered under sub-regulation (1) shall—

- (a) be serially numbered;
- (b) each have at the top, in typescript, the wording at the top of Form 16; and
- (c) be accompanied by copies of the identity cards of the voters referred to in sub regulation (1).

[L.N. 72/2017, r. 14.]

29. Nomination fees for candidate for Senate

An application for nomination for candidature at a Senate election shall be accompanied by a non-refundable nomination fee, in banker's draft, of—

- (a) twenty-five thousand shillings for a candidate who is a youth, woman or person with disability; and
- (b) fifty thousand shillings for any other candidate.

PART VII – NOMINATION OF COUNTY GOVERNOR CANDIDATES

30. Nomination for political party candidate for county governor

A political party candidate for election as county governor shall be nominated by the political party by delivery, to the county returning officer, on the day fixed for the nomination of candidates at that election, of an application for nomination in Form 17 set out in the Schedule.

31. Nomination of independent candidates for county governor

(1) An independent candidate at a county governor election shall deliver to the returning officer on the day fixed for the nomination of candidates at that election, an application for nomination in Form 17 set out in the Schedule.

32. Supporters of nomination of county governor candidate

(1) The person delivering an application for nomination under regulation 31 shall at the same time deliver to the returning officer standard A4 sheets of paper bearing the names, respective signatures and identity card numbers of five hundred voters registered in the county.

(2) The sheets of paper delivered under sub-regulation (1) shall—

- (a) be serially numbered;
- (b) each have at the top, in typescript, the wording at the top of Form 17; and
- (c) be accompanied by copies of the National identification cards of the voters referred to in sub-regulation (1).

[L.N. 72/2017, r. 15.]

33. Nomination fees for county governor candidates

An application for nomination for candidature at a county governor election shall be accompanied by a non-refundable nomination fee, in banker's draft, of—

- (a) twenty-five thousand shillings for a candidate who is a youth, woman or person with disability; and
- (b) fifty thousand shillings for any other candidate.

PART VIII – NOMINATION OF CANDIDATES FOR COUNTY ASSEMBLY MEMBER**34. Nomination of political party candidate for county assembly member by political parties**

A political party candidate at a county assembly election shall be nominated by a political party by delivery to the returning officer on the day fixed for the nomination of candidates at that election, of an application for nomination in Form 18 set out in the Schedule.

35. Nomination of independent candidate for county assembly

An independent candidate at a county assembly member election shall deliver to the returning officer on the day fixed for the nomination of candidates at that election, of an application for nomination in Form 18 set out in the Schedule.

36. Supporters of nomination of candidate for county assembly

(1) The person delivering a nomination application under regulation 35 shall at the same time deliver to the returning officer, standard A4 sheets of paper bearing the names, respective signatures and identity card numbers of five hundred voters registered in the ward.

(2) The sheets of paper delivered under sub-regulation (1) shall—

- (a) be serially numbered; and
- (b) each have at the top, in typescript, the wording at the top of Form 18; and
- (c) be accompanied by copies of the identity cards of the voters referred to in sub regulation (1).

[L.N. 72/2017, r. 16.]

37. Nomination fees for candidate for member of county assembly

An application for nomination for candidature at a county assembly member election shall be accompanied by a non-refundable nomination fee, in banker's draft of—

- (a) two thousand five hundred shillings for a candidate who is a youth, woman or person with disability; and
- (b) five thousand shillings for any other candidate.

[Subsidiary]

PART IX – GENERAL PROVISIONS ON
NOMINATION OF CANDIDATES AND REFERENDUM

38. General requirements: political party candidates

A nomination paper submitted by a political party candidate to the Commission shall—

- (a) contain the candidate's name as it appears in the register of voters;
- (b) be signed by the candidate and by a proposer and seconder who shall be voters registered in the respective electoral areas, and who shall be members of the political party, and by an authorised official of the political party; and
- (c) be delivered to the returning officer personally by the candidate or by a person authorised by the candidate in that behalf on the day set for the nomination.

39. General requirements: independent candidates

A nomination paper submitted by an independent candidate to the Commission shall—

- (a) contain the candidate's name as it appears in the voter register;
- (b) show the voter registration number of each of the subscribers thereto;
- (c) be signed by the candidate, and by a proposer and seconder who shall be voters registered in the respective electoral areas but who shall not be members of any political party;
- (d) show the respective electoral area and voters number of the proposer and the seconder; and
- (e) be delivered to the returning officer personally by the candidate himself or herself or by a person authorized in that behalf by the candidate on the day set for the nomination of that election.

40. Independent candidates to supply physical address

Every independent candidate for elections shall provide a physical address located in the respective electoral area for purposes of physical service of documents.

41. Statutory declaration for purposes of nomination

A person nominated to contest in a parliamentary or county election shall submit to the returning officer together with the application for nomination a statutory declaration in Form 19 set out in the Schedule.

42. Supply of nomination forms

A returning officer shall supply free of charge to any voter of his or her electoral area an application for nomination upon a request made by the voter or on behalf of the voter at such place and time as is specified in a notification under regulation 11.

43. Validity of nomination papers

(1) Where a candidate has applied for nomination in accordance with these Regulations, unless the returning officer holds a nomination paper invalid in accordance with these Regulations, or the candidate withdraws his or her candidature, or proof is given to the satisfaction of the returning officer of the candidates' death, the candidate named therein shall stand validly nominated.

(2) A returning officer shall hold a nomination paper invalid on any of the following grounds—

- (a) that the particulars of the candidate or supporters contained in the nomination paper are not as required by the Act or these Regulations in respect of that elective post;

- (b) that the nomination paper is not subscribed as required by these Regulations in respect of that elective post;
- (c) that the candidate is not qualified to be, or is disqualified by law from being nominated or elected to the elective post for which nomination is sought;
- (d) that so many of the supporters as would reduce the number of qualified supporters to less than the required number of supporters are not qualified to be supporters;
- (e) that the candidate was not nominated by a political party under section 13 of the Act;
- (f) that the candidate's name is not on the list submitted by the political party under section 35 of the Act;
- (g) that the nomination paper was presented after the prescribed period had lapsed;
- (h) that the nomination paper was not accompanied by the prescribed fee;
- (i) that the person stands nominated as a candidate in another electoral area; or
- (j) that the candidate is disqualified under any other written law.

(3) A returning officer shall give his or her decision on an objection to a nomination paper as soon as practicable after the objection is made.

(4) Where a returning officer decides that a nomination paper is invalid, the returning officer shall record that decision and the reasons therefor on the nomination paper, add his or her signature thereto and return the invalid nomination paper to the candidate or its presenter.

(5) Notwithstanding that a returning officer has held nomination papers invalid, the returning officer may admit the nomination papers once the reason rendering the nomination papers invalid has been addressed.

44. Withdrawal of candidature before nomination

A candidate whose nomination papers have been delivered to the returning officer may, before the close of nominations, by notice in writing signed by him or her before the returning officer and presented to the returning officer, withdraw his or her candidature.

45. Multiple subscribers, etc.

(1) No person shall be a subscriber to more than one nomination paper in respect of different candidates in the same election and if any person subscribes to more than one nomination paper such subscription shall be inoperative on nomination papers:

Provided that this subregulation shall not apply to the subscription of a person by reason only of his or her having subscribed a nomination paper of a candidate who has died or who has withdrawn his or her candidature before a second nomination paper subscribed by that person has been delivered to the returning officer.

(2) For purposes of verifying the names of the members of the political party on the party membership list provided by a political party for purposes of these Regulations, such names shall be confirmed against the party membership list submitted to, and kept by, the Registrar of Political Parties and the party membership list submitted to the Commission pursuant to section 28 of the Act.

46. Ethical requirements

A candidate shall obtain and submit a self-declaration form as prescribed under the Leadership and Integrity Act, 2012 (No. 19 of 2012).

[L.N. 72/2017, r. 17.]

[Subsidiary]

47. Ascertainment of educational qualifications

(1) For purposes of ascertaining the educational qualification of persons for an elective post, a person seeking nomination shall submit to the Commission certified copies of certificates of the educational qualification.

(2) Where the body that issued the certificate is not based in Kenya, a candidate shall be required to seek authentication of that body with the Kenya National Examinations Council, in the case of form four certificates, or the Commission for University Education, in the case of university degrees.

[L.N. 72/2017, r. 18.]

48. Attendance at delivery of nomination papers

(1) No person shall be entitled to attend the proceedings taking place during the time fixed for the delivery of nomination papers unless that person is—

- (a) a candidate;
- (b) a person nominated as deputy to the candidate, where applicable;
- (c) an agent; or
- (d) present for the purpose of assisting the returning officer at the request of the returning officer.

(2) Only two persons shall be entitled to attend the proceedings under subregulation (1) at any one time, in respect of any one candidate, whether one of the two persons is the candidate himself or herself or not.

(3) A person entitled to attend proceedings under this regulation shall also be entitled to inspect and to object to the validity of any nomination paper delivered in his or her presence.

(4) Nothing contained in this regulation shall prevent the returning officer from authorizing observers or members of the press duly approved or accredited by the Commission from attending the nomination proceedings.

49. Death of candidate

Where after the close of the nomination, and before the poll is commenced, proof is given to the satisfaction of the returning officer of the death of a person who has been duly nominated, all the proceedings with reference to the election in that electoral area shall cease and shall be commenced afresh as if the notice had been received on the day on which proof of the death was given, or in the case of a general election or an election involving other electoral areas, the day following the announcement of the last election results:

Provided that no fresh nomination shall be necessary in the case of a person already duly nominated for the election affected by this regulation whose nomination shall remain valid.

50. Disruption of nomination

(1) Where the proceedings of a nomination in an electoral area are interrupted by riots, violence, floods or other natural disaster, the proceedings in that electoral area shall be suspended for that day.

(2) If the day referred to in subregulation (1) is the last day for the delivery of nomination papers, the nomination proceedings in that electoral area shall be continued on the next day as if that were the last day for the delivery thereof.

(3) The "last day" referred to in sub-regulation (2) shall be treated for purposes of these Regulations as being the last day (subject to any further application of this rule in the event of interruption on that day):

Provided the returning officer shall advertise the postponing of the nominations in such manner as the returning officer considers sufficient to bring it to the notice of the public.

(4) A returning officer may extend the hours of nomination at the electoral area where nomination has been interrupted and shall, where nomination started late, extend the hours of nomination by the amount of time which was lost in so starting late.

51. Nomination certification, etc.

(1) The chairperson of the Commission shall issue a candidate who is validly nominated to contest in a presidential election with a certificate in Form 20 set out in the Schedule.

(2) The returning officer shall issue a candidate who is validly nominated to contest in a parliamentary, county governor or county assembly with a certificate in Form 21 set out in the Schedule.

(3) If, after the closure of nomination no person stands validly nominated, the returning officer shall certify accordingly to the Commission in Form 22 set out in the Schedule.

(3A) Where after the closure of nomination no person stands validly nominated under sub regulation (3), the Commission shall publish a notice in the *Gazette* cancelling the holding of the election concerned.

(4) If, after the close of nominations, only one candidate is validly nominated, the returning officer shall—

- (a) declare the candidate to be nominated; and
- (b) certify accordingly to the Commission in Form 23 set out in the Schedule.

(5) Upon receipt of a certificate under subregulation (1) or (2), the Commission shall publish a notice in the *Gazette* and, where two or more certificates are received at substantially the same time, such notice may be a composite one.

(6) If, after the close of nominations, two or more candidates stand validly nominated, the returning officer shall publish a statement and post it prominently at a place at the returning officer's office where the public has full access and at such other places as the Commission may deem necessary in Form 24 set out in the Schedule stating—

- (a) the names, in alphabetical order of surnames, addresses and occupations or descriptions of such candidates as given in their nomination papers;
- (b) the name of the subscribers to the nomination papers;
- (c) the day or days upon which, and the hours during which, the poll will be taken;
- (d) the situation of each polling station and the description of the voters entitled to vote at each polling station; and
- (e) the location of each tallying centre.

[L.N. 72/2017, r. 19.]

52. Withdrawal of candidature after nomination

(1) A candidate who has been nominated may withdraw his or her candidature by delivering to the respective returning officer a notice to that effect in Form 24A not later than three days after nomination.

(2) Where there are only two nominated candidates and one candidate withdraws, the remaining candidate shall be declared duly elected in accordance with regulation 53.

[L.N. 72/2017, r. 20.]

53. Declaration of no contest: Other elective posts

If at the close of nominations for any elective post only one candidate is validly nominated in respect of that elective post in an electoral area, the Commission shall declare the candidate duly elected and publish a notice in the *Gazette* to that effect.

[L.N. 72/2017, r. 21.]

[Subsidiary]

53A. Swearing in of an elected candidate

Where a candidate has been duly elected the speaker of the relevant assembly shall swear in the candidate within seven days of the date of the election.

[L.N. 72/2017, r. 22.]

PART X – NOMINATIONS FOR PARTY LISTS

54. Submission of political party list for allocation of special seats

(1) Each political party shall submit to the Commission a party list of all persons who would stand elected if the party were entitled to seats in the National Assembly, Senate or the County Assembly, as the case may be on the basis of proportional representation in accordance with Article 90 of the Constitution and sections 34, 35, 36 and 37 of the Act.

(2) The party list referred to in sub-regulation (1) shall contain the name, address, age, sex, disability and category of disability, phone number, occupation, identity card number or passport number and colored passport size photograph image, elective post sought and such other qualifications as are provided under the Constitution and the Act in the prescribed Form 24B.

(3) A party list submitted under subregulation (1) shall be in accordance with section 36 of the Act, and shall be—

- (a) signed by the authorised official of the political party submitting the party list; and
- (b) be submitted in hard copy, in electronic form and such other form that the Commission may specify.

(4) Each political party list nominee shall after nomination, submit to the Commission a letter stating his or her intention to serve if nominated.

(4A) Each political party list nominee representing persons with disabilities shall submit, to the Commission, a certification from the National Council for Persons with Disabilities.

(5) The Commission may reject a nominee submitted by a political party for any elective post if that nominee is not qualified to be elected to the office for which the nomination is sought as specified under the Constitution or the Act.

(6) The rejection by the Commission of a nominee under this regulation shall not invalidate the entire party list submitted by the political party.

(7) The Commission, after making the decision to reject a nominee, inform the political party concerned of that decision and request that political party to submit another name within such time as the Commission shall determine.

(8) The Commission shall publish the final party list in at least two newspapers with nationwide circulation.

[L.N. 72/2017, r. 23.]

55. Party list to be prepared in accordance with party rules

(1) The party list contemplated under regulation 54 shall be prepared in accordance with the nomination rules of the political party.

(2) The Commission shall within fourteen days of receipt reject any party list that does not comply with the requirements of the Constitution, the Act or these Regulations.

(3) The political party whose party list or nominee has been rejected by the Commission under sub-regulation (2) shall resubmit the party list or nominee within seven days from the date that the party list was rejected under sub regulation (2).

(3A) Where a political party fails to amend the party list or resubmit the list as directed by the Commission, the Commission shall reject the party list.

(4) A political party submitting a party list under regulation 54 shall submit a declaration to the effect that the political party has complied with its rules relating to the nomination of the names contained in the list.

[L.N. 72/2017, r. 24.]

56. Commission to publish formula for allocation of seats

(1) The Commission shall before the election to which a party list applies, publish in the *Gazette* and publicise through electronic and print media of national circulation and other easily accessible medium, the formula for allocating the seats to the respective political parties.

(2) The formula for allocation of seats to the respective political parties from the party lists shall be the number of seats won by a political party divided by the total number of seats multiplied by available seats for allocation in the respective House.

56A. Re-allocation of special seats from the Party list

(1) Where a political party expels a member elected through a party list during the term of Parliament or County Assembly as the case may be, the party shall be required to submit—

- (a) a resolution or decision of the party;
- (b) a notification by the Registrar of Political Parties effecting the expulsion;
- (c) a declaration of vacancy from the relevant Speaker; and
- (d) a court order sanctioning the expulsion where applicable,

to the Commission for re-allocation.

[L.N. 72/2017, r. 25.]

56B. Resignation of a member elected through party list

Where a member elected through a party list resigns during the term of parliament or County Assembly as the case may be, the party shall be required to submit—

- (a) the resignation letter of the member; and
- (b) a declaration of vacancy from the relevant Speaker,

to the Commission for re-allocation.

[L.N. 72/2017, r. 25.]

PART XI – PROVISIONS RELATING TO THE CAMPAIGN PERIOD

57. Appointment of national and county chief elections agents

(1) Every political party shall at least fourteen days to the date of the election submit to the Commission the names of one national chief agent and forty-seven county chief agents.

(2) Every independent candidate at a presidential election shall fourteen days to the date of the election submit to the Commission the names of one national chief agent and forty-seven county chief agents.

58. Deleted by L.N. 72/2017, r. 26.

PART XII – PROVISIONS ON VOTING AT ELECTIONS

59. Election procedure

(1) Every election shall be by secret ballot and shall be held in accordance with the provisions of the Constitution, the Act and these Regulations.

(2) A voter shall cast his or her vote by use of a ballot paper or electronically.

(3) No person shall cast more than one vote at any particular election.

(4) No person shall vote in a polling station other than that in respect of which that person is registered to vote.

[Subsidiary]

60. Electronic voting

Where the Commission intends to conduct an election by electronic means, it shall, not later than three months before such election, publish in the *Gazette* and publicise through electronic and print media of national circulation and other easily accessible medium, guidelines that shall apply in such voting.

61. Election material at polling station

(1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers necessary for the effective carrying out of the provisions of these Regulations relating to the election concerned.

(2) Every ballot box shall be—

- (a) fairly transparent or translucent;
- (b) be colour coded prominently and distinctively to identify the respective elective post and shall correspond with the colour of the ballot paper for that elective post;
- (c) constructed with an aperture which is large enough to receive a ballot paper;
- (d) clearly labelled with the text of the respective elective post;
- (e) constructed so as to be capable of being sealed so that ballot papers cannot be taken out of the box so long as the seal is unbroken;
- (f) constructed so that the ballot boxes shall bear serial numbers of the polling station and which serial numbers shall be posted prominently and in full view of voters at every polling station.

(3) The ballot box shall be designed in such way as to facilitate voting during the election.

(4) The returning officer shall provide each polling station with—

- (a) both electronic and hard copy of the Register of Voters or such part thereof as contains the biometric data and alpha numerical details of the voters entitled to vote at that polling station;
- (b) materials to enable voters to mark their ballot papers in elections where marking is necessary;
- (c) instruments for stamping the official mark on ballot papers;
- (d) material for the marking of the voters fingers;
- (e) a seal of the Commission suitable for the purposes of regulation 69(1)(g);
- (f) sufficient number of compartments in which voters can mark their votes secretly;
- (fa) sufficient number of compartments in which voters can mark their votes secretly with special consideration for persons with disabilities; and
- (g) such other materials for the better carrying out of polling.

[L.N. 72/2017, r. 27.]

62. Admission to polling station

(1) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and may exclude all other persons except—

- (a) a candidate;
- (b) a person nominated as a deputy to the candidate, where applicable;
- (c) authorised agents;
- (d) members of the Commission and election officers on duty;
- (e) police officers on duty;
- (f) persons necessarily assisting or supporting voters with special needs or assisted voter; and

- (g) observers and representatives of the print and electronic media accredited by the Commission.

(2) Notwithstanding sub-regulation (1), the presiding officer shall admit to the polling station not more than one agent for each candidate or political party.

(3) The absence of agents shall not invalidate the proceedings at a polling station.

(4) Every agent appointed by an independent candidate or political party for the purposes of these Regulations shall at all times during the performance of the duties authorized by the independent candidate or political party display the official badge supplied by the Commission.

(5) No person shall be admitted to vote at any polling station other than that allotted to that person under regulation 59(4).

(6) No person shall be admitted into a polling station if that person is wearing a badge or has any dressing, signifying symbols or other indication of support for any political party, a candidate in the election or a referendum committee.

63. Keeping order at polling station

(1) It shall be the duty of the presiding officer to keep order at his or her polling station.

(2) The presiding officer may order the removal of any person who misconducts himself or herself at the polling station, or fails to obey any lawful instructions or orders of the presiding officer and such person shall be removed by the police officer present.

(3) A person removed from the polling station under sub-regulation (2) shall not re-enter the polling station during the continuance of the poll without the permission of the presiding officer.

(4) A person removed from a polling station under sub-regulation (2) may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody for an offence by a police officer without a warrant.

(5) The presiding officer may order the dispersal of any gathering of persons which appears to the presiding officer to be preventing free entry to, or exit from, the polling station or to be intimidating or interfering with voters, and any such order shall be sufficient authority for a police officer, or any other person authorized by the order, to effect the dispersal.

(6) The power conferred on a presiding officer and a police officer under subregulation (5) shall not be limited to the area covered by the polling station only but shall extend to a radius of not more than four hundred meters from the centre of the polling station.

(7) The powers conferred by this regulation shall not be exercised so as to prevent any voter who is entitled to vote at the polling station from having an opportunity to peaceably vote at that polling station.

64. Adjournment, etc., of polling by the presiding officer

(1) Notwithstanding the terms of any notice issued under the Act or these Regulations, a presiding officer may, after consultation with the returning officer, adjourn the proceedings at his or her polling station where they are interrupted by a riot, violence, natural disaster or other occurrence, shortage of equipment or other materials or other administrative difficulty, but where the presiding officer does so, the presiding officer shall re-start the proceedings at the earliest practicable moment.

(2) The discretionary powers of a presiding officer under subregulation (1) shall include a power in the circumstances therein mentioned to transfer the proceedings to another polling station or public facility in the same constituency, and where presiding officer does so—

- (a) the presiding officer shall advertise the fact in such manner as is sufficient to bring it to the notice of voters; and
- (b) the electoral area for the polling station from which the proceedings are transferred shall, for all the purposes of these Regulations, be deemed to be part of the electoral area of the polling station to which the proceedings are transferred.

[Subsidiary]

- (3) A presiding officer shall, in consultation with the returning officer—
extend the hours of polling at the polling station where polling has been interrupted under this regulation or for other valid cause; and

where polling in that polling station has started late, extend the hours of polling by the amount of time which was lost in so starting late.

- (4) Where hours of polling have been extended as contemplated under subregulation (3), the presiding officer shall give a detailed report on the clear facts justifying such extension of hours.

64A. Postponement of an election by the Commission

(1) The Commission may, where a date has been appointed for holding an election, postpone the election in a constituency, county or ward for such period as it may consider necessary where—

- (a) there is a reason to believe that a serious breach of peace is likely to occur if the election is held on that date; and
- (b) it is impossible to conduct the elections as a result of a natural disaster or other emergencies.

(2) Where an election is postponed under sub regulation (1), the election shall be held at the earliest practicable time.

(3) Notwithstanding the provisions of this regulation, the Commission may declare the results if satisfied that the result of the elections will not be affected by the votes yet to be received and tallied from the affected polling stations.

[L.N. 72/2017, r. 28.]

65. Communication at polling station

(1) No person other than an election officer or police officer on duty shall, except with the authority of the presiding officer, have any communication whatsoever with a voter who is in, or in the immediate precincts of, a polling station for the purpose of voting.

(2) This regulation shall not prevent the companion of an assisted or supported voter from communicating with that voter.

(3) Every election officer, candidate or agent attending at a polling station shall not communicate, unless for a purpose authorized by law, any information as to the name or number on the Register of Voters of any voter who has or has not applied for a ballot paper or voted at that station.

(4) A presiding officer may, upon request, divulge to a candidate or agent of a candidate the total number of voters who have voted at the station at any time before the poll is closed.

[L.N. 72/2017, r. 29.]

66. Polling time

(1) Subject to regulation 64, voting shall commence at 6 o'clock in the morning and end at 5 o'clock in the afternoon on the polling day.

(2) Notwithstanding subregulation (1), a person who is on a queue for the purposes of voting before 5 o'clock in the afternoon shall be allowed to vote despite the fact that the voting time may extend to after 5 o'clock.

(3) The voting by Kenyan citizens residing outside Kenya shall be carried out during the Kenyan time specified in subregulation (1).

67. Sealing of ballot boxes, etc.

(1) The presiding officer shall, immediately before the commencement of the poll—

- (a) show the ballot box or ballot boxes to those persons lawfully present in the polling station;

- (b) allow those of the candidates, agents and any voter as may wish, to do so, to ascertain that the box or boxes are empty; and
- (c) close the box or boxes with seals so that they may not be opened without breaking the seal.

(2) After a ballot box is sealed under subregulation (1) the presiding officer shall cause it to be so placed in the polling station that it can at all times be in the view of himself or herself or a deputy presiding officer and of the candidates or the agents.

(3) On the adjournment of the poll in a polling station to another day, or on the close of the poll at one station with a view to transferring a ballot box to another station, and at any other time when a ballot box is not in use for the purpose of receiving ballot papers, the presiding officer shall close up the aperture used for the insertion of the ballot papers into the box and place his or her seal on it in such a manner as to prevent the insertion of ballot papers without breaking the seal.

(4) After a box has been sealed under subregulation (3), the seal shall not be broken or the aperture opened except in the presence of the candidates or agents present in the polling station where polling is about to re-commence.

(5) Where a presiding officer affixes his or her seal on a ballot box or aperture thereof under this regulation, the presiding officer shall permit any candidate or agent who so wishes to affix his or her seal on the box or aperture.

68. Ballot papers

(1) Ballot papers for an election—

- (a) for use at a presidential election shall be in Form 25 set out in the Schedule;
- (b) for use at a National Assembly election shall be in Form 26 set out in the Schedule;
- (c) for use at a county woman representative to the National Assembly election shall be in Form 27 set out in the Schedule;
- (d) for use at a Senate election shall be in Form 28 set out in the Schedule;
- (e) for use at an election for governor shall be in Form 29 set out in the Schedule;
- (f) for use at a county assembly member election shall be in Form 30 set out in the Schedule;
- (g) for use in referendum shall be in Form 31 set out in the Schedule.

(2) Where an election is in respect of more than one elective post, each ballot paper shall be printed on paper of a different colour which is prominent and distinctive from those for use in the other elective posts.

(3) The persons validly nominated under these Regulations shall have their names included in the ballot papers for an election in the same order as they appeared in a notice published in accordance with regulation 51(5).

(4) Every ballot paper for use at an election shall—

- (a) contain the name and symbol of the candidate validly nominated;
- (b) contain a photograph of the candidate where applicable;
- (c) be capable of being folded up;
- (d) have a serial number, or combination of letter and number, printed on the front; and
- (e) have attached a counterfoil with the same number or combination printed thereon.

(5) The presiding officer shall before polling commences, allow the candidates or agents who are present at the polling station to inspect the ballot papers provided for use at the polling station and to note the serial numbers thereon.

[L.N. 72/2017, r. 30.]

[Subsidiary]

69. Voting procedure

(1) Before issuing a ballot paper to a voter, an election official shall—

- (a) require the voter to produce an identification document which shall be the same document used at the time of registration as a voter;
- (b) ascertain that the voter has not voted in that election;
- (c) call out the number and name of the voter as stated in the polling station register;
- (d) require the voter to place his or her fingers on the fingerprint scanner and cross out the name of the voter from the printed copy register once the image has been retrieved;
- (e) in case the electronic voter identification device fails to identify a voter the presiding officer shall—
 - (i) invite the agents and candidates in the station to witness that the voter cannot be identified using the device;
 - (ii) complete verification Form 32A in the presence of agents and candidates;
 - (iii) identify the voter using the printed Register of voters; and
 - (iv) once identified proceed to issue the voter with the ballot paper to vote;
- (f) *deleted by L.N. 72/2017, r. 31(c);*
- (g) *deleted by L.N. 72/2017, r. 31(c).*

(2) A voter shall, in a multiple election, be issued with the ballot papers for all elections therein at the same time and shall after receiving the ballot papers—

- (a) cast his or her votes in accordance with regulation 70 without undue delay;
- (b) submit to having one finger as prescribed by the Commission immersed, dipped or marked in ink of a distinctive colour which, so far as is possible, is sufficiently indelible to leave a mark for the period of the election;
- (c) where a voter has no finger, make a mark on the next most suitable part of the body; and
- (d) upon collecting his or her identification documents, immediately leave the polling station.

(3) A person who knowingly fails to place a ballot paper issued to him or her (not being a spoilt ballot paper) into a ballot box before leaving the place where the box is situated commits an offence under the Act.

(4) An election officer who deliberately refuses to stamp any ballot paper commits an offence.

(5) The presiding officer may, where a voter so requests, explain the voting procedure to such voter.

[L.N. 72/2017, r. 31.]

70. Method of voting

(1) A voter shall, upon receiving a ballot paper under regulation 69(2)—

- (a) go immediately into one of the compartments of the polling station and secretly mark his or her ballot paper by putting a cross, a tick, thumbprint or any other mark in the box and column provided for that purpose against the name and the symbol of the candidate for whom that voter wishes to vote; and
- (b) fold it up so as to conceal his or her vote, and shall then put the ballot paper into the ballot box in the presence of the presiding officer and in full view of the candidates or agents.

(2) The voter shall after following the procedure specified in subregulation (1) put each ballot paper into the ballot box provided for the election concerned.

(3) No replacement of a ballot paper under this regulation may be done more than twice in respect of any particular voter.

71. Spoilt ballot papers

A voter who has inadvertently dealt with his or her ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and providing to the satisfaction of such officer the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered and the spoilt ballot paper shall be immediately cancelled and the counterfoil thereof marked accordingly.

72. Assisted voters

(1) On the application of a voter who is, by reason of a disability or being unable to read or write, and therefore unable to vote in the manner prescribed in these Regulations, the presiding officer shall permit the voter to be assisted or supported by a person of the voter's own free choice, and who shall not be a candidate or an agent.

(2) Where the person who applies to be assisted is not accompanied by a person who is qualified to assist him or her, the presiding officer shall assist such voter, in the presence of the agents.

(3) The presiding officer may make such necessary and respectful inquiry in order to establish that the voter and the person the voter has chosen to assist him or her satisfies the provisions of this regulation.

(4) The person chosen by the voter is not required to be qualified to vote but is required to have attained the age of eighteen years.

(5) The following shall apply with respect to a person who assists a voter under this regulation—

- (a) the person shall, before assisting or supporting the voter, make a declaration of secrecy before the presiding officer in Form 32 set out in the Schedule;
- (b) a person who breaches his or her declaration commits an offence under the Act;
- (c) the person shall assist or support only one voter at that election and have a mark as proof of assisting or supporting a voter.

(6) Where a presiding officer grants the request of a voter under this regulation, the presiding officer shall record in the polling station register against the name of the voter the fact that the voter was assisted and the reason for the assistance.

(7) No person other than a person acting under this regulation shall be present in a compartment of a polling station while a voter is in the compartment for the purpose of marking his or her ballot paper and any person who contravenes this subregulation commits an offence.

PART XIII – COUNTING OF VOTES AND DECLARATION OF RESULTS

73. Procedure on close of polling

(1) At the end of voting, the presiding officer shall declare the polling station closed and shall proceed to seal the ballot boxes in the presence of the candidates or agents and observers at his or her polling station.

(2) Immediately after the close of the polling at his or her polling station, the presiding officer shall make in the polling station diary a written statement of—

- (a) the number of ballot papers issued to him or her under regulation 61;
- (b) the number of ballot papers, other than spoilt ballot papers, issued to voters;
- (c) the number of spoilt ballot papers; and
- (d) the number of ballot papers remaining unused.

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(3) Immediately after the completion of the statement under subregulation (2), the presiding officer, in the presence of the candidates or agents shall seal in separate tamper proof envelopes—

- (a) the spoilt ballot papers, if any;
- (b) the marked copy register, where necessary;
- (c) the counterfoils of the used ballot papers; and
- (d) the statement specified in subregulations,

and shall seal each of the envelopes with his or her own seal and the seal of the Commission and shall allow any candidate or agent who may wish to do so, to affix his seal to the envelope and any statement recorded under these regulations.

(4) After complying with the provisions of this regulation, the presiding officer shall, as soon as practicable, deliver the ballot boxes, and the tamper proof sealed envelopes to the returning officer who shall take charge thereof.

74. Attendance at counting of votes

(1) No agent shall be deemed to be an agent for the purposes of counting unless, at least forty eight hours before the close of the poll in that election, the candidate or political party, as the case may be, has submitted to the presiding officer—

- (a) the name and address of the agent; and
- (b) a letter of the appointment of the agent.

(2) A presiding officer shall not allow a person whose name, address and authorization has not been so submitted to attend at a counting of votes notwithstanding that the appointment of that person is otherwise in order.

(3) A presiding officer shall not be obliged to admit more than one agent of any one political party, candidate or referendum committee, as the case may be, to the counting venue.

(4) The presiding officer shall permit into the counting venue—

- (a) a candidate;
- (b) a person nominated as a deputy to the candidate, where applicable;
- (c) members of the Commission and election officers on duty;
- (d) agents appointed under subregulation (1);
- (e) police officers on duty;
- (f) observers and representatives of the media duly approved or accredited by the Commission.

(5) If a vehicle or vessel is designated as a polling station and weather conditions exist, immediately after the presiding officer complies with the provisions of regulation 74, which may interfere with the counting of votes, the returning officer may allow the vehicle or vessel to be moved to another appropriate place for the counting of the votes.

75. Commencement and sequence of the count

(1) The presiding officer shall, in the presence of the candidates or agents, proceed to arrange the counting venue, assign duties to the clerks and begin to count the votes for that polling station.

(2) The presiding officer shall carry out the counting of votes for the respective elective posts in the following order—

- (a) president;
- (b) member of the National Assembly;
- (c) member of the County Assembly;
- (d) senator;

- (e) county woman representative in the National Assembly; and
- (f) county governor.

(3) A presiding officer shall, so far as practicable, proceed continuously with the counting of votes.

(4) A presiding officer shall not commence the counting or recount of votes unless the presiding officer is of the opinion that the count or recount, as the case may be, can conveniently be completed without a break.

(5) Subject to subregulation (2), the counting of votes cast by Kenyan citizens residing outside Kenya shall be carried out after the close of polling time in Kenya and in accordance with the time of counting in Kenya.

(6) At the end of voting and before counting of the ballots and in the presence of candidates and agents, the presiding officer shall enter in the polling station diary the number of persons identified during polling using the printed register of voters.

[L.N. 72/2017, r. 32.]

76. Counting of votes

(1) The presiding officer shall, in the presence of the candidates or agents—

- (a) open each ballot box and empty its contents onto the counting table or any other facility provided for the purpose and, shall cause to be counted the votes received by each candidate; and
- (b) record the total number of votes cast in favour of each candidate.

(2) Each ballot paper shall be counted as follows—

- (a) the presiding officer shall in respect of every ballot paper, announce the candidate in whose favor the vote was cast;
- (b) display to the candidates or agents the ballot paper sufficiently for them to ascertain the vote; and
- (c) put the ballot paper at the place on the counting table, or other facility provided for this purpose, set for the candidate in whose favor it was cast.

(3) The presiding officer shall record the count of the vote in a tallying sheet in Form 33 set out in the Schedule.

(4) A candidate or an agent shall have a right to—

- (a) dispute the inclusion in the count, of a ballot paper; or
- (b) object to the rejection of a ballot paper,

where upon the presiding officer may decide to uphold or reject the complaint and act as provided under regulation 80.

77. Rejection of ballot papers, etc.

(1) At the counting of votes at an election, any ballot paper—

- (a) which does not bear the security features determined by the Commission;
- (b) on which votes are marked, or appears to be marked against the names of, more than one candidate;
- (c) on which anything is written or so marked as to be uncertain for whom the vote has been cast;
- (d) which bears a serial number different from the serial number of the respective polling station and which cannot be verified from the counterfoil of ballot papers used at that polling station; or
- (e) is unmarked,

shall, subject to sub-regulation (2), be void and shall not be counted.

(2) A ballot paper on which a vote is marked—

- (a) elsewhere than in the proper place;

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- (b) by more than one mark; or
- (c) which bears marks or writing which may identify the voter,

shall not by that reason only be void if an intention that the vote shall be for one or other of the candidates, as the case may be, clearly appears, and the manner in which the paper is marked does not itself identify the voter and it is not shown that the voter can be identified thereby.

78. Rejected ballot papers

(1) Every rejected ballot paper shall be marked with the word “rejected” by the presiding officer, and, if an objection is made by a candidate or an agent to the rejection, the presiding officer shall add the words “rejection objected to” and shall be treated as rejected for the purpose of the declaration of election results at the polling station.

(2) The presiding officer shall mark every ballot paper counted but whose validity has been disputed or questioned by a candidate or an agent with the word “disputed” but such ballot paper shall be treated as valid for the purpose of the declaration of election results at the polling station.

(2A) The presiding officer shall make a decision on the validity of the disputed ballot paper under sub regulation (2) and award it to a candidate and such decision shall be final.

(3) After the counting of votes is concluded, the presiding officer shall draw up a statement in Form 41 set out in the Schedule showing the number of rejected ballot papers under such of the following heads of rejection as may be applicable—

- (a) want of security feature;
- (b) voting for more than one candidate;
- (c) writing or mark by which the voter might be identified; or
- (d) unmarked or void for uncertainty,

and any candidate, counting agent or observer shall, if he or she so desires, be allowed to copy that statement.

[L.N. 72/2017, r. 33.]

79. Candidates, etc. to sign declaration

(1) The presiding officer, the candidates or agents shall sign the declaration in respect of the elections.

(2) For purposes of subregulation (1), the declaration for—

- (a) Presidential election results shall be in Form 34A set out in the Schedule; and
- (b) National Assembly, County women representatives, Senator, Governor and county assembly elections shall be in Forms 35A, 36A, 37A, 38A, and 39A set out in the Schedule.

(2A) The presiding officer shall—

- (a) immediately announce the results of the voting at the polling station before communicating the results to the returning officer;
- (b) request each of the candidates or agents present to append his or her signature;
- (c) provide each political party, candidate, or their agent with a copy of the declaration of the results; and
- (d) affix a copy of the declaration of the results at the public entrance to the polling station or at any place convenient and accessible to the public at the polling station.

(3) Where any candidate or agent refuses or otherwise fails to sign the declaration form, the candidate or agents shall be required to record the reasons for the refusal or failure to sign.

(4) Where a candidate or an agent refuses or fails to record the reasons for refusal or failure to sign the declaration form, the presiding officer shall record the fact of their refusal or failure to sign the declaration form.

(5) Where any candidate or agent of a candidate is absent, the presiding officer shall record the fact of their absence.

(6) The refusal or failure of a candidate or an agent to sign a declaration form under subregulation (4) or to record the reasons for their refusal to sign as required under this regulation shall not by itself invalidate the results announced under subregulation (2)(a).

(7) The absence of a candidate or an agent at the signing of a declaration form or the announcement of results under subregulation (2) shall not by itself invalidate the results announced.

(8) After complying with the provisions of this regulation, the presiding officer shall, as soon as practicable, deliver the ballot boxes, and the tamper proof envelopes to the returning officer who shall take charge thereof.

[L.N. 72/2017, r. 34.]

80. Recount

(1) A candidate or agent, if present when the counting is completed, may require the presiding officer to have the votes rechecked and recounted or the presiding officer may on his or her own initiative, have the votes recounted:

Provided that the recount of votes shall not take place more than twice.

(2) No steps shall be taken on the completion of a count or recount of votes until the candidates and agents present at the completion of the counting have been given a reasonable opportunity to exercise the right given by this regulation.

81. Sealing of ballot papers by presiding officer

(1) Upon completion of a count, including a recount, the presiding officer shall seal in each respective ballot box—

- (a) valid votes;
- (b) rejected ballots sealed in a tamperproof envelope;
- (c) unused ballot papers sealed in a tamperproof envelope;
- (d) counterfoils of used ballot papers sealed in a tamperproof envelope;
- (e) copy of election results declaration forms; and
- (f) stray ballot papers in a tamperproof envelope.

(2) The presiding officer shall deliver, to the returning officer—

- (a) the sealed ballot boxes;
- (b) the statements made under regulations 78 and 79;
- (c) copy of the Register of Voters; and
- (d) Polling station diary.

[L.N. 72/2017, r. 35.]

82. Provisional results to be transmitted electronically

(1) The presiding officer shall, before ferrying the actual results of the election to the returning officer at the tallying venue, submit to the returning officer the results in electronic form, in such manner as the Commission may direct.

(2) The results submitted under sub-regulation (1) shall be provisional and subject to confirmation after the procedure described in regulation 76.

[L.N. 72/2017, r. 36.]

[Subsidiary]

83. Tallying and announcement of election results

(1) Immediately after the results of the poll from all polling stations in a constituency have been received by the returning officer, the returning officer shall, in the presence of candidates or agents and observers, if present—

- (a) tally the final results from each polling station in a constituency for the election of a member of the National Assembly and members of the county assembly;
- (b) disregard the results of the count of a polling station where the total valid votes exceeds the number of registered voters in that polling station;
- (c) disregard the results of the count of a polling station where the total votes exceeds the total number of voters who turned out to vote in that polling station;
- (d) collate and publicly announce to the persons present the results from each polling station in the constituency for the election of the President, county Governor, Senator and county women representative to the National Assembly;
- (e) complete the relevant Form 35B and 36B for the respective elective position set out in the Schedule in which the returning officer shall declare, as the case may be, the—
 - (i) name of the respective electoral area;
 - (ii) total number of registered voters;
 - (iii) votes cast for each candidate or referendum side in each polling station;
 - (iv) number of rejected votes in each polling station;
 - (v) aggregate number of votes cast in the respective electoral area; and
 - (vi) aggregate number of rejected votes;
- (f) sign and date the relevant forms and publicly declare the results for the position of—
 - (i) member of County Assembly;
 - (ii) member of National Assembly; and
- (g) issue certificates to persons elected in the county assembly and National Assembly elections in Forms 36C and 35C respectively set out in the Schedule;
- (h) deliver to the county returning officer the collated results for the election of the county Governor, Senator and county women representative to the National Assembly; and
- (i) deliver to the Chairperson of the Commission the collated results for the election of the president to the national tallying centre.

(2) The Chairperson of the Commission shall tally and verify the results received at the national tallying centre.

[L.N. 72/2017, r. 37.]

84. Venue of final tallying

(1) A final tallying of results for the respective elective posts shall be at a venue gazetted by the Commission for that purpose.

(2) A tallying centre shall be selected subject to the following requirements—

- (a) the presidential elections tallying centre shall be located in Nairobi;
- (b) the county tallying centre shall be located at the county headquarters;
- (c) the constituency tallying centre shall be located at the constituency or district headquarters;
- (d) all tallying centres shall be located at public buildings.

85. Persons allowed into tallying centres

(1) The returning officer shall allow the following persons to be present at the tallying centre—

- (a) the presiding officers and other election officials on duty;
- (b) a candidate;
- (c) a person nominated as a deputy to the candidate, where applicable;
- (d) a member of the Commission;
- (e) authorized agents;
- (f) a police officer on duty;
- (g) duly accredited election observers; and
- (h) duly accredited media persons.

(2) Notwithstanding the provisions of this regulation, the returning officer shall not be obliged to admit more than one agent per candidate or political party to the tallying venue.

86. Safe keeping of election materials

(1) After the final tallying and announcement of results, the returning officer shall keep in safe custody the following documents—

- (a) copies of all election result declaration forms;
- (b) copies of the register of voters sealed and labelled; and
- (c) the Electronic Voter Identification Device.

(2) The returning officer shall—

- (a) put the polling station diaries in a separate ballot box, seal and label the box; and
- (b) keep the sealed ballot boxes and all material relating to the election in safe custody for such period as may be required under these Regulations and the Act.

[L.N. 72/2017, r. 38.]

87. Returns of persons elected

(1) The constituency returning officer shall, as soon as practicable—

- (a) deliver to the county returning officer all Forms 37B, 38B and 39B from the respective constituencies and the collated results; and
- (b) deliver to the National tallying centre all the Form 34B from the respective polling stations and the summary collation forms.

(2) The county returning officer shall upon receipt the results from the constituency returning officers as contemplated under regulation (1)—

- (a) tally and announce the results for the county governor, senator and county woman representative to the National assembly;
- (b) complete Forms 37C, 38C and 39C set out in the Schedule in which the county returning officer shall declare, as the case may be, the—
 - (i) name of the respective electoral area;
 - (ii) total number of registered voters;
 - (iii) votes cast for each candidate or referendum side in each polling station;
 - (iv) number of rejected votes for each constituency;
 - (v) aggregate number of votes cast in the respective electoral area; and
 - (vi) aggregate number of rejected votes; and
- (c) sign and date the relevant forms publicly and declare the results for the position of—

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- (i) county Governor;
 - (ii) Senator; and
 - (iii) county woman representative to the National Assembly; and
- (d) issue certificates to persons elected in the county Governor, Senator, county woman representative to the National Assembly in Forms 37D, 38D and 39D respectively set out in the Schedule.

(3) Upon receipt of Form 34A from the constituency returning officers under sub-regulation (1), the Chairperson of the Commission shall—

- (a) verify the results against Forms 34A and 34B received from the constituency returning officer at the national tallying centre;
- (b) tally and complete Form 34C;
- (c) announce the results for each of the presidential candidates for each County;
- (d) sign and date the forms and make available a copy to any candidate or the national chief agent present;
- (e) publicly declare the results of the election of the president in accordance with Articles 138(4) and 138(10) of the Constitution;
- (f) issue a certificate to the person elected president in Form 34D set out in the Schedule; and
- (g) deliver a written notification of the results to the Chief Justice and the incumbent president within seven days of the declaration;

Provided that the Chairperson of the Commission may declare a candidate elected as the President before all the Constituencies have delivered their results if in the opinion of the Commission the results that have not been received will not make a difference with regards to the winner on the basis of Article 138(4)(a) (b) of the Constitution; and

- (h) in the case of the other elections, whether or not forming part of a multiple election, publish a notice in the Gazette, which may form part of a composite notice, showing the name or names of the Person or persons elected.

(4) Where no candidate is elected in a presidential election a fresh election shall be held within thirty days after the previous election in accordance with Article 138 of the Constitution and the Commission shall for that purpose, issue a notice in the Gazette to that effect.

(6) Where a County Governor, Parliamentary or County Assembly election results in a tie, the Commission shall proceed to conduct fresh elections without notifying the speaker within thirty days, in accordance with the Act and these Regulations.

(7) The Commission shall certify to the clerk of each respective House of Parliament the candidates who have been elected in the parliamentary election.

(8) The Commission shall, after delivery of a written notification of the results of the presidential election to the Chief Justice and the incumbent President as required by Article 138(10)(b) of the Constitution, issue and deliver a certificate in Form 34D set out in the Schedule to the candidate who has been elected President.

[L.N. 72/2017, r. 39.]

PART XIV – PRESIDENTIAL FRESH ELECTION

88. Notice of fresh election of president

(1) Where pursuant to Article 138(5) of the Constitution, no candidate is elected as president, the Commission shall at the time of publishing the results, publish a notice in the *Gazette* indicating that no candidate has been elected president.

(2) The Commission shall within two days of the notice under sub-regulation (1), publish a notice for a fresh election for president in Form 40 set out in the Schedule.

[L.N. 72/2017, r. 40.]

89. Procedure at a fresh election

These Regulations shall, with the necessary modifications and adaptations, apply to a fresh election under this Part.

90. Special voting

(1) The Commission may make provision for the voting, by election officials, observers, patients admitted in hospital, older members of the society, members of the defence and security forces on duty, prisoners and nomadic pastoralists and other persons who by reason of any special need, including disability, are unable to access a polling station.

(2) The Commission may, from time to time publish notices on the manner and procedure of the conduct of special voting and such notice shall be read as if part of these Regulations.

PART XV – DELETED BY L.N. 72/2017

91. Deleted by L.N. 72/2017, r. 41.

92. Deleted by L.N. 72/2017, r. 41.

*PART XVI – MISCELLANEOUS PROVISIONS***93. Retention and inspection of documents**

(1) All documents relating to an election shall be retained in safe custody by the returning officer for a period of three years after the results of the elections have been declared and shall then, unless the Commission or the court otherwise directs, be disposed of in accordance with procedures prescribed by the Commission subject to the Public Archives and Documentation Service Act (Cap. 19).

(2) Any person may apply to the High Court with notice to all candidates in the election concerned for authority to inspect documents retained under these Regulations, other than ballot papers and their counterfoils.

(3) For the purpose of an inspection under subregulation (2), the returning officer shall unseal the documents concerned in the presence of candidates or agents and the returning officer and candidates or their agents shall keep the documents under their scrutiny until they are resealed by the returning officer after the inspection is completed.

(4) The provisions of this Regulation shall not apply to documents that concern a pending election petition unless there is a court order granting such authority.

94. Accreditation of observers

(1) Pursuant to section 42 of the Act, the Commission may, at any election, accredit any person or organisation to observe the elections.

(2) The Commission shall issue guidelines for election observers, consistent with internationally accepted standards for fair elections, and which shall be binding on election observers upon accreditation by the Commission.

(3) Without prejudice to the generality of subregulation (2), the guidelines issued there under may specify the procedures for the accreditation of election observers.

(4) The Commission may revoke the accreditation it has granted to any election observer where it is satisfied that an election observer is partisan or has violated any requirement of the guidelines referred to in subregulation (2).

(5) No person or organisation may observe any election unless the person or organisation has been accredited by the Commission.

(6) All the accredited election observers shall submit to the commission a written report in accordance with the guidelines issued by the commission in subregulation (2).

[Subsidiary]

95. Accreditation of the media

(1) Pursuant to section 41 of the Act, the Commission may at any election, accredit the media to access and cover the electoral process.

(2) The Commission may issue guidelines consistent with internationally accepted standards for fair elections which shall be binding on all media representatives upon accreditation by the Commission.

96. Collaborations

(1) The Commission may collaborate with such public and private entities as may be suitable for purposes of ensuring effective conduct of elections and referendum.

(2) The collaboration arrangements in subregulation (1) shall be governed by the terms of a partnership agreement between the Commission and the respective entity.

(3) The agreement shall stipulate the terms and conditions on the engagement and shall conform to, and respect, the provisions of the Constitution, the Act and these Regulations.

96A. Reference to L.N. 127/2012

Regulations 94, 95 and 96 shall be read together with the Elections (Voter Education) Regulations, 2012.

[L.N. 72/2017, r. 42.]

97. Non-attendance by candidates, etc. not to invalidate proceedings

(1) Where in these Regulations expression is used requiring, authorizing, or implying that, any act is to be done in the presence of the candidates or agents, that expression shall be regarded as reference to the presence of such candidates or agents as may be required or authorized to attend.

(2) The mere non-attendance of any candidate or agents at the time and place as contemplated under subregulation (1) shall not, if any act is otherwise lawfully done, invalidate that act.

98. Power of Commission to issue directives

(1) Subject to the Act and these Regulations, the Commission shall have power to, by notice in the *Gazette*, provide for measures to ensure efficient and fair elections and referendum and may issue directives from time to time in that regard.

(2) Where the Commission issues directives under subregulation (1), the Commission shall ensure that such directives are published in such manner as to reach the persons who may be affected or whose compliance or action may be required.

99. Deleted by L.N. 72/2017, r. 43.

100. Procedure at a referendum

These Regulations shall, with the necessary modification and adaptations, apply to a referendum held under the Act.

101. Revocation of L.N. 227/1992

The Presidential and Parliamentary Election Regulations, 1992, are revoked.

Elections

[Subsidiary]

SCHEDULE

[L.N. 72/2017, r. 44.]

FORM 1

[Reg. 5(6).]

DECLARATION BY ELECTION OFFICIAL

I of ID No./Passport No. being a Presiding Officer/ Deputy Presiding Officer/Clerk/Agent/Interpreter at Polling Station in Constituency/County during the General elections/by elections to be held on day of 20 do hereby declare as follows:

- (a) That I shall not prompt any voter whom I am empowered by the Elections Regulations to assist;
(b) That I shall strictly follow the provisions of the election regulations;
(c) That I shall strictly follow any instructions that may lawfully be given to me relating to these elections.

Signature Date

FORM 2

[Reg. 11(1).]

NOTICE OF PRESIDENTIAL ELECTION

An election of the President of the Republic of Kenya is to be held at the forthcoming general election/other than at a general election or a fresh election.

Nomination papers for the presidential election may be delivered by the candidate or his or her supporters to the Independent Electoral and Boundaries Commission, Nairobi, between the hours of eight o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock and four o'clock in the afternoon on the day of, 20 and on the day of 20

Dated the, 20

If the presidential elections is contested, the poll will take place on the day of 20

Dated the day of 20

Chairperson, Independent Electoral and Boundaries Commission

FORM 3

[Reg.11(2).]

NOTICE OF VACANCY

TO: THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

FOR THE CONSTITUENCY/COUNTY*

WHEREAS a vacancy has arisen in the office of a member of the National Assembly/Senate/ County in respect of the above-mentioned constituency/county:

Elections

[Subsidiary]

NOW, THEREFORE, in pursuance of the provisions of section 16(3) of the Elections Act 2011, I command you that, due notice being first given, you do cause election to be held according to law of a member to serve in the National Assembly/Senate for the said constituency/county.

Dated the 20

.....
*Speaker of the National Assembly/Senate**

*delete as appropriate

FORM 4

[Reg. 11(3).]

NOTICE OF VACANCY

TO: THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

FOR THE WARD

WHEREAS a vacancy has arisen in the office of a member of the County assembly in respect of the above-mentioned ward:

NOW, THEREFORE, in pursuance of the provisions of section 19(3) of the Elections Act 2011, I command that due notice being first given, you do cause election to be held according to law of a member to serve in the county assembly for the said ward.

Dated the 20

.....
Speaker of the county assembly

FORM 5

[Reg. 11(4).]

NOTICE OF PARLIAMENTARY ELECTION

An election is to be held for a member to serve in the National Assembly/ Senate for the Constituency/County.

The day for nomination for the parliamentary election will be the day of 20 and nomination papers may be delivered by candidates to the Returning officer between the hours of eight o'clock in the morning and one o'clock in the afternoon and between the hours two o'clock and four o'clock in the afternoon on the day of 20 and on the day of, 20

If the parliamentary election is contested the poll will take place on the day of 20

Dated the day of 20

.....
Chairperson,
Independent Electoral and Boundaries Commission

Elections

[Subsidiary]

FORM 6

[Reg. 11(5).]

NOTICE OF COUNTY GOVERNOR ELECTION

An election is to be held of a County Governor to serve in County Assembly for the County.

The day for nomination for the County Governor election will be the day of 20 and nomination papers may be delivered by candidates to the returning officer atbetween the hours of eight o'clock in the morning and one o'clock in the afternoon and between the hours two o'clock and four o'clock in the afternoon on the day of 20 and on the day of 20

If the county Governor election is contested the poll will take place on the day of 20

Dated the day of 20

.....
Chairperson,
Independent Electoral and Boundaries Commission

FORM 7

[Reg. 11(6).]

NOTICE OF COUNTY ASSEMBLY ELECTION

An election is to be held for a member to serve in County Assembly for the Ward of County.

The day for nomination for the County Assembly Ward Election will be the day of 20 and nomination papers may be delivered by candidates to the returning officer atbetween the hours of eight o'clock in the morning and one o'clock in the afternoon and between the hours two o'clock and four o'clock in the afternoon on the day of 20 and on the day of 20

If the County Assembly Ward Election is contested the poll will take place on the day of 20

Dated the day of 20

.....
Chairperson,
Independent Electoral and Boundaries Commission

FORM 8

[Reg. 12(2).]

ELECTION OF PRESIDENT

There is to be an election of a President of the Republic of Kenya. Voting in this election will take place on the day of, 20

.....
Returning Officer,
..... Constituency

Elections

[Subsidiary]

FORM 9

[Reg. 12(4)(a).]

ELECTION OF MEMBER OF PARLIAMENT

There is to be an election of a member to serve in the National Assembly /Senate for the County/Constituency.

A parliamentary election will be held on theday of 20

Each political party wishing to participate in the election must finalize their nomination of candidates before the day of 20

Nomination papers for the election may be delivered to the returning officer between the hours of eight o'clock in the morning and one o'clock on the day of 20 and forms of nomination papers therefore may be obtained at between the hours of nine o'clock in the morning and one o'clock on any week day. The returning officer will prepare a nomination paper for signature at the request of any person who is a registered voter in his constituency.

Dated the day of 20

.....
Returning Officer

FORM 10

[Reg. 12(4)(b).]

ELECTION OF COUNTY GOVERNOR

There is to be an election of a County Governor for the County.

A County Governor election will be held on theday of 20

Each political party wishing to participate in the election must finalize their nomination of candidates before the, 20

Nomination papers for the election may be delivered to the returning officer at between the hours of eight o'clock in the morning and one o'clock on theday of, 20 and forms of nomination papers therefore may be obtained at between the hours of nine o'clock in the morning and one o'clock on any week day. The returning officer will prepare a nomination paper for signature at the request of any person who is a registered voter in his constituency.

Dated the day of 20

.....
Returning Officer

FORM 11

[Reg. 12(4)(c).]

ELECTION OF COUNTY ASSEMBLY

There is to be an election of a member to serve in the County Assembly for the County.

A County Assembly election will be held on the day of 20

Each political party wishing to participate in the election must finalize their nomination of candidates before the, 20

Nomination papers for the election may be delivered to the returning officer at between the hours of eight o'clock in the morning and one o'clock on the day of, 20 and forms of nomination papers therefore may be obtained at between the hours of nine o'clock in the morning and one o'clock on any week day. The returning officer will prepare a nomination paper for signature at the request of any person who is a registered voter in his constituency.

Dated the day of 20

.....
Returning Officer

Elections

[Subsidiary]

FORM 11G

[Reg. 13B.]

LIST OF ASPIRANTS IN PARTY PRIMARIES
COUNTY ASSEMBLY WARD CANDIDATES

Party Name: Party Code:
County: County Code:
Constituency: Constituency Code:
County Assembly Ward: CAW Code:
Nominations Date:

Table with 7 columns: No, Surname, Other Names, ID/Passport Number, Gender, Year of Birth, Type of Disability (if any). Contains 7 rows of empty cells.

FORM 11H

[Reg. 13C.]

LIST OF NOMINATED CANDIDATES IN PARTY PRIMARIES
PRESIDENTIAL CANDIDATE

Party Name: Party Code:

Table with 7 columns: No, Surname, Other Names, ID/Passport Number, Gender, Year of Birth, Type of Disability (if any). Contains 7 rows of empty cells.

FORM 11I

[Reg. 13C.]

LIST OF NOMINATED CANDIDATES IN PARTY PRIMARIES
SENATE CANDIDATES

Party Name: Party Code:
County: County Code:

Table with 9 columns: County Code, County Name, No, Surname, Other Names, ID/Passport Number, Gender, Year of Birth, Type of Disability (if any). Contains 7 rows of empty cells.

Elections

[Subsidiary]

FORM 11J

[Reg. 13C.]

LIST OF NOMINATED CANDIDATES IN PARTY PRIMARIES

WOMAN REPRESENTATIVE CANDIDATES

Party Name: Party Code:
County: County Code:

Table with 9 columns: County Code, County Name, No, Surname, Other Names, ID/Passport Number, Gender, Year of Birth, Type of Disability (if any)

FORM 11K

[Reg. 13C.]

LIST OF NOMINATED CANDIDATES IN PARTY PRIMARIES

MEMBER OF NATIONAL ASSEMBLY CANDIDATES

Party Name: Party Code:
County: County Code:
Constituency: Constituency Code:

Table with 11 columns: County Code, County Name, Constituency Code, Constituency Name, No, Surname, Other Names, ID/PPNo., Gender, Year of Birth, Type of Disability (if any)

Elections

[Subsidiary]

FORM 11L

[Reg. 13C.]

LIST OF NOMINATED CANDIDATES IN PARTY PRIMARIES

COUNTY GOVERNOR CANDIDATES

Party Name: Party Code:
 County: County Code:

County Code	County Name	No	Surname	Other Names	ID/Passport Number	Gender	Year of Birth	Type of Disability (if any)
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FORM 11M

[Reg. 13C.]

LIST OF NOMINATED CANDIDATES IN PARTY PRIMARIES

COUNTY ASSEMBLY WARD CANDIDATES

Party Name: Party Code:
 County: County Code:
 Constituency: Constituency Code:
 County Assembly Ward: CAW Code:

County Code	County Name	Constituency Code	Constituency Name	CAW Code	CAW Name	No	Surname	Other Names	ID/PPNo.	Gender	Year of Birth	Type of Disability (if any)
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Elections

[Subsidiary]

FORM 11N

[Reg. 15(b).]

INTENTION TO CONTEST AS AN INDEPENDENT CANDIDATE

I, ID No./Passport No.
do hereby make an application to contest as an Independent Candidate in
the Election for President/Senate/Woman
Representative/Member of National Assembly/Governor/Member of County Assembly
in County/Constituency/ County Assembly Ward to be held
on the day of 20

Contacts

Physical address:

.....

Tel:

Email:

Signature:

Dated 20

FORM 11P

[Reg. 10(3).]

SUBMISSION OF PARTICULARS AND SYMBOL BY AN INDEPENDENT CANDIDATE

I, ID No./Passport No.
having made an application to contest as an Independent Candidate in the Election
for President/Senate/County Woman member
to the National Assembly/Member of National Assembly/Governor/Member of county
Assembly in County/Constituency/ County Assembly Ward
to be held on the day of 20 do hereby submit my
symbol for approval by the Commission.

Name of Symbol:

Signature:

Dated 20

(Attach print and electronic copy of the symbol)

Elections

[Subsidiary]

FORM 12

[Regs. 16(1), 17(1) &18(2)(b).]

Coloured
Passport Size
Photo

**NOMINATION PAPER FOR PRESIDENTIAL ELECTION
(PARTY SPONSORED OR INDEPENDENT)**

Election of President of the Republic of Kenya to be held on the day of, 20

We, the undersigned being registered as voters, in the constituencies shown below do hereby nominate the under mentioned person as a candidate at the said election.

Particulars of the Candidate

	<i>Particulars of Candidate</i>	<i>Particulars of Running Mate</i>
Name in Full		
Occupation		
National Identity Card or Passport No.		
Sex		
Date of Birth		
Physical address		
Postal address		
Political Party		
Party Register No./ Clearance Certificate		
No. of Independent Candidate		
Telephone contacts	1. 2.	1. 2.

And I, the aforesaid do hereby consent to my nomination as a candidate for election as President of the Republic of Kenya and hereby certify that I am in all respects qualified for nomination as such candidate.

Signature of Candidate:

Dated

Proposer.

Full Names:

National Identity Card or Passport No.

Constituency:

Party Office held in Party (for Party Sponsored Candidate only)

Signature of Date:

Elections

[Subsidiary]

Secunder:

Full Names:

National Identity Card or Passport No.

Constituency:

Party Office held in Party (for Party Sponsored Candidate only)

Signature of Date:

SUPPORTERS OF PRESIDENTIAL ELECTION CANDIDATE (PARTY SPONSORED OR INDEPENDENT)

Election of the President of the Republic of Kenya to be held on the day of, 20

We, the undersigned, being registered voters, do hereby support the nomination of as a candidate for election as President of the Republic of Kenya.

Table with 6 columns: No., Name, I.D. Card No./PP No., County, Constituency, Signature/Thumb Print. Rows 1-4.

N/B a total of at least 2000 supporters from at least 24 counties must be submitted to the Commission.

FORM 13

[Reg. 18(3).]

STATUTORY DECLARATION FOR PURPOSES OF NOMINATION FOR ELECTION

Iof ID/Passport No.do solemnly and sincerely declare as follows:

- 1. I do hereby consent to my nomination as a candidate at the election to be held in the Republic of Kenya.
2. I am duly qualified and am not disqualified by law for election.
3. I am qualified under, and have complied with, the Constitution and rules relating to persons wishing to contest as a candidate for.....for elections

And I make this declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Act, (Cap. 15) Laws of Kenya.

Declared at this day of 20

Signature of Declarant

Before me

Magistrate/Commissioner for Oaths

*The declarant names must be written in the order in which he or she wishes them to appear on the nomination statement and the surname must be underlined.

Elections

[Subsidiary]

FORM 14

[Reg. 21.]

**CERTIFICATE THAT ONLY ONE PERSON IS
NOMINATED FOR ELECTION AS PRESIDENT**

I, the Chairperson of the Independent Electoral and Boundaries Commission do hereby certify that the only person who stands validly nominated for the presidential election is—

<i>Name</i>	<i>Place of Residence</i>	<i>ID/Passport No.</i>	<i>Occupation/ Description</i>
.			

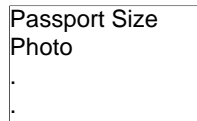
And that he/she has therefore been declared elected as President.

Dated this..... 20.....

.....
Chairperson
Independent Electoral and Boundaries Commission

FORM 15

[Regs. 22, 23 & 24 (2)
(b).]



**NOMINATION PAPER FOR MEMBER OF NATIONAL
ASSEMBLY /COUNTY WOMAN REPRESENTATIVE**

(PARTY SPONSORED OR INDEPENDENT)

Election of a Member of National Assembly of the
Constituency to be held on theday of 20

We, the undersigned, being registered voters in the constituency nominate the under mentioned person as a candidate at the National Assembly election.

Particulars of the Candidate:

Name in Full	
Occupation	
National Identity Card or Passport No.	
Sex	
Date of Birth	
Physical Address	
Postal Address	
Political Party	
Party Register No./Clearance Certificate No. of Independent Candidate	
Telephone Contact	1.
	2.

And I, the aforesaid do hereby consent to my nomination as a candidate for election as

Member of National Assembly of the Constituency and hereby certify that I am in all respects qualified for nomination as such candidate.

Signature of Candidate:..... Date:

Elections

[Subsidiary]

Proposer:

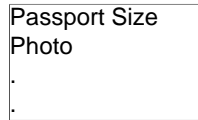
Full Names
National Identity Card or Passport No.
Constituency
Party Office held in Party (for Party Sponsored Candidate only).....
Signature of..... Date:

Secunder:

Full Names
National Identity Card or Passport No
Constituency
Party Office held in Party (for Party Sponsored Candidate only).....
Signature of Date:

FORM 15 A

[Reg. 24A.]



NOMINATION PAPER FOR COUNTY WOMAN REPRESENTATIVE OF THE NATIONAL ASSEMBLY (PARTY SPONSORED OR INDEPENDENT)

Election of a Member of National Assembly of the County to be held on the Day of 20

We, the undersigned, being registered voters in the County nominate the under-mentioned person as a candidate at the National Assembly election.

Particulars of the Candidate:

Table with 2 columns: Field Name, Value. Fields include Name in Full, Occupation, National Identity Card or Passport No., Sex, Date of Birth, Physical Address, Postal Address, Political Party, Party Register No./Clearance Certificate, No. of Independent Candidate, Telephone Contact (1, 2).

And I, the aforesaid do hereby consent to my nomination as a candidate for election as Member of National Assembly of the County and hereby certify that I am in all respects qualified for nomination as such candidate.

Signature of Candidate: Date:

Elections

[Subsidiary]

Proposer:

Full Names
National Identity Card or Passport No:
Constituency
Party Office held in Party (for Party Sponsored Candidate only)
Signature of Date:

Secunder:

Full Names
National Identity Card or Passport No
Constituency
Party Office held in Party (for Party Sponsored Candidate only)
Signature of Date:

SUPPORTERS OF INDEPENDENT CANDIDATE FOR ELECTION OF MEMBER OF NATIONAL ASSEMBLY

We, the undersigned, being registered voters, do hereby support the nomination of as a candidate for election as a Member of National Assembly for the Constituency.

Table with 6 columns: No., Name, I.D Card No./ Passport No., County, Constituency, Signature/ Thumb Print. Rows 1-4.

N/B: A total of at least 1000 supporters from the constituency must be submitted to the Returning officers for every independent candidate.

SUPPORTERS OF INDEPENDENT CANDIDATE FOR ELECTION OF COUNTY WOMAN MEMBER TO THE NATIONAL ASSEMBLY

We, the undersigned, being registered voters, do hereby support the nomination of as a candidate for election as County Woman Member of National Assembly for the County.

Table with 6 columns: No., Name, I.D Card No./ Passport No., County, Constituency, Signature/ Thumb Print. Rows 1-4.

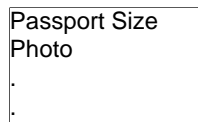
N/B: A total of at least 1000 supporters from the county must be submitted to the Returning officers for every independent candidate.

Elections

[Subsidiary]

FORM 16

[Regs. 26, 27 & 28(2)(b).]



**NOMINATION PAPER FOR SENATE ELECTION
(PARTY SPONSORED OR INDEPENDENT)**

Election of a Member of the Senate for the
County to be held on the day of 20

We, the undersigned supporters, being registered as voters in the county holding the election do hereby nominate the under mentioned person as a candidate at the Senate election.

Particulars of the Candidate:

Name in Full	
Occupation	
National Identity Card or Passport No.	
Sex	
Date of Birth	
Physical Address	
Postal Address	
Political Party	
Party Register No./Clearance Certificate	
No. of Independent Candidate	
Telephone Contacts	1. 2.

And I, the aforesaid do hereby consent to my nomination as a candidate for election as Senator for the County and hereby certify that I am in all respects qualified for nomination as such candidate

Signature of Candidate: Date:

Proposer:

Full Names

National Identity Card or Passport No

Constituency

Party Office held in Party (for Party Sponsored Candidate only).....

Signature of Date:

Secondar:

Full Names

National Identity Card or Passport No.

Constituency

Party Office held in Party (for Party Sponsored Candidate only)

Signature of Date:

SUPPORTERS OF INDEPENDENT CANDIDATE FOR SENATE ELECTION

We, the undersigned, being registered voters, do hereby support the nomination of as a candidate for election as Senator of the County.

No.	Name	I.D Card No./ Passport No.	County	Constituency	Signature/ Thumb Print
1.					
2.					
3.					
4.					

N/B: A total of at least 2,000 supporters from the county for the Senate must be submitted to the Returning officers for every independent candidate.

Elections

[Subsidiary]

FORM 17

[Regs. 30, 31 & 32 (2)(b).]



NOMINATION PAPER FOR ELECTION OF COUNTY GOVERNOR

Election of a County Governor of the County to be held on the day of 20

We, the undersigned supporters, being registered voters in the County Assembly Wards of the County holding the election do hereby nominate the under-mentioned person as a candidate at the said election.

Particulars of the Candidate

Table with 3 columns: Particulars of Candidate, Particulars of Candidate, Particulars of Running Mate. Rows include Name in Full, Occupation, National Identity Card or Passport No., Sex, Date of Birth, Physical Address, Postal Address, Political Party, Party Register No./Clearance Certificate, No. of Independent Candidate, Telephone Contacts.

And I, the aforesaid do hereby consent to my nomination as a candidate for election as County Governor of the County and hereby certify that I am in all respects qualified for nomination as such candidate.

Signature of Candidate: Date:

Proposer:

Full Names National Identity Card or Passport No Constituency Party Office held in Party (for Party Sponsored Candidate only) Signature of Date:

Secunder:

Full Names National Identity Card or Passport No Constituency Party Office held in Party (for Party Sponsored Candidate only) Signature of Date:

Elections

[Subsidiary]

SUPPORTERS OF INDEPENDENT CANDIDATE FOR ELECTION OF COUNTY GOVERNOR

We, the undersigned, being registered voters, do hereby support the nomination of as a candidate for election as County Governor of the County.

Table with 6 columns: No., Name, I.D Card No./ Passport No., County, Constituency, Signature/ Thumb Print. Rows 1-4.

N/B: A total of at least 500 supporters from wards concerned must be submitted to the Returning officers for every independent candidate.

FORM 18

[Regs. 34, 35 & 36 (2)(b).]



NOMINATION PAPER FOR ELECTION OF MEMBER OF COUNTY ASSEMBLY

Election of a Member of County Assembly for Ward in County to be held on the day of 20

We, the undersigned supporters, being registered as voters, in the County Assembly Ward of County holding the election do hereby nominate the under mentioned person as a candidate at the said election.

Particulars of Candidate:

Table with 2 columns for candidate details: Name in Full, Occupation, National Identity Card or Passport No., Sex, Date of Birth, Physical Address, Postal Address, Political Party, Party Register No./Clearance Certificate, No. of Independent Candidate, Telephone Contacts (1, 2).

And I, the aforesaid do hereby consent to my nomination as a candidate for election as County Assembly member of the County Assembly ward of County and hereby certify that I am in all respects qualified for nomination as such candidate.

Signature of Candidate: Date:

Proposer:

Full Names National Identity Card or Passport No Constituency Party Office held in Party (for Party Sponsored Candidate only)..... Signature of Date:

Elections

[Subsidiary]

Secunder:

Full Names
National Identity Card or Passport No
Constituency
Party Office held in Party (for Party Sponsored Candidate only).....
Signature of..... Date:.....

SUPPORTERS OF INDEPENDENT CANDIDATE FOR ELECTION OF MEMBER OF COUNTY ASSEMBLY

We, the undersigned, being registered voters, do hereby support the nomination of as a candidate for election as Member of County Assembly Ward for the Ward in

Table with 7 columns: No., Name, I.D Card No./Passport No., County, Constituency, County Assembly Ward, Signature/Thumb Print. Rows 1-4.

N/B: A total of at least 500 supporters from the County Assembly ward must be submitted to the Returning officer for every independent candidate.

FORM 19

[Reg. 41.]

STATUTORY DECLARATION FOR PURPOSES OF NOMINATION FOR PARLIAMENTARY AND COUNTY ELECTIONS

I of ID No/Passport No. do solemnly and sincerely declare as follows:-

- 1. I do hereby consent to my nomination as a candidate at the election to be held in the County/Constituency/County Assembly Ward.
2. I am duly qualified and am not disqualified by law for the election.
3. I am qualified under, and have complied with, the Constitution and rules relating to persons wishing to contest as a candidate for elections.

And I make this declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Act (Cap. 15) Laws of Kenya

Declared at this day 20

Signature of Declarant

Before me

Magistrate/Commissioner for Oaths

Dated: of, 20

* The declarant names must be written in the order in which he or she wishes them to appear on the nomination statement and the surname must be underlined.

Elections

[Subsidiary]

FORM 20

[Reg. 51(1).]

CERTIFICATE OF NOMINATION FOR PRESIDENTIAL ELECTION

I, the Chairperson of the Independent Electoral and Boundaries Commission do hereby certify that of ID No./Passport No./Passport No..... is validly nominated for the Presidential election to be held on..... day of 20 in the Republic of Kenya.

Dated this day of 20

.....
Chairperson
Independent Electoral and Boundaries Commission

FORM 21

[Reg. 51(2).]

CERTIFICATE OF NOMINATION FOR PARLIAMENTARY/COUNTY ELECTIONS

I the Returning Officer for County/Constituency/County Assembly Ward*, do hereby certify that of ID No./Passport No. is validly nominated for the National Assembly/Senate/County Governor/County Assembly election* to be held on day of 20 in County/ Constituency/County Assembly Ward*.

Dated this day of 20

Signature:

.....
Returning Officer

*delete as appropriate

FORM 22

[Reg. 51(3).]

CERTIFICATE THAT NO PERSON NOMINATED

I the Returning Officer for County/Constituency/County Assembly Ward*, do hereby certify that no person is validly nominated for the National Assembly/Senate/County Governor/County Assembly election* to be held on day of 20 in County/Constituency/County Assembly Ward*.

Signature:

*delete as appropriate

.....
Returning Officer

Elections

[Subsidiary]

FORM 23

[Reg. 51(4)(b).]

CERTIFICATE THAT ONLY ONE PERSON NOMINATED FOR ELECTION

I the Returning Officer for County/ Constituency/ County Assembly ward, *do hereby certify that the only one person who is validly nominated for the National Assembly/Senate/CountyGovernor/County Assembly election* is:

<i>Name</i>	<i>Place of Residence</i>	<i>ID/Passport Number</i>	<i>Occupation/ Description</i>

Dated this day of 20

Signature:

.....
Returning Officer

*delete as appropriate

FORM 24

[Reg. 51(6).]

STATEMENT OF PERSONS NOMINATED FOR PARLIAMENTARY AND COUNTY ELECTIONS

I the Returning Officer for County/ Constituency/County Assembly Ward, *do hereby declare that the following persons have been and now stand nominated for the County / Constituency / County Assembly Ward election* to be held on day of 20

Particulars of Candidates

<i>No.</i>	<i>Full Name of Candidate</i>	<i>ID/PP No.</i>	<i>Party Sponsored or Independent Candidate</i>	<i>Symbol</i>	<i>Proposer and Seconder</i>	<i>Occupation</i>	<i>Contact</i>
					1.		
					2.		
					1.		
					2.		

The voters belonging to the voters areas specified hereunder may vote only at the polling station specified and the days and hours for polling at those polling stations shall be as specified Herein:

<i>County Code</i>	<i>County</i>	<i>Constituency Code</i>	<i>Constituency</i>	<i>Ward Code</i>	<i>Ward Name</i>	<i>Polling Station Code</i>	<i>Polling Stations</i>	<i>Day and Hours of Polling</i>

The Tallying Centre shall be as specified hereunder:

<i>County Code</i>	<i>County</i>	<i>Tallying Centre Venue</i>	<i>Location</i>

Elections

[Subsidiary]

Constituency Code	Constituency	Tallying Centre Venue	Location
.			
.			
	.		
			.

Dated this day of 20

.....

Returning Officer

*delete as appropriate

FORM 24A

[Reg. 52(1).]

NOTICE OF WITHDRAWAL OF CANDIDATURE AFTER NOMINATION

To the Chairperson Independent Electoral and Boundaries Commission (Presidential
or

To the Returning Officer County/Constituency/ County Assembly
Ward

I, ID No./Passport No. having been duly
nominated by the Commission on the day of 20 as a
candidate to contest in the Election for President/Senate/Woman
Representative/Member of National Assembly/Governor/Member of County Assembly
in County/Constituency/County Assembly Ward to be held on
the day of 20 do hereby withdraw my candidature.

Signature:

Dated 20

Remarks by RO

.....
.....

Name: (Returning Officer)

ID No:

Signature:

Date: 20

Stamp

*delete as appropriate

Elections

[Subsidiary]

FORM 24B

[Reg. 54(2).]

POLITICAL PARTY LIST FOR ALLOCATION OF SPECIAL SEATS

Name of Political Party

No.	Name	ID/PP No	Date of Birth	Sex	Disability (Y/N)	Type of Disability	Elective Position	Occupation	Phone Number	Colored Passport size Photo (on White Background with name and signatures on the back)

FORM 25

[Reg. 68(1)(a).]

BALLOT PAPER Counterfoil

S/No.

PRESIDENTIAL ELECTION, 20

IN THE CONSTITUENCY

..... Polling Station

S/No

..... Constituency.

..... Polling Station

<p>INSTRUCTIONS TO VOTER:</p> <p>1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.</p> <p>2. Place a mark against only one candidate.</p> <p>3. Make no other mark whatsoever on the paper.</p> <p>4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the ballot into the ballot box.</p>	<p>MAAGIZO KWA MPIGA KURA:</p> <p>1. Weka alama kwenye nafasi iliitengwa kwa jina la mgombeaji au picha ya chama ungependa kuchagua.</p> <p>2. Weka alama kwa mgombeaji mmoja tu</p> <p>3. Usiweke alama yeyote nyingine kwenye karatasi ya kura</p> <p>4. Kunja karatasi katikati kutoka kushoto kwenda kulia ili kuficha kura yako halafu tumbukiza kwenye sanduku.</p>
---	--

Voter's Mark/Alama ya kura Tick (√) cross (x) Thumb print ()

Party/Candidates Symbol	Presidential Candidate Photo and Name	Deputy Presidential Name	Voter's Mark/Alama ya kura

Elections

[Subsidiary]

FORM 26

[Reg. 68(1)(b).]

BALLOT PAPER

Counterfoil

S/No.

NATIONAL ASSEMBLY ELECTION IN THE, 20

IN THE CONSTITUENCY

..... Polling Station

S/No.

..... Constituency.

..... Polling Station

INSTRUCTIONS TO VOTER:	MAAGIZO KWA MPIGA KURA:
1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.	1. Weka alama kwenye nafasi iliotengwa kwa jina la mgombeaji au picha ya chama ungependa kuchagua.
2. Place a mark against only one candidate.	2. Weka alama kwa mgombeaji mmoja tu
3. Make no other mark whatsoever on the paper.	3. Usiweke alama yeyote nyingine kwenye karatasi ya kura
4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the ballot into the ballot box.	4. Kunja karatasi katikati kutoka kushoto kwenda kulia ili kuficha kura yako halafu tumbukiza kwenye sanduku.

Voter's Mark/Alama ya kura Tick (√) cross (x) Thumb print ()

Party/Candidates Symbol	Candidate Photo and Name	Voter's Mark/Alama ya kura
.....
.....
.....

FORM 27

[Reg. 68(1)(c).]

BALLOT PAPER

Counterfoil

S/No.

COUNTY WOMAN REPRESENTATIVE TO THE NATIONAL ASSEMBLY ELECTION, 20

IN THE CONSTITUENCY

..... Polling Station

.....

S/No.

..... Constituency.

..... Polling Station

Elections

[Subsidiary]

<p>INSTRUCTIONS TO VOTER:</p> <p>1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.</p> <p>2. Place a mark against only one candidate.</p> <p>3. Make no other mark whatsoever on the paper.</p> <p>4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the ballot into the ballot box.</p>	<p>MAAGIZO KWA MPIGA KURA:</p> <p>1. Weka alama kwenye nafasi iliotengwa kwa jina la mgombeaji au picha ya chama ungependa kuchagua.</p> <p>2. Weka alama kwa mgombeaji mmoja tu.</p> <p>3. Usiweke alama yeyote nyingine kwenye karatasi ya kura.</p> <p>4. Kunja karatasi katikati kutoka kushoto kwenda kulia ili kuficha kura yako halafu tumbukiza kwenye sanduku.</p>
---	--

Voter's Mark/Alama ya kura Tick (√) cross (x) Thumb print ()

Party/Candidates Symbol	Candidate Photo and Name	Voter's Mark/Alama ya kura

FORM 28

[Reg. 68(1)(d)]

BALLOT PAPERS

Counter foil

S/No.

SENATE ELECTION, 20

IN THE CONSTITUENCY

..... polling Station

S/No

..... Constituency.

..... Polling Station

<p>INSTRUCTIONS TO VOTER:</p> <p>1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.</p> <p>2. Place a mark against only one candidate.</p> <p>3. Make no other mark whatsoever on the paper.</p> <p>4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the ballot into the ballot box.</p>	<p>MAAGIZO KWA MPIGA KURA:</p> <p>1. Weka alama kwenye nafasi iliotengwa kwa jina la mgombeaji au picha ya chama ungependa kuchagua.</p> <p>2. Weka alama kwa mgombeaji mmoja tu.</p> <p>3. Usiweke alama yeyote nyingine kwenye karatasi ya kura.</p> <p>4. Kunja karatasi katikati kutoka kushoto kwenda kulia ili kuficha kura yako halafu tumbukiza kwenye sanduku.</p>
---	--

Voter's Mark/Alama ya kura Tick (√) cross (x) Thumb print ()

Party/Candidates Symbol	Candidate Photo and Name	Voter's Mark/Alama ya kura

Elections

[Subsidiary]

FORM 29

[Reg. 68(1)(e).]

BALLOT PAPER

Counter foil

S/No.
 COUNTY GOVERNOR ELECTION, 20
 IN THE CONSTITUENCY
 Polling Station

S/No.
 Constituency
 Polling Station

INSTRUCTIONS TO VOTER:	MAAGIZO KWA MPIGA KURA:
1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.	1. Weka alama kwenye nafasi iliotengwa kwa jina la mgombeaji au picha ya chama ungependa kuchagua.
2. Place a mark against only one candidate.	2. Weka alama kwa mgombeaji mmoja tu.
3. Make no other mark whatsoever on the paper.	3. Usiweke alama yeyote nyingine kwenye karatasi ya kura.
4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the ballot into the ballot box.	4. Kunja karatasi katikati kutoka kushoto kwenda kulia ili kuficha kura yako halafu tumbukiza kwenye sanduku.

Voter's Mark/Alama ya kura Tick (√) cross (X) Thumb print. ()

Party/Candidates Symbol	Candidate Photo and Name	Voter's Mark/Alama ya kura

FORM 30

[Reg. 68(1)(f).]

BALLOT PAPER

Counter foil

S/No.
 MEMBER OF COUNTY ASSEMBLY ELECTION, 20
 IN THE WARD
 Polling Station

S/No.
 Constituency.
 Polling Station

INSTRUCTIONS TO VOTER:	MAAGIZO KWA MPIGA KURA:
1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.	1. Weka alama kwenye nafasi iliotengwa kwa jina la mgombeaji au picha ya chama ungependa kuchagua.
2. Place a mark against only one candidate.	2. Weka alama kwa mgombeaji mmoja tu.
3. Make no other mark whatsoever on the paper.	3. Usiweke alama yeyote nyingine kwenye karatasi ya kura.
4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the ballot into the ballot box.	4. Kunja karatasi katikati kutoka kushoto kwenda kulia ili kuficha kura yako halafu tumbukiza kwenye sanduku.

Voter's Mark/Alama ya kura Tick (√) cross (X) Thumb print. ()

Party/Candidates Symbol	Candidate Photo and Name	Voter's Mark/Alama ya kura

Elections

[Subsidiary]

FORM 31

[Reg. 68(1)(f)]

BALLOT PAPER

Counter foil

S/No.

REFERENDUM ELECTION IN THE CONSTITUENCY, 20

..... Polling Station

S/No.

..... Constituency.

..... Polling Station

INSTRUCTIONS TO VOTER:	MAAGIZO KWA MPIGA KURA:
1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.	1. Weka alama kwenye nafasi iliotengwa kwa jina la mgombeaji au picha ya chama ungependa kuchagua.
2. Place a mark against only one candidate.	2. Weka alama kwa mgombeaji mmoja tu.
3. Make no other mark whatsoever on the paper.	3. Usiweke alama yeyote nyingine kwenye karatasi ya kura.
4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the ballot into the ballot box.	4. Kunja karatasi katikati kutoka kushoto kwenda kulia ili kuficha kura yako halafu tumbukiza kwenye sanduku.

Voter's Mark/Alama ya kura Tick (√) cross (X) Thumb print. ()

Answer/Jibu	Symbol/Alama	Voter's Mark/Alama ya kura

FORM 32

[Reg. 72(5)(a).]

DECLARATION OF SECRECY MADE BY A PERSON ASSISTING A VOTER

I of ID No./Passport No. Tel No. P.O. Box do declare that at these elections I shall assist the voter in strict obedience to the following requirements, namely: —

1. That I shall not communicate to any person the name or identity of the candidate for whom the voter I am assisting is about to vote or has voted for.
2. That I shall mark the vote of the voter I am assisting for the candidate of the voter's choice and for no other person.
3. That I shall maintain and aid in maintaining the secrecy of the voting in this polling station.

Signature of the person assisting the voter

For Official Use

Declared before the Presiding/Deputy Presiding Officer for

..... Poling Station in Constituency

This Day of 20

.....
Signature of Presiding/Deputy Presiding Officer:

Stamp

Elections

[Subsidiary]

FORM 32A

[Reg. 69(1)(e)(ii).]

VOTER IDENTIFICATION & VERIFICATION FORM

County: County Code:
 Constituency: Constituency Code:
 County Assembly Ward: CAW Code:
 Polling Centre: Code:
 Polling Station:

This is to confirm that the voter whose particulars are indicated below was not identified by the electronic voter identification device but was identified in the print out of the register of voters in respect of the above Polling Station.

Particulars of Voter

Surname:	
Other Names:	
Gender:	
ID/Passport No.	

Witnesses

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/Tel. Contact Independent Candidate	Signature	Date
1.					
2.					
3.					

Name of the Presiding Officer: Name of Voter
 ID Number: ID No. /Thumbprint
 Signature: Signature
 Date: Date

Stamp

FORM 33

[Reg. 76(3).]

CANDIDATE VOTE TALLY SHEET

Name of Polling Station		Code:	
Name of Constituency		Code	
Candidate Name			
Party Sponsored or Independent			

Candidate Vote Tally at the Polling Station

Mark every vote counted close the box as follows total for each row is 50	
	Total=
	Total=
	Total=
	Total=
	Total=
	Total=
	Total=
	Total=
	Total=
Total votes=	

Elections

[Subsidiary]

FORM 34A

[Reg. 79(2)(a).]

PRESIDENTIAL ELECTION RESULTS AT THE POLLING STATION

S/Number
 Name of Polling Station Code
 Ward Code
 Constituency Code
 County Code

Number of votes cast in favour of each candidate:

Name of Candidate	No. of Valid Votes Obtained
.	
.	
.	
Total number of valid votes cast	

Polling Station Counts

1. Total Number of Registered Voters in the Polling Station;	
2. Total Number of Rejected Ballot Papers;	
3. Total Number of Rejection Objected To Ballot Papers;	
4. Total Number of Disputed Votes;	
5. Total Number of Valid Votes Cast;	

Decision(s) on disputed votes if any

Serial Number of Ballot Paper(s) with disputed vote	Name of Candidate assigned the vote
.	
.	
.	

Declaration

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in Polling Station Constituency.

Presiding Officer Signature Date

Deputy Presiding Officer: Signature Date

Agents or Candidates (if present)

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/Tel. Contact Independent Candidate	Signature	Date
1.					
2.					
3.					

Reasons for Refusal to Sign (if any)

.....

Presiding Officer's Comments:

.....

Elections

[Subsidiary]

FORM 34B

[Reg. 87(1)(a).]

**COLLATION OF PRESIDENTIAL ELECTION RESULTS AT THE
CONSTITUENCY TALLYING CENTRE**

S/Number

Constituency Code

County Code

Polling Station Code	Name of Polling Station	Registered Voters	Candidate 1	Candidate 2	Candidate 3	Total Valid Votes	Rejected Ballots
.							
.							
.							
.							
.							
.							
.							
.							
.							

Agents or Candidates (if present)

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/Tel. Contact Independent Candidate	Signature	Date
1.					
2.					
3.					

Name of the Constituency Returning Officer

ID Number

Signature:

Date:

Handing over - Taking Over at the National Presidential Tallying Centre

HANDING OVER	TAKING OVER
Number of FORM 34 A submitted:	Number of FORM 34 A received
Name of the Constituency Returning Officer:	Commission Chairperson:
ID Number:	ID Number
Signature:	Signature:
Date:	Date:
Time:	Time:

Elections

[Subsidiary]

FORM 34C

[Reg. 87(3)(b).]

DECLARATION OF RESULTS FOR ELECTION OF THE PRESIDENT OF THE REPUBLIC OF KENYA AT THE NATIONAL TALLYING CENTRE

S/Number:

Name of National Tallying Centre:

County Code	County Name	Const. Code	Constituency Name	Polling Station Code:	Polling Station Name	Candidate 1	Candidate 2	Candidate 3	Total Valid Votes	Rejected Ballots
.										
.										
	County Sub-Total									
	% age									
.										
.										
	County Sub-total									
	% age									
.										
.										
	County Sub-Total									
	% age									
.										
	NATIONAL TOTAL									
	% AGE									

No.	Name of Candidate	Valid Votes in Figures	Percentage of votes cast	Number of Counties the Candidate has attained at least 25% of Total Valid Votes Cast
				.

Aggregate Results

Signatures of Candidates or Agents

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/Tel. Contact Independent Candidate	Signature	Date
1.					
2.					
3.					

Commission Chairperson:

ID Number:

Signature:

Date:

Elections

[Subsidiary]

FORM 34D

[Reg. 87(3)(f).]

CERTIFICATE OF THE PRESIDENT- ELECT OF THE REPUBLIC OF KENYA

The Chairperson of the Independent Electoral and Boundaries Commission hereby declares that of ID No. has been duly elected as the President of the Republic of Kenya under the provisions of Article 138 of the Constitution in the Presidential Election held on day of 20

Chairperson of IEBC:

Signature:

Dated this Day of, 20.....

Stamp

FORM 35A

[Reg. 79(2)(b).]

MEMBER OF NATIONAL ASSEMBLY ELECTION RESULTS AT THE POLLING STATION

S/Number

Name of Polling Station Code

Ward Code

Constituency..... Code

County..... Code

Number of votes cast in favour of each candidate:

<i>Name of Candidate</i>	<i>No. of Valid Votes Obtained</i>
Total number of Valid Votes cast	

Polling Station Counts:

1. Total Number of Registered Voters in the Polling Station;	
2. Total Number of Rejected Ballot Papers;	
3. Total Number of Rejection Objected to Ballot Papers;	
4. Total Number of Disputed Votes;	
5. Total Number of Valid Votes cast;	

Decision(s) on disputed votes if any

Serial Number of Ballot Paper(s) with disputed vote	Name of Candidate assigned the vote

Declaration

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in polling station constituency.

Presiding Officer: Signature Date

Deputy Presiding Officer: Signature Date

Agents or Candidates (if present)

No	Name of Candidate or Agent	ID/Passport No.	Party Name/Tel. Contact Independent Candidate	Signature	Date
1.					
2.					
3.					

Elections

[Subsidiary]

Reasons for Refusal to Sign (if any)

.....

Presiding Officer's Comments:

.....

FORM 35B

[Reg. 83(1)(e).]

**DECLARATION OF MEMBER OF NATIONAL ASSEMBLY ELECTION
 RESULTS AT THE CONSTITUENCY TALLYING CENTRE**

S/Number

Name of Constituency: Code:

Polling station code	Name of Polling station	Reg. Voters	Candidate 1	Candidate 2	Candidate 3	Total Valid Votes	Rejected Ballots
.							
.							
.							
.							
.							
.							
.							
.							
Total							

Aggregate Results

No.	Name of Candidate	Valid Votes in Figure	Valid Votes in Words
.			
.			
.			
.			

Voter Turn Out

Total number of registered voters:

Total number of voters who turned out to vote:

Percentage of Voter turnout:

Signatures of Candidates or Agents

No	Name of Candidate or Agent	ID/Passport No.	Party Name/Tel. Contact Independent Candidate	Signature	Date
1.					
2.					
3.					

Constituency Returning Officer:

ID Number:.....

Signature:

Date:

STAMP

Elections

[Subsidiary]

FORM 35C

[Reg. 83)(1)(g).]

CERTIFICATE OF ELECTED MEMBER OF NATIONAL ASSEMBLY

The Constituency Returning Officer hereby declares that of ID No. has been duly elected as the Member of National Assembly for Constituency in the election held on day of 20

Constituency Returning Officer:
Signature:
Dated this Day of, 20
Stamp

FORM 36A

[Reg. 79(2)(b).]

MEMBER OF COUNTY ASSEMBLY ELECTION RESULTS AT THE POLLING STATION

S/Number
Name of Polling Station..... Code
Ward Code
Constituency..... Code
County..... Code

Number of votes cast in favour of each candidate:

<i>Name of Candidate</i>	<i>No. of Valid Votes Obtained</i>
Total valid votes cast	

Polling Station Counts

1.	Total Number of Registered Voters in the polling Station	
2.	Total Number of Rejected Ballot Papers	
3.	Total Number of Rejection Objected To Ballot Papers	
4.	Total Number of Disputed Votes	
5	Total Number of Valid Votes cast	

Decision(s) on disputed votes if any

Serial Number of Ballot Paper(s) with disputed vote	Name of Candidate assigned the vote

Elections

[Subsidiary]

Aggregate Results

No.	Name of Candidate	Valid Votes in Figure	Valid Votes in Words
.			
.			
.			
.			

Voter Turn Out

Total number of registered voters:

Total number of voters who turned out to vote:

Percentage of Voter turnout:.....

Signatures of Candidates or Agents

No	Name of Candidate or Agent	ID/Passport No.	Party Name/Independent Candidate	Tel. Contact	Signature	Date
1.						
2.						
3.						

Constituency Returning Officer:.....

ID Number:.....

Signature:

Date:.....

FORM 36C

[Reg. 83)(1)(g).]

CERTIFICATE OF ELECTED MEMBER OF COUNTY ASSEMBLY

The Constituency Returning Officer hereby declares that of ID No. has been duly elected as the Member of County Assembly for Ward of County in the election held on day of 20

Constituency Returning Officer:

Signature:

Dated this day of, 20.....

Stamp

Elections

[Subsidiary]

FORM 37 A

[Reg. 79(2)(b).]

COUNTY GOVERNOR ELECTION RESULTS AT THE POLLING STATION

S/Number
 Name of Polling Station: Code
 Ward Code
 Constituency Code
 County Code

Number of votes cast in favour of each candidate:

<i>Name of Candidate</i>	<i>No. of Valid Votes Obtained</i>
.	
.	
.	
Total valid votes cast	

Polling Station Counts

1. Total Number of Registered Voters in the Polling Station;	
2. Total Number of Rejected Ballot Papers;	
3. Total Number of Rejection Objected To Ballot Papers;	
4. Total Number of Disputed Votes;	
5. Total Number of Valid Votes Cast;	

Decision(s) on disputed votes if any

Serial Number of Ballot Paper (s) with disputed vote	Name of Candidate assigned the vote
.	
.	
.	

Declaration

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in Polling Station Constituency.

Presiding officer: Signature Date

Deputy Presiding Officer: Signature Date

Agents or Candidates (if present)

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/Tel. Contact Independent Candidate	Signature	Date
1.					
2.					
3.					

Reasons for refusal to sign (if any)

.....

Presiding Officer's Comments:

.....

Elections

[Subsidiary]

FORM 37 B

[Reg. 87(1)(a).]

**COLLATION OF COUNTY GOVERNOR ELECTION
RESULTS AT THE CONSTITUENCY TALLYING CENTRE**

S/Number

Constituency Code

County Code

Name of constituency Tallying Center
.....

Polling Station Code	Name of Polling Station	Reg. Voters	Candidate 1	Candidate 3	Candidate 3	Total Valid Votes	Rejected Ballots

Signatures of Candidates or Agents

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/Tel. Contact Independent Candidate	Signature	Date
1.					
2.					
3.					

Name of the Constituency Returning Officer:

ID Number:

Signature:

Date:

Handing Over — Taking Over at the County Tallying Centre

HANDING OVER	TAKING OVER
Number of FORM 37 A Submitted:	Number of FORM 37 A received:
Name of the Constituency Returning Officer:	County Returning Officer:
ID Number:	ID Number:
Signature:	Signature:
Date:	Date:
Time:	Time:

Elections

[Subsidiary]

FORM 37 C

[Reg. 87(2)(b).]

DECLARATION OF THE COUNTY GOVERNOR ELECTION RESULTS AT THE COUNTY TALLYING CENTRE

S/Number

County Code

Name of County Tallying Centre

Constituency Code	Constituency Name	Polling Station Code	Name of Polling Station	Name of Candidate	Name of Candidate	Name of Candidate	Votes Cast	Rejected Votes	Valid Votes
.	.								
.									
Constituency Sub-Total									
.									
.									
Constituency Sub-Total									
.									
.									
County Total									

Aggregate Results

No.	Name of Candidate	Valid Votes in Figure	Valid Votes in Words
.			
.			
.			
.			
.			

Signatures of Agents or/and Candidates

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/Tel. Contact Independent Candidate	Signature	Date
1.					
2.					
3.					

County Returning Officer:

ID Number:

Signature:

Date:

Elections

[Subsidiary]

FORM 37D

[Reg. 87(2)(d).]

CERTIFICATE OF THE ELECTED COUNTY GOVERNOR

The County Returning Officer hereby declares that of ID No. has been duly elected as the County Governor for County in the election held on day of 20

County Returning Officer:

Signature:

Dated this..... day of, 20

Stamp

FORM 38 A

[Reg. 79(2)(b).]

SENATE ELECTION RESULTS AT THE POLLING STATION

S/Number

Name of Polling Station: Code

Ward Code

Constituency Code

CountyCode

Number of votes cast in favour of each candidate:

Table with 2 columns: Name of Candidate, No. of Valid Votes Obtained. Includes a row for Total valid votes cast.

Polling Station Counts

Table with 2 columns: Question (e.g., Total Number of Registered Voters), Answer.

Decision(s) on disputed votes if any

Table with 2 columns: Serial Number of Ballot Paper (s) with disputed vote, Name of Candidate assigned the vote.

Declaration

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots inPolling Station Constituency.

Presiding Officer:Signature Date

Deputy Presiding Officer:Signature Date

Elections

[Subsidiary]

Agents or Candidates (if Present)

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/ Independent Candidate	Tel. Contact	Signature	Date
1.						
2.						
3.						

Reasons for Refusal to Sign (if any)

.....

Presiding Officer's Comments:

.....

FORM 38 B

[Reg. 87(1)(a).]

**COLLATION OF SENATE ELECTION RESULTS
 AT THE CONSTITUENCY TALLYING CENTRE**

S/Number

Constituency Code

County Code

Name of the Constituency Tallying Centre

Polling Station Code	Name of polling Station	Reg. Voters	Candidate 1	Candidate 2	Candidate 3	Total Valid Votes	Rejected Ballots
.							
.							
.							
.							

Signatures of Candidates or Agents

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/ Independent Candidate	Tel. Contact	Signature	Date
1.						
2.						
3.						

Name of the County Returning Officer:

ID Number:

Signature:

Date:

Elections

[Subsidiary]

Handing Over — Taking Over at the County Tallying Centre

HANDING OVER	TAKING OVER
Number of FORM 38 A submitted:	Number of FORM 38 A received:
Name of the Constituency Returning Officer:	County Returning Officer:
ID Number:	ID Number:
Signature:	Signature:
Date:	Date:
Time:	Time:

FORM 38 C

[Reg. 87(2)(b).]

**DECLARATION OF SENATE ELECTION
RESULTS AT THE COUNTY TALLYING CENTRE**

S/Number

Name of County Code

Name of County Tallying Centre

Constituency Code	Constituency Name	Polling Station Code	Name of Polling Station	Name of Candidate 1	Name of Candidate 2	Name of Candidate 3	Valid Votes	Rejected Ballots
.								
.								
.								
Constituency Sub-Total								
.								
.								
.								
Constituency Sub-Total								
.								
.								
County Total								

Voter Turn Out

Total Number of registered voters:

Total number of voters who turned out to vote:

Percentage of Voter turnout:

Aggregate Results

No.	Name of Candidate	Valid Votes in Figure	Valid Votes in Words
.			
.			
.			
.			

Elections

[Subsidiary]

Signatures of Agents or/and Candidates

No.	Candidates or Candidates' Agents name	Candidates or Candidates' Agents ID Number	Party/independent candidate	Contact	Candidates or Candidates' Agents signature	Date
1.						
2.						
3.						

County Returning Officer:

ID Number:

Signature:

Date:

FORM 38 D

[Reg. 87(2)(d).]

CERTIFICATE OF THE ELECTED SENATOR

The County Returning Officer hereby declares that of ID No. has been duly elected as the Senator for County in the election held on day of 20

County Returning Officer:

Signature:

Dated this Day of, 20

Stamp

FORM 39 A

[Reg. 79(2)(b).]

COUNTY WOMAN REPRESENTATIVE TO THE NATIONAL ASSEMBLY ELECTION RESULTS AT THE POLLING STATION

S/Number

Name of Polling Centre: Code

Polling Station No:

Ward Code

Constituency Code

County Code

Number of votes cast in favour of each candidate:

Name of Candidate	No. of Valid Votes Obtained
.	
.	
.	
.	
Total Valid Votes Cast	

Elections

[Subsidiary]

Polling Station Counts

1.	Total Number of Registered Voters in the Polling Station	
2.	Total Number of Rejected Ballot Papers	
3.	Total Number of Rejection Objected to Ballot Papers	
4.	Total Number of Disputed Votes	
5.	Total Number of Valid Votes Cast	

Decision(s) on disputed votes if any

Serial Number of Ballot Paper(s) with disputed vote	Name of Candidate assigned the vote
.	
.	
.	

Declaration

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in Polling Station Constituency.

Presiding Officer: Signature Date

Deputy Presiding Officer: Signature Date

Agents or Candidates (if Present)

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/Tel. Contact Independent Candidate	Signature	Date
1.					
2.					
3.					

Reasons for Refusal to Sign (if any)

.....
.....
.....

Presiding Officer's Comments:

.....
.....
.....

Elections

[Subsidiary]

FORM 39 B

[Reg. 87(1)(a).]

COLLATION OF COUNTY WOMAN REPRESENTATIVE TO THE NATIONAL ASSEMBLY ELECTION RESULTS AT THE CONSTITUENCY TALLYING

S/ Number

Constituency Code

County Code

Name of Constituency Tallying Centre

Polling Station Code	Name of Polling Station	Registered Voters	Candidate 1	Candidate 2	Candidate 3	Total Valid Votes	Rejected Ballots

Signatures of Candidates or Agents

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/Tel. Contact Independent Candidate	Signature	Date
1.					
2.					
3.					

Name of the County Returning Officer:

ID Number:

Signature:

Date:

Handing Over – Taking Over at the County Tallying Centre

HANDING OVER	TAKING OVER
Number of FORM 39 A submitted:	Number of FORM 39 A received
Name of the Constituency Returning Officer:	County Returning Officer
ID Number:	ID Number:
Signature:	Signature:
Date:	Date:
Time:	Time:

Elections

[Subsidiary]

FORM 39 C

[Reg. 87(2)(b).]

DECLARATION OF COUNTY WOMAN REPRESENTATIVE TO THE NATIONAL ASSEMBLY ELECTION RESULTS AT THE COUNTY TALLYING CENTRE

S/ Number

County Code

Name of County Tallying Centre Code

Constituency Code	Constituency Name	Polling Station Code	Name of Polling Station	Name of Candidate	Name of Candidate	Name of Candidate	Votes Cast	Rejected Votes	Valid Votes
.									
.									
Constituency Sub-Total									
.									
.									
Constituency SubTotal									
.									
.									
County Total									

Voter Turn Out

Total number of registered voters:

Total number of voters who turned out to vote:

Percentage of Voter turnout:

Aggregate Results

No.	Name of Candidate	Valid Votes in Figure	Valid Votes in Words
.			
.			
.			
.			

Signatures of Agents and Candidates

No.	Name of Candidate or Agent	ID/ Passport No.	Party Name/Tel. Contact Independent Candidate	Signature	Date
1.					
2.					
3.					

County Returning Officer:

ID Number:

Signature:

Date:

Elections

[Subsidiary]

FORM 39 D

[Reg. (87(2)(d).]

CERTIFICATE OF ELECTED COUNTY WOMAN REPRESENTATIVE TO THE NATIONAL ASSEMBLY

The County Returning Officer hereby declares that of ID No. has been duly elected as the County Woman Member to the National Assembly for County in the election held on day of 20
County Returning Officer:
Signature:
Dated this Day of, 20
Stamp

FORM 40

[Reg. 88(2).]

NOTICE OF FRESH PRESIDENTIAL ELECTION

A fresh election of a President of the Republic of Kenya shall be held on and will be contested between the following candidates:

Name	Candidate/ Party Symbol
1.	
2.	

The presidential poll will take place on the day of 20

.....
Chairperson.

FORM 41

[Reg. 78(3).]

STATEMENT ON REJECTED BALLOT PAPER(S)

I, ID No. the Presiding Officer for Polling Station do hereby certify that the reasons recorded below for the rejection of the ballot papers were the reasons provided by the hereunder;
Elective Position:

SERIAL NUMBER	REASON(S) FOR REJECTION
.	
.	
.	
.	
.	
.	
.	
.	
.	
.	

Presiding Officer's Name:
Signature:
Date:

(STAMP)

RULES OF PROCEDURE ON SETTLEMENT DISPUTES

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
2. Interpretation.
3. Object.
4. Application of rules.
5. Right to lodge complaint.
6. Returning officer to be guided by constitution and nomination rules, etc.
7. Disputes arising from registration of persons.
8. Initiation of a complaint.
9. Disputes arising from nomination of candidates.
10. Declining to accept a dispute.
11. Powers of the returning officer.
12. Decision of the Commission.
13. Appeals for review to the Commission.
14. Power of the Commission to delegate.
15. Complaint arising from violation of the electoral code of conduct.
16. Committee to regulate its own procedure.
17. Legal representation.

SCHEDULE —

FORMS

[Subsidiary]

RULES OF PROCEDURE ON SETTLEMENT DISPUTES

[L.N 139/2012.]

1. Citation

These rules may be cited as the Rules of Procedure on Settlement of Disputes.

2. Interpretation

In these rules, unless the context otherwise requires—

“**Act**” means the Elections Act, 2011;

“**Committee**” means the Electoral Code of Conduct Enforcement Committee established under the Act;

“**dispute**” means a complaint, challenge, claim or contest relating to any stage of the electoral process and includes an objection to the acceptance of the nomination papers of a candidate by the Returning Officer;

“**nomination**” means the submission to the Commission of the name of a candidate in accordance with the Constitution and the Elections Act, 2011;

“**registration officer**” means a person appointed by the Commission for the purpose of preparing a register of voters.

3. Object

The object of these rules is to provide a procedure and mechanisms for the expeditious, efficient, lawful, reasonable and procedurally fair settlement of disputes including those contemplated under Article 88(4)(e) of the Constitution and section 74 of the Act.

4. Application of rules

(1) These rules shall apply to disputes or complaints arising from—

- (a) registration of persons;
- (b) nomination of candidates;
- (c) violations of the Code of Electoral Conduct; and
- (d) any other election related complaint.

(2) These rules shall not apply to election petitions or disputes and complaints subsequent to the declaration of election results.

5. Right to lodge complaint

(1) A candidate for the nomination for a political party ticket for purposes of an election under the Act may file an objection against the submission of the name of any other candidate to the returning officer.

(2) The returning officer upon receipt of the complaint or objection shall consider the application and either—

- (a) uphold the nomination by the political party;
- (b) reject the nomination and inform the political party of the fact of that rejection and in that regard direct that a new nomination be conducted.

6. Returning officer to be guided by constitution and nomination rules, etc.

In determining the question as to whether a candidate has been validly nominated by a political party, the returning officer shall take into account and shall be guided by—

- (a) the constitution and nomination rules of the political party concerned; and
- (b) the provisions of the Constitution, the Elections Act and the Elections Regulations.

7. Disputes arising from registration of persons

(1) Any person objecting to the registration of a voter may file a complaint with the Commission on any of the following grounds—

- (a) that the person has registered in more than one registration centre;
- (b) that the person has been convicted of an election offence at any time material to the registration;
- (c) that the person is not qualified to be registered under any law.

(2) An objection against registration shall be in Form 2 set out in the Schedule.

8. Initiation of a complaint

(1) A party to a dispute may, within twenty four hours of the occurrence of a dispute, notify the Commission and any adverse party of the dispute, in writing.

(2) A complaint shall be filed by delivering to the returning officer or the Commission a duly filled Form 1 in duplicate.

(3) An objection or complaint may be filed by—

- (a) a registered voter or a political party in the electoral area where the dispute arose alleging that a candidate has not been validly nominated;
- (b) a candidate alleging that he or she has been unfairly denied nomination by the party from which he' or she sought to be nominated;
- (c) any person claiming that a candidate who has been nominated as a candidate is not qualified to be so nominated;
- (d) a person aggrieved by an electoral activity.

(4) The complaint shall state—

- (a) full names and address of service of the complainant;
- (b) voter registration number or certificate of political party registration;
- (c) the date, time and location of the occurrence of the act complained of;
- (d) information about the person whose conduct is complained against;
- (e) information as to the identity and contacts of witnesses, if any;
- (f) a concise statement under oath of the ultimate facts constituting his cause or causes of action;
- (g) the relief or redress sought;
- (h) a declaration by the complainant that the representations are true;
- (i) a statement—
 - (i) that there is no other complaint pending;
 - (ii) that there have been no previous complaints in any forum or tribunal between the complainant and the respondent over the same subject matter; and

[Subsidiary]

- (iii) showing the reasons why the complaint relates to the complainant named in the complaint.

(5) A complaint shall be served on the respondent and the registered political party that nominated the candidate, where applicable.

9. Disputes arising from nomination of candidates

(1) Any person objecting to the nomination of a candidate may file a complaint with the Commission on any of the following grounds—

- (a) that the candidate is not qualified to be elected under any law;
- (b) that the candidate does not have all the qualifications required under any law;
- (c) that the candidate was convicted of an election offence at any time material to the nomination;
- (d) that conduct of the nomination process was invalid;
- (e) that the candidate did not accept his nomination according to the rules promulgated by the Commission;
- (f) any other ground that the Commission deems sufficient provided such ground shall not be frivolous, vexatious or scandalous.

(2) An objection with respect to the nomination of an independent candidate may, in addition to any other ground, be based on any of the following grounds—

- (a) the candidate failed to get the required number of registered voters supporting his candidacy, as specified by the Act;
- (b) the candidate was nominated by a member of a political party;
- (c) the candidate is a member of a political party.

10. Declining to accept a dispute

The returning officer or the Commission acting on appeal may decline to accept a dispute if that dispute—

- (a) does not raise an issue under the constitution or the nomination rules of the party concerned or the Constitution, the Act or the Regulations;
- (b) does not conform with these rules of procedure;
- (c) is trivial, frivolous or vexatious.

11. Powers of the returning officer

The returning officer shall have the authority to decide on any dispute arising from a nomination of a candidate within the electoral area and shall in that regard have the power to—

- (a) summon any person to appear before it, administer an oath for the purpose of receiving testimony; and
- (b) order the production of any document relevant to any dispute arising from nomination of a candidate.

12. Decision of the Commission

The returning officer shall—

- (a) issue a written decision on an application or objection within seven days after the application or objection is made; and
- (b) record the reasons of the decision.

13. Appeals for review to the Commission

A person aggrieved by the decision of a returning officer may appeal such decision to the Commission.

14. Power of the Commission to delegate

(1) Despite the provisions of these rules, the Commission may delegate to the Committee, the power to settle disputes filed under these rules.

(2) The Committee referred to under sub-regulation (1) shall have the powers of a registration officer or a returning officer.

15. Complaint arising from violation of the electoral code of conduct

(1) Any aggrieved person may file a written complaint against any political party participating in an election for violation of the provisions of the electoral code of conduct.

(2) A complaint under sub-regulation (1) shall be accompanied by a statement of the complainant and his witnesses, all of which must be under oath, as well as other documents to support the complaint.

(3) A complaint for under this regulation shall be filed with the Commission.

(4) Based on the decision of the Committee, Commission may impose any of the sanctions provided for under paragraph 7 of the Electoral Code of Conduct.

16. Committee to regulate its own procedure

(1) Subject to the Act and these rules, the Committee shall regulate its own procedure.

(2) The Committee shall have powers to issue administrative guidelines for purposes of expeditious, efficient, lawful, reasonable and procedurally fair settlement of disputes.

17. Legal representation

(1) Every party to a complaint or objection under these rules may appear in person or be represented by an advocate.

(2) A person who is a subject of the complaint or objection shall have the right to present his or her evidence and to cross examine any witnesses against him or her.

(3) The Committee may conduct investigations to enable it arrive at a reasonable decision.

SCHEDULE

FORM 1

(r. 5)

INITIATION OF A COMPLAINT

Nominations for the County/ Constituency/Ward

The Complaint of

The complainant states that the nomination was held on the day of, 20....., when XY and Z were candidates, and X was declared as nominated.

Complainant(s) state that the nomination was improper due to *(state the facts and grounds on which the complainant(s) rely)*.

Elections

[Subsidiary]

SCHEDULE, FORM 1—continued

Wherefore Complainant(s) pray that it be determined that the said X was not duly nominated and the nomination was void (or as the case may be).

Dated, 20..... (Signed) A

Dated, 20..... (Signed) B

FORM 2

(r. 7(2))

INITIATION OF A COMPLAINT

Registration in County/Constituency/Ward

The Complaint of

Complainant(s) state that the registration was improper due to (state the facts and grounds on which the complainant(s) rely).

Wherefore Complainant(s) pray that does not qualify to be registered and that the registration was void (or as the case may be).

Dated, 20..... (Signed) A

Dated, 20..... (Signed) B

**ELECTIONS (PARLIAMENTARY AND COUNTY
ELECTIONS) PETITION RULES, 2013**

[L.N. 44/2013.]

Revoked by L.N. 54/2013, r. 42.

**ELECTIONS (PARLIAMENTARY AND COUNTY
ELECTIONS) PETITION RULES, 2013**

[L.N. 54/2013.]

Revoked by L.N. 116/2017, r. 38.

ELECTIONS (TECHNOLOGY) REGULATIONS, 2017

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation and commencement.
2. Interpretation.

PART II – ACQUISITION, STORAGE AND DEPLOYMENT

3. Assessment.
4. Procurement.
5. Deployment.
6. Maintenance.
7. Disposal of Assets.

PART III – TESTING AND CERTIFICATION

8. Testing.
9. Transparency.
10. Certification.

PART IV – CONDUCT OF AN AUDIT

11. Audit of technology.
12. Firm to conduct audit.
13. Audit report.

PART V – INFORMATION SECURITY AND DATA STORAGE

14. Information security.
15. Data storage and access to information.
16. Request for information.

PART VI – DATA RETENTION AND DISPOSAL

17. Data retention and archive.

PART VII – ACCESS TO SOFTWARE SOURCE CODES

18. Accessibility and security.

PART VIII – TELECOMMUNICATION NETWORK

19. Disclosure of existing agreements.
20. Delivery of services.
21. Telecommunication network service availability.
22. Appropriate infrastructure.
23. Obligations for service providers.

PART IX – DATA RECOVERY AND OPERATIONS CONTINUITY PLAN

24. Operations continuity plan and testing.
25. Data recovery.
26. Suspension, termination and public notice.
27. Notice by individuals.
28. System support and maintenance agreement.

Elections

[Subsidiary]

PART X – CAPACITY BUILDING AND TRAINING

- 29. Capacity building programs.
- 30. Training curriculum and trainers.

PART XI – THE ELECTIONS TECHNOLOGY ADVISORY COMMITTEE (ETAC)

- 31. Establishment of the Elections Technology Advisory Committee.
- 32. Mandate and functions of the Committee.
- 33. Composition of the Committee.
- 34. Engagement of experts or consultants.
- 35. Chairperson and Secretariat.
- 36. Meetings of the Committee.
- 37. Code of conduct.

PART XII – MISCELLANEOUS PROVISIONS

- 38. Duty to cooperate.
- 39. Non-disclosure agreement.
- 40. Voter education.

FIRST SCHEDULE — INFORMATION SECURITY AND DATA STORAGE

SECOND SCHEDULE — INFORMATION REQUEST FORM

ELECTIONS (TECHNOLOGY) REGULATIONS, 2017

[L.N. 68/2017.]

PART I – PRELIMINARY

1. Citation and commencement

These Regulations may be cited as the Elections (Technology) Regulations, 2017, and shall come into operation on such date as the Commission may by notice in the *Gazette*, appoint.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"biometric" means unique identifiers or attributes including fingerprints, hand geometry, earlobe geometry, retina and iris patterns, voice waves, DNA, and signatures;

"Commission" means the Independent Electoral and Boundaries Commission established under Article 88 of the Constitution:

"Committee" means the Elections and Technology Advisory Committee as established in regulation 31;

"controls" means standard operating procedures, security measures, validation rules, best practices, and other procedures and policies put in place by the Commission to guide and support use of election technology;

"data" means an attribute to an entity recorded a format in which can be processed to produce information by equipment in response to instructions given for that purpose, and includes representations of facts in form of quantities, characters, symbols and images, transmitted in the form of electrical signals and stored on magnetic, optical or mechanical recording media or as defined in the Kenya Information and Communication Act, 1998 (No. 2 of 1998);

"election technology" means a system that includes a biometric voter registration system, a biometric voter identification system, a system that enables the nomination and registration of candidates and electronic results transmission system; and

"systems audit" means an examination of all controls within information technology systems and infrastructure including networks, applications, databases and processes.

PART II – ACQUISITION, STORAGE AND DEPLOYMENT

3. Assessment

(1) The Commission shall regularly conduct a requirements analysis to determine the specific requirements to upgrade or supplement existing election technology, or to acquire new election technology with the purpose of enhancing the integrity, efficiency and transparency of the election process.

(2) Based on the requirements analysis conducted under sub regulation (1), the Commission shall prepare a solution design and feasibility report for any required upgrades or acquisitions.

4. Procurement

(1) Based on the requirements analysis conducted under regulation 3 (1) and the solution design and feasibility report conducted under regulation 3(2), the Commission shall develop specifications for the procurement of new or updated election technology, in accordance with the Public Procurement and Asset Disposal Act, 2015 (No. 33 of 2015) and its regulations.

(2) The specifications developed under sub-regulation (1) shall ensure that the election technology is accessible to and inclusive of all citizens, including persons with disabilities and persons with special needs, to participate in the election process.

[Subsidiary]

5. Deployment

(1) Following the completion of the procurement process, the Commission shall initiate the deployment and implementation of the election technology according to the specifications and an approved deployment plan to be developed by the Commission.

(2) The deployment plan under sub regulation (1) may include installation and configuration of the election technology, description of activities, timelines and responsible persons.

6. Maintenance

The Commission shall carry out regular inspections and servicing of the election technology, as well as establish a support and maintenance contract with a service level agreement to ensure the serviceability, reliability and availability of the election technology.

7. Disposal of Assets

The Commission shall comply with the Public Procurement and Asset Disposal Act, 2015 (No. 33 of 2015) and its regulations during the disposal of election technology assets.

PART III – TESTING AND CERTIFICATION

8. Testing

The Commission shall carry out timely end-to-end testing of election technology before deployment for the election process.

9. Transparency

(1) The Commission shall issue a public notice specifying the date, time and place of the testing and invite stakeholders to attend.

(2) The Commission shall publish the information required under sub-regulation (1)—

- (a) on its official website;
- (b) through electronic and print media of national circulation;
- (c) by posting the notice outside of the Commission's offices; and
- (d) assign any other easily accessible mechanism.

10. Certification

(1) After the conduct of the necessary testing, the Commission shall prepare a report to certify that the election technology meets the user requirements and specifications developed under regulation 4, and that it is accessible.

(2) The Commission shall request assurance by a professional reputable firm to certify that the election technology meets user requirements and specifications developed under regulation 4.

PART IV – CONDUCT OF AN AUDIT

11. Audit of technology

The Commission shall conduct annual audits of the election technology, or as may be required, to—

- (a) guarantee data integrity;
- (b) ensure that the technology functions effectively as specified; and
- (c) ensure that the internal controls of the technology are effective.

12. Firm to conduct audit

(1) The Commission shall engage a professional reputable firm to conduct a systems audit of the election technology annually.

(2) The Commission shall conduct the systems audit to evaluate the confidentiality, integrity and availability of the election technology by assessing—

- (a) the security access to the system;
- (b) the vulnerability of the system configurations;
- (c) the accuracy and the completeness of the data; and
- (d) any other mechanisms that may be determined by the Commission.

(3) Where the Commission engages a professional reputable firm under sub regulation (1), the firm shall present its audit findings to the Commission, which findings shall be incorporated into a report as set out in regulation 13.

13. Audit report

The Commission shall prepare an audit report which shall include—

- (a) a statement on the principles set out in regulation 12 (2); and
- (b) recommendations to reduce or eliminate any risks that could affect the functioning of the election technology.

PART V— INFORMATION SECURITY AND DATA STORAGE**14. Information security**

(1) The Commission shall put in place mechanisms to ensure data availability, accuracy, integrity, and confidentiality as set out in the First Schedule.

(2) For the purpose of sub regulation (1), the Commission shall adopt tools to detect, prevent and protect against attacks and compromise of the election technology.

15. Data storage and access to information

(1) The Commission shall store and classify data in accordance with the principles set out in the Access to Information Act, 2016 (No. 31 of 2016).

(2) An application to access information shall be in writing in English or Kiswahili and shall be made in the Form set out in the Second Schedule providing details and sufficient particulars for the public officer or any other official to understand what information is being requested.

(3) Where an applicant is unable to make a written request for access to information in accordance with sub-regulation (2), because of illiteracy or disability, the information officer shall take the necessary steps to ensure that the applicant makes a request in the manner that meets their needs.

(4) The information officer shall reduce to writing, the request made under sub-regulation (3) in the Form set out in the Second Schedule and the information officer shall then furnish the applicant with a copy of the written request.

16. Request for information

A person may request for information from the Commission, in accordance with section 27 of the Independent Elections and Boundaries Commission Act, 2011 (No. 9 of 2011).

[Subsidiary]

PART VI—DATA RETENTION AND DISPOSAL

17. Data retention and archive

All electronic data relating to an election shall be retained in safe custody by the Commission for a period of three years after the results of the elections have been declared, and shall, unless the Commission or the court otherwise directs, be archived in accordance with procedures prescribed by the Commission subject to the Public Archives and Documentation Service Act (Cap. 19) and the Kenya Information and Communications Act, 1998 (No. 2 of 1998).

PART VII – ACCESS TO SOFTWARE SOURCE CODES

18. Accessibility and security

(1) The access to the source codes shall, for proprietary software, be in accordance with the Industrial Property Act, 2001 (No. 3 of 2001) and section 44 (3) of the Act (No. 24 of 2011).

(2) The Commission shall ensure access to open source. codes in accordance with procedures prescribed by the Commission under regulation 15.

PART VIII – TELECOMMUNICATION NETWORK

19. Disclosure of existing agreements

(1) The Commission shall publish on its official website details of the telecommunication network service providers to be used during an election.

(2) A telecommunication network service provider or a member of a consortium of telecommunication network service providers who intends to provide services to the Commission pursuant to sub regulation (1) shall disclose to the Commission any existing agreements with political parties, agents, or candidates before engagement for telecommunication services in an election.

20. Delivery of services

A telecommunication network service provider shall be under obligation to provide and deliver services as may be requested by the Commission.

21. Telecommunication network service availability

(1) The Commission shall identify and communicate in a timely manner to all stakeholders the network service available at different polling stations.

(2) In areas where there is no telecommunication network, the Commission shall inform the stakeholders and publish this information in a timely manner.

(3) In order to enhance network availability during the election period, the Commission may engage the services of a consortium of telecommunication network service providers.

(4) Where the Commission engages a consortium telecommunication network service providers in the manner specified in sub regulation (3), the Commission shall require the consortium to use internal roaming services.

22. Appropriate infrastructure

The Commission in collaboration with a telecommunication network service provider or providers shall put in place the appropriate telecommunication network infrastructure to facilitate the use of election technology for voter validation and results transmission and shall publish the network coverage at least forty-five days before the date of a general election.

23. Obligations for service providers

The telecommunication network service providers shall ensure the security, traceability and availability of the network during the election period or during any other period as may be required by the Commission.

PART IX —DATA RECOVERY AND OPERATIONS CONTINUITY PLAN

24. Operations continuity plan and testing

(1) The Commission shall establish an operations continuity plan, deleting both operational and technical processes, procedures and tools.

(2) The operations continuity plan established under sub regulation (1) shall provide mitigation and contingency measures, including preparedness, prevention, response and recovery measures for potential failures of technology.

(3) The Commission shall test the operations continuity plan in a timely manner to ensure that all operational procedures are working as intended.

25. Data recovery

(1) The Commission shall—

- (a) maintain an external data recovery site for all electoral information systems;
- (b) establish such data recovery processes as may be necessary to ensure quick and efficient systems and data recovery in the event of election technology malfunctions;
- (c) maintain such physical documentation records to enable reconstruction of the information in the event of data loss during transmission;
- (d) ensure that such other failover technologies or procedures are in place to ensure operations continuity; and
- (e) communicate failover technologies or procedures to stakeholders.

26. Suspension, termination and public notice

(1) The Commission shall suspend or terminate the use of election technology if the reliability of a system cannot be assured according to the requirements of the Act and these Regulations.

(2) Before suspending or terminating the use of election technology under sub-regulation (1)—

- (a) the clerk at the polling station shall inform the presiding officer of the failure of the technology;
- (b) the presiding officer at the polling station shall retry the system to confirm the failure of the technology;
- (c) the presiding officer at the polling station shall document the incident on a incident report in the polling station diary which shall be signed by all the agents;
- (d) the presiding officer shall notify the returning officer of the failure and submit a copy of the incident report;
- (e) the returning officer shall inform the director in charge of information communication and technology of the incident and the director shall investigate the incident and advise on the suspension or termination of the use of the election technology;
- (f) the returning officer shall approve the request for suspension of the use of technology based on the advice under paragraph (e) and invoke the complementary mechanism.

(3) Where the Commission suspends or terminates the use of the election technology, the Commission shall immediately notify the public and stakeholders of the suspension and of the measures put in place to restart the, or of any failover technologies or procedures to be used according to the operations continuity plan.

(4) Where the Commission has made a decision to suspend the voting where there is failure of the election technology the Commission shall extend the hours of polling at the Polling Station where polling has been interrupted by the amount of time which has been lost.

[Subsidiary]

(5) The Commission shall publish a notice, through electronic or print media of national circulation, or any other easily accessible medium, to notify the public of the suspension or termination or of failover technologies or procedures to be used according to the operations continuity plan.

(6) The Commission shall inform the returning officer of the decision accordingly.

27. Notice by individuals

(1) Any person or telecommunication network service provider who is or becomes aware of any election technology vulnerability, failure or challenge shall immediately notify the Commission in writing or any other means available.

(2) Where a person or telecommunication network service provider is not able to make a notification in writing, the Commission shall prepare a written record of the notification.

28. System support and maintenance agreement

The Commission shall ensure that adequate and continuous service level support agreements with a telecommunication network service provider or providers are established for the effective and sustainable use of election technology.

PART X – CAPACITY BUILDING AND TRAINING

29. Capacity building

The Commission shall implement a continuous and comprehensive training program on election technology for its staff.

30. Training curriculum and trainers

(1) The training on election technology shall utilize a comprehensive training curriculum approved by the Commission.

(2) The Commission shall ensure that the curriculum specified in sub-regulation (1) includes both practical training as well as theoretical aspects for a period prescribed by the Commission.

(3) The technical training under sub regulation (2) shall be conducted by—

- (a) qualified personnel on the subject matter; and
- (b) service providers and vendors of such election technology.

PART XI — THE ELECTIONS TECHNOLOGY ADVISORY COMMITTEE

31. Establishment of the Committee

The Committee established under section 44 (8) of the Elections Act, 2011 shall be known as the Elections Technology Advisory Committee.

32. Mandate and functions of the committee

(1) The Committee shall advise the Commission on adoption and implementation of election technology which may include—

- (a) the development of policies for the progressive use of election technology in the electoral process;
- (b) the participation of stakeholders in the implementation and deployment of election technology; and
- (c) the development of an operations continuity plan, as set out in regulation 24.

(2) The Committee shall—

- (a) regularly engage with stakeholders in order to sensitize them on the progress of adoption and use of election technology in the electoral process; and
- (b) receive regular updates on the status of election technology.

33. Composition of the Committee

- (1) The Committee shall be composed of—
- (a) at least three members of the Commission and designated staff of the commission;
 - (b) the Registrar of Political Parties;
 - (c) a representative of the—
 - (i) Majority Party in Parliament;
 - (ii) Minority Party in Parliament;
 - (iii) Political Parties Liaison Committee; and
 - (iv) Information Communication Technology professional bodies.

34. Engagement of experts or consultants

The Commission may engage the services of experts or consultants in respect of any of the functions of the Committee.

35. Chairperson and secretariat

The Commission shall chair the Committee's meetings and provide secretariat services.

36. Meetings

(1) The Committee shall hold meetings in such place, time and manner as the Commission may consider necessary for the discharge of its functions under these Regulations.

(2) The Committee shall meet not more than four times in a year.

(3) Decisions and recommendations from the meetings of the committee shall be recorded and made public on the Commission's website.

37. Code of Conduct

The members of the Committee shall subscribe to the code of conduct for staff set out in the Independent Electoral and Boundaries Commission Act, 2011 (No. 9 of 2011), with any necessary modifications.

PART XII — MISCELLANEOUS PROVISIONS**38. Duty to cooperate**

Every public officer, public or private entity or political party has a duty—

- (a) to co-operate with the Commission in its activities relating to election technology; and
- (b) not to hinder the Commission from carrying out its functions.

39. Non-disclosure agreement

A member of the Committee established under regulation 31 shall safeguard information relating to the election technology that comes into their possession and protect it from improper or inadvertent disclosure.

40. Voter education

Pursuant to section 4 (g) of Independent Electoral and Boundaries Commission Act, 2011 (No. 9 of 2011), the Commission shall carry out voter education related to election technology.

Elections

[Subsidiary]

FIRST SCHEDULE
INFORMATION SECURITY AND DATA STORAGE

[Rule 14.]

1. The Commission shall put in place the mechanisms outlined below to ensure data availability, accuracy, integrity, and confidentiality.
2. These mechanisms may be reviewed from time to time as the Commission may determine.

<i>SN</i>	<i>Domain</i>	<i>Guiding Principles</i>
1.	Network	The commission shall protect its data from external risks using intrusion detection and prevention mechanisms, which shall include but not limited to firewalls, this allows only authorized access to the Commission's network. The network and security experts in the Commission shall monitor network activities and report any exceptions to the Commission.
2.	Data Centre Facility	Access to the data Centre facility shall be restricted to only authorized personnel. Access shall be controlled through use of modern access control system and access control register.
3.	Database Management Systems	The Electoral systems and Databases shall be protected from internal and external attacks by implementing security controls as outlined in the policies and procedures manuals of the Commission. Scheduled backups shall be undertaken to ensure prompt recovery in the event of disaster.
4.	Websites and online Systems	The commission's internet facing systems shall be protected against external interference by ensuring that the communication between web servers and web browsers is secured using standard security technologies including but not limited to digital certificates. The information exchange shall be concealed from unauthorized users.
5.	ICT Governance	The Commission shall enforce relevant ICT Policies, standards and procedures in the management of information security. Policies, standards and procedures shall be reviewed annually to comply with international best practices and industry trends

Elections

[Subsidiary]

SECOND SCHEDULE
INFORMATION REQUEST FORM
[Rule 15.]

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REQUEST FOR DETAILS

First name .		Last name .	
Personal ID No. .		Nationality .	
Telephone No .		Organization .	
Email Address .		Signature .	

INFORMATION REQUESTED

Information Category .	
Purpose .	

APPROVAL FROM IEBC

APPROVED BY

Name .		Designation .	
Date .		Signature .	

ELECTIONS (PARTY PRIMARIES AND PARTY LISTS) REGULATIONS, 2017

ARRANGEMENT OF REGULATIONS

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SCHEDULE —

FORMS

[Subsidiary]

**ELECTIONS (PARTY PRIMARIES AND
PARTY LISTS) REGULATIONS, 2017**

[L.N. 69/2017.]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the Elections (Party Primaries and Party Lists) Regulations, 2017 and shall come into operation upon publication in the *Gazette*.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**Act**” means the Elections Act, 2011;

“**Commission**” means the Independent Electoral and Boundaries Commission established under Article 88 of the Constitution;

“**Election Board**” means the political party organ in charge of party primaries and party nomination of party lists;

“**party list**” means a list prepared in accordance with these Regulations for purposes of filling the seats specified under Articles 97 (1)(c), 98 (1)(b), (c), (d), and 177 (1)(b) and (c) of the Constitution;

“**party primary**” means the process through which a political party elects or selects its candidates for an election but does not include a party list;

“**party nomination of party lists**” means the process through which a political party elects or selects its candidates for party lists;

“**Registrar of Political Parties**” has the meaning assigned to it under the Political Parties Act (No. 11 of 2011) and

“**special interest groups**” includes—

- (a) women;
- (b) persons with disabilities;
- (c) youth;
- (d) ethnic and other minorities; and
- (e) marginalized communities.

3. Application

These Regulations shall apply to party primaries and party nomination of party lists.

4. Guiding principles

The conduct of party primaries and party nomination of party lists shall—

- (a) be democratic, free and fair;
- (b) provide equal opportunities for all eligible candidates;
- (c) not discriminate against any eligible candidate;
- (d) be inclusive and participatory;
- (e) be open, transparent and accountable;
- (f) be credible; and
- (g) be peaceful.

5. Access to information

Every registered member of a political party has the right to access any information held by that political party relating to—

- (a) the party's nomination rules and procedures of the political party;
- (b) the members of the party's Election Board;
- (c) the criteria relied on by the party to nominate the party list members;
- (d) the register of members of the party; and
- (e) the party's constitution or similar document.

6. Political party nomination rules and procedures

(1) Every political party shall, upon submission of the nomination rules and procedures to the Commission pursuant to section 27 of the Act—

- (a) make them available and accessible to the members of the party with specific considerations to members with disabilities;
- (b) place a copy at the party's head office and branch offices; and
- (c) post them on the party's website.

(2) The nomination rules and procedures under sub-regulation (1) shall provide for—

- (a) the procedure to be employed in party primary and nomination of party lists for identifying aspiring candidates to stand for election in every electoral area;
- (b) a mechanism for ensuring that every aspiring candidate meets the requirements of the law to stand for the respective position; and
- (c) the conduct of party primaries and nomination of party lists.

(3) The nomination rules and procedures shall prescribe—

- (a) the criteria, procedures and circumstances under which non-competitive nomination methods, including direct nominations and consensus may be employed; and
- (b) the structure and mandate of the party's Election Board.

(4) Upon submission of the party nomination rules and procedures, the Commission shall verify that the rules conform to the constitution of the political party, the Act and these Regulations.

(5) Where the Commission determines that the party nomination rules and procedures do not conform to the requirements of the constitution of the political party, the Act and these Regulations, the Commission may require the political party to review and amend the party nomination rules and procedures so that they conform to the constitution of the political party, the Act and these Regulations.

7. Parties' nomination Code of Conduct

(1) Every political party shall prepare and communicate to its members a party nomination code of conduct at least thirty days before the conduct of party primaries or nomination of the party list, whichever is the earlier.

(2) Every political party shall require an aspiring candidate to sign and ascribe to the party's nomination code of conduct set out in Form 1 of the Schedule.

PART II – PARTY PRIMARY AND PARTY NOMINATION OF THE PARTY LIST CONDUCTED BY THE POLITICAL PARTY

8. Parties' Election Board

(1) Every political party shall appoint a national Election Board and may appoint county Election Boards in respect of every county where the party is offering candidates for election.

(2) The mandate and scope of operation of the election boards shall, in addition to the functions set out under regulation 10, be as stipulated in the nomination rules and procedures of the political party.

(3) An Election Board shall comprise of not more than seven and not less than three members including one person to represent special interest groups.

[Subsidiary]

9. Qualification of a member of a party's Election Board

(1) A person is qualified to be appointed as a member of a party's Election Board if that person—

- (a) is a member of the political party;
- (b) is eligible to vote at an election;
- (c) has not been convicted of an election offence; and
- (d) satisfies the requirements of Chapter Six of the Constitution on leadership and integrity.

(2) A political party shall—

- (a) lay out the composition and the term of office of members of Election Boards;
- (b) have rules, procedures and criteria for identifying and appointing the members of the Election Boards; and
- (c) ensure that no more than two-thirds of the members of the Election Boards are of the same gender.

10. Functions of Election Boards

(1) An Election Board shall be responsible for conducting or supervising party primaries and party nomination of party lists and any other related activities for purposes of selection of candidates to participate in an election.

(2) The Election Board shall notify members of the party of the date by which applications must be received, the date, time and venue of the party primary.

(3) The nomination officials appointed by an Election Board shall conduct the party primary, tally the votes and present the results to an Election Board.

(4) An Election Board shall declare the results in Form 2 set out in the Schedule and shall require the aspiring candidates or their agents to be present to sign the Form as acceptance of the process and the result.

(5) Where an aspiring candidate or an agent fails to sign the Form after having been offered an opportunity to do so, the failure to sign shall not affect the validity of the result.

(6) The aspiring candidate or agent shall be given an opportunity to write down on the Form 1 set out in the Schedule reasons for refusal to sign the Form.

11. Removal of a member of a party's Election Board

A person may be removed as a member of a party's Election Board if that person—

- (a) resigns from the party;
- (b) defects from the party;
- (c) violates the party's constitution, nomination rules or the party nomination code of conduct;
- (d) has declared interest in a particular nomination;
- (e) is physically or mentally incapacitated;
- (f) is convicted of an election offence or a criminal offence which carries a sentence of more than six months of imprisonment without the option of a fine; or
- (g) has been found by a court to have violated the provisions of Chapter Six of the Constitution.

12. Vacancy in a party's Election Board

(1) A vacancy may arise in an Election Board where a member—

- (a) resigns in writing;
- (b) dies; or
- (c) is removed from the Election Board under Regulation 11.

(2) The party shall, within seven days after the occurrence of the vacancy under sub regulation (1), fill in the vacancy with a person with similar qualifications.

13. Tenure of a party's Election Board

The members of an Election Board shall, save as the party's constitution may otherwise provide, serve in office until—

- (a) the party has submitted its list of names of the party candidates who have been selected to participate in an election; or
- (b) any disputes arising out of the party primary or party nomination of the party list have been heard and determined,

whichever is later.

14. Fees

(1) Every political party may, at least two weeks before a party primary or nomination of the party lists, announce the fees to be levied by the party on every aspiring candidate.

(2) The fees charged by a political party under sub regulation (1)—

- (a) shall be made known to the party members;
- (b) may be graduated or waived to take into account special interest groups; and
- (c) may be different for party primaries and for party nomination of party lists.

15. Application for nomination

(1) An aspiring candidate shall submit to an Election Board of their party, a duly filled application in Form 3 set out in the Schedule together with—

- (a) a signed commitment to the political party's constitution, policies and principles;
- (b) a self-declaration form as prescribed under the Leadership and Integrity Act, 2012 (No. 19 of 2012);
- (c) copies of the person's national identity card or valid passport;
- (d) copies of the candidate's academic qualifications from the relevant institutions;
- (e) evidence of registration as a member of the party; and
- (f) a receipt or other evidence of payment of nomination fees.

(2) Where an aspiring candidate intends to be nominated on the ground that the candidate is a person with disability, the candidate shall, in addition to the requirements specified under sub regulation (1), submit an application in Form 4 set out in the Schedule which shall be certified by the National Council for Persons with Disabilities.

(3) A person who wishes to be nominated by a political party to represent the youth shall be a person who has attained the age of eighteen years but has not attained the age of thirty five years and such person shall provide documentary proof of his or her age.

16. Conduct of a party primary

(1) A party primary shall be conducted in accordance with the nomination rules and procedures of the party and the candidate who obtains the highest number of votes shall be declared the party nominee for the position.

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(2) Where only one aspiring candidate applies to be nominated in any elective position, no party primary shall be conducted.

(3) An Election Board shall in writing certify and declare the aspiring candidate under sub regulation (2) as the party nominee.

(4) Upon conclusion of the party primary, the authorized party officials shall certify the list of nominees and submit it to the Commission.

(5) Upon receipt of the list by the Commission, the list shall not be altered.

17. Notices

(1) Where the political party is required to issue a notice to its members regarding any exercise in the conduct of a party primary or nomination of party list, the party shall—

- (a) notify its members at least seven days before the date of the exercise; and
- (b) publish the notice in its website.

(2) A notice issued by a political party under sub regulation (1) shall state—

- (a) the date and venue of the exercise;
- (b) the persons eligible to participate in the exercise;
- (c) the party official who shall be responsible for the exercise;
- (d) the duration of the exercise;
- (e) where any aggrieved party may file any grievances regarding the exercise;
- (f) the party official who shall hear and determine any appeal in relation to the exercise;
- (g) the fees, if any, that should be paid;
- (h) the date by which eligible persons must perform any act in relation to the exercise; and
- (i) any other relevant detail pertaining to the exercise.

18. Statutory declaration for conduct of party primaries

(1) Every political party shall, at the time of submission of nominees to the Commission, file a statutory declaration signed by the person authorized to certify that candidates to the effect that the political party has complied with the nomination rules and procedures of the party in the conduct of the party primary.

(2) The statutory declaration under sub-regulation (1) shall be in Form 5 set out in the Schedule.

19. Role of agents of nomination candidates

(1) An aspiring candidate in a party primary or an applicant for nomination to a party list may appoint an agent to represent his or her interests during the exercise.

(2) An agent shall be appointed in writing by the candidate and shall—

- (a) be a registered member of the political party;
- (b) be issued with an appointment letter by the aspiring candidate identifying him or her as the agent of that candidate; and
- (c) have access to information relating to the party primary.

(3) An agent may represent one candidate at a time but where candidates so agree, he or she may represent more than one candidate, provided that the candidates are not vying for the same elective seat.

20. Party lists

(1) A party list shall contain the names of all the persons who would stand elected if the party were to be entitled to all the seats available under Articles 97(1) (c), 98(1) (b), (c), (d) and 177(1) (b) and (c) and shall alternate between male and female candidates.

(2) A party list submitted under sub regulation (1) shall ensure fair representation to take into consideration the principles of Article 81(b) and Article 100 of the Constitution.

21. Statutory declaration for conduct of party nomination to party lists

(1) The person authorized by the political party to certify that candidates have been nominated shall submit to the Commission the list of nominees and the party list together with a declaration in Form 6 set out in the Schedule, stating that the party's nominations and preparation of party lists have complied with the Constitution, the Act and party nomination rules and procedures of the political party in the conduct of the party nomination to party lists.

(2) Where, after scrutiny of the lists, the Commission is of the opinion that a party list does not conform to the requirements of Articles 97(1) (c), 98 (1) (b), (c), (d), and 177(1) (b) and (c) of the Constitution, the Act or these Regulations, the Commission shall require the political party to review and amend the party list so that it conforms to the requirements of the law and guidelines by the Commission.

PART III – PARTY PRIMARIES CONDUCTED BY THE COMMISSION**22. Application of Part**

This Part applies where a political party requests the Commission to conduct and supervise a party primary in accordance with Article 88 of the Constitution.

23. Political party to be responsible for the preparatory work

(1) A political party that requests the Commission to supervise its party primary shall be responsible for the preparatory work including—

- (a) notifying the members of the date, time and venue for the party primary;
- (b) inviting, receiving and processing applications from aspiring candidates;
- (c) preparing a list of members eligible to vote in each party primary from the party membership list submitted to the Commission in accordance to section 28 of the Act.
- (d) preparing the list of aspiring candidates in the party primary;
- (e) designing and production of ballot papers in accordance with the specification of the commission; and
- (f) doing anything else required to be done in preparation of the party primary.

(2) The Commission's role in party primary shall be limited to the supervision, conduct, announcement and declaration of the results of the party primary on the day set aside for the primary and shall not participate in the preparation of party lists save as authorised under the law.

24. Conduct of Party primaries

(1) The party primary under regulation 23 shall be conducted—

- (a) on a date to be agreed between the party and the Commission; or
- (b) where the Commission receives multiple requests, the procedure stipulated under section 31(2E) of the Act shall apply.

(2) The Commission shall issue every eligible voter with a ballot on verification—

- (a) of a voters identity through the production of a national identity card or a passport;

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- (b) that the voter is a registered member of the party; and
- (c) that the voter has not voted in that party primary.

(3) A party primary conducted and supervised by the Commission shall be—

- (a) through a secret ballot; and
- (b) determined by a majority of valid votes cast by the eligible voters.

(4) A voter who inadvertently spoils a ballot paper may, with the approval of the returning officer and on satisfaction of the returning officer of the inadvertence, be supplied with another ballot paper and the spoiled ballot paper shall be immediately cancelled and the counterfoil thereof marked accordingly.

(5) The Commission shall promptly tally the votes for each candidate after the close of the voting during a party primary.

(6) The Commission shall determine whether or not a ballot is rejected.

(7) The Commission shall publicly announce and declare the candidate who has obtained the highest number of valid votes to be duly nominated and shall issue a certificate to the duly nominated candidate.

(8) In the event of a tie among the top candidates, the Commission shall hold a fresh party primary and the candidates in that party primary shall be only the candidates who garnered the highest number of votes.

25. Commission to submit party primary results to the Election Board

(1) On announcement and declaration of the results of the party primary, the Commission shall submit the results of the party primary to the Election Board of the party.

(2) The Election Board shall certify the list of nominees and the party authorized official shall formally submit the list to the Commission.

PART IV – MISCELLANEOUS

26. Commission to reject party list if it does not conform to law

(1) The Commission shall reject a party list or a name on the party list submitted by a political party where—

- (a) the party list does not conform to the requirements of the Constitution, the Act or these Regulations; or
- (b) the period for submitting revised party lists has lapsed.

(2) Where the Commission rejects a party list or a nominee on the party list, it shall require the political party to resubmit the party list or nominee within such period as the Commission may specify.

(3) A political party resubmitting a party list under sub regulation (2) shall resubmit a declaration under Regulation 18 to the effect that the political party has complied with the nomination rules and procedures of the party relating to the nomination of the names contained in the list.

(4) In the event that a political party fails to resubmit the party list or a name on the party list after it has been rejected under sub-regulation (1), the party shall not be considered in the allocation of seats.

(5) A person who has been nominated on a party list may decline the nomination by informing the political party and the Commission in writing, and the Commission shall replace that name with the next name of the same gender on the party list.

27. Dispute resolution

(1) Every political party shall establish an internal dispute resolution mechanism in relation to the party primaries and party list.

(2) The dispute resolution mechanism of a party shall be independent of the party leadership and other party institutions.

(3) The decisions of the dispute resolution mechanism shall be made—

- (a) after hearing all parties;
- (b) after taking into account all the relevant documents relating to the dispute;
- (c) by applying the rules of natural justice;
- (d) where the mechanism involves a panel, a panel comprising of an odd number of members where the decision is by majority of the members of the panel; and
- (e) in writing.

(4) The dispute resolution mechanism of a party shall hear and determine all nomination disputes not later than ninety days before the date of general election.

28. Electoral malpractices

The contravention of any of the provisions of the Election Offences Act, 2016 or the breach of the Electoral Code of Conduct shall constitute electoral malpractice in relation to a party primary and party nomination of party lists.

SCHEDULE

FORM 1

[Reg. 7(2).]

SUBSCRIPTION TO THE PARTY'S NOMINATION CODE OF CONDUCT

I of ID / Passport No. do solemnly and sincerely declare as follows:—

- 1. I do hereby subscribe to the party's nomination code of conduct.
- 2. I declare I will protect, uphold and follow all requirements and provisions in the nomination code of conduct.
- 3. I promise to do my uttermost to promote and enforce the requirements and provisions in the nomination code of conduct within and among the members of my nomination campaign team.
- 4. I promise to do my uttermost to promote and whenever possible enforce the requirements and provisions in the nomination code of conduct within and among my supporters.

And I make this declaration conscientiously believing in values and principles guiding us in our political party.

Declared at this day of 20

Signature of Declarant

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FORM 2

[Reg. 10(4).]

DECLARATION OF RESULTS IN PARTY PRIMARY

..... (name of party)

..... (name of ward/constituency/county)

..... (name of position/seat)

Polling station code	Name of Polling station	Aspiring Candidate 1	Aspiring Candidate 2	Aspiring Candidate 3	Aspiring Candidate 4	Total Valid Votes	Rejected Ballots
.							
.							
.							
.							
.							
.							
.							
.							
.							
Total							

Aggregated Results

No.	Name of Aspiring Candidate	Valid Votes in Figure	Valid Votes in Words
01			
02			
03			
04			
05			
06			
07			

Signatures of Aspiring Candidates or Agents

No.	Name of Aspiring Candidate or Agent	ID/Passport No.	Tel. Contact	Signature	Date
1					
2					
3					
4					
5					
6					
7					
8					
9					

Ward / Constituency / County Returning Officer:

ID Number:

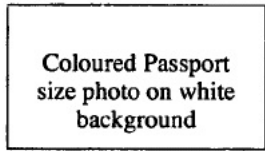
Signature:

Date:

FORM 3

[Reg. 15(1).]

APPLICATION FOR NOMINATION BY A POLITICAL PARTY



APPLICATION FOR (name of party)

NOMINATION FOR (name of position /party list)

Particulars of the Aspiring Candidate

	<i>Particulars of Aspiring Candidate</i>
Name in Full	
Occupation	
National Identity Card or Passport No.	
Sex	
Date of Birth	
Physical address	
Postal address	
County	
Constituency	
Ward	
Voters Card Number	
Party membership number	
Telephone contacts	1. 2.

If the application is for party nomination on a party list.

Name of party list	
Ethnic Community of the aspiring candidate (only for national lists)	
Category of Special Interest Group	
Women	
Youth	
Person with Disability (type of disability)	
Ethnic minority	
Marginalized community	
Represent workers (only for 12 members list for National Assembly)	

And I the aforementioned do hereby apply to the party nominee for (position/party list) and hereby certify that I am in all respects qualified for nomination as such candidate.

Signatures of Aspiring Candidate

Dated the

Elections

[Subsidiary]

FORM 4

[Reg. 15(2).]

DECLARATION CERTIFYING DISABILITY

I of (name of institution) do certify that (name of the aspiring candidate seeking nomination representing person with disability) holding ID/Passport number is a person living with disability, more specifically (type of disability) for the last (no. of years/months).

I make this declaration conscientiously as I sign this form.

Declared at this day of 20

Signature of Deponent—

- Name
Profession
Workstation
ID / Passport No.
Phone number
Signature

FORM 5

[Reg. 18(2).]

STATUTORY DECLARATION OF COMPLIANCE IN PARTY PRIMARY

I / we, the authorized person(s), do solemnly and sincerely certify that in the party primary process in which—

..... (name of nominee)
..... ID/Passport number was declared the winner and the party nominee for (position) the party primary was conducted in accordance with all relevant party laws, rules and regulations related to party nominations.

And I/we make this declaration conscientiously believing in values and principles guiding us in our political party.

Declared at this day of 20

Signature of Declarant(s)—

- 1. Name
ID / Passport No.
Signature
2. Name
ID / Passport No.
Signature

FORM 6

[Reg. 21(1).]

**STATUTORY DECLARATION OF COMPLIANCE
IN PARTY NOMINATION OF PARTY LIST**

I/we, the authorized person(s), do solemnly and sincerely certify that in the nomination process in which party candidates was nominated on

..... (name of party list)

the party nomination process was conducted in accordance with all relevant party laws, rules and regulations related to party nominations.

And I / we make this declaration conscientiously believing in values and principles guiding us in our political party.

Declared at this day of 20

Signature of Deponent(s) –

1. Name

ID / Passport No.

Signature

2. Name

ID / Passport No.

Signature

ELECTIONS (VOTER EDUCATION) REGULATIONS, 2017

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation.
2. Interpretation.
3. Objective.

PART II – PROVISION OF VOTER EDUCATION

4. Role of the Commission in provision of voter education.
5. Voter education curriculum and education materials.
6. Constituency election coordinators.
7. Remuneration.

PART III – VOTER EDUCATORS

8. Voter educators.
9. Manner of carrying out the tasks of voter educators.
10. Qualifications and other requirements.
11. Code of Conduct for voter education providers.

PART IV – ACCREDITATION OF VOTER EDUCATION PROVIDERS

12. Application for accreditation.
13. Accreditation criteria.
14. Certificate of accreditation.
15. Inspection of register.
16. Accredited persons and organizations to sign Code of Conduct.
17. Commission may revoke accreditation.
18. Monitoring and evaluation of voter education.
19. Impartiality and conduct of voter education.
20. Submission of information.
21. Conduct of voter education.
22. Revocation of L.N. No. 127 of 2012.

SCHEDULE —

FORMS

ELECTIONS (VOTER EDUCATION) REGULATIONS, 2017

[L.N. 70/2017.]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the Elections (Voter Education) Regulations, 2017 and shall come into operation upon publication in the *Gazette*.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**constituency elections coordinator**” means an officer appointed by the Commission who is in charge of administration and coordination of the functions of the Commission at a constituency and may act as a registration officer or a returning officer during elections;

“**curriculum**” means the voter education curriculum developed by the Commission under regulation 5 and includes support materials approved by the Commission;

“**voter education**” means all forms of information or communication whose purpose is to educate members of the public including citizens residing outside Kenya on their rights and responsibilities in the electoral process;

“**voter educator**” means a person engaged by the Commission or by a voter education provider to carry out voter education under these Regulations; and

“**voter education provider**” means an organization accredited by the Commission to conduct voter education under these Regulations.

3. Objective

The objective of these Regulations is to—

- (a) implement Article 88 (4) (g) of the Constitution;
- (b) create an environment for objective and effective voter education for all Kenyans;
- (c) ensure efficient coordination of voter education for purposes of harmonizing the content of the voter education material;
- (d) provide a framework for monitoring and evaluation of voter education programmes; and
- (e) promote effective and efficient use of resources set aside for voter education in Kenya.

PART II – PROVISION OF VOTER EDUCATION

4. Role of the Commission in provision of voter education

The Commission shall be responsible for—

- (a) the formulation and review of policy and strategies for voter education;
- (b) the development and review of the voter education curriculum;
- (c) the accreditation and maintenance of a register of voter education providers;
- (d) the carrying out of continuous voter education programmes;
- (e) the development and dissemination of voter education materials;
- (f) the collaboration with stakeholders and partners in voter education; and
- (g) the monitoring and evaluating the voter education programmes.

5. Voter education curriculum and education materials

(1) The Commission shall develop a voter education curriculum and support materials.

(2) The voter education curriculum specified under sub regulation (1) shall cover all processes outlined in the electoral cycle.

(3) The Commission may disseminate the voter education curriculum and support materials through mass media, electronic learning, public forums or any other appropriate modes.

(4) The Commission shall—

- (a) build the capacity of all the voter education providers to ensure voter education is carried out effectively; and
- (b) monitor and evaluate the voter education process.

(5) In the conduct of voter education, the Commission and the voter education providers shall take into account—

- (a) the national values and principles of governance set out under Article 10 of the Constitution; and
- (b) the principles of equality and freedom from discrimination;
- (c) the provisions of Article 100 of the Constitution and shall in particular explain to the voters measures put in place to promote the representation of—
 - (i) women;
 - (ii) persons with disabilities;
 - (iii) youth;
 - (iv) ethnic and other minorities; and
 - (v) marginalized communities.

6. Constituency election coordinators

(1) The Commission shall designate at the constituency level, the constituency elections coordinator who shall—

- (a) advise on constituency voter education needs and strategies;
- (b) conduct recruitment, induction, deployment of constituency voter educators;
- (c) supervise and monitor activities and operations of constituency voter educators and voter education providers;
- (d) evaluate constituency voter education activities and programs;
- (e) sensitize and engage partners and stakeholders in the implementation of voter education programs at the constituency level;
- (f) make periodic reports to the Commission; and
- (g) undertake any other duty assigned by the Commission.

(2) A constituency elections coordinator shall be responsible to the Commission for all matters relating to voter education.

(3) The Commission may appoint one or more assistants to assist the constituency elections coordinator.

7. Remuneration

(1) A voter educator engaged by the Commission may be paid such remuneration as the Commission may determine.

(2) Where a voter education provider engages a voter educator, the Commission shall not be responsible for the cost and expenses of such voter educator.

[Subsidiary]

PART III – VOTER EDUCATORS

8. Voter educators

The Commission may engage voter educators at the ward or other levels in such manner as the Commission may, from time to time, determine.

9. Manner of carrying out the voter education

A voter educator appointed under these Regulations shall carry out voter education in accordance with the voter education curriculum and guidelines issued by the Commission, from time to time.

10. Qualifications of a voter educator

- (1) A person may qualify as a voter educator if that person—
 - (a) holds a post secondary school qualification from an institution recognized in Kenya;
 - (b) has experience in conducting voter education or civic education; and
 - (c) is a resident of the respective ward, constituency or county.

11. Code of Conduct for voter educators and voter education providers

Every voter educator and voter education provider shall sign and abide by the Code of Conduct prescribed in Form 5 set out in the Schedule.

PART IV – ACCREDITATION OF VOTER EDUCATION PROVIDERS

12. Application for accreditation

(1) The Commission may publicly advertise and invite applications for accreditation as voter education providers.

(2) The advertisement under sub regulation (1) shall be through mass media, electronic learning, public forums or any other appropriate modes.

(3) A State or non-State agency or organisation may apply to the Commission to be accredited to provide voter education.

(4) An application for accreditation to provide voter education shall be made to the Commission in Form 1 set out in the Schedule.

13. Accreditation Criteria

- (1) The Commission may accredit an applicant if that applicant—
 - (a) possesses valid registration certificates;
 - (b) has civic education as an objective in the instrument of registration;
 - (c) has a presence in at least one constituency in Kenya;
 - (d) possesses at least six months demonstrable experience in the provision of voter or civic education;
 - (e) demonstrates to the Commission that it has the necessary institutional and resource capacity to carry out voter education; and
 - (f) meets tax compliance requirements as the law may require of organizations of its kind.

14. Certificate of accreditation

(1) If the Commission is satisfied that an applicant meets the requirements for accreditation as set out in regulation 13, the Commission shall—

- (a) enter the name and particulars of the applicant in the register of voter education providers in the manner prescribed in Form 2 set out in the Schedule; and
- (b) issue a certificate of accreditation in the name of the applicant stating the period of validity and any other conditions of accreditation as the Commission may determine.

(2) The certificate issued under sub regulation (1) (b) shall be in the manner prescribed in Form 3 set out in the Schedule.

15. Inspection of the register

A person may apply to inspect the register of voter education providers by applying to the Commission in the manner prescribed in Form 4 set out in the Schedule.

16. Accredited persons and organizations to sign Code of Conduct

All voter educators and persons engaged by voter education providers shall sign and abide by the Code of Conduct in the manner prescribed in Form 5 as set out in the Schedule.

17. Commission may revoke accreditation

(1) Where a voter education provider contravenes the Code of Conduct the Commission may—

- (a) issue a formal warning;
- (b) suspend the accreditation of the voter education provider for a period to be determined; or
- (c) revoke the accreditation of the voter education provider.

(2) Where the Commission revokes the accreditation of a voter education provider, the Commission—

- (a) shall delete the name of the voter education provider from the register; and
- (b) may not accredit the organization for any future voter education.

18. Monitoring and evaluation of voter education

The Commission may carry out an assessment of a voter education exercise carried out by a voter education provider and advise on the same.

19. Impartiality and conduct of voter education providers

A voter education provider shall—

- (a) be impartial and independent of any political party or candidate contesting an election;
- (b) be competent to carry out voter education;
- (c) subscribe to the Code of Conduct prescribed under regulation 16;
- (d) provide voter education in accordance with the curriculum developed by the Commission;
- (e) promote cohesion and integration; and
- (f) enhance participation in elections and promote free and fair elections.

[Subsidiary]

20. Submission of information

(1) The Commission may, at such intervals as it may determine require a voter education provider to submit a report concerning the conduct of voter education under these Regulations.

(2) A voter education provider shall prepare and submit to the Commission a report on voter education which shall contain the following information—

- (a) activities carried out in the area covered;
- (b) appropriate statistical information or data; and
- (c) any other relevant information.

(3) The Commission may suspend or revoke an accreditation certificate of a voter education provider who fails to comply with the requirement of this regulation.

PART V— CONDUCT OF VOTER EDUCATION

21. Conduct of voter education

(1) The conduct of voter education shall in its design, message and implementation be impartial and non-partisan.

(2) The Commission shall use various methods to deliver voter education information and messages through electronic and print media engagement, stakeholder forums, dissemination of information and education materials or outdoor outreach programs.

(3) The Commission may use one or a combination of the methods specified under sub regulation (2) including transcribing information into compatible formats to facilitate outreach to all special interest groups.

22. Revocation of L.N. No. 127 of 2012

The Elections (Voter Education) Regulations, 2012 (L.N. 127/2012) are revoked.

SCHEDULE

FORM 1

[Reg. 12(4).]

APPLICATION FOR ACCREDITATION FORM

1. Name of Organisation (Attach certified copy of Registration certificate)
2. Address: (postal and physical including city/street/building)
3. Telephone:
4. Principal Officers: (Attach certified copies of National ID/Passport)
 - (a) Name of President/Chairperson
 - (b) Name of Secretary General/Executive Director/Country Director:
5. Person authorized by the organization to liaise with the Commission

Name:

Position:

Address:

Telephone:

Email:
6. Set out statement of objectives of the organisation
7. Estimated number of members that the group plans to deploy for voter education:
8. Source of Funds (Attach bank statement for the previous three months)
9. Person submitting this application:

Name:

Email:

Telephone:

Signature:

Date:

official stamp

10. Designation:
11. Telephone, email, etc.:

I/We solemnly swear (or affirm) and certify, under penalty of false declaration under the Oaths and Statutory declaration Act(Cap. 15 of the Laws of Kenya), that all the foregoing statements in this declaration are true and correct to the best of my/our knowledge

Dated at this day of 20

Elections

[Subsidiary]

FORM 2

[Reg. 14(1)(a).]

REGISTER OF VOTER EDUCATION PROVIDERS

1. Registration Number
2. Name of Organisation
3. Principal place of business
4. Postal address
5. Other places of business
6. Nature of business
7. Date of Registration

PARTNERS OR PROPRIETORS DETAILS

<i>Name</i>	<i>Contact (Postal address/ telephone/email)</i>	<i>Nationality</i>
1.		
2.		
3.		
4.		

STATUTORY DECLARATION

(To be made by Person authorised by the organization to liaise with the Commission)

I of do solemnly and sincerely declare that the particulars set out herein are true and correct and I make this declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Act (Cap. 15) of the Laws of Kenya.

Declared at this day of 20

Before me

.....
(Signature)

.....
(Magistrate or Commissioner for Oaths)

FORM 3

[Reg. 14(2).]

ACCREDITATION CERTIFICATE

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

Certificate of Accreditation as a Voter Education Provider

This is to certify that (Name of Organisation) has been accredited as a voter education provider in (Electoral area) for the period commencing up to

Issued this day of 20

Seal of Independent Electoral and Boundaries Commission.

Name Chief Executive Officer/Secretary

Signature Independent Electoral and boundaries Commission

FORM 4

[Reg. 15.]

APPLICATION TO INSPECT THE REGISTER OF VOTER EDUCATION PROVIDERS

I do hereby apply to inspect the register of voter education providers.

I undertake to pay any fees that may be prescribed by the Commission.

Name

Constituency

Sign

Date

Dated the 20

FORM 5

[Regs. 11 & 16.]

THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

CODE OF CONDUCT OF VOTER EDUCATORS AND VOTER EDUCATION PROVIDERS

1. The principal duty of the a voter educator and a voter education provider is to promote awareness among the population of Kenya in general and the voting population in particular on the need for all citizens of Kenya of voting age to register and vote in the elections or referenda.
2. (1) A voter educator and a voter education provider is a friend of every voter.
 (2) A voter educator and a voter education provider shall endeavour to provide appropriate information, insight and advice to every voter on issues relating to the registration, elections and the referendum.
 (3) A voter educator and voter education provider shall however not use his or her position as a voter educator to influence any voter to vote for any particular candidate or political party.
3. A voter educator and a voter education provider shall—
 - (a) conduct voter education in accordance with the curriculum prepared and approved by the Commission;
 - (b) conduct voter education impartially and without the advocacy or influence from any person or group;
 - (c) refrain from engaging in or supporting any activity that would discredit the work or image of the Commission;
 - (d) not in any way actively subvert the attainment of the Commission's statutory mandate and the conduct of the electoral process;
 - (e) not in any way solicit for funds in the name of the Commission;
 - (f) refuse any gift, favour, hospitality or any inducement that would influence or appear to influence the discharge of his or her duties;
 - (g) carry out voter education without intimidation, coercion, threats, duress or undue influence;
 - (h) be sensitive to the needs of people with disabilities, women, youth and other marginalized groups when providing voter education;

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[Subsidiary]

- (i) give due consideration to special and appropriate circumstances regarding accessibility, language and methodology in the provision of voter education;
 - (j) avoid actual or apparent conflicts of interest in the provision of voter education;
 - (k) refrain from disclosing any confidential information acquired in the course of their work unless otherwise authorized by the Commission;
 - (l) perform his or her duty in accordance with such other rules, regulations, standards as the Commission may set from time to time; and
 - (m) endeavour to use every means at his or her disposal to encourage every Kenyan who is eligible to register as voter to exercise his or her constitutional right to register and vote in elections and referenda.
4. A voter educator and a voter education provider who does not abide by this code of conduct shall be liable to such penalty Commission may deem fit, including termination of the contract and revocation of the right to conduct voter education for voter registration, elections and a referendum.

STATEMENT OF ACCEPTANCE OF CODE OF CONDUCT

I do hereby accept to serve as a voter educator

I accept to be bound by the above code of conduct and with such Regulations that may be made from time by the Commission for the purpose of giving effect to the code of conduct at all times during my term of service as a voter education provider.

I undertake to relinquish my duty as a voter educator/voter education provider if required to do so, for good cause, by the Commission.

Name

Constituency

Sign

Date

**ELECTIONS (PARLIAMENTARY AND COUNTY
ELECTIONS) PETITIONS RULES, 2017**

ARRANGEMENT OF RULES

Rules

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1. Citation.
2. Interpretation.

PART II – APPLICATION AND OBJECTIVES OF RULES

3. Application.
4. Objective of these Rules.
5. Compliance with these Rules.

PART III – CONSTITUTION OF AN ELECTION COURT

6. Constitution of an election court.

PART IV – PRESENTATION AND COMMENCEMENT OF PETITIONS

7. Manner of filing of petition.
8. Contents and form of a petition.
9. Commission to be respondent in every petition.
10. Service on respondents.
11. Response to petition.
12. Affidavits generally.
13. Deposit of security for costs.

PART V – CASE MANAGEMENT

14. List of petitions.
15. Pre-trial conferencing and interlocutory applications.
16. Storage of ballot boxes and other materials.
17. Consolidation of petitions.
18. Time and place of hearing.
19. Extension and reduction of time.
20. Conduct of a hearing.
21. Withdrawal of petition.
22. Notice of intention to withdraw an election petition.
23. Notice for hearing of an application to withdraw an election petition.
24. Substitution of a petitioner.
25. Death of petitioner.
26. Application to be substituted as petitioner upon death of petitioner.
27. Death, resignation of, or notice not to oppose by elected person.

PART VI – SCRUTINY AND RECOUNT

28. Recount of votes or examination of tallying.
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30. Costs.
31. Taxation and recovery of costs.
32. Fees.
33. Return of money deposited.

**ELECTIONS (PARLIAMENTARY AND COUNTY
ELECTIONS) PETITIONS RULES, 2017**

[L.N. 116/2017, L.N. 117/2017.]

PART I – PRELIMINARY

1. Citation

These Rules may be cited as the Elections (Parliamentary and County Elections) Petitions Rules, 2017.

2. Interpretation

In these Rules, unless the context otherwise requires—

“**Act**” means the Elections Act, 2011 (No. 24 of 2011);

“**Commission**” means the Independent Electoral and Boundaries Commission established under Article 88 of the Constitution;

“**election court**” means the High Court in the exercise of the jurisdiction conferred upon it by Article 165 (3)(a) of the Constitution or the Resident Magistrate’s Court designated by the Chief Justice in accordance with section 75 of the Act;

“**direct service**” means personal service or service on a duly authorized agent;

“**document**” includes an electronic document;

“**electronic document**” means any text, graphic or spreadsheet generated and stored in any electronic media content that is intended to be used in either electronic form or as printed output but does not include computer programs or system files;

“**petitioner**” means a person who files a petition to the election court under the Constitution or under the Act in accordance with these Rules;

“**Registrar**” means—

- (a) the Registrar of the High Court; or
- (b) an executive officer, where the petition is filed in a magistrate’s court; and

“**respondent**” in relation to a petition, means—

- (a) the person whose election is complained of;
- (b) the returning officer;
- (c) the Commission; and
- (d) any other person whose conduct is complained of in relation to an election.

PART II – APPLICATION AND OBJECTIVES OF RULES

3. Application

These Rules shall apply to petitions in respect of—

- (a) the election of members of Parliament;
- (b) the election of county governors; and
- (c) the election of members of county assemblies.

4. Objective of these Rules

(1) The objective of these Rules is to facilitate the just, expeditious, proportionate and affordable resolution of elections petitions.

(2) An election court shall, in the exercise of its powers under the Constitution and the Act, or in the interpretation of any of the provisions in these Rules, seek to give effect to the objective specified in sub-rule (1).

[Subsidiary]

5. Compliance with these Rules

(1) The effect of any failure to comply with these Rules shall be determined at the Court's discretion in accordance with the provisions of Article 159 (2)(d) of the Constitution.

(2) A party to a petition or an advocate for the party shall assist an election court to further the objective of these Rules and, for that purpose, to participate in the processes of the election court and to comply with the directions and orders of the election court.

PART III – CONSTITUTION OF AN ELECTION COURT

6. Constitution of an election court

(1) An election court shall be properly constituted to hear and determine—

- (a) a petition in respect of an election of a member of Parliament or to the office of governor, if it is composed of one High Court Judge; or
- (b) a petition in respect of an election of a member of a county assembly, if it is composed of a Resident Magistrate designated by the Chief Justice under section 75 of the Act.

(2) The Chief Justice may—

- (a) in consultation with the Principal Judge of the High Court, designate judges for the purposes of sub-rule (1)(a); and
- (b) designate magistrates for the purposes of sub-rule (1)(b), as may be required.

(3) The Chief Justice shall publish the name of the Judges and Magistrates designated under sub-rule (2) in the *Gazette* and in at least one newspaper of national circulation.

PART IV – PRESENTATION AND COMMENCEMENT OF PETITIONS

7. Manner of filing of petition

An election petition shall be—

- (a) filed by presenting the petition to the Registrar and on the payment of fees prescribed in the Second Schedule; and
- (b) in Form 1 set out in the First Schedule.

8. Contents and form of a petition

(1) An election petition shall state—

- (a) the name and address of the petitioner;
- (b) the date when the election in dispute was conducted;
- (c) the results of the election, if any, and however declared;
- (d) the date of the declaration of the results of the election;
- (e) the grounds on which the petition is presented; and
- (f) the name and address of the advocate, if any, for the petitioner which shall be the address for service.

(2) The petition shall be divided into paragraphs, each of which shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively.

(3) The petition shall conclude with a statement setting out the particulars of the relief sought which may include—

- (a) a declaration on whether or not the candidate whose election is questioned was validly elected;
- (b) a declaration of which candidate was validly elected;
- (c) an order as to whether a fresh election should be held;
- (d) scrutiny and recounting of the ballots cast at the election in dispute;
- (e) payment of costs; or

- (f) a determination as to whether or not electoral malpractice of a criminal nature may have occurred.

(4) The petition shall—

- (a) be signed by the petitioner or by a person authorised by the petitioner;
- (b) be supported by an affidavit sworn by the petitioner containing the particulars set out under rule 12; and
- (c) be in such number of copies as would be sufficient for the election court and all respondents named in the petition.

(5) The Registrar shall acknowledge receipt of the petition in Form 2 set out in the First Schedule.

9. Commission to be respondent in every petition

The Commission shall—

- (a) be a respondent in every petition filed under these Rules; and
- (b) be served with a petition filed pursuant to these Rules in the manner provided under Rule 12(2).

10. Service on the respondent

(1) Within fifteen days after the filing of a petition, the petitioner shall serve the petition on the respondent by—

- (a) direct service; or
- (b) an advertisement that is published in a newspaper of national circulation.

(2) Service on the Commission shall be by—

- (a) delivery at the constituency, county or head office of the Commission;
- (b) delivery at such other office as the Commission may notify; or
- (c) an advertisement that is published in a newspaper of national circulation.

(3) Where a petition is served in accordance with sub-rules (1) (b) and (2) (c), the advertisement shall comply with these Rules if the advertisement is—

- (a) in Form 3 set out in the First Schedule;
- (b) of at least font size twelve; and
- (c) captured in dimensions of not less than ten centimetres by ten centimetres.

(4) A person served with a petition shall file and serve upon all the other parties a notice of address for service within five days from the date of such service.

[L.N. 117/2017, r. 2.]

11. Response to petition

(1) Upon being served with a petition in accordance with rule 10, a respondent may oppose the petition by filing a response to an election within seven days.

(2) The response to a petition under sub-rule (1) shall be in Form 4 set out in the First Schedule.

(3) There shall be as many copies of the response filed as there are persons to be served, including a copy for the election court.

(4) Unless otherwise ordered by the election court, every response to a petition shall be served within seven days from the date of filing of that response.

(5) A response to a petition shall respond to each claim made in the petition.

(6) Where the petitioner claims the seat in issue for himself or herself or any other person, the response to a petition shall state the facts upon which the respondent relies to prove that the petitioner was not duly elected in the same manner as if the respondent had presented a petition against the election of that person.

[Subsidiary]

(7) Respondents may file a joint response to a petition.

(8) A respondent who has not filed a response to a petition as required under this rule shall not be allowed to appear or act as a party in the proceedings of the petition.

[L.N. 117/2017, r. 3.]

12. Affidavits generally

(1) A petition shall be supported by an affidavit which shall—

- (a) set out facts and grounds relied on in the petition; and
- (b) be sworn personally by the petitioner or by at least one of the petitioners, if there is more than one petitioner.

(2) An affidavit in support of a petition under sub-rule (1) shall state—

- (a) the name and address of the deponent;
- (b) the date when the election in dispute was conducted;
- (c) the results of the election, if any, however declared;
- (d) the date of the declaration of the results of the election;
- (e) the grounds on which the petition is presented; and
- (f) the name and address of the advocate, if any, acting for the petitioner which shall be the address for service.

(3) Each person who the petitioner intends to call as a witness at the hearing, shall swear an affidavit.

(4) A petitioner shall, at the time of filing the petition, file the affidavits sworn under sub-rule (3).

(5) A response to the petition under rule 11 shall be supported by an affidavit sworn by the respondent.

(6) Each person who the respondent intends to call as a witness at the hearing, shall swear an affidavit.

(7) A respondent shall, at the time of filing the response to a petition, file the affidavits sworn under sub-rule (6).

(8) Except with the leave of the election court and for sufficient cause, a witness shall not give evidence unless an affidavit sworn by the witness is filed as required under these Rules.

(9) The election court may, on its own motion or on the application by any party to the petition, direct a party or witness to file a supplementary affidavit.

(10) An affidavit shall—

- (a) state the substance of the evidence;
- (b) be divided into paragraphs, each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and numbered consecutively; and
- (c) contain a list of exhibits and copies of any documents which the deponent intends to rely on.

(11) Each affidavit shall be served to all parties to the petition.

(12) An affidavit shall form part of the record of the hearing and may be deemed to be the deponent's evidence for the purposes of an examination-in-chief.

(13) Every deponent shall, subject to the election court's direction, be examined-in-chief and cross-examined:

Provided that the parties may, by consent, accept not to cross-examine the deponents but shall have the deponent's evidence admitted as presented in the affidavits.

(14) The Oaths and Statutory Declarations Act (Cap. 15) and Order 19 of the Civil Procedure Rules, 2010 (L. N. No. 151/2010) shall apply to affidavits under these Rules.

13. Deposit of security for costs

(1) Within ten days of the filing of a petition, a petitioner shall deposit security for the payment of costs in compliance with section 78(2)(b) and (c) of the Act.

(2) The security for costs deposited under sub-rule (1) shall—

- (a) be paid to the Registrar;
- (b) be for the payment of costs, charges or expenses payable by the petitioner; and
- (c) subject to the directions of an election court, be vested in, and drawn upon from time to time by, the Registrar for the purposes for which security is required.

(3) The Registrar shall—

- (a) issue a receipt for the deposit under this rule;
- (b) shall file the duplicate of the receipt issued under paragraph (a) in a record kept by him or her;
- (c) keep a record of deposits in which shall be entered from time to time the amount of a deposit and the petition to which the deposit relates;
- (d) allow any person concerned with the petition to examine the record of deposits.

PART V – CASE MANAGEMENT**14. List of petitions**

(1) Upon receipt of a petition, the Registrar shall enter the names of the—

- (a) petitioner;
- (b) respondent;
- (c) petitioner's advocate, if any;
- (d) respondent's advocate, if any; and
- (e) the addresses to which notices may be sent, in a register kept by the Registrar for that purpose.

(2) The register referred to in sub-rule (1) may be inspected at any time during official working hours and shall be affixed for that purpose on a notice board designated "The Elections Act-Election Petitions" at the registry.

15. Pre-trial conferencing and interlocutory applications

(1) Within seven days after the receipt of the last response to a petition, an election court shall schedule a pre-trial conference with the parties in which the election court shall—

- (a) frame the contested and uncontested issues in the petition;
- (b) analyse methods for resolving the contested issues;
- (c) determine interlocutory applications;
- (d) confirm the number of witnesses the parties intend to call;
- (e) give an order, where necessary, for furnishing further particulars;
- (f) give directions for the disposal of the suit or any outstanding issues;
- (g) give directions as to the place and time of hearing the petition;
- (h) give directions as to the filing and serving of any further affidavits or the giving of additional evidence;
- (i) give directions on limiting the volume of any copies of documents that may be required to be filed; or

[Subsidiary]

- (j) make such other orders as may be necessary to prevent unnecessary expenses.

(2) An election court shall not allow any interlocutory application to be made on conclusion of the pre-trial conference, if the interlocutory application could have, by its nature, been brought before the commencement of the hearing of the petition.

16. Storage of ballot boxes and other materials

(1) On conclusion of the pre-trial conference under rule 15, the election court may give directions on—

- (a) the storage of the election materials including ballot boxes and documents relating to the petition;
- (b) the handling and safety of the election materials; or
- (c) the time for furnishing the election materials to the election court.

(2) In giving directions under sub-rule (1), the election court shall—

- (a) consider the prudent, efficient and economic use of storage and transport facilities;
- (b) consider the maintenance of the integrity of the election materials; and
- (c) ensure that the election materials are not interfered with.

(3) An election court may direct that the Commission maintains the custody of all election materials in relation to a petition.

(4) Only the material relating to a particular petition may be furnished to an election court.

(5) The election court may order that additional seals be placed on the ballot boxes related to the election for which a petition has been lodged.

17. Consolidation of petitions

Where more than one petition is lodged relating to the same election, the election court shall consolidate the petitions, and hear and determine them together.

18. Time and place of hearing

(1) The election court shall, by notice, specify the time and place of the hearing of a petition.

(2) A notice under sub-rule (1) shall be issued not less than seven days before the date fixed for hearing and shall be served to the addresses of each party provided under rule 14 (1)(e).

19. Extension and reduction of time

(1) Where any act or omission is to be done within such time as may be prescribed in these Rules or ordered by an elections court, the election court may, for the purposes of ensuring that injustice is not done to any party, extend or limit the time within which the act or omission shall be done with such conditions as may be necessary even where the period prescribed or ordered by the Court may have expired.

(2) Sub-rule (1) shall not apply in relation to the period within which a petition is required to be filed, heard or determined.

20. Conduct of a hearing

(1) Save in exceptional circumstances, once the hearing of a petition has commenced it shall proceed uninterrupted on a day to day basis until it is determined.

(2) Despite sub-rule (1), the election court may adjourn the hearing of a petition for a period not exceeding five days.

(3) If a judge or magistrate hearing a petition is unable to continue hearing the petition due to illness or any other reason before the petition is determined, the Chief Justice shall appoint another judge or magistrate, as the case may be, to continue the hearing and determine the petition.

(4) Where another judge or magistrate has been appointed under sub-rule (3), the judge or magistrate shall continue with the proceedings from where the previous judge or magistrate had stopped.

21. Withdrawal of petition

(1) A petition shall not be withdrawn without leave of the election court.

(2) The election court may grant leave to withdraw a petition on such terms as to the payment of costs or as the election court may otherwise determine.

(3) An application for leave to withdraw a petition shall—

- (a) be in Form 5 set out in the First Schedule;
- (b) be signed by the petitioner or a person authorised by the petitioner;
- (c) state the grounds for withdrawing the petition; and
- (d) be lodged at the registry.

(4) The parties to a petition shall each file an affidavit, before leave for withdrawal of a petition is determined, addressing the grounds on which the petition is intended to be withdrawn.

(5) Despite sub-rule (4), an election court may, on cause being shown, dispense with the affidavit of a party to the petition if it seems to the election court on special grounds to be fit and just.

(6) Each affidavit filed under sub-rule (4) shall contain the following declaration—

“to the best of the deponent’s knowledge and belief, that no agreement or terms of any kind has been made, and that no undertaking has been entered into, in relation to the withdrawal of the petition”.

(7) Despite sub-rule (6), where a lawful agreement shall have been made with respect to the withdrawal of the petition, the affidavit shall set out the terms of the agreement.

22. Notice of intention to withdraw an election petition

(1) The petitioner shall serve each respondent with a copy of the application to withdraw a petition.

(2) The petitioner shall publish in a newspaper of national circulation a notice of intention to withdraw an election petition in Form 6 set out in the First Schedule and the petitioner.

23. Notice for hearing of an application to withdraw an election petition

(1) The Registrar shall issue a notice for hearing an application to withdraw an election petition in Form 7 set out in the First Schedule, to the parties in an election petition.

(2) The notice issued under sub-rule (1) shall specify the time and place for the hearing of the application for the withdrawal of the petition under rule 21.

24. Substitution of a petitioner

(1) At the hearing of the application for the withdrawal of a petition, a person who is qualified to be a petitioner in respect of the election to which the petition relates may apply to the election court to be substituted as the petitioner in place of the petitioner who has applied to withdraw the petition.

(2) The election court may grant the application to substitute the applicant under sub-rule (1) as the petitioner.

(3) The election court may direct that the security deposited on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted

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petitioner, and that to the extent of the sum deposited as security, the original petitioner may be liable to pay the costs of the substituted petitioner.

(4) If the election court does not make an order under sub-rule (3), security of the same amount as would be required of a new petitioner and subject to the same conditions imposed on the original petitioner, the substituted petitioner shall pay, within three days after the order of substitution, the security before proceeding with the petition.

(5) Subject to sub-rules (3) and (4), a substituted petitioner shall stand in the same position, to the extent possible, and shall be subject to the same liabilities as the original petitioner.

(6) Where there is more than one petitioner, an application to withdraw a petition shall be made with the consent of all the other petitioners.

25. Death of petitioner

(1) A petition shall not abate merely by reason of the death of a sole petitioner or of one of the petitioners of several petitioners.

(2) In case of the death of a sole petitioner or of one of the petitioners where there are several petitioners, the intended substitution of a new petitioner shall be notified to the election court within seven days of the notification of the death.

26. Application to be substituted as petitioner upon death of petitioner

(1) Upon the death of a petitioner, a party or person interested to be substituted as the petitioner shall give a notice of death of the petitioner or of the survivor of several petitioners in the manner provided under rule 25.

(2) An application for an order to be substituted as a petitioner shall be made within seven days from the day of the notice issued under sub-rule (1).

(3) The election court may substitute as a petitioner any applicant who is desirous of being substituted and on whose behalf security of the same amount is given as required in the case of a new petition.

27. Death, resignation of, or notice not to oppose by elected person

(1) If, before the hearing of a petition, the person whose election is being contested—

- (a) dies or vacates the seat; or
- (b) gives notice in writing to the Registrar that he or she does not intend to oppose the petition, the petition shall abate.

(2) The Registrar shall publish in the *Gazette* a notice stating that the person whose election is being contested has—

- (a) died;
- (b) vacated his or her seat; or
- (c) given notice in writing that he or she does not intend to oppose the petition.

(3) A person who may have been a petitioner in respect of the election to which the petition relates, may apply to the election court to be admitted as a respondent to oppose the petition within ten days after the notice under sub-rule (2) has been published in the *Gazette* or within such other period as the election court may allow.

(4) A notice under sub-rule (1) (b) shall—

- (a) be in writing;
- (b) be signed by the person whose election is being contested;
- (c) be filed at the office of the Registrar; and
- (d) be filed not less than six days before the day appointed for the hearing of the petition and shall exclude the day of publishing the notice.

PART VI – SCRUTINY AND RECOUNT

28. Recount of votes or examination of tallying

A petitioner may apply to an elections court for an order to—

- (a) recount the votes; or
- (b) examine the tallying, if the only issue for determination in the petition is the count or tallying of votes received by the candidates.

29. Scrutiny of votes

(1) The parties to the proceedings may apply for scrutiny of the votes for purposes of establishing the validity of the votes cast.

(2) On an application under sub-rule (1), an election court may, if it is satisfied that there is sufficient reason, order for scrutiny or recount of the votes.

(3) The scrutiny or recount of votes ordered under sub-rule (2) shall be carried out under the direct supervision of the Registrar or Magistrate and shall be subject to the directions the election court gives.

(4) The scrutiny or recount of votes in accordance with sub-rule (2) shall be confined to the polling stations in which the results are disputed and may include the examination of—

- (a) the written statements made by the returning officers under the Act;
- (b) the printed copy of the Register of voters used during the elections sealed in a tamper proof envelope;
- (c) the copies of the results of each polling station in which the results of the election are in dispute;
- (d) the written complaints of the candidates and their representatives;
- (e) the packets of spoilt ballots;
- (f) the marked copy register;
- (g) the packets of counterfoils of used ballot papers;
- (h) the packets of counted ballot papers;
- (i) the packets of rejected ballot papers;
- (j) the polling day diary; and
- (k) the statements showing the number of rejected ballot papers.

(5) For purposes of sub-rule (4) (b), every returning officer shall upon declaration of the results, seal the printed copy of the Register of Voters used at that election in a tamper proof envelop and such envelop shall be stored by the Commission subject to the elections court directions under rule 16.

PART VII – COSTS AND DEPOSITS

30. Costs

(1) The election court may, at the conclusion of a petition, make an order specifying—

- (a) the total amount of costs payable;
- (b) the maximum amount of costs payable;
- (c) the person who shall pay the costs under paragraph (a) or (b); and
- (d) the person to whom the costs payable under paragraphs (a) and (b) shall be paid.

(2) When making an order under sub-rule (1), the election court may—

- (a) disallow any prayer for costs which may, in the opinion of the election court, have been caused by vexatious conduct, unfounded allegations or unfounded objections, on the part of either the petitioner or the respondent; and

[Subsidiary]

- (b) impose the burden of payment on the party who may have caused an unnecessary expense, whether that party is successful or not, in order to discourage any such expense.

(3) The abatement of a petition shall not affect the liability of the petitioner or of any other person to the payment of previously incurred costs.

31. Taxation and recovery of costs

(1) A Registrar shall tax the costs of a petition on the order of the election court in the same manner as costs are taxed in civil proceedings in accordance with the Advocates Act (Cap. 16).

(2) An order of the Registrar under sub-rule (1) shall be confirmed by the relevant election court.

(3) An election court may direct that the whole or any part of any money deposited by way of security shall be applied in the payment of taxed costs.

32. Fees

There shall be paid, in respect of all proceedings under these Rules, the fees prescribed in the Second Schedule.

33. Return of money deposited

(1) The money deposited under rule 13 shall, when it is no longer needed for payment of costs, charges or expenses be returned or disposed of as the election court may, by order, determine to be just.

(2) An order under sub-rule (1) may be made upon an application by a party to the petition and proof that all just claims have been satisfied or sufficiently provided for as the election court may require.

(3) The order may direct the payment of the money either to the party in whose name it is deposited or to any person entitled to receive it.

(4) On the conclusion of a petition, the election court shall issue notice to the parties to show cause why the security for costs should not be disposed of.

PART VIII – APPEALS

34. Appeals from Resident Magistrate's Court

(1) An appeal from a Resident Magistrate's Court under section 75 (1A) of the Act shall be in the form of a memorandum of appeal and shall be signed in the same manner as a petition.

(2) The memorandum of appeal under sub-rule (1) shall concisely set out under distinct heads the grounds of appeal without any argument or narrative from the judgment appealed from and the grounds shall be numbered consecutively.

(3) The memorandum of appeal under sub-rule (1) shall be filed at the nearest High Court registry within thirty days from the date of the judgment.

(4) The appellant shall, upon filing the memorandum of appeal in accordance with sub-rule (3), pay the fees prescribed in the Second Schedule.

(5) The appellant shall, within seven days of the filing of the memorandum of appeal in accordance with sub-rule (3), serve the memorandum of appeal on all parties directly affected by the appeal.

(6) The appellant shall, within twenty-one days of the filing of the memorandum of appeal in accordance with sub-rule(3), file a record of appeal which shall contain the following documents—

- (a) the memorandum of appeal;
(b) pleadings of the petition;

- (c) typed and certified copies of the proceedings;
- (d) all affidavits, evidence and documents entered in evidence before the magistrate; and
- (e) a signed and certified copy of the judgment appealed from and a certified copy of the decree.

(7) On the filing of the memorandum of appeal in accordance with sub-rule (3), the registrar of the court to which the appeal is preferred shall, within seven days, send a notice of appeal to the election court from whose decree the appeal is preferred.

(8) The election court from which an appeal is preferred shall, upon receiving a notice under sub-rule (7), send the proceedings and all relevant documents relating to the petition to the High Court to which the appeal is preferred.

(9) The High Court to which the appeal is preferred shall, within thirty days of lodging the memorandum of appeal in accordance with sub-rule (5), fix a date for—

- (a) the giving of directions including directions as to the manner in which evidence and exhibits may be presented; and
- (b) the hearing of the appeal.

(10) The High Court to which the appeal is preferred may confirm, vary or reverse in whole or in part, the decision of the court from which the appeal is preferred and shall have the same powers and perform the same duties as are conferred and imposed on the court exercising original jurisdiction.

(11) An appeal filed under sub-rule (1) shall be heard and determined within three months of the date of lodging the appeal.

35. Appeals from the High Court

An appeal from the judgment and decree of the High Court in a petition concerning the membership of the National Assembly, Senate or office of county Governor shall be heard and determined under the Court of Appeal Rules, 2010 (L.N. 152/2010).

PART IX – MISCELLANEOUS

36. Power of an election court to issue administrative orders

Despite any provision in these Rules, the election court may, at any time before or during the hearing, issue any orders of an administrative nature, including—

- (a) an order to require written submissions; and
- (b) an order prescribing the timelines for certain actions.

37. Practice directions by Chief Justice

The Chief Justice may issue practice directions for the better carrying out of the provisions of these Rules.

38. Revocation of L. N. No. 54 of 2013

The Elections (Parliamentary and County Elections) Petition Rules, 2013 (L.N. 54/2013) are revoked.

Elections

[Subsidiary]

FIRST SCHEDULE

FORMS

FORM 1

[Rule 7(b).]

IN THE HIGH COURT OF KENYA/IN THE RESIDENT MAGISTRATES COURT
AT

THE ELECTIONS ACT, 2011

ELECTIONS (PARLIAMENTARY AND COUNTY ELECTIONS) PETITION RULES, 2017

ELECTION PETITION NUMBER OF 20

ELECTION PETITION

Election for the(state whether Governor/Senator/member of National Assembly/member of Senate/member of county assembly) of(state the respective county/constituency/ward)

The Petition of (State name of Petitioner)

Your Petitioner state that the election was held on the day of, 20, when (insert names of candidates) were candidates, and the returning officer has returned (insert name of candidate declared as winner) as being duly elected.

And your Petitioner say that (state the facts and grounds on which the Petitioner relies).

Wherefore your Petitioner prays that it be determined that the said (insert name of candidate declared as winner) was not duly elected and the election was void (or as the case may be).

Dated, 20

.....
Petitioner

FORM 2

[Rule 8(5).]

IN THE HIGH COURT OF KENYA/IN THE RESIDENT MAGISTRATES COURT
AT

THE ELECTIONS ACT, 2011

ELECTIONS (PARLIAMENTARY AND COUNTY ELECTIONS) PETITION RULES, 2017

ELECTION PETITION NUMBER OF 20

ACKNOWLEDGEMENT OF RECEIPT OF AN ELECTION PETITION

Received on the day of, 20..... at the Registry of the High/Resident Magistrates Court, a petition concerning the election of for purporting to be signed by (insert the names of Petitioners).

.....
Registrar

Elections

[Subsidiary]

FORM 3

[Rule 10 (3)(a).]

IN THE HIGH COURT OF KENYA/IN THE RESIDENT MAGISTRATES COURT
AT

THE ELECTIONS ACT, 2011

ELECTIONS (PARLIAMENTARY AND COUNTY ELECTIONS) PETITION RULES, 2017

ELECTION PETITION NUMBER OF 20

SERVICE OF ELECTION PETITION BY ADVERTISEMENT

To:

of:

Take notice that an Election Petition in regard to County/Constituency/
County Assembly Ward has been filed in the Court at in Election
Petition No. of 20, in which you are named as a Respondent.

Service of the summons on you will be by means of this advertisement.
A copy of the summons and the petition may be obtained from the court
at (*insert postal address of registry*)

And further take notice that, unless you enter an appearance within days, the
petition will be heard in your absence.

Dated, 20

.....
Petitioner

FORM 4

[Rule 11 (2).]

IN THE HIGH COURT OF KENYA/IN THE RESIDENT MAGISTRATES COURT
AT

THE ELECTIONS ACT, 2011

ELECTIONS (PARLIAMENTARY AND COUNTY ELECTIONS) PETITION RULES, 2017

ELECTION PETITION NUMBER OF 20

RESPONSE TO AN ELECTION PETITION

Election for the
(*state whether Governor/Senator/member of National Assembly/member of Senate/
member of county assembly*) of *state the respective
county/constituency/ward*)

The Response of (*state name of Respondent*)

In response to the petition, the Respondent states that
(*state the facts or grounds on which the Respondent relies*).

Wherefore your Respondent prays that it be determined that the
said (*name of candidate*) was duly elected and
the election was valid (or as the case may be).

Dated, 20

.....
Respondent

Elections

[Subsidiary]

FORM 5

[Rule 21 (3)(a).]

IN THE HIGH COURT OF KENYA/IN THE RESIDENT MAGISTRATES COURT
AT

THE ELECTIONS ACT, 2011

ELECTIONS (PARLIAMENTARY AND COUNTY ELECTIONS) PETITION RULES, 2017

ELECTION PETITION NUMBER OF 20

APPLICATION TO WITHDRAW AN ELECTION PETITION

The petition of presented the day of
....., 20

The Petitioner applies for leave to withdraw the petition upon the following grounds (*state grounds*).

The Petitioner prays that a day may be appointed for hearing this application.

Dated, 20

.....

Petitioner

FORM 6

[Rule 22(2).]

IN THE HIGH COURT OF KENYA/IN THE RESIDENT MAGISTRATES COURT
AT

THE ELECTIONS ACT, 2011

ELECTIONS (PARLIAMENTARY AND COUNTY ELECTIONS) PETITION RULES, 2017

ELECTION PETITION NUMBER OF 20

INTENTION TO WITHDRAW AN ELECTION PETITION

In the election petition for the County/
Constituency/Ward/ in which is the Petitioner and
..... is the Respondent.

Notice is hereby given that the above Petitioner did on the day of
....., 20 lodge at the office of the Registrar an application for leave to withdraw the
election petition, which application the following is a copy- (*attach copy*).

Take notice that any person who might have been a Petitioner in respect of the said election
may, within seven days after the date of this notice, give notice in writing to the Registrar of
the intention on the hearing of the application to be substituted as a Petitioner.

Dated, 20

.....

Registrar

FORM 7

[Rule 23(1).]

IN THE HIGH COURT OF KENYA/IN THE RESIDENT MAGISTRATES COURT
AT

THE ELECTIONS ACT, 2011

ELECTIONS (PARLIAMENTARY AND COUNTY ELECTIONS) PETITION RULES, 2017

ELECTION PETITION NUMBER OF 20

HEARING OF AN APPLICATION TO WITHDRAW AN ELECTION PETITION

In the election petition for the County/Constituency/Ward
in which is the Petitioner and
is the Respondent.

Notice is hereby given that the above Petitioner did on theday of
....., 20 lodge at the office of the Registrar an application for leave to withdraw the
election petition.

And take notice that the application to withdraw the petition shall be heard on the
day of, 20 at theRegistry of the High/Resident
Magistrates Court

Dated, 20

.....

Registrar

SECOND SCHEDULE

FEES

[Rules 32 & 34(4).]

	<i>Ksh.</i>
.	.
Filing of a Petition in the High Court	30,000
.	.
Filing of a Petition in the Magistrates' Court	15,000
.	.
Lodging a Memorandum of Appeal	15,000
.	.