



International Foundation  
for Electoral Systems

# **Election FAQs: Kenya**

*2022 General Elections*

*August 9, 2022*

Africa

International Foundation for Electoral Systems

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## Election Snapshot

- Election Day: August 9, 2022
- Registered voters: 22,120,458
- Polling stations: 46,233<sup>1</sup>
- Physical distancing: 1.5 meters
- Seats: 1 Presidential, 290 members of the National Assembly, 47 women representatives in the National Assembly, 47 members of the Senate, 47 governors and 1,450 members of County Assemblies
- Candidate lists: 16,098 as of publication (*petitions ongoing*<sup>2,3</sup>)
- Campaign expenditure and donation limits: None
- Domestic and international observers: Election Observation Group, Westminster Foundation for Democracy, International Republican Institute, National Democratic Institute, African Union, European Union Observer Mission, Carter Center and Elections Institute for Sustainable Democracy in Africa.

## When is Election Day?

The upcoming Kenyan General Elections will be held Aug. 9, 2022, across 46,233 polling stations.<sup>4</sup>

## Why are these elections important?

On Aug. 9, 2022, Kenyan voters will elect the president and a deputy president, county governors and running mates, members of the Senate, representatives of the National Assembly (including women county representatives) and members of County Assemblies. This election will be the country's sixth set of general elections since the end of the one-party state in 1991 and the third set of general elections under the 2010 Constitution of Kenya.

In the last electoral cycle of 2017, the Supreme Court cancelled the presidential elections and ordered new elections to take place within 30 days. Frontrunner Raila Odinga decided to withdraw from the second race, allowing President Kenyatta to win handedly with over 98 percent of the vote. The tumult of that event along with the legacy of past electoral processes, including the

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<sup>1</sup> IEBC Press Release, Subject: Udit Report on the Register of Voters, June 20, 2022.

<https://www.iebc.or.ke/uploads/resources/JqmDO7vRL0.pdf>

<sup>2</sup> IEBC Gazette Notice on Nominated Candidates for the 9<sup>th</sup> August 2022, General Elections, July 1, 2022.

<https://www.iebc.or.ke/uploads/resources/ysKVae4kBl.pdf>

<sup>3</sup> Chairmans Keynote Address During the National Election Conference 2022, 11-12 July.

<https://www.iebc.or.ke/uploads/resources/6KLXraSE7u.pdf>

<sup>4</sup> Patrick Lang'at. (September 2021). "Playing with Fire — IEBC's 2022 General Election Mess."

<https://allafrica.com/stories/202109280539.html>

violent events surrounding the 2007 presidential election, has sharpened focus and attention on the 2022 general elections as well to the politics and preparations leading up to it.

Notably, following the 2017 elections, there was a push toward constitutional reform in Kenya via the Building Bridges Initiative (BBI). The BBI was an effort by the two leading contenders for the presidency in 2017, Kenyatta and Odinga, to institute political reforms in governance and electoral violence prevention measures. In March 2018, Kenyatta and Odinga publicly had a 'handshake' showing their commitment to working together, which cooled political tensions for a time. In a very significant ruling in May 2021, the High Court of Kenya at Nairobi unanimously declared that the Constitution of Kenya (Amendment) Bill, 2020 was unconstitutional.<sup>5</sup> This Bill was developed as part of the BBI. The government appealed the ruling and the Supreme Court ultimately ruled against the BBI with six of seven judges agreeing that the President cannot lead a popular initiative to amend the Constitution.<sup>6</sup>

Moreover, this upcoming election is particularly important as it represents a critical transfer of presidential power. Kenyans will be electing an entirely new president, as the incumbent president has served his constitutional two-term limit and is not eligible for re-election. This election will test the resilience and reliability of key governance institutions, including the Judiciary and the election management body. In doing so, it will also provide an opportunity for Kenya to further consolidate its democratic foundation and the rule of law.

## **Who are citizens voting for on Election Day?**

Of the 58 original presidential candidate applicants, 18 candidates ran in affiliation with a political party or coalition party and the remaining 40 ran as independents. A gazettelement of candidates occurred following the end of the election petition adjudication process, and Kenyan citizens will now choose from the final published list of four candidates.

The two front running candidates are William Ruto and Raila Odinga. Ruto is the current deputy president of Kenya and is running as party leader of the United Democratic Alliance. Odinga is running as the presidential candidate for the Azimio la Umoja coalition and the party leader of the Orange Democratic Movement.

The other two candidates are Wajackoya George of the Roots Party and David Mwaure of the Agano Party.

In total, as of July 11, 16,098 candidates were registered between the period of May 29 to June 6 across the six elective positions that are being contested on Aug. 9. The final gazettelement for candidates was released on July 11, 2022, in a notice dated July 1, 2022. As of the publication of

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<sup>5</sup> Kenya's BBI blocked, BBC, May 2021. [Kenya's BBI blocked in scathing court verdict for President Kenyatta - BBC News](#).

<sup>6</sup> BBI article, The Star, March 2022. [BBI is dead! Supreme Court judges affirm \(the-star.co.ke\)](#).

this FAQ, the Independent Electoral and Boundaries Commission has registered five more candidates based on appeals following election dispute adjudication processes.<sup>7</sup>

## What is the electoral system?

Kenya is a multi-party democracy and presidential system, as established by the 2010 Constitution. The Constitution structured the Kenyan government into four branches: the legislature, executive, judiciary and devolved government. According to the Kenyan embassy, their roles are as follows:

- **Legislature:**
  - This arm consists of the upper house (Senate) and lower house (National Assembly). Each elected member wins in a first-past-the-post system. The Senate is made up of 67 members, of whom 47 are elected as representatives of Kenya's 47 counties. Of the remaining 20 seats, 16 are reserved for women<sup>8</sup>, two for representatives of people with disabilities and two for youth representatives.
  - The National Assembly is made up of 337 members, of whom 290 are elected from single-member constituencies with no gender restriction. The remaining 47 seats are reserved for women, who are also elected from single-member constituencies.
- **Executive:**
  - The executive branch consists of the president, deputy president and cabinet. The president is the head of state and government, commander-in-chief of the Kenya Defense Forces and the chairperson of the National Security Council.
- **Judiciary:**
  - The judiciary is divided into Superior Courts and Subordinate Courts. The Superior Courts are the Supreme Court, Court of Appeal and High Court. The Supreme Court is the highest court in Kenya. The Subordinate Courts are the Magistrates Courts, Kadhi Courts, Courts Martial and Tribunals.
- **Devolved Government:**
  - The devolved government divides the country into 47 counties. Each county elects a member of the National Assembly, a member of the Senate and a governor. Additionally, the devolved government is made up of a County Assembly, with representatives from 1,450 wards from across the country.<sup>9</sup>

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<sup>7</sup> Chairmans Keynote Address During the National Election Conference 2022, 11-12 July.

<https://www.iebc.or.ke/uploads/resources/6KLXraSE7u.pdf>

<sup>8</sup> Disclaimer: The edition released on July 18, 2022 stated there are 17 seats reserved for women; this was an error. There are 16 seats reserved for women (FAQ corrected July 21, 2022).

<sup>9</sup> Embassy of the Republic of Kenya to Oman (2017). Government Structure.

<http://kenyaembassymuscat.com/government-structure.html>

## What is the legal framework for conducting the elections?

The 2010 Constitution oversaw the creation of a Bill of Rights that strengthens and entrenches civil and political rights related to elections. The following laws and acts offer the most important rules for conducting elections in Kenya.

1. *The Elections Act, 2011;*
2. *The Political Parties Act, 2011;*
3. *The Campaign Financing Act, 2013;*
4. *The Independent Electoral Boundaries Commission Act, 2011;* and
5. *The Election Offences Act, 2016.*

These laws describe topics such as the organization of elections, the oversight of sources of election expenses and the broader organizational structuring of the national election monitoring body.<sup>10</sup> Following a legal reform process, several bills relating to elections were submitted to Parliament. Amendments to the Political Parties Act were enacted in January 2022, but amendments to the Electoral Act were still pending in the Senate as of June 22, when the Parliament recessed. The Electoral Act Amendments Bill was not amended in time for the upcoming 2022 election.

## Who is eligible to run as a candidate?

Article 99 of the 2010 Kenyan Constitution states the following rules for candidate eligibility to contest elections for the Senate, National Assembly and County Assemblies:

*(1) Unless disqualified under clause (2), a person is eligible for election as a member of Parliament if the person:*

- (a) is registered as a voter;*
- (b) satisfies any educational, moral and ethical requirements prescribed by this Constitution or by an Act of Parliament; and*
- (c) is nominated by a political party, or is an independent candidate who is supported –*
  - o in the case of election to the National Assembly, by at least one thousand registered voters in the constituency; or*
  - o in the case of election to the Senate, by at least two thousand registered voters in the county.*

*(2) A person is disqualified from being elected a member of Parliament if the person:*

- a) is a State officer or other public officer, other than a member of Parliament;*

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<sup>10</sup> Mathieu Merino (2012). "Kenyan Legal Framework." The Electoral Knowledge Network. [Kenya: The Role of the EMB in Electoral Reform — \(aceproject.org\)](https://www.aceproject.org/kenya-the-role-of-the-emb-in-electoral-reform).

- b) *has, at any time within the five years immediately preceding the date of election, held office as a member of the Independent Electoral and Boundaries Commission;*
- c) *has not been a citizen of Kenya for at least the ten years immediately preceding the date of election;*
- d) *is a member of a county assembly;*
- e) *is of unsound mind;*
- f) *is an undischarged bankrupt;*
- g) *is subject to a sentence of imprisonment of at least six months, as at the date of registration as a candidate, or at the date of election; or*
- h) *is found, in accordance with any law, to have misused or abused a State office or public office or in any way to have contravened Chapter Six.*

*(3) A person is not disqualified under clause (2) unless all possibility of appeal or review of the relevant sentence or decision has been exhausted.<sup>11</sup>*

For candidates to the County Assembly, eligibility requirements are outlined in Article 193 of the 2010 Constitution. The sole difference between Article 99 and Article 193 is Clause (2), subclause (a), which states “*is a State officer or other public officer, other than a member of the county assembly.*”<sup>12</sup>

Article 137 of the 2010 Constitution defines eligibility for presidential candidates as follows:

*(1) A person qualifies for nomination as a presidential candidate if the person –*

- (a) is a citizen by birth;*
- (b) is qualified to stand for election as a member of Parliament;*
- (c) is nominated by a political party, or is an independent candidate; and*
- (d) is nominated by not fewer than two thousand voters from each of a majority of the counties.*

*(2) A person is not qualified for nomination as a presidential candidate if the person –*

- (a) owes allegiance to a foreign state; or*
- (b) is a public officer, or is acting in any State or other public office.*

*(3) Clause (2)(b) shall not apply to –*

- *the President;*
- *the Deputy President; or*

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<sup>11</sup> The Government of Kenya. (2010). The Constitution of Kenya, 2010, Article 99.

<sup>12</sup> The Government of Kenya. (2010). The Constitution of Kenya, 2010, Article 193.

- *a member of Parliament.*<sup>13</sup>

Candidates for county, parliamentary and governor seats must file their application with the relevant returning officers (RO) in their constituencies, while presidential candidates must file their nomination papers directly with the chair of the Independent Electoral and Boundaries Commission (IEBC) in Nairobi. The RO and IEBC chairperson verify their eligibility and publish a preliminary list. Candidates who have been rejected have an opportunity to challenge the RO or IEBC Chairperson's decision before the IEBC's Dispute Resolution Committee. For the 2022 general elections, the IEBC established three panels that held hearings and adjudicated disputes over a period of 10 days, as provided by law. Following adjudication, which ended on June 20, the IEBC processed and published the final list of candidates.

## **Are there reserved seats for women? What is the gender balance within the candidate list?**

Kenya's legal framework includes firm principles of gender equity. According to the 2010 Constitution, no more than two-thirds of the membership of any elective body in Kenya may be of the same sex. In this respect, the National Assembly reserves 47 seats for women, and the Senate reserves 16 for women, with two more Senate seats reserved for women representing youth and persons with disabilities.

In line with the Constitution and court ruling *Constitutional Petition No. 19 of 2017 in Katiba Institute vs. Independent Electoral and Boundaries Commission*, the Independent Electoral and Boundaries Commission (IEBC) has reminded political parties of the two-thirds gender rule for the submission of party nomination lists on several occasions since the start of the election period.<sup>14</sup> The IEBC warned parties that it would reject lists if they did not comply with the rule. In April 2022, the Commission received political parties' nomination lists and noted that several parties had not complied. In early May, the IEBC extended the deadline for submission to allow more time for parties to revise their lists to comply with the gender rule.<sup>15</sup> However, in mid-May, a ruling for *Adrian Kamotho Njenga vs. Independent Electoral and Boundaries Commission*<sup>16</sup> in effect suspended the implementation of the two-thirds rule in the nomination of candidates for the Aug. 9 general election.<sup>17</sup>

In the presidential election candidate list, Martha Karua, a former justice minister, was selected by Raila Odinga as his deputy president candidate. Ms. Karua is the first female candidate on a major presidential ticket in Kenya.

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<sup>13</sup> The Government of Kenya. (2010). The Constitution of Kenya, 2010, Article 137.

<sup>14</sup> <https://www.iebc.or.ke/uploads/resources/Kgel1joFnc.pdf>

<sup>15</sup> [https://www.iebc.or.ke/news/?Political Parties Must Adhere to Two-Thirds Gender Rule, Commission Warns](https://www.iebc.or.ke/news/?Political%20Parties%20Must%20Adhere%20to%20Two-Thirds%20Gender%20Rule,%20Commission%20Warns)

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.



## What are the campaign expenditure and donation limits?

There are no campaign expenditure and donation limits in Kenya. In August 2021, the Independent Electoral and Boundaries Commission set campaign expenditure limits for candidates, but in September, the National Assembly rejected the Campaign Finance Regulations, including any contribution and spending limits. This decision resulted in the absence of campaign expenditure limits for the 2022 elections.<sup>18</sup>

## What is the election management body? What are its powers?

Kenya's election management body is the Independent Electoral and Boundaries Commission (IEBC). The IEBC is composed of seven commissioners, including a chair and a vice chair. Two of the seven current members are women. The IEBC was mandated by the 2010 Constitution to oversee Kenyan elections. According to its website, the IEBC is responsible for the following:

- *Conducting or supervising referenda and elections to any elective body or office established by the Constitution, and any other elections as prescribed by an act of Parliament;*
- *The continuous registration of voters and revision of the voter's roll;*
- *The delimitations of constituencies and wards;*
- *The regulation of political party processes;*
- *The settlement of electoral disputes, except for election results petitions;*
- *The registration of candidates for elections;*
- *Voter education;*
- *The facilitation of the observation, monitoring and evaluation of elections;*
- *The regulation of money spent by a candidate or party in respect to any election;*
- *The development of a code of conduct for candidates and parties; and*
- *The monitoring of compliance with legislation on nomination of candidates by parties.*<sup>19</sup>

## How is the election management body protecting the elections and voters from COVID-19?

In October 2020, the IEBC released a comprehensive set of rules regarding election-related COVID-19 precautions. These rules seek to address and mitigate areas of concern related to COVID-19 both before and during voting processes.

Before voting begins, the presiding officer of a polling station will ensure that the polling station has enough personal protection equipment for workers and enough sanitizing materials for routine disinfection between voters. Additionally, before entering a polling station, poll workers and voters

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<sup>18</sup> <https://tikenya.org/wp-content/uploads/2022/05/High-Court-Ruling-on-Campaign-Financing.pdf>

<sup>19</sup> Independent Electoral and Boundaries Commission (2022). Mandate. <https://www.iebc.or.ke/iebc/?mandate>.

must have their temperatures checked; a temperature of over 37.5 degrees Celsius (99.5 degrees Fahrenheit), or any other display of COVID-19 symptoms, will result in a recommendation to seek medical attention immediately.<sup>20</sup>

During voting, poll workers and voters will be required to wear masks, maintain social distance of at least 1.5 meters and are encouraged to bring their own pens to vote with to prevent physical contact and minimize sharing of general items to prevent the potential spread of COVID-19. Also, during voting, each ward is required to have an ambulance on standby in case of medical emergency. The Commission shall also provide soap and water at all entry and exit points to promote high standards of hygiene. Persons with “proven pre-existing medical conditions as well as elderly people, the disabled, lactating mothers, pregnant mothers and the sick will be given priority.”<sup>21</sup>

## **What is the election management body doing to strengthen its technology and procedures to resist vulnerabilities and counter foreign interference?**

Since the 2017 elections, the Independent Electoral and Boundaries Commission (IEBC) has worked to improve its integrated technology system in compliance with the Supreme Court ruling of 2017. As part of its efforts to enhance understanding of the use of technology in elections, the IEBC has participated in workshops for judges, magistrates and judicial staff.

The IEBC conducted a public simulation of the election technology on June 9, 2022 and plans to conduct another in July. The IEBC has further worked to ensure that its equipment is fully functional, including by procuring new and repairing faulty equipment, by training its information and communication technology (ICT) staff at all levels and meeting with telecommunication service providers. The IEBC has also contracted with Smartmatic to manage ICT-related issues in registration, server management and result transmission systems.<sup>22</sup>

## **Who can vote in these elections?**

Kenyan citizens who registered to vote before the Feb. 6, 2022 deadline are eligible to vote in the Aug. 9 general elections. As established by Article 83 of Kenya’s Constitution, a person qualifies for registration as a voter in elections or referenda if the person: “*is an adult citizen; is not declared*

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<sup>20</sup> Independent Electoral and Boundaries Commission (2022). Protocols for Conducting Electoral Activities in the COVID-19 Context. [OFt91j0dYQ.pdf \(iebc.or.ke\)](#).

<sup>21</sup> Independent Electoral and Boundaries Commission (2022). Protocols for Conducting Electoral Activities in the COVID-19 Context. [OFt91j0dYQ.pdf \(iebc.or.ke\)](#).

<sup>22</sup> IEBC gives election management kit tender to Netherlands firm, The Standard, November 2021. [IEBC gives elections management kit tender to Netherlands firm - The Standard \(standardmedia.co.ke\)](#).

*to be of unsound mind; and has not been convicted of an election offence during the preceding five years.*<sup>23</sup>

According to the Independent Electoral and Boundaries Commission (IEBC), to vote, eligible voters must register by presenting themselves to a registration officer with their original identification documents at their designated registration center. There, they must fill out an application for registration. The IEBCs reserves the right to deny registration if a person is:

- Under 18 years of age;
- Not in possession of his or her original ID card or a valid Kenyan passport;
- An un-discharged bankruptcy;
- Found guilty by an election court or reported to be guilty of any election offense during the preceding five years; or
- Declared by a competent court to be of unsound mind.

Diaspora voters (Kenyan nationals located outside of Kenya), if registered to vote before the Feb. 6, 2022 deadline, are eligible to vote only in the presidential election.

## **How many registered voters are there?**

The Independent Electoral and Boundaries Commission (IEBC) announced a total of 22,120,458 registered voters in Kenya, as of June 20, 2022. This reflects an increase of 12.79 percent over the number of voters registered in 2017.

Women represent 49.12 percent of registered voters, and men represent 50.88 percent. Youth (ages 18-34 years) registered to vote in 2022 are 39.84 percent of all voters, a decline of 5.27 percent from 2017. Further analysis of youth enrolment statistics shows that the number of registered female youth voters declined by 7.75 percent from 2017 to 2022, while male youth enrollment declined by 2.89 percent.

## **What provisions are in place that support the equal rights of women, persons with disabilities and other marginalized groups in the elections?**

The Independent Election and Boundaries Commission (IEBC) has taken steps to promote and facilitate the participation of marginalized groups as both voters and candidates in the upcoming general elections. One way it has done this is by slashing the nomination fee for women, youth and people with disabilities by half.<sup>24</sup> Another way the IEBC supports the equal rights of

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<sup>23</sup> The Government of Kenya. (2010). The Constitution of Kenya, 2010, Article 83.

<sup>24</sup> Selina Teyie and Perpetua Etyang (March 23, 2022). "IEBC to slash nomination fees for women, special groups by half." The Star. [IEBC to slash nomination fees for women, special groups by half \(the-star.co.ke\)](https://www.the-star.co.ke/news/2022/03/23/iebc-to-slash-nomination-fees-for-women-special-groups-by-half).

marginalized groups is by targeting these groups during voter registration waves. One of the most significant ways the IEBC has targeted special interest groups (SIGs) is by convening the Women, Youth and Disability Inclusion Coordinating Committees. These committees encourage the full participation of their target groups in the IEBC's electoral operations. The committees do so by spreading information and engaging their stakeholders at the grassroots level to ensure that the IEBC is responsive to the electoral: operations, education, information, management, legal, reforms and administrative issues as emanating from the national to the local level.

## **Is out-of-country voting allowed?**

According to the Independent Electoral and Boundaries Commission, out-of-country voting is allowed for the presidential election only. Therefore, diaspora voters will not be able to vote for county governors or members of the Senate, National Assembly or County Assemblies.<sup>25</sup>

Kenyan voters outside the country may only vote from 12 countries, chosen based on the number of Kenyans who live there:

1. Burundi
2. Canada
3. Germany
4. Qatar
5. Rwanda
6. South Africa
7. South Sudan
8. Tanzania
9. United Arab Emirates
10. Uganda
11. United Kingdom
12. United States

A total of 10,444 diaspora voters have registered for 2022 elections, compared to just 4,223 in the 2017 general elections.

## **Who can observe during Election Day? How can they get accreditation?**

Both domestic and international election observers will monitor the Aug. 9, 2022 general election. The presence of these election observers will help to ensure a smooth election process, as well as free and fair results.

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<sup>25</sup> Independent Electoral and Boundaries Commission (2022). [IEBC - registration](#).

The Elections Observation Group is a Kenyan organization composed of multiple civil society organizations that will manage and coordinate domestic elections observers. Political parties will also post polling station agents throughout the country. Additionally, the Kenya National Commission on Human Rights (KNCHR) has committed to deploying 100 election monitors throughout the country.<sup>26</sup> The African Union, which sent 100 observers to monitor the 2017 General Elections, deployed a Pre-election Assessment Mission from May 16-20, 2022, to assess preparedness for the Aug. 9 Election Day.<sup>27</sup>

The Independent Electoral and Boundaries Commission (IEBC) began seeking international applicants for election observation on March 4, 2022, with applications closing June 28. The IEBC will review applications and provide accreditation to approved applicants before the Aug. 9 elections.

## **When does the campaign start? Is there a campaign silence period?**

The Independent Electoral and Boundaries Commission Gazette Notice stipulates that the official campaign period began May 29, 2022 and will end Aug. 6. Between these dates, campaigning is allowed from 7 a.m. to 6 p.m. Beginning 48 hours before Election Day, there will be a campaign silence period.

## **Who is managing security on Election Day?**

The Kenyan National Police Service (NPS), in coordination with the Elections Security Arrangement Program (IEBC and Security Agencies), will manage security on and around Election Day. The NPS began training police officer preparedness training in November 2021. These special training sessions focused on non-lethal ways to respond to election-based violence.<sup>28</sup>

Additionally, the NPS has committed to monitoring Kenyans' social media use leading up to the elections. The purpose of the monitoring is to mitigate the influence of technology-based, election-related fake news and propaganda on instigating violence.<sup>29</sup>

## **Where are vote counting and tabulation held?**

The votes will be counted in the 46,233 polling stations across the country after the close of polls. The votes counted at the polling stations will determine the final results. The results of the County

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<sup>26</sup> Staff Writer (March 16, 2022). "100 Election Monitors to be Deployed by KNHCR." Capital News. [100 election monitors to be deployed by KNCHR » Capital News \(capitalfm.co.ke\)](#).

<sup>27</sup> African Union (May 16, 2022). Press Release. [The African Union Deploys a Pre-election Assessment Mission to Kenya | African Union \(au.int\)](#).

<sup>28</sup> Washington Mito (2021). "Special Training for Kenyan Police Officers Ahead of 2022 Election." [Special Training for Kenyan Police Officers Ahead of 2022 Election - Kenyans.co.ke](#).

<sup>29</sup> Ibid.

Assembly, Parliament, Senate and governorship elections will be delivered to the constituency tally center. The results for the presidential election will be transmitted electronically, and the hard-copy results forms will be delivered to the National Tally Centre before the National Returning Officer declares the results.

## **When will official results be announced?**

Official results should be announced within seven days after Election Day and will be accessible via a public portal.

## **How will election disputes be adjudicated?**

Electoral dispute resolution (EDR) is diffused across a range of institutions and processes in Kenya to handle different types of issues. Institutions include the Independent Electoral and Boundaries Commission (IEBC), Political Parties Disputes Tribunal (PPDT), Office of the Director of Public Prosecutions (ODPP) and the judiciary.

Each type of dispute has its own filing rules, deadlines and procedures. Kenya's EDR system may prove challenging for voters and may lead to overlapping jurisdiction for the resolution of various disputes. Amendments to the Political Parties were adopted to resolve some of these challenges in 2022. The IEBC published [guidelines](#) and [FAQ on election disputes resolution](#) to educate stakeholders. More information about the legal framework for EDR is available on the relevant institutions' websites.

The Judiciary Committee on Elections also conducted a series of trainings for judges, magistrates and judicial staff and will soon release the 2022 bench book, a compilation of all court cases and resources related to election disputes. The PPDT also conducted induction training for all its members and published its case digest in early 2022. Finally, the ODPP released a compendium of election offenses to enhance knowledge and trained prosecutors ahead of the August 2022 elections.

During the pre-election period, registered voters and candidates can file disputes with the IEBC Dispute Resolution Committee related to candidate nomination. Parties, candidates and individuals can file complaints with the PPDT, including inter-party and intra-party disputes, coalition disputes or appeals of decisions of the Office of the Registrar of Political Parties. However, any aggrieved party is required to show an attempt at resolving a dispute through an internal party dispute resolution channel before filing a dispute with the PPDT.

Registered voters, political parties, candidates or their authorized representatives and any persons aggrieved by an electoral activity also have the right to file complaints about violations of the Electoral Code of Conduct and other electoral violations directly with the IEBC.

The judiciary announced the appointment of election court officers (judges and court officials) to hear election petitions related to election results throughout the election cycle. The law requires

the judiciary to hear and decide election results disputes quickly, taking no longer than six months for county and parliamentary elections. For presidential election disputes, the Supreme Court has only 14 days to adjudicate these disputes.

The Election Offences Act provides for special magistrates to be appointed to prioritize election offense cases. The Chief Justice appointed 119 special magistrates to this role for the 2022 election.

The ODPP announced the appointment of 200 special prosecutors in 47 counties and 129 court stations and the establishment of a special unit on election justice, which includes hate speech and election offenses. The law requires prosecution to take place within 12 months of the date of the election.

## Resources

- [Constitution of Kenya, 2010](#)
- [Legal Framework for Elections: Electoral Act, regulations and gazette notices](#)
- [IFES Kenya](#)
- Independent Electoral and Boundaries Commission
  - [Website](#)
  - [Facebook](#)
  - [Twitter](#)
- [Judiciary Committee on Elections](#)
- [Political Parties Dispute Tribunal](#)

## About IFES in Kenya

IFES has worked in Kenya since 1992 to contribute to the evolution of a stronger, more independent electoral management body and promote cohesive and nonviolent elections. To restore a credible, peaceful and inclusive 2022 general election process, IFES launched the Kenya Elections Support Programme (KESP), funded by the Foreign Commonwealth and Development Office. KESP acts as a neutral facilitator and advisor to provide technical aid for key institutions and other critical stakeholders to continue to safeguard electoral system integrity.

Through KESP, IFES provides technical support to key stakeholders to build broad consensus on electoral rules and reforms and facilitates coordination between civil society organizations and other stakeholders. To foster meaningful electoral reforms, KESP provides a space for engagement and open dialogue between parties, giving them the opportunity to strengthen their internal structure while conducting ongoing workshops to support electoral institutions in strengthening effective dispute resolution processes and enhance inter-institutional cooperation. To create truly inclusive elections, KESP partners with civil society organizations to deliver targeted civic and voter education campaigns for women, youth and persons with disabilities to guarantee the increased participation of marginalized communities. By supporting electoral institutions, civil society and the media, IFES helps restore credibility of these electoral institutions and enhances the oversight of the 2022 electoral cycle.<sup>30</sup>

## Disclosure

These FAQs reflect decisions made by the Independent Electoral and Boundaries Commission as of July 13, 2022, to the best of our knowledge. This document does not represent any International Foundation for Electoral Systems policy or technical recommendations.

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<sup>30</sup> [Kenya | IFES](#)