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THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FIFTH SESSION (2017)

SELECT COMMITTEE ON DELEGATED LEGISLATION

REPORT ON:

THE DRAFT ELECTIONS (REGISTRATION OF VOTERS)
(AMENDMENT) REGULATIONS, 2017

Directorate of Committee Services,
The National Assembly,
Parliament Buildings,
Nairobi.

March 2017

Paper laid by Chairperson
Delegated Committee on
29/03/2017
@Nairobi

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LIST OF ABBREVIATIONS AND ACRONYMS

- CEO - Chief Executive Officer
IEBC - Independent Electoral and Boundaries Commission

MINUTES OF THE FORTY FOURTH SITTING OF THE SELECT COMMITTEE ON DELEGATED LEGISLATION HELD ON TUESDAY, 31ST JANUARY, 2017 AT 3.00 P.M. IN COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDING

PRESENT:-

Hon. William Cheptumo, M.P. – **Chairperson**
Hon. Joseph Gitari, M.P. – **Vice Chairperson**
Hon. John Waiganjo, M.P.
Hon. George Theuri, M.P.
Hon. Charles Gimose, M.P.
Hon. Timothy W. Wanyonyi, M.P.
Hon. Hassan Aden, M.P.
Hon. Elisha Busienei, M.P.
Hon. Alfred Keter, M.P.
Hon. Paul Bii, M.P.
Hon. Mohamed Aden Huka, M.P.
Hon. William Kisang', M.P.
Hon. Rachael Ameso, M.P.
Hon. Daniel Maanzo, MP.
Hon. Tom J. Kajwang', M.P.
Hon. Neto Augostinho, M.P.
Hon. Simba Arati, M.P.
Hon. Eusilah Jepkosgei, M.P.

ABSENT:-

Hon. Yusuf Hassan, M.P.
Hon. Kabando wa Kabando, M.P.
Hon. Junet Nuh Sheikh, M.P.
Hon. Vincent Musau, M.P.
Hon. Michael Kiso Manthi, M.P.
Hon. Nicholas Nixon, M.P.
Hon. Paul Koinange, M.P.
Hon. Shadrack Manga, M.P.
Hon. Saney Abdi Ibrahim, M.P.
Hon. Bernard Shinali, M.P.

IN ATTENDANCE:-

NATIONAL ASSEMBLY

Wilson Dima – Senior Legal Counsel

Abdullahi Aden - First Clerk Assistant
 Halima Hussein - Third Clerk Assistant
 Mugure Gituto - Legal Counsel II

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)

Ezra Chiloba - Chief Executive Officer (CEO) /Secretary
 Marjan Hussein - Deputy CEO
 James Muhaki - Director, Information and Communication Technology (ICT)
 Moses Kipkosgei - Personal Assistant to the CEO
 Michael Ouma - Manager, ICT
 Christopher Msando - Manager, ICT
 Douglas Borgoret - Legal Counsel

MIN No. DL/137/2017: PRELIMINARIES

The sitting commenced with a word of prayer from Hon. Eusilah Jepkosgei followed by self introduction. The main agenda item was consideration of draft Elections related Regulations made by the Independent Electoral and Boundaries Commission (IEBC).

MIN No. DL/138/2017: MEETING WITH THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC) TO CONSIDER THE DRAFT ELECTIONS (TECHNOLOGY) REGULATIONS, 2016

The Chairperson welcomed the Independent Electoral and Boundaries Commission (IEBC) team to the meeting and briefed them on the Committee's mandate. He requested them to urgently forward to the House all pending Regulations for scrutiny and approval in view of the prescribed statutory timelines before the general elections in August, 2017. The CEO and his team thanked the Committee for the invite and appreciated the urgent need for enactment of the Regulations under discussion.

The Committee considered the draft Elections (Technology) Regulations, 2016 and recommended as follows:-

Part I

- (I) The Committee expressed concern about the definition of the word "Audit" in Regulation 2: The Committee recommended that the words "or an examination of the internal controls within information technology systems and infrastructure" be deleted to avoid repetition;

(II) The Committee recommended that the words "*integrated election*" be included in Regulation 2 as captured in the parent Act.

Part II

The Committee observed that under Regulation 3 (2) consultation with stakeholders was not captured in the content. The Committee therefore recommended that "*requirement analysis*" be done in consultation with stakeholders including the Political Parties.

Part III

The Committee observed that persons with disability were not recognized under the regulation and recommended that the Commission makes necessary amendment to accommodate them.

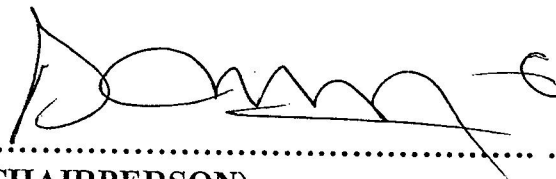
The Committee resolved to urgently retreat with Commission to consider the remaining parts of the Regulations and also consider all other pending Regulations.

MIN No. DL/139/2017:- ADJOURNMENT

There being no Any Other Business to transact, the Chairperson adjourned the meeting at Six O'clock in the evening.

SIGNED.....

(CHAIRPERSON)



DATE.....

28.02.17



1.0 CHAIRPERSON'S FOREWORD

In exercise of powers conferred by section 109 (1) of the Elections Act, 2011 as amended in the year 2016, IEBC was required to make the Elections (Registration of Voters) (Amendment) Regulations and effect them before the 2017 general elections.

The making of these Regulations is premised on the Elections Laws (Amendment) Act, No. 36 of 2016 and the Election Laws (Amendment) Act No. 1 of 2017. The purpose of the Regulations is to provide for processes, including gazetting of officers, registration procedure most importantly registration of citizens in Kenyan Prisons.

Section 109 (3) of the Elections Act, 2011 as amended requires IEBC to first submit to the National Assembly draft Regulations for approval before publication and that this approval should be granted at least four (4) months preceding a general election. Section 109 (4) further requires IEBC to publish these draft regulations in the Kenya Gazette after approval by the House not later than sixty days prior to the date of a general election.

IEBC submitted the draft Regulations to the House on 13th February, 2017. The Committee deliberated on the regulations with the Commission at sittings held on 13th and 14th February, 2017 at Windsor Golf and Hotel Country Club in Kiambu County on 13th and 14th March, 2017 at PrideInn Paradise Hotel in Mombasa.

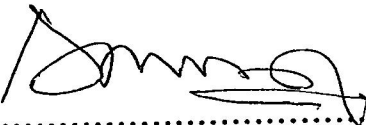
It should be noted that regulation making process is through delegated authority by the National Assembly and cannot be taken away by the delegating authority. The role of the Committee therefore in the scrutiny of Regulations is to ensure that they conform to the constitution of Kenya, the Statutory Instruments Act, the National Assembly Standing Orders and all other legal laws, rules and regulations in force in Kenya before reporting to the House. For instance, the National Assembly Standing Orders require that Regulations should not be in conflict with provisions of the constitution of Kenya and the Act pursuant to which they are made, should not infringe on fundamental rights and freedoms of the public and should not directly or indirectly bar the jurisdiction of the courts.

Following the scrutiny, amendments were agreed on and are part and parcel of the final draft Regulations which form part of this report for approval by the House for publication by the regulation making authority.

The Committee considered and adopted its report at a sitting held on 27th March, 2017 in the Members' Lounge, Main Parliament Building. There was no dissenting voice to the adoption. Minutes of sittings of the Committee as well list of Members present during adoption are annexed hereto as appendices 1 and 2.

The Committee wishes to express gratitude to the Speaker for the support and direction his leadership has accorded Committees in the discharge of their mandate. The Committee also wishes to record its appreciation to office of the Clerk of the National Assembly and the Directorates of Committees and Legal Services for providing technical support which was vital in the execution of its mandate and production of this report.

On behalf of the Committee on Delegated Legislation, and pursuant to Standing Order No. 199, it is my pleasure and duty to present to the House the Committee's report on the final draft Elections (Registration of Voters) (Amendment) Regulations, 2017 for debate and approval by the House for publication.

Signed..........Date.....28.03.17

HON WILLIAM CHEPTUMO, M.P.
CHAIRPERSON, SELECT COMMITTEE ON DELEGATED
LEGISLATION

THE ELECTIONS (REGISTRATION OF VOTERS) (AMENDMENT)
REGULATIONS, 2017

CLAUSE	PROPOSED AMENDMENT	ACTION TAKEN
2	Define complimentary mechanism Reword "voter Records Book"	Complimentary mechanism defined in the election (General) Regulations Retained the Voter Records Book as it is the first point of reference for information.
4	Insert "Shall include" not "shall contain"	Change incorporated.
6	In (b) delete or and insert 'and' Expand the provisions of 6A in this regulation	Regulation 12 deleted in its entirety and clarification provided on the publication of the register of voters and not certification of the register of the voters.
7	7 (b) delete 'determined by the Commission'. This removes the discretionary powers from the Commission.	Regulation 13 of the principal regulation is amended to provide clarity on the process of registration and that the process includes the collection of such biometric data of persons applying for registration. The Commission has introduced the provision that a person shall not at any one given time be registered as a voter in more than one Ward. The Commission has also provided that a voter, who simultaneously makes two or more applications to be registered as a voter, shall not be eligible to register as a voter.
8	Recommendation to legislate the acknowledgement slip with the justification that the Kenyan culture is that once a person registers they would like to have a document showing that they registered. It is also becoming a requirement to access services in certain parts of the country hence the need to legislate the document.	The Commission has defined the acknowledgement slip as the document issued by the Registration Officer acknowledging application for registration. However, the Acknowledgement Slip will not be used for purposes of voting.
14	Delete the discretionary powers of the	This has been incorporated in the draft

	Commission 'or such other manner as the commission may determine'	amendments.
	Clarify on the process on verification and inspection	This has been clarified through a proposed amendment to regulation 27 of the Principal regulations to provide a clear process on the process of verification and inspection pursuant to the amendments to the Elections Act.
18	<p>On the provision for registration of citizens living outside the country the Commission needs to expand the process of voter registration and how it will be conducted.</p> <p>Need to state who conducts the registration.</p> <p>State how voter registration in the Diaspora will be achieved progressively pursuant to the provisions of Article 82(1)(e) of the Constitution.</p>	<p>The Commission has provided for the process in the Regulations.</p> <p>The Commission has a policy that outlines procedures and how it will progressively achieve this mandate.</p>
	<p>On the provision of registration of prisoners the Commission is requested to: Expand the process of voter registration and how it will be conducted.</p> <p>Need to state who conducts the registration and whether it is applying to everyone including those in remand.</p> <p>Expand on whether candidates will be allowed to campaign in the Prisons if so, how the activity will be regulated.</p> <p>Identify how many have ID cards in order to get the number in all prisons eligible to register.</p>	<p>The Commission has provided for a general procedure in the Regulations.</p> <p>The Voters in prisons will be registered and vote in the same manner accorded to other voters in the country.</p> <p>They will however vote only for the President or referendum as the case may be.</p>

**MINUTES OF THE FORTY FIFTH SITTING OF THE SELECT COMMITTEE
ON DELEGATED LEGISLATION HELD ON MONDAY, 13TH FEBRUARY, 2017
AT 9.00 A.M. AT WINDSOR GOLF HOTEL AND COUNTRY CLUB, KIAMBU**

PRESENT:-

Hon. William Cheptumo, M.P. – **Chairperson**
Hon. Joseph Gitari, M.P. – **Vice Chairperson**
Hon. John Waiganjo, M.P.
Hon. Yusuf Hassan, M.P.
Hon. Paul Koinange, M.P.
Hon. George Theuri, M.P.
Hon. Tom J. Kajwang', M.P.
Hon. Elisha Busienei, M.P.
Hon. Alfred Keter, M.P.
Hon. Eusilah Jepkosgei, M.P.
Hon. Mohamed Aden Huka, M.P.
Hon. Charles Gimose, M.P.
Hon. Bernard Shinali, M.P.
Hon. Vincent Musau, M.P.
Hon. Kamoti Mwamkale, M.P.
Hon. Michael Kisoi Manthi, M.P.
Hon. Rachael Ameso, M.P.
Hon. Saney Abdi Ibrahim, M.P.
Hon. Simba Arati, M.P.
Hon. Neto Augustinho, M.P.
Hon. Timothy W. Wanyonyi, M.P.
Hon. Daniel Maanzo, MP.

ABSENT:-

Hon. Kabando wa Kabando, M.P.
Hon. Junet Nuh Sheikh, M.P.
Hon. Nicholas Nixon, M.P.
Hon. Shadrack Manga, M.P.
Hon. Hassan Aden, M.P.
Hon. Paul Bii, M.P.
Hon. William Kisang', M.P.

IN ATTENDANCE:-

NATIONAL ASSEMBLY

George Gazemba - Senior Clerk Assistant

Wilson Dima Dima	-	Senior Legal Counsel
Abdullahi Aden	-	First Clerk Assistant
Yezzel Jillo	-	Serjeant-at-arms

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)

Wafula Chebukati	-	Chairperson
Consolata Maina	-	Vice Chairperson
Boya Molu	-	Commissioner
Margaret Mwachaya	-	Commissioner
Amb. Paul Kurgat	-	Commissioner
Dr. Roselyn Akombe	-	Commissioner
Prof. Abdi Guliye	-	Commissioner
Marjan Hussein	-	Deputy Chief Executive Officer (CEO), Support Services
Betty Sangura	-	Deputy Chief Executive Officer, Operations
Praxedes Tororey	-	Director, Legal & Public Affairs
Immaculate Kassait	-	Director, Voter Registration and Election Operations
Rasi Masudi	-	Director, Voter Education and Partnerships
James Muhati	-	Director, Information and Communication Technology (ICT)
Salome Oyugi	-	Manager, Political Parties and Campaign Financing
Moses Kipkosgei	-	Personal Assistant to the CEO
Ruth Mukuthu	-	Senior Legal Officer
Benjamin Kimwei	-	Training Coordinator
Fiona Otieno	-	Political Parties & Campaign Financing Liaison Officer

MIN No. DL/140/2017: PRELIMINARIES

The sitting commenced with a word of prayer from Hon. Timothy W. Wanyonyi followed by around of self introduction. The Chairperson then welcomed all to the retreat and outlined its agenda as consideration of the following:-

- (i) The Elections (Technology) Regulations, 2017;
- (ii) The Elections (Registration of Voters) (Amendment) Regulations, 2017
- (iii) The Elections (Voter Education) Regulations, 2017
- (iv) The Elections (General) (Amendment) Regulations, 2017
- (v) The Elections (Party Primaries and Party Lists) Regulations, 2017

In his remarks, the Chairperson drew the attention of IEBC to the fact that the role of the Committee in regulation making was not to aid or make regulations on behalf of the Commission but to ensure that the Regulations made conform to outlined provisions of

the constitution of Kenya, the Statutory Instruments Act, 2013, the National Assembly Standing Orders and any other legal law in force in the Republic of Kenya.

In his remarks, the IEBC Chairperson informed the meeting that the newly appointed Commission had synergies to achieve its goals and most importantly, was committed to ensuring free and fair 2017 general elections. He appealed to the Committee to ensure that the Regulations are approved at least four (4) months before the 2017 general elections as required by the Elections Act.

MIN No. DL/141/2017: CONSIDERATION OF THE DRAFT ELECTIONS (TECHNOLOGY) REGULATIONS, 2016

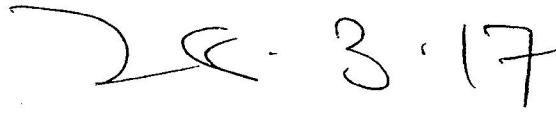
A meeting held on 31st January, 2017 at Parliament Buildings had partially considered these draft Regulations. The meeting considered afresh the entire Regulations. The outcome of the deliberations is contained in the matrix attached hereto.

MIN No. DL/142/2017:- ADJOURNMENT

There being no Any Other Business to transact, the sitting was adjourned at five minutes past two in the afternoon till thirty minutes past three in the afternoon of the same day.

SIGNED.....


(CHAIRPERSON)



DATE.....



THE ELECTIONS (GENERAL) (AMENDMENT) REGULATIONS, 2017

PROVISION	PROPOSED AMENDMENTS	ACTION TAKEN
Clause 2 on interpretation	1. Introduce acknowledgement slip. 2. Define Polling station diary. 3. Delete reference to referendum in the Regulations	Comments incorporated.
Clause 3	1. Separate deletion of (c) (d) and (e) under clause 3(c) (ii).	Comment incorporated.
Clause 4	1. Edit the words 'Returning Officers' to 'Returning Officer'	Comment incorporated.
Clause 5	Introduction of a new provision to address transmission of results electronically at constituencies and counties.	Comment incorporated under clause 5(d).
Clause 6(1)(1A)	Substitution of the word 'consistent' with 'similar'.	The word 'consistent' deleted and replaced with 'same' because the word 'similar' means resemblance and not a replica.
Clause 6(3)	Develop a form for submission of a symbol by an independent candidate.	Comment absorbed by development of a form in the schedule.
Clause 7(a)(1A)	The Commission cannot disqualify a candidate on the basis rejection of a party's nomination rules.	Provision redrafted to provide that a political party whose rules have been declared void by the Commission shall not participate in elections.
Clause 7 (b)	Redraft the provision since attestation means that the alteration has been attested to.	Provision redrafted to illustrate that the Commission will only accept an altered nomination certificate if attested to.
Clause 8	Provide for submission of details of primaries in appropriate formats.	Comment adopted by providing submission of details in both printed and electronic form.
Clause 9	No clarity on the form.	Form 12 provided in the schedule.
Clause 10	No clarity on the form.	Form 14 provided in the schedule.
Clause 11(b)	Include 'or passport' given that it is an identification document.	Provision has employed the word 'identification document' which means both an identity card and a valid passport.
Clause 12(a)-15	Include passport	Provision has employed the word 'identification document' which means both an identity card and a valid passport.
Clause 16	Delete clause	Clause deleted
Clause 17	EACC doesn't issue clearance	Provision amended to provide for a

	certificates	self-declaration form to reflect Section 13(2) of the Leadership and Integrity Act.
Clause 20	Provide timelines for swearing in newly elected persons	Clause 23(b) provides for swearing in within seven (7) days.
Clause 25	Include passport size photograph of nominees and identification document numbers.	Comment incorporated under Clause 25.
Clause 29	Delete the word screen	Comment incorporated.
Clause 30	Review the provision to incorporate provision 55B.	Comment incorporated.
Clause 32	Provide for inclusion of name and symbol of candidate	Comment incorporated.
Clause 33	Complementary mechanism.	Provided for.
Clause 35	Lack of clarity on addressing rejected ballots.	Addressed under clause 35.
Clause 38	Recraft rejection of results by Returning Officer where total votes exceed number of registered voters.	Comment incorporated.

**MINUTES OF THE FORTY SIXTH SITTING OF THE SELECT COMMITTEE
ON DELEGATED LEGISLATION HELD ON MONDAY, 13TH FEBRUARY, 2017
AT 3.30 P.M. AT WINDSOR GOLF HOTEL AND COUNTRY CLUB**

PRESENT:-

Hon. William Cheptumo, M.P. – Chairperson
Hon. Joseph Gitari, M.P. – Vice Chairperson
Hon. John Waiganjo, M.P.
Hon. Yusuf Hassan, M.P.
Hon. Paul Koinange, M.P.
Hon. George Theuri, M.P.
Hon. Tom J. Kajwang', M.P.
Hon. Elisha Busienei, M.P.
Hon. Alfred Keter, M.P.
Hon. Eusilah Jepkosgei, M.P.
Hon. Mohamed Aden Huka, M.P.
Hon. Charles Gimose, M.P.
Hon. Bernard Shinali, M.P.
Hon. Vincent Musau, M.P.
Hon. Kamoti Mwamkale, M.P.
Hon. Michael Kiso Manthi, M.P.
Hon. Rachael Ameso, M.P.
Hon. Saney Abdi Ibrahim, M.P.
Hon. Simba Arati, M.P.
Hon. Neto Augustinho, M.P.
Hon. Timothy W. Wanyonyi, M.P.
Hon. Daniel Maanzo, MP.

ABSENT:-

Hon. Kabando wa Kabando, M.P.
Hon. Junet Nuh Sheikh, M.P.
Hon. Nicholas Nixon, M.P.
Hon. Shadrack Manga, M.P.
Hon. Hassan Aden, M.P.
Hon. Paul Bii, M.P.
Hon. William Kisang', M.P.

IN ATTENDANCE:-

NATIONAL ASSEMBLY

George Gazemba	-	Senior Clerk Assistant
Wilson Dima Dima	-	Senior Legal Counsel
Abdullahi Aden	-	First Clerk Assistant
Yezzel Jillo	-	Serjeant-at-arms

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)

Wafula Chebukati	-	Chairperson
Consolata Maina	-	Vice Chairperson
Boya Molu	-	Commissioner
Margaret Mwachaya	-	Commissioner
Amb. Paul Kurgat	-	Commissioner
Dr. Roselyn Akombe	-	Commissioner
Prof. Abdi Guliye	-	Commissioner
Marjan Hussein	-	Deputy Chief Executive Officer (CEO), Support Services
Betty Sangura	-	Deputy Chief Executive Officer, Operations
Praxedes Tororey	-	Director, Legal & Public Affairs
Immaculate Kassait	-	Director, Voter Registration and Election Operations
Rasi Masudi	-	Director, Voter Education and Partnerships
James Muhati	-	Director, Information and Communication Technology (ICT)
Salome Oyugi	-	Manager, Political Parties and Campaign Financing
Moses Kipkosgei	-	Personal Assistant to the CEO
Ruth Mukuthu	-	Senior Legal Officer
Benjamin Kimwei	-	Training Coordinator
Fiona Otieno	-	Political Parties & Campaign Financing Liaison Officer

MIN No. DL/143/2017: PRELIMINARIES

The Chairperson called the meeting to order at thirty minutes past three in the afternoon. The item on the agenda was consideration of the draft Elections (Registration of Voters) (Amendment) Regulations, 2017.

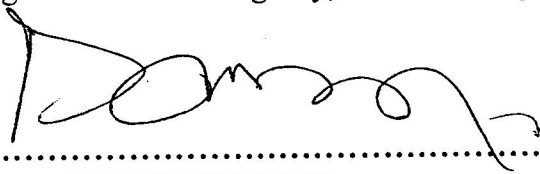
MIN No. DL/144/2017: CONSIDERATION OF THE DRAFT ELECTIONS (REGISTRATION OF VOTERS) (AMENDMENT) REGULATIONS, 2017

The meeting considered the draft Elections (Registration of Voters) (Amendment) Regulations, 2017. The outcome of the deliberations is contained in the matrix attached

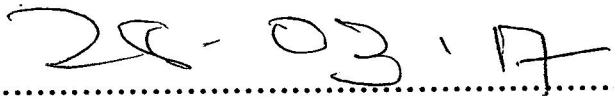
hereto.

MIN No. DL/145/2017:- ADJOURNMENT

There being no Any Other Business to transact, the sitting was adjourned at twenty five minutes past six in the evening till the following day, 14th February, 2017 at nine in the morning.



SIGNED.....
(CHAIRPERSON)



DATE.....



MINUTES OF THE FORTY SEVENTH SITTING OF THE SELECT COMMITTEE ON DELEGATED LEGISLATION HELD ON TUESDAY, 14TH FEBRUARY, 2017 AT 9.00 A.M. AT WINDSOR GOLF HOTEL AND COUNTRY

PRESENT:-

Hon. William Cheptumo, M.P. – Chairperson
Hon. Joseph Gitari, M.P. – Vice Chairperson
Hon. John Waiganjo, M.P.
Hon. Yusuf Hassan, M.P.
Hon. Paul Koinange, M.P.
Hon. George Theuri, M.P.
Hon. Tom J. Kajwang', M.P.
Hon. Elisha Busienei, M.P.
Hon. Alfred Keter, M.P.
Hon. Eusilah Jepkosgei, M.P.
Hon. Mohamed Aden Huka, M.P.
Hon. Charles Gimose, M.P.
Hon. Bernard Shinali, M.P.
Hon. Vincent Musau, M.P.
Hon. Kamoti Mwamkale, M.P.
Hon. Michael Kiso Manthi, M.P.
Hon. Rachael Ameso, M.P.
Hon. Saney Abdi Ibrahim, M.P.
Hon. Simba Arati, M.P.
Hon. Neto Augustinho, M.P.
Hon. Timothy W. Wanyonyi, M.P.
Hon. Daniel Maanzo, MP.

ABSENT:-

Hon. Kabando wa Kabando, M.P.
Hon. Junet Nuh Sheikh, M.P.
Hon. Nicholas Nixon, M.P.
Hon. Shadrack Manga, M.P.
Hon. Hassan Aden, M.P.
Hon. Paul Bii, M.P.
Hon. William Kisang', M.P.

IN ATTENDANCE:-

NATIONAL ASSEMBLY

George Gazemba	-	Senior Clerk Assistant
Wilson Dima Dima	-	Senior Legal Counsel
Abdullahi Aden	-	First Clerk Assistant
Yezzel Jillo	-	Serjeant-at-arms

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)

Wafula Chebukati	-	Chairperson
Consolata Maina	-	Vice Chairperson
Boya Molu	-	Commissioner
Margaret Mwachaya	-	Commissioner
Amb. Paul Kurgat	-	Commissioner
Dr. Roselyn Akombe	-	Commissioner
Prof. Abdi Guliye	-	Commissioner
Marjan Hussein	-	Deputy Chief Executive Officer (CEO), Support Services
Betty Sangura	-	Deputy Chief Executive Officer, Operations
Praxedes Tororey	-	Director, Legal & Public Affairs
Immaculate Kassait	-	Director, Voter Registration and Election Operations
Rasi Masudi	-	Director, Voter Education and Partnerships
James Muhati	-	Director, Information and Communication Technology (ICT)
Salome Oyugi	-	Manager, Political Parties and Campaign Financing
Moses Kipkosgei	-	Personal Assistant to the CEO
Ruth Mukuthu	-	Senior Legal Officer
Benjamin Kimwei	-	Training Coordinator
Fiona Otieno	-	Political Parties & Campaign Financing Liaison Officer

MIN No. DL/146/2017: PRELIMINARIES

The sitting commenced with a word of prayer from Hon. Paul Koinange. The agenda item for the meeting was consideration of the draft Elections (General) (Amendments) Regulations, 2017.

MIN No. DL/147/2017: CONSIDERATION OF THE DRAFT ELECTIONS (GENERAL) (AMENDMENT) REGULATIONS, 2017

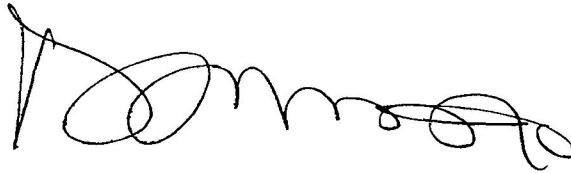
The meeting considered the draft Elections (General) (Amendment) Regulations, 2017. The outcome of the deliberations is contained in the matrix attached.

MIN No. DL/148/2017: ANY OTHER BUSINESS

Out of the five sets of Elections related Regulations the Committee had earmarked to consider, during the retreat, only three had been considered leaving a balance of two. The Committee could not sit beyond thirty minutes past two in the afternoon because the House was sitting and the Chairperson had not obtained the Speaker's approval to sit concurrently with the House. It was resolved another retreat be held in Mombasa on 20th and 21st February, 2017 to dispense with the pending Regulations.

MIN No. DL/149/2017:- ADJOURNMENT

There being no Any Other Business to transact, the sitting ended at five minutes past two in the afternoon.



SIGNED.....
(CHAIRPERSON)

28.3.17

DATE.....

THE ELECTIONS (TECHNOLOGY) REGULATIONS, 2017

PROVISION	PROPOSED AMENDMENTS	ACTION TAKEN
Clause 11 on audit of technology.	The word 'regular' is vague and such does not provide accountability.	The word 'regular' replaced with 'annually'.
Clause 12 on body to conduct audit	<ol style="list-style-type: none"> 1.No need for internal audit 2. Lack of a timeline for the conduct of external audit. 3. External audit is mandatory and not optional. 4. Need to specify the monitoring device for audit. 	<ol style="list-style-type: none"> 1.Aspect of internal audit deleted from 12(1) 2. Insertion of the word 'annual' in 12(1) to provide for the timeline. 3. Use of the word 'shall' in 12(1) to indicate that external audits are mandatory. 4. Clause 13 provides for an audit report.
Clause 13 on audit report	No logic in conducting an audit and not making the report available	The Commission shall prepare the report and make it available under Clause 13.
Clause 14 on information security	1. Purpose of the Clause isn't clear.	Clause redrafted to provide for availability, accuracy, integrity, and confidentiality of information.
Clause 15 on data storage	Lack of clarity	The Clause redrafted to adopt the principles enshrined under the Access to Information Act, 2016.
Clause 17 on the period of retention of election electronic data	The rationale for the retention for only three years period.	<ol style="list-style-type: none"> 1. The Clause redrafted to provide that data will not be disposed off but archived. 2. The three year period retention relates to conclusion of litigation.
Clause on 18 on request for information	Purpose of the provision	The Clause mirrors the principles enshrined under the Access to Information Act, 2016.
Clause 22 on telecommunication infrastructure	Lack of a timeline	A 30 days timeline provided.
Clause 26	Justification for suspension or termination election technology	There exist variables that may cause suspension or termination of technology that cannot be exhaustively provided for in the regulations.
Clause 27	Limitation on the notice by individuals	The provision expounded to include reporting through any medium.

<p>Clause 29 on capacity building</p>	<p>Lack of a timeline and vagueness of the word 'sufficient time'.</p>	<p>A timeline cannot be provided given that different cadres of election officials, for instance presiding officers and clerks, are trained days preceding conduct of elections so that they have hands on skills; the probability of forgetting what has been taught is high when trainings are conducted early.</p>
<p>Clause 33 on the composition of the committee</p>	<p>Need to re-look at the composition of the Committee.</p>	<p>Composition of the Committee changed to reflect institutions that will be resourceful in providing the technical know-how on the adoption of technology in the electoral process and implement the use of such technology.</p>
<p>Clause 41</p>	<p>No reason to issue guidelines yet the Clauses will be in place.</p>	<p>Provision deleted.</p>

THE ELECTIONS (PARTY PRIMARIES AND PARTY LISTS)
REGULATIONS, 2017

PROVISION	PROPOSED AMENDMENTS	ACTION TAKEN
2 – Interpretation	<p>Include definition of “Elections Board” as it is not defined in the substantive Act; therefore a reference is necessary to identify the organ in the political parties’ structures responsible for elections.</p> <p>Include definition of “special interest groups”</p>	<p>Definition of “Elections Board” provided</p> <p>Definition of “Electoral College” omitted as there is no mention of the term in the regulations. A resource book containing best practices on the use of electoral colleges shall however be developed and offered to political parties.</p> <p>The definition of “Party nomination of party lists” is provided to refer to the elaborate process of elections to party lists; a process which is not limited to preparation.</p> <p>Definition of “Registrar” as cross-referenced with the provision in the Political Parties Act omitted as there is no mention of “Registrar” in the regulations.</p> <p>Definition of “Special interest groups” included as the regulations contains provisions for these groups.</p>
4 – Guiding principles		<p>4 (b) “a level playing field” replaced with “equal opportunities” for clarity.</p> <p>4 (h) “comply with the principles of electoral system set out under Article 81 of the Constitution” deleted as certain processes such as voting by secret ballot is not mandatory to when parties are conducting primaries.</p>
5 – Access to information		Proposal to avoid specificity with regard to “accessibility” as raised by the Civil

		Society Organisations to avoid opening up the regulations to broad interpretation. Further provisions on the modes of access to information are provided for in Regulation 9(3).
6 – Political party nomination rules and procedures		<p>6 (1)(a) insertion of “with specific considerations for members with disabilities” to factor in accessibility for persons with disabilities.</p> <p>6 (2)(b) “the procedure for identifying candidates for inclusion in the party lists” deleted and content subsumed in 6(2)(a)</p> <p>6 (3)(c) “any other matter relating to party primaries” deleted. The provision lacked clarity as to which body would identify such other matters thus opening up the rules to cases of malpractice.</p> <p>6(4) and 6(5) amended to ensure compliance with these regulations as well.</p>
7 – Party’s nomination code of conduct		<p>Delete “a candidate seeking” and replace with “an aspiring candidate”</p> <p>Delete “or placed on the party list”.</p> <p>“an aspiring candidate seeking to be nominated” addresses both nominations in the party primaries and party nomination of party lists.</p>
Part II – Party primaries conducted by the political party	Change title of Part II	Heading changed to “Party Primaries and Party Nomination of the Party List” as the part not only addresses the processes relating to party primaries, but also party nomination of party lists.
8 – Party’s Election Board	Justification for upper limit of 7 members and lower limit of 3 members	Upper limit retained while lower limit changed to 5 to also accommodate representation of special interest groups given the mandatory one third gender representation.
9 – Qualification of a member of a		9(3) deleted as its contents are provided for in regulation 6.

party's Election Board		
10 – Functions of Election Boards		<p>Proposal from Civil Society Organisations to have the board develop a checklist to ensure compliance with Chapter 6 of the Constitution omitted to avoid legislating party processes.</p> <p>10(5) insert “The aspiring candidate or agent shall be given an opportunity to write down on the Form reasons for refusal to sign the Form”</p>
11 – Removal of a member of a party's Election Board	Introduce “incapacitation” and “declaration of interest in the nominations” as grounds for removal.	<p>Both recommendations inserted in 11(d) and 11(e).</p> <p>11(f) “other serious” deleted.</p>
12 – Vacancy in a party's Election Board	Need to provide a timeline	12 (2)(c) replaced with “within seven days after the occurrence of the vacancy”
13 – Tenure of a party's Election Board	N/A	13(a) revised to mirror the language used in Section 31 (2A) of the Elections Act.
14 – Fees	Determination of fees should be at the discretion of parties.	Clause retained.
15 – Application for nomination	<p>Revise 15 (1)(a)(i) on party loyalty.</p> <p>Provide an alternative to party membership card to accommodate parties that do not issue party membership cards.</p> <p>Remove requirement on clearance from the Ethics and Anti-Corruption Commission due to lack of a clear legal provision making reference to the EACC as the body that certifies the self-declaration form.</p> <p>Revise the language in 15(2) to reflect application for</p>	<p>15 (1)(a)(i) “commitment to the political party policies”</p> <p>15 (1)(e) “evidence of registration as a member of the party”</p> <p>15 (1)(f) deleted.</p> <p>15 (2) “Where an aspiring candidate</p>

	nomination as a person with disabilities or application for nomination to represent youth.	intends to be nominated on the ground that the candidate is a person with disability” 15 (3) “Where a person wishes to be nominated by a political party to represent the youth because he or she is a person who has attained the ages of eighteen but has not attained thirty five years”
16 – Conduct of party primaries		16 (2) Insert “The election board shall in writing certify and declare the aspiring candidate as the party nominee.” 16 (3) delete “the party shall certify the list of nominees” and replace with “the authorized party officials shall certify the list of nominees” 16 (4) delete “except in accordance with the law”
18 – Declaration for conduct of party primaries	Need to be compliant with the provisions of the Elections Act.	18 (1) insert “to the effect that the political party has complied with its rules in the conduct of the party primaries.”
19 – Role of agents of nomination candidates		19 (2)(c) deleted as it is not part of the role of an agent. 19 (2)(d) revised “have access to information relating to the party primary or party nomination of party lists”
20 – Party lists		Marginal note changed from “Woman candidate to be considered in party list” to “Party lists” 20 (2) deleted as the provision does not clearly articulate the intended spirit of affirmative action. Further, in view of the applicable mathematical formula in the allocation of seats, the provision would not have the effect of increasing women’s representation. The provision would however be included in the guidelines on party nominations.
21 – Authorized		21 (2) revised to include the specific

officer to submit party list on oath or solemn affirmation.		provisions in the Constitution on party lists.
23 - Political party to be responsible for the preparatory work	The Commission should take the responsibility of declaration of results.	<p>Incorporated as follows:</p> <p>16 (2)“For the avoidance of doubt, the Commission’s role in party primaries shall be limited to the supervision, conduct, announcement and declaration of results of party primaries”</p> <p>16 (1)(c) insert “preparing a list of members eligible to vote in each primary from the party membership list submitted to the Commission in accordance to Section 28 of the Act”</p> <p>16 (1)(e) insert “designing and production of ballot papers in accordance with Commission specification”</p>
24 – Conduct of elections	<p>Remove “party membership” card as a requirement to vote in party primaries.</p> <p>The basis for determination of spoilt votes questioned.</p>	<p>24 (2)(a) “party membership card” deleted. Verification of a voter’s identity shall be through a national identity card or passport as provided in law thus “valid” deleted.</p> <p>24 (5) revised to reflect the Commission’s mandate “The Commission shall have the discretion to decide whether or not a ballot is rejected”</p>
25 - Commission to submit party primary results to the Board	The Commission to bear responsibility of declaration of results	25 (1) revised “Upon announcement and declaration of the results of the primary, the Commission shall submit the results of the party primary to the Election Board of the party”
26 – Commission to reject party list if it does not conform to law	<p>Redraft regulation 26 (2) to reflect the provisions in Section 34 of the Elections Act as amended by the Election Laws(Amendment) 2017</p> <p>For purposes of coherence, regulation 26(5) to be shifted to</p>	<p>Regulation 26 revised with the insertion of the following sub-regulations:</p> <p>26 (2) Where the Commission rejects a list or a name in the list, it shall require the political party to resubmit the party list or nominee within such period as the Commission may specify.</p> <p>26 (3) A political party resubmitting a party list under sub regulation (2) shall</p>

	a different part as it is a process carried out post-submission of party lists.	resubmit a declaration under Regulation 18 to the effect that the political party has complied with its rules relating to the nomination of the names contained in the list. 26 (4) In the event that a political party fails to resubmit the list or a name in the list after it has been rejected under sub-regulation (1), the party shall not be considered in the allocation of seats.
28 - Party to prescribe nomination malpractices	Political parties' determination of other acts that constitute malpractices seen to be over-prescriptive and ambiguous.	28 (2) deleted
29 - Guidelines by the Commission	Guidelines are statutory instruments and would thus require a separate formal procedure for scrutiny and approval	deleted

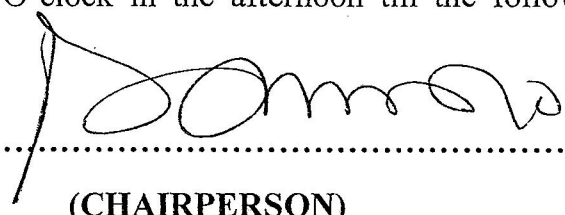
	Representative Elections			May 31, 2017
16.	Nominations for the County Women Members to the National Assembly Elections	2	Tuesday, May 30, 2017	Wednesday, May 31 2017
17.	Nominations for National Assembly Elections	2	Thursday, June 01, 2017	Friday, June 02, 2017
18.	Nominations for Gubernatorial Elections	2	Thursday, June 01, 2017	Friday, June 02, 2017
19.	Settlement of Disputes from Nominations	10	Tuesday, May 30, 2017	Friday, June 09, 2017
20.	Publications of all Nominated Candidates	7	Saturday, June 10, 2017	Saturday, June 17, 2017
21.	Parties submit party List	14	Saturday, June 10, 2017	Saturday, June 24, 2017

MIN No. DL/152/2017:

ADJOURNMENT

There being no Any Other Business to transact, the Chairperson adjourned the meeting at twelve minutes past five O'clock in the afternoon till the following day, the 21st of February, 2017.

SIGNED.....



(CHAIRPERSON)

28. 03. 17

DATE.....

APPENDIX 2

APPENDIX 2

2.0 EXECUTIVE SUMMARY

The Elections (General) (Amendment) Regulations, 2017 provide for aligning the Elections (General) Regulations, 2012 with the amendments effected under the Election Laws (Amendment) Act, No. 36 of 2016 and Election Laws (Amendment) Act, No. 1 of 2017.

The Regulations are intended to:-

- (i) Ensure integrity of the voter register by providing for revision of the register of voters through removal of names of persons who don't meet qualifications of being registered voters from the register;
- (ii) Provide for the registration of Kenyan prisoners in Kenyan prisons as voters;
- (iii) Lay down procedure for inspection and verification of the register of voters to avoid disenfranchisement;
- (iv) Provide for the availing of the register of voters in polling stations for purposes of verification of biometric data;

The scrutiny of the regulations was guided by:-

- (i) The Constitution of the Republic of Kenya;
- (ii) The Statutory Instruments Act, 2013;
- (iii) The National Assembly's Standing Orders;
- (iv) Section 109 of the Elections Act, 2011;
- (v) The Elections (General) Regulations, 2012 with the amendments effected under the Election Laws (Amendment) Act, No. 36 of 2016 and Election Laws (Amendment) Act, No. 1 of 2017.

Upon scrutiny, the Committee is satisfied that the Regulations conform to the aforementioned Constitution of the Republic of Kenya, statutes, the National Assembly Standing Orders and recommends to the House to approve them for publication by the regulation making authority.

3.0 PREFACE

3.1 Committee's mandate

The Select Committee on Delegated Legislation is established pursuant to provisions of Standing Order No. 210 and its mandate is to consider in respect of any statutory instrument whether it:-

- (a) *Is in accordance with the provision of the Constitution, the Act pursuant to which it is made or other relevant written laws;*
- (b) *Infringes on fundamental rights and freedoms of the public;*
- (c) *Contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of the Parliament;*
- (d) *Contains imposition of Taxation;*
- (e) *Directly or indirectly bars the jurisdiction of the court;*
- (f) *Gives retrospective effect to any of the provision in respect to which the Constitution does not expressly give any such power;*
- (g) *Involves expenditure from the consolidated fund or other public revenues;*
- (h) *Is defective in its drafting or for any reason form or part of the statutory instrument calls for any elucidation;*
- (i) *Appears to make some unusual or unexpected use of the power conferred by the Constitution or the Act pursuant to which it is made;*
- (j) *Appears to have had unjustifiable delay in its publication or laying before Parliament;*
- (k) *Makes rights, liberties or obligations unduly dependent upon non-renewable decisions;*
- (l) *Makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;*
- (m) *Inappropriately delegates legislative powers;*
- (n) *Imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;*
- (o) *Appears for any reason to infringe on the rule of law;*
- (p) *Inadequately subjects the exercise of legislative power to Parliamentary scrutiny; and,*
- (q) *Accords to any other reason that the Committee considers fit to examine.*

Section 109(3) and (4) of the Elections Act, 2011 as amended provides as follows:-

(3) "The power to make regulations shall be exercised only after a draft of the proposed regulations has been approved by the National Assembly, at least four months preceding a general election:

Provided that this applies to the first general election under this Act.

(4) The Commission shall publish in the Gazette, not later than sixty days prior to the date of the general election, the regulations approved by the National Assembly under subsection (3)''

3.2 Committee Membership

The Committee was constituted on 21st May, 2013 and as at the time of adopting this report comprised:-

Hon. William Cheptumo, M.P.	-	<i>Chairperson</i>
Hon. Joseph Gitari, M.P.	-	<i>Vice Chairperson</i>
Hon. Alfred Keter, M.P.		
Hon. Hassan Aden Osman, M.P.		
Hon. Timothy W. Wanyonyi, M.P.		
Hon. George Theuri, M.P.		
Hon. Elisha Busienei, M.P.		
Hon. (Eng) Shadrack Manga, M.P.		
Hon. Yusuf Hassan, M.P.		
Hon. Michael Kisoi, M.P.		
Hon. Mohamed Adan Huka, M.P.		
Hon. John M. Waiganjo, M.P.		
Hon. Paul K. Bii, M.P.		
Hon. Charles Gimose, M.P.		
Hon. Tom J. Kajwang', M.P.		
Hon. Simba Arati, M.P.		
Hon. Rachael A. Ameso, M.P.		
Hon. Vincent Musau, M.P.		
Hon. William Kisang', M.P.		
Hon. Neto Augustinho, M.P.		
Hon. Paul Koinange, M.P.		
Hon. Ibrahim Abdi Saney, M.P.		
Hon. Eusilah Ng'eny, M.P.		
Hon. Nicholas Ngi'kor Nixon, M.P.		
Hon. Bernard Shinali, M.P.		
Hon. Kabando Wa Kabando, M.P.		
Hon. Daniel Maanzo, M.P.		
Hon. Junet Nuh Sheikh, M.P.		
Hon. William Kamoti Mwamkale, M.P.		

3.3 Committee secretariat

George Gazemba	-	Senior Clerk Assistant
Wilson Dima Dima	-	Senior Legal Counsel
Abdullahi Aden	-	First Clerk Assistant
Halima Hussein	-	Third Clerk Assistant

4.0 INTRODUCTION AND BACKGROUND INFORMATION

4.1 Making of the Regulations and Committal to the Select Committee on Delegated Legislation

In exercise of powers conferred by Section 109 (1) of the Elections Act, 2011 as amended, the Independent Electoral and Boundaries Commission was required to make amendments to the regulations on registration of voters by way of the Elections (Registration of Voters) (Amendment) Regulations which were to take effect before the 2017 general elections.

Section 109 (1) (a) and (b) empowers the Commission to make regulations to:-

- (a) *“prescribe the manner in which registers of voters shall be compiled and the manner in which they shall be revised;*
- (b) *prescribe procedure for registration and issuance of voter cards and provide for the progressive registration of Kenyan citizens living abroad”.*

among other provisions.

Section 109(3) and (4) state as follows:-

(3) “The power to make regulations shall be exercised only after a draft of the proposed regulations has been approved by the National Assembly, at least four months preceding a general election:

Provided that this applies to the first general election under this Act.

(4) The Commission shall publish in the Gazette, not later than sixty days prior to the date of the general election, the regulations approved by the National Assembly under subsection (3)”

4.2. Legislative context and policy background of the Regulations

The process of developing the regulations was necessitated by the Elections Laws (Amendment) Act No. 36 of 2016 and the Election Laws (Amendment) Act No. 1 of 2017 to provide for process on inspection and verification of voter registers.

The Regulations are intended to:-

- (i) Provided for the registration of Kenyan citizen prisoners serving sentences in Kenyan prisons;
- (ii) Lay down procedures for inspection and verification of the register of voters to avoid disenfranchisement;
- (iii) Make the voter register available at polling stations for verification of biometric data; and

- (iv) Ensure names of persons not eligible or qualified to vote yet they appear in the register are removed from the register.

The overarching objectives of the Regulations is to provide for the foundation of a free and fair election, afford equal opportunity to eligible persons for registration as voters and put in place an updated register of voters.

The Regulations were accompanied an explanatory memorandum as required by section 11 (2) of the Statutory Instruments Act, 2013.

5.0 CONSIDERATION OF THE REGULATIONS

The Committee scrutinized these Regulations at sittings held on 20th and 21st February, 2017 at Serena Beach Resort and Spa in Mombasa and again on 13th and 14th March, 2017 at Prideinn Paradise Hotel in Mombasa.

It should be noted that regulation making process is effected through delegated authority by the National Assembly and the Assembly cannot take away this authority from the regulation making authority. In this regard, the role of the Committee in the scrutiny is to ensure that the Regulations adhere to the constitution of Kenya, the Statutory Instruments Act, the National Assembly Standing Orders and all other legal laws in force in Kenya before reporting to the House.

Upon consideration, the final draft Regulations are as follows:-

THE ELECTIONS ACT, 2011 (No. 24 of 2011)

IN EXERCISE of the powers conferred by section 109 of the Elections Act, 2011, the Independent Electoral and Boundaries Commission makes the following Regulations—

THE ELECTIONS (REGISTRATION OF VOTERS) (AMENDMENT) REGULATIONS, 2017

- Citation. 1. These Regulations may be cited as the Elections (Registration of Voters) (Amendment) Regulations, 2017, and shall come into effect upon publication in the *Gazette*.
- L.N 126/2012. 2. Regulation 2 of the Elections (Registration of Voters) Regulations, 2012, (in these Regulations referred to as “the principal Regulations”,) is amended by –
deleting the definition of “register”

(a) inserting the following new definitions in their proper

alphabetical sequence –

“acknowledgement slip” means a document issued by the returning officer acknowledging application for registration.

“alphanumeric details” means all the other details of a voter except the biometric data

“biometric” has the meaning assigned to it by section 2 of the Act;

“identification document” has the meaning assigned to it by section 2 of the Act;

“prisoner” has the meaning assigned to it under section 2 of the Prisons Act

“register of voters” has the meaning assigned to it by section 2 of the Act;

“registration centre” means a centre designated and gazetted by the Commission under Regulation 3 of these regulations;

“Voter Records Book” means the first book of data entry during the registration of a voter

3. Regulation 3 of the Principal regulations is amended by deleting the word “such” appearing immediately after the word “Gazette” in sub regulation (1) and substituting therefor the words “registration centers which shall include”
4. The principal Regulations are amended by inserting the following new regulation immediately after regulation 5 –

Gazettement
of registration
officers.

5A. Every appointment under regulations 4 and 5 shall—

(a) be done transparently and competitively; and

(b) be published in the *Gazette*

5. Regulation 8 of the principal Regulations is amended by inserting the words “biometric data and” immediately after the words “shall include”.

6. Regulation 9 of the principal Regulations is amended by –

(a) renumbering the existing provision as sub regulation (1);

(b) inserting the following new paragraphs immediately after paragraph (g) in sub regulation (1)—

(h) to correct loss of data owing to technological errors or any other causes;

(i) to delete the name of persons who have renounced their Kenyan citizenship as provided for under section 19 of the Kenya Citizenship and Immigration Act, 2011 and any other written law;

(j) to delete the name of persons whose citizenship has been revoked under section 21 of the Kenya Citizenship and Immigration Act, 2011 and any other written law.

(c) inserting the following new sub regulation immediately after sub regulation (1)–

(2) Subject to paragraph (1) (d), the registration officer shall work in collaboration with the Registrar of Births and Deaths and National Registration Bureau to obtain the particulars set out in Form B in the Schedule.

7. The Principal Regulations is amended by deleting Regulation 12 and substituting thereof the following new Regulation–

(1) Where as a result of operation of section 5 of the Elections act, 2011 the registration of voters has been ceased the Registration officer shall compile the list of registered persons.

(2) The registration officer shall after effecting compilation of the register of voters relating to the constituency submit his or her component for compilation by the Commission

(3) The Commission shall compile the register of voters comprising of components under section 4 of the Act.

(4)The Commission shall certify and publish the register of voters in the Gazette.

(5) The published register of voters under sub regulation (4) shall include the names of the County Assembly Wards and the total number of registered voters therein.

8. The Principal Regulation is amended by–

(a) deleting Regulation 13 and substituting thereof the following new Regulation–

13(1) A person who desires to be registered as a voter shall make an application in Form A set out in the Schedule

(2) An application under sub regulation (1) shall be made to the registration officer for the Constituency in which the person wishes to be registered.

(3) The registration officer shall collect biometric data of persons applying for registration.

(b) by inserting a new regulation immediately after regulation 13–

Registration
Procedure.

13A. (1) A person who applies to be registered as a voter sh present his or her identification document to the registrati

officer stationed at a Registration Centre of his or her choice.

(2) The registration officer shall, where the applicant is qualified to be registered as a voter, issue the applicant with Form A as set out in the Schedule.

(3) The applicant shall return the duly completed Form A to the registration officer and the registration officer shall confirm the details in the form and enter them in the biometric voter registration system and the Voters Record Book.

(4) The applicant shall be issued with an acknowledgement slip upon registration.

Numerous registrations.

13B. (1) A person shall not, at any time, be registered as a voter in more than one constituency.

(2) A person shall not be registered as a voter more than once in the register of voters.

(3) A person who simultaneously makes two or more applications to be registered as a voter, shall not be qualified as a registered voter.

Transfer of Registration by Voters

13C. A voter is not qualified to transfer his or her registration unless at the date of his or her application to be transferred he or she was ordinarily resident in that constituency 6 months immediately preceding the date of his application for transfer.

9. Regulation 14 of the principal Regulations is amended by—

(a) deleting the expression “Form C” in sub regulation (3) and substituting therefore the expression “Form B”;

(b) deleting the expression “Form D ” in sub regulation (4) and substituting therefore the expression “Form C”;

(c) deleting sub regulation (5).

10. Regulation 15 of the principal Regulations is amended by deleting the expression “section 4” and substituting therefore the expression “section 5”.

11. Regulation 16 of the principal Regulations is amended by deleting the words “a voters card in Form E set out in the Schedule” appearing in sub regulation (2) substituting therefor the words “an acknowledgement slip” immediately after the words ‘shall issue”.

12. Regulation 18 of the principal Regulations is amended by inserting the words “and shall be in Form D set out in the Schedule” at the end of sub regulation (2).

13. Regulation 19 of the principal Regulations is amended by inserting the words “and shall be in Form E set out in the Schedule” at the end of sub regulation (2).
14. Regulation 20 of the principal Regulations is amended by inserting the following words “within seven days” after the word “shall”.
15. The principal Regulations are amended by inserting the words “and Verification” in the heading of Part V1 immediately after the word “Inspection”.
16. The principal regulations are amended by deleting Regulation 27 and inserting the following new regulation—
 - (3) The Commission shall avail the register of voters for inspection to the public at all polling stations, by way of public web portal or any other medium the Commission may approve.

(b) by inserting the following new regulations immediately after regulation 27 –

Verification of Register of Voters

27A. (1) The Commission shall publish a notice of the availability of the register for verification in the *Gazet* and in at least two newspapers of national circulation and through any other medium as the Commission may determine.

(2) The notice published under sub regulation (1) shall set out—

(a) a statement calling on the public to verify the particulars as captured in the register;

(b) a statement specifying where and within which period the verification may be carried out; and

(c) the hours during which verification may be carried out.

(3) The notice under sub regulation (2) shall be in Form F as set out in the Schedule.

Process of Verification.

27B. (1) A voter may verify the details of his or her registration at the voter’s polling station in accordance with regulation 27A.

(2) A voter may, where any of the details of the registration of the voter are incorrect, submit to the registration officer at the voter’s polling station a claim form as prescribed by regulation 19.

(3) The registration officer shall consider and determine the claim within three days after submission.

17. The principal Regulations are amended by deleting regulation 28 and

substituting therefor the following new regulation—

Revision of register. **28.** After the last day of verification, the registration officer for each constituency in respect of which the inspection and verification was carried out shall revise the register of voters for the respective constituency within such period as the Commission may determine”;

18. Regulation 30 of the principal Regulations is amended by deleting the word “Form H” and inserting the words “Form G” in sub regulation (3).

19. Regulation 33 of the principal Regulations is amended by deleting the word “Form I” and inserting the words “Form H” immediately after the words “in the schedule”

20. Regulation 35 of the principal Regulations is amended by deleting the word “Form J” and inserting the words “Form I” immediately after the words “in the schedule”

21. Regulation 36 of the principal Regulations is amended by deleting the word “Form J” and inserting the words “Form I” immediately after the words “in the schedule”

22. Regulation 37 of the principal Regulations is amended by inserting the following proviso –

Provided that citizens residing in countries within the East African Community may present a National Identity Card.

23. The principal Regulations are amended by inserting the following new Part immediately after Part VIII—

PART VIIIA – REGISTRATION OF CITIZENS IN KENYAN PRISONS

Registration of citizens in Kenyan prisons. **39A.** The Commission shall, at regular intervals, public the centres in which prisoners may register and vote.

Registration particulars of citizens in Kenyan prisons **39B.** A prisoner who is not already registered as a voter wishes to be registered so shall make an application Form J set out in the Schedule.

Eligibility to vote **39C.** A prisoner shall comply with the provisions relating to the identification of persons for the purposes of registration as a voter set out in regulation 13.

Registration personnel **39D.** The Commission shall appoint Registration Office for the purpose of the registration of prisoners.

Type of elections **39E.** A prisoner may only vote in a presidential election

a referendum.

24. Regulation 40 of the principal Regulations is amended by deleting the words “to give evidence on oath and administer an oath for that purpose” appearing in paragraph (a).
25. The principal Regulations are amended by deleting the Schedule and substituting therefor the following new Schedule—

SCHEDULE

FORM A

(r. 8)

APPLICATION FOR REGISTRATION AS A VOTER

To the Registration Officer

Constituency:..... County:

Ward:Registration Centre:

Surname:Other names:

Identity Card No./Kenyan Passport No:

Date of birth: Sex:

Residential Address:.....

Contact Telephone:.....

Postal Address:

Email:

Disability (if any):

Whether you will require to be assisted by any one during voting:

I, the above named applicant, hereby apply to be registered in the Principal Register of Voters in accordance to the Constitution and the Elections Act.

DECLARATION

I, declare that at the date of this application:

(i) I am qualified to be, and not disqualified from being, registered as a voter under the law in respect of the classes of election for which I now apply for registration.

(ii) I am in possession of a national identity card or Kenyan passport with the number indicated in this application.

(iii) The particulars entered on this form or submitted to the Commission (which I have entered, read or have had read to me) are true to the best of my knowledge.

Dated: 20

Signature or Thumbprint of Applicant:

Witnessed by:

Registration Officer/Assistant Registration Officer

Official Stamp

APPLICATION TO CHANGE PARTICULARS OF REGISTRATION

I, (the applicant), am registered in the register of voters as follows:—

Name of Constituency:
Constituency Code:
Name of Ward:
Ward Code:
Name of Registration Centre:
Registration Centre Code:
Surname:
Other Name(s):
Identity Card/Kenyan Passport Number: Expiry Date:
Telephone Number:

I wish to change the particulars of my registration as follows:

Surname:
Other Names:
Identity Card/Kenya Passport Number:
Voter's Number:
Sex:
Date of Birth:
Dated: 20

Signature or Thumbprint of Applicant:

Witnessed by: (RO/RA)

APPLICATION FOR TRANSFER OF REGISTRATION IN WHICH A PERSON IS REGISTERED

Surname.....
Other Name(s).....
Identity card No./Kenyan passport No:.....
Date of birth:.....
Sex.....
Residential address:.....
Contact Telephone.....
Postal address:.....
Tel:
Email:
Current Constituency.....
Current County Assembly Ward.....
Current Registration Centre:

I, the above named applicant, is registered in the register of voters for the constituency noted above.
I wish to transfer my registration particulars to the register of voters for the following:

County:
Constituency:
County Assembly Ward:
Registration Centre

Signature or thumbprint of the applicant.....
Dated.....20.....

Received by
.....RO/ARO

Signature.....
Dated.....20.....

Stamp

CLAIM UNDER SECTION 12 OF THE ACT

To the Registration Officer,..... Constituency

Particulars of claimant

Surname.....

Other Name(s).....

Identity Card Number/Kenyan Passport Number:

Physical Address:

Postal Address:

Tel:

Email:

I, the claimant, applied to be registered in the register of voters but have not been so registered. I hereby make a claim under section 12 of the Act to be registered.

Dated:, 20.....

.....

Signature or thumbprint of Claimant

NOTICE OF CLAIMS

Notice is hereby given that the following Claims have been filed at the office of the Registration officer;

Name of Claimant	Address of Claimant	Date of Hearing

Dated:, 20.....

Registration Officer,
..... Constituency

NOTICE OF AVAILABILITY OF REGISTER FOR VERIFICATION

Date of posting notice:

NOTICE is hereby given that the new preliminary register of voters for the Constituency has been completed and is available for verification fordays. The register may be inspected at the places listed in the Schedule.

How to make a claim:

A person who claims that his or her biometric data has not been captured in the register of voters may make a claim to the registration officer within the period prescribed for inspection.

The claim must be made in the prescribed Form.

Dated the, 20

Registration Officer.....

Stamp

SCHEDULE

Places where application may be made:

- 1.
- 2.
- 3.

NOTICE—REGISTER OF VOTERS TO BE REPLACED

NOTICE is hereby given that a new register of voters will be compiled for the following constituency/county/ward:

All persons who wish to be registered as voters should apply.

Applications may be made on or after..., 20..... but not later than ..., 20.....

Applications may be made at the places listed in the Schedule to this notice.

If a place listed in the Schedule is closed before the last day for making applications, a notice will be posted at that place indicating the other places where application may be made.

NB: Please take note that registration shall be done where one wishes to vote.

Any person who wishes to vote in any other place other than where he or she is registered he or she shall apply at the nearest constituency office.

SCHEDULE

PLACES WHERE APPLICATIONS MAY BE MADE

- 1.
- 2.
- 3.

Dated the, 20

.....

Chairperson

Independent Electoral and Boundaries Commission

FORM H

(r.33(1)(b))

NOTICE OF AVAILABILITY OF REGISTER FOR INSPECTION

Date of posting notice:

NOTICE is hereby given that the new preliminary register of voters for the
..... Constituency has been completed and is available for inspection for
.....days. The register may be inspected at the places listed in the Schedule.

How to make a claim:

A person who claims that he or she should be included in the register may make a claim to the registration officer within the period prescribed for inspection.

The claim must be made in the prescribed Form.

How to make an objection:

A person who is registered and who wishes to object to his or her own registration or the registration of another may make an objection to the Court within the period prescribed for inspection.

A person who is registered and who wishes to object to a claim of another may make an objection to the Court within the prescribed inspection period after the claim was posted.

An objection must be made in the prescribed form.

Dated the, 20

Registration Officer.....

Stamp

SCHEDULE

Places where application may be made:

1.
2.
3.

APPLICATION FOR REGISTRATION BY A KENYAN CITIZEN RESIDING OUTSIDE KENYA

Surname.....
Other Name(s).....
Passport Number, Date and place of issue, passport expiry date.....
Identity Card Number, Date and place of issue,
Date of birth

CITIZENSHIP

Country of Birth.....
Citizen by birth/ registration.....
If by registration, date of registration (dd mm yyyy)

COUNTRY OF RESIDENCE.....

PHYSICAL ADDRESS.....

CONTACT ADDRESS.....

- (a) Telephone (country code, telephone number)
(b) Email.....
(c) Postal Address.....

APPLICANT'S LAST RESIDENCE IN KENYA

- (a) Constituency.....
(b) Ward.....
(c) Address.....
(d) Cell phone number.....

DURATION OF STAY IN COUNTRY OF RESIDENCE

- (a) Years.....
(b) Months.....
(c) Days.....

DISABILITY (if any):.....

WHETHER YOU WILL REQUIRE TO BE ASSISTED BY ANY ONE DURING VOTING:

I, the applicant, hereby apply to be registered in the register of voters for the following:

- (a) Presidential election
(b) Referenda

DECLARATION

I declare that:

- (i) I am qualified to be, and not disqualified from being, registered as an voter under the Law in respect of

the class or classes of election for which I now apply for registration.

(ii) I am in possession of a Kenyan passport with the number indicated in this application.

(iii) The particulars entered on this form (which I have entered, read or have had read to me) are in every respect true and correct.

Dated: 20

.....

Signature or thumbprint of Applicant

Declared before me:

Registration Officer/Assistant Registration Officer

Official Stamp:

SCHEDULE

PLACES WHERE APPLICATION MAY BE MADE:

1.....

2.....

APPLICATION FOR REGISTRATION AS A VOTER BY A PRISONER

To the Registration Officer.....
 Constituency: County:
 Ward: Name of Prison Facility:
 Contact Telephone of the Facility:
 Postal Address:
 Surname:Other names:
 Identity Card No. /Kenyan Passport No:
 Date of Birth: Sex:
 Disability (if any):

Whether you will require to be assisted by any one during voting:

I, the above named applicant, hereby apply to be registered in the Register of Voters in accordance to the Constitution and the Elections Act.

DECLARATION

I declare that at the date of this application:

- (i) I am qualified to be, and not disqualified from being, registered as a voter under the law in respect of the classes of election for which I now apply for registration.
- (ii) I am in possession of a National Identity Card or Kenyan Passport with the number indicated in this application.
- (iii) The particulars entered on this form or submitted to the Commission (which I have entered, read or have had read to me) are true to the best of my knowledge.

Dated: 20

Signature or Thumbprint of Applicant:

Witnessed by:

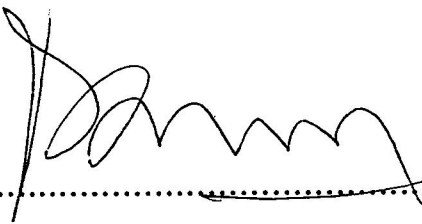
Registration Officer/Assistant Registration Officer

Official Stamp

The Committee is satisfied that the draft Regulations conform to the Constitution of the Republic of Kenya, the National Assembly Standing Orders, the Statutory Instruments Act, 2013 and the parent Act.

6.0 RECOMMENDATIONS

The Committee recommends that the House approves the final draft Elections (Registration of Voters) (Amendment) Regulations, 2017 for publication by the regulation making authority.

Signed..........Date..... 28.3.17

**HON WILLIAM CHEPTUMO, M.P.
CHAIRPERSON, SELECT COMMITTEE ON DELEGATED LEGISLATION**

APPENDIX 1

APPENDIX 1

MINUTES OF THE FIFTY SEVENTH SITTING OF THE SELECT COMMITTEE ON DELEGATED LEGISLATION HELD ON TUESDAY, 28TH MARCH, 2017 AT 10.00 A.M. IN THE MEMBERS LOUNGE, MAIN PARLIAMENT BUILDING

PRESENT:-

Hon. William Cheptumo, M.P.	–	Chairperson
Hon. Joseph Gitari, M.P.	–	Vice Chairperson
Hon. Timothy W. Wanyonyi, M.P.		
Hon. Yusuf Hassan, M.P.		
Hon. George Theuri, M.P.		
Hon. Kabando wa Kabando, M.P.		
Hon. Elisha Busienei, M.P.		
Hon. Eusilah Jepkosgei, M.P.		
Hon. Hassan Osman Aden, M.P.		
Hon. Mohamed Aden Huka, MP.		
Hon. William Kisang, M.P.		
Hon. Bernard Shinali, M.P.		
Hon. Nicholas Nixon, M.P.		
Hon. Rachael Ameso, M.P.		
Hon. Simba Arati, M.P.		
Hon. T. J. Kajwang', M.P.		
Hon. Daniel Maanzo, M.P.		
Hon. Kamoti Mwamkale, M.P.		

ABSENT:-

Hon. John Waiganjo, M.P.
Hon. Alfred Keter, M.P.
Hon. Paul Bii, M.P.
Hon. Neto Augostinho, M.P.
Hon. Shadrack Manga, M.P.
Hon. Saney Abdi Ibrahim, M.P.
Hon. Junet Sheikh Nuh, MP.
Hon. Charles Gimose, M.P.
Hon. Vincent Musau, M.P.
Hon. Michael Kisoi Manthi, M.P.
Hon. Paul Koinange, M.P.

IN ATTENDANCE:-

NATIONAL ASSEMBLY:-

George Gazemba	-	Senior Clerk Assistant
Wilson Dima	-	Senior Legal Counsel
Halima Hussein	-	Third Clerk Assistant
Doreen Karani	-	Legal Counsel

MIN No. DL/164/2017: PRELIMINARIES

The sitting commenced with a word of prayers by Hon. Joseph Gitari, vice chairperson.

MIN No. DL/165/2017: CONSIDERATION AND ADOPTION OF REPORTS ON DRAFT ELECTIONS RELATED REGULATIONS

The Committee considered and adopted five reports on draft Elections related Regulations namely:-

(i) Draft Elections (Technology) Regulations, 2017

The adoption of the report was proposed by Hon. Elisha Busienei and seconded by Rachael Ameso

(ii) The Elections (Registration of Voters) (Amendment) Regulations, 2017

The adoption of the report was proposed by Hon. Joseph Gitari and seconded by Hon. George Theuri. There was no dissenting voice to the adoption.

(iii) The Elections (Voter Education) Regulations, 2017

The adoption of the report was proposed by Hon. Eusillah Jepkosgei and seconded by Hon. Bernard Shinali. There was no dissenting voice to the adoption.

(iv) The Elections (General) (Amendment) Regulations, 2017

The adoption of the report was proposed by Hon. Kamoti Mwamkale and seconded by Hon. Elisha Busienei. There was no dissenting voice to the adoption.

(v) The Elections (Party Primaries and Party Lists) Regulations, 2017

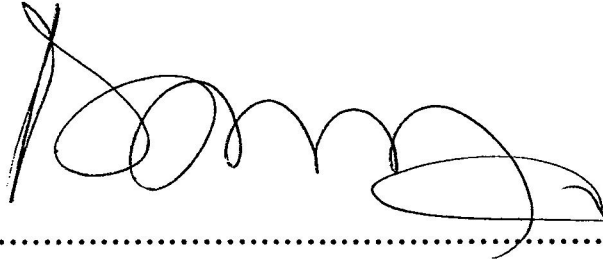
The adoption of the report was proposed by Hon. George Theuri and

seconded by Hon. Rachael Ameso. There was no dissenting voice to the adoption.

MIN No. DL/166/2017:-

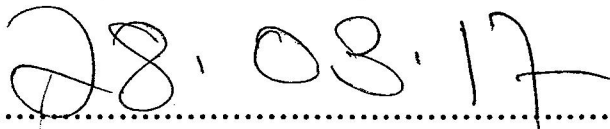
ADJOURNMENT

There being no Any Other Business to transact the chairperson adjourned the sitting at fifteen minutes past eleven O'clock in the morning.



SIGNED.....

(CHAIRPERSON)



DATE.....

**MINUTES OF THE FIFTY FOURTH SITTING OF THE SELECT COMMITTEE
ON DELEGATED LEGISLATION HELD ON TUESDAY, 14TH MARCH, 2017
AT 9.00 A.M. AT THE CONVENTION CENTRE, PRIDE INN PARADISE
HOTEL, MOMBASA**

PRESENT:-

Hon. William Cheptumo, M.P.	–	Chairperson
Hon. Joseph Gitari, M.P.	–	Vice Chairperson
Hon. Timothy W. Wanyonyi, M.P.		
Hon. Charles Gimose, M.P.		
Hon. Mohamed Aden Huka, MP.		
Hon. William Kisang, M.P.		
Hon. Yusuf Hassan, M.P.		
Hon. Rachael Ameso, M.P.		
Hon. Daniel Maanzo, MP.		
Hon. T. J. Kajwang, M.P.		
Hon. Vincent Musau, M.P.		
Hon. Michael Kisoi Manthi, M.P.		
Hon. Kamoti Mwamkale, MP.		
Hon. Simba Arati, M.P.		
Hon. Paul Koinange, M.P.		

ABSENT:-

Hon. John Waiganjo, M.P.
Hon. Hassan Aden, M.P.
Hon. Alfred Keter, M.P.
Hon. Kabando wa Kabando, M.P.
Hon. George Theuri, M.P.
Hon. Elisha Busienei, M.P.
Hon. Paul Bii, M.P.
Hon. Neto Augustinho, M.P.
Hon. Bernard Shanali, M.P.
Hon. Shadrack Manga, M.P.
Hon. Saney Abdi Ibrahim, M.P.
Hon. Eusilah Jepkosgei, M.P.
Hon. Junet Sheikh Nuh, MP.
Hon. Nicholas Nixon, M.P.

IN ATTENDANCE:-

NATIONAL ASSEMBLY:-

Nicholas Emejen	-	Principal Clerk Assistant I
George Gazemba	-	Senior Clerk Assistant
Wilson Dima	-	Senior Legal Counsel
Abdullahi Aden	-	First Clerk Assistant
Halima Hussein	-	Third Clerk Assistant
Doreen Karani	-	Legal Counsel
Josephat Bundotich	-	Serjeant-at-arms
Robert Langat	-	Office Attendant

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
(IEBC)

Prof. Abdi Yakub Guliye	-	Commissioner
Dr. Roselyn K. Akombe	-	Commissioner
Praxedes Tororey	-	Director, Legal and Political Affairs
Immaculate Kassait	-	Director, Voter Registration and Elections Operations
Salome Oyugi	-	Manager, Political Parties and Campaign Financing
Moses Kipkogei	-	Personal Assistant to the CEO/Secretary
Silas Njeru	-	Manager ICT
Ruth Mukuthu	-	Senior Legal Officer

MIN No. DL/164/2017: PRELIMINARIES

The sitting commenced with a word of prayers by Hon. Joseph Gitari, vice chairperson.

MIN No. DL/165/2017: REVIEW OF THE ELECTIONS (PARTY PRIMARIES AND PARTY LISTS) REGULATIONS, 2017

The meeting reviewed the Regulations as follows:-

- Regulation 2:- Include the amendment of "*registrar of political parties*" which is missing from the regulations; and
Change from "*party primary*" to "*party primaries*"
- Regulation 6:- Sub-regulation (1)(b) to be changed to read the Party's head office and branch office
- Regulation 8: Sub regulation (3) delete "*five*" and substitute with "*three*", delete "*seven*" and substitute with "*nine*"
- Regulation 10:- Change language in the opening statement to include functions under the constitutions of the political parties...and use the word "*may include*"
Leave out functions (c) and (j) as these are functions of specific persons under the Act.

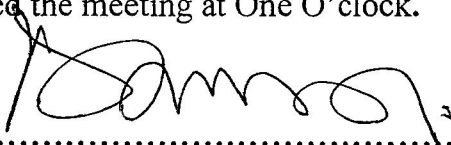
Regulation 12(2): Delete "*as soon as practicable*" as the timeline is already stipulated
Regulation 14(2): Delete "*where applicable*"

MIN No. DL/166/2017:-

ADJOURNMENT

The Chairperson adjourned the meeting at One O'clock.

SIGNED.....



(CHAIRPERSON)

DATE.....

28.03.17

**MINUTES OF THE FIFTY SECOND SITTING OF THE SELECT COMMITTEE
ON DELEGATED LEGISLATION HELD ON MONDAY, 13TH MARCH, 2017 AT
2.30 P.M. AT THE CONVENTION CENTRE, PRIDE INN PARADISE HOTEL,
MOMBASA**

PRESENT:-

Hon. William Cheptumo, M.P.	–	Chairperson
Hon. Joseph Gitari, M.P.	–	Vice Chairperson
Hon. Timothy W. Wanyonyi, M.P.		
Hon. Charles Gimose, M.P.		
Hon. Mohamed Aden Huka, MP.		
Hon. William Kisang', M.P.		
Hon. Yusuf Hassan, M.P.		
Hon. Rachael Ameso, M.P.		
Hon. Daniel Maanzo, MP.		
Hon. T. J. Kajwang, M.P.		
Hon. Vincent Musau, M.P.		
Hon. Michael Kisoi Manthi, M.P.		
Hon. Kamoti Mwamkale, MP.		
Hon. Simba Arati, M.P.		
Hon. Paul Koinange, M.P.		

ABSENT:-

Hon. John Waiganjo, M.P.
Hon. Hassan Aden, M.P.
Hon. Alfred Keter, M.P.
Hon. Kabando wa Kabando, M.P.
Hon. George Theuri, M.P.
Hon. Elisha Busienei, M.P.
Hon. Paul Bii, M.P.
Hon. Neto Augustinho, M.P.
Hon. Bernard Shinali, M.P.
Hon. Shadrack Manga, M.P.
Hon. Saney Abdi Ibrahim, M.P.
Hon. Eusilah Jepkosgei, M.P.
Hon. Junet Sheikh Nuh, MP.
Hon. Nicholas Nixon, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

Nicholas Emejen	-	Principal Clerk Assistant I
George Gazemba	-	Senior Clerk Assistant
Wilson Dima	-	Senior Legal Counsel
Abdullahi Aden	-	First Clerk Assistant
Halima Hussein	-	Third Clerk Assistant
Doreen Karani	-	Legal Counsel II
Josephat Bondotich	-	Serjeant-at-arms
Robert Langat	-	Office Attendant

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)

Prof. Abdi Yakub Guliye	-	Commissioner
Dr. Roselyn K. Akombe	-	Commissioner
Praxedes Tororey	-	Director, Legal and Political Affairs
Immaculate Kassait	-	Director, Voter Registration and Elections Operations
Salome Oyugi	-	Manager, Political Parties and Campaign Financing
Moses Kipkogei	-	Personal Assistant to the CEO/Secretary
Silas Njeru	-	Manager ICT
Ruth Mukuthu	-	Senior Legal Officer

MIN No. DL/162/2017:- REVIEW OF DRAFT ELECTIONS REGULATIONS

(i) The Elections (Registration of Voters) (Amendment) Regulations, 2017

The meeting reviewed the Regulations as follows:-

- (i) Include definition of 'registration centre' in the definitions part.
- (ii) Regulation 13(b) – sounds unconstitutional and needs recasting.
substitute *five months* with *six months*
- (iii) Regulation 16: Insert a new sub-regulation to read "*The Commission shall avail the register to the public at all polling stations to allow members of the public to inspect the register*"

(ii) Consideration of the Elections (Voter Education) Regulations, 2016

The meeting reviewed the Regulations as follows:-

- Regulation 5: Recast to provide for "accredited" voter education service Providers
- Regulation 10: Provide the details of the qualifications instead of a form. Have consistency in the Form numbering in letters instead of numbers

(iii) Consideration of the Elections (General) (Amendment) Regulations, 2017

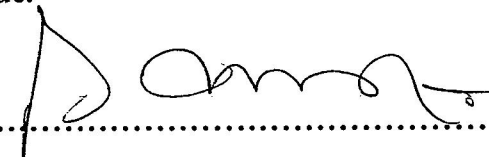
- Clause 2: Substitute the word "primary" with "Primaries"
- Regulation 10: cross reference be named correctly
- Regulation 16: Delete "Ethics and Anti-Corruption Commission"
- Regulation 18: delete (c)
- Regulation 29: Recast to empower IEBC to declare results before conclusion of counting of votes as long as the balance of the votes is insignificant to make a difference between the leading and the second candidate.

MIN No. DL/163/2017:-

ADJOURNMENT

The Chairperson adjourned the meeting at Six O'clock in the evening till nine O'clock of the following day at the same venue.

SIGNED.....



(CHAIRPERSON)

DATE.....

28.03.017

**MINUTES OF THE FIFTY FIRST SITTING OF THE SELECT COMMITTEE
ON DELEGATED LEGISLATION HELD ON MONDAY, 13TH MARCH, 2017 AT
9.00 A.M. AT THE CONVENTION CENTRE, PRIDE INN PARADISE, HOTEL
IN MOMBASA**

PRESENT:-

Hon. William Cheptumo, M.P.	–	Chairperson
Hon. Joseph Gitari, M.P.	–	Vice Chairperson
Hon. Timothy W. Wanyonyi, M.P.		
Hon. Charles Gimose, M.P.		
Hon. Mohamed Aden Huka, MP.		
Hon. William Kisang, M.P.		
Hon. Yusuf Hassan, M.P.		
Hon. Rachael Ameso, M.P.		
Hon. Daniel Maanzo, MP.		
Hon. T. J. Kajwang', M.P.		
Hon. Vincent Musau, M.P.		
Hon. Michael Kisoi Manthi, M.P.		
Hon. Kamoti Mwamkale, MP.		
Hon. Simba Arati, M.P.		
Hon. Paul Koinange, M.P.		

ABSENT:-

Hon. John Waiganjo, M.P.
Hon. Hassan Osman Aden, M.P.
Hon. Alfred Keter, M.P.
Hon. Kabando wa Kabando, M.P.
Hon. George Theuri, M.P.
Hon. Elisha Busienei, M.P.
Hon. Paul Bii, M.P.
Hon. Neto Augustinho, M.P.
Hon. Bernard Shinali, M.P.
Hon. Shadrack Manga, M.P.
Hon. Saney Abdi Ibrahim, M.P.
Hon. Eusilah Jepkosgei, M.P.
Hon. Junet Sheikh Nuh, MP.
Hon. Nicholas Nixon, M.P.

IN ATTENDANCE:-

NATIONAL ASSEMBLY

Nicholas Emejen	-	Principal Clerk Assistant I
George Gazemba	-	Senior Clerk Assistant
Wilson Dima	-	Senior Legal Counsel
Abdullahi Aden	-	First Clerk Assistant
Halima Hussein	-	Third Clerk Assistant
Doreen Karani	-	Legal Counsel II
Josephat Bondotich	-	Serjeant-at-arms
Robert Langat	-	Office Attendant

**INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
(IEBC)**

Prof. Abdi Yakub Guliye	-	Commissioner
Dr. Roselyn K. Akombe	-	Commissioner
Praxedes Tororey	-	Director, Legal and Political Affairs
Immaculate Kassait	-	Director, Voter Registration and Elections Operations
Salome Oyugi	-	Manager, Political Parties and Campaign Financing
Moses Kipkogei	-	Personal Assistant to the CEO/Secretary
Silas Njeru	-	Manager ICT
Ruth Mukuthu	-	Senior Legal Officer

MIN No. DL/159/2017:- PRELIMINARIES

The sitting commenced with a word of prayer from Hon. Rachael Ameso followed by introductions. The Chairperson welcomed the team from Independent Electoral and Boundaries Commission to the meeting and outlined the day's agenda as review of the 2nd drafts of the five (5) sets of Regulations under the Election Laws to confirm if amendments agreed on during previous meetings had been incorporated in the drafts.

**MIN No. DL/160/2017:- REVIEW OF THE DRAFT ELECTIONS
(TECHNOLOGY) REGULATIONS, 2017**

The meeting reviewed the Regulations as follows:-

- (i) Regulation 11: delete the words "*or as may be required*"
- (ii) Regulation 14: attach the schedule
- (iii) Regulation 15: "*Prescribe a form*" – attach the form
- (c): Delete
- (iv) Regulation 22: Increase the coverage days from 30 to 45 days.
- (v) Regulation 26: replace the word "*may*" with the word "*shall*"

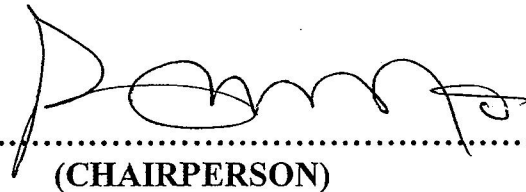
- (2): correct numbering
- (vi) include the word "Director"
- (vi) Regulation 29: delete the words "and conduct training for stakeholders within sufficient time before election day"
- (vii) Regulations 33 (c): *Include majority and minority parties in parliament.*

MIN No. DL/161/2017:

ADJOURNMENT

The Chairperson adjourned the meeting at One O'clock till thirty minutes past three of the same afternoon.

SIGNED.....



(CHAIRPERSON)

DATE.....

28.3.17



**MINUTES OF THE FORTY NINTH SITTING OF THE SELECT COMMITTEE
ON DELEGATED LEGISLATION HELD ON 21ST FEBRUARY, 2017 AT 9.00
A.M. AT BAOBAB CONFERENCE CENTRE, SERENA BEACH HOTEL,
MOMBASA**

PRESENT:-

Hon. Joseph Gitari, M.P. – Vice Chairperson (Chairing)
Hon. George Theuri, M.P.
Hon. Charles Gimose, M.P.
Hon. Timothy W. Wanyonyi, M.P.
Hon. Elisha Busienei, M.P.
Hon. Rachael Ameso, M.P.
Hon. Daniel Maanzo, MP.
Hon. T. J. Kajwang', M.P.
Hon. Neto Agostinho, M.P.
Hon. Simba Arati, M.P.
Hon. Eusilah Jepkosgei, M.P.
Hon. Vincent Musau, M.P.
Hon. Michael Kisoi Manthi, M.P.
Hon. Bernard Shinali, M.P.
Hon. William K. Mwamkale

ABSENT WITH APOLOGIES:-

Hon. William Cheptumo, M.P. – Chairperson
Hon. John Waiganjo, M.P.
Hon. Hassan Aden, M.P.
Hon. Alfred Keter, M.P.
Hon. Paul Bii, M.P.
Hon. Mohamed Aden Huka, MP.
Hon. William Kisang, M.P.
Hon. Yusuf Hassan, M.P.
Hon. Kabando wa Kabando, M.P.
Hon. Junet Sheikh Nuh, MP.
Hon. Nicholas Nixon, M.P.
Hon. Paul Koinange, M.P.
Hon. Shadrack Manga, M.P.
Hon. Saney Abdi Ibrahim, M.P.

IN ATTENDANCE:-

NATIONAL ASSEMBLY

Nicholas Emejen	-	Principal Clerk Assistant I
George Gazemba	-	Senior Clerk Assistant
Wilson Dima	-	Senior Legal Counsel
Abdullahi Aden	-	First Clerk Assistant
Halima Hussein	-	Third Clerk Assistant
Christine Odhiambo	-	Legal Counsel
Yezzel Igwo Jillo	-	Serjeant-at-arms
Lewis Njeru	-	Office Assistant

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)

Consolata N.B. Maina	-	Vice Chairperson
Dr. Roselyn Akombe	-	Commissioner
Boya Molu	-	Commissioner
Prof. Abdi Y. Guliye	-	Commissioner
Margret Mwachanya	-	Commissioner
Betty Sungura	-	Deputy Chief Executive Officer (CEO), Operations
Praxidis Tororey	-	Director, Legal Services
Rasi Masudi	-	Director, Voter Education and Partnerships
Salome Oyugi	-	Manager, Political Parties & Campaign Financing
Ruth Mukuthu	-	Senior Legal Officer
Moses Kipkosgei	-	Personal Assistant to the CEO
Benjamin Kimuei	-	Training Coordinator
Fiona Otieno	-	Political Parties Campaign Finance Liaison Officer

They were accompanied by Mr. Peter Musyimi, a Legislative Draftsperson from the Kenya Law Reform Commission.

MIN.NO. DL/153/2017:- PRELIMINARIES

The sitting commenced with a word of prayer from Hon. Rachael Ameso. There was only one agenda item namely; consideration of the draft Elections (Voter Education) Regulations, 2017.

MIN.NO. DL/154/2017:-

THE ELECTION (VOTER EDUCATION) REGULATIONS, 2017

The meeting discussed the Regulations and agreed on amendments as per the matrix attached hereto.

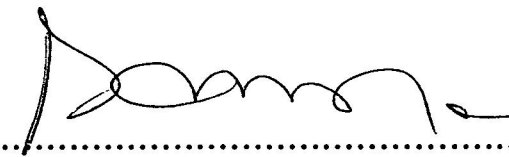
The meeting resolved that the Independent Elections and Boundaries Commission (IEBC) redrafts all the five sets of Regulations as amended and submits them to the Committee for further action within seven (7) days from the date of this meeting. The Commission was further advised to ensure the Regulations contain proper explanatory memoranda and regulatory impact statements.

MIN No. DL/155/2017:-

ADJOURNMENT

There being no Any Other Business to transact, the Chairperson adjourned the meeting at Five O'clock in the evening.

SIGNED.....



(CHAIRPERSON)

DATE.....

28.3.17

THE ELECTIONS (VOTER EDUCATION) REGULATIONS, 2017

PROVISION	COMMITTEE'S COMMENTS	COMMISSION'S DECISION
2 – Interpretation	Include definition of “voter education curriculum” and “voter educator”	<p>Definitions inserted: “curriculum” means the voter education curriculum developed by the Commission under Regulation 5 and includes support materials approved by the Commission;</p> <p>“voter educator” means a person engaged by the Commission or by a voter education provider to carry out voter education under these Regulations;</p> <p>In the definition of “voter education” insert “citizens residing outside Kenya”</p>
4 - Role of the Commission in provision of voter education	Include Accreditation of voter providers; Maintaining an updated register of voter education providers.	<p>Proposals incorporated:</p> <p>4 (c) accreditation and maintenance of a register of voter education providers</p>
5 – Voter education curriculum and education materials	<p>Formulate a provision that will speak to capacity building of all voter education providers for purposes of uniformity, quality control and to enable monitoring.</p> <p>The voter education curriculum should accommodate special interest groups to reflect the spirit of Article 27 of the Constitution.</p>	<p>Insert 5 (2) (2) The voter education curriculum shall cover all processes outlined in the electoral cycle.</p> <p>5(3) delete “of delivering education and training programmes and materials”</p> <p>Revise 5 (3) (a) “build capacity of all the voter education providers”</p> <p>Revise regulation 5 (5) “in the conduct of voter education, the Commission and the accredited voter education providers shall take into account-</p> <p>5 (5)(b) the principles of equality and freedom from discrimination.</p>

		5 (5)(c) the provisions of Article 100 of the Constitution and shall in particular explain to the voters measures put in place to promote the representation of- (i) women; (ii) persons with disabilities; (iii) youth; (iv) ethnic and other minorities; and (v) marginalized communities.”
6 - Establishment of voter education standing committee.		Deleted. It was noted that it was not necessary to regulate the Commission’s internal processes.
7 – Constituency election coordinators		7 (2) insert “The Commission may appoint one or more assistants to assist the constituency elections coordinator.”
8 – Remuneration		Insert 8 (2) “Where a voter education provider engages a voter educator, the Commission shall not be responsible for the cost and expenses of such voter educator.” It would need to be clear that the Commission absolves itself from any financial obligation related to the voter educators engaged by voter education providers.
11- Qualifications and other requirements.	The qualifications need to be outlined in a schedule for purposes of clarity.	Incorporated as: 11 (1) A voter educator shall possess the qualifications and other requirements that the Commission may from time to time determine as prescribed in Form set out in the Schedule 11(2) deleted
12 - Code of conduct for voter educators and voter education providers		“Every voter educator and voter education provider” The Code of Conduct should be applicable to not only voter education providers but also voter educators.
13 – Application for accreditation	Concerns raised on implementation of regulation 13 (2)	13 (2) revised “A State or non-state agency or organization” State agencies included for purposes of

		inclusivity as the Commission also works with these actors.
14 – Accreditation criteria	Accreditation criteria should be in a schedule	Accreditation criteria retained in the draft regulations as it is properly captured in that form Insert: 14 (i) meets registration or certificates of incorporation requirements as the law may require of organizations of its kind.
21 – Submission of information	Provide recourse mechanisms for voter education providers whose accreditation has been revoked.	Insert clause 21 (4) “A voter education provider’s accreditation certificate will not be suspended or revoked unless all possibility of review of the decision has been exhausted.”
Part V— Conduct of voter education	The draft regulations were observed to be thin on how voter education shall be conducted.	Insertion of Part V- Conduct of Voter Education to state the process of voter education while noting that the Voter Education Curriculum will contain the rest of the voter education information pursuant to section 40 of the Elections Act, 2011.



MINUTES OF THE FORTY EIGHTH SITTING OF THE SELECT COMMITTEE ON DELEGATED LEGISLATION HELD ON MONDAY, 20TH FEBRUARY, 2017 AT 9.00 A.M. AT BAOBAB CONFERENCE CENTRE, SERENA BEACH HOTEL, MOMBASA

PRESENT:-

Hon. Joseph Gitari, M.P. – Vice Chairperson (Chairing)
Hon. George Theuri, M.P.
Hon. Charles Gimose, M.P.
Hon. Timothy W. Wanyonyi, M.P.
Hon. Elisha Busienei, M.P.
Hon. Rachael Ameso, M.P.
Hon. Daniel Maanzo, MP.
Hon. T. J. Kajwang', M.P.
Hon. Neto Agostinho, M.P.
Hon. Simba Arati, M.P.
Hon. Eusilah Jepkosgei, M.P.
Hon. Vincent Musau, M.P.
Hon. Michael Kisoi Manthi, M.P.
Hon. Bernard Shinali, M.P.
Hon. William K. Mwamkale

ABSENT WITH APOLOGIES:-

Hon. William Cheptumo, M.P. – Chairperson
Hon. John Waiganjo, M.P.
Hon. Hassan Aden, M.P.
Hon. Alfred Keter, M.P.
Hon. Paul Bii, M.P.
Hon. Mohamed Aden Huka, MP.
Hon. William Kisang, M.P.
Hon. Yusuf Hassan, M.P.
Hon. Kabando wa Kabando, M.P.
Hon. Junet Sheikh Nuh, MP.
Hon. Nicholas Nixon, M.P.
Hon. Paul Koinange, M.P.
Hon. Shadrack Manga, M.P.
Hon. Saney Abdi Ibrahim, M.P.

IN ATTENDANCE:-

NATIONAL ASSEMBLY

Nicholas Emejen	-	Principal Clerk Assistant I
George Gazemba	-	Senior Clerk Assistant
Wilson Dima	-	Senior Legal Counsel
Abdullahi Aden	-	First Clerk Assistant
Halima Hussein	-	Third Clerk Assistant
Christine Odhiambo	-	Legal Counsel
Yezzel Igwo Jillo	-	Serjeant-at-arms
Lewis Njeru	-	Office Assistant

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)

Wafula Chebukati	-	Chairperson
Consolata N.B. Maina	-	Vice Chairperson
Dr. Roselyn Akombe	-	Commissioner
Boya Molu	-	Commissioner
Prof. Abdi Y. Guliye	-	Commissioner
Margret Mwachanya	-	Commissioner
Betty Sungura	-	Deputy Chief Executive Officer (CEO), Operations
Praxedes Tororey	-	Director, Legal and Public Affairs
Rasi Masudi	-	Director, Voter Education and Partnerships
Salome Oyugi	-	Manager, Political Parties & Campaign Financing
Ruth Mukuthu	-	Senior Legal Officer
Moses Kipkosgei	-	Personal Assistant to the CEO
Benjamin Kimuei	-	Training Coordinator
Fiona Otieno	-	Political Parties Campaign Finance Liaison Officer

They were accompanied by Mr. Peter Musyimi, a Legislative Draftsperson from the Kenya Law Reform Commission.

MIN No. DL/150/2017: PRELIMINARIES

This retreat followed another one held on 13th and 14th February, 2017 at the Windsor Golf Hotel & Country Club where out of the five (5) sets of Elections related Regulations earmarked for consideration, three were considered leaving a balance of two namely; the draft Elections (Voter Education) Regulations, 2017 and the draft Elections (Party Primaries and Party Lists) Regulations, 2017 which were the agenda items for this retreat.

The sitting commenced with a word of prayer from Hon. Rachael Ameso followed by self introduction of participants. The Committee Chairperson then welcomed participants to the retreat and in his remarks drew to their attention the urgency with which all Elections related Regulations were supposed to be enacted because of the forthcoming August, 2017 general elections.

The IEBC Chairperson thanked the Committee for convening the retreat and stated that the enactment of the two sets of Regulations on the agenda would:-

- a) Ensure fair party nomination processes
- b) Ensure all groups are represented in nominations
- c) Outline the role of the Commission in providing guidelines in during voter education exercise and party primaries.

MIN No. DL/151/2017:-

THE ELECTION (PARTY PRIMARIES AND PARTY LISTS) REGULATIONS, 2017

The meeting deliberated on the Regulations and agreed on certain amendments. The outcome of the deliberations is contained in the matrix attached hereto.

The Commission further took the Committee through the revised elections nomination timelines for candidates for the August 8, 2017 general elections as shown below:-

NO.	ACTIVITY	NO. OF DAYS	START DATE	END DATE
1.	Submission of Party Nominations Rules to the Commission	14	Monday, February 20, 2017	Thursday, March 02, 2017
2.	Submission of Party Membership List	10	Thursday, march 09,2017	Sunday, March 19, 2017
3.	Submission of Names of Candidates for Party Primaries to the Commission	10	Sunday, March 26, 2017	Wednesday, April 12, 2017
4.	Gazettement of Candidates and Date of Primaries	7	Thursday, march 30, 2017	Wednesday, April 12, 2017
5.	Parties conduct party primaries	14	Thursday April 13, 2017	Wednesday, April 26, 2017

6.	Dispute Resolution by Political Parties and PPDT	30	Thursday, April 20, 2017	Friday, May 19, 2017
7.	Submission of Independent Candidates Symbols, Letter of Intent to Vie and Clearance from Registrar of Political Parties to the Commission	1	Thursday, May 04, 2017	Thursday, May 04, 2017
8.	Submission of Political Party Symbols, Names and Specimen Signatures of Political Party authorised persons to certify nomination of the political party candidates	2	Friday, May 05, 2017	Sunday, May 07, 2017
9.	Approval by the Commission of the political party symbols and Independent Candidates Symbols	2	Monday, May 08, 2017	Tuesday, May 09, 2017
10.	Commission Transmits Copies of Party signatories' specimen signatures and Candidate symbols to Returning Officers	2	Wednesday, May 10, 2017	Thursday, May 11, 2017
11.	Submission, verification and certification of lists of Presidential Candidates Supporters	5	Thursday, May 18, 2017	Monday, May 22, 2017
12.	Pre-Nomination Meetings with Aspirants	1	Tuesday, May 23, 2017	Tuesday, May 23, 2017
13.	Nominations for Presidential Elections	2	Sunday, May 28, 2017	Monday, May 29, 2017
14.	Nominations for Senate Elections	2	Sunday, May 28, 2017	Monday, May 29, 2017
15.	Nominations for the County Assembly Ward	4	Sunday, May 28, 2017	Wednesday,

PARLIAMENT OF KENYA


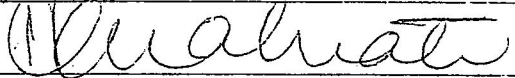
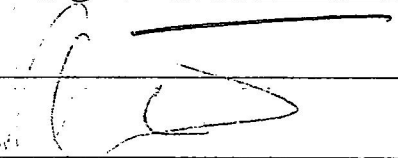





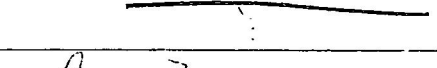

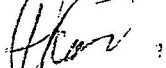

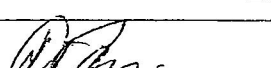
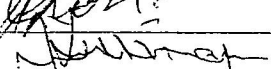

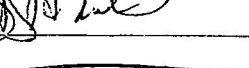
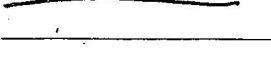
THE NATIONAL ASSEMBLY


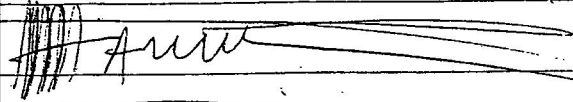

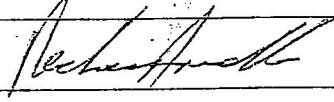

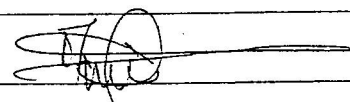

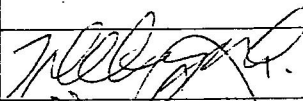
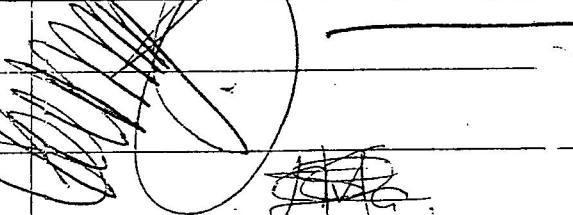


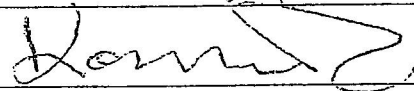
COMMITTEE ON DELEGATED LEGISLATION

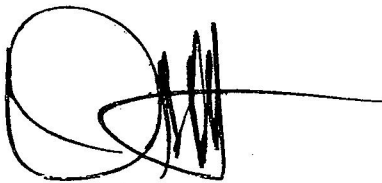
ATTENDANCE REGISTER FOR MEMBERS

ADOPTION OF THE REPORT ON THE ELECTION REGULATIONS

DATE 28/03/2017 . 10.00. A.M.
MEMBERS LOUNGE

NO	NAME	SIGNATURE
1.	Hon. William Cheptumo, M.P. - Chairperson	
2.	Hon. Joseph Gitari, M.P. - Vice Chairperson	
3.	Hon. John Waiganjo, M.P.	
4.	Hon. Yusuf Hassan, M.P.	
5.	Hon. Paul Koinange, M.P.	
6.	Hon. George Theuri, M.P.	
7.	Hon. Kabando wa Kabando, M.P.	
8.	Hon. Elisha Busienei, M.P.	
9.	Hon. Alfred Keter, M.P.	
10.	Hon. Eusilah Jepkosgei, M.P.	
11.	Hon. Hassan Osman Aden, M.P.	
12.	Hon. Paul Bii, M.P.	
13.	Hon. Mohamed Aden Huka, M.P.	
14.	Hon. William Kisang, M.P.	
15.	Hon. Benard Shinali, M.P.	
16.	Hon. Shadrack Manga, M.P.	
17.	Hon. Charles Gimose, M.P.	

18.	Hon. Vincent Musau, M.P.	
19.	Hon. Nicholas Nixon, M.P.	
20.	Hon. Michael Kisoi Manthi, M.P.	
21.	Hon. Rachael Ameso, M.P.	
22..	Hon. Saney Abdi Ibrahim, M.P.	
23.	Hon. Simba Arati, M.P.	
24.	Hon. Neto Agostinho, M.P.	
25.	Hon. Wetangula Timothy Wanyonyi, M.P.	
26.	Hon. Junet Sheikh Nuh, MP.	
27.	Hon. T. J. Kajwang, M.P.	
28.	Hon. Daniel Maanzo, MP	
29.	Hon. Kamoti Mwamkale, MP.	



GEORGE GAZEMBA
For: CLERK OF THE NATIONAL ASSEMBLY

APPENDIX 3

APPENDIX 3

CHAPTER 7
ELECTIONS ACT
SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

	<i>Page</i>
1. Elections (Registration of Voters) Regulations, 2012	
	E6 – 73
2. Elections (Voter Education) Regulations	
	E6 – 91
3. Elections (General) Regulations	
	E6 – 101
4. Elections (General) Regulations	
	E6 – 163

ELECTIONS (REGISTRATION OF VOTERS) REGULATIONS, 2012

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

[Rev. 2012]

Regulation

1. Citation.
2. Interpretation.

PART II – ADMINISTRATION

3. Registration centres.
4. Registration officers.
5. Assistant registration officers.

PART III – THE REGISTER OF VOTERS

6. Preparation of register.
7. Registration areas and registration centres.
8. Registration particulars.
9. Changes to register.
10. Other changes requiring officer, etc.
11. Periodic list of changes.
12. Certification of register.

PART IV – REGISTRATION OF VOTERS

13. Application for new registration.
14. Application for change in registration.
15. When applications not allowed.
16. Consideration by registration officer.

PART V – CLAIMS

17. Time for making claims.
18. Method of making claim.
19. Notice of claims.
20. Consideration of claims.
21. Time for appeal.
22. Method of appeal.
23. Request.
24. Hearing of appeal.
25. Changes to register.
26. Claims not to affect register.

PART VI – INSPECTION OF REGISTER

27. Publication of register, etc.
28. Revision of register.

PART VII – PREPARATION OF NEW REGISTER

29. Direction from Commission.

Regulation

30. Notices.
31. Registrations.
32. Preparation of new register.
33. Publication of register.

PART VIII – REGISTRATION OF KENYAN CITIZENS
RESIDING OUTSIDE KENYA

34. Registration of Kenyan citizens residing out of Kenya.
35. Registration particulars of Kenyan citizens residing outside Kenya
36. Application for registration by Kenyan citizens residing out of Kenya.
37. Eligibility to vote.
38. Registration personnel.
39. Type of elections.

PART IX – MISCELLANEOUS

40. Summoning witnesses evidence, etc.
41. Notices to individuals.
42. Publication of notices.
43. Minor inaccuracies immaterial.
44. Observation on of the registration on process.
45. Alternative means of signification.
46. Revocation of L.N. 173/2002.

SCHEDULE

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11. Periodic list of changes

(1) At least once every six months, each registration officer shall prepare a list of changes to the register of voters for his constituency and post the list at a place at the headquarters of the division and district within which the constituency is located where the public has access.

(2) The changes included on a list under subregulation (1) shall consist of the changes made since the previous list was prepared under subregulation (1).

(3) The list posted under subregulation (1) shall be posted for at least thirty days.

(4) The changes included on the first list prepared by each registration officer under subregulation (1) shall consist of the changes made since this regulation came into operation.

12. Certification of register

(1) Where, as a result of the operation of section 5 of the Act, the registration of voters may not be carried out, the registration officer shall certify the register of voters in Form B set out in the Schedule.

(2) The Commission shall publish a notice in the *Gazette* to the effect that the compilation of the register of voters has been completed.

(3) The Commission may amend the register of voters after it is certified to the extent necessary to reflect the result of determination of any claim, or appeal that was pending at the time the register was certified.

(4) The registration officer shall publish the certified register of voters in the following manner—

- (a) by making the register available for inspection at such places as the Commission may designate, by notice in the *Gazette*;
- (b) by posting, at a place within the registration area where the public has access, a notice of the availability of the register for inspection; and
- (c) by having in place an electronic register which may be accessed on a website, using a mobile phone and such other electronic media as the Commission may determine.

PART IV – REGISTRATION OF VOTERS

13. Application for new registration

(1) A person who is not already registered as a voter but who wishes to be so registered shall make an application in Form C set out in the Schedule.

(2) An application under subregulation (1) shall be made to the registration officer for the constituency in which the person wishes to be registered.

(3) The registration officer shall, for the purpose of registration, collect such biometric data which include palm print and facial impressions of the persons applying for registration, as the Commission may determine.

14. Application for change in registration

(1) A person who is already registered as a voter, but who wishes to have a change described in subregulation (2) made, shall make an application in accordance with this regulation.

(2) The changes referred to in subregulation (1) are—

- (a) a change in the particulars of the person's registration; or

(b) a change of the electoral area or polling station at which the person is registered to vote.

(3) An application for a change described in subregulation (2)(a) shall be made in Form C, to the registration officer for the constituency in which the person is registered.

(4) An application for a change described in subregulation (2)(b) shall be made in Form D, to the registration officer for the constituency in which the applicant wishes to be registered.

(5) An applicant under this regulation shall surrender any previously held voters card when making an application or, where such card is unavailable, make a declaration to that effect.

15. When applications not allowed

- (1) A person may not make an application for registration under regulation 13 or 14—
- (a) during a time in which the registration of voters and revision of the register of voters is not allowed under section 4 of the Act; or
 - (b) during a period in which the Commission has suspended, under subregulation (2), the making of applications under regulations 13 and 14.

(2) The Commission may, by notice in the *Gazette*, suspend the making of applications under regulations 13 and 14 for a period specified in the notice.

16. Consideration by registration officer

(1) The registration officer to whom an application is made under regulation 13 or 14 shall consider the application and—

- (a) in the case of an application for registration under regulation 13, register the applicant if the registration officer is satisfied the applicant is qualified to be registered; or
- (b) in the case of an application for a change under regulation 14, make the requested change if the registration officer is satisfied that it is proper to do so.

(2) If the registration officer registers a person or makes a change under subregulation (1), the registration officer shall issue a voter's card, in Form E set out in the Schedule, to the applicant.

PART V – CLAIMS

17. Time for making claims

(1) A claim to a registration officer under section 12 of the Act in respect of an application under these Regulations shall be made at any time by the registered voter.

(2) A claim under subregulation (1) shall not be made within ninety days to the date of a general election or referendum or within sixty days to the date of a by-election.

18. Method for making claim

A claim shall be in Form F set out in the Schedule and shall be accompanied by a new application for registration under Part IV.

19. Notice of claims

(1) The registration officer shall, within seven days of receipt of a claim publish a notice of the claim.

(2) The notice of claim under subregulation (1) shall set out the names and addresses of all persons who have made claims.

20. Consideration of claims

(1) After publishing the notice of claims under regulation 19, the registration officer shall consider and determine each claim.

(2) For the purpose of considering a claim, the registration officer may require the claimant to attend before the registration officer.

(3) The registration officer shall give the claimant a written notice of the determination of the claim.

21. Time for appeal

An appeal, under section 12(2) of the Act, to the Principal Magistrate Court from a determination by a registration officer may be made within fourteen days after the determination was made.

22. Method of appeal

(1) To make an appeal, the appellant shall deliver a written request to the Principal Magistrates Court or to High Court briefly stating the grounds of the appeal.

(2) The request shall be signed by the appellant.

23. Request

For each request received under regulation 22, the registration officer shall forward the following to the Principal magistrates Court or the High Court—

- (a) a copy of the claim and new application under regulation 18;
- (b) a copy of the notice of the determination of the claim under regulation 20(3);
and
- (c) written reasons for the determination.

24. Hearing of appeal

(1) This regulation applies with respect to the hearing of an appeal under section 12(2) of the Act.

(2) The parties to the appeal are the appellant and the registration officer.

(3) The Principal Magistrates Court or the High Court shall cause notice of the hearing of the appeal to be given to the parties at least seven days before the hearing.

(4) The notice of the hearing of an appeal shall set out the time and place of the hearing of the appeal.

(5) An appeal shall be heard and determined on a priority basis.

25. Changes to register

After an appeal has been determined under regulation 24, the registration officer shall—

- (a) make any changes to the register of voters that are necessary as a result of the appeal;
- (b) prepare a list of the changes made;
- (c) post the list at the place where the list of changes was posted under regulation 11(1); and

- (d) submit the list to the Commission for inclusion in the Principal Register of Voters.

26. Claims not to affect register

Claims under this Part shall not affect the validity of the register of voters.

PART VI – INSPECTION OF REGISTER

27. Publication of register, etc.

- (1) Inspection of the register shall be carried out as provided for in section 6 of the Act.
- (2) The Commission shall publish a notice of the availability of the register for inspection in the *Gazette* and in at least two newspapers of national circulation and through other easily accessible medium.
- (3) The notice shall set out—
- (a) a statement calling on the public to inspect the register;
 - (b) a statement specifying where and within which period the inspection may be carried out; and
 - (c) the hours during which inspection may be carried out.
- (4) The notice shall be in Form G set out in the Schedule.

28. Revision of register

- (1) After the last day of inspection specified in regulation 27, the registration officer for each constituency in respect of which the inspection was carried out shall revise the register of voters for the respective constituency.
- (2) Within fourteen days after the close of inspection, the registration officer shall prepare a list of changes to the register of voters for his or her relevant register and the Principal Voter register.

PART VII – PREPARATION OF NEW REGISTER

29. Direction from Commission

The Commission may direct that a new register of every constituency be prepared.

30. Notices

- (1) If the Commission makes a direction under regulation 29, the Commission shall publish a notice in the *Gazette* and in one or more newspapers of national circulation.
- (2) The notice shall set out?
- (a) a statement calling on all persons who wish to be registered to apply; and
 - (b) a statement specifying where and when applications may be made.
- (3) The notice shall be in Form H set out in the Schedule.
- (4) The Commission may amend a direction under regulation 29 by publishing a notice of the amendment in the *Gazette* and in one or more newspapers.

31. Registrations

- (1) A person may apply for registration in accordance with the notice published under regulation 30 and, for that purpose, regulations 13 and 14 shall, with necessary modifications apply.

(2) Notwithstanding paragraph (1), a registration officer may transfer a place specified in the notice published under regulation 30 for making applications if, in the opinion of the registration officer, the number of applications made at the place does not warrant keeping it open.

(3) If a registration officer transfers a place for making applications under paragraph (2), the registration officer shall post a notice at that place indicating the other places at which applications may be made.

32. Preparation of new register

As soon practicable after the last day for making applications to be registered in a constituency, the registration officer shall prepare a new register of voters under regulation 6.

33. Publication of register

(1) The registration officer shall publish the new register of voters in the following manner?

- (a) by making the relevant register available for inspection at the respective registration centre, ward and constituency Commission offices;
- (b) by posting, at a place at the Commission's website, constituency offices, registration centre and ward where the public has access, a notice, in Form I set out in the Schedule, of the availability of the register for inspection; and
- (c) by having in place an electronic register which may be accessed on a website using a mobile phone or such other electronic media as the Commission may determine.

(2) The notice posted under paragraph (1)(b) shall explain how a person may make a claim under section 12 of the Act.

PART VIII – REGISTRATION OF KENYAN CITIZENS RESIDING OUTSIDE KENYA

34. Registration of Kenyan citizens residing out of Kenya

(1) The Commission shall, at regular intervals, publish the names of countries in which registration and voting is scheduled to take place.

(2) A decision by the Commission to register Kenyan citizens residing outside Kenya or to conduct elections outside Kenya shall be based on the presence of a Kenyan Embassy, High Commission or Consulate.

35. Registration particulars of Kenyan citizens residing out of Kenya

A register of voters who are Kenya citizens residing outside Kenya shall contain the particulars set out in Form J in the Schedule

36. Application for registration by Kenyan citizens residing out of Kenya

A Kenya citizen residing outside Kenya shall apply for registration as a voter in Form J set out in the Schedule.

37. Eligibility to vote

A Kenya citizen residing outside Kenya shall apply for registration as a voter upon production of a valid Kenyan Passport.

38. Registration personnel

For the purpose of registration of Kenyan citizens residing outside Kenya as voters, the Commission may appoint a foreign any representative of Kenya who shall not be the Ambassador, Deputy Ambassador, High Commissioner or Deputy High Commissioner of a Kenyan mission.

39. Type of elections

A Kenya citizen residing outside Kenya shall only participate in a presidential election or a referendum.

PART IX – MISCELLANEOUS

40. Summoning witnesses, evidence, etc.

A registration officer may, for the purpose of considering or determining an application or claim—

- (a) summon any person to appear before him or her to give evidence on oath and administer an oath for that purpose; or
- (b) order the production of any document relevant to an issue that the registration officer is required to consider and determine.

41. Notices to individuals

All notices required to be given by a registration officer or the court to an individual shall be deemed to have been duly given if—

- (a) sent at least seven days to the date of hearing by registered post to the postal address, if any, given in the application, claim, appeal or; or
- (b) published in at least one newspaper with nationwide circulation.

42. Publication of notices

(1) If a notice is required by these Regulations to be published and, in the opinion of the authority required to publish the notice, the prescribed mode of publication does not give sufficient publicity of the notice, the authority may, in addition to publishing the notice as required, exhibit copies of the notice at prominent places or take such other steps as the authority may deem necessary for giving sufficient publicity to the notice.

(2) Subregulation (1) also applies, with necessary modifications, to anything that is required by these Regulations to be posted or to be made available for inspection.

43. Minor inaccuracies immaterial

No misnomer or inaccurate description of a person or place in a register of voters or other document prepared or issued under or for the purposes of these Regulations shall prejudice the validity of the register or document as respects that person or place, if the person or place is so designated as to be commonly understood.

44. Observation on of the registration on process

(1) Every registered political party shall have the right to observe the registration of voters and the revision of registers of voters through designated representatives.

(2) A registered party shall notify the Commission, in writing, of the names of its designated representatives.

(3) Any person, association or organization may apply to the Commission to be allowed to observe the registration of voters and the revision of registers of voters and to verify the accuracy of the register.

(4) Representatives of the media shall have the right to observe the registration process and to access the registration centres.

(5) Every individual observing the registration of voters and the revision of registers of voters shall comply with any guidelines issued by the Commission respecting the conduct of such observation.

45. Alternative means of signification

If, because of physical inability, illness or illiteracy, a person cannot sign an application form, he or she may do any of the following instead of signing—

- (a) put the print of his or her thumb or other finger at the appropriate place in the form; or
- (b) if the person has no thumb, print at the appropriate place in the form, the print of any finger or such other mark as the registration officer may allow.

46. Revocation of L.N. 173/2002

The National Assembly Elections (Registration of Electors) Regulations, 2002, are revoked.

SCHEDULE

FORM A

(r. 8)

APPLICATION FOR REGISTRATION AS A VOTER

To the Registration Officer:
Constituency: County:
Ward Registration centre
Surname: Other names:
Identity card no./Kenyan passport no:
Date of birth: Sex:
Residential address:
Contact Telephone
Postal address:
Email:
Disability (if any):
Whether you will require to be assisted by any one during voting:
I, the above named applicant, hereby apply to be registered in the Principal Register of Voters in accordance to the Constitution and the Elections Act.

DECLARATION

I, declare that at the date of this application:
(i) I am qualified to be, and not disqualified from being, registered as a voter under the law in respect of the classes of election for which I now apply for registration.
(ii) I am in possession of a national identity card or Kenyan passport with the number indicated in this application.
(iii) The particulars entered on this form or submitted to the Commission (which I have entered, read or have had read to me) are true to the best of my knowledge.

Dated: 20

Signature or thumbprint of applicant

SCHEDULE, FORM A—*continued*

Witnessed by:

.....
*Registration Officer/
Assistant Registration Officer*
Official stamp.

FORM B

(r. 12(1))

CERTIFICATION OF REGISTER OF VOTERS

I hereby certify the document or documents described as follows as the Principal Registers of Voters or part of components of the register relating to the county.
ward Constituency
Dated the 20

Registration Officer
Constituency

FORM C

(r. 14(3))

APPLICATION TO CHANGE PARTICULARS OF REGISTRATION

I, (the applicant), am registered in the register of voters as follows—
Name of Constituency
Constituency code
Name of Ward
Ward code
Name of Registration centre
Registration centre code
Surname
Other Name(s)
Identity card/Kenyan passport number expiry date
Telephone number
I wish to change the particulars of my registration as follows:
Surname
Other names
Identity card/Kenya passport number
Voter's number
Sex
Date of birth
Dated: 20

Signature or thumbprint of applicant
Witnessed by (RO/RA)

SCHEDULE—continued

FORM D

(r. 14(4))

APPLICATION FOR TRANSFER OF REGISTRATION IN WHICH A PERSON IS REGISTERED

Current Constituency

Surname

Other Name(s)

Identity card No./Kenyan passport No:

Date of birth:

Sex

Residential address:

Contact Telephone

Postal address:

Tel:

Email:

I, the applicant, am registered in the register of voters for the constituency noted above. I wish to be registered in the register of voters for the following:

New Constituency:

County Assembly Ward:

New Polling Station:

Contact (postal) address:

Physical address:

Telephone:

Dated: 20

Signature or thumbprint of the applicant

Witnessed by RO/RA

FORM E

(r. 16(2))

VOTER'S CARD

Surname

Other Name(s):

Voter's Number

Voter's Identity Card/Kenyan Passport Number:

Identity Card Serial No:

County:

Constituency:

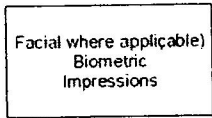
Ward:

Polling Station

Elections at which Voter is entitled to vote:

Presidential/Parliamentary/County/Ward/Referenda

Note: You must produce your identity card or Kenyan passport in order to vote.
You are not entitled to vote unless your name appears in the register of voters.



SCHEDULE—continued

FORM F

(r. 18)

CLAIM UNDER SECTION 12 OF THE ACT

To the Registration Officer: Constituency
 Particulars of claimant:
 Surname:
 Other Name(s):
 Identity Card Number/Kenyan Passport Number:
 Physical Address:
 Postal Address:
 Tel:
 Email:
 I, the claimant, applied to be registered in the register of voters but have not been so registered. I hereby make a claim under section 12 of the Act to be registered.
 Dated:, 20

Signature or thumbprint of Claimant

FORM G

(r. 27(4))

NOTICE—REGISTER OF VOTERS TO BE REVISED

NOTICE is hereby given that the Principal Register of Voters/part of the principal register of voters relating to will be open for inspection for days.

The purpose of the inspection shall be to—

- (a) ensure that no person is incorrectly registered;
- (b) ensure that no person is registered more than once;
- (c) ensure that no registered person is omitted from the register;
- (d) ensure that no deceased person is in the register; and
- (e) to correct clerical errors.

Inspection may be made on or after, 20 but not later than, 20

Inspection may be made at the places listed in the Schedule to this notice. If a place listed in the Schedule is closed before the last day for inspection, a notice will be posted at that place indicating the other places where applications may be made.

Forms for application may be obtained at any place of registration, while it is open.

SCHEDULE

PLACES WHERE APPLICATION MAY BE MADE

1.
2.
3.

Dated the, 20

Chairperson
Independent Electoral and Boundaries Commission

SCHEDULE—continued

FORM H

(r. 30(3))

NOTICE—REGISTER OF VOTERS TO BE REPLACED

NOTICE is hereby given that a new register of voters will be compiled for the following constituency/county/ward:

All persons who wish to be registered as voters should apply.

Applications may be made on or after 20

but not later than 20

Applications may be made at the places listed in the Schedule to this notice.

If a place listed in the Schedule is closed before the last day for making applications, a notice will be posted at that place indicating the other places where application may be made.

NB: Please take note that registration shall be done where one wishes to vote.

Any person who wishes to vote in any other place other than where he or she is registered he or she shall apply at the nearest constituency office.

SCHEDULE

PLACES WHERE APPLICATIONS MAY BE MADE

1.

2.

3.

Dated the 20

.....
Chairperson
Independent Electoral and Boundaries Commission

FORM I

(r. 30(3))

NOTICE OF AVAILABILITY OF REGISTER FOR INSPECTION

Date of posting notice:

NOTICE is hereby given that the new preliminary register of voters for the

Constituency has been completed and is available for inspection for days.

The register may be inspected at the places listed in the Schedule.

How to make a claim:

A person who claims that he or she should be included in the register may make a claim to the registration officer within the period prescribed for inspection.

The claim must be made in the prescribed Form.

How to make an objection:

A person who is registered and who wishes to object to his or her own registration or the registration of another may make an objection to the Court within the period prescribed for inspection.

A person who is registered and who wishes to object to a claim of another may make an objection to the Court within the prescribed inspection period after the claim was posted.

An objection must be made in the prescribed form.

Dated the 20

Registration Officer

SCHEDULE, FORM I—*continued*

SCHEDULE

Places where application may be made:

1.
2.
3.

FORM J

(r. 35)

APPLICATION FOR REGISTRATION BY A KENYAN CITIZEN RESIDING
OUTSIDE KENYA

Surname

Other Name(s)

Passport Number, Date and place of issue, passport expiry date

Identity Card Number, Date and place of issue

Date of birth

CITIZENSHIP

Country of Birth

Citizen by birth/ registration

If by registration, date of registration (dd mm yyyy)

COUNTRY OF RESIDENCE

PHYSICAL ADDRESS

CONTACT ADDRESS

- (a) Telephone (country code, telephone number)
- (b) Email
- (c) Postal Address

APPLICANT'S LAST RESIDENCE IN KENYA

- (a) Constituency
- (b) Ward
- (c) Address
- (d) Cell phone number

DURATION OF STAY IN COUNTRY OF RESIDENCE

- (a) Years
- (b) Months
- (c) Days

DISABILITY (if any):

WHETHER YOU WILL REQUIRE TO BE ASSISTED BY ANY ONE DURING VOTING:

I, the applicant, hereby apply to be registered in the register of voters for the following:

- (a) Presidential election
- (b) Referenda

DECLARATION

I declare that:

- (i) I am qualified to be, and not disqualified from being, registered as an voter under the Law in respect of the class or classes of election for which I now apply for registration.
- (ii) I am in possession of a Kenyan passport with the number indicated in this application.

SCHEDULE, FORM J—*continued*

(iii) The particulars entered on this form (which I have entered, read or have had read to me) are in every respect true and correct.

Dated: 20

.....
Signature or thumbprint of Applicant

Declared before me:
Registration Officer/Assistant Registration Officer

Official Stamp:
SCHEDULE

PLACES WHERE APPLICATION MAY BE MADE:

1.
2.
3.

ELECTIONS (VOTER EDUCATION) REGULATIONS, 2012

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Short title.
2. Interpretation.
3. Objective of regulations.

PART II – VOTER EDUCATION COMMITTEES

4. Establishment of voter education committees.
5. Composition of National Committee.
6. Sub Committees of the National Committee.
7. Commission may assign staff.
8. Chairperson and vice-chairperson.
9. Functions of the National Committee.
10. Procedure of the National Committee.
11. Composition of constituency committees.
12. Functions of constituency committees.
13. Procedure of constituency committees.
14. Declaration.
15. Remuneration.
16. Reports.

PART III – VOTER EDUCATORS

17. Voter educators.
18. Manner of carrying out the tasks of voter educators.
19. Qualifications.

PART IV – ACCREDITATION OF NON STATE VOTER EDUCATION PROVIDERS

20. Application for accreditation.
21. Accreditation criteria.
22. Certificate of accreditation.
23. Inspection of register.
24. Accredited persons and organisations to sign code of conduct.
25. Commission may revoke accreditation, etc.
26. Impartiality of voter education providers.
27. Submission of information.

SCHEDULE

ELECTIONS (VOTER EDUCATION) REGULATIONS, 2012

[L.N. 127/2012.]

PART I – PRELIMINARY

1. Short title

These Regulations may be cited as the Elections (Voter Education) Regulations, 2012 and shall come into effect upon publication in the *Gazette*.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**constituency committee**” means a constituency voter education committee established under regulation 4;

“**National Committee**” means the National Voter Education Committee under regulation 4;

“**voter education**” means all forms of information or communication whose purpose is to educate members of the public on their rights and responsibilities in the electoral process and generally on the electoral process;

“**voter education committee**” means the National Committee or a constituency committee;

“**voter educator**” means a person engaged by a constituency committee or by a voter education provider to carry out voter education under these Regulations.

3. Objective of Regulations

The objective of these Regulations is to—

- (a) implement Article 88(4)(g) of the Constitution;
- (b) create an environment for objective and effective voter education for all Kenyans;
- (c) ensure efficient coordination of voter education for purposes of harmonisation of the content of the voter education material; and
- (d) promote optimum use of resources available for voter education in Kenya.

PART II – VOTER EDUCATION COMMITTEES

4. Establishment of voter education committees

The Commission shall establish the following voter education committees—

- (a) a committee at the national level to be known as the National Voter Education Committee; and
- (b) a committee in each constituency to be known as the constituency voter education committee.

5. Composition of National Committee

The National Committee shall consist of the following members appointed by the Commission—

- (a) two persons from civil society organisations;

- (b) a representative of the Ministry responsible for matters relating to education, who shall be a person who is qualified and has experience in matters relating to curriculum development or delivery;
- (c) a representative of the Ministry responsible for matters relating to the public service;
- (d) three representatives nominated by a forum of faith based organisations;
- (e) a representative of persons with disabilities;
- (f) a representative of the youth;
- (g) two persons from institutions of higher learning;
- (h) one representative of the Political Parties Liaison Committee; and
- (i) the director of voter education at the Commission who shall be secretary to the Committee.

6. Sub Committees of the National Committee

The National Committee may establish such sub committees as it may consider necessary for the purposes of carrying out its functions.

7. Commission may assign staff

The Commission may assign such members of its staff to the National Committee as may be necessary to enable the National Committee perform its functions.

8. Chairperson and vice-chairperson

(1) The members of the National Committee shall elect a chairperson and vice-chairperson of the National Committee from amongst themselves.

(2) The chairperson and vice-chairperson of the National Committee shall not be of the same gender.

(3) The composition of the National Committee shall reflect the principle of gender balance and regional diversity of the people of Kenya.

9. Functions of National Committee

(1) The National Committee shall, under the general direction of the Commission, be responsible for the design and dissemination of voter information and education relevant to the participation of the citizens in the electoral and referenda processes.

(2) Without prejudice to the generality of subregulation 1), the National Committee shall be responsible under the general direction of the Commission, for—

- (a) general policy and strategies for voter education;
- (b) voter education curriculum;
- (c) voter education materials;
- (d) monitoring and evaluating voter education programmes;
- (e) collaborating with other stakeholders on voter education; and
- (f) overseeing the functions of the constituency committees.

10. Procedure of National Committee

(1) Subject to this regulation, the National Committee shall regulate its own procedure.

(2) The National Committee shall hold such number of meetings in such place, time, and manner as the National Committee may consider necessary for the discharge of its functions under these regulations.

(3) A member of the National Committee, other than an *ex officio* member, shall be appointed for a term of three years and shall be eligible for reappointment for one further term of two years.

(4) The quorum for meetings of the National Committee shall be seven members.

(5) A member of the National Committee may resign upon giving one month's notice in writing to the Commission.

(6) Where the position of a member of the National Committee becomes vacant before the expiry of the term of office of that member, the Commission may appoint another member from the organisation represented by the member who resigned, to serve for the unexpired term.

11. Composition of constituency committees

(1) A constituency committee shall consist of the following members appointed by the Commission—

- (a) two persons from civil society organisations operating in the Constituency;
- (b) two representatives of government ministries within the Constituency;
- (c) three representatives from faith based organizations operating in the constituency; and
- (d) the constituency elections coordinator who shall be the secretary and spokesperson of the Committee.

(2) The members of the constituency committee shall elect a chairperson and vice-chairperson, from amongst themselves.

(3) The chairperson and vice-chairperson of the constituency committee shall not be of the same gender.

(4) The composition of the constituency committee shall reflect the principle of gender balance and the geographical diversity within that constituency.

12. Functions of constituency committees

(1) A constituency committee shall be responsible for overseeing and advising on the coordination and implementation of voter education programmes at the constituency level.

(2) Without prejudice to the generality of subregulation (1), a constituency committee shall advise on—

- (a) constituency voter education programmes;
- (b) recruitment, induction and deployment of constituency voter educators;
- (c) supervision and monitoring of the activities and operations of constituency voter educators; and
- (d) evaluation of constituency voter education activities and programmes.

13. Procedure of constituency committees

(1) Subject to this regulation, a constituency committee shall regulate its own procedure.

(2) A constituency committee shall hold such number of meetings in such place, time, and manner as the National Committee may consider necessary for the discharge of its functions under these Regulations.

(3) A member of the constituency committee, other than an *ex officio* member, shall be appointed for a term of three years and shall be eligible for reappointment for one further term of two years.

- (4) The quorum for meeting of a constituency committee shall be four members.
- (5) A member of the constituency committee may resign upon giving one month's notice in writing to the Commission.
- (6) Where the position of a member becomes vacant before the expiry of the term of office of that member, the Commission may appoint another member from the organisation represented by the member who resigned, to serve for the unexpired term.

14. Declaration

A member of the National Committee or a constituency committee shall make a declaration in Form 1 set out in the Schedule.

15. Remuneration

- (1) Members of the National Committee and the constituency committees shall be paid such allowances as the commission may determine.
- (2) The costs and expenses of the national and constituency committees shall be borne by the Commission.

16. Reports

- (1) Each constituency committee shall, every six months, prepare and submit a report to the National Committee.
- (2) A report made under subregulation (1) shall contain the following information—
- (a) activities carried out by the constituency committee;
 - (b) statistical information considered appropriate; and
 - (c) any other information relating to the functions of the constituency committee.

PART III – VOTER EDUCATORS

17. Voter educators

Each constituency committee shall recruit persons to act as voter educators at the ward or other levels in such manner as the National Committee may, from time to time, direct.

18. Manner of carrying out the tasks of voter educators

A voter educator appointed under this regulation shall carry out voter education under the direction of the constituency committee and in accordance with the voter education curriculum prescribed under these Regulations.

19. Qualifications

The National Committee shall prescribe the qualifications for voter educators.

PART IV – ACCREDITATION OF NON STATE VOTER EDUCATION PROVIDERS

20. Application for accreditation

- (1) A Non State agency or organisation may apply to the Commission to be accredited to provide voter education.
- (2) An application for accreditation to provide voter education shall be made to the National Committee in Form 2 set out in the Schedule.

21. Accreditation criteria

The National Committee may, with the approval of the Commission accredit an applicant if that applicant—

- (a) possesses valid registration certificates;
- (b) has an operational bank account;
- (c) has civic education as an objective in the instrument of registration;
- (d) has a presence in at least one constituency in Kenya;
- (e) possesses at least three years demonstrable experience in the provision of voter or civic education;
- (f) demonstrates to the National Committee that it has the necessary institutional and resource capacity to carry out voter education;
- (g) meets such integrity and accountability standards as the National Committee may require and as demonstrated by its record; and
- (h) meets tax compliance requirements as the law may require of organisations of its kind.

22. Certificate of accreditation

(1) If the National Committee is satisfied that an applicant meets the requirements for accreditation as set out in regulation 21, the National Committee shall—

- (a) enter the name of the applicant in the register of agencies and organizations accredited to provide voter education; and
- (b) issue a certificate of accreditation in the name of the applicant stating the period of validity and any other conditions of accreditation as the Commission may determine.

(2) The certificate issued under subregulation (1)(b) shall be in Form 3 set out in the Schedule.

23. Inspection of register

Any person may inspect the register and copies of the certificates of persons accredited to provide voter education for, or in respect of, any election.

24. Accredited persons and organisations to sign code of conduct

All accredited persons or organisations shall sign and abide by the code of conduct in Form 4 set out in the Schedule.

25. Commission may revoke accreditation, etc.

(1) The National Committee may revoke an accreditation certificate issued to a person who or organization which contravenes the code of conduct.

(2) The National Committee may carry out an assessment of a voter education exercise carried out by an accredited organization and advice on the same.

26. Impartiality of voter education providers

An organization accredited by the National Committee to provide voter education shall—

- (a) do so in a manner that is impartial and independent of any political party or candidate contesting an election;
- (b) be competent to carry out voter education;
- (c) subscribe to the code of conduct;

- (d) provide voter education in accordance with the curriculum developed by the Commission; and
- (e) work towards ensuring that its activities promote voter education and conditions conducive to free and fair elections.

27. Submission of information

The National Committee may, from time to time, require any accredited organization to submit a report concerning its activities carried out under these Regulations.

SCHEDULE

SCHEDULE

FORM 1

(r. 14)

DECLARATION BY COMMITTEE MEMBER

I, of National Identity card No.
 solemnly and sincerely declare that—

1. I am a Kenya Citizen
2. I have been appointed as a member of the National/ constituency voter education committee for
3. I shall perform only those functions that are mandated by the Elections (Voter Education) Regulations or by the Commission.
4. I shall be non partisan, objective and transparent in the discharge of my functions.
5. I shall not make any press statement or make any promise for or on behalf of the Commission.
6. I shall abide by the provisions of the Elections Act or any other regulations made thereunder.

I make this solemn declaration conscientiously believing the same to be true.

Signed

Subscribed and solemnly declared before me this
 day of 20.....

Signed

(Magistrate/ Commissioner for Oaths)

Name in Block Letters

Official Date stamp

FORM 2

(r. 20 (2))

ACCREDITATION APPLICATION FORM

1. Name of Organisation
2. Address
3. Telephone:
4. Principal Officers:
 - (a) President/Chairperson:
 - (b) Secretary General/ Executive Director/ Country Director:

SCHEDULE, FORM 2—continued

- 5. Person authorised by the organization to liaise with the National Committee
 Name: Position:
 Address:
 Telephone: Email:
- 6. Set out statement of objectives of the organisation:
- 7. Estimated number of members that the group plans to deploy for voter education:
- 8. Source of Funds
- 9. Person submitting this application:
- 10. Designation:
- 11. Telephone, email, etc.:

FORM 3

(r. 22(2))

ACCREDITATION CERTIFICATE
 INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
 CERTIFICATE OF ACCREDITATION AS A VOTER EDUCATION PROVIDER

This is to certify that (Name of Organisation)
 has been accredited as a voter education provider in (electoral area)
 for the period commencing upto

Issued this day of 20

Seal of Independent Electoral and Boundaries Commission.
 Name

Signature
Independent Electoral and boundaries Commission *Chief Executive Officer/Secretary*

FORM 4

(r. 24)

CODE OF CONDUCT OF VOTER EDUCATORS

- 1. The principal duty of the a voter educator is to promote awareness among the population of Kenya in general and the voting population in particular on the need for all citizens of Kenya of voting age to register and vote in the elections or referenda.
- 2. A voter educator is a friend of every voter. He or she will endeavor to provide appropriate information, insight and advice to every voter on issues relating to the registration, elections and the referendum. He or she shall however not use his or her position as a voter educator to influence any voter to vote for any particular candidate or political party.
- 3. A voter educator shall—
 - (a) conduct voter education in accordance with the curriculum prepared and approved by the Commission;
 - (b) conduct voter education impartially and without the advocacy or influence from any person or group;

SCHEDULE, FORM 4—*continued*

- (c) refrain from engaging in or supporting any activity that would discredit the work or image of the Commission;
 - (d) not in any way actively subvert the attainment of the Commission's statutory mandate and the conduct of the electoral process;
 - (e) refuse any gift, favour, hospitality or any inducement that would influence or appear to influence the discharge of his or her duties;
 - (f) carry out voter education without intimidation, coercion, threats, duress or undue influence;
 - (g) be sensitive to the needs of people with disabilities, women, youth and other marginalized groups when providing voter education;
 - (h) give due consideration to special and appropriate circumstances regarding accessibility, language and methodology in the provision of voter education;
 - (i) avoid actual or apparent conflicts of interest in the provision of voter education;
 - (j) refrain from disclosing any confidential information acquired in the course of their work unless otherwise authorized by the Commission;
 - (k) perform his or her duty in accordance with such other rules, regulations, standards as the IEBC may set from time to time;
 - (l) endeavor to use every means at his or her disposal to encourage every Kenyan who is eligible to register as voter to exercise his or her constitutional right to register and vote in elections and referenda.
4. A voter educator who does not abide by the code of conduct shall be liable to such penalty Commission may deem fit, including termination of the contract and revocation of the right to conduct voter education for voter registration, elections and a referendum.

STATEMENT OF ACCEPTANCE OF CODE OF CONDUCT

I do hereby accept to serve as a voter educator
I accept to be bound to the above code of conduct and with such Regulations that may be made from time by the commission for the purpose of giving effect to the code of conduct at all times during my term of service as voter education provider.
I undertake to relinquish my duty as a voter educator if required to do so, for good cause, by the Commission
Name
Constituency
Sign
Date

ELECTIONS (GENERAL) REGULATIONS, 2012

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[Rev. 2012]

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ELECTIONS (GENERAL) REGULATIONS, 2012

[L.N. 128/2012.]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the Elections (General) Regulations, 2012.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**Act**” means the Elections Act, 2011;

“**agent**” means a person appointed under section 30 of the Act;

“**authorised official of the party**” in relation to a person required to sign the nomination paper of a candidate means an official of a party authorised in that behalf in accordance with section 31(3) of the Act;

“**campaign**” means the promotion of a candidate or political party for the purposes of an election during the campaign period;

“**close of nominations**” means four o'clock in the afternoon of the last nomination day for respective elections;

“**Commission**” means the Independent Electoral and Boundaries Commission established under Article 88 of the Constitution;

“**copy register**” means the copy of the Principal Register of Voters or part thereof supplied to a polling station under regulation 61(4) (a) or its electronic version;

“**county returning officer**” means a returning officer appointed pursuant to regulation 4;

“**election officer**”, means a person appointed by the Commission to assist in conducting an election under these Regulations and includes a returning officer, deputy returning officer, a presiding officer, a deputy presiding officer, a clerk or an interpreter;

“**electoral number**”, in relation to a voter, means the number shown against the name of that voter in the Principal Register of Voters for his or her constituency;

“**nomination paper**” means nomination papers delivered, in accordance with these Regulations, to the appropriate officer by or on behalf of a person intending to contest as a candidate at an election;

“**police officer**” means a police officer assigned to perform the duties that are performed by a police officer under these Regulations;

“**political party candidate**” means a candidate nominated by a political party to contest an election under the Act;

“**polling day**” means the election date as stipulated in the Constitution or such other date set for an election by the Commission;

“**polling station diary**” means a diary kept by the presiding officer for the purpose of recording incidents as may be prescribed by the Commission;

“**presiding officer**” means a person appointed under regulation 5 to preside at a polling station;

“rejected ballot paper” means a ballot paper rejected in accordance with regulation 78;

“returning officer” has the meaning assigned to it under the Act and includes, a county returning officer appointed under regulation 4;

“spoilt ballot paper” means a ballot paper accepted as spoilt by the presiding officer under regulation 71;

“subscriber” in relation to a nomination paper, means any supporter whose name appears on the nomination paper other than the authorised official of a political party.

PART II – MATTERS PRELIMINARY TO ELECTIONS

3. Returning officers and other staff

(1) The Commission shall appoint a returning officer for each constituency and may appoint such number of deputy returning officers for each constituency as it may consider necessary.

(2) Prior to appointment under paragraph (1), the Commission shall provide the list of persons proposed for appointment to political parties and independent candidates at least fourteen days prior to the proposed date of appointment to enable them make any representations.

(3) The returning officer shall be responsible for—

- (a) conducting elections at the constituency level;
- (b) receiving nomination papers in respect of candidates nominated for the post of National Assembly and Ward representative;
- (c) the tallying of results from each polling station in the constituency;
- (d) announcing results from the constituency for purposes of the election of the President, Senator, Governor, woman representative to the National Assembly, member of National Assembly and county representatives;
- (e) the declaration of the results tallied under paragraph (c); and
- (f) such other functions as may be assigned by the Commission.

(4) Every appointment under this regulation shall be done transparently and competitively and thereafter published in the *Gazette* and in such other manner as the Commission may deem necessary in order to widely publicize the appointment.

(5) A deputy returning officer shall, subject to the general direction and control of the returning officer to whom he or she is a deputy, have all the power, and may perform all the duties, of the returning officer under these Regulations.

(6) The Commission shall appoint such other staff as it may deem necessary for the purpose of conducting elections.

4. Appointment of county returning officers

(1) The Commission shall appoint county returning officers to be responsible for—

- (a) receiving nomination papers in respect of candidates nominated for the post of Governor or county woman representative to the National Assembly and the Senate;
- (b) tallying results from constituencies in the county for purposes of the election of the President, county Governor, Senator and county women representative to the National Assembly;
- (c) the declaration and announcement of results tallied under paragraph (b); and
- (d) such other functions as may be assigned by the Commission.

(2) Prior to appointment under subregulation (1), the Commission shall provide the list of persons proposed for appointment to political parties and independent candidates at least fourteen days prior to the proposed date of appointment to enable them make any representations.

(3) Every appointment under this regulation shall be done transparently and competitively and thereafter published in the *Gazette* and in such other manner as the Commission may deem necessary in order to widely publicize it.

(4) The county elections coordinator shall not be appointed as the returning officer or the deputy returning officer of the county in which he or she is deployed.

5. Presiding at polling station, oath of secrecy, etc.

(1) The Commission shall transparently and competitively appoint a presiding officer for every polling station and may similarly appoint such number of deputy presiding officers as may be necessary.

(2) Prior to appointment under subregulation (1), the Commission shall provide the list of persons proposed for appointment to political parties and independent candidates at least fourteen days prior to the proposed date of appointment to enable them make any representations.

(3) A returning officer may preside at a polling station and in that case the returning officer shall, for the purposes of these Regulations, be deemed to be the presiding officer of that station.

(4) A deputy presiding officer may perform any act, including the asking of any question, which a presiding officer is required or authorized to perform by these Regulations.

(5) The returning officer shall require every presiding officer, deputy presiding officer, clerk, interpreter and agent authorised to attend at a polling station, as soon as he or she has made the oath of secrecy prescribed by the Act, to make before the returning officer, a declaration that the officer making the declaration understands that he or she shall not prompt any voter whom he or she is empowered by these Regulations to assist, and shall strictly follow the provisions of these Regulations, and any instructions which may lawfully be given to him or her relating to the election concerned.

(6) The declaration under subregulation (4) shall be in Form 1 set out in the Schedule.

(7) Every agent appointed by a candidate for the purposes of these Regulations shall at all times during the performance of the duties authorized by the candidate wear the official badge or insignia of the political party sponsoring the candidature of the candidate at the election or an insignia previously approved by the Commission for independent candidates.

6. Appointment of polling clerks

(1) The Commission shall appoint such number of polling clerks for each constituency as it may consider necessary.

(2) The Commission shall make the list of the persons appointed under subregulation (1) available to political parties and independent candidates within fourteen days from the date of appointment to enable them raise any objections.

(3) The list of the persons appointed under subregulation (1) shall be displayed prominently at the offices of the Commission within the constituency.

7. Electoral areas and polling stations

(1) The Commission shall—

- (a) assign to each electoral area a distinguishing number or letter or a combination of number and letter;
- (b) appoint a place or places or designate a vehicle or vehicles or a vessel or vessels at which the polling station or stations for each electoral area shall be established; and
- (c) publish in the *Gazette* and publicise through electronic and print media of national circulation and other easily accessible medium, a notice specifying—
 - (i) the polling stations established for each constituency, which may be the same as the registration centres which they respectively comprise;
 - (ii) the distinguishing number or letter, or combination thereof, assigned to each polling station; and
 - (iii) the place or places appointed or the vehicle or vehicles, vessel or vessels designated for the establishment of a polling station or stations for each electoral area.

(2) In determining the number of polling stations and the location of any polling station, the Commission shall have regard to geographical considerations, accessibility for persons with special needs, (including persons with disabilities), population and any other factors affecting communication between places within the electoral area.

(3) Subject to subregulation (2), the Commission may alter the number of polling stations and the location of any polling station made under subregulation (1), and shall thereupon publish a notice in the *Gazette* specifying the alteration at least three months before the date of any election.

8. Use of schools and other public facilities for elections

(1) The Commission may use, free of charge, for the purposes of polling—

- (a) a room or rooms in any public school within the meaning of the Education Act (Cap. 211) or any part of the school as a polling station;
- (b) such other facilities belonging to, and maintained by, public bodies.

(2) Where, as a result of the use of any facility under this regulation, any damage is caused to a school or facility belonging to or maintained by a public body, the Commission shall make good the damage, or compensate the school or facility, as the case may be.

(3) The Commission may, with prior arrangement with the owner and subject to the Public Procurement and Disposal Act (Act No. 3 of 2005) use private facilities where in the opinion of the Commission, the public facilities are unavailable, inadequate or unsuitable for purposes of polling.

(4) The Commission may not designate as a polling station, any place which, by its nature may compromise the freedom of any voter to exercise his or her right to vote.

9. Party symbol

(1) The Commission shall, by notice in the *Gazette* and through electronic and print media of national circulation and other easily accessible medium notify the public of the distinctive symbol for use by each political party candidate at elections.

(2) The political party symbol shall be the symbol by which the respective party is registered under the Political Parties Act (Act No. 11 of 2011).

(3) Each political party in a coalition of political parties shall use its own symbol.

10. Independent candidate symbol

(1) The Commission shall by notice in the *Gazette* and through electronic and print media of national circulation and other easily accessible medium, publish the symbol approved for each independent candidate.

(2) The symbols published under subregulation (1) shall be *gazetted* at the same time as the list of persons nominated to contest the election.

11. Vacancy notices and notices for elections

(1) A notice issued by the Commission for presidential elections under section 14(1) of the Act shall be in Form 2 set out in the Schedule.

(2) A notice of a vacancy in the National Assembly or Senate shall be in Form 3 set out in the Schedule.

(3) A notice of a vacancy in the county assembly shall be in Form 4 set out in the Schedule.

(4) A notice issued by the Commission for parliamentary elections under section 16(1) of the Act shall be in Form 5 set out in the schedule.

(5) A notice issued by the Commission for country governor elections under section 17(1) of the Act shall be in Form 6 set out in the schedule.

(6) A notice issued by the Commission for county assembly elections under section 19(3) of the Act shall be in Form 7 set out in the schedule.

12. Publication of notice of election

(1) The Commission shall publish a notice of the holding of the respective elections in the *Gazette* and in the electronic and print media of national circulation as set out in the Act and through other easily accessible medium.

(2) Immediately after the publication of a notice under section 14(1) of the Act, the returning officer of every constituency shall notify the holding of a presidential election in Form 8 set out in the Schedule.

(3) Immediately after publication of a notice under section 16(1), 17(1) and 19(1) of the Act, a returning officer shall notify the day or days on which each political party shall nominate candidates to contest parliamentary, county governor or county assembly elections and the holding of a parliamentary, county governor or county assembly election, which shall specify the place at which, and the time during which, nomination papers for parliamentary, county governor and county assembly elections may be obtained.

(4) For purposes of subregulation (3) a notice—

- (a) for the election of a member of Parliament shall be in Form 9 set out in the Schedule;
- (b) for the election of county governor shall be in Form 10 set out in the Schedule; and
- (c) for the election of a member of a county assembly shall be in Form 11 set out in the Schedule.

(5) After the publication of a notice under subregulation (3), the returning officer of every constituency shall proceed to hold the relevant election according to the terms of the notice and in accordance with these Regulations.

PART III – NOMINATION OF CANDIDATES BY POLITICAL PARTIES
AND PARTICIPATION OF INDEPENDENT CANDIDATES IN ELECTIONS

13. Parties to observe qualifications, etc.

(1) A political party that intends to nominate a candidate for an elective post under the Act shall observe the provisions of the Constitution, the Act and any other written law in respect of the qualifications and disqualifications for that office.

(2) The Commission shall reject a candidate submitted by a political party for any elective post if the candidate is not qualified or eligible for election under the Constitution, the Act or any other written law.

14. Party to submit list of candidates

(1) Each political party intending to present a candidate in an election shall, after its nominations and on such date or within such period as the Commission may designate, submit a list of persons nominated as candidates indicating the elective posts to which they are seeking election.

(2) The list referred to in subregulation (1) shall contain the name, address, age, sex, disability and category of disability and information on whether the candidate has a disability, if any.

(3) The list submitted under this regulation shall be signed by the authorised official of the political party.

(4) Each political party shall submit only the name of one person as their candidate for a presidential election or for any electoral area as defined in the Act.

15. Certain requirements for independent candidates

A person who is a Kenyan citizen, and who intends to contest for an elective post as an independent candidate shall—

- (a) obtain and file with the Commission a clearance certificate from the Registrar of Political Parties certifying that the person has not been a member of any political party for at least three months immediately before the date of the election; and
- (b) file with the Commission a form of intention to contest, in the prescribed form.

PART IV – NOMINATION OF PRESIDENTIAL CANDIDATES

16. Manner of nomination of political party presidential candidate

(1) A political party candidate at a presidential election shall be nominated by a political party by and delivery to the Commission on the day fixed for the nomination of candidates at that election, an application for nomination in Form 12 set out in the Schedule.

(2) An application for nomination under this regulation shall be—

- (a) signed by the candidate, and the authorised official of the party; and
- (b) delivered to the Commission personally by the candidate or by an official of the party.

17. Manner of nomination of independent presidential candidate

(1) An independent candidate at a presidential election shall deliver to the Commission on the day fixed for the nomination of candidates at that election, an application for nomination in Form 12 set out in the Schedule.

- (2) An application for nomination under this regulation shall—
- (a) signed by the candidate, and by two persons who have nominated the candidate in accordance with section 29(2) of the Act;
 - (b) delivered to the Commission personally by the candidate or by any of the two persons referred to in paragraph (a).

18. Supporters of nomination of presidential candidate and statutory declaration

(1) The person delivering an application for nomination under regulation 16 or 17 shall at least five days to the day fixed for nomination, deliver to the Commission a list bearing the names, respective signatures, identity card or passport numbers and voters' numbers of at least two thousand voters registered in each of a majority of the counties, in standard A4 sheets of paper and in an electronic form.

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

- (a) be serially numbered;
- (b) each have at the top, in typescript, the wording at the top of Form 12; and
- (c) be accompanied by copies of the voters cards of the voters referred to in subregulation (1).

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

19. Nomination fees of presidential candidates

An application for nomination for candidature at a presidential election shall be accompanied by a non-refundable nomination fee, in banker's draft of—

- (a) one hundred thousand shillings for a candidate who is a youth, a woman or a person with disability; and
- (b) two hundred thousand shillings for any other candidate.

20. Certain obligations of independent candidates for the office of president

(1) Every independent candidate contesting for the office of president shall establish and maintain a functioning office in Kenya.

(2) The office contemplated in subregulation (1) shall be established and be available for inspection by the Commission not later than forty-five days prior to the elections.

21. Declaration of no contest: Presidential election

If at the close of nominations for a presidential election, only one candidate is validly nominated, the Commission shall publish a notice in the *Gazette* showing the name of the candidate so nominated and stating that the presidential election shall not be held, and the Commission shall declare the candidate elected as President in Form 14.

PART V – NOMINATION OF CANDIDATES FOR NATIONAL ASSEMBLY

22. Nomination of political party candidates for National Assembly

A political party candidate at a parliamentary election for the National Assembly or county woman representative shall be nominated by a political party by delivery, to the returning officer on the day fixed for the nomination of candidates at that election, of an application for nomination in Form 15 set out in the Schedule.

23. Nomination of independent candidates for National Assembly

An independent candidate at a parliamentary election for the National Assembly or the county woman representative shall deliver to the returning officer, on the day fixed for the nomination of candidates at that election, an application for nomination in Form 15 set out in the Schedule.

24. Supporters of nomination of candidate for National Assembly

(1) The person delivering an application for nomination under regulation 23 shall at the same time deliver to the returning officer for each elective post, standard A4 sheets of paper bearing the names, respective signatures and voter's number of at least one thousand voters registered in the constituency or county, as the case may be.

(2) The sheets of paper delivered under subregulation (3) shall—

- (a) be serially numbered;
- (b) each have at the top, in typescript, the wording at the top of Form 15;
- (c) be accompanied by copies of the voters cards of the voters referred to in subregulation (3).

25. Nomination fees for candidate for National Assembly

An application for nomination for candidature at a parliamentary election shall be accompanied by a non-refundable nomination fee, in banker's draft, of—

- (a) ten thousand shillings for a candidate who is a youth, woman or person with disability; and
- (b) twenty thousand shillings for any other candidate.

PART VI – NOMINATION OF CANDIDATES FOR SENATE

26. Nomination of political party candidate for Senate

A political party candidate at an election for the Senate shall be nominated by a political party by delivery, to the county returning officer on the day fixed for the nomination of candidates at that election, of an application for nomination in Form 16 set out in the Schedule.

27. Nomination of independent candidate for senate

An independent candidate at an election for the Senate shall be nominated by delivery to the county returning officer on the day fixed for the nomination of candidates at that election, of an application for nomination in Form 16 set out in the schedule.

28. Supporters of nomination of candidate for Senate

(1) The person delivering an application for nomination under regulation 27 shall at the same time deliver to the returning officer, standard A4 sheets of paper bearing the names, respective signatures and electoral numbers of two thousand registered voters in the county.

(2) The sheets of paper delivered under subregulation (4) shall—

- (a) be serially numbered;
- (b) each have at the top, in typescript, the wording at the top of in Form 16; and
- (c) be accompanied by copies of the voters cards of the voters referred to in subregulation (3).

29. Nomination fees for candidate for Senate

An application for nomination for candidature at a Senate election shall be accompanied by a non-refundable nomination fee, in banker's draft, of—

- (a) twenty five thousand shillings for a candidate who is a youth, woman or person with disability; and
- (b) fifty thousand shillings for any other candidate.

PART VII – NOMINATION OF COUNTY GOVERNOR CANDIDATES

30. Nomination for political party candidate for county governor

A political party candidate for election as county governor shall be nominated by the political party by delivery, to the county returning officer, on the day fixed for the nomination of candidates at that election, of an application for nomination in Form 17 set out in the Schedule.

31. Nomination of independent candidates for county governor

(1) An independent candidate at a county governor election shall deliver to the returning officer on the day fixed for the nomination of candidates at that election, an application for nomination in Form 17 set out in the Schedule.

32. Supporters of nomination of county governor candidate

(1) The person delivering an application for nomination under regulation 31 shall at the same time deliver to the returning officer standard A4 sheets of paper bearing the names, respective signatures and electoral numbers of five hundred voters registered in the county.

(2) The sheets of paper delivered under subregulation (1) shall—

- (a) be serially numbered;
- (b) each have at the top, in typescript, the wording at the top of Form 17; and

33. Nomination fees for county governor candidates

An application for nomination for candidature at a county governor election shall be accompanied by a non-refundable nomination fee, in banker's draft, of—

- (a) twenty five thousand shillings for a candidate who is a youth, woman or person with disability; and
- (b) fifty thousand shillings for any other candidate

PART VIII – NOMINATION OF CANDIDATES FOR COUNTY ASSEMBLY MEMBER

34. Nomination of political party candidate for county assembly member by political parties

A political party candidate at a county assembly election shall be nominated by a political party by delivery to the returning officer on the day fixed for the nomination of candidates at that election, of an application for nomination in Form 18 set out in the schedule.

35. Nomination of independent candidate for county assembly

An independent candidate at a county assembly member election shall deliver to the returning officer on the day fixed for the nomination of candidates at that election, of an application for nomination in Form 18 set out in the Schedule.

36. Supporters of nomination of candidate for county assembly

(1) The person delivering a nomination application under regulation 35 shall at the same time deliver to the returning officer, standard A4 sheets of paper bearing the names, respective signatures and electoral numbers of five hundred voters registered in the ward.

- (2) The sheets of paper delivered under subregulation (3) shall—
- (a) be serially numbered; and
 - (b) each have at the top, in typescript, the wording in Form 18.

37. Nomination fees for candidate for member of county assembly

An application for nomination for candidature at a county assembly member election shall be accompanied by a non-refundable nomination fee, in banker's draft of—

- (a) two thousand five hundred shillings for a candidate who is a youth, woman or person with disability; and
- (b) five thousand shillings for any other candidate.

**PART IX – GENERAL PROVISIONS ON
NOMINATION OF CANDIDATES AND REFERENDUM**

38. General requirements: political party candidates

A nomination paper submitted by a political party candidate to the Commission shall—

- (a) contain the candidate's name as it appears in the register of voters;
- (b) be signed by the candidate and by a proposer and seconder who shall be voters registered in the respective electoral areas, and who shall be members of the political party, and by an authorised official of the political party; and
- (c) be delivered to the returning officer personally by the candidate or by a person authorised by the candidate in that behalf on the day set for the nomination.

39. General requirements: independent candidates

A nomination paper submitted by an independent candidate to the Commission shall—

- (a) contain the candidate's name as it appears in the voter register;
- (b) show the voter registration number of each of the subscribers thereto;
- (c) be signed by the candidate, and by a proposer and seconder who shall be voters registered in the respective electoral areas but who shall not be members of any political party;
- (d) show the respective electoral area and voters number of the proposer and the seconder; and
- (e) be delivered to the returning officer personally by the candidate himself or herself or by a person authorized in that behalf by the candidate on the day set for the nomination of that election.

40. Independent candidates to supply physical address

Every independent candidate for elections shall provide a physical address located in the respective electoral area for purposes of physical service of documents.

41. Statutory declaration for purposes of nomination

A person nominated to contest in a parliamentary or county election shall submit to the returning officer together with the application for nomination a statutory declaration in Form 19 set out in the Schedule.

42. Supply of nomination forms

A returning officer shall supply free of charge to any voter of his or her electoral area an application for nomination upon a request made by the voter or on behalf of the voter at such place and time as is specified in a notification under regulation 11.

43. Validity of nomination papers

(1) Where a candidate has applied for nomination in accordance with these Regulations, unless the returning officer holds a nomination paper invalid in accordance with these Regulations, or the candidate withdraws his or her candidature, or proof is given to the satisfaction of the returning officer of the candidates' death, the candidate named therein shall stand validly nominated.

(2) A returning officer shall hold a nomination paper invalid on any of the following grounds—

- (a) that the particulars of the candidate or supporters contained in the nomination paper are not as required by the Act or these Regulations in respect of that elective post;
- (b) that the nomination paper is not subscribed as required by these Regulations in respect of that elective post;
- (c) that the candidate is not qualified to be, or is disqualified by law from being nominated or elected to the elective post for which nomination is sought;
- (d) that so many of the supporters as would reduce the number of qualified supporters to less than the required number of supporters are not qualified to be supporters;
- (e) that the candidate was not nominated by a political party under section 13 of the Act;
- (f) that the candidate's name is not on the list submitted by the political party under section 35 of the Act;
- (g) that the nomination paper was presented after the prescribed period had lapsed;
- (h) that the nomination paper was not accompanied by the prescribed fee;
- (i) that the person stands nominated as a candidate in another electoral area; or
- (j) that the candidate is disqualified under any other written law.

(3) A returning officer shall give his or her decision on an objection to a nomination paper as soon as practicable after the objection is made.

(4) Where a returning officer decides that a nomination paper is invalid, the returning officer shall record that decision and the reasons therefor on the nomination paper, add his or her signature thereto and return the invalid nomination paper to the candidate or its presenter.

(5) Notwithstanding that a returning officer has held nomination papers invalid, the returning officer may admit the nomination papers once the reason rendering the nomination papers invalid has been addressed.

44. Withdrawal of candidature before nomination

A candidate whose nomination papers have been delivered to the returning officer may, before the close of nominations, by notice in writing signed by him or her before the returning officer and presented to the returning officer, withdraw his or her candidature.

45. Multiple subscribers, etc.

(1) No person shall be a subscriber to more than one nomination paper in respect of different candidates in the same election and if any person subscribes to more than one nomination paper such subscription shall be inoperative on nomination papers:

Provided that this subregulation shall not apply to the subscription of a person by reason only of his or her having subscribed a nomination paper of a candidate who has died or who has withdrawn his or her candidature before a second nomination paper subscribed by that person has been delivered to the returning officer.

(2) For purposes of verifying the names of the members of the political party on the party membership list provided by a political party for purposes of these Regulations, such names shall be confirmed against the party membership list submitted to, and kept by, the Registrar of Political Parties and the party membership list submitted to the Commission pursuant to section 28 of the Act.

46. Certification of candidates

A candidate shall submit a self declaration form as prescribed in the First Schedule to the Leadership and Integrity Act.

[Act No. 19 of 2012.]

47. Ascertainment of educational qualifications

(1) For purposes of ascertaining the educational qualification of persons for an elective post, a person seeking nomination shall submit to the Commission copies of certificates of the educational qualification.

(2) Where the body that issued the certificate is not based in Kenya, a candidate shall be required to seek authentication of that body with the Kenya National Examinations Council, in the case of form four certificates, or the Commission for Higher Education, in the case of university degrees.

48. Attendance at delivery of nomination papers

(1) No person shall be entitled to attend the proceedings taking place during the time fixed for the delivery of nomination papers unless that person is—

- (a) a candidate;
- (b) a person nominated as deputy to the candidate, where applicable;
- (c) an agent; or
- (d) present for the purpose of assisting the returning officer at the request of the returning officer.

(2) Only two persons shall be entitled to attend the proceedings under subregulation (1) at any one time, in respect of any one candidate, whether one of the two persons is the candidate himself or herself or not.

(3) A person entitled to attend proceedings under this regulation shall also be entitled to inspect and to object to the validity of any nomination paper delivered in his or her presence.

(4) Nothing contained in this regulation shall prevent the returning officer from authorizing observers or members of the press duly approved or accredited by the Commission from attending the nomination proceedings.

49. Death of candidate

Where after the close of the nomination, and before the poll is commenced, proof is given to the satisfaction of the returning officer of the death of a person who has been duly nominated, all the proceedings with reference to the election in that electoral area shall cease and shall be commenced afresh as if the notice had been received on the day on which proof of the death was given, or in the case of a general election or an election involving other electoral areas, the day following the announcement of the last election results:

Provided that no fresh nomination shall be necessary in the case of a person already duly nominated for the election affected by this regulation whose nomination shall remain valid.

50. Disruption of nomination

(1) Where the proceedings of a nomination in an electoral area are interrupted by riots, violence, floods or other natural disaster, the proceedings in that electoral area shall be suspended for that day.

(2) If the day referred to in subregulation (1) is the last day for the delivery of nomination papers, the nomination proceedings in that electoral area shall be continued on the next day as if that were the last day for the delivery thereof.

(3) The "last day" referred to in subregulation (1) shall be treated for purposes of these Regulations as being the last day (subject to any further application of this rule in the event of interruption on that day).

Provided the returning officer shall advertise the postponing of the nominations in such manner as the returning officer considers sufficient to bring it to the notice of the public.

(4) A returning officer may extend the hours of nomination at the electoral area where nomination has been interrupted and shall, where nomination started late, extend the hours of nomination by the amount of time which was lost in so starting late.

51. Nomination certification, etc.

(1) The chairperson of the Commission shall issue a candidate who is validly nominated to contest in a presidential election with a certificate in Form 20 set out in the Schedule.

(2) The returning officer shall issue a candidate who is validly nominated to contest in a parliamentary, county governor or county assembly with a certificate in Form 21 set out in the Schedule.

(3) If, after the closure of nomination no person stands validly nominated, the returning officer shall—

- (a) certify accordingly to the Commission in Form 22 set out in the Schedule; and
- (b) publish a statement countermanding the holding of the election concerned.

(4) If, after the close of nominations, only one candidate is validly nominated, the returning officer shall—

- (a) declare the candidate to be nominated; and
- (b) certify accordingly to the Commission in Form 23 set out in the Schedule.

(5) Upon receipt of a certificate under subregulation (1) or (2), the Commission shall publish a notice in the *Gazette* and, where two or more certificates are received at substantially the same time, such notice may be a composite one.

(6) If, after the close of nominations, two or more candidates stand validly nominated, the returning officer shall publish a statement and post it prominently at a place at the returning officer's office where the public has full access and at such other places as the Commission may deem necessary in Form 24 set out in the Schedule stating—

- (a) the names, in alphabetical order of surnames, addresses and occupations or descriptions of such candidates as given in their nomination papers;
- (b) the name of the subscribers to the nomination papers;
- (c) the day or days upon which, and the hours during which, the poll will be taken;
- (d) the situation of each polling station and the description of the voters entitled to vote at each polling station; and
- (e) the location of each tallying centre.

52. Withdrawal of candidature after nomination

A candidate who has been nominated may withdraw his or her candidature by delivering to the respective returning officer a notice to that effect.

53. Declaration of no contest: Other elective posts

If at the close of nominations for any elective post only one candidate is validly nominated in respect of that elective post in an electoral area, the Commission shall declare the candidate duly elected.

PART X – NOMINATIONS FOR PARTY LISTS

54. Submission of political party list for allocation of special seats

(1) Each political party shall submit to the Commission a party list of all persons who would stand elected if the party were entitled to seats in the National Assembly, Senate or the County Assembly, as the case may be on the basis of proportional representation in accordance with Article 90 of the Constitution and sections 34, 35, 36 and 37 of the Act.

(2) The party list referred to in subregulation (1) shall contain the name, address, age, sex, disability and category of disability, phone number, occupation, elective post sought and such other qualifications as are provided under the Constitution and the Act.

(3) A party list submitted under subregulation (1) shall be in accordance with section 36 of the Act, and shall be—

- (a) by signed by the authorised official of the political party submitting the party list; and
- (b) be submitted in hard copy and in electronic form.

(4) Each political party list nominee shall after nomination, submit to the Commission a letter stating his or her intention to serve if nominated.

(5) The Commission may reject a nominee submitted by a political party for any elective post if that nominee is not qualified to be elected to the office for which the nomination is sought as specified under the Constitution or the Act.

(6) The rejection by the Commission of a nominee under this regulation shall not invalidate the entire party list submitted by the political party.

(7) The Commission, after making the decision to reject a nominee, inform the political party concerned of that decision and request that political party to submit another name within such time as the Commission shall determine.

(8) The Commission shall publish the final party list in at least two newspapers with nationwide circulation.

55. Party list to be prepared in accordance with party rules

(1) The party list contemplated under regulation 54 shall be prepared in accordance with the nomination rules of the political party.

(2) The Commission may reject any party list that does not comply with the requirements of the Constitution, the Act or these Regulations.

(3) The political party whose party list or nominee has been rejected by the Commission under subregulation (2) shall resubmit the party list or nominee within such period as the Commission may specify.

(4) A political party submitting a party list under regulation 54 shall submit a declaration to the effect that the political party has complied with its rules relating to the nomination of the names contained in the list.

56. Commission to publish formula for allocation of seats

(1) The Commission shall before the election to which a party list applies, publish in the *Gazette* and publicise through electronic and print media of national circulation and other easily accessible medium, the formula for allocating the seats to the respective political parties.

(2) The formula for allocation of seats to the respective political parties from the party lists shall be the number of seats won by a political party divided by the total number of seats multiplied by available seats for allocation in the respective House.

PART XI – PROVISIONS RELATING TO THE CAMPAIGN PERIOD

57. Appointment of national and county chief elections agents

(1) Every political party shall at least fourteen days to the date of the election submit to the Commission the names of one national chief agent and forty seven county chief agents.

(2) Every independent candidate at a presidential election shall fourteen days to the date of the election submit to the Commission the names of one national chief agent and forty-seven county chief agents.

58. Offence to fail to comply with Part

A person who contravenes or fails to comply with the provisions of this Part commits an offence under the Act.

PART XII – PROVISIONS ON VOTING AT ELECTIONS

59. Election procedure

(1) Every election shall be by secret ballot and shall be held in accordance with the provisions of the Constitution, the Act and these Regulations.

(2) A voter shall cast his or her vote by use of a ballot paper or electronically.

(3) No person shall cast more than one vote at any particular election.

(4) No person shall vote in a polling station other than that in respect of which that person is registered to vote.

60. Electronic voting

Where the Commission intends to conduct an election by electronic means, it shall, not later than three months before such election, publish in the *Gazette* and publicise through electronic and print media of national circulation and other easily accessible medium, guidelines that shall apply in such voting.

61. Election material at polling station

(1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers necessary for the effective carrying out of the provisions of these Regulations relating to the election concerned.

(2) Every ballot box shall be—

- (a) fairly transparent or translucent;
- (b) be colour coded prominently and distinctively to identify the respective elective post and shall correspond with the colour of the ballot paper for that elective post;
- (c) constructed with an aperture which is large enough to receive a ballot paper;
- (d) clearly labelled with the text of the respective elective post;
- (e) constructed so as to be capable of being sealed so that ballot papers cannot be taken out of the box so long as the seal is unbroken;
- (f) constructed so that the ballot boxes shall bear serial numbers of the polling station and which serial numbers shall be posted prominently and in full view of voters at every polling station.

(3) The ballot box shall be designed in such way as to facilitate voting during the election.

(4) The returning officer shall provide each polling station with—

- (a) both electronic and hard copy of the Principal Register of Voters or such part thereof as contains the names of the voters entitled to vote at that polling station;
- (b) materials to enable voters to mark their ballot papers in elections where marking is necessary;
- (c) instruments for stamping the official mark on ballot papers;
- (d) material for the marking of the voters fingers;
- (e) a seal of the Commission suitable for the purposes of regulation 69(1)(g);
- (f) sufficient number of compartments in which voters can mark their votes screened from observation; and
- (g) such other materials for the better carrying out of polling.

62. Admission to polling station

(1) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and may exclude all other persons except—

- (a) a candidate;
- (b) a person nominated as a deputy to the candidate, where applicable;
- (c) authorised agents;

- (d) members of the Commission and election officers on duty;
- (e) police officers on duty;
- (f) persons necessarily assisting or supporting voters with special needs or assisted voter; and
- (g) observers and representatives of the print and electronic media accredited by the Commission.

(2) Notwithstanding subregulation (1), the presiding officer shall admit to the polling station not more than one agent for each candidate or political party.

(3) The absence of agents shall not invalidate the proceedings at a polling station.

(4) Every agent appointed by an independent candidate or political party for the purposes of these Regulations shall at all times during the performance of the duties authorized by the independent candidate or political party display the official badge supplied by the Commission.

(5) No person shall be admitted to vote at any polling station other than that allotted to that person under regulation 59(4).

(6) No person shall be admitted into a polling station if that person is wearing a badge or has any dressing, signifying symbols or other indication of support for any political party, a candidate in the election or a referendum committee.

63. Keeping order at polling station

(1) It shall be the duty of the presiding officer to keep order at his or her polling station.

(2) The presiding officer may order the removal of any person who misconducts himself or herself at the polling station, or fails to obey any lawful instructions or orders of the presiding officer and such person shall be removed by the police officer present.

(3) A person removed from the polling station under subregulation (2) shall not re-enter the polling station during the continuance of the poll without the permission of the presiding officer.

(4) A person removed from a polling station under subregulation (2) may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody for an offence by a police officer without a warrant.

(5) The presiding officer may order the dispersal of any gathering of persons which appears to the presiding officer to be preventing free entry to, or exit from, the polling station or to be intimidating or interfering with voters, and any such order shall be sufficient authority for a police officer, or any other person authorized by the order, to effect the dispersal.

(6) The power conferred on a presiding officer and a police officer under subregulation (5) shall not be limited to the area covered by the polling station only but shall extend to a radius of not more than four hundred meters from the centre of the polling station.

(7) The powers conferred by this regulation shall not be exercised so as to prevent any voter who is entitled to vote at the polling station from having an opportunity to peaceably vote at that polling station.

64. Adjournment, etc, of polling by the presiding officer

(1) Notwithstanding the terms of any notice issued under the Act or these Regulations, a presiding officer may, after consultation with the returning officer, adjourn the proceedings at his or her polling station where they are interrupted by a riot, violence,

natural disaster or other occurrence, shortage of equipment or other materials or other administrative difficulty, but where the presiding officer does so, the presiding officer shall re-start the proceedings at the earliest practicable moment.

(2) The discretionary powers of a presiding officer under subregulation (1) shall include a power in the circumstances therein mentioned to transfer the proceedings to another polling station or public facility in the same constituency, and where presiding officer does so—

- (a) the presiding officer shall advertise the fact in such manner as is sufficient to bring it to the notice of voters; and
- (b) the electoral area for the polling station from which the proceedings are transferred shall, for all the purposes of these Regulations, be deemed to be part of the electoral area of the polling station to which the proceedings are transferred.

(3) A presiding officer shall, in consultation with the returning officer—
extend the hours of polling at the polling station where polling has been interrupted under this regulation or for other valid cause, and
where polling in that polling station has started late, extend the hours of polling by the amount of time which was lost in so starting late.

(4) Where hours of polling have been extended as contemplated under subregulation (3), the presiding officer shall give a detailed report on the clear facts justifying such extension of hours.

65. Communication with voters at polling station

(1) No person other than an election officer or police officer on duty shall, except with the authority of the presiding officer, have any communication whatsoever with a voter who is in, or in the immediate precincts of, a polling station for the purpose of voting.

(2) This regulation shall not prevent the companion of an assisted or supported voter from communicating with that voter.

66. Polling time

(1) Subject to regulation 64, voting shall commence at 6 o'clock in the morning and end at 5 o'clock in the afternoon on the polling day.

(2) Notwithstanding subregulation (1), a person who is on a queue for the purposes of voting before 5 o'clock in the afternoon shall be allowed to vote despite the fact that the voting time may extend to after 5 o'clock.

(3) The voting by Kenyan citizens residing outside Kenya shall be carried out during the Kenyan time specified in subregulation (1).

67. Sealing of ballot boxes, etc.

- (1) The presiding officer shall, immediately before the commencement of the poll—
- (a) show the ballot box or ballot boxes to those persons lawfully present in the polling station;
 - (b) allow those of the candidates, agents and any voter as may wish, to do so, to ascertain that the box or boxes are empty; and
 - (c) close the box or boxes with seals so that they may not be opened without breaking the seal.

(2) After a ballot box is sealed under subregulation (1) the presiding officer shall cause it to be so placed in the polling station that it can at all times be in the view of himself or herself or a deputy presiding officer and of the candidates or the agents.

(3) On the adjournment of the poll in a polling station to another day, or on the close of the poll at one station with a view to transferring a ballot box to another station, and at any other time when a ballot box is not in use for the purpose of receiving ballot papers, the presiding officer shall close up the aperture used for the insertion of the ballot papers into the box and place his or her seal on it in such a manner as to prevent the insertion of ballot papers without breaking the seal.

(4) After a box has been sealed under subregulation (3), the seal shall not be broken or the aperture opened except in the presence of the candidates or agents present in the polling station where polling is about to re-commence.

(5) Where a presiding officer affixes his or her seal on a ballot box or aperture thereof under this regulation, the presiding officer shall permit any candidate or agent who so wishes to affix his or her seal on the box or aperture.

68. Ballot papers

(1) Ballot papers for an election—

- (a) for use at a presidential election shall be in Form 25 set out in the Schedule;
- (b) for use at a National Assembly election shall be in Form 26 set out in the Schedule;
- (a) for use at a county woman representative to the National Assembly election shall be in Form 27 set out in the Schedule;
- (b) for use at a Senate election shall be in Form 28 set out in the Schedule;
- (c) for use at an election for governor shall be in Form 29 set out in the Schedule;
- (d) for use at a county assembly member election shall be in Form 30 set out in the Schedule;
- (e) for use in referendum shall be in Form 31 set out in the Schedule.

(2) Where an election is in respect of more than one elective post, each ballot paper shall be printed on paper of a different colour which is prominent and distinctive from those for use in the other elective posts.

(3) The persons validly nominated under these Regulations shall have their names included in the ballot papers for an election in the same order as they appeared in a notice published in accordance with regulation 51(5).

(4) Every ballot paper for use at an election shall—

- (a) contain the name and party symbol of the person validly nominated;
- (b) contain a photograph of the candidate where applicable;
- (c) be capable of being folded up;
- (d) have a serial number, or combination of letter and number, printed on the front; and
- (e) have attached a counterfoil with the same number or combination printed thereon.

(5) The presiding officer shall before polling commences, allow the candidates or agents who are present at the polling station to inspect the ballot papers provided for use at the polling station and to note the serial numbers thereon.

69. Voting procedure

- (1) Before issuing a ballot paper to a voter, an election official shall—
 - (a) require the voter to produce an identification document which shall be the same document used at the time of registration as a voter;
 - (b) ascertain that the voter has not voted in that election;
 - (c) call out the number and name of the voter as stated in the polling station register;
 - (d) in case of an electronic register, require the voter to place his or her fingers on the fingerprint scanner and cross out the name of the voter once the image has been retrieved;
 - (e) mark the name of the voter to indicate that the voter has been issued with a ballot paper and retain the voter number of the voter as proof that a ballot paper has been delivered;
 - (f) stamp the counterfoil of the ballot paper on the face with the official mark of the Commission; and
 - (g) stamp the ballot paper at the back with the official mark of the Commission.
- (2) A voter shall, in a multiple election, be issued with the ballot papers for all elections therein at the same time and shall after receiving the ballot papers—
 - (a) cast his or her votes in accordance with regulation 70 without undue delay;
 - (b) submit to having one finger as prescribed by the Commission immersed, dipped or marked in ink of a distinctive colour which, so far as is possible, is sufficiently indelible to leave a mark for the period of the election;
 - (c) where a voter has no finger, make a mark on the next most suitable part of the body; and
 - (d) upon collecting his or her identification documents, immediately leave the polling station.
- (3) A person who knowingly fails to place a ballot paper issued to him or her (not being a spoilt ballot paper) into a ballot box before leaving the place where the box is situated commits an offence under the Act.
- (4) An election officer who deliberately refuses to stamp any ballot paper commits an offence.
- (5) The presiding officer may, where a voter so requests, explain the voting procedure to such voter.

70. Method of voting

- (1) A voter shall, upon receiving a ballot paper under regulation 69(2)—
 - (a) go immediately into one of the compartments of the polling station and secretly mark his or her ballot paper by putting a cross, a tick, thumbprint or any other mark in the box and column provided for that purpose against the name and the symbol of the candidate for whom that voter wishes to vote; and
 - (b) fold it up so as to conceal his or her vote, and shall then put the ballot paper into the ballot box in the presence of the presiding officer and in full view of the candidates or agents.
- (2) The voter shall after following the procedure specified in subregulation (1) put each ballot paper into the ballot box provided for the election concerned.

(3) No replacement of a ballot paper under this regulation may be done more than twice in respect of any particular voter.

71. Spoilt ballot papers

A voter who has inadvertently dealt with his or her ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and providing to the satisfaction of such officer the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered and the spoilt ballot paper shall be immediately cancelled and the counterfoil thereof marked accordingly.

72. Assisted voters

(1) On the application of a voter who is, by reason of a disability or being unable to read or write, and therefore unable to vote in the manner prescribed in these Regulations, the presiding officer shall permit the voter to be assisted or supported by a person of the voter's own free choice, and who shall not be a candidate or an agent.

(2) Where the person who applies to be assisted is not accompanied by a person who is qualified to assist him or her, the presiding officer shall assist such voter, in the presence of the agents.

(3) The presiding officer may make such necessary and respectful inquiry in order to establish that the voter and the person the voter has chosen to assist him or her satisfies the provisions of this regulation.

(4) The person chosen by the voter is not required to be qualified to vote but is required to have attained the age of eighteen years.

(5) The following shall apply with respect to a person who assists a voter under this regulation—

- (a) the person shall, before assisting or supporting the voter, make a declaration of secrecy before the presiding officer in Form 32 set out in the Schedule;
- (b) a person who breaches his or her declaration commits an offence under the Act;
- (c) the person shall assist or support only one voter at that election and have a mark as proof of assisting or supporting a voter.

(6) Where a presiding officer grants the request of a voter under this regulation, the presiding officer shall record in the polling station register against the name of the voter the fact that the voter was assisted and the reason for the assistance.

(7) No person other than a person acting under this regulation shall be present in a compartment of a polling station while a voter is in the compartment for the purpose of marking his or her ballot paper and any person who contravenes this subregulation commits an offence.

PART XIII – COUNTING OF VOTES AND DECLARATION OF RESULTS

73. Procedure on close of polling

(1) At the end of voting, the presiding officer shall declare the polling station closed and shall proceed to seal the ballot boxes in the presence of the candidates or agents and observers at his or her polling station.

(2) Immediately after the close of the polling at his or her polling station, the presiding officer shall make in the polling station diary a written statement of—

- (a) the number of ballot papers issued to him or her under regulation 61;

- (b) the number of ballot papers, other than spoilt ballot papers, issued to voters;
- (c) the number of spoilt ballot papers; and
- (d) the number of ballot papers remaining unused.

(3) Immediately after the completion of the statement under subregulation (2), the presiding officer, in the presence of the candidates or agents shall seal in separate tamper proof envelopes—

- (a) the spoilt ballot papers, if any;
- (b) the marked copy register, where necessary;
- (c) the counterfoils of the used ballot papers; and
- (d) the statement specified in subregulations,

and shall seal each of the envelopes with his or her own seal and the seal of the Commission and shall allow any candidate or agent who may wish to do so, to affix his seal to the envelope and any statement recorded under these regulations.

(4) After complying with the provisions of this regulation, the presiding officer shall, as soon as practicable, deliver the ballot boxes, and the tamper proof sealed envelopes to the returning officer who shall take charge thereof.

74. Attendance at counting of votes

(1) No agent shall be deemed to be an agent for the purposes of counting unless, at least forty eight hours before the close of the poll in that election, the candidate or political party, as the case may be, has submitted to the presiding officer—

- (a) the name and address of the agent; and
- (b) a letter of the appointment of the agent.

(2) A presiding officer shall not allow a person whose name, address and authorization has not been so submitted to attend at a counting of votes notwithstanding that the appointment of that person is otherwise in order.

(3) A presiding officer shall not be obliged to admit more than one agent of any one political party, candidate or referendum committee, as the case may be, to the counting venue.

(4) The presiding officer shall permit into the counting venue—

- (a) a candidate;
- (b) a person nominated as a deputy to the candidate, where applicable;
- (c) members of the Commission and election officers on duty;
- (d) agents appointed under subregulation (1);
- (e) police officers on duty;
- (f) observers and representatives of the media duly approved or accredited by the Commission.

(5) If a vehicle or vessel is designated as a polling station and weather conditions exist; immediately after the presiding officer complies with the provisions of regulation 74, which may interfere with the counting of votes, the returning officer may allow the vehicle or vessel to be moved to another appropriate place for the counting of the votes.

75. Commencement and sequence of the count

(1) The presiding officer shall, in the presence of the candidates or agents, proceed to arrange the counting venue, assign duties to the clerks and begin to count the votes for that polling station.

(2) The presiding officer shall carry out the counting of votes for the respective elective posts in the following order—

- (a) president;
- (b) member of the National Assembly;
- (c) member of the County Assembly;
- (d) senator;
- (e) county woman representative in the National Assembly; and
- (f) county governor.

(3) A presiding officer shall, so far as practicable, proceed continuously with the counting of votes.

(4) A presiding officer shall not commence the counting or recount of votes unless the presiding officer is of the opinion that the count or recount, as the case may be, can conveniently be completed without a break.

(5) Subject to subregulation (2), the counting of votes cast by Kenyan citizens residing outside Kenya shall be carried out after the close of polling time in Kenya and in accordance with the time of counting in Kenya.

76. Counting of votes

(1) The presiding officer shall, in the presence of the candidates or agents—

- (a) open each ballot box and empty its contents onto the counting table or any other facility provided for the purpose and, shall cause to be counted the votes received by each candidate; and
- (b) record the total number of votes cast in favour of each candidate.

(2) Each ballot paper shall be counted as follows—

- (a) the presiding officer shall in respect of every ballot paper, announce the candidate in whose favor the vote was cast;
- (b) display to the candidates or agents the ballot paper sufficiently for them to ascertain the vote; and
- (c) put the ballot paper at the place on the counting table, or other facility provided for this purpose, set for the candidate in whose favor it was cast.

(3) The presiding officer shall record the count of the vote in a tallying sheet in Form 33 set out in the Schedule.

(4) A candidate or an agent shall have a right to—

- (a) dispute the inclusion in the count, of a ballot paper; or
- (b) object to the rejection of a ballot paper,

where upon the presiding officer may decide to uphold or reject the complaint and act as provided under regulation 80.

77. Rejection of ballot papers, etc.

(1) At the counting of votes at an election, any ballot paper—

- (a) which does not bear the security features determined by the Commission;
- (b) on which votes are marked, or appears to be marked against the names of, more than one candidate;
- (c) on which anything is written or so marked as to be uncertain for whom the vote has been cast;

- (d) which bears a serial number different from the serial number of the respective polling station and which cannot be verified from the counterfoil of ballot papers used at that polling station; or
- (e) is unmarked,

shall, subject to subregulation (2), be void and shall not be counted.

- (2) A ballot paper on which a vote is marked—
 - (a) elsewhere than in the proper place;
 - (b) by more than one mark; or
 - (c) which bears marks or writing which may identify the voter,

shall not by that reason only be void if an intention that the vote shall be for one or other of the candidates, as the case may be, clearly appears, and the manner in which the paper is marked does not itself identify the voter and it is not shown that the voter can be identified thereby.

78. Rejected ballot papers

(1) Every rejected ballot paper shall be marked with the word "rejected" by the presiding officer, and, if an objection is made by a candidate or an agent to the rejection, the presiding officer shall add the words "rejection objected to".

(2) The presiding officer shall mark every ballot paper counted but whose validity has been disputed or questioned by a candidate or an agent with the word "disputed" but such ballot paper shall be treated as valid for the purpose of the declaration of election results at the polling station.

(3) After the counting of votes is concluded, the presiding officer shall draw up a statement showing the number of rejected ballot papers under such of the following heads of rejection as may be applicable—

- (a) want of security feature;
- (b) voting for more than one candidate;
- (c) writing or mark by which the voter might be identified; or
- (d) unmarked or void for uncertainty,

and any candidate, counting agent or observer shall, if he or she so desires, be allowed to copy that statement.

79. Candidates, etc to sign declaration

(1) The presiding officer, the candidates or agents shall sign the declaration in respect of the elections.

- (2) For purposes of subregulation (1), the declaration for—
 - (a) presidential election results shall be in Form 34 set out in the Schedule;
 - (b) National Assembly, county women representatives, Senator, county governor and county assembly elections shall be in Form 35 set out in the Schedule.

- (2) The presiding officer shall—
 - (a) immediately announce the results of the voting at that polling station before communicating the results to the returning officer;
 - (b) request each of the candidates or agent then present to append his or her signature;
 - (c) provide each political party, candidate, or their agent with a copy of the declaration of the results; and

- (d) affix a copy of the declaration of the results at the public entrance to the polling station or at any other place convenient and accessible to the public at the polling station.

(3) Where any candidate or agent refuses or otherwise fails to sign the declaration form, the candidate or agents shall be required to record the reasons for the refusal or failure to sign.

(4) Where a candidate or an agent refuses or fails to record the reasons for refusal or failure to sign the declaration form, the presiding officer shall record the fact of their refusal or failure to sign the declaration form.

(5) Where any candidate or agent of a candidate is absent, the presiding officer shall record the fact of their absence.

(6) The refusal or failure of a candidate or an agent to sign a declaration form under subregulation (4) or to record the reasons for their refusal to sign as required under this regulation shall not by itself invalidate the results announced under subregulation (2)(a).

(7) The absence of a candidate or an agent at the signing of a declaration form or the announcement of results under subregulation (2) shall not by itself invalidate the results announced.

(8) After complying with the provisions of this regulation, the presiding officer shall, as soon as practicable, deliver the ballot boxes, and the tamper proof envelopes to the returning officer who shall take charge thereof.

80. Recount

(1) A candidate or agent, if present when the counting is completed, may require the presiding officer to have the votes rechecked and recounted or the presiding officer may on his or her own initiative, have the votes recounted:

Provided that the recount of votes shall not take place more than twice.

(2) No steps shall be taken on the completion of a count or recount of votes until the candidates and agents present at the completion of the counting have been given a reasonable opportunity to exercise the right given by this regulation.

81. Sealing of ballot papers by presiding officer

(1) Upon completion of a count (including a recount), the presiding officer shall seal in separate tamper proof envelopes—

- (a) the counted ballot papers which are not disputed;
- (b) the rejected ballot papers together with the statement relating thereto;
- (c) the disputed ballot papers; and
- (d) the "rejected objected to" ballot papers;

(2) The presiding officer shall, after demonstrating to the candidates or agents as the case may be, that the ballot box to be used to carry the election results is empty, put into that box—

- (a) the packets specified in subregulation (1); and
- (b) the statements made under regulations 78 and 79.

(3) After the procedure in subregulation (2), the presiding officer shall seal the ballot box with the seal of the Commission and allow the candidates or agents to affix their own seals on the ballot box, if they so wish.

(4) The presiding officer shall, as soon as is practicable deliver to the returning officer for the electoral area the ballot box containing the items listed under subregulation (2).

82. Provisional results to be transmitted electronically

(1) The presiding officer shall, before ferrying the actual results of the election to the returning officer at the tallying venue, submit to the returning officer the results in electronic form, in such manner as the Commission may direct.

(2) The results submitted under subregulation (1) shall be provisional and subject to confirmation after the procedure described in regulation 73.

83. Tallying and announcement of election results

(1) Immediately after the results of the poll from all polling stations in a constituency have been received by the returning officer, the returning officer shall, in the presence of candidates or agents and observers, if present—

- (a) tally the results from the polling stations in respect of each candidate, without recounting the ballots that were not in dispute and where the returning officer finds the total valid votes in a polling station exceeds the number of registered voters in that polling station, the returning officer shall disregard the results of the count of that polling station in the announcement of the election results and make a statement to that effect;
- (b) in the case of an election, publicly announce to persons present the total number of valid votes cast for each candidate in respect of each election in the order provided in regulation 75(2);
- (c) complete Form 34 and 35 set out in the Schedule in which the returning officer shall declare, as the case may be, the—
 - (i) name of the respective electoral area;
 - (ii) total number of registered voters;
 - (iii) votes cast for each candidate or referendum side in each polling station;
 - (iv) number of rejected votes for each candidate in each polling station;
 - (v) aggregate number of votes cast in the respective electoral area; and
 - (vi) aggregate number of rejected votes; and
- (d) sign and date the form and—
 - (i) give to any candidate, or agent present a copy of the form; and
 - (ii) deliver to the Commission the original of Form 34 and 35 together with Form 36 and Form 37 as the case may be.

(2) The results of the presidential election in a constituency shown in Form 34 shall be subject to confirmation by the Commission after a tally of all the votes cast in the election.

(3) The decisions of the returning officer on the validity or otherwise of a ballot paper or a vote under this regulation shall be final except in an election petition.

84. Venue of final tallying

(1) A final tallying of results for the respective elective posts shall be at a venue *gazetted* by the Commission for that purpose.

(2) A tallying centre shall be selected subject to the following requirements—

- (a) the presidential elections tallying centre shall be located in Nairobi;
- (b) the county tallying centre shall be located at the county headquarters;

- (c) the constituency tallying centre shall be located at the constituency or district headquarters;
- (d) all tallying centres shall be located at public buildings.

85. Persons allowed into tallying centres

(1) The returning officer shall allow the following persons to be present at the tallying centre—

- (a) the presiding officers and other election officials on duty;
- (b) a candidate;
- (c) a person nominated as a deputy to the candidate, where applicable;
- (d) a member of the Commission;
- (e) authorized agents;
- (f) a police officer on duty;
- (g) duly accredited election observers; and
- (h) duly accredited media persons.

(2) Notwithstanding the provisions of this regulation, the returning officer shall not be obliged to admit more than one agent per candidate or political party to the tallying venue.

86. Sealing of ballot papers by returning officer

(1) After the final tallying and announcement of results, the returning officer shall seal up in separate tamper proof envelopes—

- (a) the counted ballot papers which are not disputed;
- (b) the validated disputed ballot papers; and
- (c) the rejected disputed ballot papers,

together with the statements related thereto and shall put the sealed packets in the used ballot box in the presence of candidates or agents as are present and seal the ballot box with a seal of the Commission.

(2) The returning officer shall allow the candidates or agents of the candidates present to affix seals on the ballot box, if they so wish.

87. Returns of persons elected

(1) The returning officer shall, as soon as practicable, forward to the county returning officer, in the case of—

- (a) a presidential election, a certificate in Form 37 showing the total number of votes cast for each candidate;
- (b) a member of National Assembly, county woman representative, Senate, county assembly, county governor or county assembly election, a certificate in Form 38 set out in the Schedule showing the total number of votes cast for each candidate.

(2) The returning officer shall after tallying of votes at the constituency level—

- (a) announce the results cast for all candidates;
- (b) issue certificates to persons elected in the National Assembly and county assembly elections in Form 38 set out in the Schedule; and
- (c) electronically transmit the provisional results to the Commission.

(3) The county returning officer shall upon receipt of the results from the returning officers as contemplated under regulation (1)—

- (a) tally and announce the results for the presidential elections, elections for the county governor, senator and county woman representative to the National assembly; and
- (b) submit all the results received from the returning officers, together with the results tallied under this regulation to the Commission; and
- (c) issue the persons elected pursuant to the results announced under paragraph (a) with certificates indicating their election in Form 38 set out in the Schedule.

(4) Upon receipt of a certificate under subregulation (1), the Chairperson of the Commission shall—

- (a) in the case of a presidential election, hold the certificate until the results of that election in every county have been received and thereafter publish a notice in the *Gazette* within seven days declaring the person who has received the greatest number of votes in the election, and has complied with the provisions of Article 138(4)(a) and (b) of the Constitution, to have been elected President:

Provided that the Chairperson of the Commission may declare a candidate elected as the President before all the counties have delivered their results if in the opinion of the commission the results that have not been received will not make a difference as to the winner on the basis of Article 138(4)(a) and (b) of the Constitution; and

- (b) in the case of the other elections, whether or not forming part of a multiple election, publish a notice in the *Gazette*, which may form part of a composite notice, showing the name or names of the person or persons elected.

(5) Where no candidate is elected in a presidential election a fresh election shall be held within thirty days after the previous election in accordance with Article 138 of the Constitution, and the Commission shall for that purpose, issue a notice in the *Gazette* to that effect.

(6) Where a governor, parliamentary or county assembly election results in a tie, the Commission shall proceed to conduct fresh elections without notifying the speaker within thirty days, in accordance with the Act and these Regulations.

(7) The Commission shall certify to the clerk of each respective House of Parliament the candidates who have been elected in the parliamentary election.

(8) The Commission shall, after delivery of a written notification of the results of the presidential election to the Chief Justice and the incumbent President as required by Article 138(10)(b) of the Constitution, issue and deliver a certificate in Form 37 set out in the Schedule to the candidate who has been elected President.

(9) The returning officer shall on completion of the tallying submit provisional, results to the Commission.

(10) The county returning officer shall on completion of the tallying of the results at the county level, electronically submit the tallied provisional results to the Commission.

PART XIV – PRESIDENTIAL FRESH ELECTION

88. Notice of fresh election of president

(1) Where pursuant to Article 138(5) of the Constitution, no candidate is elected as president, the Commission shall at the time of publishing the results, publish a notice in the *Gazette* indicating that no candidate has been elected president.

(2) The Commission shall within two days of the notice under subregulation (1), publish a notice for a fresh election for president in Form 39 set out in the Schedule.

89. Procedure at a fresh election

These Regulations shall, with the necessary modifications and adaptations, apply to a fresh election under this Part.

90. Special voting

(1) The Commission may make provision for the voting, by election officials, observers, patients admitted in hospital, older members of the society, members of the defence and security forces on duty, prisoners and nomadic pastoralists and other persons who by reason of any special need, including disability, are unable to access a polling station.

(2) The Commission may, from time to time publish notices on the manner and procedure of the conduct of special voting and such notice shall be read as if part of these Regulations.

PART XV – REFERENDUM

91. Application by referendum committees

(1) An application for registration as a referendum committee shall be made to the Commission and shall—

- (a) be accompanied by information and statements showing that the applicants generally represent those campaigning for or against the referendum question, as the case may be; and
- (b) be made within the period specified by the Commission.

(2) An application for registration shall be signed by the leader of the referendum committee and shall be in Form 40.

(3) On receipt of an application for registration of a referendum committee, the Commission—

- (a) shall if the commission is satisfied with the application and that the referendum committee satisfies such requirements as the Commission may determine, register the referendum committee and inform the person who signed the application; or
- (b) if the Commission determines that the referendum committee should not be registered, inform the person who signed the application that the application has been declined and state the reasons thereof.

(4) A referendum committee shall not be registered if—

- (a) the application does not comply with these Regulations;
- (b) the name of the committee so resembles the name of a previously registered referendum committee that the referendum committee is likely to be confused with that previously registered referendum committee; or

(c) the Commission is not satisfied that the applicant adequately represents persons campaigning for a particular outcome.

(5) A referendum committee shall not be registered if the name or logo of the referendum committee is the name or logo of a political party or so resembles such a name or logo that the referendum committee is likely to be confused with the political party.

(6) For the purpose of subregulation (5), the name of a political party means—

- (a) the full name of the political party; or
- (b) any name, or abbreviation of a name, used to identify the political party in election documents.

(7) Where a referendum committee is registered and any information given by the referendum committee pursuant to subregulation (2) ceases to be applicable or accurate, the referendum committee shall forthwith send a report in writing, signed by the leader or chief agent of the referendum committee, to the Commission setting out the information necessary to bring the information up to date.

(8) The registration of a referendum committee for the purposes of a referendum is valid only for that referendum.

92. Referendum chief agents

(1) A referendum committee that intends to apply for registration under regulation 91 shall, before applying, appoint a chief agent.

(2) The Commission shall maintain a register of the chief agents of registered referendum committees in which shall be recorded the name, address and telephone number of the chief agent of each such committee.

(3) The chief agent of a referendum committee appointed under subregulation (1) shall be responsible for the affairs of the registered referendum committee in Form 41 set out in the Schedule and shall provide a sample signature to the Commission.

PART XVI – MISCELLANEOUS PROVISIONS

93. Retention and inspection of documents

(1) All documents relating to an election shall be retained in safe custody by the returning officer for a period of three years after the results of the elections have been declared and shall then, unless the Commission or the court otherwise directs, be disposed of in accordance with procedures prescribed by the Commission subject to the Public Archives and Documentation Service Act (Cap. 19).

(2) Any person may apply to the High Court with notice to all candidates in the election concerned for authority to inspect documents retained under these Regulations, other than ballot papers and their counterfoils.

(3) For the purpose of an inspection under subregulation (2), the returning officer shall unseal the documents concerned in the presence of candidates or agents and the returning officer and candidates or their agents shall keep the documents under their scrutiny until they are resealed by the returning officer after the inspection is completed.

(4) The provisions of this regulation shall not apply to documents that concern a pending election petition unless there is a court order granting such authority.

94. Accreditation of observers

(1) Pursuant to section 42 of the Act, the Commission may, at any election, accredit any person or organisation to observe the elections.

(2) The Commission shall issue guidelines for election observers, consistent with internationally accepted standards for fair elections, and which shall be binding on election observers upon accreditation by the Commission.

(3) Without prejudice to the generality of sub-regulation (2), the guidelines issued there under may specify the procedures for the accreditation of election observers.

(4) The Commission may revoke the accreditation it has granted to any election observer where it is satisfied that an election observer is partisan or has violated any requirement of the guidelines referred to in subregulation (2).

(5) No person or organisation may observe any election unless the person or organisation has been accredited by the Commission.

(6) All the accredited election observers shall submit to the commission a written report in accordance with the guidelines issued by the commission in subregulation (2).

95. Accreditation of the media

(1) Pursuant to section 41 of the Act, the Commission may at any election, accredit the media to access and cover the electoral process.

(2) The Commission may issue guidelines consistent with internationally accepted standards for fair elections which shall be binding on all media representatives upon accreditation by the Commission.

96. Collaborations

(1) The Commission may collaborate with such public and private entities as may be suitable for purposes of ensuring effective conduct of elections and referendum.

(2) The collaboration arrangements in subregulation (1) shall be governed by the terms of a partnership agreement between the Commission and the respective entity.

(3) The agreement shall stipulate the terms and conditions on the engagement and shall conform to, and respect, the provisions of the Constitution, the Act and these Regulations

97. Non-attendance by candidates, etc not to invalidate proceedings

(1) Where in these Regulations expression is used requiring, authorizing, or implying that, any act is to be done in the presence of the candidates or agents, that expression shall be regarded as reference to the presence of such candidates or agents as may be required or authorized to attend.

(2) The mere non-attendance of any candidate or agents at the time and place as contemplated under sub-regulation (1) shall not, if any act is otherwise lawfully done, invalidate that act.

98. Power of Commission to issue directives

Subject to the Act and these Regulations, the Commission shall have power to, by notice in the *Gazette*, provide for measures to ensure efficient and fair elections and referendum and may issue directives from time to time in that regard.

(2) Where the Commission issues directives under subregulation (1), the Commission shall ensure that such directives are published in such manner as to reach the persons who may be affected or whose compliance or action may be required.

99. Dispute resolution

(1) For the purposes of Article 88(4) of the Constitution, the Commission shall develop, and publish in the *Gazette*, rules of procedure, including timelines applicable, for the settlement of electoral disputes under the Constitution, the Act or these Regulations.

(2) All disputes emanating from political party nominations shall be resolved by the Commission at least seven days to the day designated for submission to the Commission by political parties of the names of their respective candidates.

(3) Any rule made pursuant to this Regulation shall be published in the *Gazette* and in at least one newspaper of national circulation at least three months before the election to which the rules are intended to apply.

100. Procedure at a referendum

These Regulations shall, with the necessary modification and adaptations, apply to a referendum held under the Act.

101. Revocation of L.N. 227/1992

The Presidential and Parliamentary Election Regulations, 1992, are revoked.

SCHEDULE

FORM 1

(r. 5(6))

DECLARATION BY ELECTION OFFICIAL

I being a presiding Officer/deputy presiding officer/clerk/agent/interpreter of polling station in constituency/county during the general elections/by elections to be held on day of 20 do hereby declare as follows:

- (a) that I shall not prompt any voter whom I am empowered by the Elections Regulations to assist;
- (b) that I shall strictly follow the provisions of the election regulations;
- (c) that I shall strictly follow any instructions that may lawfully be given to me relating to these elections.

Signature Date

FORM 2

(r. 11(1))

NOTICE OF PRESIDENTIAL ELECTION

An election of a President of the Republic of Kenya is to be held at the forthcoming general election/other than at a general election or a fresh election.

Nomination papers for the presidential election may be delivered by the candidate or his or her supporters to the Independent Electoral and Boundaries Commission, Nairobi, between the hours of eight o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock and four o'clock in the afternoon on the day of 20 and on the day of 20

Dated the , 20.....

SCHEDULE, FORM 2—*continued*

If the presidential elections is contested, the poll will take place on the
day(s) of, 20

.....
*Chairperson,
Independent Electoral and Boundaries Commission*

FORM 3

(r. 11(2))

NOTICE OF VACANCY

To: THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
FOR THE CONSTITUENCY/COUNTY*

WHEREAS a vacancy has arisen in the office of a member of the of the National Assembly/
Senate/County in respect of the above-mentioned constituency/county:

NOW, THEREFORE, in pursuance of the provisions of section 16(3) of the Elections Act 2011, I
command you that, due notice being first given, you do cause election to be held according to law of
a member to serve in the National Assembly/Senate * for the said constituency/county*.

Dated the 20.....

.....
*Speaker of the National Assembly/Senate **

* delete as appropriate

FORM 4

(r. 11(3))

NOTICE OF VACANCY

To: THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
FOR THE WARD

WHEREAS a vacancy has arisen in the office of a member of the of the ward
in respect of the above-mentioned ward:

NOW, THEREFORE, in pursuance of the provisions of section 19(3) of the Elections Act 2011, I
command you that, due notice being first given, you do cause election to be held according to law of
a member to serve in the county assembly for the said ward.

Dated the 20.....

.....
Speaker of the county assembly

FORM 5

(r. 11(4))

NOTICE OF PARLIAMENTARY ELECTION

An election is to be held of a member to serve in the National Assembly/Senate for the
..... Constituency/County.

SCHEDULE, FORM 5—*continued*

The day for nomination for the parliamentary election will be the 20
and nomination papers may be delivered by candidates to the Returning officer between the hours
of eight o'clock in the morning and one o'clock in the afternoon and between the hours two o'clock
and four o'clock in the afternoon on the day of 20
and on the day of 20
If the parliamentary election is contested the poll will take place on the 20

.....
*Chairperson,
Independent Electoral and Boundaries Commission*

FORM 6

(r. 11(5))

NOTICE OF COUNTY GOVERNOR ELECTION

An election is to be held of a County Governor to serve in County Assembly for the
County.
The day for nomination for the County Governor Election will be the 20
and nomination papers may be delivered by candidates to the returning officer at
between the hours of eight o'clock in the morning and one o'clock in the afternoon and between the
hours two o'clock and four o'clock in the afternoon on the day of 20
and on the day of 20
If the County Governor Election is contested the poll will take place on the
20 dated

.....
*Chairperson,
Independent Electoral and Boundaries Commission*

FORM 7

(r. 11(6))

NOTICE OF COUNTY ASSEMBLY ELECTION

An election is to be held of a member to serve in County Assembly for the
Ward of county
The day for nomination for the County Assembly Ward Election will be the 20
and nomination papers may be delivered by candidates to the returning officer at
between the hours of eight o'clock in the morning and one o'clock in the afternoon and between the
hours two o'clock and four o'clock in the afternoon on the day of
20 and on the day of 20
If the County Assembly Ward Election is contested the poll will take place on the
20
Dated

.....
*Chairperson,
Independent Electoral and Boundaries Commission*

SCHEDULE, FORM 8—continued

FORM 8

(r. 12(2))

ELECTION OF PRESIDENT

There is to be an election of a President of the Republic of Kenya. Voting in this election will take place on the day of, 20

.....
Returning Officer

..... Constituency

FORM 9

(r. 12(4)(a))

ELECTION OF MEMBER OF PARLIAMENT

There is to be an election of a member to serve in the National Assembly /Senate* for the County/Constituency*.

A parliamentary election will be held on the, 20

Each political party wishing to participate in the election must finalize their nomination of candidates before the, 20

Nomination papers for the election may be delivered to the returning officer at between the hours of eight o'clock in the morning and one o'clock on the

20 and forms of nomination papers therefore may be obtained at between the hours of nine o'clock in the morning and one o'clock on any week day. The returning officer will prepare a nomination paper for signature at the request of any person who is a registered voter in his constituency.

Dated the, 20

.....
Returning Officer

FORM 10

(r. 12(4)(b))

ELECTION OF COUNTY GOVERNOR

There is to be an election of a County Governor for the County.

A County Governor election will be held on the, 20

Each political party wishing to participate in the election must finalize their nomination of candidates before the, 20

Nomination papers for the election may be delivered to the returning officer at between the hours of eight o'clock in the morning and one o'clock on the

20 and forms of nomination papers therefore may be obtained at between the hours of nine o'clock in the morning and one o'clock on any week day. The returning officer will prepare a nomination paper for signature at the request of any person who is a registered voter in his constituency.

Dated the, 20

.....
Returning Officer

SCHEDULE—continued

FORM 11

(r. 12(4)(c))

ELECTION OF COUNTY ASSEMBLY

There is to be an election of a member to serve in the County Assembly for the
..... County.

A County Assembly election will be held on the 20

Each political party wishing to participate in the election must finalize their nomination of candidates before the 20

Nomination papers for the election may be delivered to the returning officer at
between the hours of eight o'clock in the morning and one o'clock on the

20 and forms of nomination papers therefore may be obtained at

between the hours of nine o'clock in the morning and one o'clock on any week day. The returning officer will prepare a nomination paper for signature at the request of any person who is a registered voter in his constituency.

Dated the , 20

.....
Returning Officer

FORM 12

(r. 16(1), 17(1), 18(2)(b))

NOMINATION PAPER FOR PRESIDENTIAL ELECTION



Election of President of the Republic of Kenya to be held on the
day of , 20

We, the undersigned being registered as voters, in the constituencies shown below do hereby nominate the under mentioned person as a candidate at the said election.

Particulars of the Candidate

Name in Full	
Occupation	
National Identity card or Passport No.	
Sex	
Date of Birth	
Voters card number	
Physical address	
Postal address	
Political Party	

SCHEDULE, FORM 12—continued

Party register No./ Clearance certificate No. of independent candidate	
Telephone contacts	1. 2.

And I, the aforesaid do hereby consent to my nomination as a candidate for election as President of the Republic of Kenya and hereby certify that I am in all respects qualified for nomination as such candidate.

.....
Signature of Candidate

Dated

SUPPORTERS OF PRESIDENTIAL ELECTION CANDIDATE

Election of the President of the Republic of Kenya will be held on the day of 20.....

We, the undersigned, being registered voters with the voters numbers indicated against our respective names, do hereby support the nomination of as a candidate for election as President of the Republic of Kenya.

No	Name	County	Voters Number	Signature/Thumb Print	I.D Card No./ Passport No.

Supporter 1:
Full Names
Constituency
Voters Number
Party Office Held

Signature of
Supporter 2:
Full Names
Constituency
Voters Number
Party Office Held

Signature of the proposer

Dated

N/B a total of at least 2000 supporters from at least 24 counties must be submitted to the Returning officer.

SCHEDULE—continued

FORM 13

(r. 18(3))

STATUTORY DECLARATION FOR PURPOSES OF NOMINATION FOR ELECTION

I, of do solemnly and sincerely declare as follows—

- 1. I do hereby consent to my nomination as a candidate at the election to be held in the Republic of Kenya.
- 2. I am duly qualified and am not disqualified by law for election as a President.
- 3. I am qualified under, and have complied with, the Constitution and rules relating to persons wishing to contest as a candidate for for elections

And I make this declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Act.

Declared at this day of 20.....

Signature of Declarant

Before me

.....

Magistrate/Commissioner for Oaths

* The declarant names must be written in the order in which he or she wishes them to appear on the nomination statement and the surname must be underlined.

FORM 14

(r. 21)

CERTIFICATE THAT ONLY ONE PERSON NOMINATED FOR ELECTION AS PRESIDENT

I, the chairperson of the Independent Electoral and Boundaries Commission do hereby certify that the only person who stands validly nominated for the presidential election is—

<i>Name</i>	<i>Place of Residence</i>	<i>ID/Passport number</i>	<i>Occupation/Description</i>

and that he or she has therefore been declared elected as President.

Dated this 20.....

.....
Chairperson
Independent Electoral and Boundaries Commission

SCHEDULE—continued

FORM 15

(r. 22, 23, 24(2)(b))

NOMINATION PAPER FOR NATIONAL ASSEMBLY/COUNTY WOMAN REPRESENTATIVE PARTY/INDEPENDENT ELECTION



Election of a member of National Assembly of the Constituency/County to be held on the day of for , 20.....

We, the undersigned, being registered voters in the constituency/county* and nominate the under-mentioned person as a candidate at the National Assembly/County woman representative election*.

Particulars of the candidate:

Name in Full	
Occupation	
National Identity card or Passport No.	
Sex	
Date of Birth	
Voters card number	
Physical address	
Postal address	
Political party*	
Party register No./Clearance certificate No. of independent candidate	
Telephone contacts	1. 2.

And I, the aforesaid do hereby consent to my nomination as a candidate for election as Member of National Assembly/Woman representative* of the constituency/county and hereby certify that I am in all respects qualified for nomination as such candidate.

.....
Signature of Candidate

Dated

SUPPORTERS OF INDEPENDENT CANDIDATE FOR NATIONAL ASSEMBLY/COUNTY WOMAN REPRESENTATIVE

We, the undersigned, being registered voters with the voters numbers indicated against our respective names, do hereby support the nomination of as a candidate for election as member of National Assembly/County woman representative* of the constituency.

SCHEDULE, FORM 16—*continued*

We, the undersigned supporters, being registered as voters, in the county holding the election do hereby nominate the under mentioned person as a candidate at the said election.

Particular of candidate:

Name in Full	
Occupation	
National Identity card or Passport No.	
Sex	
Date of Birth	
Voters card number	
Physical address	
Postal address	
Political Party	
Party register No./ Clearance certificate No. of independent candidate	
Telephone contacts	1. 2.

And I, the aforesaid do hereby consent to my nomination as a candidate for election as Senator of the County and hereby certify that I am in all respects qualified for nomination as such candidate

.....
Signature of Candidate

Dated

SUPPORTERS OF SENATOR

We, the undersigned, being registered voters with the voter numbers indicated against our respective names, do hereby support the nomination of as a candidate for election as Senator of the County.

No.	Name	Constituency	Voters Number	Signature/Thumb Print	I.D Card No./ Passport No.

Supporter1:

Full Names

Constituency

Voters Number

Party Office Held

SCHEDULE, FORM 16—*continued*

Signature of Proposer

Supporter 2:

Full Names

Constituency

Voters Number

Party Office Held

Signature

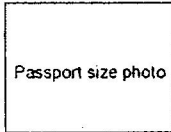
Dated

N/B: a total of at least 2,000 supporters from the county for the Senate must be submitted to the Returning officers for every independent candidate.

FORM 17

(r. 30. 31. 32(2)(b))

NOMINATION PAPER FOR COUNTY GOVERNOR



Election of a County Governor of the
 County to be held on the day of, 20

We, the undersigned supporters, being registered as voters, in the county Assembly wards of county holding the election do hereby nominate the under mentioned person as a candidate at the said election.

Particulars of the Candidate:

Name in Full	
Occupation	
National Identity card or Passport No.	
Sex	
Date of Birth	
Voters card number	
Physical address	
Postal address	
Political Party	
Party register No./ Clearance certificate No. of independent candidate	
Telephone contacts	1. 2.

And I, the aforesaid do hereby consent

SCHEDULE, FORM 17—continued

to my nomination as a candidate for election as County Governor of the
County and hereby certify that I am in all respects qualified for nomination as such candidate.

.....
Signature of Candidate

Dated

SUPPORTERS OF COUNTY GOVERNOR CANDIDATE

We, the undersigned, being registered voters with the voters numbers indicated against our
respective names, do hereby support the nomination of
as a candidate for election as County Governor of the County

No.	Name	County Assembly Ward	Voters Number	Signature/ Thumb Print	I.D Card No./ Passport No.

Supporter 1:
Full Names
Constituency
Voters Number
Party Office Held

Signature of Proposer

Supporter 2:
Full Names
Constituency
Voters Number
Party Office Held

Signature

Dated

N/B. a total of at least 500 supporters from wards concerned must be submitted to the Returning officers for every independent candidate.

SCHEDULE, FORM 18—continued

FORM 18

(r. 34, 35, 36(2)(b))

NOMINATION PAPER FOR COUNTY ASSEMBLY ELECTION



Election of a County Assembly Ward Member of the
 County Assembly Ward to be held on the day of, 20.....
 We, the undersigned supporters, being registered as voters, in the
 county Assembly ward of county holding the election
 do hereby nominate the under mentioned person as a candidate at the said election.
 Particulars of candidate:

Name in Full	
Occupation	
National Identity card or Passport No.	
Sex	
Date of Birth	
Voters card number	
Physical address	
Postal address	
Political party	
Party register No./ Clearance certificate No. of independent candidate	
Telephone contacts	1. 2.

And I, the aforesaid
 do hereby consent to my nomination as a candidate for election as County Assembly member of the
 County Assembly ward of
 County and hereby certify that I am in all respects qualified for nomination as such candidate.

.....
Signature of Candidate

Dated

SUPPORTERS OF COUNTY ASSEMBLY CANDIDATE

We, the undersigned, being registered voters with the voters numbers indicated against our
 respective names, do hereby support the nomination of
 as a candidate for election as County Assembly Ward Member of the

SCHEDULE—continued

County Assembly ward.

No.	Name	County Assembly Ward	Voters Number	Signature/Thumb Print	I.D Card No./ Passport No

Supporter 1:
 Full Names
 Constituency
 Voters Number
 Party Office Held

Signature of Proposer
 Date

Supporter 2:
 Full Names
 Constituency
 Voters Number
 Party Office Held

Signature
 Dated

N/B: a total of at least 500 supporters from the County Assembly ward must be submitted to the Returning officer for every independent candidate.

FORM 19

(r. 41)

STATUTORY DECLARATION FOR PURPOSES OF NOMINATION FOR
 PARLIAMENTARY AND COUNTY ELECTIONS

I, of
 do solemnly and sincerely declare as follows—

1. I do hereby consent to my nomination as a candidate at the election to be held in the
 County/Constituency/County assembly Ward.
2. I am duly qualified and am not disqualified by law for election.
3. I am qualified under, and have complied with, the Constitution and rules relating to persons wishing to contest as a candidate for elections.

And I make this declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Act.

Declared at this day
 of , 20.....

Signature of Declarant
 Before me

SCHEDULE, FORM 19—*continued*

.....
Magistrate/Commissioner for Oaths

Text Box: of 20

Signature of Declarant

Before me

* *delete inapplicable*

* The declarant names must be written in the order in which he or she wishes them to appear on the nomination statement and the surname must be underlined.

FORM 20

(r. 51(1))

CERTIFICATE OF NOMINATION FOR PRESIDENT

I, the returning officer for

do hereby certify that, ID/ Passport No

is validly nominated for the Presidential election in the Republic of Kenya

Dated this day of 20

.....
Chairperson
Independent Electoral and Boundaries Commission

FORM 21

(r. 51(2))

CERTIFICATE OF NOMINATION OF CANDIDATE FOR NATIONAL ASSEMBLY/COUNTY GOVERNOR/COUNTY ASSEMBLY ELECTIONS

I the returning officer for

do hereby certify that ID/Passport No

is validly nominated for the National Assembly/County Governor/County Assembly election in county.

Dated this day of 20

.....
Returning Officer

SCHEDULE—continued

FORM 22

(r. 51(3)(a))

CERTIFICATE THAT NO PERSON NOMINATED

I the returning officer of constituency/county do hereby certify that no person is validly nominated for the election in constituency/county
 Dated the day of 20

.....
 Returning Officer

FORM 23

(r. 51(4)(b))

CERTIFICATE THAT ONLY ONE PERSON NOMINATED FOR ELECTION

I, the returning officer of constituency/county do hereby certify that the only one person who is validly nominated for the election, in constituency/county*.

Name	Place of Residence	ID/Passport number	Occupation/Description

Dated this 20

.....
 Returning officer

* delete as appropriate

FORM 24

(r. 51(6))

STATEMENT OF PERSONS NOMINATED

The following persons have been and now stand nominated for the election for the Republic of Kenya /County /Constituency/County Assembly Ward*.

Type of candidature (party/independent candidate)	Candidate symbol	Full names of candidate	Occupation or description	Names of subscribers to nomination paper	National identification/Passport number	Physical address	Postal address

SCHEDULE, FORM 24—continued

The voters belonging to the voters areas specified hereunder may vote only at the polling station specified and the days and hours for polling at those polling stations shall be as specified herein.

County	County code	Constituency	Const. code	Ward name	Ward code	Polling Stations	Polling stn. code	Day and Hours of Polling

Dated this day of, 20

Returning Officer

* delete as appropriate

FORM 25

(r. 68(1)(a))

BALLOT PAPER

Counterfoil

S/No.
 PRESIDENTIAL ELECTION, 20
 IN THE CONSTITUENCY
 Polling Station

S/No
 Constituency
 Polling Station

INSTRUCTIONS TO VOTER:	MAAGIZO KWA MPIGA KURA:
1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.	1. Weka alama kwenye nafasi iliotengwa kwa jina la mgombeaji au picha ya chama ungependa kuchagua.
2. Place a mark against only one candidate.	2. Weka alama kwa mgombeaji mmoja tu
3. Make no other mark whatsoever on the paper.	3. Usiweke alama yeyote nyingine kwenye karatasi ya kura
4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the ballot into the ballot box.	4. Kunja karatasi katikati kutoka kushoto kwenda kulia ili kuficha kura yako halafu tumbukiza kwenye sanduku.

Voter's Mark/Alama ya kura Tick (✓) cross (x) Thumb print (■)

Party/Candidates Symbol	Presidential Candidate Photo and Name	Deputy Presidential Name	Voter's Mark/ Alama ya kura

SCHEDULE—continued

FORM 26

(r. 68(1)(b))

BALLOT PAPER

Counter Foil

S/No
 NATIONAL ASSEMBLY ELECTION IN THE CONSTITUENCY, 20
 Polling Station

S/No
 Constituency
 Polling Station

INSTRUCTIONS TO VOTER:	MAAGIZO KWA MPIGA KURA:
1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.	1. Weka alama kwenye nafasi iliotengwa kwa jina la mgombeaji au alama ya chama ungependa kuchagua.
2. Place a mark against only one candidate.	2. Weka alama kwa mgombeaji mmoja tu
3. Make no other mark whatsoever on the paper.	3. Usiweke alama yeyote nyingine kwenye karatasi ya kura
4. Fold the paper through the centre, from left to right, so as to conceal your vote.	4. Kunja karatasi katikati kutoka kushoto kwenda kulia ili kuficha kura yako

Voter's Mark/Alama ya kura Tick (√) cross (x) Thumb print (■)

Party/Candidates Symbol	Candidate Name	Voter's Mark/Alama ya kura

FORM 27

(r. 68(1)(c))

BALLOT PAPER

Counterfoil

S/No
 WOMAN COUNTY REPRESENTATIVE IN THE NATIONAL ASSEMBLY ELECTION IN THE
 CONSTITUENCY, 20
 Polling Station

S/No
 Constituency
 Polling Station

INSTRUCTIONS TO VOTER:	MAAGIZO KWA MPIGA KURA:
1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.	1. Weka alama kwenye nafasi iliotengwa kwa jina la mgombeaji au alama ya chama ungependa kuchagua.
2. Place a mark against only one candidate.	2. Weka alama kwa mgombeaji mmoja tu
3. Make no other mark whatsoever on the paper.	3. Usiweke alama yeyote nyingine kwenye karatasi ya kura
4. Fold the paper through the centre, from left to right, so as to conceal your vote.	4. Kunja karatasi kalikali kutoka kushoto kwenda kulia ili kuficha kura yako

SCHEDULE, FORM 27—continued

Voter's Mark/Alama ya kura Tick (✓) cross (x) Thumb print (■)		
Party /Candidates Symbol	Candidate Name	Voter's Mark/Alama ya kura

FORM 28

(r. 68(1)(d))

BALLOT PAPER

Counterfoil

S/No
 SENATE ELECTION IN THE CONSTITUENCY, 20
 Polling Station

S/No
 Constituency
 Polling Station

INSTRUCTIONS TO VOTER:	MAAGIZO KWA MPIGA KURA:
1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.	1. Weka alama kwenye nafasi iliotelewa kwa jina la mgombeaji au picha ya chama ungependa kuchagua.
2. Place a mark against only one candidate.	2. Weka alama kwa mgombeaji mmoja tu
3. Make no other mark whatsoever on the paper.	3. Usiweke alama yeyote nyingine kwenye karatasi ya kura
4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the ballot into the ballot box.	4. Kunja karatasi katikati kutoka kushoto kwenda kulia ili kuficha kura yako halafu tumbukiza kwenye sanduku.

Voter's Mark/Alama ya kura Tick (✓) cross (x) Thumb print (■)		
Party /Candidates Symbol	Candidate Name	Voter's Mark/Alama ya kura

FORM 29

(r. 68(1)(e))

BALLOT PAPER

Counterfoil

S/No
 COUNTY GOVERNOR ELECTION, 20
 IN THE CONSTITUENCY
 Polling Station

S/No
 Constituency
 Polling Station

SCHEDULE, FORM 29—continued

INSTRUCTIONS TO VOTER:	MAAGIZO KWA MPIGA KURA:
1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect. 2. Place a mark against only one candidate. 3. Make no other mark whatsoever on the paper. 4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the ballot into the ballot box.	1. Weka alama kwenye nafasi iliitengwa kwa jina la mgombeaji au picha ya chama ungependa kuchagua. 2. Weka alama kwa mgombeaji mmoja tu 3. Usiweke alama yeyote nyingine kwenye karatasi ya kura 4. Kunja karatasi katikali kutoka kushoto kwenda kulia ili kuficha kura yako halafu tumbukiza kwenye sanduku.

Voter's Mark/Alama ya kura Tick (✓) cross (x) Thumb print (■)

Party /Candidates Symbol	Governor Candidate Photo and Name	Deputy Governor Name	Voter's Mark/Alama ya kura

FORM 30

(r. 68(1)(f))

BALLOT PAPER

Counterfoil

S/No
 COUNTY ASSEMBLY WARD ELECTION IN THE WARD, 20
 Polling Station
 S/No
 Constituency
 Polling Station

INSTRUCTIONS TO VOTER:	MAAGIZO KWA MPIGA KURA:
1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect. 2. Place a mark against only one candidate. 3. Make no other mark whatsoever on the paper. 4. Fold the paper through the centre, from left to right, so as to conceal your vote.	1. Weka alama kwenye nafasi iliitengwa kwa jina la mgombeaji ungependa kuchagua. 2. Weka alama kwa mgombeaji mmoja tu 3. Usiweke alama yeyote nyingine kwenye karatasi ya kura 4. Kunja karatasi katikali kutoka kushoto kwenda kulia ili kuficha kura yako

Voter's Mark/Alama ya kura Tick (✓) cross (x) Thumb print (■)

Party/Candidates Symbol	Candidate Name	Voter's Mark/Alama ya kura

SCHEDULE—continued

FORM 31

(r. 68(1)(g))

BALLOT PAPER

Counterfoil

S/No.
 REFERENDUM ELECTION IN THE CONSTITUENCY, 20
 Polling Station

S/No.
 Constituency
 Polling Station

INSTRUCTIONS TO VOTER:	MAAGIZO KWA MPIGA KURA:
1. Mark the paper by placing a mark against the name of the question/symbol of the party you wish to elect.	1. Weka alama kwenye nafasi iliotelewa kwa jina la swalai au alama ya ungependa kuchagua.
2. Place a mark against only one candidate.	2. Weka alama kwa mgombeaji mmoja tu
3. Make no other mark whatsoever on the paper.	3. Usiweke alama yeyote nyingine kwenye karatasi ya kura
4. Fold the paper through the centre, from left to right, so as to conceal your vote.	4. Kunja karatasi katikati kutoka kushoto kwenda kulia ili kuficha kura yako

Voter's Mark/Alama ya kura Tick (✓) cross (x) Thumb print (☺)

Answer/Jibu	Symbol/Alama	Voter's Mark/Alama ya kura
Yes/Ndio		
No/La		

FORM 32

(r. 72(5)(a))

DECLARATION OF SECRECY MADE BY A PERSON ASSISTING A VOTER

I of P.O. Box do declare that at these elections I shall assist the voter in strict obedience to the following requirements, namely—

- (1) that I shall not communicate to any person the name or identity of the candidate for whom the voter I am assisting is about to vote or has voted for;
- (2) that I shall mark the vote of the voter I am assisting for the candidate of the voter's choice and for no other person;
- (3) that I shall maintain and aid in maintaining the secrecy of the voting in this polling station.

Signature of the person assisting the voter

FOR OFFICIAL USE

Declared before the presiding/deputy presiding officer polling station constituency.

This Day of 20

Rubber stamp

Signature

SCHEDULE, FORM 34—continued

Number of valid votes cast in favor of each candidate:

Name of Candidate	No. of valid votes cast
1	
2	

6. Declaration

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in polling station, constituency.

Presiding officer: Name: Signature Date

Deputy Presiding officer: Name Signature Date

Candidates or Candidates' Agents

1.
2.
3.

Reasons for refusal to Sign

.....

7. Presiding Officer's statutory comments:

.....

FORM 35

(r. 79(2)(b), 83 (1) (d))

DECLARATION OF NATIONAL ASSEMBLY/COUNTY WOMAN REPRESENTATIVE/SENATE/COUNTY GOVERNOR/COUNTY ASSEMBLY ELECTION RESULTS AT A POLLING STATION

S/Number

Polling station Code

Stream

Constituency Code

1	Total number of registered voters for the polling station	
2	Number of spoilt ballot papers	
3	Total number of votes cast	
4	Number of rejected votes	
5	Number of disputed votes	
6	Number of rejected objected to votes	
7	Total number of valid votes cast	

SCHEDULE, FORM 35—continued

Number of valid votes cast in favor of each candidate:

Name of Candidate	Number of valid votes cast
1	
2	

6. Declaration

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and are an accurate count of the ballots in polling station, constituency.

Presiding officer: Name: Signature Date

Deputy Presiding officer: Name Signature Date

Candidates or Candidates' Agents

1.
2.
3.

Reasons for refusal to sign

7. Presiding Officer's statutory comments:

* Delete as appropriate

FORM 36

(r. 83(2))

DECLARATION OF ELECTION RESULTS AT CONSTITUENCY/COUNTY

Polling station No.	Name of polling station	Name	Name	Name	Name	Name	Name	Name	Name	Votes cast	Rejected votes	Valid votes

SCHEDULE, FORM 36—continued

AGGREGATE RESULTS

No	Name of the Candidate	Valid Votes in Figures	Valid Votes in Words

SIGNATURES

No	Party Name	Candidate Agent	ID No	Signature	Date

Number of registered voters
Returning officer

Voter turn out percentage
Constituency

SCHEDULE—continued

FORM 37

(r. 87(1)(a))

CERTIFICATE OF RESULTS OF PRESIDENTIAL ELECTION, 20.....
 The Independent Electoral and Boundaries Commission certifies that the candidate who has been
 duly elected the President of the Republic of Kenya under the provisions of Article 138 of the
 Constitution in the presidential election held on 20.....
 is

.....
*Chairperson,
 Independent Electoral and Boundaries Commission*

Signature
 Dated the 20.....

FORM 38

(r. 87(1)(b))

CERTIFICATE OF RESULTS OF NATIONAL ASSEMBLY/WOMAN REPRESENTATIVE
 /SENATE/COUNTY GOVERNOR/COUNTY ASSEMBLY* ELECTION, 20.....
 I, the returning officer of the Constituency/County*
 certify that the candidate
 Elected as a member of the National Assembly/woman representative/Senate/county
 governor/county assembly for the constituency/county* is—

Candidate's Name	Type of candidature	Occupation	Place of Residence

Dated the 20.....

.....
Returning Officer

* delete as appropriate

FORM 39

(r. 88(2))

NOTICE OF FRESH PRESIDENTIAL ELECTION

A fresh election of a President of the Republic of Kenya shall be held on
 and will be contested between the following candidates:

Name	Candidate/Party Symbol
1	
2.	

the presidential poll will take place on the day(s) of 20.....

.....
*Chairperson, Independent Electoral and
 Boundaries Commission*

SCHEDULE—continued

FORM 40

(r. 91(2))

APPLICATION FOR REGISTRATION OF REFERENDUM COMMITTEE

We, the undersigned, being registered as voters intending to support / oppose the referendum question hereby apply to be registered as a referendum committee in accordance to the Constitution and the Elections Act

	Voters area	
1	Voters area code	
2	Full name of referendum committee	
3	Contact of referendum committee leader	Full name
		Postal address: Code:
		City/town
		Telephone number 1.
		Telephone number 2.
		Email:
1.	Referendum committee chief agent	Full name
		ID/Passport number
		Postal address: Code:
		City/town
		Telephone number 1
		Telephone number 2
		Email:

SCHEDULE—continued

FORM 41

(r. 92(3))

REFERENDUM COMMITTEE AGENTS

Full name	ID/Passport number	Postal address	Code	City/town	Tel. No. 1	Tel. No. 2	Email Address.

ELECTIONS (GENERAL) REGULATIONS, 2012

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
2. Interpretation
3. Object.
4. Application of rules.
5. Right to lodge complaint.
6. Returning officer to be guided by constitution and nomination rules, etc.
7. Disputes arising from registration of persons.
8. Initiation of a complaint.
9. Disputes arising from nomination of candidates.
- 10.
11. Powers of the returning officer
12. Decision of the Commission
13. Appeals for review to the Commission.
14. Power of the Commission to delegate.
15. Complaint arising from violation of the electoral code of conduct.
16. Committee to regulate its own procedure.
17. Legal representation.

SCHEDULE

ELECTIONS (GENERAL) REGULATIONS, 2012

[L.N 139/2012.]

1. Citation

These rules may be cited as the Rules of Procedure on Settlement of Disputes.

2. Interpretation

In these rules, unless the context otherwise requires—

“**Act**” means the Elections Act, 2011;

“**Committee**” means the Electoral Code of Conduct Enforcement Committee established under the Act;

“**dispute**” means a complaint, challenge, claim or contest relating to any stage of the electoral process and includes an objection to the acceptance of the nomination papers of a candidate by the Returning Officer;

“**nomination**” means the submission to the Commission of the name of a candidate in accordance with the Constitution and the Elections Act, 2011;

“**registration officer**” means a person appointed by the Commission for the purpose of preparing a register of voters.

3. Object

The object of these rules is to provide a procedure and mechanisms for the expeditious, efficient, lawful, reasonable and procedurally fair settlement of disputes including those contemplated under Article 88(4)(e) of the Constitution and section 74 of the Act.

4. Application of rules

(1) These rules shall apply to disputes or complaints arising from—

- (a) registration of persons;
- (b) nomination of candidates;
- (c) violations of the Code of Electoral Conduct; and
- (d) any other election related complaint.

(2) These rules shall not apply to election petitions or disputes and complaints subsequent to the declaration of election results.

5. Right to lodge complaint

(1) A candidate for the nomination for a political party ticket for purposes of an election under the Act may file an objection against the submission of the name of any other candidate to the returning officer.

(2) The returning officer upon receipt of the complaint or objection shall consider the application and either—

- (a) uphold the nomination by the political party;
- (b) reject the nomination and inform the political party of the fact of that rejection and in that regard direct that a new nomination be conducted.

6. Returning officer to be guided by constitution and nomination rules, etc.

In determining the question as to whether a candidate has been validly nominated by a political party, the returning officer shall take into account and shall be guided by—

- (a) the constitution and nomination rules of the political party-concerned; and
- (b) the provisions of the Constitution, the Elections Act and the Elections Regulations.

7. Disputes arising from registration of persons

(1) Any person objecting to the registration of a voter may file a complaint with the Commission on any of the following grounds—

- (a) that the person has registered in more than one registration centre;
- (b) that the person has been convicted of an election offence at any time material to the registration;
- (c) that the person is not qualified to be registered under any law.

(2) An objection against registration shall be in Form 2 set out in the schedule.

8. Initiation of a complaint

(1) A party to a dispute may, within twenty four hours of the occurrence of a dispute, notify the Commission and any adverse party of the dispute, in writing.

(2) A complaint shall be filed by delivering to the returning officer or the Commission a duly filled Form 1 in duplicate.

(3) An objection or complaint may be filed by—

- (a) a registered voter or a political party in the electoral area where the dispute arose alleging that a candidate has not been validly nominated;
- (b) a candidate alleging that he or she has been unfairly denied nomination by the party from which he' or she sought to nominated by;
- (c) any person claiming that a candidate who has been nominated as a candidate is not qualified to be so nominated;
- (d) a person aggrieved by an electoral activity.

(4) The complaint shall state—

- (a) full names and address of service of the complainant;
- (b) voter registration number or certificate of political party registration;
- (c) the date, time and location of the occurrence of the act complained of;
- (d) information about the person whose conduct is complained against;
- (e) information as to the identity and contacts of witnesses, if any;
- (f) a concise statement under oath of the ultimate facts constituting his cause or causes of action;
- (g) the relief or redress sought;
- (h) a declaration by the complainant that the representations are true;
- (i) a statement—
 - (i) that there is no other complaint pending;
 - (ii) that there have been no previous complaints in any forum or tribunal between the complainant and the respondent over the same subject matter; and

- (iii) showing the reasons why the complaint relates to the complainant named in the complaint.

(5) A complaint shall be served on the respondent and the registered political party that nominated the candidate, where applicable.

9. Disputes arising from nomination of candidates

(1) Any person objecting to the nomination of a candidate may file a complaint with the Commission on any of the following grounds—

- (a) that the candidate is not qualified to be elected under any law;
- (b) that the candidate does not have all the qualifications required under any law;
- (c) that the candidate was convicted of an election offence at any time material to the nomination;
- (d) that conduct of the nomination process was invalid;
- (e) that the candidate did not accept his nomination according to the rules promulgated by the Commission;
- (f) any other ground that the Commission deems sufficient provided such ground shall not be frivolous, vexatious or scandalous.

(2) An objection with respect to the nomination of an independent candidate may, in addition to any other ground, be based on any of the following grounds—

- (a) the candidate failed to get the required number of registered voters supporting his candidacy, as specified by the Act;
- (b) the candidate was nominated by a member of a political party;
- (c) the candidate is a member of a political party.

10.

The returning officer or the Commission acting on appeal may decline to accept a dispute if that dispute—

- (a) does not raise an issue under the constitution or the nomination rules of the party concerned or the Constitution, the Act or the Regulations;
- (b) does not conform with these rules of procedure;
- (c) is trivial, frivolous or vexatious.

11. Powers of the returning officer

The returning officer shall have the authority to decide on any dispute arising from a nomination of a candidate within the electoral area and shall in that regard have the power to—

- (a) summon any person to appear before it, administer an oath for the purpose of receiving testimony; and
- (b) order the production of any document relevant to any dispute arising from nomination of a candidate.

12. Decision of the Commission

The returning officer shall—

- (a) issue a written decision on an application or objection within seven days after the application or objection is made; and
- (b) record the reasons of the decision.

13. Appeals for review to the Commission

A person aggrieved by the decision of a returning officer may appeal such decision to the Commission.

14. Power of the Commission to delegate

(1) Despite the provisions of these rules, the Commission may delegate to the Committee, the power to settle disputes filed under these rules.

(2) The Committee referred to under subregulation (1) shall have the powers of a registration officer or a returning officer.

15. Complaint arising from violation of the electoral code of conduct

(1) Any aggrieved person may file a written complaint against any political party participating in an election for violation of the provisions of the electoral code of conduct.

(2) A complaint under subregulation (1) shall be accompanied by a statement of the complainant and his witnesses, all of which must be under oath, as well as other documents to support the complaint.

(3) A complaint for under this regulation shall be filed with the Commission.

(4) Based on the decision of the Committee, Commission may impose any of the sanctions provided for under paragraph 7 of the Electoral Code of Conduct.

16. Committee to regulate its own procedure

(1) Subject to the Act and these rules, the Committee shall regulate its own procedure.

(2) The Committee shall have powers to issue administrative guidelines for purposes of expeditious, efficient, lawful, reasonable and procedurally fair settlement of disputes.

17. Legal representation

(1) Every party to a complaint or objection under these rules may appear in person or be represented by an advocate.

(2) A person who is a subject of the complaint or objection shall have the right to present his or her evidence and to cross examine any witnesses against him or her.

(3) The Committee may conduct investigations to enable it arrive at a reasonable decision.

SCHEDULE

SCHEDULE

FORM 1

(r. 5)

INITIATION OF A COMPLAINT

Nominations for the County/ Constituency/Ward

The Complaint of

The complainant states that the nomination was held on the day of 20....., when X,Y and Z were candidates, and X was declared as nominated.

Complainant(s) state that the nomination was improper due to (state the facts and grounds on which the complainant(s) rely).

SCHEDULE, FORM 2—continued

Wherefore Complainant(s) pray that it be determined that the said X was not duly nominated and the nomination was void (or as the case may be).

Dated 20 (Signed) A.

Dated 20 (Signed) B.

FORM 2

(r. 7(2))

INITIATION OF A COMPLAINT

Registration in County/ Constituency /Ward

The Complaint of

Complainant(s) state that the registration was improper due to (state the facts and grounds on which the complainant(s) rely).

Wherefore Complainant(s) pray that does not qualify to be registered and that the registration was void (or as the case may be).

Dated 20 (Signed) A.

Dated 20 (Signed) B.

