



**Elections  
Observation  
Group**

CREDIBLE, PEACEFUL, FREE AND FAIR ELECTIONS

**STATEMENT ON THE BBI SIGNATURE VERIFICATION OBSERVATION PROCESS  
AND OTHER EMERGING ELECTORAL ISSUES  
FOR IMMEDIATE PRESS RELEASE**

**29/01/2021**

The Election Observation Group (ELOG) is a permanent election observation network, whose membership includes Civil Society Organizations (CSOs) and Faith-Based National Organizations and has observed electoral processes in Kenya and the African Region since 2010.

**INTRODUCTION**

On December 10, 2020, the promoters of the Constitutional Amendment Bill 2020 submitted 4.4 million signatures to the IEBC in support of their initiative for constitutional changes. Consequently, and in compliance with Article 257 (4) of the Constitution of Kenya, IEBC is undertaking a verification exercise to confirm whether the *Constitution of Kenya Amendment Bill, 2020* meets the requisite constitutional threshold.

The process of verification of signatures involves data input, data analysis through running against the voter's register, and the issuance of daily reports. Having been accredited by the IEBC, ELOG has deployed daily stationary observers at the Bomas of Kenya to observe the verification process until its conclusion.

ELOG released its first statement on the process on 19<sup>th</sup> Jan 2021 giving an update of its observations. This is the 2<sup>nd</sup> statement that comes after IEBC released a statement indicating that they had verified 1,140,845 signatures, therefore, meeting the constitutional threshold of at least 1 million signatures.

**METHODOLOGY**

ELOG deployed well trained and experienced observers who give daily reports of the verification process from opening to closing. The observers also attend the daily briefings with the data clerks at the premises to gather information. They record all incidents and processes that may have a bearing on the exercise guided by a tool that is based on the

constitutional framework and the procedural directions shared and given by the commission.

## **OBSERVATION FINDINGS AND RECOMMENDATIONS**

Based on the data and information collected thus far, ELOG makes the following observations

- As of January 19<sup>th</sup>, 2021, a total of 1,715,386 records had been digitized.
- ELOG observes an improved work rate that tremendously boosted the daily targets from 340 records per pair reported in the first week to approximately 585 daily records which are above the 550 daily estimated thresholds.
- COVID-19 protocols continue to be observed diligently by all the personnel operating at the venue.
- The earlier reported challenges of power outages and internet downtime have been resolved to lead to very minimal interferences.
- No critical incidents were reported during the observation period.

## **ANALYSIS AND RECOMMENDATIONS**

As of 19<sup>th</sup> January 2021, the commission had digitized 1,715,386 records which were then uploaded to its website to enable the public to check and confirm their details for 7 days from Monday 21<sup>st</sup> January 2021 to Monday 25<sup>th</sup> January 2021 at 5:00 pm. The data was further subjected to verification exercises involving completeness and validity checks of the individual records, elimination of duplicate records, and finally matching the clean records with the register of voters. See the table below for a detailed report as shared by IEBC.

<b>Activity #</b>	<b>Description of the Activity/Process</b>	<b>Records Count</b>
1	Supporters records captured as at 19 <sup>th</sup> January 2021	1,715,386
2	Supporters records with incomplete details (invalid Names/IDs and Missing ID numbers)	(13,272)
3	Supporters records appearing more than once	(4,777)
4	Supporters not in the Register of voters	(242,311)
5	Supporters not in the register of voters	(314,181)
<b>6</b>	<b>Total verified supporters record in the register of voters</b>	<b>1,140,845</b>

On Tuesday 26<sup>th</sup> January 2021, Independent Election and Boundaries Commission (IEBC) after verification exercise reported a total of 1,140,845 list of verified supporters were found in the voter register hence notifying the stakeholders and the general public that the initiative had met the requisite threshold as stipulated in article 257(4) of the constitution of Kenya, 2010.

ELOG observes that based on this achievement, there was nothing wrong with the declaration by IEBC to initiate the next phase of the process since the constitutional requirement was met.

ELOG observes that in the future the commission still needs ***to find a way of verifying the support of popular initiatives*** since they do not have a repository of voter signatures. However, we acknowledge the fact that this time around the Commission published the list of processed records for confirmation by those who had signed the petition. This is in line with the recommendation that ELOG made after the *Punguza Mizigo* signature verification process.

We believe that this step builds confidence and enhances transparency in the process. Under the circumstances, it is a good attempt at confirming the consent of the supporters of the initiative.

Further ELOG recommends as follows;

- ELOG urges IEBC to move with speed to digitize the remaining set of data and upload it to its website for the public to check and confirm their details just as was the case for the initial data already processed.
- Noting that there are critical legal gaps in guiding the referendum process, we urge the National Assembly to fast-track the processing into law of the two referendum bills already on the floor of the house. We have also recommended that the two bills be harmonized to enhance clarity and coherence to the process.
- In its observation of the *Punguza Mizigo Initiative* county debate process, ELOG found that there were gaps in how the process was to be carried out. Of particular note, was the lack of clear public participation provisions in the bill process and unclear timelines on the submission of the respective county assembly decisions on the bill. A clear referendum law will go a long way in addressing these concerns.

## **RISING TENSIONS AND POLITICAL VIOLENCE**

ELOG has noted with concern the rising political temperatures and intolerance that has been occasioned by what are effectively early election-related campaigns by political leaders in the country. The violence witnessed this week in Githurai during a BBI campaign is strikingly similar to an earlier one where two people were killed in Kenol, Thika during a political rally. The NCIC and other stakeholders have gone on to warn politicians against inciting their followers.

ELOG would like to remind politicians that early campaigns are illegal and therefore should be stopped forthwith. We would like the public to know that our election laws have clear provisions on when campaigns can be conducted either for the referendum issues or the General Elections next year. It is also clear that the notice for the referendum is yet to be issued by IEBC since there are still other attendant processes that the draft Constitutional Amendment bill has to go through.

We, therefore, request the relevant authorities to take action against those found violating the law. We also request the DCI and police to conduct speedy investigations and apprehend those behind the spate of violence that is threatening to get out of hand.

## **CIVIC AND VOTER EDUCATION**

The debate on the draft constitutional amendment bill has elicited a lot of debate across the country since the Building Bridges Initiative report was released late last year. While the collection of signatures by the promoters was done and the verification of the requisite number completed by IEBC this week, many Kenyans are still yet to internalize the contents of the draft constitutional amendment bill or even the BBI Reports.

ELOG, therefore, calls on the IEBC to fast track the initiation of a country-wide voter education campaign especially now that the process has moved to the counties where public participation will be required as part of the decision-making process.

Copies of the draft constitutional amendment bill should be made available to the public with due consideration of the diversity of Kenyans.

## **CONCLUSION AND NEXT STEPS**

ELOG wishes to assure the general public it will continue to observe the process of digitizing the signature verification raw data until the exercise is completed.

ELOG will also purpose to deploy observers to the county assemblies to report on the proceedings as the county assemblies' debate and consider the draft bill.

We will continue monitoring the general electoral situation in the country and share regular updates with the public and stakeholders.

