



**POST-ELECTION EVALUATION REPORT ON THE MARCH
4TH 2013 GENERAL ELECTIONS**

OCTOBER 2014

FOREWORD



I am pleased to present the official Post-Election Report of the 2013 General Elections. Perhaps, the perceived delay in the production of the report underscores the fact that a general election is not an event, but a series of several events. This implies that elections are not completed until a series of post-election activities have been finalized including among others, election litigations, re-runs where applicable and reviews by the election management body. These post-election activities have preoccupied IEBC in the past seventeen months and an account of the 2013 elections would not have been complete without bringing these post-election activities on board.

The 4th March general election was the first after the promulgation of the Constitution of Kenya 2010. It was also the first time that the country was holding multiple elections. Although the situation presented a number of challenges, I can say with confidence that the elections were free and fair; and that Kenyans were presented with a credible election result.

The Commission introduced a number of innovations in the electoral process, principally in the area of information communication technology. For the first time, the Biometric Voter Registration technology was fully employed in the registration of voters with resounding success. Although some hitches were experienced with the use of Electronic Voter Identification Devices and the Results Transmission System, I can say that by progressively introducing technology in such key areas, it demonstrated some daring on the part of the Commission; but above all the fact that IEBC was prepared to go to all lengths to bring improvements in the electoral processes. The Commission has subsequently employed technology in various post-election By-elections with considerable success thus, raising its mastery of the technology and increasing its confidence.

This evaluation process has been undertaken through a series of steps, involving all the stakeholders including Political Parties, Independent Commissions, Civil Society, the Media, Development Partners, eminent resource persons and IEBC Staff. This participatory approach was deliberately adopted by the Commission in order to ensure that the report captures all the salient lessons needed to inform our strategy as we approach the 2017 general elections.

By completing this evaluation exercise, the Commission has already embarked on the process of preparing for 2017, which will be implemented in three

phases namely, the review phase, the planning phase and the implementation phase. This Post-Election evaluation report is a culmination of the review phase whose outcomes include the recommendations of various reports and audits including the IFES Audit Reports on ICT, Voters Register and the Post Election Evaluation Report. The Commission has now embarked on the planning phase that is expected to emerge with a new 5-year strategic plan 2015-2020, and a series of recommendations to the National Assembly on strengthening the legal framework for conducting elections in Kenya.

This Evaluation Report is a concise account of the events of the 2013 General Elections. It highlights the key activities, challenges and remedial actions recommended for implementation by the Commission. I consider the recommendations emanating from this process invaluable for informing the Commission's strategy as we approach the 2017 General Elections.

Conducting the multiple elections over a one-day period was a daunting task that called for the goodwill and unreserved effort of many. In this respect, I must recognize the supportive roles played by the electorate, Political Parties, candidates, the media, temporary poll staff, security forces, Government agencies, schools, Development Partners, Election Observers and the private sector.

Lastly, I offer my sincere thanks to the entire IEBC fraternity for rallying together to conduct a successful election.

Ahmed Issack Hassan, EBS
Chairperson

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Post Election Evaluation Workshop at Kaskazi Beach Hotel Diani, Kwale

CHAPTER ONE

1.0 INTRODUCTION

Mandate of the Independent Electoral and Boundaries Commission

1.1 The Independent Electoral and Boundaries Commission was created under Article 88 of the Constitution of Kenya, 2010; to conduct and supervise elections and referenda in Kenya. Specifically the Constitution assigns the Commission responsibility for:

- (i) Continuous registration of citizens as voters;
- (ii) Regular revision of the Voters Roll;
- (iii) Delimitation of constituencies and wards in accordance with the Constitution;
- (iv) Regulation of the process by which parties nominate candidates for elections;
- (v) Settlement of electoral disputes, including disputes relating to or arising from nominations, but excluding election petitions and disputes subsequent to the declaration of election results;
- (vi) Registration of candidates for election;
- (vii) Voter education;
- (viii) Facilitation of the observation, monitoring and evaluation of elections;
- (ix) Regulation of the amount of money that may be spent by or on behalf of a candidate or party in respect of any election;
- (x) Development and enforcement of a Code of Conduct for candidates and parties contesting elections;
- (xi) Monitoring of compliance with the legislation required by Article 82 (1) (b) of the Constitution relating to nomination of candidates by parties;
- (xii) Investigation and prosecution of electoral offences by candidates, political parties or their agents pursuant to Article 157(12) of the Constitution;
- (xiii) Use of appropriate technology and approaches in the performance of its functions; and
- (xiv) Such other functions as are provided for by the Constitution or any other written law.

Organization and Legal Framework of the IEBC

1.2 The conduct of free and fair elections calls for a comprehensive legal framework consistent with the holding of such elections. The Legal Framework within which the March 4th, 2013 General Elections were conducted consists of the following:-

i. The Constitution of the Kenya, 2010

The Constitution provides for the composition, mandate, and functions of the Commission in the electoral process and timeline within which to conduct the elections

ii. The Independent Electoral and Boundaries Commission Act, 2011

The Act provided for the structure, roles, responsibilities and functions of the Commission within its Constitutional mandate.

iii. The Elections Act, 2011

This Act provides for the election of the President, the Senator, the County Governor, the Member of the National Assembly, the Woman Representative, and the County Assembly Representative. It also spells out the requirements for qualifications, nomination of candidates, sponsorship of candidates by political parties and organizations, facilitation of candidates, campaign period, polling procedure, counting, tallying and declaration of results, as well as handling of petitions, among others. Lastly, the Act Stipulates the procedures to be followed during elections including registration of voters, rules and regulation on nomination of candidates for elections and referendum processes, election offences and dispute resolution provisions.

iv. The Political Parties Act, 2011

The Act Provides for the formation of Political parties, requirements of political parties, registration, deregistration, membership and organization, rights and privileges of political parties, funding of political parties, and offences, prescription of their code of conduct and the establishment of the National Consultative Forum. It also establishes the Registrar's office as a state office as prescribed in Article 260 of the Constitution among others.

v. **The Elections Regulations, 2012**

The Regulations provide guidelines and procedures for electoral management, registration of eligible voters, nomination of candidates, campaign period, preparation for polling and polling day procedures, dispute resolution mechanisms, voter education, and Election procedures for Kenyan citizens residing outside the country.

vi. **Rules of Procedure on Settlement of Disputes, 2012**

The Rules and procedures provided for the settlement of disputes arising out of political party nominations as conferred by Regulation 99 of the Elections (General) Regulations, 2012 and Article 88 (4) (e) of the Constitution and Section 74 of the Elections Act, 2012.

vii. **Elections and Supreme Court Petition Rules, 2013**

The Petition rules provided for a sound legal framework to manage election disputes, management of presidential petitions at the Supreme Court and determination of petitions in the High Court.

viii. **Formula and Criteria for Allocation of special seats (political parties list)**

This provided for a guideline of allocation of the special seats by the Political parties as stipulated in Articles 90, 97, 98 and 177 of the Constitution of Kenya, 2010.

ix. **Independent Electoral and Boundaries Commission Fund Regulations, 2012**

This Regulation provided the Commission with legitimate means of administering monies accruable to the Commission for purposes of elections as stipulated in Section 18(1) and (3) of the IEBC Act, 2011.

1.3 The Commission's Vision is, **"An independent and credible electoral management body committed to strengthening democracy in Kenya."** This Vision serves to guide and inform its Mission which is,

“To conduct free and fair elections and to institutionalize sustainable electoral processes”. The IEBC’s development programme is articulated in its seven-year Strategic Plan 2011 – 2017. The day-to-day operations are guided by a set of Core Values which are: Independence; Teamwork; Innovativeness; Professionalism; Integrity; Accountability; and Respect for the rule of law.

The Evolution of Elections in Kenya

1.4 The electoral process in Kenya has evolved over time; with the first general elections at Independence in 1963, being held under a multi-party system. The Kenya Independence Order-in-Council created the first Electoral Commission with the Speaker of the Senate as its Chairman and the Speaker of the House of Representatives as the Vice Chairman. Nine other members of the Electoral Commission were appointed by the Governor General. Following the Constitutional Amendment of 1966 (The Turn-Coat Rule), the two-tier parliamentary system was abolished; and elections were managed by the Supervisor of Elections from the Attorney General’s Chambers. During this period, Civil Servants became increasingly involved in the management of the electoral processes. The Provincial Administration assumed some key roles with District Commissioners and other civil servants being designated as Returning Officers.

1.5 In 1991 following the repeal of section 2 (A) of the Constitution of Kenya, the country reverted to a multiparty state and the Electoral Commission of Kenya (ECK) was established. However, the process of appointing Commissioners to the ECK remained contentious with political parties questioning its impartiality and independence. It was subsequently agreed by the Inter-Party Parliamentary Group (IPPG) that political parties recommend names of persons to serve on the ECK as Commissioners prior to their appointment by the President. This arrangement was however, not anchored in the Constitution and was, therefore, still susceptible to manipulation.

1.6 Following the disputed results of the Presidential elections in 2007 and the resultant post-election violence, a National Accord Implementation Committee (NAIC) was established. The NAIC made far reaching recommendations among them, a review of the electoral process. This led to the establishment of the Independent Review Commission (IREC), popularly known as the Kriegler Commission to

undertake the exercise. The IREC recommended a new or transformed ECK with a lean policy-making structure and a professional secretariat. It also recommended review of the entire constitutional and legal framework in line with the political and legal aspirations of Kenyans. Following these recommendations, Parliament in 2008, amended Section 41 of the Constitution leading to the disbandment of the ECK. The amendment resulted in the creation of the Interim Independent Electoral Commission (IIEC), and the Interim Independent Boundaries Review Commission (IIBRC).

1.7 The promulgation of the Constitution of Kenya, 2010 resulted in the establishment of the Independent Electoral and Boundaries Commission in November, 2011. It also provided the basis and rules under which the country's general elections could be conducted. The new Constitution provided two levels of governance: the National Government (comprising of the Senate and National Assembly); and the County Government (comprising of the County Executive and County Assembly).

Elections and Elective Positions

1.8 According to Articles 101(1), 136 (2) (a) and 180 (1) of the Constitution of Kenya, the IEBC is mandated to hold Presidential, Parliamentary and County Government Elections in a general election on the second Tuesday in August every 5th year. Whereas the general election was scheduled to be held on Tuesday 14th of August, 2012, a dispute arose regarding the date. The Courts ruled that IEBC determines the date for the General Elections. Taking into consideration the transition period, the Commission declared 4th March 2013 as the date; and accordingly, elections were held on that date.

1.9 The Constitution provides for six elective positions for which the electorate are to vote as follows:-

The President

1.9.1 The President is the Head of State and Government; and also Commander-in-Chief of the armed forces. The President is a symbol of national unity, elected by universal adult suffrage through secret ballot. In order for the President's election to be conclusive, the winning candidate has to obtain at least 50% plus one of the total votes cast in the elections as provided for in Article 138 (4) (a) (b) of the Constitution of Kenya.

The Senator

1.9.2 The Senator represents a County, and is elected by the registered voters in the County with each County constituting a single member Constituency. The Senator participates in the law making function of Parliament by considering, debating and approving bills concerning Counties. The Senator also participates in the oversight of State Officers by considering and determining any resolution to remove the President or Deputy President from office in accordance with Article 145 of the Constitution. The Senate consists of Sixty Eight Members with Forty-seven of them being elected from each County; 16 being women Senators nominated by their respective political parties; one man and one woman representing the youth; one man and one woman representing persons with disabilities; and the Speaker who is an *ex-officio* member.

The Governor

1.9.3 The Governor is the Head of the County Executive; and is elected by voters registered in the County. The functions of the County Governor include administering and managing the affairs of the County; appointing members of the County Executive Committee following approval by the County Assembly; and appointing members of the Urban and Municipal Boards for towns and municipalities within their areas of jurisdiction.

Member of the National Assembly (MP)

1.9.4 A Member of the National Assembly is elected by registered voters of the Constituency. The Member of Parliament is elected whenever a vacancy occurs in the office of the National Assembly as provided under Article 97 (1) (c). The Speaker gives notice on the occurrence of the vacancy to the IEBC; and to the Political Party on whose Party List the member was elected. A By-Election is then held within 90 days of the occurrence of the vacancy which however, may not be filled within 3 months immediately before a General Election.

1.9.5 A Member of Parliament deliberates on and resolves issues of concern to the electorate; makes laws; determines the allocation of national revenue between the National and County governments; determines allocation of funds for expenditure by the National Government and other State organs; exercises oversight over national

revenue and expenditure; reviews the conduct of the President, Deputy President and other State Officers; initiates the process of removing them from office; exercises oversight over State organs; and approves declaration of war and extension of States of Emergency.

1.9.6 The National Assembly consists of 290 members elected from each constituency by voters in the constituency, 47 women members elected from each County by voters, 12 members nominated by parliamentary political parties according to their proportionate membership in the National Assembly; and the Speaker, who is an *ex officio* member.

Women Representatives, Youth and Representatives of Persons with Disabilities (PWDs)

1.9.7 The Women Representatives, Youth and Persons with Disabilities to various National Government and County Governments are elected by their respective electoral parties comprising elected leaders from the grassroots through secret ballot. The 2013, General Elections were accomplished in conformity with this pattern.

Member of the County Assembly

1.9.8 The MCA who is nominated by their respective political party or stand as independent candidates are elected by the electorate in the Ward. A total of 1,450 MCAs were elected throughout the country.

Rationale For The Post-Election Evaluation

1.9.9 Conducting a post-election evaluation is an integral component of an electoral cycle; and is therefore, a best practice for any forward-looking EMB. The purpose of the post-election evaluation was to:-

- (i) Provide the Commission with the information needed to make informed decisions about the conduct of future elections. This was achieved by making an internal critical assessment of the Commission's performance in the conduct of the 2013 General Elections. Following the exercise, the Commission was able to establish what worked, what did not work as expected and what could have been done better. The challenges experienced and the lessons learnt for future elections have also been documented as a result; and

- (ii) Assess whether IEBC's programme as articulated in the Strategic Plan is contributing towards building democracy in Kenya. It is envisaged that the IEBC will use the evaluation findings as a performance management tool to improve on the existing programme; and to inform future policy decisions. The findings of the evaluation will also be shared with Development Partners and other stakeholders involved in the electoral process in Kenya.

CHAPTER TWO

PLANNING FOR THE 2013 GENERAL ELECTIONS

Introduction

2.1 The IEBC Commissioners were appointed on November 8, 2011 vide Gazette Notices No. 14091 of 2011 and No.14094 of 2011. The principle mandate of the Commission is to conduct and supervise elections and referenda in Kenya. On assumption of office, the Commission constituted itself into nine (9) Committees under which it transacts its business with the Secretariat. One of the immediate tasks of the Commission was to acquaint itself with the plans of the Secretariat for the 2013 General Elections. This was found necessary in order to provide the strategic guidance needed for this important exercise.

2.2 As part of the planning process, the Commissioners underwent a briefing session by the Secretariat through which they were exposed to the following: the IEBC seven-year Strategic Plan; the two-year Elections Plan for the 2013 General Elections; operational plans of the Directorates; the Legal Framework; plans for the delimitation of boundaries; and status of the voter registration exercise including the technologies available for use. Commissioners were also exposed to some insights on Corporate Governance.

Developing the IEBC Strategic Plan 2011-2017

2.3 The IEBC Strategic Plan was developed with a two-pronged objective in mind. First, the Commission's development programme encompassing its strategic direction for a seven-year period was outlined. The strategic plan also focused on establishing and strengthening internal systems and building the capacities of the Commission as a permanent EMB succeeding from its predecessor the IIEC that was transitory. Secondly, a two-year elections plan containing the roadmap for enhancing the Commission's state of preparedness for the impending general elections was developed. The roadmap provided detailed plans and strategies for implementation on all aspects of conducting elections. The objectives of the roadmap were therefore to:-

- (i) Create a common understanding of the priorities for implementation leading to the general elections;
- (ii) To establish timelines and budgets for each of the identified activities;
- (iii) To assign responsibility for implementation to individuals and Departments; and
- (iv) To engender stakeholder participation in the electoral processes.

Planning for Boundaries Delimitation

2.4 The first landmark decision of the Commission was to conduct the delimitation of electoral boundaries. The IEBC Act, 2011 provided the legal framework for undertaking this assignment and outlined the steps to be followed [IEBC Act, Fifth Schedule, Article 2 (1) and (2)]. The law required the Commission to publish its final report on the exercise within a period of four months of the date of the appointment of its chairperson and members.

2.5 The delimitation of boundaries was successfully conducted in April to May 2012 nationwide. Two hundred and ninety (290) constituencies and one thousand four hundred and fifty (1,450) wards were created as provided for by the Constitution. The Schedule of events for the exercise is summarized as follows:-

Date	Activity(s)
9th January 2012	The Commission published its Preliminary Report on the First Review Relating to the Delimitation of Boundaries of Constituencies and Wards.
	The Commission invited members of the public through print and electronic media to make their submissions and presentations on the Preliminary Report.
9th and 30th of January 2012	The Commission received, collated, considered and analyzed all views and memoranda received during the public fora in accordance with the Constitution and the IEBC Act.
February 9, 2012	The Commission published its Revised Preliminary Report relating to the Delimitation of Boundaries of

Date	Activity(s)
	Constituencies and Wards.
	The Revised Preliminary Report was handed over to the Parliamentary Committee for deliberation.
2nd March, 2012	The Commission received the recommendations of Parliament on the Revised Preliminary Report.
6th March 2012	<p>The Commission deliberated and considered the resolutions therein and thereafter published the Final Report in the Daily papers and on its website, which comprised of:</p> <ul style="list-style-type: none"> a) Volume 1: The Final Report of the Proposed Boundaries of Constituencies and Wards (hereinafter referred to as “the Final Report”). b) Volume 2: The National Assembly Constituencies and County Assembly Wards Order, 2012 dated 6th March 2012. c) Volume 3: Atlas of Maps of Proposed Boundaries of Constituencies and Wards.

2.6 Whereas the Commission successfully completed the delimitation exercise it was taken to court by various groups. A five bench judge was set up to hear these cases in various towns across the country. The hearings ended in July 2012 and IEBC gazetted the constituency and ward boundaries as per the court rulings.

Planning for Voter Education

2.7 The provision of voter education encompasses the providing information and civic education on elections to voters. The Commission implemented various activities in this area including: developing the a national curriculum on voter education; identifying and training the voter educators; establishing appropriate channels and platforms for delivery of voter education to various groups of persons; establishing mechanisms for quality assurance; and vetting and regulating providers.

2.8 To deliver the voter education, the Commission mounted mass-media campaigns utilizing media scripts, newspaper adverts, appearances by IEBC officers and prominent media personalities. Some voter education activities were undertaken through radio using radio

spots and presenter-guided talk shows. Eight TV stations were also used to disseminate voter education. All major newspapers in the country were used to disseminate voter education messages.

2.9 The social media which is growing and fast emerging as an important mode of communication in Kenya was also used to pass messages. Platforms such as twitter, facebook, Google, etc. were employed especially to engage the youth on elections; and to attract them to the IEBC website. Mobile phones which are widely owned and are accessible to a significant proportion of Kenyans were also used to interact with voters.

2.10 The voter education programme was supported by IEC materials developed on all aspects of the electoral process. For the Voter Registration exercise, a simple booklet entitled the ABC of Voter Registration was developed both in English and Kiswahili languages. The booklet summarized the voter registration process in a simplified manner, giving a step-by-step explanation of the registration process. The booklet which was distributed across the country also presented information on the Bio-metric Voter Registration kit and process. Copies of the booklet, posters, flyers and stickers were posted to all existing postal addresses in the country through the Kenya Postal Corporation.

2.11 The Commission also mounted an IEBC poster competition and developed several posters for voter registration as follows;

- i. General poster publicizing dates of voter registration period and urging citizens to register;
- ii. A poster summarizing the voter registration process;
- iii. A poster appealing to the Persons With Disabilities to register;
- iv. A poster targeting women;
- v. A poster targeting the youth; and
- vi. A poster targeting minority/marginalized groups

2.12 The focus on the above groups was informed by the constitutional requirement to address the needs of all the groups in the electoral process. Stickers containing messages were also developed and distributed to all parts of the country urging the people to register as voters.

2.13 The Commission used various approaches and agents at different levels to mobilize voters such as:

- i. Provincial Administration;
- ii. Multi- Sectoral Stakeholders Constituency forums;
- iii. Ward Based Mobilization;
- iv. Political parties; and
- v. Volunteer community mobilizers.

2.14 To strengthen the voter education process, Voter Educators were employed in each County Assembly Ward with instructions to raise awareness on voter education. Other forums targeted by the voter educators included; schools, churches, mosques, health centers, market centers, community centers, farms, NGOs, coffee shops and cyber cafes. The educators also helped in the distribution of voter education materials to the members of the public. Local area inhabitants were used to spearhead the community mobilization initiatives at their level. The CECs monitored and evaluated the work of the voter educators against pre-determined deliverables. The IEBC organized five marathon events in Nyeri, Mombasa, Kakamega, Nairobi and Eldoret during the voter registration month of December, 2012 to hype the voter registration exercise.

2.15 In a collaborative initiative with partner organizations and associations, the Commission wrote appeal letters requesting them to assist in mobilizing in their members and staff to register as voters. This approach was considered viable since unions and such other organizations have a large membership. Some of the Institutions reached included religious organizations, COTU, KNUT, KUPPET, public and private universities and colleges, Nairobi City Council, among others.

2.16 Road-shows were widely used to reach members of the public with voter education messages. The road-shows were mounted in collaboration with various media houses such as The Royal Media, The Standard Group and the Nation Media Group.

Planning for Registration of Voters

2.17 The objective of the Commission was to register all eligible voters afresh. According to the Strategic Plan, this entailed registering a minimum of 20 million voters before the general elections. The registration of voters was to be conducted in a period of 30 days down from the previous period of 90 days following the amendment to the Elections Act, 2011. The registration of voters took place in all the 24,614 registration centers spread across the country. A total of 14,388,781 voters or 72 percent of the targeted figure of 18,000,000 were registered. The Commission recruited and deployed 31,450 officials for the voter registration exercise.

2.18 Following the introduction of BVR for registration of voters, it was important that the registration personnel should have appropriate skills in use of the technology. A total of 30,000 registration clerks were trained; and a further 1,450 voter registration assistants (VRAs) also trained to assist in the supervision and coordination of the registration exercise at the County Assembly Ward level. A total of 17 Regional Elections Coordinators (RECs) and 290 Registration Officers (ROs) were also trained on the use of the BVR kits in registration. They in turn trained the Deputy Registration Officers (DROs).

2.19 Voter registration was also conducted in four East African countries namely; Uganda, Tanzania, Burundi and Rwanda as an effort to progressively bring the Kenyans in the Diasporas in the Voters Register. The Diaspora voter registration commenced on 13th December 2012 and was concluded on 25th December 2012.

2.20 Inspection of the register of voters is a statutory requirement under the Elections Act 2011 Section 6(2) and 6(3). Registered voters were given 14 days in which to verify their particulars before the General Elections. The Commission opened the voters register for inspection on 13th January 2013. Voters were to verify their details before 26th January 2013 to enable the Commission clean the register ahead of the poll. The options for verification included visiting the respective centres, the IEBC website or the use of mobile phone numbers via SMS service (using the National Identity card or Passport Number used during registration). On 23rd February, the Commission announced that the 20,000 voters who had registered more than once had been removed from the voters roll.

2.21 The voters register was sorted twice, by first name before streaming and by surname after streaming. Streaming was done at 800 voters for the polling stations with less than 10,000 registered voters and 1,000 voters for polling stations with over 10,000 registered voters.

2.22 The final principal voters’ register was certified on 18th February, 2013 and printing commenced on 25th February 2013; and was completed on 1st March 2013.

Operationalization of the Elections Plan

2.23 An Elections Plan covering a two-year period prior to the General Election was developed as a roadmap leading to the general elections. The Constitution of Kenya, 2010 sets statutory deadlines for the polling period as an indicator for holding elections (Articles 101(1), 102 (1) of the Constitution). Accordingly, the term of office for all elected leaders was to expire on 30th December 2012; and therefore, the polling for the 2013 General Elections had to be held between 4th March and 26th March 2013. This established the beacon for the 2013 General Elections and also provided a benchmark for IEBC to adjust its timelines and target dates. The Roadmap was, however, continuously adjusted to fit within the available funding.

2.24 A series of internal planning processes were completed culminating into the 4th March 2013 General Elections. First, the Writs were issued by the Speaker of the National Assembly declaring all elective posts vacant. This was followed by the announcement by the IEBC establishing the 4th March 2013 as the Elections Day. The events leading to the 2013 General Elections took the following sequence of events as reflected in Table I.

Table I: Sequence of Events Leading to the 2013 General Elections

Date	Event
3rd September, 2012	Issuing of Writs by the Speaker of the National Assembly.
27th December, 2012	Issue of Notice of 4 th March 2013 as date for

General Elections	
14th January, 2013	Termination of the life of the 10 th Parliament
18th January, 2013	Gazettement of Returning Officers
10th – 15th January, 2013	Election planning meetings. Briefing of the Returning Officers
17th -18th January, 2013	Political Party Primaries held
29th January – 1st February, 2013	Submission of Nomination Papers by Political Parties and Independent Candidates to IEBC
4th March, 2013	Voting for Kenyans in the Diasporas
4th March, 2013	Conduct of General Elections
9th March, 2013	Results of the Presidential Results announced

Planning for Party Nominations and Presidential Primaries

2.25 Following the dissolution of Parliament, Political Party Primaries were conducted using established nomination requirements. The Parties were given six days within which to conduct the primaries but they instead elected to undertake the exercise within two days to avoid party hopping. There were a total of 1,882 elective positions to be contested in the General Elections by 12,776 candidates nominated by their respective parties as shown in Table II below.

Table II: Number of Nominated Candidates by Elective Position

Elective Positions	No. of Candidates Nominated	No. of Independent Candidates	Total No. of Candidates	No. of Positions
President	7	1	8	1
Governors	231	6	237	47
Senators	237	7	244	47
Members of National Assembly	2,068	30	2,098	290

County Women Member to the National Assembly	300	3	303	47
County Assembly Ward Member	9,775	112	9,886	1,450
Total	12,617	159	12,776	1,882

2.26 Political party nominees submitted their nomination papers to the IEBC Returning Officers on January 29th, 30th, 31st and February 1st 2013 as shown in Table III.

Table III: Category of Returning Officer by Elective Position

Nomination Dates	Position	Category of Returning Officer
29 th & 30 th January 2013	President	Chairman, IEBC
31 st January & 1 st February 2013	Governor	County Returning Officer
31 st January & 1 st February 2013	Senator	County Returning Officer
31 st January & 1 st February 2013	County Woman Member to the National Assembly	County Returning Officer
31 st January & 1 st February 2013	Member of National Assembly	Constituency Returning Officer
29 th , 31 st January & 1 st February 2013	County Assembly Ward Member	Constituency Returning Officer

Planning for the Conduct of Elections

2.27 Elections in Kenya are funded by the Government. Prior to release of funds for an election, it is mandatory that an estimate of expenditure is submitted to the Treasury for approval. Based on this requirement, the Commission prepared a budget for the 2013 General Elections amounting to Kshs. 38.087 billion. However, it was allocated Kshs. 24.3 billion occasioning a short fall of Kshs. 14 billion.

In preparation for the General Election the Commission conducted mock elections in two constituencies, Kajiado North and Malindi in May 2012. The objective of the mock elections was to arrive at an appropriate model

for the General Election following the expanded number of ballots three to six. Another objective was to establish the logistical needs of the general elections and the suitability of the content and medium for voter education. A simulation exercise was also conducted a week before the 4th March 2013 General Elections in 1,450 County Assembly Wards. The objective of this second exercise was to gauge the level of preparedness of both the commission and the electorate in specific areas of the polling process. The simulation also tested the preparedness of Returning Officers to tally and announce the results. The transmission of results from polling station to constituency tallying centres, and subsequently to the National Tallying Centre was also tested.

2.28 Other measures designed to improve the management of the General Elections included: holding consultative meetings with stakeholders to plan and agree on their respective roles; mounting seminars and workshops for stakeholders principally, political parties, candidates and their agents. To enhance a peaceful environment for elections, an Early Warning Electoral Violence Tool was piloted in collaboration with the International IDEA.

Recruitment and Training of Temporary Poll Officials

2.29 A total of 301,593 officials were recruited to handle 31,981 polling stations. The Commission, with the support from the United Nations Development Program (UNDP) also contracted 290 Constituency Logistic Assistants to assist Returning Officers as logisticians at the constituency level. Overall, the Commission recruited and deployed the following categories of poll officers for the 2013 General Election as shown in Table IV.

Table IV: Temporary Poll officials Recruited for the 2013 General Elections

Cadre	Number
County Returning Officers	47
Deputy County Returning Officers	47
Deputy Constituency Returning Officers	290
County Campaign Monitors	47
Presiding Officers	3,400
Deputy Presiding Officers	33,400
Election and Tallying Clerks	200,400
Security Personnel	63,962
TOTAL	301,593

2.30 The training of election officials was implemented in five different levels using a cascaded approach as shown in Table V.

Table V: Training of Poll Officials

Level	Trainers	Trainees	Duration Days
1	BRIDGE facilitators and other CECs and Managers.	2 TOTs from each electoral region	4
2	2 TOTs form each region	ROs and DROS	3
3	ROs and DROS	11 SETs from each Constituency	3
4	ROs, DROS and SETs	POs and DPOS	3
5	POs and DPOs	Clerks	2

The Management of Logistics and Distribution of Election Materials

2.31 The General Elections required comprehensive logistical plans in distribution of strategic and non-strategic materials. The Commission developed the first comprehensive procurement and distribution plan for the 2013 General Elections shown in table VI.

Table VI: Packaging and Distribution Plan

Date	Activity	No. Of Days	Input
Level 1 - Headquarters			
June 2012	Hire of casuals	10	70 Casuals
June – July 2012	Receiving and Inspection of Voter Registration Materials at the National Warehouse	5	Man - hours
July 2012	Packaging of Voter registration Materials at the National Warehouse	10	70 Casuals
July 2012	Transportation of Voter registration materials to the 17 regions	2	12-Tonnes Lorries
Level 2 – 17 Regions			
July 2012	Hire of Casuals	10	10 casuals
July 2012	Receiving and Inspection of Voter Registration Materials at the Regions	5	Man - hours
July 2012	Leasing of warehouses for storage of election materials at the regions	6	
July 2012	Packaging and Distribution of Voter registration Materials at the Regional Warehouse	5	10 Casuals
July 2012	Transportation of Voter registration materials to the Constituencies	3	10 tonne lorry
Level 3 – 290 Constituencies			
July 2012	Hire of Casuals	10	5 Casuals
October 2012	Receiving and Inspection of Voter Registration Materials at the Constituency Level	5	Man - hours
October 2012	Recording of BVR Kits Particulars	2	Man - hours
October 2012	Development of Constituency based Voter Registration Transportation plan	1	CEC
October 2012	Procurement of Transport Services at the constituency level for Voter registration Materials, H/Clerks and Voter registration Clerks	2	CEC
October 2012	Packaging and distribution of Voter registration Materials at the Constituency Warehouse to the Ward level	5	5 Casuals
October 2012	Transportation of Voter registration materials to the Wards.	1	One vehicles per Ward
November 2012	Movement of BVR Kits within the ward during Voter registration	30	Motorbikes
November 2012	Movement of Head Clerks within the wards	30	Motorbikes
December 2012	Retrieval of BVR kits and other Voter registration materials after registration	1	Registration officer/DRO
October 2012	Development of constituency based voters Roll Transport plan	1	CEC

December 2012	Distribution of Voters Roll for Inspection	2	one vehicle per ward
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Planning for Risk Management and Mitigation

2.32 Risk minimization was a central objective of the Commission during the preparation for the General Elections. The goal was the reduced exposure of the Commission to risk and to enhance the credibility of the electoral processes. In order to achieve this objective, the following activities were implemented:-

- i. Developed an internal Audit Plan and Charter;
- ii. Undertook periodic audit reviews both at the Headquarters and field offices;
- iii. Undertook risk assessment of the electoral environment prior to the conduct of the general elections and all by-elections.
- iv. Undertook training of Risk Champions;
- v. Developed a Risk Register;
- vi. Trained Security officers and IEBC staff on election security;
- vii. Trained IEBC staff on gender violence and discrimination;
- viii. Published pocket friendly handbooks for security officers on electoral process; and
- ix. Undertook mapping of electoral violence hotspots in the country.



The Commonwealth Electoral Network (CEN) conference held in Nairobi Kenya

CHAPTER THREE

METHODOLOGY OF THE EVALUATION

Introduction

3.1 The evaluation used both internal and external approaches to assess the achievement of IEBC's goal and objectives with specific reference to the 2013 General Elections. In this regard, the focus of the evaluation was to establish whether the Commission's goal which is, "to conduct credible elections that are efficiently and effectively managed" was achieved. A comparison was made between the actual performance and the baseline indicators as established in the Commission's Strategic Plan. The external approach entailed obtaining the perceptions of other stakeholders to establish whether performance of the Commission conformed to the requirements of its mandate.

Design of the Evaluation

3.2 The internal evaluation exercise was national in scope covering all the 290 constituencies in the country; and all the three operational levels of the Commission. At the constituency level, information was collected from the Constituency Electoral Coordinators (CECs), and the temporary poll officials comprising of Presiding Officers and Poll Clerks. Additional information was collected at the Regional level from the Regional Electoral Coordinators (RECs) using a self-administered questionnaire. The RECs also participated in FGDs together with the CECs, Presiding Officers and Deputy Presiding Officers. Guidelines were given to the RECs on how to collate the information emanating from the FGDs, analyze it and present a Regional Evaluation Report. The Regional Reports were subsequently submitted to the headquarters for further analysis and consolidation.

3.3 Evaluation activities were also conducted at the Headquarters where the Directors and Managers provided responses to self-administered questionnaires. The Directors further participated in key informant interviews conducted by the Commissioners. The evaluation ultimately culminated into the National Workshop involving Commissioners, Directors, Managers, Regional Electoral Coordinators and Constituency Electoral Coordinators.

Survey Instruments and Respondents

3.4 For the internal evaluation, both qualitative and quantitative information was collected from various levels of the IEBC using different methods and instruments. The type of instruments and the information and data collected from each level are presented in Table 1:

Table VII: Level of Response, Respondent and type of Instrument

Level	Respondents	Description of Instruments
National Level	Commissioners, Directors, RECs & CECs	Key Evaluation Questions on all the ten domains of the IEBC Programme.
Headquarters	Directors and Managers	Semi-structured interviews and written reports.
Regional	Regional Electoral Coordinators	<ul style="list-style-type: none"> ➤ A self-administered survey instrument which sought their assessment of the planning and preparations for the 2013 General Elections at the Regional level; and on receipt, storage, distribution and retrieval of electoral materials. Information was also sought from the RECs on their individual assessment of the management of the County Tallying Centers. ➤ Semi-structured survey instruments were used during focus group discussions comprising of RECs and CECs. The purpose was to evaluate the performance of the regional teams in the General Elections.

Level	Respondents	Description of Instruments
Constituency	Constituency Electoral Coordinators.	<ul style="list-style-type: none"> <li data-bbox="797 264 1466 489">➤ A self-administered survey instrument which sought information from the CECs in their individual capacities as Returning Officers with the responsibility to oversee the entire administration of elections at the Constituency level. <li data-bbox="797 537 1466 762">➤ A semi- structured survey instrument which was used in Focus Group Discussions comprising of the ROs, POs, and Poll Clerks. The purpose was to assess their experiences and views on what worked and what did not work during polling.
Constituency	Presiding officers, Deputy Presiding officers & Polling Clerks	<ul style="list-style-type: none"> <li data-bbox="797 814 1466 961">➤ A self-administered questionnaire which sought to obtain information on their individual experiences while performing their respective roles in the 2013 General Elections. <li data-bbox="797 1010 1466 1234">➤ A semi-structured instrument used in Focus Group Discussions conducted for temporary poll officials. The FGD guides used had questions on efficiency and effectiveness of preparations and conduct of the elections. The FGDs were facilitated by a Supervisor.

Literature Review

3.5 Literature including official documents; survey reports by stakeholder agencies such as National Democratic Institute (NDI), evaluation reports by UNDP, and International Foundation for Electoral Systems (IFES) were extensively reviewed. Reports by accredited international and local observer groups also formed part of the literature review. The issues and observations raised in these reports were also used to inform the development of the Key Evaluation Questions. Some of the key documents reviewed included the following:-

1. *The Independent Electoral and Boundaries Commission Strategic Plan 2011 – 2017* – Provided an understanding of the baseline

indicators in the seven-year development programme of the Commission. The Strategic Plan also provided information on the two-year intensive Roadmap developed to guide the conduct of the elections.

2. *The IEBC Report on Mock Elections 2012: Lessons Learnt and Implications for General Elections in Kenya – April 2012* –to draw on the lessons learnt from the mock elections exercise.
3. *IEBC Report on Monitoring of Nominations by Political Parties – January 2013* – to understand the issues observed during party nominations in the run up to the 2013 General Elections.
4. *The IEBC Consolidated Report on Post-Election Evaluation Focus Group Discussions, September, 2013* – Provided a summary of the issues raised during FGDs at the Constituency and Regional levels.
5. *Regional Monitoring Reports by Regional Electoral Coordinators* – to provide experiences and observations of the 2013 General Elections.
6. *The IEBC Directorate Evaluation Reports – March 2013* - on issues and lessons drawn from the 2013 Elections.
7. *Report on the Post-Election Evaluation De-briefing Workshop on the Electoral Justice System – March 2014* – on review and reform of the electoral process in order to gain insights on proposals for legal reform of the laws affecting elections in Kenya.
8. *Report on Evaluation of the Ghana Electoral Support Programme – September 2013* – on issues and lessons drawn from the Ghana General Elections.
9. *Report on the Evaluations of the 41st General Election of May 2, 2011 in Canada* – evaluation of effectiveness by Election Commission of Canada.

10. *Matthew Parry, IFES Report on the Review of the Independent and Boundaries Commission's Procurement Procedures – November 2013.*
11. *Report on the 2010/2011 General Elections for Uganda – July 2011 – to draw lessons from the Ugandan experience with regard to staggering of elections.*
12. *Final Media Centre Report by the International Foundation for Electoral Systems –March 2013- an Audit Report.*
13. *IFES Draft ICT Equipment Maintenance Plan and Report on Sustainability 2013- an Audit Report.*
14. *Next Technologies, Report on the Results Transmission System (RTS) Test Report – March 2013- an Audit Report.*
15. *Pontius Namugera et al: Independent ICT Evaluation of the Independent Electoral Boundaries Commission – October 2013 - to gain insights into the external assessments on performance, management capacity, environment and successes or failures of technology implementation in the Kenya 2013 General Elections.*
16. *IFES – KENYA: Report of the Biometric Voter Register Audit – November 2013 –to gain insights into the audit of the Biometric voter Register in terms of data quality.*
17. *National Democratic Institute: Kenya: - September 2013-An Audit of the conduct of nominations and primaries by political parties.*

The National Evaluation Workshop

3.6 All internal evaluation initiatives of the IEBC culminated in a national evaluation workshop comprising of Commissioners, Directors, Managers, Regional Electoral Coordinators and Constituency Electoral Coordinators. The main objective of the workshop was to make an internal assessment of the Commission's performance in the conduct of the 2013 General Elections. The workshop sought to obtain information on the collective challenges experienced and to document lessons for the

2017 General Elections. The second objective of the workshop was to propose strategies for improving IEBC's programme for the next 5 years.

3.7 The National Evaluation workshop was managed under both plenary and group arrangements. Plenary was used to solicit collective discussion and agreement on issues and recommendations emanating from groups. Group work as was arranged under ten thematic domains as follows:-

- (i) An effective legal framework for effective management of electoral processes;
- (ii) An effective and adequate voter education programme;
- (iii) An effective voter registration process;
- (iv) Strengthened finance and procurement functions for improved service delivery;
- (v) A strengthened administration and human resource function for improved service delivery;
- (vi) Integration of ICT in operations and services;
- (vii) Regulation of political parties and candidates;
- (viii) Communication and media management;
- (ix) Managing risk in elections; and
- (x) A strengthened research and planning function for the management of elections.

3.8 Key Evaluations Questions were developed to guide group discussions in each domain, based on the criteria of efficiency, effectiveness, impact and sustainability. Under the legal domain, the key evaluation questions sought to assess how effective and facilitative the legal framework was to the 2013 General Elections. The evaluation sought to identify the gaps experienced in the legal framework, and to assess the extent to which the dispute resolution mechanisms established were adequate. Lastly, the evaluation assessed how effective the internal structures of the IEBC were in discharging their responsibilities.

3.9 Under the domain on the effectiveness and adequacy of the voter education programme, the evaluation questions sought to assess how effective it was in terms of content, strategies for delivery, platforms of delivery and impact on the electorate. The instruments were designed to obtain information on the extent to which staff of the Commission was

involved in the implementation of the Voter Education Programme including the regulation of the activities of voter education providers. Information was also sought from staff regarding IEBC's programme on partnership and collaboration with other stakeholders. Lastly, the Commission's capacity for providing voter education in the country was assessed.

3.10 With regard to the effectiveness of the voter registration process, the evaluation sought information on the actual proportion of eligible voters registered compared to the planned. Regarding the efficiency of the registration process, questions were raised on the accuracy and completeness of the Voters Register. Questions were also raised regarding the effectiveness of the registration process in catering for the marginalized groups in the country; and for Kenyans leaving outside the country. Information on the effectiveness and efficiency of the voter registration personnel was also sought. Similarly, the evaluation sought to establish how efficient and effective the logistical arrangements for voter registration were in terms of: transportation of personnel, materials and equipment; storage and safety of materials and equipment; and retrieval and accountability.

3.11 Questions were designed to assess the effectiveness of technology in the voter registration process; and whether the voter registration technology was sustainable in terms of cost and the management of associated risks. As an important corollary to voter registration in Kenya, the evaluation sought to establish the likely effect the proposed implementation of the Integrated Personal Registration System (IPRS) on voter registration; and how IEBC was positioning itself to respond to this development.

3.12 Also important, the evaluation set out to assess how objective the delimitation of Constituency and ward boundaries was in terms of equity in representation. In this regard, the assessment sought to establish whether the delimitation of ward boundaries as conducted disenfranchised any group or region; and whether the representational needs of marginalized groups were appropriately addressed. Related to the foregoing, the evaluation also sought to assess whether there was an effective mechanism through which communities or parties who felt aggrieved by the delimitation process could seek redress. Lastly, the

evaluation sought to assess the internal efficiency of the IEBC organizational structures for the delimitation of boundaries.

3.13 Regarding the conduct of elections, various evaluation questions were raised. First, the evaluation sought to assess the extent to which the Mock Elections conducted by IEBC were effective in building the capacities of the Commission. Secondly, the evaluation sought to assess the extent to which the administration of the voting process was efficient in terms of transportation of personnel, materials and equipment; storage and security of materials; and retrieval and accountability for the materials and equipment. Thirdly, the evaluation sought to establish the extent to which other processes such as streaming, identification of eligible voters in the register, ease of marking and placing of ballot papers, time taken to vote and management of polling stations were efficient. Equally important, the evaluation sought to assess the efficiency of vote counting, tallying and transmission of results. The efficiency and effectiveness of temporary poll officials in the conduct of elections was also assessed. Lastly, the evaluation sought to assess the extent to which IEBC's structures were efficient in performing the voter registration and elections functions.

3.14 The extent to which the IEBC organizational structure provided the requisite framework for performing its functions was assessed. Enquiry was made with regard to the extent to which the human resource of the Commission was sufficient in delivering services. Additionally, the evaluation sought to assess the extent to which the temporary poll officials were efficient and effective in delivering the services expected of them. Lastly, the capacity and effectiveness of the human resource and administration structures as support to the core functions of the Commission was assessed.

3.15 The evaluation recognized the increasing role of technology in elections. Consequently, it sought to evaluate the extent to which the application of technology in support of 2013 General elections was successful; and how effectively the new technologies were managed by IEBC. In this regard, the evaluation assessed the extent to which IEBC's utilization of technology in the 2013 General Elections represented good value for money; and whether the expectations of Kenyans about technology in elections were served. Lastly, it assessed the extent to

which the capacity of the ICT function in IEBC was adequate in supporting the electoral processes and IEBC's internal operations.

3.16 The evaluation sought to assess the involvement of IEBC in the regulation of the activities of political parties; and whether the Commission's role was clear both to the political parties and to the Commission itself. It also sought to assess whether the legal framework for the regulation of political parties was adequate and effective. Also important was the need to establish whether the formula and process for determining Party Lists was clear to all stakeholders. Additionally, the evaluation sought to establish whether the existing mechanisms for resolving inter and intra-party disputes were adequate and effective. Lastly, the evaluation sought to assess the relevance and effectiveness of the Political Party's Function within the IEBC.

3.17 Noting the importance of communication and media as a support function, the evaluation sought to assess the extent to which the communication strategy of the Commission was effective in serving its Mission. Related to this, it also sought to assess how effective IEBC's engagement with the Media in support of the 2013 General Elections was. Questions were also put regarding the effectiveness of IEBC's internal communication and the effectiveness of IEBC's communication with external publics. Lastly, the effectiveness of the internal structures of the IEBC in provision of communication services was assessed.

3.18 Key evaluation questions sought to assess the extent to which the Commission had established the requisite financial policy and guidelines; and the extent to which the guidelines were followed during the implementation of activities leading to the 2013 General Elections. Similarly, the evaluation sought to assess to what extent the Procurement Plan was followed in the procurement of elections materials. Related to the foregoing, the evaluation sought to assess the extent to which the IEBC budget was aligned to the planned activities. Questions were also put to assess the efficiency and effectiveness of the logistical arrangements for the 2013 General Elections. Lastly, the internal capacity of the Commission in performing the finance and procurement functions was assessed.

3.19 Key questions were put regarding the effectiveness of the Commission's audit and risk management systems. The extent to which the Commission's risk management and mitigation strategies were effective during the 2013 General Elections was assessed. The evaluation also sought to assess the extent to which the Audit Function in IEBC was effective in supporting efficiency in resource utilization and accountability. Lastly, it assessed the effectiveness of the Risk and Compliance structures within the IEBC in discharging the Commission's mandate.

3.20 Key evaluation questions were put regarding the effectiveness of the Research Function in the Commission. Information was sought on the function's support to voter education, voter registration, integration of technology in elections; and the participation of Kenyans living outside the country in the electoral process. The effectiveness of the Planning Function in support to the 2013 General Elections was critically assessed. Lastly, the effectiveness of the system of documentation, archiving and information management was assessed.

External Evaluation Workshops

3.21 The external evaluation adopted a consultative workshop approach with stakeholders. The Commission convened National Stakeholders Evaluation Workshops to assess its performance during the 4th March 2013 General Elections. The purpose of the workshops was to indulge the key stakeholders in critical assessment of IEBC's performance in all aspects of the electoral processes and to make recommendations for future improvement. The stakeholders who participated in the workshops included representatives of all registered political parties, the Media, Civil Society, Constitutional Commissions, Government Ministries and Agencies and Development Partners.

The Recommendations emanating from these workshops have been incorporated in this report.



Presidential Election Petition in the 2013 General Election

CHAPTER FOUR

4.0 THE LEGAL FRAMEWORK

Introduction

4.1 In the run up to the 2013 General Elections, IEBC established a legal framework to guide the electoral process in line with universal democratic principles. The Commission embarked on a consultative process of law reform in collaboration with key stakeholders. The legal reform process involved the enactment of new electoral laws, consolidation, harmonization, amendment and repealing of those statutes that were not in harmony with the Constitution of Kenya 2010. Some of the new introductions to the law were meant to address the following issues:

- (i) Multiple elections (six elective positions) and mechanisms for registration, voting and declaration of results under the new system;
- (ii) New electoral system – nuanced MMPR¹ (“Zebra” party lists) during nominations for appointive positions and independent candidates;
- (iii) Registration and voting by Kenyans living outside the country;
- (iv) Legislation on the use of appropriate technologies;
- (v) Legislation on regulation of Political Parties;
- (vi) Legislation on Campaign Financing; and
- (vii) Mechanisms for addressing electoral disputes.

4.2 Subsequent to the foregoing, the following statutes governing elections and election management in Kenya were developed:-

- (i) The Independent Electoral and Boundaries Commission Act, 2011;
- (ii) The Elections Act, 2011;
- (iii) The Political Parties Act, 2011;
- (iv) The Elections (Registration of Voters) Regulations;
- (v) Elections (General) Regulations;
- (vi) The Campaign Financing Act, 2013: (This Act was a Bill at the time of going to the general election);
- (vii) Rules of Procedure on Settlement of Disputes;

¹ Mixed Member Proportional Representation: A subtle and slight degree of difference from the previous Mixed Member Electoral System

- (viii) Elections (Parliamentary and County Election) Petition Rules, 2013;
- (ix) Supreme Court (Presidential Election Petition) Rules, 2013;
- (x) Formula and Criteria for Allocation of special seats (political parties list); and
- (xi) Independent Electoral and Boundaries Commission Fund Regulations, 2012.

4.3 The 2013 General Elections were the first under the new Constitution; and the number of elective positions in a single day was unprecedented. The elections were organized by the newly constituted Electoral Management Body which had been created barely eighteen months earlier. The situation was compounded by the late development of supporting legislation; and the subsequent amendments (no less than 5 Statute Miscellaneous Amendments), to the Elections Act. This led to the delayed development and dissemination of the accompanying Regulations to guide the implementation of the statutes.

4.4 The legal framework guiding the general election was expected to be orderly, within which political rights are protected. The Commission nonetheless encountered some challenges which included low public awareness on the new Constitutional dispensation; incessant legislative amendments; and delays in the publication of such amendments. These in-turn, affected the activity timelines in preparation for the elections.

Legal Issues on the Boundary Delimitation Process

4.5 Article 89 of the Constitution mandates the Commission to delimit and/or review electoral units. Pursuant to this and subject to the 5th Schedule of the Independent Electoral and Boundaries Commission Act (IEBC Act), the Commission in addressing issues brought out of the 1st Review proceeded to review the existing boundaries and gazetted its Final Report on Delimitation of boundaries on 6th March, 2012.

4.6 The evaluation raised several issues relating to the Boundary delimitation process. The influence of politicians in various counties who insisted on boundaries remaining the same, or being split without consideration of the formula applied was one such issue. The evaluation revealed that dissatisfied parties went to Court and where they were dissatisfied with the decisions of the High Court, they appealed to the

Court of Appeal. This avenue is however not provided for under Article 89(11) of the Constitution. Ideally, no appeal lies in any other Court after the High Court's decision. Despite this, the parties filed suits in the Court of Appeal which in setting aside the decision made by the High Court, faulted it for exercising jurisdiction it did not possess when it purported to rename and rearrange Constituency and Ward boundaries in its determination. The Court of Appeal held that only the IEBC was empowered in law to undertake such exercise; and that all the High Court was required to do was to direct the IEBC to act in a particular manner.

4.7 It is important to point out that these Judgments were rendered way after the general election had been conducted. As a result the Commission has an outstanding task to conduct an audit to establish the affected electoral areas; and to propose the way forward taking into account the provisions of Article 89 of the Constitution.

4.8 The evaluation further noted that the report generated by the IEBC on the Constituency and Ward boundaries was submitted to the Parliamentary Committee for consideration in accordance to the provisions of paragraph 3 (3)-(5) of the 5th Schedule to the Elections Act. The Act *de facto* gives Parliament powers not only to change the decisions of the Commission; but also to interfere with the independence of the Commission.

4.9 The evaluation also pointed out that the constitutional timeline of three months as set out in the Constitution was not sufficient for parties to prepare pleadings and for the Court to hear and determine the disputes filed before them. It was further noted that although the provisions of Article 89 (5) of the Constitution establish the criteria for boundary delimitation, the emphasis was largely made on the population quota which resulted in some constituencies with minimal population not being demarcated and/or split. Lastly, following the publication of the Gazette on boundaries, the Commission's mandate on delimitation became *functus officio*² as provided in the Fifth Schedule to the IEBC Act. As a result, there is justification for enactment for rules and regulations to guide the next delimitation exercise.

² Having performed its functions

Legal Issues on the Registration of Voters

4.10 Voter registration is a key component in the conduct of an election as established under Article 83(1) and 88 (4)(a) of the Constitution; section 4(a) of the IEBC Act; and section 5 of The Elections Act. In preparation for the conduct of the 2013 General Election, IEBC introduced the Biometric Voter Registration (BVR) technology for purposes of fresh registration of voters. The following legal issues relating to registration of voters were identified:-

- (i) The inadequacy in the number of the BVR Kits used during voter registration exercise was a major challenge. A total of 15,894 BVR Kits was deployed for the exercise against 24,614 registration centers forcing them to share the Kits. This may have resulted in some voters who failed to register being disenfranchised.
- (ii) On eligibility to register, the question of the extent of validity of a passport as an identification document arose. On this issue, it was not clear whether a passport which had been used for registration but had expired just before polling was valid for purposes of voting. Moreover, it was not clear whether a Police Abstract owing to the loss of a Passport or National Identification Card, or the Photocopy of the Identification documents (as provided for in Section 10 (1)-(2) of the Elections Act read together with Regulation 8 of the Elections regulations), 2012 could be used for voting.

4.11 The evaluation pointed out that the challenge posited by the amendment to section 5 of the Elections Act which allowed the use of acknowledgement of registration certificate popularly known as “*a waiting card*” for purposes of registering voters. Section 5 (3A) and (3B) of the Elections Act provides that: “*Despite subsection (3), a citizen who has attained the age of eighteen years and has registered for an identification card and is in the possession of an acknowledgement of registration certificate shall, upon application, be registered as a voter using the acknowledgement of registration certificate, but may only vote using an identification card*” It continues that:- “*For purposes of this section, an acknowledgement of registration certificate means a certificate issued by a registration officer under the Registration of Persons Act to a person who has applied for an identification card, pending the issuance of that card*”.

This late amendment to the act was to provide a platform for the youth who attained the age of 18 years to register as voters. However, the amendment was assented to way after the IEBC had closed the voter registration. This provision is contradicting and therefore, requires to be addressed.

Issues Relating to the Principal Register of Voters

4.12 Section 4 of the Elections Act 2011 requires that the Commission keeps a Principal Register of Voters which shall comprise of a Poll Register for each polling station, a Ward Register for every ward, a Constituency Register for each constituency, a County Register for every County, and a Register for Voters residing outside Kenya. The evaluation revealed that during, elections some voters' biometrics was not properly captured while others were missing altogether.

4.13 Related to the foregoing, Section 6 of the Elections Act, 2011 provides for inspection of the Register which should be done and completed within 14 days, a revision from 30 days previously provided. The evaluation observed that the revised timelines posed a challenge to many voters who could not verify their details within the 14 days. Further, due to the stringent timelines reducing the duration for inspection of the Register, and also subject to the provisions of section 6 (3) of the Elections Act 2011, which provides that the Commission compiles the Register of Voters not less than 30 days before the election, the Commission lacked the time to effectively compile the Principal Register of Voters. Whereas Section 6 (3) (a) of the Elections Act requires that the IEBC publishes a notice in the Kenya Gazette stating that the compilation of the Register had been completed, Kenyans expected publication of the entire Principal Register of Voters. The Commission was however, not under any obligation to publish the Principal Register of Voters in the Kenya Gazette as was misconceived by many.

Mapping of Polling Stations

4.14 Pursuant to the provisions of Regulation 7 (1)-(3) of the Elections (General) Regulation, 2012 the Commission is mandated to map and Gazette polling stations for an election. It is required that in the determination of the number of polling stations and the location of any polling station, the Commission takes into account geographical considerations; accessibility for persons with special needs (including

persons with disabilities), population distribution and any other factors affecting communication between places within the electoral area. The evaluation revealed that this exercise required the Commission to engage a large number of staff due to the stringent timelines. As a result, the evaluation proposed that in the future the process be progressive.

4.15 Regulation 8 of the Elections (General) Regulations enables IEBC to use free of charge for purposes of polling rooms or a room in any public school and such other institutions belonging to and maintained by public bodies. The Commission however, faced a challenge when it was forced to source alternative venues other than in public institutions. This resulted in changing registration and polling stations at the last minute. Related to this was the practicality of gazetting mobile polling stations in vast areas coupled with the constant movement of nomadic voters.

Issues Related to Voter Education and Partnerships

4.16 Article 88(4)(g) of the Constitution read together with section 4 (g) of the IEBC Act gives the Commission the mandate to conduct voter education. The evaluation noted that the policy to deploy two voter educators per ward needed review as the number of educators was inadequate to effectively provide voter education in an entire constituency. Further, the contractual arrangements with other stakeholders for the provision of voter education in line with the provisions of section 26 of the IEBC Act 2011 were not effective.

Nomination of Candidates

4.17 The Constitution in Article 88(4)(e) read together with section 74 of the Elections Act 2011 and Regulation 99 of the Elections (General) Regulations, 2012 gives the Commission the mandate to settle all disputes emanating from political party nominations apart from disputes arising after declaration of results. The Commission published Rules of Procedure on Settlement of Disputes on 3rd December, 2012 to operationalize these provisions.

4.18 Following the foregoing, the Commission constituted a Dispute Resolution Committee which dealt with an average of 1,000 cases which emanated from political party primaries, Commission nominations and Party Lists. The entire disputes had to be heard and determined at

different levels of the electoral process within seven days of filing. However, the timelines of hearing and determining the dispute within seven days posed a challenge to the IEBC Committee as the time was inadequate and the exercise tedious, hence forcing the Committee to hear the disputes up late hours of the night.

4.19 The evaluation further revealed that the overlapping roles between the IEBC's Dispute Resolution Committee and the Political Parties Disputes Tribunal caused confusion as candidates and parties filed complaints with either body/institution resulting in the issuance of conflicting orders. Additionally, others sought redress from the Courts and obtained orders that had the effect of distorting the Commission's preparedness and timelines.³

4.20 Despite the existing legal provisions, the supervision of party nominations was a challenge due to the chaotic party nomination processes and the blatant disregard for the law. With reference to the number of disputes emanating from the process, the evaluation noted the need for the development of guidelines and a policy governed by law, to determine the structure and management of party nomination processes.

Legal Aspects in Information Communication Technology

4.21 Section 44 of the Elections Act, empowers the Commission to use technology as it considers appropriate in the electoral process. Consequently, Regulation 82 of the Election (General) Regulations prescribes for electronic transmission of results. However, Regulation 73 provides that the transmitted results remain provisional subject to the physical confirmation and verification of the statutory forms. The challenge during the 2013 General Elections was that the public perceived the provisional results as final results.

4.22 The evaluation pointed out that regarding the use of ICT in registration and transmission of results, the Commission has limited control over user rights of the technology. This has hampered the

³ Court orders issued to include the names of candidates in ballot papers could not be effected as the Ballot papers had already been printed and were in the process of being flown into the country.

continuous use of the technology in registration since the Commission requires renewing user licenses and rights. The evaluation noted that this flaw in the contractual arrangements needs to be addressed in order to allow the Commission full licensing ownership of software and control of user rights.

Investigation and Prosecution

4.23 Article 252 of the Constitution provides the Commission with the authority to investigate and prosecute electoral offences. This is operationalized by section 107 (2) of the Elections Act 2011 which empowers the Commission to prosecute any offence(s) under the Elections Act 2011 and impose sanctions against persons who commit such offences. Subject to the roles and responsibilities of the officer of Office of the Director Public Prosecution (ODPP) the Commission sought to work in collaboration with the ODPP, National Police Service and Judiciary in execution of its constitutional mandate. As a result, the Commission in collaboration with ODPP handled a total of 86 cases but in the process encountered the following challenges: lack of admissible evidence to allow for prosecution of the election offenders; poor enforcement of laws; and insufficient training of investigators and prosecutors. As a result, the prosecution of offences nationwide was not effective.

Legal Issues Pertaining to Political Parties

4.24 The Political Parties Act, 2011 which provides for registration, regulation and funding of political parties was enacted to regulate the activities of political parties. Whereas the Act provides for elaborate procedures governing political party nominations and dispute resolution mechanisms, a number of challenges were encountered owing to lack of standardized rules among political parties. This is because parties drafted their constitutions to satisfy their unique interests. The evaluation has flagged this area for future address.

4.25 The evaluation further noted that the role of party agents in the observation of the electoral process required enhanced commitment by the political parties with a view to ensuring that the appointed agents are adequately trained and briefed on their roles and responsibilities.

4.26 The evaluation flagged another issue relating to the formation of Political Parties Liaison Committees to the effect that there were no rules or regulations governing the operation of the Committees for purposes of dialogue between the Commission, the Registrar of Political Parties and the political parties. The need to instill discipline and democratic practices amongst political parties to ensure strict enforcement of the Electoral Code of Conduct also emerged as a critical issue during the evaluation.

Issues Relating to Statutory Polling Forms

4.27 The Commission pursuant to the provisions of Section 39 of the Elections Act, 2011 and Regulation 87 of the Election (General) Regulations is required to determine, declare and publish results of the election immediately after close of polling. Whereas the law was clear on all the related processes, the challenge arises where the Returning Officers receive wrongly tabulated results from polling stations. The issue is whether the Returning Officer could be allowed to audit the results to reflect the correct picture. The evaluation considered this issue sufficiently important to warrant a statutory provision. It was further noted that the design of the Statutory Forms as provided in the Regulations did not particularly conform to the tallying needs and processes. There may, therefore, be the need to relook at the format of the Statutory Forms (with specific reference to Forms 34 and 36) to determine whether there is need to provide for the Presiding Officer's to append statutory comments. However, it is not clear in the Election (General) Regulations, 2012 what the statutory comments entail.⁴

Jurisdiction of IEBC in Dispute Resolution

4.28 In pursuance to the provisions of Article 88 (4)(e) of the Constitution and for purposes of Sections 74 and 109 of the Elections Act 2011 and Regulation 99 of the Elections (General) Regulations, 2012, the Commission has the mandate to settle electoral disputes relating to or arising from political party nominations. In this respect, the Commission embarked on developing the legislative framework that includes the following:-

⁴ Report on the Post-Election Evaluation De-Briefing Workshop on Electoral Justice System

- (i) Establishing legislation under the Elections General Regulations, 2012- Rules of Procedure on settlement of Disputes vide legal Notice No. 139 of 2012 Gazzetted on 3rdDecember, 2012;
- (ii) Basic framework provided under the Election Regulations;
- (iii) Code of Conduct and Enforcement Committee of the Commission established pursuant to Section 15 of the 2nd schedule to the Act; and
- (iv) Guidelines developed on Alternative Dispute Resolution by the Commission.

The Dispute Resolution Process

4.29 Despite the establishment of the requisite legal framework, the evaluation noted that the Commission faced challenges relating to: inadequacies in the capacities of the institutions involved to undertake dispute resolution; and inadequate time to hear and determine disputes. Section 74(2) of the Elections Act 2011 provides that an electoral dispute under 88 (4)(e) of the Constitution shall be determined within 7 days of the lodging of the dispute with the Commission. Pursuant to the provisions of Regulation 99(2) of the Elections (General) Regulations the Commission is required to resolve disputes emanating from political party primaries at least 7 days to the day designated for submission to the Commission by Political Parties of the names of their respective candidates. This in essence allows for 14 days within which the disputes have to be resolved.

4.30 The evaluation noted that the seven days as provided by law proved insufficient for effective dispute resolution management. This process was also largely affected by the period provided for political party nominations under section 13 (1) of the Elections Act 2011. It is to be noted that this period was amended to enable parties nominate candidates for elections at least 45 days before a general election as opposed to the 90 days earlier provided. The evaluation observed that there was need to align all the timelines. A review of the amendments under 13(1) of the Elections Act 2011 may provide a proper framework for dispute resolution if the period for party primaries is increased to 60 days. Dispute Resolution maybe enhanced further by legislating for different stages of determination of the disputes. This will include the Political Party Dispute Resolution Board/Commission Tribunal of first instance and the Appellate Court.

4.31 Pursuant to the provisions mentioned above the Political Party Dispute Resolution Board, Commission Dispute Resolution Tribunal, The Political Party Disputes Tribunal and the Courts have jurisdiction to hear and determine disputes arising from nomination. Whereas each of these institutions were noted as having been properly constituted and thereby having the necessary capacity, issue was raised regarding the lack of mechanisms at the Constituency level to hear complaints arising from Commission's nomination of candidates. It was felt that having a dispute resolution mechanism at that level would reduce the number of disputes to be dealt with by the Commission's Dispute Resolution Tribunal.

4.32 Following the time constraint under which the Commission's Dispute Resolution Tribunal operated, some candidates and party members claimed that they had not been given ample time for their disputes to be heard. As a result some sought further hearing from the Courts. With a view to addressing the challenges posed by the conflicting roles, the Commission held a tripartite consultative meeting between the Registrar of Political Parties, Political Party Dispute Tribunal and the Judiciary in order to streamline the system. Unfortunately however, parties and candidates were still confused as to which institution they were required to file their disputes. Most opted to file to with whichever body they perceived would meet their interests a development that resulted in conflicting orders ensuing from the different institutions.

Litigation

4.33 Section 13 of the IEBC Act 2011 provides that the Commission is a body corporate with perpetual succession and a common seal and shall be capable of among others suing and being sued. In this respect whenever faced by election petitions, civil or criminal matters, the Commission then engages/instructs advocates who are on its panel of pre-qualified list of lawyers to represent it. Following the general elections, the Commission was served with a myriad of petitions arising from the declaration of results. With reference to the litigation strategy in place, the Commission held a sensitization workshop with all the prequalified lawyers who were apprised on the electoral processes. However, the evaluation revealed that there was need for further training of the advocates for effectiveness.

Presidential Election Petitions

4.34 Article 140 of the Constitution establishes that a petition to challenge the election of a president-elect has to be filed in the Supreme Court for determination within seven days after the date of the declaration of the results⁵; and to be heard and determined within 14 days after the filing of the petition. The Supreme Court (Presidential Election Petition) Rules, 2013 establish that before the hearing of the case, the court conducts a pre-trial conference with all the parties to the petition. In assessing the applicability of the rules and procedures that govern the management of presidential disputes, the evaluation noted that there was need for reform with regard to:-

- (i) The *Rigid time frame*:- the 14 days was not adequate to ensure substantive justice to all parties; and neither did it provide sufficient time for the Commission to prepare adequately for representation. The Commission's advocates further indicated that there wasn't sufficient time to gather evidence and file the necessary pleadings in its defense. The same challenges were identified by the complainants;
- (ii) Lack of dispute resolution procedures at the first round of election (which lacuna was later addressed by the *Supreme Court in Advisory Opinion, No. 2 Of 2012* where the Court held that the Supreme Court has jurisdiction over the whole range of presidential election disputes); and
- (iii) Interpretation of Article 138(4) on the validity and meaning of the words "*votes cast*". In order to enhance legal certainty, it is important for the law to provide precise and unambiguous clarity.

4.35 It was observed that following the decisions in (iii) and (iv) above there was need to legislate the decisions by the Court and develop the requisite rules and regulations.

⁵ Regulation 87 of the Elections (General) Regulations, 2012

Parliamentary and County Election Petitions

4.36 Whereas Article 105 of the Constitution provides for the High Court to determine election petition within six months, section 75 of the Elections Act 2011 was amended to provide for additional six months for filing and hearing of appeals. However in the case of the Elections Act 2011, the said amendment was declared unconstitutional. The result of this amendment has occasioned delays in conclusion of election petitions.

4.37 Further, it was highlighted that due to a policy decision by the Appellate Court not to entertain interlocutory applications arising from election petitions the parties and specifically the Commission suffered the resultant orders to either conduct or stop a By-election a day or two to the scheduled date. As revealed by the evaluation, this has caused severe financial strain to the Commission where colossal expenditure is incurred before cancellation of the election or where order by the honourable Court results in increased budgetary requirements that are not cost effective.

Arbitration of Disputes arising from Party List Nomination

4.38 Section 34 (2)(3) and (4) of the Elections Act, 2011 provides for political parties who nominate candidates for special seats in the National and County Assembly to submit to the Commission a Party List in accordance with the Constitution and the nomination rules and procedure of Political Parties. In exercise of the powers conferred by Article 90 of the Constitution, sections 34-37 of the Elections Act, 2011 as amended by the Elections (Amendment)(no. 2) Act, 2012 and Regulations 54-56 of The Elections (General) Regulations, 2012, the Independent Electoral and Boundaries Commission published the Party Lists as submitted by the Political Parties and the list of nominees as envisaged under Articles 97(1)(c), 98(1)(b), (c) & (d), and 177(1)(b) & (c) of the Constitution.

4.39 Whereas the Act provided for the order and categorization of nominated members, Political Parties blatantly ignored the rules and procedure as provided. This created confusion and delays in the publication of the List as political parties started reviewing their Lists without proper procedures and insisting on standing by them as their final Lists. Upon publication of the List, issues were raised regarding the

proportion of gender representation and marginalized persons. As a result the IEBC was caught up in tussles between parties and their members in resolving the disputes arising there from.

4.40 Subsequent to the above, the Commission constituted a Dispute Resolution Committee under section 74 of the Act to hear and determine all the disputes arising from party Lists which were 606 in number. Owing to the numerous disputes and appeals emanating thereon, the Commission was unable to publish and gazette the List of qualified nominees within 30 days of declaration of results as provided under section 36 of the Act. The Commission gazetted the final List of nominees on 17th July, 2013. It was noted that there was need to provide a template that would be used by the parties to identify and nominate the marginalized and persons with disability.

Arbitration of Disputes arising from the Electoral Code of Conduct

4.41 Section 110 of the Elections Act, 2011 requires that every person who participates in an Election or Referendum under the Act must subscribe and abide by the Electoral Code of Conduct.

4.42 Pursuant to the provisions of Section 110 and paragraph 15 of the Electoral Code of Conduct, the Commission set up the Electoral Code of Conduct Committee to deal with cases involving breach of the code of conduct. It was however, observed during the evaluation that the outreach of the Committee to the Constituency and Ward levels was not well laid out. It was, therefore, proposed that mechanisms be established for addressing violations of the Code at the Constituency and Ward levels before they reach the National Committee. It was further observed that the linkage between the office of the Director of Public Prosecutions and the Commission needs to be enhanced so to foster appropriate modes of prosecution of offenders of the electoral Code of Conduct.

RECOMMENDATIONS

Boundary Delimitation

1. Enact Legislation on boundaries delimitation to address all operational issues pertaining to the exercise; and provide for a second review of the boundaries following expiry of the 5th Schedule to the IEBC Act. In line with the foregoing, develop regulations to

govern the review and delimitation of County Assembly Wards as stipulated under Article 88 of the Constitution.

2. Review the 30-day period for hearing applications for review of boundary delimitation stipulated in Article 88(11) of the Constitution with a view to increasing the period to 60 days for determination of the disputes.
3. Provide for a law on the delimitation of boundaries to take into account the provisions of the County Government's Act that defines the periods within which review of County boundaries should be undertaken. In addition, review Regulation 7 of the Elections (Registration of voters) Regulations, 2012 and Regulation 7 of the Elections (General) Regulations, 2012 to provide for the determination on the number and location of registration/polling centers with regard to geographical features, community of interest, and accessibility for persons with special needs, population and means of communications. In addition, amend the law to allow voters to register in one centre; but be able to vote in another centre. Lastly, build the capacities of Returning Officers to enable them undertake surveys which can subsequently inform the process of boundary delimitation.

Voter Registration

1. Delete amendments to Section 5(3) of the Elections Act, 2011 which introduced the acknowledgement or registration certificate (waiting cards) as a valid document for purposes of registration as a voter. In addition, amend section 3 of the Elections Act, 2011 to validate the use of an expired passport for purposes of voting as long as it is established that the passport was valid at the time of registration.
2. Review amendments to the Elections Act, 2011 that deleted provision for voters cards and provide that all registered persons will be issued with voters cards as evidence for their registration.
3. Review section 5 of the Elections Act, 2011 to provide for continuous mapping of the voter registration/polling centers. This will avoid the mapping process being undertaken close to the elections. In addition,

provide a legal clarification on what continuous voter registration and mobile registration entail.

4. Review the amendments to section 5 and 6 of the Elections Act, 2011 for registration of voters and inspection of the Register respectively, to revert to the timelines previously provided. Further, ensure the harmonization of the Voters Register before compilation of the Final Principal Register of Voters.
5. Amend section 6 (1) (a) of the Elections Act, 2011 and Regulation 12(2) of the Elections (General) Regulations, 2012 to include at the certification of the Register publication of registered number of people per Constituency.
6. Provide rules and regulations to make it mandatory that seven days to elections a list of registered voters be displayed at the polling station to which the voter will vote: Provided that the list will only contain the name of the voter and voter's card number with no other details.

Voter Education and Partnership

1. Review the Regulations on voter education including section 17 on the recruitment of voter educators to provide for the necessary qualifications, area of coverage and submission of timely reports.
2. Establish Constituency/Ward Committees to foster voter education at the grassroots level whilst monitoring voter educators.
3. Review Voter Education Regulations to develop rules and Codes of Conduct to govern the relationship between IEBC and its partners; and to provide for a structured engagement between them.

Information Communication Technology

1. Legislate for clarity on the purpose and limitation of provisional results.
2. Legislate on Software utilization and strengthen ICT Contractual obligations and licensing.

3. Enhance the Results Transmission System for the management and transmission of results for the 2017 General Elections.

Judiciary

1. Impress upon the Courts to restrain from making orders for replacement of Party Lists outside the statutory period. Section 34(7) and (10) of the Elections Act, 2011 provides that the Party Lists are closed for the term of the Assembly.
2. Amend the rules of the Court of Appeal to provide that the Court deals with interlocutory applications as a measure to determine election petitions conclusively.
3. Review the Constitution to increase the period of filing and hearing of the Presidential Election petition from seven days and 14 days respectively, to 30 days.
4. Review Section 76(1)(a) as amended to be consistent with the provisions of Article 87(2) of the Constitution thus, requiring the amendment of either Article 87 (2) of the Constitution or Section 76 of the Elections Act, 2011.
5. Further, amend the Constitution to include period for leave to file supplementary documents.

Political Parties

1. Develop Regulations under the Political Parties Act, 2012 to provide for nomination rules and dispute resolution mechanisms that observe the Rule of Law.
2. Review the Election (General) Regulations, 2012 by requiring political parties to complete a declaration form on their adherence to provisions of the Constitution as far as nomination rules, internal party dispute resolution mechanisms and affirmative action are concerned.

Statutory Forms

1. Delete provisions for statutory comments as this holds no legal basis.
2. Synchronize the statutory forms with the respective regulations to provide coherence.
3. Review the provisions of Regulation 87 of Elections (General) Regulations, 2012 to empower the Returning Officer correct glaring errors on the face of statutory forms; and to countersign the corrections thereto.
4. Legislate for a watertight and effective procedure for handing-over Election Results Forms at the Tallying Centers.

Investigation and Prosecution

1. Review the provisions on prosecutorial and investigative powers of the IEBC to align them with the role and responsibilities of the ODPP as provided under Article 157 of the Constitution.

Nomination Process

1. Review section 31(3) to further provide for specimen nomination certificate to accompany specimen signatures to be submitted to the IEBC.
2. Review the Elections Act, 2011 to explicitly provide for the qualifications of the Governor and the Deputy Governor.
3. Strengthen integrity and leadership laws by providing rules and procedures for vetting candidates.
4. Undertake a review to the amendments under section 13(1) of the Elections Act, 2011 to increase the period for political party nominations to 60 days in order to provide sufficient time for parties and the IEBC to deal with disputes.
5. Review the period for dispute resolution as provided under the section 74 of the Elections Act, 2011 and regulation 99 of the Elections (General) Regulations, 2012 to provide a framework for dispute resolution mechanisms which includes:

a. Political Party Primaries

- (i) Five (5) days – political party dispute Resolution Boards;
- (ii) Five (5) days – Political Parties Disputes Tribunal; and
- (iii) Five (5) Days – High Court.

b. Commission Nominations

- (i) Ten days – Commission Disputes Resolution Committee; and
- (ii) Ten days – High Court.

- 6. Revisit amendments to section 27 and 28 of the Elections Act, 2011 on timeframe for submission of party Nomination rules and party membership lists to revert to previously legislated timeframes with a view to addressing party-hopping.
- 7. Establish Dispute Resolution Committees at the Constituency level to deal with disputes emanating from party lists so as to rationalize the number of cases lodged at the national level.
- 8. Provide a template that would dictate to the parties the format for identifying and nominating marginalized persons and persons with disability.

Presidential Election Petitions

- 1. Review the Supreme Court Rules governing Presidential Petitions and Election Petitions Rules governing petitions for other elective positions with a view to providing a more efficient framework in determination of election petitions.
- 2. Develop legislation or rules of procedure to address dispute resolution procedures at the first round of election (*which lacuna was later addressed by the Supreme Court in Advisory Opinion, No.2 Of 2012 in which the Court held that the Supreme Court has jurisdiction over the whole range of presidential election disputes*).



Registering voters



CHAPTER FIVE

5.0 VOTER EDUCATION AND PARTNERSHIP

Introduction

5.1 Article 88 (4) (g) of the Constitution of Kenya 2010 mandates the Commission to conduct voter education. The IEBC's Strategic Plan 2011-2017 articulates as one of its strategic objectives, the provision of adequate voter education for effective participation in the electoral processes. Voter education is meant to inform and empower voters to clearly understand their rights and responsibilities in the electoral process. The evaluation emphasized that voter and civic education are of foremost importance to equip the citizens with the skills of critical engagement necessary to legitimacy and accountability of election bodies, parliament and other institutions of governance.

4.2 Following the development of the IEBC Strategic Plan, the Commission implemented various activities in voter education. It drafted a voter education policy in which it outlines the content and approaches to be employed in providing voter education. A voter education curriculum was developed in 2011 as part of the strategies to be implemented in the period preceding the General Elections. Training manuals and training materials were accordingly developed to support the implementation of the curriculum.

4.3 Other activities leading to the 2013 General Elections included mass media campaigns involving all the mainstream radio stations, newspapers and TVs. The Commission also promoted social media interactions through Face book, Twitter and Google to reach particular population segments. Mobile phones were also employed to pass bulk SMS messages. As part of the outreach strategy; and IEC materials on voter education were produced and used to disseminate messages to voters. These included booklets, posters and stickers.

4.4 At the community level voter education initiatives included community mobilization with Administrators and Village Elders being at the forefront. Organized stakeholder forums were mounted at the Ward level. Political party liaison Committees were enabled to play a role in mobilizing voters for voter education meetings. The strategies also

included organizing sports activities, drama, music festivals and ASK shows. Road shows were also mounted as part of the strategy.

Effectiveness of Voter Education

4.5 The evaluation revealed that voter education programmes as currently implemented needed to be more responsive to persons with special needs; and to those in special circumstances such as the illiterate voters, pastoralists and other rural population segments who had no access to both print and electronic media.

4.6 The evaluation also revealed that there were challenges in this area that included insufficient programmes, uncoordinated activities by voter education providers, inadequate time and resources allocated to voter education. The lack of targeting in voter education programmes to attend to the special needs of specific groups of voters such as the illiterate and those with language challenges was also identified. Inappropriate channels for voter education delivery were also cited as a cause for inadequate voter education provision. The role of IEBC in voter education in terms of quality assurance; vetting and regulation of providers; and monitoring of coverage, content and impact needed strengthening.

4.7 Voter education by its very nature is a massive exercise that requires a substantial amount of resources to implement. The evaluation revealed that the voter education programme in IEBC was not allocated sufficient resources; and that it was generally characterized by low funding that came too late. It was also established that there was over-reliance on external funding, mostly donor funding whose timing was not synchronized with the commencement of voter education activities or the electoral cycle. The low level of funding for the programme had a negative effect on the number of personnel and logistical arrangements for voter education activities. Its overall impact was therefore considerably weakened.

4.8 The effectiveness of voter education is hinged on the timeliness of delivery of materials and dissemination of messages. The evaluation revealed that in most instances, there was a delay in delivery of voter education materials resulting in the late start of voter education

activities. In certain instances, voter education materials were delivered long after the activities they were meant to support had elapsed. The delayed commencement of voter education activities in some cases, spilled into the other phases of the electoral cycle leading to disruption of the electoral calendar. It was for example, pointed out that voter education activities coincided with the elections campaign period. This therefore hindered the effective monitoring of activities in the voter education programme.

4.9 The evaluation also revealed that there was a hurried recruitment of voter educators due to time limitations. Moreover, the time for their orientation and induction was insufficient. These factors rendered the voter educators less effective; and coupled with the insufficiency of funds, it led to the recruitment of fewer voter educators than required.

Regulation of Voter Education Providers

4.10 Reports from the evaluation were unanimous that IEBC's efforts at regulating the activities of voter education providers were not effective. Although IEBC is legally mandated to oversee voter education in the country, it was not able to provide funds to the various voter education providers. As such its mandate in regulating and supervising the activities of the providers was undermined.

4.11 The success of voter education calls for a close collaboration between IEBC, partners and voter education providers. There was late involvement of various stakeholders in voter education exercises. Additionally, most voter education providers had expected that IEBC would provide funding for the exercise; and when this was not forthcoming, they abandoned the exercise. However, those providers who had their own resources and with mandate for civic education were very effective.

Voter Education and marginalized groups

4.12 The Commission carried out a needs assessment survey to establish the voter education needs of the different categories of the electorate. The electorate needed to understand their rights and responsibilities; and the general procedures entailed in elections. This was even more necessary considering that the 2013 General Elections

were unique. It was, therefore, important for the Commission to reach out to the electorate with relevant content and employing the most appropriate platforms for the different categories.

4.13 The evaluation established that voter education outreach to the marginalized groups was ineffective. This was due to the fact that the voter education materials and the methodology employed were not compatible with the needs of the marginalized groups. Additionally, the IEC materials used were only in two languages (Kiswahili and English), thus limiting access.

Voter Education for Boundaries Delimitation

4.14 Voter education for delimitation of boundaries was aimed at mobilizing voters to participate in the process and to provide information on the criteria to be employed for the exercise. From the findings of the evaluation, the effectiveness of voter education in this area was rated as moderate. It was also indicated that voter education had targeted the elites and left out a majority of the population some of whom were illiterate.

4.15 The channels used to provide voter education such as TV, newspapers and social media were not easily accessible to the rural and urban poor. Moreover, the manner in which information on the formula for delimitation of boundaries was presented led to much misinterpretation and misrepresentation. The evaluation noted that the general public found it hard to understand the content on the single flier and other print media provided on boundaries delimitation. Information on delimitation was limited to the ward level leaving out critical information on polling stations which voters were keen to know about. In addition, more information needed to be provided on the relationship between elective and administrative boundaries in order to avert communal tensions.

Education for Voter Registration

4.16 Voter education during the registration process was aimed at mobilizing voters to register. The key areas in which information was provided included: information on registration centers, the time for voter registration, eligibility for registration; registration related electoral offences, registration period, and registration of voters residing outside

the country. Information on the distribution and sharing of BVR kits was provided.

4.17 From the evaluation exercise, it was evident that the voter education content for voter registration was appropriate and adequate. However, it was noted that more education was needed for the inspection of the register.

Voter Education for Campaigns and Elections

4.18 Voter Education at this stage of the process was meant to sensitize the parties, candidates and voters on the various electoral seats for contest, electoral offences, and voting procedures including how to mark a ballot paper. The evaluation revealed some gaps in content and delivery. Some of the gaps identified included: lack of clarity on the start and end period of the campaign, late amendment of the electoral law and use of inappropriate media for reaching out to illiterate and marginalized groups.

Voter Education for Nominations

4.19 It was anticipated that voter education for nominations was to provide information to political parties, prospective candidates and their members; the need for a transparent and democratic nomination process; need for parties to adhere to the electoral and party nomination rules; timelines for nominations; qualification of candidates; the various electoral positions and resolution of disputes arising out of nominations.

4.20 From the findings of the evaluation, it was evident that there was no voter education targeting the political parties and the IEBC nomination processes. There was no content developed on the foregoing and yet they are key areas meriting voter education.

Voter Education on Use of ICT

4.21 The Commission introduced various technologies such as BVR, EVID, and RTS in the electoral processes. It was necessary to provide voter information on the technologies and possible challenges entailed in their use. This was even more necessary due to the high expectations from the public on the usage and performance of the technologies. For example, to most Kenyans the technology had replaced other electoral processes such as the manual tallying of results despite it being a

statutory requirement. Through voter education some of these expectations would have been managed.

RECOMMENDATIONS ON VOTER EDUCATION

The following recommendations have been proposed for enhancing the efficiency and effectiveness of the voter education programme:-

1. Finalize the draft policy on voter education to provide for the structure and implementation of the voter education programme.
2. Review the voter education curriculum in order to enhance its utilization and to provide for continuity and expansion in scope to cover the entire electoral value chain; and to encompass some aspects of civic education such as devolution, conflict resolution and political rights. In undertaking the review, it is recommended that the Commission engages the IEBC staff with skills in curriculum development in order to emerge with a curriculum that is relevant and which attends to all the facets of the electoral cycle.
3. Conduct research to identify the voter education needs of the special categories of voters and develop cost effective strategies, platforms and methodologies of delivery of voter education to each category, group or region.
4. Identify and develop a compendium of credible voter education providers throughout the country based on appropriate criteria for their selection; and build their capacities for the provision of quality voter education.
5. Develop and entrench into law, regulations governing the provision of voter education with a view to regulating the activities of voter education providers and infusing quality into voter education programmes.
6. As much as practicable, provide funding for voter education from Internal/National Treasury sources in order to enhance its implementation in accordance with plans.
7. Employ cost effective methods of promoting Voter Education by

building the capacities and utilizing the sizeable number of staff both at the headquarters and in the field. Utilizing this internal resource would enable the Commission conduct continuous Voter Education at a reasonable cost and in a sustainable manner.

8. Develop strategies for school-based voter education targeting primary and secondary schools. This is in light of the fact that schools offer a fertile ground for the dissemination of messages aimed at both adults and the youth. Moreover, the current crop of secondary school and college students are potential voters in 2017 while their counterparts in primary schools are a great influence on their parents and can, therefore, serve as effective agents of voter education messages.
9. Enhance the use of social media such as face book, twitter, whatsapp, instagram and technology to reach out to the public. The strategy should entail segregating and targeting the recipients of information emanating from these sources. This platform has potential for reaching the youth and working class categories of voters who are key players in the electoral process.
10. Invest in a robust monitoring and evaluation framework to monitor the implementation of voter education programmes to capture key lessons and best practices that can be used to enhance its effectiveness. The voter education providers should submit completion reports on the voter education activities they have undertaken.

STRATEGIC PARTNERSHIPS, NETWORKING AND COLLABORATION

Introduction

5.22 The strategic objective of the Commission for partnership is to strengthen collaboration with other stakeholders in order to draw on the synergies that ensue. During the development of the IEBC Strategic Plan, a stakeholder analysis was conducted to identify key partners in the electoral process. The partners included Government agencies and departments, parliament; development partners especially those in the Electoral Support Group (ESG), civil society organizations, religious groups and organizations, political parties, professional bodies among

others. The analysis revealed the interests of these stakeholders including those of the electorate, IEBC staff and political parties.

5.23 The Commission's strategic objective on partnership is to promote collaboration and networking in the electoral process. In order to achieve this objective, the following strategies were selected for implementation:-

- (i) Identifying and coordinating activities of partners and stakeholders in the electoral process;
- (ii) Coordinating the accreditation of observers, polling agents and media;
- (iii) Establishing and enhancing relations with and among partners; and
- (iv) Developing a monitoring and evaluation framework for the management of partners.

Partnerships for the 2013 General Elections

5.24 The organization of successful elections in any country calls for close collaboration with key stakeholders in the electoral process. In pursuit of this goal, the IEBC worked closely with the stakeholders in the period leading to and during the General Elections. It liaised with the political parties through the Political Parties Liaison Committees; the National Assembly for the necessary legal and budgetary approvals; the Judiciary for legal interpretation and guidance; voters for participation in the electoral process; security agents for provision of a safe environment; the Government (Treasury) for funding; schools and educational institutions to provide polling station facilities; Development Partners for funding; and the candidates themselves to contest the elections.

5.25 It also worked with secondary stakeholders including the Media (print, radio, audiovisual) for dissemination of messages and information on the electoral process; civil society organizations; faith-based organizations; the private sector; special groups (women, youth, persons living with disabilities; and marginalized groups). The engagement with the stakeholders was consultative at different stages of the electoral cycle; and depended on the interests and focus of each stakeholder. Table VIII provides a summary of stakeholders and their respective areas of partnership.

Table VIII: Stakeholders and partners

S/No.	Area of Partnership	Partners Involved
1.	Basket Funding Support to the Electoral Process	Norway, Denmark, Finland, UNDP, UNEAD, DFID, USAID, CIDA, EU, RNE, SIDA
2.	Voter Education Partnership Activities	Amkeni Wakenya, NGOs, CBOs, URAIA, UNDP, IFES, IED, FES
3.	Partners in observation of Electoral process	Civil Society Groups: ECLOG, UWIANO, PLATFORMHIVOS, EU, AU
4.	Conflict Resolution and Peace building activities and legal support	District Peace Committees, Political Liaison Committees EISA, NCIC, ERIS, APF/IDEA, ICJ
5.	Leadership talent search, mobilization through road shows	INUKA KENYA
6.	Partnership in Research	UNDP Basket Fund, IDEA, UN-Women, State Law Office
7.	Partners support to Political Parties	NDI, EISA, FIDA, IED, UNDP
8.	Partners in Gender Mainstreaming	UNDP and UN-Women
9.	Partners support to ICT Development	IFES, UND, Google Kenya
10.	State Actors Partners	Ministry of Justice and Constitutional Affairs State Law Office Office of the Attorney General Ministry of Immigration and Registration of Persons Ministry of Gender Office of the President Office of the Prime Minister Ministry of Education Kenya Institute of Education Agricultural Society of Kenya (ASK) Constitutional Commissions, NCIC, CIC

S/No.	Area of Partnership	Partners Involved
		and PSC Ministry of Finance National Assembly/Parliament

Partnerships along the Electoral Value Chain

5.26 Partnerships were established along the entire electoral value chain. In regard to boundary delimitation, the key stakeholders were the voters, potential candidates, serving politicians, political parties, the Judiciary and the National Assembly. Others included the Media, Civil Society Organizations, Kenya National Bureau of Statistics, the Department of Survey, Local Authorities and Faith Based Organizations. The evaluation revealed that partnerships process could have been made stronger by properly structuring and defining the respective roles of each partner in the process. This would have ensured equity in participation and would have minimized domineering tendencies by some partners.

5.27 The stakeholders in the legal framework domain included the Ministry of Justice and Constitutional Affairs, The Judiciary, Parliament, Law Society of Kenya, Civil Society Organizations, the Kenya Law Reform Commission, Constitutional Commissions and Media among others. The various consultative workshops with these stakeholders established gaps in the legal framework which have been highlighted as the agenda for legal reform by this evaluation.

5.28 The promulgation of the new Constitution significantly altered the governance system in the country, introducing more elective positions than before. This necessitated a massive voter education exercise that demanded the increased participation of stakeholders. However, the evaluation revealed that many of the partners in this area particularly those at the grassroots expected funding from the IEBC. In circumstances where the funding was not forthcoming, the evaluation revealed that some partners withdrew their participation. It also revealed that due diligence was not carried out to establish the capacities of some of the partners to effectively provide voter education.

5.29 For voter registration, the Commission organized national, regional and constituency stakeholder forums to mobilize support and goodwill for the registration exercise. The stakeholders included the Ministry of Education, Local Authorities, National Registration Bureau, Registrar of Births and Deaths, Civil Society and Faith Based Organizations among others. The IEBC set for itself a target of registering 18 million voters within a period of one month. Following this collaboration, a total of 14,388,781 voters (or 86% of the target) was registered.

5.30 In order to prepare for the General Elections, the Commission organized trainings for its staff and partners. The trainings were conducted using a cascaded model from the national level to the constituencies. In the development of the content and the delivery of the trainings, the Commission relied on other stakeholders for the successful implementation of the exercise. To this end, it mobilized partners who provided funds and expertise; and also participated in the actual delivery of the trainings. Such partners included International IDEA, ERIS, IED, UNDP and the National Police Service. The evaluation revealed that quality of training was in certain respects compromised due to the exigency of time.

5.31 In preparation for the General Elections, the IEBC conducted various administrative functions including availing elections materials, equipment, personnel and funds. Processes such as procurement, logistics, transportation, warehousing, recruitment of personnel and provision of security required linkages and support from other stakeholders. In this area, the Commission collaborated with the Kenya Bureau of Standards, Kenya Airports Authority, Treasury, Public Procurement Oversight Authority, Ministry of Works, National Produce and Cereals Board, the Kenya Industrial Estates, National Youth Service and the National Police Service among others. The evaluation revealed that the distribution of materials experienced some problems in coordination.

ICT/Technology Development

5.32 The technical of the technologies employed required that the Commission consults with several partners to arrive at effective solutions. It organized an open exhibitions where firms to showcased their respective election technology solutions. To adjudicate the process,

the Commission partnered with IFES and UNDP in the selection and installation of the ICT equipment. It also worked with KEBs in ensuring the technology selected complied with the requisite specifications. Other important partners in this area included the telecommunications network service providers such as Safaricom and Airtel who provided the platforms for Electronic Result Transmission.

Partnerships in Nominations

5.33 Prior to the General Elections, political parties conducted nominations for their candidates. The successful candidates from political party nominations together with independent candidates forwarded their applications for nominations by IEBC. IEBC was then required and mandated to review their documents to ascertain they had complied with the law. In arriving at a successful nomination process, the Commission was required to interface with political parties through PPLC and with the independent candidates. The consultative meetings were facilitated by EISA, NDI and IRI. In addition, the Commission engaged the National Police Service and the Media to offer security during nominations.

Campaign and Elections

5.34 The campaign period leading to elections in Kenya is normally very competitive and tense. As a result, there is need for close consultations among partners on issues such as security, logistics, transport, information management and recruitment of poll support staff. To accomplish this, the Commission liaised with various stakeholders to ensure that a peaceful election environment prevailed. Some of the partners included the political parties, NDI, the National Police Service, Local and International Observers, Provincial Administration, the Media, UWIANO, Civil Society Organizations and Faith Based Organizations.

Partnership in the Post-Election Period

5.35 The results of a General Election normally elicit the mixed reactions of the contestants, voters, observers and other stakeholders. The management of results in terms of tallying, transmission, announcements and documentation are critical in sustaining a peaceful post-election environment. Acceptance of election results is not the sole responsibility of the Commission but also of the other partners who must play their respective roles accordingly. For instance, the security organs

have a responsibility to maintain a safe and secure environment while the media is critical in information sharing and managing public expectations.

EVALUATION OF THE EFFECTIVENESS OF PARTNERSHIP ACTIVITIES DURING THE GENERAL ELECTIONS

5.36 From the evaluation, it was evident that the participation of partners in implementing the IEBC programme was moderately effective. In the run up to the 2013 General Elections, various civil society organizations sought to obtain from IEBC accreditation with the hope of obtaining funding. When funding was unavailable, most of the partners abandoned the collaboration thus, hampering the electoral activities in which they were involved. On its part, the Commission did not have elaborate criteria for selecting credible partners particularly at the regional, constituency and ward levels. Moreover, the mechanisms for monitoring the activities of the partners were also weak thus, contributing to their ineffectiveness.

6.16 Regarding partnerships with local and international observers, the evaluation established that existing mechanisms were effective. The IEBC invited all interested observers for accreditation to observe the 2013 General Elections through the media and its website. Both the accredited local and international observers had access to all the polling stations and tallying centers. The reports and comments of the observer groups have been used to inform the development of this Evaluation Report.

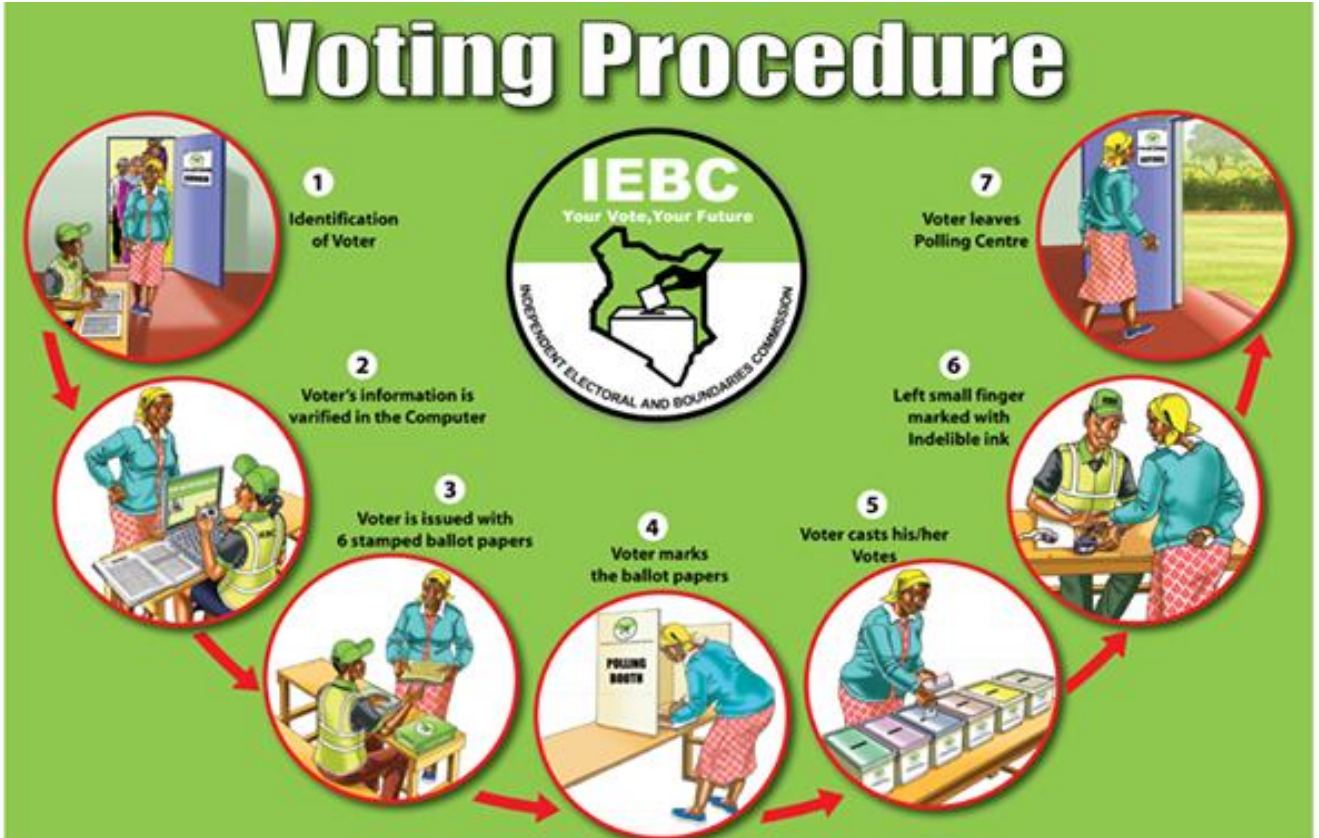
Recommendations for improving partnerships:-

1. Establish a structured and formal forum or network of partners to improve coordination, networking and information sharing at all levels of IEBC's operations. Although there is a formal partnership arrangement at the national level, there is need to scale down the same arrangements to the regional and constituency levels where most electoral/partnership activities are implemented. This will enhance communication and the information sharing between the three levels and ensure consistency of the partner relationships. It will also strengthen linkages for joint planning, implementation and monitoring of agreed partnership activities.

2. Strengthen the Commission's capacity by fostering and integrating all partnerships along the entire electoral value chain; and to centralize within one unit the Memoranda of Understanding.
3. Link partnership networks with political party liaison committees (PPLC) by establishing a platform for sharing of information between electoral partners and the PPLC.



Voter Education Marathon



CHAPTER SIX

6.0 VOTER REGISTRATION AND ELECTORAL OPERATIONS

Introduction

6.1 In Kenya, voter registration is a key requirement for the conduct of elections as established in Article 83(1) of the Constitution of Kenya 2010; the Elections Act 5(1) (2) (3)(4)(5) and Article 88 of the Constitution that gives the IEBC specific responsibility for continuous registration of citizens as voters. It is therefore, a legal requirement for IEBC to establish a comprehensive current and accurate voter register. Consequently, the evaluation assessed the effectiveness of voter registration activities leading to the 2013 General Elections against internationally accepted standards of the comprehensiveness, completeness, and accuracy of the register.

6.2 The IEBC's Strategic Plan 2011-2017, identified increased registration of voters as a key result area. To this end, several strategies were selected for implementation. These included: the integration of ICT in the registration process, targeted voter registration for marginalized groups and registration of Kenyans living outside the country.

6.3 Projections by the Kenya National Bureau of Statistics showed that by 2012, the voting age population in Kenya would be 21.8 million⁶. Based on this projection, IEBC targeted to register about 80% of all eligible voters. The Commission introduced the Biometric Voter Registration (BVR) in registration with the objective of enhancing the efficiency and effectiveness of the process. A total of 15,894 BVR kits were deployed in 24,614 registration centers countrywide. This represented an adequacy level of the BVR kits at 65% hence a deficit of 8,720 or 35%. The inadequacy led to the sharing of kits among some registration centers.

6.4 The Commission had 30 days to complete the registration exercise which was a major reduction from the initially allocated period of 90 days. The short period of registration and verification was due to the delayed procurement and distribution of the BVR kits. The consolidation of data on registration for onward transmission by the regions to the

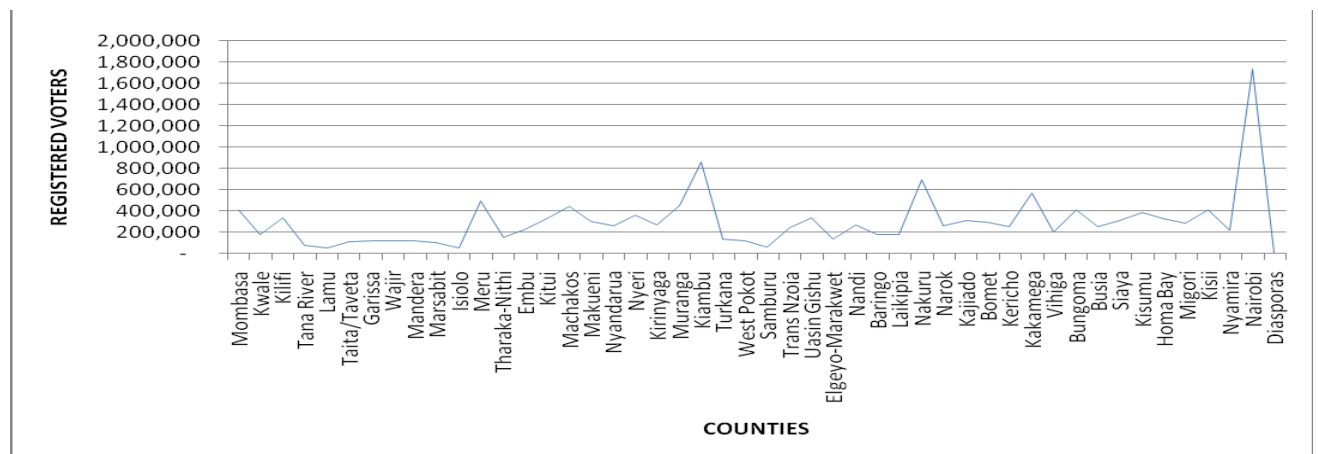
⁶ The Kenya Population Census Report, 2009.

central facility at the headquarters was completed in the last week of December 2012. The preliminary voter lists were prepared and made available for inspection from January 13th to 27th 2013, and were finalized and certified by IEBC on February 18th, 2013. The same delays also led to a revision in the law to accommodate the shrunk timelines.

Effectiveness of the Voter Registration Process

6.5 Elklit and Reynolds (2000)⁷ in their framework for Systematic Evaluation of Electoral Processes and Administration have identified the level of the voter registration, equality of registration across the country and complaints procedures as the three important elements for assessing the effectiveness of the voter registration process. To assess the effectiveness of the registration process, the evaluation sought information from Registration Clerks and Presiding Officers through interviews and focus group discussions. Additional information was obtained from the 290 Returning Officers and the 17 Regional Elections Coordinators. Figure 1 reflects the performance of each of Kenya’s 47 counties in the voter registration exercise.

Figure 1: Registered Voters by County



6.6 For the 2013 General Elections, the Commission registered 14,388,781 persons or 66% of the total eligible voter population of 21.8

⁷ Elklit, J.& Reynolds, A. (2000): A working Paper on the Impact of Election Administration on the Legitimacy of Emerging Democracies

million.⁸ This was a fresh registration which disregarded the initial voter register kept by the Commission from the National Constitutional Referendum exercise of 2010. The evaluation revealed that a total of 7.4 million or 34% of the voting age population did not register. Some of the factors that led to the non-attainment of the targeted voter registration included the following:-

- (i) The lack of identification documents especially among the youth, pastoralist communities and people living in border districts;
- (ii) The sharing of kits between different registration centers, some with vast distances to traverse. In some cases, a BVR kit was required to perform registration across several centers. This led to a number of registration anomalies: voters being registered in incorrect polling centers; operators selecting incorrect registration centers; operators forgetting to reset the equipment between registration centers; or operators simply registering all voters in a single registration center⁹. In the process some voters missed to register due to the confusion in the scheduling of the BVR kits. Some voters could not tell when the kit was available in their nearest polling station.
- (iii) Misconceptions regarding the BVR kits which could be attributed to inadequate voter education;
- (iv) Insecurity in some parts of the country; and
- (v) Ineffective mobilization strategies and voter apathy.

6.7 An examination of the voter register in terms of age, gender and counties reveals that there were disparities. For instance, more men (51%), compared to women (49%) were registered despite women being slightly more at 50.3% of the total national population. The youth accounted for 49% of registered voters which was lower than their projected voting cohort of 58% in the total national population. An

⁸ The Principal Register with details on registration is contained in the Kenya Gazette Notice No. 2222 of 18th February 2013.

⁹ IFES: Independent ICT Evaluation of the IEBC, October 2013

analysis of the top ten Counties with the highest voting age population and ten with the lowest voting age population reveals that there are counties that did extremely well in voter registration such as Lamu (95%); while others performed relatively poorly such as Bungoma County (63%), which was below the national average of 66% despite having a high voting age population.

6.8 The evaluation also focused on the efficiency of the registration process with time and cost being used as assessment factors. For the 2013 General Elections, the Commission registered 14, 388, 781 voters in 30 days compared to 12,616,627 registered in 49 days for the Constitutional Referendum in 2010. Although the context in which the two elections were conducted was different, the numbers registered can be used as proxy indicator of efficiency in registration. The use of BVR technology in the 2013 General Elections enhanced efficiency in the registration process resulting in higher numbers being registered within a comparatively shorter period of time.

6.9 The total cost of the voter registration was Ksh.3.8 billion excluding the capital expenditure incurred to purchase BVR kits. The unit cost of registering a voter was, therefore, Ksh.262 or approximately \$3 compared to an African average cost of \$5 for the entire election. The Commission registered only 2,637 Kenyans living outside the country at a cost of about 12 million. This translates to a higher unit cost of about \$52.3 per voter.

6.10 The third element in gauging the effectiveness of the voter registration process is inclusion of complaints procedures. Discussions with Registration Officers revealed that other than what was provided in the law to address external complaints, there was no evidence of a guide for handling internal complaints resulting from the registration process.

The Accuracy and Completeness of the Register

6.11 The aim of maintaining an accurate voter register is to prevent ineligible people from voting or to prevent multiple voting. Inaccurate voter registration can undermine the efficiency of the polling process since poor data slows down the check-in process and lengthens the queue. It is, therefore, essential that the Voters Register is complete and accurate.

6.12 The completeness of the voter register is measured by the proportion of eligible voters included in the register, while its accuracy is measured by the rate of error in entering data on individual voters. In order to ascertain that the 2013 General Elections register was accurate, the IEBC opened it for public scrutiny and verification for 14 days. Voters who had registered were expected to confirm the correctness of their particulars before the publication of the Final Register. Overall, the evaluation revealed that the verification process was characterized by low turnout.

6.13 The accuracy of the voter register was to some extent affected by some people missing their biometrics; mismatch between biometrics; and alpha-numerical data. At the end of the verification period, a total of 20,000 persons who had registered more than once were removed from the register; and a total of 36,236 persons were missing their biometrics nationally.

CONDUCT OF THE 2013 GENERAL ELECTIONS

6.14 The Constitution of Kenya 2010 mandates IEBC to conduct or supervise referenda and elections. Under Article 81, the Constitution provides the electoral system and general principles to be applied. The 2013 General Elections were the first elections under the new Constitution; and were complex in nature as voters had to cast six ballots compared to the three in previous elections. The elective positions were Presidential, Gubernatorial, Senatorial, Member of National Assembly, Woman Member to the National Assembly and Member of County Assembly.

6.15 In preparation for the General Elections, the IEBC conducted a mock election in Kajiado North and Malindi constituencies. The aim was to determine an appropriate model for use in the six ballots. It was also used to test the logistical arrangements to be established on the ground for the elections. The results of the mock elections revealed the following logistical challenges: the colours used on the ballot paper were not distinctive enough; and the ballot box lids did not bear corresponding colours with the ballot papers. The mock elections also tested the use of three to four clerks to manage the polling process. Neither of the two

combinations was found appropriate hence, the deployment of six polling clerks during the General Elections.

6.16 Although the mock elections provided a general indication of what was to be expected during the General Elections, they were not conclusive enough due to the low voter turnout and logistical challenges. Moreover, the scope was narrow due to the fact that it was carried out only in two constituencies thus diminishing its representativeness.

6.17 A week before the 4th March 2013 General Elections, the IEBC conducted a simulation of the General Elections in 1450 County Assembly Wards. The objective of the exercise was to gauge the level of preparedness both on the part of the Commission and members of the public. The areas of focus for the simulation exercise were: voter awareness of the voting process; the competence of polling staff in managing elections; counting and transmission of results; and the preparedness of Returning Officers to tally and announce the results. Of utmost importance was the testing of transmission of results from the polling stations to constituency tallying centers and subsequently, to the National Tallying Centre.

6.18 The results of the simulation exercise revealed that many Presiding Officers could not successfully transmit results. The failure was attributed to their phones having not been configured; and some of the POs forgetting the Personal Identification Numbers (PINs) and transmission procedures. Other observations were that some of the voters were unable to match the colours of the ballot papers with the lids on the ballot boxes; with some opting to vote for only one elective position preferably, Presidential. There was also confusion on the tallying sequence; with some polling stations starting with the Presidential vote while others started with the County Assembly vote.

6.19 Based on the findings of the simulations exercise, it was decided that the ICT Directorate focuses on transmission of results; and to mount a refresher training of the electoral officials at the constituency level. It was also decided that voter education be intensified particularly on the elective positions; and to undertake adequate planning for the General Elections.

Logistics and Distribution of Materials

6.20 The General Elections required comprehensive logistical arrangements in the distribution of strategic and non-strategic materials. The success of the elections was predicated upon adherence to strict distribution timelines; and availability of the requisite materials. The Commission developed a distribution plan for materials from the National to Regional and Constituency warehouses; and subsequently to the polling stations. The evaluation revealed that the distribution plan did not take into account some materials such as ballot boxes which needed to be delivered to constituencies as a complete set. For instance, when ballot boxes for a particular elective post were delivered to the Regional Warehouses, they had to be stored until all the other sets were delivered. This put a strain on warehouse logistics and storage space resulting in some regions hiring extra space. Those regions that opted to distribute the incomplete sets to the constituencies faced prohibitive transport costs.

6.21 The evaluation obtained information on the effectiveness of the logistics from RECs, ROs, POs, DPOs and the relevant Directorates at the IEBC headquarters. The parameters used to determine effectiveness were: timeliness in procurement of materials; distribution of the election materials; and adequacy of the materials. Responses from the officials in all the 17 Electoral Regions confirmed that adequacy of materials was largely achieved; with very few cases of missing materials being reported. The polling materials that were commonly reported missing or inadequate were: the polling booths and gas lamps. For instance, officials from Mosop Constituency reported many stations receiving one polling booth instead of six. The inadequacy was however, addressed and the missing or inadequate materials delivered to polling stations albeit late. In other cases, the POs improvised by providing booth space using available resources or facilities.

6.22 In terms of timeliness, there was delay in procurement and distribution of elections materials. According to the Regional Reports, materials were received in piecemeal thus, making the distribution costly and unscheduled. This observation was also made by the accredited long-term observer teams.

6.23 Information obtained from the Regional Coordinators highlighted the packaging of constituency materials at the national warehouse as a major challenge. Although this arrangement in distribution was meant to promote efficiency, it made the Regional Warehouse ineffective especially where materials were inadequate or packed for the wrong Constituencies. In addition, it was difficult for the regional warehouses to document what was received as required by government stores procedures.

6.24 Breakages especially of ballot boxes and lids were reported by some regions. For instance in the Wajir/Mandera region, out of the 300 ballot boxes 50 were broken by the time they were received in the Regional Warehouse. This was attributed to the poor design and packaging as well as the poor state of roads in the Arid and Semi Arid Lands (ASAL) areas.

6.25 The packaging gaps and distribution processes at the National Warehouse revealed lapses and inefficiencies in the management of operations. For instance, some regions received ballot boxes without corresponding lids. As a result, emergency vehicles had to be sent to the National Warehouse to collect the matching lids left behind. Inadequacy of warehouse personnel both at the National Warehouse and in most of the constituency tallying centers was part to blame for the poor service. This was evident by the long queues observed during distribution of materials at the tallying centers.

6.26 The training of the poll officials was also negatively affected by the late arrival of materials. In most of the constituencies, the poll officials were trained without the benefit of practically orienting themselves with the gadgets they were meant to use on the polling day. The late delivery of materials and equipment also contributed to the poll officials arriving late in their polling stations. For instance in Kacheliba Constituency some POs reported arriving in their stations as late as 7 am on the date of polling yet they were expected to open the station at 6 am. Overall, the evaluation established that 67% of the POs were able to distribute election materials on time.

Training and Deployment of Poll Officials

6.27 In preparation for the 2013 General Elections, the IEBC recruited, trained and deployed 301,593 temporary poll officials. The poll officials

confirmed that the training received was adequate save for the training on the use of the EVID technology. They reported that there was insufficient time for practical training on the use of both the EVID and the transmission phones. The quality of training was also hampered by inadequacy of training materials such as manuals. Moreover, the manuals that were available were not final and amendments were being made on them even during the training itself.

6.28 Lastly, participants in FGDs were asked to rate the capacity of the trainers in terms of content and delivery skills. Most reported that whereas the trainers had the mastery of content, they lacked practical skills in the use of the EVIDs. On the other hand, while the trainers provided by the vendor had the technical know-how, they lacked the delivery skills.

Polling Activities

6.29 The 2013 General Elections were historic as they were the first after the promulgation of the New Constitution; but complex as voters had to cast six ballots in one day. Moreover, there were 12,776 candidates vying for only 1,882 slots making the contest highly competitive.

6.30 The evaluation exercise obtained feedback from poll officials on: the time of opening and closing of polling stations, voter identification by use of the EVID technology, vote counting, transmission and announcement of results. Information was also obtained from members of the public through a hotline call centre which was established by the Commission to obtain perceptions from both internal and external publics. Ten such hotlines were opened for 24 hours receiving an average of 2000 calls per day from members of the public.

6.31 The legal opening time for polling stations on the polling day is 6 am. To establish if the polling stations adhered to this requirement, the evaluation established that although some stations opened at the official time, voting activities were delayed in some. The late opening of stations was attributed to logistical problems including the late arrival of polling materials, electricity power failure, poor lighting, malfunctioning of the EVIDs, security concerns especially in the Coast and North Eastern regions and the confusion on the streaming of voters. This caused POs to

spend time to understand the streaming process before they could open the stations. It also resulted in long queues forming at the polling stations. Similar observations were documented by the Observer Missions.

Voter Identification

6.32 The Elections Act, 2011 section 10(1)(2)(3) outlines the eligibility and identification requirements for voting. In the 2013 General Elections, voter identification at the polling stations was through EVIDs. The technology was employed to ensure that the voter check-in processes were carried out in an effective and transparent manner. The system was specified to provide voter identification and authentication through biometrics, prevent multiple voting, hasten the voter screening process and provide reconciliation between the number of voters screened and the votes cast.

6.33 The evaluation sought to establish if the use of EVIDs effectively facilitated voter identification during polling. The information provided by 213 ROs showed that EVIDs worked throughout the day in only 7.5% of the polling stations. In 80% of the polling stations some of the EVIDs worked; while none worked in 12.3%. These responses were confirmed by POs, DPOs and Polling Clerks. The Observer Missions similarly confirmed the same findings.

6.34 The evaluation established that the depressed performance of the EVID technology was as a result of a combination of factors. First, the procurement process in IEBC was fraught with systemic delays. The process which started in April 2012 with the launch of the tender to supply, install, configure, train, test and commission the EVIDs took almost 1 year to complete. According to an independent ICT evaluation report, “much of the equipment arrived immediately prior to Election Day, and was deployed to the polling centers without time for checking, testing or technical preparation. Therefore, many incidences were encountered on Election Day where EVID devices were found not to be functional, or were supplied incomplete with missing SD memory cards or other components”¹⁰. The constrained delivery schedule severely

¹⁰ IFES: Independent ICT Evaluation of the Independent Electoral Boundaries Commission (IEBC) Kenya, Oct. 2013

compromised IEBC's ability to configure the devices, provide poll staff with the requisite training on the devices and to deploy them in time for the elections.

6.35 The evaluation further established that the training of poll staff on the EVID technology was not effective enough due to the compressed timelines. The equipment was not available for training and staff could not acquire the knowledge and confidence necessary to use the system. The weaknesses in the training programme were exacerbated by lack of sufficient trainers. It was further revealed that in many cases, only one training device was available for use by between 50 – 100 trainees; and even then, the device used in training differed with the actual device that staff received on the Election Day.

6.36 There was insufficient technical backstopping as the Constituency Electoral Coordinators had not received any training on EVID; and so could not assist the poll staff to understand the system. According to IFES, the ability of the polling staff to effectively utilize the EVID technology in the polling centers was also compromised by the limited guidance on how the system fitted in the overall polling process. Little operational guidance was provided and little of the technology featured in the published polling guides or other training material.

6.37 Another challenge experienced in the identification of voters was the introduction of handheld devices on the polling day in some of the polling stations while the poll officials were trained on the use of the laptop. This caused delays as the poll officials took time to familiarize themselves with the handheld EVID. In some cases, the POs abandoned their use altogether.

6.38 Other challenges included; blocking of passwords, cumbersome setting up of the machines, faulty EVIDs and SD cards, lack of data and misplaced data in some SD cards. According to the poll officials in the FGDs, where the EVIDs did not work, the voters were identified using the printed version of the register. This fact was also confirmed by the Observer Missions.

Balloting and Vote Counting

6.39 The polling day in the 2013 General Elections was characterized by long queues in many polling stations. Three factors were identified for causing the delays namely: confusion in the streaming of voters, problems with managing the EVIDs and the lengthy time taken by voters to cast the ballot. For instance, literate voters took an average of five minutes while semi-illiterate and illiterate voters took 10-15 minutes each.

6.40 The evaluation established that the counting of votes had no major hitches except for the long time taken. This was as a result of the many elective positions and the high voter turnout. As a consequence, the poll officials were severely fatigued. Discussing vote counting in the 2013 General Elections, the EU Observer Mission in their report noted that counting was a very lengthy process; and in some cases by the time it was concluded, polling staff had been awake for close to 24 hours. According to the ROs the effects of fatigue were manifested in the arithmetic errors noted in Form 34s and 35s.

Tallying of Results

6.41 Procedures for tallying and announcement of results are outlined in Section 83 of the Election (General) Regulation, 2012. One of the most important outputs of a tallying process are correctly filled, signed and stamped statutory forms. The evaluation revealed a number of issues relating to the tallying of results. In some cases, the forms were not signed or stamped by the responsible officers; and in other cases, the comments on the forms were too causal while others went beyond the scope of the President Officers. An analysis of the causes that contributed to the errors and other anomalies in the statutory forms revealed three main reasons: fatigue among poll officials; the cumbersome design of the statutory forms; and training gaps on filling the forms.

Announcement, Declaration and Transmission of Results

6.42 The IEBC first used the electronic transfer of election results during the 2010 National Referendum on the Constitution. Results from all polling stations were transmitted to the National Tally Centre by use

of a mobile phone via the Electronic Vote Transmission System. However, the EVT system had limitations including the lack of securing mechanics to protect the data being relayed; and the inability to handle more than one election. As a result, IEBC procured a more enhanced system for use during the 2013 General Elections.

6.43 The procurement process started in June 2012 with the development of a Concept Paper on the system. The process was however, stopped and the tender cancelled in January 2013. The IEBC instead adopted an RTS system developed by the International Foundation for Electoral Systems (IFES). The decision to adopt the IFES Results Transmission System was made in January, very close to the date of General Elections in March 2013. As a result, there was little time left for testing.

6.44 According to technical evaluation reports, the implementation of the RTS started in February 2013, which short timeline did not allow for software development and testing. Not all the phones received the correct software for use in the capture and transmission of results. Moreover, the polling station coordinates to assist in the mapping of coverage for mobile networks were not made available on time; and most of the positioning data was inaccurate.

6.45 The training of Presiding Officers was inadequate as they did not have a practical experience with the system. According to evaluation reports, some of the POs saw the phones for the first time on the polling day. Some of the phones were therefore not configured; while others were not compatible with the service provider network. Moreover, field support was not sufficient; and the IT persons at the regional and constituency levels were not adequately trained to support the system.

6.46 Analysis of the RTS showed that not all polling stations were able to transmit results as expected. Table IX summarizes results transmitted per elective position.

Table IX: Results Transmitted per elective position

Elective Position	Polling stations that TX	Total Number of Polling Stations	Percentage
Presidential	14,252	31,981	44.6%
Member of National Assembly	9,409	31,981	29.4%
CAW Rep	7,976	31,981	24.9%
Women Rep	7,438	31,981	23.3%
Senator	7,093	31,981	22.2%
Governor	6,900	31,981	21.6%

Source: Directorate of Information Communication Technology Election Report

6.47 Looking at the transmission rates of results for all the elective posts, the highest transmitted was presidential at 44.6% while the lowest was gubernatorial at 21.6%. It was expected that all Presiding Officers would transmit results from the polling stations. Some of the challenges included: inadequate knowledge and skills due to inadequate training on the use of the ERT; low quality of ICT technical personnel who were mainly part-time employees hired to support the ICT function; and erroneous display of results.

The National Tallying Centre

6.48 In line with Regulation 84 of the Elections (General) Regulations 2012, the Commission gazetted Constituency, County and National Tallying centers. The National Tallying Centre was based at the Bomas of Kenya where elections operations, logistics and administrative tasks were coordinated. This is where the Constituency and County ROs submitted Forms 34, 35, 36 and Form 37 pursuant to provisions of Regulation 83(1), (d), (ii) and 83(2) of the Elections (General) Regulations 2012.

6.49 To facilitate smooth flow of the processes at the tallying centre, the Commission developed tallying centre layout and workflow procedures for the three tallying centre levels.

6.50 Considering the importance of the tallying process and especially at the national level, the evaluation sought to establish if the National Tallying Centre functioned as planned. During the evaluation forum, the returning officers expressed their views and experiences at the National Tallying Centre.

6.51 The choice of Bomas of Kenya as the tallying centre was commended due to its strategic location, adequate facilities, security and ambience. While examining the processes and procedures that were followed at the tallying centre, the following gaps were noted:

- (i) While the ROs appreciated the verification that the results went through to ascertain the accuracy, they felt they should have personally handed in their results to the national returning officer.
- (ii) There was no clear guideline on the engagement of party agents and observers at the tallying centers. Similar sentiments were expressed in ELOG and EU EOM election observation reports.
- (iii) Lack of public awareness on the results tallying process and the legal timeline provided for the tallying, announcement and declaration of results. The public perception that the declaration of the presidential result was late was as a result of such lack of awareness.

RECOMMENDATIONS ON VOTER REGISTRATION AND CONDUCT OF ELECTIONS

1. Implement intensified, staggered and targeted continuous voter registration supported by appropriate voter education strategies.
2. In collaboration with stakeholders, establish the actual numbers of eligible voters who do not possess the national identity card to facilitate a more structured engagement between IEBC and the Registrar of Persons to enhance registration of all eligible voters for 2017 General Elections; and explore the possibility registering voters

as they collect their national IDs.

3. Establish a database on marginalized groups especially people living with disabilities in order to provide specific intervention for these categories of voters.
4. Establish a policy to ensure that voter registration ends at least three months before the date of elections; and circulate the register widely to members of the public for scrutiny.
5. Validate the policy on the use of BVR technology in voter registration and re-examine, enhance and maximize the potential of the voter registration software to ensure quality control and data security.
6. Strengthen the Commission's managerial capacity and structures for the registration technology including establishment of a maintenance plan for the BVR kits; and review and enhance the technical and logistic support to registration officials.
7. Revise the data management process to ensure accountability at each stage of handling the data by developing a verifiable audit trail from the constituency, region and the ICT Directorate.
8. Adopt a bottoms-up approach in the development of the Voter Register starting with the printing of constituency registers and incorporating Returning Officers in the cleaning of the registers. The Final Register should be validated by the Registration Officers.
9. Increase the training period for BVR personnel to allow them adequate time to familiarize and interact with the technology during training; and employ experienced ICT experts as trainers. In addition, strengthen the monitoring and evaluation of the training on registration in order to identify training gaps.
10. Establish a technical committee in IEBC to work in collaboration with the Registrar of Persons on the implementation of the Integrated Personal Registration System (IPRS), with a view to importing maximum benefit from the IPRS into voter registration.
11. Develop a 2-year Procurement and Logistics Plan as a subset of

IEBC's Strategic Plan to guide the procurement and delivery of election materials for the 2017 General Elections to ensure that they are available at the constituency level five days prior to the date of elections. The procurement, delivery and training on EVIDs should be conducted well in advance of the elections.

12. Develop and implement a materials distribution tracking software (ICT solution), to enhance accountability and responsiveness to the users.
13. Review the law on archiving of election materials to reduce the period from 3 years to a lesser period in order to minimize risks, warehousing and security costs.
14. Structure the training of election officials to allow sufficient time for practical training; and assess the level of knowledge and skills of the trainees at the end of the training in order to sift out those who do not meet the set threshold.
15. Review the design of the Statutory Forms for tallying of election results with a view to simplifying them; and revise the training manual for poll officials to address the gaps identified in counting, tallying and filling of the Statutory Forms.
16. Develop and publicize a comprehensive policy and operational manual on the management of tallying centers encompassing the counting and declaration of final election results.
17. Establish a policy and procedures for handling, storing and archiving of election results.
18. Provide adequate civic education to voters on delimitation of boundaries prior to mounting the actual delimitation forums.
19. Provide training on GPRS to newly recruited Constituency Electoral Coordinators and supply all the trained CEC with GPRS gadgets to collect coordinates and prepare maps in their respective constituencies.

20. Replicate all aspects of an election in full during mock election and simulation exercises including the testing of EVIDs in preparation for the 2017 General Elections.
21. Undertake streaming of voters during registration using a maximum of 500 voters per polling station; and inform voters of their stream during inspection. Streaming should be done serially as per the dates of registration.
22. Develop a model plan with systems and procedures for the management of the National Tallying Center; and train Commissioners and Staff on the acceptable standards of performance. The time threshold on submission of results to the NTC should be adjusted; and the results from ROs announced before they leave the NTC. Returning Officers submitting results to the NTC should be issued a clearance certificate at every stage of the results submission process.



Arrival of BVR Kits at the Airport



Voters queuing in a Polling station

CHAPTER SEVEN

7.0 FINANCE AND PROCUREMENT

Introduction

7.1 The finance and procurement functions in IEBC are regulated by the following legislative instruments: Public Finance Management Act, 2012, Public Procurement and Disposal Act 2005 and Public Procurement Regulations 2006. The procurement function in the Commission is guided by an approved budget and Procurement Plan. The Commission has also established Tender and Procurement Committees to oversee the procurement of goods and services. For 2013 General Elections, the Commission developed a procurement and logistics plan to facilitate the movement of election materials from the National warehouse to the polling stations.

Financial Management

7.2 Elections in Kenya are mainly funded by the Government with some support from development partners whose contribution accounted for 12% of the total funding. The Commission's initial budget was Kshs.38 billion, which was later scaled down to Kshs.24.7 billion by the National Treasury as reflected in Table 6.1. The actual expenditure on the General Elections operations, voter registration, voter education and general administration and planning activities amounted to Kshs.28 billion. This left the Commission with a financing deficit of Kshs.4 billion.

7.3 The budget making process requires input from the headquarters and field offices. This is to ensure the budget captures the uniqueness and diversity of the electoral regions; and to attend to their real financial requirements. The evaluation noted that whereas the Directorates at the headquarters were fully involved in the budget formulation process, the field offices were not involved in the development of the final budget. The operational budgets also kept changing during implementation. This may part explain why the Commission incurred unplanned expenditures. Pending Bills were incurred under legal fees, security, hire of transport, training of poll officials, election materials and publicity and awareness as shown in Table X.

Table X: IEBC's Election Related Budgetary Provisions – 2012/2013 FY

Activity	Original Budget Kshs (m)	Revised Budget Kshs (m)	Actual Allocation Kshs (m)	Actual Exp. Kshs (m)	Variance (Allc- Exp)	Reason for Variance
General Administration and Planning/Secretariat	4,500	4,400	4,220	5,223	1,003	Legal fees for boundaries delimitation cases and General election petition- Kshs 754m ; Cost of compliance- Kshs 249m
Electoral ICT	5,449	596	8,927	8,927	-	-
General Elections (Conducting Elections)	20,974	17,700	7,302	9,875	2,573	Polling station security and tallying centres security- Kshs 393m ; Transportation- Kshs 820m ; Training and SETs- Kshs 876 m ; By- elections- Kshs 189m ; Simulation- Kshs 131m ; Materials- Kshs 164m
Voter Registration	4,653	1,700	3,695	3,695	-	-
Voter Education	2,510	314	122	591	469	Publicity and awareness- Kshs 469m
Total	38,086¹¹	24,710¹²	24,266	28,311	4,045	

Source: Directorate of Finance and Procurement, 2013

7.4 The Commission initially planned to recruit 407,751 temporary poll officials to officiate in 45,000 polling stations. The number was later scaled down to 301,593 officials to handle 31,981 polling stations. The financial effect of the reduction in the number of poll officials was experienced due to the fact that huge costs had already been incurred on their training including the allowances paid to them.

7.5 The late disbursement of funds after the commencement of activities was a challenge to the field officers. The funds were in many cases sent to the regions and constituencies when the activities themselves were already underway. The evaluation also revealed that the budgets did not consider the unique needs and circumstances of hardship areas while planning and allocating resources. This particularly

¹¹ Original IEBC Budget prepared for 2012/2013 FY

¹² Revised IEBC Budget for 2012/2013 FY

affected the planning of activities and procurement of goods and services in ASAL areas.

7.6 The total funding under donor support was Kshs.2.6 billion which was spent on hiring 290 Constituency Logistic Assistants (CLAs), training of security personnel, promoting women empowerment and development of an early warning system for conflict resolution. Table XI shows the contribution of the different development partners.

Table XI: Contribution of Development Partners

Source of Funding	Purpose	Actual Amount Spent (Kshs'000)
United Nations Development Programme (UNDP)	Support to Electoral Reforms and Constitutional Processes in Kenya.	2,544,687
International Institute for Democracy and Electoral Assistance (IDEA)	Piloting Early Warning Systems for Conflict Resolution.	18,492
United Nations Entity For Gender Equality and Empowerment of Women (UN WOMEN)	Promoting Effective Participation and Representation of Women in the Political and Electoral Processes for 2013 General Elections.	3,409
TOTAL		2,566,588

Source: Directorate of Finance and Procurement 2013

7.7 Inadequate financial management skills of Commission staff especially in the field was identified by the evaluation as a challenge. Some of the Returning Officers (ROs) used their personal intuition and the little knowledge they possess in public financial management in making decisions. The evaluation further learnt that even some of the Regional Accountants lacked adequate public financial management skills to perform complex financial tasks.

Procurement of Goods and Services

7.8 The Commission developed the first comprehensive Procurement Plan for 2013 General Elections materials in June 2011. However, the evaluation established that the development of the Plan needed to be more participatory. Further, the Regional Procurement Plans needed to be harmonized with the National Procurement Plan. Overall, the procurement process needed strengthening to remove systemic weaknesses and to adhere to the provisions of the Public Procurement and Disposal Act 2005. Some of the procurement activities experienced delays attributable to the late and frequent amendments to the electoral laws as well as uncertainties in budgetary allocations. The late delivery of

election materials to a great extent contributed to the high cost of distribution. In some areas, materials had to be delivered by air thus, escalating the cost of transportation.

Logistics and Distribution of Materials

7.9 The elections required comprehensive logistical plans for distribution of strategic and non-strategic materials to the 290 Constituencies. The success of an election is determined by adherence to strict distribution timeliness; and the availability of essential materials in the right quantities. To ensure a seamless distribution of materials, the Commission developed a distribution plan to facilitate the smooth flow of materials from the National Warehouse to the polling stations. The evaluation established that the plan was not fully implemented and cascaded to the field offices.

7.10 The procurement of transport services was done both at the National, Regional and Constituency levels. The Commission required various means of transport including vehicles, air transport and boats to transport both strategic and non-strategic materials; and polling officials. The vehicles were hired for an average of three days for collection, delivery and retrieval of materials. The evaluation established that the amount of funds allocated for hiring vehicles was low. The rate for hire was uniform for all areas without consideration of the vastness and terrain. This resulted in transporters in some areas withdrawing their vehicles sometimes at the last minute. Moreover, the budget allocated for hiring of vehicles was for three days and yet in some areas the vehicles worked up to five days. Insecurity in some of the areas also increased the cost of procuring transport services.

Recommendations

1. Establish a finance policy and develop appropriate financial guidelines and regulations.
2. Strengthen the Finance Function at all levels of the Commission in terms of personnel and management systems; and computerize accounting systems in the field offices.
3. Separate the Procurement and Finance Functions of the IEBC.

4. Provide training on financial management for non-finance officers to staff at all levels.
5. Develop budgets in strict compliance with the provisions of the Medium Term Expenditure Framework (MTEF) of the Government by linking the activities of the Commission as articulated in the Strategic Plan with the budget. Activity plans and concomitant budgets must be prepared for each financial year and approved by Plenary.
6. All communication to the field offices on the Commission's approved budget must emanate from the office of the Finance Director.
7. Adopt a bottom-up approach to budgeting; involving field staff in the budgetary process and provide for representation of field officers in ad-hoc budget committees.
8. Implement the IEBC Customer Service Charter standards with particular attention to the payment of goods and services.
9. Strengthen the Procurement Function in the Commission in terms of qualified personnel and appropriate systems.
10. Develop procurement plans linked to work plans at all levels of the Commission and adopt a staggered procurement approach especially for bulk supplies and materials.
11. Establish a computerized inventory management system and institutionalize Monitoring and Evaluation as integral components of the procurement process.
12. Develop a list of prequalified suppliers of goods and services at all levels and use District Tender Committees at the regional level to ensure compliance with the law.
13. Develop distribution plans in line with the Elections Plan and involve field officers in developing these plans. Assign responsibility to specific persons at each point of the distribution

chain.

14. Cluster constituencies in each County and deliver materials at one central place in the County. Materials should be delivered in good time from HQ to allow for verification by the ROs and the RECs.
15. Ballot papers should be packaged according to polling streams.
16. Undertake a market survey to establish the current costs for transport services in each region or zone. In addition to distances in the constituency, zoning should take into account other important factors such as the terrain, state of roads, demand for transport services and risk factors.
17. Strengthen accountability at the regional level by removing responsibility as bank signatories on the regional bank accounts from the Regional Accountants; and define a clear reporting chain for the Regional Accountants both administratively and functionally. In addition, establish a desk dealing with returns and accountability issues from field accountants at the regional offices.



Distribution of BVR Kits for Voter Registration

CHAPTER EIGHT

8.0 HUMAN RESOURCE AND ADMINISTRATION

Introduction

8.1 The IEBC Act, 2011 establishes a nine-member Commission comprising of a Chairperson and eight members. Section 11 of the Act provides that the Commission establishes a Secretariat to discharge its functions which include *inter alia*, conducting elections. The Secretariat is headed by a Commission Secretary, two Deputy Commission Secretaries and eight Directors. In furtherance of its mandate, the Commission has established 17 Regional offices each headed by a Regional Electoral Coordinator and 290 Constituency Electoral Coordinators.

8.2 The evaluation revealed that whereas the current organization structure reasonably served the Commission's purpose, there was need to address the gaps therein. For instance, the role of the ICT Directorate vis-a-vis the other operational directorates with regard to the management of data on registration was given as an example. Similarly, the need to anchor some departments under appropriate directorates was expressed. In this regard, the Departments of Procurement, Boundaries Delimitation and Field Services were identified as among those needing placement.

8.3 The evaluation identified various areas that needed strengthening to make the human resource function in IEBC effective. The need to develop and implement a human resource development plan particularly in the area of elections management was expressed. Related to this, the evaluation brought out the need to explore modalities of establishing an Electoral College in Kenya. Also expressed, was the need to establish clearly communicated and understood mechanisms for career progression and growth for staff.

Recruitment and Deployment of Poll Officials

8.4 Managing an election such as the 2013 General Election requires a huge human resource. The Commission recruited and deployed for purposes of the General Elections the Commission recruited a total of

301,593 temporary poll officials to manage 31,981 polling centers. In addition, the Commission appointed 47 County Returning Officers.

8.5 The evaluation established gaps in the process of recruitment of poll officials. First, the time for planning and recruitment of the poll officials was too short since the process entailed the Commission advertising the vacancies, short listing and conducting interviews to select the qualified persons. The evaluation also established that the online advertisement was not assessable to many people as it presupposed universal access to internet. As a result, potential applicants from remote areas did not apply forcing the Commission to re-advertise and lower the minimum qualification requirements so as to acquire the number of poll officials needed.

The Training of Poll Officials

8.6 The evaluation assessed the training of poll officials in terms of organization of the training; training content; training materials; quality of the trainers; training venues; remuneration and welfare. Regarding the organization and quality of the training, it was observed that the 2-3 day period of training was not sufficient and that the actual training was conducted amid many other competing electoral activities. The cascade approach that was used did not sufficiently prepare the trainers to deliver in the technical areas. Moreover, the training on some technical areas such as legal and ICT was conducted by non-experts. This compromised the understanding of the technical issues entailed in the subject matter.

8.7 The training on the Electronic Voter Identification Device and the Result Transmission System was not effective due to inadequate time and the lack of devices for practical training. An external evaluation conducted by IFES on the technologies employed by IEBC has identified this as perhaps one of the major contributing factors to the failure of the technology during the 2013 general elections. According to IFES, the training commenced prior to the arrival of the equipment and was therefore ineffective in building knowledge, familiarity and confidence in its use.

8.8 The Commission developed training support materials. The evaluation established that in certain cases, the training materials were

inadequate and delivered late due to many reviews. Cohesiveness in content and timely availability of the materials would have been achieved had a project team approach been employed in its development.

8.9 The evaluation revealed that some of the Training Venues were not appropriate. Where the mode of training was non-residential, it reduced the time available for training since the trainees had to travel long distances.

Deployment of Poll Officials

8.10 The Commission's policy directs that all POs, DPOs and Clerks be deployed within their localities. The objective behind this is to manage costs in terms of transport and accommodation. The major challenge to this policy is that it is likely to remove the impartiality expected of the poll officials.

8.11 The deployment of poll officials is informed by the number of polling stations and the activities to be undertaken in a station. The evaluation established that the Commission had initially recruited and trained enough poll officials in relation to the number of polling stations and the tasks to be undertaken. However, the numbers were subsequently scaled-down just a few days before the polling day owing to financial constraints. This was despite the fact that the officials were already trained, contractually engaged and posted. The reduction in the workforce caused a strain on poll activities as the remaining poll officials had to take up additional duties.

Deployment of Security Personnel

8.12 In order to maintain law and order and stability during the conduct of the General Elections, the Commission retained the services of over 70,000 police officers. A police officer assigned duties during the conduct of an election is deemed to be an election official. The officers were inducted on electoral laws with emphasis on investigation and prosecution of electoral offences. However, the time for training was limited considering that the officers were expected to grasp a lot of content on electoral processes. To supplement the induction, the Commission developed a Handbook on Prosecution and

Investigation¹³ summarizing all electoral offences and providing a guide on how to handle allegations of electoral malpractices and to draw Charge Sheets for purposes of prosecution.

8.13 The evaluation established that the police officers needed more training on forensic and fraud investigations. Further, it emerged that the number of Police Officers deployed was inadequate. In some Constituencies the distribution of Police Officers in the polling stations was not uniform.

Management of the National Tallying Centre

8.14 To support the Presidential Election, the Chairperson of the Commission is gazetted as the Returning Officer to preside over the elections at the National Tallying Centre. The organization of the activities carried out at the Constituency and County levels are replicated at the National Tallying Center. To manage the activities at the NTC, the Commission deployed staff mainly drawn from the Secretariat.

8.15 The deployment of the Commission's personnel to the National Tallying Centre (Bomas of Kenya) was based on an operational plan and pre-determined key activities. The structure developed for this purpose drew personnel from all the Directorates. The team was largely guided by the rules and regulations governing the transmission, receipt, tallying and announcement of results of persons elected pursuant to Regulation 87 of the Elections (General) Regulations, 2012. The post-election evaluation established that despite the existence of the guidelines, the roles and responsibilities given to the NTC team were not clearly defined.

¹³ Handbook on Investigation and Prosecution of Electoral Offences, 2013

RECOMMENDATIONS ON ORGANISATION STRUCTURE AND HUMAN RESOURCE

1. Rationalize the IEBC organizational structure to redefine roles, re-organize functions and improve accountability and reporting with specific reference to the following:-
 - (i) Delinking the Department of Procurement from Finance;
 - (ii) Domiciling the Boundaries Delimitation Department as appropriate;
 - (iii) Domiciling the Department of Field Services as appropriate;
 - (iv) Domiciling the Department of Corporate Communications as appropriate; and
 - (v) Defining the job descriptions of staff as required.
2. Strengthen the coordination of activities between Directorates at all levels.
3. Strengthen the Human Resource Development Function in IEBC by placing the coordination of all training in the Commission under the Directorate of Human Resource; and line Directorates undertaking the training should work in liaison with the HR while undertaking their respective trainings.
4. Establish the following policies:-
 - (i) Training policy;
 - (ii) HIV and AIDS policy; and
 - (iii) Compensation and reward management policy.
5. Conduct a Training Needs Assessment and develop a HR Development Plan with clear guidelines on how staff is selected for training.
6. Develop Schemes of Service for all categories of staff within the Commission with clear career progression pathways.
7. Strengthen the Performance Management System in the Commission by reviewing the existing Performance Appraisal Tool

- to make it performance-focused and equity-seeking. In addition, make the appraisal of staff mandatory.
8. Decentralize the advertisements for polling jobs to localize recruitment.
 9. The Deputy Registration Officer should be the Deputy Returning Officer for institutional memory and experience; and Returning Officers should be part and parcel of DRO recruitment.
 10. The training of POs and DPOs should be for 5 days, while that of Clerks should take 4 days. The class size in training should be kept at a maximum of 40 participants.
 11. During training more time should be allocated for practical work and training should be organized in a manner that avoids last minute rush and adjustments.
 12. Review the ICT training content to make it comprehensive enough; but simplified enough for ease of understanding.
 13. Election training materials should be delivered on time and a checklist of all training materials developed especially for new constituencies. Materials should be thoroughly checked before dispatch to their destinations.
 14. Deploy Legal and ICT experts to train poll officials in their respective areas.
 15. All training should be residential and only training venues with adequate training spaces and good accommodation should be procured. The training venues should be budgeted for and paid for by the Commission and not by a third party.
 16. Review the terms and conditions of service for temporary poll officials.
 17. The Commission should discuss with Security personnel and agree whether they should be paid individually at the polling station or

funds disbursed to their relevant department.

18. Retain an adequate number of polling officials to reduce overwork of personnel.
19. Train IEBC staff on electoral technology to enhance accountability and ownership of the process.
20. Review policy on recruitment of County Returning Officers (CROs) with a view to appointing permanent staff within the establishment to undertake the roles and responsibilities of the CRO during elections.
21. Establish a policy on the number of polling clerks required at the polling station based on the size of the polling station and the tasks at hand.
22. Review the training model to;
 - (i) provide for training on technical areas to be undertaken only by experts;
 - (ii) provide adequate time for training;
 - (iii) identify conducive training venues;
 - (iv) provide relevant training content to address the needs of different cadres and groups;
 - (v) provide for adequate training materials for the trainer and trainees; and
 - (vi) place emphasis on practical training for election officials using the relevant election equipment and gadgets.



Polling officials in the March 4th General Election



CHAPTER NINE

9.0 INTEGRATION OF INFORMATION AND COMMUNICATION TECHNOLOGY IN THE CONDUCT OF ELECTIONS

Introduction

9.1 Information and communications technology (ICT) encompasses the role of unified communications and the integration of telecommunications such as telephone lines and wireless signals, computers as well as necessary enterprise software, middleware, storage, and audio-visual systems, which enable users to access, store, transmit, and manipulate information. The Commission has recognized that ICTs have the potential of delivering strategic benefits to the electoral process by enhancing the efficiency and integrity of critical operations. The ICT function in the Commission is, therefore, regarded as an integral component of the electoral process rather than a mere support to internal operations.

9.2 After the 2007 General Elections, the IIEC which was the predecessor to IEBC was mandated to develop a modern system for collection, collation, transmission and tallying of electoral data. This was the genesis of the use of modern ICTs in Kenya's electoral processes. The IEBC has since expanded the role of technologies in the electoral processes and also in the management of internal business processes. Section 44 of the Elections Act 2011, mandates the Commission to use any such technology as it considers appropriate in the electoral process. This is a departure from the earlier position where the use of technology in the electoral process was not anchored in the law.

9.3 The Commission's seven-year Strategic Plan 2011 – 2017, envisaged that the deployment of technology would enhance efficiency and effectiveness in the electoral processes and operations. In integrating ICT in the management of the Commission's businesses, the following strategies were articulated in the Strategic Plan:-

- (i) Establishing an ICT policy in the Commission;
- (ii) Strengthening the ICT capacity in the Commission;
- (iii) Developing adequate ICT infrastructure;
- (iv) Applying appropriate ICT solutions to specific operations within the electoral processes; and

- (v) Acquiring and deploying appropriate software for internal business processes.

9.4 The IEBC has so far embraced ICT in boundary delimitation, voter registration, nomination of candidates, identification of voters on the polling day, and transmission of provisional election results. This continued deployment of ICT in electoral processes has significantly enhanced the efficiency of the processes. Further, the Commission has built an interactive Website, implemented a payroll system, and established a bulk short message service (SMS) system.

Development of an ICT Policy for the Commission

9.5 The evaluation established that the development of an ICT policy for the Commission is still in its nascent stage which can hamper the strategic implementation of ICTs in the Commission. When established, the policy is expected to guide users of information and ICT resources on the appropriate standards to be adopted. Specifically the ICT policy would clearly outline how the Commission will identify appropriate technologies that are compatible and would offer strategic impetus to support its core functions. The policy would also address the issue of minimum human and infrastructural capacities that must be in place in order to guarantee the successful deployment of ICT. Lastly, it will spell out the procedures for determination of technical specifications for the various technologies as may be required by the Commission. In this regard, the policy should provide guidelines to ensure that the Commission gets a strategic edge from any contractual agreements with vendors or suppliers of ICTs.

Application of ICT in Electoral Processes

9.6 A number of key technologies were deployed by the Commission in the run up to and during the 4th March 2013 General Elections. These technologies were variously applied across the electoral value chain. The evaluation set out to assess the extent to which their application was successful in enhancing efficiency and effectiveness of the processes.

ICT in Legal Framework

9.7 The Commission has uploaded copies of the Constitution of Kenya and other relevant statutes on its Website. Staff and members of the public are thus, enabled to access the information as necessary. Staffs

are also able to share documents and legal information through the staff email system which is operational. A case management software application is currently being piloted whose purpose is to automate and streamline the process of managing dispute resolution and court cases.

9.8 The evaluation established that the use of the Website as a tool for disseminating legal documents was operational but could be improved by providing a mechanism that would promptly notify users about key happenings in the legal landscape such as amendments to the law.

ICT in Boundaries Delimitation

9.9 Article 89(2)(3) of the Constitution mandates IEBC to review electoral boundaries. To perform this function, the Commission employed the Geographic Information Systems (GIS) software to complete the delimitation of boundaries in the 290 Constituencies which process established 1,450 County Assembly Wards. The Commission also employed the Geographical Positioning System (GPS) devices to map and locate polling stations in all the wards, constituencies and counties.

9.10 During the evaluation it was observed that although IEBC staff had been trained on boundary delimitation technologies, their skills and knowledge had not been fully exploited. Further, the equipment and software for carrying out geo-mapping of polling centers have not been availed to field staff thus leaving a small team of staff from the headquarters to carry out this important exercise. The evaluation identified the need to build the capacities of constituency -based staff in geo-mapping.

ICT in Voter Education

9.11 In the run to the 2013 General Elections, the Commission employed several technologies for voter outreach. It developed and disseminated content on voter education by use of electronic and print mass media, short message services and social media through IEBC's Face book page and Twitter handle. This was a deliberate strategy by the Commission take advantage of social media to engage young voters and those in the Diaspora on electoral issues. In collaboration with the International Foundation for Election Systems (IFES) the Commission worked to improve its website and to provide an interactive platform for dissemination of content and feedback. Voter education materials were

also availed through the website. Lastly, the Commissioners and staff were trained on effective engagement with the media and the public.

9.12 During the evaluation it was noted that whereas the Website provided an interactive forum for staff and the general public, there was little effort to upload the system in an effort to provide prompt responses to queries.

ICT in Voter Registration: Biometric Voter Registration

9.13 The Commission introduced the use of biometric voter registration to build the Voters Register in preparation for the 2013 general election. This is a method of registering voters based on automated fingerprint identification system (AFIS) and facial features recognition that uniquely identify the voter. The system was an improvement of the electronic voter registration (EVR) system that had been piloted in 2010. This method enabled IEBC to register 14,388,781 voters within a period of 30 days. For this exercise, the Commission deployed 15,894 BVR kits, in 24,614 registration centers countrywide. The evaluation noted that the number of BVR kits was not enough for all the registration centers. This meant that some registration centers had to share kits. It was also revealed that some registration clerks forgot to change the code and name of the registration centers in shared kits. This resulted in some voters not being registered in their preferred stations and many voters were, therefore, disenfranchised.

9.14 The BVR kit was compact and portable with each kit being stored in a customized weatherproof casing. The kit comprised of a Laptop which contained the registration software, the enrolment centre that contained the four-finger scanner and battery/power system, a Web camera and external storage media. The system had a simple user interface that was easily understood by registration officials. The kit enabled the Commission to develop, print and distribute biometric voter registers for all the polling stations country-wide. During the evaluation it was confirmed that the BVR system was effective in delivering data that was used in the generation of the Voters Roll.

9.15 It was further confirmed that the BVR system was effective in providing mechanisms for detecting and identifying cases of multiple registrations by a voter across the country. This was possible through

the process of biometric matching and de-duplication. It also provided essential data for use in the Electronic Voter Identification Devices (EVID), the candidate nomination software and the Results Transmission System (RTS).

9.16 The evaluation however noted the following challenges which faced the implementation of the BVR technology that require to be addressed to ensure that it is totally viable and ready for use in the impending 2017 General Elections:-

a) Equipment

The BVR equipment experienced technical hitches at the beginning of the registration exercise. First, the machines were overheating; and the system suffered from malfunctioning components such as the fingerprint enrolment centre, external storage devices and inverter chargers. The solar battery charging solution was weak, and the solar charged batteries were faulty as they could not be fully charged. The power generated using the portable generators was erratic and unstable; and could not effectively charge the batteries or in the case of an emergency, operate the BVR kit.

b) Software

The passwords for logging into the BVR system had been preset to be valid for between the period running mid October and mid November 2012; and to expire at the end of this period. It thus, became a logistical nightmare when the passwords expired in November while the registration was on-going. The expiry of the passwords was not communicated in advance to the registration officials and this caused confusion and time wasting. This technical hitch was however rectified through the installation of a software patch.

At the beginning of the registration exercise, the BVR machines were too slow taking as much as 30 minutes to register a single voter, with some machines being unable to even complete the process of registering a single voter. This challenge was addressed through the installation of a software fix which required the registration officers to physically install the fix on each machine. Since most of the machines had already been dispatched to distant storage centers in the wards, additional costs were

incurred as a result.

The uploading of data from constituency to the regional level caused data loss and as a result, there were inconsistencies between data captured using BVR kits and the final voters' registers. According to evaluation reports, the aggregation of voter registration data did not occur in a timely manner as planned, placing pressure on subsequent activities such as matching and de-duplication, data availability for nomination and for political parties and the inspection and certification processes¹⁴. According to the report, little attention was paid to the processes and procedures required for data consolidation to ensure that registration data was properly aggregated in a progressive and timely manner. The report attributes this gap to the lack of a project team approach to the registration exercise where the ICT Directorate acted in isolation of other Directorates involved in management of registration data. The delayed establishment of a central data center and insufficient capacity for communications between the regional offices and the central data center were also identified as other causes to the problem.

The legal requirement that the Commission provides continuous voter registration is undermined by the requirement to pay license fees every time there is voter registration. This condition is both expensive, unsustainable and compromises the ownership of the solution; by extension the independence of the Commission to perform this function. The independent evaluation of the Commissions ICTs by IFES¹⁵ noted that the BVR system had not been formally handed over from the vendor. The IEBC is therefore, yet to benefit from the software rights including any upgrades as per the contractual specifications.

The IFES report further noted that the system lacks reporting tools or templates thus requiring the intervention of technical staff for any report generation. This limits its use only to technical staff in the ICT and limits its handover to or use by the Operations staff.

¹⁴ IFES: ICT Evaluation Kenya, page 9

¹⁵ Independent ICT evaluation of the IEBC; Namugera and Canham 2013, page 10

c) Logistics

The Voter Registration exercise was delayed due to the late arrival of the BVR Kits which affected the election timelines. This had a ripple effect on the rest of the implementation of the voter registration process. As earlier on intimated, the number of BVR kits was not adequate; and further, the distribution of the kits across the constituencies was not equitable. This disenfranchised voters especially where some centers received the kits for only three days during the entire 30 day registration window. Moreover, the allocation of one vehicle per ward was not realistic especially in very vast constituencies. A lot of time was therefore wasted through kit movement resulting in reduced registration periods. Lastly, the use of trainers supplied by the vendor as the key resource persons was risky as a number of them were not skilled in the use of the BVR technology.

d) Management of BVR Data

The registration data was extracted from the BVR kits and processed for production of printed registers and for other uses. The data management aspect of the BVR system experienced many challenges. Data was lost during the process of data aggregation from the registration centers through regional ICT offices up to the headquarters. It was difficult to pinpoint the actual point of data loss. The insufficient capacity of communications between the regional offices and the central data center to transmit registration data resulted in the slow upload of data. This forced the regional officers to send registration data on external disks causing further delays.

The evaluation has further learnt that some BVR kits crashed before data was fully backed up. Moreover, no data was recovered from the laptops that were sent to Safran Morpho in Nairobi; and some still remain there up to the time of the evaluation. The evaluation also established that it was not possible to fully clean the national register because some of the data submitted to the headquarters from the field after voter inspection of the register was not captured. Similarly, the register generation process including streaming and preparation of printable voter lists was not properly coordinated between ICT and other Directorates due to unclear delimitation of responsibilities between the two.

ICT in Nomination: Candidates Nomination Software

9.17 During the 2013 General Elections the nomination of candidates was done through the use an automated system. This was meant to increase efficiency, effectiveness and accuracy of the process; and to maintain the consistency of the data. The Nomination software was internally developed and managed. It was intended to provide Returning officers with information from political party register lists of nominated candidates, and the Voter register which would enable them clear candidates. The system was designed to facilitate the production of ballot proofs for data verification in preparation for production of ballot papers. Specifically the software was meant to perform the following:-

- (i) Enforce Compliance with the requirements and qualifications for various elective positions as set out in the Elections Regulations;
- (ii) Enhance integrity, confidentiality and accuracy of the nomination process;
- (iii) Integrate the nomination process to the other system; Register of voters, Register of members of political parties; and
- (iv) Aid in generation of details to be included in the ballot paper for verification before ballot printing.

9.18 During the evaluation, it was observed that the nomination software was successfully used despite facing in its implementation. Some of the challenges include:

- (i) Delays in the development and implementation of the system which in turn affected the timely execution of internal procedures and processes. It also affected its timely availability for training;
- (ii) Poor network connectivity in some constituencies and county nomination stations forcing some ROs to travel to the regional offices or headquarters to upload data and submit the nomination lists;
- (iii) A number of independent candidates and political parties submitted their data in the wrong formats posing a challenge to the importation of candidates' data to the central system;

- (iv) Last minute changes on the application interface led to challenges in the usage of the software by the returning officers. The system that was used during training was different to the one that was eventually deployed to the returning officers. This caused confusion among the ROs and affected the effective use of the system;
- (v) Inconsistencies and inaccuracies of the data captured on the system posed a challenge on the processing of ballot proofs. Returning officers were forced to repeat the process of data upload and verification of details due to the failure of the system to retain uploaded data. Some ROs had to travel to the HQs to complete this process further causing delays. A few elections still had inaccurate ballot papers delivered by the supplier; and
- (vi) The level of training offered to various users and ICT support teams was inadequate due to time limitations. Training was largely theoretical.

ICT in Polling Process: Electronic Voter Identification Device (EVID)

9.19 The voting process involves identification of registered voters during elections. In the 2013 General Election, the use of EVID was introduced to enhance the integrity of the vote, improve efficiency, transparency and prevent multiple voting. Two types of EVID solutions were used in different parts of the country. One was a hand-held device while the other was a laptop. The two devices operated on the principle of voter identification using biometric fingerprint identification. Facial recognition was not used.

9.20 During the evaluation it was reported that the effectiveness of the EVID technology was poor with many presiding officers being forced to abandon it at some point during polling; while others did not attempt to use it altogether. The following challenges were identified as affecting the effectiveness the EVID technology during the elections:-

- (i) The equipment was delivered late which in turn left no time for testing, configuration and deployment of the machines;

- (ii) Training of poll officials on the use of EVID was not adequate; and the poll officials had no opportunity to interact with the machines in training. Moreover, the vendor deployed low-caliber trainers further compromising the quality of the training;
- (iii) Most of the laptops had power supply in their batteries draining after a short time contrary to supplier's specifications. This could have been as a result of inadequate charging of the batteries due to late delivery or in some cases due to faulty batteries;
- (iv) Inconsistencies between the data on the EVID system and that in the manual Register which led to some voters being found in one register but not in both. This caused confusion to poll officials resulting in inconsistent handling of such cases. The process of generating the secure digital (SD) memory cards was also wanting; and
- (v) The deployment of the hand-held solution on polling day caused confusion for the polling officials since they had not been trained on its use.

ICT in Tallying of Results: Electronic Results Transmission (ERT)

9.21 The IEBC developed the electronic Results Transmission System (RTS) designed to transmit provisional results electronically from all the 31,981 polling stations. The system was meant to transmit the results simultaneously to the national, county and constituency tallying centers using a mobile phone application. During the evaluation it was observed that the technology was not very effective and the degree of success of the RTS was poor. The failure of the RTS system was a culmination of many factors including the following:-

- (i) Insufficient time to allow software development and a thorough testing of the system before deployment. On the eve of the election a number of transmission phones were still being installed with the latest software version. The experience during the General elections was that the correct final version of the software was being still downloaded as late as on the polling day. Therefore,

- there is a high possibility that a number of transmission phones were not properly configured for transmission;
- (ii) Inadequate training on ERT for poll officials due to inadequacy of phones for practical training. Moreover, the ICT support technicians and most of the poll officials at the constituencies were not well grounded in the use of the RTS. During training phones had been installed with a beta version of the transmission software. Thus, POs did not train with the actual gadgets for proper simulation;
 - (iii) Most returning officers did not have sufficient knowledge and skills to provide technical backstopping to the ICT technicians. The training on RTS server configuration had been restricted to the temporary ICT clerks. This left the system vulnerable. The ideal situation would be that the ROs fully understand the technology in order to provide the requisite backstopping;
 - (iv) The mobile network coverage in some polling stations and tallying centers was weak. Although there was expectation that the service providers would boost the network across the country, this did not happen as the Commission did not provide the coordinates in time to facilitate this. The explanation offered was that there were inadequate or erroneous GPS coordinates for the polling stations to enable the service providers to do so. However the fact that difficulty in transmission was experienced even in areas that had good network suggests that the network was not the issue but rather the transmission;
 - (v) Late delivery of transmission phones and SIM cards. The decision to replace SIM cards from Airtel mobile service provider with those from Safaricom delayed the configuration of phones and transmission servers in a number of constituencies. Similarly a number of transmission phones were delivered late thus compromising their configuration;

- (vi) Difficulty of phones to download the application: most phones experienced errors while trying to access the provisioning¹⁶ server to download candidates, elective posts, passwords and IP addresses;
- (vii) The RTS Server was not properly configured and tuned for the RTS requirements. The IFES Evaluation Reports cites this as the first point of failure during the transmission of results since the server was required for the provisioning of mobile phones¹⁷. The same server had been deployed for the migration of data from the BVR to the EVID system SD cards and was released late thus; there was insufficient time for its configuration. This compromised the performance of the server;
- (viii) Server failure: The RTS provisioning server which was used to authenticate users and supply context sensitive lists of candidates located at the HQ data center experienced a slowdown and could not serve logins and candidate download requests from the RTS software. This also affected replication the service to the Disaster Recovery site; and
- (ix) Erroneous display of tallied votes: There was a programming error in the display and the count of rejected votes in the provisional results. From the tabulation of the data it appeared as though the number of rejected votes was being multiplied by a factor of the number of candidates. This caused confusion among the electorate and candidates.

ICT in Electoral Risk Management

9.22 An Electoral Risk Management software application was deployed in collaboration with International IDEA in the run up to the general elections. The objective of the tool was to assist in identifying early warning signs of electoral violence and recommending possible prevention and mitigation measures. It included Geographic Information

¹⁶ Main RTS Server at the HQ

¹⁷ Namugera and Canham: Independent ICT Evaluation of the IEBC Kenya, October 2013

System (GIS) features that allow users to create country and election specific analytical models, and to enter data from which the risk maps and trend charts were generated. Several risk maps based on different situations were created and shared with different stakeholders in promotion of a peaceful election. The tool provides tools for managing other election-related risks but these were not actively used.

9.23 During the evaluation it was felt that the use of the software was restricted at the Commission headquarters. The data generated by the system was not effectively applied in order to mitigate any potential risks to the electoral process. There is need to provide access to all staff.

Infrastructure to Support Internal and Electoral Processes

9.24 The Commission's ICT infrastructure includes Servers, Routers, Networks; both local (LAN) and Wide (WAN) area networks, telecommunication, power backup systems and storage. Equipment refers to all electronic devices that use the infrastructure to assist in the operations of the Commission such as telephones, computers and printers.

9.25 Major ICT infrastructure is concentrated at the headquarters. The most critical infrastructure in the Commission is the data center established at the headquarters. A disaster recovery site is also established at a secure location through a service provider. The study by IFES highlights that the data center while functional, is not ideal due to the following reasons:-

- (i) The data center space allocation is located within other allocated office accommodation occupied by the ICT Directorate. The ideal scenario is to have separate secure accommodation for it;
- (ii) There is insufficient space within the data center to effectively layout and store the current ICT equipment. This leaves insufficient space for the effective cooling of the equipment or to provide efficient working space for systems maintenance;
- (iii) The requirement to install process cooling infrastructure within the office space appears inappropriate; and

- (iv) The Commission is unable to install dedicated power including a generator. Systems are therefore vulnerable to power outages.

9.26 The IFES report further observes that direct access to the data center systems including databases is permitted from workstations on the 17th floor and other floors. For example, access to the BVR database from the 15th floor with connectivity via cabling in the common building riser. The report recommends that the Commission should ensure that any direct access to sensitive data such as voter list databases is only accessible from secure zones, ideally solely from within the areas under access control on the 17th floor.

9.27 The regional offices are interlinked to the Commission's network through a WAN. The Commission's operations are conducted at both the HQ, regional and constituency levels. Therefore concentrating the infrastructure at the HQ and the regional levels compromises operations at the constituency levels.

9.28 The Commission's Strategic Plan envisages that ICT enhances the internal business operations of the Commission. It also envisages the adoption of enabling software solutions and beefing up the communication mechanisms between the headquarters and all field offices.

9.29 During the evaluation it was observed that at the moment the Commission has implemented Bulk SMS technology, Payroll management system, an interactive website, and a staff mail system. Most of these systems run as independent systems with little or no integration. The rest of the operations in the Commission are using manual systems. This situation seriously hampers efficiency and effectiveness in operations.

Staff Training and Skills

9.30 In preparation for the 4th March 2013 general election, challenges were experienced in execution of the various technologies. While some of the challenges were technological, others were as a result of inadequate training of the end users. In the case of training for Voter registration, whereas the BVR machines were availed in time, the quality of trainers availed by the vendors was not up to the required standard. This affected

the quality of trainings.

9.31 The development of the requisite knowledge and skills in effective use of ICT is critical to the Commission. During the evaluation it was observed that currently there was no training programme for continuous upgrade of skills on electoral technologies. Training is only conducted prior to major projects often leading to a hastened training programme that may compromise quality.

9.32 During the evaluation it was observed that ICTs contributed significantly to the challenges that faced the 2013 General Elections especially the failure of EVID and RTS. It was felt that the ICTs that were employed during the General elections were complex, large scale in nature and were critical to the successful delivery of the elections.

9.33 It was observed that the capacity of the department as currently established to manage the ICT function was overstretched. The IFES evaluation noted that the Commission and the ICT directorate were not scaled, resourced or prepared for the size and complexity of operations for the implementation of the three concurrent and complex projects within such a short time. There is need to build the capacity of the ICT personnel to manage the complex large scale projects undertaken by the Commission specifically during critical periods like voter registration and elections. It was reported that the capacity of Regional ICT officers, CECs and COC's to support the ICT function is currently very low.

9.34 It was also observed that there was no seamless linkage between ICT department and other service departments such as electoral operations; and this disjointed arrangement also compromised effective delivery of services.

RECOMMENDATIONS

ICT Policy

1. Establish an ICT policy and guidelines and ensure that all operations and electoral processes are implemented in conformity with the policy.

BVR Equipment and Software

1. Re-evaluate the BVR equipment to verify that they comply with the contractual technical specifications before they are deployed.

2. Review the BVR software specification to remove the requirement for passwords in order to make the kits more flexible and to improve on their usability.
3. Build the capacities of staff in the ICT and Legal Directorates; and those others involved in technology-related negotiations and contracts so as to confer maximum benefit on IEBC and to minimize contractual bottlenecks in the management of software solutions.
4. Migrate to the use of Open Source technologies in the implementation of software to minimize the cost of expensive software licenses and to obtain a higher degree of control on the resultant solutions.
5. Improve the specifications of the software to require users to select a registration centre every time they restart the application; and to eliminate the risk of a Registration Officer registering voters in the wrong registration centre.
6. Audit the backend data management side of the BVR system to address loss of data during the upload of registration data from constituencies to the regional server; and during the process of generating the National Register.

BVR Logistics

1. Establish a policy to provide a kit per registration centre and preferably more than one kit for larger centers. However should sharing be inevitable, consideration should be given to the number of registration centers, population, terrain and geographical expanse of the constituency in the distribution of the kits.
2. Discourage the use of motorbikes as a mode of transport for the BVR kits as it exposes the equipment to the risk of damage or theft.
3. Allocate sufficient time for training on the BVR technology to ensure that the required knowledge and skills are passed on to

registration officials.

4. Identify and train in-house ICT experts as Trainer of Trainers (ToTs) who will then cascade the training to lower levels rather than use third party trainers whose skills have not been tested and ascertained.
5. Expand training to ensure that Registration Officers are well grounded on the BVR technology including enrolment, backup, uploading, back-end processes; de-duplication and register generation.
6. Deploy Vendor-sponsored maintenance technicians to lower levels, preferably constituency or the county.
7. Develop mechanisms for capturing the biometrics of those voters whose data is missing from the register.
8. Vest Registration Officers with total responsibility for generating the entire voter register in their respective constituencies. However, the de-duplication of data should be undertaken at the HQ and the results of multiple registration be flagged for the Registration Officers to take the requisite corrective action.

Nomination Software

1. Conclude the system development of nomination software in time to allow testing, training and deployment; and to ensure a consistent interface that users will be familiar with throughout the nomination process.
2. Forge collaboration with the mobile telephony service providers to boost the network in areas where it is showing weakness.
3. Make the facilities for the generation of ballot proofs accessible to Returning Officers in order to facilitate the correction of any data inconsistencies at the point of collection thus, shortening the turnaround period.
4. An elaborate data interchange format should be shared with all

stakeholders to ensure compliance at all levels. The data uploaded from the Political party module should be consistent with the agreed formats.

5. Make training on nomination software hands-on and adequate.

EVID

1. Avail the EVID technology early enough to facilitate inspection, configuration and testing. The equipment should also be available during the training of poll staff.
2. Train Returning Officers as ToTs using expert trainers and use them to train the rest of the polling officials.
3. To ensure batteries are fully charged when needed, modify the specifications of the hand-held EVIDs to incorporate the use of disposable batteries that are easy to manage.
4. Ensure that the generation of SD cards from BVR data for use in EVIDs delivers accurate data that is consistent with the data in the Principal Register.
5. Re-evaluate the two EVID solutions (Hand-held vs. Laptop) with a view to establishing the technical merits and demerits of each to select the best option going forward.

RTS

1. Allow sufficient time to facilitate the timely development, inspection, testing, training and deployment of the results transmission technologies in time for the elections.
2. All the planned configurations, end-to-end testing and simulations of the RTS systems intended to assess the level of preparedness of the staff and systems should be carried out as expected to ensure the systems will deliver anticipated performance.
3. Strengthen collaboration with service providers to enhance network availability in marginalized areas.

4. Develop clear guidelines on transmission (sequence and timing), of results to guide electoral officials during counting and tallying.
5. Deploy different servers for the RTS system for Presidential, County and Constituency-level elections to minimize the risk of server failure.
6. Provide adequate and hands-on training using the actual phones and software that will be used in the elections; and train Returning Officers so as to establish full technical and operational support to the RTS technology in the field.

Infrastructure

1. Conduct a detailed assessment of organization-wide infrastructural needs; and install and service infrastructure components for the HQ, regional and constituency offices as appropriate.
2. Enhance the Commission's Website to provide a Portal to facilitate internal communication among staff.
3. Acquire modern software systems preferably the Enterprise Resource Planning (ERP) systems to increase performance in the Commission and to reduce the amount of paperwork and administrative bottlenecks in service delivery processes.
4. Conduct an audit of all the satellite phones in the Commission's stores and avail them for use in all the areas where they are needed.
5. Conduct needs analysis for operations-related ICT systems within the Commission.
6. Establish a standard maintenance and servicing approach for software and hardware systems in the Commission to ensure that the equipment and systems operate optimally and provide services.
7. Incorporate the budget for 2017 technology needs during the 2015/16 financial year to enable the Commission effect the

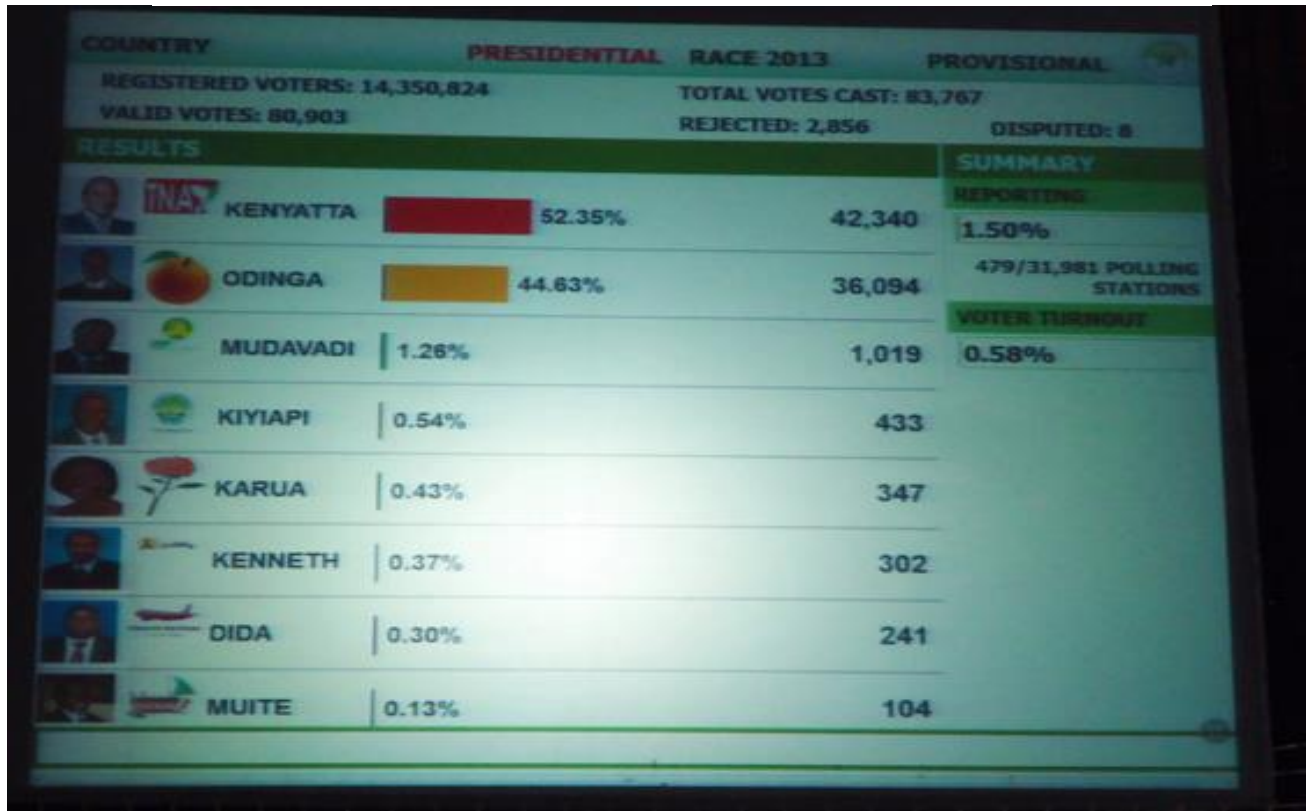
requisite procurement in time.

Training

1. Develop and implement an ICT training policy and programme in the Commission.
2. Conduct an ICT skills needs assessment among the staff of the Commission to facilitate targeted training and to bridge the skills gap.
3. Establish an inter-departmental technology project management team responsible for spearheading negotiation, procurement and deployment of all technologies in the Commission.



Technologies Deployed in the 4th March 2013 Elections



CHAPTER TEN

10.0 REGULATION OF POLITICAL PARTIES

Introduction

10.1 Political parties represent a cornerstone of democratic governance. They provide a structure for political participation; serve as a training ground for future political leaders and seek to win elections in order to enter government. Article 88 of the Constitution of Kenya, 2010 vests in IEBC responsibility for: the regulation of the process by which parties nominate candidates for elections; the settlement of electoral disputes; the regulation of the amount of money that may be spent by or on behalf of a candidate or party in respect of any election; the development of a code of conduct for candidates and parties and the monitoring of compliance with legislation required by Article 82 (1) (b) of the Constitution of Kenya, 2010 relating to nomination of candidates by parties.

10.2 The evaluation exercise sought to assess whether the involvement of IEBC in the regulation of the activities of political parties was effective; and whether the Commission's role in the regulation process was clear to both the political parties and the IEBC itself. Related to the foregoing, the evaluation also sought to establish whether the existing legal framework was sufficient for the regulation of the political parties. The other dimensions evaluated included the extent to which the IEBC nurtured good governance within the political parties; if the process of determining party lists was clear to all stakeholders; whether IEBC provided sufficient standardized rules and regulations for nominations to political parties; and if the mechanisms for resolution of inter and intra-party disputes were adequate and effective.

Enabling Legal Framework

10.3 The Legal Framework for regulating political parties in the run up to 4th March 2013 general election included Political Parties Act 2011, Elections Act 2011 and the Code of Conduct for political parties and candidates. The Campaign Finance Act 2013 was still in a Bill form at the time of the general elections; and was, therefore, not enforceable.

10.4 Despite the existence of an enabling legal framework, the Commission faced challenges regulating the activities of political parties for various reasons. First, the operational processes of regulation of political parties were unclear rendering the Commission unable to intervene in situations even when such action was warranted. Secondly, the deadlines for nominations kept shifting which development was against the provisions of section 13(2) of the Elections Act 2011. Thirdly, the mechanisms for the implementation of the Code of Conduct for political parties were weak.

10.5 Gaps were also identified in the Political Parties Act and Regulations in regard to political party-hopping. The emergence of coalitions caused a dilemma which complicated the control and regulation function of IEBC. Lastly, there was no equality of rights between the political party-supported candidates and the independent candidates. For instance, the requirement for a certain number of signatures was tedious for independent candidates.

Nominations of Candidates by Political Parties

10.6 Section 13 of the Elections Act, 2011 provides the procedures for the nomination of candidates by political parties. Prior to the 2013 General Elections, IEBC provided guidelines in respect of: the timeline for nomination; qualification requirements of candidates for nomination; conditions of disqualification; timelines for dispute resolution; timelines for submission of party lists and timelines for submission of party nomination rules. However, the constant shifting of timelines affected the workings of both the political parties and IEBC. The formula and process for determining party lists was also not clear to all stakeholders and the political parties.

10.7 Overall, the Political parties did not completely follow the guidelines provided by the Commission nor did they follow their own party rules which in certain instances resulted in chaotic party nominations. The evaluation also highlighted other issues pertaining to the political parties' nomination process which included: delays in the distribution of ballot papers; multiple voting; incitement of party members by politicians; withdrawal of candidates from the nomination

process; cases of bribery; and violence and disruption of the nomination processes.

10.8 Other issues noted by the evaluation included: the late opening and closing of polling stations; postponement of nominations due to lack of election materials; application of different methods of identifying eligible voters i.e. either party registers or the national identity card; and allowing members of the public to participate in party nominations. These issues reflect the fact that political parties were not well prepared for nominations; and even some lacked the capacity and skilled personnel to conduct the nominations.

10.9 Under the Constitution, IEBC is mandated to monitor compliance with legislation on nomination of candidates by political parties. The Commission was therefore expected to ensure that party nominations were free, fair and peaceful. The evaluation established that the Commission did could not enforce compliance with the nomination rules and procedures as provided for lack of enforcement mechanisms.

Code of Conduct for Political Parties

10.10 The Elections Act contains an elaborate Electoral Code of Conduct which is compulsory for all parties and candidates. The Code of Conduct provides for criminal sanctions and a separate complaint resolution procedure. To implement the Code, the Commission established the Electoral Code of Conduct Enforcement Committee with responsibility to hear and determine issues relating to violence and complaints against non-adherence to the Electoral Code of Conduct.

Dispute Resolution

10.11 The Political Parties Act provides three avenues for dispute resolution as being: The Registrar of Political Parties, The Political Party Liaison Committee and The Political Parties Dispute Tribunal. Article 88(4)(e) of the Constitution further outlines the mandate of the Commission in the settlement of electoral disputes to include disputes relating to or arising from nominations, but excluding election petitions and disputes subsequent to the declaration of election results.

10.12 The evaluation noted that the dispute resolution process was complex due to the involvement of multiple resolution bodies. For

instance, IEBC shared responsibility in pre-election dispute resolution with the Political Parties Dispute Tribunal; and ultimately with the Courts. This created confusion among complainants as they were not fully aware of the categories of disputes that were to be referred to which body. The parties themselves did not exhaust their internal mechanisms for dispute resolution before referring the cases to other bodies.

10.13 The evaluation also noted various gaps in the Political Parties Act 2011, which relate to dispute resolution. First, the Act does not specify the penalties to be imposed by the Political Parties Dispute Tribunal. Secondly, the role of the Tribunal with regard to Political Party primaries and the mandate and structures of the Political Parties Liaison Committee (PPLC) are not well defined. Lastly, the role of ROs as observers and those having responsibility for settling disputes was not spelt out in the Act.

10.14 The foregoing notwithstanding, the evaluation noted that the dispute resolution mechanisms established enabled the Commission to adjudicate and determine over 206 disputes filed with the IEBC Disputes Resolution Committee. The Committee further adjudicated over a total of 606 disputes arising from the allocation of seats from Political Party Lists.

Campaigns

10.15 The evaluation revealed that campaign activities prior to the 2013 general elections were affected by amendments to the law specifically, amendments to the Campaign Finance Bill. This coupled with the subsequent delay in enactment of the critical Campaign Financing Bill, 2012 which was never passed into law, provided an enabling environment for campaign malpractices. Whereas a number of positive factors could be cited as having contributed to a more relaxed campaign environment through the administrative measures established by the Commission, its role in regulating campaigns was however, 'watered-down' by last minute amendments to the Regulations. The amendment expunged all the provisions regulating campaigns specifically Part XI of the Elections (General) Regulations that attempted to provide broad mechanisms for regulating campaign practices in the absence of the Campaign Finance Law.

Linkage between RPP and IEBC

10.16 The political parties Act 2007 Section 3(1) created the office of the Registrar of Political Parties within the Commission to register new parties; regulate and manage the Political Parties Fund. The Political Parties Act 2011 Section 33(1) established an independent Office of the Registrar of Political Parties with the responsibility to register, regulate, monitor, investigate and supervise political parties to ensure compliance to the Act.

RECOMMENDATIONS

1. Establish regulations and mechanisms for enforcing the Campaign Finance Act, 2013 to regulate the amount of money that may be spent by or on behalf of a candidate or party in respect of any election.
2. Develop and share widely with stakeholders the processes of political party nominations and dispute settlement.
3. Establish a structured sector-wide approach to enforcement of Code of Conduct for candidates and political parties participating in elections.
4. Lobby for legislation to discourage interference with the Election Laws close to elections by Parliament.
5. Re-define IEBC's role in the regulation of political parties following the de-linking of the office of the Registrar of Political Parties from the mainstream Commission. In addition, establish proper structures possibly a department under the Directorate of Legal Affairs to effectively execute the Commission's functions in regard to the regulation of political parties.
6. Spread the period of the nominations by political parties to enable Returning Officers monitor the process.
7. Propose reforms to the constitutional requirement of equality of the right of different categories of candidates.

8. Sensitize the political Parties on good governance.
9. Lobby Parliament to enact law to empower IEBC exercise oversight over party primaries; and deal with political Parties that fail to promote free and fair nominations of candidates or adhere to national values and principles as provided in the Constitution.
10. Enforce strict deadlines for submission of Party Lists before nomination of candidates; and the name of the contestant should not appear on the Party List.
11. Standardize the regulations for nominations by political parties.
12. Expand the mandate of the Registrar of Political Parties and specify the disputes that can be handled at the level of the Registrar and those to be referred to the Political Parties Dispute Tribunal. In addition, participate in the process of drafting benchmarks for dispute resolution.
13. Compel Political Parties to deposit their regulations and dispute resolution mechanisms with the Registrar of Political Parties.
14. Lobby for the Political Parties Dispute Tribunal to be a branch of the High Court in order to minimize contact between IEBC and Political Parties before Elections.
15. Cascade Political Parties Liaison Committees to the constituency level and rationalize the membership to encompass Returning Officers. In addition, clarify the legal provisions in regard to the funding of the PPLCs.



Submission of Complaints by aggrieved party members

CHAPTER ELEVEN

11.0 COMMUNICATION AND MEDIA

Introduction

11.1 Communication and media play an important role providing voters with the knowledge and information on how to cast their votes; and about parties, policies, candidates and the election process itself, in order to enable them make informed choices. Also important is that media acts as a crucial watchdog in democratic elections, safeguarding the transparency of the process.

11.2 The evaluation sought to establish the extent to which IEBC's communications policy and strategies were effective in serving its Mission. It also set out to assess how effective IEBC's engagement with the media was in support of the 2013 General Elections. Lastly, the evaluation sought to obtain information on the adequacy and effectiveness of the Corporate Communication Function within IEBC.

The IEBC Communication Policy

11.3 The evaluation noted the importance of a communication policy for managing the interests of both internal and external publics. The Commission conducted several activities during the pre-election period including: corporate rebranding, publication of 'The Ballot' newsletter, production and airing of 'The Countdown' TV Series. These activities were aimed at familiarizing the electorate on the mandate of IEBC, educating voters on electoral processes; and opening channels for feedback from the public on election-related matters. During the evaluation, consensus was arrived at on the need for the Commission to share with the public its findings in order to counter any misrepresentations which could have been made in the public arena regarding its conduct of the 2013 General Elections.

11.4 Some of the strategies employed by the Commission in the run up to the 2013 general elections included television, newspapers, radio, social media (face book and twitter), website, newsletter and corporate bulk short messaging services (SMS). These strategies were reported to have been largely successful. Regarding the boundaries delimitation for example, a total of 1,450 wards were successfully mapped with good

public participation. Similarly, sufficient information was relayed to the public on voter registration resulting in the achievement of 66% of the set target. The use of the SMS strategy for Voter Register inspection was also rated as effective and user-friendly. Other areas in which communication by the Commission were rated as effective included: communication on recruitment and training of polling staff; communication on the campaign period with candidates having understood and adhering to the campaign timetables; polling and announcement of results.

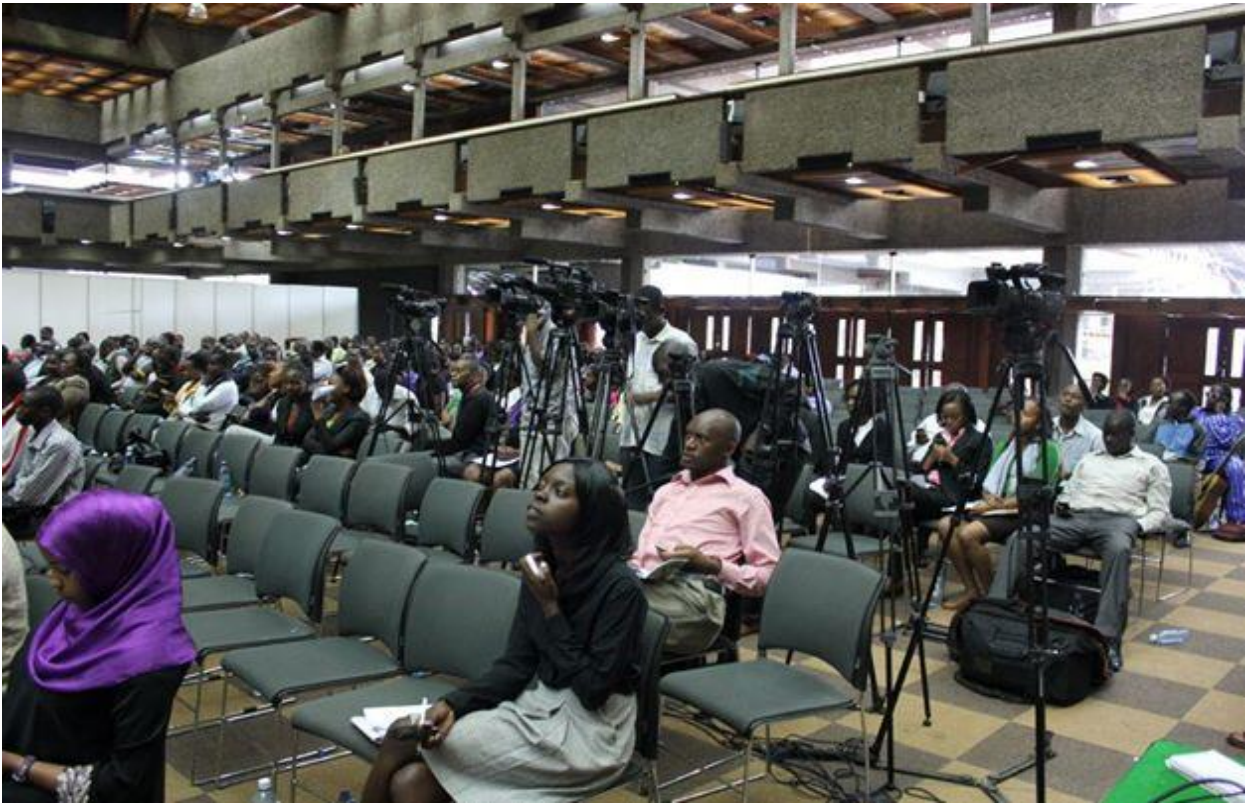
11.5 Although adequate communication was made to political parties and candidates on nomination timelines, the evaluation established that there was a misconception that IEBC was also responsible for conducting the political party primaries. Communication in the area of ICT training was also assessed as ineffective.

11.6 Regarding IEBC's engagement with the media, the evaluation revealed that the strategies employed were largely effective in as far as dissemination of information was concerned. The Commissions engaged various stakeholders in the media industry which helped get effective coverage of the activities in the run up to the general elections. However, some gaps were identified in the area of media management. For example, different officials of the Commission gave contradicting information on topical electoral issues such as voting for positions of choice. It was also observed that the engagement of stakeholders in the media industry was largely at the national level with little effort to devolve the same to ground level.

RECOMMENDATIONS

1. Establish defined internal communication structures and vest authority in a recognized spokesperson for the Commission with the Chairman being the spokesperson of the last resort. Ensure adherence to the Commission's communication protocol by staff.
2. Maintain consistency in communicating nomination and campaign timelines to political parties and candidates.
3. Communicate important information internally before publicizing it to external publics; and ensure consistency and uniformity of the information disseminated by IEBC's staff.

4. Provide adequate training to field officers on how to handle the media and cascade media relations to the field level. Hold media forums at the constituency level with local media while localizing the messages as much as possible in order to reach illiterate voters.
5. Strengthen collaboration and relations with the government agencies in the communication's sector such as the Ministry of Information and Technology.
6. Strengthen the Commission's image and manage public expectations by providing timely and accurate information on electoral matters.
7. Engage in effective Corporate Social Responsibility.
8. Collect details of voters' phone numbers during Voter Registration to facilitate IEBC's communication with voters on electoral matters such as inclusion in the register, polling station, stream etc; and keep the public informed on the changes to their particulars during verification (tracking number).



BVR open day at KICC, IEBC Social media (Facebook page), the National Tallying Center



CHAPTER TWELVE

12.0 MANAGING RISKS IN THE ELECTORAL PROCESSES AND OPERATIONS

Risks in the External Environment

12.1 Risk identification and management is a key component of corporate governance. It secures the independent element of the policy-making function of the Commission; and ensures clarity of relationship with the Secretariat and their distinct roles and responsibilities. The purpose of integrating a risk management component is to identify issues that significantly impact on the operations of the Commission. To comply with the provisions of Article 81 of the Constitution of Kenya, 2010 on general principles for the electoral system, the Commission is compelled to institutionalize risk management in its processes and operations.

12.2 The promulgation of the Constitution of Kenya, 2010 created more electoral positions and altered the governance structure of the country with the establishment of two levels of governance. This meant a more complex and demanding election process for an electoral management body still in its nascent stage of development.

12.3 Participation in an electoral process is preceded by the registration of voters. For one to register as a voter, they need to possess a National Identification Card or Passport. The issuance of a National ID is the responsibility of the National Registration Bureau. At the time of going to elections in 2013, forty one percent of the Country's population made up of young people most of who did not have national Identification cards and thus, risked not participating in the elections.

12.4 Poverty, inequality and a high unemployment rate were the added risk factors which heightened the possibility of election related violence. Poverty will increase tensions over less serious disputes, such as those concerning electoral procedures, which can lead to violent actions. Moreover, those who have little to lose are easily mobilized to violent actions.

12.5 Some socio-cultural factors could also inhibit the participation of certain groups in society from participating in the electoral process. These include gender, disability, illiteracy, residence in the Diaspora; and displacement from traditional domiciles. Voter apathy, culture of handouts and voter bribery, ethnicity in voting are the other inimical socio-cultural practices with potential to enhance the risks within the electoral process.

12.6 The infusion of technology in the electoral processes was intended to enhance the efficiency of the processes. However, the uncertainty entailed in their implementation and the fact that these technologies depended on third party platforms, posed a high risk in the management of the 2013 General Elections.

12.7 In the run up to the 2013 General Elections, IEBC established a legal framework which was deemed adequate to guide the electoral process in line with universal democratic principles. To accomplish this, the Commission embarked on a consultative process of law reform in collaboration with key stakeholders some of whom may have had vested interests. The legal reform process involved the enactment of new electoral laws, consolidation, harmonization, amendment and repealing of existing statutes. The legal reforms depended on the actions of other stakeholders such as the Judiciary, Kenya Law Reform Commission and Parliament. The reform process was, therefore, not entirely in the control of IEBC thereby exposing it to eminent risk.

12.8 Kenya has varied geographical areas with varied climatic patterns and landscapes that could influence logistical operations during elections. These factors determine the kind and level of inputs into the electoral process and the attendant cost. The success of the 2013 General Elections therefore, heavily depended on proper planning and decision making in terms of the choice of resources and timing of operations.

Risks in the Internal Environment

12.9 An analysis of IEBC's electoral value chain reveals the risks inherent in its internal operational environment. Regarding the legal framework, the risks included the non-enactment of the requisite laws within reasonable timelines and the manipulation of the legal

amendment process by Parliament. In the domain of boundaries delimitation, the potential genesis of risk was the non-acceptance and dissatisfaction by communities with IEBC's formula and procedure for conducting the exercise. The process could have been hijacked and manipulated by politicians thereby leading to the non-achievement of the desired objectives.

12.10 With regard to the registration of voters, the Commission utilized Biometric Voter Registration Technology. Several risks which could have affected this exercise included: inadequate voter education on the registration process, late delivery of registration equipment, and insecurity during the registration process. Other potential areas of risk included inadequate training of staff; and errors and inaccuracies in the register.

12.11 Voter education serves to empower voters to effectively participate in the electoral processes. In delivering voter education programmes, there are inherent risks which could curtail the effectiveness of the processes. The key risks associated with voter education included inappropriate curriculum and curriculum delivery strategies; ineffective providers of voter education; inappropriate voter education messages and misinformation of voters by politicians.

12.12 The Constitution provides for the registration of candidates for elections by IEBC. This exercise is preceded by political party nominations with parties submitting lists of party members for nomination to various assemblies according to the party strength. In addition, independent candidates apply for nominations by presenting the requisite documents to IEBC. The risks associated with the nomination processes included: political parties mismanaging nominations; lack of a nomination procedure or system; mix-up of candidates' names, symbols and the parties; clearing the wrong candidate or not clearing the right candidate; inappropriate nomination technology and manipulation of the party list.

12.13 One of the main pillars of professionalism in electoral administration is the proper training and development of: permanent EMB staff; temporary management staff appointed for specific electoral events; and the large number of field staff that may be temporarily

engaged for large-scale events. Poorly trained electoral officials who lack the basic understanding and skills to manage the electoral processes could be an added risk factor. Other risks associated with the training of electoral officials included the late commencement of the training and inadequate training content.

12.14 Timely procurement, distribution and storage of election materials are essential in ensuring the success of any election. Risks associated with procurement, distribution and storage included: a weak procurement function, inadequate guidelines and procedures and lack of an effective procurement plan. Other risks entailed the delayed procurement of strategic and non-strategic materials; non-adherence to procurement procedures and fraud. Additional risks included inadequate and poor warehouse facilities, the risk of theft, fire and spoilage; and the vagaries of weather.

12.15 Adequate resourcing of election preparation process is critical for the success of a General Election. Some of the potential risks in financing the General Elections included inadequate budget provision, inappropriate allocation of funds, imprudent expenditure, delayed approvals and disbursements. Over-reliance on donor funding for strategic activities, over-expenditures and poor accountability procedures were the added areas of financial risk. Additional risks included lack of financial independence, budget variation by Treasury, poor cost management, weak budgetary process and non-fulfillment of donor pledges.

12.16 The human resource is perhaps the most important input into the electoral process. Its management and utilization is, therefore, key to the effective performance of the Commission in the management of the General Election. The strengthening of the human resource function and the establishment of the related human resource management policies and procedures are key to effective management of electoral processes. The main human resource-related risks in the run-up to the General Elections included: inadequate staffing; and inadequate technical competencies in critical areas.

12.17 The Constitution provides for the observation, monitoring and evaluation of elections. Monitoring and evaluation of electoral activities is

important in ensuring that planned electoral programmes are implemented effectively. Implementation of monitoring and evaluation is prone to several risks: lack of clear monitoring and evaluation policy; weak monitoring and evaluation of planned activities; delay in identification of anticipated problems in electoral processes; inadequate resources; and lack of appreciation and utilization of the results of monitoring by the policy makers and stakeholders.

12.18 The use of IT in the electoral process is no longer an alternative but an imperative since IT can significantly enhance the performance of the Commission. Elections management is information intensive and could therefore, be prone to the following risks: lack of an ICT policy framework and strategy; lack of adequate training for the end user staff; delayed procurement processes of the technologies leading to increased costs; lack of IT infrastructure; unclear systems design and specifications; problematic implementation and operationalization of the technology; inability to test the technology being employed; and simulation. Other risks included: incompatibility of the various systems acquired; unclear work procedures and processes; malfunction of equipment; weak system security; implementation of several technologies in a single election; procuring equipment with missing components; misinformation about the technology; delayed decision making and lack of control and ownership of the ICT solution.

12.19 The conduct of elections is a highly complex and demanding process. It starts with political parties mounting campaigns to promote their political programmes and confront the political views of other political actors. Campaigning allows citizens to get a better understanding of the different political options available to them and to decide who to vote for. This period is the most challenging in the electoral cycle as it is prone to several risks including campaign violence, unequal media access, hate speech, presence of political party militias or vigilantes.

12.20. Conducting elections also entails, mapping polling stations, securing polling materials and equipment, hiring, training and deploying of election officials. It also encompasses balloting, counting, verification, announcement of results at polling station as well as transmission of

results to the tallying centers. The risks entailed in this area included: problematic ballot counting and result tallying; poor Tallying Centre administration; and failure of technology on Election Day.

12.21 The preliminary results provide good indicators about the electoral outcomes and the distribution of political power for the next political term of office. Political leaders who are disappointed with the initial figures will therefore often feel strong incentives to use all available mechanisms to challenge the election results and change them in their favour. The risks entailed in this phase of electoral process included: inconsistencies in tabulation of results; and poor management of election results leading to delays in results announcement. Other risks included lack of safety and security during counting, lack of security in transit to the tallying centre and at the tallying centers. An added risk included parallel transmission of unofficial results by the media or other stakeholders leading to possible rejection of results by candidates and their supporters which could in turn result in violence.

12.22 Risks at the national tallying centre included unauthorized access, security breaches and an ineffective network for results transmission. In addition power outages, inadequate and non-transparent data consolidation and transmission system were added areas of risk.

12.23 Some of the risks during post-election period included: poor communication of results; rejection of election results; loss of confidence in the IEBC; irresponsible media reporting; and delayed management of appeals and petitions. Any appeals which are not properly redressed may trigger conflict and lead to violence.

RECOMMENDATIONS

1. Validate the draft risk policy to incorporate key risk aspects relating to human resource management, legal issues, voter education, ICT in operations and elections, voter registration, logistics, financial management and procurement; and involve Regional Risk Champions in the process of finalizing this policy.
2. Institute mechanisms for enforcement of Risk Management and

Audit recommendations.

3. Vet all electoral officials including temporary poll officials and voter educators to enhance integrity and credibility in electoral processes.
4. Establish systemic audit control measures in the Commission to avoid abuse of processes, fraud, unauthorized and unbudgeted expenditures.
5. Train all election officials including temporary staff on risk management.
6. Appoint new risk champions in all the regions currently without any.
7. Integrate risk management in all phases of the electoral cycle and in operations.
8. Establish a system for inspection and testing of electoral technology, equipment and gadgets.
9. Institutionalize International IDEA's Election Risks Management Tool in IEBC.
10. Establish guidelines for accreditation of domestic and international observers.
11. Develop and implement a security plan to minimize cases of electoral violence and disruptions in elections.



Identification of Risks using the EMRT Tool



CHAPTER THIRTEEN

13.0 RESEARCH AND PLANNING

Introduction

13.1 The importance of scientific data or research-based information cannot be ignored in the planning and management of elections. It is a best practice world-over to plan, monitor and evaluate elections. By providing empirical data, research establishes the basis upon which informed decisions are made in conducting elections. Lastly, research-based assessments of past electoral processes are important as they provide lessons learnt that are necessary for future improvements in the Commission's electoral processes.

Planning Support to 2013 General Elections

13.2 The IEBC conducted a number of research activities in preparation for the 2013 general elections. The studies which were conducted to inform planning for the elections included: voter education needs assessment; voter registration for marginalized groups; integration of technology in electoral processes; and participation of Kenyan citizens living outside the country in the elections. Monitoring activities were conducted and reports produced on voter registration; inspection of the National Voters Register; nominations by political parties; and training of poll officials.

13.3 The Commission also conducted regional sensitization meetings on early warning signs on electoral violence. The objective was to equip electoral officials with knowledge on early warning systems. The officials were enabled to understand the linkages between information collection, dissemination and coordination of response among partners and security agencies. The Commission also mounted conflict sensitization and mitigation forums in areas identified as hotspots.

13.4 The evaluation revealed that field officers were not centrally involved in research activities; rather, they were assigned a peripheral role, mobilizing respondents as opposed to being actively involved in conducting the studies. It was also observed that the research findings were not disseminated to the field offices for appropriate action. Regarding the relevance of the studies, the evaluation established that

user departments did not employ the study findings to inform their strategies. For example, although studies were conducted on voter education, the evaluation established that the strategies employed in conducting voter education activities were not always informed by the research findings. Similarly, not all the research recommendations on the use of the BVR technology in voter registration were employed in implementation of the technology. However, there was no substantive study conducted on the use of the EVID technology prior to its deployment.

Implementation of the Strategic Plan

13.5 The Commission developed a seven-year Strategic Plan which provided the road-map for strengthening its internal capacities to manage the electoral processes. The plan provided the Commission's strategic direction encompassing its Vision, Mission, and Core values. It also set the goals and objectives to be realized over the seven-year period starting 2011 to 2017.

13.6 The evaluation revealed that the implementation of the Strategic Plan was largely adhered to by the Commission. However, the attainment of some of the planned outputs was undermined by the late amendments to the law which affected implementation. This resulted in diversion of the Commission's efforts and resources on unplanned activities, constant changes in timelines, and an increase in the cost of goods and services. The late amendments also affected the implementation timelines of activities in the field, thus rendering field officers unable to achieve some of their output as planned.

Documentation and Archiving

13.7 Archiving and documentation of research reports and other official documents is important not only to secure the Commission's history and institutional memory; but also to ensure that electoral materials that could be used in future legal proceedings or for research are appropriately preserved. A well established Resource Center will ensure that reference materials are available when required for these purposes. Archiving includes the structuring of the current hard-copies into electronic files, document security, and electronic file back-up. It also encompasses establishing distinct systems for the disposal of records that are no longer required.

13.8 The evaluation established that proper documentation had not been accomplished by the Commission. As a result, cases of missing documents or those that could not be traced were commonplace. This was attributed to the lack of a clear policy on the matter. It was also due to lack of infrastructure and the capacity to establish the function both at the headquarters and regional levels.

Planning and Research Function

13.9 The evaluation also revealed that the Planning and Research function in the Commission was not adequately resourced to effectively discharge its mandate. The Directorate of Research, Planning and Development was not adequately funded and did not have sufficient infrastructure to undertake research studies as necessary.

RECOMMENDATIONS

1. Review the existing Strategic Plan to emerge with a 5-year plan incorporating a two-year Elections Plan that will be used by the Commission as a roadmap to the next General Elections in 2017.
2. Institutionalize Performance Contracting and Performance Appraisal utilizing Departmental and Individual Work Plans to assess the performance of staff within the framework of the Commission's Performance Management System.
3. Adopt participatory approaches in planning and research in order to capture the real needs and issues on the ground and to develop appropriate strategies.
4. Research reports should be shared with field officers and programme implementers; and follow-up action should be made to establish whether research recommendations were being implemented.
5. Provide research backup for the development of policies and decisions of the Commission on important electoral issues.
6. Build the capacity of the Directorate of Research and Development to enable it perform its functions effectively.

7. Undertake research to clearly define the marginalized groups in Kenya and propose special interventions required to raise their profile and participation in electoral processes.
8. Undertake a mapping exercise to establish viable centers for the registration of voters in marginalized areas.
9. Undertake studies to enhance the effectiveness of the BVR technology in readiness for the 2017 General Elections.
10. Standardize the approach to the design of studies in the Commission and build the capacities of field officers in research methods, monitoring and evaluation.
11. Prepare an annual calendar of research activities and circulate the same to staff at all levels of the Commission.
12. Disseminate research findings as appropriate and follow-up on the implementation of the recommendations by the relevant Directorates.
13. Establish a programme-based approach to budgeting utilizing the MTEF guidelines and involving field level staff.
14. Conduct periodic evaluations and monitoring before annual evaluations.
15. Establish an audit trail and security for materials in warehouses at all levels.
16. Establish election resource centers at the regional level.
17. Undertake studies to inform the Commission on appropriate technologies to be employed in electoral processes. The Research should also inform the Commission on the likely challenges such technology could pose.
18. Undertake studies to establish strategies for increasing the

participation of Kenyan citizens living outside the country in the electoral process including the possibility of E-voting.

19. Benchmark with other EMBs and research institutions to import best practices in the electoral system.
20. Establish a policy on archiving and retrieval of documents and enhance staff capacities and competencies in archiving and information management.

A Focus Group Discussion Session in Wajir County



A Working group session on identification of Election Risk Factors at Utalii Hotel.



CONCLUSION

The Electoral Commission was able to successfully conduct the 2013 General Elections within the constitutional time frame; and the Observers reported that the election results reflected the will of the people of Kenya.

The Commission was adequately funded and was able to procure all the equipment, vehicles and materials required for the conduct of the general elections and therefore, the electoral activities were executed in accordance with the Strategic Plan and Roadmap.

The Commission put in place mechanisms to ensure that the elections were conducted under a conducive environment. These included regular interactions with stakeholders, online access to the national voters' register, use of Short Messaging Services (SMS) to locate voting stations and use of the election results transmission and dissemination systems.

ANNEXES

Annex I: Summary of Presidential Election Results for March 4th 2013

NO.	COUNTY	COUNTY POPULATION (CENSUS 2009)	ESTIMATED VOTING POPULATION	NO OF IDS ISSUED (As at 13-Nov 2012)*	REG VOTERS (BIOMETRIC S)	REG VOTERS (NON BIOMETRIC)	TOTAL REG VOTERS	NUMBER THAT VOTED 04/03/2013	REG VOTERS MINUS VOTED 4/3/13	VOTER TURNOUT
1	MOMBASA	939,370	437,934	569,847	408,747	4,322	413,069	272,318	140,751	66%
2	KWALE	649,931	302,997	303,456	174,443	1,129	175,572	125,601	49,971	72%
3	KILIFI	1,109,735	517,358	537,316	336,132	278	336,410	218,174	118,236	65%
4	TANA RIVER	240,075	111,923	110,202	79,454	187	79,641	64,589	15,052	81%
5	LAMU	101,539	47,337	63,578	52,346	13	52,359	44,171	8,188	84%
6	TAITA TAVETA	284,657	132,707	187,243	113,862	327	114,189	92,356	21,833	81%
	COAST	3,325,307	1,550,256	1,771,642	1,164,984	6,256	1,171,240	817,209	354,031	70%
7	GARISSA	623,060	290,470	158,682	115,202	34	115,236	91,900	23,336	80%
8	WAJIR	661,941	308,596	145,517	118,091	154	118,245	100,239	18,006	85%
9	MANDERA	1,025,756	478,207	145,202	120,768	155	120,923	101,617	19,306	84%

NO.	COUNTY	COUNTY POPULATION (CENSUS 2009)	ESTIMATED VOTING POPULATION	NO OF IDS ISSUED (As at 13-Nov 2012)*	REG VOTERS (BIOMETRIC S)	REG VOTERS (NON BIOMETRIC)	TOTAL REG VOTERS	NUMBER THAT VOTED 04/03/2013	REG VOTERS MINUS VOTED 4/3/13	VOTER TURNOUT
	NORTH EASTERN	2,310,757	1,077,273	449,401	354,061	343	354,404	293,756	60,648	83%
10	MARSABIT	291,166	135,741	142,288	104,615	644	105,259	89,882	15,377	85%
11	ISIOLO	143,294	66,804	82,401	54,462	125	54,587	47,646	6,941	87%
12	MERU	1,356,301	632,307	704,770	487,265	2,325	489,590	429,819	59,771	88%
13	THARAKA	365,330	170,317	230,901	155,487	417	155,904	138,984	16,920	89%
14	EMBU	516,212	240,658	355,720	227,286	352	227,638	199,645	27,993	88%
15	KITUI	1,012,709	472,124	514,637	324,673	125	324,798	276,104	48,694	85%
16	MACHAKOS	1,098,584	512,159	630,394	445,096	325	445,421	372,078	73,343	84%
17	MAKUENI	884,527	412,366	447,123	298,221	253	298,474	252,223	46,251	85%
	EASTERN	5,668,123	2,642,476	3,108,234	2,097,105	4,566	2,101,671	1,806,381	295,290	86%
18	NYANDARUA	596,268	277,980	350,914	255,984	441	256,425	239,747	16,678	93%
19	NYERI	693,558	323,336	535,846	356,381	678	357,059	331,024	26,035	93%

NO.	COUNTY	COUNTY POPULATION (CENSUS 2009)	ESTIMATED VOTING POPULATION	NO OF IDS ISSUED (As at 13-Nov 2012)*	REG VOTERS (BIOMETRIC S)	REG VOTERS (NON BIOMETRIC)	TOTAL REG VOTERS	NUMBER THAT VOTED 04/03/2013	REG VOTERS MINUS VOTED 4/3/13	VOTER TURNOUT
20	KIRINYAGA	528,054	246,178	330,099	265,290	277	265,567	241,548	24,019	91%
21	MURANGA	942,581	439,431	568,800	452,841	884	453,725	423,635	30,090	93%
22	KIAMBU	1,623,282	756,773	1,055,626	861,829	1,370	863,199	781,735	81,464	91%
	CENTRAL	4,383,743	2,043,698	2,841,285	2,192,325	3,650	2,195,975	2,017,689	178,286	92%
23	TURKANA	855,399	398,786	198,830	132,885	1,541	134,426	101,284	33,142	75%
24	WEST POKOT	512,690	239,016	171,034	120,986	218	121,204	108,783	12,421	90%
25	SAMBURU	223,947	104,404	97,678	61,114	36	61,150	53,949	7,201	88%
26	TRANS NZOIA	818,757	381,704	357,404	244,640	452	245,092	199,947	45,145	82%
27	UASIN GISHU	894,179	416,866	423,667	330,630	1,547	332,177	284,728	47,449	86%
28	ELGEYO - MARAKWET	369,998	172,493	204,262	134,568	919	135,487	123,474	12,013	91%
29	NANDI	752,965	351,032	354,710	263,254	1,855	265,109	236,242	28,867	89%
30	BARINGO	555,561	259,002	264,860	173,653	483	174,136	157,494	16,642	90%

NO.	COUNTY	COUNTY POPULATION (CENSUS 2009)	ESTIMATED VOTING POPULATION	NO OF IDS ISSUED (As at 13-Nov 2012)*	REG VOTERS (BIOMETRIC S)	REG VOTERS (NON BIOMETRIC)	TOTAL REG VOTERS	NUMBER THAT VOTED 04/03/2013	REG VOTERS MINUS VOTED 4/3/13	VOTER TURNOUT
31	LAIKIPIA	399,227	186,119	242,627	173,905	226	174,131	156,868	17,263	90%
32	NAKURU	1,603,325	747,469	856,011	695,318	1,276	696,594	616,318	80,276	88%
33	NAROK	850,920	396,698	314,462	262,738	627	263,365	235,906	27,459	90%
34	KAJIADO	687,312	320,424	285,118	304,346	2,631	306,977	265,185	41,792	86%
35	KERICHO	752,396	350,766	512,850	290,458	489	290,947	262,902	28,045	90%
36	BOMET	730,129	340,386	240,580	252,358	702	253,060	227,115	25,945	90%
	RIFT VALLEY	10,006,805	4,665,165	4,524,093	3,440,853	13,002	3,453,855	3,030,195	423,660	88%
37	KAKAMEGA	1,660,651	774,194	851,268	567,460	691	568,151	474,779	93,372	84%
38	VIHIGA	554,622	258,564	390,310	202,822	65	202,887	167,573	35,314	83%
39	BUNGOMA	1,375,063	641,053	592,102	410,462	1,556	412,018	351,005	61,013	85%
40	BUSIA	743,946	346,827	381,099	251,305	212	251,517	220,928	30,589	88%
	WESTERN	4,334,282	2,020,638	2,214,779	1,432,049	2,524	1,434,573	1,214,285	220,288	85%

NO.	COUNTY	COUNTY POPULATION (CENSUS 2009)	ESTIMATED VOTING POPULATION	NO OF IDS ISSUED (As at 13-Nov 2012)*	REG VOTERS (BIOMETRIC S)	REG VOTERS (NON BIOMETRIC)	TOTAL REG VOTERS	NUMBER THAT VOTED 04/03/2013	REG VOTERS MINUS VOTED 4/3/13	VOTER TURNOUT
41	SIAYA	842,304	392,682	468,011	311,919	522	312,441	288,447	23,994	92%
42	KISUMU	968,909	451,705	570,335	385,820	786	386,606	348,969	37,637	90%
43	HOMABAY	963,794	449,320	475,369	325,826	679	326,505	306,720	19,785	94%
44	MIGORI	917,170	427,584	401,370	283,862	135	283,997	261,215	22,782	92%
45	KISII	1,152,282	537,193	620,040	412,945	216	413,161	348,662	64,499	84%
46	NYAMIRA	598,252	278,905	302,630	219,358	70	219,428	183,509	35,919	84%
	NYANZA	5,442,711	2,537,389	2,837,755	1,939,730	2,408	1,942,138	1,737,522	204,616	89%
47	NAIROBI	3,138,369	1,463,105	2,274,603	1,728,801	3,487	1,732,288	1,410,663	321,625	81%
	SUB-TOTAL	38,610,097	18,000,000	20,021,792	14,349,908	36,236	14,386,144	12,327,700	2,058,444	86%
	Diaspora			870	2,637		2,637	2,328	309	88%
	TOTAL	38,610,097	18,000,000	20,022,662	14,352,545	36,236	14,388,781	12,330,028	2,058,753	86%

* Source: Office of the Vice President, Ministry of State for Immigration and Registration of Persons.

Annex II: Registered Voters, Polling Stations and Streams per County

NO.	NAME	NO. OF P/STATIONS	NO. OF STREAMS	REGISTERED VOTERS (Biometric)	REGISTERED VOTERS (Non Biometric)	TOTAL REGISTERED VOTERS
1	Mombasa	196	608	408,747	4,322	413,069
2	Kwale	415	468	174,443	1,129	175,572
3	Kilifi	452	726	336,132	278	336,410
4	Tana River	243	270	79,454	187	79,641
5	Lamu	120	136	52,346	13	52,359
6	Taita/Taveta	276	307	113,862	327	114,189
7	Garissa	262	315	115,202	34	115,236
8	Wajir	360	382	118,091	154	118,245
9	Mandera	265	326	120,768	155	120,923
10	Marsabit	301	335	104,615	644	105,259
11	Isiolo	144	166	54,462	125	54,587
12	Meru	951	1,102	487,265	2,325	489,590
13	Tharaka-Nithi	567	585	155,487	417	155,904

NO.	NAME	NO. OF P/STATIONS	NO. OF STREAMS	REGISTERED VOTERS (Biometric)	REGISTERED VOTERS (Non Biometric)	TOTAL REGISTERED VOTERS
14	Embu	517	587	227,286	352	227,638
15	Kitui	1,318	1,345	324,673	125	324,798
16	Machakos	875	1,059	445,096	325	445,421
17	Makueni	862	914	298,221	253	298,474
18	Nyandarua	350	487	255,984	441	256,425
19	Nyeri	572	735	356,381	678	357,059
20	Kirinyaga	315	500	265,290	277	265,567
21	Muranga	584	843	452,841	884	453,725
22	Kiambu	551	1,336	861,829	1,370	863,199
23	Turkana	557	578	132,885	1,541	134,426
24	West Pokot	673	684	120,986	218	121,204
25	Samburu	272	272	61,114	36	61,150
26	Trans Nzoia	310	448	244,640	452	245,092
27	Uasin Gishu	467	644	330,630	1,547	332,177
28	Elgeyo/Marakwet	492	499	134,568	919	135,487

NO.	NAME	NO. OF P/STATIONS	NO. OF STREAMS	REGISTERED VOTERS (Biometric)	REGISTERED VOTERS (Non Biometric)	TOTAL REGISTERED VOTERS
29	Nandi	613	660	263,254	1,855	265,109
30	Baringo	855	866	173,653	483	174,136
31	Laikipia	325	412	173,905	226	174,131
32	Nakuru	899	1,352	695,318	1,276	696,594
33	Narok	529	615	262,738	627	263,365
34	Kajiado	393	604	304,346	2,631	306,977
35	Bomet	524	623	290,458	489	290,947
36	Kericho	566	604	252,358	702	253,060
37	Kakamega	904	1,153	567,460	691	568,151
38	Vihiga	343	413	202,822	65	202,887
39	Bungoma	804	941	410,462	1,556	412,018
40	Busia	527	595	251,305	212	251,517
41	Siaya	572	665	311,919	522	312,441
42	Kisumu	528	741	385,820	786	386,606
43	Homa Bay	816	878	325,826	679	326,505

NO.	NAME	NO. OF P/STATIONS	NO. OF STREAMS	REGISTERED VOTERS (Biometric)	REGISTERED VOTERS (Non Biometric)	TOTAL REGISTERED VOTERS
44	Migori	593	665	283,862	135	283,997
45	Kisii	748	877	412,945	216	413,161
46	Nyamira	332	427	219,358	70	219,428
47	Nairobi City	330	2,228	1,728,801	3,487	1,732,288
48	Diasporas	5	6	2,637	0	2,637
	TOTAL	24,563	31,983	14,352,545	36,236	14,388,781

Annex III: Registered Voters, Polling Stations and Streams per Constituency

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
001	MOMBASA	001	CHANGAMWE	24	86	58,972	20	58,992
001	MOMBASA	002	JOMVU	20	74	50,528	25	50,553
001	MOMBASA	003	KISAUNI	39	119	79,346	197	79,543
001	MOMBASA	004	NYALI	29	113	79,119	317	79,436
001	MOMBASA	005	LIKONI	26	84	57,858	2,243	60,101
001	MOMBASA	006	MVITA	58	132	82,924	1,520	84,444
001 MOMBASA COUNTY				196	608	408,747	4,322	413,069
002	KWALE	007	MSAMBWENI	60	86	42,205	517	42,722
002	KWALE	008	LUNGA LUNGA	79	89	34,277	110	34,387
002	KWALE	009	MATUGA	104	114	46,261	363	46,624
002	KWALE	010	KINANGO	172	179	51,700	139	51,839
002 KWALE COUNTY				415	468	174,443	1,129	175,572
003	KILIFI	011	KILIFI NORTH	82	130	68,355	11	68,366

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
003	KILIFI	012	KILIFI SOUTH	54	96	53,439	131	53,570
003	KILIFI	013	KALOLENI	76	94	43,389	81	43,470
003	KILIFI	014	RABAI	48	67	33,996	2	33,998
003	KILIFI	015	GANZE	111	113	36,926	30	36,956
003	KILIFI	016	MALINDI	58	100	55,853	3	55,856
003	KILIFI	017	MAGARINI	113	126	44,174	20	44,194
003	KILIFI COUNTY			542	726	336,132	278	336,410
004	TANA RIVER	018	GARSEN	87	98	31,661	23	31,684
004	TANA RIVER	019	GALOLE	78	82	21,820	7	21,827
004	TANA RIVER	020	BURA	78	90	25,973	157	26,130
004	TANA RIVER			243	270	79,454	187	79,641
005	LAMU	021	LAMU EAST	33	35	13,608	0	13,608
005	LAMU	022	LAMU WEST	87	101	38,738	13	38,751
005	LAMU COUNTY			120	136	52,346	13	52,359
006	TAITA/TAVETA	023	TAVETA	58	65	24,224	54	24,278
006	TAITA/TAVETA	024	WUNDANYI	60	66	23,259	154	23,413

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
006	TAITA/TAVETA	025	MWATATE	84	88	29,436	0	29,436
006	TAITA/TAVETA	026	VOI	74	88	36,943	119	37,062
006	TAITA/TAVETA COUNTY			276	307	113,862	327	114,189
007	GARISSA	027	GARISSA TOWNSHIP	43	63	31,756	9	31,765
007	GARISSA	028	BALAMBALA	40	49	17,770	0	17,770
007	GARISSA	029	LAGDERA	31	33	12,516	0	12,516
007	GARISSA	030	DADAAB	39	49	19,304	0	19,304
007	GARISSA	031	FAFI	49	56	17,457	12	17,469
007	GARISSA	032	IJARA	60	65	16,399	13	16,412
007	GARISSA COUNTY			262	315	115,202	34	115,236
008	WAJIR	033	WAJIR NORTH	68	71	15,764	128	15,892
008	WAJIR	034	WAJIR EAST	45	51	19,484	3	19,487
008	WAJIR	035	TARBAJ	41	45	16,404	12	16,416
008	WAJIR	036	WAJIR WEST	64	71	23,097	0	23,097
008	WAJIR	037	ELDAS	41	43	13,086	0	13,086
008	WAJIR	038	WAJIR SOUTH	101	102	30,256	11	30,267

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
008 WAJIR COUNTY				360	383	118,091	154	118,245
009	MANDERA	039	MANDERA WEST	35	42	17,015	0	17,015
009	MANDERA	040	BANISSA	38	45	13,764	0	13,764
009	MANDERA	041	MANDERA NORTH	55	80	37,571	115	37,686
009	MANDERA	042	MANDERA SOUTH	54	55	10,574	5	10,579
009	MANDERA	043	MANDERA EAST	46	62	28,722	25	28,747
009	MANDERA	044	LAFEY	37	42	13,122	10	13,132
009 MANDERA COUNTY				265	326	120,768	155	120,923
010	MARSABIT	045	MOYALE	99	117	38,590	213	38,803
010	MARSABIT	046	NORTH HERR	85	93	24,495	23	24,518
010	MARSABIT	047	SAKU	51	56	20,215	10	20,225
010	MARSABIT	048	LAISAMIS	66	69	21,315	398	21,713
010 MARSABIT COUNTY				301	335	104,615	644	105,259
011	ISIOLO	049	ISIOLO NORTH	100	118	40,039	103	40,142
011	ISIOLO	050	ISIOLO SOUTH	44	48	14,423	22	14,445
011 ISIOLO				144	166	54,462	125	54,587

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
COUNTY								
012	MERU	051	IGEMBE SOUTH	94	116	45,671	94	45,765
012	MERU	052	IGEMBE CENTRAL	122	133	56,111	82	56,193
012	MERU	053	IGEMBE NORTH	99	107	43,905	459	44,364
012	MERU	054	TIGANIA WEST	81	89	43,454	408	43,862
012	MERU	055	TIGANIA EAST	107	121	49,550	18	49,568
012	MERU	056	NORTH IMENTI	99	130	62,581	877	63,458
012	MERU	057	BUURI	104	126	54,501	44	54,545
012	MERU	058	CENTRAL IMENTI	104	111	50,833	154	50,987
012	MERU	059	SOUTH IMENTI	141	169	80,659	189	80,848
012 MERU COUNTY				951	1,102	487,265	2,325	489,590
013	THARAKA-NITHI	060	MAARA	161	166	50,870	352	51,222
013	THARAKA-NITHI	061	CHUKA / IGAMBANG'OMBE	202	212	57,231	52	57,283
013	THARAKA-NITHI	062	THARAKA	204	207	47,386	13	47,399
013 THARAKA-NITHI COUNTY				567	585	155,487	417	155,904
014	EMBU	063	MANYATTA	161	189	74,505	80	74,585

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
014	EMBU	064	RUNYENJES	117	149	66,047	128	66,175
014	EMBU	065	MBEERE SOUTH	142	149	50,141	128	50,269
014	EMBU	066	MBEERE NORTH	97	100	36,593	16	36,609
014	EMBU COUNTY			517	587	227,286	352	227,638
015	KITUI	067	MWINGI NORTH	217	217	43,934	3	43,937
015	KITUI	068	MWINGI WEST	138	141	35,393	99	35,492
015	KITUI	069	MWINGI CENTRAL	168	172	43,530	0	43,530
015	KITUI	070	KITUI WEST	125	129	37,025	18	37,043
015	KITUI	071	KITUI RURAL	136	139	34,969	0	34,969
015	KITUI	072	KITUI CENTRAL	152	163	48,260	0	48,260
015	KITUI	073	KITUI EAST	156	158	37,631	0	37,631
015	KITUI	074	KITUI SOUTH	226	226	43,931	5	43,936
015	KITUI COUNTY			1,318	1,345	324,673	125	324,798
016	MACHAKOS	075	MASINGA	143	151	44,694	6	44,700
016	MACHAKOS	076	YATTA	121	141	55,715	21	55,736
016	MACHAKOS	077	KANGUNDO	96	104	38,879	45	38,924
016	MACHAKOS	078	MATUNGULU	101	117	47,838	0	47,838

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
016	MACHAKOS	079	KATHIANI	75	84	38,308	0	38,308
016	MACHAKOS	080	MAVOKO	42	120	79,863	26	79,889
016	MACHAKOS	081	MACHAKOS TOWN	116	154	79,472	64	79,536
016	MACHAKOS	082	MWALA	181	188	60,327	163	60,490
016 MACHAKOS COUNTY				875	1,059	445,096	325	445,421
017	MAKUENI	083	MBOONI	212	215	59,954	7	59,961
017	MAKUENI	084	KILOME	76	85	36,061	23	36,084
017	MAKUENI	085	KAITI	115	122	41,937	14	41,951
017	MAKUENI	086	MAKUENI	185	195	64,708	182	64,890
017	MAKUENI	087	KIBWEZI WEST	149	164	54,811	0	54,811
017	MAKUENI	088	KIBWEZI EAST	125	133	40,750	27	40,777
017 MAKUENI COUNTY				862	914	298,221	253	298,474
018	NYANDARUA	089	KINANGOP	100	151	85,531	345	85,876
018	NYANDARUA	090	KIPIPIRI	67	84	39,674	16	39,690
018	NYANDARUA	091	OL KALOU	58	90	49,807	37	49,844
018	NYANDARUA	092	OL JOROK	50	73	39,417	25	39,442
018	NYANDARUA	093	NDARAGWA	75	89	41,555	18	41,573

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
018 NYANDRUA COUNTY				350	487	255,984	441	256,425
019	NYERI	094	TETU	71	89	39,602	72	39,674
019	NYERI	095	KIENI	149	184	82,017	248	82,265
019	NYERI	096	MATHIRA	108	152	80,247	26	80,273
019	NYERI	097	OTHAYA	104	112	47,293	13	47,306
019	NYERI	098	MUKURWEINI	71	85	42,636	208	42,844
019	NYERI	099	NYERI TOWN	69	113	64,586	111	64,697
019 NYERI COUNTY				572	735	356,381	678	357,059
020	KIRINYAGA	100	MWEA	94	156	86,759	88	86,847
020	KIRINYAGA	101	GICHUGU	91	136	66,913	91	67,004
020	KIRINYAGA	102	NDIA	70	101	51,376	50	51,426
020	KIRINYAGA	103	KIRINYAGA CENTRAL	60	107	60,242	48	60,290
020 KIRINYAGA COUNTY				315	500	265,290	277	265,567
021	MURANG'A	104	KANGEMA	47	71	39,604	22	39,626
021	MURANG'A	105	MATHIOYA	71	90	43,526	24	43,550
021	MURANG'A	106	KIHARU	107	164	88,813	357	89,170

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
021	MURANG'A	107	KIGUMO	71	110	61,088	22	61,110
021	MURANG'A	108	MARAGWA	81	121	68,835	245	69,080
021	MURANG'A	109	KANDARA	93	138	76,926	111	77,037
021	MURANG'A	110	GATANGA	114	149	74,049	103	74,152
021	MURANG'A COUNTY			584	843	452,841	884	453,725
022	KIAMBU	111	GATUNDU SOUTH	66	105	58,762	38	58,800
022	KIAMBU	112	GATUNDU NORTH	61	94	52,962	249	53,211
022	KIAMBU	113	JUJA	38	112	72,228	0	72,228
022	KIAMBU	114	THIKA TOWN	36	144	103,838	259	104,097
022	KIAMBU	115	RUIRU	26	149	112,391	291	112,682
022	KIAMBU	116	GITHUNGURI	63	127	77,159	367	77,526
022	KIAMBU	117	KIAMBU	37	93	59,279	13	59,292
022	KIAMBU	118	KIAMBAA	34	107	70,156	40	70,196
022	KIAMBU	119	KABETE	33	92	62,454	16	62,470
022	KIAMBU	120	KIKUYU	38	97	65,041	17	65,058
022	KIAMBU	121	LIMURU	52	109	68,558	12	68,570
022	KIAMBU	122	LARI	67	107	59,001	68	59,069

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
022	KIAMBU COUNTY			551	1,336	861,829	1,370	863,199
023	TURKANA	123	TURKANA NORTH	105	106	23,683	75	23,758
023	TURKANA	124	TURKANA WEST	81	85	21,252	299	21,551
023	TURKANA	125	TURKANA CENTRAL	113	123	34,486	940	35,426
023	TURKANA	126	LOIMA	102	102	18,634	28	18,662
023	TURKANA	127	TURKANA SOUTH	88	93	23,768	195	23,963
023	TURKANA	128	TURKANA EAST	68	69	11,062	4	11,066
023	TURKANA COUNTY			557	578	132,885	1,541	134,426
024	WEST POKOT	129	KAPENGURIA	176	184	41,328	98	41,426
024	WEST POKOT	130	SIGOR	123	123	21,341	2	21,343
024	WEST POKOT	131	KACHELIBA	173	174	24,315	100	24,415
024	WEST POKOT	132	POKOT SOUTH	201	203	34,002	18	34,020
024	WEST POKOT COUNTY			673	684	120,986	218	121,204
025	SAMBURU	133	SAMBURU WEST	95	95	26,917	15	26,932
025	SAMBURU	134	SAMBURU NORTH	88	88	18,018	18	18,036

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
025	SAMBURU	135	SAMBURU EAST	89	89	16,179	3	16,182
025	SAMBURU COUNTY			272	272	61,114	36	61,150
026	TRANS NZOIA	136	KWANZA	62	86	46,783	12	46,795
026	TRANS NZOIA	137	ENDEBESS	42	55	28,962	316	29,278
026	TRANS NZOIA	138	SABOTI	51	94	55,791	54	55,845
026	TRANS NZOIA	139	KIMININI	49	90	55,533	42	55,575
026	TRANS NZOIA	140	CHERANGANY	106	123	57,571	28	57,599
026	TRANS NZOIA COUNTY			310	448	244,640	452	245,092
027	UASIN GISHU	141	SOY	90	116	57,508	37	57,545
027	UASIN GISHU	142	TURBO	71	139	87,332	212	87,544
027	UASIN GISHU	143	MOIBEN	95	114	49,591	669	50,260
027	UASIN GISHU	144	AINABKOI	74	92	38,979	177	39,156
027	UASIN GISHU	145	KAPSERET	56	82	47,165	172	47,337
027	UASIN GISHU	146	KESSES	81	101	50,055	280	50,335
027	UASIN GISHU COUNTY			467	644	330,630	1,547	332,177
028	ELGEYO/MARAWET	147	MARAKWET EAST	142	142	26,887	593	27,480

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
028	ELGEYO/ MARAWET	148	MARAKWET WEST	126	128	36,055	73	36,128
028	ELGEYO/MARAWET	149	KEIYO NORTH	86	91	31,061	6	31,067
028	ELGEYO/MARAWET	150	KEIYO SOUTH	138	138	40,565	247	40,812
028	ELGEYO/MARAWET COUNTY			492	499	134,568	919	135,487
029	NANDI	151	TINDERET	95	97	32,768	14	32,782
029	NANDI	152	ALDAI	144	149	49,901	547	50,448
029	NANDI	153	NANDI HILLS	100	105	40,739	718	41,457
029	NANDI	154	CHESUMEI	87	99	47,724	429	48,153
029	NANDI	155	EMGWEN	81	95	44,211	144	44,355
029	NANDI	156	MOSOP	106	115	47,911	3	47,914
029	NANDI COUNTY			613	660	263,254	1,855	265,109
030	BARINGO	157	TIATY	142	142	20,469	142	20,611
030	BARINGO	158	BARINGO NORTH	169	169	32,558	320	32,878
030	BARINGO	159	BARINGO CENTRAL	128	130	29,174	3	29,177
030	BARINGO	160	BARINGO SOUTH	126	129	26,675	9	26,684
030	BARINGO	161	MOGOTIO	152	153	24,093	3	24,096

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
030	BARINGO	162	ELDAMA RAVINE	138	143	40,684	6	40,690
030	BARINGO COUNTY			855	866	173,653	483	174,136
031	LAIKIPIA	163	LAIKIPIA WEST	130	178	83,267	61	83,328
031	LAIKIPIA	164	LAIKIPIA EAST	95	128	62,844	67	62,911
031	LAIKIPIA	165	LAIKIPIA NORTH	100	106	27,794	98	27,892
031	LAIKIPIA COUNTY			325	412	173,905	226	174,131
032	NAKURU	166	MOLO	59	91	50,621	521	51,142
032	NAKURU	167	NJORO	85	138	76,219	74	76,293
032	NAKURU	168	NAIVASHA	95	187	110,219	75	110,294
032	NAKURU	169	GILGIL	82	117	59,204	138	59,342
032	NAKURU	170	KURESOI SOUTH	84	93	38,135	26	38,161
032	NAKURU	171	KURESOI NORTH	75	92	44,113	23	44,136
032	NAKURU	172	SUBUKIA	108	113	39,012	37	39,049
032	NAKURU	173	RONGAI	135	155	54,553	32	54,585
032	NAKURU	174	BAHATI	91	121	60,768	48	60,816
032	NAKURU	175	NAKURU TOWN WEST	34	107	71,603	140	71,743

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
032	NAKURU	176	NAKURU TOWN EAST	51	138	90,871	162	91,033
032	NAKURU COUNTY			899	1,352	695,318	1,276	696,594
033	NAROK	177	KILGORIS	137	147	50,903	20	50,923
033	NAROK	178	EMURUA DIKIRR	54	59	28,596	8	28,604
033	NAROK	179	NAROK NORTH	96	119	59,657	121	59,778
033	NAROK	180	NAROK EAST	57	69	29,209	445	29,654
033	NAROK	181	NAROK SOUTH	100	118	49,884	33	49,917
033	NAROK	182	NAROK WEST	85	103	44,489	0	44,489
033	NAROK COUNTY			529	615	262,738	627	263,365
034	KAJIADO	183	KAJIADO NORTH	33	139	101,275	900	102,175
034	KAJIADO	184	KAJIADO CENTRAL	87	102	39,538	7	39,545
034	KAJIADO	185	KAJIADO EAST	65	124	71,482	34	71,516
034	KAJIADO	186	KAJIADO WEST	107	121	45,833	1,638	47,471
034	KAJIADO	187	KAJIADO SOUTH	101	118	46,218	52	46,270
034	KAJIADO COUNTY			393	604	304,346	2,631	306,977
035	KERICHO	188	KIPKELION EAST	82	90	41,723	117	41,840

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
035	KERICHO	189	KIPKELION WEST	81	83	34,896	8	34,904
035	KERICHO	190	AINAMOI	86	117	59,549	12	59,561
035	KERICHO	191	BURETI	130	142	62,930	296	63,226
035	KERICHO	192	BELGUT	67	103	53,941	33	53,974
035	KERICHO	193	SIGOWET/SOIN	78	88	37,419	23	37,442
035	KERICHO COUNTY			524	623	290,458	489	290,947
036	BOMET	194	SOTIK	141	144	57,911	109	58,020
036	BOMET	195	CHEPALUNGU	138	141	51,267	101	51,368
036	BOMET	196	BOMET EAST	80	88	41,009	426	41,435
036	BOMET	197	BOMET CENTRAL	88	100	46,353	35	46,388
036	BOMET	198	KONAIN	119	131	55,818	31	55,849
036	BOMET COUNTY			566	604	252,358	702	253,060
037	KAKAMEGA	199	LUGARI	90	112	56,829	44	56,873
037	KAKAMEGA	200	LIKUYANI	62	87	42,727	272	42,999
037	KAKAMEGA	201	MALAVA	96	127	66,105	54	66,159
037	KAKAMEGA	202	LURAMBI	96	127	61,479	186	61,665
037	KAKAMEGA	203	NAVAKHOLO	82	93	41,439	3	41,442

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
037	KAKAMEGA	204	MUMIAS WEST	55	75	37,492	35	37,527
037	KAKAMEGA	205	MUMIAS EAST	52	66	34,163	1	34,164
037	KAKAMEGA	206	MATUNGU	57	87	45,969	22	45,991
037	KAKAMEGA	207	BUTERE	76	100	49,586	32	49,618
037	KAKAMEGA	208	KHWISERO	76	88	38,483	9	38,492
037	KAKAMEGA	209	SHINYALU	93	113	56,004	10	56,014
037	KAKAMEGA	210	IKOLOMANI	69	78	37,184	23	37,207
037	KAKAMEGA COUNTY			904	1,153	567,460	691	568,151
038	VIHIGA	211	VIHIGA	55	69	33,693	34	33,727
038	VIHIGA	212	SABATIA	75	95	48,501	15	48,516
038	VIHIGA	213	HAMISI	92	108	53,388	9	53,397
038	VIHIGA	214	LUANDA	62	74	36,137	1	36,138
038	VIHIGA	215	EMUHAYA	59	67	31,103	6	31,109
038	VIHIGA COUNTY			343	413	202,822	65	202,887
039	BUNGOMA	216	MT. ELGON	121	128	49,387	573	49,960
039	BUNGOMA	217	SIRISIA	86	87	29,763	17	29,780

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
039	BUNGOMA	218	KABUCHAI	89	98	40,671	12	40,683
039	BUNGOMA	219	BUMULA	96	112	53,033	443	53,476
039	BUNGOMA	220	KANDUYI	116	159	76,280	186	76,466
039	BUNGOMA	221	WEBUYE EAST	61	72	32,650	149	32,799
039	BUNGOMA	222	WEBUYE WEST	56	74	37,793	1	37,794
039	BUNGOMA	223	KIMILILI	60	77	37,399	72	37,471
039	BUNGOMA	224	TONGAREN	119	134	53,486	103	53,589
039	BUNGOMA COUNTY			804	941	410,462	1,556	412,018
040	BUSIA	225	TESO NORTH	101	106	37,213	1	37,214
040	BUSIA	226	TESO SOUTH	105	110	41,835	39	41,874
040	BUSIA	227	NAMBALE	51	61	30,881	126	31,007
040	BUSIA	228	MATAYOS	62	84	41,222	1	41,223
040	BUSIA	229	BUTULA	79	89	40,803	29	40,832
040	BUSIA	230	FUNYULA	76	81	31,996	10	32,006
040	BUSIA	231	BUDALANGI	53	64	27,355	6	27,361
040	BUSIA COUNTY			527	595	251,305	212	251,517

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
041	SIAYA	232	UGENYA	71	83	39,729	63	39,792
041	SIAYA	233	UGUNJA	66	79	34,419	253	34,672
041	SIAYA	234	ALEGO USONGA	125	151	72,112	101	72,213
041	SIAYA	235	GEM	106	122	55,845	71	55,916
041	SIAYA	236	BONDO	104	123	59,614	4	59,618
041	SIAYA	237	RARIEDA	100	107	50,200	30	50,230
041	SIAYA COUNTY			572	665	311,919	522	312,441
042	KISUMU	238	KISUMU EAST	48	87	52,228	27	52,255
042	KISUMU	239	KISUMU WEST	69	97	50,064	111	50,175
042	KISUMU	240	KISUMU CENTRAL	45	143	95,644	102	95,746
042	KISUMU	241	SEME	73	82	35,735	240	35,975
042	KISUMU	242	NYANDO	97	111	52,031	182	52,213
042	KISUMU	243	MUHORONI	88	106	52,349	26	52,375
042	KISUMU	244	NYAKACH	108	115	47,769	98	47,867
042	KISUMU COUNTY			528	741	385,820	786	386,606
043	HOMA BAY	245	KASIPUL	68	83	39,747	143	39,890
043	HOMA BAY	246	KABONDO	72	81	35,203	17	35,220

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
			KASIPUL					
043	HOMA BAY	247	KARACHUONYO	147	155	56,178	1	56,179
043	HOMA BAY	248	RANGWE	92	95	33,413	23	33,436
043	HOMA BAY	249	HOMA BAY TOWN	73	84	34,356	61	34,417
043	HOMA BAY	250	NDHIWA	140	148	57,576	357	57,933
043	HOMA BAY	251	MBITA	128	132	36,916	74	36,990
043	HOMA BAY	252	SUBA	96	100	32,437	3	32,440
043	HOMA BAY COUNTY			816	878	325,826	679	326,505
044	MIGORI	253	RONGO	65	76	35,786	43	35,829
044	MIGORI	254	AWENDO	70	81	37,537	53	37,590
044	MIGORI	255	SUNA EAST	57	70	34,274	1	34,275
044	MIGORI	256	SUNA WEST	50	63	30,241	1	30,242
044	MIGORI	257	URIRI	81	90	38,158	37	38,195
044	MIGORI	258	NYATIKE	117	123	45,685	0	45,685
044	MIGORI	259	KURIA WEST	87	94	36,498	0	36,498
044	MIGORI	260	KURIA EAST	66	68	25,683	0	25,683
044	MIGORI COUNTY			593	665	283,862	135	283,997

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
045	KISII	261	BONCHARI	65	81	39,579	8	39,587
045	KISII	262	SOUTH MUGIRANGO	111	118	51,246	31	51,277
045	KISII	263	BOMACHOGE BORABU	66	80	38,701	34	38,735
045	KISII	264	BOBASI	136	148	66,475	52	66,527
045	KISII	265	BOMACHOGE CHACHE	64	73	31,488	6	31,494
045	KISII	266	NYARIBARI MASABA	96	105	43,982	0	43,982
045	KISII	267	NYARIBARI CHACHE	82	110	58,553	13	58,566
045	KISII	268	KITUTU CHACHE NORTH	69	80	37,805	30	37,835
045	KISII	269	KITUTU CHACHE SOUTH	59	82	45,116	42	45,158
045	KISII COUNTY			748	877	412,945	216	413,161
046	NYAMIRA	270	KITUTU MASABA	111	140	76,342	17	76,359
046	NYAMIRA	271	WEST MUGIRANGO	84	114	59,672	27	59,699
046	NYAMIRA	272	NORTH MUGIRANGO	73	88	41,710	26	41,736

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
046	NYAMIRA	273	BORABU	64	85	41,634	0	41,634
046	NYAMIRA COUNTY			332	427	219,358	70	219,428
047	NAIROBI	274	WESTLANDS	26	156	118,720	263	118,983
047	NAIROBI	275	DAGORETTI NORTH	21	141	105,792	278	106,070
047	NAIROBI	276	DAGORETTI SOUTH	23	121	87,134	107	87,241
047	NAIROBI	277	LANGATA	30	138	96,670	28	96,698
047	NAIROBI	278	KIBRA	24	132	97,813	69	97,882
047	NAIROBI	279	ROYSAMBU	20	143	112,479	493	112,972
047	NAIROBI	280	KASARANI	27	143	103,531	131	103,662
047	NAIROBI	281	RUARAKA	19	119	89,427	220	89,647
047	NAIROBI	282	EMBAKASI SOUTH	14	136	108,216	305	108,521
047	NAIROBI	283	EMBAKASI NORTH	14	100	80,189	49	80,238
047	NAIROBI	284	EMBAKASI EAST	12	119	103,546	322	103,868
047	NAIROBI	285	EMBAKASI WEST	11	116	100,240	98	100,338
047	NAIROBI	286	EMBAKASI CENTRAL	10	114	102,663	616	103,279

COUNTY CODE	COUNTY	CONST. CODE	CONSTITUENCY	NUMBER OF POLLING STATIONS	NUMBER OF STREAMS	REGISTERED VOTERS (BIOMETRIC)	REGISTERED VOTERS (NON BIOMETRIC)	TOTAL REGISTERED VOTERS
047	NAIROBI	287	MAKADARA	23	137	105,248	140	105,388
047	NAIROBI	288	KAMUKUNJI	16	122	95,912	47	95,959
047	NAIROBI	289	STAREHE	27	176	133,279	210	133,489
047	NAIROBI	290	MATHARE	13	115	87,942	111	88,053
047 NAIROBI CITY			COUNTRY TOTALS	330	2,228	1,728,801	3,487	1,732,288
	COUNTRY TOTALS		COUNTRY TOTALS	24,558	31,977	14,349,896	36,236	14,386,132
048	DIASPORA	291	DIASPORA	5	6	2,637		2,637
048 DIASPORA TOTAL				5	6	2,637		2,637
GRAND TOTALS				24,563	31,983	14,352,545	36,236	14,388,781

Annex IV: Summary of Results of Elective Positions

SUMMARY OF RESULTS FOR ALL ELECTIVE POSITIONS IN THE MARCH 4TH 2013 GENERAL ELECTION			
	ELECTIVE POSITION	TOTAL VALID VOTES	OTHER ELECTIVE POSTS VARIANCE WITH PRESIDENTIAL VALID VOTES
1	PRESIDENT	12,221,053	-
2	MEMBER OF NATIONAL ASSEMBLY	12,194,562	26,491
3	WOMAN REPRESENTATIVE TO THE NATIONAL ASSEMBLY	12,101,568	119,485
4	SENATOR	12,131,294	89,759
5	GOVERNOR	12,162,733	58,320
6	COUNTY ASSEMBLY WARD REPRESENTATIVE	12,057,023	164,030

Annex V: Registered Voters Per County/Constituency

No.	Name	Estimated Voting Pop ¹⁸	Registered Voters
01	Mombasa	437,934	412,602
02	Kwale	302,997	173,447
03	Kilifi	517,358	340,948
04	Tana River	111,923	73,037
05	Lamu	47,337	51,830
06	Taita/Taveta	132,707	112,219
07	Garissa	290,470	116,166
08	Wajir	308,596	110,286
09	Mandera	478,207	121,005
10	Marsabit	135,741	104,408
11	Isiolo	66,804	52,617
12	Meru	632,307	483,517
13	Tharaka - Nithi	170,317	155,823
14	Embu	240,658	226,989
15	Kitui	472,124	323,624
16	Machakos	512,159	445,819
17	Makueni	412,366	300,086
18	Nyandarua	277,980	252,889
19	Nyeri	323,336	357,105
20	Kirinyaga	246,178	262,715
21	Muranga	439,431	457,052
22	Kiambu	756,773	860,716
23	Turkana	398,786	120,345
24	West Pokot	239,016	107,894
25	Samburu	104,404	56,662
26	Trans Nzoia	381,704	231,352
27	Uasin Gishu	416,866	318,717
28	Elgeyo - Marakwet	172,493	134,290
29	Nandi	351,032	254,788
30	Baringo	259,002	171,013
31	Laikipia	186,119	170,267
32	Nakuru	747,469	695,879

¹⁸ The estimates are based on the Census Figures. At the time of registration some people were registering in places where they were working away from their rural homes.

33	Narok	396,698	253,086
34	Kajiado	320,424	315,053
35	Bomet	350,766	290,102
36	Kericho	340,386	254,405
37	Kakamega	774,194	568,813
38	Vihiga	258,564	202,456
39	Bungoma	641,053	411,981
40	Busia	346,827	251,737
41	Siaya	392,682	312,518
42	Kisumu	451,705	388,729
43	Homa Bay	449,320	331,698
44	Migori	427,584	287,702
45	Kisii	537,193	414,493
46	Nyamira	278,905	219,616
47	Nairobi	1,463,105	1,778,903
48	Diasporas		2,431
49	Non- Biometric		36,236
Total			14,388,781

**Political Parties and Number of Seats during the 4th March 2013
General Elections per Elective Position**

**Annex VI: Summary of Party Strength in the 4th March General
Election**

1. President and Deputy President		
Uhuru Kenyatta	President	The National Alliance
William Ruto	Deputy President	United Republican Party

2 Member of National Assembly		
	Party	No. of Seats
1	Orange Democratic Movement	78
2	The National Alliance	72
3	United Republican Party	62
4	Wiper Democratic Movement- Kenya	19
5	United Democratic Forum Party	11
6	Forum for Restoration of Democracy-Kenya	10
7	Kenya African National Union	6
8	Alliance Party of Kenya	5
9	Independent Candidate	4
10	New Ford Kenya	4
11	Federal Party of Kenya	3

12	Ford-People	3
13	National Rainbow Coalition	3
14	Chama Cha Uzalendo	2
15	Kenya National Congress	2
16	Kenya African Democratic Union-Asili	1
17	Maendeleo Democratic Party	1
18	Muungano Party	1
19	Narc-Kenya	1
20	Peoples Democratic Party	1
21	The Independent Party	1
	Total	290

3 Woman Member to the National Assembly		
	PARTY	NO. of Seats
1	Orange Democratic Movement	15
2	The National Alliance	14
3	United Republican Party	10
4	Wiper Democratic Movement- Kenya	6
5	New Ford Kenya	2
	Total	47

4 Member of the Senate		
	PARTY	NO. OF SEATS
1	Orange Democratic Movement	11
2	The National Alliance	11
3	United Republican Party	9
4	Forum For Restoration of Democracy-Kenya	4
5	Wiper Democratic Movement- Kenya	4
6	Alliance Party of Kenya	2
7	Kenya African National Union	2
8	United Democratic Forum Party	2
9	Federal Party of Kenya	1
10	National Rainbow Coalition	1
	TOTAL	47

5 Governor		
	Party	No of Seats
1	Orange Democratic Movement	16
2	United Republican Party	10
3	The National Alliance	8
4	Wiper Democratic Movement- Kenya	4
5	Alliance Party of Kenya	1
6	Forum For Restoration of Democracy-Kenya	1

7	Grand National Union	1
8	Kenya African National Union	1
9	Muungano Party	1
10	New Ford Kenya	1
11	Peoples Democratic Party	1
12	Peoples Party of Kenya	1
13	United Democratic Forum Party	1
	Total	47

6 Member of County Assembly		
	Party	No. of Seats
1	Orange Democratic Movement	382
2	The National Alliance	353
3	United Republican Party	248
4	Wiper Democratic Movement- Kenya	81
5	United Democratic Forum Party	55
6	Forum For Restoration of Democracy-Kenya	41
7	New Ford Kenya	25
8	Kenya African National Union	23
9	Alliance Party of Kenya	21
10	Grand National Union	17
11	Kenya National Congress	17
12	Narc-Kenya	17

13	Chama Cha Uzalendo	13
14	Federal Party of Kenya	12
15	Muungano Party	11
16	Democratic Party of Kenya	10
17	National Rainbow Coalition	10
18	Peoples Democratic Party	10
19	The National Vision Party	10
20	Ford-People	9
21	Party of Independent Candidates Of Kenya	7
22	Safina	7
23	The Independent Party	7
24	The Labour Party of Kenya	6
25	Agano Party	5
26	Kenya African Democratic Union-Asili	5
27	Mazingira Greens Party of Kenya	4
28	Unity Party of Kenya	4
29	Farmers Party	3
30	Kenya Social Congress	3
31	New Democrats	3
32	Peoples Party of Kenya	3
33	Progressive Party of Kenya	3
34	Restore And Build Kenya	3
35	United Democratic Movement	3
36	Chama Cha Mwananchi	2

37	National Party of Kenya	2
38	Party of Democratic Unity	2
39	Shirikisho Party of Kenya	2
40	Social Democratic Party of Kenya	2
41	Independent Candidate	1
42	Mwangaza Party	1
43	Mzalendo Saba Saba Party	1
44	National Agenda Party of Kenya	1
45	Republican Congress Party of Kenya	1
46	Saba Saba Asili	1
	Total	1,447

** Note that 3 CAW elections (Kuria East - Goke Haraka, Nyabasi West and Samburu North) were not held on 4th March*

Presidential Election Petition Order

ORDER OF THE COURT IN THE SUPREME COURT OF KENYA - PRESIDENTIAL ELECTION PETITION

REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA AT NAIROBI

(Coram: Mutunga CJ, Tunoi, Ibrahim, Ojwang, Wanjala, Njoki SCJJ)

PETITION NO. 5 OF 2013

RAILA ODINGA1ST PETITIONER

MOSES KIARIE KURIA)

DENIS NJUE ITUMBI).....2ND PETITIONER

FLORENCE JEMATIAH SERGON)

GLADWELL WATHONI OTIENO)

ZAHID RAJAN).....3RD PETITIONER

AND

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION1ST RESPONDENT

AHMED ISSACK HASSAN2ND RESPONDENT

UHURU KENYATTA3RD RESPONDENT

WILLIAM SAMOEI RUTO4TH RESPONDENT

AS CONSOLIDATED WITH PETITION NO. 3 OF 2013

MOSES KIARIE KURIA1ST PETITIONER

DENIS NJUE ITUMBI2ND PETITIONER

FLORENCE JEMATIAH SERGON3RD PETITIONER

VERSUS

AHMED ISSACK HASSAN2ND RESPONDENT

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION1ST RESPONDENT

AND

CONSOLIDATED WITH PETITION NO.4 OF 2013

GLADWELL WATHONI OTIENO1ST PETITIONER

ZAHID RAJAN2ND PETITIONER

VERSUS

AHMED ISSACK HASSAN2ND RESPONDENT

UHURU KENYATTA3RD RESPONDENT

WILLIAM SAMOEI RUTO4TH RESPONDENT

ORDER OF THE COURT

1. After extensive deliberations, we are happy to announce the Supreme Court has reached a unanimous decision on all the four issues that fell for determination in presidential election Petition No. 3, 4 and 5 as consolidated.
2. The following is the unanimous decision of the court:
 - (i) As to whether the presidential election held on March 4th 2013, was conducted in a free, fair, transparent and credible manner, in compliance with the provisions of the Constitution and all relevant provisions of the law; it is the decision of the court that the said elections were indeed conducted in compliance with the Constitution and the law.
 - (ii) As to whether the 3rd and 4th Respondents were validly elected and declared as President elect and Deputy President elect of the Republic of Kenya respectively, by the Second Respondent in the presidential elections held on the 4th March 2013; it is the decision of the court that the 3rd and 4th respondents were validly elected.
 - (iii) As to whether the rejected votes ought to have been included in determining the final tally of votes in favour of each of the Presidential candidate by the 2nd Respondent; it is the

decision of the court that such rejected votes ought not to have been included in calculating the final tallies in favour of each presidential candidate.

(iv) As to what consequential declarations, orders and reliefs, that this honorable court ought to grant based on the above determinations, the following are the orders of the Court:

- a. **Petition No.5 of the consolidated petitions is hereby dismissed.**
- b. **Petition No. 4 of the consolidated petitions is hereby dismissed.**
- c. **As to Petition No. 3 of the consolidated petitions, the prayer by the Petitioners seeking a declaration of recomputation of percentages by the 2nd Respondent is declined as the court as no jurisdiction.**
- d. **Regarding orders as to costs, the Court orders that each party bears his/her/it's own costs.**

3. The detailed judgement containing the reasons for decision of the Court will be issued within two weeks from today.

4. ***Orders accordingly.***

DATED and DELIVERED at NAIROBI this 30th March, 2013.

.....

W.M. MUTUNGA

CHIEF JUSTICE & PRESIDENT

OF THE SUPREME COURT

.....

P.K. TUNOI

JUSTICE OF THE SUPREME COURT

.....

M.K. IBRAHIM

JUSTICE OF THE SUPREME COURT

.....

J.B. OJWANG

JUSTICE OF THE SUPREME COURT

.....

S.C. WANJALA

.....

N.S. NDUNGU

JUSTICE OF THE SUPREME COURT

JUSTICE OF THE SUPREME COURT

I certify that this is a true

Copy of the original

REGISTRAR

SUPREME COURT OF KENYA

Annex VII: Gazettement of the Principal Register of Voters

SPECIAL ISSUE



THE KENYA GAZETTE

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THE CONSTITUTION OF KENYA

THE INDEPENDENT ELECTORAL AND
BOUNDARIES COMMISSION ACT

(No. 9 of 2011)

THE ELECTIONS ACT

(No. 24 of 2011)

THE ELECTION (REGISTRATION OF
VOTERS) REGULATIONS, 2012

CERTIFICATION OF COMPILATION
OF THE PRINCIPAL REGISTER OF
VOTERS

IN EXERCISE of the powers conferred by section 2 (1) (a), (b), (c) and 9 of the Sixth Schedule to the Constitution of Kenya, section 6 (3) (a), (b), and (4), section 4 (a) and (b) of the Independent Electoral and Boundaries Commission Act, 2011 section 109 (1) (a), of the Elections Act, 2011 and Regulations 12(1)–(4) (a)–(c), of the Elections (Registration of Voters) Regulations, 2012, the Independent Electoral and Boundaries Commission gives notice that the compilation of the Principal Register of Voters for the purposes of the 4th March, 2013 General Elections has been completed.

The certified register of voters may be accessed on the Independent Electoral and Boundaries Commission's website or at the offices of the Returning Officers for the different electoral areas.

Dated the 18th February, 2013.

A. I. HASSAN,
Chairperson,
Independent Electoral and Boundaries Commission.

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