



## **VOTER INFORMATION NETWORK & EDUCATION – AFRICA**

### **POLITICAL PARTIES' PRIMARIES OBSERVERS REPORT APRIL, 2017**

The political parties' primaries were initially gazetted by IEBC to be conducted between 13th April 2017 to 26<sup>th</sup> April 2017. However, the High Court of Kenya sitting in Malindi extended the period to 30<sup>th</sup> April 2017 as the deadline following a petition by a civil society organization based in Kilifi County.

#### **OBJECTIVES**

1. To find out how political parties select their candidates to face other candidates from other parties in the general elections scheduled for August 8<sup>th</sup> 2017
2. To check on political parties' compliance with Elections Act and Political Parties Act
3. To take note of any inadequacies associated with the process for purposes of future improvement
4. To assess the electorate's willingness to participate/ level of participation in this vital civic duty

## **METHODOLOGY**

Our team chose to observe party elections of two parties; thus Jubilee Party and Orange Democratic Movement Party of Kenya which had the highest number of aspirants as per the list gazetted by IEBC for party primaries.

Our methodology involved observing the mode of operation of the party elections and this in isolated situations infiltrating the polling clerks recruitment exercises and getting first-hand accounts of the operations with specific emphasis on the following:

1. Eligibility of voters as per membership registers
2. Polling venue
3. Time of polling
4. Security
5. Election officials
6. Election materials
7. Any other matters related thereto.

## **AREA OF COVERAGE**

Our team covered 7 counties in total in monitoring the party elections of the above two parties and the main determinant was that these counties are perceived as strongholds of the two parties where getting a party ticket is equal to getting elected for the respective seats in contest.

These counties were, Kiambu and Murang'a for Jubilee Party and, Kisumu, Vihiga and Siaya for ODM party while Nairobi was chosen a sway county for both political formations.

## **JUBILEE PARTY**

Our team covered Jubilee party primaries in Nairobi, Kiambu and Murang'a counties sampling Kikuyu, Kabete, Limuru, Kiambaa, Kiambu, Githunguri, Ruiru, Kigumo and Kiharu constituencies.

In all the polling stations we visited, there was no membership register in use by the polling officials or proof of party membership except national identification card or passport and 2013 IEBC register. Those who were not found in the 2013 IEBC register had their names written down at the back of the same register and improvised exercise books.

In all the polling centres visited by our team, there was heavy security presence by Administration Police, Regular Police and Prison Warders.

The polling officials were kitted in uniforms and therefore making it easy to single them out from the rest of the people.

### 1. KABETE CONSTITUENCY

Our team visited Uthiru High School polling station and up to around 11 o'clock there were no elections materials and election officers at the polling station.

In fact the school gate was closed with people milling around the gate waiting for it to be opened so that they could enter in to vote for their preferred candidates.

During the repeat nominations, the exercise started around 8.30 o'clock and went on smoothly without any hindrance.

### 2. KIKUYU CONSTITUENCY

Our team visited Kikuyu Township Primary School polling station and found a long queue of voters waiting for election officials and materials.

Here materials arrived at around 11.30 o'clock and voting started at around mid day.

We had a chat with constituency Returning Officer Ms Naima Salim who said that the late arrival of materials and deployment of election officials was occasioned by reshuffle at around 4 am on the Election Day which changed everything from the original plan of deployment and distribution of materials.

We also talked to Jubilee Party Kikuyu constituency Organizing Secretary who said that although they were late, they would try as much as possible to mitigate on the late opening by extending voting hours.

We also had an encounter with Mr. John Tako and unidentified colleague from ORPP who were also monitoring the process to check on the compliance by political parties.

We further interviewed the Kikuyu Deputy- County Commissioner who was also assessing the security situation and deployment of security officers.

The polling station had deployment of AP and Prison Warden Officers to ensure security and order.

### 3. LIMURU CONSTITUENCY

Our team visited Kirathimu polling station in Limuru constituency where people were waiting for election materials as late as 1pm. Election materials did eventually arrive around 1.40 pm

The Presiding Officer explained to us that the late arrival of election materials and opening of the polling station was occasioned late reshuffle of returning officers which took place at 3am on the material day.

Preparations were made quickly enough for polling to start and the first voter cast their ballot at exactly 1.56pm.

The 2013 IEBC register and national ID cards were the eligibility tools used by the presiding officer to process voters in order to cast their ballots.

#### 4. KIAMBAA CONSTITUENCY

Our team did visit both Karuri High School and Karuri Primary Schools polling stations in Kiambaa constituency. Voting started in Karuri High School polling station at around 11.30 am while in Karuri Primary School, it only embarked at around noon.

The polling station lay out was so poor at Karuri High School polling station that the elderly and people with disability could not access it in order to cast their ballots and those who had cast their ballots could not leave the station.

Our team had to intervene to remedy the situation by asking the Presiding Officer, Mr. Simon Mwangi and the officer in charge of prison warders deployed to the centre to stop the process temporarily and use the security officers available at their disposal to make the room accessible.

The same problem of accessibility prevailed at the neighboring Karuri Primary School but on a lesser scale as they had two polling stations to cater for the high number of voters and the Presiding Officer, Mr. Samuel Kimani organized his area better.

#### 5. KIAMBU CONSTITUENCY

Our team visited Kiambu Municipality Office polling station where they observed that many people were locked out of the polling station because they had come after 5pm and they were not allowed into the Kiambu Municipality polling center to exercise their democratic rights.

The Presiding Officer, Ms Rehab Mbaire explained that they opened the polling station at 8.30am and they had informed people that they will close the gate at exactly 5pm and so they were simply implementing the notice which they had issued to voters .

## 6. GITHUNGURI CONSTITUENCY

Our team visited Githunguri township primary school where one of the candidates installed his own set of election officials and not the ones designated by the party secretariat leading to a fracas and delaying of the polling process.

After around two hours of impasse, the party officials intervened and the election officials deployed by the party are the ones who eventually presided over the polls.

## 7. RUIRU CONSTITUENCY

Our team visited St. George's primary school polling station in Ruiru constituency and witnessed the counting of votes at this centre.

The polling opened at around 8.30 am and the centre had two polling stations

The eligibility to vote was based on possession of national ID card and 2013 IEBC voters register and those who were not captured in the said register had their names entered in a different exercise book before being allowed to cast their ballots.

At the end of the counting for gubernatorial position the votes cast were as follows:

Polling station 1      1.Ferdinand Waititu-451

2.William Kabogo-218

Polling station 2. 1. Ferdinand Waititu-409

2.William Kabogo-251

## 8. KIGUMO CONSTITUENCY

Our team visited Kigumo Primary School polling centre in Kigumo constituency where the election officials on duty used the 2013 IEBC voters register and the names of people not in the register were entered in an exercise book then allowed to vote.

The polling centre was heavily secured by Administration Police Officers and there was nothing which threatened the security of the area.

## 9. STAREHE CONSTITUENCY

Our team visited Moi Avenue primary school polling station where one of the gubernatorial candidates, Mr. Peter Kenneth visited and was booed by voters on the queue as he met his agents.

During our team's visit, they had difficulty accessing polling station because the security team of police officers providing order at the polling centre insisted that they had firm instructions not allow observers into the polling stations.

It was the intervention of another senior police officer who resolved the matter and allowed the team entry into the station.

This station also had voters from NSSF polling centre and they also voted from here.

#### 10. MATHARE CONSTITUENCY

In all the polling centers we visited, there was late opening due to one reason or another and none was opened as scheduled hence occasioning long queues witnessed during the exercise.

The election materials in use were ballot papers bearing names and photos of candidates for respective seats, ballot boxes, polling day schedule, presiding officers rubber stamps and results declaration forms for each seat.

#### 11. MAKADARA CONSTITUENCY

##### **St. John Primary School:**

In all the position contested, the presiding officers and the agents of the contestants unanimously agreed to use both party and IEBC list used for 2013 election for the process.

Our team visited St. John Primary School and the Presiding Officer Ms Judith Muthoni informed us that they opened early enough and started voting at 7.30am. She did not have any major issue other than those cases where some voters were not on both list as they had transferred their votes from other location and those who had registered for the first time as the current list has not been released by IEBC for all political parties.

##### **Joseph Apudo Primary School:**

In Joseph Apudo Primary School, the exercise was cancelled after some agents noticed that the ballot papers were interfered with claiming that the box was opened somewhere and that some voting materials were missing. It forced the presiding officer Mr. Bernard Kipkirui Rono to call the returning officer Mr. Eliud Githinji to come and explain why the anomalies occurred, when he came, he confirmed that voting material for all contested position were supposed to be uniform yet in this case MCA and WOMEN REPRESENTATIVE voting materials were 21 booklets as was to be the case, MP were 29 booklets GOVERNOR 13 and SENATOR 9 instead of 21. After consulting his superiors, and the agents, they agreed to cancel the process. This

happened when one of the MCA aspirant Ms. Agnes came after she was informed by her agent of what was going on, she also agreed with the decision made and security officer in charge Sgt. Lucas Keipeny was given the mandate to guard the ballot materials until the closing time of 5PM.

#### **MAKONGENI PRIMARY SCHOOL:**

The voting went on smoothly without any problems under the supervision of presiding officer Mr. Absalom Osoro. He confirmed to me that all booklets were 21 for all the contestants. From Makongeni we proceeded to Martin Luther Primary School where we confirmed with the presiding officer Mr. Stephen Mwangangi that they were also using both party list and IEBC.

#### **Embakasi Immaculate Primary School:**

The polling station was opened late at around 11am and that was why by 2pm the queue was long, although the centre had three polling stations, the process was running well. The presiding officers for the three polling stations were:

1. Linda Okele
2. Mary Muhandi
3. Caroline Kinyua.

They confirmed to us that the major challenge they were encountering was the big number of those who transferred their votes and the newly registered voters who could not vote as their names did not appear on both lists. After that we went back to Makongeni Primary School at 8pm where we found when the counting of votes going on.

#### **ORANGE DEMOCRATIC MOVEMENT PARTY OF KENYA**

Our team covered ODM party primaries in Nairobi, Kisumu, Vihiga and Siaya counties capturing Embakasi North, Embakasi Central, Embakasi East, Embakasi South, Makadara, Starehe, Kisumu Central, Luanda and Gem constituencies.

##### **1. KISUMU CENTRAL CONSTITUENCY (KISUMU COUNTY)**

Our team visited Manyatta Primary School, Kondele Roundabout and Aga Khan Social Hall polling centers in Kisumu County. At Manyatta Primary School voters were queuing but there was overcrowding at the entrance to the polling room and the team could not access the room. Voting started at 9 a.m. with only national Identification being used and there were no security officers present.

Kondele roundabout in Kisumu Central is an open air polling station. Our team arrived there at 10:15 am. Voters were on the queue to vote in a tent erected in the open. The team could not reach out to the election officials as the tent was surrounded by a crowd.

At Aga Khan Social Hall in Kisumu Central constituency, voters were on a long queue to vote in the hall but in the hall there was a huge crowd as the voting was going on.

## 2. LUANDA CONSTITUENCY (VIHIGA COUNTY)

At Mumboha Primary School, Luanda Constituency in Vihiga County, the team arrived at 11:31am. Up to that time voters were waiting for materials which arrived at around 11:46 am. Voting could not start off because of a disagreement on the list of voters and the requirements to vote. The team left the centre at 1pm when the aspirants went to consult on the way forward.

## 3. GEM CONSTITUENCY (SIAYA COUNTY)

At Sagam Primary School, the team arrived at 2 pm when the voting process had just begun. There was a long queue but the process was orderly with the area assistant chief taking charge of security. National ID card was used as identification document.

At Mindhine Primary School, the team arrived at 2:30 pm. There were voters waiting to cast their ballots after the voting materials had been turned away because they belonged to a different polling centre. It later turned out that no voting ever took place at Mindhine Primary School as no other materials were taken to the centre again.

At Jina Primary School the team arrived at 3:40 pm. Voters were on the queue to cast their ballots. The team could not access the classroom being used as the polling station as the entrance was crowded.

All polling centers opened late with some opening as late as 4pm leading to stampede and scramble by people who have been on the queue all along to vote. In some cases, there was completely no voting at all like Mindhine primary school of East Gem Ward in Gem constituency.

## 4. MAKADARA CONSTITUENCY (NAIROBI COUNTY)



In St. John Primary School election officials arrived with the voting materials at around 2pm and found when the voters were very much rowdy. They were complaining of the lateness of the voting materials and the officers mandated to oversee the whole exercise. The Returning Officer Mr. William said that there were some unavoidable circumstances that made the process start later than the stipulated time. He apologized for the situation and promised the voters that they would conduct free, fair, transparent and accountable process.

The voting process started and went on smoothly until one of the aspiring candidates disrupted the process hence stopping voting as the ballot boxes were kicked and destroyed. He was arrested and taken to Makongeni Police Station but was released the following day without any charges preferred on him, hence making the results nullified.

#### EMBAKASI NORTH CONSTITUENCY (NAIROBI COUNTY)

At Ronald Ngala Primary School polling could not start at the scheduled time because the presiding officer who was deployed was supposedly also a campaign manager in charge of the re- election of the incumbent MCA and therefore other contestants refused to have him manage the election.

There was a scuffle and one person was stabbed using broken bottles at around 10 am.

Later on another presiding officer was deployed but at around 6 pm there was a stampede and one voter who was an expectant woman was trampled over by people who were running away from chaos with just a few people having cast their votes. Finally there was no polling for any seat in this county assembly ward as police were called in keep order as the security situation fast ran out of control.

At Tom Mboya primary school polling station in Dandora county assembly ward 3, polling finally opened at around 2 pm and the eligibility to vote was 2013 IEBC voters register and national ID card.

The security was provided by administration police officers whose camp is adjacent to the polling station and no ugly scene was witnessed.

#### 5. EMBAKASI EAST CONSTITUENCY (NAIROBI COUNTY)

Our team visited Donholm Primary School polling station of Upper savannah Ward in Embakasi East constituency.

The polling opened around 8.30 am and the eligibility to cast ones vote was an ID card and the 2013 IEBC register.

There was adequate deployment of security officers from both administration officer and regular police officers and there was order however party youths seemed to control and give directions to the police officers on duty.

The Presiding Officer, Mr. Sebastian gave authority to the police officers inside the polling station to mark ballot papers for assisted voters and they looked more of election officials than the actual presiding officer himself and the polling clerks as they seemed to control the polling process.

#### 6. EMBAKASI SOUTH CONSTITUENCY (NAIROBI COUNTY)

Our team visited Free Pentecostal Fellowship of Kenya's Uzima Vocational Training Institute in Pipeline County Assembly Ward of Embakasi South constituency.

At Uzima Vocational Training Institute, the station opened around 12.30 pm and the presiding officer, Mr. Patrick told our team that this was occasioned by late distribution of election materials to be used in conducting the elections.

During the exercise, there was no party register in use and the candidates and their agents present had to agree amongst themselves on what to use as a register and they all agreed to use ID cards and to buy exercise books which they used to write down the names of those who have voted.

In Embakasi South constituency at Free Pentecostal and Fellowship Church of Kenya, Uzima Vocational Training Institute there was no kind of register in use and people were only using ID cards to vote and their names written down in several exercise books.

Although there was deployment of two regular police officers on duty, controlling of security was in the hands of party youths who dictated the entry and non entry of people going into the polling station.

#### 7. STAREHE CONSTITUENCY (NAIROBI COUNTY)

Our team visited St. Peters Claver's Primary school polling station in Starehe constituency and found voting going on very smoothly. In fact this was the most orderly of all polling stations in ODM elections visited by our team.

At this polling centre, we met ODM constituency Returning Officer, a Mr. Obiero who had paid a courtesy call on the Presiding Officer, a Mr. Jacob Ogola to check on the polling process.

This polling centre held elections for all the polling centres within central county assembly ward comprising of Muthurwa Market, Kenya Polytechnic, Moi Avenue Primary School and NSSF grounds.

The station opened at 10 o'clock in the morning.

There was no party register but the presiding officer was using IEBC 2013 register.

Security of the station was well organised with four administration police officers on duty.

#### 8. KAMKUNJI CONSTITUENCY (NAIROBI COUNTY)

In Kamkunji constituency, our team visited Pumwani Social Hall where they were denied entry to observe the election process by party youths who even threatened them.

All this time the administration police officers on duty looked powerless as they seemed to be taking directions from the party security youths and not the presiding officer.

#### 9. KIBRA CONSTITUENCY (NAIROBI COUNTY)

Owing to the volatility in the build up to the exercise in several parts of this constituency, we radically shifted our approach and embedded an observer amongst the polling clerks recruited to undertake this exercise. Of particular interest in one ward (name withheld) was the fact that the polling clerks were solely recruited by a leading aspirant who offered them emoluments outside what the party themselves would offer with strict instructions to protect the interests of the aspirant. There were generally pockets of random violence and voter intimidation in the exercise.

### **GENERAL OBSERVATIONS**

1. All the parties postponed their primaries several times and ODM even cancelled Nairobi primaries at 10:30 am on the first day with voters already on the queue waiting to cast their votes. This was a strong indicator for lack of preparedness for that vital exercise on the part of party elections management organs.
2. In all the polling stations visited by our team, there was no political party register of members. This shows that there is none the parties called for use of 2013 IEBC register of voters.
3. Even on the appointed date of the primaries, there were extensive delays in starting off the process in all the polling stations because none was opened on time and some were opened as late as 4pm
4. Despite the irregularities on dates and starting times, voters turned out in large numbers to exercise their civic duty in all the stations.
5. Absence of security officers in ODM primaries was a major factor contributing to a disorderly process.

6. In all the polling stations the elections officials were not taken through any training for the exercise and were also just distributed arbitrarily as late as when the voting process ought to have started.
7. In a few cases there were attempts to install cronies of aspirants as presiding officers as was the case in Ronald Ngala Primary School in Embakasi North constituency where a campaign manager of an aspiring MCA was initially the P.O. and was removed after protest by voters and in Githunguri Township Primary school polling centre.
8. There were a number of polling centres where no voting actually took place. For instance, Mindhine Primary School in Gem constituency and Ronald Ngala Primary School in Embakasi North constituency, no voting was done for ODM party.
9. In many instances especially in ODM primaries, a polling center which would in essence have as many as six or seven polling stations/streams was reduced into one polling station/stream making the exercise very difficult.
10. In announcement of results it was clear that in some places winners were being announced even when counting in other polling stations were still going on.
11. There were attempts by aspirants especially in ODM regions to intimidate election officials towards announcing them as winners hence the multiple numbers of winners being declared by different officials at different levels.
12. There was heavy presence of deployment of police officers to secure party primaries for Jubilee Party.
13. There was heavy deployment of party youths to secure party primaries for ODM.
14. There was no proper register used in both ODM and Jubilee primaries.

## **CONCLUSION**

1. Political parties were not prepared for the process and lack the capacity to organize and manage their own party primaries.
2. Some electors in the ODM and Jubilee party primaries were non party members.
3. None of the political party complied with both Elections Act and Political Parties Act.
4. The elections were not transparent, fair and verifiable on number of voters who participated in the exercise.

## **RECOMMENDATIONS**

1. Like in other countries, the political parties should partner with the IEBC and security agencies towards organizing and managing their primaries.
2. Elections Act and Political Parties Act should develop mechanisms of enforcements to ensure that only persons in the membership lists submitted to IEBC and ORPP are used for purposes of party primaries.
3. Parties should submit list of members to both IEBC and ORPP segmented to ward level and polling centre names.
4. Political parties have no capacity to conduct mini elections as witnessed above and they should therefore develop structures up to village level in order to introduce collegiate or delegate system at the ward level as a method of selection.
5. Parties should liaise with police service for deployment of adequate security in order to rein in on the hooliganism witnessed during the process.
6. Persons enlisted to take part in this process as election officials should be accorded some induction training to prepare them for the exercise.



**Photograph 1:** Polling station in Kikuyu Township Primary School, Kikuyu constituency





**Photograph 2:** Voters throng the gate of Kikuyu Township Primary School to participate in the Jubilee party primaries, Kikuyu constituency.



**Photograph 3:** Voter materials being offloaded by the Presiding Officer (In Pink) of Kirathimu polling station in Limuru Constituency.





**Photograph 4:** Voters denied entry into Kiambu Municipality polling centre offices after 5pm, Kiambu constituency.



**Photograph 5:** A security officer stands guard as election materials are off loaded at Kirathimu polling station in Limuru constituency.





**Photograph 6:** Voters marking and casting ballot papers at Kiambu Municipality polling centre and stations, Kiambu constituency.



**Photograph 7:** Voters waiting for the gates to Tom Mboya Primary Polling Station Embakasi North Constituency to be opened at 11:30 am.