



THE ROAD TO 2017 POLLS: PROPOSED TIMELINES FOLLOWING THE ENACTMENT OF THE AMENDMENTS TO ELECTORAL LAWS

A. Context

1. The Independent Electoral and Boundaries Commission (herein “the Commission”) has the constitutional mandate to ensure the delivery of free, fair and credible elections. With only 8 months left to the August 8, 2017 General Election, the Commission is committed to fulfilling its constitutional obligations.
2. The challenges faced during 2013 polls were blamed on poor planning and execution. The delays in procurement of key electoral infrastructure negatively impacted on their testing and deployment. In addition, pending bills amounting to KShs. 4 billion were incurred that the Commission continues to settle as resources become available.
3. Having learned from the past, the Commission adopted a different approach that seeks to achieve high standards in the management of the 2017 elections and beyond.
4. Next year’s election is undoubtedly the most planned. The 2017 Election Operations plan was rolled out in January 2016 and the Commission has made tremendous progress in its implementation. It is for the same reason that, in July 2016, Parliament appropriated over KShs 18 billion to allow the Commission upscale its activities towards a credible election.
5. The Election Laws (Amendment) Act, 2016 was negotiated, passed and became operational 4 months after the commencement of the 2016/2017 Financial Year. The Commission has made deliberate efforts to ensure that the changes introduced by the new law are implemented under a revised work plan. However, there still remains some fundamental concerns on the elections amendment laws that the Commission has made known to parliament and other stakeholders that must be addressed for an efficient and effective delivery of elections.

B. Status Updates on Key Electoral Processes

I. Audit of Register of Voters

6. The Electoral Laws (Amendment) Act, 2016 requires the Commission to, within 30 days, engage the services of a reputable firm to audit the current register of voters. Using the current procurement procedures, the Commission advertised for Expression

of Interest on 10th October, 2016. The Commission received applications from 11 firms. In accordance with the criteria, 6 firms qualified to receive the Request for Proposals. The Firms were given 14 days to respond to the Request for Proposals. At the close of the 14 days, only 4 firms managed to submit their proposals. The firms are currently being evaluated and the successful bidder is expected to be on board by December 02, 2016. The table shows the times for remaining processes assuming the Commission succeeds in getting a competent firm:

Activity	Approx. Start Date	Approx. End date
a) Audit firm carries out the audit of the register for 30 days.	02-Dec-2016	31-Dec- 2016
b) Commission submits audit report to Parliament within 14 days.	01-Jan-2017	14-Jan-2017
c) Commission implements recommendations of report within 30 days.	01-Jan-2017	31-Jan-2017

II. Kenya Integrated Election Management System (KIEMS)

7. The law now requires that the Commission deploys an integrated electronic electoral system consisting of all aspects of voter registration, voter identification and result transmission for the 2017 General Election.
8. The draft specifications for KIEMS have been prepared by the Commission. The specifications will be subjected to validation by a multi-stakeholder Technical Committee established under Section 17 of the Election Laws (Amendment) Act 2016. Soon after validation, the Commission will advertise the tender following the procedures laid down by the Public Procurement and Assets Disposal Act, 2015. The Commission projects that the delivery of the new kits shall be in **March/April 2017**.

III. The Technical Committee on ICT in Elections

9. The Commission has proposed the following as members of the Technical Committee:
 - (a) at least three (3) members of the Commission and designated staff;
 - (b) the Attorney General;
 - (c) the Principal Secretary, National Treasury;
 - (d) the Registrar of Political Parties;
 - (e) a representative of—
 - (i) Majority Party in the National Assembly,
 - (ii) Minority Party in the National Assembly,
 - (iii) the Communication Authority of Kenya,

- (iv) Information Communication Technology Authority,
- (v) the National Council for Persons with Disabilities,
- (vi) the Telecommunication service providers association,
- (vii) the National Registration Bureau,
- (viii) the Information Systems Audit and Control Association-Kenya Chapter.

(f) Two representatives of the Political Parties Liaison Committee

IV. Regulations on ICT

10. In accordance with Section 44 of the Elections Act 2012, as amended the Commission prepared and submitted to Parliament draft regulations on the implementation of electoral technology on November 4, 2016. Kenyans are still welcome to give comments. The document can be accessed from IEBC Website <http://bit.ly/2grKnij-IEBC>.

V. Voter Registration

11. After the mass voter registration campaign in Feb/March 2016, the Commission now targets to have the second phase of registration in January/February 2017.
12. The Commission will open the register of voters for verification of voters using biometric kits for a period of 30 days from **April 10 – May 10, 2017**. This is in accordance with the new law. The detailed timelines are as below:

Activity	# of days	Approx. Start Date	Approx. End date
Voter Education Week	7	8-Jan-17	15-Jan-17
Conduct Phase II of MVR including Diaspora (30 for national + 15 Diaspora)	30	16-Jan-17	15-Feb-17
Registration of Diaspora	15	1-Feb-17	15-Feb-17
Field offices collate data, load and transmit to central database	5	16-Feb-17	21-Feb-17
Prepare register by matching, de-duplication and printing	21	22-Feb-17	15-Mar-17
Preparing kits and loading of registration data	15	16-Mar-17	31-Mar-17
Distribution of kits to polling stations	9	1-Apr-17	9-Apr-17
Open the Register for verification using biometric voter data (120 days before the GE and close 90 days before GE)	30	10-Apr-17	10-May-17
Amend the Register	30	10-May-17	9-Jun-17
Certification and publication of final Register	7	10-Jun-17	17-Jun-17

13. The timely recruitment of new Commissioners will ensure that they participate in rolling out the voter registration programme.

VI. Selection of Candidates by Political Parties

14. Political parties select candidates using different methods. Where a political party chooses to use universal suffrage for its party primary process, the party must provide for adequate time and resources to do. Due to the process that the Commission has to undertake to register candidates for elections (*IV above*), political parties are advised to commence their processes much earlier. The table below gives the indicative timelines for political parties planning to carry out party primaries using universal suffrage method.

Activity	No. of Days	Approx. Start Date	Approx. End date
Submission of party nomination rules to the Commission	14	Jan 13, 2017	Jan 26, 2017
Submission of party membership list	14	Feb 21, 2017	Mar 6, 2017
Submission of names of candidates for party primaries to the Commission	14	Mar 23, 2017	Apr 5, 2017
Gazettement candidates and date of primaries	7	Mar 30, 2017	Apr 12, 2017
Parties conduct party primaries	14	Apr 13, 2017	Apr 26, 2017
Dispute resolution by PPDT	30	Apr 20, 2017	May 19, 2017

15. The Commission anticipates that more time will be required to resolve disputes arising from party primaries. Unlike in 2013, the Commission estimates 30 days for dispute resolution by the Political Parties Dispute Tribunal.

VII. Nomination of Candidates for Elections

16. The Commission wishes to advise that for purposes of planning, political parties and aspiring candidates should use the following indicative nomination schedule:

Activity	No. of Days	Approx. Start Date	Approx. End date
Submission of Independent Candidates symbols, Letter of intent to vie and clearance from Registrar of Political Parties to IEBC	1	May 04, 2017	May 04, 2017
Submission of political party symbols, names and specimen signatures of political party authorized persons to certify nomination of the political party candidates	2	May 05, 2017	May 07, 2017

Approval by the Commission of Political Party Symbols and Independent Candidates Symbols	2	May 08, 2017	May 09, 2017
Commission Transmits Copies of Party Signatories' specimen signatures & Candidate symbols to Returning Officers	2	May 10, 2017	May 11, 2017
Submission of List of Presidential Candidate Supporters	2	May 13, 2017	May 14, 2017
Verification and Certification of List of Presidential Candidates Supporters	5	May 18, 2017	May 22, 2017
Pre-Nomination Meeting with Aspirants	1	May 23, 2017	May 23, 2017
Nominations for presidential elections	2	May 28, 2017	May 29, 2017
Nominations Senate elections	2	May 28, 2017	May 29, 2017
Nominations for County Assembly Ward Representative Elections	4	May 28, 2017	May 31, 2017
Nominations for County Woman Member to the National Assembly	2	May 30, 2017	May 31, 2017
Nominations National Assembly	2	Jun 01, 2017	Jun 02, 2017
Governor Nominations	2	Jun 01, 2017	Jun 02, 2017
Disputes Settlement from Nomination	7	Jun 03, 2017	Jun 09, 2017
Commission publishes all nominated candidates	7	Jun 10, 2017	Jun 17, 2017
Parties submit Party List candidates to the Commission	14	Jun 10, 2017	Jun 24, 2017

VIII. Nomination Guidelines

17. The Commission is currently revising guidelines with respect to the entire process of nomination of candidates. The guidelines will provide details on all processes to govern nominations. On **28 – 30 November 2016**, the Commission hosted political parties under PPLC in Naivasha to discuss the draft nomination guidelines.

IX. Resignation of Public Officers

18. Section 43 (5) states that “*A public officer who intends to contest an election under this Act shall resign from public office at least six months before the date of election.*” Accordingly, the public servants intending to participate in the next elections as candidates must resign by **7th February, 2017**.

X. Harambees

19. Sections 26 of the Elections Act 2012 states that “*a person who directly or indirectly participates in any manner in any or public fundraising or harambee within eight months preceding a general election or during an election period, in any other case, shall be disqualified from contesting in the election held during that*

election year or election period.” Accordingly, no harambees by political aspirants shall be conducted after 7th December 2016.

C. Conclusion and Way Forward

20. The Commission is committed to delivering a credible election in 2017. While it is appreciated that the Commission is in transition at the board level, the Secretariat will proceed to execute programmes to the extent permissible by law. In particular, activities prioritized under the 2016/2017 work plan and those approved by the Commission.
21. The Commission will continue to update key stakeholders on progress in the implementation of critical activities for the elections.

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION