

LEGAL NOTICE.....



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

THE ELECTIONS (TECHNOLOGY) REGULATIONS, 2017

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THE ELECTIONS ACT, 2011

(No. 24 of 2011)

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

THE ELECTIONS (TECHNOLOGY) REGULATIONS, 2017

PART I – PRELIMINARY

Citation and commencement.

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

Interpretation.

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

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

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

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

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

Cap. 411A.

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

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

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

PART II – ACQUISITION , STORAGE AND DEPLOYMENT

Assessment.

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

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

Procurement.

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

No. 33 of 2015.

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

Deployment.

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

Maintenance.

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

Disposal of Assets.

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

PART III – TESTING AND CERTIFICATION

Testing.

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

Transparency.

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

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

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

Certification.

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

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

PART IV – CONDUCT OF AN AUDIT

Audit of technology.

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

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

Body to Conduct Audit.

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

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

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

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

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

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

Audit Report.

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

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

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

PART V – INFORMATION SECURITY AND DATA STORAGE

Information security.

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

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

Data Storage and Access to Information.

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

No. 31 of 2016

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

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

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

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

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

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

PART VI – DATA RETENTION AND DISPOSAL

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

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

PART VII – ACCESS TO SOFTWARE SOURCE CODES

Accessibility and
Security.
No. 3 of 2001

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

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

PART VIII – TELECOMMUNICATION NETWORK

Disclosure of existing
agreements.

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

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

Delivery of services.

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

Telecommunication
network service
availability.

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

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

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

Appropriate infrastructure.

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

Obligations for service providers.

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

PART IX – DATA RECOVERY AND OPERATIONS CONTINUITY PLAN

Operations continuity plan and testing.

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

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

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

Data recovery.

25. The Commission shall —

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

Suspension and termination and public notice.

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

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

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

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

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

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

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

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

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

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

Notice by individuals.

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

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

System support and maintenance agreement.

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



sustainable use of election technology.

PART X – CAPACITY BUILDING AND TRAINING

Capacity building.

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

Training Curriculum and Trainer

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

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

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

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

PART XI – THE ELECTIONS TECHNOLOGY ADVISORY COMMITTEE

Establishment.

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

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

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

(2) The Committee shall—

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



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

Composition.

33. The Committee shall be composed of—

- (a) at least three (3) Members of the Commission and designated staff;
- (b) a representative of—
 - (i) Registrar of Political Parties,
 - (ii) Political Parties Liaison Committee,
 - (iii) Communication Authority of Kenya,
 - (iv) Information Communication and Technology Authority,
- (c) a representative of -
 - (v) Registered Political Parties (Majority(1)and Minority(1))
 - (vi) ICT Professional Bodies (1)
- (d) Such other persons as the Commission may from time to time invite.

Engagement of experts, consultants.

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

Chairperson and secretariat

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

Meetings.

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

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

Code of Conduct.

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

No.9 of 2011.

PART XII – MISCELLANEOUS PROVISIONS

Duty to cooperate.

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

- (a) to co-operate with the Commission in its activities relating to election technology, and
- (b) not to hinder the Commission in carrying out its functions.

Non-disclosure agreement.

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

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

Voter education.
No.9 of 2011.

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

Made on the....., 2017.

Chairperson,
Independent Electoral and Boundaries Commission.

THE ELECTIONS (TECHNOLOGY) REGULATIONS, 2017

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

		regulations.
Clause 27	Limitation on the notice by individuals	The provision expounded to include reporting through any medium.
Clause 29 on capacity building	Lack of a timeline and vagueness of the word 'sufficient time'.	A timeline cannot be provided given that different cadres of election officials, for instance presiding officers and clerks, are trained days preceding conduct of elections so that they have hands on skills; the probability of forgetting what has been taught is high when trainings are conducted early.
Clause 33 on the composition of the committee	Need to re-look at the composition of the Committee.	Composition of the Committee changed to reflect institutions that will be resourceful in providing the technical know-how on the adoption of technology in the electoral process and implement the use of such technology.
Clause 41	No reason to issue guidelines yet the Clauses will be in place.	Provision deleted.

EXPLANATORY MEMORANDUM TO THE ELECTIONS (TECHNOLOGY) REGULATIONS 2017

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

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

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

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

Gazetted on:.....

Tabled on:.....

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

1. Purpose of Regulations

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

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

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

2. Legislative Context

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

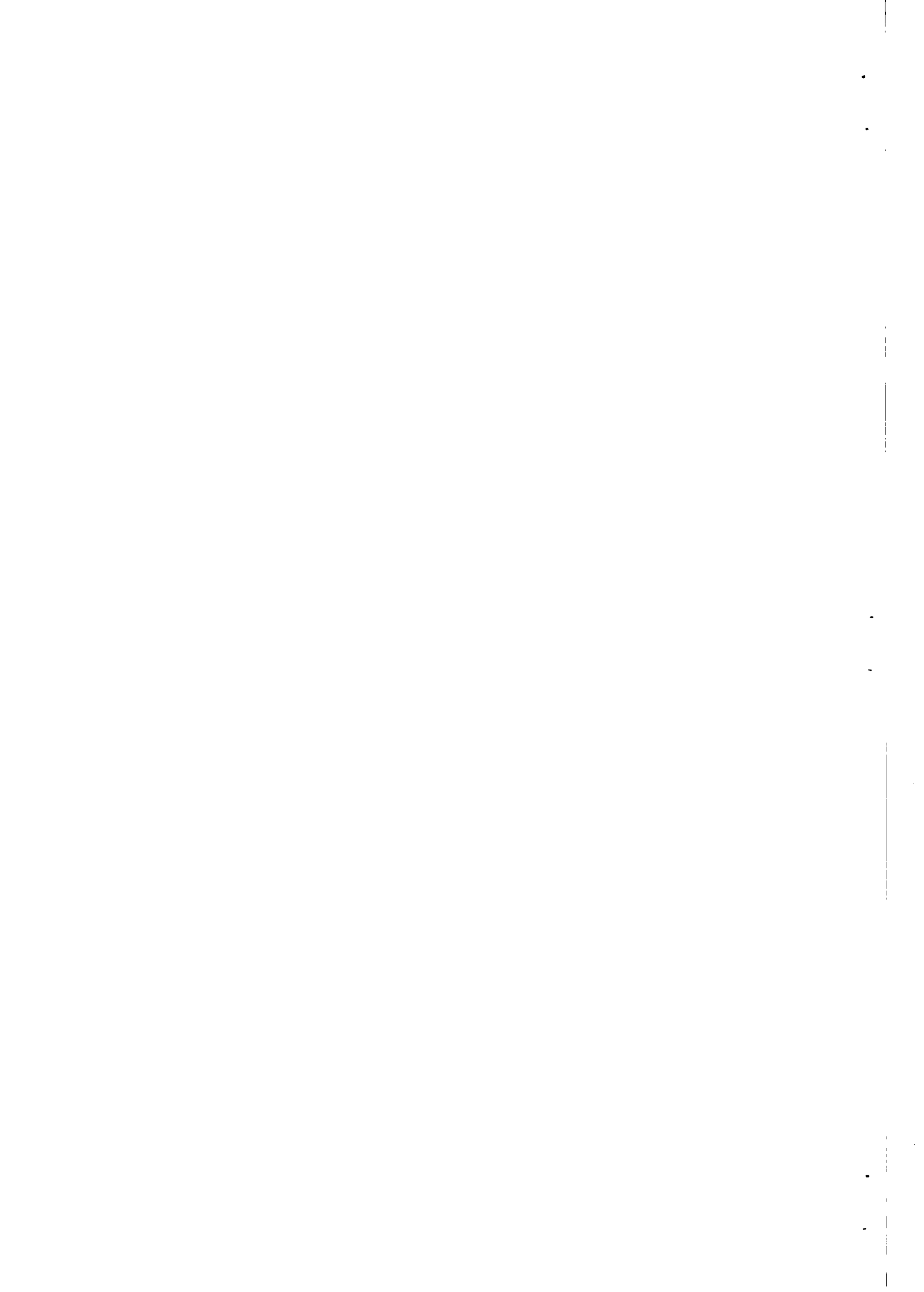
3. Consultation

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

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

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

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



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

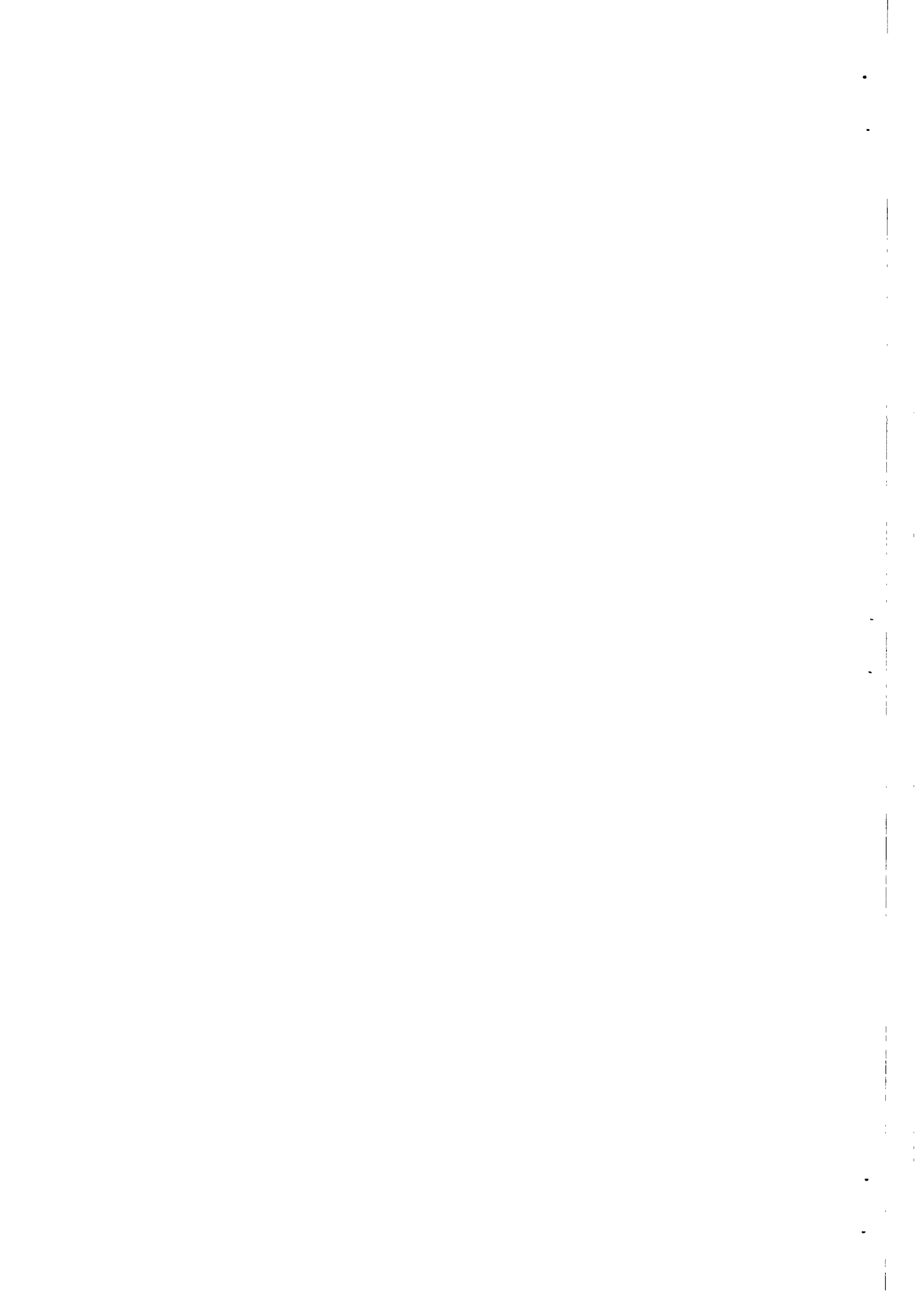
Part V – Information Security and Data Storage (clauses 14-16) requires the Commission to put in place mechanisms to ensure data availability, accuracy, integrity, and confidentiality; to adopt intrusion prevention and detection systems to mitigate against vulnerabilities in the technology and breaches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

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

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

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

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



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

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

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

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

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

4. Regulatory Impact Assessment

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

5. Guidance

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

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



6. Contact

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

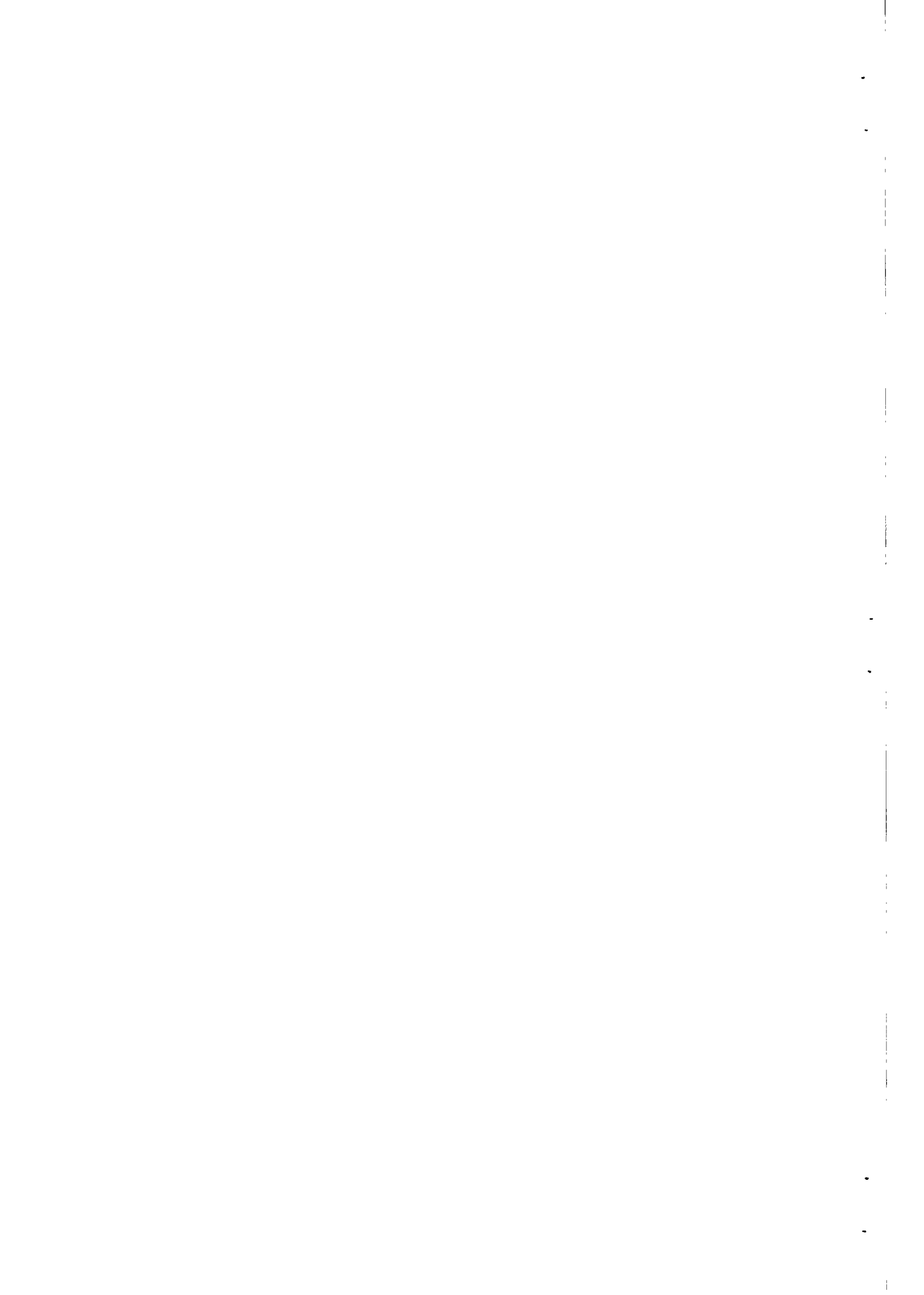
Made on the ^{1st} day of *March*, 2017



Wafula Chebukati

Chairperson

Independent Electoral and Boundaries Commission



LEGAL NOTICE NO.

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

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

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

Citation.

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

L.N 126/2012.

2. Regulation 2 of the Elections (Registration of Voters) Regulations, 2012, (in these Regulations referred to as “the principal Regulations”,) is amended by –

deleting the definition of “register”

(a) inserting the following new definitions in their proper alphabetical sequence –

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

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

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

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

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

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

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

the registration of a voter

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

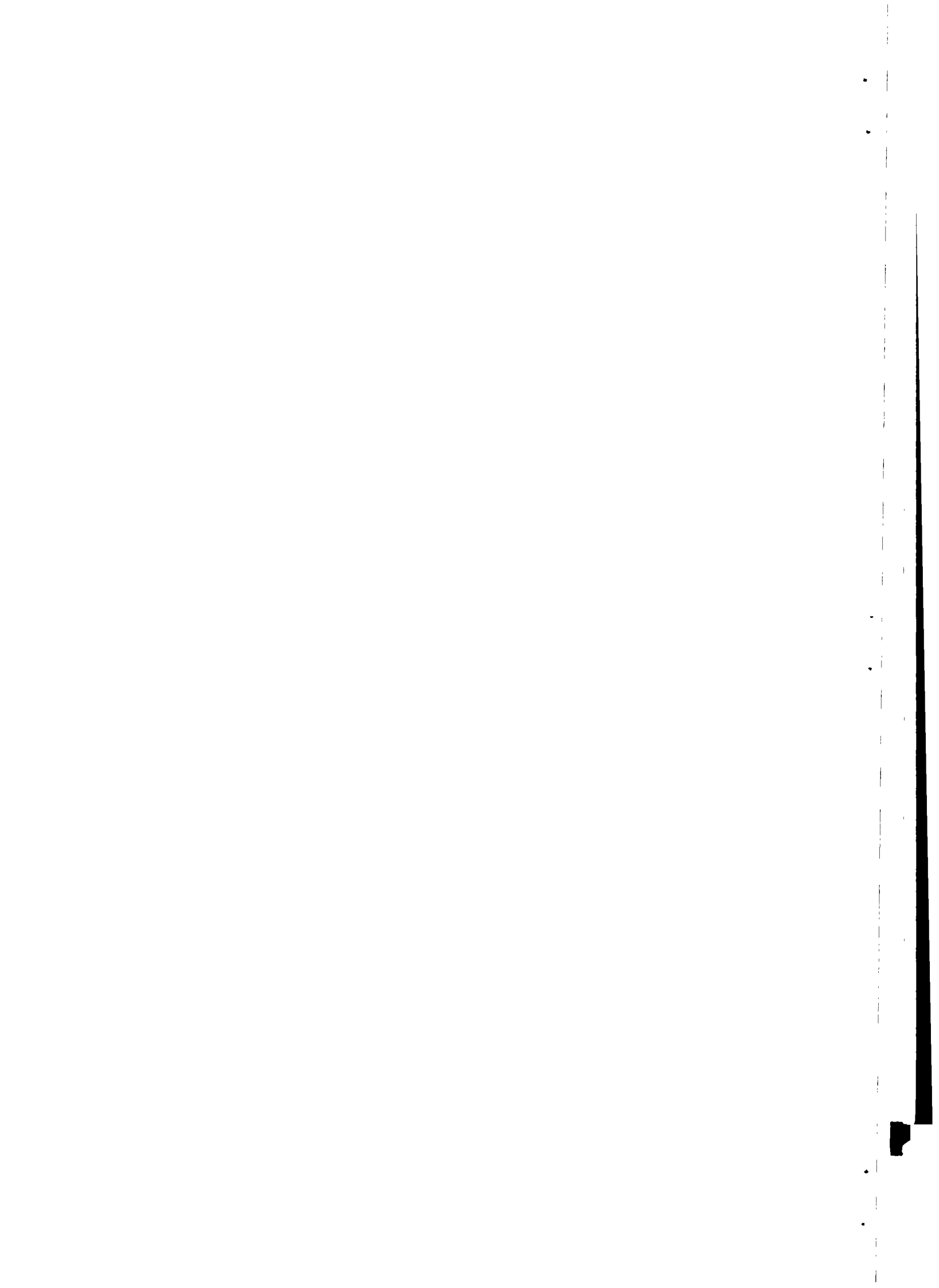
Gazettement
of registration
officers.

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

(a) be done transparently and competitively; and

(b) be published in the *Gazette*

5. Regulation 8 of the principal Regulations is amended by inserting the words “biometric data and” immediately after the words “shall include”.
6. Regulation 9 of the principal Regulations is amended by –
 - (a) renumbering the existing provision as sub regulation (1);
 - (b) inserting the following new paragraphs immediately after paragraph (g) in sub regulation (1)—
 - (h) to correct loss of data owing to technological errors or any other causes;
 - (i) to delete the name of persons who have renounced their Kenyan citizenship as provided for under section 19 of the Kenya Citizenship and Immigration Act, 2011 and any other written law;
 - (j) to delete the name of persons whose citizenship has been revoked under section 21 of the Kenya Citizenship and Immigration Act, 2011 and any other written law.
 - (c) inserting the following new sub regulation immediately after sub regulation (1)—
 - (2) Subject to paragraph (1) (d), the registration officer shall work in collaboration with the Registrar of Births and Deaths and National Registration Bureau to obtain the particulars set out in Form B in the Schedule.



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

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

8. The Principal Regulation is amended by-

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

13(1) A person who is not already registered as a voter but who wishes to be so registered shall make an application in Form A set out in the Schedule

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

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

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

Registration Procedure.

13A. (1) A person who applies to be registered as a voter shall present his or her identification document to the registration officer stationed at a Registration Centre of his or her choice.

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

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

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

Numerous registrations.

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

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

(3) A person—

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

voters; or

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

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

9. Regulation 14 of the principal Regulations is amended by—
- (a) deleting the expression “Form C” in sub regulation (3) and substituting therefore the expression “Form B”;
 - (b) deleting the expression “Form D ” in sub regulation (4) and substituting therefore the expression “Form C”;
 - (c) deleting sub regulation (5).
10. Regulation 15 of the principal Regulations is amended by deleting the expression “section 4” and substituting therefore the expression “section 5”.
11. Regulation 16 of the principal Regulations is amended by deleting the words “a voters card in Form E set out in the Schedule” appearing in sub regulation (2) substituting therefor the words “an acknowledgement slip” immediately after the words ‘shall issue’.
12. Regulation 18 of the principal Regulations is amended by inserting the words “and shall be in Form D set out in the Schedule” at the end of sub regulation (2).
13. Regulation 19 of the principal Regulations is amended by inserting the words “and shall be in Form E set out in the Schedule” at the end of sub regulation (2).
14. Regulation 20 of the principal Regulations is amended by inserting the following words “within seven days” after the word “shall”.
15. The principal Regulations are amended by inserting the words “and

Verification” in the heading of Part V1 immediately after the word “Inspection”.

16. The principal Regulations are amended-

(a) in Regulation 27 by-

(i) inserting the words “which shall include maintenance of the public web portal or any other medium the Commission may approve.” Immediately after the word “Act” appearing in sub regulation (1).

(ii) deleting sub regulations (3)

(iii) deleting sub regulation (4)

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

Verification of Register of Voters

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

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

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

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

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

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

Process of Verification.

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

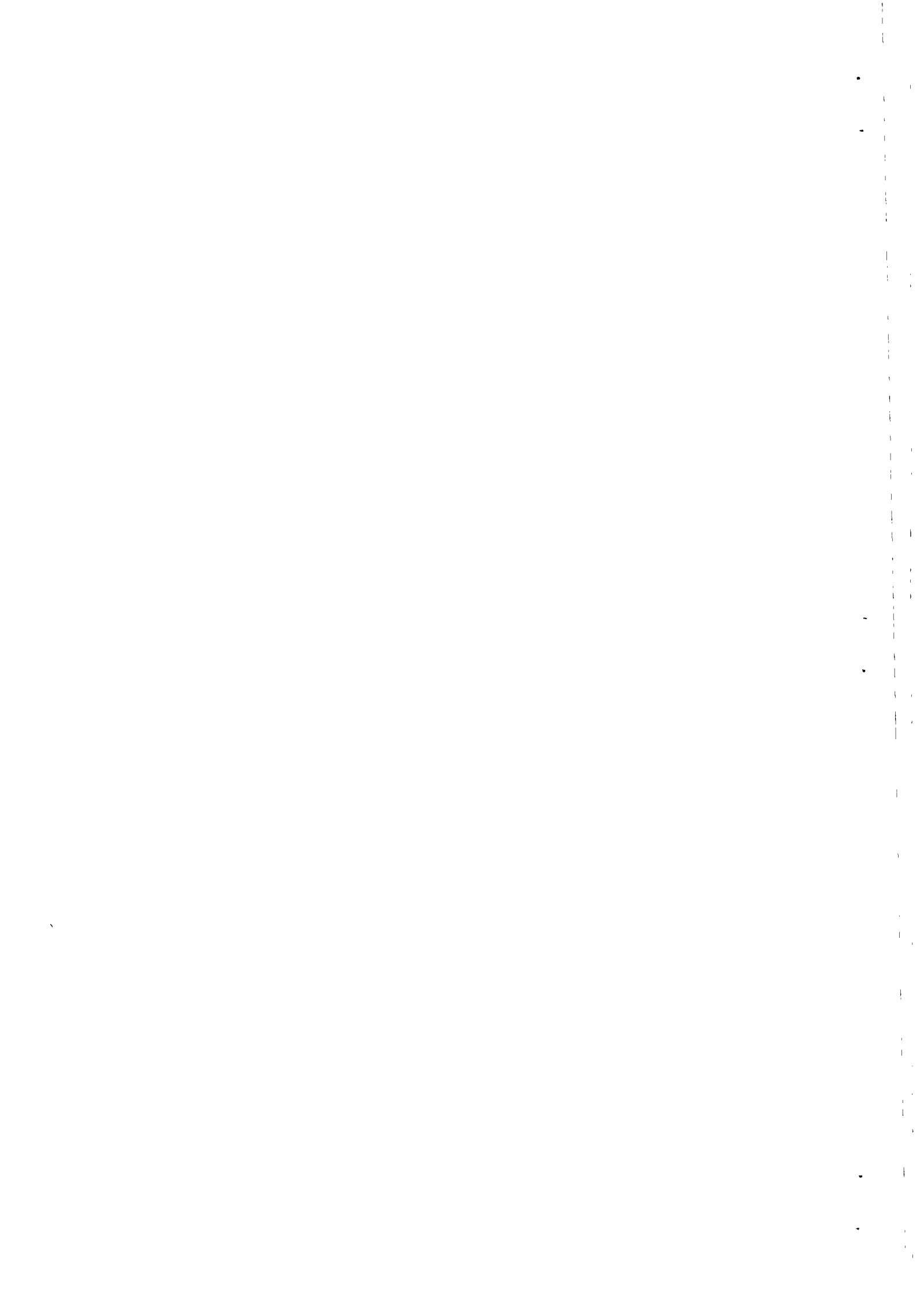
(2) A voter may, where any of the details of the registration of the voter are incorrect, submit to the registration officer at the voter’s polling station a claim form as prescribed by regulation 19.

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

17. The principal Regulations are amended by deleting regulation 28 and substituting therefor the following new regulation—

Revision of register.

28. After the last day of verification, the registration officer for each constituency in respect of which the



inspection and verification was carried out shall revise the register of voters for the respective constituency within such period as the Commission may determine”;

18. Regulation 30 of the principal Regulations is amended by deleting the word “Form H” and inserting the words “Form G” in sub regulation (3).
19. Regulation 33 of the principal Regulations is amended by deleting the word “Form I” and inserting the words “Form H” immediately after the words “in the schedule”
20. Regulation 35 of the principal Regulations is amended by deleting the word “Form J” and inserting the words “Form I” immediately after the words “in the schedule”
21. Regulation 36 of the principal Regulations is amended by deleting the word “Form J” and inserting the words “Form I” immediately after the words “in the schedule”
22. Regulation 37 of the principal Regulations is amended by inserting the following proviso –

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

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

PART VIIIA – REGISTRATION OF CITIZENS IN KENYAN PRISONS

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

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

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

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

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



a referendum.

24. Regulation 40 of the principal Regulations is amended by deleting the words “to give evidence on oath and administer an oath for that purpose” appearing in paragraph (a).

25. The principal Regulations are amended by deleting the Schedule and substituting therefor the following new Schedule—

SCHEDULE

Made on the....., 2017.

WAFULA WANYONYI CHEBUKATI,
Chairperson,

Independent Electoral and Boundaries Commission.

APPLICATION FOR REGISTRATION AS A VOTER

To the Registration Officer.....

Constituency: County:

Ward:Registration Centre:

Surname:Other names:

Identity Card No./Kenyan Passport No:

Date of birth: Sex:

Residential Address:

Contact Telephone:

Postal Address:

Email:

Disability (if any):

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

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

DECLARATION

I, declare that at the date of this application:

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

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

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

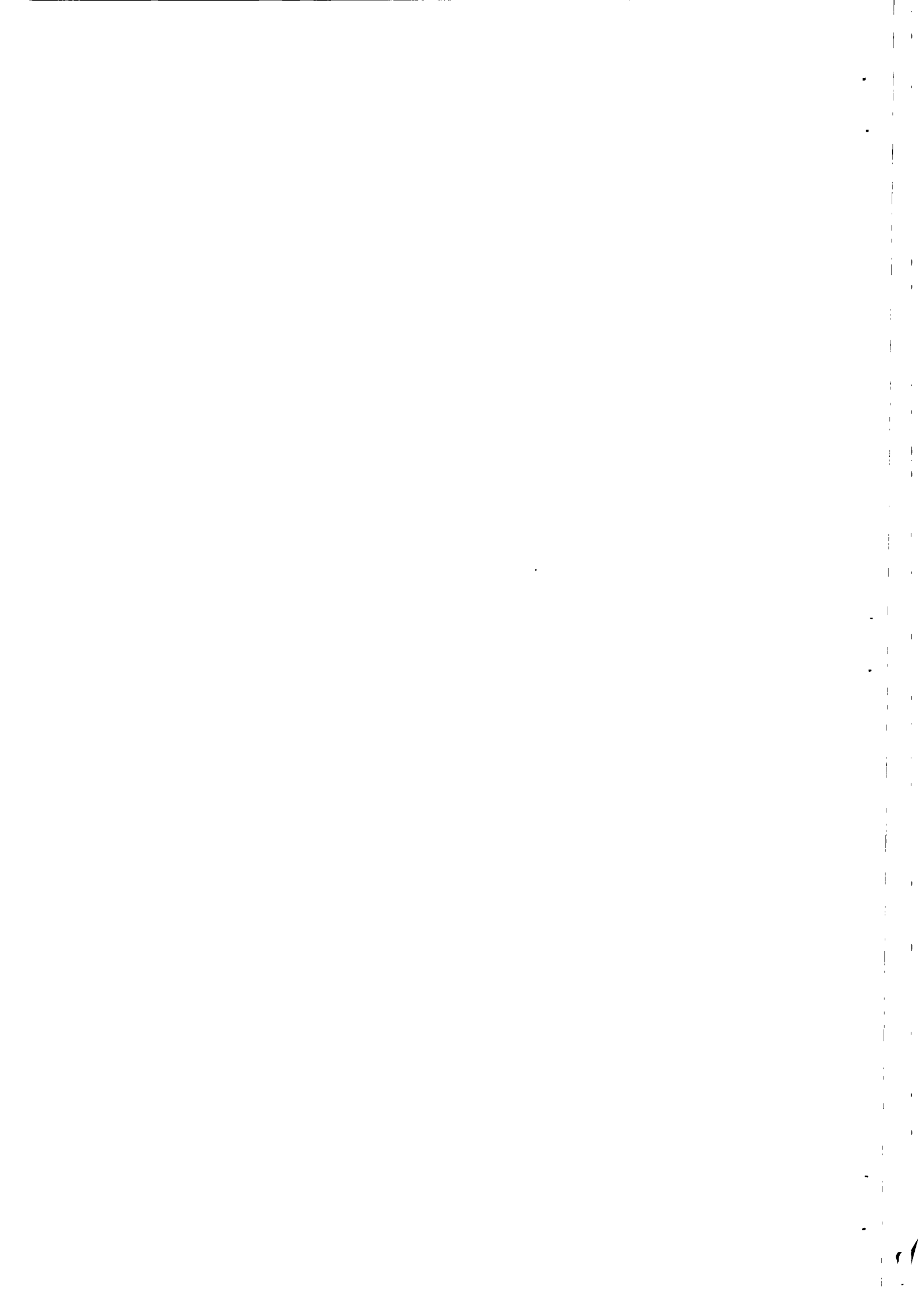
Dated: 20

Signature or Thumbprint of Applicant:

Witnessed by:

Registration Officer/Assistant Registration Officer

Official Stamp



APPLICATION TO CHANGE PARTICULARS OF REGISTRATION

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

Name of Constituency:

Constituency Code:

Name of Ward:

Ward Code:

Name of Registration Centre:

Registration Centre Code:

Surname:

Other Name(s):

Identity Card/Kenyan Passport Number: Expiry Date:

Telephone Number:

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

Surname:

Other Names:

Identity Card/Kenya Passport Number:

Voter's Number:

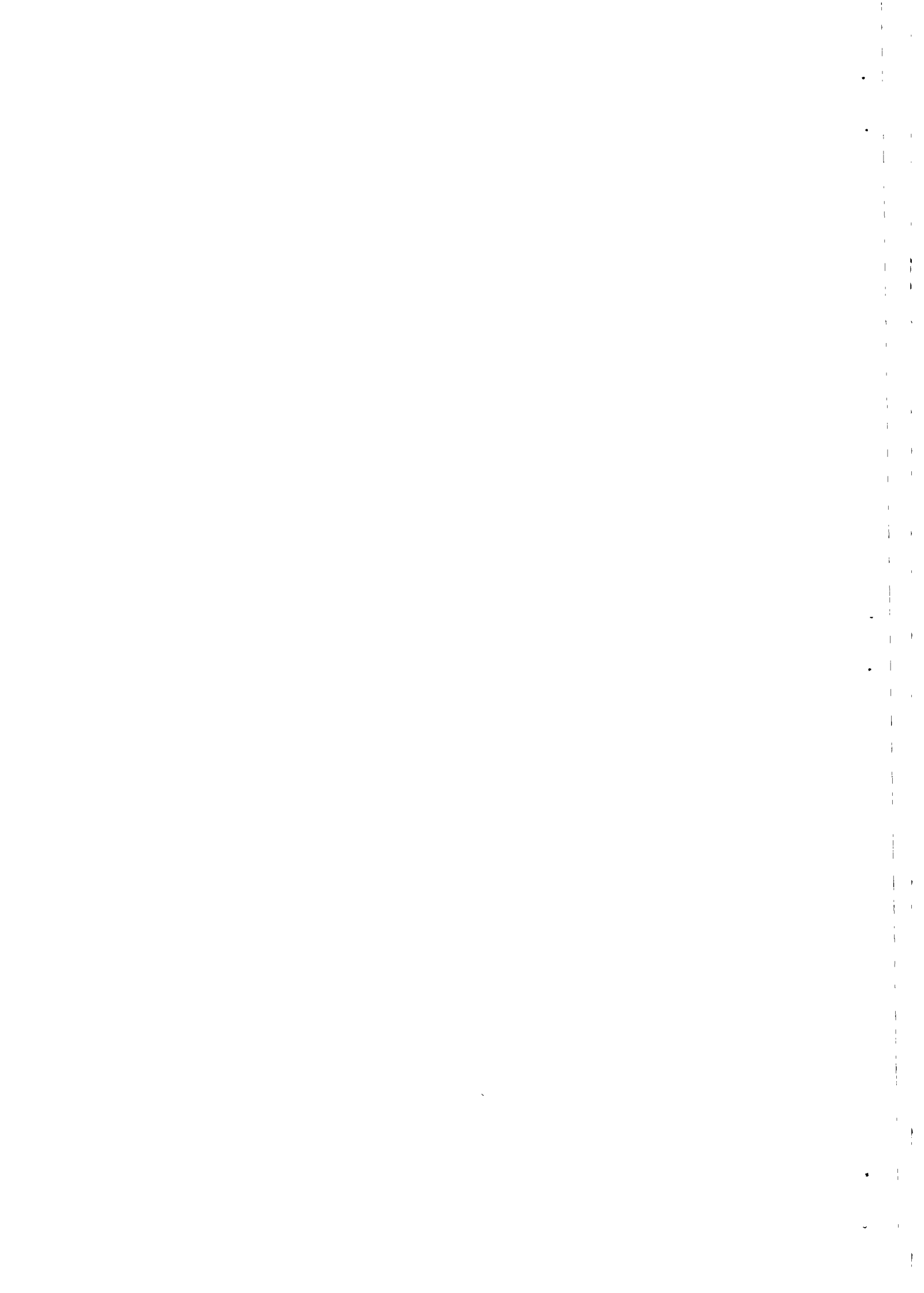
Sex:

Date of Birth:

Dated: 20

Signature or Thumbprint of Applicant:

Witnessed by: (RO/RA)



FORM C

(r.14(4))

APPLICATION FOR TRANSFER OF REGISTRATION IN WHICH A PERSON IS REGISTERED

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

I, the above named applicant, is registered in the register of voters for the constituency noted above.

I wish to transfer my registration particulars to the register of voters for the following:

County:
Constituency:
County Assembly Ward:
Registration Centre

Signature or thumbprint of the applicant.....

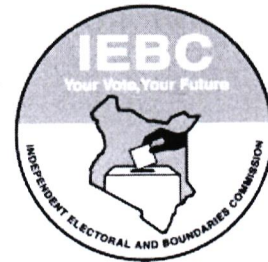
Dated.....20.....

Received byRO/ARO

Signature.....

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

Stamp



FORM D

(r.18)

CLAIM UNDER SECTION 12 OF THE ACT

To the Registration Officer, Constituency

Particulars of claimant

Surname.....

Other Name(s).....

Identity Card Number/Kenyan Passport Number:

Physical Address:

Postal Address:

Tel:

Email:

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

Dated:, 20.....

.....

Signature or thumbprint of Claimant



FORM E

(r.19(2))

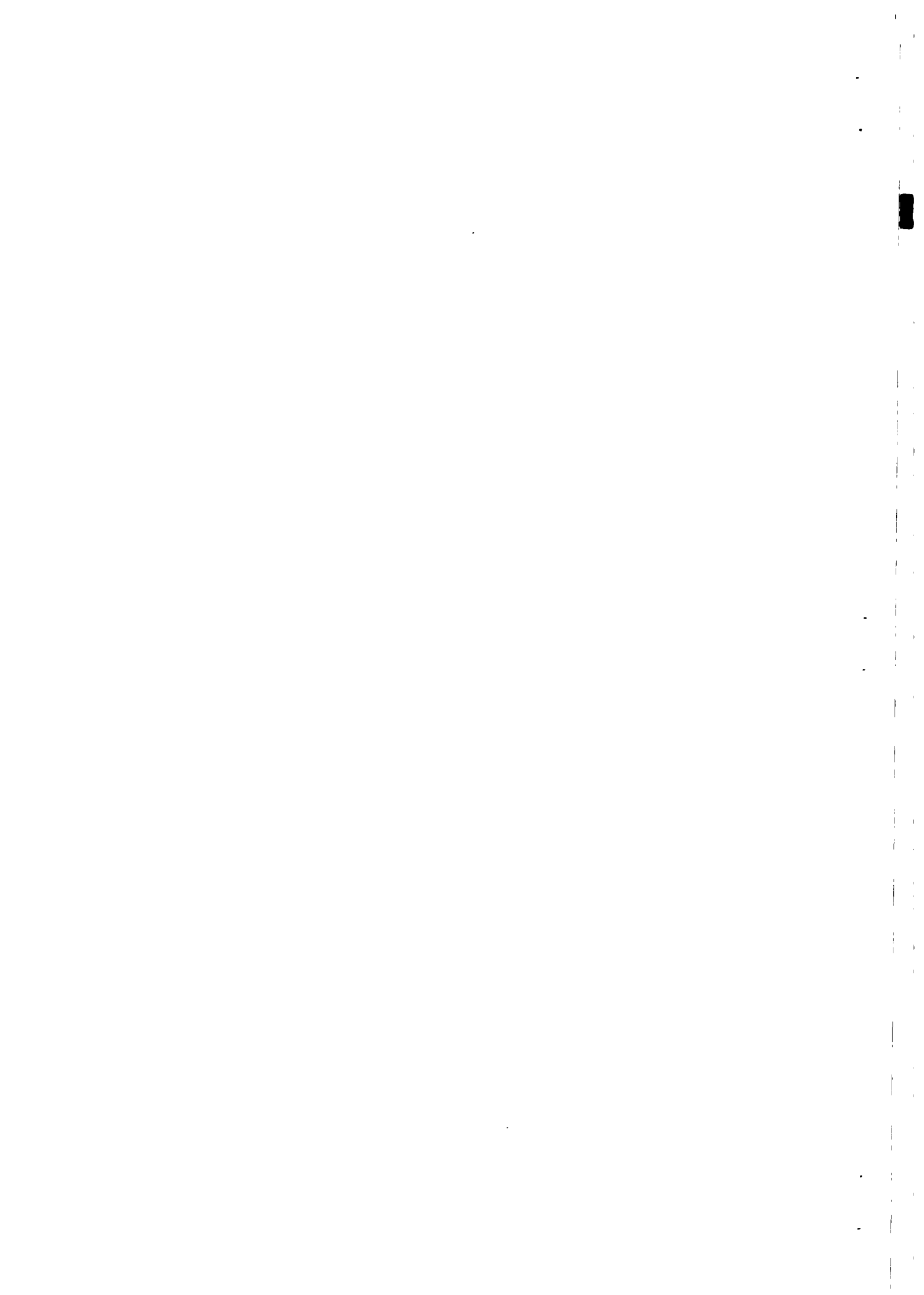
NOTICE OF CLAIMS

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

Name of Claimant	Address of Claimant	Date of Hearing of Claim

Dated:, 20.....

Registration Officer,
..... Constituency



FORM F

(r. 27A(3))

NOTICE OF AVAILABILITY OF REGISTER FOR VERIFICATION

Date of posting notice:

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

How to make a claim:

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

The claim must be made in the prescribed Form.

Dated the, 20

Registration Officer.....

Stamp

SCHEDULE

Places where application may be made:

1.
2.
3.

NOTICE—REGISTER OF VOTERS TO BE REPLACED

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

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

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

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

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

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

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

SCHEDULE

PLACES WHERE APPLICATIONS MAY BE MADE

- 1.
- 2.
- 3.

Dated the, 20

.....

Chairperson

Independent Electoral and Boundaries Commission



FORM H

(r.33(1)(b))

NOTICE OF AVAILABILITY OF REGISTER FOR INSPECTION

Date of posting notice:

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

How to make a claim:

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

How to make an objection:

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

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

An objection must be made in the prescribed form.

Dated the, 20

Registration Officer.....

Stamp

SCHEDULE

Places where application may be made:

- 1.
- 2.
- 3.

FORM I

(r. 35)

**APPLICATION FOR REGISTRATION BY A KENYAN CITIZEN RESIDING
OUTSIDE KENYA**

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

CITIZENSHIP

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

COUNTRY OF RESIDENCE.....

PHYSICAL ADDRESS.....

CONTACT ADDRESS.....

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

APPLICANT'S LAST RESIDENCE IN KENYA

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

DURATION OF STAY IN COUNTRY OF RESIDENCE

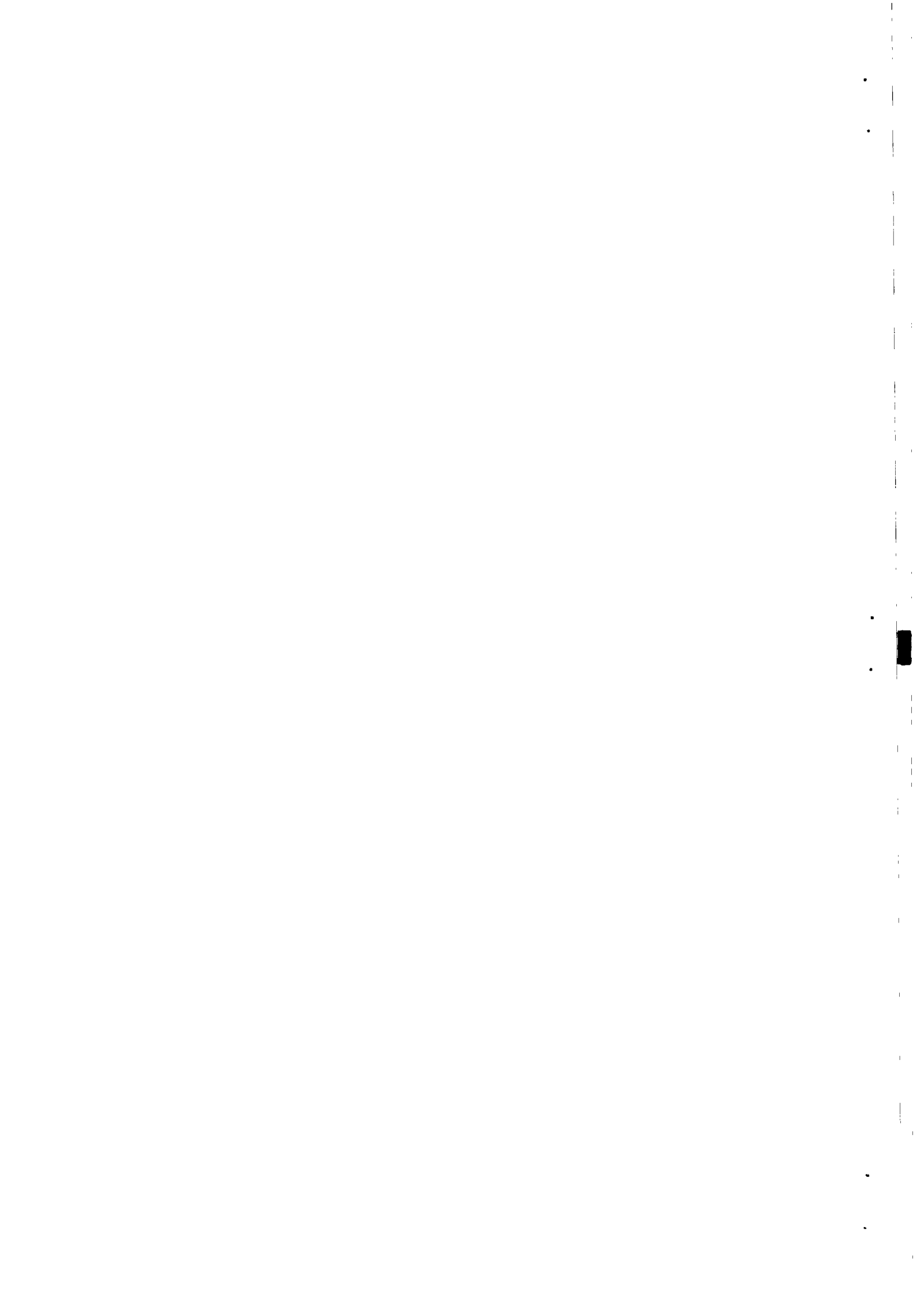
- (a) Years.....
- (b) Months.....
- (c) Days.....

DISABILITY (if any):.....

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

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

- (a) Presidential election
- (b) Referenda



DECLARATION

I declare that:

- (i) I am qualified to be, and not disqualified from being, registered as an voter under the Law in respect of the class or classes of election for which I now apply for registration.
- (ii) I am in possession of a Kenyan passport with the number indicated in this application.
- (iii) The particulars entered on this form (which I have entered, read or have had read to me) are in every respect true and correct.

Dated: 20

.....

Signature or thumbprint of Applicant

Declared before me:

Registration Officer/Assistant Registration Officer

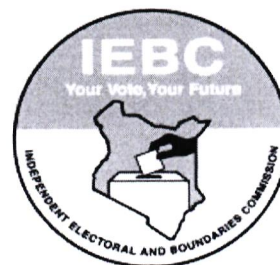
Official Stamp:

SCHEDULE

PLACES WHERE APPLICATION MAY BE MADE:

1.....

2.



FORM J

(r. 39B)

APPLICATION FOR REGISTRATION AS A VOTER BY A PRISONER

To the Registration Officer.....

Constituency: County:

Ward: Name of Prison Facility:

Contact Telephone of the Facility:

Postal Address:

Surname:Other names:

Identity Card No. /Kenyan Passport No:

.....

Date of Birth: Sex:

.....

Disability (if any):

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

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

DECLARATION

I declare that at the date of this application:

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

(ii) I am in possession of a National Identity Card or Kenyan Passport with the number indicated in this application.

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

Dated: 20

Signature or Thumbprint of Applicant:

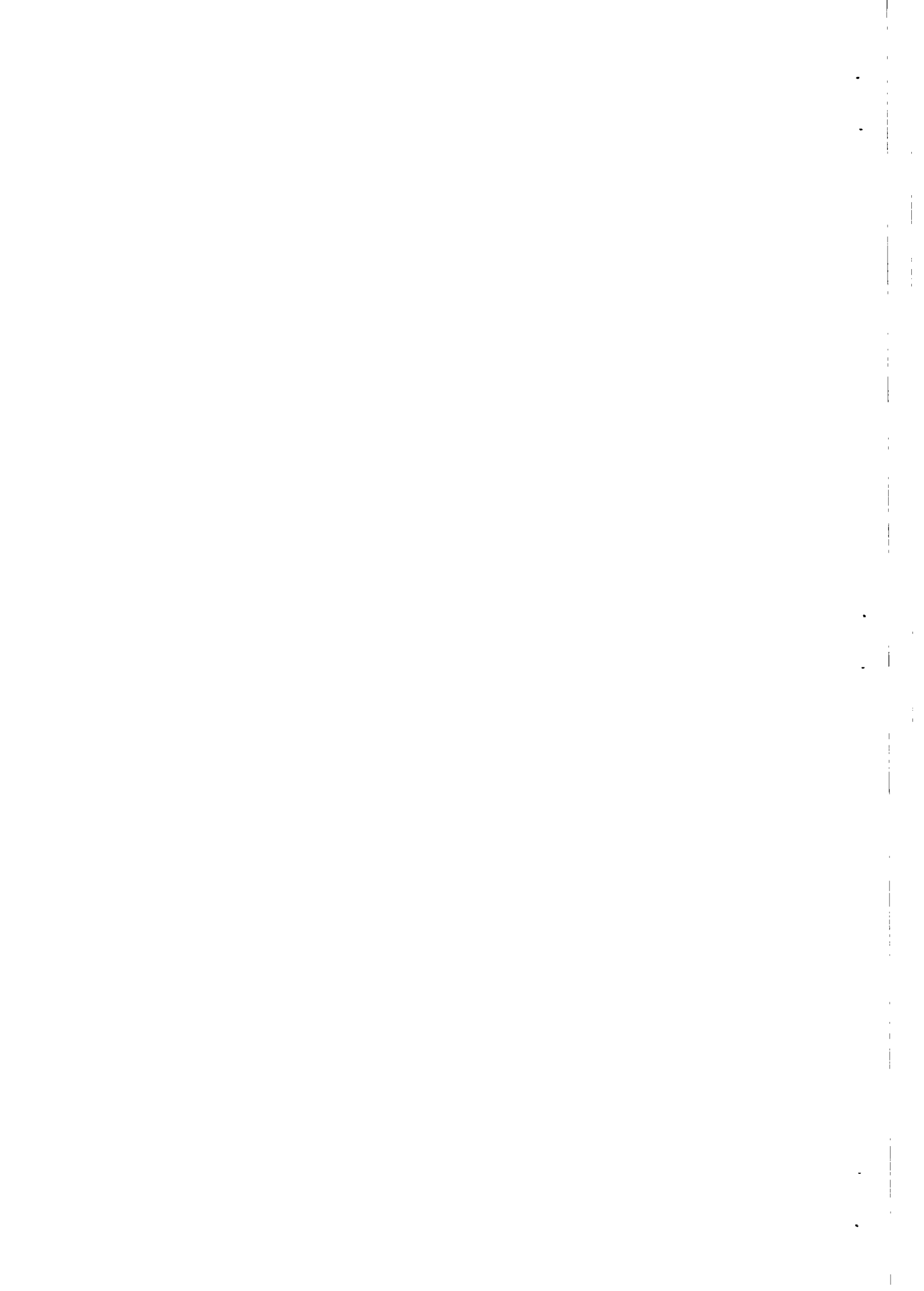
Witnessed by:

Registration Officer/Assistant Registration Officer

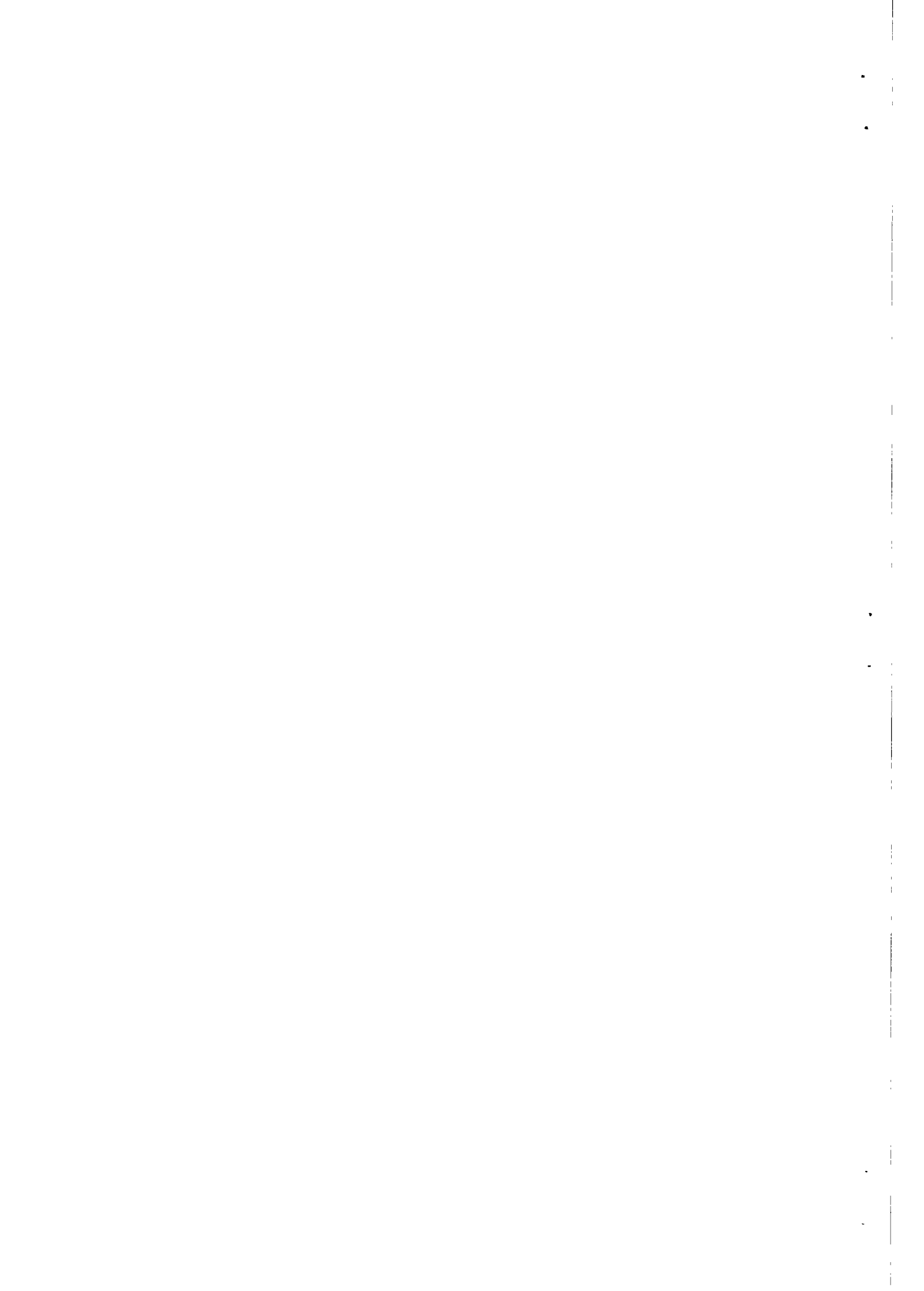
Official Stamp

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

CLAUSE	COMMITTEE'S COMMENTS	COMMISSION'S DECISION
2	Define complimentary mechanism Reword "voter Records Book"	Complimentary mechanism defined in the election (General) Regulations Retained the Voter Records Book as it is the first point of reference for information.
4	Insert "Shall include" not "shall contain"	Change incorporated.
6	In (b) delete or and insert 'and' Expand the provisions of 6A in this regulation	Regulation 12 deleted in its entirety and clarification provided on the publication of the register of voters and not certification of the register of the voters.
7	7 (b) delete 'determined by the Commission'. This removes the discretionary powers from the Commission.	Regulation 13 of the principal regulation is amended to provide clarity on the process of registration and that the process includes the collection of such biometric data of persons applying for registration. The Commission has introduced the provision that a person shall not at any one given time be registered as a voter in more than one Ward. The Commission has also provided that a voter, who simultaneously makes two or more applications to be registered as a voter, shall not be eligible to register as a voter.
8	Recommendation to legislate the acknowledgement slip with the justification that the Kenyan culture is that once a person registers they would like to have a document showing that they registered. It is also becoming a requirement to access services in certain parts of the country hence the need to legislate the document.	The Commission has defined the acknowledgement slip as the document issued by the Registration Officer acknowledging application for registration. However, the Acknowledgement Slip will not be used for purposes of voting.
14	Delete the discretionary powers of the Commission 'or such other manner as the commission may determine'	This has been incorporated in the draft amendments.
	Clarify on the process on verification and inspection	This has been clarified through a proposed amendment to regulation 27 of the Principal regulations to provide a clear process on the



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



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

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

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

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

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

Gazetted on:.....

Tabled on:.....

1. Purpose of the Statutory Instrument

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

2. Legislative Context

2.1. The process of developing this statutory instrument was informed by Election Laws (Amendment) Act, No. 36 of 2016 and Election Laws (Amendment) Act, No. 1 of 2017 to provide for processes, including, inspection and verification of the register of voters.

2.2. Section 109 of the Elections Act, 2011 requires the Commission to provide for, *inter-alia*, registration of Kenyan Citizens living outside the country and registration of Kenya citizens who are in Kenyan prisons.

2.3. These Regulations are intended to;

- a) Provide for the registration of Kenyan Prisoners in Kenyan prisons as voters;
- b) The instrument lays down the procedures for inspection and verification of the register of voters to avoid disenfranchisement.
- c) Provide for availing the Register of Voters in polling stations for purposes of verification of biometric data;
- d) Provide for inspection of the Register of Voters
- e) Provide for the procedure of removal of names from the Register of Voters.

3. Policy Background

3.1. The Policy objective of the recent amendments to the Elections Act, 2011 include affording Kenyans in the Diaspora and Kenyan Prisoners in Kenyan prisons, who meet the qualifications set out under Article 83 of the Constitution, an opportunity to be registered as voters. The Election Act, 2011 further anticipates inspection and verification of the Register of voters for purposes of avoiding disenfranchising the electorate.

3.2. The overarching objectives of the Regulations are:

- (a) To provide the foundation of a free and fair election;
- (b) To afford equal opportunity to eligible persons for registration as voters; and
- (c) To put in place an updated Register of Voters;

4. Extent

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

5. Consultations Outcome

5.1 Consultation with members from the Justice System

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

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

5.2 Consultation with members Parliamentary Committee

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



5.3 Consultation with State Actors and other Stakeholders

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

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

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

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



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

6. Regulatory Impact Assessment

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

7. Guidance

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

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

8. Contact

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

Made on the 15th day of March....., 2017


Wafula Chebukati

Chairperson

Independent Electoral and Boundaries Commission



LEGAL NOTICE NO.

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

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

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

PART II—PROVISION OF VOTER EDUCATION

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

PART III—VOTER EDUCATORS

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

PART IV— ACCREDITATION OF VOTER EDUCATION PROVIDERS

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

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

PART I—PRELIMINARY

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

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

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

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

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

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

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

Objective **3.** The objective of these Regulations is to—

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

(b) create an environment for objective and effective voter education for all Kenyans;

(c) ensure efficient coordination of voter education for purposes of harmonization of the content of the voter education material;



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

PART II—PROVISION OF VOTER EDUCATION

Role of the Commission in provision of voter education

4. The Commission shall be responsible for—

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

Voter education curriculum and education materials

5. (1) The Commission shall develop a voter education curriculum and support materials.

(2) The voter education curriculum shall cover all processes outlined in the electoral cycle.

(3) The dissemination of the voter education curriculum and support materials may be through mass media, electronic learning, public forums or any other appropriate modes.

(4) The Commission shall —

- (a) build capacity of all the voter education providers to ensure voter education is carried out effectively and
- (b) conduct monitoring and evaluation of the voter education process.

(5) In the conduct of voter education, the Commission and the voter education providers shall take into account —

- (a) the national values and principles of governance set out under Article 10 of the Constitution; and
- (b) the principles of equality and freedom from discrimination;
- (c) the provisions of Article 100 of the Constitution and shall in particular explain to the voters measures put in place to promote the representation of —



- (i) women;
- (ii) persons with disabilities;
- (iii) youth;
- (iv) ethnic and other minorities; and
- (v) marginalized communities.

Constituency
election
coordinators

6. (1) The Commission shall designate at the constituency level, the constituency elections coordinator who shall—

- (a) advise on constituency voter education needs and strategies;
- (b) conduct recruitment, induction, deployment of constituency voter educators;
- (c) supervise and monitor activities and operations of constituency voter educators and providers;
- (d) evaluate constituency voter education activities and programs;
- (e) sensitize and engage partners and stakeholders in the implementation of voter education programs at the constituency level;
- (f) make periodic reports and feedback to the commission; and
- (g) undertake any other duty assigned by the Commission.

(2) A constituency elections coordinator shall be responsible to the Commission for all matters relating to voter education. The Commission may appoint one or more assistants to assist the constituency elections coordinator.

Remuneration.

7. (1) A voter educator engaged by the Commission may be paid such remuneration as the Commission may determine.

(2) Where a voter education provider engages a voter educator, the Commission shall not be responsible for the cost and expenses of such voter educator.

PART III—VOTER EDUCATORS

Voter educators.

8. The Commission may engage voter educators at the ward or other levels in such manner as the Commission may, from time to time, determine.

Manner of
carrying out the
tasks of voter
educators.

9. A voter educator appointed under these Regulations shall carry out voter education in accordance with the voter education curriculum and guidelines issued by the Commission from time to time.

Qualifications

10. (1) A voter educator shall possess the qualifications and other

and other requirements.

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

Code of conduct for voter educators and voter education providers

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

PART IV—ACCREDITATION OF VOTER EDUCATION PROVIDERS

Application for accreditation.

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

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

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

Accreditation criteria

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

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

organizations of its kind.

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

Certificate of accreditation.

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

- (a) enter the name and particulars of the applicant in the register of voter education providers in Form 1A set out in the Schedule; and
- (b) issue a certificate of accreditation in the name of the applicant stating the period of validity and any other conditions of accreditation as the Commission may determine.

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

Inspection of the register.

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

Accredited persons and organizations to sign Code of conduct.

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

Commission may revoke accreditation, etc.

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

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

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

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

Monitoring and evaluation of voter education

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

Impartiality and conduct of voter education providers

19. A voter education provider shall—

- (a) be impartial and independent of any political party or candidate contesting an election;
- (b) be competent to carry out voter education;
- (c) subscribe to the code of conduct;
- (d) provide voter education in accordance with the curriculum developed by the Commission;
- (e) promote cohesion and integration; and
- (f) enhance participation in elections and promote free and fair elections.

Submission of information.

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

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

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

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

(4) A voter education provider's accreditation certificate will not be suspended or revoked unless all possibility of review of the decision has been exhausted.

PART V— CONDUCT OF VOTER EDUCATION

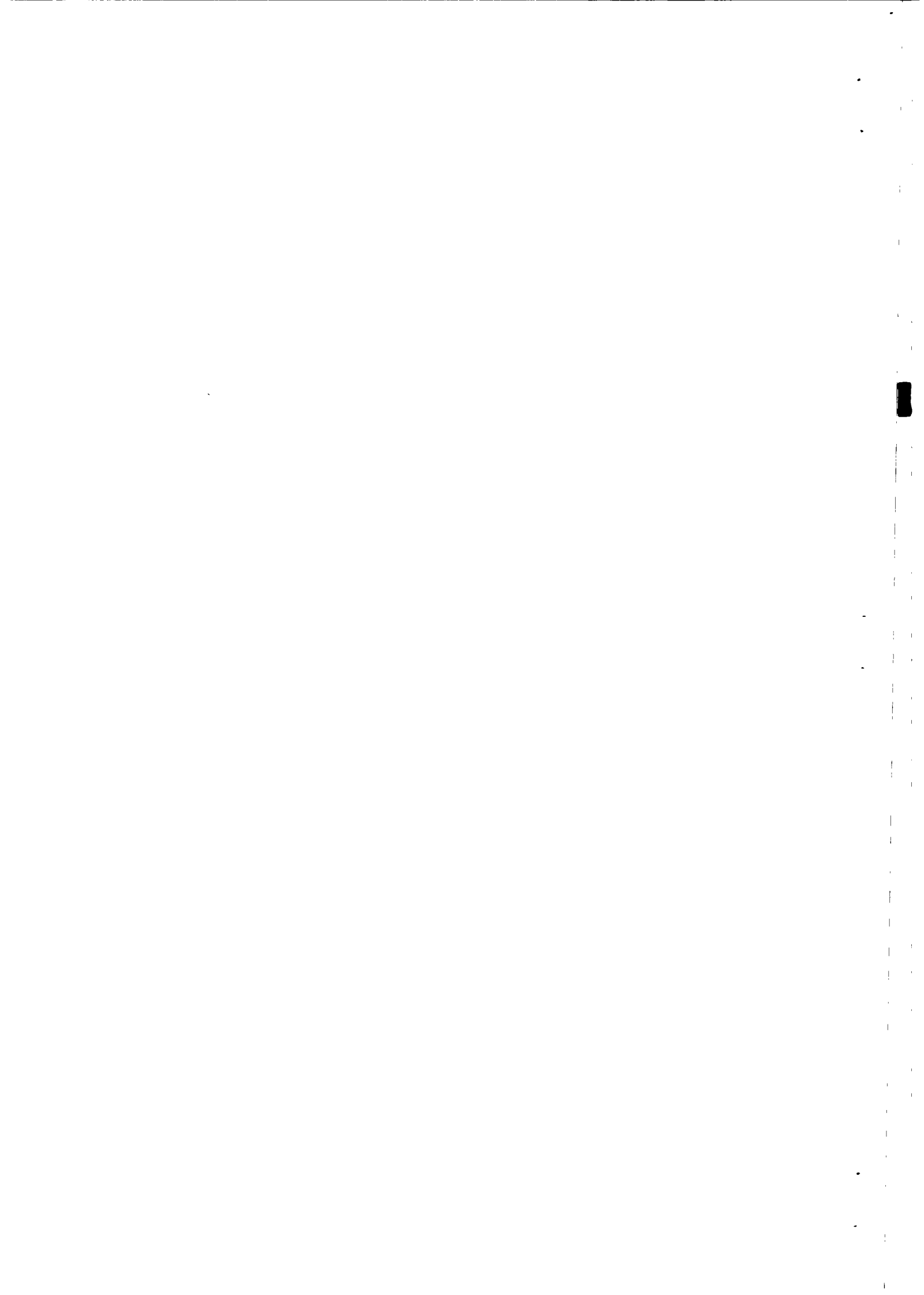
Conduct of
Voter
Education.

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

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

Revocation of
L.N No 127 of
2012.

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



SCHEDULE

FORM 1
(r. 14 (2))

APPLICATION FOR ACCREDITATION FORM

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

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

3. Telephone: _____

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

(a) Name of President/Chairperson: _____

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

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

1
1
1

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Name: _____
Position: _____
Address: _____
Telephone: _____
Email _____

6. Set out statement of objectives of the organisation: _____

7. Estimated number of members that the group plans to deploy for voter education: _____

8. Source of Funds (Attach bank statement for the previous three months)

9. Person submitting this application:

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



official stamp

10. Designation: _____

11. Telephone, email, etc.: _____

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

Dated at..... this day of

FORM 1A

(r. 16 (1) (a))

REGISTER OF VOTER EDUCATION PROVIDERS

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

PARTNERS OR PROPRIETORS DETAILS

Name	Contact (Postal address/ telephone/ email)	Nationality
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- 1.
- 2.
- 3.
- 4.

STATUTORY DECLARATION

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

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

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

Before me
(Signature)

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

FORM 2

(r. 16 (2))

ACCREDITATION CERTIFICATE
INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

Certificate of Accreditation as a Voter Education Provider

This is to certify that..... (Name of Organisation)
.....has been accredited as a voter education provider in (Electoral area).....for the period commencing.....up to.....
Issued this dayof20

Seal of Independent Electoral and Boundaries Commission.

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

FORM 2A (r. 16 (2))

APPLICATION TO INSPECT THE REGISTER OF VOTER EDUCATION PROVIDERS

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

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

Name.....

Constituency.....

Sign.....

Date.....

Dated the20..

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

CODE OF CONDUCT OF VOTER EDUCATORS AND VOTER EDUCATION PROVIDERS

1. The principal duty of the a voter educator is to promote awareness among the population of Kenya in general and the voting population in particular on the need for all citizens of Kenya of voting age to register and vote in the elections or referenda.

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



the registration, elections and the referendum. He or she shall however not use his or her position as a voter educator to influence any voter to vote for any particular candidate or political party.

3. A voter educator shall—

- (a) conduct voter education in accordance with the curriculum prepared and approved by the Commission;
- (b) conduct voter education impartially and without the advocacy or influence from any person or group;
- (c) refrain from engaging in or supporting any activity that would discredit the work or image of the Commission;
- (d) not in any way actively subvert the attainment of the Commission's statutory mandate and the conduct of the electoral process;
- (e) shall not in any way solicit for funds in the name of the Commission
- (f) refuse any gift, favour, hospitality or any inducement that would influence or appear to influence the discharge of his or her duties;
- (g) carry out voter education without intimidation, coercion, threats, duress or undue influence;
- (h) be sensitive to the needs of people with disabilities, women, youth and other marginalized groups when providing voter education;
- (i) give due consideration to special and appropriate circumstances regarding accessibility, language and methodology in the provision of voter education;
- (j) avoid actual or apparent conflicts of interest in the provision of voter education;
- (k) refrain from disclosing any confidential information acquired in the course of their work unless otherwise authorized by the Commission;
- (l) perform his or her duty in accordance with such other rules, regulations, standards as the IEBC may set from time to time;

(m) endeavor to use every means at his or her disposal to encourage every Kenyan who is eligible to register as voter to exercise his or her constitutional right to register and vote in elections and referenda.

4. A voter educator who does not abide by the code of conduct shall be liable to such penalty Commission may deem fit, including termination of the contract and revocation of the right to conduct voter education for voter registration, elections and a referendum.

STATEMENT OF ACCEPTANCE OF CODE OF CONDUCT

I.....do hereby accept to serve as a voter educator

I accept to be bound to the above code of conduct and with such Regulations that may be made from time by the commission for the purpose of giving effect to the code of conduct at all times during my term of service as voter education provider.

I undertake to relinquish my duty as a voter educator if required to do so, for good cause, by the Commission

Name.....

Constituency.....

Sign.....

Date.....

Dated the2017

*Chairperson,
Independent Electoral and Boundaries Commission*



THE ELECTIONS (VOTER EDUCATION) REGULATIONS, 2017

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



		<p>5 (5)(b) the principles of equality and freedom from discrimination.</p> <p>5 (5)(c) the provisions of Article 100 of the Constitution and shall in particular explain to the voters measures put in place to promote the representation of-</p> <ul style="list-style-type: none"> (i) women; (ii) persons with disabilities; (iii) youth; (iv) ethnic and other minorities; and (v) marginalized communities.”
6 - Establishment of voter education standing committee.		Deleted. It was noted that it was not necessary to regulate the Commission’s internal processes.
7 – Constituency election coordinators		7 (2) insert “The Commission may appoint one or more assistants to assist the constituency elections coordinator.”
8 – Remuneration		<p>Insert 8 (2) “Where a voter education provider engages a voter educator, the Commission shall not be responsible for the cost and expenses of such voter educator.”</p> <p>It would need to be clear that the Commission absolves itself from any financial obligation related to the voter educators engaged by voter education providers.</p>
11- Qualifications and other requirements.	The qualifications need to be outlined in a schedule for purposes of clarity.	<p>Incorporated as:</p> <p>11 (1) A voter educator shall possess the qualifications and other requirements that the Commission may from time to time determine as prescribed in Form set out in the Schedule</p> <p>11(2) deleted</p>
12 - Code of conduct for voter		“Every voter educator and voter education provider”



educators and voter education providers		The Code of Conduct should be applicable to not only voter education providers but also voter educators.
13 – Application for accreditation	Concerns raised on implementation of regulation 13 (2)	13 (2) revised “A State or non-state agency or organization” State agencies included for purposes of inclusivity as the Commission also works with these actors.
14 Accreditation criteria	– Accreditation criteria should be in a schedule	Accreditation criteria retained in the draft regulations as it is properly captured in that form Insert: 14 (i) meets registration or certificates of incorporation requirements as the law may require of organizations of its kind.
21 – Submission of information	Provide recourse mechanisms for voter education providers whose accreditation has been revoked.	Insert clause 21 (4) “A voter education provider’s accreditation certificate will not be suspended or revoked unless all possibility of review of the decision has been exhausted.”
Part V— Conduct of voter education	The draft regulations were observed to be thin on how voter education shall be conducted.	Insertion of Part V- Conduct of Voter Education to state the process of voter education while noting that the Voter Education Curriculum will contain the rest of the voter education information pursuant to section 40 of the Elections Act, 2011.

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

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

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

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

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

Gazetted on:.....

Tabled on:.....

1. Purpose of the statutory instrument

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

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

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

2. Legislative Context

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

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

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

2.4 These Regulations are intended to:

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

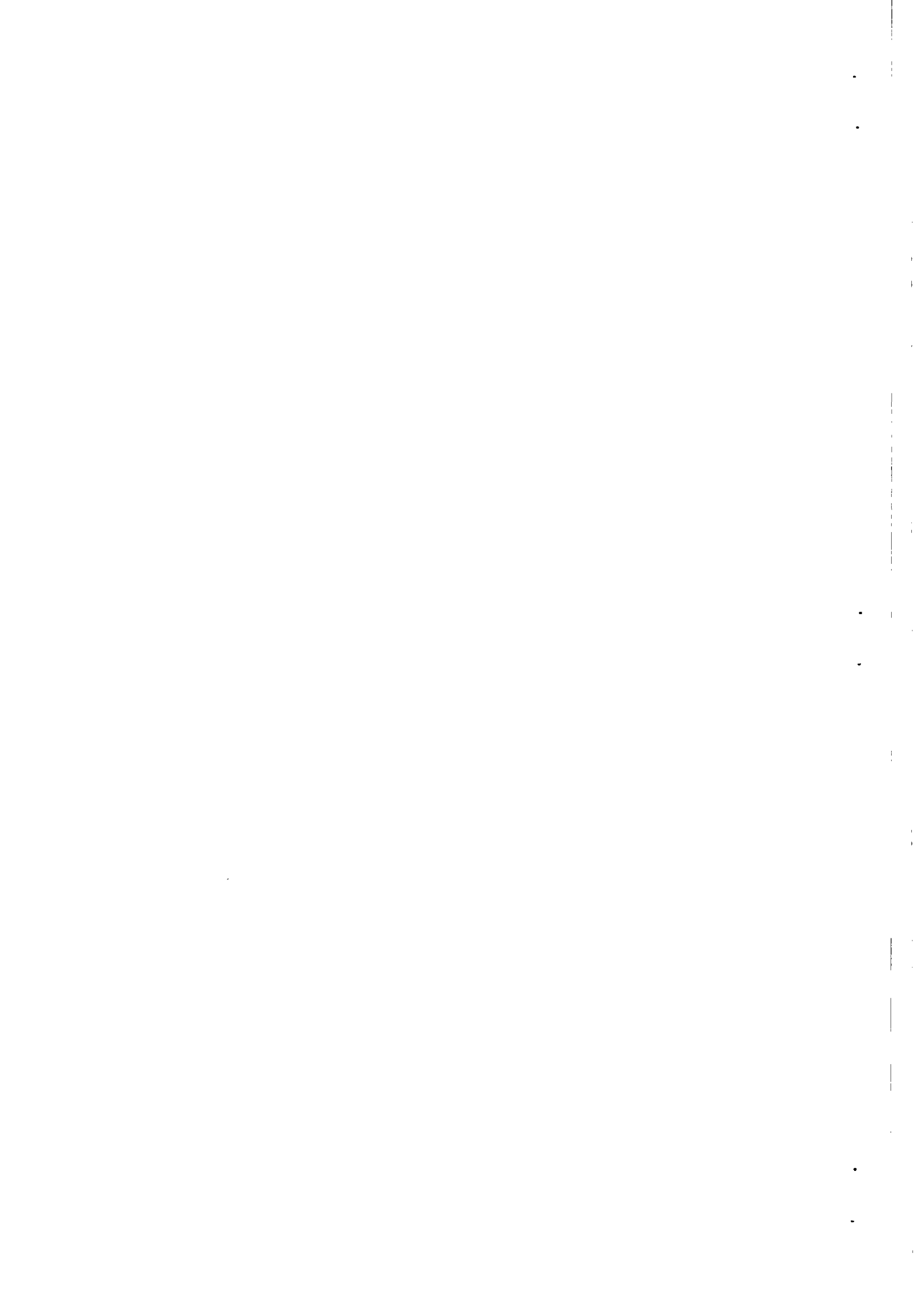
- (b) create an environment for objective and effective voter education for all Kenyans;
- (c) ensure efficient coordination of voter education for purposes of harmonization of the content of the voter education material;
- (d) provide a framework for monitoring and evaluation of voter education programmes;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

3. Policy Background

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

4. Consultation outcome

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



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

5. Regulatory Impact Assessment

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

6. Guidance

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

7. Contact

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

Made on the^{1st}.....day of.....^{March}....., 2017


Wafula Chebukati

Chairperson

Independent Electoral and Boundaries Commission

LEGAL NOTICE NO.

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

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

THE ELECTIONS (GENERAL) (AMENDMENT) REGULATIONS, 2017

- Citation. **1.** These Regulations may be cited as the Elections (General) (Amendment) Regulations, 2017 and shall come into effect upon publication in the *Gazette*.
- L.N 128/2012. **2.** Regulation 2 of the Elections (General) Regulations, 2012, (in these Regulations referred to as “the principal Regulations”), is amended –
- (a) in the definition of “ copy register” by deleting the expression “Principal Register of Voters” and substituting therefor the expression “Register of Voters”;
 - (b) in the definition of “electoral number” by deleting the expression “Principal Register of Voters” and substituting therefor the expression “Register of Voters” ;
 - (c) by inserting the following new definitions in their proper alphabetical sequence—
 - “acknowledgement slip” means; a document issued by the returning officer acknowledging application for registration;
 - “party primary” means the process through which a political party elects or selects its candidate for an election;
 - “polling station diary” means; a record of all the activities at a

polling station on the polling day.

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

3. Regulation 3 of the principal Regulations is amended by—

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

“Constituency returning officers and other staff”;

(b) in sub regulation (1) by—

(i) deleting the words “returning officer” and substituting therefor with the following words “Constituency returning officer”;

(ii) deleting the words “deputy returning officer” and substituting therefor with the following words “deputy constituency returning officer”;

(c) in sub regulation (3) by—

(i) deleting the words “returning officer” appearing in the opening statement and substituting therefor with the following words “constituency returning officer”;

(ii) deleting paragraph (c) and substituting therefor the following new paragraph—

(c) “tallying, announcement and declaration, in the prescribed form, of the final results from each polling station in a constituency for the election of a member of the National Assembly and members of the county assembly”;

(iii) deleting paragraph (d) and substituting therefor the following new paragraph—

(d) “collating and announcing the results from each polling station in the constituency for the election of the President, County Governor, Senator and County Woman member to the National Assembly”;

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

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

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

4. Regulation 4 of the principal Regulations is amended—

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

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

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

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

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

(a) presiding over elections at assigned polling station;

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

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



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

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

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

“Independent candidate name and symbol”;

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

11. Regulation 18 of the principal Regulations is amended—

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

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

12. Regulation 24 of the principal Regulations is amended—

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

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

13. Regulation 28 of the principal Regulations is amended—

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

14. Regulation 32 of the principal Regulations is amended—

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

15. Regulation 36 of the principal Regulations is amended—

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

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

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

17. Regulation 47 of the principal Regulations is amended—

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

18. Regulation 51 of the principal Regulations is amended—

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

following new sub regulation-

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

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

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

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

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

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

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

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

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

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

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

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

21. Regulation 54 of the principal Regulations is amended—

(a) in sub regulation (2)-

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

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



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

22. Regulation 55 of the principal Regulations is amended—

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

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

Re-allocation of special seats from the party list.

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

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

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

Resignation of
a member
elected
through party
list.

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

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

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

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

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

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

Postponement of
an election by the
Commission.

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

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



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

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

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

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

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

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

“Communication at polling station”;

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

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

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

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

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

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

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

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

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

31. Regulation 78 of the principal Regulations is amended—

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

to”;

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

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

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

(a) in sub regulation 2(a) deleting the words “form 34” immediately after the words “shall be in” and replacing therefor with the words “Form 34A”

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

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

Sealing of
ballot boxes by
presiding
officer.

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

- (a) valid votes;
- (b) rejected ballots sealed in a tamperproof envelope;
- (c) unused ballot papers sealed in a tamperproof envelope;
- (d) counterfoils of used ballot papers sealed in a tamperproof envelope;
- (e) copy of election results declaration forms; and
- (f) stray ballot papers in a tamperproof envelope.

(2) The presiding officer shall deliver, to the returning officer—

- (a) the sealed ballot boxes;
- (b) the statements made under regulations 78 and 79;
- (c) copy of the Register of Voters; and

(d) polling station diary.

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

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

Tallying and
announcement
of election
results.

83. (1) Immediately after the results of the poll from all polling stations in a constituency have been received by the returning officer, the returning officer shall, in the presence of candidates or agents and observers, if present—

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

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

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

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

(d) complete the relevant form 35B and 36B for the respective elective position set out in the Schedule in which the returning officer shall declare, as the case may be, the—

(i) name of the respective electoral area;

- (ii) total number of registered voters;
 - (iii) votes cast for each candidate or referendum side in each polling station;
 - (iv) number of rejected votes in each polling station;
 - (v) aggregate number of votes cast in the respective electoral area; and
 - (vi) aggregate number of rejected votes; and
- (e) sign and date the relevant forms and publicly declare the results for the position of—
- (i) member of County Assembly;
 - (ii) member of National Assembly; and
- (f) issue certificates to persons elected in the county assembly and National Assembly elections in Forms 35D and 36D respectively set out in the Schedule.
- (2) Deliver to the county returning officer the collated results for the election of the county Governor, Senator and county women representative to the National Assembly.
- (3) Deliver to the Chairperson of the Commission the collated results for the election of the President to the national tallying centre.
- (4) The chairperson shall tally and verify the results received at the national tallying centre.

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

Safe keeping of election materials.

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

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

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

(c) the Electronic Voter Identification Device;

(d) put the polling station diaries in a separate ballot box, seal and label the box; and

(e) keep the sealed ballot boxes and all materials relating to the election in safe custody for such period as may be required under these Regulations and the Act.

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

Returns of persons
elected.

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

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

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

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

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

(b) complete Forms 37C, 38C and 39C set out in the Schedule in which the county returning officer shall declare, as the case may be, the—

(i) name of the respective electoral area;

(ii) total number of registered voters;

(iii) votes cast for each candidate or referendum side in each polling station;

(iv) number of rejected votes for each

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

Provided that the Chairperson of the Commission may declare a candidate elected as the President before all the Constituencies have delivered their results if in the opinion of the Commission the results that have not been received will not make a difference as to the winner on the basis of Article 138(4)(a) and (b) of the Constitution; and

(h) in the case of the other elections, whether or not forming part of a multiple election, publish a notice in the Gazette, which may form part of a composite notice, showing the name or names of the person or persons elected.

(5) Where no candidate is elected in a presidential election a fresh election shall be held within thirty days after the previous election in accordance with Article 138 of the Constitution and the Commission shall for that purpose, issue a notice in the Gazette to that effect.

(6) Where a County Governor, Parliamentary or County Assembly election results in a tie, the Commission shall proceed to conduct fresh elections without notifying the speaker within thirty days, in accordance with the Act and these Regulations.

(7) The Commission shall certify to the clerk of each respective House of Parliament the candidates who have been elected in the parliamentary election.

(8) The Commission shall, after delivery of a written notification of the results of the presidential election to the Chief Justice and the incumbent President as required by Article 138(10)(b) of the Constitution, issue and deliver a certificate in Form 34D set out in the Schedule to the candidate who has been elected President.

38. Regulation 88 of the principal Regulations is amended in sub regulation 2 by deleting the expression “Form 39” and substituting therefor the following new expression “Form 40”.

39. The principal Regulations are amended by inserting the following new regulation immediately after regulation 96—

Reference to **96A.** Regulations 94, 95 and 96 shall be read together
LN. 127/2012. with the Elections (Voter Education) Regulations, 2012.

40. The principal Regulations are amended by deleting Regulation 99.

41. The principal Regulations are amended by deleting Part XV

42. The principal Regulations are amended by deleting the Schedule and substituting therefor the following new Schedule—

SCHEDULE

Made on the....., 2017.

WAFULA WANYONYI CHEBUKATI,

Chairperson,

Independent Electoral and Boundaries Commission.

DECLARATION BY ELECTION OFFICIAL

I.....of ID No. / Passport No.
being a Presiding Officer / Deputy Presiding Officer / Clerk / Agent / Interpreter at
..... Polling Station in.....Constituency / County during the
General elections / by elections to be held on.....day of 20.....
do hereby declare as follows:

- (a) That I shall not prompt any voter whom I am empowered by the Elections Regulations to assist;
- (b) That I shall strictly follow the provisions of the election regulations.
- (c) That I shall strictly follow any instructions that may lawfully be given to me relating to these elections.

Signature.....

Date.....

NOTICE OF PRESIDENTIAL ELECTION

An election of the President of the Republic of Kenya is to be held at the forthcoming general election / other than at a general election or a fresh election.

Nomination papers for the presidential election may be delivered by the candidate or his or her supporters to the Independent Electoral and Boundaries Commission, Nairobi, between the hours of eight o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock and four o'clock in the afternoon on theday of....., 20.....and on theday of 20.....

Dated the, 20

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

Dated the..... day of 20

.....

Chairperson,

Independent Electoral and Boundaries Commission

NOTICE OF VACANCY

To: THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

FOR THE CONSTITUENCY/COUNTY*

WHEREAS a vacancy has arisen in the office of a member of the National Assembly/ Senate/County in respect of the above-mentioned constituency/county:

NOW, THEREFORE, in pursuance of the provisions of section 16(3) of the Elections Act 2011, I command you that, due notice being first given, you do cause election to be held according to law of a member to serve in the National Assembly/Senate for the said constituency/county.

Dated the..... 20

.....

*Speaker of the National Assembly /Senate**

*delete as appropriate

FORM 4

(r. 11(3))

NOTICE OF VACANCY

To: THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
FOR THE WARD

WHEREAS a vacancy has arisen in the office of a member of the County assembly in respect of the above-mentioned ward:

NOW, THEREFORE, in pursuance of the provisions of section 19(3) of the Elections Act 2011, I command that, due notice being first given, you do cause election to be held according to law of a member to serve in the county assembly for the said ward.

Dated the..... 20

.....

Speaker of the county assembly

NOTICE OF PARLIAMENTARY ELECTION

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

The day for nomination for the parliamentary election will be theday of
..... 20 and nomination papers may be delivered by candidates to the
Returning officer between the hours of eight o'clock in the morning and one o'clock in the
afternoon and between the hours two o'clock and four o'clock in the afternoon on the
day of 20 and on theday of, 20

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

Dated the..... day of 20

.....

Chairperson,

Independent Electoral and Boundaries Commission

NOTICE OF COUNTY GOVERNOR ELECTION

An election is to be held of a County Governor to serve in County Assembly for the County.

The day for nomination for the County Governor Election will be theday of 20 and nomination papers may be delivered by candidates to the returning officer at.....between the hours of eight o'clock in the morning and one o'clock in the afternoon and between the hours two o'clock and four o'clock in the afternoon on the day of 20 and on theday of 20

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

Dated the..... day of 20

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

NOTICE OF COUNTY ASSEMBLY ELECTION

An election is to be held for a member to serve in County Assembly for the Ward of.....County

The day for nomination for the County Assembly Ward Election will be the day of 20..... and nomination papers may be delivered by candidates to the returning officer at..... between the hours of eight o'clock in the morning and one o'clock in the afternoon and between the hours two o'clock and four o'clock in the afternoon on the day of 20 and on theday of 20.....

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

Dated the..... day of 20

.....

Chairperson,

Independent Electoral and Boundaries Commission

FORM 8

(r. 12(2))

ELECTION OF PRESIDENT

There is to be an election of a President of the Republic of Kenya. Voting in this election will take place on theday of, 20.....

.....

.....

Returning Officer,

..... *Constituency*

ELECTION OF MEMBER OF PARLIAMENT

There is to be an election of a member to serve in the National Assembly / Senate for the..... County / Constituency.

A parliamentary election will be held on the.....day of 20

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

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

..... and forms of nomination papers therefore may be obtained at between the hours of nine o'clock in the morning and one o'clock on any week day. The returning officer will prepare a nomination paper for signature at the request of any person who is a registered voter in his constituency.

Dated theday of 20

.....
Returning Officer

ELECTION OF COUNTY GOVERNOR

There is to be an election of a County Governor for the County.

A County Governor election will be held on the.....day of 20

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

Nomination papers for the election may be delivered to the returning officer at between the hours of eight o'clock in the morning and one o'clock on theday of, 20 and forms of nomination papers therefore may be obtained at between the hours of nine o'clock in the morning and one o'clock on any week day. The returning officer will prepare a nomination paper for signature at the request of any person who is a registered voter in his constituency.

Dated theday of 20

.....

Returning Officer

ELECTION OF COUNTY ASSEMBLY

There is to be an election of a member to serve in the County Assembly for the..... County.

A County Assembly election will be held on theday of20

Each political party wishing to participate in the election must finalize their nomination of candidates before the, 20Nomination papers for the election may be delivered to the returning officer at between the hours of eight o'clock in the morning and one o'clock on theday of 20 and forms of nomination papers therefore may be obtained at between the hours of nine o'clock in the morning and one o'clock on any week day. The returning officer will prepare a nomination paper for signature at the request of any person who is a registered voter in his constituency.

Dated theday of 20

.....

Returning Officer

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

Party Name: Party Code:

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

INTENTION TO CONTEST AS AN INDEPENDENT CANDIDATE

I,ID No. / Passport No. do
hereby make an application to contest as an Independent Candidate in the Election for
..... in
County / Constituency / County Assembly Ward.

I further make an application to useas my
symbol for which I have submitted for approval by the commission.

Contacts

Physical address:
.....

Tel:

Email:

Signature:

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

FORM 12



(r. 16 (1), 17 (1), 18 (2) (b))

**NOMINATION PAPER FOR PRESIDENTIAL ELECTION
(PARTY SPONSORED OR INDEPENDENT)**

Election of President of the Republic of Kenya to be held on theday of , 20.....

We, the undersigned being registered as voters, in the constituencies shown below do hereby nominate the under mentioned person as a candidate at the said election.

Particulars of the Candidate

	Particulars of Candidate	Particulars of Running Mate
Name in Full		
Occupation		
National Identity Card or Passport No.		
Sex		
Date of Birth		
Physical address		
Postal address		
Political Party		
Party Register No./ Clearance Certificate No. of Independent Candidate		
Telephone contacts	1. 2.	1. 2.

And I, the aforesaid do hereby consent to my nomination as a candidate for election as President of the Republic of Kenya and hereby certify that I am in all respects qualified for nomination as such candidate.

Signature of Candidate: Dated.....

Proposer:

Full Names

National Identity Card or Passport No.....

Constituency.....

Party Office held in Party (for Party Sponsored Candidate only).....

Signature of..... Date:

Secunder:

Full Names

National Identity Card or Passport No.....

Constituency.....

Party Office held in Party (for Party Sponsored Candidate only).....

Signature of..... Date:

**SUPPORTERS OF PRESIDENTIAL ELECTION CANDIDATE
(PARTY SPONSORED OR INDEPENDENT)**

Election of the President of the Republic of Kenya will be held on theday of
.....20.....

We, the undersigned, being registered voters, do hereby support the nomination of
..... as a candidate for election as President of the Republic
of Kenya.

<i>No.</i>	<i>Name</i>	<i>I.D Card No./ Passport No.</i>	<i>County</i>	<i>Constituency</i>	<i>Signature/Thumb Print</i>
1.					
2.					
3.					
4.					

N/B a total of at least 2000 supporters from at least 24 counties must be submitted to the Commission.

STATUTORY DECLARATION FOR PURPOSES OF NOMINATION FOR ELECTION

Iof ID / Passport No.do solemnly and sincerely declare as follows: –

- 1. I do hereby consent to my nomination as a candidate at the election to be held in the Republic of Kenya.
2. I am duly qualified and am not disqualified by law for election.
3. I am qualified under, and have complied with, the Constitution and rules relating to persons wishing to contest as a candidate for.....for elections

And I make this declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Act, Cap 15 Laws of Kenya.

Declared atthis.....day of 20

Signature of Declarant.....

Before me

.....

Magistrate/Commissioner for Oaths

*The declarant names must be written in the order in which he or she wishes them to appear on the nomination statement and the surname must be underlined.

**CERTIFICATE THAT ONLY ONE PERSON IS NOMINATED FOR ELECTION AS
PRESIDENT**

I, the Chairperson of the Independent Electoral and Boundaries Commission do hereby certify that the only person who stands validly nominated for the presidential election is –

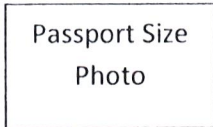
<i>Name</i>	<i>Place of Residence</i>	<i>ID/Passport number</i>	<i>Occupation/Description</i>

And that he/she has therefore been declared elected as President.

Dated this..... 20.....

.....

Chairperson
Independent Electoral and Boundaries Commission



**NOMINATION PAPER FOR MEMBER OF NATIONAL ASSEMBLY
(PARTY SPONSORED OR INDEPENDENT)**

Election of a Member of National Assembly of the Constituency to be held on theday of 20.....

We, the undersigned, being registered voters in the constituency nominate the under mentioned person as a candidate at the National Assembly election.

Particulars of the Candidate:

Name in Full	
Occupation	
National Identity Card or Passport No.	
Sex	
Date of Birth	
Physical Address	
Postal Address	
Political Party	
Party Register No./ Clearance Certificate	
No. of Independent Candidate	
Telephone Contacts	1. 2.

And I, the aforesaid do hereby consent to my nomination as a candidate for election as Member of National Assembly of the Constituency and hereby certify that I am in all respects qualified for nomination as such candidate.

Signature of Candidate: Date:

Proposer:

Full Names

National Identity Card or Passport No.....

Constituency.....

Party Office held in Party (for Party Sponsored Candidate only).....

Signature of..... Date:

Seconder:

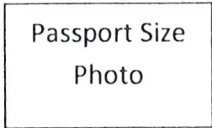
Full Names

National Identity Card or Passport No.....

Constituency.....

Party Office held in Party (for Party Sponsored Candidate only).....

Signature of..... Date:



NOMINATION PAPER FOR COUNTY WOMAN MEMBER OF THE NATIONAL ASSEMBLY (PARTY SPONSORED OR INDEPENDENT)

Election of a Member of National Assembly of the County to be held on the Day of 20.....

We, the undersigned, being registered voters in the County nominate the under-mentioned person as a candidate at the National Assembly election.

Particulars of the Candidate:

Name in Full	
Occupation	
National Identity Card or Passport No.	
Sex	
Date of Birth	
Physical Address	
Postal Address	
Political Party	
Party Register No./ Clearance Certificate	
No. of Independent Candidate	
Telephone Contacts	1. 2.

And I, the aforesaid do hereby consent to my nomination as a candidate for election as Member of National Assembly of the County and hereby certify that I am in all respects qualified for nomination as such candidate.

Signature of Candidate: *Date:*

Proposer:

Full Names
National Identity Card or Passport No.....
Constituency.....
Party Office held in Party (for Party Sponsored Candidate only).....
Signature of..... Date:

Secunder:

Full Names
National Identity Card or Passport No.....
Constituency.....
Party Office held in Party (for Party Sponsored Candidate only).....
Signature of..... Date:

**SUPPORTERS OF INDEPENDENT CANDIDATE FOR ELECTION OF MEMBER OF
NATIONAL ASSEMBLY**

We, the undersigned, being registered voters, do hereby support the nomination of
.....as a candidate for election as a Member of
National Assembly for the Constituency.

<i>No.</i>	<i>Name</i>	<i>I.D Card No./ Passport No.</i>	<i>County</i>	<i>Constituency</i>	<i>Signature/Thumb Print</i>
1.					
2.					
3.					
4.					

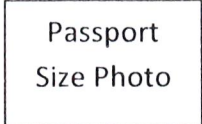
N/B a total of at least 1000 supporters from the constituency must be submitted to the Returning officers for every independent candidate.

**SUPPORTERS OF INDEPENDENT CANDIDATE FOR ELECTION OF COUNTY
WOMAN MEMBER TO THE NATIONAL ASSEMBLY**

We, the undersigned, being registered voters, do hereby support the nomination of
as a candidate for election as a County Woman
 Member of National Assembly for the County.

<i>No.</i>	<i>Name</i>	<i>I.D Card No./ Passport No.</i>	<i>County</i>	<i>Constituency</i>	<i>Signature/Thumb Print</i>
1.					
2.					
3.					
4.					

N/B a total of at least 1000 supporters from the county must be submitted to the Returning officers for every independent candidate.



NOMINATION PAPER FOR SENATE ELECTION
(PARTY SPONSORED OR INDEPENDENT)

Election of a Member of the Senate for the County to be held on the day of 20.....

We, the undersigned supporters, being registered as voters in the county holding the election do hereby nominate the under mentioned person as a candidate at the Senate election.

Particulars of the Candidate:

Name in Full	
Occupation	
National Identity Card or Passport No.	
Sex	
Date of Birth	
Physical Address	
Postal Address	
Political Party	
Party Register No./ Clearance Certificate	
No. of Independent Candidate	
Telephone Contacts	1. 2.

And I, the aforesaid do hereby consent to my nomination as a candidate for election as Senator for the County and hereby certify that I am in all respects qualified for nomination as such candidate

Signature of Candidate: *Date:*

Proposer:

Full Names
National Identity Card or Passport No.....
Constituency.....
Party Office held in Party (for Party Sponsored Candidate only).....
Signature of..... Date:

Seconder:

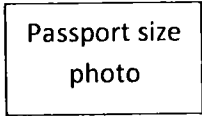
Full Names
National Identity Card or Passport No.....
Constituency.....
Party Office held in Party (for Party Sponsored Candidate only).....
Signature of..... Date:

SUPPORTERS OF INDEPENDENT CANDIDATE FOR SENATE ELECTION

We, the undersigned, being registered voters, do hereby support the nomination of.....as a candidate for election as Senator of the County.

<i>No.</i>	<i>Name</i>	<i>I.D Card No./ Passport No.</i>	<i>County</i>	<i>Constituency</i>	<i>Signature/Thumb Print</i>
1.					
2.					
3.					
4.					

N/B: A total of at least 2,000 supporters from the county for the Senate must be submitted to the Returning officers for every independent candidate.



NOMINATION PAPER FOR ELECTION OF COUNTY GOVERNOR

Election of a County Governor of the County to be held on the day of 20.....

We, the undersigned supporters, being registered voters in the County Assembly Wards of the County holding the election do hereby nominate the undermentioned person as a candidate at the said election.

Particulars of the Candidate

	Particulars of Candidate	Particulars of Running Mate
Name in Full		
Occupation		
National Identity Card or Passport No.		
Sex		
Date of Birth		
Physical Address		
Postal Address		
Political Party		
Party Register No./ Clearance Certificate		
No. of Independent Candidate		
Telephone Contacts	1. 2.	

And I, the aforesaid do hereby consent to my nomination as a candidate for election as County Governor of theCounty and hereby certify that I am in all respects qualified for nomination as such candidate.

Signature of Candidate: Date:

Proposer:

Full Names

National Identity Card or Passport No.....

Constituency.....

Party Office held in Party (for Party Sponsored Candidate only).....

Signature of..... Date:

Secunder:

Full Names

National Identity Card or Passport No.....

Constituency.....

Party Office held in Party (for Party Sponsored Candidate only).....

Signature of..... Date:

**SUPPORTERS OF INDEPENDENT CANDIDATE FOR ELECTION OF COUNTY
GOVERNOR**

We, the undersigned, being registered voters, do hereby support the nomination of
..... as a candidate for election as County Governor of the
..... County.

<i>No.</i>	<i>Name</i>	<i>I.D Card No./ Passport No.</i>	<i>County</i>	<i>Constituency</i>	<i>Signature/Thumb Print</i>
1.					
2.					
3.					
4.					

*N/B: a total of at least 500 supporters from wards concerned must be submitted to the
Returning officers for every independent candidate.*

Passport
Size Photo

NOMINATION PAPER FOR ELECTION OF MEMBER OF COUNTY ASSEMBLY

Election of a Member of County Assembly for Ward in
..... County to be held on the day of
..... 20.....

We, the undersigned supporters, being registered as voters, in theCounty
Assembly Ward ofCounty holding the election do hereby nominate the
under mentioned person as a candidate at the said election.

Particulars of Candidate:

Name in Full	
Occupation	
National Identity Card or Passport No.	
Sex	
Date of Birth	
Physical Address	
Postal Address	
Political Party	
Party Register No./ Clearance Certificate	
No. of Independent Candidate	
Telephone Contacts	1. 2.

And I, the aforesaid do hereby consent to my nomination as a candidate for election as County Assembly member of the County Assembly ward of.....County and hereby certify that I am in all respects qualified for nomination as such candidate.

Signature of Candidate: Date:

Proposer:

Full Names
National Identity Card or Passport No.....
Constituency.....
Party Office held in Party (for Party Sponsored Candidate only).....
Signature of..... Date:

Seconder:

Full Names
National Identity Card or Passport No.....
Constituency.....
Party Office held in Party (for Party Sponsored Candidate only).....
Signature of..... Date:

**SUPPORTERS OF INDEPENDENT CANDIDATE FOR ELECTION OF MEMBER OF
COUNTY ASSEMBLY**

We, the undersigned, being registered voters, do hereby support the nomination of
.....as a candidate for election as Member of County Assembly Ward
for the Ward in

No.	Name	I.D Card No./ Passport No.	County	Constituency	County Assembly Ward	Signature/Thumb Print
1.						
2.						
3.						
4.						

N/B: A total of at least 500 supporters from the County Assembly ward must be submitted to the Returning officer for every independent candidate.

**STATUTORY DECLARATION FOR PURPOSES OF NOMINATION FOR
PARLIAMENTARY AND COUNTY ELECTIONS**

I.....of ID No. / Passport No.
do solemnly and sincerely declare as follows: –

- 1. I do hereby consent to my nomination as a candidate at the election to be held in the..... County / Constituency / County Assembly Ward.
- 2. I am duly qualified and am not disqualified by law for the election.
- 3. I am qualified under, and have complied with, the Constitution and rules relating to persons wishing to contest as a candidate forelections.

And I make this declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Act. **Cap 15 Laws of Kenya**

Declared atthis.....day 20

Signature of Declarant.....

Before me

.....
Magistrate/Commissioner for Oaths

Dated:of, 20

*The declarant names must be written in the order in which he or she wishes them to appear on the nomination statement and the surname must be underlined.

CERTIFICATE OF NOMINATION FOR PRESIDENTIAL ELECTION

I, the Chairperson of the Independent Electoral and Boundaries Commission do hereby certify that of ID No. / Passport No..... is validly nominated for the Presidential election to be held onday of20..... in the Republic of Kenya.

Dated this.....day of20.....

.....

Chairperson

Independent Electoral and Boundaries Commission

CERTIFICATE OF NOMINATION FOR PARLIAMENTARY/COUNTY ELECTIONS

I.....the Returning Officer for
..... County / Constituency / County Assembly Ward*, do
hereby certify that..... of ID No. / Passport
No.....is validly nominated for the National Assembly / Senate / County
Governor / County Assembly election* to be held onday of
.....20..... in County / Constituency / County
Assembly Ward*.

Dated this.....day of20.....

Signature:

Returning Officer

.....

***delete as appropriate**

CERTIFICATE THAT NO PERSON NOMINATED

I.....the Returning Officer for
 County / Constituency / County Assembly Ward,* do
 hereby certify that no person is validly nominated for the National Assembly / Senate / County
 Governor / County Assembly election* to be held onday of
20..... in County / Constituency / County
 Assembly Ward.*

Signature:

Returning Officer

.....

*delete as appropriate

CERTIFICATE THAT ONLY ONE PERSON NOMINATED FOR ELECTION

I.....the Returning Officer for
..... County / Constituency / County Assembly Ward,* do
hereby certify that the only one person who is validly nominated for the National Assembly /
Senate / County Governor / County Assembly election* is:-

<i>Name</i>	<i>Place of Residence</i>	<i>ID/Passport number</i>	<i>Occupation/ Description</i>

Dated this..... day of 20.....

Signature:

RETURNING OFFICER

.....

*delete as appropriate

STATEMENT OF PERSONS NOMINATED FOR PARLIAMENTARY AND COUNTY ELECTIONS

I.....the Returning Officer for County / Constituency / County Assembly Ward,* do hereby declare that the following persons have been and now stand nominated for the County / Constituency / County Assembly Ward election* to be held onday of20.....

Particulars of Candidates

No	Full Name of Candidate	Id /Passport Number	Elector's Number	Party Sponsored Or Independent Candidate	Symbol	Proposer and Seconder	Occupation	Contact
						1. 2.		
						1. 2.		
						1. 2.		

The voters belonging to the voters areas specified hereunder may vote only at the polling station specified and the days and hours for polling at those polling stations shall be as specified Herein:

County code	County	Constituency code	Constituency	Ward code	Ward name	Polling station code	Polling Stations	Day and Hours of Polling

Dated this day of..... 20.....

.....
Returning Officer

***delete as appropriate**

BALLOT PAPER

Counterfoil

S/No.

PRESIDENTIAL ELECTION, 20

IN THE CONSTITUENCY

.....Polling Station

S/No.....

.....Constituency.

.....Polling Station


INSTRUCTIONS TO VOTER:

1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.
2. Place a mark against only one candidate.
3. Make no other mark whatsoever on the paper.
4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the

MAAGIZO KWA MPIGA KURA:

1. Weka alama kwenye nafasi iliotengwa kwa jina la mgombeaji au picha ya chama ungependa kuchagua.
2. Weka alama kwa mgombeaji mmoja tu
3. Usiweke alama yeyote nyingine kwenye karatasi ya kura
4. Kunja karatasi katikati kutoka kushoto kwenda kulia

ballot into the ballot box.	ili kuficha kura yako halafu tumbukiza kwenye sanduku.
--------------------------------	--

Voter's Mark/Alama ya kura Tick (✓) cross (×) Thumb print (☐ )

Party /Candidates Symbol	Presidential Candidate Photo and Name	Deputy Presidential Name	Voter's Mark/Alama ya kura

BALLOT PAPER

Counterfoil

S/No.

NATIONAL ASSEMBLY ELECTION IN THE, 20

IN THE CONSTITUENCY

.....Polling Station

S/No.....

.....Constituency.

.....Polling Station


INSTRUCTIONS TO VOTER:

1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.
2. Place a mark against only one candidate.
3. Make no other mark whatsoever on the paper.
4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the

MAAGIZO KWA MPIGA KURA:

1. Weka alama kwenye nafasi iliotengwa kwa jina la mgombeaji au picha ya chama ungependa kuchagua.
2. Weka alama kwa mgombeaji mmoja tu
3. Usiweke alama yeyote nyingine kwenye karatasi ya kura
4. Kunja karatasi katikati kutoka kushoto kwenda kulia

ballot into the ballot box.	ili kuficha kura yako halafu tumbukiza kwenye sanduku.
--------------------------------	--

Voter's Mark/Alama ya kura Tick (√) cross (×) Thumb print (☐ )

Party/Candidates Symbol	Candidate Photo and Name	Voter's Mark/Alama ya kura

BALLOT PAPER

Counterfoil

S/No.

COUNTY WOMAN MEMBER TO THE NATIONAL ASSEMBLY ELECTION, 20

.....

IN THE CONSTITUENCY

.....Polling Station

S/No.....

.....Constituency.

.....Polling Station

INSTRUCTIONS TO VOTER:

1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.
2. Place a mark against only one candidate.
3. Make no other mark whatsoever on the paper.
4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the

MAAGIZO KWA MPIGA KURA:

1. Weka alama kwenye nafasi iliotengwa kwa jina la mgombeaji au picha ya chama ungependa kuchagua.
2. Weka alama kwa mgombeaji mmoja tu
3. Usiweke alama yeyote nyingine kwenye karatasi ya kura

ballot into the ballot box.	4. Kunja karatasi katikati kutoka kushoto kwenda kulia ili kuficha kura yako halafu tumbukiza kwenye sanduku.
------------------------------------	---

Voter's Mark/Alama ya kura Tick (√) cross (☒) Thumb print (👤)

Party/Candidates Symbol	Candidate Photo and Name	Voter's Mark/Alama ya kura

BALLOT PAPER

Counterfoil

S/No.

SENATE ELECTION, 20

IN THE CONSTITUENCY

.....Polling Station

S/No.....

.....Constituency.

.....Polling Station


INSTRUCTIONS TO VOTER:

1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.
2. Place a mark against only one candidate.
3. Make no other mark whatsoever on the paper.
4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the

MAAGIZO KWA MPIGA KURA:

1. Weka alama kwenye nafasi iliotengwa kwa jina la mgombeaji au picha ya chama ungependa kuchagua.
2. Weka alama kwa mgombeaji mmoja tu
3. Usiweke alama yeyote nyingine kwenye karatasi ya kura
4. Kunja karatasi katikati kutoka kushoto kwenda kulia

ballot into the ballot box.	ili kuficha kura yako halafu tumbukiza kwenye sanduku.
------------------------------------	--

Voter's Mark/Alama ya kura Tick (✓) cross (×) Thumb print (☐ )

Party/Candidates Symbol	Candidate Photo and Name	Voter's Mark/Alama ya kura

BALLOT PAPER

Counterfoil

S/No.

COUNTY GOVERNOR ELECTION, 20

IN THE CONSTITUENCY

.....Polling Station

S/No.....

.....Constituency.

.....Polling Station


INSTRUCTIONS TO VOTER:

1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.
2. Place a mark against only one candidate.
3. Make no other mark whatsoever on the paper.
4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the

MAAGIZO KWA MPIGA KURA:

1. Weka alama kwenye nafasi iliotengwa kwa jina la mgombeaji au picha ya chama ungependa kuchagua.
2. Weka alama kwa mgombeaji mmoja tu
3. Usiweke alama yeyote nyingine kwenye karatasi ya kura
4. Kunja karatasi katikati kutoka kushoto kwenda kulia

ballot into the ballot box.	ili kuficha kura yako halafu tumbukiza kwenye sanduku.
------------------------------------	---

Voter's Mark/Alama ya kura Tick (√) cross (×) Thumb print (☐ )

Party/Candidates Symbol	Candidate Photo and Name	Voter's Mark/Alama ya kura

BALLOT PAPER

Counterfoil

S/No.

MEMBER OF COUNTY ASSEMBLY ELECTION, 20

IN THE WARD

.....Polling Station

S/No.....

.....Constituency.

.....Polling Station


INSTRUCTIONS TO VOTER:

1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.
2. Place a mark against only one candidate.
3. Make no other mark whatsoever on the paper.
4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the

MAAGIZO KWA MPIGA KURA:

1. Weka alama kwenye nafasi iliotengwa kwa jina la mgombeaji au picha ya chama ungependa kuchagua.
2. Weka alama kwa mgombeaji mmoja tu
3. Usiweke alama yeyote nyingine kwenye karatasi ya kura
4. Kunja karatasi katikati kutoka kushoto kwenda kulia

ballot into the ballot box.	ili kuficha kura yako halafu tumbukiza kwenye sanduku.
------------------------------------	--

Voter's Mark/Alama ya kura Tick (✓) cross (×) Thumb print (☐ )

Party/Candidates Symbol	Candidate Photo and Name	Voter's Mark/Alama ya kura

BALLOT PAPER

Counterfoil

S/No.

REFERENDUM ELECTION IN THE

.....CONSTITUENCY,

20

.....Polling Station

S/No.....

.....Constituency.

.....Polling Station

INSTRUCTIONS TO VOTER:

- 1. Mark the paper by placing a mark against the name of the candidate and the symbol of the party you wish to elect.
- 2. Place a mark against only one candidate.
- 3. Make no other mark whatsoever on the paper.
- 4. Fold the paper through the centre, from left to right, so as to conceal your vote. Then put the

MAAGIZO KWA MPIGA KURA:

- 1. Weka alama kwenye nafasi iliotengwa kwa jina la mgombeaji au picha ya chama ungependa kuchagua.
- 2. Weka alama kwa mgombeaji mmoja tu
- 3. Usiweke alama yeyote nyingine kwenye karatasi ya kura

ballot into
the ballot box.

4. Kunja karatasi katikati kutoka kushoto kwenda kulia ili kuficha kura yako halafu tumbukiza kwenye sanduku.

Voter's Mark/Alama ya kura Tick (✓) cross (×) Thumb print (□ ■)

Answer/Jibu	Symbol/Alama	Voter's Mark/Alama ya kura

DECLARATION OF SECRECY MADE BY A PERSON ASSISTING A VOTER

I..... of ID No. / Passport No..... Tel
No. P.O. Box..... do declare that at these elections I
shall assist the voter in strict obedience to the following requirements, namely: —

- (1) That I shall not communicate to any person the name or identity of the candidate for whom the voter I am assisting is about to vote or has voted for;
- (2) That I shall mark the vote of the voter I am assisting for the candidate of the voter' choice and for no other person;
- (3) That I shall maintain and aid in maintaining the secrecy of the voting in this polling station.

Signature of the person assisting the voter.....

For Official Use

Declared before the Presiding/Deputy Presiding Officer for
.....Polling Station in
.....Constituency.

This..... Day of20.....

Signature of Presiding/Deputy Presiding Officer:

Stamp

FORM 32A

(r. 69(1)(h)(ii))

VOTER IDENTIFICATION & VERIFICATION FORM

County: County Code:
Constituency: Constituency Code:
County Assembly Ward: CAW Code:
Polling Centre: Code:
Polling Station:

This is to confirm that the voter whose particulars are indicated below was not identified by the electronic voter identification device but was identified in the print out of the register of voters in respect of the above Polling Station.

Particulars of Voter

Surname:	
Other Names:	
Gender:	
ID/Passport No.	

Witnesses

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/ Independent Candidate	Tel. Contact	Signature	Date
1.						
2.						
3.						

Name of the Presiding Officer:

ID Number:

Signature:

Date:

Stamp

PRESIDENTIAL ELECTION RESULTS AT THE POLLING STATION

S/Number.....

Name of Polling Centre:Code.....

Polling Station No:

Ward.....Code.....

Constituency.....Code.....

County.....Code.....

Polling Station Counts

1.	Total Number of Registered Voters in the Polling Station;	
2.	Total Number of Rejected Ballot Papers;	
3.	Total Number of Rejection Objected To Ballot Papers;	
4.	Total Number of Disputed Votes;	
5.	Total Number of Valid Votes Cast;	

Decision(s) on disputed votes if any

Serial Number of Ballot Paper (s) with disputed vote	Name of Candidate assigned the vote

Decision(s) on Rejection Objected To Ballot Papers if any

Serial Number of Ballot Paper (s) with rejected vote	Reasons for rejection

Number of votes cast in favour of each candidate:

Name of Candidate	No. of Valid Votes Obtained

Declaration

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in.....Polling Station..... Constituency.

Presiding Officer:Signature.....Date.....

Deputy Presiding Officer:Signature Date.....

Agents or Candidates (if present)

<i>No.</i>	<i>Name of Candidate or Agent</i>	<i>ID/Passport No.</i>	<i>Party Name/ Independent Candidate</i>	<i>Tel. Contact</i>	<i>Signature</i>	<i>Date</i>
1.						
2.						
3.						

Reasons for Refusal to Sign (if any)

.....

Presiding Officer's Comments:

.....

**COLLATION OF PRESIDENTIAL ELECTION RESULTS AT THE CONSTITUENCY
TALLYING CENTRE**

S/Number.....

Constituency.....Code.....

County.....Code.....

Polling Station Code	Name of Polling Station	Registered Voters	Candidate 1	Candidate 2	Candidate 3	Total Valid Votes	Rejected Ballots
TOTAL							

Agents or Candidates (if present)

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/ Independent Candidate	Tel. Contact	Signature	Date
1						
2						
3						

Name of the Constituency Returning Officer:

ID Number:

Signature:

Date:

Handing Over - Taking Over at the National Presidential Tallying Centre

<u>HANDING OVER</u>	<u>TAKING OVER</u>
Number of FORM 34 A submitted:	Number of FORM 34 A received:
Name of the Constituency Returning Officer:	Commission Chairperson:
ID Number:	ID Number:
Signature:	Signature:
Date:	Date:
Time:	Time:

Aggregate Results

No.	Name of Candidate	Valid Votes in Figures	Percentage of votes cast	Number of Counties the Candidate has attained at least 25% of Total Valid Votes Cast

Signatures of Candidates or Agents

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/ Independent Candidate	Tel. Contact	Signature	Date
1						
2						
3						

Commission Chairperson:

ID Number:

Signature:

Date:

Form 34 D

(r.87(4)(f))

CERTIFICATE OF THE PRESIDENT-ELECT OF THE REPUBLIC OF KENYA

The Chairperson of the Independent Electoral and Boundaries Commission hereby declares that.....of
ID No.....has been duly elected as the President of the Republic of Kenya under the provisions of Article 138 of the Constitution in the Presidential Election held onday of20.....

Chairperson of IEBC:

Signature:

Dated this.....Day of....., 20.....

Stamp

Form 35 A

(r.79(2)(b))

MEMBER OF NATIONAL ASSEMBLY ELECTION RESULTS AT THE POLLING STATION

S/Number.....

Name of Polling Centre:Code.....

Polling Station No:

Ward.....Code.....

Constituency.....Code.....

County.....Code.....

Polling Station Counts

1.	Total Number of Registered Voters in the Polling Station;	
2.	Total Number of Rejected Ballot Papers;	
3.	Total Number of Rejection Objected To Ballot Papers;	
4.	Total Number of Disputed Votes;	
5.	Total Number of Valid Votes Cast;	

Decision(s) on disputed votes if any

Serial Number of Ballot Paper (s) with disputed vote	Name of Candidate assigned the vote

Decision(s) Rejection Objected To Ballot Papers if any

Serial Number of Ballot Paper (s) with rejected vote	Reasons for rejection

Number of votes cast in favour of each candidate:

Name of Candidate	No. of Valid Votes Obtained

Declaration

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in.....polling station..... constituency.

Presiding Officer:Signature.....Date.....

Deputy Presiding Officer:Signature Date.....

Agents or Candidates (if present)

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/ Independent Candidate	Tel. Contact	Signature	Date
1.						
2.						
3.						

Reasons for Refusal to Sign (if any)

.....
.....
.....
.....
.....

Presiding Officer's Comments:

.....
.....
.....
.....
.....

Signatures of Candidates or Agents

<i>No.</i>	<i>Name of Candidate or Agent</i>	<i>ID/Passport No.</i>	<i>Party Name/ Independent Candidate</i>	<i>Tel. Contact</i>	<i>Signature</i>	<i>Date</i>
1						
2						
3						

Constituency Returning Officer:

ID Number:

Signature:

Date:

STAMP

Form 35 C

(r.83(1)(f))

CERTIFICATE OF ELECTED MEMBER OF NATIONAL ASSEMBLY

The Constituency Returning Officer hereby declare that
of ID No.....has been duly elected as the Member of National Assembly for
.....Constituency in the election held on
.....day of20.....

Constituency Returning Officer:

Signature:

Dated this.....Day of....., 20.....

Stamp

MEMBER OF COUNTY ASSEMBLY ELECTION RESULTS AT THE POLLING STATION

S/Number.....

Name of Polling Centre:Code.....

Polling Station No:

Ward.....Code.....

Constituency.....Code.....

County.....Code.....

Polling Station Counts

1.	Total Number of Registered Voters in the Polling Station;	
2.	Total Number of Rejected Ballot Papers;	
3.	Total Number of Rejection Objected To Ballot Papers;	
4.	Total Number of Disputed Votes;	
5.	Total Number of Valid Votes Cast;	

Decision(s) on disputed votes if any

Serial Number of Ballot Paper (s) with disputed vote	Name of Candidate assigned the vote

Decision(s) on Rejection Objected To Ballot Papers if any

Serial Number of Ballot Paper (s) with rejected vote	Reasons for rejection

Number of votes cast in favour of each candidate:

Name of Candidate	No. of Valid Votes Obtained

Declaration

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in.....Polling Station..... Constituency.

Presiding Officer:Signature.....Date.....

Deputy Presiding Officer:Signature Date.....

Agents or Candidates (if present)

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/ Independent Candidate	Tel. Contact	Signature	Date
1.						
2.						
3.						

Reasons for Refusal to Sign (if any)

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Presiding Officer's Comments:

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Signatures of Candidates or Agents

<i>No.</i>	<i>Name of Candidate or Agent</i>	<i>ID/Passport No.</i>	<i>Party Name/ Independent Candidate</i>	<i>Tel. Contact</i>	<i>Signature</i>	<i>Date</i>
1						
2						
3						

County Assembly Ward Returning Officer:

ID Number:

Signature:

Date:

Form 36 C

(r.83(1)(f))

CERTIFICATE OF ELECTED MEMBER OF COUNTY ASSEMBLY

The County Assembly Returning Officer hereby declare that
of ID No.....has been duly elected as the Member of County Assembly
forWard of County
in the election held onday of20.....

County Assembly Ward Returning Officer:

Signature:

Dated this.....Day of....., 20.....

Stamp

FORM 37 A

(r.79(2)(b))

COUNTY GOVERNOR ELECTION RESULTS AT THE POLLING STATION

S/Number.....

Name of Polling Centre:Code.....

Polling Station No:

Ward.....Code.....

Constituency.....Code.....

County.....Code.....

Polling Station Counts

1.	Total Number of Registered Voters in the Polling Station;	
2.	Total Number of Rejected Ballot Papers;	
3.	Total Number of Rejection Objected To Ballot Papers;	
4.	Total Number of Disputed Votes;	
5.	Total Number of Valid Votes Cast;	

Decision(s) on disputed votes if any

Serial Number of Ballot Paper (s) with disputed vote	Name of Candidate assigned the vote

Decision(s) on Rejection Objected To Ballot Papers if any

Serial Number of Ballot Paper (s) with rejected vote	Reasons for rejection

Number of votes cast in favour of each candidate:

Name of Candidate	No. of Valid Votes Obtained

Declaration

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in.....Polling Station..... Constituency.

Presiding Officer:Signature.....Date.....

Deputy Presiding Officer:Signature Date.....

Agents or Candidates (if present)

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/ Independent Candidate	Tel. Contact	Signature	Date
1.						
2.						
3.						

Reasons for Refusal to Sign (if any)

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Presiding Officer's Comments:

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FORM 37 B

(r. 87(1)(a))

**COLLATION OF COUNTY GOVERNOR ELECTION RESULTS AT THE
CONSTITUENCY TALLYING CENTRE**

S/Number.....

Constituency.....Code.....

County.....Code.....

Name of Constituency Tallying Centre

Polling Station Code	Name of Polling Station	Reg. Voters	Candidate 1	Candidate 2	Candidate 3	Total Valid Votes	Rejected Ballots

Signatures of Candidates or Agents

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/ Independent Candidate	Tel. Contact	Signature	Date
1						
2						
3						

Name of the Constituency Returning Officer:

ID Number:

Signature:

Date:

Handing Over - Taking Over at the County Tallying Centre

<u>HANDING OVER</u>	<u>TAKING OVER</u>
Number of FORM 37 A submitted:	Number of FORM 37 A received:
Name of the Constituency Returning Officer:	County Returning Officer:
ID Number:	ID Number:
Signature:	Signature:
Date:	Date:
Time:	Time:

FORM 37 C

(r.87(2)(b))

**DECLARATION OF THE COUNTY GOVERNOR ELECTION RESULTS AT THE
COUNTY TALLYING CENTRE**

S/Number.....

CountyCode.....

Name of County Tallying Centre.....

Constituency Code	Constituency Name	Polling Station Code	Name of Polling Station	Name of Candidate	Name of Candidate	Name of Candidate	Votes Cast	Rejected Votes	Valid Votes
Constituency Sub-Total									
Constituency Sub-Total									
County Total									

Aggregate Results

No.	Name of Candidate	Valid Votes in Figure	Valid Votes in Words

Signatures of Agents and Candidates

<i>No.</i>	<i>Name of Candidate or Agent</i>	<i>ID/Passport No.</i>	<i>Party Name/ Independent Candidate</i>	<i>Tel. Contact</i>	<i>Signature</i>	<i>Date</i>
1						
2						
3						

County Returning Officer:

ID Number:

Signature:

Date:

Form 37 D

(r.87(2)(d))

CERTIFICATE OF THE ELECTED COUNTY GOVERNOR

The Returning Officer hereby declare that of
ID Nohas been duly elected as the County Governor for
..... County in the election held onday of
.....20.....

County Returning Officer:

Signature:

Dated this.....Day of....., 20.....

Stamp

SENATE ELECTION RESULTS AT THE POLLING STATION

S/Number.....

Name of Polling Centre:Code.....

Polling Station No:

Ward.....Code.....

Constituency.....Code.....

County.....Code.....

Polling Station Counts

1.	Total Number of Registered Voters in the Polling Station;	
2.	Total Number of Rejected Ballot Papers;	
3.	Total Number of Rejection Objected To Ballot Papers;	
4.	Total Number of Disputed Votes;	
5.	Total Number of Valid Votes Cast;	

Decision(s) on disputed votes if any

Serial Number of Ballot Paper (s) with disputed vote	Name of Candidate assigned the vote

Decision(s) on Rejection Objected To Ballot Papers if any

Serial Number of Ballot Paper (s) with rejected vote	Reasons for rejection

Number of votes cast in favour of each candidate:

Name of Candidate	No. of Valid Votes Obtained

Declaration

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in.....Polling Station..... Constituency.

Presiding Officer:Signature.....Date.....

Deputy Presiding Officer:*Signature* Date.....

Agents or Candidates (if present)

<i>No.</i>	<i>Name of Candidate or Agent</i>	<i>ID/Passport No.</i>	<i>Party Name/ Independent Candidate</i>	<i>Tel. Contact</i>	<i>Signature</i>	<i>Date</i>
1.						
2.						
3.						

Reasons for Refusal to Sign (if any)

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Presiding Officer's Comments:

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Form 38 B

(r.87(1)(a))

**COLLATION OF SENATE ELECTION RESULTS AT THE CONSTITUENCY
TALLYING CENTRE**

S/Number.....

Constituency.....Code.....

County.....Code.....

Name of Constituency Tallying Centre

Polling Station Code	Name of Polling Station	Reg. Voters	Candidate 1	Candidate 2	Candidate 3	Total Valid Votes	Rejected Ballots
	TOTAL						

Signatures of Candidates or Agents

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/ Independent Candidate	Tel. Contact	Signature	Date
1						
2						
3						

Name of the Constituency Returning Officer:

ID Number:

Signature:

Date:

Handing Over - Taking Over at the County Tallying Centre

<u>HANDING OVER</u>	<u>TAKING OVER</u>
Number of FORM 38 A submitted:	Number of FORM 38 A received:
Name of the Constituency Returning Officer:	County Returning Officer:
ID Number:	ID Number:
Signature:	Signature:
Date:	Date:
Time:	Time:

Aggregate Results

No.	Name of Candidate	Valid Votes in Figure	Valid Votes in Words

Signatures of Agents and Candidates

No.	<i>Candidates or Candidates' Agents name</i>	<i>Candidates or Candidates' Agents ID Number</i>	<i>Party / independent candidate</i>	<i>Contact</i>	<i>Candidates or Candidates' Agents signature</i>	<i>Date</i>
1						
2						
3						

County Returning Officer:

ID Number:

Signature:

Date:

Form 38 D

(r.87(2)(d))

CERTIFICATE OF THE ELECTED SENATOR

The Returning Officer hereby declare that of
ID Nohas been duly elected as the Senator for
County in the election held onday of20.....

County Returning Officer:

Signature:

Dated this.....Day of....., 20.....

Stamp

**COUNTY WOMAN REPRESENTATIVE IN THE NATIONAL ASSEMBLY
ELECTION RESULTS AT THE POLLING STATION**

S/Number.....

Name of Polling Centre:Code.....

Polling Station No:

Ward.....Code.....

Constituency.....Code.....

County.....Code.....

Polling Station Counts

1.	Total Number of Registered Voters in the Polling Station;	
2.	Total Number of Rejected Ballot Papers;	
3.	Total Number of Rejection Objected To Ballot Papers;	
4.	Total Number of Disputed Votes;	
5.	Total Number of Valid Votes Cast;	

Decision(s) on disputed votes if any

Serial Number of Ballot Paper (s) with disputed vote	Name of Candidate assigned the vote

Decision(s) on Rejection Objected To Ballot Papers if any

Serial Number of Ballot Paper (s) with rejected vote	Reasons for rejection

Number of votes cast in favour of each candidate:

Name of Candidate	No. of Valid Votes Obtained

Declaration

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in.....Polling Station..... Constituency.

Presiding Officer:*Signature*.....Date.....

Deputy Presiding Officer:*Signature* Date.....

FORM 39 B

(r.87(1)(a))

COLLATION OF COUNTY WOMAN REPRESENTATIVE IN THE NATIONAL ASSEMBLY ELECTION RESULTS AT THE CONSTITUENCY TALLYING

S/Number.....

Constituency.....Code.....

County.....Code.....

Name of Constituency Tallying Centre.....

Polling Station Code	Name of Polling Station	Registered Voters	Candidate 1	Candidate 2	Candidate 3	Total Valid Votes	Rejected Ballots

Signatures of Candidates or Agents

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/ Independent Candidate	Tel. Contact	Signature	Date
1						
2						
3						

Name of the Constituency Returning Officer:

ID Number:

Signature:

Date:

Agents or Candidates (if present)

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/ Independent Candidate	Tel. Contact	Signature	Date
1.						
2.						
3.						

Reasons for Refusal to Sign (if any)

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Presiding Officer's Comments:

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Handing Over - Taking Over at the County Tallying Centre

<u>HANDING OVER</u>	<u>TAKING OVER</u>
Number of FORM 39 A submitted:	Number of FORM 39 A received:
Name of the Constituency Returning Officer:	County Returning Officer:
ID Number:	ID Number:
Signature:	Signature:
Date:	Date:
Time:	Time:

Aggregate Results

No.	Name of Candidate	Valid Votes in Figure	Valid Votes in Words

Signatures of Agents and Candidates

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/ Independent Candidate	Tel. Contact	Signature	Date
1						
2						
3						

County Returning Officer:

ID Number:

Signature:

Date:

Form 39 D

(r.87(2)(d))

**CERTIFICATE OF ELECTED COUNTY WOMAN REPRESENTATIVE IN THE
NATIONAL ASSEMBLY**

The Returning Officer hereby declare that of
ID Nohas been duly elected as the County Woman Representative
in the National Assembly for County in the election held on
.....day of20.....

County Returning Officer:

Signature:

Dated this.....Day of....., 20.....

Stamp

FORM 40

(r)

NOTICE OF FRESH PRESIDENTIAL ELECTION

A fresh election of a President of the Republic of Kenya shall be held onand will be contested between the following candidates:

Name	Candidate/Party Symbol
1.	
2.	

The presidential poll will take place on theday of20.....

.....

Chairperson,

THE ELECTIONS (GENERAL) (AMENDMENT) REGULATIONS, 2017

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

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

EXPLANATORY MEMORANDUM TO THE ELECTIONS (GENERAL) (AMENDMENT) REGULATIONS, 2017

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

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

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

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

Gazetted on:.....

Tabled on:.....

1. Purpose of the Statutory Instrument

- 1.1 The Elections (General) (Amendment) Regulations, 2017 provide for aligning the Elections (General) Regulations, 2012 with the electoral law amendments that is Election Laws (Amendment) Act, No. 36 of 2016 and Election Laws (Amendment) Act, No. 1 of 2017.
- 1.2 The instrument provide for the procedure of submission of party membership lists to ensure sanctity of the political processes, effective management of party lists by providing additional criteria for certification of party lists.
- 1.3 The instrument addresses the instances where complementary mechanism may be used by the Commission in identification of voters during polling.

2. Legislative Context

- 2.1. Pursuant to the enactment of the Election Laws (Amendment) Act, No. 36 of 2016 and Election Laws (Amendment) Act, No. 1 of 2017, this instrument addresses submission of party membership lists, submission of names of persons nominated to contest in elections, employment of complementary mechanism in identification of voters and transmission of results.

2.2. Section 109 of the Elections Act, 2011 requires the Commission to provide for, *inter alia*, appointment of officers to preside at elections, the procedure for voting for citizens residing outside Kenya and reasonable grounds for the postponement of elections.

2.3. These Regulations are intended to;

- a) Provide structures for a free and fair election
- b) Provide for elaborate roles of the Returning Officers
- c) provide for submission of party membership lists and party lists
- d) provide for identification of voters using complementary mechanism;
- e) provide for transmission of results;

3. Policy Background

3.1. The amendment to the Elections Act, 2011 include affording development of structures to avoid disenfranchisement and ensuring that elections are free and fair. In resonance this instrument provides for sanctity of the electoral processes by making provisions that enable Kenyans to participate in election processes and places the duty on the election officials to manage elections malpractices.

3.2. The overarching objectives of the Regulations are thus:

- (a) To provide mechanisms for a free and fair election;
- (b) To afford every voter an opportunity to vote;
- (c) To ensure that election officials and Kenyans as a whole uphold the principles of integrity as contemplated under Chapter Six of the Constitution;

4. Extent

The statutory instrument applies in the Republic of Kenya and to Kenyans in the Diaspora.

5. Consultations Outcome

5.1 Consultation with members of the Justice System

Noting the lessons learned from the conduct of the 2013 General Elections, the Commission undertook an evaluation process to identify areas that would inform legal reform. The Commission convened a three-day de-briefing workshop on the

Electoral Justice System at Simba Lodge, Naivasha from 9th to 12th March, 2014 to analyze issues arising from the electoral legal provisions, conduct a comprehensive legal audit, document lessons learned from the 2013 General Elections. The workshop drew participation from the advocates who represented the Commission in the election petitions, Office of the Attorney General (OAG), the Judiciary, Office of the Director of Public Prosecutions (ODPP), Office of the Registrar of Political Parties (ORPP) and the IEBC. Concern was raised on the following aspects:

managing supervision of the nomination of independent candidates; declaration of results and the clarity in the role of returning officers in the execution of their mandate; ballot papers, recount and scrutiny; the need for the regulation of stray ballots noting that they do not fit in the criteria of rejected ballots; revision of the results declaration form; effective management of the party nomination processes with a focus on processes for submission of nomination rules and party membership lists; implementation of timelines; consideration of training for Returning Officers; and procedures relating to sealing of ballot boxes by a presiding officer.

5.2. Consultation with Parliamentary Committees

Following these consultations the Election Laws (Amendment) Bill, 2015 was generated and consultations with the Parliamentary Justice and Legal Affairs Committee (JLAC) were held at Serena Beach Resort & Spa from 6th to 10th April, 2015 to build consensus on electoral reform.

It was agreed that the following areas as needing review in the electoral regulations: the of role of agents in polling stations and the attendant logistical and budgetary constraints on the parties/candidates; management on party nominations processes and allocation of special seats; provision for the certification of persons with disabilities by the National Council for Persons with Disabilities. The Commission was tasked to develop clear, concise and transparent mechanisms and procedure for collation and transmission of results.

5.3. Consultation with State Actors and other Stakeholders

At a forum for State Actors on Electoral Reforms held on 1st – 3rd July, 2015 at Sopa Lodge Naivasha, the Commission engaged other state actors involved in electoral administration and other related process for discussions on legislative reforms. The forum drew participation from the IEBC, Judiciary, Commission on the Implementation of the Constitution, National Gender and Equality Commission, National Council for the Administration of Justice, Kenya National Commission on Human Rights, Commission on Administrative Justice, Kenya Law Reform Commission, Office of the Director of Public Prosecutions, Political Parties Dispute Tribunal, Registrar of Political Parties, National Gender and Equality Commission, Kenya National Assembly –Legislative Drafting, Vice- Chair Legal Affairs Senate and the Attorney General's office.

Cognizant of the mandate of the Commission in regulation of the process by which parties nominate candidates for elections, participants called for a revision of the timelines and procedures on the submission of details by parties for primaries. It was noted that there was need to provide for procedural rules on the management of election material for scrutiny, counting of votes, declaration of results and the harmonization of the principles informing rejected ballots to be aligned with the Supreme Court Ruling.

On 14th October, 2016 a consultative meeting with political parties, at the Nairobi Safari Club was held, where the Commission discussed the provisions of the Election Laws (Amendment) Act, No. 36 of 2016 and highlighted the effect of the amendments to the Elections (General) Regulations, 2012.

6. Regulatory Impact Assessment

6.1. Pursuant to Section 9 of the Statutory Instruments Act No. 23 of 2013 there is no justification for a regulatory impact statement given that this instrument is merely an amendment to the Elections (General) Regulations, 2012. Further, the Elections

(General) (Amendment) Regulations, 2017 does not operate to the disadvantage of any person by decreasing the rights or imposing liabilities on of any person.

7. Guidance

7.1. The Independent Electoral and Boundaries Commission by developing this instrument to address the electoral law amendments has remained true to the national values and principles of governance with respect to execution of duties in line with the rule of law.

7.2. Reaffirming the Commission's mandate to ensure elections are free and fair, the Commission will sensitize the general public, Commission staff, political parties, civil society organizations, media, state actors on the provisions of the instrument.

8. Contact Persons

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

Made on the 1st day of March, 2017


Wafula Chebukati

Chairperson

Independent Electoral and Boundaries Commission

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

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

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

- 1—Citation
- 2—Interpretation
- 3—Application
- 4—Guiding principles
- 5—Access to information
- 6—Political party nomination rules and procedures
- 7—Party's nomination code of conduct

PART II—PARTY PRIMARIES CONDUCTED BY THE POLITICAL PARTY

- 8—Party's Election Boards
- 9—Qualification of a member of party's Election Board
- 10—Functions of Election Boards
- 11—Removal of a member of party's Election Board
- 12—Vacancy in a party's Election Board
- 13—Tenure of party's Election Board
- 14—Fees
- 15—Application for nominations
- 16—Conduct of nominations
- 17—Notices
- 18—Declaration for conduct of party primaries
- 19—Role of agents of nomination candidates
- 20—Party lists
- 21—Authorized officer to submit party list on oath or solemn affirmation

PART III—PARTY PRIMARIES CONDUCTED BY THE COMMISSION

- 22—Application of Part
- 23—Political party to be responsible for the preparatory work
- 24—Conduct of elections
- 25—Commission to submit party primary results to the Board

PART IV—MISCELLANEOUS

- 26—Commission to reject party list if it does not conform to law
- 27—Dispute resolution
- 28—Electoral malpractices

THE ELECTIONS ACT, 2011

(No. 24 of 2011)

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

IN EXERCISE of the powers conferred by sections 27 (2) (B), 34 (6B) and 109 of the Elections Act, 2011, the Commission makes the following Regulations—

PART I—PRELIMINARY

Citation. 1. These Regulations may be cited as the Elections (Party Primaries and Party Lists) Regulations, 2017.

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

“Act” means the Elections Act, 2011;

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

“Election Board” means the political party organ in charge of party primaries and party nomination of party lists;

“party-list” means a list prepared in accordance with these Regulations for purposes of filling the seats specified under Articles 97 (1) (c), 98 (1) (b), (c), (d), and 177 (1) (b) and (c) of the Constitution;

“party primary” means the process through which a political party elects or selects its candidates for an election but does not include a party list;

“party nomination of party lists” means the process through which a political party elects or selects its candidates for party lists;

“special interest groups” includes—

(a) women;

(b) persons with disabilities;

- (c) youth;
- (d) ethnic minorities; and
- (e) marginalized communities.

Application.

3. These Regulations shall apply to party primaries and nomination of party lists.

Guiding principles.

4. The conduct of party primaries and nomination of party lists shall—

- (a) be democratic, free and fair;
- (b) provide equal opportunities for all eligible candidates;
- (c) not discriminate against any eligible candidate;
- (d) be inclusive and participatory;
- (e) be open, transparent and accountable;
- (f) be credible; and
- (g) be peaceful.

Access to information.

5. Every registered member of a political party has the right to access any information held by that political party relating to—

- (a) the party's nomination rules and procedures;
- (b) the members of the party's Election Board;
- (c) the criteria relied on by the party to nominate the party list members;
- (d) the register of members of the party; and
- (e) the party's constitution or similar document.

Political party nomination rules and procedures

6. (1) Every political party shall, upon submission of the nomination rules and procedures to the Commission pursuant to section 27 of the Act,—

- (a) make them available and accessible to the members of the party with specific considerations to members with disabilities;
 - (b) place a copy at the party's head office, county offices and ward offices; and
 - (c) post them on the party's website.
- (2) The nomination rules and procedures under sub-regulation (1) shall provide for—
- (a) the procedure to be employed in party primaries and nomination of party lists for identifying candidates to stand for election in every electoral area;
 - (b) a mechanism for ensuring that every aspiring candidate meets the requirements of the law to stand for the respective position; and
 - (c) the conduct of party primaries and nomination of party lists.
- (3) The party nomination rules and procedures shall prescribe—
- (a) the criteria, procedures and circumstances under which non-competitive nomination methods, including direct nominations and consensus may be employed; and
 - (b) the structure and mandate of the party's election Board.
- (4) Upon submission of the party nomination rules, the Commission shall verify that the rules conform to the constitution of the political party, the Act and these Regulations.
- (5) Where the Commission is of the opinion that the party nomination rules do not conform to the requirements of the constitution of the political party, the Act and these Regulations, the Commission may require the political party to review and amend the party nomination rules so that they conform the constitution of the political party, the Act and these Regulations.

Party's nomination code of

7. (1) Every political party shall prepare and communicate to its

conduct.

members a party nomination code of conduct at least thirty days before the conduct of party primaries or nomination of the party list, whichever is the earlier.

(2) Every political party shall require an aspiring candidate to sign and ascribe to the party's nomination code of conduct.

**PART II—PARTY PRIMARIES AND PARTY NOMINATION OF THE PARTY LIST
CONDUCTED BY THE POLITICAL PARTY**

Party's Election Board.

8. (1) Every political party shall appoint a national Election Board and may appoint county Election Boards in respect of every county where the party is offering candidates for election.

(2) The mandate and scope of operation of the Election Boards shall, in addition to the functions set out under regulation 10, be as stipulated in the political party nomination rules.

(3) An Election Board shall comprise of not more than seven and not less than five members including at least one person to represent special interest groups.

Qualification of a member of party's Election Board.

9. (1) A person is qualified to be appointed as a member of a party's Election Board if that person—

- (a) is a member of the political party;
- (b) is eligible to vote at an election;
- (c) has not been convicted of an election offence; and
- (d) satisfies the requirements of Chapter Six of the Constitution on leadership and integrity.

(2) A political party shall—

- (a) lay out the composition and the term of office of members of Election Boards;
- (b) have rules, procedures and criteria for identifying and appointing the members of the Election Boards;
- (c) ensure that no more than two-thirds of the members of

the Election Boards are of the same gender.

Functions of Election Boards.

10. (1) An Election Board shall be responsible for—

- (a) inviting and receiving applications from aspiring party candidates;
- (b) verifying that the applications are in accordance with the law and with the political party requirements;
- (c) vetting and shortlisting the eligible aspirants in accordance with the positions applied for;
- (d) identifying the venue for the nomination exercise, in consultation with the aspiring candidates, and providing logistics for smooth conduct of the party primaries;
- (e) submitting to the Commission the list of names of aspiring candidates, date and time for the party primaries for gazettelement as provided under the Act;
- (f) facilitating the provision of adequate nomination materials and equipment;
- (g) appointing the nomination officials including clerks and returning officer;
- (h) conducting the party primaries and publicly announcing and declaring the results;
- (i) liaising with the National Police Service and other agencies for the necessary support;
- (j) transmitting to the Commission the name and specimen signature of the person authorized by the party to certify that candidates have been nominated by the party; and
- (k) performing any other function conferred to it by the party.

(2) The Election Board shall notify members of the party of the date by which applications must be received, the date, time and venue of the party primaries.

(3) The nomination officials appointed by the Board shall

conduct the party primaries, tally the votes and present the results to the Board.

(4) The Election Board shall declare the results in Form 1 set out in the Schedule and shall require the aspiring candidates or their agents present to sign as acceptance of the process and the result.

(5) Where an aspiring candidate or an agent fails to sign the form after having been offered an opportunity to do so, the failure to sign shall not affect the validity of the result.

(6) The aspiring candidate or agent shall be given an opportunity to write down on the Form reasons for refusal to sign the Form.

Removal of a member of party's Election Board.

11. A person may be removed as a member of a party's Election Board if that person—

- (a) resigns from the party;
- (b) defects from the party;
- (c) violates the party's constitution, nomination rules or the party nomination code of conduct;
- (d) has declared interest in a particular nomination;
- (e) is physically or mentally incapacitated.
- (f) is convicted of an election offence or a criminal offence which carries more than six months of imprisonment without the option of a fine; or
- (g) has been found by a competent court to have violated the provisions of Chapter Six of the Constitution.

Vacancy in a party's Election Board.

12. (1) A vacancy may arise in a party Election Board where a member—

- (a) resigns in writing;
- (b) dies; or

(c) is removed from the Board under Regulation 11.

(2) The party shall, within seven days after the occurrence of the vacancy, fill in the vacancy—

(a) as soon as is practicable; and

(b) with a person with similar qualifications as the one who resigned, died or was removed from the Board.

Tenure of party's Election Board.

13. The members of a party's Election Board shall, save as the party may otherwise provide, serve in office until—

(a) the party has submitted its list of names of the party candidates who have been selected to participate in the election; or

(b) any disputes arising out of the party primaries or nomination of the party list have been heard and determined,

whichever is the later.

Fees.

14. (1) Every political party may, at least two weeks before party primaries or nomination of the party lists, announce the fees to be levied by the party on every aspiring candidate.

(2) The fees charged by a political party—

(a) shall, where applicable, be made known to the party members;

(b) may be graduated or waived to take into account special interest groups; and

(c) may be different for party primaries and party lists.

Application for nomination

15. (1) An aspiring candidate shall submit to the Election Board duly filled application Form 2 set out in the Schedule together with—

(a) a statutory declaration of—

- (i) commitment to the political party policies;
- (ii) adherence to the provisions of Chapter Six of the Constitution on leadership and integrity;
- (b) a signed subscription to the party's nomination code of conduct in Form 3 set out in the Schedule;
- (c) copies of the person's national identity card or valid passport;
- (d) copies of the candidate's academic qualifications from the relevant institution;
- (e) evidence of registration as a member of the party; and
- (f) receipt or other evidence of payment of nomination fees.

(2) Where an aspiring candidate intends to be nominated on the ground that the candidate is a person with disability, the candidate shall, in addition to the requirements of sub regulation (1), submit Form 4 set out in the Schedule certified by the National Council for Persons with Disabilities to verify the nature and extent of disability of that person.

(3) Where a person wishes to be nominated by a political party to represent the youth because he or she is a person who has attained the age of eighteen but has not attained thirty five years, such person shall provide documentary proof of his or her age.

Conduct of party primaries.

16. (1) Party primaries shall be conducted in accordance with the party nomination rules and the candidate who obtains the highest number of votes shall be declared the party nominee for the position.

(2) Where only one aspiring candidate applies to be nominated in any of the elective position, no party primaries shall be conducted.

(3) The Election Board shall in writing certify and declare the aspiring candidate as the party nominee.

(4) Upon conclusion of the party primaries, the authorized

party officials shall certify the list of nominees and submit it to the Commission in the manner determined by the Commission.

(4) Upon receipt of the list by the Commission, the list shall not be altered.

Notices.

17. (1) Where the political party is required to issue a notice to its members regarding any exercise in the conduct of party primaries or nomination of party list, the party shall—

(a) notify its members at least seven days before the date of the exercise; and

(b) publicize the notice in its website.

(2) A notice issued by a political party shall state—

(a) the date and venue of the exercise;

(b) the persons eligible to participate in the exercise;

(c) the party official who shall be responsible for the exercise;

(d) the duration of the exercise;

(e) where any aggrieved party may file any grievances regarding the exercise;

(f) the party official who shall hear and determine any appeal in relation to the exercise;

(g) the fees, if any, that should be paid;

(h) the date by which eligible persons must perform any act in relation to the exercise; and

(i) any other relevant detail pertaining to the exercise.

Declaration for conduct of party primaries

18. (1) Every political party shall, at the time of submission of nominees to the Commission, file a statutory declaration signed by the person authorized to certify that candidates to the effect that the political party has complied with its rules in

the conduct of the party primaries.

(2) The statutory declaration under sub-regulation (1) shall be in Form 5 set out in the Schedule.

Role of agents of nomination candidates.

19. (1) An aspiring candidate in a party primary or an applicant for nomination in a party list may appoint an agent to represent his or her interests during the exercise.

(2) An agent shall be appointed in writing by the candidate and shall—

(a) be a registered member of the political party;

(b) be issued with an appointment letter by the aspiring candidate identifying him or her as the agent of that candidate; and

(c) have access to information relating to the party primary or nomination of party lists.

(3) An agent may represent one candidate at a time but where candidates so agree, he or she may represent more than one candidate, provided that the candidates are not vying for the same elective seat.

(4) Every political party shall develop a checklist of responsibilities and obligations to guide the candidates and their agents.

Party lists.

20. A party list shall contain the names of all the persons who would stand elected if the party were to be entitled to all the seats and shall alternate between male and female.

Authorized officer to submit party list on oath or solemn affirmation.

21. (1) The person authorized by the political party to certify that candidates have been nominated shall submit to the Commission the list of nominees and the party list together with a declaration in Form 6 set out in the Schedule stating that the party's nominations and preparation of party lists have complied with the nomination rules of the political party.

(2) Where, after scrutiny of the lists, the Commission is of the

opinion that a party list does not conform to the requirements of Articles 97 (1) (c), 98 (1) (b), (c), (d), and 177 (1) (b) and (c) of the Constitution, the Act or these Regulations; the Commission may require the political party to review and amend the party list so that it conforms to the requirements of the law and guidelines by the Commission.

PART III— PARTY PRIMARIES CONDUCTED BY THE COMMISSION

Application of Part

22. This Part applies where a political party requests the Commission to conduct and supervise the nomination of its candidates for presidential, parliamentary or county elections in accordance with Article 88 of the Constitution.

Political party to be responsible for the preparatory work

23. (1) A political party that requests the Commission to supervise its party primaries shall be responsible for all the preparatory work including—

- (a) notifying the members of the date, time and venue for the party primaries;
- (b) inviting, receiving and processing applications from aspiring candidates;
- (c) preparing a list of members eligible to vote in each primary from the party membership list submitted to the Commission in accordance to Section 28 of the Act.
- (d) preparing the list of candidates contesting in the party primaries; and
- (e) designing and production of ballot papers in accordance with Commission specification.
- (f) doing everything else required to be done in preparation of the party primaries.

(2) For the avoidance of doubt, the Commission’s role in party primaries shall be limited to the supervision, conduct, announcement and declaration of results of party primaries on the day set aside for nomination and shall not participate

in the preparation of party lists, save as authorized under the law.

Conduct of elections

24. (1) The party primaries shall be conducted—

(a) on a date to be agreed between the party and the Commission; or

(b) where the Commission receives multiple requests, the procedure stipulated under section 31 (2E) shall apply.

(2) The Commission shall issue every eligible voter with a ballot—

(a) upon verification of a voters identity through the production of a national identity card or a passport;

(b) upon verification that the voter is a registered member of the party; and

(c) upon verification that the voter has not voted in that primary.

(3) Party primaries conducted and supervised by the Commission shall be—

(a) through a secret ballot; and

(b) determined by a majority of valid votes cast by the eligible voters.

(4) A voter who inadvertently spoils a ballot paper may, on with the approval of the returning officer and upon satisfaction of the returning officer of the inadvertence, be supplied with another ballot paper and the spoilt ballot paper shall be immediately cancelled and the counterfoil thereof marked accordingly.

(4) The Commission shall promptly tally the votes for each candidate after the close of the primary,

(5) The Commission shall determine whether or not a ballot is rejected.

(7) The Commission shall publicly announce and declare the

candidate who has obtained the highest number of valid votes to be duly nominated and shall issue a certificate to the duly nominated candidate.

(8) In the event of a tie among the top candidates, the Commission shall hold a fresh election and the candidates in that election shall be only the candidates who garnered the highest number of votes.

Commission to submit party primary results to the Board

25. (1) Upon announcement and declaration of the results of the primary, the Commission shall submit the results of the party primary to the Election Board of the party.

(2) The Election Board shall certify the list of nominees and the party authorized official shall formally submit the list to the Commission.

PART IV—MISCELLANEOUS

Commission to reject party list if it does not conform to law.

26. (1) The Commission shall reject the party lists or a name in the list submitted by a political party where—

(a) the list does not conform to the requirements of the Constitution, the Act or these Regulations; and

(b) the period for submitting revised party lists has lapsed.

(2) Where the Commission rejects a list or a name in the list, it shall require the political party to resubmit the party list or nominee within such period as the Commission may specify.

(3) A political party resubmitting a party list under sub regulation (2) shall resubmit a declaration under Regulation 18 to the effect that the political party has complied with its rules relating to the nomination of the names contained in the list.

(4) In the event that a political party fails to resubmit the list or a name in the list after it has been rejected under sub-regulation (1), the party shall not be considered in the allocation of seats.

(5) A person who has been nominated on a party list may

reject the nomination by informing the political party and the Commission in writing, and the Commission shall replace that name with the next name of the same gender in the list.

Dispute resolution.

27. (1) Every political party shall establish an internal dispute resolution mechanism in relation to the party primaries and party list.

(2) The dispute resolution mechanism of a party shall be independent of the party leadership and other party institutions.

(3) The decisions of the dispute resolution mechanism shall be made—

(a) after hearing all parties;

(b) after taking into account all the relevant documents relating to the dispute;

(c) by applying the rules of natural justice;

(d) where the mechanism involves a panel, a panel comprising of an odd number of members where the decision is by majority of the members of the panel; and

(e) in writing.

(4) A political party shall hear and determine all nomination disputes not later than ninety days before the date of general election.

Electoral malpractices.

28. The violation of any of the provisions of the Election Offences Act, 2016 or breach of the Electoral Code of Conduct shall constitute electoral malpractice in relation to party primaries and party nomination of party lists.

FORM 2

(r. 15 (1))

APPLICATION FOR NOMINATION BY A POLITICAL PARTY

<p>Coloured Passport size photo on white background</p>
--

APPLICATION FOR (name of party)
NOMINATION FOR (name of position / party list)

Particulars of the Aspiring Candidate

Particulars of Aspiring Candidate	
Name in Full	
Occupation	
National Identity Card or Passport No.	
Sex	
Date of Birth	
Physical address	
Postal address	
County	
Constituency	
Ward	
Voters Card Number	
Party membership number	
Telephone contacts	1. 2.

If the application is for nomination on a party list.

Name of party list	
Ethnic Community of the aspiring candidate (only for national lists)	
Category of Special Interest Group Women Youth Person with Disability (type of disability)	

Ethnic minority Marginalized community	
Represent workers (only for 12 members list for National Assembly)	

And I, the aforesaid do hereby apply to be the party nominee for (position / party list) and hereby certify that I am in all respects qualified for nomination as such candidate.

Signature of Aspiring Candidate:

Dated.....

FORM 3

(r. 15 (1))

(b))

SUBSCRIPTION TO THE PARTY'S NOMINATION CODE OF CONDUCT

Iof ID / Passport No.do
solemnly and sincerely declare as follows: –

1. I do hereby subscribe to the party's nomination code of conduct
2. I declare I will protect, uphold and follow all requirements and provisions in the nomination code of conduct
3. I promise to do my uttermost to promote and enforce the requirements and provisions in the nomination code of conduct within and among the members of my nomination campaign team
4. I promise to do my uttermost to promote and whenever possible enforce the requirements and provisions in the nomination code of conduct within and among my supporters

And I make this declaration conscientiously believing in values and principles guiding us in our political party.

Declared atthis.....day of 20

Signature of Declarant.....

FORM 4

(r.15(2))

DECLARATION CERTIFYING DISABILITY.

Iof..... (name of institution) do certify that
..... (name of the aspiring candidate seeking
nomination representing person with disability) holding ID/Passport number is a
person living with disability, more specifically (type of
disability) for the last(no of years/months).

I make this declaration conscientiously as I sign this form.

Declared atthis.....day of 20

Signature of Deponent –

Name

Profession.....

Work station.....

ID / Passport No.

Phone number.....

Signature

FORM 5

(r. 18 (2))

STATUTORY DECLARATION OF COMPLIANCE IN PARTY PRIMARY

I / we, the authorized person(s), do solemnly and sincerely certify that in the party primary process in which -

..... (name of nominee)

..... ID/Passport number

was declared the winner and the party nominee for (position)

the party primary was conducted in accordance with all relevant party laws, rules and regulations related to party nominations.

And I / we make this declaration conscientiously believing in values and principles guiding us in our political party.

Declared atthis.....day of 20

Signature of Declarant(s) –

1. Name

ID / Passport No.

Signature

2. Name

ID / Passport No.

Signature

FORM 6

(r. 21 (1))

STATUTORY DECLARATION OF COMPLIANCE IN PARTY NOMINATION OF PARTY LIST

I / we, the authorized person(s), do solemnly and sincerely certify that in the nomination process in which party candidates was nominated on

..... (name of party list)

the party nomination process was conducted in accordance with all relevant party laws, rules and regulations related to party nominations.

And I / we make this declaration conscientiously believing in values and principles guiding us in our political party.

Declared atthis.....day of 20

Signature of Deponent(s) –

1. Name

ID / Passport No.

Signature

2. Name

ID / Passport No.

Signature

Made on the, 2017.

Wafula Chebukati
Chairperson,
Independent Electoral and Boundaries Commission

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

PROVISION	COMMITTEE'S COMMENTS	COMMISSION'S DECISION
2 – Interpretation	<p>Include definition of “Elections Board” as it is not defined in the substantive Act; therefore a reference is necessary to identify the organ in the political parties’ structures responsible for elections.</p> <p>Include definition of “special interest groups”</p>	<p>Definition of “Elections Board” provided</p> <p>Definition of “Electoral College” omitted as there is no mention of the term in the regulations. A resource book containing best practices on the use of electoral colleges shall however be developed and offered to political parties.</p> <p>The definition of “Party nomination of party lists” is provided to refer to the elaborate process of elections to party lists; a process which is not limited to preparation.</p> <p>Definition of “Registrar” as cross-referenced with the provision in the Political Parties Act omitted as there is no mention of “Registrar” in the regulations.</p> <p>Definition of “Special interest groups” included as the regulations contains provisions for these groups.</p>
4 – Guiding principles		<p>4 (b) “a level playing field” replaced with “equal opportunities” for clarity.</p> <p>4 (h) “comply with the principles of electoral system set out under Article 81 of the Constitution” deleted as certain processes such as voting by secret ballot is not mandatory to when parties are conducting primaries.</p>
5 – Access to information		<p>Proposal to avoid specificity with regard to “accessibility” as raised by the Civil Society Organisations to avoid opening up the regulations to broad interpretation. Further provisions on the modes of access to information are provided for in Regulation 9(3).</p>
6 – Political party nomination rules and procedures		<p>6 (1)(a) insertion of “with specific considerations for members with disabilities” to factor in accessibility for persons with disabilities.</p>

5

5

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		<p>6 (2)(b) "the procedure for identifying candidates for inclusion in the party lists" deleted and content subsumed in 6(2)(a)</p> <p>6 (3)(c) "any other matter relating to party primaries" deleted. The provision lacked clarity as to which body would identify such other matters thus opening up the rules to cases of malpractice.</p> <p>6(4) and 6(5) amended to ensure compliance with these regulations as well.</p>
7 – Party's nomination code of conduct		<p>Delete "a candidate seeking" and replace with "an aspiring candidate"</p> <p>Delete "or placed on the party list".</p> <p>"an aspiring candidate seeking to be nominated" addresses both nominations in the party primaries and party nomination of party lists.</p>
Part II – Party primaries conducted by the political party	Change title of Part II	Heading changed to ""Party Primaries and Party Nomination of the Party List" as the part not only addresses the processes relating to party primaries, but also party nomination of party lists.
8 – Party's Election Board	Justification for upper limit of 7 members and lower limit of 3 members	Upper limit retained while lower limit changed to 5 to also accommodate representation of special interest groups given the mandatory one third gender representation.
9 – Qualification of a member of a party's Election Board		9(3) deleted as its contents are provided for in regulation 6.
10 – Functions of Election Boards		<p>Proposal from Civil Society Organisations to have the board develop a checklist to ensure compliance with Chapter 6 of the Constitution omitted to avoid legislating party processes.</p> <p>10(5) insert "The aspiring candidate or agent shall be given an opportunity to write down on the Form reasons for refusal to sign the Form"</p>
11 – Removal of a member of a	Introduce "incapacitation" and "declaration of interest in the	Both recommendations inserted in 11(d) and 11(e).

party's Election Board	nominations" as grounds for removal.	11(f) "other serious" deleted.
12 – Vacancy in a party's Election Board	Need to provide a timeline	12 (2)(c) replaced with "within seven days after the occurrence of the vacancy"
13 – Tenure of a party's Election Board	N/A	13(a) revised to mirror the language used in Section 31 (2A) of the Elections Act.
14 – Fees	Determination of fees should be at the discretion of parties.	Clause retained.
15 – Application for nomination	<p>Revise 15 (1)(a)(i) on party loyalty.</p> <p>Provide an alternative to party membership card to accommodate parties that do not issue party membership cards.</p> <p>Remove requirement on clearance from the Ethics and Anti-Corruption Commission due to lack of a clear legal provision making reference to the EACC as the body that certifies the self-declaration form.</p> <p>Revise the language in 15(2) to reflect application for nomination as a person with disabilities or application for nomination to represent youth.</p>	<p>15 (1)(a)(i) "commitment to the political party policies"</p> <p>15 (1)(e) "evidence of registration as a member of the party"</p> <p>15 (1)(f) deleted.</p> <p>15 (2) "Where an aspiring candidate intends to be nominated on the ground that the candidate is a person with disability"</p> <p>15 (3) "Where a person wishes to be nominated by a political party to represent the youth because he or she is a person who has attained the ages of eighteen but has not attained thirty five years"</p>
16 – Conduct of party primaries		<p>16 (2) Insert "The election board shall in writing certify and declare the aspiring candidate as the party nominee."</p> <p>16 (3) delete "the party shall certify the list of nominees" and replace with "the authorized party officials shall certify the list of nominees"</p> <p>16 (4) delete "except in accordance with"</p>

		the law”
18 – Declaration for conduct of party primaries	Need to be compliant with the provisions of the Elections Act.	18 (1) insert “to the effect that the political party has complied with its rules in the conduct of the party primaries.”
19 – Role of agents of nomination candidates		19 (2)(c) deleted as it is not part of the role of an agent. 19 (2)(d) revised “have access to information relating to the party primary or party nomination of party lists”
20 – Party lists		Marginal note changed from “Woman candidate to be considered in party list” to “Party lists” 20 (2) deleted as the provision does not clearly articulate the intended spirit of affirmative action. Further, in view of the applicable mathematical formula in the allocation of seats, the provision would not have the effect of increasing women’s representation. The provision would however be included in the guidelines on party nominations.
21 - Authorized officer to submit party list on oath or solemn affirmation.		21 (2) revised to include the specific provisions in the Constitution on party lists.
23 - Political party to be responsible for the preparatory work	The Commission should take the responsibility of declaration of results.	Incorporated as follows: 16 (2)“For the avoidance of doubt, the Commission’s role in party primaries shall be limited to the supervision, conduct, announcement and declaration of results of party primaries” 16 (1)(c) insert “preparing a list of members eligible to vote in each primary from the party membership list submitted to the Commission in accordance to Section 28 of the Act” 16 (1)(e) insert “designing and production of ballot papers in accordance with Commission specification”
24 – Conduct of elections	Remove “party membership” card as a requirement to vote in party primaries.	24 (2)(a) “party membership card” deleted. Verification of a voter’s identity shall be through a national identity card or passport as provided in law thus “valid” deleted.

	The basis for determination of spoilt votes questioned.	24 (5) revised to reflect the Commission's mandate "The Commission shall have the discretion to decide whether or not a ballot is rejected"
25 - Commission to submit party primary results to the Board	The Commission to bear responsibility of declaration of results	25 (1) revised "Upon announcement and declaration of the results of the primary, the Commission shall submit the results of the party primary to the Election Board of the party"
26 - Commission to reject party list if it does not conform to law	Redraft regulation 26 (2) to reflect the provisions in Section 34 of the Elections Act as amended by the Election Laws(Amendment) 2017 For purposes of coherence, regulation 26(5) to be shifted to a different part as it is a process carried out post-submission of party lists.	Regulation 26 revised with the insertion of the following sub-regulations: 26 (2) Where the Commission rejects a list or a name in the list, it shall require the political party to resubmit the party list or nominee within such period as the Commission may specify. 26 (3) A political party resubmitting a party list under sub regulation (2) shall resubmit a declaration under Regulation 18 to the effect that the political party has complied with its rules relating to the nomination of the names contained in the list. 26 (4) In the event that a political party fails to resubmit the list or a name in the list after it has been rejected under sub-regulation (1), the party shall not be considered in the allocation of seats.
28 - Party to prescribe nomination malpractices	Political parties' determination of other acts that constitute malpractices seen to be over-prescriptive and ambiguous.	28 (2) deleted
29 - Guidelines by the Commission	Guidelines are statutory instruments and would thus require a separate formal procedure for scrutiny and approval	deleted

EXPLANATORY MEMORANDUM TO THE ELECTIONS (PARTY PRIMARIES AND PARTY LISTS) REGULATIONS, 2017

Name of the Statutory Instrument: the Elections (Party Primaries and Party Lists) Regulations, 2017.

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

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

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

Gazetted on:.....

Tabled on:.....

1. Purpose of the statutory instrument

- 1.1 Article 88 (4) (d) of the Constitution requires the Independent Electoral and Boundaries Commission to regulate the process by which parties nominate candidates for elections while section 31 of the Elections Act stipulates how political parties nominate candidates.
- 1.2 These Regulations are prepared pursuant to sections 27 (2) (B), 34 (6B) of the Act and are intended to provide for the conduct of party primaries and preparation of party lists by political parties. They provide guidelines for the preparation of party nomination rules and procedures, nomination code of conduct and the communication of such information to the party members.
- 1.3 The Regulations also provide for the composition and functions of political party Election Boards, their role in the conduct of party primaries and party lists and the role of the Commission whenever it is requested by a political party to conduct party primaries. Finally, these Regulations provide for the manner of submission of names of nominated candidates to the Commission.

2. Legislative Context

2.1 Following the enactment of the Election Laws (Amendment) Act, No. 36 of 2016 and the Election Laws (Amendment) Act, No. 1 of 2017 sections 27 (2) (B), 34 (6B) require the Commission the prescribe Regulations setting guidelines for the conduct of party primaries and preparation of party lists. Further:

- (a) the Commission is required, upon request by a political party, to conduct and supervise the nomination of candidates by the political party;

- (b) where the Commission receives multiple requests, it shall conduct the nomination of candidates for presidential, parliamentary and county elections on the same day, in the same polling stations and in different streams for each participating political party;
- (c) every political party shall submit the names of party candidates who have been selected to participate in the general election at least 60 days before the elections;
- (d) every political party shall at least 21 days before the nomination day submit to the Commission the names of persons contesting in its party primary and the date of its party primary;
- (e) the Commission shall publish in the gazette names of persons contesting in a party primary and the date of the event within 7 days of receipt of names;
- (f) candidates shall be selected by members of the respective political parties; and
- (g) the Commission is required to make Regulations to regulate the process under which parties nominate their candidates.

2.2 Section 109 (3) requires that proposed Regulations must be approved by the National Assembly, at least four months preceding the general election. This requirement means that the Regulations must be approved before April 8, 2017 since the general elections are scheduled for August 8, 2017.

3. Policy Background

- 3.1 The policy objective of the recent amendments to the electoral laws was to improve the electoral system and processes so as to ensure that the August 2017 elections are free and fair and administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner. These Regulations fulfill this policy objective by prescribing the procedures for the conduct of party primaries and ensuring that members of a political party are informed of all relevant events leading to party primaries.
- 3.2 Based on the responses to the consultative process conducted by the regulation-making authority, there is a high level of public interest in this policy issue. In a society like Kenya where electoral success is largely determined by the sponsoring political party, party primaries are as important, if not more important than the election itself. The proposed Regulations are therefore both legally and politically important in that they introduce fairness and openness at the heart of political party decision-making.

3.3 These Regulations carefully balance the need for political parties to self-regulate themselves during party primaries and the need to observe certain Constitutional and legal requirements to ensure fair electoral process. Political parties will be required to determine how to conduct party primaries in their nomination rules and procedures, subject to the requirements of the law.

4. Consultation outcome

4.1 On 23rd January 2017, the Commission convened a consultative meeting comprising representatives from all political parties. The meeting considered a set of guidelines informing the drafting of these Regulations and was agreeable to the content subject to a few non-substantive changes.

4.2 With regard to the Regulations, all participants were agreeable that the Regulations should provide for the guiding principles on how party primaries should be conducted. They were also unanimous that the Regulations should provide that party primaries should be in accordance with the nomination rules and procedures which should in turn be based on a party's constitution. Participants also agreed that political parties should only be required to communicate certain decisions to its party members without the requirement to publish which has financial implications.

4.3 Well over half of the participants felt that that provisions relating to conduct of primaries by political parties were too prescriptive and should not be included in the Regulations. Responses to the provisions relating to conduct of party primaries by the Commission should be left out since political parties will not request the Commission to conduct party primaries.

4.4 The Commission considered the above responses and retained the provisions relating to conduct of primaries by both the political parties as well by the Commission as may be requested since this is what the parent Act specifically provides.

4.5 On 27th January, 2017 the Commission organized a consultative meeting comprising representatives from civil society. The responses from this meeting was that all the provisions should be retained but to some non-substantive changes which have since been effected.

List of Participating Organisations

1. The Institute for Social Accountability
2. Voter Information Network and Education
3. Youth Advancement Initiative
4. National Women's Steering Committee (NWSC)

5. United Disabled Persons of Kenya (UDPK)
6. Kenya Human Rights Commission
7. Uraia Trust
8. Africa Youth Trust
9. International IDEA
10. Centre for Multi-Party Democracy-Kenya
11. GRANDEL
12. Kenya Alliance of Resident Associations (KARA)
13. Voter Information Network and Education
14. Handicap International
15. Community Advocacy and Awareness Trust (CRAWN Trust)
16. YWCA Nairobi
17. Africa Alliance for Health, Research and Economic Development (AAHRED)
18. Catholic Justice and Peace Commission(CJPC)
19. Institute for Education in Democracy (IED)
20. National Democratic Institute (NDI)
21. Cradle Africa International
22. K. Macharia & Co. Advocates
23. Murugu Rigoro & Co. Advocates
24. Mukele Moni & Co. Advocates

4.6 On 20th-21st February, 2017 the Commission presented the draft Regulations to the National Assembly Committee on Delegated Legislation after which the Regulations were revised to take into account the following recommendations by the Committee:

- (a) Remove the requirement for production of party membership card before participating in party primaries and replace that with evidence of registration;
- (b) Remove the requirement for a clearance certificate from the Ethics and Anti-Corruption Commission;

- (c) Require a political party Election Board to consult with aspiring candidates before determining the venue for party primaries;
- (d) Require the Election Board or the Commission to announce and declare the winner in party primaries;
- (e) Redraft the clause on persons with disabilities to make it clear that persons with disabilities do not represent persons with disabilities only but the electoral constituency and also to vest the National Council of Persons with Disabilities, being the relevant statutory body, with the powers to ascertain persons with disabilities. The revision also removes the requirement of medical practitioners to certify a person's disability.
- (f) Remove the requirement for a person seeking nomination to declare his loyalty for a political party and require that an aspiring candidate should only declare commitment to party policies.
- (g) Insert a new provision on dispute resolution and specifically provide that where the Commission conducts and supervises party primaries, disputes arising therefrom shall be heard by the Political Parties Disputes Tribunal.
- (h) Provide recourse for a political party where the Commission rejects a party list or a specific name as follows:
 - i. The Commission to reject the party lists or a name in the list if it does not conform to any of the requirements of the Constitution, the Act or these Regulations or is the submitted after the time specified for resubmission has lapsed.
 - ii. The Commission is required to ask the political party to resubmit the party list or nominee within such period as the Commission may specify.
 - iii. A political party resubmitting a party list shall also resubmit a declaration to the effect that the political party has complied with its rules relating to the nomination of the names contained in the list.
 - iv. If a political party fails to resubmit the list or a name in the list after it has been rejected, the party shall not be considered in the allocation of seats.
 - v. If a person who has been nominated on a party list rejects the nomination the person shall inform the political party and the Commission in writing, and the Commission shall replace that name with the next name of the same gender in the list.

4.7 Following a request for written memorandum the Commission received written memorandum from the Disability Caucus on the Implementation of the Constitution and the United Disabled Persons of Kenya, the National Women's Steering Committee and Civil Society Organizations, the Youth Agenda, Oxfam-Kenya and FIDA-Kenya. These memoranda raised issues relating to the definition of terms and phrases, methods of communicating information by political parties, dealing with

agents for aspirants and inclusion of affirmative action. The Commission has incorporated these comments by defining special interest groups and inserting dispute resolution provisions.

5. Regulatory Impact Assessment

The Commission has taken into account the provisions of section 9 of the Statutory Instruments Act No. 23 of 2013 and is satisfied that these Regulations are substantially complementary to the Elections Act, 2011 as amended and do not fundamentally affect the legislation's application or operation. They do not operate to the disadvantage of any person by decreasing the rights or imposing liabilities on of any person. Consequently, a regulatory impact statement need not be prepared.

6. Guidance

The legal complexity brought about by the serial amendments to the electoral in laws whose intention was, among others, to strengthen the institution of political parties and discourage party-hopping appears to be in conflict with the hitherto existing practice of switching parties at the last minute. The Commission has remained faithful to the letter and the spirit of the law.

7. Contact

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

Made on the 1st day of March, 2017.


Wafula Chebukati
Chairperson,

Independent Electoral and Boundaries Commission