



SUMMARY OF FINALISED ELECTION PETITIONS 2017 & PARTY LIST PETITIONS 2017 AS AT 27TH NOV 2017

	Outcome of petitions	Reason	Case particulars	Seats/ Electoral area
ELECTION PETITIONS AND PARTY LIST PETITIONS IN HIGH COURT				
A.	Petitions Dismissed (24)	Security for costs not paid (4)	1. Kiambu HCEP 2/17 Milton Kimani Waitinga vs IEBC and 2 Others	MNA, Kabete Constituency 18 Oct 2017
			2. Nyeri HCEP 1/17 Robert Mwangi Kariuki vs IEBC and 2 others	MNA, Tetu Constituency 24 Oct 2017
			3. Milimani HCEP 18/17 Tom Onyango Agimba vs IEBC and another	MNA, Embakasi West Constituency 09 Nov 2017
			4. Milimani HCEP 21/17 Ibrahim Ahmed vs IEBC and 2 Others	MNA, Kamukunji Constituency 17 Nov 2017
	Petition not Served on the Respondent(s) (8)		5. Malindi HCEP 6/17 Jacob Thoya Iha vs IEBC & 3 others	Senator, Kilifi County 2 Nov 2017
			6. Mombasa HCEP 8/2017 Saad Yusuf Saad vs IEBC & 2 others <i>a) Improper service</i> <i>b) Defective form and content of petition</i> <i>c) Affidavit struck out</i>	Woman Representative, Mombasa County 13 Nov 2017
			7. Siaya HCEP 4/17 Aluodo Florence Akinyi vs IEBC & 2 others	Woman Representative, Siaya County 16 Oct 2017
			8. Malindi HCEP 5/17 William Kahindi Mganga vs IEBC & 4 others <i>Petition replaced un-procedurally with another petition without leave of the Court</i>	Governor, Kilifi County, 31 Oct 2017
			9. Malindi HCEP 7/17 Aziz Mohamed Karisa vs IEBC & 3 others <i>Petition replaced un-procedurally with another petition without leave of the Court</i>	Woman Representative, Kilifi County 3 Nov 2017
			10. Muranga HCEP 1 of 2017 Jane Wambui Mwaura vs IEBC & 2 others	MNA, Kandara Constituency 24 Nov 2017



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		11. Voi HCEP 2/17 Morris Muindi Mutiso vs Naomi Hamsi Shaban & 2 others <i>a) Petition was not signed</i> <i>b) Security of costs not paid</i> <i>c) Lack of service on 1st Respondent</i>	MNA, Taita Taveta Constituency, 16 Nov 2017
		12. Kitale HCEP 5/17 Robert Wamalwa Simiyu vs IEBC & 2 Others	MNA Endebbes Constituency 27 Nov 2017
	Petition filed out of time(2)	13. Kakamega HCEP 12/17 Andrew Toboso Anyanga vs Mwale Nicholas Scott Tindi & 3 others	MNA, Butere Constituency 23 Oct 2017
		14. Kapenguria HCEP 2/17 Stephen Kolimuk vs IEBC and 2 others	MNA, Pokot South Constituency 23 Nov 2017
	Petition not drafted according to the Rules (6)	15. Kakamega HCEP 9/17 David Wamatsi Omusotsi vs Returning Officer, Mumias & 2 others	MNA, Mumias East Constituency 02 Nov 2017
		16. Kerugoya HCEP 3/17 Dickson Daniel Karaba vs Kibiru Charles Reubenson & 2 others	Senator, Kirinyaga County 3 Nov 2017
		17. Malindi HC EP 10/17 Mbaraka Issa Kombe vs IEBC & 3 Others	MNA, Ganze Constituency 02 Nov 2017
		18. Mombasa HCEP 9/17 Jimmy Kazungu vs IEBC & 2 others	MNA, Jomvu Constituency 13 Oct 2017
		19. Kerugoya HCEP 2/2017 Hon. Martha Wangari Karua & another vs IEBC & 3 others	Governor, Kirinyaga County 15 Nov 2017
		20. Malindi HCEP 11/2017 Samuel Sila Samuel Mulwa vs IEBC & 3 others	MNA, Kaloleni Constituency 20 Nov 2017
	Petition dismissed for non-attendance of the petitioner/ counsel (3)	21. Busia HCEP 5/17 Busia County PWD Network & 4 others vs IEBC & 2 others	Party List Petition, 24 Oct 2017
		22. Kakamega HCEP 7/17 Emily Nyabuto vs IEBC & 2 others	MNA, Vihiga Constituency 02 Nov 2017

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			23. Milimani HCEP 24/17 Jane Nyaboke Matoke vs ODM & 6 others	Party List Petition, 23 Oct 2017
		Petitioner failed to enjoin the Deputy Governor in the pleadings (1)	24. Mombasa HCEP 5/17 Mwamlole Tchappu Mbwanu vs IEBC & 5 others	Governor, Kwale County, 16 Nov 2017
B.	Petitions Withdrawn (6)	Application by the Petitioner to withdraw the petition allowed (6)	25. Meru HCEP 4/2017 Bariu M'Limunyi vs IEBC & 2 others	MNA, Igembe Central 14 Nov 2017
			26. Narok EP 4/17 Stanley Taparia vs Tongoyo Gabriel Koshal & 2 others	MNA, Narok West Constituency 17 Oct 2017
			27. Narok EP 5/17 James Kingangir Nakola vs IEBC & Another	Governor, Narok County 11 Oct 2017
			28. Kisii EP 9/17 Ombati Richard vs IEBC & 2 others	MNA, Nyaribari Masaba Constituency 19 Oct 2017
			29. Nairobi HCEP 3/17 Adow Mohamed Abakar vs Mohamed Abdi Mahamed & 2 others	Governor, Wajir County 17 Nov 2017
			30. Garissa HCEP 8/17 Jimale Mohamud Abdullahi vs IEBC & 2 others	Woman Representative, Wajir County, 17 Nov 2017
ELECTION PETITIONS AND PARTY LIST PETITIONS IN MAGISTRATES COURTS				
	Summary	Reason	Case particulars	Seats/ Electoral area
A.	Petitions Dismissed (35)	Security for costs not paid (14)	1. Busia MCEP 5/17 Aramis Makokha Nakhone vs Mukhana Laban Wanzala & 2 others	MCA, Bukhayo East 19 Oct 2017
			2. Milimani Commercial MCEP 18/17 Joseph Obiri Kenyaga vs IEBC & 2 others	MCA, Nairobi South 30 Oct 2017
			3. Milimani Commercial MCEP 17/2017 Abdi Muhyadin Abdi vs IEBC & 2 others	MCA, Sanguili Ward 2 nd Nov 2017



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Outcome of petitions	Reason	Case particulars	Seats/ Electoral area
		4. Mombasa MCEP 1/17 David Mutua Malii vs Tobias Otieno Samab & 2 others	MCA, Tudor Ward 13 Oct 2017
		5. Mombasa MCEP 2/17 Salim Abdalla Salim vs IEBC & 2 others	MCA, Bofu Ward 12 Oct 2017
		6. Mumias MCEP 1/17 Jane Naicar Eshuchi vs Marice Sakwa & 2 others	MCA, Khisa Ward 11 Oct 2017
		7. Mumias MCEP 2/17 Kongoti Ronald Anzelimo vs Juma Lubinus Oduor & 2 others	MCA, Mayoni Ward 23 Oct 2017
		8. Nakuru MCEP 3/17 Irene Jerop Cheboi & 2 others vs IEBC & 2 others <i>a) Security for costs not paid</i> <i>b) Petition filed late</i>	Party List Petition, 24 Oct 2017
		9. Nakuru MCEP 5/17 Sheila Chebelion & 4 others vs IEBC & Another	Party List Petition, 17 Oct 2017
		10. Kimilili MCEP 2/17 Justine Chemtai vs Winnie Atieno Nyambok & 2 Others	Party List Petition, 16 Nov 2017
		11. Kimilili MCEP 1/17 Makhapila J E Mwangale vs David Barasa Mabonga & 3 others <i>a) Security for costs not paid</i> <i>b) Petition not served</i>	MCA, Kimilili Ward, 16 Nov 2017
		12. Wajir MCEP 5/17 Fatuma Fille Elmi vs IEBC & 3 others <i>a) Security for costs not paid</i> <i>b) Petition not served</i>	Party list Petition, 21 Nov 2017
		13. Wajir MCEP 7/17 Fatuma Fille Elmi vs IEBC & 2 others <i>a) Petition filed out of time</i> <i>b) Security for costs not paid</i> <i>c) Petition not served</i>	Party list Petition, 21 Nov 2017
		14. Migori MCEP 2/17 Leo Odoyo Obambo vs Bonface Ouma Oremo & Another	MCA, East Kanyamkago Ward, 14 Nov 2017



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Outcome of petitions	Reason	Case particulars	Seats/ Electoral area
	Petition not served (5)	15. Hamisi MCEP 1/17 James Shairo Shimanyano vs IEBC & 2 others	MCA, Gisambai Ward 31 Oct 2017
		16. Kitale MCEP 1/17 B.K.S Lusweti Furaha vs IEBC & 2 others	MCA, Waitaluk Ward 13 Nov 2017
		17. Kitale MCEP 2/17 Mutuli Sam Buyera vs IEBC & 2 others	MCA, Kaplamai Ward 13 Nov 2017
		18. Kisumu MCEP 3/17 Joseph Onyango Otiende vs IEBC & 2 others	MCA, South West Kisumu Ward 16 Nov 2017
		19. HomaBay MCEP 2/17 John Ogina Nyabola vs ODM & 2 Others <i>a) Petition not served</i> <i>b) Security of costs not paid</i>	Party List Petition 23 Nov 2017
	Petition not drafted according to the Rules (11)	20. Ogembo MCEP 5/17 Jim Kenyanya vs IEBC & 2 others	MCA, Tabaka Ward 24 Oct 2017
		21. Voi MCEP 2/17 Gideon Ndambuki Muthiani vs Frank Kiei & 2 Others	MCA, Chawia Ward 30 Oct 2017
		22. Mombasa MCEP 3/17 Joseph Kimani Kamau vs IEBC & 2 Others	MCA, Majengo/Mwembe Tayari Ward 07 Nov 2017
		23. Kilifi MCEP 6/17 Jacob Kazungu Kahindi vs IEBC & 2 others <i>a) Petition not drafted according to the Rules</i> <i>b) Lack of service</i>	MCA, Kilifi Ward 10 Nov 2017
		24. Milimani MCEP 9/17 John Patrick Orioki vs IEBC & 2 others	MCA, Kayole East Ward, 21 Nov 2017
		25. Butali MCEP 2/17 (Formerly Kakamega MCEP 8/17) Evans Nabwera Taracha vs IEBC & 2 Others	MCA, Likuyani Ward 17 Nov 2017
		26. Butere MCEP 1/17 Mbayi Sayyed Omsiritsa vs Nancy Iyadi & 2 Others	Marama North Ward 9 Nov 2017
		27. Kitui MCEP 3 of 2017 Kithikii Kavindi Allan vs Antony John Wandeo & 2 Others	MCA, Mutha Ward 21 Nov 2017



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	Outcome of petitions	Reason	Case particulars	Seats/ Electoral area
			28. Kitui MCEP 2 of 2017 Sammy Kitavi vs IEBC & 2 Others	MCA, Kyangwithya Ward 24 Nov 2017
			29. Voi MCEP 1 of 2017 Wilson Mwang'ombe & 6 Others vs IEBC & 2 Others	MCA, Mbololo Ward 24 th Nov 2017
			30. Butere MCEP 1/17 Mbayi Sayyed Omsititsa vs Nancy Iyadi & 2 others	MCA, Marama North Ward 9 th Nov 2017
		Want of prosecution (1)	31. Nakuru CMEP 6/17 James Ouko Oginga vs IEBC & 2 others	Party list Petition, 24 th Oct 2017
		Lack of jurisdiction (2)	32. Siaya MCEP 1/17 as consolidated with Siaya MCEP 2/17 Judith Akinyi Ajwala & Another vs Siaya County People with Disability Network & Another	Party List Petition, 15 th Nov 2017
			33. Milimani Commercial MCEP 14/2017 Alhad Adam Ahmed vs Solomon Odanga Magembe and 4 Others	MCA, Makina Ward 24 th Nov 2017
		Non-attendance (2)	34. Kehancha MCEP 4/2017 (Formerly Migori MCEP 4/17) Peter Odhiambo Ollimo vs IEBC & 2 others	MCA, Macalder Kanyaruanda Ward 08 Nov 2017
			35. Wajir MCEP 4/2017 Sahal Mugow Mohamed vs Adan Bunow Hussein & 2 Others	MCA, Dadaja Bulla Ward 15 Nov 2017
B.	Petitions Withdrawn (1)	Application by the Petitioner to withdraw the petition allowed	36. Siaya Magistrates Case No. 95 of 2017 Siaya County Disabled Persons Network (SCDPN) vs ODM and 3 others <i>Petition wrongly filed as a plaint</i>	Party List, Withdrawn as per letter dated 16 Nov 2017
Total petitions finalised as at 27th November 2017: 66 Petitions				



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Breakdown on Election Petitions and Party List Petitions filed in 2017

POSITION	NUMBER	TOTAL
Governor	35	160
Senator	15	
Women Representatives	12	
Member of National Assembly	98	
Member County Assembly	139	139
Party List Petitions		88
a) Filed in High Court	9	
b) Filed in Magistrates Courts	79	
Total		387

Quick summary: as at 27th Nov 2017

Outcome of Petitions	High Court	Electoral Seat	Magistrates Court	Electoral Seat	Total
Dismissed	24	MNA 14 Senator 2 Woman Rep 3 Party List 2 Governor 3	35	MCA 20 Party List 8	59
Withdrawn	6	Governor 2 MNA 3 Woman Rep 1	1	Party List 1	7
Total	30		36		66