Independent Electoral and Boundaries Commission

PRESS RELEASE

FOR IMMEDIATE RELEASE

SUBJECT: MATTER OF SENATOR HASSAN OMAR AND ELECTORAL CODE OF CONDUCT ENFORCEMENT COMMITTEE

Nairobi, 4th November 2026

The Independent Electoral and Boundaries Commission (IEBC) wishes to inform the public that the Electoral Code of Conduct Enforcement Committee (ECCEC) has concluded **ECCEC Complaint No. 3 of 2026** concerning Hon. Hassan Omar.

Hon. Hassan Omar was summoned to appear before the Committee on 21st October 2026 over alleged inflammatory remarks he made at a public rally in Mombasa on 11th September, 2026. He honoured the summons and appeared in person, represented by Counsel. He was afforded an opportunity to respond to the allegations and present his defence, following which the Committee considered the evidence, submissions and representations before arriving at its determination.

DETERMINATION OF THE COMMITTEE

The Committee found Hon. Hassan Omar to have been in breach of paragraphs 6(k)(i) and 6(l) of the Electoral Code of Conduct.

In reaching its determination, the Committee considered the context in which the remarks were made, the Respondent's explanation that the words were intended figuratively to encourage voter registration and participation, his subsequent clarification, and the absence of evidence of an actual electoral incident arising from the utterances.

The Committee nevertheless found that the impugned words, considered in their original Kiswahili form, their ordinary meaning and the context in which they were uttered, invoked the use of the biometric identifier of a deceased person to facilitate voting in that person's name. The Committee found such language inconsistent with the obligation under paragraph 6(l) of the Electoral Code to reassure voters regarding the integrity of the ballot.

Consequently, Hon. Hassan Omar was issued with a **FORMAL AND STRICT WARNING AND SEVERE CAUTION** pursuant to paragraph 7(a)(i) of the Electoral Code of Conduct. He was further directed, for the remainder of the applicable election period, to comply with the Code and, in particular, to refrain from language or conduct that may reasonably be understood as encouraging or normalising electoral malpractice or undermining confidence in the integrity of the ballot.

A MESSAGE TO ALL ELECTORAL ACTORS

The Commission acknowledges that Political leaders and other electoral actors have a legitimate and constitutionally protected right to campaign, criticise, debate, persuade and participate in political discourse. However, political expression carries responsibility. Statements that may reasonably be understood as advocating, encouraging or normalising electoral malpractice have the potential to undermine public confidence in the electoral process.

As Kenya prepares for the 2027 General Election, the Commission calls upon all political leaders, candidates, political parties, supporters and other electoral stakeholders to exercise responsibility, restraint and vigilance in their public utterances and conduct.

WARNING AGAINST RECURRENCE

The determination places Hon. Hassan Omar on clear and unequivocal notice that the warning issued by the Committee is intended to mark a firm boundary against any recurrence of similar conduct.

Any subsequent breach shall be attract a more severe sanction under the Electoral Code of Conduct and the applicable law.

The determination is therefore a formal enforcement action under the Electoral Code of Conduct, and constitutes clear notice of the consequences of future non-compliance.

PROTECTION OF POLITICAL SPEECH AND ELECTORAL INTEGRITY

The Commission emphasises that enforcement of the Electoral Code of Conduct does not seek to curtail legitimate political competition or freedom of expression. Nothing in the determination limits the constitutional right of Hon.

Hassan Omar, or any other political actor, to campaign, criticise, debate, persuade or otherwise participate in political discourse, provided such conduct remains consistent with the Constitution and the Electoral Code of Conduct.

The Commission will continue to uphold this distinction: vigorous political debate is an essential feature of democracy; conduct that undermines the integrity of the electoral process is not.

THE COMMISSION'S COMMITMENT

The IEBC remains committed to the independent, impartial and even-handed enforcement of the electoral laws and the Electoral Code of Conduct. No political party, candidate, leader or other participant is above the law. Equally, no person will be subjected to enforcement action merely for expressing a political opinion. Complaints will continue to be considered on the basis of the applicable law, the evidence presented and the circumstances of each case.

The Commission calls upon all stakeholders to work with it in protecting the sanctity of the vote and ensuring that every Kenyan can participate in the electoral process with confidence that his or her vote will be protected and counted in accordance with the law.

The Commission will continue to enforce the law firmly, fairly and without fear or favour.

ERASTUS EDUNG ETHEKON, HSC
CHAIRPERSON, INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)