



**Elections  
Observation  
Group**

CREDIBLE, PEACEFUL, FREE AND FAIR ELECTIONS

## **ELOG 4<sup>th</sup> MARCH BY-ELECTION VOTING PROCESSES STATEMENT**

TODAY, ELOG released its preliminary statement on the just concluded by-elections held on the 4<sup>th</sup> March, 2021 for MNA Matungu Constituency, MNA Kabuchai Constituency, MCA Huruma Ward in Uasin Gishu County, MCA Hell's Gate Ward in Nakuru County, MCA London Ward in Nakuru County, MCA Kiamokama Ward in Kisii County and MCA Kitise/Kithuku Ward in Makueni County.

### **METHODOLOGY**

ELOG's election observation strategies and methodologies are built on the principle that elections are a process and not an event, and that elections belong to the people. Both the strategy and methodology that were employed in this observation mission were anchored on the electoral cycle approach. ELOG deployed a core team to coordinate the election observation stationed at its data center and 70 observers on the by election day to observe the E-Day processes and results.

ELOG comprehensively trained its observers and equipped them with standardized data collection tools - checklist as well as incident forms that were intended to support evidence-based reporting seeking to find out compliance with electoral legal and operational framework. Elections day processes observed included the following: Setup and opening of the polling stations, voting process, closing and counting of votes and tallying and announcement of results. Our observers were required to send in information on the processes promptly through coded text messages. Analysis of the collected information was done at the data center and the findings used to prepare this statement.

## SUMMARY OF FINDINGS

### INCIDENCES

ELOG is concerned by increasing lack of political sobriety and hygiene by some of the leaders in the country and wishes to speak to the following:

- **Voter Bribery:** There were incidences of alleged voter bribery, violence and intimidation reported in Kabuchai constituency, Hell's gate ward, and London ward where ELOG had deployed observers with several politicians arrested on these charges. In one of the incidents of alleged bribery, violence erupted leading to destruction of property in London ward where an MP's vehicle was vandalized.
- **Electoral violence and intimidation:** The political tension was also high with cases of physical brawls reported at Kabuchai Busakala polling station between opposing camps. Similar cases were also reported in Matungu where a former cabinet secretary was seen physically assaulting a polling official and polling official being frog marched by goons. In Milimani Primary School polling station police lobbed teargas canisters at the polling station to contain the situation after violence erupted.
- **Electoral malpractice:** Cartons suspected to be containing pre-marked ballot papers were alleged to have been stored in the neighborhood of Milimani Primary School polling station. While this was not directly verified by ELOG, media footage showed evidence of the altercations that ensued after. In the case where a polling official was being frog marched, another footage showed a ballot box containing votes was carried in public without evidence of its security. Such allegations and reports, if true, indicate critical incidences of electoral fraud.

## **OPENING AND SET-UP**

- ELOG observers were properly permitted to observe in all the polling stations with minimal incidences. All the polling stations observed opened on time with very minimal delays
- In all polling stations observed, the ballot boxes were shown to be empty before being sealed.
- COVID-19 protocols were observed
- ELOG observers reported that in all polling stations they were present in, presence of security officers was witnessed.
- All the polling stations observed, had a functioning Kenya Integrated Elections Management System (KIEMS).
- All polling stations observed had the requisite strategic materials (ballot boxes, ballot papers, IEBC stamp, indelible ink, copy of voter register and the Results Form.
- At least 2 party agents were present in majority of the polling station visited.

## **VOTING PROCEDURES**

In polling stations visited by ELOG observers, election procedures and electoral laws were widely adhered to, with some incidents reported within the polling stations as already spoken to.

Protocols for conducting elections under COVID 19 environment were generally adhered to. However, the Commission should ensure that these protocols are not breached as was observed in some parts of the polling stations especially the social gathering witnessed in and around the polling stations.

## **CLOSING AND COUNTING**

In polling stations where counting was observed, the process was conducted according to procedures and in the presence of party agents. In some areas tension was high with few incidences of intimidations of the IEBC officials reported in. On the closing and counting process, our findings indicated as follows:

- At least 2 party agents were present during closing and counting in all the stations where ELOG was present.
- The COVID-19 Protocols were observed both at the polling stations and the tallying center with insignificant reported incidences of breaking the protocol observed.
- In stations where ELOG was present party agents signed the declaration of Result Form 35A (MNA) or 36A (CAW).
- In all the polling stations ELOG observers were present a copy of the Form 35A or 36A was publicly affixed outside.

## **GENERAL RECOMMENDATIONS:**

Some of the issues that need to be addressed quickly to improve the integrity of our elections include:

- Electoral security is critical for the conduct of credible, free and fair elections. Evidence of violence, insecurity and intimidation as seen during these by elections is an indication of lack of preparedness by the security apparatus and inadequate deployment of the same.
- Cases of harassment of Election officials as was witnessed during the by-elections are unacceptable and cannot be tolerated in any civilized conduct of electoral processes. In this regard, ELOG calls for speedy investigations on these incidences and firm legal action taken on the perpetrators.
- There is a need for strict adherence to electoral code of conduct as well as strict enforcement of election offences regime to address the

rising cases of electoral related violence, bribery claims and other malpractices that continue to assault electoral integrity.


- While elections are both national and local, it is important for local elections to be driven and overseen by local actors. The presence of the so called “super agents” and other national leaders in local elections serves to create tension and intimidation of voters.

## **CONCLUSION**

In 16 months, the country is headed to a general election. If what is being seen during these by-elections is something to go by, then the country is headed in the wrong direction in so far as electoral integrity is concerned.

The sanctity of the vote must be protected at all cost with each single vote, the right of the voters and electoral institutions respected.

Signed

  
Mulle Musau

ELOG National Coordinator

