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THE ELECTIONS ACT

(No. 24 of 2011)

THE ELECTIONS (REGISTRATION OF VOTERS)
REGULATIONS, 2012

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THE ELECTIONS ACT

(No. 24 of 2011)

EXERCISE of the powers conferred by section 109 of the Elections Act, 2011, the Independent Electoral and Boundaries Commission makes the following Regulations—

THE ELECTIONS (REGISTRATION OF VOTERS)
REGULATIONS, 2012

PART I—PRELIMINARY

1. These Regulations may be cited as the Elections (Registration of Voters) Regulations, 2012. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“Commission” has the meaning assigned to it in the Act;

“foreign representative of Kenya” means a public officer serving in a Kenyan foreign mission abroad;

“register” means the register of voters prepared pursuant to section 8 of the Act and includes any part thereof.

PART II—ADMINISTRATION

3. (1) The Commission may, from time to time, designate and Gazette such— Registration centres.

(a) places within the Republic as provided for in subregulation (2);

(b) premises of, or facilities provided by Kenyan missions abroad;

(c) any facility belonging to a public body or private persons in any foreign country;

(d) other facilities that the Commission may deem fit as registration centres for purposes of registering voters.

(2) The Commission may use, free of charge, for the purposes of voter registration—

(a) a room or rooms in any public school as defined in the Education Act; Cap. 211.

(b) facilities belonging to, and maintained by, any public body;

(c) facilities in any foreign country as the Commission may, by arrangement with the relevant authorities in that country, determine for the purpose of registering Kenyan citizens residing in that country;

(d) such other public space or premises as the Commission may gazette.

(3) Where, as a result of the use of any facility under this regulation, any damage is caused to that facility, or any expense is unavoidably incurred by any person having control over the facility, the Commission shall repair the damage, or compensate such person, as

the case may be.

(4) The Commission may, with prior arrangement with the owner, use private facilities where in the opinion of the Commission public facilities are unavailable, inadequate or unsuitable.

(5) No place whose use as a registration centre may offend the sensitivities of sections of the public or that may cause conflict of interest shall be used for purposes of registration.

Registration officers.

4. The Commission shall appoint—

- (a) a registration officer for every registration area; and
- (b) such number of registration officers to register Kenyan citizens living abroad as the Commission may determine.

Assistant registration officers.

5. (1) The Commission may appoint one or more assistant registration officers to assist a registration officer.

(2) An assistant registration officer may have all the powers and duties of the registration officer.

(3) An assistant registration officer shall be subject to the general direction and control of the registration officer.

(4) The recruitment and appointment of registration officers and assistant registration officers under this regulation shall be done competitively and transparently.

PART III—THE REGISTER OF VOTERS

Preparation of register.

6. Each registration officer shall prepare and maintain a register of voters for his or her polling station, ward and constituency in such form as the Commission may prescribe.

Registration areas and Registration centres.

7. (1) The Commission shall—

- (a) divide each constituency in which registration is to be held into registration areas or, if it deems fit, declare any particular constituency to be a single registration area;
- (b) assign to each registration area a distinguishing number or letter or a combination of number and letter;
- (c) appoint a place or places or designate a vehicle or vehicles, vessel or vessels at which the polling station or stations for each registration area shall be established;
- (d) designate such areas outside Kenya, in which registration is to be held, as a single registration area;
- (e) declare the entire territory of the foreign country or any part of a foreign country, to be a registration area;
- (f) declare a region consisting of more than one foreign country to be a single registration area; and
- (g) publish in the Gazette and publicise through electronic and print media of national circulation and other easily accessible medium a notice specifying—
 - (i) the registration areas established for registration;

(ii) the distinguishing number or letter, or combination thereof, assigned to each registration area; and

(iii) the place or places appointed, or the vehicle or vehicles, vessel and vessels designated, as registration centres.

(2) The Commission may designate any of its offices to be a registration centre and may provide for mobile registration centres.

(3) The Commission may use the facilities of Kenyan foreign missions abroad, free of charge, for the purposes of voter registration or polling, as the case may be.

(4) The Commission shall, in respect of each registration area appoint a registration officer to be responsible for the compilation of a register for the respective area.

(5) Notwithstanding subregulation (1), a registration officer may receive applications for registration at places not specified in the notice published under subregulation (1) (g)(iii).

(6) If a registration officer closes a registration centre, the registration officer shall post a notice at that place indicating the other places at which applications may be made.

(7) Where applications are received at a place other than the designated registration centre, the registration officer shall ensure that the voter is aware of the particulars of the centre and that he or she intends to register at the centre to which the registration in question relates.

8. A register of voters shall contain the particulars set out in Form A in the Schedule.

Registration particulars.

9. A registration officer may, in accordance with these Regulations, make changes to the register of voters—

Changes to register.

(a) to carry out a decision relating to a claim;

(b) related to transfer of registration;

(c) to correct clerical or other errors;

(d) to delete the name of a person who the registration officer is satisfied has died;

(e) to ensure that no person is registered more than once;

(f) to ensure that no person is registered if the person is not qualified to be so registered; and

(g) to include any appropriate changes that may be requested by a registered voter in respect of his or her registration

10. The following provisions shall apply to any proposed change not initiated by the person in respect of whom they relate—

Other changes requiring notice, etc

(a) the registration officer shall give the person whose registration particulars are the subject of the proposed change, a notice of the change;

(b) the notice under paragraph (a) shall be sent to the registered address of the person and the notice shall inform the person

of his or her right to make representations under paragraph (c);

- (c) the registration officer shall give the person an opportunity to, within seven days after the date of the notice under paragraph (b), make representations with respect to the proposed change; and
- (d) after considering any representations that the person may make the registration officer may make the proposed change.

Periodic list of changes.

11. (1) At least once every six months, each registration officer shall prepare a list of changes to the register of voters for his constituency and post the list at a place at the headquarters of the division and district within which the constituency is located where the public has access.

(2) The changes included on a list under subregulation (1) shall consist of the changes made since the previous list was prepared under subregulation (1).

(3) The list posted under subregulation (1) shall be posted for at least thirty days.

(4) The changes included on the first list prepared by each registration officer under subregulation (1) shall consist of the changes made since this regulation came into operation.

Certification of register.

12. (1) Where, as a result of the operation of section 5 of the Act, the registration of voters may not be carried out, the registration officer shall certify the register of voters in Form B set out in the Schedule.

(2) The Commission shall publish a notice in the Gazette to the effect that the compilation of the register of voters has been completed.

(3) The Commission may amend the register of voters after it is certified to the extent necessary to reflect the result of determination of any claim, or appeal that was pending at the time the register was certified.

(4) The registration officer shall publish the certified register of voters in the following manner—

- (a) by making the register available for inspection at such places as the Commission may designate, by notice in the Gazette;
- (b) by posting, at a place within the registration area where the public has access, a notice of the availability of the register for inspection; and
- (c) by having in place an electronic register which may be accessed on a website, using a mobile phone and such other electronic media as the Commission may determine.

PART IV—REGISTRATION OF VOTERS

Application for new registration.

13. (1) A person who is not already registered as a voter but who wishes to be so registered shall make an application in Form C set out in the Schedule.

(2) An application under subregulation (1) shall be made to the registration officer for the constituency in which the person wishes to be registered.

(3) The registration officer shall, for the purpose of registration, collect such biometric data which include palm print and facial impressions of the persons applying for registration, as the Commission may determine.

14. (1) A person who is already registered as a voter, but who wishes to have a change described in subregulation (2) made, shall make an application in accordance with this regulation.

Application for change in registration.

(2) The changes referred to in subregulation (1) are—

- (a) a change in the particulars of the person's registration; or
- (b) a change of the electoral area or polling station at which the person is registered to vote.

(3) An application for a change described in subregulation (2) (a) shall be made in Form C, to the registration officer for the constituency in which the person is registered.

(4) An application for a change described in subregulation (2) (b) shall be made in Form D, to the registration officer for the constituency in which the applicant wishes to be registered.

(5) An applicant under this regulation shall surrender any previously held voters card when making an application or, where such card is unavailable, make a declaration to that effect.

15. (1) A person may not make an application for registration under regulation 13 or 14—

When applications not allowed.

- (a) during a time in which the registration of voters and revision of the register of voters is not allowed under section 4 of the Act; or
- (b) during a period in which the Commission has suspended, under subregulation (2), the making of applications under regulations 13 and 14.

(2) The Commission may, by notice in the Gazette, suspend the making of applications under regulations 13 and 14 for a period specified in the notice.

16. (1) The registration officer to whom an application is made under regulation 13 or 14 shall consider the application and—

Consideration by registration officer.

- (a) in the case of an application for registration under regulation 13, register the applicant if the registration officer is satisfied the applicant is qualified to be registered; or
- (b) in the case of an application for a change under regulation 14, make the requested change if the registration officer is satisfied that it is proper to do so.

(2) If the registration officer registers a person or makes a change

under subregulation (1), the registration officer shall issue a voter's card, in Form E set out in the Schedule, to the applicant.

PART V—CLAIMS

Time for making claims.

17. (1) A claim to a registration officer under section 12 of the Act in respect of an application under these Regulations shall be made at any time by the registered voter.

(2) A claim under sub regulation (1) shall not be made within ninety days to the date of a general election or referendum or within sixty days to the date of a by-election.

Method for making claim.

18. A claim shall be in Form F set out in the Schedule and shall be accompanied by a new application for registration under Part IV.

Notice of claims.

19. (1) The registration officer shall, within seven days of receipt of a claim publish a notice of the claim.

(2) The notice of claim under subregulation (1) shall set out the names and addresses of all persons who have made claims.

Consideration of claims.

20. (1) After publishing the notice of claims under regulation 19, the registration officer shall consider and determine each claim.

(2) For the purpose of considering a claim, the registration officer may require the claimant to attend before the registration officer.

(3) The registration officer shall give the claimant a written notice of the determination of the claim.

Time for appeal.

21. An appeal, under section 12(2) of the Act, to the Principal Magistrate Court from a determination by a registration officer may be made within fourteen days after the determination was made.

Method of appeal.

22. (1) To make an appeal, the appellant shall deliver a written request to the Principal Magistrates Court or to High Court briefly stating the grounds of the appeal.

(2) The request shall be signed by the appellant.

Request.

23. For each request received under regulation 22, the registration officer shall forward the following to the Principal magistrates Court or the High Court—

- (a) a copy of the claim and new application under regulation 18;
- (b) a copy of the notice of the determination of the claim under regulation 20(3); and
- (c) written reasons for the determination.

Hearing of appeal.

24. (1) This regulation applies with respect to the hearing of an appeal under section 12(2) of the Act.

(2) The parties to the appeal are the appellant and the registration officer.

(3) The Principal Magistrates Court or the High Court shall cause notice of the hearing of the appeal to be given to the parties at least seven days before the hearing.

(4) The notice of the hearing of an appeal shall set out the time

and place of the hearing of the appeal.

(5) An appeal shall be heard and determined on a priority basis.

25. After an appeal has been determined under regulation 24, the registration officer shall—

Changes to register.

- (a) make any changes to the register of voters that are necessary as a result of the appeal;
- (b) prepare a list of the changes made;
- (c) post the list at the place where the list of changes was posted under regulation 11(1); and
- (d) submit the list to the Commission for inclusion in the Principal Register of Voters.

26. Claims under this Part shall not affect the validity of the register of voters.

Claims not to affect register.

PART VI—INSPECTION OF REGISTER

27. (1) Inspection of the register shall be carried out as provided for in section 6 of the Act.

Publication of register, etc.

(2) The Commission shall publish a notice of the availability of the register for inspection in the Gazette and in at least two newspapers of national circulation and through other easily accessible medium.

(3) The notice shall set out—

- (a) a statement calling on the public to inspect the register;
 - (b) a statement specifying where and within which period the inspection may be carried out; and
 - (c) the hours during which inspection may be carried out.
- (4) The notice shall be in Form G set out in the Schedule.

28. (1) After the last day of inspection specified in regulation 27, the registration officer for each constituency in respect of which the inspection was carried out shall revise the register of voters for the respective constituency.

Revision of register.

(2) Within fourteen days after the close of inspection, the registration officer shall prepare a list of changes to the register of voters for his or her relevant register and the Principal Voter register.

PART VII— PREPARATION OF NEW REGISTER

29. The Commission may direct that a new register of every constituency be prepared.

Direction from Commission.

30. (1) If the Commission makes a direction under regulation 29, the Commission shall publish a notice in the Gazette and in one or more newspapers of national circulation.

Notice.

(2) The notice shall set out—

- (a) a statement calling on all persons who wish to be registered to apply; and
- (b) a statement specifying where and when applications may be made.

(3) The notice shall be in Form H set out in the Schedule.

(4) The Commission may amend a direction under regulation 29 by publishing a notice of the amendment in the Gazette and in one or more newspapers.

Registrations

31. (1) A person may apply for registration in accordance with the notice published under regulation 30 and, for that purpose, regulations 13 and 14 shall, with necessary modifications apply

(2) Notwithstanding paragraph (1), a registration officer may transfer a place specified in the notice published under regulation 30 for making applications if, in the opinion of the registration officer, the number of applications made at the place does not warrant keeping it open.

(3) If a registration officer transfers a place for making applications under paragraph (2), the registration officer shall post a notice at that place indicating the other places at which applications may be made.

Preparation of new register

32. As soon practicable after the last day for making applications to be registered in a constituency, the registration officer shall prepare a new register of voters under regulation 6

Publication of register

33. (1) The registration officer shall publish the new register of voters in the following manner—

- (a) by making the relevant register available for inspection at the respective registration centre, ward and constituency Commission offices;
- (b) by posting, at a place at the Commission's website, constituency offices, registration centre and ward where the public has access, a notice, in Form I set out in the Schedule, of the availability of the register for inspection; and
- (c) by having in place an electronic register which may be accessed on a website using a mobile phone or such other electronic media as the Commission may determine

(2) The notice posted under paragraph (1)(b) shall explain how a person may make a claim under section 12 of the Act

**PART VIII—REGISTRATION OF KENYAN CITIZENS
RESIDING OUTSIDE KENYA**

**Registration of
Kenyan citizens
residing out of Kenya**

34 (1) The Commission shall, at regular intervals, publish the names of countries in which registration and voting is scheduled to take place

(2) A decision by the Commission to register Kenyan citizens residing outside Kenya or to conduct elections outside Kenya shall be based on the presence of a Kenyan Embassy, High Commission or Consulate.

**Registration
particulars of Kenyan
citizens residing out of
Kenya**

35. A register of voters who are Kenya citizens residing outside Kenya shall contain the particulars set out in Form J in the Schedule

36. A Kenya citizen residing outside Kenya shall apply for registration as a voter in Form J set out in the Schedule. Application for Registration by Kenyan citizens residing out of Kenya
37. A Kenya citizen residing outside Kenya shall apply for registration as a voter upon production of a valid Kenyan Passport. Eligibility to Vote.
38. For the purpose of registration of Kenyan citizens residing outside Kenya as voters, the Commission may appoint a foreign any representative of Kenya who shall not be the Ambassador, Deputy Ambassador, High Commissioner or Deputy High Commissioner of a Kenyan mission. Registration personnel.
39. A Kenya citizen residing outside Kenya shall only participate in a presidential election or a referendum. Type of elections.

PART IX—MISCELLANEOUS

40. A registration officer may, for the purpose of considering or determining an application or claim— Summoning witnesses, evidence, etc.
- (a) summon any person to appear before him or her to give evidence on oath and administer an oath for that purpose; or
 - (b) order the production of any document relevant to an issue that the registration officer is required to consider and determine.
41. All notices required to be given by a registration officer or the court to an individual shall be deemed to have been duly given if— Notice to individuals.
- (a) sent at least seven days to the date of hearing by registered post to the postal address, if any, given in the application, claim, appeal or; or
 - (b) published in at least one newspaper with nationwide circulation.
42. (1) If a notice is required by these Regulations to be published and, in the opinion of the authority required to publish the notice, the prescribed mode of publication does not give sufficient publicity of the notice, the authority may, in addition to publishing the notice as required, exhibit copies of the notice at prominent places or take such other steps as the authority may deem necessary for giving sufficient publicity to the notice. Publication of notices.
- (2) Subregulation (1) also applies, with necessary modifications, to anything that is required by these Regulations to be posted or to be made available for inspection.
43. No misnomer or inaccurate description of a person or place in a register of voters or other document prepared or issued under or for the purposes of these Regulations shall prejudice the validity of the register or document as respects that person or place, if the person or place is so designated as to be commonly understood. Minor inaccuracies immaterial.
44. (1) Every registered political party shall have the right to observe the registration of voters and the revision of registers of voters through designated representatives. Observation of the registration process.

(2) A registered party shall notify the Commission, in writing, of the names of its designated representatives

(3) Any person, association or organization may apply to the Commission to be allowed to observe the registration of voters and the revision of registers of voters and to verify the accuracy of the register

(4) Representatives of the media shall have the right to observe the registration process and to access the registration centres

(5) Every individual observing the registration of voters and the revision of registers of voters shall comply with any guidelines issued by the Commission respecting the conduct of such observation

Alternative means of
signification

45 If, because of physical inability, illness or illiteracy, a person cannot sign an application form, he or she may do any of the following instead of signing -

- (a) put the print of his or her thumb or other finger at the appropriate place in the form, or
- (b) if the person has no thumb, print at the appropriate place in the form, the print of any finger or such other mark as the registration officer may allow

Revocation of L.N
173/2002

46 The National Assembly Elections (Registration of Electors) Regulations, 2002, are revoked

SCHEDULE

FORM A

(r 8)

APPLICATION FOR REGISTRATION AS A VOTER

To the Registration Officer

Constituency _____ County _____

Ward _____ Registration centre _____

Surname _____ Other names _____

Identity card no /Kenyan passport no _____

Date of birth _____ Sex _____

Residential address _____

Contact Telephone _____

Postal address _____

Email _____

Disability (if any) _____

Whether you will require to be assisted by any one during voting _____

I, the above named applicant, hereby apply to be registered in the Principal Register of Voters in accordance to the Constitution and the Elections Act

DECLARATION

I, declare that at the date of this application:

- (i) I am qualified to be, and not disqualified from being, registered as a voter under the law in respect of the classes of election for which I now apply for registration.
- (ii) I am in possession of a national identity card or Kenyan passport with the number indicated in this application.
- (iii) The particulars entered on this form or submitted to the Commission (which I have entered, read or have had read to me) are true to the best of my knowledge.

Dated:, 20

Signature or thumbprint of applicant.....

Witnessed by:

Registration Officer/Assistant Registration Officer
Official stamp.

FORM B

(r. 12) (1)

CERTIFICATION OF REGISTER OF VOTERS

I hereby certify the document or documents described as follows as the Principal Registers of Voters or part of components of the register relating to thewardconstituencycounty.

Dated the, 20

Registration Officer.....

Constituency.....

FORM C

(r. 14) (3)

APPLICATION TO CHANGE PARTICULARS OF REGISTRATION

I, (the applicant), am registered in the register of voters as follows—

Name of Constituency

Constituency code

Name of Ward

Ward code

Name of Registration centre

Registration centre code

Surname

Other Name(s)

Identity card/Kenyan passport number expiry date.

Telephone number

I wish to change the particulars of my registration as follows.

Surname

Other names

Identity card/Kenya passport number

Voter's number

Sex

Date of birth

Dated:20

Signature or thumbprint of applicant

Witnessed by..... (RO/RA)

FORM D

(r.14 (4))

APPLICATION FOR TRANSFER OF REGISTRATION IN WHICH A PERSON IS REGISTERED

Current Constituency.....

Surname.....

Other Name(s)

Identity card No./Kenyan passport No:.....

Date of birth:.....

Sex.

Residential address:.....

Contact Telephone.....

Postal address:

Tel:

Email

I, the applicant, am registered in the register of voters for the constituency noted above. I wish to be registered in the register of voters for the following:

New Constituency:.....

County Assembly Ward:.....

New Polling Station.....

Contact (postal) address.....

Physical address.....

Telephone.....

Dated.....20.....

Signature or thumbprint of the applicant.....

Witnessed byRO/RA

FORM E

(r. 16(2))

VOTER'S CARD

Surname.....

Other Name(s):.....

Voter's Number

Voter's Identity Card/Kenyan Passport Number:

Identity Card Serial No:.....

County:

Constituency:

Ward:

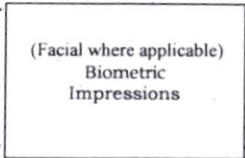
Polling Station.....

Elections at which Voter is entitled to vote:.....

Presidential/Parliamentary/County/Ward/Referenda

Note:- You must produce your identity card or Kenyan passport in order to vote.

You are not entitled to vote unless your name appears in the register of voters.



FORM F

(r.18)

CLAIM UNDER SECTION 12 OF THE ACT

To the Registration Officer, Constituency

Particulars of claimant

Surname.....

Other Name(s).....

Identity Card Number/Kenyan Passport Number:.....

Physical Address:.....

Postal Address:.....

Tel:

Email:.....

I,..... the claimant, applied to be registered in the register of voters but have not been so registered. I hereby make a claim under section 12 of the Act to be registered.

Dated:.....,20.....

.....
Signature or thumbprint of Claimant

FORM G

(r. 27(4))

NOTICE – REGISTER OF VOTERS TO BE REVISED

NOTICE is hereby given that the Principal Register of Voters/part of the principal register of voters relating to..... will be open for inspection fordays.

The purpose of the inspection shall be to –

- (a) ensure that no person is incorrectly registered;
- (b) ensure that no person is registered more than once;
- (c) ensure that no registered person is omitted from the register;
- (d) ensure that no deceased person is in the register; and
- (e) to correct clerical errors.

Inspection may be made on or after, 20but not later than, 20.....

Inspection may be made at the places listed in the Schedule to this notice. If a place listed in the Schedule is closed before the last day for inspection, a notice will be posted at that place indicating the other places where applications may be made.

Forms for application may be obtained at any place of registration, while it is open.

SCHEDULE

PLACES WHERE APPLICATION MAY BE MADE

- 1.
- 2.
- 3.

Dated the, 20

.....
Chairperson
Independent Electoral and Boundaries Commission

FORM H

(r. 30 (3))

NOTICE—REGISTER OF VOTERS TO BE REPLACED

NOTICE is hereby given that a new register of voters will be compiled for the following constituency/county/ward:

All persons who wish to be registered as voters should apply.

Applications may be made on or after....., 20.....but not later than, 20.....

Applications may be made at the places listed in the Schedule to this notice.

If a place listed in the Schedule is closed before the last day for making applications, a notice will be posted at that place indicating the other places where application may be made.

NB: Please take note that registration shall be done where one wishes to vote.

Any person who wishes to vote in any other place other than where he or she is registered he or she shall apply at the nearest constituency office.

SCHEDULE

PLACES WHERE APPLICATIONS MAY BE MADE

- 1.
- 2.
- 3.

Dated the, 20

.....
Chairperson
Independent Electoral and Boundaries Commission

FORM I

(r 33 (1)(b))

NOTICE OF AVAILABILITY OF REGISTER FOR INSPECTION

Date of posting notice:

NOTICE is hereby given that the new preliminary register of voters for the Constituency has been completed and is available for inspection for days. The register may be inspected at the places listed in the Schedule.

How to make a claim:

A person who claims that he or she should be included in the register may make a claim to the registration officer within the period prescribed for inspection.

The claim must be made in the prescribed Form

How to make an objection:

A person who is registered and who wishes to object to his or her own registration or the registration of another may make an objection to the Court within the period prescribed for inspection.

A person who is registered and who wishes to object to a claim of another may make an objection to the Court within the prescribed inspection period after the claim was posted.

An objection must be made in the prescribed form.

Dated the, 20

Registration Officer.....

SCHEDULE

Places where application may be made:

1.
2.
3.

FORM J

(r. 35)

APPLICATION FOR REGISTRATION BY A KENYAN CITIZEN RESIDING OUTSIDE KENYA

Surname

Other Name(s).....

Passport Number, Date and place of issue, passport expiry date.

Identity Card Number, Date and place of issue,

Date of birth

CITIZENSHIP

Country of Birth.....
Citizen by birth/ registration..
If by registration, date of registration (dd mm yyyy)

COUNTRY OF RESIDENCE.....

PHYSICAL ADDRESS

CONTACT ADDRESS.....

- (a) Telephone (country code, telephone number)
- (b) Email.....
- (c) Postal Address.....

APPLICANT'S LAST RESIDENCE IN KENYA

- (a) Constituency.....
- (b) Ward.....
- (c) Address.....
- (d) Cell phone number.....

DURATION OF STAY IN COUNTRY OF RESIDENCE

- (a) Years.....
- (b) Months.....
- (c) Days.....

DISABILITY (if any):

WHETHER YOU WILL REQUIRE TO BE ASSISTED BY ANY ONE DURING VOTING:.....

I, the applicant, hereby apply to be registered in the register of voters for the following:

- (a) Presidential election
- (b) Referenda

DECLARATION

I declare that:

- (i) I am qualified to be, and not disqualified from being, registered as an voter under the Law in respect of the class or classes of election for which I now apply for registration
- (ii) I am in possession of a Kenyan passport with the number indicated in this application.

(iii) The particulars entered on this form (which I have entered, read or have had read to me) are in every respect true and correct

Dated 20 ..

.....
Signature or thumbprint of Applicant

Declared before me
Registration Officer/Assistant Registration Officer

Official Stamp:

SCHEDULE

PLACES WHERE APPLICATION MAY BE MADE.

- 1
- 2
- 3

Dated the 2nd November, 2012

AHMED ISSACK HASSAN,
Chairperson,
Independent Electoral and Boundaries Commission

LEGAL NOTICE NO 127

THE ELECTIONS ACT

(No. 24 of 2011)

THE ELECTIONS (VOTER EDUCATION) REGULATIONS, 2012

ARRANGEMENT OF REGULATIONS

Regulation

PART I— PRELIMINARY

- 1— Short title
- 2— Interpretation.
- 3— Objective of regulations.

PART II— VOTER EDUCATION COMMITTEES

- 4— Establishment of voter education committees
- 5— Composition of National Committee.

6—Sub committee of the National Committee.

7—Commission may assign staff.

8—Chairperson and vice-chairperson.

9—Functions of the National Committee.

10—Procedure of the National Committee.

11—Composition of constituency committees.

12—Functions of constituency committees.

13—Procedure of constituency committees.

14—Declaration.

15—Remuneration.

16—Reports.

PART III—VOTER EDUCATORS

17—Voter educations.

18—Manner of carrying out the tasks of voter educators.

19—Qualifications.

PART IV—ACCREDITATION OF NON STATE VOTER EDUCATION PROVIDERS

20—Application for accreditation.

21—Accreditation criteria.

22—Certificate of accreditation.

23—Inspection of register.

24—Accredited persons and organisations to sign code of conduct.

25—Commission may revoke accreditation, etc.

26—Impartiality of voter education providers.

27—Submission of information.

SCHEDULE—Forms

THE ELECTIONS ACT

(No. 24 of 2011)

IN EXERCISE of the powers conferred by section 109 of the Elections Act, 2011, the Independent Electoral and Boundaries Commission makes the following Regulations:—

THE ELECTIONS (VOTER EDUCATION) REGULATIONS, 2012

PART I—PRELIMINARY

1. These Regulations may be cited as the Elections (Voter Education) Regulations, 2012 and shall come into effect upon publication in the Gazette.

Short title.

Interpretation

2 In these Regulations, unless the context otherwise requires —

“constituency committee” means a constituency voter education committee established under regulation 4,

“National Committee” means the National Voter Education Committee under regulation 4;

“voter education” means all forms of information or communication whose purpose is to educate members of the public on their rights and responsibilities in the electoral process and generally on the electoral process;

“voter education committee” means the National Committee or a constituency committee,

“voter educator” means a person engaged by a constituency committee or by a voter education provider to carry out voter education under these Regulations.

Objective of Regulations

3. The objective of these Regulations is to—

- (a) implement Article 88(4)(g) of the Constitution,
- (b) create an environment for objective and effective voter education for all Kenyans,
- (c) ensure efficient coordination of voter education for purposes of harmonisation of the content of the voter education material, and
- (d) promote optimum use of resources available for voter education in Kenya.

PART II—VOTER EDUCATION COMMITTEES

Establishment of voter education committees

4. The Commission shall establish the following voter education committees—

- (a) a committee at the national level to be known as the National Voter Education Committee; and
- (b) a committee in each constituency to be known as the constituency voter education committee.

Composition of National committee

5. The National Committee shall consist of the following members appointed by the Commission—

- (a) two persons from civil society organisations;
- (b) a representative of the Ministry responsible for matters relating to education, who shall be a person who is qualified and has experience in matters relating to curriculum development or delivery,
- (c) a representative of the Ministry responsible for matters relating to the public service;
- (d) three representatives nominated by a forum of faith based organisations;
- (e) a representative of persons with disabilities;

- (f) a representative of the youth;
- (g) two persons from institutions of higher learning;
- (h) one representative of the Political Parties Liaison Committee; and
- (i) the director of voter education at the Commission who shall be secretary to the Committee.

6. The National Committee may establish such sub committees as it may consider necessary for the purposes of carrying out its functions.

Sub committees of the National Committee.

7. The Commission may assign such members of its staff to the National Committee as may be necessary to enable the National Committee perform its functions.

Commission may assign staff.

8. (1) The members of the National Committee shall elect a chairperson and vice- chairperson of the National Committee from amongst themselves.

Chairperson and vice-chairperson.

(2) The chairperson and vice- chairperson of the National Committee shall not be of the same gender.

(3) The composition of the National Committee shall reflect the principle of gender balance and regional diversity of the people of Kenya.

9. (1) The National Committee shall, under the general direction of the Commission, be responsible for the design and dissemination of voter information and education relevant to the participation of the citizens in the electoral and referenda processes.

Functions of National Committee.

(2) Without prejudice to the generality of subregulation (1), the National Committee shall be responsible under the general direction of the Commission, for—

- (a) general policy and strategies for voter education;
- (b) voter education curriculum;
- (c) voter education materials;
- (d) monitoring and evaluating voter education programmes;
- (e) collaborating with other stakeholders on voter education; and
- (f) overseeing the functions of the constituency committees.

10. (1) Subject to this regulation, the National Committee shall regulate its own procedure.

Procedure of National Committee.

(2) The National Committee shall hold such number of meetings in such place, time, and manner as the National Committee may consider necessary for the discharge of its functions under these regulations.

(3) A member of the National Committee, other than an ex officio member, shall be appointed for a term of three years and shall

be eligible for reappointment for one further term of two years.

(4) The quorum for meetings of the National Committee shall be seven members

(5) A member of the National Committee may resign upon giving one month's notice in writing to the Commission

(6) Where the position of a member of the National Committee becomes vacant before the expiry of the term of office of that member, the Commission may appoint another member from the organisation represented by the member who resigned, to serve for the unexpired term

11. (1) A constituency committee shall consist of the following members appointed by the Commission —

- (a) two persons from civil society organisations operating in the Constituency;
- (b) two representatives of government ministries within the Constituency;
- (c) three representatives from faith based organizations operating in the constituency; and .
- (d) the constituency elections coordinator who shall be the secretary and spokesperson of the Committee

(2) The members of the constituency committee shall elect a chairperson and vice-chairperson, from amongst themselves.

(3) The chairperson and vice-chairperson of the constituency committee shall not be of the same gender

(4) The composition of the constituency committee shall reflect the principle of gender balance and the geographical diversity within that constituency

12 (1) A constituency committee shall be responsible for overseeing and advising on the coordination and implementation of voter education programmes at the constituency level.

(2) Without prejudice to the generality of subregulation (1), a constituency committee shall advise on—

- (a) constituency voter education programmes.
- (b) recruitment, induction and deployment of constituency voter educators,
- (c) supervision and monitoring of the activities and operations of constituency voter educators, and
- (d) evaluation of constituency voter education activities and programmes

13 (1) Subject to this regulation, a constituency committee shall regulate its own procedure.

(2) A constituency committee shall hold such number of meetings in such place, time, and manner as the National Committee

Composition of
constituency
committees

Functions of
constituency
committees

Procedure of
constituency
committees

may consider necessary for the discharge of its functions under these Regulations.

(3) A member of the constituency committee, other than an *ex officio* member, shall be appointed for a term of three years and shall be eligible for reappointment for one further term of two years.

(4) The quorum for meeting of a constituency committee shall be four members.

(5) A member of the constituency committee may resign upon giving one month's notice in writing to the Commission.

(6) Where the position of a member becomes vacant before the expiry of the term of office of that member, the Commission may appoint another member from the organisation represented by the member who resigned, to serve for the unexpired term.

14. A member of the National Committee or a constituency committee shall make a declaration in Form 1 set out in the Schedule.

Declaration.

15. (1) Members of the National Committee and the constituency committees shall be paid such allowances as the commission may determine.

Remuneration.

(2) The costs and expenses of the national and constituency committees shall be borne by the Commission.

16. (1) Each constituency committee shall, every six months, prepare and submit a report to the National Committee.

Reports.

(2) A report made under subregulation (1) shall contain the following information—

- (a) activities carried out by the constituency committee;
- (b) statistical information considered appropriate; and
- (c) any other information relating to the functions of the constituency committee.

PART III—VOTER EDUCATORS

17. Each constituency committee shall recruit persons to act as voter educators at the ward or other levels in such manner as the National Committee may, from time to time, direct.

Voter educators.

18. A voter educator appointed under this regulation shall carry out voter education under the direction of the constituency committee and in accordance with the voter education curriculum prescribed under these Regulations

Manner of carrying out the tasks of voter educators.

19. The National Committee shall prescribe the qualifications for voter educators.

Qualifications.

PART IV—ACCREDITATION OF NON STATE VOTER EDUCATION PROVIDERS

20. (1) A Non State agency or organisation may apply to the Commission to be accredited to provide voter education.

Application for accreditation.

(2) An application for accreditation to provide voter education shall be made to the National Committee in Form 2 set out in the Schedule.

Accreditation
criteria.

21. The National Committee may, with the approval of the Commission accredit an applicant if that applicant—

- (a) possesses valid registration certificates;
- (b) has an operational bank account;
- (c) has civic education as an objective in the instrument of registration;
- (d) has a presence in at least one constituency in Kenya;
- (e) possesses at least three years demonstrable experience in the provision of voter or civic education;
- (f) demonstrates to the National Committee that it has the necessary institutional and resource capacity to carry out voter education;
- (g) meets such integrity and accountability standards as the National Committee may require and as demonstrated by its record; and
- (h) meets tax compliance requirements as the law may require of organisations of its kind.

Certificate of
accreditation.

22. (1) If the National Committee is satisfied that an applicant meets the requirements for accreditation as set out in regulation 21, the National Committee shall—

- (a) enter the name of the applicant in the register of agencies and organizations accredited to provide voter education; and
- (b) issue a certificate of accreditation in the name of the applicant stating the period of validity and any other conditions of accreditation as the Commission may determine.

(2) The certificate issued under sub regulation (1) (b) shall be in Form 3 set out in the Schedule.

Inspection of
register.

23. Any person may inspect the register and copies of the certificates of persons accredited to provide voter education for, or in respect of, any election.

24. All accredited persons or organisations shall sign and abide by the code of conduct in Form 4 set out in the Schedule.

25. (1) The National Committee may revoke an accreditation certificate issued to a person who or organization which contravenes the code of conduct.

(2) The National Committee may carry out an assessment of a voter education exercise carried out by an accredited organization and advise on the same.

26. An organization accredited by the National Committee to provide voter education shall—

- (a) do so in a manner that is impartial and independent of any political party or candidate contesting an election;
- (b) be competent to carry out voter education;

Impartiality of voter
education providers.

Accredited person's
and organisations to
sign code of
conduct.

Commission may
revoke accreditation,
etc.

- (c) subscribe to the code of conduct;
- (d) provide voter education in accordance with the curriculum developed by the Commission; and
- (e) work towards ensuring that its activities promote voter education and conditions conducive to free and fair elections.

27. The National Committee may, from time to time, require any accredited organization to submit a report concerning its activities carried out under these Regulations.

Submission of information.

SCHEDULE

FORM I

(r.14)

DECLARATION BY COMMITTEE MEMBER

I, of National Identity card No. solemnly and sincerely declare that—

1. I am a Kenya Citizen
2. I have been appointed as a member of the National/ constituency voter education committee for.....
3. I shall perform only those functions that are mandated by the Elections (Voter Education) Regulations or by the Commission.
4. I shall be non partisan, objective and transparent in the discharge of my functions.
5. I shall not make any press statement or make any promise for or on behalf of the Commission.
6. I shall abide by the provisions of the Elections Act or any other regulations made thereunder.

I make this solemn declaration conscientiously believing the same to be true.

Signed.....

Subscribed and solemnly declared before me this.....day of20.....(Magistrate/ Commissioner for Oaths

Signed.....

Name in Block Letters _____

Official Date stamp _____

FORM 2

(r. 20 (2))

ACCREDITATION APPLICATION FORM

1. Name of Organisation _____

2. Address: _____

3. Telephone: _____

4. Principal Officers:

a. President/Chairperson: _____

b. Secretary General/ Executive Director/ Country Director: _____

5. Person authorised by the organization to liaise with the National Committee-----

Name: _____ Position: _____

Address: _____

Telephone: _____ Email _____

6. Set out statement of objectives of the organisation:.....

7. Estimated number of members that the group plans to deploy for voter education:

8. Source of Funds-----

9. Person submitting this application:

10. Designation: _____

11. Telephone, email, etc.: _____

FORM 3

(r. 22 (2))

ACCREDITATION CERTIFICATE
INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

Certificate of Accreditation as a Voter Education Provider

This is to certify that..... (Name of Organisation)
has been accredited as a voter education provider in (electoral area).....
for the period commencing..... upto.....

Issued this dayof20

Seal of Independent Electoral and Boundaries Commission.

Name

Chief Executive Officer/Secretary

Signature

Independent Electoral and boundaries Commission

FORM 4

(r. 24)

CODE OF CONDUCT OF VOTER EDUCATORS

1. The principal duty of the a voter educator is to promote awareness among the population of Kenya in general and the voting population in particular on the need for all citizens of Kenya of voting age to register and vote in the elections or referenda.
2. A voter educator is a friend of every voter. He or she will endeavor to provide appropriate information, insight and advice to every voter on issues relating to the registration, elections and the referendum. He or she shall however not use his or her position as a voter educator to influence any voter to vote for any particular candidate or political party.
3. A voter educator shall—
 - (a) conduct voter education in accordance with the curriculum prepared and approved by the Commission;
 - (b) conduct voter education impartially and without the advocacy or influence from any person or group;
 - (c) refrain from engaging in or supporting any activity that would discredit the work or image of the Commission;
 - (d) not in any way actively subvert the attainment of the Commission's statutory mandate and the conduct of the electoral process;
 - (e) refuse any gift, favour, hospitality or any inducement that would influence or appear to influence the discharge of his or her duties;

- (f) carry out voter education without intimidation, coercion, threats, duress or undue influence;
 - (g) be sensitive to the needs of people with disabilities, women, youth and other marginalized groups when providing voter education;
 - (h) give due consideration to special and appropriate circumstances regarding accessibility, language and methodology in the provision of voter education;
 - (i) avoid actual or apparent conflicts of interest in the provision of voter education;
 - (j) refrain from disclosing any confidential information acquired in the course of their work unless otherwise authorized by the Commission;
 - (k) perform his or her duty in accordance with such other rules, regulations, standards as the IEBC may set from time to time;
 - (l) endeavor to use every means at his or her disposal to encourage every Kenyan who is eligible to register as voter to exercise his or her constitutional right to register and vote in elections and referenda.
4. A voter educator who does not abide by the code of conduct shall be liable to such penalty Commission may deem fit, including termination of the contract and revocation of the right to conduct voter education for voter registration, elections and a referendum.

STATEMENT OF ACCEPTANCE OF CODE OF CONDUCT

I.....do hereby accept to serve as a voter educator

I accept to be bound to the above code of conduct and with such Regulations that may be made from time by the commission for the purpose of giving effect to the code of conduct at all times during my term of service as voter education provider.

I undertake to relinquish my duty as a voter educator if required to do so, for good cause, by the Commission

Name.....

Constituency.....

Sign.....

Date.....

Dated the 2nd November, 2012.

AHMED ISAACK HASSAN,
Chairperson,
Independent Electoral and Boundaries Commission.