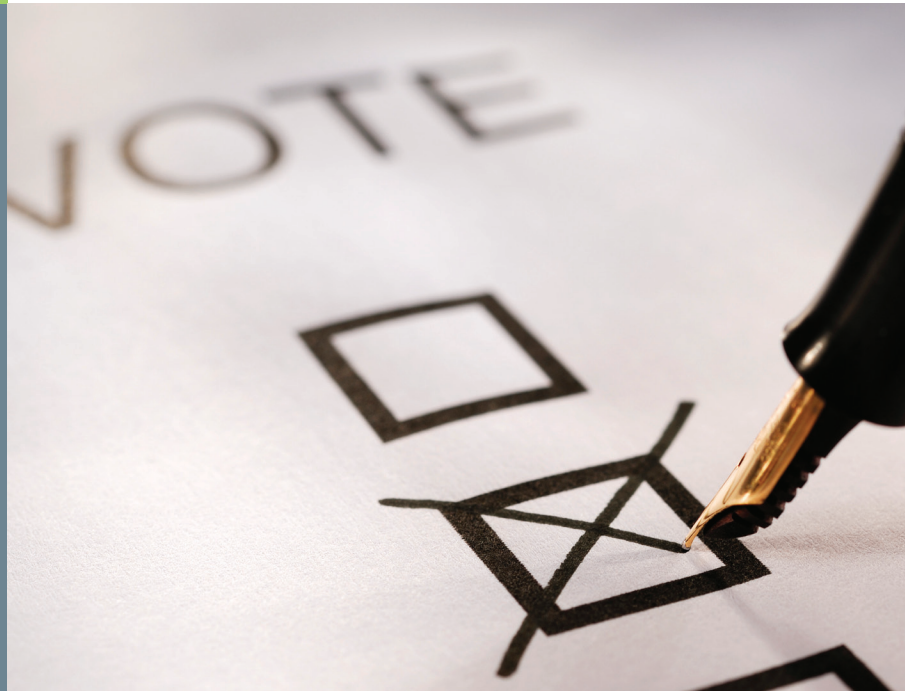




# Election Agents' MANUAL





# **Election Agents' Manual**



Published by:

**National Democratic Institute for international Affairs**  
P.O Box 1806 , 00200 City Square  
Nairobi, Kenya  
Telephone: 254 – 020 3877051 /3878264  
Fax: 254 – 020 3878264  
[www.ndi.org](http://www.ndi.org)

**Independent Electoral and Boundaries Commission**  
University Way, Anniversary Towers, 6th Floor,  
P.O Box 45371 - 00100, Nairobi.  
Tel No: (254) 020 - 2877000  
Email: [info@iebc.or.ke](mailto:info@iebc.or.ke)  
[www.iebc.or.ke](http://www.iebc.or.ke)

Published 2013



# Contents

---

<b>Foreword</b>	<b>5</b>
<b>1. Introduction</b>	<b>7</b>
1.1. Background	7
1.2. Elections in Context	8
1.3. Purpose of the Manual	8
<b>2. Being an Agent</b>	<b>9</b>
2.1. Who is an Agent?	9
2.2. Types of Agents	10
2.3. The Rights and Responsibilities of an Agent	10
2.3.1 Rights of the Agent	10
2.3.2 Objectives of Being an Agent	11
2.4. Roles of Agents	11
2.5. Qualities and Qualifications of Agents	12
2.6. Recruitment and Training of the Agents	12
2.7. Accreditation	13
2.8. Deployment Plan	14
2.9. Do's and Don'ts	15
2.10. Toolkit	15
<b>3. Legal Framework for Elections in Kenya</b>	<b>16</b>
3.1. The Legal Framework	16
3.1.1. The Constitution of Kenya, 2010	16
3.1.2. Statutes and Regulations	17
3.1.3. International and Regional Instruments	21
<b>4. The Electoral Process and the Role of Agents</b>	<b>23</b>
4.1. Introduction	23
4.2. Pre-Election Period	23
4.2.1. Overview of the Pre-Election Period and Processes	23

4.3. Election Day Activities	26
4.3.1. Layout & Personnel	26
4.3.2. Voting Process	31
4.3.3. Voting Procedure	31
4.3.4. Closing of the Polling Station	35
4.3.5. Counting Process	35
4.4. Tallying and Announcement of Results	38
4.4.1. The Constituency Tallying Centre	38
4.4.2. Transmission	40
4.4.3. Transportation	40
4.4.4. Tallying at the County Level	40
4.4.5. Announcement	40
4.4.6. Run-Off	41
4.5. Post-Election Period	41
4.5.1. Swearing in of President	41
4.5.2. Petitions	42
4.5.3. Evaluation of Elections	42
<b>5. Communication and Reporting</b>	<b>43</b>
5.1. Introduction	43
5.2. Communication	43
5.2.1. Communication Chain	43
5.2.2. What to Communicate	44
5.2.3. Tools for Communication	45
5.3. Data Storage and Data Processing	46
5.4. Link to the Legal Committee	48
5.5. Conclusion	48
<b>Appendix</b>	
Checklist for Election Agents	49



# Foreword

---

The year 2013 marks another historic event in the democracy of our country, where the country would be voting in a new system of governance. With the coming into force of the Constitution of Kenya, 2010, the scattered electoral laws which guided the conduct and management of elections have since been revised and consolidated into two key pieces of legislations; the Elections Act, the Political Parties Act and their respective subsidiary legislations.

The new electoral laws provide a paradigm shift in the conduct and management of elections, including enhanced accountability mechanisms. In addition, the Commission has developed administrative guidelines to operationalize these laws. This calls for a thorough understanding of the legal framework and the guidelines by all stakeholders in elections; particularly the election agents to better equip them with the necessary skills to perform their roles and responsibilities.

Election agents are an important component of an election. They are the ‘watch dogs’ of their respective political parties or independent candidates. The Elections Act provides that a political party or a candidate may appoint an agent for every polling station. An agent is generally responsible to monitor electoral practices and point out any malpractices that may arise. Before accepting the appointment to act as an election agent, the person concerned must understand the roles and responsibilities that they are taking on. In addition, an agent must be involved in all planning aspects of the political party or independent candidate, and is responsible for ensuring that the party or candidate acts within the law.

It is against this backdrop that the Commission has, in collaboration with National Democratic Institute (NDI) and Elections Institute on Sustainable Democracy in Africa (EISA), developed this manual to give a cursory glance of the legal framework on elections, the dos and the don'ts, the roles and responsibilities of agents and how they can better deliver on these roles. We acknowledge the support of the Norwegian Embassy in Nairobi through NDI for funding the development of this manual and the United Nations Development Programme (UNDP) for supporting the printing.

This manual will be used to train agents and independent candidates on the whole electoral process, including the presidential run-off. It has special emphasis to the polling day activities. It is intended to enhance the capacity of agents to monitor the elections and to better understand the applicable electoral laws and increase their comprehension of their roles and responsibilities in the electoral process. The manual also encourages parties and independent candidates to develop internal communication mechanisms and reporting structures for agents to promote the use of legal avenues rather than unconventional means to resolve electoral disputes.

We appreciate the support of our partners in developing the manual and the dedication of the team that put it together in a simple, precise and logical manner. This will indeed be a welcome monitoring tool for all political parties and independent candidates to use.

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a series of vertical, wavy lines, and ending with a horizontal line and a colon.

AHMED ISSACK HASSAN, EBS  
CHAIRPERSON,  
INDEPENDENT ELECTORAL & BOUNDARIES COMMISSION



# 1. Introduction

---

## 1.1 Background

Elections are an important part of the democratic process for any country. Kenya, as a constitutional democracy places a high premium on the conduct of its elections. The Constitution requires that those elections be free and fair. This requirement is also a universal standard for elections. Through free and fair elections, citizens get to exercise their sovereign rights to determine how they would wish to be governed.

To deliver on its role, the electoral system and process of conducting elections must be fair, transparent and credible. The electoral system is set by the Constitution and helps to translate the votes cast into seats. The other critical aspect of an election is the process by which it is conducted. The process is required to be credible. The legal framework normally provides rules and procedures to guarantee the integrity of the process. Such guarantees include the independence of the body managing the process, the clarity and objectivity of the procedure for registering voters, fast and efficient voting processes, accurate counting and tabulation of results, prompt announcement of results, quick and fair dispute resolution mechanisms. In addition, the entire electoral process must be open to public scrutiny.

One of the key groups who should have an opportunity to actually verify and observe elections is candidates and their parties. By observing the elections they are able to confirm that the process is free and fair and that the results reflect the will of the people. They consequently enhance credibility and confidence of the public in the conduct of elections and their outcome.

In 2007, Kenya's elections suffered a serious credibility crisis. The Presidential results of that election were contested and violence ensued leading to deaths, destruction of property and displacement of people. The Kriegler Commission was appointed to investigate the conduct of those elections. It pointed out that the process lacked integrity and urged for greater focus on electoral integrity by all stakeholders, stating that:

*“all political role players should recognize that materially defective elections accompanied by public violence will remain a feature of life in their country absent concerted and sustained commitment to electoral integrity by all Kenyans”.*

The Kriegler Commission proposed fundamental reforms. On party agents, it proposed that they undergo training supervised by the Electoral Commission and that this training should be similar to that given to poll-workers. It further recommended that only agents that have undergone such training should be allowed in the polling stations



The Constitution of Kenya, 2010 makes an even greater impetus for the role of agents and consequently their training. It calls for an electoral environment based on integrity, freeness, fairness and that reflects the true will of the people. Public Participation is identified as a fundamental principle of governance. Consequently, while the IEBC is the constitutional body responsible for the conduct of free and fair elections in Kenya, the process needs to involve the people. This is the basis on which observers and agents are provided for in the electoral process.

## 1.2. Elections in Context

Although the bulk of the election agent's work takes place on Election Day, the electoral process actually begins long before this. The electoral process can be discussed using the well-known electoral cycle approach. The electoral cycle approach proceeds from the standpoint that an election is a process and not an event, one that involves several interlinked stages and that voting and announcement of results, while the most visible, are just one aspect of this process. It is seen as a cycle because the processes repeat themselves and build onto each other. The detailed electoral cycle has many stages, including review of legal framework; delimitation of boundaries; planning and implementation; registration and nomination; campaigns; voting operations and Election Day; verification of results, and post-election period tasks. However, for purposes of this training manual, we will divide the stages into three broad categories: pre-election, Election Day and post-election periods. While the election period would typically include the period designated as such by the IEBC, this manual takes a narrow focus on Election Day related activities.

## 1.3 Purpose of the Manual

This manual has been developed to help agents, their parties, and candidates to understand the electoral process with a particular focus on the practical procedures relating to undertaking successful elections. A lot of attention is paid to election-day activities. However, since elections are based on a cycle-approach and not an event, the manual discusses the key stages in the election cycle. Being a practical document, this manual does not attempt to cover everything but instead focuses on the key procedures necessary to deliver free and fair elections.

The manual also provides an overview of the key requirements that parties and candidates need to be aware of in relation to the planning, deployment and implementation of election observation by candidates and parties.

It however does not purport to be a comprehensive coverage of every aspect of the election process and the law. It is therefore important to note that while this manual was written to help you perform your duties as a polling agent, the IEBC electoral officials are the ultimate authorities on electoral procedures and will have the final word in providing clarification in the case of contradictions.



## 2. Being an Agent

### 2.1 Who is an Agent?

An Election Agent is an individual who observes the conduct of elections on behalf of an independent candidate or a political party on Election Day. The Elections Act defines an agent as;

*“a person duly appointed by a political party or an independent candidate for the purposes of an election...and includes a counting agent and a tallying agent.”*

Although election agents are selected to represent their political party or independent candidate on Election Day, their work often begins much earlier, playing a crucial part in monitoring the entire electoral process on behalf of their parties and candidates. Candidates may also deploy agents to monitor the conduct of party nominations (also referred to as primaries) on their behalf.

According to The Elections Act, 2011, Political Parties and Independent Candidates are allowed to nominate one election agent per polling station for Election Day. Political parties will have up to six candidates at one particular polling station needing representation. The one agent appointed by the party is required to represent the party and all its candidates, no matter what positions they are vying for. This represents an important change from previous elections in Kenya, in which agents usually represented individual candidates rather than parties.

Although Election Agents are tasked as the official monitors of their Party or Independent Candidate at the polling station on Election Day, the work of the Election Agent also serves the greater mission of strengthening democracy in Kenya by contributing to the implementation of free, fair and credible elections. Agents should, consequently, balance their role as partisan representatives of their party and candidate with their role as critical players in the process of protecting democracy and integrity of the electoral process.

By law, every political party (as well as every independent candidate in a presidential election) is required to appoint and submit the names of one national chief agent and forty-seven county chief agents to the Independent Electoral and Boundaries Commission at least fourteen days before the election date. Ideally, the National Chief Election Agent should be responsible for the coordination of the 47 other designated County Agents, while the county agents will supervise those working below them in their respective counties. Such a structure represents a departure from previous practice in Kenya, under which no mechanisms for coordinating the work of election agents were required. This structure provides an excellent opportunity for parties and independent candidates to improve the

quantity and quality of the information provided by agents on the ground and, therefore, to defend the electoral process effectively.

## 2.2 Types of Agents

There are two broad categories of election agents – partisan and non-partisan.

- Partisan election agents comprise of agents who are appointed by political parties (also known as Party Agents) and Independent Candidates (known as independent candidate agents). In the case of parties that are in a coalition, they may appoint joint agents to protect the interests of the coalition parties and may commonly be referred to as coalition agents.

Unlike in the past, the Constitution allows for diaspora voting. Political parties and independent candidates may appoint agents known as diaspora agents to observe the elections on their behalf.

- Non-partisan agents comprise domestic and international election observers, as well as members of the print and electronic media.

All these observers share a common goal: protecting the right of Kenya’s citizens to a free and free and fair election through vigilant observation.

## 2.3. The Rights & Responsibilities of an Agent

### 2.3.1. Rights of an Agent

The Election Agent has the right to:

- Access polling stations and tallying centres, if they are accredited to the tallying centre and are wearing an accreditation badge
- Obtain official information about the elections from elections officials, including information about voter turnout
- Attend observer briefs
- Speak or communicate with anyone outside the polling station with regard to elections
- Speak to anyone other than a voter inside the polling station  
*N.B. To speak to a voter inside the polling station, they must get approval of the Presiding or Deputy Presiding Officer*
- Attend public election related activities
- Dispute the inclusion of a ballot paper in the count that they believe should be “rejected”
- Object to the rejection of a ballot paper that they believe is “valid”
- Request the Presiding Officer to have the vote recounted/rechecked (provided that this recount does not take place more than twice)

The Election agent cannot:

- **Interfere with the voting process or the authority of the election officials in the polling stations**
- Enter or remain in a polling station without an identification badge
- Interfere with, or attempt to influence any voter
- Disclose any knowledge concerning the vote of a person
- Wear a badge or emblem of a political party or candidate within the polling station; or
- Deliberately show or leave a “how-to-vote” card, or any similar directions as to how a voter should vote, in the polling station

### 2.3.2 Objectives of Being an Agent

The main objectives for including election agents in the process are to:

- Identify human error and rigging: be alert and know the election procedures in order to uncover mistakes and rigging
- Bring problems to the attention of polling officials; and
- Collect information about the election: provide their party/candidate with information about the conduct of the election at the polling station they are deployed to

## 2.4 Roles of Agents

The key roles of an election agent are to:

- Observe the preparation and opening of the polling station
- Confirm emptiness of ballot boxes before polling begins
- Inspect and list the serial numbers and the seals on ballot boxes
- List the serial number of the ballot papers
- Seal the ballot boxes with their own independent candidate or political party seals
- Observe whether or not the voting procedure conforms with regulations
- Observe the closing procedures of the polling station at the end of polling
- Observe if the counting procedures are strictly adhered to
- Confirm that separate packets are made and sealed for the various categories of ballots and materials after counting of votes. The agents may also put their seals on the packets and ballot boxes (These seals are provided by the IEBC)
- Sign the declaration forms at polling stations. *N.B. If the election agent does not sign or is absent during the counting of votes, the Presiding Officer will record so. The Presiding Officer will also record the refusal of any agent to sign the declaration form*
- Escort, using their own transport, the sealed ballot box with separate packets to the Returning Officer at the Constituency or County Tallying Centre;
- Witness the tallying of the results
- Sign the declaration forms at the Constituency or County Tallying Centre; and
- Complete a checklist and submit it to your party or independent candidate coordinator as instructed

## 2.5. Qualities and Qualifications of Agents

The calibre of the person that the party or independent candidate chooses to represent them is extremely important. An informed agent will be able to ensure that the party or candidates right to a free and fair election is upheld and certify that the polling, counting and tallying process is conducted in a transparent manner. To be able to do this, he/she must possess certain fundamental qualities and qualifications, including:

- *Integrity* - to be able to carry out their roles in a professional manner, agents should be of high moral character. Agents swear an oath of secrecy and subscribe to the Electoral Code of Conduct contained in the Second and Third Schedules of the Elections Act. If an election agent has not familiarized himself or herself with this code of conduct, the chances of committing an electoral offence are high and the agent risks jeopardizing their party/candidate's chances of winning the election by causing their disqualification.
- *Loyalty* - Election agents with strong allegiances and loyal support to the party or candidate will be more likely to protect the rights of the party/independent candidate and are less likely to be bribed or induced by other actors to violate the Electoral Code of Conduct and defect.
- *Ability to read and write* - While there is no legal requirement for one to be able to read and write so as to qualify as an agent, one should have capacity to identify and document their observations in the electoral process. Being able to read helps one consult legal materials and document and report occurrences.
- *Observant and Focused on Detail* - an election agents should be one who is keen and pays attention to detail.
- *Team Player* - an agent will work together with others so as to be able to fully represent their candidate or party. It is important that he/she can communicate and cooperate with other team members.
- *Consensus Builder* - during the work of a party agent, they will encounter other agents from opposing parties and non-partisan observers in addition to election officials. An agent is required to relate with these people and encourage consultation and consensus building as much as possible.
- *Decorum* - election agents are required to be polite, respectful and accord all officials the space to carry out their duties without interference.

## 2.6. Recruitment and Training of Agents

### a) Recruitment

Parties and Independent Candidates should develop in good time a criteria and procedure

for recruitment of agents. Some may opt for a central recruitment process, while others may adopt a devolved system. In addition, some may give this task to their party officials while others may give it to their Election Board.

The Terms of Reference on the tasks to be performed by the agents must be developed, discussed and adopted by either the Party or the candidate in good time. These will serve as the guide to the agents on their obligations.

## **b) Training**

Training enables agents to have a clear and standardized understanding of their roles and an accurate overview of election procedures. Training of the key agents (being the National and County Agents) will be undertaken first, and in partnership with the IEBC.

Following the training of the chief agents, both the political parties and independent candidates need to think about a plan for and implement cascade training for all their other agents. To successfully do so, they will be required to consider and determine the following issues: -

- Identify the total number of agents they will deploy in the elections
- Identify the number of cascade trainings
- Identify and designate master trainers to train during the cascade trainings
- Develop a budget and set aside resources for the cascade training
- Determine and secure venues for training
- Secure materials for the cascade training

## **2.7. Accreditation**

All election agents must be officially accredited by the IEBC. It is the duty of all political parties and independent candidates to forward the names of all election agents that they have appointed to represent them on Election Day at polling stations. The names and addresses of the chief agent and county agents must be submitted to the IEBC at least fourteen days before the date of elections. The details of the rest of the agents will also have to be submitted before election date, on a date specified and communicated by the IEBC.

Once the IEBC receives the name, addresses and letter of evidence of official appointment of the agents, it will proceed to accredit them and issue them with a serially numbered accreditation badge. This badge will serve as their authorization to participate in the electoral process at their designated polling station. With this the agent will now be duly ready to represent their candidate or party at the polling station.

To enter the polling station an agent requires:

- A copy of the letter of appointment from their party or candidate
- A copy of the accreditation letter from the IEBC and
- A duly signed oath of secrecy

## 2.8. Deployment plan

It is important that every party and independent candidate develops a deployment plan. This plan should address the following issues:

- The number of polling stations and the regions where they intend to deploy agents
- The number of agents they will deploy per station
- The roles of the various agents that they will deploy
- Transport arrangements for agents. As a guide, agents should generally be deployed at their own polling station to ensure that they vote and also to reduce transport costs
- Supply of materials required for carrying out their tasks, including checklists and critical incident forms
- The process for communicating and reporting findings to their Party and Candidate
- The amount of money to be paid, if any, to the agents and the process of and timing of any payments

## 2.9. Do's and Don'ts

- a) Be Prepared: Before Election Day you should have attended training for election agents, reviewed the manual and asked any questions you may have.
- b) Be prepared for problems on Election Day: nobody is perfect, and honest mistakes happen. If problems arise, stay calm.
- c) Be on time: on Election Day you must be at the polling station latest by 5:30am so that you are there when the polling station is opening. You should stay until voting and counting is completed. If you do not stay at your polling station, no one will defend your party/candidate's interests.
- d) Raise concerns: if you do not raise concerns on behalf of your party/candidate no one else will. If you have a question or think that there is a problem, amicably raise the issue with the presiding officer or the deputy presiding officer to solve it.
- e) Document concerns: write down what you observe at your polling station.
- f) Remember that the election officials are in charge: Bring problems to the attention of the presiding officer or the deputy presiding officer. Make suggestions but remember they are in charge. If you feel that your problem was not taken seriously, write down your complaint and give it to your party/candidate after you have completed your duties. Remember, if the problem will have a direct impact on the outcome of the election; make sure you notify your candidate/party immediately.

- g) Do not make accusations in bad faith: do not let your partisan interests influence your judgment. False accusations might hurt your reputation as well as your candidate or party.
- h) Do not intimidate or interfere with any voter. On Election Day, do not campaign on behalf of your candidate or party.
- i) Please note that as an agent, you cannot assist a voter.

## 2.10 Toolkit

On Election Day, you should remember to carry with you to the polling station the following materials:

- a) Your copy of The Election Agents' Manual
- b) An authorization letter from the political party or candidate
- c) An IEBC issued Party Agent Badge
- d) A Party Agent Checklist
- e) A notebook and pen
- f) A torch if possible
- g) The contact information for your national, county and constituency chief agents
- h) Food and water; and
- i) A small amount of money for transportation
- j) A mobile phone (Agents must however note that they are not allowed to use their mobile phones at the polling station)





# 3. Legal Framework for Elections in Kenya

## 3.1. The Legal Framework

### 3.1.1 The Constitution of Kenya, 2010

The Constitution of Kenya, 2010 is the supreme law in the country. It provides that all sovereign power belongs to the people, which they may exercise either directly or through their democratically elected representatives. Elections consequently provide an avenue for exercising people's sovereign right and securing representation and are, therefore, an important aspect of democracy.

The Constitution guarantees every citizen the right to free, fair and regular elections as a basis of expressing their will as electors. While the concept of free and fair elections is of universal application, the Constitution identifies its indicators to include:

- Conducted by secret ballot
- Free from violence and intimidation
- Free from improper conduct or corrupt practices
- Conducted by an independent body
- Transparent
- Administered in an impartial, neutral, efficient, accurate and accountable manner

The country's electoral system is mixed, including both a "First Past the Post" electoral system with elements of proportional representation. The majority of the electoral seats are to be contested through direct elections where the winner will be the one with most votes from the electorate. The country also has party list seats for elections at the county assembly, national assembly and senate, mainly for under-represented groups comprising women, youth, persons with disabilities, workers and marginalised groups. These seats are filled from closed party lists compiled by parties and submitted to the IEBC before the election. The allocation of the seats is done by the IEBC based on the proportion of first past the post seats that each party has won in each election.

The Constitution also provides qualifications for one to register as a voter and eventually vote. These include:

- Being an adult citizen
- Being of sound mind
- Not having been convicted of an election offence in the previous five years

The IEBC is required to make administrative arrangements to help citizens realise their right to vote. Voting is expected to conform to the following requirements:

- Voting method should be simple, accurate, verifiable, secure, accountable and transparent
- Votes cast should be counted, tabulated and the results announced at the polling station by the presiding officer promptly. These results should then be collated in an open and accurate manner and announced by the returning officer promptly
- Structures to eliminate electoral malpractices should be put in place

The Constitution creates and provides for the qualifications for the following elective offices:

- President and Running Mate
- Governor and Running Mate
- Senator
- Member of the National Assembly
- Woman Representative (member of the National Assembly but elected from each county)
- County Assembly Representative

### 3.1.2 Statutes and Regulations

#### (a) The Elections Act, 2011

The Elections Act, 2011 is the primary law governing the conduct of elections in Kenya. The key issues that the Act provides for are:

- Right to vote
- Registration of voters
- Nomination of candidates
- Qualifications for candidates to elective offices
- Party lists
- Voter education
- Conduct of elections
- Recall of members of parliament
- Election offences
- Dispute resolution
- Electoral Code of Conduct

The Elections Act sets out election offences including:

- Multiple voter registration (registering as a voter more than once)
- Interference with ballot papers, boxes and the voting process

- Violating the secrecy of the ballot
- Treating of voters
- Bribery
- Undue influence
- Use of violence during elections
- Using public resources for partisan campaigns

## **(b) Election Regulations**

These regulations contain practical directives on the conduct of the elections and are important for agents since they deal with the election process in practice.

## **(c) The Electoral Code of Conduct**

The Electoral Code of Conduct seeks to serve two broad functions:

- Promoting an environment conducive to the conduct of free and fair elections
- Promoting tolerance in the conduct of political activity during the election period

The Code is to be subscribed to by the following persons:

- All political parties with candidates in an election
- Candidates
- Leaders, chief agents and agents (including election and referendum committee officials in a referendum)

Once signed, the code binds the following people:

- Government
- Political parties
- Leaders, office bearers, agents and members of political parties
- Persons who support a political party
- Candidates in an election

By signing the Code, all those bound by it as listed above commit to ensuring that campaigns are free and peaceful and that public debate, as part of the electoral process, takes place unhindered. Specifically, they commit to:

- Adhering to the national values and principles of the Constitution
- Publicising the code
- Promoting voter education campaigns
- Condemning, avoiding and preventing violence and intimidation
- Instructing candidates, party officials, members and supporters of parties and candidates

to abide by the code

- Promoting gender equality
- Promoting ethnic tolerance
- Promoting cultural diversity
- Promoting fair representation of persons with disabilities
- Affirming the rights of participants in an election to express themselves freely, debate their policies and seek for support from voters.

The IEBC will set a date when all those required to sign the Code will do so at the commencement of the election period. The IEBC is required to establish an Electoral Code of Conduct Enforcement Committee to oversee the enforcement of the Code.

Sanctions that may be imposed against a candidate or party include:

- Formal warning
- A fine
- Prohibition from participation in the next elections
- Prohibition from engaging in certain campaign activity including being banned from holding meetings, erecting banners and distributing other literature
- Application to the High Court for an order not to participate in the current election

#### **(d) The Independent Electoral and Boundaries Commission Act**

The Independent Electoral and Boundaries Commission Act sets out the institutional and legal framework for the Independent Electoral and Boundaries Commission. The Commission is responsible for conducting or supervising referenda and elections to any elective body or office established by the Constitution, and any other elections as prescribed by an Act of Parliament.

The IEBC Act provides the following functions of the IEBC pertinent to the role and functions of agents:

- The regulation of the process by which parties nominate candidates for elections
- The registration of candidates for elections
- The facilitation of the observation, monitoring and evaluation of elections; the investigation and prosecution of electoral offences by candidates, political parties or their agents

#### **(e) The Political Parties Act**

The Political Parties Act provides the institutional, legal and regulatory framework for registration, regulation and funding of political parties in Kenya. The Political Parties Act also provides for the establishment of the Political Parties Liaison Committee (PPLC) at the national and county level. The PPLC is a useful organ before, during and after the election

period, since it provides a framework for liaison between the Registrar of Political Parties (RPP), IEBC and political parties. This liaison is critical for promoting a culture of dialogue and fostering trust and thus, free and fair elections; the Code of Conduct also addresses the issue of dialogue for Political Parties in detail. As an agent, it is important that you stay informed of all relevant communication within either the National PPLC, or the County PPLC in your County, as these relate to the promotion of free and fair elections and enhancing the integrity of the electoral process.

The Registrar of Political Parties is the principal officer in charge of regulating political parties. The office of the RPP is composed of the Registrar assisted by three Assistant Registrars. The Registrar has power to deregister any party that contravenes the Constitution and the Code of Conduct for Political Parties. Other functions of the Registrar include:

- Registering political parties
- Administering the Political Parties Fund, which can be used by a party to cover its election expenses
- Verifying and publicly making available the list of all members of political parties
- Ensuring that no one is a member of more than one party at any one time
- Investigating complaints under the Act

#### **f) The Political Parties Code of Conduct**

The Political Parties Code of Conduct seeks to regulate the behaviour of members and office holders of political parties, aspiring candidates, candidates and their supporters. The Code is applicable at all times, not just during the election period. It seeks to promote good governance and eradicate malpractices.

The aim of the Code of Conduct is to ensure that political competition is peaceful, compliant with the law and based on issues rather than ethnic and other parochial differences. Towards this end the Code commits parties, candidates and their supporters to:

- Respect the Constitution
- Respect the right of all persons to participate in the political process
- Respect and promote gender equity, equality, human rights and fundamental freedoms
- Be tolerant of divergent or alternative views
- Avoid violence and bribery

#### **g) The National Cohesion and Integration Act**

*The National Cohesion and Integration Act* provides for the establishment of the National Cohesion and Integration Commission (NCIC). The Commission was set up to deal with the problem of tribalism, which was identified as one of the root causes of violence following the 2007 elections.

In the discharge of its functions, the NCIC is under a duty to ensure that the actions of all citizens promote national cohesion and do not sow seeds of hatred. This is particularly important during political campaigns. Parties, candidates and their supporters are also under a duty to ensure that they do not engage in actions and speech that amount to hate speech. Hate speech refers to words or actions which incite hatred, disaffection or prejudice based on ethnicity, race, colour or sex.

#### **h) Leadership and Integrity Act, 2012**

Chapter Six of the Constitution outlines the basic principles of leadership and integrity for all state officers in their public and private lives. State officers are to conduct themselves in a manner that:

- Demonstrates respect for the people
- Brings honour to the nation and dignity to the office that they serve; and
- Promotes public confidence in the integrity of the office that they serve

The Leadership and Integrity Act seeks to enforce the provisions of Chapter Six of the Constitution. It requires every candidate contesting an election to complete a Self Declaration Form and submit it to the Independent Electoral and Boundaries Commission (IEBC).

### **3.1.3 International and Regional Instruments**

The first international instrument that sets a foundation for the conduct of democratic elections is the Universal Declaration of Human Rights. Article 21(1) of the UDHR provides that “everyone has the right to take part in the government of his country, directly or through freely chosen representatives.” With regards to elections, Article 21 (3) of UDHR states that:

“The will of the people shall be the basis of the authority of the Government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

In addition to the UDHR, most states have also adopted the International Covenant on Civil and Political Rights. Kenya ratified this Convention in 1976. Article 25 of this Convention provides each citizen the right to:

- (a) Take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) Vote and be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) Have access, on general terms of equality, to public service in his country.

At the regional level, the African Charter on Human and People's Rights adopted in June 1981, recognizes the right of every citizen to participate freely in the government of his or her country, whether directly or through democratically elected representatives. In addition, on 30th January 2007, African states adopted the African Charter on Democracy, Governance and Elections. Kenya signed the Charter on 27th June 2008 but is yet to ratify it. The Charter aims to entrench a political culture of change of power based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies.



# 4. The Electoral Process and The Role of Agents

## 4.1 Introduction

This chapter discusses the relevant issues and tasks for agents at all the stages of the electoral process to enable them to be prepared for the tasks they will be required to perform on behalf of their parties and/or candidates.

## 4.2 Pre-Election Period

### 4.2.1. Overview of the Pre-election Period and Processes

The pre-election period can be broadly divided into 6 key stages; review and reform of the legal framework for elections, planning and implementation of preparations for the elections, training and education of electoral personnel and the electorate, voter registration, candidate nominations, and the election campaigns.

#### (a) Review of legal framework

During this stage, amendments or even total overhaul to the Constitution is carried out and new legislation relating to the conduct of elections is often passed. Regulations to implement the elections are also normally prepared. The Kenyan Constitution, the Elections Act and the Election Regulations discussed in Chapter Three provide the framework for elections.

Delimitation of boundaries for both constituencies and wards is also a part of this process. In the run up to the 2013 elections, following the adoption of the Constitution, the IEBC had to determine the boundaries of constituencies and wards. This followed the increase of the number of constituencies to two hundred and ninety. In addition the number of wards has been fixed at one thousand four hundred and fifty.

Being aware of, and following the reform of the legal framework is important for agents, if they have been appointed at this stage. The legal framework determines the rules and procedures to be followed in conducting the elections.

#### (b) Planning and Implementation

This stage involves the IEBC making detailed plans and budgets to govern the electoral process. Procurement of key equipment and election materials is also undertaken. For the



2013 elections, some of the key equipment included Biometric Voter Registration (BVR) kits and Poll books. Electoral personnel that will be in charge of the elections are also recruited and trained. A detailed election calendar is also developed by IEBC and shared with the public as it relates to key timelines. Agents have a role in this process, which is to observe whether sufficient materials and personnel have been procured, procurement procedures followed, and adequate resources set aside for the elections. The law requires that the names of personnel being recruited as returning officers, presiding officers and clerks should be sent to political parties at least 14 days before their appointment. This gives parties an opportunity to object to any name they are uncomfortable with on grounds of partiality, for example.

### **(c) Voter Education**

The next critical stage in the election process is civic and voter education. This involves creating awareness amongst the populace on the electoral process, including the electoral system, procedures for voting, other relevant laws, and the rights and duties of the holders of various elected offices. The IEBC also typically encourages citizens to participate in the election. For the 2013 elections, the IEBC has appointed voter educators in every constituency. The work of these educators is coordinated through the Director of Voter Education at the headquarters. Agents have a responsibility to observe the levels of voter education within their area of responsibility.

### **(d) Voter Registration**

IEBC is required by law to maintain an updated “principal” register of voters at all times. In order for the election to be free and fair:

- The registration of voters must be carried out in a manner that is transparent, certifiable and non-discriminatory
- Every eligible citizen must be allowed to register, and
- Every citizen must be permitted the right to verify that they have been correctly registered

Additionally, a regular and continuous “clean-up” of the voters register by the IEBC must be carried out. The process of clean up requires the involvement of citizens through inspection, correcting errors and omissions, ensuring the elimination of multiple registration, the addition of the new voters as they become eligible and the removal of dead voters. It is undertaken to ensure that the register of voters is accurate and contains the names and details for all those who have applied to register as voters.

The IEBC has adopted the use of the Biometric Voter Registration (BVR) system to register voters. This involves the use of technology to capture biometric features such as fingerprints and facial features of voters so as to enhance the accuracy of the voters register.

Observing the registration process is a critical part of the role of all agents and observers.

Since the voter register determines who will vote in the elections, its accuracy is very important. Every political party has the right to observe the process of voter registration and revision of voters' register. As they do so, political parties and their agents should look out for how the process is being carried out, to determine whether the IEBC is conducting the process efficiently, fairly and transparently. In addition they should look at how citizens and parties are conducting themselves to ensure there are no irregularities related to registration taking place.

As an election agent, it is your role to verify that the registration process is carried out effectively and that the voter register is accurate. In order to do this, the agent should confirm that:

- Any person who meets the minimum requirements of age (18 years) and Kenyan citizenship is allowed to register
- Every person intending to be registered presents their identification document – either a passport or a national identification card, which will be the same document they will be required to present on Election Day in order to cast their vote
- The names of persons confirmed to be dead are removed from the register
- The names of those who have registered twice are removed from the register
- As far as possible, spelling and other clerical errors are corrected
- Applications for new registration are carried out in the correct manner

It is important to note, that according to revised law (Miscellaneous Amendment Act, 2012) eligible voters no longer need a voters card in order to vote. Rather, the voter must merely present their national identification card or passport, which must be the same document they used to register.

### **(e) Party and IEBC Nominations**

Nomination is a two-stage process if one is a party candidate. The first stage is internal to parties and is normally referred to as internal party nominations or party primaries; the parties, based on their Party Nomination rules, carry it out.

Those who are successful during the party primaries will be required to submit their nomination papers to IEBC on the dates set aside for those nominations. Prospective candidates are allowed by law to attend the proceedings during the delivery of nomination papers to the IEBC. The law also allows for a maximum of Two (2) persons to attend the proceedings at any one time on behalf of any one candidate. Again, at this stage, the Election Agent should be concerned with observing any nomination paper delivered in their presence.

Election Agents should look out for the following issues at this stage:

- The particulars of the candidate and their supporters contained in the nomination paper are as required by law and stipulated in the Elections Regulations, 2012

- The candidate is qualified by law to be nominated to the elective post for which they are seeking
- The numbers of supporters and/or proposer and seconder of the candidate required for that specific elective post are actually registered voters
- The registration officer confirms that the candidate's name is actually listed in the party membership list submitted by their political party to the IEBC
- All accepted nomination papers are presented within the prescribed time
- All nomination papers are accompanied by the prescribed nomination fee
- No nominated candidate stands nominated as a candidate in another electoral area
- No nominated candidate is disqualified under any other written law

#### **(f) Campaigns**

The law no longer provides for an official campaign period because the Political Parties Act allows political parties to popularize their party and policies throughout the electoral cycle. While this involves an element of campaigns, campaigns related to elections heighten after presentation of nomination papers. Parties and Candidates are required to undertake their campaigns in a manner that is respectful and adheres to the law.

### **4.3. Election Day Activities**

Election day or 'Polling day' constitutes the most critical stage in the electoral process. It captures the stage where the agent's work is most critical as a representative of their party or independent candidate. The activities of Election Day include:

- The actual voting process
- The counting of votes at the polling station
- The tallying of votes at the constituency, county and national tallying centres; and
- The official announcement and certification of the results

#### **4.3.1. Layout and Personnel**

##### **4.3.1.1. Polling Station**

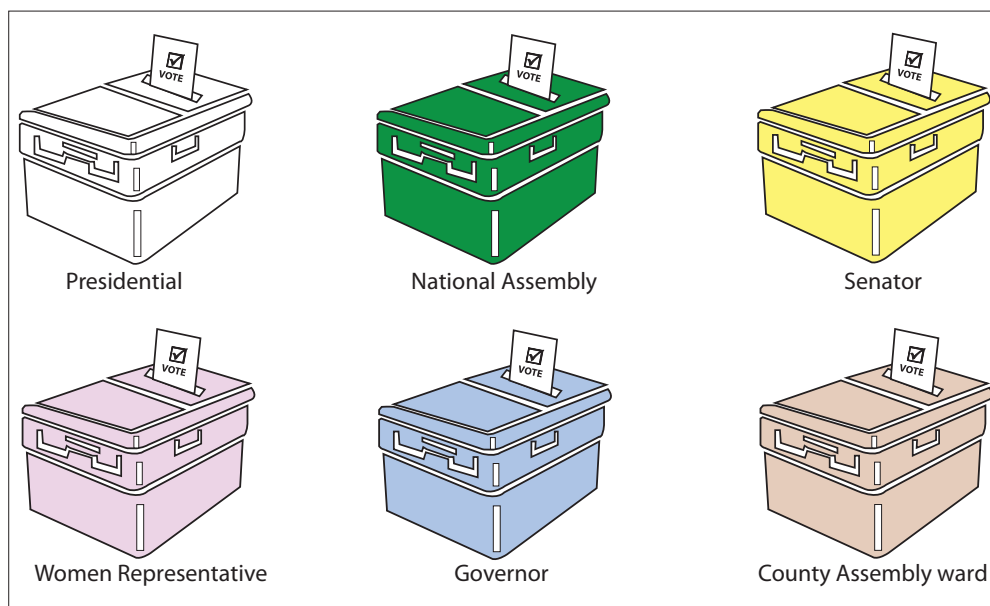
For the purposes of polling, IEBC is allowed by law to use any room or rooms in any public schools, or any other facilities belonging to public bodies, as polling stations. Or, in the case where public facilities are unavailable, inadequate or unsuitable, the IEBC may use a private facility as a polling station, with prior agreement from the owner. Although there will be numerous polling stations throughout the country, there will only be one tallying centre per constituency, one tallying centre per county, and one tallying centre at the national level.

For the sake of maintaining order at the polling station, protecting the secrecy of the vote, and monitoring the electoral process, the number of people allowed in a polling station at any one time must be limited. Only the following persons will be allowed in a polling station:

- Election Officials
  - a. The Presiding Officer
  - b. The Deputy Presiding Officer
  - c. Polling Clerks
  - d. Interpreters
- Security/Police Officers
- The Voters (in small numbers to avoid congesting the polling station)
- Accredited Election Observers – Domestic, International, the Media
- Persons accompanying Assisted Voters
- Election Agents or their candidates
- The person nominated as the deputy to the candidate (where applicable)

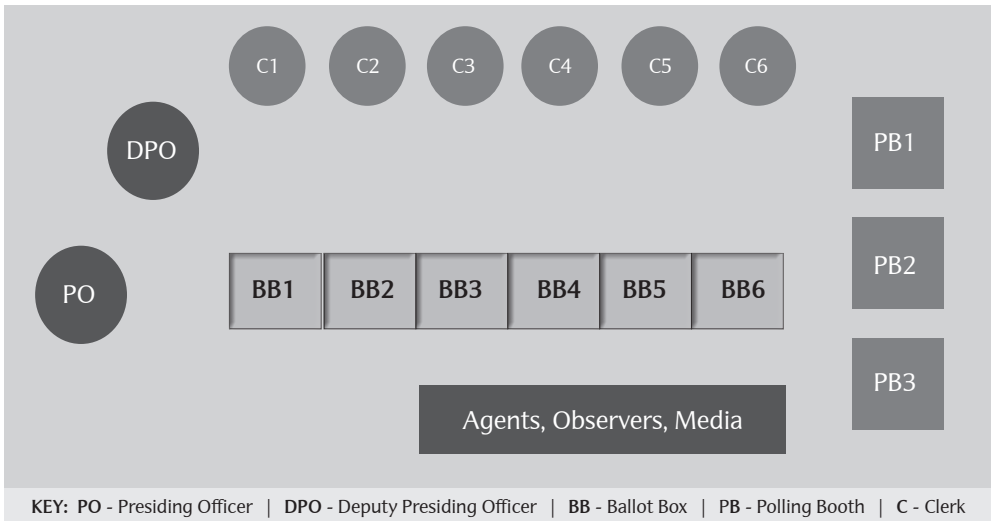
In the polling station there will be; a presiding and deputy presiding officer, 7 polling clerks, as well as six ballot boxes, for the purposes of electing candidates to the six elective posts of President, Governor, Senator, Member of the National Assembly, County Women Representative to the National Assembly, and Ward Representative to the County Assembly. Each of these ballot boxes will have a different colour as indicated below.

Ballot paper	Description of the ballot paper Color	Color of the Ballot
Presidential	White	
National Assembly	Green	
Senator	Yellow 3935U	
Women Representative	Purple PMS 250U	
Governor	Blue PMS 658U	
County Assembly ward	Beige 481U	



In addition, there will be approximately 3 polling booths for the purpose of casting ballots in secret.

#### Sample layout of a polling station



#### 4.3.1.2. Authorised Personnel in the Polling Station

##### (a) Returning Officer and Deputy Returning Officer

The Returning Officer is responsible for the conduct of free and fair election in the constituency or county for which they are assigned. The returning officers are at two levels, these include:

- County Returning Officer - who is responsible for receiving and tallying the elections results from constituency returning officers within their county, as well as conducting the final tally for the election of:
  - i) County governor
  - ii) Senator, and
  - iii) County women representative
- Constituency Returning Officer – their functions include:
  - i) Ensuring the deputy returning officer and presiding officers serving under them in their constituency conduct elections in a free and fair manner
  - ii) Receiving election results from Presiding Officers
  - iii) Conducting the final tally of votes for the Constituency Representative to the National Assembly and the Ward Representatives to the County Assembly

Although the Returning Officer at the Constituency Tallying Centre is responsible for the final tallying for the elections of Member of the National Assembly and County Assembly Representative, the IEBC at the national level is responsible for the final and official announcement of all election results.

If necessary, a Returning Officer may have a Deputy Returning Officer appointed by the IEBC to assist them in the carrying out of their duties.

### **(b) The Presiding Officer and Deputy Presiding Officer**

This is the officer, appointed at each polling station by the IEBC to “preside” or be the overall authority in charge at a polling station. The officer has the responsibility of ensuring that the voting procedure is carried out in an orderly, transparent and efficient manner at their polling station. The polling station, which forms the area of jurisdiction of the Presiding officer, includes a radius of 400 meters around the polling station.

The Presiding Officer’s duties include:

- Presiding at their assigned polling station
- Providing security for election materials and personnel
- Regulating the flow of voters and other authorized personnel within the polling station.
- Counting and tallying of votes
- Declaration and posting of the election results for their polling station at the front door of the polling station

The Deputy Presiding Officer is the assistant to the Presiding officer and helps him/her to ensure that the above tasks are performed.

### **(c) Polling/Counting Clerks**

Polling/Counting Clerks are election officials assigned to every polling station to assist the Presiding Officer to conduct elections at their specific polling station. The Clerks, located at different tables, perform the following duties:

- Identification of voters prior to voting by requesting the voter’s identification document used at the time of registration (either a national identification card or a valid Kenyan passport)
- Confirming that the name of the voter exists in the voter’s register for that electoral area
- Confirming that the voter has not voted before
- Issuing the voter with the ballot papers
- Marking the voters’ finger or other designated parts with indelible ink as a sign that they have voted; and
- Assisting the Presiding Officer in the counting of votes

#### **(d) Candidates/Running Mates**

The law allows for candidates and/or their running mates to attend the proceedings at any polling station in the country on polling day if they wish. However, should the candidate or running mate choose to do so, they must do so in the place of an election agent, as only one person representing the candidate or political party is allowed in a polling station or tallying centre at any one time.

#### **(e) Security/Police Officers**

On Election Day there will be police officers at every polling station. These police officers will form part of the security personnel at the disposal of, and responsible to the IEBC on that day. The police officers, under the authority of the IEBC, have the primary duty of maintaining peace and order at the polling station and ensuring that every voter's right to an election free of intimidation, violence and bribery is protected. Their duty also includes protection of the election staff, the polling process, the counting of the votes, and the safe transportation of election materials to the Constituency and County Tallying Centres.

#### **(f) Voters**

Voters will be present at the polling station, but must leave as soon as they have cast their vote.

#### **4.3.1.3 Voting Materials**

Every Presiding Officer will be provided with the following materials by the IEBC in order to effectively conduct elections at their polling station:

- An electronic and a hard copy of the Principal Register of Voters (or the part containing the names of the voters entitled to vote at that particular polling station)
- Transparent and colour coded ballot boxes that identify the respective elective positions and identifying serial numbers
- Sufficient ballot papers colour coded in similar colours that correspond with those of the respective ballot boxes for each elective position
- Stationery materials to enable voters to mark their ballot papers
- Instruments for stamping the official mark of the IEBC on ballot papers
- Material (indelible ink) for marking voters fingers, indicating they have voted
- IEBC Seals
- A sufficient number of enclosed polling booths in which voters can mark their votes in privacy
- Party and independent candidates seals
- Any other relevant materials

## 4.3.2 Voting Process

### 4.3.2.1. Opening of the polling station

All polling stations are obligated by law to commence the voting process at 6 o'clock in the morning and to end at 5 o'clock in the afternoon. Despite this, any voter who is still in the queue at 5 o'clock on polling day will still be allowed to cast their vote.

Election Agents should arrive at the polling station an hour earlier than the official opening time (5 am) to ensure the effective carrying out of their pre-opening duties. Prior to carrying out their duties on Election Day, Election Agents must officially:

- Obtain their appointment letter and identification badge which are required for access to the polling station
- Obtain training via their party/candidate
- Obtain and read a copy of this Manual
- Obtain and understand their observation checklist
- Obtain instructions from their party/candidate as to how and when they will communicate/report back during election day
- Ensure that they have suitable means of communication, such as a mobile phone with sufficient credit
- Ensure that they have the contact details of all those with whom they may need to communicate
- Take an oath of secrecy

The Presiding Officer will:

- open the Polling station at exactly 6.00 a.m., whether or not agents are present
- show the ballot boxes to all those present at the station, so that agents and observes can ascertain for themselves that they are empty
- close the ballot boxes with the official seals of the IEBC and allow each election agent to affix their own seal on the ballot boxes
- place the ballot boxes in an area in the polling station that will allow them to be in full view of him or herself, the deputy presiding officer and all election agents

In addition, before polling commences, the Presiding Officer is obligated to allow election agents to inspect the ballot papers provided for use at that polling station and to note their respective serial numbers.

### 4.3.3. Voting Procedure

- Once the voters enter the voting station, they will meet a queuing clerk whose duties includes ensuring orderly queues outside the voting place and verifying the voters identification document (Identify Card of valid Passport) that they



used at the time of voter registration

- The voter identification clerk inspects the voter's finger for any signs of indelible ink and verifies that the voter is registered at that particular station by consulting the poll book for biometric identification of voters
- The registration clerk then verifies the voter's document, loudly calls out the voters name as appearing on the register and cancels out the voter's details from the manual register
- Each clerk issuing ballot papers will detach it from the booklet, stamp at the back and on the face of the counterfoil with the official IEBC mark. The ballots will then be issued as follows:
  - i. Clerk 4 Presidential and Member of National Assembly ballots
  - ii. Clerk 5 County Assembly and Senator ballots
  - iii. Clerk 6 County Women Representative and County Governor ballots
- The voter will proceed to the ballot booth and mark their vote on each of the ballot papers. The voter then folds up the ballot papers to conceal their vote, and exits the enclosed polling booth.
- The voter proceeds to the ballot box controller and inking clerk who will then guide the voter on which ballot box to cast their vote as well as mark the left hand index finger with indelible ink
- The voter then collects their identification documents and immediately leaves the polling station

During the polling process several scenarios could arise.

#### **(a) Assisted Voters**

Voters who are disabled or cannot read and write may request assistance and are free to choose who will assist them. The person that will assist must be over 18yrs old. The person who will assist needs to take an oath of secrecy before the presiding officer at the polling station. They will then be allowed to accompany the voter to the booth and help mark the ballot papers in accordance with the voter's instructions. No agent, observer or election official will observe this process. The designated person can only assist one voter during the entire polling process. Their fingers will be marked in a designated place as evidence that they have assisted a voter. In cases where a voter requiring assistance is not accompanied by a person who is qualified to assist them, they shall be assisted by the presiding officer in the presence of all agents. In both cases, the presiding officer is required to record in the register of voters against the name of the voter, the fact that the voter was assisted and the reason for the assistance.

NOTE: No agent can assist a voter to vote under any circumstance.

#### **(b) Spoiling a ballot paper**

It is likely that while recording their vote, a voter may do so incorrectly. This will lead to the ballot paper being "spoilt." In such a case, the voter must present this spoilt ballot paper to

# VOTING PROCESS



1. The voter presents her ID and voter's card to the Polling Clerk



2. The Polling Clerk checks the register for details



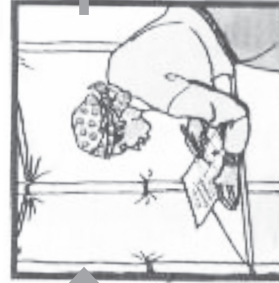
3. The Polling Clerk gives the voter the **Presidential and Member of National Assembly** ballot paper



4. The Polling Clerk gives the voter the **County Assembly and Senator** ballot paper



5. The Polling Clerk gives the voter the **County Women Representative and County Governor** ballot paper



6. The voter secretly marks the ballot paper



7. The voter casts the ballot paper into the ballot box



9. The voter quietly walks out of the polling hall



8. The voter dips her finger into ink

the Presiding Officer, and once the Presiding Officer is satisfied by the facts leading to the spoiling of a ballot paper, a voter may obtain another ballot paper in place of the one that was originally delivered. The election officials must immediately cancel the spoiled ballot paper, and mark its counterfoil accordingly. It is important to note that no voter will be issued a replacement of a ballot paper more than **twice**.

### **(c) Lack of ballot papers**

Should a polling station run out of ballot papers, it is the duty of the Presiding Officer to request extra ballot papers from an immediate neighbouring polling station within the electoral area and to record the number of received ballot papers in the polling station diary.

### **(d) Adjournment of elections**

In consultation with the Returning Officer, the Presiding Officer may also adjourn or postpone elections for specified reasons. The elections can be postponed or adjourned if proceedings at the polling station are interrupted by:

- Riot
- Open violence
- Flood, or any other natural catastrophe
- Administrative difficulty

If this happens, the Presiding Officer must explain the circumstances to the voters and the candidates. Party agents have the right to be informed in sufficient time.

If the voting is postponed, you, as a party agent, should be present as the ballot boxes are sealed to affix your personal seal.

During the voting process, Election Agents should monitor that:

- No voter applies for a ballot paper in the name of another person or a fictitious person
- No voter is allowed to vote twice whether in the same name or a different name
- No person who is not eligible to vote in that particular election or station is allowed to vote
- No person falsely presents themselves as an election official
- No candidate or election agent promises to reward a voter for refraining from voting
- No candidate or agent pays or promises to pay wholly or in part for any voter's expenses or provides them with food, drinks, refreshment or cash for the purpose of influencing their vote
- No person uses or threatens to use any form of force or violence to compel the person to vote or not vote for a particular candidate or a particular political party
- No person induces or influences any other person to vote in an election knowing that they are not entitled to vote

- No person compels any voter who has already voted to inform that person of the candidate or political party for whom they have voted or to display the ballot paper on which the voter has marked his or her vote

#### 4.3.4 Closing of the polling station

The Presiding Officer is required by law to officially close the polling station at 5 p.m. However, voters who are still in the queue at 5pm will still be allowed to cast their vote. Once all voters in the queue have voted, the Presiding Officer shall seal the aperture of all ballot boxes and affix them with the seal of the IEBC to prevent any further ballot papers from being added to the ballot boxes. He/she will then invite election agents present to affix their own seals on the apertures of the ballot boxes if they wish.

Immediately following the sealing of the aperture of the ballot boxes, the Presiding Officer shall make a written statement in the Polling Station Diary with the following details:

- The number of ballot papers issued to him/her
- The number of ballot papers (excluding spoiled ballot papers) issued to voters
- The number of spoiled ballot papers
- The number of unused ballot papers.

The Presiding Officer must then, in the presence of all election agents and other accredited observers, enclose in separate tamper proof envelopes, the following documents:

- Any spoiled ballot papers
- A marked copy of the voter register for his/her polling station
- The counterfoils of the used ballot papers
- The statement included in the Polling Station Diary

#### 4.3.5 Counting Process

Once the voting process is complete, the official counting of the votes at the polling station can begin. It is important to note that according to the law, no election agent will be permitted to attend the counting of the votes if the candidate or political party did not submit their name appointing them as counting agent, to the Presiding Officer at least **48 hours** before the close of the poll.

- The Presiding Officer proceeds to rearrange the venue for the counting of votes, and assign duties to the clerks for the counting procedure
- The Presiding Officer allows election agents and accredited observers to confirm that the ballot boxes have not been tampered with and that their seals are still intact
- The Presiding Officer and polling clerks, in the presence of election agents and accredited observers, then proceed to count the votes for that polling station. The counting for the respective elective positions is carried out in the following order:

- (a) President;
- (b) Member of the National Assembly;
- (c) Member of the County Assembly;
- (d) Senator;
- (e) Woman County Member in the National Assembly;
- (f) Governor.

Counting Procedure:

- The ballot boxes at the polling station are emptied one at a time in the area designated for counting
- The ballot papers are then unfolded according to their respective elective positions. No attempt is made to look at the ballot papers at this time
- Each ballot paper is inspected to determine whether or not it is valid
- Every ballot paper is displayed and announced to determine the candidate in whose favour it has been cast
- The ballot paper is placed at the spot designated for each candidate
- The votes for each candidate are counted
- The results are recorded in the relevant forms
- The results are announced
- The results are transmitted electronically
- A copy of the results is posted at the polling station

The Presiding Officer and the election agents present are required to sign the declaration of election results form known as Form 34 (in the case of a presidential election) and Form 35 (in the case of a National Assembly, County Women Representative, Senator, Governor and County Assembly Representative election) indicating:

- The total of registered voters at that polling station
- The total number of valid votes cast
- The number of votes cast in favour of each candidate
- The number of rejected votes
- The number of disputed votes, and
- The number of rejected but objected to ballot papers

The declaration forms also declare that the tabulated results are accurate. While it is not mandatory for election agents to sign the declaration of results, it is good practice to do so. Should an agent not agree with the results or feel that they do not want to sign the form, they are required to record on the form, the reasons for their refusal to sign. The Presiding Officer must then provide each election agent with a copy of the declaration of the results and affix one copy at the public entrance to the polling station.

Once this procedure is complete, the Presiding Officer must then seal, in separate tamper proof envelopes:

- The counted ballot papers that are not disputed
- The rejected ballot papers with the accompanying statement
- The disputed ballot papers
- The “rejection objected to” ballot papers

The Presiding Officer must then demonstrate to election agents and other accredited observers present, that the ballot box used to carry the election results is empty before putting separate tamper proof envelopes inside the box, each envelope containing:

- Any spoilt ballot papers
- A marked copy of the voter register for his/her polling station
- The counterfoils of the used ballot papers, and
- The statement included in the Polling Station Diary
- The undisputed ballot papers
- The rejected ballot papers, the disputed ballot papers
- The “rejection objected to” ballot papers
- Original copies of forms 34 and 35

Once this process is complete, the Presiding Officer forwards an electronic version of the results to the Returning Officer at the Constituency Tallying Centre as well as the IEBC at the National Tallying Centre, before transporting the actual ballot box.

The Presiding Officer then seals the ballot box with the official seal of the IEBC and allows other Election Agents to affix their own seals should they wish to do so. The Presiding Officer then delivers the ballot boxes and the tamper proof envelopes to the Returning Officer at the Constituency Tallying Centre as soon as is practicably possible.

#### **(a) Types of Ballots During Counting**

There are four types of ballot papers when counting:

1. A valid vote, which is marked correctly and can be counted.  
It is important to note that a voter is allowed to make the following marks to the ballot paper as a sign of their voting intention or preference for a particular candidate against the name and symbol of that candidate:
  - A cross
  - A tick
  - A thumbprint
  - Any other mark
2. A rejected vote, which cannot be counted. The Presiding Officer may reject any ballot paper which:
  - It is not an official ballot paper, i.e., it bears a serial number which differs from those on the ballot papers in that polling station and the relevant counterfoil
  - Is of a different size than the official IEBC ballot papers

- Is of a different colour than the official IEBC ballot papers
- Is printed on a different paper than the official IEBC ballot papers
- Displays candidates/instructions different from the official IEBC ballot papers
- Lacks an official stamp from the IEBC
- Lacks a serial number
- Is unmarked
- Has marks for more than one candidate
- Is a marked ballot paper that can identify the voter; and
- Does not clearly indicate the choice of the voter

Every rejected ballot shall be marked with the words “rejected” by the Presiding Officer.

3. Rejection objected to ballot, which is one that is rejected by the Presiding Officer, but the agents have objected to the rejection. Every rejected ballot paper shall be marked with the word “rejected” by the Presiding Officer, and if an objection is made by a candidate or counting agent to the rejection, the Presiding Officer shall add the words “rejection objected to”. A rejected ballot shall not be counted with valid ballots. A party/candidate agent can follow up with the Returning Officer to try and resolve the ballots marked “rejection objected to.” The decision of the Returning Officer will be final.
4. A disputed vote is one that the Presiding Officer considers valid but a candidate or an election agent questions. The ballot will be taken into consideration for counting. The Returning Officer at the tallying centre can deal with these disputes.

#### **(b) Recount of votes**

Following the counting process, it is the right of any election agent present to require the Presiding Officer to re-count the votes if they feel that the count was not carried out accurately. According to the law, the re-count of the vote for any elective position is only allowed to take place **twice**.

## **4.4. Tallying and Announcement of Results**

### **4.4.1 The Constituency Tallying Centre**

The Returning Officer at the Constituency level is responsible for the verification of the election results for all polling stations within that constituency and for the tallying of these results. The Returning Officer will also be responsible for the final tally of:

- constituency representative to the National Assembly
  - ward representatives to the County Assembly.
- i) **Step One:** the Returning officer begins tallying the results from each polling station in that constituency one by one in respect of each candidate filling out these results in Form 36.

The Returning Officer will fill in:

- The name of the electoral area (Constituency or Ward)
- The total number of registered voters in that electoral area
- The total number of votes cast for each candidate in each polling station within that electoral area
- The total number of rejected votes for each candidate in each polling station within that electoral area
- The aggregate number of votes cast in the respective electoral area
- The aggregate number of rejected votes in that electoral area

**Note:**

- The Returning Officer does not recount the votes from the polling station that were not in dispute. Should a Returning Officer discover in the process that the total number of votes cast in a polling station exceeds the number of registered voters for that station, he or she must immediately discount its votes from the final count in the announcement of election results.

ii) **Step Two:** The Returning Officer publicly announces to persons present, the total number of valid votes cast for each candidate with respect to each election.

iii) **Step Three:** The Returning Officer then signs and dates the respective forms and gives all agents present copies of the forms.

iv) **Step Four:** The Returning Officer issues certificates to all persons elected in the following elections (Form 38):

1. National Assembly elections
2. County Assembly elections

v) **Step Five:** The Returning Officer then seals the following items in separate tamper proof envelopes in the presence of all agents and candidates:

- 1) The now validated disputed ballot papers
- 2) The now rejected disputed ballot papers and the accompanying statements as to the reasons for their rejection.

vi) **Step Six:** The Returning Officer will deliver the original forms 34 and 35 (from all polling stations) as well as forms 36 (for aggregating all results) to the County Returning Officer.

vii) **Step Seven:** The Returning Officer, after confirming to agents and observers that the ballot box is empty, puts the tamper proof envelopes in the box, secures the box with the official seal of IEBC and allows agents to affix their own seals onto the ballot box as well.



#### **4.4.2. Transmission**

The Constituency Returning Officer is required to transmit the election results of the constituency to the County Returning Officer plus all original forms 34, 35 and 36.

The Returning Officer also transmits electronic provisional results to the County Tallying Centre as well as to the IEBC at the national level.

#### **4.4.3. Transportation**

Having forwarded the provisional electronic results to IEBC at the National Tallying Centre and the County Tallying Centre, the Returning Officer now forwards the ballot boxes to the County Returning Officer at the County Tallying Centre in the presence of security officers. It is important that Agents accompany the Returning Officer to the County Tallying Centre to ensure that the boxes arrive intact. They must however make their own arrangements for transport.

#### **4.4.4. Tallying at the County level**

Once the Returning Officer has done an aggregate count of all the votes cast for each candidate in each elective position within that county:

- He/she will conduct the final tally of the elected officials for the positions of County Governor, County Senator, and County Woman representative to the National Assembly on form 36
- Issue the elected candidates for the positions of County Governor, Senator, and Woman representative with certificates indicating their election in form 38
- Submit the results received from all the Constituency Returning Officers in their county, in addition to their own results, to the IEBC
- Declares the tally of the election results at the county level in the presence of all election agents and observers
- Places the original copies of the county level certificates as well as all the certificates from all the polling stations in the County into the used and empty ballot box
- Closes and secures the ballot box with the official seal of IEBC as well as any other seals of election agents present
- Transfers the ballot box to the National Tallying Centre

Note: The County Returning Officer electronically submits the provisional results of the election for their county to the IEBC.

#### **4.4.5. Announcement**

The IEBC is responsible for the final tally and announcement of the election results at the National Tallying Centre. It is here that the final tally for the Presidential election is

conducted, and the final election results for all elective positions are announced.

## **The Presidential Election**

The IEBC first receives provisional electronic results from every constituency. In addition, the IEBC must receive the results as filled in an original form 34 from every Constituency. Once all forms have been received from all constituencies, the IEBC conducts the final tally for the presidential election. The IEBC, by law, must declare and announce the results of the presidential election within seven days, stating who has received the greatest number of votes in the election.

Note: The IEBC may announce the winner of the presidential election before receiving the certificates from all counties only in the case where the votes that have not yet been received are not large enough number so as to alter the positions of the candidates.

### **4.4.6. Run-Off**

#### **Presidential Election**

The Constitution of Kenya requires that for a presidential candidate to be declared the winner, he or she must garner more than half of the votes cast in the presidential election (50 +1%) as well as at least twenty-five per cent of the votes cast in each of more than half the counties.

In the event that no candidate garners the necessary amount of votes, the IEBC is required to hold a fresh election within thirty days of the previous election. Following an opinion delivered by the Supreme Court, this thirty day period will not commence until petitions arising from the second round have been resolved.

During the run-off voters will only vote for the two candidates who earned the most votes in the first round of voting. The procedure for counting, transmission and tallying of these results will follow the same procedure as for the first election. In the second round of voting, the candidate who gets a simple majority of the valid votes cast shall be declared the winner by the IEBC.

## **4.5 Post-Election Period**

### **4.5.1. Swearing in of President**

The President-elect will be sworn in on the first Tuesday following the fourteen days after the declaration of the results of the presidential election, or in the case of a filed election petition, the seventh day following the decision of the Supreme Court that the election is valid.

## 4.5.2 Petitions

Election disputes arising from the declaration of results are known as petitions and can only be determined by a court of law. Petitions will be filed as follows: -

- Presidential elections to the Supreme Court
- Senator, Governor and Members of the National Assembly to the High Court
- County Assembly to the Magistrate Courts

An electoral court can make the following determinations with respect to an election petition:

- Whether or not the candidate who was elected for the particular elective post in dispute was validly elected;
- A declaration of which candidate was validly elected; and
- An order on whether or not a fresh election needs to be held.

## 4.5.3. Evaluation of the Elections

This involves carrying out an assessment of the conduct of the just concluded elections so as to learn lessons and ensure the next elections do not suffer from any shortcomings that may have arisen. The Constitution gives the IEBC the power to carry out evaluations of previous elections. In addition to the IEBC, all stakeholders should also carry out evaluations at their level. Election agents should sit down together with their candidates and parties and, based on their observation reports, draw lessons from the concluded elections.



# 5. Communication and Reporting

## 5.1. Introduction

This section discusses processes that parties, independent candidates and agents should put in place to enhance communication and reporting during the process of agents undertaking their assignment. This structure may build on existing party structures, or it may be an entirely new structure that is added in the campaign structure of the party or an ad hoc structure.

## 5.2. Communication

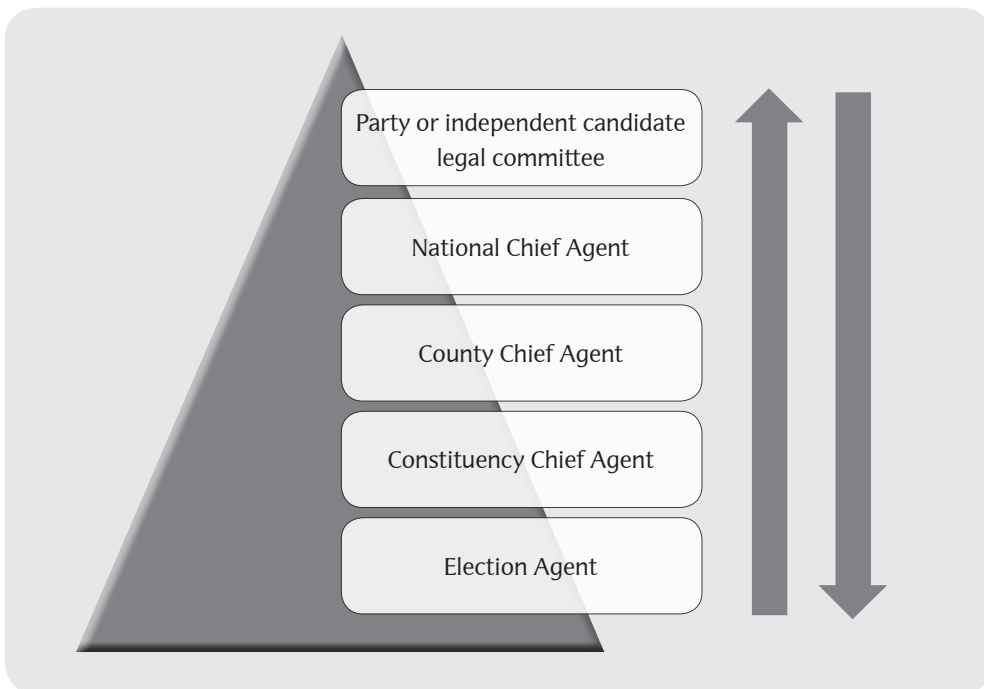
Political parties and independent candidates need a communication structure and plan that is hierarchical and has a clear bottom – top and top –bottom communication process. For instance, the national chief agents will communicate clear instructions from the headquarters down to the county chief agents and to the polling agents and will need to be certain that the polling agents have received the information. Equally, each polling agent will need to be able to communicate up the chain. This is especially important in case of critical incidents or other types of emergencies.

### 5.2.1. Communication Chain

The election agent is the ears and the eyes of the political party or independent candidate in the polling station. Her/his role is to observe, report and communicate any irregularities during voting and counting.

Every election agent has a responsibility to report to the constituency chief agent, or the county chief agent (depending on the choice the party makes) if there are issues that need to be reported upward the communication chain the party or the independent candidate has developed. Every county chief agent will report to the national chief agent who has the overall responsibility for managing the entire election day operations for all polling agents on behalf of their political party or independent candidate.

The relationship between the different agents in a political party or for an independent candidate can be illustrated as below. Also note that communication between the different agents is both bottom-up and top-down.



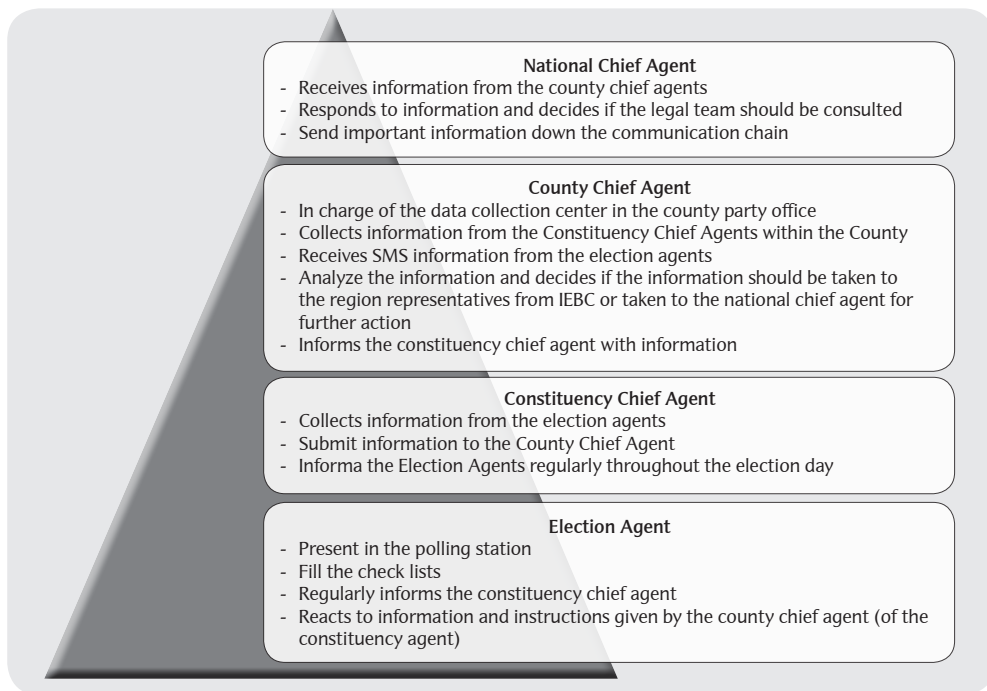
### 5.2.2. What to communicate?

Information during the voting process is important for the party or the independent candidate to make decisions and raise immediate complaints about the process should the need arise.

It is important to have an agreed communication and reporting schedule from the election agent all the way to the national agent. Such a system could comprise of the following:

- Report on the opening of the polling station
- Report on the voting progress
- Report on turn-out
- Report on the closing
- Report on the start of the counting process
- Report on progress on the counting
- Report on signing the correct forms
- Report on Election results from the polling station transmitted according to rules to IEBC tallying centre

The reporting should be short and concise so the county chief agent and the national chief agent can easily make an accurate and quick assessment and raise concerns where necessary.



## 5.2.3 Tools for Communication

### 1) Database of Contacts of Chief Agents and Key officials

Every election agent should be supplied with the contacts of the constituency chief agent, the county chief agent and the national chief agent. In addition if the party desires they can also provide contacts of key campaign officials. In addition the party or independent candidate should develop a central database with the contacts of all agents deployed, key officials of the campaign, key election officials, security personnel, media and other relevant contacts that they may require at short notice.

### 2) Checklist and Critical Incidents Form

A checklist (sample attached) will be filled out by every election agent on election day. Once the checklist or reports are filled they should be handed to the county or constituency chief agents who will transmit them to the national chief agent.

In addition, agents should fill in a critical incident form (sample attached) detailing any irregularities or problems at the polling stations. These may include;

- Violence in or near polling station
- Intimidation or harassment of voters
- Restricting voters' rights
- Polling station closed during voting hours
- Vote buying
- Ballot box stuffing or multiple voting

- Stealing or damaging ballot box or ballots
- Chaos in the polling centre
- Limiting the rights of observers
- Problems during counting

### 3) Mobile Phones

Although IEBC may not allow the use of mobile phones in the polling station, the political parties or independent candidates should devise a mechanism of sending and receiving updates in a fast and frequent manner. This could be a role either for the constituency chief agent or alternate agents who are able to use a mobile phone outside the polling station or for the principal agent who may have to leave the polling station to send and receive messages.

A political party or independent candidate may require polling agents to make three to four calls or send several short messaging service (SMS) to a designated supervisor (preferably the constituency or county chief agent) at pre-agreed times during election day. In order to send succinct information whether by call or SMS, the party may need to convert key parts of the checklist into a format that is suitable for this type of communication.

### 4) Back-Up Plan

All agents should be aware that technology might not always work. A back-up system should be developed to cater for this occurrence on election day. Back-up systems may include: -

- Having at least two mobile phone lines (preferably from different service providers)
- Assigning a roving agent who can collect information to and fro. This may be the role for the chief agent in some cases.

## 5.3. Data Storage and Processing

The party or candidate should file complaints with the election authorities for any incident or pattern of incidents that they determine warrant such complaints. Records by agents can also make the basis for challenging election results through a petition. Accurate records by agents are, therefore important.

The political party or the independent candidate should establish data collection centre at the national and county level. The data centre at the national level could be in the national head office where the national chief agent has his/her office. At the county level it could be in the county office where the county chief agent is located.

### The county data centre

During the Election Day the County data centre will be the main place where the regular reports transmitted by the election agents via SMS. The data centre could hire data entry clerks to key in information from the election agents in a database or a simple spreadsheet.

The county chief agent will regularly analyse these databases/spreadsheets and report critical information on a regular basis to the national chief agent.

A spreadsheet can look like this and the spreadsheet should be the same for all counties:

Polling station	Opening of the polling station (06.30am)	Conduct of the voting (12.00noon)	Voter turnout (04.00 pm)	Closing of the polling station (06.00 pm)
Polling station X	OK all material in place	Voting is going on well	High turnout	OK
Polling station Y	Open late	Going on well (Started at 07.00 am)	Low turn out	Closed (06.00 pm)
Polling station Z				
Etc.				
Etc.				
Etc.				
Etc.				

Such a form can give the county chief agent an indication on how the voting is being conducted in his/her county. If the county chief agent gets information that raises his/her concern, she/he can raise this issue with the Regional IEBC representative or inform the National Chief Agent for further action depending on the seriousness of the issue.

After the Election Day the datacentre in the County should analyse and key in information from the check lists submitted by the polling agents and submit them to the National Chief Agent.

### National Data Centre

A data centre should also be established at the national level. The political party or independent candidate could hire data clerks to assist the national chief agent to be able to collect and key in data collection form the counties.

At the national level a spreadsheet with all the counties and the polling stations within the counties should be developed. This will help identify are areas where there have been reported problems during the Election Day.

During Election Day, information received from the county agents by the national chief agents should be stored in the spread sheets developed. The national chief agent should regularly inspect the spreadsheets to identify if there are counties and polling stations where problems have arisen. This would help the national chief agent to either consult the party’s or independent candidate’s legal team, or contact IEBC directly to raise concerns or file a complaint.



Similar with the county data centre, the national data centre should also, after the Election Day, compile the information collected from the county data Centres. A full overview from the counties can be a good source for the political party or independent candidate legal team to decide if action should be taken law for filing an election petition.

## 5.4 Link to the Legal Committee

The political parties and independent candidates will need to have a legal team for purposes of quick analyses and response.

It will be the national chief agent to provide the legal committee with facts and information that can be used to build a legal case for the political party or independent candidate.

In addition to the data collection during the election (both SMS reports and the check list and critical incidents form) the following additional information could be part of the documentations the national chief agent would provide to the legal committee:

- The contact information of the complainant, including their name, address, and phone number
- The position and, if possible, the name of the person responsible for the alleged abuse
- A brief description of the complaint, including the circumstances of what happened, where the incident took place, who was involved, and any resolutions
- The contact information of any witnesses, including their names and what they saw
- The status of the complaint, including any responses by election officials or security personnel

## 5.5 Conclusion

This manual has discussed the importance and roles of an election agent during the electoral process. All election agents should remember that at the end of the day it is their commitment, vigilance, cooperation with election officials and other players and timely reporting that will make their work a success and help the party or independent candidates have their interest protected. It will also help in defending the vote of the party and independent candidate by legal means.



# Checklist for Election Agents

1	Agents Name:	2	Phone Number:
3	Constituency:	4	Polling Station Name & Number :
5	Party/ Independent candidates name:		

## A. CHECKLIST

### 1.0 Opening of the Polling Station

1.1 Was the agent's letter of appointment from the political party / candidate shown to the Presiding/Deputy presiding Officer by the agent?

 Yes

 No

1.2 Are there other party/ independent candidates' agents present?

 Yes

 No

If yes write down the total number of agents present \_\_\_\_\_

1.3. Was the polling station properly set up?

 Yes

 No

1.4 Were all required election materials available before the opening of the polling station?

 Yes

 No

1.5. Tick the material available:

a. Ballot papers for the entire election

b. Ballot boxes for each election

c. Voting booths

d. Voters register

e. IEBC stamps

f. Indelible ink

g. IEBC and political parties / independent candidate seals

h. Stationery

If NO, list the materials that were missing and reasons, if any, given

---



---



---

1.6. How many voting booths are in the polling station?

One

Two

Three

More than three

1.7 Was the voting booths set up in a manner that preserves the secrecy of the ballot?

Yes

No

1.8 Tick the Election Officials present at the time of opening?

- a. Presiding officer /Deputy Presiding officer:
- b. Queuing Clerk:
- c. Voter identification Clerk:
- d. Voter register Clerk:
- e. Ballot issuing Clerk one:
- f. Ballot issuing Clerk two:
- g. Ballot issuing Clerk three:
- h. Ballot control and inking clerk:
- i. Police Officers

1.9. Tick the accredited and or authorized persons present:

- a. Political party agents
- b. Independent candidate
- c. Observers
- d. Media
- e. IEBC officials
- f. Security officials
- f. Candidate/Running mate
- g. If any other please indicate \_\_\_\_\_

1.10. Did the PO/DPO display the ballot boxes before they were sealed?

Yes

No

1.11. Were they empty?

Yes

No

1.12. Did the PO/DPO affix his/her seals to the ballot boxes?

Yes

No

If yes record the serial numbers \_\_\_\_\_

1.13. Did agents present affix their seal on the ballot boxes before commencement of the polling?

Yes

No

If yes record the serial number(s) \_\_\_\_\_

1.14 Are all the ballot papers received for the correct electoral area?

Yes

No

1.15 Record the ballot paper serial numbers by ballot book

BALLOT BOOK	PRESIDENTIAL	NATIONAL ASSEMBLY	SENATOR	WOMEN REPRESENTATIVE	GOVERNOR	COUNTY ASSEMBLY
BOOK1	First Last					
BOOK2	First Last					
BOOK3	First Last					
BOOK4	First Last					
BOOK5	First Last					
BOOK6	First Last					
BOOK7	First Last					
BOOK8	First Last					
BOOK9	First Last					
BOOK10	First Last					

1.16 Did the polling station open at 6am?

Yes

No

If NO what were the reasons for late opening?

---

1.17 Who witnessed the opening of the polling station?

---

## 2.0 Polling

2.1. Is the queue for voters orderly and is there a queuing clerk?

Yes

No

2.2. Are sick, elderly, and expectant women given priority to vote first?

Yes

No

2.3. Do the ballot papers issued have the IEBC stamp at the back?

Yes

No

If no, what is the reason for issuing a ballot paper without a stamp?

---

---

---

2.4. Is the voter issued with only one ballot for each election?

Yes

No

2.5 Did anyone vote without an identification card or valid passport?

Yes

No

2.6 Did anyone who was not in the electronic poll book but was in the hard copy of the register vote?

Yes

No

If yes, how many \_\_\_\_\_

2.7 Are eligible voters denied ballot papers; if no, state why?

---

---

2.8 Each voter's left hand index finger was marked with the indelible ink after voting

Yes

No

2.9 A voter places only one ballot paper in each ballot box;

Yes

No

If no, explain

---

---

2.10 Voters who have cast their ballots and who are not authorized by the IEBC to stay inside the polling station leave after voting;

Yes

No

2.11 Indicate the number of assisted voters who come with their own person to assist them \_\_\_\_\_

2.12 Indicate the number of assisted voters who receive assistance from the PO/ DPO while agents witness

---

---

---

2.13 A voter who has marked a ballot wrongly is issued another ballot;

Yes

No

If no, why? If yes, indicate number

---

---

2.14 Voter requesting a second ballot hands back the spoilt one

Yes

No

### 3.0 Closing of the Polling

3.1. Was the polling station closed at 5pm?

Yes

No

If no, explain why?

---

---

---

3.2 Were there voters on the queue at the time of closing?

Yes

No

3.3 And if so were they allowed to vote?

Yes

No

3.4 Were the seal(s) placed on each ballot box at the start of the poll intact at the time of closing?

Yes

No

3.5 The aperture of the ballot boxes is closed and a seal(s) affixed in the hole beside it.

Yes

No

If yes, record the serial number(s) of the seals? \_\_\_\_\_

## 4.0 Counting and Tallying of Votes

4.1 Tick who was present at the counting hall

a. Election Officials

b. Candidates

c. Political party or candidates agents

d. Observers

e. Media

f. Security agents

g. If any other please indicate \_\_\_\_\_

4.2 The PO/DPO show all present in the polling station that the ballot boxes were sealed and the content was intact?

Yes

No

4.3 The PO/DPO/Counting Clerk examines each ballot to determine its validity, shows it to the candidates or their agents and calls out loud the name of the candidate to whom the vote is awarded or rejects it by stating the reason why

---

---

---

4.4 The valid ballots are placed on a pile for each candidate?

Yes

No

4.5 The Rejected, Rejection objected to and the disputed ballots are placed on separate piles?

Yes

No

4.6 Did the PO / DPO counts and announces the unused ballot papers?

Yes

No

4.7 The PO/DPO explains why a ballot is rejected.

Yes

No

Record the cases

---

4.8 The PO announces loudly the results of the count of the valid ballots cast for each candidate

Yes

No

4.9 The PO/DPO completes and enters the results of the count in the tallying sheet form 33

Yes

No

4.10 Did PO/DPO and agents sign what was recorded for the presidential results in the result declaration form 34?

Yes

No

4.11 Did PO/DPO and agents sign what was recorded for the other election in the result declaration form 35

Yes

No

4.12 Total number of registered voters (for the entire polling station) \_\_\_\_\_

4.13 Total number of valid votes cast (for the entire polling station) \_\_\_\_\_

4.14 Total number of rejected votes (for the entire polling station) \_\_\_\_\_

4.15 Total number of disputed votes (for the entire polling station) \_\_\_\_\_

4.16 Total number of Votes cast for your parties/ independent candidate

a) Presidential \_\_\_\_\_

b) Member of Parliament \_\_\_\_\_

c) Governor \_\_\_\_\_

d) Senator \_\_\_\_\_

e) Women representative \_\_\_\_\_

f) County assembly representative \_\_\_\_\_

4.17 Did all the agents present agree to the totals announced at the polling station and were copies of results given to them?

Yes

No

If no state the reason?

\_\_\_\_\_  
\_\_\_\_\_

## B. Critical Incidents

Time of Incident: \_\_\_\_\_ : \_\_\_\_\_

1. Did any of the following incidents occur during the polling?

A) Violence in or near polling station

B) Intimidation or harassment of voters

C) Restricting voters' rights to vote

D) Polling station closed during voting hours

E) Vote buying

F) Ballot box stuffing or multiple voting

H) Chaos in or around the polling center

I) Limiting the rights of observers

J) Problems during counting

G) Stealing or damaging ballot box or ballots

K) Were there suspicious numbers of assisted voters?

L) Significant problems or disagreements about the count

M) Other (Explain) \_\_\_\_\_



2. Did anyone Witness the incident:

A) I witnessed the incident

B) I arrived just after the incident happened

C) The incident was reported to me by someone else

3. In your opinion, how many votes/voters were influenced/ affected by this incident?

---

---

---

4. Detailed explanation

Please indicate concrete facts regarding each of the incidents described in the form, including: who participated in it (their position and affiliation) and the sequence of events. Indicate any other local or international observers, representatives of election subjects, commission members or voters that also witnessed the incident. If more space is needed, please continue writing on the back of this form.

---

---

---

---

5. Leave the polling station so that you can call (the chief agents– depending on reporting plan) and report the incident.

I affirm, to the best of my ability, that all of the information recorded on this form is accurate and truthful.

**Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

