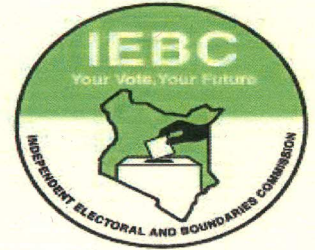


INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION



REF: IEBC/CP/NASA/PE/VOL.I(14)

6 September, 2017

Hon. Musalia Mudavadi
Raila Odinga Presidential
Campaign Secretariat
Capital Hill Square, 4th Floor
NAIROBI

Dear *Hon. Mudavadi*,

RE: FRESH PRESIDENTIAL ELECTIONS

I refer to your letter dated 5 September 2017 through which you have raised pertinent issues related to the fresh presidential election.

Regarding our decision on the candidates to participate in the fresh presidential election ordered by the Supreme Court, we were 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 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.””

I wish to assure you of my commitment to ensure that the fresh presidential election meets the standards contemplated under Articles 81, 86 and 138 of the Constitution and other relevant provisions of the law. It is for this reason that in my capacity as the National Returning Officer, I have put in place a project team (see attached press release) to work with me in reviewing all our operations, technology infrastructure, logistics, human resources and training programmes before we embark on intensive planning for the fresh presidential election.

