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KENYA: A PRE-ELECTION ASSESSMENT AND BUDGET ANALYSIS

July 3-10, 1992

By

**Gina Armstrong
and
Linda Edgeworth**

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The Foundation fulfills its objectives through programs in technical election assessment; on-site technical assistance; poll worker training; citizen education in democracy; and election day activities. IFES also serves as a clearinghouse for election-related information and experts.

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About The Authors

Gina M. Armstrong, Chief Assistant in the Electoral Services Unit and Elections Officer for Liverpool, has several years experience in the organization, budgeting and logistics of election administration. Within this capacity, her responsibility includes the production, publication and maintenance of the city's 356,000-person Electoral Register. She has been an active employee of local government since 1977. A member of the United Kingdom-based Association of Electoral Administrators, Ms. Armstrong has served as Conference Exhibit Co-Coordinator and Public Relations Officer. Her experience with IFES includes her participation in the IFES-CAPEL InterAmerican Electoral Systems Conference.

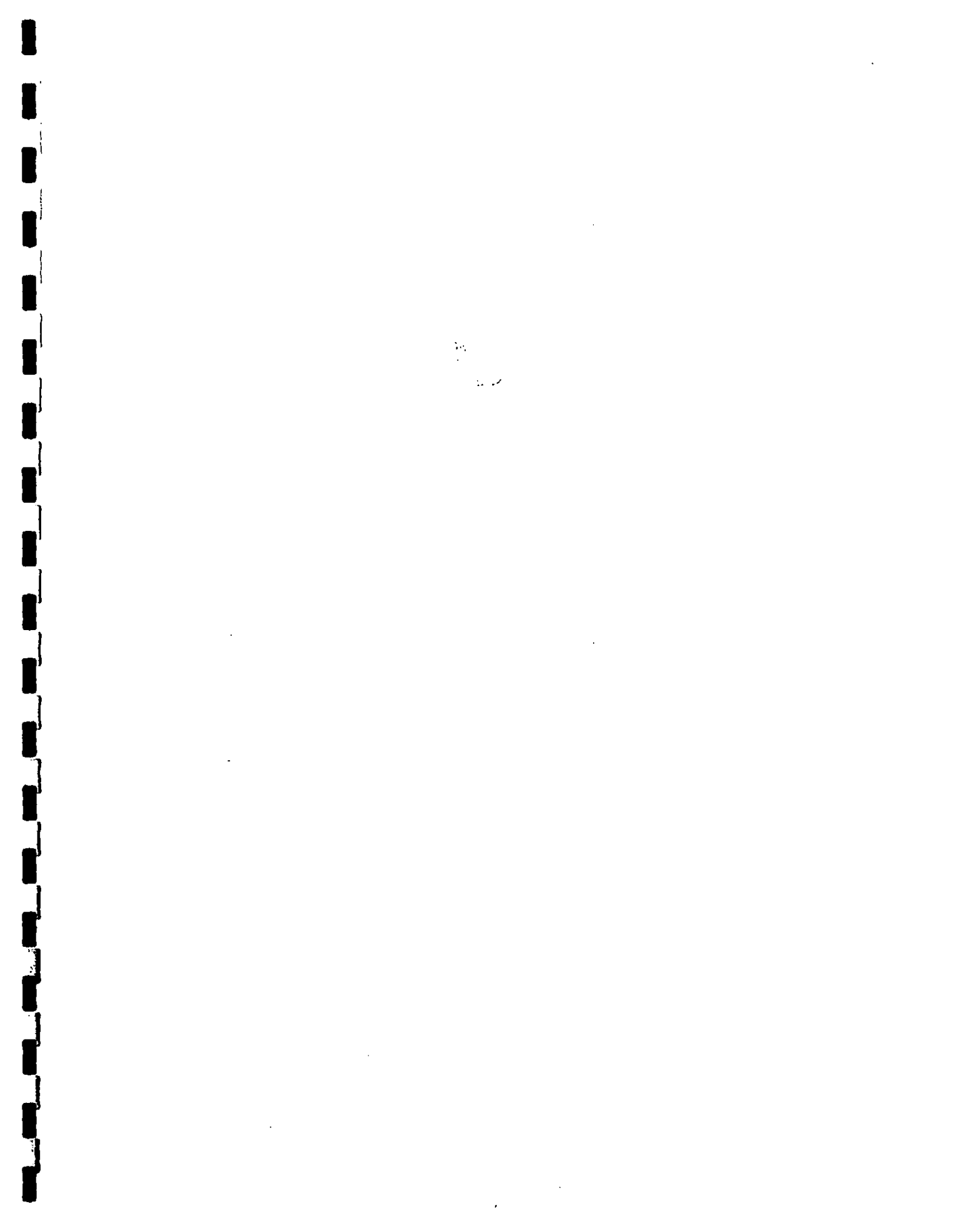
Linda Edgeworth, former Senior Assistant to the Director of Elections for the State of Alaska, has extensive hands-on experience in election administration. Her duties included supervision of elections in the remote territories as well as election organization on a statewide level. In addition, she served as a Legislative Liaison and Administrative Code Specialist and Chair for Registration and other Election Task Forces. Ms. Edgeworth has consulted with IFES on several occasions: as a member of Pre-Election Assessment Missions to Mali and Sierra Leone, and as a technical advisor during the historic election period in Albania.



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I. INTRODUCTION

In response to a request initiated by the Government of Kenya to the U. S. Agency for International Development, the International Foundation for Electoral Systems (IFES) sent a team of two consultants to Kenya to conduct an independent evaluation of the government's budgetary requirements related to their transition to a multi-party electoral system. Integral to the team's completion of the assignment was the analysis of the government's proposed registration and election budgets, specifically in view of their requests made to various friendly governments and donor agencies for assistance. In addition, the team was to review the revised constitutional, statutory and regulatory requirements as well as administrative procedures to determine their impact on the overall budget proposal. Finally, the team was to report its findings as to the budget's appropriateness and to make recommendations which might aid the Kenyan government in its administrative planning. It is intended that the team's recommendations might also serve as a basis on which donor agencies may make their determinations with regard to technical and financial assistance offered in support of Kenya's transition to a multi-party system.

During the team's visit to Nairobi between July 4 and July 10, 1992, the rapidly changing status of registration and election exercises became evident. Registration of voters was already underway and a significant number of constitutional and legislative changes were pending action before parliament within the next week. In fact, the registration period was in the final days of the 10 day extension of the deadline announced by the Election Commission just two days prior to the team's departure. Secondly, a significant number of amendments to the Constitution, election law and administrative election regulations designed to accommodate the multi-party system were in the process of being drafted and revised, and were due to be heard and debated in Parliament within the next week.

During its work sessions with the Election Commission and in its meeting with the Attorney General the team was able to identify and discuss several election issues which are not currently addressed in the proposed amendments. For example, at the time of the team's departure, proposed drafts did not address issues such as access to registration and voting for students living away from their home constituencies or for diplomats and foreign office staff serving abroad. Nor did any of the proposed amendments allow or provide guidelines for international or domestic election observers. While the proposed laws allow for candidate's agents at polling sites and counting centers, there were no provisions being contemplated for representation of political parties on the Election Commission. In other instances, the team noted potential gaps in regulations dictating administrative procedures. For example, regulations dealing with counting procedures did not specify guidelines for a

verification process. The team believes that final determinations regarding these components could have an impact on the overall budget plan. In addition, it will be important that constitutional and statutory changes provide the Election Commission with the firm legal foundation and sufficient clarification they will need to ensure that the elections run smoothly, and that they are perceived to be free and fair.

A major part of the team's effort focussed on a comprehensive review of the various budgets prepared by the Election Commission. The team's review extended well beyond the budget requests submitted to donor agencies. The team also performed a extensive review of the government's total operating budget for the conduct of the elections. In its meetings with the Election Commission, the IFES team was able to work through the budget line by line. Throughout this process, line items were discussed in terms of the procedural applications and justifications for the costs identified, and recommendations were made which resulted in various modifications. The Chairman of the Commission and other commission members and administrative staff with whom the team worked appeared very interested in the technical advice and ideas the team offered for their consideration, and frequently suggested modifications of their own as they reevaluated various budget items.

While every attempt was made to be as thorough as possible in analyzing and formulating a realistic budget, it is possible that in view of the very short time available for the team's visit, certain budget considerations may have been overlooked. However, the team is confident that the projections prepared by the Electoral Commission combined with some of the modifications which came out of the work sessions will be fairly representative of actual budgetary requirements and that its recommendations regarding commodities and technical assistance will serve to enhance the new election process.

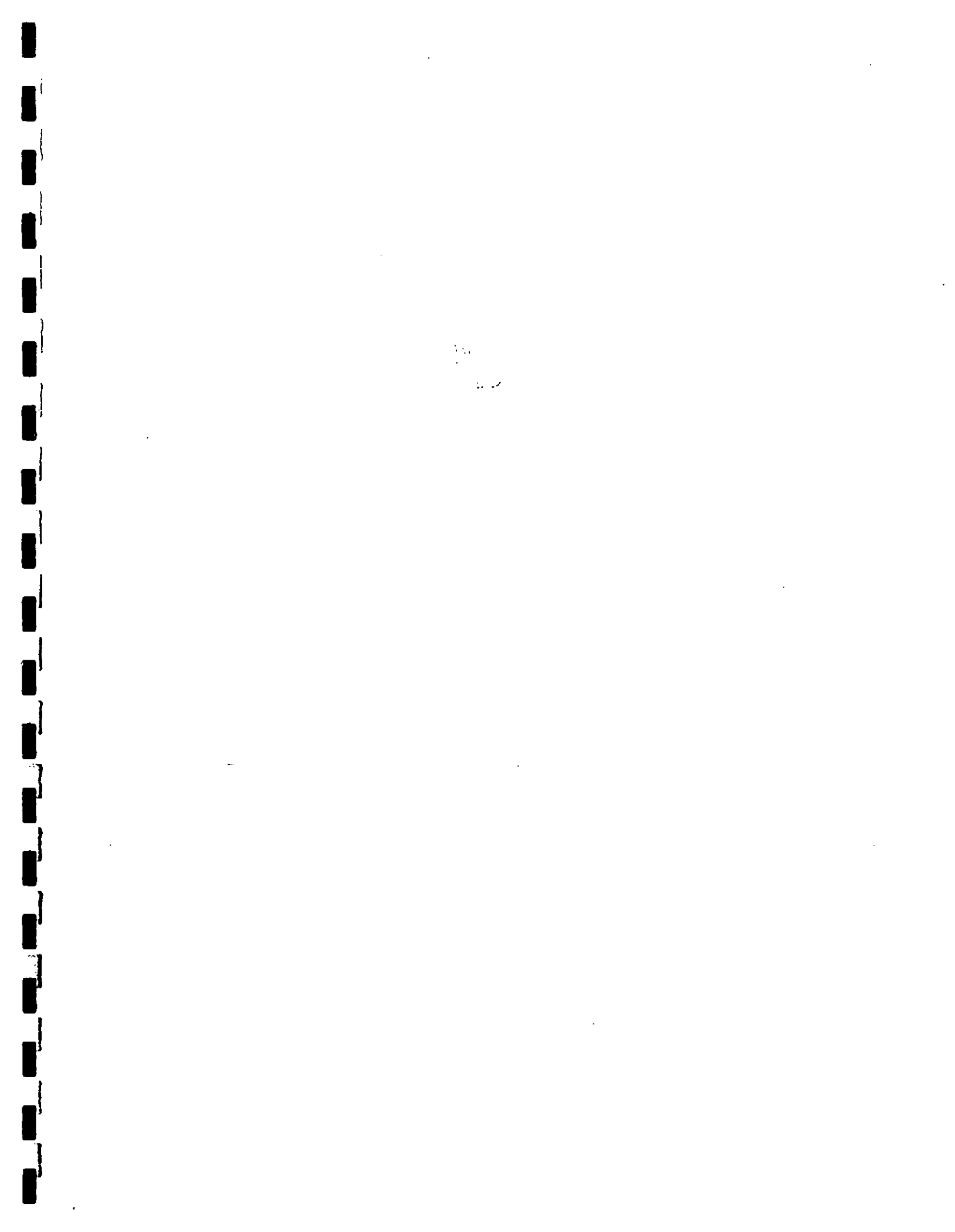
Preliminary Findings

The first issue that the team was to address related to a determination as to the overall reasonableness of the government's budget proposals. The team believes that the figures and requirements submitted by the Commission were, for the most part, a reasonable representation of their actual needs. In fact, the team's initial view was that their budget proposals were understated because several components normally expected in a comprehensive election budget appeared to be

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overlooked. For example, the budget did not include any funds for the printing of administrative forms. Nor were there any allocations included to cover costs of election worker training. It also became apparent that certain types of election workers had been overlooked completely, such as workers at counting centers.

During the team's various work sessions these issues were discussed in full. This analysis of the comprehensive budgetary needs of the transition led to certain line items being deleted altogether, while others were modified and reduced. The team believes, therefore, that the critical additions to the budget that they encouraged will not result in an overly significant increase in the overall budget. A final determination of the resulting budget once all suggested adjustments were made was not possible prior to the team's departure, however. Both IFES team members believe that even taking into account the lower labor costs and unique circumstances related to serving remote rural populations in Kenya, the actual costs per voter will be reasonably in line with normal costs associated with elections in their own jurisdictions.



II. LEGAL FRAMEWORK FOR TRANSITION TO MULTI-PARTYISM

The Constitution

To pave the way for Kenya's transition from a single party state to a multi-party system, simple but significant changes have been made to the Constitution. Under Section 47, amendments to the Constitution are not subject to a vote of the people. The Constitution can only be amended by Parliament, supported on second and third readings with a favorable vote of 65% of all members of the National Assembly. The amendment repealing the one-party state and re-introducing a multi-party democracy with conforming amendments to other relevant sections was passed by Parliament in December of 1991. The various amendments deleted references to requirements that nominees to the National Assembly and Presidential candidates be members of the Kenya African National Union (KANU). The various references to KANU membership were replaced with references to nominations of candidates by "each political party." The amended Constitution also provides that except as otherwise provided, any member of the National Assembly who resigns from a valid parliamentary party he represented at the time of his election must vacate his Assembly seat. With these very fundamental changes, the ball was set rolling to lay the groundwork for a number of additional Constitutional and statutory amendments which will further change the face of democracy and structure of government in Kenya. Other steps in the process of changing the legal framework underpinning the election process are still ongoing.

While the primary objective of the team's mission was to focus on budgetary issues, the Constitution, the National Assembly and Presidential Elections Act and proposed amendments were reviewed briefly to assist the team in understanding the general policies and laws on which administration of the upcoming elections will be based. Although work on the laws has not been completed, and many of the amendments proposed have not yet been heard in Parliament, the team was able to note some basic trends that deserve comment.

The Presidency

Of particular note, amendments to the Constitution provide for the election of the President by direct, universal and equal suffrage. Proposed regulations continue to provide that if only one candidate is successfully nominated as a candidate for President under laws enacted by Parliament, that person is automatically elected to the office. Under the single-party system and prior to passage of multi-party amendments such a circumstance might have been possible, but it is unlikely that under a multi-party system only one candidate will be successfully nominated. New

amendments also place a limit on the number of terms allowable for the office of President to two five-year terms.

One of the more controversial amendments being proposed and scheduled to be heard before Parliament in the near future relates to the manner in which a candidate will be declared the winner of the Presidency. The proposed amendment places a number of conditions on the President's election. First, the candidate must be victorious in his or her bid for a seat in the National Assembly. But in addition, the person must also have received the greatest number votes cast in the presidential race, AND must have received a minimum of at least 25% of the votes cast in at least 5 of the 8 provinces. Failure to meet all of these conditions would mean that a run-off election would be required between the top two candidates who received the greatest number of nationwide votes cast in the first election. Supporters of this amendment suggest that such conditions will ensure that the person elected as President has nationwide support. At the time of the team's visit it was expected that there would be extensive debate in Parliament regarding these provisions. From a budgetary standpoint, a run-off election would obviously be very costly and the preliminary budgets presented by the Commission did not include any figures to cover another nationwide election should one be required.

Changes in the Executive Branch

Constitutional amendments also seem to call for a change in the executive authority of the President and the structure of executive government itself. First, amendments call for the deletion of the office of Vice President. Instead, they call for installation of a Prime Minister who will, as far as the team could tell, perform his executive functions with more autonomy. Rather than being an extension of the Presidential office as the Vice President had been, the Prime Minister would apparently hold a great deal more independent authority than did the Vice President. Indeed, the constitutional changes called for in Bill 1992 redefine the Cabinet. While the Cabinet had been defined as the President, Vice-President and other ministers, Section 12 of Kenya Constitution (Amendment) Bill 1992 proposes to redefine the Cabinet to include the Prime Minister, Deputy Prime Minister and other Ministers. Under the amendment, the functions of the cabinet are also redefined to "determine and direct the policy of the government of Kenya." In addition, the President is entitled to attend any meeting of the Cabinet only "if so requested by the Prime Minister" This represents a strong departure from the role of the cabinet which, under the

President, Vice-President scheme was to "aid and advise the President in the government of Kenya."

Whether the proposed amendments will actually stand was still in question at the time of the team's departure. Based on what could only be called a very cursory review of the Constitution and related amendments, it was not clear to the team whether the resulting changes would to any practical degree limit the President's powers. The changes seem instead to provide certain trade-offs. For example, where he would formerly have appointed a Vice President, the President will still have appointment powers with regard to the Prime Minister under the amendments. However, while his authority to terminate the Vice President at will was unlimited, termination of the Prime Minister requires a preceding event such as the Prime Minister's resignation, advice of the dissolution of Parliament, passage of a resolution of no confidence, or a change in the membership of the National Assembly between the holding of a general election and the first meeting of the new Assembly.

In another example, the Constitution had given authority to Parliament for the establishment of a Ministry of the Government of Kenya, except as specific provisions made by Parliament gave authority for that purpose to the President. Under the amendments, however, it is the President, acting with the advice of the Prime Minister, who may establish Ministries independent of Parliamentary approval. Additionally, "in accordance with advice from the Prime Minister," his appointments of the various Ministers can be vacated as he so directs.

It is also interesting to note that under the amendments the President gains veto powers which do not appear in the former Constitutional scheme. On the other hand, the amendments also include sections which amount to provisions for recall of the President by referendum. The proposal requires the President to vacate the office if in a referendum he or she is found to have acted in willful violation of the Constitution. A referendum can only be called if a resolution is supported by a 75% vote of the National Assembly.

Another interesting amendment recommends a repeal of the President's authority to make regulations specifically for the North-Eastern Province and its contiguous districts. The existing provision giving the President this extraordinary authority was apparently devised as a method by which ethnic tensions leading to violence experienced in the area could be addressed in a manner decided by the President on his own independent authority.

The amendments contain transitional provisions which could cause some confusion and controversy depending on how they are interpreted and applied. Of specific interest is Section 32 of the Amendment Bill which allows the person holding the office of President immediately prior to the enactment of the amendments to maintain all powers, functions and duties conferred by the Constitution which were in effect prior to passage of the amendment. In view of the changes posed for the conduct of the elections themselves, there may be some confusion as to exactly how much role the President may have in making certain decisions affecting administration and conduct of elections if he acts under full powers in the old Constitution. Basically, there will be two different Constitutions in effect until after a presidential election is held: the old version under which certain powers of the President will be retained throughout the transition period, and the new version specifying amended provisions by which the clarified role of the Electoral Commission is strengthened, and in which changes to a multi-party election system are mandated.

At the time of the team's visit many of the proposed changes were still pending hearing before Parliament so their final disposition could not be determined.

III. ROLE OF THE ELECTORAL COMMISSION

Section 41 of the Constitution establishes the Electoral Commission as a separate entity whose chairman and membership are appointed directly by the President. Under the provisions no person may be appointed as a member of the Electoral Commission who is a member of the National Assembly, holds any office in public service, or is a member of the armed services. Commissioners are appointed to a 5 year term and may not be dismissed or removed from their posts except on specified grounds, and only after review of those grounds by a legal tribunal. Members of the tribunal are also appointed by the President and must be selected from persons who hold or have held high judicial office. Under the Constitution, if the tribunal recommends that the member not be removed, the President may not dismiss the person from his post.

The Constitution confers regulatory powers on the Electoral Commission to set rules for its own procedures. In addition, powers are conferred on the Commission to impose duties and delegate authority to other public officials with regard to the discharge of its functions, with the consent of the President.

One of the most significant aspects of the Constitution's treatment of the Electoral Commission is Section 41, Subsection 9 which states that, "In the exercise of its functions under this Constitution the Commission shall not be subject to the direction of any other person or authority." This subsection has been used to support government's claims regarding the independence of the Electoral Commission.

As far as the team could tell, however, until recent amendments, the Constitution did not clearly state the exact scope of the Commission's functions, except for its role in defining the boundaries of election constituencies as prescribed in Section 42. Under Section 42, the Commission was given the authority for naming and prescribing the number and physical divisions of electoral boundaries subject to the minimum and maximum limits in the number imposed by Parliament.

Section 32(3) appeared to also place authority for the direction and supervision of the registration of voters and the conduct of elections with the Electoral Commission. In fact, however, there existed significant conflicts between this Constitutional provision and practical applications under other provisions of law which resulted in totally diluting the Commission's actual authority in these areas. New Constitutional amendments and proposed changes in the election law would add greater clarification and provide a stronger foundation on which to build a case for the Electoral Commission's independence and autonomy. With regard to the Commission's functional

responsibilities, the Constitutional amendment states:

"(1) The electoral Commission shall be responsible for:

- (a) The registration of voters and the maintenance and revision of the register of voters;
- (b) directing and supervising the Presidential, National Assembly and Local Government elections;
- (c) conducting of referenda; and
- (d) such other functions as may be prescribed by law."

This amendment, combined with significant changes in the administrative structure imposed by the National Assembly and Presidential Elections Act, provides a much stronger basis for establishing an Electoral Commission which can function as an independent entity in real terms.

The National Assembly and Presidential Elections Act

The fundamental body of law governing the election process itself is the National Assembly and Presidential Elections Act. It is a comprehensive document that sets the stage for an election procedure which would generally be perceived as meeting commonly accepted standards for the conduct of an election which is free and fair. Recently proposed amendments bring the statutes into conformity with Constitutional changes providing for multi-party politics, particularly regarding issues related to registration of parties and nomination of candidates.

The most significant changes in this body of law, specifically in Section 3, relate to the elimination of the Election Supervisor as the ultimate authority for "the general direction of and supervision over the administrative conduct of the election." It was this section which in practical reality undermined the autonomy of the Electoral Commission. Under the former law, the Election Supervisor was appointed by the Minister, was supervised by a Permanent Secretary, and was supported by the staff of the Provincial Administration. Clearly, the Electoral Commission was for all intents and purposes, was left out of the loop, seemingly contrary to the implied dictate of Section 32(3) of the Constitution. Not only was the Election Supervisor under the authority of the Ministry responsible for the administrative aspects of the conduct of elections, the Ministry was also responsible for determining the time frame and the manner in which a register of electors was

to be prepared. The law under Section 4, Subsection 2 required that the Minister would make such a determination whenever, "it is in his opinion necessary, after consultation with the Electoral Commission..." Clearly, the independent authority of the Commission was severely restricted. In practical terms, conduct of registration activity and the actual administration of the elections themselves was directed by the governmental ministry, not the Electoral Commission.

Given those circumstances, especially in recent parliamentary elections, appointments of Returning Officers and other election workers conducting polling and counting activity were perceived as merely extensions of the government in power. Indeed, the regional and local election officials themselves were provincial administrators and members of the civil service, providing excellent ammunition to critics who questioned the neutrality and independence of those carrying out the election exercises. The Chief Returning Officers selected to oversee the elections in each district for the 1988 elections, for example, were the District Commissioners themselves. Because the District Commissioners are direct appointees of the President and answerable only to him, many questioned their neutrality.

Many of the allegations of politically motivated election improprieties brought to the team's attention stemmed from this circumstance alone, especially since these officials individually controlled virtually every element of the election process. Not only did they directly appoint Presiding Officers for each polling site and supervise the distribution of ballots, boxes and election registers and forms, but all counting was completed in their offices. The District Commissioner/Chief Returning Officer was the arbiter in determining which ballots could be counted and which were rejected. They also had the final say with respect to recounts. These circumstances left fertile ground for allegations of manipulation and overt partisanship in the manner in which administrative decisions were reached, constituencies were established, registration rolls were prepared, and polling activity was carried out.

Strengthened Role of the Electoral Commission

Under the amended law, all reference to an Election Supervisor has been deleted, as have provisions for the appointment of this official by the Minister. Rather, the law establishes the office of Director of Elections who will be appointed by and answerable to the Electoral Commission. The direct supervisory role previously fulfilled by the Election Supervisor has been taken over by the

Commission itself who will carry out its various exercises through its own administrative staff under the Director of Elections. Additionally, the team was informed by the Chairman that the Director of Elections and his or her staff will not be permanent administrative officials but will be recruited to serve only for the time period necessary to see the election through to its fruition, further neutralizing this administrative arm's separate governing powers.

The team was also informed that even the registration officials conducting the registration exercise at the time of its visit were not members of the provincial administration with the exception of about 10 individuals out of over 5,600 assigned to the task. The vast majority of registration officials are from the constituencies in which they serve. However, the team was advised that it is the intent of the Commission that the registration officials not be used as Returning Officers when election time comes. To further neutralize allegations about political bias among Returning Officers, the Commission expressed its intent to ensure that District Commissioners are not appointed as Returning Officers. It was also expressed that Returning Officers will be appointed to serve in constituencies other than their own. Assignment to jurisdictions outside their own area will increase the costs of recruiting Returning Officers; however, this system is seen by the Commission as a way of enhancing the perception that election officials are performing their duties objectively.

Party Representation in the Administration of Elections

One of the major criticisms heard by the team was that the law makes no provision for party representation on the Electoral Commission itself. In an arena fraught with such political tensions, it is easy to understand the fears of fledgling parties that their interests may be thwarted by a Commission they perceive to be controlled by the ruling party. It is argued by the government and by the Commission itself that its membership must be neutral, and therefore there is no room for potential members' party affiliations being a criteria for membership appointments. Such a philosophy may have merit. Over time this sound statement of policy may prove itself. However, at this moment in time, it will be difficult for opposition parties and the public in general to separate this principle from what they perceive to be a "stacking of the deck" by the party in power, regardless of the integrity with which present appointments have been made. These circumstances put an additional burden of responsibility on the President as he makes his appointments and on those who have been appointed.

A significant mitigating factor worthy of comment is the fact that while the law does not provide for mandatory cross-party representation on the Commission, each candidate is allowed to appoint agents who are allowed to be present at all polling sites and counting centers in the candidate's constituency. As first hand observers, these agents can serve as the candidates' first line of defense against improprieties where voting and counting are actually occurring. If a candidate is well prepared to ensure that the agents representing his or her interests are spread throughout the constituency, their observation can provide a layer of transparency which should enhance candidate and public confidence in the system.

Relation of the Electoral Commission to Government Ministries

The Electoral Commission's dependent relationship with the Ministry of Provincial Administration has been significantly curtailed through the elimination of the post of Supervisor of Elections. However, the Commission's authority still derives from the Attorney General's Office. The Attorney General by law is an *ex officio* member of the National Assembly. The team does not believe that, in and of itself, this association destroys the independence of the Commission, as certain critics may suggest. Rather, this bureaucratic structuring may have some specific advantages which can serve the Commission well if the separateness of their roles and authority is mutually respected. First, the Attorney General will provide the legal advice the Commission will need readily as issues arise day to day. His direct work with the Commission will help him understand the administrative restrictions and burdens imposed by legal requirements and constraints first hand. As the drafter of all of the Commission's administrative regulations and bills affecting the election process, the Attorney General will be better able to advance the interests of the Commission directly to Parliament. Under the current law, the regulations of the Commission must be submitted to Parliament for approval prior to being adopted and put into effect. Because the Attorney General is an *ex officio* member of Parliament, he provides the Commission its own direct line to the National Assembly. This potential advantage could be very important to the Commission in the months ahead.

The team believes that more issues will emerge as the election process moves forward. The team's impression was that there will be a number of issues which will simply not be thought of until a circumstance arises which requires an immediate resolution. Such issues are not uncommon even among the most experienced election administrators. With a new Commission and within the

context of the new multi-party system, such circumstances are likely to occur more frequently. Having direct access to Parliament through the Attorney General will be very important if emergency decisions are to be formalized expediently as the need arises.

Fiscal Allocations and Control of Funds

With regard to its fiscal allocations, the Commission must present its budget requirements to the Ministry of the Treasury, apparently with no intermediary. The Chief Commissioner has a direct line to the Treasury and makes his own presentation of budgetary needs and justifications to the Minister of the Treasury. Due to the brevity of the team's visit, the chain of authority over the budget once funds have been approved remained unclear. The team believes that funds are transferred to an account specifically for the Commission's use, and are accounted for separately by the Commission's accounting officer. All expenditures and obligations of funds utilized by the Commission are subject to audit by the Auditor General.

The Commission must also follow Kenya's Procurement Code, which sets different parameters for purchases which are above or below Kshs 1,000,000. Major procurement exercises appear to be accomplished by a committee of the National Assembly, and the team understood that the second Clerk of the National Assembly had been assigned to the Commission to oversee general accounting for the Commission's funds. Under the procurement code some purchases incurring extensive expenditures will actually be processed by the Central Tender Board of Government who will oversee solicitation of bids and selection of vendors.

Another area which the team was not able to determine with surety relates to the channels through which election officials at local sites will be paid. The team did not get the impression that payment of workers will be issued directly from the Commission headquarters to Returning Officers, Presiding Officers, poll workers and counters themselves. It is more likely that funds will be channeled through District offices from which payment will be made to individuals. This was apparently the method of payment being used in the case of officials employed for the registration exercise.

Concern has been expressed that as long as the Commission is dependent on a Government ministry, whether for its funding or for its legal directives, it cannot be considered independent.

While the team understands the basis for such concerns, they believe that the current bureaucratic structure may make the most sense at this stage of the Commission's evolution as an independent body. Obviously, the only viable source of funds must be from government, and fiscal accountability must be maintained. Expedience has probably dictated the channels by which elections will be funded.

Resources from Donor Agencies

Of major concern to donor agencies and friendly governments interested in supporting Kenya's election process will be the degree to which the Commission and the government itself will be able to ensure that commodities and financial aid is used for election purposes for which they are specifically intended. This subject was broached directly with the Commission. Several options were considered including the creation of separate accounts directly supervised by the Commission and specifically earmarked for maintaining accountability on financial aid from outside sources. Left in question was the possibility of direct deposits of international contributions to those accounts rather than through the usual government treasury accounts. In addition, there may be a willingness to opt for direct payments by interested donors to vendors from whom commodities are purchased. It was the team's feeling that there was plenty of room for donor agencies to negotiate the terms and conditions applicable to their contribution of aid in support of the forthcoming elections.

Administrative Regulations

At the time of the team's departure from Kenya, the Commission's administrative regulations had been drafted, but not yet submitted to Parliament for approval. This was due to occur in the subsequent week. The details of the election procedure are formalized in these regulations. The team was given to understand that while most agencies of government have some authority to adopt regulations independent of Parliamentary review, it was felt that election issues were too important not to undergo formal debate and approval by the National Assembly. Apparently, the Ministry of the Treasury must also seek Parliamentary approval regarding certain activities and procedures under its jurisdiction.

As drafted, the regulations are comprehensive and detailed. However, the team noted a few areas where the regulations may need to be strengthened or clarified. In those instances where the team

felt such amendments might be advisable, they are discussed in their relevant sections later in this report.

Recommendations

1. Staggering Terms of the Commission

Currently the term of Electoral Commissioners is 5 years, and in view of their recent appointments and the upcoming elections, they will be almost concurrent with the terms of the new government. Except for a matter of a few months, the terms of all current Commissioners will also expire at nearly the same time. The team recommends that lawmakers consider staggering the terms of the Electoral Commission members. Several objectives would be served. First and foremost, the staggering of terms would provide a basis for continuity in the Commission which would span transitions in government. At any given time, only some Commission members would be subject to appointment while remaining members would be available to carry forward the institutional memory and experience contributing to the efficiency of future election management.

Secondly, and equally importantly, the rotation of terms would help to dilute adversarial perceptions that will continue to pervade the election process as long as all members of the Commission are appointed by any president in power, all at one time. One of the major criticisms of the current Commission is that there is no representation of opposition parties in its membership. Staggering of their terms would mean that over time the Commission would represent a balance of political influences while still giving each newly elected President power to appoint at least some of its members. Creating opportunity for balance on the Commission will enhance the public's and the various parties' acceptance and confidence in its neutrality.

IV. THE BALLOT

The Electoral Commission advised the team that it is currently their intention to hold the presidential, parliamentary and local elections on the same day. As required by Sections 22 and 27A of the National Assembly and Presidential Elections Act, separate ballot papers and ballot boxes must be used for the Presidential and Parliamentary elections if they are held simultaneously. Consistent with these requirements, the Commission will extend the policy of separate materials and create a third ballot for local elections as well. It was indicated that the three different ballot papers will be printed on a different color stock to clearly distinguish each election for both the elector and the poll worker.

The Electoral Commission had made budget proposals based on the provision of ballot papers for an anticipated electorate of 11 million. The original budget proposal submitted by the Commission called for the printing of 33 million ballot papers. This figure was based on a preliminary target of 11 million registered voters voting in 3 separate elections. During the course of the team's discussions with the Commission, the target figure for the total number of registered voters was reduced. It is expected at the termination of the Registration period that some 8 million electors will be registered and thus it will be necessary to print 24 million ballot papers to cover all 3 elections in the event of 100% poll. Accordingly they have now revised that budget line item with a consequent reduction in the ballot printing cost of approximately 17%.

Ballot Design

The IFES team was shown an example of the ballot that was used at the elections held in 1988. The paper used in the past was of a very good quality and had a design within it which would make it difficult to copy. The ballots were numbered consecutively, with each ballot's unique number also printed on the corresponding counterfoil. Also there was a place on the counterfoil in which the elector's registration number was recorded by the poll clerk when a ballot paper was issued to the elector. The ballots did seem to have an excess of printing on them. For example, in addition to including the details of the candidates, at the bottom of the paper it had instructions to voters in very small print. These would be difficult for many people to read.

The team would recommend that the basic style of the ballot paper be retained but that the guidance for voters be omitted. Guidance notes on voting procedure could be reproduced on large posters and displayed at various points both within and outside of the polling station. Furthermore, the notes printed on the ballot paper were printed only in English and while it is recognized that English

is widely understood throughout Kenya, an element of the electorate understands only Swahili. It might be advisable that the posters be produced with guidance both in English and Swahili. To have these guidance notes displayed to the elector prior to his or her receipt of the ballot paper will give the additional advantage of allowing the procedure within the polling station to progress more smoothly.

Ballot Security

The Electoral Commission advised the team that as had been arranged during the last election, it is preferable to have ballot papers printed outside of Kenya to ensure that there can be no local duplication and misuse of the printing plates. Certain security controls were implemented in preparation of the ballots during the 1988 election. However, there are additional elements that can be introduced to build in safeguards with regard to printing, allocation, distribution and general security.

The team supports the concept of ballots being printed outside the country, especially at a time when political tensions seem likely to escalate as the election draws nearer, and in view of the concerns that have been expressed with regard to potential rigging of the process. In addition to the reason given by the Electoral Commission regarding the security provided by printing ballots outside the country, a number of other safeguards should be considered.

Assignment of Ballots to Voting Sites

The Electoral Commission has at its disposal a computer system which has been programmed to identify the location of the polling stations within each constituency and the number of registered voters assigned to each station. The team believes that the system would also be capable of, inter alia, allocating the actual number of ballot papers to a particular polling place and identifying the specific sequence numbers of those ballots which are assigned. The computer could be used to produce a master report which would document the sequence numbers and the number of ballots to be sent to each location. The program could be set to provide each polling station with just enough ballot papers to cover the eventuality that each elector on the register within that location would vote. If the ballots are bound together in sequentially numbered stacks of 50, it would mean that in most instances there would be an excess of no more than 49 ballots to the number of voters

at any one location. This allocation would mean that there would be no undocumented large excesses of ballot papers produced, and no surplus outside the polling stations whatsoever.

From the master list or data file, the team believes that the computer could also produce packaging labels which would identify the polling site, the number of registered voters at the site, the number of ballots assigned to the site, and the inclusive sequence numbers of those ballots. In the interest of preparing packages of manageable size it might be advisable to pack no more than 5 bound stacks of 50 ballots each to a package, for a total of no more than 250 ballot papers in each package. The labels could also be programmed to indicate the number of the specific packages to be sent to each site. For example a label might read:

Voting Site: Nairobi No. 12

Reg. Voters: 3241

Total Ballots: 3250 Sequence #'s: 13,351 - 16,600

Package Contains: 250 Sequence #'s: 13,601 - 13,850

Package: 2 of 13

As an audit control, the persons preparing and verifying the package could also sign the label to encourage a commitment to quality control.

It would also be helpful if the actual sequence numbers could be uniform for all three of the ballot types so that the Presidential, Parliamentary and Local election ballots assigned to a specific polling site are all sequenced the same. For instance, in the label example above the sequence number of ballots assigned to "Nairobi No. 12" was 13,351 to 16,600. Each of the three sets of ballots used in "Nairobi No. 12" should have the same sequence numbers to simplify accountability control. With minor modifications in the size and layout of the ballots themselves it might even be possible to attach a stack of each type of ballot as a set on a single card stock carrier. For example, if the counterfoils were attached with a perforation at the top of the ballot rather than on the side, the stack of 50 ballots could be attached to the carrier at the top. The Parliamentary and Local ballots could also be attached at the top of each of their stacks so that each card stock carrier would have three stacks of ballots attached side by side. That would mean that as a voter approaches the polling clerk assigned to issue the ballots, the clerk would tear a ballot from each stack. Each of

the three types of ballots would have the same sequence number, and the similarly numbered counterfoil for each ballot in the set would remain attached to the carrier. If a voter were to damage a ballot and ask for a replacement, the entire set would be replaced to keep the numbering system uniform. The documentation of damaged ballots would report the replacement of the numbered set.

Ideally, the audit trail of the ballot papers should start at the printing level and continue through the polling and the verification at the count. Introducing a tight control procedure at this stage will allow the packaging of the ballot papers at the printing source for more efficient distribution of individual packages to particular polling stations. Packaging at the printing location would eliminate excessive manual handling prior to distribution once the ballots are delivered to Nairobi, and would help curtail opportunities for inappropriate handling or manipulation. The whole procedure should be overseen by officials from the Electoral Commission to ensure that packaging is handled accurately. This method of control is very simple but if implemented correctly will increase the security of the ballot significantly. Furthermore, it is essential that an accurate master record is kept of which ballots and how many papers were allocated to each site. This information is required in the final stages of the Ballot Paper verification at the count.

Supervision of Printing by Electoral Commissioners

Even if the ballots are printed in another country, it will be very important that the printing exercise be properly overseen by representatives of the Electoral Commission. As the printing and packaging is accomplished, designated Commissioners should actually be on hand at the printing plant to provide their personal supervision of the process. When printing and packaging is complete, the representatives should accompany the papers in transit back to Kenya for storage. The team noted that the transportation and accommodation of these people had not been included in the budget proposal and funds for this purpose will need to be considered. The Commission's personal involvement in oversight of the ballot preparation will be an essential part of the process, especially in view of difficulties that were experienced during ballot preparation in 1988.

The IFES team was advised that during the last elections, when the ballot papers were delivered to Nairobi, printing errors were discovered. This occurred because a thorough proofreading exercise had not been carried out on draft ballot papers prior to the press run. Reprinting ballots

to correct errors led to a considerable amount of extra expense. It will be essential, therefore, that proofread printer's drafts be prepared before the representatives leave Kenya to oversee the printing of the ballots. This will provide the representatives with good documentation with which to work when they are checking the printer's draft ballot papers in situ.

Recommendations

1. The team supports the Commission's recommendation that the ballots be printed outside the country. The team would also suggest, however, that as multi-partyism establishes itself in the fabric of Kenyan politics, and as confidence in the electoral system develops, there will come a time when officials will be able to justify the printing of ballots within the country with full assurance that security can be maintained. In virtually all democracies, election time usually injects a boost in the local economy, creates new temporary jobs, and generates extra income for private business. While government carries the heaviest burden in administering elections, under ideal circumstances, the private sector can benefit from the demands for commodities and materials.

2. An element needs to be built into the budget to allow for the travel expenses and accommodation of two representatives of the Electoral Commission to supervise the production and packaging of ballots overseas. The following cost estimates are based on an assumption that ballot papers are printed in Great Britain.

2 round trip air tickets, Nairobi/London @ Kshs 48,000 ea.	Kshs 96,000 US\$ 3,000
Accommodation, 14 nights x 2 Persons @ Kshs 3,840	Kshs 107,520 US\$ 3,360
Per Diem, 15 days x 2 Persons @ Kshs 1,920	Kshs 57,600 US\$ 1,800
Total Cost	<hr/> Kshs 261,120 US\$ 8,160

3. The original budget proposal submitted by the Commission called for the printing of 33 million ballot papers. This figure was based on a preliminary target of 11 million registered voters voting in three separate elections. They include the presidential, parliamentary and

local elections. During the course of the team's discussions, this figure was more realistically reduced to 8 million voters, reducing the total number of ballots potentially required to 24 million. The team believes that this represents a more realistic assessment of the actual requirement.

8 million ballots x 3 elections	Kshs 253,440,000
24,000,000 @ Kshs 10.56	US\$ 7,920,000
If printed outside Kenya,	Kshs 50,688,000
20% Freight	US\$ 1,584,000
Total Cost:	<u>Kshs 304,128,000</u>
	US\$ 9,504,000

4. The computer program should be augmented to allow for preparation of a master list documenting the assignment of ballots to voting sites by sequence number. Accountability control of the quantity distribution of ballots to each site should be maintained by the Electoral Commission. Section 22 of the National Assembly and Presidential Election Act, which leaves the determination of the quantity of ballots to be assigned to the discretion of the Returning Officer, should be amended accordingly. A copy of the master distribution report for his or her constituency should be provided to each Returning Officer so that s/he may maintain accountability from distribution through to the verification process at the count.

5. The team was advised that augmenting the program to accomplish the ballot distribution would necessitate the employment of an additional computer programmer. The team noted that the funding for the additional programmer required was not included in the budget as it stood prior to the team's work sessions with the Commission. The team's recommendations regarding the funding of the programmer are included in the section of this report covering registration of voters and delimitation of constituencies.

V. BALLOT BOXES

The Electoral Commission advised the IFES team that there are no ballot boxes remaining from the last elections that could be used again. Due to the poor materials used for their construction and inadequate storage conditions, they are now rusted and beyond repair. The team questioned the Commission's original request for 36 ballot boxes for each of 6,000 voting centers (units). During the course of discussions, the Commission lowered to request to 30 boxes per unit, and subsequently to 18 boxes per unit or 6 per election should all three elections be held on the same day. The rationale presented to the team was that this many boxes were needed to hold the number of ballot papers which would be voted at each site. This means that at the time of the team's departure the Electoral Commission has requested 108,000 ballot boxes.

The IFES team members were shown an example of the type of box used last time and noted that they were of a size smaller than those typically being used in other developed democracies.

In the past the large number of ballot boxes used led to many allegations of boxes being switched in transit to the counting center and cries that adequate security could not be provided for the number of boxes used. As stated earlier, it is the present intention of the Commission to use only 18 at each site on the occasion of the forthcoming elections, but the IFES team considers that this number is still excessive. The team believes that no more than one ballot box per 1,000 voters should be necessary for each of the elections. This is based on the team's cursory review of the number of units in each constituency related to the actual number of voters registered in each during the last election. It also considers the increased target figure for the registration of new voters. Based on the master list available through the computer which identifies the number of voters assigned to each unit, it will not be difficult to determine the number of ballot boxes that will be needed at any given location. Based on the preliminary data provided by the Commission, many sites will serve fewer than 1,000 voters. At these sites no more than one box should be provided for each of the elections. In larger precincts such as are found in Nairobi and Mombasa, a specific site reporting 3,600 registered voters may require as many as three boxes per election for a total of 9 boxes assigned to the polling station. While three boxes is actually an allotment of fewer than one box per 1,000 voters in this example, this limit would still accommodate a voter turnout of 83%, if one assumes that each ballot box should be able to conveniently hold at least 1,000 folded ballot papers.

The size of the box would need to be increased to double the volume content. Depending on the numbers of electors on the register at a particular polling station, it may be possible to reduce to

just one box per station for each election. A second alternative to decrease the total number of ballot boxes distributed, may be a larger box combined with reducing the numbers to one box per type of election, three per polling site. Size and weight of this box may cause transportation problems.

There are also obvious cost implications for reducing the numbers of ballot boxes. The cost of producing 108,000 boxes as requested by the Electoral Commission, totals some Kshs 108,000,000, which is approximately US \$3,337,500. To provide only one box per 1,000 voters would reduce the total number needed to 8,000 for each election based on an estimated 8 million registered voters. For the three elections held simultaneously, the total needed would be reduced to 24,000 resulting in a reduction by 22% of the total number requested by the Commission. Elimination of significant excess in the number of ballot boxes combined with the careful allocation and accountability for ballots will reduce the potential for manipulation of election results and enhance the overall security of the election process.

Costs listed here were presented by the Electoral Commission for producing the boxes in Kenya, but it was indicated to the IFES team that a donor agency may be interested in providing them from another source. Arranging shipment from outside Kenya will necessitate an increase in cost for transportation of the commodities from their place of manufacture. Furthermore, the original costs were given with respect to smaller boxes, so the figure quoted in preliminary budget figures should only be used as a base. Finally, the original costs were all estimated based on 6,000 polling sites. However, the number of polling stations is more likely to be nearer to 5,700. If this is the case, then the actual cost of these commodities along with other related costs may actually be lower.

The Electoral Commission advocates three different colors for the ballot boxes in order that the relevant box for each election may be easily identified by both the poll worker and the elector. This would add to the cost of production and is not considered necessary by the IFES Team. It would be much simpler to attach an example of the relevant ballot paper to the top or the front of the ballot box to indicate which ballot should be dropped into which box. It should also be borne in mind that each box will be labelled accordingly. There is also a danger in using colors, since any color chosen may be perceived as promoting a particular political party.

Ballot Box Seals

The present system of sealing the traditional ballot box is cumbersome and does not in itself increase the security. Rather than using the traditional method of securing the box first with a padlock and then with white tape and sealing wax, it is suggested that a new method of sealing the box be adopted. The boxes used during the last elections did not have a built-in closure for the aperture through which the ballot papers were deposited. Rather, the method of sealing the aperture was by means of a piece of paper taped across the opening. The team believes that newly designed boxes should be of a type that have a built-in aperture closing mechanism.

With regard to the actual sealing of the box, there are two alternative methods which may be considered. The first would involve the use of a simple plastic seal which once affixed, can only be removed by breaking. The other method of sealing is by way of a self-adhesive paper seal which is positioned so that it would rip if the box were opened. The sticker type seal could be preprinted to provide space for the Presiding Officer to write in the Site ID number, and for officials and authorized observers to affix their signatures as witnesses to the sealing process. The IFES team would advocate the use of either or both of these methods combined to ensure a less expensive yet higher degree of security at both the poll and during the transportation of the box.

Based on a total quantity of 24,000 boxes, the costs related to use of plastic seals in combination with sticker type seals would be as follows:

Plastic Seals

If the traditional metal ballot box is used, then different plastic seals can be purchased. Nevertheless, two different sizes will be needed, a larger seal for the box and a smaller seal for the aperture. These are supplied in packages of 100.

4 large seals per box:

24,000 boxes x 4 = 96,000 seals	Kshs	576,000
960 packages @ Kshs 600/pkg	US\$	18,000

2 small seals per box:

24,000 boxes x 2 = 48,000 seals	Kshs	158,400
480 packages @ Kshs 330/pkg	US\$	4,950

Sub Total	Kshs	734,400
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US\$ 22,950

Paper Seals

4 seals per box:

24,000 boxes x 4 = 96,000 seals
96,000 seals @ Kshs 4.8/seal

Kshs 460,800
US\$ 14,400

Total Cost of using
both types of seals

Kshs 1,195,200
US\$ 37,350

The team analyzed the comparative costs of the combination of these types of seals opposed to the sealing methods proposed by the Commission in their preliminary proposal. Based on the reduction of the number of ballot boxes to 24,000, the originally projected costs for the sealing of the boxes proposed by the Commission would be broken down as follows:

Padlocks	24,000 @ Kshs 50	Kshs 1,200,000 US\$ 37,500
Sealing Wax	5,280 @ Kshs 250	Kshs 1,320,000 US\$ 41,250
White Tape	2,640 @ Kshs 90	Kshs 237,600 US\$ 7,425
Key Labels	24,000 @ Kshs 10	Kshs 240,000 US\$ 7,500
Total Cost		Kshs 2,997,600 US\$ 93,675

Clearly, the alternative sealing mechanisms recommended by the team offer greater cost effectiveness even when both types of seals are used in combination.

A Move Away from Traditional Metal Boxes

The team believes that the optimum alternative would be to move away from the traditional metal box to a new form of ballot box now available which is constructed in heavyweight plastic. These

boxes have an advantage that they are lighter and stack together. These would be produced outside of Kenya and the fact that they stack will reduce the transportation costs. The fact that they are plastic will ensure they are durable and that they will not require any special care to enable them to be used again in the future. These plastic boxes are secured by way of a plastic plug which, once inserted into the locking mechanism, needs to be cut to allow the box to be opened. This plug, like the plastic seal, cannot be reused. The plugs can be purchased in large quantities separate from the box. The team notes that the current cost of one of these boxes is equivalent (or less, depending on the quantity purchased) to the cost quoted by the Electoral Commission for producing a metal box in Kenya.

Recommendations

1. The number of ballot boxes used for the election should be calculated on a basis of one box for each 1,000 registered voters. Based on the master accountability report, larger precincts would be assigned more boxes than smaller precincts serving fewer voters. Each box should be identified by site ID and number so that there is an accountability maintained on each box, and its destination.
2. Consideration should be given to utilizing larger boxes made of heavy duty plastic. The plastic boxes would allow for easy transport and storage, and would be durable enough to be used for future elections. The costs anticipated for these newly styled boxes are not expected to be greater than costs anticipated by the Electoral Commission for construction of metal boxes similar to those used in past elections.

Budget Estimate

8,000 boxes x 3 elections (if held simultaneously) x \$35/box	Kshs 26,880,000 US\$ 840,000
If supplied from outside Kenya 20% Freight	Kshs 5,376,000 US\$ 168,000
Total Cost	<hr/> Kshs 32,256,000 US\$ 1,008,000

3. The team recommends that the plug seals be used with the plastic boxes, and that as an added security measure, the sticker type seals described above be used as well. The sealing

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plugs come in packages of 500 and it is recommended that they be purchased in quantities of 4 plugs per box.

Budget Estimates

24,000 boxes x 4 = 96,000 plugs	Kshs	249,600
192 pkgs @ Kshs 1,300/pkg	US\$	7,800
Self-adhesive sticker seals	Kshs	460,800
4 Seals/Box x 24,000 boxes	US\$	14,400
20% Freight	Kshs	142,080
	US\$	4,440
Total Cost	Kshs	852,480
	US\$	26,640

VI. DISTRIBUTION OF MATERIALS AND SECURITY

Processes for the receipt, allocation and distribution plan of all commodities including ballot papers will be drawn up by the Electoral Commission's Administrative Support. The team understands that the staff that will form this support group will be basically comprised of local government officers seconded for the purposes of the election and of a permanent staff which has yet to be appointed. Costing of the payments to the administrative team was not included in the Commission's preliminary budget and therefore an amount was added during the work sessions.

The Electoral Commission and the IFES team discussed the method of securing the ballot papers upon their return to Kenya. A considerable amount of discussion focussed on the issue of safekeeping and auditing of the ballot papers. It is critical that a system be developed to ensure the safety of the papers at all times and to satisfy the electorate and all other interested parties that the system is secure.

The assumption was that ballots would be transported by air to Nairobi Airport and from there, under armed guard, to a central secured storage area. There was no provision within the budget for security and, therefore, an amount will need to be entered to cover this extra expenditure. It is anticipated that the papers will be delivered to Nairobi one week before the elections. There will be a need to post armed guards at the central location for the duration of the storage period. The length of time that the ballot papers will stay at this location will depend upon the date fixed for the next stage of the transportation into the constituencies. Upon arrival at the storage center, the ballot papers will be checked to certify that all are there. During the time the papers are in storage, the collating of the stationery and ballot papers required for each constituency will take place. The numbers of ballots and boxes to be allocated to each site will have already been confirmed.

The distribution to the constituencies was discussed at great length. The Commission's first thought was that central headquarters would be responsible for distribution of ballots and other election materials out to the Returning Officers. Through the course of discussion of transport and security considerations, it was decided that the Returning Officer for each constituency would be responsible for collecting the ballot papers and the boxes from this central location and transporting them to the storage facility within the constituency. Upon arrival at Nairobi the Returning Officer would check the ballot papers and ballot boxes allocated to the constituency under his supervision to ensure that everything is in order. The Returning Officer would sign an accountability document acknowledging the receipt of materials. Transportation of materials to the constituency, escorted by armed guards, was also considered to be very important aspect of the process. Armed guards

would also be used to secure the ballot papers within each individual constituency.

At the constituency storage location the Returning Officer would be responsible for the packing of the pre-labelled packages of ballots and relevant stationery and supplies for each voting station in his jurisdiction. The team recommends that the ballot boxes themselves be used as the packing containers. By this time the ballot boxes should also have been labelled with the identification of polling stations to which they are assigned. If this procedure is carried out carefully it will be possible to complete an audit trail of any particular numbered ballot paper or ballot box directly to the polling station to which it has been allocated from the master computerized listing of the allocations.

When this part of the packing process has been completed, the contents of the boxes should be re-verified by the Returning Officer to ensure that the packing has been done accurately, and that the ballots enclosed match the quantity and sequence range identified on the list for each station.

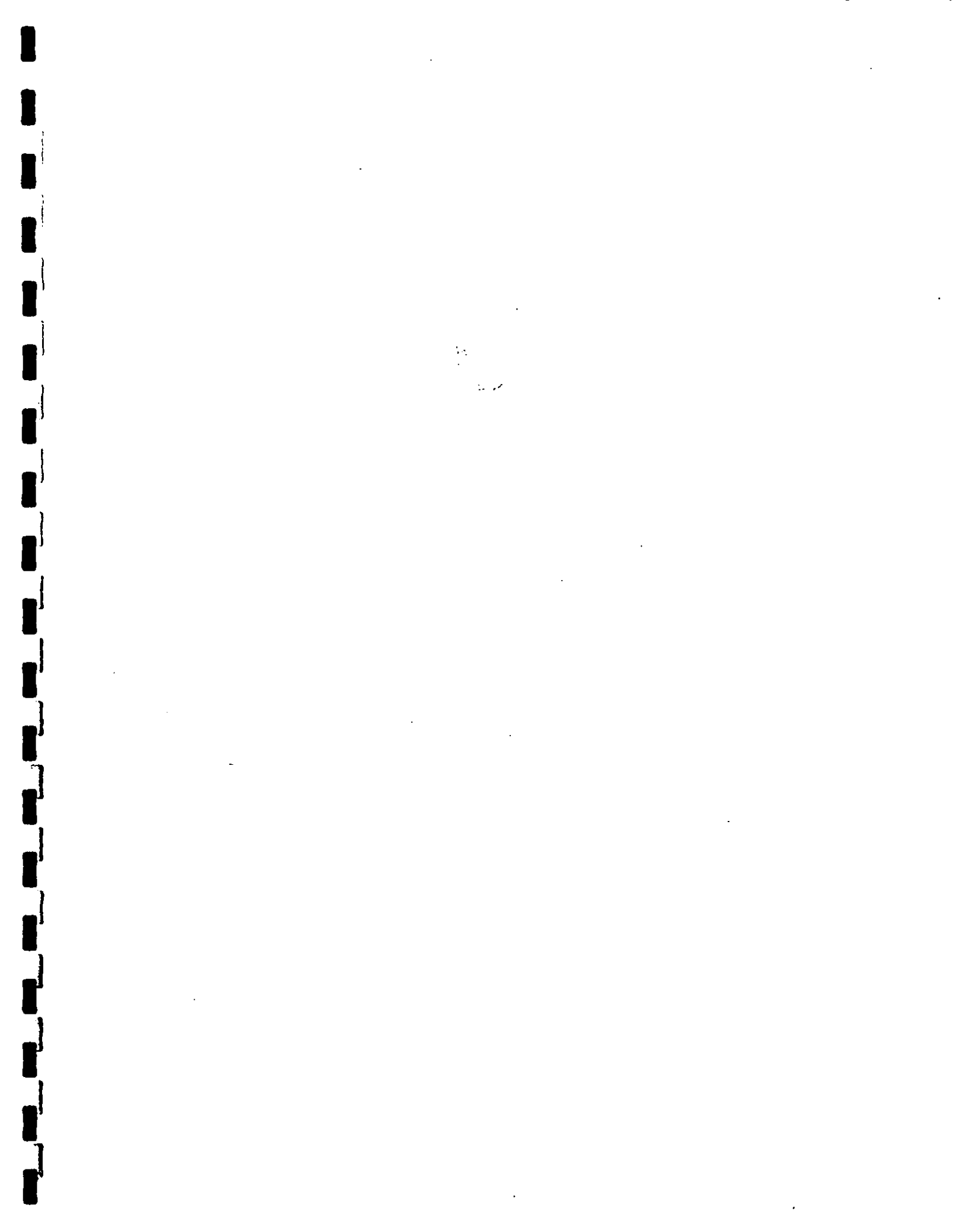
The next stage would be for the Presiding Officer to collect the box (or boxes) allocated to the particular polling station for which they are responsible. The Commission indicated that this stage would take place the day before the poll and that the Presiding Officer will be responsible for the security of the packed boxes until the poll begins. There are two alternative possibilities for managing the transfer of boxes to the Presiding Officer.

1. The boxes which have been packed and verified under the supervision of the Returning Officer have been already been sealed. The Presiding Officer takes away the sealed ballot boxes containing his station's ballots and materials, and signs a receipt document to the effect that the box was already sealed.
2. Upon arrival at the constituency distribution center, the Presiding Officer verifies the contents of the packed boxes being assigned to him against a prepared checklist. The Presiding Officer signs an acknowledgement that the contents are correct, and then seals the boxes prior to taking them away.

If the first option is used it will reduce the number of persons handling the papers before the poll. However, it also puts a great deal of emphasis on the Returning Officer to carry out the allocation

correctly. It also assumes that the Returning Officer will behave properly in carrying out that allocation and not deliberately omit any of the ballot papers. The second option would put the emphasis on the Presiding Officer to check that what should be in the box is there and for the verification of the same.

The IFES team was unable to establish the method that the Presiding Officer would adopt for securing the ballot box overnight. From the preliminary information provided by the Commission, it did not appear that any security guards were being assigned to the Presiding Officer and it was assumed that the Presiding Officer was solely responsible for the ballot boxes in his possession at this stage. The team considers this an obvious flaw in this part of the security system; it is a vulnerable part of the process to which there does not appear to be a workable solution other than to employ an armed guard to accompany the Presiding Officers with the box and to stay with them overnight. This has not been provided for in the budget and would obviously increase the costs of the security yet again. However, it could be assumed that the audit trail which will have been adopted thus far will ensure the safe carriage of the correct numbers of ballot papers to the appropriate final location for the purposes of the polls.



VII. ELECTION WORKER TRAINING

Fundamental Principles

One of the major components the team believes deserves special consideration relates to adequate training for election workers who will be servicing the needs of voters as they cast their ballots on election day. During the course of the team's work with the Commission, it became evident that the proposed budget plan did not include any funding for staffing, travel, or printed materials related to ensuring that Returning and Presiding Officers, poll clerks or counting teams were adequately trained in carrying out their responsibilities accurately and uniformly. In view of the high political tensions which already exist in Kenya, it will be particularly important that election officials maintain the highest standards if they are to nurture the public's confidence in the process. If the standards are to be fulfilled, it will be important that voters encounter efficient and knowledgeable election officials at the polls, and that their handling of the procedures is above reproach. Training will play a critical role in seeing that the procedures as they are envisioned by lawmakers and the Commission are uniformly and consistently applied.

During its discussions with officials, outside observers and private citizens, it became apparent to the team that allegations of improprieties in the 1988 elections are still harbored in people's minds. Mistrust still hangs on. The team was not in a position to judge the degree to which the allegations had basis in fact; however, a few circumstances were brought to the team's attention which can be avoided if election workers are trained properly.

First and foremost, the Election Commission will have to design their training programs to make not only the procedural requirements clear, but also fundamental philosophic objectives clear. Based on how they are interpreted, the same existing election laws can be applied differently depending on the policy promoted by the leadership and upon the intent of the Parliament. To a certain extent, for example, the manner in which certain laws regarding the requirement that a voter bring his or her ID to the polls is actually applied will depend on whether election officials fundamentally perceive legal provisions as laws designed to restrict who may vote, or as avenues which provide for the widest voter participation possible. If the more positive approach is indeed the underlying philosophy espoused by government, that message will have to be underscored in all election worker training.

Although it may not have been intentional, in 1988 workers may have been led to understand the legal framework in terms of their restrictions and limitations of voters' rights rather than a statement

of their guaranteed franchise. Many of the allegations related to circumstances where voters were turned away from the polls for seemingly inconsequential reasons. One former polling clerk with whom the team spoke explained, for example, that unless the voter number and name of the voter appearing on the voter's ID card matched the number and name printed on the register exactly, the person had to be turned away. In view of the tedious manual effort applied in preparing the registers, it is easy to see that typographical or clerical errors could cause a significant number of voters to be disenfranchised if this policy is adhered to. However, this worker's understanding of the rules does not reflect an accurate grasp of the law as the team came to understand it. The law appears to provide guidance to the contrary in that it states that "no misnomer or inaccurate description of any person or place in any order, notice or other instrument....shall prejudice the validity of the order, notice or instrument as respects that person or place if the person or place is so designated as to be commonly understood." Proper training of the election worker with whom the team spoke would have meant that more voters might have been allowed to vote.

The new administrative regulations which were to be submitted for parliamentary approval the week following the team's departure provide an even more liberal policy. Not only does it provide a procedure for dealing with voters who do not have an ID card with them, it also provides a mechanism by which a voter whose name does not appear on the registration list may still be issued a ballot. The proposed regulation provides that if the voter can provide proof acceptable to the Presiding Officer that they did indeed apply for registration, they may be allowed to vote even if their name was omitted from the register. Notation of the circumstance is then to be recorded on polling site documents to provide for accountability of the ballot issued. It will be important for election workers to thoroughly understand the laws as they are designed to favor voters' right to vote to avoid circumstances that caused people to be disenfranchised in previous elections. The extent to which responsible officials can engender positive principles underlying applied procedures through their training will, to a great degree, dictate how voters perceive the process as free and fair.

Procedural Training

A comprehensive training program will require extensive logistic planning. This critically important component is one which had originally been overlooked completely in budget proposals.

In all, the conduct of these elections will require recruitment, training and monitoring as many as 36,000 workers to accommodate polling and counting activity, according to estimates the IFES team believes will provide an adequate staffing base. (Preliminary estimates put forth by Commission members set the estimate at over 42,000.) With 188 constituencies to cover, logistics and planning for training of election workers will be a massive undertaking. It is the team's understanding that preliminary plans will call for heavy reliance on Returning Officers for each constituency to see that poll workers and counters in their charge are recruited and properly trained. In that event, based on a cursory review of the summary of district and local authority statistics, a single Returning Officer might be responsible for 50 or more polling sites each with a Presiding Officer and at least five to six poll workers. In addition, preliminary plans call for at least ten counters to be assigned to each constituency.

To cover training for this many individuals, planning will most likely have to be built on a pyramiding ladder scheme which will allow officials to bring together a reasonable number of Returning Officers from contiguous constituencies to be trained at the same time. Ideally, no more than 20 Returning Officers should be trained at the same time, although an effective trainer might be able to handle more than that at one training session. Apparently, once the Returning Officers are trained, they will in turn bring together their Presiding Officers for training. Each Presiding Officer will be responsible for training the workers at his or her polling site.

Depending on the effectiveness of the formalized training program, this kind of plan can work. The pitfall lies in the fact that the instructions from headquarters, passed down through Returning Officers, then down again through Presiding Officers and finally to election clerks, may suffer in translation. The result could be that laws and regulations may be interpreted and applied inconsistently from one region to another. To ensure a greater degree of uniformity and congruity throughout the country, it might be advisable to put together a corp of official trainers who provide the primary training to all the Returning Officers, and who would continue to directly oversee and coordinate subsequent training through the Returning Officers down to the Presiding Officer level. If this approach were utilized, a comprehensive calendar would have to be created to ensure that all areas of the country received the training required on a reliable schedule.

To maximize the effectiveness of formalized training, several considerations should be taken into account:

1. Training sessions should be formalized so that trainees across the country receive the same instructions in a consistent manner.
2. Class size should be manageable so that trainers can ensure that all trainees in attendance understand the procedures and that their comprehension can be measured. Smaller class sizes will also allow for demonstration as well as question and answer periods.
3. Training should include visual displays and printed training materials that workers can take with them for additional study and subsequent review. In addition to narrative instructions, printed training materials should include actual samples of ballots and registers, as well as samples of the various forms which will be used by workers throughout the day. The samples should include graphic illustrations of how they are to be used.
4. Training materials should provide explanation of various laws which protect a voters' rights, as well as a description of how errors by election workers will cause a voter's ballot not to be counted.

The Electoral Commission expressed interest in exploring possibilities in this area and appeared willing to entertain recommendations regarding possible technical assistance from outside sources. Training consultants could be utilized effectively to assist the Commission in this endeavor, not only to help coordinate an official training program, but also to help train trainers.

Recommendations

1. The team recommends that a team of three training consultants could be utilized to work for a period of four weeks prior to the election. This component will also include costs of sufficient training materials to ensure that election workers are thoroughly trained.

Because of their firsthand knowledge of the procedures to be followed on election day and during the count, the training consultants could also be utilized by the Election Commission to

coordinate planning and logistics for international and domestic observers. In this capacity, these consultants could also assist the Election Commission in preparing an orientation program for observers which would outline the rights and duties of neutral observers. This work could be accomplished within an additional two weeks. A full discussion of the role of observers is covered more fully in the appropriate section of this report.

Training Consultants/International Observer Coordinators

Salaries	3 consultants x 36 days	Kshs 725,760 US\$ 22,680
Per Diem	3 consultants x 42 days	Kshs 223,968 US\$ 6,999
Airfare	3 consultants	Kshs 714,176 US\$ 22,318
In Country Travel	3 consultants x 42 days	Kshs 239,872 US\$ 7,496
Overhead	35%	Kshs 666,321 US\$ 20,822
Total Cost		Kshs 2,570,097 US\$ 80,316

2. Training materials should be designed and published to augment formalized training. These materials could also serve as references at the polling site on election day to refresh worker understanding of the procedures to be followed.

Training Materials

Handbooks for Returning Officers 200 x Kshs 96 each	Kshs 19,200 US\$ 600
Handbooks for Presiding Officers 6000 x Kshs 64 each	Kshs 38,400 US\$ 1,200
Instructions for Polling Clerks 30,000 x Kshs 32 each	Kshs 960,000 US\$ 30,000

IFES Pre-election Assessment
and Budget Analysis: KENYA

Instruction Flyers for Counting Clerks 42,000 x Kshs 12.8 each	Kshs 537,600 US\$ 16,800
Freight if printed outside Kenya @ 20%	Kshs 544,320 US\$ 17,010
Total Cost	<hr/> Kshs 2,099,520 US\$ 65,610

VIII. PROCEDURES AT THE POLLS

The process prior to the election taking place is a massive logistical exercise which requires extensive planning and co-ordination to eventually arrive at the ballot box being delivered to the polling station on the day of election. That planning also needs to consider details on how the poll should operate and what measures need to be adopted to ensure that the poll is conducted fairly. To this end the team reviewed the current process at the poll in detail to gain an understanding of what occurs at the polling station.

The Role and Duties Of the Poll Workers

The poll workers are responsible for the conduct of the election at a particular designated polling station. They carry out the standard administrative duties at the voting station that relate to the identification of the elector, maintenance of the voter register, issue of the ballot papers and the marking of the voters' fingers with indelible ink.

Presiding Officers are the lead workers and have a duty to oversee the work of the Poll Clerks during the day. The persons appointed to fill this critical role should be trained to such a level that they can supervise and direct all staff for whom they are responsible, notwithstanding the fact that all staff will have to receive training prior to election day.

As discussed earlier in this report the Presiding Officer is responsible for the collection of the ballot box complete with ballot papers from the Returning Officer prior to the poll. Once the polls open the Presiding Officer is responsible for maintaining order at the polls and for ensuring that the processing of voters is conducted in the most efficient manner possible. This Officer is required to regulate the number of electors to be admitted to the polling station at any one time. It is the Presiding Officer who is accountable to the Returning Officer for the delivery of the necessary documents and the contents of the ballot box to the counting center at the conclusion of the poll.

A limited number of crucial administrative tasks also figure among the duties of a Presiding Officer. The Presiding Officer is responsible for the setting-up of the administration of the polling stations prior to the opening of the polls. The current guidelines dictate that at the opening of the polls the Presiding Officer displays the ballots boxes to show that they are empty to any voters or authorized observers who are present at the station. The box is then sealed in their presence. The Presiding Officer is also responsible to maintain a record of any unusual circumstances that occur at the polling station throughout the day, including noting complaints registered by voters or candidates

and their agents. The Presiding Officer must also maintain administrative accountability for the ballots received, issued, voted, spoiled or left remaining at the end of the day.

Processing of Voters

At present the procedure adopted for the issue of the ballot papers is one for which the Commission has indicated a total of ten Poll Clerks are required to be employed at each polling station. To describe the duties of the clerks it is necessary to outline the voting procedure as follows:

1. The voter enters polling station and approaches Poll Clerk No.1.
2. Poll Clerk No.1 checks that the voter has a National Identity Card and a Registration Card. The clerk then checks the details on the Registration Card against the Register of Electors for that polling station. If everything is in order, the voter's name is marked off in the register and the name and register number of the elector is called out.
3. The voter then proceeds to Poll Clerk No.2 who is responsible for the issue of the first ballot paper. The clerk records the number of the voter on the counterfoil and issues the ballot paper to the voter after having stamped the official mark on the ballot's face. The voter then proceeds to the voting compartment, makes their mark on the paper, returns to the clerk and deposits the ballot paper in the corresponding ballot box specified to receive the ballot just voted.
4. The voter then has the Registration Card stamped 'GK VOTED' by Poll Clerk No.3.
5. The voter then moves toward Poll Clerk No.4 who issues a ballot for the second election in the same manner as the first and the process of voting is repeated.
6. The voter then moves to Poll Clerk No.5 who issues the ballot paper for the third election and the voting process is repeated once more.
7. The voter then moves to Poll Clerk No.6 who witnesses the voter's placement of his

or her forefinger in the indelible ink used as a security measure to prevent the voter from trying to vote again.

This process only indicates the use of six Poll Clerks and it was not clear to the IFES team how an additional four clerks designated for each station in the budget plan would be utilized in view of this procedure.

This process is very labor intensive and while in theory it appears to be a very smooth process, the team believes that in practice it would be very slow indeed and lead to a backlog of people waiting to vote. The repetition of steps is unnecessary and it might, therefore, be worth considering the reduction in the number of clerks which would be possible if their tasks were realigned.

The team believes that a more efficient procedure could be accommodated by a staff of only five Poll Clerks. Their duties could be performed as follows:

1. Poll Clerk No.1 would verify the National ID Card and Voter Card of the voter and check the voter's name in the register.
2. Poll Clerk No.2 could ensure that the voter's finger is marked with the indelible ink in a manner which will be discussed later in this section.
3. Poll Clerk No.3 would be assigned to issue the ballot papers simultaneously for all three elections together, making a note of the elector's number on each counterfoil and ensuring that each ballot paper is stamped with the official mark. (This would be easy to accomplish if the ballots are padded in the manner suggested in the discussion of the ballots earlier in this report.)
4. The voter would deposit the voted ballots into the ballot boxes witnessed by Poll Clerk No.4 who would then stamp the elector's registration card certifying that he or she has voted, and the voter would leave the polling station.

The fifth Poll Clerk could carry out any other administrative duties as may be assigned by the Presiding Officer and could also be available to relieve any of the other Poll Clerks as required

through the course of the day.

As a side note, the team recommends that the procedure whereby the Poll Clerk simply ticks off, checks or draws through the voter's name in the register is replaced by a requirement that the voter actually signs or makes his or her mark in the register next to his or her name. This is just an additional safeguard to prevent errors and to put more obligation on the voters to dissuade them from attempting to vote more than once. In addition, it is easy for a clerk who is tired or under the pressures of a very busy station to make simple mistakes by placing a tick mark next to an incorrect name, or ticking off more than one name, or forgetting to make a mark at all. These kinds of errors could make it difficult for a legitimate voter to vote if upon arrival they find their name has already been ticked off. A voter who is required to sign or place his or her mark next to a name would be more likely to make sure the entry is on the correct line.

As a method of increasing the safeguards against voters attempting to vote more than once, the team recommends that the method of marking the finger with indelible ink be altered slightly. The regulations at present require voters to insert their forefinger into indelible ink to stain it to ensure that they do not vote again, but they do not specify which hand should be used. Also, if the voter inserts a finger into the ink, the whole tip of the finger will then be moistened and there will be a temptation to wipe the finger dry. This results in removing some of the ink before it has had time to dry and negating this security measure. It is also important to note that it is the cuticle which will retain the indelible ink more securely. It is recommended that the Poll Clerk who was originally employed to witness this act should instead be responsible for marking the forefinger and nail of a specified hand with the ink using a cloth or some cotton wool. This way officials can ensure that the ink is rubbed into the cuticle sufficiently to stain it and there will be no excess to wipe away.

The current voting process has been described as well as the revised process recommended by the Team. The modifications would not only serve to ensure that the poll is conducted in a more efficient manner but would also reduce the number of personnel required and thus the overall budget costs for Poll Clerks. Under the scenario proposed by the Commission, the number of clerks required to cover 6,000 polling sites would be 60,000 workers at a cost of Kshs 31,500,000 (US \$984,375). Under the team's suggestion reducing the number of clerks by 50%, the costs would also be reduced accordingly.

Not only is the cost reduction a significant consideration, there is the security implication related to the control of the actions of each individual Poll Clerk and the level of supervision required from the Presiding Officer in dealing with an excessive number of clerks and duplicate tasks. It is the IFES team's opinion that the whole process at the polls can be managed in a more efficient and controlled manner by reducing the number of staff that the Presiding Officer is required to supervise and simplifying the number of steps required to process each voter. Streamlining the process would also leave the Presiding Officer more time to have a clearer overview of the activities of the candidates and their appointed polling agents present at the polls.

Close of the Polls

At the close of poll, formalized procedures require the Presiding Officer to complete a "statement" which serves as a ballot paper account, in some democracies called a "protocol". Under the current procedure the statement completed by the Presiding Officer includes:

1. the number of ballot papers received prior to the poll;
2. the number of ballot papers issued other than spoilt ballot papers;
3. the number of spoilt ballot papers and the number of ballot papers remaining unused.

Upon completion of the statement, the Presiding Officer, in the presence of those candidates or their agents as are present shall make up separate packages for each of the following:

1. the spoilt papers, if any;
2. the marked copy of the register;
3. the counterfoils of the used ballot papers; and
4. the statement that has been prepared.

The team notes that the proposal at present is to use envelopes for the purpose which will be sealed with glue. The IFES team recommends that this proposal be adopted and that the envelopes to be used are pre-printed to identify the contents which will be enclosed, and providing a place on which the Presiding Officer can write the Polling Station ID number. For expedience and efficiency, it is also recommended that the envelopes be of a type that do not require glue to be applied to seal

them, but rather that they have self sticking flaps.

As soon as is practicable after completing these tasks the Presiding Officer is then required to deliver the ballot boxes and the sealed packages to the Returning Officer at the counting center. By law, the candidates and their agents can accompany the boxes if they so wish. The delivery of the ballot boxes to the Returning Officer marks the termination of the responsibility of the Presiding Officer.

Ballot Accountability Statement (Protocol)

There are a number of recommended changes to the procedure currently adopted at the polls. The recommended changes with regard to the process of voting have been covered as have the implications of those changes. The security of the ballot and the control system used at the polling station now needs to be considered.

It is not presently required that the Presiding Officer complete any statements with regard to the contents of the box upon opening it prior to the beginning of voting on election day. The Officer is required to show the empty ballot box to those persons present and seal it. Depending on the type of seal that is used the persons who are present for the sealing of the box could either sign the seal, if the paper seal is used, or verify on some form of document that they witnessed the sealing of the box in some other manner.

The team believes that the Ballot Accountability Statement or Protocol should also include a statement with regard to the number of ballots issued to the polling station, and the sequence numbers of those ballots. It is recommended that before voting begins and at the point the empty box is displayed and sealed, the Presiding Officer should complete part of a prepared statement on the Ballot Accountability Statement to record the numbers of the ballot papers issued to him before any papers are issued to voters. These figures could then be verified by the agents that are present. As the ballot papers are to be produced in three different colors, the accountability form relating to each election could be printed in the color corresponding with that of the ballot paper.

These forms could then be put to one side until the polls close. The Presiding Officer could then add the other information required at the close of the polls to the Ballot Accountability Statement

and this could then be verified by the candidates and agents in attendance at this time.

Another important piece of information which is not currently required as part of the completion of the Ballot Accountability Statement or Protocol is an accounting for the number of voters whose names are actually checked off in the register. Nowhere is there a requirement that the Presiding Officer compare the number of ballots issued and voted against the number of names marked in the register. Without this accounting being verified at any point in the process, there is no check to ensure that the number of ballots in the box does not exceed the number of people showing up to vote. Consideration should be given to including a space on the Ballot Accountability Statement where the Presiding Officer acknowledges that he and his staff have counted the marked names in the register. The total entered should match the number of ballots issued and voted reported on the Accountability Statement.

Duplicate Copies of the Accountability Statement

It would also be possible to produce the Ballot Accountability Statements in triplicate so that one copy could go in a sealed package to the Returning Officer, a copy could actually be inserted into the box through the aperture prior to its being sealed, and a copy could be retained by the Presiding Officer. Arrangements could also be made to provide or make the information available any accredited observers present at the time. It would be possible to have a space on the Accountability Statement for the signatures or the mark of those witnesses who were present at this time. By their signature, the witnesses acknowledge the accuracy of the information provided. This act makes it difficult for critics or disgruntled candidates or agents to make frivolous or unfounded allegations at a later time.

If a number of copies are produced and verified at the close of poll then should the box be tampered with in transit, it would be possible to identify and verify the discrepancy at the counting center.

Transport of Voted Ballots

The transportation of the ballot boxes containing the voted ballots has caused problems in the past. The candidates and their agents are allowed to accompany the boxes to the counting center. With such an excessive number of boxes being used at past elections this has proved difficult and indeed

there where allegations of boxes being switched in transit because of the lack of overview by these individuals.

Even if the recommendation to use fewer ballot boxes is accepted the problem of transportation will remain. It was not clear to the IFES team what transportation would be available to the Presiding Officers and unless a large vehicle is used, it would be impossible for all candidates and agents to accompany the boxes in the same vehicle. However, if only one box per 1,000 voters were used, there should be no more than three to six boxes at most stations, and only about nine at the largest polling stations. In these quantities it would be easier to use standard size vehicles and to monitor their journey to the counting center. The accompaniment of the box by accredited observers is dependant on the type of vehicle to be used for transportation. Every effort should be made that no less than two agents representing different opposing candidates or parties be allowed to ride with the Presiding Officer in the vehicle being used, even if space is limited. A fair way of selecting the representatives who ride in the same vehicle with the boxes might be by drawing their names by lot with the drawing held in their presence at the close of the polls. Other candidates or agents wishing to accompany the ballots may be required to follow in another vehicle, unless officials are able to provide vans or trucks capable of carrying more people.

Additional Commodities

The comprehensive budget proposal includes a detailed basic listing of commodities which will be needed at the polling places on election day. However, in reviewing information about the various regions of the country, the team became aware that approximately 2100 polling sites are located in areas where there is no electricity. While the law calls for a closing of the polls at 6:00 p.m., polling hours are extended until the last person wishing to vote has been served. That means that voting could continue well after dark. In addition, a number of voting stations will be out-of-doors. Except for candles, no accommodation was presented in the budget to provide for adequate lighting in these areas. Later in this report the team presents arguments for both centralized ballot counting procedures, and for completing the count at the individual polling sites. Should poll site counting be utilized, the issue of adequate lighting will be even more critical.

Recommendations

1. The number of poll workers hired at each polling site in addition to the Presiding Officer should be reduced from ten to five, and the tasks assigned to each one should be streamlined to eliminate repetition and redundancy. These measures would improve efficiency and result in a reduction of poll worker salaries by 50%.
2. The Ballot Accountability Statement completed by the Presiding Officer should be amended to include an accounting of the number of ballots received at the polling station and their sequence numbers reflecting the contents of the ballot box prior to the opening of the polls. In addition, the Presiding Officer should be required to count the number of marks in the voter register and enter the total number of voters checked in the register on the Accountability Statement.

The Ballot Accountability Statements should be produced in triplicate so that a copy is sent to the Returning Officer, a copy is deposited into the box for verification by the Counting team at the counting center, and a copy is retained by the Presiding Officer for any future audit or investigation which may be necessary. Consideration should be given to having the candidates or their agents sign the Statement acknowledging their witnessing of the procedure and the accuracy of the statement.

A number of new procedures have been recommended which necessitate the pre-printing of documentation for completion by personnel at various stages of the process. As seen from the estimate of the costs and requirements that follow, it is a negligible increase to the budget.

Ballot Accountability Statements	
3 per polling place x 6000 stations	Kshs 23,040
3-part self carbon forms	US \$ 720
18,000 @ Kshs 1280 per 1000	

3. It has further been recommended by the IFES team that the envelopes used for packaging materials at the close of poll be pre-printed to identify the type of election, the polling

station ID and the documentation enclosed. The costs again are not high and can be compared with the costs for blank envelopes already included. The costs estimates provided are based on costs of similar materials used in Great Britain.

Envelopes: 4 types x 3 elections = 12 envelopes

12 x 6000 polling stations		
72,000 @ Kshs 450 per 1000	Kshs	32,400
	US\$	1,013

The cost for envelopes and glue to seal those envelopes as presented in preliminary budget was Kshs 1,110,000 (US \$ 34,600) This cost was arrived at by allocating packets of envelopes to each polling place and it is totally unnecessary to have more envelopes than actually required.

4. Voters should be required to sign or mark their own names in the register, rather than the poll worker ticking off the names, in the interest of providing additional safeguards and ensuring greater accuracy in the maintaining of the register.

5. Rather than dipping his or her own finger in the indelible ink, the poll worker should apply the ink to ensure that the voter's cuticle is covered and that the ink is not wiped away before it is thoroughly dry.

6. Gas lamps should be provided to serve polling sites where no electricity is available. The team understands that approximately 2,100 polling stations may fall in those areas. (Should poll station counting be adopted, the estimates for acquisition and distribution of these lamps would be tripled.)

Double mantel white gas lamps	Kshs	1,344,000
2100 stations @ Kshs 640 each	US\$	42,000
White gas x 4500 liters @ Kshs 24	Kshs	108,000
	US\$	3,375
20% freight	Kshs	290,040
	US\$	9,075
Total Cost	Kshs	1,742,040
	US\$	54,438

If Poll Counting Adopted x 3

US\$ 163,316

7. As many candidates or their agents as possible should be allowed to ride with the Presiding Officer in the same vehicle during the transport of ballots to the counting center after the closing of the polls. Even if the vehicle available for this purpose is small, there should be at least two agents representing opposing candidates who are allowed ride in the same vehicle as the ballots with the Presiding Officer. In the interest of developing a fair policy with regard to the selection of which agents are chosen of all those present, it might be possible to draw names by lot under the scrutiny of all observers present at the close of the poll.



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IX. THE COUNT

Centralized vs. Precinct Counting

During several meetings attended by the Team, a major fear was expressed about the accuracy of election results in view of the extensive opportunities for rigging and manipulation which many believe are afforded by various aspects of the process itself. Specifically, concerned commentators pointed to the excessive number of ballot boxes and ballots being available for misuse before, during and after polling hours, inadequate security and oversight during the transport of ballot boxes to counting centers after the polls close, and insufficiencies in the audit trail for the accountability of the ballot papers themselves.

Other conditions incumbent in the system can further exacerbate the general feeling of misgiving that seems to cloud the confidence of the general public as well as the social and political activists who will be scrutinizing and challenging the actions and policies of the Electoral Commission in the months to come. Several of those conditions are centered themselves around the fact that counting is accomplished at central locations which are sometimes quite distant from polling sites where the voting took place. Removal and transport of boxes containing voted ballots to the counting center makes election officials vulnerable to criticism for several reasons.

1. The time it takes to transport the boxes causes a major delay in the beginning and the completion of the count after the close of the polls. Inordinate delay in the announcement of returns can promote anxiety and mistrust not only among the candidates but also for the general public.
2. The ballot boxes and voted ballots are particularly vulnerable to vandalism, loss, damage or manipulation during the transport process. Even though the law allows for candidates or their agents to accompany the materials during the transport, often vehicles are not available for the interested parties to travel together with the boxes in everyone's personal view. Rather, if the transport vehicle is small, the best alternative option is for escorts to travel in convoys. But clearly this option does not provide the same level of assurances to opposing candidates who expect that their right under the law to personally accompany the ballots will not be abridged. At any time the ballot box is out of sight, allegations can be made that rigging or manipulation has taken place.

The team was led to understand that in the past the count has taken place at District counting centers. In some areas of the country, this would require officials from a voting site to drive for hours to deliver their ballots to the counting center. Sometimes the boxes could not be delivered until the next day.

During work sessions with the Commission, the team was advised that for the upcoming elections a decision has been made to organize counting centers at the Division level rather than at the District headquarters. This will result in an increase in the number of counting centers, and lessen the amount of time it takes for Presiding Officers to deliver their ballots. It should also help shorten the time it takes to complete the count nationwide. However, another option deserves consideration. In view of erosion of the public and candidate trust engendered by difficulties with the centralized counting system, it might be advisable for the Commission to consider counting all ballots at the polling sites prior to the ballots being transported. Many of the grounds on which the mistrust is based would be alleviated.

1. Ballot boxes would be opened immediately upon completion of the ballot accountability form following the closing of the poll, in full view of the observers, candidates or their agents who have observed the processing of voting throughout the day. The ballot boxes would not have left their sight so allegations about manipulation would be curtailed.
2. The counting of ballots nationwide would be accomplished within a few hours of the closing of the polls, avoiding the delay caused by transport before counting can begin under the centralized counting method.
3. In full view of the observers, candidates and agents who have viewed the voting process throughout the day, the actual vote totals garnered by each candidate could be verified. Each agent could be afforded the opportunity to sign the copy of the summary of results. The Presiding Officer and each agent could also maintain his or her own record of the results for future reference. Such an acknowledgement of the returns by the agents and official observers would make it difficult for candidates, parties or other critics to allege manipulation later on. A copy of the documents retained by the Presiding Officer could also be used as an instrument of

verification if suggestions of misrepresentation of the vote totals arise during the reporting of returns.

4. With all counting completed before the ballot boxes and accountability documents leave the polls, opportunities for switching of ballot boxes, stuffing pre-marked ballots into the box during transport or other forms of manipulation or hijacking are virtually eliminated.
5. With counting being completed by the poll workers under the supervision of the Presiding Officer, the need for an additional layer of election workers at the counting centers is greatly reduced, resulting in a significant cost saving. Cost savings would also be possible because counting at each site would eliminate the likelihood of counting taking several extra days as the Commission anticipates under the centralized system. Payroll for the expected extra days was built into the working budget proposed by the Commission. Even if the Commission felt it necessary to hire extra workers to assist in the count at large precincts where there are more voters, there should be a significant reduction in overall counting expenses. All counting should be able to be completed in the late night or early morning hours immediately after the close of the polls.

At District headquarters, the Returning Officers would be responsible for the verification of the receipts of ballot boxes and reports of returns from each site within each constituency. The Returning Officer could also conduct appropriate verification exercises to ensure that the vote totals reported by each site are reasonable and coincide with the number of voters, sequence numbers and number of ballots reported as issued from each site. The District headquarters officials could also prepare the summarization of consolidated totals throughout their area for reporting to Central headquarters in Nairobi. In view of the advantages local counting can offer in terms of accountability, public transparency, swift reporting of returns and elimination of opportunities for corrupt practices, it is an option which has merit.

There are some issues which would have to be considered if poll site counting were to be adopted. The first issue would be that of adequate security during the counting process. The team recognizes that the Commission and assigned Returning Officers would have to be prepared to provide

additional security to be on hand during the count, especially at sites where voting takes place out of doors and crowd control may be more difficult. At sites where polling takes place indoors, it would be possible to lock the doors and secure the area so that only authorized officials and candidates, agents and observers are present for the count.

The second issue which would have to be dealt with relates to the provision of lighting facilities in those areas where there is no electricity. Even for the polling itself, since the law allows voters waiting to vote to be issued ballots after the closing hour of the polls has past, voting can extend until after dark. The issue of light for sites where there is no electricity must be addressed even if centralized counting is continued. This issue is discussed in the section of the report dealing with polling place commodities. The team's recommendation includes provision of extra lighting should local counting be utilized.

The third issue to be considered if a local counting method is adopted relates to ensuring that an adequate communication system is in place. Even with centralized counting, it is recognized that in some regions of the country there is no reliable system of communication between polling sites and centralized headquarters. Officials rely on actual transport of materials rather than any intermediary communication by telephone or radio. However, in some areas it may be possible to develop a radio or telephone communication system so that, wherever possible, returns could be reported in advance of their actual delivery. Upon receipt of the actual materials, Returning Officers could verify the originals of the Ballot Accountability Statements and Vote Totals or Return Documents with information which was radioed or called in. Early communication of unofficial results can be useful in keeping the Commission informed with regard to the process and status of the count, and providing early warning of any difficulties which may be encountered.

In view of the extensive number of changes the transition to multi-partyism will already impose on lawmakers and the Commission, an additional transition to poll site counting may seem too burdensome to attempt at this time. It is likely that the Commission will retain its plans to continue centralized counting procedures. Therefore, the team focused its attention on reviewing the existing system and offers some recommendations on how the centralized counting method might be strengthened.

Procedures at the Counting Center

The Presidential and Parliamentary Election Regulations 1992 include few details regarding actual procedures for the counting of the votes after the close of poll. Under proposed Regulation 35(I), the Returning Officer shall "make arrangements for the counting" to take place in the presence of the candidates and their agents, if they so desire. There are provisions in regard to the disposition of spoilt ballot papers, the discontinuance or postponement of the count for various reasons, recounts and what the procedure is at the completion of the count. The proposed regulations also give guidance on grounds for rejecting a voted ballot. However, the guidelines include no provisions for the continuance of the audit trail following the delivery of the ballot box to the counting center by the Presiding Officer. Continuation of the audit trail and accountability needs to be an integral part of the counting process.

Following the 1988 elections, there were allegations of "stuffing" of the ballot boxes and of more ballot papers being in the boxes than people registered as electors. It is very easy to see how such an event can take place if the audit trail is not thorough. The other safeguards suggested in other parts of the report will work toward this end; however, it is in this part of the process that the team noted significant lapses in security and accountability with regard to certification of the final outcome. Additional safeguards need to be built in here. Guidelines need to be produced in sufficient detail to ensure that the counting progresses uniformly in all counting centers with all Returning Officers following the same rules. In the interest of promoting accurate counting and reporting of returns, completion of the audit trail of ballots, and accountability for each ballot and ballot box in the charge of the counting center, formalized guidelines should include:

1. Step-by-step procedures for documenting and recording of the receipt of each ballot box, the polling station from which it was sent, and the time of its arrival to the counting center;
2. Procedures for the verification of the general contents of each ballot box against the Ballot Accountability Statement provided by the Presiding Officer, prior to the beginning of the count;
3. Rules and guidelines for the managing of the actual counting and reporting of votes

for each candidate;

4. Rights and responsibilities of candidate and their agents and the manner in which challenges and complaints are to be dealt with;
5. Procedures for consolidating and recording the vote totals for each constituency; and
6. Steps which must be taken to conclude the counting process including preparation for the storage and security of counted ballots and final disposition of recording documents.

It would appear from the research that the IFES team carried out into the law governing the electoral process that the counting of the votes can commence upon receipt of the first box. There is no requirement that materials and ballots from every voting station within the constituency must have arrived before counting can begin.

However, the team noted that there are no requirements for a verification of each box's content prior to the beginning of the count. The law requires that the Presiding Officer complete an accountability statement regarding the ballots issued at his or her station. However, there is no benefit to this if there is no check made on the accuracy of the figure reported in this statement once the ballot box arrives at the counting center. A Verification Statement should be completed acknowledging that the box actually contains the number of voted ballots reported on the Ballot Accountability Statement. If the statement reports that 672 ballots were issued, there should be a check to see that 672 ballot papers are actually contained in the box. It is noted that officials must be prepared to accept minor discrepancies to take into account the human error factor. However, all discrepancies should be noted and recorded on the protocol document. This preliminary verification would alert counting officials and Returning Officers to any major errors, or grounds for suspicions of impropriety.

It is essential that the verification of the Ballot Accountability Statement or the Protocol is implemented as first part of the counting process. This verification is the initial step in the final stage in the audit trail of the ballot papers. It is a crucial step and needs to be completed in order to consolidate and verify the total votes for each candidate, as compared to the ballots issued that

day.

It would be unheard of in other democracies not to have a verification stage at commencement of the proceedings of the count. Verification statements need to be drawn up for completion by the Returning Officer, after the checking the contents of each box delivered to the counting center. The Verification Statements could also be produced in triplicates so that the Returning Officer of each constituency could retain a copy, a copy could be forwarded to the District Office, and a copy could be forwarded to Nairobi for final audit and publication of results and permanent archiving.

The counting of the votes is a very straightforward process; however, the attention to the detail of the organization will determine how successful the conduct of the count is. It is the team's understanding that once a box is opened and the ballots are removed for counting, they will be sorted into the separate stacks made for each candidate. Then the ballots in each stack will be counted to arrive at the total votes garnered by and recorded for each candidate.

The team also understands that ballots from several sites within a constituency will be combined together in preparation for the actual count. There are two schools of thought regarding this practice. Some would argue that combining of precincts further secures the concept of secrecy of vote by making it impossible to even determine how an individual precinct voted. Others would argue that counting precinct by precinct preserves the audit trail so that should discrepancies occur, they can be tracked back to their origination more accurately. The merits of these diverse views deserve the Commission's consideration in order that they can determine whether the mixing of precincts in the count will continue, or if a system of counting strictly by precinct will be initiated.

Regardless of which method is utilized, the team believes that the audit trail must be extended to its fruition at the conclusion of the count. The final step in the verification process should require that a consolidated Count Summary be prepared recording all the votes polled together with details of the numbers of spoilt papers. This summary should be compared to the initial Verification statements, in order to confirm the accuracy and the reasonableness of votes recorded.

At the end of the count, documents and ballot papers will need to be sealed up for transportation to the central storage center in Nairobi and further armed escorts will be required for this. Documents will be stored for six months as is required by law and then destroyed.

Certification of Results

It has been suggested by the Electoral Commission that all presidential ballots be counted at one central location but the IFES team does not endorse this proposal. All ballots should be counted at the regular counting center with the votes for President recorded within the constituency totals. A network should be arranged whereby presidential vote totals from each constituency can be summarized at the District level and then consolidated at central headquarters to determine the nationwide result. All presidential ballots and related documents could be transported to Nairobi for final storage. Once presidential election materials are logged as received at headquarters, a final verification could be carried out to confirm the consolidated totals reported by the District against the original documents from each constituency. Prior to this final audit being completed, election returns reported to the media and published for the general public should only be reported as "Unofficial Results." It will not be possible to confirm and report the final "Official" results of the presidential election until the central audit has been carried out.

After both the verification stage and the conclusion of the count, the candidates and the agents must be advised of the results. The result must also be conveyed to the Election Commission headquarters in Nairobi, where a secretariat will be employed to collate the results as they come in and arrange for them to be broadcast through the media.

The team notes that under Section 40 of the proposed regulations, summary documents (Form 17) which announce the winner of each Parliamentary seat are only required to show the name of the winning candidate. There is no requirement to report the number of votes the winner and all opposing candidates received. Only in the Presidential race are the actual votes received by each candidate required to be included in the report of returns. The team recommends that this regulation be changed and that for every race, the documents of the final results include the actual number of votes garnered by each candidate in each race. During the 1988 elections one of the allegations was that winners were announced arbitrarily with no corresponding identification of the actual number of votes they achieved compared to the number of votes achieved by their opponents. Including the vote totals for all candidates in the report of returns would provide more information and increase the confidence of the public. Access to this fundamental information would be helpful in diluting potential for allegations of impropriety since the reported results could ultimately be tracked back

through the audit trail for verification if necessary.

A thorough counting procedure will ensure an accountable election result. It will be necessary to make a final audit of the results for the Presidential Election at central headquarters. It is probably not practical to consider completing such an audit for all races, as such an exercise would be massive and the control would be very difficult. The team would recommend that the audit process for the Presidential election be performed by a team of independent analysts, whereby the final consolidated nationwide totals are verified against all Ballot Accountability Statements, Verification Statements and Count Summaries. This would constitute an external audit of the whole accountability trail, and a verification of the final results. Upon completion of the nationwide audit, a catalog of the election results indicating the votes cast for each candidate should be compiled, published and made available for inspection.

In addition to the audit trail following the ballot papers to their final destination, other points need to be considered. As has been discussed, there are some locations without electricity. There may also be some locations without a communications link and this should be provided so that contact can be established between the counting center and the central office in Nairobi for the conveyance of the result of the count and also as a link in the event of a disturbance.

Counting Costs

Budgetary provision had not been made for the people who will act as counting clerks. It is anticipated that 8,000 clerks will be required at a cost of Kshs 175 per day and a provision be made for 3 days to cover training and the eventuality that the counting will run into 2 days. This totals KSHS 4,200,000 (US \$131,250).

Recommendations

1. Merits of poll site counting should be considered before a final decision is made to retain the centralized counting system.
2. The IFES team would recommend that a consultant be provided to assist in the production of a thorough "Best Practice" paper with regard to the conduct of the count and that the

guidelines be formalized into regulations and strictly adhered to. The procedures should incorporate a specific process and use of a Verification Statement to be completed prior to the counting of any ballots to ensure that the number of ballots reported on the Presiding Officer's reports accurately represent the number of ballots contained in each ballot box. The procedures should also include a Count Summary verification to be completed after the counting of ballots has been completed. The consultant should also be prepared to assist in the formalizing of the process of consolidation and communication of nationwide returns, and final audit of results at the national level. The formalized procedures should be documented in the Training Materials for Returning Officers which were discussed earlier in this report.

Salary: 1 consultant x 12 days	Kshs	67,200
	US\$	2,100
Per Diem: 1 consultant x 14 days	Kshs	26,880
	US\$	840
Airfare: 1 consultant	Kshs	228,448
	US\$	7,139
In Country Transport: 1 consultant x 14 days	Kshs	6,720
	US\$	210
35% Overhead	Kshs	115,236
	US\$	3,601
Total Cost	Kshs	444,484
	US\$	13,890

3. Presidential ballots should be counted at the regular counting centers and summarized by constituency. A network of communication should be implemented to provide a mechanism of reporting consolidated "unofficial" presidential returns along with parliamentary and local results from the local level until the final audit and publication of "official returns" may be completed.
4. A determination must be made as to whether ballots will be counted separately for each voting station, or whether ballots from more than one station may be combined to be counted together. If the latter option is maintained, the mechanism by which the audit trail

will be maintained must be also be developed.

5. The team recommends use of appropriate Verification Statements and Count Summary Statements produced in multiple copies to serve the interests of accomplishing adequate accountability throughout the counting process.

Verification Statements:

30 per constituency x 188 constituencies	Kshs	7,219
3-part self carbon forms	US\$	226
5,640 @ Kshs 1280 per 1000		

Count Summary Statements:

30 per constituency x 188 constituencies	Kshs	4,812
3-part self carbon forms	US\$	150
3,760 @ Kshs 1280 per 1000		

Total Cost	Kshs	12,031
	US\$	376



X. CIVIC EDUCATION

Overcoming Public Mistrust

It is clear that the citizens of Kenya are not totally unfamiliar with the concepts and principles of democratic elections. Unlike many other countries experiencing the pangs of transition to democracy or to multi-partyism, Kenyans have a substantial history of experience with competitive elections. Even before independence in December of 1963, Kenyans had participated in multi-party elections. Since independence and the subsequent change to a single party state, serious competition between two or more candidates running in opposition for the same seat was not uncommon. However, election officials and government leaders taking on the responsibility for the conduct of the first elections returning Kenya to a multi-party state cannot underestimate the mistrust and doubt which appear to have tainted the public's confidence in the aftermath of the 1988 elections. From various discussions in which the team engaged, it became obvious that there is a general feeling that the 1988 elections were anything but free and fair. To the contrary, there seems to be a commonly held belief that those elections were tainted with "rigging" in the form of ballot stuffing, switched ballot boxes, voter as well as poll worker intimidation, and overt misrepresentation of final results. Although there was no way the team could evaluate the validity of the allegations brought to its attention, several specific circumstances appear to have laid election officials particularly vulnerable to these types of charges.

The 1988 elections were the first elections in which a two-stage process was used. The first stage was basically a nominating stage designed to narrow the field of candidates in advance of the general elections. The most significant characteristic in this election was that a "queueing" system was used in determining the votes garnered by each candidate. No secret ballot was utilized. The vote of each individual voter was publicly known. Obviously, the threat of intimidation in this kind of voting method was present even if allegations about actual intimidation could not be verified. The public's apprehension was evidenced by a very low turnout of about 25% of the registered voters.

In this first election, any candidate who received 70% of the votes cast was automatically declared the winner of the seat, and was not required to advance to the general election. Because of seemingly haphazard accountability systems applied in the "queueing" method used in the election, there were many who believed that in some constituencies winners were announced arbitrarily, with no validation against actual results.

The second stage election, in which a paper balloting method was used, appears not to have been above suspicion either. Although paper ballots were used, the team was made aware of public concerns that certain procedures created widespread opportunities for election manipulation. It was reported, for example, that in some areas ballot boxes were placed in the voting booth out of public view making it possible for poll workers and voters to stuff the box with illegally marked ballots during slow voting hours of the day. In addition, it was reported (and confirmed by the Commission itself) that it was not uncommon for a single polling site to have as many as 10 to 12 ballot boxes on election day. Because there were so many ballot boxes available to each voting site, some alleged that boxes could easily be switched after the close of the polls and replaced with "rigged" boxes which contained pre-marked ballots. The suspicions in this regard were fueled by the fact that some people claimed that, contrary to the law, candidate agents were denied the opportunity to accompany the boxes to the counting center because vehicles provided for transport were too small. A review of the accountability form used for accounting for ballots assigned and used throughout voting day appears not to include space for comparison against the actual number of voters who were checked off the register at the polls. Since voters' names were simply ticked off in the register by poll clerks, but not signed or initialed by the voter, voter turnout could easily be inflated by officials to accommodate a number of phony ballots stuffed in the box.

Obviously, these kinds of allegations can be spawned even in the best of circumstances. However, for the coming elections, it will be critically important for the Election Commission to remove the cause of such charges before they grow to such an extent that the elections themselves are jeopardized. This will be especially important in view of the general concern which already exists that the ruling party, which will govern these elections, is the very same party which could have the most to lose in view of the transition to a multi-party system. In this sensitive environment, actions taken by election officials will be scrutinized and evaluated closely.

The degree to which Election Commission fulfills its obligations in providing sufficient transparency to ensure that the public's and the candidates' right to know is respected will be the measure of their success in conducting a free and fair election. Just as importantly, such transparency will contribute greatly to the perception of the elections as free and fair. As Commissioner Chesoni himself stated during one the team's work session, "There is no justice, unless it is also perceived as justice."

Outreach Components

A key factor in nurturing the public's confidence in the system will be a well-organized and comprehensive civic outreach program which provides voters the information they need to understand their rights, and to exercise their franchise fruitfully. The team noted that the preliminary election budget proposed by the Commission did not include funding to cover costs of a public outreach program. Apparently, the Commission intended to rely on the government-owned newspaper and broadcast media, and the Gazette (the administrative journal in which government and legislative actions are legally documented) for its outreach efforts. The team was concerned that there may be too much emphasis placed on the value of publication of important election information in the Gazette. While this governmental administrative journal does provide legally acceptable public notice of government activity, the team is not confident that it has wide enough distribution to be of much value as a public outreach medium. For example, a copy of the Gazette reviewed by the team did include a listing of all registration sites established by the Commission in each District. However, the journal is printed in Nairobi, and those who are interested in receiving a copy must send payment. Therefore, while it did provide comprehensive information listing the locations where people could register to vote, it is not very likely that much of the public had reasonable access to the publication. The state-operated print and broadcast media may provide fairly broad opportunities for outreach without additional external costs; however, there may be other methods which should also be explored. For example, the Commission may want to consider developing a comprehensive outreach calendar based on the ongoing schedule of election events, dates and deadlines leading up to and including election day upon which the overall outreach plan can be coordinated. From the outreach calendar, administrators will be able to determine the types of announcements which should be prepared and the deadlines by which they should be published. Often, with a comprehensive work calendar as a tool, outreach efforts can be simplified. Messages about specific election activities and deadlines can be short and to the point, and published or broadcast more frequently. The more often the public hears an election message, the more interest and participation can be expected. Consistency and regularity should be the objectives in keeping the electorate adequately informed.

In addition, the Commission should consider that there are a number of separate components which could make up their voter education program and which might require different outreach techniques. Each element must receive its due attention, and each may have its own defined boundaries and

objectives. The various elements that should make up the Commission's outreach program include:

1. Promotion of citizens' general awareness of the concepts of an elected executive president, and awareness of Constitutional, legislative and regulatory amendments impacting the election process and the transition to a multi-party democracy;
2. Advancement of candidate and party understanding regarding party registration and candidacy requirements, campaign ethics, election offenses and their role in avoiding violence or voter intimidation;
3. Public education disseminated by the government from a totally neutral position regarding voters' rights and requirements, eligibility criteria, voting procedures at the polls, dates of elections and polling locations, etc.; and,
4. Political education promulgated by the parties and candidates expressing their partisan viewpoints and intending to influence voter opinion.

Each of these components contributes an integral element to the conduct of an election which is truly free and fair.

Voter Education

In the short time the team was in Kenya, it was evident that it was already too late to provide input with respect to promotion of voter awareness of their rights and responsibilities regarding voter registration. The registration process was nearing its conclusion at the time of the team's visit. However, it is not too late to focus attention on ensuring that voters are fully informed regarding their rights and responsibilities in reviewing the preliminary registers, and the process by which they can ensure their names appear accurately. It is also not too late for administrators to make sure voters are well informed regarding election day, and what they should expect at the polls. The voter's understanding of the basic procedures which will affect him or her on election day will contribute to the overall fairness and uniformity with which the election will be carried out by election workers at polling sites across the country.

For example, it will be very important for voters to fully understand how the actions of voting officials will not only affect their eligibility to be issued a ballot, but also the validity of their vote after the ballot has been cast. Voters need to be aware of the rules poll workers are to follow when issuing a ballot. For example, the voter should know that the poll worker must affix the polling place stamp on the ballot paper issued if it is to be valid. If the worker fails to affix the stamp, the voter's ballot will not be counted. If voters understand this requirement, they can help themselves protect their franchise by reminding the official to stamp the ballot, if the step is inadvertently forgotten.

It will also be important for voters to know what to do if the worker does not immediately find his or her name on the register. A voter who knows that clerical errors in the preparation of the register or on the voter's registration card are not automatic grounds on which to refuse the voter a ballot can insure that his rights are not abridged. For example, the voter will know to ask the poll worker to look for similar spelling in the register, or to look for transposed numbers in the voter number, or under a different initial, rather than just assuming the voter's name is not on the roll at all.

One instance in particular which came to light during the team's visit prompted an interest in this issue. At the time of registration, the worker assisting a voter in completing his application assigns the registration number to the voter. The number assigned is made up of a string of numbers which include the site ID number, the voter's initial, and the sequential number under that initial assigned to the person in order of their appearance to register. For example, if the person is the 277th person with the initial "N" to apply for registration at that site, his registration number would include "N277" as part of his registration ID. At one of the registration sites visited by the Team, it appeared that the initial being used was the initial of the person's first name. In a later conversation a question was raised as to whether the initial being used was that of the first name, or that of the last name. If such exists generally, it could certainly cause confusion at the polls on election day. If a voter's name cannot be found on the roll, it could be because he or she is listed among the voters under another initial. It is important for voters to know to ask the clerk to look under another option if their name cannot be found immediately, rather than just being turned away.

While the Commission should be prepared to relate this kind of information over the course of its outreach campaign, one of the best ways to make sure that voters understand the process is to post

notices of the rules at the polling stations themselves. While voters are standing in line they can refresh themselves on the rules which will affect their right to vote. The posters can also remind them how to mark their ballots. These kinds of posters also remind poll workers of the voters' rights, and of their responsibilities in making sure the voters are well served. Although English is widely understood throughout Kenya, it is also recommended that the posters also be printed in Swahili, especially in more remote areas of the country.

Equal Access by Political Parties

The other side of the civic education coin relates to dissemination of partisan information. It will be important to develop an official policy directing equal access to public media by all candidates and parties. One of the widespread concerns relates specifically to what is perceived as the overwhelming advantage enjoyed by the ruling party because of its assumed access to government operated media. It will be very important for government officials to take an aggressive stand in ensuring that all parties are treated equally in this regard. By making such a commitment, administrators can attempt to overcome concerns that government-operated media will deny opposition parties equal opportunity to publicize their platforms, while providing favorably biased coverage of the ruling party and its candidates. The Commission's formalized policies in this area will set a measurable standard by which the elections will be perceived as free and fair.

Media Relations

To the extent possible, the Commission should be prepared to give advance notice to all media as to what to expect, how activities will be carried out, and in what time frame. Advance notice to newspapers can go a long way in diluting the potential for negative press. For example, the Commission should apprise the media of the anticipated schedule of the announcements of final returns after the closing of the polls. If the media are alerted in advance that final returns will be delayed until several days after election day, they are less likely to make their own assumptions as to why election results are not forthcoming. Advance notice of the extended time frame involved can also reduce the public's anxiety and mistrust which tends to build the longer election results remain unknown.

The team also encourages candor in responding to questions or potentially adversarial challenges as

to how administrators are performing in the conduct of the elections. The election process is a very human process. Mistakes can happen and problems can occur which are beyond anyone's control. In these instances, administrators should try to respond immediately by providing an honest acknowledgement of the problem and open disclosure of how the problem will be resolved. Such candor can only enhance the public's confidence in the election system, and in the administrators who are carrying out the process.

Recommendations

1. Although government officials may choose to rely heavily on state-operated print and broadcast media for dissemination its general election information, the IFES team recommends that large posters be posted at each polling site covering basic information which will help voters and poll workers understand the procedures to be followed. This information will help voters evaluate whether they are being served properly, and provide them with the information they need to cast their ballots properly and ensure that it can be counted.

3 posters per polling station	Kshs	864,000
x 6000 stations x Kshs 48 each	US\$	27,000

20% Freight if produced outside Kenya	Kshs	172,800
	US\$	5,400

Total Cost	Kshs	1,036,800
	US\$	32,400

2. Due to the tensions which will be unavoidable as multi-partyism takes hold, the team believes it may be helpful to recommend that a campaign ethics consultant be offered work with the Election Commission and media officials to develop a candidate code of conduct and to draft formal policies regarding equal access to the media and ethical campaign practices.

Salary:	1 consultant	Kshs	120,960
	18 days	US\$	3,780

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Per Diem:	1 consultant x 21 days	Kshs 40,320 US\$ 1,260
Airfare:	1 consultant	Kshs 228,448 US\$ 7,139
In Country Travel:	1 consultant x 21 days	Kshs 10,080 US\$ 315
Overhead:	35%	Kshs 139,932 US\$ 4,373
Total Cost		<hr/> Kshs 539,740 US\$ 16,867

XI. TRANSPARENCY AND THE ROLE OF OBSERVERS

Internationally, the practice of inviting observers to monitor election day activity has become quite common. Most governments supervising the transition to a new form of democratic government perceive the presence of neutral observers from outside their own country as a means of inspiring public confidence and adding an extra element of transparency to the election process. While outside observers cannot guarantee a free and fair election, they can be of enormous importance in helping reduce the climate of apprehension which traditionally pervades elections conducted in times of transition and political sensitivity.

It became apparent to the IFES team that Kenyan officials are quite concerned about what they would perceive to be intrusion from outside entities whose purpose they feel would be to sit in judgement of their country and their election process. The team is sensitive to their apprehensions. Clearly, competitive elections are not new to Kenya, and government administrators are skilled and capable. The level of technological sophistication surpasses that of many countries embarking on new election systems. The level of commitment among election administrators to see that the elections are well managed was clearly evident to members of the team.

Throughout its stay, the team tried to encourage Commissioners and other government officials to view the role of election observers in a new light. Observers are not solicited to JUDGE the process, but to CONFIRM that the election is free and that it is fair. From that viewpoint, they become an extension of the Electoral Commission, and a tool by which the government can publicly affirm its commitment to the neutral implementation of the process, promote the public's faith, and provide a level of transparency which can serve to nullify allegations of impropriety. Of specific importance is the fact that observers, especially international observers, are neutral.

The officials with whom the team spoke were even more sensitive to the concept of domestic observers being organized within Kenya to monitor the elections. As one Commissioner commented, in other democracies citizens and politicians have "agreed to disagree." Virtually everyone with whom the team met seemed to express the view that that philosophy has not really taken hold in Kenya yet. Rather, the attitude expressed was that if people disagree politically, they consider themselves enemies. The team felt that there appeared to be a degree of truth in that observation. However, the team would suggest that in view of the changes in the Constitution and the acceptance of multi-party democracy, the seeds for "agreeing to disagree" have already been planted. Now they need to be nurtured.

With regard to the coordination of domestic observers, the main concern of the Commission was that it would be very difficult to ensure that such a group would remain totally neutral in its activities. The fear was that if a sanctioned group failed to maintain total neutrality in its actions they could potentially generate more political agitation in the period before election day, as well as disruption at the polls themselves.

The team would agree that this is a legitimate concern. However, potential benefits should be considered. Democratic elections demand public acceptance. Sanctioning participation by appropriate domestic observers can help nurture that acceptance. In addition, openness to domestic observers serves to generate a degree of citizen ownership of their election process.

It may not prove productive to attempt to disallow such activity. A solution which might be more positively received is to develop a regulated structure which provides for officially sanctioned observers, while preserving government authority to ensure order and control. Several features which might be considered for inclusion in such a regulation are:

1. All groups or individual observers, domestic or international, could be required to register for official recognition with the Commission based on set qualifying criteria.
2. Certain disclosures by the observer group could also be required. For example, the groups could be required to disclose their partisanship, if any, and to provide their bylaws or self-proclaimed ground rules as a matter of public record and open for public inspection. The names and addresses of their leaders, sponsors or funding sources could also be required to be disclosed.
3. Official observers could be issued an identification badge which must be worn when the observer is carrying out his or her activity at a polling place so that their status is clearly recognized by poll workers and voters.
4. The identification badge should identify the entity or group to which the observer belongs, or the partisan entity they might represent.

5. Prior to the election, observers could attend an orientation meeting at which their rights and restrictions are discussed. Each observer could be required to sign an oath to uphold the rules which are prescribed. Each observer should be issued a copy of the rules that apply.

Transparency

To build a positive rapport with authorized observer groups it will be helpful for the Commission to prepare informational packets which contain the materials normally requested by monitoring groups. For example, such groups will be interested in the number of registered voters and the numbers and locations of polling sites. They will be interested in knowing how many voters are assigned to each polling station. Descriptions or maps of constituencies will be of interest, as will published lists of candidates and parties. Full disclosure of voting returns will also be expected. Such information should be readily available on request. It should all be a matter of public record and the government's willingness to provide it freely and expediently will greatly enhance the rapport that is built between officials and election monitors.

The issues involved in sanctioning domestic observers are not simple ones. Nor are they insurmountable. Certainly in most developed democracies, the practice is common and election administrators have had to deal with similar apprehensions and concerns. It might be helpful for the Commission to review the procedures that have been put into effect in other jurisdictions which have successfully dealt with the problems and opportunities involved.

Recommendations

1. In Chapter VII of this report, the team makes a recommendation that consultants utilized in developing the Election Worker Training Program could also help the Commission develop an observer orientation program. Preparation of guidelines for observers, provision of information packets and conduct of a formal orientation programs can be very helpful in nurturing a successful observer program, and minimizing potential problems.



XII. THE BUDGET

The purpose of this report was to conduct an analysis of the election budget proposed by the Kenyan Government for costs to be incurred in preparation for and the administration of forthcoming multi-party elections, and particularly in respect of a bid for financial assistance from a number of donor agencies.

To carry out a comprehensive analysis of the budget it was necessary to look in detail at the proposed procedures. During discussions with a number of representatives from the donor community, it became apparent that donations of funds or commodities would be made if the contribution was going to assist the process of free and fair elections in the transition to multi-partyism. To this end it has been necessary to recommend a number of changes in procedure and also to implement new stages in existing procedures to ensure that levels of security are increased and the procedures applied are fair and seen to be fair.

The complete budget based on the preliminary estimates presented by the Kenyan Government and incorporating modifications suggested in this report follow in this section. The figures presented here must not be relied upon as firm and final conclusions as to the actual costs of the registration process and upcoming elections in Kenya. Rather, they are intended to provide a general overview of the major elements which must be considered, and which if fully funded, will contribute significantly to the smooth conduct of free, fair and accountable elections in Kenya.

Government officials, donor agencies and other interested parties will note that the budget summaries included here indicate some significant reductions in overall costs as opposed to those estimates presented in the Commission's preliminary proposals. In previous sections of the report, the team has provided more detail of various modifications in procedures and policies recommended for the Commission's consideration. The explanations and exploration of these various concepts provide the rationale for changes to the budget resulting in overall reductions. Briefly, the elements resulting in the most significant modifications resulting in decreases in the budget include the following:

1. Ballot Papers

The original budget request was for the provision of 33 million ballot papers based on an expected electorate of 11 million and allowing for ballot papers for three elections. This electorate figure is now expected to be nearer to 8 million and therefore the ballot papers now required will be in the region of 24 million. This modification resulted in a reduction of costs by Kshs 205,722,000 (US \$ 6,428,812).

2. Ballot Boxes

The Kenyan Government had requested 108,000 ballot boxes at a total cost of kshs 108,000,000 (US \$ 3,337,500). This number of boxes was considered to be too high and thus a recommendation was made to reduce it to one box per 1000 voters for each election for a total number of 24,000 boxes. Based on the team's recommendation, the estimated reduction in costs for ballot boxes is Kshs 75,744,000 (US \$ 2,357,000.)

3. Ballot Box Seals

The team has outlined an alternative method of providing adequate seals for the ballot boxes. The original budget contemplated use of tape, padlocks, and sealing wax. The costs projected in preliminary budget proposals was Kshs 13,560,000. The reduction in the number of ballot boxes, combined with the more streamlined method of sealing the ballot boxes recommended by the Team, results in a reductions in costs for seals of Kshs 12,707,520 (US \$ 397,110).

4. Staffing

Original proposals called for the hiring of ten poll clerks to serve at each polling station at a total cost of Kshs 31,500,000. These workers were in addition to the Presiding Officer and other supervisory officers at the polling station. With restructuring of the tasks assigned to each clerk during the processing of voters, the team believes that the number of workers could be reduced to five. This would result in a savings of Kshs 15,750,000 (US \$ 492,187).

While other less significant reductions in various line items were also recommended, modifications in these elements alone result in savings of Kshs 309,923,520 (US \$ 9,685,110.) These savings more than cover costs for line items which had originally been understated or overlooked in the preliminary cost estimates. Among the lesser additions to costs which the team has incorporated into the budget are recommendations related to production of posters for polling sites, printing of various accountability and count summary forms and envelopes, white gas lamps and fuel for polling sites without electricity, and handbooks and training materials for election officials and workers. Other increases were required to general staffing provisions where it was determined that the preliminary proposal had understated the number of persons involved, or the number of days certain workers would be required to work. These corrections have been made in the budget presented in this report. Briefly, however, among the more costly additions are the following modifications.

1. Counting Clerks

The IFES team noted that no provision had been made for counting staff and this alone resulted in an increase of Kshs 4,200,000 (US \$131,250) in order that 8,000 counting clerks could be employed. The figure of 8,000 was arrived at by allowing one counting clerk per 1,000 electors, based on an electorate of 8 million.

2. Administrative Support Staff

The IFES team further noted that no funds were included to cover increased costs for the administrative support staff stemming from modifications in the law regarding the Director of Elections and subordinate staff under the Commission's authority. The Commission recommended that only their salaries for the specific period of the election be included in the General Election budget even though they would be employed for a longer period. The resulting increase to the budget for this staffing component is Kshs 48,200 (US \$ 1,506)

3. Security Staff

The cost of security at the polling stations and at the counting centers were included in the

preliminary budget proposals. However, the cost of security for the ballot papers from the time of their arrival in Nairobi up to their distribution was not addressed in the budget. It is anticipated that the papers will need to be secured for a period of 7 days before they are distributed to the Returning Officers. It was determined that a staff of 42 is required for this task and the estimated costs of this exercise is Kshs 58,800 (US \$ 1837).

It should be noted that the question of security of the papers while they are in the possession of the Presiding Officer is not clear. No provisions have been made for these officers in the budget, however, if one security guard were appointed per Presiding Officer, the cost would be approximately:

6000 Security Officers x 1 day	Kshs	900,000
@ Kshs 150	US\$	28,125

The following budget figures identify the team's recommendations for a 50% reduction in the number of Poll Clerks. They also reflect the addition of funding for 8000 counting clerks, additional security officers, and administrative support staff, as well as adjustments to the number of working days for various workers and the total number of certain officials such as Returning Officers, Deputy Returning Officers, drivers, etc. which had been understated in the preliminary proposals. The combined effect of all additions and reductions to costs itemized for various election workers, administrative staff and security personnel results in an overall cost savings of Kshs 13,965,250 (US \$ 436,414).

Throughout the actual budget summary that follows, line items which were modified based on the team's discussion with the Commission are noted with an asterisk (*). Items which did not appear at all in the Commission's preliminary budget proposals are noted with a double asterisk (**).

As a final note, it is important to recognize that the budget for the general elections assumes that all three elections are held simultaneously. In addition, should a run-off election be required in the Presidential race, many of the costs, such as those for personnel, would have to be duplicated.

IFES Pre-election Assessment
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EFFECT OF ALL AMENDMENTS

Preliminary Budget Total General Election (Prior to Work Session Amendments & team Recommendations)	Kshs 741,554,650
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Total Budget (Including Amendments and Recommendations)	449,037,661
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NET REDUCTIONS

<u>Kshs 292,516,989</u> US\$ 9,141,115



REGISTRATION OF VOTERS BUDGET
1992

Cost In Kshs

(Kshs 32 = US \$ 1)
(As of 7/92)

CATEGORY

COMMODITIES & STATIONERY

1.	Voter Cards, 12,000,000 @ Kshs .47	5,640,000
2.	Registration Forms, 12,000,000 @ .41	5,000,000
3.	Stamp Pads, 2 per station x 6000 @ Kshs 65	780,000
4.	Stamp Pad Ink, 2 bottles per station x 6000 @ Kshs 17	204,000
5.	Bulldog Clips, 2 per station x 6000 @ Kshs 25	300,000
6.	Paper Pins, 2 pkt per station x 6000 @ Kshs 15	180,000
7.	No. 2 Paper Clips, 2 pkt. per station x 6000 @ Kshs 5	60,000
8.	Typewriter Ribbon, 5 per district x 47 @ Kshs 30	7,050
9.	Acco Fasteners, 3 pkt. per station x 600 @ Kshs 30/pkt.	540,000
10.	Paper Punches, 1 per station x 6000 @ Kshs 275	1,650,000
11.	Streppling Machines (Offrex) 1 per station x 6000 @ Kshs 350	2,100,000
12.	Staples D1/4, 1 pkg per station x 6000 @ Kshs 15	90,000
13.	Stylus Pens, 1 per district x 47 @ Kshs 96	576,000
14.	White Tape (Large), 2 rolls per station x 6000 @ Kshs 90	1,080,000

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15.	White Out Fluid, 2 bottles per district x 47 @ Kshs 45	4,230
16.	Envelopes (Medium), 2 pkts per station x 6000 @ Kshs 50	600,000
17.	Envelopes (Large), 5 pkts per station x 6000 @ Kshs 115	3,450,000
18.	Typing Paper, 2 reams per district x 47 @ Kshs 85	7,990
19.	8 Stencils, 10 quires per district x 47 @ Kshs 85 per quire	5,100,000
20.	Hardcover Notebooks, 2 per station x 6000 @ Kshs 51	612,000
21.	Duplicating Paper, 2 reams per district x 47 @ Kshs 112	3,360,000
22.	Correcting Fluid, 40 bottles per station x 6000 @ Kshs 18	33,840
23.	Cellotape (1"), 1 roll per station x 6000 @ Kshs 19	114,000
24.	Biro Pens, 8 per station x 6000 @ Kshs 2	96,000
25.	Pencils, 2 per station x 6000 @ Kshs 1.2	14,400
26.	Razor Blades, 1 pkt per station x 6000 @ Kshs 15/pkt	90,000
27.	Registration Officers Stamps, 1 per station x 6000 @ Kshs 100	600,000
28.	Photocopying Paper, 2 reams per district x 47 @ 230	21,620
29.	Duplicating Ink, 10,000 tubes @ Kshs 40	400,000
30.	File Covers, 70 per station x 6000 @ Kshs 9	3,780,000
31.	Finger Print Pad, 3 per station x 6000 @ Kshs 550	9,900,000

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SUBTOTAL KSHS
US

46,391,130
\$1,449,722



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PERSONNEL

1. Field Personnel

Registration Officers, 1 per district x 47 x 31 days @ Kshs 150	218,550
Deputy Registration Officers, 1 per district x 47 x 31 days @ Kshs 125	182,125
500 Assistant Registration Officers, (Avg. 10 per district) x 47 x 31 days @ Kshs 100	1,550,000
* Supervisors, 1 per station x 6000 x 31 days @ Kshs 100	18,600,000
* Typists, 1500 x 31 days @ Kshs 90	4,185,000
2000 Chiefs x 31 days @ Kshs 60	3,720,000
4000 Asst. Chiefs x 31 days @ Kshs 50	6,200,000
* 30,000 Registration Clerks, x 31 days @ Kshs 50	46,500,000
7080 Drivers x 31 days @ Kshs 40	8,779,200
1000 Messengers/Binders x 31 days @ Kshs 40	1,240,000
300 Support Staff, (Information Officer, Supply Officer, Clerks, Accounts, etc.) 31 Days @ Kshs 50	465,000

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2. Security

141 Security Officers, (3 per district
OCPD, DS10, DC10) x 31 Days @ Kshs 100 437,100

1500 Security Officers, (3 per division
OCS, S10, C10) x 31 days @ Kshs 80 3,720,000

10,800 Security Officers, (2 per 5400
stations) x 31 days @ Kshs 50 16,740,000

2400 Security Officers (4 per 500
stations) x 31 days @ Kshs 50 3,720,000

SUBTOTAL KSHS
US

116,256,975
\$3,633,030

TRANSPORTATION

Figures cover cost of fuel, repairs
and maintenance for:

6000 vehicles x 31 days (1 per station
ballots to voting stations, and to
counting centers, etc.;

1000 vehicles x 31 days (For use by
supervisors.

1. Drivers

** 7000 Drivers x 31 Days @ Kshs 150 32,550,000

2. * Fuel

3500 vehicles x 31 days x 20 liters/day
@ Kshs 15/65 (Est. 100 miles/day) 33,960,500

3500 vehicles x 3 Days x 50 liters/day
@ Kshs 15/65 (Est. 260 miles/day rural) 84,901,250

IFES Pre-election Assessment
and Budget Analysis: KENYA

areas)

3.	<u>Repairs & Maintenance</u>	
	7000 vehicles x an avg. of Kshs 2000	14,000,000
4.	<u>Hire of Boats and Planes</u>	
	For rural area travel	1,800,000
SUBTOTAL KSHS		167,211,750
US		\$5,225,367

REGISTRATION BUDGET SUMMARY

1.	COMMODITIES & STATIONERY	46,391,130
2.	PERSONNEL	116,256,975
3.	TRANSPORTATION	167,211,750
TOTAL KSHS		329,859,855
US		\$10,308,120

The Team notes that these figures represent costs based on the original registration period of 31 days. However, at the time of the Team's visit, the Chief Electoral Commissioner announced a 10 day extension. The Team also notes that these figures only cover the period during which voters are allowed to register to vote. They do not include any costs of retention of personnel to complete clerical preparation of the registers following the close of the registration period. Nor do these budget estimates provide for staffing during the appeal period during which voters can challenge or seek correction of voters named on the registration rolls.

There is little reason to believe that these circumstances will require increases in the Commodities and Stationery budget requirements. Additionally, the Team believes that the figures projected for transportation costs may be overstated and that as they stand, they should cover additional transport

IFES Pre-election Assessment
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which may ensue during the 10 day extension, and the appeal periods. However, there is no question that the 10 day extension does increase the staffing required by 33%. With insufficient time to evaluate the actual staff demands to cover the appeal process, the Team suggests that an extension of at least 20% of the staff will be needed to accommodate it. If these estimates reflect reasonable expectations, the increase in the registration costs would be:

33% increase in staffing costs Kshs to cover 10 day extension	38,364,801
20% increase to cover appeal period	23,351,395
	<hr/>
TOTAL INCREASE Kshs	61,716,196
US	\$1,928,631
	<hr/>
ORIGINAL BUDGET Kshs	329,859,855
US	\$10,308,120
	<hr/>
GRAND TOTAL Kshs	391,576,051
US	\$12,236,752
	<hr/>
Cost per voter based on 8,000,000 voters: Kshs	48.95
US	\$1.53

GENERAL ELECTION BUDGET
(Assumes Presidential, Parliamentary & Local
Elections Held Simultaneously)

CATEGORY	Cost In Kshs	(Kshs 32 = US \$ 1) <u>(As of 7/92)</u>
PRINTED MATERIALS		
1.	* <u>Ballot Papers</u>	
	8 million ballots x 3 elections 24,000,000 @ Kshs 10.56	253,440,000
	If printed outside Kenya, 20% Freight	50,688,000
2.	** <u>Training Materials</u>	
	Handbooks for Returning Officers 200 x Kshs 96 each	19,200
	Handbooks for Presiding Officers 6000 x Kshs 64 each	38,400
	Instructions for Polling Clerks 30,000 x Kshs 32 each	960,000
	Instruction Flyers for Counting Clerks 42,000 x Kshs 12.8 each	537,600
	Freight if printed outside Kenya @ 20%	544,320
3.	** <u>Accountability Statements</u>	
	Ballot Accountability Statements 3 per polling place x 6000 stations 3-part self carbon forms 18,000 @ Kshs 1280 per 1000	23,040
	Verification Statements 30/constituency x 188 constituencies 3-part self carbon forms 5,640 @ Kshs 1280 per 1000	7,219

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	Count Summary Statements 20/constituency x 188 constituencies 3-part self carbon forms 3,760 @ Kshs 1280 per 1000	4,812
4.	** Posters Posters, 3 per polling station x 6000 stations x Kshs 48 each 20% Freight if produced outside Kenya	864,000 172,800
5.	* Envelopes 4 types x 3 elections = 12 12 x 6000 polling stations 72,000 @ Kshs 450 per 1000	32,400
6.	** Voter Registers Reproduction of Precinct Registers 6000 Polling Sites x 5 Copies @ Kshs 64 (1 Each: Commissioner, District Hdq., Returning Officer, Polling Site, Sr. Programming Officer)	1,920,000
	SUBTOTAL Kshs	309,251,191
	US	\$9,664,118

COMMODITIES AND SUPPLIES

1.	* Ballot Boxes 8,000 boxes x 3 elections (if held simultaneously) x \$35/box If supplied from outside Kenya 20% Freight	26,880,000 5,376,000
2.	* Ballot Box Seals 24,000 boxes x 4 = 96,000 plugs	249,600

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	192 pkgs @ Kshs 1,300/pkg	
	Self-adhesive sticker seals 4 Seals/Box x 24,000 boxes @ Kshs 4.8	460,800
	20% Freight	142,080
3.	G.K. Official Stamps 1 per station = 6000 @ Kshs 375	2,250,000
4.	* Presiding Officer Stamp 1 per station = 6000 @ Kshs 100	600,000
5.	* "G.K. Voted" Stamp 1 per station = 6000 @ 100	600,000
6.	* Election Official Badges 7/voting station @ Kshs 20 (1 each: Presiding Officer, Deputy Presiding Officer, 5 Poll Clerks)	840,000
7.	** Candidate/Agent Badges Est. 10/voting station @ Kshs 20	1,200,000
8.	** Intn'l/Domestic Observer Badges Est. 500 @ Kshs 20	10,000
9.	Biro Pens, 12 per station x 6000 @ Kshs 24	144,000
10.	Stamp Pads, 3 per station x 6000 @ Kshs 65	1,170,000
11.	Indelible Ink, 10 bottles per station x 6000 @ Kshs 95	5,700,000
12.	Stamp Pad Ink, 1 bottle per station x 6000 @ Kshs 17	102,000
13.	Erasers, 2 per station x 6000 @ Kshs 10	120,000
14.	Cellotape 1", 1 roll per station x 6000 @ Kshs 19	114,000

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15.	Rubber Bands, 1 pkt per station x 6000 @ Kshs 50/pkt	300,000
16.	Bull Dog Clips, 4 per station x 6000 @ Kshs 25	600,000
17.	Paper Clips, 3 pkts per station x 6000 @ Kshs 5/pkt	90,000
18.	Rulers, 4 per station x 6000 @ Kshs 7	168,000
19.	Field Notebooks, 2 per station X 6000 @ Kshs 10	120,000
20.	Scissors, 1 pr. per station x 6000 @ Kshs 40	240,000
21.	Ruled Papers, 1 ream per station x 6000 @ 140	840,000
22.	Duplicating Paper, 30 reams per district x 47 @ Kshs 135/ream	190,350
23.	Typing Paper, 10 reams per district x 47 @ Kshs 105/ream	49,350
24.	File Covers, 2 per station x 6000 @ Kshs 9	108,000
25.	Stencils, 12 quires per district x 47 @ Kshs 85/quire	47,940
26.	Correcting Fluid, 10 bottles per district x 47 @ Kshs 18	8,460
27.	Sisal Twine, 2 rolls per station x 6000 @ Kshs 75/roll	900,000
28.	* Hessian Cloth (1.3 meters wide) 3.2 meters x 3 per station x 6000 @ Kshs 30/meter (polling booths)	1,728,000
29.	* Assorted Nails for Booths, 10 kegs per constituency x 188 @ Kshs 60	112,800
30.	Typress Timber for Booths, 10 meters per booth x 6000 x 3 @ Kshs 15/meter	2,700,000

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31.	Duplicating Ink, 10 per district x 47 districts @ Kshs 40	18,000
32.	Acco Fasteners, 4 per station x 6000 @ Kshs 30/pkt	14,000
33.	Pencils, 12 per station x 6000 @ Kshs 14/40/doz.	86,400
34.	** Double mantel white gas lamps 2100 stations @ Kshs 640 each	1,344,000
	White gas x 4500 liters @ Kshs 24	108,000
	20% freight	290,040
SUBTOTAL Kshs		56,021,820
US		\$1,750,681

PERSONNEL

1.	** <u>Administrative Support-Headquarters</u>	
	Director of Elections x 7 Days @ Kshs 400	2,800
	Deputy Director of Elections x 7 Days @ Kshs 350	2,450
	2 Under Secretaries x 7 Days @ Kshs 300	4,200
	2 Senior Secretaries x 5 Days @ Kshs 250	2,500
	6 Senior Asst. Secretaries x 5 Days @ Kshs 200	6,000
	1 Accountant x 5 Days @ Kshs 150	750
	1 Executive Officer x 5 Days @ Kshs 150	750
	6 Cartographers x 5 Days @ Kshs 150	4,500
	1 Programmer x 5 Days @ Kshs 150	750
	3 Operators x 5 Days @ Kshs 100	1,500

IFES Pre-election Assessment
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1 Supplies Asst. x 5 Days @ Kshs 100	500
10 Secretaries x 5 Days @ 150	7,500
20 Clerical Officers x 5 Days @ Kshs 100	10,000
4 Stores Men x 5 Days @ Kshs 100	2,000
5 Drivers x 5 Days @ Kshs 80	2,000
20 Staff (Packaging Ballots & Supplies) x 7 Days @ Kshs 100	14,000
** Security - Nairobi	
2 Officers x 7 Days @ Kshs 350	4,900
4 Officers x 7 Days @ Kshs 300	8,400
6 Officers x 7 Days @ Kshs 250	10,500
10 Officers x 7 Days @ Kshs 200	14,000
20 Officers x 7 Days @ Kshs 150	21,000
2. <u>Field Personnel</u>	
* 188 Returning Officers x 5 Days @ Kshs 350	329,000
* 188 Deputy Returning Officers x 5 Days @ Kshs 300	282,000
* 6000 Presiding Officers x 5 Days @ Kshs 250	7,500,000
* 6000 Deputy Presiding Officers x 5 Days @ Kshs 200	6,000,000
3000 Supervisors x 3 Days @ Kshs 200	1,800,000
2500 Chiefs x 3 Days @ Kshs 150	1,500,000
6000 Assistant Chiefs x 3 Days	3,150,000
* 30,000 Poll Workers (5 Per Station) x 2 Days @ Kshs 175	10,500,000

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** 8000 Counting Clerks (1 per 1000 voters) x 3 Days @ Kshs 175	4,200,000
1128 Support Staff (6 per Constituency: (Information Officer, Supply Clerks, etc) x 3 Days @ Kshs 150	507,600
* 1000 Messengers/Binders x 5 Days @ Kshs 100	500,000
<u>Field Security</u>	
564 Security Officers I (3 per constituency) x 3 Days @ Kshs 200	112,800
564 Security Officers II (3 per constituency) x 3 days @ Kshs 175	296,100
10,800 Security Officers III (2 per constituency, 5400 stations) @ Kshs 150	4,860,000
3,600 Security Officer III (6 per station: Garissa, Mandera, Wajir, Turkana, West Pokot, Lamu, T/Rivers, Marsabit & Isiolo) x 3 Days @ Kshs 150	1,620,000

SUBTOTAL Kshs
US

43,278,500
\$1,352,453

TRANSPORT OPERATING EXPENSES

Figures cover cost of fuel, drivers, repairs
and maintenance for:

7000 vehicles x 3 Days (Transport of
ballots to voting stations, and to
counting centers, etc.;

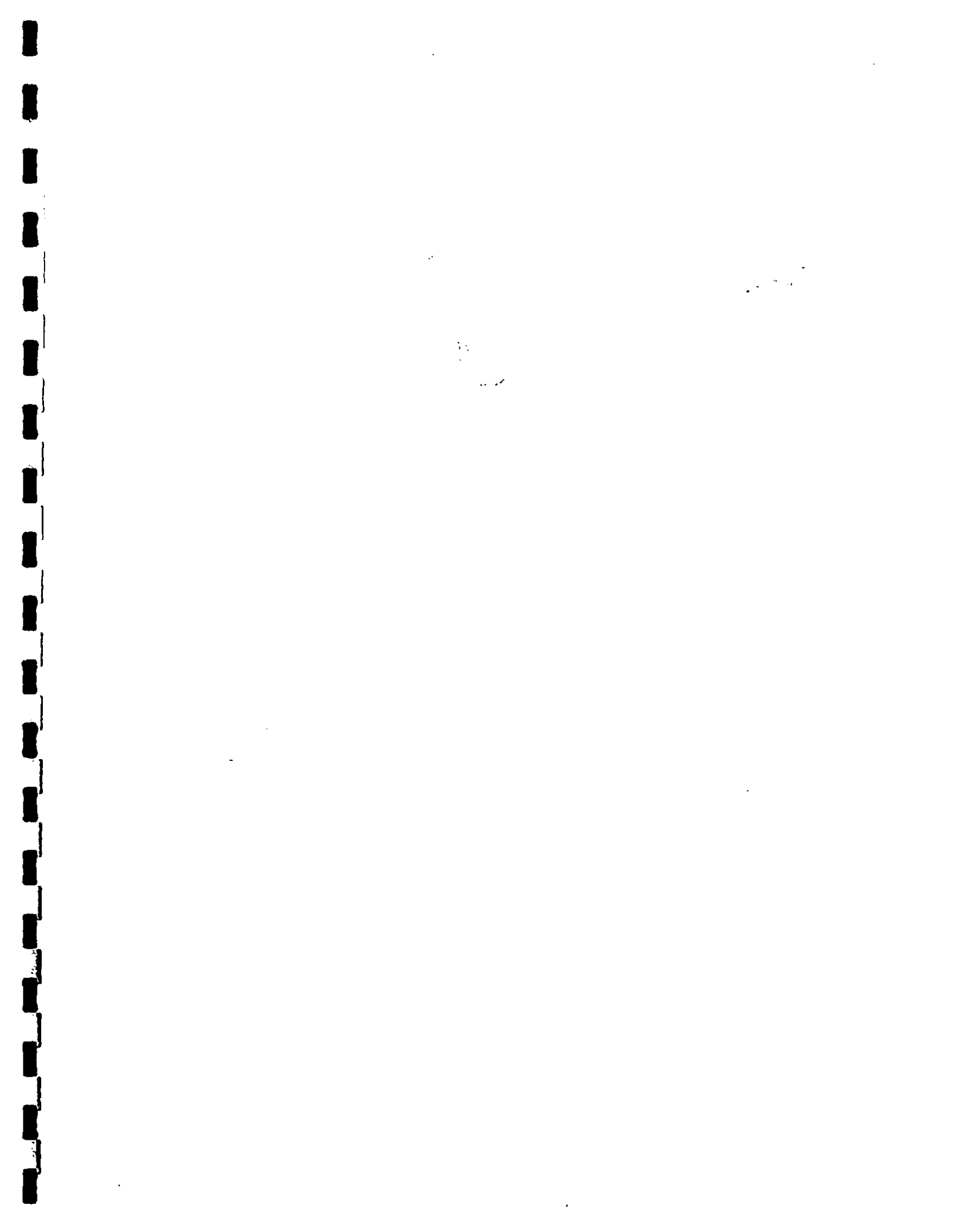
500 vehicles x 21 Days (Avg. 10 per
constituency for pre-election day
activity.)

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1.	<u>Drivers</u>	
	* 6500 Drivers x 3 Days @ Kshs 150	2,925,000
	* 500 Drivers x 24 Days @ Kshs 150 (Including 3 days during election)	1,800,000
2.	* <u>Fuel</u>	
	3500 vehicles x 3 Days x 20 liters/day @ Kshs 15/65 (Est. 100 miles/day)	3,286,500
	3500 vehicles x 3 Days x 50 liters/day @ Kshs 15/65 (Est. 260 miles/day rural areas)	8,216,250
	300 vehicles x 21 Days x 20 liters/day @ Kshs 15/65 (Est. 100 miles/day)	1,971,900
	200 vehicles x 21 Days x 50 liters/day @ 15/65 (Est. 260 miles/day rural areas)	3,286,500
3.	* <u>Repairs & Maintenance</u>	
	7000 vehicles x avg Kshs 2000	14,000,000
4.	<u>Hire of Boats and Planes</u>	
	For rural area travel	5,000,000
		<hr/>
	SUBTOTAL KSHS	40,486,150
	US	\$1,265,192

GENERAL ELECTION BUDGET SUMMARY

1.	PRINTED MATERIALS	309,251,191
2.	COMMODITIES & SUPPLIES	56,021,820
3.	PERSONNEL	43,278,500
4.	TRANSPORT	40,486,150
		<hr/>
	KSHS	449,037,661
	US	\$14,032,427
Cost per voter based on 8,000,000 voters:		
	Kshs	56.13
	US	\$1.75



SUMMARY OF BUDGET RECOMMENDATIONS
NOT INCLUDED IN GENERAL OPERATING BUDGETS

Throughout this report, the Team has made various budgetary recommendations for the Commission's consideration, and for the consideration friendly governments and donor agencies interested in supporting Kenya's transition to a multi-party system. Many of those recommendations have actually been incorporated into the budget estimates presented on the previous pages. They include such recommendations as those related to improved ballot boxes and seals, posters for polling sites, production of various accountability and count summary forms and envelopes, white gas lamps for polling sites without electricity, and handbooks and training materials for election officials and workers.

However, a number of recommendations were offered to enhance the process but in directions which are not requisite to the general administrative budgetary requirements. Herein is a summary of those recommendations which have not been included in the general operating budgets.

1. Travel expenses and accommodation of 2 representatives of the Electoral Commission to supervise the production and packaging of ballots overseas, assuming that ballot papers are printed in Great Britain.

2 Return air tickets, Nairobi/London Kshs @ Kshs 48,000 ea.	96,000
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Accommodation, 14 nights x 2 Persons @ Kshs 3,840	107,520
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Per Diem, 15 days x 2 Persons @ Kshs 1,920	57,600
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Kshs	261,120
US	\$8,160

2. The Team recommends that Training Consultants be provided to assist the Commission in developing a comprehensive training program for Returning Officers, Presiding Officers and Poll Workers. Further, it is recommended that these consultants assist in the development of standards and in the conduct of orientation programs for International and Domestic

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Observers.

Salaries	3 consultants x 36 days	Kshs 725,760
Per Diem	3 consultants x 42 days	223,968
Airfare	3 consultants	714,176
In Country Travel	3 consultants x 42 days	239,872
Overhead	35%	666,321

Kshs
US

2,570,097
\$80,316

3. The IFES Team would recommend that a consultant be provided to assist in the production of a thorough "Best Practice" paper with regard to the conduct of the count to assist the Commission in overcoming deficiencies noted by the Team with regard to accountability standards and maintenance of an adequate audit trail for the count.

Salary	1 consultant x 12 days	Kshs 67,200
Per Diem	1 consultant x 14 days	26,880
Airfare	1 consultant	228,448
In Country Transport	1 consultant x 14 days	6,720
Overhead	35%	115,236

Kshs
US

444,484
\$13,890

4. The Team believes it may be helpful to recommend that a campaign ethics consultant be offered work with the Election Commission and media officials to develop a candidate code of conduct, draft formal policies regarding equal access to the media, and uniform guidelines of ethical campaign practices.

IFES Pre-election Assessment
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Salary	1 consultant Kshs 18 days	120,960
Per Diem	1 consultant x 21 days	40,320
Airfare	1 consultant	228,448
In Country Travel	1 consultant x 21 days	10,080
Overhead	35%	139,932

Kshs	539,740
US	\$16,867

5. The Team recommends funding for hardware and software to assist the Commission in completing its delimitation of constituencies and mapping of the election districts. The Team is convinced that the level of technological sophistication and expertise in Kenya supports the practicality of computerization of this element of the election process.

Multi-User 3 Pack ARC/INFO Kshs GIS Software (1 Work Station and 2 PC's) (Or Similar)	800,000
3 PC's, networked, installed, plus consumables, including UPS/Surge Protectors	384,000
PCNFS Network Software	48,000
Sunspark Digitizer (Or Similar)	320,000
Calcomp (Or Similar) 8-Pin Plotter Laser Printer	320,000

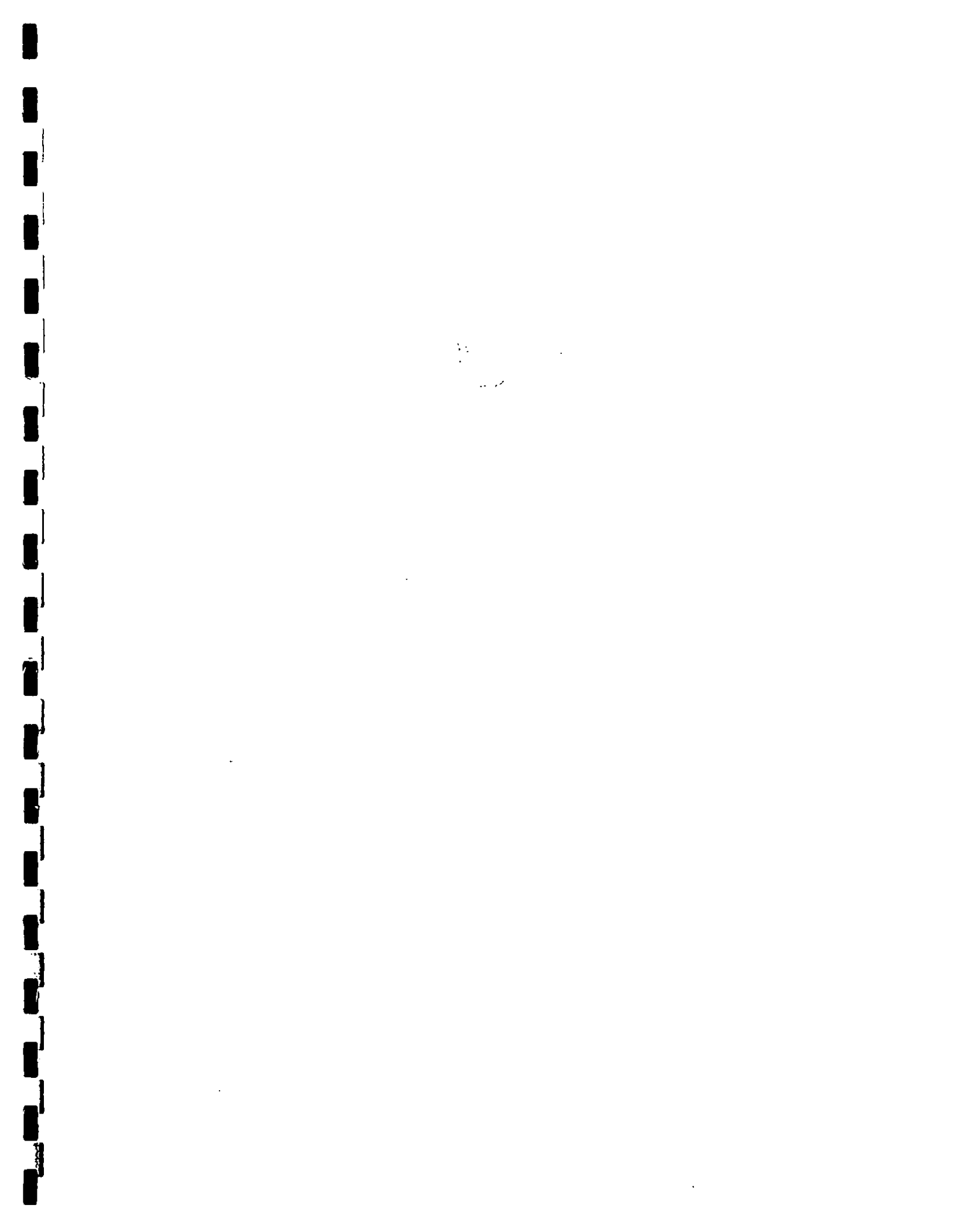
Kshs	1,872,000
US	\$58,500

1 Programmer, 12 Months Kshs	460,000
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@ Kshs 38,400/Mo US
x 12 months

\$14,400





ACKNOWLEDGEMENT

During its brief stay in Kenya, the Team had the pleasure of working closely with members of the Electoral Commission, government officials and representatives of the international community whose generous dedication of time, cooperation and commitment contributed significantly to the Team's efforts. The Team would like to express its heartfelt gratitude to the following individuals:

Amos Wako, Attorney General

Justice Z. R. Chesoni, Chairman, Electoral Commission

Japhet Masya, Clerk of the National Assembly

Durham Rameson Ongalo, Director, External Resources Department

Mr. Mongovia, Department of Administration

Mr. Waitete, Senior Programmer, Cartographer, Electoral Commission

Professor Phillip Mbithi, Chief Secretary, Office of the President

Dr. W. Koinange, Permanent Secretary, Ministry of Finance, Office of the Vice President

The Honorable Smith Hempstone, Jr., United States Ambassador

The Honorable Denis D. Afande, Ambassador, Republic of Kenya

Richard H. O. Okwaro, Counsellor/Head of Chancery, Embassy of the Republic of Kenya

Thomas B. Amolo, First Secretary (Political) Embassy of the Republic of Kenya

Shukri Baramadi, First Secretary (Administration/Tourism) Embassy of the Republic of Kenya

Jack Titsworth, Counsellor (Development), Canadian High Commission

Masaki Koito, First Secretary, Embassy of Japan

Chris Cooter, Third Secretary, Political and Economic Relations
Canadian High Commission

Francois Gordon, First Secretary (Political), British High
Commission

Norman Nordenfeld, Swedish Embassy

Roger J. Simmons, Deputy Director, USAID Mission to Kenya

Prof. Joel D. Barkan, Governance Advisor, USAID

Wilfred K. K. Kimalat, Permanent Secretary Provincial Administration