

# VOTER EDUCATION Training Manual



## **OUR VISION**

A credible Electoral Management Body committed to strengthening democracy in Kenya

## **OUR MISSION**

To conduct free and fair elections and to institutionalize a sustainable electoral process.

## **OUR CORE VALUES**

Integrity

Teamwork

Independence

Innovativeness

Respect for the rule of Law

## **MANDATE**

Article 88(4)(g) of the Constitution of Kenya, 2010 mandates the Commission to conduct voter education. In execution of this mandate, the Commission shall establish mechanisms for the provision of continuous voter education and cause to be prepared voter education curriculum as spelt out in Section 40 of the Elections Act, 2011.

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## PREFACE

Every citizen has a right to relevant and adequate information to enable them effectively understand their democratic rights, roles

and responsibilities in order to participate in electoral processes and make informed choices.

The Constitution of Kenya, 2010 mandates the Commission to conduct and supervise voter education. In this regard, the Commission has developed this Voter Education Curriculum to deliver on this mandate.

This curriculum provides standardised voter education objectives and relevant content. It has also suggested training methods, training resources, and methods of assessment during voter education. This is aimed at ensuring standardization of voter education to attain the strategic objectives and mandate of the Commission of effective voter education.

The Commission expects that the implementation of this policy shall also guide the participation of stakeholders and partners in the provision of quality and coordinated voter education in Kenya.

Effort of the team that developed this voter education curriculum is highly commended.

**Wafula Chebukati**

**Chairperson,  
Independent Electoral and Boundaries Commission**

## **ACKNOWLEDGEMENT**

I am delighted to present to you this voter education curriculum whose development has been informed by the need to enhance

quality and coordination in the provision of voter education in Kenya. Effective voter education creates awareness among voters thereby enhancing their effective participation in the electoral process.

Adherence to the information contained in the Voter Education curriculum and manual shall lead to effective delivery of voter education that responds to the needs of Kenyan voters.

I wish to thank the Chairperson, Commissioners, Management, and Staff for their valued input in the development of this curriculum and manual. I also acknowledge the technical support given to the Commission by United Nations Development Program and the invaluable expertise by the Kenya Institute of Curriculum Development (KICD) that enabled the realization of this document.

**Ezra Chiloba,**

**Commission Secretary/CEO,**

**Independent Electoral and Boundaries Commission**

## **MODULE I**

### **LEGAL AND ADMINISTRATIVE FRAMEWORK IN VOTER EDUCATION**



## **Introduction**

This module covers voter education in the following areas: the Constitution, representation at national and county governments, Political rights, Political Parties, Independent electoral and boundaries commission, Electoral laws, Electoral cycle, Delimitation of electoral boundaries, Leadership and good governance.

## **Module Outcomes**

The participants should have the ability to:

- i Exercise their sovereign power in the political process.
- ii Appreciate national values and principles of governance.
- iii Participate in National and County governance.
- iv Realize political rights and responsibilities in electoral process.
- v Participate in Political Party activities.
- vi Support the activities of Independent Electoral & Boundaries Commission in electoral process.
- vii Apply provisions of electoral laws in the electoral process.
- viii Participate in activities of the electoral cycle.
- ix Appreciate the process of boundary delimitation
- x Appreciate the qualities of good leader





## **UNIT 1: THE CONSTITUTION**

### **Unit Introduction**

This unit covers: meaning of the constitution, ways in which citizens express their sovereign power, national values and principles of governance, and process of amending the constitution.

### **Session 1:**

**Session title: Constitution and Sovereign Power**

**Time allocation:** 30 minutes

### **Session objectives**

By the end of the session, the participant should be able to:

- a) Explain the meaning of the Constitution.
- b) Discuss ways in which citizens express their sovereign power.

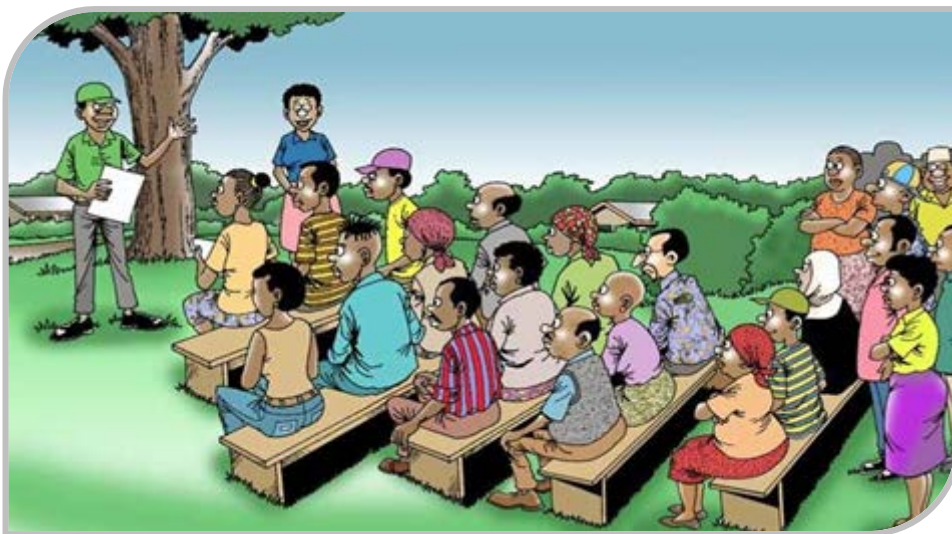


*Figure 1:*

*Promulgation of Constitution*

### **Content covered**

- Meaning of Constitution
- ways in which citizens express sovereign power



*Figure 2: Voter Education session in public baraza*

### **Suggested training resources**

Constitution of Kenya 2010, A Handbook on Elective Positions in Kenya, flip charts, marker pens, masking tape, manila papers, writing materials, carton boxes.

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Involve the participants in an icebreaking activity. For example, the participants to mention their names and animals that they associate with and reasons for such association.
- Divide the participants into groups of four to brainstorm on the

meaning of the terms Constitution

- Guide the participants to role play situations where citizens express their sovereign power.
- Guide participants in discussing ways in which citizens express their sovereign power.
- Guide the participants in an activity that helps them appreciate the need to exercise their sovereign power.
- Summarize the session using key notes.

## KEY NOTES

- **Meaning of a Constitution:**

- A Constitution is a legal document that defines the law which determines the nature and destiny of a given nation. In Kenya, it is the supreme law from which other laws are derived.

- **Ways in which citizens express their sovereign power:**

All sovereign power belongs to the people of Kenya and is exercised in accordance with the Constitution

- People exercise their sovereign power either directly, through referenda or petition, or indirectly through their democratically elected representatives
- The sovereign power of the people is exercised at the National and County levels
- Sovereign power is delegated to:
  - Parliament and legislative Assemblies in County Government,

- National Executives and the executive structures in the county government,
- Judiciary and independent offices

## **Session 2:**

### **Session title: National Values and Principles of governance related to National Identity**

**Time allocation:** 30 mins

#### **Session objectives**

By the end of the Session, the participant should be able to discuss the national values and principles of governance related to national identity.

#### **Content**

- Patriotism
- National unity
- Sharing and devolution of power
- Democracy
- Rule of law



*Figure 3: Citizens singing the Kenyan National Anthem*

### **Suggested training resources**

Constitution of Kenya 2010, Elections Offences Act 2016, National Anthem, flip charts, marker pens, masking tapes, manila papers, writing materials, resource persons, electronic resources

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask participants to sing the national anthem either in Kiswahili or in English.
- Guide participants to identify values from the national anthem.
- Guide participants to discuss values that promote national unity and sense of belonging.

- Guide participants to role play on values expected of elected leaders.
- Summarize the session using key notes.

## KEY NOTES

**Patriotism:** A strong love and attachment to a nation that a citizen recognizes as their homeland.

**National unity:** this refers to when the citizens of a nation uphold the sense of togetherness for purposes of governance.

**Sharing and devolution of power:** This when citizens equally participate in governance at national and county levels.

**The Rule of law:** this is legal system that promotes accountability, human rights, and justice.

**Democracy:** A system of government in which the supreme power is vested in the people and exercised directly by them or by the elected leaders.

**Participation of the people:** involvement of people on issues that concern them.

### Session 3:

**Session title:** National Values and Principles of governance related to Human Dignity

**Time allocation:** 30 mins

**Session objectives**



By the end of the session, the participant should be able to discuss the national values and principles of governance related to human dignity

### **Content covered**

- Human dignity
- Equity
- Social justice
- Inclusiveness
- Equality
- Human rights
- Non-discrimination
- Protection of the marginalised



*Figure 4: Community afforestation programme*



### **Suggested training resources**

Constitution of Kenya 2010, Leadership and Integrity Act 2012, National Anthem, flip charts, marker pens, masking tapes, manila papers, writing materials, resource persons, electronic resources

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask the participants to brainstorm on values that are related to human dignity.
- Guide participants to role play situations when social justice has been compromised.
- Summarize the session using key notes.

### **KEY NOTES**

**Human dignity:** individual or groups sense of self-respect and self-worth

**Equity:** Refers fairness in the way people are treated

**Social justice:** promoting tolerance, freedom and equality for all people regardless of race, sex, religion, ethnic origin, and gender as well as equal distribution of resources and opportunities

**Inclusiveness:** quality of embracing diversity

**Non-discrimination:** fair and unprejudiced treatment of different categories of people

**Equality:** Having similar social position and receiving the same treatment. These include equality in law, employment and the right to vote.

**Human rights:** Basic entitlements to individuals as enshrined in the Constitution. They are natural and God given and cannot be taken away.

**Protection of the marginalized:** This is caring for the welfare of categories of people who have been unable to fully participate in the integrated social and economic life of Kenya as a whole.

#### **Session 4:**

**Session title: National Values and Principles of Governance related to good Governance**

**Time allocation:** 30 mins

#### **Session objectives**

By the end of the session, the participant should be able to:

- a) Discuss the national values and principles of governance related to good governance

#### **Content**

- governance
- integrity
- transparency

- accountability



*Figure 5: Public officer resisting a bribe from a contractor*

### **Suggested training resources**

Constitution of Kenya 2010, Ethics and Anti-Corruption Commission Act, 2011, flip charts, marker pens, masking tapes, manila papers, writing materials, resource persons, electronic resources

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask participants to brainstorm on the requirements of leadership
- Guide participants to discuss meaning of good governance
- Ask participants to discuss requirements of a leader

- Guide participants to discuss importance of good governance
- Summarize the session using key notes.

## KEY NOTES

**Integrity:** the quality of being honest and having strong moral principles

**Transparency:** means openness in the conduct of public affairs. It involves free availability and accessibility of information to those affected by such decisions and their enforcement

**Accountability:** being answerable to the citizens

**Characteristics of good governance:** participatory, consensus oriented, accountability, transparency, responsive, effective and efficient, inclusive and follows the rule of law.

### Session 5:

**Session title:** Process of amending the Constitution.

**Time allocation:** 1 hour

### Session objectives

By the end of the session, the participant should be able to explain the process of amending the Constitution.

### Content covered

- Process of amending the Constitution:
  - Popular initiative
  - Parliamentary process

### **Suggested training resources**

Constitution of Kenya 2010, flip charts, marker pens, masking tapes, manila papers, writing materials, resource persons, electronic resources

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask participants in to discuss the meaning of Constitution amendment
- Guide the participants to brainstorm the process of Constitution amendment through popular initiative
- Guide the participants to brainstorm the process of Constitution amendment through Parliamentary process
- Ask participants to discuss the role of citizens in Constitution amendment
- Summarize the session using key notes.

### **KEY NOTES**

- **Constitution amendment:** This refers to the modification (making changes to) of an existing Constitution
  - a. **Amendment through popular initiative** is initiated by citizens and supported by at least one million registered voters
    - Can be in the form of a general suggestion or a formulated

draft Bill

- Draft Bill and supporting signatures delivered to IEBC
- IEBC verifies registration status of supporters of the draft Bill
- Upon satisfaction that there are at least one million registered voters supporting the initiative, within three months, IEBC submits the draft Bill to each County Assembly for consideration
- If a County Assembly approves the draft Bill within three months after the date it was submitted by the commission, the Speaker of the County Assembly delivers a copy of the draft Bill jointly to the Speakers of the two Houses of Parliament, alongside the certificate of approval by the County Assembly.
- If a draft Bill has been approved by majority of County Assemblies, it will be introduced in Parliament without delay
- Such a Bill is passed by Parliament if supported by a majority of members of each house.
- If Parliament passes the Bill, it shall be submitted to the President for ascent
- If either house of Parliament fails to pass the Bill, the proposed amendment shall be submitted to people in a referendum
- If the Bill relates to the following:
  - o Supremacy of the Constitution
  - o Territory of Kenya

- Sovereignty of the people
- National values and principles of governance
- The Bill of rights
- Term of office of the president
- Independent of the Judiciary, commissions and independent offices
- Functions of Parliament
- Objects, principles and structures of devolved government
- Provisions of chapter sixteen of the Constitution

The proposed amendment shall be submitted to people in a referendum

- A proposed amendment shall be approved by a referendum if:
  - At least 20% of the registered voters in each of at least a half of the Counties vote in a referendum
  - the amendment is supported by simple majority voting in a referendum
- an amendment to the Constitution that does not relate to a matter relating to article 255 (1) of the Constitution shall be enacted either
  - by Parliament (Parliamentary initiative)
  - by the people and Parliament (popular initiative)

### **Amendment through parliamentary initiative**

- a) A Bill to amend the Constitution—

- i. may be introduced in either House of Parliament;
  - ii. Shall have been passed by Parliament by not less than two-thirds of all the members of that House.
- b) Parliament shall publicise any Bill to amend this Constitution, and facilitate public discussion about the Bill.
- c) After Parliament passes a Bill to amend the Constitution, the Speakers of the two Houses of Parliament shall jointly submit to the President—
  - i. the Bill, for assent and publication; and
  - ii. a certificate that the Bill has been passed by Parliament.
- d) The President shall assent to the Bill and cause it to be published within thirty days after the Bill is enacted by Parliament.



## **UNIT 2: REPRESENTATION AT NATIONAL AND COUNTY GOVERNMENTS**

### **Unit introduction**

This unit covers the meaning of National and County government, structure of representation at National and County governments, and importance of representation at National and county government.

### **Specific Objectives**

By the end of the unit, the participant should be able to:

- a) Identify the two levels of government in Kenya.
- b) Describe the structure of representation at National and County governments
- c) Explain the importance of representation at National and county government.

### **Content**

- Meaning of National and county government.
- structure of representation at National and County governments

- Importance of representation at National and county government.

### **Suggested training resources**

The Constitution of Kenya 2010, Chart on Devolved Government Structure, Political Parties Act, 2012, Elections manual, Elections Act, 2011, Devolved government Act, 2012, Coloured paper, Marker pens, Cello tape/masking tape, Projector, Laptop/Computer, Electoral Code of Conduct, Resource persons, Resource books, related on-line literature

### **Suggested Assessment Methods**

- Question and answer
- Observation

### **Activities**

- Ask participants to explain the meaning of National and County governments
- Guide participants to illustrate the structure of representation at National and County governments
- Summarize the session by highlighting the keynotes

### **KEY NOTES**

#### **Meaning of National government**

This is a government that exercises power at National level.

#### **Meaning of County government**

This is a government that exercises power at County level.

#### **a) Representation at National Government level**

The national government representation consists of the national executive and the legislature:

**i The Executive:**

- The President,
- the Deputy President

**ii Legislature**

**a) National Assembly consists of :**

- 290 elected members
- 47 women each elected by the registered voters of the 47 counties
- 12 nominated members according to the strengths of Political Parties to represent special interests
- The speaker who is an ex officio member.

**b) Senate consists of**

- 47 members each elected by the registered voters of each county
- 16 women members who nominated by Political Parties according to their proportion of members
- 2 members being one man and one woman, representing the youth
- 2 members being one man and one woman, representing persons with disabilities
- The Speaker who is an ex officio member

**b) Representation at County government level**

The county government representation consists of the county

executive and the county Assembly:

i **The County Executive:**

- The county governor
- the Deputy county governor

ii. **County assembly**

A county assembly consists of:

- Members elected by the registered voters of the wards
- Nominated members to represent special interests of marginalized groups and persons with disabilities according to the proportion of members of Political Parties in the assembly
- Nominated members for the gender that is below a third of all members of the county assembly

The Speaker is an ex officio member

## **UNIT 3: POLITICAL RIGHTS**

### **Introduction**

This unit covers the meaning of political rights, Political rights and responsibilities of citizens and political rights and responsibilities of women, youth, elderly, marginalized, persons with disabilities and people in correctional facilities barriers to citizens' realization of political rights and role of citizens in enforcement of political rights.

### **Specific Objectives**

By the end of the unit, the participant should be able to:

- a) Explain the meaning of political rights.
- b) Identify political rights and responsibilities of citizens.
- c) Identify political rights and responsibilities of women, youth, elderly, marginalized, persons with disabilities and people in correctional facilities.
- d) Explain the barriers to citizens' realization of political rights.
- e) Outline the role of citizens in enforcement of political rights.

### **Content**

- Meaning of political rights
- Political rights and responsibilities of citizens
- Political rights and responsibilities of women, youth, elderly, marginalized, persons with disabilities and people in correctional facilities.
- Barriers to citizens' realization of political rights.
- Role of citizens in enforcement of political rights.

### **Session 1:**

**Session title: Political rights and responsibilities of citizens**

**Time Allocation:** 30 minutes

**Session objectives**

By the end of the Session, the Participant should be able to:

- a. Explain the meaning of political rights.
- b. Identify political rights and responsibilities of citizens.
- c. Identify political rights and responsibilities of women, youth, elderly, marginalized, persons with disabilities and people in correctional facilities.

**Content**

- Meaning of political rights.
- Political rights and responsibilities of citizens.
- Political rights and responsibilities of women, youth, elderly, marginalized, persons with disabilities and people in correctional facilities.

**Suggested training resources**

Coloured paper, Marker pens, Cello tape/masking tape, Projector, Laptop/Computer, The Constitution of Kenya 2010, Political Parties Act, 2011, Elections manual, Elections Act, 2011, Penal Code, Electoral Code of Conduct, Resource persons, Resource books on rights and responsibilities of citizens, On-line literature on political rights

**Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask participant to explain the meaning of political rights
- Divide participants into two groups, one group to discuss political rights and responsibilities of citizens and the other group to discuss the political rights and responsibilities of women, youth, elderly, marginalized, persons with disabilities and people in correctional facilities.
- Let the rapporteur of each group to present
- Summarize the session using key notes

### **KEY NOTES**

#### **Meaning of Political rights**

These are political entitlements that enable individuals to elect public officials or themselves to hold public office.

#### **Political rights and responsibilities of Citizens**

Political rights for Individual citizens include right to:

- Form or participate in the formation of a Political Party
- Participate in the activities of a Political Party
- Campaign for a Political Party or a cause
- Free, fair and regular elections based on universal suffrage
- Be registered as a voter
- Vote by secret ballot on any election or referendum
- Be a candidate for a public office or office within a Political Party of which the citizen is a member

- Hold office if elected

### **Responsibilities of Citizens**

- Contesting for elections
- Voting in elections
- Being informed
- Participating in political meetings
- Attending community or civic meetings
- Being members of private, public and voluntary organizations
- Paying taxes
- Upholding peace

### **Political rights and responsibilities of women, youth, elderly, marginalized, persons with disabilities and people in correctional facilities.**

- To be treated with dignity and respect
- Have access to all places, political rallies and information except for people in correctional facilities.
- Have access to all materials and devices to overcome constraints that may impede their enjoyment of political rights
- Have opportunities to associate, be represented and participate in political activities

### **Session 2:**

**Session title: Barriers to citizens' realization of political rights and role of citizens in enforcement of political rights**



**Time Allocation:** 30 Minutes

### **Session Objectives**

By the end of the Session, the Participant should be able to:

- a) Explain the barriers to citizens' realization of political rights.
- b) Outline the role of citizens in enforcement of political rights.

### **Content Covered**

- Barriers to citizens' realization of political rights
- Role of citizens in enforcement of political rights

### **Suggested training resources**

Coloured paper, stickers, Marker pens, Cello tape/masking tape, Projector, Laptop/Computer, The Constitution of Kenya, 2010, Political Parties Act, 2012, Penal Code, Electoral Code of Conduct, Resource persons, Resource books, On-line literature

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask participants to brainstorm on the barriers to citizens realization of political rights and the role of citizens in enforcements of political rights
- Summarize the session using key notes

### **KEY NOTES**

#### **The barriers to citizens' realization of political rights**

- Cultural practices that hinder the participation of special groups

in the political process

- Discrimination
- Political violence/ intolerance
- Lack of, or inadequate information on electoral process
- Difficulty in acquiring national identification documents required for registration as a voter
- Illiteracy
- Lack of information in accessible formats for persons with disability

### **Role of citizens in enforcement of their political rights**

Citizens can enforce their political rights by:

- Registering as a voter
- Voting
- Offering themselves as candidates
- Scrutinizing candidates for elections
- Maintaining peace during elections
- Petitioning the government
- Recalling elected members of National Assembly and Senate.

## **UNIT 4: POLITICAL PARTIES**

### **Specific Objectives**

By the end of the unit, the participant should be able to:

- a) Explain the meaning of a Political Party.
- b) Explain the role of Political Parties in the electoral process.
- c) Explain the requirements of becoming a member of a Political Party.

- d) Discuss the importance of participation of women, youth, elderly, marginalized and persons with disabilities in activities of Political Parties.
- e) Discuss the role of the Office of the Registrar of Political Parties in management of Political Parties.

## **Content**

- Meaning of a Political Party.
- role of Political Parties in the electoral process
- Requirements of becoming a member of a Political Party.
- Importance of participation of women, youth, elderly, marginalized and persons with disabilities in Political Parties
- role of the Office of the Registrar of Political Parties in management of Political Parties

## **Session 1:**

**Session title: Meaning of Political Parties and requirements of membership of a Political Party**

**Time allocation:** 30 minutes

### **Session objectives**

By the end of the Session, the Participant should be able to:

- a) Explain the meaning of a Political Party.

- b) Explain requirements of becoming a member of a Political Party

### **Content covered**

- Meaning of a Political Party
- Requirements for membership of a Political Party

### **Suggested training resources**

Coloured paper, Marker pens, Cello tape/masking tape, Projector, laptop/Computer, The Constitution of Kenya, 2010, Elections Act, 2011, Political Parties Act, 2011, Penal Code, Electoral Code of Conduct, Resource persons, Resource books – IDEA Hand book, Political Parties manual. On-line literature on Political Parties.

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask the participants to write down the meaning of a Political Party on a piece of paper,
- Ask participants to exchange the written meanings of a Political Party
- Guide the participants on reading out the meanings as one participant notes down the main points
- Divide the participants into smaller groups and ask them to discuss requirements of becoming a member of a Political Party
- Summarize the session by highlighting the keynotes.

## KEY NOTES

- **Meaning of a Political Party**
  - Is an organized group of people with similar political aspirations and opinions that seek to influence public policy by getting its candidates elected to public offices.
  - In Kenya a Political Party must be registered and should have a governance structure
  - The leadership of a Political Party must accommodate the regional balance, persons with disabilities, marginalized and at least a third of either gender.
- **Requirements for membership of a Political Party**
  - To be 18 years and above
  - Holder of a national identity card
  - Apply to be a member.

## Session 2:

**Session title: Importance of participation of women, youth, elderly, marginalized and persons with disabilities in activities of Political Parties**

**Time Allocation:** 30 minutes

### **Session objectives**

By the end of the session, the participant should be able to:

- a) Discuss the importance of participation of women, youth, elderly, marginalized and persons with disabilities in activities of Political Parties

### **Content covered**

- importance of participation of women, youth, elderly, marginalized and persons with disabilities in Political Parties

### **Suggested training resources**

Coloured paper, marker pens, cello tape/masking tape, Projector, Laptop/Computer, The Constitution of Kenya 2010, Elections Act 2011, Political Parties (amendment) Act, 2016, Election Laws (amendment) Act, 2016, Political Parties manual, Political Parties agents training manual, Electoral Code of Conduct, Resource persons, Resource books-IDEA Handbook, On-line literature on participation of special groups in Political Parties' activities.

### **Suggested assessment methods**

- Question and answer
- Observation

#### **Activities**

- Guide participants to discuss the importance of involvement of women, youth, elderly, marginalized and persons with disabilities in party activities
- Summarize the session by highlighting the keynotes

### **KEY NOTES**

**Importance of Participation of women, youth, elderly, marginalized and persons with disabilities in activities of Political Parties**

- They have the right to participate in Political Party

activities

- Political Parties are obligated to have a representation in Parliament and county assemblies of youth, women, and persons with disabilities, minorities and marginalized groups.
- Political Parties are obligated to preserve positions for youth, women, and persons with disabilities, minorities and marginalized groups.
- Promotes inclusivity and non-discrimination among these groups.

### **Session 3**

**Session title: role of the Office of the Registrar of Political Parties (ORPP) in management of Political Parties**

#### **Session objectives**

By the end of this session, participants should be able to discuss the role of the Office of the Registrar of Political Parties (ORPP) in management of Political Parties

#### **Content**

- Role of the Office of the Registrar of Political Parties (ORPP) in management of Political Parties

#### **Suggested training resources**

The constitution of Kenya, 2010, Election Act, 2011, Political Parties Act, 2011

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask participants to discuss the role of the Office of the Registrar of Political Parties (ORPP) in management of Political Parties
- Summarize the session by highlighting key notes

### **KEY NOTES**

Role of the Office of the Registrar of Political Parties (ORPP) in management of Political Parties

- register, regulate, monitor, investigate and supervise Political Parties to ensure compliance with Political Parties Act 2011;
- administer the Political Parties Fund;
- ensure publication of audited annual accounts of Political Parties;
- verify and make publicly available the list of all members of Political Parties;
- maintain a register of Political Parties and the symbols of the Political Parties;
- ensure and verify that no person is a member of more than one Political Party and notify the IEBC of the findings;
- investigate complaints received under Political Parties Act 2011; and
- Perform such other functions as may be conferred by Political Parties Act 2011 or any other written law.



## **UNIT 5: LEADERSHIP AND GOOD GOVERNANCE**

### **Specific Objectives**

By the end of the unit, the participant should be able to:

- a) Discuss the responsibilities of leadership
- b) Discuss guiding principles of leadership
- c) Explain qualities of a good leader
- d) Explain the role of citizens in electing good leaders
- e) Discuss the responsibilities and conduct of state officers
- f) Discuss the values and principles of Public Service

### **Content**

- responsibilities of leadership
- guiding principles of leadership
- qualities of a good leader
- role of citizens in electing good leaders
- responsibilities and conduct of state officers
- values and principles of Public Service

## **Session 1:**

**Session title: Electoral Cycle**

**Time Allocation: 1 hour**

### **Session Objectives**

By the end of the unit, the participant should be able to:

- a) Explain the responsibilities of leadership
- b) Discuss guiding principles of leadership
- c) Explain qualities of a good leader

### **Content**

- responsibilities of leadership
- guiding principles of leadership
- qualities of a good leader

### **Suggested training resources**

Constitution of Kenya , 2010, Leadership and integrity Act, 2012, Public Officers Ethics Act, 2003, Anticorruption and Economic crimes Act, 2003, EACC Act, 2011, Flipchart, Marker pen, Masking tape, Projector, Chart on electoral cycle, IEBC Strategic plan 2015-2020, IEBC Election Operation Plan 2015-2017, Electoral code of conduct, Voter registration manual 2016

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Guide participants to explain the responsibilities of leadership
- Guide participants to discuss guiding principles of leadership
- Ask participants to explain qualities of a good leader
- Summarize the session by highlighting Key notes.

## **KEY NOTES**

### **Responsibilities of leadership**

Responsibilities of leadership are:

- i. Inspires and influences others to give their maximum efforts and cooperation for the attainment of group objectives.
- ii. supervises and coaches to ensure proper and prompt execution of instructions
- iii. Motivates by creating a conducive work environment along with a personal sense of belonging to the organization, which helps to motivate employees in order to achieve organizational goals
- iv. Communicates effectively to employees in order to generate ideas, create mutual understanding and coordination, providing information and facilitating communication reduce conflict among group members.
- v. Mediates to resolve conflicts

### **Guiding principles of leadership**

- Objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;
- Selfless service based solely on the public interest, demonstrated by
- Honesty in the execution of public duties;
- The declaration of any personal interest that may conflict with public duties;
- Accountability to the public for decisions and actions; and
- Discipline and commitment in service to the people.

### **Qualities of a good leader**

A good leader is one who:

- is responsible
- is a role model
- must be accountable and transparent to the system he/she serves
- recognizes the need to consult and work with others
- corrects and does not condemn nor victimize
- listens to others
- is answerable to those he/she leads
- is governed by reason and not emotion
- exercises patience, tolerance, empathy and reason

### **Session 2:**

**Session title: Role of citizens in electing good leaders, responsibilities and conduct of state officers and values and principles of Public Service.**

**Time Allocation: 1 hour**

## **Session Objectives**

By the end of the session, the participant should be able to:

- a) Explain the role of citizens in electing good leaders
- b) Discuss the responsibilities and conduct of state officers
- c) Discuss the values and principles of Public Service

## **Content**

- a) role of citizens in electing good leaders
- b) responsibilities and conduct of state officers
- c) values and principles of Public Service

## **Suggested training resources**

Constitution of Kenya , 2010, Leadership and integrity Act, 2012, Public Officers Ethics Act, 2003, Anticorruption and Economic crimes Act, 2003, EACC Act, 2011, Flipchart, Marker pen, Masking tape, Projector, Chart on electoral cycle, IEBC Strategic plan 2015-2020, IEBC Election Operation Plan 2015-2017, Electoral code of conduct, Voter registration manual (Sourcebook 2016)

## **Suggested assessment methods**

- Question and answer
- Observation

## **Activities**

- Ask participants to identify the role of citizens in electing good leaders

- Guide participants to discuss the responsibilities and conduct of state officers
- Discuss the values and principles of Public Service
- Summarize the session by highlighting key notes

## KEY NOTES

### Role of citizens in electing good leaders

- Registering as voters
- Electing leader of their choice
- Vote
- Holding leaders to account
- Vying for elective positions

### Responsibilities and conduct of state officers

A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids:

- Any conflict between personal interests and public or official duties
- Compromising any public or official interest in favour of a personal interest
- Demeaning the office the officer holds.

### Values and principles of Public Service

- high standards of professional ethics;
- efficient, effective and economic use of resources;
- responsive, prompt, effective, impartial and equitable provision of services;
- involvement of the people in the process of policy making;
- accountability for administrative acts;
- transparency and provision to the public of timely, accurate information;
- fair competition and merit as the basis of appointments and promotions;
- representation of Kenya's diverse communities; and
- affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of:
  - o men and women;
  - o the members of all ethnic groups

## **UNIT 6: THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION**

### **Introduction**

The information about Election management bodies and IEBC in particular, is relevant to Kenyan voters. This unit presents the principles guiding Electoral Management bodies, the mandate of IEBC in Kenyan electoral process, Criteria for appointing members of IEBC, and Process of electoral boundaries delimitation

### **Specific Objectives**

By the end of the unit, the participant should be able to:

- a) Describe the general principles guiding the conduct of Election Management Bodies (EMBs).
- b) State the mandate of the Independent Electoral & Boundaries Commission.
- c) Describe the criteria of appointing members of IEBC.

### **Content**

- General principles guiding the conduct of Electoral Management Bodies (EMBs)
- Mandate of the Independent Electoral & Boundaries Commission
- Criteria for appointing members of IEBC



## **Session 1:**

### **Session title: Mandate of Independent Electoral and Boundaries Commission (IEBC)**

**Time allocation:** 1 hour

#### **Session objectives**

By the end of the Session, the Participant should be able to:

- a. describe the general principles guiding the conduct of Electoral Management Body (EMB)
- b. state the mandate of IEBC
- c. appreciate the role played by IEBC as Electoral Management Body

#### **Content covered**

- general principles guiding the conduct of Electoral Management Bodies (EMBs)
- Mandate of the Independent Electoral and Boundaries Commission

#### **Suggested training resources**

Constitution of Kenya, 2010, IEBC Act, 2011, Election Offences Act, 2016, Electoral Code of Conduct, International IDEA website, Audio visual resources, Print Materials, flip charts, marker pens, masking tapes

#### **Suggested assessment methods**

- Question and answer

- Observation

### Activities

- Ask participants, in groups, to brainstorm on the general principles guiding the conduct of EMBs
- Guide the participants to discuss the mandate and functions of IEBC
- Summarize the session by highlighting key notes.

### KEY NOTES

- **General Principles guiding the conduct of EMBs**
  - **Independence:** The functions of an EMB should not be subject to direction of any other person, authority or political party
  - **Transparency:** An EMB should constantly communicate to stakeholders in election on the electoral processes and operations
  - **Impartiality:** An EMB must function without political favoritism or bias
  - **Efficiency and Effectiveness:** Efficiency and Effectiveness are integral components of overall credibility of an election and depend on staff professionalism, resources and sufficient time to organize elections
  - **Professionalism:** Election should be managed by a specialized group of highly trained and committed experts who manage and facilitate the electoral process.

- **Adherence to the Rule of Law:** EMB must conduct its affairs within the law
- **Mandate of Independent Electoral and Boundaries Commission**
  - the continuous registration of citizens as voters;
  - the regular revision of the voters' roll;
  - the delimitation of constituencies and wards;
  - the regulation of the process by which parties nominate candidates for elections;
  - the settlement of electoral disputes, including disputes relating to or arising from nominations but excluding
  - determination of election petitions and disputes subsequent to the declaration of election results;
  - the registration of candidates for election;



*Figure 6: IEBC officials conducting a voter education session*

- voter education;
- 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;
- the development of a code of conduct for candidates and parties contesting elections; and
- monitoring of compliance with the legislation required by Article 82 (1) (b) relating to nomination of candidates by parties

## **Session 2:**

**Session title: Criteria for appointing members of IEBC**

**Time allocation: 1 hour**

### **Session objectives**

By the end of the session, the participant should be able to:

- a. describe the criteria of appointing members of the IEBC
- b. Appreciate the criteria of appointing members of IEBC

### **Content covered**

- Criteria of appointing members of IEBC

### **Suggested training resources**

Constitution of Kenya, 2010, IEBC Act, 2011, flip charts, marker pens

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask participants, in groups, to brainstorm on criteria of appointing members of IEBC
- Guide the participants in discussing criteria for appointment of members of IEBC
- Summarize the session using key notes.

### **KEY NOTES**

- **Qualifications for appointment as chairperson or member of the Commission**
  - The chairperson of the Commission shall be a person who is qualified to hold the office of judge of the Supreme Court under the Constitution.
  - A person is qualified for appointment as a member of the Commission if such person—
    - is a citizen of Kenya;
    - holds a degree from a recognized university;
    - has proven relevant experience in any of the following fields—
      - i. electoral matters;
      - ii. management;
      - iii. finance;
      - iv. governance;

- v. public administration;
- vi. law; and
- vii. meets the requirements of Chapter Six of the Constitution.

- **Criteria for appointing the Chairperson and members of IEBC**

- Appointment of a selection panel/ committee
- Selection/ committee panel invites applications from qualified members of the public for the position of the Chairperson and members of the Commission
- Selection panel/ committee panel shortlist and interviews applicants for the position of the Chairperson and members of the Commission and conduct interviews
- Selection panel/ committee recommend two names to the President, from which he/she nominates, one to the position of the Chairperson
- Selection panel/ committee recommends nine names to the president, from which he nominates six to the position of members of the Commission
- The president seeks the approval of the national assembly, on his nominees
- If approved by the national assembly, the nominees to the position of the Chairperson and members of the Commission are appointed by the president and sworn in by the Chief Justice

## **UNIT 7: ELECTORAL CYCLE**

**Time allocation:** 1hour

### **Introduction**

This unit covers electoral activities across the electoral cycle. These include activities during the pre-election period, during election period, and after elections (post-election period)

### **Specific Objectives**

By the end of the unit, the participant should be able to:

- a) Describe activities during the pre-election period.
- b) Discuss activities during the election period.
- c) Describe activities during post elections period.

### **Content**

- Activities during the pre-election period
- Activities during the election period
- Activities during post elections period

### **Suggested training resources**

Flipchart, Marker pen, Masking tape, Projector, Chart on electoral cycle, IEBC Strategic plan 2015-2020, IEBC Election Operation Plan 2015-2017, Electoral code of conduct, Voter registration manual 2016

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask participants to brainstorm on election activities
- Divide participants into three groups. Ask them to discuss and make presentations on the following:
  - Group one: Activities before election
  - Group two: Activities during election
  - Group three: Activities after election
- Summarize the session using key notes



## **KEY NOTES**

### **Activities during Pre- election period**

The following are the activities during pre- election period:

- Voter registration
- Voter education
- Training of election officials
- Nomination of candidates
- Electoral campaign

### **Activities during Election period**

The following are the activities during election period:

- Polling
- Counting of votes
- Verification of results
- Declaration of winners

### **Activities during (post) election period**

The following are the activities during post-election period :

- Petitions and appeals
- Audit and evaluation of elections
- Election reforms

### **Chart on electoral cycle**



Figure 7: Electoral Cycle

## UNIT 8: ELECTORAL LAWS

Time allocation: 1hr.

### Introduction

It is important for Kenyan voter to be acquainted with the purposes of various laws related to voter education in the electoral process.

This unit discusses the objects of the electoral laws in voter education.

### **Specific Objectives**

By the end of the unit the participants should be able to:

- a) Identify electoral laws
- b) Explain the objects of the electoral laws

### **Content**

- Electoral laws
  - Elections Act, 2011; Election laws (Amendment) Act, 2016
  - IEBC Act, 2011
  - Election Offences Act, 2016
  - Political Parties Act, 2011; Political Parties (Amendment) (No.2) Act, 2016
- Objects of electoral laws

### **Suggested training resources**

Constitution of Kenya 2010, Elections Act, 2011; Election laws (Amendment) Act, 2016, IEBC Act, 2011, Election Offences Act, 2016, Political Parties Act, 2011; Political Parties (Amendment) (No.2) Act, 2016, flip charts, writing materials

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask participants, in groups, to name and list laws applicable to elections
- Guide the participants, in groups, to brainstorm on electoral laws and their purposes (objects)
- Guide the participants in discussing electoral laws and their purpose (objects)
- Summarize the session using key notes.

### **KEY NOTES**

- **Objects of Elections Act, 2011; Election laws (Amendment) Act, 2016**

An act of parliament to amend various laws relating to election and connected purposes

- **Object of Independent Electoral and Boundaries Commission (IEBC) Act, 2011**

An act of parliament to make provision for appointment and effective operation of Independent Electoral and Boundaries Commission established by Article 88 of the Constitution; and for connected purposes.

The object and purpose of this Act is to—

- provide for the operations, powers, responsibilities and functions of the Commission to supervise elections and referenda at County and National government levels;

- provide a legal framework for the identification and appointment of the chairperson, members and the secretary of the Commission pursuant to Article (12)(b) and 250(2) of the Constitution;
- provide for the manner of the exercise of the powers, responsibilities and functions of the Commission pursuant to Article 88 (5) of the Constitution;
- establish mechanisms for the Commission to facilitate consultations with interested parties pursuant to Article 89(7) of the Constitution; and
- establish mechanisms for the Commission to address the issues arising out of the first review.

- **Object of Election Offences Act, 2016**

An act of parliament to provide for Election Offences and for connected purposes

- **Political Parties Act, 2011; Political Parties (Amendment) (No.2) Act, 2016**

An act of Parliament to provide for the registration, regulation and funding of political parties and for connected purposes

## **UNIT 9: ELECTION OFFENCES**

### **Specific Objectives**

By the end of the unit, the participant should be able to:

- a) Explain the meaning of an election offence

- b) Identify election offences and their penalties
- c) Explain causes of election offences
- d) Identify ways of preventing election offences

### **Content**

- a) Meaning of an election offence
- b) Election offences and their penalties
- c) Causes of election offences
- d) Ways of preventing election offences

**Session title:** election offences and their penalties

**Time allocation:** 1 hour

### **Session objectives**

By the end of this session, participants should be able to:

- a) Explain the meaning of an election offence
- b) Identify election offences and their penalties

### **Content**

- Meaning of an election offence
- Election offences and their penalties

### **Suggested training resources**

Constitution of Kenya 2010, Election Offences Act, 2013, Electoral Code of Conduct, Resource persons, Resource books, On-line literature on election observation, Polling Day Diary (PDD)

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- a) Explain the meaning of an election offence
- b) Identify election offences and their penalties

## **KEY NOTES**

### **Meaning of election offence**

Election offence is a criminal act committed during electoral process that compromises the fairness and transparency of an election

### **Election Offences**

- Offences relating to register of voters
- Offences relating to multiple registration as a voter
- Offences relating to voting
- Offences by members and staff of the Commission
- Maintenance of secrecy at elections
- Personation
- Bribery
- Undue influence
- Use of force or violence during election period
- Use of national security organs
- Offences relating to elections
- Use of public resources
- Participation in elections campaigns by public officers
- Unlawful expenditure in campaigns
- Offences relating to use of technology in elections
- Employers to allow employees reasonable period for voting
- Aiding and abetting offences
- Breach of electoral code of conduct

### **Penalties**

A person who commits an election offence is liable, on conviction, to a fine not exceeding one million shilling or to imprisonment for

a term not exceeding six years or both.

## **Session 2**

**Session title: Causes and prevention of election offences**

**Time allocation: 1 hour**

### **Session objectives**

By the end of this session, participants should be able to:

- a) Explain causes of election offences
- b) Identify ways of preventing election offences

### **Content**

- a) Explain causes of election offences
- b) Identify ways of preventing election offences

### **Suggested training resources**

Constitution of Kenya 2010, Election Offences Act, 2013, Electoral Code of Conduct, Resource persons, Resource books, On-line literature on election observation, Polling Day Diary (PDD)

### **Suggested assessment methods**

- Question and answer
- Observation

#### **Activities**

- Guide participants to explain the causes of election offences
- Ask participants to identify ways of preventing election offences
- Summarize the session by highlighting key notes

## **KEY NOTES**

### **Causes of Election offences**

- Inadequate voter and civic education
- Lack of faith in the electoral body



- Lack of faith in the electoral process
- Lack of awareness of the electoral process
- Lack of awareness of legal provisions by political parties
- Wrong attitude of political party leaders
- Political repression, harassment and intimidation
- Breakdown of conflict management mechanism
- Ethnic balkanization into regional and ethnic divisions
- Poverty
- Undue political influence
- Political greed
- Political repression
- Compromised security system
- Incitement
- Illiteracy
- Obstruction
- Inaccessibility of the polling centre especially for the disabled and senior citizens
- Lack of appropriate voting materials for special groups

### **Ways of preventing election offences**

- Conduct effective and continuous voter education
- Encourage dialogue among different stakeholders in the electoral process
- Enhance accurate and responsible reporting on electoral processes by the media
- Enhance effective monitoring system of the electoral process
- Enforce the code of conduct on election offences
- Enhance inter-agency collaboration and networking

## **UNIT 10: DELIMITATION OF ELECTORAL BOUNDARIES**

### **Specific Objectives**

By the end of the unit, the participant should be able to:

- a) Explain the meaning of electoral boundary delimitation
- b) Explain the criteria for electoral boundary delimitation
- c) Describe the process of electoral boundary delimitation

### **Content**

- meaning of electoral boundary delimitation
- criteria for electoral boundary delimitation
- the process of electoral boundary delimitation

### **Suggested training resources**

Constitution of Kenya, 2010, IEBC Act, 2011, Election Offences Act, 2016, Electoral Code of Conduct, International IDEA website, Audio visual resources, Print Materials, flip charts, marker pens, masking tapes

### **Suggested assessment methods**

- Question and answer
- Observation

#### **Activities**

- Ask participants to explain the meaning of electoral boundary delimitation
- Guide participants to describe the criteria for electoral boundary delimitation
- Guide participants to describe the process of electoral boundary delimitation
- Summarize the session by highlighting key notes

### **KEY NOTES**

- **meaning of electoral boundary delimitation**

This is the periodic modification of electoral boundaries. The purpose of delimitation is to achieve universal suffrage right (i.e. equal weight to each vote)

- **criteria for electoral boundary delimitation**

- number of inhabitants in the ward and/ or constituency
- geographical features and urban centers
- community interest, historical, economic and cultural ties
- means of communication (accessibility in terms of transport and communication )

- **Process of Boundary Delimitation s**

- The Independent Electoral and Boundaries Commission reviews the names and boundaries of constituencies at intervals of not less than eight years, and not more than

twelve years, but any review shall be completed at least twelve months before a general election of members of Parliament.

- The Commission reviews the number, names and boundaries of wards periodically.
- If a general election is to be held within twelve months after the completion of a review by the Commission, the new boundaries shall not take effect for purposes of that election.
- The boundaries of each constituency shall take into account:
  - o the population quota in the constituency
  - o geographical features and urban centres
  - o Community of interest, historical, economic and cultural ties; and means of communication.
- In reviewing constituency and ward boundaries the Commission:
  - o consults all interested parties; and
  - o Progressively work towards ensuring that the number of inhabitants in each constituency and ward is, as nearly as possible, equal to the population quota.
- If necessary, the Commission may alter the names and boundaries of constituencies, and the number, names and boundaries of wards.
- The names and details of the boundaries of constituencies and wards determined by the Commission shall be published in the *Gazette*, and shall come into effect on the dissolution of Parliament, following their publication.

- A person may apply to the High Court for review of a decision of the Commission
- An application for the review shall be filed within thirty days of the publication of the decision in the *Gazette* and shall be heard and determined within three months of the date on which it is filed.

## **UNIT 11: UNIT TITLE: STAKEHOLDERS IN THE ELECTORAL PROCESS**

**Time allocation: 1hr**

### **Introduction**

This unit covers stakeholders in the electoral process.

### **Specific objective**

By the end of the unit, the participant should be able to identify stakeholders in the electoral process

### **Content**

- Stakeholders in the electoral process
  - Electorate
  - Political Parties
  - Office of the Registrar of Political Parties
  - Judicial Bodies
  - Security Agents
  - Observers
  - Agents
  - Media
  - Political Party candidates
  - Independent Candidates
  - Parliament
  - Development Partners

- Civil Society Organizations
- Faith-Based Organizations

### **Suggested training resources**

IEBC Voter Education Policy, Stakeholder & Partnership Policy

### **Suggested assessment methods**

- Question and answer
- observation

### **Activities**

- Ask participants to identify stakeholders in electoral process
- Ask participants to mention some of the roles of stakeholders in electoral process
- Summarise the session by highlighting key notes

### **KEY NOTES**

- **Stakeholders in the electoral process**
  - Electorate
  - Political Parties
  - Office of the Registrar of Political Parties
  - Judicial Bodies
  - Security Agents
  - Observers
  - Agents
  - Media
  - Political Party candidates
  - Independent Candidates
  - Parliament
  - Development Partners

- Civil Society Organizations
- Faith-Based Organizations

## **MODULE II**

### **ELECTORAL SYSTEM AND PROCESS**

#### **Module Introduction**

This module covers: electoral systems, elective positions, voter registration, nomination of candidates by Political Parties, proportional representation by party lists, independent candidates, Registration of candidates for election by IEBC election campaigns and election campaigns financing It also covers polling, counting, collating, announcement, declaration and transmission of election results, observation of the electoral process, media as well as special groups in electoral process.

#### **Module Outcomes**

Participants should have the ability to:

- a) Appreciate electoral systems in Kenya
- b) Identify elective positions in Kenya
- c) Participate in voter registration
- d) Participate in the nomination of Political Party candidates
- e) Appreciate proportional representation by party lists.
- f) Appreciate the need to support independent candidates

- g) Appreciate the process of registration of candidates for elections by IEBC
- h) Promote peace during election campaigns.
- i) Observe the provisions regarding election campaigns financing
- j) Participate in voting during elections.
- k) Appreciate the process of counting, collating, tallying, announcement, declaration and transmission of election results.
- l) Appreciate the role of election officials.
- m) Appreciate the role of media in coverage of electoral process.
- n) Support participation of special groups in elections.
- o) Recognise the importance of observation and monitoring of electoral process.

## **UNIT 1: ELECTORAL SYSTEMS**

### **Introduction**

This unit covers the general principles of the electoral systems, the electoral system in Kenya, requirements for electoral systems in Kenya, and the types of elections in Kenya.

### **Specific Objectives**

By the end of the unit the participant should be able to:

- a) Discuss the general principles of the electoral systems



- b) Describe the electoral systems in Kenya
- c) Outline the requirements for electoral systems in Kenya
- d) Discuss types of elections in Kenya.

### **Content**

- General principles of the electoral systems.
- Electoral systems in Kenya.
- Requirements for electoral systems in Kenya.
- Types of elections in Kenya.

### **Session 1:**

#### **Session title: Electoral systems**

**Time allocation:** 1 Hour

**Session objectives:** By the end of the session the participant should be able to:

- a) Discuss the general principles of the electoral systems
- b) Describe the electoral system in Kenya

### **Content**

- General principles on electoral system
- electoral system in Kenya

### **Suggested training resources**

Flipchart, Marker pen, Cello tape, Projector, Constitution of Kenya 2010, IEBC Strategic Plan 2015-2020, Elections manual 2016 (source book), Charts illustrating general principles

### **Suggested assessment methods**

- Question and answer

### **Activities**

- Guide participants to discuss general principles of an electoral system
- Guide participants in discussing electoral system in Kenya
- Summarize session by highlighting the key notes

- Observation

### **KEY NOTES**

#### **General principles of the electoral system**

Credible elections are guided by the following principles:

- **Integrity**

The Commission shall ensure that elections are conducted with utmost ethical behaviour and competency.

- **Transparency**

All electoral processes shall be conducted in a clear and open manner to all players and stakeholders.

- **Accountability**

The Commission shall be responsible for all its actions in the electoral process.

- **Efficiency**

All electoral processes should be conducted in a cost effective manner and quality results delivered within stipulated time.

- **Professionalism**

Electoral officials should be competent enough to conduct the elections according to the set standards. All candidates, parties, voters and stakeholders should be treated equally and fairly.

- **Rule of law**

All laws relating to elections should be fully implemented in an impartial and equitable manner.

- **Independence**

The electoral body should be free from external influence in its execution of its mandate

- **Impartiality**

The Commission should be non-partisan and enjoy the confidence of all stakeholders by establishing a level playing field for all stakeholders in the political field.

### **Electoral system in Kenya**

An electoral system is a process by which votes are translated into electoral seats. The choice of a system therefore determines the nature of representation and the format by which seats are allocated.

In Kenya, the electoral system embraced is 'First-Past-The-Post' coupled with proportional representation based on party lists and special seats allocation for the youth, Persons with Disabilities, women, marginalized and minority groups. The winner in each electoral area is the candidate who receives the most votes in an election except for Presidential election.

With regard to presidential election the winner must obtain an

absolute majority of the valid votes cast during an election i.e. 50%+1. and at least 25% of votes in at least 24 counties.

## **Session 2:**

**Session title: Electoral System and types of elections in Kenya**

**Time allocation: 1 Hour**

**Session objectives:** By the end of the session the participant should be able to

- a) Outline the requirements for electoral systems in Kenya
- b) Discuss types of elections in Kenya
- c) Appreciate electoral system and process in Kenya

## **Content**

- Requirements for electoral systems in Kenya
- Types of elections in Kenya
  - General elections
  - By-elections
  - Referenda
  - Special elections

## **Suggested training resources**

Flipchart, Marker pen, Masking tape, Projector, Constitution of Kenya 2010, Elections Act, 2011, IEBC Strategic plan 2015-2020, Elections manual 2016 (source book), Charts related to electoral systems

## **Suggested assessment methods**

- Question and answer

- Observation

### **Activities**

- Ask participants to name the types of electoral systems in Kenya
- Guide participants to discuss types of electoral systems in Kenya
- Guide participants in discussing types of elections in Kenya
- Summarize session by highlighting the key notes

## **KEY NOTES**

### **Requirements for Electoral Systems in Kenya**

An electoral system must comply with the following principles:

- a) freedom of citizens to exercise their political rights
- b) not more than two-thirds of the members of elective public bodies shall be of the same gender;
- c) fair representation of persons with disabilities;
- d) universal suffrage based on the aspiration for fair representation and equality of vote;
- e) free and fair elections, which are—
  - i. by secret ballot;
  - ii. free from violence, intimidation, improper influence or corruption;
  - iii. conducted by an independent body;
  - iv. transparent; and
  - v. Administered in an impartial, neutral, efficient, accurate and accountable manner.

At every election, the Independent Electoral and Boundaries Commission is required to ensure that:

- a) whatever voting method is used, the system is simple, accurate, verifiable, secure, accountable and transparent;
- b) the votes cast are counted, tabulated and the results announced promptly by the presiding officer at each polling station;
- c) the results from the polling stations are openly and accurately collated and promptly announced by the returning officer; and appropriate structures and mechanisms to eliminate electoral malpractice are put in place, including the safekeeping of election materials.

## **Types of Elections**

In Kenya, there are two main types of elections; namely:

- General Election
- Referendum

### **a. General Elections**

- The General Elections in Kenya are held every fifth year at the lapse of the term of the President, Members of Parliament, Governors and Members of the County Assembly.
- Sometimes health incapacity, death of an elected President before assuming office, Member of Parliament or County Assembly and other legal provisions may trigger the following elections
  - i. **Re-run election**

Re-run election for Presidential Elections can be held when a presidential election does not produce a clear winner. This means that no presidential candidate has attained more than half of all the votes cast and at least 25% of the votes cast in each of more than half of the counties.

It is a fresh election held thirty days after a previous Presidential election which had no clear winner. The candidates for this election are the best two candidates who score the highest and the second highest votes.

**ii. Special Presidential election may be occasioned by:**

- Death of the President before assuming the office
- Death of or incapacity of the Deputy President to assume office following a vacancy in the office of the President.

**iii. By- election**

By-election: This may be occasioned by a vacancy in Parliament and County Assemblies. A by-election is also occasioned by death of, or incapacity of the Deputy Governor to assume office following a vacancy in the office of the Governor or if a vacancy occurs in the office of the Governor and Deputy Governor at the same time.

**iv. Recall election**

Re-call election is an election that results from a judgment or a finding by a High court following a petition by the electorate.

**b) Referendum**

Referendum is an election in which the electorate are asked to give their opinion about or decide an important political or social question. This may include amending the Constitution in regard to:

- i) the supremacy of the Constitution
- ii) the territory of Kenya
- iii) the sovereignty of the people;
- iv) the national values and principles of governance
- v) the Bill of Rights;
- vi) the term of office of the President;
- vii) Commissions and independent offices.

## **UNIT 2: ELECTIVE POSITIONS IN KENYA**

### **Introduction**

This unit focuses on elective offices, roles of each elective office, the process of impeachment of the President and the County Governor, the process of recall of the members of Parliament and



County Assemblies, and circumstances under which the elective offices may fall vacant.

**Specific Objectives:** By the end of the unit, the participant should be able to:

- a) Identify elective positions.
- b) Explain the roles of each elective position.
- c) Explain the process of impeaching of the President and the County Governor.
- d) Explain the process of recall of the members of Parliament and County Assemblies.
- e) Discuss circumstances under which the elective offices may fall vacant.

### **Content**

- Elective positions.
- Roles of each elective position.
- Process of impeaching the President and the County Governor.
- Process of recalling members of Parliament and County Assemblies.
- Circumstances under which the elective offices may fall vacant.

### **Session 1:**

**Session title: Elective offices, and impeachment of the President and County Governor**

**Time allocation: 1 Hour**

### **Session objectives**

By the end of the session, the participant should be able to:



- a) Identify elective positions in Kenya
- b) Explain the roles of each elective position in Kenya
- c) Explain the process of impeachment of the President and County Governor

## **Content**

- Elective positions in Kenya
- Roles of each elective position in Kenya
- process of impeachment of the President and the County Governor

## **Suggested training resources**

Constitution of Kenya 2010, Relevant Acts, IEBC Strategic plan 2015-2020, Elections manual 2016 (source book), Flipchart, Marker pen, Masking tape, Projector, Chart on elective positions

## **Suggested assessment methods**

- Question and answer
- Observation

## **Activities**

- Ask participants to identify elective positions in Kenya
- Guide participants to discuss the roles of each elective position in Kenya
- Ask participants to discuss the process of impeachment of the President and the County Governor
- Summarize the session by highlighting key notes

## **KEY NOTES**

- **Elective positions in Kenya**

The elective positions in Kenya are:

- Presidency
- Governorship
- Senatorial
- National Assembly
- County Woman member to the National Assembly
- County Assembly Ward Representative

It is important to note that bearers of the office of the Deputy President and office of the Deputy Governor are not directly elected by the electorate but assume office by virtue of being the running mates of the President and the Governor respectively.

- **Role of Elected leaders**

1. **The President**

- Is the Head of State and Government
- Exercises executive authority of the Republic
- Is the Commander-in-Chief of the Kenya Defence Forces
- Is the Chairperson of the National Security Council
- Is a symbol of National Unity
- Is a custodian of the sovereignty of the Republic of Kenya
- Promotes and enhances the unity of the nation
- Promotes respect for the diversity of the people and communities of Kenya

- Ensures protection of human rights, fundamental freedoms and the rule of law
- Addresses the opening of each newly elected Parliament
- Nominates and, with the approval of the National Assembly, appoints Cabinet Secretaries, the Attorney-General, the Secretary to the Cabinet, Principal Secretaries, High Commissioners, Ambassadors and Diplomatic Councils
- Chairs Cabinet meetings
- Directs and co-ordinates the functions of Ministries and Government Departments

### **Deputy President**

The Deputy President

- Deputizes the President
- Performs any other duty as assigned by the President

## **2. County Governor**

The County Governor:

- Is the Head of County Government
- Implements County legislation
- Manages and coordinates the functions of the county administration and its departments
- Prepares proposed legislation for consideration by the County Assembly
- Provides the County Assembly with full and regular reports on matters relating to the county

## **Deputy County Governor**

The Deputy County Governor

- Deputizes the County Governor
- Performs any other duties as assigned by the County Governor

## **3. Member of the National Assembly and County Woman member of the National Assembly**

The Member of the National Assembly:

- Represents the people of a constituency and special interests in the national Assembly
- Makes laws in the National Assembly
- Approves nominations for various public offices before appointment by the President
- Sits in Parliamentary committees of various sectors
- Approves national budgets
- Has a role in impeachment of the president
- Have oversight role over the executive and other state of government

## **4. Senator**

The Senator:

- Represents the interest of the respective Counties in the Senate
- Makes laws at the Senate
- Approves Government policies
- Has the final vote on the impeachment of the President
- Oversight the county and national government

- Determines allocation of national revenue among counties

### **5. County Assembly Ward Representative**

The County Assembly Ward Representative:

- Represents the ward in the county assembly
- Makes laws for the county
- Approves budgets for the county
- Approves referendum Bills through popular initiatives
- Recommend Impeachment of the Governor

### **Impeachment of the President**

The President may be removed from office on any of the following grounds:

- Gross violation of the Constitution or any other law
- Gross misconduct
- Physical or mental incapacity to perform the functions of office of the President

The process of removing the President may be conducted in two ways:

- Through either a motion for investigation on the President's physical or mental incapacity instituted by the National Assembly and supported by at least a quarter of all members and then forwarded to the Senate where the same number is required. This process involves the formation of a tribunal of inquiry by the Chief Justice and a final simple majority vote of all members of the National Assembly.

- Through a motion of impeachment based on the grounds stated above instituted by a Member of the National Assembly. The process involves the Senate and not a tribunal. By a senate vote of two thirds of all the members of the Senate upholding the impeachment charge, the President ceases to hold office.

### **Impeachment of the County Governor**

The County Governor may be removed from office on any of the following grounds:

- Gross violation of the Constitution or any other law
- Gross misconduct
- Physical or mental incapacity to perform the functions of office of the county governor

A Member of the County Assembly upon getting support of at least a third of all the members may issue a notice to the Speaker, to move a motion for the removal of the Governor.

If the motion gets the necessary support the Speaker of the County Assembly informs the Speaker of the Senate of that resolution within two days.

The Speaker of the Senate constitutes a special committee to investigate the matter and report to the Senate within ten days.

The Governor is given an opportunity to defend himself or herself before the special committee and if found guilty he or she ceases to be Governor.

### **Session 2:**

**Session title: Recall of Members of Parliament and County Assemblies**

**Time allocation:** 1 hour

**Session objectives**

By the end of the session, the participant should be able to:

- f) Explain the process of recall of the members of Parliament and County Assemblies
- g) Discuss circumstances under which the elective offices may fall vacant.
- h) Appreciate the importance of each elective office.

**Content**

- Process of recall of the members of Parliament and County Assemblies.
- Circumstances under which the elective offices may fall vacant.

**Suggested training resources**

Flipchart, Marker pen, Masking tape, Projector, The Constitution of Kenya 2010, County Government Act, 2012, Other Relevant Acts, IEBC Strategic plan 2015-2020, Elections manual 2016 (source book).

**Suggested assessment methods**

- Question and answer
- Observation



### **Activities**

- Guide participants to brainstorm on the process of recall of the Members of Parliament and County Assembly
- Divide Participants into three groups and ask them to discuss and present on the following:
  - Group 1: Recall of Members of Parliament
  - Group 2: Recall of Members of County Assembly
  - Group 3: circumstances under which the elective offices may fall vacant
- Summarize session by highlighting key notes

### **KEY NOTES**

#### **Recall of a Member of Parliament**

Recall of Members of Parliament may occur when voters lose confidence in their Member of Parliament. This can happen before the end of the term of the relevant House of Parliament.

A Member of Parliament may be recalled on any of the following grounds:

- Misconduct likely to bring hatred, ridicule, contempt or dispute to the office
- Lack of moral standing and integrity
- Mismanagement of public resources

- Desertion of the electorate without reasonable cause including continual absence from the constituency or county
- Failure to adequately represent views, opinions and proposals of his/her electorate to the relevant house
- Failure to participate in the work of the relevant committee or committees of the relevant house in which he/she is a member
- Failure to update the electorate on the workings of the relevant house committees and decisions passed
- Convicted of a criminal offence

### **The Process of Recalling a of Member of Parliament**

- Recall can be initiated 24 months after the election of the Member of Parliament and not later than 12 months immediately preceding the next general election.
- A recall petition can only be filed once against a Member of Parliament during the term of that member.
- A person who contested that particular election unsuccessfully shall not, directly or indirectly, file a petition for a recall.

The petitioner files the matter with the IEBC specifying grounds for the recall in writing and accompanying the petition with:

- Order of the High Court .

- List of names of registered voters in the constituency/county; identity card/passport numbers and signature of the voters supporting the petition.
- The list must have at least 30% of the registered voters and at least 15% of voters from more than half the wards in the constituency/county. The list is collected and submitted to the IEBC within 30 days after filing the petition
- Five hundred thousand Shillings (Sh. 500,000) petition fees paid to the High Court
- The IEBC verifies the lists of names in a 30 day period and issues a notice to the Speaker of the relevant House in 15 days, and a recall election is conducted within 90 days.
- The IEBC shall develop the recall question that requires a “yes” or “no” vote.
- A recall election is only valid when it is supported by at least 50% of the registered voters.
- A successful recall election gives way to a by-election where a recalled Member of Parliament may still run.

### **The Recalling of a Member of County Assembly**

Recall of Members of County Assembly may occur when voters lose confidence in their Member of County Assembly. This can happen before the end of the term of the relevant County Assembly

A Member of County Assembly may be recalled on any of the following grounds:

- violation the provisions of Chapter Six of the Constitution;
- mismanagement of public resources;
- if convicted of an offence under the Elections Act.

### **Process of Recall of Members of County Assembly**

- Recall can be initiated 24 months after the election of the Member of County Assembly and not later than 12 months immediately preceding the next general election.
- A recall petition can only be filed once against a Member of County Assembly during the term of that member.
- A person who contested that particular election unsuccessfully shall not, directly or indirectly, file a petition for a recall.

The petitioner files the matter with the IEBC specifying grounds for the recall in writing and accompanying the petition with:

- Order of the High Court
- List of names of registered voters in the Ward; identity card/passport numbers and signature of the voters supporting the petition.
- The list must have at least 30% of the registered voters, representing the diversity of the people in that ward. The list is collected and submitted to the IEBC within 30 days after filing the petition accompanied by a fee prescribed for such an election petition.

- The IEBC verifies the lists of names in a 30 day period and issues a notice to the Speaker the County Assembly in 15 days, and a recall election is conducted within 90 days.
- The IEBC shall develop the recall question that requires a “yes” or “no” vote.
- A recall election shall be decided by a simple majority.
- A successful recall election gives way to a by-election where a recalled Member of County Assembly may still run.

• **Circumstances under which the elective offices may fall vacant**

**Vacancy in the Office of the President**

The office of President shall become vacant if the holder of the office:

- dies;
- resigns, in writing, addressed to the Speaker of the National Assembly; or
- is impeached

**Vacancy in the office of Member of Parliament**

The office of a Member of Parliament may become vacant:

- If the member dies
- Is absent from eight consecutive sittings of the House without permission from the Speaker of the House
- If the member is legally removed from office
- If the member resigns from Parliament in writing to the Speaker

- If the member resigns from his/her Political Party or as an independent candidate, the member joins a Political Party in writing
- The electorate recalls the Member of Parliament

- **Vacancy in the Office of County Governor**

The office of the County Governor shall become vacant if the holder of the office:

- Dies
- Resigns in writing addressed to the Speaker of the County Assembly
- Ceases to be eligible to be elected county governor
- Is convicted of an offence punishable by imprisonment for at least twelve months
- Is removed from office under the Constitution

- **Vacancy in the Office of a Member of County Assembly**

The office of a Member of County Assembly may become vacant:

- If the member dies
- Is absent from eight consecutive sittings of the Assembly without permission of the Speaker of the Assembly and is unable to offer satisfactory explanation for the absence
- If the member is legally removed from office
- If the member resigns from the Assembly in writing to the Speaker

- If the member resigns from his/her Political Party or as an independent candidate, the member joins a Political Party in writing
- Is recalled

## **UNIT 3: VOTER REGISTRATION**

### **Introduction**

Voter registration is the process of capturing personal details of the eligible voter including biometrics for purposes of creating a register of voters to be used in elections.

### **Specific Objectives**

By the end of the unit the participant should be able to:

- a) explain the meaning of voter registration
- b) discuss the importance of registering as a voter
- c) state qualifications for registration as a voter
- d) identify the documents used to register as a voter
- e) identify places for registration as a voter
- f) describe the procedure of registering as a voter

- g) explain the role of technology in voter registration
- h) describe the procedure of updating the register of voters
- i) discuss the importance of public inspection of the register of voters
- j) discuss the importance of auditing the register of voters

## **Content**

- Meaning of voter registration
- Importance of registering as a voter
- Qualifications for registration as a voter
- Documents used to register as a voter
- Places for registration as a voter
  - Local registration centers
  - Commission offices
  - Kenyan Embassies and High Commissions
- Procedure of registering as a voter
- Role of technology in voter registration
- Procedure of updating the register of voters
  - New registrations
  - Transfers
  - Corrections
  - Deletions
- Importance of inspection of the register of voters by the public
- Importance of auditing of the register of voters



**Session 1:**

**Session title: Voter Registration**

**Time Allocation: 45 Minutes**

**Session Objectives:**

By the end of the session the participant should be able to:

- a) explain the meaning of voter registration
- b) discuss the importance of registering as a voter
- c) state qualifications for registration as a voter
- d) identify the documents used to register as a voter
- e) identify places for registration as a voter
- f) describe the procedure of registering as a voter

**Content**

- Meaning of voter registration
- Importance of registering as a voter
- Qualifications for registration as a voter
- Documents used to register as a voter
- Places for registration as a voter
  - Local registration centers
  - Commission offices
  - Kenyan embassies and high commission
- Procedure of registering as a voter

**Suggested training resources**

The Constitution of Kenya, 2010, Election Acts 2011: amendments Act 2016, Election Offences Act 2016, Coloured paper, marker pens, cello tape/masking tape, Penal Code, Electoral Code of Conduct, Resource persons, Election Training Manual, Voter Registration Manual

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask the participants to demonstrate the registration process. After the demonstration, lead a discussion on the meaning, importance, qualification, documents, places and the procedure of the voter registration process.
- Ask the participants to role play the procedure of registration.
- Summarize the session by highlighting key notes

## **KEY NOTES**

### **Voter Registration**

It is the process by which eligible voters register with the Commission for the purpose of being allowed to vote in an election.

### **Importance of Voter registration**

The importance of voter registration is that it:

- Allows voters to exercise electoral rights.
- Enhances participation of each individual in an election.

- Gives individuals opportunity to elect leaders of their choice.
- Enables one to vie or participate in an election
- Determines voter allocation to polling stations
- Plays a major role in voter education especially for special groups.

### **Qualifications for registration as a voter**

- Be an adult citizen (18 years of age and above)
- Be of sound mind
- Should not have been convicted of an election offence during the preceding five years.

### **Documents used to register as a voter**

- National Identity card or,
- Valid Kenyan passport.

### **Places for registration as a Voter**

- Gazetted Registration centres
- Commission constituency offices
- *Huduma* Centres
- Kenyan Embassies, High Commissions and Consulates

### **Procedures for registering as a voter**

- Present oneself physically to a registration officer
- Present original National identification card or valid Kenyan Passport

- Fill and sign the official application for registration, Form A.
- Have Biometrics taken.

## **Session 2:**

**Session title: Role of Technology in Registration and Procedures of Updating, Inspecting and Auditing or Register of Voters**

**Time Allocation: 1 hour**

### **Session Objectives:**

By the end of the session the participant should be able to:

- a) explain the role of technology in voter registration
- b) describe the procedure of updating the register of voters
- c) discuss the importance of public inspection of the register of voters
- d) discuss the importance of auditing of the register of voter

### **Content**

- Role of technology in voter registration
- Procedure of updating the register of voters
  - Transfer
  - Corrections
  - Deletions of deceased voters
- Importance of public inspection of the register of voters
  - Importance of auditing of the register of voters

### **Suggested training resources**

The Constitution of Kenya, 2010, Election Acts 2011: amendments Act 2016, Election Offences Act 2016, Penal Code, Electoral Code

of Conduct, Coloured paper, marker pens, cello tape/masking tape, Resource persons, Election Training Manual, Voter Registration Manual

**Suggested assessment methods:**

- Question and Answer
- Observation

**Activities:**

- Ask the participants to form small groups and discuss the importance of the use of technology in voter registration, updating, inspection and auditing of the register of voters. Let the group leaders report to the participants.
- Ask the participants to simulate voter registration using technology.
- Summarize the session by highlighting key notes

**KEY NOTES**

- **Role of technology in voter registration**
  - Increase efficiency in registration in term of speed and accuracy
  - To capture both alphanumeric and biometric data for ease of identification and authentication of voters
  - To eliminate multiple registration by use of unique biometric identifiers
  - To eliminate impersonation during registration

- **Updating the register of voters**

The register can be updated in case of:

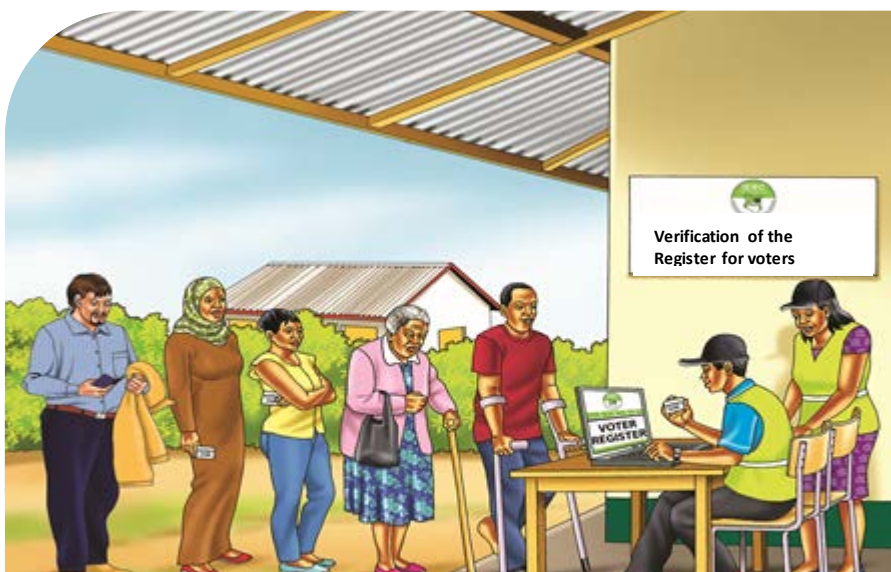
- Transfer of a voter from one registration center to the other
- Change of voters particulars.
- Deletion of the dead voters from the register

- **Importance of public inspection of the register of voters**

- To ascertain whether names and other details of the voter are correctly captured in the register of voters
- To initiate correction of errors in the register of voters.
- To allow the public to make objections and claims regarding the registration status of a voter

- **Importance of auditing of the register of voters**

- To ascertain the accuracy and completeness of the register of voters
- To advise the Commission to initiate corrections to the register if any.
- To enhance stakeholder confidence on the electoral process



*Figure 8: Public inspection and verification of the register of voters*

## **UNIT 4: VOTER REGISTRATION IN DIASPORA**

**Time allocation: 1hr**

### **Introduction**

This unit covers diaspora voter registration rights, process of voter registration in diaspora and identification of voter registration centres in diaspora.

By the end of the session the participant should be able to:

- a) Explain the Diaspora voter registration rights
- b) Outline the process of registration of voters in the Diaspora
- c) Describe the requirements of voter registration in the Diaspora
- d) Outline the conditions for disqualification as a voter in the Diaspora
- e) Identify voter Registration centres in the Diaspora

### **Content**

- Diaspora voter registration rights
- process of registration of voters in the Diaspora
- requirements of voter registration in the Diaspora
- conditions for disqualification as a voter in the Diaspora
- voter Registration centres in the Diaspora

### **Suggested training resources**

The Constitution of Kenya, 2010, Election Acts 2011: Diaspora Policy, 2016, Election Offences Act 2016, Coloured paper, marker pens, cello tape/masking tape, Resource persons, Election Training Manual, Voter Registration Manual

### **Suggested assessment methods:**

- Question and Answer
- Observation

### **Activities**

- Ask participants to brainstorm on the Diaspora voter registration rights
- Guide the participants to described the process of registration of Diaspora voters
- Ask participants to identify requirements of Diaspora voter registration
- Guide participants to identify conditions for disqualification as a Diaspora voter
- Summarize the session by highlighting the key notes

### **KEY NOTES**

- **Diaspora voter registration rights**

The Constitution of Kenya, 2010 (Article 38) provides that every citizen has the right to:

- free, fair, and regular elections based on universal suffrage and the free expression of the will of the electors.
- be registered as a voter



- exercise their political rights
- **process of registering voters in the Diaspora**

A citizen residing outside Kenya is required to apply in person for registration as a voter in a designated registration centre,

The Commission will deploy appropriate technology during registration of voters in diaspora,

The Commission will ensure that the constitutional requirement for continuous voter registration is extended to qualified Kenyan Citizens residing outside Kenya.

The Commission will open the voters' register for inspection and verification in the designated registration centres.

- **Requirements of voter registration in the Diaspora**
  - Be an adult citizen (18 years of age and above)
  - Be of sound mind
  - Should not have been convicted of an election offence during the preceding five years.
  - Should be in possession of Valid Kenyan passport
- **voter Registration centres in the Diaspora**

The commission shall gazette registration centres for registration of Citizens residing outside Kenya

## **UNIT 5: NOMINATION OF CANDIDATES BY POLITICAL PARTIES (PARTY PRIMARIES)**

### **Introduction**

This unit covers the meaning of nomination by political parties, importance of nomination of candidates by political parties and process of nomination candidates by political parties.

### **Specific Objectives**

By the end of the unit the participant should be able to:

- a) Explain the meaning of nomination by Political Parties
- b) Explain the importance of nomination of candidates by Political Parties
- c) State the qualifications and requirements for nomination of candidates by Political Parties
- d) Describe the process of nomination of candidates by Political Party for elections.
- e) Explain the process of settlement of disputes arising from Political Party nominations

### **Content**

- Meaning of nomination by Political Parties
- Importance of nomination of candidates by Political Parties

- Qualifications and requirements for nomination of candidates by Political Parties
- Process of nomination of candidates by Political Party for elections.
- Settlement of disputes arising from Political Party nominations

### **Session 1:**

**Session title: importance and qualifications for nomination by Political Parties**

**Time Allocation: 30 Minutes**

### **Session Objectives:**

By the end of the sessions, the participant should be able to:

- a. Explain the meaning of nomination by Political Parties
- b. Explain the importance nomination of candidates by Political Parties
- c. State the qualifications for nomination of candidates by Political Parties

### **Content**

- Meaning of nomination by Political Parties
- Importance of nomination of candidates by Political Parties

- Qualifications for nomination of candidates by Political Parties

### **Suggested training resources**

The Constitution of Kenya, 2010, Election Act 2011; Election Laws( amendments) Act 2016, Election Offences Act 2016 Penal Code, Electoral Code of Conduct, Manilla paper, marker pens, cello tape/masking tape, Brochures, Flip charts, Camera, Resource persons, Elections Manual, Nomination Guide.

### **Suggested assessment methods:**

- Question and answer
- Observation

### **Activities**

- Ask the participants to explain the meaning and importance of nomination by Political Parties.
- Ask participants, in groups, to list the qualifications for nomination of candidates by Political Parties
- Summarize the session by highlighting key notes

### **KEY NOTES**

## **Meaning of nomination by Political Parties**

Nomination by Political Parties refers to the process where by Political Parties identify their members as candidates to vie for various elective positions, It also involves submission of party list to commission by Political Parties.

## **Importance of nomination of candidates by Political Parties**

- It gives the citizens an opportunity to contest for elective positions through Political Parties
- It enhances democracy in Political Parties
- It enhances inclusion of special groups
- The party candidate gains party sponsorship and logistical support from the party.
- It is a way of strengthening the party membership.

## **Qualifications for nomination of candidates by Political Parties**

The following

- (a) Nominees to the National Assembly -
- (b) Nominees to the Senate
- (c) Youth Nominees to the Senate
- (d) Persons with Disability Nominees to the Senate
- (e) Marginalized Group Nominees to the County Assembly
- (f) Gender Special Seats Nominees to the County Assembly (For Gender Top Up)

### **Qualifications:**

1. Must have been a Kenyan citizen for at least 10 years before the election;
2. Must be a registered voter;

3. Must not owe allegiance to a foreign state;
4. Certification of Disability from the relevant institution as prescribed by the Commission;
5. Must meet the statutory moral and ethical requirements under the Leadership and Integrity Act;
6. Must not be a public officer or acting in any State of public office other than a Member of the County Assembly or National Assembly as the case may be.
7. Must not hold dual citizenship unless citizenship of the other country has been obtained by operation of law without capacity to opt out;
8. Must not be an undischarged bankrupt;
9. Must not be a person of unsound mind;
10. Must not be subject to a sentence of imprisonment of at least six months from the date of registration of candidates or date of elections;
11. Must not have been found to have abused or misused state or public office or contravened Chapter Six of the Constitution; and
12. Must not have been dismissed or removed from public office for contravening the provisions of Articles 75, 76, 77 and 78 of the Constitution

**Requirements:**

A Political Party must submit the following documents to the Commission during the date set for delivery of party lists to the Commission:

1. Party Lists containing nominees appointed in accordance with Articles 97(1)(c), 98(1)(b), (c) and 177(1)(c) and (c) of the Constitution in the manner prescribed by the Commission and by authorized signatories of the nominating Political Party.
2. Duly signed copies of Letters of Acceptance executed by the Nominees.

*The Constitution of Kenya, 2010, the Elections Act, 2011, the Election Laws (Amendment) Act, 2016, the Election Laws (Amendment) Act, 2017, the Political Parties Act, 2011, the Leadership and Integrity Act, 2012, and Elections (General) Regulations, 2012*

## **Session 2:**

**Session title: Nomination of candidates into party lists and dispute resolution**

**Time allocation: 45 minutes**

### **Session Objectives:**

By the end of the session, the participant should be able to:

- a) Describe the process of nomination of candidates by Political Party for elections.
- b) Explain the process of settlement of disputes arising from Political Party nominations

### **Contents**

- Process of nomination of candidates by Political Party for elections.
- Settlement of disputes arising from Political Party nominations

### **Suggested training resources**

The Constitution of Kenya, 2010, Election Act 2011; Election Laws( amendments) Act 2016, Penal Code, Electoral Code of Conduct, Election Offences Act 2016, Manilla paper, marker pens, cello tape/masking tape, Brochures, Flip charts, Camera, Resource persons, Election Manual, Nomination Guide.

## **Assessment Methods**

- Question and answer
- Observation

### **Activities:**

- Ask participants to discuss the process of nomination of candidates by Political Party for elections.
- Guide participants to discuss the process of nomination of candidates into party list.
- Ask participants to role play the settlement of disputes arising from Political Party nominations
- Summarize the session using key notes

## **KEY NOTES**

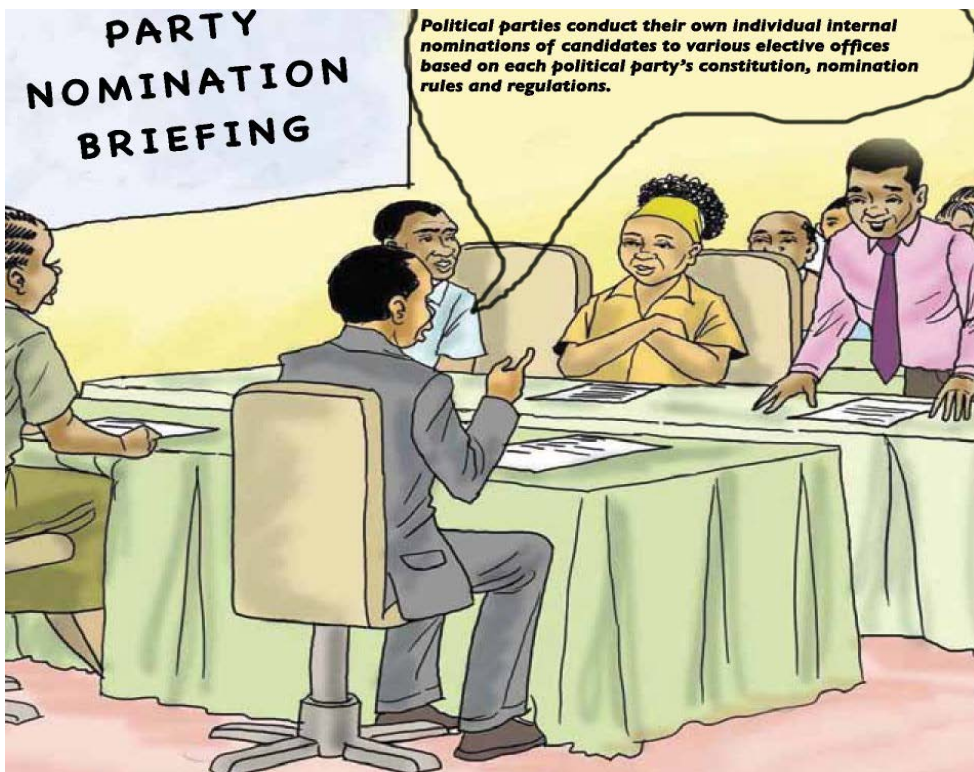
### **Process of nomination of candidates by Political Parties for elections**

- Different Political Parties have different processes of nominating their candidates based on their Constitution and by-laws.
- Political Parties may request IEBC to conduct and supervise their party nominations.

### **Settlement of disputes arising from Political Party nominations**



- An election dispute results from a disagreement between or amongst candidates and/or their Political Parties as a result of a faulty nomination process.
- The Commission deals with disputes arising from Political Party primaries,
- IEBC forms a Dispute Resolution Committee to deal with disputes arising from Political Party nominations.



*Figure 9: Political party nomination*

## **UNIT 6: PROPORTIONAL REPRESENTATION BY PARTY LISTS**

**Time allocation: 1hr**

### **Introduction**

This unit covers meaning of party list, importance of party list, position for nomination through party list and requirement for nomination into party list.

### **Specific Objectives**

By the end of the unit the participant should be able to:

- a) Explain the meaning of party lists
- b) Discuss the importance of party lists
- c) Identify positions for nomination through party lists
- d) Explain the requirements for nomination into party lists
- e) Explain the process of nomination of candidates into Party List

### **Content**

- Meaning of party lists
- Importance of party lists
- Positions for nomination through party lists
- Requirements for nomination into party lists
- Process of nomination of candidates into party list

### **Suggested training resources**

The Constitution of Kenya, 2010, Election Act 2011; Political Parties Act 2011; Penal Code, Electoral Code of Conduct, Election Offences Act 2016, Manilla paper, marker pens, cello tape/masking tape,

Brochures, Flip charts, Camera, Resource persons, Election Manual, Nomination Guide.

### **Assessment Methods**

- Question and answer
- Observation

### **Activities**

- Ask participants to explain the meaning of party lists
- Guide participants to discuss the importance of party lists
- Ask participant to identify positions for nomination through party lists
- Guide participant to explain the requirements for nomination into party lists
- Guide participants to explain the process of nomination of candidates into Party List
- Summarize the session by highlighting key notes

## **KEY NOTES**

### **Meaning of party lists**

A list of all the persons, submitted by a Political Party, who would stand elected if the party were to be entitled to all the seats provided for in a General election

### **Importance of party lists**

- Provides opportunities for representation of special groups
- It takes care of regional and ethnic diversity
- It minimizes unhealthy conflicts and competition in an election
- It ensures fairness and transparency in nomination

### **Positions for nomination through party lists**

- 12 seats in the National Assembly to represent special interest groups (youth, persons with disabilities and workers)
- 16 women members nominated to the Senate
- 2 members, one being man and one woman representing the youth in the Senate
- 2 members, one man one woman representing persons with disabilities in the Senate
- A number of special seats members necessary to ensure that no more than two-thirds of membership of the Assembly are of the same gender, nominated by political parties according to their proportion of membership in the County Assembly
- 4 members who shall be persons with disabilities, nominated by political parties according to their proportion of membership in the County Assembly
- 4 members who shall be youths, nominated by political parties according to their proportion of membership in the County Assembly

### **Requirements for nomination into party lists**

For one to be nominated into a party list, he or she must:

- be a member of a political party
- be eligible for election to the position to which one is seeking nomination
- satisfy requirement of chapter six of the constitution
- be a registered voter

**Process of nomination of candidates into party list**

- Prior to nomination into party list, Political Parties submit to IEBC the nomination rules to IEBC
- A Political Party participating in a general election nominates and submits a list of all the persons who would stand elected if the party were to be entitled to all the seats on the Party Lists.
- Political Party shall submit to the commission names of candidates that would stand elected/ nominated should the party win proportionate number of seats.
- The names submitted shall be in order of priority, take cognizant of alternate gender, qualified for the elective position.
- The party lists shall reflect the regional, ethnic diversity and other special groups.
- Once the party list has been submitted, it cannot be changed by the Political Party

## **UNIT 7: INDEPENDENT CANDIDATES**

### **Unit Introduction:**

This unit covers the meaning of an independent candidates, process of registration of independent candidates for election by IEBC.

### **Specific Objectives**

By the end of the unit the participant should be able to:

- Explain the meaning of an independent candidate.
- State the qualifications and requirements for independent candidates.
- Explain the process of registration of independent candidates for elections by IEBC.

### **Content**

- Meaning of an independent candidate.
- Qualifications for registration as an independent candidate.
- Process of registration of independent candidates for elections by IEBC.

## **Session 1:**

**Session title: Nomination of independent candidates**

**Time Allocation: 45 Minutes**

### **Session Objectives:**

By the end of the session, the participant should be able to:

- a. Explain the meaning of an independent candidate.
- b. State the qualifications for nomination as an independent candidate.
- c. Process of registration of independent candidates for elections by IEBC.

### **Content**

- Meaning of an independent candidate.
- Qualifications for registration as an independent candidate.
- Process of registration of an independent candidate.

### **Suggested teaching resources**

The Constitution of Kenya, 2010, Election Act 2011; Election Laws( amendments) Act 2016, Election Offences Act 2016, Nomination guide, Electoral Code of Conduct, Coloured paper, marker pens, masking tape, Resource persons, Elections Training Manual

### **Suggested assessment methods**

- Question and answer
- Observation

**Activities:**

- Ask the participants to discuss the meaning of independent candidates
- Guide participants to discuss qualification and process of registration of independent candidates by the IEBC.
- summarize the session using key notes

**KEY NOTES**

**Meaning of an independent candidate**

This refers to a candidate seeking an elective position and does not belong to a Political Party

**Qualifications for registration as an independent candidate**

An independent candidate must be:

- i. A citizen of Kenya aged above 18 years.
- ii. For the presidential position, one must be a citizen by birth
- iii. Endorsed by a number of voters required by law for the position one is vying for
- iv. Not be a registered member of any Political Party for at least three months immediately preceding an election
- v. Registered as a voter



- vi. Satisfy educational, moral and ethical requirements
- vii. Of sound mind
- viii. In possession of required documents

### **Process of registration of independent candidates**

The independent candidate should:

- Present their names to the Commission
- Get clearance from the Office of the Register of Political Parties
- Get the requisite number of supporters depending on the elective position
- Pick nomination papers from the respective Returning Officers
- Return to the Returning Officers all duly filled nomination documents for clearance.

**NB:** A symbol is not required of an independent candidate



*Figure 10: Independent Candidate*

## **UNIT 8: REGISTRATION OF CANDIDATES FOR ELECTIONS BY IEBC**

### **Introduction**

This unit covers the registration of candidates by the Independent Electoral and Boundaries Commission (IEBC), the settlement of disputes by the IEBC and the allocation of party list seats.

### **Specific Objectives**

By the end of the unit the participant should be able to:

- a) Explain the meaning of registration of candidates for elections by IEBC.
- b) Outline the requirements for registration of candidates for elections by IEBC for various elective positions.
- c) Describe the process of registration of candidates for elections by IEBC.
- d) Discuss the importance of technology in the registration of candidates for elections.
- e) Describe the process of allocation of seats by IEBC based on Party Lists.

### **Content**

- a) Meaning of registration of candidates for elections by IEBC.

- b) Requirements for registration of candidates for elections by IEBC for various elective positions.
- c) The process of registration of candidates for elections by IEBC.
- d) The importance of technology in the registration of candidates for elections.
- e) The process of allocation of seats by IEBC based on Party Lists.

### **Session 1:**

#### **Session title: Process of registration of Candidates for Elective Positions by IEBC**

**Time Allocation:** 1 hour

#### **Session Objectives**

By the end of this session, participants should be able to:

- a) Explain the meaning of registration of candidates for elections by IEBC.
- b) Outline the requirements for registration of candidates for elections by IEBC for various elective positions.
- c) Describe the process of registration of candidates for elections by IEBC.

#### **Content**

- Meaning of registration of candidates for elections by IEBC.



- Requirements for registration of candidates for elections by IEBC for various elective positions.
- Process of registration of candidates for elections by IEBC.

### **Suggested training resources**

Flip chart, marker pens, cello tape/masking tape, nomination forms, checklists for nomination, projector, power point Slides, sample ballot papers

### **Suggested Assessment Methods**

- Question and answer
- Observation

### **Activities**

- Guide the participants to discuss the meaning of registration of candidates for elections by IEBC.
- Ask the participant to simulate the process registration of candidates for elections by IEBC
- Summarize the session using key notes

## **KEY NOTES**

### **Meaning of registration by IEBC**

- Registration of candidates by IEBC is a process where the IEBC registers candidates from Political Parties and those who intend to contest as independent candidates to vie for any of the elective positions.

- Presidential registration are held at the national level by the Presidential Returning Officer
- Registration of candidates for Senatorial, gubernatorial and County woman member of the National Assembly are conducted at the county level by the County Returning Officer
- Registration of candidates for the National Assembly and County Assembly are carried out at the constituency level by the Constituency Returning Officer

## **Qualifications for registration**

### **1. Registration for President**

A Kenyan citizen qualifies for nomination as a presidential candidate if the person is:

- A Kenyan citizen by birth
- Of sound mind
- A registered voter
- Qualified to stand for election as a member of Parliament
- Registration by a Political Party, or is an independent candidate
- Registration by not fewer than two thousand voters from each of a majority of the counties.
- A degree holder from a university recognized in Kenya
- Satisfies the requirements of Chapter Six of the Constitution

### **Disqualification as presidential candidate**

A Kenyan citizen is not qualified for nomination as a presidential candidate if:

- The person owes allegiance to a foreign state
- A public officer at the time of nomination
- Serving in any State or other public office except for the sitting president

## **2. Conditions for registration as a Governor**

- Be a Kenyan citizen
- Be of sound mind
- Be a registered voter
- Be qualified to stand for election as Governor
- Be nominated by a Political Party, or is an independent candidate
- Be eligible for election as a member of the county assembly
- Must possess a degree from a university recognized in Kenya
- Be endorsed by at least five hundred voters from the county of his/her interest
- Satisfy the requirements of Chapter Six of the Constitution

## **3. Conditions for registration as a Senator**

- Be a Kenyan citizen
- Be of sound mind
- Be a registered voter
- Be qualified to stand for election as Senator
- Be registered by a Political Party
- Is an independent candidate endorsed by at least two thousand voters from within the county of interest

- Be eligible for election as a member of the senate
- Satisfy the requirements of Chapter Six of the Constitution

**4. Conditions for registration as a member of National Assembly**

- Be a Kenyan citizen
- Be of sound mind
- Be a registered voter
- Be qualified to stand for election as National Assembly
- Be registered by a Political Party
- Is an independent candidate endorsed by at least one thousand voters in the constituency of interest
- Be eligible for election as a member of the National Assembly
- Satisfy the requirements of Chapter Six of the Constitution

**5. Conditions for registration as a member of County Assembly**

- Be a Kenyan citizen
- Be of sound mind
- Be a registered voter
- Be nominated by a Political Party, or is an independent candidate endorsed by at least 500 registered voters in the County Electoral Ward of interest.
- Must meet moral and ethical requirement as per the constitution and any other written law.

**General Requirements for registration of candidates for elective positions**

- Be qualified to be elected to the office

- Be endorsed by the Political Party or be an independent candidate
- Submit registered documents to IEBC within the required time
- Must meet the IEBC and the requirements of Chapter Six of the Constitution of Kenya
- Must be a Kenyan citizen of required age
- Be of sound mind
- Must be endorsed by a number of voters required by law.

**Registration process and role of technology in IEBC nominations**  
Presentation of registration papers by candidate to the Returning Officer at County registration centre.

### Registration Process by IEBC

**Step 1:** Arrival and  
Registration by Candidate



**Step 2: Welcome by Returning officer**  
Returning officers welcomes candidates, introduces self and team to the candidate, asks candidate to introduce him/herself



**Step 3 Introduction by candidate**

Candidate introduces self by producing national identification document

**Step 4**

1. Returning officer announces start of appropriate nomination process depending on type of sponsorship (Political Party/Independent candidate)
2. Returning officer asks candidate to present returns as in checklist and makes copies of those documents that have no copies
3. Returning officer verifies documents presented and captures status in the electronic nomination system
4. If the aspiring candidate's nomination papers are accepted, RO:
  - a. Issues MR Receipt for payment made.
  - b. Print out a ballot proof sample
  - c. Ask candidates to confirm accuracy. If satisfied, candidate signs on the sample ballot paper
  - d. Reminds the candidate on adherence to code of conduct
  - e. Invites candidate to campaign planning meeting and collects the candidates draft campaign schedule
5. If the returning officer finds some requirements missing or forms improperly filled and there is still time before close of nomination, the RO advises the aspiring candidate to make corrections and get back before close of nomination
6. Where a returning officer decides that a nomination paper is invalid, the returning officer shall;
  - o record that decision and the reasons thereof on the nomination paper,
  - o add his or her signature thereto, and,
  - o Make a copy of the invalid nomination paper and return the invalid nomination paper to the candidate or its presenter.
7. If the aspiring candidate whose nomination paper has been held invalid addresses the reason that rendered the nomination papers invalid before close of nomination, the RO may accept the corrected nomination papers if presented within the nomination period
8. If the aspirant withdraws before close of nomination, RO must require the aspirant to submit to him or her a written withdrawal signed by an aspirant and a witness
9. If aspirant withdraws after close of nomination, RO must require the aspirant to submit to him or her a written withdrawal signed by an aspirant

**IEBC based on Party Lists**

**Time Allocation: 1 hour**

## **Session Objectives**

By the end of the session, the participant should be able to:

- a) Discuss the importance of technology in the registration of candidates for elections.
- b) Describe the process of allocation of seats by IEBC based on Party Lists.

## **Content**

- Importance of technology in the registration of candidates for elections.
- Process of allocation of seats by IEBC based on Party Lists.

## **Suggested training resources**

Flip chart, marker pens, cello tape/masking tape, nomination forms, checklists for nomination, projector, power point Slides, sample ballot papers

## **Suggested Assessment Methods**

- Question and answer
- Observation

## KEY NOTES

**Importance of technology in the registration of candidates for elections.**

- Facilitates verification of positions to be registered for elections
- Uploads the candidate's details
- Updates candidates compliance details
- Adds candidate's details not in the system
- Manages candidate's request (e.g withdrawal, disqualification, reversal e.t.c)
- It ensures efficiency and speedy registration process

## Procedure of allocating special seats

- Political Parties must submit their lists to the IEBC 45 days to the election date.
- Allocation of party list seats for persons who would stand nominated if the party were to be entitled to all the seats as follows ;
  - o Twelve candidates' seats in the National Assembly;

## Activities

- Ask participants to discuss the importance of technology in the registration of candidates for elections.
- Guide participants to describe the process of allocation of seats by IEBC based on Party Lists.
- Summarize the session by highlighting the key notes

- Sixteen women candidates' seats in the Senate;
  - Two candidates, one being man, one woman in the Senate representing the youth;
  - Two candidates one being man, one woman in the Senate representing persons with disabilities;
  - Number of gender top-up candidates to ensure that not more than two-thirds of the membership of the County Assembly are of the same gender;
  - Eight candidates, at least two of whom shall be persons with disability, two of whom shall be the youth and two of whom shall be person representing a marginalized group, one being man and one woman in a County Assembly.
- IEBC allocates seats to Political Parties in proportion to the number of their members in the Senate, National and county assemblies

## **UNIT 9: ELECTION CAMPAIGNS**

### **Introduction**

This unit covers issues of Election campaign.

### **Specific Objectives**

By the end of the unit, the participant should be able to:

- a) Explain the meaning of election campaigns.
- b) Explain the importance of election campaigns.
- c) Explain the campaign period.
- d) Explain the importance of election campaigns schedules
- e) Discuss the provisions of the Electoral Code of Conduct on election campaigns.
- f) Explain the role of election officials during election campaigns.
- g) Discuss the role of security agents during election campaigns.

### **Content**

- Meaning of election campaigns.
- Importance of election campaigns.
- Campaign period.
- Importance of election campaigns schedules
- Provisions of the electoral code of conduct on election campaigns.
- Role of election officials during election campaigns.

- Role of security agents during election campaigns

### **Session 1:**

**Session title: Election campaigns**

**Time Allocation: 1 hour**

### **Session Objectives**

By the end of this session the participant should be able to:

- a) Explain the meaning of election campaign
- b) Explain the importance of election campaign
- c) Describe the campaign period and the schedule
- d) Discuss the provisions of the Code of Conduct during campaigns
- e) Discuss the role of security agents and election officials during election campaign

### **Content**

- Meaning of election campaign
- Importance of election campaign
- Campaign period and the schedule
- Provisions of the Code of Conduct during campaigns
- Role of security agents and election officials during election campaign

### **Suggested training resources**

Flip chart, marker pens, cello tape/masking tape, Election Regulation, projector, power point Slides, sample Code of Conduct

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask participants to draw a sample a one-week campaign schedule
- Ask participants to present sample schedules
- Ask participants to discuss the importance of election campaign period
- Guide participants brainstorm on the Code of Conduct during the campaigns
- Ask participants to discuss the role of Security agents and election officials during campaigns
- Summarize the session by referring to the key notes



*Figure 11: Candidate campaigning*

## KEY NOTES

### Meaning of election campaign

It is the process through which Political Parties and candidates popularize themselves after they have been cleared by the IEBC to contest in an election. In doing this they, among others:

- Hold meetings and rallies
- Organize meet-the-people tours
- Conduct road shows
- Distribute campaign materials
- Use the media to reach out to potential voters

### Campaign period



- The campaigns period is the period designated by the Commission for official campaign for a specified election.

### **Persons entitled to campaign in elections**

- Candidates
- Appointed campaigners
- Supporters of the candidates

**N/B:** Public and State officers are prohibited by the Elections Acts and the Political Parties Act from supporting or campaigning for a political view-point, party or candidate in any election.

### **Regulations governing election campaigns**

- A Political Party must be duly registered
- The candidate must have been cleared by IEBC
- The candidate must have a campaign bank account
- A candidate must have a programme of his/her campaign (campaign schedule)
- The Political Party must have the national programme of event
- Parties and candidates must notify security agencies of their programmes in advance
- Campaigners must respect property and other campaign materials for other candidates or Political Parties
- Use of appropriate language
- Avoidance of hate speech

### **Importance of election campaigns**

- Promotes voter education
- Enhances voter turnout
- Evaluates leadership qualities of the candidates
- Provide adequate information to make the right choice
- Assists voters in knowing and identifying the candidates
- Enables voters to understand party manifesto
- Enhances voters understanding of the political, social and economic issues in their environment

### **Electoral Code of Conduct during campaigns**

All candidates for elective positions must adhere to the Electoral Code of Conduct.

These include:

- publicly and repeatedly condemn violence and intimidation
- avoid use of abusive and intimidating or provocative language
- ensure that no arms or weapons of any kind are carried or displayed at any political function
- refrain from publishing or printing falsehoods
- avoid defamatory or inflammatory allegations concerning any person or party connected with the elections
- co-operate and liaise with other parties and candidates to avoid clashing programmes for campaigns
- cooperate with other stakeholders in the dissemination of voter education

- avoid plagiarism of other party or independent candidates' symbols, colors or acronyms
- prevent the removal, disfigurement or destruction of political campaign materials of any party
- avoid undue influence of voters, family, lineage, and/or other candidates
- refrain from abuse of position of power, privilege and influence
- avoid any discrimination based on age, race, ethnicity, class, gender, disability or religion in connection with the election and political activity

## UNIT 11: POLLING

### Unit introduction



This Unit covers polling activities and procedures and the use of technology in polling. The unit is divided into three sessions.

### **Specific Objectives**

By the end of the unit, the participant should be able to:

- a) Explain the meaning of polling
- b) Discuss the activities before polling
- c) Identify persons allowed in the polling station.
- d) Discuss the use of technology in identification of voters during polling
- e) List documents required to vote
- f) Discuss the features of a ballot paper
- g) Identify features of a correctly marked ballot paper
- h) Mark a ballot paper correctly
- i) Identify colours of ballot papers and ballot box lids for different elective positions
- j) Explain the voting procedures at a polling station
- k) Discuss the role of election officials during polling
- l) Explain the procedure of assisting a voter who cannot vote by self.
- m) Discuss the provisions of electoral code of conduct during polling

### **Content**

- Meaning of polling

- Activities before polling
- Persons allowed in the polling station.
- Use of technology in identification of voters during polling
- Documents required to vote
- Features of a ballot paper
- Features of a correctly marked ballot paper
- Marking a ballot paper correctly
- Colours of ballot papers and ballot box lids for different elective positions
- Voting procedures at a polling station
- Role of election officials during polling
- Procedure of assisting a voter who cannot vote by self.
- Provisions of electoral code of conduct during polling

### **Session 1:**

**Session title: Meaning of polling and activities before polling**

**Time allocation: 45 Mins**

#### **Session objectives**

By the end of the session, the participant should be able to:

- a) Explain the meaning of polling
- b) Discuss the activities before polling

#### **Content covered**

- meaning of polling

- Activities before polling

### **Suggested training resources**

Flip chart, marker pens, cello tape/masking tape, coloured cards, chart showing polling station layout, directional arrows, posters, fliers, handouts, projector, power point slides, elections (general ) regulations

### **Suggested Assessment Methods**

- Question and answer
- Observation

### **Activities**

- Ask participants to discuss the meaning of the term polling
- Divide participants into groups and ask them to brainstorm on the activities before polling
- Ask participants to present their findings
- Summarize the session by highlighting the key notes

### **KEY NOTES**

- **Polling**
  - Polling refers to the casting or recording of votes in an election on a predetermined date and time during which voters choose their preferred leaders.
  - According to the Constitution of Kenya, general elections shall be held on the second Tuesday of August in every fifth year.

- Polling may also take place on other dates determined by the commission with regard to the by-elections, referendum and recall elections
- Voting should start at 6.00 am and close at 5.00pm. Only those on the queue at 5pm will be allowed to vote thereafter.
- **Activities before polling**
  - Voters to visit respective polling stations to know where they are registered to vote.
  - A register of voters is posted at the respective polling stations, seven days before the Election Day, for the information of the voter.
  - Voters are informed of the voting requirements and procedure.
  - IEBC staff conduct pre-poll activities which include, inspection of polling station, issuance and confirmation of materials, demarcation of polling station, assigning of duties and responsibilities to poll officials, setting up of the polling station.

## **Session 2:**

**Session title: Persons allowed in the polling station and use of technology during polling.**

**Time Allocation:** 45 Mins

### **Session Objectives**

By the end of the session, the participant should be able to:

- c) Identify persons allowed in the polling station
- d) Discuss the use of technology in identification of voters during polling
- e) List documents required to vote

### **Content**

- Persons allowed in the polling station
- Technology in identification of voters during polling
- documents required to vote

### **Suggested training resources**

Flip chart, marker pens, cello tape/masking tape, coloured cards, Polling station layout , Directional Arrows, Posters ,fliers, handouts, projector, power point Slides, Elections (General ) Regulations

### **Suggested assessment methods**

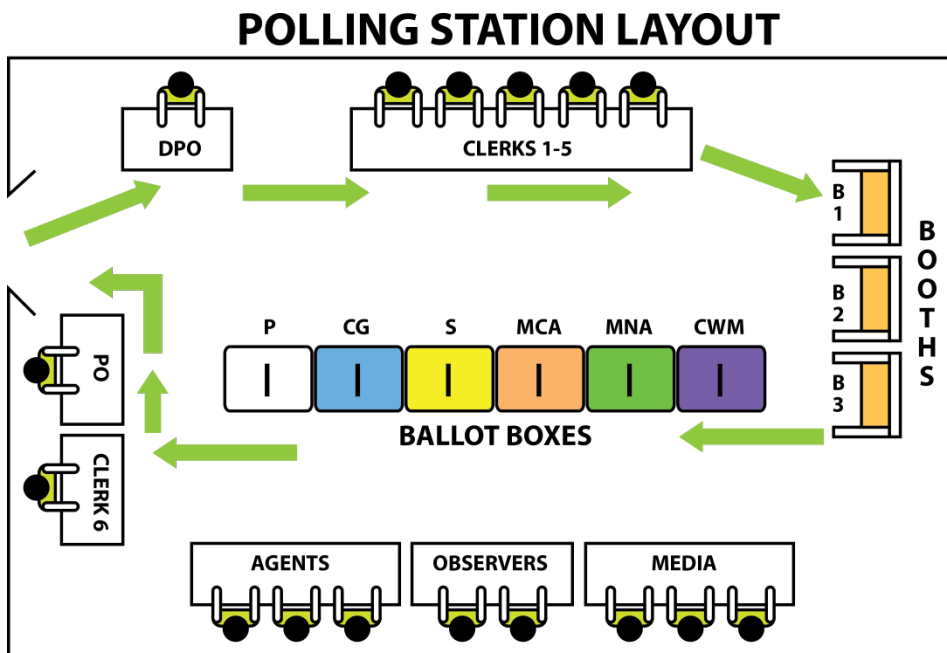
- Question and answer
- Observation

### **Activities**

- Ask Participants to confirm their voter registration status, where possible, use voter Identification device or SMS platform.



- Divide participants into groups and ask them to brainstorm on persons allowed in a polling station
- Ask participants to list documents required of persons allowed in the polling station on colored cards and display them.
- Summarize the session by highlighting key notes.



*Figure 12: Polling station layout*

## KEY NOTE

### Persons allowed in the Polling Station

- The IEBC officials
- Voter(s)

- Candidates
- Accredited polling/counting agents
- Accredited media representatives
- Accredited observers
- Persons assisting voters
- Security personnel
- **Documents for identifying persons allowed into the polling station**
  - IEBC officials should have official badges with designated position
  - A Voter is required to produce, National Identification Card or Valid Kenyan passport
  - An observer is required to produce an accreditation badge
  - Media personnel is required to produce accreditation card
  - Polling/counting agents are required to produce national IDs, oath of secrecy and appointment letter.
  - Persons assisting voters must produce a National ID
  - Security personnel in official uniform and badges

### **Use of Technology during Polling**

- The use of technology in identification of voters is anchored in law and guidelines provided by IEBC from time to time

- Technology eases the identification of voters
- Technology for identification of the voter helps to direct a voter to the correct polling station.

### **Session 3:**

#### **Session title: Features and Marking of Ballot Papers**

**Time Allocation:** 1 hour

#### **Session Objectives**

By the end of the session, the participant should be able to:

- a) Discuss the features of a ballot paper
- b) Identify features of a correctly marked ballot paper
- c) Demonstrate the procedure of marking a ballot paper
- d) Identify colours of ballot papers and ballot box lids for different elective positions

#### **Content**

- Features of a ballot paper
- Features of a correctly marked ballot paper
- Procedure of marking a ballot paper
- Colours of ballot papers and ballot box lids for different elective positions

#### **Suggested training materials**

Flip chart, marker pens, cello tape/masking tape, Polling station layout , Ballot Boxes with Lids for the six elective positions, Polling

Booth, power point Slides, Elections (General ) Regulations  
2012.Sample ballot papers.

**Suggested assessment methods**

- Question and answer
- Observation

**Activities**

- Ask the participants to identify the six elective positions in Kenya
- Distribute sample ballot papers
- Ask the participants to identify features of a ballot paper.
- Ask the participants to mark sample ballot papers and share what they have marked.
- Demonstrate to the participants the process of marking a ballot paper correctly.
- Ask Participants to correctly mark sample ballot papers and match them with the correct ballot boxes using the colours of the ballot papers and the lids of the ballot boxes.
- Summarize the session using the key notes



Figure: 13 a voter casting a presidential Ballot paper in the Presidential ballot box

## KEY NOTES

- **Meaning of a ballot paper**

It is an official electoral paper containing the symbols of parties and names of candidates vying for any given elective position.

- **Features of a ballot paper**

A ballot paper has the following:

- Serial number
- Names of candidates
- Political Party symbols
- Marking space
- Images of the candidates
- Instructions to the voter
- Security features

- **Marking the ballot paper**

The voter should:

- Mark in the space that corresponds to the:
  - o Name, portrait, and symbol of the Political Party candidate
  - o Name and portrait of an independent candidate
- Make only one mark on a ballot paper within the space provided for marking.

- **Features of a correctly marked ballot paper**

- The ballot paper should have a mark against only one candidate
- The mark should be within the space provided for marking
- The ballot paper must be stamped at the back with official IEBC stamp

**N/B**

- Do not use any mark that may reveal the identity of the voter.
- The ballot papers must be cast in the correct box by matching the colours of the ballot paper with that of the lid of the respective ballot boxes.

## **Session 4:**

### **Session titles: Procedures for Polling**

**Time Allocation:** 1 hour

### **Session Objectives**

By the end of the session, the participant should be able to:

- a) Explain the voting procedures at a polling station
- b) Discuss the role of election officials during polling
- c) Explain the procedure of assisting a voter who may not vote by self
- d) Discuss the provisions of Electoral Code of Conduct during polling
- e) Appreciate the importance of polling

### **Content**

- Documents required to vote
- Voting procedures at a polling station
- Role of election officials during polling
- Procedure of assisting a voter who may not vote by self
- Provisions of electoral code of conduct during polling

### **Suggested training resources**

Flip chart, marker pens, cello tape/masking tape, Poster of polling station layout, sample register of voters, power point Slides, Elections (General ) Regulations 2012, Sample ballot papers, relevant technology gadgets, fliers.

### **Assessment methods**

- Question and answer

- Observation

### **Activities**

- Ask participants to identify documents required for voting
- Guide the participants to role play voting procedures at a polling station including procedures for assisting a voter while others are observing and taking notes for further discussion.
- Summarize the session by highlighting Key Notes.

### **KEY NOTES**

#### **Documents required for voting**

- For persons residing in Kenya
  - National Identification Card or a valid Kenyan passport (used during registration)
- For Kenyan citizens residing outside the country
  - National Identification Card or a valid Kenyan passport

#### **Voting Procedure**

##### **i) Queuing**

- The voters queue in an orderly manner
- Voters get into the polling room one by one
- Elderly, persons with disability, sick or expecting mothers to be given preference
- There may be separate queues for men and women where necessary



## **ii) Identification**

The voter is ushered in the polling room by a clerk who:

- Verifies that the voter has no mark to show that he/she has already voted
- Requests for the voter's identification documents
- Identifies the voter electronically

**NB:** A voter without identification documents will not be allowed to vote.

## **iii) Verification of particulars**

The voter is directed to the next clerk who:

- Checks for the voter's details in the register of voters
- Calls out the voter's name loudly, if the name appears in the register of voters
- Refers the voter to the Presiding Officer, if the voter's name does not appear or the details are incorrect

## **iv) Issuing of ballot papers**

- the ballot paper is stamped at the back, detached carefully, and issued to the voter
- the voter is guided to the booth and the ballot box

## **v) Marking and voting**

The voter:

- marks the ballot paper secretly in the booth
- Folds the ballot paper(s)

- Casts/ insert the marked ballot paper into the respective ballot box (the color of the lid corresponds to the color of the ballot paper)

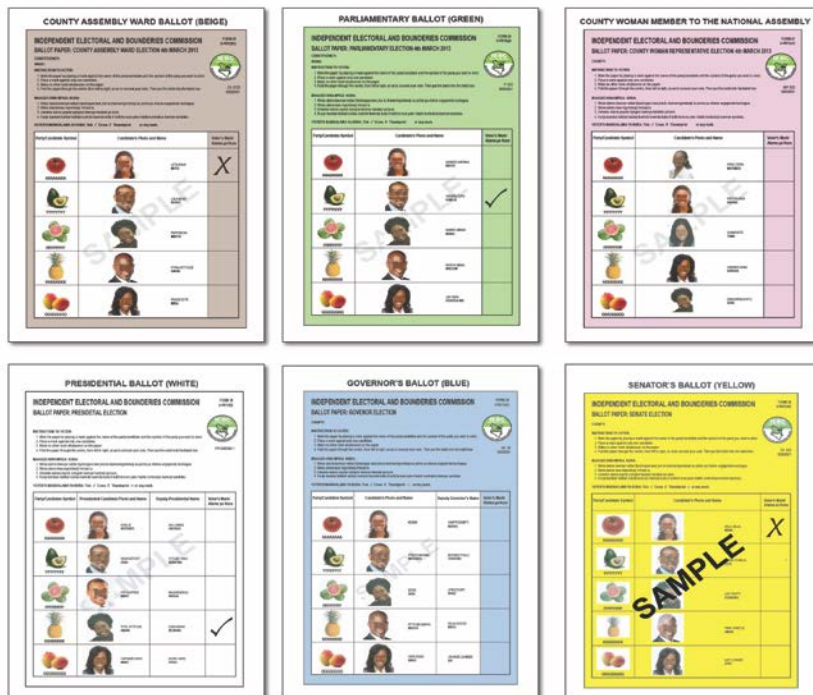


Figure 14: Samples of correctly marked ballot papers

#### Vi) Procedure of assisting a Voter who may not vote by self

A voter who requires assistance to vote may:

- Bring along his/her personal assistant who must take an oath of secrecy before being allowed to assist the voter.
- Request the presiding officer to assist in case of no voter assistant. Presiding officer or assistant must mark the ballot paper as directed by the voter.

N/B: Voter Assistant should be 18 years and above, can only assist one voter and must be under oath.

**vii) Marking/Inking**

- A mark is put on the small finger of the left hand or the space between the index finger and the middle finger (chill sign) in case of nail polish or henna, to show that one has voted
- Voter assistant (other than the PO) is marked on the left thumb or the space between the index finger and the thumb (gun sign) in case of nail polish or henna
- Ensure the voter exits the polling room immediately

## **Roles of Election Officials during Polling**

### **1. Returning officer**

- The overall official representative of the Commission in a designated constituency or elective unit
- Is answerable to the Commission
- Announces election results in a designated electoral unit
- Signs the official results declaration forms
- Forwards official results to the national tallying centre in the case where electronic transmission system is used
- Forwards official result declaration form to the national tallying centre
- Declares the winner in a given electoral unit
- Signs and issues an official certificate to the winner
- In charge of recruitment, training and deployment of election officials
- Determines disputed votes

### **2. Deputy Returning Officer**

- Is the official assistant to the Returning Officer
- Performs the duties assigned to him/her by the Returning Officer
- Carries out the duties of the Returning Officer in his/her absence

### **3. Presiding Officer**

- The overall in charge of a polling station
- Is answerable to the Returning Officer
- Controls the admission into the polling station
- Assists voters who require assistance

- Controls the flow of voters in the polling stations
- Supervises polling officials
- Ensures security of election materials
- Administer oath of secrecy to voter assistants
- Briefs the agents on their roles and responsibilities at the polling station before polling starts
- Provide information on the number of registered voters and voter turnout at the polling station
- Regularly updates the Returning Officer on the voter turnout and any other emergencies
- Counts and tallies votes cast
- Announces election results in a designated polling station
- Signs the official results declaration forms in a polling station
- Transmit result electronically to the national and constituency tallying centres
- Hands over, official results to the Returning Officer at the constituency tallying centre
- Performs any other duties assigned by the Returning Officer

#### **4. Deputy Presiding Officer**

- Deputizes the Presiding Officer
- Performs the duties assigned to him/her by the Presiding Officer
- Ensures safe retrieval of election materials

#### **5. The Polling Clerk**

- Sets up and demarcates the polling station
- Verifies the voters names, ID and Voter's card number in the register
- Identifies a voter electronically
- Issues ballot papers to voters
- Marks voters to show that they have voted
- Ensure security of election materials under their custody
- Manages queues and directs voters to respective polling stations

## **6. Security officers**

- Provide security at the polling stations
  - Safeguard the polling process
  - Provide security during transportation of election materials and equipment
  - Provide security for other election officials and observers
  - Maintain law and order
- **Electoral Code of Conduct during Polling**
    - Nobody should bribe voters
    - Campaign leaflets or pamphlets should not be distributed or found in or around the polling station
    - There should be no canvassing for votes
    - Voters should not wear or display clothes with the candidate's slogan, symbol or photograph of candidates or Political Party

- Voters should not utter campaign slogans or engage in singing or dance at the station
- Once a voter casts his/her vote they should leave the voting station immediately
- Secrecy of the vote should be observed and maintained
- Refrain from any acts of violence, intimidation or threats during the entire period of voting
- Election officials should not leave the polling station before the conclusion of polling, counting and transmission of results

## **UNIT 12: DIASPORA VOTING**

Time allocation: 1hr

### Introduction



This unit covers voting rights of the diaspora voters, requirement for diaspora voting and process of diaspora voting.

### **Specific Objectives**

By the end of the unit, the participant should be able to:

- a) Explain the voting rights of Diaspora voters
- b) Describe the requirements for diaspora voting
- c) Discuss the process of Diaspora voting
- d) Describe counting, collation, tallying and transmission of diaspora election results
- e) Identify diaspora voting centres

### **Content**

- Voting rights of Diaspora voters
- Requirements for diaspora voting
- Process of Diaspora voting
- Describe counting, collation, tallying, and transmission of diaspora election results
- Diaspora voting centres

### **Suggested training resources**

The Constitution of Kenya 2010, Diaspora Policy 2016, Elections Act, 2011, IEBC Act 2011, Electoral Code of Conduct, Results management framework, Resource persons, Resource books and On-line literature

### **Suggested Assessment Methods**

- Question and answer
- Observation



### Activities

- a) Ask participants to explain the voting rights of Diaspora voters
- b) Guide participants to describe the requirements for diaspora voting
- c) Ask participants to outline the conditions for disqualification from Diaspora voting
- d) Guide the participants to discuss the process of Diaspora voting
- e) Ask participants to describe counting, collation, tallying and transmission of diaspora election results
- f) Ask participants to identify diaspora voting centres
- g) Summarize the session by highlighting key notes

### KEY NOTES

#### **Voting rights of a Diaspora voter**

The Constitution of Kenya, 2010 (Article 38) provides that every citizen residing outside Kenya has the right to:

- Participate in free, fair, and regular elections based on universal suffrage and the free expression of the will of the electors.
- Elect leaders of their choice
- exercise their political rights

#### **Requirements for diaspora voting**

- Be a registered voter/name must appear in voter register

- Be in possession of a Kenyan valid ID card or passport
- Have a valid resident permit in the country of residence

### **Process of Diaspora voting**

**Describe counting, collation, tallying, and transmission of diaspora election results**

### **Diaspora polling stations**

The IEBC will determine and gazette the polling stations for the Diaspora

## **UNIT 13: COUNTING, ANNOUNCEMENT, AND TRANSMISSION OF RESULTS AT THE POLLING STATION**

### **Unit introduction**

This unit focuses on Counting, announcement and transmission of results which are critical components of the results management process. This process is guided by principles of election result management which include transparency, verifiability, accuracy, secrecy of the ballot, consistency, integrity and timeliness.

### **Specific Objectives**

By the end of the unit, the participant should be able to:

- a) Describe the activities that take place after close of polling.

- b) Illustrate the procedure of counting votes at a polling station.
- c) Explain features of a valid ballot paper.
- d) Discuss the roles and responsibilities of election officials during counting of votes.
- e) Identify activities that take place after counting of votes at a polling station
- f) Identify the statutory forms used for filling election results
- g) Discuss the process of electronic transmission of results from the polling station
- h) Discuss the process of settling disputes arising from counting of votes.

## **Content**

- Activities that take place after close of polling.
- Procedure of counting votes at a polling station.
- Features of a valid ballot paper.
- Roles and responsibilities of election officials during counting of votes.
- Activities that take place after counting of votes at a polling station
- Statutory forms used for filling election results
- Process of electronic transmission of results from the polling station
- Process of settling disputes arising from counting of votes.

## **Session 1:**

**Session title:** Procedure after close of polling, vote counting procedure and validity of ballot papers

**Time Allocation:** 1 hour

### **Session objectives**

By the end of this session, participants should be able to:

- a. Describe the procedure after the close of polling.
- b. Illustrate the vote counting procedures at a polling station.
- c. Explain features of a valid ballot papers.

### **Content**

- Procedure after the close of polling.
- Vote counting procedures at a polling station.
- Features of a valid ballot papers

### **Activities**

- Ask participants to identify the activities after the close of polling
- Guide participants to role play vote counting process
- Ask participants to identify features of valid ballot papers
- summarize the session by highlighting key note

### **Suggested training resources**

The Constitution of Kenya 2010 Relevant Acts of Parliament, Electoral Code of Conduct, Results management framework,

**Resource** persons, Resource books and On-line literature

### **Suggested Assessment Methods**

- Question and answer

- Observation

## **KEY NOTES**

### **Procedure after the close of polling**

- Polling station closes at 5.00pm
- The Presiding Officer shall announce closure of polling station
- Only those on the queue at 5.00pm will be allowed to vote
- Seal ballot box aperture in the presence of the agents and observers
- PO makes a statement of ballot papers count in the Polling Day Diary (PDD), which will include:
  - o Total no. of ballot papers issued to the presiding officer
  - o No. of ballot papers, other than spoilt ballot papers, issued to voters
  - o No. of spoilt ballot papers
  - o No. of unused ballot papers
- The PO, in the presence of candidate/agent, shall seal in separate tamper proof envelopes the following:
  - o The spoilt ballot papers
  - o The marked copy register, where necessary
  - o The counterfoils of the used ballot papers
- The PO reorganizes the polling station in to a counting setup, assign duties to the clerks and begin to count
- The PO records seals of the ballot box prior to counting for each elective position
- The PO briefs agents and officials on counting rules prior to counting process.

## **Vote Counting procedures at a polling station**

- Counting of votes is done in the following order:
  - o President
  - o Member of the national assembly
  - o Member of the county assembly
  - o Senator
  - o County Woman Representative in the national assembly
  - o County Governor
- The PO, in the presence of agents and observers, breaks seals and open each ballot box, one at a time, and empty its contents onto the counting table.
- The PO unfolds the ballots and places the ballot paper facing down
- The PO identifies the unstamped ballot papers.
- The PO sorts the ballot papers as per the candidates
- The PO stamps “Rejected” every rejected ballot paper. If an objection is made by a candidate and/or agent to the rejection, the PO further stamps “Rejection Objected To”.
- The PO stamps “Disputed” every counted vote whose validity has been disputed by a candidate and/or agent. A disputed vote is counted in favour of a candidate
- The PO counts the votes cast in favour of each candidate in the order in which the candidates appear on the ballot paper.
- The PO counts as follows:
  - In respect of every ballot paper, loudly announces the candidate in whose favor the vote was cast

- Sufficiently displays the ballot paper to the candidate and/or agent so as to ascertain the vote
- Hands over the vote to the counting clerk assigned to hold votes for that particular candidates.

**NB:** such vote will be treated as valid for the purpose of the declaration of the election results at the polling station.

- As PO counts, he/she fills Forms 33 and bundle the counted ballot papers in bundles fifty (50).

### **Features of an invalid ballot paper**

A ballot may be held invalid and rejected on the following grounds:

- does not bear security features determined by the commission such as serial number
- appears to be marked in favour of more than one candidate
- The intention of the voter is clear
- Has serial numbers not assigned to that polling station
- Ballot paper that cannot be verified from the counterfoils of the ballot papers used
- Unmarked
- Marked elsewhere other than in the proper place
- Bears more than one mark
- Reveals identity of the voter

### **Session 2:**

**Session title:** Roles and responsibilities of election officials and procedure after counting of votes

**Time allocation:** 1 hour

**Session objectives**

By the end of this session, participants should be able to:

- a) Discuss the roles and responsibilities of election officials during counting of votes.
- b) Identify activities that take place after counting of votes at a polling station
- c) Identify the statutory forms used for filling election results

**Content**

- Roles and responsibilities of election officials during counting of votes.
- Activities that take place after counting of votes at a polling station
- Statutory forms used for filling election results

**Suggested training resources**

The Constitution of Kenya, 2010, Elections Act 2011; amendment 2016, Other relevant Acts of Parliament, Electoral Code of Conduct, Resource persons, Elections manual, Resource books, Online literature on elections

**Suggested Assessment Methods**

- Question and answer
- Observation



### **Activities**

- Ask participants to discuss the roles and responsibilities of election officials during counting of votes.
- Guide participants to identify activities that take place after counting of votes at a polling station
- Ask participants to identify statutory forms used for filling election results
- Guide participants to fill in various statutory forms used for filing election results
- Summarize the session by highlighting key notes

### **KEY NOTES**

#### **Roles and responsibilities of election officials during counting.**

##### **Election officials...**

- **Presiding Officer:**

- Is in charge of counting process at the polling station
- Laying out the polling station for counting of votes
- Assign counting duties to the clerks
- Is answerable to the Returning Officer
- Briefs agents on what constitutes a valid or rejected vote
- Tallies, tabulates, and counts votes cast
- Announces promptly election results in a designated polling station
- Signs the official results declaration forms in a polling station
- Electronically transmits results to the constituency, county and national tallying centre
- Submits polling station results to the returning officer

- Performs any other duties assigned by the Returning Officer

- **Deputy Presiding Officer**

Deputizes the Presiding Officer:

- Signs statutory forms and other documents
- Performs the duties assigned to him/her by the Presiding Officer

- **Counting Clerks**

- Assist in setting up the counting room
- Assist in sorting and counting of ballot papers and votes

- **Security Agents**

The duties of security officers during counting include:

- Safeguard the process of counting, tallying and collation of the votes
- Provide security for election officials and materials
- Maintain law and order

### **Activities that takes place after counting of votes**

- The PO, after counting of votes is concluded, makes a statement showing the number of rejected ballot papers and the reasons for rejection which may include the following:
  - o Lacks security features
  - o Marked for more than one candidate
  - o Has a mark that may reveal identity of the voter
  - o Unmarked
  - o Unstamped

- Intention of the voter not clear
- The PO fill forms 34 or 35 and statement of rejected ballots respectively where applicable, and afford an opportunity to the candidate and/or agent to append their signatures onto the forms.
- The PO also records:
  - absence of a candidate and/or agent
  - reasons for refusal by candidate(s) and/or agent(s) to sign a declaration form.

The absence of a candidate and/or agent at the signing of a declaration form or announcement of results shall not invalidate the results announced.

- The PO announces of the results from Form 34 or 35.
- The PO, upon completion of counting, seal in separate tamperproof envelopes:
  - the counted ballot papers which are not disputed
  - rejected ballot papers together with the statement
  - the disputed ballot papers
  - the “rejected objected to” ballot papers
  - unused ballot papers.
- The PO seals the ballot box with seals of the Commission and record the serial numbers witnessed by candidates and/or agents and observers.
- The PO hands over the returning officer (RO) the ballot boxes, as soon as practicable, at the Constituency Tallying Center.

- **Statutory forms used for filling election results at polling station**
  - Form 33 - Candidate Vote Tallying Sheet
  - Form 34 - Declaration of Presidential results at a polling station
  - Form 35 - Declaration of National Assembly/County Woman Representative/Senate/County Governor/County Assembly election results at a polling station

### **Session 3:**

**Session title: Filling in of statutory forms and electronic transmission of results**

**Time allocation: 1 hour**

### **Session objectives**

By the end of this session, participants should be able to:

- a) Discuss the process of electronic transmission of results from the polling station
- b) Discuss the process of settling disputes arising from counting of votes.

### **Content**

- process of electronic transmission of results from the polling station
- process of settling disputes arising from counting of votes.

### **Suggested training materials**

The Constitution of Kenya, Elections Act, 2011; Election Laws (Amendment) Act, 2016, Elections (General) regulations, 2012, Electoral Code of Conduct, Resource persons, Resource books, On-

line literature. Flip charts, marker pens, coloured papers, pair of scissors.

### **Suggested Assessment Methods**

- Question and answer
- Observation

#### **Activities**

- Guide participants to describe the process of electronic transmission of results from the polling station
- Guide participants to describe the process of settling disputes arising from counting of votes.
- Ask participants to role play of settlement of disputes arising from counting of votes.
- Summarize the session by highlighting key notes

### **KEY NOTES**

- **Electronic transmission of results from the polling station**

The Commission shall electronically transmit election results from the Polling Station to the Constituency, County and National Tallying Centres. The results must be transmitted from the official statutory forms which have been duly signed and announced by the Presiding officer at the polling station.

- **Settlement of disputes arising from counting of votes**

- Upon completion of counting of the ballots by the PO, candidates or their agents may seek for a recount. A recount shall not be carried out more than two times.
- During counting, the PO shall note and record the number of disputed votes in the statutory forms and Polling Day Diary (PDD). For the purpose of announcement of results at the polling station, a disputed ballot is treated a valid vote and assigned to a candidate.
- Ballot papers marked “DISPUTED” shall be subject to review by the Returning Officer at the Constituency Tallying Centre and witnessed by candidates and/or agents.

## **Unit 14: TALLYING, COLLATION, ANNOUNCEMENT AND DECLARATION OF ELECTION RESULTS AT THE TALLYING CENTRES.**

### **Introduction**

This unit focuses on Tallying, announcement and declaration of election results which take place at the tallying centres, - constituency, county and national levels.

### **Specific Objectives**

By the end of the unit, the participant should be able to:

- a) Explain the meaning of tallying, collation, announcement and declaration of election results.
- b) Identify tallying centres for elections results.
- c) Identify the statutory forms used for tallying and announcing election results.
- d) Outline the procedure of announcing and declaration of election results.
- e) State the timeline for declaration of Presidential election results
- f) Explain the process of handing over election results from the constituency tallying centre to the County and national tallying centres.

### **Content**

- Meaning of tallying, collation, announcement and declaration of election results.
- Tallying centres for elections results.

- Statutory forms used for tallying and announcing election results.
- Procedure of announcing and declaration of election results.
- Timeline for declaration of presidential election results
- Process of handing over election results from the constituency tallying centre to the county and national tallying centres.

### **Session 1:**

**Session title: Tallying, collation, announcement and declaration of election results**

**Time allocated: 1 hour**

#### **Session objectives**

By the end of the session, the participant should be able to:

- g) Explain the meaning of tallying, collation announcement and declaration of election results.
- h) Identify tallying centres for elections results.
- i) Identify the statutory forms for tallying and announcing election results.

#### **Content**

- meaning of tallying, announcement and declaration of election results
- tallying centres for elections results
- statutory forms for tallying and announcing election results



### **Suggested training resources**

Sample statutory forms (Forms 34, 35, 36, 37, & 38), Election (General) regulations 2012, Resource persons, and Elections manual 2016, flip chart, marker pen, masking tapes, projector, and laptop

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask the participants to brainstorm on the meaning of tallying, collation, announcement and declaration of election results
- Ask participant to identify various tallying centres at various levels
- Guide the participants to Identify statutory forms and match them with respective tallying centres
- Summarize the session by highlighting the key notes

## **KEY NOTES**

### **Meaning of tallying, collation, announcement and declaration of election results.**

- Tallying is a process which involves accurate collation and representation of votes cast for each candidate. It takes place at the tallying centre.
- Collation is the process of collecting and ordering votes cast for various candidates
- Announcement is the pronouncement of the electoral results.

- The declaration of election results conveys to the voters the person they have elected for office.

### **Tallying centres for elections results**

- Constituency tallying centre
- County tallying centre
- National tallying centre

### **Statutory forms used for filling election results**

- Form 34 - Declaration of Presidential results at a polling station. It is used for tallying Presidential result
- Form 35 - Declaration of National Assembly/County Woman Representative/Senate/County Governor/County Assembly election results at a polling station
- Form 36 declaration of election result at constituency and county levels. The RO collates results from form 34 to form 36 for presidential results. The RO tallies/ collates results from form 35 to form 36 for Parliamentary and county elections. At the constituency level, form 36 is used to announce and declare results for Member of the National Assembly and Members of the County assembly.
- Form 37 certificate of result of Presidential elections.
- Form 38 certificate of result of National Assembly/County Woman Member to the National Assembly/Senate/County Governor/County Assembly.

-

### **Session 2:**

**Session title:** Announcing, declaration and handing over of election results

**Time allocated:** 1 hour

### **Session Objectives**

By the end of the session, the participant should be able to:

- a) Outline the procedure of announcing and declaration of election results.
- b) Explain the timelines for declaration of Presidential election results
- c) Explain the process of handing over election results to the County and national tallying centres

### **Content**

- Procedure of announcing and declaration of election results.
- timelines for declaration of Presidential election results
- process of handing over election results to the County and national tallying centres

### **Suggested training resources**

Election (General) regulations 2012, Resource persons, and Elections manual 2016, flip chart, marker pen, masking tapes, projector, laptop

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask the participants to brainstorm on the procedure of announcing and declaration election results
- Guide the participants to role play the procedure of announcing and declaration of election results
- Guide the participants to discussion the importance of systematic and prompt announcement and declaration of election results
- Summarize the session by highlighting the key notes

### **KEY NOTES**

#### **Procedure of announcing and declaration election of results**

- At the Polling station, the Presiding Officer announces results for elective positions as they appear in the forms 34 and 35.
- Results are announced at the polling station in the following order: Presidential, member of the National Assembly, member of the county Assembly, Senator, county woman member to the national assembly, County governor.
- At the Constituency tallying centre, the Returning Officers collates and announces, in the Form 36, final results for four elective positions;
  - o President
  - o Senator
  - o County Woman Representative in the national assembly
  - o County Governor

- The Returning Officers shall tally, announce and declare in Form 36, the final results for two elective positions;
  - o Member of the National Assembly
  - o Member of the County Assembly
- The returning officer issues certificate of result (Form 38), to the winning candidates
- The returning officer scan all the form 34s and 35s and upload them in Electronic Document Management System (IEBC public portal).
- At the County tallying centre, the County Returning Officers collates and announce in the Form 36, the final results for the Presidential election
- The County Returning Officers shall tally, announce and declare in Form 36, the final results for three elective positions;
  - o Senator
  - o County Woman Representative in the national assembly
  - o County Governor

The county returning officer issues certificate of result (Form 38), to the winning candidates

- At the National Tallying Centre, the Chairperson of the Commission verifies, tallies, announces and declares presidential results received from the constituencies.
- The chairperson of the Commission, having ascertained that a candidate has garnered 50%+ 1 of the votes cast and at

least 25% of the total votes cast in 24 counties, issues certificate of result (Form 37) to the winning candidate.

### **Timelines for tallying and announcement of Presidential results**

- A Constitutional requirement that the chairperson of the commission within 7 days declares the result of the presidential election.
- The Commission must deliver, within 48 hours after the service of election petition, a certified copies of results of all elective positions and statutory forms from polling stations, constituency and county tallying centres to the Supreme Court.

### **Process of handing over election results to the County and National tallying centres**

- The constituency returning officer delivers Declaration of Result Form 36 for the governor, senator and the woman member to the national assembly to the county returning officer.
- The constituency returning officer then proceeds to the National Tallying centre to deliver presidential result form 36.

## **UNIT 15: MEDIA IN THE ELECTORAL PROCESS**

### **Introduction**

This unit covers issues related to media coverage in the electoral process

### **Specific Objectives**

By the end of the unit, the participant should be able to:

- a) Describe the accreditation procedure for media officials
- b) Discuss the Code of Conduct for media in elections
- c) Discuss the role and responsibilities of media in elections.
- d) Explain the rights and privileges of media during coverage of elections.
- e) Explain the role of media in reporting issues relating to special groups.
- f) Discuss the importance of accurate and responsible reporting in the electoral process.

### **Content**

- Accreditation procedure for media officials
- Code of conduct for media in elections
- Role and responsibilities of media in elections
- Rights and privileges of media during coverage of elections
- Role of media in reporting issues relating to special groups
- Importance of accurate and responsible reporting in the electoral process

### **Session I:**

**Session title: Accreditation, Role and Responsibilities of Media in Elections**

**Time Allocation:** 1 hour

### **Session Objectives**

By the end of the session the participants should be able to:

- a. Describe the accreditation procedure for media officials
- b. Discuss the Code of Conduct for media in elections
- c. Discuss the role and responsibilities of media in elections.
- d. Explain the rights and privileges of media in elections.

### **Content**

- Accreditation procedure for media officials
- Code of Conduct for media in elections
- Role and responsibilities of media in elections.
- Rights and privileges of media in elections.

### **Suggested training resources**

The Constitution of Kenya, 2010, Electoral Code of Conduct, Resource Person, Media Council Code of Conduct, Media Council of Kenya guidelines, Accreditation guidelines for media, and IEBC Communication Policy and strategy handbook, 2013

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Facilitator introduces the topic, giving relevant examples.
- Participants watch short video clips, photos or newspaper cuttings on media coverage of elections.



- Guide participants to discuss code of conduct for media in elections
- Guide participants to describe the accreditation procedure for media officials
- Guide participants to discuss the roles and responsibilities, of media in elections
- summarizes the session by highlighting key notes

## **KEY NOTES**

### **Accreditation Procedures of Media Officials**

- Obtain accreditation by the Media Council of Kenya
- Must apply for accreditation from IEBC using prescribed form
- Sign a code of conduct for media
- Successful applicants are Issued with an accreditation letter and a badge

### **Code of Conduct for Media**

- Report fairly and objectively
- Factual and balanced reporting
- Observe professional ethics

Timely correction of misinformation and inaccuracy in what is reported.

### **Role and responsibilities of media in elections**

- Monitors elections.
- Educates the electorates on their rights and responsibilities

- Increases public knowledge on the electoral process
- Provides voters with timely information needed to make informed choices
- Provides factual information needed to participate in elections
- Provides Political Parties and candidates the opportunity to present their manifesto
- Report fairly and objectively
- Play watchdog role

**Rights and privileges of Media:**

- Access to information
- Access to polling stations and tallying centres

**Session 2:**

**Session title: Role of Media in Covering Special Groups in Elections**

**Time allocated:** 30 Mins

**Session Objectives**

By the end of the session the participants should be able to:

- a) Explain the role of media in reporting issues relating to special groups.
- b) Discuss the importance of accurate and responsible reporting in the electoral process.

**Content**

- Role of media in reporting issues relating to special groups

- Importance of accurate and responsible reporting in the electoral process.

### **Suggested training resource**

Constitution of Kenya, 2010, Elections Act, 2011, Media Act, Persons with Disability Act 2003, Media Guidelines on Elections Coverage, Code of Conduct for the Practice of Journalism in Kenya, Resource Persons, Voter education manual, Relevant Acts of Parliament.

### **Assessment methods**

- Question and answer
- Observation

### **Activities**

- Guide participants to discuss the role of media in promoting participation of special groups in electoral processes
- Ask participants to discuss the importance of accurate and responsible reporting in the electoral process.
- Summarize the session by highlighting the key notes

## **KEY NOTES**

### **Role of Media in Reporting issues Relating to Special Groups in Elections**

- Equitable coverage to candidates regardless of gender, age or disability
- Discouraging social stereotypes and stigmatization attached to special groups.

- Highlighting the unique needs of women, youths, persons with disabilities, ethnic and other minorities, and marginalized communities.
- Ensuring use of friendly language in electoral reporting
- Encouraging participation of women, youths, persons with disabilities, ethnic and other minorities, and marginalized communities.
- Highlighting forms of abuses directed to special groups in electoral process
- Reporting incidents of violation of rights of women, youths and persons with disability.
- Provide platform for special groups to articulate issues on the electoral process
- educate special groups to play their rightful roles and responsibilities in electoral process

### **Importance of Responsible Reporting in Elections**

- Exposes perpetrators of violence
- Encourages whistle-blowing
- Encourages professionalism
- Reduces elections malpractices
- Creates confidence in the electorate
- Defuses tension among competing Political Parties and individual candidates
- Builds confidence in the media institutions
- Reduces elections related crimes

- Encourages confidence and transparency in the electoral operations

## **UNIT 16: SPECIAL GROUPS IN ELECTORAL PROCESS**

Time allocation: 1hr

### **Unit introduction**

This unit covers rights and responsibilities of special groups in electoral process, needs of special groups in electoral process, and the importance of participation of special groups in electoral process

### **Specific Objectives**

By the end of the unit, the participant should be able to:



- Explain the meaning of special groups in the electoral process
- identify the special groups in electoral process
- explain rights and responsibilities of special groups in electoral process
- identify the needs of special groups in electoral process
- explain the importance of participation of special groups in electoral process

### **Content**

- Meaning of special groups in the electoral process
- Special groups in electoral process
- Rights and responsibilities of special groups in electoral process
- Needs of special groups in electoral process
- Importance of participation of special groups in electoral process

### **Suggested training materials**

The Constitution of Kenya, Relevant Acts of Parliament, Electoral Code of Conduct, Persons with Disability Act 2003, resource persons, resource books, audio visual materials

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask participant to brainstorm on the meaning of special groups
- Guide participants to identify special groups in elections
- Ask participants to explain the rights and responsibilities of special groups in elections
- Ask participants to identify the needs of special groups in elections
- Ask participants to explain the importance of participation of special groups in elections
- Summarize the session by highlighting key notes

### **KEY NOTES**

- **Meaning of special groups in the electoral process**

These are groups of persons who require special attention or considerations in the electoral process.

- **Special groups in electoral process**

Special groups in electoral process include: women, youth, persons with disabilities, elderly, minorities, marginalized

- **Rights and responsibilities of special groups in electoral process**

- Register as voters
- Right to stand for elective office
- Vote in an election and by-election and referenda
- Be assisted to access a voting station
- On-spot assistance

- Have access to necessary information
- Vote for a candidate of his/her choice
- Right to the secrecy of the ballot
- Right to election related materials in accessible formats
- Right to know the outcome of an election
- Be protected from any form of abuse
- **Needs of special interest groups in electoral process**
  - Access to information
  - Access to registration as voters
  - Accessibility of the voting station
  - Assistance in voting
  - priority during voting
  - Friendly voting environment
  - Braille ballot papers
  - Provision of polling stations in confinement areas
  - Customized voter education
- **Importance of participation of special interest groups in electoral process**
  - Builds confidence in the voter
  - Encourages participation
  - Social recognition and integration
  - Respect of fundamental human rights
  - Platform for advocacy for inclusion
  - Recognition of their needs
  - Mitigation of stereotypes against them
  - Contributes in determining leadership.



## **UNIT 17: OBSERVATION OF THE ELECTORAL PROCESS**

### **Introduction**

**This unit covers issues related to election observation**

Election observation is a valuable process that enhances public confidence in the electoral process. Feedback from both the local and international observers, may be used to improve future electoral process.

### **Specific Objectives**

By the end of this unit, the participant should be able to:

- a) Explain the meaning of election observation.
- b) Explain the importance observing electoral processes.
- c) Identify types of election observers.
- d) Explain the role and responsibilities of election observers.

- e) Explain the procedure of accrediting election observers
- f) Discuss the Code of Conduct for election observers.

## **Content**

- Meaning of election observation.
- Importance observing electoral processes.
- Types of election observers.
- Role and responsibilities of election observers.
- Procedure of accrediting election observers
- Code of conduct for election observers.

## **Session 1:**

**Session title: Election observation and code of conduct**

**Time Allocated: 40 minutes**

## **Session Objectives:**

By the end of the session, the participant should be able to:

- a) Explain the meaning of election observation.
- b) Explain the importance observing electoral processes.
- c) Identify types of election observers.

## **Content**

- Meaning of election observation.
- Importance observing electoral processes.
- Types of election observers.

## **Suggested training resources**

The Constitution of Kenya, 2010, Elections Act, 2011, Electoral Code of Conduct for election observers, Resource persons, Guidelines for election observers, Elections Manual, On-line literature on election observation

### **Suggested Assessment Methods**

- Question and answer
- Observation

### **Activities**

- Ask participants to brainstorm the meaning of an election observer
- Guide participants to discuss the importance of election observation.
- Ask participants to name types of election observers
- Ask participants to identify observer groups
- Group participants and ask them to role play election observers
- Summarize the session by highlighting key notes

### **KEY NOTES**

- **Meaning of an election observer**

Election observer is a person who is accredited by the Commission to gathers information on the electoral process without interference with the process. The commission accredit observer groups who can either be domestic or international; long-term or short-term.

- **Importance observing the electoral process**
  - Detecting malpractices in the electoral process
  - Providing information that can be used in the improvement of an electoral system

- Highlighting pertinent issues unique to certain electoral units
  - Influencing future policies governing an electoral system
  - Identifying instances of voter and human rights-related violations
- 
- **Types of election observers**
    - Long-term observers
    - Short-term observers
    - Domestic observers
    - International observers



*Figure 15 various election observers*

## **Session 2:**

**Session title:** Accreditation, roles and responsibilities of election observers

**Time allocation:** 30 minutes

### **Session Objectives**

By the end of the session, the participant should be able to:

- a) Explain the role and responsibilities of election observers.
- b) Explain the procedure of accrediting election observers
- c) Discuss the Code of Conduct for election observers.

### **Content**

- Role and responsibilities of election observers.
- The procedure of accrediting election observers
- Code of Conduct for election observers.

### **Suggested training resources**

Guidelines for election observers, Sample of an accreditation badge for election observers, Sample of a Letter of appointment, Electoral Code of Conduct, Resource persons, Resource books, On-line literature on election observation, Polling Day Diary (PDD)

### **Suggested assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask participants to identify the role and responsibilities of election observers.
- Guide participants to explain the procedure of accrediting election observers
- Guide participants to discuss the Code of Conduct for election

observers.

- Summarize the session by highlighting key notes

## **KEY NOTES**

### **Responsibilities of Observers**

The observers:

- (a) Are responsible for meeting the costs associated with organizing and deploying its observation mission and teams such as transport the polling centres where they will be deployed and making travel plans and fulfil the necessary immigration requirements necessary for obtaining entry clearance to visit Kenya.
- (b) Must not interfere with election documents in the polling station or physically assist the voting or counting process;
- (c) Is bound to:
  - i. Introduce himself or herself to the Returning officer and presiding officer when they arrive at the tallying centre and polling station respectively.
  - ii. Comply with the instructions of officials at the polling stations unless such instructions are manifestly unlawful.  
Any Observer who is dissatisfied with the official instructions should record the circumstances of such dissatisfaction in the appropriate observation report.
  - iii. Avoid confrontation with election officers, security personnel, and party agents;

- iv. Be prepared to present proof of accreditation to electoral and security personnel who request them. Observers must keep these documents with them at all times. However, because elections can sometimes be unpredictable, Observers are advised to keep the originals of their identity documents separate from accreditation documents and only carry the accreditation documents while in the field;
  - v. Be impartiality at all times;
  - vi. Avoid contact or communication capable of disrupting the voting and counting process(s);
  - vii. Not attempt to take an active role in resolving any disputes or complaints, even if asked to. However, observers may record any complaints made to them on the appropriate observation form including details of the complaints; including the name, organization (where relevant) and contacts of those involved;
  - viii. Be conscious that their conduct is likely to be closely observed and should, therefore, try not to be too enthusiastic or overtly friendly when meeting candidates, their proxies or representatives whether or not there is prior familiarity with such persons;
- (d) Should have a deployment plan for the polling units or stations to be covered.

- **Accreditation guidelines for election observers**

The right to observe the electoral process is safe guarded by law. This right is exercised through registration and accreditation for

observation granted by IEBC. As such, IEBC will register eligible bodies as Observation Groups. Those who may apply for accreditation include:

- Governmental bodies whether regional, continental or International Organizations
- Representatives of foreign missions
- Domestic and International NGOs
- Kenyan organizations
- Any other body deemed to be qualified by IEBC.

Application for accreditation: Domestic Observers

The following procedures shall apply when domestic observers seek accreditation from the Commission:

**(a.) Application for accreditation**

An application for full registration must be in writing using the forms provided by the Commission and must be signed by authorized officials of the institution

**(b.) Documents to accompany application**

The application for accreditation must be accompanied by the following documents/information:-

- i. Copy of the registration certificate as an entity recognized to operate in Kenya;
- ii. The names and occupations of its national officials;
- iii. A copy of its constitution;



- iv. demonstrate its capacity to carry out the intended observation in terms of its finances and logistics including geographical area it intends to observe by providing a certified approved budget by the top most organ of the organization and a deployment plan;
- v. An undertaking and firm commitment that organization, its officials and proposed election observers are impartial and non-partisan in terms of the political contestants and political issues and views throughout the election period
- vi. Demonstrate that the organization's election observation will promote the electoral process
- vii. Affirm that the organization, its officials and election observers nominated by it will comply with lawful instructions issued by the Commission or its election officials from time to time
- viii. An acceptance that the organization will, on request furnish the Commission with the names of observers, copies of National identity cards(IDs) or Passports, names and telephone of two contact persons, physical location and address of the organization
- ix. Organizations of National standing should submit soft copies of passport photo of applicants.

## **International Observers**

These procedures shall apply to international observers:

### **(a.) Application for accreditation**

An application for accreditation must be in writing using the forms provided by the Commission and must be signed by authorized officials of the institution

### **(b.) Documents to accompany application**

The application for accreditation must be accompanied by the following documents/information:-

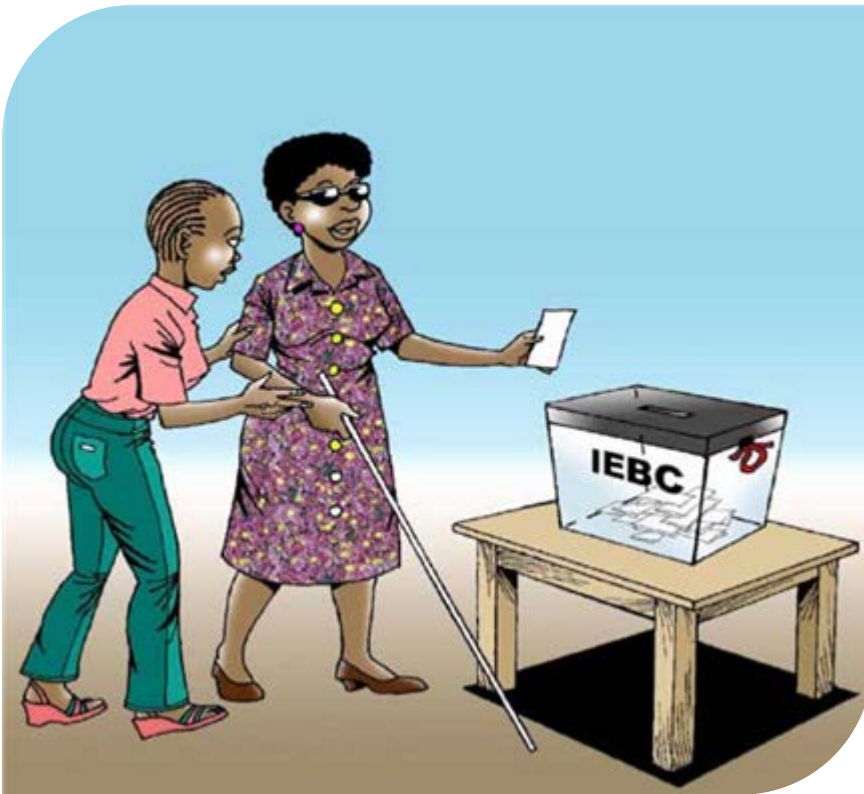
- i. A completed application of accreditation for the international observation group attached with a list of the proposed names and passport/ID numbers of each.
- ii. A signed authorization form for two contact persons, their telephone numbers and operation point of the observer group.
- iii. A signed Declaration form by each of the observers attached to the application form
- iv. A mission statement of the observer group (not more than two pages) stating their intention.
- v. Names of Assistants to International Observers whether local or international should also be accredited.

#### **• Code of Conduct for election observers**

Accredited election observers are required to abide by code of conduct for election observers. Key aspects of the code include:

- Impartiality and accurate reporting of the electoral process

- Neutrality in performance of duty
- Exercise honesty in their conduct
- Exercise proper personal behavior
- Respect local cultures and ways of life
- Respect of the electoral officials and voters



*Figure 16: A PWD participating in voting*

## **MODULE III**

### **MANAGEMENT OF ELECTION OUTCOMES, DISPUTES, VIOLENCE AND SECURITY**

#### **Introduction**

This module covers Election offences, electoral disputes, and early warning signs of electoral related violence, security and rule of law in the electoral process.

#### **Module Outcomes**

Participants should have the ability to:

- a) Respect rule of law in the electoral process.
- b) Detect early warning signs of electoral related violence
- c) Promote peaceful, free and fair elections
- d) Understand the role of judicial system in resolving election disputes.
- e) Maintain law and order during elections

#### **UNIT 1: MANAGEMENT OF ELECTION RESULT OUTCOMES**

##### **Time allocation: 45min**

This unit covers the management of election outcomes and mechanism for coping with an election results.

##### **Specific objective**

By the end of the unit, the participant should be able to:

- a) Identify possible outcomes in an election
- b) Discuss mechanisms for coping with an election results

#### **Content**

- Outcomes in an election
- Mechanisms for coping with an election results

### **Suggested training resources**

Constitution of Kenya, 2010, Leadership and integrity Act, 2003.

Public Officer Ethics Act

### **Suggested assessment methods**

- Question and answer
- Observation

#### **Activities**

- Ask participants to identify possible outcomes in an election
- Guide participants to discuss mechanisms for copying with an election results
- Summarize the session by highlighting key notes

## **KEY NOTES**

### **Possible outcomes in an election**

There are two possible outcomes in an election of either one winning or losing in an election

### **Mechanisms for copying with an election results**

- Accepting the results
- Psychological counselling
- Being selective in consumption of social media information
- Understanding that life goes on after an election

## **UNIT 2: ELECTION DISPUTES RESOLUTION**

### **Introduction**

This unit focuses on election disputes and mechanism of resolving disputes arising from elections.

### **Specific Objectives**

By the end of the unit, the participant should be able to:

- d) Explain the meaning of election disputes
- e) identify forms of election disputes
- f) Explain the role of the Political Parties Liaison Committees in dispute resolution.
- g) Explain the role of Political Parties Disputes Tribunal in dispute resolution
- h) Explain the role of judiciary in resolving election disputes
- i) Describe the process of election petitions.

### **Content**

- a) Meaning of election disputes
- b) Forms of election disputes
- c) Role of the Political Parties Liaison Committees in dispute resolution.
- d) Role of Political Parties Disputes Tribunal in dispute resolution
- e) Role of Judiciary in resolving election disputes
- f) Process of election petitions.

### **Session 1:**

**Session title: Forms of election disputes and Role of Political Parties Liaison Committees in dispute resolution**

**Time Allocation:** 1 hour

### **Session objectives**

By the end of the session, the participant should be able to:

- a) Explain the meaning of election disputes
- b) identify forms of election disputes
- c) Explain the role of the Political Parties Liaison Committees in dispute resolution.

## **Content**

- Meaning of election disputes
- Forms of election disputes
- Role of the Political Parties Liaison Committees in dispute resolution.

## **Suggested training resources**

The Constitution of Kenya 2010, Elections Act, 2011, Election Offences Act, 2016, Political Parties Act, 2011, Case digest, Electoral Code of Conduct, Resource persons, Resource books on electoral related violence, On-line literature, Resource persons, Resource books, On-line literature on Prevention and Mitigation of Electoral Violence.

## **Suggested Assessment methods**

- Question and answer
- Observation

## **Activities**

- Ask participants to explain the meaning of election disputes
- Guide participants to identify forms of election disputes
- Ask participants discuss the role of the Political Parties Liaison Committees in dispute resolution.

- Summarize the session by highlighting key notes

## **KEY NOTES**

### **Meaning of election disputes**

An election dispute is a formal /non formal complaint or disagreement emanating from an electoral process.

The disputes may relate to:

- Bribery of voters
- Intimidation of voters
- Irregularities in the processing, counting and announcement of election results Undue influence
- Destruction of voter cards
- Misinformation of voters
- Printing and distribution of illegal ballot papers
- Discrepancies in counting of votes

### **Forms of election disputes**

Aspects of election disputes include:

- i) Claims challenging the technical count of ballots
  - Counting discrepancies
  - Counting process
    - Recount
- ii) Claims challenging election results intrinsically linked to fraud
  - Fraud affecting the report of election results
  - Fraud directly linked to the Votes
  - Bribery
- iii) Claims challenging election results linked to access
  - Obstacles related to polling stations



- Obstacles related to voting materials
- Party representation during the vote and count
- Announcement of the results

iv) Additional issues affecting election results

- Irregularities in the registration process, voters registers and electors cards, which affect the proper count of voters versus votes
- The voluntary or involuntary late transmission of results from the local to the regional or national level
- Offences by election officers
- Offences related to the maintenance of secrecy at elections
- Undue influence

### **Role the Political Parties Liaison Committee**

These are established at national & County Levels. Their roles include:

- Resolving disputes between Political Parties,
- Providing a platform for dialogue between the Registrar of Political Parties, IEBC and Political Parties
- Providing arbitration mechanisms at the party level
- Creating an understanding and unity within the party
- Providing direction on the party policies and plan of action

## **Session 2:**

### **Session title: Role of Political Parties Liaison Committees and Judiciary in dispute resolution**

**Time Allocation:** 1 hour

#### **Session objectives**

By the end of the session, the participant should be able to:

- a) Explain the role of Political Parties Disputes Tribunal in dispute resolution
- b) Explain the role of judiciary in resolving election disputes
- c) Describe the process of election petitions.

#### **Content**

- Role of Political Parties Disputes Tribunal in dispute resolution
- The role of judiciary in resolving election disputes
- The process of election petitions

#### **Suggested training resources**

The Constitution of Kenya 2010, Elections Act, 2011, Election Offences Act, 2016, Political Parties Act, 2011, Case digest, Electoral Code of Conduct, Resource persons, Resource books on electoral related violence, On-line literature, Resource persons, Resource books, On-line literature on Prevention and Mitigation of Electoral Violence

#### **Suggested Assessment methods**

- Question and answer
- Observation

### **Activities**

- Ask participants to explain the role of Political Parties Disputes Tribunal in dispute resolution
- Guide participants to discuss the role of judiciary in resolving election disputes
- Guide participants to describe the process of election petitions.
- Summarize the session by highlighting key notes

### **KEY NOTES**

- **Role of Political Parties Disputes Tribunal**

The tribunal determines disputes and appeals:

- Between members of a Political Party
  - Between a member of a Political Party and a Political Party
  - Between Political Parties
  - Between an independent candidate and a Political Party
  - Between coalition partners
- 
- **The role of judiciary in resolving election disputes**
    - Interprets the law concerning election
    - Judiciary arbitrates on electoral disputes
    - Makes determination on electoral disputes

### **The process of filing election petitions**

#### **Meaning of Election Petition**

An election petition is the formal procedure of challenging the process or the result of an electoral contest in court. It is an

application to an election court challenging the validity of the process, the outcome or any aspect of an election. It may be filed by a candidate or indeed any voter who wishes to challenge any aspect of an electoral process.

### **The Elections (Parliamentary and County Elections) Petition Rules 2013**

- These are rules that govern the court procedure for filing, hearing and determination of Parliamentary and County election petitions.
- The overriding objective of the Rules is to facilitate the just, expeditious, proportionate and affordable resolution of election petitions.

### **When can an Election Petition be Filed and Determined?**

- A person may file a Petition in the Supreme Court to challenge the election of the President-elect within seven days (7) after the date of the declaration of the results of the presidential election. The IEBC must submit certified copies of results of all elective positions from all the polling stations within 48 hours after IEBC is served with the petition.
- Within fourteen days after the filing of petition, the Supreme Court shall hear and determine the Presidential petition and its decision shall be final.

- Any person may file a petition challenging the validity of a Parliamentary or County election in the Court within the County or nearest to the County within **28 days** after declaration of results by IEBC.
- Parliamentary and County election petitions shall be heard and determined by high court/ Magistrate courts within 6 months after filing.
- If a party to the petition is not satisfied with the High court/Magistrate court ruling, they can file an appeal with the high court and to court of appeal.

### **How should an election petition be filed?**

- An election petition shall be filed in the Court within the County or nearest to the County by delivering the petition to the relevant court registry upon payment of requisite filing fees.
- In addition to the petition, the petitioner shall at the time of filing the petition also file an affidavit sworn by each witness setting out the substance of the evidence in support of the petition.
- The petitioner will not be permitted to call a witness unless an affidavit has been filed.

### **What must the petition contain?**

- The petition shall contain the following details;
  - a) Name and address of the petitioner;

- b) Date when the election in dispute was conducted;
  - c) Results of the election, if any, and however declared;
  - d) Date of the declaration of the results of the election;
  - e) Grounds on which the petition has been presented;
  - f) Name and address of the advocate, if any, for the petitioner which shall be an address for service;
  - g) Conclude with a prayer, requesting the court to make the appropriate relief sought by the petitioner;
  - h) And be signed by the petitioner or by a person duly authorized by the petitioner.
- In addition, the petition shall be accompanied by an affidavit by the petitioner containing the grounds on which relief is sought and setting out the facts relied on by the petitioner.

### **Is the petitioner required to deposit security?**

- A petitioner shall deposit security for costs within 10 days of filing of the petition.
- A petitioner seeking to challenge the election of a Member of Parliament or a County Governor must deposit KSh500, 000 while a petitioner seeking to challenge the election of a member of a County Assembly shall deposit Ksh100, 000.

### **How is a petition served?**

- A petition including the affidavits shall be served by the petitioner on the respondent by direct service which includes

personal service on the respondent or his or her duly appointed recognized agent or by publication of the petition in at least one newspaper of national circulation.

- The IEBC shall be a respondent to every petition and may be served by delivery of the petition at the head office of the Commission or such office as the Commission may notify or by publication in a newspaper of national circulation.

## **UNIT 3: EARLY WARNING SIGNS OF ELECTORAL RELATED VIOLENCE**

### **Introduction**

This unit cover early warning signs of electoral related violence, the causes of electoral related violence, perpetrators and vulnerable groups of electoral related violence, ways of preventing electoral related violence, ways of mitigating electoral related violence, and the role of inter-agency collaboration in prevention and mitigation of electoral related violence

### **Specific Objectives**

By the end of the unit, the participant should be able to:

- a) Identify early warning signs of electoral related violence.
- b) Identify the causes of electoral related violence.
- c) Identify possible perpetrators and vulnerable groups of electoral related violence.
- d) Discuss ways of preventing electoral related violence.
- e) Discuss ways of mitigating electoral related violence.
- f) Discuss the role of inter-agency collaboration in prevention and mitigation of electoral related violence.

### **Content**

- Signs of electoral related violence
- Causes of electoral related violence
- Possible perpetrators and victims of electoral related violence



- Prevention of electoral related violence
- Mitigation of electoral related violence
- Role of inter-agency collaboration in prevention and mitigation of electoral related violence

### **Session1:**

**Session title: Signs, Causes, Perpetrators and Victims of Electoral Related Violence**

**Time Allocation:** 1 hour

### **Session Objectives**

By the end of the session, the participant should be able to:

- a. Identify early warning signs of electoral related violence
- b. Identify the causes of electoral related violence
- c. Identify possible perpetrators and vulnerable groups of electoral related violence

### **Content**

- early warning signs of Electoral related Violence
- Causes of electoral related violence
- Possible Perpetrators and vulnerable groups of electoral related violence

### **Suggested training resources**

The Constitution of Kenya 2010, Election Offences Act, 2016, Other Relevant Acts, Electoral Code of Conduct, Resource persons, Resource books on electoral related violence, On-line literature

### **Suggested Assessment methods**

- Question and answer
- Observation

### **Activities**

- Guide participants to discuss early warning signs, and causes of electoral related violence
- Ask participants to identify likely perpetrators and vulnerable groups of electoral violence
- Summarize the session by highlighting the keynotes

## **KEY NOTES**

### **Early Warning Signs of electoral related violence**

- Physical attacks during the various phases of the electoral cycle
- Destruction of property
- Disruption of campaign meetings
- Presence of organized gangs
- Use of inflammatory, abusive or derogatory language during various phases of the electoral cycle
- Use of defamatory materials through print (e.g leaflets), electronic, social media

### **Causes of election violence**

- Incitements by sections of the community such as candidates, and Political Party activists
- Zoning of certain areas by Political Parties and candidates.
- Subjective reporting by the media.
- Misinformation amongst supporters of different political sides
- historical injustices such as land issues

- closely contested elections
- Mismanagement of the electoral process
- Widespread poverty and inequality among communities
- Dissatisfaction in dispute resolution mechanism
- Unmet public expectations

### **Possible Perpetrators of Electoral Related Violence**

- Criminal gangs,
- Supporters of Candidates,
- Some aspirants,

### **Vulnerable groups of electoral related violence**

Women, Children, Elderly people, Persons with disabilities, minorities and marginalized groups

### **Session 2:**

#### **Session title: Prevention, Mitigation and Role of Inter-Agency Collaboration**

**Time Allocation:** 1 hour

#### **Session objectives**

By the end of the session, the participant should be able to:

- a) Discuss ways of preventing electoral related violence
- b) Discuss ways of mitigating electoral related violence
- c) Discuss the role of inter-agency collaboration in prevention and mitigation of electoral related violence
- d) Appreciate the importance of preventing electoral related violence

## **Content**

- Prevention of electoral related violence
- Mitigation of electoral related violence
- Role of inter-agency collaboration in prevention and mitigation of electoral related violence

## **Suggested training resources**

The Constitution of Kenya 2010, Election Offences Act, 2016, Other Relevant Acts, Electoral Code of Conduct, Resource persons, Resource books on electoral related violence, On-line literature, Resource persons, Resource books, On-line literature on Prevention and Mitigation of Electoral Violence

## **Suggested Assessment methods**

- Question and answer
- Observation

### **Activities:**

- Guide participants to discuss ways of preventing and mitigating electoral related violence
- Ask participants to discuss the role of inter-agency collaboration in prevention and mitigation of electoral related violence.
- Ask participants to role play scenarios on prevention and mitigation of electoral violence
- Summarize the session by highlighting key notes

## **KEY NOTES**

### **Prevention and Mitigation of election related violence**

- Training election officials on conflict management, resolution and peace building strategies
- Encouraging dialogue amongst different political stakeholders
- Developing an efficient electoral management system
- Conducting effective voter and civic education programme
- Encourage activities that promote harmony and coexistence among different communities
- Strict enforcement and adherence to electoral code of conduct
- Promoting free and fair elections
- Respecting human rights
- Responsible and balanced media coverage and reporting
- Mature and responsible campaign patterns
- Respect of divergent views and opinions
- Mutual respect and confidence between the Commission and Political Parties

### **Role of Inter-agency Collaboration in Prevention and Mitigation of election related violence**

- Continuous risk assessment and monitoring of both internal and external risks and giving recommendations to relevant agencies.
- Strengthening and coordinating responses to early warning information by stakeholders.
- Capacity building of local structures on peace-building and conflict management.

- Sustained engagement with communities for information sharing.

## **UNIT 4: SECURITY IN THE ELECTORAL PROCESS**

**Time allocation: 1hr**

### **Introduction**

This unit focuses on Meaning of security in the electoral process, Importance of security in the electoral process and Role of interagency collaboration in promotion of security and peaceful elections.

### **Specific Objectives**

By the end of the session, the participant should be able to:

- a) Explain the meaning of security in the electoral process
- b) Discuss the importance of security in the electoral process.
- c) Describe the role of interagency collaboration in promotion of security and peaceful elections.

### **Content**

- Meaning of security in the electoral process
- Importance of security in the electoral process.
- Role of interagency collaboration in promotion of security and peaceful elections.

### **Suggested training resources**

The Constitution of Kenya 2010, Elections Act, 2011, Election Offences Act, 2016, Political Parties Act, 2011, Case digest, Electoral Code of Conduct, Resource persons, Resource books on electoral related violence, On-line literature, Resource persons,

### **Suggested Assessment methods**

- Question and answer

- Observation

### **Activities**

- Ask participants to explain the meaning of security in the electoral process
- Guide participants to discuss the importance of security in the electoral process.
- Guide participants to describe the role of interagency collaboration in promotion of security and peaceful elections.
  - Summarize the session by highlighting the key notes

### **KEY NOTES**

#### **Meaning of security in the electoral process**

Security in electoral process is a state of being free of danger or threat within the electoral cycle

#### **Importance of security in the electoral process.**

- Ensure peaceful election process
- Promotes participation
- Promotes free and fair elections
- Promotes accountability, transparency and credibility in electoral process
- Promotes human rights
- Enhances the freedom of choice in a democracy
- Builds confidence in the electorate
- Creates harmony
- Encourages coexistence and understanding



**Role of interagency collaboration in promotion of security and peaceful elections.**

- Continuous risk assessment and monitoring of both internal and external risks and giving recommendations to relevant agencies.
- Strengthening and coordinating responses to early warning information by stakeholders.
- Capacity building of local structures on peace-building and conflict management.
- Sustained engagement with communities for information sharing.



*Figure 17: Security officers manning a Tallying Centre*

## Annex

### TECHNICAL TEAM FOR THE REVIEW OF THE VOTER EDUCATION CURRICULUM

S/NO	NAME	DESIGNATION	ORGANIZATION
1.	BETTY SUNGURA	DCS OPERATIONS	IEBC
2.	RASI MASUDI	DIRECTOR, VOTER EDUCATION AND PARTNERSHIPS	IEBC
3.	JOYCE EKUAM	MANAGER, VOTER EDUCATION	IEBC
4.	JANE GITONGA	MANAGER, PARTNERSHIPS	IEBC
5.	TABITHA MUTEMI	MANAGER, CORPORATE AFFAIRS	IEBC
6.	AMINA SOUD	REGIONAL ELECTIONS COORDINATOR	IEBC
7.	NANCY KARIUKI	REGIONAL ELECTIONS COORDINATOR	IEBC
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10.	PATRICK ANDIKA	ASSISTANT DIRECTOR	KICD
11.	ELMUND SONGE	CHIEF CURRICULUM DEVELOPMENT	KICD

		OFFICER	
12.	ARTHUR MUSAMBAI	ASSISTANT DIRECTOR	KICD
13.	JANE NYAGA	ASSISTANT DIRECTOR	KICD
14.	WINROSE RONO	ASSISTANT DIRECTOR	KICD
15.	LAWRENCE BARASA	VOTER EDUCATION CORDINATOR	IEBC
16.	JOYCE AKELLO	PARTNERSHIPS OFFICER	IEBC
17.	RUTH MAKUTHU	LEGAL OFFICER	IEBC
18.	JANE WASILWA	CONSTITUENCY ELECTIONS CORDINATOR	IEBC
19.	MAUREEN KEREBI	CONSTITUENCY ELECTIONS CORDINATOR	IEBC
20.	KIVAYA KITILI	CONSTITUENCY ELECTIONS CORDINATOR	IEBC
21.	SEINA LEKISAT	CONSTITUENCY ELECTIONS CORDINATOR	IEBC
22.	JOHN TAISWA	CONSTITUENCY ELECTIONS CORDINATOR	IEBC
23.	ADAN MOHAMED	CONSTITUENCY ELECTIONS CORDINATOR	IEBC
24.	JOSEPH MELE	CONSTITUENCY ELECTIONS CORDINATOR	IEBC
25.	HABIBA GODANA	CONSTITUENCY ELECTIONS	IEBC

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26.	ABDIWAHID HUSSEIN	CONSTITUENCY ELECTIONS CORDINATOR	IEBC
27.	MAURICE RARIA	CONSTITUENCY ELECTIONS CORDINATOR	IEBC
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31.	KAREN MWANGI	CONSTITUENCY ELECTIONS CORDINATOR	IEBC
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33.	AGNESS MUTISYA	CONSTITUENCY ELECTIONS CORDINATOR	IEBC
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