



**Elections
Observation
Group**

CREDIBLE, PEACEFUL, FREE AND FAIR ELECTIONS



THE BAR DECIDES



**LAW SOCIETY OF KENYA
ELECTION 2024
OBSERVATION REPORT**



<https://elog.or.ke>

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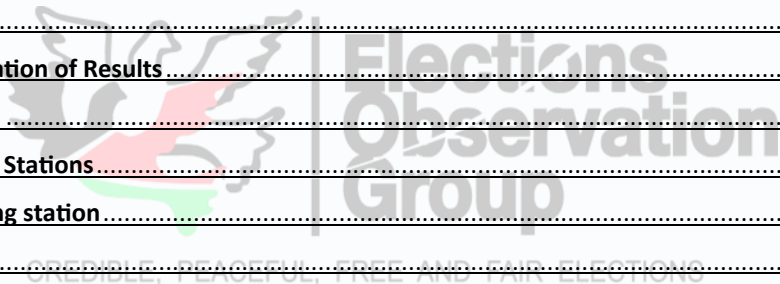
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FOREWORD

It is with great privilege and responsibility that we present the observation report for the Law Society of Kenya (LSK) Elections 2024, conducted under the careful scrutiny of the Election Observation Group (ELOG). The LSK, as a cornerstone of the legal profession in Kenya, holds significant importance not only for its members but also for the broader society in upholding the rule of law and ensuring justice for all.

The observance of electoral processes is fundamental to the democratic fabric of any nation, serving as a litmus test for the transparency, fairness, and integrity of governance. ELOG, comprising a coalition of 16 Civil Society Organizations (CSOs) and Faith-Based Organizations (FBOs), has undertaken the task of meticulously observing the LSK elections, aiming to uphold the principles of democracy and contribute to the enhancement of electoral practices in Kenya.

In this report, we delve into the comprehensive observations made by ELOG observers during the LSK Elections 2024. Our observers were deployed across various polling stations, diligently monitoring every phase of the electoral process, from the opening of polls to the declaration of results. Through meticulous data collection and analysis, we endeavor to provide an impartial evaluation of the proceedings, offering insights into both commendable practices and areas for improvement.

The credibility and inclusivity of electoral processes are paramount in fostering public trust and confidence in democratic institutions. As such, this report not only highlights the adherence to procedural norms but also scrutinizes the conduct and transparency of the electoral process. By doing so, we aim to contribute to the consolidation of democracy and the promotion of electoral integrity in Kenya.

We extend our sincere appreciation to all stakeholders involved in the LSK Elections 2024, including election officials, aspirants, members of the legal fraternity, and the electorate. Your commitment to upholding democratic values and principles is vital in ensuring the success of electoral processes.

It is our hope that the insights and recommendations presented in this report will serve as a catalyst for constructive dialogue and action towards further enhancing the electoral framework in Kenya. Together, let us strive towards a future where elections truly reflect the will of the people and uphold the principles of democracy and justice.

INTRODUCTION

This report encapsulates the findings of the Election Observation Group (ELOG)'s observation mission conducted during the Law Society of Kenya (LSK) Elections 2024, held on February 29th, 2024. ELOG, a coalition of 16 Civil Society Organizations (CSOs) and Faith-Based Organizations (FBOs), deployed observers to observe the LSK elections, ensuring their credibility, inclusivity, and peacefulness. By doing so, ELOG aimed to bolster members' trust and confidence in the electoral process.

ELOG has a strong track record of observing elections and referenda in Kenya, including the 2013, 2017, and 2022 General Elections, as well as various institutional elections such as the Law Society of Kenya (LSK)-2018, the Football Kenya Federation (FKF)-2021, the National Olympic Committee Kenya (NOCK)-2021, and the University of Nairobi Student Association (UNSA)-2023 elections. Since its inception, ELOG has consistently deployed short-term observers to closely monitor different aspects of the electoral process, including polling day activities such as opening, setup, voting, closing of the polls, counting, and result declaration. ELOG's observers collect data and report using a coded reporting tool to provide an impartial evaluation of the proceedings.

This report highlights two key statements issued by ELOG on February 29, 2024, addressing the opening and setup of the polls, providing insights into the initial stages of the electoral process and adherence to procedural norms. Subsequently, on March 1, 2024, ELOG issued a statement regarding the voting, closing, counting, and declaration of results at the polling stations, providing critical observations about the conduct and transparency of the process. Furthermore, this report will also provide detailed analysis and observations on the counting and results declaration of the LSK winners, shedding light on the integrity and fairness of the electoral outcome.

The objectives of the observation mission included:

- Promotion of credible, inclusive, and peaceful LSK 2024 elections.
- To observe and report on the electoral process in accordance with international and national standards.
- To foster members trust and confidence in the elections.
- To identify and report any potential irregularities or malpractices.
- To offer recommendations for enhancing future electoral processes.

As we outlined in the ensuing chapters, which elucidate the findings of the observation missions, this report will serve as a valuable resource for the Law Society of Kenya (LSK), the Independent Electoral and Boundaries Commission (IEBC), election stakeholders, and citizens alike.

CONTEXT

The foundation of the Law Society of Kenya (LSK) Elections are based on the framework established by the Law Society of Kenya Act, 2014, and its accompanying regulations. Within this legal framework, the elective positions, tenure, and electoral processes for electing the LSK Council are delineated.

Section 17 of the Law Society of Kenya Act, 2014, governs the composition of the LSK Council. To comprise of President, Vice-President, three (3) Representatives of the General Membership of the Society, one (1) of whom shall be an advocate of at least 25 years standing, four (4) Upcountry Representatives, who shall be persons who do not ordinarily practice in Nairobi or at the Coast, three (3) Nairobi Representatives, who shall be persons who ordinarily practice in Nairobi and one (1) Coast Representative, who shall be a person who ordinarily practices at the Coast.

The current Council embarked on its term on March 25, 2022, destined to conclude its journey on March 25, 2024, as stipulated by Regulation 28(1) of the Law Society of Kenya (General) Regulations, 2020. All the positions are scheduled to become vacant on March 25, 2024 when the current team¹ will leave office. According to the Law Society of Kenya Act, 2014, and Regulation 28 of the Law Society of Kenya (General) Regulations, 2020, eligible and interested members were called upon to submit Nomination Papers for election to these roles, adhering strictly to the outlined eligibility criteria as per the regulations.

The eligibility criteria for the President and Vice-President positions dictate that candidates must either be current or former Council members or qualified members eligible to serve as Judges of the Supreme Court.

Summary of Nominated Candidates						
President	Vice-President	General Member Representative (25years)	General Member Representative	Upcountry Representatives	Nairobi Representative	Coast Representative
5	3	1	8	9	10	5

In parallel, Council member aspirants must hold membership in the Law Society of Kenya with at least two years of legal practice. Each candidate had to secure nominations for a single position from two eligible Society members, submitting separate nomination papers for distinct positions. Moreover, candidates were required to submit signed nomination papers along with the Law Society of Kenya Candidates' Declaration of Compliance Form, affirming their commitment to adhere to the electoral code of conduct.

According to Regulation 87(7) of the Law Society of Kenya (General) Regulations, 2020, if the election of a

¹The current Law Society of Kenya (LSK) Council Members for the term 2022-2024 are as follows: President, Eric Theuri; Vice President, Faith Odhiambo; Council Member - At least 25 years standing, Tom K'opere; Council Member - Coast Representative, Riziki Emukule; Council Member - General Member, Mwaura Kabata; Council Member - General Member, Chrysoptom Akhaabi; Council Member - Nairobi Representative, Cohen Amana, Njoki Mboce, Ochieng Gor; Council Member - Upcountry Representative, Byron Menezes, Lindah Kiome, Michael Wabwile, Vincent Githaiga; Secretary/Chief Executive Officer (CEO), Florence W. Muturi.

Society representative to the Judicial Service Commission and the Advocates Disciplinary Tribunal should fall within three months after the scheduled Council election date, those elections may be held simultaneously with the Council's election.

The terms of two members, Mr. George Ochiche and Mr. Gathii Irungu, at Advocates Disciplinary Tribunal

MEMBERS OF THE ADVOCATE DISCIPLINARY	LSK MALE REPRESENTATIVE TO THE JUDICIAL
i) Mutuma Kenneth Wyne (P.105/4014/99)	i) Ombati Samson Omwanza (P.105/5538/04)
ii) Mwanyumba Eddah Majala (P.105/8146/10)	ii) Wabwile Michael Nyongesa (P.105/3405/97)
iii) Odiya Jane Nyabiage (P.105/8568/11)	iii) Theuri Eric Njeru (P.105/5946/05)

concluded on March 24, 2023, while Hon. Justice John Chigiti, SC, assumed a position as a Judge of the High Court of Kenya in 2022. Similarly, the Male Representative to the Judicial Service Commission, Mr. Macharia Njeru's tenure will expire on May 12, 2024, and was subject to nominations too. Governed by Article 171(4) and Regulation 87(7) of the Law Society of Kenya (General) Regulations, 2020, male members with a minimum of fifteen years of advocate experience were called upon to submit their documents by January 12, 2024.

In accordance with the rulings of the High Court (Hon. Justice J. Chigiti, SC) in *Irungu Gathii v LSK* and another [HCJR/E028/2024] and *Ishmael Nyaribo v. LSK* and another [HCJRMISC/E012/2024], the Law

MEMBERS OF THE ADVOCATE DISCIPLINARY	LSK MALE REPRESENTATIVE TO THE JUDICIAL
i) Irungu Gathii (P.105/2185/91)	i) Nyaribo Ishmael Nyangara (P.105/5017/03)
ii) Mutuma Kenneth Wyne (P.105/4014/99)	ii) Ombati Samson Omwanza (P.105/5538/04)
iii) Mwanyumba Eddah Majala (P.105/8146/10)	iii) Wabwile Michael Nyongesa (P.105/3405/97)
iv) Odiya Jane Nyabiage (P.105/8568/11)	iv) Theuri Eric Njeru (P.105/5946/05)

Society of Kenya Elections Board 2024–2026, the declaration made by the Board on 16th January 2024 pursuant to regulation 34 of the Law Society of Kenya (General) Regulations, 2020, naming Mutuma Kenneth Wyne (P.105/4014/99), Mwanyumba Eddah Majala (P.105/8146/10), and Odiya Jane Nyabiage (P.105/8568/11) as duly elected members of the Disciplinary Tribunal was vacated. Additionally, the naming of Ombati Samson Omwanza (P.105/5538/04), Wabwile Michael Nyongesa (P.105/3405/97), and

²The distribution of candidate who submitted the nomination documents for the Law Society of Kenya (LSK) elections includes: President (5), Vice President (3), General Membership Representatives (8), Upcountry Representatives (9), Nairobi Representatives (10), Coast Representative (5), LSK Male Representative to the Judicial Service Commission (JSC) (4), Member of Disciplinary Tribunal (7), General Membership of at least 25 years (1).

Theuri Eric Njeru (P.105/5946/05) as members of LSK Male Representative to the Judicial Service Commission was also vacated.

This allowed for the announcement of the following list as the duly nominated members for the election:

The conclusion of the nomination phase on January 18, 2024, marked a pivotal moment in the electoral process. It signaled the release of the list of nominated candidates² and polling stations, setting the groundwork for the forthcoming campaign period and eventual elections.



ELOG DEPLOYMENT METHODOLOGY

Mission Core Team

In the preparation phase, ELOG laid the groundwork for its observation exercise. The primary task during this phase was to prepare for the observation mission and to observe compliance to electoral laws, regulations, and LSK guidelines, to form the context of the pre-election environment. The establishment of a core team that was to be involved in the execution of the observation mission was also done in this period. This teams comprised of; the Head of ELOG secretariat, The program Coordinator, The Electoral Processes Officer, The Central Depository Unit Coordinator, Support Unit of 6 (two administrative four field operations staff) team of 10 all stationed at the National Secretariat. The Core team was responsible for mapping of the voting stations, recruitment and training of observers, developing training material, observation tools and database development.

Engagement with various stakeholders, including the Electoral Management Body (EMB) tasked with conducting the LSK elections board, as well as candidates and their teams, is an integral part in the pre-election environment. Interim reports were prepared during this phase, highlighting any potential concerns and recommendations. These reports serve as early indicators of any issues that may arise and guide subsequent observation efforts.

Short Term Observers (STO) Preparation

A team of 20 Observers was recruited from the sampled polling station. The training was purposely covering E-day procedures including electoral laws, regulations, and LSK guidelines that observers were required to understand, the training further covered the roles and responsibility for the observers and reporting modalities. Finally, the observers were provided with official identification documents and a Code of Conduct to uphold ethical and professional standards.

E-day Observation

The E-day Observation phase focused on the actual polling day activities. Short-term observers were deployed to polling stations across all 20 sampled polling stations across the country. Their primary objective was to observe the voting process, including voter identification, ballot casting, and counting procedures. Real-time reporting is a key component of this phase. Observers submitted reports throughout E-day, at designated time period documenting their observations and any irregularities encountered. This immediate feedback enables swift response and intervention where necessary.

Observer Categories

Observation efforts are divided into distinct categories to ensure comprehensive coverage and effective observation.

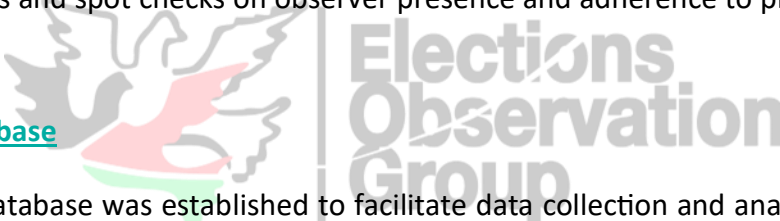
- **Central Depository Unit Staff (CDUs):** These staff members are trained on pre- and post-election processes and stationed at the Central Depository Unit on Election Day to offer support to field staff.
- **Short-Term Observers (STOs):** Deployed to polling stations, STOs observe and report on activities throughout Election Day.
- **CDU Staff (Tallying Center):** CDU staff monitor both manual and online results transmission from the tallying center.
- **Mobile Expert Teams (METs):** METs, comprising CDU staff from the ELOG secretariat, conduct quality control checks and spot checks on observer presence and adherence to protocols at random polling centers.

Interactive Reporting Database

An Interactive Reporting Database was established to facilitate data collection and analysis. This platform enabled secure submission of reports throughout the pre-election, Election Day, and post-election periods. Standardized templates ensure consistency and facilitate analysis of collected data. Real-time visualization dashboards track key trends and potential issues, with an accessible archive of all observer reports maintained for members scrutiny.

Communication and Reporting

Transparent and accessible communication is fundamental to our observation mission. Our communication strategy includes issuing press releases and public statements, engaging with media and the public through various channels, utilizing social media platforms for updates and discussions, maintaining a dedicated website as a central hub for mission information, and submitting comprehensive final reports to stakeholders, accompanied by multimedia content for impactful data visualization.



ELOG'S OBSERVATION METHODOLOGY

Introduction

The Election Observation Group (ELOG) employs a structured methodology to oversee every phase of the electoral process, from the initial setup to the declaration of results. This methodology is designed to ensure thorough and impartial observation while adhering to established guidelines and standards for election observation.

Observation of the Opening and Setup: involves a methodical approach to prepare for the beginning of the voting process. Polling stations are designated and arranged strategically to accommodate voters effectively. Election officials verify all election materials, including ballots, registers, and equipment, to ensure completeness and integrity. They also conduct thorough checks on voting equipment to address any malfunctions promptly. Polling staff receive training to understand their roles in managing the stations and maintaining order. Measures are put in place to ensure accessibility for all voters, including those with disabilities, and security arrangements are established to prevent disruptions. Final inspections are conducted to ensure that all preparations are in place before the official opening of polling stations, laying the groundwork for a transparent and credible electoral process.

Observation of the Voting Process: involves detailing the step-by-step procedures observed during the voting process. Voters in the LSK election were identified from a manual register provided for each polling station, with only National Identity Cards or Passports accepted for identification. Each voter was issued with 8 ballot papers, with 4 of them allowing multiple selections of candidates (multiple voting). Voting was conducted in secrecy, with booths provided to allow voters to mark their ballots privately. After casting their ballots, voters were marked with indelible ink to prevent multiple voting. Additionally, to streamline the process, uniquely color-coded ballot boxes were provided for each of the 8 contested positions, ensuring clarity and accuracy in the ballot casting process.

Closing of Polling Stations: involves a series of step-by-step procedures to conclude the voting period. Firstly, election officials ensure that all eligible voters who were in the queue by the official closing time are allowed to cast their ballots. This is essential to guarantee that every voter has had the opportunity to participate in the electoral process. Once all eligible voters have cast their ballots, the presiding officers proceed to handle and seal the ballot boxes. This includes ensuring that all ballots are securely placed inside the boxes and that the boxes are properly sealed to prevent tampering. Additionally, the presiding officers record the seals on official documentation as per electoral regulations, documenting each step

meticulously. These procedures are vital to maintain the integrity of the ballots and prevent any unauthorized access or tampering. By following these step-by-step procedures, the closing of polling stations is conducted in a transparent and orderly manner, ensuring the integrity and credibility of the electoral process.

Counting of Votes and Declaration of Results: involves a meticulous step-by-step process to ensure accuracy and transparency. Initially, polling stations are converted into counting stations, where the counting process takes place. Election officials first verify the seals on the ballot boxes to ensure they remain intact, maintaining the integrity of the ballots inside. The ballots are then sorted according to the positions or candidates being voted for, facilitating the counting process.

Once sorted, the ballots are counted systematically, with each vote tallied accurately. The counting is typically conducted by a team of officials to ensure accuracy and impartiality. As each ballot is counted, it is recorded on official documentation to maintain a clear record of the results.

After all the ballots have been counted and recorded, the final tally is calculated for each position or candidate. The results are then declared publicly by the presiding officers, often in the presence of candidates' agents, and observers. Any discrepancies or challenges encountered during the counting process are addressed and resolved according to established procedures.

CREDIBLE, PEACEFUL, FREE AND FAIR ELECTIONS

ELOG'S OBSERVATION FINDINGS

Set-up and Opening of Polling Stations

Setup of Polling Stations:

Polling stations were arranged strategically to accommodate voters effectively, following electoral regulations. Election officials carefully checked all necessary materials, including ballots, ballot boxes, and voter registers, to ensure they met the required standards. Each station was organized with polling booths for privacy, clearly marked desks for officials, and designated areas for candidate agents and observers.



Color Code Ballot Boxes

Polling staff received thorough briefings to understand their roles in managing the stations and maintaining order on election day. However, a notable concern during setup was the accessibility of some stations for Persons with Disabilities (PWDs). Despite efforts to improve inclusivity, some stations still faced challenges in this regard, potentially limiting PWDs' participation in the voting process.

Observers' access to the polling station:

ELOG observers played a vital role in ensuring transparency during the electoral process by having access to all polling stations. This oversight mechanism allowed for the identification and reporting of any irregularities or violations.

However, an incident at the Machakos Law Courts polling station on opening day initially cast a shadow on this transparency. An ELOG observer was denied entry due to a discrepancy with the accreditation list. While the observer had been rightfully granted an accreditation badge by the IEBC, the list provided to presiding officials at the station had not been updated to reflect this. This meant that the observer's name did not appear on the list, despite possessing the official badge that authorizes access to the polling station.

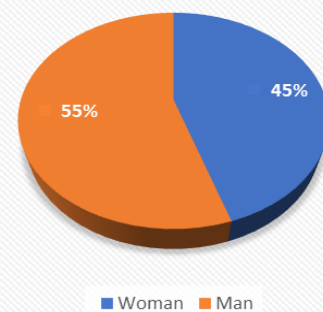
Election Officials:

On average, each polling station was staffed with six election officials tasked with duties ranging from voter verification to ballot distribution and providing assistance to voters as necessary. Their combined

efforts played a pivotal role in ensuring a seamless and effective voting process, thereby upholding the integrity and credibility of the electoral exercise.

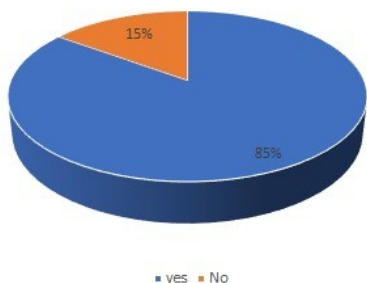
Observations across the polling stations revealed that 45% of presiding officers were women.

Gender of Presiding Officer



Security Officials:

Security Personnel



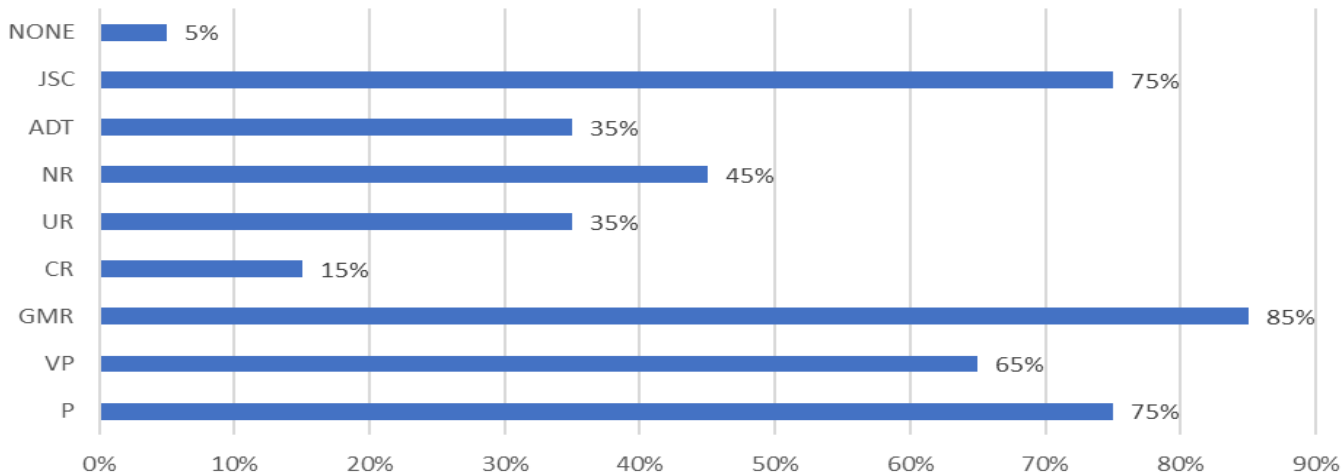
Security personnel played a crucial role in safeguarding the electoral process, with their presence noted in 85% of the observed polling stations. Their deployment helped maintain order and deter any potential disruptions, ensuring a conducive environment for voters to exercise their democratic rights without fear or intimidation.

Polling Station Opening:

While the official opening time for polling stations was 8:00 am, observations revealed that 50% of sampled stations were operational by the stipulated time. However, by 09:00 am, all the twenty polling stations had commenced voting operations, indicating a slight delay in some instances but overall adherence to the electoral schedule.

Candidate Agents:

Candidate Agents in Polling Stations



During the opening of polling stations, candidate agents representing various positions were conspicuously present, albeit with differing levels of representation across different roles. Positions such as the Presi-

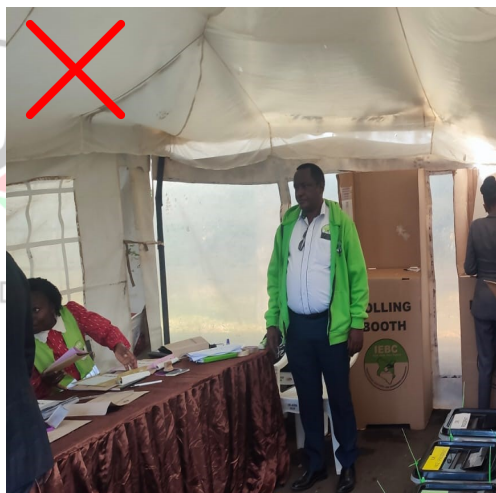
dent (P), Vice President (VP), General Member Representative (GMR), and the Judicial Service Commission (JSC) demonstrated relatively high agent presence, ranging from 65% to 85%. The Upcountry Representative (UR), Nairobi Representative (NR), and Advocate Dispute Tribunal (ADT) positions were moderately represented. However, the Coast Representative (CR) position exhibited the lowest presence of candidate agents at 15%, indicating potential disparities in campaign strategies or priorities among contesting parties.

Securing the Ballot Boxes

Ballot boxes were systematically checked and confirmed to be empty in 100% of polling stations, demonstrating a fundamental procedural adherence to ensure the integrity of the voting process. Following the verification, the ballot boxes were securely sealed, before the commencement of the voting process.



Queuing Too Close



Booth close to Polling officials



Polling Booths properly placed

Ballot Secrecy:

The principle of ballot secrecy was diligently upheld in every polling station where ELOG observers were present, this was evident with provision of voting booths in 100% of the stations to allow voter to mark their ballots in secrecy. However, during the voting there were instances where voters were seen uncomfortably close to each others, compromising the confidentiality of their ballot. In some polling stations, space constraints resulted in voting booths being placed too closely together, raising concerns about potential breaches of privacy. Additionally, in certain instances, voting booths were situated uncomfortably close to candidate agents or election officials, potentially undermining the secrecy of the ballot.

Ballot Boxes:

In every observed polling station, the presence of eight color-coded ballot boxes for all contested positions was a consistent feature, ensuring clarity and efficiency in the voting process. However, concerns arose regarding certain color differentiations perceived as too subtle, especially for male voters, leading to confusion during ballot casting.

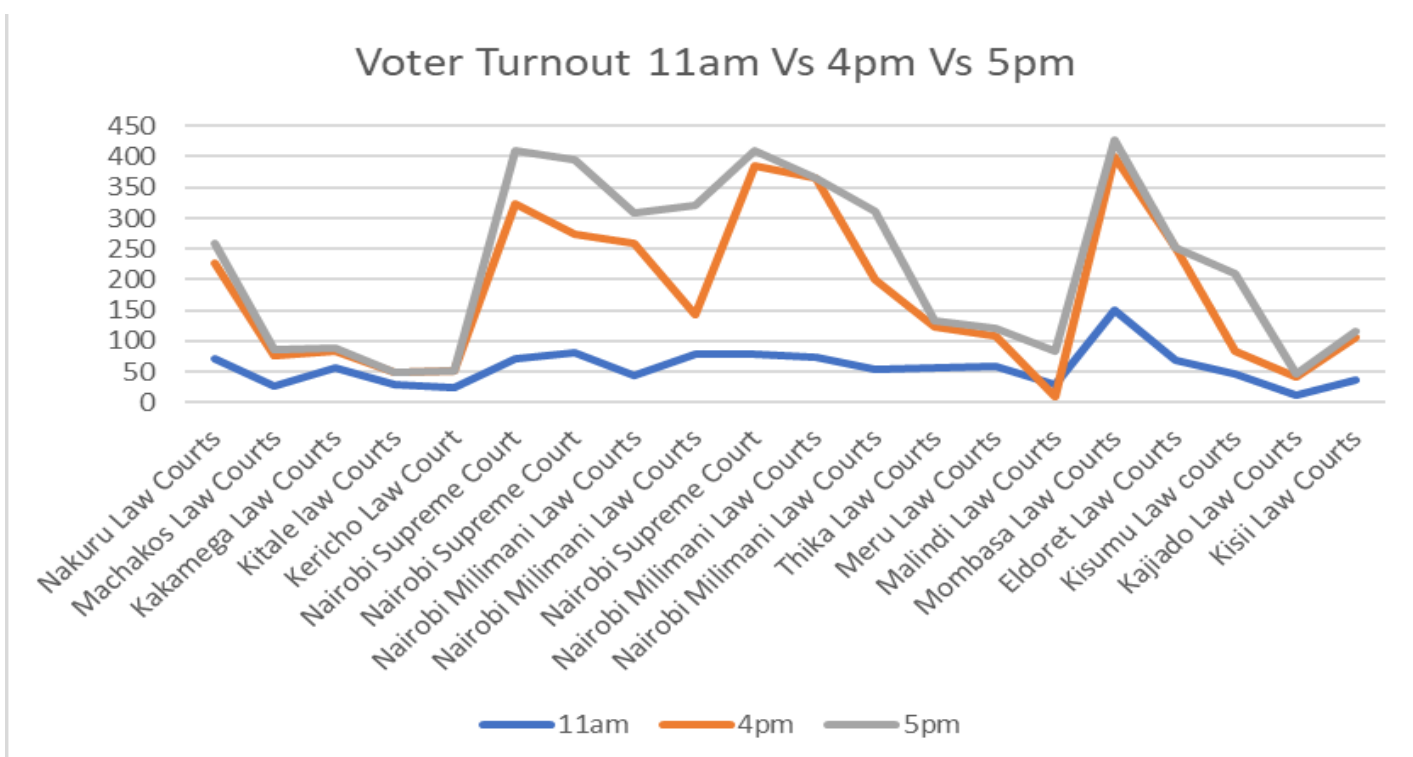


CREDIBLE, PEACEFUL, FREE AND FAIR ELECTIONS

Voter Turnout

By 11:30 am, the voter turnout was at 12.53% with 1,108 out of 8,834 voters having cast their ballots. This widespread low turnout in some polling stations was attributed to ongoing court sessions, which likely hindered voter availability during the early hours of the polling period. Notably, Kakamega Law Courts recorded the highest turnout at 45.2%, followed by Malindi Law Courts at 33.7%, Meru Law Courts at 30.2%, and Kericho and Kitale Law Courts at 29%. However, Milimani Law Courts (Polling Station 1) reported the lowest turnout at 5%.

Despite the sluggish start, there was a notable improvement in voter participation as the day progressed. By 4:00 pm, the number of ballots cast had risen significantly, reaching 40.3% with 3562 out of 8,834 voters having casted their ballots. Kisii Law Courts had the highest turnout of 66.46%, a significant increase from 22.78% at 11:30 am. Kakamega Law Courts, which had the highest turnout of 45.2% at 11:00 am, saw a rise to 65.87%, closely followed by Eldoret Law Courts at 63.96%, up from 17.96% at 11:30 am. Kericho Law Courts saw growth from 29% at 11:30 am to 60% by 4:00 pm. Conversely, Milimani Law Courts (Polling Station 1), which initially recorded the lowest turnout at 5% as of 11:30 am, experienced a slight increase to 31.78% by 4:00 pm. However, the most significant concern was observed at Kisumu Law Courts, which reported 15.21% turnout at 11:30 am and only managed to reach 26.86% by 4:00 pm.



By 5:00 pm, queues of voters were observed in 75% of the polling stations, with all voters eventually allowed to cast their ballots, reflecting a significant turnout effort despite initial challenges.

Voting Processes and Procedures

Before the voting process began, the ballot boxes were checked to ensure they were empty and then sealed. Voters had to show either a valid Passport or National Identification Card before they could vote. Once their identity was confirmed, their names were marked off the official voter register to prevent double voting. Each ballot paper was stamped with the official IEBC stamp before being handed to voters

to mark their choices for all eight positions. After voting, voters had their fingers marked with indelible ink to prevent them from voting again.

In 25% of the observed polling stations, instances arose where voters were turned away due to inadequate identification documents, such as IDs or valid passports, or for attempting to vote at stations where they were not registered. Furthermore, assisted voting was observed in 20% of the polling stations, indicating the presence of individuals requiring assistance due to various reasons. Notably, in 50% of these stations, assisted voters were permitted to have a person of their choice aid them in the voting process. This accommodation aimed to facilitate the participation of individuals who may require support due to physical disabilities, language barriers, or other factors, emphasizing the commitment to inclusivity and accessibility within the electoral framework.

PWDs Voters Being assisted to Vote



Voter Being Marked with indelible Ink after Voting

Closing and Counting Processes

Before the commencement of the counting process, the integrity of the ballot box seals was ensured, and the serial numbers were verified by the candidates' agents present. Subsequently, the ballots underwent sorting and counting, although minor issues were noted in 25% of the polling stations. These challenges included a time-consuming counting process, particularly with multiple ticked ballot papers, tabulation errors by presiding officers and necessitating repeated counting and stray ballot papers were discovered in incorrect ballot boxes.



Closing of the Polling: *The process began with the Presiding Official briefing the agents and observers, followed by agents verifying the seals. Subsequently, the aperture was sealed, marking the official end of the voting process. The next step involved opening the ballots to commence counting, followed by pouring the ballot papers to sort out votes. Finally, the ballots were sorted before the counting began.*

Result Declaration Procedures

During the counting and result declaration phase, all candidates' agents present signed the result declaration forms for all contested positions, ensuring transparency and accountability in the electoral process. However, ELOG noted with concerns discrepancies and omissions in the result declaration forms from various polling stations. At Machakos Law Courts, the Presiding Officer failed to capture the total number of valid votes in the official result declaration form, despite it being stamped and signed by five candidates' agents and the Presiding Officer. Similarly, at Eldoret Law Courts, branch North Rift, code 005, there was a discrepancy between the total number of valid votes cast (250) and the total number of votes cast in favor of each candidate (465). The same was reported at Milimani Law Courts, branch 006, the recorded results for the General Representative position were 558, but it was challenging to determine the voter turnout out of the 815 registered voters due to the absence of this information on the result form. This among other issues raises the questions about the uniformity of the tally declaration.

The result forms from Kakamega Law Courts lacked crucial information such as the code, branch, and the

number of valid votes cast. Additionally, there was no summation of the total votes cast in favor of each candidate. These discrepancies and omissions raise concerns about the accuracy and transparency of the electoral process and underscore the importance of thorough scrutiny and adherence to electoral procedures to ensure fair and credible elections.

Form LSK - 11 (r.41 (2))

DECLARATION OF RESULTS FOR ELECTION OF COUNCIL MEMBER (GENERAL REPRESENTATIVE) AT A POLLING STATION

SERIAL NUMBER OF FORM: [REDACTED]

NAME OF POLLING CENTRE: KARAHUNGA LAW COURT CODE [REDACTED] BRANCH: [REDACTED]

1. Total Number of Registered Voters in the Polling Station:	126
2. Total Number of Rejected Ballot Papers:	000
3. Total Number of Rejection Objected To Ballot Papers:	000
4. Total Number of Disputed Votes:	000
5. Total Number of Valid Votes Cast:	[REDACTED]

NUMBER OF VOTES CAST IN FAVOUR OF EACH CANDIDATE:

Name of Candidate	No. of Valid Votes Obtained
Aguko Gad	XXXXXXXXXX 0 0 2
Akhaabi Chrysostom Xavier	XXXXXXXXXX 0 1 7
Arati Edinnah Bosibori	XXXXXXXXXX 0 1 5
Nicholas Teresia Wavinya	XXXXXXXXXX 0 3 5
Njenga Adrian David Kamotho	XXXXXXXXXX 0 0 1
Ondieki Samwel Oyugi	XXXXXXXXXX 0 0 0
Onsomu Hosea Manwa	XXXXXXXXXX 0 1 6
Wanyonyi Caroline Khasoa	XXXXXXXXXX 0 6 9
Total number of valid votes cast	XXXXXXXXXX [REDACTED]

DECLARATION: We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots at [REDACTED] polling centre.

Name of presiding officer: SALIM ADENIYAH [Signature] Date: 29/02/2024

Candidates or their agents:

- Wilson Kambwayo [Signature]
- Winnie Maoto [Signature]
- Otunga Mamai David [Signature]
- Sharon Luseno [Signature]
- Maxwel Muganda [Signature]
- [REDACTED]

Form LSK - 11 (r.41 (2))

DECLARATION OF RESULTS FOR ELECTION OF COUNCIL MEMBER (GENERAL REPRESENTATIVE) AT A POLLING STATION

SERIAL NUMBER OF FORM: LSK FORM 11

NAME OF POLLING CENTRE: MILIMANI LAW COURT CODE 23 BRANCH: 006

1. Total Number of Registered Voters in the Polling Station:	877
2. Total Number of Rejected Ballot Papers:	7
3. Total Number of Rejection Objected To Ballot Papers:	0
4. Total Number of Disputed Votes:	0
5. Total Number of Valid Votes Cast:	558

NUMBER OF VOTES CAST IN FAVOUR OF EACH CANDIDATE:

Name of Candidate	No. of Valid Votes Obtained
Aguko Gad	XXXXXXXXXX 2 8
Akhaabi Chrysostom Xavier	XXXXXXXXXX 1 0 9
Arati Edinnah Bosibori	XXXXXXXXXX 6 4
Nicholas Teresia Wavinya	XXXXXXXXXX 1 3 1
Njenga Adrian David Kamotho	XXXXXXXXXX 4 1
Ondieki Samwel Oyugi	XXXXXXXXXX 5
Onsomu Hosea Manwa	XXXXXXXXXX 1 0 8
Wanyonyi Caroline Khasoa	XXXXXXXXXX 7 2
Total number of valid votes cast	XXXXXXXXXX 5 5 8

DECLARATION: We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots at MILIMANI LAW COURT STREAM 6 polling centre.

Name of presiding officer: ABDI ROBA [Signature] Date: 29-02-2024

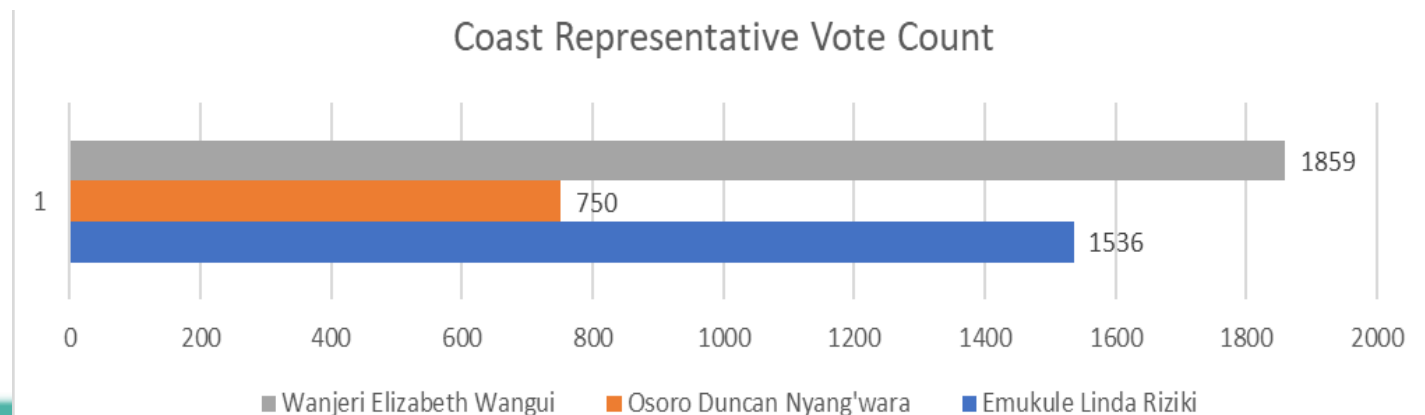
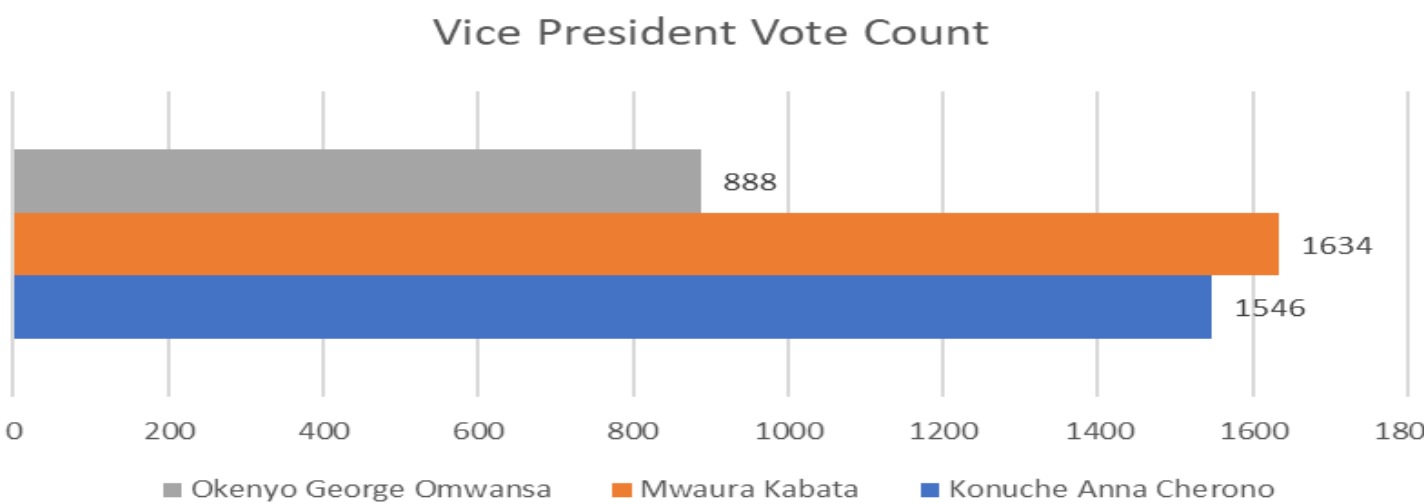
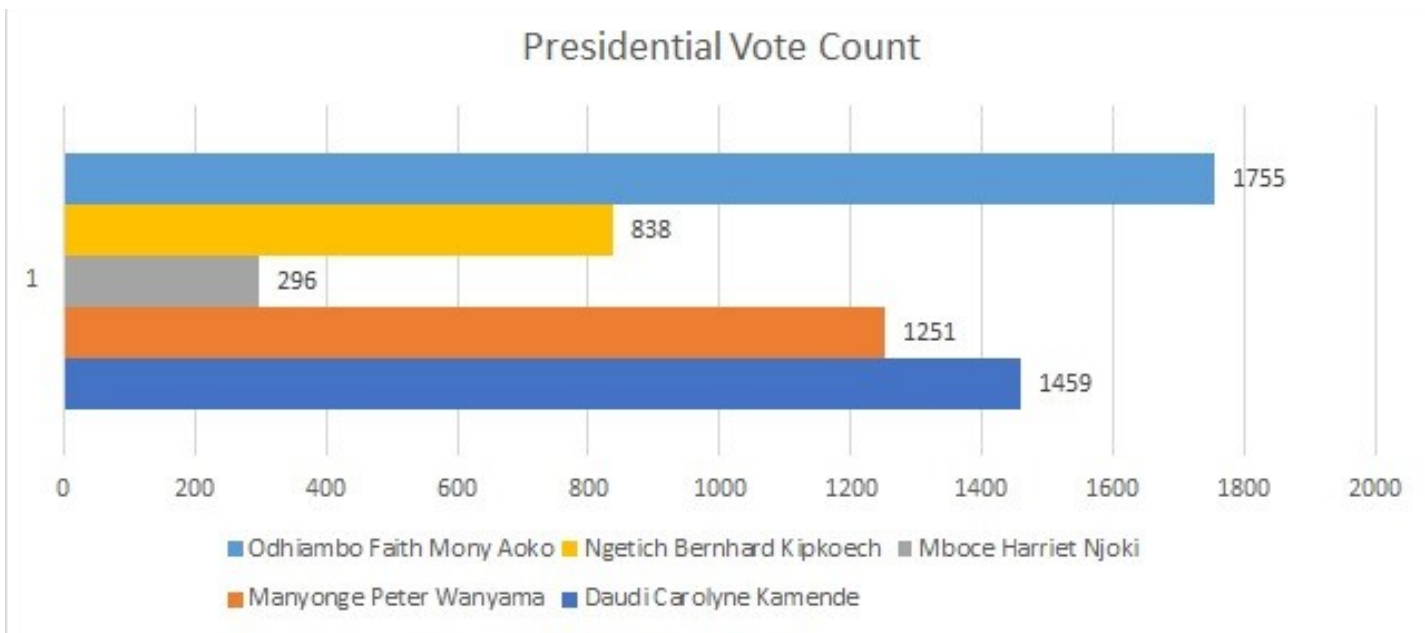
Candidates or their agents:

- Benison Kyalo-Hosea Manwa - [Signature]
- ARUMBA MORIASI - Wanyonyi Khasoa - [Signature]
- Josephine Auma - Fadh Ali - [Signature]
- Samuel Macharia - Teresia Wavinya - [Signature]
- Fela Leuwel - Chrysostom Akhaabi - [Signature]

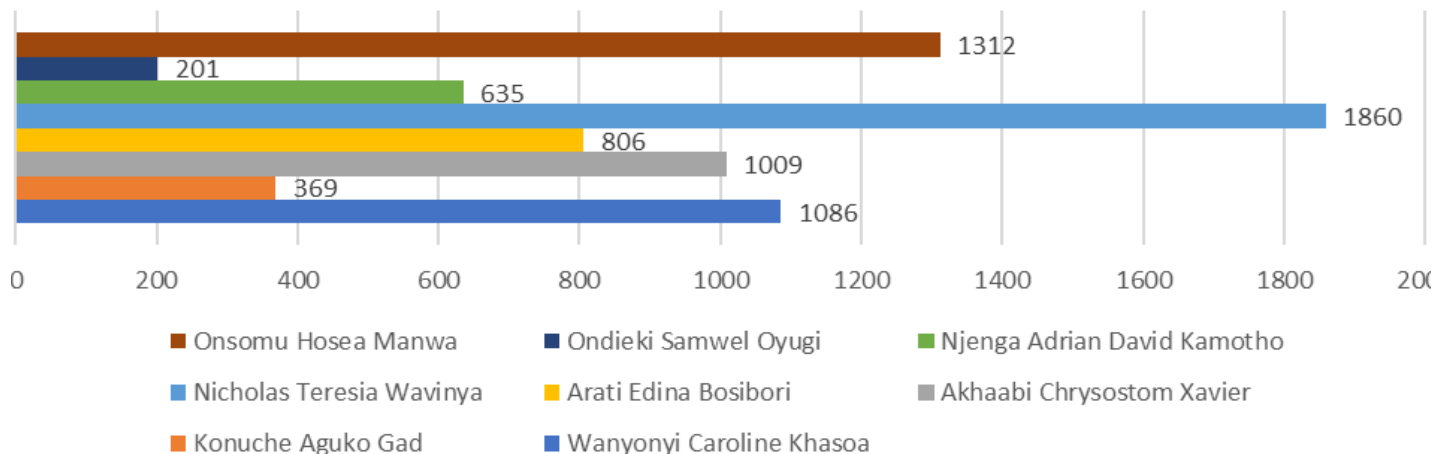
Some of the incident observed during results tabulation and declaration: Forms were missing critical information necessary for results declaration, Others were having data well captured but lacking clarity and uniformity in data capturing.

Official Results Tally:

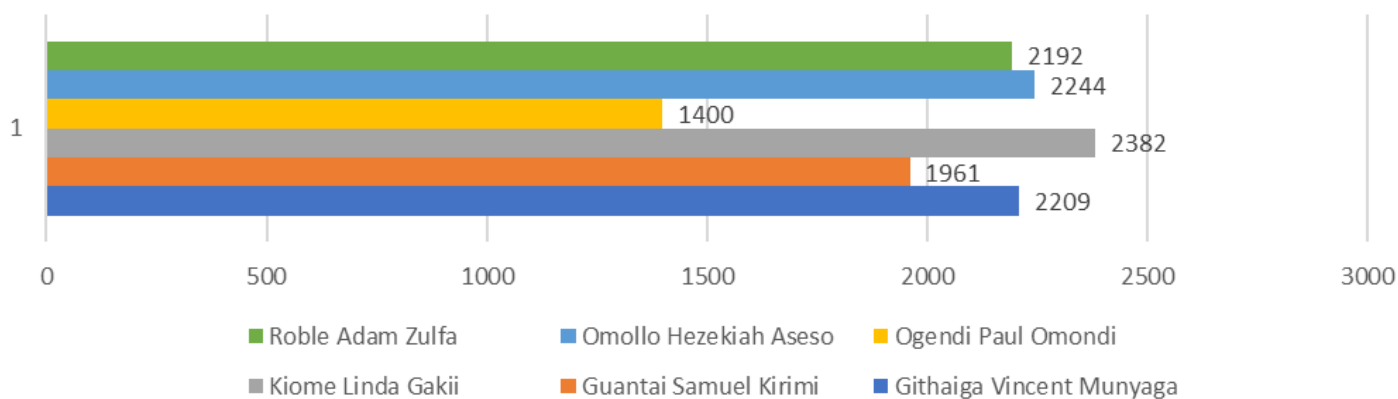
In the 20 polling station ELOG deployed observers results were as follows for the 8 positions:



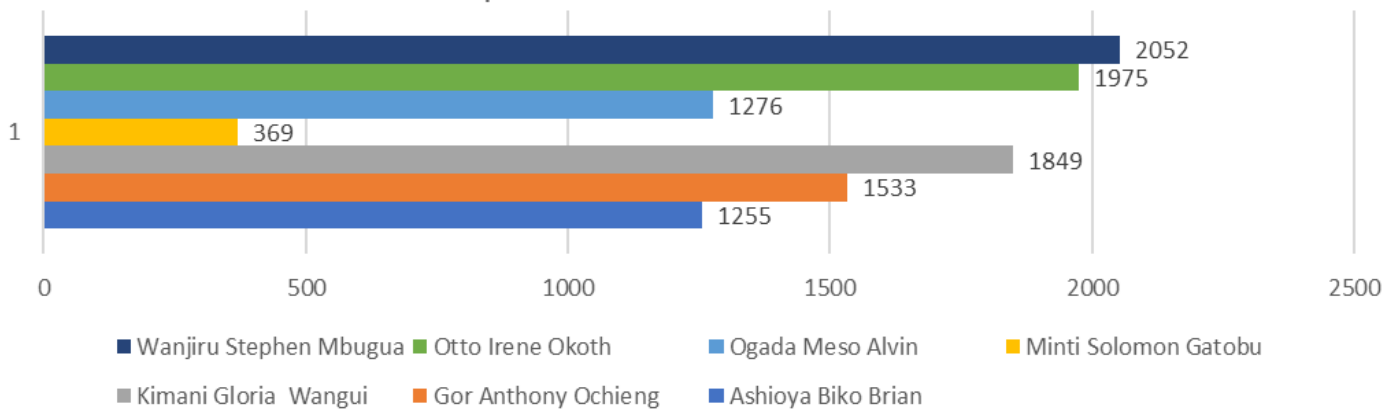
General Member Representative Vote Count



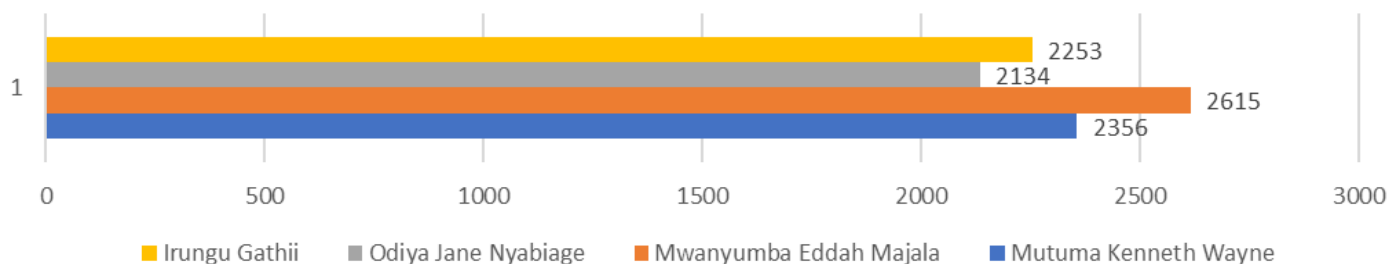
Upcountry Representative Vote Count



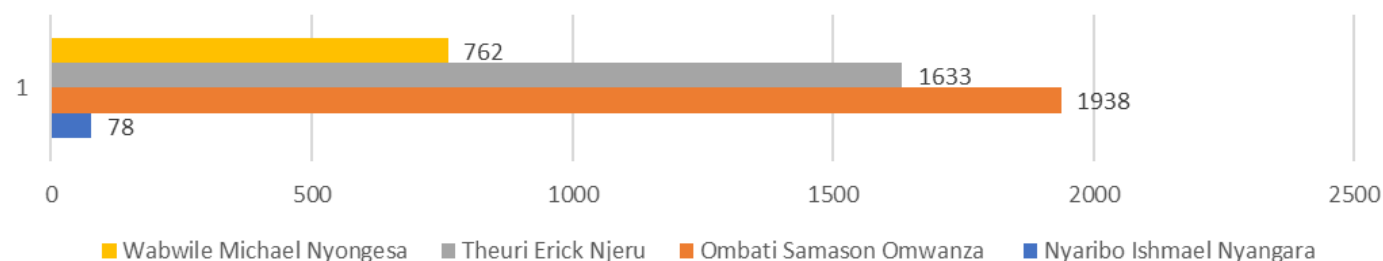
Nairobi Representative Vote Count



ADT Member Vote Count



JSC Member Vote Count

**CRITICAL INCIDENTS**

ELOG identified some critical incidents during the set-up and opening of polling stations process which include:

- a. **Observer Initially Not Permitted to Observe:** During the opening of polls, one (1) ELOG observer was initially denied access into one polling station by one a Presiding Officer as the observer's name on the accreditation badge was missing in the list of accredited observers shared with the Presiding Officers. However, after consultation with the IEBC officials both at headquarters and polling stations, the issue was speedily resolved and the observer gained access into the polling station.
- b. **Lack of proper identification documents:** There was incidents of persons who turned away for lack of proper identification documents.
- c. **Turing up to vote in the wrong polling station:** A voter in Machakos Law Courts was turned away as he was a registered voter in Nairobi.
- d. **Stopping of Voting:** A voter confiscated of voters' register when he was denied to vote for lack of identification documents

ELOG identified some critical incidents during the voting and counting processes, including:

- a. At Machakos Law Courts, the Presiding Officer failed to capture the total number of valid votes, in the official result declaration form that contained the official stamp and signed by five candidates' agents and the Presiding Officer.
- b. In the results declaration form for General Representative, in branch 006 at Milimani Law Courts, the recorded results were 558. However, due to voting for multiple candidates, it was challenging to ascertain how many registered voters out of the 815 turned out to vote since that information was captured nowhere on the results form.
- c. At Eldoret law courts, branch North Rift, code 005, there was a discrepancy between the total number of valid votes cast (250) and the total number of votes cast in favor of each candidate total (465). This inconsistency raises the question of which format should be prioritized to prevent confusion in the tallying process.
- d. The result forms from Kakamega Law Courts lacked crucial information such as the code, branch, and the number of valid votes cast. Additionally, there was no summation of the total votes cast in favor of each candidate. Although the form was signed by the returning officer, its legitimacy was questionable due to the absence of an advocate disciplinary tribunal member agent during its completion.
- e. There were reports of commotion at Milimani Law Courts a few minutes past 5:00 pm when some voters were seen demanding to be allowed to vote after the official closing time, claiming they were within the compound but in the wrong stream. The situation was resolved when the voters were permitted to cast their votes for their preferred candidate.

The inconsistency in the format used for filling the result forms across various polling stations raises concerns about the adequacy of training and the accuracy of information captured in preparation for the elections.

CONCLUSION

The recent election witnessed positive advancements in promoting inclusivity and transparency. The rise in female candidates signifies a commendable step towards gender equality in the political sphere.

However, there is room for improvement in certain areas. Accessibility issues for Persons with Disabilities (PWDs) necessitate the implementation of more inclusive infrastructure and procedures. Similarly, ensuring optimal conditions for ballot secrecy by addressing concerns about booth placement and crowding remains a priority.

This incident at the Machakos Law Courts polling station despite the observer having been accredited to observe at the station, highlights the importance of accurate and up-to-date communication between the issuing body (IEBC) and polling station officials. Timely updates to accreditation lists or proper communication on what forms the proper identification document are crucial to ensure smooth access for authorized observers, safeguarding transparency throughout the electoral process. Fortunately, the issue was resolved quickly, and the ELOG observer was granted access after verification of their credentials. This swift action demonstrates the commitment to upholding transparency, but it underscores the need for improved communication protocols to prevent similar occurrences in the future.

Furthermore, enhancing color differentiation in both identification materials and ballots can minimize confusion among voters and election officials alike. This, coupled with robust voter education campaigns, can significantly reduce disenfranchisement due to unclear identification requirements or accidental ballot mishandling.

The High Court rulings in *Irungu Gathii v LSK* and *Ishmael Nyaribo v. LSK* expose potential shortcomings in the nomination threshold used for the 2024 Law Society of Kenya (LSK) elections. The current threshold, which resulted in litigation, may require reevaluation to ensure a more robust and legally sound selection process. A revised threshold, informed by a thorough legal review and stakeholder consultation, could minimize the risk of future challenges and expedite the appointment of qualified individuals to these crucial positions.

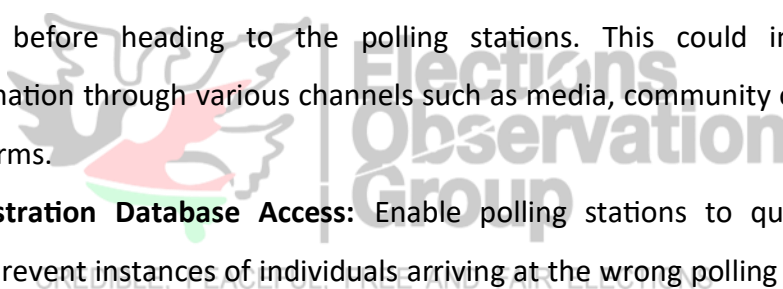
Finally, addressing the consistently low voter turnout requires further investigation. Targeted outreach programs and initiatives can encourage greater participation, ensuring a more representative and vibrant democracy.

By acknowledging these shortcomings and implementing targeted solutions, future elections can be strengthened, fostering a more inclusive, efficient, and trustworthy electoral process.

GENERAL RECOMMENDATION:

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

1. **Uniform Training Program:** Develop and implement a comprehensive training program for all polling station staff, focusing specifically on the correct completion of standardized result declaration forms. This training should emphasize the importance of consistency and adherence to the prescribed format to prevent confusion during the tallying process.
2. **Clear Guidelines Documentation:** Produce clear and concise guidelines documentation outlining the proper format and content requirements for result declaration forms. Distribute this documentation to all polling stations well in advance of the election day and ensure it is easily accessible for reference during the polling and counting processes.
3. **Voter Education on Identification Requirements:** Conduct extensive voter education campaigns to ensure all voters understand the identification requirements and are adequately prepared with the necessary documents before heading to the polling stations. This could include widespread dissemination of information through various channels such as media, community outreach programs, and social media platforms.
4. **Enhanced Voter Registration Database Access:** Enable polling stations to quickly verify voters' registration details to prevent instances of individuals arriving at the wrong polling stations. This could involve implementing a real-time database access system or providing polling stations with portable devices for verification.
5. **Consistent Tallying Procedures:** Establish clear guidelines on tallying procedures to address discrepancies between the total number of valid votes cast and the votes received by each candidate. This could involve prioritizing specific formats for tallying and providing comprehensive training to polling station staff on adhering to these procedures.
6. **Adherence to Voting Timelines:** Reinforce adherence to voting timelines by clearly communicating the opening and closing times of polling stations to voters and polling station staff. Implement measures to address any instances of commotion or confusion regarding voting deadlines promptly and effectively.



ANNEXES

**Elections
Observation
Group**

CREDIBLE, PEACEFUL, FREE AND FAIR ELECTIONS

Jumuia Place, Lenana Road. P.O. Box 45009 00100-Nairobi, Kenya
Email: info@elog.or.ke Website: www.elog.or.ke

Ref: ELOG/LSK/08/02

February, 8th 2024

Ms Florence W. Muturi,
Chief Executive Officer,
Law Society of Kenya,
Lavington, Opposite Valley Arcade, Gitanga Road.
P.O Box 72219-00200,
Nairobi, Kenya

Dear Ms Muturi,

RE: EXPRESSION OF INTEREST TO OBSERVE FORTHCOMING SOCIETY'S ELECTIONS

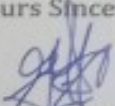
The Elections Observation Group (ELOG) is a citizen, domestic election observation coalition whose vision is to achieve credible, peaceful, free, and fair electoral processes in Kenya and the African Region by providing a sustainable platform for monitoring and observing electoral processes.

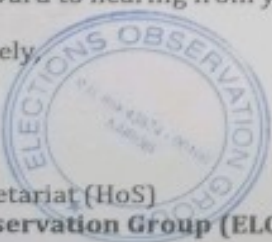
ELOG has consistently observed electoral processes since its formation in 2010. Apart from observing the 2010 constitutional referendum, 2013, 2017 and 2022 general elections, ELOG has also observed institutional elections for the Football Kenya Federation (FKF), the University of Nairobi Student Association (UNSA), the National Olympic Committee, Kenya (NOCK) and Law Society of Kenya (LSK) producing detailed reports and engaged these institutions on its findings and recommendations.

Independent and impartial observation plays a crucial role in contributing to credible, peaceful, free and fair electoral processes, particularly for professional associations. To this end, we would like to express our interest in observing your forthcoming 2024 elections.

We look forward to hearing from you soon.

Yours Sincerely,


Mulle Musau
Head of Secretariat (HoS)
Election Observation Group (ELOG)



CGD | CRECO | ECJP | IED | SUPKEM | UDPK | FIDA | YA | CJPC | NCKK



**Elections
Observation
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CREDIBLE. PEACEFUL. FREE AND FAIR ELECTIONS

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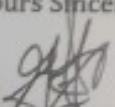
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Independent and impartial observation plays a crucial role in contributing to credible, peaceful, free and fair electoral processes, particularly for professional associations. To this end, we would like to express our interest in observing your forth coming 2024 elections.

We look forward to hearing from you soon.

Yours Sincerely,


Mulle Musau
Head of Secretariat (HoS)
Election Observation Group (ELOG)

CGD | CRECO | ECJP | IED | SUPKEM | UDPK | FIDA | YA | CJPC | NCKK

Law Society of Kenya



Marjan Hussein Marjan
 Chief Executive Officer
 The Independent Electoral and
 Boundaries Commission
 Anniversary towers, 6th Floor
 P.O. BOX 45371-00100
NAIROBI.

Lavington, opp Valley Arcade, Gitanga Road
 P.O Box 72219-00200 Nairobi, Kenya
 Dropping Zone -149 Embassy House Basement
 Tel: +254 111 045 300
 Website: www.lsk.or.ke
 Email: lsk@lsk.or.ke

Our Ref: S/24

Your Ref: TBA

Date: 23rd February 2024

Dear *Marjan*,

RE: INTRODUCTION OF ELECTION OBSERVERS FOR THE 2024 LSK ELECTIONS

We refer to the above matter.

The Law Society of Kenya has mandated the Election Observation Group (ELOG) to observe its elections scheduled to take place on Thursday, 29th February 2024.

The Election Observation Group (ELOG) is a coalition of civil society and faith-based organizations established in 2010 to provide a non-partisan independent platform for citizens to observe elections. ELOG's mission is to promote electoral democracy through structured, qualitative, and long-term monitoring and observation of electoral and other democratic processes and outcomes in Kenya and the African Region.

Attached herewith is a list of all appointed observers (Appendix 1) who will be actively participating in the electoral observation process. These individuals have been duly appointed by ELOG and are committed to upholding the principles of transparency, fairness, and integrity throughout the electoral proceedings.

We kindly request your cooperation in granting these appointed observers access to the polling centers/stations to observe the election process on the election day. Your assistance in facilitating their access will greatly contribute to the success of their observation mission.


We have also taken the liberty of copying this letter to the relevant authorities including The ELOG Head of Secretariat, the Returning Officer, and all the Presiding Officers for their reference and cooperation.

Eric Theuri (President), Faith Odhiambo (Vice-President)
 Chrysostom Akhaabi, Kabata Mwaura, Tom K'opere (General Membership Representatives)
 Cohen Amanya, Njoki Mboce, Ochieng Gor (Nairobi Representatives)
 Byron Menezes, Linda Kiome, Michael Wabwile, Vincent Githaiga (Upcountry Representatives)
 Riziki Emukule (Coast Representative)

We sincerely appreciate your support and cooperation in this endeavor. Should you have any questions or require further information, please do not hesitate to contact us.

Thank you for your attention to this matter. We look forward to your prompt response.

Yours *sincerely*,


FLORENCE W. MUTURI
SECRETARY/ CEO

CC:

Mr. Albert Gogo- IEBC Returning Officer

Mulle Musau, ELOG Head of Secretariat

All the IEBC Presiding Officers

Eric Theuri (President), Faith Odhiambo (Vice-President)
Chrysostom Akhaabi, Kabata Mwaure, Tom K'opere (General Membership Representatives)
Cohen Amanyu, Njoki Mboce, Ochieng Gor (Nairobi Representatives)
Byron Menezes, Linda Klome, Michael Wabwire, Vincent Githaiga (Upcountry Representatives)
Riziki Emukule (Coast Representative)



Jumuia Place, Lenana Road. P.O. Box 43874 00100-Nairobi, Kenya
 Email: info@elog.or.ke Website: www.elog.or.ke

ELOG PRESS STATEMENT ON OPENING AND SET-UP OF POLLING STATIONS FOR THE 29TH FEBRUARY 2024 LAW SOCIETY OF KENYA (LSK) ELECTIONS

FOR IMMEDIATE RELEASE

INTRODUCTION

Nairobi, Thursday 29th February, 2024 Elections Observation Group (ELOG) has released its preliminary statement of the setup and opening of polling stations for the ongoing Law Society of Kenya (LSK) elections being conducted throughout the country (48 polling stations) today, 29th February 2024 for the positions of President, Vice President, Two (2) representatives of the General Membership of the Society (*Third representative, that is the General Membership of at least 25 years was directly nominated*), Four (4) upcountry representatives, three (3) Nairobi representatives, three (3) LSK Male representative to the Judiciary Service Commission (JSC), one (1) Coast representative and three (3) members of the Advocates Disciplinary Tribunal. These elections attracted forty (40) contestants.

This statement is based on verified reports collated from twenty (20) observers upon commencement of polls at 8:00am. The observers were required to verify the availability of strategic election materials (ballot boxes, ballot papers, voter register, official stamp, indelible ink and results form), presence of security personnel and polling officials, and were expected to report on any critical incidents as of 11:00am.

ELOG'S OBSERVATION AND DEPLOYMENT METHODOLOGY

In its bid to contribute towards a credible, peaceful, free and fair elections, ELOG deployed a total of 28 observers (21 stationary observers; 5 mobile/ roving observers; 2 observers at the tallying center) across sampled polling stations countrywide (see attached the list of locations) who were tasked with observing and reporting on the setup, opening of the polling stations, voting, counting, tallying and announcement of results using standardized reporting tools.

PRELIMINARY FINDINGS

Set-up and Opening of Polling Stations

- ELOG observers were permitted to access and observe in all the polling stations
- In **45% (9)** of the polling stations observed, the presiding officer was a woman.

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- Security personnel were present in 85% of the polling stations observed.
- There was an average of **six (6)** election officials present at each polling station.
- Half of the polling stations commenced operations at 8:00 a.m., the official opening time, while the remaining stations opened an hour later, at 9:00 a.m.
- The positions that had high number of agents during the opening of the polling stations, included the President (75%), Vice President (65%), General Member Representative (85%) and the JSC (75%). The position that had the lowest presence of candidate agents was the Coast Representative (15%) (see the table below for more details).

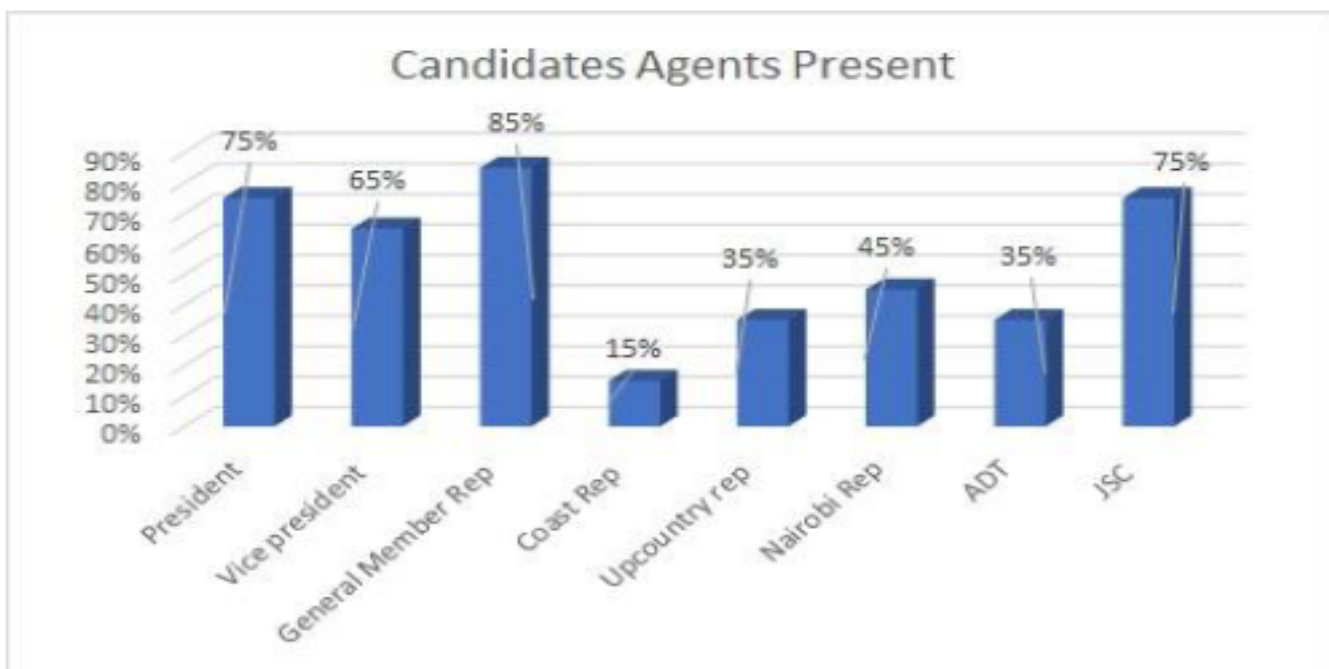


Figure I- Law Society of Kenya (LSK) Candidates' Agents

Deployment of Strategic Election Materials

- All the requisite strategic materials were present in all the polling stations where ELOG observers were present.
- Ballot boxes were shown to be empty in all the polling stations observed (100%), before they were closed and sealed in readiness for the voting process to start.
- Secrecy of the ballot was observed in all (100%) of the polling stations where ELOG observers were present.
- In 100% of the polling stations observed, there were eight (8) color-coded ballot boxes for all the positions in contestation.



CREDIBLE, PEACEFUL, FREE AND FAIR ELECTIONS

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Voter Turnout

- By 11.30am, only 1,108 out of 8,834 voters had cast their ballots which is 12.53% of the total registered voters. The low-turnout of voters at all the polling stations was attributed to on-going court sessions.
- Kakamega Law Courts had the highest turnout at 45.2% followed by Malindi Law Courts at 33.7%, Meru Law Courts at 30.2%, Kericho and Kitale Law Courts at 29%. However, Milimani Law Courts (Polling Station I), recorded the lowest turnout at 5% as of 11.30am.

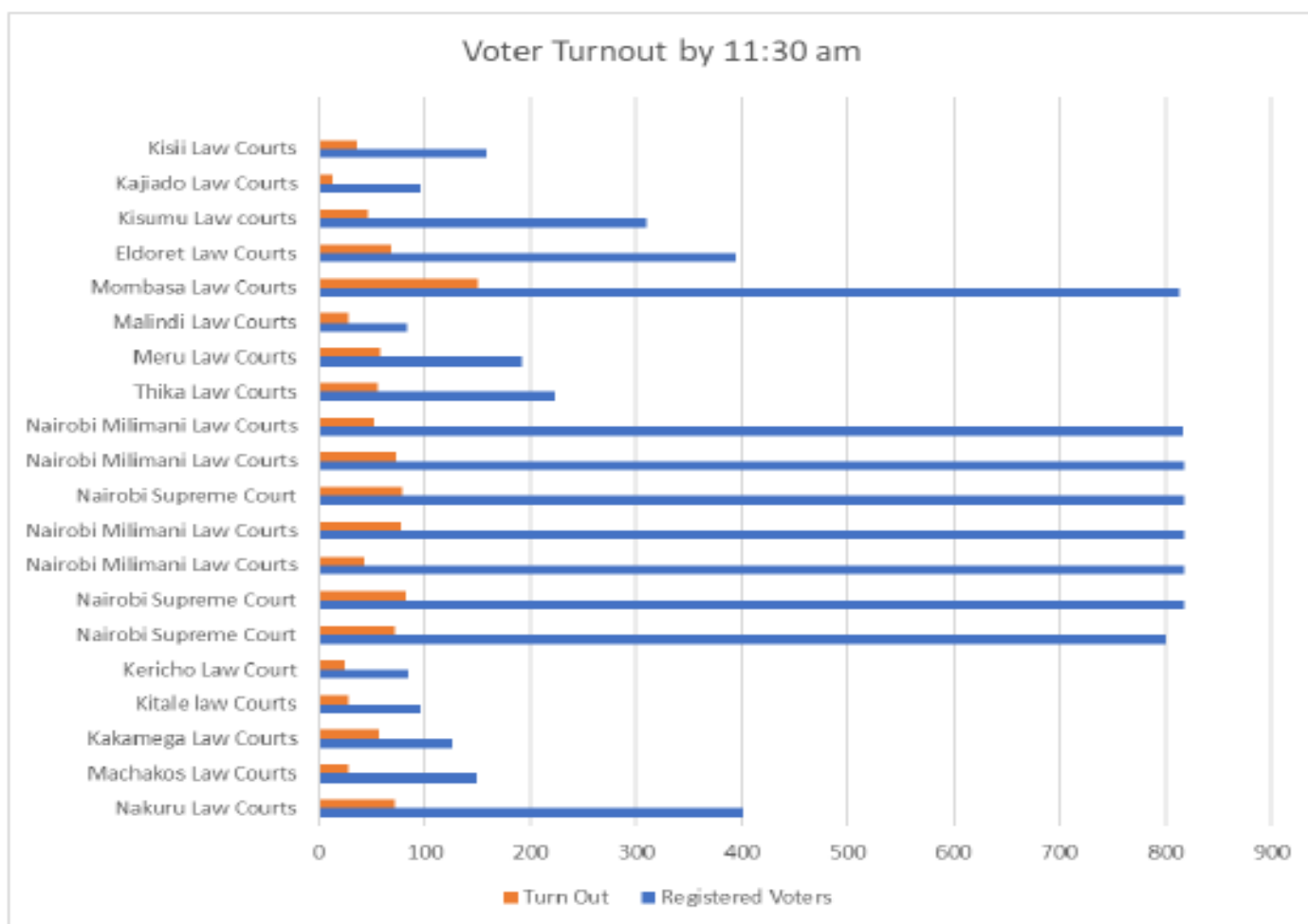


Figure 2- Law Society of Kenya (LSK) Voter Turnout at 11:30am



Jumua Place, Lenana Road. P.O. Box 43874 00100-Nairobi, Kenya
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CRITICAL INCIDENTS

So far, ELOG has observed critical incidents during the set-up and opening of polling stations process which include:

CRITICAL INCIDENTS

So far, **ELOG** has observed critical incidents during the set-up and opening of polling stations process which include:

- a. **Observer Initially Not Permitted to Observe:** During the opening of polls, one (1) ELOG observer was initially denied access into the polling station by the Presiding Officer as the observer's name was missing in the list of accredited observers shared with the Presiding Officers. However, after consultation with the IEBC officials both at headquarters and polling stations, since the observer was issued an accreditation badge the issue was speedily resolved and the observer gained access into the polling station.
- b. **Lack of proper identification documents:** There was incidents of persons who was turned away for lack of proper identification documents at Milimani Law Courts.
- c. **Turing up to vote in the wrong polling station:** A voter in Machakos Law Courts was turned away as he was a registered voter in Nairobi.
- d. **Stopping of Voting:** A voter confiscated the polling station voters' register at Milimani Law Courts stream (I) when he was denied to vote for lack of identification documents. But the situation was quickly handled and the voter was removed from the polling station without causing father disruptions

CREDIBLE, PEACEFUL, FREE AND FAIR ELECTIONS

Conclusion

As the above data indicates, the processes of voting are going on largely as per the laid procedures of LSK. ELOG is observing the remaining processes including results and will update the Society and members of the public.

Elections Observation Group (ELOG),
 Jumua Place, Lenana Rd. Nairobi.
 P. O. Box 45009 - 00100 Nairobi, Kenya
 Email: Website: <<http://www.elog.or.ke/>>





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PRESS STATEMENT ON THE VOTING AND CLOSING OF POLLING STATIONS FOR 2024 LAW SOCIETY OF KENYA (LSK) ELECTIONS

FOR IMMEDIATE RELEASE

Nairobi, Friday 1st March 2024. The Elections Observation Group (ELOG) has today released a statement on the voting, closing, counting and results declaration at polling stations observed for the Law Society of Kenya (LSK) elections that were conducted throughout the country (in 48 polling stations) on the 29th February 2024 for the positions of President, Vice President, Two (2) representatives of the General Membership of the Society (Third representative, that is the General Membership of at least 25 years was directly nominated), Four (4) upcountry representatives, three (3) Nairobi representatives, three (3) LSK Male representative to the Judiciary Service Commission (JSC), one (1) Coast representative and three (3) members of the Advocates Disciplinary Tribunal. These elections attracted forty (40) contestants.

As mentioned in our last statement released on the 29th February 2024, ELOG employs a structured methodology to observe the voting process, closing of polling stations, counting of votes, and transmission of results so as to ensure thorough and impartial observation while adhering to established guidelines and standards for election monitoring. ELOG deployed a total of 28 observers (20 stationary observers in 20 sampled polling stations; 5 mobile/ roving observers; 2 observers at the tallying center) who were tasked with observing and reporting on the set up and opening of the polling stations, voting, counting, tallying and announcement of results using standardized reporting tools.

Based on the observations made from all the stations ELOG observers were present in, ELOG wishes to make the following observations:

Voting Processes and Procedures

- All the requisite strategic materials were present in all the polling stations
- Ballot boxes were shown to be empty before they were closed and sealed in readiness for the voting process to start.
- A voter was required to either present a valid Passport or National identification card for identification before voting.
- Verified voters were crossed off the official voter register.
- Ballot papers were stamped with the IEBC stamp before being issued to the voters to mark and cast their ballots for their preferred candidates for all the 8 positions.
- All the voters' small fingers or on the ridges of the index and the middle fingers were marked with indelible ink after casting their votes before leaving the voting station.

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- Secrecy of the ballot was observed in all polling stations. However, violation of the secrecy of the ballot was witnessed in Milimani Law Courts, Stream (I) whereby there was a case of voters queuing too close to each other to mark their ballots.
- There were eight (8) colour-coded ballot boxes for all the positions in contestation to aid the voter in casting the ballot in the appropriate ballot boxes.

Voter Turnout

- By 11.30 am, only 1,108 out of 8,834 voters had cast their ballots which was 12.53% of the total registered voters in the 20-polling station ELOG observers were deployed. The low-turnout of voters in the polling stations was attributed to on-going court sessions. However, by 4:00pm the voter turnout was at 40.3% (3562 out of 8,834 voters). This was an improvement compared to the morning hours.
- In 25% of the polling stations, some voters were turned away due to lack of proper identification documents, that is, IDs or valid passports as well as turning up at polling stations that they were not registered in.
- In 20% of the polling stations observed, assisted voters were present. Additionally, in 50% of those polling stations assisted voters were allowed to have a person of their choice to assist them in the voting process.
- Kakamega Law Courts had the highest turnout at 45.2% followed by Malindi Law Courts at 33.7%, Meru Law Courts at 30.2%, Kericho and Kitale Law Courts at 29%. However, Milimani Law Courts (Polling Station I), recorded the lowest turnout at 5% as of 11.30am.
- Kisii Law Courts boasted the highest turnout by 4:00 pm, reaching 66.46%, a significant increase from 22.78% at 11:30 am. Kakamega Law Courts, which had the highest turnout of 45.2% at 11:00 am, saw a rise to 65.87%, closely followed by Eldoret Law Courts at 63.96%, up from 17.96% at 11:30 am. Kericho Law Courts saw growth from 29% at 11:30 am to 60% by 4:00 pm. Conversely, Milimani Law Courts (Polling Station I), which initially recorded the lowest turnout at 5% as of 11:30 am, experienced a slight increase to 31.78% by 4:00 pm. However, the most significant concern was observed at Kisumu Law Courts, which reported 15.21% turnout at 11:30 am and only managed to reach 26.86% by 4:00 pm.
- There were queues of voters in 75% of the polling stations observed by 5:00pm and all the voters were allowed to cast their ballot.

Closing and Counting Processes

- Ballot box seals were intact before the counting process began and the serial numbers verified by the candidates' agents present.
- The ballot papers were sorted and counted with minor problems encountered in 25% of the polling stations. The observed challenges included time-consuming process of counting number of cast ballots for the multiple ticked ballots papers were presiding officers were making tabulation errors forcing the counting process to be repeated multiple times. There were incidents of stray ballot papers being found in the wrong ballot boxes.

CGD | CRECO | ECJP | IED | SUPKEM | UDPK | FIDA | YA | CJPC | NCKK

- All Candidates' agents present during counting and result declaration, signed the result declaration forms for all the contested positions.
- In 20% of the polling stations, the result forms were not publicly affixed on the notice board within the polling stations as provided in law.

Critical Incidents

ELOG identified some critical incidents during the voting and counting processes, including:

- At Machakos Law Courts, the Presiding Officer failed to capture the total number of valid votes, in the official result declaration form that contained the official stamp and signed by five candidates' agents and the Presiding Officer.
- In the results declaration form for General Representative, in branch 006 at Milimani Law Courts, the recorded results were 558. However, due to voting for multiple candidates, it was challenging to ascertain how many registered voters out of the 815 turned out to vote since that information was captured nowhere on the results form.
- At Eldoret law courts, branch North Rift, code 005, there was a discrepancy between the total number of valid votes cast (250) and the total number of votes cast in favour of each candidate total (465). This inconsistency raises the question of which format should be prioritized to prevent confusion in the tallying process.
- The result forms from Kakamega Law Courts lacked crucial information such as the code, branch, and the number of valid votes cast. Additionally, there was no summation of the total votes cast in favor of each candidate. Although the form was signed by the returning officer, its legitimacy was questionable due to the absence of an advocate disciplinary tribunal member agent during its completion.
- The inconsistency in the format used for filling the result forms across various polling stations raises concerns about the adequacy of training and the accuracy of information captured in preparation for the elections.

Conclusion

ELOG commends members of LSK for remaining calm and maintaining the peace on the election day and the IEBC for conducting the elections. Even as members wait for the official declaration of results, it important that the peace witnessed be sustained to give IEBC time to complete the processes. As a citizen observation platform, we remain committed to our mandate and will issue a comprehensive report on the conduct of these elections with the aim of improving the processes moving forward.

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