



**CHAIRMAN'S OPENING REMARKS DURING THE POST ELECTION  
EVALUATION AND BOUNDARIES WORKSHOP HELD AT PRIDE INN  
PARADISE, MOMBASA ON 15<sup>TH</sup> SEPTEMBER, 2022**

I am pleased to address Members and the entire staff of the Commission during this post-election evaluation session, that is taking place after a grueling General Election exercise that claimed two of our staff. I request that we be upstanding and observe a moment of silence in honour of Mr. Daniel Musyoka, Returning Officer for Embakasi East who was abducted and tortured to death in the line of duty and Mr. Geoffrey Gitobu Returning Officer for Gichugu who died in what could be election related stress.

Post-Election Evaluation is a significant component of the Post-Election phase in the electoral cycle. Not only is it 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.

Evaluation of any exercise calls for a candid examination and assessment of what worked and what failed, and proposing recommendations that will inform strategies to be employed in the next electoral cycle. It is therefore important that we relive our individual and collective experiences of the 9th August 2022 General Election and in retrospect have a snap shot 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.

The bible in John 8:32 records Jesus Christ of Nazareth proclaiming to his disciples that “And you will know the Truth, and the Truth shall set you free”

The Quran at Chapter 17 verse 81 records “And say, Truth has come, and falsehood has departed. Indeed, is falsehood [by nature], ever bound to depart”

As a Commission we must know the truth so that it can set us free and for falsehood to depart from our midst.

### **Post-Election Evaluation**

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. The evaluation was conducted in a participatory manner and involved key electoral stakeholders at every stage of the electoral cycle. The lessons learnt were then incorporated in the Commission’s Strategic Plan 2020-2024, Elections Operations Plan and the general preparations for the 2022 General Elections.

The strategic Plan 2020-2024, which was officially launched on 15th June 2021, provided a roadmap for the Commission to fulfil its mandate within the set five years that the 2022 General Election falls. In addition, the Elections Operations Plan (EOP) was developed as an implementation tool for the Commission’s Strategic Plan 2020-2024. The Commission sensitized stakeholders, and the public at large, on election timelines contained in the EOP through press briefings, press releases, media engagements and stakeholder consultative forums among others. Where need be, the Commission varied these timelines in consultation with stakeholders but in strict compliance with the set electoral legal timelines.

### **Development and Review of Policy and Standard Operating Procedure Manuals.**

The Commission, drawing from the findings and recommendations of the PEE Report on its systems and operations, either developed or reviewed various Policy and Standard Operating Procedure (SOP) Manuals to streamline key processes. Specifically, the Commission the reviewed Policies and Procedures Manuals relating to Supply Chain, Human Resource and Administration, Finance and Accounts, Internal Audit and compliance, Risk Management, Gender and Social Inclusion.



## **Nomination and Registration of Candidates**

The Commission executed its constitutional mandate to regulate the process by which political parties nominate candidates for elections. 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 immediately 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 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 have proceeded to the High Court for Judicial Review.

## **Registration of voters**

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 3<sup>rd</sup> May 2022.

Voters were then given an opportunity to verify and inspect their details from 4<sup>th</sup> May to 2<sup>nd</sup> June 2022 by deploying KIEMs kits to the ward in addition to an sms service and website portal where voters could check their registration details.

Thereafter, the Commission procured KPMG to conduct an audit of the register. KPMG undertook the audit exercise and submitted its final report of the audit of the Register of Voters to the Commission on 18th June 2022. The Commission received a preliminary audit report with useful information, including 246,465 deceased voters, 481,711 duplicate records and 226,143 voters registered with IDs that did not validly belong to them, 164,269 registered with voter records with invalid identification documents (IDs and Passports) that it addressed prior to certification and publishing of the register.

The Commission on 21<sup>st</sup> June 2022 gazetted a Register of 22,120,458 voters with 46,232 polling stations.

## **Procurement 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.

## **Recruitment of Staff**

The Commission's Secretariat deployed its permanent staff as County and Constituency Returning officer as well as Deputy Constituency Returning Officers. Further, the Secretariat recruited on temporal basis the second Deputy Constituency Returning Officers and Deputy County Returning Officers. The Commission also recruited and deployed Presiding Officers, Deputy Presiding Officers, Poll Clerks, ICT clerks and Logistic Assistants.

## **Policy and strategy formulation and Oversight.**

Following the appointment of Commissioners Juliana Cherera, Irene Masit, Francis Wanderi and Justus Nyang'aya, Committees of the Commission were established with each Commissioner Chairing a Committee of at least two Commissioners. This was aimed at enhancing the policy and strategy formulation, and oversight function of the Commission. It is significant to note that the Commission Plenary sat of various occasions to deliberate on election preparedness in addition to participating in technical backstopping of key election activities like enhanced continuous voter registration, verification 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. All the Members of the Commission and Senior staff of the Commission had unrestricted access to the floor of the tallying centre to monitor and supervise the election results verification process.

Further to this, the Chairman as the Presidential Returning Officer designated Commissioners to preside over important tasks at the National Tallying 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 staff 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.

It therefore goes without saying that all Members of the Commission were assigned duties to manage critical components of the election. 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.

It is therefore insincere for any member of the Commission and senior staff to allege that they were barred from providing assistance to the election management process. It is even tragic that some Members of the Commission would petition the Supreme Court of Kenya to nullify results that we collectively worked under difficult circumstances to deliver for the people of Kenya. The unfounded allegations that the election results management process was opaque is totally oblivious to the fact that Returning Officers had to spend a minimum of 3 days at the national tallying as their return of results were verified in the presence of agents, the media and observers before announcement.

The most unfortunate incident was the false accusation of staff, in some circumstances under oath, by Commissioners and fellow Staff that exposed innocent hardworking staff to arbitrary arrests and abductions, intimidation and harassment by security agencies and political goons, and other forms of obstructing election officials from conducting their duties. In an unprecedented incident, Commissioners Guliye, Commissioner Molu, CEO Marjan, myself and other persons were physically assaulted and injured at the National Tallying centre at Bomas of Kenya. These shameless attacks amounting to election offences were perpetrated by, among others, persons regarded as National Leaders in full view of the whole Nation and the world at large.

Apart from the foregoing, the Chairman and Commissioners Prof. Abdi Guliye and Boya Molu were subjected to character assassination by Raphael Tuju who falsely tried to infer ill motive to a visit to him by the three of us when he was involved in a road gruesome road accident that nearly claimed his life. He attempted to take advantage of a benevolent gesture of visiting him in 2021, on

his own invitation, while recuperating from his injuries to achieve the malicious end of maligning our image before the public.

All these unfortunate incidences that border on criminal culpability cannot be swept under the carpet and assume a normal state of affairs. We must confront and address this issue in order to secure a conducive environment for staff to discharge their duties without fear of unlawful reprisals. As we deliberate, we remain alive to addressing these issues with finality.

I wish to thank Commissioners Prof. Abdi Guliye and Boya Molu, and the Commission Secretary/CEO for standing with me in upholding the will of the people. These three gentlemen as Patriots who were willing to stand in harm's way to protect the sovereign power of the people of Kenya. I equally wish to thank the staff at the National Tallying centre for braving harassment and intimidation in their duty to ensure that all election results were verified and tallied. In addition, I wish to make a special recognition of you brave men and women who worked tirelessly in the counties and constituencies to ensure Kenya participate in a free, fair, credible and transparent election. I wish to make a special mention of Ms. Maryan Hassan Mohamed Returning Officer Eldas who braved a gunfire attacks to deliver an election. Please join me in applauding her courage and commitment to duty.

The Commissioner is alive to the challenges that you face as election officials and it is time to discuss better remuneration, better allowances, better working conditions including security and better appreciation of the sacrifices you make to deliver on our mandate.

I wish to also thank the Members of the Diplomatic corp, Religious Leaders and eminent persons who kept vigil at the National Tallying Centre in solidarity with the Commission during verification, announcement and tallying of results.

I thank the various choirs and artists that presented spiritually uplifting and patriotic songs that underscored the need to maintain peace and unity even in the electioneering period.

To the National Police Service Officers that worked tirelessly to maintain law and order as well I say thank you for your service to country and your fellow countrymen.

Last but not least I wish 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. the Commission is vindicated.

Finally, I now declare this workshop officially opened and wish you meaningful deliberations.

  
**W. CHEBUKATI**  
**CHAIRMAN**