

REPORT ON OBSERVATION OF GENERAL ELECTIONS IN THE REPUBLIC OF KENYA (DECEMBER,2002)

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1.0 Introduction

The Commission nominated a team of two people

The Chairperson Eng. Dr. Badru Kiggundu and Mr. Joshua Wamala Ag. Head /Election Management to travel to Kenya and witness the General Elections scheduled for 27/12/2002 as per invitation from the Electoral Commission of Kenya.

The team arrived on 25/12/2003 in the afternoon.

On 26/12/2002 the team held discussions with the Chairman, Kenya Electoral Commission on a number of election related issues.

A programme for monitoring of polling activities on 27/12/2002 was drawn. The following districts were visited:- Thika, Kiambu, Kajiado, Machakos and Nairobi.

The team was taken around by the Commission's Public Relations Manager and his assistant.

Below is what the team gathered after talking to staff at Commission headquarters, those found in the field and observation of election activities.

2.0 Categories of Elections and Voting

Polling was conducted for three different categories of elections on one polling day. These are :-

- Presidential Elections

- Parliamentary Elections
- Local Government Elections
- For each category one ballot box was provided, and ballot boxes were colour coded (according to category of election) for proper identification.

- Ballot papers for different categories were also of different colours to avoid mix-ups.

- Voters were issued with and allowed to cast a ballot paper for one category at a time to avoid confusion.

3.0 The voters Register

- Kenya has about 10.5 million Registered voters.

- The voters' register used during the general elections, December 2002 was updated, processed and made ready approximately 6 months before polling. This means that the total number of voters in the country, number of voters per constituency and polling station was known well in time to facilitate planning and preparations for elections.
- However on polling day, there were complaints of names of some voters missing on the registers.

The IT Manager of the Electoral Commission of Kenya attributed this to people who registered more than once and in more than one polling station.

When this was noticed at the Commission, their names were deleted in all other polling stations where they appeared except one. Such voters may not have known at which polling station their names were left.

4.0 Opening of the Polls.

Opening of polls at the polling station is quite elaborate and it involves showing empty ballot boxes to voters recording serial numbers of seals used to seal ballot boxes in prescribed forms among other activities. This is done simultaneously for all streams at a polling station.

5.0 Identification of Voters at Polling stations.

- At the polling station, voters were required to produce both the voters' card and the National Identity Card.
- The National Identity Card bears the Voters Photograph and a personal number.

- The Voters' Card bears a voter code among other details.

The voter's code has the following structure;

Constituency Code : Polling Area code: Personal number (same as on the National Identity Card).

Therefore, the national Id reinforces the voters' card for identification of voters.

- When a voter transfers from one voting location to another, only the Constituency Code and Electoral Area Code changes. The personal number remains the same.
- At the polling station, the clerk in charge of the register reads the voters names loudly before a ballot paper is issued.

6.0 Polling Stations and Streams

- Kenya has about 14,100 polling stations countrywide.
- Voter populations at polling stations range between 800 and 21,000 voters.
- A polling station is divided into streams and each stream handles between 800-1000 voters. Therefore the number of streams at polling station depends on the voter population for the polling station.
- Each stream is given the full voter's register of the polling station to use during polling therefore when a voter enters the polling station he/she can be ushered to any free stream.
- Most polling stations are located in public places such as schools, community halls etc and voting activities take place inside buildings, though lines stretch outside the building.

7.0 Dispatch of Election Materials

- The team was informed that the non-strategic (Generic) materials were dispatched to Constituencies about 2 months before polling. These include ballot boxes, various forms, rubber stamps, indelible ink, polling booths etc.
- The ballot papers were dispatched to Constituencies and polling stations 2-3 days before polling. Ballot papers were printed in Britain and were packed and labelled per polling station by the printing firm this eased the task of distribution.
(It is worth noting that ballot papers were delivered to polling stations outside ballot boxes).

- The polling officials we talked to informed us that they slept at polling stations on the eve of polling day preparing and taking charge of polling materials.
- A number of planes/helicopters were available on standby for any eventuality in the logistics.

8.0 Election Officials

- Each district has a permanent Election Office manned by a District Election Co-ordinator who is a permanent employee of the Commission.
- Each Parliamentary Constituency has a returning Officer who is in charge of elections.
Returning Officers are not permanent employees of the Commission, they are only recruited when there is an election or a by-election.
- Each polling station is manned by a presiding Officer who is the overall boss and plays a supervisory role.
- For each stream at a polling station, there are six polling / counting clerks.
- The Commission keeps a database of polling officials and the practice is, during recruitment to give priority to those who have satisfactorily worked with the Commission before.

9.0 Counting of Votes and Announcement of Results.

- Votes were counted at the polling station at the end of polling for the first time in Kenyan elections. After counting of votes, results

were sealed in the ballot box, which was then delivered to the Returning Officer's office where the box was then unsealed and results removed for tallying.

- There is no statutory time limit for announcing of results from the election.

10.0 Guidelines, Manuals and Forms used in Elections

There are a number of Guidelines, Manuals and Forms, some prescribed by the electoral laws and others developed to ease election administration and management. A number of these were available to us and some have been sent to us by DHL.

These are listed in appendix and are currently available on call in the department of Election Management.

A critical study of these documents will definitely be of benefit in the effort to strengthen and improve our own system.

11.0 Conclusion

There are a number of lessons to learn from the Kenyan electoral system, which could help us strengthen the electoral system in Uganda. It would be worth while for the Commission to study the Kenyan electoral system especially in the areas of logistics and documentation.

I would like to take this opportunity to thank the Electoral Commission for nominating me as one of the ambassadors of the commission and The Republic of Uganda to participate in monitoring/witnessing the Kenyan general elections.

APPENDIX

Guidelines and Manuals

1. Voters' Guide
2. Electoral Code of conduct
Swahili version (Kanuni Za Utendakazi Za Uchaguzi)
3. Returning Officer's Guide
4. Presiding Officer's Guide
5. Guide for Elections Security Officers (Police)
6. Guidelines for Polling and Counting Clerks
7. Election Manual
8. Towards free and fair Elections
9. Changes in Electoral laws
10. Registered voters and streams
per polling station. Constituencies with codes
116-210
11. Guidelines for election observers