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INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

Independent Electoral and Boundaries Commission (IEBC)



Moving Kenya Towards a Stronger Democracy

Post Election Evaluation Report for the 9th August, 2022 General Election

Vision

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

Mission

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

Core Values

The Commission subscribes to the following values:

Adherence to the rule of law:	We conduct our businesses within the law.
Inclusivity:	We respect gender, race, class and disability in the conduct of electoral activities.
Integrity:	We conduct our affairs with utmost honesty.
Accountability:	We endeavour to be responsible for our actions.
Teamwork:	We uphold teamwork to achieve Commission goals.
Innovativeness:	We transform the electoral process to exceed the expectations of Kenyans.

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ACRONYMS AND ABBREVIATIONS

AEO	Assistant Election Officer
AMS	Accreditation Management System
BVR	Biometric Voter Registration
BVRS	Biometric Voter Registration System
CAADA	Center for Advocacy Against Alcohol and Drug Abuse
CAW	County Assembly Ward
CBK	Central Bank of Kenya
CCSA	Certification in Control Self-Assessment
CECs	Constituency Elections Coordinator
CEM	County Elections Manager
CICT	Constituency ICT
CISA	Certified Information Systems Auditor
COVID-19	Coronavirus Disease
CPS-K	Certified Public Secretary of Kenya
CRMS	Candidate Registration and Management System
CRO	County Returning Officer
CS/CEO	Commission Secretary/Chief Executive Officer
CSO	Community Service Organisations
CPA-K	Certified Public Accountants of Kenya
CUE	Commission of University Education
CVR	Continuous Voter Registration
CQA	Certified Quality Assessor
DCI	Directorate of Criminal Investigation
DCS	Deputy Commission Secretary
DLS	Directorate of Legal Services
DPO	Deputy Presiding Officer
DRO	Deputy Returning Officer
DVEPC	Directorate of Voter Education, Partnerships and Communication
DVREO	Directorate of Voter Registration and Electoral Operations
DRC	Disputes Resolution Committee
EACC	Ethics and Anti-Corruption Commission
EAK	Evangelical Alliance of Kenya
BROP	Boundaries Review Operations Plan
ECF	Election Campaign Financing Act
ECK	Electoral Commission of Kenya
ECVR	Enhanced Continuous Voter Registration
EDMS	Electronic Document Management System
ELOG	Election Observation Group
EMB	Election Management Body
EMIG	Election Monitoring International Group
EOP	Elections Operations Plan

ERMF	Election Result Management Framework
ESAP	Election Security Arrangement Programme
ESK	Evaluation Society of Kenya
ETAC	Elections Technology Advisory Committee
ETAP	Electoral Technical Assistance Providers
EVI	Electronic Voter Identification
FBOs	Faith Based Organizations
FGD	Focus Group Discussions
FPE	Fresh Presidential Election
GE	General Election
HR	Human Resource
HRM	Human Resource Management
HQ	Headquarters
ICJ	International Commission of Jurists
ICPAK	Institute of Certified Public Accountants of Kenya
ICS	Institute of Certified Secretaries
ICT	Information Communication and Technology
ID	Identification Document
IDRM	Internal Dispute Resolution Mechanism
IEBC	Independent Electoral and Boundaries Commission
IIA	Institute of Internal Auditors
IIEC	Interim Independent Electoral Commission
IIBRC	Interim Independent Boundaries Review Commission
IPOA	Independent Police Oversight Authority
IPPG	Inter Parties Parliamentary Group
IPPMS	Integrated Political Parties Management System
IRCK	Inter Religious Council of Kenya
IREC	Independent Review Commission
IRMPF	Institutional Risk Management Policy Framework
JLAC	Justice, Legal Affairs Committee
KEBS	Kenya Bureau of Standards
KIEMS	Kenya Integrated Elections Management System
KII	Key Informant Interviews
KIM	Kenya Institute of Management
KNEC	Kenya National Examinations Council
KPMG	Klynveld Peat Marwick Goerdeler International Limited
LAN	Local Area Network
LSK	Law Society of Kenya
MCA	Member of County Assembly
MDAs	Government Ministries, Departments and Agencies
MNA	Member of National Assembly
MoU	Memorandum of Understanding
MTEF	Medium Term Expenditure Framework

MVR	Mass Voter Registration
NA	National Assembly
NAIC	National Accord Implementation Committee
NCIC	National Cohesion and Integration Commission
NEB	Party National Election Boards
NECC	National Election Conference Committee
NGCDF	National Government Constituency Development Fund
NRO	National Returning Officer
ODPP	Office of the Director of Public Prosecution
ORPP	Office of the Registrar of Political Parties
PEE	Post-Election Evaluation
PFM	Public Finance Management
PO	Presiding Officers
PPARB	Public Procurement Advisory and Review Board
PPDT	Political Parties Disputes Tribunal
PPLC	Political Parties Liaison Committee
PWDs	Persons with Disabilities
RAC	Real Application Cluster
RO	Returning Officer
RTS	Election Results Transmission System
SADC	South African Development Community
SD	Secure Digital card
SEO	Senior Election Officer
SETs	Support Electoral Trainers
SG	Secretaries General
SLA	Service Level Agreement
SOC	Security Operation Centre
SSL	Secure Socket Layer
TOT	Trainer of Trainers
UNESCO	United Nations Educational Scientific and Cultural Organisation
UK	United Kingdom
UoN	University of Nairobi
USA	United States of America
USB	Universal Serial Bus
VLAN	Virtual Local Area Network
VRA	Voter Registration Assistant
VRC	Voter Registration Clerks
WMNA	Woman Member to the National Assembly

FOREWORD

I am pleased to present the Commission's Post-Election Evaluation (PEE) report for the 9th August 2022 General Election. The conduct of PEE is an integral component of the electoral cycle and in line with Article 88(4)(h). it is also a best practice in electoral process that provides for an opportunity to Electoral Management Bodies (EMBs) to examine and determine what worked as well as areas of improvement for future elections. This report highlights the key activities, successes, challenges and remedial actions recommended for implementation by the Commission.

The Commission, in preparing the PEE report, ensured public participation by drawing from the experiences of staff and key stakeholders in the various stages of the General Election. The Commission held consultations with staff, political parties, development partners, media, religious groups, election observer groups and Special Interest Groups (SIGs) to get their feedback on the electoral process.

The PEE is based on the Strategic Plan 2020-2024 and the Elections Operations Plan (EOP) 2020-2022 which underpins six key result areas, that is: strengthening corporate governance; strengthening the legal framework; effective conduct of elections; public outreach through effective voter education and strategic partnerships, collaboration and communication; and equitable representation and strengthening strategic operations.

The Commission has built on lessons from the past, based on the realization that free and fair elections can only be delivered by an EMB that possesses sufficient operational capabilities that are functional under the four corners of the law. Therefore, findings of this evaluation provide important insights into the conduct of the 2022 General Election and bring into focus the successes, challenges and areas that require improvement.

The Commission, as it will be recalled, was managed by the Chairman and two Commissioners following the resignation of four Commissioners in 2017. The recruitment and appointment of four others as replacement was finalised in September 2021 being at least a year prior to the General Election. All the Commissioners were appointed to chair various Committees of Plenary with the aim of enhancing the formulation of policy and strategy, and oversight function of the Commission. It is significant to note that, in line with the corporate governance of the Commission, the Committees and Plenary sat on various occasions to deliberate on election preparedness in addition to participating in the monitoring of key election activities.

The evaluation revealed that the Commission made tremendous strides in the overall management of the 2022 general election as compared to those of 2013 and 2017. For instance, Commission recorded an increase in the number of voters from 19, 611, 423 to 22, 120, 458 representing as 12.79%.

Secondly, the Commission successfully deployed the Kenya Integrated Elections Management System (KIEMS) that included Candidate Registration Management System (CRMS), Electronic Voter Identification (EVI) and Results Transmission (RTS) that enhanced the efficiency of enlisting candidate. The deployment of this technology enhanced transparency in the election process and its outcome.

The complexity of election management demands that the Commission employs necessary skills, structures, systems, and resources to deliver on its mandate, and the use of technology enhanced the credibility of the election results.

However, the successes had their share of attendant challenges including inadequate funding throughout the electoral cycle which covers pre-election, election, and post-election periods. Indeed, the conduct of election being a process and not an event means that resources must be availed throughout the electoral cycle and not just during the election period. It is noted with concern that the Commission experienced a significant drop in funding immediately after the 2017 General Election, which constrained important activities like continuous voter registration and voter education.

The practice of providing funds for an election budget less than a year to the election date exposes the Commission to risks relating to non-compliance with constitutionally set electoral timelines, procurement laws and inadequate time to test the electoral technologies. In order to grow our democracy to its maturity, and in the spirit of delivering a free, fair and credible election, the evaluation underscores the need to timely allocate funds throughout the five-year election period.

Additionally, the electoral laws that regulate the Commission's activities need to be enacted at least one year before the General Election to provide adequate time for implementation. However, as noted in the evaluation, some amendments to the law that resulted in variations in the EOP were enacted close to the election date thus negatively impacting the preparations for the 2022 General Election.

The success story that is the 2022 General Election cannot be told without mentioning the professional and dedicated team of the Commission and staff that withstood the odds to deliver this election. I wish to thank the staff for braving harassment, intimidation, abductions and arrests that were fashioned to obstruct them from executing their work. I commend the brave men and women who tirelessly worked in the counties and constituencies to ensure that the Commission conducted credible and transparent election. However, it is unfortunate that the heinous acts reached the familiar proportion of murder of Staff of

the Commission. It is tragic that Mr. Daniel Musyoka, a Returning Officer for Embakasi East Constituency, was abducted and tortured to death in the line of duty. It is equally disheartening that Mr. Geoffrey Gitobu, a Returning Officer for Gichugu Constituency, died in what can be attributed to election related stress. It is from the experiences of such incidences that the Commission makes special recognition and appreciation of the staff efforts in delivering its mandate during the 2022 General Election.

I equally acknowledge the effort and support from our external stakeholders and development partners. In particular, I wish to appreciate UNDP Kenya's basket fund 'Consolidating Democratic Dividends for Sustainable Transformation in Kenya Project' together with its development partners UK-Foreign Commonwealth and Development Office (FCDO); European Union (EU); Republic of Germany; Republic of Ireland and Republic of Italy for offering resources to support the Commission.

Last but not least, I thank the people of Kenya for registering as voters and peacefully voting for candidates of their choice. I am especially pleased no life was lost nor property destroyed during the election period. The tranquillity that pervaded our nation's landscape during and after elections is a testimony of our maturing democracy.

In conclusion, the findings and recommendations of the PEE report will be shared with State Agencies, Development Partners and other stakeholders involved in the electoral process in Kenya to better our election architecture as we move our country towards a stronger democracy.



W.W. CHEBUKATI, EGH
CHAIRMAN

COMMISSION SECRETARY REMARKS

Kenya's electoral process is grounded in law that is the Constitution of Kenya and other related regulation. It also champions for the need for public participation. It is from these two aspects that the Commission closely aligned its priorities to achieve credibility, inclusivity, and voter experience. Feedback from internal and external stakeholders were sought during the preparation of this Post –Election Report.

The Post-Election Evaluation Report depicts activities done during the prescribed timeframe, specifically on the implementation of the Commission's Strategic Plan 2020-2024, which has six precise pillars of strengthening corporate governance, strengthening strategic operations, strengthening legal framework, enhanced public outreach, effective conduct of elections and equitable representation.

To deliver on the Commission's constitutional mandate, the Commission had to overcome numerous challenges and risks, which were not anticipated. Some of these problems and hurdles were beyond the Commission's purview and had to be settled through the legal structures which ended with the Supreme Court upholding the results of the 2022 General Election. As such, it is important to note that as a Commission, our fidelity will always be hinged on the law and not to an individual or authority.

One of the challenges that the Commission encountered is the inadequate and untimely disbursement of funding. Over the years, the Commission's funding has not been adequate and in tandem with the electoral cycle activities. The decision to allocate budget and release exchequer to IEBC is at the discretion of the Treasury. This exposes the Commission to the risk of delay in achieving its programmed activities.

During the period under evaluation, the Commission was committed to execute its primary role in planning and putting in place measures and mechanisms that ensured we had a simple, accurate, verifiable, secure, accountable, impartial, efficient, credible, and transparent 2022 General Election. Such was augmented by having an interactive engagement with all stakeholders in the execution of its constitutional mandate.

Notably, the partnership the Commission had with various stakeholders remain the cornerstone on which the Commission anchored the delivery of the undisputed election result. These stakeholders had varying interests and areas of focus around the electoral cycle.

Their contributions were invaluable and played a major role in the peaceful election that was conducted. They include but are not limited to Government Ministries, Departments

and Agencies (MDAs), Public Benefit Organizations, Electoral Technical Assistance Providers (ETAPs), Development Partners, Election Observers, Political Parties and the Media.

Furthermore, the Commission conducted registration of candidates for the six elective seats. The process was successful and a total of 16,098 candidates, up from 14,552 in 2017, were cleared to compete for the 1,882 seats across the country. There were three (3) unopposed seats — two Member of County Assembly Ward and one County Woman Member of National Assembly. Generally, the Commission halved registration fees for youth and women candidates to encourage them take up leadership positions.

Sadly, the participation of women and youth in the nomination is still a matter of concern. Political Parties should do more to increase the interest of women and youth to participate in the election. Both women and youth should not fear but enlist with any party and fight for equal representation and champion for their rights. Additionally, out of the 22,120,458 voters registered, women represented 49.12% and men represented 50.88%. In general, the youth population accounted for 40% of this statistic.

Also, the Commission lauds the synergy employed by security agents that ensured violence did not impede women and youth from vying for political seats. When women and youth are united and support their own candidates, they will not only secure victory but also develop and mentor the society to be responsible. As a Commission, we are guided by the principal of inclusivity, and through this, the Commission formulated goals for women and youth through the Women Coordinating and Youth Coordinating committees.

To improve the delivery of its mandate, the Commission inculcated peer learning culture to benchmark on best practices in electoral management. It also developed legal strategies to forestall avoidable disputes, controversies and litigations against the Commission. To do so, the Commission launched the Electoral Law Reforms Taskforce in 2018, which was mandated to interrogate all electoral laws and identify gaps, challenges, inconsistencies, and ambiguities in the existing legal framework and generate proposals for review. It drafted and submitted five bills to Parliament, which unfortunately were never brought to light and are still pending before Parliament for consideration.

Moreover, to strengthen the electoral statutory framework, the Commission developed various amendments to the existing election Regulations which were submitted to the National Assembly for consideration. Consequently, Parliament enacted with amendments the Political Parties (Amendment) Bill, 2021 on 5th January, 2022.

Moreover, the Commission appointed the Leadership and Integrity Vetting Committee tasked with vetting of aspirants for the General Election. Though the Commission in 2017 did not submit for vetting aspirants to the EACC, it submitted for vetting details of 21,863 aspirants who intended to participate in the 9th August 2022 General Election in Compliance with Chapter 6 of the Constitution. From this exercise, five aspirants were found to be non-compliant and were disqualified from participating in the election.

Consequently, the Commission adopted use of technology in the registration and management of Register of Voters, identification of voters, transmission of election results and registration of political party candidates. Moreover, the Commission deployed the Kenya Integrated Election Management System (KIEMS) in the electoral process in compliance with the law. The system enables Biometric Voter Registration (BVR), Electronic Voter Identification (EVI) and electronic Transmission of Results System (RTS).

The Commission also developed an Election Result Management Framework (ERMF) that provided a comprehensive guide with respect to the process of managing election results. This framework described the process through which the Commission counts, tabulates, transmits, collates, tallies, announces, and declares the results of an election after the closing of the polls.

On voter registration, 22,120,458 voters were registered, an increase of 2,510,033 from 2017 register of voters. Further 8,811,691 number of youths were registered forming 40 Percent of all registered voters. In addition, 10,862,268 number of women were registered which was 49.11% of all registered voters. In the 2017 General Election, women accounted for 46% of the 19,600,000 registered voters.

On the election day, there was a low voter turnout of 64.77%, which was a drop from the 78% attained in 2017 General Election. This was attributed to the effects of Covid-19, economic constraints, insecurity, drought, fear of election related violence that forced some of the voters to leave their area of polling, polarized political environment and voluntary nature of participating in the electoral processes.

Moreover, the evaluation established that there was rampant misinformation around predetermination of winning candidates/election outcome.

From the evaluation, its apparent that the Commission showed its commitment in the delivery of a free, fair, credible and verifiable election. This was successful owing to the deployment of biometric verification and audit of the register of voters, which are complementary processes aimed at having a reliable and credible register of voters.

Subsequently, in a bid to foster democracy, we must work together to ensure protection of the sovereign power of the people of Kenya. We need to be accommodative and accept other people's opinions and preferences, even when they act in a way that we do not agree with. We need to be alive to the fact that political tolerance demands that we do not put our opinions above those of others, even when we are sure that we are right. Remember, democracy is good for business and an engaged business community is good for democracy.

Note that our forefathers built this nation, which chose to celebrate our diversity, rather than use it to divide us. They rallied us around our national anthem that places particular

emphasis on justice, unity, peace, and liberty. This is what our heritage is. This is what we must strive to defend and protect as we consolidate our democracy.

As the Commission given the responsibility to midwife democratic elections, the enormity of that responsibility cannot be over-stated. We have a task to ensure that the electoral process is transparent, just and peaceful. The Commission has a responsibility to protect individual rights and freedoms of all Kenyans during the electoral process.

Finally, I want to call upon all the other agencies mandated to ensure democracy thrives in the country to step up and partner with the IEBC in delivering a free, fair and verifiable elections all the time. IEBC, indeed, did not alone deliver the 2022 GE. We recognize and appreciate all the efforts played by the different partners. We wish that this partnership be sustained forever in Kenya.

To fellow Kenyans and the international Community, I thank you for the formidable support and wish to urge for your continued synergies for the greater good of the country, Kenya. God Bless You.



MARJAN HUSSEIN MARJAN, MBS
COMMISSION SECRETARY/CEO

EXECUTIVE SUMMARY

This Evaluation is a significant component of the post-election phase in the electoral cycle. The evaluation examines and assesses what worked and what did not work and possible areas for improvement in future elections.

The evaluation is not only an international best practice but also anchored in the Constitution of Kenya 2010 as a core mandate of the Commission. Article 88(4)(h) of the Constitution obligates the Commission to facilitate the observation, monitoring and evaluation of elections.

The evaluation used both internal and external approaches to document experiences on the conduct of the election by utilizing a mixed-method participatory approach. The qualitative data collected through Key Informant Interviews and Focus Group Discussions was triangulated with the different data drawn from desk reviews.

Data obtained was analyzed using both qualitative and quantitative analysis techniques. Comparative analyses across countries, counties and different demographic groups were also undertaken. Findings from the evaluation revealed that the Commission made commendable achievements, encountered various challenges and learnt vital lessons in the management of the 2022 General Election (GE).

Some of the notable achievements include a significant increase in the number of eligible Kenyans in the Register of Voters which stood at 22,120,458 of which 49.12% were women. The youth represented 39.84% of the total number of registered voters. Moreover, the number of voters in prison also rose by 44.4 percent to 7,483 up from 5,182 in 2017. The new number of registered voters represents a 12.79% increase from the 2017 GE.

The Commission enhanced the participation of Kenyans residing outside the country in the 2022 GE by increasing the number of countries to 12 from five in 2017. These countries included, the United States of America (USA), United Kingdom (UK), Canada, United Arab Emirates, Qatar, Germany, South Sudan, Tanzania, Uganda, Rwanda, Burundi and South Africa.

The Commission accredited 120,731 observers/monitors for the 2022 General Election compared to 58,000 in 2017 General Election. Further, the Commission accredited 111 organizations as voter education providers and 5,978 journalists from 266 local and international media stations.

The Commission engaged stakeholders in the delivery of its mandate. These stakeholders had varying interest and areas of focus around the electoral cycle. They include but not limited to Government Ministries, Departments and Agencies (MDAs), Public Benefit Organizations, Electoral Technical Assistance Providers (ETAPs), Development Partners, Election Observers, Political Parties and the Media among others. The Commission also entered into 20 MoUs and partnership agreements with State and Non-State actors to support electoral activities which enhanced collaboration and synergy.

In preparation for the 2022 GE, the Commission under the Election Security Arrangement Programme (ESAP) arrangement, collaborated with National Police Service (NPS) and other agencies to enhance electoral security. The other agencies included the Office of the Director of Public Prosecution (ODPP), the Judiciary, National Cohesion and Integration Commission (NCIC), Independent Police Oversight Authority (IPOA), National Steering Committee on Peacebuilding and Conflict Management (NSC), Office of the Registrar of Political Parties (ORPP) and Civil Society.

The Commission established a National Election Communication Center (NECC) that housed a modern media and call centre. These facilitated real time flow of electoral information across the country. The NECC had the following units: Operation Support Unit (OSU), Public Support Unit (PSU) and the Media Monitoring Unit (MMU).

The Commission deployed the Biometric Voter Registration, Kenya Integrated Elections Management System (KIEMS), Candidate Registration Management System (CRMS), Results Transmission System (RTS) and Accreditation Management System (AMS) to enhance efficiency in the conduct of elections.

The Commission's RTS successfully transmitted all the 46,229 presidential result forms to the web portal from the polling stations. Besides, the web portal received over 380 million requests from the public who wanted to access the presidential results forms.

However, in conducting the election, the Commission faced a raft of challenges including delayed disbursement of funds that exposed it to challenges relating to non-compliance with constitutional set electoral timelines, procurement laws and inadequate time to test the electoral technologies.

The location of the Commission headquarters within the Nairobi Central Business District poses a security threat. Many a time there have been protests and demonstrations that not only interfere with the Commission work, but also hamper the operations of other tenants at its current location at Anniversary Towers. Besides, there is a growing human resource capacity that demands for more office space that makes it prudent for the Commission to acquire its own headquarters. This will in the long run reduce the expenses spent on rent and allow the Commission to diversify and establish a modern resource centre and training institution on conduct of elections.

Delayed enactment of proposed amendments to existing legislation negatively impacted managements of election.

The 2022 General election registered a 64.77% voter turnout. This drop from the 78% attained in 2017 General Election may be attributed to the effects of Covid-19, economic constraints, insecurity, drought and fear of election related violence among others.

The Commission staff also faced the challenge of harassment and intimidation, abduction, arrests and some lost their lives.

Key Recommendations

1. Appoint Commissioners to the Commission at least two (2) years before the general election as per best practices and the IREC recommendation.
2. Operationalize the IEBC Fund
3. Enhance engagement with Parliament to fast-track proposed amendments.
4. Enhance collaboration with electoral stakeholders.
5. Operationalize mechanisms for special voting.
6. Strengthen tallying centre access controls to ensure only persons eligible to be at the tallying centers access the tallying centers.
7. Acquire Commission owned headquarters.
8. Enhance inclusivity in the electoral process by providing appropriate assistive measures and devices for PWDs including special booths, braille, tailor-made audio and visual materials to secure their privacy and secrecy in voting.
9. Adopt Joint Security Response Approach throughout the electoral cycle.
10. Provide adequate security and risk allowance to the Commission staff during the election period.

CHAPTER ONE
BACKGROUND

AUGUST 9TH
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POST ELECTION EVALUATION REPORT

CHAPTER ONE
BACKGROUND

1.1 About the Commission

The Independent Electoral and Boundaries Commission is established under Article 88(1) and incorporated as a body corporate under Article 253 of the Constitution of Kenya, 2010. The Commission derives its mandate, purpose, values and leadership capabilities and conduct of its activities from the Constitution of Kenya, 2010, and other legislative and administrative instruments.

1.2 Our Mandate

The Commission is mandated under Article 88(4) of the Constitution of Kenya, 2010 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. The IEBC is specifically responsible for:

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 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; 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;
i) The development and enforcement of a code of conduct for candidates and parties contesting elections; and
j) The monitoring of compliance with the legislation required by Article 82 (1) (b) of the Constitution relating to nomination of candidates by parties.

1.3. Legal Framework Governing Elections

Table 1: Legal Framework Governing Elections

THE LEGISLATION	SALIENT FEATURES
The Constitution of Kenya, 2010	• Provides for the general mandate and functions of the Commission in the delimitation of electoral boundaries and the conduct of election • Provides for the general principles of the Kenyan Electoral System, scope of the electoral legislation, registration of voters, eligibility of candidates, the general conduct of election and electoral dispute resolution
The Independent Electoral and Boundaries Commission Act, 2011	• Provides for the operations, powers, responsibilities and functions of the Commission to supervise referenda and elections at county and national government level to any elective body or office established by the Constitution or any other Act of Parliament. • framework for the identification of appointment of the chairperson, members and the secretary of the Commission • Manner of the exercise of powers, responsibilities and functions of the Commission • Mechanism for consultations with stakeholders and other interested parties
The Elections Act, 2011	• An enabling statute for the implementation of the Constitution in the conduct of elections.
The Political Parties Act, 2011	• An enabling statute for purposes of registration and regulation of political parties as well as administration of the Political Parties Fund and settlement of political parties disputes.
The Election Campaign Financing Act, 2013	• The purpose of this law is to regulate the election campaign expenditure of political parties and candidates participating in the election
Election Offences Act, 2016	• The Act provides for election offences and the penalties.
The Election Regulations	• Section 109 of the Elections Act, 2011 empowers the Commission to make regulations for the better carrying out of its mandate.

Other enabling legislations include.

i) The Public Finance Management Act, 2012.
ii) Freedom of Information Act, 2012.
iii) Public Service Commission Act, 2012.
iv) Public Service (Values and Principles) Act, 2015.
v) Leadership and Integrity Act, 2012.
vi) Public Procurement and Asset Disposal Act, 2015.
vii) District and Provinces Act, 1992.
viii) The County Government Act, 2012.
ix) Survey Act, 2012.
x) Statistics Act, 2006.
xi) Data Protection Act, 2019.
xii) Public Officers Ethics Act, 2003.



CHAPTER TWO
METHODOLOGY

AUGUST 9TH 2022 GENERAL ELECTION

POST ELECTION EVALUATION REPORT

CHAPTER TWO
METHODOLOGY

This section discusses the methodology that was adopted in the Post-Election Evaluation of the 2022 General Election (GE). The evaluation analyzed the electoral cycle context by appreciating different continuous but interrelated processes that lead up to the General Election. Therefore, the strategy employed in collecting of data focused on; pre-elections preparedness phase, the voter registration phase, the political parties nomination phase, the campaigns phase, the polling phase and the post-poll phase.

The evaluation used both internal and external approaches to assess the achievement of IEBC's goal and objectives with specific reference to the 2022 General Elections. The external approach entailed obtaining the perceptions of other stakeholders to establish whether performance of the Commission conformed to the requirements of its constitutional mandate.

2.1. Evaluation Design

The evaluation was conducted using a cross-sectional qualitative study design that captured both the pre- and post-election period events. Existing baseline indicators, progress reports, and election observation reports were used to establish key indicators at the different periods of the evaluation. Key stakeholders at national, county and constituency levels were engaged as respondents during the Key Informant Interviews, Focused Group Discussion sessions and various stakeholder forums.

The evaluation utilized a mixed-method participatory approach. The qualitative data collected through County Forums, KIIs and FGDs was triangulated with the different data drawn from desk reviews in order to draw commonalities of issues raised in order to generate key findings, extract lessons learnt, draw conclusions and provide recommendations.

Apart from the polling day activities, the evaluation assessed the key result areas of the IEBC 2020-2024 Strategic Plan.

2.2. Data Collection Tools and Methods

A Technical Working Committee comprising of Commission staff drawn from the Headquarters and Counties developed and pre-tested data collection tools. The tools included;

a) County data collection template
b) Focus Group Discussion guides
c) Interview guides for various stakeholders
d) National stakeholders' forum discussion guide-
e) Document Analysis Guide

2.2.1 Post-Election IEBC Staff debriefing Session

The Commission organized a staff debriefing session to provide a platform for all the staff to share their experiences during the 2022 GE. The session was the first stage of the post-election evaluation for the 2022 GE that aimed at providing a platform for canvassing issues on the conduct of the 2022 GE by staff who served in various capacities. The participants were drawn from all staff of the Commission and Commissioners.

2.2.2 Consultative Meetings

a) Development Partners

The Commission held a successful meeting with heads of missions, Donors and Heads of diplomatic envoys. The meeting sought to inform stakeholders on the successes and challenges from the conduct of the 2022 General Elections. The participants discussed their experiences, expectations and suggested areas of improvement in future elections. Discussions were also held on areas of collaboration during the Post-Election Evaluation Phase.

b) Faith-Based Organizations

The Commission organized a Post-Election Consultative Meeting with the Inter-Religious Council of Kenya. The objective of the meeting was to assess the conduct of the 2022 General Election, share experiences and forge areas of collaboration in the post-election phase and beyond.

2.2.3 Technical Working Group

The Commission appointed a Technical Working Group to prepare a draft PEE report. As a foundation of the post-election evaluation exercise, the Draft PEE report was generated from directorates reports, Commissioners' report and the report from the CEO.
The session also obtained information from the Commission's documents such as the Strategic Plan, the Election Operations Plan, Boundaries Review and Operations Plan, Annual reports and the previous Post-Election Evaluation reports.

Participants drawn from HQ and Counties were divided into groups based on thematic areas. Each group analyzed the respective thematic area and identified major issues for discussion during plenary, which included lessons learnt and recommendations.

2.2.4 County Post-Election Forums

The Commission conducted 47 County forums for staff and stakeholders. The feedback from these forums were incorporated into the PEE draft report per thematic area.

2.2.5 National Internal Stakeholders Post-Election Evaluation Forum

The National Post-Election Evaluation forum provided an opportunity to review, discuss and consolidate feedback and recommendations into the PEE Report. Participants in the National PEE Forum included Commissioners, Directors, Managers, Election Managers and Selected officers from the HQ.

The Draft PEE report generated from the County forums and directorates reports was presented at the Forum. Participants were grouped based on thematic areas and discussed pertinent issues on the 2022 GE which was used to enrich the PEE report.

2.2.6 National External Stakeholders Forum

The main objective of the stakeholders' forum was to provide feedback on the draft PEE report. The draft PEE report was presented to the stakeholders. Feedback on the report was sought from the participants by use of a discussion guide. The guide addressed the different thematic areas in the report. Each category of stakeholders was assigned a relevant thematic areas for discussion.

The stakeholders were drawn from the following institutions who participated or engaged with the Commission in different phases of the electoral cycle; Political Parties, Parliamentary Committees, Government Agencies, International Partners, Civil Society Organizations, Media, Security Agencies and Election Observer Groups.

2.2.7 Data Analysis

Data obtained from Literature review, Key Informant Interviews (KII), Focus Group Discussions (FGD), reports from the County Cluster consultative forums and the various stakeholder forums was analyzed using both qualitative and quantitative data analysis techniques where applicable. Comparative analyses across countries, counties and different demographic groups were undertaken.

The electoral legal framework, IEBC Strategic Plan 2020 - 2024, Elections Operations Plan 2021-2022, Post-Election Evaluation Directorates Reports, and various Election Observation Missions/groups reports were among the documents analyzed.

2.2.8 Triangulation

Triangulation is a technique for validating data through cross-verification from two or more unrelated sources. During this evaluation, all the data derived from desk review and those collected through the cluster forums, the KIIs and FGDs, were collated to draw a more objective conclusion of the 2022 Elections.

The triangulation was done based on thematic areas that included the legal framework, voter education and stakeholder engagement, voter registration, register of voters and conduct of elections, management of risks, electoral security, research and planning and integration of ICT in the electoral process.

CHAPTER THREE
CORPORATE GOVERNANCE

01 POLICY

OPENNESS & TRANSPARENCY

- COMMUNICATION POLICY
- HR POLICY
- ICT POLICY
- RISK POLICY
- GENDER AND INCLUSION POLICY
- TRAINING POLICY
- FINANCE POLICY
- CSR POLICY

02 STRATEGY

EFFICIENCY



03 OVERSIGHT

ACCOUNTABILITY

- UNQUALIFIED REPORT
- AUDITS
- RISK MITIGATION REPORTS

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CHAPTER THREE
CORPORATE GOVERNANCE

The Commission's corporate governance is anchored on a robust legal framework which aims to achieve its vision to be a credible electoral management body that meets the democratic aspirations of the people of Kenya.

The Commission aspired for an outstanding Corporate Governance model through adherence to the principles of governance and its core values. The aim of strengthening the Commission's Corporate Governance was to inspire confidence in its stakeholders and the public. In discharge of its constitutional mandate, the Commission was guided by the following principles:

a) **Leadership and Corporate Responsibility:** Leading ethically and effectively by promoting collective as well as individual responsibility in discharge of duties; setting the direction for ethics and implementation of codes of conduct for members of the Commission and staff.

b) **Strategy Performance and Reporting:** Developed sustainable strategic and operational plans for effective oversight.

c) **Governing Structures and Delegation:** Established decision making structures.

d) **Performance Management:** Provided oversight on key management functions based on agreed performance plans, contracts and appraisals.

e) **Financing and resourcing:** provided direction on priorities of the Commission, resource mobilization, approved plans and oversaw implementation.

f) **Audit and Risk:** provided independent assurance and policy intervention.

g) The Commission complemented its core values by pursuing the following ideals:

i. Equity: The Commission is committed to attend to all persons including Special Interest Groups (SIGs) to ensure parity in the provision of electoral services.

ii. Transparency: The Commission has endeavoured to be open, communicative and accountable.

iii. Results-Oriented: Optimal use of resources by ensuring that work is performed in the most economical, efficient and effective way, within available resources.

iv. Collaboration: Be Consultative, transparent and responsive to all stakeholders

3.1 Composition of the Commission

The composition and the appointment of the Commission members are prescribed by Article 250 of the Constitution and by the IEBC Act, 2011. The Constitution establishes the quorum of the Commission members as a minimum of three and a maximum of nine. Each member is appointed to serve for a single term of six years.

Currently, the Commission consists of a Chairperson and six Members. The Chairperson is appointed by the President, while the Vice-Chairperson, who must be of the opposite gender, is elected by the Members of the Commission. The Commission formulates policy and strategy, and oversights the Secretariat.

The Secretariat, headed by the Commission Secretary/CEO, implements the policies and strategies formulated by the Commission. The CEO is also the Commission's Accounting Officer. In addition, there are two Deputy Commission Secretaries; one in charge of Support Services and the other Operations.



Commissioners from left, Mr. Boya Molu, Prof. Abdi Guliye, Marjan Hussein Marjan (CEO), and Mr. Wafula Chebukati (Chairman).

3.2 Achievements of the Commission

After the 2017 General Election and the Fresh Presidential Election, four Commissioners resigned. This development left the Commission under the management of the Chairperson and two Commissioners. Four additional Commissioners were appointed on 2nd September, 2021. However, the appointments came too close to the 2022 General Elections as opposed to the recommendations by IREC and internationally recognized best practices.

The Commission successfully delivered the 2022 General Election, though amidst many political intrigues and Commissioners' disagreements. The presidential election was, however, contested in the Supreme Court of Kenya. The Supreme Court vindicated the Commission on the filed petition by upholding the presidential election results declared by the Commission.

Feedback from various stakeholders' fora expressed the need to have a Commission in place at least two years before an election.

3.2.1 The Commission Plenary

The evaluation revealed that the Commission enhanced transparency, efficiency and accountability through development and implementation of key policies, Strategic Plan, 2020-2024 election operation plan and Standard Operating Procedures (SOPs). This was evidenced by significant decrease of audit queries and timely mitigation of emerging risks.

Key Policy Decisions

To enhance corporate governance, the Commission implemented the following key policy decisions that aided in the success of the 2022 general election.

i) The expansion of diaspora registration centers and use of National IDs during Diaspora voter registration in 11 countries.
ii) Memoranda of Understanding (MoUs) with stakeholders such as Sign TV, Kenya Media Sector Working Groups (KMSWG), government agencies and independent Commissions.
iii) Enhanced Continuous Voter Registration (ECVR) drives.
iv) Annual reports for the period 2017-2022.
v) Covid-19 Policy.
vi) Election management manuals: SOPs, Election Operation Procedures, Election Security Arrangement Program (ESAP).
vii) Hosting of presidential election results on the web portal.

3.2.2 Commission Committees

The Commission delegated certain oversight functions to committees without abdicating its own responsibilities. The Commission adopted seven (7) Committees that assisted in the execution of its duties, powers and authorities. The Committees were appropriately constituted drawing membership from amongst the Commissioners with the appropriate set of skills and experiences. The Directors were co-opted from various Directorates. Each Committee was headed by a Commissioner except for the Audit and Risk Committee which was ended by an independent chairperson from external.

In the run up to the 2022 General Election, the Commission conducted its business through the seven (7) Committees as indicated in Figure 1.



Figure 1: Commission Committees

3.2.3 Strengthening of the Audit and Risk Committee

Prior to the General Election, the Commission filled the position of Chairperson of the Audit and Risk Committee in April 2022. The position had fallen vacant in October 2020. The Commission also added one external member to enhance diversity in skills, experience, independence and gender balance. The Committee has continuously played its oversight role in a more efficient and collegial manner.

3.2.4 Other Achievements in the Conduct of Elections

The Commission conducted the 2022 General Election in accordance with the 2020/2024 Commission Strategic Plans, and the Elections Operations Plan, 2021. A summary of the achievements is presented in the Table 2.

Table 2: Priority Activities and the Performance Indicators

No	Priority Activities	Performance Indicators
1.	Strengthen framework for organizational governance and corporate identity	• The Commission conducted the elections in compliance with the Constitution of Kenya, 2010, Elections Act, 2011 and other statutes, Standard Operation Procedures, General Election Operation Plans (2021), and other Commission policies. • It also carried out induction of the new Commissioners to enlighten them on Commission's operations and mandate. • The Commission upheld its independence by disengaging itself from the national multi-sectoral forum on election preparedness.
2.	Implementation of the Commission's 2020-2024 Strategic Plan	• All Annual progress report were presented to Parliament. • Commission's business continuity management operation plan run uninterruptedly.
3.	Availability of adequate resources for achievement of the Commission's strategic objectives	• The GE budget was approved. • Support from Development Partners
4.	Recruitment of Commission Secretary/CEO and other key positions.	• Conducted the General Election with substantive CEO, DCSs and Directors.
5.	Communication with stakeholders	• The Commission was effective in communication with the public and stakeholders. NECC, MOUs signing, stakeholder forums among others were facilitated through the various Directorates.
6.	Development and approval of the Commission annual work plans	• The 2022 General Election was conducted with all annual work plans approved in place.
7.	Preparation of accurate financial statement	• Financial statements were issued annually alongside the Annual Reports.
8.	Establishment of risk management system and internal control processes	• The Commission continuously updated its risk register and compiled risk assessment reports that has enhanced the internal control processes. • The Commission established the Election Security Arrangement Programme (ESAP).
9.	Compliance to the rule of law	• The Commission complied with all the court rulings and other provisions of the law • The Commission established Dispute Resolution Committees (DRC) on the party primaries and resolved all disputes arising from nomination by IEBC.

No	Priority Activities	Performance Indicators
10.	ICT governance	• The Commission examined, complied with, and implemented KPMG audit of the register of voters' report recommendations. • The Commission complied and implemented the audit of technology report recommendations. • Adoption and effective election technology. • Above 99% transmission of presidential election results. • Enhanced biometric registration and identification of voters. • Transmission of periodic voter information and voter turnout logs.
11.	Resource Mobilization	• The Commission strived to raise resources from parliament and the Donor community.

3.3 Challenges Experienced and Recommendations

No	Challenges	Recommendations
i	Delayed disbursement of funds thus impeding timely implementation of key electoral activities.	• Timely disburse funds throughout the electoral cycle • Operationalize the IEBC fund.
ii	Filing and determination of court cases too close to the relevant election activities.	• Expeditious hearing and determination of pre-election dispute cases to conform to the strict electoral legal timelines.
iii	Delays in the recruitment of Commissioners disregarding best practice and the IREC recommendation that Commissioners be recruited at least two (2) years to the General Election.	• Appointment of Commissioners to the Commission should be done at least two (2) years before the General Election as per best practice and the IREC recommendation.
iv	Lack of a Commission owned headquarters that would have enhanced effective control and management of operation.	• Acquire Commission-owned Headquarters.
v	Profiling, harassment, assault and abductions of election officials.	• Enhance collaboration with relevant security agencies to address incidents relating to staff security. • Sustained engagement with political parties to enhance trust and reduce profiling of Commission staff.



CHAPTER FOUR
THE LEGAL FRAMEWORK

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CHAPTER FOUR
LEGAL FRAMEWORK

The conduct of elections is governed by a comprehensive legal framework that comprises of the Constitution, IEBC Act 2011, Elections Act 2011, Political Parties Act 2011, Election Campaign Financing Act 2013, Election Offences Act 2016 as well as other supporting statutes and regulations.

The Commission continuously develops and provides information for review of legal strategies to forestall avoidable disputes, controversies and litigation that may arise in the general election processes.

During the evaluation, it was noted that the Commission engaged in various activities before, during and immediately after the general election (GE) which included:

i) Developing Statutory legislation
ii) Handling and supervising Litigation arising from various electoral process;
iii) Enhancing capacity of stakeholders on the law and electoral processes
iv) Developing and adopting contracts,
v) Hearing and determination of dispute arising from the nomination process;
vi) Investigation and compliance;
vii) Gazettement of decisions of the Commission; and
viii) Drawing Legal Opinions on various issues affecting the Commission.

4.1 Legal Framework Governing Elections

Table 3 shows a summary of the legal framework which guided the Commission in the conduct of the 2022 General Election (GE).

Table 3: Laws deployed in the Conduct of 2022 GE

THE LEGISLATION	SALIENT FEATURES
The Constitution of Kenya, 2010	• Provides for the general mandate and functions of the Commission in the delimitation of electoral boundaries and the conduct of election • Provides for the general principles of the Kenyan Electoral System, scope of the electoral legislation, registration of voters, eligibility of candidates, the general conduct of election and electoral dispute resolution

THE LEGISLATION	SALIENT FEATURES
The Independent Electoral and Boundaries Commission Act, 2011	• Provides for the operations, powers, responsibilities and functions of the Commission to supervise referenda and elections at county and national government level to any elective body or office established by the Constitution or any other Act of Parliament. • framework for the identification of appointment of the chairperson, members and the secretary of the Commission • Manner of the exercise of powers, responsibilities and functions of the Commission • Mechanism for consultations with stakeholders and other interested parties
The Elections Act, 2011	• An enabling statute for the implementation of the Constitution in the conduct of elections.
The Political Parties Act, 2011	• An enabling statute for purposes of registration and regulation of political parties as well as administration of the Political Parties Fund and settlement of political parties disputes.
The Election Campaign Financing Act, 2013	• The purpose of this law is to regulate the election campaign expenditure of political parties and candidates participating in the election
Election Offences Act, 2016	• The Act provides for election offences and the penalties.
The Election Regulations	• Section 109 of the Elections Act, 2011 empowers the Commission to make regulations for the better carrying out of its mandate.

Other enabling legislations include.

i. The Public Finance Management Act, 2012.
ii. Freedom of Information Act, 2012.
iii. Public Service Commission Act, 2012.
iv. Public Service (Values and Principles) Act, 2015.
v. Leadership and Integrity Act, 2012.
vi. Public Procurement and Asset Disposal Act, 2015.
vii. District and Provinces Act, 1992.
viii. The County Government Act, 2012.
ix. Survey Act, 2012.
x. Statistics Act, 2006.
xi. Data Protection Act, 2019.
xii. Public Officers Ethics Act, 2003.

4.2 Investigation and Compliance

The Commission in keeping with the prescriptions of Chapter Six of the Constitution on leadership and integrity is obligated to ensure that only persons who meet the educational, moral and ethical requirements are registered and cleared to contest as candidates in elections. The evaluation observed that the Commission collaborated with Ethics and Anti-Corruption Commission (EACC) and Commission of University Education (CUE) to investigate moral, ethical and educational compliance of candidates. It was established that three main approaches were adopted by the Commission to realize its investigation and compliance mandate. The three approaches are as discussed hereunder.

4.2.1 Leadership and Integrity Vetting Committee

The Commission appointed the Leadership and Integrity Vetting Committee. The Committee was tasked with vetting of aspirants for the general election. It was observed that whereas the Commission in 2017 did not submit for vetting aspirants to the EACC, the Commission in the conduct of the 2022 GE in collaboration with the Ethics and Anti-Corruption Commission (EACC) and other relevant agencies in Compliance with Chapter 6 of the Constitution submitted for vetting details of 21,863 aspirants who intended to participate in the 9th August 2022 General Election.

Five aspirants were found non-compliant and were disqualified from participating in the election through a successful vetting process.

Table 4 shows a summary of the cases investigated on compliance with Chapter Six of the Constitution and general investigation.

Table 4: Investigation and compliance with Chapter six of the Constitution

INDICATOR	OUTCOME	
	2017	2022
Number of aspirants submitted to multiagency for Chapter 6 compliance	3,312	21,863
Number of details submitted from the multiagency for further due diligence by the Commission	106	241
Number of aspirants disqualified from contesting	3	5

A summary of cases as investigated during the conduct of the 2022 GE is as elaborated in Table 5 below.

Table 5: Summary of Chapter Six Working Group cases investigated

S/no	Cases	President	Governor	Senate	WMNA	MNA	MCA
1	Under Investigation	1	10	-	-	-	-
2	Under Prosecution	1	12	5	1	12	24
3	Impeached	-	2	1	-	-	-

S/no	Cases	President	Governor	Senate	WMNA	MNA	MCA
4	Public Officers who did not resign by 9th February, 2022	1	40	-	17	39	69
5	Convicted	-	1	-	-	2	1
6	Convicted but pursuing active appeals	-	-	-	-	1	-
7	Acquitted	-	6	-	-	-	-
8	Academic Requirements	-	2	-	-	-	-
	TOTAL	3	73	6	18	54	94

The Commission deliberated the report, appraised the Constitutional provisions. Statutory and regulatory prescriptions relevant and in addition applicable judicial determinations and resolved as shown in Table 6.

Table 6: Disqualified Aspirants to Contest in the 9th August 2022 General Election

No	Cases	President	Governor	Senate	WMNA	MNA	MCA
1	Impeached/ Removed from public office for breach of chapter six of the Constitution.		**Mike Mbuvi Sonko** (Mombasa). **Chitavi Antony Mkhala** (Mombasa	**Paul Karungo Thangwa** (Kiambu)			
2	Academic Requirements: Invalid Degree.		**Thuo Mathenge** (Nyeri). **-Ekamais Jeremiah Loromukai** (Turkana)				
3	Convicted of economic crimes offence but not pursuing appeal. In addition, barred by the Court from holding public office.						**David Njilithia Mberia** (Karen Ward).
	TOTAL	**-**	**2**	**1**	**-**	**-**	**1**

4.2.2 Electoral Code of Conduct Committees

The Commission appointed the Electoral Code of Conduct Enforcement Committee to ensure political parties and candidates comply with the Electoral Code of Conduct for the purpose of 9th August 2022 General Election.

The evaluation established that Hon Sabina Wanjiru Chege, Muranga CWMNA and Hon. Moses Kiarie Kuria, MNA Gatundu South Constituency were summoned to appear before the Committee for breach and violation of the Electoral Code of Conduct. However, both went to High Court for a judicial review in the Constitutional Petition Numbers E073/2022 and E136/2022 respectively.

An order of Certiorari was issued by Justice quashing the parts of sections 7, 8, 10 and 15 of the Electoral Code of Conduct under the Second Schedule of the Elections Act as well as the parts of rules 15(4) and 17(1) and (2) of the Rules of Procedure on Settlement Disputes establishing and granting powers to the respondent's Electoral Code of Conduct Enforcement Committee to summon witnesses and to conduct hearings of complaints based on allegations of breach of the Electoral Code of Conduct.

The order barred the Committee from proceeding with the hearing. Table 7 shows the cases investigated by the committees.

Table 7: Electoral Code of conduct cases

No	Case Number	Parties	Date	Remarks
1	IEBC/ECC/01/2022	Hon.Sabina Chege Vs IEBC	15/02/2022	She was summoned by the Electoral Code of conduct. However, she went to High court for judicial review. An injunction order was issued to bar the Committee from proceeding with the hearing.
2	IEBC/ECC/01/2022	Hon. Moses Kuria Vs IEBC	30/03/2022	He was summoned by the Electoral Code of conduct. However, he went to High court for judicial review. An injunction order was issued to bar the Committee from proceeding with the hearing.

4.2.3 Election Offences and malpractices committed on the election day

The evaluation observed that election offences and malpractices committed in 2022 General Election significantly reduced compared to 2017. The reduction of the cases was attributed to the extensive training for poll-officials.

During Polling, Commission's investigation team was deployed to observe, mitigate and/or intervene where incidences and any eventualities emerged. The incidences are shown in Table 8.

Table 8: Incidences Observed During the 2022 GE

No	Incident description	Area of incident	Status/ determination
1	Attack and injury of seven people in Garsen, Tana River, and Investigations are ongoing into the alleged assault on Mr. Goricha Jarso Abarabo and six others by police officers providing security at the Garsen High School Constituency Tallying Centre in Garsen Township on the evening of 11th August 2022	Garsen Constituency Tallying Centre, Tana River County	Under investigation
2	Shooting causing grievous harm and unlawful wounding of Mohamed Ahmed Qanyare and Abdikeyr Mohamed Mohamud on August 11, 2022, by police officers inside the tallying center of Eldas Constituency in Eldas CDF Office, Wajir County	Eldas Constituency tallying centre, Wajir County	Under investigation
3	An alleged assault and serious injury to a youth in Tiaty, Baringo County, who was among those singing and celebrating the election of an MCA from Kolowa ward at Chemolingot High School Tiaty Constituency Tallying Center.	Chemolingot High School Tiaty Constituency Tallying Center	Under investigation
4	The alleged shooting of Amon Kibet by a suspected police officer on the night of the 8th of August 2022 at around 2100hrs within Eldoret Town.	Eldoret town	Under investigation
5	Assault of a special police officer on the 9th of August 2022 while manning Wanyila Primary School Polling Centre in Webuye	Wanyila Primary School polling centre, Webuye	Under investigation
6	Involvement between members of the public and police following the announcement of the Mbalambala Member of the National Assembly results	Mbalambala	Resolved and determined that the police acted legally
7	Police opened fire at protesters after the announcement of the presidential election results, seriously injuring one Reinhard Omondi Otieno	Arina Estate – Kisumu Central, Kisumu County	Still under investigation
8	Brian Khaemba an aide to MNA candidate Brian Khaemba for Kimilili Constituency went to the Chebukwabi polling station at around 6pm to witness the counting of the votes. A confrontation ensued with Hon. Didmus Barasa supporters and he was shot dead under unclear circumstances.	Chebukwabi Primary School polling station, Kimilili Constituency, Bungoma County	Under investigation

4.3 Litigation

Section 13 of the Independent Electoral and Boundaries Commission Act, 2011 defines the legal personality of the Commission and provides under Section 13(1) that the Commission shall be a body corporate with perpetual succession and a common seal and shall be capable in its own name inter alia, of:

a) Acquiring, holding and disposing of movable and immovable property;
b) Suing and being sued.

In order to protect its interests in Court and judicial fora, the Commission engaged pre-qualified external counsel and its in-house counsel under the Directorate of Legal Services.

Several Court cases were filed against the Commission before and after the General Elections of 9th August, 2022. Majority of the cases lodged prior to the general election majorly challenged the mandate of the Commission, procedures and processes while those filed after the general election were election petitions challenging the election results declared by the Commission.

As a litigation strategy, the Commission held a sensitization workshop for all its prequalified Advocates who were apprised on the electoral processes in preparation for legal representation and consultancy services to the Commission in respect to the general election of 9th August, 2022.

The Commission engaged the prequalified Advocates in discussions and deliberations touching on;

a) Sensitization of lawyers on the electoral legal framework and election process;
b) Accreditation of lawyers to monitor Commission processes in elections;
c) Simulation of the electoral process;
d) Development of Advocates guidelines for handling election petitions;
e) Development of a strategy on handling and management of election petitions;
f) Familiarization of the electoral technology and the general conduct of elections.
g) Strengthening the rapport with its external Advocates.

4.3.1 Pre-election litigation phase

The cases filed prior to the general elections started as early as the year 2019 challenging various decisions of the Commission, notable ones being the register of voters and evaluation and award of tenders.

One of the landmark cases was Nairobi High Court Constitutional and Judicial Review Petition E306 of 2022 - Kenya Human Rights Commission, Katiba Institute, Kenya Section of International Commission of Jurists (ICJ)-Kenya, Haki Yetu, Inuka Kenya Ni Sisi Limited, Africa Centre For Open Governance, Constitution and Reforms Education Consortium –V- IEBC, National Returning Officer Wafula Wanyonyi Chebukati, The Hon. Attorney

General & Communication Authority of Kenya, Crawn Trust, Kenya National Commission on Human Rights and United Democratic Alliance Party

This Petition related to the use of the manual or printed register of voters in the conduct of the general elections held on 9th August, 2022. The Petitioners sought the following reliefs:

a) An Order of Declaration that the Commission shall in the conduct of the general elections on Tuesday 9th August 2022 provide manual register of voters in every polling station in Kenya to be used to identify voters in strict compliance with the provisions of Regulation 69(1) (e) of the Elections (General) regulations.
b) An Order of Declaration to quash the decision of the Commission signified by the letter dated 10th June 2022 stating that it shall not use manual register of voters in the general elections on Tuesday 9th August, 2022.
c) An Order of Declaration that the Commission and the Presidential election Returning Officer have a Constitutional mandate to take all the necessary and logical steps to ensure that the Petitioners' and the citizens' rights under Articles 38 as read together with Article 83 (3) of the Constitution are observed, respected, protected, promoted and fulfilled;
d) An Order of Declaration that the Commission and the Presidential Election Returning Officer have a Constitutional mandate to take all the necessary and logical steps to ensure that administrative arrangements for the registration of voters and the conduct of elections, including the identification of voters during the 9th August, 2022 election is designed to facilitate, and not deny, an eligible citizen the right to vote in the election.e) An order directing the Commission and the Presidential Election Returning Officer to strictly comply with the provisions of the Constitution, statutory Act and subsidiary legislation in the conduct of the general elections on Tuesday 9th August, 2022

The Court delivered its decision on 4th August, 2022 and held as follows:-

a.) A declaration is hereby issued that the Commission and the Presidential Election Returning Officer have a constitutional mandate to take all the necessary and logical steps to ensure that the Petitioners' and citizens' rights under Article 38 as read together with Article 83(3) of the Constitution of Kenya, 2010 are observed, respected, protected, promoted and fulfilled.
b.) A declaration is hereby issued that the Commission and the Presidential Election Returning Officer have a constitutional mandate to take all the necessary and logical steps to ensure that administrative arrangements for the registration of voters and the conduct of election, including the identification of voters during the August 2022 elections are designed to facilitate, and not deny, an eligible citizen the right to vote in the election.

c.) A declaration that the decision of the Commission and the Presidential Election Returning Officer signified by the letter dated 10.6.22 stating that the Commission shall not use manual register of voters in the General Elections on Tuesday 9.8.22 is unconstitutional and the said decision is hereby quashed.

d.) The Commission and the Presidential Election Returning Officer shall in the conduct of the general elections comply with the provisions of Regulation 69 of the Elections (General) Regulations, 2012.

Being dissatisfied with the decision, United Democratic Alliance Party lodged an appeal at the Court of Appeal challenging the decision of the High Court. The Court of Appeal issued a stay of execution of the decision of the High Court.

Other cases touched on tenders for the Supply, Delivery, Installation, Testing and Commissioning; Support and Maintenance of the Kenya Integrated Elections Management System (KIEMS); and Hardware Equipment and Accessories as well for the supply and delivery of ballot papers, register of voters, statutory election result declaration forms to be used at the Polling Stations; election and referendum result declaration forms to be used at the Constituency, County and National Tallying Center, Audit of the register of voters and extension of voter registration period among others.

4.3.2 Election petitions

The Commission has the mandate to settle electoral disputes relating to or arising from nominations but excludes election petitions and disputes subsequent to declaration of election results which by law is reserved for the Judiciary.

Upon filing of election petitions, the Chief Justice published in a Gazette Notice the list of details of election petitions filed, the names of judges and magistrates to hear the matters and the court venues.

A. Presidential Petitions

Pursuant to Article 140, the Constitution establishes that a petition to challenge the election of a president-elect has to be filed in the Supreme Court for determination within seven days after the date of the declaration of the results; and to be heard and determined within 14 days after the filing of the petition.

Upon the declaration of the results by the Commission on 15th August, 2022, a total of nine (9) Presidential Election Petitions were lodged at the Supreme Court challenging the declared result of the Presidential election. The Petitions are:-

i. Presidential Election Petition No. E001 of 2022 – John Njoroge Kamau v. Wafula Chebukati & 3 Others.
ii. Presidential Election Petition No. E002 of 2022 – Youth Advocacy Africa & Another v. IEBC & 12 Others.

iii. Presidential Election Petition No. E003 of 2022 – Khelef Khalifa & 3 Others v. IEBC & 3 Others.
iv. Presidential Election Petition No E004 of 2022 – David Kariuki Ngari v. IEBC & 9 Others.
v. Presidential Election Petition No. E005 of 2022 – Raila Amolo Odinga & Another v. IEBC & 8 Others.
vi. Presidential Election Petition No. E006 of 2022 – Moses Kuria & Others v. Hon. Raila Amolo Odinga & 4 Others.
vii. Presidential Election Petition No. E007 of 2022 – Okiya Omtatah Okoiti & Others v. IEBC & 8 Others.
viii. Presidential Election Petition No. E008 of 2022 – Juliah Nyokabi Chege & 2 Others v. IEBC & 3 Others.
ix. Presidential Election Petition No. E009 of 2022 – Reuben Kigame Lichete v. The Independent Electoral & Boundaries Commission (IEBC), & Another.

Issues Framed for determination

From the pleadings and written submissions filed in Court by the various parties, the Court framed nine (9) issues as follows:-

i. Whether the technology deployed by IEBC for the conduct of the 2022 General Election met the standards of integrity, verifiability, security, and transparency to guarantee accurate and verifiable results.
ii. Whether there was interference with the uploading and transmission of Forms 34A from the polling stations to IEBC's Public Portal.
iii. Whether there was a difference between Forms 34A uploaded on IEBC's Public Portal and the Forms 34A received at the National Tallying Centre, and the Forms 34A issued to agents at the polling stations.
iv. Whether the postponement of Gubernatorial Elections in Kakamega and Mombasa Counties, Parliamentary elections in Kitui Rural, Kacheliba, Rongai and Pokot South Constituencies and electoral Wards in Nyaki West in North Imenti Constituency and Kwa Njenga in Embakasi South Constituency resulted in voter suppression to the detriment of the petitioners in Petition No. E005 of 2022.
v. Whether there were unexplainable discrepancies between the votes cast for Presidential candidates and other elective positions.
vi. Whether IEBC carried out the verification, tallying, and declaration of results in accordance with Article 138(3)(c) and 138(10) of the Constitution.
vii. Whether the declared President-elect attained 50%+1 of all the votes cast in accordance with Article 138(4) of the Constitution.
viii. Whether there were irregularities and illegalities of such magnitude as to affect the final result of the Presidential Election.
ix. What reliefs and orders can the Court grant/issue?

The consolidated Petitions proceeded for hearing by way of written submissions and oral arguments from 31st August, 2022 to 2nd September, 2022.

The Supreme Court Recommendations are captured in Table 9.

Table 9: Supreme Court Recommendations

No	Focus	Area of Implementation	Recommendation
1	IEBC	On corporate governance issues	Enhancement of the statutory and regulatory framework on the separate policy and administrative remit of IEBC.
			Formal internal guidelines that clearly delineate the policy, strategy, and oversight responsibility of the Chairperson and the Commissioners; and development of institutionalized guidelines on how to manage the separation of administrative and policy domains.
			Clearly set out in both the legislative and administrative edicts as stipulated above the roles of the Chairperson, Commissioners, and the Chief Executive Officer, other staff and third parties.
		On election technology	Access to the servers supporting the transmission and storage of Forms 34A, 34B and 34C should be restricted to IEBC staff during the election period (To avoid suspicion from stakeholders, unless where and when it is absolutely necessary).
			The servers supporting the elections and those serving internal administrative work must be distinct and separate. (This would allow the Court, should the need arise, to carry out forensic imaging of the same without compromising and/or infringing any third-party agreements).
		On statutory Forms	Simplification and restructuring of Form 34A and inclusion of a column that accounts for stray ballots. Consideration to have only one section for total valid votes.
			Thorough training of Returning Officers as to what constitutes valid votes per the Court's decision.
			Put in place specific mechanisms to allow for special voting as contemplated under Regulation 90 of the Elections (General) Regulations 2012.

No	Focus	Area of Implementation	Recommendation
2	Constitutional Reforms	Extension of the constitutional timeline within which to hear and determine a Presidential Election Petition.	The need to extend the constitutional timeline, within which to hear and determine a Presidential Election Petition for purposes of efficient case management by the Court, and also, to afford the parties sufficient time to ventilate their cases.

B. Parliamentary and County Election Petitions

The validity of the Member of County Assembly is challenged at the Magistrate's Courts while the validity of other elective seats other than that of presidential election is challenged at the High Court. Article 87(2) of the Constitution provides that petitions concerning an election shall be filed within 28 days after declaration of results by the Commission. Article 105 of the Constitution and Section 75(2) of the Elections Act provides that an election petition shall be heard and determined within six months of the date of lodging the petition.

Following the conclusion and declaration of results in the General Election held on 9th August, 2022, several dissatisfied candidates, voters and citizens filed election petitions challenging the results as declared by the Commission in Parliamentary and County elections as well as on the Party Lists.

The total number of election petitions challenging Parliamentary and County election results were 124 while 87 were filed in respect to Party Lists. Table 10 presents a summary of election petitions filed.

Table 10: Summary of Election Petitions filed

Index	Elective Position	Number
1	Governor	12
2	Senator	2
3	Woman Member of National Assembly	4
4	Member of the National Assembly	28
5	Member of the County Assembly	78
	Sub – total	124
6	**Party List** (a)High Court (b)Magistrates Court	 2 85
	Sub – total	**87**
	Total	**211**

4.4 Achievements

The evaluation established there were significant achievements in the legal framework as follows:

i) The Commission addressed the gaps identified in the legal framework, drafted and submitted the following bills to Parliament.
   a) Draft Referendum Bill, 2019
   b) Draft proposed procedures for the delimitation of boundaries
   c) Draft election Campaign Financing (Amendment) Bill, 2019
   d) Draft Independent Electoral and Boundaries Commission (Amendment) Bill, 2019
   e) Draft Electoral Campaign Financing Regulations, 2019

ii) The Commission addressed issues raised by the Supreme Court in the 2017 GE, and successfully defended the highly contested presidential election in the 2022 GE.

iii) All election officials were adequately trained on the legal framework governing elections which ensured that not only was the 2022 GE conducted in adherence to the law but the number of disputes and petitions substantially reduced compared to the 2017 and 2013 GE.

iv) 93% of all political parties were compliant with the statutory requirements for participating in the 2022 GE.

v) The Commission's DRC incorporated services of external Counsel to strengthen the capacity for timely hearing and determination of 324 disputes arising from nomination of candidates by IEBC.

vi) The Commission Leadership and Vetting Committee compiled and submitted 21,863 details of aspirants to the Chapter 6 multi-agencies for due diligence. As a result, 5 aspirants were found unsuitable and barred from contesting in the 2022 GE

4.5 Challenges and Recommendations

Proposed recommendations to the challenges in the legal framework are presented as follows:

Subject	Challenges	Recommendations
1. Legal Reform	• Delays in enactment of proposed amendments to existing legislation.	• Enhanced engagement with Parliament and Senate to FastTrack proposed amendments. • Enact and review electoral laws and regulations 24 months before the General Election line with IREC recommendation and best international practice. • Any changes made after the lapse of the 24 months shall not apply to the current General Election.

Subject	Challenges	Recommendations
2. Enhanced Voter Registration	• Ambiguity and insufficiency of some applicable laws. • Politically instigated mass • Lack of sufficient empowerment of officials on the existing legal framework as against judicial interventions.	• Need for targeted amendments in law • Review of Section 7 of the Elections Act and Regulation 13C of the Elections (General) Regulations to introduce transfer of voters to be conducted biometrically • To roll out continuous sensitization and training on the legal framework.
3. Party Primaries	• Conflicting timelines as captured in the Elections Act and the Political Parties Act. • Untimely resolution of disputes arising from party primaries that affect the Commission's legal and operational timelines.	• Review of the amendments initiated under the Political Parties Act that are in conflict with the Elections Act. • Review the law to provide deadlines for effective conduct of party primaries and conclusion of the arising disputes.
4. Campaigns	• Violence, hate speech and allegations of voter bribery.	• Stringent enforcement of the Election Offences Act • Amend Election Act to provide for the development and enforcement of the Electoral Code of Conduct.
	• Unregulated campaign expenditure and failure by political parties to adhere to their campaign schedules. • Non-adherence to laws guiding campaigns (use of government resources, use of party portraits, colors by independent candidates)	• Parliament to operationalize the Election Campaign Financing Act. • Enhanced security during campaigns and strict regulation on campaign time.
5. Independent Candidates	• Chaotic nature of clearance process and long queues due to last minute rush submissions for clearance. • Gap in law pertaining party hoping. • Inadequate security and personnel in handling masses • Institutional conflicts in timelines.	• Propose amendments on harmonization of the law in the submission of party candidates and independent candidates. • Automate the candidate registration management process to handle independent candidates • Propose amendment to laws pertaining to party hoping and hoping from party to independent candidates. • Enhance security and personnel during clearance process • Define clear mandates of ORPP and IEBC with specific timelines.

Subject	Challenges	Recommendations
6. IEBC Nominations	• Failure of the candidate to confirm membership status of their proposers and seconders in time. • Challenges of the CRMS System in clearance of candidates. • Weak structures for the implementation of Chapter 6 of the Kenya Constitution.	• Enhanced collaboration with ORPP. • Review of system • Enhanced collaboration with Chapter Six Institutions
7. Agents Appointment	• Weak processes of accreditation of agents exposing the process of impersonation	• Review the law to provide for timelines for submission of chief and polling station agents (30 days to the election day and 7 days for by-election) and provide for amendment and submission of the lists 14 days for chief agents and 48 hours for polling station agents.
	• Crowding of polling stations by agents	•Automate the process of submission and accreditation of agents • Develop modalities of observing voting process.
8. Legal training/ capacity building	• Lack of structured training of legal counsels and Commission staff	• Develop a curriculum for training legal counsels and Commission staff
9. Judicial decisions	• Last minute court rulings that affected the Commission's operations against stringent legal and operational electoral timelines	• Judicial review and court decisions should be made at least 28 days before the electoral activity.
	• Declaration of current educational requirement for candidates as unconstitutional	• Judicial interpretation of the constitution provision on education qualifications
10. Voting and declaration of election results	• Conduct of six elections on the same day exerts pressure to the election officials thereby exposing the election results to the effect of fatigue and heavy workload	• Propose amendment of the Constitution to consider staggering elections into two elections namely national and county elections • Leveraging on suitable technology that eases the workload and FastTrack result processing
11. Election petitions	• Uncollected Costs of Suits	• Gazette candidates who have failed to pay the costs in suits where IEBC wins in order to compel them to pay



CHAPTER FIVE
CONDUCT OF ELECTIONS

AUGUST 9TH
2022
GENERAL ELECTION

POST ELECTION EVALUATION REPORT

CHAPTER FIVE
CONDUCT OF ELECTION

Conduct of elections consists of the following key areas; registration of voters, verification of voter biometrics, public inspection of the Register of voters, nomination of candidates for elections, Electoral training, election operations, voting, management of election results and overall elections logistics management.

In this electoral cycle, the Commission implemented strategies in key priority areas relating to the conduct of elections.

5.1 Continuous Registration of Voters and Revision of the Register of Voters

Registration of citizens as voters and regular revision of the voter register are constitutional mandates of the Commission and key strategic results areas in conduct of election. The two functions facilitate and enhance completeness of the register of voters used in an election thereby enhancing legitimacy and credibility of a General Election. The following activities were implemented, towards unique and joint progress in conduct of elections.

5.1.1 Continuous Registration of Citizens as Voters

The Continuous registration of citizens as voters (CVR) is undertaken at the 290 constituency offices. For purposes of the General Election the activity was suspended, in compliance with the Elections Act and was activated on 15th October 2018 in all Constituencies. As at 31st December, 2020, the CVR had realised 102,320 bringing the total number of registers voters to 19,712,745 this translated to an average daily registration of 13 voters per day.

The evaluation revealed that inadequate funding, compliance with the Covid-19 protocols and limited outreach hampered CVR activities.

5.1.2 Challenges and Recommendations in CVR

Challenges	Recommendations
1. Low productivity of continuous registration of citizens as voters	i) Strengthening linkages of registration of voters with other national activities such as, issuance of National IDs, passports, bursaries, HELB, KRA, NHIF and NSSF. ii) Exploitation of the rapidly growing digital platforms for application of citizens as voters and capturing of biometric. iii) Voter registration services at opportunistic youth gatherings and institutions of learning. iv) Mapping mobility patterns of nomadic pastoralist communities for enhance targeted voter registration. v) Consistent and adequate funding of the function of registration of citizens as voters and maintenance of the register of voters. vi) Review of the relevant statutory forms and processes of registration of voters vii) Adequate and timely allocation of resources throughout the electoral cycle viii) Consistent and adequate funding of the function of registration of citizens as voters and maintenance of the register of voters. ix) The Commission to ensure that the RoV is available for inspection and verification 6 months before the General Election.
2. Inadequate budget allocation and delayed funding	Adequate and timely funding of Commission activity

5.1.3 Enhanced continuous registration of citizens as voters

The low numbers realized during continuous registration of citizens as voters informed the need for enhanced continuous registration of citizens as voters.

In line with the IEBC Strategic Plan and EOP, the Commission conducted ECVR in two phases; ECVR I from 4th October, 2021 for a period of 30 days and ECVR phase II Which commenced on 17th January, 2022 for a period of 21 days. ECVR was conducted at constituency offices, Huduma Centres, Institutions of higher learning, prisons and also at the county ward level. Whereas ECVR was time bound, CVR continued until its suspension on 4th May 2022 vide the Kenya Gazette Vol. CXXIV – No. 79 of 28th April 2022.

Prior to the ECVR, the following key preparatory activities were undertaken:

5.1.4 Planning for Registration of Voters

To enhance the productivity of CVR, the Commission organized planning meeting with staff at National and County level to assess the state of preparedness. Specifically, the objectives of the planning were to;

i) Develop a common understanding on the administrative procedures and operations during the enhanced voter registration;
ii) Establish the resources (material, financial and human) needed for the enhanced continuous voter registration;
iii) Provide a breakdown of activities anticipated both in the field and Headquarters to make registration of voters a success;
iv) Develop criteria for Mapping and review of the registration centres;
v) Deliberate on expected performance and monitoring the process; and
vi) Identify potential risks and corresponding mitigations.

5.1.5 Review of Registration Centres

As a prerequisite for registration of voters, the Commission conducted mapping and review of Registration centres which commenced in the field on diverse dates from the 6th of September 2021 and ended on the 29th of September, 2021 guided by the following criteria;

i) Availability of the Registration Centre- owner not granting use of the facility by the Commission;
ii) Population- Decongestion of existing large registration centres with over 5,000 registered voters;
iii) Occurrence of Natural Calamities- e.g., floods, earthquake;
iv) Distance from nearest Registration Centre; and
v) New settlement in a previously inhabited area.

5.1.6 Achievements in Review of Registration Centers

i. Review and mapping of the Registration centres to establish status of previously gazetted registration centres as well as proposed new registration centres resulted in increase of the Registration centres from 24,613 to 27,397.
ii. Decongestion of registration centres with over 5,000 registered voters.
iii. Degazettement of 39 Registration centres that ceased to exist.
iv. The deployment of mapping tool to enhance voter registration operational efficiency.

5.1.7 Deployment of Biometric Voter Registration Kits in ECVR

Voter registration in the Commission is done using Biometric Voter Registration (BVR) technology acquired in 2012. In this regard, 7,720 BVR kits were deployed as follows

a) 4,350 were equally distributed to 1450 Assembly wards,
b) 290 deployed to each Constituency,
c) 52 to each Huduma Center in the country,
d) 128 were allocated to Vast counties,
e) 98 were deployed to Universities, Colleges and institutions of higher learning and,
f) 2,802 were spare kits available to support and replace spoilt kits.

In order to guide potential voters, a detailed BVR kit movement schedule was developed and shared with the public through the Commission website, social media handles and by posting in public places in the wards, constituencies and counties. To ensure accountability, monitoring and ease of reference the schedules were posted and updated in the tool provided for monitoring the voter registration exercise.

5.1.8 Training of Voter Registration Officials

Voter registration personnel were trained prior to the commencement of the exercise. The training covered basics of voter registration processes and procedures as well as computer-based registration. Use of cascaded training methodology was applied as provided in Table 11.

Table 11: Levels of training

Level	Description	Duration in days	No of participants	Trainees	Venue
Level 1	Materials development and planning for master training	3	10	Selected master trainers	Nairobi
Level 2	Master training	3	30	Master Trainers	Nairobi
Level 3	ToTs	3	141	Selected CEMs, ROs, AROs, CICTOs	Clusters 5 each
Level 4	Counties	2	741	All CEMs. ROs, AROs, Accountant, SCMAs	Clusters 5 each
Level 5	Constituency	2	1,740	VRAs, ICT Clerks	Each Constituency
Level 6	Wards	2	7,540	Registration clerks	Each ward

5.1.9 Registration of citizens residing outside the country as voters

This was undertaken among Kenyan citizens residing in United States of America, Canada, United Kingdom, Germany, United Arab Emirates, Qatar, South Sudan, Burundi, Rwanda, Tanzania, Uganda and South Africa. The activity commenced on 21st January 2022 for a period of 15 days.

These countries were mapped to ascertain their viability as eligible registration centers based on population, geographical spread of the population and logistical requirements.

5.1.10 ECVR in Prisonss

The Commission also undertook voter registration for eligible citizens incarcerated in the country's 113 prisons facilities across the Country.

5.1.11 Voter Registration in Universities and Institutions of Higher Learning

The Commission undertook ECVR in the universities and other institutions of higher learning to afford eligible students an opportunity to register as voters.

5.1.12 ECVR Achievements

By the end of ECVR, the Commission had a total of 22,120,458, an increase of 2,510,033 from the 2017 register of voters. Out of the 22,120,458; 8,811,691 youths were registered representing 40% of all registered voters as shown below. In addition, 10,862,268 women were registered forming 49.11% of all registered voters. The distribution of registered voters by age is shown in Table 12.

Table 12: Distribution of registered voters by Age

Age Group	Registered Voters	Percentage
18-19	116,470	0.53%
20-24	1,932,833	8.74%
25-29	3,355,147	15.17%
30-34	3,407,243	15.40%
35-39	3,086,303	13.95%
40-44	2,165,453	9.79%
45-49	2,045,019	9.24%
50-54	1,524,866	6.89%
55-59	1,005,054	4.54%
60-64	1,167,334	5.28%
65-69	731,306	3.31%
70-74	652,511	2.95%
75-79	354,815	1.60%
80+	576,104	2.60%
Total	**22,120,458**	**100%**

5.1.13 Challenges and Recommendations

Challenge	Recommendation
i) Limited access to voter registration services where voters have to travel to register in their electoral areas	• Exploit the rapidly growing digital platforms for application of citizens as voters and capturing of biometric • Build on the success on the Universities, other institutions of higher learning outreach program and Huduma centres
ii) Despite targeted voter registration there is persistent low uptake of voter registration among the youth and marginalised communities.	Conduct voter registration services at opportunistic youth gatherings and institutions of learning.
	Map mobility patterns of nomadic pastoralist communities for enhance targeted voter registration.
iii) Incidents of voters petitioning or enquiring how to be removed from the register of voters	Review of the relevant statutory forms and processes of registration of voters
iv) Monetary inducement of citizens to register as voters undermining the commitment sovereign right of a citizen to register and vote for representation	Enhance civic and voter education throughout the electoral cycle
v)Duplication of registration processes (manually and electronically) which is time consuming	Review of the relevant statutory forms and processes of registration of voters
vi) Several BVR kits were not in good working condition. Many kits had faulty screens, hard drives, USB hubs, cameras, battery charging cables as well as missing scanners and cameras.	Dispose the BVR kits and use KIEMS kits for CVR.
vii) Uniform distribution of BVR kits against different BVR kits needs in electoral areas.	Distribute KIEMS with emphasis to the population density, physical features and infrastructure among others.

5.2 Maintenance of the Register of Voters

The function of maintenance of register of voters is undertaken by adding registration of eligible voters, removal of dead voters, correction of voter registration particulars upon application by the voter, effecting transfer of registration upon voter request, biometric verification of the particulars of voters and audit of the register.

The following is an outline of the activities that were undertaken in maintenance of the Register of Voters

i) Verification of the Register of Voter

ii) Production of Register of Voters for Verification

iii) Quality Assurance of the Register of Voters (provisions for individual verification of accuracy of personal particulars, compliance with details data protection)
iv) Audit on the register of voters
v) Production of the Register of Voters
vi) Certification of the Register of Voters
vii) Publication of the Register of Voters

5.3 Biometric Data Verification Exercise

In line with Section 6A of Election Act, 2011, the Commission availed the Register of voters for biometric data verification for a period of thirty (30) days from 4th May, 2022 to 2nd June, 2022. The Commission in Kenya Gazette Vol. CXXIV – No. 79 of 28th April, 2022 published a notice of availability of the Register of voters for biometric data verification.

The Commission also issued notice suspending Continuous registration of voters as well as continuous update of the Register of voters from 4th of May, 2022 to 13th March, 2023.

Biometric data verification was also extended to Kenyans residing outside the Country as well as those in the Correctional facilities.

In preparation for the verification processes, the Commission rolled out a training programme that aimed at equipping Commission staff with the requisite technical skills and knowledge. The training took a cascaded approach with the following levels as illustrated in Table 13.

Table 13: Cascaded Training

No.	Activity	Date
1.	Content development	5th - 9th April, 2022
2.	Training of TOTs	18th - 22nd April, 2022
3.	Cluster-Based Training of staff	23rd - 26th April, 2022
4.	Constituency-Based Training of VRV Clerks	27th - 29th April, 2022

The following cadres of electoral Officers were trained on KIEMs biometric data verification and candidates registration:

a) Election Manager – 47
b) Senior Election Mangers -290
c) Assistant Election Managers – 290
d) County ICT officers – 47
e) Accountants – 21
f) Warehouse Assistants - 22

g) Constituency ICT clerks- 290

h) Voter Register Verification Assistants (VRVAs)- 1450

i) Voter Verification Clerks- 9,836

5.4 Verification of the Register of Voters

The Commission developed and shared with the field administrative forms and tool for monitoring, reporting cases of missing details in the RoV, duplicates, misplaced voters and biometric gaps in the RoV. This was to facilitate the processing of such claims as provided for by law.

Equally the Registration officers developed KIEMS kit movement schedule and was shared with the members of the public by displaying them in public places within their electoral areas.

The Voter Registration field operation system was upgraded to include the Verification reporting module where ROs were mapped to their respective electoral areas for real time reporting.

The Commission also availed Register of Voters for inspection through website portal and SMS platform. Table 14 provides summary of voters who verified their particulars.

Table 14: Number of voters who verified their details

No.	Mode of Verification	Number verified as at 2nd June, 2022
1	KIEMs kit	3,280,930
2	SMS	1,747,843
3	WEB	305,710

5.5 Quality Assurance

During the verification, The Commission received complaints on missing voters across the Country as well as movements of voters to different polling centres /stations. To address the matter, the Commission engaged the services of data entry clerks to assist in quality assurance of Constituency Register of Voters. The Commission further retrieved all dully filled application for transfers of Registration together with supportive documents for purposes of validation. Issues addressed during quality assurance included:

1. Identification of missing voters and upload of data in the Kits or recapture of missing voter's details;
2. Identification of misplaced voters/correction of registration centres;
3. Effecting of transfers of registration;
4. Correction of details of voters'/data entry errors and other clerical errors;
5. Inclusion of any appropriate changes that may be requested by a registered voter in respect of his or her registration.

5.6 Audit of the Register of Voters

Pursuant to Section 8A of The Elections Act, 2011, the Commission engaged the services of KPMG Advisory Services Ltd to conduct audit of the Register of voters.

The objective of the audit was to;

i) Assess the accuracy of the register of voters; and
ii) Recommend mechanisms for enhancing the accuracy and updating the register of voters.

The scope of work entailed:

i) Audit of the Biometric Registration System Database that hosts data on registered voters;
ii) Audit of the Certified Register of voters in 2020 and additional registered voters during the Continuous Voter Registration.
iii) Review of voter registration process at Registration centres
iv) Comparison of ROV with data from National population registration

5.6.1 Audit Report

The Commission received preliminary Report from the Audit firm with exemptions.
It is worth noting that the Commission was able to implement short term recommendations made by the Auditor prior to certification of the register.

5.7 Unsupported Transfers of Registration

Following the launch of biometric data verification and inspection of the Register of Voters, the Commission received numerous complaints from leaders and members of the public on suspected irregular transfers.

Subsequently, the Commission undertook an audit of all transfers of registration centres. This was done by comparing statistics of 2017 registered voters, preliminary ROV and the Current ROV. Indeed, an unusual surge in the number of voters in selected registration centres was realized. Further system check was able to show where these voters were transferred from and reversed the unsupported transfers.

5.8 Compilation of the Register of Voters

After completion of the update of the register of voters, the Commission compiled the Register of Voters in respect to Polling Stations, Wards, Constituencies, and Citizens residing outside Kenya.

The Register of Voters used for 2022 General Election had 22,120,458 Registered voters distributed in 46,229 Polling Stations as shown in table 15.

Table 15: Distribution of registered voters in polling stations

No	Category	No of Polling Stations	Percentages
1	1 to 100	1,474	3.19%
2	101 to 200	2,717	5.88%
3	201 to 300	2,945	6.37%
4	301 to 400	6,270	13.56%
5	401 to 500	9,036	19.54%
6	501 to 600	10,075	21.79%
7	601 to 700	13,712	29.66%
	Total	**46,229**	**100.00%**

5.8.1 Age Distribution

The largest population of voters between 25-29. The youth constitute 40% of the Registered voters. Table 16 provides age distribution of the register of voters.

Table 16: Distribution of registered voters by age

Age Band	Registered Voters	No of Polling Stations
18-19	116,470	0.53%
20-24	1,932,833	8.74%
25-29	3,355,147	15.17%
30-34	3,407,243	15.40%
35-39	3,086,303	13.95%
40-44	2,165,453	9.79%
45-49	2,045,019	9.24%
50-54	1,524,866	6.89%
55-59	1,005,054	4.54%
60-64	1,167,334	5.28%
65-69	731,306	3.31%
70-74	652,511	2.95%
75-79	354,815	1.60%
80+	576,104	2.60%
Total	**22,120,458**	**100%**

5.9 Certification and Publication of Register of Voters

In line with Regulation 28 of Elections (Registration of Voters) Regulations, 2012, the Register of Voters was revised based on the verification and inspection reports. Equally, the compilation was done comprising of Register of voters in Respect of Polling Station, county assembly ward, Constituency, as well as Register of voters for Citizens residing outside Kenya. Each polling station had a maximum of 700 voters as provided by Section 38A of the Elections Act, 2011.

The certification of completion of register for the purposes of 9th August, 2022 General Election was done vide Kenya Gazette notice number 7290 Vol CXXIV- No. 119 of 21st June, 2022.

5.10 Achievements in Maintenance of the Register of Voters

i) Register of voters with redacted information was shared with the field staff for purposes of posting at the Polling station at least 7 days before the polling day.
ii) The Commission prepared and deployed KIEMs kits for identification of voters. 99.4% of voters who voted on 9th August, 2022 were successfully authenticated using KIEMs.
iii) The Commission provided the printed register of voters as a complementary mechanism in event of failure of technology.
iv) 2,451,490 citizens we newly registered and added to the register
v) 246,465 records of dead voters were deactivated from the register
vi) 12,987 duplicated voters were removed from the register of voters
vii) 3,199,993 transfers of registration were requested and effected
viii) The register of voters used in the general election had 22,120,458 of the targeted 25,738,108 projected population of eligible age. This is an 86 percent completeness
ix) The certified register had 22,120,458 voters. The accuracy of the register of voters used in the 2022 General Election was above 98 percent as reported by KPMG.

5.11 Challenges and Recommendations

Challenges	Recommendations
There were delays in maintenance the register of voters due to the periodic nature of updating technology.	Establish technological mechanism for real time audit and updating of the register of voters from constituencies/counties to the central database.
There was inadequate funding of incidental costs accruing from inter agency data sharing collaborative efforts and delay release of information required for cleaning the register	Establish mechanism for continuous data sharing on maintenance of the register of voters with relevant agencies at constituencies
There was too much paperwork for clerks limiting the amount of time a clerk served the public.	Review the laws and the process of voter registration and voter register verification paperwork to reduce quantity and improve quality.
On transfer of registered voters, there was a challenge proving residence since there were no guidelines on how to do it	• Revise the law to provide guidelines on sources of information for proof of residence of persons applying to transfer vote. • Revise the law to allow Kenyans to transfer freely to registration centres of their choice

Challenges	Recommendations
Weak structures on transfer of voters	Strengthen procedures and technological aspects in transfer of voters

5.12 Election Operations Legal Notices

The Commission published the Notice for 2022 General Election on 20th January 2022 vide gazette numbers 430,431,432,433,434 and 435 of Vol. CXXIV—No. 14. The Legal Notices outlined the timelines as follows:

i) Date of General Election - An election of the President of the Republic of Kenya, Member of National Assembly, Member of County Assembly Ward, Senate, County Woman Member to the National Assembly and Governor to be held on Tuesday, 9th August, 2022;
ii) Submission of Party Membership lists to the Commission;
iii) Submission of names of persons contesting in the party primaries, the date and venues of the primaries;
v) Publication of names of the persons contesting in a party primary and the date of the party primary in a Gazette Notice;
vi) Resolution of intraparty disputes;
vii) Timelines of candidates intending to participate in the election as independent candidates; and
viii) Registration of Candidates for elections.

5.13 Election Logistics

Electoral operation and related logistics is key for efficient and effective conduct of free, fair and credible election.

The General Election required comprehensive logistical arrangements in the distribution of General Election materials. The success of the election to large extent is dependent on adherence to strict distribution timelines; and availability of the requisite materials to the electoral areas on time among other factors. In preparation for the August 2022 general election, the Commission developed a logistical framework to guide execution of activities within the set legal and administrative timelines.

Elections Logistics involved planning, implementing cost-effective flow and storage of equipment and materials, organization of personnel as well related information, from the point of procurement and warehousing to the point of use and retrieval.

The function encompassed a range of activities including general preparedness, training, planning, procurement, customs clearance, transport, warehousing, tracking and retrieval.

Achievements

a. Mapping of polling stations was done to assess accessibility and availability of structures to be used for polling. This informed planning for distribution of election materials and transportation of election officials.

b. From the national warehouse to the county and constituency election materials were re-packaged per county and constituencies before distribution to polling stations. Distribution and retrieval of materials was undertaken as follows;
   i National warehouses to County and Constituency warehouses
   ii. County warehouses to Constituency warehouses
   ii. Constituency tallying centers to polling stations

c. The logistics of the dispatch were handled by a logistic service provider (Kenya Postal Corporation). The dispatch majorly involved road transport but the kits had to be airlifted to far flung counties of Mandera, Wajir and Turkana.

d. Tracking of the movements of election materials and equipment on transit.

e. The National Police Service, provided adequate security at the national warehouse, counties, constituencies and polling stations during the delivery and retrieval of election materials.

5.14 Logistical challenges and recommendations

Challenges	Recommendations
There was Mix-up of the Forms A series (Results declaration form) in the Ballot Paper Packaging especially in electoral areas which had long periods of post nomination dispute settlement by the judiciary.	• There is need for Electoral Law amendment to cap the period settlement of disputes arising from nomination at Commission level and appeal level, to at least twenty- one (21) days for production delivery and distribution of ballot papers and election declaration forms in case of General Election and multiple by elections and seven (7) days in case of single by elections. • Technical staff be deployed to conduct quality assurance before printing.
Packaging and distribution of materials was characterized by Piecemeal distribution of materials, delivered at very odd hours as well as lack of timely communication on delivery dates and times of the day. This created an environment of suspicion over odd hour receipt of electoral materials.	Strengthen logistical planning to provide for expected date and time for delivery of election materials
KIEMS kits deployed for training were inadequate. This strained delivery of training as one kit was shared among many trainees	There is need to provide for cost effective generic adequate training kits which mirror the actual elections kits
Ballot Papers Pallets were too heavy and packages inside the pallets were not systematic.	Adapt mechanisms for packaging of ballot papers taking in consideration pallet loading, unloading and the point of use Package the Ballot Papers in the pallets systematically according to the polling station codes in the constituency
There were instances of mixed polling station labelling	Enhance due diligence in production, packaging and distribution of ballot papers
The County Election Declaration Forms 37C, 38C, 39C, 37D, 38D and 39D were packaged in constituencies far away from the county offices/tallying centers.	Form 37C, 38C, 39C, 37D, 38D and 39D be packaged and delivered directly to the CRO
The binding of Ballot Papers and counterfoils was loose making them get off the booklet easily, hence increasing the likelihood of losing the counterfoils.	Enhance proper and quality binding of Ballot Paper booklet

Challenges	Recommendations
Results declaration Form were not Perforated. As a result, POs used Rulers to detach it from the booklet. Equally, the serial number were torn out during detaching	Enhance due diligence on quality of ballot papers during ballot paper production
Each constituency had only one logistic assistant handling and verifying materials. This was reported as overwhelming in constituencies with numerous polling stations	Enhance support of logistics officers taking into consideration number of polling stations for effective distribution and retrieval of election materials
On distribution of materials for elections, some crucial materials were either missing or inadequate.	Conduct a detailed election material needs assessment to inform planning, procurement, distribution and retrieval Separate and label clearly packaging or timely communicate on the packaging

5.15 Registration of Candidates for Election

Nomination encompasses all the processes by which the Commission registers candidates for elections. These processes included securing materials and venues for nomination, pre-nomination forums for planning, as well as issue candidate registration forms and verify documents presented to ROs by aspirants for registration of candidates for various elective positions.

The Commission developed a framework for nomination of candidates to improve the process. The framework incorporated enhancement of the electronic Candidate Registration Management System (CRMS) to ease the processing of qualifications for candidate registration. In addition, the generation of ballot printing artwork and a list of candidates vying for various elective positions and respective electoral areas.

5.15.1 Independent candidate registration

Article 85 of the Constitution grants eligibility to any citizen to contest as an Independent Candidate for election if the citizens meet the requisite qualification. The Commission received and processed details of 5,434 aspirants to participate in the General Election. The candidates submitted and obtained clearances from Registrar of Political Parties for names and symbols. The names and symbols were intended for use during the elections. They were submitted to the Commission before 2nd May, 2022 being 90 days before the General Election.

Table 17 shows the number of independent candidates per elective position who submitted their details for consideration by the Commission.

Table 17: Independent Candidates

SN	ELECTIVE POSITION (INDEPENDENT CANDIDATES)	Total received
1	Presidential Election	17
2	Governor	47
3	Senator	43
4	County Woman Member of the National Assembly	30
5	Member of National Assembly (MNA)	333
6	Member of County Assembly (MCA)	2,285
	Total Received	**5,434**

5.15.2 Party Sponsored candidate registration

Political parties after their conduct of party primaries to determine the candidates to field for elections submitted the details of the candidates to the Commission. The list submitted to the Commission by the parties is shown in Table 18 showing number of candidates per elective position.

Table 18: Party Sponsored Candidates

SN	ELECTIVE POSITION (PARTY SPONSORED)	Total received
1	Presidential Election	4
2	Governor	212
3	Senator	287
4	County Women Member of National Assembly	292
5	Member of National Assembly (MNA)	1,578
6	Member of Assembly (MCA)	9,150
	TOTAL	**11,523**

5.15.3 Candidate Registration process

The Registration of candidates for the 9th August 2022 General Election was conducted between 29th May, 2022 to 7th June 2022 as follows.

Table 19: Candidate Registration Process

No	Elective Post	Dates
i)	Presidential Election	Sunday, 29th May, 2022 and Monday, 6th June, 2022
ii)	National Assembly Elections	Sunday, 29th May, 2022 and Tuesday 31st May, 2022
iii)	Senate Elections	Sunday, 29th May, 2022 and Tuesday, 31st May, 2022
iv)	Woman Member of the National Assembly Elections	Wednesday 1st June, 2022 and Friday, 3rd June, 2022
v)	Governor Elections	Saturday 4th June, 2022 and Tuesday 7th June, 2022
vi)	Assembly Ward Elections	Wednesday 1st June, 2022 and Tuesday 7th June, 2022

5.15.4 Submission of Candidate Registration Returns to HQ for safe custody

After candidate registration, the Returning Officers submitted the candidate's documents to the headquarters for safe custody and transmission of ballot artwork. The artwork was vital component in the preparation and production of ballot papers for the General Election.

5.15.5 Publication of Registered Candidates

The Commission registered 16,108 candidates to vie for the various elective positions for the August 2022 General Elections as shown in Table 20.

Table 20: Summary of Registered Candidates for GE 2022

SN	ELECTIVE POSTION	PARTY	INDEPENDENT	TOTAL
1	President	4	0	4
2	Governor	213	53	266
3	Senator	288	54	342
4	CWMNA	293	68	361
5	MNA	1,580	555	2,135
6	MCA	9,200	3,798	12,998
TOTAL				**16,106**

5.15.6 Achievements

The post-election evaluation established that the Commission made the following milestone; Enhanced features in the CRMs which improved the efficiency of candidate registration, which eased generation of nomination reports including nomination certificates, ballot paper artwork, statistics on candidates nominated and statutory information on candidates nominated for purposes of publication.

5.15.7 Challenges and Recommendations

	Emerging Challenges in Nomination Process	Recommendations for Nomination Process
1	There were weaknesses observed in the system such as the possibility of deleting a nominated candidate from the system and difficulties in the verification of independent candidates' registration status.	Develop an integrated software for harmonizing details of membership between ORPP and IEBC
2	• When stable internet connection was not available, staff used manual procedure. Some aspirants' records were not in the system, which slowed the nomination procedures. • Inconsistencies in the application of procedures were noted. Some candidates were rejected because of insufficient number of qualified supporters (sometimes because voters supported more than one candidate leading to rejection by the system), an incomplete application, or insufficient proof of valid academic and other documents.	• Advocate for faster rate of establishment of digital villages and information resource centers in the rural areas as outlined in the National Development Vision 2030. This will enhance internet connectivity and improve usability of CRMS. • The CRMS should be configured to work offline to cater for areas that have no or low internet connectivity
3	There appears to be a missing link between registration of candidates for elections as provided in the Constitution and nomination as defined in the Elections Act, 2011.	The definition of nomination needs to be expanded in the Elections Act, 2011, to reflect the Constitutional mandate of registration of candidates for elections
	While registration of candidates for elections appears to be a process, the definition of nomination in the elections considers nomination as an event.	
4	The number of days allocated for clearance of candidates for elections is inadequate due to high number of aspirants for some elective positions, especially county assembly and member of national assembly.	Setting of nomination dates need to take into consideration previous experience on average number of days taken to clear a candidate to inform nomination timelines.
5	Campaign scheduling is not well understood making it difficult to develop and complex to harmonize and monitor.	• Develop an automated campaign harmonization tool. • Develop a framework for election campaign monitoring and reporting. • Develop a prototype election campaign schedule that promotes equity across political parties and Independent Candidates.

	Emerging Challenges in Nomination Process	Recommendations for Nomination Process
6	The concurrent conduct of the nominations exercise and verification exercises was overwhelming to the Returning Officers. This was further compounded by the overlapping and stringent legal timelines that had to be followed.	Provide different implementation timelines for biometric verification of the register of voters and nomination of candidates.
7	Long queues of aspirants seeking clearance to vie as independent candidate aspirants at Commission Headquarters.	Make the CRMS flexible to the nomination process especially the post nomination dispute resolution to ensure all candidates whose nomination is validated have their details processed into the system. Leveraging on technology in establishing eligibility of independent candidates Decentralise the clearance of independent candidates to County and Constituency offices.
8	There were difficulties in accessing the CRMS system in the first days of candidate clearance. This created anxiety and forced some ROs to clear candidates manually. These kept aspirants waiting.	Improve on access to CRMS as well as internet connectivity and provide pre-testing period before use. Provide a framework for stress and load test for the CRMS system at least 30 days before the start of nomination.
9	Tight timelines for travel to respond to issues in DRC by Electoral officials	Consider devolving dispute resolution committee in to enhance access and reduce costs.
10	The period for settlement of disputes at times delayed the process of ballot paper printing due to protracted and prolonged dispute resolution.	There is need for Electoral Law amendment to cap the period settlement of disputes arising from nomination at Commission level and also appeal level, to at least 21 days for production, delivery and distribution of ballot papers and election declaration forms in case of General Election and multiple by-elections and seven (7) days in case of single by-election.
11	The storage and retrieval of documents arising from the Candidate Registration exercise either for DRC or for safe custody	The Commission to consider embracing use of soft copies and digital archival of documents

5.16 Training for General Election Officials

Electoral training is an integral part of the electoral processes, and the Commission heavily invests in electoral training as a way of ensuring effective and efficient electoral processes. Through training, personnel were prepared for elections, registration of voters, inspection and verification of the register, nomination of the candidates for elections among other electoral activities.

In preparation for the General Election, the Commission conducted cascaded training for its poll officials. The training was implemented in six different levels as shown in Table 21.

Table 21: Cascaded Training for Poll Officials.

LEVEL	ACTIVITY	DAYS	CADRE	NUMBER
Level One (National)	Content Development by Master Trainers	4	Mater Trainers	30
Level Two (National)	Induction of Trainer of Trainers	4	Mater Trainers & ToTs	150
Level Three (Cluster)	Cluster based Training for General Elections officials	4	CROs, DCROs, Ros, DROs, Accountants, CICTOs & SCMAs	1105
Level Four County)	Training of SETs, Logistics Officers and ICT Clerks	4	SETs, Logistics Officers & ICT Clerks	6,628
Level Five (Constituency)	Training of POs & DPOs	4	POs & DPOs	94,873
Level Six (Constituency Ward)	Training of Polling/ Counting Clerks	2	Polling Clerks	325,323
Total				**428,109**

5.16.1 Review of training Manuals

The Commission reviewed and published the following manuals in preparation for the 2022 General Election. These included:

1. Elections Result Management Framework
2. Framework for Candidate Registration Management System
3. Electoral Training Policy
4. Elections Training Curriculum
5. Facilitator's Manual
6. Nomination Manual
7. Elections Agent's Manual
8. Tallying Centre guide
9. Election Communication Centre guide
10. RO Quick guide

11. CRO Quick guide
12. Presiding Officer's Quick guide
13. Polling Station Diary
14. Post-Elections guide

5.16.2 Achievements

i. Developed Electoral training policy.
ii. Consideration of different cadres as training facilitators-initiated succession management in Commission electoral training capacity.
iii. Reviewed and developed manuals to enhance Electoral training.
iv. Developed training content and designed delivery methodology informed by need.
v. Developed audio visual animated training powerpoints, picture speak powerpoints to enhance learning.
vi. Continuous testing of participants before and after every day training and feedback to participants enhanced participant focus.

5.16.3 Challenges and Recommendations

Challenges	Recommendations
Delays in the parliamentary approval of legal reviews by the Commission	Changes in Electoral Laws should be made at least one year before elections
Last minute court pronouncements required review of content sometimes after conclusion of training especially those that made contradictory decisions on training content	Pre-election period Engagement of Judiciary on Election timelines and the impact on election process and results.
	Election related disputes before conduct of elections where IEBC is respondent must outline timelines and the implications of decisions on the overall election process.
Inadequate resources and limited time for the cascaded training	Recruitment of staff should be done early enough to give room for early planning and training.
	Prioritized adequate and timely resourcing for all levels of training
The Covid-19 pandemic occasioned a clash of the school calendar with Commission activities making it very difficult to secure training facilities and temporary staff.	Provide mechanisms for cushioning training against unforeseen risks. Electoral Training should be conducted when schools are not in session.

Challenges	Recommendations
Short Training duration especially for the training of Clerks	Provide for tailor made training which takes into consideration of period and priority training needs
The cascaded training inadequate materials and equipment including printing, KIEMS, and Projectors.	Align printing needs to training needs. The Commission need to provide adequate generic prototype KIEMS kits for training. The Commission must also plan and fund sourcing of projectors for training.
Training of National Tallying Center officials was not exhaustive.	There is need for comprehensive training programme for the National Tallying Center.

5.17 Election Results Management

The evaluation established that in preparation of the General Election the Commission reviewed the Election Results Management Framework (ERMF).

The ERMF enhanced transparency, accuracy, verifiability and accountability procedures, assigning responsibility to individual election officials at each stage of result processing, transmission process, tallying centre management, communication centre and its protocol.

Further, it was established that amongst other prioritised activities undertaken included; workload analysis at polling station and tallying centres to inform deployment of personnel; establishing and building the interface between manual results management with technology and establishment of call centres with well-trained personnel.

The election results management processing was an end to end from voting to final declaration of results at respective tallying center.

5.18 Challenges and recommendations on Voting Day Activities

Challenges	Recommendations
Overcrowding and long queues in registration centres in cities and urban areas due to diminishing space for additional polling stations.	Undertake research on factors contributing to overcrowding of polling stations and apply findings to design and develop Mechanisms for improving convenience of voting
Lack of affirmative action policy to guide gender and elderly consideration in voting.	Develop affirmative action policy to guide gender and elderly consideration in voting
Long waiting time in the voting queues discourage voters from voting.	There is need for mechanism for improving special voting including electronic voting to enhance convenience.
Rapid growth of political parties and independent candidates each demanding for presentation by agents in polling stations.	Mechanism for improving transparency of voting which enhances inclusiveness of all agents
There was low voter turnout 64.77% compared to 2017 general election 78%.	Undertake participatory research on factors contributing to low voter turnout and apply findings for improvement of voter turnout.
Result transmission from Polling Station limited only to Presidential Election	Consideration be made for transmission of election results for other elective positions from Polling Station
The RTS KIEMS kit checklist was not detailed.	The checklist to have the following additions i) Is the background clear? ii) Have the agents signed Results Declaration form on the date of election? iii) Inadequate voter Education time on RTS
Errors on column on valid votes cast on results declaration forms to be used at the polling station	Statutory forms to be simplified
Voters/public not well sensitized on RTS.	Voter education to cover all electoral processes including RTS.

5.19 Tallying Center Operations

The Commission gazetted Constituency, County and National Tallying centers in line with Regulation 84 of the Elections (General) Regulations 2012. The National Tallying Centre was based at the Bomas of Kenya where elections operations, logistics and administrative tasks were coordinated. The County and Constituency Tallying Centers were based in Constituency and County headquarters respectively.

At the County and Constituency Tallying Centers the following activities took place:

i) Receipt of polling election results forms, related forms, materials and equipment from each polling station.
ii) Collation of election results for each election in respective election results collation forms and verification of accuracy of collated election results using results from the respective polling stations.
iii) Filling election results declaration forms for the election of Members of the National Assembly and the Member of County Assembly
iv) Filling election results declaration forms for the election of County Governor, Senator, County Woman member of National Assembly
iv) Announcement of election results.
v) Declaration of election results.
vi) Issuance of certificates to winners.

5.20 National Tallying Center

The National Tallying Center (NTC) for the Presidential election was at Bomas of Kenya in Nairobi. It was comprised of: National Election Communication Center, (NECC) which was organized into three units: Operations Support Unit (OSU), Public Support Unit (PSU) and Media monitoring unit (MMU).

Other facilities included: a Media center, a Political Parties lounge from where political party chief agents verified results as they were received, Commission's administrative offices, boardrooms, makeshift studios, the election security The head of the National Tallying Center was the Chairperson of the Commission who was gazetted as the for the Presidential Election Returning Officer.

The presidential election Returning Officer at the NTC performed the following;

i) Assigned duties at the tallying center
ii) Provided a public access Presidential election results transmitted from the polling station
iii) Received Polling station election results declaration forms for the election of the president and for other election electronically transmitted from polling stations
iv) Collated presidential election result from polling stations in Presidential election results collation forms
v) Verified accuracy of collated election results using results from the respective polling stations
vi) Filled election results declaration form (form 34C) for the election of the president of the republic of Kenya
vii) Announced and Declared Presidential Election Results
viii) Delivered election results to the Chief Justice and the incumbent president

The winner of the Presidential election was declared on 15th August 2022 whereof a Gazette Notice was duly prepared and a written notification of the result delivered to the Chief Justice and the incumbent President.

5.21. Challenges and Recommendations for National Tallying Center

SN	Challenges	Recommendations
1	• Tallying centre access controls were overwhelmed making it difficult to single out genuinely accredited persons. Notably, access to the national tallying center was entirely in the hands of the national police service	• Strengthen tallying centre access controls to ensure only persons eligible to be at the tallying centers access the tallying centers
2	• The returning officers could have been received and handled better	• Devise strategy that can improve how ROs are received at the NTC.
3	• The tallying centre manual/guidebook had not provided for operation under crisis	• Revise the tallying center guide/manual to take into consideration operations under crisis
4	• There were serious security breaches at majority of tallying centres which were difficult to prosecute due to lack of verifiable evidence	• IEBC must install and operate CCTV system at tallying centers for the period of the tallying center operation.
5	• The tallying centre election results receiving and accuracy confirmation form is only available at the national tallying.	• The tallying centre election results receiving and accuracy confirmation form should be made available for use at constituency and county tallying.
6	• There lacks capacity building initiatives on election petitions operations for returning officers which hamper effective participation of Returning Officers in responding and providing requisition witness information during hearing.	• There is need for mechanism for capacity building initiatives on election petitions operations for returning officers which hamper effective participation of Returning officers in responding and providing requisition witness information during hearing. • Consider legislating on the Error form for use in petitions

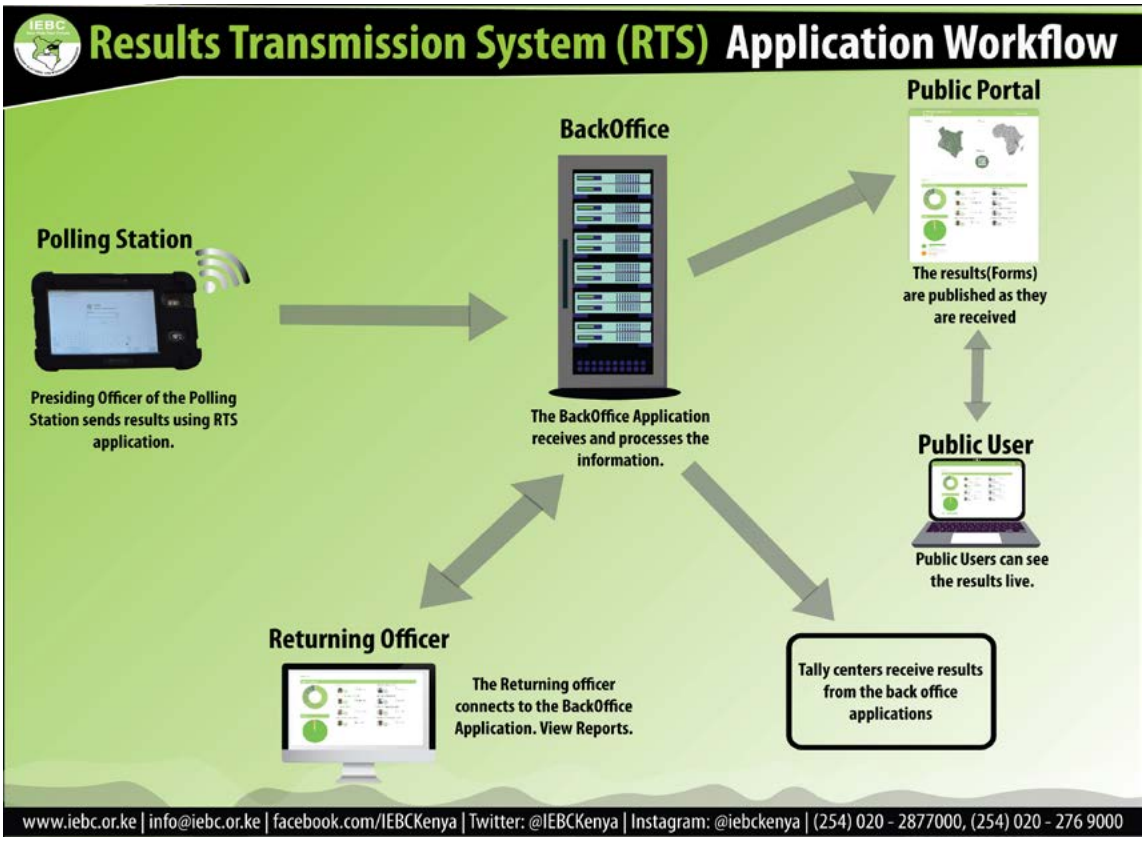


Figure 2: RTS Application Workflow

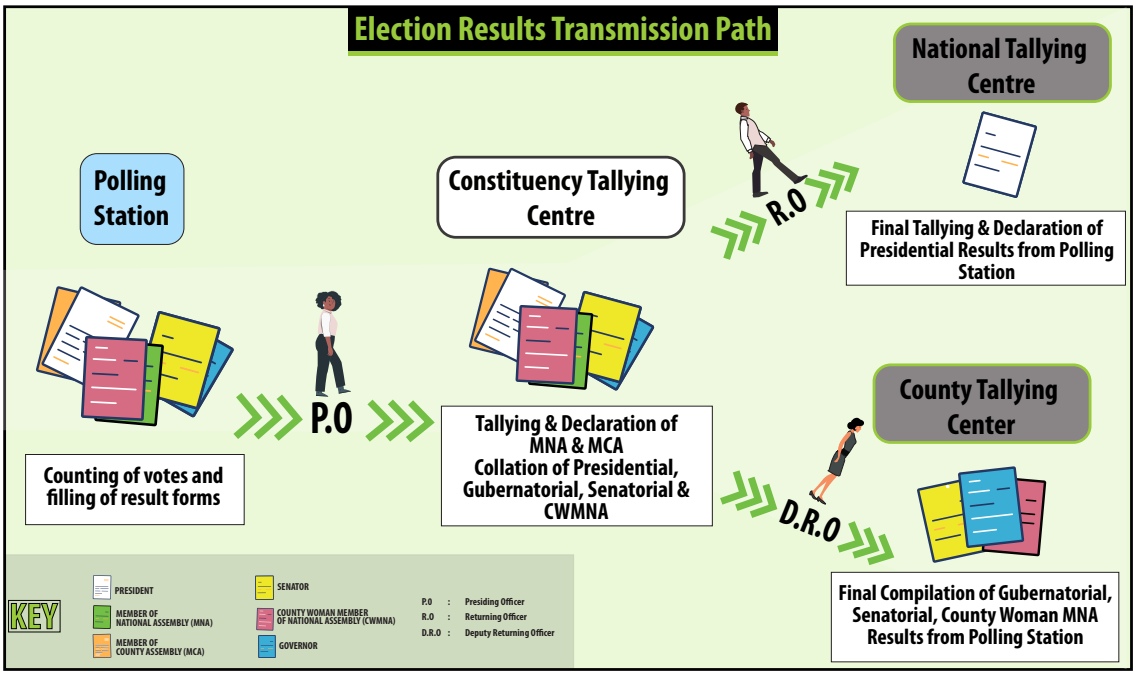


Figure 3: Election Results Forms Path Way



CHAPTER SIX
PLANNING AND RESOURCE MOBILIZATION

AUGUST 9TH 2022 GENERAL ELECTION

POST ELECTION EVALUATION REPORT

CHAPTER SIX
PLANNING AND RESOURCE MOBILIZATION

6.1 Human Resource and Administration

The Human Resource and Administration Directorate is responsible for the acquisition, development and management of the Commission's workforce in the right qualities and quantities, to support the Commission's mandate.

The Commission has a staff establishment of one thousand, one hundred and forty-five (1,145) posts with a staff strength of nine hundred and four (904) as at 30th June 2022. In the period between 2017 and 2022, the Commission filled one hundred and twenty (120) vacancies in line with Commission's Strategic Plan.

6.1.1 Achievements during the Electoral Cycle

a) Review of the Commission's Human Resource Policy and Procedure Manual

The Commission's Human Resource Policies and Procedures Manual was reviewed to incorporate emerging issues in tandem with the dynamism in the human resource and administration function.

b) Review of the Commission's Organization Structure

The Commission in an effort to strengthen its human resource capacity in alignment with its mandate the following was undertaken:

i. New jobs were created, others merged or abolished for enhanced efficiency of operations.
ii. Some posts were upgraded and others expanded to promote staff career advancement.

c) Induction of Commissioners

Following the filling of the four (4) vacancies of Commissioners, a successful Induction Programme was undertaken for on boarding, including training on corporate governance, leadership and team building.

6.1.2 Recruitment of Secretariat Staff

One hundred and thirty-two (132) vacant posts were identified at various levels for competitive filling, of which ninety-nine (99) were filled substantively. To address capacity gaps due to pending vacancies, various acting appointments were undertaken especially in critical functions relating to the 2022 General Elections. The Commission also employed temporary staff on short term contracts to address the shortfalls.

6.1.3 Recruitment of Temporary Election Officials

The Commission embarked on recruitment of temporary staff to manage the election process. The recruitment process was designed to ensure integrity, objectivity, transparency, and professionalism. In preparation for the General Election, the Commission developed a web portal to receive job applications for temporary election officials.

The evaluation of this application method revealed that it eased the process of recruitment and reduced paperwork. Although Information gathered from election officials revealed that, some applicants had trouble in submitting their applications in the web portal due to high traffic. It was also noted that age restriction for applicants locked out skilled personnel.

In the 2022 General Elections, 510,770 poll officials were recruited and deployed compared to 445,471 in 2017, representing 14.7% increase. The table below illustrates the total number of officials recruited per activity. deployment and number of days engaged.

Table 22: Number of temporary election officials recruited/deployed per activity

	Designation	Number	Area
1.	Deputy County Returning Officers	47	County
2.	Deputy Constituency Returning Officers	290	Constituency
3.	Presiding Officers and Deputy Presiding Officers	94,873	Constituency/Polling
4.	Logistics Officers	389	Constituency
5.	Support Electoral Trainers (SETs)	5,827	Constituency/Polling
6.	ICT Clerks	580	Constituency
7.	Polling/Counting/Charging Clerks	325,323	Constituency/Polling
8.	County-Based Voter Educators	47	County
9.	Constituency-Based Voter Educators	290	Constituency
10.	Ward-Based Voter Educators-2 per CAW	2,900	Ward
11.	Security	92,578	Constituency/Polling
	Grand Total	**510,770**	

6.1.4 Challenges and Recommendations

SN	Challenges	Recommendations
1.	Inadequate funding to facilitate capacity building of staff	• The Commission should source for adequate funds for Commission activities including staff training
2.	The wage rate has not been reviewed for a long time to attract committed temporary election officials	• Review of the wages payable to the election officials to make them more competitive
3.	Obsolete office facilities and equipment negatively affecting work environment and productivity e.g. the Commission fleet is over ten (10) years and above resulting in regular breakdown and hence work interruptions	• The Commission to make deliberate efforts to provide adequate office facilities and equipment including replacement of old ones
4.	Lack of qualified temporary poll officials in marginalized areas forcing the Commission to review qualifications in order to accommodate the lower standards which may affect performance and productivity	• Revise employment guidelines in recruitment of election officials with specific reference to the marginalized groups;
5.	Critical posts remain vacant for longer periods affecting performance e.g filling of the CEO and DCS positions.	• The Commission to continuously fill all critical positions to ensure effective delivery of Commissions' operations
6.	Political intimidation and profiling of staff	• The Commission should continuously engage political leadership and the established political parties' structures on the Commission's human resource policy and procedures with regard to staff deployment.
7.	Lack of insurance for the temporary election officials especially during election period	• Formulate policy on staff security during election and consider all ROs, DROs and senior management. • Budget and provide adequate security to members of staff during election period.
8.	Lack of adequate security to staff during the general election.	• Allocation of funds to the Commission for the construction of offices and warehouses
9.	Inadequate county and constituency warehouse facilities for storage of key election materials	• The Commission should engage the SRC and the parliament to provide risk allowance to all Commission staff during the election period
11.	Transfer of all Returning and deputy returning officers close to the general election.	• The Commission to enforce the approved human resource policies, procedures and standards, which guide the human resource management without interference from outside. This will include recruitment and transfer policies

6.2 Financial Resource Mobilization & Utilization

The Commission draws its funding from the consolidated fund administered by the National Treasury. The National Treasury Issues Guidelines for the preparation of the MTEF Budget Preparation cycle based on a three-year rolling budget. In 2019, the Commission commenced the preparation of the 2022 General Elections budget and costings associated to the same as informed by the activities of the 2020-2024 Strategic Plan and the Election Operation Plan (EOP).

Further, the Commission also receives additional support from the international donor community under direct implementation method and Appropriation in Aid from internal sources. The 2022 General Election financing was covered across two financial years i.e., 2020/2021 and 2021/2022.

During the 2022 General Election period, the Commission was allocated Kshs. 35,905 million for the 2022 General Election compared to Kshs. 33,231 million for 2017 General Elections. Table 23 illustrates the budget requirement visa vie the allocation and expenditure for the 2022 General Elections.

Table 23: Budgetary Allocation and performance for the 2022 General Elections:

Financial Year	General Election Budgetary Requirement (Kshs)	General Election Budget Allocated (Kshs)	General Election Expenditure (Kshs)	Unutilized Budget (Kshs)
2021/2022	22,022,053,418	18,640,799,999	15,157,766,806	3,483,033,193
2022/2023	18,895,535,675	17,265,163,438	14,859,142,966*	2,406,020,472
Total	**40,917,589,093**	**35,905,963,437**	**34,541,701,548**	**5,889,053,665**
*** The expenditure for 2022/2023FY was not conclusive as service providers dues had not been settled.**				

The unutilized budget of Kshs.3.48 billion during the 2021/2022 financial year is attributed to two main factors;

1. The Commission's target of 26.8 million voters translating to 53,300 polling stations was not realised. A total of 22.12 million voters were registered resulting to 46,229 polling stations. The resultant number of polling stations becomes key cost driver that influences the quantity of election materials, human resources, and services to be procured and /deployed while conducting the general election.

2. Competitive procurement of election related goods and services and change in strategy and policy directive during registration and verification. In addition, the Commission faced many procurement-related litigations leading to a spill over of activities to the next/following financial year.

6.2.1 Election Cost Drivers

The cost of elections is determined by the following variables;

a) Number of Registered Voters

Figure 4 illustrates the trend of registered voters from 2002 to 2022. The increase in the number of registered voters increases the cost of elections.

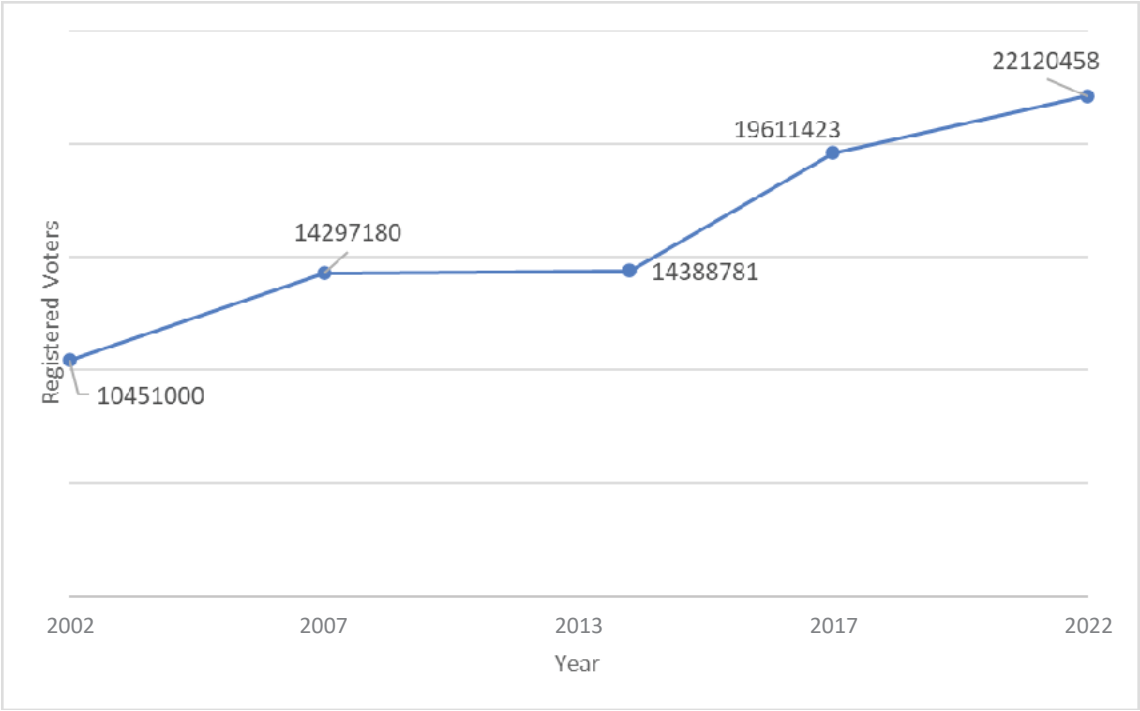


Figure 4: Number of Registered voters

The capping of the number of registered voters per polling station to a maximum of 700 is a key factor that determines the number of Polling Stations. The higher the number of polling stations, the higher the cost of the elections. Table 24 shows the number of voters per polling station.

Table 24: Number of voters per polling station

Year	Reg. voters	Polling stations	Maximum no. of voters per polling station
2002	10,451,000	18,366	570
2007	14,296,180	27,555	570
2010	12,616,627	27,689	570
2013	14,388,781	32,032	900
2017	19,611,423	40,883	700
2022	22,120,458	46,229	700

b) Polling Stations

Each polling station requires a Presiding Officer (PO), Deputy Presiding Officer (DPO), six clerks, queuing clerks for multiple polling stations in a registration center and two armed security officers.

Further, each polling station is provided with a vehicle and boats where appropriate. The Commission hires additional facilities such as tents, chairs, storage facilities and charging points on need basis.

c) Cost of Election Technology

In the 2022 GE, the Commission deployed technology to enhance integrity, efficiency and transparency of election process. The technologies used included Kenya Integrated Election Management System (KIEMS), Biometric Voter Registration (BVR) system, Electronic Voter Identification System, Results Transmission System and Candidate Registration Management System. The technologies were capital intensive.

d) Electoral Security

Historically, Kenya's elections are competitive and have the potential of perpetuating conflict and electoral related violence. Based on this understanding, the Commission conducted assessment, developed role cards and manuals as well as security training for the 2022 GE. Similarly, the Commission deploys two security officers per polling station across the country.

e) Litigation and Petitions

The Commission faces various legal suits before, during and after an election resulting in legal costs of representation by advocates.

It is worth mentioning that the Commission has no control on individuals exercising their rights on the rule of law. These costs continue to increase as the Commission is continuously sued for various reasons.

f) Cost of Ballot Papers

The ballot papers used in Kenya have several security features. This is meant to enhance security and integrity of the ballot paper. These features contributed to the high cost of ballot papers in the 2022 General Elections.

g) Other Cost Drivers

Other cost drivers include: use of satellite technology for results transmission; high training cost of temporary poll officials; meals for election officials; Tallying Center management; transport and logistics.

6.2.2 Achievements in Resource Mobilization and Utilization

During the 2022 General Elections the Commission achieved the following;

i) Successfully prepared, mobilized resources, and executed the 2022 election budget that comprehensively covered pre-Election and Election activities through consultative process involving all the stakeholders.
ii) Collected AIA KShs.143 million from candidate registration fees, sale of voter register copies, electoral maps and disposal of boarded items.
iii) Disbursed general election funds to 47 county electoral units that played a role in ensuring timely execution and procurement of electoral goods and services.
iv) Timely processed of the settlement of election expenditure and disbursement of AIEs to the forty-seven (47) field stations. that played a role in ensuring timely execution and procurement of electoral goods and services.
v) Fulfilled the Commission's contractual obligations for both local and international service providers and poll officials in a timely manner.
vi) The Commission complied with the PFMA, Tax laws and regulations as required by the relevant legislation.
vii) The Commission received one hundred and ten (110) all-in-one Hewlett Packard computer donations from International Foundation for Electoral Systems (IFES) valued at Kshs. 14,685,727.76 (USD 129,800.00).
viii) The UNDP and other donors also sponsored various training, dispute resolution workshops, logistical support, and voter sensitization programmes during the election cycle period under the direct implementation method.

6.2.3 Challenges and Recommendations

SN	Challenges	Recommendations
1	Pending bills accreued during election cycle has increased the cost of goods and services since the suppliers factor in the cost of financing because of delayed payments.	Avail additional budget allocation for Pending Bills.
2	Delays in Exchequer releases by the National Treasury.	Collaborate with National Treasury to ensure timely Exchequer release.
3	Unplanned and unpredictable budget cuts within the election cycles affecting Commission's contractual obligations.	Engage with National Treasury on the impact budget cuts on Elections.
4	Gaps in the GE budget existing after MTEF process because of unforeseen price variation resulting from external factors such as Covid-19 pandemic, Russia -Ukraine War and Global Fuel Crisis.	Engage with National Treasury for Supplementary budget allocation. Engage donors to bridge the deficits.

SN	Challenges	Recommendations
5	Ban on donor funds by the government	The Commission through the National Treasury should be allowed to engage Donors to assist fill the gaps to fund Election activities. This will widen the resource base and assist the Commission to diversify and expand its source of funds.
6	Non-operationalization of the IEBC Fund	Operationalization of the IEBC Fund will aid in the planning and timely execution of operations and projects, and further eliminate previous challenges of delayed disbursements or budget cuts.

6.3 Supply Chain Management

The Commission aspired procurement of General election materials that complies with the best Supply Chain Management Practice towards achieving; The right Quality, Right Quantity, right time, right source, and at the right price as guided by Article 227 and other relevant Articles of the Constitution of Kenya 2010, the Public Procurement and Asset Disposal Act 2015, the Public Procurement and Asset Disposal Regulations 2020 and other relevant policies in procurement of materials and equipment for the 2022 general elections.

Procurement of election material requires intense preparation, and this entails going through a complete cycle of a procurement process in line with Public Procurement and Asset Disposal Act 2015.

6.3.1 Achievements

i. Received an award for being the best 1st runner up category under public procurement project of the year award 2022 by the Kenya Institute of Supplies Management.

ii. Multi Year Election Procurement Plan. Developed a Multi-Year Consolidated Procurement Plan for all the items required for the General election pursuant to Section 53(7) of the Public Procurement and Asset Disposal Act 2015 based on the budget approved by the National Treasury. The procurement plan covered 2019/2020, 2020/2021 and 2021/2022 financial years which were implemented accordingly.

iii. Disposal of Obsolete and Unserviceable Items Carried out disposal of obsolete and unserviceable items by way of Public Auction to create space for the general election materials. As a result of the auction, the Commission realized an appropriation in aid from assorted items.

iv. Annual Stock Taking Undertook its annual stock taking exercise both at the National and warehouses to confirm the stock levels of the materials required for the general elections and their usability. This exercise informed the Commission on material deficits and quantities of items to be procured.

v. Distributed General Election Material from the National Warehouse to the County and Constituency offices.

vi. The Commission adopted a three (3) year framework contract to procure General Election The benefits drawn are; Reduce procurement time, lowering prices, Reducing the risk of not having goods and reduce repetitive work (reduce effort) among others.

6.3.2 Challenges and Recommendations

The following challenges and recommendations were noted during the evaluation;

SN	Challenges	Recommendations
1	Procurement are planned in financial quarters, and delays results for funds withdrawal in subsequent supplementary budgets by the National Treasury.	Engage with National Treasury on the impact budget cuts on Elections
2	Litigations related to Tenders/ Procurement processes delay election timelines.	Identify and source election materials and services in good time.
3	Disposed items not being collected by the successful bidders leading to unnecessary storage costs.	- Disposed items to be collected almost immediately. - Recommend review of PPADA 2015
4	Price Variations during the election cycle yet the market had changed due to external factors such as Covid-19 pandemic, Russia -Ukraine War and Global Fuel Crisis.	Engage with National Treasury for Supplementary budget allocation.
5	Delay delivery of items resulting in delayed inspection and distribution	Procure early and on time.



CHAPTER SEVEN
PUBLIC OUTREACH

AUGUST 9TH
2022
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POST ELECTION EVALUATION REPORT

CHAPTER SEVEN
PUBLIC OUTREACH

The Commission undertook public outreach to educate and inform members of the public on electoral process to connect, inform and get feedback. This was done through designing, developing, and disseminating voter information that enhanced public participation in the electoral process. The Commission also engaged partners and stakeholders for buy in, funding, participation, and collaboration. Public Outreach entails: Voter Education, Partnerships, Stakeholder Engagements, Communication and Corporate Affairs.

7.1 Voter Education

The importance of voter education is to equip voters with the requisite information, knowledge, skills and attitudes to enable them to make informed choices on various electoral processes. The evaluation found out that the Commission conducted successful voter education programs that resulted in a peaceful election, low number of rejected ballots and an informed electorate.

7.1.1 Achievements

The evaluation observed that the Commission achieved the following:

i) Standard Operating Procedures (SOP)

The voter education Standard Operating Procedures (SOP) of 2021 were developed to guide effective conduct of voter education programs.

ii) Conduct of voter education through mass media

The Commission mapped and engaged national, local, community TV, radio and print media platforms for voter education across the country and in diaspora. This enhanced effective engagement of actors in the media industry which ensured desired dissemination of voter education messages.

iii) Voter education for Special Interest Groups (SIGs)

The Commission conducted robust voter education and information to SIGs to enhance their participation in all electoral processes through advocacy forums in the counties, customized audio-visual clips, engagement of sign language interpreters in all forums, Signs TV, training of sign language interpreters and deployment of Assist ALL mobile APP to reach out to persons with hearing impairment.

iv) Capacity building for voter education champions

The Commission identified and trained 47 voter education champions who spearheaded development of voter education messages and implementation of voter education strategies in the counties.

v) Development and review of voter education materials

The evaluation revealed that the Commission reviewed Voter information materials that included fliers, stickers, posters and booklets (FAQs and braille materials). Moreover, the Commission digitized and shared most Information Election and Communication (IEC) materials to enhance voter's experience by animating: the voter registration, inspection of register of voters, voting process and results management processes.

vi) Diaspora voter education

The Commission conducted voter education in Uganda, Tanzania, Rwanda, Burundi, South Sudan, South Africa, United Arab Emirates, Qatar, German, USA, United Kingdom and Canada. This was done during the registration of voters, biometric verification of the register of voters and the election period.

The voter education interventions deployed included development and dissemination of IEC materials, use of traditional and new media, stakeholder information sharing forums (virtual and physical) with Diaspora Associations. Voter education information was also shared with respective Embassies, Consulates and Mission for dissemination through their social media platforms, websites and group emails.

vii) Accreditation and Training of Voter Education Providers

The Commission accredited qualified national and local organizations to conduct voter education on its behalf. The accredited organizations had to sign a Code of Conduct for voter educators and were issued with voter education support materials to guide their engagements. The evaluation established that the Commission accredited and trained 111 voter education providers.

viii) Other Strategies Deployed in Voter Education Initiative

a) Use of influencers and opinion leaders to disseminate voter education
b) Use of caravans to reach out to Kenyans at the grassroots
c) Use of bulk SMS during voter verification and voting.

7.1.2 Challenges and Recommendations

Subject	Challenges	Recommendations
Voter Education	Insufficient budgetary allocation hampering the conduct of voter education throughout the electoral cycle	Adequate budget allocation for Voter education throughout the electoral cycle.
	Late disbursement of funds	Timely disbursement of funds to support voter education programs.
	Inadequate training of Voter Education Providers	Continuous conduct of voter education around the electoral cycle
	Weak mechanism to measure the performance of ward-based VE	Develop an online and real-time monitoring and evaluation tool for Ward-based voter education
	Lack of voter education during conduct of elections to external bodies (professional bodies, religious groups, schools etc)	Allocate adequate resources to enable the Commission to carry out voter education
	Difficulty in provision of voter education in vast Wards in some Counties	Increase the number of Ward-voter educators
	Limited time for Diaspora voter education	Secondment of IEBC staff to Kenyan foreign missions to conduct continuous voter education and stakeholder engagements. Provide a Learning Management System (LMS) with voter education materials.
	Voter apathy	Continuous voter education and stakeholder engagements throughout the electoral cycle.
	Low capacity for support staff to conduct voter education	Capacity building for Commission staff on voter education
	Inadequate involvement of the youth in the electoral process	Targeted voter education for the youth
	Lack of a comprehensive legal framework on voter education	Develop a comprehensive legal framework to cover various aspects of voter education

7.2 Partnerships and Stakeholder Engagement

The evaluation found that the Commission undertook various activities including mapping of key stakeholders and partners, developed a mechanism for partnerships and stakeholder engagement, developed gender and social inclusion policy, automated accreditation process, held national and stakeholder engagement fora and signed MoUs with partners and stakeholders among others.

The evaluation observed that the Commission achieved the following:

7.2.1 Mapping of Key stakeholders and partners

The Commission developed stakeholder mapping tool and disseminated the same to the counties and constituencies to aid in the mapping exercise. The stakeholders and partners were mapped as per their areas of interest and contribution towards attainment of the Commission mandate, at the national and constituency levels.

7.2.2 Mechanism for Partnerships and Stakeholder Engagement

The Commission engaged three broad categories of partners: Development partners, State Actors and Non-State Actors. The evaluation revealed that at the national and county levels, the Commission established Inter-agency committees to support thematic electoral activities including Information Communication and Technology (ICT), Special Interest Groups (SIGs), donors, electoral security (ESAP), media, the National Multi-Sectoral Consultative Forum (NMSCF) and the Technical Working Committee (TWC) on Election Preparedness. In addition to funding from the National Treasury, the election technical assistance providers, including donor groups, supported Commission activities financially, technically, and operationally to deliver on its mandate.

Further, the Commission engaged SIGs through the establishment of Youth Coordinating Committee (YCC), Women Coordinating Committee (WCC) and Disability Inclusion Coordinating Committee (DICC). The establishment of these committees, impacted positively on participation of SIGs in all electoral process.

7.2.3 Gender and Social Inclusion Policy

The Commission developed and implemented the tenets envisaged in the gender and social inclusion policy by ensuring inclusion of SIGs in all electoral processes.

The evaluation revealed that in 2022 there was an increase of SIGs in the participation as candidates compared to 2017 General election as highlighted in the Table 25.

Table 25: Registered Candidates

SN	Elective position	2017			2022		
		Men	Women	Youth	Men	Women	Youth
1)	President	8	0	0	4	0	0
2)	Deputy President	7	1	2	1	3	0
3)	Governor	202	9	7	243	22	8
4)	Senator	236	20	35	292	47	62
5)	CWMNA	0	298	35	0	360	63
6)	MNA	1761	131	260	1899	234	338
7)	MCA	10,957	900	3,091	11,638	1,292	3,879

Additionally, the evaluation revealed that in 2022 there was an increase of elected SIGs as compared to 2017 General election as highlighted in the Table 26:

Table 26: Elected persons

SN	Elective position	2017			2022		
		Men	Women	Youth	Men	Women	Youth
1)	President	1	0	0	1	0	0
2)	Deputy President	1	0	0	1	0	0
3)	Governor	44	3	1	40	7	1
4)	Senator	44	3	6	44	3	4
5)	CWMNA	0	47	3	0	47	5
6)	MNA	267	23	17	260	30	8
7)	MCA	1,334	96	287	1,336	114	317

7.2.4 Partner and Stakeholder Engagement and Participation

The evaluation established that the Commission conducted stakeholder forums at national, county and constituency levels to share information and seek areas of collaboration in the electoral processes.

The participants for these forums were drawn from Civil Society Organizations (CSOs), Community Based Organizations (CBOs), Faith Based Organizations (FBOs), Disabled Persons Organizations (DPOs), Youth, Women, Election observers, Universities and Colleges Students associations, and various government agencies.

7.2.5 Automation of the Accreditation Process

The Commission automated the accreditation process by developing an inhouse Accreditation Management System (AMS). The evaluation established that there was an increase in the number of accredited Voter Education Providers, election observer

groups and media as shown in Table 27. It was established that system further enhanced transparency and efficiency through quick authentication, registration and printing of certificates for successful VEPs and badges for media and observers. The AMS has since been lauded for its ease of access and reduction of logistical cost.

Table 27: Accreditations Processed

SN	Area of accreditation	2017	2022	Remarks/ Percentage increase
1	Voter education providers (organisations)	52	111	113%
2	Observers/Monitors	58,000	120,731	108%
3	Media	4,000	5,978	49%

7.2.6 Stakeholder Engagement Forums

The Commission held 1,023 stakeholder information sharing forums with various state and non-state actors at the national, county and constituency levels, key among them the National Election Conference (NEC).

The evaluation revealed that the National Election Conference (NEC) was hosted at Kenyatta International Convention Centre (KICC) in July, 2022 whose objective was to 'Move Kenya Towards a Stronger Democracy'. The Conference attracted over 700 local and international participants and it offered a platform for Kenyans and key electoral stakeholders to reflect on their roles in the broad spectrum of the Country's preparedness for the General Election. The Commission also held a pre-conference forum on Role of Media and Opinion Polls in Shaping the Electoral Process which attracted over 200 participants.

7.2.7 MoUs with partners and stakeholders

The Commission entered into 20 MoUs and partnership agreements with State and Non-State actors to support electoral activities.

7.2.8 Election Observation

The Commission accredits international and local observers to lend credibility to electoral processes. The Commission completed the review of the Election Observation Code of Conduct, the Election Observer Management system, developed guidelines for accreditation of State-Actors as election monitors, SOPs for election observation management and established an accreditation centre for observers for the General Election. The Commission also conducted observer sensitization and briefings before their deployment to the field to observe the General Election.

7.2.9 Challenges and Recommendations

Subject	Challenges	Recommendations
1. Mapping of Key stakeholders and partners	Budgetary constraints inhibiting continuous stakeholders mapping	Strengthen resource mobilization initiatives to fill budget deficits
2. Mechanism for Partnerships and Stakeholder Engagement	Budgetary constraints inhibiting continuous stakeholders' engagements	Strengthen resource mobilization initiatives to fill budget deficits
	Heightened stakeholders need during the election year	Continuous stakeholder engagements
3. Gender and Social Inclusion Policy	Limited awareness among staff on implementation of gender and social inclusion policy	Build capacity of staff on gender and social inclusion policy
	Budgetary constraints to support continuous engagement of target groups	Mobilize additional resources for engagement and participation initiatives of target groups
4. Participation of Partners and Stakeholders	Weak linkages with stakeholders and partners at the County and Constituency levels	Have continuous programmes to strengthen stakeholder engagement at the grassroot levels
	Engagements of stakeholders is activity based and not throughout the electoral cycle.	Continuous engagement of stakeholders and partners throughout the electoral cycle.
	Budgetary constraints	Increase funding to support stakeholder engagement throughout the electoral cycle.
5. Automation of the Accreditation Process	Late applications for accreditation, which led to pile up in production of access badges	Strict adherence to timelines.
	Low uptake of the AMS among stakeholders.	Enhance awareness of the AMS among users through development of a user manual, provision of language translation and development of a PWD friendly user interface

Subject	Challenges	Recommendations
	Unreliable internet connectivity hindering access to AMS in some areas	Create awareness on the requirements of the AMS.
	Non-adherence to the code of conduct by some stakeholders.	Strengthen the accreditation system to enable field staff to recommend organizations before they are accredited.
6. Stakeholder Engagement Forums	Crowded Commission calendar in the election year	Hold the NEC annually and on rotational basis across counties Centralised Commission Calendar of events
	Inadequate funding	Provision of adequate funding throughout the electoral cycle
7. MoUs with partners and stakeholders	Lengthy process of drafting and signing of MOUs	Inclusive committee encompassing relevant directorates to fast-track drafting and signing of MOUs
8. Election Observation	Some local observers reneged on their oath of secrecy for impartiality	Develop a standardized training module for the observers and poll officials on the role of election observation. Provide a Learning Management System (LMS) for election observers.
	Uncoordinated and impromptu visits from observers to IEBC offices.	Observers to share their visit schedule in advance

7.3 Strategic Communication

The Commission has strengthened its communication and public outreach through a public communication strategy that provides concise, continuous, comprehensive and clear information on IEBC decisions, plans, electoral processes and operations.

The evaluation established that the Commission operationalized a robust communication strategy which achieved the following:

7.3.1 Media Engagements

The Commission collaborated with the media, in the delivery of its mandate by holding several consultative meetings with Kenya Media Sector Working Group (KMSWG) to discuss areas of possible collaboration and support towards the electoral processes leading to and after the General Election. In particular the Commission achieved the following:

a) MOU with the Kenya Media Sector Working Group (KMSWG)

The Commission signed an MOU with the KMSWG in 4th March 2022, which focused: i) Capacity building and sensitization of journalists on electoral laws, processes, procedures and technology; ii) Establishment of a media centre to share information during the General Election; iii) Provision of electoral information; and iv) Any other areas of cooperation mutually agreed.

In addition, the Commission signed protocol guidelines with KMSWG on the role of media in the electoral process, result management and transmission on 19th July 2022. The guidelines aimed at enhancing transparency and media participation in the election result management and transmission process.

b) Capacity building and sensitization of journalists

The Commission and KMSWG held a Training of Trainers (ToTs) workshop to equip media personnel with information on electoral processes. Thirty-three (33) ToTs were trained at the national level. The training focused on electoral laws, processes, procedures, technology and media guidelines.

The training was then cascaded to the 8 regions including Nairobi, Nakuru, Eldoret, Kisumu, Nyeri, Meru, Garissa and Mombasa drawing journalists from across the country. A total of 355 journalists were trained at the regional level.

c) Establishment of a media centre

The Commission established a media centre to ensure fast and free flow of electoral information and dissemination to enable IEBC tell its own story, while at the same time ensure the media retains its editorial independence. The media centre was located at the National Tallying Centre, which served as a working station for both local and international journalists to file their reports in real time during the electioneering period.

The capacity of the media centre was expanded to accommodate more journalists as well as being used by the Commission to conduct press briefings. Furthermore, the Commission provided a live video/audio link from the main auditorium terminating at the media centre, which carried a live signal of the proceedings at the NTC for the media houses.

d) Provision of electoral information

The Commission availed information on electoral processes through press briefings, press releases, media interviews, social media updates, and opinion editorials. In addition, the Commission in collaboration with the KMSWG, held a joint media interview in Bomas of Kenya with the Chairman and CS/CEO on the 2022 General Election Preparedness.

7.3.2 Media Campaigns

The evaluation observed that the Commission undertook media campaigns on enhanced voter registration, voter verification/ inspection of Register of Voters, National Election Conference, voting process and peace across the national tv stations, and national and local radio stations, newspapers, digital and social media.

7.3.3 Media Accreditation

The Commission signed an MOU with the Media Council of Kenya (MCK) to enhance vetting of journalists intending to cover activities on the electoral processes. From the evaluation, it was established that the Commission accredited 5,978 journalists from 266 local and international media stations. The journalists had access to the polling stations and tallying centres.

7.3.4 New media

The evaluation established that the Commission's website was updated regularly in a timely manner with all events and various publications, to keep the public updated for enhanced public trust and participation.

On the Social media front, the Commission stepped up its engagements, which ensured timely dissemination of election information to media and public, and mitigated the spread of misinformation and disinformation. The Commission's social media platforms (Facebook, Twitter, YouTube and Instagram) grew as shown in figure 5:

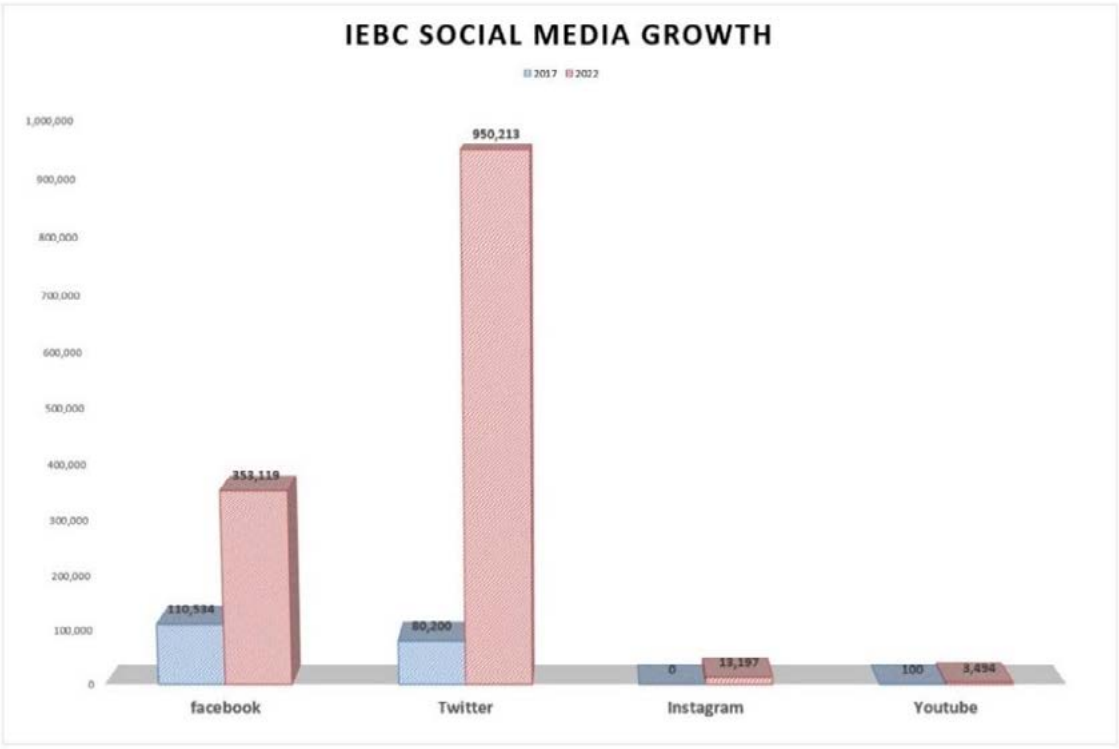


Figure 5: IEBC Social Media Growth

In addition, the Commission signed an MoU with Meta to help in dealing with misinformation and disinformation during the electioneering period.

The following was achieved:

a) Training on security and maximizing on social media engagements.

b) Developed and launched the WhatsApp Bot through which the public was able to get quick information on the General Election. The WhatsApp Bot attracted 10,648 total users; 70,909 total messages and 32,152 coach responses.

7.3.5 The Ballot Newsletter

The evaluation established that the Commission produces a quarterly corporate newsletter to inform staff and stakeholders on processes, programs and its activities. It also provides a platform for sharing of success stories, experiences and soft news.

7.3.6 Bulk SMS

The Commission used branded bulk SMS system for both internal and external notices. The system is effectively used in convening meetings, interviews, calling for press conferences and stakeholder invitations to targeted recipients. In addition, the Commission sent out voice bulk message urging Kenyans to vote on 9th August, 2022 General Election to 2,000 registered voters per county assembly ward. From the evaluation the Commission was lauded for use of text and voice bulk SMS.

7.3.7 Challenges and Recommendations

Subject	Challenges	Recommendations
Media Engagements	Uncoordinated solicitation of media interviews and information sourcing.	Sourcing of information from the Commission should be channelled through existing Communication structures
	Inadequate training of media on the electoral process.	Continuous training and capacity building for media on electoral processes
	Interruption by media during results announcements at the tallying centres.	Review media guidelines on election results management
	Disjointed reporting of results by media houses.	Encourage media to have a joint tallying of results

Subject	Challenges	Recommendations
	Biased reporting of electoral information and the Commission by some media houses.	Establish a dedicated customer care line during all Commission activities Establish an editorial team to draft, repackage and translate electoral processes and information.
Media Campaigns	Budgetary constraints	Adequate funding throughout the electoral cycle
Media Accreditation	Late application by journalists	Strict adherence to application and accreditation deadlines
	Decentralization of accreditation process for access to the NTC by journalists	Centralize accreditation for access to polling station, national, and constituency tallying canters
New media	Creation of pseudo accounts and cyber bullying (profiling) leading to difficulty in stemming misinformation and disinformation.	Capacity building and continuous engagement with Social Media Platforms. Timely sharing of accurate electoral information and reports. Constant engagement of social media influencers and talking heads to counter misinformation and disinformation. Deploy staff dedicated to social media monitoring and engagement.
The Ballot Newsletter	Low response in sourcing of stories from internal and external stakeholders	Redesign and expand the scope of the newsletter to make it more appealing Call for articles from stakeholders to make it more robust Produce special edition of high-quality paper, for giveaways
	High cost of production	Complement the physical paper with an E-paper edition Adequate budgetary allocation
Bulk SMS	Inadequate funding	Increase funding for bulk SMS and devolve it to 47 counties
	Some recipients are yet to enable phones to receive bulk promotional SMS	Sensitize the users on the effects of opting out

7.4 Commission's Corporate Affairs

The Commission endeavoured to improve the brand visibility and strengthen existing relationships through branding elements, corporate events and exhibitions, and Corporate Social Responsibility (CSR) activities.

The evaluation established that the Commission strengthened customer service management, developed guidelines on conduct of corporate events, produced and disseminated corporate branding elements and reviewed the corporate signature tune.

Achievements

The evaluation observed that the Commission achieved the following:

7.4.1 National Election Communication Centre

The NECC was located at the NTC and supported the elections in all the 47 counties and the 290 constituencies, which provided periodic reports on the progress on pre-polling, polling day and post-polling activities. The NECC facilitated in real time flow of electoral information across the country and generation of reports on the progress of the General Election.

The NECC had the following units: Operation Support Unit (OSU), Public Support Unit (PSU) and the Media Monitoring Unit (MMU). Figure 6 shows the NECC workflow.

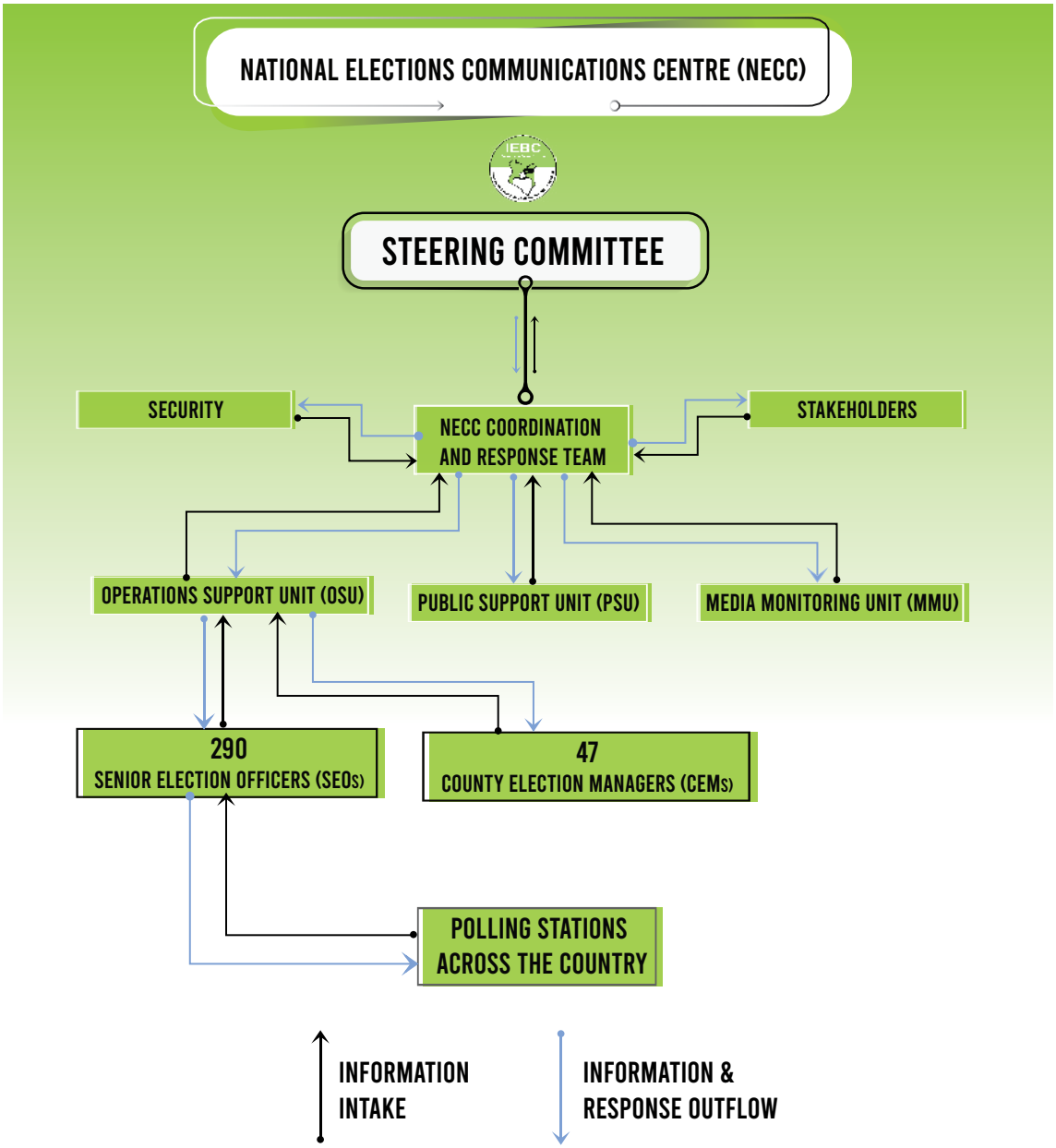


Figure 6: The National Elections Communication Center

The evaluation established that compared to 2017, the NECC was housed in a more spacious facility, which provided for a one stop office that had call centre area and other social amenities.

7.4.2 Corporate Events and Branding

The evaluation established that the Commission held a number of events and launches, and ensured brand visibility in all activities including conferences, by-elections, trainings, corporate launches and workshops. Branding was done through production and use of

various promotional materials, which included: banners, brochures, information kits, drapings and posters among others to promote a consistent, cohesive and solid brand.

7.4.3 Exhibitions

The evaluation revealed that the Commission participated in several trade fairs, exhibitions, cultural events, Devolution Conference and the Constitution Commissions and Independent Offices (CCIO) conferences for increased brand visibility. The exhibitions provided a platform for the Commission to engage with the public and share electoral information and programs besides responding to emerging queries.

7.4.4 Uchaguzi Weekly E-Bulletin

The evaluation established that the Commission published 52 weekly online e-bulletin, which covered its events and happenings. The bulletin helped staff to connect with each other and build internal relations.

7.4.5 Promoting Elections Free from Violence and Intimidation

The Commission made an effort to promote peaceful elections through lighting of the peace torch and signing of peace pledges with Presidential candidates to ensure elections are free from violence, intimidation, improper influence or corruption before, during and post–election period.

7.4.6 Challenges and Recommendations

Subject	Challenges	Recommendations
National Election Call Centre	Limited deployment of staff to deal with overwhelming number of inquiries before, during and after polling day.	Employ and deploy more staff at the NECC. Incorporate relevant experts to respond to queries on specialized areas such as security.
	Limited duration for training of call center agents.	Elaborate training of call center agents
Corporate events and Branding	Lack of signage for headquarters, and in some offices and constituency offices	Provide signage to IEBC Headquarters and field offices
	Insufficient roller banners at the offices	Produce backdrop banners for all counties and constituency offices to enhance brand visibility
	Insufficient supply of corporate elements (branded shirts, blouses, pens, caps)	Increase budget allocation for production of corporate elements

Subject	Challenges	Recommendations
Exhibitions	Covid-19 pandemic barred in-person engagements	Adhere to pandemic management protocol during public gatherings
	Limited funding for exhibitions	Engage development partners to support unfunded exhibitions
Uchaguzi Weekly E-Bulletin	Low response in sourcing of stories from internal and external stakeholders	Complement the physical paper with an E-paper edition Call for articles from external stakeholders
	High Cost of production	Adequate budgetary allocation



CHAPTER EIGHT

INFORMATION COMMUNICATION AND TECHNOLOGY

AUGUST 9TH 2022 GENERAL ELECTION

POST ELECTION EVALUATION REPORT

CHAPTER EIGHT

INFORMATION COMMUNICATION AND TECHNOLOGY

The Commission has continued to integrate the use of technology in its processes as part of its strategy towards efficient service delivery. To this end, the Commission has enhanced capacity in managing the existing technology and infrastructure, integrated ICTs in the electoral process and improved its ICT security and compliance.

The IEBC strategic plan 2020-2024 identified three (3) strategic objectives under the key result area on strengthening strategic operation. These objectives fall under the focus area on Electoral Systems and Infrastructure sustainability. These objectives are as follows;

i. To Manage Existing Election Technology.
ii. To integrate ICT in the electoral process.
iii. To enhance ICT security and compliance.

The Commission deployed various strategies for implementation of the ICT component of the Elections Operations Plan. The technologies deployed included Biometric Voter Registration (BVR), Kenya Integrated Electoral Management Systems (KIEMS), Candidate Registration Management System (CRMS) and Results Transmission System (RTS). To achieve these strategic objectives, the Commission formed a KIEMS implementation project team that supervised and managed the different sub teams in preparation for the General Election.

The evaluation observed that there were achievements made in ICT, lessons learnt and has made recommendations to improve on the use of technology in the electoral processes.

8.1 Elections Technologies Deployed

The Commission managed, integrated and enhanced ICT security in the following election technologies in the electoral and operational processes.

8.1.1 Biometric Voter Registration System (BVR)

BVR system was applied for enrolling voters by capturing biographic and biometric data of an eligible Kenyan Citizens who applied for registration as voters. The technology was also applied in the updating of the ROV.

The technology has been in use since 2012. A total of 7,756 BVR kits were deployed as illustrated in Table 28.

Table 28: Distribution of registration kits

No.	Location	No of Kits
1	CAWS	4350
2	Huduma Centres	52
3	Institutions of higher learning	128
4	Diaspora	18
5	Backup	2,918
	Total Kits Deployed	**7,756**

Achievements

i. The evaluation established that there was an increased outreach to eligible voters by introducing voter registration in Huduma centres and institutions of higher learning.

ii. It was established that the data captured at the registration centers using the BVR kits was seamlessly processed through matching to eliminate multiple records and integrated to the back end to ensure efficient production of the electronic Register of Voters.

iii. The BVRs enrolled a total number of 22,120,458 voters since 2012.

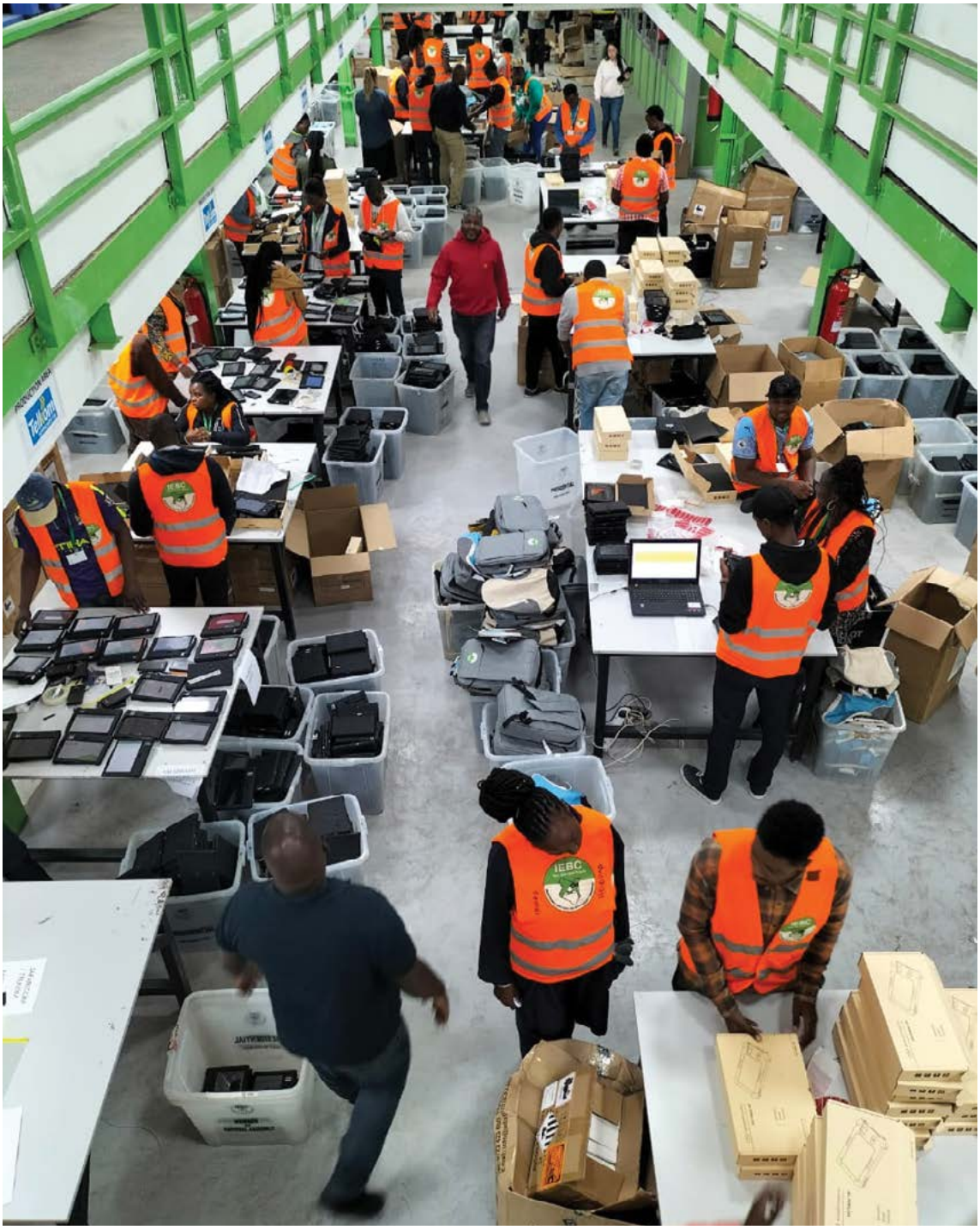
Challenges and Recommendations

	Challenges	Recommendations
1.	Delays in procurement of BVR system back-end hardware components and accessories.	All election technologies should be implemented two years before the general election.
2.	Incidences of breakdown of BVR kits due to obsoleteness of equipment.	Migration from the BVR kits to the KIEMS tablet.
3.	Data entry errors by registration officials during data capture	Modify the voter registration module on KIEMS to capture data directly from the identification documents to populate registration data.
4.	Weak procedures for handling deceased voters in the ROV.	Enhance collaboration with Registrar of Births and Deaths.
5.	Limitation in capturing wasted and poor quality fingerprints of voters.	Capture of alternate biometric features eg iris.

8.1.2 Kenya Integrated Electoral Management System (KIEMS)

The KIEMS technology was first deployed in the 2017 general elections with a total of 45,000 kits. The KIEMS technology is made up of three modules namely, Electronic Voter Verification (EVV), Electronic Voter Identification (EVI) and Results Transmission System (RTS).

In preparation for the general elections an inventory and assessment of existing kits was carried out. 41,100 kits were found to be in good working condition. The Commission therefore procured an additional 14,100 kits to replace the faulty kits and address the extra polling stations that had been established. A total of 55,200 kits were deployed.



Configuration of KIEMS Kits for the 22022 GE

Achievements

i. It was established that the Commission migrated 19.8 million voters' data from the old systems to the new system.
ii. The Commission enhanced the specifications to include other biometric features such as facial recognition and IRIS capture.
iii. The evaluation established that the kits authenticated and securely identified 14,239,862 voters electronically on the General Election Day which translated to about 99.5% attainment rate.
iv. 8,291,128 voters were electronically verified during the verification and inspection of the Register of Voters.
v. The RTS successfully transmitted all the 46,229 presidential results forms from the polling stations translating to a 100% attainment rate.
vi. It was established that the forms portal received a total of 380,000,000 requests from the public who wanted to access the presidential results forms transmitted from the polling stations.

8.1.3 Challenges and Recommendations

Challenges	Recommendations
Wasted and poor quality fingerprints of the elderly and manual labourers	Capture alternative biometrics of eligible voters during registration.

8.1.4 Candidate Registration Management System (CRMS)

CRMS was used in the registration and nomination of the party sponsored and independent candidates intending to participate in the general elections. The system provided a module for the political parties to upload party data and a module for the Returning Officers to process cleared political candidates.

The system was also used to generate reports in accordance with provisions of the law.

Achievements

i. The CRMS was used to define political party's details
ii. CRMS cleared political parties and independent candidates
iii. The CRMS was used in processing of party lists by the political parties
iv. The CRMS was used for processing of candidate registration data including supporters and proposers
v. CRMS generated ballot proof and ballot poster proofs
vi. The CRMS was used to generate reports for publication of GE candidates
vii. The CRMS was used to export cleared candidates into Results Transmission System where a total number of 16,105 candidates were registered.

Table 29: Candidates cleared in CRMS for the 2022 General Election

Election Type	Party Candidates	Independent Candidates
President	4	-
Governor	53	213
Senate	288	54
CWMNA	292	68
MNA	1,580	555
MCA	9,197	3,801
Sub Total	11,414	4,691
Grand Total		**16,105**

8.1.5 Challenges and Recommendations

Challenges	Recommendations
Late procurement of the CRMS system which affected implementation of modification of the system functionality requests	Procurement of the system or modifications should be done in compliance with the Election Act 2011 to allow proper implementation, testing, training and Commissioning of the system
Inadequate time to induct political parties on use of CRMS.	Continuous sensitization of political parties and stakeholders on use of CRMS.
Centralised processing of independent candidates at the headquarters led to delays, long queues and was prone to inadvertent data entry errors.	Decentralise registration of independent candidates and allow them to upload details after registration.

8.1.6 Simulation of RTS

The Commission was required to carry out timely end-to-end testing of election technology before use in the 2022 general election deployment as guided by regulation 8 of the Elections (Technology) Regulations, 2017.

The Commission ensured attendance of the relevant stakeholders to witness the election technology simulation processes.

Achievements

i. It was established that a total of 2,906 KIEMS kits were deployed in phase 1 of the Simulation. 2,546 kits transmitted the RTS forms translating to 87.61% of success rate.
ii. In Phase 2 of the Simulation, 580 kits were deployed in selected polling station with 100% success rate.

8.1.7 Challenges and Recommendations

Challenges	Recommendations
Inadequate guidelines during the simulation exercise	Develop a framework to guide simulation process
Competing activities between simulation of RTS and other election processes.	Entrench the simulation exercise in the EOP.

8.2 Application Systems deployed to support the 2022 General Election

8.2.1 Accreditation Management System (AMS)

The Commission developed the AMS to aid in the registration and accreditation of the media, voter education providers and observer groups. A total of 160 media representatives, 111 voter education providers and 15,226 election observer groups were accredited through the system.

8.2.2 Registration centre mapping system

The tool was used to populate information on registration centres across the country in preparation for the ECVR exercise. A total of 5,373 new registration centres were gazetted immediately after the mapping exercise.

8.2.3 ECVR and EVV reporting system

This tool provided daily updates on the number of newly registered voters, transfers and change of particulars applied for during the ECVR and EVV exercises.

8.2.4 Appointment scheduling system

This tool was developed to facilitate the logistics of diaspora registration in our Kenyan Embassies and Consulates.

8.2.5 Voter verification system

The online portal and SMS platform were deployed to allow all Kenyans confirm their registration status without necessarily visiting their registration centres. The Commission managed to identify 305,710 voters via the online portal and 1,747,843 voters via the SMS platform.

8.2.6 Participants Registration system

The tool was developed to facilitate registration and issuance of an event identification for participants for any Commission events. The tool was piloted in the National Election Conference with a total of 1,200 delegates registered.

8.3 ICT Infrastructural Support Systems for GE

The Commission upgraded, supplemented, and optimized the existing election technology with the purpose of enhancing the integrity, efficiency and transparency of the election process. To this effect the Commission put in place contracts with service level agreements (SLAs) for the following.

8.3.1 Audit and certification of election technologies

The Commission contracted a professional reputable audit firm to certify that the election technology meets the user requirements and specifications developed and that it is accessible.

8.3.2 Optimization of the RTS Network Infrastructure

The Commission signed an MOU with all the mobile network providers (MNOs) to ensure seamless cohesion between the two parties. In addition, contracts were signed on the deliverables for results transmission.

8.3.3 Establishment of the Elections Technology Center (ETC)

A modern election technology warehouse was established for the centralisation of KIEMS kits storage and maintenance. In addition, the facility was used for the configuration and deployment of election technology on the KIEMS tablets and satellite modems.

8.3.4 Extension of Wide Area Network infrastructure (WAN)

The Commission expanded the WAN infrastructure to 30 county offices that had not been connected in 2017. This ensured seamless operations across all Commission offices regarding prompt communication and transfer of data.

8.3.5 Upgrade of the ICT security infrastructure

The Commission security infrastructure was strengthened to improve on the confidentiality, integrity and availability of all infrastructure, systems, and Commission data.

8.3.6 Data centre infrastructure upgrade

The Commission acquired a new BVR infrastructure due to the end-of-life of the existing infrastructure. The upgrade to new hardware ensured seamless migration of ROV data and integration with the KIEMS.

Achievements

i. The evaluation established that the Commission together with the MNOs and Communications Authority mapped out the country to determine the network signal strength. 96% of IEBC polling Centers were covered by Safaricom PLC, Airtel Networks Ltd had covered 75% while 62% was covered by Telkom Kenya Networks Ltd.

ii. The Commission deployed satellite technology for transmission of results from the 1111 Polling Centers that did not have 3G/4G mobile broadband coverage.

iii. The upgraded Network had enough capacity and resilience to support connectivity to the public results portal (forms.iebc.or.ke) which enhanced public trust, results verifiability and transparency.

iv. The centralized election technology center ensured standardized configuration, support, and maintenance of election technology.
v. Effective ICT security controls were implemented for the KIEMS tablets and backend infrastructure during elections.
vi. The Commission's data center was expanded to provide more computational power and storage to support large amount of data flows and workloads in order to ensure continuous service availability.
vii. It was established that the electoral data was protected from external risks using intrusion detection and prevention mechanism including but not limited to firewalls which allowed authorized-only access to the Commission's network that guaranteed business continuity, integrity, and availability of the systems.
viii. The Commission established a Security Operation Center that had tools for monitoring the security of the ICT infrastructure, network and systems.

8.3.7 Challenges and Recommendations

	Challenges	Recommendations
1.	Disruption of services due to pending bills	Provision of budget to clear all pending bills
2.	Delays in signing of contracts due to litigations by vendors affected amount of time provided for implementation of various technology infrastructure.	Funding for all election technologies and its infrastructure should be provided two years before the general election to allow for adequate time for implementation, testing and deployment of technology solutions
3.	3G network has not been established country wide.	The Communication Authority should ensure 100% minimum of 3G network coverage is available country wide
4.	Growing demand for admissible electronic electoral evidence in election petition courts	• The Commission should have a cyber-security forensic lab fully equipped with tools to be used in the extraction, analysis preservation of evidence for admissibility in a court of law. • The Commission should recruit forensic and data protection experts to run forensic tools and procedures.
1.	Rapid technology changes in the world	Continuous trainings of staff in order to keep abreast with latest technologies and practices so as to be more efficient and effective
2.	Low awareness on electoral technology by stakeholders	There is need to strengthen effective participation of stakeholders in ICT



CHAPTER NINE
RESEARCH AND RISK MANAGEMENT

AUGUST 9TH
2022
GENERAL ELECTION

POST ELECTION EVALUATION REPORT

CHAPTER NINE
RESEARCH AND RISK MANAGEMENT

9.1 Managing Risks in the Electoral Processes and Operations

Electoral Management Bodies (EMBs) encounter numerous risks across all phases of the electoral cycle. EMBs operate in an environment that is increasingly complex, volatile and ambiguous where factors such as technology, legislation, demographics, insecurity, restructuring, changing service requirements, inaccurate or incomplete information, natural calamities and policy changes create uncertainty. When risks are not understood and addressed, they can undermine the credibility of the electoral process and outcome.

The Commission undertook risk management in all its processes and operations during the election period.

9.1.1 Risk Management in the Electoral Process

In preparation for the 2022 General Election, the Commission implemented Risk Management Framework, Risk Management Policy and Compliance Management Framework. The Commission employed the following strategies in enhancing risk management in electoral processes;

i) Integration of risk management in the Strategic Plan, Election Operation Plan, Boundaries, Review Operations Plan, Commission Policy Documents and Workplans;
ii) Establishment and maintenance of up-to-date Risk registers at Directorate, and corporate level;
iii) Issuance of the Risk Management Policy Statement by the Commission Chairperson;
iv) Sensitization of Commissioners and staff on Risk management;
v) Development of mechanisms to identify, assess, measure and mitigate risks;
vi) Regular and timely communication of risks to the various Risk Owners in the Commission;
vii) Establishment of Risk management structure in the Commission; and
viii) Periodic review of risk and compliance management practices in the Commission

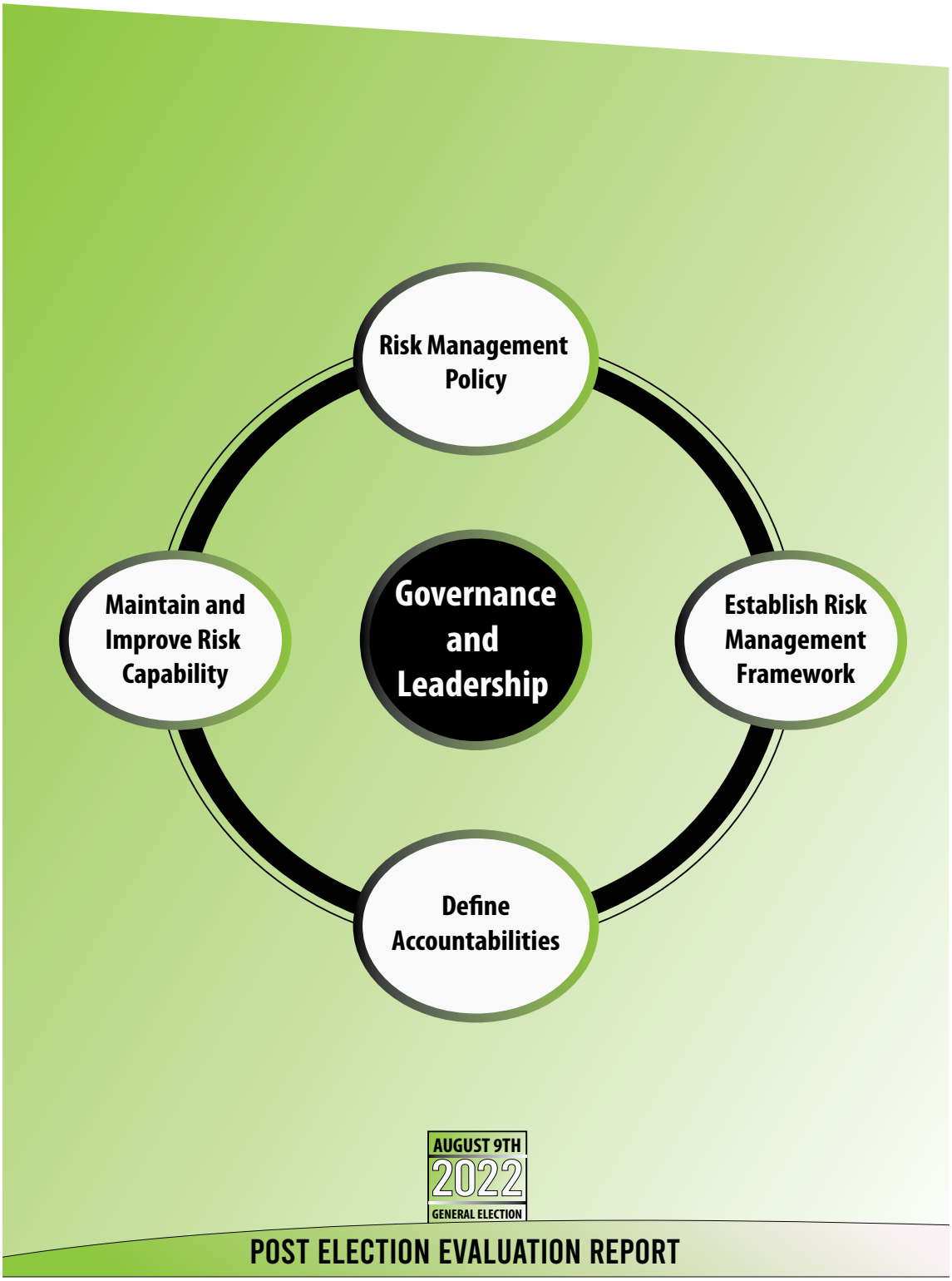


Figure 7: Risk Management Framework

9.1.2 Risk Management Governance Structure

The Commission's Risk Governance structure includes the Board Risk Committee performed by the Plenary; Audit and Risk Committee (ARC); the Commission Secretary/CEO; Risk Management Committee (performed by the Management Committee comprising all Directors) and Risk Management Committee (Composed of CEMs and Senior Election Officers (SEOs); the Risk Owners (Heads of Directorates, departments and Election Managers (CEMs); Risk Champions at and Directorate; and all Staff in Table 30:

Table 30: Risk Management Governance Structure

No.	Structure in the Risk Management Framework	Equivalent Structure in the Commission
1	Board	Plenary
2	Audit and Risk Committee	Audit and Risk Committee
3	Risk Management Committee	Commission Management/ Risk Management Committee
4	Risk Owners	Directors and CEMs
5	Staff	All cadres of staff

Feedback from both internal and external stakeholders revealed that the Risk Management structure in the Commission was effective in addressing internal and external risks that would have impacted negatively to the conduct of elections. This was corroborated by findings from both the Office of the Auditor General (OAG) and KPMG in its report on audit of the register of voters.

The evaluation established that the Risk Management structure adopted by the Commission allowed for the systematic identification, analysis and mitigation of risks. The evaluation also revealed that the Commission was able to mitigate over 90% of the identified risks in the SP and EOP. The success rate was attributed to the robust enterprise-wide Risk Management governance structure in place.

9.1.3 Operationalization of Risk Management

In operationalizing risk management, the Commission set a tone at the top through the issuance of a Risk Management Policy statement. The Risk Management Policy Statement outlined the commitment by Commissioners in supporting the implementation of Risk Management in the Commission. The evaluation revealed that the commitment and support of the Commissioners in risk management was instrumental in enhancing risk-awareness culture in the organization.

Additionally, the evaluation noted that through the Commission's established Audit and Risk Committee, the Commission maintained an effective risk management process and addressed all risks that would have impacted the Commission's processes negatively. The committee approved Risk Management strategies for the General Election.

Further, the Commission established a management committee at the National and levels comprising of Directors and Election Managers. The main role of the Management Committee is to ensure Implementation and operationalisation of a sound system of risk management and internal controls in the Commission. The evaluation revealed that Risk Management was a standing agenda in all management meetings, thereby ensuring real-time risk treatment.

The evaluation noted that the Commission also appointed and trained 55 Risk Champions from the Counties and the Headquarters. Feedback from the Risk champions indicated that they were responsible for coordinating risk identification, analysis, evaluation and reporting. This ensured that the Commission maintained an up-to-date risk register.

9.1.4 Review of Risk and Compliance Management Practices

The Commission's Risk Management Framework and Risk Management Policy are reviewed annually. The review is informed by findings of post-election evaluation, changes in Commission's strategy, electoral laws, policies and audit recommendations. As part of effort to improve risk management in the Commission and better prepare for the 2022 general elections, the Commission undertook a review of its risk management practices in 2022.

The evaluation revealed that the Commission reviewed its Risk Management Framework, Risk Management Policy, Compliance Management Policy and Compliance Management Framework. The reviews were done to improve Risk and Compliance Management in order to deliver a successful General Election.

9.1.5 Risks in the External Environment

a) Covid-19 pandemic

The Outbreak of covid-19 pandemic presented the Commission with a huge challenge in implementing electoral activities. As part of compliance with the government directives on containment measures, the Commission advised staff to work from home and also instituted preventing measures against the spread of the pandemic at the Commission premises.

The evaluation revealed that the Commission complied with the MOH covid-19 guidelines by developing protocols for conducting electoral activities in the covid-19 environment. This was as a result of the realization that elections have the potential to result in the transmission of the virus to a large number of people during electoral activities including the registration of voters, the registration of candidates, campaigns, partner and stakeholder engagement, voter education, electoral training, voting and management of results.

b) Presence of organized gangs and Terror-groups

The proliferation of small arms and light weapons and the presence of Alshabaab terror groups has contributed to a general sense of insecurity in many parts of the country thus posing a great risk to the conduct of electoral activities. The evaluation noted that the

Commission liaised with the National Police Service in securing the electoral activities against the threats from Alshabaab terror group. It was noted that the NPS provided armoured personnel carriers (APCs) for the transportation of electoral materials and personnel in the counties affected by Alshabaab terror attacks such as Garissa, Wajir, Mandera, Samburu, Marsabit and Lamu.

c) Natural hazards

Kenya has a diversified geography and varied climatic patterns which affect logistical movement of election personnel and materials during elections. These factors have a bearing in the kind and level of inputs into the electoral process and the attendant cost. Planning for electoral activities therefore took into consideration the peculiar nature of the geographical features and climatic patterns.

The PEE established that the Commission deployed stand-by helicopters for use during transportation of election personnel and materials in vast electoral areas. The Commission also hired all-terrain vehicles, donkeys, boats and potters as the situation demanded.

d) Changes in the Legal environment

The conduct of the 2022 GE was informed by introduction of new laws, amendments of existing laws and judgements from the courts. For instance, the enactment of the Data Protection Act influenced the Commission's data processing and sharing. The evaluation noted that the Commission complied with the provisions of Article 31 of Kenya's Constitution which provide for the fundamental right to privacy. IEBC as one of the Agencies licensed to collect and store Biometric and numerical data is bound by the provisions of the Act in securing personal data anchored in the Register of Voters. In complying with the Data Protection Act, the Commission limited the amount of information concerning voters and candidates that it shared with electoral stakeholders. In addition, the various Court orders had an effect on Commission's planning and operations. For example, the Court order on the use of manual Register of Voters (RoV) forced the Commission to deploy additional resources in printing of the RoV.

e) Reliance on third parties

The Commission relies on the services of other agencies in carrying out its mandate which poses as a risk to its operations. For instance, the Commission relies on National Registration Bureau (NRB) and Immigration department for issuance of National Identification cards and passports to register eligible Kenyans as voters. The achievement of the Commission's registration target is dependent on the issuance of these statutory documents. Inability to meet the registration targets pose a reputational and strategic risks to the Commission. The evaluation noted that the Commission liaised with NRB and the Immigration department for projection of the number of Kenyans eligible for registration as voters.

The infusion of technology in the electoral processes was intended to enhance the efficiency of the processes. However, the uncertainty entailed in their implementation and the fact

that these technologies depended on third party platforms such as Mobile Network Operators (MNOs) and the Communications Authority. Inadequate mobile connectivity affects the Commission's ability to transmit election results thus denting the credibility of elections. It was noted that the Commission liaised with MNOs to enhance mobile connectivity for the purpose of results transmission.

The Commission's ICT infrastructure is heavily dependent on support of vendors. This results in Vendor lock-in due to proprietary rights for technology thus putting the Commission at the mercy of the vendors resulting in to high cost of services. The evaluation established that the Commission entered into framework contracts and ensured that the contractual terms were favourable. The contracts also took into consideration technology knowledge and skill transfer to the Commission.

f) Economic Factors

Poverty and a high unemployment rate were the added risk factors which heightened the possibility of election related violence. Reduced participation of marginal groups in the electoral process creates a perception of exclusion. Poverty will increase tensions over disputes, such as those concerning electoral procedures, which can lead to violent actions. Moreover, those who have little to lose are easily mobilized to violent actions.

The economic status of the electorate also perpetuates a Culture of voter bribery which often results in electoral violence and affects the credibility of election results.
The PEE noted that the Commission conducted voter education and engaged various stakeholders at community level to ensure peaceful elections at the community level. Further, the Commission engaged marginalized and minority groups to ensure inclusive participation in the electoral process.

9.1.6 Managing Risks in the internal environment

Risk management is embedded in the strategies, operations and systems of the Commission. In preparation for the 2022 GE, the Commission conducted a continuous risk identification, communication, mitigation and review in order to avoid surprises and deliver free and fair elections.

a) Risks in the Legal Framework

Kenya has several laws that regulate the conduct of elections. These include the Constitution, electoral laws and regulations made under those laws. In addition, Kenya is party to international Conventions that provide a benchmark for free, fair and credible elections. Article 2(6) of the Constitution makes international law, which Kenya has ratified, to be part of Kenyan law.

In the period under evaluation, the following risks were identified in the legal framework; commencement of campaign by candidates and political parties before the gazetted campaign period, delay in enactment or amendments of electoral laws, judicial rulings and court orders that affected the General Election activities.

The evaluation noted that the Commission engaged the Justice and Legal Affairs Committee of National Assembly and the Justice and Legal Affairs and Human Rights Committee of the Senate on enactment of electoral laws. In addition, the Commission sought legal advisories from the Office of the Attorney General on various operational issues. The Commission also engaged the Judiciary committee on elections and sensitized them on the electoral process including use of technology on elections.

b) Political risks

Kenya's political landscape is dynamic with many political parties and coalitions emerging in every electoral cycle. These changes in the political environment can have a significant effect on the ability of the Commission to achieve its mandate.

Some of the political risks that faced the Commission in the run-up to the general elections included persistent verbal attacks on the Commission personnel and threats of rejection of results and poorly managed political party primaries.

The evaluation established that the Commission reached out to political stakeholders and built consensus with them on contentious issues. The Commission also met religious leaders, civil society and the media.

c) Strategic Risks

Strategic risks are those risks that affect the ability to carry out the goals and objectives as articulated in the Commission mandates, legislation and policies. In the run-up to the general elections the Commission faced several strategic risks such as vacancies in the Commission and Secretariat level, inadequate finance for voter registration and voter education and centralization of procurement of ICT equipment at the Ministry.

The evaluation established that the Commission engaged JLAC which facilitated the enactment of a law on recruitment of Commissioners in the event of occurrence of a vacancy in the Commission. The Commission also filled vacancies in the secretariat including the position of the Commission Secretary, Director Legal Services, Director ICT and Director Voter Registration and Electoral Operations and Senior Election Officers.

The Commission also engaged the Ministry of ICT and was thereafter allowed to procure its own ICT technology and equipment.

d) Finance and Supply Chain Management Risks

The finance and procurement functions in IEBC are regulated by the following legislative instruments: Public Finance Management Act, 2012, Public Procurement and Disposal Act, 2015 and Public Procurement Regulations, 2015. The procurement function in the Commission is guided by an approved budget and Procurement Plan.

The Commission undertook a risk assessment in the finance and supply chain functions of the Commission and identified several risks including risk of financial loss, inadequate

funding and liquidity challenges. Others included warehouses filled with obsolete stock, lack of proper record keeping at the warehouses and theft of election materials. It was also noted operational budgets also kept changing during implementation. There was also a risk of delay in exchequer release.

The evaluation noted that Commission established various committees to oversee the procurement of goods and services. The Commission also developed a logistics plan to facilitate the movement of election materials from the National warehouse to the polling stations. Further, the Commission engaged Postal Corporation of Kenya on the delivery of election materials. This enhanced efficient delivery of election materials.

The evaluation revealed that the Commission undertook a disposal of obsolete items in the warehouses in order to free them up to receive new election materials.
The evaluation established that the Commission engaged Parliament and National Treasury on adequate allocation and timely release of funds. This resulted in full funding for the General Election budget.

e) Technological risks

Technological risks refer to the possibility of the technology adopted by the Commission not responding to the tasks, either through intentional or non-intentional failures.

The Commission has embraced ICT in geo-location of registration centers and polling stations, voter registration, registration of candidates, identification of voters on the polling day, and transmission of presidential election results. This continued deployment of ICT in electoral processes has significantly enhanced the efficiency of the processes. Further, the Commission has built an interactive Website, implemented a payroll system, and established a bulk short message service (SMS) system.

The Commission identified the following risks that would affect its technology during the electoral process: Malfunctioning of ICT Systems & Equipment, over-reliance on vendors/ for support and maintenance, over legislation on use of ICT, cyber security threats and obsolescence of BVR Kits.

Findings from the evaluation showed that the Commission approved an ICT policy that guided the application of technology in the electoral process and complied with the legal framework that governs the application of technology into electoral processes.

The Commission also undertook maintenance and testing of ICT equipment and systems, upgrading of ICT Systems and Equipment, and ensured that there were skills transfer to the Commission by vendors. Further, the Commission undertook timely funding and adequate implementation of ICT systems and enhanced the security of the ICT systems.
Moreover, the Commission upgraded the KIEMS system that had been deployed during the 2017 General Elections. The Commission also procured new additional KIEMs kits to replace those damaged and to cater for additional polling stations.

f) Operational Risks

Operational risks refer to the risk of direct or indirect loss or inability to provide core services, especially to stakeholders, resulting from inadequate or failed internal processes, resources (including human resources, equipment malfunction), and systems.

In the run-up to the 2022 general elections, some of the operational risks identified included delay in procurement of strategic and non-strategic election materials, low voter registration turnout, insecurity during electoral activities, profiling of the Commission and Staff, mix-up of ballot papers by the printer and high Staff attrition.

The evaluation found that Commission engaged stakeholders in mobilization of eligible voters to register as voters, sensitization of stakeholders on the electoral processes, establishing election security plan and enforcement of the electoral code of conduct.

The Commission also conducted quality assurance checks on ballot proofs before final printing of ballot papers. Additionally, the Commission formed Contract Implementation Teams (CITs) to oversee implementation of procurement and in compliance with the PPDA Act, 2012.

g) Reputational Risks

Reputational results refer to the risk of significant negative public opinion that results in a critical loss of confidence in the institution. The Commission in the course of discharging its mandate has suffered from negative perception by a section of the political class and members of the public. This resulted in reputational risk and reduced public trust.

In mitigating the above risk, the evaluation noted that the Commission undertook deliberate efforts of engaging stakeholders and enhancing public sensitization on Commission activities throughout the electoral cycle.

h) Compliance Risks

The compliance function envisages strict observance of all statutory provisions contained in the Constitution, IEBC Act, Elections Act, Political Parties Act, Campaign Finance Act, Public Finance Management Act, Freedom of Information Act, Public Service Act, Leadership, Ethics and Integrity Act and Public Procurement and Assets Disposal Act, circulars among others. In addition, the Commission has internal policies, procedures and circulars to adhere to.

The evaluation established that the Commission approved Compliance Management Framework and Compliance Policy. The Commission also sensitized staff on the relevant legislations, policies, procedures and obligations that would impact on the credibility of the election.

Additionally, the Commission engaged the Public Procurement and Disposal Authority on the implications of their decisions on the electoral process.

9.1.7 Unforeseen Risks which Matured

1. Split among Commissioners regarding the tallying and declaration of presidential results.
2. Abduction and harassment of Commission staff at the NTC.
3. Murder of IEBC staff.
4. Assault, threats and intimidation of staff and service providers at the Tallying Centers.
5. Security Lapse at the National Tallying Center.
6. Printing errors on ballot papers leading to postponement of elections in some electoral areas.
7. Gaps in accreditation procedures on accessing the National Tallying Center.

9.2 Challenges and Recommendations

No.	Challenge	Recommendation
1	Use of manual systems in risk management.	Automation of risk management in the Commission
2	Low turn-around time between risk identification and risk mitigation.	Enhanced integration of risk management in all Commission operations and processes
3	Inadequate capacity in risk management.	Capacity building of Commissioners and staff on election risk management.

9.3 Research in Election Management

The Commission is mandated to facilitate the observation, monitoring and evaluation of elections. The Commission also relies on research and innovation to inform improvement in electoral processes.

9.3.1 Research Studies on Electoral Issues

In preparation for the 2022 GE, the Commission conducted research in the following areas;

a) Study on Causes of rejection of ballot papers, the case of 2017 General Election.

Rejected ballots is a recurring phenomenon in elections globally, Kenya included. The Commission noted a significant number of rejected ballots in the 2013 and 2017 General Elections. The Commission therefore undertook a study to identify the main causes of rejection of ballots in elections.

The evaluation noted that some of the main causes of rejected ballots included voters making more than one mark on the ballot paper, voters marking against more than one

candidate, unmarked ballot papers, voters marking outside the designated box and voters writing their names or signatures on the ballot papers.

The evaluation established that the Commission enhanced the voter education curriculum, conducted targeted voter education and improved training of election officials with emphasis on correct marking of ballot papers.

b) Study on Cost Drivers of Elections

The high cost of elections continue to be a challenge to Election Management Bodies in the management of elections. In the recent past, the Commission has continuously been challenged by various stakeholders on the perceived high cost of elections in Kenya compared to other jurisdictions. The Commission therefore undertook a study on election cost drivers in Kenya.

In Kenya, the election cost drivers include; Personnel, Polling Stations, Election Technology, Voter Education, Electoral Security, Litigation and Petitions, Hire of Transport and Logistics, Ballot Papers and Tallying Center and legislated ceilings on number of voters in a polling station.

The evaluation noted that in order to reduce the high cost of elections, the Commission recommended re-use of technology in elections, capping of voters per polling station at 700, re-use of GE materials in the warehouses, capping the number of ballot papers to the total number of voters per polling station and engaging stakeholders to build trust in the Commission thus reducing litigations.

c) Enhancing Voter Registration Through Research

In preparation for the GE, the Commission undertook a study on strategies on enhancing voter registration. The aim of the study was to examine the effectiveness of improving accessibility to voter registration. The study also looked into the efficacy of different forms of communication, namely SMS messages versus in-person visits in encouraging voter registration. In addition, the study assessed the use of cutting-edge geographic and satellite data, the design enables us to understand how these effects differ across areas with different levels of poverty, distance from the constituency office, and population density.

The study revealed that the existing CVR policies made it difficult for citizens in poorer, more sparsely populated, and more distant areas to register to vote. Also, it was noted that the travel costs related to voter registration and not lack of voter education on the registration process lead to low voter registration. Finally, better communication with the public lowers registration costs.

In addressing the above gaps, the evaluation noted that the Commission undertook two Enhanced Continuous Voter Registration drives at the ward level to boost voter registration. Similarly, the Commission conducted targeted voter registration for special interest groups by deploying registration kits at Huduma Centers and higher learning institutions.

9.4 Electoral Knowledge Management

The Commission also enhances knowledge management through its library services, archiving, retrieval and dissemination of information to staff and stakeholders.

9.4.1 Library Services

Knowledge management is critical for an Electoral Management Body as it provides a foundation for learning and decision making. The Commission has a library at the head office, which acts as the Commission's repository providing reader and reference services.

The evaluation revealed that the library houses the Commission's strategic documents and reports both in print and in digital format, which were accessed by both internal and external stakeholders. Other materials stored in the library include observer reports, Annual reports and Election Evaluation reports.

9.4.2 Documentation and archival

The Commission through its departments documents its day-to-day operations. Proper documentation of all activities is essential in supporting, evaluating, and chronologizing all events for future reference. Similarly, archival of electoral materials critical for learning, supporting the institutional memory, and ensuring that best practices.

The evaluation noted that the Commission undertook archival and documentation of strategic materials for use by both internal and external stakeholders. Similarly, the Commission archived some of the electoral materials of historical value at the National Archives for public access and social memory.

9.5 Monitoring and Evaluation

Monitoring and evaluation are critical in tracking the progress of electoral activities to identify whether key electoral priorities are in line with the Commission's strategic direction. A robust monitoring and evaluation framework enables review of progress made in implementation, achievement of milestones and timely rectification of any paucities.

9.5.1 Capacity Building in Monitoring and Evaluation

The Commission acknowledges the need for a skilled, knowledgeable, talented and motivated human resource and thus continuously seeks to improve the capacity of staff in relevant areas through effective recruitment, training and redeployment. Research, Monitoring and Evaluation plays a key role in election management. Commission activities require continuous monitoring and evaluation to track timely implementation and apply corrective measures to address gaps identified.

In preparation for the 2022 GE, the Commission conducted training for its staff on the development and implementation of its strategy documents and Monitoring and Evaluation of its activities and programs.

Further, the Commission appointed monitoring and evaluation champions who are charged with the responsibility of tracking the implementation of Commission workplans and preparation of quarterly reports that feed into annual report.

The evaluation revealed that the Commission conducted training for its staff and appointed Monitoring and Evaluation champions from the head office and counties. Further, the M&E champions co-ordinated research, surveys, and also prepared and submitted periodic performance reports.

9.5.2 Development and Implementation of Strategy Documents

Effective conduct of credible elections requires timely planning, implementation, monitoring and evaluation of all electoral activities. Planning provides strategic direction for the Commission and the coordination of the activities to ensure alignment of its goals and objectives with the mandate.

The Commission developed the following strategy documents and Monitoring and Evaluation tools to track performance.

a) Strategic Plan (2020-2024)

During the electoral cycle, the Commission developed the 2020-2024 strategic plan as a sequel to the 2015-2020 strategic plan. Not only did the Strategic Plan provide a roadmap for the Commission to fulfil its mandate but also set the stage for the preparation and conduct of the 2022 General Election.

The strategic plan is anchored on six Key Result areas namely: strengthening the corporate governance; strengthening the legal framework; effective conduct of elections; enhanced public outreach; equitable representation; and strengthening strategic operations of the Commission. The plan also contains an inbuilt monitoring framework for tracking progress in its implementation.

The evaluation noted that in the implementation of the Strategic Plan, the Commission developed and approved policies, integrated risk management in its processes, built the capacity of its staff, developed Election Operation Plan and Boundary Operations Plan. In addition, the Commission reviewed its structure, engaged stakeholders and mobilized resources for the conduct of elections. The Commission also developed a Monitoring & Evaluation Framework for the Strategic Plan.

b) Boundaries Review Operations Plan 2019-2024

The Boundaries Operations Plan (BROP) is a guide for the Independent Electoral and Boundaries Commission (IEBC) to execute and deliver to Kenyans electoral boundaries that promote equitable representation. This Operation Plan details the proposed procedures, processes, tasks and activities to be carried out.

In preparation for the 2022 GE, the Commission developed policies and guidelines for the collection of geo-location for the polling stations for enhancement of results transmission. The evaluation established that the Commission collected and updated the geo-location of polling stations.

c) Election Operations Plan, 2021

The Commission prepared the Election Operation Plan (EOP) in 2021 to guide the Commission's operations towards the 2022 General Election.

The evaluation revealed that the EOP was instrumental in identifying key electoral priorities in line with the Commission's strategic direction, developing an implementation matrix and timelines for identified priority activities.

9.5.3 Challenges and Recommendations

No.	Challenge	Recommendation
1	Lack of linkages with other institutions	Establish research collaboration with relevant research institutions and academia locally and internationally to improve research.
2	Inadequate resources	Allocate more resources to undertake topical research studies on electoral matters and knowledge management
3	Lack of automation	Integration of core business processes software systems solutions (ERP) and M&E software systems.



CHAPTER TEN
ELECTION SECURITY FOR THE 2022 GENERAL ELECTIONS

AUGUST 9TH
2022
GENERAL ELECTION

POST ELECTION EVALUATION REPORT

CHAPTER TEN
ELECTION SECURITY FOR THE GENERAL ELECTIONS

The Constitution of Kenya 2010 provides that our electoral system shall comply with the principles of free and fair elections, which are free from violence, intimidation, improper influence or corruption. This obligates the Independent Electoral and Boundaries Commission (IEBC) to ensure that elections are held within an environment that is peaceful and free from any forms of fear, threats or manipulation.

In preparation for the 2022 general election, the need to deliver election security during the entire election process with respect to physical, personal, information and electoral operations was escalated to a strategic initiative for both the IEBC and the National Police Service (NPS).

Election Security Arrangement Programme (ESAP) was conceptualized and envisaged as a multi-agency framework for coordination, collaboration and partnership involving state and non-state agencies in provision of election security for 2022 elections. ESAP was therefore implemented by IEBC in collaboration with the NPS, Office of the Director of Public Prosecution (ODPP), the Judiciary, National Cohesion and Integration Commission (NCIC), Independent Police Oversight Authority (IPOA), National Steering Committee on Peacebuilding and Conflict Management (NSC), Office of the Registrar of Political Parties (ORPP) and Civil Society.

10.1 ESAP Membership

The membership of ESAP consisted of actors with mandate in:

a) Conduct of electoral activities and regulation of related activities according to law.
b) Provision of security to guarantee a peaceful electoral environment.
c) Judicial interventions to electoral violence.
d) Responsible for mitigation strategies for election security challenges and provision of peaceful electoral environment free from threats, intimidation, and violence.

The Commission views election security beyond Election Day to encompass all election processes from voter registration, election logistics, nominations, campaigns, E-day, results declaration and post-election. To coordinate its activities, ESAP had the following structure:

a) Advisory-level - co-chaired by IEBC Chairperson and Inspector General of National Police Service
b) Policy Convener of ESAP co-chaired by IEBC vice Chairperson and Deputy IGP
c) Multi – Agency Technical Coordination Committee responsible for the formulation of election security strategies with designated IEBC and NPS liaison/focal points

d) Election Security Hub at IEBC to coordinate ESAP activities
e) Multiagency coordination level

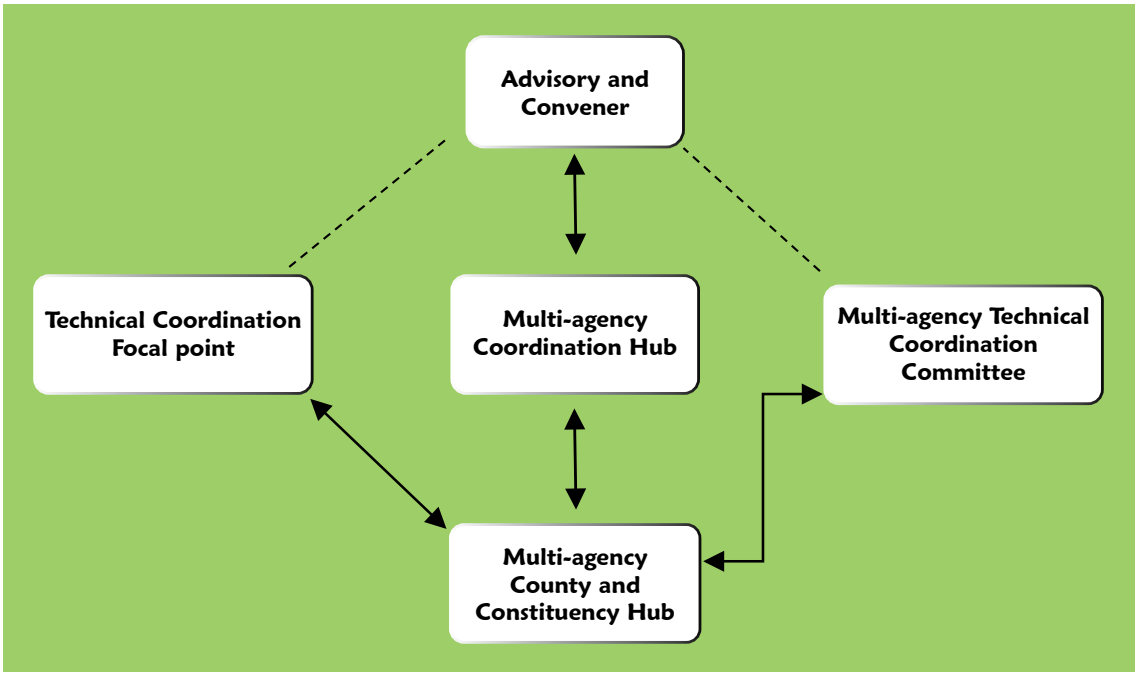


Figure 8: ESAP Coordination Levels

The evaluation noted that the coordination framework enabled the various agencies to play their role in supporting election security. It also enhanced collaboration between the Commission and National Police Service thus ensuring safe secure and peaceful General election.

10.2 ESAP Activities

As part of its coordination activities, ESAP was responsible for developing election security training materials, designing and conducting election security training of trainers for stakeholders, public information and engagement, organizing election security consultative meetings, mobilizing resources to support election security provision, early warning initiatives, and monitoring and evaluation. Materials developed are shown in Table 31.

Table 31: ESAP Documents

No.	Document	Purpose
1	Election Security Handbook	Source Book on Election Security
2	Election Security Training Manual	To provide framework for TOT training
3	Election Security Guide	Pocket book size to guide election day



Launch of ESAP Materials at KICC, Nairobi.

In implementing the ESAP programme, a joint technical committee that comprised members of the collaborating organizations was set up to coordinate the various activities.

In order to enhance election security for the 2022 GE, the Commission undertook the following changes in the implementation of ESAP;

i. Updated ESAP reference materials on legal framework to capture legal changes since 2017, including the Data Protection Act, Revisions to Political Parties Act and jurisprudence from courts
ii. Greater details on constitutional underpinning of ESAP and security triggers and concerns during elections
iii. More focus on prevention and risk management measures as opposed to use of criminal sanctions.
iv. Capturing of the COVID-19 implications on election security processes.
v. Introduction of new chapter on impacts of election security on vulnerable groups.
vi. Revamping of Election Security Guide to focus on all personnel.
vii. Details in training on role of different stakeholders in election security.
viii. Introduced a Chapter on Chain of command and Statutory responsibility during elections.

Evaluation and feedback from stakeholders revealed that ESAP achieved the following;

i. There was no reported election related death attributed to police conduct in the 2022 General Election; the first time since the re-introduction of multiparty elections in 1992.
ii. There were reduced cases of electoral violence as opposed to previous elections.
iii. Production and distribution of revised ESAP materials (Election Security Handbook, Police Role cards and Training Manual on Electoral Security).
iv. Training of 180,000 police officers, IEBC staff and stakeholders.
v. Enhanced collaboration between IEBC and other stakeholders in coordinating electoral security to ensure free, fair and credible elections.
vi. There was an established structure of election security coordination that included IEBC Commissioners, National Police Service Joint Service Board and the secretariat from the two institutions.
vii. There was enhanced provision of election security services at the County and Constituency level.

10.3 Challenges and Recommendations

No.	Challenge	Recommendation
1	Election security training is not included in the NPS training.	Inclusion of election security in the Police Training Curriculum.
2	ESAP is implemented only in the election year.	Implementation of ESAP around the electoral cycle.
3	ESAP is majorly dependent on donor support	Enhanced GoK funding of ESAP.
4	Constant mutation of Electoral security risks.	Conducting conflict analysis on emerging and dynamic conflicts.
5	Electoral security breaches at tallying centers	Integrate election security in the accreditation framework for the national tallying Centre.
6	Missing elements of human rights and electoral gender-based violence in the ESAP curriculum	Integrate elements of human rights, PWDs and gender participation in the electoral process.



CHAPTER ELEVEN

ANALYSIS OF ELECTION OBSERVER MISSIONS REPORTS

AUGUST 9TH 2022 GENERAL ELECTION

POST ELECTION EVALUATION REPORT

CHAPTER ELEVEN

ANALYSIS OF ELECTION OBSERVER MISSIONS REPORTS

Article 88 (4) (h) of the Constitution of Kenya mandates the Commission to facilitate observation, monitoring and evaluation of elections. To implement this, the Commission accredited both local and international organizations/individuals who were interested in the observation of the 2022 GE.

Analysis of observer reports is key in assisting the Commission to systematically receive feedback on the electoral process as a basis of making an informed decision for future improvement on the integrity, transparency and credibility of the electoral processes.

The Commission accredited observers for the 2022 General Election. The evaluation analyzed a number of Election Observation Reports submitted to the Commission by both local and international observer missions. The analysis was premised on the electoral cycle which is has three phases; Pre-election, the election period and post-election period. The analysis of election observation findings is presented hereunder.

11.1 Observer Report Findings

Several observer reports were analysed and their findings enumerated as below;

Election Observer Mission	Observations
Office of the Registrar of Political Parties	• **Use of Technology –** Adequate training of users and sensitization of stakeholders to enhance buy-in. • **Capacity Building for election staff, early preparation and deployment –** Ensure there's comprehensive training provided to poll-officials. Harmonize training curriculum on election to avoid duplication. • **Logistical Arrangements –** It was observed in some tallying centers that clearance of POs and DPOs took two days while bracing harsh weather without a meal and other basic needs leading to frustration, fatigue and errors of omission. Ensure timely arrangement and distribution of election materials. Enhance logistical arrangements during clearance of POs and DPOs as they return election materials to tallying centers. • **Voter Education** – There's need for enhanced voter education efforts to sensitize voters on how to mark ballot papers to reduce the number of rejected ballots. • **Enforcement of Law and Applicable Codes –** Comply with the law and electoral code of conduct to curb electoral malpractices among political parties, aspirants and candidates. • **Privacy and Secrecy of the Ballot –** Provide appropriate assistive measures and devices for PWDs including special booths, braille, tailor-made audio and visual materials to secure their privacy and secrecy in voting. • **Public Awareness –** Improve feedback loop from electorates by broadening avenues and messaging. Frequently communicate with the Kenyan people and political contestants about all aspects of the tallying process including any challenges that may emerge. • **Internal Controls –** Identify and address the possible causes of operational failures that led to the postponement of several elections on the election day, • **PPLC Involvement –** Engage fully the PPLC throughout the electoral cycle. • **Litigation –** Need to conclude court cases in good time prior to an election to allow feasible implementation and adherence. • **Media reporting and Access to information –** Need to legally sanction parties and reporting or declarations by media outfits.

Election Observer Mission	Observations
	• **Election Observer Missions -** Observer missions should ensure joint finding briefing and consolidated observer report. • **Research and Elections –** Establish a national research hub on elections.
Political Parties Liaison Committee	• Limited interactions between PPLC and IEBC resulting to reduced collaboration in critical electoral processes. IEBC should plan for frequent meetings with political parties to enhance collaboration and trust. • Inadequate involvement of political parties in the scrutiny of the ballot papers. Involve at least 6-7 members to represent political parties during the scrutiny of ballot papers. • Engage Parliament in ensuring laws regulating party lists are reviewed to enhance transparency • IEBC to collaborate with all stakeholders to establish mechanisms on achieving the two-thirds gender rule.
European Union Election Observation Mission	• Kenya has an elaborate Constitutional Framework which guarantees conduct of a free, fair and credible election. • Generally, there was efficient election preparations despite prolonged litigation • Despite IEBC's efforts to boost voter registration, delayed funding impacted on its ability to encourage young people to register as voters. • A number of voter register shortcomings revealed in the KPMG report were not sufficiently addressed prior to election day. • Rules of access to contest for election, for individuals and political parties, were open; numbers of women candidates were, however, extremely low, at around 11 per cent. • Respect for fundamental rights and largely peaceful campaign with socio-economic issues profiled but marred by lack of regulation of money in politics and inappropriate campaigning by some public officials. • The media reported extensively on elections, with the focus on the presidential race, giving voters an adequate level of information on which to base their choices. • Extensive and sophisticated disinformation campaigns distorted the online political discourse, contributing to the erosion of public trust in the electoral process and affecting voters' ability to make decisions free from manipulative interference • Extended presence of citizen observers throughout the country enhanced the transparency of the process. • Access to remedies for electoral disputes was open and efficient; most hearings were conducted publicly online. • Although polling and counting were well-administered, the magnitude of the tabulation exercise led to a lengthy process, albeit professionally conducted.

Election Observer Mission	Observations
	• The declaration of the presidential election results exposed deep fractures within the IEBC and deeply affected public confidence in the process and in the institution itself.
African Union and COMESA Election Observation Mission	• The 9th August 2022 General Elections were highly competitive, and the campaign was comparatively more peaceful than previous elections. There was a notable shift from ethnocentric presidential campaigns to issue focused campaigns • The legal framework governing elections in Kenya was largely adequate for the conduct of credible and democratic elections. Judiciary played a critical role in guaranteeing the right to a fair and expeditious hearing increasing citizens' trust and confidence in the electoral process as evidenced by citizens' willingness to approach the courts for adjudication. However, last-minute election-related litigations and court decisions posed a risk to the smooth implementation of electoral operations as The IEBC had limited time to communicate and implement the changes. • There was a notable improvement in the IEBC's strategic communication with stakeholders through periodic briefings and social media updates. • The IEBC introduced additional voter identity verification features in the KIEMS kit to provide for biometric and alphanumeric identification of voters on election day based on lessons learnt from the 2017 GE elections. • The changes to the KIEMS provided the capture and transmission of images of the duly completed presidential election results forms from the polling station to the National Tallying Centre. As a result of these changes to the Results Transmission System (RTS), the provisional presidential election results were publicly accessible on the IEBC portal. • Although stakeholders had initial concerns about the risk posed by the lack of mobile network coverage in 1,111 polling stations, the IEBC put measures such as using satellite phones to facilitate the transmission of results. The Mission noted that within 24 hours of the close of polling, over 95% of the polling stations had transmitted presidential results forms (form 34A) to the National Tallying Centre. • In line with the AU election observation mission's recommendations in the 2017 elections, the IEBC was more deliberate in 2022 GE stakeholder engagement. Specifically, the Mission notes the IEBC strategically communicated with stakeholders through periodic briefings and the use of social media. Furthermore, IEBC engaged political parties and candidates to promote peaceful elections by signing a Peace Pledge by the four presidential candidates.

Election Observer Mission	Observations
	• Late release of funds to the IEBC by the National Treasury impacted the effective implementation of key electoral processes. For instance, while the IEBC accredited several civil society organizations to complement its efforts in conducting voter education, the Mission observed that this commenced late and was not comprehensive. • Despite the relatively high youth population (18-35), there was low youth registration in the 2022 GE representing 39.84% (8,812,790) of the total registered voters which was a decline of 5.17% from the 2017 figures. The low youth participation was attributed to the general conception that the votes do not count in elections, lack of trust and confidence in the political system, and the youth's unemployment and poverty. • The Mission acknowledged the efforts made by the IEBC to audit the voter register to enhance its accuracy and completeness to build confidence among the stakeholders. Assessment by the Klynveld Peat Marwick Goerdeler (KPMG) auditing firm highlighted key findings arising from the voter register. These relate to the transfers and voter details updates processes; registration of voters' database and systems controls inclusiveness in the registration of voters and makes recommendations to address reported findings. Although the IEBC embarked on remedial measures to update the voters' register, there were still concerns about duplications and deceased persons on the register. • The 2022 elections witnessed a high level of participation of political parties and independent candidates. Out of the 90 registered parties, 81 contested the elections. Of the 16,105 candidates, 28.1% were independents. Many independent candidates were reportedly dissatisfied with the candidate selection processes within political parties. Notwithstanding this, the party primaries in 2022 were reportedly more peaceful than in 2017. •While the campaigns were largely peaceful and issue-based, hate speeches, misuse of state resources, non-adherence to campaign schedules, violence, and use of criminal gangs were observed. Misuse of state resources created an unlevelled playfield, especially for smaller political players. Likewise, the nonadherence to campaign schedules caused clashes among supporters. Further, the political use of criminal gangs to target political opponents created political zones of influence inhibiting free campaigns, especially for women candidates. • Freedom of the press was constitutionally guaranteed and ensured. However, the effect of misinformation and disinformation from social media platforms on peace and stability remained a concern among many stakeholders.

Election Observer Mission	Observations
	• The election day operations were well-conducted, orderly and professionally managed. The polling staff mostly adhered to the polling procedures. • Some polling stations did not open and close on time. In some cases, the opening was delayed by more than two (2) hours. Some of the reasons for the delay included problems with the KIEMS kit, late arrival of polling materials and staff.
Election Observation Group (ELOG)	• The set-up and opening of polling stations across the country largely adhered to requirements and procedures. Polling stations opened on time with 86% of them opening by 6:30 am across the country. By 7:00 am, 94% of the polling stations had opened while 6% of the polling stations opened past 7:00 am. In 99.6% of the polling stations observed, the ballot boxes were shown to be empty before being sealed as required under clause 67 of the Elections (General Regulations, 2012) • ELOG established that 99.6% of the polling stations had the Kenya Integrated Elections Management System (KIEMS) kits. In most of the polling stations, 99.3%, the requisite strategic materials (ballot boxes, ballot papers, IEBC stamp, indelible ink, and the Results Form (34A) were present during the voting and counting. • ELOG noted that 18.4% of polling stations were not located on the ground floor of buildings and did not have ramps or other alternative friendly facilities for people living with disabilities. • ELOG observed that in 88.8% of the polling stations, a presidential party agent for Azimio la Umoja- One Kenya Alliance was present. Additionally, in 88.3% of the polling stations, there was a presidential party agent for United Democratic Alliance (UDA)/Kenya Kwanza present, while in 73.5% of the polling stations, there was a party agent representing another presidential candidate other than Azimio la Umoja/One Kenya Alliance or UDA/Kenya Kwanza. • ELOG observed 99.6% of the polling stations, there was a uniformed police officer present, with 36.5% of the officers deployed in the stations sampled being female. • ELOG noted that in 59.9% of the polling stations sampled, polling officials were observed to have had COVID-19 protective measures, including face masks and sanitizers. However, only 35.7% of the polling stations had hand washing or sanitizing facilities. Social distancing (1.5 meters) was maintained between all persons in 37.8% of polling stations. Only 7.7% of the polling stations had thermal scanners for taking temperatures at polling stations. However, out of these polling stations, only 5.6% made use of the scanners to take the temperature of all persons entering the polling stations.

Election Observer Mission	Observations
	•On average there were a total of 8 IEBC polling officials at the polling stations. Out of these, the number of women officials was average. In 38.1% of the polling stations, the Presiding Officer was a woman while 36.5% of the polling stations had a female security officer. • 43.7% of party representatives for Azimio la Umoja-One Kenya Alliance party were women, while 45.6% of party representatives for the United Democratic (UDA)/Kenya Kwanza Alliance were women. Other political parties were also represented by women, with the female representation standing at 54.5% for these other political parties. This shows that women participation in these positions was above the required 2/3rds gender threshold. • In 99.4% of the polling stations, polling officials verified voters biometrically or by name through the KIEMs kit before voting. • In 97.1% of the polling stations, every potential voter's finger was checked for indelible ink prior to voting. Ballot papers were stamped with the IEBC official stamp before being issued in 99.6% of the polling stations, with voters in a similar number of stations (99.6%), having their fingers marked with indelible ink after voting. 79.7% of the polling stations had a physical register of voters, helping to address challenges in voter identification that arose in 6.1% of the stations where the Kenya Integrated Elections Management System (KIEMS) kits malfunctioned at some point during the Election Day. This was compatible with the requirements under Section 44 and 44A of Elections Act No.24 of 2011 that provide for use of technology (electronic voter identification) in elections and complementary mechanisms for identification of voters, respectively. This failure rate of the KIEMS was an improvement as compared to the 2017 elections where the KIEMS kits failed in 7.6% of the polling stations. • Secrecy of the ballot was maintained in 92.2% of the polling stations. • ELOG observed that in 25% of the polling stations voters were assisted to vote. A majority of those assisted to vote were women. • PWDs, pregnant women, the sick, nursing mothers and the elderly were allowed priority voting in 99.4% of the polling stations. • There were still queues at 5:00 pm in 76.8% of the polling stations. In stations with a queue at 5:00 pm, voters were properly permitted to vote in 96.6% of the polling stations. • ELOG observed that requests for recount were allowed and in 1% of the polling stations, one or more political party agents requested a recount of the presidential ballots.

Election Observer Mission	Observations
	• In compliance with Clause 79 of the Elections (General) Regulations, 2012, ELOG noted that in 94.8% of the polling stations, a copy of the Presidential Results Form (Form 34A) was publicly affixed outside the polling stations as required by law. This was an improvement of the 2017 elections where it had been done in 86.5% of the polling stations. • ELOG's Parallel Vote Tallying (PVT) estimates were consistent with the official results declared by the IEBC for the presidential election. Following in view of ELOG's assessment of the E-Day processes and given that IEBC figures fell within the projected ranges, the PVT projections of estimates, therefore, corroborated the official election results.
NDI/IRI International Election Observation Mission to Kenya	• Strides were made in reasserting the IEBC's independence, improving its engagement with stakeholders, increasing transparency, and addressing shortcomings from previous elections. • The IEBC's bilateral outreach efforts helped promote "parallel tallies" by the media and political parties, which can improve transparency and boost confidence in the historically fraught results transmission and tabulation process. • Despite persistent apprehension about elections-related technology, there were limited Kenya Integrated Election Management System (KIEMS) kit failures on election day, and the results transmission system appeared to run relatively smoothly following the close of polls. • IEBC failed to provide sufficient information to the public about electoral preparations throughout most of the pre-election period. • Budget delays and shortfalls also resulted in late and inadequate civic and voter education. • Negative and sometimes partisan reactions that frequently followed IEBC procedural decisions could have been avoided with earlier and greater consultations with political actors. • Election information also often failed to meet standards for open data. The full aggregated register of voters was never made available to civil society or the public in advance of election day and polling station level election results information is not currently available in an easily analyzable, machine-readable format. • Disunity within the IEBC, which became publicly apparent following the announcement of presidential results, appeared to fall along political lines and exposed serious vulnerabilities that undermined the integrity of the electoral process. Some Commissioners also reported incidents of intimidation and harassment of IEBC staff by security forces. These issues highlight the need to better safeguard the independence and impartiality of Commissioners and prevent undue government influence in the future.

Election Observer Mission	Observations
	• The campaign environment was vibrant – in-person, through traditional media, and online – and largely free from violence. Notably presidential candidates ran more peaceful campaigns than in previous elections. • Successful changes to the Political Parties Act contributed toward more peaceful party nomination processes and primaries, though concerns were raised about opaque internal party democracy processes that made it more difficult for first time candidates or candidates from underrepresented groups to compete. • The absence of campaign finance regulations created an uneven playing field for electoral contestants, favored male candidates from the major parties and disadvantaged candidates from marginalized groups, including women, youth, and persons with disabilities (PWDs), who lack the same access to financial capital and networks of donors. Voter bribery and the abuse of state resources was a concern throughout the campaign period. • Importantly, there was a marked improvement in the security environment in the pre-election period, in part due to stronger partnerships between civil society and the police, better security training, and increased public tolerance. • More robust training and interventions around gender-based violence have begun to address a serious and ongoing issue in the country. Kenyan youth continue to be exploited by elite leaders to advance their political aims and remains a challenge for future elections. • More women contested for elective positions in 2022 than in 2017, both in absolute numbers and as a share of the total number of candidates, and including the nomination of three female deputy presidential candidates for the first time. Both Azimio and Kenya Kwanza coalitions also campaigned on women's political participation during rallies, and highlighted various party inclusion strategies to advance women's role in public office. However, there continues to be no immediate path to realize and implement the constitutional "not more than two-thirds" gender quota, despite the IEBC's attempt to enforce the requirement ahead of the recent polls through the use of a gender quota for parties' candidate lists. • Youth dissatisfaction and apathy was a notable challenge ahead of the 2022 elections, reflected in low rates of youth voter registration, especially for those that turned 18 after the 2017 elections. Stakeholders noted that registration outreach and tactics did not directly target young people and did not attempt to utilize digital platforms. • Election day also saw a decline in voter turnout from 77 percent in 2017 to 65 percent, although more disaggregated information is needed to examine turnout specifically among youth.

Election Observer Mission	Observations
	• Participation of PWDs in public office is also yet to meet the five percent threshold required by the Constitution. Few substantive efforts were made to increase the participation of PWDs, especially within political parties' governing bodies and candidate nomination processes. Positively, the IEBC for the first time recorded new voters' disability status and the type of disability they have on the register of voters, and allowed older PWD voters to update their disability status with the assistance of a voter verification clerk. • Traditional media embraced its role as a watchdog and took steps to ensure more consistent and accurate flow of information to the public ahead of the 2022 elections, including establishing fact-checking desks, signing a memorandum of understanding (MOU) with the IEBC to improve communications and coverage, and increasing transparency through live parallel tallying of polling station level voting results. • The media houses processing and tabulating the forms were ill-prepared and uncoordinated for the exercise and also proved to be unwilling to implicate a winning candidate, ultimately abandoning updating their results totals once they were close to completion. This ended up introducing more, not less, confusion in the electoral outcome and demonstrates the need for greater media preparedness, empowerment and independence. • Kenyan voters increasingly receive electoral and political information online and on social media, where information can spread quickly but with less transparency. Both political campaigns used paid bloggers, influencers and other users to shape the political discourse and discredit their opponents on various social media platforms. • The spread of misleading or falsified content online appeared to benefit both major candidates. Such tactics were also used in the immediate post-election period to undermine confidence in the electoral results and target political and electoral officials. New social media platforms emerged as powerful amplifiers of divisive content, while traditional media such as local vernacular radio stations also played a role in disseminating inflammatory messages. Local languages, which evade detection by social media threat-detection algorithms, were used as tools for coded messaging and inciteful speech, some of which targeted women or used ethnic-based attacks. • Budget delays, intricate legislative requirements related to timelines and the use of technology, ongoing litigation and extremely late changes in procedure threatened timely election preparations and the perceived administrative competence of the IEBC. On the eve of the elections there was considerable confusion about election day procedures, following last minute decisions related to the use of the manual register of voters. This undermined the IEBC efforts to effectively train polling station staff and ensure consistent application of

Election Observer Mission	Observations
	voting and counting procedures. • In addition, ballot printing errors resulted in eight elections having to be delayed at the last minute, including governorship elections for Kakamega and Mombasa counties. • Despite this confusion, election day, itself, was generally peaceful, with polling station staff managing procedures capably and ensuring that eligible voters were able to vote. Most polling stations opened on time with all election-related materials present. Security forces acted professionally and did not interfere in the process. • Political parties trained and deployed agents in large numbers across the country. While agents for parties contesting the presidential election were given a copy of the official 34A presidential results form, a copy was not always posted at the conclusion of counting for the public to see. • Despite funding constraints, civil society proactively engaged in mitigation and peace efforts, election observation, and monitoring violence against women in elections (VAW-E) and were active on election day. • Importantly, citizen observers conducted, in the interest of electoral integrity, a parallel vote tabulation (PVT) for the presidential election to provide an independent check on the final results. • To increase transparency and avoid missteps from previous elections, the tabulation of polling station results included several levels of verification of electronic results forms with the accompanying paper trail, typically in the presence of party agents, which drew out the process over six days. Despite the prolonged tabulation process, the public remained largely patient in receiving the final results. • However, the IEBC reported incidents of harassment and intimidation of staff during the process and there were isolated incidents of violence throughout, including the disappearance and death of an IEBC Returning Officer, and skirmishes between party agents were common. • Importantly, though the verification process ran longer than in previous elections, the speed of the transmission of 34A forms from the polling stations to tallying centers and the IEBC's online results portal exceeded expectations and promoted transparency around the process. The announcement of the results of the presidential election were blemished by last minute chaos at the National Tallying Center (NTC), fragmentation in the election Commission over the outcome, and subsequent accusations of rigging. • Despite increased political tensions in the weeks following the elections, all contestants utilized the courts to settle disputes, the presidential candidates appealed to their supporters to respect the legal process, and stakeholders and citizens remained both highly engaged and calm.

Election Observer Mission	Observations
	• The Supreme Court ruled expeditiously on the presidential election petitions that were presented, even in the tight 14-day timeframe. However, rumours and disinformation were rampant in the immediate post-election period, with little or no accountability for those amplifying and generating specious claims about the electoral process.
The Carter Center Election Expert Mission	• Greater preparedness around communications would have bolstered overall public confidence in the technologies used. • Delay in appointment of IEBC Commissioners. • Legal challenges arising from last minute Court pronouncements. • The register of voters was updated and reviewed by an external auditor; consequently, 246,465 deceased voters, 481,711 duplicate records, and 226,143 voters registered with IDs and passport numbers that did not belong to them were identified and, to a significant extent, removed. • Several cybersecurity vulnerabilities were identified, but no evidence emerged to indicate that any vulnerability was successfully exploited to affect the election outcome or diminished the overall integrity of the process. • The IEBC used an electronic system to transmit presidential election results to a searchable online portal. This system was an important measure aimed at improving the transparency and verifiability of the election process and was positively received by civil society organizations in Kenya and the wider region. Less than 24 hours following the closure of polls, scans of 97.71% polling station results forms had already been posted on the public portal. • Two pre-election simulations of the electronic transmission system were conducted on June 9 and July 19, 2022, involving a limited number of polling stations. The results were mixed and were insufficient to bolster public confidence. During the actual transmission of election results images, however, there was a constant flow of incoming results forms, which were published on the IEBC online results portal. • Several incidents of violence, including against officials serving the democratic process, tainted the election. One presiding officer in Wajir was shot on election day. Separately, during tabulation, some individuals disrupted proceedings at the National Tallying Center; IEBC officials were injured during a physical altercation. • The National Cohesion and Integration Commission identified hate speech during the campaign from both major political formations. On occasion, language that raised tensions was directed at IEBC officials. After election day, prominent political figures directed personal attacks at the IEBC Chairperson.

Election Observer Mission	Observations
	•On Aug. 26, IEBC staff marched through Nairobi carrying the message "Returning Officers' lives matter". At least one IEBC official, the returning officer for Embakasi East, Daniel Musyoka was abducted, tortured and murdered. The Carter Center calls on the authorities to ensure that the perpetrators of all acts of election violence are held accountable for their actions. • For the first time, Kenya implemented an e-filing system to allow for petitions to be submitted electronically. This was a positive step which can be further improved by ensuring key documents are readily visible through the portal. • The Judiciary received extensive training on election technology in advance of the vote. On Aug. 22, presidential candidate Raila Odinga and his Azimio La Umoja coalition filed a petition with the Supreme Court challenging the results. The petition made various diverse allegations, with the alleged manipulation of technology in the process a central component of the claims made. The court rejected the petition on all counts. The Carter Center deplores the use of falsified documents in court in support of the petitioners' allegations that the process had been compromised. • Procedural changes implemented long after most voter education and training efforts had ended caused confusion about election day processes. For instance, the use of the manual register of voters.
EISA Election Observation Mission	• The political context was characterized by a high level of political competition. • Legal framework for elections in Kenya does not provide a cap on campaign financing which has the potential to fuel election malpractices such as bribery and vote buying. • It was observed that the absence of reforms to the electoral laws contributed to last minute litigation which perpetuated last-minute changes to electoral procedures. Such last-minute changes could have led to varying interpretation of how, for instance, voters would be verified during voting. EISA observed the absence of a common understanding in them interpretation of the Court ruling on the use of the manual register of voters. • Whereas the legal framework for election in Kenya provides for the independent administration of electoral processes, the IEBC faced significant trust deficits from citizens and some election stakeholders, particularly because of the annulment of the 2017 elections. • It was observed that the Commission had operated with a limited number of Commissioners for the significant proportion of the pre-election period.

Election Observer Mission	Observations
	• Stakeholders engaged by the observation mission highlighted concerns about the IEBC communication suggesting that its strategy was both conservative and limited. • IEBC was generally observed to have managed to fully comply with legal timelines set to complete key processes. Additionally, it was noted that such successful compliance with legal timelines to conclude electoral processes was accompanied by efforts to be inclusive and transparent. Civil society groups, for example, confirmed having been involved in the procurement of sensitive election materials. • EISA observed improved communication by the IEBC leading up to the election particularly on its electoral preparations and addressing misinformation directed at electoral processes. • Voting took place in all the 46,229 gazetted polling stations with each polling station capped at 700 voters only, an increase of 13.08 per cent from 2017 where 40,883 polling stations were set up. The number of registered voters was noted to have increased from 19,611,423 to 22,120,458 equivalent to 12.79%. The registration process conducted by the IEBC was audited by KPMG and the final report was submitted to the Commission on 18th June 2022. The full voters' roll audit report was only released a few days before the elections making it impossible for election stakeholders to independently confirm that the full audit findings had been addressed in the final voters' roll that was used during the voting process. • The campaign environment was punctuated by a breach of the electoral code. The Mission was concerned about a few cases of voter bribery observed in some electoral areas. • While the political environment was generally peaceful, the Mission witnessed and received reports of violence before and during the polling processes. Reports of an attack targeted at a police station allegedly attributed to bandits on polling day raised the risk of insecurity during the elections. • EISA IEOM acknowledges and commends the active participation of Kenyan civil society in the electoral process, particularly in voter education, election observation, advocacy, and peace initiatives to promote a credible election in Kenya. More specifically, the role of citizen observation groups such as ELOG need special mention for their role in exercising independent verification of key electoral processes such as audits of voter registers, the parallel vote tabulation and the setting up of the Election Situation Room which provided a credible source of election information to stakeholders during the electoral process. • EISA IEOM observed that there is a challenge in the implementation of the two-thirds gender rule. • It was noted that there was youth apathy in the electoral process attributed to lack of mobilization and interest of the youth in these elections arising from unmet expectations and high unemployment levels among the demography.

Election Observer Mission	Observations
	• Vast majority of polling stations visited opened on time, with only few that opened approximately half an hour to an hour late due to poor preparations by polling staff, late arrival of polling clerks, election materials and agents. Election materials were adequate and sufficient throughout the day in all the polling stations visited. • EISA IEOM observed that the secrecy of the vote was guaranteed in almost all the polling stations visited. Most polling stations visited had a large number of party agents present with the majority being female. The visible and professional presence of security officers enhanced the sense of security about the voting process. At the time of opening the polling environment was free of campaign materials but campaign posters were witnessed in the vicinity of certain polling centres visited.
Commonwealth Observer Group	• The Constitution of Kenya (2010) guarantee fundamental democratic and political rights, including the right to vote and participate in regular elections for all Kenyans. The electoral laws regulating elections are, however, not consolidated, which leads to uncertainty. • The multiplicity of unconsolidated amendments to the electoral laws complicated the administration of elections in Kenya, and resulted in its ambiguity. These complications hampered the IEBC's electoral preparations and resulted in rulings which necessitated last-minute changes to procedures. It was noted, for example, that the issue of whether the digital or printed register was the primary mechanism to verify voter identity was only decided the day prior to the elections, following a ruling by the Court of Appeal. Kenya may wish to consider the establishment of a specialist Court to deal with election-related matters • IEBC applied a lessons-learned approach from the 2017 elections, and adopted new software and hardware through the requisition of the KIEMS kit. The Commission undertook two simulation exercises of the KIEMS kits for the electronic transmission of results, which contributed to building transparency and confidence in the electoral process. • IEBC conducted two voter registration drives in an effort to register additional six million voters. However, only 2.4m additional voters registered by the conclusion of the second phase. • IEBC established a media centre for live media briefings and set up a call centre to handle inquiries from the public. • Election campaigns were largely peaceful. • There were challenges in operationalization of the Elections Campaign Financing Act and campaign finance regulations which aimed at regulating election funding and expenditure by parties and candidates during the elections.

Election Observer Mission	Observations
	It is recommended that the Kenyan Government and IEBC revisit key stakeholder consultations required for consensus-building towards achieving full implementation of the Act. • Traditional media covered the electoral process adequately, linking the outcomes of the elections to the economy, anti-corruption and governance. Although social media provided a cheaper alternative for marginalised groups and otherwise economically excluded aspirants, to discuss their issues, stakeholders generally raised concerns about online mis- and disinformation and hate speech. This necessitated the signing of an MoU between IEBC and Meta to regulate online content on elections. • It was noted that IEBC addressed emerging problems, for instance, postponing polling in isolated cases due to insecurity issues. • There were no arrangements for early or advance voting for polling staff, security personnel, or other essential workers who are required to work on Election Day away from the locations where they are registered to vote. • The Court of Appeal's late ruling of whether the digital or printed register would be the primary mechanism to verify voter identity, was only decided the day prior to the elections. • Majority of the polling stations opened on time and that all pre-poll procedures were generally adhered to. In those cases, where the openings were delayed, it was noted that the IEBC granted all presiding officers the mandate to extend polling hours by the same length of time as the initial delay. • While COVID-19 protocols were adhered to in many cases, it was noteworthy that this was not always the case by some polling staff and voters. • It was noted that a significant proportion of prisoners did not have identification documents to enable them to vote. • Party agents were present in all polling stations observed in significant numbers. • Security officers were present at every polling station observed and were professional in carrying out their duties. • It was observed that voters who were in the queue at the 5pm close of polls were allowed to vote.

11.1.2 Recommendations to Key Actors in the Electoral Process

No.	Actor	Recommendations
1	**IEBC**	• Initiate a national dialogue on building consensus over the most suitable electoral system. • Implement the Supreme Court recommendations on the management of elections. • Implement audit recommendations on election technology. • Operationalize mechanisms for special voting. • Sensitize internal and external stakeholders on the tallying center procedures. • Develop a strong strategic communication that builds on lessons learned from the 2022 GE to promote transparency and public trust. • Make polling station-level results available to the public online portal in a timely manner for all elected positions.
2	**Political Parties and Political Leaders**	• Improve and strengthen internal party governance and democracy to promote inclusivity, including two-thirds gender rule in all party elective positions, and increase the participation of all members especially the Special Interest Groups. • Review the elections and nomination rules to promote good governance, transparency and accountable internal party processes including elections of party officials and nomination of candidates for elective positions. This includes keeping and using bona fide members' registers for critical decision-making activities such as party nominations. • Strengthen the internal party dispute resolution mechanisms to promote timely and fair adjudication of disputes. • Enforce code of conduct for political parties and candidates. • Train agents on monitoring voting procedures.
3	**Judiciary**	• Continuous training of judicial officers on the electoral process. • Expeditious hearing and determination of pre-election dispute cases to conform to the strict electoral legal timelines.

No.	Actor	Recommendations
4	**Parliament**	• Prioritize timely enactment of all electoral legal reforms. • Enact enabling laws and regulations needed to operationalize the Campaign Financing Act and the two-thirds gender rule. • Operationalize the IEBC Fund. • IEBC should be fully constituted well before the 2027 General Election.
5	**Office of the Registrar of Political Parties (ORPP)**	• Engage stakeholders and political parties to review and implement the regime of party financing to ensure more transparent, equitable and accountable public funding for political parties throughout the election cycle. • Make efforts towards promoting accountability in campaign financing by encouraging political parties to support the implementation of Campaign Financing Act. • Enhance supervision of political parties to ensure open, democratic, professional, and accountable management of political parties and party affairs. • Enhance partnership and collaboration with the IEBC, PPLC and the PPDT to ensure better management of party affairs such as nominations and dispute resolution during the election period.
6	**Media**	• Adherence to media code of conduct and standards of professionalism, neutrality, non-partisanship, objectivity, fair coverage and reporting, and respect for the law and diversity. • Improve on capacity, competence, and efforts to pivot on delivery of comprehensive election coverage and undertake tallying and display of election results in tandem with IEBC's speed. • Safeguard and maintain their independence, professionalism, impartiality and fairness in the coverage and reporting on elections as well as uphold your role as public educators and watchdog during the electioneering period
7	**National Police Service**	• Provide adequate and accountable security towards elections materials and election officials, security during elections, announcement and declaration of election results • Investigate individuals who contravened electoral laws including the Electoral Code of Conduct.

No.	Actor	Recommendations
		• Investigate the circumstances under which election officials fell victims of political profiling, were maligned, were attacked, and injured, and circumstances under which some of them were abducted and some killed. • Enhance collaboration with IEBC to ensure better provision and management of security during the elections.
8	**Executive**	• Reform the appointment process for IEBC Chairpersons and Commissioners to ensure broad and merit-based consensus around nominees and to fill vacancies in a timely manner in advance of elections. • Strengthen national cohesion and dialogue mechanisms.
9	**Communications Authority of Kenya and the Media**	• Liaise with mobile network operators to enhance network connectivity in all parts of the country. • Hold accountable parties, leaders, bloggers, influencers and individuals who use and deploy social media to promote insecurity, political animosity, fake news, misinformation, disinformation and hatred, and breach public peace.
10	**Civil Society Organizations**	• Endeavor to remain neutral, impartial, professional, and objective during the elections. • Promote partnership and collaboration with IEBC and other stakeholders to support and implement activities and programs that strengthen electoral processes and citizens' engagement and participation in the processes. • Keep vigil and consolidate advocacy and activism around respect for human rights and the rule of law during elections to promote adherence to electoral laws including international best practice on elections as well efforts towards operationalization of the Campaign Finance Act and the two thirds gender rule in the next election cycle.
11	**Data Protection Commissioner**	• Ensure that enabling regulations are enacted to fully operationalize the Data Protection Act to enable implementation of data protection measures to combat illegal personal data mining and sharing as well as unethical and illegal intrusion on citizens' privacy with unsolicited SMS text messaging by politicians and parties during the electioneering period.

No.	Actor	Recommendations
12	**Citizens/Voters**	• Citizens should recognize that they are the prime stakeholder group and beneficiary of elections and for this reason be aware that their conduct and behaviour is very critical in determining the quality of elections. • Citizens should desist and refrain from voter bribery and involvement in corrupt and illegal political and electoral practices such as political incitement and violence. They should be part of setting the agenda for elections by making meaningful demands and holding political parties and political leaders accountable. • Citizens should always endeavor to maintain positive attitudes, behavior and active agency towards democratic and governance processes. Therefore, citizens' interest in democratic and governance processes such as elections should be reinvigorated and employed for meaningful and value-based governance changes in society.
13	**International partners & observers**	• Adopt the electoral cycle approach in election monitoring and observation as a basis for long term and sustainable positive interventions. This will also ensure that the entire election cycle and electoral processes are observed and suitable interventions made. • Build synergy, collaboration, coordination and wider consultations and engagement amongst observer missions and groups to build consistency and to avoid duplication of efforts. • Render comprehensive and timely observation statements and reports to the IEBC
14	**Private Sector**	• The private sector, both local and international, should continue to play its support role in elections through ethical and professional conduct in their engagements with key election stakeholders. They should render their services in a manner that respects the sovereignty of the Kenyan voters and in accordance with the laws of the country. • Consider building partnership and collaboration with Civil Society Organizations during elections especially to support election observation and in particular support civil society work in promoting democracy.



CHAPTER TWELVE
CONCLUSION AND RECOMENDATIONS

AUGUST 9TH
2022
GENERAL ELECTION

POST ELECTION EVALUATION REPORT

CHAPTER TWELVE
CONCLUSION AND RECOMMENDATIONS

This chapter outlines the conclusion and recommendations based on the findings of the Post-Election Evaluation.

12.1 Conclusion

The 2022 GE Post-Election Evaluation Report sought to establish what worked, what did not work, lessons learnt and to make recommendations for the conduct of future elections.

The evaluation adopted both internal and external approaches to assess the performance of IEBC in the conduct of 2022 General Elections. The Commission engaged internal and external stakeholders to document their experiences which will consequently inform policy decisions in the management of elections.

The evaluation established the following key findings from the conduct of 2022 General Elections;

Legal Framework: The Commission addressed the gaps identified in the legal framework and subsequently drafted and submitted bills to Parliament for enactment. However, the proposed bills were not enacted thus negatively impacting the conduct of elections. Further, last minute court rulings affected the Commission's operations against stringent legal and operational electoral timelines.

Election Technology: The Results Transmission System successfully transmitted all the 46,229 presidential results forms from the polling stations to the public portal translating to a 100% attainment rate. Additionally, over 380,000,000 requests were made to access the presidential results forms. This enhanced transparency of the 2022 Presidential election results.

Register of Voters: The audit of the Register of voters was conducted and the Commission implemented the recommendations made therein.

Financing of Elections: Whereas the Commission received 100% funding of its budget, there were delays in the exchequer release.
The non-operationalization of the IEBC fund further hindered adequate preparations of the 2022 General Elections.

Election Security: There was enhanced collaboration between IEBC and security actors under the ESAP framework which contributed to a conducive environment for the conduct

of elections. Notably, there were reduced cases of election-related violence during the conduct of 2022 General Elections.

Partnerships and Stakeholder Engagements: The Commission progressively mapped and engaged Stakeholders at the national and county levels to enhance public participation in achieving its mandate. The collaboration between IEBC and stakeholders impacted positively on the conduct of the 2022 GE.

Diaspora Elections: The Commission conducted elections for Kenyan citizens residing outside the country in twelve (12) states namely: United States of America (USA), United Kingdom (UK), Canada, United Arab Emirates, Qatar, Germany, South Sudan, Tanzania, Uganda, Rwanda, Burundi and South Africa. This was progressive compared to 2017 whereby the Commission conducted elections in only five countries in Africa.

12.2 Key Recommendations

No.	Thematic Area	Recommendations
1	**Corporate Governance**	• Appoint Commissioners to the Commission at least two (2) years before the general election as per best practices and the IREC recommendation. • Continuously benchmark with other Electoral Management Bodies (EMBs) to adopt the best election policies and practices.
2.	**Legal Framework**	• Enhance engagement with Parliament to fast-track proposed amendments.
3.	**Nominations**	• Enhance collaboration with ORRP • Enhance collaboration with Chapter Six Institutions
4	**Voting Day**	• Operationalize mechanisms for special voting
5	**National Tallying Center**	• Strengthen tallying centre access controls to ensure only persons eligible to be at the tallying centers access the tallying centers
6	**Electoral Risk**	• Provide risk allowance for staff during election period • Provide adequate security to members of staff during election period.

No.	Thematic Area	Recommendations
7	**Election Financing**	• Operationalize the IEBC Fund. • Acquire Commission owned headquarters.
8	**Inclusivity in Elections**	• Enhance inclusivity in the electoral process by providing appropriate assistive measures and devices for PWDs including special booths, braille, tailor-made audio and visual materials to secure their privacy and secrecy in voting.
9	**Voter Education**	• Integrate voter education curriculum in the syllabus
10	**Learning and Knowledge management**	• Establish a national research hub on elections
11	**Election Security for The General Elections**	• Adopt Joint Security Response Approach throughout the electoral cycle.

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ANNEXES

Annex I: Partnership and M.O.U

No	Organization	Category	Remarks
1	Africa Policy Institute (API)	Education	General Voter Education to different categories of people
2	Kenya Institute of Special Education (KISE)	Education	Work with interpreters for the deaf
3	National Youth Council	Youth	Trained as voter educators
4	The Youth Congress		
5	Youth Empowerment and Development Network (YED-N)	Youth	Trained TOT nationally
6	Igiza Arts Production	Entertainment	Conducted dramas and skits
7	Octopizzo foundation	Entertainment	Doing concerts
8	TikTok Director	Media	Do Social Media content for VE
9	AGJK	Media	Conduct research on leaders with Kenyans and share the research on local radio station
10	Mwongozo Peace Campaign		Caravans with VE messages
11	Jeremiah Mugi Foundation	Media	Trained TOTs to their lowest level of their staff
12	Media council of Kenya	Media	Trained TOTs to their lowest level of their staff
13	Media council of Kenya	Media	Trained TOTs to their lowest level of their staff
14	Kenya Editors Guild	Media	Trained TOTs to their lowest level of their staff
15	Scooper News	Media	16 advertising billboards nationwide with voter education messages 114 LED Tv in leading supermarkets nationally with voter education messages adding on they have been working with NGOs and CBOs that were accredited by IEBC
16	One touch	Sports	14 days of racing from Uasin Gishu to Nairobi with 60 professional racers with a peace touch that will end on the hands of all the Presidential Candidates to pledge peaceful election
17	National Council of NGOs	General	Voter education nationwide with support of IEBC staff.

No	Organization	Category	Remarks
18	National CBO	General	Voter education national wide with support of IEBC staff
19	YCC Youth Coordinating Committee (IEBC Committee)	Youth	Trained 1500 TOTs. Amongst 400 USPAK University Student Peace Association of Kenya in 76 Universities. Assisted in mobilisation during ECVR and verification of the register
20	WCC Women Coordinating Committee (IEBC Committee)	Women	Trained women aspirant on election preparedness.
21	DICC Disability Inclusion Coordinating Committee (IEBC Committee)	PWDs	Assisted in mobilization during ECVR and verification of the register. Worked with DMF-Kenya on braille version

Annex II: List of Accredited Voter Education Providers

S/No.	Name of Organization	Accreditation Cert No.
1	Panafro Disaster Brigade Institute	IEBC/VEP/2022/138
2	Petfrash Agencies Limited	IEBC/VEP/2022/143
3	Inter-Religious Council Of Kenya	IEBC/VEP/2022/146
4	Nyakwerigeria Disabled Self Help Group	IEBC/VEP/2022/152
5	Eshinamwenyuli Youth Cbo	IEBC/VEP/2022/154
6	Human Rights And Information Forum	IEBC/VEP/2022/157
7	Centre For Identification, Empowerment And Protection (CIEP)	IEBC/VEP/2022/158
8	African Girl International	IEBC/VEP/2022/159
9	Diasol - Diaspora Solutions Kenya Ltd	IEBC/VEP/2022/163
10	Kenya Veterans For Peace	IEBC/VEP/2022/164
11	Association For The Physically Disabled Of Kenya (APDK)	IEBC/VEP/2022/168
12	Run To Serve	IEBC/VEP/2022/169
13	Glory Outreach Assembly	IEBC/VEP/2022/170
14	Pius Masai & Associates Consortium (PIMAC International)	IEBC/VEP/2022/172
15	Kuza Livelihood Improvement Projects	IEBC/VEP/2022/173
16	Domineer Hr Services	IEBC/VEP/2022/175
17	Kapletundo Triangle Investment Association	IEBC/VEP/2022/179
18	Friends Of Redhill	IEBC/VEP/2022/181
19	Wahundura Eagles Self Help Group	IEBC/VEP/2022/189
20	Samburu Empowerment Network	IEBC/VEP/2022/190
21	Africa Grassroots Empowerment Foundation (AGEF)	IEBC/VEP/2022/196
22	Consuldata And Research Centre	IEBC/VEP/2022/197
23	Women Volunteers For Peace	IEBC/VEP/2022/198
24	Fast Track Computer Centre	IEBC/VEP/2022/202
25	Deaf Women Empowerment	IEBC/VEP/2022/205
26	Drum Major Media	IEBC/VEP/2022/208
27	Jiinue Keringet Youth Group	IEBC/VEP/2022/210
28	Tujikaze Humanitarian Programme(THUMP)	IEBC/VEP/2022/211
29	Muslims For Human Rights (MUHURI)	IEBC/VEP/2022/214
30	Epuka Ugaidi Organisation	IEBC/VEP/2022/217
31	Fellowship Of Christian Unions Of Kenya	IEBC/VEP/2022/223
32	Saden Community Based Organization	IEBC/VEP/2022/224
33	Ardha Jabesa Foundation	IEBC/VEP/2022/227
34	Nazarene Group Of Companies Limited	IEBC/VEP/2022/234
35	Marikwo Self Help Group,	IEBC/VEP/2022/236
36	Youth Intercommunity Network	IEBC/VEP/2022/237
37	Sisiti Community Based Organization	IEBC/VEP/2022/238

S/No.	Name of Organization	Accreditation Cert No.
38	Asal Community Empowerment	IEBC/VEP/2022/239
39	Shinz Stanz Limited	IEBC/VEP/2022/241
40	Diaspora Wings Company Limited	IEBC/VEP/2022/243
41	Kenya Institute Of Foreign Languages And Professional Studies (KIFLAPS)	IEBC/VEP/2022/244
42	Governance Watch	IEBC/VEP/2022/246
43	Pawa Africa	IEBC/VEP/2022/247
44	Bridgeway Counselling Institute	IEBC/VEP/2022/248
45	Islamic Aid And Social Care Organization	IEBC/VEP/2022/249
46	The People Transformation And Development Aid	IEBC/VEP/2022/250
47	Leadership Dialogue Network Foundation	IEBC/VEP/2022/252
48	Keepers Consultants Limited	IEBC/VEP/2022/001
49	Progressive Youth Group Pyg038	IEBC/VEP/2022/003
50	Eaglekwin Computer Solution	IEBC/VEP/2022/007
51	Center For Development And Peace	IEBC/VEP/2022/008
52	The Demography Project	IEBC/VEP/2022/010
53	Rufmo Consulting And Investments Co. Ltd	IEBC/VEP/2022/011
54	Desdemona Consulting Group Limited	IEBC/VEP/2022/012
55	Marvoco Digi Community Based Organization	IEBC/VEP/2022/014
56	Shecom Interpreters Agency	IEBC/VEP/2022/016
57	Life Pillars Christian Centre	IEBC/VEP/2022/018
58	Acme Development Organization	IEBC/VEP/2022/021
59	Nyandarua Interfaith Council	IEBC/VEP/2022/023
60	Intsimi Consult Ltd	IEBC/VEP/2022/025
61	Agency For Cross Border Pastoralists Development(Apad)	IEBC/VEP/2022/029
62	Worthy Vision	IEBC/VEP/2022/030
63	Organization Of African Youth	IEBC/VEP/2022/031
64	Forum For Women Rights And Dignity (Forword)	IEBC/VEP/2022/034
65	Speak Logic Group Limited	IEBC/VEP/2022/035
66	Council Of Ward Administrators Of Kenya (Cowak)	IEBC/VEP/2022/036
67	Siasa Place	IEBC/VEP/2022/037
68	Busia Voters Forum	IEBC/VEP/2022/038
69	Motech Logistic Limited	IEBC/VEP/2022/040
70	Kenya National Council Of Elders Diaspora	IEBC/VEP/2022/041
71	Pokwise International	IEBC/VEP/2022/042
72	Global Peace Foundation Kenya	IEBC/VEP/2022/043
73	Action Network For The Disabled (Andy)	IEBC/VEP/2022/044
74	Smsairworks Bulk Ltd	IEBC/VEP/2022/045
75	Uraia Trust	IEBC/VEP/2022/046

S/No.	Name of Organization	Accreditation Cert No.
76	Community In Action Institute	IEBC/VEP/2022/052
77	Badili Africa Initiative	IEBC/VEP/2022/054
78	The Anglican Church Of Kenyan (Ack)	IEBC/VEP/2022/058
79	Jiinue Keringet Youth Group	IEBC/VEP/2022/059
80	Bethel Media Services Limited	IEBC/VEP/2022/063
81	Lamu Women Alliance	IEBC/VEP/2022/065
82	Mindspill Creatives	IEBC/VEP/2022/066
83	Back To Society Organization	IEBC/VEP/2022/067
84	Everest Media And Planning Solutions Limited	IEBC/VEP/2022/069
85	Leadership Dialogue Network Foundation	IEBC/VEP/2022/071
86	Octopizzo Foundation	IEBC/VEP/2022/075
87	Thomson Self Help Group	IEBC/VEP/2022/080
88	Article 19: Global Campaign For Free Expression	IEBC/VEP/2022/086
89	Transcooper Technology Kenya	IEBC/VEP/2022/088
90	Estword Youth Age Company	IEBC/VEP/2022/093
91	Task House Consultants Limited	IEBC/VEP/2022/096
92	African Social Development Focus (ASDEF)	IEBC/VEP/2022/098
93	Mwangaza Advertiser Co. Limited	IEBC/VEP/2022/102
94	Lanaken Company Ltd	IEBC/VEP/2022/107
95	Apir Turkana	IEBC/VEP/2022/109
96	Hadeche Agency	IEBC/VEP/2022/112
97	Community Peace Foundation	IEBC/VEP/2022/113
98	Lubao Frequency Modulation Ltd (Lubao Fm)	IEBC/VEP/2022/118
99	Kenya Institute Of Special Education	IEBC/VEP/2022/119
100	The Nasio Trust	IEBC/VEP/2022/121
101	Bomet Peace Ambassadors	IEBC/VEP/2022/122
102	Ekialo Kiona Cbo	IEBC/VEP/2022/123
103	Homabay Peace Network	IEBC/VEP/2022/128
104	Nguvu Moja Karima Youth	IEBC/VEP/2022/129
105	Integrated Development Facility	IEBC/VEP/2022/131
106	Jubilant Stewards Of Africa	IEBC/VEP/2022/132
107	Women Empowerment Link	IEBC/VEP/2022/134
108	Lake Victoria Basin Talent Development And Adolescent Health	IEBC/VEP/2022/136
109	Education For Africa	IEBC/VEP/2022/137
110	Health And Water	IEBC/VEP/2022/139
111	Nyabomoke Women Group	IEBC/VEP/2022/142

Annex III: Timelines for Training of Election Officials for General Election

JULY 2022						
LEVEL I - CONTENT DEVELOPMENT						
		6TH JULY **Master Trainers Reporting**	**7TH JULY** **Content Development by Master Trainers**	**8TH JULY** **Content Development by Master Trainers**	**9TH JULY** **Content Development by Master Trainers**	**10TH JULY** **Content Development by Master Trainers**
LEVEL II – TRAINING OF TOTS						
11TH JULY Travel to training venue by Master training and TOTs	**12TH JULY** **Planning for the Training of TOTs**	**13TH JULY** **Training of TOTs**	**14TH JULY** **Training of TOTs**	**15TH JULY** **Training of TOTs**	**16TH JULY** **Training of TOTs**	**17TH JULY** **Travelling to Regions**
LEVEL III – CLUSTER -BASED TRAINING (CROs/DCROs/ROs/DROs/Accountants/CICTs & SCMAs)						
18TH JULY **Planning for Cluster Based Training**	**18TH JULY** **Participants Reporting**	**19TH JULY** **Cluster Training**	**20TH JULY** **Cluster Training**	**21ST JULY** **Cluster Training**	**22ND JULY** **Cluster Training**	**23RD JULY** **Travelling to Counties**
LEVEL IV – SETs TRAINING						
24TH JULY **Planning for the Training of Support Election Trainers (SETs)**	**25TH JULY** Training of SETs	**26TH JULY** Training of SETs	**27TH JULY** Training of SETs	**28TH JULY** Training of SETs	**29TH JULY** **Travelling to Constituencies**	
LEVEL V – LEVEL						
30TH JULY **Planning for the Training of POs & DPOs, Logistics Officer & ICT Clerks by TOTs**	**31ST JULY** Training of POs & DPOs, Logistics Officer & ICT Clerks	**1ST AUGUST** Training of POs & DPOs, Logistics Officer & ICT Clerks	**2ND AUGUST** Training of POs & DPOs, Logistics Officer & ICT Clerks	**3RD AUGUST** Training of POs & DPOs, Logistics Officer & ICT Clerks		

LEVEL VI - CONSTITUENCY LEVEL						
4TH AUGUST **Planning for the Training of Polling/Counting Clerks**	**5TH AUGUST** Training of Polling/Counting Clerks	**6TH AUGUST** Training of Polling/Counting Clerks	**7TH AUGUST** Mapping of Polling Stations	**8TH AUGUST** Distribution of Polling Materials to POs & DPOs & Departure to Polling Station	**9TH AUGUST** **POLLING DAY**	

Annex IV: Voter Registration Gender Statistics Per County

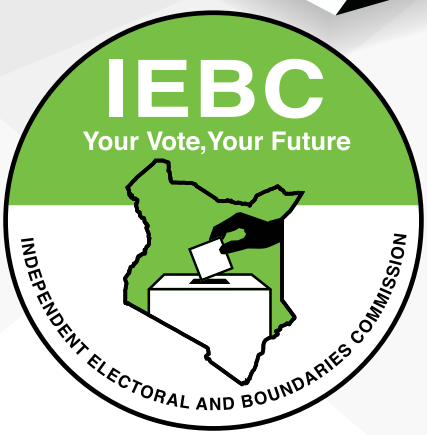
COUNTY CODE	COUNTY	MALE	FEMALE	TOTAL
001	MOMBASA	353,005	288,908	641,913
002	KWALE	159,734	168,519	328,253
003	KILIFI	282,019	306,583	588,602
004	TANA RIVER	69,878	71,218	141,096
005	LAMU	43,936	37,517	81,453
006	TAITA TAVETA	95,492	86,335	181,827
007	GARISSA	107,549	93,924	201,473
008	WAJIR	109,998	97,760	207,758
009	MANDERA	111,155	105,875	217,030
010	MARSABIT	85,118	81,794	166,912
011	ISIOLO	45,659	43,845	89,504
012	MERU	394,751	377,388	772,139
013	THARAKA - NITHI	117,084	114,848	231,932
014	EMBU	169,291	165,011	334,302
015	KITUI	256,016	276,742	532,758
016	MACHAKOS	354,868	332,697	687,565
017	MAKUENI	242,480	236,921	479,401
018	NYANDARUA	180,798	180,367	361,165
019	NYERI	240,072	241,560	481,632
020	KIRINYAGA	189,787	186,214	376,001
021	MURANG'A	311,173	309,756	620,929
022	KIAMBU	633,475	641,533	1,275,008
023	TURKANA	103,208	135,320	238,528
024	WEST POKOT	107,782	112,244	220,026
025	SAMBURU	46,232	53,782	100,014
026	TRANS NZOIA	210,218	188,763	398,981
027	UASIN GISHU	266,337	239,801	506,138
028	ELGEYO/MARAKWET	110,355	103,529	213,884
029	NANDI	211,665	194,623	406,288
030	BARINGO	141,843	139,210	281,053
031	LAIKIPIA	135,266	127,746	263,012
032	NAKURU	542,004	512,852	1,054,856
033	NAROK	207,748	191,036	398,784
034	KAJIADO	243,125	220,148	463,273
035	KERICHO	222,288	205,779	428,067
036	BOMET	194,507	182,478	376,985
037	KAKAMEGA	420,242	424,309	844,551

COUNTY CODE	COUNTY	MALE	FEMALE	TOTAL
038	VIHIGA	150,668	159,375	310,043
039	BUNGOMA	330,303	316,295	646,598
040	BUSIA	204,960	211,796	416,756
041	SIAYA	250,439	283,156	533,595
042	KISUMU	298,805	307,949	606,754
043	HOMA BAY	261,792	289,279	551,071
044	MIGORI	228,856	240,163	469,019
045	KISII	320,431	316,579	637,010
046	NYAMIRA	163,206	160,077	323,283
047	NAIROBI CITY	1,314,649	1,100,661	2,415,310
048	DIASPORA	6,697	3,746	10,443
049	PRISONS	7,075	408	7,483
TOTAL		**11,254,039**	**10,866,419**	**22,120,458**

Annex V: Voter Registration Age Group Distribution Per County

COUNTY CODE	COUNTY	18-24 YRS	25-30 YRS	31-34 YRS	35-40 YRS	41-44 YRS	45-50 YRS	51-54 YRS	55-60 YRS	61-65 YRS	OVER 65 YRS	TOTAL
001	MOMBASA	62,178	125,829	91,997	118,645	58,175	75,799	33,197	30,804	19,388	25,901	641,913
002	KWALE	26,057	58,173	40,455	51,417	23,381	41,302	18,275	15,575	17,961	35,657	328,253
003	KILIFI	56,483	113,643	70,893	88,435	39,950	64,942	31,903	30,153	31,753	60,447	588,602
004	TANA RIVER	16,756	30,108	16,181	20,258	9,447	13,331	6,271	7,629	7,552	13,563	141,096
005	LAMU	9,238	14,810	8,936	12,152	6,364	8,623	4,499	4,702	4,406	7,723	81,453
006	TAITA TAVETA	18,572	28,733	19,673	25,650	14,067	20,076	10,716	13,030	9,965	21,345	181,827
007	GARISSA	30,525	43,930	24,777	31,204	13,625	18,457	7,053	9,311	8,450	14,141	201,473
008	WAJIR	33,562	44,328	28,157	28,694	14,264	15,472	7,027	9,836	10,233	16,185	207,758
009	MANDERA	35,510	54,915	27,989	27,342	15,803	15,661	5,572	9,459	9,043	15,736	217,030
010	MARSABIT	17,652	35,082	22,417	24,742	10,489	14,186	6,581	9,469	8,539	17,755	166,912
011	ISIOLO	8,809	16,743	10,718	15,767	6,073	8,515	3,349	5,094	5,016	9,420	89,504
012	MERU	65,622	126,594	80,619	123,762	61,445	89,717	48,830	42,760	42,607	90,183	772,139
013	THARAKA – NITHI	19,831	37,433	24,436	32,990	16,987	26,309	14,639	14,490	14,126	30,691	231,932
014	EMBU	27,051	50,599	34,341	50,390	27,541	38,184	20,583	26,310	18,233	41,070	334,302
015	KITUI	44,731	84,348	53,592	73,687	37,536	63,948	32,268	34,689	28,740	79,219	532,758
016	MACHAKOS	50,376	109,530	76,563	105,453	58,407	77,563	40,152	45,029	38,974	85,518	687,565
017	MAKUENI	39,511	72,614	47,700	66,717	34,554	56,749	29,649	31,469	28,353	72,085	479,401
018	NYANDARUA	37,605	56,090	34,864	52,550	27,671	41,413	22,890	28,521	18,565	40,996	361,165
019	NYERI	41,489	66,661	44,522	66,921	38,187	54,192	32,535	41,227	28,055	67,843	481,632
020	KIRINYAGA	30,969	49,638	35,634	58,991	34,129	46,938	25,136	29,901	20,714	43,951	376,001
021	MURANG'A	53,949	86,384	55,640	82,670	49,092	70,480	36,837	49,568	36,981	99,328	620,929
022	KIAMBU	122,025	227,813	157,319	213,776	112,399	145,178	68,644	79,996	48,858	99,000	1,275,008
023	TURKANA	22,064	43,831	27,726	35,232	18,718	24,363	11,809	11,718	12,201	30,866	238,528
024	WEST POKOT	25,945	46,658	27,975	34,671	11,437	23,570	10,649	10,027	8,318	20,776	220,026
025	SAMBURU	11,233	20,875	11,495	15,292	5,216	10,789	4,421	4,592	4,914	11,187	100,014

COUNTY CODE	COUNTY	18-24 YRS	25-30 YRS	31-34 YRS	35-40 YRS	41-44 YRS	45-50 YRS	51-54 YRS	55-60 YRS	61-65 YRS	OVER 65 YRS	TOTAL
026	TRANS NZOIA	40,270	74,289	48,344	59,774	27,043	44,907	20,345	25,380	20,523	38,106	398,981
027	UASIN GISHU	56,034	99,285	61,731	84,802	37,680	56,359	25,127	26,759	20,276	38,085	506,138
028	ELGEYO/ MARAKWET	31,498	42,538	23,158	30,950	12,327	22,528	8,848	10,486	9,823	21,728	213,884
029	NANDI	50,176	76,441	47,813	61,995	25,264	43,360	20,068	21,986	19,101	40,084	406,288
030	BARINGO	43,699	55,134	32,716	35,639	16,444	26,564	12,351	14,392	13,746	30,368	281,053
031	LAIKIPIA	21,572	42,806	30,207	41,936	20,608	29,975	15,698	18,867	13,375	27,968	263,012
032	NAKURU	110,304	198,169	129,209	176,862	80,799	114,743	58,153	60,381	43,579	82,657	1,054,856
033	NAROK	45,586	77,447	53,673	65,675	25,073	44,136	20,074	19,425	16,843	30,852	398,784
034	KAJIADO	41,549	89,453	67,300	86,316	36,917	51,791	23,530	24,426	16,108	25,883	463,273
035	KERICHO	53,730	83,115	52,667	64,472	28,426	45,752	20,839	18,796	20,912	39,358	428,067
036	BOMET	47,404	72,197	45,803	56,951	24,501	41,375	18,171	15,626	18,950	36,007	376,985
037	KAKAMEGA	83,682	146,736	103,116	117,523	55,731	89,565	44,925	55,827	47,632	99,814	844,551
038	VIHIGA	31,803	48,692	31,064	36,838	20,253	29,218	16,191	21,650	19,903	54,431	310,043
039	BUNGOMA	67,878	127,036	86,306	85,093	39,431	67,265	30,406	40,777	34,607	67,799	646,598
040	BUSIA	50,743	81,218	49,581	56,218	24,824	38,698	20,512	25,612	22,604	46,746	416,756
041	SIAYA	68,430	97,823	58,289	72,141	31,405	46,598	22,613	30,117	26,962	79,217	533,595
042	KISUMU	80,342	125,463	77,045	94,259	41,008	53,619	23,335	29,245	24,887	57,551	606,754
043	HOMA BAY	78,989	112,057	63,297	75,901	30,575	52,223	19,715	28,442	24,982	64,890	551,071
044	MIGORI	64,416	99,535	58,542	67,469	25,630	45,414	18,616	23,693	19,824	45,880	469,019
045	KISII	69,731	113,660	79,261	95,299	42,283	65,491	28,435	34,868	39,183	68,799	637,010
046	NYAMIRA	31,263	53,570	40,283	49,610	22,869	34,729	15,314	19,316	20,588	35,741	323,283
047	NAIROBI CITY	209,997	478,210	381,426	491,087	232,355	269,214	115,005	112,219	59,280	66,517	2,415,310
048	DIASPORA	372	1,033	1,182	2,343	1,564	1,820	841	777	281	230	10,443
049	PRISONS	169	1,095	1,142	1,819	855	1,127	442	394	217	223	7,483
TOTAL		**2,287,380**	**4,042,364**	**2,697,774**	**3,468,380**	**1,648,822**	**2,382,228**	**1,133,039**	**1,274,820**	**1,036,131**	**2,149,520**	**22,120,458**



Your Vote, Your Future

Independent Electoral and Boundaries Commission
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