REPORT

in respect of

THE PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENT ON THE

(1) THE ELECTION CAMPAIGN FINANCING REGULATIONS, 2026

AND

(2) THE ELECTION CAMPAIGN FINANCING (NOTICE ON CONTRIBUTIONS AND SPENDING LIMITS FOR CANDIDATES AND POLITICAL PARTIES FOR PURPOSES OF THE GENERAL ELECTION SCHEDULED TO BE HELD ON 10TH AUGUST, 2027)

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1 Introduction

Under Article 88(4)(i) of the Constitution, the Commission is mandated to regulate the amount of money that may be spent by candidates and political parties during an election, in order to promote equity in electoral competition, curb undue financial influence and safeguard public confidence in electoral outcomes.

This mandate is operationalized through Sections 12, 18 and 19 of the Election Campaign Financing Act (Cap. 7A), which requires the Commission to prescribe contribution limits, expenditure limits and authorized campaign expenses by Gazette Notice at least twelve months before a General Election. Pursuant to this, the Commission developed the Draft Election Campaign Financing Regulations, 2026 and proposed spending limits, which were publicized on the Commission's website and through the media. This report summarizes the legal basis, content of the Draft Regulations, and the public participation exercise undertaken.

2 Legal Framework

Campaign finance regulation traces back to the 2005 recommendation of the Constitution of Kenya Review Commission and the 2008 Kriegler Commission finding that the absence of campaign finance legislation left the electoral body unable to check the influence of money in elections. These concerns culminated in Article 88(4)(i) of the Constitution (2010) and, subsequently, the Election Campaign Financing Act, 2013.

Parliament rejected attempts to operationalize the Act through regulations in 2016, and in 2017 the implementation of the ECF Act was deferred to the 2022 General Elections.

On 5th August 2021, the Commission submitted the ECF Regulations, 2020 to the National Assembly for approval ahead of the 2022 General Election. On 9th August 2021, the Commission gazetted Campaign Contribution and Spending Limits for the 9th August 2022 General Election. On 28th September 2021, the National Assembly, acting on the recommendation of the Committee on Delegated Legislation, annulled the gazetted limits and resolved that the Commission de-gazette them. In October 2021, the Commission de-gazetted the Contribution and Spending Limits, pursuant to the National Assembly resolution.

On 17th December 2021, Katiba Institute and AFRICOG petitioned the High Court, challenging the National Assembly's resolution annulling the gazetted limits. On 7th January 2022 Transparency International and Phillip Gichana Nyakundi lodge a further petition on the status of the Regulations.

On 24th January, 2022, the two petitions - E540 of 2021 and E546 of 2021 were consolidated by a court order, in which the High Court directed the Commission to develop the Regulations contemplated under Article 88(4)(i), holding, among other findings, that:

- Regulations under Article 88(4)(i) are statutory, not constitutional instruments;
- Section 29(1) of the Act: requiring parliamentary approval before Gazettement is unconstitutional in so far as it requires Parliament to approve the regulations before publication and

- Sections 12, 18 and 19 of the Act do not require parliamentary approval but must be subjected to appropriate public participation.

It was this directive that the current Draft Regulations and the accompanying public participation exercise were intended to satisfy.

3 Overview of the Draft ECF Regulations, 2026

The Draft ECF Regulations provide a comprehensive framework for the management of campaign finance as summarized below:

3.1 Campaign Expenditure Period

The Regulations prescribe the period during which campaign finance controls apply, thereby defining the timeframe within which all campaign contributions and expenditures must be received, incurred, recorded, and reported. Specifically, the Regulations provide that:

- **General Elections:** The expenditure period commences at least **six (6)** months before the date of the General Election and ends fourteen (14) days after the declaration of the election results.
- **By-Elections:** The expenditure period begins on the date of the declaration of the vacancy and ends seven (7) days after the declaration of the election results.
- **Referenda:** The expenditure period commences on the publication of the referendum question by the Commission and ends seven (7) days after the declaration of the referendum results.

3.2 Governance of Campaign Finance

- Provides for the appointment, registration and replacement of authorized persons.
- Sets out the roles and responsibilities of authorized persons in managing campaign finances and compliance.
- Requires registration of supporting persons and organizations undertaking campaign activities on behalf of candidates or political parties.

3.3 Campaign Finance Accounts

- Requires candidates, political parties and supporting organizations to operate dedicated campaign bank accounts.
- Prescribes the management, operation and closure of campaign accounts and submission of supporting bank statements.

3.4 Campaign Contributions and Donations

- Regulates the sources and receipt of campaign contributions.
- Provides for loans, self-financing, proxy contributions, harambee contributions and anonymous donations.

- Prescribes record-keeping, issuance of receipts and reporting requirements to enhance transparency and accountability.

3.5 Regulation of Campaign Expenditure

- Establishes Campaign Expenditure Committees and their responsibilities.
- Prescribes permissible campaign expenditure and the methodology for determining expenditure limits for candidates, political parties, referenda and by-elections.
- Regulates expenditure incurred by supporting organizations.

3.6 Reporting, Disclosure and Audit

- Requires periodic and final campaign finance reports detailing contributions, expenditure, surplus funds and supporting documentation.
- Provides for scrutiny of reports by the Commission, public disclosure of contributors, issuance of compliance certificates and mandatory audits for campaigns exceeding prescribed expenditure thresholds.

3.7 Compliance, Monitoring and Enforcement

- Empowers the Commission to review reports, conduct investigations and audits, require additional information and rectify non-compliance.
- Provides mechanisms for notices to show cause and enforcement of sanctions under the Act.

3.8 Dispute Resolution

- Establishes the framework for lodging, hearing and determining complaints arising under the Act and the Regulations.
- Provides for summary determination, hearings, issuance of orders and observance of the overriding objective of expeditious and fair dispute resolution.

3.9 Administrative and Miscellaneous Provisions

- Prescribes procedures for filing notices and reports, including electronic submission.
- Provides for retention of campaign finance records, computation of time, issuance of Commission directives and guidelines, and the integration of technology in campaign finance management.

4 Spending Limits Formula

The first step in determining the spending limits involved estimates of the average costs incurred at County, Constituency, and Ward level. In determining the average costs, the electoral levels were classified into urban, sparsely populated areas and other areas based on the criteria for boundary delimitation as provided in Article 89 of the Constitution.

In accordance with Section 18(4) of the Election Campaign Finance Act, the determination of the spending limits considered population and the land area. The two factors of population

and land area have been given a weight of 70 and 30 percent respectively. To determine the spending limit for each electoral level (i.e County, Constituency or Ward), the following formula was applied

Spending Limit = Fixed Cost + (Population Unit Cost × Population) + (Land Area Unit Cost × Area)

The unit costs are derived from each level's average campaign cost (less fixed costs), split 70/30 between population and land area, then divided by the ideal quota.

5 Public Participation and Stakeholder Engagement

In compliance with the law and the consolidated Court decision, the Commission undertook a nationwide public participation and stakeholder engagement exercise on the Draft Regulations and proposed spending limits, as summarized below.

5.1 Call for Memoranda

The Commission on 20th June, 2026 engaged all the ninety-eight (98) registered political parties via email to submit their views.

Additionally, a notice was published in The Daily Nation Newspaper, The Standard Newspaper, the Commission's website and Social media platforms on 6th July, 2026, in which the Commission invited the public to submit memoranda on the Draft Regulations, Contributions, Authorized Expenditures and Spending limits on or before 15th July, 2026. The memoranda and submissions were to be sent on email via lpa@iebc.or.ke and ppl@iebc.or.ke or hand delivered at the Customer Experience Centre, Anniversary Towers, Ground floor or any Commission Office across the Country.

In response to the above notice, the Commission received 24 written memoranda from political parties (11), citizen (5), Civil Society Organizations (7).

Part A: Register of Memoranda Received

S.No.	Date Received	Reference No.	Name of Submitter / Organization	Category of Stakeholder	Mode of Submission
1	02nd July, 2026	IEBC/ECF/SUB/001/2026	Grassroots Development Party	Political Party	Written Memorandum
2	07th July, 2026	IEBC/ECF/SUB/002/2026	Republican Liberty Party	Political Party	Written Memorandum
3	10th July, 2026	IEBC/ECF/SUB/003/2026	United Democratic Alliance (UDA)	Political Party	Written Memorandum
4	10th July, 2026	IEBC/ECF/SUB/004/2026	Ukweli Party	Political Party	Written Memorandum
5	06th July, 2026	IEBC/ECF/SUB/005/2026	Third Way Alliance -Kenya	Political Party	Written Memorandum
6	12TH July, 2026	IEBC/ECF/SUB/006/2026	Coalition Of Homabay Organizations on Governance Oversight (Chogo)	Organization	Written Memorandum
7	15th July, 2026	IEBC/ECF/SUB/007/2026	The Democratic Union (TDU)	Political Party	Written Memorandum
8	15th July, 2026	IEBC/ECF/SUB/008/2026	Jubilee Party	Political Party	Written Memorandum
9	15th July, 2026	IEBC/ECF/SUB/009/2026	Peoples Trust Party	Political Party	Written Memorandum
10	13th July, 2026	IEBC/ECF/SUB/010/2026	United Democratic Movement (Udm)	Political Party	Written Memorandum
11	15th July, 2026	IEBC/ECF/SUB/011/2026	International Institute of Legislative Affairs	Organization	Written Memorandum
12	16th July, 2026	IEBC/ECF/SUB/012/2026	Progressive Party of Kenya	Political Party	Written Memorandum
13	15th July, 2026	IEBC/ECF/SUB/013/2026	Uchaguzi Platform	Organization	Written Memorandum
14	20th July, 2026	IEBC/ECF/SUB/014/2026	Mau Mau Children Post-Colonial Elites	Organization	Written Memorandum
15	8th July, 2026	IEBC/ECF/SUB/015/2026	Sam Masika	Citizen	Written Memorandum
16	15th July, 2026	IEBC/ECF/SUB/016/2026	Lawi Sultan Njeremani	Citizen	Written Memorandum
17	15th July, 2026	IEBC/ECF/SUB/017/2026	Uchaguzi Platform	Organization	Written Memorandum
18	24th July, 2026	IEBC/ECF/SUB/018/2026	Orange Democratic Movement	Political Party	Written Memorandum
19	28th July, 2026	IEBC/ECF/SUB/019/2026	Lerwis Brown Mathenge	Citizen	Written Memorandum
20	28th July, 2026	IEBC/ECF/SUB/020/2026	Eric A. Ambuche	Citizen	Written Memorandum
21	28th July, 2026	IEBC/ECF/SUB/021/2026	Transform Empowerment For Action Initiative (TEAM)	Organization	Written Memorandum
22	28th July, 2026	IEBC/ECF/SUB/022/2026	Slums outreach Program	Organization	Written Memoranda
23	15th July, 2026	IEBC/ECF/SUB/023/2026	James O Wagala	Citizen	Written Memorandum

During PPLC engagement on 24th July, 2026, Two (2) memoranda were received – One (1) from a Political Party and One (1) from the Political Parties Liaison Committee, whereas during the National-Regionwide Clusters on 27th & 28th July 2026, three (3) memoranda were received from the Counties.

5.2 Engagement Activities

Date	Activity	Participants / Reach
24th July, 2026	Political Parties Liaison Committee (PPLC) engagement	97 political party representatives
27th July, 2026	**Mombasa Cluster** Mombasa, Kwale, Kilifi, Lamu,Tana River, Taita Taveta Counties	115
27th July, 2026	**Kisumu Cluster** Kisumu, Kisii, Nyamira, Migori, Homabay, Siaya Counties	75
27th July, 2026	**Eldoret Cluster** Uasin-Gishu, Elgeyo-Marakwet, Nandi, Turkana, West Pokot, Trans Nzoia Counties	100
27th July, 2026	**Garissa Cluster** Garissa, Wajir, Mandera Counties	71
28th July, 2026	**Nairobi Cluster** Nairobi City, Kajiado, Kiambu Counties	84
28th July, 2026	**Machakos Cluster** Machakos, Makueni, Kitui Counties	220
28th July, 2026	**Kakamega Cluster** Kakamega, Vihiga, Busia, Bungoma Counties	120
28th July, 2026	**Nyeri Cluster** Nyeri, Nyandarua, Kirinyaga, Murang'a Counties	157
28th July, 2026	**Nakuru Cluster**	130

Date	Activity	Participants / Reach
	Nakuru, Samburu, Baringo, Laikipia, Narok, Kericho, Bomet Counties	
28th July 2026	**Isiolo Cluster** Isiolo, Embu, Meru, Tharaka-Nithi, Marsabit Counties	85
30th July, 2026	National Stakeholder Engagement Forum	80
31st July, 2026	Internal staff stakeholder engagement	358

The engagement programmes were designed to ensure that the Regulations and spending limits are informed by public input and remain transparent, inclusive and responsive to stakeholder expectations. These stakeholder engagements generated useful views, comments, recommendations, and concerns on various aspects of the draft regulation and proposed limits. The Commission analyzed these views and the findings, which were incorporated in the final draft of the Election Campaign Finance Regulations, 2026 and Spending Limits carried in Legal Notice No. 142 and Gazette Notice No. 12251 Vol. CXXVIII—No. 136 and both published on 7th August, 2026.

6 Findings

6.1 General Support for the Regulations

Stakeholders generally supported operationalization of the Election Campaign Financing Act and welcomed the Commission's efforts to establish a transparent and accountable campaign financing framework.

6.2 Strong Support for Public Participation

Participants appreciated the consultative approach adopted by the Commission and encouraged continued engagement throughout implementation.

6.3 Demand for Greater Public Awareness

Many stakeholders observed that candidates, political parties and the public require sustained civic education on the Act and the proposed Regulations.

6.4 Concerns Regarding Enforcement

Recurring concerns focused on monitoring campaign expenditure, cash transactions, third-party spending and effective enforcement.

6.5 Campaign Spending Limits

Stakeholders questioned whether the proposed expenditure ceilings adequately reflect regional realities, inflation and actual campaign costs.

6.6 Regulation of Digital Campaigns

Participants sought clearer provisions governing social media advertising, influencers, bloggers and other digital campaign activities.

6.7 In-kind Contributions

There were requests for clearer guidance on the definition, valuation and reporting of in-kind contributions.

6.8 Inclusion of Marginalized Groups

Stakeholders emphasized accommodating the additional campaign costs faced by persons with disabilities and promoting participation by women, youth and marginalized groups.

6.9 Use of Public Resources

Participants called for clearer guidance on distinguishing official government functions from prohibited campaign use of public resources.

6.10 Compliance and Reporting

Stakeholders supported financial disclosure but requested simplified reporting procedures and practical compliance guidance.

6.11 Political Party Preparedness

Many participants noted the need for capacity building for political parties, candidates and agents.

6.12 Continuous Review

Stakeholders recommended periodic review of campaign contribution and expenditure limits to reflect demographic and economic changes.

7 Recommendations

7.1 Civic Education and Public Awareness

Several stakeholders recommended integrating civic and electoral education into the national education curriculum and strengthening continuous public awareness programmes to improve understanding of campaign financing requirements. It was also emphasized that extensive sensitization would be necessary to ensure compliance with specific provisions of the Draft Regulations once adopted. Participants considered civic education an essential component of promoting voluntary compliance, transparency and public confidence in Kenya's electoral processes.

7.2 Inclusion of Marginalized Groups and Persons with Disabilities

Participants highlighted the need for the proposed campaign financing framework to adequately accommodate the interests of persons with disabilities and other marginalized groups. Recommendations included improving statistical information relating to persons with disabilities, enhancing transport facilitation, improving voting materials and ensuring that campaign financing policies promote inclusive political participation.

7.3 Digital Campaigning, Data Protection and Emerging Campaign Practices

Participants observed that political campaigns are increasingly conducted through digital platforms and social media, creating new forms of campaign expenditure not traditionally addressed within campaign financing legislation. The engagement therefore highlighted the need for the Draft Regulations to expressly recognize digital campaigning and provide guidance on the regulation of online campaign expenditure. Questions were also raised concerning the adequacy of financial data collection, protection of personal data and the incorporation of whistle-blower protection within the campaign financing framework.

Participants further recommended greater community involvement in monitoring campaign activities and adapting the regulatory framework to respond to evolving campaign practices and technological developments.

7.4 Public Confidence in the Electoral Process

A recurring theme throughout the engagement was the need to strengthen public confidence in the electoral process. Participants acknowledged that public trust in electoral institutions remains fundamental to the successful implementation of campaign financing reforms.

The discussions demonstrated that stakeholders viewed transparency, accountability, effective enforcement, institutional independence and meaningful public participation as essential components of a credible campaign financing framework. Participants therefore encouraged the Commission to consider both the oral submissions made during the engagement and any written memoranda received in refining the Draft Election Campaign Financing Regulations, 2026 and the proposed Contribution and Spending Limits before their finalization.

The disclosure, monitoring, and enforcement provisions should be strengthened to enhance transparency, deter non-compliance, and improve accountability while ensuring that reporting requirements remain practical and proportionate.

The implementation framework should be reinforced through enhanced inter-agency collaboration, adequate institutional resourcing, and sustained civic education and public awareness programmes to promote compliance and public confidence.

The final Regulations should incorporate measures that promote inclusive political participation, protect electoral integrity, and respond to evolving campaign financing practices, including technological developments and the needs of persons with disabilities and other marginalized groups.

Some participants further proposed strengthening the Commission's institutional independence and increasing its financial allocation to enhance effective implementation of the proposed regulatory framework.

8 Conclusion

The public participation and stakeholder engagement exercises demonstrated broad stakeholder support for establishing a clear, transparent and enforceable campaign financing framework. Stakeholders called for enhanced civic education, practical implementation measures, stronger enforcement mechanisms and continued engagement before implementation.

S.No.	Ref. No. of Memorandum	Name of Submitter/ Organization	Summary of Issue(s) / Comment Raised	Clause/ Section Affected	Nature of Issue (Regulations/Formula/Limits)	New proposal/Amendment	Analysis of the proposals
1	IEBC/ECF/SUB /001/2026	GRASSROOTS DEVELOPMENT PARTY	Objection to Reg 29 claiming that IEBC has no power to delegate its adjudicative powers.	REGULATION 29	Regulations.	Proposal that Reg 29 be amended or deleted.	The Commission has powers under S.74 of the Elections Act to hear and determine electoral disputes. Therefore, the Commission can establish the DRC to hear complaints arising from breach of the Election Campaign Financing Act.
			Regulation 39 is too broad: Delegated legislation cannot authorize further legislation that alters substantive legal obligations.	REGULATION 39	Regulations.	Regulation be amended to limit directives strictly to administrative implementation & prohibit any directive that creates new legal obligations.	S.26 of the Statutory Instruments Act gives the Commission the discretion to issue directives and guidelines including modification of forms, where necessary, for full implementation of the ECF Act.

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			The proposed formula for determination of campaign expenditure limits lacks transparency.	REGULATION 20.	Formula.	The Regulations should require: i) Publication of the methodology; ii) Public consultation before revisiting limits; iii) Consideration of inflation and economic realities; and iv) Protection of small and emerging political parties from indirect discrimination.	i) The Commission has published, on its website, the formula for determination of limits and is currently undertaking public consultations to receive and consider views; ii) The proposed limits have taken into consideration the current inflation rate and economic realities and will be revised from time to time; and iii) The proposed regulations prescribe upper limits but do not set a lower limit therefore providing flexibility for both small and larger parties.
			The cumulative reporting obligations as disproportionately burdensome upon candidates and political parties.	GENERAL COMMENT.	Regulations.	The principle of proportionality requires that compliance obligations correspond to the level of campaign expenditure.	All parties are required to follow standardized/uniform reporting requirements.
			Concerns about compliance with the Data Protection Act.	REGULATION 25	Regulations.	Publication of contributors under Regulation 25 should comply with the Data Protection Act.	Regulation 25 places an obligation on the Commission to ensure compliance with the principles of Data Protection.

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			Political rights: Campaign finance regulations should not create barriers for smaller political parties and ordinary citizens participating in elections.	GENERAL COMMENT.	Regulations.		Regulation of campaign finance is not a limitation to Article 38 of the Constitution on political rights. It creates a level playing field for parties in the electoral process.
			Need for legal certainty: Several regulations contain broad, discretionary language.	GENERAL COMMENT.	Regulations.	The regulations should clearly define the limits of these powers to avoid arbitrary decision making.	The language used in the regulations is in line with the discretional powers of the Commission.
2	IEBC/ECF/SUB /002/2026	LYDIA NYAWIRA MBURIA	Inter-agency collaboration for implementation of the ECF law, specifically, on sources of and limits on contributions; regulation of expenditure; and reporting & disclosure.	GENERAL COMMENT.	Regulations.	The Commission should ensure inter-agency collaboration with, among others, EACC, DCI, CBK, ARA,KRA, HELB, commercial banks, FRC, ODPP and the DOJ, to apprehend & prosecute money launderers enganging in illitict financial flows and blacklist all known criminal elements.	In discharging its constitutional mandate, the Commission may engage and collaborate with other agencies, on a need basis.

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3	IEBC/ECF/SUB /003/2026	THIRD WAY ALLIANCE - KENYA	Spending limits are unrealistic/ extremely high. The base costing and scaling appear inflated and lack transparent justification or evidence of broad public consultation.	REGULATION 20.	Formula.	The Commission should conduct nationwide public participation on the limits, consider a lower bar and publish a clear methodology for computing the limits.	i) The Commission has published, on its website, the formula for determination of limits and is currently undertaking public consultations to receive and consider views; and ii) The proposed limits have taken into consideration the current inflation rate and economic realities and will be revised from time to time.

S.No.	Ref. No. of Memorandum	Name of Submitter/ Organization	Summary of Issue(s) / Comment Raised	Clause/ Section Affected	Nature of Issue (Regulations/Formula/Limits)	New proposal/Amendment	Analysis of the proposals
			Disclosure rules are insufficiently strict.	PART VI	Regulations.	i) Introduce mandatory real-time or weekly digital disclosure portals for contributions and major expenditures above a minimum threshold; ii) Expand explict requirements for digital advertising tracking, beneficial ownership disclosure for supporting orgs; iii) Independent verification mechanisms; and iv) Strengthen rules on in-kind & proxy contributions.	i) The Commission will progressively develop a system that can be used to efficiently and regularly monitor the contributions and expenditure of parties and candidates; ii) The Commission will consider the proposal for disclosure above a prescribed minimum threshold, taking into account the practicality of implementation and the need to strike an appropriate balance between reporting obligations and regulation; iii) Under FORM ECF 6 the value of in-kind contributions is considered as part of the expenditure limits.

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			Inter-agency collaboration for implementation of the ECF law.	GENERAL COMMENT.	Regulations.	Establish a multi-agency campaign finance enforcement taskforce with clear protocols for information shating; ii) Enhance penalties and introduce automatic triggers for investigations e.g., spending near or above limits	In discharging its constitutional mandate, the Commission may engage and collaborate with other agencies, on a need basis.
			Absence of public/state funding support	GENERAL COMMENT.	Regulations.	The regulations should facilitate complementary public funding mechanisms e.g., limited direct grants to support compliant, issue-based campaigning.	The Political Parties Act provides for public funding for compliant political parties' operations but prohibits public/state funding of campaigns.
4	**IEBC/ECF/SUB /004/2026**	**REPUBLICAN LIBERTY PARTY**	Commends the IEBC for proposing reforms intended to strengthen transparency and accountability. Campaign expenditure period: Lack of a distinction between ordinary political party regulations and	REGULATION 3.	Regulations.	The regulations should exclude political party operations from regulated campaign expenditure.	The recommendation is welcome and is provided for under Regulation 10(1).

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			political campaign expenditure.				
			Authorised persons: The obligations as disproportionately burdensome upon candidates and political parties.	REGULATIONS 4 to 10	Regulations.	i)The obligations imposed upon authorised persons should be simplified; ii) The Commission should provide standard reporting templates and training	All parties are required to follow standardized/uniform requirements.
			Campaign bank accounts: Appreciates the need for a dedicated bank account, cites delays by banking institutions to open bank A/Cs which would lead to sanctions.	REGULATION 10.	Regulations.	Allow a reasonable grace period following nomination before compliance obligations become enforceable.	Political parties and candidates must operate within gazetted electoral timelines.

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			Contributions and donations: Concerned that the disclosure requirements unnecessarily infringe on privacy and exposes donors to intimidation	REGULATIONS 11 to 16 & 25.	Regulations.	Limit disclosure to instances where it is necessary for investigations or compliance purposes	i) The disclosure required under the proposed regulations is necessary for the efficient regulation of ECF; ii) In processing any data or information required under the Act and regulations, the Commission adheres to the Constitution and the principles of data protection/Data Protection Act.
			Expenditute limits are overly rigid and represent poor public policy	REGULATION 20.	Formula/ Limits.	The Commission should reconsider the policy of fixed expenditure ceilings	In setting the expenditure limits, the Commission took into account key factors including population and land area.
			Claims that mandatory audited campaign A/Cs increase campaign costs, particularly for smaller political parties.	REGULATION 21 & 26.	Regulations.	i) Graduated reporting requirements; and ii) Smaller political parties should not be subjected to the same reporting obligations as the bigger political parties	i) The audit requirement only applies to expenditures above KES 5 million; ii) Reporting procedures standardized for all.
			The Commission is granted broad investigative powers.	REGULATION 22.	Regulations.	Provide procedural safeguards to check investigative powers	The Regulations are in compliance with Articles 47 & 50 of the Constitution

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			The requirement for a certificate of compliance is unnecessary.	REGULATION 24.	Regulations.	The requirement for a mandatory compliance certificate should be reconsidered.	The issuance of a compliance certificate is necessary for accountability and compliance with the ECF Act.
			Power to issue directives	REGULATION 39	Regulations.	Any directive that materially affects constitutional rights or legal obligations should first undergo meaningful public participation.	S.26 of the Statutory Instruments Act gives the Commission the discretion to issue directives and guidelines for full implementation of the ECF Act.
			Dispute Resolution: The jurisdiction, membership and appeal mechanism of the DRC for election campaign financing matters.	GENERAL COMMENT.	Regulations.	i) The Regulations should provide for appeal mechanisms; ii) PPLC to appoint the DRC; and iii) Decentralization of dispute resolution to county levels.	PPLC does not have authority to appoint DRC; and ii) Appeals arising from quasi judicial bodies have an automatic right of appeal.
5	**IEBC/ECF/SUB /005/2026**	**SAM MASIKA**	Opposes set campaign spending limits as dsconnected from Kenya's campaign funding realities. Argues that capping expenditure without changing the current campaign culture risks entrenching corruption further.	GENERAL COMMENT.	LIMITS.	Do away with campaign finance limits and focus instead on changing voter behaviour through civic education and strenggthen enforcement against voter bribery.	ECF is a Commission obligation under Article 88(4)(i) of the Constitution.

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6	IEBC/ECF/SUB /006/2026	UNITED DEMOCRATIC ALLIANCE	i) Delegated legislation cannot authorize further delegation that alters substantive legal obligations	GENERAL COMMENTS.	Regulations.	Regulations be amended to limit directives strictly to administrative implementation & prohibit any directive that creates new legal obligations	S.26 of the Statutory Instruments Act gives the Commission the discretion to issue directives and guidelines including modification of forms, where necessary, for full implementation of the ECF Act
			Any sanctions against non-compliance should not exceed or bypass those provided for under the ECF Act;	GENERAL COMMENTS.	Regulations.	Any sanctions against non-compliance should not exceed or bypass those provided for under the ECF Act	Regulations, as drafted, do not contain any provisions that surpass or bypass any provisions of the parent Act;
			Duplicative reporting obligations across candidates & political parties.	PART VI.	Regulations.	Consolidate reporting at party expenditure Commitee level.	Parties shall submit expendture reports to the extent to which they have sponsored their candidates. Where a candidate self sponsors, fully or in part, they (the candidate) shall submit their expenditure report to the Commission and copy the party as per S.10 ECF Act.
			Challenging the quaterly reporting requirement provided for in the Regulations	REGULATION 11 & 21.	Regulations.	The reporting requirements should be consistent with the ECF Act.	The Committee accepts the recommendation to the extent that it is consistent with the already-exising regulations.

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			Requesting annexures indicating the unit costs assumptions for each electoral unit & periodic review of expenditure limits for each electoral area to account for inflation	GENERAL COMMENTS.	Formula.	Publish the full computation annexures.	i) The annexures requested were already published alongside the Regulations on the Commission website; and ii) The proposed limits have taken into consideration the current inflation rate and economic realities and will be revised from time to time.
			The audit and investigative powers of the Commission may lack express procedural safeguards.	REGULATIONS 22 & 26.	Regulations.	Incorporate express procedural safeguards, including notice and right to be heard into all audit and audit and investigation provisions.	The Commission agrees with the recommendation for the inclusion of express procedural safeguards consistent with Article 47 of the Constitution, the Fair Administrative Actions Act and S.27 of the ECF Act.
			Contest broad ban on foreign contributions.	GENERAL COMMENT.	Regulations.	Expressly prohibit foreign contributions from ECF.	The recommendation is welcome to the extent of its consistency with Section 11(b) of the ECF Act.
7	IEBC/ECF/SUB /007/2026	UKWELI PARTY	Supports the reporting requirements under the proposed regulations.	PART VI.	Regulations.	Commendable job!	The Committee appreciates & accepts the recommendation to the extent that it is consistent with the already-exising regulations.
			Commends the data-based approach to setting expenditure limits	REGULATION 20.	Regulations.	Commendable job!	The Committee appreciates & accepts the recommendation to the extent that it is consistent with the already-exising regulations.

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			Better integration of contribution tracking with the ECF Act.	GENERAL COMMENT.	Regulations.	Include simple and practical procedures, together with standardised templates (e.g., an additional column or summary schedule in Form ECF 5 and/or Form ECF 6), for recording and summarising single-source contributions.	The proposed regulations are adequate for reporting.
			High administrative and compliance costs that disproportionately affect leaders with limited resources.	GENERAL COMMENT.	Regulations.	IEBC should develop and provide standardised templates for all required reports (especially harambee tracking and single-source summaries), offer practical training and guidance and introduce simple digital tools	i) Standardized templates are already provided in the Regulations; and ii) The Commission appreciates the training recommendation and will consider the proposal
			Tight timelines for resolving disputes and complaints, which may prove unrealistic during peak campaign periods.	GENERAL COMMENT.	Regulations.	Expand timelines.	We welcome the recommendation to expand the timelines for service, response and summary determinations.

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8	IEBC/ECF/SUB /017/2026	PROGRESSIVE PARTY OF KENYA	i) Presidential ceiling (Ksh 4.44B) derived by averaging three widely divergent county/constituency/ ward estimates without explaining methodology; "Model 4" not published; ii) No stated source/date for population and land-area data; and iii) Single county-level ceiling applied uniformly to Governor, Senator and Woman Representative races despite differing campaign scale	GENERAL COMMENT.	Formula & limits	i) Publish the complete spending-limit model, weights, formulas, and the Model 4 derivation included, not only the final output table; ii) State the source and date of the population and land-area data used in every table; iii) Lower the transportation ceiling, split it into defined sub-categories, and require receipt-based disclosure for that line specifically; iv) Set separate ceilings for Governor, Senator and Woman Representative races, or explain clearly why one shared ceiling is appropriate; and iv) Add a valuation and disclosure method for in-kind	i) This observation is appreciated, the requested model will be availed; ii) The Commission relied on the published 2009, Population Census report (Recent data/formula on allocation of resources to be confirmed with Commission for Revenue Allocation); and iii) The 3 cited elective positions (i.e., governor, senator and County Woman MNA) target the same electoral area.

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			i) Transport ceiling (Ksh 11.8B, 67% of party total) is too high ii) The lack of an explicit requirement for receipts risks abuse of the funds to cover for inducement/vote-buying; iii) No cap on self-financing or private loans; iv) There is no method provided for valuing or disclosing in-kind contributions; v) KES 20,000 disclosure threshold can be defeated by splitting contributions across payments/donors; vi) No provision addresses spending by allied/independent third-party groups (independent expenditure – definition & regulation); vii) The neutral ceiling might work against women, youth and PWDs in practice; and viii) Parties are not asked to show how they distribute support internally	REGULATIONS 11, 12,13, 15	LIMITS/REGULATIONS.	i) Lower the transportation cost limit and split it; and ii) Women and PWDs need special considerations	i) The observation on the ceiling on transport expenditure has been noted and is welcome. It shall be considered; ii) It is anticipated that expenditure reports shall capture the expenditure under transport; iii) The lack of a cap on self-financing is intended as the law provides no such limit; iv) Under FORM ECF 6 the value of in-kind contributions is considered as part of the expenditure limits; v) Regulation 15 provides that the identity of every donor is recorded the amount notwithstanding; vi) The Commission notes the observation for consideration; vii) The regulations do not prescribe a lower limit. S.18(6) of the ECF Act provides for reporting of any unforeseeable expenses due to extraneous circumstances; and viii) The issue of internal party administration is not the mandate of the Commission

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			i) Definition of allowable expenses; ii) Public participation; iii) Reporting (frequency & format) and sanctions; iv) Review of limits taking into account economic factors e.g., inflation; v) The ceiling and a disclosure form cannot reveal the source of contributed funds.	GENERAL COMMENT.	Regulations.	i) Attach a binding glossary defining every category of allowable expense; ii) Publish the compliance, disclosure-timing, audit and sanctions framework together with the ceilings, not as a separate instrument to follow later; and iii) State whether and how the ceilings will be adjusted for inflation between gazettement and the 2027 campaign.	i) Future revisions of the proposed limits will take consideration the inflation rate and prevailing economic realities; ii) The Commission is currently undertaking public consultations to receive and consider views; iii) The Commission has addressed most reporting format and frequency concerns in the proposed regulations. It will progressively develop a system that can be used to efficiently and regularly monitor the contributions and expenditure of parties and candidates; iv) The Commission's mandate is to regulate the amount of money that may be spent and the amount in contributions from a single source.
			Typographical & definition errors e.g., "independent expenditure"	GENERAL COMMENT.	Regulations.	Fix the errors.	The comments are noted for consideration.

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			Funds spent outside the expenditure period may not be accounted for in the Regulations.	REGULATION 3.	Regulations.	Commission should regulate expenditure outside the expenditure period as defined under Regulation 3 and ECF Act.	The campaign period as defined in the Elections Act is well within the six-month expenditure period.
			The absence of a deadline for gazetting the expenditure limits under regulation 20.	REGULATION 20.	Regulations.	Introduce a deadline.	Regulation 20 makes reference to S.18 of the ECF Act which requires the Commission to gazette the limits 12 months before an election.

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1	IEBC/ECF/SUB/008/2026	COALITION OF HOMABAY ORGANISATIONS ON GOVERNANCE OVERSIGHT (CHOGO)	Proposed limits are excessively high and disconnected from kenya's economic realities.	Clause 3.0 of the Election Campaign Finance spending limits for 2027 General Elections.	Spending limits	Fixed national baseline of kshs 10Million per constituency, 3Million per ward, 30Million per county, 100Million for presidential and 500Million for political parties nationally.	The proposal contravenes articles 10 and 27 of the constitution of kenya on the national values and principles of governance which includes equity and non-discrimination. the commision in coming up with the spending limits guided by the provision of section 18 of the ecf act and clause 20 of the ecf Regulations.
			Entrenching money politics and marginalizing financially contrained aspirants.	Clause 3.0 of the Election Campaign Finance spending limits for 2027 General Elections.	Spending limits		
			Lack of robust enforcement mechanism which undermine campaign finance regulation.	Clause 21, 22 and 26 of the Draft Election Campaign Finance Regulations.	Regulations	Lowering mandatory audit threshhold to kshs 1Million, imposing explicit penalties for overspending and establishing realtime reporting mechanisms.	Propose that audit becomes mandatory for all candidates and political parties under clause 26 of the Draft ecf Regulations, irrespective of the amount that has been expensed.

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2	IEBC/ECF/SUB/009/2026	UNITED DEMOCRATIC MOVEMENT (UDM)	Lack of administrative flexibility in the operationalization of ecf account particularly for political parties with decentralized structures to ensure that compliance does not unduly impede legitimate campaign activities at grassroot levels.	Clause 10(1) and 10(3) of the Draft ECF Regulations	Regulations	The Commission should consider introducing greater administrative flexibility in the operationalization of ECF account particularly for political parties with decentralized structures to ensure that compliance does not unduly impede legitimate campaign activities at grassroot levels.	Sensitization of political parties and candidates on the operationalization of ecf account and the ecf guidelines
			The Commission provide additional guidance clarifying the scope of the phrase "expenditure" captured under the interpretation in clause 2 of the Draft ecf Regulations.	Clause 2 of the Draft ECF Regulations	Regulations	Provide additional guidance and illustrative schedules clarifying scope of the phrase "expenditure" captured under the interpretation in clause 2 of the Draft ECF Regulations.	The proposed recommendations are covered under clause 20(4) of the ecf Regulations

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			Overly restrictive limits may disadvantage political parties and candidates.	The Election Campaign Finance Spending Limits for 2027 General Election	Limits	The Commission should undertake a consultative review of the proposed limits ensuring balanced, eveidence based an supportive fair democratic processes	The Spending Limits are informed by the provisions of Section 18 of the Election Campaign Financing Act CAP 7A Laws of Kenya, Clause 20 of the Draft ECF Regulations.
			Need for clarity and propotionality in enforcement mechanisims associated with non-compliance	Clause 22 and 26 of the Draft Election Campaign Finance Regulations.	Regulations	Adopt a graduated enforcement approach that distinguishes between admnistrative lapses and deliberate violations and provides reasonable opportunities for rectification where appropriate.	This is covered under Clause 22(5) of the Draft ECF Regulations.
			No culture of self-reporting or self regulation in our political ecosystem and enforcement of Rule 16 (Anonymous donations and contributions) will be a tall order.	Clause 16 of the Draft Election Campaign Finance Regulations.	Regulations	Revisit Rule 16 of the Draft ECF Regulations due non compliance of the political ecosystem and enforcement will be a tall order.	This is covered under section 13 of ECF ACT and Clause 16 of the Draft ECF Regulations.

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			The proposed regulation appear to target the six-months official campaign window under the Regulations.	General comment	Regulations	The Commission to extend the six-months official campaign window under the Regulations since election is a continous process.	Commission may consider reviewing the ECF Framework
			Proposed Regulations are likely to be non-starter in view of the Faulty framework within which they are intended to operate.	General comment	Regulations	The Commission to set up random supervisory mechanisms independent of political parties and candidates to oversee the implementation of the proposed Regulations.	The ECF Framework sufficiently addresses its operationalisation.
3	IEBC/ECF/SUB /010/2026	JUBILEE PARTY	The Regulations do not adequately address the realities of kenya's political environment given election is a process and the governing party enjoys public visibility and election is process	General comment	Regulations	Undertake broader engagement with Political Parties and stakeholders and develop a regulatory framework that strengthens electoral credibility, promotes equality of political competition and enhanced public confidence in the democratic process	The ECF Framework sufficiently addresses its operationalisation.

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			The timing of these proposed Regulations raises liegtimate concerns regarding fairness, predictability and electoral preparedness.	General comment	Regulations	Undertake broader engagement with Political Parties and stakeholders and develop a regulatory framework that strengthens electoral credibility, promotes equality of political competition and enhanced public confidence in the democratic process	The ECF Framework sufficiently addresses its operationalisation.
			Election laws regulation should not burden certain political actors while others, enjoy structural advantages.	General comment	Regulations	Undertake broader engagement with Political Parties and stakeholders and develop a regulatory framework that strengthens electoral credibility, promotes equality of political competition and enhanced public confidence in the democratic process	The ECF Framework sufficiently addresses its operationalisation.

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			Political parties differ in organisational capacity, financial resources and administrative structure. Compliance to these obligations may appear manageable for well-resourced institutions and could prove burdensome for smaller political parties and independent candidates. Creating practical barriers to political participation.	General comment	Regulations	Undertake broader engagement with Political Parties and stakeholders and develop a regulatory framework that strengthens electoral credibility, promotes equality of political competition and enhanced public confidence in the democratic process	The ECF Framework sufficiently addresses its operationalisation.
			Formula used should be supported by clear emprircal justification capable of public scrutiny	General comment	Regulations	Undertake broader engagement with Political Parties and stakeholders and develop a regulatory framework that strengthens electoral credibility, promotes equality of political competition and enhanced public confidence in the democratic process	The ECF Framework sufficiently addresses its operationalisation.

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			The ECF does not comply to the National Values and principles of governance	General comment	Regulations	Undertake broader engagement with Political Parties and stakeholders and develop a regulatory framework that strengthens electoral credibility, promotes equality of political competition and enhanced public confidence in the democratic process	The ECF Framework sufficiently addresses its operationalisation.
4	IEBC/ECF/SUB /011/2026	JAMES O WAGALA	Electoral campaigns start way before the official electoral campaign period as prescribed in the Elections Act. Most of the money spent in campaigns will therefore not be regulated under these Regulations.	Clause 3(1) of the Draft ECF Regulations	Regulations	Increase the expenditure period to include at least 12 - 18 months before the General Election.	Commission to consider reviewing the ECF Framework

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			7(1), (2), (3): Registration of supporting organizations is not practical and superfluous	Clause 7(1), (2), (3 of the Draft ECF Regulations	Regulations	1. Limit the provision to non-financial support, including campaigning for or providing logistical support to candidates or parties. 2. Set the minimum financial contributions above which disclosure must be made by the candidate or party receiving the donation	This is operationalization of Section 15 of the ECF Act. The Commission needs to sensitize stakeholders on the same.
			20: Limits on expenditure The formula for determination of spending limits is incomprehensive and shallow.The spending limits are unrealistic. The pegging of spending limits on population is impractical.	Clause 20 of the Draft ECF Regulations	Regulations	1. IEBC to unpack the subcomponents of each of these criteria, in a bid to develop an objective scientific formula which will draw consensus from a broad spectrum of Kenyans. 2.IEBC to use the considerations listed in Clause 20(4) to compute campaign spending in light of the considerations in Section 18(4)(a) of the Act. This may project a more accurate approximation.	The Commision in coming up with the spending limits was guided by Articles 10 and 27 of the Constitution of Kenya on the national values and principles of governance includes equity and non-discrimination and the provision of Section 18 of the ECF Act.

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						Do away with spending limits and tighten control of sources of campaign finance. This will ensure that campaign money is not from illegal sources (to stem money laundering and illicit financial flows) or from foreign governments (to stem malign influence).	The Commision in coming up with the spending limits was guided by Articles 10 and 27 of the Constitution of Kenya on the national values and principles of governance includes equity and non-discrimination and the provision of Section 18 of the ECF Act.

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						Elections world over are competitive in nature. The ability of one candidate to attract more donations or mobilize more resources than their competitors should not be penalized by capping spending limits. A comparative perspective is in the United States of America where the Supreme Court (Citizens United v FEC, 2010) treated political spending as free speech, limiting regulation of how much a candidate or political party may spend in a campaign.	The Commision in coming up with the spending limits was guided by Articles 10 and 27 of the Constitution of Kenya on the national values and principles of governance includes equity and non-discrimination and the provision of Section 18 of the ECF Act.
5	IEBC/ECF/SUB /012/2026	PEOPLES TRUST PARTY	Failing to distinguish campaign expenditure from ordinary political parties activities contrary to Article 38 of the Constitution of Kenya.	Clause 3 of the draft ECF regulations	Regulations	Expressly exclude ordinary political party operations from regulated campaign expenditure.	The scope of of activities under ECF framework addresses this issue.

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			Appointment of authorized persons are unneccesarily extensive and adminitrative cumbersome	Clause 4 to 10 of the draft ECF regulations	Regulations	The obligations placed on authorised persons should be simplified and limited to essential accountability requirements. The IEBC should provide standard reporting templates and training, rather than impose extensive compliance responsibilities.	Clause 4 of the draft ECF regulations clearly stipulates the responsibilities of the authorised persons.Templates are provided for in Clause 5 of the draft ECF. The Commission to conduct sensitization on its stakeholders
			Delay to open Dedicated bank accounts could expose candidates to sanctions	Clause 10 of the draft ECF regulations	Regulations	Allow a reasonable grace period following nomination before compliance obligations become enforceable.	Timelines provided for in the ECF ACT and draft Regulations.

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			Regulation 14 on anonymus donations and regulation 25 requiring discloser of contributions above 20,000. This mandatory disclosure of contributors above a prescribed monetary threshold, together with an outright prohibition of anonymous donations, may discourage legitimate political participation and unnecessarily expose citizens to political intimidation or victimisation.	Clause 11 to 16 of the draft ECF regulations	Regulations	Rather than requiring automatic disclosure of all anonymous donations or mandatory publication of all contributions exceeding KShs. 20,000, the Regulations should provide that: I. The IEBC may request disclosure where reasonably necessary for investigations or compliance purposes; II. Recipients of such requests should be legally required to provide the information within a prescribed period; III. Where a person deliberately refuses to provide the requested information without lawful justification, the Commission may surcharge the amount concerned or impose an appropriate administrative sanction. This approach achieves transparency while remaining proportionate and constitutionally compliant. The Regulations should also expressly provide safeguards governing the collection, processing, storage and publication of personal information, in accordance with the Constitution and the Data Protection Act.	The ECF Framework sufficiently addresses this.

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			Artificial expenditure ceilings may unnecessarily restrict legitimate political activity without achieving meaningful equality.	Clause 20 of the draft ECF	Limits	The IEBC should reconsider the policy of fixed expenditure ceilings, or provide greater flexibility that reflects practical campaign realities.	Articles 10 and 27 of the Constitution of Kenya on the national values and principles of governance which includes equity and non-discrimination. the Commision in coming up with the spending limits guided by the provision of section 18 of the ECF act and Clause 20 of the ECF Regulations.
			Mandatory audited campaign accounts significantly increase campaign costs, particularly for smaller political parties, women, youth, persons with disabilities and independent candidates. The requirement for professional audits, together with detailed financial	Clause 21 of the draft ECF	Regulations	Graduated reporting requirements should apply according to campaign expenditure thresholds. Independent candidates and smaller political parties should not be subject to the same audit obligations as large political parties.	Articles 10 and 27 of the Constitution of Kenya on the national values and principles of governance.

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			reporting obligations, introduces avoidable financial expenses that may discourage participation in elections.				
			IEBC is granted investigative powers that do not comply with article 47 and 50 of the constitution	Clause 22 of the draft ECF	Regulations	Safeguards are necessary to comply with Articles 47 and 50 of the Constitution.	The Commission is bound by the provisions of Articles 47 and 50 of the CoK and Fair Administrative Actions Act.

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			The requirement for a Certificate of Compliance perpetuates an unnecessary administrative culture, in which citizens must continually obtain certificates to prove compliance with legal obligations. The requirement also grants the IEBC considerable discretionary power over political actors and may unintentionally become an additional barrier to participation.	Clause 24 of the draft ECF Regulations	Regulations	The requirement for mandatory compliance certificates should be reconsidered. If retained, the Regulations must prescribe strict timelines for issuance, objective criteria, reasons for refusal and an effective review mechanism.	Article 10(2)(c) of the CoK stipulates that The National values and principles of governance. These values bind state and non-state actors pursuant to Article 20 of the CoK.

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			Publication of contributors should not become an automatic requirement.	Clause 25 of the draft ECF Regulations	Regulations	The Regulation should expressly state that publication shall comply with the Constitution, the Data Protection Act and the principles of necessity and proportionality.	Article 10(2)(c) of the CoK stipulates that The National values and principles of governance. These values bind state and non-state actors pursuant to Article 20 of the CoK. The Commission is bound by the provisions of Sections 25 and 27 of the IEBC Act in processing of personal data.
			Commission should not introduce substantive obligations through administrative directives	Clause 37 of the draft ECF Regulations	Regulations	Any directive that materially affects constitutional rights or legal obligations should first undergo meaningful public participation.	This provision is informed by the computation of time under Article 259 of the CoK and the Interprettation and General Provisions Act.

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			The concetration of investigative, prosecutorial and adjudicative powers within the IEBC	Clause 27-35 of the Draft ECF Regulations	Regulations	The Regulations should expressly provide for: I. appeals against decisions of the Dispute Resolution Committee; II. judicial review before the High Court; III. suspension of sanctions pending appeal, where appropriate; IV. appointment of the Dispute Resolution Committee (DRC) by the Political Parties Liaison Committee (PPLC); V. the chairman and secretary of the committee to be lawyers; VI. decentralisation of the committee to county level; and VII. appeals against decisions of the DRC to be heard by the High Court of Kenya.	Article 88(4)(e) of the CoK read together with the Supreme Court Sabina Chege Case, confers the Commission with the mandate to handle pre-electoral disputes resolution.

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			The Regulations themselves require broader and more meaningful public participation before finalisation.	General comment	Regulations	Public participation is a constitutional obligation under Articles 10 and 118 of the Constitution and should not be treated as a procedural formality.	The Commission complied with provisions of Articles 10 and 118 of the CoK by publishing notice inviting public comments and memoranda on the Draft ECF Regulations and Spending Limits, as well as undertaking stakeholder and public engagements in different parts of the Country.
			IEBC must undertake extensive nationwide voter education and stakeholder sensitisation.	General comment	Regulations	The Commission should prepare comprehensive public awareness programmes targeting political parties, candidates, campaign officials, donors and voters ahead of implementation.	The Commission should undertake sensitization of these Draft Regulations to stakeholders.

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			The Regulations are being introduced only a few months before political party nominations and preparations for the forthcoming General Election. Such extensive regulatory changes require adequate transition periods, to enable political parties, candidates and stakeholders to understand and implement the new compliance requirements. The Party therefore respectfully asks why there is such urgency.	General comment	Regulations	The Commission should therefore consider postponing implementation until adequate stakeholder consultations, civic education and institutional preparedness have been achieved.	Consolidated Constitutional Petition E540 and E546 of 2021; Katiba Institute and 3 others v IEBC & Others directed the Commission to undertake public participation before publication of the Draft ECF Regulations and Spending Limits. On this premise, the publication of the Regulations and Spending Limits will be within the prescribed legal timelines.

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6	IEBC/ECF/SUB /013/2026	THE DEMOCRATIC UNION (TDU)	The Regulations require political parties to appoint authorised persons, establish campaign committees, open dedicated campaign bank accounts, prepare periodic reports, maintainextensive financial records and submit multiple statutory forms. While these measures promote accountability, they also impose significant financial and administrative obligations, particularly on smaller and emerging political parties.	Clause 4 to 10 of the draft ECF Regulations	Regulations	Introduce simplified reporting obligations for parties whose campaign expenditure falls belowprescribed thresholds.	Clause 4 of the draft ECF Regulations clearly stipulates the responsibilities of the authorised persons.
			The Regulations will require political parties to employ accountants, auditors and compliance officers. This may significantly increase operational costs and disadvantage parties with limited resources.	Clause 21, 22 and 26 of the Draft Election Campaign Finance Regulations.	Regulations	Develop simplified reporting templates and electronic reporting systems while providingtechnical support to political parties.	Articles 10 and 27 of the Constitution of Kenya on the national values and principles of governance.

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			Donor privacy should be protected	Clause 25 of the draft ECF Regulations	Regulations	Clearly define disclosure thresholds and strengthen safeguards protecting personal information	Article 10(2)(c) of the CoK stipulates that The National values and principles of governance. These values bind state and non-state actors pursuant to Article 20 of the CoK. The Commission is bound by the provisions of Sections 25 and 27 of the IEBC Act in processing of personal data.
			Criminalization of administrative errors should not automatically attract criminal sanctions.	Clause 22 and 26 of the Draft Election Campaign Finance Regulations.	Regulations	Introduce a reasonable period within which parties may correct technical or administrative errorsbefore enforcement action is taken.	This is covered under Clause 22(5) of the Draft ECF Regulations.

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			The Commission is empowered to prescribe and vary campaign expenditure limits. Given the direct effect on electoral competition, political parties should be consulted before expenditure limits are established or revised since we are the key players and are directly in touch with the realities on ground for campaign and Elections	General comment	Limits	Consult political parties	The Commission should undertake sensitization of these Draft Regulations to stakeholders.

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			The Regulations should clearly define the circumstances under which IEBC may exercise these powers, provide written reasons for its decisions, and give political parties adequate notice before introducing new compliance requirements.	Clause 22 of the draft ECF Regulations	Regulations	Amend the Regulations to provide objective criteria for the exercise of IEBC's discretionarypowers, require written reasons for directives, and ensure reasonable notice and stakeholderconsultation before imposing additional reporting or compliance requirements on political parties.	The Commission is bound by the provisions of Articles 47 and 50 of the CoK and Fair Administrative Actions Act.
			Reporting timelines should strike a balance between ensuring effective oversight and allowing sufficient time to compile accurate and complete financial information	Section 10 of the ECF Act	Principal Act	Review the reporting timelines to ensure they are practical, proportionate, and aligned withtheoperational realities of election campaigns, while maintaining transparency and accountabilityincampaign finance reporting.	Section 10 of the ECF Act provides for timelines for the submission of expenditure reports.

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			IEBC should undertake comprehensive stakeholder sensitization and capacity-building programmes especially for Political Parties being key and important stakeholder before the Regulations come into force.	General comment	Regulations	IEBC should conduct nationwide capacity-building and stakeholder sensitization programmesbefore enforcement of the Regulations and provide practical guidance materials to support effective compliance with campaign finance requirements.	The Commission should undertake sensitization of these Draft Regulations to stakeholders.
			To ensure smooth implementation, IEBC should provide adequate technical support, clear reporting guidelines, and training for users before the system is rolled out.	General comment	Regulations	Develop a secure, reliable, and user-friendly online reporting platform supported by comprehensive user manuals, training programmes, and ongoing technical assistance to facilitate effective compliance with the Regulations.	The Commission should undertake sensitization of the Regulations to stakeholders.

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			A reasonable transition period, coupled with clear implementation guidelines, will promote compliance, reduce unintended breaches, and ensure that enforcement is fair and consistent from the outset.	General comment	Regulations	Provide sufficient transition periods before the Regulations take effect and issue clear implementation guidelines to enable political parties and candidates to prepare for and comply with the new requirements.	The Commission should undertake sensitization of the Regulations to stakeholders.

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7	IEBC/ECF/SUB/014/2026	LAWI SULTAN NJEREMANI	Establish a formal Multi-Agency Campaign Finance Oversight Framework through a tripartite Memorandum of Understanding (MOU) signed by the IEBC, the Office of the Auditor General (OAG). and the Ethics and Anti-Corruption Commission (EACC). To ensure the success of the 2027 framework, Kenya must adopt a multi-agency framework operationalized through a tripartite MOU and reinforced by the specific amendments to the ECFA outlined above. This approach will significantly improve	Amendment of the Principal Act	Principal Act	To give the multi-agency framework statutory backing and long-term effectiveness, the following targeted amendments to the ECFA are recommended: 1. Insert a New Section on Multi-Agency Coordination i. Require the IEBC to enter into an MOU with the OAG and EACC for the implementation of the Act. ii. Mandate information sharing, joint investigations, and mutual assistance. 2. Strengthen OAG's Role (Amend Section 27) i. Make OAG audits of campaign accounts mandatory (not discretionary) at key stages: precampaign, during the campaign period, and post-election. ii. Grant the OAG explicit powers to access relevant private financial records for campaignrelated audits, subject to judicial oversight. 3. Enhance EACC's Enforcement Powers i. Explicitly designate EACC as the primary agency for investigating and prosecuting offences under the Act that involve corruption, economic crimes, foreign funding, or misuse of public resources.	The Commission is constitutionally mandated under Article 88(4) (i) of the CoK to regulate election campaign financing.

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			transparency, enforcement, and public confidence in the electoral process ahead of the 2027 General Election.			ii. Provide for automatic referral of serious violations from IEBC to EACC. 4. Digital Reporting and Transparency (New Section) i. Mandate a centralized digital platform jointly operated by the three agencies for real-time submission of contributions, expenditures, and disclosures. ii. Require public access to summarized reports (with appropriate redactions for security). 5. Sanctions and Penalties (Amend Section 24) i. Introduce graduated, dissuasive penalties including campaign bans, forfeiture of funds, and debarment from future elections for repeated or serious violations. ii. Clarify joint liability for candidates and political parties. 6. Funding and Independence i. Provide for ring-fenced budgetary allocations to the three agencies specifically for campaign finance oversight. ii. Protect the framework from political interference through security of tenure provisions. 7. Transitional Clause i. Empower the IEBC to operationalize the MOU immediately while the amendments are processed by Parliament.	

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8	IEBC/ECF/SUB/015/2026	INTERNATIONAL INSTITUTE OF LEGISLATIVE AFFAIRS	The Draft Regulations do not include safeguards to prevent campaign financing from manufacturers and commercial actors whose products are associated with significant public health harms, including but not limited to tobacco, alcohol, sugar-sweetened beverages (SSBs), and ultra-processed foods. These industries are often directly affected by policy and regulatory decisions made by elected officials, creating a heightened risk of undue influence and conflicts of interest. Addressing this gap is essential to ensure that campaign financing rules not only regulate	Sections 11, 12(2), 13, 14, 15 & 25 of the ECF Act and Clauses 14, 15, 16, 21 & 25 of the Draft ECF Regulations	Regulations	i. include the proposed regulation 16A and the accompanying definitions in the final version of the Regulations.; ii. strengthen regulations 14, 15, 21 and 25 to require full disclosure of donor sector, beneficial-ownership and affiliated entities for every corporate contribution; iii. apply the prohibition equally to direct contributions, loans, in-kind support, sponsorship, independent expenditure and supporting organizations: iv. publish campaign finance disclosures in real time during the expenditure period and enforce anti-avoidance rules on related-party contributions; and initiate a corresponding amendment to section 14 of the Election Campaign Financing Act to place the prohibition on a firm footing ahead of the 2027 General Election.	The Commission is alive to the provisions of Articles 42 & 43 of the COK in development of Regulations. However, it notes that their operationalization does not fall within the purview of the Commission.

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			the flow of money, but also protect the integrity of public decision-making from vested commercial interests.				

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9	IEBC/ECF/SUB /016/2026	UCHAGUZI PLATFORM	The "averaging" of dissimilar units to produce a presidential limit is not adequately justified,	General comment	Limits	Differentiate Governor, Senator, and Woman Representative ceilings, or justify the shared limit explicitly.	The Model classifies the electoral areas based on urban, sparsely populated and other areas as outlined under Article 89(5) of the CoK. These factors collectively provide a rational basis for setting the spending limits that reflect the realities of different electoral units.
			The weighting formula is not visible in the Annex 2 document as circulated,	General comment	Formula/Limits	Publish the full model (weights, formulas, and the "Model 4" derivation) underlying every ceiling, not just outputs.	The formula will be provided for during Gazzette.
			No stated data vintage or source for population and land area figures,	General comment	Limits	Cite and date the population and land-area data source used in every table.	Data source and extrapolition formula will be provided.
			One limit applied across three structurally different races,	General comment	Limits	Differentiate Governor, Senator, and Woman Representative ceilings, or justify the shared limit explicitly.	The formula will be provided for during Gazzette for every electoral position.

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			Transportation dominates the political parties' allowable-expense breakdown, a known vote-buying vector.	General comment	Limits	Cap or sub-categorize the Transportation line, with mandatory receipt-based disclosure given its vote-buying risk profile.	The formula will indicate the key cost drivers.

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			No gender-differentiated analysis.	General comment	Limits	Add an explicit gender-responsive campaign finance framework incorporating: (i) a gender impact assessment of campaign spending limits; (ii) measures addressing Violence Against Women in Politics (including online abuse, disinformation campaigns and intimidation-related expenditures); (iii) financing mechanisms supporting women, persons with disabilities and marginalized candidates; and (iv) incentives for political parties to equitably allocate campaign resources in accordance with Articles 27, 56 and 91 of the Constitution.	The Commission provides for gender, youth and other SIGs consideration during workign out of formulas.

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			No treatment of in-kind contributions, harambees, or "goodwill" giving.	General comment	Limits	Add a valuation and disclosure methodology for in-kind contributions and harambee giving.	Provided for under Section 11 read together with Clause 15 of the draft ECF
			No treatment of third-party and independent expenditure.	General comment	Limits	Address third-party and independent expenditure.	This is operationalization of Section 15 of the ECF Act. The Commission needs to sensitize stakeholders on the same.

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			Limited consideration of political party financing and gender-responsive resource allocation,	General comment	Limits	Reduce or subsidize nomination fees payable by women, persons with disabilities and marginalized candidates as an affirmative action measure to promote equal political participation. Introduce incentives within the public financing framework to encourage political parties to nominate and support women candidates through enhanced allocations from the Political Parties Fund linked to measurable gender representation outcomes. Consider introducing matching grants or other public financing mechanisms to supplement campaign financing for women candidates, persons with disabilities and candidates from marginalized communities. Reduce or subsidize nomination fees payable by women, persons with disabilities and marginalized candidates as an affirmative action measure to promote equal political participation. Require political parties receiving public funds to publicly disclose the financial and logistical support provided to women candidates and other special interest groups.	The Commission provides for gender, youth and other SIGs consideration during workign out of formulas.

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			"Allowable expenses" is never defined.	General comment	Limits	Attach a binding glossary of "allowable expenses."	Factored in the definition of "expenditure"
			No visible compliance, disclosure, audit, or sanctions architecture.	General comment	Limits	Publish the compliance, disclosure-timing, audit, and sanctions framework alongside the ceilings, not as a later, separate instrument.	Propose that audit becomes mandatory for all candidates and political parties under clause 26 of the Draft ecf Regulations, irrespective of the amount that has been expensed.
			No indexation or inflation-adjustment mechanism.	General comment	Limits	State an indexation policy for the period between Gazettement and the 2027 campaign.	

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			No public-participation trail evident in the document itself	General comment	Limits	Publish the public participation record, including how the current submission window will be reflected.	The Commission complied with provisions of Articles 10 and 118 of the CoK by publishing notice inviting public comments and memoranda on the Draft ECF Regulations and Spending Limits, as well as undertaking stakeholder and public engagements in different parts of the Country.

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			Definition: Independent expenditure This is the most consequential drafting defect in the instrument. The draft defines "independent expenditure" as expenditure by a supporting organization "which is made with the cooperation or with the prior consent of a candidate, political party or referendum committee." In every comparative and Kenyan legal usage, independent expenditure is precisely the opposite: expenditure incurred without coordination or consent, which is what distinguishes it from a coordinated contribution. As drafted, the term describes	Section 15 of the ECF Act	Regulations	Correct the definition of "independent expenditure" to reflect the absence of coordination or consent, and add a corresponding definition and registration pathway for genuinely independent third-party expenditure.	The Regulation operationalizes Section 15 of the Principal Act.

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			coordinated spending, which regulation 19 already separately addresses as "expenditures by supporting organizations" incurred "on behalf of" a candidate. If the definition is not corrected, the Regulations will have no operative concept of genuinely independent (uncoordinated) third-party spending, which is often the more difficult category to regulate and monitor. Closing date. Defined circularly ("the date through which any report or statement...is required to be complete") without stating how the date is fixed. It does not appear to be used operatively				

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			elsewhere in the extracted text, which suggests either an orphaned definition or a missing operative provision that should reference it. Supporting person or organization. The definition excludes political parties, candidates and expenditure committees, which is appropriate, but the Regulations do not clearly state whether a supporting organization must itself have separate legal personality, nor how an informal or unregistered group (e.g., an ad hoc campaign collective) is to be treated for registration purposes under regulation 7.				

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			The expenditure period for a general election runs from at least six months before the election to fourteen days after. This is a reasonable statutory bracket, but it is worth noting for advocacy purposes that informal campaign activity in Kenya routinely begins well before the six-month mark (party nominations, harambees, and "development" activity by incumbents). A six-month formal expenditure period may therefore capture only the latter, more visible phase of campaign spending, leaving pre-period spending, which can be substantial, outside the	Clause 20 of the Draft ECF Regulations	Regulations	Fix an express deadline (e.g., not later than 12 months before a general election) by which the Commission must gazette applicable expenditure limits under regulation 20.	The Commission may consider reviewing the ECF Framework

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			reporting and limit regime entirely.				

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			The framework requiring each candidate, party and referendum committee to appoint an authorized person, and to notify and register that appointment with the Commission (Form ECF 1, supported by a declaration in Form ECF 2), is workable and mirrors established campaign financing agency models. Three points merit comment: 1. Regulation 4(3) - (4) permits a candidate to act as their own authorized person. Combined with the very limited information collected in Form ECF 1 (no requirement to disclose other campaign roles held, e.g.,	Section 15 of the ECF Act	Regulations	Recommendation is Revision of Form ECF 1 & 2 to include additional disclosure information on authorized persons of account. To revise the notice of replacing an authorized person from 3 to 7 days' notice.	The operations of Political Parties are sufficiently governed under the Political Parties Act. The proposed regulation 7 operationalizes section 15 of the ECF Act.

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			simultaneous service as an authorized person for a political party), this creates a potential conflict-of-interest gap where the same individual manages both personal and party-level campaign finance without a disclosed separation of accounts beyond the general requirement in regulation 10. 2. Regulation 7 requires a supporting organization to notify the Commission "within seven days of receiving consent from the candidate," but, consistent with the definitional error noted at 3.1 above, the draft Regulations do not separately require				

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			notification or registration of a person or organization undertaking genuinely independent (non-consented) expenditure. If such spending is intended to be permitted but unregulated, that should be stated as a matter of policy rather than left to an inverted definition. 3. Regulation 9 sets a three-day notice period for replacing an authorized person, materially shorter than the seven-day notice period for initial registration of a supporting organization under regulation 7(1). The difference is not obviously justified and may simply be an oversight.				

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			Regulation 10 does not address: • Cash and mobile-money (M-Pesa) transactions that occur outside the formal banking system before deposit, regulation 10(3) requires that all transactions "be paid from or deposited to the account," but does not fix a timeframe within which cash or mobile-money receipts must be banked, creating a window in which off-book spending could occur before deposit. • What happens where a candidate operates in more than one capacity (e.g., a sitting Member of Parliament who is also a party official), whether multiple accounts are required or one consolidated	Clause 10 of the draft ECF regulations	Regulations	To include cash and mobile transaction timelines for depositing into the accounts	This has been provided for under Clause 11 of the draft ECF Regulations. Individuals and Political Parties are considered individual separate entities. Operations of Political parties are governed by Political Parties Act.

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			account suffices is not addressed				

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			Harambee and structuring risk. Regulation 11(2) requires the authorized person to record the identity of any harambee contributor who gives more than Kshs 20,000, with only an aggregate "tally" required for contributions at or below that threshold. Regulation 15 applies the same Kshs 20,000 threshold to receipts generally. This creates an evident structuring incentive: contributions can be split into multiple subthreshold payments (by the same donor, or through associates) without individual identification, undermining the traceability the	Section 12 of the ECF Act	Regulations/Limits	The Regulations to require aggregation of contributions from the same donor across a reporting period, The Regulations to cap financing or peer loans.	Section 12 of the ECF Act addresses limits to contributions. Commission to undertake sensitization on ECF regulations.

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			Regulations are designed to achieve. The draft Regulations do not require aggregation of contributions from the same donor across a reporting period, which is a standard anti-structuring safeguard in comparable regimes. No cap on self-financing or peer loans. Regulation 12 lists self-financing as a permitted source of contributions and regulation 13 treats loans from non-institutional lenders as "ordinary contributions," but no provision in the extracted text caps the amount a candidate may self-finance or borrow from a private individual. Absent such a				

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			cap (which may exist in the Act itself but is not evident in the Regulations), the practical effect of the expenditure-limit regime in Part V could be substantially undermined by wealthy or well-connected candidates financing campaigns through personal wealth or informal loans that attract minimal disclosure scrutiny relative to institutional contributions.				

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			Part V establishes an elaborate, population- and area-weighted formula for setting constituency-level expenditure ceilings, which then cascade upward to county, gubernatorial, presidential, party and referendum-committee limits. The underlying policy approach — anchoring limits to a constituency baseline and adjusting by population and geographic dispersion — is defensible and reflects an effort at proportionality. Three concerns arise: 1. Numbering: the sub-paragraph lettering in regulation 20(4) restarts at "(a)" in	Clause 20 of the Draft ECF Regulations	Limits	Modify sub-regulation (4) or constitute a free-standing sub-regulation (5). Early gazzettement of electoral instruments. They propose to de-anchor referendum committee limit from the prior general election limits due to inflation or change of size of Electorate. The formula will be provided for during Gazzette.	The Commission should review Clause 20(8) of the Draft ECF Regulations to bring clarity.

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			a way that leaves it unclear whether the population quota banding rules (regulation 20, unlabeled paragraphs (a)-(e) following the fourteen-item cost list) 2. Timing: regulation 20(1) - (2) leaves the actual quantum of expenditure limits to a future Gazette notice, with no deadline specified for publication relative to the start of the expenditure period (which, per regulation 3(a), begins at least six months before a general election). 3. Party and referendum-committee limits: regulation 20(8) sets the political-party limit at the presidential limit minus 30%, and regulation 20(9) sets the				

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			referendum-committee limit at the prior general election presidential limit plus 50%, without an accompanying rationale.				

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			The reporting architecture (Form ECF 6, preliminary and final expenditure reports, an auditor's report for expenditure exceeding five million shillings, and a Certificate of Compliance in Form ECF 8) is comprehensive on its face. "the expenditure report submitted under regulation 17," is incorrect	Clause 17 of the Draft ECF Regulations	Regulations	The Commission to scrutinize "the expenditure report submitted under regulation 17," which is incorrect — regulation 17 concerns Campaign Expenditure Committees, while report submission is governed by regulation 21. This should be corrected before gazettement, as it is the operative basis for the Commission's scrutiny, rectification and investigation powers.	The Commission to effect correction of the referenced Regulations.

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			The draft Regulations do not clearly state the criteria the Commission will apply in choosing summary determination over a full hearing, nor do they set out an appeal or judicial review pathway from a Commission determination (beyond the general reference to "section 21 of the Act" for jurisdiction). Given that determinations may affect a candidate's or party's compliance status, and, ultimately, the sanctions available under section 23 of the Act, the absence of an express review pathway in the Regulations themselves is a due-process gap	Clause 27-35 of the Draft ECF Regulations	Regulations	The Commission to provide an express review pathway for the complaints procedure. Review timelines for submission of evidence packages in the sworn statement requirement FORM ECF9.	The Commission to correct the numbering of PART VI to PART V. The Commission may consider increasing timelines for sworn statements.

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			worth flagging, even if the Act addresses this separately. Additionally, the sworn-statement requirement in Form ECF 9 (Section 4, requiring certification "formed after a reasonable inquiry" supported by evidence) combined with the 24-hour service and short response windows will require observation teams to have evidence packages substantially prepared in advance of filing, which has resourcing implications for any complaints that partner CSOs intend to bring during the 2027 cycle.				

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			Regulation 39(2)'s power for the Commission to vary any of the twelve prescribed forms "by a directive" is broad; There is need to seek clarification on whether such directives will be subject to any public notice or comment period, given that the forms carry substantive disclosure obligations.	Clause 39(2) of the Draft ECF Regulations	Regulations	The Commission clarify whether the twelve described forms by directives will be subject to any public notice or comment period.	The Commission is guided by provisions of Article 10 and 118 of the CoK.

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			Transparency versus data protection The Regulations require collection of highly sensitive identifiers from contributors and proxies, while simultaneously committing to public disclosure of "the list of contributors and the amount" subject to unspecified data protection principles.	General Comment	Regulations	The Commission to come up with a defined publication standard that complies with Data Protection Act.	Article 10(2)(c) of the CoK stipulates that The National values and principles of governance. These values bind state and non-state actors pursuant to Article 20 of the CoK. The Commission is bound by the provisions of Sections 25 and 27 of the IEBC Act in processing of personal data.

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	IEBC/ECF/SUB/018/2026	Orange Democratic Movement Party	Political Parties implement activities under Section 26 of the PPA.	Regulation 3(a)	Regulations	Amend the Regulations to expressly exclude ordinary political party activities funded through the Political Parties Fund from the scope of the Regulations.	Regulation of ECF by the Commission is focused on regulating campaign related activities during the expenditure period. This has already been considered.

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			Expenditure period does not account for delayed nominations, court disputes or postponed byelections. Seven days is insufficient for financial reconciliation.	Regulation 3(b)	Regulations	Commence the expenditure period upon publication of the by-election programme and extend the reporting period to at least fourteen (14) days after declaration of results.	The expenditure period as is currently, is intended to capture campaign-related political activities undertaken by aspirants prior to party nominations, particularly in the case of candidates sponsored by political parties. Excluding this period would undermine the objective of regulating campaign expenditure comprehensively.

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			The expenditure period as is currently, is intended to capture campaign-related political activities undertaken by aspirants prior to party nominations, particularly in the case of candidates sponsored by political parties. Excluding this period would undermine the objective of regulating campaign expenditure comprehensively.	Regulation 4	Regulations	Designate the Authorized Person as the sole legally accountable officer for campaign finance compliance. Any committee established should serve only an advisory role.	Candidates need both; an authorized persons and expenditure Committee. The authorized persons can be part of the Campaign Expenditure Committee in accordance with Regulation 17.

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			The period of notification of authorized persons is impractical and criminalizes technical administrative omissions without allowing corrective action.	Regulation 5	Regulations	Permit notification within 7–14 days after appointment and require IEBC to issue compliance notices before sanctions are imposed.	The period of notification of an authorized person is important as once the Commission is notified of the appointment of the authorized persons, it starts monitoring.

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			No timelines are prescribed for registration of authorized persons exposing political parties to delays.	Regulation 6	Regulations	Require IEBC to register Authorised Persons within three (3) working days and provide written reasons where registration is declined.	Proposal for consideration

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			The regulation is overly broad; may capture volunteers, civil society organizations and ordinary supporters.	Regulation 7	Regulations	Restrict registration to organizations coordinating campaign expenditure above a prescribed threshold and extend the notification period to fourteen (14) days.	Section 15 of the Act provides that all supporting organizations must be registered by the Commission.

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			Raises privacy and security concerns and may discourage political participation.	Regulation 8	Regulations	Limit public disclosure to Authorized Persons. Supporting organizations should disclose information only to IEBC unless otherwise required by law.	The Commission is obligated to process all information received under the Act and Regulations, in compliance with the principles of Data Protection as set out in the Data Protection Act.

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			Restricting loans to 1financial institutions authorized under the Banking Act restricts access to lawful campaign financing for smaller parties.	Regulation 13	Regulations	Permit loans from political parties and individuals provided they are disclosed and comply with statutory limits.	Restricting loans to financial institutions authorized under the Banking Act is to safeguard the integrity, transparency and accountability of campaign financing by ensuring that loans used to finance election campaigns are legitimate commercial transactions rather than disguised political contributions.

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			Collects unnecessary personal data contrary to privacy principles.	Regulation	Regulations	Require only information necessary to identify contributors and introduce a statutory disclosure threshold (e.g., KSh 100,000).	The information required is necessary for the Commission to ensure effective regulation of election campaign financing.

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			Impractical for grassroots fundraising and discourages participation.	Regulation 15	Regulations	Require detailed identification only for reportable contributions above the statutory threshold and allow aggregate reporting for smaller donations.	It is important to keep a record of all contributions to ensure that no contribution from a single source shall exceed 20% of the total contributions as provided by section 12(2) of the Act. Section 15 of the Act requires the issuance of receipts for any contribution exceeding Ksh 20,000

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			Methodology is incomplete as it does not adequately consider the poverty index, polling stations, inflation, digital campaigns, accessibility or differentiated county-wide offices.	Regulation 20	Regulations/Formula/limits	Review the methodology to incorporate poverty levels, polling stations, inflation, digital campaign costs, security, accessibility, differentiated weighting for Governors, Senators and County Woman Representatives, and independent expenditure formulas for political parties.	The Commission appreciates the concerns raised. Regulation 20 has been amended taking into account independent costing methodologies for the different electoral areas. The spending limits have been revised taking into account inflation.

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			Reporting is duplicative, investigative powers are broad, and donor disclosure obligations are excessive.	Regulations 21 - 26	Regulations	Consolidate reporting obligations, prescribe clear timelines, strengthen procedural safeguards, limit public disclosure to reportable donations and increase the mandatory audit threshold from KSh 5 million to KSh 20 million.	The proposed 20 Million limit is too high. To achieve transparency and accountability, the Commission has amended regulation 26 to require the preparation of an audit report of campaign expenses exceeding Ksh 750,000 by a Registered Auditor.

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			Broad sanctioning powers, unrealistic timelines and inadequate due process safeguards.	Regulations 27 – 35 Dispute Resolution	Regulations	Remove Regulation 27(5), require reasonable grounds before investigations, extend response timelines, recognize legal representation and require reasoned decisions before enforcement.	The Commission has amended part vii of regulations on dispute resolution including the timelines. The part takes into consideration fair administrative action and principles of natural justice. The statutory powers granted to the Commission are not arbitrary. Nothing bars any party from having legal representation during hearing of complaints before the Committee.

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			Electronic filing procedures are unclear and IEBC's directive-making powers are too broad.	Regulations 36-40	Regulations	Clarify electronic filing procedures, require electronic acknowledgements, strengthen digital record management, ensure compliance with the Data Protection Act and limit IEBC's directive-making powers to administrative powers	In establishing an electronic filing system, the Commission will ensure security and reliability to enhance credibility of the system in compliance with the principles of data protection under the Data Protection Act. The Directives or directions given by the Commission under this regulation relate to procedural or administrative matters for the efficient operationalization of the Act and Regulations.

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			Campaign Spending Limits:				

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			i. Failure to Fully Apply the Criteria under Section 18 of the Election Campaign Financing Act			Review the methodology for determining campaign expenditure limits to expressly incorporate the poverty index as one of the principal determinants of campaign spending limits.	In coming up with the formula and the spending limits, the Commission took into account parameters set out under Section 18 of the Act with the main driving factors being population and land area.

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			(ii) Failure to Disaggregate Data for Special Interest Groups			Develop disaggregated criteria for candidates contesting Special Interest Group seats and other categories requiring differentiated treatment.	The Commission has revised the spending limits to factor in inflation.

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			(iii) Inadequate Differentiation of County-Wide Elective Positions			Introduce differentiated weighting for county-wide elective offices to reflect the distinct campaign obligations of Governors, Senators and County Woman Representatives.	The Commission has revised the spending limits to factor in inflation.

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			(iv) Failure to Consider Polling Stations in Estimating Campaign Costs			Include the number of polling stations as a key determinant of campaign expenditure limits to accurately reflect the cost of deploying polling and counting agents. Incorporate prevailing economic conditions, inflation, digital campaign costs, accessibility challenges and security considerations into the expenditure formula.	

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			(v) Additional Practical Cost Drivers			Adopt a differentiated formula for political party spending limits based on the number of candidates sponsored and the geographical scope of participation.	

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	IEBC/ECF/SUB/019/2026	Lerwis Brown Mathenge	Campaign financing regulations should not become barriers to leadership by making elective office accessible only to wealthy individuals		Regulations	Regulations should expressly promote equal political participation and ensure that compliance requirements do not disproportionately disadvantage young aspirants and first time candidates.	In attempts to promote a level playing field, the regulations provide upper spending limits but no floor. This ensures that individuals are able to contest elections regardless of their financial status.

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			Recognition of youth innovation. The Regulations should encourage innovation, rather than indirectly favour expensive campaign models.		Regulations	The Regulations should expressly recognize digital campaign strategies and low cost campaign methods as legitimate campaign approaches	Regulations make provision for the Commission to integrate technology in Election Campaign Financing activities.

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			Simplification of financial reporting. Complex financial reporting requirements increase campaign costs unnecessarily		Regulations	IEBC should develop simplified reporting templates, provide digital reporting platforms and offer free training for all candidates before implementation.	The reporting mechanisms outlined under the Act and the Regulations are essential for the Commission to ensure effective regulation of campaign financing. The Regulations outline the reporting requirements including forms for reporting. The Commission is currently undertaking public participation and awareness creation on the Act and the Regulations.

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			Grassroots fundraising. Overly restrictive fundraising requirements may discourage community participation for young aspirants.		Regulations	Small individual contributions below a prescribed threshold should attract simplified reporting requirements while maintaining strict disclosure for large contributions.	It is important to keep a record of all contributions to ensure that no contribution from a single source shall exceed 20% of the total contributions as provided by section 12(2) of the Act. Section 15 of the Act requires the issuance of receipts for any contribution exceeding Ksh 20,000

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			There should be fair campaign spending limits			Spending limits should be determined using objective criteria such as the size of the electorate, geographical coverage and nature of the elective position	In coming up with the formula and the spending limits, the Commission took into account parameters set out under Section 18 of the Act with the main driving factors being population and land area. The Commission has revised the spending limits to factor in inflation.

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	IEBC/ECF/SUB/020/2026	Eric A. Ambuche	Kenya already has a robust constitutional and statutory framework governing elections. While there is need for campaign financing regulation, the challenge may lie with implementation.		Regulations – Implementation	1.IEBC to establish a comprehensive implementation framework for monitoring and enforcing compliance. Establish clear timelines for investigating complaints Publish campaign finance diclosures Strengthen coordination with other government entities to ensure timely enforcements. Apply sanctions consistently and fairly. Conduct civic education Introduce practical compliance measures	The Commission is in the process of establishing a robust framework to ensure monitoring and compliance with the Regulations. The Commission has reviewed the dispute resolution section including reworking the timelines to ensure effective dispute resolution. There are disclosure requirements under the ECF Act and Regulations. The Commission is working with relevant government entities for effective implementation of election campaign financing regulation.

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	IEBC/ECF/SUB/021/2026	Transform Empowerment For Action Initiative (TEAM)	Prohibition of state resources during campaigns			1.The law should expressly prohibit the use of any publicly funded resource for campaign purposes except where security is provided by law.	The use of state resources is expressly prohibited under section 14 of the Election Campaign Financing Act.

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						2.A mandatory declaration should accompany campaign finance reports confirming that no public resources were used.	

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						3. Where public resources are used, the equivalent monetary value should be treated as campaign expenditure and deducted from the candidate's expenditure limit	

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			Regulation of government security during campaigns:			1.Develop clear guidelines distinguishing: Statutory VIP security, Campaign security, Security accompanying campaign activities.	The Commission may liaise with the relevant government entities to establish the best way to address the issue of additional security costs for state and elected officers.

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			Some candidates enjoy extensive government security deployments during campaign rallies while competitors financed private security			Any additional security deployed exclusively for campaign activities should either: ● be reimbursed to government, or be declared as an in-kind campaign contribution.	

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			Campaign Activities Before and During Party Nominations:			Campaign finance regulation should begin immediately after a person publicly declares interest in elective officee rather than after nomination	The expenditure period as is currently, is intended to capture campaign-related political activities undertaken by aspirants prior to party nominations, particularly in the case of candidates sponsored by political parties. Excluding this period would undermine the objective of regulating campaign expenditure comprehensively.

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			Significant campaign spending occurs during party nominations, yet monitoring begins much later.				

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			IEBC has limited personnel to monitor campaign financing across all electoral areas.			Establish accredited Campaign Finance Monitoring Committees at: County level and Constituency level with inter – agency membership.	The Commission may liaise with relevant government entities for effective implementation of election campaign financing regulation.

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			Candidates frequently deviated from submitted campaign schedules, making monitoring difficult			Require candidates to: submit weekly campaign schedules; notify IEBC of changes within 24 hours; and publish campaign schedules electronically. Failure to notify should attract administrative penalties.	The issue of campaign schedules is regulated under the Elections Act.

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			Door-to-door campaigns are increasingly used yet remain largely unmonitored despite involving campaign expenditure.			Require; recording of organised door-to-door campaign activities; declaration of campaign personnel; disclosure of transport and mobilisation costs; and reporting of campaign materials distributed.	The related campaign expenses are regulated under the Regulations.

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			Campaign fundraising in churches, mosques and other faith-based institutions has become common.			The law should prohibit campaign fundraising within places of worship during the regulated campaign period	The Electoral Code of Conduct under paragraph 6(d) prohibits campaign activities in places of worship and burial ceremonies

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			Numerous candidates appeared to spend significantly beyond the prescribed expenditure limits.			The Commission should adopt electronic campaign finance reporting; real-time disclosure; mandatory bank transactions above prescribed thresholds; digital receipts; periodic expenditure audits and conduct automatic investigations where expenditure appears inconsistent with declared reports	Spending limits have not applied in any previous election in Kenya.

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							The Act and Regulations give significant powers to the Commission to investigate or examine all matters relating to the performance of its functions with regard to campaign financing.

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			Marginalized candidates remain disadvantaged by limited financial resources.			The Commission should subsidize campaign compliance costs; finance accessible campaign materials; support sign language interpretation; support accessible transport; support digital campaign platforms	In attempts to promote a level playing field, the regulations provide upper spending limits but no floor.

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			Marginalized candidates remain disadvantaged by limited financial resources.		The Commission should subsidize campaign compliance costs; finance accessible campaign materials; support sign language interpretation; support accessible transport; support digital campaign platforms	In attempts to promote a level playing field, the regulations provide upper spending limits but no floor.	Marginalized candidates remain disadvantaged by limited financial resources.

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			Several campaigns employed organized groups whose activities included intimidation and disruption of opponents' meetings			The law should prohibit financing of organised groups intended to intimidate voters or opponents;	The Elections Offences Act and the Electoral Code of Conduct prohibit any acts of violence and/or intimidation including but not limited to disruption of opponents' meetings.

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			Independent Campaign Finance Audit Every candidate above a prescribed expenditure threshold should undergo an independent forensic audit before election results are gazette Regulation 26 requires the preparation of an audited report where campaign expenses exceed a certain threshold.				

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