



**KEYNOTE ADDRESS BY THE CHAIRMAN MR. WAFULA CHEBUKATI
DURING THE OFFICIAL OPENING OF THE POLITICAL PARTIES LIAISON
COMMITTEE ENGAGEMENT FORUM HELD AT HERMOSA GARDEN &
SPA, KAREN NAIROBI ON FRIDAY OCTOBER 1ST 2021**

I am pleased to address you at this propitious meeting, that is happening some ten months to the August 9th 2022 General Election.

As part of preparation towards the General Election, the Commission launched the Elections Operation Plan (EOP) on 15th June 2021. This document is readily available on the IEBC website and I invite you to familiarize yourselves with it as it provides a roadmap and key timelines of the election calendar. In addition, the EOP imposes certain obligations on political parties intending to participate in elections. It is for these reasons that the Commission will continuously engage political parties to sensitize them on these key provisions of the law. The Commission is alive to the fact that Political Parties are key stakeholders in the electoral process and we shall endeavor to involve you in all our processes.

I wish to take this opportunity to address some of the issues that have a bearing on the upcoming elections.

LEGAL REFORMS

During the post-election evaluation for the 2017 General Election the Commission engaged PPLC as a stakeholder, among others. The consultative meeting with PPLC noted that some of the legal provisions and election timelines are in conflict and operate as bottlenecks for participants in the electoral process. The consultations resulted in the development of the Post-Election Evaluation Report that was launched on 12th February 2019.

The Commission took note of the concerns raised by political parties regarding a number of legal provisions and timelines and embarked on a legislative reform agenda. We shall continue to engage Parliament with a view to have minimum reforms done by December 2021. In the process of carrying out the legal reforms we shall engage PPLC by way of public participation.

In the meantime, the Commission has made efforts to remedy some of the concerns raised by Political Parties. For instance the Commission has addressed the issue of the limited period for conduct of party primaries. Initially, Political Parties were to conduct party primaries, resolve intra-party disputes and submit names of candidates from April 16th 2022 to May 19th 2022 (34 days). The Commission has now altered the date for gazettelement of the general election date from 14th March 2022 to 19th January 2022, and further changed the end date for conduct of party primaries, resolution of intra-party disputes submission of names of candidates after party primaries to 26th May 2022. This shall in turn expand the timelines and allow parties a period of 129 days to conduct their party primaries.

TWO-THIRDS GENDER RULE

One of the issues of focus in our national debate is the attainment of what is popularly referred to as the two thirds Gender Rule. Article 81(b) of the Constitution provides that *“not more than two-thirds of the members of elective public bodies shall be of the same gender.”*

This provision has been attained in the County Assemblies by way of gender top-up through the party list model. However, the realization of the two-third gender rule has remained elusive in Parliament with several unsuccessful attempts at providing legislation to operationalize the principle.

On its part, the High Court of Kenya in **Katiba Institute vs. the Independent Electoral and Boundaries Commission {2017} e KLR** issued orders directing political parties to make measures to formulate rules and regulations for purposes of actualizing the two-third gender principle during nominations of the 290 Constituency based elective positions for Members of the National Assembly and 47 county based elective positions for members of the Senate within six months from the date of the judgement (20th April 2017).

In default the Respondent (IEBC) was directed to devise administrative mechanisms to ensure that the two-third gender principle was realized among political parties during nomination exercises for parliamentary elections. The Commission was further directed to reject any nomination list of a political party for its candidates for the 290 constituency based elective positions for Members of the National Assembly and 47 county based positions for Members of Senate that do not comply with the two-third gender rule.



The Commission shall therefore comply with the order of the court by ensuring that political parties' nomination lists for elective positions in the Senate and National Assembly comply with the two-third gender rule before they are accepted by the Commission for candidates' registration.

ELECTORAL CODE OF CONDUCT

The Commission has noted an increase in incidences of insecurity during by-elections. The Commission has not only brought these incidences to the attention of the institutions charged with the responsibility of investigating and prosecuting electoral offences but has also moved the Commission to engage security agencies like the National Police Service with a view of preventing escalation of insecurity during the 2022 General Elections.

Further, to curb electoral violence, the Commission shall strictly enforce the electoral code of conduct that comes into force during the campaign period. The code empowers the Commission's Code of Conduct Enforcement Committee to penalize candidates and political parties that perpetrate electoral malpractice during the campaign period including: violence, intimidation, discrimination and destruction of campaign materials.

In 2017, the aggrieved parties filed a total of 71 complaints, out of which 31 were prosecuted and accused persons found culpable, two (2) defaulted the orders of the Committee and were disqualified from contesting, 14 were found not culpable and dismissed for lack of merit, 14 were dismissed for want of prosecution and non-attendance, 3 were withdrawn by complaints and 4 were stayed by the high court through judicial review. The disputes emanated from breach of code of conduct touching on violence during campaigns, plagiarism and/or use of symbols of other candidates, independent candidates using political party symbols or

pictures, destruction/defacing of campaign materials amongst others. We urge political parties to impress upon their members to strictly observe the electoral code of conduct.

RESIGNATION BY PUBLIC OFFICERS

Section 43(3) of the Elections Act provides:

“A public officer who intends to contest an election under this Act shall resign from the public office at least six months before the date of election.”

For general information, the Commission would like to remind all public parties of the decision of the **Court of Appeal case at Nyeri civil application No. 62 of 2017 County Government of Embu and another v Eric Cheruiyot and 15 others** where the court **STAYED** the Judgement from the employment and Labour Relations court at Kericho by Marete J.

The Commission therefore reminds all public officers who wish to contest in the upcoming General Election that they must resign six months to General Election.

VOTER REGISTRATION

The Commission is mandated to carry out continuous registration of citizens as voters and the regular revision of the voters' roll. In this regard, the Commission launched Continuous Voter Registration (CVR) at an event held in Makueni County on 1st October 2018.

Voter registration has been confined to the 290 IEBC constituency offices due to limitations in funding. However with a budgetary allocation from Treasury for the election activities, the Commission is set to commence an enhanced continuous voter registration exercise from 4th October to 2nd

November 2021 in all the one thousand four hundred and fifty (1450) county assembly wards countrywide. The exercise targets to enroll six (6) million new voters. Details of the exercise shall be presented later in this meeting by management.

I invite political parties to collaborate with the Commission during this enhanced continuous voter registration exercise through mobilization of Kenyans to register as voters at the grass root level. Political parties have established offices in the counties with very effective mobilization machinery and your support will be helpful in bringing out Kenyans to register.

In the spirit of transparency, I further invite political parties to observe the voter registration exercise as provided for under Regulation 44 of the Elections (Registration of Voters) Regulations, 2012. The Regulation grants political parties the right to observe the registration of voters and the revision of registration of voters through designated representatives whose names are submitted to the Commission in writing.

The Commission further seeks collaboration with political parties in other areas of the electoral cycle including:-

1. Disseminating voter education messages to members of the respective political parties and the citizens in general.
2. Encouraging members of political parties to adhere to the electoral code of conduct that governs campaigns.

ML

3. Supporting and lobbying for electoral legal reforms for effective conduct of elections.
4. Advocating for peaceful elections through peace messaging before, during and after polls.

I wish to urge Political Parties, the Office of the Registrar of Political Parties and other stakeholders in the electoral process to work towards strengthening their collaboration with the Commission. I am happy to note that the PPLC has established committees to address matters similar to those managed by the Commission's Directorates.

This will provide an avenue for a close working relationship because the PPLC committees will be focal points for engagement on electoral related activities.

As I conclude, I wish to assure political parties that the Commission runs an open door policy and is committed to serving all political parties in a fair and impartial manner.

We encourage political parties to consult the Commission on any matter pertaining to the upcoming 2022 General Election for informed decision making.

I now declare this Political Parties Liaison Committee engagement forum officially open and look forward to meaningful engagement.



W.W CHEBUKATI

CHAIRMAN