

The Ballot

A Newsletter of the Independent Electoral and Boundaries Commission (IEBC)



**Commission
wins Election
Management and
Electoral
Ergonomic
Awards**

Page 38

**Which way for electoral campaign
financing?**

Page 7

IEC Malawi visits IEBC



Page 12



**Commission stands
out at Nairobi Show**

Page 26



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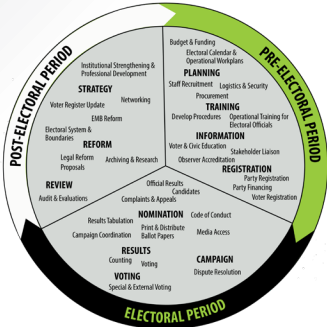
Contents



Lead Story

Campaign Finance: Question of money used by political parties and candidates to secure votes

7



Inside

Commission to enforce and arbitrate cases on Breach of Electoral Code

11

IEBC shares its successes and experiences in election management with Lesotho

18

IEBC Staff Pension Scheme in campaign mode to sensitize members

24

United States's Council of Young Political Leaders visit IEBC office

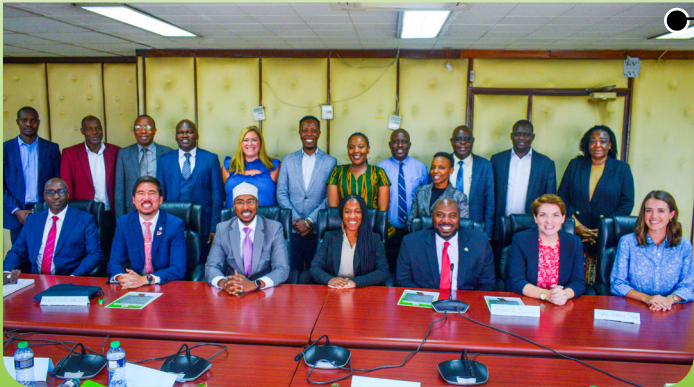
32

IEBC updates the Geo-Database ahead of boundary delimitation

36

The disruptive dance: The weaponry and tactics utilized in deepfakes

49



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Word from the Commission Secretary/CEO



Chief Executive Officer
IEBC

Elections are not isolated events. Each activity in an electoral process is critical in safeguarding the integrity of a desirable democracy. The activities test the limits to which we operate and as world democracies hold elections in 2024, stakeholders and Election Management Bodies (EMBs) have come to the realization that they may no longer ignore the emerging technologies such as Artificial Intelligence (AI).

AI is a field of computer science that focuses on the development of machines capable of performing tasks that typically require human intelligence. It involves the creation of algorithms and systems to process and understand data, learn from

the pattern and experiences and make decisions. Recent developments in generative AI have called into question the benefits versus risks of the technology but one thing is certain: AI is not stopping while we ponder these questions. Many organizations are testing the waters by operationalizing AI applications into their environment.

In Kenya, the Independent Electoral and Boundaries Commission (IEBC) is unwilling to lag but cognizant

of the immense impact AI has on raising the stakes of its electoral processes. Today, political messaging, campaigns, voter information and education activities are hinged on the successes of AI. Indeed, AI is rewriting

“AI is rewriting new rules on how EMBs and political players should carry out their campaigns and voter engagement.”

new rules on how EMBs and political players should carry out their campaigns and voter engagement. The invention is truly amazing and rewarding as it not only enable instant responses and precise targeting of voters through customization of content and precision but also has the potential of enhancing accessibility and inclusivity of under-represented groups such as women, youth and persons with disabilities (PWDs).

Over the years, the commission has embraced technology in its electoral activities despite the scanty

“Let us leverage on emerging technologies to enhance effectiveness and efficiency in election management.”

legal framework in areas such as AI, Blockchain, Big Data Analytics, Cloud Computing and Cybersecurity which are rapidly permeating through the citizens and leaving a trail of confusion on what ought to be believed and discarded. AI has given credence to deepfakes, which has become a growing concern, posing risks of disinformation/misinformation and voter manipulation. Therefore, government and big tech companies alongside relevant stakeholders must take initial steps to enforce suitable regulation and mitigation measures to combat the misuse and abuse of AI.

From the use of phones to the era of social media dominance, Kenya has witnessed an exponentially rewarding progress towards becoming a technologically

advanced country and is at the forefront of Africa's digital revolution. New approaches, which were never experienced in the past in election management and political campaigns undertakings are ruling the world today. This, therefore, demands that the commission, in the run up to the 2027 General Election, must be in sync with the use of AI as it is poised to mark a significant milestone in shaping stakeholders engagement and oversight role in campaign strategies.

Paradigm shift

Despite the unprecedented opportunities emerging from the use of AI, it has been argued far and wide that AI can claw back the gains made on the right of access to information and freedom of expression, over time, hence posing significant risks such as rampant misinformation/disinformation and voter manipulation. The potential of privacy violation, algorithm biases and manipulation of electoral processes are risks that require thorough assessment before integration of AI. Undeniably, there is a paradigm shift each day as technology continues to evolve with policymakers and electoral management bodies remaining vigilant in safeguarding the integrity of democratic processes against the disruptive effects of AI.

Therefore, I call upon each and every one of us to be intentional in understanding how AI works and how it can be depended upon in the achievement of the Commission's mandate. At the same time, we must empower our stakeholders and citizens at large to timely detect and flag out generative AI content that seeks to propagate misinformation/disinformation among them.

Let us leverage on emerging technologies to not only enhance effectiveness and efficiency in election management but also steer Kenya towards a stronger democracy.

Finally, I welcome you to joyously interact with this 14th edition of The Ballot and encourage you to keep contributing your noble ideas and thoughts to its perfect success.

**Marjan Hussein Marjan, MBS
Commission Secretary/CEO**



Dear avid and committed reader, you are warmly welcomed to the 14th issue of *The Ballot Magazine*.

The Ballot presents a scintillating opportunity for learning. It sensibly broadens your scope with the magnanimous outcome of expanding your knowledge on “the world of elections” and prompting your appreciation of the work done by your premier Election Management Body in the country, the Independent Electoral and Boundaries Commission (IEBC).

The third quarter of the 2023/2024 saw the Commission focus on engagements with various stakeholders including benchmarking visits and invitations to make presentations on various activities such as legal framework, boundaries delimitation, management and conduct of elections, digital communication, artificial intelligence among others. This not only provided the Commission an opportunity to showcase its milestone but also highlighted its challenges, lessons learnt and areas for collaboration and support.

The last quarter of this Financial Year is here with us. As we reflect on the year that was and strategize about the next financial year, let us continue to share insights and draw lessons as we seek to enhance various activities in order to fully achieve our constitutional mandate.

To enrich the production and quality of *The Ballot* magazine, the Commission Secretary/CEO appointed a multi-talented Editorial Team drawn from both the Headquarters and Counties. Warmly, please join me in welcoming the team on board.

As always, we are grateful for the continued support and feedback from all of you. Many thanks to the contributors of this Issue and the very dedicated Editorial Team. Readers! Information is power and so is knowledge. We are called to share it for sharing is incredibly powerful.

Enjoy the reading!

“As we reflect on the year that was and strategize about the next financial year, let us continue to share insights and draw lessons to enhance various activities in order to fully achieve our constitutional mandate.”

IEBC to decide spending limits by Candidates and Political Parties during election campaigns

By Ruth Makuthu,

Ag. Manager Legal Reforms, Political Parties and Campaign Financing

Electoral campaign finance regulation has emerged as one of the most contentious issues in contemporary politics. The focus on campaign finance is fueled in part by the substantial increase in the amount of money spent by parties or candidates during elections.

Election campaigns provide candidates and their political parties with the opportunity to hold political meetings, organize meet-the-people tours, develop banners, prepare, and distribute posters and other election related publicity materials, air radio and television advertisements and otherwise sell their ideologies and manifestos, or those of their parties to the public.

In its report, the Independent Review Commission (IREC), popularly known as the Kriegler Commission, noted that the campaign period in Kenya was a rather fluid concept. While the provisions of the law at the time (supplemented by the Electoral Commission of Kenya's (ECK's) administrative action) were to the effect that the period would commence immediately after formal nominations and end twelve hours before polling day, the fact is that political campaigning happens throughout the period between one election and the next.

Further, the report highlights

that "...Campaign finance also remains an arena that will require some control, given concerns about unclean money being used in elections, possibly in illegal or unfair ways. Misuse of public funds for political purposes is actually an unfair practice and (at least with respect to public human resources) an illegality according to three Kenyan laws at the time of the 2007 General Election. Yet all the claims on use of public resources were either ignored or flatly denied. Impunity may get short-term results but it also breeds public anger that an electoral process can not accept."

Campaign period

Invariably, the definition of 'campaign period' was left to the ECK, until the requirement for fair balance in the allocation of broadcasting hours between differing viewpoints found its way into the Kenya Broadcasting Corporation Act in 1997, section 8(1A) of which provided:

"In subsection (1) (j), the

expression 'campaign period' means the period between the initiation of an election under the provisions of the relevant law pertaining to the election and the eve of the polling day."



The debate over campaign finance regulation has always been whether there ought to be prescribed limits on contributions, donations, and expenditure for campaigns. An important feature of the electoral process is that political parties and candidates are largely dependent on private donations to fund their campaigns.

These campaign contributions are made by individuals or organizations that have an interest in the campaign.

A significant part of campaign finance regulation is concerned with regulating the private contributions and expenditures of individuals or organizations with interests in a particular campaign. For instance, typical private sources include wealthy party members, business persons, and the sale of party/candidate memorabilia (such as T-shirts, lesos, caps, key rings, etc), donations of certain commodities, motorbikes, mekos, bicycles, iron sheets, or building low-cost houses for the needy.

With the promulgation of the Constitution of Kenya, 2010, the Independent Electoral and Boundaries Commission was conferred the mandate to regulate the amount of money that may be spent by or on behalf of a candidate or party in respect to any election.

Lack of political goodwill

Pursuant to this mandate, the Commission developed the requisite statute being the Election Campaign Financing Act (ECFA) enacted on 24th December, 2013, nine (9) months after the 4th March, 2013 General Election. Notably, the Commission has had challenges in operationalizing and enforcing this Act due to lack of political good-will.

Since the promulgation of the Constitution, delays have been witnessed in the enactment of legislation to

give full effect to regulation of election campaign financing since its enactment. Further delays were witnessed in the enforcement of the Act in 2016 by introducing an amendment that suspended the Act in 2017. As such, the law did not apply during the 2017 General Election. Basically, politicians have time and again opposed the Bill that sought to compel them to disclose the amount and source of contributions received for campaigns.

Interestingly, both sides of the aisle of Parliament have always

“National Assembly passed a motion to revoke the Regulations and compelled the Commission to de-gazette the said limits on the basis that they were not adopted by Parliament.”

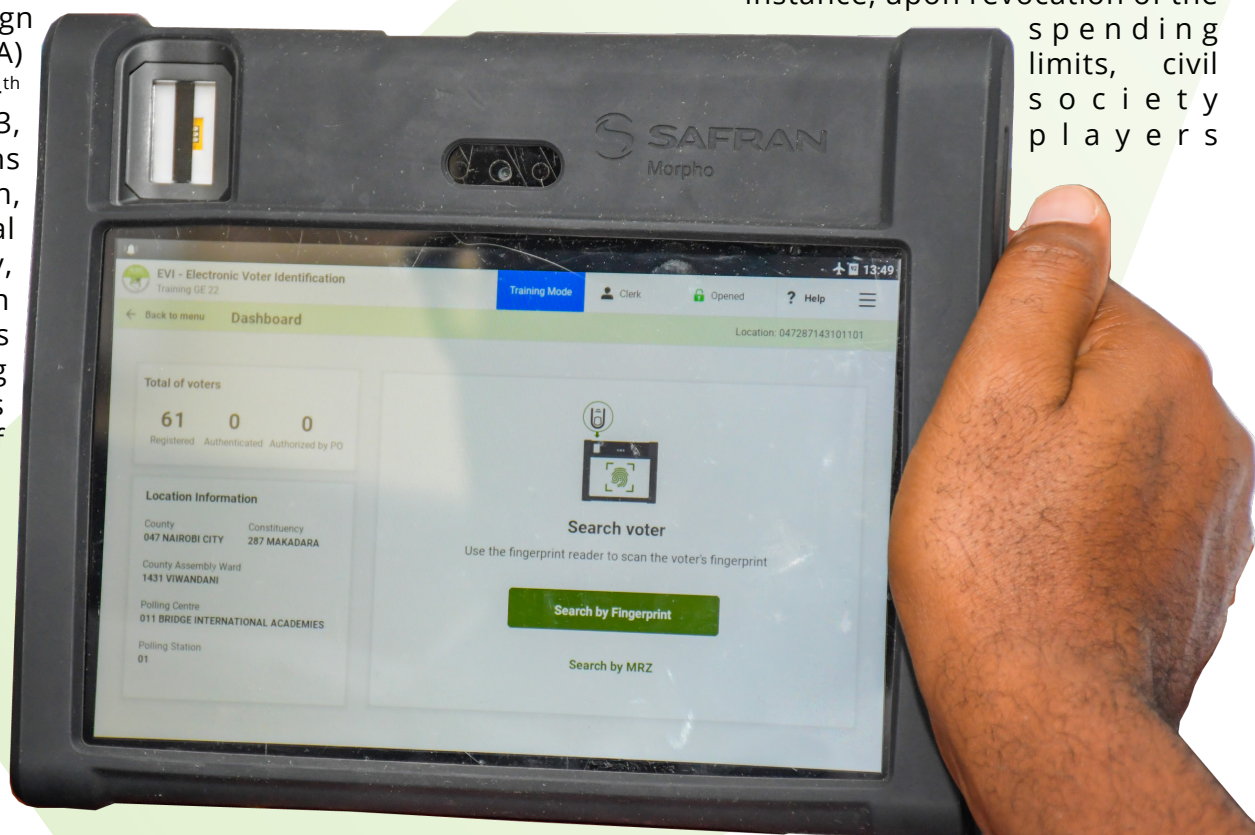
converged in opposing any attempt to enforce election campaign financing. The Commission has, since 2015, attempted to have Parliament enact Regulations to the Election Campaign Financing Act; however, this attempt has never

seen the light of day, hence the Commission has been unable to fully operationalize it.

In the absence of enacted regulations to operationalize the ECFA in the run up to the 9th of August, 2022 General Election, the Commission on 8th August 2021, published in the Kenya Gazette the spending limits for political parties and candidates for the aforesaid elections. Consequently, it was witnessed that the National Assembly passed a motion to revoke the Regulations and compelled the Commission to de-gazette the said limits on the basis that they were not adopted by Parliament.

It is worth noting that the said spending limits arose from concerted and targeted stakeholder engagements including input from respective Parliamentary Committees. Eventually, the said Bill and the regulations were not enacted, and the resultant effect was an unnecessary reprimand on the Commission.

Furthermore, the fight to implement the ECF regulations is also explained in case law and emerging jurisprudence. For instance, upon revocation of the spending limits, civil society players



including Katiba Institute, Transparency International Kenya, African Centre for Open Governance (Africog) and Philip Gichana Nyakundi instituted a Constitutional Petition seeking the High Court's intervention to give life to the implementation of the Regulations on election campaign financing.

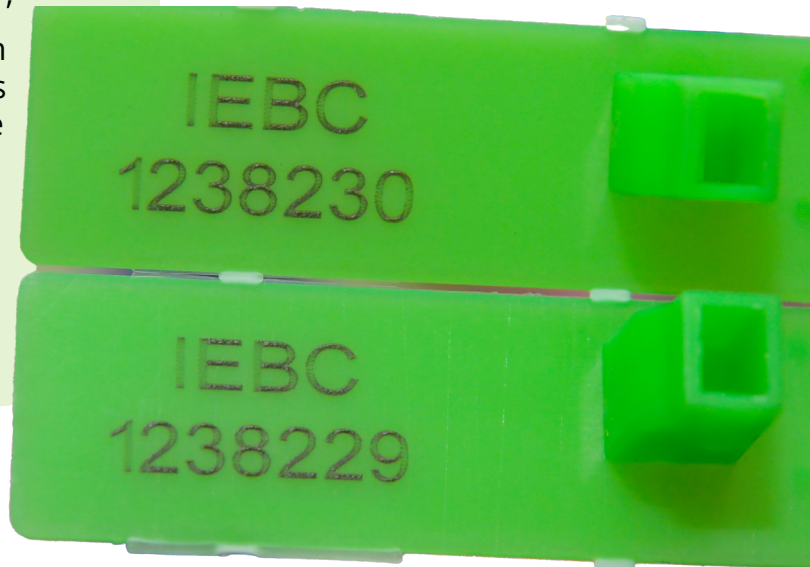
In Constitutional Petition E540 of 2021 (consolidated with E546 of 2021) Katiba Institute and Others vs IEBC and 5 Others, the High Court at Nairobi held that Section 29(1) of the Election Campaign Financing Act was unconstitutional as it contravened the constitutional provision under Articles 10(2) (c) and 88(4) in requiring approval of regulations before Gazettement. The Court, further, declared that the

At the same time, the Court held that limits on contributions were justified by the government's interest in preventing corruption and the appearance of corruption.

The electoral process must be protected from 'quid pro quo exchanges' in which contributors provide cash to officeholders in exchange for political favors. However, the Court struck down Federal Election Campaign

outsized influence in elections hence negative repercussions for American democracy and the fight against political corruption.

The above scenario speaks to the complexity of regulation of election campaign financing



“Concerns are shared by electoral players that the role of money has warped not only electoral process but also the political system as a whole..”

spending limits in Sections 12, 18 and 19 of the ECF Act do not call for Parliamentary approval, but must be subjected to appropriate public engagement.

Thorny issue

Regulation of election campaign financing is a thorny issue across the world. The contemporary framework of campaign finance regulation was ushered in by the Supreme Court's landmark ruling in **Buckley v. Valeo 424 U.S. 1 (1976)**. In Buckley, the Court considered the constitutionality of the Federal Election Campaign Act (FECA). The Court found that restrictions on the giving and spending of money for political campaigns did in fact impose restrictions on the First Amendment rights of speech and association.

Act's (FECA) limits on expenditures on the basis that these limits consisted of direct restraints on speech in violation of the

First Amendment. The Court's decision in Buckley has been criticized for the bifurcation of contributions and expenditures for enhancing the role of money in politics (Issacharoff & Karlan 1999).

The Americans commemorated 14 years since the Supreme Court by majority in the famous case of **Citizens United v. Federal Election Commission** reversed a century-old campaign finance restriction and enabled corporations and other outside groups to spend unlimited funds on elections. This has been termed by some as a controversial decision that allows the wealthy donors, corporations, and special interest groups to have an

that countries have to grapple with, and Kenya is no exception.

In summary, there exists a concern shared by electoral players that the role of money has warped not only the electoral process, but also the political system as a whole. Although, the empirical literature has not shown that money buys influence, there is evidence that the influx of money is correlated with the kinds of policy outputs that emerge from the legislative process.

However, even as election stakeholders have drawn increasingly sophisticated connections between campaign finance and democratic governance, the courts in different jurisdictions have rendered themselves on matters ECF. These pronouncements have subsequently either limited or increased sums of money to find its way into the political arena.

The study of campaign finance is a moving target. It wantonly invites future research into the evolving nature of political and democratic institutions. In the Kenyan context, the Courts have rendered themselves positively – the decisions will certainly be the foundational amplifiers in fostering regulation of election campaign financing in the country by the IEBC.





Supreme Court ruled that the Commission has jurisdiction to hear disputes emanating from breach of Electoral Code.

IEBC to enforce and arbitrate cases on Breach of Electoral Code

**By Chris Musumba
Communication Officer**

The Supreme Court has strengthened the Commission's bid to enforce the conduct of candidates during elections by affirming that indeed the electoral body has mandate over cases arising from breach of the Electoral Code of Conduct.

The order by the Supreme Court conclusively dismissed two rulings by the Court of Appeal and High Court, refraining the Commission from determining such matters arising from the breach of the Code. The decision by the Supreme Court clears up any dispute and contestation on whether the Commission has jurisdiction to hear such matters following a successful legal battle in an appeal lodged

by the electoral commission.

Further, the Supreme Court ruled that the Commission's Electoral Code of Conduct is constitutionally sound. Therefore, it dismissed earlier

“The review will achieve high degree of service system support and efficiency of accreditation procedures.”

prayers granted by the High Court and the Court of Appeal.

Jubilee Party nominated Member of National Assembly Sabina Chege had, in the build up to the

2022 General Election, challenged the Commission's mandate to summon her before the Electoral Code of Conduct Enforcement Committee that was chaired by the immediate former IEBC Chairperson, Mr. Wafula Chebukati, EGH. The Commission's attention had been drawn by Chege's utterances during a campaign trail, which prompted her summons before the Committee over electoral misconduct.

Dissatisfied with the Committee's decision, Chege moved to the High Court which effectively quashed the summons and the Commission's statement of breach levelled against her, as well as the proceedings

“IEBC has jurisdiction to summon witnesses and to conduct hearings in relation to a complaint of breach of the Electoral Code.”

conducted before the Committee. The trial court determined that the Committee was unconstitutional, null and void ab initio for being in contravention of Articles 2(4), 3(1), 249 and 252 of the Constitution.

Consequently, the Commission appealed against the decision of the High Court on five grounds; whether Chege was bound by the code, whether the Committee had jurisdiction to summon her, whether parts of the Electoral Code of Conduct were unconstitutional, whether the Commission was entitled to the reliefs sought in the appeal and what remedies were appropriate under the circumstances?

“The Appeal partially succeeds to the extent that the IEBC had jurisdiction to summon, hear complaints and make findings thereon, where there is breach of the Electoral Code pursuant to Article 88 (4) (e) of the Constitution,” the Supreme Court ruled. “The Appeal also partially succeeds to the extent that the Electoral Code of Conduct is constitutionally sound,” the Supreme Court added.

The Supreme Court holding means that the

Commission can, moving forward, enforce the electoral Code of Conduct.

The Commission had viewed Chege's comments to have cast aspersions on the integrity of the 2017 General Election, and raised credibility questions on the appellant's capacity to deliver a free and fair election administered in an impartial, accurate and accountable manner as envisaged under Article 81(e) of the Constitution.

The Appellant, while addressing a public gathering in Vihiga County had said in verbatim, “Mnajua kule Central nimeskia wengine wakisema hapa tuliwaibia... Kuna ka ukweli kidogo ... Lakini ... kama tulijua kuiba ... si hata hii tutafanya nini ... Wanafikiria wao ndo wajanja...” (“You know in Central, I have heard some people saying here we stole, there is some truth in it, however, if we knew how to steal...even this one we will... they think they are mischievous”).

Although the High Court and Court of Appeal had ruled in favour of Chege, the Apex Court noted that the Electoral Code of Conduct was designed to enable the IEBC to perform its constitutional and statutory mandate.

“The Appellant (IEBC) is empowered to enforce the Code of Conduct through the issuance of summons and conducting trial proceedings. To find otherwise, would be to hamper IEBC's constitutional mandate,” SUPREME COURT RULED.

This finding also answered the second issue for determination, that indeed, the Electoral Code of Conduct was indeed constitutional.

“We, therefore, cannot agree with the superior courts below, that IEBC acted in excess of jurisdiction, by issuing summons to and conducting hearings, pursuant to which it meted sanctions against the Respondent. How else could IEBC conclusively resolve this matter? We are persuaded by the Appellant that it has jurisdiction to summon witnesses and to conduct hearings in relation to a complaint of breach of the Electoral Code pursuant to Article 88 (4) e of the Constitution in complement with Article 252 (3) of the Constitution,” the Supreme Court noted.



IEBC set to review accreditation system and communication policy

By Communication Team

The Independent Electoral and Boundaries Commission (IEBC) intends to review the accreditation management system to streamline the management of voter education providers, election observers and media.

This review will be spearheaded by the Directorate of Voter Education and Partnerships, and will incorporate feedback from stakeholders, consultants and user departments.

In the build-up towards the 2022 General Election, the Commission noted challenges with accreditation management systems which had been deployed to make the process more user friendly and to help in the vetting and accreditation procedures.

It is envisaged that the review will eliminate systemic challenges and gaps identified such as delays in application, processing and printing of badges

“The review will achieve high degree of service system support and efficiency of accreditation procedures.”

for voter educators, media and observer causing overcrowding at the Commission offices and National Tallying Centre.

The objective of the review is to minimize any errors to achieve high degree of service system support, effectiveness and efficiency of the electoral accreditation procedures. The review will draw participation from various departments of the Commission, stakeholders and communication experts.

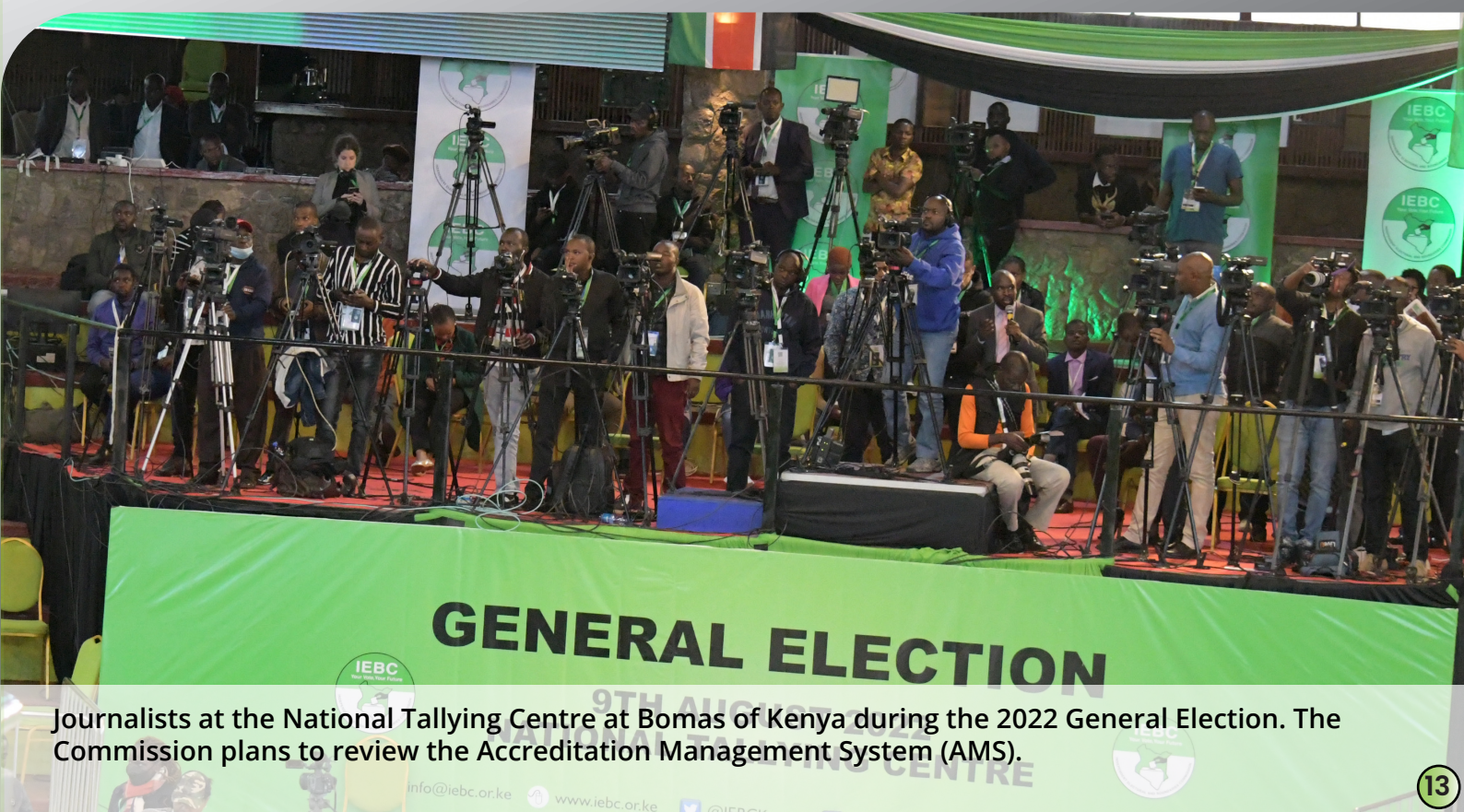
According to the Observer Group recommendations, the application, processing and issuance of accreditation badges should be done at the county level.

The Group, further, recommends the development of the work plan by the Commission that will show all the processes of application to avoid further extensions as witnessed previously and limit

the number of observers per county.

Policy and Strategy

The Commission deploys strategic communication in its engagement with the public to deliver on its



Journalists at the National Tallying Centre at Bomas of Kenya during the 2022 General Election. The Commission plans to review the Accreditation Management System (AMS).



mandate. Pursuant to this strategy, the Commission developed and has in place a Communication Policy and Strategy Handbook - which supports and guides effective delivery of electoral related information to stakeholders.

However, in today's rapidly evolving technological and digital environment, external and internal communication needs to be amplified to enable the Commission tell its story and respond to stakeholders and the public's demands in real time.

This calls for capacity building and empowering of Commission staff, who serve as the ambassadors in the execution of the IEBC mandate.

Therefore, effective internal communication will not only eliminate rumors, fake news, hearsay and misinformation but also improve external communication. To enhance and sustain stakeholder confidence in its operations and keep up with the latest emerging communication trends and technology, the Commission has seen the need to undertake a review of the

Communication Policy and Strategy in line with the challenges and lessons learnt over the years.

Strategic information

For effective interaction with a variety of internal and external information recipients, the Commission shall use this Communication policy and strategy to rapidly identify, send, receive and understand strategic information that is credible, sensible and relevant within its mandate.

The Commission also aims at



“In today’s rapidly evolving technological and digital environment, external and internal communication needs to be amplified to enable the Commission tell its own story,”

repositioning itself as a strong and solid corporate brand in election management and electoral boundaries delimitation.

This can be achieved by aligning its communication policy and strategy to its strategic plan to enhance both internal and external communication to improve the Commission’s overall corporate image.

Owing to this, it is imperative for the Commission to continuously reach-out and engage with the electorate and other stakeholders to promote the credibility of the electoral process and electoral boundary delimitation. Public trust is at the heart of electoral credibility.

With the new communication strategy, the Commission will strengthen internal and external

communication in the Commission. This will ensure that communication across Commission is well coordinated, effectively managed and responsive to the diverse information needs of stakeholders.

Support base

It also seeks to build support for the Commission, particularly among key stakeholders, as an organization that delivers its mandate.

The Communication policy and strategy will, therefore, position IEBC as an authority in the elections and boundary delimitation in Kenya, increase awareness on the mandate of IEBC, promote positive public participation in the electoral process and build confidence and support in the electoral process.



Learn on the go!

Scan the QR Code picture here to learn more about IEBC.



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*we'd love to hear
your feedback!*

IEBC reviews election campaign financing legal framework

By Communication Team

The Commission with the help of Transparency International, Kenya is reviewing Election Campaign Financing Legal Framework to achieve a just electoral system for all.

Representing the Commission's Chief Executive Officer during a workshop to review the Election Campaign Financing Frameworks in Machakos, the Commission Deputy Secretary for

“The court, recognized the importance of the campaign financing and directed the Commission to develop regulations and put structures to set contributions and spending limits.”

Support Services, Mr. Obadiah Keitany said the Commission was in the process of developing regulations in line with its mandate.

The regulations, he said, will be subjected to public participation in line with the High Court Ruling in the run up to the 2022 General Election.

During both the 2017 and 2022 General Elections, the Commission set up the elections contributions and spending regulations for candidates and political parties, which were however revoked by Parliament, prompting Katiba Institute to challenge Parliament's resolutions and other provisions of the Act in Court shortly before the 2022 General Election.

The court, recognizing the importance of the campaign financing in electoral legal reforms, directed the Commission to develop regulations, subject them to public participation, and put structures to set contributions and spending limits that were aligned to the Elections Campaign Financing Act of 2013. This aimed at promoting a just electoral process system.

Mr. Keitany underscored the significance of collaborative endeavors in shaping the democratic landscape of the country. He commended Transparency International for support and collaborative efforts towards reviewing, drafting and implementing the contemplated electoral regulations.

The Deputy Commission Secretary also lauded the Directorate of Legal Services for being proactive in drafting regulations that would make the commission achieve its mandate and promote constitutional obligations during the election period.



Deputy Commission Secretary - Support Services Obadiah Keitany (fourth left) during the workshop to review the Election Campaign Financing Frameworks in Machakos.



Malawi's 17-member delegation consisted of representatives from the Judiciary, the United Nations Development Programme (UNDP) and the Malawi Electoral Commission (MEC).

Malawi's Electoral Commission pays courtesy call on IEBC to learn Kenya's electoral process

“The tour provided invaluable insights to inform review of the Electoral Disputes Resolution (EDR) framework, rules and procedures for the Malawi Judiciary and the overall management of the electoral matters”

By Communication Team

The IEBC played host to Malawi's Electoral Commission Delegation to benchmark on election management in Kenya.

The 17-member delegation consisted of representatives from the Judiciary, the United Nations Development Programme (UNDP) and the Malawi Electoral Commission

(MEC), and was led by Malawi's Court of Appeal Judge, Justice Oprah Dorothy.

IEBC's Commission Secretary/CEO, Marjan Hussein Marjan, who received the delegation said the visit was a learning experience for the two countries. “It is a mutual learning experience in which IEBC and MEC will greatly benefit from the visit,” he said.

The tour to the Commission provided insights

into Malawi's Electoral Disputes resolution process, which if emulated, will help promote a just electoral system in the country, said the Chairman of the Malawi Electoral Commission, Justice Dr. Chifundo Kachale. "The tour provides invaluable insights that will inform review of the Electoral Disputes Resolution (EDR) Framework, Rules and Procedures for the Malawi Judiciary and the overall management of the electoral matters," said Kachale.

The team said they were in the country to learn how the Commission dealt with electoral disputes before, during and after elections as Malawi was preparing for the General Election scheduled for September, 2025.

The Commission's Director for Legal Services, Mr. Chrispine Owiye, led the team in understanding the origin and application of the Electoral Disputes Resolutions process, highlighting its value during the General Election held in 2013, 2017 and 2022.

He said the Constitution of Kenya conferred on IEBC the mandate to settle pre-election disputes including those relating to or arising from nominations, excluding election petitions and disputes after the declaration of the election results, which was the preserve of the courts.

Disputes resolution

He said the Elections Act buttressed the Commission's commitment on dispute resolution, requiring IEBC to determine disputes within ten (10) days after the complaints were lodged.

"The Election disputes resolution played a critical role during the pre-election period. It provided a good platform for scrutiny of the pre-election processes, thereby ensuring compliance of candidates and political parties to the values and principles of the constitution, with the sole aim of protecting individual political rights and enhancing electoral justice," Owiye added.

IEBC heard a record of 324 disputes from registration of candidates in the last 2022 General Election. As part of the Commission's commitment to strengthen democracy in the country, all complaints were filed at no charge, with the Commission determining all the disputes within ten (10) days.

On his part, UNDP Malawi Chief Technical Advisor of Elections, Mr. Isaack Otieno emphasized UNDP's commitment to support the Electoral Management Body in the conduct and management of elections as part of UN body's mission for deepening democracy in the country.



Malawi's delegation being taken through Kenya's electoral process by a team of officers led by Commission Secretary/CEO Marjan Hussein Marjan, MBS.

Tree-growing



“The Commission gave us quality trees, which are adaptable to the environment, and we are happy that it is 98% successful.”

By Sahara Ibrahim,
Senior Election Officer (SEO) Matungulu

IEBC's Green Legacy: Transfor



Empowering Schools, Inspiring a Nation

The IEBC is not just about elections; it is about making a genuine difference in Kenyan communities; ask the students and staff of Mlolongo Primary School in Mavoko Constituency. Thanks to a recent IEBC initiative, their schoolyard has been transformed into a vibrant, green oasis – a testament to the power of collective action.

This school is not just any school; it is a vital Registration Centre or polling center and one of the largest in the nation! But its location being near busy roadways brings challenges such as – dust pollution, which disrupts the learning environment and makes the air quality less than ideal. That's where the IEBC, led by County Elections Manager Nelly Illongo, stepped in.

With over 300 carefully selected trees planted, the impact has been remarkable. "IEBC gave us quality trees," remarked teacher Rehema Tulu, noting the stark difference compared to previous failed attempts. Hardy species like *Grevillea* will provide shade and wind protection, while mango and mulberry trees will soon offer the students a delicious bounty.

The Commission Secretary/CEO Marjan Hussein Marjan, MBS presence at the event highlighted the Commission's commitment being part of change towards a greener legacy. However, it was not just about planting trees; the team engaged students on voter education, voting process and general election matters, thus empowering the next generation. Additionally, sanitary towels were provided for girls in upper primary, which addressed a critical need.

The change has made a real difference, says Rehema Tulu. "The trees are doing well. The heat is no longer a problem," she said.

But it is more than comfort – the newly shaded areas provide a beautiful, inviting space for students to learn and collaborate.

Machakos IEBC team is making corporate social responsibility an annual tradition. Tree planting in Mlolongo not only aligns with a nationwide effort to increase Kenya's tree cover, but it is also about empowering local

communities

and leading by example.

This inspiring story highlights the importance of environmental

stewardship. Trees provide clean air, combat climate change, and protect precious ecosystems. Kenya's goal of 30% tree cover requires action on all levels. This is a reminder that even small efforts, when done collectively, can make a big difference.

At the end of the exercise, the following key points were highlighted;

- a) **Plant a Tree:** Every seedling counts!
- b) **Support Tree Planting Initiatives:** Find local organizations doing this vital work.
- c) **Spread the Word:** Share the importance of tree planting with your community.

Let the IEBC's actions at Mlolongo Primary inspire you to make a green difference in your community.

Tree planting in Mlolongo not only aligned with a nationwide effort to increase Kenya's tree cover, but it was also about empowering local communities and having IEBC lead by example."

Collaboration

IEBC shares success, experiences in poll management with Lesotho

By Communication Team

The IEBC's recent gesture to host two delegations from Lesotho's Independent Electoral Commission wasn't just about exchanging pleasantries – it was a deep dive into best practices and lessons learned. With Lesotho preparing for its 2026 General Election, they turned to Kenya's electoral experience for guidance on modernizing and strengthening their own processes.

IEBC's Commission Secretary/CEO, Mr. Marjan Hussein Marjan's welcoming remarks set a collaborative tone. Lesotho's CEO, Mpaiphele Maqutu, recognized the IEBC's 2022 successes as a benchmark, fueling their keen interest in learning from Kenya. Here's a closer look at the topics covered:

1 The Bedrock of Elections: Voter registration was a major priority. The Lesotho delegation sought insights on how Kenya develops and maintains a reliable Register of Voters, addressing potential challenges like accuracy and inclusion.

2 The Power of Technology: Lesotho is specifically interested in integrating technology. IEBC experts, including ICT Director Michael Ouma, clarified Kenya's hybrid approach, demonstrating how technology can be used strategically to streamline processes, increase transparency, and prevent fraud – without compromising the integrity of manual elections and secrecy of the vote

3 Results that Inspire Confidence: Discussions on results management highlighted the importance of secure, timely transmission and publication. IEBC representatives shared their best practices and likely discussed real-world examples of how technology was used to bolster result credibility.

These exchanges go beyond one-way knowledge transfer. They lay the groundwork for ongoing dialogue and potential future partnerships. Areas for further exploration could include:

- **Technology Tweaks:** Continued discussion on how Lesotho might adapt specific technological solutions from Kenya's model.
- **Voter Registration Innovations:** Exploring how to make

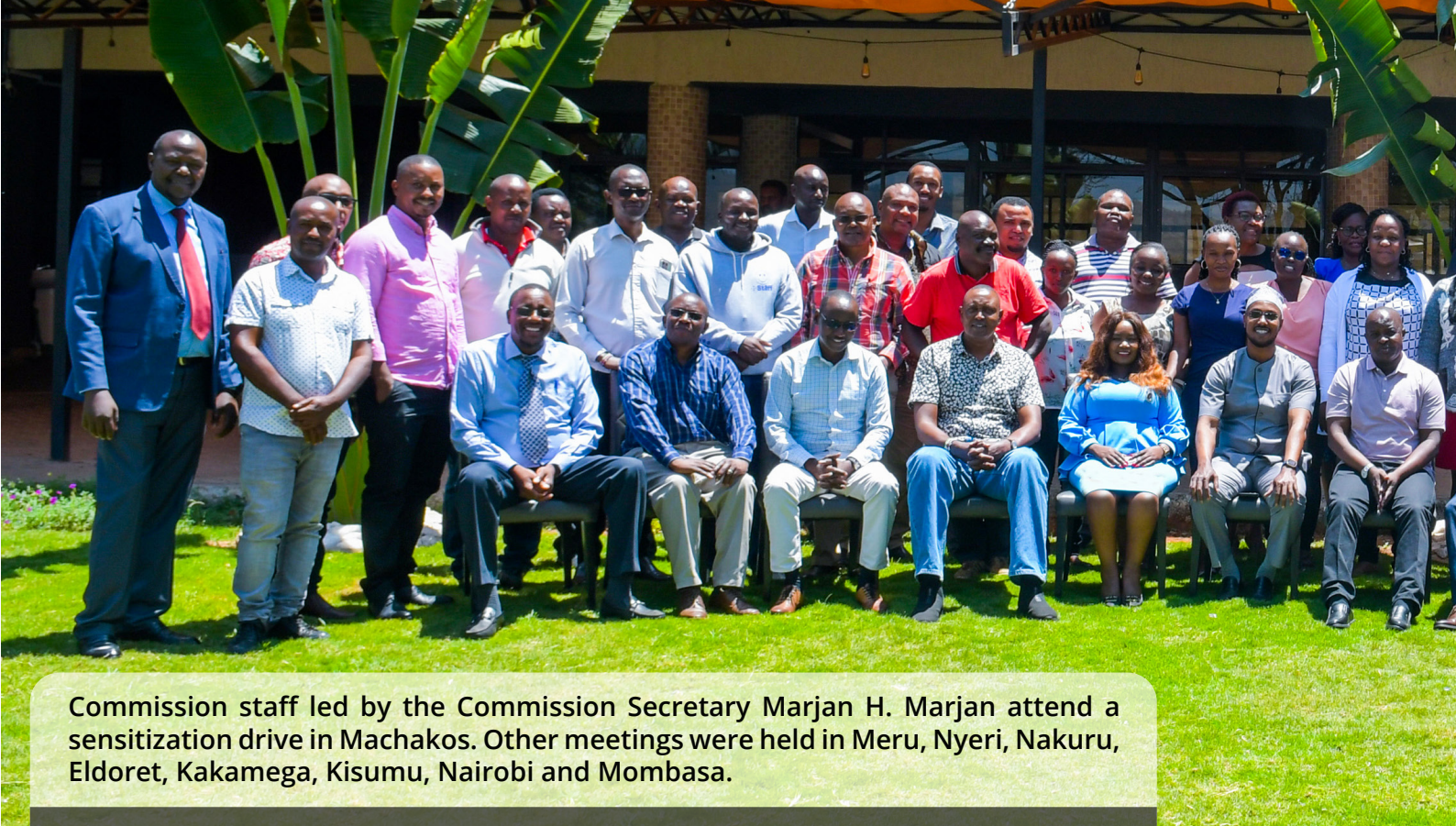


registration drives more inclusive and address issues specific to Lesotho's demographics.

- **Joint Security Training:** Potential workshops or exercises to share security strategies and prepare for various electoral scenarios.

The IEBC's commitment to sharing its expertise strengthens electoral processes not only in Kenya, but throughout Africa. This collaborative spirit demonstrates the interconnectedness of democratic institutions and their shared mission to ensure free, fair, and credible elections.

IEBC Staff Pension Scheme in campaign to sensitize members



Commission staff led by the Commission Secretary Marjan H. Marjan attend a sensitization drive in Machakos. Other meetings were held in Meru, Nyeri, Nakuru, Eldoret, Kakamega, Kisumu, Nairobi and Mombasa.

By Communication team

The Commission's Staff Pension Scheme savings have hit Ksh 3.8 billion as at 31st December 2023. Since its inception in 2010, the scheme's total fund value has been on an upward trajectory. In February 2024, the funds' management conducted a sensitization drive to inform members of the performance and projection.

The drive started in Machakos on 14th February 2024, in a meeting that was attended by among others the Commission Secretary/CEO Marjan Hussein Marjan, MBS. The subsequent meetings were held in Meru, Nyeri, Nakuru, Eldoret, Kakamega, Kisumu, Nairobi and Mombasa.

Speaking during the Machakos meeting, the CEO expressed his confidence in the scheme's trustees and reaffirmed IEBC unwavering support.

"The scheme has an asset portfolio of Ksh 3.8 billion as of 31st December 2023, which is a phenomenal milestone and I laud the deliberate efforts of all the trustees, service providers and key stakeholders.

The Commission will work in harmony with the board of trustees to ensure the scheme delivers on the provisions of Trust Deed Rules and the Law, including ensuring prompt submission of monthly deductions. It is my hope that the leadership of this scheme will ensure it continues to thrive and guarantee its members a bright future," said Marjan.

"There are plans to have a registered Trust Fund within the Scheme, which will be administered and managed by the current Scheme Fund Manager."

Joseph Ayatta, the Chairman of the Board of Trustees, took the members through the scheme's background noting that from its initial membership of 303, it had



SCHEME HITS KSH3.8 B

recorded a big growth with new entrants. Currently, the scheme's membership has grown to a total of 1,020 members, of which 913, are active members from IEBC and the Office of the Registrar of Political Parties (ORPP).

The Board of Trustees is made up of seven trustees appointed by the sponsor and those elected by members of the scheme. The current Board of Trustees membership entails Joseph Ayatta (Chairman), Reuben Chirchir, Douglas Bargorett, Abdalla Hassan, Amosi Chilai, Lenard Rotich and Beatrice Nderi who represents ORPP.

Marjan said it is in the Commission's interest to see that its staff are well taken care of, and that they get value for their money and services.

He called upon the scheme to comply with all the dictates of the law while in pursuit of its options.

"I have been informed that there are plans to have a registered Trust Fund within the Scheme, which will be administered by an administrator and managed by the current Scheme Fund Manager.

"This is a welcome venture as it will help in managing funds for minors after the demise of their parents. This will provide an opportunity for members who would wish to leave their money with the Fund upon retirement when looking for optimal investment opportunities," said Marjan.

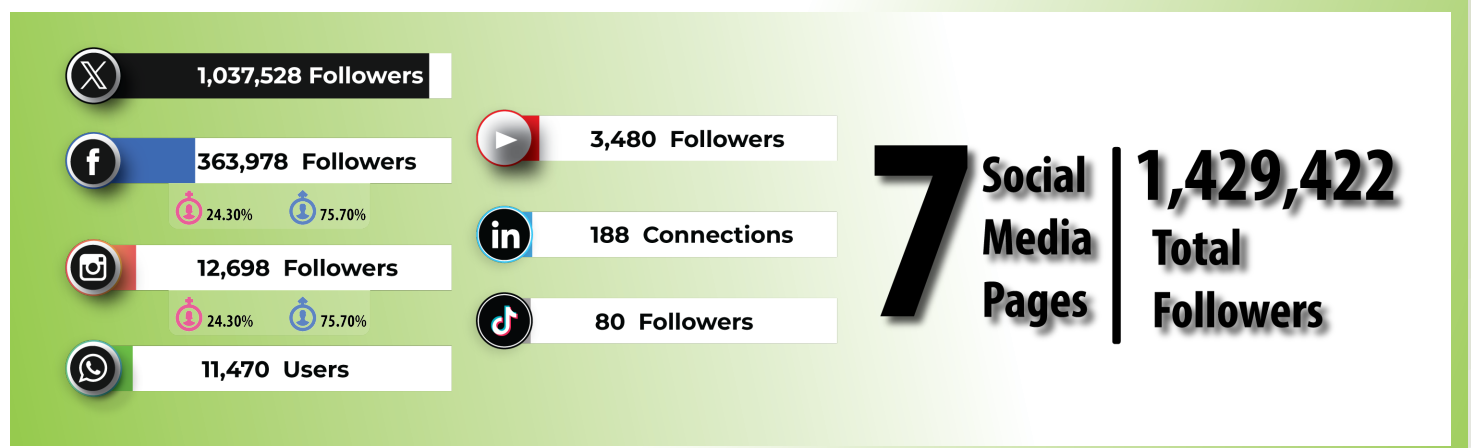
The CEO also welcomed the decision by the scheme to launch a post-retirement medical scheme, which will take care of members'

medical needs upon retirement. "This could be a positive stride if adopted, but it must have members' participation," he said.

Further, Marjan warned that with an ongoing purge of employees with fake certificates, the process of clearing those exiting the Commission may be delayed and their fund release derailed.

"This does not imply that the Commission is interfering with the management of the scheme, but only exercising caution and total compliance with the government's directive on the authentication of certificates. The Commission will give directions to the scheme on the release of the funds to any deserving staff upon full compliance with the directives," said Marjan.

Influence of social media on polls



By Communication Team

The digital platforms have reshaped the way campaigns are conducted and politicians' engagement with citizens in an effort of gaining advantage over their opponents.

As we reflect on the 2022 General Election in Kenya, it is impossible to ignore the profound influence that social media has had on the electoral process.

From voter mobilization to real-time information dissemination, digital platforms have reshaped the way campaigns are conducted and citizens engage with politics.

Therefore, it is crucial that IEBC recognizes and understands the impact of social media, as well as the opportunities and challenges it presents in the electoral cycle.

Impact of social media

The 2022 General Election marked a watershed moment in Kenya's democratic journey with social media playing an instrumental role in shaping public discourse and voter behavior.

According to recent statistics, over 20 million Kenyans are active social media users with platforms like Facebook, Twitter, and WhatsApp serving as primary sources of news and information.

One of the most notable impacts of social media on the elections was its ability to amplify political messages and mobilize voters across the country.

Political parties and candidates leveraged digital platforms to reach a wide audience, engaging with voters on issues that mattered to them and rallying support for their campaigns.

This unprecedented level of online engagement translated into higher voter turnout and increased participation in the electoral process.

As IEBC staff, it is essential for us to recognize the potential of social media as a tool for promoting transparency, accountability and civic engagement.

By leveraging digital platforms effectively, we can reach a broader audience, disseminate accurate information about the electoral processes, and encourage citizens to exercise their democratic rights responsibly.

During the 2022 General Election, the IEBC utilized social media to provide updates on voter registration, polling station locations and election results in real-time.

This proactive approach helped to enhance transparency and build trust among voters, ensuring that they had access to reliable information throughout the electoral process.

WhatsApp: +254202877000

Twitter: @IEBCKenya

Facebook.com/IEBCKenya

Tiktok: @iebckkenya

Instagram: @iebckkenya

Youtube.com/iebcpage

Linkedin: /company/iebckkenya

While social media offers numerous benefits for electoral processes, it also presents significant challenges and risks that cannot be ignored. The spread of misinformation, fake news and hate speech on digital platforms has the potential to undermine the integrity of elections and fuel social unrest.

As IEBC staff, it is our responsibility to address these challenges head-on by implementing robust monitoring and enforcement mechanisms to combat misinformation, disinformation and hate speech online.

By working closely with social media companies, civil society organizations, and other stakeholders, we can develop strategies to mitigate the negative impact of social media on elections and uphold the principles of democracy.

As we look ahead to future elections in Kenya, it is clear that social media will continue to play a prominent role in shaping the political landscape.

Moving forward

Therefore, we must remain vigilant and proactive in our efforts to harness the power of digital platforms for the greater good. By promoting transparency, accountability, and civic engagement, we can ensure that elections in Kenya are free, fair and credible.

Let us embrace the opportunities presented by social media while also recognizing the challenges it poses. Together, we can work towards building a stronger democracy and a brighter future for all Kenyans.

Connect with IEBC on WhatsApp:



Go to: <https://wa.me/254202877000>

1

or Save our number [+254202877000](tel:+254202877000)

Message **'Hi'** to get started

2

Join our WhatsApp Channel

<https://bit.ly/44QCPN2>



Scan me

IEBC joins multi-sectoral team, discusses electoral legal reform

By Communication Team



Commission Secretary/CEO Marjan H. Marjan addresses members of the multi-sectoral consultative team during an electoral legal reforms workshop in Nakuru.

The Commission participated in the multi-sectoral consultative meeting for electoral legal reforms in Nakuru in November 2023. The meeting was organized by the Electoral Law Governance Institute for Africa (ELGIA) and attended by Chairpersons and Members of the Justice and Legal Affairs Committees of National Assembly and Senate.

The Commission Secretary/CEO Marjan Hussein Marjan, MBS applauded the Kenya Law Reform Commission for aiding the IEBC to draft and amend bills on election laws. He also appreciated the Office of Registrar of Political Parties (ORPP) for continued collaboration and facilitation of political parties' processes and election-related activities.

Marjan applauded ELGIA for supporting the Commission in the electoral legal reforms agenda noting that the conclusion of the process will yield proposals that will inform the electoral legal framework and foster democracy moving forward.

The Commission pointed out that the Draft Referendum Bill, Draft Election Campaign Financing (Amendment) Bill and the Draft IEBC (Amendment) Bill, which were developed and presented to the 12th Parliament prior to the 2022 General Election have not been enacted.

The Commission has since revised all these bills and the Draft Attendant Regulations to have an enabling legislative framework as some of the regulations were at the risk of lapsing pursuant to Section 21 of the Statutory Instruments Act, 2012.

"We invite the participants to interrogate the electoral legal framework, consider gaps in key electoral laws, discuss challenges encountered in the implementation of the law, suggest proposals for review and build a collaborative roadmap with meaningful public participation plan to ensure timely enactment ahead of boundary delimitation," said Marjan.

Equitable representation

He added that the Commission is responsible for the periodic review of the number, names of boundaries of wards and constituencies to ensure fair and equitable representation. The frequency of boundaries review is between eight to twelve years. This ensures that representation is aligned to changes in demographic patterns and population dynamics.

Marjan said the Commission, has since developed the Boundaries Review Operations Plan (BROP) 2019 – 2024.

He said that the Commission faces a myriad of challenges to meet the Constitutional timelines for

boundary delimitation including; *inter alia* the lack of a substantive Chairperson and Members of the Commission to guide on; policy and strategic direction. In addition, the emerging variation in population and electoral areas that have resulted in the creation of many new sub-locations since the last review.

Furthermore, there are conflicting memoranda by various parties from the same region/electoral area,

“We invite the participants to interrogate the electoral legal framework for process of review of boundaries, consider gaps in key electoral laws, discuss challenges encountered in the implementation of the law and suggest proposals for review.”

there are also gaps and ambiguities in the law (Section 36 of the IEBC Act vis-à- vis the Fifth Schedule of the IEBC Act that applied to the 1st Review hence spent) and the risk of stakeholders misunderstanding, acrimony and conflict during public meetings and hearings.

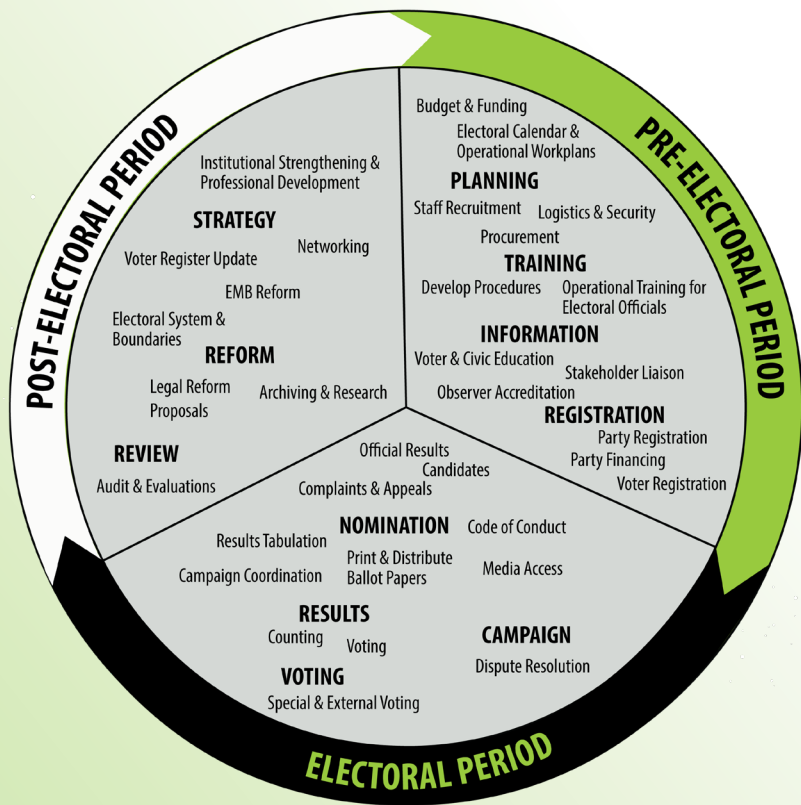
“The Commission has since undertaken some activities in preparation for delimitation of boundaries including the collection and update of the base data (sub-locations) for the geo-database, the review and capture of GPS coordinates of the gazzetted registration centers which were used in preparation for the 2022 General Election,” added Marjan.

The Commission informed the delegates that electoral legal reforms, in the view of the Independent Review Commission (Kriegler Commission), recommended that it should be undertaken at least two years before a General Election. The Commission has, over time, made deliberate efforts to put in place a robust electoral-legal framework.

Unfortunately, these amendments are always enacted late or too close to the General election. In certain instances, the proposed laws do not see the light of day. Consequently, the Commission suffers considerable hardship in executing its mandate.

“Now that members of JLAC from both houses are here, we hope they will fast-track the enactment of the proposals into law once the Commission submits the drafts to Parliament for consideration. We hope the same will be done in good time. I have no doubt that JLAC will shepherd the realization of this noble objective,” said Marjan.

The Electoral Cycle



The electoral cycle showing the activities done in each of the three phases being pre, election and post election.

Agricultural Show

Commission's exhibition stand conspicuous as thousands flock to learn the electoral process

By Communication Team



The Commission stand at the Nairobi International Trade Fair (NITF) attracted a multitude of people keen to seek answers and learn about Kenya's election and boundaries delimitation processes.

The show, which ran from 25th September to 1st October, 2023, also offered the Commission a platform to conduct Voter Education and engage the public in the process for boundary delimitation in what was one of the best public participation sessions deployed by the Commission staff.

To validate the impact of the show, the Commission's stand recorded an excess of 1,200 visitors during the six days, with school going students taking the opportunity to learn more on their rights to vote and participate in electoral activities to strengthen democracy in the country.

The Commission Secretary/CEO, Marjan Hussein Marjan, MBS also interacted with the multitude that filled the IEBC stand. He took the opportunity to educate the public on the requisite information, skills and attitudes to enable them make informed choices on the various electoral processes.

“This is one of the easiest ways to reach out to the public and allow them to learn more about electoral cycle activities. I am impressed with the work done here.”

“This is one of the easiest ways to reach out to the public and allow them to learn more about electoral cycle activities, I am impressed with the work done to prepare the Commission's stand and the quality of information on the electoral process and boundaries delimitation process that is available and shared to the people.” Marjan said.

The Ag. Director of Voter Education and Partnerships Jacktone Nyonje commended the team, which worked in close support with the Nairobi County IEBC team, for the world-class exhibition displayed at the Nairobi International Trade Fair.

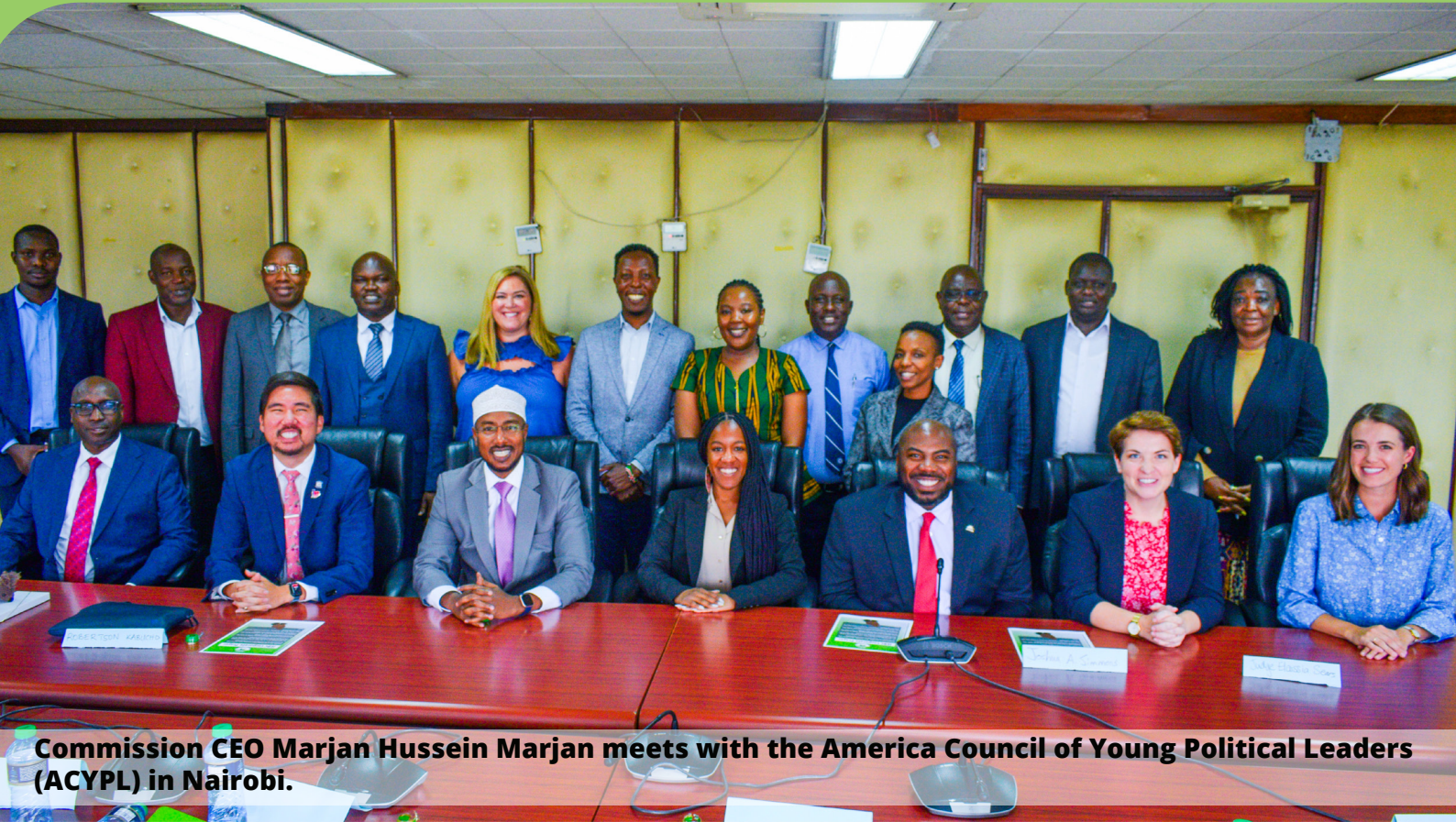
“The teamwork, creativity, indefatigable energy and spirit, optimism, and everything that embodies a civilized being that was on display always amazes me. These salient qualities that define this Directorate are infectious. The work done by Nairobi County is equally priceless,” said Nyonje.

The Director added that the work displayed at the Trade Fair had won converts from within and outside the Commission.

“The Commission Management ably led by our CEO paid special tribute to you. They appreciate you, and they are cognizant of the good work you are doing. They proudly associate with you. This team is special,” added Nyonje.

On display were storyboards highlighting the electoral process, the Kenya Integrated Management System (KIEMS), which had several modules used for different purposes including the Biometric Voter Registration System (BVR) that is used for registration of voters and preparation of the register of voters, Electoral Voter Identification (EVI), Electronic Voter Verification (EVV) and Results Transmission, and a live demo of electoral boundaries information which the public interacted with freely.

United States's Council of Young Political Leaders visit IEBC office



Commission CEO Marjan Hussein Marjan meets with the America Council of Young Political Leaders (ACYPL) in Nairobi.

By Communication Team

The Commission hosted a delegation from the America Council of Young Political Leaders (ACYPL). The delegates were in the country on a benchmarking visit to learn more about Kenya's experience in the management of elections.

The Commission Secretary/CEO Marjan Hussein Marjan welcomed the delegation noting that they do not take it for granted that the Americans picked on Kenya as one of their stops in their benchmarking tour. Alongside the ACYPL delegation, the Commission has in the past received teams from various election management bodies in Africa including, Ethiopia, Botswana, South Sudan, Somalia, and South Africa.

"The Commission continues to receive invitations to make presentations in global electoral forums on various thematic areas having been highly lauded by both local and international observers on the conduct of the 2022 General Election in their final observation reports," said Marjan.

The Commission took the delegation through the history of Kenya election since Kenya's independence, the successes and challenges experienced.

"The Commission continues to receive invitations to make presentations in global electoral forums on various thematic areas."

The Commission showcased its framework for the nomination of candidates and the electronic Candidate Registration Management System (CRMS) that eased the processing of qualifications for candidates' registration.

In total the Commission registered 16,105



County Governor position, 47 County Woman Member of National Assembly, 290 Member of National Assembly and 1450 MCAs.

Election credibility

The delegation was informed that the Commission adopted use of technology to enhance credibility of the electoral process and deployed the Kenya Integrated Elections Management System (KIEMS) and Candidate Registration Management System (CRMS) to enhance the efficiency of enlisting candidates.

This resulted in the certified register which had 22,120,458 unique records.



Key Statistics from the 2022 General Election

Registered Voters

22,120,458

49.12% Women
39.84% Youth

Registered Candidates

16,105

▲ 1,585

14,522 in 2017 GE

Registration Centers

27,397

▲ 24,613 in 2017GE

1,882

elective positions

Voter turn out

64.77%

▼ 78% in 2017 GE

Check Your Registration Status

Go to : <https://verify.iebc.or.ke/>

or scan



Evolution of Boundaries

By Ramathan Ali
rali@iebc.or.ke

To understand the process of delimitation of electoral boundaries in perspective, it is important to ask the following guiding questions. When was the first delimitation of electoral boundaries conducted? How have our electoral boundaries evolved? How did Kenya end up with 290 constituencies? Figure 1 below highlights the evolution of our electoral units.

it took another 10 years before a review was made. In 1996, the ECK reviewed constituencies' boundaries and names from a minimum of 188 to a maximum of 210 as the Constitution prescribes. The ECK distributed the 22 additional constituencies in proportion to the population of each province. The last review was conducted in 2012 by the IEBC, which created 290 constituencies as stipulated by the 2010 Constitution.

It is important to understand that the objective of electoral boundary reviews is to ensure that electoral units are adjusted to account for the

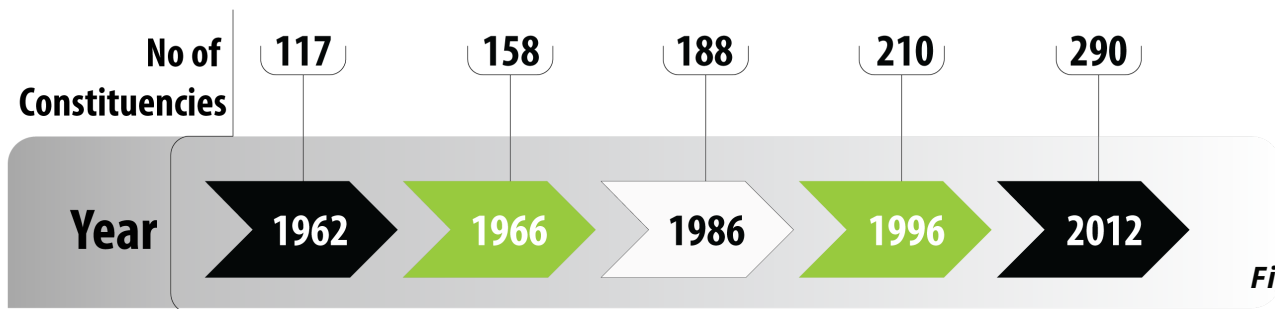


Figure 1

In 1962, a Royal Commission was appointed to carry out an inquiry into creating constituencies for the newly created nation of Kenya. The Commission toured Kenya and at various venues discussed the matter with all categories of leaders of the time, including influential tribal leaders and chiefs. The evolution of our electoral units.

“The electoral boundaries delimitation has three phases namely: pre-delimitation, delimitation, and post-delimitation.”

exercise took about five months from 9th August 1962 to January 1963. The outcome of this process birthed the creation of 117 constituencies.

Later in 1966, the National Assembly had 158 parliamentary constituencies consisting of the original 117 plus 41 newly created constituencies. That number was decided by Parliament which also granted the Electoral Commission of Kenya (ECK) the power and mandate to determine the boundaries of these constituencies.

In 1986, Parliament fixed the number of Constituencies at 188 and the ECK published an order in the Kenya Gazette citing the names and boundaries of these constituencies. Thereafter,

population dynamics and to align representation to changes in demographic patterns and enhance equity of representation. The criteria that guide this process are prescribed in the Constitution.

Process Delimitation

The electoral boundaries delimitation has three phases namely: pre-delimitation, delimitation, and post-delimitation. These phases are underpinned by the principle of public participation and stakeholder engagement.

The pre-delimitation consists of planning for delimitation to ensure it is founded on a solid legal framework, acquisition of required resources, and sensitization of both staff and the public on the electoral boundary delimitation process.

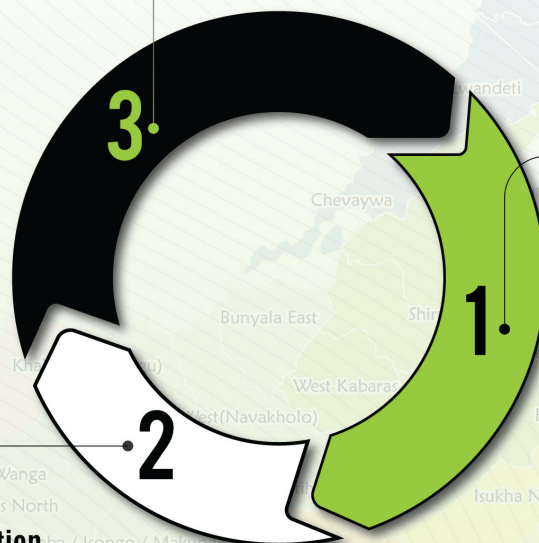
The delimitation phase is mainly about public hearings and the creation and gazettement of new electoral boundaries.

Finally, post-delimitation involves dispute resolution, incorporating court rulings, post-delimitation evaluation, and public education on the new electoral boundaries.

Figure 2 describes the three phases and lists broadly some of the activities undertaken in each of the electoral boundaries' delimitation cycle.

Post-Delimitation

- Boundaries Review Report Presentation to the National Assembly
- Dispute Resolution
- Adoption of Court Judgements
- Gazettement and Publication of the Delimitation Criteria, Description of Maps
- Public Sensitization on the New Electoral Units



Pre-Delimitation

- Boundaries Review Operation Plan (BROP)
- Legal Framework
- Update of Base Data
- Procurement of Equipment & Software
- Staff Sensitization
- Development of public Outreach Strategy
- Gazettement of Intent

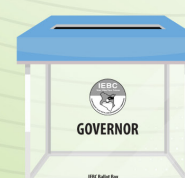
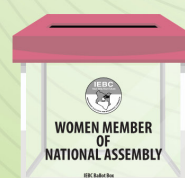
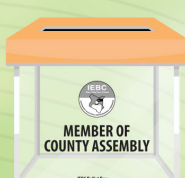
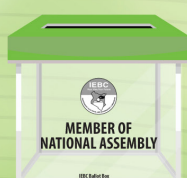
Delimitation

- Public hearings & Stakeholders Engagement
- Gazettement and Publication of the Delimitation Criteria, Description of Maps

Figure 2

Vision

A credible electoral management body that meets the democratic aspirations of the people of Kenya.



By Communication Team

The Commission Chief Executive Officer (CEO) Marjan H. Marjan, MBS while receiving the geomapping report, underlined the last time the data was used.

To enable the Commission carry out a successful delimitation exercise, Marjan underscored the weight placed on incorporating lessons learnt from the previous delimitation exercise and the need to engage stakeholders and maximize on public participation.

“That is why, besides carrying out the delimitation of electoral boundaries, the ultimate outcome of the exercise is for Kenyans to continue living homogeneously and peacefully before, during

“The review aims to promote fair representation during elections, particularly after the 2019 census highlighted significant changes in demography.”

and after the review process,” he added.

Thus, it is important for the Commission to identify what and where changes in the administrative units (specifically the sub-locations) have occurred to update its geo-database (Administrative spatial data).

“The ultimate outcome of the exercise is for Kenyans to continue living homogeneously and peacefully before, during and after the review process.”

The Commission engaged the Ministry of Interior by bringing on board Chiefs and Assistant Chiefs who know the extent and boundaries of their areas of jurisdiction. The Survey of Kenya also provided technical support since they are charged with map production. Through consultative working sessions, the sub-locations were to be updated – taking into consideration the recent KNBS Population and Housing census and the Ministry of Interior 2017 gazettelements.

The process also took into consideration any changes to the gazetted forests, national parks, national reserves and water-bodies boundaries.

The following were the key objectives of data collection.

To start off the data collection, the Commission

a

Confirm the boundaries of existing administrative units.

b

Identify newly created administrative units.

c

Capture the boundaries of the new administrative units.

d

Prepare an updated geodatabase of the current administrative units.

deployed desktop review, conducted a risk assessment, held consultative meetings with stakeholders and carried out a pilot study in four counties (Nakuru, Isiolo, Kwale, Turkana) before the data collection process.

The pilot study provided the baseline data that informed the roll-out of update of sub location geographic base data for implementation of the Boundaries Review Operations Plan (BROP). It also guided the logistical requirements for data collection across all the 47 Counties by factoring in human resource, anticipated risks, timelines and financial implications.

The data collection followed the following steps:

1

An initial meeting to outline the objectives of the exercise was held between the County Commissioner, County Election Manager (CEM), Survey of Kenya (SoK) and boundaries department staff. The senior administrators were strongly advised to warn their staff that this exercise is purely administrative and not political.

2

This was followed by a general meeting with all the administrators who were briefed on the objectives of the exercise. In each session an administrative map was projected, and then each chief was interviewed about the boundaries and extent of their respective areas of jurisdiction.

3

Administrators were asked to validate their boundaries, where changes were identified and needed to be captured, Google Earth was used. The moderator (cartographer) orientated the administrators to their respective administrative unit(s) and a familiar landmark. Once an administrator is familiar with the map and recognizes a landmark, they are then asked to lead and describe their respective administrative boundaries information.

4

Where an administrator is not able to identify or describe their boundaries, the groups (especially the ones who have served or know the area) were invited to assist.

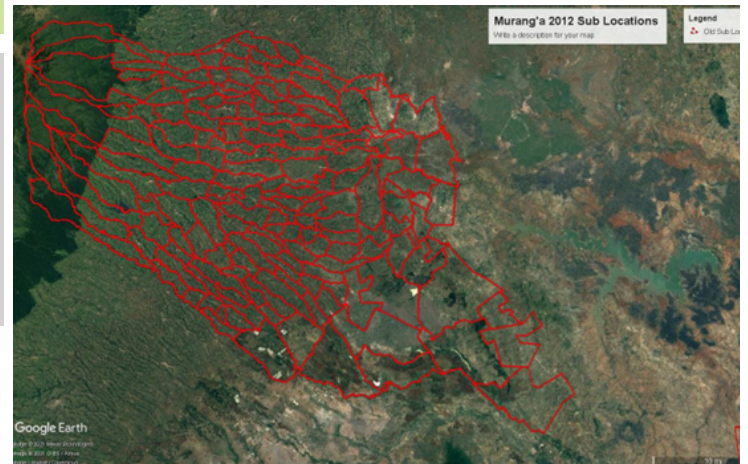
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Where disputes arose and an administrator is not able to describe their boundaries, senior administrators were notified. If the disputes were unresolved, a field visit was recommended.

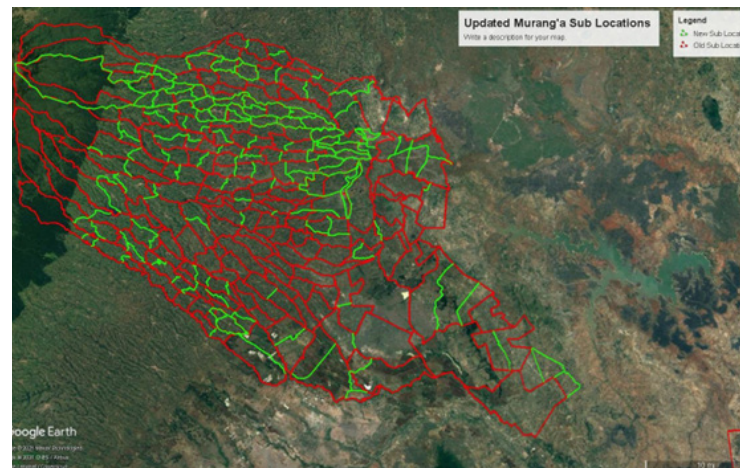
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In each county, the sessions were scheduled per constituency for ease of logistics and to avoid overcrowding in line with to the COVID protocols. Social distancing, use of face masks and hand sanitization was constantly enforced.

The data collection on geo-database revealed that 2,302 additional sub-locations had been created since the 2012 review. Therefore, the Commission took a deliberate step to update the geo-data of administrative units factoring the newly created sub-locations since 2006.



The 2012 Sub Locations in Murang'a County shapefile overlay on google earth



The 2021 Sub locations in Murang'a County (Note the new additions of administrative units in colour green).

Connect with IEBC on LinkedIn

<https://bit.ly/IEBCLinkedIn>



CERTIFICATE

MSECB hereby certifies that the management system of

Independent Electoral and Boundaries Commission

University Way, Anniversary Towers, 6th Floor, Nairobi, Kenya

Has been assessed and found to be in accordance with the management system requirements in

ISO/IEC 27001:2022

Certification Scope:

The scope includes all the processes, personnel, information, information systems and technology that support the delivery of the elections and boundaries operations and covers all clauses of ISO/IEC 27001:2022 standard. Included in the scope of the ISMS are external entities that the commission relies on for the sharing, exchanging, processing, or remotely storing information and information assets. These entities include data center and warehouse facilities, outsourced processes, and third-party services. The key election technology in scope include Biometric Voter Registration System, Biometric Voter Identification System, Results Transmission System, Web Portal for publishing the elections results online (IEBC Website), Candidate Registration Management System, Supporting systems e.g., Case Management System, Active directories, Network System, ITSM Tool, Accreditation Management System, File Transfer Protocol Server, Online Voter Verification Portal, Device Management System, Record Management System, in accordance with the Statement of Applicability (SoA), Ver. 1.0 dated 2023-06-12

Certificate No. C2029-ISMS721-07-23

Certified since 2023-07-03

Valid from 2023-07-03

Valid until 2026-07-02


Dren Krasniqi, Compliance Manager

**Subject to annual surveillance audits*

This certificate can be validated by email request at: info@msecb.com
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IEBC to utilize latest geospatial tech in boundaries delimitation

By Communication Team

The review of electoral boundaries (delimitation) started at the dawn of the independence of Kenya in 1962, which resulted in 117 Constituencies. This was followed by periodic reviews in 1966 (158 Constituencies), 1987 (188 Constituencies), 1997 (210 Constituencies), and 2012 (290 Constituencies).

The Commission will utilize the latest geospatial technology in the upcoming delimitation exercise. This latest mapping technology will enable the Commission to use varying location-based data e.g. names of places, and demographic information and statistics related to a location during delimitation exercise..

Indeed, the electoral boundaries delimitation process is hinged on the spirit of public participation. The Commission engages all interested parties including all categories of leaders such as local tribal leaders, opinion shapers, professionals etc. to discuss representation issues with regard to their respective electoral unit.

Gazette notice

The process of electoral boundaries review starts off with the Commission publishing a gazette notice showing intent which states the start-end dates of the boundaries delimitation period, invitation of interested (who) parties that can submit memorandums, the format of the memorandum, and where to deliver such memorandum.

Thereafter, there is the sensitization of the public on electoral boundary delimitation and broadcasting of public hearings schedules which include date, venues and how to participate in the public hearings. Then there are public hearings, which entails the Commission setting up a stage for listening to oral submissions from interested parties that is stored and recorded in a Hansard system for referrals.

Analysis and synthesis of oral and written submissions is done concluding with determination of the boundaries, which is then published for preliminary determinations to the public for their input.

A review of public input on the preliminary report is done before presentation of the report on new electoral units to Parliament. Thereafter, the Commission gazettes the new electoral units and aggrieved parties, who are unsatisfied with the report, have the liberty to table their grievances in the court of law.

The mandate

It is important to note that the Commission draws its mandate to carry out the boundaries delimitation from Article 89 of the Constitution, which bestows it with the responsibility of delimiting Constituencies and County Assembly Wards after every 8-12 years.

As part of the preparation, the Commission has already undertaken the collection and update of geographical base data in a report that will inform the delimitation process.

The report being a product of extensive consultation between the Commission, Survey of Kenya (SoK), Kenya National Bureau of Statistics (KNBS) and the Ministry of Interior and National Administration. Therefore, the digitization of boundary geographic data provides a base for actual boundary delimitation process.

Commission Chief Executive Officer (CEO) Marjan Hussein Marjan, while receiving the geomapping report, said the findings of the data collection highlighted the new administrative units created since the First Review, misalignment of administrative and electoral boundaries (Sub-Counties and sub-locations), areas with boundary disputes and those with overlap electoral and administrative boundaries.

“The last comprehensive data revision on existing administrative boundaries was conducted back in 2006 by the defunct Electoral Commission of Kenya (ECK) and

since then, many changes have taken place, which prompted the Commission to update its geographic base data,” said Marjan.

To enable the Commission carry out a successful delimitation exercise, Marjan underscored the weight placed on incorporating lessons learnt from the previous delimitation exercise and the need to engage stakeholders and maximize on public participation.

“That is why, besides carrying out the delimitation of electoral boundaries, the ultimate outcome of the exercise is for Kenyans to continue living homogeneously and peacefully before, during and after the review process,” he added.

The process

To start off, the Commission deployed desktop review, conducted a risk assessment, held consultative meetings with stakeholders and carried out a pilot study in four counties (Nakuru, Isiolo, Kwale, Turkana) before the data collection process.

The pilot study provided the baseline data that informed the roll-out of update of sub location geographic base data for implementation of the Boundaries Review Operations Plan (BROP). It also guided the logistical requirements for data collection across all the 47 Counties by factoring in human resource, anticipated risks, timelines and financial implication.

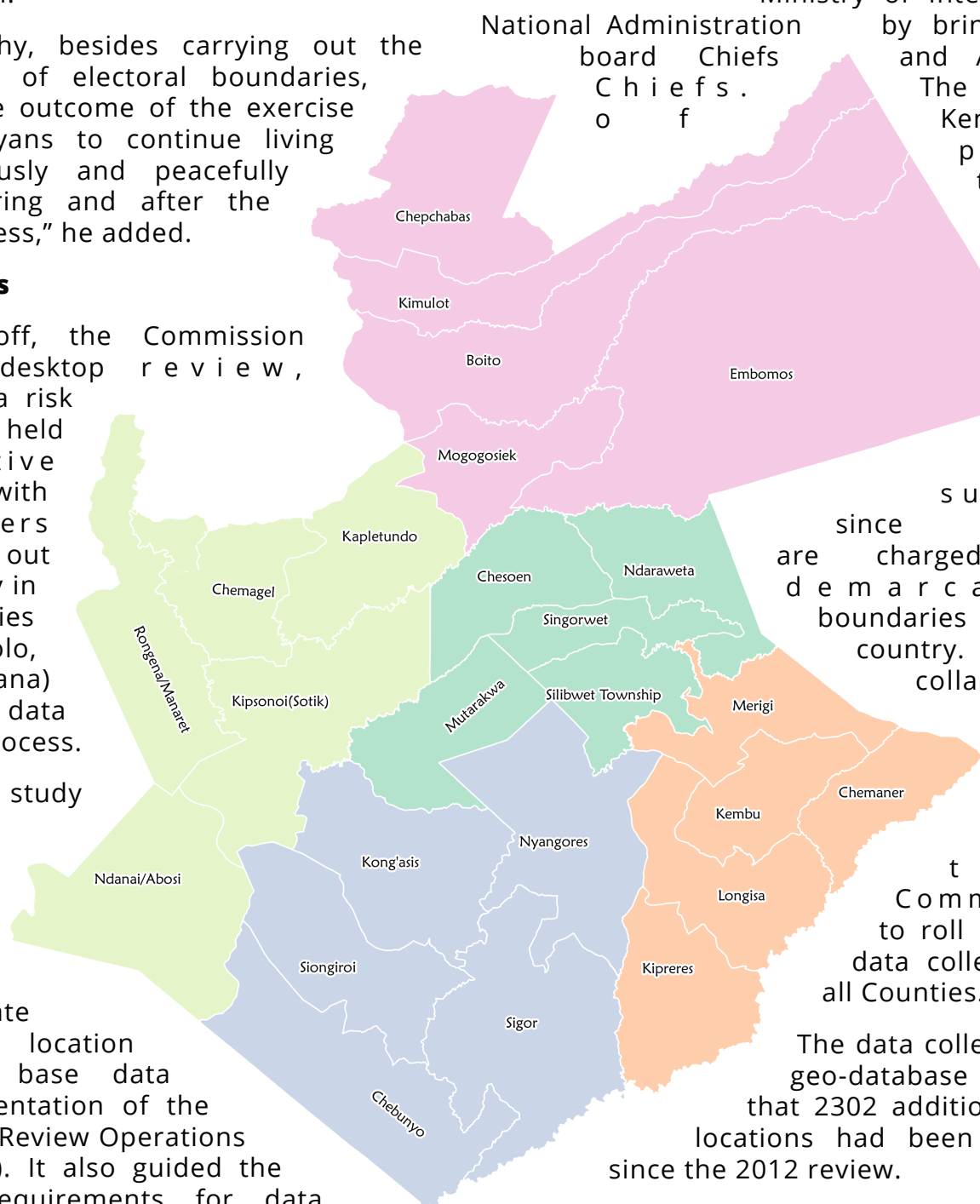
Besides, the pilot study findings enabled the Commission to project the extent and parameters for creation of new administrative units in the country. In Kenya, delimitation of electoral boundaries has traditionally been carried out based on the smallest administrative units - the sub-location, which the geo-data update was anchored.

In rolling out the data collection process, the Commission engaged the Ministry of Interior and by bringing on board Chiefs and Assistant Chiefs. The Survey of Kenya also provided technical support since they are charged with demarcating boundaries in the country. The collaboration enabled the Commission to roll out geo-data collection in all Counties.

The data collection on geo-database revealed that 2302 additional sub-locations had been created since the 2012 review.

Therefore, the Commission took a deliberate step to update the geo-data of administrative units factoring the newly created sub-locations since 2006.

“The last comprehensive data revision on existing administrative boundaries was conducted in 2006 and since then, many changes have taken place.”



Commission feted at international



electoral awards gala in Portugal



**“These awards
are a testament to
the tireless work
and dedication
of electoral
professionals
around the world.”**

**– Matt Gokhool, Chief Executive
of the International Centre for
Parliamentary Studies (ICPS)**



Celebration time! The Independent Electoral and Boundaries Commission (IEBC) brought home two prestigious honors from the 19th International Electoral Awards Ceremony, crowned the winner of the Election Management Award and a runner-up at the Electoral Ergonomics Award, showcasing exceptional achievements on the world stage.

"These awards are a testament to the tireless work and dedication of electoral professionals around the world," They celebrate those who uphold the very foundations of democracy, even in the face of extraordinary challenges," said Matt Gokhool, Chief Executive of the International Centre for Parliamentary Studies (ICPS).

The awards spotlighted the IEBC's commitment to innovation, transparency, and voter-centered

elections. José Vitor Soreto de Barros, President of the National Electoral Commission of Portugal, praised the IEBC as a role model, saying, "Your dedication to free and fair elections inspires us all." Commission Secretary/CEO Marjan H. Marjan acknowledged the Commission's effort, observing

"Your dedication to free and fair elections inspires us all. These awards belonged to all staff. Therefore, continue striving to be the credible election body Kenyans and the world deserve!"

that the awards belonged to all staff. He hailed



y / Accountability | Teamwork | Innovativeness



Commission Secretary/CEO Marjan H. Marjan and his deputies Ruth Kulundu (left) and Obadiah Keitany (right) during the presentation of the awards at the Commission's boardroom in Nairobi.

their integrity, teamwork and sacrifice pre, during the 2022 General Elections. Finally, he asked staff to continue striving to be the credible election body Kenyans and the world deserve."

The Awards

- **Election Management Award:** This recognized the IEBC's ability to overcome challenges to deliver secure, smooth-run and best elections administration.
- **Electoral Ergonomic Award:** The award highlighted the IEBC's focus on tailoring election processes to the needs of Kenyan voters. They made it easier and more accessible for everyone to participate. These awards are not about bragging rights proof that Kenya was a leader in free, fair and democratic elections. The IEBC competed against organizations from around the world, and their victory demonstrated that Kenya's electoral system is among the best. This was evidence of a local impact with a global recognition.

Commission proposes law review to guide smooth election operation

By Communication Team



Commission Secretary/CEO Marjan H. Marjan accompanied by DCS Operations Ruth Kulundu and Director Legal Services Chrispine Owiye make submission before the National Dialogue Committee (NADCO).

Commission Secretary/CEO Marjan H. Marjan led the IEBC team in presenting a comprehensive memorandum that zoomed in to the long-standing legal and technical bottlenecks to fair and efficient elections at the National Dialogue Committee (NADCO).

These included but not limited to gender representation, boundaries delimitation, place of ICT and election results audit. NADCO is a parliamentary caucus with membership from within and without parliament nominated by the the government and opposition to discuss key national issues of contention of the 2022 General Election and way forward.

The IEBC's expressed frustration at the stalled implementation mechanism of the two-thirds gender rule. The current legal framework lacked teeth to regulate gender balance in Kenyan politics. The IEBC urged the technical committee to recommend to Parliament to pass specific legislation, paving way for a government that truly reflects the diversity of Kenya.

The IEBC recommended that an expert-led Select Panel to the recruitment of Commissioners be considered urgently. It was observed that The Commission was rendered dysfunctional without Commissioners. The Commission described to the panel the kind of expertise needed for elections efficacy since elections were increasingly becoming

technology reliant.

Further, the IEBC needed policy makers with cutting-edge technical expertise to ensure both veracity and security. Additionally, the Commission recommended Commissioners with deep legal backgrounds to expertly navigate inevitable tide of election disputes, ensuring swift and fair resolutions.

The Commission regretted the total lapse of the Constitutional timelines spanning 8 – 12 years of boundaries delimitation since the last review.

Recommendations

The Commission recommended 18 months to be the minimum period after the conclusion of the entire delimitation process for the Wards and Constituencies. Besides time, the IEBC wants appeal for exhaustive laws to prevent future legal wrangling over boundaries.

Scrutiny of Presidential election results before Supreme Court ruling was critical for public confidence. They suggested legal reforms that established clear pre-court audit process to ensure transparency and minimize disputes. The IEBC advocated for extending the current 14-day review period to 30 days at the Supreme Court.

The Commission asserted that her mission was to make every Kenyan voice count hence growing Kenya's democracy.

Challenges that hinder gender equality in Parliament

By Communication Team

Commission Secretary/CEO Marjan H. Marjan, appeared before the National Dialogue Committee (NADCO) to make representations on the challenges hindering full implementation of the two-thirds gender rule in Parliament.

While Kenya has made progress with County Assemblies currently complying with the gender balance principle, a deeper look revealed the intricate roadblocks slowing the gender agenda.

- **The prioritization puzzle:** The IEBC must strike a balance between ensuring representation of youth, PWDs, and marginalized groups while adhering to political party list which are to be allocated on a priority basis. This has created a complex system where special interest representation can be inadvertently sidelined.

- **Laws in conflict:** The discrepancy between the number of marginalized group nominees allowed under the Elections Act and the County Governments Act created confusion in the process, thereby necessitating the IEBC to apply the Elections Act.
- **When courts overstep:** Court rulings that go beyond the established legal qualifications for nominees could inadvertently disqualify legitimate candidates. This complicated allocation of special seats.
- **Post-election meddling:** Political parties attempting and/or requesting party to change their lists after the General Election disrupted the process and raised integrity questions and finality of the Party List, which is a closed list.

The ripple effects of these challenges extended beyond gender balance. Delays and uncertainties stemming from conflicting laws and unclear definitions eroded public trust in the electoral system. Additionally, judicial overreach, even when intended to protect fairness, created



Members of the National Dialogue Committee (NADCO) at the Bomas of Kenya during the presentation by IEBC.



Commission Secretary/CEO Marjan Hussein Marjan makes submission before the National Dialogue Committee (NADCO).

- **Defining 'minorities' and the risk of exclusion:** Without clear legal definitions of "ethnic and other minorities," well-intentioned inclusion efforts have become vulnerable to misinterpretation and legal challenges. This could lead to certain groups being left out of the political process.

distrust from stakeholders.

To overcome these hurdles, the IEBC proposed the following:

- **Clarity was key:** By explicitly defining "ethnic and other minorities" in the Elections Act, the IEBC aimed at preventing future legal

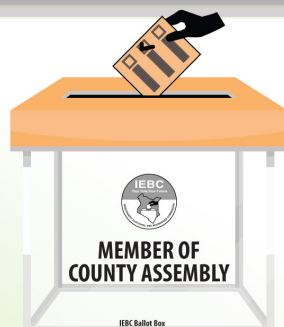
disputes hence inclusive representation.

- **Streamline legislation:** Aligning the County Governments Act with the Elections Act regarding marginalized group nominees would eliminate confusion and promote efficient implementation of the two-thirds gender rule.

The IEBC's determination in addressing these

issues demonstrated its commitment to a political landscape where everyone had a voice. While the journey toward true gender parity might be long, the Commission's actions and recommendations were significant steps in the right direction.

CORE VALUES



01 ADHERENCE TO THE RULE OF LAW

We conduct our businesses within the law.

02 INCLUSIVITY

We respect gender, race, class and disability in the conduct of electoral activities.

03 INTEGRITY

We conduct our affairs with utmost honesty.

04 ACCOUNTABILITY

We endeavor to be responsible for our actions.

05 TEAMWORK

We work collaboratively as colleagues to achieve Commission goals.

06 INNOVATIVENESS

We transform the electoral process by exceeding the expectations of Kenyans.

Disruptive dance: The weaponry and tactics utilized in deepfakes

By Charles Maina,
Senior Election Officer, Mwea

Misinformation and disinformation are potent tools in today's politics. This is so because the two vices have inherent abilities to shape public opinion, destroy reputation, sway elections, and erode faith and trust in democratic institutions.

Kenya is not an island to this phenomenon. Bloggers within the political space have reinforced the threat of misinformation and disinformation since many become easy conduits of these vices.

Etymologically, do these two words mean the same or is there a thin silver lining between them? Generally, misinformation may be viewed as incorrect or inaccurate information shared unintentionally, or a misrepresentation of facts mostly due to a misunderstanding or lack of verification. Disinformation on, the other hand, is the act of deliberately misleading or fabricating information with the intention of deceiving and/ or manipulating public opinion.

Today's digital era has revolutionized political communication, offering unprecedented reach and engagement for candidates. This landscape, however, is increasingly marred by the emergence of Artificial Intelligence (AI) deepfakes, hyper-realistic manipulated video or audio recordings that match and models the true individual. Essentially, deepfakes manipulate videos and voice recordings to appear and sound as if someone said or did something when they did not.

The Wall Street Journal in an article titled "New Era of AI Deepfakes Complicates 2024 Elections" on 15th February 2024 aptly captures the deepfakes dilemma and the huge negative implications they pose. Some of the effects are as discussed in the following paragraphs.

First, deepfakes lead to detrimental election interference. In January 2024, a robocall impersonating U.S. President Joe Biden went out to New Hampshire voters, advising them not to vote in the state's presidential primary election. The voice, generated by AI sounded quite real, some call it verisimilitude at play. It is this type of deepfakes that have been used to create fake news articles, speeches, or interviews that misrepresent candidates' policies or

actions. They sway public opinion, suppress voter turnout, and undermine the integrity of elections inflicting grave damage.

To further demonstrate the nature of interference, two examples come to the fore, that of the Slovakia's 2023 elections. The Republican candidate Michal Šimečka had apparently "announced" plans to raise beer prices if elected. In another fake audio recording, Šimečka was heard "discussing" how his party would rig the election, through vote buying from the country's Roma minority. At the heart of this invention are the far-reaching consequences of its deployment.

Second, deepfakes result in prejudicial socio-political polarizations. Indeed, deepfakes can be used to amplify existing biases through hate speech. This, further, divides communities along political lines. Fabricated videos of protests or violence once shared can fuel fear and distrust among communities, hence making it harder for anyone to find common ground or reach a compromise towards the projected bias.

Third, deepfakes have injurious effects on economy through deliberate manipulation. They can be used to spread falsehood about companies or financial markets, causing panic and triggering market crashes. In late January 2024, a fake video of the iconic Eiffel Tower in Paris engulfed in flames went viral and millions were fooled into believing it as the gospel truth. The likely unintended consequence of such disinformation is the threat of our present day. AI could lead to an explosion in disinformation.

In conclusion, there is need for lawmakers to embark on a concerted effort to legislate the extent technology, social media and websites can stretch AI for money, power or politics. AI must be safe and secure. Meeting this goal requires robust, reliable, and standardized development of AI policies and laws that will mitigate risks of these technologies before they are put to use. Similarly, the Kenyan citizens need skills to help them discern between AI generated content from the ordinary. This will undoubtedly help deter its misuse and abuse. Indeed, Prevention is better than cure. The legislators should take up their roles before deepfakes and AI take toll on us.

— Mr Maina is the Senior Election Officer, Mwea

Commission in race to develop data protection policy, guidelines

By Communication Team

The Commission is in the process of adopting the Data Protection Act, 2019 which accords data subjects several important rights as pertain to the collection, storage and processing of their data.

This means that the information that voters provide to the Independent Electoral and Boundaries Commission (IEBC), especially during registration (as voters or candidates) should be kept in a specified manner and that prior to acquisition of the same, consent must be sought regarding the manner in which their personal information is to be stored and used.

Indeed, the IEBC is cognizant of the fact that personal data of voters and other stakeholders is essential for the conduct and management of elections.

Moreover, it is also aware that the misuse of personal data can have negative consequences for individuals and the integrity of the electoral process. To remedy such, the Commission has moved fast to develop a policy to guide the processing of personal data in its operations.

This policy will be designed to ensure that the Commission collects, controls, uses, stores, shares, and disposes off personal data in a responsible and ethical manner. The policy stipulates the rights of voters and other stakeholders in relation to handling of their

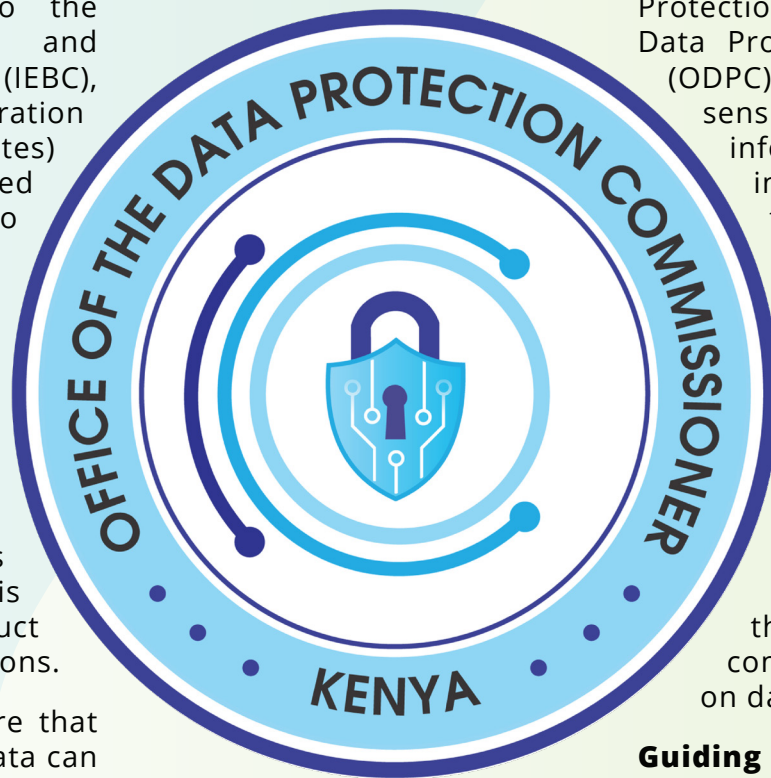
personal data. In addition, it sets out the compliance framework that incorporates legal, administrative, and technical measures in safeguarding privacy and data protection.

The Commission is championed the development of this new policy in a workshop on

embedding democracy in Kenya by following the legal structures that support transparent, credible, free and fair elections," said Maalim.

Conspicuously, the right to privacy was enshrined in the Constitution of Kenya 2010 long before the enactment of the Data Protection Act. The Office of the Data Protection Commissioner (ODPC) is in the process of sensitizing Kenyans on the information contained in the Act with a view to fashioning a clear understanding of their jealously protected rights.

These awareness campaigns will also enable Data Controllers and Data Processors in which IEBC is a member, to appreciate their obligations and compliance requirements on data protection.



development of data protection and privacy policy, where Abdidahir Maalim, the Manager Voter Registration, posited that the Commission is committed to protecting the privacy and security of the personal data that it collects, uses, and shares.

"This policy sets out the Commission's principles, strategies and practices for privacy and data protection in the electoral process. This signifies another forward step by the Commission towards

Guiding principles

This venture supports the Commission's efforts in developing a Policy and Framework for Data Privacy and Protection that will act as a guideline that has been developed through concerted efforts of many stakeholders.

Generally, elections are more than just voting. The entire election process is data dependent. Data is generated from various activities including voter registration, voter verification, candidate registration, voting, voter

education, management of suppliers, human resource management, electoral dispute resolution, accreditation of media, voter education providers and observers, research, delimitation of electoral boundaries and results transmission.

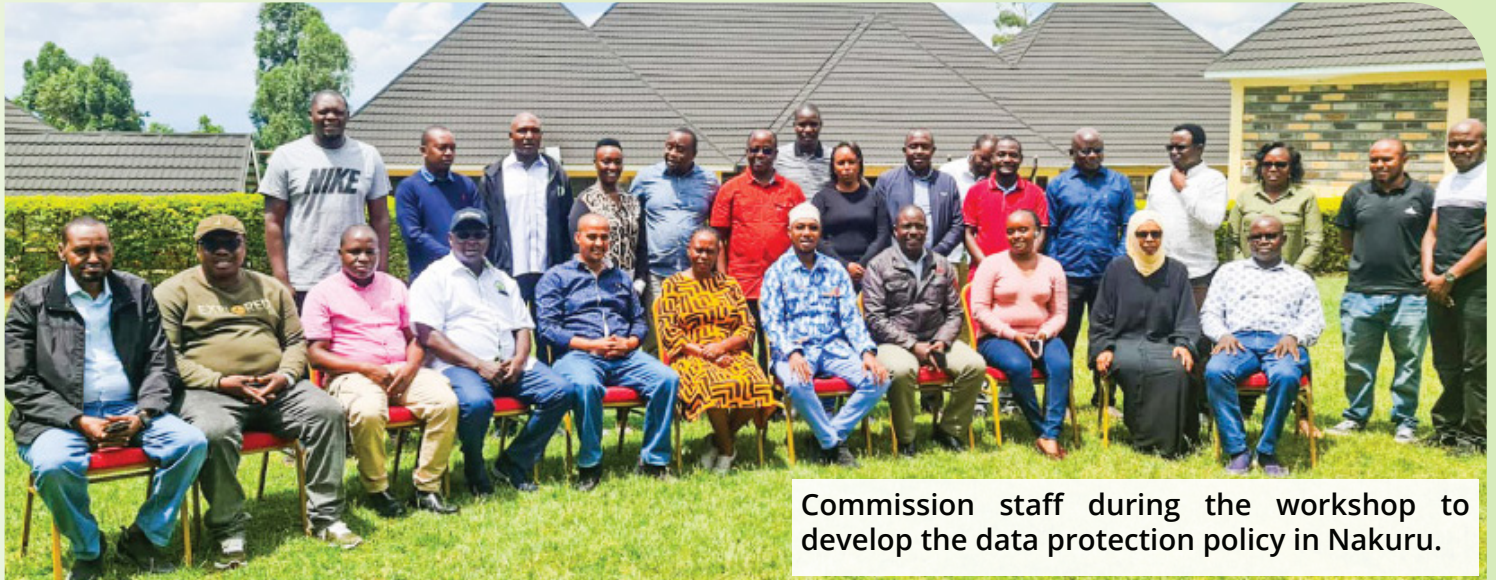
Personal data collected from voters and stakeholders is essential in guiding the administration of elections.

and external threats providing the custodian of such records controlling power to determine who can get access to the data.

To continue safeguarding this valuable data, the United Nations has necessitated the development of jurisprudence that has strengthened the recognition of privacy and data protection as a fundamental human right.

The Universal Declaration of

thus has a legal duty to ensure that the national legislation is consistent with the two instruments. In addition, Kenya is party to other conventions that have recognized the right to freedom of expression, which includes the African Charter on Human and Peoples Rights (ACHPR) and African Union Convention on Cyber Security and Personal Data Protection (2014).



Commission staff during the workshop to develop the data protection policy in Nakuru.

Therefore, it goes without saying that the Commission collects, processes, stores, disseminates, transfers, and disposes personal data.

On the flip side, misuse of personal data can have negative consequences to the individuals involved, the Commission, and the integrity of the electoral process. Consequently, the Commission is obligated to uphold the rights to privacy and protection of personal data in discharging its mandate.

Data protection, especially personal records, is a major challenge in the current era of rapid technological transformation and change in business processes. It brings to light the data security measures taken to protect the integrity of the data itself against manipulation and malware. It provides defense from internal

Human Rights (UDHR) 1948 and the International Covenant on Civil and Political Rights (ICCPR) 1976 buttresses the promotion of the right to privacy and protection by the law. Further, the UN Declaration of Human Rights, recognizes and

“This policy sets out the Commission’s principles, strategies and practices for privacy and data protection in the electoral process. This is a forward step to embed democracy in Kenya.”

underpins human dignity and other key values such as freedom of association and freedom of speech as fundamental to privacy.

Kenya has ratified the Declaration and the Covenant

Maalim said that the Commission acknowledges the concerted effort to safeguard and protect the data in its custody and will endeavour to comply to the requirements of Data Protection Act 2019 through seeking consent from a data subject to collect, control and process personal data.

The Commission shall also ensure the data subject has the capacity to give consent and shall specify the purpose of the data collected.

“The Commission shall incorporate appropriate mechanisms for age verification and consent to process personal data of minors or adults without capacity to give consent. Withdrawal of consent shall not affect the lawfulness of processing data based on prior consent before it is withdrawn,” he said.

Delimitation

Strategies for risk assessment and security implementation framework for boundaries

By Communication Team

The Commission with the Support of Electoral Law and Governance Institute of Africa (ELGIA) held a workshop in November 2023 whose objective was to identify and address the security challenges that may emanate during the boundaries delimitation process.

“The last comprehensive data revision on existing administrative boundaries was conducted in 2006 and since then, many changes have taken place.”

Ruth Kulundu, the Deputy Commission Secretary (DCS) in charge of Operations noted that the Commission was mandated under Articles 88 and 89 of the Constitution to carry out the Second Review of electoral boundaries for constituencies

and wards. This will affect the names and boundaries of the 290 geographical constituencies and 1,450 county assembly wards.

While reviewing electoral boundaries the Commission is expected to take into consideration the geographical features and urban centres; community of interest, historical, economic, and cultural ties; and means of communication. Further, the Commission is expected to ensure that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota.

“Note that the number of inhabitants of a constituency or ward may be greater or lesser than the population quota by a margin of not more than 40 per cent for cities and sparsely populated areas; and 30 per cent for the other areas,” said Kulundu.

Bon Makolwal ELGIA’s Senior Program Manager - Electoral Reforms, who represented, the Executive Director, Mr. Felix Odhiambo, said they were keen to facilitate the implementation of the boundaries

Manager Boundaries Caroline Manyange takes Commission staff on strategies that will be used during the conduct of boundaries delimitation exercise.





The Commission and Electoral Law and Governance for Africa (ELGIA) staff during the workshop to identify and address security challenges that may emanate during the boundaries delimitation process.

plan.

"From the workshop, we expect to put in place plans to carry out boundaries delimitation process. ELGIA is happy to support the Commission and though we have no commissioners on board, the preliminary arrangements must be made. It is also important that this process is fully owned by the Commission and be completed in time," said Makolwal.

On his part, the Deputy Commission Secretary – Support Services, Obadiah Keitany said the workshop attained its objective and lauded ELGIA for their continued support before, during and after the 2022 General Election.

"This is an affirmation that ELGIA are true supporters. We will continue to work together. The Commission will continue lobbying for political support to deliver its mandate," said Keitany.

The workshop objectives were to understand the concept of boundaries security arrangement programme (BSAP), its legal framework, appreciate the boundaries security legal timelines, identify various delimitation scenarios and their implications and more importantly, identify boundaries delimitation security risks and mitigation strategies, which will inform the development of the rollout plan for BSAP.

The participants also identified areas of collaboration by the various government agencies based on their mandates as define by the laws as well as other stakeholders including civil society organizations, faith-based organizations, women, youth and special interest groups.

"BSAP will be modeled and will borrow heavily from Election Security Arrangement Programme (ESAP), which has been successfully implemented by the Commission during the 2013, 2017 and 2022 General Elections. I salute the staff from Risk Department for their excellent work in not only implementing ESAP, but also putting in place plans for the implementation of BSAP," said the Deputy Commission Secretary - Operations Ruth Kulundu.

To implement BSAP, the Commission targets to develop various documents such as the BSAP

"BSAP will be modeled and will borrow heavily from Election Security Arrangement Programme (ESAP), which has been successfully implemented by the Commission during the 2013, 2017 and 2022 General Elections."

handbook, the BSAP role card and a training manual that will be used to train staff from the Commission, National Police Service, the National Government Administration (County Commissioners, their deputies, Chiefs etc), Survey of Kenya, The Office of the Director of Public Prosecutions (ODPP), National Cohesion and Integration Commission



(NCIC), The Independent Policing Oversight Authority (IPOA), and Kenya National Bureau of Statistics (KNBS) amongst others.

The Commission will also undertake public outreach activities that will foster peace and ensure national cohesion during the delimitation period. The Commission, through the Directorate of Voter Education, Partnerships and Communication (DVEPC), will organize talk shows on digital and mass media, supervise conduct of civic education and stakeholder engagement around areas of

“Boundaries delimitation requires collaboration and partnership. I laud ELGIA for supporting the Commission conduct this workshop to plan for delimitation.”

safety and peaceful coexistence especially in conflict prone areas of the Country.

“The success of the boundaries delimitation process lies on our shoulders. I want to assure the rest of the staff and the country that this programme will be cascaded on the ESAP model and everybody will be involved,” added Kulundu.

Ag. Director Audit Reuben Chirchir lauded the support from ELGIA.

“Boundaries delimitation requires collaboration and partnership. I laud ELGIA for supporting the Commission in this workshop. Their support has come early enough after the election period and they pledge to be on board until the boundary delimitation process is complete,” said Chirchir.

Dr. Meshack Korir, the Ag Director Research, Electoral Boundaries and Risk Management said the Commission must deliver on its mandate.

“This workshop will map out stakeholders and come up with a clear roadmap on how to implement BSAP to ensure the delimitation process is conducted peacefully,” he added.

In the whole, the activity in achieving its objectives was able to identify various delimitation scenarios and their implications. of importance was identification of security risks and mitigation strategies that stem from the process.

Youth

IEBC engages youth on political, legal constraints on poll matters

By Communication Team

The Commission brought together youth groups to discuss ways of maintaining peace before, during and after the General Election and why it was critical to accept the outcome of the poll.

Some of the strategies used during ground activation saw the youth gifted wrist bands with peace messages by the Commission. The boda-boda riders were also given reflector jackets,

“IEBC collaborates with UCSPAK under the Youth Coordinating Committee to mobilize young people to participate in the electoral process throughout the election cycle.”

wrist bands and fliers emblazoned with peace messages.

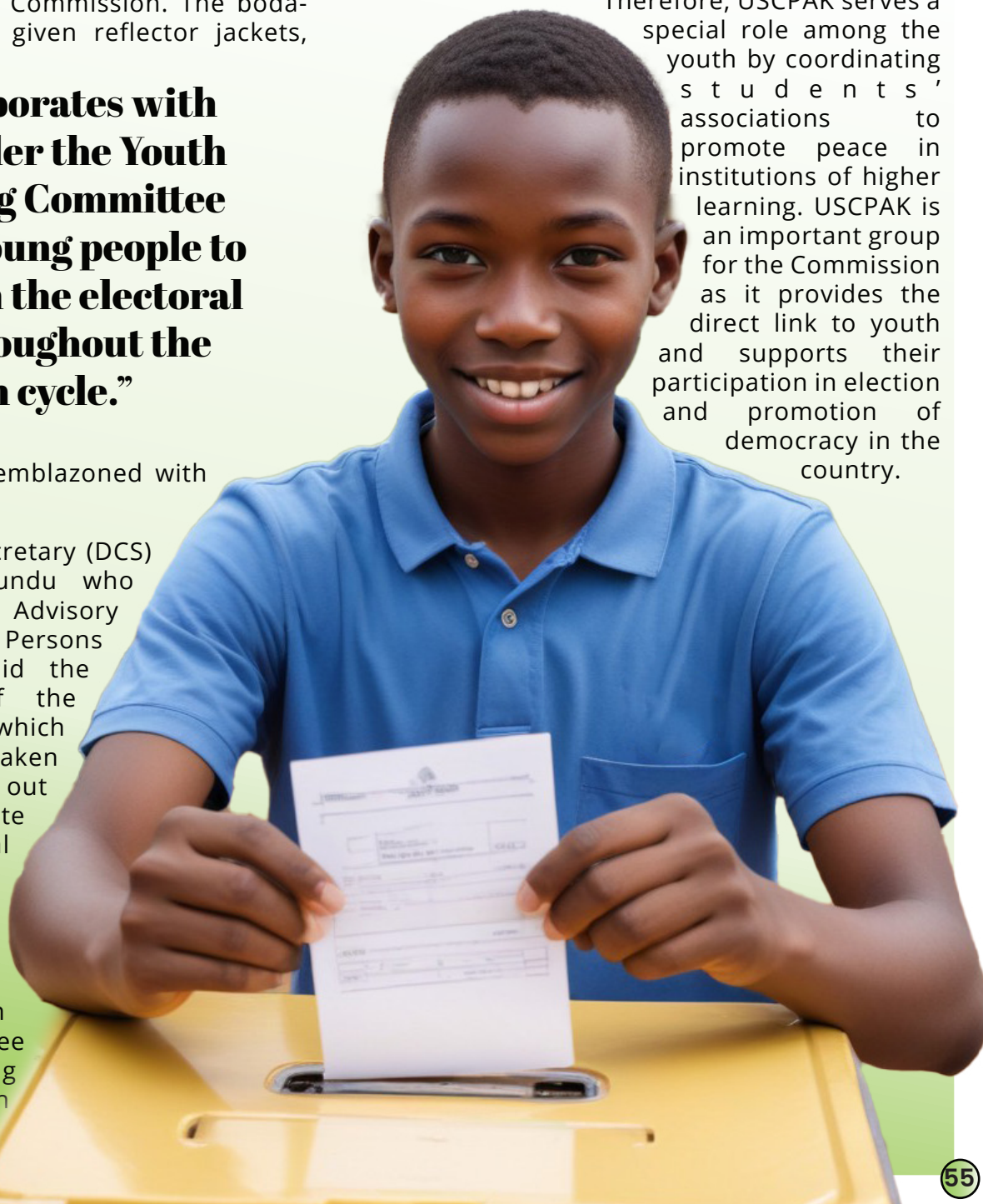
Deputy Commission Secretary (DCS) Operations, Ruth Kulundu who graced the USCPAK Advisory Group of Eminent Persons Breakfast Meeting, said the youth form part of the marginalized groups which the Commission has taken great exception to reach out to educate and inculcate in them the electoral process.

“To this effect, the Commission collaborates with the UCSPAK under the Youth Coordinating Committee to mobilize young people to participate in the electoral process

throughout the election cycle,” said Kulundu.

The meeting also discussed plans on how best the Commission can support and participate in USCPAK’s celebration of their 9th anniversary as they launch their 2024-2028 Strategic Plan. It is noted that from the 2022 General Election, out of the 22,120,458 registered voters, 8,811,691 were youth representing 40% of all registered voters. In addition, 4,350 youth contested in five elective positions, save for the presidency, compared to the 3,091 that contested in 2017 General Election.

Therefore, USCPAK serves a special role among the youth by coordinating students’ associations to promote peace in institutions of higher learning. USCPAK is an important group for the Commission as it provides the direct link to youth and supports their participation in election and promotion of democracy in the country.





Commission Secretary Marjan H. Marjan with UCSPAK leadership, who collaborates with the IEBC under the Youth Coordinating Committee to mobilize young people to participate in the electoral process.

Additionally, the Commission worked with USCPAK in capacity building to enhance their understanding of the electoral process by appointing campus Election Ambassadors, who educated fellow students in the run up to the 2022 General Election in institutions of higher learning across 47 countries.

In doing this, the Commission has supported USCPAK by providing its staff as resource persons to provide technical backstopping during student dialogue forums, attended student dialogue forums in institutions of higher learning and developed and disseminated voter education and other strategic information materials.

In addition, it has supported USCPAK in youth engagement forums across the 47 counties, where it established Youth Consultative Committees at the county and constituency levels.

Approval rate

The forum noted that the sensitization of the youth on the Commission's mandate, activities, strategic plans, operational timelines, legal reforms, and use of technology in its operation boosted acceptance and approval rate of its functions.

This was further buttressed by other partners who collaborated with the Commission including the civic society groups, advocacy teams and election observers. Through this sensitization meeting with the voters, the Commission received feedback on its processes to inform its policy, strategy and operation.

“Commission has supported USCPAK by providing its staff as resource persons to provide technical backstopping during student dialogue forums, attended student dialogue forums in institutions of higher learning.”

Notably, a big percentage of the youth, who face a myriad of social challenges, have equated voting to governance and believed their right to vote is not worthy to change their course of life. This has sowed a seed of rigidity to State programmes, including elections leading to voter apathy among the youth.

To remedy this, the Commission rolled out continuous voter education and stakeholder engagements in the run up to the 2022 General Election. This awareness slowed down the negativity attributed to elections and brought about a change of attitude among this segment of voters.

The youth who were trained with USCPAK support were on the frontline in mobilizing their colleagues to participate in the election, take up elective leadership positions and vote in their preferred candidates during the general election.

Autonomy of Chairperson and Commissioners guarantees public trust and credibility in Kenya's electoral management

By Abdiwahid Hussein,
County Election Manager, Kwale

The Commission plays a crucial role in ensuring the credibility and integrity of elections in Kenya thus making the selection of its leadership that comprises of Chairperson and Commissioners pertinent and of national interest.

This is to say that the appointment of Chairperson and Commissioners through the expert model is a pivotal moment that must lead to the establishment of an Independent Electoral Management Body (EMB)

that is trusted and respected by all stakeholders.

Independence, integrity, accountability, teamwork, capacity and adherence to the law are essential for maintaining the credibility of the electoral process and upholding democracy in the country. It is imperative for the IEBC Selection Panel and the people of Kenya to learn from past recruitments of IEBC chairperson and Commissioners to secure a better outcome.

The IEBC has faced challenges in the past, with



The Commission, when fully constituted, has the Chairperson and six Commissioners.

Commissioners leaving prematurely before the 2017, and after 2022 General Election. Whereas many agree that the IEBC is undoubtedly competent thanks to its professional Secretariat, its credibility has not been questioned.

Credibility of an EMB is mostly a function of its performance (technical) and independence. This article highlights three types of independence that the IEBC must strengthen to build trust and credibility.

Independence is fundamental for any electoral body, ensuring decisions are made without external interference or partisan influence. The recruitment of the Chairperson and Commissioners should prioritize

“Independence is fundamental for any electoral body, ensuring decisions are made without external interference or partisan influence.”

individuals with proven track record of independence, integrity, impartiality and capacity.

The IEBC does very well in its technical performance but it needs to be strengthened in its exercise of constitutionally given formal independence and equally important, the informal (*de facto*) independence.

The recruitment must guarantee individuals who will make IEBC institutionally, functionally and financially independent, both in theory and practice. A bold leadership that has the courage and conviction to operate independently from external partisan influences and have the autonomy to determine its own policies and practices is what will make the difference.

Maintain autonomy

For example, IEBC should ideally have the autonomy to determine its remuneration policies and correct any policy errors that made it subservient to the Salaries and Remuneration Commission (SRC) or the ‘civil service’. It must distinguish itself from the civil

“The legal and institutional capacity of the IEBC must be enhanced to actualize e-voting and instant declaration of results.”

service and its secretariat remunerations must not be dictated by the SRC but by itself. The Commission’s mandate and scope of operation is gigantic. It’s an extraordinary Commission.

It must completely be divorced from influence by external parties on its decisions such as what it pays its employees or where and when it can get its funds unlike the current practice. It should have its independent funding kit from the exchequer. Besides, governance audit to address corporate decision

making and internal coherence is mandatory and reforms on the existing legal electoral regime must be prioritized.

For example, the recommendation of the Supreme Court on the role of the Chairperson and Commissioners in final declaration of 2022 Presidential results must be addressed. Similarly, the legal and institutional capacity of the IEBC must be enhanced to actualize e-voting and instant declaration of results to make the ‘Bomas drama’ and results suspense a matter of the past. E-voting can be considered progressively starting with diaspora.

The dream of many young voters, as well as the old ones, who are yearning to vote from the comfort of their homes must be realized. The global and local shift to make public and private service convenient and accessible through technology needs a bold leadership that can take calculated risk and make our democratic dreams a reality.

Brazil, among other countries that have complex electoral landscape like Kenya’s, have done the same for more than a decade.

What we lack is a bold EMB leadership that is on the side of the ordinary citizen as opposed to the whims of the powerful. We need a bold new leadership that lives to meet the democratic aspiration of the people of Kenya.

The recruitment of the IEBC Chairperson and Commissioners must prioritize individuals with a commitment to uphold good governance principles and foster a culture of integrity within the Commission.

— Mr Hussein is the County Elections Manager, Kwale



Donor: Project Technical Team Committee meets to discuss the Deepening Democracy Project

By Communication Team

The Commission is seeking to establish partnerships and collaborations with the development partners to enable it address the gaps in its work plans so as to deliver on its mandate.

In doing so, the Commission agreed to work with the United Nations Development Programme (UNDP) under the “Deepening Democracy” project which seeks to consolidate the democratic dividends for sustainable transformation in Kenya.

The Project brings together members from the donor community including European Union, USAID, Office of the High Commissioner for Human Rights (OHCHR), Swedish Embassy in Kenya, Italian Embassy in Kenya, Irish Embassy, Germany Embassy, and UN Women among others.

The Deputy Commission Secretary (DCS) in-charge

of Support Services Obadiah Keitany, MBS, who represented the Commission Secretary/CEO, and co-chaired the meeting on 11th January, 2024 in Nairobi, briefed the participants on the Commission’s achievements and challenges on the delivery of its constitutional Mandate.

Among the areas that the development partners can

“Commission agreed to work with the UNDP to consolidate the democratic dividends for sustainable transformation in Kenya.”

tap in and partner with the Commission include the induction of the new Commissioners, review and



The Commission meet Development Partners to report on the implementation of the electoral activities under the Project Fund for the Deepening Democracy project.

production of a compendium of election training manuals, capacity building on the paralegal training on elections, launch of continuous registration of voters and continuous voter education including diaspora and rolling out of online registration of voters in line with the government's agenda on digitization and digitalization.

The Commission also targets to review specifications of the electoral materials, prepare

“Challenges facing the Commission include delayed recruitment of Commissioners, sustained disinformation and misinformation, massive budget cuts, limited and late funding.”

the logistical plan for the 2027 General Election, train staff on new biometric voter registration system, collect data on review and mapping of registration centres and formulate legal framework.

Priority areas

Some of the short-term priority areas that the Commission sought support for included: the legal framework and technical electoral processes, training of the Judicial Committee on Elections and training of Commission's advocates on the electoral boundary delimitation, validation of boundary geo-data, public hearings & stakeholder engagement across the 47 counties.

The Commission also intends to carry out public awareness/outreach on boundaries delimitation activities, establish the Boundaries Security Arrangement Program (BSAP), acquisition of communication equipment and materials to support the boundaries delimitation exercise, support in the production of information electronic communication materials and sundries, cascaded capacity building of staff on boundaries delimitation, hold national boundaries delimitation conference and production of the 2022 General Election documentary.

External support

On the long term focus, the Commission sought donor support on the conduct of an evaluation of electoral boundaries delimitation exercise, review of strategic plan 2020-2024 to inform development of strategic plan 2024-2028 and attendant Election Operation Plan (EOP) for 2027 General Election, continuous capacity building of staff and stakeholders on the election process, targeted voter education for youth, women and pastoral communities, documentation and archival of the generated electoral boundaries literature in the knowledge management repository.

The challenges facing the Commission include: delayed recruitment of Commissioners, sustained disinformation and misinformation, massive budget cuts, limited and late funding of Commission planned activities over the years and gaps in the legal framework.

Moreover, hurdles in conduct of referendum, delimitation of boundaries, non-implementation of the Campaign Financing Act, 2013, lack of goodwill from the legislators to enact electoral laws in good time, lack of Commissioners to enable conduct of delimitation of electoral boundaries.



Commission meets development partners to apprise on the implementation of the activities under the Project Fund for the Deepening Democracy Project.



Your Vote, Your Future

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