

**KEYNOTE ADDRESS BY THE PRESIDENTIAL RETURNING OFFICER DURING PRE-NOMINATION MEETING WITH PRESIDENTIAL ASPIRANTS HELD AT THE BOMAS OF KENYA ON 23<sup>RD</sup> MAY 2022 FROM 8:00 AM.**

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**Presidential Aspirants**

**Commissioners**

**Staff of the IEBC**

**The media Fraternity**

**Election Observer Mission present**

**Ladies and Gentlemen**

I am pleased to address you on this auspicious meeting that marks the beginning of engagement with Presidential Aspirants who will become candidates upon registration by the Commission and eventually one will be elected by voters as the President of the Republic of Kenya.

The Commission on 19th January 2022 published in Kenya Gazette a notice of the General Election of the Office of President, Members of Parliament, and Members of County Assembly. This notice marked the commencement of the election period for the 9<sup>th</sup> August, 2022 General Elections.

Pursuant to the Notice of the General Election, the Commission has already undertaken a number of key activities including:

1. Review and approval of nomination rules for political parties with 82 of them being cleared to participate in the upcoming General Elections.
2. Receipt of party membership lists of political parties cleared to contest in the upcoming election.

3. Receipt and gazettelement of Aspirants contesting in party primaries.
4. Receipt of political parties' lists of Aspirants and particulars of Independent candidates for the various elective positions.

Political parties and Independent candidates were required to submit names of persons intending to contest as Presidential candidates and their Deputies on or before 16<sup>th</sup> May 2022. By the said date, the Commission had received a total of fifty-eight (58) Presidential Aspirants, out of which seventeen (17) are political party Aspirants, one (1) coalition political party Aspirant and forty (40) Independent candidate Aspirants. However, 11 Presidential Aspirants did not submit names of their Deputies.

**Table 1: Political Parties sponsored candidates**

| S.No | Name of the Party                         | Name of the Presidential Nominee | Name of the Deputy Presidential Nominee |
|------|---|----------------------------------|---|
| 1.   | Agano Party                               | Waihiga David Mwaure             | Mucheru Ruth Wambui                     |
| 2.   | Amani National Congress                   | Mudavadi Wycliffe Musalia        | Not Submitted                           |
| 3.   | Democratic Party Of Kenya                 | Muturi Justin Bedan Njoka        | Not Submitted                           |
| 4.   | FORD Asili                                | Kathangu Augustine Njeru         | Arunga Michael Angaya                   |
| 5.   | Jirani Mzalendo                           | Lengala David William            | Not Submitted                           |
| 6.   | Justice And Freedom                       | Juma Justus Zachous Onyango      | NdundaAnne Wavinya                      |
| 7.   | Maendeleo Democratic Party                | Joseph Ngacha Karani             | Rachel Bosibori Gechiko                 |
| 8.   | Republican Liberty Party                  | Makhapila Juliet                 | Matayo Jared Obwogi                     |
| 9.   | Roots Party Of Kenya                      | Wajackoyah George Luchiri        | WamaeJustina Wangui                     |
| 10.  | Safina Party                              | Wanjigi Jimi Richard             | Otieno Willis Evans                     |
| 11.  | Thirdway Alliance Kenya                   | Aukot John Long'goggy Ekuru      | Waweru Daniel John Miruru               |
| 12.  | UDA                                       | Samoei William Ruto              | Gachagua Rigathi                        |
| 13.  | Umoja Summit Party                        | Mongare Onchonga Walter          | Mwakazi Wali Dora Rachel                |
| 14.  | Unified Change Party                      | Kaluyu Japheth Kavinga           | Wachira Julia Wanjiru                   |
| 15.  | Usawa Kwa Wote                            | Mwangi Wa-Iria                   | Otuke Alfayo Onyambu                    |
| 16.  | Azimio La Umoja One Kenya Coalition Party | Odinga Raila                     | Karua Martha Wangari                    |
| 17.  | Mwangaza Tu Party                         | Munene Josephine Gathoni         | Otieno Stephen Odhiambo                 |

|     |                           |                 |         |                         |
|-----|---------------------------|-----------------|---------|-------------------------|
| 18. | Wiper Democratic Movement | Musyoka Kalonzo | Stephen | Sunkuli Andrew Leiteipa |
|-----|---------------------------|-----------------|---------|-------------------------|

**Table 2: Names of the Independent Candidates**

| S.No | Name of the Candidate          | Name of the Deputy Presidential Nominee |
|------|--------------------------------|---|
| 1.   | Ndekerere Joseph Kundu         | Not Submitted                           |
| 2.   | Gichira Ptah Solomuzi          | Muriuki David                           |
| 3.   | Katoni Benjamin Kevin Ndambuki | Not Submitted                           |
| 4.   | Kamau George Munyottah         | Njuguna Samuel Njiri                    |
| 5.   | King'ori Peter Mumbiko         | Nyangau Winfred Koki                    |
| 6.   | Ng'anga'a Gibson Ngaruiya      | Nyangena Joel Atuti                     |
| 7.   | Nyagoko Jacob Oanda            | Not Submitted                           |
| 8.   | Jeremiah Nixon Kukubo          | Loltome Michael Merekobo                |
| 9.   | Aoko Benard Ongir              | Not Submitted                           |
| 10.  | Oganga Stephen Owoko           | Were Alice Betty                        |
| 11.  | Awuonda Brian Oluoch           | Wanjigi Harrison Njoroge                |
| 12.  | Munga David Chome              | Wasike Joshua Wekesa                    |
| 13.  | Odhiambo Kevin Onyango         | Not Submitted                           |
| 14.  | Obunga Bernard Neto            | Waitiki Nancy Wangui                    |
| 15.  | Masira Erastus Nyamera         | Qambo Waqambo                           |
| 16.  | Kariara Muthira Eliud          | Mutua Miriam Muthikwa                   |
| 17.  | Nzamal Samuel Mwangangi        | Maina Eddah Wangari                     |
| 18.  | Ngechu Moses Gichuki           | Not Submitted                           |
| 19.  | Githii David Muhia             | Adweya Denis Anjofu                     |
| 20.  | Ouma Pigbin Odi Mwendu         | Shiraho Charles Kalomba                 |
| 21.  | Mwarania Paul Muriungi         | Makau Robert Muisyo                     |
| 22.  | Mbugua Zablon Karanja          | Glorian Everwise                        |
| 23.  | Kiprono Felix                  | Mutuku Mbatia Festus                    |
| 24.  | Kanya Joe Stanley Kamau        | Mwakha John Swaka                       |
| 25.  | Nzano Jared Chula              | Onyancha Reuben Bosire                  |
| 26.  | Lichete Reuben Kigame          | Kamau Irene Ngendo                      |
| 27.  | Nyagah Jeremiah John Mwaniki   | Ebwoyele Johnstone Chatia               |
| 28.  | Mbugua Benson Mwaura           | Not Submitted                           |
| 29.  | Kinyanjui Edward Njenga        | Ongiti Nelson Machoka                   |
| 30.  | Otieno Duncan Oduor            | Laichena Kaunyangi Eliud                |
| 31.  | Kingori Patrick Kariuki        | Kiyiapi Daniel Ledama                   |
| 32.  | Ojijo Ogillo Mark Pascal       | Wanjira James Chege                     |
| 33.  | Wanyanga Geoffrey Ndungu       | Chege Peter                             |
| 34.  | Irungu James Kamau             | Obwoni Francis Marube                   |
| 35.  | Koue Grita Muthoni             | Munoko Raidon Wekesa                    |
| 36.  | Nyangori Kemunto Dorothy       | Kamau Martin Miringu                    |
| 37.  | Biko Faith Wairimu Ngigi       | Wanyama Abraham Wabwile                 |

|     |                             |                             |
|-----|-----------------------------|-----------------------------|
| 38. | Rajput Nazlin Omar Fazaldin | Mbiu Samuel Gichane         |
| 39. | Kihuha Esther Waringa       | Not Submitted               |
| 40. | Munyeki June Juliet         | Kariuki Symon Ngigi Njoroge |

Candidates will be required to deliver their nomination papers to the Chairperson of the Independent Electoral and Boundaries Commission between the hours of eight O'clock in the morning and one O'clock in the afternoon and between the hours of two O'clock and four O'clock in the afternoon between Sunday, 29th May, 2022 and Monday, 6th June, 2022 at a place designated by the Commission.

#### **PRESIDENTIAL CANDIDATURE( QUALIFICATIONS AND DISQUALIFICATIONS)**

1. The legal framework clearly specifies when, how, and which registration procedures must be undertaken including the requirements for registration:

**Article 137. Qualifications and disqualifications for election as President**

- (1) A person qualifies for nomination as a presidential candidate if the person—
- (a) is a citizen by birth;
  - (b) is qualified to stand for election as a member of Parliament;
  - (c) is nominated by a political party, or is an independent candidate; and
  - (d) is nominated by not fewer than two thousand voters from each of a majority of the counties.

**Article 99. Qualifications and disqualifications for election as member of Parliament**

- (1) Unless disqualified under clause (2), a person is eligible for election as a member of Parliament if the person—
- (a) is registered as a voter;
  - (b) satisfies any educational, moral and ethical requirements prescribed by this Constitution or by an Act of Parliament; and
  - (c) is nominated by a political party, or is an independent candidate who is supported—

**Regulation 18 of the Election (General) Regulations, 2012- Supporters of nomination of presidential candidate and statutory declaration**

- (1) The person delivering an application for nomination under regulation 16 or 17 shall at least five days to the day fixed for nomination, deliver to the Commission a list bearing the names, respective signatures, identity card or passport numbers of at least two thousand voters registered in each of a

majority of the counties, in standard A4 sheets of paper and in an electronic form.

(2) The sheets of paper delivered under this regulation shall—

(a) be serially numbered;

(b) each have at the top, in typescript, the wording at the top of Form 12; and

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

(3) There shall be delivered to the returning officer together with the application for nomination, a statutory declaration in Form 13 set out in the Schedule, made not earlier than one month before the nomination day.

**Regulation 38(b) and 39(c) of Election (General) Regulation, 2012 Proposer and Seconder:**

A Proposer and Seconder for a Political Party Presidential candidate shall be voters registered in the respective electoral areas, and shall be members of the political party;

A Proposer and Seconder for Independent Presidential candidate shall be voters registered in the respective electoral areas but who shall not be members of any political party;

**Section 32. Approval of symbol for independent candidate**

(1) An independent candidate shall submit the symbol the candidate intends to use during an election to the Commission at least twenty-one days before nomination day.

(2) The Commission shall, upon receipt of the symbol submitted to it under this section approve or reject the symbol.

2. To ensure fairness, the grounds for verification of all requirements and rejection of a registration application have to be based on objective criteria. How best do we ascertain and/or verify the qualifications to be filled;
  - List of signatures in support of the candidate registration in particular specifying full names, voter registration number or electoral area of registration and national identification card number-This makes it easier for the Commission to verify that the signatures are real.
  - Photocopies of IDs as secondary proof and/or authentication of accompanying signatures.
  - Proof of geographical presence, often in the form of supporting signatures from a majority of the Counties.

3. The right to associate provided for in Article 29(1)(e) of the Constitution as equally espoused in the case of **CONSTITUTIONAL PETITION NO. 234 OF 2017 IN THE MATTER OF ARTICLES 27 & 28 OF THE CONSTITUTION 201- IN THE MATTER OF INTERPRETATION OF SECTION 23 AND 29 OF ELECTIONS ACT LAWS OF KENYA-PETER SOLOMON GICHIRA- VS- IEBC & AG** must be observed when verifying list of supporters. Notably it would appear a citizen can support more than one candidate-

**Para 71: “In any case the mere fact that a person belongs to a political party does not bind that person to vote for the particular political party’s candidate. It may well be that members of a political party may not subscribe to the choice of candidates by their political party in which event they would be free not only to vote for other candidates of their choice but also to front such candidates so as to realise their political rights. In my view to lock out persons from fronting candidates other than those chosen by their political parties would amount to unreasonably limiting their rights under Article 38 of the Constitution more so when the Constitution itself does not contemplate such limitation and when the *Elections Act* itself is not clear and specific about the right or freedom to be limited and the nature and extent of the limitation hence cannot constitutionally be construed as limiting the right or fundamental freedom in question.”**

4. Ours is to ensure our process meets the fairness and reasonability test as provided for under Article 24 of the Constitution so as not to unlawfully and unjustifiably restrict or limit the rights of candidates to exercise their political rights.
5. Special attention should be given to the manner of validating signatures. Which principles will be taken into consideration when checking candidate supporter lists?
  - i. An invalid signature should merely be what it is -- an invalid signature. It should not invalidate other signatures or the signature list.
  - ii. Whereas one person can support various Candidates-Candidate signatures cannot be copied for each candidate in same sequence order and manner. This raises doubt as to authenticity of the list. Any requirement that voters may only sign in support of one candidate or party can give rise to abuse of the registration process.

- iii. A certain number of signatures must be provided in at least a majority of the 47 counties. Geographic regions where signatures are obtained must also be carefully reviewed.
  - iv. Comparison of ID card number and name to match that on ID photocopy.
  - v. Comparison of signature on photocopy of ID with that appended by the supporter on the list. (NOTE: There are differences between signatures collected on the field in difficult conditions, and those included in the ID cards done under more adequate conditions. There are cases of people who presently sign differently – it is quite common for young people to have evolving signatures)
  - vi. Confirming use of registration status of supporter (Use of “AFIS” etc.).
6. Where there is a shortfall of signatures in numbers or reduction owing to dismissal of certain supporters, the Commission shall provide for a reasonable timeframe for a top-up to be done and for the subsequent verification of the signatures. If by the deadline for registration, the signatures are still adequate the candidate is disqualified.

### **Upcoming Activities**

Today’s pre-nomination is a precursor to other electoral activities lined up in the election calendar. This Include:

1. Receipt of list of supporters of atleast 2000 registered voters in each of the majority of counties, accompanied by copies of the supporters’ identification document.
2. Registration of Presidential Aspirants as candidates from 29<sup>th</sup> May to 6<sup>th</sup> June 2022.
3. Resolution of disputes arising from candidates’ registration by the Commission’s Dispute Resolution Committee not later than 19<sup>th</sup> June 2022

4. Campaign period to run from 29<sup>th</sup> May to 6<sup>th</sup> August 2022.
5. Submission of names of National and Constituency Chief Election Agents to the Commission on or before 25<sup>th</sup> July 2022.

The Commission will continuously update candidates on various aspects of the elections. Additionally, our technical staff are readily available to respond to concerns arising from our processes and will today brief you on qualifications and requirements for registration of Presidential Election candidates. However, I wish to address a few issues:

1. Presidential Aspirants who hold degrees from foreign universities must obtain recognition and equation of their academic qualifications from the Commission for University Education before registration as candidates.
2. The Commission shall submit names of candidates to institutions responsible for matters related to chapter six on Leadership and Integrity including the Ethics and Anti-Corruption Commission (EACC) and Office of the Director of Public Prosecution (ODPP) for purposes of establishing candidates' standing on moral and ethical requirements.
3. Candidates will be required to subscribe and adhere to the Electoral Code of Conduct whose breach constitutes an Election Offence under Section 20(2) of the Election Offences Act.

CANDIDATES REMINDED TO BRING CAMPAIGN SCHEDULES ON REGISTRATION DAY for harmonisation.

### **Conclusion**

The Commission urges candidates to familiarise with various requirements of the law that govern the electoral process to disqualification for non-



compliance. The Commission runs an open door policy and is readily available to offer any clarification sought by candidates.

It is our hope and expectation that candidates campaign peaceful without engaging in acts of violence, intimidation or undue influence. In the same breath it is expected that any breach of electoral laws will be dealt firmly by institutions charged with administration of justice including the National Police Service, the ODPP and the Special Magistrates court established to address electoral offences.

Finally I wish candidates all the best in the contest and let the will of the voters prevail.

A handwritten signature in black ink, appearing to read 'W.W. Chebukati', written in a cursive style.

**W.W. CHEBUKATI**

**CHAIRMAN**