

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION



# AUGMENTING ELECTORAL MANAGEMENT THROUGH INNOVATIVE STAKEHOLDER ENGAGEMENT

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## Introduction

This presentation will address how EMBs can innovatively engage various stakeholders, with the aim of amplifying the quality of managing elections.

However, stakeholder engagement is not an end in itself but rather a means through which EMBs can achieve enhanced transparency and accountability in the electoral process whilst securing the credibility of the polls.

## Introduction...

I will also briefly share with you our experience in conducting two (2) presidential elections within three (3) months in 2017.

Often there are lessons to be learnt from conducting one (1) presidential election, however, when faced with conducting two (2) such elections in quick succession you then become a case study for many EMBs eager to learn about our Kenyan experience.

## Introduction...

EMBs world over face the accusation, often wrongly so, of favouring a particular political side in an electoral contest.

Many politicians, particularly in Africa, only consider the elections they participate in as being free and fair only if they are declared winners.

When they lose, they often accuse the EMB for the loss and that the elections were not free and fair.

## Introduction...

The loosing politicians often take advantage of the minimal understanding of their supporters on electoral processes, and they often mobilize them into violent demonstrations resulting in chaos.

Demystifying and increasing transparency in the electoral processes will certainly enhance electoral management.

Therefore, continuously and meaningfully engagement of stakeholders through the traditional fora and other innovative means, including use of IT, will be very helpful.

## INNOVATIVE STAKEHOLDER ENGAGEMENT IN ELECTORAL MANAGEMENT

Kenya is a fairly young but large democracy with about:

- ✓ 19,611,423 registered voters;
- ✓ 1,800 elective seats (Members of County assembly, Members of National Assembly, Woman Members of National Assembly, Senators, Governors and the President);

The General Elections for all the six (6) elective seats is held on the same day [i.e. the 2<sup>nd</sup> Tuesday of August every five (5) years].

## INNOVATIVE STAKEHOLDER ENGAGEMENT IN ELECTORAL MANAGEMENT...

Our elections are highly regulated in law and the holding of 6 elections in one day creates serious logistical and other challenges such as stakeholder engagement for the Commission.

The Independent Electoral and Boundaries Commission (IEBC) is Kenya's EMB established under Article 88(1) of the Constitution.

It's autonomous constitutional Commission set-up to discharge its mandate independently.

## INNOVATIVE STAKEHOLDER ENGAGEMENT IN ELECTORAL MANAGEMENT...

The Commissions' overall mandate is to conduct or supervise referenda and elections to any elective body or office established by the Constitution, and any other elections as prescribed by an Act of Parliament.

# INNOVATIVE STAKEHOLDER ENGAGEMENT IN ELECTORAL MANAGEMENT...

In particular IEBC undertakes:

- (a) Continuous registration of citizens as voters;
- (b) Regular revision of the voters' roll;
- (c) Delimitation of constituencies and wards;
- (d) Regulation of the process by which parties nominate candidates for elections;
- (e) Settlement of electoral disputes;
- (f) Registration of candidates for election;
- (g) Voter education;
- (h) Facilitation of the observation, monitoring and evaluation of elections;
- (i) Regulation of money spent by or on behalf of a candidate or party in respect of any election;
- (j) Development of a code of conduct for candidates and parties contesting elections.

## INNOVATIVE STAKEHOLDER ENGAGEMENT IN ELECTORAL MANAGEMENT...

The Commissions functions are further elaborated by the IEBC Act, No 9 of 2012 (as variously amended) and the Elections Act, No 24 of 2011. The IEBC is therefore obligated to conduct its affairs within the confines of these legal provisions.

Kenyan laws compels public entities to undertake stakeholder engagement in the discharge of their mandates. Thus, IEBC is obliged to engage in stakeholder consultation in its electoral processes.

## INNOVATIVE STAKEHOLDER ENGAGEMENT IN ELECTORAL MANAGEMENT...

Additionally, the IEBC Act, protects and guarantees stakeholders right to access information held by the Commission. It sets-out the procedure and parameters of accessing this information.

It is therefore against this background that the IEBC must proactively engage its stakeholders, enabled by technology, and ultimately enhance the quality of electoral management.

## INNOVATIVE STAKEHOLDER ENGAGEMENT IN ELECTORAL MANAGEMENT...

Pursuing stakeholder engagement enables IEBC:

- ✓ to create and impart knowledge to various stakeholders about its activities, processes and challenges.
- ✓ alleviates lack of clarity and enhances the credibility of the elections.
- ✓ helps to debunk various myths, rumours, falsehoods and/or misinformation.
- ✓ Ultimately, increases voter turn-out and participation in the electoral process.

# INNOVATIVE STAKEHOLDER ENGAGEMENT IN ELECTORAL MANAGEMENT...

IEBC uses a variety of means to reach out to its diverse stakeholders (citizens and institutions) and they include:

## 1) Continuous Voter Education

The Kenyan constitution obligates the IEBC to continuously carry out voter education and is achieved through:

- ✓ Roadshows in major cities;
- ✓ Television clips and advertisements in major newspapers;
- ✓ SMS verification service for voters;
- ✓ Voter educators in every ward (the smallest electoral unit in Kenya).
- ✓ Educating young citizens through participation in school (primary and secondary) activities;
- ✓ Regular visits to prison facilities to educate prisoners;
- ✓ Development of a uniform voter education curriculum to be used by all parties involved in voter education.

# INNOVATIVE STAKEHOLDER ENGAGEMENT IN ELECTORAL MANAGEMENT...

## 2) Bi-annual reporting to Parliament

IEBC is obligated by law to submit to the National Assembly, a detailed report of the activities undertaken by the Commission in realisation of its mandate.

This provides an opportunity to engage with a key stakeholder with mandate of legislation making. In this respect, Parliament provides oversight without unduly infringing with our independence.

## 3) Political Party Liaison Committee (PPLC)

The Commission established PPLC that engages with the Countries 67 political parties, as an avenue to apprise them on Commission's activities and to also enable them raise any concerns they may have.

The Commission has also established a Political Parties Liaison Department that engages with the political parties at technical level.

# INNOVATIVE STAKEHOLDER ENGAGEMENT IN ELECTORAL MANAGEMENT...

## 4) Partnerships with Civil Society Organizations

There are various Civil Society Organizations engaged in election related activities. The Commission partners with some to reach out to voters in order to sensitize them on certain targeted programmes undertaken by the Commission.

## 5) Social Media Platforms

The Commission established and operates an active Twitter and Facebook pages to enable faster interaction with citizens, especially the younger generation.

These internet platforms are also used to disseminate various election related downloadable audio clips developed by the Commission.

# INNOVATIVE STAKEHOLDER ENGAGEMENT IN ELECTORAL MANAGEMENT...

## 6) Traditional Consultative Face-to-Face Meetings

The Commission adopted an open door policy where stakeholders are free to come and engage with the Commission on any electoral matter.

The Commission also engages in sponsorship of various social events.

## THE 2017 KENYAN ELECTIONS

The General elections were conducted on the 8<sup>th</sup> of August, 2017.

In preparation, IEBC heavily invested in Kenya Integrated Election Management System (KIEMS) technology that comprises of:

- ✓ electronic (biometric) voter identification [EVID];
- ✓ electronic candidate registration management system [CRMS];
- ✓ electronic results transmission system [RTS].

This is was to ensure transparency, verifiability and accuracy of the elections.

## THE 2017 KENYAN ELECTIONS...

The 8<sup>th</sup> August Elections was a close contest between the party in power (Jubilee Party) led by Uhuru Kenyatta, and the main opposition coalition (National Super Alliance) led by Raila Odinga.

However, there were six other presidential candidates with much lesser following.

Uhuru Kenyatta was declared president-elect on the 11<sup>th</sup> of August, 2017 having obtained the majority votes from the 291 constituencies across the country.

## THE 2017 KENYAN ELECTIONS...

The outcome of the election was challenged by Raila Odinga in the country's Supreme Court; which allowed the Petition on the 1<sup>st</sup> September, 2017.

The Court cited illegalities and irregularities in violation of the Electoral laws and the constitution.

In particular, results transmission and the standardisation of statutory result forms were cited as the main reasons for the cancellation.

The Supreme Court ordered a fresh presidential election (FPE) be conducted within 60 days as stipulated in the Constitution [Article 140(3)].

## THE 2017 KENYAN ELECTIONS...

The Commission undertook various remedial actions to address the concerns raised by the Supreme Court.

We published a legal compliance matrix itemizing the various issues singled out by the Court and the specific actions taken to address them in the lead-up to the fresh elections.

The matrix also outlined responses to demands by the leading opposition coalition (NASA) as a precondition for participating in the repeat election.

## THE 2017 KENYAN ELECTIONS...

However, the presidential candidate for the NASA Coalition withdrew from the FPE.

The Commission nonetheless resolved to conduct elections on the 26<sup>th</sup> of October.



## THE 2017 KENYAN ELECTIONS...

The Commission championed various actions which were undertaken to secure the FPE's credibility and integrity:

### 1) Constitution of an FPE Project team

This sought to address allegations that the Commission's secretariat team that steered the presidential election of 8<sup>th</sup> August, 2017 was partisan or compromised. The project team comprised of staff from the field and some from the Commission's head office.

Staff adversely mentioned by the political parties were excluded, not because they were culpable but to preserve the integrity of the process.

# THE 2017 KENYAN ELECTIONS...

## 2) Staff/Personnel Conduct Scrutiny

The Director of Public Prosecution (who bears the sole prosecutorial powers) was invited to investigate and prosecute any staff who might have violated any electoral laws prior to the August election.

Additionally, about 45 staff were disciplined in accordance with IEBCs internal policies. Also, some staff were asked to proceed on leave, to avoid any real or perceived interference on the FPE project team.

# THE 2017 KENYAN ELECTIONS...

## 3) ICT Changes

On results transmission, a key issue in the annulment of the elections, returning officers transmitted results to the Chairperson of the Commission through a secure VPN

Additionally, presidential ICT agents were allowed access to the results transmission servers for monitoring purpose.

The transaction logs were also availed to agents and observers.

# THE 2017 KENYAN ELECTIONS...

## 4) Enhanced Media Access

Media was allowed unfettered access to polling stations and tallying centres across the country to enhance transparency of electoral process, including allowing them to relay results to the public from the source.

## 5) Improvements on Results Forms

The security and accountability of the results forms from the polling stations and constituency tallying centres were further enhanced.

# THE 2017 KENYAN ELECTIONS...

## 6) Engaging Leading Candidates

The Commission, through its Commissioners, held meetings with the two leading presidential candidates with a view to appraising them on the preparations and asking them to ensure they put the Country first in their speeches and actions.

This was aimed at containing rising tension in the country.

# THE 2017 KENYAN ELECTIONS...

## 7) Legal Team Reorganization

In preparation for another petition, the Commission reorganised its legal team and inducted them on the electoral processes.

The induction enabled them to better articulate the position of the IEBC in the suit that was latter lodged against the Commission.

## THE 2017 KENYAN ELECTIONS...

In the lead-up to the FPE, our staff in the strongholds of NASA were subjected to attacks and trainings for electoral staff were also disrupted, leading to postponement of elections in the affected constituencies.

Subsequently, despite various attempts to conduct the elections in the affected constituencies, it was not possible due to insecurity.

The Commission invoked relevant sections of the Constitution and Election Act to declare the result of the FPE on the 30<sup>th</sup> of November, 2017.

Once again, the results of the FPE were contested in the Supreme Court and a determination rendered on 20<sup>th</sup> of November, 2017.

The Court unanimously dismissed the Petitions and upheld the FPE as being conducted in accordance with the Constitution and the electoral laws.

## CONCLUSIONS

The recent Kenyan elections, both the August 2017 General elections and the October 2017 FPE, were fiercely contested and the country is yet to heal and recover from the polarisation experienced.

As a Commission, we will focus on transforming our EMB considering the lessons learnt from the recent elections, in order to make it better prepared for the next national elections.

It is not possible to satisfy all parties in any political contest, however, we must always do our duties in strict conformity to existing electoral and other laws, to the best of our ability, and to the highest acceptable standards, and ensuring that we leave nothing to chance.

**Thank you for your attention!!**

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the right side of the slide, with some extending towards the center. The overall aesthetic is clean and modern.