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Your Vote, Your Voice

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

CASE DIGEST

for 2022 General Election

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VISION

A credible Electoral Management Body committed to deepening Kenya's democracy.

MISSION

To conduct inclusive, credible and efficient elections, and to undertake boundary delimitation for equitable representation and sustainable democracy.

STRATEGIC THEME

Inclusion and participation in deepening Kenya's democracy.

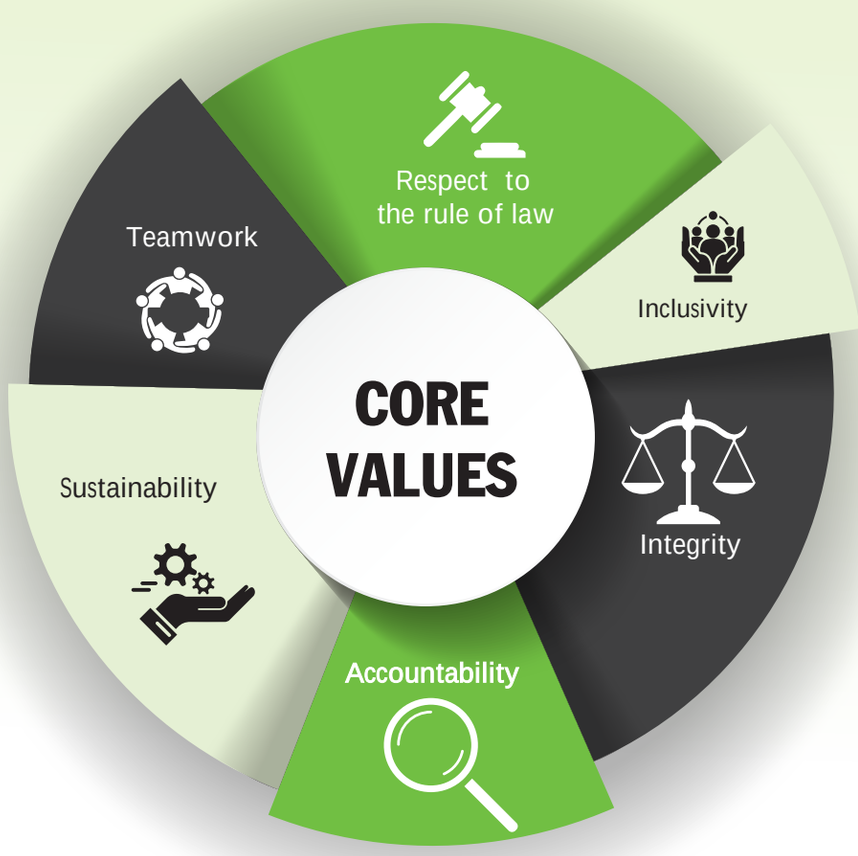




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Foreword

Electoral Dispute Resolution (EDR) is a cardinal component of any electoral system, serving as the hallmark of democratic consolidation through adherence to the principles of inclusivity, participation, and transparency. In Kenya, EDR mechanisms are anchored in the Constitution and the statutory electoral framework.

Pursuant to Article 88(4)(e) of the Constitution, the IEBC is clothed with the mandate to adjudicate pre-electoral disputes, including disputes arising from the registration of candidates for election. In execution of this constitutional imperative, the IEBC is obligated to establish and maintain robust mechanisms for the resolution of such disputes.

During an election, political parties are required to submit to the IEBC the names of their nominated candidates. These nominees appear before the Returning Officer for purposes of registration. Where a nominee's application for registration is declined, the nominee is entitled, as a matter of law, to lodge a dispute before DRC. The DRC, being a quasi-judicial body duly constituted under the electoral legal framework, is vested with jurisdiction to hear and determine all pre-electoral disputes arising from candidate registration.

During the last General Election, the Commission ensured strict compliance with Section 74 of the Elections Act, 2011, which prescribes that all disputes be heard and determined within ten (10) days. The DRC rendered determinations in all complaints lodged before it within the statutory timelines, thereby upholding the principles of fairness, timeliness, and transparency.

The 2022 Case Digest represents the culmination of the DRC's adjudication process. It constitutes a compendium of jurisprudence that the Commission may rely upon in resolving future pre-election disputes. The decisions contained therein establish precedents that reinforce predictability, accessibility, and consistency in the resolution of electoral disputes, thereby contributing to the development of Kenya's electoral jurisprudence.

The Commission acknowledges the invaluable contribution of the DRC in the expeditious handling of the 323 disputes filed and extends appreciation to the Chairpersons of the Committees, Assisting Counsel and the Secretariat for their dedication and professionalism.
Accordingly, I commend this publication to all stakeholders in the electoral process. It is my considered view that the Digest will enrich Kenya's jurisprudence, inform practice, advance scholarship, and support the continuous improvement of pre-election dispute resolution mechanisms in Kenya.

Erastus Edung Ethekon, HSC
Commission Chairperson

Executive Summary



The Commission's Dispute Resolution Management function has progressively matured and strengthened over successive electoral cycles, becoming a cornerstone of Kenya's democratic and electoral integrity. This evolution reflects deliberate institutional reforms aimed at ensuring transparency, efficiency, and adherence to constitutional principles of free, fair, and credible elections.

As the sole body mandated under Article 88(4)(e) of the Constitution to resolve pre-election disputes, in 2013, the Commission heard and determined a total of 1,057 disputes, comprising 206 arising from Commission nominations, 245 from party primaries, and 606 under party lists.

In 2017, the Commission handled 350 formally filed disputes, 150 matters resolved through correspondence and 23 party list disputes. At the time, the Commission faced significant capacity constraints, with only one seasoned Advocate and the Chairperson presiding over all Election Dispute Resolution Committees.

By 2022, the Commission had significantly enhanced its systems and processes, enabling efficient dispute resolution. To meet statutory timelines under Section 74 of the Elections Act, 2011, the Commission empaneled three Panels, each chaired by an Advocate qualified to hold the office of Judge of the High Court of Kenya, supported by Commission Members and technical teams.

Key achievements included the handling of 323 disputes, the development of the Legal Case Management System (LCMS), an in-house innovation that streamlined internal processes and

facilitated electronic uploading of all Dispute Resolution Committee decisions into the LCMS for transparency and accessibility.

These Panels resolved a total of 323 complaints within 10 days, demonstrating efficiency and compliance with the law. The decisions rendered during the 2022 electoral cycle have been digested into thematic areas, creating a rich jurisprudential resource that will guide future electoral processes. This comprehensive case digest forms a strong foundation for resolving disputes arising from candidate registration and significantly strengthens Kenya's democratic framework.

Moses Sunkuli, OGW
Ag. Commission Secretary/CEO

Acknowledgments

We appreciate the support of the Legal, Compliance and Political Parties Liaison Committee and in particular, under the leadership of Commissioner Marykaren Sorobit.

We express our gratitude to the Former Commission Secretary/CEO, Mr. Marjan H. Marjan, Deputy Commission Secretary-Support Services, Mr. Obadiah Keitany, and the senior management team for their support in preparing the Case Digest.

Special thanks go to the Directorate of Legal Services led by Mr. Chrispine Owiye for coordinating the project and providing policy guidance.

Appreciation is extended to Ms. Salome Oyugi, Ms. Ruth Makuthu, and Mr. Douglas Bargorett for their technical leadership as Panel Secretaries, and Ms. Nancy Koros for coordinating panel operations.

We acknowledge the contributions of Legal Assistants, the Investigation Team, Document Management Team, Assisting Counsel, and Stenographers for their critical roles.

Gratitude also goes to the Office of Registrar of Political Parties, the Judiciary for providing courtrooms, and the Law Society of Kenya for donating the Advocates Lounge. We thank ELGIA, led by Mr. Felix Odhiambo, for financial and technical support, and Dr. Seth Wekesa for providing technical support in the preparation of the Report and Case Digest.

Finally, we appreciate the Almighty God for the gift of life.

List of Abbreviations and Acronyms

COVID-19	Corona Virus 19
CRSM	Candidates Registration Management System
CUE	Commission on University Education
DCI	Directorate of Criminal Investigations
DRC	Dispute Resolution Committee
EACC	Ethics and Anti-Corruption Commission
EDR	Election Dispute Resolution
eKLR	Electronic Kenya Law Reports
ID	Identity
IPDRM	Internal Party Dispute Resolution Mechanism
IEBC	Independent Electoral and Boundaries Commission
KCSE	Kenya Certificate of Secondary Education
KLR	Kenya Law Reports
KNEC	Kenya National Examination Council
KShs.	Kenya Shillings
MNA	Member of the National Assembly
MCA	Member of the County Assembly
NARC	National Rainbow Coalition
No.	Number
ODM	Orange Democratic Movement
ODPP	Office of the Director of Public Prosecutions
ORPP	Office of the Registrar of Political Parties
PPDT	Political Parties Disputes Tribunal
PPK	People's Party of Kenya
RO	Returning Officer
TVET	Technical and Vocational Education and Training
UDA	United Democratic Alliance
USA	United States of America

01

INTRODUCTION





Independent Electoral and Boundaries commission

1.1 Introduction

Electoral dispute resolution has evolved to be a critical part of the electoral process in the last three electoral cycles in the country. The legal and regulatory framework governing elections including the Constitution of Kenya 2010 and other relevant electoral laws emphasize the importance of resolving election disputes as a means of consolidating democracy. Election dispute resolution plays a critical role in the pre-election period. It provides a good platform for scrutiny of pre-election processes. It also ensures compliance with values and principles in the Constitution to protect political rights and enhance electoral justice. Pre-election dispute resolution signifies the finality of the pre-election process and ushers in the other electoral activities.

Article 88(4) (e) of the Constitution of Kenya, 2010 confers on the Independent Electoral and Boundaries Commission (IEBC) the mandate to settle electoral disputes, including disputes relating to or arising from nominations, but excluding election petitions and disputes after the declaration of election results. Article 88 (4)(f) of the Constitution mandates IEBC to register candidates for election. Section 74 of the Elections Act 2011 and Section 4 of the IEBC Act 2011 reinforce the mandate of the Commission in the resolution of electoral disputes. Section 74 of the Elections Act establishes the IEBC Dispute Resolution Committee and requires the Committee to determine disputes within 10 days of lodging complaints.

Section 109 of the Elections Act consequently grants the IEBC authority to make regulations to provide for a complaints resolution mechanism. This process is governed by the Rules of Procedure on Settlement of Disputes, 2012 and complemented by guidelines developed by the Commission from time to time. The mandate of the Committee is to determine disputes arising from the process of registration of candidates by respective IEBC Returning Officers.

This Case Digest provides an account of the experiences of the IEBC Dispute Resolution Committee (DRC or the Committee) as it exercised its mandate to hear and determine the 2022 pre-election disputes. It captures, documents, preserves, and publishes the jurisprudence of the Committee for future use and reference by stakeholders including judicial officers, practitioners of electoral law, legal academics, politicians, development partners, members of the public and other stakeholders. The review of the decisions of the Committee contributes to an assessment of the electoral dispute resolution process in the 2022 General Election and informs legal reforms for future dispute resolutions.

This publication contains 71 selected decisions that have been digested under the following thematic areas:

1. Jurisdiction of the Committee
2. Registration as a voter
3. Resignation of public officers before elections
4. Integrity question, threshold, and authenticity of academic documents
5. Non-compliance with political party list requirements.
6. Replacement of candidates/Revocation of clearance
7. Late submission of nomination papers
8. Inadequate list of supporters
9. Incomplete prescribed forms
10. Compliance with prescribed requirements for payment of nomination fees
11. Application of the Rules of Equity to electoral requirements
12. Standard of proof in Committee proceedings
13. Burden of proving complaints
14. Dismissal for want of prosecution
15. Admission of parties during Committee proceedings
16. Withdrawal of complaints filed before the Committee

1.2 Constitution and Operations of IEBC Disputes Resolution Committee

The IEBC, through its chairperson, appointed and gazetted members of the Dispute Resolution Committee (DRC) to hear and determine disputes arising from the nomination of candidates for the 9 August 2022 General Election. The Committee constituted 3 Panels comprising 3 Panelists each and an administrative and technical support team. The IEBC enlisted the services of experienced and competent Advocates to Chair each of the three panels and sit alongside two IEBC Commissioners. Panel 1 was comprised of Wambua Commissioner Irene Masit and Commissioner Justus Nyang'aya. Panel 2 was comprised of George Murugu, Vice Chairperson Juliana Cherera and Commissioner Boya Molu.

Panel 3 was compromised of Mak'Ogonya T. T. Tiego, Commissioner Prof. Abdi Guliye, and Commissioner Francis Wanderi.

Each panel was supported by Secretaries, clerks, legal assistants, assisting counsels, liaison persons with the Office of Registrar of Political Parties, stenographers and investigation officers to provide administrative and technical support to the panels.

The activities of the team members were done pursuant to a Workflow that provided the specific roles of the officers and documented the procedures for managing the files such as scanning of files, preparation of summaries and file opening. It also documented supervision and coordination roles to ensure that the DRC operations were a success technically, operationally, and substantively.

The DRC heard and determined a total of 323 pre-election disputes in the 2022 General Election. The experience from the 2022 General Election demonstrated remarkable progress from the 2017 General Election.

[1] Gazette notice 6606 vol CXXIV No. 105 dated 6th June 2022.

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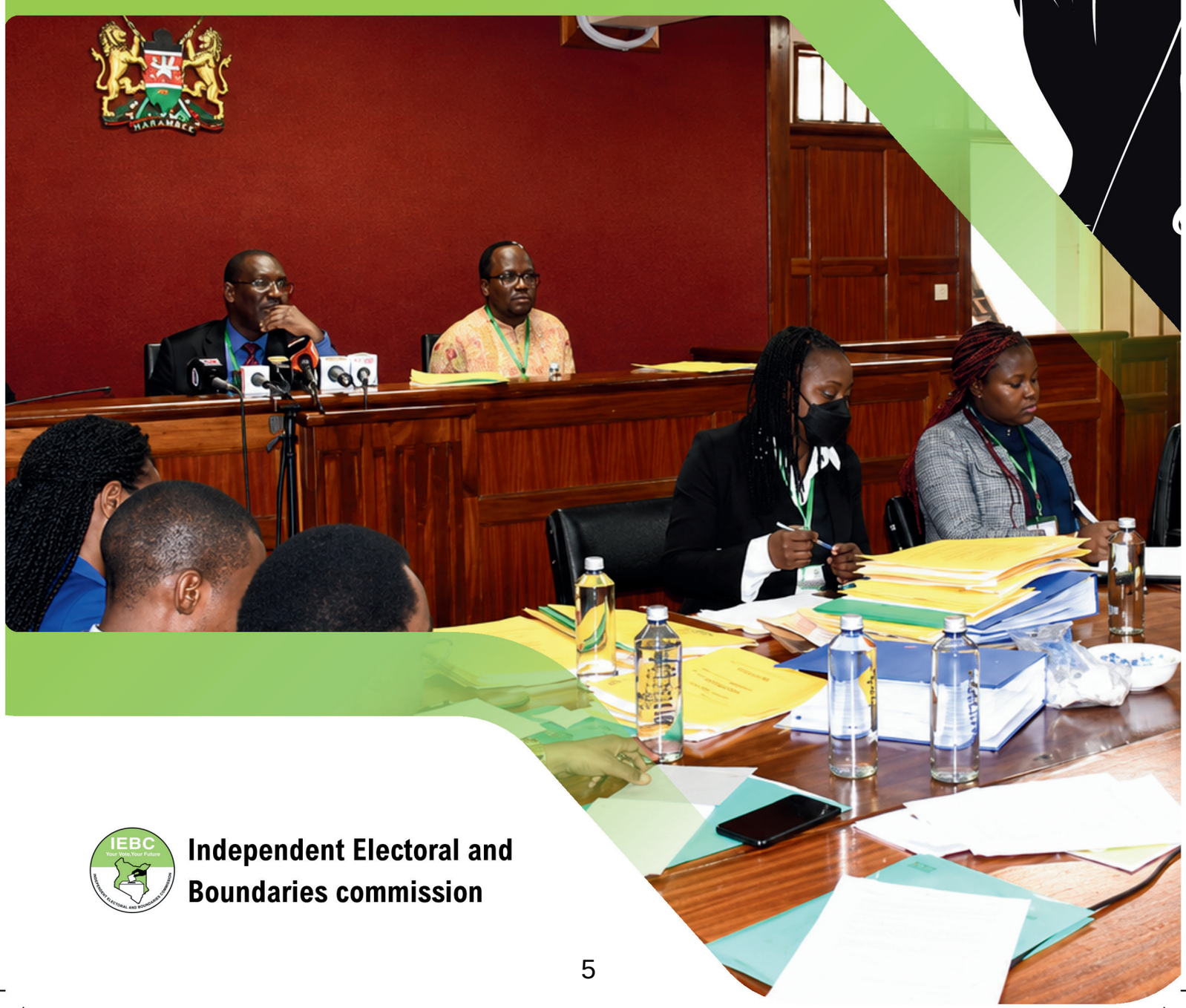


The 2022 Dispute Resolution Committee members

02

JURISDICTION





Independent Electoral and Boundaries commission

2.1 Jurisdiction of the Committee

2.1.1 Matters subject to the jurisdiction of the DRC



Timothy S. Maneno v Returning Officer, Kibwezi Constituency & Registrar of Political Parties

Complaint No. 003 of 2021
Before Wafula Chebukati, Boya Molu and Prof Abdi Guliye
3 September 2021

Summary of the Complaint

The Complainant was an aspirant for the position of member of the County Assembly for Nguu/Masumba Ward in Kibwezi Constituency, as an independent candidate. He challenged the decision of the Returning Officer in declining to register him as a candidate. He stated that he presented his nomination papers to the Returning Officer for clearance. He further stated that the Returning Officer refused to clear him because his name and symbol were not gazetted at least 14 days before the nomination date, and he had not filled forms 11N and 11P. He also stated that the Registrar of Political Parties failed to give him a clearance letter to confirm his symbol and non-membership to a political party. He prayed to the Committee to direct the IEBC to publish his name in the Kenya Gazette as an aspirant in the by-elections for 14 October 2021.

In Reply, the Returning Officer stated that the Complainant's nomination papers did not meet the threshold for clearance as set out in the law. Thus, she rejected his application for registration and recorded the reasons for rejection in Form 18. The Registrar of Political Parties argued that the Committee lacked jurisdiction to hear and determine the complaint in line with sections 34 and 40 of the Political Parties Act 2011. It further submitted that it wrote a letter dated 4th August 2021 to IEBC confirming that the Complainant was not a member of any political party and that his proposed symbol was not similar to a registered party. Wiper Democratic Party and Eshio Maundu Mwaiwa applied to be enjoined to the dispute as interested parties.

Issue for Determination

In light of the provisions of Article 85 of the Constitution, sections 32 and 33 of the Elections Act 2011 and Regulations 10 and 15 of the Elections (General) Regulations 2012, the Committee was to determine:

- Whether it has jurisdiction to hear and determine the dispute.
- Whether Wiper Democratic Party Movement and Eshio Maundu should be enjoined as interested parties to the dispute
- Whether the complainant complied with the requirements for submission of nomination papers for clearance

Decision of the Committee

The Committee held that it has jurisdiction to hear and determine the dispute because the complaint was about non-compliance with prescribed timelines for the nomination of candidates for the by-election. It declined to enjoin Wiper Democratic Movement and Eshio Maundu to the dispute because they were unable to demonstrate sufficient interest in the dispute. It stated that the mere fact that they are participating in the elections did not make them qualify as interested parties in the matter. It also stated that it is the role of the complainant to collect and submit clearance of his symbol and name to IEBC for gazettement for the purpose of nomination. It stated that the complainant did not diligently follow up on the issue of clearance of his symbol and name as an independent candidate with ORPP. It found that the Returning Officer acted in line with the law to reject the nomination papers of the complainant because he did not observe the prescribed timelines for the nomination of candidates for the by-elections. Consequently, the Committee dismissed the complaint with no order as to costs.

2.1.2 Matters subject to the jurisdiction of the Court



Andrew Ndiritu Chiera v Returning Officer, Starehe Constituency

Complaint No. 38 of 2022
Before George Murugu, Juliana Cherera, and Boya Molu
12 June 2022

Summary of the Complaint

The United Democratic Alliance (UDA) Party nominated Andrew Ndiritu Chiera to vie for the MCA position in Pangani Ward. His nomination was challenged before the UDA party Electoral and Nominations Disputes Resolutions Committee and the Political Parties Disputes Tribunal (PPDT). The Tribunal directed the UDA party to grant the nomination certificate to Njau Peter Waihenya. Andrew Ndiritu Chiera appealed the Tribunal's decision to the High Court and an appeal hearing was set for 13th June 2022. Before hearing of the appeal, the Returning Officer cleared Njau Peter Waihenya, which prompted Mr Ndiritu to complain before the Committee. In reply, the Returning Officer denied any wrongdoing. She stated that she relied on the nomination certificate from the UDA party and the decision of the PPDT to clear the candidate.

Issue for Determination

In light of sections 39 and 40 of the Political Parties Act, the Committee was to determine whether it has jurisdiction to entertain a complaint over matters which concerned political party primaries and involved pending litigation before the High Court or any superior court.

Decision of the Committee

The Committee found that it had no jurisdiction to entertain the complaint because the issue of nomination of the candidate was pending before a superior court. It also noted that the disputes relating to party primaries are exclusively a preserve of the Political Parties Disputes Tribunal. The Committee also observed that at the time of clearance, there was no court order invalidating the nomination of Njau Peter Waihenya or stopping his clearance. Consequently, the Committee dismissed the complaint with no order as to costs.

2.1.3 Matters subject to the jurisdiction of the IDRM



David Njilithia Mberia v Returning Officer, Langata Constituency, Anthony Maragu Muthoni and Orange Democratic Movement and Orange Democratic Movement National Elections Board (Interested Parties)

Complaint No. 324 of 2022
Mak'Ogonya T. T. Tiego, Francis Wanderi and Prof. Abdi Yakub Guliye
20 June 2022

Summary of the Complaint

David Njilithia Mberia challenged the decision of the Returning Officer to clear Anthony Maragu Muthoni as the Orange Democratic Movement (ODM) Party candidate for the Member of County Assembly (MCA) position in Karen Ward. After the party primaries, the PPDT directed the nomination to be conducted afresh. The ODM party asked the candidates to reach a consensus. When they could not agree, the ODM party issued a direct ticket to Anthony Maragu Muthoni. The Complainant stated that ODM replaced him after the Chairman of the IEBC issued a press release to the effect that the Complainant was disqualified from running on account of his conviction for economic crimes. He further stated that there was a miscommunication about the status of his case since he had a pending appeal against his conviction. He prayed that the Committee invalidate the clearance of Anthony Maragu Muthoni and direct the Returning Officer to clear him as the ODM party candidate for the position.

In reply, the Respondents and interested parties opposed the complaint. They noted that Anthony Maragu Muthoni was on the party list and was duly issued with an ODM nomination party certificate. They reiterated that the IEBC press release was independent and did not rely on or depend on the communication of replacement from the ODM party. Finally, they reiterated that the IEBC plays no role in resolving internal disputes within political

parties. Anthony Maragu Muthoni, the 2nd Respondent raised a preliminary objection to the effect that the Committee had no jurisdiction because the matter touched on an internal political party dispute.

Issue for Determination

In light of Article 88(4)(e) of the Constitution, section 38(1) of the Political Parties Act, and Sections 13(2A) and 74 of the Elections Act, the Committee was to determine whether it has jurisdiction to determine complaints regarding replacement of a candidate by a political party.

Decision of the Committee

The Committee found that it has no jurisdiction to entertain the complaint arising from an internal political party dispute. It directed the complainant to seek redress from the ODM party internal dispute resolution. This is because the complaint is about the action by the ODM party to replace the Complainant with another aspirant. As such, the matter is subject to the internal political party dispute resolution mechanism envisaged under section 38(1) of the Political Parties Act as read together with section 13(2A) of the Elections Act. Consequently, the Committee dismissed the complaint with no order as to costs.

2.1.4 Matters subject to the jurisdiction of the PPDT

Marcus Mutua Muluvi and Julius Nyamai Ndunga v Millitonic Mwendwa Kimanzi Kitute and Wiper Democratic Movement

Complaint No. 18 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
19 June 2022

Summary of the Complaint

Marcus Mutua Muluvi, an independent candidate, complained that the Wiper Democratic Party violated the Constitution when it cleared Millitonic Mwendwa Kimanzi Kitute to use its party ticket in running for Kitui East Constituency. He claimed that Millitonic Mwendwa Kimanzi Kitute did not qualify for nomination because he had been convicted in three criminal cases, a fact that was allegedly not disclosed to the Returning Officer in the Self-declaration form. In reply, Millitonic Mwendwa Kimanzi Kitute submitted that there were pending appeals against the convictions and thus he enjoys the constitutional principle of presumption of innocence until proven guilty. He also submitted that the matter should be heard by the PPDT because it related to a nomination of a party by a political party.

Issue for Determination

In light of Article 88(4)(e) of the Constitution, as read with section 74 of the Elections Act, and section 40 of the Political Parties Act, the Committee was to determine whether it has jurisdiction over the nomination dispute between an independent candidate and a political party.

Decision of the Committee

The Committee found that it has no jurisdiction over nomination disputes between an independent candidate and a political party. It upheld the nomination of Millitonic Mwendwa Kimanzi Kitute. It stated that its jurisdiction is limited only to complaints regarding the actions and omissions of the Returning Officer during the presentation of nomination papers for clearance. It also stated that the jurisdiction over such disputes is a preserve of the Political Parties Disputes Tribunal pursuant to the provisions of section 40 of the Political Parties Act.

Cyprian Odote Aende v Returning Officer, Embakasi North Constituency

Complaint No. 42 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
14 June 2022

Summary of the Complaint
The ODM party nominated Daniel Odhiambo Oria as the party candidate for the MCA position for Dandora IV ward in Embakasi North Constituency. Cyprian Odote Aende complained against this decision before the ODM Appeals Tribunal and PPDT. Both the ODM Appeals Tribunal and the PPDT nullified the results of the party primaries. In particular, the PPDT ordered the ODM Party to conduct fresh nominations and restrained the IEBC from gazetting the name of Daniel Odhiambo Oria as the ODM candidate for the ward. The ODM party proceeded to nominate Daniel Odhiambo Oria by consensus. In reply, the Returning Officer noted that he relied on the ODM nomination certificate to clear the candidate for election.

Issue for Determination
In light of section 40 of the Political Parties Act, the Committee was to determine whether it has jurisdiction over the complaints of a member of a political party that relates to the actions of the political party.

Decision of the Committee
The Committee found that it has no jurisdiction over complaints of a member of a political party that relates to actions of the political party. The Committee stated that the Returning Officer cleared the candidate lawfully as there was no injunction against the clearance of a candidate. It further clarified that only the PPDT has exclusive jurisdiction over the disputes that arise from nomination by political parties. Consequently, the complaint was dismissed with no order as to costs.

Samson Marima, Annah Mogiti Ombiti, Callen Kwamboka Mochoni, Doliene Kwamboka Nyaaga v Returning Officer, Kisii County and Donya Dorice Aburi

Complaint No. 98 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
16 June 2022

Summary of Complaint
Four voters from Kisii county complained that the Returning Officer illegally and unlawfully cleared Donya Dorice Aburi to vie for the position of Woman Member of the National Assembly on the Wiper Democratic Movement party ticket. They contended that Donya Dorice Aburi changed her party membership from the ODM party to the Wiper party after the deadline for party hopping. The voters urged the Committee to revoke her nomination. The Complainants also faulted the Office of Registrar of Political Parties (ORPP) for confirming the registration status of the candidate with the Wiper party. In reply, the Returning Officer confirmed that Donya Dorice Aburi was on the party list that the Wiper party submitted to him and proceeded to clear her based on the information received from the party.

Issue for Determination
In light of Section 40 of the Political Parties Act, the Committee was to determine whether it has jurisdiction over the complaints of a member of a political party that relates to the actions of the political party.

Decision of the Committee
The Committee found that it has no jurisdiction over the issue of the nomination of Donya Dorice Aburi as a candidate by the Wiper party.

It stated that the Returning officer relied on the information provided to clear her and should not be faulted. It also stated that the Complainants did not produce any judicial authority to depart from the Committee's decision that the issue of party nominations falls within the exclusive jurisdiction of the PPDT. Lastly, the Committee stated that the challenge to the actions of ORPP should be directed to the Registrar for resolution. Consequently, the complaint was dismissed with no order as to costs.

Paul Bwire Ouma v Jubilee Party and Charles Nderitu Gichangi

Complaint No. 107 of 2022
Mak'Ogonya T. T. Tiego, Francis Wanderi and Prof. Abdi Yakub Guliye
20 June 2022

Summary of the Complaint

Jubilee Party nominated Paul Bwire Ouma as its candidate for the position of Member of the County Assembly for Umoja 1 Ward. But the Party refused to give him the nomination certificate. He challenged the decision of the party before PPDT which directed the party to issue him with a nomination certificate. The Jubilee Party did not comply with the order. The appeal against the order of PPDT by the Jubilee Party was dismissed. Paul Bwire Ouma filed the complaint against Jubilee Party for refusal to comply with an order of the PPDT. He stated that the refusal to comply with the order affected him as he was unable to present his nomination papers to the Returning Officer for clearance. In reply, Jubilee Party objected to the complaint noting the matter fell within the jurisdiction of the PPDT. It further noted that the complainant had not exhausted internal party dispute resolution processes.

Issue for Determination

In light of Article 88(4), Section 2 as read with 74 of the Elections Act, Regulation 54 of Elections (General) Regulations, and Section 40 of the Political Parties Act, the Committee was to determine whether it has jurisdiction to entertain the complaint regarding the refusal by a political party to issue a nomination certificate to an aspirant and to enforce decisions of the PPDT.

Decision of the Committee

The Committee found that it has no jurisdiction to determine the complaint regarding the refusal by a political party to issue a nomination certificate to an aspirant because the dispute is not related to the nomination envisaged under section 2 of the Elections Act on submission of nomination papers to Returning Officer for registration as a candidate. The Committee also stated that it has no jurisdiction to enforce the orders of the PPDT because the Tribunal has the power to enforce its own decisions. Consequently, the Committee dismissed the complaint.

Nicholas Ouma, Matilda Achieng Ayiera, Richard Ouma Ongudi, Dennis Okidi and Maurice Otieno v ODM Party, ODM National Elections Board, Kennedy Oyugi Odhiambo and Returning Officer, Lang'ata Constituency (Interested Party)

Complaint No. 2 of 2022
Mak'Ogonya T. T. Tiego, Francis Wanderi and Prof. Abdi Yakub Guliye
20 June 2022

Summary of Complaint

The ODM conducted its party primaries and nominated Kennedy Oyugi Odhiambo as its candidate for the position of Member of County Assembly for Nyayo Highrise Ward. The nomination was successfully challenged before the PPDT which nullified it and ordered the ODM

party to conduct fresh nominations within 72 hours. The Complainant stated that the ODM party defied the orders of the PPDT to conduct party primaries and went ahead and issued Kennedy Oyugi Odhiambo, the 3rd Respondent, with a direct ticket. The complainant prayed that the Committee invalidates the nomination of the 3rd Respondent and directs the ODM party to conduct party primaries. In reply, the ODM party stated that it complied with the PPDT order and conducted fresh nomination by consensus within 72 hours. The 3rd Respondent objected to the complaint and stated that the Committee lacked jurisdiction to handle the complaint. The Returning Officer stated that she was not given the decision of the PPDT at the time of clearing the candidate. Thus, she cleared the candidate based on the nomination ticket received from the party.

Issue for Determination

In light of Articles 88(4)(e) of the Constitution, sections 2 and 74(1) of the Elections Act, and Regulation 54 of Elections (General) Regulations, the Committee was to determine whether it has jurisdiction to enforce orders of PPDT.

Decision of the Committee

The Committee stated that the dispute relates to the failure of the ODM party and its National Elections Board to adhere to the orders of the PPDT. It also stated that it has no jurisdiction to enforce the orders of the PPDT because a nomination dispute between members of a political party and the political party is not one of the disputes contemplated by Article 88(4)(e) of the Constitution and sections 74 of the Elections Act, which is the basis of the jurisdiction of the Committee.

2.2 Registration as a Voter

Mary Muthoni Wachira v Returning Officer, Tetu Constituency

Complaint No. 90 of 2022
Before George Murugu, Juliana Cherera and Boya Molu
19 June 2022

Summary of the Complaint

Mary Muthoni Wachira was an aspirant for the position of Member of the National Assembly for Tetu Constituency on the Party of National Unity. The Returning Officer rejected her application for nomination on the ground that she was not a registered voter as per the IEBC's Electronic Voter Registration System. Mary Muthoni Wachira complained that the decision to reject her application was unlawful since she had an Elector's card issued under the repealed legal regime. She requested the Committee to compel IEBC to update her name in the Electronic Voter Registration System and to direct the Returning Officer to accept her nomination papers.

Issue for Determination

In light of Article 99 of the Constitution, the Committee was to determine whether the Returning Officer acted lawfully in disregarding the Elector's card that was issued under the previous legal regime.

Decision of the Committee

The Committee found that the Returning Officer lawfully exercised discretion in disregarding the Elector's card that was issued under the previous legal regime. It noted that the aspirant failed to meet the constitutional requirement of being a registered voter in the manner contemplated under Article 99 of the Constitution. The Committee further noted that the Complainant's request to be registered as a voter was not possible because section 5(1) of the Elections Act 2011 provides that the registration stops 60 days before the General Election and that period had lapsed. Consequently, it dismissed the complaint with no order as to costs.

Robert Munyui Kinyanjui v Returning Officer, Kikuyu Constituency

Complaint No. 72 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
15 June 2022

Summary of the Complaint

The Complainant was an aspirant for the Member of the County Assembly for Sigona Ward, Kikuyu Constituency under the Usawa Kwa Wote Party. He prayed that the decision of the Respondent to reject his nomination be revoked and to be granted an extension of time to submit his nomination papers. He stated that he appeared before the Returning Officer on the scheduled date but was rejected because he was not a registered voter. He stated that he was indeed a registered voter and produced his IEBC acknowledgment slip. In reply, the Returning Officer stated that the Complainant's name was missing from the Register of Voters. Since she was not the registration officer on the Complainant's claimed registration date, the Committee summoned the former Returning Officer, Peter Muigai, who confirmed that he had indeed registered the Complainant, but the officers-in-charge of registration inadvertently omitted to upload his details to the Principal Register of Voters. He however, confirmed that the Complainant's name appeared on the Green Book in the Kikuyu IEBC office.

Issue for Determination

In light of the provisions of Sections 5 and 55 of the Elections Act and Regulation 13A of the Elections (Registration of Voters) Regulations 2012, the Committee was to determine whether the Complainant should be considered a registered voter and whether he was entitled to an extension of time to allow him to present his nomination papers to the Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee revoked the Returning Officer's decision to reject the Complainant's nomination papers because the Complainant was a registered voter. The Committee found that the IEBC Registration Officer erred in failing to update the registar of voters. The Committee directed the Complainant to resubmit his nomination papers to the Returning Officer within the next 48 hours for consideration for registration as a candidate for election. Consequently, the complaint was allowed with no orders as to costs.

Constance Munanie Mutua v Returning Officer, Kibwezi West Constituency

Complaint No. 121 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
14 June 2022

Summary of the Complaint

The Complainant was an aspirant for Member of the National Assembly, Kibwezi Constituency vying as an independent candidate. She prayed to be allowed to submit her nomination papers out of time. She stated that the Returning Officer refused to give her nomination papers because her name was not in the voters' register. She stated that she was a registered voter and followed up with the Returning Officer, who referred her to the IEBC headquarters. Her registration status was later confirmed, but by then it was too late, and the deadline for registration of candidates had passed. In reply, the Returning Officer confirmed this account and further stated that it was wrong to refuse to give her nomination papers because the voter registration status of aspirants was only checked during clearance, and not when collecting nomination papers

Issue for Determination

In light of the provisions of Regulations 2, 38, and 43(2)(g) of the Elections (General) Regulations 2012 and the Gazette Notice No. 431, Volume CXXIV, which set the deadline for nomination of candidates as 31st May 2022, the Committee was to determine whether the Complainant was entitled to an extension of time to allow her to present her nomination papers to the Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee revoked the Returning Officer's decision to reject the Complainant's nomination papers because the Complainant was a registered voter. The Committee also faulted the decision of the Returning Officer to send the Complainant away without issuing nomination papers, yet it was not a requirement for aspirants to be registered voters to collect nomination papers. It directed the Complainant to resubmit his nomination papers to the Returning Officer within the next 48 hours for consideration for registration as a candidate for election. Consequently, the complaint was allowed with no orders as to costs.



Harison Koina Orutwa v Returning Officer, Bomachoge Borabu Constituency

Complaint No. 125 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
20 June 2022

Summary of the Complaint

The Complainant was an aspirant for Member of the National Assembly, Bomachoge Borabu Constituency, Kisii County. He prayed to be issued a nomination certificate. He stated that the Returning Officer rejected his nomination papers because he was not on the Register of Voters, despite saying that he had registered in 2016 in the neighboring Bomachoge Chache Constituency. He was asked to bring his original acknowledgment slip to the Committee, but his advocate stated that he had traveled to the USA with it. In reply, the Returning Officer stated the Complainant was missing from the Register of Voters.

Issue for Determination

In light of the provisions of Article 99 of the Constitution, Regulations 38 and 43(2) of the Elections (General) Regulations 2012 and the Court decision in

Diana Kethi Kilonzo & another v Independent Electoral & Boundaries Commission & 10 others [2013] eKLR,the register of voters.

the Committee was to determine whether the Complainant was entitled to registration as a candidate for election despite not appearing in the register of voters.

Decision of the Committee

The Committee agreed with the Returning Officer's decision to reject the Complainant's nomination papers because he was not a registered voter. It stated that it had directed investigations into the matter and found that the Complainant's registration status was not established. No records were found in the Voter Registration Record Book, and no registration was done on the assigned registration kit at the time the Complainant alleged to have been registered. Thus, the Complainant had no proof to show that he was a registered voter. Consequently, the complaint was dismissed with no orders as to the costs.

2.3 Resignation of Public Officers Before Elections



Macmillan Nyange Mwawaza v Returning Officer, Voi Constituency

Diana Kethi Kilonzo & another v Independent Electoral & Boundaries Commission & 10 others [2013] eKLR,

Complaint No. 44 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
16 June 2022

Summary of the Complaint

The Complainant was an aspirant for Member of the National Assembly, Voi Constituency. He faulted the decision of the Returning Officer to reject his application to vie because he had not resigned as a public officer. He submitted that he was a member of the Board of Governors of the Coast Institute of Technology. But he stated that he was not a public officer because his allowance was not paid out of the Consolidated Fund, but through student fees. In reply, the Returning Officer stated that the Complainant had not disclosed his employment until she prodded him and that he was indeed a public officer who was required to resign at least 6 months before the date of the election as required by the Elections Act.

Issue for Determination

In light of the provisions of Articles 99(2)(a) and 260 of the Constitution, Section 43(5) of the Elections Act, and the High Court interpretation of the meaning of "public officer" in Kenya Union of Domestic, Hotels, Education and Allied Workers (Kudhehia Workers) v Salaries and Remuneration Commission [2014] eKLR, the Committee was to determine whether the Complainant was fairly disqualified for having failed to resign from his position before vying for an electoral seat.

Decision of the Committee

The Committee agreed with the decision of the Returning Officer to reject the application of the Complainant to vie. It stated that he was a public officer by virtue of being employed by a Technical and Vocational Education and Training college established under the Technical and Vocational Education and Training Act, 2013. He should have resigned 6 months before the election. Consequently, the complaint was dismissed with no orders as to costs.

Ahmed Abdirashid Abdikadir v Ahmed Abdullahi Jiir & 2 Others

Complaint No. 269 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
19 June 2022

Summary of the Complaint

The Complainant alleged that Ahmed Abdullahi was not qualified to be nominated to vie for the position of Governor, Wajir County, because the EACC flagged some ethical and integrity concerns about him, and he did not resign from the public service by 9th February 2022 as required under section 43(5) of the Elections Act. He also alleged that there was a disparity between his official name on the National ID and on the list of aspirants in the Kenya Gazette No. 5728 dated 20th May 2022. He prayed to the Committee to invalidate his nomination. In reply, Mr. Ahmed presented a letter from the National Treasury and Planning confirming his resignation from his position on 8th February 2022.

Issue for Determination

In light of the provisions of articles 193 and 180 of the Constitution and section 43(5) of the Elections Act, the Committee was to determine whether Ahmed Abdullahi was qualified to vie for the position of Governor, Wajir County.

Decision of the Committee

The Committee agreed with the decision of the Returning Officer to register Mr. Ahmed Abdullahi as a candidate for the position of Governor, Wajir County because there was no evidence to show that he had not resigned as a public officer within the stipulated timeframe. There was also no evidence of a finding of his culpability from a

judicial or quasi-judicial body on account of his ethical and integrity concerns. Thus, the Complainant lacked compelling reasons to warrant it exercising its discretion to revoke the Returning Officer's decision. Consequently, the complaint was dismissed with no orders as to costs.

Shukin Oonge Mongare v Eric Omanwa Basweti

Complaint No. 305 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
17 June 2022

Summary of the Complaint

The Complainant alleged that Eric Omanwa was not qualified to be nominated to vie for the position of Member of County Assembly, Bomwagamo Ward, North Mugirango Constituency because he did not resign from the public service by 9th February 2022 as required under section 45(5) of the Elections Act. He claimed that Eric Omanwa had not resigned from the National Police Service Commission where he worked as an accountant. He produced his payslip for April 2022 to show that he was still a public officer, He prayed to the Committee to invalidate his nomination. In reply, Eric Omanwa stated that the evidence produced by the Complainant was confidential and obtained illegally and irregularly. Therefore, the Committee should disregard it.

Issue for Determination

In light of the provisions of section 43(5) of the Elections Act, the Committee was to determine whether Eric Omanwa was qualified to vie for the position of Member of the County Assembly.

Decision of the Committee

The Committee agreed with the decision of the Returning Officer to register Eric Omanwa as a candidate for the position of Member of County Assembly, Bomwagamo Ward because there was no sufficient evidence to show that he had not resigned as a public officer within the stipulated timeframe. Thus, the Complainant lacked compelling reasons to warrant it exercising its discretion to revoke the Returning Officer's decision. Consequently, the complaint was dismissed with no orders as to costs.

2.4 Replacement of Candidates / Revocation of Clearance

Thomas Waithaka Mumu v Dr. Irungu Kangata & 2 Others

Complaint No. 99 of 2022
Before George Murugu, Juliana Cherera & Boya Molu
15 June 2022

Summary of the Complaint

The Complainant is a citizen and registered voter in Murang'a County. He alleged that the 1st Respondent (Dr. Irungu Kanga'ata) appeared before the Returning Officer for registration as an aspirant for the position of Governor, Murang'a County. However, his deputy, Dr. Winfred Njeri Mwangi, was also registered despite having not resigned from the University of Nairobi within the prescribed timelines provided in law. He therefore alleges that the candidature of Dr. Irungu Kanga'ata was invalid because his nominee for the position of Deputy Governor, Dr. Winfred Njeri Mwangi failed to resign from her public position as an employee of the University of Nairobi pursuant to section 43 (5) of the Elections Act, 2011. He further claimed

that Dr. Irungu Kanga'ata, upon realizing this, changed his Deputy Governor to the 2nd Respondent (Stephen Munania Mburu) before the nomination date, which was a breach of Section 18 of the Elections Act. The complaint therefore was that Dr. Irungu Kang'ata, having submitted the name of Dr. Winfred Njeri Mwangi to the Returning Officer by 16th May 2022, and upon presentation of nomination papers on 6th June 2022, cannot make a substitution of his nominee for Deputy Governor at this point because the conditions in Sections 18 and 43 (5) of the Elections Act, 2011 have not been met.

In reply, Dr. Irungu Kang'ata stated that the complaint was invalid because all the documents that he presented to the Returning Officer were valid. He claimed that the question of Dr. Winfred Njeri Mwangi was not contested since she resigned as a nominee for the position of Deputy Governor, which was confirmed by the UDA party and her resignation letter was provided.He stated that he complied with Section 18 of the Elections Act.

Issues for Determination

In light of the provisions of article 83(3) of the Constitution, Sections 43(5) and 18 of the Elections Act and Gazette Notice No. 430 Volume CXXIV, which set the deadline for nomination as 7th June 2022 the Committee was to determine: -

1. Whether Dr. Irungu Kanga'ta was validly nominated to vie for the position of Governor of Murang'a County.
2. Whether the replacement of Dr. Winfred Njeri Mwangi with Stephen Munania Mburu as a Deputy Governor nominee was done in compliance with the law.
3. Whether the Returning Officer violated the law by rescheduling Dr. Irungu Kang'ata's date of registration from 6th June 2022 to 7th June 2022.

Decision of the Committee

The Committee agreed with the decision of the Returning Officer to register Dr. Irungu Kang'ata as the nominee for the position of Governor, , Murang'a County because his nominee for the position of Deputy Governor, Dr. Winfred Njeri Mwangi resigned as a nominee within the stipulated timeline. It also stated that the replacement of Dr. Winfred Njeri Mwangi with Stephen Munania Mburu as a Deputy Governor nominee was done in compliance with the law. She was replaced a day before the date of the presentation of the nomination papers to the Returning Officer for registration. Besides, it stated that the rescheduling of Dr. Irungu Kang'ata's date of registration from 6th June 2022 to 7th June 2022 was within the administrative discretion of the Returning Officer which was properly exercised. Thus, the Complainant lacked compelling reasons to warrant it exercising its discretion to revoke the Returning Officer's decision. Consequently, the complaint was dismissed with no orders as to costs.

Nicholas Ouma Mbago v Oluoch Onyango Nelson and 2 Others

Complaint No. 97 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
16 June 2022

Summary of the Complaint

The Complainant was an individual protesting against the clearance of the 1st Respondent (Oluoch Onyango Nelson) by the 3rd Respondent (the Returning Officer, Rongo Constituency). The Complainant prayed for the clearance to be revoked. He stated that Oluoch Onyango Nelson was wrongly cleared to vie for the seat of Member of the National Assembly, Rongo Constituency as a member of the Jubilee Party because he was registered as an independent candidate. He stated that he had received a letter from the ORPP confirming that Oluoch Onyango Nelson was not a

member of any political party as of 29th May 2022. In reply, the Returning Officer stated that there were questions raised about the political party membership of Oluoch Onyango Nelson. He stated that Oluoch Onyango Nelson produced a valid nomination certificate from the Jubilee Party, but after checking on the ORPP portal, he found that Oluoch Onyango Nelson was not a member of any party. The Returning Officer communicated to him that he would not clear him and asked him to sort out his party status. Later when the Returning Officer checked the portal again, he found that he was listed as a Jubilee Party member. The Returning Officer was suspicious and so he called the ORPP regional office. The Office assured him that errors on the portal regarding party status were common. It was on that basis that the Returning Officer cleared him. In reply, Oluoch Onyango Nelson opposed the complaint, stating that it was an attempt at forum shopping since there was already a High Court case regarding the same issue.

Issue for Determination

In light of the provisions of Article 85 of the Constitution, Sections 13, 28 and 32 of the Elections Act, Sections 3-7 of the Political Parties Act, Regulation 15 of the Elections (General) Regulations 2012, and the Court decisions of **Maendeleo Chap Chap and 2 others v IEBC and another [2017] eKLR, Council of County Governors v Attorney General and another [2017] eKLR, and Peter Gatawa Munyoga & 9 others v Moses Ndung'u Mwangi & another [2017] eKLR**, the Committee was to determine whether the Returning Officer's clearance of Oluoch Onyango Nelson as a nominee of the Jubilee Party should be revoked.

Decision of the Committee

The Committee found that the political party status of Oluoch Onyango Nelson was mired in fraud and statutory irregularities and illegalities. It was unclear as to how he had re-obtained the Jubilee Party nomination given that he had previously resigned from the party and made an application to be considered an independent candidate. Furthermore it was not possible to have returned to the party regularly since any such return had to be made 120 days before the election, which had already lapsed. The Committee revoked his clearance. Consequently, the complaint was allowed with no orders as to costs.

Joseph Ouma Ndonji v Shadrack Machanje Namunyu & 2 others

Complaint No. 204 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
20 June 2022

Summary of the Complaint

The Complainant was an aspirant for Member of the County Assembly (MCA) for Umoja II, Embakasi West, Nairobi City County on the ODM (2nd Respondent) ticket. He alleged that the 3rd Respondent (the Returning Officer, Embakasi West) cleared the 1st Respondent as the nominated candidate for the ODM party, in defiance of a judgment by the PPDT barring his nomination. The 1st and 2nd Respondents, on the other hand, stated that there had been a fresh nomination where the 1st Respondent still emerged as the nominee. Further, the High Court issued a stay of the order of the PPDT to have the Complainant as the valid nominee. The Returning Officer stated that she cleared the 1st Respondent after receiving advice from the IEBC legal team that the fresh nomination was valid.

Issue for Determination

In light of the judgment of the PPDT, the stay order of the High Court, the jurisdictional questions regarding the hierarchy of courts, and the IEBC's duty under Article 88 of the Constitution, the Committee was to determine whether the

Complainant or the 1st Respondent should be considered the valid ODM nominee for MCA, Umoja II Ward.

Decision of the Committee

The Committee stated that the judgment of the PPDT prohibiting the nomination of the 1st Respondent was still in force and had been contravened by the Returning Officer. The Committee also noted that the Complainant was barred from nomination by virtue of the stay order of the High Court. Thus, the Committee revoked the Returning Officer's clearance of the 1st Respondent's nomination, dismissed the rest of the complaint, and allowed the ODM party to nominate an alternative candidate to appear before the Returning Officer for clearance within 72 hours. There were no orders as to costs.

Anthony Mkala Chitavi v Mombasa County Returning Officer and another, United Democratic Party (Interested Party)

Complaint No. 323 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
20 June 2022

Summary of the Complaint

The Complainant was an aspirant for the position of Governor of Mombasa County on the United Democratic Party ticket. He prayed that the decision of the 1st Respondent (the Returning Officer, Mombasa County) to reject his nomination be revoked and that he be considered validly nominated. He stated that he presented his papers on 5th June 2022 but was rejected because he had a criminal conviction and lacked the signatures of a proposer and seconder on his papers.

no response. On the criminal conviction, he stated that he had an active appeal and was thus exempted under Article 193(3) of the Constitution. On the lack of signature, he stated that the proposer and seconder were present on the registration day, but the County Returning Officer declined to allow them to sign. In reply, the Returning Officer stated that he did not bring evidence of his appeal for evaluation and confirmation. On the issue of the proposer and seconder, the Returning Officer pointed out that the proposer and seconder admitted that they only signed the forms after the papers were originally rejected. On the issue of the running mate, the Returning Officer stated that they did not bring evidence to show that the person being substituted was notified.

Issue for Determination

In light of the provisions of Article 193(3) of the Constitution, Sections 13(2) and 18 of the Elections Act, Regulations 38(b) and 43(2)(g) of the Elections (General) Regulations 2012, the High Court decision in Petition No. 359 of 2013: Diana Kethi Kilonzo & another v Independent Electoral and Boundaries Commission & 10 others [2013] eKLR, and the Gazette Notice No. 434 Volume CXXIV, which set the deadline for nomination as 7th June 2022, the Committee was to determine whether the Complainant was entitled to an extension of time to allow him to present his nomination papers to the Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee agreed with the decision of the Returning Officer to reject the nomination papers of the Complainant because they lacked the signature of the proposer and seconder. It stated that the Complainant had 2 days to resubmit the papers after they were rejected but neglected to do so. Furthermore, the Committee did not have jurisdiction to evaluate the competency of his appeal without providing evidence for the same. Thus, the Complainant lacked compelling reasons to warrant it exercising its discretion to extend the time for his registration as a candidate for election.

The Committee also stated that the United Democratic Party had the right to nominate another candidate for the election. Consequently, the complaint was dismissed, but the Party was allowed to present a fresh nominee within 72 hours of the decision if it wished to contest the position. There were no orders as to costs.

2.5 Integrity Questions, Threshold and Authenticity of Academic Documents

Mike Sonko Mbuvi Gideon Kioko v Returning Officer, Mombasa County

Complaint No. 127 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
20 June 2022

Summary of the Complaint

The Complainant was an aspirant for the position of Governor of Mombasa County. He prayed that the decision of the Returning Officer to reject his nomination be revoked and for him to be considered validly nominated. He stated that the Respondent rejected his nomination on two grounds: failure to provide an original certified university degree certificate and breach of Article 75 of the Constitution. On the issue of the degree certificate, he stated that he produced one which was certified by his advocate, but the Returning Officer stated that it needed to be certified by the issuing university without any basis. On the issue of Article 75, he stated that there was a pending appeal challenging his impeachment at the Supreme Court and therefore it should not be used as a basis for his disqualification. He stated that Article 75 should be considered with the rest of the Constitution, including political rights and fair administrative action. Furthermore, he stated that the Returning Officer was applying double standards since Ferdinand Waititu had also been impeached yet was gazetted as a candidate. In reply, the Returning Officer stated that the degree certificate was indeed required to be certified by the issuing institution and that the Complainant did not produce proof of the pending Supreme Court appeal before the close of the nomination deadline, but instead brought it a day later. On the issue of double standards, the Returning Officer argued that the Complainant was confusing processes because the gazettement of Ferdinand Waititu he was referring to was the gazettement of aspirants and not nominated candidates.

Issue for Determination

In light of the provisions of Articles 38(3), 47, 75, 99, 165, 181, 193 and 259(1) of the Constitution, Section 22 of the Elections Act, Section 13 of the Leadership and Integrity Act, Regulations 2, 45(3) and 47 of the Elections (General) Regulations 2012, and court decisions in **Edward Mukaya Khamala v Independent Electoral and Boundaries Commission [2017] eKLR, Petition No. 3, 4 and 5 (Raila Odinga & 5 Others v IEBC & 3 Others) [2013] eKLR, Ethics and Anti-Corruption Commission v Granton Graham Samboja & another; Kenyatta University & another (Interested Parties) [2021] eKLR (Petition 387 of 2017), and Protus Waswa Wafula v Independent Electoral and Boundaries Commission [2017] eKLR**, the Committee was to determine whether the Returning Officer rejected the Complainant's nomination papers unfairly and improperly, and to have him considered as validly nominated to vie for the position of Governor of Mombasa County.

Decision of the Committee

The Committee agreed with the decision of the Returning Officer to reject the nomination papers of the Complainant. It stated that the Regulations

required that the degree certificate be certified by the issuing institution, and it was trite law of evidence that a document can only be certified by its issuer. On Article 75, the Committee held that the Complainant did not produce the evidence that he had a pending appeal at the Supreme Court by the stipulated time, and it was not up to the Returning Officer to follow up and verify the same in the absence of proof by the Complainant. On alleged double standards, the Committee agreed that the Complainant confused gazettement of aspirants with gazettement of nominees. Thus, the Complainant lacked compelling reasons to warrant it exercising its discretion to revoke the Returning Officer's disqualification of his nomination. Consequently, the complaint was dismissed with no orders as to costs.



Gideon Ngewa Kenya and Kisilu Mutisya v Hon Wavinya Ndeti

Complaint No. 56 of 2022
Before George Murugu, Juliana Cherera and Boya Molu
16 June 2022

Summary of the Complaint

Gideon Ngewa Kenya and Kisilu Mutisya challenged the nomination of Wavinya Ndeti to vie for the position of Governor for Machakos County on a Wiper Democratic Movement Party ticket. They termed the nomination as improper because the candidate was not a holder of a degree from a university recognized in Kenya as required under section 22(2) of the Elections Act, 2011. They stated that the academic records of Wavinya Ndeti were not authentic. They also stated that the names of the candidate on the degree certificates varied; the course title of her degree was uncommon; and she couldn't have obtained a master's degree in 1992 with a diploma qualification, and then obtained her bachelor's degree three years later in 1995. They also stated that no proceedings were pending before the internal party dispute resolution mechanisms (IDRM) of the party and prayed for the Committee to utilize its jurisdiction under, among others, Article 159(2)(d) of the Constitution to overturn the Returning Officer's decision to nominate Wavinya Ndeti and to revoke the clearance certificate issued to her.

In reply, the Respondent (Wavinya Ndeti) stated that the matter was before the Wiper Democratic Movement National Election Appeals Board and asked the Committee to find that it did not have jurisdiction to entertain the complaint because the matter was the subject of IDRM. She also submitted that the complainants could not authenticate academic degrees and that in any event, they had not discharged the burden of proof of fraud beyond reasonable doubt. She also stated that she had sworn an affidavit explaining the circumstances that led to the discrepancy in the names as they appear on her academic certificates. She further stated that the Returning Officer cleared the candidate based on the same documents in 2017 and any challenge in 2022 was stopped.

Issue for Determination

In light of Article 88(4)(d) of the Constitution, Regulation 47(1) of the Elections (General)Regulations 2012 as read with Legal Notice No. 72 of 2017, the Committee was to determine whether it had jurisdiction to entertain the dispute relating to the authenticity of the Respondent's academic documents.

Decision of the Committee

The Committee disagreed with the Complainant's position that its jurisdiction flows from Article 159(2)(d) of the Constitution. It noted further that the power of the Returning Officer under Regulation 47(1) of the Elections (General) Regulations 2012, as read with Legal Notice No. 72 of 2017, was to ascertain qualification by receiving a certified copy of the degree certificate from the

aspirant. It further noted that the IEBC cannot investigate complaints on the authenticity of degree certificates as that fall within the province of the Director of Criminal Investigations (DCI) and the Office of Director of Public Prosecutions (ODPP) as envisaged under the Elections Offences Act. Since the Committee lacked jurisdiction to handle the dispute, it dismissed the complaint with no order as to costs.



Jimi Richard Wanjigi v Wafula Chebukati and Daystar University

Complaint No. 86 of 2022
Before George Murugu, Juliana Cherera and Boya Molu
17 June 2022

Summary of the Complaint

Jimi Richard Wanjigi was an aspirant for the position of President of Kenya on a Safina party ticket. When he appeared for clearance, the Returning Officer refused to register him because he did not have a degree certificate and the number of supporters was inadequate. His running mate did not have a nomination certificate at the time of registration. The Complainant dropped the complaint on the running mate's certificate during the hearing because it was provided. On the issue of a degree certificate, he complained that the decision to decline his application was unreasonable and in breach of his legitimate expectation because there are various authorities including that of Janet Nadgo Mebete v IEBC and Hassan Joho Petition No. 116 of 2013, where the Commission cleared a candidate with documentary proof that they had cleared studies awaiting graduation.

He also stated that he had a letter to the effect that he had completed his degree studies at Daystar University and was only awaiting graduation which had been rescheduled to a further date in November 2022. He urged the Committee to find that the confirmation letter was enough and that it was not necessary to have a certificate in that regard. He additionally produced a copy of a letter from the Commission for University Education (CUE) that stated that the Degree program is duly recognized in Kenya. Regarding the number of supporters, the complainant noted that he was informed that everything was in order and that he needed to top up the list as required by the IEBC. He claimed that to decline to register him after he topped up and met the legal threshold of supporters as required by Article 137 of the Constitution was unreasonable. Lastly, he alleged that he was discriminated against since the IEBC did not extend timelines as it allegedly did for other presidential candidates. He also stated that his right to fair administrative action was violated because his follow-up letters to the IEBC were not responded to.

In reply, the Respondent opposed the Complaint noting that the Complainant failed to comply with the requirement of the list of supporters five days before the date of nomination. The Respondent further produced a summary of the report of verification for a list of supporters that evidenced discrepancies and informed the Committee that the candidate was allowed to make amends to the noted discrepancies. Even after topping up some 9 more supporters, some of the discrepancies persisted. The Respondent further urged the Committee not to rely on the confirmation letter from the university because there is a difference between completing a degree program and conferment of a degree which is what is envisaged as a requirement under Elections (General) Regulations. Lastly, it noted that the jurisprudence on the force of confirmation of completion letters was bad law since provisions on qualifications of candidates that were used to decide cases in 2013 had since changed.

Issue for Determination

In light of Articles 88(4), 137, 148 of the Constitution, section 22(2) and 23(1)(d) of the Elections Act, Regulation 18 and 47 of Elections (General) Regulations, Gazette Notice of 20th January 2022 and the jurisprudence set in Janet Nadgo Mebete v IEBC and Hassan Joho Petition No. 116 of 2013, the Committee was to determine whether the aspirant met the minimum requirement of the law in terms of a degree certificate and provision of an adequate list of supporters within prescribed timelines.

Decision of the Committee

The Committee stated that the Complainant was granted adequate time to make amends and therefore the issue of discrimination does not arise. Second, adequate supporters were not an issue of numbers alone but also of quality. The Committee agreed with the Respondent that the C omplainant was to blame for failing to address all inadequacies and cure all anomalies when he was given a second chance. The Complainant failed to submit the nomination certificate of the deputy presidential candidate contemporaneously as required by Article 148 of the Constitution. On the degree certificate, the Committee noted that Legal Notice No. 12 of 2017 amended Regulation 47 of Elections (General) Regulations to specifically require certified copies of certificates and thus makes a distinction between holding a degree and being eligible for conferment of the degree. As such, only a degree certificate suffices in the circumstances. Other evidence such as a letter of accreditation of the degree program, a letter of completion of the program or transcripts are not enough. Consequently, the Committee found the complaint lacking merit and dismissed it.

Jeremiah Kiwoi v Granton Graham Samboja & 5 Others

Complaint No. 239 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
18 June 2022

Summary of the Complaint

The Complainant is a registered voter in Taita Taveta County. He alleged that the clearance of Granton Samboja for the position of Governor, Taita Taveta County by the Returning Officer breached the provisions of C hapter 6 of the Constitution because he failed to meet the integrity threshold under the Constitution. The Complainant claimed that he presented a degree certificate for clearance issued by a U niversity in Costa Rica whose degrees were not recognized by the State of Costa Rica. He added that the degree certificate that he presented for clearance in the 2017 elections was confirmed as a forgery. He has degrees for every election cycle. He submitted that the affidavit sworn by the EACC was a clear indication of the questionable character and integrity questions surrounding his ability to hold public office. He prayed to the Committee to invalidate his nomination. In reply, the Returning Officer stated that Granton Samboja met the requirements for registration as a candidate for the position he was seeking. He stated that there was no evidence that he had been convicted for breach of leadership and integrity provisions. He also stated that the CUE authenticated his degree certificate.

Issue for Determination

In light of the provisions of Article 193 of the Constitution, Section 22 of the Elections Act, Regulations 2, 45(3) and 47 of the Elections (General) Regulations 2012, the Committee was to determine whether Granton Samboja was qualified to vie for the position of Governor on the account of his educational qualifications and questionable integrity.

Decision of the Committee

The Committee agreed with the decision of the Returning Officer to register Granton Samboja as a candidate for the position of Governor, Taita Taveta County because there was no evidence of a finding of his culpability from a judicial or quasi-judicial body on the account of his educational qualifications in 2017 elections. In addition, the CUE authenticated his degree certificate, making him meet the educational qualification required under the law. Thus, the Complainant lacked compelling reasons to warrant it exercising its discretion to revoke the Returning Officer's decision. Consequently, the complaint was dismissed with no orders as to costs.



Dennis Gakuo Wahome v Sakaja Koskei Johnson & Returning Officer, Nairobi County

Complaint No. 230 of 2022
Before George Murugu, Juliana Cherera & Boya Molu
19 June 2022

Summary of the Complaint

The Complainant alleged that the clearance of Sakaja Johnson for election as Governor was improper because he failed to meet the constitutional and statutory requirements for nomination as a candidate for the position of Governor, Nairobi City County. He stated that he failed to meet conditions under Article 193(1)(b) of the Constitution and Section 22(2) of the Elections Act which requires a nominee for the position of governor to hold a university degree from a recognized university in Kenya. This violated A rticles 73 and 75 of the Constitution. Further, the Complainant faulted the returning officer for registering him to vie for the position without having met the legal requirements. He alleged that the degree conferred upon him by TEAM University in Uganda was not genuine, stating that in his nomination papers for the position of Senator for Nairobi County in 2017, he indicated that after attending Lenana School, he joined the University of Nairobi, but he did not mention that he joined TEAM University for university studies. This makes his degree disingenuous. He further produced a letter stating that he did not graduate from the University of Nairobi.

In reply, Sakaja Johnson stated that failure to mention that he joined TEAM University for studies did not discredit the validity of his degree. He also produced a letter from the CUE showing TEAM University is a recognized university in Kenya. He further stated that neither the Committee nor the Returning Officer has the tools to verify the validity of a university degree certificate. The Returning Officer submitted that his role was to receive nomination papers and confirm that the aspirant has a university degree from a recognized university in Kenya. It was not his responsibility to assess or investigate the validity and authenticity of the degree certificate presented to him by aspirants.

Issue for Determination

In light of the provisions of articles 73, 75 180(2) and 193 of the Constitution, Sections 22(2) of the Elections Act and Regulation 47 of the Elections (General) Regulations 2012, the Committee was to determine whether Sakaja Johnson was validly nominated to vie for the position of Governor for Nairobi County.

Decision of the Committee

The Committee agreed with the decision of the Returning Officer to register Sakaja Johnson as the nominee for the position of Governor, Nairobi County because the role of the Returning Officer is restricted to the provisions of Regulation 47 of the Elections (General) Regulations 2012, which is to receive nomination papers, including academic documents and confirm that the aspirant has a university degree from a recognized university in Kenya.

It is not his responsibility to assess or investigate the validity and authenticity of academic certificates presented to him by aspirants. In addition, the Committee had no power or tools to verify the validity and authenticity of academic documents. Thus, the Complainant lacked compelling reasons to warrant it exercising its discretion to revoke the Returning Officer's decision. Consequently, the complaint was dismissed with no orders as to costs.



Fredrick Asilingwa Ongadi v Cleophas Wakhungu Malala & Returning Officer, Kakamega County

Complaint No. 306 of 2022
Before George Murugu, Juliana Cherera & Boya Molu
20 June 2022

Summary of the Complaint

The Complainant challenged the nomination of Cleophas Malala for the position of Governor for Kakamega County. He claimed that Malala's degree certificate and Kenya Certificate of Secondary Education (KCSE) Certificate were questionable and therefore he should not have been cleared by the Returning Officer. He stated that Malala was alleged to have graduated in 2011 but his certificate was issued in 2019. He challenged the authenticity of his degree certificate. He prayed to the Committee to invalidate his nomination because the degree certificate was a forgery.

In reply, Malala denied the allegations. He stated that he was a graduate of USIU and had a valid degree certificate. He relied on the principle that he who alleges must prove. The Returning Officer stated that Malala submitted to him the required documents for registration and clearance and that the documents were in order. He also stated that Malala produced a letter from USIU confirming he attained the degree from the institution.

Issue for Determination

In light of the provisions of articles 180(2) and 193 of the Constitution, Sections 22(2) of the Elections Act and Regulation 47 of the Elections (General) Regulations 2012, the Committee was to determine whether Cleophas Malala was validly nominated to vie for the position of Governor for Kakamega County.

Decision of the Committee

The Committee agreed with the decision of the Returning Officer to register Cleophas Malala as the nominee for the position of Governor, Kakamega County because the role of the Returning Officer is restricted to the provisions of Regulation 47 of the Elections (General) Regulations 2012 which is to receive nomination papers including academic documents and confirm that the aspirant has a university degree from a recognized university in Kenya. It is not his responsibility to assess or investigate the validity and authenticity of academic certificates presented to him by aspirants. In addition, the Committee had no power or tools to verify the validity and authenticity of academic documents. Thus, the Complainant lacked compelling reasons to warrant it exercising its discretion to revoke the Returning Officer's decision. Consequently, the complaint was dismissed with no orders as to costs.



Fredrick Gakuru Muchoki v Returning Officer, Nyeri County

Complaint No. 92 of 2022
Before George Murugu, Juliana Cherera & Boya Molu
20 June 2022

Summary of the Complaint

The Complainant was an aspirant for the position of Governor, Nyeri County on Usawa Kwa Wote Party ticket. The Returning Officer rejected his nomination papers because he did not present a valid university degree. He presented his master's degree certificate that was not certified. In reply, the Returning Officer stated that he rejected his nomination papers because they did not meet the requirements in S ection 22(2) of the Election Act. He did not present a certified copy of his master's degree certificate. He did not present a bachelor's degree, KCSE certificate and a banker's cheque for the nomination fees. He did not have a proposer and a seconder. He also presented his nomination papers for registration at 4:15 pm, which is past the gazetted time. The Returning Officer stated that he allowed him additional time to put his documents in order, but the Complainant sent him a text message informing him that he had given up on vying.

Issue for Determination

In light of the provisions of articles 180(2) and 193 of the Constitution, Section 22(2) of the Elections Act and Regulations 33(a)(b) and 47 of the Elections (General) Regulations 2012 and Gazette Notice No. 430 Volume CXXIV, which set the deadline for nomination as 7th June 2022, the Committee was to determine whether the Complainant was denied registration as a candidate for election fairly.

Decision of the Committee

The Committee agreed with the Returning Officer's decision to reject the Complainant's nomination papers because they were submitted after the expiry of the gazetted timelines. It stated that the Complainant lacked compelling reasons to warrant it exercising its discretion to extend the time for his registration as a candidate for election. Consequently, the complaint was dismissed with no orders as to costs.

2.6 Non-Compliance with Political Party Lists Requirements

Catherine Kagwiria Isaiah v the IEBC

Complaint No. 002 of 2022
Before Wambua Kilonzo, Irene Masit and Francis Wanderi
6 August 2022

Summary of the Complaint

Catherine Kagwiria Isaiah claimed that she was nominated to the Gender Top Up list at Number 43 in the initial UDA party list for the 2022 elections in Meru County. The first party list was returned, and the party submitted a reviewed party list. The reviewed party list did not include her name on Gender Top Up Party List for Meru as number 43 because the number had been skipped. She was aggrieved that her name was not included in the list published by the IEBC. She, therefore, prayed for the Committee to direct that she be included because she was on the initial UDA party list. It was not clear to the Committee whether the UDA party intended to include the Complainant in the party list.

Issue for Determination

In light of Section 40 of the Political Parties Act, and the dictum in **Lydia Nyaguthi Githendu v Independent Electoral and Boundaries Commission and 17 others [2015] eKLR** the Committee was to determine whether it had jurisdiction to decide on issues emanating from the formulation of a party list by a political party.

Decision of the Committee

The Committee found that it has no jurisdiction to determine issues emanating from the formulation of a party list by a political party.

It noted that a superior court had noted in **Lydia Nyaguthi Githendu v Independent Electoral and Boundaries Commission and 17 others [2015] eKLR** that the matter of formulation of party lists is a prerogative of the political parties, and any complaint against a political party should lie with the Political Parties Disputes Tribunal pursuant to Section 40 of the Political Parties Act. It also asked UDA to write a letter to the IEBC to confirm whether the missing number 43 on the Gender Top Up List for Meru County was the Complainant by Sunday 7th August 2022 at 5: 00 pm. Once this confirmation is received, UDA should resubmit the list with the name of the Complainant by Monday 8th August 2022 at 11:50 pm.

John Wangai v United Democratic Alliance and the IEBC

Complaint No. 003 of 2022
Before Wambua Kilonzo, Irene Masit and Francis Wanderi
6 August 2022

Summary of the Complaint

John Wangai, a registered voter, complained before the Committee challenging the UDA party's Marginalized List and Gender Top-Up List for Laikipia County. The challenge was grounded on two allegations. First, he stated that the list did not comply with the Elections Act and the Election (Party Primaries and Party Lists) Regulations as it did not contain two youths and two persons with disabilities. Second, he stated that the Gender Top-Up List did not comply with the Election (Party Primaries and Party Lists) Regulations since it provides for 14 names that do not reflect the number of wards in Laikipia County which is 15.

He prayed to the Committee to invalidate the party lists. UDA admitted that the party lists did not comply with the law and noted that they were ready and willing to rectify them.

Issue for Determination

In light of sections 36(1)(e) and 36(1)(f) of the Elections Act 2011 and Regulation 26 of the Election (Party Primaries and Party Lists) Regulations, the Committee was to determine whether the UDA party's Marginalized List and Gender Top Up List complied with the requirements of the law.

Decision of the Committee

The Committee found that both the UDA party's Marginalized List and Gender Top-Up List were non-compliant. It noted that the Marginalized List only had one Youth and one Person with a Disability contrary to section 36(1)(f) of the Elections Act which requires two persons for each category. It also noted that the Gender Top-Up List did not tally with the number of wards as required by section 36(1)(f) of the Elections Act. Consequently, the Committee allowed the Complaint and directed the UDA party to submit other names to IEBC to top up the initial list. The Committee specifically directed the UDA party not to add or remove any names or alter the priority of the existing names on the Party list that it submitted to the IEBC.

Vincent Birgen v United Democratic Alliance and IEBC

Complaint No. 003 of 2022
Before Wambua Kilonzo, Irene Masit and Francis Wanderi
6 August 2022

Summary of the Complaint

Vincent Birgen, a registered voter, complained before the Committee challenging the UDA party List for National Assembly nomination in the 2022 elections. The challenge was based on the ground that UDA party List had nominees from the Kikuyu ethnic group listed as following each other as number 4 and 5 and 8 and 9 in the list and as such it did not adhere to the National Party List Guidelines contained in the Gazette Notice No. 6378, Vol. CXXIV- No. 101 dated 31st May 2022 requires a Party List to reflect a national outlook. He prayed that the Committee finds the List to be non-compliant with the Elections Act, Elections (General) Regulations and Election (Party Primaries and Party Lists) Regulations and declare it invalid. The UDA party admitted that the Party List was non-compliant only to the extent of having nominees from the Kikuyu ethnic group listed as following each other as 8 and 9 on the list.

Issue for Determination

In light of Gazette Notice No. 6378, Vol. CXXIV- No. 101 dated 31st May 2022 and Regulation 26 of the Election (Party Primaries and Party Lists) Regulations, the Committee was to determine whether the UDA party List for the National Assembly nomination was compliant.

Decision of the Committee

The Committee found that the National Assembly Party List did not comply with the law to the extent that nominees from the Kikuyu ethnic group were listed as following each other as 8 and 9 on the list. It noted that this breached the guidelines provided in Gazette Notice No. 6378, Vol. CXXIV- No. 101 dated 31st May 2022. The Committee ordered the UDA party to exclude or substitute either or both names appearing at no. 8 and 9. The Committee specifically directed the UDA party not to change or alter any other names or alter the priority of the existing names on the Party list that it submitted to the IEBC.

Evans Cheruiyot Kipkoech v IEBC

Complaint No. 001 of 2022
Before Wambua Kilonzo, Irene Masit and Francis Wanderi
6 August 2022

Summary of the Complaint

Evans Cheruiyot Kipkoech was an aspirant for the position of Member of the National Assembly for Chepalungu Constituency in Bomet County on a Democratic Congress Party. He withdrew his candidature on 24th June 2022 and informed IEBC on 27th June 2022. He stated that his name was submitted in Democratic Congress Party Marginalized List for Nyamira County Assembly as number 1. His complaint related to the IEBC's CRMS which indicated that he was still a candidate for the elective position, a condition that the IEBC relied on to reject the inclusion of his name in the Democratic Congress Party Marginalized List for Nyamira County Assembly. He noted that the rejection was because of a system hitch because he informed IEBC of his withdrawal vide a letter on 24th June 2022 which acknowledged receipt on 27th June 2022. He, therefore, prayed for the Committee to direct IEBC to rectify the system and validate the Democratic Congress Party Marginalized List for Nyamira County Assembly.

Issue for Determination

In light of Article 177(1)(b) and (c) of the Constitution, section 34(9) and Section 13(2) of the Elections Act and Regulation 56(1) of the Elections (General) Regulations, 2012 and the dictum in **John Harun Mwau and 2 others v Independent Electoral and Boundaries Commission and 2 others [2017] eKLR**, the Committee was to determine whether the complainant withdrew as a candidate for the elective seat of the Member of National Assembly

and therefore qualified to be nominated by Democratic Congress Party under special interest group.

Decision of the Committee

The Committee found that the complainant withdrew as a candidate for the elective seat of the Member of the National Assembly of Chepalungu Constituency. He, therefore, qualified to be in the special interest category for nomination by the party. It noted that notwithstanding the timelines for withdrawal of candidate provided under Regulation 56(1) of the Elections (General) Regulations, the court decision in Harun Mwau and 2 others v Independent Electoral and Boundaries Commission and 2 others [2017] eKLR, stated that a candidate can withdraw from election at any time even after expiry of the three days because a candidate cannot be forced to participate in elections. Consequently, the Committee cancelled the registration of the Complainant as a candidate for the elective seat and ordered the rectification in the CRMS and include his name in the Democratic Congress Party Marginalized List for Nyamira County Assembly.

2.7 Late Submission of Nomination Papers

2.7.1 Compliance with electoral timelines



Nasra Nasirumbi Mwalimu v Returning Officer, Garsen Constituency

Complaint No. 267 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
19 June 2022

Summary of the Complaint

The Complainant was an aspirant for the Member of the National Assembly, Garsen Constituency as an independent candidate. She claimed that she arrived at the registration centre on 31st May 2022 at 3:40 pm to present her nomination papers to the Returning Officer. She stated that before submitting her papers she experienced an unexpected period forcing her to visit the washroom after which the Returning Officer declined to accept her papers because she was late.In reply, the Returning Officer stated she rejected her nomination papers because the Complainant arrived at the registration centre at 4:35 pm on 31st May 2022 which was outside the gazetted time of 4:00 pm. She stated that her name was missing from the attendance sheet for the day because she arrived late at the centre. She also stated that the Complainant did not explain her predicament to her for assistance when she arrived late at the centre.

Issue for Determination

In light of the provisions of Regulations 2, 38, and 43(2)(g) of the Elections (General) Regulations 2012 and the Gazette Notice No. 431 Volume CXXIV which set the deadline for nomination on 31st May 2022, the Committee was to determine whether the Complainant was entitled to an extension of time to allow her to present her nomination papers to the Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee agreed with the Returning Officer's decision to reject the Complainant's nomination papers because they were submitted after the expiry of the prescribed period. It stated that the Complainant lacked compelling reasons to warrant it exercising its discretion to extend the time for her registration as a candidate for election. Consequently, the complaint was dismissed with no orders as to costs.

Mike Nyamai Nguniko v Returning Officer, Kitui Rural Constituency

Complaint No. 49 of 2022
Before Wambua Kilonzo, Irene Masit and Justus Nyang'aya
16 June 2022

Summary of the Complainant

Mike Nyamai Nguniko was scheduled to appear before the Returning Officer on 29th May 2022 for clearance for the position of Member of the National Assembly Kitui Rural Constituency on an independent ticket. He did not turn up and asked for a postponement to 30th May 2022 when he also failed to turn up because he was involved in an accident. He presented his documents to the Returning Office on 31st May 2022. However, the documents were incomplete because his proposer was a member of a political party. The Returning Officer directed him to get the remaining documents. He managed to get the remaining documents at 4:20 pm, some twenty minutes after the lapse of the gazetted timelines for clearance. The Returning Officer refused to register him because he was late. He stated that the Returning office ought to have allowed him to present the remaining documents. He prayed for the Committee to allow him to present his documents to the Returning Officer. In reply, the Returning Officer objected to the complaint. She stated that the complainant submitted the remaining documents late.

Issue for Determination

In light of the provisions of Regulations 2, 38, and 43(2)(g) of the Elections (General) Regulations 2012 and the Gazette Notice No. 431 Volume CXXIV which set the deadline for nomination on 31st May 2022, the Committee was to determine whether the Complainant was entitled to an extension of time to allow him to present his nomination papers to the Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee agreed with the Returning Officer's decision to decline to clear the candidate for lapse of time. Though the Committee empathized with the candidate for the accidents that occurred to him, it noted that things were still under his control since he had the opportunity to put his documents together using a delegate. It also noted that putting a proposer who was a member of a political party was a result of an inexcusable lack of exercising due diligence. Consequently, the Committee dismissed the complaint with no order as to costs.

Gaitho Francis Nganga v Independent Electoral and Boundaries Commission

Complaint No. 62 of 2022
Before Wambua Kilonzo, Irene Masit and Justus Nyang'aya
13 June 2022

Summary of the complaint

Gaitho Francis Nganga appeared before the Returning Officer on 31st May 2022 for clearance for the position of Member of the National Assembly for Thika Town Constituency. He presented a scanned pdf copy of his list of supporters. However, he did not have a list of supporters in Excel format as required. As such, the Returning Officer declined to receive his nomination papers because he was unable to verify his list of supporters. He stated that the Returning

Officer refused to clear him on the 'technical' ground of timelines even though he met all other requirements. In reply, the Returning Officer stated that the complainant did not meet the requirements.

Issue for Determination

The Committee was to determine whether Gaitho Francis Nganga met the requirements for registration as a candidate when his list of supporters was not verified within the gazetted timelines.

Decision of the Committee

The Committee found that the Returning Officer acted within the law. It disagreed with the Complainant's assertion that the requirement to submit the clearance documents within timelines is a technical requirement in the nomination process. It noted that the Complainant was to blame for failing to attend the pre-registration meeting on 26th May 2022 and ignored the Returning Officer's email regarding the format for submission of the list of supporters. Consequently, the Committee dismissed the complaint with no order as to costs.

Katha Paul Nzuki v Returning Officer, Msambweni Constituency

Complaint No. 310 of 2022
Before Mak'Ogonya T. T. Tiego, Francis Wanderi and Prof. Abdi Guliye
20 June 2022

Summary of the Complaint

Katha Paul Nzuki was aspiring to vie for the position of Member of National Assembly for Msambweni Constituency on a NARC Kenya party ticket. The Returning Officer refused to register him because his proposer and seconder were members of other political parties contrary to the requirements of Regulation 38(b) of the Elections (General) Regulations, 2012. He faulted the Returning Officer's decision stating that he had confirmed that his proposer and seconder were members of the NARC Kenya party. In reply, the Returning Officer stated that he rejected the complainant's list of proposers and seconders and issued him with a fresh form. He further noted that the Complainant returned with the form on 13th June 2022, after the gazetted timelines had lapsed.

Issue for Determination

In light of the Gazette Notice No. 431 of 19th January 2022, the Committee was to determine whether the Complainant complied with the requirements of Regulation 38(b) of the Elections (General) Regulations, 2012 within the gazetted timelines.

Decision of the Committee

The Committee agreed with Returning Officer's decision to decline the registration. It noted that the Complainant was aware of the Gazette Notice and his omission was foreseeable and therefore inexcusable. The Committee affirmed the jurisprudence of Kenyan courts that parties in election disputes must stick to the timelines provided in the election laws (Constitution, Statutes, Regulations and rules). Consequently, the Committee dismissed the complaint with no order as to costs.

Elijah Asikoya Ebutiendeke v Returning Officer, Westlands Constituency

Complaint No. 215 of 2022
Before Mak'Ogonya T. T. Tiego, Francis Wanderi and Abdi Guliye
20 June 2022

Summary of Complaint

Elijah Asikoya Ebutiendeke complained against the Returning Officer's decision to refuse to clear him to vie for Member of County Assembly for Parklands Ward. In reply, the Returning Officer opposed the complaint and explained that the candidate was scheduled to appear for clearance on 13th May 2022, but he did not turn up on appointment day. He stated that the complainant was not on the list of candidates who appeared before him. He further stated that the documents that the Complainant refers to were not filed within set timelines.

Issue for Determination

In light of the Gazette Notice No. 431 of 19th January 2022, the Committee was to determine whether the Complainant complied with the requirements of Regulation 39(e) of the Elections (General) Regulations, 2012 within the gazetted timelines.

Decision of the Committee

The Committee agreed with the Returning Officer's decision to refuse to clear the candidate because he did not appear on the date set for his nomination. The Committee adopted a strict approach to the requirement for compliance with timelines. It stated that the requirement to appear for the nomination on the set date and comply with the gazette timelines was vital for the smooth running of elections. Consequently, the Committee dismissed the complaint with no order as to costs.

2.7.2 Power of the Committee to Enlarge Election Timelines

Pauline Muthoni Kahihu v Returning Officer, Kikuyu Constituency

Complaint No. 8 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
14 June 2022

Summary of the Complaint

The Complainant was an aspirant for the Member of the National Assembly, Kikuyu Constituency on People's Party of Kenya (PPK). She prayed to be allowed to submit her nomination papers out of time. She stated that her name was inadvertently listed in the wrong constituency, and the party wrote to IEBC to rectify the mistake a day before the deadline. Further, she stated that she took her correct papers to the Returning Officer at 4:30 pm on the deadline and found the office closed. In reply, the Returning Officer stated that she had notified all candidates who were in a WhatsApp group to collect their papers, including the Complainant, more than a week before the deadline. But she first heard from the Complainant on the deadline and told her to present her papers by 4:00 pm. She waited for the complainant at the office until 4:10 pm when she closed the office.

Issue for Determination

In light of the provisions of Regulations 2, 38, and 43(2)(g) of the Elections (General) Regulations 2012 and the Gazette Notice No. 431 Volume CXXIV which set the deadline for nomination on 31st May 2022, the Committee was to determine whether the Complainant was entitled to an extension of time to allow her to present her nomination papers to the Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee agreed with the Returning Officer's decision to reject the Complainant's nomination

papers because they were submitted after the expiry of the prescribed period. It stated that the Complainant's explanations were inconsistent. She was unable to explain the delay in notifying IEBC about the error when she leant about it more than a week before the deadline. Thus, the Complainant lacked compelling reasons to warrant it exercising its discretion to extend the time for her registration as a candidate for election. Consequently, the complaint was dismissed with no orders as to costs.

Thomas Mutisya Musau v Returning Officer, Kaiti Constituency

Complaint No. 17 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
13 June 2022

Summary of the Complaint

The Complainant was an aspirant for the Member of the National Assembly, Kaiti Constituency as an independent candidate. He complained that the Returning Officer rejected his nomination papers because he submitted them for registration after 4:00 pm which was the gazetted time for registration. He claimed that he arrived at the registration centre at 3:50 pm. In reply, the Returning Officer indicated that the Complainant failed to present the nomination papers for registration within the prescribed time without any justification. He stated that the Deputy Returning Officer informed him that the Complainant arrived at the registration centre at 4:10 pm.

Issue for Determination

In light of the provisions of Regulations 2, 38, and 43(2)(g) of the Elections (General) Regulations 2012 and the Gazette Notice No. 431 Volume CXXIV which set the deadline for nomination on 31st May 2022, the Committee was to determine whether whether the Complainant submitted his nomination papers to the Returning Officer for clearance on time.

Decision of the Committee

The Committee revoked the Returning Officer's decision to reject the Complainant's nomination papers because he did not produce evidence to show that the Complainant arrived at the registration centre late. It directed the Complainant to resubmit his nomination papers to the Returning Officer within the next 48 hours for consideration for registration as a candidate for election. Consequently, the complaint was allowed with no orders as to costs.

Belmy Aruda Kipruto v Returning Officer, Kisumu East Constituency

Complaint No. 26 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
14 June 2022

Summary of the Complaint

The Complainant was an aspirant for the Member of the National Assembly, Kisumu East Constituency on the United Democratic Alliance Party. She complained that the Returning Officer rejected her nomination papers because she submitted them for registration on 1st June 2022 a day after the gazetted time. She claimed that she presented her nomination papers late because of the delay in obtaining the nomination certificate from her Party and the illness of her mother. In reply, the Returning Officer indicated that the Complainant failed to present the nomination papers for registration within the prescribed time.

Issue for Determination

In light of the provisions of Regulations 2, 38, and

43(2)(g) of the Elections (General) Regulations 2012 and the Gazette Notice No. 431 Volume CXXIV which set the deadline for nomination on 31st May 2022, the Committee determined whether the Complainant was entitled to an extension of time to allow her to present her nomination papers to the Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee agreed with the Returning Officer's decision to reject the Complainant's nomination papers because they were submitted after the expiry of the prescribed period despite the Complainant and the Party being aware of the timelines. It stated that the Complainant lacked compelling reasons to warrant it exercising its discretion to extend the time for his registration as a candidate for election. Consequently, the complaint was dismissed with no orders as to costs.

Francis M. Mwangi v Returning Officer, Embakasi North Constituency

Complaint No. 06 of 2022
Before George Murugu, Juliana Cherera & Boya Molu
13 June 2022

Summary of the Complaint

The Complainant was an aspirant for the Member of the National Assembly, Embakasi North Constituency on the Farmers Party of Kenya. He complained that the Returning Officer rejected his nomination papers because he submitted them for registration late. In reply, the Returning Officer indicated that the Complainant presented his nomination papers on 30th May 2022 without a banker's cheque and self-declaration form from the Ethics and Anti-Corruption Commission (EACC). He was rescheduled to present his complete nomination papers on 30th May 2022 without a banker's cheque and self-declaration form from the Ethics and Anti-Corruption Commission (EACC). He was rescheduled to present his complete nomination papers on 31st May 2022 at 9:00 am only to appear before the Returning Officer and his deputy for clearance at 4:30 pm. He refused to clear him because he was late.

Issue for Determination

In light of the provisions of Regulations 2, 22, 38, and 43 of the Elections (General) Regulations 2012 and the Gazette Notice No. 431 Volume CXXIV which set the deadline for nomination on 31st May 2022, the Committee was to determine whether the Complainant submitted his nomination papers to the Returning Officer for clearance on time.

Decision of the Committee

The Committee revoked the Returning Officer's decision to reject the Complainant's nomination papers because he did not produce evidence to show that the Complainant arrived at the registration centre late. The Returning Officer failed to invalidate his nomination papers and cite reasons as required by Regulation 43(4) of the Elections (General) Regulations 2012. It directed the Complainant to resubmit his nomination papers to the Returning Officer within the next 48 hours for consideration for registration as a candidate for election. Consequently, the complaint was allowed with no orders as to costs.

Raymond Kahindie Kipkosgei v Returning Officer, Turbo Constituency

Complaint No. 46 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
16 June 2022

Summary of the Complaint

The Complainant was an aspirant for the Member of the National Assembly, Turbo Constituency as an independent candidate. He prayed to be allowed to submit his nomination papers out of time. He stated that he was hospitalized after contracting the COVID-19 virus on 27th May 2022 and discharged from the hospital on 2nd June 2022, two days after the deadline. He also explained that he was unable to send a representative to present his papers on his behalf because he had left the nomination papers in Nairobi while he was admitted to the hospital in Eldoret. In reply, the Returning Officer stated that she was in contact with the Complainant from 18th May 2022 to 25th May 2022, after which she did not hear from him and assumed he understood the process. She stated that she saw him again on 3rd June 2022 when he presented his nomination papers. She rejected them for being filed out of time.

Issue for Determination

In light of the provisions of Regulations 2, 38, 39 and 43(2)(g) of the Elections (General) Regulations 2012 and the Gazette Notice No. 431 Volume CXXIV which set the deadline for nomination on 31st May 2022, the Committee was to determine whether the Complainant was entitled to an extension of time to allow him to present his nomination papers to the Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee agreed with the decision of the Returning Officer to reject the clearance papers of the Complainant because they were submitted after the expiry of the prescribed period. It stated that the Complainant did not present a COVID-19 certificate to prove that contracted the virus. He also did not give a satisfactory reason why he did not arrange for someone else to present his papers. Thus, the Complainant lacked compelling reasons to warrant it exercising its discretion to extend the time for his registration as a candidate for election. Consequently, the complaint was dismissed with no orders as to costs.

Stephen Owoko Oganga v Presidential Returning Officer

Complaint No. 63 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
20 June 2022

Summary of the Complaint

The Complainant was an aspirant for the position of President of Kenya as an independent candidate. He appeared at the registration centre for clearance on 25th May 2022 when he was advised to top up his list of supporters as they did not have details of 48,000 supporters from at least 24 counties as required by Article 137(d) of the Constitution. When he appeared again on 29th May 2022, the Returning Officer refused to register him as a candidate since he did not submit an adequate number and signatures of supporters within the required timelines. He complained that because he is blind and therefore a person with disability, he may not get an adequate number of supporters and to require him to do so was a violation of his right. He, therefore, urged the Committee to exempt him from the requirement to submit signatures of supporters. He prayed to be allowed more time to submit the signatures and the required documents. In reply, the Returning Officer opposed the complaint and stated that he gave the complainant an extension of time until 29th May 2022. He urged the Committee to dismiss the complaint.

Issue for Determination

In light of Article 27(2), 137(d) of the Constitution, Regulation 18 of the Election (General) Regulations and Gazette Notice No. 430, the Committee was to determine whether the Complainant provided an adequate list of supporters within the gazette timelines.

Decision of the Committee

The Committee agreed with the Returning officer because the Complainant did not strictly adhere to

the gazetted timelines for submission of the adequate list of supporters as envisaged under Article 137(d) of the Constitution, Regulation 18 of the Election (General) Regulations. It further noted that there is no regulatory, constitutional or statutory provision enacted pursuant to Article 27(2) of the Constitution that waives the prescribed requirement for the production of an adequate list of supporters for persons with disabilities. As such, all candidates must comply with the requirements because the Committee is not allowed to make declarations that are not founded in law. It dismissed the complaint with no order as to costs.



Julius Inganji Benson v Returning Officer, Ruaraka Constituency

Complaint No. 119 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
14 June 2022

Summary of the Complaint

The Complainant was an aspirant for the position of Member of County Assembly, Lucky Summer Ward, Ruaraka Constituency, Nairobi City County. He prayed to be allowed to submit his nomination papers out of time. He stated that he had been in the hospital until the deadline on 7th June 2022, when he appeared before the Returning Officer to present his papers. He stated that the list of supporters was in a flash disk, which was analyzed by the Returning Officer. The Returning Officer then told him that only 446 supporters were valid, instead of the required 500. He accused the Returning Officer of having a vendetta against him and failing to include him in the candidates' WhatsApp group. He also stated that the verification of the list of supporters was "too efficient" thus raising his suspicions. In reply, the Returning Officer stated that she was dealing with The other candidates on a first-come, first-served basis. She denied allegations of a vendetta and stated that the Complainant was not included in the WhatsApp group because his representative gave the wrong phone number to the Returning Officer.

Issue for Determination

In light of the provisions of Article 193(1) of the Constitution, Regulations 2, 38, 39, and 43(2) of the Elections (General) Regulations 2012, Court decisions of **Protus Waswa Wafula v Independent Electoral and Boundaries Commission [2017] eKLR** and **Godfrey Wanyonyi Sichangi v Independent Electoral and Boundaries Commission [2017] eKLR**, and the Gazette Notice No. 435 Volume CXXIV which set the deadline for nomination as 7th June 2022 at 4 pm, the Committee was to determine whether the Complainant was entitled to an extension of time to allow him to present his nomination papers to the Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee agreed with the decision of the Returning Officer to reject the nomination papers of the Complainant because they were submitted after the expiry of the prescribed period. It stated that in addition to the lack of enough list of supporters, the Complainant did not submit his passport photo and Code of Conduct declaration form. His allegations of a vendetta on the part of the Returning Officer were baseless. Thus, the Complainant lacked compelling reasons to warrant it exercising its discretion to extend the time for his registration as a candidate for election. Consequently, the complaint was dismissed with no orders as to costs.

2.8 Inadequate List of Supporters

Reuben Kagame Lichete v Independent Electoral and Boundaries Commission and Wafula Chebukati

Complaint No. 03B of 2022
Before George Murugu, Juliana Cherera and Boya Molu
18 June 2022

Summary of the Complaint

The Complainant was an aspirant for the position of President of Kenya as an independent candidate. He appeared at the registration centre for clearance on 25th May 2022 when he was advised to top up his list of supporters as they did not have details of 48,000 supporters from at least 24 counties as required by Article 137(d) of the Constitution. When he appeared again on 29th May 2022, the Returning Officer refused to register him as a candidate since he did not submit an adequate number and signatures of supporters within the required timelines. He complained that because he is blind and therefore a person with disability, he may not get an adequate number of supporters and to require him to do so was a violation of his right. He, therefore, urged the Committee to exempt him from the requirement to submit signatures of supporters. He prayed to be allowed more time to submit the signatures and the required documents. In reply, the Returning Officer opposed the complaint and stated that he gave the complainant an extension of time until 29th May 2022. He urged the Committee to dismiss the complaint.

Issue for Determination

In light of Article 27(2), 137(d) of the Constitution, Regulation 18 of the Election (General) Regulations and Gazette Notice No. 430, the Committee was to determine whether the Complainant provided an adequate list of supporters within the gazette timelines.

Decision of the Committee

The Committee agreed with the Returning officer because the Complainant did not strictly adhere to the gazetted timelines for submission of the adequate list of supporters as envisaged under Article 137(d) of the Constitution, Regulation 18 of the Election (General) Regulations. It further noted that there is no regulatory, constitutional or statutory provision enacted pursuant to Article 27(2) of the Constitution that waives the prescribed requirement for the production of an adequate list of supporters for persons with disabilities. As such, all candidates must comply with the requirements because the Committee is not allowed to make declarations that are not founded in law. It dismissed the complaint with no order as to costs.

Douglas Maraga Mang'era v Returning Officer, Nairobi County

Complaint No. 13 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
15 June 2022

Summary of the Complaint

The Complainant was an aspirant for the Member of Senate, Nairobi County as an independent candidate. He complained that he presented his nomination papers to the Returning Officer on 19th May 2022 but was not cleared because his documents were incomplete. After putting his documents in order, presented his papers again on 31st May 2022 for clearance. However, he was not cleared because the Returning Officer was unable to generate his list of supporters because of the failure in the Candidates Registration Management System (CRMS). In reply, the Returning Officer stated that CRMS was working on 31st May 2022, and he was able to clear seven senate aspirants on that day without any technical challenges.

He further further stated that the Complainant had altered the format of the nomination Excel documents containing the list of supporters. Thus, CRMS could not read the data for verification. Besides, the Complainant attended the pre-registration meeting where the Returning Officer informed them of the requirements including submission of a list of supporters both in hard and soft copies.

Issue for Determination

In light of the provisions of Article 99(1)c)(ii) of the Constitution, section 24(1)(c)(ii) of the Elections Act 2011 and Regulations 28(1), 98 and 43(2)(a) of the Elections (General) Regulations 2012 and the Gazette Notice No. 431 Volume CXXIV which set the deadline for nomination on 31st May 2022, the Committee was to determine whether the Complainant was entitled to an extension of time to allow him to present his nomination papers to the Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee agreed with the Returning Officer's decision to reject the Complainant's nomination papers because the list of supporters was altered before submission making its verification in the CRMS system impossible. Thus, it was impossible to ascertain whether the number of supporters required for his position met the constitutional threshold. Thus, the Complainant lacked compelling reasons to warrant it exercising its discretion to extend the time for his registration as a candidate for election. Consequently, the complaint was dismissed with no orders as to costs.

Philip Ojwando Abour v Returning Officer, Nairobi County

Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
14 June 2022

Summary of the Complaint

The Complainant was an aspirant for the position of Senator for Nairobi County. He prayed to be allowed to submit the particulars of seven of his supporters out of time. He stated that he had at first been wrongly gazetted for an MCA position. IEBC corrected this in a re-gazettement on 27th May 2022. The Returning Officer sent him an SMS confirming that he had been re-gazetted and directed him to appear on the last day, 31st May 2022. He also stated that the Candidate Registration Management System (CRMS) only accepted 1993 out of his 2000 supporters, which was the statutory minimum. In reply, the Returning Officer confirmed this position and stated that he tried his best to assist the Complainant and even stayed in the office until 10:00 pm when he was forced to reject the Complainant's papers for failure to meet the legal threshold of supporters.

Issue for Determination

In light of the provisions of Regulations 28(1) and 43(2)(d) of the Elections (General) Regulations 2012 and the role of the IEBC to facilitate the registration of candidates under Article 88(4) of the Constitution, the Committee was to determine whether the Complainant was entitled to an extension of time to allow him to present his nomination papers and list of supporters to the Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee revoked the Returning Officer's decision to reject the Complainant's nomination papers. It stated that while the Returning Officer was bound by law to reject the Complainant's papers for lack of the necessary threshold of supporters, the Complainant had lost several days due to the fault of the IEBC in wrongly gazetting him. Thus, the Complainant had compelling

reasons to warrant it exercising its discretion to extend the time for his registration as a candidate for election. It directed the Complainant to resubmit his nomination papers to the Returning Officer within the next 48 hours for consideration for registration as a candidate for election. .Consequently, the complaint was allowed with no orders as to costs.

Onesmus Mwiathi Mwirichia v County Returning Officer, Tharaka Nithi

Complaint No. 64 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
17 June 2022

Summary of the Complaint

The Complainant was an aspirant for the position of Member of the Senate, Tharaka Nithi County as an independent candidate. He prayed to be allowed to submit his nomination clearance papers and list of supporters out of time. He stated that he appeared before the Returning Officer on 31st May 2022, who failed to clear him because he did not provide at least 2000 supporters in Excel spreadsheet format. He stated that he had 3614 supporters with physical copies of their National ID cards and that the Excel sheet was an administrative requirement that should be disregarded. In reply, the Returning Officer stated that the complainant arrived at the registration centre at 8:30 pm which was past the deadline of 4:00 pm. He also stated that the Excel sheet was necessary to verify the list of supporters through the system.

Issue for Determination

In light of the provisions of Article 99(1)(c)(ii) of the Constitution, Section 19 of the Elections Act and Regulations 28(2)(b), 38, 43(2)(h), and 43(2)(g) of the Elections (General) Regulations 2012 and the Gazette Notice No. 432 Volume CXXIV No. 14 which set the deadline for nomination on 31st May 2022 at 4 pm, the Committee was to determine whether the Complainant was entitled to an extension of time to allow him to present his nomination papers to the Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee agreed with the decision of the Returning Officer to reject the nomination papers of the Complainant because they were submitted after the expiry of the prescribed period. It also stated that the Excel typescript was indeed a requirement in the Regulations. Thus, the Complainant lacked compelling reasons to warrant it exercising its discretion to extend the time for his registration as a candidate for election. Consequently, the complaint was dismissed with no orders as to costs.

James Irungu Kamau v Wafula Chebukati

Complaint No. 65 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
20 June 2022

Summary of the Complaint

The Complainant was an aspirant for the position of President of Kenya as an independent candidate. He prayed that the decision of the Respondent to reject his nomination papers be quashed and that he be allowed to submit them out of time. He stated that on 2nd June 2022, he presented a list of 2000 supporters in each of the 23 counties and those of the 24th county were in a compact disk and multiple Excel sheets. The Returning Officer asked him to combine the Excel sheets into one. He combined them into one, but the Returning Officer refused to check the documents. In reply, the Respondent's advocate stated that on 2nd June 2022, the Complainant appeared before the Respondent for verification, but his nomination papers were rejected. This was not only due to the multiple Excel sheet problem, but also because some of the details of his list of supporters were duplicated. He was given another date to comply, but still did not do so. The Returning Officer stated that this was an attempt by the Complainant to unjustifiably ignore the set timelines for registration.

Issue for Determination

In light of the provisions of Article 137 of the Constitution, Section 23(1)(d) of the Elections Act, Regulations 18, 43(2)(a) and 43(4) of the Elections (General) Regulations 2012 and the Gazette Notice No. 434 Volume CXXIV which set the deadline for nomination on 6th June 2022, the Committee was to determine whether the Returning Officer's decision should be revoked to allow the Complainant to present his nomination papers to the Presidential Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee agreed with the decision of the Presidential Returning Officer to reject the nomination papers of the Complainant because they did not meet the requirements for the list of supporters. It stated that the Complainant had 3 days after the Returning Officer rejected his papers to get his list of supporters in order but did not do so. Thus, the Complainant lacked compelling reasons to warrant it exercising its discretion to extend the time for his registration as a candidate for election. Consequently, the complaint was dismissed with no orders as to costs.

June Juliet Munyeki v Wafula Wanyonyi Chebukati

Complaint No. 87 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
20 June 2022

Summary of the Complaint

The Complainant was an aspirant for the position of President of Kenya as an independent candidate. She prayed that the Respondent's decision to reject her papers be quashed and to be allowed to submit her nomination papers out of time. She stated that she had presented her papers with a partial list of supporters on 25th May 2022, but they were rejected. She presented them again the following day and they were rejected. On 3rd June 2022, Returning Officer gave her another opportunity to

present them again but were rejected since the list of supporters was not stamped or serialized. She alleged that the Returning Officer had discriminated against her and abused his discretion by granting other candidates more time to present their papers. In reply, the Returning Officer stated that the Complainant only met the minimum threshold of supporters in 3 out of the required 24 counties. He also stated that the list of supporters was not stamped or serialized as required by law. He denied allegations of discrimination and abuse of discretion and stated that the other candidates were given similar timelines based on their unique circumstances.

Issue for Determination

In light of the provisions of Article 137(1)(d) of the Constitution, Section 23(1)(d) of the Elections Act, Regulations 18 and 43 of the Elections (General) Regulations 2012, and the Gazette Notice No. 430 Volume CXXIV which set the deadline for nomination on 6th June 2022, the Committee was to determine whether the Returning Officer's decision should be revoked to allow the Complainant to present her nomination papers to the Presidential Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee agreed with the decision of the Presidential Returning Officer to reject the nomination papers of the Complainant because they were not stamped or serialized as required by the Regulations. She also did not meet the minimum required list of supporters in 24 counties. Thus, the Complainant lacked compelling reasons to warrant it exercising its discretion to revoke the Returning Officer's decision and extend the time for her registration as a candidate for election. Consequently, the complaint was dismissed with no orders as to costs.

2.9 Incomplete Prescribed Forms

Joseph Arung' Okweso v Returning Officer, Rarieda Constituency

Complaint No. 95 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
14 June 2022

Summary of the Complaint

Joseph Arung' Okweso was an aspirant for the position of Member of the National Assembly for Rarieda Constituency on the DAP-Kenya Party. When he appeared before the Returning Officer for registration, his seconder was found not to be a member of DAP-Kenya. Secondly, he did not produce the original National ID because it got lost on the day of submission of papers to the Returning Officer. The Complainant rushed to the Police Station and Department of Civil Registration where he obtained relevant confirmations of his identity. However, the Returning Officer refused to process his application for clearance. In reply, the Returning Officer opposed the Complaint and stated that at the time the candidate left his office, he did not have a seconder, proposer, or original National identity ID.

Issue for Determination

In light of the provisions of Article 83(3) and IEBC's flexible policy on the identification of a candidate, the Committee was to determine whether a candidate is allowed to use an alternative identification document such as police abstract and confirmation of identity issued by the Department of Civil Registration for registration as a candidate.

Decision of the Committee

The Committee found that Article 83(3) and IEBC's

flexible policy on the identification of a candidate requires the Returning Officer to facilitate registration by allowing candidates to use alternative identification documents to enable them to submit their nomination papers for consideration by the Returning Officer. It noted that the original National ID got lost on the submission date under circumstances that were beyond the aspirant's control. Consequently, the Committee allowed the complaint and directed the Complainant to present his nomination papers for consideration within 48 hours.



Duncan Njenga Ng'ang'a v Returning Officer, Kabete Constituency

Complaint No. 10 of 2022
George Murugu, Juliana Cherera, and Boya Molu
20 June 2022

Summary of the Complaint

Duncan Njenga Ng'ang'a presented his documents to the Returning Officer for clearance for the position of member of the National Assembly for Kabete Constituency as an independent candidate. He had soft copies of the requirements for registration. However, he did not have the hard copy of the symbol and campaign schedule. The Complainant contended that due to a widespread power outage in the entire Lower Kabete, he was unable to process the hard copies in good time. So, he drove to Kikuyu town to print them and only managed to go back to the registration centre some 15 minutes after 4:00 pm, the closing time prescribed by Gazette Notice No. 431 dated 20th January 2022. In reply, the Returning Officer opposed the complaint and noted that he had rightfully invalidated the nomination because the candidate failed to provide the hard copy of his symbol and campaign schedule. He also noted that he made attempts to call the candidate's delegate twice and by the time the aspirant arrived, he had closed the office.

Issue for Determination

In light of the provisions of Regulations 2, 38, 39 and 43(2)(g) of the Elections (General) Regulations 2012 and the Gazette Notice No. 431 Volume CXXIV which set the deadline for nomination on 31st May 2022, the Committee was to determine whether the Complainant was entitled to an extension of time to allow him to present his nomination papers to the Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee found that the candidate breached his duty stipulated under Regulation 10(3) of the Elections (General) Regulations, 2012 when he failed to produce the hard copy of the party symbol. It noted that the complainant presented nomination papers for registration later. The Committee agreed with the Returning Officer's decision to decline to clear the candidate. Consequently, dismissed the complaint with no order as to costs.



Jerad Amos Kabugi v Returning Officer, Murang'a County.

Complaint No. 150 of 2022
Before George Murugu, Juliana Cherera and Boya Molu
15 June 2022

Summary of the Complaint

Jerad Amos Kabugi was an independent candidate for the position of Governor of Murang'a County. He complained about the decision of the Returning Officer to refuse to clear Stephen Humphrey Mwenda Gituku as his running mate. The Returning officer informed the Committee that she advised the aspirant to submit the name of his running mate at the IEBC headquarters by 16th May 2022. The candidate did not submit the name and as such, the name of the running mate was not included in the IEBC's list of candidates running for gubernatorial

The Returning Officer noted that in the circumstances, she acted lawfully in declining to clear the running mate because Stephen Humphrey Mwendwa was only introduced by the Governor candidate on 6th June 2022 which was the date of clearance.

Issue for Determination

In light of Article 180 of the Constitution, section 33 of the Elections Act, Regulation 15 of the Election (General) Regulations, 2022 the Committee was to determine whether the decision by the Returning Officer to reject the complainant's application for registration of Stephen Humphrey Mwendwa as his running mate was lawful and fair.

Decision of the Committee

The Committee found that the Returning Officer acted lawfully. It noted that the spirit of Article 180 of the Constitution is that candidates for Deputy Governors must meet all the requirements that the person running for the position of Governor must comply with. That means that the Deputy Governor candidate was to submit the name and symbol, as well as the notice of intention to contest as contemplated under the Elections Act and the Regulations. In this case, there was no evidence that the running mate submitted these documents, and letters sent to the IEBC to forward the name of his running mate were shared after the lapse of timelines for the submission of names of running mates. Since the complaint was aware of the gazetted timelines and his obligations, the Returning officer should not be faulted. Consequently, the Committee dismissed the complaint with no order as to costs.

Akidah Ingolan Eloiloi v Returning Officer, Turkana West Constituency

Complaint No. 55 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
16 June 2022

Summary of the Complaint

The Complainant was an aspirant for the Member of the County Assembly, Lodwar Township Ward, Turkana West Constituency. He prayed to be allowed to present his nomination papers out of time. He stated that he appeared before the Returning Officer on 3rd June 2022, which was his scheduled time to present his papers, but the Returning Officer did not find his name in the system. Upon calling the IEBC headquarters, the Returning Officer was informed that the Complainant's clearance and symbol were not stamped, which was a requirement for one to be confirmed in the system. The Returning Officer agreed with this position and confirmed that the Complainant had his papers in order and had been cleared by the ORPP and the local constituency headquarters.

Issue for Determination

In light of the provisions of Regulations 2, 38, 39 and 43(2)(g) of the Elections (General) Regulations 2012 and the Gazette Notice No. 431 Volume CXXIV which set the deadline for nomination on 31st May 2022, the Committee was to determine whether the Complainant was entitled to an extension of time to allow him to present his nomination papers to the Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee revoked the Returning Officer's decision to reject the Complainant's nomination papers. It stated that the Complainant's troubles were caused by the fault of a miscommunication between the IEBC, ORPP and Returning Officer. The Complainant had made efforts to comply with the stamping requirements. He travelled to Nairobi for that purpose, but the distance between Turkana and Nairobi made it impossible to do it in time. Thus, the Complainant had compelling reasons to warrant it exercising its discretion to extend the time for his registration as a candidate for election. It directed the Complainant to resubmit his nomination papers to the Returning Officer within the next 72 hours for consideration for registration as a candidate for election. Consequently, the complaint was allowed with no orders as to costs.

2.10 Compliance with Prescribed Requirements for Payment of Nomination Fees

James Mbugua Maina v Returning Officer, Thika Town

Complaint No. 104 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
13 June 2022

Summary of the Complaint

The Complainant was an aspirant for the position of Member of the County Assembly, Hospital Ward, Thika Town Constituency, Kiambu County. He prayed to be allowed to submit his nomination papers out of time. He stated that his time to appear before the Returning Officer was rescheduled twice due to undisclosed circumstances. When he finally appeared on 7th June 2022, which was the deadline, the Returning Officer refused to clear him because the banker's cheque for the nomination fee was wrongly addressed. He further stated that he rushed to the bank to correct the error but when he came back for clearance the 4:00 pm deadline had already passed. In reply, the Returning Officer confirmed this account and stated that the cheque was the only document that was not in order.

Issue for Determination

In light of the Gazette Notice No. 435 Volume CXXIV which set the deadline for nomination as 7th June 2022 at 4 pm, the Committee was to determine whether the Complainant was entitled to an extension of time to allow him to present his nomination papers to the Returning Officer for registration as a candidate for election.

Decision of the Committee

In light of the Gazette Notice No. 435 Volume CXXIV which set the deadline for nomination on 7th June 2022 at 4 pm, the Committee was to determine whether the Complainant was entitled to an extension of time to allow him to present his nomination papers to the Returning Officer for registration as a candidate for election.

Decision of the Committee

The Committee revoked the Returning Officer's decision to reject the Complainant's nomination papers. It stated that the banker's cheque was drawn by the bank and so was beyond the Complainant's control. Furthermore, the Complainant had acted diligently and expeditiously to try and correct the cheque but unfortunately ran out of time. Thus, the Complainant had compelling reasons to warrant it exercising its discretion to extend the time for his registration as a candidate for election. It directed the Complainant to resubmit his nomination papers to the Returning Officer within the next 48 hours for consideration for registration as a candidate for election. Consequently, the complaint was allowed with no orders as to costs.

Christine Ndungwa Kiio v Returning Officer, Kaiti Constituency

Complaint No. 14 of 2022
Before Wambua Kilonzo, Irene Masit, and Justus Nyang'aya
13 June 2022

Summary of the Complaint

Christine Ndungwa Kiio was an aspirant for the position of Member of the National Assembly of Kaiti Constituency. She stated that the Returning Officer rejected her application for nomination because she did not present a Banker's Draft of KShs. 10,000 as the prescribed fee for nomination. The Complainant sought the Committee's intervention for an extension of time because the

Bank Manager who signs cheques had already left the Bank by the time his representative went to collect the Banker's Cheque. In reply, the Returning Officer opposed the Complaint and stated that Christine Ndungwa Kiio failed to turn up on the date she was scheduled for clearance. The Returning Officer further stated that since the aspirant turned up 5 minutes before 4:00 pm on the last day of registration, her non-compliance within gazette timelines was her own undoing that should not be excused.

Issue for Determination

In light of the Elections (General) Regulations, 2012, the Committee was to determine the effect of a failure to accompany an application for nomination for a candidature at a parliamentary election with a non-refundable nomination fee.

Decision of the Committee

The Committee agreed with the Returning Officer that the Complainant did not produce the required Banker's draft within the stipulated timelines.The Committee found that the Returning Officer acted lawfully and in accordance with Regulation 43(2)(h) of the Elections (General) Regulations, 2012, which allows a Returning Officer to reject nomination papers that are not accompanied by the prescribed nomination fee. Consequently, the Committee dismissed the Complaint with no order as to costs.

2.11 Standard of Proof

George Mwiti Kinyua v Returning Officer, Kajiado Constituency

Compliant No. 308 of 2022
Before Mak'Ogonya T. T. Tiego, Francis Wanderi and Abdi Guliye
20 June 2022

Summary of the Complaint

Geroge Mwiti, an aspirant for the position of Member of Parliament for Kajiado North Constituency on an independent ticket, complained against the Returning Officer for failing to clear him. His verified list of supporters was 863 out of the required minimum of 1000 as provided under Regulation 24(1) of the Elections (General) Regulations 2012. The candidate did not have a proposer and a seconder when he appeared before the Returning Officer for clearance in contravention of Regulation 39(c) of the Elections (General) Regulations 2012. Though the complaint alleged that he had complied, he did not provide evidence to prove that assertion. The Complainant did not attach the Form 15 that he had submitted for purposes of clearance by the Returning Officer. In reply, the Returning Officer opposed the complaint and attached copies of documents supporting his decision.

Issue for Determination

The Committee was to determine whether the complainant had proved that he had complied with the regulatory requirements of providing an adequate list of supporters and names of the proposer and seconder to the required standard.

Decision of the Committee

The Committee noted that the Complainant did not tender any evidence to prove his assertion that he had complied with the regulatory requirements under Regulation 24(1) of the Elections (General) Regulations 2012 and Regulation 39(c) of the Elections (General) Regulations 2012 and therefore warrant extension of the timeline to present his nomination papers for registration. Consequently, the Committee dismissed the complaint with no orders as to the costs.

2.12 Burden of Proof

Zecharia Momanyi Matayo v Returning Officer, Nairobi County

Complaint No. 51 of 2022
Before Mak'Ogonya T. T. Tiego, Francis Wanderi, and Prof. Abdi Guliye
16 June 2022

Summary of the Complaint

Zecharia Momanyi Matayo was an aspirant for the position of Senator, Nairobi City County as a political party-sponsored aspirant. He wrote the details of the election date instead of the position that he was vying for on Form 19. He then canceled the date and wrote the position. The complainant alleged that the Returning Officer refused to clear him because of the handwritten cancellation when he appeared before him on 31st May 2022. In reply, the Returning Officer stated that the complainant did not fill out form 16. He further denied that the Complainant appeared before him on 31st May 2022.

Issue for Determination

In light of Regulation 26 of the Elections (General) Regulations, 2012, the Committee was to determine whether the Complainant had proved his compliance with the requirement for delivery of an application in Form 16 set out in the Schedule to the Regulations.

Decision of the Committee

The Committee noted that the Complainant failed to discharge the burden of proof that he presented Form 16 and by extension his compliance with Regulation 26 of the Elections (General) Regulations, 2012 which requires that aspirants vying for Senator to apply using Form 16. The Complainant only annexed Form 19 to his application. He did not discharge his burden of proving that Form 16 was submitted to the Returning Officer. Consequently, the complaint was dismissed with no orders as to the costs.

Peter Abuga Tengenya v Returning Officer, West Mugirango Constituency

Complaint No. 58 of 2022
Before Mak'Ogonya T. T. Tiego, Francis Wanderi and Prof. Abdi Guliye
16 June 2022

Summary of the Complaint

Peter Abuga Tengenya submitted his application forms for clearance for the position of Member of National Assembly, in West Mugirango Constituency. The Complainant stated that he submitted a list of 1364 signatures and a hard copy of the National IDs of supporters. The Complainant prayed to be allowed time to present his nomination papers. In reply, the Returning officer stated that the Complainant submitted only 700 copies of National IDs out of the required 1000 IDs. The Returning Officer further stated that she informed the aspirant to secure the remaining signatures, but he did not do so.

Issue for Determination

The Committee was to determine whether the Complainant discharged his burden of proving his compliance with Regulation 24(1) of Elections (General) Regulations 2012 that required him to deliver standard A4 sheets of paper bearing names, respective signatures and identity card numbers of at least 1000 voters.

Decision of the Committee

The Committee found that the Complaint had the burden of proof and did not discharge this burden. It noted that the Complainant did not tender any evidence to prove his claim that he submitted 1364 signatures and that they were not received. The Committee also found that no evidence was provided to prove that the Complainant submitted Forms 15 and 19 to the Returning Officer within the prescribed timelines to warrant the prayers sought. Consequently, the Committee dismissed the complaint with no orders as to the costs.

James Mwangi Gichohi v Returning Officer, Embakasi North Constituency and Jane Muringi Wangoi

Complaint No. 89 of 2022
Before George Murugu, Juliana Cherera, and Boya Molu
16 June 2022

Summary of the Complaint

The ODM Party nominated James Muringi Wangoi to vie for the position of Member of the National Assembly for Embakasi North Constituency. The Returning Officer cleared him for the position. James Mwangi Gichohi complained about the clearance. He stated that Muringi Wangoi resigned by 9th February 2022 from his public service role as an Advisor in Community Mobilization at the Ministry of Public Service, Sports, Gender, Senior Citizens Affairs and Special Programme but continued to draw a salary from his employer. In reply, Muringi Wangoi opposed the complaint and stated that he has never reported to the office since resigning. He also observed that the Complainant was shifting the burden of proof to the Respondent contrary to the conventional rule of evidence that requires he who alleges must prove. The Returning officer noted that Muringi Wangoi provided his resignation letter which was dated before the deadline for resignation as a public officer to vie for an electoral seat.

Issue for Determination

The Committee was to determine whether the Complainant provided sufficient evidence to support the allegation that Muringi Wangoi still draws a salary after the resignation and therefore did not comply with section 43(5) of the Elections Act that required public officers intending to contest to resign six months to the General Election.

Decision of the Committee

The Committee found that the Complainant did not discharge its burden of proof of the allegation that Muringi Wangoi still draws a salary after he resigned from public service. He did not provide sufficient evidence to discharge the burden of proof. There was no evidence to prove that the resignation letter was forged. The Committee agreed with Counsel for the Respondents that resignation from public office is a one-day affair and therefore did not find any reason to fault the Returning Officer for clearing the candidate. Consequently, the complaint was dismissed with no order as to costs.

Steve Kipruto David v Returning Officers, Baringo County

Complaint No. 20 of 2022
Before George Murugu, Juliana Cherera, and Boya Molu
16 June 2022

Summary of the Complaint

Steve Kipruto presented his application to the Returning Officer for clearance for the position of Senator, Baringo County as an independent candidate. During clearance, the Returning Officer detected a double registration where another individual had the same ID card number as per the records of the Office of the Registrar of Political Parties. The complainant alleged that the Returning Officer detected multiple registration issues from the IEBC systems. He further alleged that deliberations on these issues took long until 5:00 pm when the Returning Officer had only verified 300 out of the 2,364 ID card copies of supporters of the aspirant. The Returning Officer stopped the verification process because the statutory timeline for registration had lapsed. In reply, the Returning officer opposed the complaint stating that the application for clearance was lawfully rejected because of the inadequacy of the national IDs of the aspirant's supporters. The Returning Officer stated that the Complainant had only 252 ID copies of supporters.

Issue for Determination

The Committee was to determine whether the Complainant discharged the burden of proving compliance with the prescribed requirement of the Regulation 28 of the Elections (General) Regulations 2012 which requires persons seeking independent candidature to deliver signatures and National ID card numbers of 2000 registered voters in the County.

Decision of the Committee

The Committee stated that the Complainant failed to discharge his burden of proving compliance to warrant a justification for his last-minute submission of the application for clearance. The Committee noted that it is the Complainant who bears the burden of proving that he had all National ID copies at the time of registration. The Complainant did not discharge this burden by providing copies of the IDs. On the other hand, the Returning Officer produced form 16 with the reasons for rejecting the aspirant's application. Consequently, the complaint was dismissed with no order as to costs.

2.13 Application of Rules of Equity to Electoral Requirements

George Nguri Oljoroorok v Returning Officer, Oljorok Constituency

Complaint No. 7 of 2022
Before Mak'Ogonya T. T. Tiego, Francis Wanderi and Prof. Abdi Yakub Guliye
17 June 2022

Summary of the Complaint

George Nguri Oljoroorok was an aspirant for the position of Member of the National Assembly in Oljorok constituency. Before the nomination process, he had changed his name through a deed poll from the original name of George Nguri Muchina. He subsequently notified the IEBC and requested it to update the name change in its register of voters. However, the IEBC had not made the change in the voter register at the time he presented his nomination papers. Consequently, the Returning Officer declined to clear him to vie as an independent candidate citing the difference in the names in his national ID and the IEBC voter registers, contrary to the requirement of Regulation 39(a) of Elections (General) Regulations, 2012. The Returning Officer advised him to travel to Nairobi to have his name updated in the register. The IEBC updated his name after the gazetted date for submissions had lapsed. He prayed for an extension of timeline to allow him to present his nomination papers after the timeline had lapsed.

Issue for Determination

The Committee was to determine whether the requirement for timelines should apply to the aspirant whose inability to present his clearance documents within the timeframes was beyond his control.

Decision of the Committee

The Committee found that where the inability to present his clearance documents within the timeframes was beyond the control of an aspirant, it will consider such an exceptional circumstance and adopt a condoning and tolerant approach to observance of timelines. It noted that the change of name was the aspirant's constitutional right. Since the Returning Officer confirmed that the name has been updated, the Committee stated that the aspirant deserved a chance to present his papers. Consequently, the Committee found the complaint to be merited and allowed it. It directed the complainant to present his nomination papers within 48 hours for consideration.

Bernard Makau v Returning Officer, Nairobi County

Complaint No. 15 of 2022
Before Mak'Ogonya T. T. Tiego, Francis Wanderi and Prof. Abdi Yakub Guliye
13 June 2022

Summary of the Complaint

Benard Makau was an aspirant for the position of Senator, Nairobi County. When he appeared for clearance, all his documents were accepted except his list of supporters. Though he presented a list of the data of his supporters in the one merged Excel sheet template provided by the Returning Officer, the IEBC system repeatedly failed to process the soft copy of the data. The Returning Officer rejected the application because the system could not verify the names. He stated that there was a possibility that some of the names were duplicates which is why the IEBC system was unable to verify them. He also stated that he was working under strict timelines.

Issue for Determination

The Committee was to determine whether the requirement for timelines should apply to the aspirant whose inability to present his list of supporters within the timeframes was beyond his control.

Decision of the Committee

The Committee held that this was an exceptional circumstance where it should entertain condonation to extend the timelines for the Aspirant to present his paper because the delay was caused by circumstances beyond his control. The Committee noted that the aspirant did all he could to comply with the timelines. He also provided the list of supporters in a format provided by the Returning officer. The inability of the IEBC's system to process the softcopy was thus beyond his control. Therefore, the Returning Officer's failure to clear the candidate amounted to making the aspirant suffer for circumstances beyond his control. Consequently, the Committee found the complaint to be merited and allowed it. It directed the complainant to present his nomination papers within 48 hours for consideration.

Ndirangu Mwaura v Returning Officer, Nairobi County

Complaint No. 60 of 2022
Before George Murugu, Juliana Cherera and Boya Molu
17 June 2022

Summary of the Complaint

Ndirangu Mwaura was an aspirant for the position of Senator, Nairobi County. When he presented his papers for clearance, he was cleared through the checklist. However, there were technical hitches. He stated that the flash disk bearing the data of supporters worked on his laptop but failed to do so on the Returning Officer's laptop despite repeated attempts. The timelines lapsed before his list of supporters was uploaded into the system. Consequently, the Returning Officer declined to clear him to vie because he was unable to verify his list of supporters. The aspirant noted that the failure of the flash disk to operate was beyond his control and prayed that the timelines be extended to enable him to comply with Regulation 28(1) of the Election (General) Regulations 2012, which requires the aspirant to deliver data of supporters. In reply, the Returning Officer opposed the complaint on the basis that the list of supporters was not provided in the prescribed format as per IEBC's guidelines and as such he was lawfully unable to clear the aspirant.

Issue for Determination

The Committee was to determine whether it should exercise discretion to extend timelines for the aspirant to provide the list of supporters in a guided manner to the Returning Officer for registration.

Decision of the Committee

The Committee stated that exceptional circumstances allowed it to exercise discretion to extend timelines for the aspirant to provide the list of supporters in a guided manner. It noted that though the Commission had developed guidelines on the formats for complying with Regulation 28(1) of the Election (General) Regulations 2012, the same was not availed to the aspirant. He did not have the guideline because he was not invited to the pre-nomination meeting. Consequently, the complaint was allowed, and the Complainant was directed to appear before the Returning Officer to resubmit his nomination papers for consideration.



Albina Wambui Njoka v Returning Officer, Mwea Constituency

Complaint No. 80 of 2022
Before George Murugu, Juliana Cherera and Boya Molu
17 June 2022

Summary of the Complaint

Albina Wambui Njoka was an aspirant for the position of Member of the County Assembly for Nyagati Ward on an independent ticket. She attended the pre-nomination meeting though the IEBC had not gazetted her name as a candidate . She appeared before the Returning Officer who informed her that she was not gazetted and there were no clarifications from the IEBC headquarters on that issue. The Returning Officer advised the aspirant to follow up on the issue at IEBC headquarters. The Returning office also made a separate follow-up via phone call, the IEBC informed him that the aspirant had been properly registered. The Returning Officer did not object to the complaint and absolved the aspirant of any blame in the hitch. He also confirmed that the complainant was in the IEBC Candidate Registration and Management System as an independent candidate.

Issue for Determination

The Committee was to determine whether it should apply the rule of equity to extend the timelines for the submission of the nomination papers for clearance for the aspirant who was not cleared because the IEBC omitted to publish her name as an aspiring independent candidate under Rule 10(1) of the Elections (General) Regulations, 2012.

Decision of the Committee

The Committee faulted the Returning Officer's decision to decline to register the Complainant. It stated that once an independent candidate fulfills all the other requirements, the IEBC should ensure they are gazetted as envisaged under Rule 10(1) of the Elections (General) Regulations, 2012. Since the aspiring candidate had complied with all other requirements, she came with clean hands and was entitled to the equitable remedy of extension of timelines for nomination. Consequently, the Committee allowed the Complaint and directed the Complainant to present herself before the Returning Officer for registration

2.14 Dismissal for Want of Prosecution

2.14.1 Consequence of non-appearance of both parties

Mary Muthoni Wachira v Returning Officer, Tetu Constituency

Complaint No. 29 of 2022
Before Mak'Ogonya T. T. Tiego, Francis Wanderi and Prof. Abdi Guliye
20 June 2022

Summary of the Complaint
Mary Muthoni complained that the Returning Officer refused to clear her grounds that she was not a registered voter. She did not appear before the Committee on the hearing date. The Returning Officer did not attend the hearing either.

Issue for Determination
In light of the Rules of Procedure on Settlement of Disputes for the Electoral Disputes Resolution Committee, the Committee was to determine the impact of the non-appearance of both parties on the complaint before it.

Decision of the Committee
The Committee dismissed the complaint for non-appearance. It considered the fact that the Complainant was notified of the hearing date. However, there was no proof that the Returning Officer was served with the complaint.

Rianga Erick Joseph v Returning Officer, Igembe Central Constituency Muthoni Wachira v Returning Officer, Tetu Constituency

Complaint No. 181 of 2022
Before Mak'Ogonya T. T. Tiego, Francis Wanderi & Prof. Abdi Guliye
20 June 2022

Summary of the Complaint
Rianga Eric Joseph complained that the Returning Officer refused to clear him because he was wearing a cap when he took the passport photograph attached to the nomination clearance form. He claimed that the refusal amounted to discrimination on religious grounds because his religious beliefs do not allow him to remove his cap. Neither the Complainant nor the Respondent appeared before the Committee on the date when the complaint was fixed for hearing.

Issue for Determination
In light of the Rules of Procedure on Settlement of Disputes for the Electoral Disputes Resolution Committee, the Committee was to determine the impact of the non-appearance of both parties on the complaint before it.

Decision of the Committee
The Committee dismissed the complaint for non-appearance of both parties. Though there was an Affidavit of Service showing that the Returning officer was served, the Committee still found that the Complainant was insolent for failing to turn up to prosecute his case.

2.14.2 Consequence of non-appearance of one-party

Florence Jelagat Kemboi v Returning Officer, Baringo County

Complaint No. 32 of 2022
Before George Murugu, Juliana Cherera and Boya Molu
17 June 2022

Summary of the Complaint
Florence Jelagat Kemboi challenged the decision of the Returning Officer of Baringo County.

The Complainant did not appear before the Committee on the hearing date.

Issue for Determination
The Committee was to determine the consequence of the non-appearance of the Complainant on the Complaint filed before it.

Decision of the Committee
The Committee dismissed the complaint for want of prosecution because the complainant failed to appear before the Committee on the hearing date.



Edna Ogilo Chienjo v Returning Officer, Embakasi West Constituency

Complaint No. 115 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
14 June 2022

Summary of the Complaint
Edna Ogilo Chienjo complained that the Returning Officer refused to clear her to vie for her desired electoral unit in Umoja 2 Ward due to system issues. The Complainant failed to appear for the hearing of the complaint.

Issue for Determination
The Committee was to determine the consequence of the non-appearance of the Complainant on the Complaint filed before it.

Decision of the Committee
The Committee dismissed the complaint for want of prosecution. It deemed it proper to do so because the Complainant failed to avail herself on two different dates when the matter was fixed for hearing.



Ruth Akumu Oyombe v Returning Officer, Kisumu West Constituency

Complaint No. 25 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
17 June 2022

Summary of the Complaint
Ruth Akumu Oyombe complained that the Returning Officer refused to clear her to vie for the position of Member of the National Assembly for Kisumu West Constituency since she presented her papers after the gazette timeline . She prayed that the Committee extend the time to allow her to submit the nomination papers. The Complainant did not attend the hearing on the appointed date. However, the Respondent was present and ready to proceed.

Issue for Determination
The Committee was to determine the consequence of the non-appearance of the Complainant on the Complaint filed before it.

Decision of the Committee
The Committee dismissed the complaint for want of prosecution because the complainant failed to appear before the Committee on the hearing date.

2.15 Withdrawal of Complaint Filed Before the Committee



Simon Mburu Njuguna v Returning Officer, Kikuyu Constituency

Complaint No. 11 of 2022
Before Wambua Kilonzo, Irene Masit & Justus Nyang'aya
19 June 2022

Summary of the Complaint

The Complainant was an aspirant for Member of the National Assembly, Kikuyu Constituency. He alleged that he presented his nomination papers for registration as a candidate to the Returning Officer on 30th May 2022, but his application was rejected because he had insufficient signatures as per Regulation 43(2)(a) of the Elections (General) Regulations, 2012. However, the Complainant withdrew the complaint on 10th June 2022.

Issue for Determination

The Committee was to determine the consequences of the withdrawal of the complaint by the complainant before the hearing date.

Decision of the Committee

The Committee marked the complaint as withdrawn and upheld the decision of the Returning Officer. There were no orders as to costs.

Maur Abdalla Bwanamaka Matapu v Chama Cha Uzalendo

Complaint No. 37 of 2022
Before George Murugu, Juliana Cherera and Boya Molu
19 June 2022

Summary of the Complaint

Maur Abdalla Bwanamaka Matapu filed a complaint regarding the nomination processes of the Chama Cha Uzalendo political party. The Party was named as the only Respondent. No Returning

Issue for Determination

The Committee was to determine whether to allow the application of the Complainant to withdraw the complaint.

Decision of the Committee

The Committee allowed the application for withdrawal of the complaint. It stated that the dispute was connected to a political party process of which the Committee lacked jurisdiction to resolve. There were no orders as to costs.

03

ANNEX





Independent Electoral and Boundaries commission

3.1 Annex I: Gazette Notice No. 6606 on Appointment of DRC Members

SPECIAL ISSUE

THE KENYA GAZETTE

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Vol. CXXIV—No. 105 **NAIROBI, 6th June, 2022** **Price Sh. 60**

GAZETTE NOTICE NO. 6606

THE CONSTITUTION OF KENYA

THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION ACT

(*No.* 9 *of* 2011)

THE ELECTIONS ACT

(*No.* 24 *of* 2011)

THE ELECTION (GENERAL) REGULATIONS, 2012

(*L.N.* 2012 and *L.N.* 2017)

RULES OF PROCEDURE ON SETTLEMENT OF DISPUTES

(*L.N.* 139/2012)

APPOINTMENT OF MEMBERS OF THE INDEPENDENT ELECTORAL AND BOUNDARIES DISPUTE RESOLUTION COMMITTEE

IN EXERCISE of the powers conferred by Article 88 (4) of the Constitution of Kenya, section 4 (*e*) of the Independent Electoral and Boundaries Commission Act, 2011, sections 74 of the Elections Act, 2011, Regulation 98 of the Election (General) Regulations, 2012 and Rules 4 and 9 of the Rules of Procedure on Settlement of Disputes, 2012, the Independent Electoral and Boundaries Commission appoints the following members for purposes of hearing disputes arising from nomination of candidates for the 9th August, 2022 General Election.

Juliana Whonge Cherera—*Vice-Chairperson*
Commissioner Irene Cherop Masit
Commissioner Abdi Yakub Guliye (Prof.)
Commissioner Justus Abonyo Nyang'aya
Commissioner Boya Molu
Commissioner Francis Wanderi
Salome Edna Apiyo Oyugi (Ms.)
Ruth Kavuo Makuthu (Ms.)
Douglas Kipruto Bargoret
George Murugu Muthui
Mak'Ogonya Titus Tidal Tiego
Noah Wambua Kilonzo.

The appointments shall take effect on 7th June, 2022.

Dated the 6th June, 2022.

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

3.2 Annex II: Summary of Complaints for Panel 1

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
1	**IEBC/DRC/1/2022** Hon. Mwangi Wa Iria V Chairperson IEBC	30th May 2022	10th June 2022	20th June 2022	Matter marked as withdrawn	Withdrawn on the oral application of the Complainant's Advocates
2	**IEBC/DRC/08/2022** Pauline Muthoni Kahihu Complainant Vs. The Returning Officer, Kikuyu Constituency	1st June 2022	11th June 2022	14th June, 2022	The Complaint was dismissed. The Committee upheld the decision of the Returning Officer not to accept the nomination papers of the Complainant to run for the position of Member of National Assembly for Kikuyu Constituency. No orders as to costs.	The Complainant presented his nomination papers outside the prescribed time for registration.
3	**IEBC/DRC/11/2022** Simon Mburu Njuguna v R.O, Kikuyu Constituency	1st June, 2022	11th June, 2022	13th June, 2022	Complaint withdrawn with no orders as to costs by the Complainant.	Complaint was withdrawn by the Complainant in writing on 10th June 2022.
4	**IEBC/DRC/CRGE/13/2022** Douglas Maraga Mang'era -Vs The Nairobi County Returning Officer	2nd June 2022	12th June 2020	15th June 2022	Complaint dismissed with no orders as to costs	Decision of the RO upheld. Complainant altered the format of the Excel sheet list of supporters, rendering verification thereof impossible.
5	**IEBC/DRC/14/2022** Christine Ndungwa Kiio v R.O. Kaiti Constituency	2nd June 2022	12th June, 2022	13th June, 2022	Complaint was dismissed with no orders as to costs and the decision of the Returning Officer upheld.	The Complaint was dismissed as the Complainant, who was vying for the position of Member of National Assembly, Kaiti Constituency, did not submit a Banker's cheque for the nomination fee.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
6	**IEBC/DRC/CRGE/17/2022** Thomas Mutisya Musau -Vs- The Returning Officer, Kaiti Constituency	7th June 2022	17th June 2022	13th June 2022	Decision of RO disqualifying Complainant revoked. The Complainant to resubmit nomination papers within 48 hours.	The decision of the RO revoked for lack of evidence that the Complainant was late in submitting nomination papers on the nomination/registration day.
7	**IEBC/DRC/18/2022** Marcus Mutua Muluvi & Another v Millitonic Mwendwa Kimanzi Kitute & Another	15th June 2022	25th June, 2022	19th June, 2022	Complaint was dismissed with no orders as to costs, and the decision of the Returning Officer upheld.	The Complaint was dismissed for want of jurisdiction as the complaint was on a dispute between an independent candidate and a political party, and that arising out of party nominations. The decision of the RO regarding the nomination of Millitonic Mwendwa Kimanzi Kitute, to run for the position of Member of the National Assembly, Kitui East Constituency, was upheld.
8	**IEBC/DRC/CRGE/25/2022** Ruth Akumu Oyombe -Vs- Returning Officer, Kisumu West Constituency	3rd June 2022	13th June 2022	17th June 2022	Dismissed for want of prosecution.	Dismissed for want of prosecution.
9	**IEBC/DRC/26/2022** Belmy Aruda Kipruto Vs. R.O Kisumu East Constituency	3rd June 2022	13th June 2022	14th June, 2022	Complaint dismissed with no orders as to costs	The complainant submitted her nomination papers outside the prescribed timelines. Decision of RO upheld

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
10	**IEBC/DRC/36/2022** Philip Ojwando Abour Vs. R.O Nairobi County	8th June 2022	18th June 2022	14th June, 2022	Complaint Allowed.	Error on part of IEBC played a role in Complainant's failure. Complainant to resubmit nomination for clearance within 48 hours of decision for consideration of RO.
11	**IEBC/DRC/42/2022** Cyprian Odote Aende Vs. R.O Embakasi Constituency	6th June 2022	16th June 2022	14th June, 2022	Complaint dismissed with no orders as to costs. RO's decision upheld.	The committee declined jurisdiction. Matters within the purview of PPDT
12	**IEBC/DRC/43/2022** Raymond Getange Ogeto Vs. R.O Changamwe Constituency	6th June 2022	16th June 2022	16th June, 2022	matter marked as withdrawn	Matter marked as withdrawn following an Application to withdraw by the Complainant
13	**IEBC/DRC/44/2022** Macmillan Nyange Mwawaza Vs. R. O Voi Constituency	6th June 2022	16th June 2022	16th June, 2022	Complaint dismissed with no orders as to costs. RO's decision upheld.	Complainant found to be in breach of Section 43(5) of the Elections Act 2011, having not resigned from public service. Decision of the RO upheld.
14	**IEBC/DRC/46/2022** Raymond Kahindie Kipkosgei Vs. Returning Officer, Turbo Constituency	6th June 2022	16th June 2022	16th June 2022	Complaint dismissed. Decision of the Respondent rejecting the nomination of the Complainant to contest for the position of Member of National Assembly Turbo Constituency is upheld. No costs awarded.	The Complainant failed to present his papers for clearance within the prescribed time.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
15	**IEBC/DRC/49/2022** Mike Nyamai Nguniko Vs. The Returning Officer, Kitui Rural Constituency	6th June 2022	16th June 2022	16th June 2022	Complaint dismissed. The decision of the Respondent rejecting the nomination of the Complainant to contest for the seat of Member of National Assembly, Kitui Rural Constituency is upheld. No costs awarded.	The Complainant failed to present all the requirements. Particularly, the Complainant did not have a Proposer and a Seconder and a number of documents.
16	**IEBC/DRC/55/2022** Akidah Ingolan Eloiloi Vs. The Returning Officer, Turkana West Constituency	6th June 2022	16th June 2022	16th June 2022	Complaint allowed. The decision of the Respondent declining to clear him the Complainant is revoked. The Complainant to present his documents, being the Complainant's Certification of Symbol issued by the ORPP and his Independent Candidate Clearance Form to the IEBC Headquarters to have the same stamped and his details entered in the IEBC Candidate Registration Management system. The Complainant to present himself before the Returning Officer, Turkana West Constituency, within 72 hours from the date of this Decision for clearance. No Orders as to costs.	The Complainant's problems were communication breakdown between the ORPP, the Commission and the Respondent. These are factors beyond the control of the Complainant.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
17	**IEBC/DRC/CRGE/62/2022** Gaitho Francis Nganga Vs Returning Officer, Thika Town Constituency	9th June 2022	19th June 2022	13th June 2022	Complaint dismissed with no orders as to costs	Decision of RO rejecting Complainant's PDF copy of supporters for MNA position upheld. The requirement on Excel format for list of supporters was not unreasonable as it facilitates expeditious verification of the supporters.
18	**IEBC/DRC/63/ 2022** Stephen Owoko Oganga Vs. The Presidential Returning Officer	8th June 2022	18th June 2022	20th June 2022	The Complaint was dismissed and the decision of the Returning Officer for presidential elections rejecting the nomination application by the Complainant to run for the position of president of the Republic of Kenya upheld. No costs awarded	The Complainant failed to present all the mandatory requirements on time.
19	**IEBC/DRC/CRGE/64/2022** Onesmus Mwiathi Mwirichia -Vs- The County Returning Officer, Tharaka Nithi	6th June 2022	16th June 2022	17th June 2022	Complaint dismissed with no orders as to costs	The Complaint was dismissed for failure to provide the requisite number of supporters in the prescribed excel spreadsheet format and for reporting for registration outside the gazetted time.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
20	**IEBC/DRC/65/2022** James Irungu Kamau v Wafula Chebukati, Presidential Returning Officer	7th June 2022	17th June, 2022	20th June, 2022	Complaint was dismissed with no orders as to costs and the decision of the Presidential Returning Officer upheld.	The Complaint was dismissed as the Complainant did not have a sufficient number of supporters as required under the law to qualify for nomination as a presidential candidate.
21	**IEBC/DRC/72/2022** Robert Munyui Kinyanjui v R.O, Kikuyu Constituency	7th June, 2022	17th June, 2022	Interim decision on 15th June, 2022 and final decision on 17th June 2022	Complaint was allowed with no orders as to costs and the decision of the Returning Officer revoked.	The Complaint was allowed and the Committee directed that the Complainant's voter registration details be updated in the IEBC system. The Complainant to present his nomination papers to the RO within 48 hours for possible clearance to vie for the position of Member of County Assembly for Sigona Ward.
22	**IEBC/DRC/CRGE/87/2022** June Juliet Munyeki Vs Wafula Chebukati	7th June 2022	17th June 2022	20th June 2022	Complaint dismissed with no orders as to costs.	Complaint dismissed for lack of sufficient identification documents for supporters. Also Form 13 not duly filled by the Deputy President. The IEBC has discretion to prescribe the procedure to be followed in the process of registration of presidential candidates.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
23	**IEBC/DRC/88/2022** Idris Adan Wako Vs. Ibrahim Guyo & 2 Others	7th June 2022	17th June 2022	16th June 2022	Dismissed for want of prosecution	Matter concerns internal party disputes over which the PPDT has jurisdiction
24	**IEBC/DRC/93/2022** Elizabeth Lydia Lubalo v. R. O, Mombasa County	6th June 2022	16th June 2022	16th June, 2022	Complaint dismissed with no orders as to costs. RO's decision upheld.	The Complainant did not have the requisite number of supporters, RO's decision was upheld.
25	**IEBC/DRC/96/2022** Joseph Arung' Okweso Vs. R.O Rarieda Constituency	6th June 2022	16th June 2022	14th June, 2022	Complaint Allowed.	The IEBC policy to allow use of another identification other than a lost ID was upheld. The Complainant to resubmit nomination for clearance within 48 hours of decision for consideration of the RO.
26	**IEBC/DRC/97/2022** Nicholas Ouma Mbago Vs. The Returning Officer, Rongo Constituency	7th June 2022	17th June 2022	16th June 2022	The Complaint was allowed. The clearance of Nelson Oluoch Onyango as the Jubilee Party Candidate for Member of National Assembly seat for Rongo Constituency revoked. The Respondent directed to effect the same immediately. No costs awarded.	The Aspirant had resigned from his political party and was an Independent Candidate on 31st May, 2022 when he presented his nomination papers to contest under the Jubilee Party in contravention of Sections 28 and 31 of the Political Parties Act, 2011.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
27	**IEBC/DRC/98/2022** Samson Marona & 3 Others Vs. R. O Kisii County & Another	8th June 2022	18th June 2022	16th June, 2022	Dismissed for want of jurisdiction	Dismissed on account of jurisdiction. Matter concerns internal party disputes over which the PPDT has jurisdiction
28	**IEBC/DRC/102/2022** Mohamed Abdi Farah -Vs- Alhamdu Siyad Muhumed	8th June 2022	18th June 2022	16th June, 2022	The Complaint was dismissed for want of prosecution with no orders as to costs.	The Complainant was notified of the hearing for 14th June, 2022 but did not appear to prosecute his Complaint.
29	**IEBC/DRC/104/2022** James Mbugua Maina v R.O, Thika Constituency	8th June 2022	18th June, 2022	13th June, 2022	The Complaint was allowed with no orders as to costs and the decision of the Returning Officer was revoked.	The Complaint allowed as the Complainant was not the author of the Banker's Cheque which was addressed wrongly. The Complainant directed to present his nomination papers within 48 hours for consideration for clearance to run for the position of Member of County Assembly, Hospital Ward.
30	**IEBC/DRC/CRGE/105/2022** George Bush -Vs- The Nairobi County Returning Officer & Polycarp Igathe.	11th June 2022	21st June 2022	15th June 2022	Complaint dismissed with no order as to costs.	Decision of the RO upheld. Complainant did not avail any court finding on abuse of state office/public office or contravention of Chapter 6 of the Constitution.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
31	**IEBC/DRC/109/2022** David Opala Ochieng Vs. Returning Officer, Alego Usonga Constituency	8th June 2022	18th June 2022	14th June, 2022	Complaint dismissed. The decision of the Returning Officer, Alego Usonga Constituency rejecting the nomination application by Complainant to run for a Member of National Assembly seat in Alego Usonga Constituency, Siaya County upheld. No orders as to costs.	Failure by the Complainant to present his papers to the Returning Officer within the prescribed timelines.
32	**IEBC/DRC/115/2022** Edna Ogilo Chienjo Vs. E.O Emabkasi West Constituency	9th June 2022	19th June 2022	14th June, 2022	Dismissed for want of Prosecution (Complainant failed to Appear)	The Complainant failed to appear.
33	**IEBC/DRC/119/2022** Julius Inganji Benson Vs. The Returning Officer, Ruaraka Constituency	9th June 2022	19th June 2022	14th June, 2022.	Complaint dismissed. The decision of the Returning Officer, Ruaraka Constituency rejecting the nomination application by Complainant to run for a Member of County Assembly seat in Lucky Summer Ward, Ruaraka Constituency, Nairobi County upheld. No orders as to costs.	The Complainant presented his nomination papers outside the prescribed time. Failure to present all the required documents such as a soft copy of his passport photo, the Code of Conduct Declaration Form, the required number of supporters in the required format.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
34	**IEBC/DRC/121/2022** Constance Munanie Mutua Vs Returning Officer-Kibwezi West Constituency	8th June 2022	18th June 2022	14th June, 2022	The Complaint was allowed. The decision of the Respondent declining to register the Complainant set aside; The Complainant directed to present herself before the Returning Officer, Kibwezi West Constituency within 48hours from the date of this Decision for processing of her nomination papers. No costs awarded.	From the documents placed before us and the testimonies of both the Complainant and the Respondent, it is clear to us that the issue of voter registration status of the Complainant was not her mistake and therefore she should not be made to suffer for the same.
35	**IEBC/DRC/CRGE/124/2022** Wiper Democratic Movement -Vs- Returning Officer, Mombasa County	8th June 2022	18th June 2022	20th June 2022	Withdrawn with no order as to costs.	Withdrawn with no order as to costs.
36	**IEBC/DRC/125/2022** Harison Koina Orutwa Vs. The Returning Officer, Bomachoge Borabu Constituency	8th June 2022	18th June 2022	20th June 2022	Complaint Dismissed. The decision of the Returning Officer, Bomachoge Borabu Constituency rejecting the nomination application by Complainant to run for a Member of National Assembly seat, Kisii County, was upheld. No orders as to costs.	The Complainant is not a registered voter.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
37	**IEBC/DRC/127/2022** Mike Sonko Mbuvi Gideon Kioko Versus Returning Officer, Mombasa County	8th June 2022	18th June 2022	20th June 2022	The Complaint was dismissed, the decision of the Returning Officer, Mombasa County rejecting the nomination application by the Complainant to run for the position of Governor Mombasa County was upheld. No costs awarded.	Failure by the Complainant to present all the required documents; presentation of documents outside the set timeframe and breach of Article 75 of the Constitution.
38	**IEBC/DRC/128/2022** Robert Kennedy Okong'o v C.R.O, Migori County	9th June 2022	19th June, 2022	15th June, 2022	Complaint was dismissed with no orders as to costs and the decision of the Returning Officer upheld.	The Complaint was dismissed for want of jurisdiction as the complaint revolved around his registration as a voter and not his nomination as an aspirant. The CRO to assist and facilitate, where possible, the regularization of the Complainant's status as a registered voter.
39	**IEBC/DRC/131/2022** Abdullahi Mamo Sode Vs. R.O Ruaraka Constituency	9th June 2022	19th June 2022	14th June, 2022	Complaint dismissed with no orders as to costs	The Complainant did not have the requisite number of supporters, RO's decision upheld.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
40	**IEBC/DRC/132/2022** Felix Ochieng Omollo Vs. The Returning Officer, Ruaraka Constituency	6th June 2022	16th June 2022	14th June, 2022	The Complaint was dismissed, the decision of the Returning Officer, Korogocho Ward in Nairobi County not to accept the nomination papers of the Complainant to run for the position of Member of County Assembly for Kikuyu Constituency upheld. No orders as to costs.	The Complainant presented his papers outside the prescribed timelines and therefore time barred.
41	**IEBC/DRC/134/2022** Collins Nyongesa v R.O, Dagoretti North Constituency	9th June 2022	19th June, 2022	17th June, 2022	The Complaint was withdrawn by the Complainant before the Committee.	The Complaint withdrawn by the Complainant with no orders as to costs.
42	**IEBC/DRC/135/2022** Siat Kediye Salat Vs Returning Officer Ijara Constituency	8th June 2022	18th June 2022	16th June 2022	Complaint dismissed. The Committee recommends that further investigations be conducted on the matter, particularly the relationship between the Complainant and the Respondent and what transpired on 31st May, 2022. No orders as to costs.	Failure to present mandatory requirement on time.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
43	**IEBC/DRC/CRGE/136/2022** Wiper Democratic Movement -Vs- Returning Officer, Mombasa County & Others	8th June 2022	18th June 2022	20th June 2022	Complainant allowed to present an alternative nominee for possible registration as candidate.	A political party has a legitimate expectation under the Constitution to field candidates for elective office and should be allowed that opportunity provided the party has not contravened any law.
44	**IEBC/DRC/137/2022** Abdirizak Osman v R.O, Wajir South Constituency & Another	8th June 2022	18th June, 2022	20th June, 2022	The Complaint was withdrawn albeit with terms. The decision of the Returning Officer was revoked.	The Complaint was withdrawn with terms. The decision of the Returning Officer, Wajir South Constituency clearing and registering the 2nd Respondent was revoked. The 2nd Respondent, Asha Abdullahi Jubase, to be deregistered as a candidate for nomination to vie for the position of Member of County Assembly in Habaswein Ward immediately, an in any event, not later than 48 hours from the date of issuance of the decision.
45	**IEBC/DRC/139/2022** Isaya Ogega Ontita Vs. Returning Officer Starehe Constituency	8th June 2022	18th June 2022	14th June, 2022	The Complaint dismissed for want of prosecution with no Orders as to costs.	The Complainant was given sufficient opportunity to appear before the Committee and prosecute his case but he failed to do so.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
46	**IEBC/DRC/144/2022** Paul Kiprono Korir v Rotich Ernest Kipkemoi & R.O, Konoin Constituency	9th June 2022	19th June, 2022	15th June, 2022	The Complaint was withdrawn in writing by the Complainant.	The Complaint marked as withdrawn by the Complainant with no orders as to costs.
47	**IEBC/DRC/145/2022** Kennedy Kamunyu v R.O, Tharaka Constituency	9th June 2022	19th June, 2022	17th June, 2022	The Complaint was allowed with no orders as to costs and the decision of the Returning Officer revoked.	The Returning Officer overstepped her mandate hence, her decision was revoked. The Committee ordered that the Complainant be registered and issued with a certificate of registration within 72 hours to vie for the position of Member of County Assembly, Marimanti Ward.
48	**IEBC/DRC/147/2022** Joash Emori Maangi -Vs- County Returning Officer - Kisii County	8th June 2022	18th June 2022	16th June, 2022	The Complaint marked as withdrawn with no orders as to costs.	This Complainant, through his Advocates Ongoto & Company Advocates filed a Notice of Withdrawal dated 13th June, 2022.
50	**IEBC/DRC/155/2022** Katiezo Christopher v R.O, Likuyani Constituency	8th June 2022	18th June, 2022	15th June, 2022	The Complaint was dismissed with no orders as to costs and the decision of the Returning Officer upheld.	The Complaint was dismissed as the Complainant, who intended to vie for the position of Member of National Assembly, Likuyani Constituency, did not submit a Banker's cheque for the nomination fee and his proposer & seconder were members of a political party.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
51	**IEBC/DRC/CRGE/161/2022** Fatma Adan Hussein -Vs- Returning Officer, Lang'ata Constituency	8th June 2022	18th June 2022	17th June 2022	Complaint dismissed with no orders as to costs	Complaint dismissed for lack of requisite supporters for position of Member of National Assembly.
52	**IEBC/DRC/CRGE/167/2022** Christphers Wahome Muthoni -Vs- The Returning Officer, Starehe Constituency	9th June 2022	19th June 2022	13th June 2022	Complaint dismissed with no orders as to costs	Decision of the RO upheld. Complaint dismissed for failure by the Complainant to submit the requisite number of supporters for MCA independent candidate.
53	**IEBC/DRC/172/2022** Juma Akida v RO, Lurambi Constituency	9th June 2022	19th June 2022	19th June, 2022	Complaint Allowed. Complainant to resubmit nomination for clearance within 48 hours of decision for consideration of the RO.	Error on the part of the Commission in keying in the Complainant's ID number into Commission's systems affecting the Complainant's clearance. Complainant to resubmit nomination for clearance within 48 hours of decision for consideration of the RO
54	**IEBC/DRC/173/2022** John Owiti Wasike Vs The Returning Officer, Matungu Constituency	9th June 2022	19th June 2022	16th June 2022	Complaint dismissed. The decision of the Respondent rejecting the nomination of the Complainant upheld. No costs awarded.	The Compliant did not submit the required number of supporters to be cleared.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
55	**IEBC/DRC/175/2022** Ibrahim Said Balacho Vs. R.O Isiolo County	9th June 2022	19th June 2022	16th June, 2022	Complaint dismissed with no orders as to costs. The RO's decision upheld	The Complainant submitted his nomination papers outside the prescribed timelines. Decision of the RO upheld
56	**IEBC/DRC/176/2022** James Munykenya Vs. R.O Embakasi South Constituency	9th June 2022	19th June 2022	14th June 2022	Complaint dismissed with no orders as to costs. RO's decision upheld	The Complainant did not have the requisite number of supporters, the RO's decision upheld
57	**IEBC/DRC/178/2022** Juma Hassan Mwachatamu vs R.O Nyali Constituency	9th June 2022	19th June 2022	16th June 2022	Complaint dismissed with no orders as to costs. The RO's decision upheld.	The Complainant submitted his nomination papers outside the prescribed timelines. Decision of the RO upheld
58	**IEBC/DRC/182/2022** Sylvester Mackeleuse Musudi Vs. Returning Officer, Butula Constituency	9th June 2022	19th June 2022	17th June 2022	Complaint dismissed. The Committee upheld the decision of the Respondent rejecting the nomination application by the Complainant to contest for the position of a Member of National Assembly Marach West Ward, Butula Constituency. No costs awarded.	The Complainant did not present all the required documents.
59	**IEBC/DRC/183/2022** Samwel Idaria Mwigai Vs. R.O Vihiga County& 2 Others	9th June 2022	19th June 2022	16th June 2022	Complaint dismissed with no orders as to costs. The RO's decision upheld	County Governor candidate allowed to substitute his deputy before clearance. Decision of the RO upheld.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
60	**IEBC/DRC/195/2022** Abdirahman Salat Muhumed v R.O, Ijara Constituency	9th June 2022	19th June, 2022	17th June, 2022	Complaint was dismissed with no orders as to costs and the decision of the Returning Officer upheld.	The Complaint was dismissed as the Complainant did not attain the minimum required number of supporters to be registered as a candidate for the position of Member of County Assembly for Ijara Ward.
61	**IEBC/DRC/202/2022** Nyalia Salmon Otieno v R.O, Gem Constituency	9th June 2022	19th June, 2022	15th June, 2022	The Complaint was withdrawn in writing by the Complainant.	The Complaint withdrawn by the Complainant with no orders as to costs.
62	**IEBC/DRC/203/2022** Kennedy Mwangi Wairimu Vs. R.O Starehe Constituency	9th June 2022	19th June 2022	14th June, 2022	Complaint dismissed with no orders as to costs.	The Complainant did not have the requisite documents on time to wit softcopy of passport photo, the RO's decision upheld
63	**IEBC/DRC/204/2022** Joseph Ouma Ndonji V Shadrack Machanje Namunyu & Others	9th June 2022	19th June 2022	20th June, 2022	Complaint was allowed to the extent that the RO's decision to clear the Candidate is revoked. Found the Complainant not eligible for nomination on account of the PPDT. The Party was allowed to nominate an alternative candidate within 72 hours to undergo clearance process before the RO.	Complaint was allowed to the extent that the RO's decision to clear the Candidate is revoked. Found the Complainant not eligible for nomination on account of the PPDT. The Party was allowed to nominate an alternative candidate within 72 hours to undergo clearance process before the RO.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
64	**IEBC/DRC/CRGE/208/2022** Cornelius Oramisi Omuse -Vs- Returning Officer, Teso North Constituency	9th June 2022	19th June 2022	15th June 2022	The Complainant was allowed to resubmit nomination papers within 48 hours.	Decision of the RO rejecting the Complainant's nomination papers revoked. The Complainant lost his national ID and could not practically secure a replacement before the nomination/registration date. The loss is a justifiable reason to warrant extension of time to submit nomination papers.
65	**IEBC/DRC/209/2022** Kitur K. Philip -Vs- Returning Officer- Bureti Constituency	9th June 2022	19th June 2022	14th June, 2022	Complaint dismissed. The decision of the Returning Officer, Bureti Constituency rejecting the nomination application by Complainant to run for a Member of County Assembly seat for Kapkatet Ward in Kericho County upheld. No costs awarded.	The Complainant did not take the necessary steps to ensure that he presented his nomination papers within the specified timelines and therefore the Respondent could not have cleared him.
66	**IEBC/DRC/227/2022** Peter Kihiu Njoroge Vs. Kiambu Township Ward, Kiambu Constituency	9th June 2022	19th June 2022	19th June, 2022	Complaint dismissed with no orders as to costs. RO's decision upheld.	The Complainant failed to submit his nomination papers on time. Decision of the RO upheld

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
67	**IEBC/DRC/229/2022** Joseph Kahira Wambui v R.O, Thika Town Constituency	9th June 2022	19th June, 2022	17th June, 2022	The Complaint was allowed with no orders as to costs and the decision of the Returning Officer was revoked.	The Complaint allowed as the Complainant had been arrested hence he could not present his nomination papers to the RO on time. The Complainant directed to present his nomination papers within 48 hours for consideration for clearance to vie for the position of Member of County Assembly, Gatuanyaga Ward
68	**IEBC/DRC/232/2022** Francis Oduor Amolo v Bernard Ochieng Ogutu & 2 Others	9th June 2022	19th June, 2022	19th June, 2022	The Complaint was dismissed with no orders as to costs and the decision of the Returning Officer was revoked.	The Complaint was dismissed as the Complainant did not adduce evidence to invalidate the nomination of Bernard Ochieng Ogutu to run for the Member of County Assembly, Changamwe Ward.
69	**IEBC/DRC/234/2022** Bob Owenga Okiya Vs. Returning Officer, Luanda Constituency	9th June 2022	19th June 2022	19th June 2022	Complaint allowed. The decision of the Respondent declining to register the Complainant is hereby set aside; The relevant department at IEBC directed to enter the name and details of the Complainant into the	The Complainant had all the requirements. The problem was that his name had not been entered into the CRMS. It was not the Complainant's fault that his name was not forwarded to the IEBC by his political party

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
					Candidate Registration Management System within 12 hours from the date of the Decision to facilitate his clearance; The Complainant was allowed to present herself before the Returning Officer, Luanda Constituency within 72hours from the date of this Decision for processing of her nomination papers. No costs awarded	It was the mistake of the party to take too long before they could forward the Complainant's name to the IEBC. This should not be visited upon the Complainant who had complied with all the requirements before the deadline.
70	**IEBC/DRC/236/2022** Antony Mutembei Julius v R.O, Igembe South Constituency	9th June, 2022	19th June, 2022	17th June, 2022	Complaint was dismissed with no orders as to costs and the decision of the Returning Officer upheld.	The Complaint was dismissed as the Complainant did not submit a Banker's Cheque for the nomination fee and had not attained the required minimum number of supporters to be registered as a candidate to vie for the position of Member of National Assembly, Igembe South Constituency.
71	**IEBC/DRC/238/2022** Kirum Joseph Kamau V Samson Wanjama Mugo	9th June 2022	19th June 2022	19th June, 2022	Dismissed for lack of jurisdiction.	Matter is a debt collection issue that should be directed to the small claims Court.

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72	**IEBC/DRC/239/2022** Jeremiah Kiwoi Vs. Granton Graham Samboja & 3 Others	9th June 2022	19th June 2022	18th June 2022	Complaint dismissed with no orders as to costs. The RO's decision upheld.	The Complainant did not prove that the candidate did not have the requisite integrity and educational qualifications. Decision of the RO upheld.
73	**IEBC/DRC/CRGE/240/2022** Elly Kibet Kolumn Vs Returning Officer, Tindiret Constituency	10th June 2022	20th June 2022	15th June 2022	Complaint dismissed with no orders as to costs.	The Complaint dismissed for failure to submit nomination papers within the gazetted time – 4.00 pm and failure to present a cheque for nomination fees.
74	**IEBC/DRC/CRGE/243/2022** Joseph Muriithi Njoka Vs The Returning Officer, Gichugu Constituency & 2 Others	10th June 2022	20th June 2022	17th June 2022	Complaint dismissed with no orders as to costs.	The IEBC has no jurisdiction to intervene in political party disputes.
75	**IEBC/DRC/CRGE/246/2022** Sylvester Hannington Wauye Vs Returning Officer, Ugenya Constituency & IEBC.	10th June 2022	20th June 2022	19th June 2022	Decision of the RO rejecting the Complainant's nomination papers revoked. The Complainant was allowed to resubmit his nomination papers within 48 hours of the decision.	Decision of the RO revoked. The Complainant had resigned before the statutory deadline. The Complainant's employer did not have to reply or accept resignation for the resignation to be effective.
76	**IEBC/DRC/CRGE/248/2022** Charles Wachira Kamau Vs. The Returning Officer, Nairobi County	10th June 2022	20th June 2022	17th June, 2022	The Complaint was dismissed for want of prosecution. No orders as to costs.	The Complainant failed to appear before the Committee on the date set for the hearing of the Complaint.

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77	**IEBC/DRC/CRGE/250/2022** George Abuogo Owino -Vs- Returning Officer, Kisumu East	10th June 2022	20th June 2022	17th June 2022	Complaint dismissed with no orders as to costs.	Complaint dismissed for lack of requisite supporters for position of Member of County Assembly.
78	**IEBC/DRC/254/2022** Abdirahman Tawane Abdi Vs. R. O Garissa Township Constituency	10th June 2022	20th June 2022	16th June, 2022	Compliant Allowed. Decision of RO revoked	Allowed Decision of the RO revoked. Complainant to re-submit his nomination papers for the clearance process to the RO within 72 hours of the Decision.
79	**IEBC/DRC/260/2022** Mohamed Adan Mohamed Vs Returning Officer, Embakasi Constituency	10th June 2022	20th June 2022	16th June 2022	The Complaint was dismissed. The decision of the Respondent to clear Marcos Kithuku Makau to contest for the seat of Member of County Assembly in Kwa Njenga Ward, Nairobi County upheld.	The Complainant wanted to use the Committee to enforce Orders issued by PPDT and the High Court which is outside the specific mandate given to the Committee by law which does not extend to determination of disputes between political parties and their members. The Committee observed that the Respondent was satisfied that the Aspirant had confirmed the checklist and was therefore justified in clearing the Aspirant. The Committee noted that it has no jurisdiction to determine the other issues raised between the Complainant and its political party.

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80	**IEBC/DRC/CRGE/263/2022** Joel Wekesa Simiyu -Vs- Returning Officer, Kwanza Constituency	11th June 2022	21st June 2022	17th June 2022	Complaint dismissed with no orders as to costs.	Complaint dismissed for lateness in presentation of nomination papers (after the gazetted time)
81	**IEBC/DRC/266/2022** Moses Gitonga M'mukiri V Ro, Igembe South Constituency	11th June 2022	21st June 2022	16th June 2022	Dismissed for want of Prosecution	The Complainant failed to Appear
82	**IEBC/DRC/CRGE/267/2022** Nasra Nasirumbi Mwalimu -Vs- Returning Officer, Garsen Constituency.	11th June 2022	21st June 2022	19th June 2022	Complaint dismissed with no orders as to costs.	Complaint dismissed for failure to submit nomination papers within the gazetted registration time.
83	**IEBC/DRC/CRGE/268/2022** Adhola Moses Otieno -Vs- The Returning Officer, Rarieda Constituency	11th June 2022	21st June 2022	19th June 2022	Complaint dismissed with no order as to costs.	Complaint dismissed for lack of requisite number of supporters for the Member of County Assembly.
84	**IEBC/DRC/CRGE/269/2022** Ahmed Abdirashid Abdikadir -Vs- Ahmed Abdullahi Jiir, Adan Ali Mohamed, & The County Returning Officer, Wajir	12th June 2022	22nd June 2022	17th June 2022	Complaint dismissed with no orders as to costs	Court finding is the only conclusive proof of misuse or abuse of state/public office under Art. 193(2) of the Constitution. Under Section 97 of the Evidence Act, oral evidence cannot be used to contradict documentary evidence of resignation for purposes of vying for elective office.

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85	**IEBC/DRC/270/2022** Abdinoor Ali Ahmed v Mohamed Ibrahim Elmi alias Mohamed Fai & 3 Others	12th June, 2022	22nd June, 2022	19th June, 2022	Complaint was dismissed with no orders as to costs and the decision of the Returning Officer upheld.	The Complaint was dismissed for lack of merit. The Complainant did not attain the threshold of proof that the 2nd Respondent's degree was not authentic.
86	**IEBC/DRC/CRGE/273/2022** Lydiah Jenny Katuku Muthusi -Vs- Returning Officer, Makueni Constituency	10th June 2022	20th June 2022	19th June 2022	Complaint dismissed with no orders as to costs.	Complaint dismissed for failure to present nomination papers and nomination fees to the RO during the gazetted registration period.
87	**IEBC/DRC/CRGE/274/2022** Luka Ruga Wamuyu -Vs- Returning Officer, Gatundu North Constituency.	10th June 2022	20th June 2022	19th June 2022	Complaint dismissed for want of prosecution with no orders as to costs.	Complaint dismissed for want of prosecution.
88	**IEBC/DRC/275/2022** Stephen Kinyua Kabui v R.O, Kirinyaga Central Constituency	10th June, 2022	20th June, 2022	19th June, 2022	Complaint was dismissed with no orders as to costs and the decision of the Returning Officer upheld.	The Complaint was dismissed as the Complainant failed to submit his nomination papers within the prescribed timelines to be registered as a candidate for the position of Member of County Assembly, Inoi Ward.
89	**IEBC/DRC/278/2022** Shem Omweri Nyangweso v R.O, South Mugirango Constituency	10th June, 2022	20th June, 2022	19th June, 2022	Complaint was dismissed with no orders as to costs.	The Complaint was dismissed for want of prosecution as the Complainant did not appear before the Committee on 17th June 2022 when the matter was set down for hearing.

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90	**IEBC/DRC/CRGE/279/2022** Mohamed Abdi Mohamed -Vs- The Returning Officer, Isiolo North Constituency	10th June 2022	20th June 2022	19th June 2022	Complaint dismissed with no orders as to costs.	Complaint dismissed for failure by the independent candidate to submit a symbol approved by the IEBC.
91	**IEBC/DRC/CRGE/281/2022** Samuel Lekae -Vs- Returning Officer, Baringo South Constituency & 2 others.	13th June 2022	23rd June 2022	19th June 2022	Complaint withdrawn with no orders as to costs.	Complaint was withdrawn by the Complainant.
92	**IEBC/DRC/282/2022** Kevin Muthoni Ndwiga V RO, Manyatta Constituency	13th June 2022	23rd June 2022	18th June, 2022	Dismissed for want of Prosecution	The Complainant failed to Appear
93	**IEBC/DRC/283/2022** Willingtone Mwamburi Kilongi v R.O, Voi Constituency	13th June, 2022	23rd June, 2022	19th June, 2022	Complaint was dismissed with no orders as to costs and the decision of the Returning Officer upheld.	The Complaint was dismissed as the Complainant did not attain the minimum required number of supporters to be registered as a candidate to vie for the position of Member of County Assembly for Marungu Ward.
95	**IEBC/DRC/286/2022** Zuber Nahaji Hassan v R.O, Kitutu Chache South Constituency	13th June, 2022	23rd June, 2022	19th June, 2022	Complaint was dismissed with no orders as to costs and the decision of the Returning Officer upheld.	The Complaint was dismissed as the Complainant's agent did not have the proof of authority from the Complainant and the nomination papers submitted were also non-compliant for registration of the candidate to vie for the position of Member of County Assembly, Kitutu Central Ward

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96	**IEBC/DRC/CRGE/290/2022** Wilson Nashon Ogwang Ogoya -Vs- Returning Officer, Kisumu East	10th June 2022	20th June 2022	19th June 2022	Complaint dismissed with no orders as to costs	Complaint dismissed for failure to present nomination papers within the gazetted period.
97	**IEBC/DRC/291/2022** James Mwangi Gacheche v R.O, Ol-jor-orok Constituency	10th June, 2022	20th June, 2022	19th June, 2022	The Complaint was allowed with no orders as to costs and the decision of the Returning Officer was revoked.	The Complaint allowed as the Complainant could not present his nomination papers to the RO on time due to the loss of his father. The Complainant directed to present his nomination papers within 48 hours for consideration for clearance as a candidate to vie for the position of Member of County Assembly, Weru Ward.
98	**IEBC/DRC/292/2022** Abdulrahman Charo Abdul v R.O, Kisauni Constituency	13th June, 2022	23rd June, 2022	17th June, 2022	The Complainant agreed to administrative guidance regarding the issues raised in the Complaint.	The Complaint marked as settled with no orders as to costs. The RO to reach out to the Complainant for administrative guidance on the issues raised.
99	**IEBC/DRC/CRGE/293/2022** Mary Mwende Mutinda -Vs- The Returning Officer, Nyatike Constituency & Another.	10th June 2022	20th June 2022	19th June 2022	Complaint dismissed for want of prosecution. No orders as to costs.	Complaint dismissed for want of prosecution.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
100	**IEBC/DRC/CRGE/300/2022** Martin Munyua Waititu -Vs- The Returning Officer, Juja Constituency	14th June 2022	24th June 2022	Delivered on 19th June 2022. Issued on 23rd June 2022.	Complainant to resubmit nomination papers within 48 hours from the date of issuance of the decision for consideration for registration by the RO.	Decision of RO revoked. The Complainant lost his ID on the nomination day and could not have possibly replaced it the same day. The loss is a justifiable reason to warrant extension of time to submit nomination papers to the RO.
101	**IEBC/DRC/302/2022** Dickson Ouma Oselle v R.O, North Mugirango Constituency	14th June, 2022	24th June, 2022	19th June, 2022	The Complaint was dismissed with no orders as to costs and the decision of the Returning Officer was revoked.	The Complaint was dismissed as the Complainant did not adduce evidence to invalidate the nomination of Benter Nyaboke Nyandiba to run for Member of County Assembly, Magwagwa Ward.
102	**IEBC/DRC/CRGE/303/2022** Francis Kinyua & 2 Others Vs Purity Wangui Kuria Ngirichi & Kirinyaga County Returning Officer.	14th June 2022	24th June 2022	19th June 2022	Complaint dismissed with no orders as to costs.	Complaint dismissed for lack of evidence on invalidity of degree certificate. The IEBC does not have a mandate to make enquiries into the validity and legitimacy of academic certificates and credentials but merely acts in trust on the face value of the documents.
103	**IEBC/DRC/305/2022** Shukin Oonge Mongare v Eric Omanwa Basweti	14th June, 2022	24th June, 2022	19th June, 2022	Complaint was dismissed with no orders as to costs and the decision of the Returning Officer upheld.	The Complaint was dismissed for lack of merit. The Complainant did not attain the threshold of proof that the

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
						Respondent had not either duly resigned or was wrongly cleared to vie for the position of Member of County Assembly, Weru Ward.
104	**IEBC/DRC/307/2022** Charles Okelo Mkalo v Orange Democratic Movement Party & 2 Others	14th June, 2022	24th June, 2022	19th June, 2022	Complaint was dismissed with no orders as to costs and the decision of the Returning Officer upheld.	The Complaint was dismissed for want of jurisdiction as the dispute was between a member of a political party and the political party.
105	**IEBC/DRC/316/2022** Winnie Naliaka Wanyama Vs Returning Officer- Embakasi East Constituency	15th June 2022	25th June 2022	20th June 2022	Complaint dismissed. The decision of the Respondent rejecting the nomination of the Complainant to contest for the position of Member of County Assembly, Mihang'o Ward, Nairobi County upheld. No costs awarded.	The Complainant did present herself at the registration center after the lapse of the period for clearing aspirants for the position of Member of County Assembly.
106	**IEBC/DRC/CRGE/319/2022** Hussein Kusow Vs The Returning Officer, Mandera County & 3 Others.	15th June 2022	25th June 2022	20th June 2022	Complaint dismissed with no orders as to costs.	The Committee had no jurisdiction over matters pending before courts of law. Without prejudice, the Complaint did not prove that the aspirant cleared party hopped after the statutory deadline.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
107	**IEBC/DRC/323/2022** Anthony Mkala Chitavi v Mombasa County Returning Officer & Another Interested Party - United Democratic Party (UDP)	13th June, 2022	23rd June, 2022	20th June, 2022	Complaint was dismissed for lack of merit with no orders as to costs and the decision of the Returning Officer upheld.	The Complaint was dismissed for lack of merit and the rejection of the Complainant for registration as a county governor, Mombasa was upheld. The Interested Party to nominate an alternative candidate in place of the Complainant, within 72 hours from the date of the decision for possible clearance and registration as a candidate for the position of county governor.

3.3 Annex III: Summary of Complaints for Panel 2

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
1.	**IEBC/DRC/06/2022** Francis M. Mwangi v R.O Embakasi North Constituency **Filed by aspirant**	1st June, 2022	11th June, 2022	13th June, 2022	Delivered	Declined to resubmit his nomination papers despite appearing on time. Complaint allowed.
2	**IEBC/DRC/30/2022** Stephen Omodia Emusukut v RO Embakasi North Constituency. **Filed by aspirant**	8th June, 2022	11th June,2022	12th June,2022	Delivered	Dismissed for non-compliance with the statutory requirements.
3	**IEBC/DRC/45/2022** Jeremiah Gitonga Luruti v R.O Igembe Central Constituency **Filed by aspirant**	6th June,2022	17th June,2022	19th June,2022	Delivered	Failure to meet the required number of signatures. Dismissed
4	**IEBC/DRC/52/2022** Jonathan Murangiri v R.O MeruCounty **Filed by aspirant**	6th June,2022	17th June,2022	19th June,2022	Delivered	Did not meet required no of supporters for senate- dismissed.
5	**IEBC/DRC/60/2022** Ndirangu Mwaura v R.O Nairobi County **Filed by aspirant**	6th June, 2022	16th June,2022	16th June,2022	Delivered	Issue on the RO's inability to load the list of supporters on the Candidate Registration Management System. Allowed to appear before RO 48 Hrs.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
6	**IEBC/DRC/84/2022** Allan Kipkoech Korir vs R.O Konoin Constituency	8th June, 2022	14th June, 2022	14th June, 2022	Dismissed –non compliance	Non-compliant and lateness. dismissed.
7	**IEBC/DRC/89/2022** James Mwangi Gichohi v R.O Embakasi North Constituency & Jane M. Wangoi	7th June 2022	16th June,2022	17th June, 2022	Delivered	Complaint against nominee, failure to resign from public office. Dismissed
8	**IEBC/DRC/103/2022** Abdi Salam Hassan Abdi v R.O Kajiado	8th June, 2022	17th June, 2022	17th June, 2022	Delivered	Party member disputes-Dismissed no jurisdiction.
9	**IEBC/DRC/106/2022** Josphat Maruhi Kiama v CRO Makadara Constituency	8th June, 2022	19th June,2022	20th June,2022	Delivered	Non-compliant. Dismissed
10	**IEBC/DRC/108/2022** Raymond Cheruyiot Rono v Kedowa Constituency	8th June, 2022	15th June 2022	15th June 2022	Delivered	Lateness beyond gazette timelines. Dismissed.
11	**IEBC/DRC/110/2022** David Joel vs R.O Homabay County	8th June, 2022	14th June,2022	14th June,2022	Delivered	Did not meet required supporters-dismissed.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
12	**IEBC/DRC/113/2022** Bruno Ibhraim Mwirigi Mburugu v Imenti North Constituency	8th June, 2022	17th June,2022	17th June, 2022	Delivered	Did not meet the required number of supporters for MNA- dismissed.
13	**IEBC/DRC/126/2022** James Wahome- v R.O Ol-Kalau Constituency	8th June,2022	17th June,2022	17th June,2022	Delivered	Dismissed for want of prosecution.
14	**IEBC/DRC/130/2022** Paul Karugo Thang`wa Wanjiru v C.R.O Kiambu County	8th June, 2022	18th June,2022	19th June, 2022	Delivered	Dismissed Lateness and disqualification
15	**IEBC/DRC/143/2022** Anthony Kimani Nyororo v R.O Lari, Constituency	8th June,2022	19th June,2022	20th June,2022	Delivered	Insufficient number of supporters for MCA-Dismissed.
16	**IEBC/DRC/158/2022** John Kipchichir Boiywo v Baringo County	8th June, 2022.	15th June,2022	15th June, 2022	Delivered	Dismissed-lateness.
17	**IEBC/DRC/170/2022** Victor Onyango vs R.O Kibra Constituency	9th June,2022	13th June,2022	13th June,2022	Delivered	Insufficient no of supporters for MCA-dismissed.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
18	**IEBC/DRC/186/2022** Mark Obar Asuelaa v C.R.O Homabay County	9th June, 2022	16th June,2022	17th June, 2022.	Delivered	Non-compliant and lateness on rescheduling.
19	**IEBC/DRC/188/2022** Benson Karisa Katsuki v. R.O Kibarani Constituency	9th June, 2022	17th June,2022	17thJune,2022	Delivered	The Complainant's name not in the CRMS, complaint allowed, to resubmit papers.
20	**IEBC/DRC/192/2022** Phineas Mutharimi Michibu v C.R.O Igembe County	9th June,2022	16th June,2022	17th June,2022	Delivered	Non-compliant and lateness-Dismissed-
21	**IEBC/DRC/199/2022** Joseph Wambugu Kiragu v R.O Weslands Constituency	9th June,2022	17thJune,2022	17th June,2022	Delivered	Dismissed-jurisdiction. Political parties.
22	**IEBC/DRC/217/2022** Evans Kaita vs R.O Nairobi County	9th June, 2022	17th June,2022	17th June,2022	Delivered	Allowed to resubmit ID
23	**IEBC/DRC/224/2022** Geoffrey Otieno Opiyo v R.O Kasipul Kabondo Constituency	7th June,2022	17th June,2022	19th June, 2022	Delivered	Dismissed non compliance

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
24	**IEBC/DRC/233/2022** Moses Timothy Oguta vs R.O Busia County	9th June,2022	15th June,2022	15th June,2022	Delivered	Dismissed non compliance
25	**IEBC/DRC/237/2022** Gitonga Suvani v R.O Tharaka Constituency	9th June, 2022	17th June,2022	19th June, 2022	Delivered	Dismissed lateness
26	**IEBC/DRC/245/2022** Jeremiah Ekamaus Lomonkai v C.R.O Turkana County	3rd June, 2022	13th June,2022	17th June, 2022	Delivered	Complaint against nominee. Education Qualification. Dismissed committee bound by court order to stay revocation of degree certificate.
27	**IEBC/DRC/247/2022** Elizabeth Nzilani vs R.O Nairobi County	10th June,2022	17th June,2022	17th June,2022	Delivered	Dismissed for want of prosecution.
28	**IEBC/DRC/253/2022** Samuel Kiprotich Towett, v R.O Kilgoris Constituency	10th June,2022	19th June,2022	20th June,2022	Delivered	Lateness beyond gazette timelines.
29	**IEBC/DRC/258/2022** Harrison Sang`alo Orono v R.O Teso North Constituency	10th June,2022	19th June,2022	20th June,2022	Delivered	Did not meet the required number of supporters-dismissed.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
30	**IEBC/DRC/272/2022** Kamau Manyara, v R.O Molo Constituency	13th June, 2022	17th June,2022	17th June,2022	Delivered	Dismissed for want of prosecution.
31	**IEBC/DRC/301/2022** David Kubasu Shimenga v R.O Ikolomani Constituency	14thJune,2022	19th June,2022	20th June,2022	Delivered	Party primaries disputes-no jurisdiction.
32	**IEBC/DRC/306/2022** Felix Asiligwa Ongadi v R.O Kakamega County	14th June, 2022	19th June,2022	20th June,2022	Delivered	Complaint against nominee. Dismissed– no jurisdiction to interrogate degree
33	**DRC 201/2022** Christopher Odhiambo Kobimo Versus R.O, Alego Usonga Constituency **Filed by aspirant**	9th June, 2022	19th June, 2022	17th June, 2022	Delivered	Grounds: Insufficient supporters No Proposer nor Seconder. Outcome: Dismissed upon hearing with no orders as to costs
34	**DRC 67/2022** Wilson Kipngetich Kogo Versus R.O, Chesumei Constituency **Filed aspirant**	7th June, 2022	17th June, 2022	17th June, 2022	Delivered	Grounds: Lateness Outcome: Dismissed upon hearing with no orders as to costs.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
35	**DRC 68/2022** Peter Ndungu Wachira Versus R.O, Embakasi North Constituency & Ouma Jedidah Ombwayo **Filed by Voter**	7th June, 2022	17th June, 2022	17th June, 2022	Delivered	Grounds: Failure to resign as a public officer Outcome: Dismissed upon hearing with no orders as to costs.
36	**DRC 22/2022** George Matala Wafula Versus R.O, Webuye West Constituency **File by aspirant**	3rd June, 2022	13th June, 2022	16th June, 2022	Delivered	Grounds: Insufficient supporters Outcome: Dismissed upon hearing with no orders as to costs
37	**DRC 111/2022** Francis Kipruto Bett & Francis Kibiwott Too Versus R.O, Chesumei Constituency **Filed by Voters**	8th June, 2022	18th June, 2022	16th June, 2022	Delivered	Grounds: Party hopping Outcome: Dismissed upon hearing with no orders as to costs
38	**DRC 48/2022** Samuel Kiiru Kaburia Versus Kieni East Constituency **Filed by aspirant**	6th June, 2022	16th June, 2022	15th June, 2022	Delivered	Grounds: Failure to fill statutory Forms 11N & 11P Outcome: Dismissed upon hearing with no orders as to costs

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
39	**DRC 85/2022** Irene Nyambura Wanyoike Versus CRO Kiambu County **Filed by aspirant**	7th June, 2022	17th June, 2022	16th June, 2022	Delivered	Grounds: Lateness Outcome: Dismissed upon hearing with no orders as to costs
40	**DRC 10/2022** Duncan Njenga Ng'ang'a Versus R.O, Kabete Constituency **Filed by aspirant**	1st June, 2022	11th June, 2022	16th June, 2022	Delivered	Grounds: Lateness Lack of hard copy of symbol Lack of soft and hard copy of campaign schedule Outcome: Dismissed upon hearing with no orders as to costs
41	**DRC 315/2022** **Zacharia Anyangu Kwanzu** **Versus** **R.O, Emuhaya Constituency** **Filed by aspirant**	15th June, 2022	25th June, 2022	20th June, 2022	Delivered	Grounds: Lateness Outcome: Dismissed upon hearing with no orders as to costs
42	**DRC 114/2022** **Edward Inginda Akaranga** **Versus** **R.O, Kibera Constituency** **Filed by aspirant**	8th June, 2022	18th June, 2022	14th June, 2022	Delivered	Grounds: Lateness No proposer, nor seconder IDs not serialized Unfilled Form 19 Outcome: Dismissed upon hearing with no orders as to costs

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
43	**DRC 80/2022** Albina Wambui Njoka Versus R.O, Mwea Constituency **Filed by aspirant**	7th June, 2022	17th June, 2022	15th June, 2022	Delivered	Grounds: Not gazetted despite complying with all requirements Outcome: Allowed. Complainant ordered to present herself before the RO within 48 hrs The RO ordered to register the complainant.
44	**DRC 23/2022** Kirui Vincent Versus Sotik Constituency **Filed by aspirant**	3rd June, 2022	13th June, 2022	15th June, 2022	Delivered	Grounds: No seconder Self-Declaration form not duly filled. Lateness Outcome: Dismissed upon hearing with no orders as to costs
45	**DRC 86/2022** Jimi Richard Wanjigi Versus Wafula Chebukati & Daystar University **Filed by aspirant**	7th June, 2022	17th June, 2022	18th June, 2022	Delivered	Grounds: Lack of degree Outcome: Dismissed upon hearing with no orders as to costs
46	**DRC 299/2022** Hassan Mohamed Nur Versus Abdirahman Omar Adan & 4 others **Filed by a voter**	14th June, 2022	24th June, 2022	19th June, 2022	Delivered	Grounds: Party primaries Outcome: Dismissed upon hearing with no orders as to costs

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
47	**DRC 61/2022** John Muchiri Wanjiru Versus R.O, Mwea Constituency **Filed by aspirant**	6th June, 2022	16th June, 2022	14th June, 2022	Delivered	Grounds: Not gazetted for failure to submit requisite forms after filling them out Outcome: Dismissed upon hearing with no orders as to costs
48	**DRC 50/2022** **George Jalang'o Midiwo** **Versus** **R.O, Gem Constituency** **Filed by aspirant**	6th June, 2022	16th June, 2022	……	Delivered	Grounds: Party hopping Outcome: Dismissed upon hearing with no orders as to costs
49	**DRC 99/2022** **Thomas Waithaka Mumu** **Versus** **Dr. Irungu Kang'ata & 2 Others** **Filed by a voter**	8th June, 2022	18th June, 2022	15th June, 2022	Delivered	Grounds: Replacement of a running mate Failure to resign from public service. Outcome: Dismissed upon hearing with no orders as to costs
50	**DRC 56/2022** **Gideon Ngewa Kenya & Another** **Versus** **Hon. Wavinya Ndeti** **Filed by voters**	6th June, 2022	16th June, 2022	18th June, 2022	Delivered	Grounds: Authenticity of degree Outcome: Dismissed upon hearing with no orders as to costs

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
51	**DRC 320/2022** Moses Nduiga Kamande Versus R.O, Maragwa Constituency **Filed by a voter**	15th June, 2022	25th June, 2022	18th June, 2022	Delivered	Grounds: Failure to resign from public service Outcome: Dismissed upon hearing with no orders as to costs
52	**DRC 280/20200** Simon Kokoyo Sirako Versus Jedidah Ouma Ombwayo **Filed by a voter**	13th June, 2022	23rd June, 2022	N/A	Not delivered	Grounds: Failure to resign from public service Outcome: Summary dismissal due to similar file having been heard and determined (DRC No.68/2022)
53	**IEBC/DRC/32/2022** **Florence Jelagat Kemboi** **v.** **CRO Baringo County** **Filed by aspirant**	3rd June, 2022	15th June 2022.	15th June, 2022.	Delivered	Dismissed for want of prosecution. The Complainant failed to appear before the Dispute Resolution Committee.
54	**IEBC/DRC/33/2022** Samwel Otieno Otieno v. RO Rongo Constituency **Filed by aspirant**	3rd June, 2022	16th June 2022.		Delivered	Dismissed upon hearing. The Complainant did not have the requisite number of signatures of supporters.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
55	**IEBC/DRC/38/2022** Andrew Ndiritu Chiera v. RO Starehe Constituency **Filed by aspirant**	3rd June, 2022	12th June 2022	12th June, 2022.	Delivered	Dismissed upon hearing. The DRC has no jurisdiction. Dispute is between the Complainant and UDA party and relates to political party nominations.
56	**IEBC/DRC/41/2022** Glory Mwendwa Kinoti v. RO Meru County. **Filed by aspirant**	6th June, 2022	17th June, 2022			Dismissed upon hearing. The Complainant did not have the requisite number of signatures of supporters.
57	**IEBC/DRC/53/2022** Dickson Nyaribo v. RO Embakasi East Constituency. **Filed by aspirant**	6th June, 2022	13th June, 2022	13th June, 2022	Delivered	Dismissed for want of prosecution The Complainant failed to appear before the Dispute Resolution Committee.
58	**IEBC/DRC/54/2022** Mercy Chepkirui v. Returning Officer Narok West Constituency. **Filed by aspirant**	6th June, 2022	12th June, 2022	12th June, 2022	Delivered	Dismissed upon hearing. The EACC self-declaration form was neither signed nor stamped The Complainant failed to observe the set timelines. The complainant did not have the requisite number of signatures of supporters.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
59	**IEBC/DRC/66/2022** Hillary Mutuma Mugambi v. RO North Imenti Constituency **Filed by aspirant**	7th June, 2022.	17th June, 2022	19th June, 2022	Delivered	Dismissed upon hearing. The complainant was not gazetted to run as an independent candidate. The Complainant never notified IEBC to allow Gazettement.
60	**IEBC/DRC/76/2022** Musa Barongo Newton v. Returning Officer Nyaribari Chache Constituency. **Filed by aspirant**	7th June, 2022.	14th June, 2022		Delivered	Dismissed upon hearing. The Complainant did not have the requisite number of signatures of supporters.
61	**IEBC/DRC/83/2022** Ambassador Julius Kiema Kilonzo v. Dr. Julius Makau Malombe & Another **Filed by aspirant**	7th June, 2022.	18th June, 2022.		Delivered	Dismissed upon hearing. The DRC has no jurisdiction. Dispute is between the Complainant, Respondent, and Wiper party and relates to political party nominations
62	**IEBC/DRC/90/2022** Mary Muthoni Wachira v. RO Tetu Constituency **Filed by aspirant**	7th June, 2022.	17th June, 2022	19th June, 2022.	Delivered	Dismissed upon hearing. The Complainant is not a registered voter hence not allowed to vie for election. The timeline for voter registration had elapsed.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
63	**IEBC/DRC/91/2022** Roney Mutethia v. RO Igembe Central Constituency **Filed by aspirant**	6th June, 2022	16th June, 2022.		Delivered	Dismissed upon hearing. The Complainant failed to present his self-declaration form within the stipulated time.
64	**IEBC/DRC/92/2022** Fredrick Gakuru Muchoki v. CRO Nyeri Country **Filed by aspirant**	7th June, 2022	19th June, 2022.		Delivered	Dismissed upon hearing. The Complainant's USIU degree is not authenticated by the Commission for University Education
65	**IEBC/DRC/118/2022** Wilson Alinyo Mboiya v. RO Embakasi East Constituency **Filed by aspirant**	6th june, 2022.	13th June 2022.		Delivered	Dismissed upon hearing. The Complainant failed to observe the set timelines.
66	**IEBC/DRC/141/2022** **Stephen Otieno Odit** **v.** **RO Embakasi Central Constituency** **Filed by aspirant**	8th June, 2022.	19th June, 2022.		Delivered	Dismissed upon hearing. The Complainant did not have the requisite number of signatures of supporters.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
67	**IEBC/DRC/151/2022** Sheikh Sadiq Lukanu v. RO Kibra Constituency **Filed by aspirant**	8th June, 2022.	16th June 2022.		Delivered	Dismissed upon hearing. The Complainant failed to observe the set timelines.
68	**IEBC/DRC/152/2022** Siyad Abdi Gabo v. RO Kamukunji Constituency. **Filed by aspirant**	8th June, 2022.	17th June, 2022	17th June, 2022	Delivered	Dismissed for want of prosecution The Complainant failed to appear before the Dispute Resolution Committee.
69	**IEBC/DRC/154/2022** Kathurima Naftaly v. CRO Meru County. **Filed by aspirant**	8th June, 2022.	18th June, 2022.		Delivered	Dismissed upon hearing No banker's cheque Insufficient number of supporters
70	**IEBC/DRC/156 /** Winnie Naliaka Wanyama v. RO Embakasi East Constituency. **Filed by aspirant**	8th June, 2022.	16th June, 2022	16th June, 2022	Delivered	Dismissed for want of prosecution, the Complainant failed to appear before the Dispute Resolution Committee

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
71	**IEBC/DRC/162/2022** Momanyi Bitange Kepha v. RO Mwatate Constituency **Filed by aspirant**	8th June, 2022.	16th June 2022.		Delivered	Dismissed upon hearing. No resignation letter.
72	**IEBC/DRC/174/2022** Charles Maina Muchai v. RO Starehe Constituency **Filed by aspirant**	8th June, 2022.	14th June, 2022		Delivered	Dismissed upon hearing. The Complainant failed to observe the set timelines.
73	**IEBC/DRC/185/2022** Isaac Aluoch Polo Aluochier v. Shadrack Otieno Nyawade & 14 Others. **Filed by aspirant**	9th June, 2022.	17th June 2022.		Delivered	Dismissed upon hearing. The DRC lacked jurisdiction Matter is subjudice Matter raises issues of constitutional interpretation Complaint raises criminal issues
74	**IEBC/DRC/213/2022** Anthony Karanja Ndungu v. Returning Officer Nyeri Town Constituency. **Filed by aspirant**	6th June, 2022	17th June, 2022			Dismissed upon hearing. Complainant failed to prove that the RO registered candidates outside the stipulated timeline thereby violating the provisions of Gazette Notice No.431, carried in Vol. CXXIV No. 14

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
75	**IEBC/DRC/219/2022** Carlton Muriithi Mnthama v. Returning Officer Runyenjes Constituency. **Filed by aspirant**	9th June, 2022.	19th June, 2022.		Delivered	Allowed, the complainant directed to appear before the RO within 48 hours. The Complainant demonstrated that failure to present original ID was occasioned by circumstances beyond his control.
76	**IEBC/DRC/225/2022** Walter Nyakundi Chweya v. Returning Officer Embakasi Central Constituency. **Filed by aspirant**	9th June, 2022.	19th June, 2022.		Delivered	Dismissed upon hearing. The Complainant was not cleared to vie as an independent candidate. Never attended the pre-nomination meeting.
77	**IEBC/DRC/228/2022** Zachary Aseda Omondi Rombo v. Returning Officer Kasipul Constituency**.** **Filed by aspirant**	9th June, 2022	18th June, 2022		Delivered	Dismissed upon hearing The DRC has no jurisdiction Dispute is between the Complainant, Respondent, and the ODM party and relates to political party nominations
78	**IEBC/DRC/230/2022** Dennis Gakuo Wahome v. Sakaja Koskei Johnson & RO Nairobi City County **Filed by voter**	12th June, 2022.	19th June, 2022.		Delivered	Dismissed upon hearing. The DRC has no jurisdiction to establish the validity of degree certificates.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
79	**IEBC/DRC/233/2022** Moses Timothy Oguta Wanyama v. CRO Busia County. **Filed by aspirant**	9th June, 2022.	15th June, 2022	15th June, 2022	Delivered	Dismissed for want of prosecution. The Complainant failed to appear before the Dispute Resolution Committee.
80	**IEBC/DRC/251/2022** Joseph Omondi Agoko v. Returning Officer Ugunja Constituency. **Filed by aspirant**	10th June, 2022.	14th June, 2022.		Delivered	Dismissed upon hearing. The Complainant was not gazetted to run as an independent candidate.
81	**IEBC/DRC/252/2022** Bernard Peter Odero v. Returning Officer Ugunja Constituency. **Filed by aspirant**	10th June, 2022.	14th June 2022.		Delivered	Dismissed upon hearing. The Complainant was not gazetted to run as an independent candidate.
82	**IEBC/DRC/259/2022** Musa Abdi Fafi v. Mohamud Subey Gedi & RO Fafi constituency. **Filed by aspirant**	10th June, 2022.	17th June, 2022	17th June, 2022	Delivered	Dismissed for want of prosecution The Complainant filed an affidavit disowning the complaint.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
83	**IEBC/DRC/276/2022** Ramadhan Mario Mbugua v. Returning Officer Naivasha Constituency. **Filed by aspirant**	13th June, 2022	19th June, 2022.		Delivered	Dismissed upon hearing. Insufficient number of signatures of supporters. Failure to comply with set timelines.
84	**IEBC/DRC/284/2022** Rotich Nicholas v. Returning Officer Kuresoi South Constituency. **Filed by aspirant**	13th June, 2022.	19th June 2022.		Delivered	Dismissed upon hearing. Insufficient number of signatures of supporters.
85	**IEBC/DRC/295/2022** Okello Dennis Kevin v. Returning Officer Namable Constituency. **Filed by aspirant**	13th June, 2022.	19th June 2022.		Delivered	Dismissed upon hearing. No banker's cheque presented.
86	**IEBC/DRC/297/2022** Nathaniel Kahihu Gaitho v. Returning Officer Gilgil Constituency. **Filed by aspirant**	13th June, 2022	19th June, 2022		Delivered	Dismissed upon hearing. Insufficient number of signatures of supporters

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
87	**IEBC/DRC/298/2022** Harold Makanza Kaulu v. Returning Officer Rabai Constituency. **Filed by aspirant**	14th June, 2022.	19th June, 2022		Delivered	Dismissed upon hearing Failure to resign from public office
88	**IEBC/DRC/148/2022** Dishon Aswani Luchera V R.O Kibra Constituency **Dispute lodged by contestant.**	8th June, 2022	18th June, 2022	14th June, 2022	Delivered	Complaint dismissed due to lack of merit. Grounds for dismissal: Lack of proposer and seconder Lack of banker's cheque. Copies of ID not presented in a flash disk and not serialized.
89	**IEBC/DRC/78/2022** Mercy Mugure Karanja V R.O Kieni **Dispute lodged by contestant.**	7th June, 2022	17th June, 2022	15th June, 2022	Delivered	Complaint dismissed on lack of merit. Grounds for dismissal: Application for registration was time barred.
90	**IEBC/DRC/231/2022** Fredrick Owino Obenge v R.O Kibra Constituency. **Dispute lodged by contestant.**	9th June, 2022	19th June, 2022	14th June, 2022	Delivered	Complaint dismissed for lack of merit. Grounds for dismissal: Application for registration was time-barred. Lack of proposer and seconder. Anomalies between soft copy excel sheet and hard copies,

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
91	**IEBC/DRC/116/2022** Geng'a Elias Bita v R.O Ruaraka **Dispute lodged by contestant.**	8th June, 2022	18th June, 2022	15th June, 2022	Delivered	Complaint dismissed on lack of merit. Grounds for dismissal: Application for registration was time-barred.
92	**IEBC/DRC/09/2022** Manases Murithi v R.O Mwea Constituency **Dispute lodged by contestant**	1st June, 2022	11th June, 2022	15th June, 2022	Delivered	Complaint dismissed on lack of merit. Grounds for dismissal: Lack of EACC stamp. Application for registration was time-barred.
93	**IEBC/DRC/75/2022** Kipng'eno Mutai v. R.O Sotik Constituency **Dispute lodged by contestant.**	7th June, 2022	17th June, 2022	15th June, 2022	Delivered	Complaint dismissed on lack of merit. Grounds for dismissal: Lack of proposer and seconder with capacity.
94	**IEBC/DRC/150/2022** Jerad Amos Kabugi v C.R.O Murang'a **Dispute lodged by contestant.**	8th June, 2022	18th June, 2022	14th June, 2022.	Delivered	Complaint dismissed on lack of merit. Grounds for dismissal: The Complainant's running mate for the position of deputy governor did not meet the deadline for submission of names of independent candidates.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
95	**IEBC/DRC/16/2022** David Mamali Wanjala v R.O Bumula Constituency **Dispute lodged by contestant.**	2nd June, 2022	12th June, 2022	15th June, 2022	Delivered	Complaint dismissed on lack of merit. Grounds for dismissal: The name on the Complainant's nomination certificate did not match the name on his National Identification Card. Did not correct this anomaly in good time.
96	**IEBC/DRC/20/2022** Steve Kipruto v C.R.O Baringo County. **Dispute lodged by contestant.**	2nd June, 2022	12th June, 2022	16th June, 2022	Delivered	Complaint dismissed on lack of merit. Grounds for dismissal: Lack of sufficient supporters.
97	**IEBC/DRC/189/2022** Titus Waithaka Wanjiru v R.O Othaya Constituency **Dispute lodged by contestant.**	9th June, 2022 (form doesn't have IEBC stamp but dated 9th)	19th June, 2022	15th June, 2022	Delivered	Complaint dismissed on lack of merit. Grounds for dismissal: Lack of sufficient supporters. Lack of EACC stamp. Application was time-barred. Lack of banker's cheque.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
98	**IEBC/DRC/122/2022** Kimemia Juliet Muthoni v C.R.O Kiambu County **Dispute lodged by contestant.**	8th June, 2022	18th June, 2022	16th June, 2022	Delivered	Complaint dismissed on lack of merit. Grounds for dismissal: The running mate's degree certificate had not been authenticated by the Commission for University Education. Application for registration was time-barred.
99	**IEBC/DRC/86/2022** Jimi Richard Wanjigi v Wafula Chebukati & Daystar University **Dispute lodged by contestant.**	8th June, 2022.	18th June, 2022	18th June, 2022	Delivered	Complaint dismissed on lack of merit. Grounds for dismissal: Lack of sufficient supporters. Lack of a degree certificate. Failure to present the nomination certificate of the deputy governor nominee within prescribed timelines.
100	**IEBC/DRC/117/2022** Basilio Mutuma v R.O Kajiado North Constituency **Dispute lodged by contestant.**	8th June 2022	18th June, 2022	17th June, 2022	Delivered	Complaint dismissed for lack of merit. Grounds for dismissal: Lack of sufficient supporters.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
101	**IEBC/DRC/27/2022** Herbert Nyaruri v R.O Nyaribari Masaba Constituency **Dispute lodged by contestant.**	3rd June, 2022	13th June, 2022	17th June, 2022	Delivered	Complaint dismissed for lack of merit. Grounds for dismissal: The proposer and seconder had not signed the Form 15.
102	**IEBC/DRC/101/2022** Kairu Peter Chege v UDA 7 Others **Dispute lodged by contestant.**	8th June, 2022	18th June 2022	18th June 2022 decision on Application for reinstatement .	Delivered	Complaint and Application for reinstatement dismissed for lack of jurisdiction. Grounds for dismissal: Lack of jurisdiction as it was a dispute between a member of a political party and the political party.
103	**IEBC/DRC/03/2022** Ojijo Ogillo Mark Pascal & 2 others v IEBC **Dispute lodged by contestant.**	31st May, 2022	10th June, 2022	Complainants withdrew on 16th June, 2022. Judgement	Delivered	Complaints withdrawn by the Complainants in consensus.
104	**IEBC/DRC/04/2022** Ojijo Ogillo Mark Pascal v IEBC **Dispute lodged by contestant.**	31st May, 2022	10th June, 2022	18th June, 2022	Delivered	Complaint dismissed for lack of merit. Grounds for dismissal: The independent presidential aspirant did not submit his supporters' details by 25th May, 2022.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
105	**IEBC/DRC/226/2022** Timothy Ayieko Ogingo v CRO Nairobi County **Dispute lodged by contestant.**	9th June, 2022	19th June, 2022	18th June, 2022	Delivered	Complaint dismissed for lack of merit. Grounds for dismissal: Lack of proposer and seconder. Lack of running mate's details.
106	**IEBC/DRC/149/2022** Martin Kipkoech v R.O Kwanza Constituency **Dispute lodged by contestant.**	8th June, 2022	18th June, 2022	18th June, 2022	Delivered	Complaint dismissed for lack of merit. Grounds for dismissal: Application for registration was time-barred.
107	**IEBC/DRC/05/2022** Mogendi Wilson Saiya v R.O Kuria West Constituency **Dispute lodged by contestant.**	2nd June, 2022	12th June, 2022	16th June, 2022	Delivered	Complaint dismissed for lack of jurisdiction. Grounds for dismissal: Dispute between a member of a political party and the political party.
108	**IEBC/DRC/257/2022** Stephen Njoroge Mungai v R.O Kajiado North Constituency **Dispute lodged by contestant.**	10th June, 2022	20th June, 2022	20th June, 2022	Delivered	Complaint dismissed for lack of merit. Grounds for dismissal: Lack of sufficient supporters. Lack of proposer and seconder

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
109	**IEBC/DRC/57/2022** Nicholas Kiplangat Mutai v R.O Narok West Constituency **Dispute lodged by contestant.**	8th June, 2022	18th June, 2022	20th June, 2022	Delivered	Complaint dismissed for lack of merit. Grounds for dismissal: Application for registration was time-barred.
110	**IEBC/DRC/210/2022** Salydiah Wangui Mwahu v R.O. Maragwa Constituency **Dispute lodged by contestant.**	9th June, 2022	19th June, 2022	20th June, 2022	Delivered	Complaint dismissed for lack of merit. Grounds for dismissal: The name on her national identification card, did not match the name on her nomination certificate and her self-declaration form. Lack of seconder.
111	**IEBC/DRC/296/2022** Nowa Magero v R. O. Ruaraka Constituency **Dispute lodged by contestant.**	13th June, 2022	23rd June, 2022	20th June, 2022	Delivered	Complaint dismissed for lack of merit. Grounds for dismissal: Lack of sufficient supporters. Lack of proposer with capacity. Lack of duly filled forms.
112	**IEBC/DRC/320/2022** Moses Nduiga Kamande v Hillary Muigai Muchoki **Dispute lodged by voter.**	15th June, 2022	25th June, 2022	Matter dismissed at hearing due to lack of merit.	Delivered	Complaint summarily dismissed for failure to disclose a reasonable cause of action.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
113	**IEBC/DRC/37/2022** Maur Abdalla Bwanamaka Matapu v Chama Cha Uzalendo **Dispute lodged by contestant.**	3rd June, 2022	13th June, 2022	Complaint withdrawn due to lack of jurisdiction.	Delivered	Complaint withdrawn.
114	**IEBC/DRC/74/2022** Daniel Mola Watako v R.O Matungu Constituency. **Dispute lodged by contestant**	7th June, 2022	17th June, 2022	Complaint dismissed for want of prosecution.	Delivered	Complaint dismissed for want of prosecution.
115	**IEBC/DRC/309/2022** Peter Wambuthsi Masakhwe v R.O Mumias West **Dispute lodged by contestant.**	15th June, 2022	25th June, 2022	Complaint dismissed for want of prosecution.	Delivered	Complaint dismissed for want of prosecution.
116	**IEBC/DRC/314/2022** Justus Muketi v R.O. Matungu Constituency **Dispute lodged by contestant.**	15th June, 2022	25th June, 2022	Complaint dismissed for want of prosecution.	Delivered	Complaint dismissed for want of prosecution.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
117	**IEBC/DRC/321/2022** Mohammed Salat Abdille v R.O. Bura Constituency **Dispute lodged by contestant.**	15th June, 2022	25th June, 2022	Complaint dismissed for want of prosecution.	Delivered	Complaint dismissed for want of prosecution.
118	**IEBC/DRC/287/2022** John Otieno Opiyo v R.O. Migori County **Dispute lodged by contestant**	13th June, 2022	23rd June, 2022	Complaint dismissed for want of prosecution.	Delivered	Complaint dismissed for want of prosecution.
119	**IEBC/DRC/216/2022** Benard Mugo v C.R.O Nairobi County **Dispute lodged by voter.**	9th June, 2022	19th June, 2022	Complaint dismissed for want of prosecution.	Delivered	Complaint dismissed for want of prosecution.
120	**IEBC/DRC/288/2022** Victor Munyao Gido v R.O. Kajiado North Constituency **Dispute lodged by contestant.**	13th June, 2022	23rd June, 2022	Complaint dismissed for want of prosecution.	Delivered	complaint dismissed for want of prosecution.

3.4 Annex IV: Summary of Complaints for Panel 3

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
1.	**IEBC/DRC/304/2022** Brian Kipkirui Keter Vs R.O Kericho County	10.06.2022	19.06.22	19.02.22	Delivered	Complaint Dismissed.
2.	**IEBC/DRC/256/2022** Tarus Kipngetich Adams Vs R.O Sigowet/Soin Constituency	10.06.22	19.06.22	19.06.22	Delivered	Complaint dismissed.
3	**IEBC/DRC/221/2022** Walter Onchonga Mongare Vs Chairman IEBC	9.06.22	19 .06.22	18.06.22	Delivered	Complaint dismissed.
4	**IEBC/DRC/277/2022** Serah Kiwasi Kiwinda Vs R.O Wundanyi Constituency	13.06.22	19.06.22	19.06.22	Delivered	Complaint dismissed.
5	**IEBC/DRC/70/2022** Michael Adie Kiage Vs R.O Kabondo Kasipul Constituency and Peter Odhiambo Agoro	13.06.22	19.06.22	19.06.22	Delivered	Complaint allowed with directions that the Returning Officer considers the nomination document afresh, taking to account the new evidence.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
6	**IEBC/DRC/40/2022** David Renger Tingwet Vs R.O Mt. Elgon **Constituency**		15.06.22	15.06.22	Delivered	Complaint dismissed.
7	**IEBC/DRC/200/2022** Nick Onyango Anyonga Vs R.O Ruaraka Constituency	9.06.22	15.06.22	15.06.22.	Delivered	Complaint Dismissed
8	**IEBC/DRC/214/2022** Kenneth Gitonga Njeru Vs R.O Ruiru Constituency	7.06.22	15.06.22	15.06.22	Delivered	Complaint dismissed.
9	**IEBC/DRC/81/2022** Samuel Kinaro Mokua Vs R.O Ruiru Constituency	7.06.22	15.06.22	15.06.22	Delivered	Complaint dismissed.
10	**IEBC/DRC/129/2022** Dr. Ekuru Aukot & another Vs Wafula Chebukati	8.06.22	17.06.22	17.06.22	Delivered	Complaint dismissed.
11	**IEBC/DRC/222/2022** Agnes Nailantei Shonko Wachiora Vs R.O Kasarani Constituency	9.06.22	13.06.22	13.06.22	Delivered	Complaint dismissed.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
12	**IEBC/DRC/277/2022** Peter Kilonzo Muasya Vs R.O Embakassi South Constituency	9.06.22	13.06.22	13.06.22	Delivered	Complaint dismissed.
13	**IEBC/DRC/19/2022** James Wanjohi Njoroge Vs R.O Roysambu Constituency	1.06.22	13.06.22	13.06.22	Delivered	Complaint dismissed.
14	**IEBC/DRC/133/2022** Joseph Kamau Njeri Vs RO Thika Constituency	8.06.22	13.06.22	13.06.22	Delivered	Complaint allowed. The Complainant to deliver documents to the Returning Officer within 3 days otherwise the orders lapse.
15	**IEBC/DRC/15/2022** Bernard Makau Vs R.O Nairobi County		13.06.22	13.06.22	Delivered	Complaint allowed. The Complainant to submit a compliant list to the Returning Officer within 3 days failure to which the orders lapse.
16	**IEBC/DRC/271/2022** Benson Mwai Kuyu Vs R.O Roysambu Constituency	12.06.22	19.06.22	19.06.22	Delivered	Complaint dismissed.
17	**IEBC/DRC/142/2022** David Noti Kombe Vs R.O Kilifi County	8.06.22	18.06.22	19.06.22	Delivered	Complaint allowed. The Complainant to present his documents to the Returning Officer within 48 hours of service.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
18	**IEBC/DRC/159/2022** Gideon Kuria Munyori Vs R.O Lari Constituency	8.06.22	19.06.22	19.06.22	Delivered	Complaint dismissed.
19	**IEBC/DRC/69/2022** Jacob Gekonge Kwaba Vs R.O Nyaribari Chache Constituency	3.06.22	15.06.22	15.06.22	Delivered	Complaint dismissed.
20	**IEBC/DRC/235/2022** Charles Nyamwange V R.O Kisii County	9.06.22	18.06.22	18.06.22	Delivered	Complaint dismissed.
21	**IEBC/DRC/82/2022** Dr. Ekuru Aukot Vs Raila Odinga	5.06.22	13.06.22	13.06.22	Delivered	Complaint dismissed.
22	**NO. 120 OF 2022** BERNARD OMARE FIDELIS VS R.O EMBAKASI SOUTH CONST.	 2022	11th June, 2022	13th June, 2022	Delivered	Complaint dismissed
23	**NO. 163 OF 2022** HARRISON MAINA BONNE VS RETURNING OFFICER-KASARANI CONSTI.	2022	11th June, 2022	13th June, 2022	Delivered	Complaint allowed

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
24	**NO. 163 OF 2022** JOSEPH MWAURA KARIITHI VS RETURNING OFFICER-KASARANI CONST.	……2022	11th June, 2022	13th June, 2022	Delivered	Complaint dismissed.
25	**NO. 160 OF 2022** PETER KIARII MUCHINA VS RETURNING OFFICER-ROYSAMBU CONST		11th June, 2022	13th June, 2022	Delivered	Complaint dismissed.
26	**NO. 171/2022** STEPHEN NDUNGU MATHU VS RETURNING OFFICER, KIAMBAA CONSTI		15th June, 2022	18th June, 2022	Delivered	Complaint dismissed.
27	**NO.100/2022** ABRAHAM KEMEI VS RETURNING OFFICER-UASIN GISHU COUNTY		13th June 2022	15th June, 2022	Delivered	Complaint dismissed.
28	**NO.21/2022** AMOS NGATA KAMAU VS RETURNING OFFICER-KASARANI CONST		13th June, 2022	15th June, 2022.	Delivered	Complaint dismissed.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
29	**NO.34/2022** EDWARD KIPCHUMBA VS RETURNING OFFICER- UASIN GISHU COUNTY		13th June, 2022	15th June, 2022	Delivered	Complaint dismissed.
30	**NO.47/2022** ISAAC KIMUTAI CHERUYOT VS RETURNING OFFICER- KIPKELION EAST CONST		13th June, 2022	15th June, 2022	Delivered	Complaint dismissed.
31	**NO.194/2022** KEVIN AMOKO VS RETURNING OFFICER- EMBAKASI WEST		13th June, 2022	15th June, 2022	Delivered	Complaint dismissed.
32	**NO.71/2022** LABAN BASIL LEWELA VS RETURNING OFFICER-JUJA CONST.		17th June, 2022	19th June, 2022	Delivered	Complaint dismissed.
33	**NO.94/2022** GEOFFREY SAGWE NYABERI. VS COUNTY RETURNING OFFICER-NYAMIRA COUNTY		17th June, 2022	19th June, 2022	Delivered	Complaint dismissed.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
34	**NO.191/2022** MATHAIYA CHARLES NDONG VS RETURNING OFFICER-LARI CONSTI		17th June, 2022	19th June, 2022	Delivered	Complaint dismissed.
35	**NO.193/2022** JOHN MUGU NYAMBURA VS RETURNING OFFICER-LARI CONSTI		17th June, 2022	19th June 2022	Delivered	Complaint dismissed.
36	**NO.220/2022** BERNICE HURIA VS RETURNING OFFICER-MAKADARA CONSTITUENCY		17th June 2022	19th June 2022	Delivered	Complaint dismissed.
37	**NO.244/2022** MOSES WACHIRA IKAMBA VS RETURNING OFFICER-MBEERE SOUTH		17th June, 2022	19th June, 2022	Delivered	Complaint dismissed.
38	**NO.289/2022** FRED WANGWE KHAEMBA VS RETURNING OFFICER-DAGORETTI SOUTH CONSTI		17th June, 2022	19th June, 2022	Delivered	Complaint dismissed.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
39	**NO.294/2022** CHARLES BAMBO BILAL VS RETURNING OFFICER- MSAMBWENI CONST.		17th June, 2022	19th June, 2022	Delivered	Complaint dismissed.
40	**NO.95/2022** MILLICENT WAKIO VS RETURNING OFFICER- TAVETA CONST		17th June, 2022	17th June, 2022	Delivered	Complaint allowed
41	**NO.24/2022** AHMED HUSSEIN MAALIM MOHAMMED VS RETURNING OFFICER MANDERA SOUTH CONST.		17th June, 2022	17th June, 2022	Delivered	Complaint dismissed for non-attendance and want of prosecution
42	DAVID KIPRONO SUDI VS RETURNING OFFICER ELGEYO MARAKWET & TIMOTHI KIPCHUMBA TOROITICH		17th June, 2022	17th June, 2022	Delivered	Complaint withdrawn
43	**NO.138/2022** SIMON MEJA NZIOKA VS R.O EMBAKASI WEST		17th June, 2022	17th June, 2022	Delivered	Complaint dismissed for non-appearance and want of prosecution

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
44	**NO.223/2022** VINCENT MARIITA OMASO VS R.O NYAMIRA COUNTY		17th June, 2022	17th June, 2022	Delivered	Complaint withdrawn by consent
45	**IEBC/DRC/12/2022** Josephine Njeri Chege Vs C.R.O Nyandarua County	8th June, 2022	18th June, 2022	14th June, 2022	Delivered	Complainant dismissed..
46	**IEBC/DRC/179/2022** Josephine Mukami Kariuki Vs R.O Kikuyu Constituency	9th June, 2022	19th June, 2022	14th June, 2022	Delivered	Complaint dismissed.
47	**IEBC/DRC/039/2022** Gladys Wanjiku Vs CRO Nyandarua County	8th June, 2022	18th June, 2022	14th June, 2022	Delivered	Complaint dismissed.
48	**IEBC/DRC/205/2022** Dan Odhiambo Kodhe Vs R.O Embakasi West Constituency	9th June 2022	19th June, 2022	13th June, 2022	Delivered	Complaint dismissed.
49	**IEBC/DRC/28/2022** Dorcas Jeruto Chepkwonya Vs R.O Marakwet East Constituency	8th June, 2022	18th June, 2022	16th June, 2022	Delivered	Complaint allowed with directions to appear before the Returning Officer within 48 hours

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
50	**IEBC/DRC/31/2022** Kiplimo Kiprop Michael Vs R.O Marakwet East Constituency	8th June, 2022	18th June, 2022	16th June, 2022	Delivered	Complaint dismissed.
51	**IEBC/DRC/79/2022** Zacharia Mogaka Openda Vs R.O North Mugirango Constituency	8th June, 2022	18th June, 2022	16th June, 2022.	Delivered	Complaint dismissed
52	**IEBC/DRC/168/2022** Lilian Sidi Vs R.O Kisauni Constituency Constituency	9th June, 2022	19th June, 2022	19th June, 2022	Delivered	Complaint allowed with directions that the R.O and the ICT Director of Voter Registration to regularize her voter status. The Complainant directed to appear before the R.O within 48 hours.
53	**IEBC/DRC/123/2022** Johnson Oduk Vs R.O Langata Constituency & 2 Others	8th June, 2022	18th June, 2022	17th June, 2022	Delivered	Complaint dismissed.
54	**IEBC/DRC/180/2022** David Mucangi Nyagah Vs C.R.O Embu County	10th June, 2022	20th June, 2022	17th June, 2022	Delivered	Complaint dismissed.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
55	**IEBC/DRC/187/2022** Geoffrey Namunyu Elwak Vs R.O Embakasi East Constituency	10th June, 2022	20th June, 2022	17th June, 2022	Delivered	Complaint dismissed.
56	**IEBC/DRC/211/2022** Brian Kimeli Kosgey Vs R.O Embakasi East Constituency	19th June 2022	20th June, 2022	17th June, 2022	Delivered	Complaint dismissed.
57	**IEBC/DRC/190/2022** Joseph Mokua Manyara Vs Mwancha Okioma & 4 Others	9th June, 2022	19th June, 2022	17th June, 2022	Delivered	Complaint dismissed.
58	**IEBC/DRC/242/2022** Samuel Leshan Kuyo vs R.O Embakasi East Constituency	10th June, 2022	20th June, 2022	17th June, 2022	Delivered	Complaint dismissed.
59	**IEBC/DRC/317/2022** Charles Ondieki Opiyo Vs R.O Dagoretti North Constituency	10th June, 2022	20th June 2022	20th June, 2022	Delivered	Complaint dismissed.
60	**IEBC/DRC/324/2022** David Njilithia Mberia Vs R.O Langata Constituency & 3 Others	8th June, 2022	18th June, 2022	20th June, 2022	Delivered	Complaint dismissed.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
61	**IEBC/DRC/264/2022** Gabriel Kimeli Biwott Vs C.R.O Elgeyo Marakwet County & 2 Others	10th June, 2022	20th June, 2022	20th June, 2022	Delivered	Complaint withdrawn by the Complainant.
62	**IEBC/DRC/261/2022** Benson Wachira Wanyeki Vs Patrick Thuku Karemeri & R.O Kasarani Constituency	10th June, 2022	20th June, 2022	20th June, 2022	Delivered	Complaint allowed with directions to the Returning Officer to vet the 2nd Respondent afresh within 72 hours. Complainant to furnish the Returning Officer with evidence within 48 hours.
63	**IEBC/DRC/212/2022** Ekai Lomoru Nicholas Vs C.R.O Turkana County & 2 Others	9th June 2022	19th June, 2022	20th June, 2022	Delivered	Complaint dismissed.
64	**IEBC/DRC/264/2022** Ian Kiprop Orogon Vs CRO Elgeyo Marakwet County & 2 Others	10th June, 2022	20th June, 2022	20th June, 2022	Delivered	Complaint withdrawn.
65	**IEBC/DRC/310/2022** Katha Paul Nzuki Vs R.O Msambweni Constituency	11th June, 2022	20th June, 2022	20th June, 2022	Delivered	Complaint dismissed.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
66	**IEBC/DRC/29/2022** Mary Muthoni Wachira Vs R.O. Tetu Constituency	8th June, 2022	18th June, 2022	20th June 2022	Delivered	Complaint dismissed for want of prosecution
67	**IEBC/DRC/196/2022** Muguiru Mwangi Vs R.O Starehe Constituency	9th June, 2022	19th June, 2022	20th June, 2022	Delivered	Complaint dismissed for want of prosecution
68	**IEBC/DRC/184/2022** Salim Nthuku Mitabara Vs Abel Mwamburi & R.O Embakasi West Constituency	9th June, 2022	19th June, 2022	20th June, 2022	Delivered	Complaint dismissed.
69	**IEBC/DRC/181/2022** Rianga Eric Vs R.O Kandara Constituency	9th June, 2022	19th June, 2022	20th June, 2022	Delivered	Complaint dismissed for want of prosecution
70	**IEBC/DRC/166/2022** Januarious Kibet Vs R.O Mosop Constituency	……. 2022	19th June, 2022	14th June, 2022	Delivered	Allowed. The Complainant to appear before the RO within 48 hours.
71	**IEBC/DRC/207/2022** Felix Ndeti Vs R.O Nairobi County	……2022	19th June, 2022	14th June, 2022	Delivered	Complaint dismissed.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
72	**IEBC/DRC/035/2022** Dennis Mutuku Vs R.O Matungulu Constituency_	……2022	19th June, 2022	14th June, 2022	Delivered	Complaint dismissed.
73	**IEBC/DRC/198/2022** Baruch Kipchirchir Vs R.O Mosop Constituency	9th June, 2022	19th June, 2022	14th June, 2022	Delivered	Complaint dismissed.
74	**IEBC/DRC/51/2022** Zachariah Momanyi Vs R.O Nairobi County	13th June, 2022	20th June, 2022	17th June, 2022	Delivered	Complaint dismissed.
75	**IEBC/DRC/241/2022** Patrick Kinyua Vs R.O Starehe Constituency			17th June, 2022	Delivered	Complaint dismissed.
76	**IEBC/DRC/07/2022** George Nguri Oljoroorok Vs R.O Oljoroorokk Constituency	1st June, 2022	11th June, 2022	17th June, 2022.	Delivered	Allowed. The Complainant to appear before the RO within 48 hours.
77	**IEBC/DRC/262/2022** Samson Opata Vs R.O Embakasi South Constituency	9th June, 2022	19th June, 2022	17th June, 2022	Delivered	Complaint dismissed.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
78	**IEBC/DRC/58/2022** Peter Abuga Vs R.O West Mugirango Constituency	10th June, 2022	19th June, 2022	17th June, 2022	Delivered	Complaint dismissed.
79	**IEBC/DRC/77/2022** Loice Akoth Kawaka & another Vs Oscar Oluoch Abote &Others	7th June, 2022	17th June, 2022	17th June, 2022	Delivered	Complaint dismissed.
80	**IEBC/DRC/164/2022** Beatrice Nyakambi Vs R.O Nyamira County			17th June, 2022	Delivered	Complaint dismissed.
81	**IEBC/DRC/146/2022** Anderson Kinuthia Vs R.O Kabete Constituency	8th June,2022	18th June, 2022	17th June, 2022	Delivered	Complaint dismissed.
82	**IEBC/DRC/322/2022** Dancan Ochieng Vs R.O Embakasi West Constituency	15th June, 2022	20th June, 2022	20th June, 2022	Delivered	Complaint dismissed.
83	**IEBC/DRC/02/2022** Nicholas Ouma & Others Vs ODM Party & Others	30th May, 2022	8th June, 2022	20th June, 2022	Delivered	Complaint dismissed.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
84	**IEBC/DRC/215/2022** Elijah Asikoya Vs R.O Westlands Constituency	9th June, 2022	19th June 2022	20th June, 2022	Delivered	Complaint dismissed.
85	**IEBC/DRC/311/2022** Kipkemoi Tito Vs R.O Emurua Dikirr Constituency	15th June, 2022	20th June, 2022	20th June, 2022	Delivered	Complaint dismissed.
86	**IEBC/DRC/59/2022** Joseph Likoot Vs R.O Samburu County	15th June, 2022	20th June, 2022	20th June, 2022	Delivered	Complaint dismissed.
87	**IEBC/DRC/308/2022** George Mwiti Vs R.O Kajiado North Constituency	31st May, 2022	9th June, 2022	20th June, 2022	Delivered	Complaint dismissed.
88	**IEBC/DRC/153/2022** Alex Wanjala Vs R.O Dagoreti North Constituency	8th June 2022	18th June, 2022	19th June, 2022	Delivered	Complaint dismissed.
89	**IEBC/DRC/318/2022** Abdalah Kombo Vs R.O Likoni Constituency	15th June, 2022	20th June, 2022	20th June, 2022	Delivered	Complaint dismissed.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
90	**IEBC/DRC/197/2022** Joseph Kahira Vs R.O Thika Town Constituency	9th June, 2022	19th June, 2022	20th June, 2022	Delivered	Complaint dismissed.
91	**IEBC/DRC/107/2022** Paul Bwire Vs Jubilee Party & Another	8th June, 2022	18th June, 2022	19th June 2022	Delivered	Complaint dismissed.
92	**IEBC/DRC/255/2022** Lucas Gicharu Muiruri Vs R.O Gatundu North	9th June, 2022	19th June, 2022	20th June, 2022	Delivered	Complaint dismissed.
93	**IEBC/DRC/313/2022** Anthony Kitele Vs R.O Kangundo Constituency	15th June, 2022	20th June, 2022	20th June, 2022	Delivered	Complaint dismissed.
94	**IEBC/DRC/140/2022** Moses Wa Muruka Vs R.O Kandara Constituency	8th June, 2022	18th June, 2022	19th June, 2022	Delivered	Complaint dismissed.
95	**IEBC/DRC/264/2022** Ian Kiprop Orogoin Vs C.R.O Elgeyo Marakwet County & 2 Others	10th June, 2022	20th June, 2022	20th June, 2022	Delivered	Complaint withdrawn by the Complainant.

No.	Complaint	Date Filed	Actual Due Date	Date of Delivery of Decision	Decision Delivered	Conclusion
96	**IEBC/DRC/CRGE/73/2022** Moses Ayieko Ntabo and Wesley Obwangi vs C.R.O Kisii County and Simba Arati	10th June, 2022	20th June, 2022	20th June, 2022	Delivered	Complaint withdrawn by the Complainant.



Chairperson Erastus Edung Ethekon HSC, (centre) and Commissioners (left to right) Prof. Francis Odhiambo Aduol, Ann Njeri Nderitu CBS, Fahima Araphat Adballa, OGW (Vice-Chairperson), Dr. Moses Alutalala Mukhwana, Hassan Noor Hassan, CBS and Marykaren Sorobit.

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We stand for the right of every political aspirant to a lawful, fair, and predictable nomination process, and we are committed to advancing accessible justice in all future elections.

The IEBC Commission

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