



PRESS STATEMENT ON THE FORTHCOMING FRESH PRESIDENTIAL ELECTION

Nairobi: October 11th, 2017

The Commission has deliberated on the judgment delivered by Justice Mativo in the Ekuru Aukot petition delivered today at the High Court.

In light of the judgment, it is the Commission's position that the relevant law applicable for holding the fresh presidential election is Article 140(3) of the Constitution. It is pursuant to this provision that the Supreme Court on 1st September 2017 nullified the results of the Presidential Election conducted on 8th August 2017. The Supreme Court ordered that a fresh Presidential election be held within a period of 60 days from the 1st of September 2017.

Who will be the candidates for the purposes of the fresh Presidential election?

In the Judgment delivered by the Honorable Mr. Justice Mativo in *Ekuru Aukot VS. The Independent Electoral and Boundaries Commission and Others HC Petition No.471 /2017 on 11th October 2017*, the Court found that all candidates who participated as candidates in the General Election held on the 8th August 2017 were entitled to participate as candidates in the fresh Presidential Election.

It is therefore the Commission's position that the candidates for the fresh presidential election scheduled for 26th October 2017 shall include all the eight (8) candidates who participated in the 8th August 2017 Presidential Election.

How will the Commission give Notice of inclusion of the other candidates?

The Commission had already gazetted the following candidates, namely; His Excellency Uhuru Kenyatta with his running mate His Excellency William Ruto; and the Rt. Honourable Raila Odinga and his running mate Hon. Kalonzo Musyoka. This is contained in a Gazette Notice dated 5th September 2017.

In the Judgment delivered today, the Court directed that the name of Ekuru Aukot can be included by way of corrigenda. However, since all candidates who participated in the last election were entitled to run in the fresh presidential election, the Commission will comply with the direction to include the names of the other candidates by way of corrigenda.

What will happen if any of the eligible candidates gives Notice of intention not to participate in the forthcoming Fresh Presidential Election?

The Commission cannot compel a candidate to participate in an election. The law allows a candidate to withdraw his/her candidature by delivering to the Commission a duly filled Form 24A. This Form is provided for by the Elections (General) Regulations.

We note that the Rt. Honorable Raila Odinga and his running mate sent a letter dated 10th October 2017 indicating that they had decided to withdraw from the fresh Presidential Election. They however have not submitted the statutory Form 24A. Once the Commission receives the requisite Notice from any of the candidates, it will process the same in accordance with the requisite provision of the Law.

The Commission appreciates the anxiety across the country following the numerous legal interpretations in this matter. We appeal for calm and dialogue among all players to ensure that elections are successfully held and for the country to move forward.

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION