



Towards the Home Stretch - Pre- Election Statement

Since March 2017 the Election Observation Group (ELOG) has successfully deployed election observers in all constituencies of Kenya. 290 Long Term Observers and 93 Special Interest Group Observers have been gradually deployed across all constituencies in Kenya to assess:-

- a. The extent to which the electoral actors complied with the legal framework;
- b. IEBC's preparations towards the elections;
- c. Monitoring Hate Speech
- d. The Participation of Youth, Women, and Persons with Disabilities (PwDs) in Political Party processes and Political Party Activities;
- e. Election campaigns;
- f. Media reporting; and
- g. Civic and Voter Education activities;

Beyond the field activities, The ELOG Steering Committee (SC) and The Advisory and Peace Panel (APP) have continued to engage various stakeholders including the IEBC, Political Parties, the Media, Civil Society Organizations (CSOs), and other observer missions both local and international in appraising the electoral environment. ELOG has used these engagements to share its periodic Long Term Observation (LTO) reports and analysis of the electoral environment. In turn, information shared by other stakeholders has been used to improve the observation processes.

On Election Day ELOG will be deploying 5710 observers across the country as general stationary observers based at polling stations, and 290 constituency tallying centre observers. The deployment will ensure that ELOG has a presence in all 1450 electoral wards in the country. Further,

1700 observers will be deployed specifically for Parallel Vote Tabulation (PVT). The general stationary observer reports together with the parallel vote tabulation report, shall provide an objective analysis of the E-day processes, as well as a projection of the presidential results to verify the official results as released by the IEBC.

With the official campaign period coming to an end today, and three (3) days until the Election Day, ELOG would like to comment on six (6)

specific issues:-

- a. Securing the Electoral Process and Kenyans;
- b. IEBC Preparedness in Election Administration;
- c. On Voter Education;
- d. On the Voter Register;
- e. Electoral and Legal Framework; and
- f. Electoral Offences;

For a more comprehensive outlook on the state of election, please see **ELOG's STATE OF ELECTORAL PREPAREDNESS IN KENYA - August Report.**

A. Securing the Electoral Process and Kenyans

ELOG has been saddened by the killing of the IEBC's ICT Manager Mr. Chris Msando with less than a week to elections. ELOG joins Kenyans and friends of Kenya, across the world in condemning this heinous act in the strongest terms possible. As ELOG sends a message of condolences to the family of the deceased, we implore the security agents and investigative authorities to move with speed to apprehend the killers. This will serve to assure Kenyans of security during the historically volatile elections environment. ELOG wishes to call for patience as the investigations are carried out on this.

Our observation findings over the last four (4) months have seen sporadic acts of violence in different parts of the country leading to loss of life for aspirants and supporters. Conflicts in Baringo, Laikipia and West Pokot have further aggravated the situation.

As the Security Services secure the election, it is also important to remember that the Constitution of Kenya 2010 has not been suspended and rights must be upheld

In the next 48 hours, the Kenya Police Service and all law enforcement agencies should concentrate on:-

- i. Adequate deployment of security to all parts of the country;
- ii. Guarantee security to election management authorities and other key agencies including election observers; and
- iii. Share with the public the deployment plans and emergency numbers for coordination and reporting of incidences around the elections.

Citizens should also report any incidences and exercise their rights responsibly.

B. IEBC Preparedness in Election Administration

The Independent Electoral and Boundaries Commission (IEBC) is mandated with the administration of Elections in Kenya. IEBC shared a strategic plan with clear timelines and a clear operations plan last year. While this was well intended, a number of significant setbacks developed in the process. Key amongst these was the resignation of the entire commission and the appointment of new commissioners less than one year to the elections, which diminished public confidence and very late legal reforms that introduced very tight deadlines. ELOG notes that these adversely affected the preparations towards securing credible elections. Despite all this, it is commendable that plans are underway to conduct the 2017 General Elections, and efforts must be enhanced to ensure the credibility of the elections and public confidence.

In the next 48 hours, IEBC should concentrate on:

- i. Sharing deployment schedules of strategic materials to the polling stations with the public;
- ii. Engage stakeholders on the final preparations towards E-day; and
- iii. Responsiveness to any emerging issues ,clear and timely information to the public, especially those that will arise out of the Voter Register and use of technology.

C. On Voter Education

ELOG noted that consistently through the pre-election period, voter education was not comprehensively done to reach all constituencies in the country. Despite spikes in coverage in the last one month, there is a resident fear that many voters may not have the requisite information to effectively exercise their franchise during the elections. As we approach the home stretch, the IEBC and other actors providing Voter education and information should continue in earnest.

In the next 48 hours IEBC should concentrate on:

- i. Provision of process information to enlighten voters on E-day procedures and immediate post-election processes; and
- ii. Reach out to areas isolated by voter education activities/programs;

D. On the Voter Register

Of particular are the questions that continue to be raised by a number of stakeholders on the integrity of the voter register. ELOG notes that the Voter Register was a contentious issue in the 2013 General Elections and thus a subject of electoral reform in preparation for the 2017 General Elections¹. While ELOG could not independently audit the register as earlier envisioned, the KPMG audit did highlight a number of issues that needed to be addressed. In its previous statement, ELOG flagged out some of the issues that still needed to be attended to or addressed by the IEBC.

In the next 48 hours IEBC should ensure that they:

1. Respond quickly to incidents arising from the voter register; and
2. Conclusively provide clarity on the register that will be available at the Poll stations;

¹ From Pillar to Post - Transforming the Election Agenda in Kenya. 2015 Report of Technical Working Group on Elections

E. Electoral and Legal Framework

The Electoral laws in the country are embedded in the robust 2010 Constitution. From 2015, a number of proposals to amend the electoral laws were made. Of note were the amendments made in September 2016 and in January 2017 that saw a number of changes that would affect the election landscape. Some of the positive changes included the:-

- Requirement for the conduct of an independent audit on the 2013 voter register;
- Capping of the number of voters per polling station; and
- Enfranchisement of prisoners to vote;

However, the amendments brought about a number issues that adversely affected the environment such as:

- Suspension of the campaign finance laws which would have regulated the use of money in elections.

The opportunity for the set-up of complementary systems to the electronic voting processes, which while good in its essence was not categorically explained and unpacked to the benefit of many stakeholders. Further, another major setback outside of the highlighted amendment was the non-implementation of the two-third gender principle. This was largely due to lack of goodwill by the political actors and especially Parliament.

In the next 48 hours it behooves:-

1. All agencies mandated to enforce the law to do so and Kenyans to uphold the law; and
2. IEBC to continue providing information on complementary mechanisms in the event of failure of technology;

F. Electoral Offences

During the Pre- Election period ELOG has noted with great concern the flagrant commission of electoral offenses including rampant voter bribery,

abuse and misuse of state resources, hate speech, and verbal abuse particularly towards women.

We expect that IEBC as the managers of the election will clamp down on any candidate and party that will breach the law during this critical period. Where possible such candidates/parties should be barred from participating in the election as directed by the relevant laws. The office of the DPP should move quickly to deter more incidences by addressing the many cases that have been reported on the commission of elections offences.

Political parties and actors also have a major role in ensuring that candidates adhere to the code of conduct during campaigns and also during the elections day activities.

In Conclusion

On its part ELOG will be deploying 5710 stationary observers in all wards of the country and 290 in all the county tallying Centres. These will be supplemented by 1703 PVT observers who will be deployed in sampled stations to give rapid updates on the E-day processes as well as a projection of the final results that will be used to verify the official IEBC results.

We also plan to release reports during the elections day to share our assessment of the Opening of Polls, Voting process, Counting and Tallying Process.

We expect that the IEBC and other agencies responsible for the management of elections will do their work diligently, uphold the law and give Kenyans a credible, free and fair election

We also expect that political parties will uphold the code of conduct, and we urge Kenyans to come out and vote in large numbers, and maintain vigilance, law and order.

God Bless Kenya.

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