



Independent Electoral and Boundaries Commission

PRESS RELEASE

FOR IMMEDIATE RELEASE

Nairobi, Kenya: Wednesday, 30th July 2025

SUBJECT: PUBLIC CLARIFICATION ON PARTY LIST RE-ALLOCATION AND RIGHT OF RECALL

The Independent Electoral and Boundaries Commission (IEBC) has noted and appreciates the recent public discourse and concerns touching on its constitutional mandate and operations. In the spirit of transparency and accountability, the Commission wishes to clarify these matters and assure the public of its unwavering commitment to fairness, rule of law and principles enshrined in our Constitution.

1. Party List Re-Allocation

The Orange Democratic Movement (ODM) party has publicly expressed concerns regarding the Commission's decision to re-allocate the party list seat vacated by Hon. John Mbadi, claiming that the process was neither procedural nor lawful. Respectfully, this is not accurate.

The facts are as follows:

The party list used by the Commission was submitted by ODM on 23rd July 2022, subsequently published in newspapers on 27th July 2022, and uploaded on the IEBC website.

Section 37 of the Elections Act and Regulation 56B of the Elections (General) Regulations, 2012, provide that a party list seat that falls vacant shall be re-allocated to the next qualified nominee in order of gender and priority, as originally submitted by the political party.

In this case, the nominee who qualified under the law was Mr. Harold Kimuge Kipchumba, who is of the same gender as Hon. Mbadi and was the next in line on the submitted list.

The Commission reaffirmed this position in its formal response to ODM dated 28th July 2025.

To promote transparency, a redacted extract of the ODM party list submitted on 23rd July 2022 is attached, in compliance with the Data Protection Act.



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The Constitution demands fairness, equity and respect for legitimate expectations. The Commission's decision in this matter was fully compliant with these constitutional principles and relevant statutory provisions.

We urge all political parties and the public at large to support the Commission in upholding the integrity of electoral processes.

2. Right to Recall Members of Parliament and County Assemblies

The right of citizens to recall elected representatives is enshrined under Article 104 of the Constitution. The Commission stands ready to facilitate this process without fear, favour or hindrance, in accordance with the law.

We offer the following clarification:

a. For Members of County Assemblies (MCAs):

A statutory framework is in place, and the Commission is actively processing petitions for recall where validly submitted.

b. For Members of Parliament (National Assembly and Senate):

There is currently no enabling legislation defining the grounds and procedures for recall. This legal gap arises from the High Court's ruling in *Katiba Institute and Transform Empowerment for Action Initiative (TEAM) v Attorney General & Another* [2017] KEHC 4648 (KLR). In that case, provisions within the Elections Act 2011 were declared unconstitutional for being discriminatory.

While Parliament subsequently amended the law to address the recall of MCAs, no such amendments have been made regarding Members of Parliament.

The Commission has formally submitted recommendations to Parliament, urging the enactment of a clear legal framework to govern the recall process for Members of the National Assembly and Senate. We remain hopeful that this will be addressed to uphold the full spirit of Article 104.

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c. Commitment to Service and the Constitution

Fellow citizens, your trust is the cornerstone of a thriving democracy. The IEBC remains steadfast in upholding the Constitution, serving with transparency, impartiality and integrity. We continue to welcome public participation and constructive engagements, and we call upon all Kenyans to support the Commission as we work together to strengthen our democratic institutions and build a more just and accountable future for all.

ERASTUS EDUNG ETHEKON, HSC

CHAIRPERSON, INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)

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No	Name of Nominee	ID No	Gender	Phone Number	Age	Occupation	Address	Special Interest Category	Marginalized Category	Disability Category	PWD Card No	Nominee in Party List	County	Ethnicity
ORANGE DEMOCRATIC MOVEMENT														
<u>NOMINEES TO NATIONAL ASSEMBLY</u>														
1	IRENE NYAKERARIO MAYAKA	****7150	FEMALE	*****3942	41			Worker				YES	NYAMIRA	KISII
2	JOHN MBADI NGONGO	****4135	MALE	*****1688	51	politician		Worker				YES	HOMA BAY	LUO
3	UMULKHER HARUN MOHAMED	****6716	FEMALE	*****5956	26			Youth				YES	GARISSA	SOMALI
4	HAROLD KIMUGE KIPCHUMBA	****2313	MALE	*****2851	58	politician		PWD			NCPWD/P/1 58***	YES	BARINGO	KALENJIN
5	MARY ARIVIZA MWAMI	****4402	FEMALE	*****0885	60			PWD			NCPWD/P/4 95***	YES	NAIROBI CITY	LUHYA
6	ABDUL MUHSIN ABDI WAHAB	****5770	MALE		31			YOUTH				YES	GARISSA	SOMALI
7	LUCY ACHIENG MWANZIA	****5010	FEMALE		35			YOUTH				YES	HOMA BAY	LUO
8	JOHN ANTIRA KETORA	****6617	MALE	*****0195	37			WORKER				YES	KAJIADO	MASAAI
9	MARY KATHOMI RIUNGU	****6476	FEMALE	*****1815	43			Worker				YES	THARAKA - NITHI	KIKUYU
10	KANTIM MWANIK	****2713	MALE	*****1980	49			pwd			NCPWD/P/1 08***	YES	NAROK	MASAAI
11	EVERLYNE KOECH CHEROBON	****0716	FEMALE	*****9203	51			PWD			NCPWD/P/5 16***	YES	NAIROBI CITY	KALENJIN
12	ERICK KIPROTICH SIMATWA	****9449	MALE		33			YOUTH				YES	TRANS NZOIA	LUHYA
<u>WOMEN NOMINEES TO THE SENATE</u>														
1	CATHERINE MUYEKA MUMMA	****8972	FEMALE	*****0281	56			GENDER	NULL	NULL		YES	KISUMU	LUHYA
2	BEATRICE AKINYI OYOMO	****4614	FEMALE		54			GENDER	NULL	NULL		YES		LUO
3	HAMIDA ALI KIBWANA	****8568	FEMALE	*****8469	55			GENDER	NULL	NULL		YES	NAIROBI CITY	DIGO
4	BETTY BATULI MONTET	****4459	FEMALE	*****7659	58	Administration Manager		GENDER	NULL	NULL		YES	KAJIADO	MAASAI
5	BETH KALUNDA SYENGO	****5755	FEMALE		54			GENDER	NULL	NULL		YES	NAIROBI CITY	KAMBA
6	ANISA SALIM JUMA	****1388	FEMALE	*****7070	58			GENDER	NULL	NULL		YES	MOMBASA	SOMALI
7	ROSEMARY WANJIKU KARIUKI	****5736	FEMALE		59			GENDER	NULL	NULL		YES	NYANDARUA	KIKUYU
8	SUNJEEV KAUR BIRDI	****6111	FEMALE		48			GENDER	NULL	NULL		YES	NAIROBI CITY	HINDU
9	SUSAN AMBANI NANDWA	****2565	FEMALE		50			GENDER	NULL	NULL		YES	KAKAMEGA	LUHYA
10	JANE NYABOKE MATOKE	****1377	FEMALE		65			GENDER	NULL	NULL		YES	KISII	KISII
11	ROSE AUMA OGENDO	***9849	FEMALE		62			GENDER	NULL	NULL		YES	KISUMU	LUO
12	PURITY SEIN KARARIET	****6830	FEMALE		38			GENDER	NULL	NULL		YES	KAJIADO	MAASAI
13	FLORENCE MWIKALI MUTUA	****9907	FEMALE		54			GENDER	NULL	NULL		YES	BUSIA	KAMBA
14	FATMA ABDALLA AWALE	****6555	FEMALE		51			GENDER	NULL	NULL		YES	MOMBASA	SWAHILI
15	LILIAN JANICE CHERUTO PLAPAN	***4081	FEMALE		73			GENDER	NULL	NULL		YES	WEST POKOT	POKOT
16	CATHERINE MORAA NYAMATO	****4562	FEMALE		73			GENDER	NULL	NULL		YES	NYAMIRA	KISII
<u>YOUTH NOMINEES TO THE SENATE</u>														
1	FIKIRINI KATOI KAHINDI	****1223	MALE	*****3131	28			YOUTH	YOUTH			YES	KILIFI	GIRIAMA
2	HEZENA M. LEMALETIAN.	****5776	FEMALE	*****9666	32			YOUTH	YOUTH			YES	SAMBURU	MAASAI
<u>PERSONS WITH DISABILITY NOMINEES TO THE SENATE</u>														
1	KAKIRI NICKSON OCHIENG	****4138	MALE	*****6171	45			PWD	PWD		NCPWD/P/9 0***	YES	NAIROBI CITY	LUO