

LEGAL NOTICE.....



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

THE ELECTIONS (TECHNOLOGY) REGULATIONS, 2017

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

IN EXERCISE of the powers conferred by section 44(5) and section 109 of the Elections Act, 2011, the Independent Electoral and Boundaries Commission makes the following Regulations—

THE ELECTIONS (TECHNOLOGY) REGULATIONS, 2017

PART I – PRELIMINARY

Citation and commencement.

1. These Regulations may be cited as the Elections (Technology) Regulations, 2017 and shall come into effect upon publication in the Gazette.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

“Systems audit” means an examination of all controls within information technology systems and infrastructure including networks, applications, databases and processes

“biometric” means unique identifiers or attributes including fingerprints, hand geometry, earlobe geometry, retina and iris patterns, voice waves, DNA, and signatures;

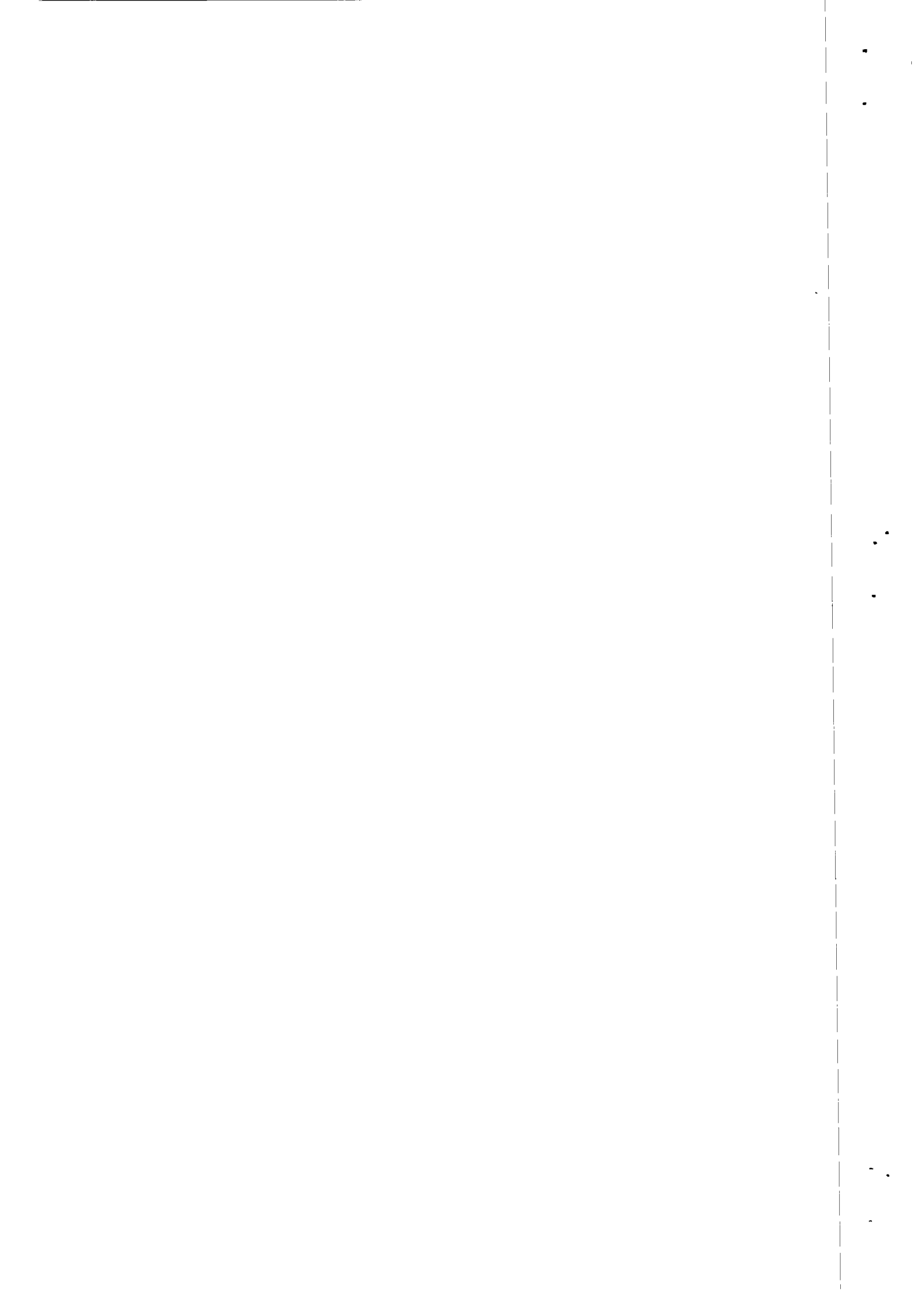
“Commission” means the Independent Electoral and Boundaries Commission established under Article 88 of the Constitution;

“Controls” means standard operating procedures, security measures, validation rules, best practices, and other procedures and policies put in place by the Commission to guide and support use of Election technology.

Cap. 411A.

“data” means attribute to an entity recorded in a format in which can be processed to produce information by equipment in response to instructions given for that purpose, and includes representations of facts in form of quantities, characters, symbols and images, transmitted in the form of electrical signals and stored on magnetic, optical or mechanical recording media or as defined in the Kenya information and Communication Act.

“election technology” refers to a system that includes biometric voter registration system, biometric voter identification system, a system that enables



the nomination and registration of candidates and electronic results transmission system.

PART II – ACQUISITION , STORAGE AND DEPLOYMENT

Assessment.

3. (1) The Commission shall regularly conduct a requirements analysis to determine the specific requirements to upgrade or supplement existing election technology, or to acquire new election technology with the purpose of enhancing the integrity, efficiency and transparency of the election process.

(2) Based on the requirements analysis, the Commission will prepare a feasibility report for any required upgrades or acquisitions.

Procurement.

4. (1) Based on the requirements analysis, solution design and feasibility report conducted under sub regulation 3(1), the Commission shall develop specifications for the procurement of new or updated election technology, in accordance with the Public Procurement and Asset Disposal Act, 2015 and its regulations.

No. 33 of 2015.

(2) The specifications developed under sub-regulation (1) shall ensure that the election technology is accessible and inclusive for all citizens, including persons with disabilities and persons with special needs, to participate in the election process.

Deployment.

5. Following the completion of the procurement process, the Commission shall initiate the deployment and implementation of the election technology according to the specifications and an approved deployment plan to be developed by the Commission. The deployment plan may include installation and configuration of the election technology, description of activities, timelines and responsible persons.

Maintenance.

6. The Commission shall carry out regular inspections and servicing of the election technology, as well as establish a support and maintenance contract with a service provider or providers to ensure the serviceability, reliability and availability of the election technology.

Disposal of Assets.

7. The Commission shall comply with the Public Procurement and Asset Disposal Act, 2015 and its regulations during the disposal of election technology assets.

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PART III – TESTING AND CERTIFICATION

Testing.

8. The Commission shall carry out timely end-to-end testing of election technology before deployment for the election process.

Transparency.

9. (1) The Commission shall issue a public notice specifying the date, time and place of the testing and invite stakeholders to attend.

(2) The Commission may publish the information required under sub regulation (1)—

- (a) on its official website;
- (b) through electronic and print media of national circulation;
- (c) by posting the notice outside of the Commission's offices; or
- (d) through other easily accessible medium.

Certification.

10. (1) After the conduct of the necessary testing, the Commission shall prepare a report to determine that the election technology meets the user requirements and specifications developed under regulation 4, and is accessible.

(2) The Commission shall request assurance by a professional reputable firm to certify that the election technology meets user requirements and specifications developed under regulation 4.

PART IV – CONDUCT OF AN AUDIT

Audit of technology.

11. The Commission shall conduct annual internal audits of the election technology, or as may be required, to —

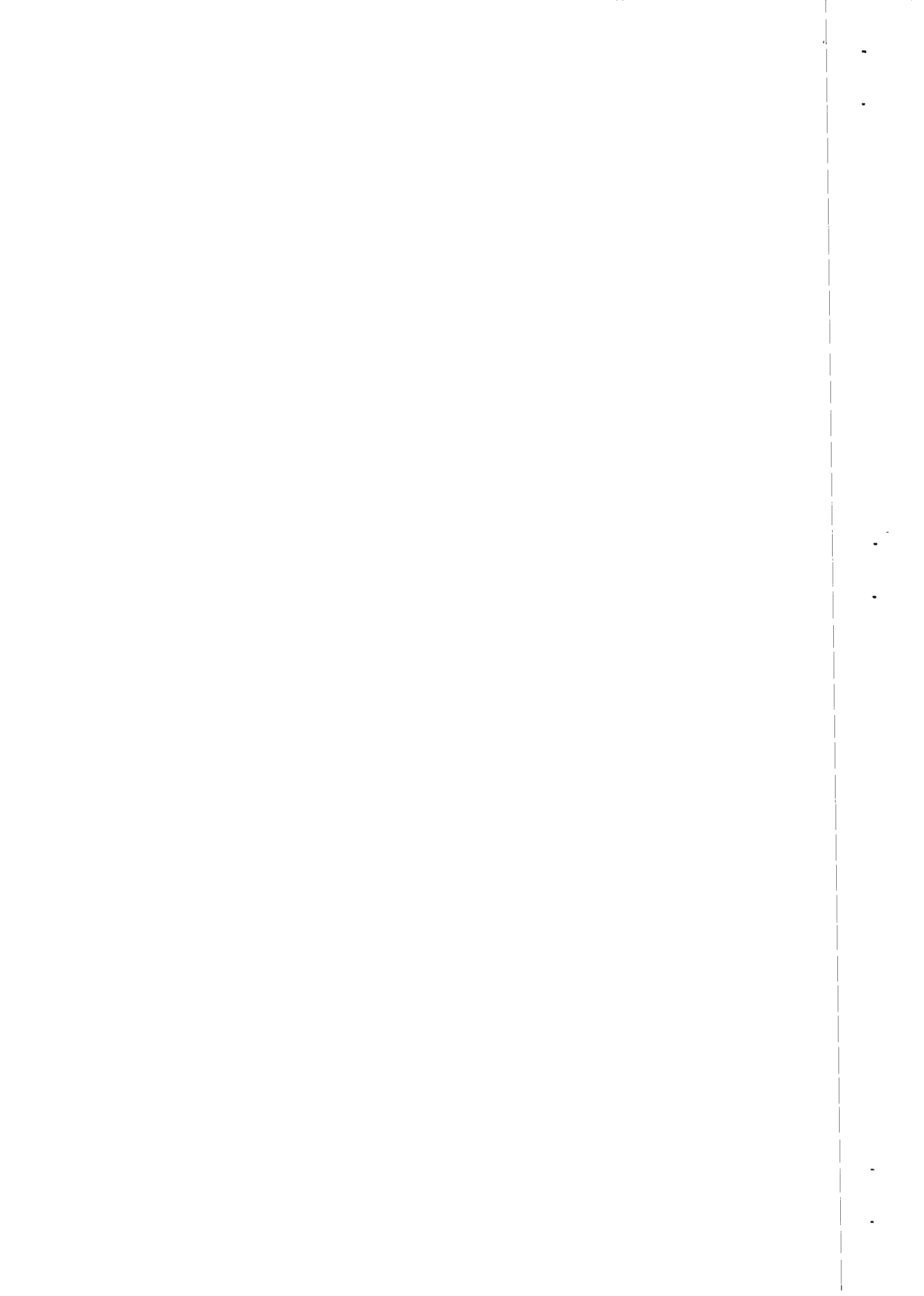
- (a) guarantee data integrity;
- (b) ensure that the technology functions effectively; and
- (c) ensure that the internal controls of the technology are in place.

Body to Conduct Audit.

12. (1) The Commission shall engage a professional reputable firm to conduct annual audit of the election technology.

(2) The Commission shall conduct systems reviews to evaluate the confidentiality, integrity and availability of the election technology by assessing—

- (a) the security access to the system;
- (b) the vulnerability of the system configurations;



(c) the accuracy and the completeness of the data; and

(d) any other mechanisms that may be determined by the Commission.

(3) Where the Commission engages a professional reputable firm, the firm shall present its audit findings to the Commission, which findings shall be incorporated into a report as set out in regulation 13.

Audit Report.

13. The Commission shall prepare an audit report which shall include—

(a) a statement on the principles set out in regulation 12 (2); and

(b) recommendations to reduce or eliminate any risks that could affect the functioning of the election technology.

PART V – INFORMATION SECURITY AND DATA STORAGE

Information security.

14. (1) The Commission shall put in place mechanisms to ensure data availability, accuracy, integrity, and confidentiality as set out in the Schedule.

(2) For the purpose of sub regulation (1), the Commission shall adopt tools to detect, prevent and protect against attacks and compromise of the election technology.

Data Storage and Access to Information.

15. (1) The Commission shall store and classify data in accordance with the principles set out in the Access to Information Act, 2016.

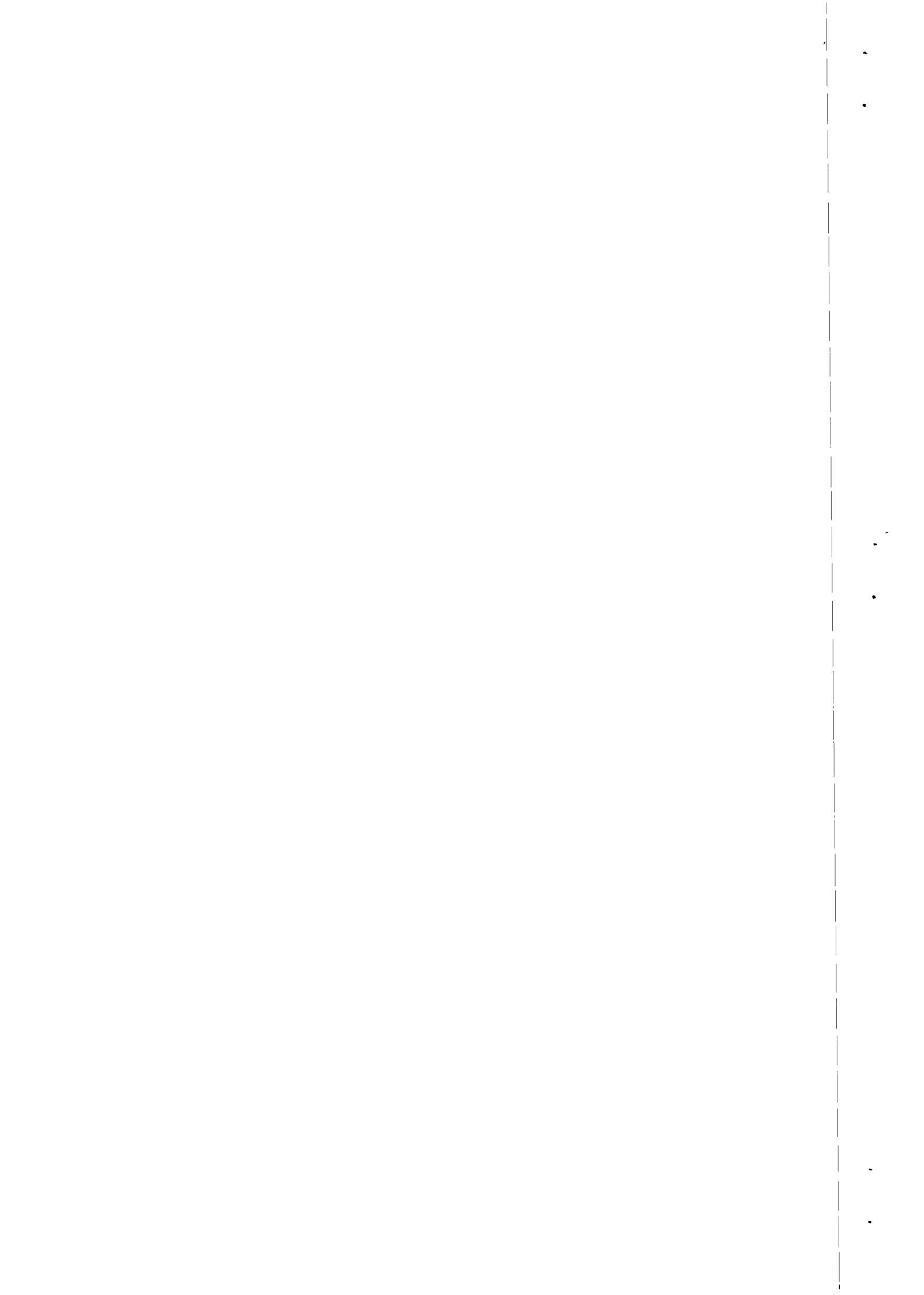
No. 31 of 2016

(2) An application to access information shall be made in writing in English or Kiswahili and the applicant shall provide details and sufficient particulars for the Public officer or any other official to understand what information is being requested.

(a) Where an applicant is unable to make a written request for access to information in accordance with subsection (1) because of illiteracy or disability, the information officer shall take the necessary steps to ensure that the applicant makes a request in manner that meets their needs.

(b) The information officer shall reduce to writing, in a prescribed form the request made under subsection (2) and the information officer shall then furnish the applicant with a copy of the written request.

(c) A public entity may prescribe a form for making an application to access information, but any such form shall not be such as to unreasonably delay requests or place an undue burden upon applicants and no application may be rejected on the ground only that the applicant has not used the prescribed form.



Request for Information.
No.9 of 2011.
No. 31 of 2016

16. A person may request information from the Commission, in accordance with section 27 of the Independent Elections and Boundaries Commission Act, 2011.

PART VI – DATA RETENTION AND DISPOSAL

Data Retention and
Archive.
Cap 19
No. 2 of 1998

17. All electronic data relating to an election shall be retained in safe custody by the Commission for a period of three years after the results of the elections have been declared, and shall, unless the Commission or the court otherwise directs, be archived in accordance with procedures prescribed by the Commission subject to the Public Archives and Documentation Service Act, 1990 and the Kenya Information and Communications Act, 1998.

PART VII – ACCESS TO SOFTWARE SOURCE CODES

Accessibility and
Security.
No. 3 of 2001

18. (1) For proprietary software, the access to source codes shall be in accordance with the Industrial Property Act, 2001.

(2) For open source codes, the Commission shall ensure access to source code in accordance with procedures prescribed by the Commission.

PART VIII – TELECOMMUNICATION NETWORK

Disclosure of existing
agreements.

19. (1) The Commission shall publish on its official website details of any telecommunication network service providers to be used during an election.

(2) A telecommunication network service provider or a member of a consortium who intends to provide services to the Commission pursuant to sub regulation (1) shall disclose to the Commission any existing agreements with political parties, agents, or candidates before engagement for telecommunication services in an election.

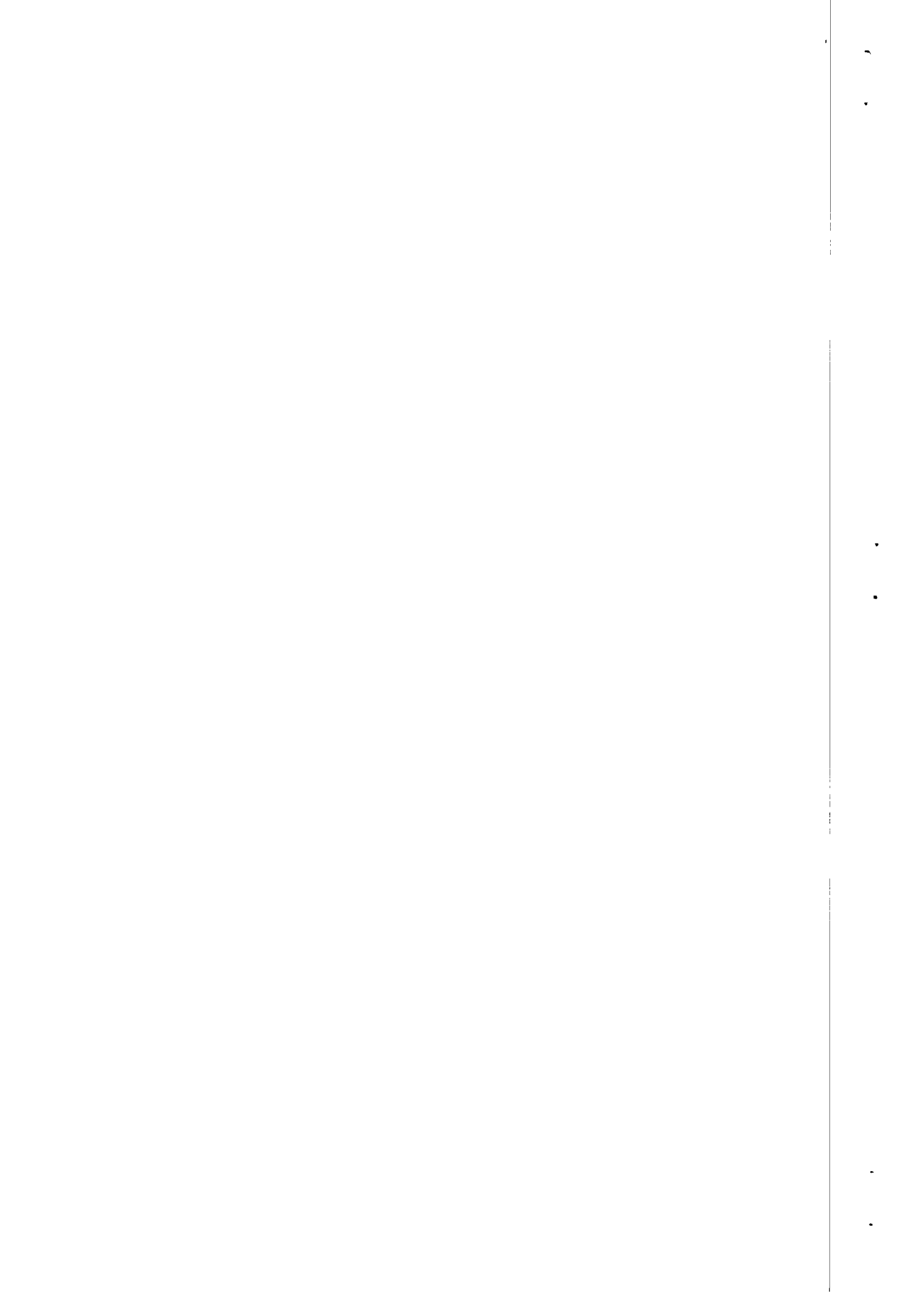
Delivery of services.

20. A telecommunication network service provider shall be under obligation to provide and deliver services as may be requested by the Commission.

Telecommunication
network service
availability.

21. (1) The Commission shall identify and communicate in a timely manner to all stakeholders the network service available at different polling stations.

(2) In areas where there is no telecommunication network, the Commission shall inform the stakeholders, publish this information in a timely manner.



(3) In order to enhance network availability during the election period, the Commission may engage the services of a consortium of all telecommunication service providers.

Appropriate infrastructure.

22. The Commission, in collaboration with a service provider or providers, shall put in place the appropriate telecommunication network infrastructure to facilitate the use of election technology for voter validation and results transmission and shall publish the network coverage 30 days before the date of a general election.

Obligations for service providers.

23. The telecommunication network service providers shall ensure the security, traceability and availability of the network during the election period, or during any other period as may be required by the Commission.

PART IX – DATA RECOVERY AND OPERATIONS CONTINUITY PLAN

Operations continuity plan and testing.

24. (1) The Commission shall establish an operations continuity plan, detailing both operational and technical processes, procedures and tools.

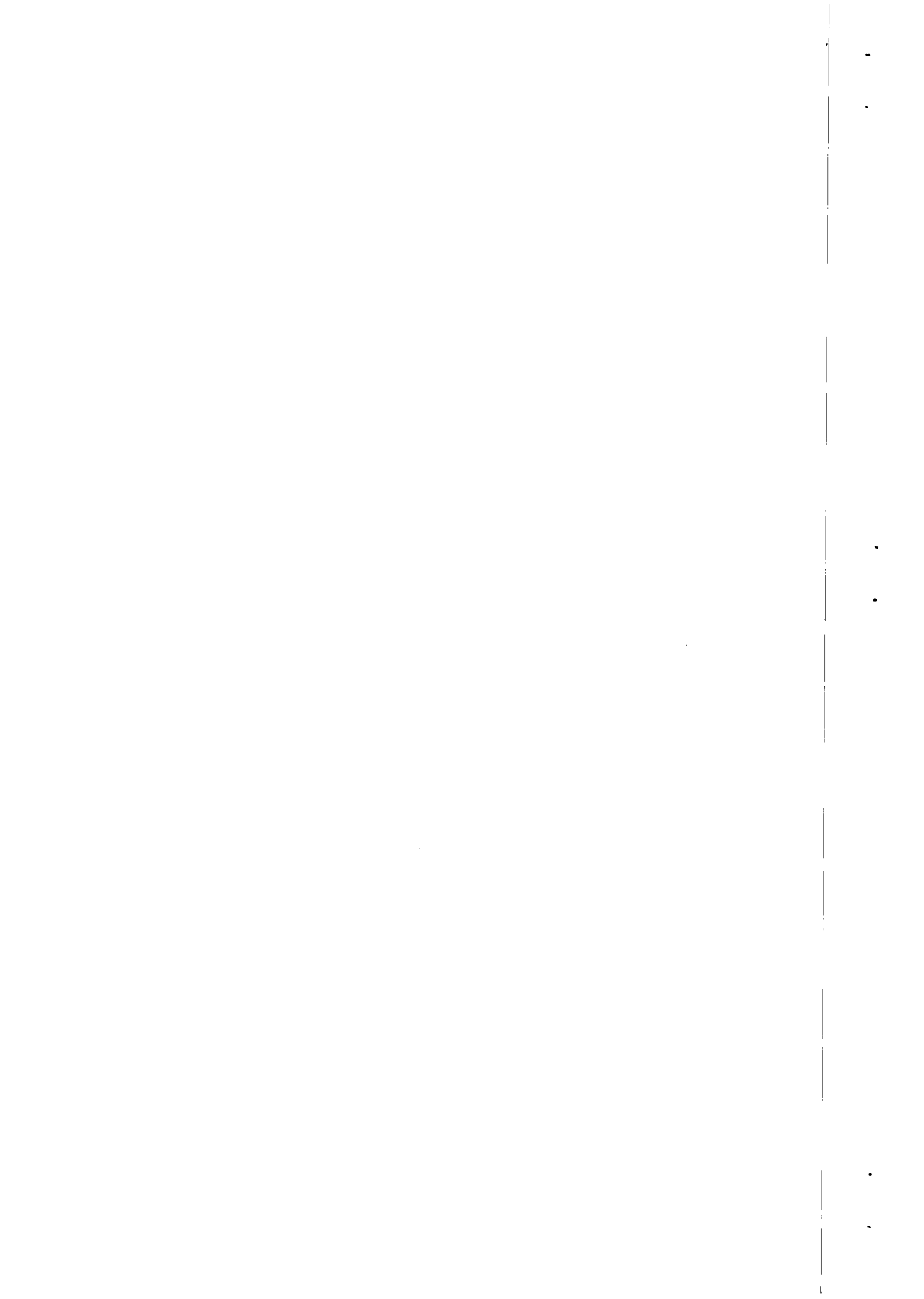
(2) The operations continuity plan established under sub regulation (1) will provide mitigation and contingency measures for potential technology failures, including power outages, external sources interference, or natural disasters.

(3) The Commission shall test the operations continuity plan in a timely manner to ensure that all operational procedures are working as intended.

Data recovery.

25. The Commission shall —

- (a) maintain an external data recovery site for all electoral information systems;
- (b) establish such data recovery processes as may be necessary to ensure quick and efficient systems and data recovery in the event of election technology malfunctions;
- (c) maintain such physical documentation records to enable reconstruction of the information in the event of data loss during transmission;
- (d) ensure that such other failover technologies or procedures are in place to ensure operations continuity; and
- (e) communicate failover technologies or procedures to stakeholders.



Suspension and termination and public notice.

26. (1) The Commission may suspend or terminate election technology if the reliability of a system cannot be assured according to the requirements of the Act and these Regulations

(2) For purposes of subsection (1) the following procedure shall apply

(i) The clerk at the polling station shall inform the presiding officer of the technology failure.

(ii) The presiding officer at the polling station shall retry the same to confirm that the technology has failure.

(iii) The presiding officer at the polling station shall document the incidence on a incidence report form which shall be signed by all the agents

(iv) The presiding officer shall notify the returning officer of the failure and submit a copy of the incidence report.

(v) The returning officer shall inform the ICT of the incidence and ICT shall investigate the incidence and advice on the suspension or termination of technology.

(vi) The returning officer shall approve the request for suspension of the use of technology based on the ICT advice and invoke the complementary mechanism.

(3) In case of suspension or termination of the technology, the Commission shall immediately notify the public and stakeholders of the suspension and of the measures put in place to restart the system, or of any failover technologies or procedures to be used according to the operations continuity plan.

(4) The Commission publish a notice, through electronic or print media of national circulation, or any other easily accessible medium, notify the public of the suspension or termination or of failover technologies or procedures to be used according to the operations continuity plan.

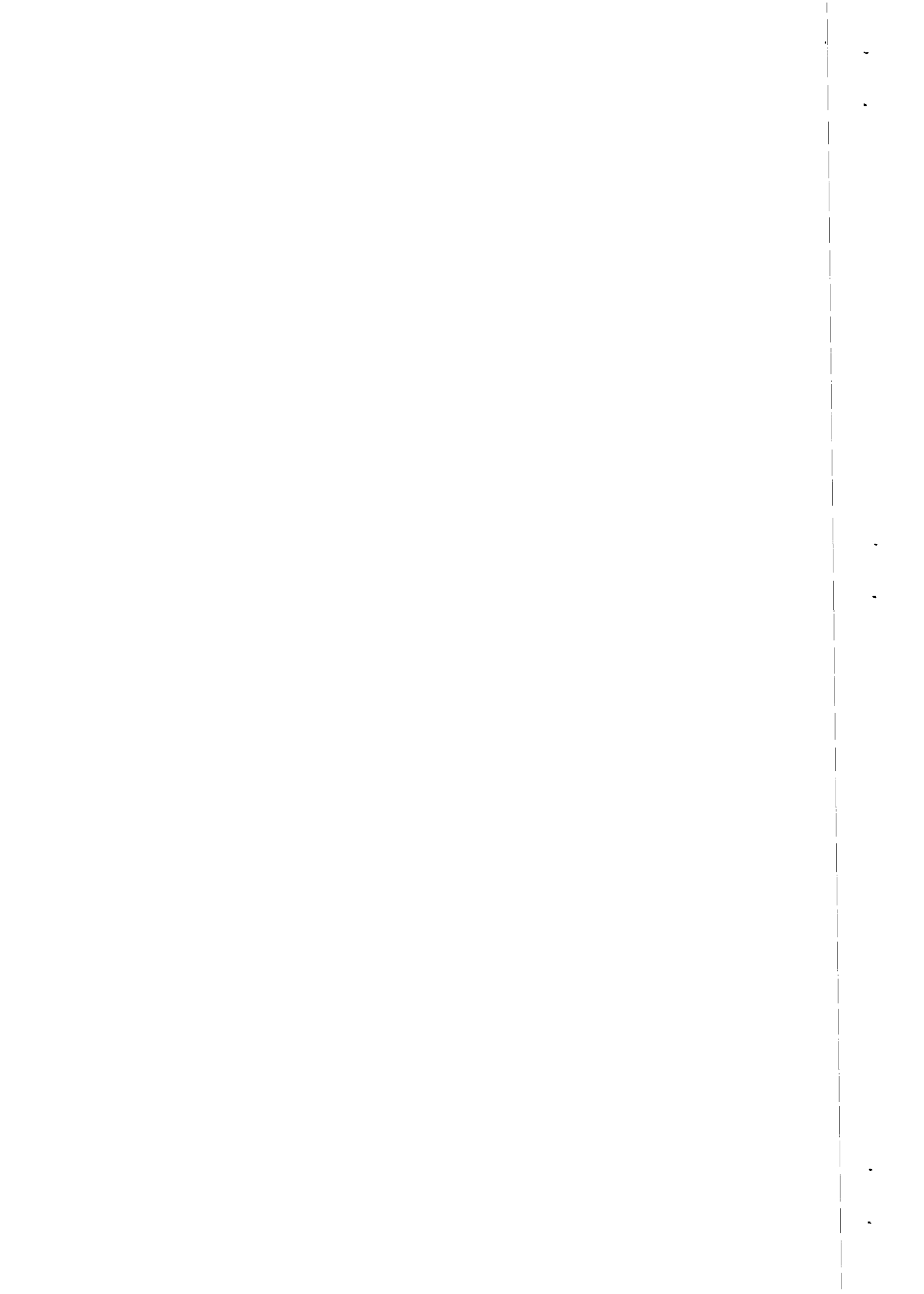
Notice by individuals.

27. (1) Any person or service provider who is or becomes aware of any election technology vulnerability, failure, or challenge shall immediately notify the Commission in writing or any other means available.

(2) Where a person or service provider is not able to make a notification in writing, the Commission shall prepare a written record of the notification.

System support and maintenance agreement.

28. The Commission shall ensure that adequate and continuous support agreements with a service provider or providers are established for the effective and



sustainable use of election technology.

PART X – CAPACITY BUILDING AND TRAINING

Capacity building.

29. The Commission shall implement a continuous and comprehensive training program on election technology for its staff and conduct training for stakeholders within sufficient time before Election Day.

Training Curriculum and Trainer

30. (1) The trainings on election technology shall utilize a comprehensive training curriculum approved by the Commission.

(2) The Commission shall ensure that the curriculum specified in sub-regulation (1) includes both practical training as well as theoretical aspects for a period prescribed by the Commission.

(3) The technical training under sub regulation (2) shall be conducted by—

- (a) qualified personnel on the subject matter; and
- (b) service providers and vendors of such election technology.

PART XI – THE ELECTIONS TECHNOLOGY ADVISORY COMMITTEE

Establishment.

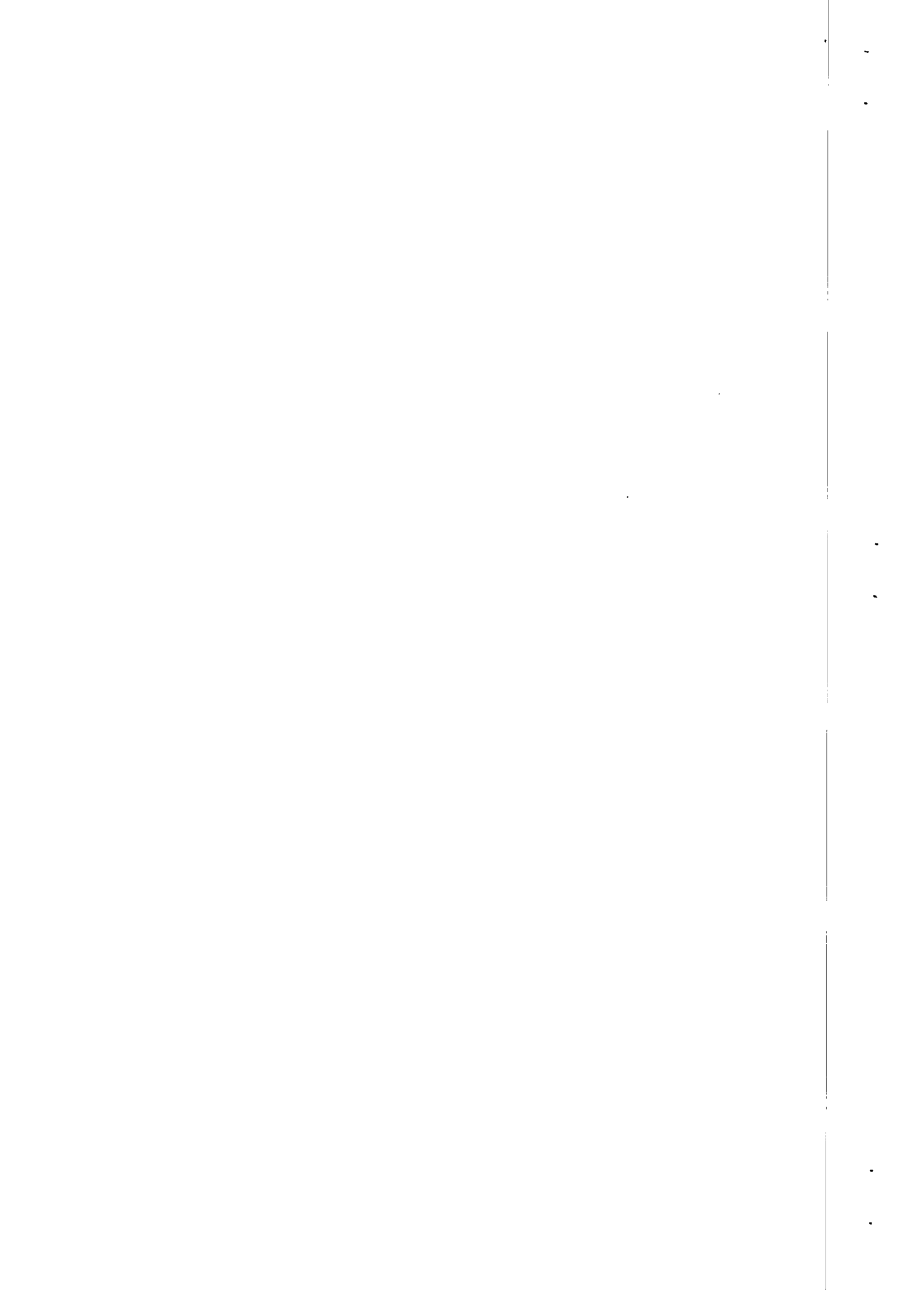
31. The Committee established under section 44 (8) of the Elections Act, 2011 shall be known as the Elections Technology Advisory Committee.

32. (1) The Committee shall advise the Commission on adoption and implementation of election technology, which may include—

- (a) the development of policies for the progressive use of election technology in the electoral process;
- (b) the participation of stakeholders in the implementation and deployment of election technology;
- (c) the development of an operations continuity plan, as set out in regulation 24.

(2) The Committee shall—

- (a) regularly engage with stakeholders in order to sensitize them on the progress of adoption and use of election technology in the electoral process, and



(b) receive regular updates on the status of election technology.

Composition.

33. The Committee shall be composed of—

(a) at least three (3) Members of the Commission and designated staff;

(b) a representative of—

(i) Registrar of Political Parties,

(ii) Political Parties Liaison Committee,

(iii) Communication Authority of Kenya,

(iv) Information Communication and Technology Authority,

(c) a representative of -

(v) Registered Political Parties (Majority(1)and Minority(1))

(vi) ICT Professional Bodies (1)

(d) Such other persons as the Commission may from time to time invite.

Engagement of experts,
consultants.

34. The Commission may engage the services of experts or consultants in respect of any of the functions of the Committee.

Chairperson and
secretariat

35. The Commission shall chair the Committee's meetings and provide secretariat services.

Meetings.

36. (1) The Committee shall hold meetings in such place, time, and manner as the Commission may consider necessary for the discharge of its functions under these Regulations, a maximum of four meeting in a year.

(2) Decisions and recommendations from the Committee's meetings shall be recorded and made public on the IEBC website.

Code of Conduct.
No.9 of 2011.

37. The members of Committee shall subscribe to the Code of Conduct for staff set out in the Independent Electoral and Boundaries Commission Act, 2011, with any necessary modifications.

PART XII – MISCELLANEOUS PROVISIONS

Duty to cooperate.

38. Every public officer, public or private entity or political party has a duty—

(a) to co-operate with the Commission in its activities relating to election technology, and

(b) not to hinder the Commission in carrying out its functions.

Non-disclosure
agreement.

39. A member of the Election Technology Advisory Committee established under Part X shall safeguard information relating to the election technology that comes

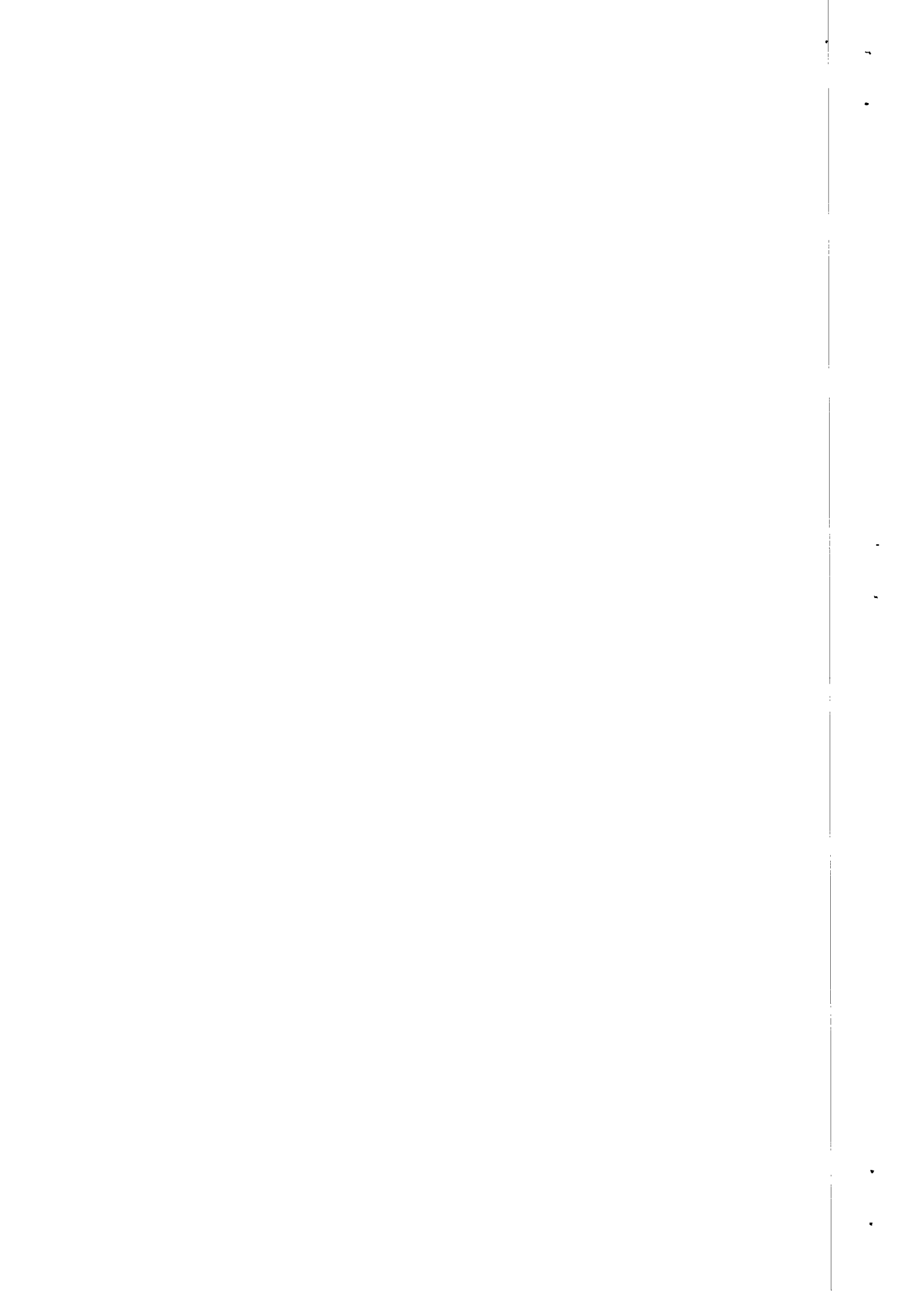
into their possession and protect it from improper or inadvertent disclosure.

Voter education.
No.9 of 2011.

- 40.** Pursuant to section 4 (g) of Independent Electoral and Boundaries Commission Act, 2011, the Commission shall carry out voter education related to election technology.

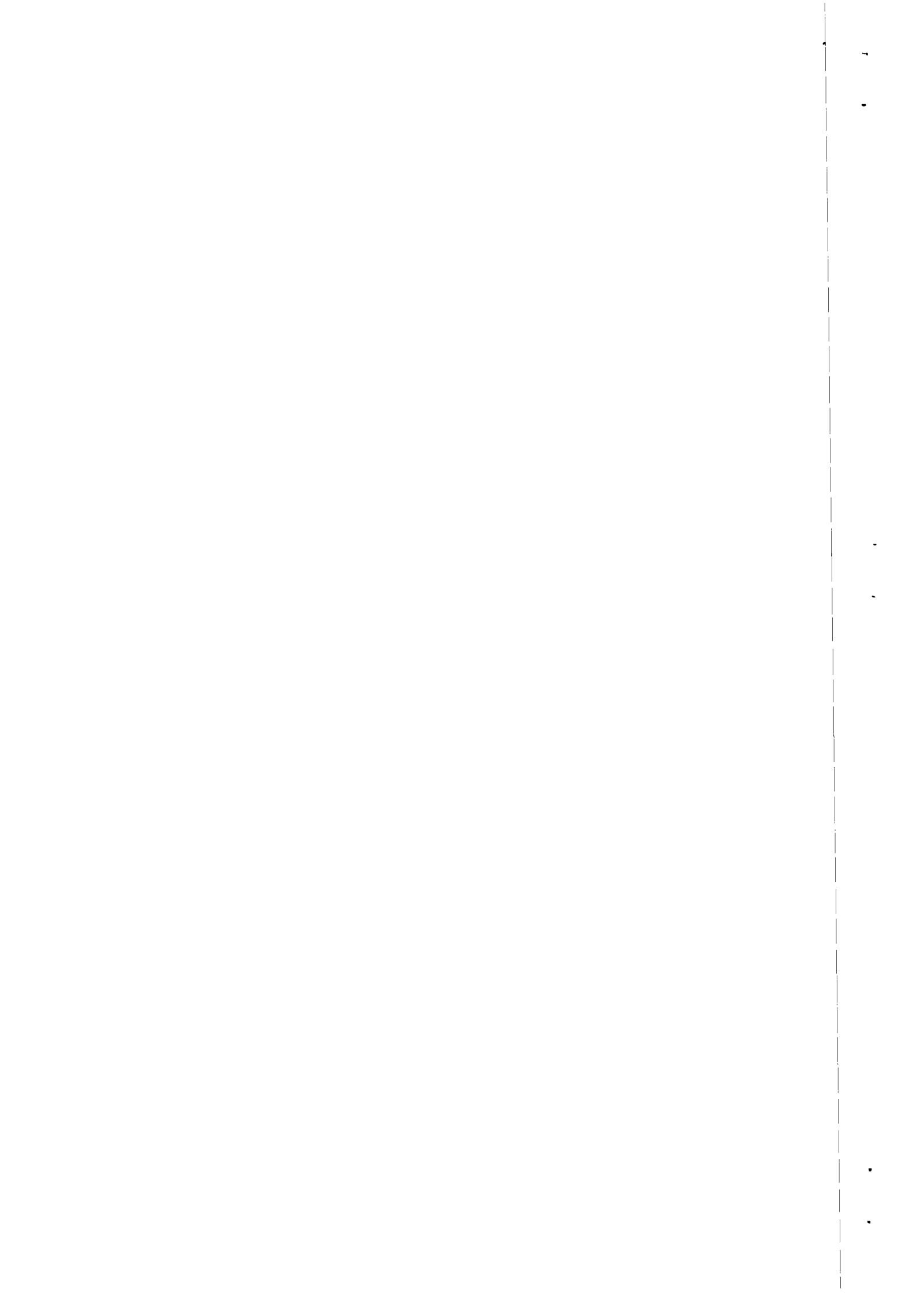
Made on the....., 2017.

Chairperson,
Independent Electoral and Boundaries Commission.



THE ELECTIONS (TECHNOLOGY) REGULATIONS, 2017

PROVISION	COMMITTEE'S COMMENTS	COMMISSION'S DECISION
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.
Clause 29 on capacity building	Lack of a timeline and vagueness of the word 'sufficient time'.	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.
Clause 33 on the composition of the committee	Need to re-look at the composition of the Committee.	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.
Clause 41	No reason to issue guidelines yet the Clauses will be in place.	Provision deleted.

EXPLANATORY MEMORANDUM TO THE ELECTIONS (TECHNOLOGY) REGULATIONS 2017

Name of the Statutory Instrument: the Elections (Technology) Regulations 2017

Name of the Parent Act: The Elections Act, 2011, No. 24 of 2011

Enacted pursuant to: The powers conferred by section 44 of the Elections Act, 2011

Name of the regulation-making authority: The Independent Electoral and Boundaries Commission

Gazetted on:.....

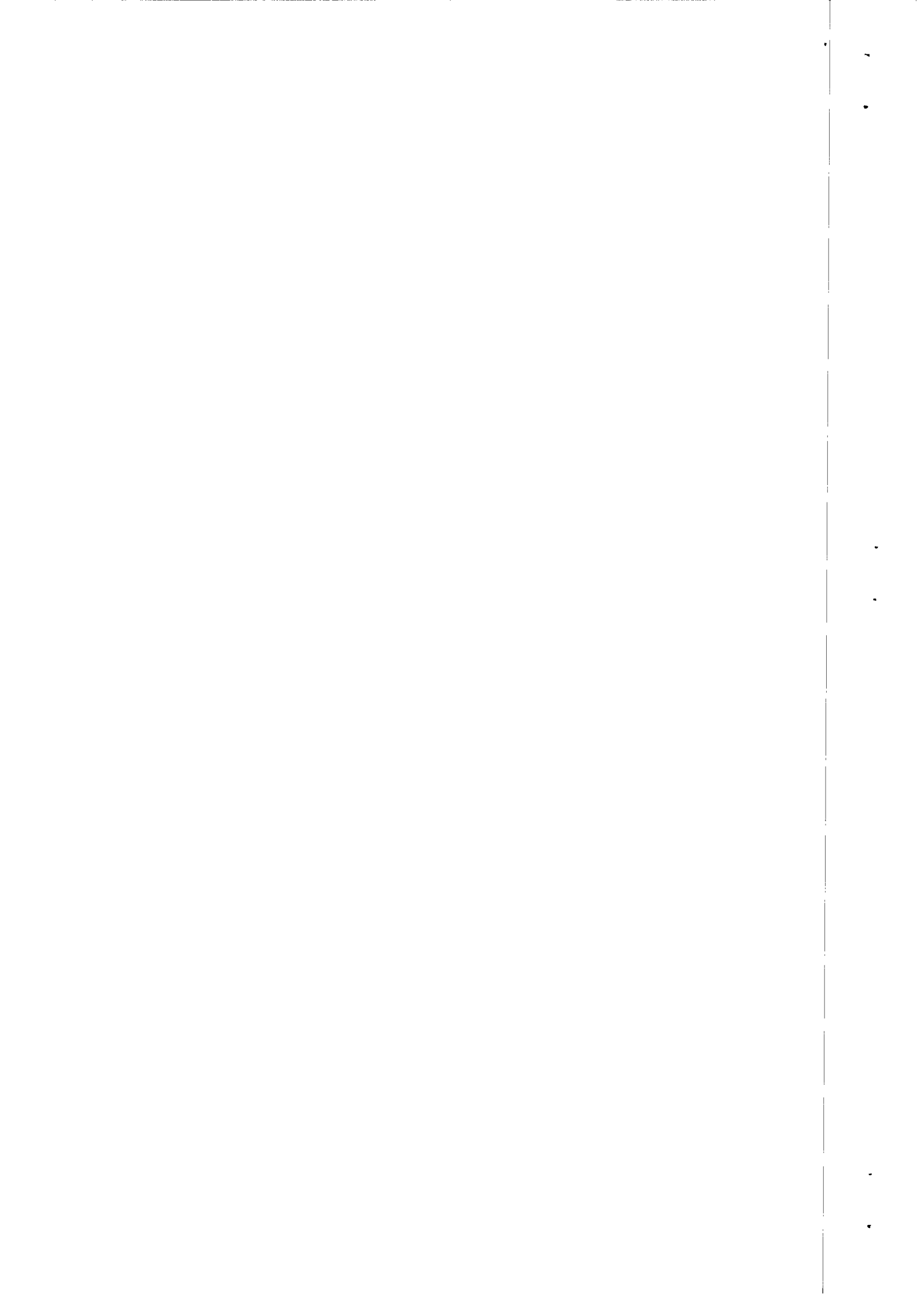
Tabled on:.....

The Independent Elections and Boundaries Commission is pleased to submit these draft Elections (Technology) Regulations 2017, for Parliament's consideration and approval.

1. Purpose of Regulations

The purpose of these draft Regulations is to establish a regulatory framework governing the use of election technology, pursuant to section 44 of the Elections Act, 2011. This section was introduced by the Elections Laws (Amendment) Act, 2016. The draft Regulations set out rules and requirements regarding the technical aspects of election technology, including the assessment, acquisition, testing, deployment, security and sustainability of the election technology.

The draft Regulations do not define the election registration process for voters, or the polling and counting procedures, as the Elections (General) Regulations and the Elections (Voter Registration) Regulations govern these processes. The Independent Electoral and Boundaries Commission will revise these regulations in accordance with the new amendment. In particular, the establishment of a public web portal for public inspection of the voter register (section 6); the audit of the voter registry (section 8A); operational aspects of the transmission of results (section 39); and the requirement for voters to show identification documents and



biometric data to be eligible to vote (section 10) will be incorporated into either or both of the Elections (General) Regulations and the Elections (Voter Registration) Regulations.

2. Legislative Context

Following the recommendations of the Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission, Parliament subsequently adopted the Elections Laws (Amendment) Act, 2016 on 20th September, 2016, which sets out various amendments to the Elections Act, including related to the use of election technology. Under section 44 (5) of the Elections Act 2011, the Independent Electoral and Boundaries Commission was obliged to develop regulations governing the use of election technology and submit them to Parliament for consideration by November 4, 2016.

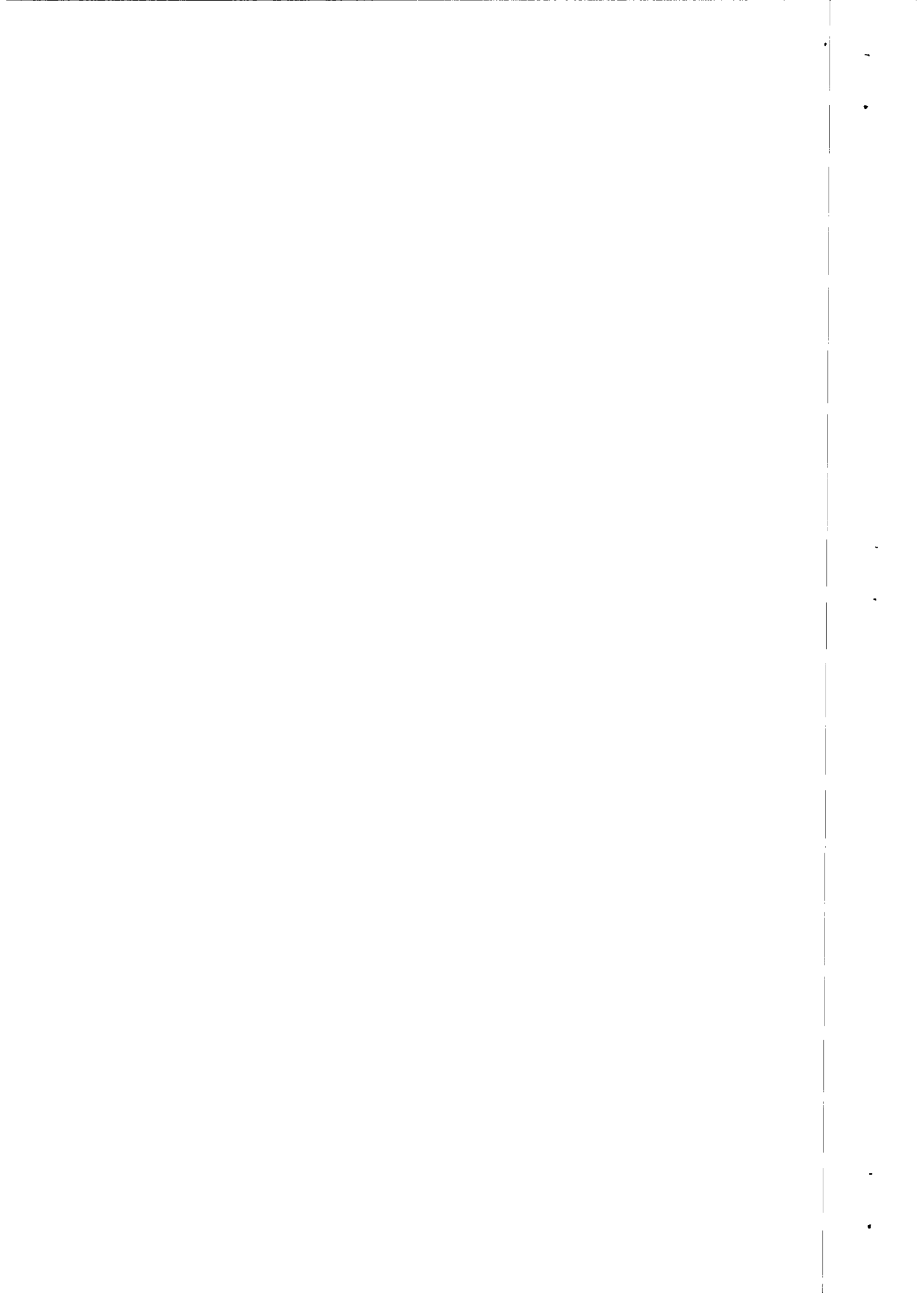
3. Consultation

The Commission held two workshops to review the existing regulatory framework and applicable laws, including the Independent Electoral and Boundaries Act, 2011, the Kenya Information and Communication Act, 1998, the Industrial Property Act, 2001, the Public Procurement and Asset Disposal Act, 2015, the Public Archives and Documentation Service Act, 1990, and the Access to Information Act, 2016. The Attorney General's Office and the Kenya Law Reform Commission provided guidance on the draft Regulations. The Independent Electoral and Boundaries Commission published the draft Regulations for public comments from 26th October to 3rd November, 2016. The draft Regulations have benefited from public input.

Part I – Preliminary (clauses 1-2) provides the short title of the Regulations and defines key technical terms relating to election technology.

Part II – Acquisition and Procurement (clauses 3-5) provides for the assessment, procurement, deployment, maintenance and disposal of election technology assets. For the purpose of 2017 elections, in accordance with section 44 (7), the Commission understands that it shall initiate election technology procurement within eight months before the election, in compliance with the Public Procurement and Asset Disposal Act, 2015, and its regulations.

Part III – Testing and Certification (clauses 8-10) outlines transparency measures in the conduct of testing to build confidence in the election technology, and provides that certification of the election technology may be done by the Commission or by a professional, reputable body at the request of the Commission, and that a certification report will be prepared and published.



Part IV – Conduct of an Audit (clauses 11-13) provides that the Commission will regularly conduct audits of the election technology to guarantee data integrity, ensure that the election technology functions effectively, and to ensure that internal controls for the election technology are in place. The audits may be done by the Commission, or by a professional reputable body at the request of the Commission, and an audit report will be prepared and published.

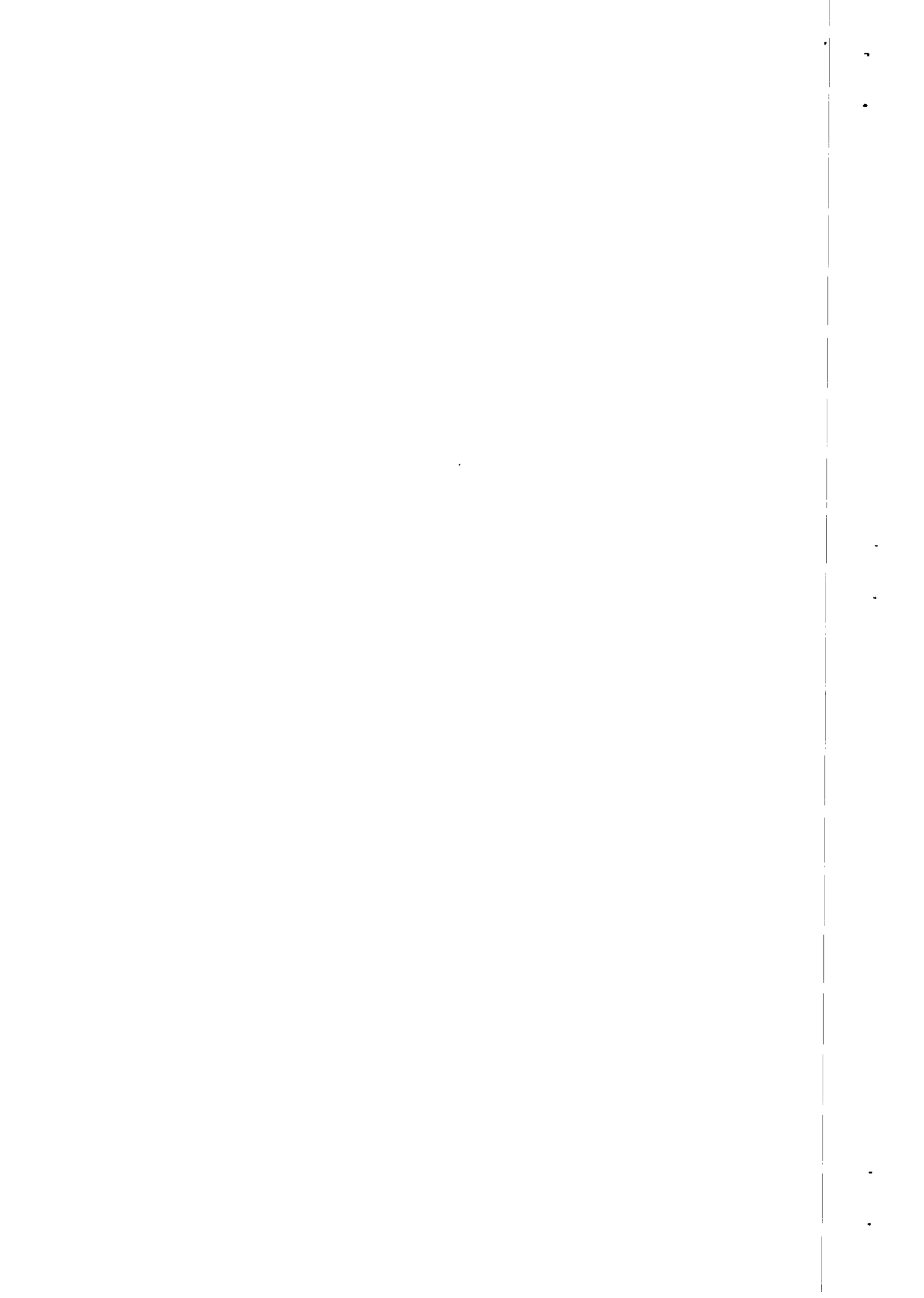
Part V – Information Security and Data Storage (clauses 14-16) requires the Commission to put in place mechanisms to ensure data availability, accuracy, integrity, and confidentiality; to adopt intrusion prevention and detection systems to mitigate against vulnerabilities in the technology and breaches of security; and to store, classify, and share data in accordance with the levels of accessibility set out in the Access to Information Act, 2016.

Part VI – Data Retention and Disposal (clause 17) provides that electronic data relating to an election shall be retained in safe custody by the Commission and be disposed of in accordance with the Public Archives and Documentation Service Act, 1990 and the Kenya Information and Communications Act, 1998.

Part VII – Access to Software Source Codes (clause 18) clarifies access to source codes for proprietary software in accordance with the Industrial Property Act, 2001 and for open source codes.

Part VIII – Telecommunication Network (clauses 19-23) provides for the disclosure of existing agreements by any telecommunication network service provider who intends to provide services to the Commission. Part VIII also governs service delivery, telecommunication network service infrastructure and availability, and obligations for service providers to ensure the security, traceability and availability of the network during the election period.

Part IX – Data Recovery and Operations Continuity Plan (clauses 25-28) provides for the development and testing of an operations continuity plan and data recovery mechanisms in case of technology failures caused by incidents, such as, but not limited to, power outage or natural disaster. Part IX also creates an obligation for the Commission to inform the public and stakeholders in a timely manner in case of suspension, or termination of the election technology. This provision also includes a requirement to inform the public of any alternative mechanisms established to mitigate the risks and an obligation for any person to report any observed incident or challenge. This Part also provides for the establishment of continuous



support agreements with service providers to facilitate the sustainable use of election technology.

Part X – Capacity Building and Training (clauses 29-30) provides for capacity building programs and training on technical and operational aspects of electoral technology for staff and external stakeholders.

Part XI - The Election Technology Advisory Committee (clauses 31-37) provides detail on the establishment and functioning of the Election Technology Advisory Committee, mandated by Article 44 (8) of the Elections Act, 2011, including the Committee's functions, composition, designation of members, meetings, remuneration, and code of conduct.

Part XII - Miscellaneous Provisions (clauses 38-41) governs the duty to cooperate with the Commission on matters under these Regulations, non-disclosure agreements for staff of the Commission, the importance of voter education on election technology, and the development of procedures and guidelines.

These Regulations have budgetary implications, which will be included in the supplementary estimates.

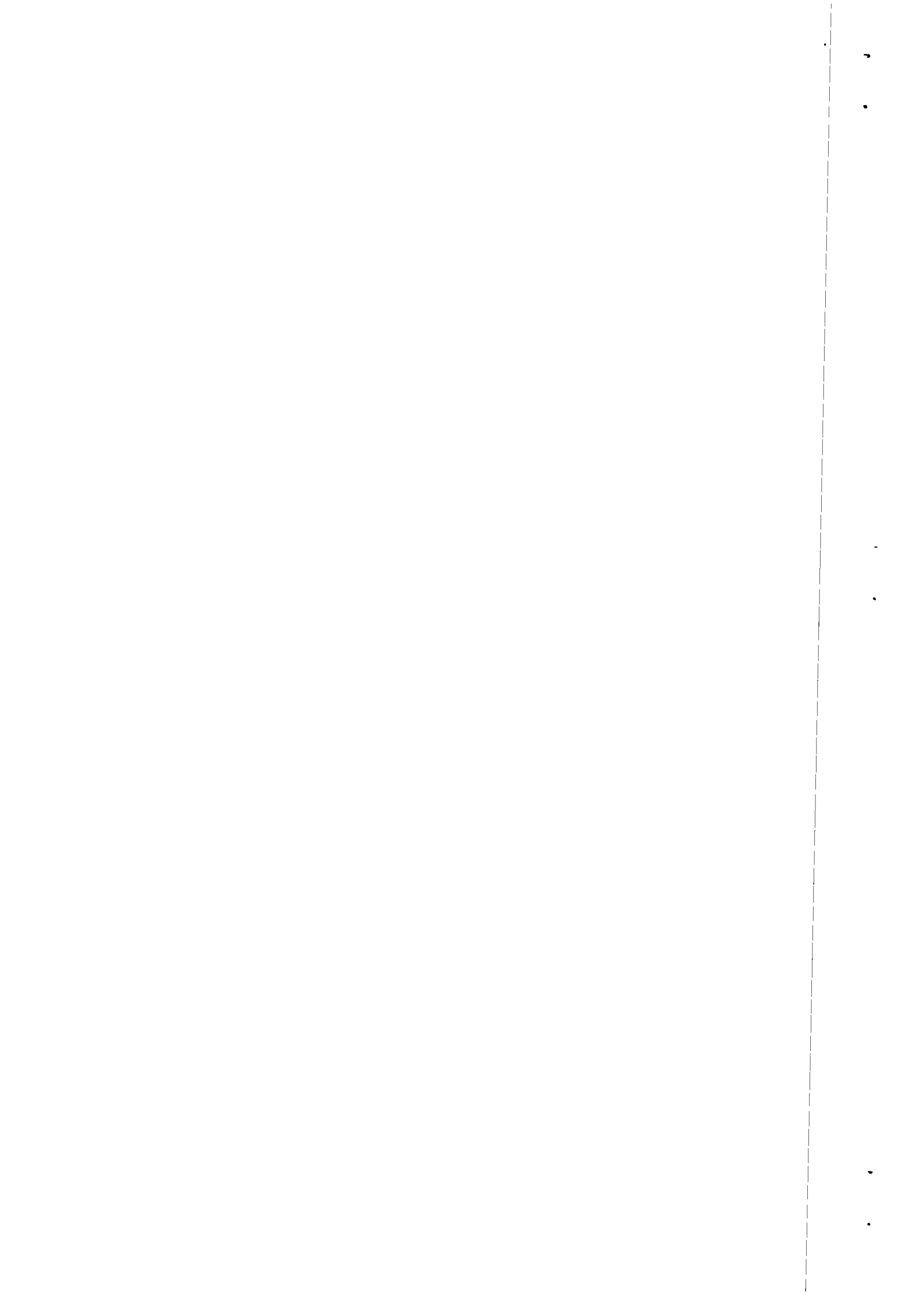
4. Regulatory Impact Assessment

In accordance with Section 9 of the Statutory Instruments Act No. 23 of 2013 the Commission is satisfied that this statutory instrument Elections (Technology) Regulations 2017 is operationalizing the provisions of section 44 of the Elections Act, 2011. Additionally, the instrument does not operate to the disadvantage of any person by decreasing the rights or imposing liabilities on of any person. Consequently, a regulatory impact statement need not be prepared.

5. Guidance

The Independent Electoral and Boundaries Commission is committed to the rule of law by developing this instrument to address the electoral law amendments.

The Commission will thus sensitize the general public, political parties, civil society organizations, media, state actors on the provisions of the Elections (Technology) Regulations 2017.



6. Contact

The contact person for purposes of answering questions on this statutory instrument from the Independent Electoral and Boundaries Commission is the Commission Secretary/CEO Ezra Chiloba through: echiloba@iebc.or.ke

Made on the 1st day of March, 2017



Wafula Chebukati

Chairperson

Independent Electoral and Boundaries Commission



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;

“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 –

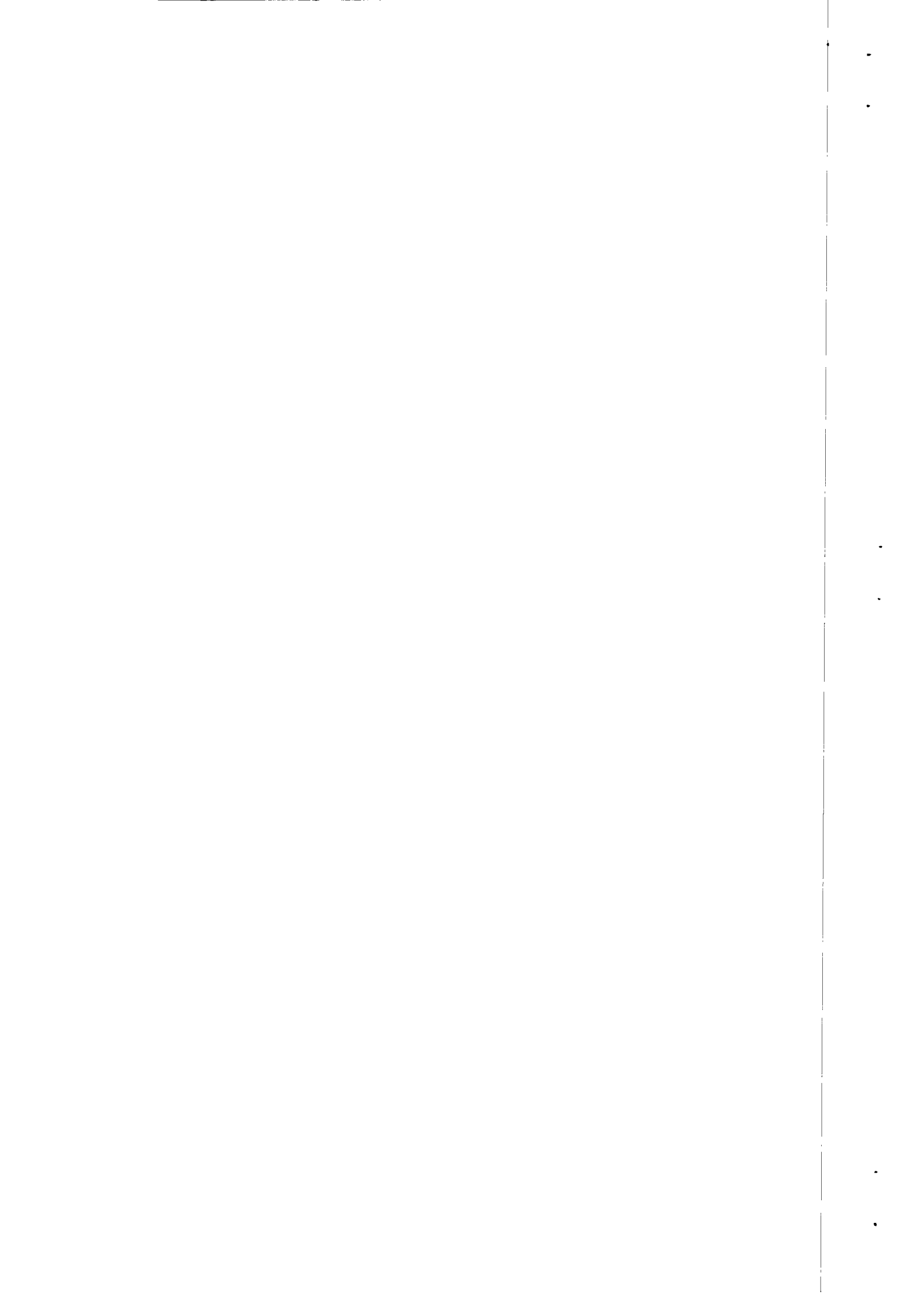
Gazettement
of registration
officers.

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-

(5) The published register of voters under sub regulation (-) 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 is not already registered as a voter but who wishes to be so registered 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 for the purposes of registration collect such 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 shall present his or her identification document to the registration 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.

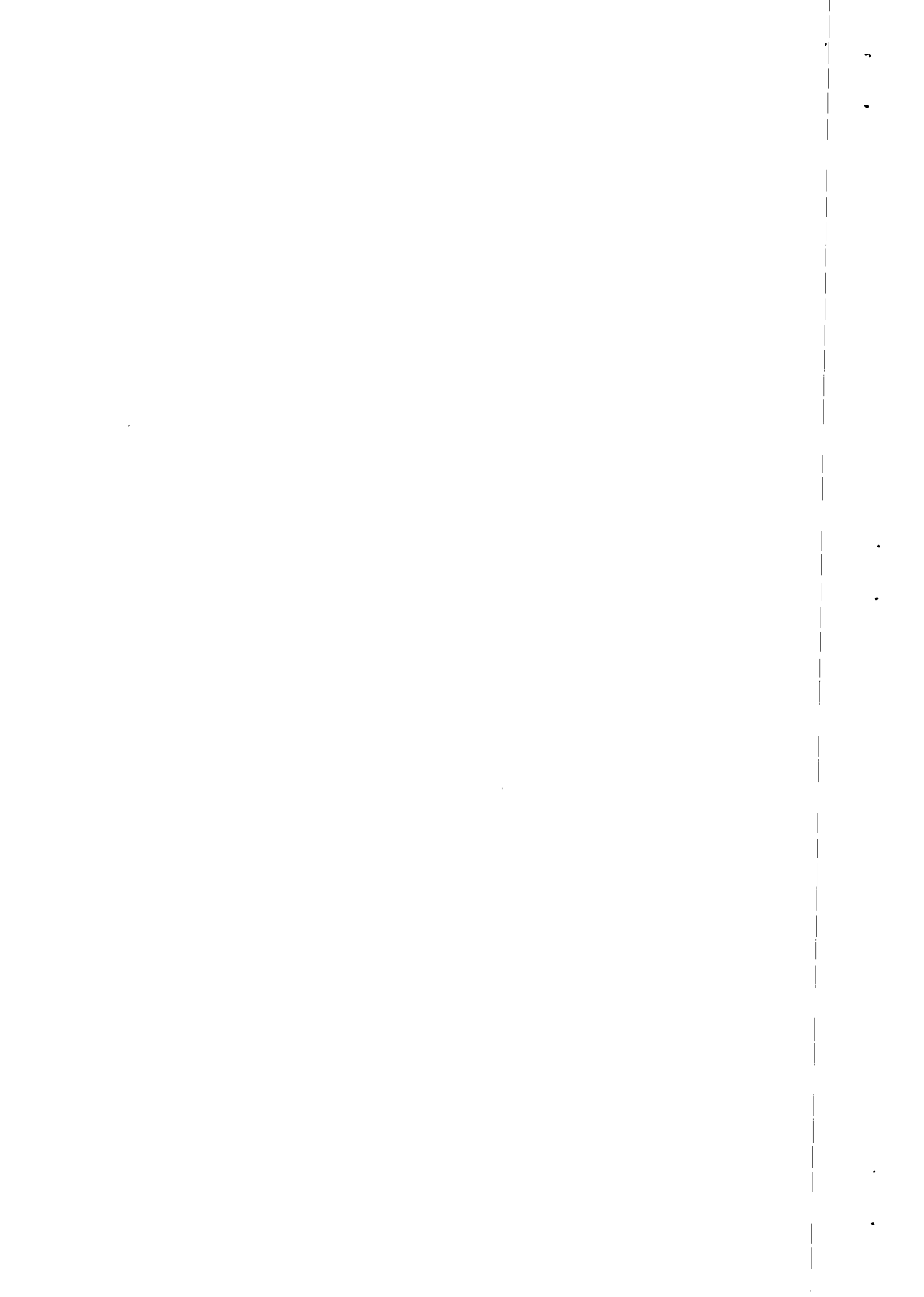
Numerous registrations.

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—

(a) who having made an application to be registered in a register of voters which has not been either granted or rejected, applies to be registered in the same register of

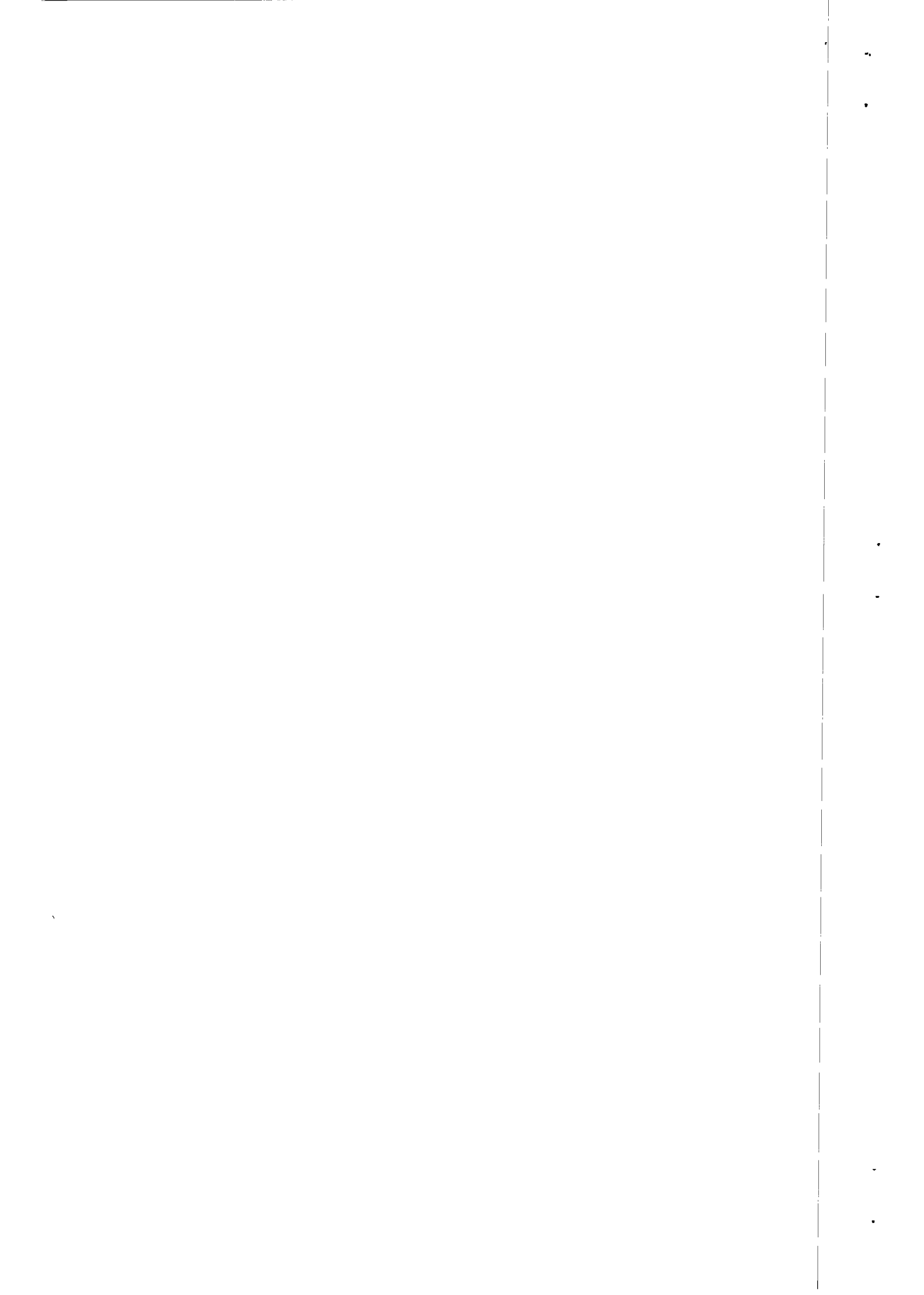


voters; or

(b) makes simultaneously two or more applications to be registered as a voter, shall not be eligible to register as a voter.

13C. A person is not qualified to register as a voter unless at the date of his application to be registered he has for a period for, or periods amounting in the aggregate to, not less than five months in the 12 months immediately preceding that date been ordinarily resident in the constituency in which he applies to be registered or has for such a period or periods carried on business there, or has for such a period or periods been employed there or has for such a period or periods lawfully possessed land or residential buildings there.

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



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

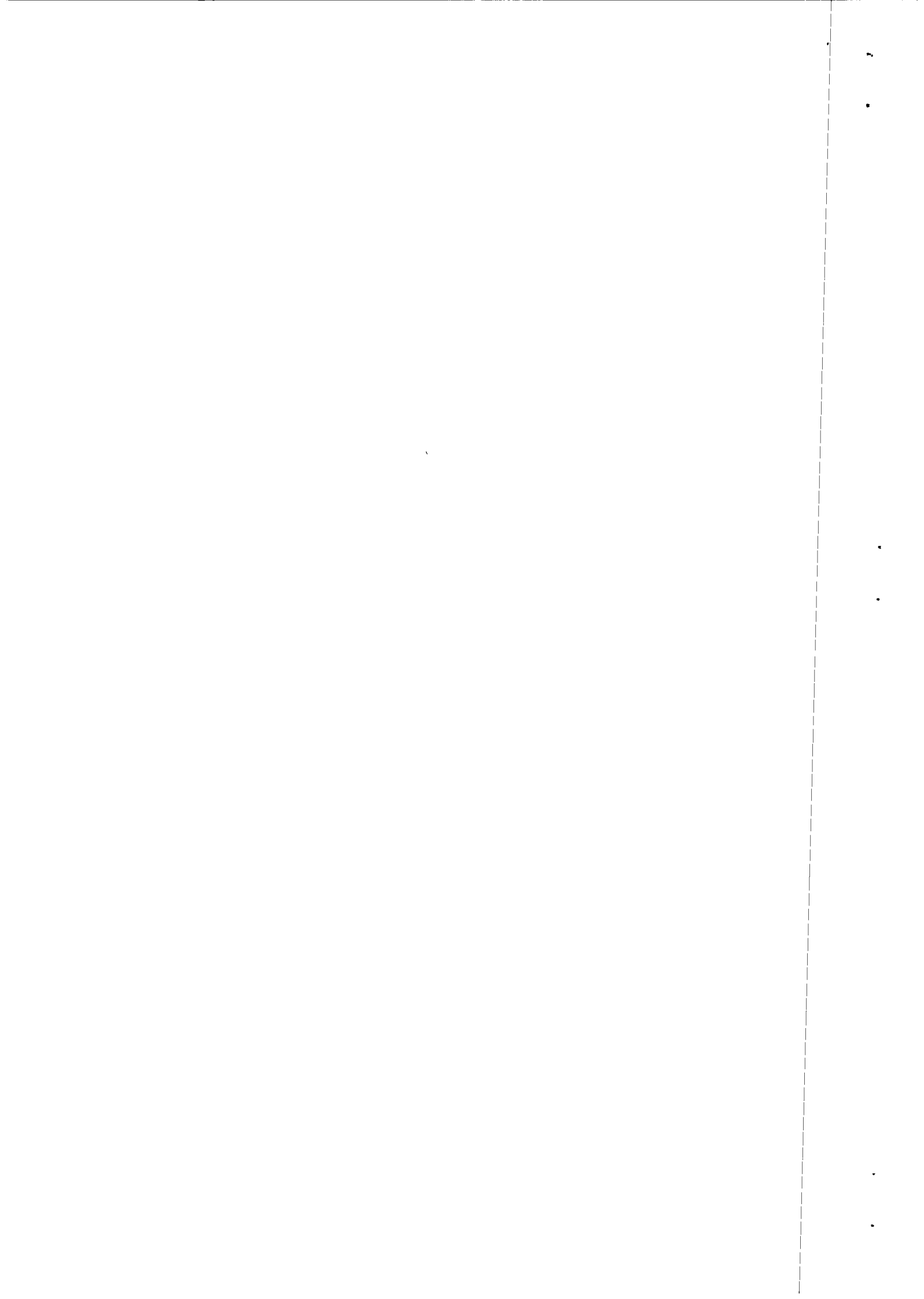
Registration of citizens in Kenyan prisons. **39A.** The Commission shall, at regular intervals, publish the centres in which prisoners may register and vote.

Registration particulars of citizens in Kenyan prisons **39B.** A prisoner who is not already registered as a voter but wishes to be registered so shall make an application in 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 Officers for the purpose of the registration of prisoners.

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

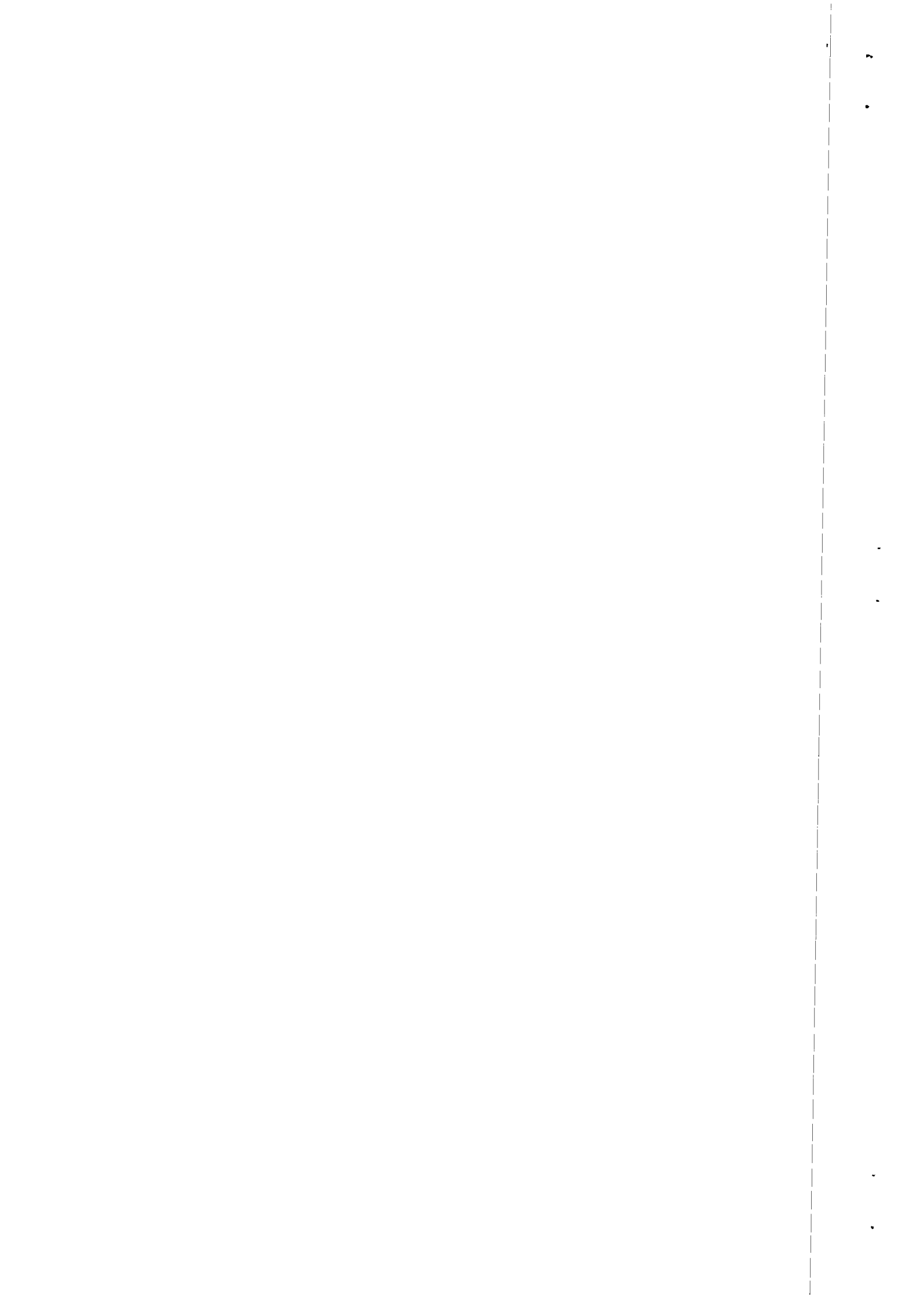


- a referendum.
24. Regulation 40 of the principal Regulations is amended by deleting the words “to give evidence on oath and administer an oath for that purpose” appearing in paragraph (a).
25. The principal Regulations are amended by deleting the Schedule and substituting therefor the following new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

SCHEDULE

Made on the....., 2017.

WAFULA WANYONYI CHEBUKATI,
Chairperson,
Independent Electoral and Boundaries Commission.



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.

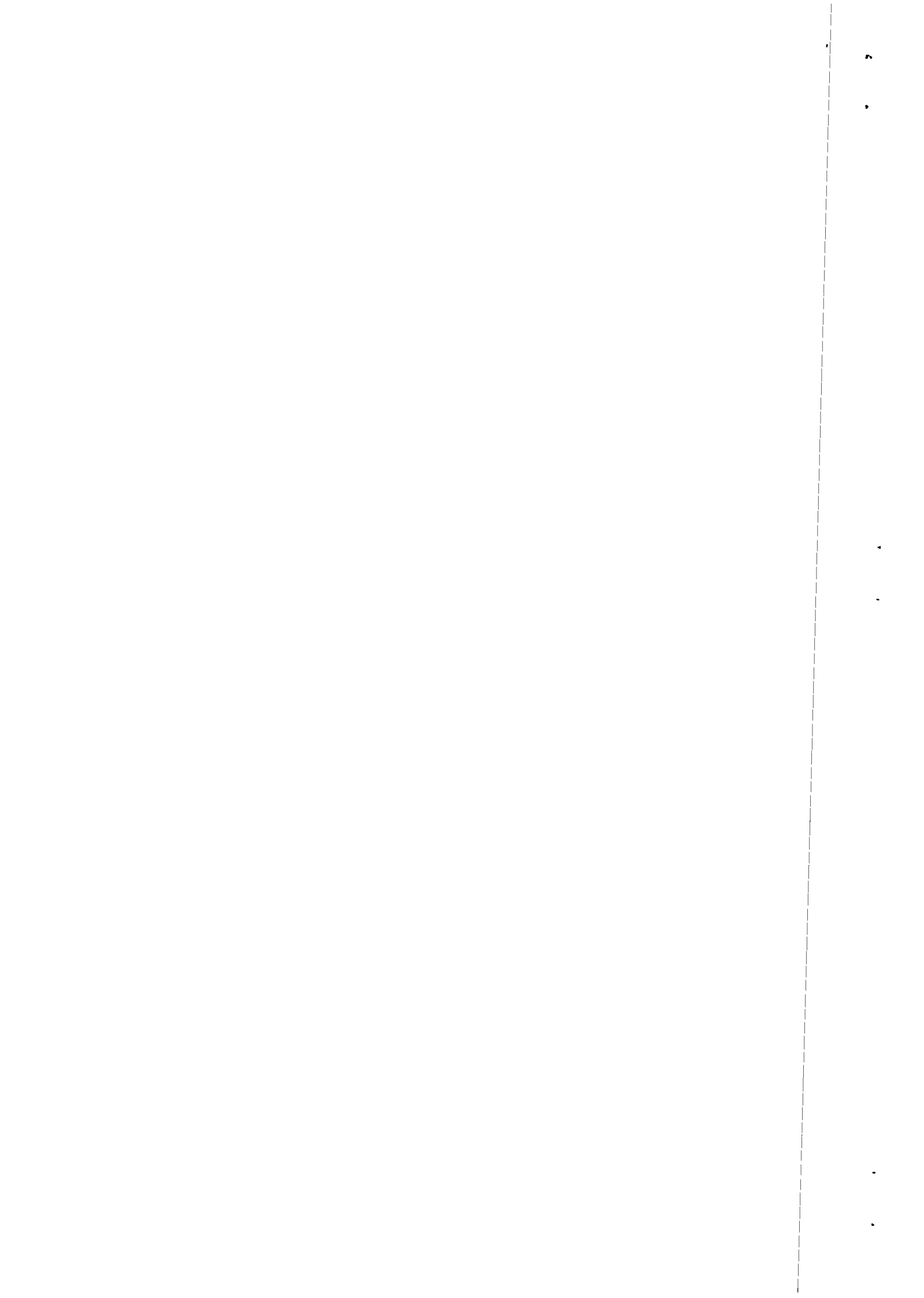
Dated: 20

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:—

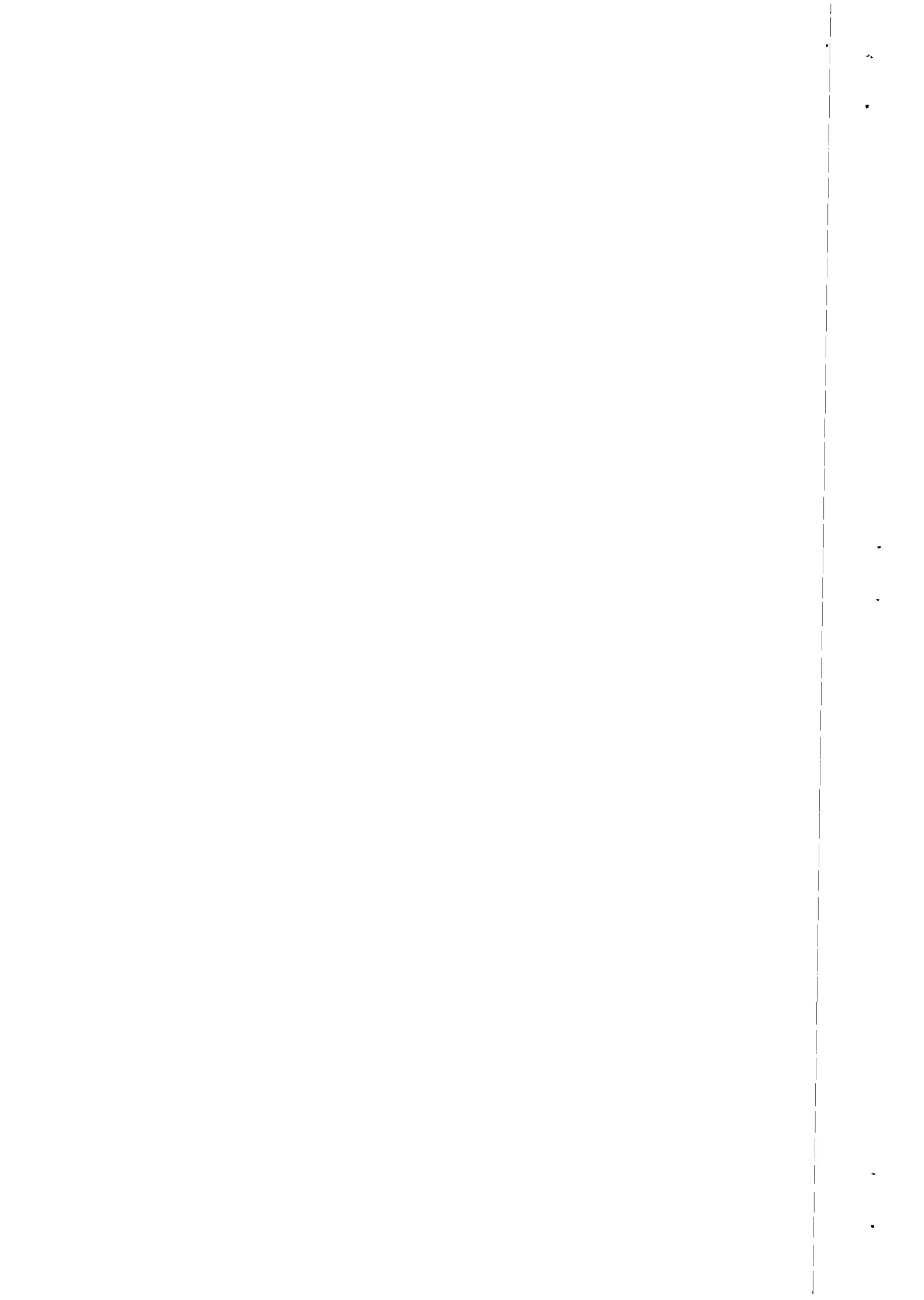
Name of Constituency:
Constituency Code:
Name of Ward:
Ward Code:
Name of Registration Centre:
Registration Centre Code:
Surname:
Other Name(s):
Identity Card/Kenyan Passport Number: Expiry Date:
Telephone Number:

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.....

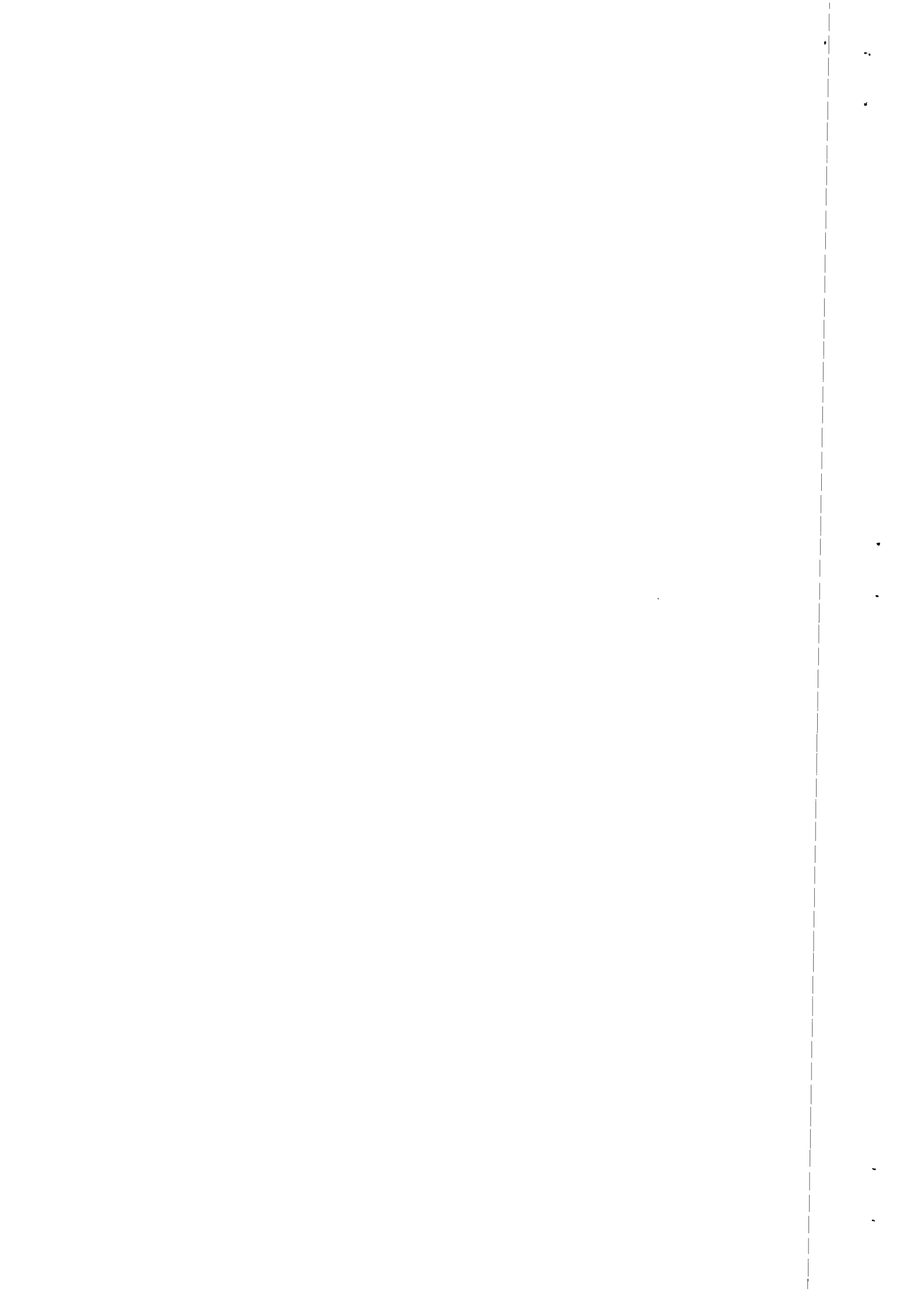
Dated.....20.....

Received byRO/ARO

Signature.....

Dated.....20.....

Stamp





FORM D

(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:

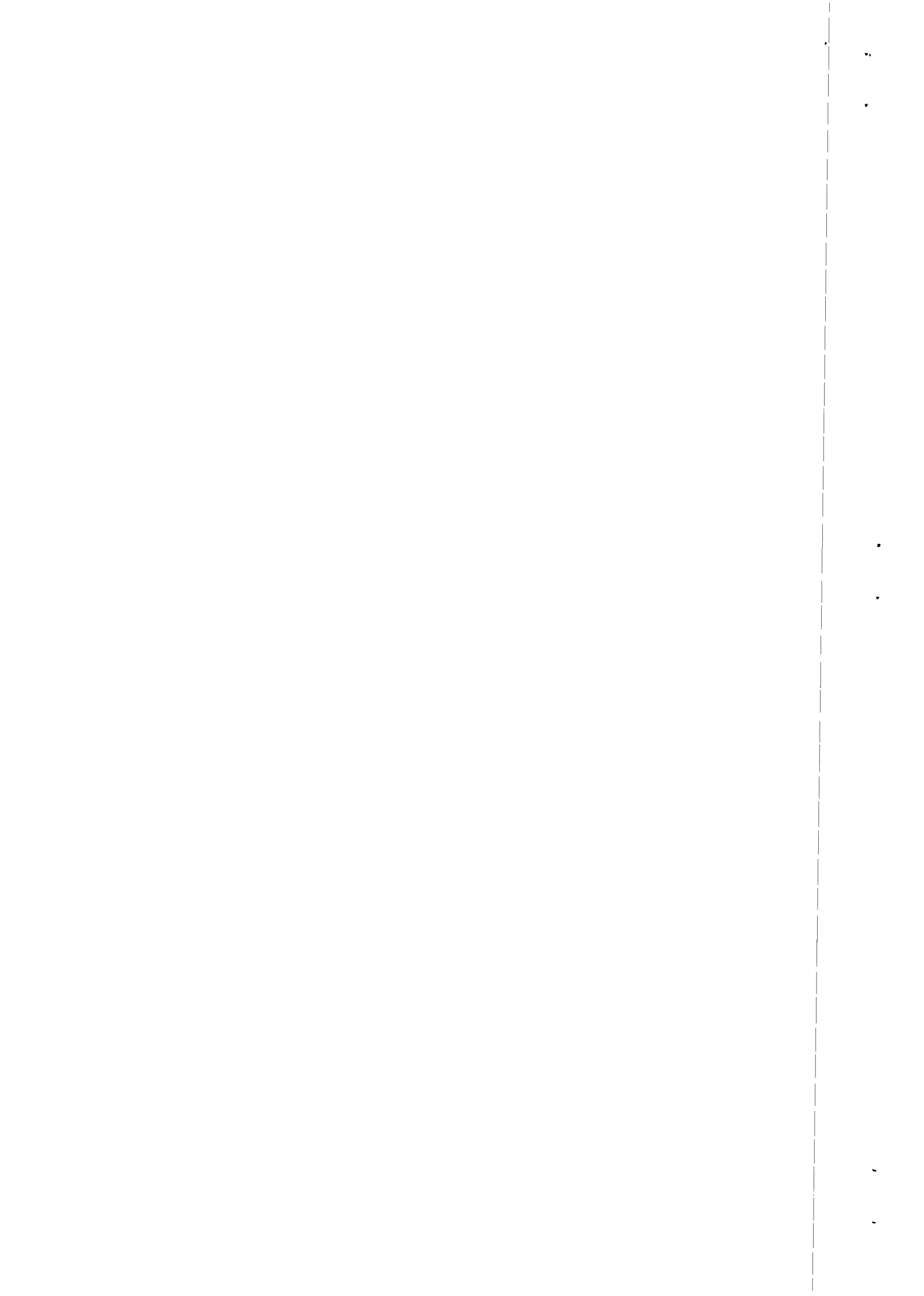
Email:

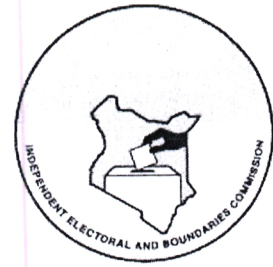
I, the claimant, applied to be registered in the register of voters but have not been so registered. I hereby make a claim under section 12 of the Act to be registered.

Dated:, 20.....

.....

Signature or thumbprint of Claimant





FORM E

(r.19(2))

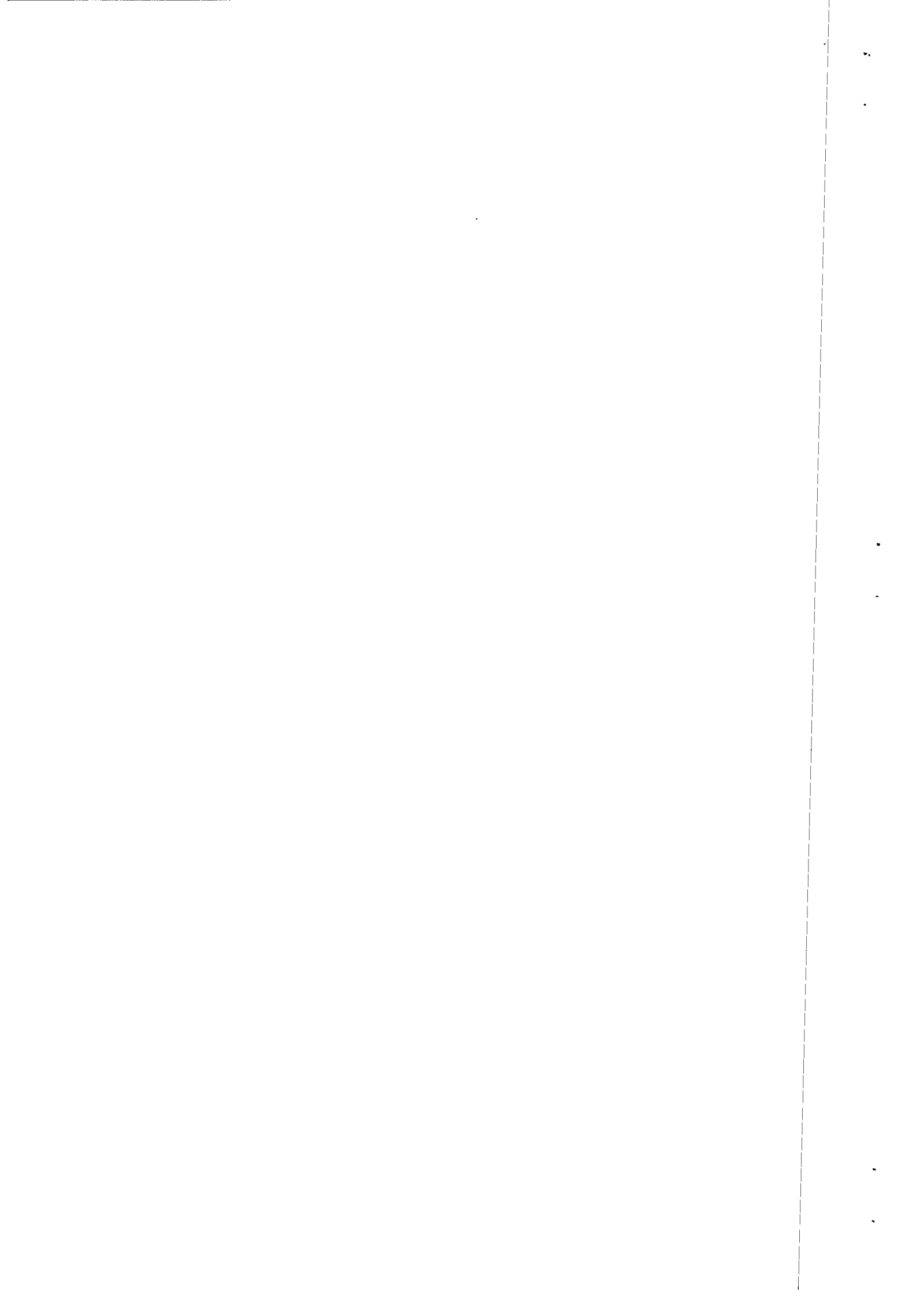
NOTICE OF CLAIMS

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 of Claim

Dated:, 20.....

Registration Officer,
..... Constituency



FORM F

(r. 27A(3))

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

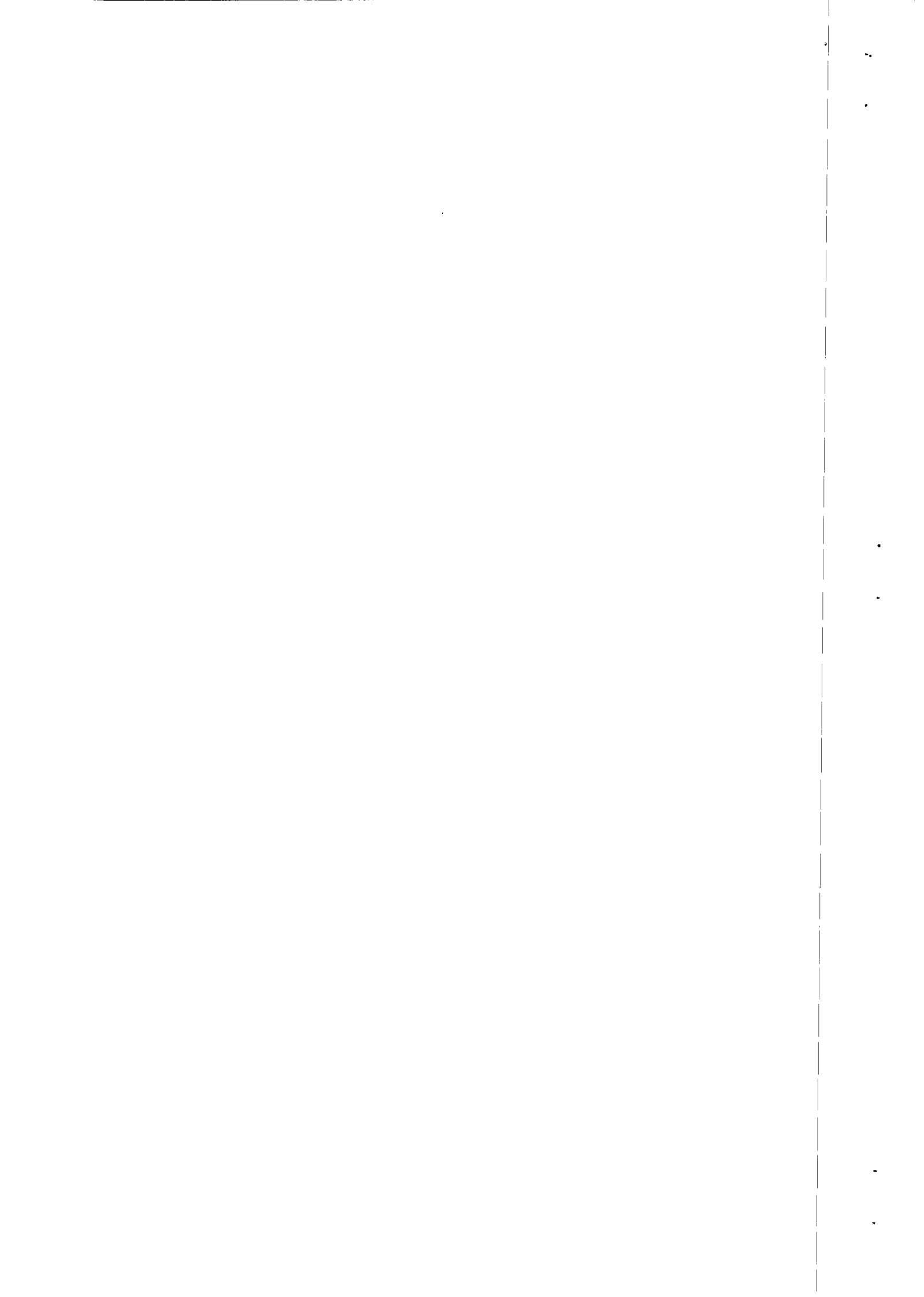
Registration Officer.....

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

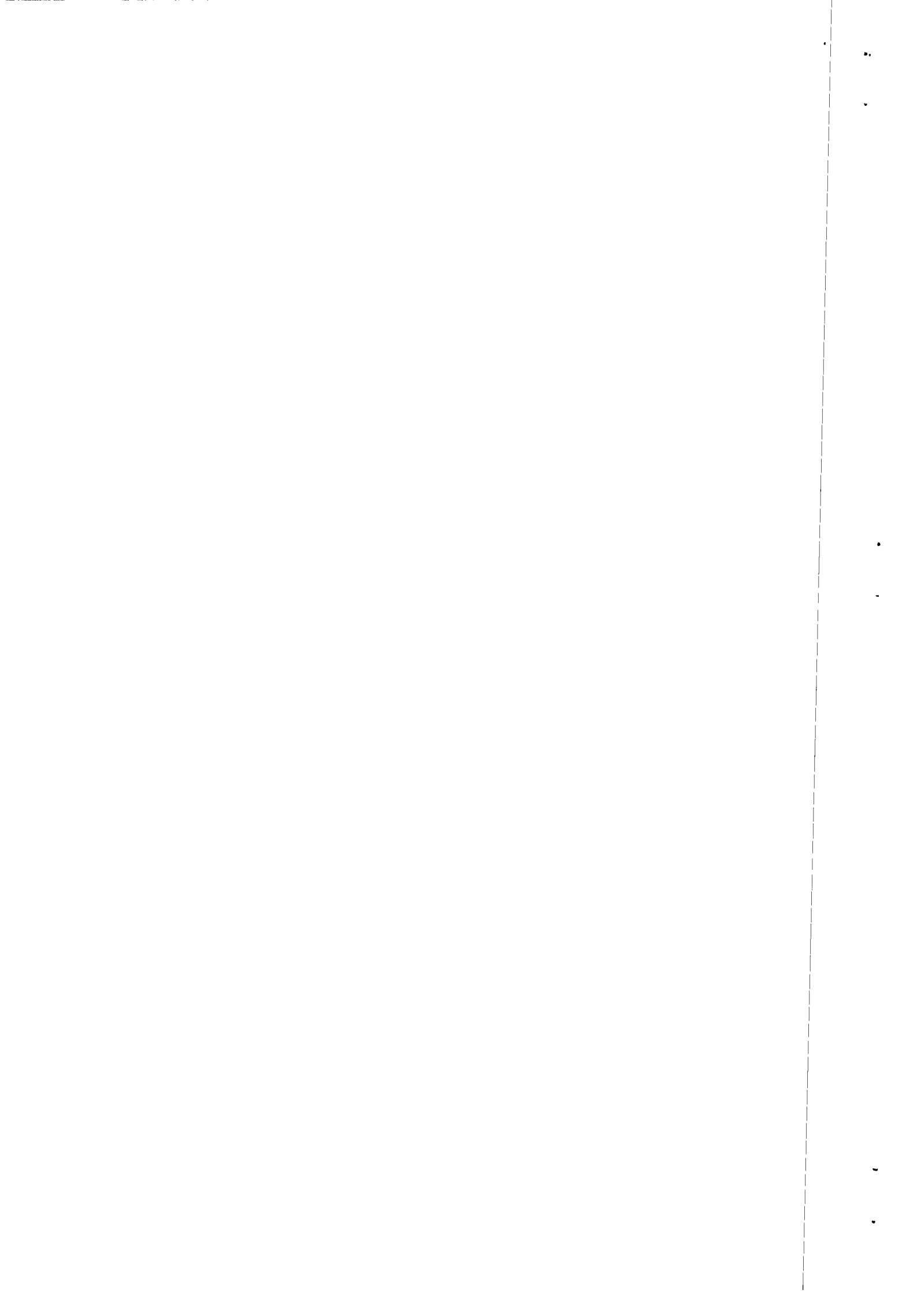
- 1.
- 2.
- 3.

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 fordays. 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.....

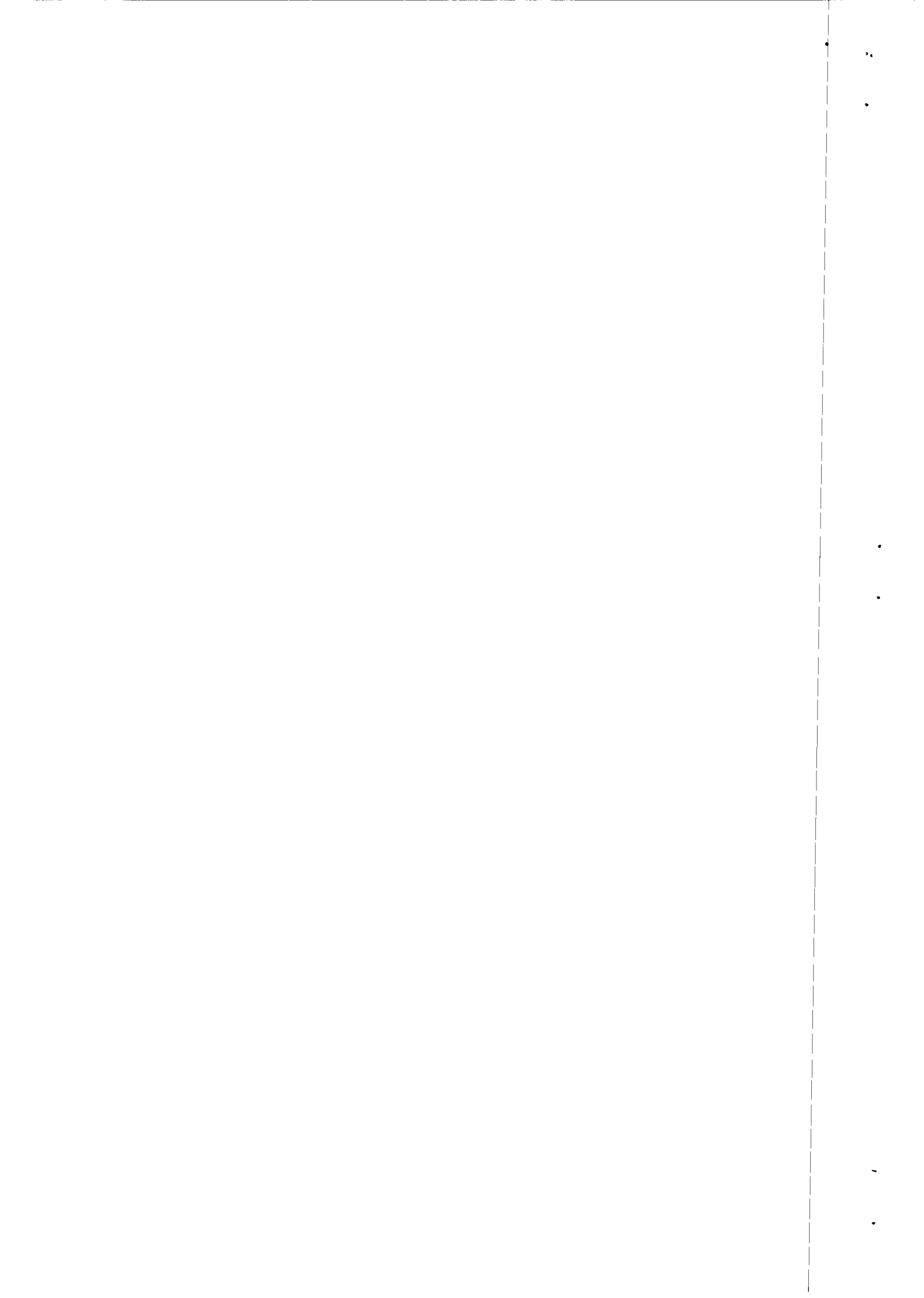
DISABILITY (if any):.....

**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

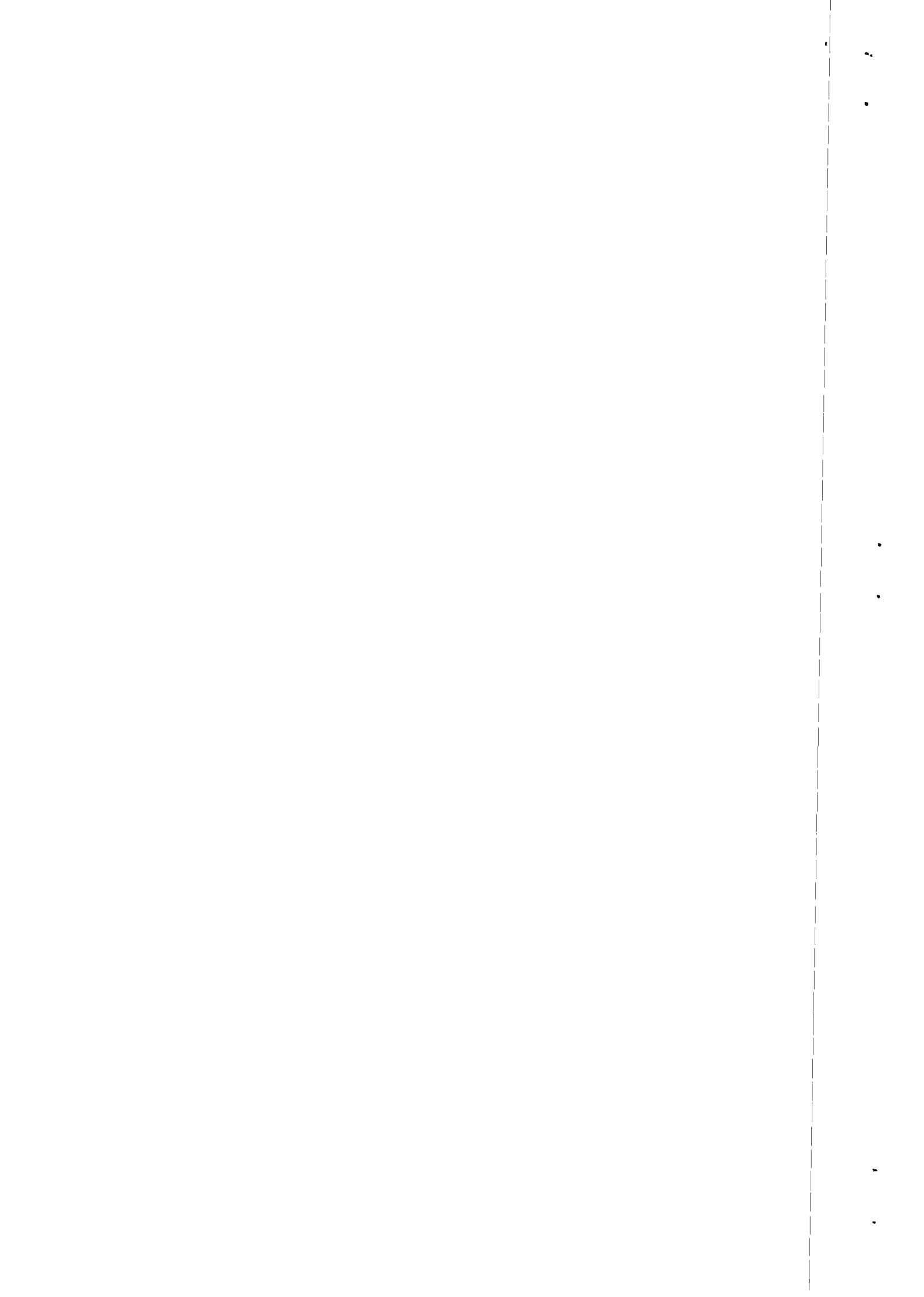
Official Stamp:

SCHEDULE

PLACES WHERE APPLICATION MAY BE MADE:

1.....

2.....





FORM J

(r. 39B)

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.

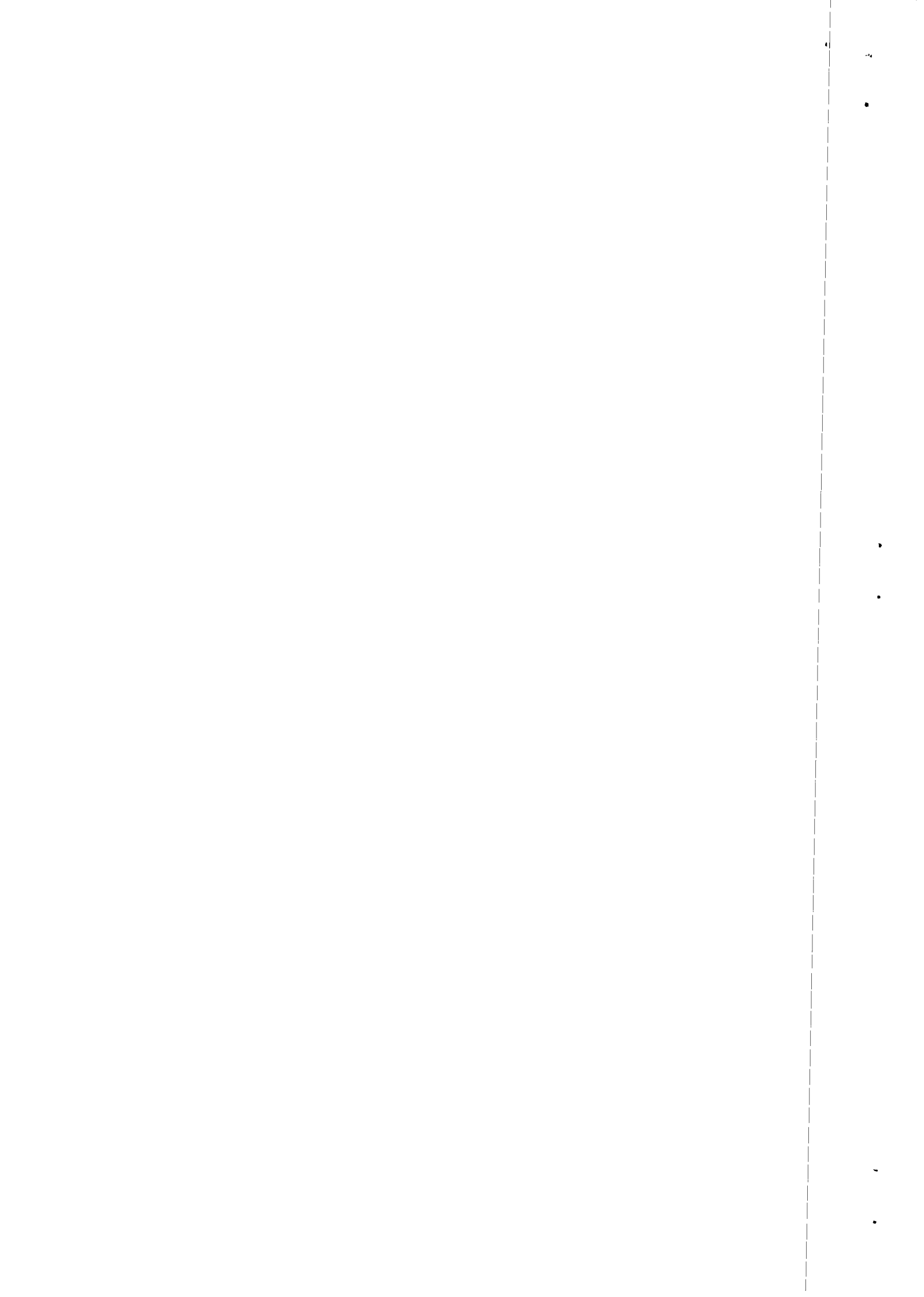
Dated: 20

Signature or Thumbprint of Applicant:

Witnessed by:

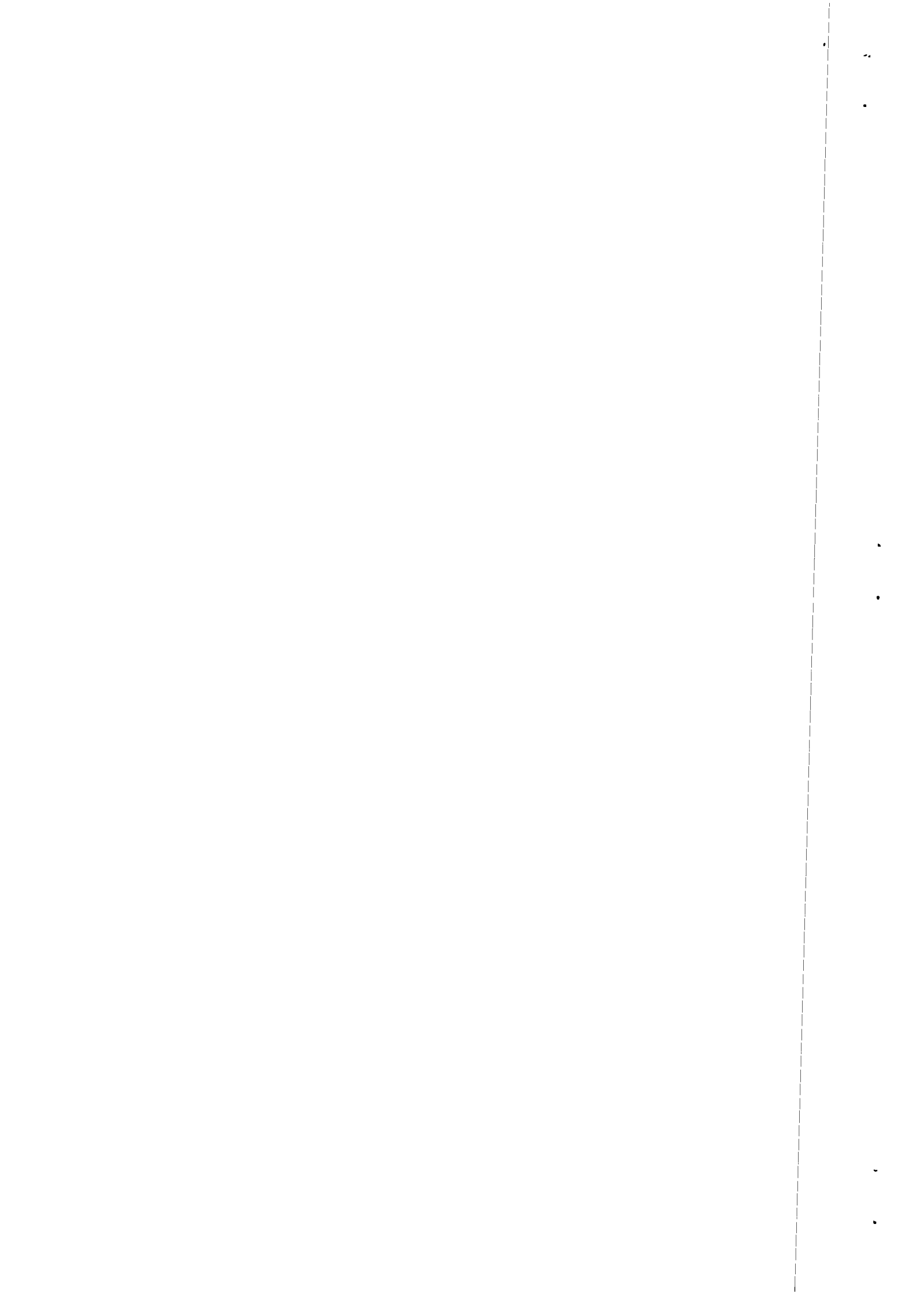
Registration Officer/Assistant Registration Officer

Official Stamp

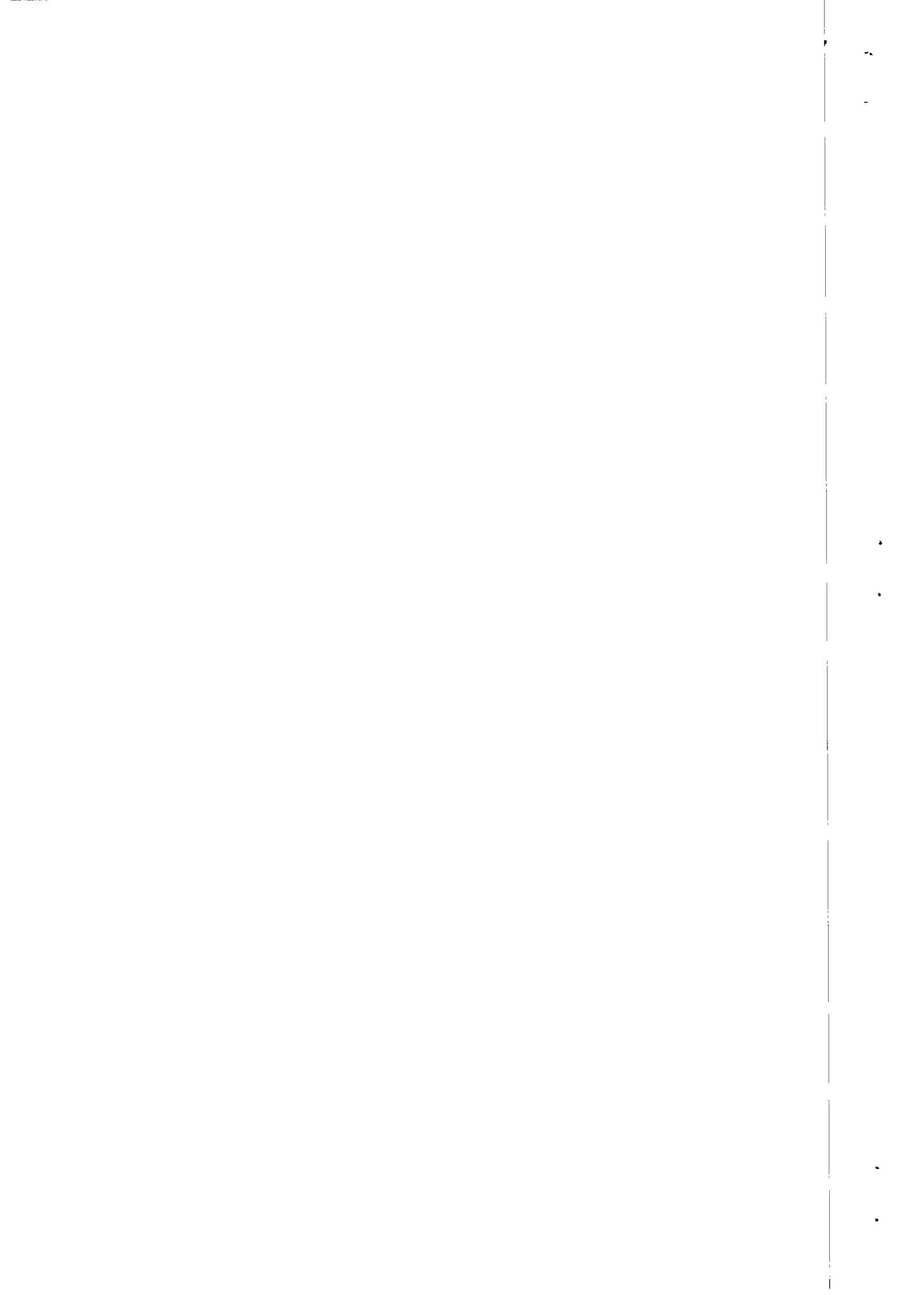


THE ELECTIONS (REGISTRATION OF VOTERS) (AMENDMENT) REGULATIONS, 2017

CLAUSE	COMMITTEE'S COMMENTS	COMMISSION'S DECISION
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 Commission 'or such other manner as the commission may determine'	This has been incorporated in the draft 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. (Policy Attached)</p>
	<p>On the provision of registration of prisoners the Commission is requested to:</p> <p>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>



EXPLANATORY MEMORANDUM TO THE ELECTIONS (REGISTRATION OF VOTERS) (AMENDMENT) REGULATIONS, 2017

Name of the Statutory Instrument: the Elections (Registration Of Voters) (Amendment) Regulations, 2017

Name of the Parent Act: The Elections Act, 2011, No. 24 of 2011

Enacted pursuant to: The powers conferred by section 109 of the Elections Act, 2011

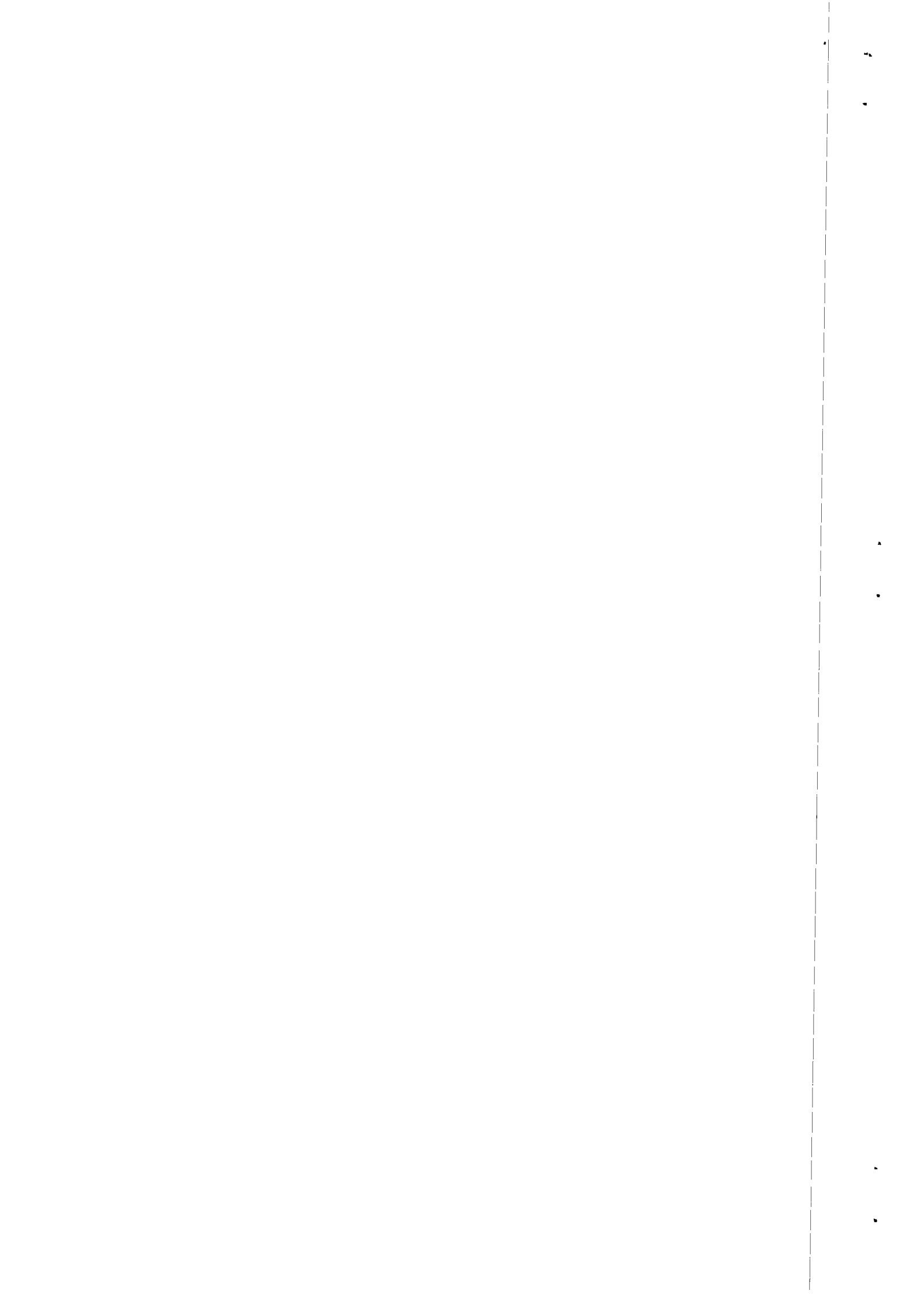
Name of the regulation-making authority: The Independent Electoral and Boundaries Commission

Gazetted on:.....

Tabled on:.....

1. Purpose of the Statutory Instrument

- 1.1 The Elections (General) (Amendment) Regulations, 2017 provide for aligning the Elections (General) Regulations, 2012 with the amendments carried under the Election Laws (Amendment) Act, No. 36 of 2016 and Election Laws (Amendment) Act, No. 1 of 2017.
- 1.2 The statutory instrument provides for continuous registration of citizens in Kenyan prisons and Kenyan Citizens living outside the country.
- 1.3 The Regulations are tailored towards integrity of the register of voters by providing for revision of the register of voters through removal from the register of voters, the particulars of persons who cease to meet qualifications of being voters.



2. Legislative Context

- 2.1. The process of developing this statutory instrument was informed by Election Laws (Amendment) Act, No. 36 of 2016 and Election Laws (Amendment) Act, No. 1 of 2017 to provide for processes, including, inspection and verification of the register of voters.
- 2.2. Section 109 of the Elections Act, 2011 requires the Commission to provide for, *inter-alia*, registration of Kenyan Citizens living outside the country and registration of Kenya citizens who are in Kenyan prisons.
- 2.3. These Regulations are intended to;
- a) Provide for the registration of Kenyan Prisoners in Kenyan prisons as voters;
 - b) The instrument lays down the procedures for inspection and verification of the register of voters to avoid disenfranchisement.
 - c) Provide for availing the Register of Voters in polling stations for purposes of verification of biometric data;
 - d) Provide for inspection of the Register of Voters
 - e) Provide for the procedure of removal of names from the Register of Voters.

3. Policy Background

- 3.1. The Policy objective of the recent amendments to the Elections Act, 2011 include affording Kenyans in the Diaspora and Kenyan Prisoners in Kenyan prisons, who meet the qualifications set out under Article 83 of the Constitution, an opportunity to be registered as voters. The Election Act, 2011 further anticipates inspection and verification of the Register of voters for purposes of avoiding disenfranchising the electorate.
- 3.2. The overarching objectives of the Regulations are:
- (a) To provide the foundation of a free and fair election;
 - (b) To afford equal opportunity to eligible persons for registration as voters; and
 - (c) To put in place an updated Register of Voters;



4. Extent

The statutory instrument applies in the Republic of Kenya and to Kenyans Citizens living outside the country.

5. Consultations Outcome

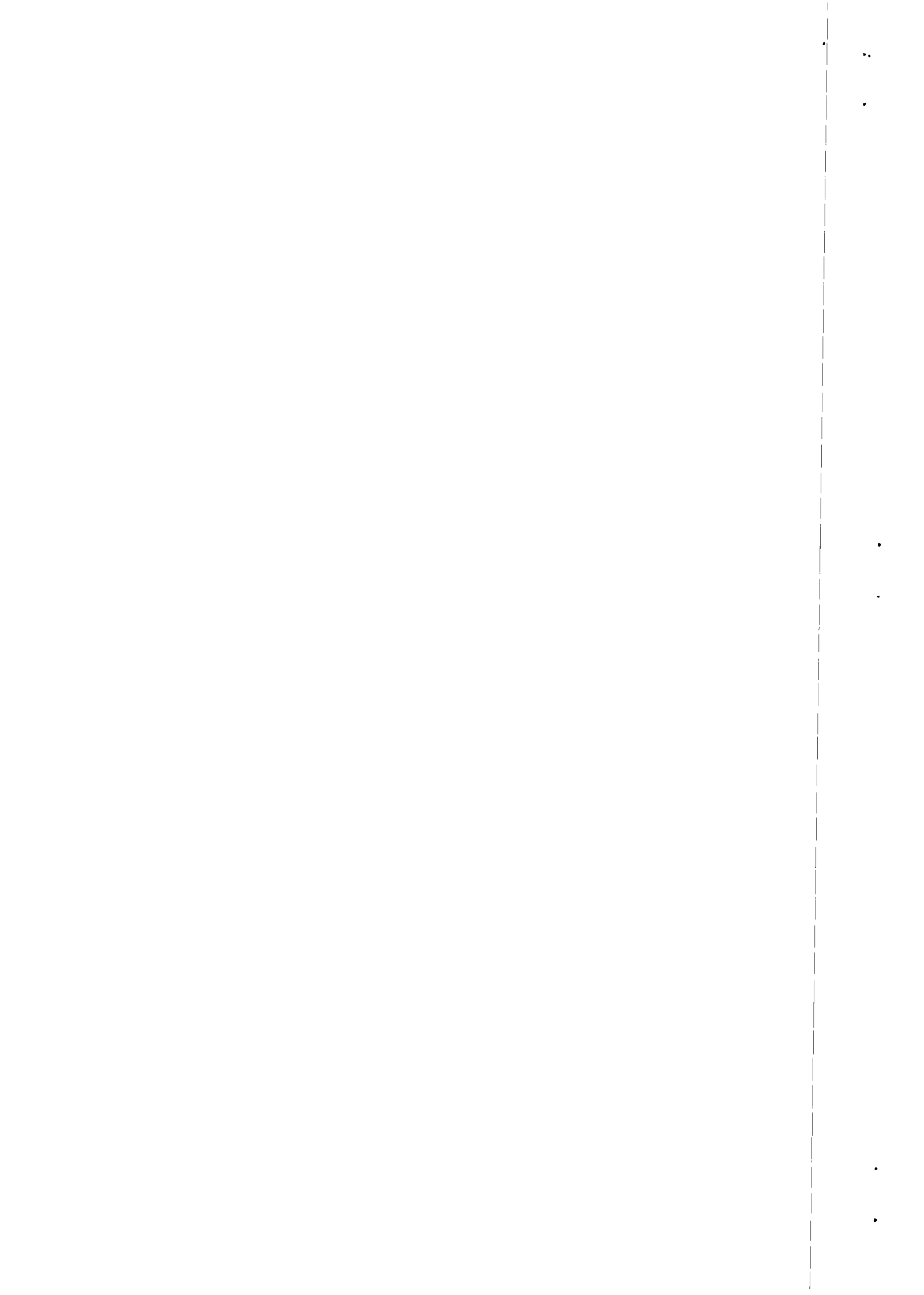
5.1 Consultation with members from the Justice System

While appreciating the lessons learned in the conduct of the 2013 General Elections, the Commission embarked on an evaluation process to identify the lessons learnt from the challenges encountered that would inform electoral reform. The Commission convened a De-briefing workshop on the Electoral Justice System at Simba Lodge, Naivasha from 9th to 12th March, 2014 to conduct a comprehensive legal audit, draw lessons from the 2013 General Elections. The workshop drew participation from the advocates who represented the Commission in the election petitions, Office of the Attorney General (OAG), the Judiciary, Office of the Director of Public Prosecutions (ODPP), the Office of the Registrar of Political Parties (ORPP and the IEBC.

Noting the constraints placed on the Commission to conduct fresh voter registration and facilitate inspection of the register within 14 days following amendments to the Elections Act in 2012, it was resolved that there was need to provide timelines for registration and inspection of the register within an appropriate operational context.

5.2 Consultation with members Parliamentary Committee

Following a consultative process that sought to address gaps, flaws and ambiguity in the electoral legal framework, the Commission engaged the Kenya Law Reform Commission to draft an Amendment Bill. Thereafter, the Commission sought audience with the Parliamentary Justice and Legal Affairs Committee (JLAC) at Serena Beach Resort & Spa from 6th to 10th April, 2015 to build consensus on electoral reform. There was emphasis to enhance continuous voter registration continuous by periodic mass registration, to be conducted at least twice a year.



4. Extent

The statutory instrument applies in the Republic of Kenya and to Kenyans Citizens living outside the country.

5. Consultations Outcome

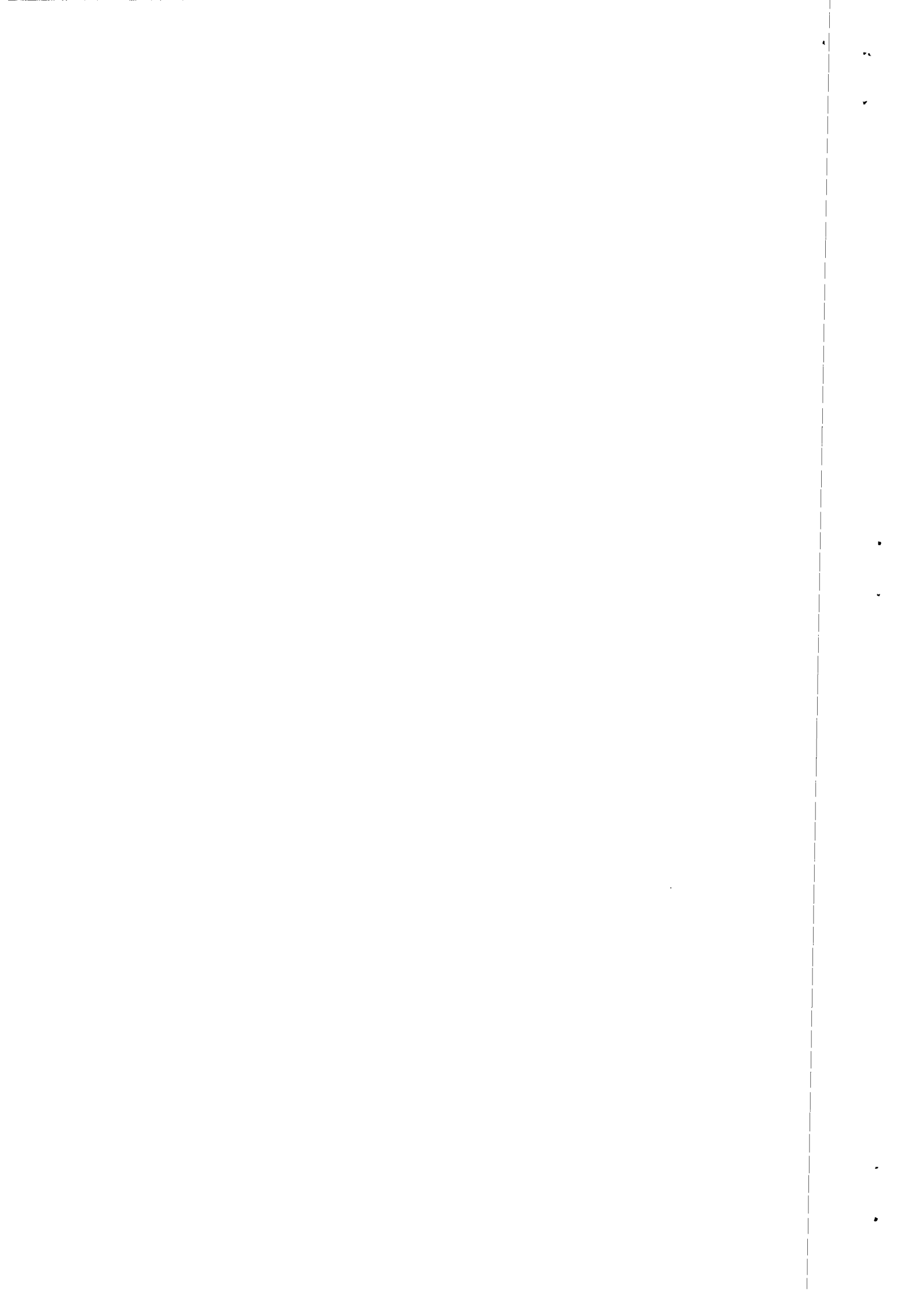
5.1 Consultation with members from the Justice System

While appreciating the lessons learned in the conduct of the 2013 General Elections, the Commission embarked on an evaluation process to identify the lessons learnt from the challenges encountered that would inform electoral reform. The Commission convened a De-briefing workshop on the Electoral Justice System at Simba Lodge, Naivasha from 9th to 12th March, 2014 to conduct a comprehensive legal audit, draw lessons from the 2013 General Elections. The workshop drew participation from the advocates who represented the Commission in the election petitions, Office of the Attorney General (OAG), the Judiciary, Office of the Director of Public Prosecutions (ODPP), the Office of the Registrar of Political Parties (ORPP and the IEBC.

Noting the constraints placed on the Commission to conduct fresh voter registration and facilitate inspection of the register within 14 days following amendments to the Elections Act in 2012, it was resolved that there was need to provide timelines for registration and inspection of the register within an appropriate operational context.

5.2 Consultation with members Parliamentary Committee

Following a consultative process that sought to address gaps, flaws and ambiguity in the electoral legal framework, the Commission engaged the Kenya Law Reform Commission to draft an Amendment Bill. Thereafter, the Commission sought audience with the Parliamentary Justice and Legal Affairs Committee (JLAC) at Serena Beach Resort & Spa from 6th to 10th April, 2015 to build consensus on electoral reform. There was emphasis to enhance continuous voter registration continuous by periodic mass registration, to be conducted at least twice a year.



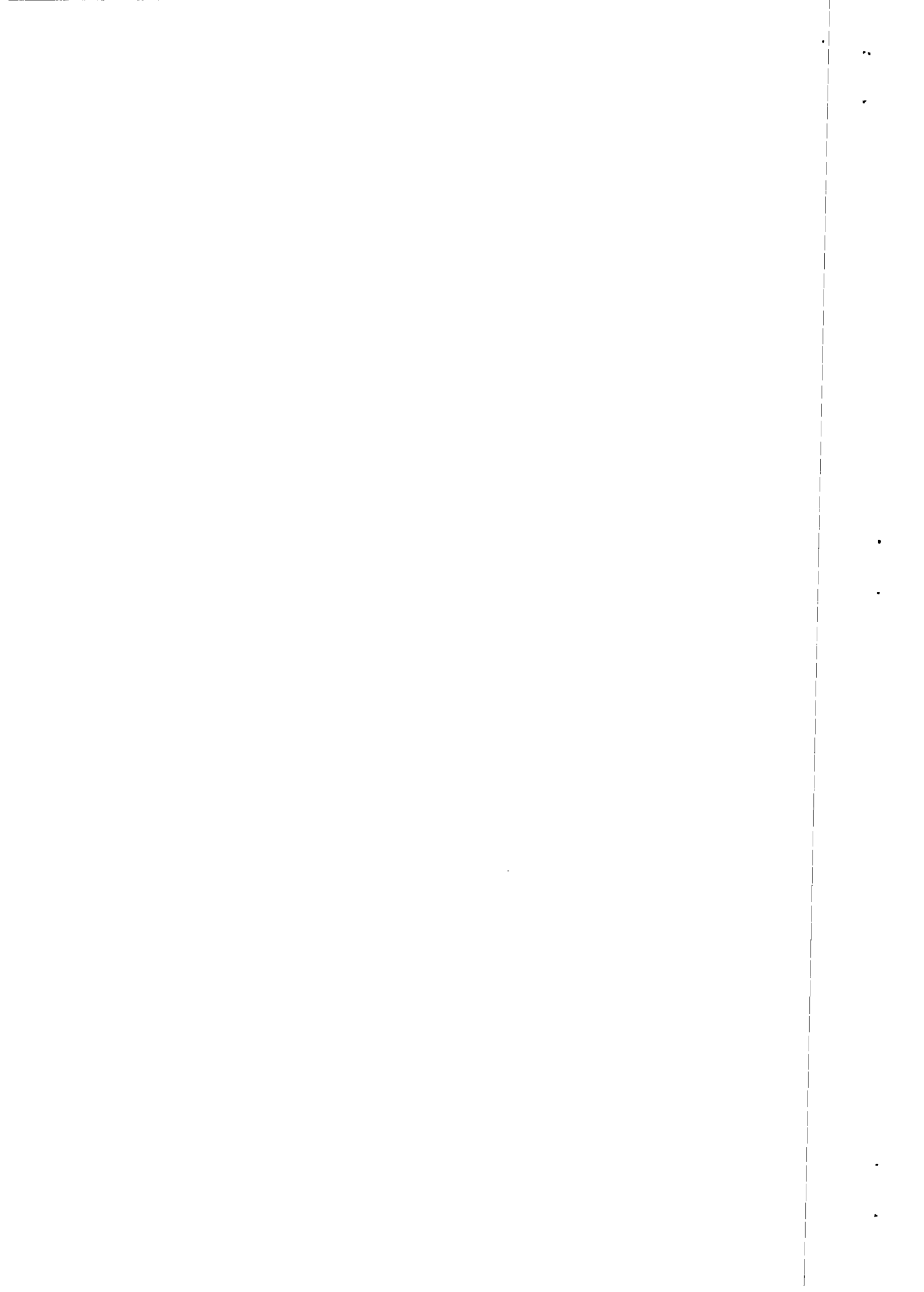
5.3 Consultation with State Actors and other Stakeholders

The Multi-Stakeholder Forum for State Actors on Electoral Reforms held on 1st – 3rd July, 2015 at Sopa Lodge Naivasha convened by the Attorney-General sought to engage state actors involved in electoral administration and other related process within the broader context of legal reform of the conduct and management of elections. The forum convened 45 participants from the IEBC, Judiciary, Commission on the Implementation of the Constitution, National Gender and Equality Commission, National Council for the Administration of Justice, Kenya National Commission on Human Rights, Commission on Administrative Justice, Kenya Law Reform Commission, Office of the Director of Public Prosecutions, Political Parties Dispute Tribunal, Registrar of Political Parties, National Gender and Equality Commission, Kenya National Assembly –Legislative Drafting, Vice Chair Legal Affairs Senate and the Attorney General’s office.

In the deliberations on proposals for legislative and administrative reforms aimed at enhancing the conduct of future elections, voter registration was identified as one of the areas in need of reform. Participants put forth proposals on voter registration specifically calling for clarity in the registration procedure and the requisite timelines. In light of the lack of guidelines to facilitate the registration of Kenyans Citizens living outside the country, it was impressed upon the Commission to provide comprehensive regulations that would enable such registration. While recognizing the political rights of Kenyans in prison, it was resolved that regulations on the registration of prisoners would similarly need to be developed and interrogated.

Discussions revolved around targets and projections of voter registration; continuous voter registration to be supplemented by periodic mass registration, to be conducted at least twice a year; and the removal of particulars of persons who cease to meet qualifications of being voters.

On 14th October, 2016 on 14th October 2016, at the Nairobi Safari Club, the Commission held a consultative meeting with over 40 representatives of political parties where the process of the audit of the Register of Voters was discussed and the need to review



Election (Voter Registration) Regulations, 2012 to reflect the amendments to the Elections Act, 2011.

6. Regulatory Impact Assessment

In accordance with Section 9 of the Statutory Instruments Act No. 23 of 2013 the Commission is satisfied that this statutory instrument an amendment to the Elections (Registration of Voters) Regulations, 2012. Additionally, the instrument does not operate to the disadvantage of any person by decreasing the rights or imposing liabilities on of any person. Consequently, a regulatory impact statement need not be prepared.

7. Guidance

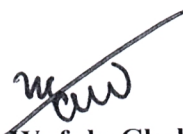
The Independent Electoral and Boundaries Commission is committed to the rule of law by developing this instrument to address the electoral law amendments.

The Commission will thus sensitize the general public, political parties, civil society organizations, media, state actors on the provisions of the Elections (Registration Of Voters) (Amendment) Regulations, 2017 including registration of voters, inspection and verification of the Register of Voters.

8. Contact

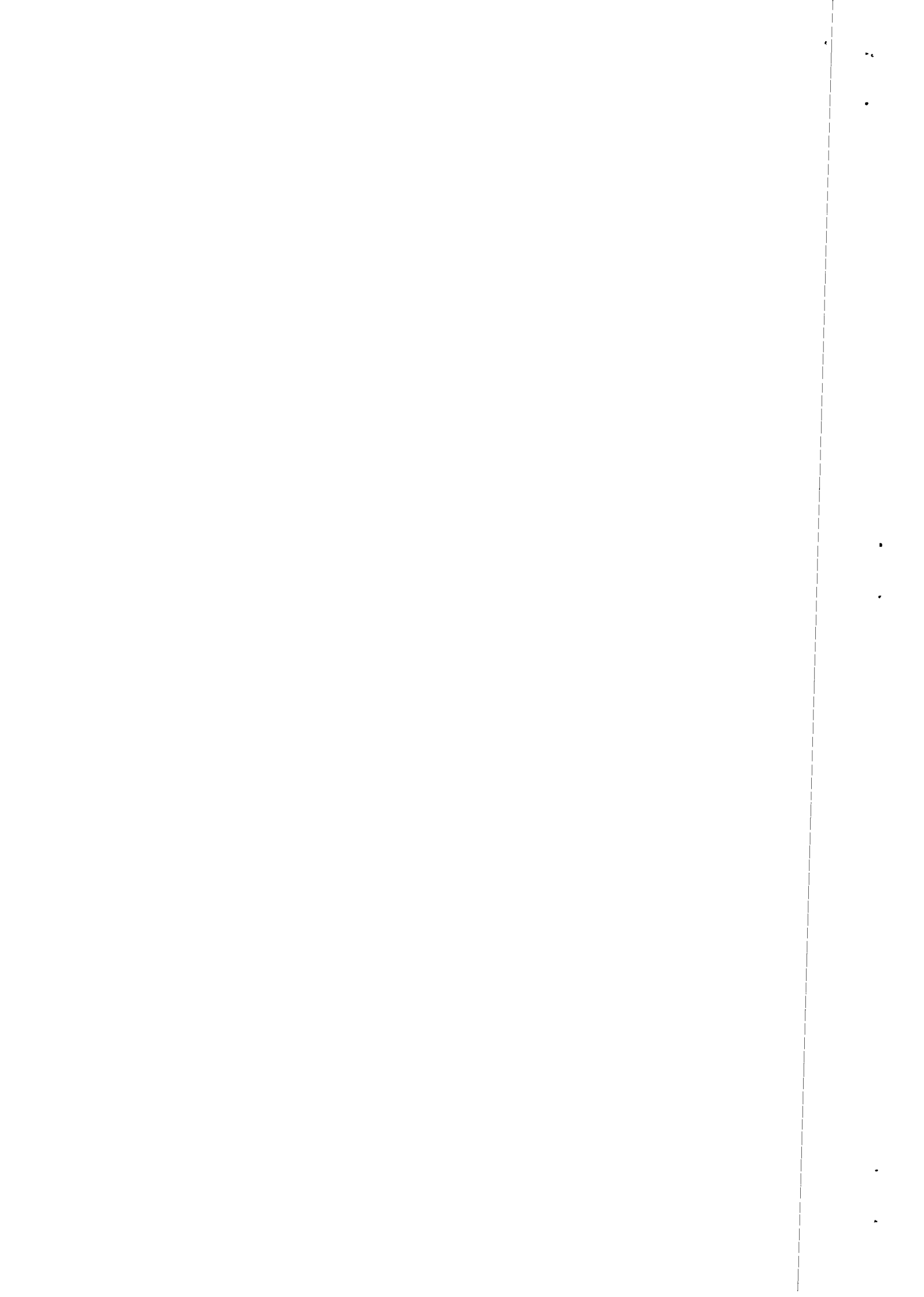
The contact person for purposes of answering questions on this statutory instrument from the Independent Electoral and Boundaries Commission is the Commission Secretary/CEO Ezra Chiloba through: echiloba@iebc.or.ke

Made on the 15th day of March, 2017


Wafula Chebukati

Chairperson

Independent Electoral and Boundaries Commission



LEGAL NOTICE NO.

THE ELECTIONS ACT
(No. 24 of 2011)
THE ELECTIONS (VOTER EDUCATION) REGULATIONS, 2017

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

- 1—Citation
- 2—Interpretation
- 3—Objective

PART II—PROVISION OF VOTER EDUCATION

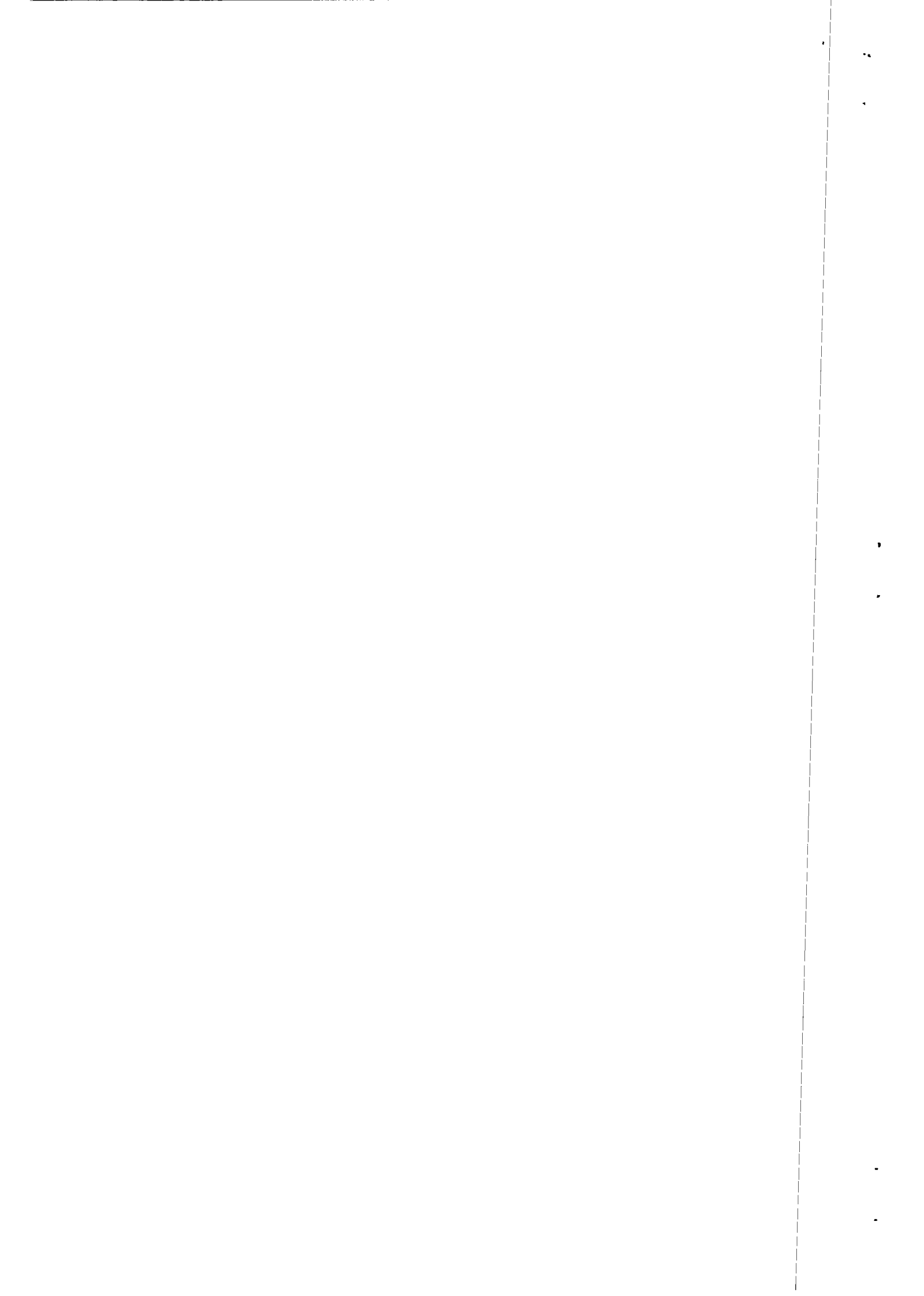
- 4— Role of the Commission in provision of voter education
- 5— Establishment of voter education standing committee
- 6— Constituency election coordinators
- 7—Commission may assign staff
- 8—Remuneration

PART III—VOTER EDUCATORS

- 9—Voter educators
- 10—Manner of carrying out the tasks of voter educators
- 11—Qualifications and other requirements
- 12— Code of conduct for voter education providers
- 13— Reporting by voter education providers

PART IV— ACCREDITATION OF VOTER EDUCATION PROVIDERS

- 14—Application for accreditation
 - 15—Accreditation criteria
 - 16—Role of the Commission
 - 17—Certificate of accreditation
 - 18—Inspection of register
 - 19—Accredited persons and organizations to sign Code of conduct
 - 20—Commission may revoke accreditation, etc.
 - 21— Monitoring and evaluation of voter education
 - 22—Impartiality of voter education providers
 - 23—Submission of information
 - 24— Revocation of L.N No 127 of 2012
- SCHEDULE—Forms



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

PART I—PRELIMINARY

Citation. 1. These Regulations may be cited as the Elections (Voter Education) Regulations, 2017 and shall come into effect upon publication in the Gazette.

Interpretation. 2. In these Regulations, unless the context otherwise requires—

“constituency elections coordinator” means an officer appointed by the Commission who is in charge of administration and coordination of the functions of the Commission at the constituency and may act as registration officer or a returning officer during elections;

“curriculum” means the voter education curriculum developed by the Commission under Regulation 5 and includes support materials approved by the Commission;

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

“voter educator” means a person engaged by the Commission or by a voter education provider to carry out voter education under these Regulations;

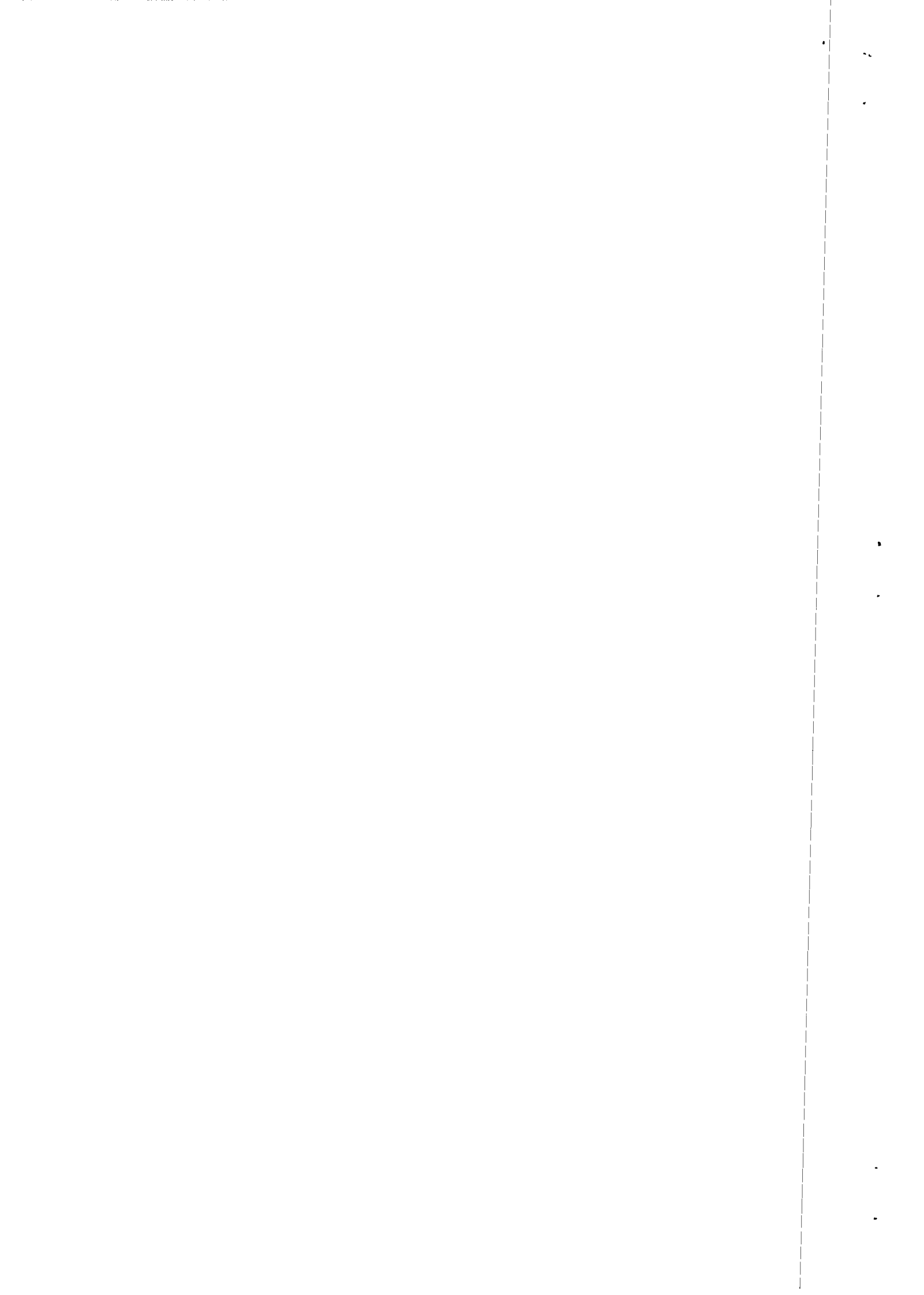
“voter education provider” means an organization accredited by the Commission to conduct voter education under these Regulations;

Objective 3. 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 harmonization of the content of the voter education material;



- (d) provide a framework for monitoring and evaluation of voter education programmes; and
- (e) promote effective and efficient use of resources set aside for voter education in Kenya.

PART II—PROVISION OF VOTER EDUCATION

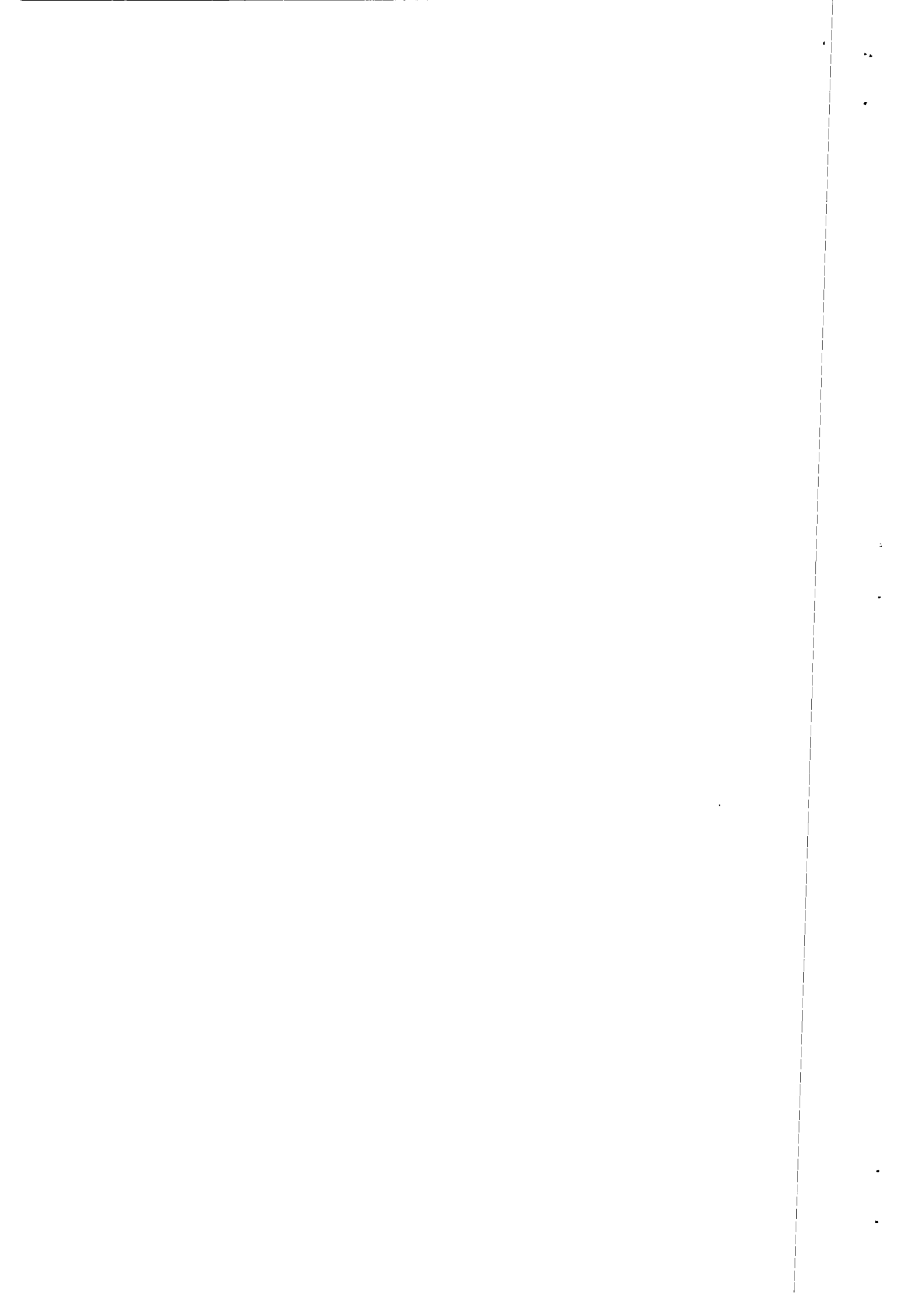
Role of the Commission in provision of voter education

4. The Commission shall be responsible for—

- (a) formulation and review of policy and strategies for voter education;
- (b) development and review of the voter education curriculum;
- (c) accreditation and maintenance of a register of voter education providers;
- (d) carrying out continuous voter education programmes;
- (e) development and dissemination of voter education materials;
- (f) collaboration with stakeholders and partners in voter education; and
- (g) monitoring and evaluating the voter education programmes.

Voter education curriculum and education materials

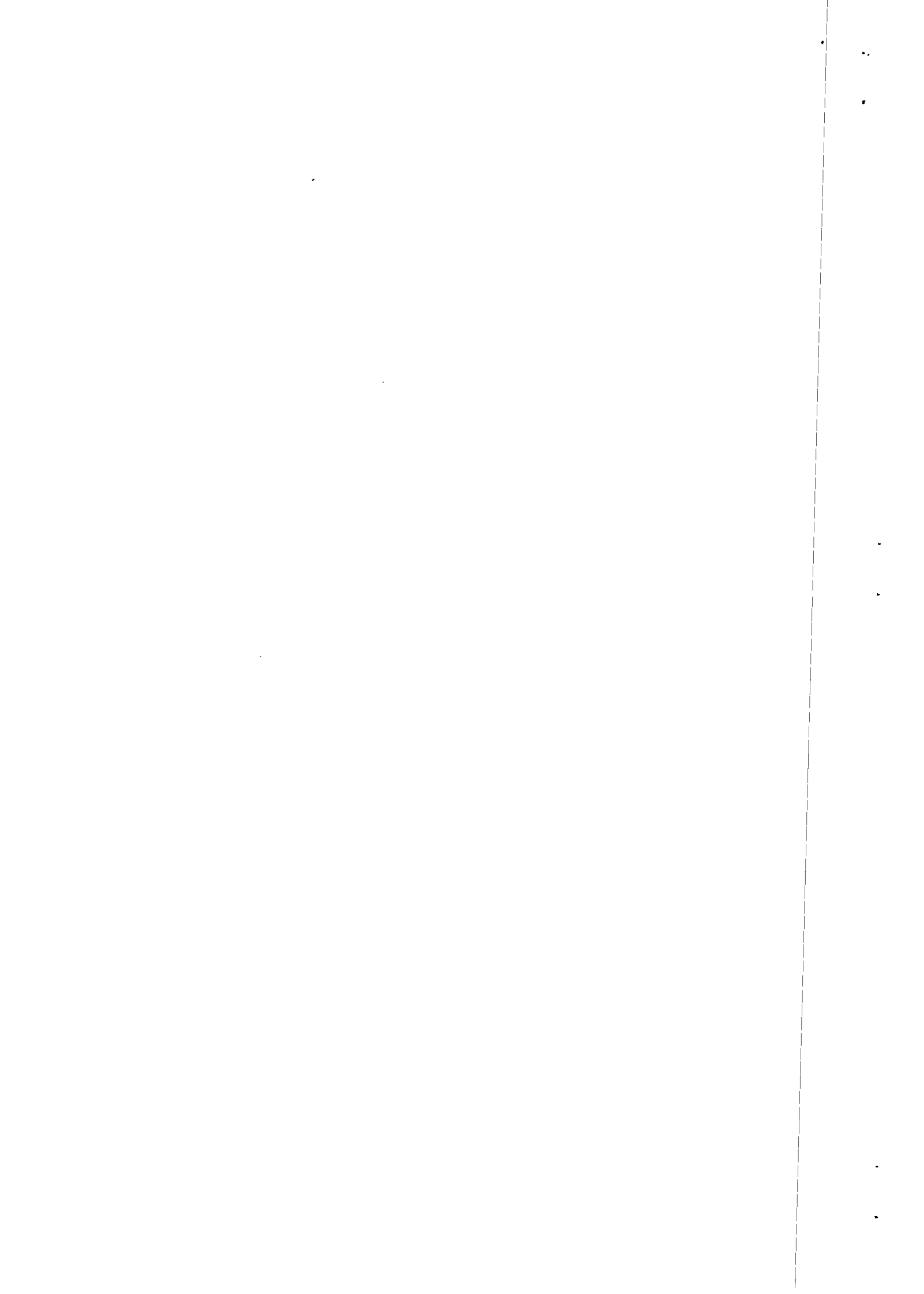
5. (1) The Commission shall develop a voter education curriculum and support materials.
- (2) The voter education curriculum shall cover all processes outlined in the electoral cycle.
- (3) The dissemination of the voter education curriculum and support materials may be through mass media, electronic learning, public forums or any other appropriate modes.
- (4) The Commission shall —
- (a) build capacity of all the voter education providers to ensure voter education is carried out effectively and
 - (b) conduct monitoring and evaluation of the voter education process.
- (5) In the conduct of voter education, the Commission and the voter education providers shall take into account —
- (a) the national values and principles of governance set out under Article 10 of the Constitution; and
 - (b) the principles of equality and freedom from discrimination;
 - (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.
- Constituency election coordinators
6. (1) The Commission shall designate at the constituency level, the constituency elections coordinator who shall—
- advise on constituency voter education needs and strategies;
 - conduct recruitment, induction, deployment of constituency voter educators;
 - supervise and monitor activities and operations of constituency voter educators and providers;
 - evaluate constituency voter education activities and programs;
 - sensitize and engage partners and stakeholders in the implementation of voter education programs at the constituency level;
 - make periodic reports and feedback to the commission; and
 - undertake any other duty assigned by the Commission.
- (2) A constituency elections coordinator shall be responsible to the Commission for all matters relating to voter education. The Commission may appoint one or more assistants to assist the constituency elections coordinator.
- Remuneration.
7. (1) A voter educator engaged by the Commission may be paid such remuneration as the Commission may determine.
- (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.

PART III—VOTER EDUCATORS

- Voter educators.
8. The Commission may engage voter educators at the ward or other levels in such manner as the Commission may, from time to time, determine.
- Manner of carrying out the tasks of voter educators.
9. A voter educator appointed under these Regulations shall carry out voter education in accordance with the voter education curriculum and guidelines issued by the Commission from time to time.
- Qualifications
10. (1) A voter educator shall possess the qualifications and other



and other requirements. requirements that the Commission may from time to time determine as prescribed in Form... set out in the Schedule.

Code of conduct for voter educators and voter education providers

11. Every voter educator and voter education provider shall sign and abide by the Code of conduct prescribed in Form 3 set out in the schedule.

PART IV—ACCREDITATION OF VOTER EDUCATION PROVIDERS

Application for accreditation.

12. (1) The Commission may publicly advertise and invite, in an accessible medium, applications for accreditation as voter education providers.

(2) A State or non-State agency or organisation may apply to the Commission to be accredited to provide voter education.

(3) An application for accreditation to provide voter education shall be made to the Commission in Form 1 set out in the Schedule.

Accreditation criteria

13. (1) The Commission may accredit an applicant if that applicant—

- (a) possesses valid registration certificates;
- (b) provides valid bank statements for the last three months;
- (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 Commission that it has the necessary institutional and resource capacity to carry out voter education;
- (g) meets such integrity and accountability standards as the Commission may require and as demonstrated by its record; and
- (h) meets tax compliance requirements as the law may require of



organizations of its kind.

- (i) meets registration or certificate of incorporation requirements as the law may require of organizations of its kind.

Certificate of accreditation.

14. (1) If the Commission is satisfied that an applicant meets the requirements for accreditation as set out in regulation 15, the Commission shall—

- (a) enter the name and particulars of the applicant in the register of voter education providers in Form 1A set out in the Schedule; 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 sub regulation (1) (b) shall be in Form 2 set out in the Schedule.

Inspection of the register.

15. A person may apply to inspect the register of voter education providers by lodging Form 2A set out in the Schedule with the Commission.

Accredited persons and organizations to sign Code of conduct.

16. All voter educators and persons engaged by voter education providers shall sign and abide by the Code of conduct in Form 3 set out in the Schedule.

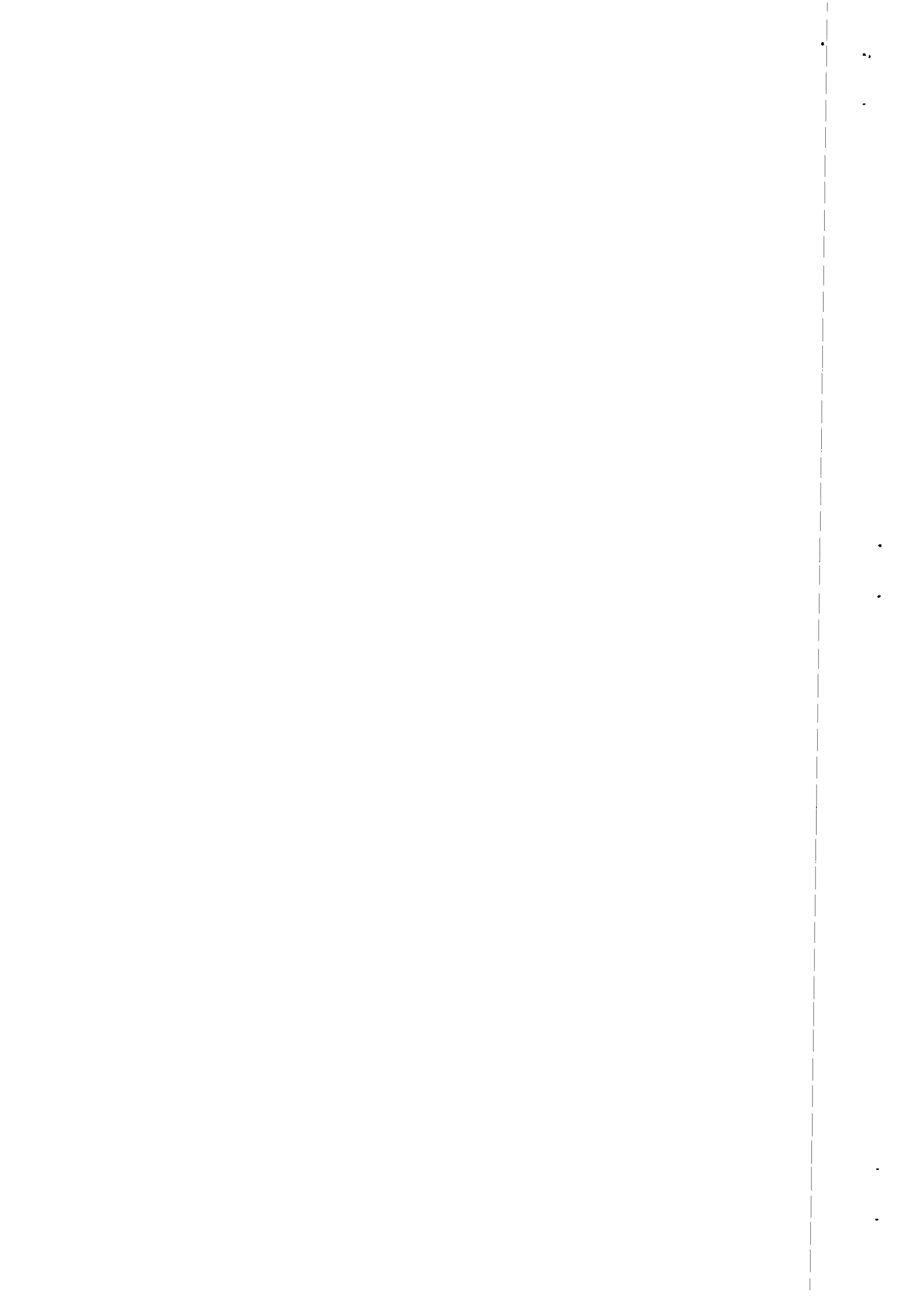
Commission may revoke accreditation, etc.

17. (1) Where a voter education provider contravenes the Code of conduct the Commission may—

- (a) issue a formal warning;
- (b) suspend the accreditation for a period to be determined; or
- (c) revoke the accreditation.

(2) Where the Commission revokes the accreditation of a voter education provider—

- (a) it shall delete the name from the register; and
- (b) may not accredit the organization for any future voter education.



Monitoring and evaluation of voter education

18. The Commission may carry out an assessment of a voter education exercise carried out by a voter education provider and advice on the same.

Impartiality and conduct of voter education providers

19. A voter education provider shall—

- (a) be 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;
- (e) promote cohesion and integration; and
- (f) enhance participation in elections and promote free and fair elections.

Submission of information.

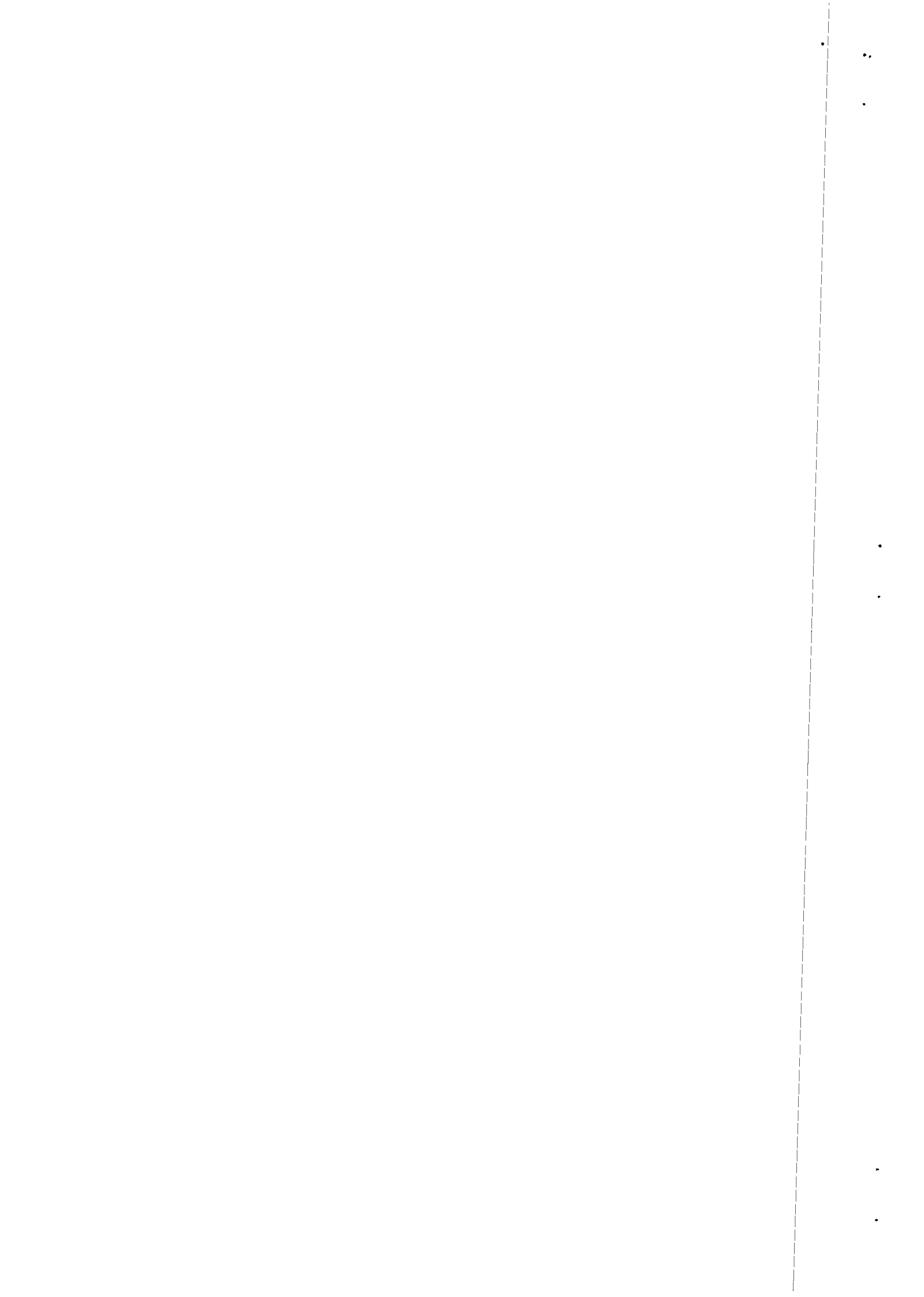
20. (1) The Commission may at such intervals as it may determine require a voter education provider to submit a report concerning the conduct of voter education under these Regulations.

(2) A voter education provider shall prepare and submit to the Commission a report on voter education which shall contain the following information—

- (a) activities carried out in the area covered;
- (b) appropriate statistical information or data; and
- (c) any other relevant information.

(3) The Commission may suspend or revoke accreditation certificate of a voter education provider who fails to comply with the requirement of this regulation.

(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

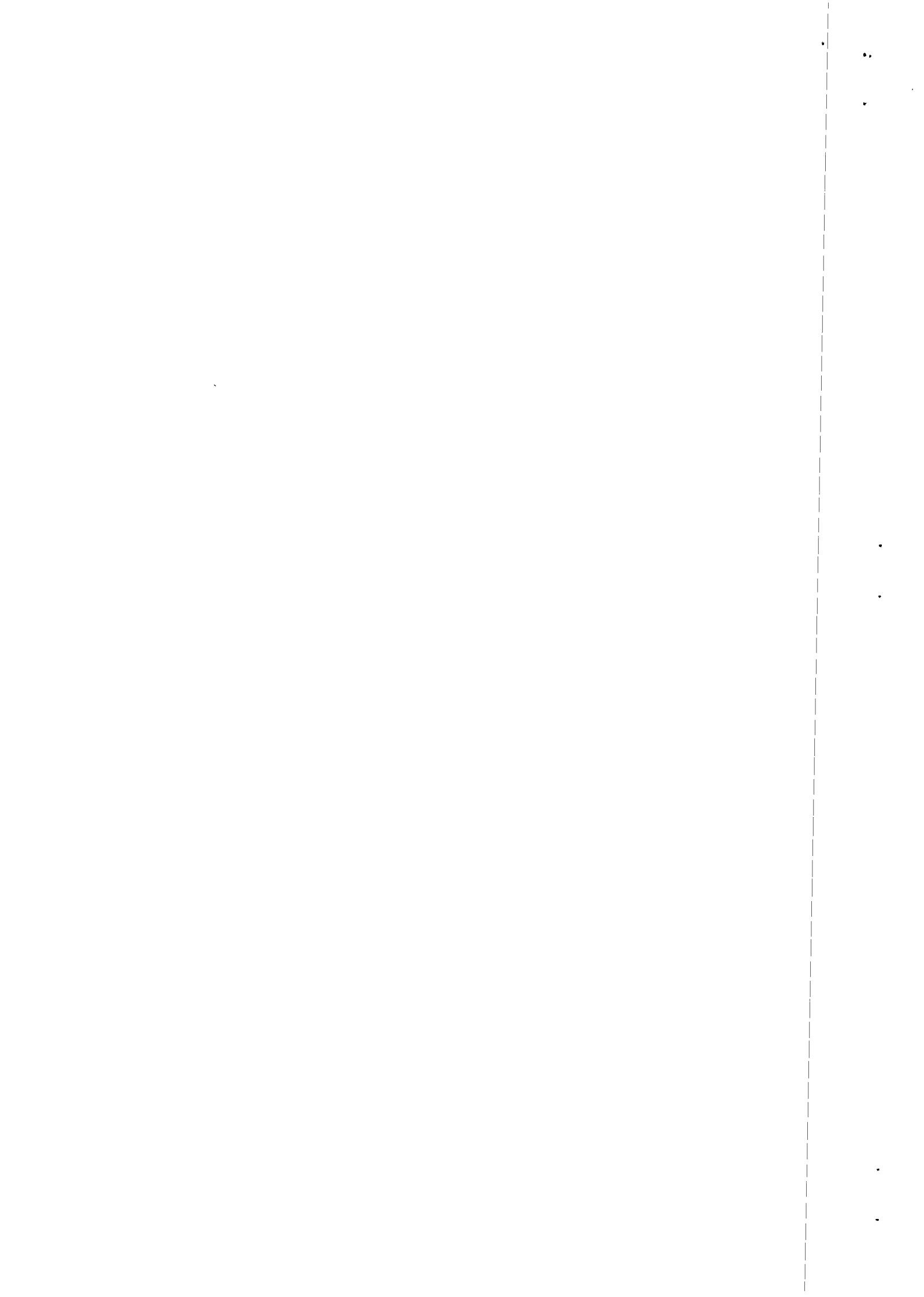
Conduct of
Voter
Education.

21.In the conduct of voter education the Commission shall-

- (1) ensure that the conduct of voter education shall in its design, messaging and implementation be impartial and non-partisan.
- (2) use various methods to deliver voter education information and messages through: Electronic and print media engagement, Stakeholder forums, dissemination of information and education materials or outdoor outreach programs.
- (3) use one or a combination of these methods including transcribing information into compatible formats to facilitate outreach to all special interest groups.

Revocation of
L.N No 127 of
2012.

22.The Elections (Voter Education) Regulations, 2012, Legal Notice No. 127 of 2012 is hereby revoked.



SCHEDULE

FORM 1
(r. 14 (2))

APPLICATION FOR ACCREDITATION FORM

1. Name of Organisation (Attach certified copy of Registration certificate)

2. Address: (postal and physical including city/street/building)

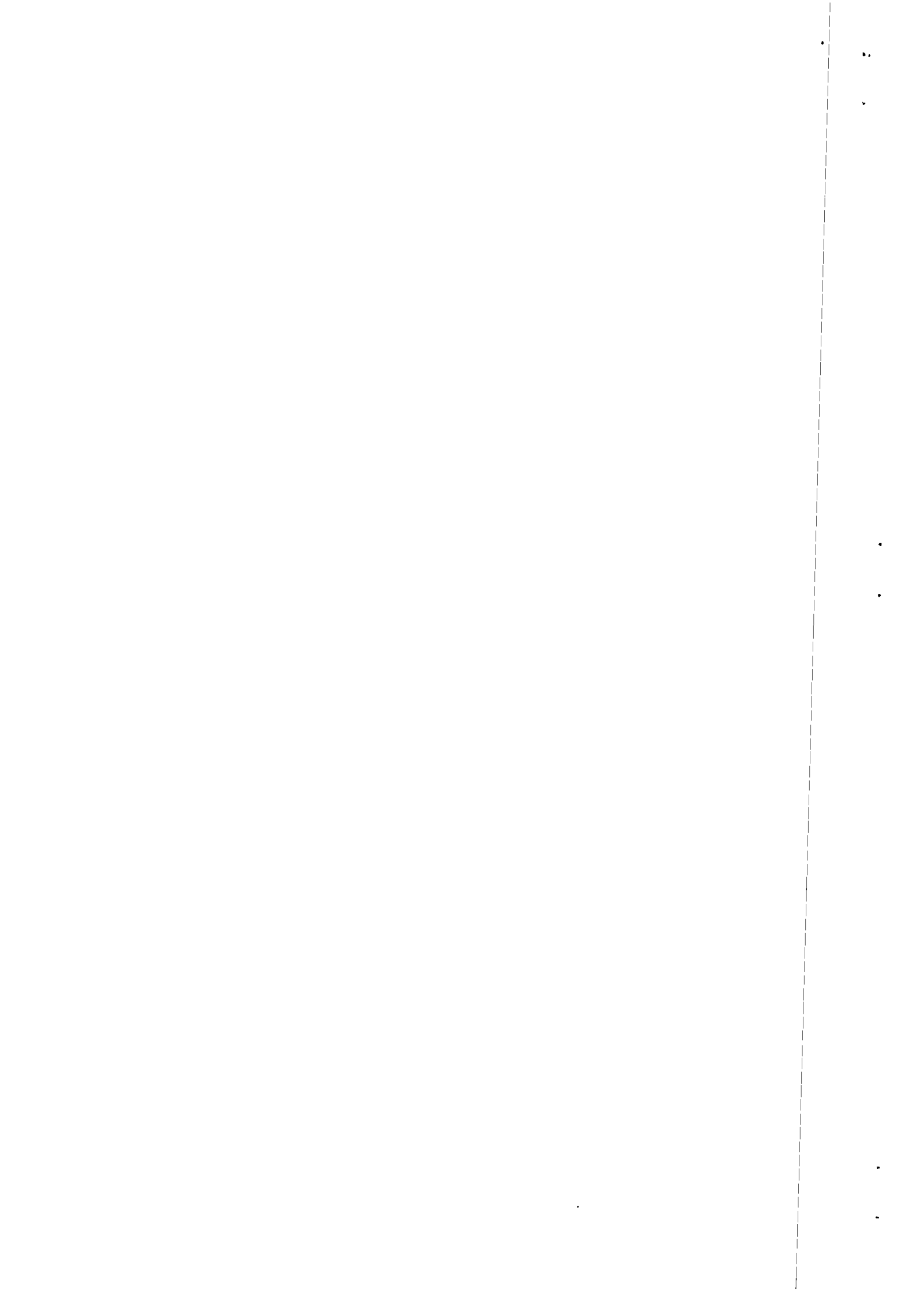
3. Telephone: _____

4. Principal Officers: (Attach certified copies of National ID/Passport)

(a) Name of President/Chairperson: _____

(b) Name of Secretary General/ Executive Director/ Country Director:

5. Person authorised by the organization to liaise with the Commission



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 (Attach bank statement for the previous three months)

9. Person submitting this application:

Name: _____
 Designation _____
 Email _____
 Telephone _____
 Signature _____
 Date _____

()
 official stamp

10. Designation: _____

11. Telephone, email, etc.: _____

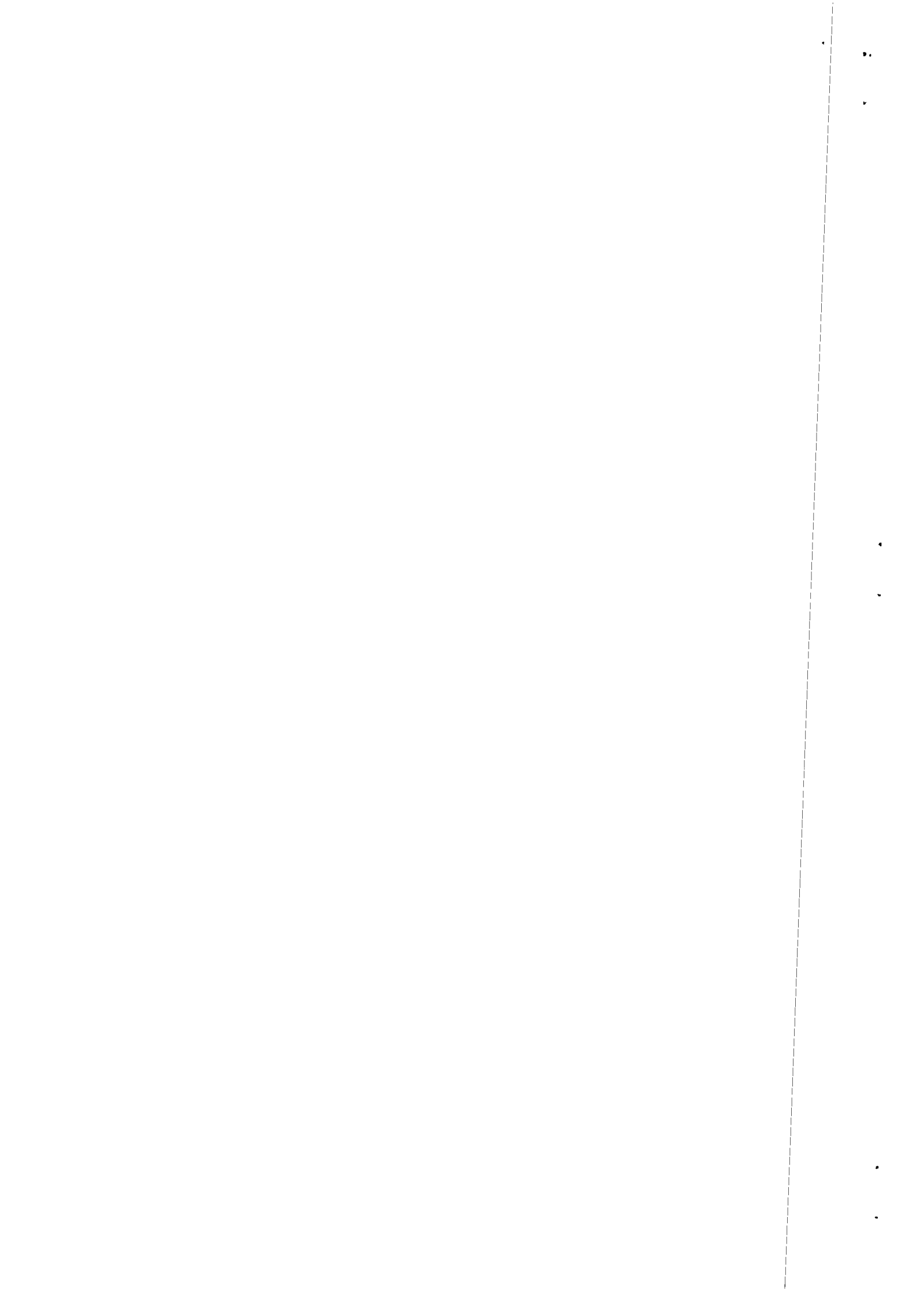
I/We solemnly swear(or affirm) and certify, under penalty of false declaration under the Oaths and Statutory declaration Act(Cap 15 of the Laws of Kenya), that all the foregoing statements in this declaration are true and correct to the best of my knowledge

Dated at..... this day of

FORM 1A
 (r. 16 (1) (a))

REGISTER OF VOTER EDUCATION PROVIDERS

1. Registration Number.....
2. Name of Organisation.....
3. Principal place of business.....
4. Postal address.....
5. Other places of business.....
6. Nature of business.....
7. Date of Registration.....



PARTNERS OR PROPRIETORS DETAILS

Name	Contact (Postal address/ telephone/ email)	Nationality
-------------	---------------------------------------------------	--------------------

- 1.
- 2.
- 3.
- 4.

STATUTORY DECLARATION

(To be made by Person authorised by the organization to liaise with the Commission)

I
of.....

do solemnly and sincerely declare that the particulars set out herein are true and correct and I make this declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Act (Cap 159) of the Laws of Kenya.

Declared at this.....day of20...

Before me
(Signature)

.....
(Magistrate or Commissioner for Oaths)

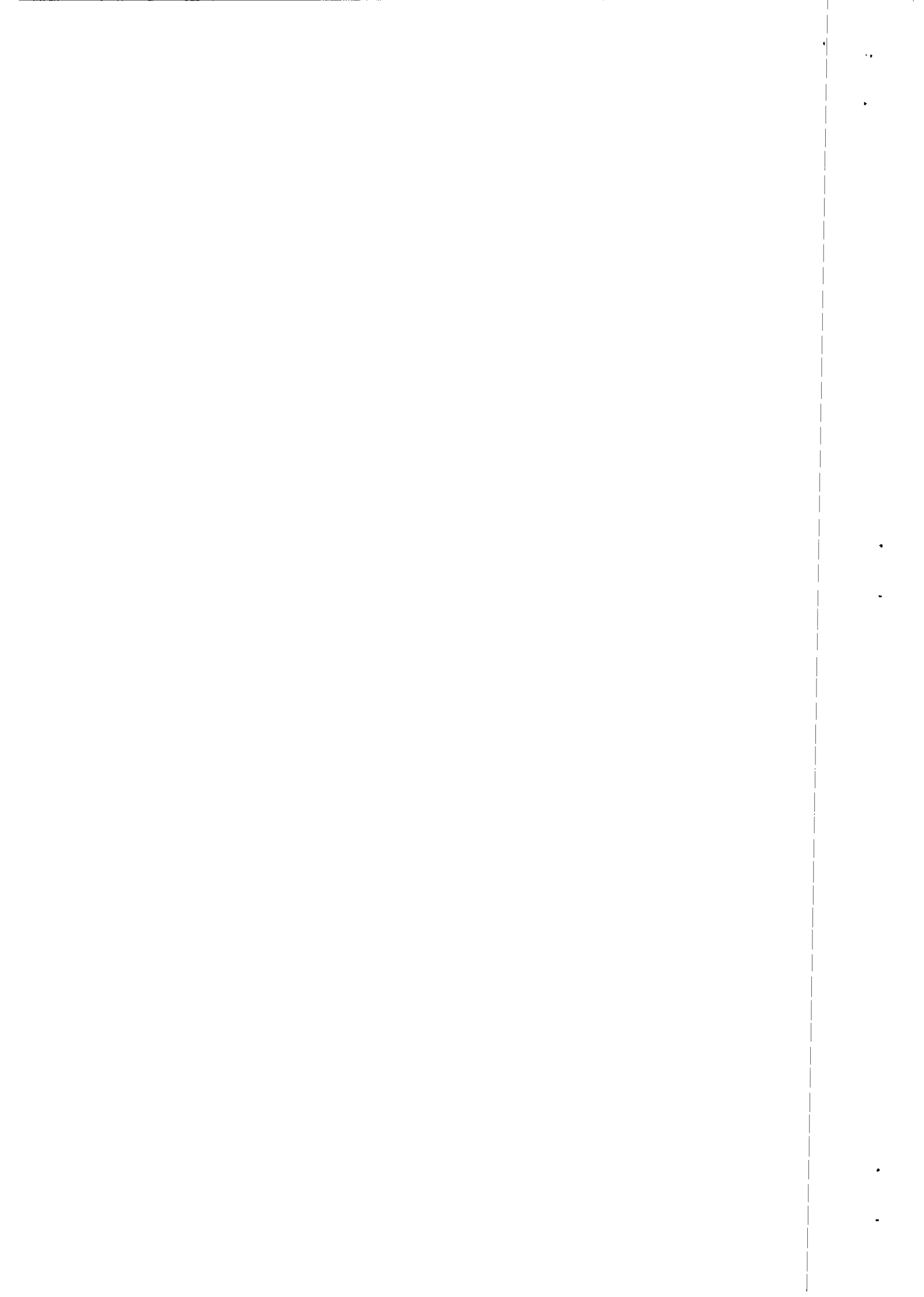
FORM 2

(r. 16 (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.....up to.....
Issued this dayof20



Seal of Independent Electoral and Boundaries Commission.

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

FORM 2A (r. 16 (2))

APPLICATION TO INSPECT THE REGISTER OF VOTER EDUCATION PROVIDERS

I.....do hereby apply to inspect the register of voter education providers.

I undertake to pay any fees that may be prescribed by the Commission.

Name.....

Constituency.....

Sign.....

Date.....

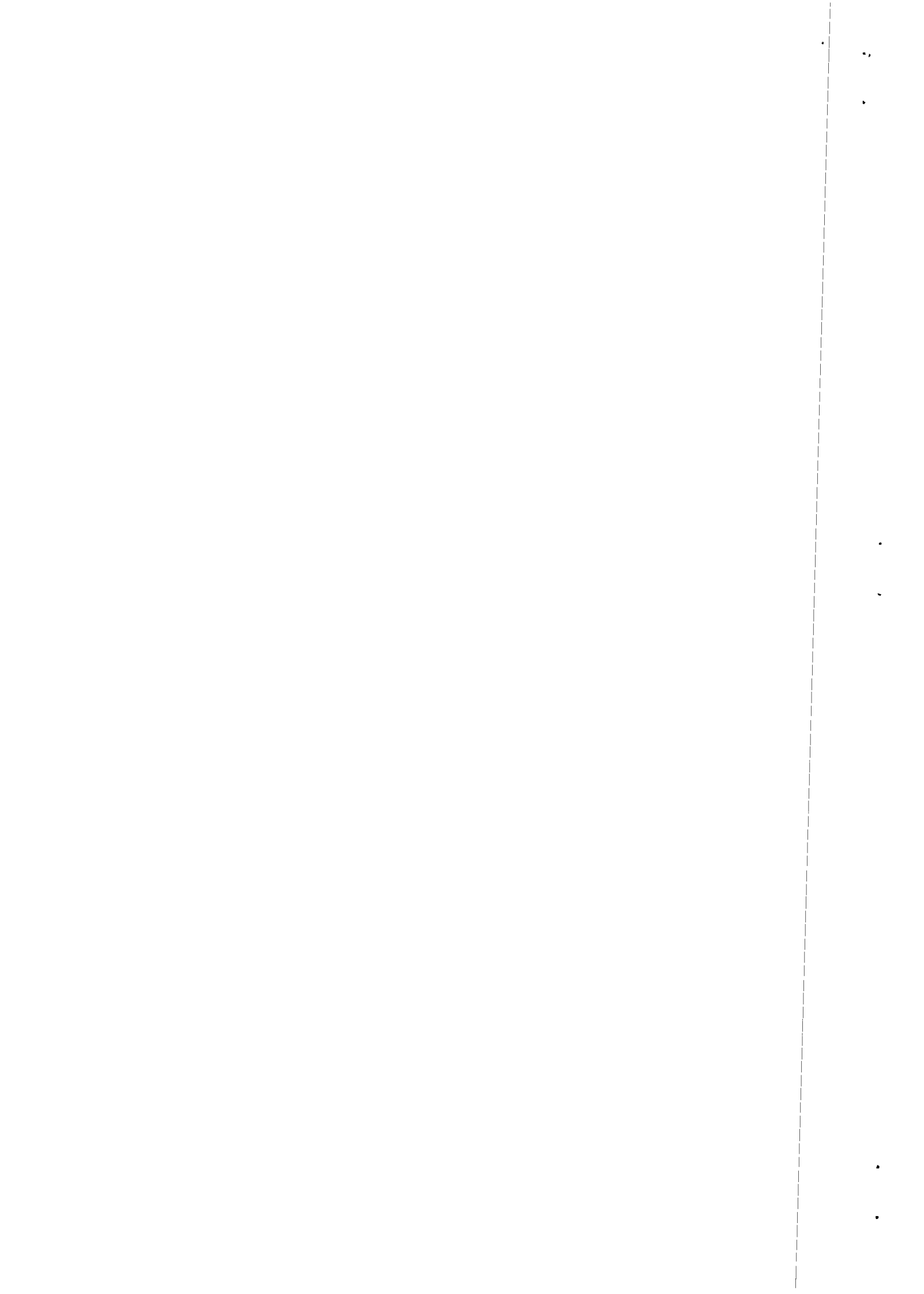
Dated the20..

FORM 3 (r. 18)
THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

CODE OF CONDUCT OF VOTER EDUCATORS AND VOTER EDUCATION PROVIDERS

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.

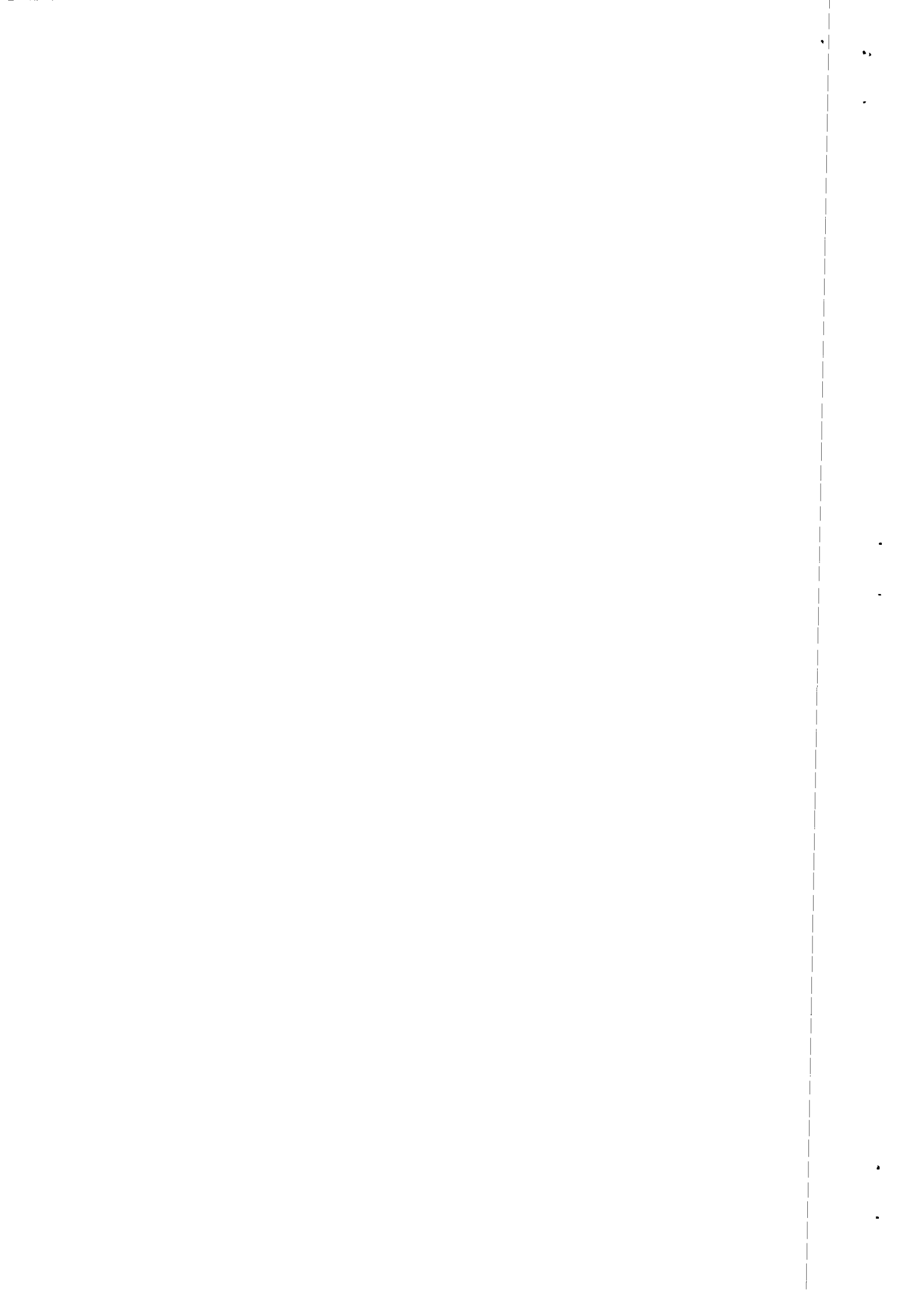
2. A voter educator is a friend of every voter. He or she will endeavor to provide appropriate information, insight and advice to every voter on issues relating to



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;
- (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) shall not in any way solicit for funds in the name of the Commission
- (f) refuse any gift, favour, hospitality or any inducement that would influence or appear to influence the discharge of his or her duties;
- (g) carry out voter education without intimidation, coercion, threats, duress or undue influence;
- (h) be sensitive to the needs of people with disabilities, women, youth and other marginalized groups when providing voter education;
- (i) give due consideration to special and appropriate circumstances regarding accessibility, language and methodology in the provision of voter education;
- (j) avoid actual or apparent conflicts of interest in the provision of voter education;
- (k) refrain from disclosing any confidential information acquired in the course of their work unless otherwise authorized by the Commission;
- (l) perform his or her duty in accordance with such other rules, regulations, standards as the IEBC may set from time to time;



(m) 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.....

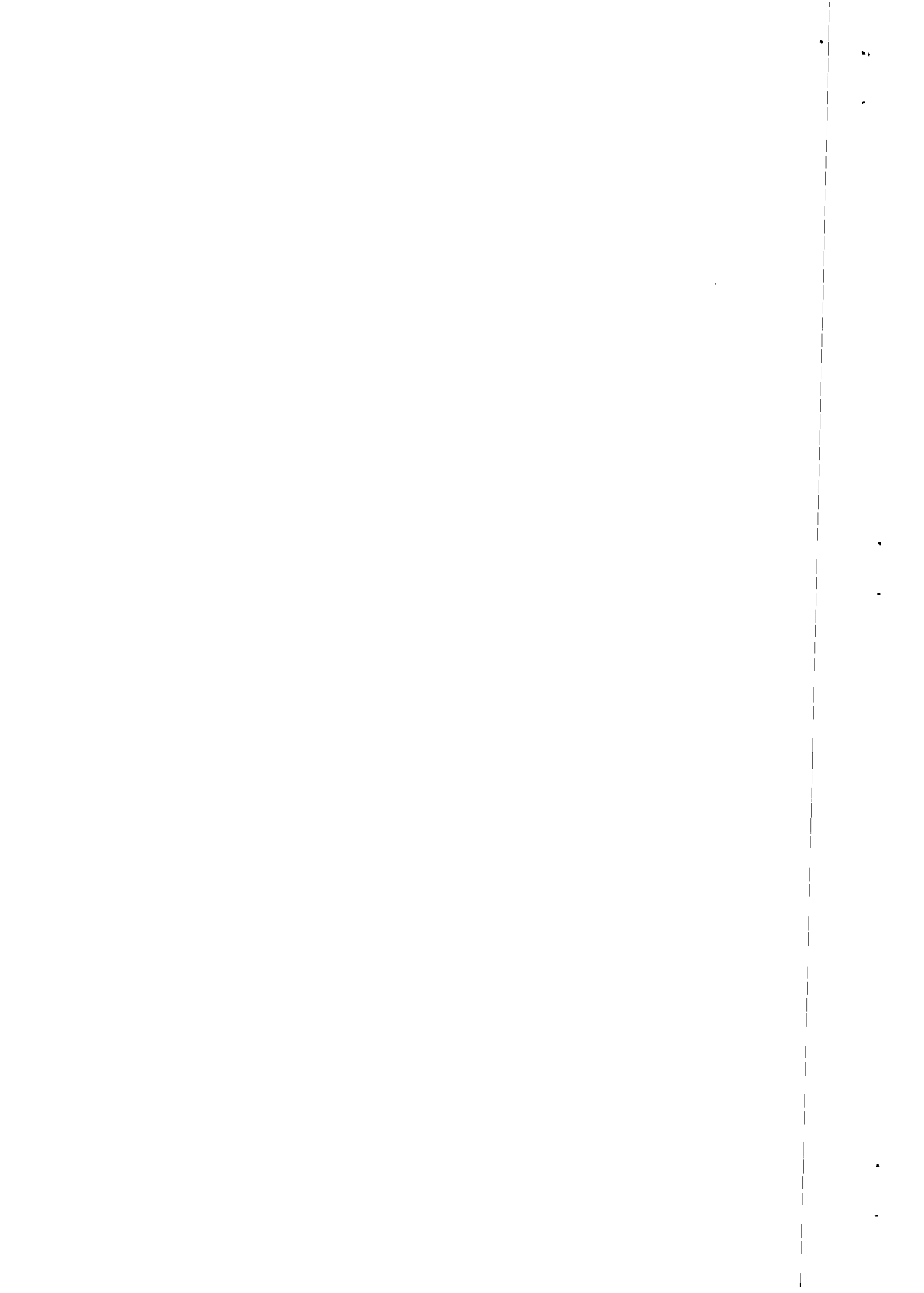
Constituency.....

Sign.....

Date.....

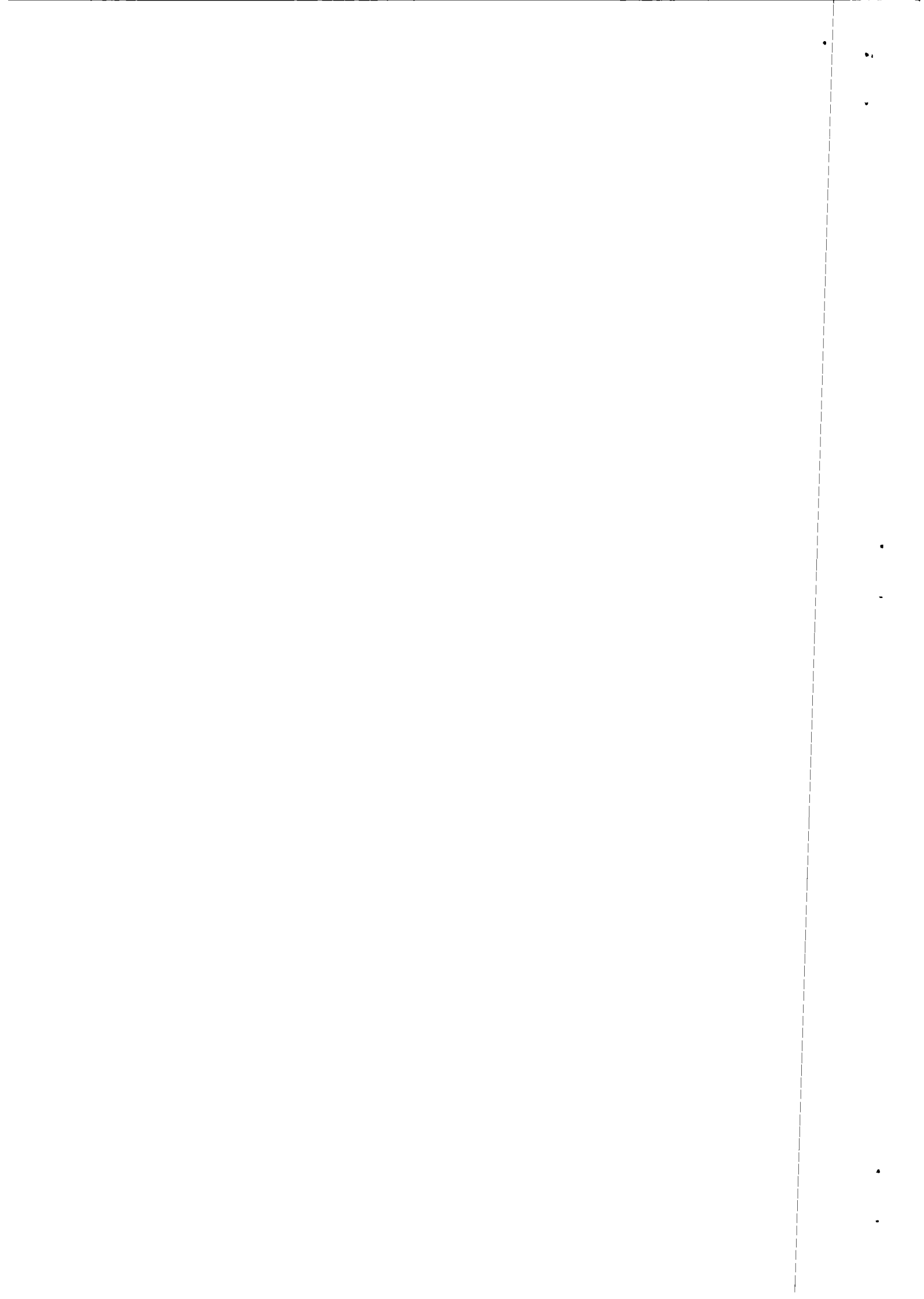
Dated the2017

*Chairperson,
Independent Electoral and Boundaries Commission*

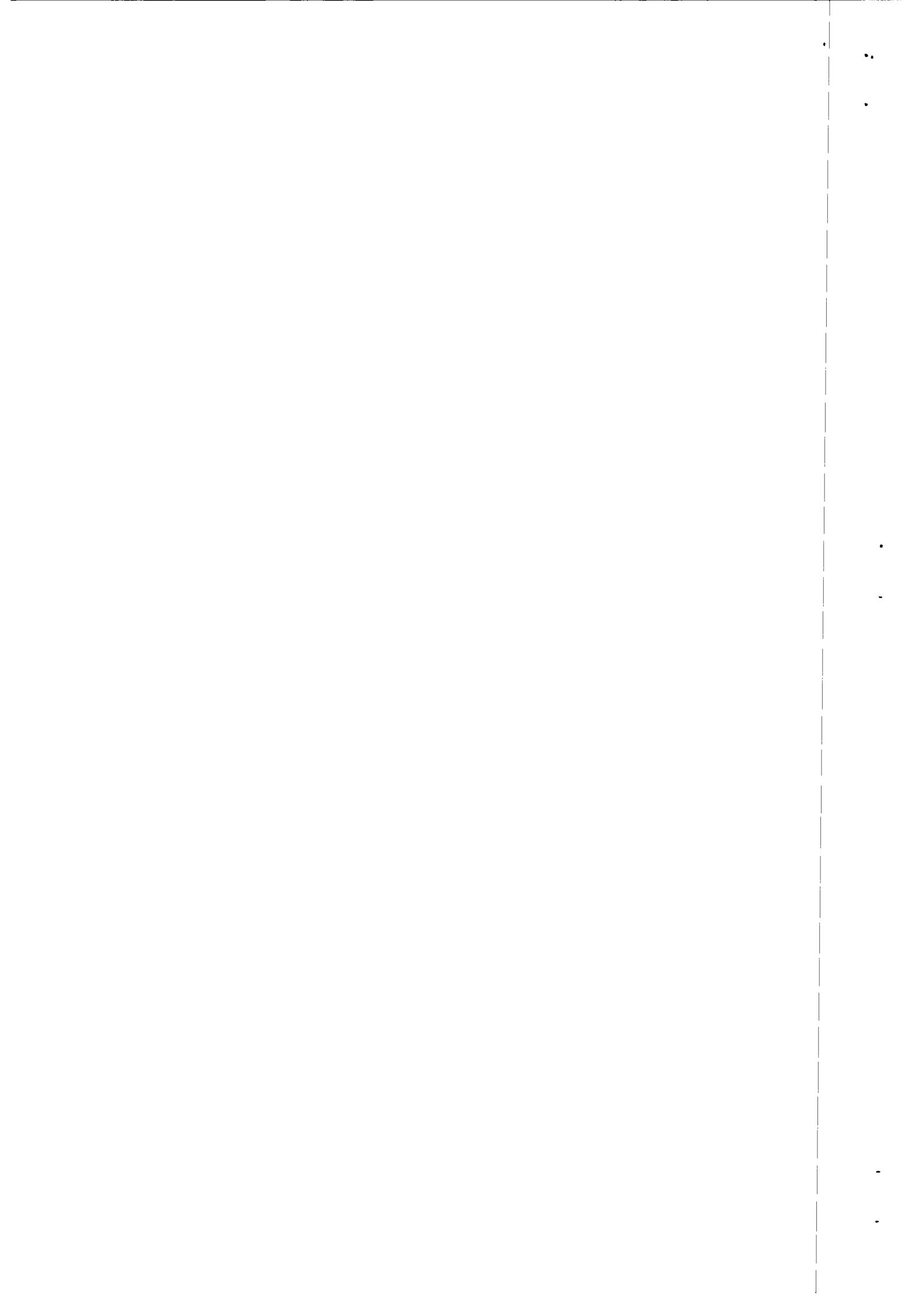


THE ELECTIONS (VOTER EDUCATION) REGULATIONS, 2017

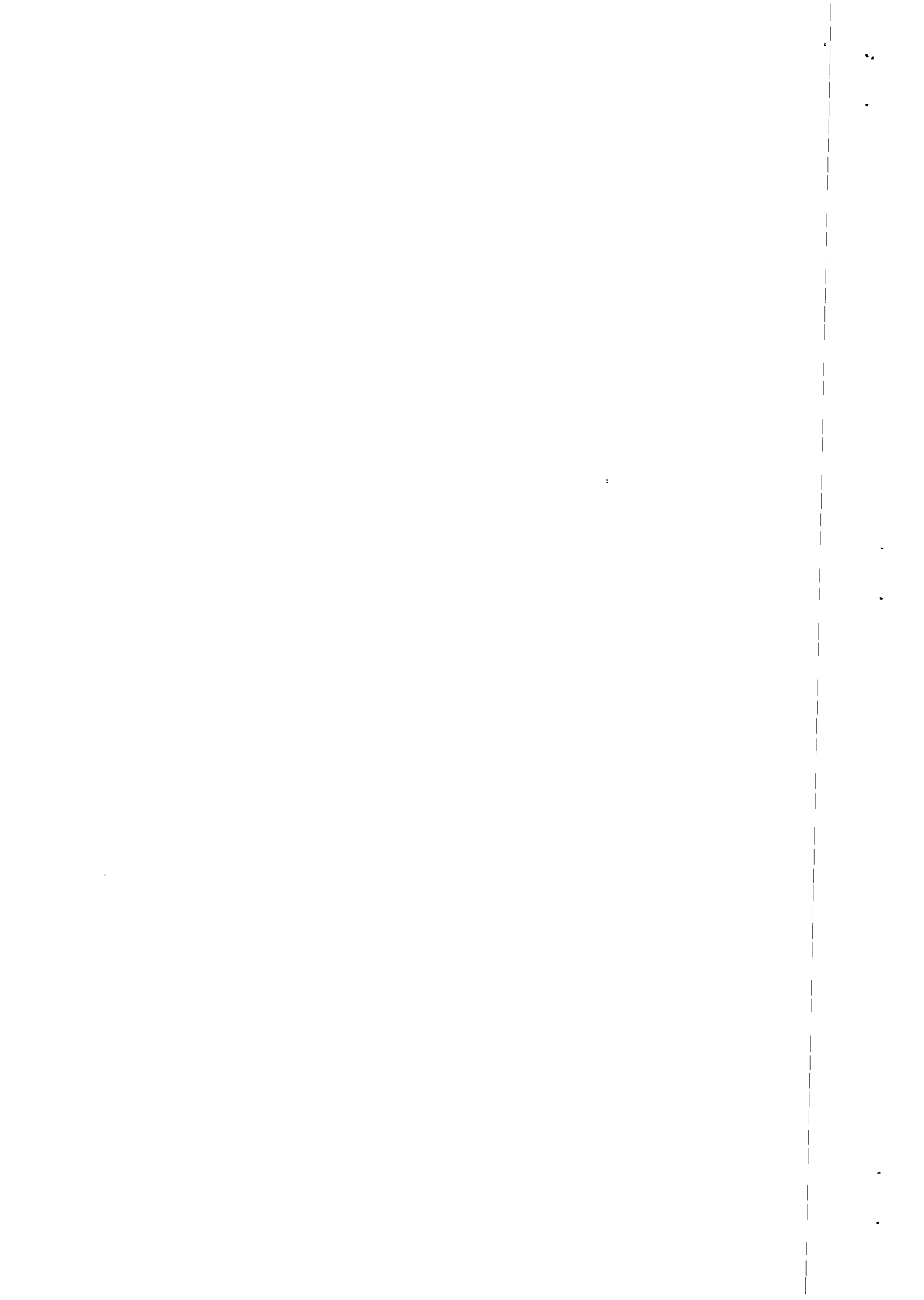
PROVISION	COMMITTEE'S COMMENTS	COMMISSION'S DECISION
2 – Interpretation	Include definition of “voter education curriculum” and “voter educator”	<p>Definitions inserted:</p> <p>“curriculum” means the voter education curriculum developed by the Commission under Regulation 5 and includes support materials 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> <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-</p> <p>(i) women; (ii) persons with disabilities; (iii) youth; (iv) ethnic and other minorities; and (v) marginalized communities.”</p>
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		<p>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.”</p> <p>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.</p>
11- Qualifications and other requirements.	The qualifications need to be outlined in a schedule for purposes of clarity.	<p>Incorporated as:</p> <p>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</p> <p>11(2) deleted</p>
12 - Code of conduct for voter		“Every voter educator and voter education provider”



educators and voter education providers		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.



EXPLANATORY MEMORANDUM TO THE ELECTIONS (VOTER EDUCATION) REGULATIONS, 2017

Name of the Statutory Instrument: the Elections (Voter Education) Regulations, 2017.

Name of the Parent Act: The Elections Act, 2011, No. 24 of 2011.

Enacted pursuant to: The powers conferred by section 109 of the Elections Act, 2011.

Name of the regulation-making authority: The Independent Electoral and Boundaries Commission.

Gazetted on:.....

Tabled on:.....

1. Purpose of the statutory instrument

1.1 Article 88 (4) (g) of the Constitution requires the Independent Electoral and Boundaries Commission to conduct and supervise voter education.

1.2 The current Elections (Voter Education) Regulations, 2012, contemplates establishment of national, sub national and constituency voter education committees. They also require the Commission to assign staff as voter educators. The Regulations also do not make a provision for voter education curriculum.

1.3 The Elections (Voter Education) Regulations, 2012 have proved difficult to implement and the Commission now intends to revoke them and substitute therefor a new set of Regulations capable of implementation.

2. Legislative Context

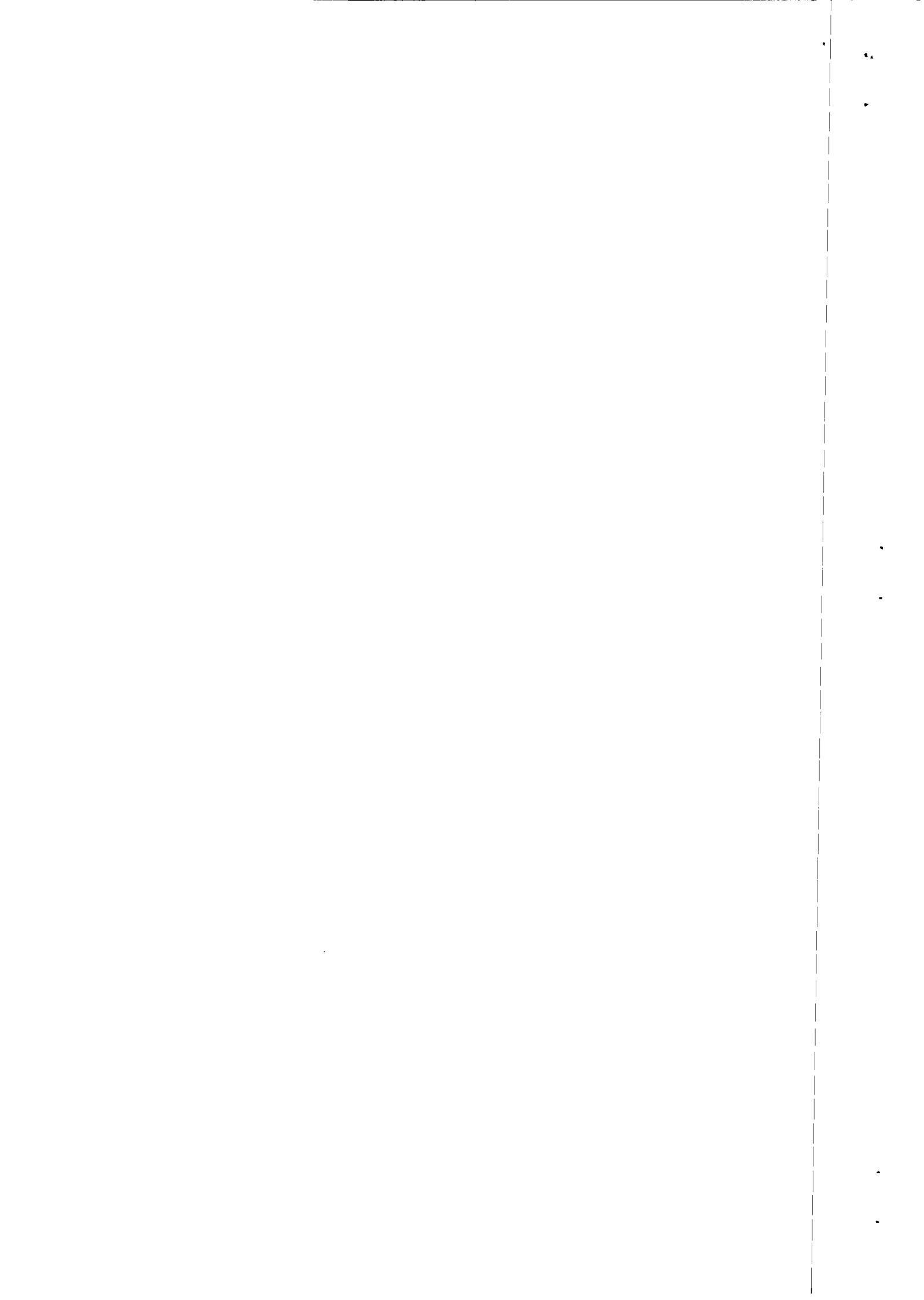
2.1 Following the enactment of the Election Laws (Amendment) Act, No. 36 of 2016 and the Election Laws (Amendment) Act, a number of significant changes have been introduced in Kenya's electoral process. These include the use of technology, the requirement that party primaries be conducted by registered members of a political party and the introduction of new timelines to undertake various electoral processes.

2.2 Given that the general elections are scheduled for August 8 2017, an effective voter education mechanism is of fundamental importance if voters are going to fully exercise their political rights under the Constitution.

2.3 Section 109 (3) the Act requires the Commission to provide for mechanisms for carrying out effective voter education.

2.4 These Regulations are intended to:

- (a) implement Article 88 (4) (g) of the Constitution;



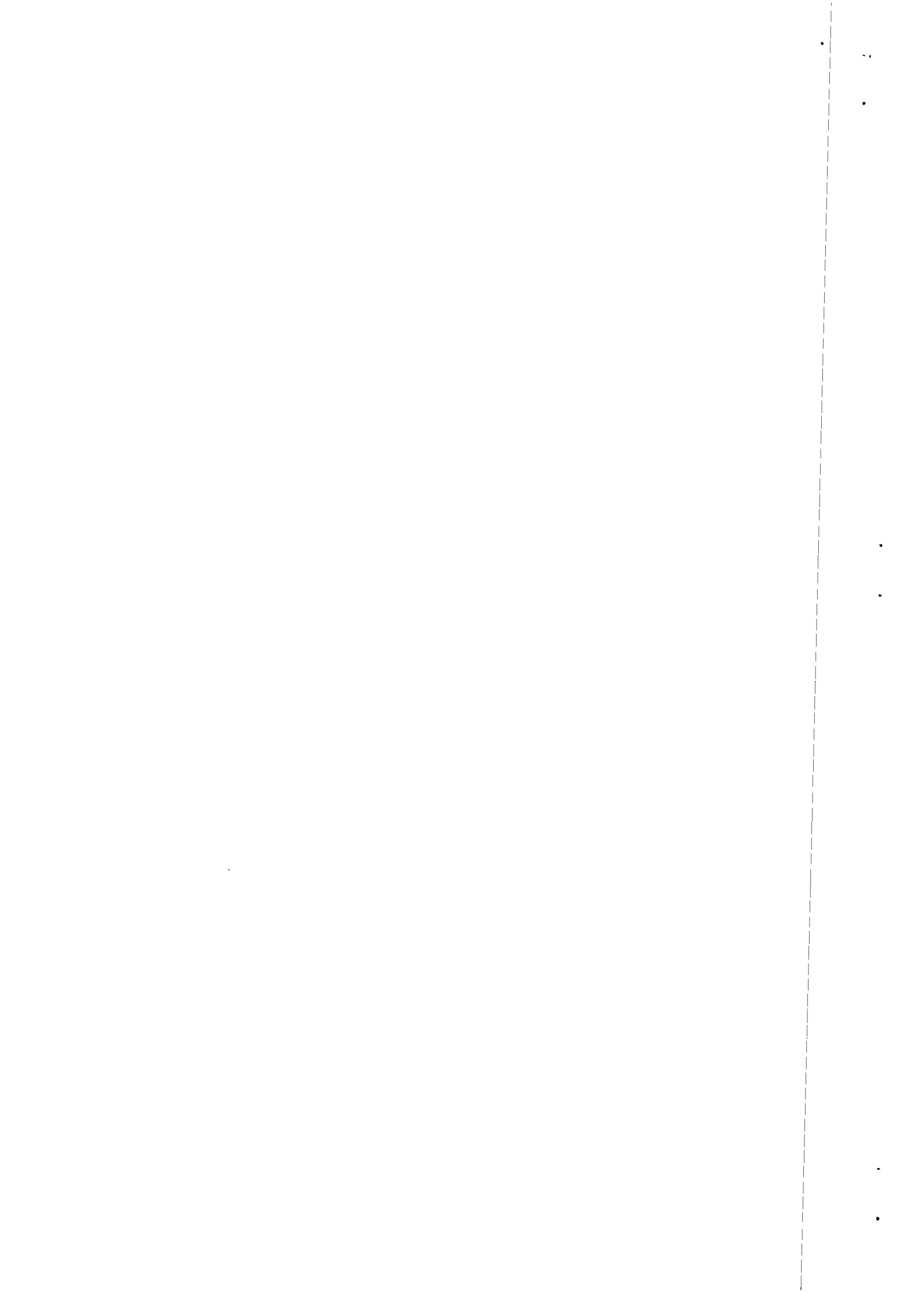
- (b) create an environment for objective and effective voter education for all Kenyans;
- (c) ensure efficient coordination of voter education for purposes of harmonization of the content of the voter education material;
- (d) provide a framework for monitoring and evaluation of voter education programmes; and
- (e) promote effective and efficient use of resources set aside for voter education in Kenya.

3. Policy Background

- 3.1 The policy objective of the recent amendments to the electoral laws was to improve the electoral system and processes so as to ensure that the August 2017 elections are free and fair and administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner. These Regulations fulfill this policy objective by prescribing the procedures for the conduct of party primaries and ensuring that members of a political party are informed of all relevant events leading to party primaries.
- 3.2 These Regulations clearly spells the role of the Commssion in voter education and empowers it to accredit voter education providers. They require that voter education be carried in accordance with the voter education curriculum, nation values and principles of governance and the principles of electoral system in kenya as set out in the Constitution.

4. Consultation outcome

- 4.1 The Commission posted these regulations in its website and invited input from the general public.
- 4.2 On 27th January, 2017 the Commission organized a consultative meeting comprising representatives from civil society. The responses from this meeting was that all the provisions should be retained subject to some non-substantive changes which have since been effected.
- 4.3 On 20th-21st February, 2017 the Commission presented the draft Regulations to the National Assembly Committee on Delegated Legislation after which the Regualtions were revised to take into account the following recommendations by the Committee:
- (a) Define voter education curriculum to mean the curriculum developed and approved by the Commission;
 - (b) Expand the role of the Commmission to include accreditation and maintenance of a register of voter education providers;
 - (c) Insert a clause of voter education curriculum and education materials showing how the actual voter education shall be conducted;



- (d) Insert a clause on determining qualifications for voter educators;
- (e) Harmonize the provisions on party primaries and those of nomination for party lists;
- (f) Require voter education providers to make regular reports on voter education programmes.

5. Regulatory Impact Assessment

5.1 The Commission has taken into account the provisions of section 9 of the Statutory Instruments Act No. 23 of 2013 and is satisfied that these Regulations are merely an amendment of the existing statutory instrument. They do not operate to the disadvantage of any person by decreasing the rights or imposing liabilities on of any person. Consequently, a regulatory impact statement need not be prepared.

6. Guidance

6.1 The recent amendments to the electoral laws were intended to ensure elections are free and fair and administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner. The Commission has remained faithful to the letter and the spirit of the law.

7. Contact

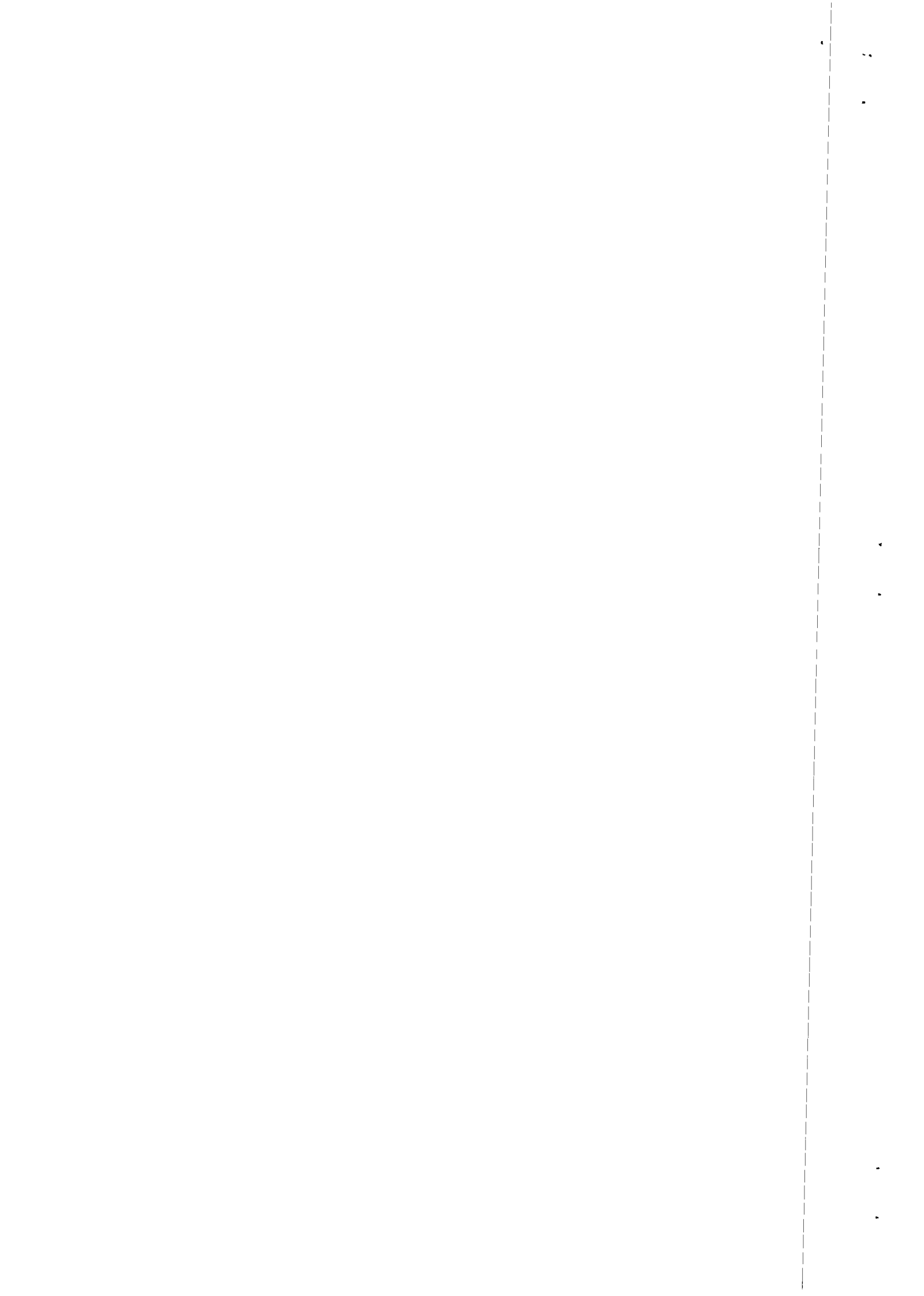
The contact person for purposes of answering questions on this statutory instrument from the Independent Electoral and Boundaries Commission is the Commission Secretary/CEO Ezra Chiloba through: echiloba@iebc.or.ke

Made on the 1st day of March, 2017


Wafula Chebukati

Chairperson

Independent Electoral and Boundaries Commission



LEGAL NOTICE NO.

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 (GENERAL) (AMENDMENT) REGULATIONS, 2017

Citation. 1. These Regulations may be cited as the Elections (General) (Amendment) Regulations, 2017 and shall come into effect upon publication in the *Gazette*.

L.N 128/2012. 2. Regulation 2 of the Elections (General) Regulations, 2012, (in these Regulations referred to as “the principal Regulations”), is amended –

(a) in the definition of “ copy register” by deleting the expression “Principal Register of Voters” and substituting therefor the expression “Register of Voters”;

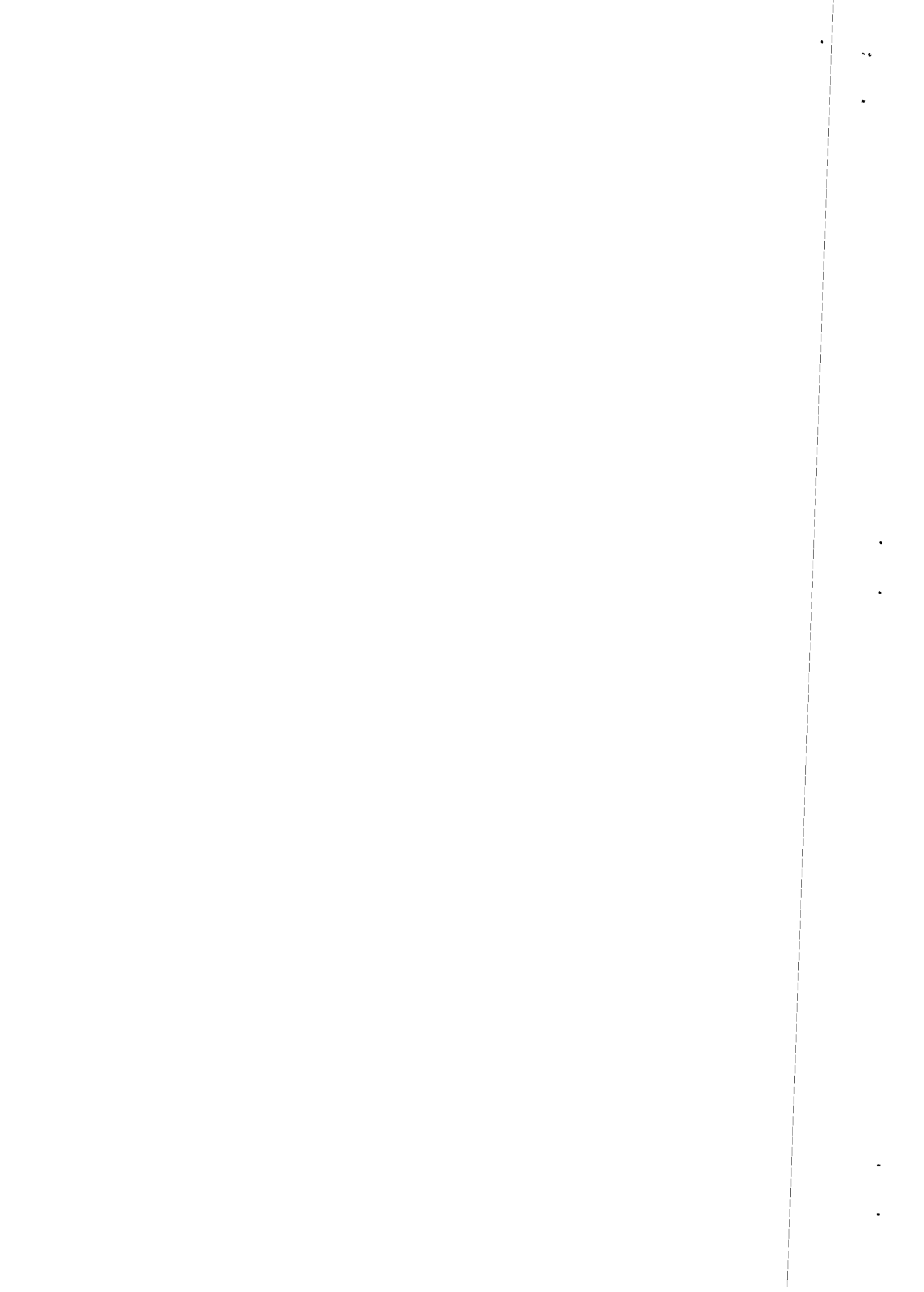
(b) in the definition of “electoral number” by deleting the expression “Principal Register of Voters” and substituting therefor the expression “Register of Voters” ;

(c) by inserting the following new definitions in their proper alphabetical sequence—

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

“party primary” means the process through which a political party elects or selects its candidate for an election;

“polling station diary” means; a record of all the activities at a



polling station on the polling day.

“stray ballot paper” means ballot papers cast in the wrong ballot box;

3. Regulation 3 of the principal Regulations is amended by—
- (a) deleting the marginal note and substituting therefor the following new marginal note—
“Constituency returning officers and other staff”;
 - (b) in sub regulation (1) by—
 - (i) deleting the words “returning officer” and substituting therefor with the following words “Constituency returning officer”;
 - (ii) deleting the words “deputy returning officer” and substituting therefor with the following words “deputy constituency returning officer”;
 - (c) in sub regulation (3) by—
 - (i) deleting the words “returning officer” appearing in the opening statement and substituting therefor with the following words “constituency returning officer”;
 - (ii) deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) “tallying, announcement and declaration, in the prescribed form, of the final results from each polling station in a constituency for the election of a member of the National Assembly and members of the county assembly”;
 - (iii) deleting paragraph (d) and substituting therefor the following new paragraph—
 - (d) “collating and announcing the results from each polling station in the constituency for the election of the President, County Governor, Senator and County Woman member to the National Assembly”;



(iv) deleting paragraph (e) and substituting therefore the following new paragraph—

(e) “submitting, in the prescribed form, the collated results for the election of the President to the national tallying center and the collated results for the election of the County Governor, Senator and County Woman member to the National Assembly to the respective county returning officer”; and

(d) in sub regulation (5) by deleting the words “deputy returning officer” and substituting therefore with the following words “deputy constituency returning officer”.

4. Regulation 4 of the principal Regulations is amended—

(a) in sub regulation 1 by deleting the word “President” appearing in paragraph (b);

(b) by inserting the following new sub regulation immediately after sub regulation (1)—

1A. “The Commission shall transparently and competitively appoint deputy county returning officer who shall, subject to the general direction and control of the county returning officer to whom he or she is a deputy, have all the power, and may perform all the duties, of the county returning officer under these Regulations.”

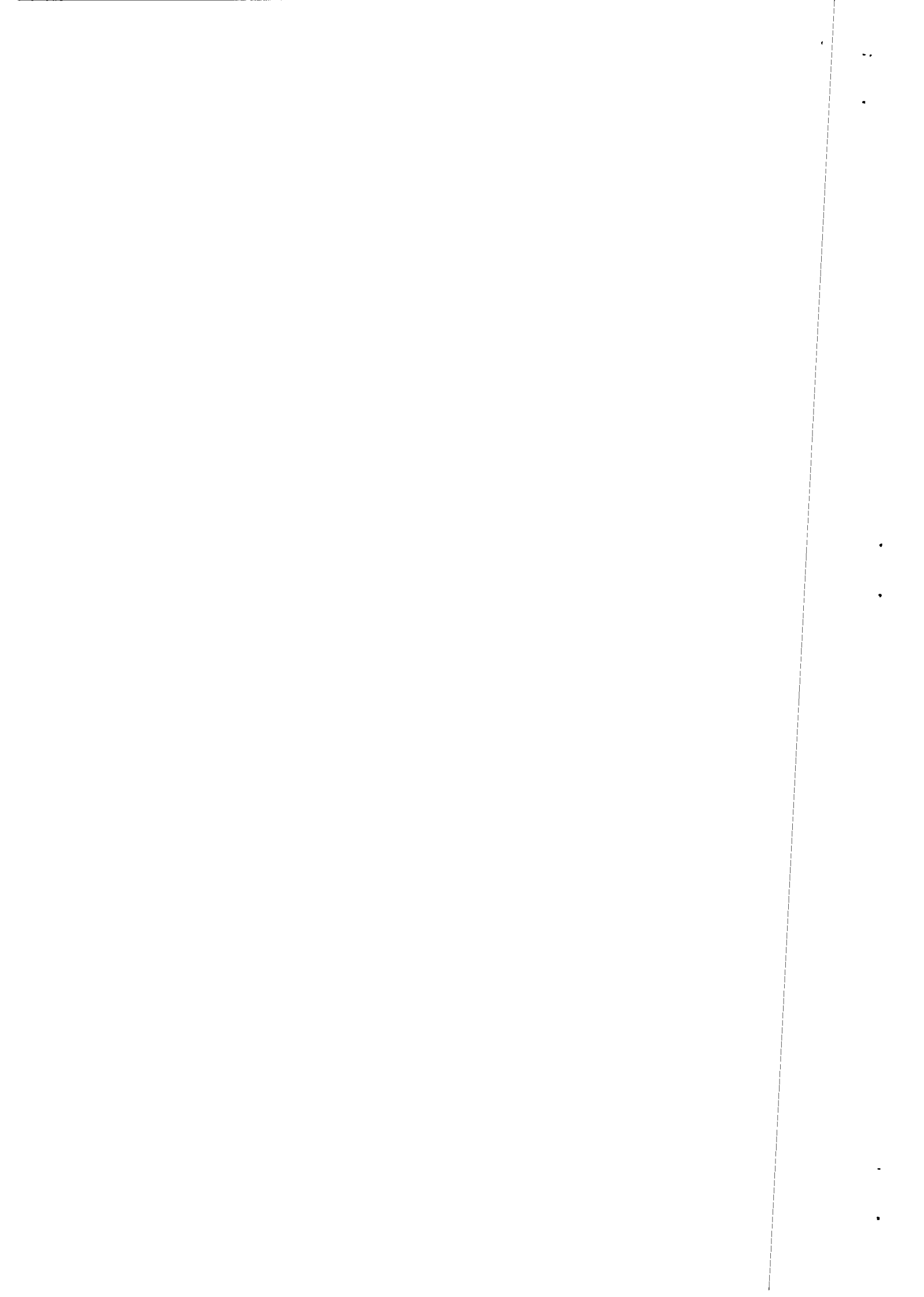
5. Regulation 5 of the principal Regulations is amended by inserting the following new sub regulation immediately after sub regulation 1 –

(1A) The functions of a presiding officer shall be—

(a) presiding over elections at assigned polling station;

(b) tallying, counting and announcement of results at the polling station;

(c) submitting polling station results to the Constituency returning officer; and



(d) electronically transmitting presidential results to the constituency, counties and national tallying centers.

6. Regulation 10 of the principal Regulations is amended by—

(a) deleting the marginal note and substituting therefore the following new marginal note—

“Independent candidate name and symbol”;

(b) inserting the word “name” immediately after the words “publish the” appearing in sub regulation (1) ;

(c) inserting a new sub regulation immediately after sub regulation (1)—

1A. The name of the independent candidate referred to in sub regulation (1) shall be the same as the names appearing in the identification document used for registration as a voter.

(d) inserting a new sub regulation immediately after sub regulation (2)-

3. The independent candidate symbol shall be submitted in an electronic and print format as prescribed by the Commission together with the candidates details filled out in Form xx set out in the Schedule

7. Regulation 13 of the principal Regulations is amended by—

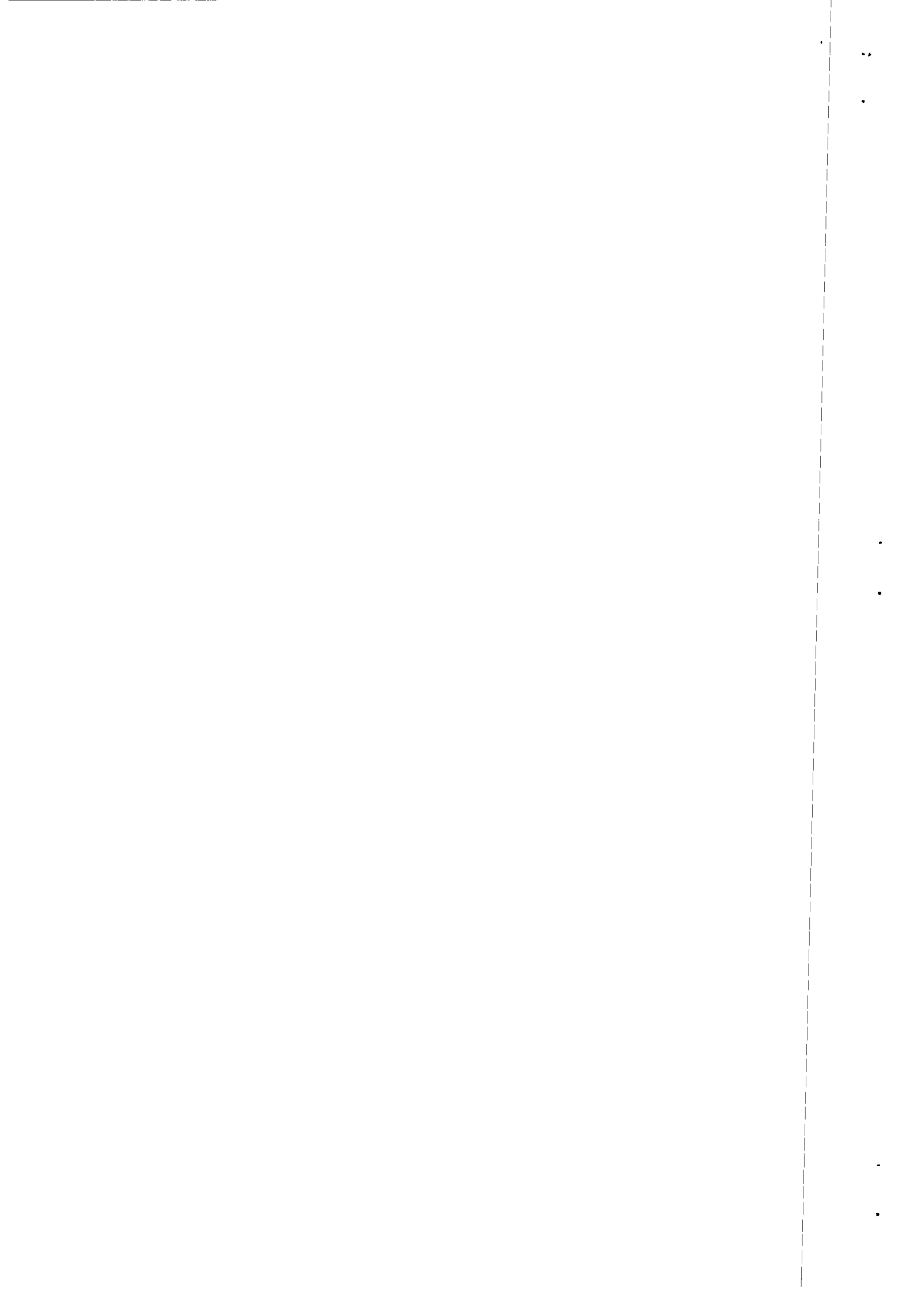
(a) inserting the following new sub regulation immediately after regulation (1)—

(1A) A political party whose nomination rules have been declared void by the Commission under section 27 (2B) of the Act shall not be allowed to participate in the elections.

(b) inserting the following new sub regulations immediately after regulation (2)—

(3) Each political party shall issue a nomination certificate, duly signed by the authorized party officials, to the candidate nominated to participate in the elections.

(4) The Commission shall reject a nomination certificate in which



any alteration appears, unless the persons executing the nomination certificate attest such alteration.

8. The principal Regulations are amended by inserting the following new regulations immediately after regulation 13—

Submission of Party membership lists **13A.** Each political party shall submit to the Commission a party membership list as prescribed in Form 11A in the Schedule

Submission of details by parties for primaries **13B.** Each political party shall submit to the Commission the date, venue and names of persons contesting in party primaries in both printed and electronic format as set out in Forms 11B,11C,11D,11E,11F and 11G

13C. Every political party shall submit the names of the party candidates who have been selected to participate in the general elections in both printed and electronic format as prescribed in Forms 11H,11J,11K,11L,11M and 11N

9. Regulation 14 of the principal Regulations is amended by deleting sub regulation (2) and substituting therefore the following sub regulation—

(2) The list referred to in sub regulation (1) shall be in Form 12 set out in the Schedule.

10. Regulation 15 of the principal Regulations is amended by inserting the word “11N” immediately after the words “prescribed form”

11. Regulation 18 of the principal Regulations is amended—

(a) in sub regulation (1) by deleting the words “and voters’ numbers”;

(b) in sub regulation (2) by deleting the words “voters cards” appearing in paragraph (c) and substituting therefore the words “identification document”.

12. Regulation 24 of the principal Regulations is amended—

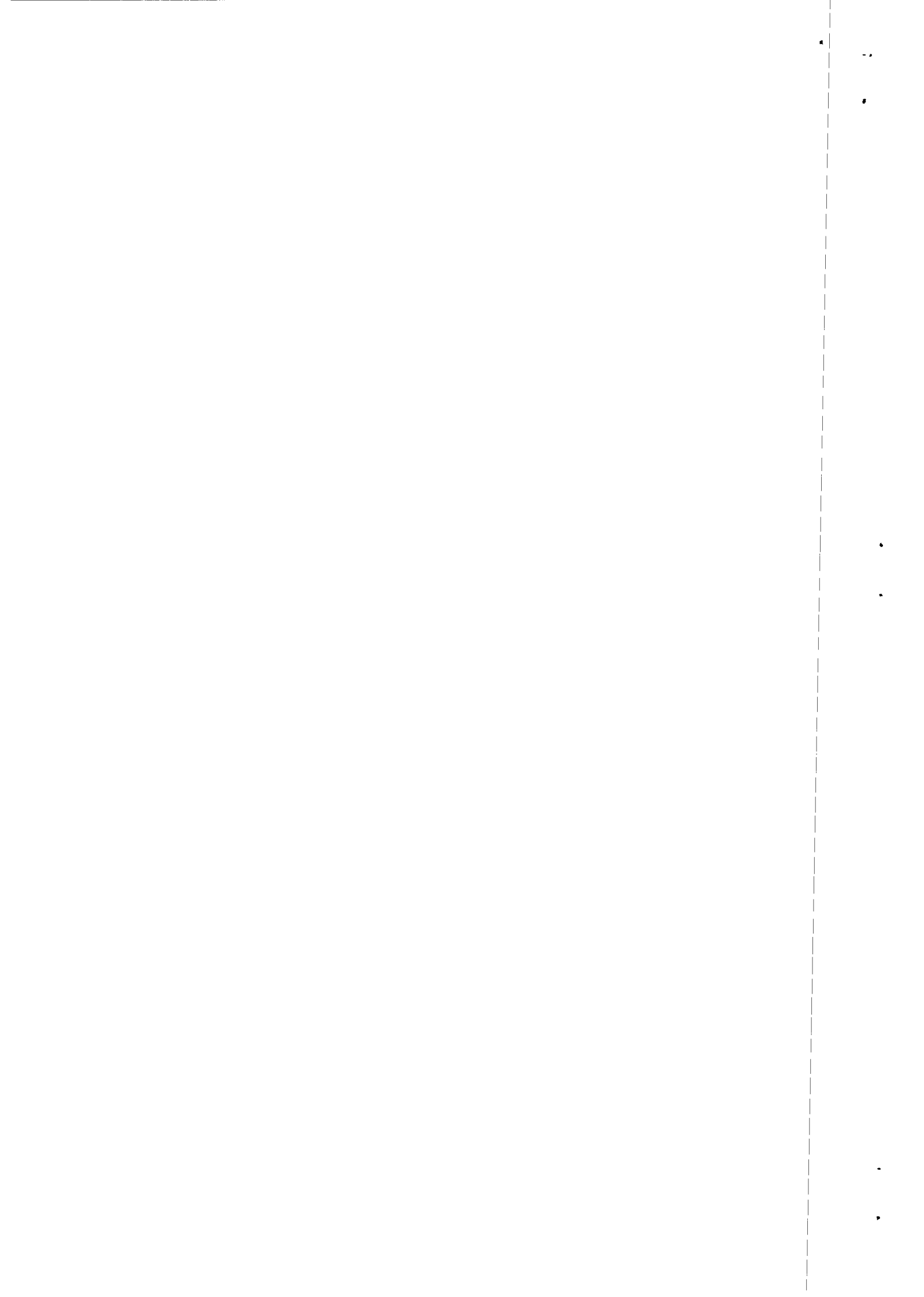


- (a) in sub regulation (1) by deleting the words “voter’s number” and substituting therefore the words “National identification numbers”;
- (b) by deleting sub regulation (2) and substituting therefore the following new sub regulation –
 - (2) The sheets of paper delivered under sub regulation (1) shall—
 - (a) be serially numbered;
 - (b) each have at the top, in typescript, the wording at the top of Form 15; and
 - (c) be accompanied by copies of the identification documents of the voters referred to in sub regulation (1).
 - (d) By inserting a new regulation 24A immediately after regulation 24

24A “where the nomination is for County Woman Member of the National Assembly the candidate shall make an application for nomination in Form 15A as prescribed in the Schedule.

13. Regulation 28 of the principal Regulations is amended—

- (a) in sub regulation (1) by deleting the words “electoral numbers” and substituting therefore the words “National identification numbers”;
- (b) by deleting sub regulation (2) and substituting therefore the following new sub regulation –
 - (2)The sheets of paper delivered under sub regulation (1) shall—
 - (a) be serially numbered;
 - (b) each have at the top, in typescript, the wording at the top of Form 16; and
 - (c) be accompanied by copies of the National identification cards of the voters referred to in sub regulation (1).



14. Regulation 32 of the principal Regulations is amended—

- (a) in sub regulation (1) by deleting the words “electoral numbers” and substituting therefore the words “National identification numbers”;
- (b) in sub regulation (2) by inserting the following new paragraph immediately after paragraph (b)—
 - (c) be accompanied by copies of the National identification cards of the voters referred to in sub regulation (1).

15. Regulation 36 of the principal Regulations is amended—

- (a) in sub regulation (1) by deleting the words “electoral numbers” and substituting therefore the words “National identification numbers”;
- (b) by deleting sub regulation (2) and substituting therefore the following new sub regulation –
 - (2)The sheets of paper delivered under sub regulation (1) shall—
 - (a) be serially numbered;
 - (b) each have at the top, in typescript, the wording at the top of Form 18; and
 - (c) be accompanied by copies of the National identification cards of the voters referred to in sub regulation (1).

16. The principal Regulations are amended by deleting regulation 46 and substituting therefore the following new regulation—

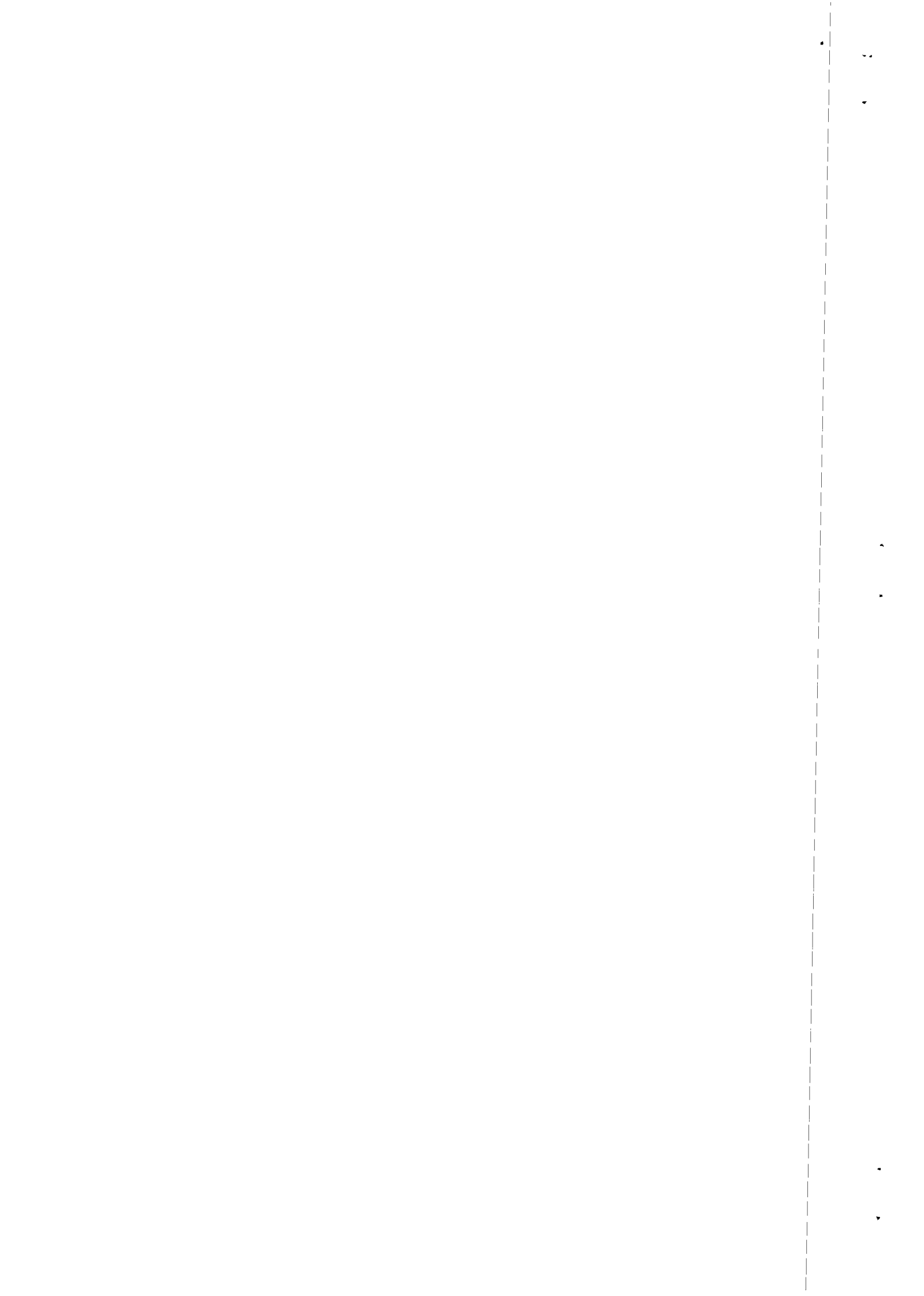
Ethical requirements 46. A candidate shall obtain and submit a self-declaration form from the Ethics and Anti-Corruption Commission as prescribed under the Leadership and Integrity Act, 2012.

17. Regulation 47 of the principal Regulations is amended—

- (a) in sub regulation (1) by inserting the word “certified” immediately before the words “copies of certificates”;
- (b) in sub regulation (2) by deleting the words “Commission for Higher Education” and substituting therefore the words “Commission for University Education” .

18. Regulation 51 of the principal Regulations is amended—

- (a) by deleting sub regulation (3) and substituting therefor the



following new sub regulation-

(3) If, after the closure of nomination no person stands validly nominated, the returning officer shall certify accordingly to the Commission in Form 22 set out in the Schedule;

(b) by inserting the following new sub regulation immediately after sub regulation (3)—

(3A) Where after the closure of nomination no person stands validly nominated under sub regulation (3), the Commission shall publish a notice in the *Gazette* cancelling the holding of the election concerned.

19. Regulation 52 of the principal Regulations is amended by—

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

(b) inserting the words “not later than three days after nomination” at the end;

(c) inserting a new sub regulation immediately after sub regulation (1)—

(2) Where there are only two nominated candidates and one candidate withdraws, the remaining candidate shall be declared duly elected in accordance with regulation 53.

20. Regulation 53 of the principal Regulations is amended by-

(a) inserting the words “and publish a notice in the *Gazette* to that effect” at the end of the regulation.

(b) inserting the following new regulation immediately after regulation 53

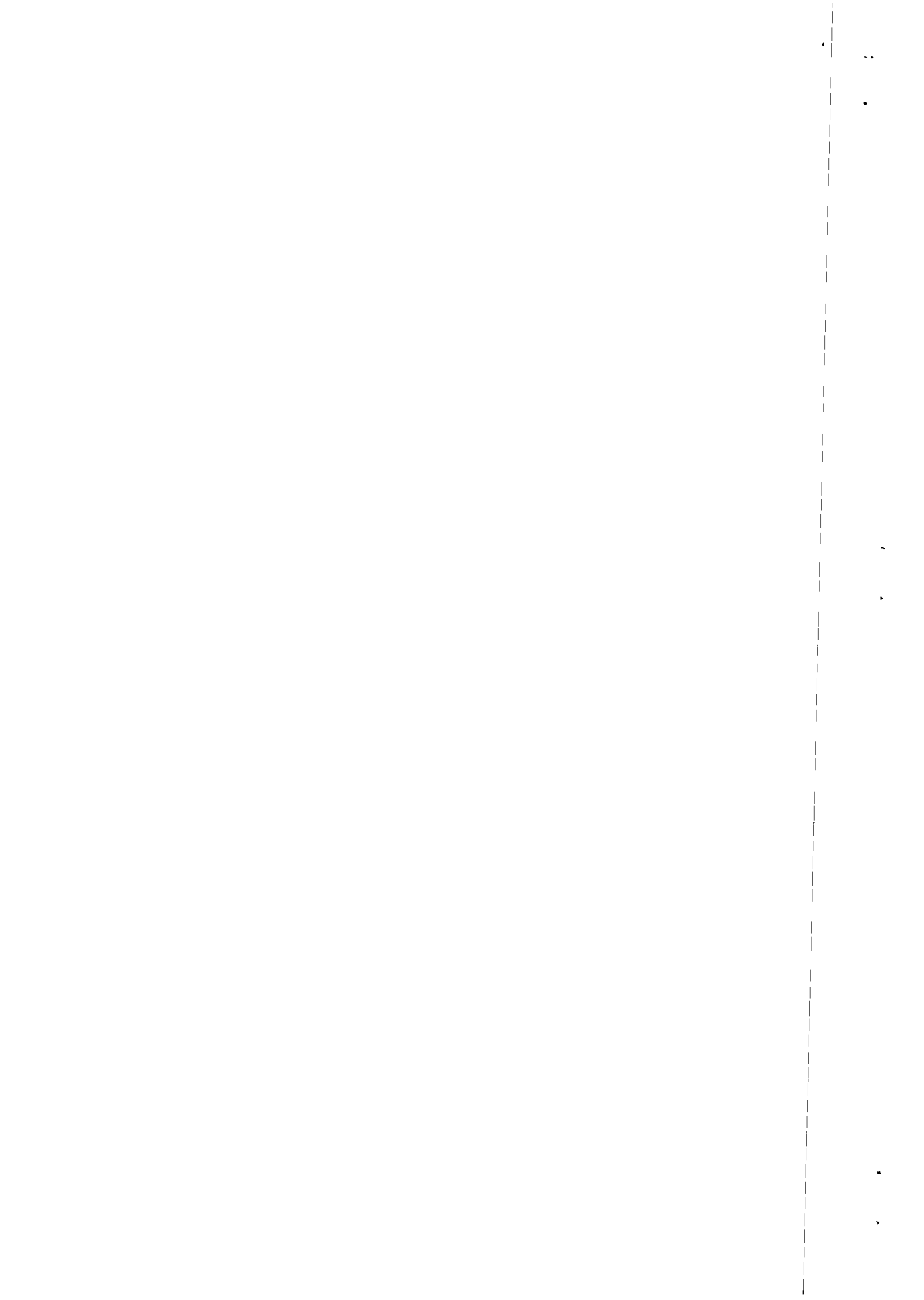
53A Where a candidate has been duly elected the speaker of the relevant assembly shall swear in the candidate within seven (7) days.

21. Regulation 54 of the principal Regulations is amended—

(a) in sub regulation (2)-

(i) by inserting the words “National identity card number or passport number and colored passport photograph image” immediately after the word “occupation”;

(ii) by inserting the words “in the prescribed format that the Commission may specify in Form 24A” after the word “Act”;



- (b) in sub regulation (3)(b)—
 - (i) by deleting the word “and”;
 - (ii) by inserting the words “and such other form that the Commission may specify”;
- (c) by inserting a new sub regulation immediately after sub regulation (4)—
 - (4A) Each political party list nominee representing persons with disabilities shall submit, to the Commission, a certification from the National Council for Persons with Disabilities.

22. Regulation 55 of the principal Regulations is amended—

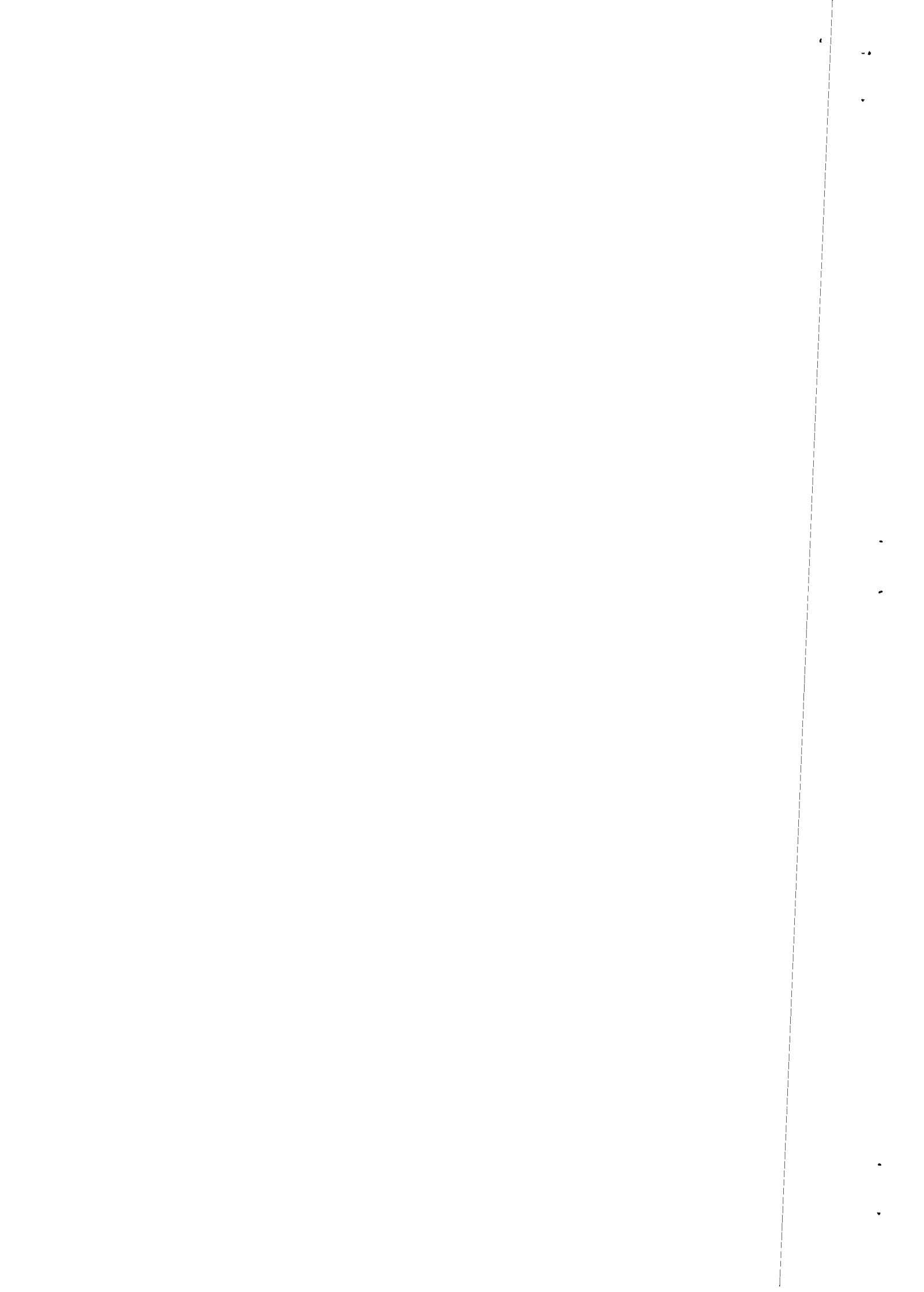
- (a) in sub regulation (2) by inserting the words “shall within fourteen days of receipt” immediately after the word “Commission”;
- (b) in sub regulation (3) by deleting the words “such period as the Commission may specify” and substituting therefor the words “seven days”;
- (c) inserting the following new sub regulation immediately after regulation (3)—
 - (3A) Where a political party fails to amend the party list or resubmit the list as directed by the Commission, the Commission shall reject the party list.

23. The principal Regulations are amended by inserting the following new regulations immediately after regulation 56—

Re-allocation of special seats from the party list.

56A. (1) Where a political party expels its member elected through party list during the term of Parliament or County Assembly as the case may be, the party shall be required to submit—

- (a) resolution or decision of the party;
- (b) notification by the Registrar of Political Parties effecting the expulsion;
- (c) declaration of vacancy from the relevant Speaker; and



(d) court order sanctioning the expulsion where applicable,
to the Commission for re-allocation.

Resignation of
a member
elected
through party
list.

56B. Where a member elected through party list resigns during the term of Parliament or County Assembly as the case may be, the party shall be required to submit—

- (a) the resignation letter; and
- (b) a declaration of vacancy from the relevant Speaker, to the Commission for re-allocation .

24. The principal Regulations are amended by deleting regulation 58.

25. Regulation 61 of the principal Regulations is amended in sub regulation (4) by—

- (a) deleting the word “Principal” appearing in paragraph (a);
- (b) deleting the word “names” appearing in paragraph (a) and substituting therefor the words “biometric data and alpha numerical details”;
- (c) deleting the word “screened from observation” appearing in paragraph (f) and substituting therefor the words “secretly”;
- (d) by inserting the following new sub regulation immediately after regulation (f)—
 - (fa) sufficient number of compartments in which voters can mark their votes secretly with special consideration for persons with disabilities.

26. The principal Regulations are amended by inserting the following new regulation immediately after regulation 64—

Postponement of
an election by the
Commission.

64A (1) The Commission may, where a date has been appointed for holding an election, postpone the election in a constituency, county or ward for such period as it may consider necessary where —

- (a) there is reason to believe that a serious breach of peace is likely to occur if the election is held on that date;



(b) it is impossible to conduct the elections as a result of a natural disaster or other emergencies,

(c) that there has been occurrence of an electoral malpractice of such a nature and gravity as to make it impossible for an election to proceed.

(2) Where an election is postponed under subsection (1), the election shall be held at the earliest practicable time.

(3) Notwithstanding the provisions of this section, the Commission may, if satisfied that the result of the elections will not be affected by voting in the area in respect of which substituted dates have been appointed, direct that a return of the elections be made.

27. Regulation 65 of the principal Regulations is amended by—

(a) deleting the marginal note and substituting therefor the following new marginal note—

“Communication at polling station”;

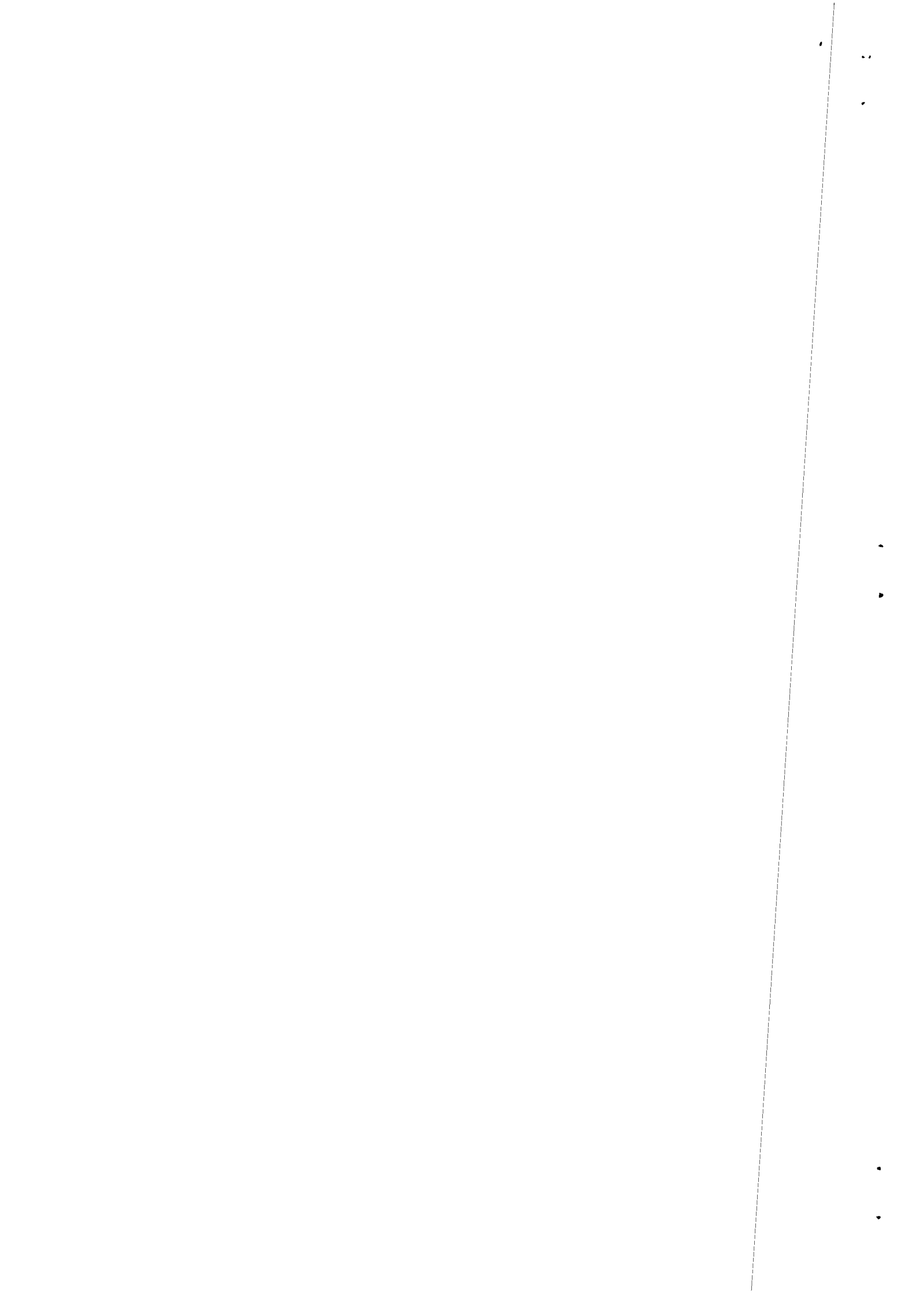
(b) inserting the following new sub regulations immediately after sub regulation (2)—

(3) Every election officer, candidate or agent attending at a polling station shall not communicate, unless for a purpose authorized by law, any information as to the name or number on the Register of Voters of any voter who has or has not applied for a ballot paper or voted at that station.

(4) A presiding officer may, upon request, divulge to a candidate or agent of a candidate the total number of voters who have voted at the station at any time before the poll is closed.

28. Regulation 68 of the principal Regulations is amended in sub regulation (4) by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) contain the name and symbol of the candidate validly nominated.



29. Regulation 69 of the principal Regulations is amended in sub regulation (1) by—

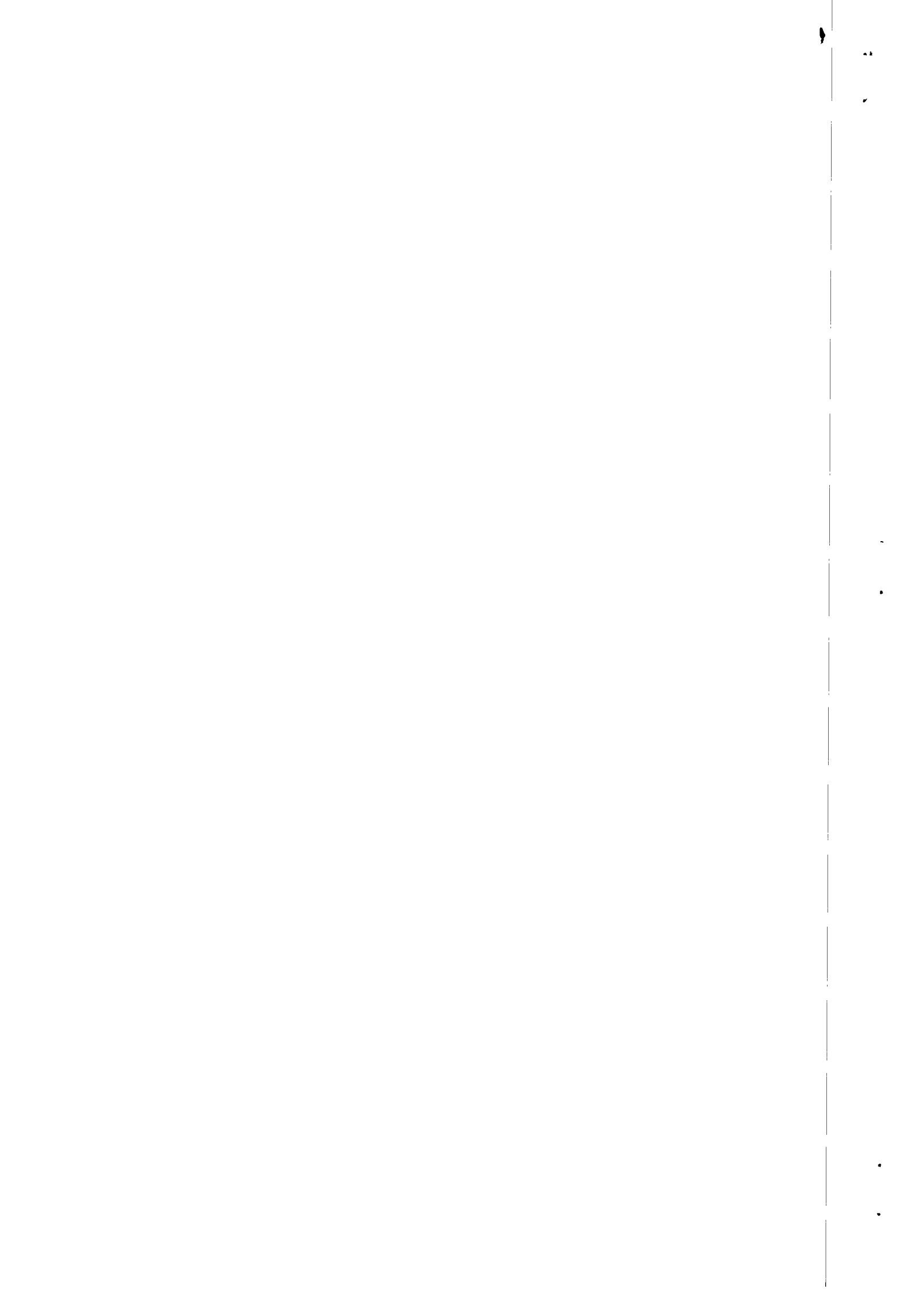
- (a) inserting the words “from the printed copy register” in paragraph (d) immediately after the word “voter”;
- (b) deleting the words “in case of an electronic register’ in paragraph (d) immediately before the words “require”;
- (c) deleting paragraph (e), (f) and (g).
- (d) inserting the following new sub regulation immediately after paragraph (g)—
- (h) in case the electronic voter identification device fails to identify a voter the presiding officer shall—
 - (i) invite the agents and candidates in the station to witness that the voter cannot be identified using the device;
 - (ii) complete verification form 32A in the presence of agents and candidates;
 - (iii) identify the voter using the printed Register of voters;
 - (iv) once identified proceed to issue the voter with the ballot paper to vote.

30. Regulation 75 of the principal Regulations is amended by inserting the following new sub regulation immediately after sub regulation (5)—

- (6) At the end of voting and before counting of the ballots and in the presence of candidates and agents, the presiding officer shall enter in the polling station diary the number of persons identified during polling using the printed register of voters.

31. Regulation 78 of the principal Regulations is amended—

- (a) in sub regulation (1) by inserting the words “and shall be treated as rejected for the purpose of the declaration of election results at the polling station” immediately after the words “rejection objected



to”;

- (b) by inserting the following new sub regulation immediately after sub regulation (2)—

(2A) The presiding officer shall make a decision on the validity of the disputed ballot paper under sub regulation (2) and award it to a candidate and such decision shall be final.

32. Regulation 79 of the principal Regulations is amended by-

- (a) in sub regulation 2(a) deleting the words “form 34” immediately after the words “shall be in” and replacing therefor with the words “Form 34A”
- (b) in sub regulation 2(b) deleting the words “form 35” immediately after the words “shall be in” and replacing therefor with the words “Form 35A, 36A, 37A, 38A, 39A”

33. The principal Regulations are amended by deleting regulation 81 and substituting therefor the following new regulation—

Sealing of
ballot boxes by
presiding
officer.

81. (1) Upon completion of a count ,including a recount, the presiding officer shall seal in each respective ballot box—

- (a) valid votes;
- (b) rejected ballots sealed in a tamperproof envelope;
- (c) unused ballot papers sealed in a tamperproof envelope;
- (d) counterfoils of used ballot papers sealed in a tamperproof envelope;
- (e) copy of election results declaration forms; and
- (f) stray ballot papers in a tamperproof envelope.
- (2) The presiding officer shall deliver, to the returning officer—
- (a) the sealed ballot boxes;
- (b) the statements made under regulations 78 and 79;
- (c) copy of the Register of Voters; and

(d) polling station diary.

34. Regulation 82 of the principal Regulations is amended in sub regulation (2) by deleting the expression “regulation 73” and substituting therefor the following expression “regulation 76”.

35. The principal Regulations are amended by deleting regulation 83 and substituting therefor the following new regulation—

Tallying and
announcement
of election
results.

83. (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 final results from each polling station in a constituency for the election of a member of the National Assembly and members of the county assembly,

(b) the returning officer shall disregard the results of the count of a polling station where the total valid votes exceeds the number of registered voters in that polling station.;

(ba) the returning officer shall disregard the results of the count of a polling station where the total votes exceeds the total number of voters who turned out to vote in that polling station.;

(c) collate and publicly announce to the persons present the results from each polling station in the constituency for the election of the President, county Governor, Senator and county women representative to the National Assembly;

(d) complete the relevant form 35B and 36B for the respective elective position 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;

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- (ii) total number of registered voters;
- (iii) votes cast for each candidate or referendum side in each polling station;
- (iv) number of rejected votes in each polling station;
- (v) aggregate number of votes cast in the respective electoral area; and
- (vi) aggregate number of rejected votes; and

(e) sign and date the relevant forms and publicly declare the results for the position of—

- (i) member of County Assembly;
- (ii) member of National Assembly; and

(f) issue certificates to persons elected in the county assembly and National Assembly elections in Forms 35D and 36D respectively set out in the Schedule.

(2) Deliver to the county returning officer the collated results for the election of the county Governor, Senator and county women representative to the National Assembly.

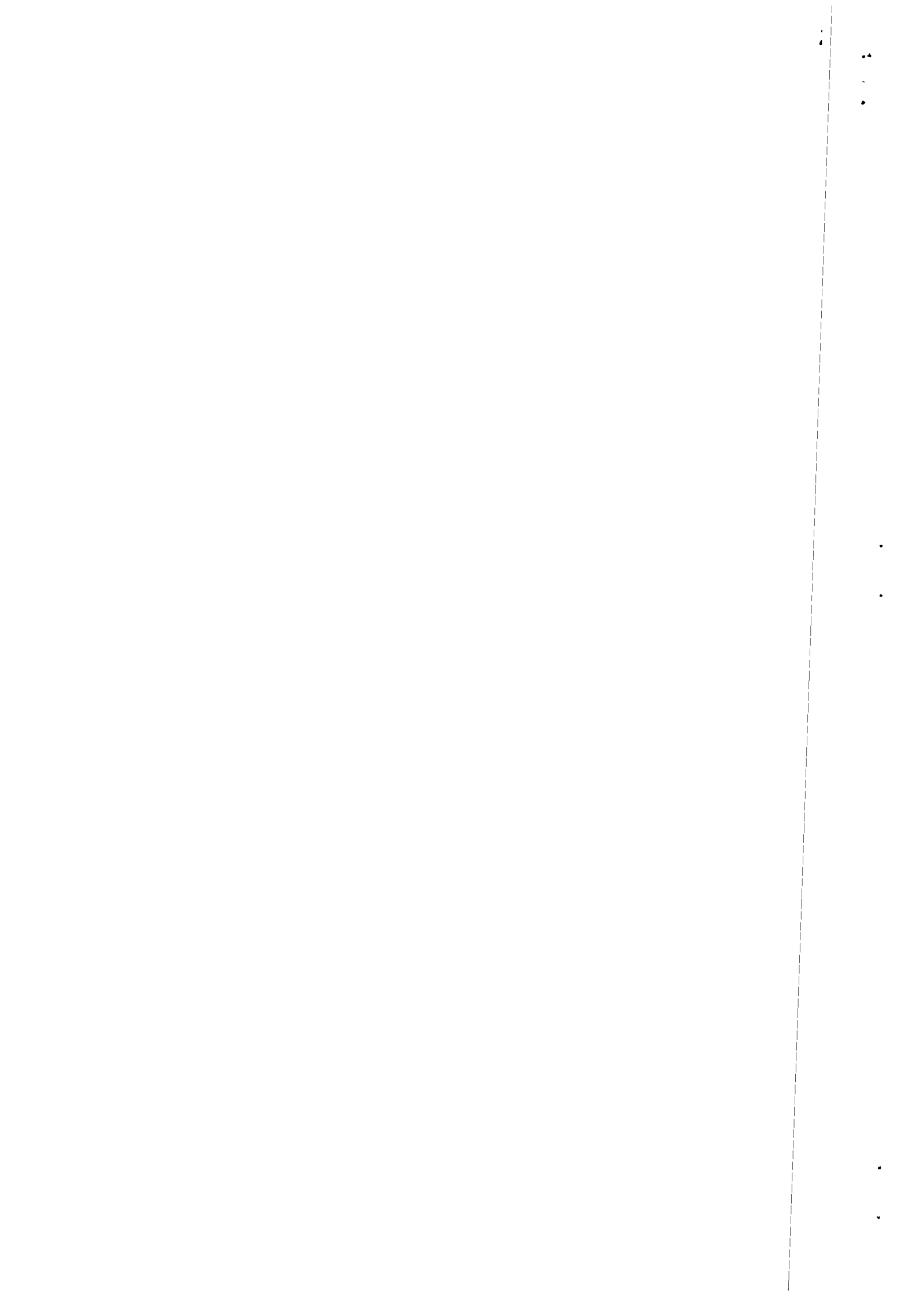
(3) Deliver to the Chairperson of the Commission the collated results for the election of the President to the national tallying centre.

(4) The chairperson shall tally and verify the results received at the national tallying centre.

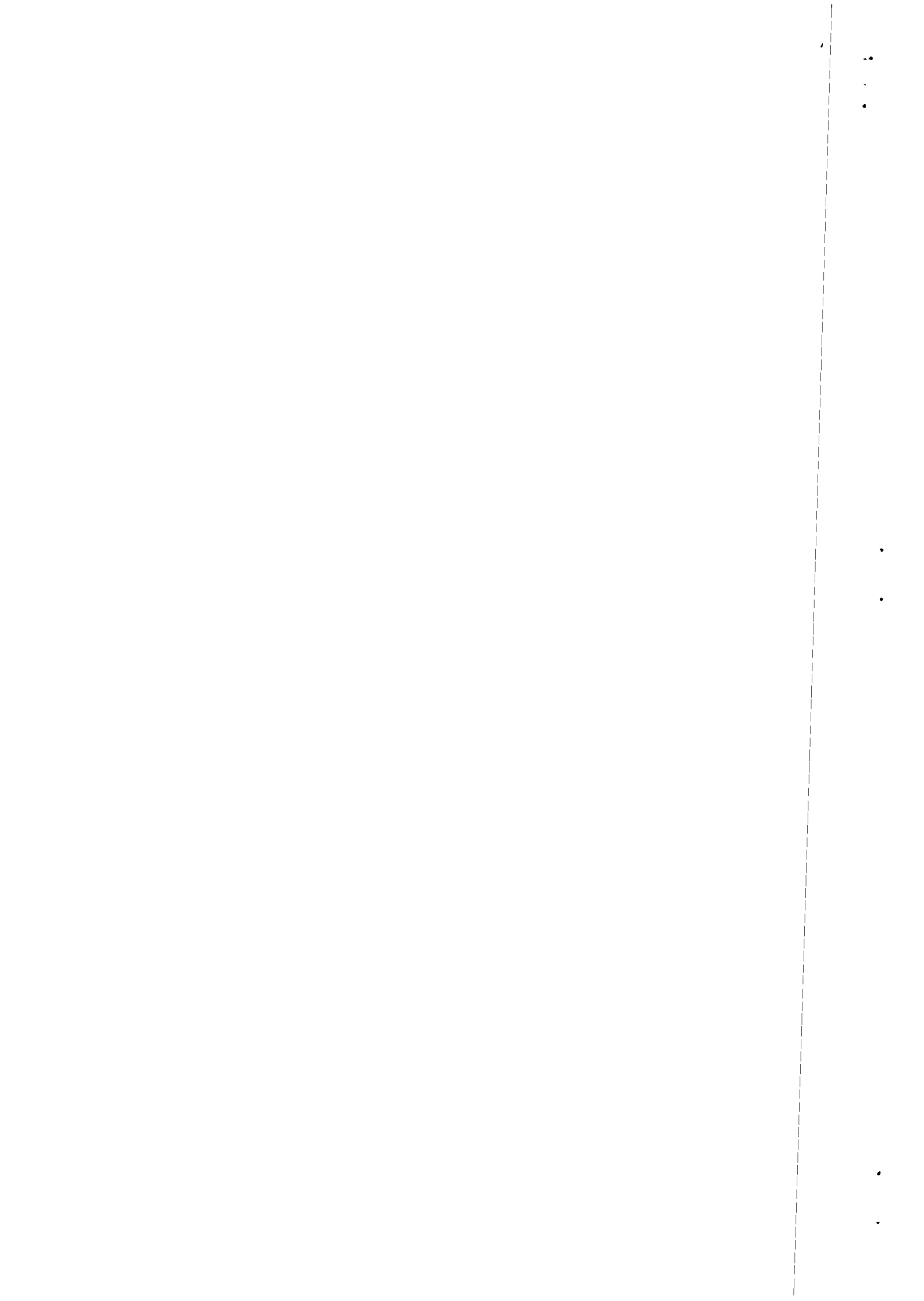
36. The principal Regulations is amended by deleting regulation 86 and substituting therefore the following new regulation—

Safe keeping of election materials. 86. After the final tallying and announcement of results, the returning officer shall keep in safe custody the following documents—

- (a) copies of all election result declaration forms
- (b) copies of the register of voters sealed and labelled;



- constituency;
 - (v) aggregate number of votes cast in the respective electoral area; and
 - (vi) aggregate number of rejected votes; and
- (c) sign and date the relevant forms and publicly declare the results for the position of—
- (i) County Governor;
 - (ii) Senator; and
 - (iii) County Woman member to the National Assembly; and
- (d) issue certificates to persons elected in the County Governor, Senator, County Woman member to the National Assembly and elections in Forms 37D, 38D and 39D respectively set out in the Schedule.
- (4) Upon receipt of Form 34A from the constituency returning officers under sub regulation (1), the Chairperson of the Commission shall—
- (a) verify the results against Forms 34A and 34B received from the constituency returning officer at the national tallying centre;
 - (b) tally and complete Form 34C;
 - (c) announce the results for each of the presidential candidates for each County;
 - (d) sign and date the forms and avail a copy to any candidate or the national chief agent present;
 - (e) publicly declare the results of the election of the president in accordance with Articles 138(4) and 138(10) of the Constitution;
 - (f) issue a certificate to the person elected as president in Form 34D set out in the Schedule; and
 - (g) deliver a written notification of the results



- (c) the Electronic Voter Identification Device;
- (d) put the polling station diaries in a separate ballot box , seal and label the box; and
- (e) keep the sealed ballot boxes and all materials relating to the election in safe custody for such period as may be required under these Regulations and the Act.

37. The principal Regulations is amended by deleting regulation 87 and substituting therefore the following new regulation—

Returns of persons
elected.

87. (1) The constituency returning officer shall, as soon as practicable—

(a) deliver to the respective county returning officer, the collated results for County Governor (Form 37B), Senator (Form 38B) and County Woman Member to the National Assembly (Form 39B); and

(b) deliver to the National tallying centre all Form 34A from the respective polling stations and the summary collation forms.

(2) The county returning officer shall upon receipt of the results from the constituency returning officers as contemplated under regulation (1)—

(a) tally and announce the results for the county governor, senator and county woman representative to the National assembly;

(b) complete Forms 37C, 38C and 39C set out in the Schedule in which the county 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

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to the Chief Justice and the incumbent president within seven days of the declaration,

Provided that the Chairperson of the Commission may declare a candidate elected as the President before all the Constituencies 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

(h) 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 County 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 34D set out in the Schedule to the candidate who has been elected President.

38. Regulation 88 of the principal Regulations is amended in sub regulation 2 by deleting the expression “Form 39” and substituting therefor the following new expression “Form 40”.
39. The principal Regulations are amended by inserting the following new regulation immediately after regulation 96—
- Reference to LN. 127/2012. to **96A.** Regulations 94, 95 and 96 shall be read together with the Elections (Voter Education) Regulations, 2012.
40. The principal Regulations are amended by deleting Regulation 99.
41. The principal Regulations are amended by deleting Part XV
42. The principal Regulations are amended by deleting the Schedule and substituting therefor the following new Schedule—

SCHEDULE

Made on the....., 2017.

WAFULA WANYONYI CHEBUKATI,
Chairperson,
Independent Electoral and Boundaries Commission.

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v
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DECLARATION BY ELECTION OFFICIAL

I.....of ID No. / Passport No.
being a Presiding Officer / Deputy Presiding Officer / Clerk / Agent / Interpreter at
..... 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 the 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 theday of....., 20.....and on theday of 20.....

Dated the, 20

If the presidential elections is contested, the poll will take place on the day of 20.....

Dated the..... day of 20

.....
Chairperson,
Independent Electoral and Boundaries Commission

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 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 County assembly 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 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

NOTICE OF PARLIAMENTARY ELECTION

An election is to be held for a member to serve in the National Assembly / Senate for the Constituency / County.

The day for nomination for the parliamentary election will be theday of 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 theday of, 20

If the parliamentary election is contested the poll will take place on theday of 20.....

Dated the..... day of 20

.....

Chairperson,

Independent Electoral and Boundaries Commission

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 theday of 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 theday of 20

If the County Governor Election is contested the poll will take place on theday of20.....

Dated the..... day of 20

.....
Chairperson,
Independent Electoral and Boundaries Commission

NOTICE OF COUNTY ASSEMBLY ELECTION

An election is to be held for 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 day of 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 theday of 20.....

If the County Assembly Ward Election is contested the poll will take place on theday of 20

Dated the..... day of 20

.....
Chairperson,
Independent Electoral and Boundaries Commission

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 theday of, 20.....

.....

.....

Returning Officer,

..... *Constituency*

FORM 9

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.....day of 20

Each political party wishing to participate in the election must finalize their nomination of candidates before theday of 20

Nomination papers for the election may be delivered to the returning officer between the hours of eight o'clock in the morning and one o'clock on theday of 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 theday of 20

.....
Returning Officer

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.....day of 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 theday of, 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 theday of 20

.....

Returning Officer

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 theday of20

Each political party wishing to participate in the election must finalize their nomination of candidates before the, 20Nomination 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 theday of 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 theday of 20

.....

Returning Officer

**LIST OF NOMINATED CANDIDATES IN PARTY PRIMARIES
PRESIDENTIAL CANDIDATES**

Party Name: Party Code:

No	Surname	Other Names	ID/Passport Number	Gender	Year Of Birth	Type of Disability (if any)

