

VOTER INFORMATION NETWORK AND EDUCATION-AFRICA

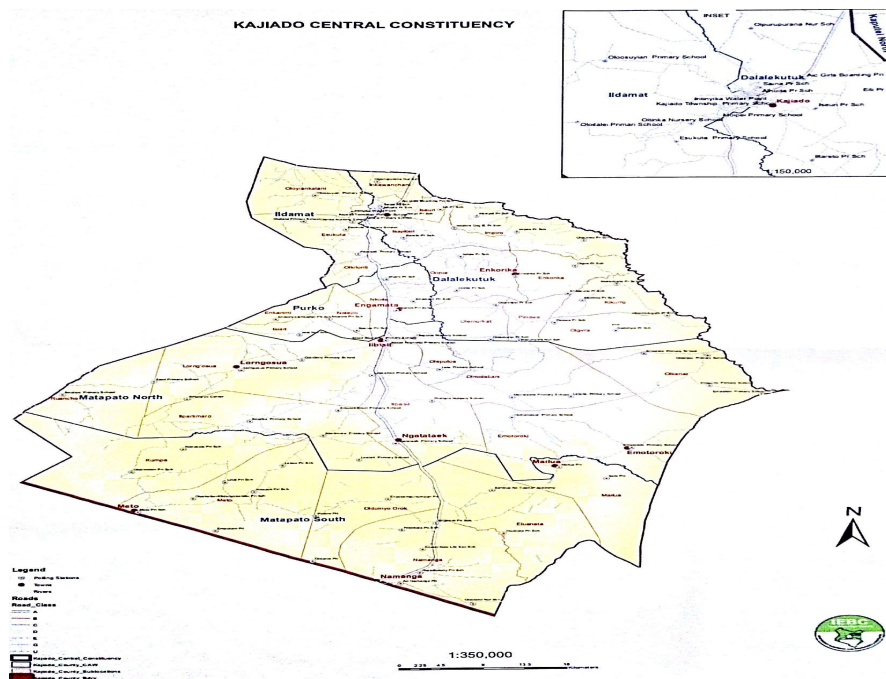
(VINE-AFRICA)

TEL: 0724430621/0733551527

ELECTION OBSERVERS REPORT

KAJIADO CENTRAL CONSTITUENCY MEMBER OF
NATIONAL BY-ELECTION CONDUCTED ON

16TH MARCH 2015



Team Leader
ERIC O.AYIEYE
EXECUTIVE CHAIRMAN

TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY.....	2
II.	INTRODUCTION TO THE MISSION.....	2
III.	POLITICAL BACKGROUND.....	3
IV.	ELECTION CAMPAIGN.....	3
V.	PREPARATION FOR ELECTION DAY.....	5
	i. MAPATO SOUTH ASSEMBLY WARD	
	Namanga AIC Pry School Polling Station.....	4
	Namanga Township Primary School Polling Station....	5
	Olmanie Primary School Polling Station.....	6
	ii. MAPATO NORTH COUNTY ASSEMBLY WARD	
	Ngatataek Primary School.....	6
	iii. PURKO COUNTY ASSEMBLY WARD.....	
	Ilparua Primary School Polling Station.....	7
VI.	RESULTS PROCESS.....	8
VII.	ELECTION RESULTS.....	8
VIII.	OBSERVATIONS.....	8
IX.	RECOMMENDATIONS.....	10
X.	CONCLUSION.....	11
XI.	LIST OF ABBREVIATIONS.....	14

EXECUTIVE SUMMARY

The Kajiado Central Constituency by-election was marked by high voter turnout and overall voter awareness unlike other by-elections. The campaigns culminating into the polling day were very active from both ODM/CORD and JAP parties who were the main contestants and it was also practically free of any incidents of campaign violence.

There was generally feasible display of:

- The voters register did not have any problem as most voters were identified by EVID with negligible cases that were identified through printed register and were allowed to vote.
- All the polling stations opened at 6.00 o'clock as required and closed in time with no shortcomings in polling stations we covered in our scope.
- It would also escape notice that despite the fierce competition this by-election demonstrated there were overall acceptance of the results among the electorate even through the losing candidate/party raised certain reservations because of the narrow margin.
- In spite of this, election day proceeded smoothly without any major incident of note. Equally RTs auxiliary to the EVID did not disappoint notwithstanding KCK of mobile phone transmission network in the constituency in some areas when it came to transmission of results after counting to the constituency tallying centre.

INTRODUCTION TO THE MISSION

VINE-AFRICA team formally applied for accreditation following an appeal by IEBC advert posted in the mainstream media and was duly accredited after meeting the requirements. We registered our first appearance in the constituency on Saturday 14th March 2015.

Our mission was primarily to make wide sweeping observations on the election process to see whether it's represents the wishes of the electorate.

VINE-AFRICA as a body charged with civic/voter education, did not reserve ourselves to any scope outside legitimate boundary provided and were thus seeking demographic information and

areas within the electorate that were in dire need of civic education in matters pertaining to voter awareness and education.

Our formal interaction with IEBC occurred on 14 March 2015 at Maasai Technical College in Kajiado Town during observers briefing where we had fruitful engagement with other accredited observers graced by IEBC Deputy CEO, Ms Betty Sungura, Acting Director Voter Education and Partnerships, Ms Ann Nderitu and Returning Officer Mr. Maurice Owino Ligulu among other secretariat staff.

Thereafter we took time to monitor the ongoing campaigns as this was the last day of campaigns.

POLITICAL BACKGROUND

Kajiado Central Constituency consist of five electoral assembly wards; namely Matapato South, Matapato North, Purko, Dalalekutuk and Iidamat. During last general and election held in March 2013, Hon. Joseph Nkaisery, ODM won the National Assembly seat. However, Hon Nkaisery resigned in December 2014 after being appointed as Cabinet Secretary to the Cabinet necessitating the subject by-election.

As at the close of clearance by the constituency returning officer, three candidates were validly nominated to run for the by-election.

1. ELIJAH MEMUSI KANCHORY - ODM
2. PAUL TUTUI - JAP
3. KUNTAI NKASHUMA - INDEPENDENT

ELECTION CAMPAIGN

As already mentioned above, we officially registered our presence in Kajiado Central constituency on 14th March 2015 when the electoral campaigns were coming to a close.

We thus had the opportunity to observe the last day of election campaign. We did not observe any ugly incident; however, what we observed of note was the use of government vehicle in political campaign by Mrs. Agnes Ndetei of National Drought Management Authority on behalf of Jubilee Alliance Party candidate Mr. Patrick Tutui.

This is blatant violation of electoral laws and code of conduct signed by all candidates and political parties participating in elections which can lead to disqualification of the said party and candidate from election.

The election campaigns saw a high level of participation on both sides of ODM/CORD and JAP candidates with JAP campaigns being led by none other than His Excellency, President Uhuru Kenyatta and Deputy President William Ruto on three occasion accompanied by Interior Cabinet Secretary Mr. Joseph Nkaissery while on the ODM/CORD led by Rt. Hon. Raila Odinga, Hon Kalonzo Musyoka and Hon. Moses Wetangula.

PREPARATION FOR ELECTION DAY

IEBC was well prepared for the by-election and this was seen in the orderly manner campaigns were conducted without violence in the vast constituency during the entire campaign period.

There were high levels of consultations among parties/candidates, agents, election officials and security officers.

This was evidenced by the manner in which political party agents at representative polling stations agreed easily on valid and invalid votes during counting with ease. In summary, there was generally high level of preparations in respect of the elections.

MATAPATO SOUTH ASSEMBLY WARD:

Namanga AIC Primary School

- We opened the polling day at AIC Namanga Primary School polling station number 077 with 567 registered voters.
- The presiding Officer, Mr. David Kuntai took all the political party agents
- The station opened polling at exactly 6.00 O'clock after sealing of all ballot box corners. At the time of opening, there were 5 agents, 3 for JAP and 2 for ODM.
- The first two voters were election officials registered at the centre and thereafter other voters followed suit.

At 6.50 o'clock a voter came with assistant voter. The PO administered oath of secrecy to the assistant voter before proceeding to the polling booth to mark the ballot for the voter. Around 15

minutes later another assistant voter came and the PO administered oath of secrecy before the duo proceeded to the polling booth.

At around 7:15 o'clock, the first assistant voter came back as a political party agent with appointment letter and JAP identification badge demanding to be an agent.

He was very arrogant to the PO and other agents and started making wild claims that election officials were rigging the elections on behalf of Mr. Memusi. Our team had to intervene during the melee and informed the PO that the person cannot be an assistant voter and an agent at the same time and so since he had sworn an oath of secrecy earlier he cannot be both so he has to leave the station.

A voter on the queue also informed the PO that the young man had previously offered them cash to come and vote for a particular candidate and at that time the PO declared him persona non grata and he was ejected out of the station forcefully by the security officers and told not to be seen around again.

There were no cases of voters missing in the EVID register by 7.30 O'clock and two assistant voters were documented so far by the time we left the station.

Namanga Township Primary School

Thereafter we proceeded to Namanga Township Primary School polling centre number 073 with total of 3374 registered voters. In this centre there were 5 polling stations with 700 voters each.

All the stations opened at exactly 6.00 o'clock with two political agents each with one representing ODM and JAP.

AT 9.00 o'clock, a voter came who seemed to be unaware of her registration centre and was identified by EVID to be a registered voter at Namanga AIC Primary School and was directed accordingly.

At 10.00 o'clock 7 voters in all the 5 polling stations at the centre could not be identified however, they voted because their names were in the printed registered.

Political party agents for JAP displayed their political party badges and we notified the respective POs that this is equivalent to campaigning and displaying of political party colours inside the polling station and at the booths when assisting voters.

Olmanie Primary School Polling Station

Thereafter we proceeded to Olmanie Primary School polling station centre number 034 with 311 registered voters.

The presiding officer, Mr. Dickson Oitoi took us through the seals used in sealing the ballot box. At the time of opening there were 4 agents representing both ODM and JAP equally.

Three voters were not identified by EVID but were allowed to cast their votes because their names were in the printed register.

All JAP political party agents displayed their political party badges while ODM had IEBC political party agents. We informed the PO of this anomaly and they were ordered to remove them and to display IEBC political party agents.

At 12 o'clock 220 voters had cast their ballots representing 70% of registered voters.

During our observation of polling by 20 voters, only 2 voters could mark ballot papers on their own, all the rest had to be assisted to mark ballot papers.

MATAPATO NORTH COUNTY ASSEMBLY WARD:

Ngatataek Primary School Polling Station

From Olmanie Primary School polling station our team preceded to Ngatataek Primary School polling station in Matapato North County Assembly ward with 760 registered voters.

At Ngatataek Primary School during our observation we noted a case of a voter with shared national identification card number who happened to be co-wives because they were known to the election officials and came from the same locality. At the time of our team, she was yet to vote because the PO was still trying to consult with IT department on the matter.

EVID machine failed at around 1427 hrs and after several minutes of failed trials, lasting 15 minutes, the PO decided to use the printed register. After 3 voters had cast their votes using the printed register the machine came back to life and its use continued thereafter smoothly without any problem.

2 voters were turned away because their names could not be identified in the EVID or printed register.

At around 3 o'clock, people who had cast their votes but were within the school compound became rowdy and demanded ejection of a suspicious looking man wearing dark glasses inside a classroom next to the polling station on allegations that he was paying voters after casting their votes in favour of JAP candidate.

The man was said to have been inside that classroom since 9 o'clock in the morning and when challenged he claimed that he was a CID officer on duty a fact which was confirmed by one of the two election security officers on duty from Kenya Prisons Service. Our team informed the PO regarding the chaos and she denied knowledge of such security officer seconded to the polling station except the uniformed police officers under her authority. She intervened to calm the situation which was threatening to get out of control and the man was finally ejected out of the polling station and was driven out in a Land Rover registration KAJ 016Y which had been parked at the polling station all along.

After he left, the crowd became calm and continued watching from a distance as voters lined up to cast their ballots.

PURKO COUNTY ASSEMBLY WARD:

Iparua Primary School Polling Station

VINE –Africa team closed the polling day at Iparua Primary School polling station in Purko County Assembly Ward Centre number 004 with 228 registered voters.

The presiding officer gave us information on serial numbers of ballot box, ballot papers and seals in use. The polling station opened at exactly 6 o'clock in the morning and 4 political party agents were present representing ODM and JAP equally.

There was not a single case of a voter's information not captured in the EVID. No voter turned up to vote from 20 minutes past 4 o'clock as it seem they had all turned out to vote early enough and wait for the results.

Voting officially closed at 5 o'clock in the evening. The PO then closed the aperture and officially put a green IEBC seal and all took note of the serial number. She then invited the party agents and gave them a blue seal which one of them used in sealing the aperture

The presiding officer then ordered a 5 minute break after which the polling station was converted to a counting hall. Thereafter the presiding officer and the counting clerks sorted out all the votes according to candidate's names and all were counted and reported accurately and results accepted and signed by all the party agents without any complaint. Out of the 228 registered voters in the centre 213 voted in the election representing 93.4% of the voter turnout.

Elijah Memusi	-	83
Patrick Tutui	-	130
Kuntai Nkashuma	-	0
Total	-	213

The presiding officer then transmitted the results to the constituency tallying centre after all the political party agents signed the results declaration form. Despite the high number of assisted voters; there was not a single rejected vote in this particular polling station.

OBSERVATIONS

1. Opening Of Polling Stations

We officially opened AIC Primary School polling station at 6 o'clock in the morning and all other stations we visited reported opening at that particular time. In fact Presiding Officer, Namanga AIC Primary School was ready at 0545hrs and held prayers with all party agents and election officials and only waited for the official time for voters to start voting in which the first two voters were election officials registered at the centre.

2. Layout Of Polling Stations

In all the polling stations we visited, the station layouts were excellent allowing in the free entry and exit of voters into and out of the polling stations without any hindrance.

3. Secrecy Of The Vote

In all the polling stations we visited, with Olmanie Primary School Polling Station leading with up to 95% assisted voters there is no secrecy of the vote as the agents can take down statistics of the votes in the ballot box before counting with accuracy of up to 75% degree.

4. Voters Register

The EVID voters register functioned very well in all the polling stations with negligible malfunctioning but users still need adequate training on usage in order to reduce the time taken to identify each voter because in multiple elections as happens in Kenya during general election the time taken to process one voter may prolong the queues and make voters frustrated.

5. Order In Polling Stations

There was order in all the polling stations we visited except Ngatataek Primary School Polling Station in Matapato North Assembly ward where a crowd became unruly because of a man acting suspiciously.

6. Security Officers

In all the polling stations we visited the security officers on duty were very professional and diligent in their duty except at Ngatataek where an alleged criminal investigations officer had been operating from a classroom next to the polling station from 9 o'clock up to 3 o'clock without knowledge of the PO.

It is the rule of law that only voters and accredited people are allowed within the polling station and for a man to who is not a voter neither an election official nor accredited person to be stationed in a class adjacent to the room where voting is taking place for around six hours without knowledge of the presiding officer then definitely that is breach of election rules.

IEBC should liaise with Inspector General of Police in order to avoid such future occurrences in deployment of covert security officers during elections so as to avoid integrity.

7. Assisted Voters

All the polling stations we visited the number of assisted voters were very high with Olmanie Primary School polling station recording the highest percentage at 95% of assisted voters.

The service offered to assisted voters was friendly and good and made them leave the polling booths like satisfied customers after purchase of a long desired item or service and this probably reflected the high voter turnout and nil rejected votes in an area of low literacy levels.

8. Assistant Voters

We encountered two assistant voters during the polling. The Presiding officer administered to them oaths of secrecy before leading the voter to the booth and they both marked the ballots for their voters before the voters themselves cast them in into the ballot box.

IEBC should come up with a policy on assistant voters in order to prevent an occurrence which took place AIC Namanga Primary school where a voter wants to wear two hats at the same time; that is of marking a ballot paper and a political party agent.

We commend the action of the presiding officer in stamping his foot and standing to such bullying tactic and provocation without disrupting the election process.

COUNTING, TALLYING AND ANNOUNCEMENT OF RESULTS

We must commend the election officials for the open and transparent manner in which vote counting, tallying and announcement of results was done both at the polling and the constituency tallying centres.

The presiding officer first confirmed the total votes cast from the EVID. Therefore they sorted all the votes cast and they were accurate and added up to the confirmed number of votes inside the ballot box before counting started, agents signed the results declaration form and then she transmitted the results to the constituency tallying centre. The agents then confirmed that the transmitted figures are the same as the ones they signed and they all left the polling station chatting together.

BALLOT BOXES

Ballot boxes used were all located at the centre of the room and all had serial numbers and were marked Member of National Assembly to avoid any ambiguities.

There was also another ballot box in the room which was not in use and was mostly placed at the periphery.

POLITICAL PARTY BADGES / SYMBOLS

We observed use of political party badges by Jubilee Alliance Party agents in all the polling stations we visited and notified the Presiding Officers that it is wrong because it is like voters coming to vote and queuing up in T-shirts and caps of their political party candidates which is prohibited. Under election rules.

We were happy that Presiding officers took heed of our advice and implemented the and the agents too did not take offence.

SHARED NATIONAL IDENTIFICATION CARD NUMBER

AT Ngatataek primary school polling school,we encountered a case of shared national identification card number by two women who happened to be co-wives.Though she was positively identified by the EVID and photograph, at the time we left the station she was not yet allowed to vote because someone else had voted using her id

RECOMMENDATION

As observed above, there are some issues which IEBC needs to come up with and ensure the secrecy of the vote is cardinal and paramount tenet of secret balloting.

The commission should roll out an awareness and voter education campaign to sensitize voters on how to mark ballot papers without leading to rejected votes.

The commission should liaise with political parties to ensure that their agents do not display their badges inside the polling stations and insist only IEBC political party agents as the official badges inside polling stations.

The commission should also liaise with Inspector General of Police so that the elections officials are aware of all security officers attached each polling station and not to encourage cases like what happened at Ngatataek Primary school polling station. Should such an “officer” be found to be an imposter then such a person must be arrested in the polling station by officers on duty and handed over to the relevant authorities for appropriate action. The commission should also come up with a policy on penalizing use of public resources in political campaigns as happened when Mrs. Agnes Ndeti deployed a government vehicle to campaign for Mr. Patrick Tutui.

The commission should also be aware that we have shared id numbers and no one should be denied an opportunity to elect their leaders simply because someone has voted using their id number.it should work with National Registration Bureau on this matter.

CONCLUSION

In conclusion we must submit that the electoral exercise and results was free and fair and reflected the wishes of electorate of Kajiado Central Constituency.



Photograph 1: IEBC Deputy CEO, Ms Betty Sungura (seated 2nd right), ag. Director Voter Education & Partnerships, Ann Nderitu (standing) during observers training .



Photograph 2: Presiding Officer, Olmanie Primary School polling station assisting a voter to mark a ballot paper.



Photograph 3. Presiding Officer, Ilparua Primary school polling station sorting votes assisted by other election officials during counting.



Photograph 4: Election officials counting votes at Ilparua primary school polling station.

XI. LIST OF ABBREVIATIONS

DPO	Deputy Presiding Officer
EVID	Electronic Voter Identification Device
IEBC	Independent Electoral Boundaries Commission
JAP	Jubilee Alliance Party
MTC	Maasai Technical College
ODM	Orange Democratic Movement
CORD	Coalition of Reforms for democracy
PO	Presiding Officer
RO	Returning Officer
RTS	Results Transmission System