

THE ELECTIONS HOMESTRETCH

ELOG's CRITICAL CONCERNS AND RECOMMENDATIONS TO THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

1. INTRODUCTION

The Elections Observation Group (ELOG) is a long-term election observation network with a mandate to strengthen electoral democracy in Kenya and the African Region by promoting inclusive, transparent, and accountable electoral processes. ELOG has observed the 2010 referendum, the 2013 and 2017 general elections as well as consistent monitoring of the intervening electoral processes since its formation in 2010.

In the current electoral cycle, ELOG has been monitoring and observing electoral processes through the deployment of monitors and observers in key electoral phases, such as the voter registration and by-elections. ELOG has also created continuous stakeholder platforms to assess the status and preparations of the 2022 Elections.

2. PRELIMINARIES

ELOG has over the years, enjoyed a cordial working relationship with the IEBC, despite the transitions in the leadership of the Commission. This has been manifested in a number of joint engagements such as the development of observer guidelines and participation in mutual activities towards improving the conduct of electoral processes. The cordiality has been further expressed through the accreditation of ELOG's observation missions as well as the provision of critical documents and data required for targeted interventions.

Acknowledging that the management of elections is a complex and evolving process, ELOG wishes to thank the Commission for the work done so far in the preparation of the coming elections. This has included the development of strategic documents such as the

Strategic Plan (2020-2024), Election Operational Plan and the Boundary Review Operational Plan.

ELOG further lauds the Commission for rolling out some key electoral processes, which include signature verification for the anticipated BBI referendum process, voter education, enhanced continuous voter registration to complement the continuous exercise and the evaluation of the 2017 electoral process, which led to the development of key reform proposals.

3. ELOG's Key Intervention Areas for the 2022 General Elections

ELOG has mounted a long term thematic observation of media monitoring (for hate speech, misinformation and disinformation); voter registration (including an assessment of the Voter Register); political party processes (observation of the primaries, electoral dispute resolution processes and political party campaigns), monitoring electoral security and incidences of violence, and long term tracking of general electoral activities.

During the E-Day, ELOG will deploy 1,500 Parallel Vote Tabulation (PVT) observers in sampled polling stations, 6,000 general observers (GO) spread across the 1,450 county assembly wards, 580 observers deployed in all the 290 constituencies and 10 special observers for the national tallying center. In the post-election period, ELOG plans to monitor the election petition as well as the boundary review processes.

4. Critical Issues to Consider ahead of the 2022 Elections

Having consolidated some of the core issues that have continued to hamper the realization of credible, peaceful, free and fair elections in Kenya, ELOG makes the following key observations and recommendations for your consideration.

- i) **Public Confidence-** In order to boost public confidence, it is important that the Commission moves to strengthen its public communication and stakeholder

engagements and further decentralize the channels of communication to boost local responsiveness and enhance transparency.

- ii) **Vacancies in the Commission-** Aware that the Commission has already started the process of filling in high-level vacancies and noting the critical nature of the positions in the management process, ELOG appeals to the Commission to fast-track the recruitment so that the appointees are well inducted and acquainted with their work and roles in time for the elections. The late appointment of commissioners during the 2017 elections greatly hampered preparations. This should not be repeated.
- iii) **Voter Registration-**ELOG recommends that the Commission publicize the continuous registration exercise specifically targeting youth, persons with disabilities, women and minorities to register as voters at the Commission's constituency offices. ELOG notes that despite the limited success of the ECVR processes (in terms of targets), the EMB still retains the mandate to enfranchise as many voters as possible before the elections.
- iv) **Voter Education-**ELOG is concerned that lack of adequate information on the electoral process remains a significant reason for voter apathy and ineffective engagement in electoral processes. Given the last-minute changes in electoral laws and the impending political party primaries, a lot of sensitization will be required to ensure that voters are well informed and equipped to effectively participate in these and other processes.
ELOG further calls upon the Commission to popularize the legal framework changes as well as employ human-rights based and gender-responsive approaches in disseminating voter education messages. In order to create access for Persons with Disabilities (PWDs), modern assistive technology should be employed.

- v) **Audit of the 2017 Electronic Systems-** ELOG proposes that an audit of the 2017 electronic systems, especially the Kenya Integrated Election Management System (KIEMs), be urgently undertaken to determine their utility and functionality. Additionally, ELOG proposes to the Commission to share publicly the status of procurement of all the relevant strategic materials required for the elections for purposes of transparency and enhanced credibility.

- vi) **Stakeholder Engagements-** ELOG recommends that the Commission promotes continuous interactions and robust engagement with the public and key stakeholders on critical issues in order to develop concretized strategies to ensure participatory and inclusive processes.

5. Partnership and Collaboration

For ELOG to effectively carry out its work, partnership and collaboration with the Commission is essential. In this regard, we would like to make the following requests:

- i) In order to support the work on assessing the Voters List, ELOG will require access to the *bona fide* and complete Voters Register. This will be useful in sampling the field deployment units for the people to list the assessment approach.

- ii) ELOG will deploy the scientific Parallel Vote Tabulation (PVT) observation methodology to assess the quality of E-Day processes as well as make a projection of the results. As it has done in the 2010 referendum and 2013 as well as 2017 elections, ELOG has used the PVT methodology as a way of assessing the credibility of the e-day processes.

The PVT reports have affirmed and verified IEBCs election results in all these instances. To facilitate this mission, ELOG will require the final list of all official and gazetted polling stations in order to draw out a statistical sample for the deployment of observers. The observers will require special permissions to send SMS from inside the polling stations in which they will be deployed.

Lastly, the public release of the PVT projections will require an agreement with the Commission on when they could be shared. This will necessitate the signing of an MOU between ELOG and the Commission.

- iii) ELOG will train its field observers as close to the elections as possible. Based on past experience, getting timely accreditation for all of them has not been possible especially because of transitions in their ranks. We appeal to the Commission to allow for some latitude, upon request, to process such late accreditation.
- iv) In order to fast-track the mutual engagements between ELOG and the Commission, we request for a contact person for liaison purposes.

Conclusion

As ELOG, we note that it is the collective responsibility of all relevant electoral actors to display a culture of responsibility in the electoral processes for the realization of credible, peaceful, free and fair elections in Kenya.

In this regard, therefore, ELOG will support an all-inclusive, transparent, accountable and people-centered process in the determination of the current electoral issues and give all the necessary support to the Commission to effectively manage the forthcoming elections.

Signed by

1. Name: Anne W. Ireri, Steering Committee, Chairperson (ELOG)

Sign: *Amber*

