



VOTER INFORMATION BOOKLET

Frequently asked Questions on Electoral Processes



in partnership with

Uraia

Kenya's National Civic Education Programme

PREFACE

The electioneering period in Kenya is usually a challenging time for both the Commission and members of the public. The post/ pre-election period thus offers an opportune moment for the Commission to interact with voters and the rest of the public, partners and stakeholders in a non-polarized atmosphere.

To this end, the Commission has institutionalized a voter education week in its annual calendar to serve as an avenue where members of the public interact with Commission staff in all 47 counties and 290 constituencies across the country.

During the Annual Voter Education Week (AVEW), the Commission aims at increasing awareness among members of the public on all electoral processes. The issues discussed during this week include but not limited to; the mandate of the Commission, delimitation of electoral boundaries (County Assembly Wards and Constituencies), referendum process, registration of citizens as voters, voting procedure, election result management, use of technology in elections, and the legal framework that governs elections in Kenya.

The Commission engages members of the public through County-based Town hall meetings, Constituency based sensitization forums, door to door visits, Churches and Mosques visits, Market centers, community gatherings, school out-reach programs, media engagement and onsite service delivery in all the 47 Counties and the 290 Constituencies across the country.

This booklet has been developed in collaboration with URAIA Trust with the aim of availing responses to the Frequently Asked Questions on electoral processes and operational activities undertaken by the Commission.

IEBC @ AVEW 2021 Edition.

1. What is IEBC?

The term IEBC is a short form for Independent Electoral and Boundaries Commission (IEBC). IEBC is an independent Commission established by Article 88 of the Constitution of Kenya.

2. What is the Mandate of IEBC?

According to Article 88 of the Constitution of Kenya, IEBC is mandated to conduct or supervise referenda and elections to any elective body or office established by the Constitution, and any other elections as prescribed by an Act of Parliament. Specifically:

- a. The continuous registration of citizens as voters;
- b. The regular revision of the voters' roll;
- c. The delimitation of constituencies and wards;
- d. The regulation of the process by which parties nominate candidates for elections.
- e. The settlement of electoral disputes, including disputes relating to or arising from nominations but excluding election petitions and disputes subsequent to the declaration of election results;
- f. The registration of candidates for election;
- g. Voter education;
- h. The facilitation of the observation, monitoring and evaluation of elections;
- i. The regulation of the amount of money that may be spent by or on behalf of a candidate or party in respect of any election;
- j. The development of a Code of Conduct for candidates and parties contesting elections; and
- k. The monitoring of compliance with the legislation required by the Constitution in relation to nomination of candidates by parties.

3. What is the Vision of IEBC?

A credible electoral management body that meets the democratic aspirations of the people of Kenya.

4. What is the Mission of IEBC?

To conduct transparent, efficient, and impartial elections; and undertake boundary delimitation for equitable representation and sustainable democracy.

5. What are the Core Values of IEBC?

- i. Adherence to the rule of law - IEBC conducts its businesses within the law.
- ii. Inclusivity – IEBC respects gender, race, class and disability in the conduct of electoral activities.
- iii. Integrity – IEBC conducts its affairs with utmost honesty.
- iv. Accountability – IEBC endeavors to be responsible for its actions.
- v. Teamwork – IEBC works collaboratively as colleagues to achieve Commission goals.
- vi. Innovativeness – IEBC transforms the electoral process by exceeding the expectations of Kenyans.

6. What is the Structure of the IEBC?

The IEBC is made up of the Commission and Secretariat. The Commission consists of a Chairperson and six members who are appointed by the President after a competitive recruitment process. The principal role of the Commission is policy, strategy and oversight.

The Secretariat is headed by the Commission secretary/CEO and it is responsible for implementing the decisions of the Commission.

The Commission operates under a three-tier structure; the Head Office in Nairobi, 47 County Offices and 290 Constituency Offices.

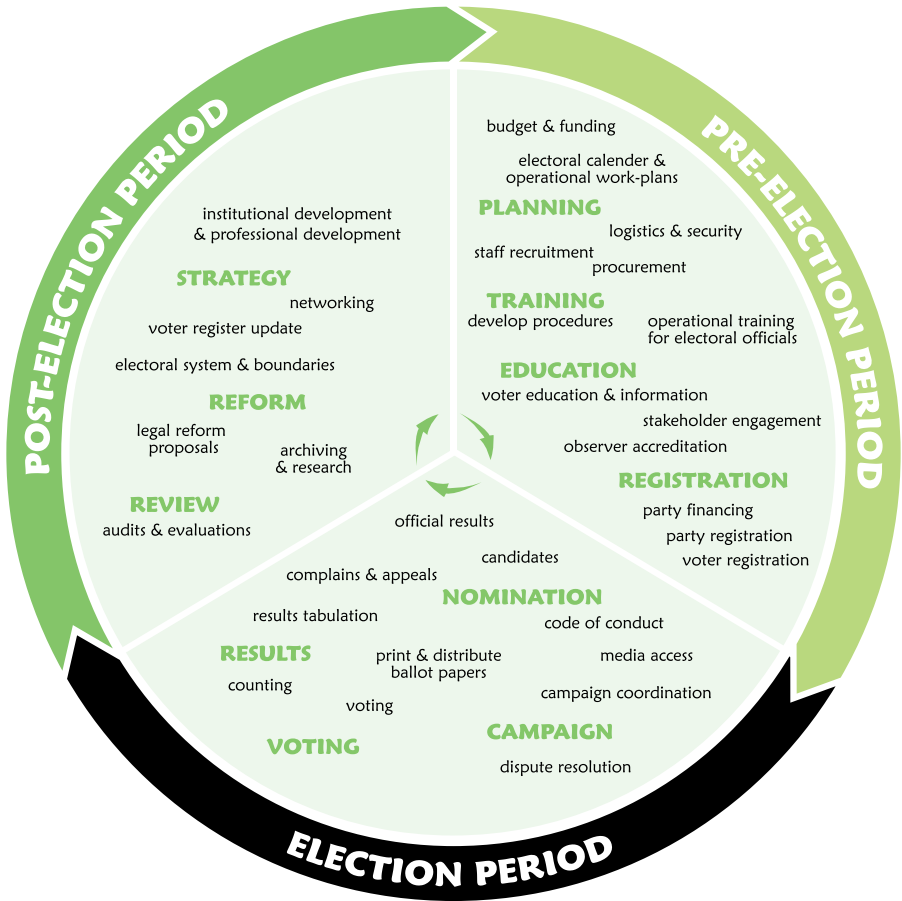
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FREQUENTLY ASKED QUESTIONS ON ELECTION OPERATIONS



The Electoral Cycle



7. What is an Election Cycle?

An election cycle is a series of electoral activities that happen in a systematic manner between one general election and the next one.

8. What are the phases of the election cycle?

The election cycle has three phases namely;

- i. Pre-Election (Preparation stage)
- ii. Election (Operation stage)
- iii. Post-election (strategy review and evaluation)

9. What does IEBC do in the Pre-Election phase?


- i. Review of electoral laws
- ii. Review of electoral boundaries, where applicable
- iii. Drawing of electoral calendar
- iv. Drawing of election Budgets
- v. Procurement of election materials and services
- vi. Warehousing of election materials
- vii. Recruiting, training and deployment of election officials
- viii. Voter education, information and public outreach
- ix. Stakeholder engagement
- x. Partner coordination
- xi. Accreditation of voter education providers and election observers
- xii. Registration of Voters and update of the register of voters
- xiii. Verification & inspection of the Register of Voters
- xiv. Certification and publication of the Register of Voters
- xv. Procurement and testing of electoral technologies

10. What does IEBC do in the Election phase?

- i. Monitoring political party primaries
- ii. Receiving party lists from Political Parties
- iii. Registration of political party and independent candidates for elections
- iv. Monitoring campaigns and enforcing of the Election Campaign Schedules
- v. Enforcement of electoral laws and code of conduct
- vi. Monitoring and enforcing campaign financing
- vii. Accreditation of voter education providers and election observers
- viii. Accreditation of Political Party Agents
- ix. Voter education and information
- x. Stakeholder engagement
- xi. Partner coordination
- xii. Conducting elections
- xiii. Tallying and announcement election results
- xiv. Declaration and gazettement of election results
- xv. Dealing with Election petition and appeals

11. What does IEBC do in the Post- Election phase?

- i. Post- Election Evaluation
- ii. Voter education and information
- iii. Stakeholder engagement
- iv. Development Partner coordination
- v. Auditing and evaluation of processes and systems
- vi. Documentation and archiving of election results and other records
- vii. Review of electoral laws
- viii. Upgrade or reuse of electoral technology



FREQUENTLY ASKED
QUESTIONS ON
REFERENDUM PROCESS



YES!



NO!

- ix. Institutional strengthening
- x. Professional development of staff
- xi. Review of manuals and other IEC materials

12. What is a Referendum?

Referendum is a form of direct democracy where the people in country or an area are asked to give their opinion about or decide an important question or questions.

Referendum is an election where citizens vote for or against an issue or issues directly.

13. Does the Constitution of Kenya provide for conditions for a Referendum?

Yes, it does.

14. What can warrant a Constitutional amendment through referendum?

A proposed amendment to the constitution shall be enacted in accordance with Articles 255, 256 and 257. If the amendments relate to the matters listed in Article 255(1) it must be approved through a referendum. These matters that get subjected to a referendum include:

- a. the supremacy of this Constitution;
- b. the territory of Kenya;
- c. the sovereignty of the people;
- d. the following national values and Principles of Governance as listed below;
 - i. patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
 - ii. human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
 - iii. good governance, integrity, transparency and accountability; and
 - iv. sustainable development

- e. the Bill of Rights;
- f. the term of office of the President;
- g. The independence of the Judiciary and the following Commissions and independent offices to which chapter 15 applies to are;

The matters that on the following constitutional commissions also go through a referendum—

- i. The National Land Commission;
- ii. The Kenya National Human Rights and Equality Commission
- iii. The Independent Electoral and Boundaries Commission;
- iv. The Parliamentary Service Commission;
- v. The Judicial Service Commission;
- vi. The Commission on Revenue Allocation;
- vii. The Public Service Commission;
- viii. The Salaries and Remuneration Commission;
- ix. The Teachers Service Commission; and
- x. The National Police Service Commission.

The issues touching on the independent offices listed below as well—

- i. The Auditor-General; and
- ii. The Controller of Budget.
- h. the functions of Parliament
- i. the objects, principles and structure of devolved government
- j. the provisions of this chapter (255)

15. How is a referendum initiated?

A referendum can be initiated through;

i. A Popular Initiative

Kenyan citizens, as individuals or as an organized group can seek referendum on any issue affecting their rights and entitlements under the Constitution

by drafting an amendment bill and seeking the support of at least 1 million registered voters who must append their signatures in support of the bill.

So far there have been three attempts to amend the Constitution 2010 through the popular initiative as named below:

- i. Okoa Kenya Initiative in 2015
- ii. Punguza Mzigo Initiative in 2019
- iii. Building Bridges Initiative 2020

ii. A Parliamentary initiative

This occurs when a bill is introduced in parliament seeking to amend the Constitution. If the proposed amendments relate to the matters listed in Article 255(1) then the proposed amendments must be subjected to a referendum.

16. What is the procedure for conducting a Referendum through a popular initiative?

- i. Promoters (s) collect one million signatures from among the registered voters.
- ii. The promoters present their proposed amendment either as general suggestion, or a Draft bill.
- iii. In case, the initiative is in the form of a general suggestion, the promoter(s) formulate it into a draft bill.
- iv. The promoters of a popular initiative deliver the draft Bill and the supporting signatures to IEBC for verification that the bill is supported by at least one million registered voters.
- v. If IEBC is satisfied that the initiative meets the requirements, the Commission submits the draft Bill to the 47 County Assemblies.
- vi. If the county assemblies approve
- vii. the draft Bill within three months from the date it was submitted by the Commission, the speaker of each of the county assembly shall deliver a copy of the draft Bill jointly to the Speakers of the two Houses of Parliament, with a certificate that the county assembly has approved it.

- viii. If a draft Bill has been approved by a majority of the county assemblies, it shall be introduced in Parliament without delay.
- ix. The amendment Bill is passed, if it is supported by a majority of the members of each House.
- x. If the Bill is passed by Parliament, it is submitted to the President for assent. And Referendum is held.
- xi. However, if either House of Parliament fails to pass the Bill or the bill relates to a matter that must be subjected to a referendum, the proposed amendment shall be submitted to the people in a referendum.

17. Are there candidates in a Referendum?

No. In a referendum, people vote for or against an issue or issues framed as a referendum question or questions.

18. What is a Referendum Question?

A question formulated by IEBC that will guide the voters to vote for or against an issue.

19 Who is responsible for conducting Referenda?

IEBC is responsible for conducting Referenda in Kenya.

20. Who is a Referendum Officer?

This is a person appointed by the Commission for the purpose of conducting a referendum.

21. Who pays for the Referendum costs?

While exchequer meets the expenditure of conducting the referendum there are certain costs that are met by promoters where a popular initiative approach is used. For example, collection of views/signatures.

22. Who campaigns for or against an issue in a Referendum?

Referendum Committees rally voters to vote for or against the referendum question(s).

23. What is a Referendum Committee?

It is a national or a parliamentary or constituency committee comprising of persons intending to support or oppose a referendum question;

24. How are Referendum committees accredited?

- i. Each referendum committee is required to apply to IEBC for registration/accreditation in a prescribed form.
- ii. IEBC verifies and ascertains that the applicant adequately represents persons campaigning for or against the referendum question.
- iii. If the Commission is satisfied that the information given by the applicants is adequate, then the referendum committee is registered/accredited.
- iv. The National Referendum committee shall control and regulate the constituency referendum committees.

25. What are the rules for the Referendum Committee?

- i. A referendum committee shall not be registered in the name or logo of a political party.
- ii. The registration of a referendum committee for the purposes of a referendum is valid only for that Referendum.

26. Who funds the Referendum campaign committees?

Each referendum committee shall bear its own costs during the referendum campaign period including payment of their respective agents.

27. Who are Referendum Agents?

These are persons appointed by Referendum committees and include Chief agents and polling station agents for purposes of that Referendum.

28. When does IEBC give a notice of holding a Referendum?

The Commission shall, within fourteen days after publication of the referendum question (s) publish a notice of the holding of the referendum and the details thereof in the Gazette, electronic and print media of national circulation.

29. What shall the notice of referendum specify?

The notice shall specify the—

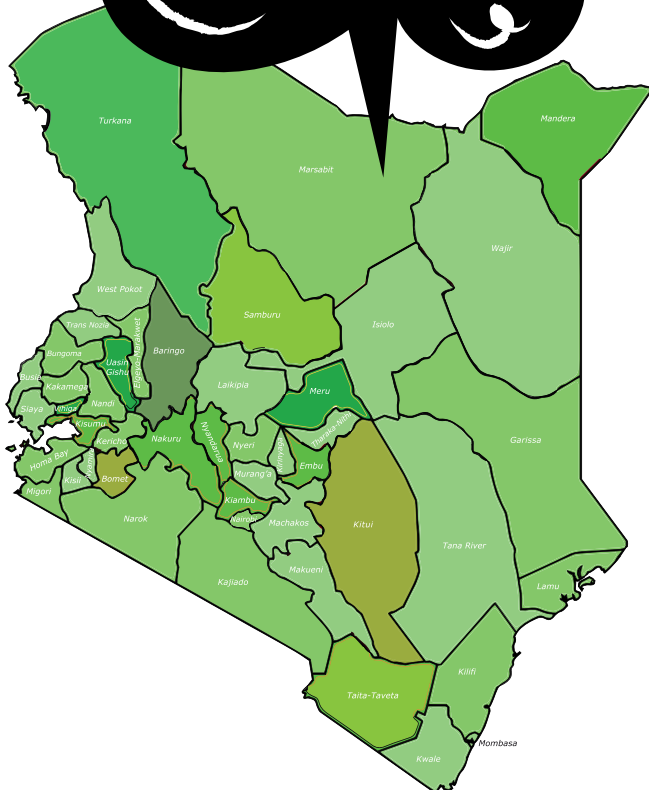
- i. Referendum question or questions and the option of the answer or answers;
- ii. Symbols assigned for the answers to the referendum question;
- iii. Day on which the referendum is to be held which shall not be less than twenty-one days after the date of the publication of the notice;
- iv. Polling time of the referendum;
- v. Day by which the referendum committees shall have registered with the Commission; and
- vi. Day and time by which campaign in support of or in opposition to the referendum question shall start and cease.

30. What are the thresholds for a Promoter to get a win at a Referendum?

The proposed amendment is approved if;

- i. At least twenty per cent of the registered voters in each of at least half of the counties should vote in the referendum; and
- ii. The referendum question is supported by a simple majority (at least 50% of the votes plus one vote) of the citizens voting in the referendum.

FREQUENTLY ASKED QUESTIONS ON BOUNDARY DELIMITATION PROCESS



31. What is boundary delimitation?

The process of defining, drawing and demarcating electoral units with the purpose of achieving equality of the vote, ensuring fair representation, and non-discrimination.

32. What are the types of boundaries in Kenya?

There are three types of boundaries in Kenya, namely:

- i. National boundaries that make up sovereign territory
- ii. Administrative boundaries (County, Sub County, Division, Location and Sub-location)
- iii. Electoral boundaries (Constituencies and County Assembly Wards)

33. Who determines National boundaries?

The Ministry of Interior and Coordination of National Government

34. Who determines electoral boundaries in Kenya?

IEBC determines boundaries for Constituencies and County Assembly Wards (CAWs)

35. How many constituencies are in Kenya?

There are 290 Constituencies

36. How many County Assembly Wards (CAWs) are there in Kenya?

There are 1450 CAWs.

37. Who determines the number of CAWs in Kenya?

The IEBC determines the number, names and boundaries of Wards to be used in a general election.

38. When can electoral boundaries be reviewed?

The Constitution requires that IEBC reviews electoral boundaries as follows:

- i. Periodically for CAWs as the Commission may determine
- ii. At intervals of not less than 8 years and not more than 12 years from the date of the last delimitation or review for the Constituencies.

39. What is the Commission's mandate on the existing Constituencies and CAWs?

The Commission has the mandate to determine:

- i. the Names and Boundaries of constituencies.
- ii. Periodically determine the Number, Names and Boundaries of the County Assembly Wards.

40. Which Institution determines County boundaries?

County boundaries can only be altered by a resolution recommended by an ad-hoc Independent Commission set up for that purpose by Parliament.

41. How can a citizen participate in boundaries delimitation?

A citizen can participate in the following ways:

- i. Presenting written memoranda as an individual or as a group to IEBC on electoral boundaries or to an Independent Commission set up by Parliament for that purpose in the case of County boundaries,
- ii. Making oral presentations to the IEBC during Public Hearing at your county headquarters town hall according to a schedule that will be published and gazetted and/or,
- iii. Official social media platforms of the Commission.

42. Can a Kenyan living outside Kenya participate in Boundary Delimitation?

Yes, Kenyans residing outside the Country can participate through sending memorandum to the Commission or through any of the ways mentioned in number 40 above.

43. When can the results of boundaries review be used in a General Election?

If a general election is to be held within twelve months after the completion of a review by the Commission, the new boundaries shall not take effect for purposes of that election.

44. What parameters are used to determine the names and boundaries of constituencies and the number, names and boundaries of wards?

The Commission uses the guidelines/criteria set out in article 89 of the Constitution:

- i. The population quota
- ii. Geographical features and urban areas
- iii. Community of interest, historical, economic and cultural ties
- iv. Means of communication

45. What is population density?

It is the number derived from dividing the population of Kenya by the total landmass of the country.

46. What is a sparsely populated area?

This is an electoral area whose population density is less than the national population density. Population density is derived by dividing the number of inhabitants with the total landmass area (sq. km), minus water bodies.

47. What is community of interest?

This refers to the significance a community attaches to its geographical environment due to the perceived benefits that are currently accruing to it due to its proximity to the features or future perceived benefits, for instance; forests, mountains, means of production and lakes.

48. What are geographical features?

These are the natural features present in the local area such as rivers, lakes, hills, forests and escarpments.

49. What are historical ties?

These are the past connections to the local area that are held as precious to the local community that has been resident in the area for a long period. They include physical features that define the culture of a people, their names and significance to their way of life, religious and cultural sites, cemeteries, names of important occurrences in the area, names of the areas etc.

50. What are economic ties?

These are shared livelihood opportunities existing in a locality e.g. business opportunities, forests, factories, slaughterhouse, Lake, grazing lands, national park etc.

51. What are means of communication?

This refers to the infrastructure in place to enable mobility, connection and communication of the people resident in a certain area. This include roads, telecommunications infrastructure, rail lines, airports and ports and harbours.

52. How do we determine the population quota for an electoral area?

The population quota of an electoral area is the number derived from dividing the total population of the country by the 290 constituencies and /or the total number of wards.

Using this guideline, the number of people derived is the same for all the electoral areas.

However, this number can deviate from the average population as stipulated in Article 89(6) in the following ways:

- i. For cities, it is Plus 40% from the average population quota
- ii. Minus 40% from the population quota for sparsely populated areas
- iii. Plus 30% from the population quota.
- iv. For all other areas it is minus 30% from the population quota.

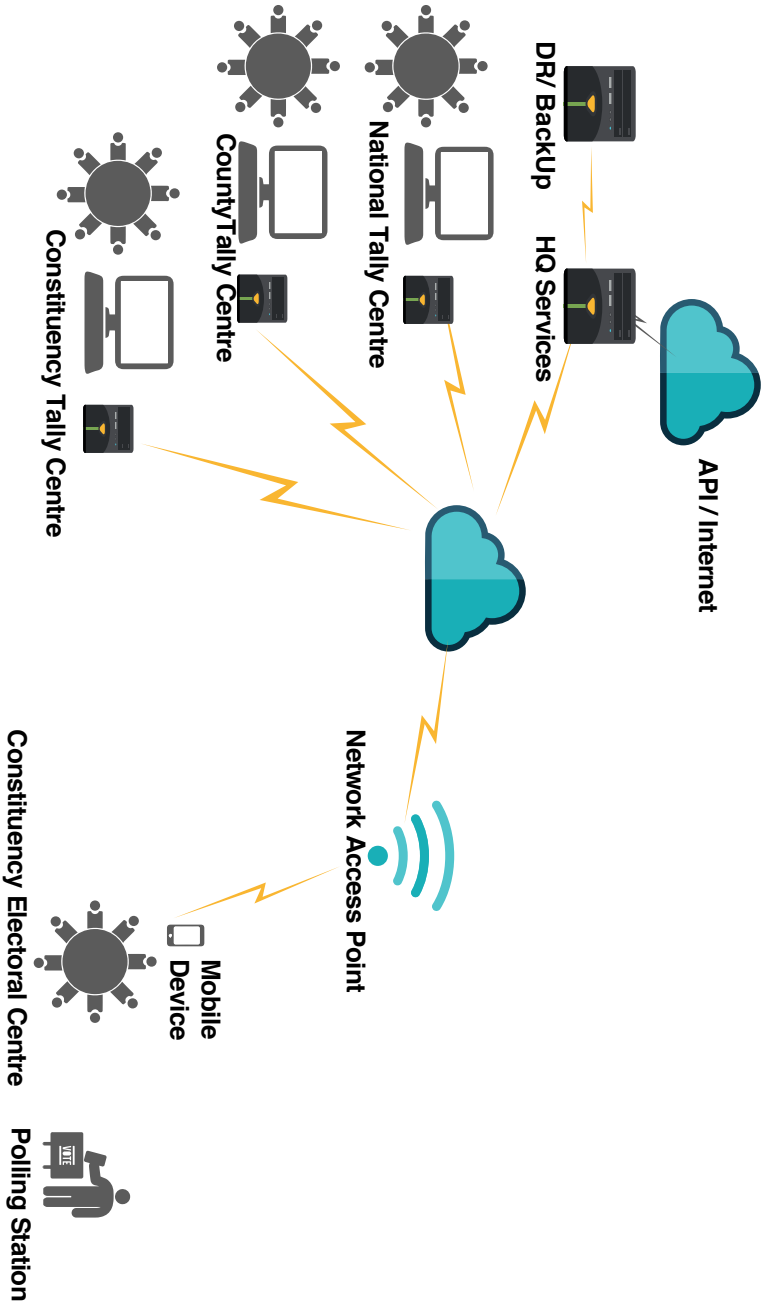
53. What does the term 'Protected Constituency' mean?

This is a constituency that existed during the first review in 2012 and did not meet the minimum population quota threshold as set out in the Constitution for the creation of a constituency.

This only existed in the first review under the Constitution of Kenya, 1963 and their protection has elapsed as per the Constitution of Kenya, 2010

FREQUENTLY ASKED
QUESTIONS ON USE OF
**TECHNOLOGY IN
ELECTIONS**





54. What is the legal framework for the use of Information Communication and Technology (ICT) in elections?

The deployment and use of technology in Kenyan Elections is largely informed by the provisions of the law which requires the Commission to deploy an integrated electronic electoral system that enables Biometric Voter Registration (BVR), Electronic Voter Identification (EVI) and Electronic Results Transmission System (ERTS).

55. What is a ‘Server’?

A server is a type of networked computer or device or program that manages network resources and/or services. Servers are usually dedicated to only one task, meaning that they perform no other tasks besides their main server tasks. Examples of services provided by a server are e-mail, virtual meetings or elections results.

56. What is the purpose of the Server in Election Management?

In elections management a server is used for:

- i. Storage and processing of Electoral Boundaries data.
- ii. Receiving and Storage of Voter Registration data.
- iii. Processing of applications for voter registration and ensuring a voter is registered only once (Deduplication of records).
- iv. Processing and printing of the register of voter.
- v. Processing of the information captured during the nomination of candidates in elections.
- vi. Storage and tabulation of elections results transmitted from constituencies.
- vii. Dissemination and publication of elections results to the media, observers, political parties through agreed formats.

57. Did the Candidates / Political Party Agents and the Media access the IEBC Server in 2017?

During the presidential petition of 2017, the Supreme Court ordered for a Read Only Access to the Server. This access was to be provided through creation of user accounts and provision of secure access rights to the system. The “Read Only” access was provided albeit with some delays.

The media and the general public could access the IEBC servers through the public portal available on the address <https://forms.iebc.or.ke/>

This portal provides an interface for viewing or publication of data that is stored in a server.

FREQUENTLY ASKED
QUESTIONS ON
VOTER REGISTRATION



58. Where and how can I register as a voter?

Gazetted Registration Officers carry out registration of voters at gazetted registration centers in Constituencies and County Assembly Wards (CAWS)

Registration of voters is continuous except in the case of a general elections, by-elections and where an election petition has been filed in an electoral area.

In an election year, the Commission enhances continuous registration of voters (CVR) through Mass Voter Registration (MVR).

59. What are my rights as a voter?

A Kenyan may exercise his/her right to vote or elect a candidate of his /her choice in a free and fair election.

The law stipulates that this election should be;

- a. by secret ballot,
- b. free from violence, intimidation, improper influence or corruption
- c. Conducted by an independent body,
- d. Transparent; and
- e. Administered in an impartial, neutral, efficient, accurate and accountable manner.

60. How can I check my registration status?

A voter can check registration status by inspecting the register of voters at the constituency office where he /she is registered or at the Commission headquarters.

Commission also activates a short messaging services (SMS) code on which voters can send their ID or passport number to check their registration status some days before a general election.

61. Can I deregister as a voter

No. There is no provision in law for one to deregister from the register of voters. Citizens are encouraged to register as voters to enable them to exercise their direct sovereign power of electing leaders of their choice.

62. How to change my voting station?

Visit the Constituency Office where you want to transfer your vote to and fill transfer Form C: entitled an application for transfer of registration in area which a person is registered. The transfer will be processed and effected in the register of voters.

63. When will Continuous Voter Registration (CVR) exercise end?

Continuous voter registration continues except when it is suspended through a gazette notice due to a general election, by-election, petition in an electoral area or any other reason by the Commission.

64. Will I register again to vote for 2022 General Elections?

The Commission will communicate to the public whether or not to register afresh before the 2022 General elections.

65. How many registers of voters does IEBC have?

The Commission has only ONE Register of voters which comprises of-

- i. Poll register in respect of every polling station
- ii. A ward register in respect of every County Assembly Ward
- iii. Constituency register in respect of every constituency;
- iv. A county register in respect of every county;
- v. A register of voters of citizens residing outside Kenya

66. Do prisoners register as voters?

Yes! Prisoners register as voters at designated prison facilities where they are held. They vote at the same facility.

67. Where can I register as a voter outside Kenya?

Citizens residing outside Kenya, may register as voters in designated Kenyan Embassies, High Commissions and Consulates when the Commission announces time to do so.

All requirements for registration as a voter in Kenya still stand during registration in diaspora, except for the identification document which is a valid Kenyan passport.

68. Where can I get the number of registered voters per constituency?

The Commission website has all the voter statistics per county, constituency, polling stations, prisons and diaspora. You can also get more information about the commission by visiting, <https://www.iebc.or.ke/>

A copy of the register of voters can also be availed upon a written request to the Commission and upon payment of a determined fee.

69. How can I work with the Commission?

The Commission advertises vacant positions on its website and on newspapers of national circulation whenever there are opportunities for employment.

FREQUENTLY ASKED
QUESTIONS ON
ELECTION
OBSERVATION



70. What is Election Observation?

It is a systematic, comprehensive and accurate gathering of information concerning electoral processes, the impartial and professional analysis of such information; and the drawing of accurate conclusions about the electoral processes observed.

71. Who is an election observer?

Election Observers are mostly volunteers who may be nominated to take part in the assessment of an electoral process primarily organized by a Mission.

72. What are the categories of election observers?

There are generally two main categories of observers:

- Domestic; and
- International observers

73. What is the difference between long-term and short-term election observers?

Long term observers are usually deployed at least six months before, during and after a general election.

Short-term observers are usually sent into a country to observe balloting and vote tabulation during election day.

74. What is the objectives of election observation?

Election Observation is a best practice in election management that is aimed at:

- i. Strengthening an electoral process by reassuring voters they can safely and secretly cast their ballots and electoral fraud will be detected.
- ii. Providing an impartial assessment of the electoral process and recommend ways to improve the process in future elections;
- iii. Assisting election administrators, political parties, and civil society groups in developing tools and skills to peacefully resolve conflicts and discourage violence related to the electoral process;
- iv. Showing that the international community is interested in supporting elections that meet international standards as reflected in a variety of international documents and statements;

- v. Reinforcing the efforts of civil society and domestic monitoring organizations in the electoral process and increases the credibility of their work;
- vi. Adding credibility to the electoral process

75. Who can observe elections in Kenya?

Any individual, a group or an organization accredited by the Commission to observe an electoral process such as an election, mass voter registration, registration of candidates for elections, election campaigns etc.

76. How does IEBC accredit observers?

For purposes of observing all electoral activity, the IEBC sends out a notice inviting applications from domestic and international organizations/groups who wish to be accredited as observers.

The notice is issued by way of an official letter or through newspaper/website advertisement.

77. Principles of Election Observation

Code of Conduct for Election Observers is anchored on five Principles

Principle 1: For International Observers, recognize and respect the sovereignty of the host country.

Principle 2: Be non-partisan and neutral of the election, considering all relevant circumstances.

Principle 3: Be comprehensive in their review

Principle 4: Be transparent

Principle 5: Be accurate

78. Are there criteria established by IEBC in assessing eligibility for accreditation?

Yes. The IEBC assesses eligibility of a mission/organization against the following parameters:

- i. Must be a registered organization or entity in Kenya or country of origin

- ii. Must present a certified copy of the organization constitution
- iii. Must Provide organizations profile
- iv. Must submit a deployment plan of the observer mission
- v. Must submit a signed authorization form from two contact persons preferably officials, as well as copies of their IDs/passports and cell phone numbers of each observer in the mission
- vi. Must submit a signed declaration form of each of the observer with attached copy of id/passport
- vii. Must submit soft copies of passport sized photographs (1.5cm by 2 cm) well labelled with name and id/ passport number
- viii. Must give an undertaking and firm commitment that the organization will abide by the signed code of conduct

79. What is the Responsibility /Roles of the Commission towards Accrediting observer missions?

- i. Establishing an election observer's accreditation center
- ii. Accrediting observers within a reasonable time to facilitate their planning
- iii. Providing observers with requisite information such as lists of polling stations, maps
- iv. Guaranteeing unimpeded access, within the law, to observe all stages and processes of elections
- v. Ensuring all IEBC staff act within the limits of their powers and authority

80. What is the responsibility of an accredited observer?

The responsibility of an accredited election observer is to observe and report on conduct of elections, whilst maintaining strict independence, impartiality and professionalism. In no way can the observer interfere in the electoral process.

FREQUENTLY ASKED
QUESTIONS ON
**LEGAL ISSUES ON
ELECTIONS**



81. Which laws govern elections in Kenya?

Elections in Kenya are governed by the Constitution, Acts of Parliament, Regulations and legal Rules and Procedures. These laws are as follows:

- i. Constitution of Kenya
- ii. IEBC Act 2011
- iii. Elections Act, 2011
- iv. Political Parties Act, 2011
- v. Election Campaign Financing Act, 2013
- vi. Leadership and Integrity Act, 2012
- vii. County Governments Act, 2012
- viii. Election Offences Act 2016
- ix. Appellate Jurisdiction Act –No.9
- x. Supreme Court Act, 2012
- xi. Publication of Election Opinion Polls, 2012
- xii. Elections (Registration of Voters) Regulations, 2012.
- xiii. Elections (General) Regulations, 2012.
- xiv. Elections (Technology) Regulations, 2017.
- xv. Elections (Party Primaries and Party Lists) Regulations, 2017.
- xvi. Elections (Voter Education) Regulations, 2017.
- xvii. Rules of Procedure on Settlement of Disputes Regulations, 2017.
- xviii. upreme Court Rules, 2012

82. What are the qualifications and requirements for nomination of candidates for the different elective positions?

Qualifications for Presidential Candidates and Running Mates

- i. Must be a Kenyan citizen by birth
- ii. Is qualified to stand for election as a member of Parliament
- iii. Must not hold dual citizenship

- iv. Must not owe allegiance to a foreign state v. Must be a registered voter
- v. Is a holder of a degree from a University recognized in Kenya
- vi. Is nominated by a Political Party or is an independent candidate

Requirements:

The Candidate must submit the following documents to the Commission during the Commission Nomination:

- i. Certified copies of educational qualification certificates, including a Degree Certificate in accordance with Section 22 of the Elections Act, 2011 and Regulation 47 of Elections (General) Regulations, 2012.
- ii. Where the examining body is not based in Kenya, a certified copy of the certificate must be submitted which must be authenticated and or equated by the Kenya National Examination Council in case of School (Form 4) certificates, or the Commission of Higher Education, in case of University Degrees.
- iii. A copy of a National Identity Card/valid Passport (the
- iv. document used by the candidate to register as a voter)
- v. A Passport size photograph with white background submitted in hard and soft copy.
- vi. If a Party Candidate, a Nomination Certificate from a fully registered Political Party nominating the candidate, duly dated and signed by an authorized official of the party
- vii. A duly signed and dated Code of Conduct (Second Schedule of the Elections Act, 2011)
- viii. A duly filled Commission Nomination Form, including:
 - a. An original Statutory Declaration Form for purposes of nomination (Regulation 18(3) Elections (General) Regulations, 2012 and an original Self-Declaration Form (Regulation 46 of Elections (General) Regulations, 2012)
 - b. For both Political Party Candidates and Independent Candidates, an electronic and printed copy of not fewer than 2000 voters from each of the majority of the countries in the prescribed form.

For an Independent Candidate:

- i. A Clearance Certificate from the Registrar of Political Parties certifying that the person was not a member of any political party for the last 3 months before the elections. (Regulation 15(a) (General) Regulations, 2012
- ii. A soft and a hard copy of a list of at least 2000 supporters in the prescribed form, submitted to the Commission.
- iii. A duly filled Form of Intention to Contest in the prescribed form (Regulation 15(b) (General) Regulations, 2012
- iv. A symbol the candidate intends to use during the election, which has been approved by the Commission 21 days before Commission Day
- v. Establish and maintain a functioning office in the respective electoral area where the candidate is contesting, which must be available for inspection by the Commission at least 45 days before the elections. The address, including the physical address of the office must be communicated to the Commission

Nomination fees in a Banker's Cheque payable to IEBC:

- a. KSh, 200,000 for candidates
- b. KSh. 100,000 for a candidate who is a youth, a woman or a person with disability

Qualifications for Candidate for Gubernatorial Election and Running Mate;

- i. Must not owe allegiance to a foreign state
- ii. Must be eligible for election as a member of the county assembly
- iii. Must be a registered voter
- iv. Is a holder of a degree from a University recognized in Kenya
- v. Is nominated by a Political Party or is an independent

All requirements for County Governor apply to the Deputy Governor.

Requirements:

The Candidate must submit the following documents to the Commission during the Commission Nomination process:

- i. Certified copies of educational qualification certificates, including a Degree Certificate in accordance with Section 22 of the Elections Act, 2011 and Regulation 47 of Elections (General) Regulations, 2012.
- ii. Where the body that issued the certificate is not based in Kenya, a certified copy of the certificate must be submitted which must be authenticated and or equated by the Kenya National Examination Council in case of Form 4 certificates, or the Commission University Education, in case of University Degrees.
- iii. A copy of a National Identity Card/valid Passport (the document used by the candidate to register as a voter)
- iv. A Passport size photograph with white background submitted in hard and soft copy.
- v. Must be a Kenyan citizen for at least 10 years before the election
- vi. If a Party Candidate, a Nomination Certificate from a fully registered political party nominating the candidate, duly signed and dated by an authorized official of the party
- vii. A duly signed and dated Code of Conduct (Second Schedule of the Elections Act, 2011)
- viii. A duly filled Commission Nomination Form, including an original Statutory Declaration Form for purposes of nomination (Regulation 18(3) Elections (General) Regulations, 2012) and an original Self-Declaration

Form (Regulation 46 of Elections (General) Regulations, 2012)

For an Independent Candidate:

- i. A Clearance Certificate from the Registrar of Political Parties certifying that the person was not a member of any political party for the last 3 months before the elections. (Regulation 15(a) (General) Regulations, 2012 A soft and a hard copy of a list of at least 500 supporters in the prescribed form, submitted to the Commission.
- ii. A duly filled Form of Intention to Contest in the prescribed form (Regulation 15(b) (General) Regulations, 2012
- iii. A symbol the candidate intends to use during the election, which has been approved by the Commission

- iv. Establish and maintain a functioning office in the respective electoral area where the candidate is contesting, which must be available for inspection by the Commission at least 45 days before the elections. The address, including the physical address of the office must be communicated to the Commission.

Nomination fees in a Banker's Cheque payable to IEBC:

- a. Kshs. 50, 000 for other candidates
- b. Kshs. 25,000 for a candidate who is a youth, a woman or a person with a disability.

Qualifications for Candidates for Senate Election

- i. Must be a Kenyan citizen for at least 10 years before the election
- ii. Must not owe allegiance to a foreign state
- iii. Must be a registered voter
- iv. **For the purposes of 2022 general elections, must be a holder of a degree from a University recognized in Kenya.**
- v. Is nominated by a Political Party or is an independent candidate

Requirements:

The Candidate must submit the following documents to the Commission during the Commission Nomination:

- i. A copy of a National Identity Card/valid Passport (the document used by the candidate to register as a voter)
- ii. A Passport size photograph with white background submitted in hard and soft copy.
- iii. If a Party Candidate, a Nomination Certificate from a fully registered political party nominating the candidate, duly signed by an authorized official of the party
- iv. A duly signed and dated Code of Conduct (Second Schedule of the Elections Act, 2011)

- v. A duly filled Commission Nomination Form, including an original Statutory Declaration Form for purposes of nomination (Regulation 18(3) Elections (General) Regulations, 2012) and an original Self-Declaration Form (Regulation 46 of Elections (General) Regulations, 2012)

For an Independent Candidate:

- i. A Clearance Certificate from the Registrar of Political Parties certifying that the person was not a member of any political party for the last 3 months before the elections. (Regulation 15(a) (General) Regulations, 2012)
- ii. A soft and a hard copy of a list of at least 2000 supporters in the prescribed form, submitted to the Commission.
- iii. A duly filled Form of Intention to Contest in the prescribed form (Regulation 15(b) (General) Regulations, 2012)
- iv. A symbol the candidate intends to use during the election, which has been approved by the Commission
- v. Establish and maintain a functioning office in the respective electoral area where the candidate is contesting, which must be available for inspection by the Commission at least 45 days before the elections. The address, including the physical address of the office must be communicated to the Commission.

Nomination fees in a Banker's Cheque payable to IEBC:

- a. Kshs. 50, 000 for candidates
- b. Kshs. 25,000 for a candidate who is a youth, a woman or a person with a disability

Qualifications for Candidates for National Assembly Election (including Woman County Representative to the National Assembly)

- i. Must be a Kenyan citizen for at least 10 years before the election
- ii. Must not hold allegiance to a foreign state
- iii. Must be a registered voter
- iv. **For the purposes of 2022 general elections, must be a holder of a degree from a University recognized in Kenya.**

- v. Is nominated by a Political Party or is an independent
- vi. candidate

Requirements:

The Candidate must submit the following documents to the Commission during the Commission Nomination:

- i. A copy of a National Identity Card/valid Passport (the document used by the candidate to register as a voter)
- ii. A Passport size photograph with white background submitted in hard and soft copy.
- iii. If a Party Candidate, a Nomination Certificate from a fully registered political party nominating the candidate, duly signed by an authorized official of the party
- iv. A duly signed and dated Code of Conduct (Second Schedule of the Elections Act, 2011)
- v. A duly filled Commission Nomination Form, including an original Statutory Declaration Form for purposes of nomination (Regulation 18(3) Elections (General) Regulations, 2012) and an original Self-Declaration Form (Regulation 46 of Elections (General) Regulations, 2012)

For an Independent Candidate:

- i. A Clearance Certificate from the Registrar of Political Parties certifying that the person was not a member of any political party for the last 3 months before the elections. (Regulation 15(a) (General) Regulations, 2012)
- ii. A soft and a hard copy of a list of at least 500 supporters in the prescribed form, submitted to the Commission.
- iii. A duly filled Form of Intention to Contest in the prescribed form (Regulation 15(b) (General) Regulations, 2012)
- iv. A symbol the candidate intends to use during the election, which has been approved by the Commission

- v. Establish and maintain a functioning office in the respective electoral area where the candidate is contesting, which must be available for inspection by the Commission at least 45 days before the elections. The address, including the physical address of the office must be communicated to the Commission

Nomination fees in a Banker's Cheque payable to IEBC:

- a. Kshs. 5,000 for candidates.
- b. Kshs. 2,500 for a candidate who is a youth, a woman or a person with a disability.

Qualifications for Candidates for County Assembly Ward Election

- i. Must be a Kenyan citizen for at least 10 years before the election
- ii. Must be a registered voter
- iii. For the purposes of 2022 general elections, must be a holder of a degree from a University recognized in Kenya.**
- iv. Must not owe allegiance to a foreign state
- v. Is nominated by a Political Party or is an independent candidate

Requirements:

The Candidate must submit the following documents to the Commission during the Commission Nomination:

- i. A copy of a National Identity Card/valid Passport (the document used by the candidate to register as a voter)
- ii. A Passport size photograph with white background submitted in hard and soft copy.
- iii. If a Party Candidate, a Nomination Certificate from a fully registered political party nominating the candidate, duly signed by an authorized official of the party
- iv. A duly signed and dated Code of Conduct (Second Schedule of the Elections Act, 2011)
- v. A duly filled Commission Nomination Form, including an original Statutory Declaration Form for purposes of nomination (Regulation 18(3) Elections (General) Regulations, 2012) and an original Self-Declaration Form (Regulation 46 of Elections (General) Regulations, 2012)

For an Independent Candidate:

- i. A Clearance Certificate from the Registrar of Political Parties certifying that the person was not a member of any political party for the last 3 months before the elections. (Regulation 15(a) (General) Regulations, 2012
- ii. A soft and a hard copy of a list of at least 500 supporters in the prescribed form, submitted to the Commission.
- iii. A duly filled Form of Intention to Contest in the prescribed form (Regulation 15(b) (General) Regulations, 2012
- iv. A symbol the candidate intends to use during the election, which has been approved by the Commission
- v. Establish and maintain a functioning office in the respective electoral area where the candidate is contesting, which must be available for inspection by the Commission at least 45 days before the elections. The address, including the physical address of the office must be communicated to the Commission

Nomination fees in a Banker's Cheque payable to IEBC:

- a. Kshs. 5,000 for candidates.
- b. Kshs. 2,500 for a candidate who is a youth, a woman or a person with a disability.

General Requirements for Independent Candidates (Regulation 39 of the Election (General) Regulations, 2012)

A nomination paper submitted by an Independent Candidates to the Commission shall;

- i. Contain the candidate's name as it appears in the Register of Voters
- ii. Be signed by the candidate, proposer and seconded who shall be voters registered in the respective electoral area
- iii. The Proposer and Seconder shall not be members of any political party
- iv. Show the respective electoral area for the proposer and Seconder
- v. Be delivered to the returning officer personally y the candidates himself or herself or by a person authorized by the candidates on the date set for nominations for that election.

Qualifications for Nominees of Party Lists under Articles 97(1) (c) and 98 (1) (b), (c) and (d), and for the members of county assemblies under Article 177 (1) (b) and (c)

- i. National Assembly - 12 members zebra-list (alternating male-female) to represent special interests, youth, PWDs and workers = 1 list
- ii. Senate – 16 women members list = 1 list
- iii. Senate – 2 youth members list = 1 list
- iv. Senate – 2 PWD members list = 1 list
- v. CAW – Gender top up list per County= 47 lists
- vi. CAW – 4 marginalized groups members list per county to represent marginalised, ethnic minorities, youth, PWDs. = 47 lists)

Qualifications:

- i. Must be a Kenyan citizen for at least 10 years before the election
- ii. Must be a registered voter
- iii. For the purposes of 2022 general elections, must be a holder of a degree from a University recognized in Kenya.**
- iv. Must not owe allegiance to a foreign state
- v. Certification of Disability from the relevant institution as prescribed by the Commission.

Requirements:

A Political Party must submit the following documents to the Commission during the Commission Nomination:

- i. Party Lists containing nominees selected in accordance with Articles 97(1)(c), 98(1)(b), (c) and 177(1)(c) and (c) of the Constitution in the manner prescribed by the Commission and authorized by signatories of the nominating Political Party
- ii. Duly signed copies of Letters of Acceptance of the Nominees
- iii. Certified copies of educational qualification certificates of the Nominees (WHERE APPLICABLE), including a Diploma certificate or other post-secondary qualification acquired after a period of three months recognized by the relevant Ministry in accordance with Section 22(1)(b) of the Elections Act, 2011 and Regulation 47 of Elections (General) Regulations, 2012.

Kenya National Qualifications authority (KNQA) authenticates academic documents for basic education, Middle level and higher education qualifications awarded by foreign institutions of learning.

82. What are the considerations for allocating seats to political parties for the purposes of nominating their members to National/County Assembly Ward.

- i. The Principle of allocation of seats is based on Article 90 of the Constitution where allocation is based on strength of the party and the Number of Seats won by the party in a general election.
- ii. The party list must reflect zebra (alternates between male and female)
- iii. Allocation is in order of priority on the list
- iv. All persons on the list must be a registered voter and bear qualifications of that position.
- v. Youth must submit copy of ID
- vi. PWD must submit proof from National Council for People With Disability

FREQUENTLY ASKED
QUESTIONS ON
**IEBC COMMUNICATION
CHANNELS**



1. Where can I get more information on IEBC?

- i. <https://www.iebc.or.ke/resources/?Publications>
- ii. Photos, videos and articles of Commissions activities and events are shared on our social media pages.

2. Which social media pages does IEBC have?

- i. Facebook: [Facebook.com/IEBCKenya](https://www.facebook.com/IEBCKenya)
- ii. Twitter: [@IEBCKenya](https://twitter.com/IEBCKenya)
- iii. Instagram: [@IEBCKenya](https://www.instagram.com/IEBCKenya)
- iv. YouTube: [youtube.com/IEBCpage](https://www.youtube.com/IEBCpage)

3. How can I send my feedback on issues and concerns?

Feedback and concerns can be sent to through IEBC verified social media pages on Facebook, Twitter and Instagram.

4. How can I get IEBC news?

IEBC news can be gotten from <https://www.iebc.or.ke/news/>

5. Where do I get IEBC Publications/PEE report?

These are found in <https://www.iebc.or.ke/resources/?Publications>

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