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THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION IS DROPPING THE BALL WITH REGARD TO THE 2022 GENERAL ELECTION

The United Green Movement Party has Rule of Law as a pillar of its Manifesto. The pillar on the rule of law, requires of us to hold public institutions accountable for the work that they are by law supposed to do. We would like to on this Valentine's Day, spread love to Kenyan's by holding the Independent and Electoral Boundaries Commission accountable, for what in our view might cost Kenyans a transparent, and peaceful General Election in August 2022.

We would like to highlight five areas, which in our view the Independent and Electoral Boundaries Commission (The Commission) is still performing below par:

1. Voter registration

The Commission in its press release of 17th January, 2022 when it launched the Enhanced Continuous Voter Registration (ECVR) Phase II, indicated that they were targeting 4.5 Million eligible voters. At the close of the exercise, The Commission in a press release on 7th February, 2022 indicated that 'The ECVR Phase II exercise had realized a total of 1,031, 645 new voters'. This is at 22% of the target! It simply shows that the Commission had no strategy to meet its target, given that in 2017 they registered only 19.6% of the target, and in 2013, 17% of the target. Evidence of an arithmetic progression without any intervention. For The Commission it is business as usual, you can bandy targets and who cares if they are met or not. The Commission needs to interrogate what is going on behind the scenes, that results in this low registration. It simply means that 3.5 Million Kenyans who would decide the direction their country is going, are not going to have that chance, by that very fact denying them their civic and political rights as enshrined under Article 38 of the Constitution 2010. The United Green Movement Party would like to encourage The Commission to use the provisions of Section 5 of the Elections Act, 2011 to ensure that the 3.5 Million voters are registered by end of May 2022. This would mean amongst others, proper targeting of the non-registered voters, as well as voter education.

2. The law to provide for complimentary mechanisms for voter identification and transmission of election results.

The Commission upon its Audit of the 2017 General Elections, identified the issues of complimentary mechanism for voter identification and transmission of election results, 'that was simple, accurate, verifiable, secure, accountable and transparent to ensure that The Commission



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complies with the provisions of Article 38 of the Constitution' were key to the conduct of Elections. The same sentiments were also the direction of the Supreme Court in Presidential Election petition of 2017. Whereas, The Commission has made the proposal for compliance with the said section in the proposed Elections (Amendment) Bill of 2022 at clause 21, the same might not be realised given the timelines for the passage of the Elections Amendment Act and the making of Regulations to give effect to the said section as per clause 21 (2) of the Bill. The net result is that, there might not be a complimentary mechanism for both voter identification and results transmission. Why would The Commission make such important proposals so late in the day? Was the intention not to correct the wrongs of the 2017 General Elections? To what end and who then benefits from this kind of acquiescence?

3. The Budget for the Conduct of the Election

The Commission is on record stating that they have a deficit of 4.8 Billion Kenya Shillings to help them conduct the 2022 General Elections. The United Green Movement Party is of the view that the General Elections in Kenya, is a very expensive affair compared to other jurisdictions. The Commission needs to budget and prioritize the key elections items to inform their budget. Previously the Commission has sort to budget for sectors that are not their core mandate. The United Green Movement would like to request the Parliament of Kenya to facilitate The Commission with the money's that they require, on core mandate, to avoid last minute procurement rush, which would give result to inflated bills, costing the country money, but also resulting in a poorly organized General Election. The 2022 General Elections, being a transition Election, should be fool proof not to give rise to unnecessary contestations.

4. The Enforcement of Electoral Conduct

The Commission needs to verify and ensure that those who are disqualified for elections within the meaning of Article 99 (2), 137, of the Constitution 2010 and any other provisions of the law are adhered to. The Commission also needs to enforce the Electoral Code of Conduct and ensure that politically related and instigated violence like is the case in Marsabit County right now, where hundreds are being politically displaced and other parts of the Country are nipped in the bud. The Commission needs to disqualify perpetrators of violence and politicians who engage in incitement are barred from participating in Elections and offering themselves for Elections. The Commission needs to grow teeth to help bring sanity to our electoral process.



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5. On Voter Education

Part of the Commissions duty under Article 88(4) (g) of the Constitution is Continuous Voter Education. To this extent The Commission needs to establish mechanisms for the provision of Continuous Voter Education and cause to be prepared a Voter Education Curriculum. We have not seen much effort in this space, in case any such mechanism exist in the first place. Voter education and awareness is a cardinal point in the exercise of the citizens' civic and political rights. Every citizen has the right to relevant and adequate information to enable them effectively understand their democratic rights, roles and responsibilities in order to participate in the electoral process and make informed decisions. Kenyans, especially first time voters, need to know and understand what it means to cast their vote. To the extent that The Commission fails in this duty, it is violating the citizens' rights.

Fellow Citizens, the United Green Movement Party would as a result of the foregoing, urge the Commission to up its game with regard to the 2022 General Election, if it is to meet its duties as set out in the Constitution. Failure to do the above, amongst many others, would be subjecting Kenyans to an election that does not meet the Constitution and other legal thresholds, opening it up to be contested in several fronts. You do not want to do that with a transitional election as the ramifications would be dire. We hope that the Commission could start the process of improving some of these aspects. Finally, the United Green Movement would like to wish all Kenyans a Happy Valentine's day, and may you all find a political party that you can love.

Thank you.

God Bless Kenya, God Bless the United Green Movement.

Signed on this 14th February, 2022

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