

LEGAL NOTICE NO.....

THE ELECTIONS ACT, 2011
(No. 24 of 2011)

THE ELECTIONS (VOTER EDUCATION) REGULATIONS, 2012

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*Papers laid by the
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Constitutional Affairs
30/8/12
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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

- Short title. 1. These Regulations may be cited as the Elections (Voter Education) Regulations, 2012.
- Interpretation. 2. In these Regulations, unless the context otherwise requires—
- “constituency committee” means the 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 an person engaged by the constituency committees 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) create an environment for objective and effective voter education for all Kenyans;
 - (b) ensure efficient coordination of voter education for purposes of harmonisation of the content of the voter education material; and
 - (c) 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 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.

Sub-Committee of the National Committee.

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

Commission may assign staff.

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.

Chairperson and vice-chairperson.

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

(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.

Functions of National Committee.

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.

(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.

Procedure of
National
Committee.

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

(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 five years and shall be eligible for reappointment for one further term of five 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.

Composition of
constituency
committees.

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 the chairperson and vice chairperson who shall be of opposite gender, 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.

Functions of
constituency
committees.

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.

Procedure of
constituency
committees.

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 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 five years and shall be eligible for reappointment for a one further term of five years.

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

Declaration.

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

Remuneration.

15. Members of the National Committee and the constituency committee shall be paid such allowances as the commission may determine.

Reports

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

(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

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.

Manner of carrying out the tasks of 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

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

PART IV – ACCREDITATION OF NON STATE VOTER EDUCATION PROVIDERS

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

(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 22, 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.

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

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

Commission may revoke accreditation, etc.

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

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

Impartiality of voter education providers.

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;
- (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.

Submission of information.

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.

SCHEDULE

Form 1

(r.15)

DECLARATION BY COMMITTEE MEMBER

I _____ of National ID No
_____ solemnly and sincerely declare that—

1. I am a Kenya Citizen holder of ID No _____
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 of
_____ 20____ (Magistrate/ Commissioner for Oaths

Signed _____

Name in Block

Letters _____

Signature _____

Official stamp _____ Date _____

Form 2

(r.21 (2))

ACCREDITATION APPLICATION FORM

1. Organisation's Name: _____
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 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.23)(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 day of
.....year

Seal of Independent Electoral and Boundaries Commission.

Name	Chief Electoral Officer, IEBC
Signature	Independent Electoral and boundaries Commission

Form 4

(r. 25)

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 IEBC;
 - (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, 2012

**AHMED ISAACK HASSAN,
Chairperson
Independent electoral
and Boundaries Commission.**

