



8th August 2017

OPENING, SET-UP OF POLLING AND INCIDENTS STATEMENT

Background

The 2017 Elections will be the first one to be held on the 2nd Tuesday of August as envisaged by the Constitution of Kenya. The elections are also the second since the promulgation of the same Constitution. They have also been characterized by a number of changes to the electoral environment. Key among these were changes to the Election Laws some of which impacted the process positively while others have had the opposite effect. The other major change was the replacement of the entire team of commissioners of the IEBC.

Electoral Observation

In its bid to contribute to a credible, peaceful, free and fair election, the Elections Observation Group (ELOG) has deployed over 8000 observers across all 47 counties and 290 constituencies. Out of these 1700 Parallel Vote Tabulation (PVT) observers were specially trained and deployed to a nationally representative random sample of polling stations. The rest are deployed to county representative samples in Busia, Meru and Nairobi counties. PVT is an advanced Election Day observation methodology which allows ELOG to confidently comment on the Election Day and tabulation processes. ELOG's PVT will also provide an independent verification of the presidential results as well as the gubernatorial results in Busia, Meru, and Nairobi as announced by the IEBC.

The ELOG PVT observers observed the opening and setup of the polling stations and were required to send information on the process. This statement is based on **Observation and Incident Reports** filed as of 11:00am by ELOG observers. ELOG has so far observed the following:

Findings

Opening and Set-up

- ELOG observers were properly permitted to observe in 98.4% of polling stations.
- 53.5% of the polling stations nationwide opened on time. The remaining stations opened between 7:00am with some opening after 8:00am. This is a deterioration from 2013 when 59.7% of the polling stations opened on time. Busia County reported a similar trend, however in Meru County 38% polling stations opened on time whereas 55.4% of polling stations in Nairobi County opened on time.
- In 99.6 % of polling stations observed, the ballot boxes were shown to be empty before being sealed. This is an improvement from 2013 when in 95.6% of the stations, ballot boxes were show empty before sealed.
- ELOG observers reported that in majority of the polling stations 99% had security officers present. This is consistent with 2013 when security officers were present in 99.6% of the stations.
- 99.3% of polling stations had the Kenya Integrated Elections Management System (KIEMS) present. This is an improvement from 2013. Recall that in 2013, the Electronic Poll Book was missing or malfunctioned in 8.0% of stations during the opening and setup process.
- A majority of polling stations 94.5% had the requisite strategic materials (ballot boxes, ballot papers, IEBC stamp, indelible ink, copy of voter register and the Results Form 34A). This is a deterioration from 2013 when 99.4% of polling stations had the requisite strategic materials. In 4.2% of polling stations, the voter register was missing. For the County Samples:
 - In Busia, 91.7% there were strategic materials present, however in 6.5% a copy of the voter register was missing and in 6.9% the ballot box was missing.
 - In Meru County, 93.5% of polling stations had strategic materials present, however in 4% a copy of the voter register was missing.
 - In Nairobi county, 90.7% of polling stations had strategic materials present, however in 6.4% a copy of the voter register was missing.
- In 33.2% of polling stations, the Presiding Officer was a woman. Notably, in Nairobi County, 45.4% of polling stations the Presiding Officer was a woman.
- An ODM, WIPER or ANC party agent (representing the NASA coalition) were present in 69.7% of all the polling stations. A deterioration from combined data of the same parties in 2013 when they were present in 87.9% of stations.
- A Jubilee party agent was present in 79.1% of all the polling stations. A deterioration from combined data of the same constituent parties 2013 when they were present in 90.0% of stations.
- Agents from other parties (not listed above) were present in 45.3% of all the polling stations whereas in 74.8% there was an independent candidate agent present.

Critical Incidents

So far ELOG has observed critical incidents during the opening and setup of polling stations process:

Observers not permitted to access polling stations

Early this morning, some ELOG observers were denied access into polling stations by Presiding officers who demanded for oaths of secrecy for observers and stamped IEBC letters. This is contrary to the IEBC election observer guidelines and requirements for observers. A few observers also had their phones confiscated on arrival to their assigned polling stations. ELOG was able to work closely with IEBC officials both at headquarters and in the constituencies to speedily resolve the issues and ensure observers gain access back into the polling stations. We commend the responsiveness and efforts by senior IEBC officials in resolving the issues. ELOG notes that this same confusion in credentials required by different presiding officers to facilitate observers into polling stations also was a problem in the 2013 elections. By the time of this statement nine (9) of ELOG observers have still not been allowed back into their assigned stations. While commending the speedy response from the headquarters to the field staff, ELOG calls upon the IEBC to speedily resolve the pending cases and allow observers back into the polling stations to enable them observe the voting, counting and tabulation processes.

Late Arrival of Polling materials

ELOG also observed late arrival of materials to polling stations across the country with more cases reported in Meru. Of these, ballot papers were missing the most. Observers also reported cases of delayed opening of polling stations as a result of late arrival by polling officials and subsequent delays in setting up.

What Next?

ELOG will continue observing throughout the day and will be releasing some of its key findings on the voting process to the media and on social media.

ELOG will issue a preliminary statement on the conduct of the elections at 10:00 am on Wednesday, August 9 2017. This statement will bring together our preliminary findings and conclusions on the conduct of Election Day. This will include assessing the closing, counting and declaration of results processes, such as the presence of party agents during the counting, whether party agents sign off or refuse to sign off on results; as well as, the conduct of counting procedures. Soon thereafter, ELOG anticipates to issue its verification statement of the presidential results and the three gubernatorial

results, that is, Nairobi, Busia and Meru. This will take place immediately after IEBC officially announces/declares the final results gubernatorial and presidential results.

ELOG is committed to its mandate and will remain vigilant and diligent in serving Kenyans by comprehensively monitoring and observing the electoral processes and providing timely, impartial and objective reports and recommendations.

We take this opportunity to congratulate Kenyans for turning out early and in large numbers. We appeal to them to exercise patience and tolerance in spite of the challenges experienced with the process.

May God Bless You and God Bless Kenya

Thank You

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