



**Elections
Observation
Group**

CREDIBLE, PEACEFUL, FREE AND FAIR ELECTIONS



Vile Tunaicheki

**A Citizen Assessment of the 2022
Electoral Processes in Kenya**

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LIST OF ACRONYMS AND ABBREVIATIONS

ABBR/ACRONYM	NAME IN FULL
PPLC	Political Parties Liaison Committee
CMD	Centre for Multi-Party Democracy
TI	Transparency International
KHRC	Kenya Human Rights Commission
KNCHR	Kenya National Commission on Human Rights (Constitutional Body)
CRECO	Constitution & Reform Education Consortium
IEBC	Independent Electoral and Boundaries Commission
NCIC	National Cohesion and Integration Commission
DPC	Data Protection Commission
CAJ	Commission on Administrative Justice (Office of Ombudsman)
JLAC	Justice And Legal Affairs Committee
ORPP	Office of the Registrar of Political Parties
NGEC	National Gender and Equality Commission
LSK	Law Society of Kenya
JLAHRC	Committee on Justice, Legal Affairs, and Human Rights
EISA	Electoral Institute for Sustainable Democracy in Africa
ICERD	International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRPWD	Convention on the Rights of Persons with Disabilities
MP	Member of Parliament
PPDT	Political Parties Dispute Tribunal
RPP	Registrar of Political Parties
ANC	Amani National Congress
CEDEG	Centre for Enhancing Democracy and Good Governance
CEMIRIDE	Centre for Minority Rights and Development
CEO	Chief Executive Officer
CGD	Centre for Governance and Development
CJPC	Catholic Justice and Peace Commission
CNN	Cable News Network
CORD	Coalition for Reforms and Democracy
ICT	Information and Communications Technology
CRAWN	Community and Advocacy Awareness (Trust)
CREAW	Centre for Rights and Education Awareness
CSOs	Civil Society Organizations
CUE	Commission for University Education
DDP	Deepening Democracy Programme

DFID	Department for International Development
DPP	Director of Public Prosecution
EACC	Ethics and Anti-Corruption Commission
ECJP	Ecumenical Centre for Justice and Peace
E-HORN	East and Horn of Africa Election Observers Network
ELOG	Elections Observation Group
EU	European Union Delegation to Kenya
EVID	Electronic Voter Identification Device
FIDA	Federation of Women Lawyers - Kenya
FORD-K	Forum for the Restoration of Democracy-Kenya
GOK	Government of Kenya
HQs	Headquarters
ICC	International Criminal Court
ID	National Identification Card
IED	Institute for Education in Democracy
ISO	International Organization for Standardization
JCE	Judiciary Committee on Elections
JSC	Judicial Service Commission
KICC	Kenyatta International Convention Centre
KIEMS	Kenya Integrated Election Management System
KODI	Kenya Open Data Initiative
KPMG	Klynveld Peat Marwick Goerdeler
LRF	Legal Resource Foundation
LTO	Long Term Observation
MCAs	Members of County Assembly
MCK	Media Council of Kenya
MOU	Memorandum of Understanding
NASA	National Super Alliance
NCKK	National Council of Churches of Kenya
NCIC	National Cohesion and Integration Commission
NDI	National Democratic Institute for International Affairs
NGOs	Non-Governmental Organizations
NPS	National Police Service
NRAP	Nairobi Remand and Allocation
ODM	Orange Democratic Movement
ODPP	Office of the Director of Public Prosecution
OSEIA	Open Society Initiative for Eastern Africa
PBO	Public Benefits Organization
PVT	Parallel Vote Tabulation
PWDs	Persons with Disability
SGBV	Sexual and Gender-based Violence
SIDA	Swedish International Development Cooperation Agency
SIG	Special Interest Group
STO	Short Term Observation

SUPKEM	Supreme Council of Kenya Muslims
TEAM	Transform, Empower Action Network
TISA	The Institute for Social Accountability
UDPK	United Disabled Persons of Kenya
UK	United Kingdom
UNDP	United Nations Development Program
US	United States of America
USAID	United States Agency for International Development
WDM	Wiper Democratic Movement
YAA	Youth Agenda



FOREWORD

**ANNE
IRERI**
CHAIRPERSON,
ELOG STEERING COMMITTEE.

Kenya has made impressive monumental strides in its electoral democracy especially after the enactment of its new constitution in 2010. Indeed, Kenya has been hailed as a beacon of electoral democracy in the region. According to ELOG reports and expert opinion on the same, Kenya's elections have gradually improved with every election since 2010 with successive elections being conducted better than the previous ones. However, Kenya's history of elections has also documented the bad and the ugly aspects notably disputed electoral (presidential) outcome and emotive post-election periods. Indeed, the 2017 presidential elections were nullified due to 'illegalities and irregularities', making Kenya the first country in Africa to have its presidential election nullified by the highest election court in the land. The 2022 elections also invited disputes from a section of citizens, CSOs and political parties despite the validation of presidential results by the Supreme Court of Kenya after a petition was instituted.

After deploying an observation mission for the 2022 electoral process, ELOG produced and published its final report, From the Ballot to the Portal which detailed findings and recommendations on the conduct of the 2022 electoral processes. Further and in partnership with the CSO's Technical Working Group (TWG-Elections) and Uchaguzi Platform, ELOG produced another report, Catalyzing Change which consolidated major findings and recommendations from all domestic observers arising from the observation and engagements with the 2022 electoral processes.

One of the key recommendations from these reports was the need for an independent and citizen led assessment of the Kenya's Electoral processes with the view of documenting good practices and lessons learnt. Noting that the earlier reports were of a technical nature, ELOG with the support of USAID, instituted a citizen assessment of the 2022 electoral processes to evaluate the depth of citizens' involvement in the 2022 electoral process, its alignment with the electoral legal framework and the efficacy of key agencies in the 2022 electoral process based on the peoples point of view. Given the above, the publication of this report will provide a more triangulated assessment of the 2022 elections and will provide more information on how our electoral processes can be improved and enhanced

Enjoy!

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We also extend our appreciation to all the supporting institutions and electoral experts who participated as key informants to bring this assessment to fruition. The contributions from civil-society organizations, members of Uchaguzi Platform and the Technical Working Group on Elections, religious organizations, professional bodies, media representatives and relevant duty bearers have laid the foundation for this comprehensive report.

We recognize the diligent consultants who have spearheaded the assessment and compiled this report, Dr. Francis Owaka, Dr. Kathleen Anangwe and Dr. Samuel Ngigi as well as Infotrak Research and Consulting Limited for their support in conducting the survey. We acknowledge the good editing work done by Otieno Adipo.

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Thank You





EXECUTIVE SUMMARY

As part of follow up to its recommendations arising from its observation of both the 2017 and 2022 electoral processes, ELOG instituted a citizen assessment of the 2022 electoral processes with the main aim of assessing whether the 2022 electoral processes met citizens' expectations. Specifically, the assessment sought to assess the level of citizens' engagement in the 2022 electoral processes; assess the level of compliance to the electoral legal framework for the purposes of 2022 electoral processes; assess the level of effectiveness of (performance) of key agencies in the 2022 electoral process and identify key reforms, administrative, institutional, policy, legal and institutional for consideration by Parliament and other relevant actors for the purposes of improving the 2027 electoral processes.

This report is divided into 7 chapters.

CHAPTER ONE speaks to the methodology that was employed for the assessment. Essentially, the study adopted explorative research methods where qualitative and quantitative data were collected and analyzed. An opinion survey was used to collect quantitative data. Data collected was triangulated through cross verification and to test consistency of findings obtained through the different methods used to collect data during the assessment period.

CHAPTER TWO contains analyses of the structure of Kenyan society, its demographics and how this has impacted the elections since independence. The analysis centers on a detailed history of Kenya's electoral processes and is divided into pre and post 2010 Constitution. The key issues highlighted in this section include the historical evolution of electoral democracy and the gaps documented in the electoral processes in spite of the robust constitutional, legal and policy regime

governing our electoral processes in Kenya.

CHAPTER THREE details the electoral legal framework that governs Kenya's electoral processes highlighting: The Constitution of Kenya, 2010. Cap. 7; Elections Act, 2011; Elections Offences Act, 2016; Political Parties Act, 2011; The Independent Electoral and Boundaries Commission Act, 2011 among others. Further, the chapter looks at regional and international instruments. These include: International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) among others.

CHAPTER FOUR is a review of both local and international election observation mission (EOM) reports relating to Kenya. This section not only highlights some of the key observations and findings on the pre-election, E-Day and post-election periods but also documents recurring characteristics of every election cycle such as inadequate voter education, gaps in the constitution and legal regime and attendant electoral reforms, integrity questions raised on the register of voters, use of technology in terms of efficiency and value for money, corporate governance gaps within the IEBC among others.

CHAPTER FIVE, herein referred to as 'Citizens' Voices', details what citizens think and say about the 2022 electoral processes, electoral duty bearers, legal framework and their own experience with the processes and key issues raised here include:

- Low trust levels on the electoral processes where for instance 44% of the respondents reported that they had no trust in the IEBC to conduct elections in a free, fair, and credible manner.

Respondents indicated that low trust levels contributes disputed results.

- **Complicated Voter registration regime:** A majority of respondents (70%) rated their experience during their voter registration process as complicated and complex. This is critical considering the issues being raised over the voter apathy and disinterestedness.
- **Voter education scored well** as all participants engaged reported that they were well informed about voter education and had been taken through the process, laws and voting policies with political rallies, community forum, posters and social media most preferred sources.
- **Glaring malpractices in Voting Process and Security:** Participants who took part in the voting process observed various malpractices which included ballot stuffing, voter intimidation, violence, voter interference, delayed opening, early closing, and missing names.
- **Divided public opinion on Systems Security:** According to the survey, Kenyans who participated in this survey held divided sentiments in reference to the security of the country's electronic voting system. Almost, half (45%) of the respondents stated that they believed the system was not secure.
- **Poor enforcement of the generally sound Electoral Legal and Policy Framework:** Participants noted failure of Kenyan authorities to address accountability for past abuses by political actors. 87% of the citizens engaged in the assessment were unequivocal that a number of crucial laws that were yet to be enacted.
- **Power of manifestoes during Electoral Campaigns:** 71% of the surveyed respondents indicated that their selection

of a candidate was influenced by the manifesto presented by the political party, experience and development record (30%), prioritizing integrity (12%), and political campaigns (8%).

- **Elections Dispute Resolution (EDR):** Majority of participants had a fair understanding of EDR. However, some participants indicated that they were not sure who to contact, where to make a complaint, and when to initiate the process.
- **Undemocratic Political Party Processes:** The survey established that 78% of respondents did not participate in any activities organized by a political party indicating that they did not believe that they would be credible.
- **Improved Participation of the SIGs in the electoral processes:** The results of the survey showed an improvement in the number of women, youth, PWDs, minorities and marginalized communities in the 2022 electoral processes. Positively, nomination fees were reduced to promote participation by these special-interest groups.

CHAPTER SIX concludes that despite the gaps and ills that have continued to characterize Kenya electoral landscape, Kenya has made monumental strides in the electoral democracy especially with the promulgation of the 2010 Constitution. Further this section

Opines that a comprehensive independent legal, institutional, and operational audit of the IEBC's management and conduct of the elections should be undertaken with immediate effect.

CHAPTER SEVEN details valuable recommendations to improve Kenya's electoral processes in the future as suggested by respondents. Some of the key recommendations include:

1. Need of enhanced transparency and accountability: About half (48%) of the respondents suggested focusing on improving transparency and accountability in the electoral processes through measures such as ensuring clear and fair procedures, minimizing corruption or malpractice, and promoting transparency in the handling of electoral funds.
2. Abolish the Winner-takes-all system and, in its place, instituted a proportional representation model tied to party lists; this will help address the 2/3 gender rule as well.
3. Urgently fix trust deficit through an inclusive process of multi-stakeholder's engagements.
4. Need for enhanced and targeted voter education: 17% of the respondents highlighted the importance of improving voter education by raising awareness among the general public about their rights and responsibilities as voters and providing clear information about the electoral processes
5. Strengthen the Office of the Registrar of Political Parties so as to enhance its capacity to rein in on political party activities by anchoring it the constitution.
6. Stagger Elections: Changes in the electoral system should be initiated so as to reflect a staggered election.



Nairobi County Focus Group Discussion



CHAPTER ONE

1.1 INTRODUCTION

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.

Taking an electoral cycle approach, ELOG has consistently observed electoral processes since its formation in 2010. Its inaugural observation assignment was the 2010 constitutional referendum where it deployed over 10,000 observers countywide. A report, "The People's Verdict", was produced and widely shared with citizens and other electoral stakeholders. The second major activity was the observation of the 2013 General Election where ELOG successfully deployed over 7,000 observers and produced a report entitled: 'The Historic Vote – Elections 2013'. In 2017, ELOG successfully deployed over 9,000 observers and produced a report, entitled: 'One Country, Two Elections, Many Voices!'

For the 2022 electoral process, ELOG successfully deployed 290 constituency observers for long-term/thematic observation for a total of 8 months before the E-Day; 40 media monitors to track hate speech, misinformation and disinformation in 43 media outlets, establishment of the Central Depository Unit (CDU) to collect and process data from the observers; 1,290 Parallel Voter Tabulation (PVT) observers for the Presidential Elections; and 3,818 observers on the E-Day and produced a report called 'From the Ballot to the Portal'.

Apart from observing the national elections, ELOG has also observed institutional elections for the Society of Kenya (LSK), Football Kenya Federation (FKF), University of Nairobi Student Council and the National Olympic Committee, Kenya (NOCK), produced detailed reports and engaged these institutions on the findings and recommendations.

ELOG report and the National Observers Symposium Reports have highlighted some of the critical gaps in Kenya's electoral process. They include but not limited to major trust deficits and suspicion, non-adherence to electoral laws/impunity, gaps in election administration and management, zero-sum politics and inadequate political will, lack of inclusion and diversity, high costs of elections, electoral fraud, and use of technology.

Elections are a celebration of fundamental human rights as contained in international, regional and domestic instruments. In fact, regular, genuine, and democratic elections serve very critical roles in any society which include but not limited to the following:

- i. Provide citizens with the choice of leadership: By participating in elections, every citizen can choose their leader by casting a vote in favor of the politician or the political party for that matter as is the case in other jurisdictions.
- ii. Allow citizens to change their leadership/representatives: As the citizens are the ultimate authority in any democracy as prescribed in Article 1 of the Constitution of Kenya, they can voice their opinion if they do not like the testaments of the existing government. They can change the government by choosing their following votes very carefully and giving a thought to the political party before giving them their vote.
- iii. Promote and enhance political participation: As a responsible citizen of the country, if one feels there is an issue not being addressed by most or all of the political parties or some modifications needs to be made in their solution, they can always participate in that discussion either by raising their opinions to the governing bodies or by forming political parties themselves to bring about a reform.
- iv. Self-corrective system: Elections also act as a kind of check on the work of the political

parties and elected leaders restating the fact that if the party is not efficient enough in their work, they will not form the government subsequently. Therefore, political parties have a regular performance of working well to get votes from the public.

Kenya has made impressive and monumental strides in its electoral democracy especially after the enactment of its new Constitution in 2010. Indeed, Kenya has been hailed as a beacon of electoral democracy in the region. According to ELOG reports and expert opinion on the same, Kenya's elections have gradually improved with every election since 2013 with successive elections being conducted better than the previous ones.

However, Kenya's history of elections has its dark spots notably disputed electoral (presidential) outcome and emotive post-election period. Indeed, the 2017 presidential elections were nullified due to 'illegalities and irregularities', making Kenya the first country in Africa to have its presidential election nullified by the highest election court in the land. The concluded 2022 elections have equally attracted sharp criticism and opprobrium from a section of citizens, CSOs and political parties despite the Supreme Court of Kenya's verdict that the declaration of the President-Elect was legally done by the IEBC.

Indeed, Kenya's elections have often led to outbreak of election-related violence, deaths, rape, forced evictions and displacement of people, looting, arson and widespread destruction of property. After its observation mission for the 2022 electoral process, ELOG produced and published its final observation report, "**From the Ballot to the Portal**" which detailed findings and recommendations on the conduct of the 2022 electoral processes. Further, and in partnership with the CSO's Technical Working Group (TWG) and Uchaguzi Platform held, ELOG held a national observers' symposium which consolidated

major findings and recommendations from all domestic observers arising the observation and engagements with the 2022 electoral processes.

A critical analysis of these reports (the ELOG report and the National Observers Symposium Report) revealed some of the critical gaps in Kenya's electoral process which can be categorized as follows:

- **Major trust deficits, suspicion and mistrust** characterized by Electoral System deficits; Consistently Disputed Results (2007,2013, 2017 & 2022); electoral violence and intimidation; poor stakeholder engagement and outreach; perceived lack of independence of EMB; early and divisive campaigns; lack of prosecution of offenders and gender/age prejudices
- **Non-adherence to electoral laws/impunity** characterized by non-implementation of the 2/3 gender rule; 'Suspension' of the campaign financing regime; non-prosecution of electoral offenders; questionable integrity of the EDR processes and arbitrary electoral law amendments.
- **Gaps in Election Administration & Management** which include: instability and fluidity of the IEBC; perceptions of lack of independence of the IEBC; lack of proper inter and intra party democracy; inadequate training of temporary staff and unpredictable electoral processes.
- **Zero-Sum politics and inadequate political will** manifested in abuse of incumbency, perceptions of State capture of independent institutions; political party patronage; divisive campaigns/party processes; negative ethnicity and electoral Violence/Intimidation.
- **Lack of inclusion & diversity** in the electoral process characterized by high numbers of eligible voters not registered – Women, PWDs, Diaspora; inadequate voter education; Skewed voter registration processes; lack of

disaggregated data in civil registers and poor stakeholder engagement

- **High cost of elections** seen in the overall financial cost of over US\$20 per voter; high cost of technology vis-à-vis efficiency; prohibitive/discriminatory cost of electioneering (nomination fees, campaigning, petitions); corruption, vote buying and loss of life, property, medical costs, and displacement of populations.
- **Electoral fraud** manifested in lack of thorough vetting of aspirants and candidates; undemocratic party nomination processes; integrity of EDR processes; insincere electoral officials and incomprehensive voter education/registration.
- **Use of technology** seen in the inefficiency of systems which has led to questions on transmission of election results, kit malfunctions, server hacking, cost of technology, vendor locking; inadequate training of temporary staff and poor supporting infrastructure - power, network coverage and servicing of the same.

As part of follow up to its recommendations from the both the 2017 and 2022 electoral processes, ELOG instituted a citizen assessment of the 2022 electoral processes with the main aim of assessing whether Kenya's 2022 electoral processes met citizens' expectations. Specifically, the assessment also sought to assess the level of citizen engagement in the 2022 electoral processes; assess the level of compliance to the electoral legal framework for the purposes of 2022 electoral processes; assess the level of effectiveness of (performance) of key agencies in the 2022 electoral process and identify key reforms (administrative, institutional, policy, legal and institutional) for consideration by parliament and other relevant actors for the purposes of improving the 2027 electoral processes. This assessment focused mainly on 5 thematic areas namely:



Voter Security



Voter Education



Electoral legal framework



Participation of SIGs in the Electoral Processes



Elections Administration and Management

1.2 APPROACH AND METHODOLOGY

This survey adopted explorative research methods where qualitative and quantitative data was collected. Qualitative approaches are expansionist in nature; they recognize and capture complex views and perceptions relating to the research questions, in this case, governance and electoral issues in a holistic manner. Other important factors that were considered include specific research requirements, research objectives, and stakeholders' needs. An opinion survey was used to collect quantitative data.

1.2.2 DESK TOP REVIEW

A detailed and comprehensive desk review of the relevant and rich documentation was undertaken. The documents that were reviewed include laws, policies, reports, and other documents related to the 2022 electoral processes.

1.2.3 FIELD WORK

The research adopted explorative research methods where qualitative and quantitative data was collected during the data collection.

Qualitative approaches are expansionist in nature; they recognize and capture complex view and perceptions relating to governance issues and electoral issues in a holistic manner. Other important factors that were considered include specific research requirements, research objectives and stakeholders' needs. The opinion survey was used to collect quantitative data. The use of these techniques gave the research both breadth and depth necessary to strengthen conclusion and recommendation.

The Citizens' Voices provided first-hand account of experiences and expectations of the electorate while giving perspective to Kenya's 2022 elections, and were enriching because of the parameters used in constituting the FGDs indicating suitability of participation based on:

01

Registered voters during the 2022 elections

Varied in age providing cumulative experience,

02

03

Enjoyed a socio-cultural status,

Representative of Special Interest Groups (SIGs)

04

Converging Citizens' Voices from the FGDs, ELOG's opinion poll results and KIIs exposed intrinsic institutional shortcomings in the 2022 elections leading to salient effects a year after elections such as major trust deficits, a lack of confidence in, among and within institutions (the IEBC). Similarly, citizen's awareness of the standards of democracy, electoral systems, and the role of the collaborative institutions in delivering democratically elected persons and independent institutions was expressed within the following emerging paradigms that have continued to frame Kenyans perception of the legally constituted electoral body and its affiliates:

- Non-adherence to electoral laws and Impunity observed in the actions of those entrusted with delivery of the processes,
- Non-implementation of the 2/3 gender rule,
- 'Suspension' of the campaign financing regime,
- Non-prosecution of electoral offenders,
- Questionable integrity of the EDR processes and arbitrary electoral law amendments,
- Contradictory legal Acts creating disharmony among institutions,
- Instability and fluidity of the IEBC,
- Perceptions of lack of independence of the IEBC,
- Lack of proper inter and intra party democracy,
- Inadequate training of temporary staff and unpredictable electoral processes,
- Abuse of incumbency,
- Perceptions of State capture of independent institutions,
- Political party patronage,
- Divisive campaigns/party processes,
- Negative ethnicity and electoral violence and voter intimidation.

1.2.4 DATA COLLECTION

Experienced individuals were recruited and trained as data collectors on the research focus, methodology, instruments, and survey administration process. This ensured consistency/uniform understanding of the selection of procedures, categorization of study participants and interviewing process by the research assistants. Piloting of the research tools was done to check on their admissibility, reliability and validity making necessary adjustments/improvements before commencing the main survey.

The views were sourced from FGDs conducted on site in the 10 ELOG regions, a large opinion survey using CATI covering 8 regions in Kenya and KII interviews from over 10 regional observation platforms (ROPs), Government and non-governmental institutions with interest in electoral process and management, governance and human rights. Besides the controls set out for qualitative data sources, data collection for the predominantly quantitative poll was conducted through Computer-Assisted Telephone Interviews (CATI) in eight regions across Kenya. This approach involved utilizing a structured questionnaire comprising of both closed-ended and open-ended questions to cover all key exploratory areas of the study. The target population for the survey consisted of adult members of the general public aged 18 years and above. The CATI methodology ensured efficient data collection and minimized interviewer bias.

1.2.5 ETHICAL STANDARDS

The consultants committed to strictly safeguard dignity and respect for people in this survey while being sensitive to their unique status. Therefore, during field data collection, the consultants ensured that research assistants stringently observed the following: sought informed consent; minimized the risk of harm

including psychological stress and discomfort; protected and guaranteed participants anonymity and confidentiality, refrained from using deceptive practices; granted participants the right to withdraw from the study at any point.

1.2.6 QUALITY ASSURANCE

All collected data achieved the highest level of integrity and quality. This was done through ensuring all research ethics and protocols were stringently followed.

1.2.7 DATA MANAGEMENT AND ANALYSIS

Obtained data was transcribed and notes used to analyze the results according to patterns and emerging themes responding to different research questions posed. Open coding was used to bring out themes and observe broader trends. Nvivo software was used to categorize, arrange, and synthesize the data to provide meaning and interpretation. Most significant stories of change were analyzed and used to expound on context. The trends and multiple responses that form patterns were used to report the findings and draw conclusions. Data from participants was cross-analyzed to check for contrasts and comparisons of opinion and identify observable patterns.



CHAPTER TWO

2.1 INTRODUCTION

This chapter contains discussion and analysis of the structure of Kenyan society, its demographics and how this has impacted on the elections since independence. The analysis centers on Kenya's electoral process, pre and post 2010 Constitution. Two key issues are highlighted in this section.

Firstly, that the pre-2010 Constitution electoral environment lacked a proper legal and policy framework hence relied heavily on the Executive to drive the electoral agenda, process, and management; the 2007 elections raised the need to evaluate the entire environment and management of electoral processes in Kenya. As part of attempting to resolve the stand-off from the 2007 elections, IREC concluded that there were far too many electoral malpractices from several regions perpetrated by all contesting parties to conclusively declare which candidate won the presidential elections. The recommendations from the report provided the most important step in curing electoral malpractices in Kenya.

Secondly, besides the legal and policy reforms suggested by the Kriegler Commission, the 2010 Constitution provided a robust legal and policy framework elections in Kenya, practically covering every aspect of electoral environment.

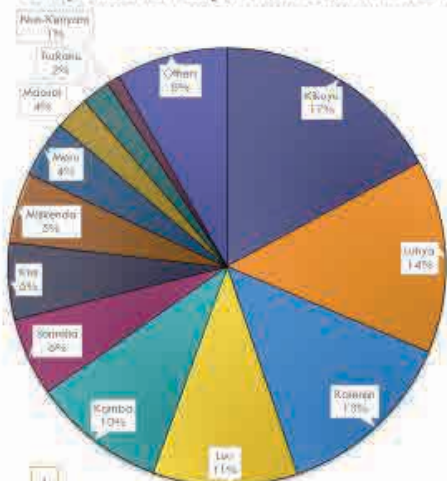
These laws include among others, the regulation and management of political parties and independent candidates, electoral and campaign financing, Constitution and functions of the EMB and management, to the announcement and delivery of results. All these efforts have gone into improving the management electoral process in Kenya. However, with every elections, there arises issues of policy, legal and operational that have bedeviled the Kenyan election environment.

2.2 KENYA: DEMOGRAPHICS

Kenya's population is approximately 57 million people, equivalent to 0.69% of the world population. With a total land area of 569,140 km² (219,746 sq. miles), Kenya's population density is 94 per km² (245 people per km²). Of this, 27.8 % of the population is urban (14,975,059 people in 2020). The median age in Kenya is 20.1 years.

There are over 70 distinct ethnic groups in Kenya, ranging in size from about seven million Gikuyu people to about 500 El Molo people who live on the shore of Lake Turkana. According to the 2019 population census, the major ethnic composition in Kenya is as follows: Kikuyu 17.1%, Luhya 14.3%, Kalenjin 13.4%, Luo 10.7%, Kamba 9.8%, Somali 5.8%, Kisii 5.7%, Mijikenda 5.2%, Meru 4.2%, Maasai 2.5%, Turkana 2.1%, non-Kenyan 1%, other 8.2%.

Composition of Major Ethnic Communities in Kenya



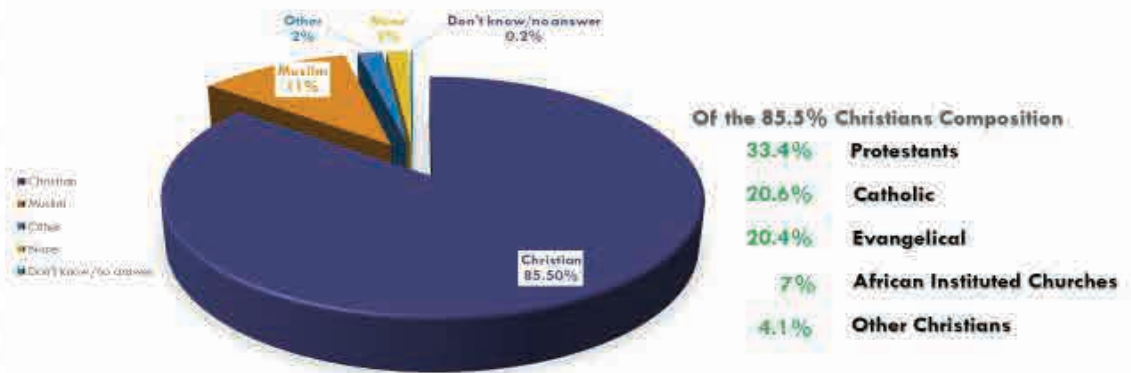
- No ethnic group constitutes a majority of Kenya's citizens in absolute terms.
- The five largest namely, Kikuyu, Luo, Luhya, Kamba, and Kalenjin account for 70%.
- Kikuyu were most actively involved in the independence and Mau Mau movements, are disproportionately represented in public life, government, business and the professions.

While no ethnic group constitutes a majority of Kenya's citizens in absolute terms, the five largest namely, Kikuyu, Luo, Luhya, Kamba, and Kalenjin account for 70%. Of these, the Kikuyu, are disproportionately represented in public life, government, business, and other professions. While a recognized asset, Kenya's ethnic diversity has also led to disputes. Inter-ethnic rivalries and resentment over ethnic dominance in politics and commerce have hindered national integration.

The religious demography in Kenya is as follows;

1. **Christian** **85.5%**
 - a. **Protestant** **33.4%,**
 - b. **Catholic** **20.6%,**
 - c. **Evangelical** **20.4%,**
 - d. **African Instituted Churches** **7%,**
 - e. **Other Christian** **4.1%**
2. **Muslim** **10.9%,**
3. **Other** **1.8%,**
4. **None** **1.6%,**
5. **Don't know/no answer** **0.2%.**

Religious Demography In Kenya



Kenya's ethnic groups can be divided into three broad linguistic groups:

- Bantu,
- Nilotic, and
- Cushite.

Linguistically, Kenya's ethnic groups can be divided into three broad groups; Bantu, Nilotic, and Cushitic.

As of 31st December 2022, Kenya's female population stood at 28,788,431 accounting for 50.4 % of the total population. Kenya ratified the CEDAW on 9th May 1984. The Constitution of Kenya dictates that not more than two-thirds of the members of an elective body shall be of the same gender. To this end, Parliament should have at least one third of its membership as female. According to the 2019 census, 2.2 % (0.9 million

people) of Kenyans live with some form of disability. The census results indicate that 1.9% of men have a disability compared with 2.5% of women. There are more PWDs living in rural than urban areas with prevalence rates by residence showing that 2.6% (0.7 million) of people live in rural areas and 1.4% (0.2 million) of people live in urban areas. The Government of Kenya also recognizes disability inclusion as a prerequisite to the achievement of the Sustainable Development Goals (SDGS) and its central pledge to leave no one behind. To this end, the government continuously strives to ensure that PWDs are accounted for

and can participate equally in every aspect of life. This is instrumental in enhancing equal opportunity, inclusion, justice, and economic growth for our country. Kenya signed the CRPD on 20th March 2007. This a commitment by Kenya to the international community that in all social, civic, political, and economic matters, PWDs shall always be brought on board.

2.3. HISTORY OF ELECTIONS IN KENYA

2.3.1.1 PRE-2010 CONSTITUTION & CRAFTING THE INDEPENDENT STATE

The clamor for inclusivity has a long history in Kenya's elections. Kenya's African population voted for 8 seat the first time in 1957 for a parliament which previously had 14 seats for Europeans, 6 for Indians, 1 for Arabs, and 6 appointed Africans.

The first universal suffrage was held in 1961 and Kenya African National Union (KANU) won majority in the expanded 65 seat parliament despite European dominance. In the 1963 elections, the system again was changed, and the seats increased to 129 House of Representatives and 38 seats in Senate. KANU won the majority and Jomo Kenyatta became the Prime Minister. The system was again changed and Senate abolished. Kenya became a Republic in December 1964 and Kenyatta was elected President in the same month. This marked the beginning of elections in Kenya managed by an independent Government. Since independence, Kenyan has held regular periodic elections without fail.

The first elections in 1963, also known as the Pre-Independence Elections, were the last elections in pre-independent Kenya and the key players were two political parties, KANU and KADU. KADU drew support from smaller and minority communities that were less urbanized. For this reason, KADU

advocated for Majimboism as a way of protecting them. KANU reluctantly accepted KADU's proposal to incorporate Majimbo system of government but vowed to undo it after gaining political power. The Majimbo Constitution that was introduced in 1962 provided for a two-chamber national legislature: Upper House (Senate) and Lower House (House of Representatives). The elections were marked by high voter turnout and were held in three phases but widely boycotted in the North Eastern Province. Violence was reported in various parts of the country with four being killed in Isiolo, teargas used in Nyanza and Nakuru, and clashes witnessed between supporters of the two parties in Machakos, Mombasa, Nairobi, and Kitale.

A disagreement between the President Jomo Kenyatta and his Vice President, Jaramogi Oginga Odinga led to the withdrawal of Jaramogi and his supporters in Parliament withdrew from Kenyatta's KANU party in 1966 to form Kenya People's Union (KPU). This sparked the first ethnic division between the Kikuyu supporting KANU and the Luo supporting KPU. A by-election was held in 1966 after a constitutional amendment to allow KPU to seek fresh mandate. The 1966 constitutional amendment saw the Senate abolished and the House of Representatives transformed into the National Assembly.

2.3.1.2 1966: LITTLE GENERAL ELECTIONS

The 1966 General elections also known as the Little General Elections was meant to neutralize Vice-President Oginga Odinga's influence and reach. This is after President Jomo Kenyatta realized that in order for him to consolidate power, he needed to neutralize both Odinga and the then-powerful Cabinet Minister Thomas Joseph Mboya. To deal with Odinga he made an alliance with Mboya. The use of constitutional amendments was applied to win political battles. Mboya and Attorney General Charles Njonjo moved the amendments through

parliament to increase presidential authority.

In the 1966 elections, KANU's campaign strategy revolved around confining Odinga's influence to his home region, Luo Nyanza and preventing KPU party from growing and spreading across the country. Legal registration of KPU was delayed until nomination day and candidates were denied licenses to hold rallies. The sole national broadcaster, Voice of Kenya (VoK) gave them a news blackout, and their supporters were harassed. The Voting took place in three rounds over a period of two weeks. KPU as predicted performed dismally.

2.3.1.3: 1969 FIRST POST-INDEPENDENCE GENERAL ELECTIONS

The 1969 elections represented the First Post-Independence Elections. These were to be held in 1968 but the second constitutional amendment in 1966 abolished the Senate and increased the life of Parliament by one year. Four new constitutional laws consolidated more power for the ruling party KANU. Every KPU candidate was disqualified due to one technicality or another. In July 1969, Tom Mboya was assassinated. This increased tensions and violence was slowly building up. While visiting Kisumu, Jomo Kenyatta's presidential convoy was stoned by crowds protesting Mboya's killing. On 30 October 1969, KPU was banned creating Kenya as a de facto one-party state, making it impossible for any candidate or presidential candidate opposing KANU or Kenyatta to vie for election.

The campaigns were free from violence apart from isolated incidents. The main difference between the Parliament elected in 1963 and the one in 1969 was a single Republican legislature serving under a head of state with immense powers.

2.3.1.4: 1974 SECOND POST-INDEPENDENCE GENERAL ELECTIONS

The 1974 elections marked the Second Post-Independence Elections. These elections took place in the setting of a slowing economy. KANU remained the only political party. The idea of life membership of KANU was introduced as a criterion for eligibility to vie. Special regulations were introduced to hinder KPU detainees from an easy life membership process.

Voting was by secret ballot for the first time in Kenya, while the voting age was reduced from 21 to 18 years. The total seats available were 158. 88 sitting Members of Parliament lost their seats including 4 Cabinet Ministers and 13 Assistant Ministers. Out of the 13 women candidates, 4 were elected.

2.3.1.5: 1979 THIRD POST-INDEPENDENCE GENERAL ELECTIONS

1979 witnessed the third Post-Independence Elections. Worth noting is the fact the decade 1970s did not only witness Kenyatta's health deteriorate, but also a struggle for succession between Vice President Daniel arap Moi and his allies and a group opposed to him. This group wanted to change the Constitution so that the constitutional provision is changed such that the Vice President does not become the automatic successor in the event of a vacancy in the presidential seat. On 22nd August Kenyatta died and Moi took over without much tension.

During the Campaigns, a new political barometer, a loyalty, was introduced. Candidates had to be loyal and popular to be eligible for the KANU nominee in the elections. Many ex-KPU members were declared security risks and hence barred from contesting. Moi decreed that five ex-KPU leaders including Odinga would not be cleared. The president conspicuously campaigned for

his allies because he wanted them to hold key positions in government. There was a total of 158 seats available, and 700 candidates. About half of the incumbents were not re-elected. Out of 15 women candidates, 4 were elected.

2.3.1.6: 1983 FOURTH POST-INDEPENDENCE GENERAL ELECTIONS

The 1983 General Elections were the Fourth Post Independence Elections. The elections took place in the backdrop of a failed coup on 1st August 1982 which made Moi bolder and in need of consolidating his hold on power and strengthening his position. He introduced the free milk scheme in primary schools, declared a 10% increase in the minimum wage, banned all ethnic-based associations, and discouraged civil society formations. In reaction, Oginga Odinga and former KANU Secretary General George Anyona attempted to register a new party to rival KANU. Moi reacted by amending the Constitution that made KANU the sole political party. Kenya became de jure one-party state. Three events influenced these elections:

01 The 1st August attempted coup

02 The Njonjo affair in which as a Minister for Constitutional Affairs, he was accused of planning to hire South African and Israeli mercenaries to overthrow the government of President Moi

03 Following poor terms of trade such as a high borrowing rate, the economy continued to deteriorate

All contestants had to be cleared by KANU hence Odinga with some of his ex-KPU members were denied clearance. All candidates had to prove their loyalty to President Moi and the ruling party, KANU. The voter turnout of about 48% was recorded while 40 % of incumbents were voted out. Out of 7 women candidates, 2 were elected.



2.3.1.7: 1983 MLOLONGO & FIFTH POST-INDEPENDENCE GENERAL ELECTIONS

The 1988 General Elections and the Fifth Post-Independence Elections were historic. The elections took place at the peak of regime consolidation under President Moi with local opposition severely weakened if not crushed by the ruling regime. Many constitutional amendments saw control of the presidency rise and manipulation of the legal system by Moi. A new system of queue voting called Mlolongo was introduced during nominations. Any candidate who got more than 30% of the vote or finished among the top 3 in the queue voting round was issued with a nomination certificate and cleared

to proceed. Any candidate who got more than 70% vote in the queue voting round was declared elected.

The campaign was used by the ruling party KANU to mount a huge recruitment drive to maximize membership. The campaigns were marred by incidents of violence. Of the total 188 seats

began to oppose the one-party system in the first quarter of the year 1990. Public anger exploded during Saba Saba uprising of July 1990 after anti-Moi forces tried to organize a pro-democracy rally where several people were killed. International and local pressure culminated in KANU amending the Constitution in 1991 restoring multipartyism hence competitive democracy. This paved the way for the multiparty elections held in December 1992. President Moi made minimal reforms to accommodate multi-party politics with the winning presidential candidate being required to get at least 25% of the vote in five of the eight provinces in Kenya. There was unprecedented violence in various parts of the country particularly in the Rift Valley where thousands were killed in the so-called ethnic clashes greatly affecting the 1992 elections.

During the campaign, it was clear that KANU had organizational superiority, huge national resources, and unlimited access to administrative machinery. KANU controlled the Kenya Broadcasting Corporation (KBC), Kenya Television Network (KTN) and made effective use of its newspaper, The Kenya Times. Alternative media gave coverage to the opposition but its circulation was limited. KANU also used official intimidation against opposing candidates.

The voting held on December 29, 1992, saw a voter turnout of 65%. There were 7 presidential candidates. Moi won with 36.8 % but failed to secure 25% as required by law in Nairobi, Central, and Nyanza Provinces. Of the 18 women candidates, 6 were elected.

Mombasa County Focus Group Discussion



available, 123 seats were decided by secret ballot, 51 were declared elected under the 70 % rule, and 14 were elected unopposed. Out of 6 women candidates, 2 were elected.

2.3.1.8: 1992, SIXTH POST-INDEPENDENCE GENERAL ELECTIONS

The 1992 General Elections marked the Sixth and the second multiparty elections in independent Kenya. These elections took place against the backdrop of queue voting with the 70% rule and claims of rigging in the 1988 elections that tainted the one-party system. Several leaders

2.3.1.9: 1997 SEVENTH POST-INDEPENDENCE GENERAL ELECTIONS

1997 was the Seventh Post-Independence

Kenya's second multi-party General Elections since independence. In 1996, the Electoral Commission of Kenya (ECK) reviewed constituency boundaries creating 22 new constituencies bringing the total seats to 210. Moi also created 24 more Administrative Districts; a development related to the creation of the new constituencies. In early 1997, President Moi appointed ten more members of the ECK from the list provided by opposition parties under the Inter-Parties Parliamentary Group (IPPG).

Before 1997, there were 16 registered political parties. By the time of the 1997 General Elections, an additional 9 parties were registered. These were meant to create more intra-opposition competition as a way of weakening the opposition in their stronghold. The campaigns witnessed incidences of violence with cases of opposition candidates being blocked from holding rallies or even landing at some airstrips. There were a total number of 15 Presidential candidates including 2 women. KANU was the only party to field candidates in all 210 constituencies.

The elections were held on 29th December but were extended to 30th December due to logistical problems and flooding mainly in North-Eastern and Coast Provinces. At 65.7%, the voter turnout was quite impressive. Daniel Moi of KANU won by 40.51%, defeating Mwai Kibaki of DP at 30%, Raila Odinga of NDP at 10.81%, Christopher Wamalwa of Ford-K at 8.19%, Charity Ngilu of SDP at 7.91%. Moi attained 25% vote in 5 of 8 Provinces. Important to note is that the combined opposition vote stood at 59.40%. Of the 47 women candidates, 4 were elected.

2.3.1.10: 2002 EIGHTH POST-INDEPENDENCE GENERAL ELECTIONS

The 2002 General Elections were the eighth

Post-Independence Elections. The elections were held against the backdrop of the expiry of the constitutional two-term limit for Moi. During the elections, the electoral body made several significant operational and management adjustments that created a semblance of a free, fair, transparent, and verifiable election. Some of the changes include the assertion by the Electoral Commission of Kenya (ECK) of its independence and authority by way of sanctioning political parties and candidates who contravened the Election Code of Conduct; votes were counted at the actual polling station and thereafter the results announcement was made thus eliminating possibilities of ballot stuffing or disappearance of ballot boxes; and with the technology of mobile money telephone, it was possible for Kenyans to know the results of any elections within hours of polls closing

Furthermore, there were factors that made the electoral agency work within a free and relaxed environment such as the fallout in the ruling party KANU after President Moi appointed Uhuru Kenyatta as his successor. The birth of the National Rainbow Coalition (NARC) finally ended KANU's 40-year reign.

The campaigns were relatively peaceful with non-partisan security provided to all without discrimination. The campaigns also witnessed free movements with NARC rallies always well attended. There were 1035 parliamentary candidates, and 7009 civic candidates.

Voting was held on 27th December 2002 with a voter turnout of 57%. Mwai Kibaki of NARC got 62% of the total votes cast, followed by Uhuru Kenyatta of KANU who got 30% of the votes cast. Simon Nyachae of FORD-People got 7%. Mwai Kibaki made history by being the first presidential candidate to surpass 25 % of valid votes in all 8 provinces.

The Parliamentary strength saw NARC get 125 seats, followed by KANU at 64, and FORD-People at 14 seats, while SAFINA, FORD-Asili, and Sisi Kwa Sisi each got 2 seats. Shirikisho party got 1 seat. Of the total 44 women candidates, 9 were elected.

2.3.1.11 2007 the Ninth Post-Independence General Elections

These elections held on 27th December 2007 were the most traumatic in Kenya's history. The campaigns were marked by violence and destruction of property. The elections were held against a backdrop of a constitutional referendum held on 21 November 2005. Although many government officials, including President Mwai Kibaki campaigned for a 'YES' vote, the proposed new Constitution was rejected by 58% of voters. This wrecked the NARC ship from within and resulted in a cabinet reshuffle that led to the dismissal of Raila Odinga and his allies from the Cabinet. In the subsequent 2007 elections, out of 190 MPs only 71 successfully defended their seats; 20 Ministers, including a sitting Vice President, were rejected by voters. KANU performed so dismally that from being the official opposition with 62 seats the independence party managed a paltry 14 seats. A total of 15 female

candidates were elected.

The party strength showed ODM having majority with 99 seats;

PNU, 43; ODM-K, 16; KANU, 14; SAFINA, 5; NARC-K, 4; FORD-P, 3; NARC, 3; CCU, 2; DP, 2; NFRD-K, 2; PICK, 2; SKS, 2; FORD-A, 1; FORD-K, 1; KADDU, 1; KADU-A, 1; KENDA, 1; MGPK, 1; NLP, 1; PDP, 1; PPK, 1; AND, UDM, 1.

2.3.1.11 2007 THE NINTH POST-INDEPENDENCE GENERAL ELECTIONS.

The campaigns were generally peaceful and issue-based. President Kibaki abandoned NARC and joined the Party of National Unity (PNU). The campaign issues focused on three themes; economy, infrastructure, corruption, Majimbo (federalism and devolution), free secondary education, universal health care, the status of Kenya Muslims, and the constitution.

Table showing the Presidential Election Results of General Elections 2007

Rank	Candidate	Party	Votes	%
1	Mwai Kibaki	PNU	4,578,034	47%
2	Raila Odinga	ODM		44%
3	Kalonzo Musyoka	ODM-K	879,899	9%
4	Joseph Karani	KPTP	21,168	0.2%
5	Pius Muiuru	KPP	9,665	0.09%
6	Nazlin Omar	WCPK	8,624	0.087%
7	Kenneth Matiba	SSA	8,049	0.081%
8	David Ng'ethe	CCUP	5,976	0.06%
9	Nixon Kukubo	RPK	5,926	0.06%

President Mwai Kibaki was declared the winner and hastily sworn in at night on 30th December 2007 despite opposition leader Raila Odinga's claims of victory. There was a general agreement among observers and within the international community that the elections were at least partially manipulated hence the results were fraudulent. This sparked violence, the worst in Kenya's electoral history. The 2007 post-election violence (PEV) saw over 1,100 dead and about 600,000 displaced, property destroyed, and thousands of women, men, and children suffering other horrific forms of violence and brutality. This shattered Kenya's reputation as a haven of peace and stability.

2.4 PRINCIPLES OF PARTNERSHIP OF THE COALITION GOVERNMENT

At its January summit in 2008, the African Union (AU), got concerned at the deteriorating situation in Kenya and stressed the need for those involved to be held accountable '... and called for a peaceful resolution to the crisis through dialogue and in conformity with the rule of law.'

Significantly, the summit 'stressed the need for the parties to extend full co-operation to the mediation efforts undertaken by the group of eminent African personalities led by Kofi Annan, former Secretary-General of the United Nations, and comprising Benjamin Mkapa and Graca Machel' (AU 2008a). The tempo for dealing with Kenya at the tenth ordinary summit was set by the then chair of the AU Commission, the former president of Mali, Alfa Konare.

The Annan team adopted a building block approach that moved upwards from the less contentious issues to engage with complex ones. The agenda included:

1. To seek immediate action to stop violence and restore fundamental human rights,
2. To address the humanitarian crisis and seek to promote national reconciliation,

3. To negotiate on how to overcome the current political crisis,
4. To develop long-term strategies for durable peace.

On 28th February 2008, an agreement on the Principles of Partnership of the Coalition Government was signed. This paved the way for the promulgation of the National Accord and Reconciliation Act. This act created a framework for sharing political power and the political crisis in Kenya was officially resolved. Two Commissions were established; the Kriegler Commission to inquire into the 2007 General Elections with particular focus on presidential elections, and the Kenya Commission of Inquiry into the Post Election Violence (CIPEV) also known as the Waki Commission established to inquire into the violence that followed the General elections.

2.5 THE KRIEGLER COMMISSION

The Kenyan government commissioned the Independent Review Commission (IREC) to investigate all aspects of the 2007 General Election, with particular emphasis on the presidential contest. Former South African Justice Johann Kriegler led the seven-person (and the secretary of IREC) team. The Commission was mandated to examine the following aspects of the election:

1. The constitutional and legal framework to identify any weaknesses or inconsistencies.
2. The structure and composition of the ECK in order to assess its independence, capacity, and functioning.
3. The electoral environment and the role of the political parties, civil society, the media, and observers.
4. The organization and conduct of the 2007 elections, extending from civic and voter education and registration through

polling, logistics, security, vote-counting, and tabulation to results-processing and dispute resolution.

5. Vote to tally and -counting to assess the integrity of the results of the entire election with special attention to the presidential contest.
6. The functional efficiency of the ECK and its capacity to discharge its mandate.

The IREC was also tasked with recommending electoral and other reforms to improve future election management and all electoral processes. IREC's final report included recommendations related to the following broad categories:

1. The Constitutional and legal framework.
2. The organizational structure of the electoral management system.
3. Public participation.
4. The organization and conduct of the election.
5. Counting and tallying, and
6. Post-election procedures.

2.6.0 THE POST-2010 GENERAL ELECTIONS AND THE NEW POLITICAL ORDER

2.6.1 INTRODUCTION

After the 2008 post-election violence in Kenya, the country implemented a series of the Agenda 4 reforms. These reforms were aimed at addressing the root causes of the violence and promoting peace, justice, and reconciliation in the country. The first was centered on establishing a Truth, Justice, and Reconciliation Commission (TJRC) with the aim of investigating historical injustices, human rights violations, and factors contributing to the violence. Its focus was on promoting national healing, reconciliation, and social cohesion. The second addressed the long-standing issue of land disputes, often associated with ethnic tensions,

ensure fair land distribution and tenure security for all citizens. The third aimed at advancing social and economic equality by implementing measures to tackle marginalization, foster inclusivity, and reduce disparities in resource access and opportunities. Lastly, the fourth aspect emphasized accountability and ending impunity, striving to hold those responsible for post-election violence and historical injustices accountable through judicial and law enforcement reforms. Since the adoption of its new constitution in 2010, Kenya has advanced its electoral democracy in spectacular ways.

ELOG's findings and expert opinion indicate that Kenya's elections have gradually improved since 2013. The Supreme Court declared the 2017 presidential elections invalid due to 'illegalities and irregularities,' making Kenya the first country in Africa to have its presidential election invalidated. Despite the Supreme Court of Kenya's ruling that the IEBC's declaration of the president-elect was lawful, the 2022 elections have also drawn harsh criticism from some quarters of CSOs, and political parties.

2.6.1 2013 THE TENTH GENERAL ELECTIONS.

The 2013 General Elections were the Tenth Post Independence election, and the first under the new Constitution. These were held on Monday, 4th March 2013 being the first election under the new constitution, 2010 and the first election to be run by the constitutionally sanctioned Independent Electoral and Boundaries Commission (IEBC).

There were numerous worries in the run-up to the 2013 general elections because of the 2007 elections, which left the nation in a condition of complete anarchy and bloodshed. The 2013 election process was plagued by the threat of violence and potential unrest. Kenya needed to

demonstrate that it could hold credible, calm, free, and fair elections. The issues that had not been remedied were negative ethnicity, historical injustices, and the culture of impunity. The 2013 report examined the main electoral narratives from 2007. They include the role of the International Criminal Court (ICC); the involvement of the international community; the presence of violence in the run-up to elections; the idea of the 'tyranny of numbers'; high rates of youth unemployment; the age issue; and the function of opinion polls in this context. Kenyan elections were boosted by a new legal framework, which included measures to assess election administration, coalition registration, party manifestos, state institutions such as the Independent Electoral and Boundaries Commission (IEBC), party primaries and nominations, election disputes, and the judiciary's role. The 2013 elections made it clear that there are still numerous legal gaps.

However, these elections were significant in the electoral history of Kenya because these were the first post 2010- Constitution that brought with it a totally new electoral environment with a new framework for elections in Kenya comprising

ELECTIONS RULES AND CODE OF CONDUCT

1. Provisions of Part III-X of the Election (General) Regulations on the Presidential, Parliamentary, and County Assembly Elections (Subsidiary Legislation)
2. First Schedule to the Leadership and Integrity Act No. 19 of 2012
3. Chapter Six of the Constitution of Kenya Electoral Code of Conduct set out in the Second Schedule to the Election Act with emphasis on: Applicability to every political party and person participating in the election
4. Penalties imposed (PART VI of the Elections Act (No.24 of 2011))
5. Disqualifications imposed thereof and

under the Constitution of Kenya.

6. Presidential Election Disputes
7. A General Election date that was known in advance (4th March 2013). President Moi had used this as a secret weapon so as to get the opposition always unawares.
8. A Party Nomination date complete with deadlines for each electoral activity.



Elective Positions available included:

TITLE	NO
President	1
Deputy President (DP)	1
County Governor	47
Deputy County Governor	47
Member of Parliament (MP)	290
Nominated Member of Parliament	12
Senators	47
Nominated	20
Woman Representative	47
Member County Assembly (MCA)	1450
Nominated MCA	Undetermined

CONSTITUTIONAL REQUIREMENTS DICTATE THAT FOR THE PRESIDENTIAL VOTE, THE WINNER MUST;

- **HAVE 50% PLUS 1**
- **HAVE 25% IN AT LEAST 24 COUNTIES**
- **TOTAL REGISTERED VOTERS WERE: 12,330,028**
- **86% VOTER TURN-OUT WHICH WAS THE HIGHEST IN KENYA'S ELECTIONS HISTORY.**

For the first time, Kenyans in the diaspora took part in the vote. However, this was limited to those living within the East African Community Countries, South Africa, and the USA. The use of technology was enhanced from telephony to using Biometric Voter Registration (BVR) Kits. This was meant to reduce incidents of electoral fraud.

Generally, the campaigns were peaceful except for isolated incidences. During voting an incident in the early hours of 4th March 2013 just before polls opened saw a gang kill at least six police officers in the region of Changamwe, Mombasa, and in Kilifi County. Elsewhere, voting was peaceful in most parts of the country but the ICT systems deployed to tally the Presidential elections failed and the IEBC had to revert to manual tallying. On 9th March 2013 Uhuru Kenyatta of TNA was declared the winner and hence the president-elect after garnering 6,173,433 representing 50.07%, against Raila Odinga of ODM who got 5,340,546 representing 43.31%. Raila Odinga challenged this in the Supreme Court of Kenya. His petition challenging the results was dismissed on 30th March, 2013.

2.6.3 2017 - THE ELEVENTH GENERAL ELECTIONS

The 2017 General elections were Kenya's eleventh Post-Independence Election. These were held on 8th August 2017. Results of the votes as announced by IEBC.

2017 General Election Results as announced by IEBC

Candidate	Running mate	Party/Coalition	Popular Votes	%
Uhuru Kenyatta	William Ruto	Jubilee Party	8,223,369	54.17
Raila Odinga	Kalonzo Musyoka	National Super Alliance	6,822,812	44.94
Joseph Nyagah	Moses Marango	Independent	38,029	0.25
Abduba Dida	Titus Ngetuny	Alliance for Real Change	38,004	0.25
Ekuru Aukot	Emmanuel Nzai	Thirdway Alliance	28,400	0.18
Japheth Kaluyu	Muthiora Kariara	Independent	11,774	0.08
Cyrus Jirongo	Joseph Momanyi	United Democratic Party	11,282	0.07
Michael Mwaure	Miriam Mutua	Independent	8,870	0.06
Invalid votes			811,518	5.1
Total			15,593,050	100
Registered voters			19,611,423	79.51

Source: IEBC

- 18th August 2017 - Raila Odinga and the NASA coalition filed a petition in the Supreme Court of Kenya challenging Uhuru's election.
- 1st September 2017 - Court delivered its determination.
- The Supreme Court upheld the petition.

SOURCE: IEBC

Raila Odinga and the NASA coalition rejected these results and on 18th August 2017, he filed a petition in the Supreme Court of Kenya challenging Uhuru's election. Each side presented their evidence and arguments with the court on many occasions sitting beyond 5.00 pm. The case was closed on Tuesday 29th August 2017 well after 9.00 pm when the judges retreated to write their judgment.

The court delivered its determination on 1st September 2017 at 11 am, reserving to write and deliver their reasons for the determination within 21 days as provided under Rule 23(1) of the Supreme Court (Presidential Election Petition) Rules 2017. The decision of Supreme Court upheld the petition with the conclusion that:

1. IEBC failed, neglected, or refused to conduct the 2017 Presidential Election in a manner consistent with the dictates of the Constitution and all relevant legislations.
2. The court was satisfied that IEBC committed irregularities and illegalities in the transmission of results, particulars, and the substance of which will be given in the detailed and reasoned Judgment of the court.

3. The court was satisfied that the irregularities and illegalities affected the integrity of the election, thereby impugning the integrity of the entire Presidential Election.
4. The court directed IEBC to hold fresh elections within 60 days.

2.7 2022 THE TWELFTH GENERAL ELECTIONS

2.7.1 INTRODUCTION

The 2022 General Elections were transitional. President Uhuru Kenyatta was the first to serve under the Constitution, and by extension charged with the initial implementation of the same. Having come to power as a coalition of convenience, all were looking to see how Uhuru manages his succession in a context where the president and his Deputy were no longer in talking terms.

2.7.2 THE CONTEXT OF THE 2022 GENERAL ELECTIONS

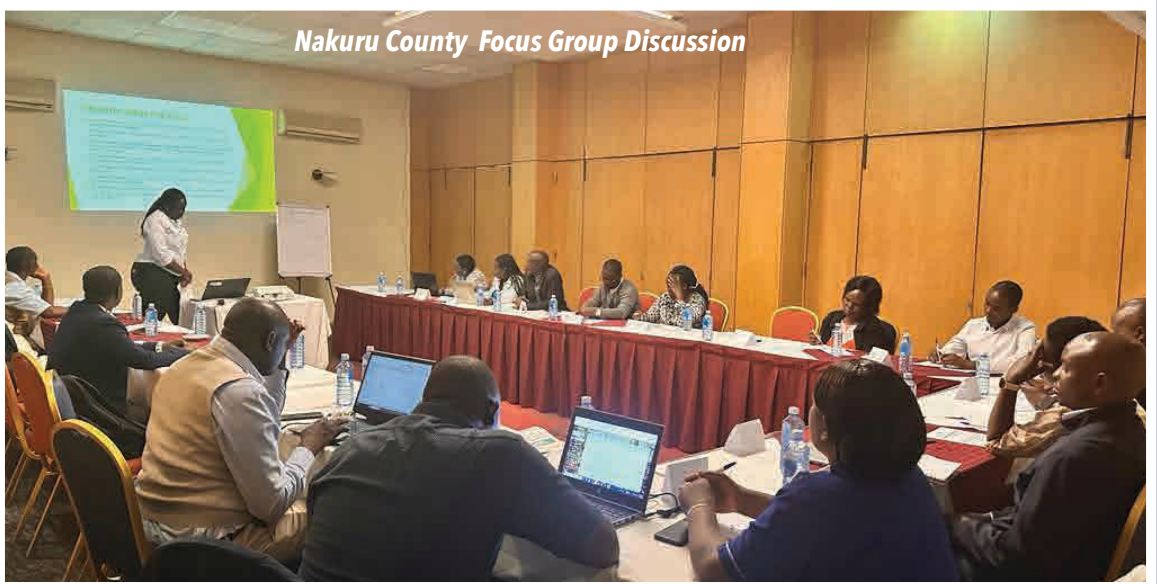
The 2022 electoral cycle was significant in the history of elections in Kenya for a number of reasons. A short background would suffice. In September 2016, twelve political parties merged

to form Jubilee Party (JP). These included The National Alliance (TNA), United Republican Party (URP), Grand National Union (GNU), The Independent Party (TIP), and Ford People held their National Delegates Conventions at Kasarani stadium on Thursday, 8th September, 2016, where they dissolved to pave way for merger with the Jubilee Party (JP). The Jubilee Alliance Party (JAP) held its Delegates Conference at the Bomas of Kenya on the same date at which members resolved to change the name to Jubilee Party (JP) in readiness for merger with the dissolved parties. Other parties such as the United Democratic Forum (UDF), New Ford Kenya (NFK), Alliance Party of Kenya (APK), Republican Congress (RC), and Unity Party of Kenya (UPK) dissolved in meetings held at the Bomas of Kenya. Party of National Unity (PNU) however dissolved on Friday, 9th September, 2016, at Kasarani Stadium. The merger of political parties is provided for in the amendment made to Political Parties Act in 2016.

for Reforms and Democracy/ODM (CORD). In 2013, the incumbent President Mwai Kibaki was ineligible to pursue a third term due to the two-term limit established in Clause 142 of the Constitution of Kenya.

The Uhuru/Ruto coalition was an alliance of convenience; the two were bitter political rivals in the 2007 elections and faced trial at the International Criminal Court (ICC) at The Hague over the violence that hit Kenya after the disputed 2007 elections. But in 2017 the duo vied for elections on the platform of a single party Jubilee Party, winning with 8,223,369 54 (54.17%) against Raila Odinga 6,822,812 (44.94%).

In the meantime, another political development with the potential to create tensions between the two leaders was in the offing. On 9th August, the Building Bridges Initiative (BBI) task force concluded public hearings on proposals for key



This merger came against the backdrop of the 2013 presidential election that saw Uhuru Kenyatta's National Alliance (TNA) in a silent coalition with William Ruto's United Republican Party (URP) defeat Raila Odinga of the Coalition

constitutional amendments. The report and recommendations were presented to Kenyatta and opposition leader Raila Odinga. Mr. Ruto who had built an opposition camp within the

government never hid its distrust for the Building Bridges Initiative (BBI), an outcome of the March 2018 peace pact between the president Uhuru Kenyatta and Raila Odinga.

The BBI had come to symbolize the famous public handshake between Uhuru Kenyatta and Raila Odinga, famously referred to as 'The Handshake'. To Ruto supporters, this reconciliation signaled Kenyatta's plan to renege on a power-sharing and succession pact, under which he would have backed Ruto for the presidency in the 2022 elections after serving two terms. Thus, any major constitutional amendments proposed by BBI would lead to referendum votes which would force Ruto to openly break with Kenyatta and begin an opposition movement. Ruto hit the campaign trail immediately after the handshake on 9th March, 2018, and he consistently held that the President had done well during his first term until the Handshake happened. Thereafter, Uhuru Kenyatta officially endorsed long-time rival Raila Odinga, to succeed him. Then came the 2022 elections.

This action heightened the political and electoral environment leading up to the 2022 General Elections. The pre-election environment became highly volatile and challenging to stakeholders, especially the IEBC and the principal political contestants, and the two participating collisions, Kenya Kwanza and Azimio-One Kenya. Political support was mobilized along ethnic and regional blocks in an environment that typified extreme anxiety, tension, political and ethnic division, violence, insecurity, and heightened expectations, especially among those at the low economic end. It is in this politically charged political and electoral environment that the 9th August 2022 General Elections were held. William Samoei Ruto United Democratic Alliance (UDA) garnered 7,176,141 (50.49%), while Raila Odinga of Azimio got 6,942,930 (48.85%), George Luchiri Wajackoyah

61, 969 (0.44%) and David Mwaure Waihiga 31, 987 (0.23%).

Subsequently, Mr Ruto was declared the winner with received 7,176,141 (50.49 %), narrowly beating his rival, Raila Odinga, who managed



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6,942,930 votes (48.85 %). An hour before the closure of polling centers at 5 pm, the electoral commission reported a voter turnout of 12,065,803, equating to 56.17% of registered voters. On 10 August 2022, IEBC announced that 14 million Kenyans, who were identified electronically, had voted bringing the total percentage to 65.4%.

2.8 THE POLITICAL ECONOMY OF 2022 GENERAL ELECTIONS

Notably, the 2022 elections were held against a backdrop of issues of National and international

concern including but not limited to the following:

- Social inequalities experienced at macro and micro levels expressed through unemployment, underemployment, and persistent rates of illiteracy, gender inequalities and household inequalities.



- New family forms derived from rapid social change, globalization, urbanization and a decline of cultural safety nets
- Economic inequalities of access to resources and constricted opportunities due to poor positioning as a consequence of social construction or history
- Education and questions of transition, and a lack of sustainable remedy for those who fail to do so
- Poverty all-pervading as an outcome of political, geographical, and many other socio-economic factors including persistent poor policy at odds with the needs of citizens

- **Health** – problems of infrastructure, structure and personnel due to poor policy and failure to prioritize differentiated citizens needs as well as following devolution poor management of systems due to governance issues.
- **Emerging demographic deficits** – current demographic indicators point to longer life expectancy for Kenyans on average, but clearly draws attention to an increase in numbers among the youth, many of whom were expected to participate in the 2022 general election but whose cumulative voter turnout in 2022 indicated low civic sensitization.
- **Gender Disparities** - evidenced and experienced by citizens in all counties mainly driven by cultural realities expecting that women should continue to occupy private spaces rather than public ones.
- **Teenage pregnancies** - rates have been on an upward trajectory despite various macro-level interventions, further exacerbated by COVID-19 in 2020 and 2021.
- **Trade imbalance** between multinationals with greater access to markets versus various start-ups by entrepreneurs that provide depressed revenue on returns to support financial needs of owners at the family level, inability to expand and failure to thrive. In effect investors are not forthcoming and risk is increased.
- **Food Insecurity** as a result of poor policies and a lack of subsidies increasing the cost of farming inputs and overall failing to attract the interest of youth who instead migrate from the rural areas, “bread baskets”, to the urban areas seeking employment. Added to this is climate change factor which requires scientific engagement to mitigate, however financial resources towards research on food systems is not given priority. women and children’s cases of increased malnutrition are prevalent

across counties but worse in ASAL counties.

- Crime rate - an increase has been witnessed across counties in the form of white collar, blue collar, pink collar and petty theft.
- Urbanization is witnessed in all counties with both positive and negative effects but with lasting implications such as an increase in informal settlements requiring services and poor transport logistics supporting delay. It should be managed so that citizens get services for which they are paying tax.
- Migration at a global level, causing brain drain and voter apathy due to transport logistics hindering return to their "home" station for voter registration and voting.

Remarkably, there were numerous worries in the run-up to the 2013 general elections because of the 2007 elections, which left the nation in a condition of complete anarchy and bloodshed. The 2013 election process was plagued by the threat of violence and upcoming unrest. Kenya had to demonstrate that it could hold credible, calm, free, and fair elections. The issues that had not been remedied were negative ethnicity, historical injustices, and the culture of impunity.

The 2013 report examined the main electoral narratives from 2007; they include, the role of the ICC; the involvement of the international community; the presence of violence in the run-up to elections; the idea of the "tyranny of numbers"; high rates of youth unemployment; the age issue; and the function of opinion polls in this context. Kenyan elections were boosted by a new legal framework, which included measures to assess election administration, coalition registration, party manifestos, state institutions such as the IEBC, party primaries and nominations, election disputes, and the judiciary's role. The 2013 elections made it clear that there were still numerous legal gaps. The story was similar in 2017 and 2022.

2.9 HISTORY REPEATING ITSELF?

From the history of elections in Kenya presented above one can conclude that elections in Kenya are fought around incumbency, ethnicity, and some machinations. The rules do not appear to really matter. Equally, every election has acute intra-elite tensions. This points to a widely held view that every election in Kenya has always been a contested affair, whether in the era of one-party or multi-party. These contestations have always been characterized by violence as a result of a miscarriage of electoral malpractices and injustice. Sitting presidents have on many occasions manipulated electoral processes which impact results to favor them, or colluded with election managers to defraud the voter.

There were isolated skirmishes with allegations of vote rigging. Again, this seemed to confirm the widely held view that Kenyan elections are often high-stakes affairs, with the politicians' concerned eager to protect both their careers and their significant business interests. While social tensions are now at a low ebb, in past elections, claims of electoral malfeasance have triggered violence that killed hundreds and displaced tens of thousands. But is this unique to Kenya? A consideration of how the situation is elsewhere in Africa will suffice. Let us consider the situation elsewhere in Africa.

2.9 ELECTIONS, VIOLENCE, AND DEMOCRACY IN AFRICA

Electoral violence has not only taken place in Kenya but many other African countries have suffered the experience. Since the (re-)introduction of multiparty politics in Sub-Saharan Africa in the early 1990s, electoral competition for state power has become the norm, and many states have held more than three successive elections. Since the Arab Spring in 2011, several North African countries have also held multi-party elections. The

period 2012–2013 witnessed over 20 national elections and two constitutional referendums across Africa. In several of these elections, violence broke out.

While the frequency of elections and the advancements in the quality of democracy across the continent has generated a sense of optimism for multiparty politics, the same has been closely accompanied by another, much more worrying trend, of election-related violence. This trend not only poses a threat to peace and security on the continent but also risks undermining the long-term sustainability of these democratization processes. This calls for a great urgency and need to rethink the establishment of effective and legitimate electoral institutions and electoral frameworks; institute reforms aimed at lowering the stakes of elections; encourage the devolution of powers; improve the socio-economic standing of the populace; and devise strategies to prevent and manage electoral violence.

As it is, democracy in Africa faces the risk of being trapped in the 'electoral fallacy.' Regular elections take place, but the democratic franchise has not

become sufficiently diffused and entrenched as a mode of governance across political and social institutions.

In an article in *The Atlantic* titled 'How to build an Autocracy,' David Frum observed that 'Victor Orban of Hungary, the late Hugo Chavez of Venezuela, and Jacob Zuma of South Africa all turned their countries away from liberal democracy and toward autocracy. Worldwide, democracy is in recession.' David Frum had linked South Africa, a pivotal state in the support for democracy in Africa to a group of states responsible for its deconsolidation. At this time, the South African government was pushing for Africa's withdrawal from the Rome Statute in support of the then Kenya's President and his Deputy who were facing prosecution at the ICC at The Hague. With this act, Africa began a downward trend killing any hope for the future of democracy on the continent. In Kenya the turning point was the 2007 General Elections. The reaction was to work out a series of policy and legal amendments that have significantly cured the wound but not completely healed.

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CHAPTER THREE

THE LEGAL FRAMEWORK FOR ELECTIONS IN KENYA

3.1 INTRODUCTION

The recommendations by Judge Kriegler got a boost when the new Constitution of Kenya was promulgated on **27th August 2010**. The Constitution created a new framework for Kenya's electoral system and administration of elections in Kenya. The Constitution came with an improved environment for political activities which included the right to exercise civil and political rights, and the right to assemble among others. Significantly, the Constitution created a framework for new laws that were progressive. Today, the laws governing elections and the electoral process include but are not limited to

1. **The Constitution of Kenya, 2010. Cap. 7**
2. **The Elections Act, 2011;**
3. **Elections Offences Act, 2016.**
4. **The Political Parties Act, 2011;**
5. **The Independent Electoral and Boundaries Commission Act, 2011;**
6. **The Elections Campaign Financing Act, 2013;**
7. **The Leadership and Integrity Act, 2012**

These laws are applied within a framework of existing general principles and rules of international law. These rules and principles come into our statute books via treaties ratified by Kenya, which have a bearing and impact on Kenya's electoral management of electoral process. These general principles of international law and treaties are recognized by the constitution as part and parcel of Kenya's law.

In addition, there are various themes and subjects regulated by various laws governing elections in Kenya laws that are not necessarily legislated for purposes of governing elections in Kenya, but which clearly have a bearing on the electoral management process in Kenya.

The Kenyan electoral framework is organized within the general rules of international law, regional and the Constitution. By dint of

Article 2 (6) of the constitution, there are many international instruments that have been ratified by Kenya, and as such are binding on the state. These instruments are considered to form part of the legal regime of the state of Kenya and are enforceable before courts of law. Those relevant to elections and the electoral process include; the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPWD). Below, we consider these and their implication to elections in Kenya.

3.2.0 THE INTERNATIONAL FRAMEWORK.

Elections in Kenya are organized around the general rules of international law. These include The Universal Declaration on Human Rights (UDHR); the International Covenant on Civil and Political Rights (ICCPR); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); and, the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to name but a few.

3.2.1 THE UNIVERSAL DECLARATION ON HUMAN RIGHTS (UDHR)

The 1948 Declaration though not a treaty, over time, has acquired a moral-like principle that impacts greatly customary international law since most countries have consistently applied it for over fifty years with a profound influence on the development of international human rights law. The provisions of this instrument have informed the development of numerous international legally binding conventions, among these the International Convention on Civil and

Political Rights (ICCPR), and, the International Convention on Economic, Social and Cultural Rights (ICESCR). The UDHR acts as an expression of the fundamental values shared by all members of the international community and openly recognizes the right of the people to participate in government either directly or through their democratically elected representatives.

3.2.2 THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

The International Covenant on Civil and Political Rights provides that every citizen shall have the right and the opportunity, without any unreasonable restrictions. This instrument affords every citizen the right to vote and be elected at periodic genuine elections. The emphasis on the need for a genuine electoral process has been informed by past instances where states have adopted a mockery of electoral processes aimed at window-dressing the quest for democracy.

3.2.3 THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (ICERD)

As a human rights instrument, the ICERD commits state parties to the elimination of racial discrimination and the promotion of understanding among all races. This convention was developed principally to protect racial minorities and eliminate any forms of discrimination on the basis of one's race. Article 5 of the convention provides that state parties to the convention have undertaken to prohibit and eliminate racial discrimination in all its forms and to guarantee the rights of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of amongst others the political rights.

3.2.4 CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

The convention adopted on 18th December 1979, seeks to integrate women at the center of decision-making processes and eradicate impediments women face in the course of effective participation in societal affairs. Article 7 of the Convention provides that state parties shall take appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, have the right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies. The essence of Article 7 is to avail women the opportunity to participate in the electoral and political processes of their respective countries through voting and being voted for and further calls for the equal treatment of both men and women in the electoral process.

3.3.0 THE REGIONAL FRAMEWORK

There are regional instruments touching on political participation which have been adopted by the African Union and State Parties have ratified the same. These include The African Charter on Human and People's Rights (ACHPR); African Charter on Democracy, Elections and Governance on Democracy (ACDEG); and, the Protocol to the African Charter on the Rights of Women in Africa (the Maputo Protocol)

3.3.1 THE AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS (ACHPR)

The Charter adopted in 1981, represents the strategic framework for delivering on Africa's goal

for inclusive and sustainable development and is a concrete manifestation of the pan-African drive towards continental unity.

Article 13 of the Charter is about the participation of the people. The Charter requires Member States of the African Union to recognize the rights, duties, and freedoms enshrined in this Charter and undertake to adopt legislative or other measures to give effect to them. The Charter also provides that every citizen shall have the right to participate freely in the governance of his country, either directly or through freely chosen representatives in accordance with the provisions of the law. The right to participate excludes military interventions in the takeover of a government, and any exercise of state power should be a result of a people's exercise of their rights independent of any threats or coercion.

Article 20 sets out the unquestionable and inalienable right to self-determination. This includes the right of the electorate to freely determine their political status and pursue their economic and social development according to the policy they have freely chosen. This seeks to protect the political life of a people, the right to self-determination which requires that persons shall choose the policy by which they will be governed. Free choice must respect the importance of the individual in making his decision. Such a choice must be made free from intimidation, violence, undue pressure, or influence.

From the foregoing, we can discern certain principles underlying the intentions of the international legal framework relating to elections which are central to the exercise of the right to vote that any electoral system ought to aspire to comply with. These principles include;

1. Periodic elections which should be conducted within a given interval on a continuous basis

2. Genuine elections that aim at the realization of the wishes of voters and which elections ought to be free and fair. The elections should not be marred by irregularities whose sole purpose is to pursue the pretense of going through the motions of elections.
3. Right to stand for elections in which people are accorded the right to contest an election without undue limitations and/or hindrances.
4. Universal suffrage which allows every person who has attained the legal age to participate and exercise the right to vote. Universal suffrage can only be restricted in known instances so identified by law and such restrictions must be reasonable in the circumstances.
5. Voting in elections on the basis of the right to vote.
6. Equality of the vote where the principle is that every vote cast should carry equal weight within the electoral regime.
7. Voting by secret ballot in which the sanctity of every vote is respected and that in exercising their right to vote no one should be in a position to influence the voter's choice of candidate. Specific exceptions may be given in certain circumstances with respect to assisted voters.
8. Free expression of the will of the voter which requires that the voter should be afforded an opportunity to exercise their franchise without fear or intimidation. The electoral process should be free from violence or intimidation of the voter.

Significantly captured in the convention are the principles of participation in elections, universal suffrage, equal suffrage, the right to vie for elections, and the right to vote. The international electoral framework primarily targets the elimination of racial discrimination on the basis of ethnicity, religion, gender, sex, political opinion,

and class among others. We now turn to the local framework.

3.3.2 AFRICAN CHARTER ON DEMOCRACY, ELECTIONS, AND GOVERNANCE (ACDEG)

The African Charter on Democracy, Elections, and Governance (ACDEG) was adopted on January 30, 2007, in order to promote liberal democracy and human rights in Africa. It is the first binding document adopted by members of the African Union. It outlines the main rules that apply to states and their responsibility towards their citizens on a range of political, economic, and social issues pertaining to governance.

Article 2 of the Charter provides for among others to:

- a. Promote adherence to the universal values and principles of democracy and respect for human rights
- b. Promote and enhance adherence to the principle of the rule of law premised upon the respect for, and the supremacy of, the Constitution and constitutional order in the political arrangements
- c. Promote the holding of regular free and fair elections to institutionalize legitimate authority of representative government as well as democratic change of governments
- d. Nurture, support and consolidate good governance by promoting democratic culture and practice, building, and strengthening governance institutions and inculcating political pluralism and tolerance
- e. Promote the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press, and accountability in the management of public affairs
- f. Promote gender balance and equality in the

- g. governance and development processes
- g. Enhance cooperation between the Union, Regional Economic Communities, and the International Community on democracy, elections, and governance, and
- h. Promote best practices in the management of elections for purposes of political stability and good governance.

Articles 3 (1-4), 4, 8 (1-3), 12 (1-3), 16, and, 17 (1-4) all speak to fair, transparent, verifiable and credible democratic elections as a basis for good governance.

3.3.3 THE PROTOCOL TO THE AFRICAN CHARTER ON THE RIGHTS OF WOMEN IN AFRICA (THE MAPUTO PROTOCOL)

Described as one of the world's most comprehensive and progressive women's human rights instruments, the Protocol to the African Charter on the Rights of Women in Africa (the Maputo Protocol) was adopted on 11 July 2003. Unlike any other women's human rights instrument, it details wide-ranging and substantive human rights for women covering the entire spectrum of civil and political, economic, social, and cultural as well as environmental rights also labeled the African Bill of Rights of Women's Human Rights. The Protocol guarantees comprehensive rights to women in Africa, specifically focusing on the right to participate in political processes, to social and political equality with men.

3.4.0 THE DOMESTIC LEGAL FRAMEWORK

Locally the electoral process is managed within the following framework.

- a. **The Constitution of Kenya, 2010. CAP 7,**
- b. **The Elections Act, 2011,**
- c. **Elections Offenses Act, 2016,**

- d. The Political Parties Act, 2011,
- e. The Independent Electoral and Boundaries Commission Act, 2011,
- f. The Elections Campaign Financing Act, 2013,
- g. The Leadership and Integrity Act, 2012.

3.4.1 THE CONSTITUTION OF KENYA, 2010

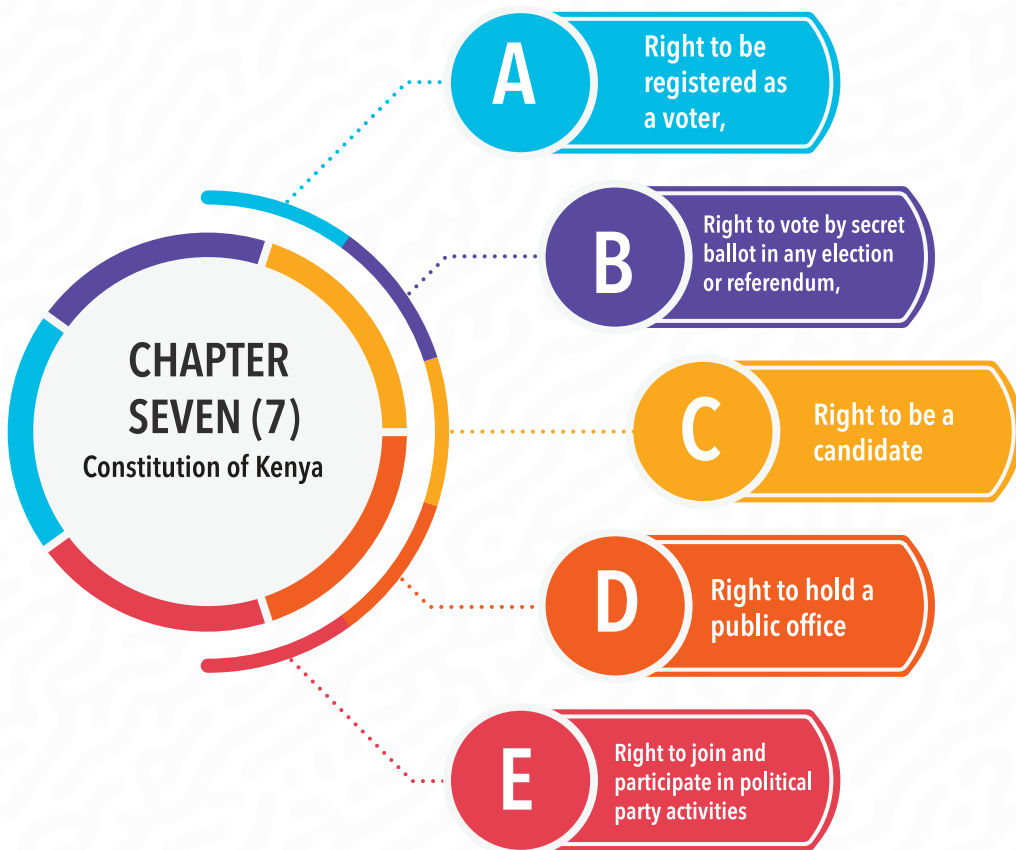
Chapter 7 of the Constitution provides a legal framework for elections and electoral process in Kenya. This includes the General Principle for the electoral process, legislation on elections, registration as voters, candidature for the elections and compliance with the electoral code of conduct; eligibility; the voting process; electoral disputes; Independent Electoral and Boundaries Commission; Delimitation of electoral

units; allocation of party seats; management and regulation of political parties.

The Constitution establishes the Independent Electoral and Boundaries Commission (IEBC). The IEBC is the electoral body charged with managing elections and referenda in Kenya. In the performance of its functions, the Commission is subject only to the Constitution and the law and hence not subject to the direction or control of any person, office, or authority.

A plain reading of Chapter Seven (7) reveals that to enable Kenyan citizens to participate in an election the Constitution grants the following rights:

The Constitution at Article 10 provides for national values and principles of governance. Among these are:



- a. Patriotism
- b. National unity
- c. The rule of law
- d. Democracy
- e. Public participation
- f. Human dignity
- g. Social justice
- h. Inclusivity
- i. Human rights
- j. Non-discrimination and protection of the marginalized
- k. Good governance
- l. Integrity
- m. Transparency and accountability.

These principles and values bind all state organs, public officers, and all persons whenever they are interpreting the Constitution, enacting or interpreting any law, or implementing public policy. This makes it a mandatory requirement to be observed during elections from the registration of voters to the announcement of the results.

A careful reading and interpretation of the spirit of Chapter Seven of the Constitution reveals the requirement that the electoral system be subject to the following principles:

- a. The citizens ought to be given the freedom to exercise their political rights.
- b. Outlaw dominance by one gender such that not more than two-thirds of members of public bodies shall be of the same gender.
- c. Embrace the principle of inclusivity and non-discrimination in which persons with disabilities are fairly represented.

In addition, the architecture of Kenya's electoral

- a. A voting exercise that is by secret ballot,
- b. A voting environment that is free from violence, intimidation, improper influence, or corruption,
- c. Elections and an electoral process that is managed by an independent body that



- d. An open and transparent electoral process, and
- e. An electoral process that is administered in an impartial, neutral, efficient, accurate, accountable, and verifiable manner.

3.4.2 THE ELECTIONS ACT 2011

This law in spite of subsequent amendments provides for:

- a. The conduct of both elections and

- referenda,
- b. The registration of voters, and the determination of questions concerning registration,
 - c. Election offenses and resolution of election disputes.



In this Act, all adult Kenyan citizens have the right to vote provided they are registered in the Register of Voters, which comprises:

- a. A poll register in respect of every polling station,
- b. A ward register in respect of every ward,
- c. A constituency register in respect of every constituency,
- d. A county register in respect of every county, and,
- e. A register of voters residing outside Kenya.

The registered voters in a county or constituency

may remove their Member of Parliament before the end of the term of the relevant House of Parliament if he/she is:

- a. Found, to have violated the provisions of Chapter Six of the Constitution
- b. Found, after due process of the law, to have mismanaged public resources
- c. Convicted of an offense under this Act.

A recall can only be started twenty-four months after the election of the Member of Parliament and not later than twelve months immediately preceding the next general election. However, a recall petition cannot be filed against a Member of Parliament more than once during the term of that Member in Parliament. Further, a person who unsuccessfully contests an election cannot initiate a petition for the removal of the Member of Parliament.

The IEBC is responsible for the settlement of electoral disputes, including disputes relating to or arising from nominations but this excludes election petitions and disputes subsequent to the declaration of election results.

3.4.3 THE ELECTION OFFENCES ACT, 2016

The Act came into force in 2016 significantly to deal with election offenses. Election offenses may invite warning, disqualification, prosecution, or imprisonment. In Kenya, election offences include;

- a. Multiple registrations in which case a voter's name appearing more than once on the voters' register
- b. Having more than one voter's card
- c. Impersonating someone including using

- somebody else's voter's card
- d. Selling or buying voter's card in exchange for money, food, beer, or any other gift, and
- e. Deliberately destroying a voter's card.

Offenses relating to voting;

- a. Voting more than once
- b. Carrying out campaigns on the polling day
- c. Soliciting or receiving bribes to encourage voting for a candidate
- d. Hate speech targeting the opposing side
- e. Destruction of campaign materials of the opposing candidate.
- f. Use of another person's elector's card and ID to vote
- g. Prevention, obstruction, or barring of a person from voting
- h. Use of threats, force, or violence during the election to compel someone to vote in a particular way or refrain from voting.

3.4.4 POLITICAL PARTIES ACT, 2011

The Political Parties Act seeks to regulate the formation and operation of political parties in Kenya. It provides for the registration of political parties and how they are regulated. It also provides for the funding and accounting of political parties, and the resolution of disputes within political parties.

In the Act is created the Office of the Registrar of Political Parties (ORPP) that is independent and whose functions and operations cannot be directed or controlled by any person or authority. It is a mandatory requirement that for any political party to begin operations it must be registered by the Office of the Registrar of Political Parties. The Act also established a fund called

the Political Parties Fund, which is administered by the Registrar of Political Parties. The fund is meant to promote accountability, transparency, and fair competition between parties. Finally, the Act provides for the distribution of the fund, restriction of sources, disclosure, and audit of the Fund.

3.4.5 THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC) ACT 2011

Article 88 of the constitution creates the Independent Electoral and Boundaries Commission (IEBC). This was operationalized by the IEBC Act of 2011. As a constitutional body, the IEBC is responsible for conducting or supervising elections and referenda in the country. In the IEBC Act, the Commission is made up of the commissioners, headed by a chairperson and a secretariat headed by a Chief Executive Officer who is also the secretary to the commission.

The IEBC Act at Section 3 (a) provides for the operations, powers, responsibilities and functions of the Commission to supervise elections and referenda at County and National government levels. Section 3 (b) provides a legal framework for the identification and appointment of the Chairperson, members, and the secretary of the Commission pursuant to Article (12) (b) and 250(2) of the Constitution. Section 3(c) provide for the manner of the exercise of the powers, responsibilities, and functions of the Commission pursuant to Article 88 (5) of the Constitution, while section 3 (d) establishes mechanisms for the Commission to facilitate consultations with interested parties pursuant to Article 89 (7) of the Constitution.

The Commission operates its functions

independently from the control or influence of any person or authority. In carrying out its mandate, the Commission is required to observe the national values and principles which include democracy, inclusivity, and public participation. In conforming to these values and principles the Commission is required to engage and be in consultation with stakeholders.

The functions of the IEBC as outlined in Article 88 (4) are:

1. Conducting or supervising elections and referenda
2. Conducting or supervising elections to any elective body established by the Constitution
3. Conducting and supervising any other election as may be prescribed by an Act of Parliament
4. Registration of voters
5. Regular revision of the voter register
6. Delimitation of constituencies and wards
7. Settlement of electoral disputes that arise from party nominations

The members of the Commission and staff are subject to a code that requires the Commission's employees to conduct themselves with integrity and neutrality.

3.4.6 THE ELECTION CAMPAIGN FINANCING ACT, 2013

The Act of Parliament on Election Financing was passed in 2013 to provide for the regulation, management, expenditure, and accountability of election campaign funds during election and referendum campaigns. Under the law, the IEBC is responsible for the regulation and administration of campaign financing and is required to;

- a. Keep a register of authorized persons

under the Act

- b. Supervise candidates, political parties, referendum committees, and authorized persons in relation to campaign expenses
- c. Set spending limits and enforce compliance with such limits.

The law provides that a political party intending to contest in an election is required to constitute a party expenditure committee which shall consist of nine members whose mandate is to advise the political party on all financial matters related to the party nomination or to the party campaign expenditure.

3.4.7 THE LEADERSHIP AND INTEGRITY ACT, 2012

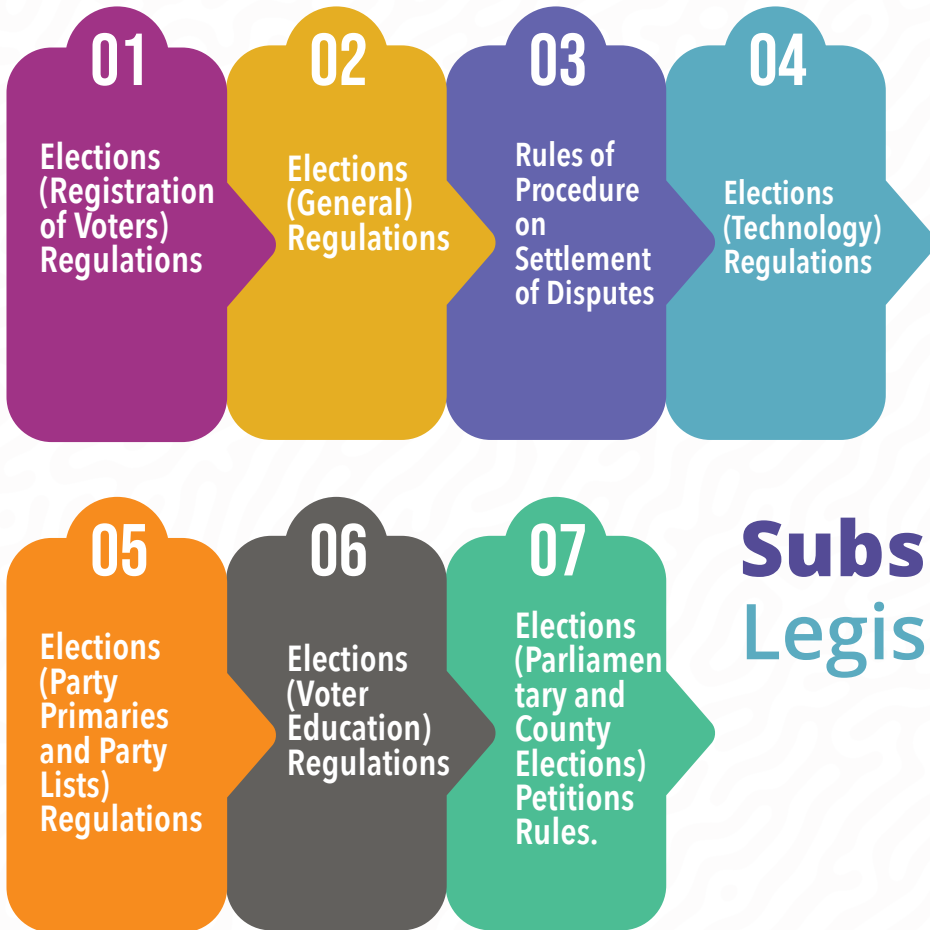
This law was enacted in 2012 to give effect to the provisions of the Constitution on leadership and integrity under Chapter Six, (6). This law requires that in the course of duty;

1. State officers are required to abide by the Constitution and the law
2. State officers are required to use the power donated to them in the interest of Kenyans
3. State officers are required to carry out their duties efficiently and with honesty
4. State officers are required to carry out the duties of the office in a manner that maintains public confidence in the integrity of the office
5. A State officer shall not use the office to unlawfully enrich himself or herself or any other person
6. A State officer shall not use the office to wrongfully or unlawfully influence the acquisition of property.

3.4.8 SUBSIDIARY LEGISLATION

Besides these above laws, Kenya has legislations that though may not directly touch on elections,

play a critical role in the regulations on election management in Kenya. These include but are limited to:



Subsidiary Legislation



CHAPTER FOUR

GENERAL ELECTIONS IN CONTEXT

4.1 INTRODUCTION

ELOG observes recurring characteristics of every election cycle, such as inadequate voter education, regulations, reforms, integrity of the voter register, use of technology in electoral procedures, corporate governance, financing political campaigns, two-thirds rule, and facilitation of observers.

4.2 VOTER EDUCATION

Promoting peaceful elections requires strengthening civic involvement and voter education on voter registration, voting process, election laws, logistics, security, vote-counting and tabulation to results-processing and dispute resolution is important. Through civic and voter education, citizens are made to understand and appreciate voting as civic duty and as a part of fulfilling ones democratic right.

In 2017, the voter education program was aimed at sensitizing, educating, and mobilizing registered voters to familiarize themselves with the laws and procedure for voting. Voter education was also aimed at mobilizing registered voters to verify their registration details before the E-Day. ELOG, however, noted a lack of comprehensive voter education campaigns in all parts of the country. The least targeted SIGs for this exercise were the PWDs while the women and youth were majorly targeted. A multi-stakeholder effort should be used to plan and implement civic education programs, with an emphasis on issues of electoral integrity, individual choice, inclusivity, and the accountability of those in office. Target underprivileged populations and young people. Use of community resources to supplement educational programs.

4.3 ELECTORAL SECURITY

Citizens play a crucial role in democratic and political governance processes, as they are the largest stakeholders and beneficiaries of elections. They should resist voter bribery, corrupt practices, and hold political parties accountable. Maintaining positive attitudes and behavior towards democratic processes is essential for meaningful and value-based governance changes in society. During the entire electoral period it is important to ensure that all personnel, officials, and voters are adequately protected. The police should look into cases of political profiling, harassment, assaults, and injuries as well as electoral legislation violations and prosecute offenders. Security management is enhanced by cooperation between the national police and other duty bearers, such as the IEBC.

Elections that are peaceful, credible, free, and fair depend on the proper implementation and enforcement of the Elections Offenses Act and the Electoral Code of Conduct. ELOG observed that the electoral campaign period in 2017 was divisive, characterized by hate, suspicion, violence, and disregard for existing constitutional bodies. LTO reports revealed that women were subjected to abuse and intolerance by political opponents. ELOG recommends that political actors adhere to the code of conduct and take stringent action when a breach occurs. Political parties should declare clear election agendas and policy proposals to the electorate, and adverse campaigning should be strongly condemned and negatively profiled. The run-up to the October fresh Presidential election was marked by unpredictability, intense brinkmanship, attacks on institutions, and

violent protests.

Due to the overlap in jurisdictions, the IEBC, the ODPP, the courts, and other law enforcement agencies need to work together in a coordinated manner to execute and enforce the Elections Offenses Act. The absence of effective synergy continued to be a problem that made it difficult to put the Election Offenses Act into practice, just as it did in the 2017 elections. In the run-up to the 2022 general elections, several factors played to overstretch security agencies. These include but are not limited to the devastating socio-economic effects of Covid-19; historical injustices that have not been addressed; a general sense of unease throughout the nation; the perception that the deep state was supporting one political side and had the inclination to do so; and the prevalence of hate speech, fake news, and misinformation all contributed to the aggravation of the aforementioned factors. Subsequently, the interaction of the variables created a climate of political unease and worry; the likelihood of violence at the 2022 elections was therefore very high. ELOG noted a rise in the use of social media, fake news, misinformation, and propaganda, but it did not note any persistent anomalies that would have compromised the reliability of the E-Day procedures.

ELOG 2022 report emphasized the following recommendations on security and protection of election officials and election materials, protection of voters, voters' rights, and election observers, as well as protection during elections and during the announcement and declaration of election results. ELOG further recommended that the NPS ought to be impartial, neutral, and independent. To

guarantee better supply and administration of security, ELOG recommended cooperation with other electoral duty bearers including the IEBC. To reduce conflict, manage and avoid violence, and foster tolerance and peace, ELOG recommended increased cooperation among FBOs, CSOs, EMBs, security organizations, and local actors.

4.4 PARTICIPATION OF SPECIAL INTEREST GROUPS (SIGS)

ELOG observed that affirmative action related legislation and principles were yet to be fully adopted and implemented in accordance with Article 100 of the Constitution even as the 2022 General Elections approached.

ELOG also noted that SIGs were adversely affected by lack of credible and transparent processes, and recommended inclusion of SIGs in the electoral processes.

ELOG 2023 report also noted that Parliament lacked the motivation and enthusiasm to pass legislation to put the two-thirds gender norm into effect. One issue for legal strengthening that Parliament overlooked and dallied on for the past ten years, even when faced with the possibility of dissolution, was the two-thirds gender rule fiasco in Parliament. Despite Kenya's 2010 Constitution, the Elections Act, and the Political Parties Act, PWDs have been mostly excluded from the elections in 2022. Although political parties have

included financial limitations, a patriarchal society, hostile campaigning, harassment, and psychological abuse. Despite some achievements in the elections of 2022, women still experienced insecurity and harassment, which is frequently encouraged by both male and female opponents and supporters.

recommended that the IEBC has to maintain its relationship with the National Council for Persons with Disabilities in order to increase PWD inclusion and participation in political and electoral processes. Youth apathy and discontentment posed a major concern for their lack of registering as voters.



Meru County Focus Group Discussion

Positive steps were taken by the IEBC in the 2022 elections to ensure that PWDs were represented in the voting process, including letting older PWD voters update their disability status and recording the disability status of newly registered voters. Braille-format voter education materials were also produced and disseminated using sign language interpreters. Accordingly, ELOG

The Supreme Court ruling in the 2022 presidential petition held that the technology deployed by the IEBC had not failed the standards of Article 86 of the Constitution on integrity, verifiability, security and transparency. This can be interpreted to mean that the IEBC has improved on providing a transparent electoral process especially on the transmission of results.

ELOG further suggested that IEBC and related stakeholders should consider and reflect on developing policies and guidelines to govern how dissenting views and opinions that might emerge among the Commissioners during the process of verifying, tallying, and announcing presidential election results will be managed and communicated to the public.

While ELOG applauded the IEBC for the significant investment it made in securing a qualified cadre of staff for the elections in the 2022 elections, ELOG also pointed out that there was still the need for the IEBC to enhance and expand the staff's capabilities. This should be accomplished by prompt, thorough, and regular training based on thorough training manuals and curricula.

EU EOM 2022 report noted despite protracted legal disputes, the election preparations were generally effective. However, there was a lack of transparency and a split and dysfunctional IEBC. There were elaborate recommendations for the Election Administration and Management according to ELOG 2022 findings which included

a. Finding a system and infrastructure that best meets Kenya's political dynamics and

- nuanced electoral processes
- b. Establishing a civic discussion, examination, rationalization, and reevaluation of the electoral infrastructure, including the EMB model; and reach an agreement through bottom-up discussion and conversations on the best election infrastructure, system, and Commission model.
 - c. Distinguishing between the tasks and responsibilities of the Commission Secretary and the Commission staff in order to clearly define the policy and administrative domains of the Commission.
 - d. Revisiting debate on the model of the EMB to embrace a more politically inclusive and representative structure. This includes setting out legal and policy parameters, procedures and modalities to guide the management and public communication of dissenting views and opinions.
 - e. The IEBC should convene an independent post elections review and evaluation of the 2022 elections and other electoral processes, which should involve the participation of a broad-based spectrum of electoral actors and stakeholders. The IEBC should share the whole report with stakeholders and make the conclusions and suggestions of its internal post-election evaluation public. Additionally, it should make sure that any changes to election law are examined before being submitted to Parliament for adoption.
 - f. Using a broad-based, transparent, participatory, and consultative process, the IEBC should design a plan and framework for post-2022 elections reforms that includes all significant stakeholders. The

Commission should take into account and implement the suggestions from the 2017 Supreme Court rulings on the annulment of the presidential election, establish campaign finance regulations, ensure their implementation and enforcement, stop the implementation of all electoral law amendments, and uphold the constitutional 2/3 gender threshold. The IEBC should work towards reducing the costs of elections by identifying and reviewing high-cost drivers and taking measures to reduce and minimize them. Staggering the elections could help reduce the high stakes and suspicion around elections, which could in turn reduce the costs associated with the costly security marks and protocols on the ballot papers.

- g. The IEBC should invest in building trust and confidence amongst the public and political players, and should engage and work with stakeholders within and outside government to review, audit and improve the use and application of technology in elections.
- h. The IEBC should adhere to the principles of simplicity, security, transparency, verifiability and accountability under Article 86 of the Constitution.



Nakuru County Focus Group Discussion



CHAPTER
FIVE
CITIZENS' VOICES

5.1 INTRODUCTION

This section highlights citizen’s feedback on the 2022 electoral processes as was collected and triangulated from the following:



Focused Group Discussions (FGDs) from 10 regional platforms



Key Informant Interviews (KII) which target key individuals and institutions and



Opinion survey

Citizen’s views were sourced from FGDs conducted on site in the 10 ELOG regions, a large opinion survey using CATI covering 8 Regions in Kenya and KII interviews from over 10 organizations working on electoral processes in Kenya.

Elections seek to provide an opportunity for citizens to elect their representatives both at national and local levels. The citizens’ voices from the FGDs were critical. Hopes, fears, expectations, and disappointments were amplified by the opinion poll with a view to giving insight into where, why and how democracy is perceived and expressed in Kenya during elections. The FGDs provided perspective though which the Key Informant Interviews which shared the institutional framework of expectations were conducted. All these ‘voices’ combined point to the intricacies of Kenya’s democratic processes, namely, the citizens’ experiences and expectations, infrastructural capabilities, and contextualize the gains, fissures, tensions, shortcomings, and gaps to be addressed for the future.

Since elections belong to the people and are a fundamental means of self-determination, listening to Citizens’ Voices is important to democratic institutions that are conscious and keen, on fostering trust within and among themselves, and interested in delivering on their mandate. Further, as the democratic institutions provide support to other macro-level infrastructure within the electoral ecosystem, Citizens Voices provide a micro assessment on the quality of engagements. Finally, it is the Citizens’ Voices captured herein that provide for all stakeholders, insights into micro-level attitudes, perceptions of citizens’ expectations, and overall levels of confidence of the electorate in the democratic processes that were at play during the 2022 elections in Kenya.

In this report, the Citizens’ Voices are the barometer with which Kenya’s democratic processes can be audited and authenticated in terms of their application, relevance, and sustainability since they are providing a window into the interaction between macro level institutional action and the micro level expectations of citizens.

Ostensibly, the Citizens’ Voices in the FGDs were organized with a view to inclusivity, incorporating SIGs, PWDs and minorities. Of critical importance was the demographic diversity represented within each FGD (see Appendix for specifics of FGD composition).

The voices responded to the under listed thematic areas, which prompted conversation among members in the group while expanding discussion from an experiential standpoint. The themes framing FGD discussion were the following:



Voter Registration



Voter Education



Voting Process



Voter Security



Electoral Campaigns



Electoral legal and policy framework



Election results and announcement



Elections Dispute Resolution (EDR)

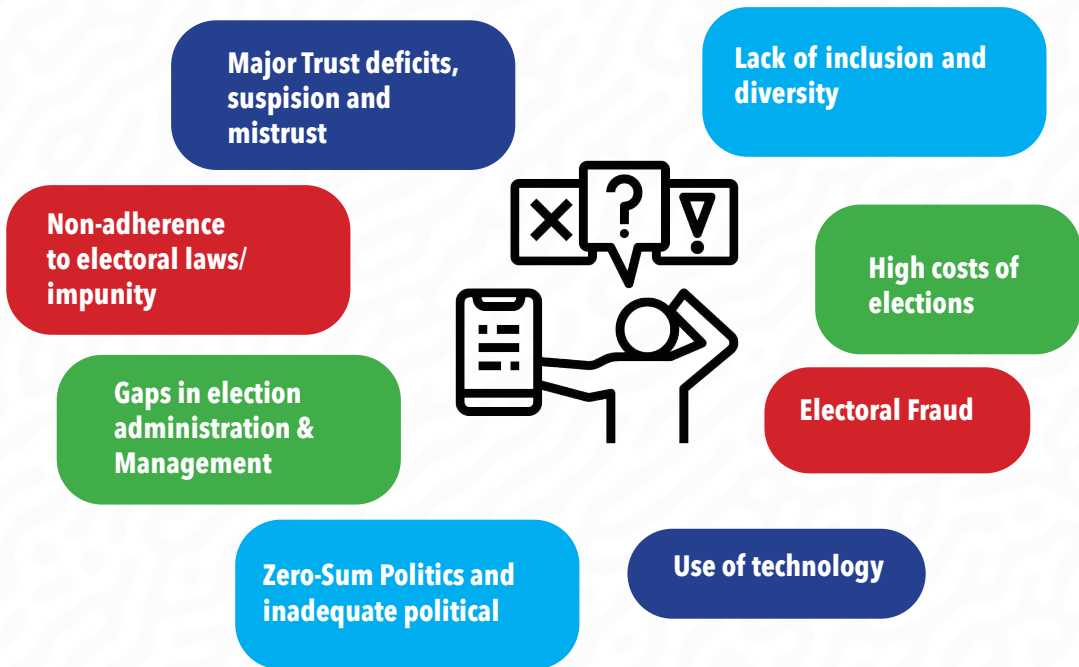


Political Parties



General recommendations on improvement of elections in Kenya.

Major concerns around elections include:



5.2 COMPLEX AND UNCERTAIN VOTER REGISTRATION

All the FGD participants were registered voters indicating an understanding of the importance of

participating in voting as a democratic process. The registration of voters is imperative and establishes eligibility while signaling an intention to make one's 'voice' heard through the ballot. FGD participants from all the sampled regions were

clear that they had faced challenges in registering to vote due to what they termed as 'problems in the institutions mandated to manage the voter registration exercise.' The youth and PWDs across all sampled regions unequivocally stated that:

- a. There had been inadequate time allowed for voter registration,
- b. It was difficult to obtain Identity cards (IDs) because of the following:
 - ◆ Inefficiencies in harmonizing voter registration and the registration of persons
 - ◆ Lengthy waiting time negatively impacting youth who had just turned 18 years and were eligible to vote
 - ◆ Change of marital status for women seeking to replace their cards to reflect the new status
 - ◆ Lengthy process to replace stolen or misplaced ID cards

Participants in the FGD stated that the requirements for the transfer of a voter's registration from one area to another were unclear. For instance, a letter from the chief is expected to be sufficient for facilitation of the transfer process, however, in some cases the local administration suggested the need for an additional document such as a utility bill which is an absurdity considering that water and electricity supply not institutionalized in rural areas. One participant Salama from Isiolo represented her experience aptly;

“I was asked for a utility bill and here upcountry, I don't have electricity, and I fetch water from the river or wait for the rain! - I went away, I was no longer interested!”

The local administration was also cited for political interference by incumbent politicians in some instances though nuanced. Citizens reported encountering locked doors in some of the IEBC constituency offices or where there IEBC employees were present, they did not have adequate information. One IEBC official was captured saying;

“We are waiting for official communication to start registering voters- keep checking.”

This resonates with the sentiments of the KIIs who aver that the inconsistencies in voter registration requirements and the ensuing missteps in voter registration were not necessarily because IEBC was inept but rather due to external factors beyond their control mainly funding, they explained that this affected IEBCs delivery of services and caused:

- a. Delayed election preparations while waiting for necessary legislation,
- b. Delays in employment of commissioners and ,
- c. Delayed procurement of goods and services

One participant, Grace from Eldoret added,

“The chief keeps telling us that IEBC funding is delayed and so they cannot keep the offices open, there is no stationery - we keep finding the offices closed when we are going to register to vote- one can even give up trying to register.”

Additionally, in support of the perception of interference from internal and external forces hindering the efficiency of the commission, citizen's voices echoing the KIIs stated that the reasons for delays and inefficiencies was evident in the recruitment of commissioners of the IEBC which is politicized. A citizen Mr. Onyango in Nairobi chimed during the FDG,

It is only 6 months to the election that you begin hearing the names of the commissioners giving briefs - one wonders if they know what has been going on in the county offices!

Further, reasons given by FGD participants that pointed fingers to failures in voter registration included the following:

1. A lack of clarity on the voter registration timelines which as per statutes are supposed to be continuous,
2. The mass registration drives done close to elections are not adequate because they are poorly organized,
3. Incumbents were allowed to disregard the law and subvert systems
4. Nobody, including IEBC, came to the rescue of citizens who were "hijacked" under the guise of assisting in the mass registration voter exercise instead of mobilizing. The plan was to trick the citizens by providing them with transport to register elsewhere but withdrawing this transport to inhibit their voting on E-Day.
5. Lack of protection from attacks for voters during registration in volatile areas,
6. Nepotism during recruitment of clerks and officials for management of voter registration in the counties thereby

limiting information to voters who may need it in the local language. Jameh from Garissa noted;

They cannot even respond to our questions because they do not speak our local language.

The opinion survey below reiterates the views of the FGDs and the KIIs. First, the results are illustrated generally and then differentiated by region, gender, and age. A majority of respondents (70%) rated their experience during their previous voter registration process as complex retrospectively. A smaller proportion, 15%, found the registration process to be simple, while another 15% reported having a neutral or neither simple nor complex experience. Overall, a significant number of respondents perceived the voter registration process as complicated.

Regionally, the survey findings indicated that a significant majority of respondents who described their previous voter registration experience as complex were predominantly from Nairobi (74%), Coast (72%), and Rift Valley (70%). These regions stood out as having a higher proportion of individuals who encountered challenges or complexities during the voter registration process.

The table below indicates results on the complexity of voter registration by region

Table 1: Voter Registration Experience by Region

	Simple	Neither	Complex	Mean Rating
North Eastern	18%	21%	61%	50.0%
Nyanza	18%	13%	69%	47.0%
Eastern	15%	16%	69%	46.4%
Coast	14%	14%	72%	45.8%
Central	14%	17%	68%	45.2%
Western	15%	16%	68%	44.6%
Rift Valley	14%	16%	70%	43.8%
Nairobi	15%	11%	74%	43.0%
Total	15%	15%	70%	45.2%

This perception that the voter registration process in Kenya is complex was consistent across different genders and age groups. Evidently, more females than males expressed that their registration experience was complex; supporting the claim made by Maua from Coast region, a respondent in the FGD who said that:

I got married customarily last year I am told I must bring my husband with me so that I can register as a voter after he verifies that I am his wife since we only have a letter from the Kadhi but no certificate registering the marriage - this is harassment - we can't afford the government fee for marriage at the AG!



		Simple	Neither	Complex	Mean Rating
Gender	Female	14%	16%	70%	44.5%
	Male	16%	15%	69%	45.9%
Age	18 - 24	20%	17%	63%	48.3%
	25 - 29	14%	19%	67%	45.9%
	30 - 34	16%	14%	70%	45.3%
	35 - 39	16%	16%	68%	46.5%
	40 - 44	14%	14%	72%	43.5%
	45 - 49	18%	11%	71%	44.6%
	50 - 55	13%	16%	71%	44.3%
	56 - 59	7%	18%	76%	41.4%
	60+	14%	15%	70%	44.8%
	Total	15%	15%	70%	45.2%

Evidence of claims on the survey stating that voter registration is complex from Nairobi indicates that Urban dwellers were also more aware of their democratic rights because they face situations daily in which their rights have to be lobbied to be enjoyed.

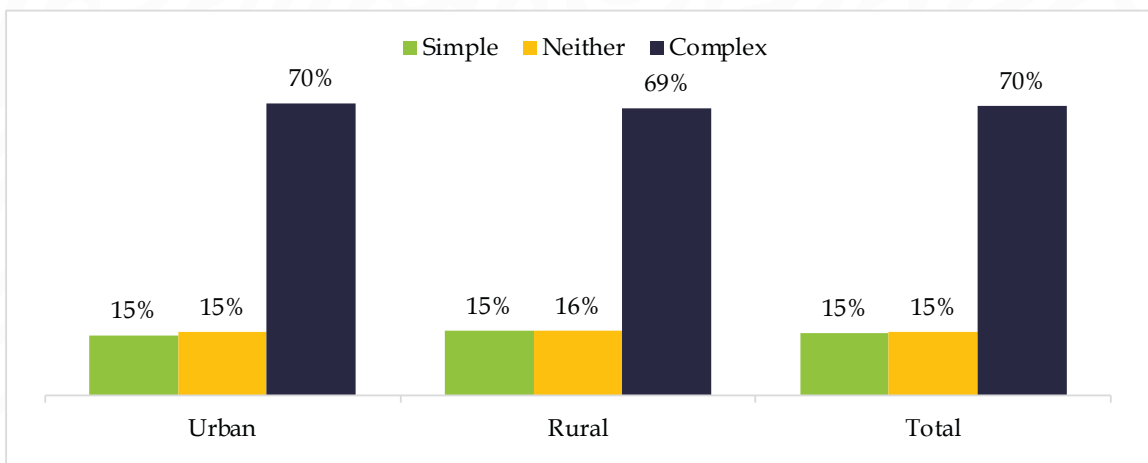


Figure 1: Voter Registration Experience: By Location

While the FGDs conversation was limited to spatial spread as problematic to voter registration, the opinion poll unveiled preference for schools as voter registration centers. The majority of respondents, 64%, considered the nearest school as the most convenient location for voter registration. This highlighted a preference for schools due to their accessibility and suitability for accommodating large numbers of people during the registration process. Additionally, 14% of respondents mentioned the polling

station as their preferred location, likely due to its familiarity and association with the voting process. A smaller proportion, 10%, found the nearest village to be convenient for registration. Other locations such as market centers and churches were mentioned by 8% and 4% of respondents, respectively. The figure below illustrates this figuratively and presents a bird's eye -view of existing infrastructure used by the IEBC to deliver on the voter registration exercise.

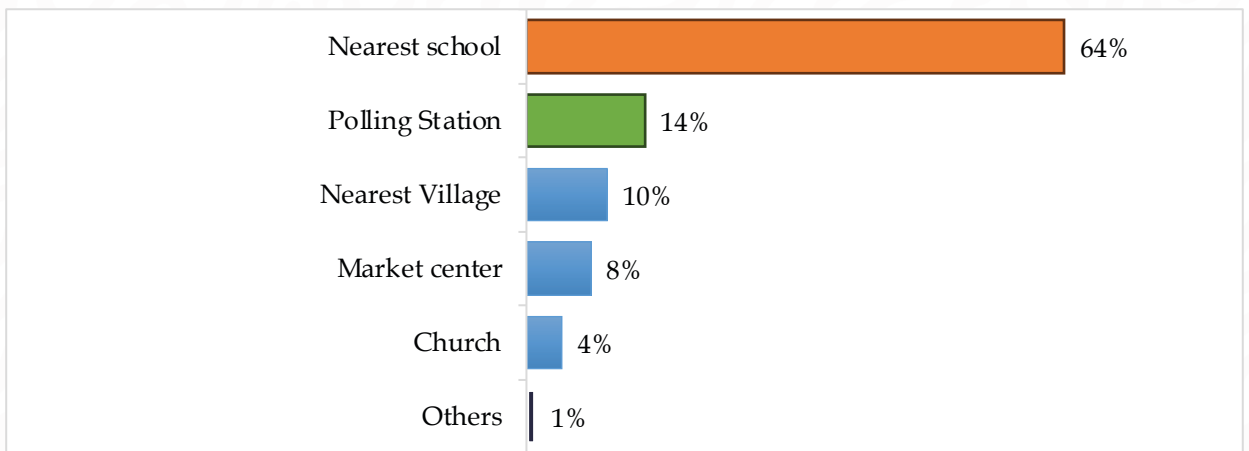


Figure 2: Most Convenient Location for Voter Registration

In terms of regions, the findings indicated that across different regions in Kenya, the majority of respondents considered the nearest school as the most convenient location for voter registration especially in Central (71%), Eastern (64%) and the Rift Valley (65%).

According to Kenya's population reports Central has more schooling institutions when compared to other regions in Kenya, thus schools provide for convenience of voter registration as reflected in the graph below.

Table 3: Most Convenient Location for Voter Registration by Region

	Coast	North Eastern	Eastern	Central	R.Valley	Western	Nyanza	NRB	Total
Nearest school	61%	64%	69%	71%	65%	64%	59%	56%	64%
Polling Station	20%	12%	15%	10%	12%	14%	17%	15%	14%
Village, nearest	9%	8%	6%	9%	12%	7%	10%	11%	10%
Market center	5%	7%	7%	7%	6%	10%	9%	12%	8%
Church	5%	7%	3%	4%	3%	5%	5%	5%	4%
Others	-	1%	0.3%	-	2%	-	0.4%	0.4%	1%

In terms of gender, a higher percentage of females (67%) compared to males (61%) identified the nearest school as the most convenient location for voter registration. This suggests that females tend to prioritize the accessibility and suitability of school facilities for the registration process. When schools are in session, the next best alternative for

females would be the market center which is visited in most cases bi-weekly and at least once a week. The results based on age align with the overall findings, as a significant proportion of respondents aged 56-59 years (70%), 45-49 years (69%), and 60+ years (67%) mentioned the nearest school as their preferred location for voter registration.

Table 4: Most Convenient Location for Voter Registration by Gender and Age

	GENDER	AGE										Total
	Female	Male	18 - 24	25 - 29	30 - 34	35 - 39	40 - 44	45 - 49	50 - 55	56 - 59	60+	
Nearest school	67%	61%	63%	61%	64%	63%	64%	69%	65%	70%	67%	69%
Polling Station	14%	14%	14%	16%	14%	16%	14%	11%	12%	12%	12%	14%
Village, nearest	9%	10%	13%	11%	11%	8%	11%	6%	11%	7%	6%	10%
Market center	6%	9%	6%	8%	8%	9%	6%	9%	7%	6%	7%	8%
Church	4%	5%	3%	4%	4%	4%	5%	5%	3%	4%	7%	4%
Others	0.4%	1%	1%	1%	0.2%	1%	-	1%	1%	1%	0.4%	1%

The findings showed that there were no significant differences between rural and urban areas in terms of the most convenient location for voter registration. In both rural and urban settings, the nearest school emerged as the most preferred location for registration, followed by the polling station, nearest village, market center, and church.

	Urban	Rural	Total
Nearest school	64%	64%	64%
Polling Station	15%	13%	14%
Village, nearest	8%	11%	10%
Market center	9%	7%	8%
Church	4%	4%	4%
Others	0.4%	1%	1%

5.3 VOTER EDUCATION

There was consensus that voter education done towards the 2022 election had a key role to play in both sensitization and awareness creation on elections, and in emphasizing the importance of exercising one’s civic duty as a part of fulfilling one’s democratic right. The participants further stated that voter education achieved the following:

- a. Empowered citizens
- b. Enhanced participation in the electoral process
- c. Promoted informed decision making
- d. Encouraged youth participation
- e. Created opportunity for lobbyists to vouch for inclusivity as in the case of the Intersex participation and SIGs

To emphasize the depth of awareness on the value of voter education, the FGDs provided

the following list of the media used by IEBC and the affiliates in 2022:

1. **Community forums** and interviews with election officials to educate the public about the electoral process
2. **Caravans/road shows** popular with the youthful demographic using popular culture and music and performances by personalities in the entertainment industry
3. **Posters, brochures, pamphlets**, disseminating information about the voter registration process, voting procedures, and the importance of civic participation to be placed in public places and spaces such as markets, institutions such as - schools, hospitals and government offices among others
4. **Social media** such as Twitter (now X), Facebook and WhatsApp to include messaging to the youth on the need to vote especially since the youth are a target for voter apathy.
5. **Religious spaces** – Church crusades, Temples,

- mosques, and institutions
6. Mass media e.g., television, radios national and private, especially targeting vernacular stations whose following is in the rural area where a large voter base is located
 7. Civil Society Organizations (CSOs) in as much as they were not the main entity responsible for voter education, were more vibrant in conducting voter education compared to the IEBC despite funding constraint



Funding Constraints



Inadequate training of the educators



Cultural constraints and power play that needed to be understood



voter apathy

Participants in the FGDs identified the following incidences related to voter education occurring during the 2022 General Elections in Kenya fractured the credibility of the IEBC, and other electoral duty bearers and ultimately the election outcome.,

- politicians “hijacked” the role of educating the voters and often ended up misleading people by manipulating messages in their favour by sharing only what would give them undue advantage
- media used by IEBC were not inclusive and therefore less effective for PWDs especially those with hearing and sight challenges
- poor communication strategy occasioned by IEBC’s voter education materials being slotted within radio and TV programs with the least viewership instead of during prime-time news for larger and broader coverage
- voter educators from the IEBC were noted to have neglected their duties but were still paid for the duration costing the tax payer

Triangulated data from the KIIs and FGDs clarified that voter education process had taken off late due to the following:

In conclusion, participants agreed that a programme for continuous voter education was necessary countrywide to enable citizens understand and exercise their voter and civic rights i.e., most significantly to know that they can recall the elected leaders for non-performance.

Some of the problems hindering voter education were identified as follows:

- a. Local politicians in the North Eastern and Central regions were biased in dissemination of voter education
- b. Poor citizen literacy
- c. Limited awareness and access to election information on procedures- where to register, how to register and how to vote
- d. Inadequate voter education especially in rural/ remote areas – Meru, North Eastern, Eldoret, Naivasha, Nakuru
- e. Laws and policies governing voter registration processes were weak-reiterated as well by the KIIs
- f. Bribery of unemployed youths for hire
- g. PWDs, and illiterate citizens were

- immediate targets of manipulation
- h. Detected voter apathy among youth

Additionally, the survey revealed that lack of voter education is one of the key reasons why elections often lead to violence. One participant claimed that:



We need to deal with impunity so as to discourage and deter the recurrence of offenses because as things stand impunity is left to go unpunished. There is a need for voter education to raise awareness and empower the public on the importance of facilitating a peaceful election. This can be achieved through civic education in which the public is educated on the need to say no to election bribery. This will in turn limit the thirst for expensive campaign fundraising that encourages overspending and unchecked campaign funding.



- c. The alpha-numeric system put in place by the IEBC as backup was avoided in which case voters were simply turned away
- d. Complicit officials
- e. Language and cultural barriers
- f. Technological inefficiencies
- g. Geographic vastness
- h. Bribery of election officials and voters.

The survey detailed voter bribery as the most significant malady with about four in ten (41%) of the respondents citing it as a significant issue. In the FGDs, bribery was referred to as an ecosystem of 'commercializing votes' championed as an incentive to either vote for the incumbent, fail to vote for their preferred candidate to provide a numeric advantage aspirant, or to transfer their votes to another region. One FGD a participant cited bribery as a way of life in Kenya which had found its way into the elections. For her the promise from the politician required her reciprocation by voting. Mama Njeri from Kakamega observed that:



I want my child to go to high school next year -the older ones have dropped out because I have no fees, the politician promised to pay it for me - I will vote for him.

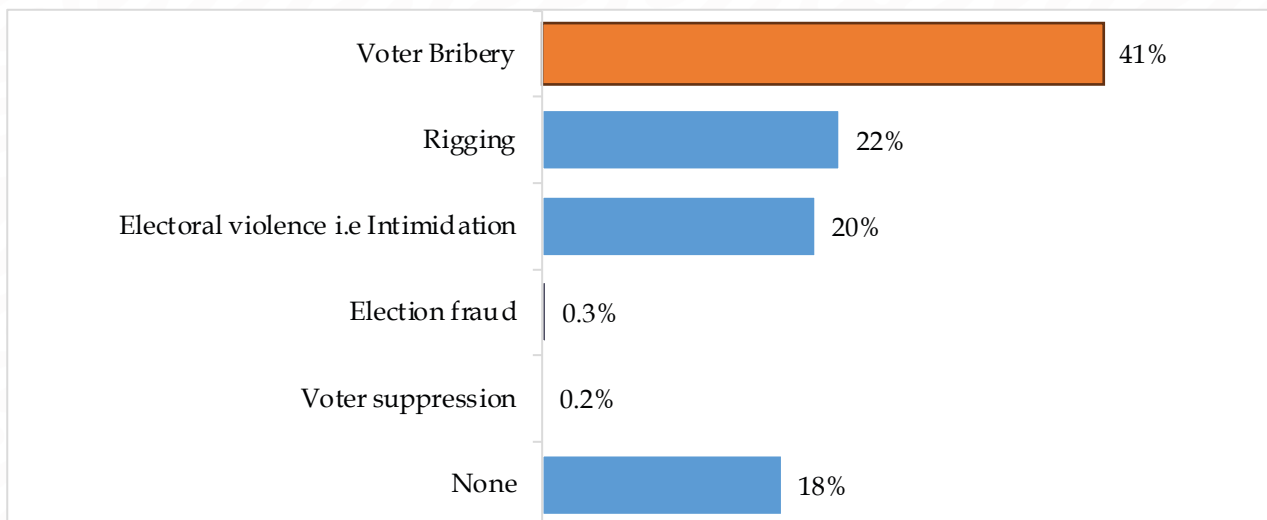


5.4 VOTING PROCESS

The Citizens' Voices were loudest as they expressed their observations many of which contributed to a negative voter experience and perception of irregularities and illegalities. The following descriptors characterized the voting process:

- a. Incidences of long queues at polling stations in some parts of the country,
- b. Lack of clear guidelines in identification of voters

The figure below shows that rigging elections was also a prominent concern, mentioned by 22% of participants while electoral violence by 20% of the respondents.

Figure 3: Common Electoral Offences Witnessed

With regard to regions, respondents predominantly identified voter bribery as a significant electoral offence in Rift Valley (44%), Eastern (44%), and Coast (43%). This can be explained by the historically high stakes attributed to elections in these regions. Incumbents from these regions usually enjoy long serving political careers – to such aspirants bribery is likely considered an investment with guaranteed returns. On the other hand, concerns about rigging elections were particularly prominent in Nairobi (32%) due to vigilance, Nyanza (30%) with younger candidates seeking to “unseat” long-serving ones, and the Coast (27%) where families seek

political control. Furthermore, respondents from Eastern (24%) and North Eastern (21%) regions predominantly cited electoral violence as a major concern. Notably, these areas are infiltrated with terror groups such as Al-Shabaab engaged in power and resource struggles as well as clans that historically have negotiated democracy which may not be sitting well with younger aspirants who view democracy as open competition.

The illustrations following show electoral malpractices/offences by region first then, gender and Age.

Table 6: Common Electoral Offences Witnessed by Region

	Coast	North Eastern	Eastern	Central	Rift Valley	Western	Nyanza	Nairobi	Total
Voter Bribery	43%	33%	44%	35%	44%	42%	38%	41%	41%
Rigging	27%	18%	19%	15%	16%	26%	30%	32%	22%
Electoral violence i.e Intimidation	19%	21%	24%	21%	17%	18%	19%	17%	19%
Election fraud	0.4%	-	-	-	1%	0.5%	0.3%	1%	0.3%
Voter suppression	-	-	-	0.3%	-	0.4%	0.4%	-	0.2%
None	10%	28%	13%	29%	23%	13%	13%	9%	18%

Even when urban and rural areas were considered, voter bribery was an issue of concern. In urban areas, it was identified by 40% of respondents as the primary offense, followed by rigging at 24%, and electoral violence, specifically intimidation, at 19%. In rural areas, voter bribery was also the most prevalent offense, reported by 42% of respondents, followed by rigging at 20% and electoral violence (intimidation) at 19%.

Table 7: Common Electoral Offences Witnessed by Location

	Urban	Rural	Total
Voter Bribery	40%	42%	41%
Rigging	24%	20%	22%
Electoral violence i.e Intimidation	19%	19%	19%
Election fraud	1%	0.2%	0.3%
Voter suppression	0.1%	0.2%	0.2%
None	16%	19%	18%

The analysis by gender and age aligned with the overall findings, with a slight difference between males and females. Specifically, 45% of males cited voter bribery as the most common electoral offense witnessed, whereas 38% of females reported the same. The seven percentage points (7%) can be explained by propensity and opportunity.

Table 8: Common Electoral Offences Witnessed: By Gender and Age

	GENDER	AGE	Total									Total
	Female	Male	18 - 24	25 - 29	30 - 34	35 - 39	40 - 44	45 - 49	50 - 55	56 - 59	60+	
Voter Bribery	38%	45%	38%	41%	42%	43%	43%	45%	37%	43%	36%	41%
Rigging	22%	21%	22%	20%	24%	25%	18%	21%	25%	17%	19%	22%
Electoral violence i.e Intimidation	20%	18%	23%	19%	18%	19%	18%	20%	21%	19%	20%	19%
Election fraud	0.4%	0.3%	-	1%	1%	0.2%	-	1%	-	-	1%	0.3%
Voter suppression	0.1%	0.2%	-	-	-	0.3%	0.3%	-	0.4%	1%	-	0.2%
None	19%	16%	18%	19%	16%	14%	20%	14%	16%	19%	24%	18%

The KIIs indicated that through civic education citizens can learn to say 'No' to election bribery.

5.5.1.0 VOTER SECURITY

Electoral violence at 20% which directly affects the voter security constituted the most commonly witnessed electoral offenses. However, overall, voter security was better compared to the previous years. There was more effort by the IEBC to avert it and insist on collaboration with security agencies for a safe environment during the election process. Providing adequate security personnel at registration centers and addressing the security concerns of the communities helped instill confidence and encourage participation. Even with this preparedness, there were isolated cases of violent flare ups in specific areas such as Kilifi and Coast Counties, North Eastern, Elgeyo Marakwet with bandit attacks and Eldoret town near burnt forest where delayed response by the security personnel during the elections caused tension. Major causes of tension in the 2022 election included:

- Tribal nuances in the cosmopolitan regions of the upper rift valley
- Bandit attacks displacing the voters during the elections.
- Poverty and illiteracy in some of the regions
- Incitement by political leaders
- lack of secret ballot, In lower North Eastern
- Overcrowding of voting personnel – security guards, party agents, observers, IEBC officials in the rooms,
- Forged accreditation by citizens facilitated by politicians to allow them access polling stations.
- Over policing of elections causing fear among the citizens.
- Intimidation by criminal gangs and the

opponents' supporters on elections day.

- Propaganda and hate speech.
- Opinion polls that led to mistrust of the elections because aspirants pay for the polls in their favor
- Mistrust and suspicion of technology as was the case in BVR/ KIEMS that got damaged by the losing candidate who argued that they were not relaying the correct results.
- Delay in announcing election results.

The tensions experienced in North Eastern Region of Kenya during the 2022 elections provide an interesting case study. First, all the aforementioned causes apply to this region. However, there were also specific causes mainly;

- a. **Political Competition:** Elections often bring about intense competition among political candidates and parties for political power, where clans and families are key decision makers.
- b. **Ethnic and Clan Dynamics:** Inter-ethnic and inter-clan rivalries or power struggles may have fueled tensions during the electoral processes.
- c. **Historical Grievances:** Marginalization, resource allocation disparities, Wagalla massacre in Wajir, the historical Shifta war and the unresolved clans' conflicts resurfaced.
- d. **Identity Politics:** political allegiances are based on ethnic, or clan affiliations rather than policy or ideology, for a polarized landscape.
- e. **Electoral Irregularities and Perceived Bias:** A case of voter fraud, vote-buying, and tampering with the voting process
- f. **Influence by External Actors:** From the political elite,
- g. **Security Concerns:** Activities of extremist groups a case involving Al-Shabaab attacks

that led to curfews raising tensions and limiting the freedom of movement.

The following are the consequences of elections security deficits:

- a. low voter turnout as a result citizens fear of violence,
- b. Constant fights between candidates incited their supporters to violence
- c. Misinformation of a candidate's popularity especially on social media platforms
- d. Presence of Al-Shabaab and occasional inter-communal conflicts in the North Eastern parts
- e. Danger for IEBC officials after the announcement of results.
- f. Increase in GBV especially violence meted against female aspirants.
- g. Mass displacement of non-locals leading to marginalization and profiling with reference to non-residents as 'nywele

nyororo' versus 'nywele ngumu' .

- h. Violence in Meru, Embu and Tigania East
- i. The rise of 'Nyumba Kumi' and community policing structures that are familiar and trusted.

5.5.1.1 VOTING SYSTEM SECURITY

While the FGDs reported mistrust and suspicion of technology, the opinion poll was directed towards the security of the technology where it was evidenced that, Kenyans held divided sentiments in reference to the security of the country's electronic voting system. Represented in the figure below, about half (45%) of the respondents stated that they believed the system was not secure. On the contrary, 33% of the respondents affirmed that they believed the system is secure. Only 21% stated that they were neither sure nor not sure. Thus, more Kenyans had little faith in the electronic systems, thereby providing an avenue for acrimony and hostility.

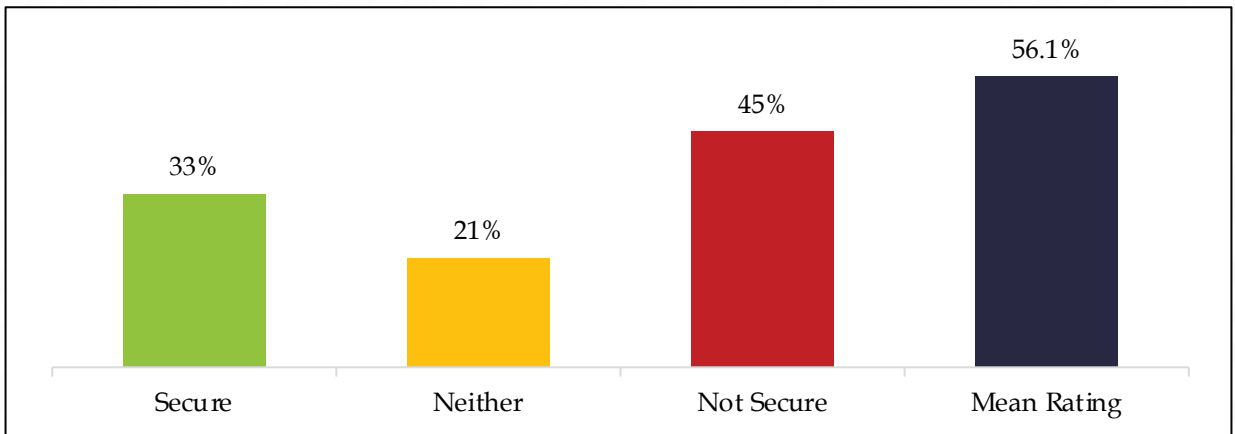


Figure 4: Perceived Security of Kenya's Electronic Voting System

The analysis by region established that there was a regional variation in levels of trust in the security of Kenya's electronic voting system. Nyanza (62%) and Nairobi (61%) regions had the highest number of respondents who believed that the security of Kenya's electoral system was not secure. On the other hand, the Central (48%) and Rift Valley (45%) regions recorded the highest levels of trust.

Table 9: Perceived Security of Kenya's Electronic Voting System: By Region

	Secure	Neither	Not Secure	Mean Rating
Central	48%	23%	29%	65.2%
Rift Valley	45%	24%	32%	62.5%
North Eastern	30%	21%	50%	54.4%
Eastern	27%	24%	49%	53.9%
Western	29%	21%	50%	53.9%
Coast	26%	20%	54%	52.8%
Nairobi	25%	14%	61%	48.8%
Nyanza	20%	18%	62%	46.9%
Total	33%	21%	45%	56.1%

It was established that men were more likely than women to believe that Kenya's electronic voting system was not secure. Specifically, 47% of men and 44% of women pointed out that they did not believe the system was secure. The survey also found that there were

age differences in perceptions of the electronic voting system. Those aged 35-39 years and 56-59 years were most likely to believe that the system was not secure, with 50% of respondents in each age group expressing this view.

Table 10: Perceived Security of Kenya's Electronic Voting System: By Gender and Age

		Secure	Neither	Not Secure	Mean Rating
Gender	Female	33%	22%	44%	56.6%
	Male	33%	20%	47%	55.6%
Age	18 - 24	32%	25%	44%	55.1%
	25 - 29	31%	26%	44%	55.9%
	30 - 34	34%	22%	44%	55.9%
	35 - 39	30%	19%	50%	54.2%
	40 - 44	34%	19%	47%	56.8%
	45 - 49	39%	18%	43%	58.3%
	50 - 55	34%	18%	47%	55.6%
	56 - 59	33%	16%	50%	55.0%
	60+	37%	22%	41%	58.7%
Total	33%	21%	45%	56.1%	

Analysis by location established that in rural areas, more people were likely to believe that the electronic voting system was secure (37%) than in urban areas (29%). On the contrary, more than half (52%) of the respondents in urban areas believed that the system was not secure (52%) than in rural areas (41%).

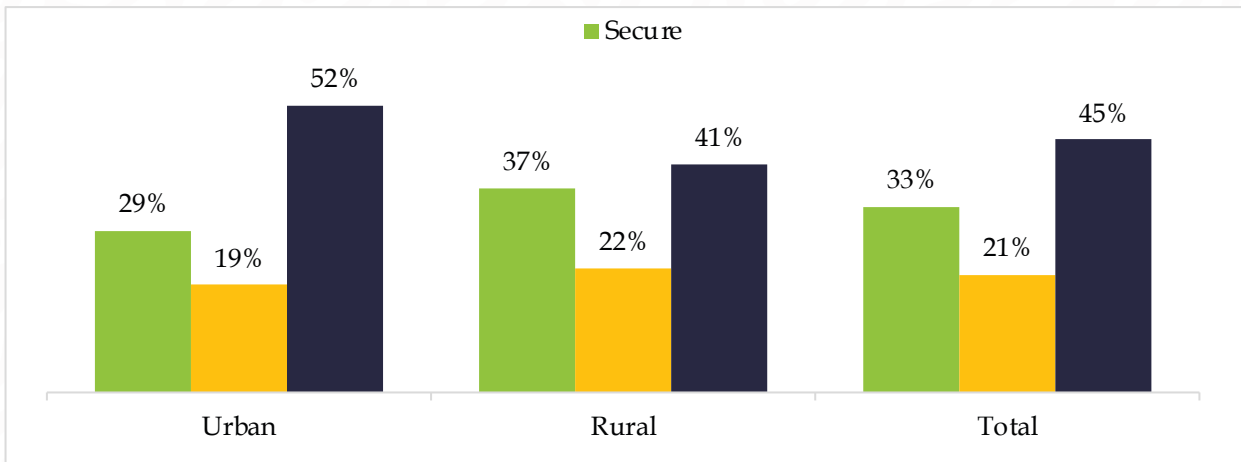


Figure 4: Perceived Security of Kenya's Electronic Voting System: By Location

5.1.2 GENDER-BASED VIOLENCE

This was prevalent publicly and privately in homes, especially where spouses/family members supported different candidates. The patriarchal nature of Kenyan communities fosters discrimination against women; worse still even when acts of violence are reported perpetrators are not reprimanded. There were men across all counties who did not believe that women could lead.

Political actors, both male and female were accused of wrecking homes as claims sexual relations went round (for both married and unmarried) with promise of rewards after victory. Seemingly, women were enticed with handouts during the campaigns and the promises of a better future. Interestingly, GBV was also witnessed between women supporters as they fought among themselves.

Contributing to the incidence of GBV as an indicator election security during elections, the FGD participants shared the following:

- i. Most politically motivated violence included targeting women actively involved in politics - candidates or supporters of opposing parties
- ii. Cyber bullying of women was rampant
- iii. Divorces in cases when women failed to support the husband preferred candidates increased
- iv. Women harassed during the campaigns nationally because men associate their participation in politics with prostitution
- v. Deep-rooted patriarchal norms and discrimination against the SIGs aspirants and voters
- vi. Impunity and weak rule of law - perpetrators were not held accountable for their actions
- vii. Male aspirants took advantage of females offering sexual and monetary rewards
- viii. Women were used as the trustees to keep the money that aspirants would bribe the voters with
- ix. Money in campaigns has unsettled traditional gender roles and challenged existing power structures; violence is a way to reassert their perceived authority and control over women and maintain societal norms that resist

- gender equality.
- x. Instrumentalization of Gender Stereotypes: Women vying for political positions and women supporters were targeted as a means to suppress their political participation or limit their ability to exercise their democratic rights.
 - xi. Women were relegated to competing for the women's representative with promise of being nominated after the elections.
 - xii. Impunity and Weak Law Enforcement: the prevailing culture of impunity and weak law enforcement mechanisms contributed to the increase in GBV during elections.
 - xiii. Inadequate Support Systems: Limited access to safe spaces, counseling services, and legal support particularly in the region which prefer local systems discourage survivors from reporting incidents or seeking help, allowing the cycle of violence to persist.
- e. Gender-Responsive Voter Education: develop voter education materials that explicitly address GBV and its impact on the electoral process communicate through various media, community forums, radio broadcasts, and social media.
 - f. Institute legal protection and justice so that existing laws and regulations related to GBV are effectively enforced and that perpetrators are held accountable for their actions.
 - g. Provide access to legal aid services and protection from intimidation or retaliation
 - h. Collaboration with Women's Rights Organizations: to develop strategies and initiatives aimed at preventing and addressing GBV during the electoral processes.

5.6 ELECTORAL LEGAL AND POLICY FRAMEWORK

Some of the solutions proposed by the FGD participants to enhance electoral security and reduce GBV include:

- a. Involve youth in conflict resolution initiatives - involvement in peace building initiatives for role modeling for their peers.
- b. Sensitization and Training on GBV: conduct specialized training programs and sensitization campaigns for electoral officials, security personnel, political party agents, and community leaders on identifying, preventing, and on responding to GBV.
- c. Gender-Sensitive Security Deployment: ensure that security personnel deployed during the electoral period receive training on gender sensitivity and the prevention of GBV.
- d. Safe Spaces and Reporting Mechanisms: establish safe spaces where individuals can report incidents of GBV or seek assistance, equipped with trained personnel - support,

Participants in the survey were adequately aware of the legal and policy framework as well as key institutions mandated with the responsibility of ensuring that the 2022 elections were free, fair, and credible was considerably high, and they singled out the IEBC as the key entity. Many participants were able to identify some of the laws governing electoral process in Kenya including, the Constitution of Kenya, 2010. CAP 7; the Elections Act, 2011; elections Offenses Act, 2016; the Political Parties Act, 2011; the Independent Electoral and Boundaries Commission Act, 2011; the Elections Campaign Financing Act, 2013; t the Leadership and Integrity Act, 2012.

Among the affiliate institutions included the National Police Service (NPS); the Judiciary; the Independent Electoral and Boundaries Commission (IEBC); political parties; civil society organizations; faith-based organizations; ELOG; ORPP; NCIC; EACC; the Ombudsman; Parliament; Treasury/Controller of budget; the Auditor General. The FGDs and KIs specifically stated that the IEBC

was able to articulate itself authoritatively on issues during this election more than the previous elections because of the following:

- a. A deliberate harmonizing of roles to reduce incidences of contradiction
- b. The IEBC held stakeholder meetings and reported in the media for public note thereby enhancing visibility and reducing suspicion.
- c. The IEBC had prepared messages for various forms media including texting and social media informing the public on the various stages and milestones.
- d. Parliament had assured the public and the IEBC that there was going to be minimal interference with respect to IEBCs mandate - although funds were delayed.
- e. Good electoral laws and policies which were able to provide TORs, indicate boundaries of association and point out responsibilities.

However, the participants were quick to point out concerns of critical import which needed consideration to avert and minimize contradictions and duplications of duties among the institutions legally mandated to facilitate elections. The concerns raised were, that:

- a. The seeming lack of institutional independence leaving their operational mandate to the covert direction of politicians. The NCIC, for instance, was called out for seemingly having abdicated its role to CSOs. In Mombasa, it was pointed that the NCIC was unable to control hate speech and incitement by political actors who seemed to operate with impunity. This left CSOs with task of condemning and point out perpetrators.
- b. The government seemed to influence the National Police, giving instructions and assigning and re-assigning new duties impartially even when the National Police hierarchy had made professional decisions in assignment of duties

- c. Chapter 6 of the Constitution 2010 on Leadership and Integrity seem to have been set aside throughout the election period and there was no way to enforce compliance
- d. Court judgments seemed to take away IEBC's role to enforce electoral laws such as penalizing candidates who did not meet the qualifications to vie
- e. There were laws which unfortunately were not being implemented
- f. The LSK was accused of colluding with politicians and candidates with integrity issues to prolong the hearing and determination of their cases, and without prosecution, the politicians were allowed to run for office and keep on shortchanging Kenyans
- g. The Independence of the electoral institutions seemed compromised giving way to 'state capture'
- h. IEBC commissioners were acting as arbitrators in disputes e.g. candidate registration processes, and
- i. The Judiciary in its use of sensationalist language failed to acknowledge the emotions of the Kenyans who had lost the elections.

The following suggestions were shared during a robust FGD session, and the KIIs reiterated their significance to ensure institutional efficiency, proficiency and harmony in the management and delivery of future elections namely,

- a. There is a need for proper implementation of the existing laws and policies.
- b. The IEBC should be funded independently to ensure they are not vulnerable to state influence and delays in implementing their mandate as the case of voter registration, which is purely within their purview.
- c. A national reflection on and application of Chapter 6 of the CoK (2010) guided by the IEBC and all the affiliate institutions to reclaim our values as Kenyans and avoid impunity.

5.7 ELECTORAL CAMPAIGNS

The active spirit of elections is embedded in the electoral campaign activities. These activities enable candidates and parties to showcase themselves and share their agenda for citizens and national prosperity and development. The period is marked with creativity; interaction between election candidates and among them, the birth and death of political parties, mergers, and acquisitions, and is high octane since visibility is the goal. In sum the campaign activities may be positive or negative because it is a competition, and everyone wants to win. The period is formally ushered in by an official declaration from the IEBC. However, during the 2022 elections it was noted that the period kicked off without any official announcement.

For most citizens this period marked an opportunity to show their support and interest in advancing party activities in the following ways:

1. In Kakamega, Nyeri, Meru, Eldoret, Mombasa and Nairobi's informal settlements there was mobilizing for new members and giving of incentives for attendance of party rallies, fundraising and contributing money towards political party activities
2. In Nyeri FGD, two participants took part in the campaigns, one as an aspirant and the other as a party agent.
3. Participants in electoral campaigns claimed to have been motivated to join a political party on the basis of alignment with their values and beliefs and as a way of participating in political party activities.

Generally, there was awareness that political parties were interested mostly in volunteers, but this did not deter citizens from offering their time, skills, and energy for political campaigns. The following was listed as support that had been offered to specific candidates:

- transportation for campaigns,
- payment for publicizing the candidate's message through word-of-mouth, social media or rallies,
- attendance of political rallies, town hall meetings, and public events and,
- harnessing the power of social media platforms to voice opinions, joining campaign on WhatsApp groups to share information, and engage in political discussions.

There were robust discussions on the negative outcomes of electoral campaigns which highlighted the following:

- Wanton destruction of materials belonging to opponents including posters, billboards
- Gender intolerance was exhibited where the vehicles for female candidates were stoned and were publicly humiliated and body shamed
- Cyber-bullying
- Intimidation and public hate speech
- Calculated propaganda
- In Kakamega it was reported that party officials were asking for money from aspirants to enable them to get listed to vie
- Misinformation/disinformation was present everywhere but rife in Isiolo
- Candidates and their campaign teams called voters late into the night to persuade them to vote for a certain candidate -voters were concerned with how politicians obtained their personal contact information.
- Observations included voter bribery which was rampant and publicly evident
- Enticements and inducements from aspirants for votes e.g., employment, school fees, business financing- the latter especially in urban areas, access to grants in Kilifi,
- In Nakuru there were active smear campaigns - politicians bought youths' phones and data to blog information in their favor(cyber

bullying) , attack their opponents online or to ruin the public image of their opponents affecting mostly women.

Besides the above, participants in the FGDs observed the following with concern:

- That, some aspirants played loud music into the night disrupting citizens' rights,
- That, there was rampant bribery sometimes given as surprise gifts in form of T-shirts and caps
- That, Muslims were inhibited by their religion from amassing bribes because that would be considered haram
- That, some candidates confiscated voter IDs only to return them after the E-Day, as a way of reducing their opponents' chances, and
- That, the presence of government officials sent veiled messages of intimidation to those who may have wanted to vote against a government candidate.

Klls added their voice to the unsavory outcomes of the electoral campaigns and pointed out that although there are clear rules from the IEBC barring the participation of and presence of government officials, citizens had reported and shared through pictures as documentary evidence that they had noticed the following entities actively campaigning for candidates:

1. Nyumba Kumi elders,
2. Chief and Assistant chiefs, noticeably in Mombasa,
3. County commissioners some taking charge of campaigns,
4. Use of public resources as was the case of some County officials using government vehicles.

The following suggestions were provided by the FGDs, Klls and the opinion poll for consideration in

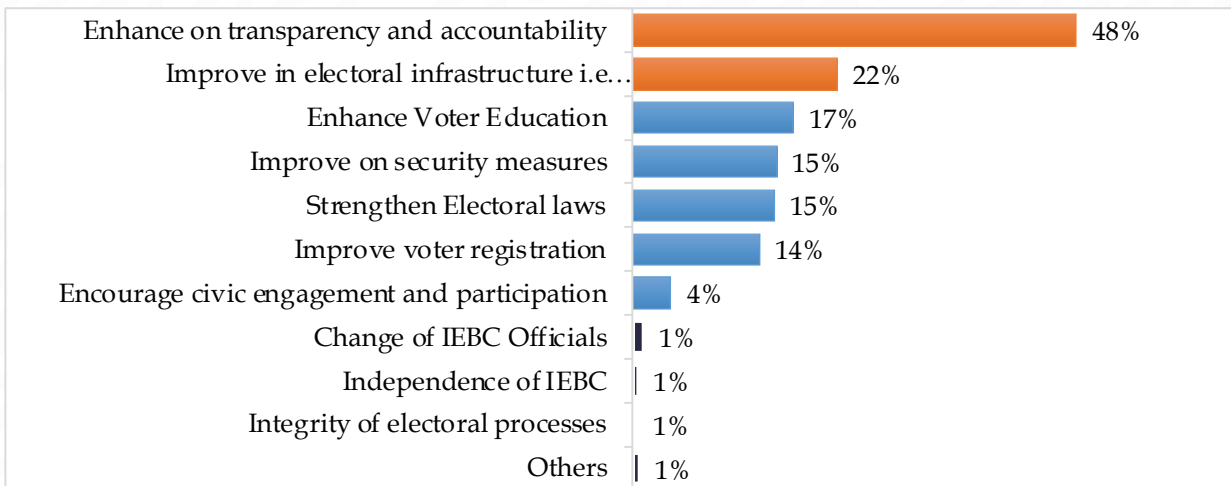
order for IEBC and the affiliates to avoid recurrence of public inconvenience during campaigns in future elections;

1. **Apply Penalties:** Oversight bodies such as NCIC, EACC need to implement penalties with respect to election offenses and other electoral transgressions.
2. Strengthen the **Independence** of public institutions.
3. **Zero Tolerance policy on bribery-** both the receiver and giver of the bribe should be prosecuted too.
4. Introduction of **policies and penalties** with respect to destruction of property in order to deter the culprits during the electoral campaigns.
5. **Media freedom** vis-à-vis blacking out scenes of electoral violence-There seem to exist a dilemma between media freedom and responsible reporting. This is a grey area because media houses are a business and untold interference may seem to curtails their freedom of expression.
6. Implementation of **penalties for Hate Speech** during electoral campaigns. The Constitution of Kenya, 2010 and all the attendant election laws are clear on how elections should be processed, both from the EMB to the candidates and their supporters.
7. **Demystify Political Rallies** - Political rallies needed to be demystified. They are a forum to espouse on the candidate's agenda and not an avenue for public incitement.
8. **Religious leaders** need to speak up to the issues that affected the citizenry with respect to election matters through forums such as ecumenical engagements public baraza town hall meetings and with the message filtering through both mainstream and social media. This is for the future of peace and stability of the country.

In making recommendations for the future the

opinion poll indicated that several prevalent electoral offences were witnessed during the 2022 General Elections campaign period. The most commonly reported offences were voter bribery, with about four in ten (41%) of the respondents citing it as a significant issue generally. The table below amplifies the sentiments in this section, indicating that 48% of the respondents in the

sample seek transparency and accountability. Other notable recommendations from the respondents included improving security measures (15%) which would benefit Women candidates and PWDs, strengthening electoral laws (15%) through implementation as suggested in the KIIs and the FGDs.



KIIs were vocal on the following:

1. The need for monitoring electoral expenditure and placing a cap on spending as a control since the law has parameters,
2. The need to include SIGs including PWDs through affirmative action,
3. Use of state machinery and public funds to be publicly sanctioned.

To this end, more institutions should converge in monitoring the election processes. One KII participant observed thus:



... for instance, when public servants are found with fault, especially in matters of finances; misusing funds, and corruption, there should be very strict, immediate, decisive, and definite action against the offender, regardless of their seniority. An example is a Cabinet Secretary who for all purposes and intents went viral in the media using foul language against a media house and some people. But no action was taken. Here there is a total lack of public officers' accountability to the citizen contrary to Article 73 of the constitution of Kenya.



5.8 ELECTION RESULTS AND ANNOUNCEMENT

While some respondent conceded that the election results reflected the will of the people, there was a similar number disputing this and expressing doubts about the credibility of the IEBC and the results in general. The opinion poll sought to find out how much trust citizens had in the IEBC and the responses aligned with the sentiments of the FGDS.

Specifically, the opinion poll found that the level of trust in the Independent Electoral and Boundaries Commission (IEBC) to conduct free, fair, and credible elections in Kenya was relatively low. Close to half (44%) of the respondents reported having no trust in the commission, indicating skepticism or lack of confidence in its ability to conduct elections in a free, fair, and credible manner. Only 32% of the surveyed respondents expressed trust in the IEBC. Additionally, a significant portion of respondents (24%) remained neutral or had no strong opinion regarding their trust in the IEBC

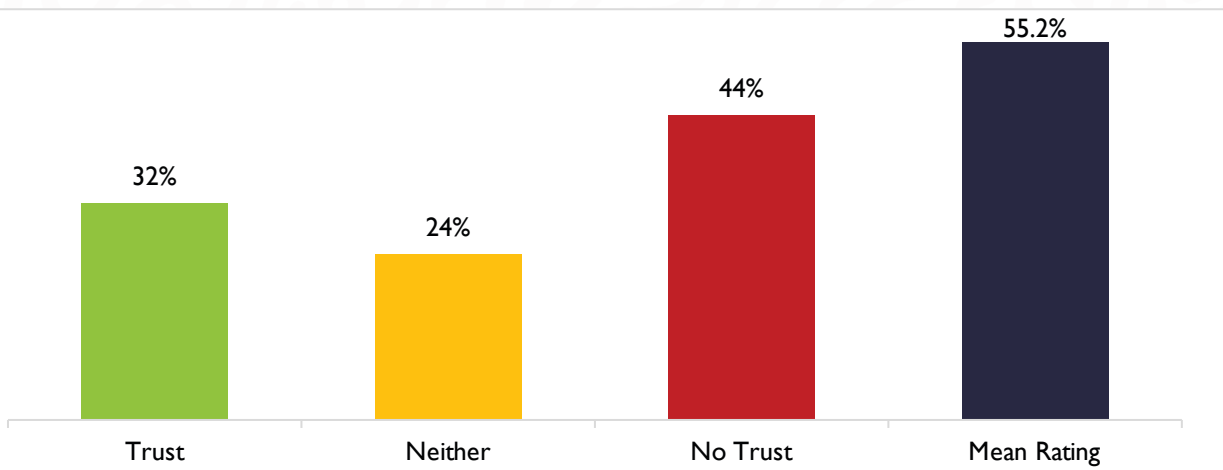


Figure 6: Trust in the IEBC to Conduct Free, Fair, and Credible Elections in Kenya

The findings revealed variations in the level of trust in the IEBC across different regions. The Central and Rift Valley regions had relatively higher levels of trust, with 48% and 42% respectively. In contrast, Nairobi and Nyanza regions had the lowest levels of trust, with only 22% and 17% respectively. The Coast region also demonstrated a significant lack of trust, with 57% expressing no trust in the IEBC.

Table 11 Trust in the IEBC to Conduct Free, Fair, and Credible Elections in Kenya: By Region

	Trust	Neither	No Trust	Mean rating
Central	48%	26%	26%	65.0%
Rift Valley	42%	24%	34%	61.2%
Eastern	27%	31%	42%	55.1%
North Eastern	26%	28%	46%	53.2%
Coast	26%	17%	57%	51.9%
Western	26%	25%	49%	50.7%
Nairobi	22%	20%	59%	47.1%
Nyanza	17%	20%	63%	45.6%

Some respondents were of the opinion that the IEBC was responsible for the suspicion, acrimony, hostility, and pockets of violence that ensued following the disunity they displayed at the 11th hour preceding the announcement of the final election results.

The FGD participants suggested that the problems in the entire electoral management process including results announcement was due to external and internal interference in the work of the IEBC. That in fact, one participant stated that the interference compromised the independence of the commission. Juma in Mombasa had this to say:

“...but why did they take so long to tally and announce presidential results? Why were numbers different? It wasn't fair, someone had been bought.”

5.9 ELECTIONS DISPUTE RESOLUTION (EDR)

The survey findings indicated that most participants were conversant with the concept of EDR. Majority affirmed that EDR presented avenues for resolving electoral disputes. But these avenues had limitations either structural or individual. The participants held that EDR mechanisms had either been held captive by the state of party owners who determined what is good or otherwise for the party. These made EDR toothless instruments for dispute resolution.

A significant number of participants especially the experts in the KII interviews argued that while using EDRs, the complainants are always aware that Kenya's elections are based on the principle of the winner takes it all which ensures that the losers are left out. However, since EDR is a judicial process, political disputes should best be solved through political channels and only after cleaning the institution of political parties. But even as things stand, EDRs in Kenya was faulted for;

- Failure to document and make public their

- proceedings,
- Ignoring PWDs and other SIGs who find the process expensive, and a waste of time since the decisions are subject to influence of forces outside the framework.
- The internal party mechanism used in resolving electoral disputes is under the mercy of the party leader who in this case has vested interests in the contestants and covertly or otherwise influences the results of the judgment.

5.10 POLITICAL PARTIES

The convergence of findings on political parties are quite interesting. Kenyans’ membership and participation in political parties seem to contradict ordinary daily discourse where people engage in heated arguments on political matters with it

seems ‘well informed’ positions. The qualitative data revealed that the reason why Kenyans associate with political parties included; the party leadership, popularity in a given region and its manifesto in that order. However, the overall quantitative data revealed that the majority of respondents, 78%, did not participate in any activities organized by a political party. On the other hand, 22% of the respondents reported their active involvement in such activities.

The survey showed that most participants found themselves already registered in a political party by default, most of the time without their knowledge. Thus, the failure to participate in party activities is explained by the contradiction between the party of one’s choice and the legal belong which is involuntary.

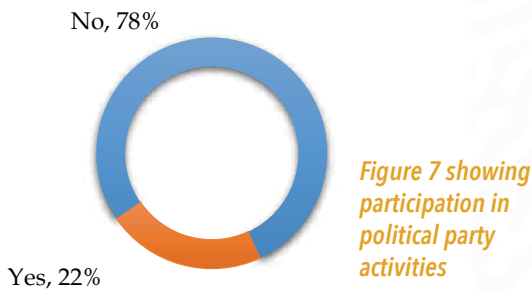
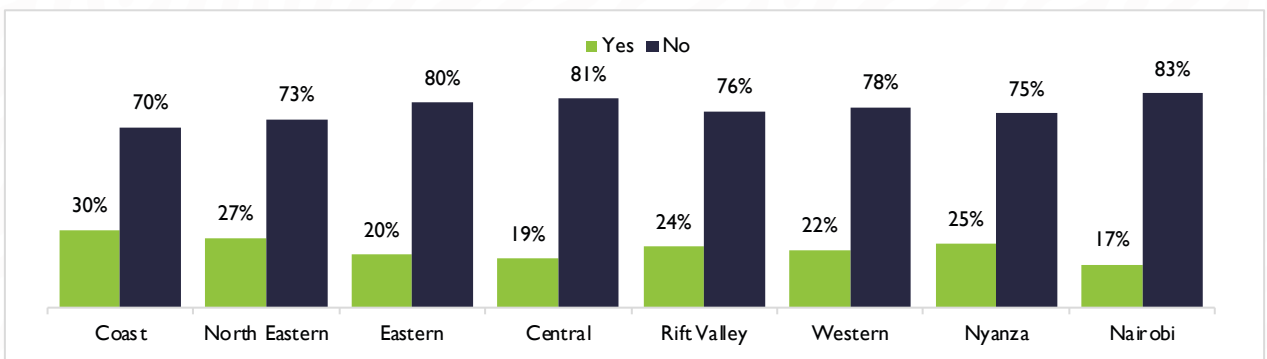


Figure 7 showing participation in political party activities

Analysis by regions established that a significant proportion of respondents who did not participate in any activities organized by political parties during the 2022 general elections were residents of Nairobi at 83%, Central 81%, and Eastern 80%.

Figure 8: Participation in Political Party Activities by Region



When tested against age and gender, a slightly higher proportion of females at 82% compared to males at 73% and above 60 at 81% did not participate in any activities organized by a political party. The findings based on age aligned with the overall trend observed in the study, indicating that participation rates in political party activities were generally low among the youth, and those above 60 years. See figure below:

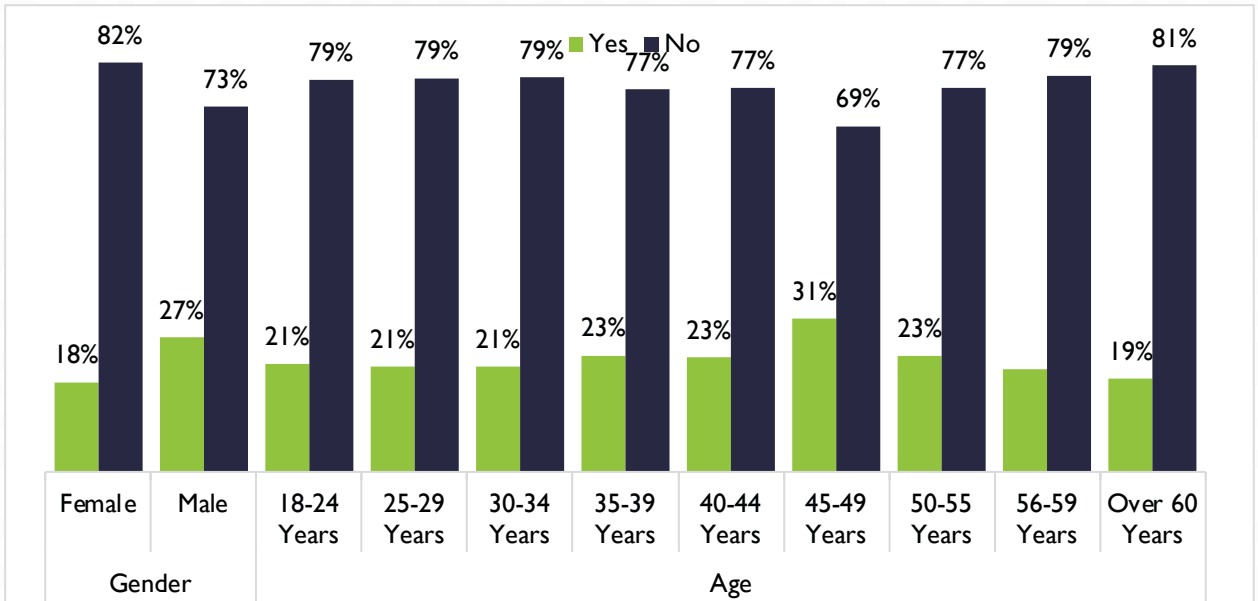


Figure 9: Participation in Political Party Activities: By Gender and Age

Between urban and rural areas, the study established that there was a marginal difference in participation in activities organized by political parties between two with urban areas showing a slightly higher participation rate. However, overall, the majority of respondents from both locations did not partake in political party activities during the 2022 general elections.

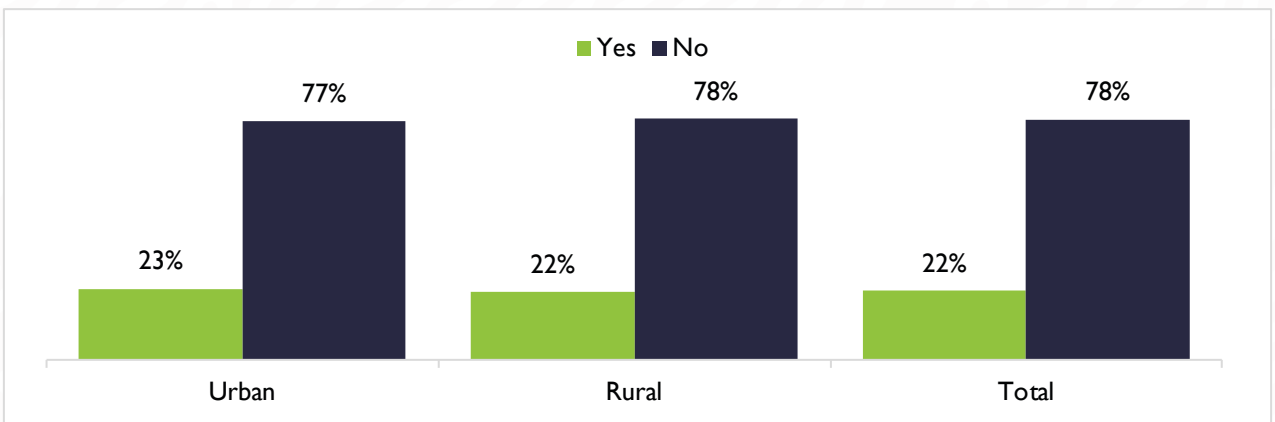


Figure 10: Participation in Political Party Activities by Location

On political party nominations, the findings of the study indicated that opinions regarding the satisfaction level with political party nominations during the 2022 general elections were evenly divided. 38% of the respondents expressed a neutral stance, stating that they were neither satisfied nor dissatisfied with political party nominations while 37% of the study participants

stated they were not satisfied, and (25%) of the respondent noted that they were satisfied with political party primaries. However, on whether party nominations had an impact the turnout, slightly more than half (54%) of respondents believed that political party nomination influenced whether they voted or not during the 2022 general election.

On the other hand, about four in ten (41%) of respondents did not perceive any impact of political party nominations on voter behavior. A small portion, comprising 5% of respondents, expressed uncertainty or a lack of knowledge on the matter.

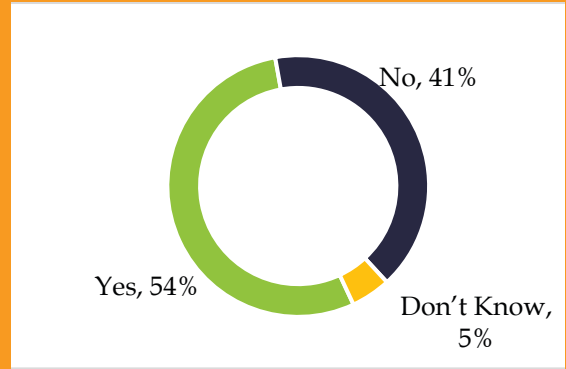


Figure 11: Impact of Party Nominations on Elections outcome

The majority of respondents who believed that political party nomination influenced whether people voted or not during the previous election were from North Eastern at 63%, Rift Valley 62% and Nyanza 58% regions. On the other hand, respondents from the Coast region (49%) and these were more inclined to dismiss the notion of political party nomination impacting voter behavior.

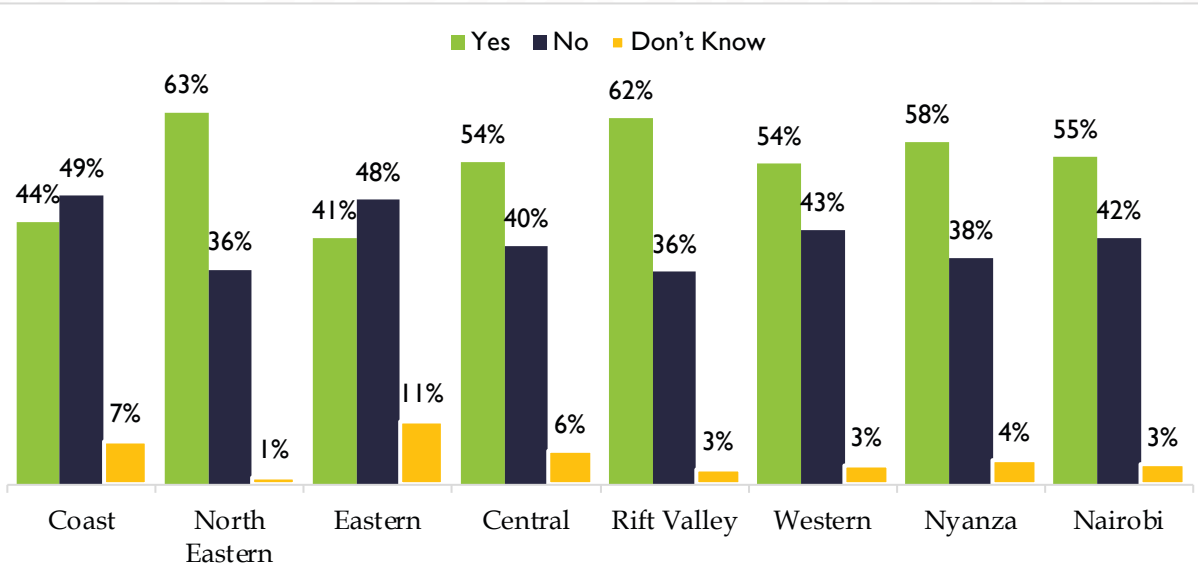


Figure 12: Impact of Party Nominations on Elections outcome By Region

The gender variable on impact of party nominations established that a slightly higher percentage of males (56%) compared to females (52%) believed that political party nomination had an influence on voter behavior during the 2022 general election. Looking at different age groups, the belief in the influence of political party nomination was particularly strong among respondents aged 50-55 years (61%), 25-29 years (58%), and 30-34 years (57%).

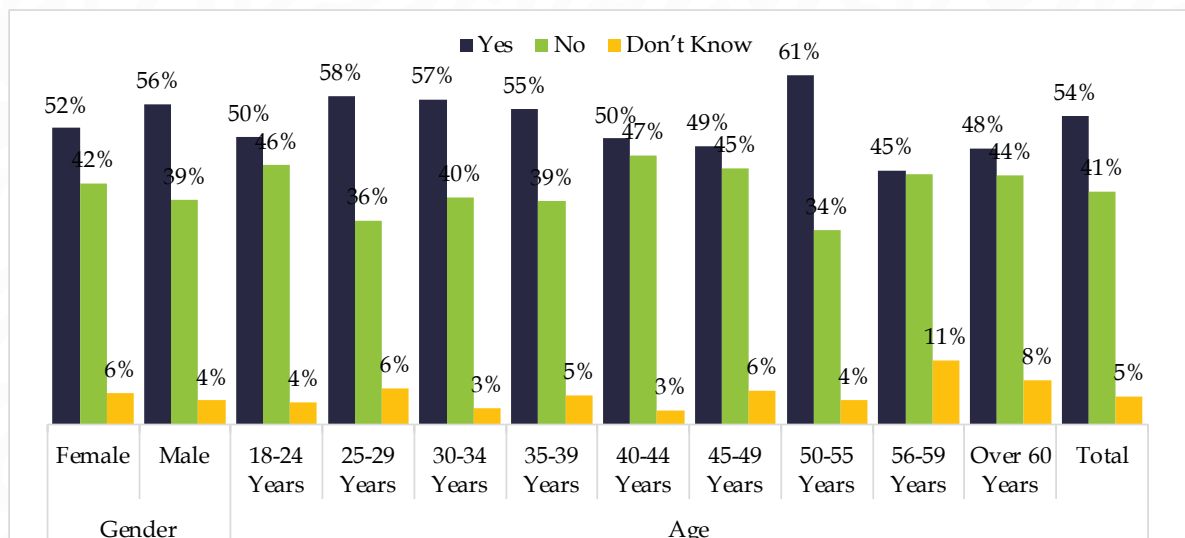


Figure 13: Impact of Party Nominations on Elections outcome by Gender and Age

A discussion on political parties cannot end without discussing their role in electoral violence. The study revealed that the main perpetrators of electoral violence were primarily political parties and their supporters (51%). Additionally, 24% of the participants attributed electoral violence to youth groups and militias, indicating the involvement of organized groups driven by political affiliations or other motivations.

Regionally, a significant majority of respondents from Western (66%), Nairobi (60%), Rift Valley (54%), and North Eastern (54%) regions identified political parties and their supporters as the primary perpetrators of electoral violence. Conversely, respondents from Eastern (29%) and Coast (28%) regions also cited youth groups and militias as the perpetrators of electoral violence. These regional variations suggest the influence of local dynamics and specific actors involved in electoral violence across different areas.

	Coast	North Eastern	Eastern	Central	Rift Valley	Western	Nyanza	Nairobi	Total
Political parties and supporters	36%	54%	42%	45%	54%	66%	49%	60%	51%
Youth groups and Militias	28%	17%	29%	22%	23%	20%	22%	24%	24%
IEBC officials	8%	3%	11%	4%	4%	5%	8%	4%	6%
Security forces	8%	-	6%	5%	3%	3%	9%	2%	5%
Ethnic groups	6%	5%	5%	4%	3%	1%	6%	6%	4%
Criminal groups	4%	1%	2%	5%	3%	0.4%	1%	1%	2%
Others	0.4%	1%	0.3%	2%	0.3%	2%	1%	1%	1%
Don't know	2%	8%	2%	3%	1%	1%	2%	-	2%
None	6%	11%	3%	11%	8%	2%	3%	2%	6%

Table 15 Perceived Main Perpetrators of Electoral Violence: By Region

When analyzed against age and gender and violence perpetrated by political parties, the study established that both political parties and their supporters are recognized as major instigators of electoral violence across the board with slightly more males (54%) than females (47%) affirming this. However, there are slight differences in the perceived involvement of other groups based on gender and age as highlighted in the table below:

Table 16: Perceived Main Perpetrators of Electoral Violence by Gender and Age

	GENDER	AGE										Total
	Female	Male	18 - 24	25 - 29	30 - 34	35 - 39	40 - 44	45 - 49	50 - 55	56 - 59	60+	
Political parties and supporters	47%	54%	49%	53%	55%	47%	50%	47%	52%	47%	48%	51%
Youth groups and Militias	28%	19%	26%	23%	22%	27%	25%	27%	22%	24%	19%	24%
IEBC officials	5%	7%	3%	5%	6%	7%	5%	10%	7%	14%	4%	6%
Security forces	4%	5%	9%	2%	3%	5%	6%	4%	5%	4%	6%	5%
Ethnic groups	5%	4%	5%	4%	4%	4%	5%	4%	3%	2%	6%	4%
Criminal groups	1%	4%	1%	3%	2%	3%	2%	4%	1%	1%	3%	2%
Others	1%	1%	2%	0.2%	1%	2%	1%	1%	2%	-	1%	1%
Don't know	2%	1%	3%	3%	1%	2%	-	1%	3%	-	3%	2%
None	6%	5%	2%	5%	7%	4%	6%	3%	5%	8%	10%	6%

The trend was the same in urban and rural areas. In rural areas, slightly more than half of respondents (52%) attributed electoral violence to political parties and their supporters, while in the urban areas, this percentage decreased to 48%. This indicates a significant role played by political rivalries and conflicts in instigating violence during elections. Youth groups and militias were also identified as notable contributors to electoral violence, with 25% and 23% of respondents associating them with such acts in the urban and rural areas, respectively. The involvement of other actors, such as IEBC officials, ethnic groups, security forces, and criminal groups, was relatively

less pronounced but still recognized. The above statistics point to a failure in institutionalizing party politics which impact on poorly planned party nominations which in turn affected the outcome of the general elections. The view that more voters would have turned out if their candidate won was a hotly contested position that received a lot of support within the FGDs and KIIs discussions. This naturally led to voter apathy as voters became disinterested after their candidates did not win the nomination. But this also had far reaching consequences including disintegration of parties since they didn't have any elected position.

Worse, political parties did not both about inclusivity as no position reserved for SIG, Youth, PWDS and Marginalized communities.

The study unveiled more findings that were witnessed during the 2022 general elections, and which included:

- ◆ Coalitions disadvantage affiliate parties and only a few individuals benefited from the coalitions, contributing to the high number of independent candidates.
- ◆ Political parties are private investments that the investors expect to reap benefits from their enterprises.
- ◆ Political parties only favor the rich who can contribute finances for the wellbeing of the party.
- ◆ Political parties do not consider the SIGs for candidacy because they receive special seats in the parliament.
- ◆ Party nominations are never democratic.
- ◆ Political leaders use party hierarchy to reward their allies and family members.
- ◆ Many political parties are only active in the region one year to elections so as to get funding from the ORPP.
- ◆ In other cases, political parties have dummy offices and illegally obtain data on individuals without their consent who then form the party membership.





conclusion

CHAPTER
SIX
CONCLUSION

6.1 INTRODUCTION

This section represents the overall statement from the survey. Participants stated that despite the historical experience enjoyed by the commission in handling elections since Kenya's independence it had learned no lessons and ignored historical facts as foundational knowledge to be applied in every election. The immediate conclusion from the study is the revelation of a lack of trust in the IEBC to conduct free, fair, and credible elections. Regional variations were observed, with Central and Rift Valley regions exhibiting relatively higher levels of trust, while Nairobi and Nyanza regions had the lowest levels. Rebuilding trust in the electoral commission is crucial for ensuring public confidence in the integrity of the electoral process. This naturally leads to another conclusion that this causes a significant level of dissatisfaction with Kenya's electoral system. Nyanza region standing out with the highest level of dissatisfaction, while Central and Rift Valley regions showing higher levels of satisfaction.

Much of this is a result of the convergence of views on the management and operational structures witnessed by participants during the electoral process as narrated during the survey. Many participants were quick at pointing out that IEBC overall was unable to contain security concerns in areas where strife is predominant even with the presence of armed escorts. In many cases the commission officials are deployed to areas where they are unfamiliar with the anthropological and geographical terrain or simply are inadequately equipped to handle the operational complexities once confronted with one. This failure to understand the local dynamics of interaction dynamics impacts negatively on the smooth running of the electoral process. Similarly, IEBC has failed to counter political party dynamics where

posturing by incumbents against aspirants is a major fear factor discouraging potential candidates seeking to vie and those seeking to cast their vote. This makes the electoral environment toxic and hostile towards the less powerful and SIGs who have a weak financial muscle to flex. The result is an electoral playing field that is not level for all.

Compounding the above general views emanating from conversations in the survey, the citizens' voices articulated the following inherently systemic distinct deficits arising from institutional and operational malfunction:

- A lack of inclusion and diversity through poor auditing and implementation of views from previous elections
- Disregard for public participation when setting up progressive electoral systems
- High numbers of eligible voters not registered among groups such as Women, PWDs, Diaspora
- Inadequate voter education
- Skewed voter registration processes
- Insincere electoral officials
- Lack of disaggregated data in civil registers and poor stakeholder engagement
- The evident high cost of conducting elections
- High cost of technology vis-à-vis efficiency
- Prohibitive/discriminatory cost of electioneering (nomination fees, campaigning, petitions)
- Institutionalized and mainstreamed corruption
- Illegalities and irregularities such as vote buying and loss of life and property
- Social costs such as displacement of populations and death
- Un-democratic party nomination processes

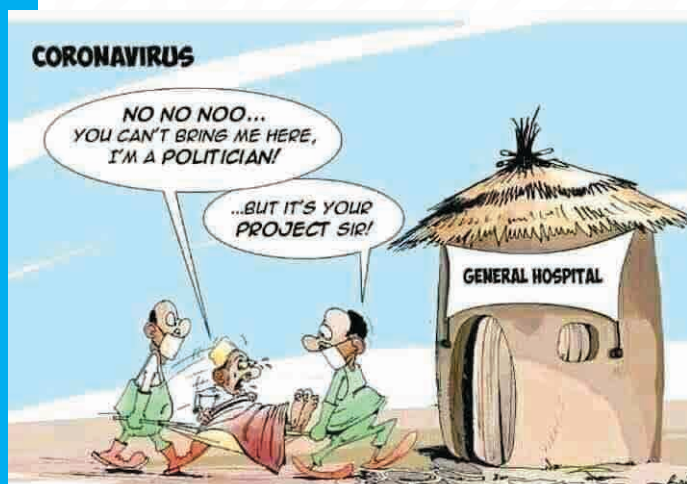
- Integrity of EDR processes, and
- Lack of clear communication policy leading to misinformation and disinformation about the entire electoral management process.

The overall voices represented the FGDs, KIIs, opinion poll exhibited an appreciation of the citizens' role in a gradually emerging democratically instituted world. From the survey it can be concluded that the EMB has a trust deficit specified in voters' discouragement where they feel that their vote would not count due to political interference, external and internal interference that are covertly and overtly identifiable. In other words, sometimes there is interference, but it is invisible to the naked eye due to the complex web of technological, and logistical and operational systems that are part of the electoral infrastructure. This makes the voting population believe that machinations known to the IEBC are influencing the outcome of the elections and circumventing their choice of candidates.

The opinion polls strongly supported the views in the FGDs and KIIs on the issue of trust deficit through the claim that the level of trust in the Independent Electoral and Boundaries Commission (IEBC) to conduct free, fair, and credible elections in Kenya was relatively low. Close to half (44%) of the respondents reported having no trust in the commission, indicating skepticism or lack of confidence in its ability to conduct elections in a free, fair, and credible manner. Only 32% of the surveyed respondents expressed trust in the IEBC. Additionally, a significant portion of respondents (24%) remained neutral or had no strong opinion regarding their trust in the IEBC. Below is a summary of the major conclusions arising from the findings above.

6.2 VOTER REGISTRATION

From the findings, it can be concluded that a significant proportion of the citizens reported experiencing complexity during the voter registration process. Nairobi, Coast, and Rift Valley regions had higher proportions of respondents finding the process complex. This points to the need for streamlining and simplifying voter registration procedures to ensure a more user-friendly experience and encourage broader participation.



6.3 VOTER EDUCATION

Promoting peaceful elections requires strengthening civic involvement and voter education on voter registration, voting process, election laws, logistics, security, vote-counting, and tabulation to results-processing and dispute resolution is important. The survey established that though voter education is part of the mandate of IEBC, the EMB did not have sufficient capacity for this. Despite the fact that majority participants in the survey indicating an understanding of the importance of participating and voting as a democratic process, there was consensus that voter

education done towards the 2022 election played a key role sensitization and awareness creation on elections. The participants emphasized that through voter education many citizens had come to appreciate voting as civic duty and as a part of fulfilling ones democratic right.

6.4 VOTING PROCESS

The survey revealed that Kenya's 2022 General Election management process was marred by inefficiency, unpreparedness on the part of the EMB, inadequate capacity and other forms of corrupt practices. These include violence; incidences of long queues at polling stations; lack of clear guidelines on voter information; missing names; complicit officials; discriminatory practices against women, PWDs and non-locals; cultural barriers; technological inefficiencies; geographic vastness; and, bribery. However, the findings were not conclusive regarding the security of Kenya's electronic voting system. A considerable proportion of respondents expressed skepticism, particularly in Nyanza and Nairobi regions, while Central and Rift Valley regions demonstrated higher levels of trust.

6.5 VOTER SECURITY

The study highlights the prevalence of electoral offenses such as voter bribery, rigging elections, and electoral violence. Political parties and their supporters were seen as the primary perpetrators of electoral violence, while youth groups and militias were also implicated. Addressing these issues requires concerted efforts to promote ethical conduct, discourage violence, and ensure accountability among all stakeholders involved in the electoral process.

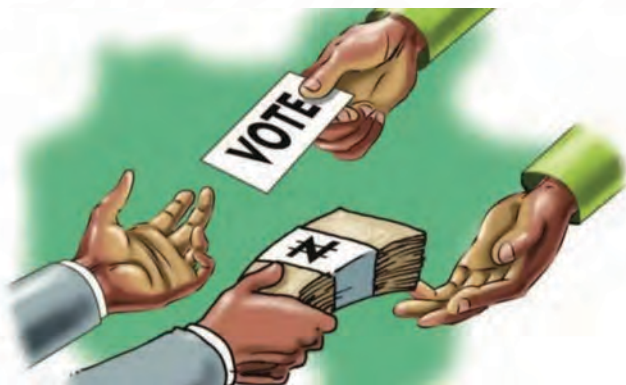
6.6 ELECTORAL LEGAL FRAMEWORK

From the study, it is clear that Kenya has an adequate

legal and policy framework to deliver free fair, credible and verifiable elections. However, some laws are expressly ignored breeding impunity, while others require clarification especially on their application. Important too is the revelation that the IEBC is overburdened, is held captive by political forces of the day and hence unable to function as an independent EMB envisaged in Article 88 on the Constitution and the IEBC Act.

6.7 ELECTORAL CAMPAIGNS

The study established the importance of electoral campaigns in Kenya's elections. It is during campaigns that majority of the respondents settled on a candidate of their choice influenced by their candidate's manifesto, their experience



and development record and level of integrity. These findings highlighted the significance of candidates' policy proposals, their track record, ethical values, and effective campaigning in influencing voters' decision-making during general election in Kenya. It is, however, useful to indicate the regional variations where Kenyans who selected candidates based on their manifesto were primarily from the Central region (78%), Western region (75%), North Eastern region (75%), and Eastern region (75%). In the North Eastern region, the experience and development track record of candidates played a crucial role, with 40% of respondents mentioning it as a key

criterion for selection. On the other hand, integrity was predominantly mentioned in the Nairobi region, with 20% of respondents highlighting its importance in their candidate selection process. But the study revealed that it is these campaigns that violence was witnessed.

6.8 ELECTION RESULTS AND ANNOUNCEMENT

Vote tally and counting is important in assessing the integrity of the results of the entire election. The study established that the presence of candidates within the counting facilities tends to whip public sympathy and emotions from their supporter leading to violence. The survey established that during results announcement the disunity displayed by the commissioners tainted the entire electoral management process and none of the sides could carry public trust.

6.9 ELECTIONS DISPUTE RESOLUTION (EDR)

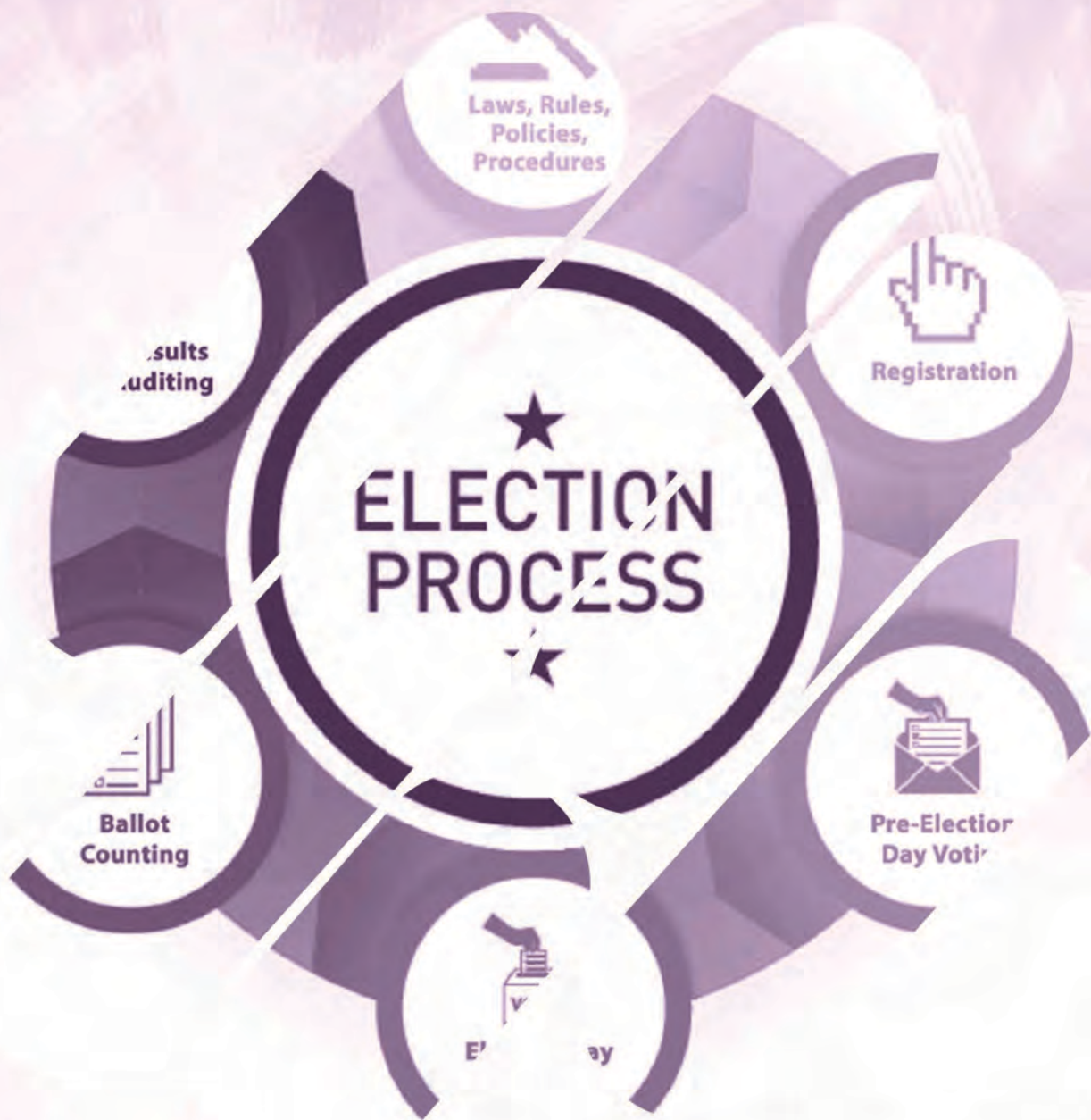
Sensitization by the Judiciary in electoral reforms taking place and EDR processes. The study established that there is a fair understanding of EDR process with majority having a basic understanding of what it entailed. Majority of the participants appreciated that this was a legal process for resolving disputes that may arise during the election period. However, there existed gaps in the specific details of the EDR process as well as who to contact whenever a complaint arose and when to initiate the process.

6.10 POLITICAL PARTIES

The survey established that the majority of Kenyans do not participate in any activities organized by political parties. Only a small fraction affirmed participation. There were, however, regional variations an indication of regional interest in

political activities inspired by a regional party or following. Residents of Nairobi at 83%, Central at 81%, and Eastern at 80% indicated lack of interest in political activities. The gender variation indicated that that slightly higher proportion of females at 82% compared to males at 73% did not participate in any activities organized by a political party. The findings based on age aligned with the overall trend observed in the study, indicating that participation rates in political party activities were generally low especially among Kenyans aged over 60. On this, the study findings are inconclusive as opinion is divided regarding the satisfaction level on party nomination of candidates. Around 38% of the respondents expressed a neutral stance, stating that they were neither satisfied nor dissatisfied with political party nominations while 37% of the study participants stated they were not satisfied. The study concludes that political party nomination influenced whether people voted or not as was the influence of political party nominations on voter behavior. However, an analysis of the findings based on gender reveals that a slightly higher percentage of males (56%) compared to females (52%) believed that political party nomination had an influence on voter behavior during the previous election. Looking at different age groups, the belief in the influence of political party nomination was particularly strong among respondents aged 50-55 years (61%), 25-29 years (58%), and 30-34 years (57%).





CHAPTER SEVEN

**RECOMMENDATIONS ON HOW TO IMPROVE ELECTORAL
PROCESSES AND MANAGEMENT IN KENYA**

7.1 INTRODUCTION

This section presents the recommendations on how to improve the electoral processes in Kenya being drawn from the systematic analysis of the findings and conclusions of the citizens' assessment of the 2022 General Elections.



**Voter
Registration**

7.2 VOTER REGISTRATION

On the issue of voter registration, the following are the main recommendations:

- a. IEBC needs to broaden its understanding of PWDs, women, youth, and other SIGs by conducting a study to understand and ensure reasonable accommodations at registration centers in addition to their access to polling stations
- b. Strict regulations and monitoring mechanisms should be implemented to prevent unauthorized transfers of voters without their consent
- c. Enhanced transparency and accountability should be enforced to curb irregularities during voter registration
- d. There is need for systematic public awareness campaigns with an aim to educate individuals about the importance of voter registration and the procedures involved
- e. Flexible registration options for SIGs given their lived realities. For example, the nomadic lifestyle of pastoralist communities should be considered by introducing mobile voter registration

- f. Staggered mass voter drives targeting the pastoralist especially before they move to look for pasture.
- g. Partnerships and Stakeholder Engagement: Collaborating with local community leaders, civil society organizations, and other relevant stakeholders is essential.



**Voter
Education**

7.3 VOTER EDUCATION

Enough resources by the government and other development partners should be allocated for voter education in good time frame prior to the elections with the IEBC playing a very active role in coordination of stakeholders. The SIGs should be very well targeted especially people with disability by use of multi-stakeholder effort in planning and implementing civic education programs. Major target issues for voter education should be electoral integrity, individual choice, inclusivity and accountability of those in office. The IEBC should keep the voters informed all through the electoral cycle on any changes on the electoral framework. This will help bridge the gap between the citizens and the electoral processes building more public faith in the IEBC and also improve accountability. Other recommendations on voter education include:

- a. Introduction of voter education in schools' curriculum to cultivate a sense of patriotism and civic duty in the learners.
- b. Engage collaborators among them, CBOS, NGOS, religious communities and likeminded private sector in promoting voter education.
- c. Use of social media platforms like Twitter/X,

Facebook, YouTube, TikTok, WhatsApp, Telegram, Instagram, Threads, among others.

- d. Use of community-based workshops, barazas in conducting in-person workshops and training sessions in community centers, schools, or other central locations to facilitate voter education.
- e. Use of offline digital content, such as videos or interactive presentations that can be distributed through USB drives
- f. Utilizing SMS



**Voting
Process**

7.4 VOTING PROCESS

In the 2022 general elections, there were many complaints that impact on voter turnout as a result of issues surrounding the voting process. The following are recommended for remedy of identified problems.

- a. Eliminate incidences of long queues at polling stations in some parts of the country,
- b. Clarify on guidelines in identification of voters e.g., lost/misplaced national IDs and missing names from the voters register.
- c. Clean up the voters register and have the particulars checked by the registered voters on continuous basis to avoid last minute surprises.
- d. Invest in backups in case the alpha-numeric system fails.
- e. Punish electoral malpractices by electoral official who act in complicit with perceived

collaboration with incumbents in areas where clans are present specifically in the Northern and North Eastern regions of Kenya causing tension and subsequently keep away women, PWDs and non- locals from casting their votes. In these areas non- locals were easily identifiable due to profiling,

- f. Train elections officials on how to handle the social-cultural and linguistic barriers
- g. Invest in technology that cuts across gender and age.
- h. Solve the problem of geographic vastness because it causes poor distribution of election material.
- i. Tighten security to identify and punish electoral malpractices such as bribery and violence that occur during the Election Day.



**Voter
Security**

7.5 VOTER SECURITY

Citizens play a crucial role in democratic and political governance processes, as they are the largest stakeholders and beneficiaries of elections. They should resist voter bribery, corrupt practices, and hold political parties accountable. Maintaining positive attitudes and behavior towards democratic processes is essential for meaningful and value-based governance changes in society. During elections, the IEBC should ensure that all personnel, officials, and voters are adequately protected. The police should look into cases of political profiling, harassment, assaults, and injuries as well as electoral legislation violations and prosecute offenders. Security management is

enhanced by cooperation between the national police and other duty bearers, such as the IEBC.



Electoral legal and policy framework

7.6 ELECTORAL LEGAL AND POLICY FRAMEWORK

From the findings of the survey, the citizens generally agreed that Kenya's legal framework for election is robust. Article 2 (4) of the Constitution goes further to place Kenya within the international legal regime. The problem with Kenya's electoral flaws therefore lies in non-compliance and enforcement of with the existing laws.

ELOG recommends that Parliament must work with the IEBC and other stakeholders to ensure that all electoral legal reforms and amendments that were postponed and not implemented in the 2022 election cycle are introduced, discussed, and implemented as soon as possible.

ELOG underlines the necessity of defining the Chairpersons and commissioners' oversight responsibilities, policies, and strategies through legislative changes. The Commission must distinguish between its duties and those of the Commission Secretariat and staff. Further the survey recommended that;

- a. The IEBC ought to carry out a post-election audit in order to understand its strength and weaknesses within the overall strategic objective as the Premier EMB in Kenya.
- b. IEBC needs to increase its efficiency and

knowledge base.

- c. The judiciary should invest in training judicial officers in electoral dispute settlement.
- d. The NPS should invest in training security agents on the nature of electoral laws and their application on electoral offences for effective investigation and prosecution.
- e. Early warning systems to be put in place for detecting and arresting election related conflicts.
- f. Urgently operationalize Election Campaign Fund (ECF) and its regulation,
- g. Need to strictly observe and enforce provisions of Chapter Six of the Constitution in order to reap maximum benefits from moral leadership. To this end, the IEBC should build capacity to serve as the gatekeepers on integrity and all the electoral laws.
- h. In observing the principle of integrity, IEBC to act swiftly and strictly by barring all persons implicated in corruption scandals and abuse of office from running for public office.
- i. Affirmative action legislation and principles should be fully adopted and implemented in accordance with Article 100 of the constitution. It is clear that successive parliaments have failed to pass legislation on the 2/3 gender principle; application of the principle that 5 per cent of members of elected bodies are PWD as well as the provision on inclusion of marginalized ethnic minorities.



Electoral Campaigns

7.7 ELECTORAL CAMPAIGNS

Election campaigns are the means by which candidates and political parties prepare and present their ideas and positions on issues to the voters in the period preceding E-Day. Contestants use a variety of techniques to reach voters and deliver their messages, including through traditional and new media, public events, written materials, or other means. In some countries, public media and/or space are allocated to contestants for these purposes. The campaign for the 2022 general elections began on May 29, 2022, to August 6, 2022, between 7 am and 6pm. This was the legally defined period.

In order to improve electoral campaigns in Kenya, the following are recommended;

- a. Staggering elections especially the Presidential elections to minimize dissatisfaction and anxiety, further, it would ensure that the KIEMs kits did not fail or were overwhelmed with respect to identifying voters during the voting process.
 - b. Ban politicians from tallying centers, their presence caused pockets of violence continuously within the facilities, including the day the results were announced.
 - c. Proper communication channels to be instituted to ensure that information from the National Tallying Center was received accurately and consistently. For media's tallying was different for every station thus creating anxiety among the citizenry.
 - d. Advocacy and lobbying - it was important for all relevant stakeholders to ensure that they advocated and lobbied for SIGs i.e. PWDs, women, minorities and marginalized, youth.
 - e. Reduction of vulnerability of youth susceptible to hiring for vigilantism, due to poverty and unemployment
 - f. Corruption around the issuance of stipends to security personnel manning the polling stations creates discontent due to payment disparities.
- The proposals given by participants to promote electoral security in volatile areas include:
- a. Enhanced Security Deployment: increase the presence of security personnel, including police officers and other relevant security forces,
 - b. Collaborative Security Planning: foster close collaboration between the Independent Electoral and Boundaries Commission (IEBC), security agencies, and local communities in security planning.
 - c. Early Warning Systems: establish and strengthen them to identify and respond to potential security risks.
 - d. Conflict Sensitivity Training: for security personnel, election officials, and other relevant stakeholders to enhance their understanding of conflict dynamics, conflict-sensitive approaches, and human rights principles.
 - e. Voter education on electoral security.
 - f. Election Observation: robust domestic and international election observation missions to monitor and report on the security situation.
 - g. Inter-agency Coordination: Enhance coordination and information-sharing mechanisms in response to potential security threats.
 - h. Community Engagement and Dialogue: promote community engagement and

dialogue initiatives that bring together diverse stakeholders, including political leaders, community leaders, civil society organizations, and security agencies.

- i. Strong Legal Framework and Impartial Enforcement: This includes holding accountable those responsible for inciting violence



Election results and announcement

7.8 ELECTION RESULTS AND ANNOUNCEMENT

To safeguard electoral integrity, the following is recommended:

- a. The need to determine a balanced and logical results baseline. The winner takes all system based on the 50+1 formula should be reviewed and revised so that it clearly clarifies what actually determines the 50+1 votes, and why it is based on votes counted and not cast, or number of voters registered.
- b. Media tabulation of results- needs to be streamlined and harmonized to get a similar information across the media and minimize anxiety in the citizenry which often sparks tension and violence. However, some FGDs were clear that the media should have no role - the IEBC should take over the function of communicating all information to the public.
- c. A need for continuous voter education on the processes of counting and the interface with technology to demystify the contentious 'server' vis-à-vis the

- results portal narrative,
- d. Devolvement of the IEBC and results management. IEBC and other stakeholder to explore possibility of tallying, announcing, and certifying electoral results at the county level. There is a caveat that this may open up space for political party agents who have influence through coercing IEBC officials to change the results.
- e. Need for Transparency and accountability as institutional responsibility by the IEBC to the citizens,
- f. Provide access to stakeholders at all times in all the electoral spaces.
- g. Open up space in the electoral laws for 'Negotiated Democracy' if this will stem violence.
- h. Seal all the technological loopholes at the polling stations and,
- i. Strengthen the EMB to deal with internal issues and external interference conclusively.



Elections Dispute Resolution (EDR)

7.9 ELECTIONS DISPUTE RESOLUTION (EDR)

The following are the proposed recommendations on elections dispute resolution:

- a. Amend the law to grant more timelines for resolving presidential elections disputes.
- b. Have a definite timeline for resolution of electoral disputes for the rest of the

categories of election, from Governor down to MCA

- c. Judiciary to increase the number of courts to hear out and resolve the electoral petitions.



Political Parties

7.10 POLITICAL PARTIES

Political parties are collective entities that organize competitions for political offices. The members of a political party contest elections under a shared label. In a narrow definition, a political party can be thought of as just the group of candidates who run for office under a party label. Based on the findings of the study, and citizen experiences during the 2022 general elections, there is a serious need to re-define the context of political party operations in Kenya. Political parties should be institutionalized and reified in the public mind so that 'the party' exists as a social organization apart from the founders and leadership of the party. To improve the institutionalization of political parties, it is recommended that;

- a. The ORPP be restructured to enhance its capacity to rein in political party activities,
- b. Enforce election and political party laws in clear manner that it is the law that should punish party perpetrated violence,
- c. The law on coalitions to be made clearer. Coalitions disadvantage affiliate parties and only a few individuals benefited from the coalitions, contributing to the high number of independent candidates. This skewed position should be clarified in law.
- d. Political parties should be registered based on the law and subject to the strict application of legal and constitutional requirements.
- e. The law should compel political parties to

adhere to Article 10 of the constitution on inclusivity.

- f. Amend political parties act to make the democratic and not instruments for rewarding friends and relatives.
 - g. The law to be amended such that a party does not take part in elections if it is less than 3 year in existence for compliance.
 - h. Political parties should respect and promote human rights and fundamental freedoms, and gender equality and equity;
 - i. Political parties should strive to be transparent and accountable;
 - j. Promote the objects and principles of the Constitution and the rule of law.
- 5.11 General comments on improvement of elections in Kenya



General recommendations on improvement of elections in Kenya.

7.11 GENERAL COMMENTS ON IMPROVEMENT OF ELECTIONS IN KENYA

Elections have become almost universal since the end of the Cold War. Yet in many countries where elections are held, freedom and democracy are actually in retreat, results held in suspicion or entire electorate process held in mistrust. Intended as mechanisms for the peaceful arbitration of political rivalries, elections frequently become flashpoints for political violence. At the core of these paradoxes are elections without integrity. All too often, elections serve merely to give regimes a veneer of legitimacy. But elections without integrity cannot provide the winners with legitimacy, the losers with security and the public with confidence in their leaders and institutions. This makes institutions fragile as it encourages disgruntled groups to find other, less constructive, channels for the expression of their

discontent. Kenya's electoral cycle is replete with questions of manipulation, bribery and at times outright theft of votes. The 2022 general elections are not different. This study sought to evaluate the citizens' assessment of these elections. The study was aimed at gauging public sentiment regarding confidence in electoral management, satisfaction with the electoral system, trust in electoral processes and institutions, the impact of political party nominations, electoral offenses, participation in political party activities, and, dispute resolution institutions. However, the study sought to understand the citizens' view of what lies in the future for elections in Kenya. The survey sought to get recommendations from the respondents on how to improve the future electoral processes and management systems. The views were varied but mainly concerned the EMB, IEBC and the entire electoral infrastructure. The following stood out: Rethink ways of eliminating the role of incumbency (President, Governor, MNA, MCA) in electoral processes,

- a. Rethink the role of religious leaders CSO, and the SIGs in the electoral process,
- b. Changes in the electoral cycle- to reflect a staggered election; President and Members of National Assembly, Woman Representative and Senator to be held on different dates from Governor and MCAs
- c. IEBC to urgently deal with the question of trust deficit. This can be addressed through an inclusive process of stakeholders; major political parties, religious leaders, civil society organizations, the academy, community opinion leaders, youth leaders, women representatives, PWD,
- d. The Winner-takes-all system should be abolished and, in its place, instituted a proportional representation model tied to party lists; this will help address the 2/3 gender rule as well.

On appointment of IEBC Commissioners

- Amend schedule 1 of the IEBC Act, to remove the Presidential powers of appointments to the Selection panel. This is the body that considers applicants to the vacant IEBC Commission. That although it is elaborate on which bodies are represented, given the powers that presidents wield in Kenya, this could be subject to manipulation. The following were suggestions received;
- Public Service Commission, Civil Society, Professional Bodies, Religious leaders, and representatives from parliamentary parties. All these to observe 2/3 gender rule.
- Representatives of Parliamentary Political Parties
- That to avoid manipulation of the results, the selection panels to pronounce the successful candidates after the interviews.
- All candidates interviewed should have merit to be appointed as chairperson to the commission to eliminate presence of a vacuum if the chairperson's position falls vacant.
- The IEBC Commission to be constituted in time to avoid last minute inclusion of new commissioners who are then seen as 'strangers' by the sitting commissioners.
- The local administration should be trained to further train the local community on voter registration.
- To curb the security shortcomings in the area the security should be trained to respond swiftly and in due time to the arising situations.
- The government should release funds to the election management body early enough to allow for the timely execution of the voter registration exercise.
- The intensity of the awareness campaigns on continuous and mass voter registration processes should be stepped up.
- Voter registration documents should be processed early i.e. identification cards and

passports.

- Simplify the process of transferring votes.
- Voter education should be a targeted process, planned and executed.
- The government should incorporate voter education materials in the e-service portal.
- Divorce voter education from the IEBC. The latter can still be in charge of syllabus for the program.
- Accreditation of election observers should be done early.
- The election offenses act should be strictly adhered to and election offenses punished strictly in accordance with the law
- The ODPP to have capacity to prosecute election offenses.
- The police to be trained to have capacity to identify and investigate election offenses.
- Amend the Political Parties act to punish party hoping after elections.
- Institutionalize political parties operations.
- State officers and all participants to abide by chapter six of the Kenyan Constitution.
- The ORPP and Political parties to conduct capacity building to enhance awareness of policies, nomination processes and elections processes.
- Political Parties to increase participation by SIG and make inclusivity a priority agenda.
- PWDs to have separate, registration and voting desks that caters for their diversity.
- IEBC to utilize local institutions such as Chamas and youth groups to conduct voter education
- SIG representation should be selected by the specific SIG i.e., a PWD representative will be chosen by PWDs in the party.
- Expand the Electoral Presidential petition timeframe to one-month.

The tables below provide a comprehensive overview of the recommendations made by respondents from selected regions of Kenya to enhance the country's electoral processes.

Nyeri County Focus Group Discussion



	Coast	North Eastern	Eastern	Central	Rift Valley	Western	Nyanza	Nairobi	Total
Enhance on transparency and accountability	35%	53%	41%	41%	51%	56%	50%	55%	48%
Improve in electoral infrastructure i.e Technology	15%	32%	21%	24%	27%	19%	21%	15%	22%
Enhance Voter Education	25%	17%	21%	16%	19%	15%	9%	15%	17%
Improve on security measures	19%	14%	11%	18%	12%	11%	22%	20%	15%
Strengthen Electoral laws	18%	10%	14%	15%	13%	15%	16%	20%	15%
Improve voter registration	17%	7%	18%	15%	13%	8%	13%	12%	14%
Encourage civic engagement and participation	7%	1%	2%	3%	5%	4%	2%	7%	4%
Change of IEBC Officials	0%	2%	1%	1%	1%	1%	2%	2%	1%
Independence of IEBC	-	-	-	0.3%	0.2%	2%	2%	0.3%	1%
Integrity of electoral processes	-	2%	0.3%	1%	0.3%	0.4%	1%	1%	1%
Others	1%	1%	-	1%	0.5%	1%	2%	1%	1%

Table 12: Recommended Future Improvements in the Electoral Processes: By Region

Based on gender and age, the findings from the survey aligned with overall patterns highlighting the consensus among respondents. Regardless of gender or age, the recommendations to enhance transparency and accountability, improve electoral infrastructure (particularly technology), and enhance voter education were consistently emphasized by respondents across all demographics.

Table 13 Recommended Future Improvements in the Electoral Processes: By Gender and Age

	GENDER		AGE									Total
	Female	Male	18 - 24	25 - 29	30 - 34	35 - 39	40 - 44	45 - 49	50 - 55	56 - 59	60+	
Enhance on transparency and accountability		46%	47%	48%	51%	43%	47%	47%	49%	49%	48%	48%
Improve in electoral infrastructure i.e Technology	23%	21%	23%	22%	21%	28%	22%	20%	21%	22%	16%	22%
Enhance Voter Education	17%	18%	13%	19%	19%	15%	18%	15%	19%	20%	13%	17%
Improve on security measures	16%	15%	16%	16%	15%	16%	12%	19%	13%	12%	22%	15%
Strengthen Electoral laws	14%	17%	15%	13%	15%	21%	14%	17%	13%	15%	13%	15%
Improve voter registration	15%	13%	9%	13%	14%	15%	14%	14%	15%	10%	13%	14%
Encourage civic engagement and participation	4%	4%	6%	3%	5%	5%	3%	5%	5%	2%	4%	4%
Change of IEBC Officials	1%	1%	2%	2%	0.2%	2%	1%	2%	1%	1%	0.4%	1%
Independence of IEBC	0.4%	1%	1%	-	0.4%	1%	0.3%	1%	2%	-	0.4%	1%
Integrity of electoral processes	0.2%	1%	-	0.5%	1%	1%	0.3%	-	1%	-	0.4%	1%
Others	0.4%	1%	-	1%	0%	1%	1%	2%	1%	1%	-	1%

With regard to location, it was established that both urban and rural respondents in Kenya shared similar recommendations on the need to improve the country's electoral processes in the future. Both urban and rural areas emphasized the need to enhance transparency and accountability, with about half (48%) of urban respondents and 47% of rural respondents highlighting this as a crucial area for improvement. This further demonstrates a concurrence across urban and rural areas on the key areas that need attention for the betterment of Kenya's electoral processes, including transparency, electoral infrastructure, and voter education.

	Urban	Rural	Total
Enhance on transparency and accountability	48%	47%	48%
Improve in electoral infrastructure i.e Technology	22%	22%	22%
Enhance Voter Education	18%	17%	17%
Improve on security measures	18%	14%	15%
Strengthen Electoral laws	16%	15%	15%
Improve voter registration	13%	14%	14%
Encourage civic engagement and participation	4%	4%	4%
Change of IEBC Officials	1%	1%	1%
Independence of IEBC	0.4%	1%	1%
Integrity of electoral processes	1%	0.4%	1%
Others	1%	1%	1%

Table 14: Recommended Future Improvements in the Electoral Processes: By Location

The survey in sum concluded that the integrity of the elections lies in the process, not in the results. To paraphrase the CJ Emeritus Maraga, the voting day is just one event in a long electoral process. The processes that happen before voting day is indicative on whether it would be a success or not. There is a need to conduct and undertake early electoral reforms so as to avoid decisions based on rushed, last minute impulses and emotions."



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