

THE BALLOT

A Newsletter of the Independent Electoral and Boundaries Commission (IEBC)



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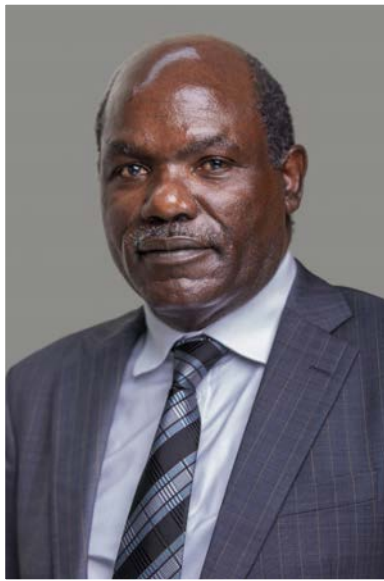
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Word from the Chairman



It gives me much pleasure to address you on this forum, a few months after we successfully delivered on our constitutional mandate by conducting the 2022 General Election.

The election outcome, peace and tranquility that prevailed is a clear indication of the country's continual move towards a mature democracy. We could not have achieved this without tapping into the Commission's long and tested experience in election management during both general elections and by-elections. This created a large body of technical knowledge and practical competence that informed our preparations.

In the build up to 9th August, 2022 General Election, the Commission conducted registration of candidates for the six elective seats and a total of 16,098 candidates up from 14,552 in 2017 were cleared to compete for the 1,882 seats across the country. There were three (3) unopposed seats – two Members of County Assembly Ward and one County Woman Member of National Assembly. For purposes of inclusivity and participation, the Commission reduced by half the registration fees for women candidates (from the one charged male candidates) to encourage them take up leadership positions.

Sadly, the participation of women and youth in the nomination is still a matter of concern. Political parties should do more to increase the interest of women and youth to participate in the election. Women should not fear but enlist with any party and fight for equal representation and championing of their rights.

Subsequently, in a bid to foster democracy, we must remember that elections cannot be left in the hands of IEBC alone. We must work together to ensure protection of the sovereign power of the people of Kenya. We need to be accommodative and accept other people's opinions and preferences, even when they act in a way that we do not agree with. We also need to be alive to the fact that political tolerance demands that you do not put your opinions above those of others, even when you are sure that you are right. Remember, democracy is good for business and an engaged business community is good for democracy.

I applaud Commissioners and staff for braving harassment and intimidation, abduction, arrests and loss of life to ensure that the 2022 General Election was conducted as per the law. In particular, I acknowledge the brave men and women who tirelessly worked in the counties and constituencies to ensure Kenya participates in a free, fair and credible election.

God bless you and God bless Kenya.

A handwritten signature in black ink, appearing to read 'W. W. Chebukati', with a stylized flourish at the end.

W. W. Chebukati, EGH

Word from Commission Secretary



As a neutral referee, the Commission has time and again overseen the conduct of elections. However, as you know, elections in Kenya on one hand are unique as they offer a stage where dreams are shattered, egos bruised and careers brought to an end. On the other hand, the same elections are prayers answered, careers redeemed, and means of self-actualization achievement. Consequently, the two scenarios have propelled Kenya towards a stronger democracy.

The Commission, in undertaking its role, is guided by the Commission's Strategic Plan 2020-2024, which has six pillars, namely strengthening corporate governance, strengthening strategic operations, strengthening legal framework, enhanced public outreach, effective conduct of elections

and equitable representation.

Furthermore, the Commission, in preparing for the 2022 General Election, carried out several activities as outlined in the Elections Operations Plan (EOP), which identified training of staff, stakeholder engagement and provision of elections security as key strategies towards delivering free, fair and credible elections. The complexity of election management demands that the Commission employs necessary skills, structures, systems, and resources to deliver its mandate.

Worth noting, the partnership we had with various stakeholders remains the cornerstone on which the Commission anchored the delivery of the undisputed election results. Although, these stakeholders had varying interests and areas of focus around the electoral cycle, their contribution was invaluable and played a major role in the peaceful election conducted.

Nonetheless, the Commission faced numerous hurdles in delivering its mandate. Key among them including inadequate funding and untimely disbursement of funds to the Commission. Over the years, the Commission's funding has been inadequate, untimely and not in tandem with the electoral cycle activities.

To conclude the 2017-2022 electoral cycle, the Commission undertook and launched the Post-Election Evaluation (PEE) where we reflected back and drew lessons, which will inform our future activities.

We also remember our fallen heroes, in particular we remember Mr. Daniel Musyoka, who was murdered under unclear circumstances while discharging his duties. May the souls of our fallen heroes and that of Mr. Musyoka rest in eternal peace.

Let us work together to move Kenya towards a stronger democracy.



Marjan H. Marjan, MBS



Editor's Note

The Ballot Newsletter, an informative and experience sharing medium for the Commission and its stakeholders, is back with its 13th Edition. We bring this Edition having conducted a highly contested, yet peaceful General Election on 9th August, 2022.

The General Election was planned meticulously allowing all candidates to conduct countrywide campaigns in very competitive contests, which were too close to call. In its preparation for the elections, the Commission undertook several activities including enhanced continuous voter registration, inspection of register of voters, audit of the register of voters, candidate registration, election technology simulation, stake-

holder engagements, training both internal and external stakeholders on electoral processes and laws among several other highlighted processes in this newsletter.

Sadly, in the line of duty, we remember a few of our gallant heroes who fell by the side, some had their lives cut short, while others endured unwarranted arrest and hijacking. We appreciate the honest and objective opinions on our coverage, and encourage you to continue with this engagement to help us serve you better.

I wish you a pleasant read and a prosperous 2023. Thank you all, as always, for your relentless support.





Team tasked to formulate IEBC policy, strategy and oversight

Following the appointment of Commissioners Juliana Cherera, Irene Masit, Francis Wanderi and Justus Nyang'aya, the different Committees of the Commission were constituted with each Commissioner leading a Committee of at least two Commissioners. This was aimed at enhancing the policy and strategy formulation, and oversight functions of the Commission members. It is significant to note that the Commission Plenary sat on various occasions to deliberate on election preparedness in addition to participating in technical back-stopping of key electoral activities such as enhanced continuous voter registration/verification exercises and factory visits to monitor production of election materials.

During the election period, the primary role of the Commission was to ensure that election results were verified, tallied and announced. The Chairman, as the Presidential Returning Officer, designated

centre including, but not limited to:

1. The call and media centre which were the command centres for receiving issues and inquiries from the public and poll officials and giving timely feedback.
2. Logistics, security and welfare for all election operations and to ensure staff were sufficiently facilitated during the processing of results.
3. Setting up of the results management path process.
4. Management of dignitaries including eminent persons, international observer missions, presidential candidates and other key stakeholders.

In addition, the Commission would hold impromptu crisis meetings and consultations to manage emerging issues e.g. the mishap of erroneous ballot papers for Mombasa and Kakamega gubernatorial races.



President Ruto honours Chairman, Commissioners and staff

The Greek philosopher Aristotle once said, "you will never do anything in this world without courage because it is the greatest quality of the mind next to honor." Such was the case of the outgoing Chairman, Wafula Chebukati in his conduct of the 9th August, 2022 General Election. Amidst threats to his life, intimidation and harassment, Chebukati led a dedicated team that conducted one of the most peaceful elections in the history of Kenya.

Thus, it came as no surprise during the 59th Jamhuri Day celebrations last year, when President William Ruto awarded State Commendations to Chairman, Commissioners and some staff in recognition of their outstanding work.

"In recognition of distinguished and outstanding services rendered to the nation in various capacities and responsibilities, I, William Samoei Ruto, President of the Republic of Kenya and Commander-in-Chief of the Defence Forces, confer Awards and Honours to the following persons...", the gazette notice dated 12th December, 2022 read in part.

The Chairman was awarded with the Elder of the Order of the Golden Heart (EGH), the second highest honour awarded by the Kenyan government after that of the Chief of the Order of the Golden Heart (CGH). He was among 13 individuals in the category. Commissioners Prof. Abdi Guliye and Boya Molu were awarded the Elder of the Order of the Burning Spear (EBS) in the second class category that had 35 other Kenyans.

In doing their task, the Chairman and Commissioners worked closely with the Secretariat, whom they termed as true heroes. Some Commission staff were also honoured including Commission Secretary and CEO Marjan Hussein Marjan, who was feted with the Moran of the Order of the Burning Spear (MBS) medal. Chrispine Owiye (Director, Legal Services) and Daniel Musyoka (posthumous) were awarded Order of the Grand Warrior; while Ibrahim Osman Hassan (Director, Finance), Michael Ouma (Director, ICT), Dickson Kwanusu (Manager General Administration), Gideon Balang (Manager,





Electoral Operations) and Abdi Abdidahir Maalim (Manager, Voter Registration) were hon-oured with the Head of State's Commendation (Civilian-Division) while Martin Nyaga Wachira, was honoured with Order of the Grand Warrior (OGW).

The Gazette Notice also included other Kenyans honoured in different categories in recognition of their distinguished and outstanding services rendered to the nation in various capacities and responsibilities.





Chebukati, Commissioners Molu and Prof. Guliye tenure in office ends, move to bid staff goodbye

The outgoing Chairman Wafula Chebukati and Commissioners Prof. Abdi Guliye and Boya Molu met Commission staff both from the field and headquarter and bid the election foot soldiers an emotional goodbye. This came less than a week to the end of their six-year term as Chairman and Commissioners on 17th January, 2023.

The meetings which doubled up as final post-election evaluation meetings allowed staff to make recommendations that were to form the hand over notes for the next Commission. Members of staff praised the outgoing team for their resilience and courage amidst intimidation and threats in the duration leading to the declaration of the presidential results at the National Tallying Centre (Bomas of Kenya).

The Commission field visits were clustered into six namely Mombasa, Nairobi, Embu, Nakuru, Eldoret and Kakamega. The final meeting was held in Nairobi with headquarter staff

after the launch of the Post-Election Evaluation Report for the 9th August, 2022 General Election, which was the Commission's final public engagement on the eve of their exit.

The Chairman and Commissioners thanked members of staff and congratulated them for their professionalism and upholding the rule of law in the conduct and management of the 2022 General Election. The Chairman and Commissioners admitted that if it were not for the foot soldiers, the Commission would have not succeeded in delivering a free fair and credible 2022 General Election.



Commissioners' county farewell visit



Supreme Court

In 2017, Kenya made history as the first African nation to nullify its presidential election results through a court decision. It was on such foundation that Azimio La Umoja Coalition anchored their legal defense to invalidate the 9th August 2022 Presidential Election results, when they presented their case to the Supreme Court.

The Supreme Court's bold and groundbreaking decision to unanimously uphold the results of the presidential election provided a significant step towards electoral integrity in Kenya.

The judgment offered a comprehensive set of guiding principles and practical instructions for future elections, laying a foundation for Kenya's electoral integrity. Indeed, the Supreme Court's confirmation of Dr. William Ruto as winner of the country's disputed national vote, ended weeks of political uncertainty after the opposition questioned the vote count.

The court held that there was no credible evidence of fraud, interference or failure in the electoral body's technology. Moreover, the judges asserted that allegations that some citizens had been prevented from casting their votes or that ballot boxes were tampered with were unproven. The court's firm vindication has boosted the public's confidence in the Commission. It affirms that the Commission, political parties, legislature, and executive must continue to uphold the Constitution.

The IEBC and Office of the Registrar of Political Parties have entrenched democracy in political parties, which are funded by the Treasury. In doing so, they required political parties to meet the constitutional requirements of transparency and accountability in their processes. Moreover, IEBC with support from other institutions instilled the need for equal representation, which promotes the good of the people, safety and democracy.

The outcome of the 9th August, 2022 General Election underscores Kenya's capacity to conduct free and fair elections. Chapter Six of the Constitution defines the standards for leadership and integrity, which the Commission achieved having put integrity at the head of this election.



The Commission files its submissions



... vindicates IEBC in conduct of poll





a. Collaboration and partnerships

The Commission pursued collaboration with 20 institutions nationally and engaged foreign electoral bodies. Key stakeholders at national, county and constituency levels who included political parties, development partners, civil society, faith-based organizations and government agencies among others were engaged.

Furthermore, the Commission reached out to Kenya Media Sector Working Group (KMSWG) and trained over 355 local journalists on electoral matters to enhance their understanding of the election cycle and process. Additionally, the Commission trained the Judiciary and National Police Service officers, installed an

automated Candidate Registration Management System (CRMS) and adopted an online Accreditation Management System (AMS) for registration and accreditation of observers, voter educators and the media for the 2022 General Election.

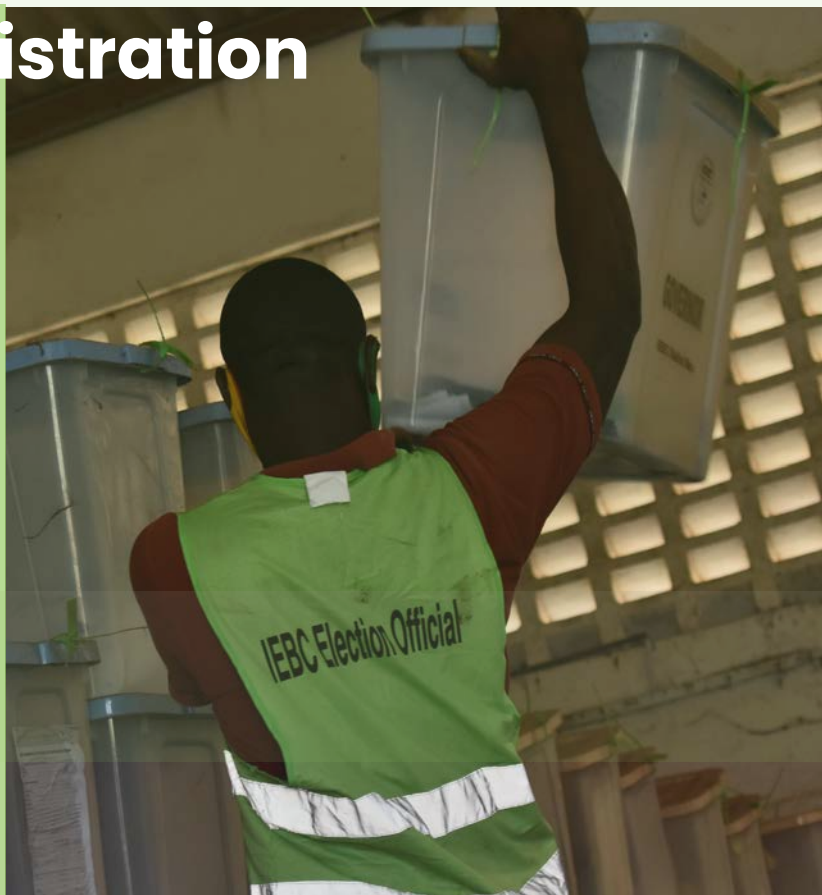
The Commission, in collaboration with the National Police Service, through the Election Security Arrangement Programme (ESAP) secured the poll. "I thank the National Police Service Officers that worked tirelessly to maintain law and order. I say thank you for your service to country and your fellow countrymen," said Chebukati.



b. Candidates registration

The Commission made sure that political parties followed the law by regulating the process by which political parties nominated candidates for elections. Therefore, Political Parties, including a coalition party, submitted their rules to the Commission for review and 83 political parties were cleared to participate in the 2022 General Election.

Registration of candidates was successfully concluded on 6th June, 2022. This was followed by resolution of disputes arising from the decisions made by the Returning Officers either by registering or declining to register candidates. Three hundred and twenty-five (325) cases were filed with the Political Parties Dispute Tribunal Committee (PPDT), with 39 (12%) being allowed, 269 (82.7%) summarily dismissed and 17 (5.2%) withdrawn. The Dispute Resolution Committee heard and determined the 325 cases, and only 31 proceeded to the High Court for Judicial Review.



c. Register of voters

The integrity of any election is anchored on the correctness of its register of voters. Therefore, the Commission conducted Continuous Voter Registration (CVR) in Kenya and for Kenyan citizens residing outside the country in twelve (12) states namely: United States of America (USA), United Kingdom (UK), Canada, United Arab Emirates, Qatar, Germany, South Sudan, Tanzania, Uganda, Rwanda, Burundi and South Africa until 3rd May, 2022.

Voters were then given an opportunity to verify and inspect their details from 4th May to 2nd June, 2022. The Commission deployed Kenya Integrated Election Management System (KIEMS) kits to the 1,450 wards for verification of the voter details, in addition to an sms ser-

vice and website portal where voters could inspect their registration details.

Thereafter, the Commission procured Klynveld Peat Marwick Goerdeler (KPMG) to conduct an audit of the register. The firm submitted a preliminary audit report with useful information, including 246,465 deceased voters, 481,711 duplicate records, 226,143 voters registered with IDs that did not validly belong to them and 164,269 registered with invalid identification documents (IDs and Passports). The Commission addressed the concerns raised prior to certification and gazettment of the Register of Voters, which had 22,120,458 registered voters by 21st June 2022.



d. Recruitment of senior staff

The Commission appointed Mr. Marjan Hussein Marjan as the Commission Secretary (CS)/Chief Executive Officer (CEO) on 8th March, 2022. Mr. Marjan was settled upon after he emerged as the most qualified and suitable candidate out of five applicants for the position.

Until his appointment, he was the acting CS/CEO. Mr. Marjan is a Certified Public Accountant (CPA-K) and a holder of a Master of Business Administration (MBA) Degree in Strategic Management from the University of Nairobi (UoN). He also holds a Bachelor of Commerce (B.Com.) Degree specialising in Accounting from the UoN.

Mr. Marjan is also a Certified Information Systems Auditor (CISA), a Certified Internal Auditor (CIA) and a Certified Quality Assessor (CQA). He is a member of several professional associations that include the Institute of Certified Public Accountants of Kenya (ICPAK), the Institute of Internal Auditors (IIA) and the Information Systems Audit and Control Association (ISACA).

In addition, the Commission also appointed Ms. Ruth K. S. Kulundu as the Deputy Commission Secretary (DCS) in charge of Operations, and Mr. Obadiah Keitany as the Deputy Commission Secretary (DCS) in charge of Support Services.

Other appointments included: Mr. Chrispine Otieno Owiye as the Director of Legal Services, Mr. Michael Ouma as the Director of Information and Communication Technology, and Mr. Moses Sunkuli as Director Voter Registration and Electoral Operations.

The Commission deployed its permanent staff as County and Constituency Returning Officers as well as Deputy Constituency Returning Officers. Further temporary poll officials namely Deputy Constituency Returning Officers, Deputy County Returning Officers, Presiding Officers, Deputy Presiding Officers, Poll Clerks, ICT Clerks, Logistic Assistants and Call Centre Agents were recruited and deployed on temporal basis.





e. Procurement and deployment of strategic election materials

The Commission, with the provision of General Election budget in the financial year 2021-2022, commenced the procurement of general election materials, equipment and services. The procurement exercise was successfully conducted with materials being delivered

in time for the General Election. More so, the Commission was feted for its excellent management of procurement processes and was awarded first runners-up in the Public Procurement Project of the Year in 2022 by Kenya Institute of Supplies Management (KISM).



f. Declaration of results

Indeed, after a thorough campaign, voting, and announcing of results, the Commission declared Dr William Ruto as the winner of Kenya's presidential election. The President-elect William Ruto garnered 7,176,141 votes (50.49%) against Raila Odinga's 6,942,930 votes (48.85%) who was his closest rival.

The Commission's good work in delivering on its constitutional mandate to conduct election was further strengthened by the preliminary report of the Observer mission group that pitched camp in the country and the unanimous decision rendered by the Supreme Court to uphold the results as announced by the Presidential Returning Officer as being free, fair, transparent, and verifiable.

Following the judgement by the Supreme Court, Chebukati said: "I wish to appreciate the Supreme Court for its decision to uphold the Presidential Election Results that were conducted in accordance with the principles of our electoral system as enshrined in the Constitution. Undeniably, the Commission is vindicated."





Observer Missions in Kenya laud IEBC for conduct of free, fair and credible 2022 General Election

Election is a process and not an event. After years of meticulous planning, technology test runs and training of staff, the Commission was ready to conduct of 9th August General Election.

Emerging from the 2017 Post-Election Evaluation (PEE) that provided an assessment of the electoral cycle activities and examined the experience of voters, candidates and election officers, the Commission relied on the feedback provided by election officials, political parties, stakeholders and partners to execute the 2022 General Election. Indeed, over the years, Kenya has continued to demonstrate significant democratic progress since independence, and the world was watching as it

showcased the strength of its democracy on Election Day.

The determination shown by Commission staff even after being intimidated, coerced, and threatened to pronounce the will of the Kenyan people was commendable. In addition, a peaceful transition of power enabled Kenya to reach new heights as a regional and global leader in fostering democracy.

The Commission as a referee could only clear 4 out of 58 candidates to contest for Kenya's fifth president. It was the smallest number of candidates ever to be cleared since multi-party democracy in the early 1990s.

Commission Chairman, Mr. Wafula Chebukati,





the Presidential Returning Officer, cleared Deputy President William Ruto, veteran politician Raila Odinga and lawyers David Mwaure and George Wajackoyah. All the candidates save for Ruto, chose women as their running mates. Incumbent President Uhuru Kenyatta was not eligible to run for re-election having served the maximum two five-year terms.

Article 38 (3) (c) of the Constitution of Kenya guarantees the right of every citizen to be a candidate for a public office. An important part of the election process is the nomination and registration exercise through which citizens step forward to vie for elective positions.

Moreover, the Constitution empowers the Commission to regulate the process by which political parties nominate candidates for elections. Though the matters of political parties' registration, regulation and funding are within the purview of the Office of Registrar of Political Parties, the Commission as an independent referee, sees to it that the nominations presented by political parties meet the set laws.

However, with its diverse population and ethnic voting blocs, elections in Kenya have often been marred by violence. Though such was

seen in some pockets of the country, and at the national tallying centre at Bomas of Kenya on the final day, the 2022 General Election was largely peaceful.

This certainly handed the joint election observation mission to Kenya from the African Union (AU) and Common Market for East and Southern Africa (COMESA), and election observation missions from the East African Community (EAC) and Intergovernmental Authority on Development (IGAD) an easy time as they gave a thumbs up sign to the process. In their preliminary statements, the observer groups, noted that they were satisfied by the voting exercise amid lack of major glitches or security lapses.

Ernest Bai Koroma, the head of the AU-COMESA Election Observer Mission and former president of Sierra Leone, said Kenya's electoral body had demonstrated improved capacity to conduct a seamless national voting. "There was (a) notable improvement in the overall voting exercise across the country. Polling stations opened on time, voters were identified easily by digital kits and no major security incident was reported," he said.

Jakaya Kikwete, the head of the EAC Observation Mission and former Tanzanian President, noted that the voting exercise adhered to local laws and international best practices, earning the confidence of voters and foreign monitoring groups. Kikwete lauded Kenya's electoral body for investing in modern technology and skilled manpower to ensure that the election of new leaders was inclusive, smooth, transparent and verifiable.

"We are satisfied by the manner in which polls were conducted." said Kikwete, noting that despite being highly competitive, Kenya's 7th General Election, under a multiparty system of governance, was devoid of polarization that could jeopardize national security and cohesion.

Mulatu Teshome, former Ethiopian President

foreign missions including Canada, United States, Britain, AU, who had monitors on the ground, committed to walk with Kenya for it to actualize its democratic journey.

The Foreign missions, however noted that, just like the Commission, which served as a referee, they did not have preferred candidates or take sides but had an abiding interest in supporting the democratic process and the constitutional right of all eligible Kenyans to vote and secure a free, fair and peaceful election.

Indeed, the USA noted that to support this goal, they invested in Kenyan-led programmes to improve electoral accountability and transparency, enhance civic education, protect human rights and promote peace. "As President Biden said, preserving and strengthening democracy is "the defining challenge of



and Head of the IGAD Election Observation Mission, said that adequate preparations ensured that the voting exercise in Kenya met the globally recognized threshold. Moreover, Teshome noted that the outcomes of a free, fair and inclusive electoral process in Kenya would be critical to sustain regional stability, growth and cohesion. Additionally, most

democracy around the world". The outcome of the election has since helped deepen bilateral and strategic partnership with the Kenyan people across the board, including economic relationship for the mutual benefit of either country.





Review of Legal Framework

During the post-election evaluation for the 2017 General Election, the Commission engaged the Political Parties Liaison Committee (PPLC) as a key 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 which was launched on 12th February, 2019.

During a meeting with PPLC in November, 2021, Chairman Mr. Wafula Chebukati assured them that the Commission had put in effort to remedy some of the concerns raised by political parties. For instance, the Commission addressed the issue of the limited period for the conduct of party primaries. Initially, political parties were to conduct party primaries, resolve intra-party disputes and submit names of candidates from 16th April, 2022 to 19th May,

2022 (34 days). The Commission adjusted the date for gazettelement of the General Election from 14th March, 2022 to 19th January, 2022 and further changed the end date for the conduct of party primaries, resolution of intra-party disputes and submission of names of candidates after party primaries to 26th May, 2022. This expanded the timelines and allowed parties a period of 129 days to conduct their party primaries.

In addition, the Commission conducted a comprehensive review of laws that govern electoral processes. It was keen in ensuring that a robust legal framework is in place to guide the conduct of elections, and thus held consultative meetings with Members of Parliament from the Justice and Legal Affairs Committee (JLAC) on Election Laws (Amendment) Bill, 2021 from 6th to 7th December, 2021. The bill proposes review of provisions of the Elections Act, 2011 in a bid to enhance efficacy in electoral management.





IEBC barred from implementing The Electoral Code of Conduct

During an electoral year, the country experiences an increase in incidences of insecurity. The Commission has always brought these incidences to the attention of the institutions charged with the responsibility of investigating and prosecuting electoral offences, and moved to engage security agencies like the National Police Service.

Further, to curb electoral violence, the Commission is keen on strictly enforcing 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 ensure political parties and candidates comply with the Electoral Code of Conduct. This is achieved through, among others, penalizing candidates and political parties that perpetrate electoral malpractice during the campaign period by way of violence, intimidation, discrimination and destruction of campaign materials of opponents.

During the 2022 General Election campaign period, Hon. Sabina Wanjiru Chege, former Murang'a County Women Member of National Assembly and Hon. Moses Kiarie Kuria, former Member of National Assembly Gatundu South Constituency were summoned to appear before the Committee for breach and violation of the Electoral Code of Conduct. However, both parties went to High court for a judicial review in the Constitutional Petition Numbers E073/2022 and E136/2022, respectively.

Unfortunately, an order of Certiorari was issued that quashed parts of sections 7, 8, 10 and 15 of the Electoral Code of Conduct under the Second Schedule of the Elections Act as well as parts of rules 15(4), and 17(1) & (2) of the Rules of Procedure on Settlement of Disputes, establishing and granting powers to the respondent's Electoral Code of Conduct Enforcement Committee to summon witnesses and conduct hearings of complaints based on allegations of breach of the Electoral Code of Conduct.

The court order barred the Committee from proceeding with the hearings. This was a setback compared to 2017 where 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, and another 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, and independent candidates using some political parties' symbols or pictures and destruction/defacing of campaign materials amongst others.



Deadline for submission of Presidential Aspirants' documentation extended

The Commission extended the deadline for the submission of signatures and identification documents for supporters of Presidential aspirants to 25th May 2022 from 23rd May, 2022 during a meeting with aspirants on the requirements and qualifications. In his address to Presidential aspirants and their representatives, the Chairman, Mr. Wafula Chebukati, said the move sought to enable Presidential aspirants who were yet to complete the compilation of the signatures and ID copies of at least 2,000 supporters in each of at least 24 counties to do so for submission to the Commission. "We have told Presidential aspirants to submit what they have today and bring the remaining signatures and ID copies of their supporters by 25th May, 2022. This is in line with our facilitation role as a Commission," he said.

Article 137 of the Constitution of Kenya states that a Presidential candidate should be nominated by at least 2,000 voters from each of a majority of Counties. Regulation 18 of the Election (General) Regulations, 2012, further, instructs that the person delivering an application for nomination as a Presidential candidate 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.

These signatures should be accompanied by copies of the identification documents of the signatories.

Mr. Chebukati said the Commission had received 58 Presidential aspirants, out of whom 17 were political party aspirants, 1 coalition political party aspirant and 40 independent candidate aspirants. He, however, said that 11 Presidential Aspirants would be disqualified from participating in the General Election as they did not submit the names of their Deputies. Three of the candidates were from political parties, while 8 were independent aspirants. IEBC had set 16th May, 2022 as the date by which all political parties and independent candidates were required to submit names of persons intending to contest as Presidential candidates and their deputies.

The meeting marked the beginning of IEBC's engagement with Presidential Aspirants who were to become candidates upon registration by the Commission. The registration process began on 29th May, 2022 and ended on 6th June, 2022.

The IEBC Chairman said: "Candidates will be required to deliver their nomination papers to the Chairperson of the Independent Electoral and Boundaries Commission 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 between 29th May, 2022 and 6th June, 2022 at the Bomas of Kenya."

The Chairman, further, clarified that the requirement for Presidential aspirants to hold a degree stood. Further, degrees obtained from foreign institutions needed to obtain recognition and equation from the Commission for University Education (CUE).

"IEBC shall submit the names of aspirants to institutions responsible for matters related to Chapter Six of the Constitution on leadership and integrity. These institutions include: Ethics and Anti-Corruption Commission (EACC) and the Office of the Director of Public Prosecutions (ODPP)," he said.

Mr. Chebukati reiterated that any breach of

electoral laws would be met with stern actions by the relevant authorities, including the National Police Service and the Judiciary, as provided by Law. "Candidates will be required to subscribe and adhere to the Electoral Code of Conduct, whose breach constitutes an Election Offence under Section 20(2) of the Election Offences Act," he warned.

All aspirants were encouraged to familiarize themselves with the various requirements of the Law that govern the electoral process to avoid disqualification for non-compliance. IEBC assured the Presidential aspirants of its commitment to uphold an open-door policy to assist and clarify any emerging issues from the aspirants.





The 22.1 million Register of Voters

The Commission gazetted the Register of Voters (ROV) that was used during the 2022 General Election on 21st June, 2022. This was after completion of audit of the ROV by KPMG, who submitted the final report to the Commission on 18th June, 2022.

The total number of registered voters stood at 22,120,458, while the number of polling stations was 46,229. The number of registered voters represented a 12.79% growth compared to 2017 where the number of registered voters stood at 19,611,423.

The National Enrolment Rate of registered voters in comparison to eligible voters rose to 79.41% from 77.78% in 2017. However, the National Enrolment Rate of registered voters compared to individuals issued with IDs stood at 74.82% down from 77.44%.

Women represented 49.12% of voters registered, while men represent 50.58% of the total number of voters. The number of youth, which refers to individuals aged between 18 and 35 years old, registered to vote in 2022 stood at 39.84%, which is a decline of 5.27% against the 2017 ROV.

Further analysis of statistics for registration from the youth show registered female youth vote declined by 7.75% while male youth en-

rollment declined by 2.89%.

The enrolment rate of People living with Disability (PWDs) stood at 18.94% of the eligible voting population. Ten thousand four hundred and forty four (10,444) voters in the diaspora were registered in 2022 up from 4,223 in 2017, denoting a 147.3% increase in the number of registered voters in the diaspora. Registration of Kenyans living in the diaspora constitutes 0.05% of the ROV. There was an increase of 44.4% in votes from citizens serving their prison sentence from 5,182 in 2017 to 7,483 in 2022.

While making the announcement, Chairperson, Mr. Wafula Chebukati indicated that the gazettement of the ROV followed a rigorous audit process that was conducted by KPMG.

"As part of the audit, KPMG engaged with a number of stakeholders that included Government bodies responsible for maintaining and providing reference data required for the audit such as the Kenya National Bureau of Statistics (KNBS), National Registration Bureau (NRB), Department of Immigration Services (DIS) and Civil Registry Services (CRS)," he said.

The KPMG audit identified several issues that could enhance accuracy and credibility of the



Commission Secretary's Copy

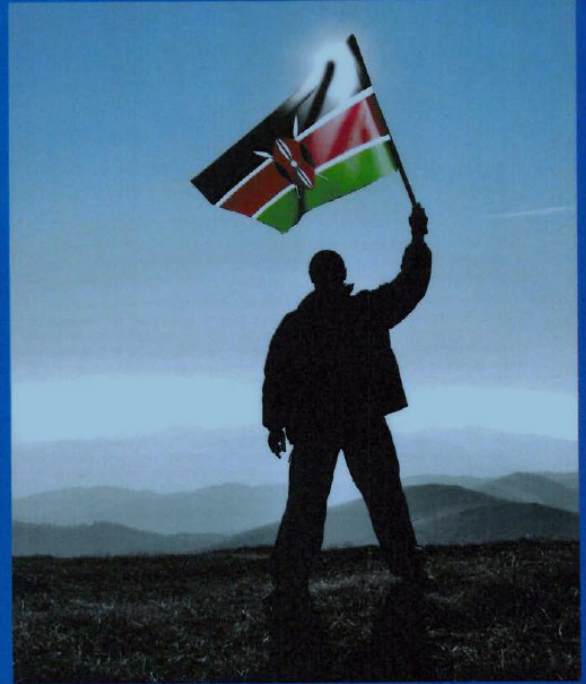
Independent audit of the register of voters

Independent Electoral and Boundaries
Commission – IEBC

IEBC/RFP/21/03/B/2021-2022/gk/bds/3

Audit Report
KPMG Advisory Services Limited

Final Audit Report
16 June 2022



ROV. Among the issues identified were transfer transactions processed between 2017 General Election and May 2022. The analysis of those transfers identified several constituencies and counties showing trends of abnormal voter transfers having been processed in the RoV.



“I applaud Commissioners and staff for braving harassment and intimidation, abduction, arrests and loss of life to ensure that 2022 General Election was conducted as per the law. ”

W.W Chebukati, EGH



Commission inks partnership deal with Kenya Media Sector

Today's world is powered by information and every sector relies on data to effectively function. With the vital roles of informing and educating, the media is essential to the success of any national process. At the peak of the COVID-19 pandemic, vital information needed to be conveyed to the public whose urgency was sometimes a matter of life and death. We witnessed the role of the media in informing the public and how the partnership between the authorities and media could work towards safeguarding the society. Based on this, the media holds a very unique responsibility in our society today.

In 2022, Kenya once again embarked on the solemn democratic exercise of a General election. The effective education of the voters bolsters the chances of successful elections, and media had a critical role in voter education. Due to the sensitive nature of elections, the precision of information and consequent reporting is central.

It is against this backdrop that the Independent Electoral and Boundaries Commission

(IEBC) signed a Memorandum of Understanding (MoU) with the Kenya Editors Guild (KEG) and Kenya Union of Journalists (KUJ) under the Kenya Media Sector Working Group (KMSWG) on 4th March, 2022. The MOU was geared towards, promoting:

1. Access to electoral information.
2. Ease of access to electoral activities including polling stations and tallying centres by accredited journalists.
3. Provision of resource persons to ease collection, processing and publishing of electoral information, when available.
4. Enable access to electoral information through accreditation, and provision of Application Programming Interface for results transmission.
5. Coordination and access to the media center.

IEBC Chairman, Mr. Wafula Chebukati, said the media had chosen the right route of being an



ally of the Commission. Where information is unclear, he urged the media to consult the Commission. "Let us work together to make a difference in this country and make democracy grow," he said. During the signing-off ceremony, the Commission underscored the need to provide media access to all polling stations so that they may report the results at constituency, county and national tallying centres.

The Commission Chairperson also noted that there were several activities lined up ahead of the 9th August, 2022 General Election including party primaries, the nomination of candidates and campaigns, which media should report on.

Vice Chairperson, Ms. Juliana Cherera, elaborated on the role of the media in the electoral process. "In this game, IEBC is the referee, political parties are the players and the Office of Registrar of Political Parties (ORPP) is the coach. Similarly, the media is the voice, IEBC is the content. Therefore, this partnership will make the voice have the right content," she said.

Ms. Cherera also noted that the Commission commits to give access to electoral information and expects media to be factual,

ethical and professional in their reporting. The partnership is key because the Commission needs to deliver a free, fair, credible and transparent election.

In addition, the Commission signed Guidelines on 19th July, 2022 with KEG and KUJ under the KMSWG. The guidelines underpinned the responsibility which the media carries in sensitizing and educating the public on the virtues, opportunities and challenges of the electoral process.

While giving his remarks, the IEBC Chairperson observed that "We remain open to positive criticism, and we will not in any way infringe on the role the media as a watchdog. However, the guidelines will facilitate collaboration and complementarity in providing a framework for access to reliable information and election management reporting."



Commission rolls out Enhanced Continuous Voter Registration



The Commission marked the start of the 2022 General Election electoral cycle with the launch of Continuous Voter Registration (CVR) at an event held in Makueni County on 15th October, 2018. From the date of the launch to 31st August, 2021, the Commission registered a total of 180,938 new voters. These low numbers realized in the CVR was the reason the Commission rolled out an enhanced version referred to as the Enhanced Continuous Voter Registration (ECVR) at the County Assembly Wards (CAWs) level, targeting to register at least six million new voters.

The Commission launched the national ECVR Phase 1 on 4th October, 2021 in Nakuru County. The county hosts Kenya's fourth city, Nakuru, and boasts of the third-highest num-

ber of registered voters currently standing at 1,054,856 after Nairobi City and Kiambu counties.

IEBC Chairman, Mr. Wafula Chebukati, who is the Returning Officer for the Presidential election, said the voter registration exercise was the first key step in the roadmap to the 2022 General Election. He stated that the Commission would roll out an ECVR Phase I in all the 1,450 County Assembly wards except Kiagu ward in Central Imeni and Nguu/Masimba ward in Kibwezi West where by-elections were scheduled on 14th October, 2021; and Mahoo Ward in Taveta constituency on 16th December, 2021.

The exercise which ran for a period of 30 days up to 2nd November, 2021, took place in the 27,241 gazetted registration centres country-wide including the 52 Huduma Centres. A kit movement schedule was prepared in consultation with the relevant stakeholders to determine formula for kit movement around the CAW for the ECVR period.



The Commission deployed three (3) Biometric Voter Registration (BVR) kits in each ward to register voters. The requirement for one to be registered as a voter was that he/she must be a Kenyan citizen of who

has attained 18 years with a national identification card (ID) or valid Kenyan passport. The individual was to present him/herself physically to a registration officer as the registration process involved capturing biometric features and personal identifiable details of the applicant.

In this regard, IEBC urged agencies involved in the issuance of national identity cards to fast-track the issuance and distribution of the IDs, especially in the 30 day ECVR Phase I period so as to facilitate Kenyans who had attained the age of 18 to be registered as voters. "We wish to inform Kenyans that those who were registered between 2012 and now should NOT register afresh, but wait for the

register inspection window to verify their details. In due course, the Commission will set up and communicate details on how voters can verify their registration status including but not limited to SMS and web portal platforms. Those wishing to transfer their registration details can visit our IEBC constituency office at any time to be assisted," stated Mr. Chebukati.

The Commission rolled out the second and final phase of the ECVR for a period of 21 days from 17th January to 2nd February in all the 1,450 CAWs, institutions of higher learning and Huduma Centres in Kenya.

The Commission was determined to progressively actualize the right of Kenyans living outside the country (diaspora) to participate in the 2022 General Election in accordance with Article 82 of the Constitution. Therefore, it also undertook voter registration for citizens residing in Burundi, Tanzania, Rwanda, Uganda, South Africa, the United Kingdom, Canada, the United States, South Sudan, Qatar, the United Arab Emirates and Germany from 21st January, 2022 for 15 days.

The purpose of the exercise was to afford all eligible Kenyans an opportunity to register as voters across the country and diaspora to participate in the 2022 General Election. Further, all registered voters had a chance to transfer their registration status to electoral areas of their choice and correct erroneous registration particulars.

For ECVR Phase II, the Commission targeted to register 4,480,706 new eligible Kenyans, based on information from the Kenya National Bureau of Statistics' 2019 Kenya Population and Housing Census report and National Bureau of Registration data on national IDs issued from 2017. By close of 6th February, 2022, ECVR Phase II had realized a total of 1,031,645 new voters. A total of 396,163 registered voters applied to transfer registration centres of their choice and 2,269 changed their particulars. For citizens residing outside the country (diaspora), 2,959 new voters enrolled; 2,964 requested for transfers and 2,036 applied for change of particulars.

After ECVR Phase II, the Commission continued to undertake CVR in the 290 constituencies and Huduma Centres countrywide until 3rd May, 2022.

From 4th May, 2022, the Commission opened the register for verification and inspection by registered voters. The purpose of the verification and inspection was to enable voters to verify correctness of their details including polling stations and to afford them an opportunity to correct any errors noted.





Jiandikishe Sasa!
November, 2021

IEBC iko Mtaani. Jiandikishe Sasa!
Date: 4th October - 2nd November, 2021

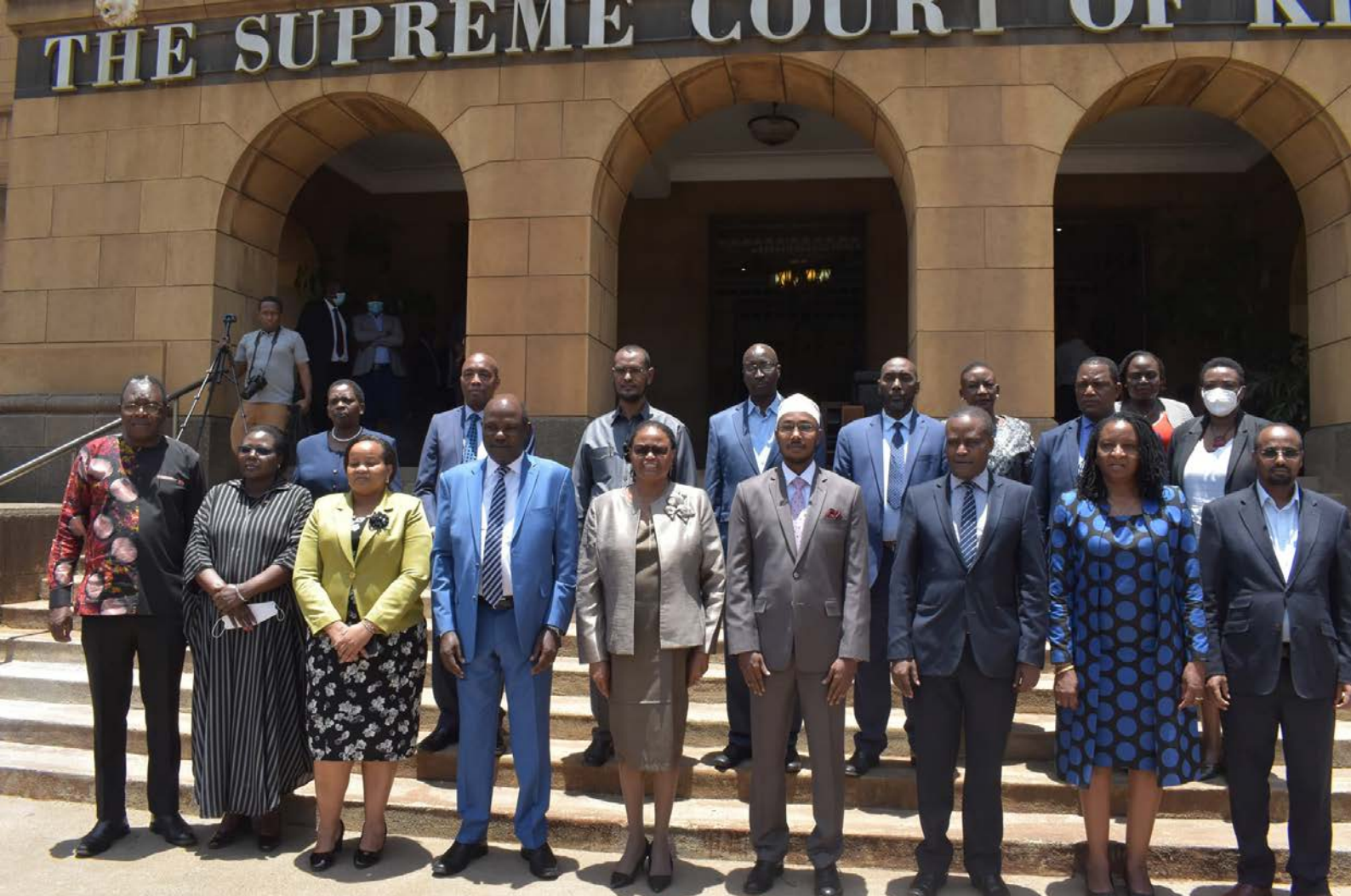
Husika...
Jiandikishe
Sasa!

Join the conversation online using the hashtag

#ECVR2021 @IEBCKenya

ater Registration (#ECVR2021)

Corona
Extra





Commission sets up three teams to coordinate Dispute Resolution Committee hearings

Article 88 (4) (f) of the Constitution of Kenya, 2010 requires the Commission to register candidates for election (Nomination), an exercise that was concluded on 7th June, 2022. This was followed by the Dispute Resolution Committee (DRC) hearings on 11th June, 2022.

The DRC hearings were launched by IEBC Chairman, Mr. Wafula Chebukati at the Milimani Law Courts. In his remarks, Mr. Chebukati said the Commission was responsible for the settlement of electoral disputes, including those relating to or arising from nominations, but excluding election petitions and disputes subsequent to the declaration of election results. "In addition, Section 74 of the Elections Act provides that the said electoral dispute shall be determined within ten days of lodging of the dispute with the Commission," he said.

To facilitate the DRC hearings, the Chairman announced that the Commission had appointed the Membership of the Dispute Resolution Committee vide a Special Issue of the Kenya Gazette No. 6606 carried in Vol. CXXVI-No. 105 published on 6th June, 2022, for purposes of hearing and determining disputes arising from the process of registering candi-

dates for election. "Further to those appointments, I have empaneled three Committee Panels, which will contain a Presiding Chairperson, Committee Members and Secretaries to the respective Panels." The Presiding Chairpersons of the Committees were Advocates of the High Court appointed by the Commission.

He added, "I must admit, that in 2017, I was the only Advocate in the Commission and I had to sit and preside over the three Committees. It was a herculean task and hence the change of tact this time round."

The IEBC Chairperson, who is also the Returning Officer for the Presidential Election, did not sit in any of the Committee panels as he was not eligible to sit in a dispute challenging his decisions unlike 2017 where there was no complaint as regards Presidential registration of candidates.

At the start of the DRC hearings, the Commission had received a total of 262 complaints to be heard by three panels. The Chairperson urged the DRC panels to adhere to the principles of natural justice, Constitution and the law while handling the complaints before them.





Commission urges Political Parties to comply with demand for two thirds gender principle

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-thirds gender rule has remained elusive in Parliament, with several unsuccessful attempts of 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) eKLR, issued orders directing political parties to take measures to formulate rules and regulations for purposes of actualizing the two-thirds 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 6 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-thirds 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 the Senate that do not comply with the two thirds gender rule. The Commission, in compliance with orders issued in Constitutional Petition No. 19 of 2017 in *Katiba Institute vs Independent Electoral & Boundaries Commission*, took measures to ensure actualization of the two-thirds gender principle during nominations for the 290 Constituency based elective seats for Members of the National Assembly and the



47 county-based positions for Members of the Senate that do not comply with the two thirds gender rule.

Pursuant to the said orders, the Commission received political parties' nomination lists on 28th April, 2022. Upon review, the Commission noted that some political parties had not complied with the two-thirds gender principle for the position of Members of the National Assembly and Senate. The Commission thus afforded them an opportunity to revise their lists and resubmit by 9th May, 2022 before granting a further extension of the deadline for resubmission to 12th May, 2022.

As at 12th May, 2022, 75 out of 77 political parties' nomination lists for Member of the National Assembly and 68 out of 69 political parties' nomination lists for Senate had complied with the two-thirds gender principle. This represented a 98% compliance.

However, on Wednesday 11th May, 2022, the High Court in *Adrian Kamotho Njenga vs. the Independent Electoral and Boundaries Commission* granted orders that in effect suspended the implementation of the two-thirds gender principle in the nomination of candidates for the 9th August, 2022 General Election





How IEBC prepared to deliver a credible



le 9th August, 2022 General Election



The Commission prepared and delivered one of the most defining activities in Kenya's democratic history. The Constitution requires that a General Election be held on the second Tuesday in August of every fifth year. Kenyans voted for 16,105 candidates, who were vying for a total of 1,879 elective positions.

The IEBC is mandated by law to oversee the General Election. It is expected of the Commission conduct free, fair, transparent and credible elections.

The Commission made appointments to various positions including Commission Secretary/Chief Executive Officer (CEO), Deputy Commission Secretary - Operations, Deputy Commission Secretary - Support Services, Director of Information Communication and Technology and Director of Legal Services. These appointments not only strengthened the Commission, but also enabled it to effectively perform its mandate.

The Commission's County Election Managers, Senior Election Officers and Assistant Election Officers were reshuffled in preparation for the elections to promote impartiality. The reshuffles were done in line with the existing legal framework, human resource policies and procedures manuals. The officers were gazetted as County Returning Officers, Constituency Returning Officers and Deputy Constituency Returning Officers, respectively. Needless to say, these officers, who are permanent employees of the Commission, were well trained and have vast experience in election management. The Officers were assisted by over 500,000 temporary personnel who were recruited and adequately trained to support the election exercise.

Prior to the election, the Commission carries out two ECVRs providing the opportunity for citizens to register as voters, verify their biometric details and inspect the Register of Voters (RoV). Verification and inspection of the register enhanced the authenticity of the ROV. The ROV was also audited by KPMG, an exercise that was crucial towards securing the register's integrity.

On voting day, the primary mode of identification at the polling station was Biometric identification. The Presiding Officer ensured that voters were identified by biometrics upon production of identification document used during

registration. Where a voter was not identified using Biometrics, the Presiding Officer used complimentary mechanism of Alphanumeric search in the presence of agents and the voter filled form 32A, before being issued with six ballot papers. Presiding Officers resorted to the use of printed ROV after approval from the Commission upon confirmation that KIEMS kits had completely failed and that there was no possibility of repair and replacement. The Commission ensured that there were six extra KIEMS kits per ward countrywide, in the event that some of the kits malfunctioned. The Commission authorized the use of manual register in Makueni County (Kibwezi West constituency) for 84 polling stations, and Kakamega County (Malava, Matungu, Mumias West and Mumias East constituencies) for 154 polling stations.



The Commission collaborated with various stakeholders in the delivery of its mandate. These key partners and stakeholders had varying interests and areas of focus around the electoral cycle and were appraised on the electoral process. Based on this, the Commission engaged various stakeholders including the Judiciary, the National Police Service (NPS), Office of the Director of Public Prosecution (ODPP), Independent Policing Oversight Authority (IPOA), among others, all of whom were crucial to the success of elections. In doing this, the Commission helped to build the capacity of personnel that were deployed to all Constituencies across the country. Up to 250,000 police officers, IEBC staff and other stakeholders were trained on the electoral process and their responsibilities in election security.

The place of vulnerable people during elec-

security and reduction in their nomination fees motivated and encouraged these groups to participate in elections.

To help the Commission in its efforts are the politicians, who are the first beneficiaries of the electoral process. The Commission held several engagements with them on electoral processes, the need to not only secure our elections, but also make sure that the country is not divided along political and ethnic lines after the General Election.

As part of its mandate, the Commission accredited a total of 120,731 domestic and international observers/monitors. Out of which 50,231 and 70,500 were observers and monitors, respectively. Further, a total of 5,978 local and international journalists were accredited to ensure free flow of information and accurate reporting of the election results to the public.

The Commission set up 290 Constituency Election Communication Centers to monitor the elections in each Constituency and report to the National Elections Communication Center (NECC). The centre monitored the elections in the field and provided near real time periodic reports on the progress of key election activities. Poll officials and the general public could call toll-free numbers to make inquiries or report incidences related to the 2022 General Election.

Section 44 (4)(b) of the Elections Act, 2011 (Amended 2016) requires the Commission to test, verify and deploy the technology



tions was also greatly considered. The Commission paid close attention to women, youth, minorities, people with disabilities and the marginalized and the need to enhance their participation in elections. Improved election



it intends to use at least sixty days before the General Election. In compliance with these requirements, two simulation exercises of the election technology were held. During the first simulation exercise held on 9th June, 2022, the Commission identified gaps and challenges that were addressed making the second simulation exercise held on 19th July, 2022 a success.

The Commission set up three levels of tallying centres namely Constituency Tallying Centres, County Tallying Centres and National Tallying Centre. The Election Results Management Framework (ERMF) provided the workflow of results from the Polling Station to the Constituency and National Tallying Centre in accordance with the Elections Act and Regulations. The system allowed the Presiding Officer to open the Results Transmission System application after the close of polling. The Presiding Officer captured and transmitted the image of the A series results' form. In transmitting the results, the Results Transmission System sends the A series results form which has a QR code once. The Commission achieved 100% transmission of election results.

The Commission shared with the media, political parties and observer missions the secure formats and templates in which the results would be shared. They were able to understand the process through which the Results Transmission System (RTS) operates and tally accurate results as received by the Commission.

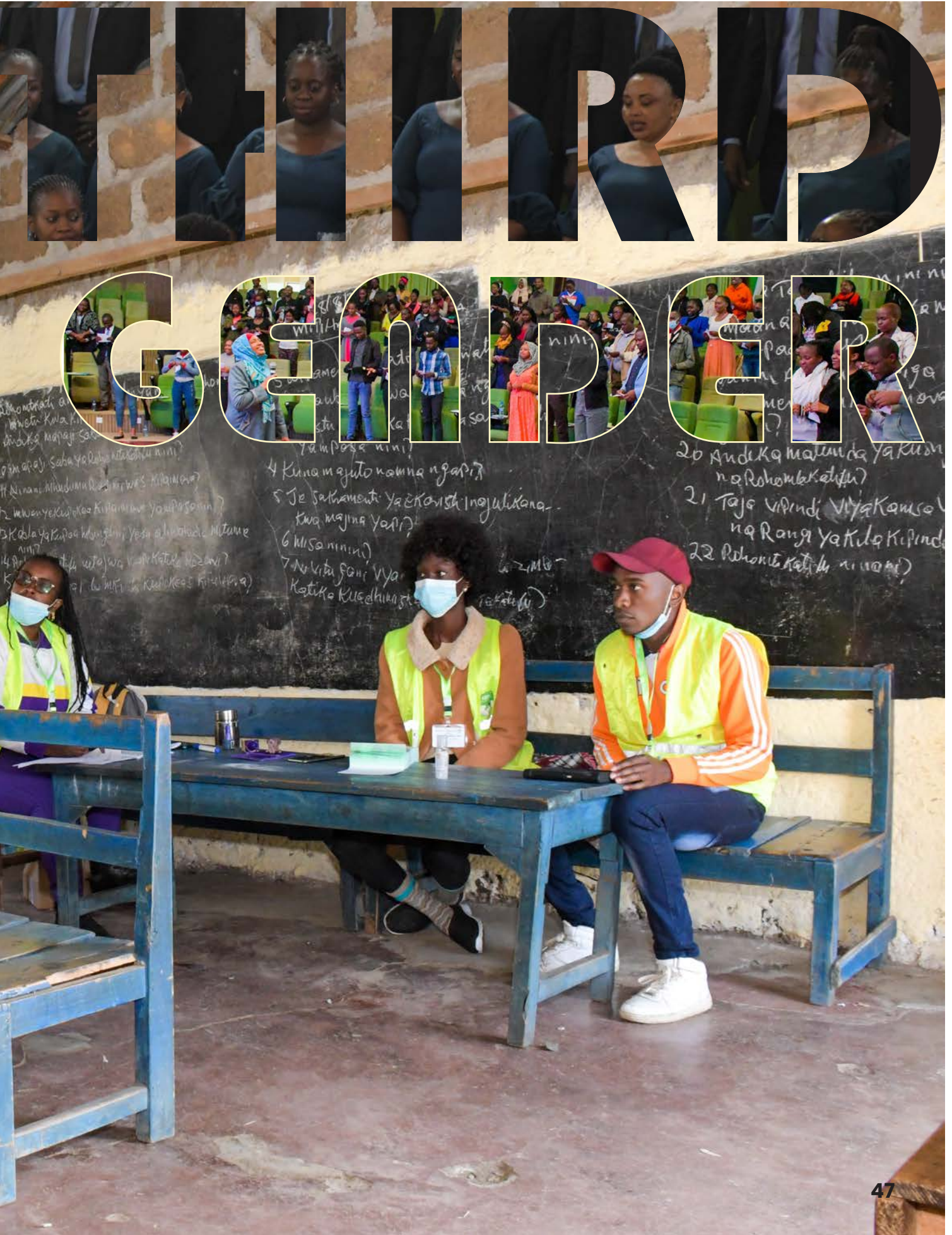




“The realization of the two thirds gender development”



nder principle is critical to Kenya's



The Constitution of Kenya (2010) has been hailed as one of the most progressive and transformative constitution in the world. Devolution of government, creation of independent institutions, mainstreaming of leadership and integrity, and entrenchment of institutional accountability are among the hallmarks of Kenya's Constitution.

Another key feature of the Constitution of Kenya is the two-thirds gender rule premised on Article 27(3) which states that women and men have the right to equal treatment, including the right to equal opportunities in polit-

ical, economic, cultural and social spheres. Essentially, this law aims to resolve the issue of under representation of women in public institutions.

To give full effect to the realization of the two-thirds gender principle, the State was expected under Article 27(8) to "...take legislative and other measures to implement the principle that no more than two-thirds of the members of elective or appointive bodies shall be of the same gender." However, there has been endless debate and litigation on the question of the Two-Thirds Gender Principle.

Notably, the contemplated legislation that would have brought the Two-Thirds Gender Principle to reality has not been enacted to date.

Nonetheless, since the promulgation of the Constitution, the number of women in political leadership in Kenya has increased. While in 2013, the number of women – both elected and nominated – in both the National Assembly and the Senate stood at 86, in 2017 it rose to 96, and in 2022 to 186.



The creation of the Woman County Representative to the National Assembly – more commonly referred to the Woman Representative, has particularly bolstered women representation in the legislative arm of the Government.

Generally, the number of women in elective posts is still significantly low. According to a report titled “A Gender Analysis of the 2017 Kenya General Elections” published in 2018 by the National Democratic Institute and the Federation of Women Lawyers (FIDA-Kenya), women comprised just 9.2 % of the 1,835 elected individuals in 2017.

This statistic registered a marginal increase of 7.7% in 2013.

The question begs though – why is the implementation of the Two-Thirds Gender Principle important? The first reason is because democracy, being a system of elective representation, seeks to reflect the population make up. According to the Kenya Population and Housing Census conducted in 2019, nearly 50.5 percent of Kenya’s population comprises women, making them the majority. The two-thirds gender rule is therefore, in concurrence with the principle of democracy of fair representation of

the people.

Second, Kenya is party to the Sustainable Development Goals (SDGs); of which SDG Goal 5 seeks to achieve gender equality and empower all women and girls by 2030. More specifically, Target 5.5. of the SDG Goal 5 is to ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision making, including economic and public life. Kenya’s global commitment to gender equality, therefore, requires



that the views, needs, interests and rights of women, girls, men and boys and those of the special interest groups, shape the development agenda to ensure that all participate in and benefit equitably from the nation's development. It is a commitment that Kenya is obliged to keep.

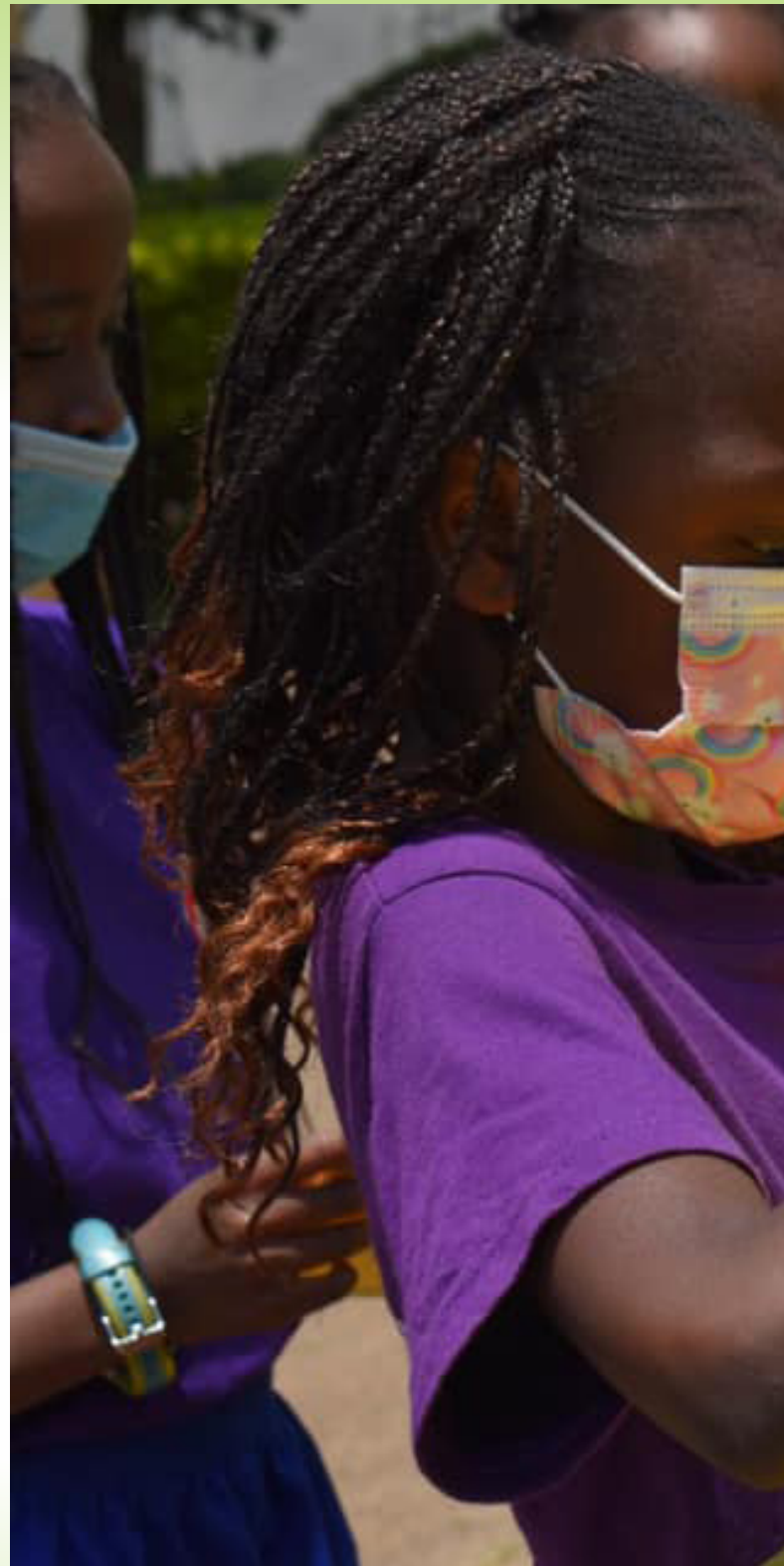
Third, the push for gender equality represents the growing recognition that women are an integral part of their societies and sustainable development must include the full and equal participation of women. Gender-focused development recognizes that gender is an organizing principle of society that affects both women and men in all activities and relationships, and consequently influences the outcomes of development interventions, including education, political participation, the need for social protection and job market outcomes.

Therefore, the people are required that in exercise of their sovereign will, through the ballot, they understand the constitutional provisions on gender parity and ensure to vote in their representatives with respect to elective offices, and equitable development across society.

Political parties, being public bodies that are funded by the people of Kenya, also need to be at the forefront to promote women representation in Parliament and County Assemblies. They have an obligation under the Constitution of Kenya to promote gender parity even in nominations as well as implement policies that are geared towards women's socio-economic and political development. They must participate in combating all forms of discrimination against the female gender.

As the 44th President of the United States of America, Barack Obama, aptly quipped during his state visit to Kenya in 2015, it does not make sense if you have a team and you don't let half of the team play. In his own words, he remarked, "it is stupid!" His perspective of the need for gender parity in national development and political governance is made even more clearer by the US first woman Secretary of State, Madeleine Albright, who said "... Every country deserves to have the best possible leader and that means that women have to be given a chance to compete. If they are never allowed to compete in the electoral process, then the countries are really robbing

themselves of a great deal of talent."







INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
POLLING/REGISTRATION CENTRE
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DISTRICT: KISumu
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WARD: KISumu
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POLLING/REGISTRATION CENTRE



IEBC embarks on Post-Election Evalu



ation



The Commission embarked on Post-Election Evaluation (PEE) following the successful 2022 General Election. Indeed, the PEE is not only an international best practice, but is also anchored in the Constitution of Kenya 2010 as a core mandate of the Commission. Article 88(4)(h) of the Constitution obligates the Commission to facilitate the observation, monitoring and evaluation of elections.

"It is, therefore, important that we relive our individual and collective experiences of the 9th August, 2022 General Election and in retrospect have an assessment of the electoral cycle activities of the said election. This is a moment of reflection when all of us must look at the man in the mirror and ask; did I discharge my constitutional duty to the best of my ability and in accordance to the rule of law? Did I drop the ball? Did I train my eyes on the true prize? This is the moment that we must face the truth no matter how ugly or bitter it may be; for a generation that does not learn from its mistakes is bound to repeat them," Chairman, Wafula Chebukati told staff in Mombasa.

The Chairman further observed that the preparations for the 2022 General Election started at the conclusion of the 2017 Post Election Evaluation exercise that was marked with the launch of its report in February, 2019. It is from this evaluation that the Commission drew its findings and recommendations on its systems and operations. The lessons learnt were then incorporated in the Commission's Strategic Plan 2020-2024, Elections Operations Plan (EOP) and the general preparations for the 2022 General Elections.

"The Commission then sensitized stakeholders, and the public at large, on election timelines contained in the EOP with support from the media and stakeholder consultative forums. Where need be, the Commission varied the timelines in consultation with stakeholders but in strict compliance with the set electoral legal timelines," added Chebukati.

To cap the triumphant conduct of the 2022 General Election, the PEE was conducted in a participatory manner with involvement of key electoral stakeholders. The Commission organized a staff debriefing session to review and learn from the experiences of the 2022 General Election. This was the first stage of the PEE and it aimed at providing a platform for

open canvassing on the conduct of the 2022 GE by staff who served in various capacities, which will in turn inform future improvement of future electoral processes.

The Commission also engaged development partner, religious leaders and other key stakeholders. "I wish to acknowledge effort from all the Commission staff and the support and our partners that enabled us to deliver a successful election," said Chebukati.

The findings and recommendations of the PEE report will be shared with Government Institutions, Development Partners and other stakeholders involved in the electoral process in Kenya to further improve electoral process. This is a step further towards embedding democracy in Kenya through the conduct of free, fair and credible elections.





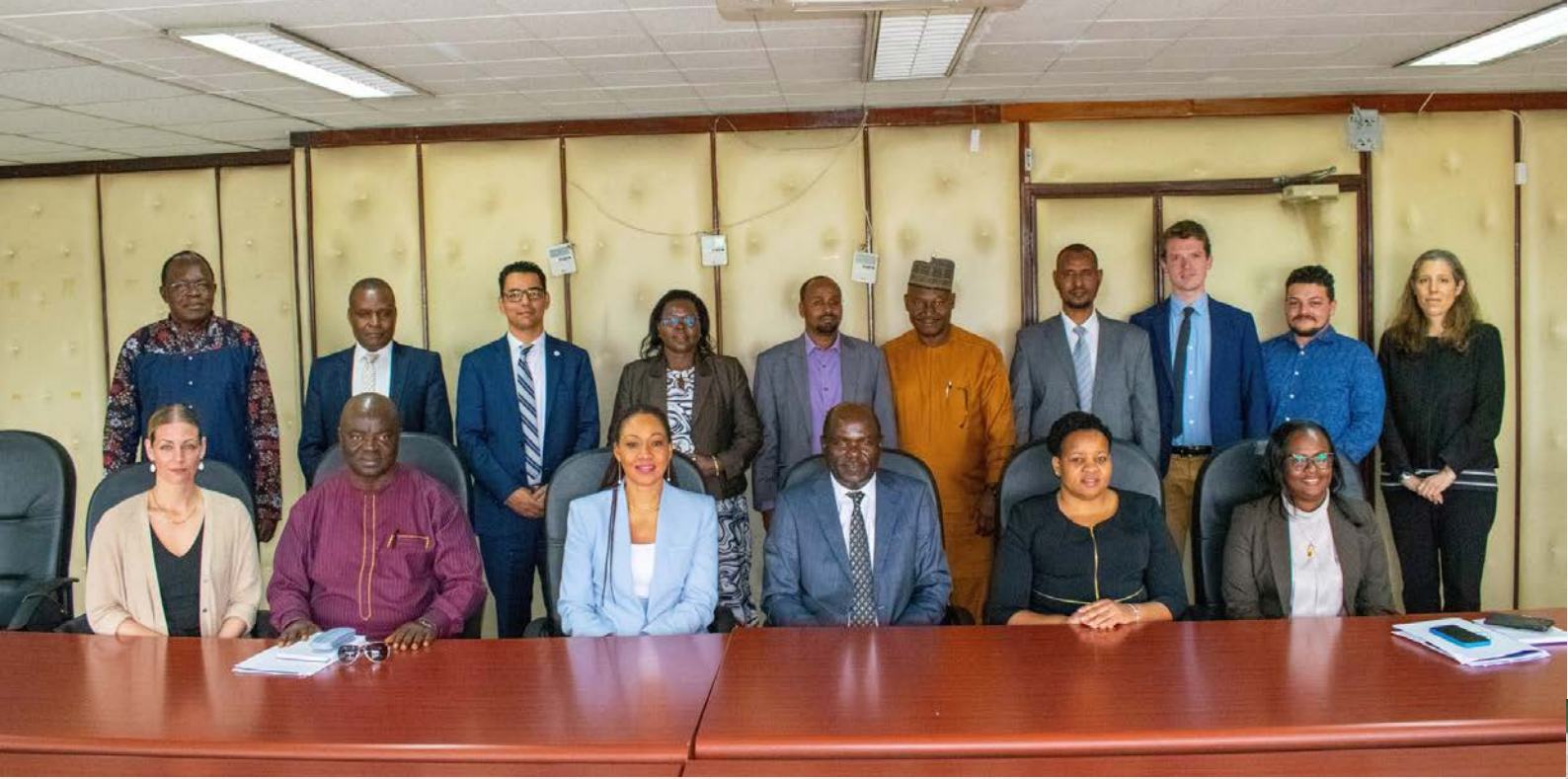
Your Vote, V



Your Future



Milestone as Commission automates Accreditation Management System for smooth coordination of General Election



There is a moment when most people's lives could have followed a very different path if the process was flawed, especially in management of an important activity like the General Election.

This constitutional process was energy sapping and required months of preparation. Indeed, prior to the conduct of the 2022 General Election, the Commission in a bid to increase collaboration, engaged and entered into partnership with various stakeholders including media, observers and voter education providers.

Their role was, among others, to observe, carry out voter education, monitor and re-

port on electoral activities before, during and after the General Election. To do this, the Commission automated the accreditation process by putting in place an Accreditation Management System (AMS), which was accessible on ams.iebc.or.ke. It is from here that our skills were required. After the vetting of successful applicants, the list landed on our desks and we were the link between the Commission and the printer.

Truth be said, the automation of the AMS helped increase number of those accredited across the three groups (voter education providers, observers/monitors and media), besides it enhancing transparency and efficiency

through quick authentication, registration and printing of badges. Additionally, the AMS could be accessed from the comfort of the applicants' operational area, which reduced logistical costs incurred in travel expenses, while delivering documents to the Commission's offices and reduction of paperwork at the application stage.

This led to improvement in conduct of business including timely generation of reports, flagging out and filtering non-compliant applicants from being accredited. Moreover, the AMS had

an inbuilt internal control mechanism, where heads of each organization could validate the list of their applicants.

For the media, which served as the mouthpiece and link between the Commission and public, there was an MOU with the Media Council of Kenya to enhance vetting of journalists. Importantly, the Commission provided the media with an online portal for them to access election results in real time to enhance transparency, accountability, and prevent disinformation and misinformation.

During the General Election, the Commission accredited 5,978 journalists from 266 local and international media stations. The journalists had access to the polling stations

and tallying centres. Further, it enlisted 111 voter education providers and accredited 120,731 election observers up from 58,000 in 2017.

Though we came on board to steer the accreditation process months after it had been started, it was a great honour to be tasked with the responsibility. Our main task being unlocking the backlog that existed from June, 2022 to August, 2022.

From the opportunity, we learnt a lot, how to work on tight schedules, under pressure, with different people and at some point coordinating both the internal and external communications on accreditation matters as assigned by the Managers of the three departments.

In our own assessment, the AMS is a great deal, only that in future, it needs to be tested from time to time and anyone involved with its administration be brought on board at the earliest stage before the window for application opens.

It was best practice that the Commission reserved the right to deny or withdraw accredited media, voter education providers or observers who went against the code of conduct that they signed. All accredited organizations and individuals were required to be ethical and professional in their conduct of business as they partnered with the Commission to deliver a free, fair and credible election.



Pomp and colour as Commission launches report for 2022 General Election



The election cycle starts and ends with the candid evaluation of the General Election on what worked, what did not work and the lessons learnt in order to improve conduct of future elections. The Constitution under Article 88 (4) (h), mandates the IEBC to conduct Post-Election Evaluation (PEE) after every General Election.

The 9th August, 2022 General Election was the third to be conducted by the Commission since the promulgation of the Constitution of Kenya, 2010. Following consultative meetings with internal and external stakeholders, the Commission developed a Post-Election Evaluation Report for the 9th August, 2022 General Election. The report was launched on 16th January, 2023 at Safari Park Hotel.

During the launch, the Commission Secretary/CEO Marjan Hussein Marjan observed that the 2022 post-election evaluation was conducted in a participatory manner based on the electoral cycle, the Commission's Strategic Plan and Election Operations Plan. The evaluation addressed processes and activities that were undertaken in the last electoral cycle.

"This time, the PEE has been done earlier compared to that of the 2017 General Election and

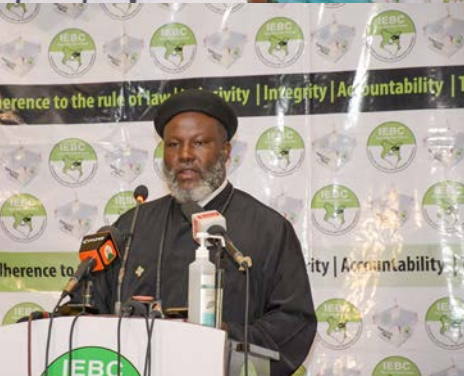
Fresh presidential election. This will enable early implementation of the recommendations," he said.

The Chairman, Mr. Wafula Chebukati, underlined the fact that elections are perhaps the most critical pillar of Kenya's democracy as they offer citizens an opportunity to elect leaders and Government of their choice. Therefore, it is critical to conduct an evaluation at the end of every election cycle to inform future policies and strategies.

Chebukati noted that after the Supreme Court nullified Presidential Election result in 2017, the Commission worked on improving its systems and practices, in readiness for next electoral cycle. Deployment of suitable technology helped promote openness and transparency in the election and minimized opportunities for fraud.

In his remarks, the Attorney General, Hon. Justin Muturi, who was the Chief Guest observed, "The results of the Presidential Election were posted on a public portal which could be accessed by any interested person. The Commission was vindicated in the eyes of election observers and above all, the people of Kenya."

anches Post-Election Evaluation Re-







Speaking during the launch, Registrar of Political Parties, Anne Nderitu, called on Parliament to look at the gaps and complete the process of amendment of the Elections Act early in the election process, and harmonize it with other laws governing elections. "I urge Parliament to look at the gaps and complete the process of amendment of the Election Act early in the election process to harmonize it with other laws governing elections," said Nderitu.

The Hon. Attorney General said his office was ready to receive and be involved in any call for change of law to improve the election process. "Should there be need for legislative and policy changes, it should be done in good time to avert risk of having to change laws in an election period. Having a settled legal and policy framework well before an election is critical to ensuring level playing field," he said.

From the evaluation, the Commission demonstrated its commitment in the delivery of a free, fair and credible election. It hinged its delivery on collaboration and working closely with different partners.

The Chairperson of the Council of Governors, Ms. Anne Waiguru, said the Commission had done well to evaluate its performance and will implement the recommendations from an informed position. "I believe this report addresses fundamental issues and makes recommendations on various areas of electoral cycle. Who can forget the innovative posting of election results on an open portal in 2022. That was indeed the game changer," said Waiguru.

Philemon Sabulei, the Chairperson of the County Assembly Forum, observed that the PEE report will play a big role in conduct of election in future. The Commission did well to overcome challenges to deliver on its mandate and quickly responded to issues raised by candidates.

The European Union Ambassador to Kenya, Henriette Geiger, congratulated the Chairman and Commissioners for standing firm and setting the bar high. "You are the first Commission to have served a full 6-year term. I applaud Kenyans for being peaceful. The Commission stood firm on the path to a stronger democracy and rule of law, building better relations towards 2027 General Election. The European Union will stand firm to support

the Commission in the electoral process," said Ambassador Geiger.

The PEE emphasized on the need to have Commissioners appointed at least two years before the general election, in accordance with best practices. Besides, it calls for an improvement of the legal framework, by the Commission collaborating more closely with the Parliament to expedite suggested amendments.

Though the Commission has done well to improve the security of elections, the report recommends that IEBC tightens access controls at the tallying center to ensure that only authorized personnel have access. It also suggests that, on election day, special voting procedures be used by the IEBC.





Of importance, the evaluation found out that the Commission needs to operationalize the IECB Fund, buy its own building, and provide staff with adequate security and risk allowance during the election period.

Speaking during the launch, which was also the final public engagement on the eve of the Chairman and the Commissioners' exit, Commissioner Prof. Abdi Guliye lauded the support the Commission was accorded by various stakeholders to deliver on its mandate. "I thank God and the people of Kenya for the six years I served as a Commissioner. This called for courage, dedication and devotion to God. I upheld the Oath of Office and rule of law. As I leave, I am satisfied I did my best. I leave the Commission stronger and in better hands," he said.



Commissioner Molu noted that the appraisal of the conduct of the general election was an important task that also forms a key milestone in the election cycle. "The Commission should not play partisan politics. This is not a platform to reward for political patronage. The Commission deserves to be led by people of integrity. We have served you to the best of our ability. The next Commission will pick up from where we have left," he said.

The Chairman noted that he had completed his task and is happy with the performance of the Commission during his tenure. "We believe the pace has been set and I take this opportune moment to wish our successors all the best as they pick the baton from us to take elections of this country to the next level," added Chebukati.

The Commission acknowledged support from development partners including UNDP led Deepening Democracy Programme, European Union, United Kingdom, Republic of Germany, Republic of Italy, Republic of Ireland and the various initiatives from USAID.

The findings and recommendations of the PEE report will be shared with state agencies, development partners & other stakeholders involved in the electoral process in Kenya.



IEBC honours brave election heroes



In an election, not everything works. Not everything goes according to plan. But like a coach, the Commission has made sure it learns from every setback.

A year to the 2022 General Election, Commission Chairman, Mr. Wafula Chebukati feted eight IEBC Election Heroes for their bravery during by-elections. The 8 presiding officers showed courage and professionalism as they carried out their duties, despite being harassed, injured and bullied by politicians and their supporters. These officials were feted during the joint workshop by IEBC and Kenya Media Sector Working Group (KMSWG) in Mombasa on 9th August, 2021.

The staff included Juja Constituency Returning Officer, Titus Mbithi, and Presiding Officers Carol Mueni Kimeu and Nancy Wangari Ndungu; London Ward Returning Officer, Gilbert Serem; Milimani polling station Presiding Officer, David Too Kipkorir; Msambweni Returning Officer, Yusuf Mohamed; and Deputy Presiding Officers Mwanajuma Mwarongo and Godfrey Mosota.

Others were Matungu Constituency Returning Officer, John Kirui; Bulonga Primary School polling station Presiding Officer, Peter Juma Okura, and Munami Primary School polling station Presiding Officer, Maureen Naliaka Lusambu.



1. Juja Constituency – 18th May 2021

Titus Mbithi: Retuning Officer

a) Carol Mueni Kimeu: Presiding Officer, Jomo Kenyatta DEB Primary School Polling Station Number One (1)

At around 7.30pm, there was an attack. Ms. Kimeu had just completed counting the votes, filling the results declaration form 35A which was signed by all agents. She had also filled in all other administrative forms and packed all election materials into the ballot box.

Five men stormed the polling station and dropped on the counting area, papers that resembled ballot papers. These men then

ordered her to count the alien ballot papers. All of a sudden, the police officers assigned to offer security at the polling station deserted thereby exposing the presiding officer and poll officials present to risk of harm.

The Presiding Officer was then directed to count the foreign ballot papers, however she remained adamant. One man got agitated and hit the ballot box, which hit the wall and cracked. Suddenly, gunshots rang the air. In the commotion, she tightly held on to the election results forms and the KIEMS kits, dashed outside, crossed a road and hid in the bush.

She contacted the constituency tallying center and was rescued.



b) Conrad Ochego Mogaka: Presiding Officer, Jomo Kenyatta DEB Primary School Polling Station Number Two (2)

At about 7.30pm, after he had completed counting the votes and filling election results declaration form, police officers in uniform other than those assigned to him entered the polling station in the company of some men. The men placed marked papers resembling ballot papers on the table and ordered him

and the polling station clerks to count and capture the same in the election results declaration form. A party agent then stepped in, picked the fake ballot papers and started tearing them. Suddenly gun shots were fired outside the polling station. There was commotion. In the ensuing melee, the Presiding Officer secured the statutory results form and the KIEMS kits. He dashed out and hid in a thicket from where he managed to contact the tallying center and was rescued.





c) Nancy Wangari Ndungu: Presiding Officer, Gachororo Primary School Polling Station Number Five (5)

At around 7.30pm, the Presiding Officer had completed filling the statutory election results forms and the same signed by the agents when unknown people stormed the polling station and switched off the lantern lamp. The station was then plunged into darkness.

When she switched on the lamp she noticed

several papers resembling ballot papers had been placed beneath the counting table by the goons. She examined the papers and noticed they all bore identical serial number.

She declined to include the same in the final count, sealed the ballot box and issued the election results to the agents. For hours, she was unable to move out of the polling station but remained calm and firm. She ultimately made it to the tallying center with election results and the KIEMS kits intact.



2. Nakuru West Constituency - 6th March 2021

Gilbert Serem: Returning Officer, Londion Ward

Too Kipkorir David: Presiding Officer, Milimani Polling Station Number One (1)

On 4th March, 2021 at 11.00am, Hon. Nickson Korir, MP Lang'ata, arrived at the polling station. Suddenly, a group of youth entered the polling station and alleged that he was bribing voters. They heckled and ejected him from the station. After a while, he came back in the company of Hon. Kipchumba Murkomen, Hon. Johana Ngeno and Senator Susan Kihika. The group of youths again charged at them.

The Presiding Officer ordered for temporary closure of the polling station to avert further

disruption. He also ordered the polling station security officers to hold and secure election materials, ballot papers and ballot boxes. He held tightly to the KIEMS kits and ordered a security wall around the polling officials.

Mr. Kipkoris sent a distress call to the tallying center. The Returning Officer Mr. Serem responded, arrived at the polling station and addressed the youth, voters and media fraternity. The situation calmed down and voting resumed.

3. Msambweni Constituency – 15th December, 2020

Yusuf Mohamed: Returning Officer

a) Mwanajuma Mwarongo: Deputy Presiding Officer, Mwakigwena Polling Station Number Two (2)

At around 8.30 pm, whilst the vote counting process was underway, unknown persons lobbed teargas into the polling centers. There ensued a commotion and everyone scampered for safety, including the Presiding Officer.

Mwanajuma mastered courage and stepped into the shoes of the Presiding Officer and went

an extra mile to secure the strategic election materials. She promptly sealed the materials into the ballot box to ensure that nobody interfered with them. At the material time, all polling clerks, presiding officer and political party agents had fled. She was all alone as she braved the choking fumes of teargas. Gun shots continued to rent the air.

Subsequently, politicians stormed the polling station demanding to be furnished with the election results declaration form 35A, all in the name of securing their votes. She successfully managed to take control and relayed the election results to the tallying center in accordance with the law.



b) Godfrey Mosota: Deputy Presiding Officer, Mwakigwena Polling Station Number Nine (9)

On the polling day around 8.39pm, whilst he was discharging his duties and responsibilities as Deputy Presiding Officer, unknown persons lobbed teargas into the polling station compound. People scampered for safety and exited the polling station.

Mr. Mosota mastered courage and remained inside the station. He safeguarded the election materials and sealed the ballot box effectively.

He restored order and since the Presiding Officer had fled in the confusion, he became proactive and took charge. He steered the vote counting process until the return of the Presiding Officer.

4. Matungu Constituency – 4th March, 2021

a) Peter Juma Okura: Presiding Officer, Bulunga Primary School Polling Station

On the polling day at about 7.30am, an agent of one of the candidates engaged him in a scuffle. He was assaulted by a politician but exercised self-restraint and adhered to the rule of law by not fighting back.

His bravery brought calm in the polling station and order was restored to allow voting continue. The act allowed a free and fair environment to prevail and people of Bulunga were able to exercise their democratic right through the ballot. He protected the sanctity of the vote and credibility of the election.



b. Maureen Naliaka Lusambu: Presiding Officer, Munami Primary School Polling Station

On the polling, day 4th March, 2021, the agents and supporters of some candidates attempted to interfere with the sanctity of the election process. She was improperly manhandled, intimidated, harassed and psychologically disturbed. This incident was covered live by TV stations.

She braved it all and clung to the ballot box. She sealed the aperture and secured the KIEMS kits until she was rescued by security officers. Despite the setback, she managed to steer the voting process and ensured that transparent voting continued, counting was done and credible election results were delivered.



Your Vote, Your Future

Independent Electoral and Boundaries Commission

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