



Update on Preparations for the Fresh Presidential Election

Nairobi: Friday, 8 September 2017

In compliance with the Supreme Court judgement, the Commission gazetted 17th October 2017 as the date of the fresh presidential election. The Commission is confident that this period will allow us to finalize all the key technical preparations for the election.

The Commission's decision on the candidates to participate in the fresh presidential was guided by the interpretation of the Supreme Court in its ruling of 2013, *Raila Odinga & 5 Others V Independent Electoral and Boundaries Commission & 3 Others* [2013]. The Supreme Court held as follows;

***“[291] ... does the “fresh election” contemplated under Article 140(3) bear the same meaning as the one contemplated 140(3) bear the same meaning as the one contemplated under Article 138(5) and (7)? The answer depends on the nature of the petition that invalidated the original election. If the petitioner was only one of the candidates, and who had taken the second position in vote-tally to the President-elect, then the “fresh election” will, in law, be confined to the petitioner and the President-elect. And all the remaining candidates who did not contest the election of the President-elect, will be assumed to have either conceded defeat, or acquiesced in the results as declared by IEBC; and such candidates may not participate in the “fresh election.”*”**

We are aware that concerns have been raised on the Commission's interpretation of the legal position on the matter. Since the decision by the Commission has been challenged in the Supreme Court, we hope that the Court will provide further guidance.

Key Timelines and Budget

The Commission has prepared timelines with key milestones leading to the election. The milestones include a revised elections results framework, certification of the register of voters, upgraded technology for election, recruitment, training and deployment, voter education and Election Day operations, among others.

A draft budget has been presented to the National Treasury for consideration. We expect expeditious allocation of funds to allow for implementation of the key tasks ahead, especially those related to ICT and training.

Candidate Agents

To enhance transparency and accountability during the electoral process, it is crucial for candidates to deploy experienced and committed agents to all parts of the country. Initial observations indicate that during the 8 August General Election, political parties did not coordinate deployment of their agents and in some locations, there were none. Candidates must ensure that their agents are well versed with technology and are urged to finalize the list of the agents for the polling stations, constituency tallying centers and the national tallying center and submit the same to the respective offices before 3 October 2017.

Human Resources

The Commission will hire 40,883 presiding officers, 40,883 deputy presiding officers, 135,038 clerks, 580 ICT support, and 290 constituency logistics assistants. The officers shall be drawn from our existing database of applicants excluding those that may have committed irregularities during the 8 August Election.

Consultative Meetings

To ensure that all stakeholders, especially the Kenyan voters, are informed and involved in all preparations for the election, the Commission plans to engage with them on a continuous basis.

W.W. CHEBUKATI
CHAIRMAN