



LEGAL NOTICE NO.

THE ELECTIONS ACT, 2011
(No. 24 of 2011)

IN EXERCISE of the powers conferred by section 109 of the Elections Act, 2011, the Independent Electoral and Boundaries Commission makes the following Regulations—

THE ELECTIONS (GENERAL) (AMENDMENT) REGULATIONS, 2022

Short title. **1.** These Regulations may be cited as the Elections (General) (Amendment) Regulations, 2022 and shall come into effect upon publication in the *Gazette*.

L.N..... **2.** . Regulation 2 of the Elections (General) Regulations, 2012, in these Regulations referred to as “the principal Regulations”, is amended –

- (a) in the definition of “close of nomination” by deleting the expression “of nominations” and substituting therefor the expression “registration of candidates”;
- (b) in the definition of “close of nomination” by deleting the expression “nomination day” and substituting therefor the expression “day of registration of candidates”;
- (c) by inserting the definition of “live streaming” to mean “the transmission and display of the election results as announced at the polling station.”
- (d) by inserting the definition of “local time” to mean “6:00a.m. to 5:00p.m. of the gazetted election date.”
- (e) in the definition of “nomination paper” deleting the expression “nomination paper” and substituting therefor the expression “candidate registration form”;
- (f) in the definition of “nomination paper” deleting the expression “nomination papers” and substituting therefor the expression “candidate registration forms”;

- (g) in the definition of “party primary” deleting the expression “primary” and substituting therefor the expression “nomination”;
- (h) in the definition of “subscriber” deleting the expression “nomination paper” appearing after the words “to a” and before the words “other than” substituting therefor the expression “candidate registration form”;

3. Regulation 3 of the principal Regulations is amended —

- (a) In sub regulation (2) by deleting sub regulation (2)
- (b) In sub-regulation 3 (b) by deleting the words “nomination papers” and substituting therefor with the words “candidate registration forms”
- (c) In sub regulation (3) (b) by deleting the words “Ward representative” and substituting therefor with the words “County Assembly Ward Member”
- (d) In sub-regulation 3 (d) by deleting the words “representative” appearing after the word “woman” and substituting therefor with the words “Member”
- (e) By adding a new sub-regulation (7) to read:
 - (7) An Election Officer shall not be deployed as a Returning or Deputy Returning Officer in the Constituency they were recruited.

4. Regulation 4 of the principal Regulations is amended—

- (a) in sub regulation 1 (a) by deleting the word “nomination papers” and substituting therefor with the words “candidate registration forms”
- (b) in sub regulation 1 (b) by deleting the word “representative” appearing after the word women and substituting therefor with the words “member”
- (c) in sub regulation (2) by deleting sub regulation (2)
- (d) by deleting sub regulation (4) and substituting therefor a new sub regulation (4) to read
 - (4) An Election Officer shall not be deployed as a Returning or Deputy Returning Officer in the County they were recruited.

- 5.** Regulation 5 of the principal Regulations is amended
- a. In Sub Regulation 1A (b) by deleting the word “tallying” and substituting therefor with the word “sorting”
- In Sub Regulation 1A (c) by deleting and substituting therefor with a new paragraph (c)—
- i. “electronically transmitting the presidential results in the prescribed form to the National Tallying Centre”
- (b) In paragraph 1A (d) by deleting and substituting therefor with a new paragraph (d)—
- i. “deliver the results in person from the polling station to the Constituency Tallying Centre”
- (c) Inserting a new Sub-Regulation 1A (e) to read
- i. “submitting the original Form 34A that was electronically transmitted to the Constituency returning officer at the Tallying Centre”
- (d) In sub regulation (2) by deleting the words “fourteen days” and substituting therefor with the words “seven days”
- (e) In sub regulation (5) by deleting the expression “agent” appearing after the words “interpreter and” and before the words “authorized”
- (f) In sub regulation (6) by deleting “(4)” appearing before the word “shall” and substituting it therefor with “(5)”
- 6.** Regulation 6 is amended by deleting sub regulation (2) and substituting therefor a new sub regulation (2) to read
- (2) Prior to appointment under sub regulation (1), the Commission shall provide the list of persons proposed for appointment to political parties and independent candidates at least seven days prior to the proposed date of appointment to enable them make any representations.
- 7.** Regulation 10 (3) of the principal Regulations is amended by:
- (a) deleting sub regulation 3 and substituting it therefor with
“The symbol of a presidential independent candidate shall be submitted in

an electronic and print format as prescribed by the Commission together with the candidates details in Form 11 set out in the Schedule.”

- (b) Inserting a new sub regulation (4) to immediately after sub regulation (3)
“The symbol of independent candidate vying for parliamentary and county elections shall be submitted in an electronic and print format as prescribed by the Commission together with the candidates details in Form 11A set out in the Schedule.”

8. Regulation 12 of the principal Regulations is amended—

- (a) In sub regulation (2) deleting and substituting it therefor with a new sub-regulation (2) ———

(2) The returning officer shall notify the public of the notice of election by exhibiting the gazette notice of the election in public places within the constituency and county.

- (b) by deleting sub regulation (4)

9. Regulation 13 of the principal Regulations is amended--

- (a) In 13A by inserting the following words “certified by the Office of the Registrar of Political Parties” immediately after the word “list”.

- (b) In 13A by deleting “11A” appearing after the word “Form” and substituting it therefor with “8”

- (c) by deleting regulation 13B

- (d) by deleting regulation 13C

10. Regulation 14 of the principal Regulations is amended —

- (a) In the marginal note by adding the word “Political” before the word “Party”

- (b) In sub regulation (2) by deleting the words “set out in sub-regulation 13C” after the word “Forms” and substituting it therefor with “9, 9A, 9B, 9C, 9D, 9E”

11. Regulation 15 of the principal Regulations is amended in sub regulation (b) by deleting the words “Form 11N” after the word “the” and substituting thereof

with “Form 10 for Presidential election and Form 10A for Parliamentary and County elections”

12. Part IV of the Principal Regulation is amended in the Title by deleting the title and substituting therefor with the new title “REGISTRATION OF CANDIDATES FOR PRESIDENTIAL ELECTION”

13. Regulation 16 of the principal Regulations is amended—

- (a) in the title by deleting the word “nomination” and substituting therefor the word “registration”
- (b) In sub-regulation (1) deleting the word “nomination” appearing immediately after the words “fixed for the” and substitute with “registration”
- (c) In sub-regulation (1) deleting the word “nomination” appearing immediately after the words “application for” and substitute with “registration of candidates for elections”
- (d) in sub regulation (2) (a) by deleting the words “the authorized official” appearing immediately the word “and the” and substituting therefore the expression “two (2) members of the political party”.

14. Regulation 17 of the principal Regulations is amended—

- (a) in sub regulation (a) by deleting the words “nomination” and substituting therefore the words “registration”;
- (b) In sub-regulation (1) deleting the word “nomination” appearing immediately after the words “fixed for the” and substitute with “registration”;
- (c) In sub-regulation (1) deleting the word “nomination” appearing immediately before the words “in Form 12” and substitute with “registration of candidates for elections”
- (d) In sub-regulation (2) (a) deleting the word “nomination” and substituting therefor the expression “registration of candidates”
- (e) In sub-regulation (2) (a) deleting the words “in accordance with section 29(2) of the Act;”

15. Regulation 19 of the Principal Regulation is amended

- (a) In the title by deleting the words “Nomination fees of” and substituting therefor with the words “Candidate Registration fee for”

- (b) by deleting the word “nomination” appearing after the words “An application for” and substituting therefor with the word “Registration”
- (c) by deleting the word “nomination” appearing after the word “non-refundable” and substituting therefor with the words “candidate registration”

16. Regulation 21 of the principal Regulations is amended by deleting and substituting therefor with a new regulation 21 to read—

If at the close of nominations for a presidential election, under Article 138(1) of the Constitution, which shall be deemed under these regulations to mean, close of registration of candidates for a Presidential election, only one candidate is validly registered as a candidate, the Commission shall publish a notice in the *Gazette* stating that the presidential election shall not be held, and the Commission shall declare the candidate elected as President in Form 14.

17. Part V of the principal Regulations is amended—

- (a) by deleting and substituting therefor with a new Part V—
“REGISTRATION OF CANDIDATES FOR NATIONAL ASSEMBLY”

18. The principal Regulation is amended by deleting regulation 22 and substituting therefor with —

22. Registration of political party candidate for Member of National Assembly

A political party candidate for the member of National Assembly nominated by a political party shall deliver to the Returning Officer on the day fixed for registration of candidates at that election an application for candidate registration in Form 15 set out in the schedule.

22A. Registration of political party candidate for County Woman Member to the National Assembly

A political party candidate for the County Woman Member to the National Assembly nominated by a political party shall deliver to the Returning Officer on the day fixed for registration of candidates at that election an application for candidate registration in Form 16 set out in the schedule.

19. The principal Regulation is amended by deleting regulation 23 and substituting therefor with —

23. Registration of Independent Candidates for Member of National

Assembly

An Independent candidate for the member of National Assembly shall deliver to the Returning Officer on the day fixed for registration of candidates at that election an application for candidate registration in Form 15 set out in the schedule.

23A. Registration of Independent Candidates for County Woman Member to the National Assembly

An Independent candidate for the County Woman Member to the National Assembly shall deliver to the Returning Officer on the day fixed for registration of candidates at that election an application for candidate registration in Form 16 set out in the schedule.

20. Regulation 24 of the principal Regulations is amended—

- (a) in the title by deleting “of nomination”
- (b) in sub regulation (1) by deleting the word “nomination” appearing after the words “application for” and substituting therefor the word “registration”
- (c) In sub regulation (1) by deleting the word “each” and substituting therefor the words “the”
- (d) In sub regulation (1) by deleting the words “or county, as the case may be.”
- (e) In sub regulation (2) (b) by deleting the words “of Form 15” and substituting therefor the words “Supporters of Independent Candidates for Election of Member of National Assembly”

21. The principal Regulations are amended by deleting regulation 24A and substituting therefore the following new regulation

24A. Supporters for candidate for County Woman Member to National Assembly

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

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

- (a) be serially numbered;
- (b) each have at the top, the wording at the top “Supporters of Independent Candidates for Election of County Woman Member to the National

Assembly”

(c) be accompanied by copies of the identification documents of the voters referred to in sub regulation (1).

22. Regulation 25 of the principal Regulations is amended

(a) In the Title by deleting the title and substituting it with the title “Candidate registration fee for Member of National Assembly”

(b) by deleting the words “nomination for candidature at a parliamentary election” appearing immediately after the words “application for” and substituting therefor the words “registration as a candidate”

(c) by deleting the words “nomination” appearing immediately before the words “non-refundable” and substituting therefor the words “candidate registration”

(d) by inserting regulation 25A immediately after regulation 25

25A. Candidate registration fee for County Woman Member to the National Assembly

An application for registration as a candidate shall be accompanied by a non-refundable candidate registration fee, in banker’s draft, of-

(a) five thousand shillings for a candidate who is a youth or person with disability; and

(b) ten thousand shillings for the women candidate

23. Part VI of the principal Regulations is amended by deleting and substituting therefor with a new Part VI — “REGISTRATION OF CANDIDATES FOR SENATE”

24. Regulation 26 of the principal Regulations is amended—

(a) in the heading by deleting the word “nomination” and substituting therefor the word “registration”;

(b) by deleting the words “shall be” appearing immediately after the word “senate”

(c) by deleting the words “by delivery” and substituting therefor the words “shall deliver”

(d) by deleting the words “nomination” appearing before the words “of candidates” and substituting therefor the words “registration”

(e) by deleting the words “nomination” appearing after the words “application for” and substituting therefor the words “registration”

(f) by deleting the word “16” appearing immediately after the word “Form”

and substituting therefore the word “17”

25. Regulation 27 of the principal Regulations is amended —

- (a) in the heading by deleting the word “nomination” and substituting therefor the word “registration”;
- (b) by deleting the words “be nominated by delivery” appearing after the word “shall” and substituting therefor the words “deliver”
- (c) by deleting the words “nomination” appearing after the words “fixed for the” and substituting therefor the word “registration”
- (d) by deleting the word “of” appearing immediately after the words “at that election”
- (e) by deleting the words “nomination” appearing after the words “application for” and substituting therefor the words “registration”
- (f) by deleting the word “16” appearing immediately after the word “Form” and substituting therefore the word “17”

26. The principal Regulations is amended by deleting regulation 28 and substituting therefore the following regulation

28. Supporters for candidate for Senate

- (1) The person delivering an application for registration under regulation 27 shall at the same time deliver to the returning officer for the elective post, standard A4 sheets of paper bearing the names, respective signatures and identity card numbers of at least two thousand voters registered in the county
- (2) The sheets of paper delivered under sub-regulation (1) shall—
 - (a) be serially numbered;
 - (b) each have at the top, the wording at the top “Supporters of Independent Candidates for Senate Election”
 - (c) be accompanied by copies of the identification documents of the voters referred to in sub regulation (1). inserting the words “not later than three days after nomination” at the end;

27. Regulation 29 of the principal Regulations is amended

- (a) in the heading by deleting the word “nomination fees” and substituting therefor the word “Candidate registration fee”

- (b) by deleting the word nomination appearing immediately after the words “application for” and substituting therefor with the word “registration”
- (c) by deleting the word nomination appearing immediately after the words “non-refundable” and substituting therefor with the word “candidate registration”

28. Part VII of the principal Regulations is amended by deleting and substituting therefor with “Registration of Candidates for County Governor”

29. Regulation 30 of the principal Regulations is amended—

- (a) in the heading by deleting the word “Nomination for” and substituting therefor the word “Registration of”;
- (b) by deleting the words “shall be” appearing immediately after the word “governor”
- (c) by deleting the words “by delivery” and substituting therefor the words “shall deliver”
- (d) by deleting the words “nomination” appearing before the words “of candidates” and substituting therefor the words “registration”
- (e) by deleting the words “nomination” appearing after the words “application for” and substituting therefor the words “registration”
- (f) by deleting the word “17” appearing immediately after the word “Form” and substituting therefor the word “18”

30. Regulation 31 of the principal Regulations is amended —

- (a) in the heading by deleting the word “nomination” and substituting therefor the word “registration”;
- (b) by deleting the words “nomination” appearing after the words “fixed for the” and substituting therefor the word “registration”
- (c) by deleting the words “nomination” appearing after the words “application for” and substituting therefor the words “registration”
- (d) by deleting the word “17” appearing immediately after the word “Form” and substituting therefor the word “18”

31. The principal Regulations are amended by deleting regulation 32

- (a) In the heading by deleting “of nomination of” and substituting therefor with the word “for”

- (b) In sub regulation 1 by deleting the words “nomination” appearing after the words “application for” and substituting therefor the words “registration”
- (c) In sub regulation 1 by inserting the word “county” immediately before the words “returning officer”
- (d) In sub regulation 2 (b) by deleting the words “in typescript”
- (e) In sub regulation 2 (b) by deleting the words “of Form 18” and substitute therefor with “Supporters of Independent Candidates for Election of County Governor”

32. Regulation 33 of the principal Regulations is amended—

- (a) in the heading by deleting the words “Nomination fees” and substituting therefor the words “Candidate Registration fee”
- (b) by deleting the word nomination appearing immediately after the words “application for” and substituting therefor with the word “registration”
- (c) by deleting the word nomination appearing immediately after the words “non-refundable” and substituting therefor with the word “candidate registration”

33. Part VIII is amended by deleting and substituting therefor with “REGISTRATION OF CANDIDATES FOR MEMBER OF COUNTY ASSEMBLY”

34. Regulation 34 of the Principal Regulations is amended

- (a) In the heading by deleting the heading and substituting therefor with “Registration of political party candidates for Member of County Assembly election”
- (b) by deleting the words “shall be” appearing immediately after the word “county assembly election”
- (c) by deleting the words “by delivery” and substituting therefor the words “shall deliver”
- (d) by deleting the words “nomination” appearing before the words “of candidates” and substituting therefor the words “registration”
- (e) by deleting the words “nomination” appearing after the words “application for” and substituting therefor the words “registration”
- (f) by deleting the word “18” appearing immediately after the word “Form” and substituting therefor the word “19”

35. The principal Regulations are amended in regulation 35—

- (a) In the heading by deleting and substituting therefor with a new heading “Registration of independent candidates for member of county assembly election”
- (b) By deleting the words “county assembly member” and substituting therefor with the words “member of county assembly”
- (c) By deleting the word “nomination” appearing immediately after the words “fixed for the” and substituting therefor with the word “registration”
- (d) By deleting the word “nomination” appearing immediately after the words “application for” and substituting therefor with the word “registration”
- (e) By deleting the word “18” appearing immediately after the word “Form” and substituting therefor with the word “19”

36. Regulation 36 of the principal Regulations is amended by—

- a. In the heading by deleting the heading and substituting therefor with “Supporters for candidate for member of county assembly election”
- b. In sub regulation (1) by deleting the words “a nomination application” and substituting therefor with the words “an application for registration”
- c. In sub regulation 2 (b) by deleting the words “of Form 18” and substitute therefor with “Supporters of Independent Candidates for Election of member of County Assembly”

37. Regulation 37 of the principal Regulations is amended

- (a) in the heading by deleting the words “Nomination fees for candidate” and substituting therefor the words “Candidate Registration fee”
- (b) by deleting the word “nomination for candidature at a county assembly member” and substituting therefor with the word “registration as a candidate for a county assembly”
- (c) by deleting the word nomination appearing immediately after the words “non-refundable” and substituting therefor with the word “candidate”

registration”

38. Part IX is amended by deleting and substituting therefor with “GENERAL PROVISIONS ON REGISTRATION OF CANDIDATES AND REFERENDUM”

39. Regulation 38 of the principal Regulations is amended—

- (a) In the introductory paragraph by deleting “nomination paper” and substituting therefor with the words “candidate registration form”;
- (b) in sub regulation (b) by deleting the word “and” appearing after the words “political party” and substituting therefor with the word “or”
- (c) in sub regulation (c) by deleting the word “nomination” appearing after the words “for the” and substituting therefor with the word “registration of candidates”
- (d) In sub regulation (c) by deleting the words “by a person authorized by the candidate” and substituting therefor with “the proposer or seconder”

40. The principal Regulations are amended in regulation 39

- (a) In the introductory paragraph by deleting “nomination paper” and substituting therefor with the words “candidate registration form”;
- (b) In sub regulation (e) by deleting the words “a person authorized” and substituting therefor with the words “proposer or seconder”
- (c) In sub regulation (e) by deleting the word “nomination” and substituting therefor with the words “registration of candidates”

41. Regulation 41 of the principal Regulations is amended

- (a) In the marginal note by deleting the word “nomination” and substituting therefor the word “candidate registration”
- (b) by deleting the word “nomination” appearing after the words “application for” and substituting therefor the word “registration as a candidate,”
- (c) deleting the word “Form 19” and substituting therefor the word “Form 20”

42. The principal Regulations are amended in regulation 42

In the marginal note by deleting the word “nomination” and substituting therefor the word “candidate registration”

by deleting the word “nomination” and substituting therefor the word

“registration of candidate,”

43. The principal Regulations are amended by deleting regulation 43

- (a) In the marginal note by deleting the expression “nomination paper” and substituting therefor the word “candidate registration forms”
- (b) In sub-regulation (1) by deleting the expressions “nomination” and substituting therefor the expressions “registration as a candidate”
- (c) In sub-regulation (1) by deleting the expressions “nomination paper” and substituting therefor the expressions “candidate registration form”
- (d) In sub-regulation (1) by deleting the expressions “nominated” appearing after the words “validly” and substituting therefor the expressions “registered as a candidate”
- (e) In sub-regulations (2) (a) by deleting the expression “nomination paper” and substituting therefor the expression “candidate registration form”
- (f) In sub-regulations (2) (b) by deleting the expression “nomination paper” and substituting therefor the expression “candidate registration form”
- (g) In sub-regulation (2) (c) by deleting the words “nominated” and substituting therefor the words “registered”
- (h) In sub-regulation (2) (c) by deleting the words “nomination” and substituting therefor the words “registration” respectively
- (i) In sub-regulation (2)(e) by deleting the word “nominated” and substituting therefor the word “registered”
- (j) In sub-regulations (2) (g) by deleting the expression “nomination paper” and substituting therefor the expression “candidate registration form”
- (k) In sub-regulations (2) (h) by deleting the expression “nomination paper” and substituting therefor the expression “candidate registration form”
- (l) In sub-regulation (2) (i) by deleting the words “nominated” and substituting therefor the words “registered”
- (m) In Sub-regulation (3) by deleting the expression “nomination paper” and substituting therefor the expression “candidate registration form”
- (n) In Sub-regulation (4) by deleting the expression “nomination paper” and substituting therefor the expression “candidate registration form”
- (o) In Sub-regulation (5) by deleting the expression “nomination paper” and substituting therefor the expression “candidate registration form”

44. The principal Regulations are amended by deleting regulation 44.

45. Regulation 45 of the Principal Regulation is amended

- (a) In sub-regulations (1) by deleting the expression “nomination paper” immediately before the words “in respect of” and substituting therefor the expression “candidate registration form”
- (b) In sub-regulations (1) by deleting the expression “nomination paper” immediately after the word “to more than” and substituting therefor the expression “candidate registration form”
- (c) In sub-regulations (1) by deleting the expression “nomination paper” immediately after the words “in operative on” and substituting therefor the expression “candidate registration form”
- (d) In sub-regulations (1) by deleting the expression “nomination paper” immediately after the words “having subscribed a” and substituting therefor the expression “candidate registration form”
- (e) In sub-regulations (1) by deleting the expression “nomination paper” immediately after the words “before a second” and substituting therefor the expression “candidate registration form”

46. The principal Regulations are amended by deleting Regulation 47

- (a) In sub regulation (1) by deleting the expression “nomination” and appearing immediately before the words “shall” substituting therefor the expression “to be registered as a candidate”

47. Regulation 48 of the principal regulation is amended

- (a) In the title by deleting the title and substituting thereof with “Persons allowed at the candidate registration venue”
- (b) In sub regulation (1) by deleting the word “nomination papers” and substituting therefor with “candidate registration form”
- (c) by inserting a new paragraph 1 (aa) under sub regulation 1 (a)
 - 1(aa) the spouse(s)
- (d) In sub regulation 1 (b) by deleting the words “person nominated as”
- (e) In sub regulation 1 (b) by deleting the words “where applicable”
- (f) by deleting sub regulation (2) and substituting therefor with “Subject to sub regulation (1), the Returning Officer shall take into consideration adequacy of sitting space and security in allowing persons to attend proceedings at a candidate registration venue”

- (g) By deleting sub regulation (3)

48. Regulation 49 of the principal regulations is amended

- (a) By deleting the word “nomination” appearing immediately after the words “close of” and substituting therefor with “registration”
- (b) By deleting the word “nominated” appearing immediately after the words “duly” and substituting therefor with “registered”
- (c) By deleting the word “nomination” appearing immediately after the words “fresh” and substituting therefor with “registration of candidates”
- (d) By deleting the word “nominated” appearing immediately before the words “for the election” and substituting therefor with “registered as a candidate”
- (e) By deleting the word “nomination” appearing immediately after the words “regulation whose” and substituting therefor with “registration as a candidate”

49. The principal Regulations are amended in regulation 50

- (a) In the title by deleting the words “of nomination” and substituting therefor with “of candidate registration proceedings”
- (b) In sub regulation (1) by deleting the word “a nomination” and substituting therefor with the words “registration of candidates”
- (c) In sub regulation (2) by deleting the words “nomination papers” and substituting therefor with “candidate registration form”
- (d) In sub regulation (2) by deleting the words “nomination” and substituting therefor with “candidate registration”
- (e) In sub regulation (3) by deleting the word “the nominations” and substituting therefor with “registration of candidates”
- (f) by deleting the sub regulation (4) and substituting thereof

A returning officer may extend the registration of candidates where the proceedings have been interrupted and shall extend the hours of registration by the amount of time which was so lost in starting late

50. Regulation 51 is amended in the principal regulation

- (a) In the marginal note by deleting the word “Nomination” and substituting therefor with the words “Candidate registration”
- (b) In sub regulation (1) by deleting the word “a nominated” and

substituting therefor with the words “registered as a candidate”

- (c) In sub regulation (1) by deleting the word “Form 20” and substituting therefor with the words “Form 21”
- (d) In sub regulation (2) by deleting the word “a nominated” and substituting therefor with the words “registered as a candidate”
- (e) In sub regulation (2) by deleting the word “Form 21” and substituting therefor with the words “Form 22”
- (f) In sub regulation (3) by deleting the word “nomination” immediately after the words “closure of” and substituting therefor with the words “registration of candidates,”
- (g) In sub regulation (3) by deleting the word “a nominated” immediately after the word “validly” and substituting therefor with the words “registered as a candidate”
- (h) In sub regulation (3) by deleting the word “Form 22” and substituting therefor with the words “Form 23”
- (i) In sub regulation (3A) by deleting the word “nomination” immediately after the words “closure of” and substituting therefor with the words “registration of candidates”
- (j) In sub regulation (3A) by deleting the word “a nominated” immediately after the word “validly” and substituting therefor with the words “registered as a candidate”
- (k) In sub regulation (3A) by inserting the following words after the words concerned “in Form 23A set out in the schedule”
- (l) In sub regulation (4) by deleting the word “nominations” immediately after the words “close of” and substituting therefor with the words “registration of candidates,”
- (m) In sub regulation (4) by deleting the word “nominated” immediately after the word “validly” and substituting therefor with the words “registered as a candidate”
- (n) By deleting paragraph (a) of sub regulation (4) and substituting therefor with the words “issue the certificate of registration to the person validly registered as a candidate in Form 22 set out in the schedule”
- (o) In sub regulation (4) (b) by deleting the word “Form 23” and substituting therefor with the words “Form 23B”
- (p) In sub regulation (6) by deleting the word “nominations” immediately after the words “close of” and substituting therefor with the words “registration of candidates,”
- (q) In sub regulation (6) by deleting the word “nominated” immediately

after the word “validly” and substituting therefor with the words “registered as a candidate”

- (r) In sub regulation (6)(a) by deleting the words “nomination papers” and substituting therefor with “candidate registration forms”
- (s) In sub regulation (6)(b) by deleting the words “to the nomination papers” and substituting therefor with “in the candidate registration form”

51. Regulation 52 of the principal regulations is amended

- (a) In the marginal note by deleting the words “after nomination”
- (b) By deleting sub regulation (1).
- (c) By deleting sub regulation (2).
- (d) By inserting the following new sub regulations
 - (1) A candidate whose candidate registration form has been delivered to the returning officer may, before the close of registration of candidates, by notice in writing signed by him or her before the returning officer and presented to the returning officer, withdraw his or her candidature.
 - (2) A person who has been registered as a candidate, may withdraw his or her candidature by delivering to the respective returning officer a notice to that effect in Form 24A not later than three days after registration.
 - (3) Where there are only two registered candidates and one candidate withdraws, the remaining candidate shall be declared duly elected in accordance with regulation 53.

52. Regulation 53 is amended

- (a) by deleting the word “nomination” immediately after the words “close of” and substituting therefor with the words “registration of candidates”
- (b) by deleting the word “nominated” immediately after the word “validly” and substituting therefor with the words “registered as a candidate”

53. Regulation 57 of the principal regulations is amended

- (a) In the title by deleting the words “national and county chief”
- (b) By deleting sub regulation (1) and inserting the following new sub regulation

Every political party and independent candidate shall at least fourteen

days to the date of the election submit to the Commission the names of;

- a) One national chief agent
 - b) county chief agents
 - c) constituency chief agents
 - d) agents for each polling station where applicable
- c) by deleting sub regulation (2) and substituting thereof with the following new sub regulations
- (2) The list referred to in sub regulation (1) shall be signed by the authorized party official or the candidate.
 - (3) The Commission shall issue identification badges to the agents referred in sub regulation (1)

54. Regulation 69 of the principal regulations is amended

- (a) In sub regulation 1 (e) i by inserting the words “biometrically” immediately after the words “a voter”
- (b) In sub regulation 1 (e) ii by inserting the words “biometrically” immediately before the words “using the device”
- (c) In sub regulation 1 e ii by deleting the expression “Verification Form 32A” and substituting thereof with “Form 43”
- (d) By deleting sub regulation 1 e iii and substituting therefor with “The Presiding Officer initiates the supervisor validation function on the electronic identification device”
- (e) By deleting sub regulation 1 e iv and substituting therefor with “The Presiding Officer shall key in the supervisor password to validate the voter”
- (f) By inserting a new paragraph (v)
 - Once identified and validated, the voter is issued with the ballot papers to vote.
- (g) In sub-regulation (3) by deleting the phrase “under the Act”
- (h) By deleting sub regulation (4)

55. Regulation 70 of the principal regulations is amended by deleting sub regulation (3)

56. Regulation 71 of the principal regulations is amended by inserting a new sub regulation (2)

(a) By renumbering the existing provision as sub regulation (1)

(b) By inserting a new sub regulation (2) to read

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

57. Regulation 72 of the principal regulation is amended in sub regulation (5) by inserting the words “Election Offences” immediately before the word “Act”

58. Regulation 73 of the principal regulation is amended in sub regulation (1) by inserting the phrase “aperture of the” immediately after the phrase “to seal the”

59. Regulation 74 is amended in sub-regulation (4) (a) by inserting a new paragraph (aa) “a candidate’s spouse(s)”

60. Regulation 75 of the principal regulations is amended

a) by deleting and inserting a new sub regulation

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

a) President;

b) member of the National Assembly;

c) member of the County Assembly;

d) county governor;

e) senator;

f) county woman member to the National Assembly

b) In sub-regulation (5) by deleting the phrase “in Kenya and in accordance with the time of counting in Kenya” immediately after the words “polling time in” and substitute therefor the phrase “based on the respective polling station’s local time”

61. Regulation 81 is amended

(a) in the marginal note by deleting the word “papers” and substituting therefor the word “boxes”

(b) by inserting a new paragraph (aa) under sub-regulation (4) (a) to read
“a candidate’s spouse(s)”

62. Regulation 82 of the principal regulations is amended

(a) By deleting the marginal note and substituting therefor with a new

marginal note to read “Transmission of election results”

- (b) By deleting sub regulation (1) and substituting therefor with a new sub regulation (1) to read

(1) The presiding officer shall before ferrying the physical results to the constituency tallying centre-

- (a) electronically capture the result form.
- (b) ensure that the result form is captured in a clear readable manner.
- (c) display the captured result form on the electronic device to all the agents and candidates present before transmission.
- (d) Electronically transmit the captured result form to the presidential tallying center.

- (c) by deleting sub regulation (2) and substituting therefor with a new sub regulation (2) to read

(2) In case the result transmission fails at the polling station, the presiding Officer will be required to:

- (a) Move to the nearest point from the polling station that has good network and transmit the result accordingly.
- (b) If there is still no network, proceed to the Constituency Tallying Centre and transmit from the Constituency Tallying Centre.

- (d) by inserting a new sub regulation (3) to read

(3) The Commission shall set up a public portal or other media for live streaming of the results forms as it may determine.

- 63.** Regulation 83 Regulation 83 of the principal regulation is amended by inserting a new regulation 83A—

83A. Opening of a Ballot Box at the Constituency Tallying Centre

Upon arrival at the Constituency Tallying Centre, where the Presiding Officer is found to have wrongly put materials in the sealed ballot box;

- a) the Presiding Officer shall inform the Returning Officer;
- b) the Presiding Officer shall summon his/her polling station agents to the Constituency Tallying Centre;
- c) in the presence of the Returning Officer, the Constituency Tallying Center Agents, and polling station agents, the Presiding Officer shall open

the ballot box and retrieve the required materials and shall seal the ballot box and record the new seal serial numbers in the Polling Station Diary.

d) the Polling Station Agents and Tallying Centre Agents will be required to sign as witnesses to the process and Returning Officer shall record in that specific Polling Station Diary

e) in the event that the Polling Station Agents are unavailable or refuse to participate, the Returning Officer shall invite the Tallying Centre Agents to witness.

f) in the event that both the Polling Station Agents and Tallying Centre Agents are unavailable or refuse to participate, the Returning Officer shall inform the Commission for further guidance

64. Regulation 87 of the principal regulation is amended in sub regulation (3) by deleting and substituting it therefor with a new sub regulation (3)

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

- (a) verify the results against Forms 34A and 34B received from the constituency returning officer at the national tallying centre;
- (b) tally and complete Form 34C;
- (c) announce the results for each of the presidential candidates for each County;
- (d) sign and date the forms and make available a copy to any candidate or the national chief agent present;
- (e) publicly declare the results of the election of the president in accordance with Articles 138(4) and 138(10) of the Constitution;
- (f) issue a certificate to the person elected president in Form 34D set out in the Schedule; and
- (g) deliver a written notification of the results to the Chief Justice and the incumbent president within seven days of the declaration; provided that the Chairperson of the Commission may declare a candidate elected as the President before all the Constituencies have delivered their results if in the opinion of the Commission the results that have not been received will not make a difference with regards to the winner on the basis of Article 138(4)(a) (b) of the Constitution; and
- (h) in the case of the other elections, whether or not forming part of a multiple election, publish a notice in the Gazette, which may form part of a composite notice, showing the name or names of the person or persons elected The process of delivering the presidential results from the constituency is not anchored any regulation 87(3) is amended by deleting and substituting it therefor the following new

sub-regulation (3)—

1. The Constituency Returning Officer shall, in the presence of persons authorized to access the constituency result tallying centre—
 - a. Receive election results declaration Form 34A from polling stations
 - b. Notify the persons present on the polling stations whose results have been received
 - c. Tally and display the count of Election results in Form 34A into Form 34B in the schedule
 - d. Disregard the results of the count of a polling station where the total valid votes exceed the number of registered voters in that polling station
 - e. Verify the accuracy of the count in Form 34B using the counts in the official Form 34As
 - f. Display the duly filled Form 34B results to the authorized persons present for confirmation of the accuracy of collated results form
 - g. Print the verified results in the official Form 34B provided
 - h. Invite authorized constituency tallying centre agents present to sign
 - i. Sign, date, and stamp
 - j. Make copies of the duly signed Form 34B
 - k. Announce the—
 - i. name of the respective electoral area;
 - ii. total number of registered voters;
 - iii. votes cast for each candidate in each polling station;
 - iv. number of the rejected ballot papers in each polling station;
 - v. aggregate number of votes cast in the respective electoral area;
 - vi. aggregate number of rejected ballots;
 - l. Make copies of the duly filled Form 34B available to the authorized constituency tallying centre agents
 - m. As soon as practicable, deliver in person, the physical copies to the Presidential election results tallying centre all the Form 34A from the respective polling stations in the constituency and Form 34B
2. Upon receipt of Form 34A and Form 34B from the constituency returning officer, the chairperson of the Commission, in the presence of authorized agents,

observers and candidates present shall—

- a. Notify the persons present on the constituencies whose results have been received
- b. Tally and display the count of Election results in Form 34B into Form 34C in the schedule
- c. Note any polling station count disregarded by the Returning Officer and the reason
- d. Verify the accuracy of the count in Form 34C using the counts in Form 34As
- e. Display the duly filled Form 34C results to the authorized persons present for confirmation of the accuracy of collated results form
- f. Print the verified results in the official Form 34C provided
- g. Invite authorized presidential election results tallying centre chief agents present to sign
- h. Sign, date, and stamp
- i. Make copies of the duly signed Form 34C
- j. Announce the—
 - i. total number of registered voters in the Republic;
 - ii. total valid votes cast;
 - iii. aggregate number of rejected ballots;
 - vi. total number of valid votes in favour of each candidate;
 - vii. total number of votes for each candidate in each of the forty-seven (47) counties;
 - viii. the percentage of votes cast in each county garnered by each candidate;
 - ix. the percentage total of national votes cast in favour of each candidate; and
 - x. Indicate if the percentage in (ix) above meets the threshold of garnering more than half of the votes cast in the presidential election.
- k. Make copies of the duly filled Form 34C available to the authorized presidential chief agents
- l. The chairperson declares the results and,

- m. A candidate is declared as president if the candidate—
 - i. Receives the highest number of votes being more than half of all the votes cast in the election
 - ii. Receives at least 25% of votes cast in more than half of the counties
- n. Issue the certificate in Form 34D to the president-elect
- o. deliver a written notification of the results to the Chief Justice and the incumbent president within seven days after the presidential election
- p. In the event no candidate is elected as president, the chairperson of the Commission shall notify the public of a fresh presidential election pursuant to Article 138 of the Constitution provided that the Chairperson of the Commission may declare a candidate elected as the President before all the Constituencies have delivered their results if in the opinion of the Commission the results that have not been received will not make a difference with regards to the winner on the basis of Article 138(4)(a) (b) of the Constitution; and
- q. in the case of the other elections, whether or not forming part of a multiple election, publish a notice in the Gazette, which may form part of a composite notice, showing the name or names of the person or persons elected