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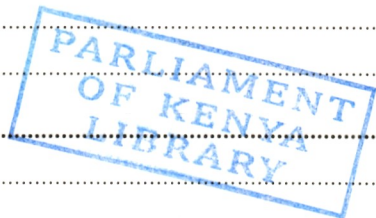
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REPORT ON THE 1997 GENERAL ELECTIONS

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ABBREVIATIONS/ACRONYMS

ACK	Anglican Church of Kenya
AIE	Authority to Incur Expenditure
AP	Administration Police
CBO	Community Based Organisation
CJPC	Catholic Justice and Peace Commission
COC	Code of Conduct
CP	Commissioner of Police
DAP	Democracy Assisted Party
DCP	Democratic Congress Party of Kenya
DDDGD	Democratic Development Donor Group
DEC	District Election Co-ordinators
DP	Democratic Party
ECK	Electoral Commission of Kenya
ECWD	Education Centre for Women in Democracy
EIP	Economic Independent Party
ESAF	Enhanced Structural Adjustment programme
FORD	Forum for the Restoration of Democracy
FPK	Federal Party of Kenya
GAP	Green African Party
IED	Institute for Education in Democracy
IMF	International Monetary fund
IPK	Islamic Party of Kenya
IPPG	Inter-Parliamentary Party Group
KADU	Kenya African Democratic Union
KANU	Kenya African National Union
KBC	Kenya Broadcasting Corporation
KENDA	Kenya National Democratic Alliance
KNC	Kenya National Congress
KNEC	Kenya National Examination Council
KNPDP	Kenya National People's Democratic Party
KPA	Kenya Ports Authority
KPU	Kenya People's Union
KSC	Kenya Social Congress
KSP	Kenya Socialist Party
KTN	Kenya Television Network
KUJ	Kenya Union of Journalists
LPD	Labour Party Democracy
LPK	Liberal Party of Kenya
MP	Member of Parliament
NCCK	National Council of Churches of Kenya
NCWK	National Council of Women in Kenya
NDP	National Development Party
NGO	Non-Governmental Organisation
NPDP	New People's Democratic Party
NTP	National Treaty party of Kenya
OMR	Optical Mark Reader
PICK	Party of Independent Candidates of Kenya
PO	Presiding Officer
PPK	People's Party of Kenya

RFPK	Reform of Political Party of Kenya
RO	Returning Officer
RPKU	Reform of Political and Kenya Union
RRP	Republican Reform Party
SDP	Social Democratic Party
SPK	Shirikisho Party of Kenya
STV	Stellavision Television
UPK	Umma Patriotic Party of Kenya
UPP	United Patriotic Party of Kenya

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FOREWORD

The Electoral Commission of Kenya is glad to have compiled and produced this report. It is hoped that this will contribute to the advancement and deepening of democracy in Kenya. Those on whom the responsibility of conducting elections will be placed in future would benefit immensely from this report. Additionally, those who would like to see the Commission play a strong role in the cause of democracy should find a lot to learn in this report.

The Commission acknowledges the immense contribution and support from its partners in the production of this report. Leading amongst these is the United Nations Development Programme (UNDP). This organisation provided all the finances and the logistical support required to compile and produce the report. The second category of partners were the consultants, that is, Grace Githu, Gondi Hesbon Olum and Abel Ndumbu. These Kenyans gathered together the materials that appear in this report. In so doing, they obtained information from the Commission, mainly from its official files, computer data and other records. They also obtained other information from government officials, election observation reports and media reports. They then wove this together with their own ideas. It is a commendable effort and the Commission is very grateful for their contribution. Their support staff deserve to be commended as well.

All the Commission staff, including the district election co-ordinators and returning officers, made their contribution by talking to the consultants and responding to their queries. Their contribution must be recognised. The Commission would especially like to thank the Commissioners who methodically proof-read drafts and offered opinions on the report's contents. The Commission's secretariat staff also deserve sincere praise for the hard work they put in this effort. Last but not least, the Government officials who accepted to be interviewed, and who gave information to the consultants, must be thanked and commended.

With the completion of this task, the Commission has produced its first general elections report since 1963. It would like future Commissions to do likewise. This may require the support and contributions of well wishers as well as the Government. It will be a veritable act of charity and a valuable demonstration of their commitment to the ideals of democracy for those who will support the Commission thus.


Samuel M. Kivuitu
Chairman, Electoral Commission of Kenya

April, 1999

CHAPTER 1

INTRODUCTION

1.1 Purpose of the Report

Following the December 1997 general elections in Kenya, a number of reports were written and disseminated¹. In all these reports, the role of the Electoral Commission of Kenya (the Commission), the body officially mandated to supervise elections in Kenya, has not been adequately documented. Similarly, many of the reports produced so far have a common theoretical and practical orientation in the sense that they provide independent and largely unofficial perspectives of the election process. Some of their conclusions and recommendations largely reflect their own particular interests, experiences and orientations. Thus a report that provides an account of events and processes as perceived by the Commission will provide an important perspective on the elections.

So much water has passed under the bridge since the 1997 general elections. Many people have been expecting to see a report published by the Commission regarding the elections, particularly in view of the logistical problems that characterised these polls. The report, which is the first official report on elections in Kenya since 1963 is therefore the Commission's information and self-evaluation with regard to these elections. It attempts to give an accurate and up-to-date documentation of events, trends and processes relating to the elections. The report will add to the existing pool of knowledge regarding electoral information. It will also serve as an official account and authorised record for the Commission's own reference as well as a source of research data and information to various stakeholders including NGOs, universities, politicians and other interested parties. In other words, the report will assist the Commission in expanding information dissemination and will help in improving its performance in undertaking its constitutional and statutory functions.

¹ Some of these include the report by the observation exercise mounted jointly by the Institute for Education in Democracy, the National Council of Churches of Kenya and the Catholic Justice and Peace Commission; the report by the Democracy Development Donor Group; the report by the Norwegian Institute of Human Rights; and media monitoring report by the Kenya Human Rights Commission as well as the Media Institute.

1.2 Approach

This report is an in-depth account of events and processes leading to, and resulting from the December 1997 general elections held in Kenya. This is done from the point of view of the Commission's role in the management and supervision of these elections. The account describes the following: -

- The prevailing socio-political environment in which the elections were conducted
- The physical and financial circumstances attendant to the elections
- The logistics, methods and actions devised by the Commission to execute the elections
- The conduct of the actual events of the polling process
- The lessons learnt from the elections which will, or should lead to improved performance in future elections

In compiling the report, due attention was paid to the accuracy in terms of data and information which is rendered without recriminations. The overriding objective is to produce a document that gives an accurate account by the Commission on its performance in organising the 1997 General Elections. As such, the following activities were carried out:-

- A detailed description and assessment of the entire electoral process including voter registration, party nominations, nomination of candidates, campaigns, polling, counting of votes and subsequent events by utilising information from the Commission's data base and others suggested by the commission.
- Interviews with key persons involved in the 1997 general elections and others with knowledge of Kenya's electoral politics in order to enrich field data.
- A review of general election reports from field personnel
- A review of circulars/instructions and other correspondence on the elections
- A description of recent developments in the electoral system such as election petitions, by-elections occasioned by deaths or defections.

1.3 Sources of Data

Two sources of data were utilised - primary and secondary. The primary sources comprised of the Commission's field reports, both internal and field-generated. In particular the Commission's database on the 1997 elections was the primary source of data. This included the reports made by the returning officers in respect of all the constituencies. Government officials who played a part in the elections also provided valuable information. Information and data relating to the Commission's performance in other election reports produced after the 1997 general elections was also utilised and has been duly acknowledged.

The data collected confirms the following sets of information: -

- Information on achievements, constraints and recommendations on the way forward
- Financial information including the budget, expenditures by item groups such as transport, personnel, communications, other supplies, etc
- Analysis of parliamentary election results using data on registered voters, valid and invalid votes polled by constituency, district and gender representation
- Analysis of presidential votes by constituency/district/province
- Number of nominated members of parliament and criteria for nomination
- Number of electoral areas by district and province, and
- Number of registered political parties

1.4 Structure of this Report

This report addresses three main concerns Chapters 1 - 5 provide background to the 1997 general elections. This is done by examining a number of factors that affected the way the elections were conducted, including the socio-economic and political environment, the legal and administrative framework as well as lessons learnt from past elections. The role of the Electoral Commission of Kenya in organising elections is put in proper context.

Chapter 6 - 11 are about setting the stage for the 1997 general elections. They describe the electoral cycle, starting from the delimitation of constituencies and wards, the registration of voters and political parties, the acquisition and distribution of election materials and the

logistical planning for the elections. They also detail the issue of recruitment, training and deployment of election officials.

Chapter 12 - 14 describe the immediate pre-polling activities including the dissolution of parliament, the nomination processes, the campaigns including the role of the media, polling, counting of votes and announcement of results. In addition they examine a number of aspects of the electoral process and make certain proposals for the way forward.

The report also contains various statistics relating to the results of the presidential, parliamentary and civic elections. This is the most authoritative source of reference for those interested in correcting errors that might have been presented by other reports.

CHAPTER 2

BACKGROUND TO THE DEMOCRATISATION PROCESS

2.1 The Purpose of Elections

Elections are a means by which people exercise some degree of control over their representatives. The frequency of elections and the number of elective offices are important indices of the degree to which the electorate's wishes can be translated into policy decisions. Ideally, an election should provide the opportunity for a peaceful succession and transfer of office. In fact, in recent history, elections of one form or another have been the most characteristic and widespread form of rotating and transferring office. There has been tremendous variation amongst political systems of what is considered to be an elective office and the form that this should take. For instance, while in the United States, a considerable number of judges and legal officers are elected in some states, in Europe and Africa, the system is appointive.

Similarly, while the cabinet is not selected from amongst the elected politicians in the United States, the opposite is true in the United Kingdom and some African countries that have taken after the British tradition, such as Kenya. In certain countries, voters choose from among several parties, while in others, voters can only give their vote to a single party since no other parties are allowed to put up candidates. Strictly speaking, the notion of elections implies competitiveness as well as freedom of choice. Free elections must guarantee citizens freedom to choose among the political alternatives that are presented without restrictions.

The electoral process has evolved over the years. The present phase is characterised by an attempt to, among other things, extend the franchise to all adults, lower the voting age, and lower the age at which one may become eligible for an elective position. It also seeks to abolish the conditions for eligibility such as ownership of property or education and equalises the vote-representation ratio. The principle of 'one person one equal vote' (all are equal before the ballot box), has now gained almost universal acceptance.

Elections provide for a bare minimum of political participation, perhaps the only act of political participation for the vast majority of the governed, and thus provide a feeling of belonging and a degree of responsibility for government decisions. Similarly, elections in

any political system are a form of political communication between governments and the governed, a means by which political decision-makers are made to become sensitive to the electorate's political demands and in turn are in a position to educate the electorate on important political issues. They thus become a primary means of legitimising the right of the rulers to govern.

2.2 Elections and Democracy

Elections and democracy are intertwined. All over the world, elections play a crucial legitimising role in democratic systems. They give citizens the opportunity to determine the leaders and policies that their countries adopt and allow governments the ability to measure and respond to public opinion. In order for a country to achieve a national consensus, people have to engage in a process of choice. At the same time, however, we do not establish a democratic system if we do not refresh our choices periodically and in a manner that is free and fair. In other words, we cannot begin to talk about free and fair elections without establishing a firm foundation characterised by free speech, free movement of people, a free press, the Rule of Law as well as independence of the judiciary. These features constitute the pillars of a free society. In the same vein, for people to exercise free choice, they must have the ability to understand the conditions necessary for a genuinely free choice to be made.

Democracy is about creating conditions in which people set out to determine their destinies in governance. It is about taking responsibility for their actions. This means that in a democracy, people must come out to vote in order to usher in new leadership or retain the old one that has delivered. The vote reflects the sovereignty of the citizens and gives them an instrument for wielding a final verdict as to who governs. If the voters stay away from doing so for whatever reason, it is they who are to blame if they in the end fail to get the desired government, one that is capable of meeting their expectations. Put differently, people get the government they deserve.

2.3 Impact of Elections on Governance

Elections are in the service of governance. They act as a mechanism whereby those who govern are bound to public scrutiny and accountability in their actions and made aware that their positions are precarious with a real danger of their ouster from office. They also

provide an opportunity for those aggrieved to seek redress from those in power or make an alternative choice.

By sensitising the population on the importance of voting, elections have the consequence of stirring them up and giving them a sense of their own potential political significance. Electoral participation can lead individuals to become mobilised and more involved and receptive to regulation with or without necessarily any party competition. The point being made here is that elections must act to integrate the nation and thereby enhance good governance. Elections alone without any underlying agreement by those involved to adhere to the verdict are not necessarily integrative and thus may not aid governance.

2.4 Benchmarks for Free and Fair Elections

Free and fair elections are important indicators of the democratic life of a country. They are a necessary condition for the successful consolidation of democracy. In order to achieve a free and fair election, the electoral environment should be one that enables the voters to make free and informed choices. In this regard, certain benchmarks are necessary to engender a free and fair election. They are discussed below.

2.4.1 Neutrality and Impartiality

Elections should be organised in a neutral and impartial way. This requires an independent and impartial body staffed with people who are committed to the achievement of this objective. Such a body should also enjoy sufficient financial and administrative autonomy and, particularly, be de-linked from government. In addition, since this body is the ultimate electoral body, it should be able to enjoy the full confidence of voters and political parties alike as well as have sufficient financial capacity for all its operations.

2.4.2 Registration of Voters

Everyone who is qualified to register as a voter should have the opportunity to do so. According to section 43 of the Constitution of Kenya, every Kenyan citizen who has attained the age of 18 years and above is qualified to be registered as a voter. Of course there are a few legal exceptions to this rule such as insanity, bankruptcy and imprisonment. However, the point to be emphasised here is that there is a constitutional entitlement to register which ultimately translates to a constitutional right to vote.

2.4.3 Delimitation of New Constituencies

In an electoral system based on single-member constituencies such as Kenya's, the criterion used for delimiting constituencies is critical. Presently, factors such as population density, geographical features, means of communication as well as community of interest, among others, are taken into account in creating constituencies. What is important, however, is to ensure adherence not only to the law that defines how this is done, but also to democratic principles of equality of representation and the precepts of fairness. To avoid partisan influences, the delimitation of constituencies must be purely the responsibility of an independent Electoral Commission.

2.4.4 Free Flow of Information and Independence of the Media

A free and fair election will be enhanced in a situation where voters are able to have access to balanced information relating to such things as policies of different parties, the political and economic developments of the day in the country as well as other countries. This will facilitate their making of informed choices when required to do so.

2.4.5 Promotion of Electoral Information and Voter Education

Electoral information should be promoted to enable voters make informed choices. The Commission and NGOs should be at the forefront of all voter education processes. Voter education and information should include:

- explanations as to how to find the location of polling stations;
- how to indicate the voter's choice on the ballot paper;
- how the ballot paper is designed;
- the meaning of voting – what the voter is actually doing when he/she casts his/her vote.

Although there should be uniformity in the contents and methods, it is necessary that it addresses adequately, at the most economical way, special needs of groups or areas so as to make the required impact. Above all, it should be designed in such a way that it does not favour any political party, political thinking or political grouping.

2.4.6 Unhindered Participation of Parties

All political parties should have equal access to voters in order to propagate their policies and programmes. They should be allowed to meet with their voters and accorded the necessary facilities to achieve this objective. For example there should be no stoppage of campaign rallies and other gatherings so long as legal procedures for their conduct have been followed. In short, all constraints on competing parties should be removed in order to create a level playing field. Security should be seen to enhance free movement and access of all participants at elections to all areas, centres and facilities involved.

2.4.7 Unhindered Access to Polling Stations

A free and fair election will be enhanced by the free unhindered and equal access to polling stations. Voters should not be threatened as they cast their vote. Often, a high presence of security personnel at polling stations has the impact of creating fear, thus keeping prospective voters away. The presence of security officers is important to give confidence to the voters but an unduly high number could have a negative effect.

2.4.8 Location of Polling Stations and their facilities

Polling stations should be close to the voters so that they find it convenient to vote. The stations must be distributed throughout the country in a fair manner. They should all have uniform or same facilities unless there is a legitimate reason to deviate.

2.4.9 Polling Process and Polling Day

Opening and closing time should be known and adhered to unless, for legitimate reasons, there is a change. Procedures for voting should be uniform. These include adequate provisions to protect the secrecy of the vote, to eliminate multiple voting and to eliminate impersonation of voters. The voting materials must be availed in sufficient quantities at all times the poll takes place.

2.4.10 Counting of Votes

The counting of votes must be transparent and accessible to the contesting candidates. Security must be sufficient to ensure the counting is carried out without undue interference. All the contesting candidates should enjoy equal access and same rights concerning the exercise.

It will be noted that the benchmarks stated here include those contained in the UNDP's Draft report of the Study on Benchmarks for Good Governance and Civil Participation published in Nairobi on October 1997. The benchmarks outlined here concern mainly the Commission. All persons and groups involved in elections must recognise this fundamental fact. However, the Commission would be better facilitated if it sought the involvement of political parties, media, religious, civil organisations and the like. These groups would assist in extending the outreach and the acceptance of the Commission's programmes.

CHAPTER 3

PATTERN OF PREVIOUS ELECTIONS

3.1 Kenya's Electoral Experience

One notable feature of Kenya's electoral experience has been the regularity of elections. From 1961 when the first elections under an extended African franchise were held, the country has had a fairly consistent record of conducting elections. This regularity has been used by successive political regimes to legitimise their right to govern. With every election, certain trends can be discerned which serve as lessons for the future of electoral democracy in Kenya. Following the second constitutional conference that was held in Lancaster in 1960, the framework for an independent African government was set. Among other things, this provided for the holding of elections. An important outcome of this conference was a proposal to have a Legislative Council (Legco) comprising 37 African seats out of a total of 64. The conference also extended African franchise. Similarly, the colonial administration, which had suppressed political party activity as from 1953, allowed this activity to thrive. Two main parties, the Kenya African National Union (KANU), advocating for a unitary form of government, and the Kenya African Democratic Union (KADU), agitating for a federal system of government, emerged as the principal contenders for political power. The May 1961 national election was contested on those two ideologies. Jomo Kenyatta, who had been imprisoned in 1953 due to his political activism and released from jail in 1961 to be named president of KANU, steered KANU to victory.

On December 12, 1963, Kenya attained its full independence with Jomo Kenyatta as Prime Minister. KADU, which had not fared well in the elections, voluntarily dissolved after a short stint in parliament in opposition. After KADU dissolved it merged with KANU. The new extended KANU worked well for some time but it eventually developed its own internal conflicts and disputes and, with time, some of its leaders became intolerant and intransigent. The situation was aggravated by the fact that all the major political leaders had been accommodated in KANU being the only national political party then around. Schisms that had previously remained hidden became public.

3.1.1 Elections Between 1963 - 1978

Two prominent schisms emerged one led by KANU's Vice President, Oginga Odinga and the other by KANU's Secretary General, Tom Mboya. The rivalry between the two was intense. Also within KANU, there were intrigues to clip the powers of these two protagonists. This resulted in schemes and counter schemes and the eventual grand split within KANU at Limuru which led to Oginga Odinga leaving KANU and forming Kenya Peoples' Union (KPU) in 1966.

The government successfully dealt with this by moving an amendment to the constitution requiring defecting MPs to seek fresh mandates to parliament on their new party's ticket. The ensuing by-election titled "the Little General Election", was really a straight fight between KANU and KPU. The outcome further entrenched KANU's hold on power as only 9 out of 30 KPU parliamentarians managed to get themselves re-elected. Then in July 1969, Tom Mboya was assassinated in an incident that further exacerbated ethnic rivalries. In the end, Oginga Odinga was arrested and KPU banned. That left KANU as the only political party once again.

The December 1969 elections were a KANU affair. No other political party had been registered after KPU was banned. The constitution had itself been amended to provide for direct presidential elections rather than using parliament as an electoral college. This, together with the abolition of the system of independent candidates acted only to further consolidate KANU's hold on power. What followed was a period of unrivalled KANU supremacy. Again in 1974 elections were held and 88 out of the 158 members of Parliament lost in the elections. However, these elections were notable in that a greater number of Kenyans were enfranchised to participate in elections when the voting age was reduced from 21 to 18 years by a constitutional amendment. Additionally, these elections were unique in that each candidate had a ballot box assigned to him or her and for identification purposes, each candidate pasted his/her photograph on the face of the ballot box in use.

3.1.2 Elections Between 1978 - 1997

Daniel arap Moi was elected President in October 1978 following the death of President Kenyatta on August 22, 1978. In the 1979 General Elections, Moi was nominated the sole presidential candidate on KANU's ticket. President Kenyatta had set this trend in previous

general elections. An important aspect of this election, like the previous ones, was a high turnover of the incumbents. They were also marked by low voter registration. The next general elections in 1983 were held one-and-a-half years ahead of the 5-year schedule due to a desire by the government to resolve the political crisis occasioned by the attempted military coup on August 1 1982. Only 48 per cent of the eligible voters participated in these elections, perhaps demonstrating the apprehension and uncertainty amongst Kenyans due to the coup effect. It was during this period when the Constitution was amended declaring KANU as the only lawful political party and thereby turning the country into a *de jure* one party system.

The 1988 elections were significant because, for the first time, party primaries were conducted using the queue system. Previously, though there were provisions for party primaries, these provided for secret ballot but they were never put to use after 1969. This was not received well by Kenyans, as there were charges of intimidation and fraud in the process. This was made worse by a new provision that a parliamentary candidate who garnered 70 per cent of the total queue count at the primaries stood elected unopposed. Efforts to achieve this disregarded what was right or moral. Claims of abuse of the system were reported with allegations of a number of candidates with shorter queues being declared the winners. There was little doubt that the system might have produced transparent elections. Instead, it became clear that whatever good intentions this system had were compromised by the manipulation that it was subjected to. A substantial number of leaders were disenchanted. As a result of this there were very strong demands for formation of more political parties in order to enhance freedom of choice.

In 1992, Section 2A of the Constitution was repealed ending one-party rule and paving the way for competitive politics. This culminated in the resumption of multi-party elections in December of that year. The elections, which were won by the incumbent KANU party, were hailed by election observers as representative of the general will of the Kenyan population. These observers observed that the elections represented a mixture of democratic achievements and lost opportunities. There was a realisation amongst the populace that democratic expansion was possible but that this required great sacrifices and concessions. Post election assessments identified the need for a series of political, constitutional, and administrative reforms to further the process. In November 1997 some of these reforms were introduced as will be discussed later in this report.

On 29 and 30 December 1997, Kenyans went to the polls again in an election that many saw as yet another significant step in the country's robust transition to multiparty democratic rule. These were the second transitional elections since multipartyism was re-introduced in Kenya. The results of the elections were similar to 1992 in the sense that President Moi and KANU won. The main international observers declared that the elections represented a step forward in the country's democratisation process.

CHAPTER 4

THE LEGAL AND ADMINISTRATIVE FRAMEWORK FOR ELECTIONS

4.1 The Legal Framework

4.1.1 *The Laws Governing Elections*

Elections in Kenya are governed by the Constitution of Kenya, the National Assembly and Presidential Elections Act (Chapter 7 of the Laws of Kenya), the Local Government Act (Chapter 265 of the Laws of Kenya) and the Election Offences Act (Chapter 66 of the Laws of Kenya). In addition to these there are other laws which impinge on elections in certain minor but no less important ways. Examples are the Societies Act (Chapter 108 of the Laws of Kenya), under which political parties are registered, the Public Order Act (Chapter 56 of the Laws of Kenya), the Penal Code (Chapter 63 of the Laws of Kenya), the Kenya Broadcasting Corporation Act (Chapter 221 of the Laws of Kenya), and the Public Holidays Act (Chapter 110 of the Laws of Kenya).

These laws exist for the purpose of regulating various aspects of the electoral process. Together with long-established conventions and practices, they form what can loosely be referred to as "the rules of the game" of competitive politics. The laws regulate the eligibility of candidates and voters, access to elections by political parties and candidates, conduct of election campaigns, the administration of elections, electoral procedures and adjudication of disputes arising out of the electoral process, among others.

4.1.2 *Registration as a Voter*

The right to vote in Kenya is based on universal adult suffrage. This means anyone meeting the requirements of age and citizenship can vote. In order to exercise this right, a person must be registered in some constituency as a voter. The following conditions must be satisfied before a person is registered as a voter in parliamentary and presidential elections: -

- (a) He/she must be a citizen of Kenya who has attained 18 years of age.
- (b) He/she must have been ordinarily resident in Kenya for a period of not less than one year before the date of registration, or a period of four years in the last eight years before registration

- (c) He/she must have lived, carried on business, been employed, or owned property, for at least five months in the last twelve months preceding the date of registration, in the constituency in which registration is sought

The law bars certain people from being registered as voters. These are: -

- (a) People who have been declared bankrupt and have not yet been discharged from such liability under Kenyan law
- (b) People who have been declared of unsound mind under any law in Kenya
- (c) People who are, at the time of the registration exercise, detained in lawful custody
- (d) People who have been found or reported guilty of an election offence by the High Court or a subordinate court within that parliamentary period.

For purposes of registration as a voter in civic elections, Kenyan citizens above the age of 18 years are eligible so long as they fulfil the following conditions: -

- (a) Are in the current valuation roll, assessment roll, area roll or rate roll of the local authority in which they apply to be registered, so long as they have paid their due rates in respect of any property owned
- (b) Pay any rate or tax levied for general purposes to the local authority in which they apply to be registered in the period of three years ending with the 31st December next before the date on which they apply to be registered
- (c) Have, for not less than five years before the date of registration, ordinarily resided within the local authority
- (d) Spouses of people meeting the above requirements

The laws barring parliamentary and presidential candidates apply to civic elections except as regards the lawful custody where civic rules only bar a person who is under sentence of death imposed by a court in Kenya or who is serving a sentence of imprisonment of or exceeding three (3) months imposed by such a court or substituted by a competent authority for some other sentence imposed by such a court.

Save for the people who are specifically barred by law as explained earlier, any person who meets the legal requirements is entitled to be registered as a voter. For this purpose, the

registration officials will normally require evidence of age and citizenship. Regulation 4(7) of the National Assembly Elections (Registration of Voters) Regulations allows Registration Officers to require the applicants to furnish such information and make such inquiries as they may deem necessary for purposes of fulfilling the aforesaid legal requirements on registration. Ordinarily, the most common form of identification and citizenship is a National Identity card, and from 1997 a valid Kenyan Passport would also be suitable. Upon registration, a person is issued with a voter's card, which can be replaced if damaged or lost.

As part of the registration process, the Commission compiles a voters' register and voters' roll. Once these have been compiled, they are published and distributed to the various registration centres. The purpose of this is to enable members of the public to inspect the register and the rolls. To verify the correctness of the names and other details in the register and the rolls. They can then lodge complaints with the respective registration officers or the courts. The complaints submitted to the Registration Officers are called claims. They may be submitted by people who have applied to be registered but whose names do not appear in the register or rolls. The complaints lodged in court are called objections, and may be lodged by people who have changed their minds or/and no longer wish to register or who are registered though they never applied to be registered or by people objecting to the registration of other persons in their constituency. The Registration Officer has the power to make formal corrections to the register, and/or the rolls, based on the complaint, or to correct clerical errors, delete the names of dead voters or to effect amendments where it is discovered that a voter has registered more than once. Where a complaint has been lodged in a court and the court orders a change in the registration, the court sends an order to the registration officer to carry out its decision. There are elaborate procedures concerning all these steps.

The registration of a voter for parliamentary and presidential elections can and usually is carried out simultaneously with those of civic elections. It is important to bear in mind that Rule 3 of the Local Government Elections Rules provide that parliamentary regulations on registration apply to civic registration of voters except where specifically modified. It should be remembered that these voters are the same people for all these elections. The law makes it an offence for someone to register more than once as a voter;

to wilfully destroy a voter's card; to offer for sale or buy a voter's card; and to manufacture or assist in the manufacture of a voter's card.

4.1.3 *Candidates*

Any person may contest a seat, provided that they satisfy the following requirements of the law:

- (a) must be a Kenyan citizen;
- (b) must have attained the age of 18 years (if contesting a civic election or 21 years for a parliamentary seat) or 35 years (if intending to contest the presidency);
- (c) Must be registered as a voter in some constituency (and for civic elections that constituency must be in the local authority he/she proposes to stand for elections);
- (d) must be proficient in English and Kiswahili languages (in the case of parliamentary aspirants);
- (e) must be nominated by a political party and seconded and supported by not less than 7 and not more than 18 persons other than the proposer and the seconder (parliamentary candidates). In the case of presidential candidates, they shall, in addition to being nominated by a political party, be seconded and supported by 1,000 persons who are registered as voters;
- (f) with respect to civic candidates they must be supported by not less than 5 and not more than 7 persons other than the proposer and seconder;
- (g) the proposers and seconders must be members of the same party with the candidate.

Just as the law disqualifies certain people from being registered as voters, it also bars certain people from contesting elections. With regard to parliamentary elections, these include non-citizens, those who have been found guilty of an election offence (but only for the period of the life of that parliament or local authority), those under sentence of death or imprisonment exceeding six months imposed by a competent court, serving councillors, people of unsound mind, undischarged bankrupts and civil servants² (including members of the Armed Forces, judges, magistrates and other judicial Officers). The Local Government Act also disqualifies local authority staff; people who have been surcharged by a local authority under section 236 of the Act for misappropriation or

² Whenever an Order to that effect is published by the Attorney-General.

negligence with regard to local authority funds, within five years next before the day of election; those who are serving terms of imprisonment of not less than three years; (though the Minister for Local Government may by order remove such disqualification) and people who cannot read, write and speak at least one of the official languages of the local authority.

4.1.4 Electoral Procedure

Section 58(1) of the Local Government Act is to the effect that whenever there is a general election under the National Assembly and Presidential Elections Act, a civic election shall simultaneously be held. In this respect, the Minister is required to forthwith dissolve all the local authorities upon dissolution of parliament.

Although the registration of voters and the preparation of a voter's register normally herald an election, the process really begins moving in earnest after a vacancy or vacancies are created. This may be through the dissolution of the National Assembly, the death of a holder of elective office, the nullification of an election by the High Court or a defection from one party to another. In every such case, the Speaker of the National Assembly declares that the seat(s) has/have become vacant, by issuing a writ. If the vacancies are as a result of the dissolution of the National Assembly, the writs issued must be directed to the Commission indicating the existence of such vacancies within fourteen days after the dissolution. In the case of an election to fill a vacancy created through the nullification of an election, the Speaker should issue the writ within one month after the nullification. In any other case, like death and defections, writs must be issued within two months after the occurrence of the vacancy. The last two periods can be extended for a period, which does not exceed 2 months to facilitate the proper organisation and holding of the by-election. In the case of a vacancy relating to a councillor, the local authority concerned shall notify the Commission of the existence of such a vacancy. Other than that the election procedure in all elections are closely similar.

Upon receiving the writs, the Commission must, within 10 days, send them to the respective Returning Officers. The Commission then publishes a notice in the Kenya Gazette specifying the following things: -

- (a) The day(s) when each political party shall nominate candidates, being not less than 21 days
- (b) The day(s) for presentation of nomination papers before Returning Officers
- (c) The day(s) on which the election shall be held (which should not be less than 14 days from the date of presentation of nomination papers before the Returning Officers)

In the case of local authorities it is the Minister who declares vacancies in certain cases and in the others the Clerks to the local authorities inform the Commission by notice of the existence of vacancies. Upon receipt of the declaration or the notice the Commission is required within 14 days to publish a notice in respect of the electoral area in which the election is to be held. This notice specifies the same processes, procedures and periods as applies to parliamentary elections (see earlier explanation).

After receiving the writ (or in the case of a local authority election, the instruction from the Commission) each Returning Officer proceeds to hold an election in his/her respective constituency or electoral ward, as the case may be, in accordance with the law and the Gazette notice published by the Commission.

Electoral law lays down the procedure to be taken in polling stations. It provides, for example, that voters must show their voters' cards and national identity cards or passports in order to vote. Polling ordinarily begins at 6.00 a.m. and goes on up to 6.00 p.m. It should be noted here, however, that this is a firmly established practice rather than the law, as Reg. 20 of The Presidential and Parliamentary Elections Regulations and the Local Government Election Rules leaves out the question of time. There are provisions of extension taking into account the late opening of a polling station or to allow voters who are already in the polling station to cast their ballots.

Counting takes place in a central place within the constituency. This means that the sealed ballot boxes must be transported from all over the constituency to the counting hall. The Returning Officer supervises the counting of votes after which he/she announces the results of the election. Any candidate dissatisfied with the results of a parliamentary or presidential election can file an election petition in the High Court to have the election annulled. Similarly, any person dissatisfied with the election of a councillor can file an

application before a Resident Magistrate (normally referred to as an inquiry) to have the election set aside. In any of these cases, a new election shall be held if the court declares the particular election null and void. However, a Court can declare a civic candidate who lost the election to be councillor if, upon recount of votes, that candidate scores more than the one who was declared the winner by the RO. This does not apply to the presidential or parliamentary candidates. In those cases, an election is simply declared null and void and fresh elections are held.

4.1.5 Training of registration officials

The Commission complied with those laws and procedures applicable to the registration of voters. It first trained trainers from universities and public institutions of learning and also persons who had previous training and experience on registration of voters and elections. Those then trained the registration officers and their assistants for two days who, in turn, trained the registration clerks.

A *Kenya Gazette* Notice dated 9th May 1997 commenced the registration exercise. This was to go on until 22 June 1997. There, however was an extension until 30 June 1997. Still then, there were many problems to be overcome concerning the computerization of the data. Many clerical errors were detected during the scanning and in numerous instances the black book had to be relied on. This process of synchronisation of the information contained in application forms with that in the black books continued well into early September 1997 but by end of July 1997 only a few registration units required this reconciliation. In the end the voters' registers were proved to be highly reliable.

4.1.6 Electoral Reform Before the 1997 Elections

1997 was, for many Kenyans, a year of tension and suspense. The pressure for comprehensive constitutional reforms that had began in 1993 – immediately after the 1992 elections – heightened in 1997. Reform lobbyists, after failing to get the government's ear, took the struggle to the streets amid threats of an election boycott. In the ensuing public demonstrations and protests, there was some amount of loss of life and limb. In the end, Members of Parliament took the initiative to find solutions to the impasse, by constituting

what they called the Inter-Parties Parliamentary Group (IPPG) to take charge of the negotiations for settlement on constitutional, legal and administrative reforms³.

There was a realisation by all sides that the time left before the next elections, as governed by the constitution, was too short to allow a comprehensive review of the constitution. The ruling party and opposition MPs therefore hammered out, through lengthy negotiations, a package consisting of new laws and administrative measures to ensure a free and fair election. Comprehensive constitutional reform was deferred to the period after the 1997 general elections.

To begin with the Constitution was amended, by the Constitution of Kenya (Amendment) Act, 1997, to enhance the independence of the commission and to entrench other changes that would facilitate a free and fair election. Section 2, for example, inserted a new section 1A in the constitution declaring Kenya a multiparty democratic state. This was significant in the sense that this time the country had accepted competitive politics in terms more assertive than the mere repeal of section 2A earlier.

The qualifications for appointment of electoral commissioners, especially the chairman and the vice-chairman, were spelt out in a new section 41(1A) and (2A). Unlike previously when this was not provided for, the law now required that the commissioners be Kenyan citizens while the vice chairman, like was the case previously for the chairman, had to be a person who had held or was qualified to hold the office of judge of the High Court or judge of Appeal. The commission's powers were enhanced by the addition of the duty to promote free and fair elections and voter education throughout Kenya.

Finally, the constitution was amended to provide that any person who is not satisfied with the determination of his/her election petition (among other matters) by the High Court could appeal to the Court of Appeal. There was hitherto no such right as the Constitution had made the High Court the final arbiter in such disputes. A person had only the right to review a decision based on certain technical infringements of the law and could not appeal against its determination of an election petition.

³ Not all parties were represented in the IPPG, however, as some of the major parties chose to back the reform lobby with its clarion call of "No reforms, no elections".

More reforms were contained in the Statute Law (Repeals and Miscellaneous Amendments) Act, 1997. Besides repealing the Vagrancy Act⁴, the Outlying Districts Act⁵ and the Special Districts (Administration) Act⁶, the new law also made several amendments to the existing statute law which had a profound significance for electoral matters. Most of these were to be found in the National Assembly and Presidential Elections Act, the Local Government Act and the Kenya Broadcasting Corporation Act.

The law, for example, freed the hand of the Commission in the recruitment of staff⁷, protected commissioners from personal liability for anything done in the course of their duties⁸ and made provision for a Code of Conduct for Members and Staff of the Electoral Commission as well as the Procedure of the Electoral Commission⁹. A new section 17A of the National Assembly and Presidential Elections Act and section 58 of the Local Government Act also gave the Electoral Commission an overriding power for the conduct, supervision and control of presidential, parliamentary and civic elections to ensure that they are transparent, free and fair.

Responding to an issue that had been very contentious over the years, the new law also allowed the use of valid Kenyan passports as identity documents for the purposes of registration of a voter and for voting¹⁰. Some succour was also extended to the offenders of electoral law in the sense that the bar against voting or contesting would now operate only during the life of the Parliament or the local authority following the elections in respect of which the offence was committed and not for five years as was the case previously.¹¹

⁴ Chapter 58 of the Laws of Kenya.

⁵ Chapter 104 of the Laws of Kenya.

⁶ Chapter 105 of the Laws of Kenya.

⁷ Section 3 of the National Assembly and Presidential Elections Act (Chapter 7 of the Laws of Kenya). Previously, the law had made it mandatory for the commission to appoint a Director of Elections and a Deputy Director of Elections in addition to any other staff.

⁸ Section 3A of the National Assembly and Presidential Elections Act, *supra*.

⁹ Section 3B of and Second and Third Schedules to the National Assembly and Presidential Elections Act, *supra*.

¹⁰ Section 4A of the National Assembly and Presidential Elections Act, *supra*.

¹¹ Section 16(2) of the National Assembly and Presidential Elections Act, *supra*.

Some leaders had previously expressed reservations with the involvement of government officers in elections. Section 17B of the National Assembly and Presidential Elections Act not only outlaws such participation by a public officer but also provides for a stiff fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding six months or both such fine and imprisonment.

Sections 19, 20, 21 and 23 of the National Assembly and Presidential Elections Act, relating to election petitions, were also substantially amended. Most significant were the provisions that an election Court shall comprise of only one Judge of the High Court (except a presidential petition) in the place of three Judges as before and that a petition once filed would be heard on a priority basis¹². Previously there had been instances of petitions taking too long, owing to inability to find a combination of three Judges or the petition receiving same treatment before the Courts like any other cases. For example there was an election petition which took so long that by the time it was determined, the next general elections were due. Another important amendment was the increase of the deposit payable by a petitioner from KSh. 50,000 to KSh. 250,000. However to some people this was a sharp increase.

Lastly, in the Fourth Schedule to the Act, a Code of Conduct binding the government, all political parties (including their leaders, members and supporters) and all candidates participating in any elections was included. The Code made violent, vile and hostile language or conduct punishable, though not a criminal offence. It also placed specific duties on political parties to, amongst others, give wide publicity to the Code, promote voter education campaigns, condemn, avoid and prevent electoral violence, and to accept the authority of the Commission in respect of conduct of elections and to generally guarantee the right of everyone to freely take part in elections. In order to achieve this, the law provides that no political party or candidate shall take part in an election (under the pain of imprisonment) unless they have subscribed to the Code.

Other statutory changes were made to statutes that impinged on elections. The Public Order Act¹³ was amended to take away the mandatory requirement for a licence before the convening of meetings. Instead, a notice to the Officer in Charge of the police station in

¹² Section 19(4) of the National Assembly and Presidential Elections Act, *supra*.

¹³ Chapter 56 of the Laws of Kenya, s.5.

whose area the meeting is to take place was considered sufficient. This freed the campaigns from delayed or cancelled licences.

The Election Offences Act¹⁴ was also amended to introduce offences relating to voter registers and voters' cards. Falsification of voter registers and destruction or purchase/sale of voters' cards were outlawed with stiff penalties for offenders. For reasons that are not clear, the Act was also amended to remove the offence of treating.

The Societies Act¹⁵ governs the registration of political parties. It was amended to require the registrar to attend to applications for registration of societies within 120 days of receiving the application. He was also required to exercise his powers reasonably instead of "in his opinion". The result of these amendments was to immediately clear the backlog of pending applications and a significant increase in political parties to a record 27 at the time of the 1997 elections.

The Public Holidays Act was amended to make the day on which an election is held a public holiday¹⁶. This was to buttress the already existing legal requirement for employers to give their employees time to go and vote. Lastly, the Kenya Broadcasting Act¹⁷ was amended so that the Kenya Broadcasting Corporation (KBC) was required by law to:-

- (a) keep a fair balance in all respects in the allocation of broadcasting hours as between different political viewpoints; and
- (b) in consultation with the Electoral Commission, during the campaign period preceding any presidential, parliamentary and local government election, allocate free airtime to registered political parties participating in the election to expound their policies

As aforesaid, the IPPG reform package also included administrative measures. The most significant of these saw the increase of electoral commissioners from 12 to the maximum

¹⁴ Chapter 66 of the Laws of Kenya, s. 3A.

¹⁵ Chapter 108 of the Laws of Kenya, Ss. 4(2) and 12.

¹⁶ Chapter 110 of the Laws of Kenya, section 4(4).

¹⁷ Chapter 221 of the Laws of Kenya, s. 8(1).

22¹⁸. Though no change in the law was effected, but as an administrative agreement secured by the then pending 2/3 vote needed to pass the Constitution of Kenya (Amendment) Act, parliamentary political parties represented in the IPPG other than KANU being the party in power, nominated an agreed number of persons who were then duly appointed by the President as commissioners. This tied in with the subsequent amendment in the Constitution limiting the maximum number of commissioners, other than the Chairman, to twenty-one.

The immediate effect of these changes was to reduce the tension then surrounding the elections. The election mood slowly changed and the stage was set for the country's second election after the repeal of the controversial section 2A. However, some of the changes posed certain logistical problems for the commission and made its operations difficult almost overnight. Not least amongst these was the increase in the size of the commission. Because the new commissioners were party nominees, there was a sense in which their concerns had to be accommodated for a smooth flow of operations. One of the ways in which this was done was the fresh recruitment of some key election personnel to the satisfaction of the Commission as a whole. It should be noted that by the time the new commissioners came on board, recruitment of some key election personnel and training had already commenced.

There were other changes that tended to be expressions of aspirations only, in that they lacked machinery or procedure for enforcement or implementation, e.g. on KBC, there was no provision as to who would pay for the free airtime. It will be recalled that this was in November 1997 long after Parliament had passed the budget for the elections. There was no clear guide as to how the fair balance in the allocation of broadcasting hours was to be kept and which person or authority was to ensure compliance and consequences for non-compliance. There are many such examples. In the end such provisions caused unfounded and unnecessary suspicions and criticisms of authorities like the Commission which had no *locus standi* beyond consulting with KBC over allocation of free airtime to the registered political parties.

¹⁸ At the time of the increase, Justice (then Rtd.) Chesoni was still the Chairman. With his elevation to the office of the Chief Justice, the number of commissioners went down to 21.

Other changes may actually have resulted in an unwholesome election environment. Of note here is the repeal of section 15 (which forbids treating) of the Election Offences Act¹⁹. Considering that our electoral law does not limit campaign finance and expenditure, to repeal a section of the law that barred treating (the provision of food, gifts, etc. to voters and election officials) may have brought about the very opposite of a level electoral playing field – the proclaimed objective of the reformers.

Other effects of constitutional, legal and administrative reforms are mentioned elsewhere in the report and observations made on the same. All in all, the IPPG reform package achieved an appreciable amount of success in the sense that it freed up competition and increased the commission's independence.

4.2 The Administrative Framework for the Elections

4.2.1 *Foundation and Legal Basis of the Electoral Commission of Kenya*

The Commission derives its powers to conduct and supervise elections from the Constitution of Kenya. Before the passing of the Constitution of Kenya (Amendment) Act No. 17 of 1990, constitutional powers relating to the old Commission had been ignored since 1969, in that the Electoral Commission had been deprived of all its other constitutional duties except the duty to review constituency boundaries. Even then the review of constituencies was so controlled through parliamentary manoeuvres that the first time it was undertaken was back in 1986. An office called Supervisor of Elections, a department of the Attorney-General's Chambers, was instead, created (in complete disregard of the Constitution) to be in charge of the conduct of elections including the registration of voters for presidential and parliamentary elections. The Supervisor of Elections unconstitutionally ran elections until 1991 assisted by District Commissioners as returning officers.

Contrary to common belief, the need to have an electoral administration was realized as early as 1963 when the Kenya Independence Order-in-Council²⁰ was made. The Independence Constitution, which was in Schedule 2 of that Order-in-Council, created an Electoral Commission with the Speaker of the Senate as Chairman. Other members were:–

¹⁹ Chapter 66 of the Laws of Kenya, *supra*.

²⁰ No 1968 of 1963.

- The Speaker of the House of Representatives, as Vice-Chairman
- A member appointed by the Governor-general in accordance with the advice of the Prime Minister
- A member representing each of the 8 Regions appointed by the Governor-general in accordance with the advice of the President of the respective Regional Assembly²¹.

All the ten commissioners had security of tenure and could only be removed from office on the recommendation of a judicial tribunal established for the purpose of looking into the question of removing the particular commissioner. The commission was also granted independence in the exercise of its constitutional functions. Section 38(4) of Schedule 2 of the Order in Council gave to the Commission the power to conduct elections and to register voters for elected members of the House of Representatives. Section 49 gave the Commission the power to draw and review parliamentary constituencies.

In 1966, in line with the dismantling of the regional system of government and the creation of a unicameral parliament, the law was amended to provide for a new structure of the Electoral Commission. Section 48(1) of the Constitution stated that the Electoral Commission would consist of the Speaker of the National Assembly as Chairman; two members appointed by the president; and a member representing each Province (or an area analogous to a province e.g. Nairobi Area) who were also appointed by the president. According to section 48(1a), the Commission was to elect a Vice-Chairman from among its members. Between that time and 1991 the powers, duties and functions of the Commission under the Constitution remained the same.

The recognition that the conduct of elections was the duty solely for the Electoral Commission in 1991 was the correct interpretation of the law and any amendments to affect that were unnecessary. To those who were unaware of the law the purported changes gave them a sense of relief and accommodation. The conduct of free and fair elections in such a political set-up as prevailed in 1991 is acutely dependent on an independent electoral body. Independence and impartiality are therefore important attributes of such a body. The Supervisor of Elections was obviously not an independent

²¹ *Ibid.*, s. 48

office, falling as it did under the direct control of the Attorney General and, by extension, the Executive branch of government.

To ensure that independence, the Constitution states – and this has been the position since 1963 as has been demonstrated – that the Commission in its operations shall not be under the direction of any other person or authority. The only exception to this, inserted by way of an amendment in 1997, is the provision that Parliament may make laws to regulate the orderly and effective conduct of the operations and business of the Commission, including the powers of the commission to appoint staff and establish committees. The Constitution also bars any Member of Parliament, sitting Judge, public servant or member of the armed forces from being a commissioner. Lastly, the Constitution, since 1963 again, grants the commissioners security of tenure. This means that a commissioner, like other constitutional Officers, cannot be removed from office save for inability to exercise the functions of his/her office or for misbehaviour. Even then, a judicial tribunal must inquire into the question of dismissal and recommend the said removal²².

The Commission is expected to be a neutral arbiter in the electoral process. The manner in which it performs its duties should be efficient, non-partisan and transparent. The law envisages a body that will bring its full authority to bear on the electoral process at all times. This is an onerous duty indeed, but which the commission has always endeavoured to discharge to the best of its ability. This has not been easy particularly to the observer, but the commission continues to learn from its experiences and improve the delivery of services to the Kenyan voters.

²² It is worth noting here that the tribunal is solely appointed by the president and is answerable only to the appointing authority. It has been argued that this constitutes a dilution of the security of tenure in the sense that the tribunal, unlike the person it seeks to remove from office, has no security from manipulation from elsewhere.

Table 4.1: Electoral Commissioners (1991 – 1997)

1. Justice (Rtd.) Zacheus Chesoni (Chairman)*	7. Ambassador Mr. Francis Karugu Nganatha*
2. Mr. Mwathani Mbaka	8. Mr. Bashir Sheikh Ali*
3. Mr. Samuel Kivuitu** (appointed in 1992)	9. Mr. Habel John Nyamu
4. Mr. Gabriel Mukele** (appointed in 1992)	10. Mr. Andrew Okeyo
5. Ambassador Ms. Margaret Kenyatta*	11. Mr. Ahmed Abdalla Maawiy
6. Mr. Isaiah Cheluget*	12. Mr. Francis Keitany (appointed in 1993 and died in 1995)
* Re-appointed in 1996	** Re-appointed in 1997

Source: ECK Records

4.2.2 *The Composition, Structure and Functions of the Electoral Commission of Kenya*

In 1997, and prior to the appointment of the new Commissioners late in the year, the Commission had the Chairman and ten other commissioners, as shown in Table 4.1.

4.2.3 *Appointment of Additional Commissioners*

By the time the 1997 general elections were held the law had been changed to limit the number to not more than twenty-one and a Chairman

Presently, the Commission has twenty commissioners and a Chairman (See Table 4.2). All the commissioners serve for a term of five years from the date of appointment and are eligible for re-appointment. While the President appoints the Chairman, the Vice-Chairman is elected by the Commissioners from amongst the members of the Electoral Commission, subject to the qualifications laid down under the law.

The Chairman and Vice-Chairman must now be persons who have held or are qualified to hold the office of judge of the High Court or Court of Appeal. The first Chairman of the commission was Justice (then Rtd.) Zacheus R. Chesoni, while the Vice Chairman was Mr. Mwathani Mbaka. The Chairman served for five years and was re-appointed in 1996. Shortly before the 1997 elections, however, he was appointed Chief Justice. His position was taken by the then Vice-Chairman, Mr. Samuel Kivuitu – an Advocate of the High Court of Kenya of long standing. Mr. Gabriel Mukele, also an Advocate of the High Court of Kenya for many years, is currently the Vice-Chairman.

Table 4.2 Electoral Commissioners (1996/1997)

Appointed in 1996/97	Appointed in 1997
1. Mr. Samuel M. Kivuitu (Chairman)	12. Mr. Stephenson Mageto
2. Mr. Gabriel K. Mukele	13. Mr. Abuya Abuya
3. Ambassador. Ms. Margaret W. Kenyatta	14. Mr. Habel John Nyamu
4. Mr. Isaiah Cheluget	15. Justice (Rtd.) William Mbaya
5. Ambassador Mr. Francis Karugu Nganatha	16. Mr. Kihara Muttu
6. Mr. Bashir Sheikh Ali	17. Ambassador Jack B. Tumwa
7. Mr. Silas Buko Tunu*	18. Ambassador Brig. (Rtd.) Reuben Musonye
8. Mr. Eliphelet Njiru.M'Thambu*	19. Mr. Philip Gacoka
9. Mr. Edward Chemoiwo Cherono*	20. Mr. Samuel Muiya Manyunza
10. Mr. Henry Jura*	21. Mrs. Rachel Mzera
11. Mr. Nicholas Ng'ang'a*	* <i>Appointed in 1996</i>

Source: ECK Records.

Before 1997 amendments to the Constitution, the Commission was empowered to carryout the following functions: -

- (a) The registration of voters and the maintenance and revision of the register of voters;
- (b) Directing and supervising the presidential, parliamentary and local government elections
- (c) Delimitation of constituencies
- (d) Such other functions as may be prescribed by law

By Constitution of Kenya (Amendment) Act No. 9 of 1997, the following powers were added: -

- (a) Promoting free and fair elections
- (b) Promoting voter education throughout Kenya

This additional responsibility was intended to enhance the Commission's influence in electoral matters and make it easier for it to conduct free and fair elections. Particularly useful was the express grant of the power to promote voter education. Previously, the electoral commission had come under criticism from activists who claimed it was not educating the public to enable them to make informed choices. The Commission, on the

contrary, has always supported voter education but has been unable to participate directly for lack of funds. This arose from the fact that there was no law tacitly requiring it to do so, with the result that it could not secure the necessary funds for the purpose. The Commission was eager to take up this role, but due to the then existing financial constraints and the lateness of the legislation nothing much could be done in 1997²³.

As aforesaid, the law gave the Commission greater latitude in carrying out its work. It could hire its own staff, and set up committees to oversee certain aspects of its work and generally regulate its own procedures.

The process of de-linking the commission from the central government has been arduous and gradual and, in some respects, is still not complete. One important area in which this was evident is finance. When it was set up, the Constitution did not grant the commission a free hand in the procurement and utilisation of funds. The Accounting Officer, appointed by the Minister for Finance under the Exchequer and Audit Act, was the Clerk of the National Assembly. The money spent by the Commission was a vote to the National Assembly, so that as far as money matters are concerned, that remains under the control of the Clerk. Moreover, there is no provision in law for the Commission to negotiate and receive donations, or grants or bequests from any sources - a further inhibition to the Commission's financial autonomy.

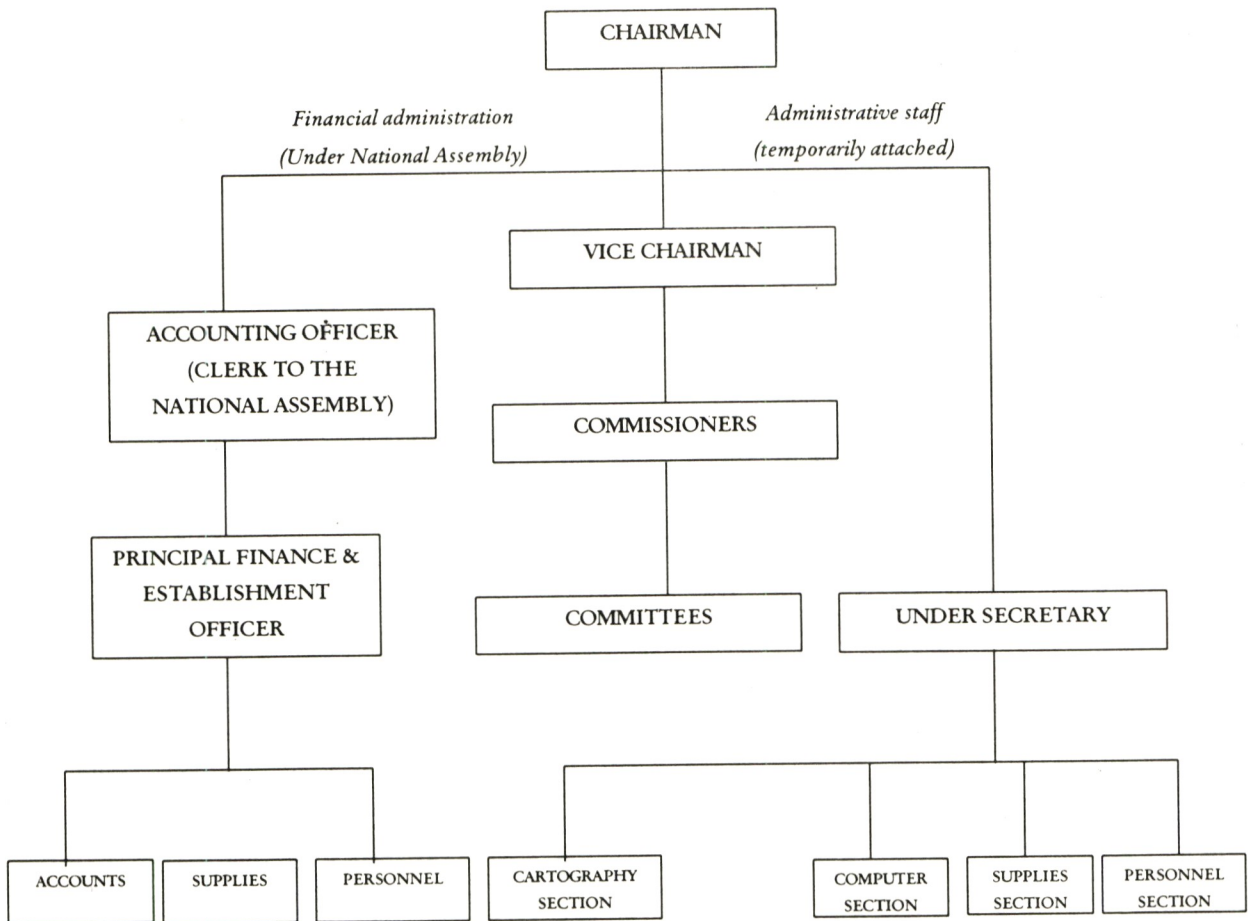
Once the money had been voted for as part of the annual recurrent expenditure, the actual procurement was subject to the usual bureaucracy in government offices, with the result that money urgently needed for important tasks was sometimes not available or sometimes took too long to be disbursed. This situation persists to date.

As far as day to day management is concerned, the commission began work with no secretariat. This meant that the commissioners ended up doing most of the work through established committees as well as making policy decisions. With tight deadlines to meet and work that has to be near perfect, this was difficult indeed and meant the Commissioners meet continuously. The organisational structure as it was in 1997 is given in Chart 1. Financial administration of the Commission was the responsibility of the Clerk

²³ The law granting the Commission powers to carry out this task came into effect on 7 November 1997 and the elections were held on 29 December 1997.

to the National Assembly. Some few Government officials were attached to the Commission to provide support services but these were either too junior to be effective or too few for the purpose. In fact the staff of the National Assembly ran with complete freedom the Commission's accounting, the supplies and personnel services. This should tell the clout that the Clerk to the National Assembly had over the way the Commission performed its functions.

Chart 1: 1997 Organisation Structure of the Electoral Commission of Kenya



Notes on the chart

1. The administrative staff were very few. None had been formally seconded to the Commission. They were attached to the Commission for a number of months but that period could be extended at the request of the Commission. They performed the formal duties only.
2. The financial administration operated from Parliament. All of them were members of staff of the National Assembly. They owed no allegiance to the Commission. They controlled the administrative staff at the Commission's offices. They controlled the Commission's finances and procurement of all Commission's supplies notwithstanding that amongst the Commission's administrative staff there was an Under Secretary and a Chief Supplies Officer.
3. There was a Public Relations Officer. He was fully employed by the Commission`

With the promulgation of the Code of Conduct for Members and Staff of the Electoral Commission and the Proceedings of the Electoral Commission²⁴, there is now tighter internal regulation of the Commission's activities. Whereas the commission commenced its work in an atmosphere devoid of many rules save the constitutional provisions, it now has to operate in accordance with this subsidiary legislation. This has enhanced the Commission's independence and credibility.

Impartiality and independence of members is now defined; the commissioners are required to take an oath of office and disclose conflicting interests; non-partisanship is also defined. The effect of this is to give the members of the commission the confidence to go about their duties in the full knowledge that they are acting within the confines of the law.

The Commission holds regular meetings. There are now provisions as to quorum, notices, decision-making and the keeping of minutes. With regard to decision-making, the rules provide that decisions shall be unanimous or by concurrence of a majority of the members. The former is, of course, the desired method, as a divided Commission cannot effectively perform its role.

The rules also make it mandatory for the Commission to establish certain committees for the execution of its duties. There is, for example, the committee for liaison with political parties. This is established whenever an election (and this includes a by-election) is to be held. It has greatly enhanced the interaction between the Commission and political parties. There is visibly increased confidence by political parties in the Commission, a situation that has also helped to infuse no mean measure of integrity into the electoral process.

²⁴ This subsidiary legislation is to be found in the Second and Third Schedules to the National Assembly and Presidential Elections Act (Chapter 7 of the Laws of Kenya) and was introduced vide the Statute Law (Repeals and Miscellaneous Amendments) Act No. 10 of 1997.

CHAPTER 5

SOCIO-ECONOMIC AND POLITICAL ENVIRONMENT

5.1 The Economic Situation

The 1997 general elections were carried out in an atmosphere characterised by dialogue and accommodation. The electoral environment was vastly improved compared to many elections before. However, certain events, trends and processes affected the elections in one way or the other. In particular, economic distress spawned by the *El Nino* rains and financial instability severely undermined the effective organisation of the elections. On the economic front, the year 1997 recorded a decline in investment and economic activities compared to 1996. The overall economy grew at 2.3 per cent compared to the growth rate of 4.6 per cent in 1996 while the key sectors of the economy registered a decline in both output and growth, as shown in the 1998 Economic Survey. This downward trend of growth of the economy resulted from a combination of many factors, foremost of which were the adverse weather conditions (*El Nino*), poor infrastructure, pre-election ethnic violence at the Coast Province, labour unrest due to rising cost of living and general discontent amongst various sections of the citizenry. Others included depressed investments resulting primarily from the suspension of aid programmes to Kenya by the International Monetary Fund (IMF), the World Bank and other bilateral lending agencies. These principal lending agencies to Kenya had sought to have a number of reforms introduced as a condition for lending.

This suspension in quick disbursing aid in turn led to considerable flight of private short-term investment that devalued the Kenya Shilling by approximately 25 per cent. The demand by teachers for better remuneration further complicated the situation. The teachers' demands were based on an apparently valid agreement by which the government agreed to increase the teachers' remuneration by over 200 per cent. The first instalment was due at this time. The government recognised the importance of the elections but it also had an obligation to pay the teachers. It was clearly a difficult situation for the government financially. Happening just ahead of the planned elections, these events did not augur well for the smooth conduct of the polls. Though the elections were held eventually, the impact of the foregoing events were felt in different ways by different social political organisations.

5.2 Ethnic Violence

The period before the elections and immediately following them, a new wave of ethnic clashes occurred in Likoni, Laikipia, Baringo and Njoro areas. In Likoni, a number of people were reported killed while hundreds of others were reported displaced. Similarly in Laikipia, Baringo and Njoro it was reported that hundreds of people lost their lives while thousands were reported rendered homeless. Though this violence was at a lower scale compared to 1992, it nevertheless severely affected the exercise of registration of voters and the actual elections in December. In particular, the Commission observed that many of the would-be voters from the affected areas could not participate in the elections as they were not safe in these areas and, where they had fled to, they had not been registered to vote. Unfortunately, the law does not provide for voters to cast their votes at centres other than where they registered.

5.3 The *El Nino* Factor

October, November and December in each year form one of the rainy seasons in most parts of Kenya. These are not ideal months to hold an exercise of the magnitude of a general election. Yet the Commission has no right or opportunity to choose when general elections should be held. The period is determined by the dissolution of parliament which is solely the prerogative of the President of the Republic of Kenya, as is discussed elsewhere in this report. The point is that the Commission expected normal rains during the holding of the elections. Normal rains make travelling difficult, they spoil roads to some extent, they flood rivers. They cause inconveniences. But it is not hard to overcome these. The 1997 rains in November, December and January 1998 were no ordinary rains. They were heavy and raining almost daily throughout the country. Large land surfaces came under floodwaters. Some bridges were washed away. Rail and road networks were adversely affected. Many homes were rendered inhabitable. Roads and rural airstrips were in a pathetic state even before the rains. The rains were the last straw.

Communication became generally impossible and where it was possible it was very difficult. Planes, even helicopters, in some airstrips or even large areas, could not find spots to land to deliver ballot papers or election officials. That was the case in almost the whole of North Eastern Province, a greater part of the Coast Province, parts of Eastern Province and Rift Valley Province. More specifically, places like Wajir, Moyale, Garissa, Tana River, Kwale, Malindi, Lamu, parts of Kitui district and Samburu became

inaccessible even to helicopters. Transport by road in most places was a nightmare. The end result was late arrival of ballot papers and election officials leading to delay in the commencement of polling in some polling stations. As if that was not enough a constituency like Budalangi had a polling station split into two by raging waters. Methods for floating materials and personnel for the elections had to be designed locally using native genius. Like all gloomy situations, tragedy struck when the Commission lost some of its election staff in the Coast who drowned in Tana River while trying to follow ballot papers that had been airlifted leaving them behind.

The impact of these rains to the conduct of elections was severe. But these elections were only one of the important activities that survived the rains.

CHAPTER 6

DELIMITATION OF BOUNDARIES

6.1 The History

Delineation of electoral constituencies is one of the most politically controversial matters in the study and evaluation of any electoral system. In Kenya, this is even more so owing to ethnicity and the fears and biases associated with it. Nevertheless, the main objective of redrawing electoral boundaries is to ensure more equitable representation. Before independence, the Colonial Governor was responsible for determining the country's provincial and district boundaries. He had the power to divide the country into constituencies, create their boundaries as well as give them names. At independence in 1963, the new constitution provided for a two-chamber Parliament with 113 seats in the House of Representatives and 38 in the Senate. In 1964, the country had reverted to a single-chamber Parliament with 158 seats by constitutional amendment. Although the 1963 Constitution had provided for an Electoral Commission with powers to create constituencies, delineate their boundaries, give them names and review them periodically, no such review was carried out. Instead, the two houses of parliament were merged into one, additional constituencies created, existing boundaries altered and names given to them through constitutional amendments. This kind of constitutional or legal engineering seemed to appeal to the political leaders for many other changes or situations were brought in the same way. This number remained the same until 1987 when it was raised to 188 following a review by the then Electoral Commission. This number was further increased by 22 to 210 in 1996 following which the Electoral Commission of Kenya undertook a countrywide review of the constituencies²⁵. This number in each case is the maximum provided under the Constitution.

6.2 Constitutional Provisions Relating to the Creation of Constituencies

The legal authority to create electoral areas is vested in both Parliament and the Commission. Section 42(1) of the Constitution of Kenya as well as Section 10 of the Local Government Act²⁶ respectively stipulate that the country will be divided into such

²⁵ Kenya Parliamentary Constituencies Review Order 1996 of 23 September 1996 Legal Notice No. 298 and amended by Legal Notice No. 320 of 1996.

²⁶ Chapter 265 of the Laws of Kenya

constituencies and wards as the Commission may determine. The Constitution further mandates the Commission to delineate their boundaries and assign names to them. However, Parliament is mandated under section 42(2) to prescribe the minimum and maximum numbers of constituencies into which the country may be divided. According to section 42(4), the review of constituencies should take place at intervals of not less than eight years and not more than ten years. A twenty-year interval elapsed between the review in 1966 and the next one in 1986. This happened through constitutional engineering in the intervening years - all by Parliament. The Constitution also states that all constituencies should contain as nearly equal numbers of inhabitants as appears to the Commission to be reasonably practicable, but the Commission may depart from this principle to the extent that it considers expedient in order to take account of the following:

- population density, in particular, the need to ensure adequate representation of urban and sparsely-populated rural areas;
- population trends;
- means of communication;
- geographical features;
- community of interest, and
- boundaries of existing administrative areas.

This means that the Constitution actually allows the Commission to exercise its discretion in the creation of Constituencies. However, this discretion must take into account fairness and must also be democratic. The population figures to be used are those obtained from the latest census. Though an attempt has been made over the years to adhere to this provision the accuracy and credibility of some census results has led to questions as to whether they warrant being used as the reference figures. This was true particularly for the 1989 census. Yet, however contentious and in the absence of any other national figures, this was the only source of the census information that could be used for the exercise.

6.3 The Re-Drawing of Boundaries and Creation of New Constituencies

The 1996 review of constituency boundaries took a period of slightly more than one year during which the Commission first solicited written memoranda and then travelled to different parts of the country collecting recommendations from the people through oral presentations. Views by some experts on population and local affairs at various places were received. Following this exercise, the Commissioners spent about two weeks carefully pondering over and considering the outcome of that process in order to determine the new electoral areas following which they released the names of the 22 new constituencies. The consultations were intense and involving.

A national population quota was arrived at by dividing the total population of the country with the number of available constituencies. These worked up to approximately 102,000 persons per constituency. Existing constituencies which had a lower or greater number of inhabitants were identified for review e.g. by way of division. Based on the population of each province, a decision had to be taken as to how many new constituencies each province would get. Then there followed a decision on how the Commissioners had to identify the best equitable method to bring about fair representation within each province. A number of people who proposed new constituencies preferred that they stretch into the nearest urban centre e.g. Kericho, Eldoret, Mwingi etc. For existing constituencies that are cut off from towns, the same people asked that boundaries be adjusted accordingly. The Commission decided it would be unfair to abolish an existing constituency. But its size could be increased. By combination of all these factors and keeping with the law, a redrawing of boundaries followed on many of the constituencies. In the case of a few constituencies names were changed because either the new geography of the constituency demanded this e.g. Mathare to Kasarani or the previous names were misleading or tribal e.g. Kikuyu to Kabete.

The considerations the Commission took into account were population, population density and trends, means of communication, geographical features, community of interest and the alignment of constituency boundaries with administrative boundaries. By and large, the overriding consideration was the equitable representation. In the Commission's experience, this is not an easy exercise.

Decisions were arrived at by consensus among Commissioners and based on the data and views collected from the people. Care was taken to ensure that ethnic and personal interests did not undermine the vital public interest represented in the matter. In other words, the outcome of the process had to reflect the wishes of the people of Kenya from whom views had been sought. The recommendations of the review were gazetted by the then the Commission Chairman Justice (Rtd) Zacheaus Chesoni without any reference to the Government for approval²⁷. This demonstrated a measure of increasing independence and deviated from the 1986 review whose recommendations were presented to the President for his consideration and approval. The 22 new constituencies created are listed below:-

NO.	CONSTITUENCY	DISTRICT	PROVINCE
1.	Bura	Tana River	Coast
2.	Wajir North	Wajir	North Eastern
3.	Tigania East	Nyambene	Eastern
4.	Manyatta	Embu	Eastern
5.	Mwingi South	Mwingi	Eastern
6.	Kaiti	Makueni	Eastern
7.	Ol Kalou	Nyandarua	Central
8.	Kerugoya/Kutus	Kirinyaga	Central
9.	Mathioya	Muranga	Central
10.	Gatundu North	Thika	Central
11.	Emgwen	Nandi	Rift Valley
12.	Eldama Ravine	Koibatek	Rift Valley
13.	Naivasha	Nakuru	Rift Valley
14.	Sotik	Bomet	Rift Valley
15.	Ainamoi	Kericho	Rift Valley
16.	Matungu	Kakamega	Western
17.	Khwisero	Kakamega	Western
18.	Bumula	Bungoma	Western
19.	Butula	Busia	Western
20.	Kisumu Town East	Kisumu	Nyanza
21.	Uriri	Migori	Nyanza
22.	Gwasi	Suba	Nyanza

²⁷ Parliamentary Constituencies Review Order, 1996

The new constituencies were created as a result of the adjustments of the boundaries of the existing ones. These include Bura created from Garsen; Wajir North from Wajir East; Tigania East from the larger Tigania; Manyatta from Runyenjes; Kaiti from Kitui North; Ol Kalou from Ndaragua; Kerugoya/Kutus from Inoi; Mathioya from Kangema; Gatundu North from Gatundu; Emgwen from Aldai; Eldama Ravine from Baringo South; Kuresoi from Molo; Sotik from Chepalungu/Belgut; Ainamoi from Kericho; Matungu from Mumias; Khwisero from Butere; Bumula from Kanduyi; Butula from Nambale; Kisumu Town East from Kisumu Town; Uriiri from Migori; and Gwasi from Suba.

In terms of provincial distribution of the new constituencies, Rift Valley got 5 constituencies; Western 4; Central 4; Eastern 4; Nyanza 3; Coast 1; North Eastern 1; and Nairobi got none. Similarly, of the 22 constituencies, 8 were created in the new districts of Nyambene, Mwingi, Makueni, Thika, Bomet, Migori, Koibatek and Suba. This represents 36% of the new constituencies and is a significant percentage.

Save for Nairobi, with an average constituency size in terms of registered voters of 90,038, and North Eastern with an average size of 15,071, the rest of the provinces show little variation in constituency sizes. The wide variations in constituency sizes and numbers (as the case of Nairobi and North eastern demonstrate) has been inevitable due to the large variations of Kenya's population density. Some constituencies, notably those in the North-East, while geographically large, are so sparsely populated that their population size is still below the average. These are legitimate considerations expressly provided for in the Constitution.

A number of questions were raised following this delimitation. The Commission welcomes fair criticisms and comments. However, critics can only be fair if they understand well the legal regime under which the exercise was carried out and the geography of Kenya in all its aspects. It was not particularly easy for the Commissioners to find amicable solutions. Certain areas provided real challenge to them. The case of Nairobi, is one example.

6.4 Relationship between Constituency and District Boundary Delimitation

With regard to the relationship between the redrawing of constituency boundaries and the creation of new districts, it is important to point out that the two processes are bureaucratically distinct. In making new constituencies, the Commission endeavoured not to be influenced by the newly created districts. It was guided in this process by a constitutional criterion. It must, however, be stated that there is a connection between the two types of geographical entities. The Commission interprets the constitution's requirement to consider boundaries of existing administrative areas in deciding constituency boundaries to mean that constituencies must be located within an administrative district. In other words, a constituency should never traverse the boundary between two districts.

While a district may be divided into more than one constituency, no constituency should transcend district boundaries. This may mean that, a district should have at least one complete constituency regardless of how small its population might be. The Commission did not come across such kind of a case. For example, the old constituencies of Kuria and Mt. Elgon became new districts in 1996. They were made constituencies. This was not because they were districts, it was a coincidence. They qualified, like any other areas, to be made constituencies. All the same, the creation of administrative districts at a time a review of parliamentary constituencies is in progress, or is about to start, can confuse issues.

6.5 Delimitation of Wards

With respect to the determination of electoral areas for local authorities (commonly known as wards), this is now the responsibility of the Commission. This followed the enactment of the Statute Law (Repeals and Miscellaneous Amendments) Act, 1997. Previously, the Minister for Local Government (now re-named Minister for Local Authorities) used to determine the electoral areas. The Act stipulates that the principles upon which constituencies are created or reviewed shall apply *mutatis mutandis* to the creation of wards. The present local authorities were constituted by the Minister for Local Authorities by a number of Orders published in a *Kenya Gazette Supplement* No. 74 of 24 October 1997 while the Statute Law (Repeals and Miscellaneous Amendments), Act 1997 that transferred the Minister's powers to the Commission came into force on 7th November 1997. The Commission is planning to carry out a thorough review of the present wards.

By a *Kenya Gazette Supplement* No. 70 of 3 October 1997, the Minister had stated the wards that were to hold elections. Then by *Kenya Gazette Supplement* No. 74 of 24 October, the Minister almost doubled the number of electoral wards and varied the boundaries and names of the existing ones. This action, coming at a time when plans for civic elections, including computer inputs for ballot papers had proceeded on the basis of the earlier *Supplement*, severely affected the work of the Commission. The *Supplement* meant that the ballot papers that had been ordered to be printed could not be used, as new ones would be required. The Commission stood to incur huge costs for these were it not for the printer who accepted to forego the work done. The Minister's action had effectively erased what had been done thus far at a great cost. However, the boundaries needed to be re-drawn to accommodate the new wards. Most important, voters needed to be informed of these changes yet there was not enough time. Some found themselves in wards whose names were new to them. Rather than engage in a legal tussle with the Minister, the Commission moved quickly to revise the boundaries. The Commission's cartographers were dispatched to the affected areas to re-draw the boundaries. However, due to the shortage of time, the exercise could not be completed satisfactorily and in time for the elections in some areas and as such, civic elections in these areas were disputed, or held amidst boycotts and acrimony.

There was even a bigger problem. Following the boundary changes, some voters suddenly found themselves required to vote in wards with different names from the ones in which they had initially registered to vote. Moreover, they were now required to vote for candidates other than their preferred ones. For example, while many voters at Kawelu Primary School in Mwingi South thought that they belonged to Wingeni Location, they discovered that they were placed in Mutyangome Location, a place where they could not vote for the civic candidate of their choice. Other areas affected included Langata and Dagoretti constituencies in Nairobi. Faced with this problem many voters ended up not participating in the elections. It was a problem that the Commission was unable to resolve then.

In addition to the above problems, the late dispatch of a large number of wards' and candidates' names to the printers led to a situation where candidates' names and parties were either misspelt or interchanged thus making it impossible for the elections to take place. Elections failed to take place in a number of other wards owing to the fact that

nominations were not conducted. There was confusion amongst the political parties and the voters brought about by these sudden changes. Of the 37 wards where elections did not materialise, 21 were as a result of failure to nominate candidates owing to disputes as to the correct boundaries. Subsequent to the elections, by-elections were organised in the affected areas and thus filled.

CHAPTER 7

REGISTRATION OF VOTERS

7.1 Registration of Voters

7.1.1 *The Legal Provisions*

Registration of voters and the subsequent preparation of the voters' register are a critical component of any electoral process. This is because it determines who will be able to exercise the right to vote. If the process is flawed, the fairness of any election based on it will be questionable. The Commission is mandated by the Constitution to register all qualified voters who wish to be registered and accord them all the necessary facilities to elect leaders of their choice. As part of the preparation for the 1997 general elections, the Commission was obliged to conduct a successful voter registration drive and compile a credible voters' register. Legally, only those, whose names appear on the register of voters, are entitled to vote. This means that the higher the number of persons registered, as a percentage of the total population, the more successful the exercise would be deemed to have been. To achieve this, however, people need to have unimpeded access to the registration centres and be well informed of the process.

7.1.2 *Registration of Voters for the 1997 General Elections*

7.1.2.1 *Financial and logistical preparation for the registration exercise*

As part of the preparation for the voter registration exercise and in order to respond to the financial requirements of the 1997 general elections, the government through the Minister for Finance announced on June 17 1997 its intention to grant the Commission KSh. 2.3 billion. This was contained in the Financial Estimates tabled in Parliament ahead of the year's budget day. Parliament was being asked to approve these funds of which KSh. 2.092 billion would be used to finance the election process and KSh. 230 million be spent on the registration of voters. With respect to the registration exercise, the Commission published the names of the 12,500 registration centres through a Legal Notice. This number was double the 6,000 registration centres existing in 1992 and were mainly situated in schools and government facilities. This was followed quickly by the recruitment and training of registration officials. The registration officers were appointed in each constituency. In turn, they appointed registration clerks. Applicants for this position required to be residents of

the constituency; form four leavers; intelligent, non-partisan and preferably persons who could afford the time to work exclusively in the exercise.

7.1.2.2 Computerising the voter registration exercise

The United Nations Development Program (UNDP) had offered to assist facilitate the voter registration exercise by computerising the system of voter registration and carried out a feasibility study which demonstrated its value. Government commitment, however, had to be shown to this project by contributing funds to it. After more than six months of discussions, this project as a joint effort with UNDP was shelved. Based on the assessment study sponsored by UNDP, the Commission eventually undertook a computerisation of the voter registration exercise. The Commission hired the services of a Kenyan consultant to assist in this process.

Thus for the first time in Kenya's electoral history, the voter registration was computerised in order to improve efficiency and speed up the Commission's work. A special program called Optical Mark Recognition (OMR), capable of capturing billions of pages of data in machine-readable form, was used. Specially designed forms, on which registration information was first written and then marked by shading in specific cells on a corresponding grid. This was then translated into meaningful data based on the marked cells. The Kenya National Examination Council (KNEC) has used the OMR technology for the last thirty years to "capture" school registration and examination data. Initially, the Commission used the KNEC personnel to carry out the exercise.

In order to provide back-up systems, the Commission undertook a manual entry of all voter registration details in a "black book". This was to ensure that there was a voters' register in case of any problem with the computer-generated data. In the end, this was borne out as data in the black book occasionally helped to clarify certain details that could not be available on computer. However, the computerisation helped detect double and multiple registrations and this enabled the Commission to take corrective action promptly. The Commission took these very seriously and called for prosecution of offenders. Vital statistics were also provided when required with a very insignificant margin of error (0.02 per cent). In short, though there were some problems, the overall finding was that there was great gain in computerising the voter registration exercise.

7.1.2.3 The registration extensions

The registration lasted 43 days, having commenced on May 19, 1997 and ended on June 30, 1997 following two extensions of the initial deadline. Initially, the exercise was supposed to end on 22 June 1997 but was extended to 30 June following the realisation that many people had not registered and as a response to widespread public appeal.

Kenyans have the tendency to wait until the last minute to seek registration. When the exercise started, there were very few and short queues of applicants. These lengthened as the last days drew near. Indeed, the announcement of the extension period was immediately followed by a marked reduction of the long queues of prospective voters, only for these to resurface, as the extension period appeared to be ending. The registration period was thus further extended for a week and was officially closed on June 30, 1997. Even after this, opposition political parties and political activists still demanded that the registration be extended, even threatening to take legal action to achieve their objective. No further extension was, however, granted. It is significant to note that the extensions allowed many people who would otherwise have been disenfranchised, to register. Calls for extension are not new. In 1992, the Commission was compelled to extend the registration for 10 days and by so doing, was able to achieve the projected 7 million mark. In deciding the period of voter registration, the Commission takes into consideration the law governing the registration, the number of expected voters and the time required in registering them. Based on the figures provided by the Registrar of Persons regarding issuance of national identity cards, the Commission had projected to register 10 million voters. If 285,714 people were to be registered every day, then it would take 35 days to register 10 million people, hence the initial 35 days set for the registration exercise. The Commission's timetable was further undermined by the tendency by many Kenyans to do things in the last minute as has been discussed above.

7.1.2.4 Outcome of the registration exercise

By the initial June 24 deadline 8,013,814 people had registered. The Commission had aimed to register 10 million people based on statistics from the Registration of Persons Bureau, which had issued 10.9 million identity cards. At the end of it all and after scrutinising all the field returns including checking and counter-checking all cases of double and multiple registration, a total of 8,967,569 Kenyans registered as voters with Rift

Valley Province recording the highest number of 2,145,505 voters, followed by Eastern Province with 1,459,510. The rest of the provinces followed in this order: Central: 1,340,186; Nyanza: 1,334,827; Western: 1,019,455; Coast: 781,999; Nairobi: 720,305 and North Eastern Province: 165,782. In 1992, the number of registered voters was 7,856,695 but no one knows how many of these were multi-registered, though there were many such cases. Table 7.1 below gives the number of registered voters by province and gender in 1997.

Table 7.1: 1997 Registered Voters by Province and Gender

Province	Women	Men	Undeclared	Total
Nairobi	237,932	481,830	543	720,305
Coast	353,389	426,585	2,025	781,999
North Eastern	77,060	88,301	421	165,782
Eastern	746,647	711,117	1,746	1,459,510
Central	638,900	698,126	3,160	1,340,186
Rift Valley	1,021,394	1,121,570	2,541	2,145,505
Western	529,836	487,042	2,577	1,019,455
Nyanza	669,735	661,513	3,579	1,334,827
Total	4,274,893	4,676,084	16,592	8,967,569

Source: ECK Records

In 1997, there were claims that a sizeable number of Kenyans particularly those who had turned eighteen years in 1997 had not acquired national IDs to enable them register. Some estimates put this number between 1-3 million. While the process of acquisition of IDs, particularly for the new applicants, may have been such that a number of prospective voters may have been left out, the Commission's own calculations revealed that this could not have been as high as was being put. Even by using the number of those in our population statistics who would have turned 18 years by 1997, this number is something below 1 million, and not 3 million as was being suggested. It is also erroneous to assume that even with national IDs, all these persons would have come out to register, as registration is still voluntary in Kenya. The answer lies in dealing with the backlogs of registration of persons at the Registrar of Persons' Office as well as making voter

registration a continuous exercise. This would also require public voter education campaigns intended to enthruse people to come out and register as voters.

Following the conclusion of the exercise, the Commission had 14 days in which to compile the voters' register and a further 1 month in which to open the register for inspection. After this and depending on the nature and magnitude of the complaints, the Commission is required to prepare a final register or the voters roll. The Commission did this and made the register available in all constituencies. In order to reach people, the Commission made public announcements in the media, asking people to come out and inspect the register. The register was also displayed in all market centres (targeting market days), at all primary schools as well as in churches throughout the country. Announcements were also made in churches during Sunday services and at schools regarding the availability of the register and the need to inspect it and make early corrections, objections and claims.

7.1.2.5 Registration problems and their solutions

Initially, the registration process started off on a very slow tempo as many Registration Clerks tried to get familiar with the registration procedures. There was noticeable confusion regarding the use of the old and new generation IDs with some clerks failing to register those with old IDs and preferring only those with the new ones. Old generation cardholders were in some cases turned away. However the Commission assured Kenyans that both the old and new generation identity cards were valid for use in the registration process. Though there was an increase in the number of people registered as voters compared to 1992, initial turnout countrywide did not provide an indication of enthusiasm to register. The situation, however, improved as time went on.

There were some unforeseen logistical and administrative problems such as shortages of registration materials and equipment such as registration forms, lamination materials and voters' cards in some districts e.g. Nyamira and Nyandarua. There were allegations that there was nepotism, ethnic considerations and bias in the recruitment of registration staff; that the setting up of registration centres was skewed against one or the other politician, and that the Commission had set up too many registration centres in some constituencies. However, the Commission considered all these and carried out its mandate according to the constitution.

In some areas notably Nyamira and Kisii, the process was delayed or failed to start off in the first day as some registration officials failed to turn up. In many cases, this was due to inaccessibility occasioned by poor transport system. In fact, in Tana River, registration officials were stranded in Hola for seven days due to heavy rains that made the roads impassable. Whenever these problems came to light, the Commission moved swiftly to deal with them.

The case of Nyanza Province needs special mention here. The problem was brought about largely by a serious breakdown in communication between the Commission and its field personnel. There was a problem relating to the OMR form which instead of picking 10 digits the registration clerks picked 4 digits. Because of this anomaly, the voters' cards issued thus far were declared invalid and the Commission advised the affected voters to surrender those cards to the registration centres and obtain new cards. Indeed, unsuccessfully, some 26 Members of Parliament took the matter to the High Court seeking to block the Commission from proceeding with voter registration.

7.1.2.6 The issue of double and multiple registration

After a careful analysis of the voters' register, the Commission found a total of 61,696 people who had registered more than once. 15,363 of these were in Coast province alone, followed by Nyanza with 10,411, Rift Valley 9,921 and Western province 5,941. Some voters did this for fraudulent purposes. Others were misled by those who knew better. However, it was not immediately clear why but perhaps, it was because of uncertainty of the voting preference and the misplaced belief that one could vote as many times as the number of cards one had. This is an election offence and anyone found guilty is liable of a jail term of up to 5 years. There was a case of an Assistant Chief in Migori who was found guilty of double registration. The worst case, however, was found in Mvita Constituency, Mombasa where a voter went through the process twenty times. Many other people all over the country who were convicted of this offence were either fined or served jail sentences ranging between six months to the maximum five years. They were also automatically disqualified from voting. Consequently, their names were crossed from the voters' register and compiled on a separate print out. This means that the register of voters did not contain the names of those who registered more than once. These appear in Appendix 5.

To the Commission these acts were very serious. It is worth mentioning here that with the computerisation of the registration process it did not matter how many times one registered and thus how many cards one was in possession of, as it was impossible for one to get his name in the voters' register more than once. It was also quite easy to track down those involved. A careful check of the register confirmed this. The same applied to those alleged to have engaged in registration after the expiry of the officially designated time.

There was also the issue of invalid electors' cards circulating in the country. President Moi reported of a syndicate involving such cards. According to the President, about 5,000 fake cards were circulating in his Baringo Central constituency alone. Similar allegations were made from across the country. However, after a careful investigation mounted by the Commission in conjunction with the Criminal Investigation Department (CID) and the Principal Registrar of Persons covering the entire country, it was discovered that the invalid cards were those the Commission had declared invalid but had not been destroyed. The Commission Clerks who had participated in the registration exercise had failed to destroy these cards at the time they replaced them. There were many cases of people holding more than one voters' cards but appearing in the register of voters only once. There was genuine concern that some fake cards could have been issued from counterfeit material manufactured through high but fraudulent technology. Dishonest election officials may also have stolen them. However, on the specific fake electors' cards that the President showed, the named person was traced and after interrogation, it was found that his card had been declared spoilt three times and advised to secure a new one.

All in all, the computerisation of the voters' register as well as the use of special forms for registration which were scanned by an OMR ensured the process was fast and largely devoid of errors. This represented a marked improvement over the previous years when the whole exercise was largely manual. The Commission responded promptly to problems whenever they arose. It was also a learning opportunity for the Commission such that some of the shortcomings will be avoided in future with proper publicity, an efficient materials delivery system and, based on the experience of Nyanza, proper training of officials.

CHAPTER 8

REGISTRATION OF POLITICAL PARTIES

8.1 The Legal Provisions

The registration of political parties in Kenya is the responsibility of the Registrar of Societies. However, the Commission has a real interest in the registration process. This is because under the current laws, any person who wishes to contest in an election (whether presidential, parliamentary or civic) must be sponsored by a registered political party in accordance with its constitution and procedures. There is no legal provision for independent candidates. The Commission expects the process to be done promptly in order to facilitate the printing of ballot papers which must bear the names and symbols of all political parties participating in an election.

8.1.2 *Pre-1997 Political Parties*

Although the powers to register (and de-register) political parties have been in the country's statute books for long, the only party registered after independence was the Kenya People's Union in 1966. This was short-lived, as the party was de-registered in 1969. Thereafter, KANU remained the only active political party up to 1992. With the re-introduction of multi-party politics in 1991, several parties were registered. These were the Forum for the Restoration of Democracy (FORD) which later split into FORD-Kenya and FORD-Asili, National Development Party of Kenya (NDP), Democratic Party of Kenya (DP), Social Democratic Party (SDP), Labour Party Democracy (LPD), Kenya National Congress (KNC), Kenya Social Congress (KSC), Kenya National Democratic Alliance (KENDA) and Party of Independent Candidates of Kenya (PICK). The Registrar of Societies did not register a number of others for various reasons.

8.1.3 *The New Parties and Impact of Their Late Registration*

In the run-up to the 1997 General Elections, 16 new parties were registered. This began with Forum for the Restoration of Democracy for the People (FORD-People), an offshoot of FORD-Asili, which was registered on 3 October 1997 as a separate party after a leadership wrangle in the latter. By 7 October 1997, 9 more political parties had been registered. This followed recommendations by the Inter-Parties Parliamentary Group (IPPG), to the effect that political parties whose applications for registration were then

pending before the Registrar of Societies be either registered or told why they could not be registered. These were Liberal Party of Kenya (LPK), People's Party of Kenya (PPK), Kenya Socialist Party (KSP), New People's Democratic Party (NPDP), Democracy Assistance Party (DAP), Reform of Political and Kenya Union (RPKU), Green African Party (GAP), Umma Patriotic Party of Kenya (UMMA) and Kenya Nationalist People's Democratic Party (KNPDP).

An additional list of new parties included the United Patriotic Party of Kenya (UPP), Shirikisho Party of Kenya (SPK), Federal Party of Kenya (FPK), Economic Independence Party (EIP) and Republican Reform Party (RRP). The Safina party was registered on 26 November 1997, exactly one month and three days to the election date. The National Treaty Party of Kenya (NTP) and the Islamic Party of Kenya (IPK) were denied registration while the Kenya African Development Union (KADU) and the Democratic Congress Party of Kenya (DCP) had their applications referred back for re-application through the Attorney General. In all, twenty-seven political parties were registered by the time the 1997 general elections were held.

The registration of 27 political parties before the 1997 elections was seen by many Kenyans as a welcome development, especially in view of the Constitution's express provision that Kenya shall be a multiparty democratic state. The immediate benefit was to give potential candidates choice in terms of the party they could seek sponsorship from. This development helped to cushion those who lost the primaries in certain parties, as they still had the chance to get nominated by other parties.

The late registration of these parties, however, seriously affected the Commission's work with regard to the printing of ballot papers. It was done after ballot papers had been designed and basic arrangements for their printing made. It therefore meant that these ballot papers and computer preparedness were suddenly rendered useless and new designs and preparations had to be ordered done. This also brought misunderstandings with the printer who was forced to print and re-print. At one point the then Chairman of the Commission had to travel to London to negotiate for a new set of ballot papers to accommodate additional names corresponding to the new parties. The size and appearance of the ballot papers had to be adjusted in order to fit an additional number of parties. Initially, the names of all parties had fitted one ordinary paper. All this meant that the

Commission had to incur extra costs for these variations to the initial contract with the printer.

There was another angle to the problems of late registration of political parties. The new parties were not accorded enough opportunity to popularise their policies and programmes in order to attract increased membership. As a consequence of this, many of them were largely unknown by Kenyans as they went to the polls, a situation that may have favoured the older and more established political parties. The only consolation is that the new political parties accepted the arrangement well aware of the consequences. It was too ambitious for them to expect people to vote for them.

CHAPTER 9

THE ACQUISITION AND DISTRIBUTION OF ELECTION MATERIALS

9.1 The Acquisition of Ballot Boxes

For the conduct of elections, a number of preliminary arrangements were made to procure election material in sufficient quantities. These materials included ballot boxes, ballot papers, punch machines, indelible ink, rubber stamps, etc. As part of the election preparation process, the Commission announced that 60,000 ballot boxes were available for use during the elections of which some were to be reserved in the event of a presidential run-off. Out of the 60,000 boxes, 26,000 were imported from Britain in 1997 to add to the existing 34,000, which had been used during the first multiparty elections in 1992.

More boxes were required due to the increased number of voters in 1997. Some 1,000 boxes used in 1992 were cracked and could not be used. The total number of boxes required was determined on the basis of their capacity²⁸ measured against number of registered voters. The idea of using the 1992 election ballot boxes as opposed to buying an entirely new set was occasioned by the fact that they were available and there was nothing wrong with them as well as financial constraints facing the government then. The boxes imported from Britain were the special black boxes similar to the ones used in previous elections. They had been designed according to particular specifications supplied by the Commission in 1992 as well as in keeping with the law.

9.1.1 *The Danish Ballot Box Offer*

The Danish Government through its Embassy in Nairobi offered to supply the Commission 52,000 "transparent" ballot boxes for use during the elections. A sample of the ballot was supplied to the Commission. This offer was made on November 15 1997 at a time that the Commission had in August 1997 entered into an agreement with Paxton Inc., a British firm, ordered and even paid a deposit for the additional 26,000 boxes. These

²⁸ A ballot box can accommodate up to 800 ballot papers; based on experience from returns, an average box carries 600 ballots. This, together with the number of registered voters was used a basis for ordering 60,000 ballot boxes (this took into consideration the possibility of a run-off).

had to be paid for irrespective of this gift. It did not seem to make sense to spend so much money to purchase boxes and then abandon them. Moreover the Commission risked to be sued for breach of contract by accepting a new arrangement for delivery of ballot boxes in place of the British boxes. It was not possible to terminate the British contract without paying substantial amounts of money to the company in damages.

The other issue that the Commission had to consider was the timely delivery of the Danish boxes. The elections were due in 29 December 1997 and the offer was received on 15 November 1997. The gift was not free of conditions and these conditions had to be agreed on. That required time not only to negotiate and agree on its terms, prepare and sign the agreement but also to transport them to Nairobi from Denmark. These are matters, which involve the Government and hence bound to take time. Furthermore, it would not have been simple to obtain the money for this payment from the Treasury considering the prevailing financial position in the country and given that other boxes were available and already paid for. It was mainly due to the above explanation that the Commission was unable to accept the offer. The Commission is hopeful that the Danish Embassy will extend the offer again, without (or with reasonable) conditions, and as early as possible, at least before the Commission buys or agrees to buy others elsewhere.

The Commission ensured that it had put in place a foolproof and transparent electoral process that would ensure free and fair elections, and that it was not necessarily transparent boxes that would help achieve this. This helped in reducing the apprehension that started to build up during the controversy. It must also be pointed out that the so-called transparent ballot boxes have been used in countries like Liberia and Ghana but the results have not necessarily brought about transparency.

9.1.2 Storage and Distribution of Ballot Boxes

Following their acquisition, the ballot boxes were serialised and stored at the Commission's go-downs in Nairobi's Industrial Area, under heavy guard, from where they were to be sent to the District Election Co-ordinators (DECs) and the constituencies. During dispatch from the stores, observers, the press, candidates and their agents were allowed to witness. A schedule of distribution was sent to the Returning Officers. However, the actual delivery of materials to DECs experienced some logistical and co-ordination problems.

9.1.3 *Procedure for Use of Ballot Boxes*

- Every candidate was allowed to send their agents to the Returning Officer on the polling day to witness the distribution of the ballot boxes.
- Agents and security officials were then allowed to travel in the same vehicle with the polling material.
- The candidates and their agents were required to sign a form attesting to the fact that the box is empty.
- Candidates and their agents were required to place their seals on the ballot boxes before commencement of voting.
- Candidates and their agents were then required to place their seals on the ballot boxes once they were filled with ballots closing the aperture used to insert the ballot paper.
- Agents were then required to examine the ballot boxes to certify that the seal was intact before opening for purposes of counting; in case of any suspicion the box was put aside for further inspection.
- Nobody would open the ballot box without breaking the seal.

9.2 **Ballot Papers**

9.2.1 *The Legal Provisions*

The law provides that presidential, parliamentary and civic elections shall be decided by secret ballot and every elector shall cast his or her vote by inserting in the ballot box a ballot paper in the prescribed form. The printing of ballot papers must of necessity await conclusion of nomination, as this is when the number and names of candidates contesting are known. The ballot papers for presidential elections were prepared and delivered on December 20 1997. They were printed in London by Smith and Ouzman Ltd., a firm specialising in this kind of work and based in Sussex, England. Many UK banks, government departments, and blue chip companies use its services. Prior to 1997, Smith and Ouzman had not supplied ballot papers to Kenya but has been a regular supplier of ballot papers to African countries including Namibian, Uganda and Zambia. The company won the tender on the basis of their competency and experience in security printing and competitive pricing.

9.2.2 *Tendering for the Printer*

The papers could not be printed locally as there was no local company that was known to possess the expertise, equipment, capacity, or trust that the exercise demanded and hence quotations were sent to firm's abroad. Government procurement regulations provide for three kinds of official procurement, namely single sourcing, selected quotations and open tender. Single sourcing means that only one supplier would be approached. Selected quotations method involves obtaining quotations from suppliers to be identified by the Government Ministry or agency. The meaning of open tender should be evident. The Commission requested the Government to approve sending out quotations to the three firms. Instead the Government approved single sourcing. The then Commission sought quotations from three firms, namely De La Rue Identity Systems, Kalamazoo Security Printers and Smith & Ouzman security printers. Subsequently, the three firms submitted quotations, following which a technical committee consisting of electoral Commissioners and some invited experts was constituted to assess them in terms of their compliance with the Commission's specifications. Two groups, Smith and Ouzman and De La Rue, both established security printers based in England, were shortlisted and recommended to the Ministerial Tender Board for further adjudication on the price each offered. The two companies were all qualified for the job according to their quotations. The Ministerial Tender Board recommended both firms to the Central Tender Board for final adjudication. The Electoral Commission was not a member of either of the two Tender Boards and therefore did not participate in the adjudication and award of tenders. Eventually, the tender was awarded to Smith and Ouzman of UK.

After careful evaluation of all the relevant facts and circumstances the Commission is satisfied that some of the problems it faced during the 1997 general elections, particularly those directly related to the printing, labelling, packaging and distribution of ballot papers, arose from the change of the printers, other considerations notwithstanding. In the event the Commission has since learnt that each printing firm has its own standard practices and as each customer has its special requirements, it is essential for the Commission and any printer to set out these terms in clear and unambiguous manner in the purchase orders and in the ensuing contract or agreement between the two.

The sudden increase in the number of political parties and the electoral areas (wards) so close to the elections almost overwhelmed the Commission and printer by the sheer speed

and volume of the work that needed to be done. There were too many changes affecting the quantity, shapes and sizes of the ballot papers to be attended to with no time or regard to for efficient execution. The result was that Smith and Ouzman could and did not receive full and detailed information in good time, as the situation demanded. This made it inevitable for numerous amendments to be introduced during the printing of the ballot papers. Packaging which should have been done per constituency, per ward, and per polling station as expected was not done. As a result the printing and delivery of ballot papers for parliamentary and civic elections were still being done in London as the election date got closer. Yet there was an urgency to finish the process before the Christmas holidays in England.

9.2.3 The Printing and Distribution of Ballot Papers

As discussed elsewhere, the process of printing ballot papers had a number of setbacks, which had considerable impact on the distribution of the materials. Ballot papers had to be re-designed following the registration of new political parties. Similarly, the quantity of the ballot papers had to be varied to accommodate the new wards and candidates.

During the holding of any general elections, or by-election, a Commissioner or group of Commissioners goes to London to check the work of the printer. Their concern would be principally to ensure correct printing of the names of candidates and of political parties on the ballot papers and the description of the electoral territory involved, etc as detailed in the purchase/tender documents. This time five Commissioners and officials from Government Printer went to London for the purpose. The Commissioners were Vice-Chairman Mr. Gabriel K. Mukele, Mr. Sheikh Ali Bashir, Mr. Abuya Abuya, Mrs. Rachel Mzera and Mr. Edward Cheron.

Most of the ballot papers arrived in time from London. They arrived in three deliveries by chartered plane with the last batch arriving on 26 December 1997. Upon their arrival, the packages were taken to the Commission's warehouses in Industrial Area, Nairobi. They were not opened in Nairobi but were dispatched directly to the Returning Officers in the constituencies. All election materials were distributed before election day. For security reasons, the ballot papers were heavily guarded until polling day. Had the deliveries been scrutinised immediately on arrival from London, most of the discrepancies might have been discovered and remedied. However the standard practice was that the packages be

opened only at their final destinations, that is constituencies and on election day. This is done in order to avoid accusations of illegal tampering with the papers. As soon as the polling materials were unpacked (some as early as six o'clock in the morning), the Commission received information that some polling stations had some wrong packages which contained papers for other polling centres or had insufficient numbers for their own. It was at this stage when it was realised there were some mix-up of ballot papers. At first this was thought to be restricted to a few constituencies. But by 12 noon the police reports submitted to the Commission showed that the problem involved constituencies that were far apart from each other. This was serious.

There were also reports of shortage of ballot papers. By the afternoon of 29 December 1997 the Commission had recognised that the cause of the problem was artificial. Some returning officers had distributed the ballot books containing the ballot papers without bearing in mind that the books contained ballot papers for the whole constituency and not for a polling station. For example, in one polling station with 102 registered voters, these officers left two books each containing 100 thus leaving behind 88 ballot papers which would have gone to the next polling station. The Commission immediately advised all the returning officers accordingly and by the evening of that day there was virtually no more constituency suffering from this problem.

The Commission held an emergency meeting and decided that if the situation did not improve or worsened, then polling would, in polling stations that were affected, be continued on the following day, to compensate voters for the time they lost on the first day. By 4.00 p.m. it was very clear the position was worsening as new mix-ups of ballot papers were still being discovered at that late hour. The polling period was accordingly extended as stated herein. Still rains were also adding to the problem. It became necessary to seek the police air wing and Kenya Airforce for air transport. This proved inadequate and private aeroplane owners or operators, e.g. Kenya Power & Lighting Company and Kenya Ports Authority were approached to assist in the relocation of ballot papers found at wrong constituencies to the correct constituencies.

Not many constituencies in the country experienced this problem. Only about 28 out of 210 constituencies experienced the problem of mix up of ballot papers. Even for these, correct ballot papers were available for most polling stations and only a few polling

stations would be affected by the mix up. That meant that most constituencies and most polling stations voted with no problems except where the rains made transportation of the papers and personnel impossible. The mix ups were generally of one kind, namely, a package containing ballot papers would have the name of the constituency written on it, however on opening the package ballot papers for the constituency (or some) would be found but there would also come out ballot papers for polling stations in other constituencies. The problem would then be how to inform this other constituency that this constituency is holding its ballot papers and then relocate the papers. Lack of the ballot papers meant the affected voters would not cast their votes and if they were not informed with reasonable dispatch that the ballot papers were held elsewhere and would be brought soon they were likely to leave the stations. Transport in the process of relocation had its own limitations. These were real problems for which prior planning could not contain.

In the charged post-election atmosphere, many accusing fingers particularly among losing candidates and political parties were directed at the Commission as the cause of their defeat. In particular, there were accusations concerning the *bona fides* of the printer of the ballot papers. It was indeed suggested that the Commission had deliberately selected an obscure third-rate printer who could be easily manipulated to favour certain candidates and political parties. It was even alleged that the shortages and mix-ups involving ballot papers was deliberately engineered in order to rig in a particular party. In the event however, the Commission seems to have acquitted itself favourably with the electorate through timely explanations at press conferences and the rapport existing between it and the political parties.

CHAPTER 10

ELECTION LOGISTICS AND PLANNING

10.1 Acquisition of Vehicles

The transportation of various election materials, including ballot boxes and ballot papers was arranged through a generally well planned scheme. The materials procured from various sources and stored at the Commission's go-downs in Nairobi were dispatched to provincial and district headquarters using National Youth Service (NYS) and other private trucks. Election Officials and the Kenya Police accompanied these consignments. Once in the districts, the materials were put under the custody of District Election Co-ordinators (DECs) who were expected to arrange for their onward transmission to constituencies. Due to security questions, ballot papers were dispatched to Returning Officers much later and these officials were directed to dispatch the ballot papers to polling stations only on the eve of polling. This has been the standard practice since 1992 and probably before.

Transport would therefore be required to take the ballot papers to the polling stations. That same transport would carry the presiding officers, the candidates' agents, and the police officers to the polling stations. This really is the time transport is needed most. The necessity for reliable transport for each polling station would start from that point and continue until after the elections.

Transport is an aspect of the elections that involves central government. The government had promised vehicles for use during polling day. On that basis the money that Parliament voted for the transport was not released to the Commission. The vehicles were to be acquired at the district level. The Commission proceeded on the assumption that these vehicles would be available. However, it turned out that the promised vehicles were non-existent in many districts, or where they existed, were not in good condition to be used. They could not even be serviced in readiness for the exercise, as this would involve huge amounts of money that the Commission did not have. A few serviceable vehicles were made available but, by and large, most of the vehicles offered to the DECs turned out to be unserviceable. The district officials were slow in discovering and acknowledging this state of affairs so that it could be addressed speedily and efficiently.

As the transport crisis deepened and the Election Day drew near, the Treasury informed the Commission it could hire vehicles and funds would be made available. This was done during the last few days before the elections. Authority to Incur Expenditure (AIE) was issued for this purpose on the strength of which vehicles were hired. Private vehicle providers took advantage of the situation to hike their rates. Though the Commission inevitably hired these vehicles, it was not availed with enough money to pay for them as regularly as was required. Remittances were irregular and insufficient for the purpose of providing transport services to suit the circumstances. Furthermore discussions for the purposes of securing the money took too much of the Commission's time which had an adverse effect on the progress of the elections. At a later date after the vehicles had been used, Treasury informed the Commission that the AIEs had been rejected by the Paymaster-General, and could not, at the time, be replaced.

In a situation like this the Election Officials had little to choose from as regards motor vehicles available. As would then have been expected, some of the vehicles acquired or hired respectively from government and private were not fully serviceable. This aggravated the situation, as the vehicles were required to carry the presiding officers, the candidates' agents and the police officers to the polling stations.

10.2 Air Transport Arrangements

Torrential *El Nino*-related rains before and on polling day in many parts of the country severely disrupted means of communication and even blocked the roads. The Commission had expected to use some limited air transport. However, owing to the new situation, the Commission was compelled to mobilise all available air transport from the Police Air Wing, Kenya Air Force, Kenya Ports Authority, Kenya Power and Lighting Company and from private transporters. Thus helicopters from these departments were used to airlift ballot papers and other material to difficult areas particularly in the North Eastern Province and parts of the Coast Province, particularly Kilifi and Garsen areas. In these areas, roads had been rendered impassable and bridges washed away.

However, air transport proved the most erratic. None of the Police Air Wing helicopters could be used, as they were not in good condition and could not be immediately serviceable. The Kenya Air Force had only four, which were not adequate to cover North Eastern Province. One helicopter could not traverse areas like Samburu, Moyale,

Mombasa, and Turkana. Helicopters also do not fly at night. All these required funds yet there were no immediate funds allocated for the purpose. Further, they were not on stand-by for an exercise of this magnitude. In the end KPA helicopters which were well maintained bailed out the Commission. The sudden demand for aircraft led to high charges by private charter aircraft. The Commission had not anticipated this. Consequently, it had to demand more money to pay in order to forestall the crisis of ballot papers as well as deliver personnel and other elections materials to the areas affected by the *El Nino* floods. Another problem emerged during this emergency. Some of the ballot boxes had been damaged during their transportation. In most cases, this affected the lids, which could not fit. The ballot boxes with such defects and which escaped detection were a mere 10 out of 44,361 ballot boxes.

The transport problem highlighted two crucial issues that the Commission had been struggling with since its inception: the paucity of finance and the control of its resources as an independent body. As in other areas of finance, the Commission had presented a detailed budget covering ground and air transportation to the Treasury. Somehow, it was decided at the Treasury that instead of giving the voted money for transport, the government would provide transport from its existing stock of vehicles in different government departments and from various locations.

10.3 Election Finances

As the country prepared for the 1997 general elections, it became apparent that the Government did not have adequate funds to finance the elections. High level meetings between the Commission and relevant government departments revealed this fact. Yet the availability of adequate funds is crucial in organising any election. The strike by teachers appeared to have taken the toll on the Government's expenditure. In the end the Commission had to settle for irregular, reduced and delayed remittances. This severely hampered the planning process and in some instances embarrassed the Commission when it could not honour its pledges and commitments when they were due, as in the case of vehicle hire and honoraria.

The Commission had no control over disbursement. The Accounting Officer sent the money directly to the District Treasuries from where it was supposed to be sourced by DEC's for use in their respective areas. This procedure contributed greatly to the problems

that were reported from districts. Many District Treasuries were not only slow to remit funds whenever it was requested, but also they, not being election officials, had no commitment to the success of the election. This severely affected the disbursement of funds by the Commission, particularly making of payments to the various election officials and for other services provided.

The polling was extended for another extra day. The initial budgeting was based on one day's poll. That extension therefore meant extra expense. That is a substantial expense. As a result these expenses could not be paid at the end of the election exercise and they form a significant segment of the pending bills owed by the Government to election personnel and merchants. It is important for the relevant authorities to realise that the circumstances under which these expenses were incurred in connection with the extra polling day could not possibly allow the usual Government financial and procurement procedures to be complied with.

10.3.1 Payment of Election Officials

Besides transport bills, the Commission also accumulated debts on a number of other fronts including personnel, logistics, hire of helicopters and servicing of vehicles. In particular, the different cadre of personnel deployed for the elections including polling clerks, security and Presiding Officers, among others, are still owed money. With regard to payments for field personnel, the Commission had issued strict instructions and guidelines to the DECs and ROs during their training sessions and through police signals, to ensure the immediate payment of the election personnel. As it turned out, however, delays in payment occurred and in certain circumstances led to demonstrations by election clerks. The explanation for this was twofold. One, DECs who had overshot their budgets were causing delays in the requests for additional funds through inadequate details and unsatisfactory budget lines such as "miscellaneous expenses" and "running costs" which are unacceptable for audit purposes. More important, however, most of the delays in payment for election personnel, particularly POs, were caused by cash-flow problems at the District Treasury offices that held the AIE. As has been said there was the issue of the unforeseen, and therefore, unbudgeted for extension of the polling day. A number of POs worked for extra days, which they sought payment for. Unfortunately, some of them like in Meru North could not be paid and a number remain unpaid to date.

10.3.2 *Payment for Security*

Some of the more persistent complaints relating to personnel payments were from individual police officers, sometimes groups of them who claim that they were not paid for security services rendered. From the experience of the Commission with regard to disbursing payments for security personnel, the Commission had planned to pay the police personnel participating in the elections in their individual capacities, but the Commissioner of Police would not accept this method of payment. He offered two explanations for this, which were based on the morale of the police officers and the need to protect the intelligence security officials. On the basis of this, out of the total KSh. 318.8 million available for the police for the elections, KSh. 144 million was paid to the Commissioner of Police (CP) to meet the payments of the police personnel participating in the elections. These included the regular police, Administration Police (APs), National Youth Service (NYS) and all the personnel who, the Commissioner would avail to the Commission to provide security. The Commission was surprised to learn that a large group of policemen were still claiming that they had not been paid for the services they rendered. The DEC's quite correctly referred them to the Commissioner of Police. That is where their money was and that was the office which knew whom it had actually deployed

10.3.3 *Overall Expenditure for the Registration of Voters and General Elections*

The Commission's operations and activities are funded by the Exchequer under the budgetary provisions as provided in the printed estimates. For the 1997 elections, budgetary provisions covered 2 financial years to cater for both voter registration and the general elections. The budgeted and actual expenditure was as follows:

Financial Year	Budgeted Amount (K£)	Actual Expenditure (K£)
1996/97	25,000,000	64,877,467
1997/98	223,830,921	224,007,168

Out of the actual expenditure for the 1997/98 financial year, voter registration took KSh. 65,420,465 while all the 1996/97 expenditure was for voter registration. Analysis of the actual expenditure, by major items, shows that out of the total expenditure of about KSh. 4.8 billion, district expenditure took 75%. Ballot papers took KSh. 222.5 million compared to ballot boxes which took only KSh. 64.6 million. The low expenditure on ballot boxes was due to the fact that the Commission used the 34,000 boxes left over from the 1992

general elections. There was also additional expenditure of KSh. 46.3 million on the purchase of new vehicles while hire of vehicles, aircraft and other services amounted to KSh. 26.8 million.

Table 10.1: The 1997 Election Expenditure by Major Items

Item	Actual Expenditure(K£)
1. District Expenditure	3,651,300,273.60
2. Vehicles	
Original	39,724,632.00
Additional	46,300,540.00
3. Materials Procured Abroad	
Ballot Papers	222,547,618.80
Ballot Boxes	64,620,293.00
Security Products ²⁹	254,351,334.60
Computerisation	13,232,850.00
Hire of Aircraft and other services	11,502,369.45
4. Materials Procured locally	
DECs' supplies	130,238,638.25
Hire of Vehicles	15,311,746.00
Personnel Cost Nairobi	120,136,904.30
Security	269,000,000.00
Total	534,687,288.55

Source: National Assembly's Records

Although a total of about KSh. 4.8 billion is indicated to have been used in the general elections, there were outstanding bills amounting to about KSh. 205.6 million, which had not been settled at the end of the exercise. The pressure of the elections may be over, but the credibility of the Commission and the government may suffer on account of failure to pay these debts. The transporters, other merchants and personnel who rendered services to the country on promise of payments are clearly patriots. The state should act quickly and decisively. In general, it can be concluded that the Commission organised the 1997 general elections under financial strain and operated on a reduced budget. In addition to

²⁹ These include indelible ink, embossors, seals, etc.

the hardship brought by poor economic performance, other factors which affected the budget at the last minute included appointment of new commissioners, increase in wards, late registration of political parties, non-availability of adequate government vehicles and the *El Nino* weather phenomenon. Further, polling had to be extended by one extra day, which in effect led to extra expenditure thus exacerbating the already bad financial position.

CHAPTER 11

RECRUITMENT, TRAINING AND DEPLOYMENT OF ELECTION OFFICIALS

In order for any election to function effectively, a large number of officials of various cadres must be appointed. These officials have different roles and are charged with the duty of ensuring that the electoral process functions effectively. Officers appointed by the Commission must have impeccable character so as to portray the integrity and impartiality of the Commission. The election officials must be committed to the Commission's goal of conducting a free and fair election.

11.1 Appointment and Responsibilities of Returning Officers

A Returning Officer is a person appointed by the Commission under regulation 3 of the Presidential and Parliamentary Elections Regulations and the Local Government Election Rules for the purpose of conducting any election in line with the provisions of the National Assembly and Presidential Elections Act and the Local Government Act. The Returning Officer is responsible to the Commission for the free and fair conduct of elections in the constituency to which he/she has been appointed. It is the duty of the Returning Officer to ensure that the position of the Commission is clearly understood and upheld by all election Officers serving under him/her in his/her constituency. Since the entire election has to be seen to be free and fair, the Returning Officers are expected not to put themselves in a position where they could be accused of favouring one candidate or another. Therefore the Returning Officer must be fully conversant with the laws relating to his/her official position. He/she is legally responsible for any decisions and action taken in relation to the elections and the fact that the law provides that he/she be personally joined as a party during the election petitions and the civic applications, serves to stress the importance of his/her responsibilities. For these elections the Commission appointed 210 Returning Officers.

The Commission also appoints Deputy Returning Officers. A Deputy Returning Officer is subject to the general direction and control of the Returning Officer to whom he/she is a deputy, has all the power, and may perform all the duties of the Returning Officer. The Returning Officer is appointed for the period of the election and for a few more days after

that in order for him/her to wind up the exercise. 286 Deputy Returning Officers were appointed for the 1997 General Elections. This is because for some constituencies, owing to the terrain to be traversed or large number of voters to be served the returning officer requires more than one deputy.

11.2 Training of Returning Officers

The Commission conducts the training of Returning Officers and Deputy Returning Officers through agents appointed from reputable training institutions such as Kenya Institute of Administration (KIA), and the Universities. Trainers with requisite training qualifications knowledge and experience are also called upon to assist training these Officers. All training is based on information from the "*Election Manual*" prepared by the Commission. This was done in 1997. As early as September the Commission first identified a few suitably qualified persons from the Universities and elsewhere and trained them to be trainers. These in turn trained the returning officers. The returning officers were well-educated people with sufficient experience in dealing with the public. Many had been returning officers before. With this background it was not hard to train them on electoral practices and procedures. They are trained on all aspects of electoral administration and particularly on the following specific functions as required by law: -

1. Publication of particulars of election (Reg. 9 (1) & Rule 12 (2)).
2. Notification of days to nominate candidates (Reg. 9 (2) & Rule 12 (3)).
3. Notification of place where nomination papers may be obtained (Reg. 9 (2) & Rule 12 (3)).
4. Appoint Presiding Officers and Deputy Presiding Officers. (Reg. 10 (1) & Rule 13 (1)).
5. Require those authorised to attend at polling station and counting hall to undertake Oath of Secrecy and Declaration. (Reg. 10 (4) & Rule 13 (4)).
6. Process Nominations of Parliamentary Candidates, Statutory Declarations and Nomination fee Reg. 14,15,16,17 & 18 and Rules 14,15,16,17 & 18).
7. Supply form of nominations (Reg. 16 (5) & rule (4)).
8. Make decisions on nomination papers (Reg. 18 & rule 18).
9. Publish statements of Nominations. (Reg. 20 (4) & Rule 20).
10. Provide each Presiding Officer with Ballot Boxes, Ballot Papers and other necessary equipment and materials to enable the poll to be held (Reg. 22 & Rule 22).

11. Ensure Ballot Boxes bear serial numbers of the polling stations and the serial numbers are posted prominently in full view of the Electors' at every polling station.
12. Receive materials from Polling Stations and make arrangements for the counting of votes cast. (Reg. 34 to 39 & Rule 34 to 39).
13. Announce result and complete return to Electoral Commission (Reg. 40 & Rule 39 (A)).
14. Retain in safe custody for six months all documents relating to election (Reg. 41 & Rule 40).

11.3 District Election Co-ordinators (DECs)

This position first came into being in 1992 and has continued to exist throughout the interim period between the 1992 and 1997 general elections. These persons are now employed on a three-year renewable contract. The District Election Co-ordinator is an officer appointed by the Commission for the purpose of ensuring that all Returning Officers in his/her district are supplied with all the necessary materials and equipment they may require for the purposes of the elections. He/she is trained: -

- (a) To safeguard the Commission's stationery, equipment, registers and other property. He/she must keep an inventory of the Commission's property under his/her care and must also ensure that the same record is supplied and kept by the Commission headquarters.
- (b) To safeguard the Commission's funds as the AIE (Authority to Incur Expenditure) holder at the district level, and to ensure no payments are effected without his/her signature.
- (c) To submit monthly expenditure returns to the Commission as required.
- (d) To facilitate the work of the Registration and Returning Officers by providing transport, necessary equipment, offices and organising for necessary payments to the registration and election officials.
- (e) To participate in other important responsibilities such as voter education programmes.

In 1997, just before the general elections, all the DECs were transferred to districts different from where they had been working. Since the inception of the office the holders were always deployed in their own districts for good reasons. In that position the

Commission benefited from their knowledge of local affairs whenever that was necessary. The transfers were therefore quite a change after 5 years of that system.

There were hushed allegations that some DECAs were using their knowledge of local affairs and positions which during elections are thought, albeit wrongly, to be pivotal to promote the interests of some politicians or political parties at the expense of the others. It was also alleged that some had become arrogant and oppressive to the detriment of the electoral system. The Commission thought that, in that kind of atmosphere DECAs could be compromised or disadvantaged and hence chose to swap them.

There have been claims after the elections by some ROs that the swapping of the DECAs was detrimental to the conduct of elections. There are others who submit the contrary. It may not be possible to assess the impact the transfers had on the conduct of the elections owing to the other severe factors that are discussed elsewhere in this report. It can however be said there was no real proof of any negative impact.

11.4 Presiding Officers

Presiding Officers are appointed by the Returning Officer, in conjunction with the Commission, to preside at each polling station. They are employed for a period of approximately ten days prior to and up to the polling day. Deputy Presiding Officers are similarly appointed who will assist the Presiding Officers in all matters except ordering the arrest of any person, or the exclusion or removal of any person from a polling station (Reg. 10). It is the responsibility of the Presiding Officers to ensure: –

- (a) good conduct of elections in a polling station
 - (b) that they are non-partisan in the performance of their duties
 - (c) that they display good human relations while remaining firm and fair in all matters pertaining to elections
 - (d) that they take responsibility and good care of any equipment in the polling station including security of documents handed to them for the conduct of elections (The Presiding Officer may allocate a specific Officer the duty of taking care of the returnable equipment so that they are fully accounted for and are returned).
- 12,778 presiding officers were appointed one for each polling station – to carry out these general elections. At least a deputy presiding officer was appointed for

each queue in every polling station so that in stations with large numbers of voters, more than one deputy per station was appointed. All in all there were 14,804 deputy presiding officers.

11.5 Training of Presiding Officers

Training of the Presiding Officers is conducted by Returning Officers. In 1997 the training took three days. The Commission appointed as Presiding Officers persons with sound education and experience in dealing with the public for example secondary and primary school head teachers and above as it realised the nature of the training and functions involved required such personnel. The training prepares them to:

- (a) receive equipment such as ballot papers, ballot boxes and all other election materials;
- (b) recruit and train polling clerks;
- (c) supervise the polling clerks on polling day;
- (d) regulate the number of electors (voters) to be admitted to the polling station at the same time;
- (e) ensure that the election procedures are adhered to;
- (f) keep order in the polling station by ensuring that there is no intimidation of voters or interference with the voting process. The Presiding Officer has the power to order the removal from the polling station of any person who misconducts himself;
- (g) ensure that no person other than an election Officer or police Officer has any communication whatsoever with an elector who is in the polling station;
- (h) seal the ballot boxes (Reg. 27) immediately before polling starts;
- (i) after displaying the emptiness of the ballot box or ballot boxes just before polling commences;
- (j) ensure that the various ballot papers are used for the purpose for which they were intended, i.e., presidential, parliamentary and civic;
- (k) ensure that the general voting procedure and method of voting are strictly observed;

- (l) ensure that in cases where the Presiding Officer marks the ballot it is with the assent of the elector who should be a person who either cannot read or write or otherwise requests the assistance of the Presiding Officer, or is incapacitated by a physical cause;
- (m) issue a replacement ballot paper to an elector who inadvertently spoils a ballot paper and makes a record of this accordingly;
- (n) ensure that the national identification card or a valid Kenyan passport and the voter's card identify all electors;
- (o) to follow correct procedures at the close of poll;
- (p) make appropriate decisions on postponement or adjournment in case of violence, natural catastrophe, shortage of equipment or any other administrative difficulties;
- (q) to be conversant with all offences as per the Election Offences Act Cap. 66.

There were 6 polling clerks per queue in every polling station. It should be remembered that there were more than 14,804 queues for 12,778 polling stations.

11.6 Deployment of Election Officials

The Commission carefully regulated deployment of election officials. The Returning Officers were deployed to districts other than their own. The deputy returning officers were deployed outside their constituencies. The deployment of Presiding Officers, Deputy Presiding Officers and election clerks was done by Returning Officers in consultation with the Area Electoral Commissioners.³⁰ The deployment of senior election officials by province was as shown in Table 11.1.

³⁰ Electoral Commission of Kenya, *Election Manual*, Government Printer, November 1998.

Table 11.1 1997 Senior Election Officials Deployed by Province

Province	Election Co-ordinators	Returning Officers	Deputy Returning Officers	Presiding Officers	Deputy Presiding Officers	Totals
Nairobi	1	8	14	138	747	908
Coast	7	21	29	1,050	1,306	2,413
North Eastern	4	11	18	383	414	830
Eastern	11	36	48	2,841	2,979	5,915
Central	7	29	39	1,461	1,756	3,292
Rift Valley	17	49	65	3,656	4,058	7,845
Western	7	24	32	1,262	1,386	2,711
Nyanza	10	32	41	1,987	2,158	4,228
Totals	64	210	286	12,778	14,804	28,142

Source: ECK Records

CHAPTER 12

PRE-ELECTION EVENTS

12.1 Dissolution of Parliament

Parliament was dissolved on 10 November 1997, after which the Speaker of the National Assembly declared all parliamentary seats vacant. He did so by issuing *writs*³¹ for all the country's 210 electoral constituencies. This practically paved the way for the Commission to announce the general election date.

According to the law, the Commission is supposed to publish a timetable for political activities that follow the dissolution and the issuance of writs. Accordingly, on 12 November 1997 two days after the dissolution of parliament the Commission ended days of uncertainty and speculation by releasing the elections timetable (see Table 12.1.) The date for the 2nd multiparty elections was given as 29 December 1997. Other legal provisions and rules governing the conduct of the poll, including campaigns, media coverage and security were carefully spelt out.

Table 12.1: Election Timetable

Day/Date	Event
Dec. 3 and 4 1997	Presidential nominations
December 7 1997	Deadline for civic and parliamentary nominations
December 8 and 9 1997	Parliamentary and civic candidates present papers to ROs
December 10 1997	Election campaigns begin
December 28 1997	Close of campaigns
December 29 1997	Election day
December 30 1997	2nd Election day (extension)

This schedule was extended by a day to 30 December due to unforeseen logistical problems. In accordance with the law, 30 December 1997 was declared a public holiday.

A number of factors were taken into account in deciding on the elections date. These included the following

³¹ These are legal documents declaring vacancies in parliamentary seats.

- Constitutional requirements;
- Candidates and political parties should be accorded reasonable time within the legal framework to prepare for the elections. In this connection, the Commission gave political parties 23 days to nominate candidates;
- To end uncertainty, and speculations which were affecting national social and economic activities negatively;
- The need not to keep voters in suspense for too long;
- The need to hold the general election at a time when it is not likely to interfere with religious, educational and parental interests.

The provisions of the Electoral Code of Conduct that had become law on 7 November 1997 were also announced. The Code forbade the use or threat of use of violence, disruption of political rallies, carrying of weapons and the use of foul language, among other provisions. The announcement of the election timetable received varied reactions from political parties. The mainstream opposition parties, including FORD-K, FORD-A, DP and NDP expressed serious concerns about the timing of the elections. In particular, they felt that the announcement was in violation of agreements reached under the IPPG reform package which had recommended that the election date was to be determined after consultations between KANU and the opposition. Others felt that the IPPG reforms needed time to take root and be implemented before elections could be called.

Faced with the reality of an impending election, however, the hue and cry about the election timetable soon fizzled out as political parties embarked on nominating their candidates for the elections. There was also the realisation that the constitution provided that the life of the presidency was up to 4 January 1998 and therefore holding the election in accordance with the timetable released was a constitutional inevitability. The Commission is satisfied that it acted strictly within the law.

12.2 Appointment of New Electoral Commission Chairman

On 2 December 1997, President Moi appointed Mr. Samuel M. Kivuitu the Chairman of the Commission. This followed the appointment of the former chairman Justice (Rtd) Zaccheaus Chesoni to the position of Chief Justice of the Republic of Kenya. This announcement was unexpected as it came barely three weeks to the polls. The change in

some way affected the planning process for the elections. Although no formal handing-over was done, the new Chairman, having worked as Mr. Chesoni's deputy from October 1996 did not find much difficulty in fitting into the new position. He easily won the confidence of fellow commissioners, and, with that he was able to guide the subsequent phase of the elections with a great degree of responsibility and relative success. The Chairman believes that it was the faith and commitment that fellow Commissioners showed him and the joint effort of the Commissioners and Commission staff that enabled him to perform. Similarly the Head of the Public Service and the Treasury extended to him exemplary co-operation in matters of election finance without which it would have been difficult for him to carry on.

12.3 Nominations

12.3.1 *The Nominations Process*

By the time party nominations for the 1997 general elections were called, 27 political parties had been registered. Of these, 22 participated in the elections with 15 of them presenting presidential candidates. Following the IPPG, it was recommended that political parties take full responsibility, including costs, for the conduct of their nominations. The Commission had no direct role in the party nominations and only waited to be informed of the duly nominated candidates. However, knowing that such elections are likely to generate controversies and expose undemocratic tendencies within parties, the Commission had proposed to the IPPG that it supervises the nominations and this be conducted on the same day by all parties in order to curb the party-jumping syndrome evident after some aspirants have failed to get their party's nod to run.

12.3.2 *Party Nominations*

The party nominations put into sharp limelight the question of their internal democracy. The outcome revealed the depth of internal rivalries and cleavages within political parties. By the time of presentation of nomination papers on the 8 December 1997, a number of political parties had not nominated their candidates in a number of constituencies. Although different parties used different methods of nomination, with the majority of them preferring secret ballot, there were widespread disagreements on the outcome. The most intense problems occurred amongst parties that opted for the delegates and queue voting systems. Cases of double clearance of candidates were reported. In one case, the Commission had to move swiftly to block an attempt by a candidate from presenting

forged documents, claiming he had been duly nominated by his party to vie for the seat, a claim that turned out to be untrue. In short, no political party was spared of wrangles in the process of nominating candidates, both for parliamentary and civic seats.

KANU for example declared in its Governing Council meeting held a few weeks prior to the nominations that it would adopt the queuing system. The delegates raised no objections at the time though it was questionable whether they all supported this method. As the elections got under way a number of party branches declared that they would use their own procedure such as delegates system or secret ballot for the nominations. On the eve of the nomination day, KANU Chairman, President Moi invoked his powers and declared several candidates nominated unopposed. KANU party hopefuls who were denied the Opportunity to be nominated felt betrayed and doomed. Some crossed over to opposition parties where some were nominated. It would appear party policies or ideologies did not matter.

In FORD-Kenya, a number of candidates who took part in nominations often found out that the party headquarters had issued their rivals with nomination certificates. The party Nominations Tribunal, a body charged with the responsibility of adjudicating nomination disputes, could not help much in the circumstances. At the NDP, the nomination process was marked with acrimony and intense wrangles in Nairobi's Kasarani constituency. This is because of the two candidates who claimed to be duly nominated by the party, one had a certificate signed by the party Secretary-General, but not for the parliamentary seat!

Apparently, the party chairman who, according to NDP's Constitution, has powers to nominate candidates had initially nominated the immediate former MP for the area, only to rescind this decision in favour of another candidate. A further repeat nomination reversed the status quo, forcing the losing candidate to defect to another party. Related nomination problems involving DP in Nyeri Town resulted in the destruction of ballot papers by party youths. They were opposed to repeat nominations called by the party. The party could not resolve this problem and appeared to operate in secrecy even with regard to production of its nominated candidates until the last minute. In fact a DP aspirant filed a case in the Courts against the DP arising from such disputes which case is still pending. Other parties like the SDP did not seem to have a nomination process. The party leaders

selected whomsoever they wanted to have as candidate. Some welcomed candidates who had been unsuccessful in other political parties. No proof of merit was necessary.

At the end of the whole exercise, many parties appeared more divided than united for a common cause. The Commission attributed the chaos, irregularities and confusion as well as friction that marred the nominations to poor nomination procedures amongst political parties. As far as the Commission was concerned, the problems could have been avoided if parties developed clear nomination procedures and strictly adhered to them.

In addition to internal party wrangling marring the nomination process, logistical as well as weather-related problems also undermined the smooth and timely conduct of the nominations. Returning Officers for various political parties could not arrive in time to supervise the elections. The nominations were conducted at the time when the *El Nino* weather phenomenon was at its zenith. Many areas particularly in the North Eastern and Eastern Provinces were unable to conduct their nominations. Massive flooding rendered the roads impassable. Nairobi was not spared. No nominations took place on the designated day in many areas owing to the sporadic rains but also because of utter disorganisation within the parties.

12.3.3 Presentation of Nomination Papers to the Commission

The election process actually begins with presentation of nomination papers by candidates to the Commission. Under the new National Assembly and Presidential Elections Act, 1997, a part of the IPPG reforms package, candidates were expected to present their nomination papers over a two-day period as opposed to the half-a-day procedure used in previous elections. The dates of presentation of nomination papers for the 1997 general elections were given as 3 and 4 December for presidential candidates and 8 and 9 December for parliamentary and civic candidates. The new times set by the new law were 8:00 a.m. to 1:00 p.m. and again between 2:00 p.m. and 4:00 p.m. for both days. Most centres where candidates submitted their nomination papers were adequately equipped, well organised and opened on time. In contrast to 1992, no cases of abductions of candidates were reported.

In accordance with Rule 11(1) and Rule 15 of the National Assembly and Presidential Elections Act (cap 7) and the provisions of the Local Government Act (Cap.265) of the

Laws of Kenya, a person was qualified to be elected as a member of the National Assembly if one presented the following to the Commission:-

- Nomination paper duly completed and signed;
- Statutory declaration duly completed sworn;
- A national identity card or a valid Kenya Passport;
- A voters' card whose number must be found on the register of voters;
- A certificate of proficiency from the Language Board or an exemption letter duly signed by the chairman or a Commissioner of the Commission in the case of parliamentary elections;
- A letter or certificate of sponsorship from his/her political party duly signed by authorised officials;
- Nomination fee of KSh. 1, 000/= for a civic candidates and KSh. 5, 000/= for a parliamentary candidate.

The nomination had to be signed by a proposer and a seconder, both registered voters in the constituency in the case of parliamentary candidate and in the ward in the case of the civic candidate and by 1000 supporters in the case of a presidential candidate who must be a registered voter in some place in Kenya, and at least by seven registered voters in the constituency for parliamentary and five for civic candidates registered in the electoral area. The proposer, seconder and the supporters must belong to the candidate's political party. For the presidential candidate the proposer and the seconder had to be national officials of his/her party. With regard to nominations for presidential elections, fifteen candidates were cleared by the Commission.

These were: -

- | | |
|------------------------------|--------|
| 1. Daniel Toroitich Arap Moi | KANU |
| 2. Mwai Kibaki | DP |
| 3. Dr. Munyua Waiyaki | UPPK |
| 4. Raila Odinga | NDP |
| 5. Charity Kaluki Ngilu | SDP |
| 6. George Moseti Anyona | KSC |
| 7. Kimani wa Nyoike | FORD-P |
| 8. Michael Kijana Wamalwa | FORD-K |
| 9. Wangari Muta Maathai | LIPAK |

10. Koigi wa Wamwere	KENDA
11. David Waweru Ngethe	UMMA
12. Joseph Martin Shikuku	FORD-A
13. Godfrey Kaibiria M'Mwireria	GAP
14. Katama George Mkangi	KNC
15. Stephen Omondi Oludhe	EIP

Two were denied presidential nomination when their papers were found not to be in order. These were Nyerere Manonda of Democratic Assistance Party and Mwangi Nyonga of the Kenya Socialist Party. Parliamentary and civic candidates presented their nomination papers between 8:00 am to 1:00 p.m. and 2:00 to 4:00 p.m. on 8 and 9 December 1997. KANU emerged with eleven parliamentary seats unopposed.

At the end of the exercise, 883 candidates were declared validly nominated to contest parliamentary elections, as shown in Table 12.2. With regard to the performance of women candidates, out of 883 aspirants 150 were women. Out of the 150 women aspirants only 48 were nominated and out of these only 4 were elected.

Table 12.2 Number of Candidates Nominated for Parliamentary elections per Political party by Gender

POLITICAL PARTY	WOMEN	MEN	TOTAL
Democratic Assistance Party	0	1	1
Democratic Party of Kenya	3	131	134
Economic Independent Party	0	1	1
Forum for the Restoration of Democracy - Asili	3	33	36
Forum for the Restoration of Democracy - Kenya	6	98	104
Forum for the Restoration of Democracy for the People	2	35	37
Green African Party	0	1	1
Kenya African National Union	6	204	210
Kenya National Congress	1	11	12
Kenya National Democratic Alliance	0	12	12
Kenya Social Congress	3	16	19
Labour Party Democracy	0	4	4
Liberal Party of Kenya	5	26	31
National Development Party of Kenya	6	103	109
Party of Independent Candidates of Kenya	0	7	7
Republican Reformation Party	0	1	1
Safina Party	0	46	46
Shirikisho Party of Kenya	0	9	9
Social Democratic Party of Kenya	13	90	103
Umma Patriotic Party of Kenya	0	1	1
United Patriotic Party of Kenya	0	5	5
TOTAL	48	835	883

Source: ECK Records

Out of the 883 candidates nominated by all the political parties, 11 KANU candidates were nominated unopposed, as indicated in Table 12.3.

Table 12.3 KANU Candidates Who Were Elected Unopposed in 1997

Candidate	Constituency	Province	Situation in 1992
Robert I. Kochale	Laisamis	Eastern	Contested
Francis P. L Lotodo	Kapenguria	Rift Valley	Contested
Christopher. M Lomada	Sigor	Rift valley	Contested
Francis K. Lagat	Eldoret East	Rift Valley	Contested
Joseph D. Lotodo	Baringo East	Rift Valley	Uncontested
Andrew C. Kiptoon	Baringo North	Rift Valley	Uncontested
William R. Ntimama	Narok North	Rift Valley	Contested
Kipkalya K. Kones	Bomet	Rift Valley	Uncontested
Isaac K. Ruto	Chepalungu	Rift Valley	Uncontested
Charles D. K. arap Kirui	Belgut	Rift Valley	Uncontested
Samuel K. arap Rotich	Kipkelion	Rift Valley	Contested

Source: ECK Records

Two candidates announced on 25 December 1997 that they were withdrawing from the parliamentary contest. However, the Commission did not recognise these withdrawals as they took place after nomination of candidates had closed.

12.4 The Campaigns

The Commission had a mandate to monitor election campaigns and all circumstances related to electioneering. This arose, primarily, on account of the statutory provisions that it should take all necessary measures to ensure that the elections are transparent, free and fair. Furthermore by virtue of the provisions of the Electoral Code of Conduct, which is the Fourth Schedule to the National Assembly and Presidential Elections Act (Chapter 7 of the Laws of Kenya), the Commission has the obligation to ensure the Code is obeyed and promote its observance by all the Government, political parties, candidates and their supporters. This responsibility cannot be carried out fully unless the Commission takes very keen interest in the organization and holding of campaign rallies and the execution of campaign programmes. However such monitoring would mean the Commission had to spend money in that regard. The Commission could not do so as no money was available for this purpose. It may be recalled that those new responsibilities took effect on 7 November 1997 long after the election budget had been passed. The net result of this was

that the Commission did not monitor the campaigns and it is not in a position to state on its own how these were like and what campaign strategies were adopted by the political parties and the candidates outside what the media reported. Since media was divided in its loyalties towards the political parties and candidates, their reports should be read with this in mind.

12.4.1 Campaign Strategies

In terms of the methods used for campaigns, different parties adopted different methods. However, the most prominent method was the rally where candidates came into direct face to face interaction with the people. These rallies were organised by the parties in consultation with security. With the new law in place, the latter was merely notified of plans for such rallies and was not necessarily informed in order to provide permits, as was the case previously. The rallies were widely reported both in the broadcast and print media. A related strategy was the "meet-the people tours" where candidates would make direct personal appeals to prospective voters. It was particularly popular in rural areas. The use of posters and stickers was also widespread as it provided an easy and convenient way of passing campaign message.

Other methods used included the donning supporters in T-shirts, caps paper bags, umbrellas and other items. Relevant partisan messages were inscribed on these items to appeal for support and solicit for votes. These methods were more popular among the larger and more resource-endowed political parties and candidates as the costs of production are prohibitively high. Similar high cost tactics included the buying of space in the newspapers as advertisers' announcements. Parties that used this method included KANU, SDP, DP, FORD-K and NDP. Most advertisements were presidential with a few parliamentary candidates also making a go at it. Other less common methods used involved mounting heavy public address systems on vehicles that went around 'proclaiming' the candidates' messages. Others supplemented this with banners hung in convenient places.

12.4.2 "Closed" Political Zones

Unlike in previous elections where certain areas were declared 'zoned' and other parties prohibited from accessing them, the 1997 general elections did not see a lot of that. In other words, there were no open declarations that certain areas were zones of party A or

party B. However, there were areas where, owing to the ethnic (or other kind of support) support of a certain political party or candidate, other parties or candidates viewed it a waste of time and resources fielding candidates. Such areas remained "closed" zones in the sense in which the term has been used.

12.4.3 Campaign Violence, Harassment and Intimidation

The remarks made in the preceding paragraph apply to this title. The Commission would have been more effective in this regard had the political parties and candidates made reports to the Commission relating to incidents of violence and the like. It is not enough to wholly rely on press reports and yet the alleged victims of violence and intimidation preferred to talk to the press rather than to the Commission.

Violence and intimidation are the antithesis of free and fair elections. They rank at the same level as bribery and even cheating. The Commission condemned these evils on many occasions in its daily press briefings. On one occasion the Commission reprimanded KANU, DP, FORD-K and Shirikisho political parties for their reported participation in election violence. Either these denunciations had the desired effects or Kenyans had grown out of this violent and corrupt culture. The reported incidents of violence were very few as compared to the 1992 levels. This was an encouraging trend. It should be supported by all.

Baringo Central constituency deserves special mention. That is President Moi's constituency and he was a candidate. The Commission received many letters and fax messages including print media alleging that Moi's opponent from another political party was being intimidated, and in fact obstructed firstly to ensure he could not stand for nomination and consequently could not campaign or even vote. In the circumstances the Commission chairman insisted that the candidate who alleged to be in this unfortunate situation should inform the Chairman or any other Commissioner for intervention. This was not done. The candidate never contacted the Commission. He was nevertheless nominated to contest the elections. He later lost the elections and never protested.

12.4.4 Incidents of Bribery and Vote Buying

Bribery and vote buying are legally election offences punishable with three years' imprisonment. From the standpoint of the Commission or any other election authority they are unacceptable. They destroy the fundamental foundation of free and fair elections. All good citizens should join hands to eradicate these evils.

Bribery and vote buying in Kenya now seems to be a deeply embedded habit amongst the political leaders of all political parties. Maybe that is why incidents of this nature were not reported to the Commission as they did not constitute an offence in the minds of many Kenyans and in any case involved the entire political spectrum.

The observer and media reports mentioned some districts as the ones where these criminal activities took place. They listed them as Machakos, Bungoma and Kitui. The Commission does not believe the problem was confined to these districts only. These cannot be fair reports. There is nothing specially corrupt about the residents of these districts.

12.4.5 Performance of Women Candidates

From the Commission's assessment, the acts of violence and intimidation reported during the campaigns most severely affected women candidates. Women were also unable to fully exploit the campaign time, as they could not conduct door-to-door campaigns including late into the night. There were newspaper reports of cases of harassment where women suffered. For example, during her campaign tours, Charity Ngilu, SDP's presidential candidate had a rough time fending off attacks from rival party supporters.³²

In one incident in Kisii that was accorded a great deal of prominence by the press³³, the police threw tear gas at her group citing the meeting illegal. She also had a run-in with Police in Machakos when they seized the license of her hotel where she was meeting with her supporters, claiming that it had expired. Other women who experienced acts of violence and intimidation include Phelgona Okundi, KANU's candidate in Rangwe and Beth Mugo, the SDP candidate for the Dagoretti seat in Nairobi. All these incidents were

³² *Daily Nation*, 22 December 1997.

³³ See for example *Daily Nation*, 20 December 1997.

given widespread coverage by the press as well as reported in some election observation reports³⁴. In general however, the law applied equally for all candidates and did not discriminate on account of gender or on any other account.

12.5 Election Publicity Plan and Education of Voters

In organising the 1997 general elections, the Commission was conscious of the fact that more than 70 per cent of Kenya's population live in the rural areas where literacy is low and communication is poor. Educating the people on a massive scale about elections thus had to take into account this fact. It became apparent that messages meant to educate the electorate have to be simple, easy to understand, credible and above all objectively stated. Though the Commission did not institute a comprehensive voter education campaign, it however, prepared and disseminated a number of messages concerning the electoral process in both the national and local languages so as to reach the maximum number of voters.

Publicity through the media enlightened the masses about the significance of their vote. KBC radio in Kiswahili and English as well as in different local languages in the period between campaigns and polling day relay necessary messages. The KBC TV also telecast these messages between their programmes as public service messages. Newspapers relay advertisements of the Commission at concessionary rates. The focus of these advertisements was the general public.

The Commission's voter education campaign was supplemented by more elaborate voter education programmes mounted by local NGOs, CBOs and churches. Examples included the Institute for Education in Democracy (IED); the Education Centre for Women in Democracy (ECWD); the National Council of Churches of Kenya (NCCCK), the Catholic Justice and Peace Commission (CJPC); and the Anglican Church of Kenya (ACK). These organisations dealt with issues like the role of elections, the voting procedures, electoral malpractice, electoral law, the electoral code of conduct, the role of observers, and many other topics. This helped to enlighten voters and may have convinced them to turn out to vote on polling day.

³⁴ See IED/NCCCK/CJPC Report, p. 64

12.6 Electoral Code of Conduct

12.6.1 Provisions of the Code

Section 34A of the National Assembly and Presidential Elections Act makes it mandatory for every political party and every candidate that participates in any election to subscribe to the Code of Conduct. The Code had been negotiated and subsequently legislated as a result of the IPPG talks. It became law as from 7 November 1997. Failure by parties and candidates to subscribe to this code means that they will be disqualified from participating in elections. The Code thus bound political parties and candidates to conduct themselves peacefully particularly during campaigns. This is because election campaigns in Kenya have usually been noisy, owing to the psyche and emotions with which people express their feelings. This often ends up in violent confrontations, harassment and acts of intimidation.

Concerned about the escalation of acts of violence and intimidation during election time and particularly during campaigns, the Commission had been pursuing the introduction of a Code. It was thus welcome news to the Commission when the IPPG legislated for a Code. From the point of view of the Commission, it had become necessary for there to be some rules for the game for political parties and candidates. There was need to control the high pitch of emotions and political temperature during the pre-election period. The Code was directed towards regulating the behaviour of political parties and candidates. Codes of conduct are widely used in this sense in many countries. India, Pakistan and Bangladesh are good examples where the code is strictly applied and enforced.³⁵

A very important feature of the Code is that its observance is not left to the voluntary spirit of the parties and candidates. Rather, it was made obligatory by law and breach of the law leads to penalties of a criminal nature. For example, Sub-section 3 of the Code stipulates that 'every officer of a political party, which, and every person nominated as a candidate, who attempts to participate in or participate in any election without subscribing to the Electoral Code of Conduct shall be guilty of an offence and shall be liable to a fine not exceeding 50,000 Kenya shillings, or to an imprisonment for a term not exceeding three years or both.'

³⁵ 1997 *Pakistani General Elections Report*, Vol. Election Commission of Pakistan, p. 125.

Political parties are expected to execute the Code through their respective authorised leaders. These officers include party chairman, vice-chairman the secretaries-general, treasurers and their assistants, organising-secretaries and their assistants. The code binds parties to endeavour to allow free and fair campaigns, and open public debate during electioneering. It requires parties to condemn violence, avoid and refrain from any attempts to abuse power, privilege or influence for political purposes. The Code also forbids the use of abusive language against other candidates and political parties. Regarding the constitutional provision giving immunity to the serving president from prosecution, the Commission's position was that the Code would apply indiscriminately.

12.6.2 Signing of the Code

By 27 November 1997, one week to the commencement of campaigns, no political party had endorsed the Code. This was a matter of concern to the Commission. It reiterated the importance of signing up the code and the consequences of failure to do so. The Commission emphasised that the Code was meant to facilitate peaceful campaigns by committing parties to peace and non-violence. A Code signing ceremony convened by the Commission on 28 November 1997 saw 18 political parties endorse the Code. This was hardly one week to the start of campaigns. KANU failed to endorse the Code during this meeting. The political parties that endorsed the code included, but were not limited to, the National Development Party (NDP), Forum for the Restoration of Democracy-Kenya (Ford-K), the Democratic Party (DP), the Social Democratic Party (SDP), Shirikisho Party, Democratic Assistance Party, Forum for the Restoration of Democracy-Asili (FORD-A); Forum for the Restoration of Democracy for the People (FORD-P) Kenya National Congress, Party of Independent Candidates of Kenya (PICK), Liberal Party of Kenya (LPK), Federal Party of Kenya (FPK), Safina, Umma Patriotic Party (UMMA), Kenya National Peoples' Democratic Party (KNPDP).

Faced with increased incidents of violence just before and on commencement of the campaigns, the Commission formed a Code of Conduct Committee to monitor compliance with the Code. The committee was given the powers to institute appropriate action against a political party or candidates who contravened the Code. It consisted of three commissioners, Brig (Rtd.) Reuben Musonye, Justice (Rtd.) William Mbaya and Edward Cheron. Apart from political parties and candidates, the Commission encouraged the general public to assist in enforcing the code by reporting all acts of violence and

offensive behaviour by political parties, candidates and their supporters to the police for appropriate action. The committee would have played a more effective role had it been availed with the necessary powers for implementation.

By the start of the campaigns, all political parties participating in the elections had subscribed to the Code. The code may have acted to restrain political parties and candidates from engaging in acts of violence during the campaigns as incidents of violence and intimidation reported were not of the scale of previous elections. The Commission constantly reminded political parties and candidates of the need for peaceful campaigns and the consequences of breach of the Code. The positive response and eventual ratification of the code by all political parties participating in the elections demonstrated that the signing of the code was a consensus document which should have introduced decency and peace to elections had it been strictly observed.

12.6.3 Dialogue With Political Parties

As has now become routine, the Commission and representatives of political parties held several joint meetings to discuss election matters. Meetings were held openly in the presence of the media. Discussions were frank. The result was the growth of respect between the two sides and even amongst the political parties. The Commission considers this to have been a very healthy and desirable development.

12.7 Media Coverage

Democracy depends on all contesting points of view being fairly and equitably communicated so that the people may make informed choices. In order for any elections to qualify as mark of free and fair, the media will need to function in an impartial and professional manner. The ability of political parties and their candidates to communicate to, and get feedback from, the public will depend on the existence of a media that is committed to equality and fair-play. As such, adherence to the standards of accuracy, objectivity and balance in news and other information is essential. In other words, there cannot be meaningful and vigorous debate of fundamental issues facing a country without an impartial and non-partisan means for expressing views.

12.7.1 Broadcast Media: the Role of the Kenya Broadcasting Corporation

Crucial to fair coverage of election campaigns is the establishment of impartial mechanisms for setting broadcasting policy, monitoring fairness and dealing with complaints from political parties, candidates and the public. Without such mechanisms public confidence in the electoral process is likely to suffer. Under a new law passed towards the end of 1997 as a result of IPPG negotiations, the (KBC), a state-owned concern was required to cover all political parties and candidates equally. This had followed protracted representations and complaints made by the opposition to the effect that they were being denied access to the media in general and the publicly-owned radio and television in particular. With the new amendments, people expected that a fair ground had been set for the media's role in the elections. The interest in KBC is that it is a publicly funded enterprise with a national coverage. Others like Kenya Television Network (KTN) and Stellavision Television (STV) are still largely received in the cities alone.

12.7.2 KBC and the New Law

KBC radio and television reaches out to all places in Kenya. It has both English and Swahili programmes. It also has programmes in local languages. These programmes have great influence over all people in Kenya. Many political leaders had in the past complained incessantly that Government leaders and KANU used KBC to the disadvantage of the other leaders and yet it was public property. During the 1997 IPPG negotiations this perceived misuse of KBC was addressed and in the end parliament amended the Kenya Broadcasting Corporation Act (Cap. 221), section 8 to require KBC, to quote, to:-

“keep a fair balance in all aspects in the allocation of broadcasting hours as between different political viewpoints;

“in consultation with the Electoral Commission, during the campaign period preceding any presidential, parliamentary or local government election, allocate free air time to registered political parties participating in the election to expound their policies”

The role of the Commission is quite clear under these amendments. It was only to be consulted for the purpose of allocating free airtime to registered political parties. It did not provide that the Commission was to pay for this free airtime. The wording was clear

that KBC was to provide this service free of charges. But perhaps more importantly, it is to be noted that the Commission was not granted any power or responsibility or laden with any obligation to monitor how KBC kept a fair balance of different political viewpoints. The Commission played its lawful role and with the registered political parties and KBC, prepared a schedule giving each of these parties the day, time and hours each party was to expound its policies. The Commission did even more than that --it drew out guidelines for KBC, which if complied with would lead to equitable balancing of the opposing or concurrent political views. The Commission had no legal duty to do so but it did. The political parties and KBC agreed upon the guidelines. Obviously as the law did not empower the Commission to enforce or monitor either the keeping of the balance on political viewpoints or the implementation of the guidelines it left all that to the good sense of the KBC.

These guidelines were given in accordance to the new Section 8(1) of the KBC Act proposed and passed by the IPPG, and which became law as from November 7th 1997. A document was adopted which provided a framework for application of the guidelines including the need "to keep a fair balance in all aspects in the allocation of broadcasting hours as between different political viewpoints", the role of the Commission in giving voter education and special pre-election programmes. The guidelines also provided conditions for monitoring of elections by the Commission, the complaint procedure, the recording of all political party broadcasts and free airtime. Some highlights of the guidelines are as follows: -

- (a) the Commission would pay the transmission costs for air time for direct access and political party broadcasts
- (b) the equitable number of frequency, duration and transmission time of the programmes on both radio and TV would be negotiated between KBC and the Commission
- (c) free air time programmes must be pre-recorded to a schedule produced by each political party
- (d) the programmes should conform with the law, the Code and the adopted guidelines
- (e) special election programmes to be done on radio and TV to be produced either by the Commission or the political parties

- (f) KBC to continue with its professional role of reporting election issues to the public independent of the framework
- (g) 25-minute interviews to be provided for candidates at prime time. No candidate would be scheduled without three days prior notice to the day of the interview.
- (h) A commissioner would attend each session and if necessary, intervene in case of breach of the law or Code.
- (i) political parties would purchase commercial spots on KBC and any upper limit which may be imposed by the KBC
- (j) under the Complaints Procedure, any political party or candidate or member of the public making a reasoned complaint about unfair treatment or coverage shall expect a response from the KBC or the Commission
- (k) Complainants would also be required to report to the KBC Legal Officer while the Commission shall respond to every serious complaint within 24 hours and shall have the final say as an arbiter.

12.73 Performance of KBC

A careful analysis of the performance of KBC over the campaign period and after reveals that as much as it tried to demonstrate a measure of fair play by covering all political parties, there was nonetheless a widespread perception by the people that KBC did not live up to the Kenya Broadcasting Corporation Act. There were significant obstacles standing in the way of impartial information dissemination. There appeared to be serious difficulties confronting free and unfettered access to the public media. The Kenya Broadcasting Corporation Act had been amended to enhance fair coverage of the elections by extending coverage to all political parties and candidates and the amendment should have led to a change in its editorial policy.

KBC was under an obligation to adhere to the guidelines set under the law. Complaints that KBC was still favouring KANU and Moi as its presidential candidate continued to be received by some of the political leaders of the other political parties and candidates during the joint meetings between the parties' representatives, the Commission and KBC. At first the complaints were muted. They however became louder and bitter during the last two weeks before the elections. These leaders and candidates stated that KANU and Moi in particular, were manifestly receiving so much exposure both in the KBC radio and TV services that it appeared KBC was campaigning for KANU. KBC's response was that

news about Moi came from the Presidential Press Unit and KBC could not therefore edit them for these concerned Moi as the President of the country and not as a candidate. This argument is, admittedly, technical in nature. The truth of the matter is that the viewers and listeners to these news events cannot be expected to distinguish the difference. At that time, they knew Moi was the President but a candidate as well.

The Commission had no legal power or right to intervene. It however had a moral authority to caution KBC. It listened to all this serious sparring with great concern. It cautioned KBC of its legal obligations under the new law and advised the aggrieved parties or persons to go to Courts and seek appropriate remedy. While appreciating the gravity of what could be considered partisan coverage of the campaigns, the Commission's hands were tied within the prevailing legal and administrative framework.

12.7.4 Press Announcements

In order to satisfy the very high demand for information about the progress of the electoral process as the polling day approached, the Chairman of the Commission adopted a schedule of daily press conferences during which he issued press releases on various aspects of the elections. As it turned out these press conferences became very useful for civic education on diverse matters on electoral procedure as well as in disseminating public information through the mass media. The rapport that developed naturally from these frequent encounters with the media people played an important part in upholding the integrity of the Commission and in turn helped in refuting the prevalent wild rumours and accusations that the Commission was a rigging agent for KANU. These press conferences were particularly significant in explaining the impromptu decision-making process the Commission had to adopt in order to deal with difficulties, which arose during the final stages of the 1997 general elections.

12.7.5 Coverage by the Print Media

Before the elections the Chairman of the Commission met all the members of the international press that were then based in Kenya and it was quite clear to him that this

³⁶ Independent monitoring of KBC by NGOs and Media groups revealed that the time allocated to coverage of the opposition increased dramatically from 10 per cent in the first week of November to the 32 per cent in the last week of November. It was also discovered that despite this increase in opposition airtime, the reporting increasingly portrayed the opposition negatively.

team was essentially interested in the promotion of democracy in Kenya. He acceded to their requests as concerning their accreditation to cover the elections because he was satisfied they meant well for the country and deserved respect.

The Commission noted with satisfaction that the election activities were well covered in the local electronic and print media, by locally based foreign correspondents and various international radio and television networks. Each had its bias amongst the electoral contestants.

Some mischief however did creep in after the polling was extended by a day. Some foreign news agencies and some foreign television stations in their own countries kept misleading their listeners and viewers that there were no ballot boxes and the Commission's rejection of the Danish offer of boxes was untenable. They stressed this by showing some Kenyans casting their votes in a carton. There are many countries in the West who use cartons instead of elaborate ballot boxes and these stations never telecast them. In this election cartons were used in 4 polling streams out of over 42000 streams. These newscasters and news reporters knew the truth of what happened but they chose to mislead their listeners and viewers. It has been explained elsewhere in this report that owing to terrible weather and impossible roads some few ballot boxes did not arrive in time or arrived but were damaged. Candidates and voters decided to proceed with polling while waiting for these boxes and as soon as they arrived they cast ballot papers and were transferred from the cartons to the ballot boxes following the legal procedures correctly and to the satisfaction of those who were closely concerned. These were 9 cartons. On the whole, however, the reporting and comments were fair, and did no harm to the elections. In fact the Commission felt the print media and the foreign media treated the Commission with respect and they all took part in the promotion of free and fair elections.

One notable feature of the 1997 election was the general upsurge and mushrooming of weekly and bi-weekly newspapers, newsletters and magazines which provided varied opinions and commentary regarding the political process in general and the elections in particular³⁷. One can argue that this development helped provide an alternative viewpoint from that provided by the KBC. However, just like the experience of the 1992 general

³⁷ These ranged from the extreme anti-government newsletters like *Dispatch*, *Despatch*; bi-weekly newspapers like the *Star* and weekly magazines like the *Post on Sunday* and *Finance*.

elections, a number of these newspapers and magazines as well as newsletters have slowly disappeared from the streets.

12.8 Accreditation of Election Observers

As part of the election preparation process, the Commission accredited 25 organisations to observe the 1997 general elections from a total of 75 applicants. The accreditation was done in accordance with regulation 23(1) of the Presidential and Parliamentary Elections Regulations and rule 23 of the Local Government rules. The Commission could not accredit all the applicants, as there was a danger of "more people observing the elections than the number of voters at polling stations". Among those accredited were 6 local organisations and 21 foreign embassies based in Nairobi.

Since 1992 general elections and by elections have been regularly observed by official observers. The Commission accredits them for this purpose. During both general elections observers from outside and inside the country were accredited. They are called observers because they merely observe how the elections are conducted and if there are irregularities or illegalities, they simply make note of these. They are not allowed to guide the election officials on how to carry out their duties. They cannot criticize these officials in the course of the conduct of the election. They are thus not monitors. It is the law of Kenya that lays out these responsibilities and not the Commission. After the elections the observers can issue statements on what they observed and point out the shortcomings.

The observers were accredited to observe events beginning from nominations through campaigns to polling and post-polling activities. Following accreditation, Presiding Officers were required to accord the groups the necessary assistance that would enable them conduct their business peacefully. On their part, the accredited groups had to identify themselves by showing their accreditation letters and ensuring that they did not interfere with the elections in any way.

Observers are expected to be non-partisan, competent and knowledgeable. They are also supposed to report truthfully on their factual findings. The Commission expects all accredited observers to submit written reports of their observations to their sponsors or collaborators and send copies to the Commission.

The observers are normally an organisation, an umbrella body comprising several organisations (such as IED, NCKK and CJPC in the 1997 general elections) or a foreign mission. The Commission accredits the body and its participants. The names of the participants are then sent to the ROs and POs. The participants are, where possible supplied with badges and letters of identification. The Commission accredited the Institute for Education in Democracy (IED), the Catholic Justice and Peace Commission (CJPC) and the National Council of Churches of Kenya (NCKK) who had entered into a collaboration to jointly observe the general elections. This group produced a written report on the elections.

Also accredited as observers were the following groups –

- International Federation of Women Lawyers (Kenya Chapter)
- National Council of Women of Kenya (NCWK)
- League of Kenya Women Voters
- Zambia Independent Monitoring Team
- Friends of Kenya U.S.A. Inc. (FROKUSA).
- Law Society of Kenya

The Commission did not receive written reports from any of these.

The foreign missions accredited included those of Belgium, Australia, Austria Sweden, USA, Slovakia, Ethiopia, Italy, Norway, Japan, Hungary, Portugal, Finland and France. Others were Spain, Canada, Denmark, Poland, Germany, Indonesia, Netherlands, Greece and Britain, which chose to be referred to as the Democratic Development Donor Group (DDDG). They produced a written report on the elections. They have shown a great deal of interest towards the enhancement of the Commission's performance.

12.9 Accreditation of the Press

In accordance with IPPG recommendations journalists were accredited free of charge and were entitled to free access to polling stations and counting halls. This deviated from past practice where they were subjected to strict and cumbersome procedures for coverage and for a fee. The law had been amended to enable the press get free access to all polling stations and counting centres. An earlier attempt by the Ministry of Information and Broadcasting to charge KSh. 300 and US\$ 10 for local and foreign journalists respectively, was rescinded.

The Commission had differed with the Ministry over accreditation of journalists. The Commission felt it was unfair to subject journalists to a rigorous and cumbersome accreditation procedure while both local and foreign observers were easily accredited, yet at the end of the day, their role is similar. The Commission's position which was eventually adopted only required media houses interested in covering the elections to forward a list of their people to the commission with an application letter. They stood accredited once this condition was fulfilled. A meeting involving the Commission, the Ministry as well as the Kenya Union of Journalists (KUJ) had helped resolve the accreditation issue.

CHAPTER 13

POLLING AND POST-POLLING EVENTS

13.1 Polling Station Set-up and Preparation

Prior to the elections, the Returning Officers collected the election materials from the Commission's go-downs in the Industrial Area, Nairobi, which were transported under guard to a secure location in the constituency, usually the district headquarters strong room. The materials collected included: -

- Containers of indelible ink
- Ballot papers
- Voters register
- Ballot box seals
- Ballot boxes
- Electoral Commission of Kenya stamps
- Stamp pads and ink
- Envelopes to retain used/unused/spoilt ballot papers,
- Writing paper
- Pens
- Lamps
- Matches
- Scissors

These materials remained under guard until the eve of polling when they were distributed to Presiding Officers according to their polling stations. This was a mammoth task that required organisation and co-ordination. Following the distribution of materials, the majority of polling officials arrived at their polling stations long before the designated polling time of 6.00 a.m. ready to set up for polling.

However, some packages were delayed due to problems caused by the *El Nino* rains that were ravaging the country at the time. This caused delays in opening those particular polling stations.

13.2 Preparation for Voting

Polling stations were located mainly in schools and other gazetted venues. A large sign at the gate of every polling station provided the necessary signpost to intending voters. The Presiding Officers are trained to set up polling booths that will ensure that the electors vote in secret. Given that the Commission was conducting three elections, several booths were set up in every polling station to allow a speedy polling process. In places where the number of registered voters exceeded 800 a second stream would be set up. The highest number of streams in the country was in Embakasi Constituency in Nairobi where there were 20 polling stations with a total of 119 streams, an average of 6 streams per polling station.

Every constituency was manned by a Returning Officer who supervised other election officials. A Presiding Officer, working with a deputy and several polling clerks headed each polling station. In total the number of persons employed by the Commission for the 1997 general elections was more than that of 1992. For example, there were therefore 210 Returning Officers corresponding to the number of constituencies as compared to 188 in 1992. The increase in civic electoral areas meant a proportionate increase in the number of electoral officials. Similarly, whereas in 1992 there were about 6,888 polling stations, this number almost doubled in 1997, where there were over 12,500 polling stations.

Each polling station had three ballot boxes except in stations where there was more than one stream in which case each stream would have three ballot boxes. The first ballot box was for the presidential votes, the second for parliamentary votes and the third for local government votes. Each ballot box was clearly labelled according to the type of vote that was to be cast into it.

13.3 Commencement of Voting

The voting process started with the sealing of the ballot boxes by the Presiding Officer and Deputy Presiding Officer in the presence of agents from political parties. The PO first verified that the ballot box was empty. Upon verification by agents present, he/she invited observers to do the same prior to commencement of voting. The ballot boxes were thereafter sealed by the Presiding Officer leaving only an aperture for inserting the ballot paper. Each party agent was given a numbered seal to put on the ballot box and had the option to add on their own seal. The ballot box would be finally sealed once more at the

close of poll 12 hours later and the process of sealing would be repeated once more using the Commission seals and party seals. Each ballot box had a serial number as did the Commission seals.

Presiding Officers were trained to organise the voting in the following nine steps:

1. The identity of the voter is established
2. The voter's name is underlined in the Electors' Register against the details on both the elector's card and the accepted identity document.
3. Ballot papers are issued to the voter
4. The ballot papers are stamped
5. One of the fingers of the voter is immersed in indelible ink.
6. The voter goes into the screened polling booth to mark his/her ballot papers.
7. The voter casts her/his vote by inserting the ballot papers in respective ballot boxes.
8. The voter's identity document is impressed with the seal of the Electoral Commission.
9. The voter leaves the polling station immediately.

The above process was executed with the help of six polling clerks.

In all cases, the three ballot papers were given separately so that step 7 was repeated three times. Every time the voter completed marking and depositing the ballot for one election, he/she would be required to repeat step 7. In others, they were given all the ballot papers at once and cast them in the respective boxes (clearly marked for this purpose). Incapacitated or illiterate voters received help from the Presiding Officers, witnessed by party agents and observers. Due to the large number of political parties participating in these elections, the polling booths were crowded and voters may have become intimidated by such a large number of witnesses.

Ballot papers were supplied in books of 100 with clear notations as to the constituency, polling station number and the kind of election it was intended for. All ballot papers also had serial numbers of the respective polling stations and were printed with counterfoils that remained in the book after the ballot paper was issued to the voter.

13.4 Polling Process and the Polling Day

Polling day was 29 December 1997. However, it became necessary to extend the voting to 30 December for certain polling stations. Several factors that hampered proper execution and conduct of the general elections have been highlighted under various heads in this report. These included the belated increase of electoral areas, late registration of political parties, lack of reliable means of transport, lack of sufficient finances, severe *El Nino* weather conditions and faulty packaging and labelling of packages containing ballot papers. The impact of the last two on the conduct of elections on the election day was disruptive.

There were some ballot papers in wrong polling stations spread all over the country. These misplaced ballot papers required translocation in time to allow voters to cast their votes on the first official polling day. The translocation was in some cases only possible by air transport. Serviceable and suitable planes available from the Government agencies and private firms or persons were insufficient. The Kenya Air Force, Kenya Power & Lighting Co., and Kenya Ports Authority co-operated generously and provided some planes and helicopters without demanding payments. A few private firms joined for a fee. These were not enough for the task. Areas like Wajir district, Tana River district, parts of Busia district, Samburu district, parts of Kitui district, Malindi district, Lamu district and parts of Kwale district, to mention but a few were so flooded that even the planes could not land. Obviously no road transport was possible and in any case most roads had already been rendered impassable by the rains. The result was that in many such polling stations ballot papers were delayed for long hours necessitating the extension of the voting period.

The artificial shortage of ballot papers in other constituencies that did not have these other problems had improved by the afternoon when the ROs received the Commission's advice on this and acted accordingly. This came as a result of the Commissioners meeting on 29 December 1997, when a lengthy debate was held and eventually decided that polling be extended to 30 December 1997, in polling stations which were affected by these obstacles to cover the lost time. The Commission had such powers under the provisions of Section 17A of the National Assembly and Presidential Elections Act.

Consequently, this information had to be relayed to the PO's at the polling stations. The Commission did not and still does not have any direct communication with polling

stations. The only way of contact was through the ROs by telephone and/or police signals. To attempt to convey this message to the polling stations through these means to ROs would have taken too much time to be of any use in the end. The Commission asked KBC to announce this decision as a special news item several times. The laws of Kenya provide that voting day at General Elections is a Public Holiday. Thus the extension and the declaration of a Public Holiday were announced simultaneously.

In the meantime, and in most parts of the country where voting proceeded smoothly up to the end, RO's had already received or were in the process of receiving ballot papers. It was feared then that if the counting started that evening i.e. 29 December 1997, and yet the voting period had been extended in some areas, the announcement of results was likely to influence voters. It was therefore decided that there would be no counting of votes until further notice. The decision to withhold counting was widely observed except in a few cases where communication was not received on time.

It was then explained that it was not possible to conduct a count of the polling stations and identify the ones that deserved extension. Such an action would have entailed postponing the elections for possibly two to three days. The Commissioners took into account all the circumstances and facts relevant to the situation in hand and conscientiously decided that 30 December 1997 was to be added as a polling day for the polling stations that deserved this extension. The Commissioners did so purely to afford the affected voters a chance to vote. Radio being the best public communication medium in Kenya made it imperative that it be used to relay the Commission's decision.. This announcement caused some anxiety and as a result, a number of prominent political and religious leaders called on the Chairman of the Commission, and held candid discussions which proved very fruitful. Among those who attended were Mwai Kibaki, Raila Odinga, George Muhoho, initially, and later Archbishop Ndingi Mwana a Nzeki (Catholic Church), and Rev. Mutava Musyimi (NCCCK). These leaders joined the Commission in allaying public fears caused by the extension. Indeed the meeting ended with a prayer by the Catholic Archbishop.

13.5 Closing of Poll

At the close of poll every Presiding Officer prepared a statement comprising the following information: -

- Number of ballot papers received,
- Number of ballot papers issued and not spoilt (i.e. the number in the ballot box)
- Number of spoilt ballot papers
- Number of unused ballot papers

In the presence of candidates and agents the Presiding Officer placed into separate packets any spoilt ballot papers marked copy of the register and counterfoils of used ballot papers. Unused ballot papers were similarly dealt with and all packets were labelled clearly and sealed. Ballot boxes were sealed so as to close the aperture and the Commission's seals affixed to them. Candidates and agents witnessed the process and were allowed to affix their own seals. The ballot boxes and sealed packets were thereafter delivered to the Returning Officer at the counting centre. Besides the Presiding Officer and / or their deputies and the security personnel, the agents of the candidates accompanied ballot boxes.

13.6 Counting and Announcement of Results

Counting was done in a designated central location in each constituency, under the supervision of Returning Officers. The votes from each polling station and stream were counted and announced in turn before the final tally was made. There were delays in obtaining results from certain constituencies due to reasons explained earlier and also requests for recounts by candidates. These had to be granted as provided for under regulation 37 of the Presidential and Parliamentary Regulations, which states: --

- (1) A candidate or counting agent, if lawfully present when the counting or any recount of votes is completed, may require the returning Officer to have the votes rechecked and recounted and again recounted, or the Returning Officer may, on his own initiative, have the votes recounted or again recounted.

- (2) No steps shall be taken on the completion of a count or recount of votes until the candidates and counting agents present at the completion have been given a reasonable opportunity to exercise the right given by this regulation.

The legal import of all this is that a Returning Officer must grant at least two recounts when requested and may order two recounts on his/her own volition.

By 6 January 1998 all the results for parliamentary and civic elections were finally announced. The Electoral Commission announced the results of the presidential election before the presidential vote from all the constituencies had been announced. The Commission's position on this was that there was nothing wrong or illegal in so doing, as the results up to that point indicated a clear victory for the leading candidate, and the remaining results would not have made any difference. The Commission also relied on the provisions of Section 5(3)(f) of the Constitution.

The final presidential results were as shown in Table 13.1. The results indicated that the winning candidate, Daniel Toroitich arap Moi (KANU) garnered 2.5 million votes (40.45%). The runners-up, DP's Mwai Kibaki garnered 1.9 million votes (30.83%) while Raila Odinga (NDP) obtained 0.67 million votes (10.82%). The details of the results by constituency are shown in Appendix 6. In addition to obtaining the highest number of votes in the presidential elections, the winner also satisfied the constitutional requirement that a winning candidate also obtains over 25% of the valid votes in at least 5 of Kenya's 8 provinces. Moi (KANU) had 5 provinces with more than 25% of the valid votes cast, Kibaki (DP) had 3 provinces while Raila Odinga (NDP) had only 1 province.

In the parliamentary election, KANU won 107 seats, 11 of which were unopposed. DP won 39 seats effectively becoming the Official Opposition. NDP followed with 21 seats; FORD- K 17, SDP 15. The rest of the seats were shared amongst SAFINA (5), FORD-P (3), KSC (1), SPK (1) and FORD-A (1). The distribution of elected members by province was as indicated in Table 13.2. The women candidates fared poorly. Out of 48 parliamentary candidates who contested only 4 women were elected as shown in Table 13.3.

Table 13.2: Distribution of Elected Members of Parliament by Province and Party

Party	Nairobi	Coast	N. Eastern	Eastern	Central	R. Valley	Western	Nyanza	Total
KANU	1	18	9	17	-	39	15	8	107
DP	5	2	-	8	17	7	-	-	39
NDP	1	-	-	-	1	-	-	19	21
FORD-K	-	-	-	1	-	3	9	4	17
SDP	1	-	-	9	5	-	-	-	15
SAFINA	-	-	2	-	3	-	-	-	5
FORD-P	-	-	-	-	3	-	-	-	3
SPK	-	1	-	-	-	-	-	-	1
FORD-A	-	-	-	1	-	-	-	-	1
KSC	-	-	-	-	-	-	-	1	1
Total	8	21	11	36	29	49	24	32	210

Source: ECK Records

The law as amended after the IPPG negotiations required that the parties according to parliamentary strength nominate the 12 nominated MPs, taking into account the principle of gender equality. The law also required that the Commission apportion these nominated seats in proportion to parliamentary strength and advise the parties accordingly. In the event, KANU was advised to nominate six, DP two, FORD K one, NDP one, SDP one and SAFINA one.

Table 13.3 gives the overall party representation in parliament by gender after Dr. Leakey resigned. He was previously SAFINA nominated MP.

Table 13.3: Party Representation by Gender

PARTY	ELECTED		NOMINATED		TOTAL
	Men	Women	Men	Women	
KANU	106	1	4	2	113
DP	38	1	1	1	41
NDP	21	-	-	1	22
FORD-K	17	-	1	-	18
SDP	13	2	1	-	16
SAFINA	5	-	-	1	6
FORD-P	3	-	-	-	3
SPK	1	-	-	-	1
FORD-A	1	-	-	-	1
KSC	1	-	-	-	1
Total	206	4	7	5	222

Source: ECK Records

In the civic elections KANU won 1,754 seats while the closest contender, DP, had 427 seats as indicated in Table 13.4. Out of 2919 civic candidates who were elected 92 were women. In 36 civic wards, however, elections were not conducted for logistical reasons – among them inaccessibility of polling stations, missing names on ballot papers, and the absence of validly nominated candidates. The distribution of civic seats per political party by province is given in Appendix 4.

Table 13.4: Elected Councillors by Political Party

No.	Party	Councillors	No.	Party	Councillors
1.	KANU	1,754	9.	KSC	7
2.	DP	427	10.	LPK	6
3.	NDP	296	11.	LPD	4
4.	FORD-K	187	12.	FPK	4
5.	SDP	139	13.	UPPK	2
6.	SAFINA	38	14.	KENDA	1
7.	FORD-P	33	15.	KNC	1
8.	FORD-A	19	16.	PICK	1

Source: ECK Records

13.7 Formation of Government

Daniel arap Moi was declared elected as the president of Kenya. He was duly sworn in at a public ceremony at Uhuru Park on 5 January 1998. He proceeded to appoint a Cabinet that was sworn in on 8 January 1998.

13.8 Adjudication of Electoral Disputes

Arising from the 1997 general elections, a total of 27 election petitions were filed. Of these, one was between Mwai Kibaki – as the petitioner – and Daniel arap Moi – as the respondent. Besides contesting the election of Moi as an MP, the petition also seeks to nullify the election of Moi as president. In addition to these, there were a total of 63 election inquiries (or local government petitions). At the time of writing this report a substantial number of these petitions had been dismissed on technical grounds (mainly service out of time) by the High Court.

Under the National Assembly and Presidential Elections Act, the High Court is obliged to hear all election petitions, once begun, on a priority basis. The aim here is to dispose of election petitions expeditiously so that we do not have a situation where a petition is concluded after the respondent has served his/her full term or a substantial part of it.

In the case of civic elections the RO has the right to file the inquiry application in the resident magistrate's Court. He however has no such right as regards presidential or parliamentary elections. The Attorney General used to have the right to petition like any other party in presidential and parliamentary elections but this was removed by the 1997 IPPG amendments.

13.9 By-elections

There have been two by-elections following the 1997 general elections. They were both occasioned by the death of serving Members of Parliament. The first was held on 16th September, 1998 to fill the Kieni parliamentary seat, which was left vacant after the death of Hon. Munene Kairu the area M.P who had been elected on a DP ticket, while the second was to fill the Makueni seat that fell vacant on the death of Hon. Prof. Paul M. Sumbi who had been elected on an SDP ticket.

The Kieni election was conducted peacefully, though it was marked by a lower turnout than at the general elections. The Makueni by-election witnessed post-polling violence by the police, stemming from a disagreement over the vote count in respect of ballot boxes from 10 polling stations. The Kieni by-election was won by DP's Chris Murungaru while KANU's Peter Maundu captured the Makueni seat. At the time of writing this report, two other by-elections were in the pipeline, one in Tigania West following the death of the incumbent MP, and the other in Kitui South following the defection to KANU of the area's SDP MP. The date for the by-elections was set as 24 April 1999.

There are two impending by-elections in Kitui South and in Tigania West. The former is occasioned by the defection of the SDP's Samuel Kiminza to KANU while the latter is occasioned by the death of DP's Benjamin Ndubai.

CHAPTER 14

CONCLUSIONS AND PROPOSALS FOR THE WAY FORWARD

From the experience in elections since independence, many lessons can be drawn. It is therefore possible to suggest certain reforms in our electoral laws and procedures. The main objectives of the reforms suggested are to: –

- Enhance transparency and credibility in the electoral system;
- Expand the new space for the political participation of all Kenyans;
- Strengthen political plurality through guarantees for minority to access both parliament and the local authorities;
- Seek to make the adjudication of election disputes by Courts or any other authority efficacious and expeditious;
- Streamline party formation process to give them strong national outlook.

With this in mind the Commission suggests that, perhaps the following changes should be seriously considered with a view to realise a successful election. Although the list is not exhaustive, the suggested changes could address the most crucial problems with our electoral system today. They are as follows: -

14.1 Voter Registration

There is clearly a need for continuous voter registration to ensure a constantly updated and reliable register. This will ensure that voter registration becomes a relaxed exercise rather than the rush we normally have, in which there is a lot of suspicion and errors.

14.2 Disclosure of Sources of Funding and Campaign Expenditure

Parties can receive private funding through their members, supporters, self-financing (sale of services), and investments. Legislation to bind all parties to strict rules of public accountability and campaign-funding disclosure is therefore necessary. Spending limits for the presidential aspirants, parliamentary candidates and civic candidates should also be instituted to weed out a situation where votes go to the "highest bidder". Some suitable monitoring mechanisms and procedures will be necessary for the right objective to be realised.

14.3 Electoral System Design

It may be prudent to re-examine our electoral system with a view to crafting a new electoral system that truly reflects the choice of voters. There is the first-past-the-post system, which exists in Kenya and in many Commonwealth countries. There is the proportional representation system used in France and much of the rest of Europe and other countries. Both systems have their merits and demerits. The Commission suggests that proper study of the operations of the present system be carried out and match it with the proportional representation system to see if changes are desirable even if that involves employing both systems at the same time as is done in some other countries. The objective should be to have a system that enhances the confidence of the electorate in the system and yet ensure it is simple enough for Kenyans to comprehend and practise.

14.4 Delimitation of Boundaries

The Commission is preparing proposals on electoral reform to be considered in the context of the constitutional review exercise. The whole idea is to make the exercise of constituency-making more transparent by providing practical guidelines and make the exercise even more transparent.

14.5 Electoral Finances

The present financial arrangement is unsatisfactory and even inefficient. It also has adverse effect to the constitutional independence of the Commission. Overall, it is recommended that the Commission should be allocated adequate funds and a proper organisational structure to control, manage and disburse funds for election activities efficiently and efficaciously. A law, such as exists in some countries, that the Commission spends the money voted to it by parliament and accounts directly to Parliament, may warrant serious consideration.

14.6 Election Time Table

To hold general elections during a spate of public holidays as is the case in December (for example) has proved extremely difficult. It is also inconvenient to the electorate. Similarly the general state of the weather in the country does escalate tremendously the expenses for the conduct of the elections and for the candidates and their political parties. A formula ought to be found which will lead to an election timetable clear of these obstacles.

14.7 Access to the Media

It seems it is time an efficacious legal regime is established that will ensure the enforcement of the law that requires the public-owned media to give equal and fair treatment to all election campaigners during elections in respect of coverage of their respective view points and airtime. In that regard these laws should ensure institutional press units or services whether within the Government or outside respect and comply with this law. The law should be such that no one will breach it with impunity.

14.8 Counting of Votes

The Commission is convinced that the counting of votes should take place at the polling stations. That is more transparent than is the case with counting at the constituency level. It reduces grounds for controversies as the number of ballot papers to be counted will be smaller. And it enhances accuracy in the counting. It is a practice which has gained currency widely around the world.

14.9 Electoral Disputes

There has been manifest improvement in the process of adjudication of election disputes. It must be appreciated that the Court system has its own limitations with regard to the speed with which a Court can possibly dispose of a dispute before it. One of the hindrances is the rules of procedure. The Court cannot ignore these rules. They are part of its way of reaching the just decision in each case. A deep study of these rules may be necessary if a speedier method to dispose of these disputes is to be evolved.

14.10 Honesty and Fairness in Elections

Our electoral legal regime should be amended and fine-tuned to outlaw all forms of electoral corruption and fraud. It should be structured in such a way that it imbues honesty and fairness in the entire electoral process. In this regard, the law against treating – repealed as part of the IPPG reforms package – should be reinstated.

14.11 Public Funding for Political Parties

Running a political party properly is expensive. There is rent to pay, party workers to pay, vehicles to run etc. The lack of funds leads many political parties to remain dormant during the period between general elections to their detriment. Kenya is now committed to multipartism. That calls for virile political parties. The private sector may render its financial assistance – but they are not bound to. It seems that, in the circumstances, there is a strong case for public funding of registered political parties. The obligations that will go with this facility could obviously be worked out.

14.12 Registration of Political Parties

There are many countries where the electoral authorities are responsible for the registration of political parties. It is considered that these authorities are ideally placed to be fair in the execution of this exercise. That way no political parties will be likely to be registered at a time when that would jeopardise the holding of an impending general election. However, if the Commission cannot be granted this function then there is a case for it to be consulted before such registration is done.

14.13 Formation of Political Parties

On the basis of the present Constitution and the Societies Act a few people can lawfully form a party and seek for its registration. The Commission would like this kind of situation debated and resolved. Developed countries do not care about this but then Kenya is not developed. Many developing countries have found it necessary to require those who wish to form and register a political party to have a minimum amount of popular support or a minimum spread. That does make sense. The reasons for this proposal have been debated in those other countries and are readily available.

14.14 Party Nominations

The Commission is willing to work with the political parties in order to develop suitable modalities aimed at deepening democracy during party nominations. The Commission could also assist political parties in conducting nominations. The Commission believes this will strengthen the parties in their pursuit for free, fair and transparent elections. Needless to say that elections commence with the party nominations

14.15 Commission's Role from Nomination to Elections

The Commission is enjoined by law to promote free, fair and transparent elections. The law also grants the Commission the power to generally supervise the elections. However, a Returning Officer's decision on nomination is binding on the Commission and only an election Court is empowered to quash such a decision arising from an election petition. The Commission appreciates that there are real dangers which could lead to sabotage of an election if the election process is unduly interrupted, which may well be the case if the nomination of a candidate is to be allowed to be challenged before the elections. There are however cases where intervention would be justified. It also does appear inexplicable to quash the nomination of a candidate after he/she is already elected. In any case the candidate will obviously have an advantage over his/her opponent when there is a repeat of the election. There may not be an easy solution to the problems involved but the Commission believes that it is worth close scrutiny.

14.16 Voter Education

Elsewhere in this report it was stated that the Commission is committed to promote voter education. It is its constitutional responsibility. It was explained that the Commission has had no resources, human and financial, to carry out this task. Instead the Commission has helped to identify credible NGOs and assisted them to secure financial assistance from some foreign or international organizations. This has worked to some extent but it is necessary to devise and sustain a more transparent and accountable system which is at the same time effective and non-partisan. Failure to do so will lead to wastage of resources and time for no positive results will ever be realized. For example it cannot be said that all the NGOs have been non-partisan, transparent and accountable. Some even lack the expertise necessary in order to perform well in this exercise and yet they have been funded and are crying for funds through the Commission. The Commission itself has no monitoring system to follow up what the NGOs are actually doing.

Voter education is not just about the steps the voter has to follow from registration as a voter to the casting of the ballot paper. Parliament did not define what it is and the Commission takes that to mean parliament intended to give the Commission the widest possible discretion so long as the Commission remained non-partisan. The Commission, therefore, believes that all the people of Kenya are potential voters even if they are not yet

qualified to vote or are not registered as voters. Thus the education should spread to the young in schools and elsewhere and to the adults everywhere. Voter education should be interpreted to mean education on elections. In that case it should encompass issues of learning like the roles of parliament and local authorities and of their respective members; the relations between a Kenyan and the government, why elections are held, what elections actually mean to the voter; what a voter should know and do in order to be well-placed to decide how to vote; who has a right to vote and how that right is claimed and realized; the steps that a potential or a registered voter takes when casting the ballot paper, unaided by any one or aided by a person of the voter's own free choice.

It is clear the numbers to be educated are many. The terrain to be covered is wide. And the context of the subject matter is not that narrow. These call for a large contingent of personnel, large financial outlay and respectable and reliable expertise.

The Commission will continue to persuade the government to provide funds for this purpose. The Government has never been against providing these funds. The issue with Government is that it has to provide for other essential services as well, like health and security. The Commission is confident that in time the government will be able to attend to its request. The Commission can not for good reasons wait for this time to come. It has to seek assistance from other resources. These sources and the Commission should confer, discuss and decide the most effective, efficient, transparent and accountable system to adopt in order to make the illiterate mother, father, sister and brother realize their power in the vote. United Nations Development Programme (UNDP) has enabled the Commission to prepare a voter education curriculum which was preceded by a workshop for the key stakeholders which UNDP sponsored. This was long after the 1997 general elections. The Commission believes that this was a big step forward. It has for example enabled the Commission to realise the immensity of the work to be done. The Commission wants to move from there. UNDP seems to understand very well all that is involved. The Commission hopes other friends of Kenya will come forward like UNDP. The Commission promises that it means business. Its intention is to succeed. However all those who come forward should bear in mind at all times that the Commission has a legal, constitutional and moral duty to remain non-partisan. They must be ready to support programmes that enhance this area of knowledge or learning in a manner that

leaves students absolutely mentally free to make decisions to elect their president, members of parliament and councillors, on their own.

14.17 Training

Kenya has enough local human resources for training in the conduct of elections. However, elections come after five years. Naturally that knowledge deteriorates with the lapse of that time. There are also a number of the Commission's employees in the districts and even in the head office whose knowledge of elections and election procedures is imperfect. An officer who works in the supplies or accounts or computer sections who has no idea of the imperatives that come with an impending election is a threat to the success of that election. The district officials are even worse of. And, in the rest of the world, there have developed relevant skills that would enhance the capacity of electoral officers to perform and indeed ensure the continuity of that capacity for the benefit of the electoral process. The Commission therefore plans to give plenty of its attention to the training of its personnel through seminars, workshops, conferences or even formal courses. It will require solid partners for this to succeed.

The Commission will also have to address the issue of gender parity as part of this training. It is clear that women are unfairly under represented in all the Commission's departments and offices. This is markedly so during elections when the women's representation amongst the election officials is conspicuously too low. It is an area that should concern the Commission and its partners.

The Commission's contribution during the constitutional review process will be much in the foregoing lines but it may be able to resolve some of these problems even before then.

Appendix 1

A CALENDAR OF EVENTS CULMINATING IN THE 1997 GENERAL ELECTIONS

- May 29, 1997: Voter registration begins, to end on June 22.
- June 13, 1997: Attorney General publishes Peaceful Assemblies Bill to replace the Public Order Act.
- June 22, 1997: Voter registration expires but is extended to June 24.
- June 24, 1997: Voter registration is extended again to June 30.
- June 30, 1997: Voter registration is officially closed.
- July 27, 1997: An inter-party (110 KANU and Opposition legislators) meeting declare its support for minimum reforms before elections.
- August 4, 1997: Government Publishes two bills--The Statute Law (Repeals and Miscellaneous Amendments) Bill and the Constitution of Kenya Review Commission Bill, to begin the actual process of negotiation on reforms.
- September 3, 1997: An Inter-Parties Parliamentary Group, composed of elected members of parliament, subsequently referred to as "IPPG" emerges and takes over the reform negotiations.
- September 3, 1997: IPPG forms a 13-member committee split into three technical areas, to spearhead constitutional, legal and administrative review negotiations.
- September 3, 1997: IPPG presses for inclusion of 10 Commissioners nominated by opposition parties in the Electoral Commission of Kenya (ECK)
- September 4, 1997: IPPG denounces mass action, reiterates its commitment to institute reforms before elections.
- September 9, 1997: IPPG plenary meeting adopts, on full-package basis, wide-ranging reforms proposed by the three IPPG technical committees.
- September 14, 1997: Leading opposition candidates including DP's Mwai Kibaki, accept the reforms deal.
- September 15, 1997: Churches, envoys back reforms package.
- September 25, 1997: Government publishes the Constitution of Kenya (Amendment) Bill, 1997
- October 3, 1997: A new party, Ford People is registered

Appendix 1

- October 7, 1997: Nine more political parties are registered. These are: Liberal Party of Kenya (LPK); People's Party of Kenya (PPK); Kenya Socialist Party (KSP); New People's Democratic Party (NPDP), Democracy Assistance Party (DAP), Reform of Political and Kenya Union (RPKU); Green African Party (GAP); Umma Patriotic Party (UPPK); Kenya Nationalist People's Democratic Party (KNPDP).
- October 19, 1997: Parliament begins debate on the Statute Law (Repeals and Miscellaneous Amendment) Bill, the Constitution of Kenya (Amendment) Bill, as well as the Constitution of Kenya Review Commission Bill.
- October 30, 1997: Parliament passes The Statute Law (Repeals and Miscellaneous Amendments) Bill and the Constitution of Kenya (Amendment) Bill to amend the Constitution.
- October 31, 1997: President appoints 10 new Commissioners nominated by opposition political parties.
- November 6, 1997: Parliament passes the Constitution of Kenya Review Commission Bill.
- November 7, 1997: Reform Bills receive Presidential assent.
- November 10, 1997: Parliament is dissolved.
- November 12, 1997: Speaker of the National Assembly issues writs declaring parliamentary seats vacant.
- November 13, 1997: The ECK announces the election date.
- November 26, 1997: Safina party is registered.
- December 3, 1997: Presidential nominations are held.
- December 7, 1997: Deadline for party nominations.
- December 8 & 9, 1997: Parliamentary and civic candidates present their nomination papers to the ECK.
- December 10, 1997: Election campaigns officially commence.
- December 28, 1997: Campaigns officially close.
- December 29, 1997: Election Day; voting is extended to 30th December 1997.
- January 5, 1998: Daniel arap Moi who wins the elections, is sworn in as President of the Republic for a final five-year term.

ELECTORAL COMMISSION OF KENYA
1997 PARLIAMENTARY ELECTION RESULTS BY CONSTITUENCY

Constituency	Regd. Voters	Votes Cast	Turnout	Valid Votes	Rejected Votes	%Rej./Cast	Party	Candidate	Votes Scored	% Votes Scored
NAIROBI AREA										
001 MAKADARA	90,986	45,937	50.49	45,475	462		1.01 DP	PAUL KAMAU MUGEKE	17,916	39.40
							KANU	VINCENT SHIMOLI LUGALIA	9,644	21.21
							NDP	JOHN KIEMA	7,013	15.42
							SDP	JOE OWAKA AGER	5,164	11.36
							FORD-K	WAFULA MUSAMIA	3,596	7.91
							SAFINA	GEORGE KABUTHI KAMAU	1,167	2.57
							LPK	BEATRICE MBITHE	493	1.08
							FORD-A	JANE WILUNDA DAISY	482	1.06
								<u>45,475</u>		
002 KAMUKUNJI	65,397	33,070	50.57	32,624	446		1.35 DP	NORMAN M G K NYAGAH	10,477	32.11
							KANU	HASSAN ALI ADAMS	6,545	20.06
							SAFINA	CLEMENT MUTURI KIGANO	5,909	18.11
							NDP	WAMBUI OTIENO	3,974	12.18
							SDP	ANNE NDUNGE BITTOCK	1,986	6.09
							FORD-P	JAMES KURIA NJINE	1,736	5.32
							FORD-K	ELIAKIM MALUMBE VICTOR	983	3.01
							FORD-A	GEORGE G WILSON NTHENGE	607	1.86
							LPK	DOUGLAS KAMAU GITHUMBI	255	0.78
							KENDA	NICHOLAS GATHU MBUGUA	152	0.47
								<u>32,624</u>		
003 STAREHE	107,128	52,673	49.17	50,176	2,497		4.74 DP	MAINA KAMANDA	23,780	47.39
							KANU	GERISHON KAMAU KIRIMA	11,166	22.25
							NDP	RATIB HUSSEIN	6,033	12.02
							SDP	FRANCIS KIRUBI	4,632	9.23
							FORD-K	HANNINGTON ZEBEDY APUDO	2,748	5.48
							SAFINA	RICHARD MAINA	1,018	2.03
							LPD	JOHN AKUK OKECH	277	0.55
							UPPK	CHRISTOPHER KAMAU KARIUK	214	0.43
							KENDA	JOSEPH NGACHA KARANI	200	0.40
							LPK	WAQAMBO-QAMBO	108	0.22
								<u>50,176</u>		
004 LANGATA	80,888	44,487	55.00	43,130	1,357		3.05 NDP	RAILA AMOLO ODINGA	22,339	51.79
							KANU	PEREZ MALANDE OLINDO	11,893	27.57
							DP	GEORGE NJAGE NGENTU	4,667	10.82
							FORD-K	ERNEST SOGWE MUHONZA	2,000	4.64
							KSC	FATMA ABEYD ANYANZWA	1,070	2.48
							FORD-A	JOHN MUSUNJI KHIYANIRI	523	1.21
							LPK	MARGERIE NDUTA	386	0.89
							RRP	LIHANDA KEMENI SAVA	252	0.58
								<u>43,130</u>		
005 DAGORETTI	69,216	38,664	55.86	37,909	755		1.95 SDP	BETH WAMBUI MUGO	21,745	57.36
							KANU	CHRISTOPHER KARIUKI	6,027	15.90
								KAMUYU		
							DP	JAMES GICHURU KIRUBI	3,944	10.40
							FORD-K	FERDINAND KEVIN WANYONYI	2,872	7.58
							NDP	WAIHARO GITAU THIONGO	1,950	5.14
							FORD-A	ALEX JIMMY MUKABWA	681	1.80
							KSC	JEPHITA OEKE OTUKE	436	1.15
							FORD-P	PIUS NJOGU NGUO	180	0.47
							DAP	HEZRON NYERERE K	74	0.20
								<u>37,909</u>		
006 WESTLANDS	101,571	50,568	49.79	49,144	1,424		2.82 KANU	FREDERICK OMULO GUMO	17,882	36.39
							DP	BETTY NJERI TETT	17,877	36.38
							NDP	AMIN MOHAMED N ALIBHAI	5,104	10.39
							FORD-K	BATROBA CHANG'EDA KEMOLI	4,137	8.42
							SDP	EDDAH M RUBIA	2,536	5.16
							SAFINA	DR KARIBA J CHARLES MUNIU	783	1.59
							FORD-A	WANGUHU NG'ANG'A	685	1.39
							LPK	SIMON KARANJA KAMONI	140	0.28
								<u>49,144</u>		
007 KASARANI	91,271	49,246	53.96	47,548	1,698		3.45 DP	ADOLF ISAAC MUCHIRI	16,179	34.03
							NDP	OCHIENG GILBERT MBEO	15,924	33.49
							KANU	PIUS LEE KAMAU MUCHIRI	6,606	13.89
							SDP	ISAAC WAIHENYA NDIRANGU	3,630	7.63
							FORD-A	FRANCIS NJURU NGUGI	1,953	4.11
							SAFINA	GITAU KINYANJUI GACHUI	1,634	3.44
							FORD-P	SAMSON MUGACHA MWANGI	1,349	2.84
							LPK	ALICE NGIMA GITHAE	273	0.57
								<u>47,548</u>		
008 EMBAKASI	113,848	61,319	53.86	60,022	1,297		2.12 DP	DAVID SOLOMON KAMAU	23,953	39.91
								MWENJE		
							NDP	AGNES NYABOKE OGARI	9,702	16.16
							KANU	GODFREY MUHURI MUCHIRI	9,159	15.26
							SDP	FLORENCE ADHIAMBO	4,884	8.14
								AWUOCHE		
							SAFINA	HENRY RUHIO MURIAMA	4,776	7.96
							FORD-K	JAEL OGOMBE MBOGO	3,801	6.33
							UPPK	DR MUNYUA WAIYAKI	2,541	4.23
							KSC	ONESMUS MUSYOKA MBALI	879	1.46
							KSC	OMARI NIXON NYAIRO	327	0.54
								<u>60,022</u>		

Constituency	Regd. Voters	Votes Cast	Turnout	Valid Votes	Rejected Votes	%Rej./Cast	Party	Candidate	Votes Scored	% Votes Scored	
COAST PROVINCE											
MOMBASA DISTRICT											
009 CHANGAMWE	76,567	36,080	47.12	35,080	1,000		2.77	KANU	RAMADHAN SEIF KAJEMBE	9,703	27.66
								DP	JOSEPH KENNEDY KILIKU	9,192	26.20
								NDP	JOSEPH OKOTH WAUDI	6,500	18.53
								SDP	WILLIAM MAKAU NDUVA	5,331	15.20
								FORD-K	MOHAMED FAKI MWINYIHAJI	3,735	10.65
								KSC	LOISE NDUNGE NZIOKA	340	0.97
								FORD-A	LUKAS ADAMS	279	0.80
									<u>35,080</u>		
010 KISAUNI	74,246	33,204	44.72	32,488	716		2.16	DP	EMMANUEL KARISA MAITHA	10,074	31.01
								KANU	SAID HEMED SAID	9,540	29.36
								NDP	RASHID MUHAMMED MZEE	7,526	23.17
								SDP	RAHAB WANJIKU MWENDWA	2,832	8.72
								FORD-K	ABUBAKAR A MOHAMED	2,035	6.26
									AWADH		
								SPK	THOMAS LEWANGA MWAINGIA	481	1.48
									<u>32,488</u>		
011 LIKONI	40,414	16,059	39.74	15,832	227		1.41	SPK	SULEIMAN RASHID SHAKOMBO	5,297	33.46
								KANU	HISHAM ABDULLA MWIDAU	4,860	30.70
								NDP	ABDULKADIR ABDULLAH MWIDAU	2,039	12.88
								FORD-K	KHALIF SALIM MWAVUMO	1,665	10.52
								DP	DR SAMMY KENTS WAFULA	906	5.72
								SDP	SALIM MWAKUTSUMA	634	4.00
								FORD-A	GRACE WAKARIMA GITUMA	431	2.72
									<u>15,832</u>		
012 MVITA	64,938	28,896	44.50	28,094	802		2.78	KANU	SHERIFF NASSIR	14,426	51.35
								NDP	AHMED SALIM BAMAHIRIZ	7,261	25.85
								FORD-K	OMAR MWINYI SHIMBWA	1,998	7.11
								DP	GABRIEL KINDA NGALA	1,939	6.90
								SDP	JUMA OMAR ALY BEDZIMBA	1,509	5.37
								SPK	MBWANA ALI WARRAKAH	961	3.42
									<u>28,094</u>		
KWALE DISTRICT											
013 MSAMBWENI	59,922	39,118	65	38,245	873	2.231709188	KANU	MARERE MWARAPAYO WAWACHAI	17,168	44.89	
								DP	YUSUF HASSAN MUBWANA	10,692	27.96
								SPK	KASSIM ABDALLA JUMA	5,664	14.81
								NDP	KASSIM ATHUMAN CHOKA	2,362	6.18
								SDP	SAMUEL CHEGE KAMAU	1,297	3.39
								KSC	LENNOX VICTOR TELLE	1,062	2.78
									<u>38,245</u>		
014 MATUGA	37,365	23,632	63.25	23,130	502		2.12	KANU	SULLEMAN MWARONGA	13,681	59.15
									KAMOLLEH		
								SPK	MWAGOMBA MWINYI MWAPEU	7,773	33.61
								KSC	MOHAMMED SOUD BETI	776	3.35
								SDP	MASUDI ALI MWAKILEO	663	2.87
								NDP	OMARI ABDALLAH GAKESHO	237	1.02
									<u>23,130</u>		
015 KINANGO	33,478	20,400	60.94	20,304	96		0.47	KANU	SIMEON MWERO MKALA	16,389	80.72
								NDP	BATSO DANIEL NYANJE	2,831	13.94
								DP	MLAGWA SAAKUMI KUBWA	735	3.62
								KSC	SAMUEL NDUPHA MANGALE	349	1.72
									<u>20,304</u>		
KILIFI DISTRICT											
016 BAHARI	63,580	33,218	52.25	32,777	441		1.33	KANU	JEMBE MWAKALU	23,196	70.77
								DP	JOHN SAFARI MUMBA	3,201	9.77
								NDP	GEOFFREY SADI CHIMEGA	2,806	8.56
								FORD-K	TIMOTHY MTANA LEWA	2,521	7.69
								SPK	MAURICE MBOJA	1,053	3.21
									<u>32,777</u>		
017 KALO LENI	54,736	29,159	53.27	28,806	353		1.21	KANU	MATHIAS BENEDICT KEAH	17,165	59.59
								SDP	EDWIN GITHIRE MUIंगा	4,986	17.31
								DP	JAPHET KAHINDI CHEA SHAHA	2,534	8.80
								NDP	ANDERSON CHIBULE	2,113	7.34
									WATSUMA		
								KSC	PROF KATAMA GEORGE C MKANGI	1,127	3.91
								SPK	LESLIE GEORGE MWACHIRO	721	2.50
								FORD-K	SAMSON VIDZO PETERO	160	0.56
									<u>28,806</u>		
018 GANZE	27,243	12,410	45.55	12,294	116		0.93	KANU	NOAH KATANA NGALA	9,130	74.26
								SDP	MOSES KITSAO	1,789	14.55
								DP	KENNETH KARISA BAYA	1,308	10.64
								FORD-K	MORRIS WASI HARE	67	0.54
									<u>12,294</u>		
MALINDI DISTRICT											
019 MALINDI	52,151	25,028	47.99	24,678	350		1.40	KANU	ABUBAKAR MOHAMMED A BADAWY	10,550	42.75
								NDP	FREDRICK KAZUNGU DIWANI	6,768	27.43
								DP	FRANCIS BOBI TUVA	5,070	20.54
								SDP	NAOMI M SIDI KUMBATHA	1,302	5.28
								FORD-K	JAMAL MOHAMED SHEIKH	988	4.00
									<u>24,678</u>		

Constituency	Regd. Voters	Votes Cast	Turnout	Valid Votes	Rejected Votes	%Rej./Cast	Party	Candidate	Votes Scored	% Votes Scored
020 MAGARINI	27,780	14,505	52.21	14,268	237	1.63	KANU	DAVID NOTI KOMBE	9,982	69.96
							FORD-K	JOSEPH KASENA YERI	2,279	15.97
							KSC	HARRISON G KOMBE MALI	1,246	8.73
							DP	KATANA NDZAI	353	2.47
							NDP	JAMES KIRIMO MENZA	323	2.26
							SDP	MORRIS YAA MANGI	85	0.60
									14,268	
TANA RIVER DISTRICT										
021 GARSEN	22,049	13,096	59.39	12,955	141	1.08	KANU	MOLU GALOGALO SHAMBARO	7,471	57.67
							SAFINA	MANDARA BARISA BADIRIBU	4,086	31.54
							NDP	SAID MOHAMED RHOVA	858	6.62
							SPK	OMARA ABAAE KALASIGHA	540	4.17
									12,955	
022 GALOLE	16,334	10,831	66.31	10,439	392	3.62	KANU	TOLA KOFA MUGAVA	7,993	76.57
							NDP	JAPHET ZAKARIA KASE	1,141	10.93
							DP	DAVIDSON MAINA KARIUKI	1,038	9.94
							FORD-K	MARK TIMONA MARO	267	2.56
									10,439	
023 BURA	15,192	8,862	58.33	8,754	108	1.22	KANU	MOHAMED ABDI GALGALLO	2,917	33.32
							NDP	ALI WARIO	2,790	31.87
							SDP	ALI SHEBE SAID	1,781	20.34
							DP	MAHADH ALI LOKA	1,214	13.87
							FORD-K	HUSSEIN FALAMA WARIO	35	0.40
							KSC	HASSAN SHORA ODHA	17	0.19
									8,754	
LAMU DISTRICT										
024 LAMU EAST	9,039	6,725	74.40	6,658	67	1.00	KANU	MOHAMED HASHIM SALIM	5,039	75.68
							NDP	ABUDI OMAR MOHAMED	1,353	20.32
							DP	BWANAHAMADI MOHAMED	184	2.76
							FORD-P	BWANAHAMAD	47	0.71
							FORD-K	SALIM ALI MOHAMED FANI	35	0.53
									6,658	
025 LAMU WEST	22,635	13,965	61.70	13,742	223	1.60	KANU	FAHIM YASIN TWAHA	8,851	64.41
							FORD-P	RISHAD HAMID AHMED	4,373	31.82
							KSC	BWANAKHERI BAKARI MUSA	518	3.77
									13,742	
TAITA DISTRICT										
026 TAVETA	16,542	11,546	69.80	11,418	128	1.11	KANU	BASIL CRITICOS	7,803	68.04
							SDP	MWACHARO KUBO TAYO	3,615	31.66
									11,418	
027 WUNDANYI	20,685	12,106	58.53	11,887	219	1.81	KANU	DARIUS MSAGA MBELA	6,951	58.48
							DP	MBORIO MASHENGU WA	4,531	38.12
							FORD-K	MWACHOFI	252	2.12
							NDP	WISDOM MWAKUDUA NYANGE	153	1.29
									11,887	
028 MWATATE	22,572	14,423	63.90	14,183	240	1.66	KANU	MARSDEN HERMAN MADOKA	9,410	66.35
							DP	CALIST ANDREW MWATELA	4,238	29.88
							NDP	ALLEN PETERSON MBELA	408	2.88
							FORD-K	PHILIP MWAWAZA MOMBO	127	0.90
									14,183	
029 VOI	24,532	14,114	57.53	13,727	387	2.74	DP	BASIL NGUKU MWAKIRINGO	6,377	46.46
							KANU	KHAMIS CHOME ABDI	6,303	45.92
							SDP	RICHARD MWAMBI MWANGEKA	1,047	7.63
									13,727	
NORTH EASTERN PROVINCE										
GARISSA DISTRICT										
030 DUJIS	27,250	16,680	61.21	16,550	130	0.78	KANU	HUSSEIN MAALIM MOHAMED	10,218	61.74
							SAFINA	ADEN SUGOW AHMED	4,425	26.74
							DP	ABDIKADIR HASSAN YUSSUF	1,722	10.40
							NDP	HASSAN JELLE HUSSEIN	81	0.49
							SDP	ABDULAH HAJI MUHAMED	68	0.41
							KSC	MAHAMED JAMA ALI	24	0.15
							FORD-P	YUSSUF MOHAMED BARE	12	0.07
									16,550	
031 LAGDERA	13,665	6,989	51.15	6,928	61	0.87	KANU	MOHAMED MUKTAR SHIDIYE	4,355	62.86
							SAFINA	FARAH MAALIM MOHAMED	2,552	36.84
							DP	HASSAN MOHAMED ARESS	16	0.23
							NDP	ALI ABDULAH HAJI GURE	5	0.07
									6,928	
032 FAFI	8,429	4,139	49.10	4,126	13	0.31	SAFINA	ELIAS BARE SHILL	2,070	50.17
							KANU	YUSSUF ISSA ABDI	2,056	49.83
							SDP	ABDULLAHI SIRAT OSMAN	-	0.00
									4,126	
033 IJARA	7,445	5,261	70.66	5,245	16	0.30	KANU	MOHAMED DHAHIR WERAH	2,876	54.83
							FORD-A	SOPHIA ABDI NOOR	2,355	44.90
							DP	ABDI SALAT AGALAB	5	0.10
							FORD-K	ABDIRAHAMAAN S MAHAT	5	0.10
							SAFINA	MOHAMUD YUSSUF HAJI	3	0.06
							NDP	ABDUL AHI MAHAT DAUD	1	0.02
									5,245	
WAJIR DISTRICT										
034 WAJIR NORTH	7,577	4,092	54.01	4,079	13	0.32	KANU	ABDULLAHI IBRAHIM ALI	4,047	99.22
							FORD-K	OSMAN YUSUF ABDULLAHI	32	0.78
									4,079	

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035 WAJIR WEST	18,693	10,319	55.20	10,254	65	0.63	SAFINA	ADAN KEYNAN WEHLIYE	5,204	50.75
							KANU	AHMAD KHALIF MOHAMED	4,985	48.62
							SDP	ABDI BIRIK ABDINUR	36	0.35
							DP	ABDULLAHI ABDI ALI	15	0.15
							NDP	KHALIF ABDULLAHI MOHAMED	11	0.11
							KSC	YUSSUF MOHAMED ABUBAKAR	3	0.03
									10,254	
036 WAJIR EAST	16,247	9,551	58.79	9,503	48	0.50	KANU	MOHAMED ABDI MAHAMUD	6,476	68.15
							FORD-A	MOHAMED IRSHAT HASSAN	2,360	24.83
							SDP	ABDI SHEIKH MOHAMED	594	6.25
							DP	ADAN SHEIKH OMAR	36	0.38
							NDP	AHMED JELLE MADEY	24	0.25
							SAFINA	HASSAN DAHIYA BARDAD	7	0.07
KSC	MAHAT ISSAK HUSSEIN	6	0.06							
									9,503	
037 WAJIR SOUTH	15,896	7,002	44.05	6,925	77	1.10	KANU	MOHAMED ABDI AFFEY	3,582	51.73
							DP	AHMED ABDI OGLE	3,050	44.04
							KENDA	SAHAL SHEIKH ALI MUHUMED	286	4.13
							NDP	ABDIRASHID MOHAMED	7	0.10
									6,925	
MANDERA DISTRICT 038 MANDERA WES	12,043	8,071	67.02	8,020	51	0.63	KANU	SAYID MOHAMED AMIN	4,761	59.36
							SAFINA	HASSAN ADEN OSMAN	3,203	39.94
							FORD-K	KULOW MAALIM HASSAN	28	0.35
							NDP	JAAFAR MOHAMED SHEIKH	17	0.21
							DP	MAALIM ISSACK ADAN	11	0.14
039 MANDERA CENT	17,081	11,165	65.37	11,058	107	0.96	KANU	ADAN MOHAMED NOORU	5,661	51.19
							SAFINA	ABDIKADIR ADAN ABDULLA	3,588	32.45
							FORD-A	MOHAMED ALI FARAH	1,709	15.45
							FORD-K	ALIHAJI ALI ABDI BARICHA	85	0.77
							NDP	ABDI HAJI YUSSUF	5	0.05
							FORD-P	ALIKHEYR ABDI MOHAMED	5	0.05
LPK	ALI HAJI HASSAN HUSSEINI	5	0.05							
									11,058	
040 MANDERA EAST	21,456	11,168	52.05	11,081	87	0.78	KANU	SHAABAN ALI ISAACK	7,180	64.80
							FORD-K	ABDI HASSAN HAJI	3,400	30.68
							FORD-A	ABDIRAHAMAN ABDINOOR	363	3.28
							DP	ABDI ISSAK AHMED	111	1.00
							LPD	ABDULLAHI SHEIKH AHMED	15	0.14
							FORD-P	ADAN MAALIM ABDULLAHI	12	0.11
LPK	MOHAMED ABDULLAHI OMAR	-	-							
									11,081	
041 MOYALE	22,379	17,007	76.00	16,776	231	1.36	KANU	DR. GURRACH BORU	11,102	66.18
							FORD-K	GALGALLO	4,244	25.30
							DP	QALICHA DIBA ELEMA	1,348	8.04
							SAFINA	OSMAN ABAJILLO ARARU	82	0.49
									16,776	
EASTERN PROVINCE MARSABIT DISTRICT 042 NORTH HERR	11,999	7,851	65.43	7,845	6	0.08	KANU	BONAYA ADHI GODANA	5,404	68.88
							NDP	WARIO HUKHA ALI	2,441	31.12
									7,845	
043 SAKU	12,534	10,011	79.87	9,875	136	1.36	KANU	ABDI TARI SASURA	6,737	68.22
							DP	DANSO BARAKO GUYO	3,138	31.78
044 LAISAMIS	-	-	-	-	-	-	KANU	ROBERT ILTARAMATWA	-	-
									-	-
ISILOLO DISTRICT 045 ISILOLO NORTH	25,325	15,794	62.37	15,742	52	0.33	KANU	CHARFANO GUYO MOKKU	7,151	45.43
							DP	TACHE WAKO GAJI	6,771	43.01
							SDP	TARCISIUS KOBIA	1,065	6.77
							FORD-K	SEBASTIAN MUTHAURA KIOME	474	3.01
							NDP	FATUMA HASSAN M IMAN	148	0.94
							FORD-P	ALI MOHAMMED	133	0.84
									15,742	
046 ISILOLO SOUTH	8,165	6,560	80.34	6,509	51	0.78	KANU	ABDULLAHI HAJI WAKO	3,791	58.24
							FORD-K	DIDA JALDESA	2,622	40.28
							DP	ADAM WAKO BONAYA	96	1.47
									6,509	
NYAMBENE DISTRICT 047 IGEMBE	49,265	32,241	65.44	32,152	89	0.28	KANU	JACKSON ITIRITHIA KALWEO	15,943	49.59
							NDP	RAPHAEL MURIUNGI	9,633	29.96
							DP	ERASTUS MBAABU	5,216	16.22
							SAFINA	FRANKLIN MITHIKA LINTURI	918	2.86
							SDP	JOSEPH MWENDA MALEBE	442	1.37
									32,152	
048 NTONYIRI	38,732	25,169	64.98	24,917	252	1.00	DP	RICHARD MAORE MAOKA	15,117	60.67
							KANU	ANDREW KAINGA MUNORU	7,580	30.42
							FORD-P	ANDREW MBIKO	1,934	7.76
							NDP	ABDALLA MOHAMMED	286	1.15
							KAMWANA			
									24,917	

Constituency	Regd Voters	Votes Cast	Turnout	Valid Votes	Rejected Votes	%Rej/Cast	Party	Candidate	Votes Scored	% Votes Scored
049 TIGANIA WEST	32,265	21,602	66.95	21,200	402	1.86	DP KANU LPK	BENJAMIN RAVEL NDUBAI STEPHEN MUKANGU JAMES TURIBU M'MUNYA	11,001 9,937 262	51.88 46.87 1.24
050 TIGANIA EAST	35,637	28,411	79.72	28,154	257	0.90	KANU DP GAP NDP	MATHEW ADAMS KARAUARI NTAI NKURARU GODFREY KAIBIRIA M'MWERERIA SIMON KAMENCHU RINGERA	14,421 11,465 1,149 1,119	51.22 40.72 4.08 3.97
MERU DISTRICT										
051 NORTH IMENTI	73,996	52,615	71.11	52,304	311	0.59	DP KANU FORD-A	DAUDI MWIRARIA GIDEON KAUMBUTHU MEENYE PETER KIUNGA J M'MUNGANIA	33,722 17,942 640	64.47 34.30 1.22
052 CENTRAL IMENTI	52,901	41,541	78.53	41,093	448	1.08	FORD-K KANU DP	GITOBU IMANYARA JOSEPH K LAIBONI M'MUKINDIA HENRY KINYUA	27,112 12,092 1,889	65.98 29.43 4.60
053 SOUTH IMENTI	62,214	53,047	85.27	51,601	1,446	2.73	DP KANU NDP	KIRAITU MURUNGI ELIPHAZ RIUNGU LEON WILLIAM KINYAMU	38,153 12,851 597	73.94 24.90 1.16
THARAKA /NITHI DISTRICT										
054 NITHI	78,676	58,094	73.84	57,637	457	0.79	DP KANU SAFINA LPK NDP SDP	BERNARD NJOKA MUTANI CAPT (RTD) EUSTACE NTIGWA BASIL NTWIGA J NYAGA MBUNI JOHN BOSCO MPUTHIA MUTHAMIA MURITHI MURITHI KIRUJA RUCHIAMI	20,620 17,560 11,906 4,791 2,001 759	35.78 30.47 20.66 8.31 3.47 1.32
055 THARAKA	26,844	21,359	79.57	21,265	94	0.44	DP KANU NDP SDP	CICILIO MURANGO MWENDA FRANCIS NYAMU KAGWIMA SOLOMON IKUNGA KAARIA SAMUEL L MUGWIRA GAICHURA	11,975 9,026 137 128	56.31 42.44 0.64 0.60
EMBU DISTRICT										
056 MANYATTA	51,847	40,831	78.75	40,588	243	0.60	DP KANU SDP FORD-K LPK NDP	PETER NJERU NDWIGA SAMUEL PHINEHAS GACHORA JOHN NJAGI NJERU NEMASIU M NDWIGAH KENYAN AGATHA MUTHONI MBOGO JUSTUS NYAGA MUGUIMI	32,949 5,235 887 562 535 420	81.18 12.90 2.19 1.38 1.32 1.03
057 RUNYENJES	49,425	39,617	80.16	37,336	2,281	5.76	FORD-A DP KANU SDP NDP SAFINA FORD-K	AUGUSTINE NJERU KATHANGU BENJAMIN GETERIA WAMUGUNDA COSMAS NAMU EVANS KATHUNGU SILAS NDERI NYAGAH HOSEAH NJERU KAGONDU JAPHET NYAGA NJATHIKA MARGARET WAVETI MUGENI	20,547 9,003 5,479 952 643 560 152	55.03 24.11 14.67 2.55 1.72 1.50 0.41
MBEERE DISTRICT										
058 GACHOKA	31,936	25,085	78.58	24,914	181	0.72	KANU UPPK FORD-P FORD-K SDP NDP	JOSEPH WILLIAM N NYAGAH ANDREW MUYIA MBITHI ELIKANA MURIUKI KAGUNDU BEATRICE KANINI NYAGAH ALBERT MUGIRE NJERU JUSTIN GATITI CINGANO	10,147 9,089 3,382 948 943 405	40.73 36.48 13.57 3.81 3.79 1.63
059 SIAKAGO	23,159	18,820	81.26	18,680	140	0.74	DP KANU SDP LPK	SILAS M'NJAMIU ITA JUSTIN MUTURI NJOKA VINCENT NGARI NJOKA FRANCIS NJUE KAGO	9,764 8,617 244 55	52.27 46.13 1.31 0.29
MWINGI DISTRICT										
060 MWINGI NORTH	45,288	36,068	79.64	35,739	329	0.91	KANU DP SDP	STEPHEN KALONZO MUSYOKA JOSPHAT MUSYIMI MULYUNGI JOHN HUNTER MUSEE	24,509 9,835 1,395	68.58 27.52 3.90
061 MWINGI SOUTH	43,768	32,400	74.03	31,978	422	1.30	KANU DP	DAVID MUSILA JOHN MUNG'EI NZAMBU	25,599 6,379	80.05 19.95
KITUI DISTRICT										
062 KITUI WEST	46,498	35,290	75.90	34,868	422	1.20	KANU SDP NDP	FRANCIS MWANZIA NYENZE NZUKI MWINZI NZUKI CHARLES KATANA MBUVI	17,572 17,009 287	50.40 48.78 0.82
063 KITUI CENTRAL	51,293	38,952	75.94	38,800	152	0.39	SDP KANU	CHARITY KALUKI NGILU GEORGE MUTUA NDOTTO	28,172 10,628	72.61 27.39

Constituency	Regd. Voters	Votes Cast	Turnout	Valid Votes	Rejected Votes	%Rej./Cast	Party	Candidate	Votes Scored	% Votes Scored
064 MUTITO	28,728	19,607	68.25	19,544	63	0.32	SDP	JIMMY MUTHUSI KITONGA	10,612	54.30
							FORD-A	JACOB KILUNDA MULATYA	4,821	24.67
							KANU	JULIUS KIEMA KILONZO	3,805	19.47
							DP	DANIEL KONZI MWOVE	189	0.97
							PICK	JOSEPH NDUNDA WAMBUA	81	0.41
							FORD-K	TITUS MUSYOKA MUUNGAMI	36	0.18
								<u>19,544</u>		
065 KITUI SOUTH	31,879	21,605	67.77	21,431	174	0.81	SDP	SAMUEL KALII KIMINZA	8,623	40.24
							KANU	ISAAC MULATYA MUOKI	6,621	30.89
							DP	PATRICE EZEKIEL M IVUTI	6,012	28.05
							NDP	ANNE MUNYAO	175	0.82
								<u>21,431</u>		
MACHAKOS DISTRICT										
066 MASINGA	33,620	23,999	71.38	23,747	252	1.05	KANU	COL RONALD JOHN KILUTA	12,886	54.26
							SDP	PETER MASILU KATU	10,861	45.74
								<u>23,747</u>		
067 YATTA	37,683	24,479	64.96	24,095	384	1.57	SDP	FRANCIS PHILIP WAMBUA	16,003	66.42
							KANU	JOSEPH MUNYAO MUTISYA	6,926	28.74
							DP	DR JAMES F SUVA	1,016	4.22
							LPK	CHARLES NDULI MBATHA	150	0.62
								<u>24,095</u>		
068 KANGUNDO	63,122	46,891	74.29	45,836	1,055	2.25	KANU	JOSEPH KIMEU NGUTU	23,698	51.70
							SDP	JOSEPH WAMBUA MULUSYA	20,499	44.72
							DP	JOSHUA MUSYOKA KITONGA	1,639	3.58
								<u>45,836</u>		
069 KATHIANI	51,877	35,374	68.19	34,927	447	1.26	SDP	KYALO PETER KAINDI	20,630	59.07
							KANU	JACKSON KIMEU MULINGE	14,297	40.93
								<u>34,927</u>		
070 MACHAKOS TO	63,212	45,666	72.24	45,019	647	1.42	SDP	JONESMUS MWANZA KIKUYU	27,093	60.18
							KANU	WILSON MASILA MUEMA	16,058	35.67
							DP	JOHN ELIJAH WAMBUA	1,382	3.07
							NDP	BERNARD KILONZO KATIKU	486	1.08
								<u>45,019</u>		
071 MWALA	48,647	39,838	81.89	39,838	-	-	SDP	JOHN MUTUA KATUKU	16,748	42.04
							KANU	WILLIAM KIVUVANI MBATHA	12,193	30.61
							FORD-K	JOSEPH MUSYOKI NDOLO	3,923	9.85
							DP	JOHN PHILIP LUUSA	3,443	8.64
							PICK	BONIFACE MUTUA MUSYOKI	3,248	8.15
							NDP	BENSON MWATHI LEMBA	283	0.71
								<u>39,838</u>		
MAKUENI DISTRICT										
072 MBOONI	49,447	35,317	71.42	34,748	569	1.61	KANU	FREDERICK MULINGE KALULU	16,133	46.43
							SDP	MICHAEL B MULLI ILUMBI	9,614	27.67
							DP	JOSEPH KONZOLLO MUNYAO	9,001	25.90
								<u>34,748</u>		
073 KILOME	25,374	15,451	60.89	15,247	204	1.32	KANU	ANTONY WAMBUA NDILINGE	10,368	68.00
							SDP	BENJAMIN KYALO MUTHOKA	4,559	29.90
							DP	JOHN MUANGE NGUI	320	2.10
								<u>15,247</u>		
074 KAITI	34,521	22,283	64.55	21,453	830	3.72	KANU	GIDEON MUSYOKA NDAMBUKI	11,159	52.02
							SDP	ADELINA NDETO MWAU	8,853	41.27
							NDP	DAVE D MUSYOKI MUUMBI	810	3.78
							DP	JOHN KALELI KAVALI	505	2.35
							LPK	FAUSTINE KING'OLA MUTISYA	126	0.59
								<u>21,453</u>		
075 MAKUENI	55,695	37,772	67.82	37,162	610	1.61	SDP	PROF PAUL MULWA SUMBI	21,420	57.64
							KANU	PETER ELIUD MUTUA MAUNDU	14,896	40.08
							DP	DAVID SILA NZIOKI	846	2.28
								<u>37,162</u>		
076 KIBWEZI	49,709	29,986	60.32	29,186	800	2.67	SDP	ONESMUS MUTINDA MBOKO	14,219	48.72
							KANU	GEORGE MUTUA MAKWATTAH	6,932	23.75
							KSC	THOMAS MUSYOKI MUTUSE	6,360	21.79
							DP	WILSON MUSEMBI NDETEI	920	3.15
							NDP	SETH KAKUSYE MWEU	755	2.59
								<u>29,186</u>		
CENTRAL PROVINCE										
NYANDARUA DISTRICT										
077 KINANGOP	47,273	38,458	81.35	38,054	404	1.05	FORD-P	MWANGI KIRIKA WAITHAKA	23,141	60.81
							DP	JOSEPH KURIA METHU	9,583	25.18
							KANU	STEPHEN FLAVIAN MWANGI	2,935	7.71
							SDP	THIONGO KAGICHA	1,486	3.90
							SAFINA	LEONARD GUGU NJOROGE	666	1.75
							FORD-K	MARY WANJIRU	243	0.64
								<u>38,054</u>		
078 KIPIPIRI	26,301	21,710	82.54	21,553	157	0.72	DP	PAUL GITHIOMI MWANGI	11,371	52.76
							FORD-P	NYOIKE WA KIMANI	7,631	35.41
							KANU	JAMES KABINGU MUREGI	1,451	6.73
							FORD-A	EDWARD GACHIGU NDIRITU	640	2.97
							SAFINA	SIMON PETER MBURU	460	2.13
								<u>21,553</u>		
079 OL KALOU	48,569	39,481	81.29	38,940	541	1.37	DP	KARUE MURIUKI MURIUKI	29,034	#REF!
							SAFINA	JAMES IRUNGU WAKABA	6,766	#REF!
							KANU	STEPHEN KIMANI GAKENIA	1,704	#REF!
							FORD-P	EZEKIEL KARANJA NDUNIE	1,436	#REF!
080 NDARAGWA	27,424	22,213	81.00	21,995	218	0.98	DP	KAMAU THIRIKWA THIRIKWA	19,464	88.49
							KANU	GABRIEL THUMBI NDUNGU	1,709	7.77
							FORD-P	GEOFFREY GACHARA MUCHIRI	822	3.74
								<u>21,995</u>		

Constituency	Regd Voters	Votes Cast	Turnout	Valid Votes	Rejected Votes	%Rej/Cast	Party	Candidate	Votes Scored	% Votes Scored
NYERI DISTRICT										
081 TETU	31,298	27,366	87.44	27,223	143	0.52	DP	PAUL GIKONYO MUYA	24,229	89.00
							KANU	NAHASHON KANYI WAITHAKA	1,894	7.32
							LPK	WANGARI MUTA MAATHAI	905	3.32
							SDP	PETER WACHIRA MUCHEMI	95	0.35
									27,223	
082 KIENI	49,449	40,358	82.83	40,806	152	0.37	DP	DAVID MUNENE KAIRU	37,959	93.02
							KANU	JOHN GITICHE MBAO	2,507	6.14
							KENDA	EUSTACE MAINA WACHIRA	340	0.83
									40,806	
083 MATHIRA	61,079	47,113	77.13	46,741	372	0.79	DP	ELIUD MATU WAMAE	38,349	82.05
							KANU	PETER NGIBUINI KUGURU	8,098	17.32
							LPK	JAMES WERU MAINA	296	0.63
									46,741	
084 OTHAYA	36,069	32,440	89.94	32,356	84	0.26	DP	MWAI KIBAKI	31,637	97.78
							KANU	STANLEY MAINA BENJAMIN	610	1.89
							NDP	DR PAUL MACHARIA	109	0.34
								NDIRANGU		
									32,356	
085 MUKURWEINI	33,419	28,750	86.03	28,673	77	0.27	DP	DAVID MUHIKA MUTAHI	19,360	67.52
							SAFINA	GODFREY KARIUKI MWANGI	7,141	24.90
							KANU	JOHN WAWERU KAMAU	2,000	6.98
							SDP	FRANK NJURURI MAIYANI	172	0.60
									28,673	
086 NYERI TOWN	44,431	35,354	79.57	35,210	144	0.41	DP	WANYIRI KIHORO	30,629	86.99
							KANU	PETER GICHOHI MURIITHI	3,428	9.74
							KENDA	JAMES KARIUKI GITHINJI	509	1.45
							NDP	KENNETH KIMARA NGURU	421	1.20
							LPK	PETER GITARI WERU	223	0.63
									35,210	
KIRINYAGA DISTRICT										
087 MWEA	43,132	32,293	74.87	31,921	372	1.15	DP	ALFRED MWANGI NDIRITU	27,373	85.75
							KANU	IBRAHIM REUBEN MUTUGI	2,253	7.06
							SAFINA	DAVID NJUE KABUGO	944	2.96
							LPK	KIBUGI KATHIGI	694	2.17
							SDP	JAMES MWANGI MUGO	657	2.06
									31,921	
088 GICHUGU	48,547	39,150	80.64	38,931	219	0.56	DP	MARTHA WANGARI KARUA	30,736	78.95
							KANU	HARRY FREDRICK MUGO	4,680	12.02
							LPK	PHINEHAS NJERU NJUNO	3,189	8.19
							FORD-P	ALLAN MBOGO MUGWIMI	197	0.51
							KSC	JOHN NDUNGO MURANDI	129	0.33
									38,931	
089 NDIA	33,854	27,858	82.29	27,483	375	1.35	DP	JAMES KAREU KIBICHO	24,411	88.82
							KANU	JOHN GITHUI MITHAMO	1,199	4.36
							SDP	DICKSON KARUME KARIUKI	945	3.44
							NDP	SILAS GACHANJA KINYEKI	794	2.89
							LPK	STEPHEN AURELIUS GACHUA	134	0.49
									27,483	
090 KERUGOYA/KUT	43,385	31,125	71.74	30,495	630	2.02	DP	JOHN MATERE KERIRI	18,149	59.51
							KSC	LAZARUS MUNYI MUGO	6,638	21.77
							SDP	NICHOLAS KINYUA MBUI	2,770	9.08
							KANU	JOHN NGATA KARIUKI	1,992	6.53
							FORD-A	DAVID CHRISPO C WERU	580	1.90
							LPK	JAMES NJAGI NJIRU	366	1.20
									30,495	
MURANG'A DISTRICT										
091 KANGEMA	29,167	22,363	76.67	22,015	348	1.56	FORD-P	JOHN NJOROGE MICHUKI	17,707	80.43
							KANU	NAFTALI NGERU	4,308	19.57
									22,015	
092 MATHIOYA	36,683	28,234	76.97	27,935	299	1.06	FORD-P	FRANCIS NJAKWE GITHIARI	13,009	46.57
							KANU	JOHN JOSEPH KAMOTHO	11,517	41.23
							FORD-A	MAINA WANJIGI	3,409	12.20
									27,935	
093 KIHARU	66,630	38,626	57.97	37,813	813	2.10	SAFINA	IGNATIUS NGENYE KARIUKI	27,369	72.38
							KANU	DR JULIUS GIKONYO KIANO	5,666	14.98
							DP	JOHN GOCHO KIMANI	2,929	7.75
							SDP	KIHORO CERERE	1,438	3.80
							LPK	WILLIAM NGARA MWANGI	411	1.09
									37,813	
MARAGWA DISTRICT										
094 KIGUMO	42,700	24,704	57.85	24,232	472	1.91	DP	ONESIMUS KIHARA MWANGI	13,550	55.92
							SAFINA	SIMON MWANGI	4,522	18.66
							FORD-P	OBED GATHUYA MBURU	1,897	7.83
							LPK	DAVID KIRAGU W WANJAGI	1,871	7.72
							KANU	JOHN B MWAURA	1,416	5.84
							SDP	GIBSON MACHARIA GACHURU	976	4.03
									24,232	
095 MARAGWA	42,445	28,692	67.60	27,859	833	2.90	DP	PETER KAMANDE MWANGI	8,547	30.68
							FORD-P	MAINA CHEGE	7,088	25.44
							UPPK	S K KARIUKI	4,734	16.99
							SAFINA	KARIUKI LEONARD NDUATI	4,627	16.61
							SDP	JAMES NGIGI NJANGI	1,495	5.37
							KANU	REBECCA M MWANGI	1,370	4.92
									27,859	

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096 KANDARA	52,417	40,040	76.39	39,609	431	1.08	DP	JOSHUA NGUGI TORO	26,113	65.93
							FORD-P	GEORGE NDUNG'U MWICIGI	7,431	18.76
							KANU	DAVID MURAYA THUO	3,981	10.05
							FORD-A	EPHANTUS NGUGI KARIUKI	1,023	2.58
							UMMA	DAVID WAWERU NGETHE	734	1.85
							LPK	FREDRICK KINYANJUI KIRUTHI	327	0.83
								<u>39,609</u>		
THIKA DISTRICT										
097 GATANGA	55,473	40,389	72.81	39,623	766	1.90	SDP	DAVID WAKAIRU MURATHE	14,306	36.11
							DP	SAMWEL A MACHARIA	8,752	22.09
							KANU	SAMUEL KAMAU MACHARIA	8,123	20.50
							FORD-P	JULIUS W MWANGI NJUNU	7,095	17.91
							SAFINA	FRANCIS MBUGUA MWIHIA	1,114	2.81
							LPK	JERAD AMOS KABUGI	233	0.59
								<u>39,623</u>		
098 GATUNDU SOUT	43,173	34,624	80.20	34,283	341	0.98	SDP	MOSES NG'ANG'A MUIHIA	22,637	66.03
							KANU	UHURU MUIGAI KENYATTA	10,632	31.01
							SAFINA	JOSEPH KIMANI KAGOMBE	1,014	2.96
								<u>34,283</u>		
099 GATUNDU NORT	33,861	26,958	79.61	26,515	443	1.64	SDP	PATRICK KARIUKI MUIRURI	7,115	26.83
							DP	NAHASHON NGUGI GATARUA	6,090	22.97
							LPD	CLEMENT BENSON GACHANJA	5,018	18.93
							SAFINA	ANTHONY KAMUIRU GITAU	4,386	16.54
							NDP	SAMUEL MUCIRI W'NJUGUNA	2,820	10.64
							LPK	JULIUS MBUGUA BACHA	571	2.15
							KANU	MOSHE MUTUA KIHU	515	1.94
								<u>26,515</u>		
100 JUJA	88,400	51,482	58.24	51,001	481	0.93	SDP	STEPHEN NDICHO NDABI	26,842	52.63
							DP	CHARLES NG'ANG'A MUCHAI	10,655	20.89
							KANU	PAUL HATO KIGAMBA	7,035	13.79
							NDP	ISAAC NYAMANE MASESE	3,055	5.99
								NYAGAKA		
							FORD-A	BENARD NGANGA THEORA	1,180	2.31
							FORD-K	GITU WA KAHENGERI	1,033	2.03
							SAFINA	PETER WANGAI KIAMA	922	1.81
							KENDA	WINSTON KIMANI KANGE'THE	279	0.55
								<u>51,001</u>		
KIAMBU DISTRICT										
101 GITHUNGURI	53,840	45,104	83.77	44,352	752	1.67	SDP	NJEHU GATABAKI	20,129	45.38
							LPD	KINYANJUI ARTHUR MAGUGU	19,694	44.40
							DP	DAVID NDUU THUO	1,835	4.14
							FORD-P	PAUL KARUGA NJUGUNA	1,020	2.30
							KANU	GODFREY NJOROGI WANJHIA	817	1.84
							SAFINA	MUHIA DAVID GITAU	590	1.33
							KSC	DANIEL KAGO	159	0.36
							KENDA	JAMES H GITAU MWARA	108	0.24
								<u>44,352</u>		
102 KIAMBAA	68,461	56,691	82.81	56,268	423	0.75	DP	JAMES NJENGA KARUME	37,733	67.06
							KANU	STANLEY MUNGA GITHUNGURI	7,191	12.78
							SAFINA	JOHN KAMAU ICHARIA	5,626	10.00
							SDP	LAWRENCE NGINYO KARIUKI	5,342	9.49
							NDP	SAMWEL MAINA K NGANGA	376	0.67
								<u>56,268</u>		
103 KABETE	68,558	54,869	80.03	54,014	855	1.56	SAFINA	PAUL KIBUGI MUIE	48,504	89.80
							KANU	JOSEPH NJUNG'E MUKIRAE	2,976	5.51
							DP	GEORGE NJENGA WAKAHUI	1,162	2.15
							FORD-A	MARTIN WAINAINA KENYANJUI	1,134	2.10
							FORD-P	BENJAMIN KAMAU KIROGA	238	0.44
								<u>54,014</u>		
104 LIMURU	45,069	33,303	73.89	33,120	183	0.55	NDP	GEORGE M NYANJA	20,319	61.35
							FORD-A	SIMON KANYINGI KURIA	7,145	21.57
							DP	JOSEPH KIMANI MUNYAKA	3,243	9.79
							KANU	SAMUEL NGIGI MWAURA	1,445	4.36
							SDP	PAUL NG'ANG'A NJUGUNAH	501	1.51
							SAFINA	JOSEPH MAGU GITAU	344	1.04
							KENDA	JORAM KARIUKI	123	0.37
								<u>33,120</u>		
105 LARI	39,079	31,223	79.90	30,771	452	1.45	SAFINA	PHILIP GICHURU GITONGA	11,565	37.58
							DP	JOSEPH NDEGWA DUNCAN	9,838	31.97
							KANU	VISCOUNT JAMES KIMATHI	5,805	18.87
							SDP	SAMUEL THINGURI WARWATH	2,730	8.87
							FORD-P	PETER MBUGUA WAINAINA	441	1.43
							KSC	TIRAS MBURU CHEGE	392	1.27
								<u>30,771</u>		
RIFT VALLEY PROVINCE										
TURKANA DISTRICT										
106 TURKANA NORT	26,425	13,461	50.94	13,316	145	1.08	FORD-K	JOHN MUNYES KIYONGA	7,098	53.30
							KANU	JAPHETH EKIDOR LOTUKOI	6,218	46.70
								<u>13,316</u>		
107 TURKANA CENT	33,471	15,792	47.18	15,667	125	0.79	KANU	DAVID EKWEE ETHURO	15,005	95.77
							FORD-K	PETER DERICK EJORE EMASE	662	4.23
								<u>15,667</u>		
108 TURKANA SOUT	18,237	7,902	43.33	7,832	70	0.89	KANU	FRANCIS EWOTON ACHUKA	6,086	77.71
							FORD-K	ANTON JEREMIA ETHERI	1,746	22.29
								<u>7,832</u>		

Constituency	Regd. Voters	Votes Cast	Turnout	Valid Votes	Rejected Votes	%Rej./Cast	Party	Candidate	Votes Scored	% Votes Scored
WEST POKOT DISTRICT										
109 KACHELIBA	13,666	9,032	66.09	9,019	13	0.14	KANU FORD-K	SAMUEL LOSURON POGHISIO JOHN LOINIT	8,943 76 <u>9,019</u>	99.16 0.84
110 KAPENGURIA	36,259	-	-	-	-	-	KANU	FRANCIS POLLIS LOILE LOTODO	-	-
111 SIGOR	31,645	-	-	-	-	-	KANU	CHRISTOPHER MOTOYWO LOMADA	-	-
SAMBURU DISTRICT										
112 SAMBURU WES	30,793	22,543	73.21	22,418	125	0.55	KANU DP NDP KENDA FORD-K	PETER STEVE LEENGES MOSES MAYO LANAIROSHI LAWRENCE SEBASTIAN LORUNYEI GEORGE KANYARO LALAIKIPIAN KENNEDY LETOONA	13,696 8,349 315 42 16 <u>22,418</u>	61.09 37.24 1.41 0.19 0.07
113 SAMBURU EAST	10,757	7,255	67.44	7,218	37	0.51	KANU DP NDP	SAMMY PRISA LESHORE JOB MOIKA LALAMPAA PETER LASAARI KUPANAI	4,602 2,587 29 <u>7,218</u>	63.76 35.84 0.40
TRANS NZOIA DISTRICT										
114 KWANZA	48,759	37,762	77.45	37,047	715	1.89	FORD-K KANU NDP SDP	GEORGE WELIME KAPTEN SAMUEL KISORO MOIBEN RICHARD MUTAI TUMWET MARY JERUTO KIRWA	22,790 13,451 520 286 <u>37,047</u>	61.52 36.31 1.40 0.77
115 SABOTI	81,766	59,352	72.59	58,066	1,286	2.17	FORD-K KANU DP NDP FORD-A	MICHAEL CHRISTOPHER WAMALWA JUSTINA NASAMBU SITTI JACKSON RUIRU JOEL KIBIWOT MUTWOL PETER SAMMY ONANI	37,944 13,444 4,728 1,424 526 <u>58,066</u>	65.35 23.15 8.14 2.45 0.91
116 CHERANGANY	36,990	28,760	77.75	28,224	536	1.86	KANU FORD-K DP	KIPRUTO RONO KIRWA JOHN KIRWA ROTICH JOHN N JOSHUA NASILA	17,902 8,474 1,848 <u>28,224</u>	63.43 30.02 6.55
UASIN GISHU DISTRICT										
117 ELDORET NORT	90,363	65,111	72.05	63,700	1,411	2.17	KANU FORD-K DP NDP FORD-A SDP	WILLIAM RUTO SAMOEI SHADRACK KIPKORIR MENJO JOB KIBIWOT MUTAI TOM SIMIYU MAPESA EMMANUEL MARAVA LICHUMA JASON AMBE MIROYA	39,023 16,303 4,240 3,211 533 390 <u>63,700</u>	61.26 25.59 6.66 5.04 0.84 0.61
118 ELDORET EAST	51,654	-	-	-	-	-	KANU	FRANCIS KIPKOECH LAGAT	-	-
119 ELDORET SOUT	52,345	39,764	75.97	38,972	792	1.99	KANU DP FORD-K	MAIZES JESSE KIBET JEAN JEEPTAR TANUI KIMARI KARANJA	28,528 7,801 2,643 <u>38,972</u>	73.20 20.02 6.78
MARAKWET DISTRICT										
120 MARAKWET EA	20,965	17,616	84.03	17,394	222	1.26	KANU DP NDP FORD-K SDP	JOHN KIPTOO MARRIRMOI FREDDIE KISANG CHESEREK JOHNSTONE BARMARGONY KASSENGE FRANCIS CHEPTILE K SMITH JEBII LINAH KILIMO	11,193 6,076 99 20 6 <u>17,394</u>	64.35 34.93 0.57 0.11 0.03
121 MARAKWET WE	27,998	23,607	84.32	23,425	182	0.77	KANU FORD-P	DAVID KIPRONO SUTTER SUDI JOHN KOSGEI CHEBII	21,991 1,434 <u>23,425</u>	93.88 6.12
KEIYO DISTRICT										
122 KEIYO NORTH	21,921	18,504	84.41	18,434	70	0.38	KANU SAFINA	ELIJAH KIPKOSGEI SUMBEIYWO GILBERT KOECH LAGAT	12,917 5,517 <u>18,434</u>	70.07 29.93
123 KEIYO SOUTH	32,974	27,837	84.42	27,527	310	1.11	KANU DP FORD-K	KIPYATOR NICHOLAS K BIWOTT TABITHA JEPTOO SEII MOSES KIPLAGAT CHANGWONY	25,799 1,504 224 <u>27,527</u>	93.72 5.46 0.81
NANDI DISTRICT										
124 MOSOP	40,138	34,130	85.03	33,927	203	0.59	KANU NDP	JOHN KIPKORIR SAMBU FELICITY IRENE MAGUT	32,808 1,119 <u>33,927</u>	96.70 3.30
125 ALDAI	40,353	32,083	79.51	31,767	316	0.98	KANU SAFINA FORD-K	SIMEON KIPTUM CHOGE SAMMY KIPCHO CHOGE BENJAMIN K WAMBOK	20,609 9,529 1,629 <u>31,767</u>	64.88 30.00 5.13
126 EMGWEN	49,930	38,987	78.08	38,440	547	1.40	KANU FORD-K NDP FORD-P	JOSEPH TENDENEI LETING PATRICK KIPKEMBOI ROP HENRY KIPLAGAT ARAP KEMEI DORCAS JEPKEMBOI	32,688 4,312 910 530 <u>38,440</u>	85.04 11.22 2.37 1.38

Constituency	Regd. Voters	Votes Cast	Turnout	Valid Votes	Rejected Votes	%Rej./Cast	Party	Candidate	Votes Scored	% Votes Scored
127 TINDERET	52,842	40,974	77.54	40,400	574	1.40	KANU NDP	HENRY KIPRONO KOSGEY RAYMOND KIPKOECH CHELULEI	33,891 4,471	83.89 11.07
							FORD-K SDP	PAUL KIPNGETICH BELIO EVERLYN CHEPKEMOOI KIPROTICH	1,857 181	4.60 0.45
									<u>40,400</u>	
BARINGO DISTRICT										
128 BARINGO EAST	15,362	-	-	-	-	-	KANU	DALDOSSO JOSEPH LOTODO	-	-
129 BARINGO NORT	28,683	-	-	-	-	-	KANU	CHEPKOIYWA ANDREW KIPTOON	-	-
130 BARINGO CENT	42,956	38,291	89.14	38,225	66	0.17	KANU SDP	DANIEL T ARAP MOI AMOS KIPROTICH KANDIE	38,015 210	99.45 0.55
									<u>38,225</u>	
KOIBATEK DISTRICT										
131 MOGOTIO	18,389	15,741	85.60	15,596	145	0.92	KANU SDP	WILLIAM CHERUIYOT MOROGO CHRISTINE JEBICHI NDOIGO	13,426 2,170	86.09 13.91
									<u>15,596</u>	
132 ELDAMA RAVIN	31,124	25,381	81.55	25,091	290	1.14	KANU DP	MUSA CHERUTICH SIRMA JOSEPH LEBOO ROP	14,390 10,701	57.35 42.65
									<u>25,091</u>	
LAIKIPIA DISTRICT										
133 LAIKIPIA WEST	65,820	53,918	81.92	53,303	615	1.14	DP KANU SAFINA	FRANCIS CHEGE MBITIRU GODFREY GITAIH KARIUKI BARTHLOMEW GICHURU GATHUO	38,193 13,911 1,199	71.65 26.10 2.25
									<u>53,303</u>	
134 LAIKIPIA EAST	45,280	32,668	72.15	32,292	376	1.15	DP KANU FORD-P	FESTUS MWANGI KIUNJURI RASHAD MAHMUD BUTT AUSTIN KIGUTA MUNG'ATU	22,795 8,448 1,049	70.59 26.16 3.25
									<u>32,292</u>	
135 NAIVASHA	89,368	56,498	63.22	55,434	1,064	1.88	DP SAFINA KANU NDP FORD-K SDP KENDA	PAUL SAMUEL KIHARA RUMBA KINUTHIA DR GEORGE GICHERU NGATIRI JAMES KAHORA KURIA STANLEY KIMANI NJENGA JULIUS MURANGA GICHURE JAMES KEFFA WAGARA	25,845 8,491 7,664 4,636 4,351 3,353 1,094	46.62 15.32 13.83 8.36 7.85 6.05 1.97
									<u>55,434</u>	
NAKURU DISTRICT										
136 NAKURU TOWN	88,592	57,814	65.26	57,077	737	1.27	DP KANU NDP KENDA FORD-K FORD-A SDP FORD-P	DAVID MANYARA NJUKI ALICEN JEMATIA RONOH CHELAITE JOSEPH MBUTHIA GICHURU MIRUGI KARIUKI PROTAS KANGWANA NYANDIKA JOSEPH LWALI OYONDI JULIUS OKONG'O OKINDA ISAAC WACIRA WAWERU	22,173 12,970 9,076 5,705 4,689 1,439 762 263	38.85 22.72 15.90 10.00 8.22 2.52 1.34 0.46
									<u>57,077</u>	
137 KURESOI	54,536	47,129	86.42	46,873	256	0.54	KANU DP	JAMES CHERUIYOT ARAP KOSKE GEOFFREY KIPLANGAT KENDUIYWA	36,481 10,392	77.83 22.17
									<u>46,873</u>	
138 MOLO	75,763	59,671	78.76	57,942	1,729	2.90	DP KANU SAFINA LPK FORD-P	DICKSON KIHKA KIMANI JOHN NJENGA MUNGAI NJUGUNA G G NGENGI GEORGE WAINAINA NG'ANG'A ANNE WANGECI MURAGE	42,397 12,802 2,041 401 301	73.17 22.09 3.52 0.69 0.52
									<u>57,942</u>	
139 RONGAI	44,759	34,261	76.55	33,528	733	2.14	KANU DP SAFINA FORD-K FORD-P	ERICK TOROITICH MOROGO PATRICK MIRI GICHUHI KENNEDY KARUNGU NGIGI JONATHAN MBUTHIA KAMEANA PETER NGUGI NJUGUNA	17,256 15,199 529 304 240	51.47 45.33 1.58 0.91 0.72
									<u>33,528</u>	
140 SUBUKIA	45,224	35,830	79.23	35,472	358	1.00	DP KENDA KANU FORD-A FORD-P	JOSEPH MUKERA KURIA KOIGI WA WAMWERE ONESMAS KIMANI NGUNJIRI BISHOP JOSEPH KAMAU KIMANI GABRIEL GITAU WAWERU	20,637 10,334 3,380 645 476	58.18 29.13 9.53 1.82 1.34
									<u>35,472</u>	
TRANS MARA DISTRICT										
141 KILGORIS	47,624	34,665	72.79	34,456	209	0.60	KANU DP PICK	JULIUS LEKAKENY SUNKULI (COL.) GIDEON SITELU KONCHELA DANIEL TALENGO KIPTUNEN	22,015 12,324 117	63.89 35.77 0.34
									<u>34,456</u>	
NAROK DISTRICT										
142 NAROK NORTH	46,555	-	-	-	-	-	KANU	WILLIAM RONGORA OLE NTIMAMA	-	-

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143 NAROK SOUTH	47,896	32,927	68.75	32,758	169	0.51	KANU DP	STEPHEN KANYINKE NTUTU SAMSON KITUIYIAN TUYA	26,842 6,816	79.19 20.81
KAJIADO DISTRICT									32,768	
144 KAJIADO NORT	64,358	44,658	69.39	43,851	807	1.81	KANU DP NDP SDP FORD-K	GEORGE SAITOTI LEPISH PHILLIP ODUPOY PROF GEOFFREY M OLE MALOY LEMACHON OLIVER OLESEKI WILLIAM GISAIRO OBWAYA	26,682 13,828 2,311 651 379	60.85 31.53 5.27 1.48 0.86
									43,861	
145 KAJIADO CENTR	28,319	23,520	83.05	23,335	185	0.79	KANU SAFINA DP SDP	DAVID LENANTE SANKORI STEPHEN KAPAAI OLE LEKEN MOSES LOONTASATI M OLOLOUAYA SIDNEY TAWUO TOIRAI	11,354 10,683 1,142 166	48.66 45.78 4.89 0.67
									23,335	
146 KAJIADO SOUT	32,139	24,209	75.33	24,030	179	0.74	DP KANU	GEOFFREY MEPUKORI PARPAI PHILIP LAMPAT SINGARU	13,798 10,232	57.42 42.58
									24,030	
BOMET DISTRICT										
147 BOMET	55,563	-	-	-	-	-	KANU	KIPKALYA KIPRONO KONES	-	-
148 CHEPALUNGU	39,830	-	-	-	-	-	KANU	ISAAC KIPRONO RUTO	-	-
149 SOTIK	43,966	37,813	86.01	37,628	185	0.49	KANU SDP PICK DP	ANTHONY KIPKOSGE KIMETO KIMUNAI ARAP SOI TAAITTA TOWEETT JOSEPH IVOR KORIR	34,622 1,494 1,089 423	92.01 3.97 2.89 1.12
									37,628	
150 KONON	43,941	33,389	75.99	33,121	268	0.80	KANU NDP DP FORD-K	RAPHAEL KIPRONO ARAP KITUR RONALD KIPNG'ETICH NGENY FRANCIS KIPSIELE TOO KIPKEMOI PETER CHERUIYOT	26,713 5,218 691 499	80.65 15.75 2.09 1.51
									33,121	
KERICHO DISTRICT										
151 BURET	38,377	34,050	88.73	33,899	151	0.44	KANU SDP DP	KIPKORIR MARISIN SANG EDWIN KIPROTICH KIMETO PHILIP KIPKORIR A SIGEI	31,223 2,247 429	92.11 6.63 1.27
									33,899	
152 BELGUT	50,063	-	-	-	-	-	KANU	CHARLES DAVY K ARAP KIRUI	-	-
153 ANAMOI	53,167	40,841		40,074	767	1.88	KANU DP NDP FORD-K	KIPNG'ENO ARAP NG'ENY KIPTARUS ARAP KIRIOR DIDACUS KIPCHIRCHIR NGETICH PETER KIPKORIR BIRGEN	32,824 4,429 1,844 977	81.91 11.05 4.60 2.44
									40,074	
154 KIPKELION	57,600	-	-	-	-	-	KANU	SAMUEL KIMUTAI ARAP ROTICH	-	-
LUGARI DISTRICT										
155 MALAVA	53,745	37,425	69.63	35,863	1,562	4.17	FORD-K KANU KSC FORD-A DP	PETER SOITA SHITANDA JOSHUA MULANDA ANGATIA BENJAMIN J S S IMBOGO NYIKULI MUKARAMOJA JACOB ABRAHAM WALINGO	19,719 14,427 1,241 266 210	54.98 40.23 3.46 0.74 0.59
									35,863	
156 LUGARI	51,277	38,331	74.75	36,660	1,671	4.36	KANU FORD-K SDP	SHAKHALAGA KHWA JIRONGO SIMON WALWANDA WASHIKO FLORENCE ANDENYI MACHAYO	19,983 16,265 412	54.51 44.37 1.12
									36,660	
KAKAMEGA DISTRICT										
157 MUMIAS	51,354	35,380	68.89	34,762	618	1.75	KANU FORD-K FORD-A NDP	WYCLIFFE W OSUNDWA JOHN PAUL SHIKUNYI MANDU AUGUSTINE NYAMWOMA SAKWA BEATRICE AUMA WAFULA	18,917 9,679 3,910 2,266	54.42 27.84 11.25 6.49
									34,762	
158 MATUNGU	33,630	23,909	71.09	23,411	498	2.08	KANU FORD-K SDP DP	JOSEPH PIUS WAMUKOYA CHARLES VICTOR OKUMU OKWALO SAMUEL ECHESSA BULUMA SHABAN O MABUKO	10,678 7,688 3,421 1,744	45.61 32.33 14.61 7.45
									23,411	
159 LURAMBI	69,064	45,374	65.70	43,972	1,402	3.09	FORD-K KANU FORD-A NDP DP FORD-P	NEWTON WANJALA KULUNDU SECHELE REUBEN NYANGWESO GEORGE W MAGOMERE JUMA ALI MAKABILA NASHON JOSHUA AMBUNDO MOSES H S BWONYA	25,487 18,809 1,195 807 574 130	57.89 36.95 2.72 1.84 1.31 0.30
									43,972	

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160 SHINYALU	41,795	25,431	60.85	24,876	555	2.18	FORD-K	DANIEL LYULA KHAMASI	12,676	50.96
							KANU	JAPHETH GALAGATI	11,161	44.87
							FORD-A	SHAMALLA FRED MAXWELL ANDOLE KIMANI	1,039	4.18
								<u>24,876</u>		
161 IKOLOMANI	28,818	19,114	66.33	18,754	360	1.88	KANU	JOSEPH JOLLY MUGALLA	11,471	61.17
							FORD-K	DR BONNY DIXON KHALWALE	7,068	37.69
							DP	PHILIP JASPER WISHAMINYA	215	1.15
								<u>18,754</u>		
162 BUTERE	33,412	23,098	69.13	21,487	1,611	6.97	KANU	DR AMUKOWA FREDRICK ANANGWE	10,811	50.31
							FORD-A	J MARTIN SHIKUKU OYONDI	10,260	47.75
							FORD-K	GEORGE ARUNGA SINO	416	1.94
								<u>21,487</u>		
163 KHWISERO	27,502	17,225	62.63	17,121	104	0.60	KANU	HARRISON AYWA ODONGO	11,840	69.15
							FORD-A	WILSON SHIKANDA OPEMBE	3,690	21.55
							FORD-K	LIVINGSTONE MAINA OMBETE	1,501	8.77
							SDP	JAMES AMEYO OKUSIMBA	90	0.53
								<u>17,121</u>		
VIHIGA DISTRICT										
164 EMUHAYA	53,709	32,387	60.30	31,833	554	1.71	KANU	WASHINGTON S SAKWA MUCHILWA	14,297	44.91
							FORD-K	NEHEMIAH AYUB OCHIEL	13,697	43.03
							LPK	DR REUBEN INDIATSI NASIBI	1,646	5.17
							FORD-A	CHIEF NEWTON OSBORNE AMBUYO	803	2.52
							DP	JOAB OMBIMA WESA	697	2.19
SDP	PETER WELLS YAMBUSI	693	2.18							
								<u>31,833</u>		
165 SABATIA	41,625	30,584	73.48	29,342	1,242	4.06	KANU	MUSALIA MUDAVADI	26,305	89.65
							FORD-K	NANCY KAHERA LIDUBWI	2,563	8.73
							SDP	ISAAC NADDOLO JAMI	243	0.83
							NDP	HUDSON MUDOGO CHAHALE	231	0.79
								<u>29,342</u>		
166 VIHIGA	28,856	19,490	67.54	19,429	61	0.31	KANU	YUSUF KIFUMA CHANZU	13,531	69.64
							FORD-K	BAHATI MUSIRA SEMO	5,627	28.96
							NDP	ABSAL JOHNSON ANGOTE	271	1.39
								<u>19,429</u>		
167 HAMISI	47,597	32,088	67.42	31,087	1,001	3.12	KANU	GEORGE MUNYASA KHANIRI	14,440	46.45
							SAFINA	CHARLES GUMINI GIMOSE	9,222	29.67
							FORD-K	ELUAH GIDEON ASUBWA	6,778	21.80
							FORD-A	LABAN BENARD MUSOGA	494	1.59
							DP	JOASH LOVI LIYOSI KIDIAVAI	153	0.49
								<u>31,087</u>		
MT. ELGON DISTRICT										
168 MT. ELGON	39,685	32,941	83.01	31,850	1,091	3.31	KANU	JOSEPH NAIBEI KIMKUNG	21,835	68.56
							FORD-K	ENOS SAULO CHEMAOBO	7,607	23.88
							NDP	BRAMWEL MURGOR SREBEMUUM	2,408	7.56
								<u>31,850</u>		
BUNGOMA DISTRICT										
169 KIMILILI	59,464	44,855	75.43	44,455	400	0.89	FORD-K	DR MUKHISA KITUYI	39,127	88.01
							KANU	RAJAB WALIAULA	5,328	11.99
								<u>44,455</u>		
170 WEBUYE	54,548	38,640		38,289	351	0.91	FORD-K	MUSIKARI NAZI KOMBO	25,935	67.73
							KANU	BERNARD ALFRED W SAMBU	12,354	32.27
								<u>38,289</u>		
171 SIRISIA	50,829	41,105	80.87	39,451	1,654	4.02	FORD-K	JOHN BARASA MUNYASIA	31,073	78.76
							KANU	MOSES MASIKA WETANGULA	8,211	20.81
							DP	GEORGE MAKALI NABUKHALE	167	0.42
								<u>39,451</u>		
172 KANDUYI	41,443	29,205	70.47	28,606	599	2.05	FORD-K	ATHANAS MISIKO WAFULA	23,136	80.88
							KANU	JOSEPH WAFULA KHAOYA	4,654	16.27
							DP	DICKSON WAFULA KAKALUKHA	816	2.85
								<u>28,606</u>		
173 BUMULA	39,447	31,710	80.39	31,217	493	1.55	FORD-K	LAWRENCE SIMIYU SIFUNA	24,375	78.08
							KANU	PIUS ISAAH KHAOYA	6,157	19.72
							NDP	MAURICE MURENGA MANDILA	685	2.19
								<u>31,217</u>		
TESO DISTRICT										
174 AMAGORO	52,923	40,208	75.97	39,875	333	0.83	KANU	ALBERT ALEXANDER A EKIRAPA	28,825	72.29
							NDP	SOSPETERS ODEKE OJAAMONGSON	11,050	27.71
								<u>39,875</u>		
BUSIA DISTRICT										
175 NAMBALE	45,341	31,341	69.12	30,139	1,202	3.84	KANU	CHRYSANTHUS OKEMO	20,137	66.81
							FORD-K	GERVASE MATHIAS K B AKHAABI	10,002	33.19
								<u>30,139</u>		

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176 BUTULA	28,576	19,655	68.78	19,444	211	1.07	KANU	YEKOYADA FRANCIS O MASAKHALIA	10,343	53.19
							SDP	CLEMENT O ODHIAMBO	5,376	27.65
							FORD-K	ERICK AMAKOMBO OBUYA	3,247	16.70
							FORD-A	BONVENTURE ERIC P ACHOLLA	478	2.46
								<u>19,444</u>		
177 FUNYULA	25,221	18,510	73.39	18,236	274	1.48	KANU	ARTHUR MOODY AWORI	9,842	53.97
							FORD-K	PATRICK KALORI AFWANDE	7,580	41.57
							DP	WASHINGTON OHANYA	814	4.46
								<u>18,236</u>		
178 BUDALANGI	19,594	15,319	78.18	15,179	140	0.91	FORD-K	RAPHAEL WANJALA S BITTA	8,343	54.96
							KANU	JAMES CHARLES N OSOGO	6,765	44.57
							NDP	NICHOLAS WANYAMA OKADA	55	0.36
							KSC	PETER GABRIEL O AKILEWO	16	0.11
								<u>15,179</u>		
SIAYA DISTRICT										
179 UGENYA	54,485	37,113	68.12	36,312	801	2.16	FORD-K	JAMES AGGREY ORENGO	24,504	67.48
							NDP	PAUL OTIENO NYAMODI	7,433	20.47
							KANU	WILLIAM OMOGA NYAHOR	4,375	12.05
								<u>36,312</u>		
180 ALEGO	56,887	42,114	74.03	41,853	261	0.62	NDP	PETER OLOO ARINGO	29,346	70.12
							KANU	EDWIN OCHIENG YINDA	12,329	29.46
							FORD-K	HANNINGTON WAMERA	119	0.28
							ECONOMIC INDEPENDENT PARTY	STEPHEN W OMONDI OLUDHE	59	0.14
181 GEM	41,942	19,833	47.29	16,696	3,137	15.82	FORD-K	JOSEPH AKECH DONDE	9,963	59.81
							KANU	GRACE EMILY AKINYI OGOT	6,743	40.39
								<u>16,696</u>		
182 BONDO	38,488	27,188	70.64	26,955	233	0.86	NDP	ROBERT ODINGA OBURU	23,830	88.41
							KANU	ARTHUR DEDAN SEWE	2,406	8.93
							FORD-K	WASHINGTON JALANGO OKUMU	719	2.67
								<u>26,955</u>		
183 RARIEDA	33,487	24,540	73.33	24,274	266	1.08	NDP	GEORGE ODENY NGURE	19,953	82.20
							KANU	HENRY OUMA OKENDO	2,793	11.51
							FORD-K	RAMOGI ACHIENG' ONEKO	614	2.53
							SAFINA	ELIAZARO AGOYA OCHIENG	584	2.41
							SPK	DIRO OBWA	172	0.71
							SDP	FLORENCE ADHIMBO AWUORO	124	0.51
						LPK	BETHWEL ALLAN OMONDI OKAL	34	0.14	
								<u>24,274</u>		
KISUMU DISTRICT										
184 KISUMU TOWN	36,808	24,500	66.56	24,209	291	1.19	NDP	ERIC GOR SUNGU	20,476	84.58
							KANU	ZEBBY PALME ODHIAMBO	2,649	10.93
							FORD-K	MICHAEL ODONGO JOBITA	807	3.33
							SDP	MAURICE ODAWO ONDURU	378	1.56
								<u>24,209</u>		
185 KISUMU TOWN	61,355	36,188	58.98	35,943	248	0.68	NDP	JOAB HENRY ONYANGO OMIN	26,233	72.99
							KANU	ALOYS OBUNGA ABOGE	6,118	17.02
							SDP	BILLY MARK MENYA KARIAGA	1,377	3.83
							FORD-K	GWELA JAKANDANGO	1,286	3.58
							PICK	JACK ORARO OWIDDO	930	2.59
				<u>35,943</u>						
186 KISUMU RURAL	35,436	25,283	71.35	25,039	244	0.97	NDP	WINSTON OCHORO AYOKI	13,508	53.96
							KANU	WILSON NDOLO AYAH	6,898	26.34
							SDP	PETER ANYANG' NYONG'O	4,938	19.71
								<u>26,039</u>		
187 NYANDU	36,401	27,379	75.21	27,246	133	0.49	NDP	GEOFFREY PAUL ORWA OTITA	23,229	86.26
							KANU	PAUL DEBACKO GOGO	1,867	6.85
							SDP	CLARKSON OTIENO KARAN	1,169	4.29
							FORD-K	LUKAS AKOTH OWAGA	881	3.60
								<u>27,246</u>		
188 MUHORONI	43,637	30,811	70.61	30,396	415	1.35	NDP	WILLIAM ODONGO OMAMO	25,810	83.93
							KANU	SAMWEL ONYANGO OKELLO	3,474	11.43
							PICK	MATHEW C ONYANGO MIIKA	1,083	3.50
							FORD-K	OGEKA JUSTUS ALOO	349	1.15
								<u>30,396</u>		
189 NYAKACH	36,245	27,401	75.60	26,893	708	2.58	NDP	PETER OCHIENG ODOYO	23,113	86.59
							KANU	PHARES ODHIAMBO KOUKO	3,880	13.41
								<u>26,893</u>		
RACHUONYO DISTRICT										
190 KASIPUL-KABO	51,748	38,660	74.71	38,312	348	0.90	NDP	WILLIAM OLOO OTULA	31,746	82.86
							KANU	PETER OTIENO OWIDI	4,984	13.01
							SDP	DR OTIENO KOPIYO	1,582	4.13
								<u>38,312</u>		

Constituency	Regd. Voters	Votes Cast	Turnout	Valid Votes	Rejected Votes	%Rej./Cast	Party	Candidate	Votes Scored	% Votes Scored
191 KARACHUONYO	42,930	32,634	76.02	32,391	243	0.74	NDP	DR ADHU AWITI	19,867	61.33
							KANU	LAZARUS OMBAI AMAYO	10,885	33.61
							SDP	DANIEL RACHUONYO MBOYA	1,503	4.64
							FORD-K	PETER LIETA ODHIAMBO	136	0.42
									32,391	
HOMA BAY DISTRICT										
192 RANGWE	52,579	37,078	70.52	36,312	766	2.07	NDP	SHEM ODONGO OCHUODHO	26,030	71.68
							KANU	PHELGONA OKOTH OKUNDI	7,561	20.82
							FORD-K	PROF JOSEPH OUMA MUGA	1,542	4.25
							SDP	FRANCIS OGOLLA KAGORO	1,061	2.92
							LPK	TOM MBOYA OLOO	118	0.32
									36,312	
193 NDIWA	42,870	31,888	74.38	31,786	102	0.32	NDP	JOSHUA ORWA OJODE	29,644	93.26
							KANU	TOM ELVIS OKELLO OBONDO	1,355	4.26
							SDP	ELISHA AKECH CHIENG'	682	2.15
							FORD-K	NOBERT OMOLO ODERO	105	0.33
									31,786	
MIGORI DISTRICT										
194 RONGO	50,937	36,037	70.75	35,820	217	0.60	NDP	GEORGE MBOGO AYAKO	23,881	66.67
							KANU	OCHILO	11,397	31.82
							FORD-K	DALMAS ANYANGO OTIENO	542	1.51
									35,820	
195 MIGORI	44,617	31,436	70.46	30,704	732	2.33	NDP	GEORGE HENRY OWINO	19,681	64.10
							KANU	ACHOLA	8,900	28.99
							FORD-K	CHARLES OYUGI OWINO	1,728	5.63
							DP	JACK BARAZA BARAZA	232	0.76
							SDP	IBRAHIM OWINO OPIYO	163	0.53
									30,704	
196 URIRI	28,482	20,925	73.47	20,683	242	1.16	NDP	HERMAN ODHIAMBO OMAMBA	16,104	77.86
							KANU	REV FR. PETER ARUNGA	4,579	22.14
									20,683	
197 NYATIKE	36,579	27,136	74.18	26,920	216	0.80	NDP	TOM OTIENO ONYANGO	19,351	71.88
							KANU	ZABLON OWIGO OLANG'	6,327	23.50
							PICK	DAVID ADUNDO OYAO	1,163	4.32
							SDP	JACOB OUMA OREM	79	0.29
									26,920	
SUBA DISTRICT										
198 MBITA	25,321	17,754	70.12	17,567	187	1.05	NDP	GERALD OTIENO KAJWAN'G	13,853	78.86
							KANU	ELIAZAR OCHIENG OCHOLA	3,502	19.94
							SDP	JOHN OLANG SANA	212	1.21
									17,567	
199 GWASI	23,444	16,731	71.37	16,340	391	2.34	NDP	FELIX USERU KANYAUCHI	10,683	65.38
							KANU	ZADDOCK MADIRI SYONG'OH	5,657	34.62
									16,340	
KURIA DISTRICT										
200 KURIA	35,117	24,902	70.91	24,502	400	1.61	KANU	SHADRACK ROGER MWITA	12,493	50.99
							SDP	MANGA	8,240	33.63
							NDP	DR WILFRED GISUKA	2,970	12.12
							DP	MACHAGE	563	2.30
							FORD-A	NELSON MAHANGA MWITA	236	0.96
									24,502	
KISII DISTRICT										
201 BONCHARI	26,850	17,260	64.28	17,055	205	1.19	KANU	JOHN ZEBEDEO OPORE	9,264	54.32
							SDP	JOHN MOCHAMA ORWOCHI	4,533	26.58
							DP	LUKE MAURICE MAANGU	1,675	9.82
							FORD-P	PHILIP OBOTE MOTONU	497	2.91
							NDP	RICHARD NYAMAO MBECHÉ	408	2.39
							FORD-K	FRANCIS OLUOCH MOREMA	299	1.75
							KSC	ALEX BILL MOMANYI	212	1.24
							KSC	JOHN PETER NYAKUNDI	167	0.98
									17,055	
202 SOUTH MUGIRA	34,927	23,301	66.71	22,064	1,237	5.31	FORD-K	ENOCK NYANKIEYA MAGARA	11,176	50.65
							KANU	DAVID ONDIMU KOMBO	9,962	45.15
							DP	CHARLES NYAKUNDI MARUA	520	2.36
							KSC	JOB OCHARI	321	1.45
							NDP	PETER MAUTI NYAKWEBA	54	0.24
							KSC	ESTHER KERUBO NYANGATE	31	0.14
									22,064	
203 BOMACHOGE	42,707	28,028	65.63	26,806	1,222	4.36	KANU	ZAPHANIAH MORARO	13,337	49.75
							FORD-K	NYANG'WARA	8,450	31.52
							DP	FERDINAND ONDABU OBURE	4,150	15.48
							KSC	ZEDEKIAH MEKENYE MAGARA	299	1.12
							SDP	JOSIAH NYAEGA GORI	167	0.62
							KSC	DAVID MARCOS RAKAMBA	149	0.56
							UPPK	OGEMBO MASESE	128	0.48
							NDP	JUSTIN OMWOYO NYABERI	126	0.47
									26,806	
204 BOBASI	45,322	31,457	69.41	30,879	578	1.84	KANU	CHRISTOPHER MOGERE	18,336	59.38
							SAFINA	OBURE	10,603	34.34
							DP	STEPHEN KENGERE MANOTI	791	2.56
							SDP	OGUTA DANIEL MATOKE	391	1.27
							KSC	HENRY NYANGECHI	304	0.98
							FORD-K	NYANCHOKA	258	0.84
							FORD-P	DANIEL NYANCHIRI O OENGA	150	0.49
							LPK	DAVID MORACHA NYARERU	46	0.15
									30,879	

Constituency	Regd Voters	Votes Cast	Turnout	Valid Votes	Rejected Votes	%Rej /Cast	Party	Candidate	Votes Scored	% Votes Scored
205 NYARIBARI MAS	37,407	24,787	66.26	24,055	732	2.95	KANU	PROF SAMSON KEGENGO ONGERI	14,935	62.09
							SDP	ZABLON RATEMO OUKO	5,820	24.19
							DP	DAVINSON AREBA MAIRURA	2,336	9.71
							NDP	DR CHARLES MARANGA BAGWASI	692	2.88
							FORD-K	CHARLES MIRWOBA AYIENI	272	1.13
								<u>24,055</u>		
206 NYARIBARI CHA	41,024	25,666	62.56	24,661	1,005	3.92	KANU	SIMEON NYACHAE	20,560	83.33
							FORD-K	ISAAC NYAMACHE RWENYO	1,683	6.82
							DP	PETER MARAGIA NYAMWEYA	1,541	6.25
							NDP	JAMES OIRA	887	3.60
								<u>24,661</u>		
207 KITUTU CHACHE	51,945	34,110	65.67	33,446	664	1.95	KANU	JIMMY NURU ONDIEKI ANGWENYI	25,168	75.25
							FORD-K	LEO BLASIUS OBWERI MATUNDURA	4,992	14.93
							NDP	JUSTUS ONSONGO MOCHOGE	1,773	5.30
							SDP	DANIEL RASUGU MOKAYA	1,031	3.08
							FORD-P	GEORGE ONDIEKI MANYARA	482	1.44
								<u>33,446</u>		
NYAMIRA DISTRICT										
208 KITUTU MASAB	49,779	30,897	61.67	30,092	605	1.97	KSC	GEORGE MOSETI ANYONA	14,683	48.69
							FORD-K	SAMSON M NYANG'AU OKIOMA	6,487	21.56
							KANU	NELSON GICHABA SIMBA	6,096	20.25
							DP	FRANCIS OMURWA MANYIBE	1,182	3.86
							FORD-P	ELIJAH NYABUTI MAMBOLEO	687	2.28
							NDP	HEZRON OIRA KIAGE	537	1.78
							SDP	AUGUSTUS H OTIENO MOMANYI	471	1.57
								<u>30,092</u>		
209 WEST MUGIRAN	41,977	29,584	70.48	29,114	470	1.59	FORD-K	HENRY ONYANCHA OBWOCHA	14,731	50.60
							KANU	SAGWE THOMAS MORWABE	8,729	29.98
							DP	DAVID ANASI ONYANCHA	5,091	17.49
							NDP	EVANS ONDIEKI	384	1.32
							KSC	MATHEW ONDEYO NYARIBARI	179	0.61
								<u>29,114</u>		
210 NORTH MUGIRANGO BORABU	53,114	36,899	69.47	34,991	1,908	5.17	KANU	JOSEPH KIANGO OMBASA	17,323	49.51
							DP	GODFREY MASANYA OKERI	14,243	40.70
							SDP	FRANK PATTY NDUBI	2,327	6.65
							NDP	NEMWEL PETER MOGAKA	1,098	3.14
								<u>34,991</u>		

ELECTORAL COMMISSION OF KENYA

1997 PRESIDENTIAL ELECTION POLLING STATISTICS BY CONSTITUENCY

Constituency	Regd. Voters	Votes Cast	% Turnout	Rej. Votes	% Rej./Cast
Nairobi Area					
001 MAKADARA	90,986	46,451	51.05	846	1.82
002 KAMUKUNJI	65,397	34,159	52.23	833	2.44
003 STAREHE	107,128	51,448	48.02	1,587	3.08
004 LANGATA	80,888	45,125	55.79	1,355	3.00
005 DAGORETTI	69,216	38,500	55.62	1,087	2.82
006 WESTLANDS	101,571	49,991	49.22	1,497	2.99
007 KASARANI	91,271	49,000	53.69	970	1.98
008 EMBAKASI	113,848	60,942	53.53	1,392	2.28
	720,305	375,616	52.39	9,567	2.55
Coast					
009 CHANGAMWE	76,567	34,706	45.33	170	0.49
010 KISAUNI	74,246	32,580	43.88	811	2.49
011 LIKONI	40,414	14,637	36.22	328	2.24
012 MVITA	64,938	28,769	44.30	801	2.78
013 MSAMBWENI	59,922	39,149	65.33	656	1.68
014 MATUGA	37,365	24,811	66.40	509	2.05
015 KINANGO	33,478	20,045	59.88	147	0.73
016 BAHARI	63,580	33,161	52.16	436	1.31
017 KALOLENI	54,736	30,374	55.49	1,270	4.18
018 GANZE	27,243	12,284	45.09	117	0.95
019 MALINDI	52,150	25,635	49.16	410	1.60
020 MAGARINI	27,780	14,372	51.74	306	2.13
021 GARSEN	22,049	12,972	58.83	46	0.35
022 GALOLE	16,334	10,910	66.79	343	3.14
023 BURA	15,192	8,839	58.18	136	1.54
024 LAMU EAST	9,039	6,725	74.40	123	1.83
025 LAMU WEST	22,635	14,012	61.90	399	2.85
026 TAVETA	16,542	11,572	69.96	193	1.67
027 WUNDANYI	20,685	11,882	57.44	308	2.59
028 MWATATE	22,572	14,164	62.75	396	2.80
029 VOI	24,532	14,123	57.57	368	2.61
	781,999	415,722	56.32	8,273	2.00
North Eastern					
030 DUJIS	27,250	16,684	61.23	88	0.53
031 LAGDERA	13,665	6,978	51.06	40	0.57
032 FAFI	8,429	4,134	49.04	19	0.46
033 IJARA	7,445	5,250	70.52	14	0.27
034 WAJIR NORTH	7,577	4,098	54.08	17	0.41
035 WAJIR WEST	18,693	10,316	55.19	56	0.54
036 WAJIR EAST	16,247	9,571	58.91	62	0.65
037 WAJIR SOUTH	15,896	7,069	44.47	116	1.64
038 MANDERA WEST	12,043	8,076	67.06	79	0.98
039 MANDERA CENTRAL	17,081	11,159	65.33	153	1.37
040 MANDERA EAST	21,456	14,063	65.54	122	0.87
	165,782	97,398	58.40	766	0.75
Eastern					
041 MOYALE	22,379	16,940	75.70	232	1.37
042 NORTH HERR	11,999	7,859	65.50	11	0.14
043 SAKU	12,534	10,002	79.80	147	1.47
044 LAISAMIS	11,850	7,335	61.90	8	0.11
045 ISIOLO NORTH	25,325	15,122	59.71	165	1.09
046 ISIOLO SOUTH	8,165	6,559	80.33	56	0.85
047 IGEMBE	49,265	32,006	64.97	252	0.79
048 NTONYIRI	38,732	25,384	65.54	454	1.79
049 TIGANIA WEST	32,265	21,765	67.46	541	2.49
050 TIGANIA EAST	35,637	27,979	78.51	201	0.72
051 NORTH IMENTI	73,996	53,386	72.15	470	0.88
052 CENTRAL IMENTI	52,901	42,582	80.49	1,084	2.55
053 SOUTH IMENTI	62,214	51,348	82.53	1,446	2.82
054 NITHI	78,676	57,883	73.57	813	1.40
055 THARAKA	26,844	20,762	77.34	174	0.84
056 MANYATTA	51,847	41,010	79.10	528	1.29
057 RUNYENJES	49,425	39,003	78.91	1,451	3.72
058 GACHOKA	31,936	25,162	78.79	508	2.02
059 SIAKAGO	23,159	18,690	80.70	152	0.81

Appendix 3

	Constituency	Regd. Voters	Votes Cast	% Turnout	Rej. Votes	% Rej./Cast
060	MWINGI NORTH	45,288	35,252	77.84	526	1.49
061	MWINGI SOUTH	43,768	32,593	74.47	426	1.31
062	KITUI WEST	46,498	33,773	72.63	449	1.33
063	KITUI CENTRAL	51,293	38,931	75.90	152	0.39
064	MUTITO	28,728	19,791	68.89	125	0.63
065	KITUI SOUTH	31,879	21,974	68.93	274	1.25
066	MASINGA	33,620	24,302	72.28	382	1.57
067	YATTA	37,683	24,983	66.30	295	1.18
068	KANGUNDO	63,122	46,848	74.22	1,137	2.43
069	KATHIANI	51,877	35,602	68.63	600	1.69
070	MACHAKOS TOWN	63,212	45,845	72.53	806	1.76
071	MWALA	48,647	42,922	88.23	540	1.26
072	MBOONI	49,447	35,012	70.81	749	2.14
073	KILOME	25,374	16,228	63.96	204	1.26
074	KAITI	34,521	22,303	64.61	645	2.89
075	MAKUENI	55,695	38,003	68.23	665	1.75
076	KIBWEZI	49,709	30,487	61.33	1,064	3.49
		1,459,510	1,065,626	72.58	17,732	1.53
Central						
077	KINANGOP	47,273	37,598	79.53	559	1.49
078	KIPIPIRI	26,301	20,325	77.28	338	1.66
079	OL KALOU	48,569	38,301	78.86	477	1.25
080	NDARAGWA	27,424	22,224	81.04	312	1.40
081	TETU	31,298	27,446	87.69	169	0.62
082	KIENI	49,449	41,169	83.26	314	0.76
083	MATHIRA	61,079	51,810	84.82	370	0.71
084	OTHAYA	36,069	32,415	89.87	174	0.54
085	MUKURWEINI	33,419	28,909	86.50	126	0.44
086	NYERI TOWN	44,431	35,279	79.40	100	0.28
087	MWEA	43,132	32,301	74.89	276	0.86
088	GICHUGU	48,547	39,160	80.66	596	1.52
089	NDIA	33,854	27,174	80.27	375	1.38
090	KERUGOYA/KUTUS	43,385	31,215	71.95	456	1.46
091	KANGEMA	29,167	22,278	76.38	488	2.19
092	MATHIOYA	36,683	28,114	76.64	584	2.08
093	KIHARU	66,630	38,674	58.04	1,042	2.69
094	KIGUMO	42,700	31,916	74.74	591	1.85
095	MARAGUA	42,445	28,710	67.64	856	2.98
096	KANDARA	52,417	40,511	77.29	708	1.75
097	GATANGA	55,473	40,371	72.78	818	2.03
098	GATUNDU SOUTH	43,173	34,523	79.96	620	1.80
099	GATUNDU NORTH	33,861	28,044	82.82	419	1.49
100	JUJA	88,400	41,274	46.69	602	1.46
101	GITHUNGURI	53,840	44,978	83.54	813	1.81
102	KIAMBAA	68,461	51,436	75.13	853	1.66
103	KABETE	68,558	51,054	74.47	867	1.70
104	LIMURU	45,069	33,082	73.40	41	0.12
105	LARI	39,079	32,260	82.55	715	2.22
		1,340,186	1,012,551	77.18	14,661	1.45
Rift Valley						
106	TURKANA NORTH	26,425	13,503	51.10	89	0.66
107	TURKANA CENTRAL	33,471	16,843	50.32	103	0.61
108	TURKANA SOUTH	18,237	7,970	43.70	60	0.75
109	KACHELIBA	13,666	9,265	67.80	6	0.06
110	KAPENGURIA	36,259	29,707	81.93	111	0.37
111	SIGOR	31,645	25,231	79.73	32	0.13
112	SAMBURU WEST	30,793	26,743	86.85	27	0.10
113	SAMBURU EAST	10,757	7,422	69.00	28	0.38
114	KWANZA	48,759	37,483	76.87	764	2.04
115	SABOTI	81,766	59,781	73.11	1,056	1.77
116	CHERANGANY	36,990	28,942	78.24	545	1.88
117	ELDORET NORTH	90,363	65,363	72.33	1,386	2.12
118	ELDORET EAST	51,654	39,735	76.93	371	0.93
119	ELDORET SOUTH	52,345	40,114	76.63	642	1.60
120	MARAKWET EAST	20,965	17,489	83.42	65	0.37
121	MARAKWET WEST	27,998	23,752	84.83	154	0.65
122	KEIYO NORTH	21,921	18,627	84.97	93	0.50
123	KEIYO SOUTH	32,974	27,988	84.88	373	1.33
124	MOSOP	40,138	34,045	84.82	197	0.58
125	ALDAI	40,353	34,093	84.49	257	0.75
126	EMGWEN	49,930	39,347	78.80	409	1.04
127	TINDERET	52,842	41,019	77.63	741	1.81
128	BARINGO EAST	15,362	13,261	86.32	8	0.06
129	BARINGO NORTH	28,683	27,671	96.47	22	0.08

Appendix 3

	Constituency	Regd. Voters	Votes Cast	% Turnout	Rej. Votes	% Rej./Cast
130	BARINGO CENTRAL	42,956	38,346	89.27	29	0.08
131	MOGOTIO	18,389	15,843	86.15	260	1.64
132	ELDAMA RAVINE	31,124	25,773	82.81	221	0.86
133	LAIKIPIA WEST	65,820	51,098	77.63	703	1.38
134	LAIKIPIA EAST	45,280	31,256	69.03	454	1.45
135	NAIVASHA	89,368	57,016	63.80	1,175	2.06
136	NAKURU TOWN	88,592	58,068	65.55	890	1.53
137	KURESOI	54,536	48,863	89.60	430	0.88
138	MOLO	75,763	59,373	78.37	1,284	2.16
139	RONGAI	44,759	35,659	79.67	640	1.79
140	SUBUKIA	45,224	36,023	79.65	728	2.02
141	KILGORIS	47,624	35,381	74.29	155	0.44
142	NAROK NORTH	46,555	33,309	71.55	352	1.06
143	NAROK SOUTH	47,896	32,541	67.94	247	0.76
144	KAJIADO NORTH	64,358	42,750	66.43	856	2.00
145	KAJIADO CENTRAL	28,319	22,716	80.21	256	1.13
146	KAJIADO SOUTH	32,139	24,500	76.23	229	0.93
147	BOMET	55,563	49,173	88.50	148	0.30
148	CHEPALUNGU	39,830	36,056	90.52	57	0.16
149	SOTIK	43,966	38,199	86.88	189	0.49
150	KONOIN	43,941	33,957	77.28	183	0.54
151	BURETI	38,377	34,397	89.63	99	0.29
152	BELGUT	50,063	43,217	86.33	142	0.33
153	AINAMOI	53,167	41,634	78.31	521	1.25
154	KIPKELION	57,600	51,064	88.65	465	0.91
		2,145,505	1,661,606	77.87	18,252	0.96
Western						
155	MALAVA	53,745	37,137	69.10	1,702	4.58
156	LUGARI	51,277	34,857	67.98	494	1.42
157	MUMIAS	51,354	35,560	69.24	840	2.36
158	MATUNGU	33,630	24,443	72.68	603	2.47
159	LURAMBI	69,064	45,635	66.08	965	2.11
160	SHINYALU	41,795	25,963	62.12	616	2.37
161	IKOLOMANI	28,818	19,220	66.69	486	2.53
162	BUTERE	33,412	22,937	68.65	1,884	8.21
163	KHWISERO	27,502	17,155	62.38	137	0.80
164	EMUHAYA	53,709	30,016	55.89	210	0.70
165	SABATIA	41,625	30,675	73.69	993	3.24
166	VIHIGA	28,856	19,920	69.03	599	3.01
167	HAMISI	47,597	32,069	67.38	981	3.06
168	MT. ELGON	39,685	32,657	82.29	263	0.81
169	KIMILILI	59,464	46,058	77.46	473	1.03
170	WEBUYE	54,548	38,905	71.32	1,224	3.15
171	SIRISIA	50,829	41,149	80.96	1,538	3.74
172	KANDUYI	41,443	28,465	68.68	467	1.64
173	BUMULA	39,447	31,942	80.97	425	1.33
174	AMAGORO	52,923	40,200	75.96	333	0.83
175	NAMBALE	45,341	32,798	72.34	1,015	3.09
176	BUTULA	28,576	19,900	69.64	296	1.49
177	FUNYULA	25,221	18,567	73.62	345	1.86
178	BUDALANGI	19,594	15,255	77.86	164	1.08
		1,019,455	721,483	70.92	17,053	2.37
Nyanza						
179	UGENYA	54,485	37,113	68.12	1,056	2.85
180	ALEGO	56,887	42,443	74.61	261	0.61
181	GEM	41,942	29,282	69.82	432	1.48
182	BONDO	38,488	27,207	70.69	252	0.93
183	RARIEDA	33,467	24,674	73.73	229	0.93
184	KISUMU TOWN EAST	36,808	24,574	66.76	274	1.11
185	KISUMU TOWN WEST	61,355	36,219	59.03	278	0.77
186	KISUMU RURAL	35,436	25,340	71.51	219	0.86
187	NYANDO	36,401	27,852	76.51	335	1.20
188	MUHORONI	43,637	31,242	71.60	309	0.99
189	NYAKACH	36,245	27,415	75.64	317	1.16
190	KASIPUL-KABONDO	51,748	38,645	74.68	421	1.09
191	KARACHUONYO	42,930	32,825	76.46	410	1.25
192	RANGWE	52,579	37,484	71.29	316	0.84
193	NDHIWA	42,870	31,811	74.20	102	0.32
194	RONGO	50,937	36,421	71.50	266	0.73
195	MIGORI	44,617	30,461	68.27	750	2.46
196	URIRI	28,482	20,742	72.82	44	0.21
197	NYATIKE	36,579	26,717	73.04	157	0.59
198	MBITA	25,321	17,844	70.47	277	1.55
199	GWASI	23,444	16,757	71.48	391	2.33

Appendix 3

	Constituency	Regd. Voters	Votes Cast	% Turnout	Rej. Votes	% Rej./Cast
200	KURIA	35,117	25,940	73.87	400	1.54
201	BONCHARI	26,850	17,758	66.14	301	1.70
202	SOUTH MUGIRANGO	34,927	23,469	67.19	637	2.71
203	BOMACHOGE	42,707	28,157	65.93	803	2.85
204	BOBASI	45,322	34,193	75.44	484	1.42
205	NYARIBARI MASABA	37,407	24,573	65.69	886	3.61
206	NYARIBARI CHACHE	41,024	25,261	61.58	444	1.76
207	KITUTU CHACHE	51,945	33,815	65.10	991	2.93
208	KITUTU MASABA	49,779	30,697	61.67	399	1.30
209	WEST MUGIRANGO	41,977	29,580	70.47	718	2.43
210	NORTH MUGIRANGO BORABU	53,114	36,479	68.68	1,828	5.01
		1,334,827	932,990	70.12	14,987	1.61
	Totals	8,967,569	6,282,992	66.97	101,291	1.65

ELECTORAL COMMISSION OF KENYA
1997 CIVIC ELECTION RESULTS
DISTRIBUTION OF CIVIC SEATS PER POLITICAL PARTY BY PROVINCE

POLITICAL PARTY	PROVINCE								Totals
	Nairobi	Coast	N. Eastern	Eastern	Central	R. Valley	Western	Nyanza	
DP	28	8	4	109	164	94	1	17	425
FORD-ASILI				2	7	3	6	1	19
FORD-PEOPLE	1	1	4	11	1	36	110	23	187
FORD-KENYA	2				28			3	33
KANU	15	197	199	281	9	763	162	133	1,759
KNC								1	1
KENDA			1						1
KSC		1	1			1		4	7
LPD					4				4
LPK			2	3	2				7
NDP	5	7	2	9	4	7	4	255	293
PICK						1			1
SAFINA		1	3	3	27	1		2	37
SPK	1	4							5
SDP	4	5	1	97	23			10	140
UPPK					1			1	2
Total	56	224	217	515	270	906	283	450	2,921

ELECTORAL COMMISSION OF KENYA
1997 VOTER REGISTRATION STATISTICS BY
CONSTITUENCY

Constiuency	Registered Voters	Double/Multiple Registered
001	MAKADARA	90,986
002	KAMUKUNJI	65,397
003	STAREHE	107,128
004	LANGATA	80,888
005	DAGORETTI	69,216
006	WESTLANDS	101,571
007	KASARANI	91,271
008	EMBAKASI	113,848
009	CHANGAMWE	76,567
010	KISAUNI	74,246
011	LIKONI	40,414
012	MVITA	64,938
013	MSAMBWENI	59,922
014	MATUGA	37,365
015	KINANGO	33,478
016	BAHARI	63,580
017	KALOLENI	54,736
018	GANZE	27,243
019	MALINDI	52,150
020	MAGARINI	27,780
021	GARSEN	22,049
022	GALOLE	16,334
023	BURA	15,192
024	LAMU EAST	9,039
025	LAMU WEST	22,635
026	TAVETA	16,542
027	WUNDANYI	20,685
028	MWATATE	22,572
029	VOI	24,532
030	DUJIS	27,250
031	LAGDERA	13,665
032	FAFI	8,429
033	IJARA	7,445
034	WAJIR NORTH	7,577
035	WAJIR WEST	18,693

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036	WAJIR EAST	16,247	513
037	WAJIR SOUTH	15,896	283
038	MANDERA WEST	12,043	427
039	MANDERA CENTRAL	17,081	1,258
040	MANDERA EAST	21,456	2,061
041	MOYALE	22,379	52
042	NORTH HERR	11,999	4
043	SAKU	12,534	8
044	LAISAMIS	11,850	1
045	ISIOLO NORTH	25,325	205
046	ISIOLO SOUTH	8,165	4
047	IGEMBE	49,265	278
048	NTONYIRI	38,732	102
049	TIGANIA WEST	32,265	95
050	TIGANIA EAST	35,637	20
051	NORTH IMENTI	73,996	665
052	CENTRAL IMENTI	52,901	79
053	SOUTH IMENTI	62,214	135
054	NITHI	78,676	286
055	THARAKA	26,844	109
056	MANYATTA	51,847	694
057	RUNYENJES	49,425	39
058	GACHOKA	31,936	2
059	SIKAKAGO	23,159	50
060	MWINGI NORTH	45,288	81
061	MWINGI SOUTH	43,768	68
062	KITUI WEST	46,498	103
063	KITUI CENTRAL	51,293	97
064	MUTITO	28,728	34
065	KITUI SOUTH	31,879	56
066	MASINGA	33,620	37
067	YATTA	37,683	4
068	KANGUNDO	63,122	3
069	KATHIANI	51,877	612
070	MACHAKOS TOWN	63,212	214
071	MWALA	48,647	51
072	MBOONI	49,447	43
073	KILOME	25,374	20
074	KAITI	34,521	48
075	MAKUENI	55,695	125
076	KIBWEZI	49,709	114
077	KINANGOP	47,273	41
078	KIPIPIRI	26,301	6
079	OL KALOU	48,569	20
080	NDARAGWA	27,424	20

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081	TETU	31,298	2
082	KIENI	49,449	48
083	MATHIRA	61,079	315
084	OTHAYA	36,069	55
085	MUKURWEINI	33,419	
086	NYERI TOWN	44,431	213
087	MWEA	43,132	36
088	GICHUGU	48,547	27
089	NDIA	33,854	43
090	KERUGOYA/KUTUS	43,385	207
091	KANGEMA	29,167	14
092	MATHIOYA	36,683	64
093	KIHARU	66,630	751
094	KIGUMO	42,700	38
095	MARAGUA	42,445	134
096	KANDARA	52,417	79
097	GATANGA	55,473	56
098	GATUNDU SOUTH	43,173	31
099	GATUNDU NORTH	33,861	23
100	JUJA	88,400	1,544
101	GITHUNGURI	53,840	42
102	KIAMBAA	68,461	286
103	KABETE	68,558	95
104	LIMURU	45,069	85
105	LARI	39,079	48
106	TURKANA NORTH	26,425	8
107	TURKANA CENTRAL	33,471	359
108	TURKANA SOUTH	18,237	131
109	KACHELIBA	13,666	120
110	KAPENGURIA	36,259	261
111	SIGOR	31,645	194
112	SAMBURU WEST	30,793	227
113	SAMBURU EAST	10,757	70
114	KWANZA	48,759	171
115	SABOTI	81,766	1,069
116	CHERANGANY	36,990	58
117	ELDORET NORTH	90,363	582
118	ELDORET EAST	51,654	106
119	ELDORET SOUTH	52,345	267
120	MARAKWET EAST	20,965	
121	MARAKWET WEST	27,998	16
122	KEIYO NORTH	21,921	26
123	KEIYO SOUTH	32,974	86
124	MOSOP	40,138	64
125	ALDAI	40,353	48

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126	EMGWEN	49,930	110
127	TINDERET	52,842	128
128	BARINGO EAST	15,362	18
129	BARINGO NORTH	28,683	8
130	BARINGO CENTRAL	42,956	4
131	MOGOTIO	18,389	63
132	ELDAMA RAVINE	31,124	57
133	LAIKIPIA WEST	65,820	573
134	LAIKIPIA EAST	45,280	653
135	NAIVASHA	89,368	402
136	NAKURU TOWN	88,592	770
137	KURESOI	54,536	283
138	MOLO	75,763	178
139	RONGAI	44,759	18
140	SUBUKIA	45,224	74
141	KILGORIS	47,624	126
142	NAROK NORTH	46,555	311
143	NAROK SOUTH	47,896	194
144	KAJIADO NORTH	64,358	293
145	KAJIADO CENTRAL	28,319	98
146	KAJIADO SOUTH	32,139	137
147	BOMET	55,563	109
148	CHEPALUNGU	39,830	120
149	SOTIK	43,966	160
150	KONON	43,941	159
151	BURETI	38,377	76
152	BELGUT	50,063	106
153	AINAMOI	53,167	733
154	KIPKELION	57,600	97
155	MALAVA	53,745	118
156	LUGARI	51,277	11
157	MUMIAS	51,354	317
158	MATUNGU	33,630	27
159	LURAMBI	69,064	1,279
160	SHINYALU	41,795	195
161	IKOLOMANI	28,818	53
162	BUTERE	33,412	139
163	KHWISERO	27,502	32
164	EMUHAYA	53,709	216
165	SABATIA	41,625	177
166	VIHIGA	28,856	14
167	HAMISI	47,597	171
168	MT. ELGON	39,685	10
169	KIMILILI	59,464	392
170	WEBUYE	54,548	898

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171	SIRISIA	50,829	292
172	KANDUYI	41,443	489
173	BUMULA	39,447	373
174	AMAGORO	52,923	368
175	NAMBALE	45,341	289
176	BUTULA	28,576	22
177	FUNYULA	25,221	35
178	BUDALANGI	19,594	24
179	UGENYA	54,485	39
180	ALEGO	56,887	56
181	GEM	41,942	450
182	BONDO	38,488	65
183	RARIEDA	33,467	86
184	KISUMU TOWN EAST	36,808	
185	KISUMU TOWN WEST	61,355	21
186	KISUMU RURAL	35,436	2
187	NYANDO	36,401	14
188	MUHORONI	43,637	419
189	NYAKACH	36,245	25
190	KASIPUL-KABONDO	51,748	276
191	KARACHUONYO	42,930	272
192	RANGWE	52,579	77
193	NDHIWA	42,870	1
194	RONGO	50,937	1,379
195	MIGORI	44,617	249
196	URIRI	28,482	201
197	NYATIKE	36,579	10
198	MBITA	25,321	169
199	GWASI	23,444	218
200	KURIA	35,117	9
201	BONCHARI	26,850	55
202	SOUTH MUGIRANGO	34,927	378
203	BOMACHOGE	42,707	725
204	BOBASI	45,322	624
205	NYARIBARI MASABA	37,407	427
206	NYARIBARI CHACHE	41,024	2,211
207	KITUTU CHACHE	51,945	611
208	KITUTU MASABA	49,779	258
209	WEST MUGIRANGO	41,977	943
	NORTH MUGIRANGO		
210	BORABU	53,114	141
TOTAL		8,967,569	61,696

Appendix 6: PRESIDENTIAL RESULTS PER CONSTITUENCY

Constituency	VOTES SCORED BY CANDIDATE															
	RAILA AMOLO ODINGA (NDPK)	DAVID WAWERU NGETHE (UMMA)	GODFREY KAIBIRIA M'WENERI A (GAP)	DR MUNYUA WAIYAKI (UPPK)	WANGARI MUTA MAATHAI (LPK)	NYOIKE WA KIMANI (FORD-P)	DANIEL T ARAP MOI (KANU)	STEPHEN W OMONDI OLUDEH (EIP)	GEORGE MOSETI ANYONA (KSC)	KOIGI WA WAMWERE (KENDA)	PROF KATAMA GEORGE C MKANGI (KNC)	J MARTIN SHIKUKU OYONDI (FORD-A)	MWAI KIBAKI (DP)	MICHAEL CHRISTOPHER WAMALWA (FORD-K)	CHARITY KALUKI NGILU (SDP)	
001 MAKADARA	7,138	23	14	11	12	36	8,628	6	109	71	9	214	19,147	3,070	7,117	
002 KAMUKUNJI	3,760	11	22	51	18	47	7,349	22	44	75	19	133	17,076	1,095	3,604	
003 STAREHE	5,406	16	14	34	23	89	9,973	17	96	81	39	251	25,403	2,611	5,808	
004 LANGATA	14,955	22	11	25	18	1,386	11,420	14	96	51	17	548	8,664	1,968	4,575	
005 DAGORETTI	2,115	18	22	24	23	43	6,480	12	118	51	22	264	21,773	3,168	3,280	
006 WESTLANDS	3,168	16	25	54	21	38	16,651	22	131	62	26	295	17,154	6,826	4,005	
007 KASARANI	14,462	33	28	38	16	43	6,267	15	66	89	30	442	20,809	2,646	3,046	
008 EMBAKASI	8,411	19	17	114	18	25	8,504	16	158	79	37	195	30,098	3,587	8,272	
009 CHANGAMWE	6,235	8	13	26	6	22	10,588	13	66	65	301	143	5,728	2,660	8,662	
010 KISAUNI	3,288	12	16	29	17	24	12,865	19	48	48	995	98	8,696	1,948	3,666	
011 LIKONI	1,877	12	15	20	11	27	6,371	8	28	28	1,224	68	1,979	1,092	1,549	
012 MVIITA	3,029	12	19	30	7	19	14,570	13	60	53	521	64	5,011	1,227	3,333	
013 MSAMBWENI	1,037	15	36	68	29	65	21,765	25	77	45	6,286	166	5,372	481	3,026	
014 MATUGA	222	15	13	43	12	47	16,421	11	44	26	5,158	29	561	54	1,646	
015 KINANGO	366	17	14	16	2	13	16,841	11	11	16	683	12	992	20	884	
016 BAHARI	1,528	24	27	25	17	38	23,528	15	47	35	2,299	47	2,422	1,560	1,113	
017 KALOLENI	1,288	18	15	33	2	24	19,456	18	35	20	1,285	31	1,790	133	4,956	
018 GANZE	48	7	17	15	3	19	10,009	8	13	7	76	5	988	10	942	
019 MALINDI	1,240	5	12	22	7	44	17,661	8	33	26	300	23	3,631	507	1,706	
020 MAGARIINI	93	14	9	15	1	12	11,492	1	2	3	764	3	375	1,120	162	
021 GARSEN	39	2	7	4	1	9	12,602	2	4	8	17	3	134	34	60	
022 GALOLE	335	1	3	10	2	8	9,555	2	5	9	8	2	405	90	126	
023 BURA	1,676	4	8	5	3	2	5,824	2	11	5	2	830	26	26	303	
024 LAMU EAST	1,056	3	3	8	4	16	5,156	3	1	5	4	5	249	29	60	
025 LAMU WEST	268	17	22	51	13	120	7,403	16	12	28	55	87	5,271	65	185	
026 TAVETA	441	7	10	12	3	19	6,460	20	33	15	21	29	1,301	60	2,948	
027 WUNDANYI	102	12	18	33	8	21	8,544	20	29	14	35	26	2,029	49	634	
028 MWATATE	304	14	12	51	9	35	10,667	15	17	22	83	32	1,802	81	624	
029 VOI	372	9	13	39	7	23	9,287	12	30	8	28	20	2,343	60	1,504	
030 DUJIS	118	2	5	5	1	7	12,213	3	13	7	2	10	3,949	67	195	
031 LAGDERA	24	1	1	1	1	1	5,556	1	3	3	2	6	1,324	8	9	
032 FAFI	3	1	1	1	1	1	3,974	1	2	2	1	2	127	1	4	
033 IJARA	62	2	1	2	2	3	3,549	2	2	2	1	6	1,604	1	1	

Appendix 6: PRESIDENTIAL RESULTS PER CONSTITUENCY

Constituency	VOTES SCORED BY CANDIDATE															
	RAILA AMOLO ODINGA (NDPK)	DAVID WAWERU NGETHE (UMMA)	GODFREY KAIBIRIA M'WENERI A (GAP)	DR MUNYUA WAIYAKI (UPPK)	WANGARI MUTA MAAATHAI (LPK)	NYOIKE WA KIMANI (FORD-P)	DANIEL T ARAP MOI (KANU)	STEPHEN W OMONDI OLUOHE (EIP)	GEORGE MOSETI ANYONA (KSC)	KOIGI WA WAMWERE (KENDA)	PROF KATAMA GEORGE C MIKANGI (KNC)	J MARTIN SHIKUKU OYONDI (FORD-A)	MWAI KIBAKI (DP)	MICHAEL CHRISTOPHER WAMALWA (FORD-K)	CHARITY KALUKU NGILU (SDP)	
034 WAJIR NORTH	1	-	1	-	-	2	3,901	-	1	3	1	-	159	5	7	
035 WAJIR WEST	7	-	2	1	-	3	7,110	1	2	1	1	1	3,077	2	52	
036 WAJIR EAST	18	-	-	-	-	1	6,823	1	3	-	1	15	2,615	13	19	
037 WAJIR SOUTH	1	1	-	-	-	1	4,196	-	1	231	1	1	2,511	1	8	
038 MANDERA WEST	23	-	2	1	-	2	5,439	4	1	1	-	12	935	1,577	-	
039 MANDERA CENTRAL	16	-	-	4	2	5	7,572	-	-	1	1	17	704	2,550	134	
040 MANDERA EAST	34	3	6	6	35	6	10,173	-	2	-	2	58	3,399	206	11	
041 MOYALE	21	1	-	5	-	6	14,201	1	3	4	-	28	885	1,492	61	
042 NORTH HORN	2,106	5	3	3	-	3	5,691	9	-	4	1	-	9	10	4	
043 SAKU	40	-	2	-	1	-	9,285	-	3	3	2	1	443	11	64	
044 LAISAMIS	12	1	-	2	1	2	7,225	-	2	4	-	1	62	1	14	
045 ISIOLO NORTH	134	4	12	10	5	13	10,239	4	-	11	-	16	4,157	68	284	
046 ISIOLO SOUTH	9	7	10	-	4	1	5,517	-	2	9	2	7	504	415	16	
047 IGEMBE	641	14	49	22	37	38	19,159	18	9	29	22	26	11,194	15	481	
048 NTONYIRI	254	-	42	17	8	36	11,185	1	-	22	6	43	13,046	18	252	
049 TIGANIA WEST	26	5	127	50	112	26	5,926	22	7	10	30	59	14,649	16	159	
050 TIGANIA EAST	293	43	1,092	26	111	20	12,857	11	7	14	21	48	13,105	9	121	
051 NORTH IMENTI	466	23	120	121	65	50	15,263	52	34	82	16	152	34,761	207	1,504	
052 CENTRAL IMENTI	69	21	111	59	41	28	15,603	31	26	54	30	146	20,402	3,094	1,783	
053 SOUTH IMENTI	271	20	66	75	85	41	10,632	71	34	47	24	149	37,515	77	795	
054 NITHI	396	18	91	109	123	86	15,987	108	52	51	37	212	38,652	62	1,086	
055 THARAKA	105	4	20	16	66	17	7,328	23	8	14	27	43	12,718	11	188	
056 MANYATTA	198	9	38	64	122	45	4,806	42	23	70	15	165	33,578	150	1,157	
057 RUNYENJES	167	11	46	61	93	43	4,975	67	37	55	53	761	30,473	177	533	
058 GACHOKA	98	87	42	369	11	77	8,520	29	26	23	21	89	9,961	240	5,061	
059 SIAKAGO	97	12	10	-	31	18	6,963	12	9	13	22	25	11,015	13	298	
060 MWINGI NORTH	80	10	15	26	6	19	21,808	31	45	15	20	47	1,570	18	11,016	
061 MWINGI SOUTH	76	44	15	13	2	38	11,448	27	101	7	18	22	350	18	19,988	
062 KITUI WEST	81	10	27	24	5	54	4,523	20	171	23	26	52	210	14	28,084	
063 KITUI CENTRAL	122	5	12	16	23	31	10,602	20	214	10	23	43	273	48	27,337	
064 MUTITO	32	5	15	10	5	18	2,154	13	82	2	11	62	73	8	17,176	
065 KITUI SOUTH	48	6	15	14	6	27	4,313	13	102	4	10	39	255	32	16,816	
066 MASINGA	108	18	10	23	6	47	9,462	17	152	13	36	55	303	32	13,638	

Appendix 6: PRESIDENTIAL RESULTS PER CONSTITUENCY

Constituency	VOTES SCORED BY CANDIDATE															
	RAILA AMOLO ODINGA (NDPK)	DAVID WAWERU NGETHE (UMMA)	GODFREY KAIBIRIA M'WENERI A (GAP)	DR MUNYUA WAIYAKI (UPPK)	WANGARI MUTA MAATHAI (LPK)	NYOIKE WA KIMANI (FORD-P)	DANIEL T ARAP MOI (KANU)	STEPHEN W OMONDI OLUOHE (EIP)	GEORGE MOSETI ANYONA (KSC)	KOIGI WA WAMWERE (KENDA)	PROF KATAMA GEORGE C MKANGI (KNC)	J MARTIN SHIKUKU OYONDI (FORD-A)	MWAI KIBAKI (DP)	MICHAEL CHRISTOPHER WAMALWA (FORD-K)	CHARITY KALUKU NGLU (SDP)	
067 YATTA	65	11	11	17	10	29	17,100	19	31	16	22	64	912	19	6,362	
068 KANGUNDO	118	36	28	49	31	75	16,747	56	374	30	73	79	734	69	27,212	
069 KATHIANI	619	8	11	33	6	38	14,690	32	256	15	28	40	1,455	311	17,460	
070 MACHAKOS TOWN	241	21	21	55	23	65	15,642	35	383	24	21	81	843	112	27,472	
071 MWALA	107	9	28	47	47	71	9,911	38	281	16	59	65	471	107	31,125	
072 MBOONI	80	12	14	13	16	53	11,172	13	324	7	26	54	578	34	21,867	
073 KILOME	73	17	2	28	16	36	7,284	10	130	6	32	16	143	13	8,218	
074 KAITI	69	10	18	31	16	27	8,694	21	156	16	4	15	197	18	12,366	
075 MAKUENI	56	8	19	32	6	60	7,667	42	385	20	36	60	291	24	28,632	
076 KIBWEZI	409	17		19		46	6,375	16	379	18	381	37	548	54	21,124	
077 KINANGOP	147	5	18	43	9	162	1,332	26	12	24	19	151	34,614	114	363	
078 KIPPIRI	72	10	23	30	16	477	705	41	23	23	25	136	18,258	36	112	
079 OL KALOU	188	8	30	31	39	146	1,029	42	18	64	18	206	35,478	72	455	
080 NDARAGWA	24	4	14	15	9	43	812	17	4	29	14	57	20,697	12	161	
081 TETU	13	4	7	29	64	13	709	15	2	11	7	49	26,298	14	42	
082 KIENI	30	13	30	14	23	32	2,546	19	11	55	20	69	37,809	29	155	
083 MATHIRA	93	14	34	52	30	39	2,521	53	10	49	106	92	48,093	51	203	
084 OTHAYA	24	3	6	7	32	3	658	6		21	12	40	31,352	20	57	
085 MUKURWEINI	16	14	21	37	35	9	892	23	6	29	28	36	27,545	7	85	
086 NYERI TOWN	296	4	24	21	22	16	1,711	25	10	66	12	63	32,259	194	456	
087 MWEA	75	8	26	37	48	34	1,341	22	5	36	29	73	29,931	24	334	
088 GICHUGU	119	16	32	50	110	63	1,940	21	20	47	31	140	35,660	23	292	
089 NDIA	87	2	7	18	9	11	666	5	7	39	6	72	25,555	38	277	
090 KERUGOYA/KUTUS	80	8	9	24	64	9	908	14	7	21	164	92	28,965	20	374	
091 KANGEMA	73	21	31	51	93	225	1,541	55	31	72	76	192	18,636	17	676	
092 MATHIOYA	40	20	28	32	36	219	6,464	44	20	54	37	351	19,917	17	251	
093 KIHARU	256	85	82	90	323	149	2,921	138	71	225	176	376	30,211	72	2,457	
094 KIGUMO	49	14	34	39	54	71	783	50	25	49	29	106	29,516	28	478	
095 MARAGWA	129	51	48	120	63	175	1,250	59	48	106	50	194	24,360	27	1,174	
096 KANDARA	54	460	60	51	100	196	1,604	64	26	67	63	273	36,343	31	411	
097 GATANGA	306	21	43	51	46	110	4,306	87	69	84	66	185	31,542	152	2,485	
098 GATUNDU SOUTH	36	18	27	68	36	22	2,150	33	29	44	13	96	30,482	47	802	
099 GATUNDU NORTH	156	10	18	34	38	17	514	22	14	74	7	77	25,979	36	629	

Appendix 6: PRESIDENTIAL RESULTS PER CONSTITUENCY

Constituency	VOTES SCORED BY CANDIDATE															
	RAILA AMOLO ODINGA (NDPK)	DAVID WAWERU NGETHE (UMMA)	GODFREY KAIBIRIA M'WENERI A (GAP)	DR MUNYUA WAIYAKI (UPPK)	WANGARI MUTA MAATHAI (LPK)	NYOIKE WA KIMANI (FORD-P)	DANIEL T ARAP MOI (KANU)	STEPHEN W OMONDI OLUOHE (EIP)	GEORGE MOSETI ANYONA (KSC)	KOIGI WA WAMWERE (KENDA)	PROF KATAMA GEORGE C MKANGI (KNC)	J MARTIN SHIKUKU OYONDI (FORD-A)	MWAI KIBAKI (DP)	MICHAEL CHRISTOPHER WAMALWA (FORD-K)	CHARITY KALUKU NGILU (SDP)	
100 JUJA	1,788	24	30	23	32	51	4,524	34	76	209	32	241	29,076	649	3,883	
101 GITHUNGURI	91	20	56	44	58	78	861	40	57	121	34	227	40,974	108	1,396	
102 KIAMBAA	503	24	39	83	41	171	3,908	55	69	253	30	280	40,763	403	3,961	
103 KABETE	704	11	53	53	58	93	2,887	97	68	191	33	302	39,575	283	5,779	
104 LIMURU	1,263	11	30	28	32	25	2,402	30	81	129	19	284	26,946	496	1,265	
105 LARI	100	15	26	43	20	59	1,937	53	24	43	24	146	28,548	47	460	
106 TURKANA NORTH	50	6	6	12	1	5	7,161	-	2	3	-	27	196	5,911	34	
107 TURKANA CENTRAL	83	13	10	24	1	9	15,802	8	6	6	3	19	255	443	58	
108 TURKANA SOUTH	12	22	6	46	2	1	6,196	3	2	1	-	13	219	1,366	21	
109 KACHELIBA	3	-	1	-	-	-	9,206	1	1	-	-	-	17	29	1	
110 KAPENGURIA	152	-	1	2	1	7	28,221	7	11	6	2	10	285	718	173	
111 SIGOR	11	-	1	1	-	1	24,976	-	5	2	-	3	88	98	13	
112 SAMBURU WEST	70	-	1	2	-	2	22,045	-	4	2	3	6	4,535	19	27	
113 SAMBURU EAST	30	-	1	4	2	-	5,602	-	1	-	-	3	1,723	7	21	
114 KWANZA	150	21	3	19	11	18	14,608	2	10	5	6	68	2,222	19,455	121	
115 SABOTI	1,586	40	19	51	36	60	14,538	16	28	20	9	310	6,976	34,504	532	
116 CHERANGANY	82	30	11	19	5	23	14,715	12	27	7	11	84	4,959	8,244	168	
117 ELDORET NORTH	3,316	17	15	28	12	23	41,759	9	96	47	8	345	9,331	8,235	736	
118 ELDORET EAST	378	4	7	13	3	11	34,096	18	15	12	7	11	3,426	1,144	219	
119 ELDORET SOUTH	1,346	8	12	8	17	23	28,130	9	98	15	4	106	7,517	1,880	299	
120 MARAKWET EAST	74	1	2	3	1	2	12,670	1	2	3	3	2	4,619	25	16	
121 MARAKWET WEST	37	6	1	6	3	32	22,406	1	6	8	4	17	724	319	28	
122 KEIYO NORTH	63	1	4	1	2	7	18,185	3	1	2	2	7	168	54	34	
123 KEIYO SOUTH	28	2	12	3	2	7	26,877	5	7	4	2	6	585	51	24	
124 MOSOP	123	8	-	10	3	20	32,164	13	4	29	12	43	756	481	182	
125 ALDAI	123	11	3	16	9	17	30,324	6	8	8	2	23	261	2,955	70	
126 EMGWEN	365	31	11	27	11	50	33,897	7	18	10	12	44	1,094	3,169	192	
127 TINDERET	1,765	24	10	19	10	26	34,562	18	42	44	45	50	1,088	2,447	128	
128 BARINGO EAST	4	1	-	11	-	-	13,115	1	-	10	-	1	85	9	16	
129 BARINGO NORTH	9	-	-	-	1	-	27,541	1	1	-	-	-	68	6	22	
130 BARINGO CENTRAL	84	-	1	2	1	-	37,972	2	2	8	-	3	181	24	37	
131 MOGOTIO	33	1	-	1	1	3	15,288	-	4	2	2	2	141	7	98	
132 ELDAMA RAVINE	174	5	4	12	5	11	21,582	11	5	8	3	37	3,533	119	43	

Appendix 6: PRESIDENTIAL RESULTS PER CONSTITUENCY

Constituency	VOTES SCORED BY CANDIDATE																CHARITY KALUKI NGLIU (SDP)
	RAILA AMOLO ODINGA (NDPK)	DAVID WAWERU (UMMA)	GODFREY KAIBIRIA M'WENERI A. (GAP)	DR MUNYUA WAIYAKI (UPPK)	WANGARI MUTA MAATHAI (LPK)	NYOIKE WA KIMANI (FORD-P)	DANIEL T ARAP MOI (KANU)	OLUDHE (EIP)	ANYONA (KSC)	WAMWERE (KENDA)	PROF KATAMA GEORGE C MKANGI (KNC)	J MARTIN SHIKUKU OYONDI (FORD-A)	MWAI KIBAKI (DP)	MICHAEL CHRISTOPHER WAMALWA (FORD-K)	208		
133 LAIKIPIA WEST	234	10	34	14	16	25	9,877	19	14	29	17	54	39,978	66	66		
134 LAIKIPIA EAST	380	9	29	20	8	37	7,757	29	7	27	18	89	21,815	138	439		
135 NAIVASHA	3,644	27	29	57	31	67	8,310	39	87	127	55	302	40,354	1,823	889		
136 NAKURU TOWN	8,627	12	21	27	8	20	13,012	8	187	156	13	493	28,426	4,479	1,689		
137 KURESOI	110	3	13	10	103	8	38,762	10	8	11	10	277	8,984	58	66		
138 MOLO	958	21	66	37	45	94	11,658	74	67	67	24	364	43,550	632	432		
139 RONGAI	2,394	8	26	18	13	20	17,587	20	20	53	9	122	14,356	257	116		
140 SUBUKIA	277	12	26	36	15	53	2,854	74	31	475	14	200	30,926	101	201		
141 KILGORIS	283	1	1	7	1	1	32,717	1	5	6	2	16	2,089	30	66		
142 NAROK NORTH	450	1	10	6	15	14	26,775	8	50	23	9	39	5,096	214	247		
143 NAROK SOUTH	45			5	3	2	29,427	7	13	5	1	7	2,691	32	56		
144 KAJIADO NORTH	1,889	6	11	27	12	21	20,665	12	43	38	8	126	16,865	495	1,676		
145 KAJIADO CENTRAL	134	1	1	6	1	8	13,900	3	9	6	3	5	7,746	38	599		
146 KAJIADO SOUTH	174	1	3	10	7	7	10,457	5	11	5	2	17	12,919	49	604		
147 BOMET	56		8	2	5	10	48,000	15	13	10	7	4	743	19	133		
148 CHEPALLUNGU	9	2	3	7	3	8	35,157	5	5	5	5	8	730	11	41		
149 SOTIK	143	1	3	7	3	5	37,179	5	18	5	3	11	474	45	108		
150 KONOI	2,178	8	15	18	5	22	29,278	11	62	35	11	404	1,301	355	71		
151 BURETI	39	7	2	9		8	33,934	2		4	5	2	147	32	107		
152 BELGUT	1,103	6	2	8	6	8	40,853	5	38	11	9	26	655	296	49		
153 AINAMOI	1,936	14	6	10	4	21	35,468	12	23	21	2	31	2,770	636	159		
154 KIPKELION	808	4	17	7	7	20	43,044	11	23	16	3	48	5,862	653	76		
155 MALAVA	169	42		52	2		14,032		55	107		119	174	20,536	147		
156 LUGARI	131						14,848					234	2,144	16,783	223		
157 MUMIAS	2,628	23	34	48	16	49	18,627	9	12	19	12	3,373	462	9,241	167		
158 MATUNGU	114	10	4	19	4	23	10,593	3	4	2		403	755	11,484	422		
159 LURAMBI	1,047	71	32	70	19	73	15,817	19	9	15	10	1,192	738	25,297	261		
160 SHINYALLU	87	37	18	56	10	39	10,832	8	6	9	6	195	87	13,892	65		
161 IKOLOMANI	28		2	62	4	15	10,112	4		3	1	115	76	8,272	40		
162 BUTERE	336	23	84	19	3	15	9,648	11	2	4	13	9,849	125	796	125		
163 KHWISERO	574	16	17	21	6	15	10,891	3	6	9	7	3,138	42	2,158	115		
164 EMUHAYA	250	23	86	129	86	48	13,888	91	12	13	37	239	289	14,331	284		
165 SABATHIA	113	35	7	112	8	30	25,229	21	8	11	4	163	109	3,689	143		

Appendix 6: PRESIDENTIAL RESULTS PER CONSTITUENCY

Constituency	VOTES SCORED BY CANDIDATE														
	RAILA AMOLO ODINGA (NDPK)	DAVID WAWERU NGETHE (UMMA)	GODFREY KAIBIRIA M'WENERI A (GAP)	DR MUNYUA WAIYAKI (UPPK)	WANGARI MUTA MAATHAI (LPK)	NYOIKE WA KIMANI (FORD-P)	DANIEL T ARAP MOI (KANU)	STEPHEN W OMONDI OLUKHE (EIP)	GEORGE MOSETI ANYONA (KSC)	KOIGI WA WAMWERE (KENDA)	PROF KATAMA GEORGE C MKANGI (KNC)	J MARTIN SHIKUKU OYONDI (FORD-A)	MWAI KIBAKI (DP)	MICHAEL CHRISTOPHER WAMALWA (FORD-K)	CHARITY KALLUKI NGLU (SDP)
166 VIHIGA	264	25	1	63	17	22	15,038	7	1	10	4	54	102	3,639	74
167 HAMISI	118	49	22	72	12	40	18,301	32	36	30	15	235	271	11,722	133
168 MT. ELGON	162	22	-	27	10	22	25,091	6	3	9	1	23	22	6,950	46
169 KIMILILI	125	79	3	105	37	55	4,027	7	26	9	4	175	909	39,827	197
170 WEBUYE	510	212	8	77	36	46	9,182	11	17	17	7	133	625	26,646	174
171 SIRISIA	68	59	3	66	17	48	6,228	1	2	6	6	63	224	32,752	68
172 KANDUYI	684	74	8	65	8	36	3,311	7	4	10	7	197	963	22,443	181
173 BUMULA	90	47	5	59	14	42	3,366	4	4	21	6	66	33	27,708	52
174 AMAGORO	2,706	11	5	32	5	10	33,550	8	7	26	8	75	656	2,625	143
175 NAMBALE	1,959	38	1	69	12	39	17,935	10	3	16	12	124	757	10,683	125
176 BUTULA	1,001	17	3	20	5	17	8,254	1	7	8	8	110	53	9,913	187
177 FUNYULA	145	10	-	20	6	8	9,551	1	1	2	43	58	124	8,212	41
178 BUDALANGI	149	9	1	4	1	3	6,338	1	3	1	1	28	15	8,521	16
179 UGENYA	27,080	15	-	-	6	21	4,050	4	-	63	7	70	53	4,508	180
180 ALEGO	31,135	11	1	20	2	22	10,530	14	6	52	4	18	24	101	242
181 GEM	25,314	10	5	13	2	14	2,536	11	6	68	1	43	20	581	226
182 BONDO	24,856	1	-	3	3	10	1,764	3	4	43	-	3	17	157	93
183 RARIEDA	22,372	5	1	11	3	7	1,610	1	-	61	2	9	5	234	124
184 KISUMU TOWN EAST	20,801	2	4	7	2	8	1,966	4	14	48	3	36	434	527	444
185 KISUMU TOWN WEST	27,636	14	11	17	11	24	5,017	15	32	67	5	95	834	1,198	965
186 KISUMU RURAL	18,986	16	10	19	3	11	4,606	5	22	46	6	14	19	242	1,116
187 NYANDO	25,550	10	3	6	1	10	1,268	2	12	52	1	6	27	83	486
188 MUHORONI	27,309	7	6	10	3	19	2,520	6	11	79	4	31	286	353	289
189 NYAKACH	24,763	5	2	2	-	11	2,020	9	1	64	-	4	15	29	173
190 KASIPUL-KABONDO	35,390	6	5	7	4	13	2,327	3	11	82	2	8	30	31	305
191 KARACHUONYO	24,849	4	-	8	2	5	7,158	5	13	65	-	3	10	55	238
192 RANGWE	32,451	9	8	14	29	3	3,604	4	9	111	2	8	75	169	672
193 NDHIWA	30,409	-	-	6	2	8	918	-	-	40	-	14	10	37	265
194 RONGO	29,055	21	5	13	1	25	6,382	5	9	103	2	15	66	151	302
195 MIGORI	22,411	10	4	10	-	18	6,317	7	5	84	6	20	324	235	260
196 URURI	16,083	4	1	6	2	3	4,396	4	3	35	2	4	21	83	51
197 NYATIKE	21,894	-	2	4	2	15	4,390	4	-	23	-	6	96	29	95
198 MBITA	14,307	2	2	4	1	6	2,977	1	5	32	2	6	18	30	174

Appendix 6: PRESIDENTIAL RESULTS PER CONSTITUENCY

Constituency	VOTES SCORED BY CANDIDATE														
	RAILA AMOLO ODINGA (NDPK)	DAVID WAWERU NGETHE (UMMA)	GODFREY KAIBIRIA M'WENERI A (GAP)	DR MUNYUA WAIYAKI (UPPK)	WANGARI MUTA MAAATHAI (LPK)	NYOIKE WA KIMANI (FORD-P)	DANIEL T ARAP MOI (KANU)	STEPHEN W OMONDI OLUOHE (EIP)	GEORGE MOSETI ANYONA (KSC)	KOIGI WA WAMWERE (KENDA)	PROF KATAMA GEORGE C MKANGI (KNC)	J MARTIN SHIKUKU OYONDI (FORD-A)	MWAI KIBAKI (DP)	MICHAEL CHRISTOPHER WAMALWA (FORD-K)	CHARITY KALUKI NGLU (SDP)
199 GWASI	11,774	1	-	2	-	2	4,506	-	-	21	-	2	7	27	24
200 KURIA	809	6	6	4	4	14	21,426	1	16	13	4	109	2,403	29	696
201 BONCHARI	92	7	5	10	32	26	11,018	7	227	21	30	27	5,024	175	756
202 SOUTH MUGIRANGO	60	5	2	6	-	14	6,256	2	194	7	10	33	15,543	580	140
203 BOMACHOGE	67	11	-	34	15	11	3,053	14	155	10	40	97	23,145	405	297
204 BOBASI	88	10	19	21	5	33	20,110	36	215	18	8	64	12,499	83	500
205 NYARIBARI MASABA	223	9	17	32	11	31	11,588	32	245	35	15	60	10,128	115	1,146
206 NYARIBARI CHACHE	417	33	53	70	66	155	12,470	41	463	40	11	86	9,616	140	1,156
207 KITUTU CHACHE	1,070	28	19	41	24	61	18,123	37	750	22	17	99	10,097	697	1,739
208 KITUTU MASABA	305	39	41	55	31	68	6,790	45	5,533	147	50	142	16,182	698	172
209 WEST MUGIRANGO	422	22	25	51	12	12	9,410	24	341	21	7	122	15,309	2,625	459
210 NORTH MUGIRANGO BORABU	1,202	38	33	41	50	48	14,817	43	590	45	14	113	15,865	236	1,516
TOTAL:	667,825	3,543	4,602	6,104	4,149	8,608	2,500,320	3,673	16,403	7,662	23,529	36,392	1,905,640	505,713	487,538

BIBLIOGRAPHY

1. National Council of Churches of Kenya, *Towards Multiparty Democracy in Kenya*, Nairobi, 1994
2. Institute for Education in Democracy, *Political Party Organisation and Management in Kenya – An Audit*, Nairobi, 1998
3. Institute for Education in Democracy, *National Elections Data Book - Kenya*, Nairobi, 1997
4. Institute for Education in Democracy, *Understanding Elections in Kenya: A Constituency Profile Approach*, Nairobi, 1998
5. IED/CJPC/NCKK, *Report on the 1997 General Elections in Kenya*, Nairobi, 1998
6. *Report by the Democracy Development Group*, 1998 (unpublished)
7. Arne Tostensen et. al. (eds.), *Kenya's Hobbled Democracy Revisited: The 1997 General Elections in Retrospect and Prospect*, Oslo, 1998
8. *The General Election in Lesotho: The Report of the Commonwealth Observer Group*, Commonwealth Secretariat, London, 1993
9. Election Commission of Pakistan, *Report of the General Elections, Vol. II*, Islamabad, 1990
10. Election Commission of Pakistan, *1997 General Elections Report, Vol. II*, Islamabad, 1997
11. Central Bureau of Statistics, *Population Projections, Analytical Report*, Vol. VII, Nairobi, 1996
12. Electoral Commission of Kenya, Nairobi, *Report on the Printing of September 1998 By-elections Ballot Papers*, 1998
13. Electoral Commission of Kenya, *Oral Submissions on the Review of Constituency Boundaries and Polling Stations*, Eastern Province, 1996
14. Government Printer, *The Constitution of Kenya*, Nairobi, Revised Edition (1998) 1992, Nairobi
15. _____, *Statute Law (Repeals and Miscellaneous Amendments) Act*, Nairobi, 1997
16. _____, *The National Assembly and Presidential Elections Act*, Nairobi, 1998
17. Central Bureau of Statistics, *1998 Economic Survey*, 1998

