

REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA AT NAIROBI
PRESIDENTIAL ELECTION PETITION NO. E005 OF 2022

RAILA ODINGA.....1ST PETITIONER
MARTHA WANGARI KARUA.....2ND PETITIONER

- VERSUS -

INDEPENDENT ELECTORAL
AND BOUNDARIES COMMISSION.....1ST RESPONDENT
WANYONYI WAFULA CIJIBUKATI.....2ND RESPONDENT
BOYA MOLU.....3RD RESPONDENT
PROF. ABDI YAKUB GULIYE.....4TH RESPONDENT
JULIANA WHONGE CHERERA.....5TH RESPONDENT
JUSTUS NYANGAYA.....6TH RESPONDENT
FRANCIS WANDERI.....7TH RESPONDENT
IRENE MASIT.....8TH RESPONDENT
WILLIAM SAMOEI RUITO.....9TH RESPONDENT

5TH RESPONDENT'S REPLYING AFFIDAVIT

Dated at Nairobi this..... 26thDay ofAugust.....2022


APOLLO & CO ADVOCATES
FOR THE 5TH RESPONDENT

DRAWN & FILED BY

Apollo & Co. Advocates
Kindarua Court, Suite B2
Kindarua Road - Kilimani
P.O. BOX 2973 - 00100
NAIROBI.

PRACTICE NUMBER: LSK/2022/00113
ADMISSION NO. P105/4299/00

Tel. 0733725482

E-mail: apollo@aca.co.ke (OUR REF: ACA/ SCPEP/4/2022)

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5TH RESPONDENT'S REPLYING AFFIDAVIT

I **Juliana Cherera** a resident in Nairobi and of Post Office Box 45371 - 00100, Nairobi in the Republic of Kenya **DO SOLEMNLY** make oath and state as follows:-

1. **THAT** I am the vice-chairperson of the Independent Electoral and Boundaries Commission (the Commission) having been duly elected under Article 250 (10) of the Constitution and now named as the 5th Respondent herein hence competent to swear this replying affidavit. I swear this affidavit further to my answer to petition filed together herewith.
2. **THAT** I have read and understood and, where necessary, had explained to me by my advocates on record, the contents of the following

- (a) Presidential Election Petition No.E001 OF 2022 dated 21st August 2022,
 - (b) Presidential Election Petition No. E002 of 2022 dated 21st August 2022
 - (c) Presidential Election Petition No. E004 of 2022 dated 22nd August 2022
 - (d) Presidential Election Petition No. E005 dated 21st August 2022 and
 - (e) Presidential Election Petition No.E007 of 2022 dated 22nd August 2022.
3. **THAT** I swear this Affidavit in response to the said Petitions where I am named as a party thereto.
4. **THAT** Article 88(1)(2)&(3) of the Constitution, as read together with Article 250 (1) & (2), establishes the Commission, which is to consist of members identified and recommended for appointment in a manner prescribed by the Independent Electoral and Boundaries Commission Act, 2011. Presently, the Commission has seven members: the chairperson, the vice chairperson, and five (5) other members.
5. **THAT** the Commission's mandate under Article 88 (4) of the Constitution is to conduct or supervise referenda and elections to any elective body or office established by the Constitution and any other elections as prescribed by an Act of Parliament. One of these offices is that of the President of the Republic of Kenya, whose elections are conducted by the Commission in accordance with the procedure under Article 138 of the Constitution.
6. **THAT** I joined the Commission in September 2021 together with **JUSTUS NYANGAYA, FRANCIS WANDERI** and **IRENE MASIT** the 6th , 7th and 8th Respondent respectively, when the Commission was fully constituted.
7. **THAT** at the time of joining the Commission, the procurement of several strategic election materials had been made including the ballot papers and technology by the Commission which at the time had three Commissioners namely **WAFULA CHABUKATI, BOYA MOLU** and **ABDI YAKUB GULIYE** who are the 2nd , 3rd and 4th Respondents respectively.

8. **THAT** since joining the Commission, myself, **JUSTUS NYANGAYA, FRANCIS WANDERI** and **IRENE MASIT** have experienced a pattern of incessant and continuous lack of transparency by **Wafula Chebukati**, contempt for fellow Commissioners as follows:.
- (a) unilaterally undertaking transfer of **Returning Officers** without consulting fellow Commissioners
 - (b) Failure to convene a meetings to appraise the Commissioners on implementation of the recommendations in the **Report of the Independent Audit of the Register of Voters by KPMG.**
 - (c) Failing to complete the recruitment of **Director of Voter Registration and Election Operations.**
 - (d) Failing to inform the Commissioners that Lykos(Hellas) SA the printing firm/ contractor in Greece to print two sets of booklets **Forms 34A** being Form 1 of 2 and Form 2 of 2 which I discovered when I visited the firm together with the representatives of the presidential candidates. ,
 - (e) Usurping the role of the Chairpersons of Commission Legal Committee, ICT Committee and Deputy CEO-Operations in complete disregard to good corporate governance.
 - (f) Generally Issuing unilateral **Press Statements** without consulting the Commissioners.
9. **THAT** all along, the Commission had always been aware that only one Form 34A was to be used for recording the presidential results at the polling centres.
10. **THAT** however, on 21st July 2022 when Commissioner Francis Wanderi and I visited Lykos(Hellas) SA, the printing firm/ contractor in Greece as part of the delegation composed of among others representatives of the Presidential Candidates to inspect the printing of Presidential Ballot Papers, we were informed that orders had been given for the printing of two sets of Forms 34A, being Form 1 of 2 and Form 2 of 2.

11. **THAT** the issue was brought to the attention of the Commission, noting that Forms 34A are critical election materials and any policy decision on the same, which had a bearing on the integrity of the presidential elections, should have been approved by the Commission.
12. **THAT** concerns were shortly thereafter raised by presidential candidates and political parties necessitating the Commission to invite the presidential candidates for a meeting on Friday 29th July 2022 Attached and Marked **JC-1** is copy of the letter of invitation
13. **THAT** after the deliberations in the said meeting, the Commission resolved that only one Booklet of Form 34A, being 1 of 2, will be used to record the presidential results and booklet 2 of 2 of Form 34A wa not be used but to be sealed in a tamper proof paper and sealed in the presidential ballot box..
14. **THAT** returning officers are permanent members of staff of the Commission and are transferred every five years.
15. **THAT** in a departure from from this transfer policy, sometime on 30th March2022, the chairperson unprocedurally sent out a list to political parties indicating the transfer of returning officers for various constituencies before approval by the Commission.
16. **THAT** appreciating the critical role returning officers play during an election, including the hiring of presiding officers, the Commission agreed to be given time to review the process and submit feedback on the same before a decision is taken.
17. **THAT** however, the list of the Returning Officers was sent to the Registrar of Political Parties for forwarding to political parties and only shared with the Commissioners through an internal memo, for information and records. Attached and Marked **JC-2** is a copy of the Memo from chair to commissioners to be attached and the letter to ORPP
18. **THAT** due to the short period to the elections, a consensus was reached at a Commission Meeting to ratify the transfer, subject to administrative measures being taken to streamline the transfer procedures in the future.

19. **THAT** on 6th July 2022 at around 9.00 P.M., I was informed by the chairperson that the first batch of ballot papers to be used during the general elections will be arriving in the country in the morning, being 7th July 2022.
20. **THAT** at no point had the chairperson informed the Commission of the finalization of the printing and arrangements for delivery of the same into the country.
21. **THAT** before such ballot papers could be delivered, it was expected that the contractor/ printing firm would have first inform the Commission of the start and completion of the printing process, have the Commission supervise the printing and undertake quality control to ensure the ballot papers met the required standards and contained the correct details.
22. **THAT** during the visit to Lykos(Hellas) SA, the printing firm/ contractor in Greece, the stakeholders established that prior to the delivery of the first pallets of ballot papers, a representative from the firm was in the country to assist with custom clearance and security arrangements.
23. **THAT** as a matter of practice, the Commission has generally procured strategic election materials, such as ballot papers and technology, at the start of the election year.
24. **THAT** the chairperson hurried through the procurement of the election materials before the Commission was fully constituted in September 2021, to ensure that the majority of the Commissioners would have no role to play in the procurement.
25. **THAT** on or around 21st July 2022, the National Police Service informed the public that one person had been detained at the Jomo Kenyatta International Airport with materials that was to be used during the 9th August 2022 general elections, including stickers and electronic gadgets. Two other persons connected to the incident were also later detained for questioning. Attached and Marked **JC-3** is the Press Statement
26. **THAT** a few minutes to midnight and without informing or consulting the Commission, the chairperson issued a press statement dated 21st July 2022 accusing the Directorate of Criminal Investigations of harassment of personnel and confiscation of items to be used by the Commission for the 9th August 2022 General Elections and further stated that the

three were personnel of Smartmatic International B.V. who had arrived from Venezuela. Attached and Marked **JC-4** is the Press Statement

27. **THAT** the Directorate of Criminal Investigation issued statement that the said individuals were in the country at the invitation of a local company called Seamless Limited, not Smartmatic International B.V. or the Commission. Attached and Marked **JC-5** is the Press Statement
28. **THAT** the chairperson did not consult the Commission before issuing the statement and/or engaging in a public spat with security agencies, ostensibly on behalf of the Commission.
29. **THAT** one of the central issues in the present Petition is the role of Commissioners of the Commission in the tallying, verification and declaration of Presidential election result.
30. **THAT** in particular, Article 138 (3) (c) of the Constitution requires that after counting the votes in the polling stations, the Commission tallies and verifies the count and declares the result.
31. **THAT** I am aware that this Court in **Presidential Petition No. 1 of 2017, Raila Amolo Odinga & another v Independent Electoral and Boundaries Commission & 2 others [2017] eKLR** offered guidance on the above constitutional provisions vis-à-vis Article 138 (10) of the Constitution, which requires the chairperson of the Commission to declare the result of the election within seven (7) days.
32. **THAT** in the said decision in **Presidential Petition No. 1 of 2017, Raila Amolo Odinga & another v Independent Electoral and Boundaries Commission & 2 others [2017] eKLR**, this Court noted that the Commission is required to verify the results in consultation with the chairperson before the latter declares them. Failure to do so was noted to be against the expectation of Article 138(3)(c) of the Constitution.
33. The display screens at the national tallying centre were not refreshed from Friday 12th August 2022 but the chairperson dismissed all the concerns I and other Commissioners had raised with regard to the process.

34. **THAT** the Chairman assigned to me to be in charge of the **media and call centre** but I could not provide an explanation to the stakeholders on the reasons why the constituency results being read by the Commissioners were not being projected on the display screens in the National Tallying Centre to inform the stakeholders of the cumulative tally of the results for each of the four presidential candidates since Friday 12th August 2022..
35. **THAT** the failure to display the results on the screen was contrary to the principle of transparency required in electoral process and the right to information.
36. **THAT** at the Bomas of Kenya the national tallying center, the chairperson re-designated the commissioners' primary roles and assigned them functions not relevant to the tallying and verification process as follows.
- (a) **Commissioner Irene Masit**, who chairs the legal committee, was placed in charge of hospitality which covered logistics and security,
 - (b) **Commissioner Justus Nyangaya**, who chairs the ICT committee, was assigned protocol (receiving VIPs) yet technology was central to the election process.
37. **THAT** the re-designation extended to the Commission staff , where the Deputy Chief Executive Officer, Ruth Kulundu, who is the in charge of election operations which was taking place, was reassigned to protocol duties after the chairperson assigned her role to one of her juniors.
38. **THAT** the chairperson undertook the foregoing re-designations unilaterally without consultation with the commissioners.
39. **THAT** most of the Constituency results that were given by the Chairperson to the Commissioners to read out were hand written which required verification for entry into Form 34C.
40. **THAT** on 13th August 2022, the Chairman called for a consultative meeting through the Commission Whatsapp group where it was agreed that the Chairman will be the first port of call for the Returning Officer bringing the physical Form 34As and 34Bs.

41. **THAT** on 15th August 2022 at around 11.00 am, Ms Tabitha Mutemi-Manager Corporate Affairs informed that the Chairperson had requested her to inform the Presidential Chief Agents to prepare the Presidential Candidates for the official declaration of results at 3.00 pm.
42. **THAT** Ms Tabitha Mutemi requested me as the senior most Commissioner after the Chairperson to inform the Chief Agents of the Presidential Candidates on of the message from the Chairperson which I did and informed Chairperson at 2.00 pm the same day.
43. **THAT** on 15th August 2022 at 1.20 pm, the Chairperson through the Commission's Whatsapp, requested the Commissioners to join him at the boardroom.
44. **THAT** at 4.30 pm the chairperson proceeded to issue the Commissioners with a document containing what he termed as a summary of the presidential election results which he alleged he had tallied and verified from the backend of the server.. Attached and Marked **JC-6** is the said document
45. **THAT** the chairperson did not indicate how the errors and concerns raised by the Representatives of the Presidential Candidates and political parties were dealt with.
46. **THAT** in the said meeting, the Commission once again sought to tally and verify the results but the chairperson indicated that he would announce the results and that the Commissioners were at liberty to join him at the podium.
47. **THAT** the Chairperson then walked out of the meeting leaving behind the Commissioners and proceeded to the auditorium of the National Tallying Centre at Bomas of Kenya.
48. **THAT** I together with Commissioner Francis Wanderi, Justus Nyangaya and Irene Masit left the meeting room after the Chairperson walked out of the meeting room after disregarding the issues raised by the Commissioners.
49. **THAT** when we left the room, we found a charged and chaotic atmosphere within the compound of Bomas of Kenya before I together with Commissioner Francis Wanderi,

Justus Nyangaya and Irene Masit took a decision to proceed to Serena Hotel where we released a statement. Attached and Marked **JC-7** is copy of the statement.

50. **THAT**, on 15th August 2022, the chairperson, proceed to announce what he termed as the final presidential election results which had not been tallied and verified by the Commission.
51. **THAT** the chairperson of the Commission proceeded on 15th August 2022 and declared results despite the following:
- (a) The Commission had not completed tallying and verifying the results verified and repeated attempts by the Commissioners to ensure the process is undertaken was ignored by the Chairperson..
 - (b) Form 34C, which contains all the results of the presidential elections was never availed to the Commissioners
 - (c) The presidential election results from **twenty seven constituencies** had not been announced. These constituencies are **Bomachoge, Borabu, Bura, Eldas, Fafi, Kacheliba, Kajiado East, Kandunyi, Kapenguria, Kilifi North, Kitutu Chache North, Kuria East, Mandera West, Matuga, Mbeere North, Mvita, Narok North, Narok South, Narok West, Ndaragua, Ndhiwa, Nyakach, Rongwe, Suba North, Tigania East, Wajir North and West Mugirango.**
 - (d) The results read out at the national tallying centre had variances and errors which Representatives of the Presidential Candidates and political parties brought to the attention of the Commission verbally and in writing as follows:
 - i. In **Kiambu County**, results for one of the polling stations indicated that Raila Odinga had eleven (11) votes but in form 34A the figure captured was one hundred and eleven (111). It was also stated the results erroneously added 10,000 votes in favour of William Ruto.

- ii. **Engwen and Juja constituencies** on the other hand, were stated as having an error in favour of Raila Odinga, with results for Juja constituency alleged to erroneously have captured Raila Odinga's votes by an excess of 9,998.
 - iii. The results for **Subukia constituency** were reported by political parties to have been captured erroneously as William Ruto's votes had been deducted.
 - iv. A similar complaint was made for **Kandara constituency** where it was alleged that votes had been added to Raila Odinga and deducted from William Ruto.
- (e) The errors pointed out by the representatives of Presidential Candidates and political parties were never addressed by the Commission because the Chairperson refused to accord an opportunity to do the same.
- (f) Tallying and verification was not done by the Commission to, among others, ascertain the votes cast through biometric identification, votes cast through manual identification and that the candidate to be declared as President-elect had received more than half of all the votes cast in the election; and at least twenty-five percent of the votes cast in each of more than half of the counties.
- (g) On 13th August 2022, the display screens or results at the National Tallying Centre as they were being read out were paused and no longer showed the results garnered by the four Presidential candidates after the tallying of three million votes thereby denying the information to the Commissioners, Observers, Agents and the public.
52. **THAT** in the circumstances, the Commission could not take ownership of the result of the presidential election declared on 15th August 2022 by the chairperson, the 2nd Respondent herein.
53. **THAT** in proceeding as he did, the chairperson clothed himself with the powers of the Commission, informed either by a deliberate misconstruction of his mandate and that of the Commissioners or a legal incomprehension of the constitutional and legal mandate of the Commission.

54. **THAT** instead of abiding by the law as prescribed, the chairperson resorted to thereafter, to making unsupported public accusations against Commissioners, including myself, who sought to perform their constitutional duties as required.
55. **THAT** in his press statement of 17th August 2022, the chairperson conflated the constitutional requirement for the Commission to tally and verify results with '*moderation*' of election results. Attached and Marked **JC-8** is the said statement.
56. **THAT** at no point did any Commissioner seek to '*moderate*' election results as their constitutional mandate. is to tally and verify results which does not amount to '*moderation*' of results as alleged by the Chairperson of the Commission.
57. **THAT** had the chairperson allowed the presidential results to be tallied and verified as required by law, the issues now being contested before this honourable Court would most likely not have arisen.
58. **THAT** the said unverified presidential election results declared by the chairperson on 15th August 2022, did not indicate the total number of registered voters, the total number of valid votes cast to support the percentages scored by the four candidates or the number of rejected votes, if any.
59. **THAT** consequently the results of the presidential election declared and announced by the chairperson on 15th August 2022 were not of the Independent Electoral Boundaries Commission.
60. **THAT** the above-referenced actions preceding the declaration of the presidential election result were a continuation of the chairperson's trend of lack of transparency and contempt for fellow Commissioners that has characterised my tenure in the Commission..
61. **THAT** the foregoing was compounded by the lack of transparency in the procedure adopted during the tallying and verification of the presidential results.

62. **THAT** on 17th August 2022, I learnt through a press statement issued by the Chairman purportedly on behalf of the Commission, that the elections for gubernatorial positions for Mombasa and Kakamega counties; Member of National Assembly elections in Kitui Rural, Kacheliba, Pokot South and Rongai constituencies; and Member of County Assembly elections in Nyaki West and Kwa Njenga wards in Meru and Nairobi County respectively which the Commission had gazetted to be held on 23rd August 2022 had been postponed. .
63. **THAT** the decision to postpone the elections was the chairperson's own decision, taken without consultation or a meeting of the Commission as required by the law despite the fact that the Commissioners were present in the Commission offices on the said date. Attached and Marked **JC-9** is attendance sheet of the meeting with leaders of Interreligious Council of Kenya
64. **THAT** among the general principles for the electoral system provided in Article 81 of the Constitution of Kenya require the electoral system to be transparent and to be administered in an impartial, neutral, efficient, accurate and accountable manner.
65. **THAT** this Court, in its *Advisory Opinion No. 2 of 2012 In the Matter of the Principle of Gender Representation in the National Assembly and the Senate and in the Matter of the Attorney General (on behalf of the Government)*, acknowledged that elections are not a single event; rather, they are a process and that disputes could arise at different stages of the electoral process.
66. **THAT** my attention was brought to the Notice of Service of **Presidential Election Petition No. E005 of 2022** in the Daily Nation Newspaper issue of Tuesday, August 23, 2022 in which I am named as the 5th Respondent. Attached and Marked **JC-10** is copy of the Notice.
67. **THAT** by an Internal Memo dated 23rd August 2022, I requested the Chairperson of the Commission to furnish me with list of the Commission pre-qualified Advocates/Legal

Firms to enable me issue the necessary instructions but there was no response from the Chairperson. Attached and Marked **JC-11** is of the Memo together with the forwarding email.

68. **THAT** on 24th August 2022, I together with Commissioner Francis Wanderi, Justus Nyangaya and Irene Masit called for the convening of a Special Meeting of the Commission through an Internal Memo to the Chairman pursuant to to paragraph 3 of the Second Schedule of the Independent Electoral and Boundaries Commission Act to deliberate on the Commission's position on the Presidential Election Petitions filed in this Court on 22nd August 2022. Attached and Marked **JC-12** is copy of the Memo.
69. **THAT** the silence from the Chairperson necessitated I together with Commissioner Francis Wanderi, Justus Nyangaya and Irene Masit to issue a Notice to the Chairman , Commissioner Molu Boya and Prof Abdi Guliye convening the Special Meeting of the Commission for Friday 26th August 2022 at 9.00 am as the last day for filing responses to the Petition was Saturday 27th August 2022. Attached and Marked **JC-13** is copy of the Notice together with the forwarding email.
70. **THAT** on 25th August 2022 at 2300 hours, I received a notice from the Commission Secretary notifying that the 280th Special Meeting of the Commission will be held on **31st August 2022** well after the closing of the filing of pleadings of the presidential election petitions on 27th August 2022 yet agenda No. 7 for the said meeting was listed as *@Commission's Position on the Presidential Election Petition filed at the Supreme Court on 22nd August 2022*. Attached and Marked **JC-14** is copy of the Notice.
71. **THAT** pursuant to paragraph 4 of the Second Schedule of the Independent Electoral and Boundaries Commission Act, the meeting having been called for by more than one-third of the members of Commission, the meeting proceeded on Friday 26th August 2022 at 9.00 am. Attached and Marked **JC-15** is copy of the minutes of the meeting.

72. **THAT** by his actions and conduct thereof, the chairperson mistakenly turned the Commission into a one-person show and in the process, effectively subverted the Constitution and the election laws.

73. **THAT** from the totality of the foregoing, four commissioners including me distanced themselves from the declaration made on 15th August 2022 to preserve the integrity of the electoral process ensure that the will of the people is respected and upheld through the tallying and verification process as laid down in law.

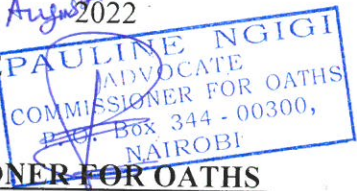
74. **THAT** the matters deposed to herein are true to the best of my own knowledge save for matters deposed to on information and belief, sources whereof and grounds whereupon have been duly disclosed.

SWORN at **NAIROBI** by the said

Juliana Cherera

this 26th day of August 2022

BEFORE ME



COMMISSIONER FOR OATHS


Deponent

DRAWN & FILED BY

Apollo & Co. Advocates

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Kindaruma Road - Kilimani

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PRACTICE NUMBER: LSK/2022/00113

NAIROBI.

ADMISSION NO. P105/4299/00

Tel: 0733725482

E-mail: apollo@aca.co.ke (OUR REF: ACA/ SCPEP/4/2022)

To: The Registrar /Deputy Registrar of the Supreme Court of Kenya , Nairobi

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12. The Hon. Attorney General

The State Law Office

P.O.Box 40112-00100


NAIROBI

Lodged in the Registry/sub-registry at Milimani on theday of.....2022

.....
Registrar

JC-1

1

This is the Exhibit marked "JC-1"
Referred to in the Annexed Affidavit / Declaration
of Juliane W. Cherero
Sworn / Declared before me this 25th
Day of August 2022 at Nairobi
in the Republic of Kenya

Commissioner for Oaths

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION



Ref: IEBC/CO/CORR/GEN/VOL.1 (33)

28th July, 2022

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Roots Party
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Mr. David Mwaure Waihiga
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Agano Party
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REF: INVITATION TO A CONSULTATIVE MEETING

Reference is made to the above stated subject matter.

The Commission has taken note of concerns raised by some of the representatives of Presidential candidates regarding printing of results forms 34 A and 34 B.

The purpose of this letter is to invite you and/or your representatives to a consultative meeting, to address the concerns raised, on Friday 29th July, 2022 at the Bomas of Kenya at 11:00 am.


MARJAN HUSSEIN MARJAN
COMMISSION SECRETARY/CEO

JC-2



This is the Exhibit marked JC-2
 Referred to in the Annexed Affidavit/Declaration
 of Juliana W. Cherera
 Sworn/Declared before me this 26th
 Day of August 2022 at Nairobi
 in the Republic of Kenya
 Commissioner for Oaths

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

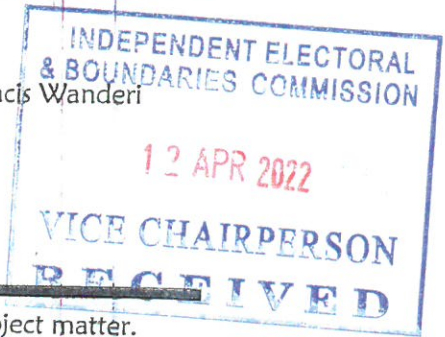
INTERNAL MEMO

TO: Chairman

FROM: Commissioners Juliana Cherera, Justus Nyang'aya and Francis Wanderi

DATE: 12th April, 2022

RE: TRANSFER OF COUNTY MANAGERS



Reference is made to your memo dated 8th April, 2022 on the above subject matter.

Our memo dated 6th April, 2022 (kindly note that we have never sent a memo dated 5th April 2022 that you are making reference to) made it abundantly clear on the issue of concern to us. For avoidance of doubt, may we reiterate, that our concern is based on one singular issue – which is our own role as commissioners. We are specifically addressing your direct role in blocking our participation in corporate decision making on the area of policy and oversight, in the context of staff deployment.

Refer to our memo of 6th April 2022, where we clearly stated that the secretariat had accomplished their role.

Mr. Chairman, we have no issues with the secretariat as you purport. Our concerns are directly related to your role as the Chairman.

I hope this memo is clear to you now. We intend to discuss this important matter with you in a plenary session. Please do create time for this important matter.

Commissioner Juliana Cherera

Commissioner Justus Abonyo Nyang'aya

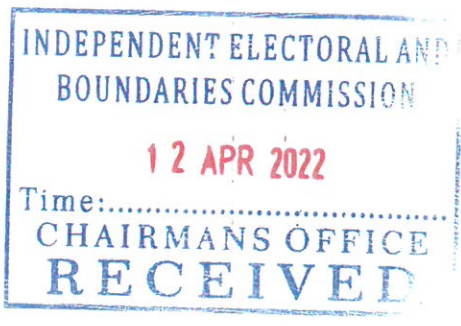
Commissioner Francis Wanderi

Copy to:

Commissioner Prof. Abdi Guliye

Commissioner Boya Molu

Commissioner Irene Masit



10 APR 2022

Time:.....
CHAIRMAN'S OFFICE
RECEIVED



INTERNAL MEMO

TO: Chairman

FROM: Commissioners (undersigned)

DATE: 6th April, 2022

RE: TRANSFER OF COUNTY ELECTION MANAGERS AND OTHER SENIOR ELECTION OFFICIALS

Reference is made to your memo dated 5th April 2022 citing our meeting with you on 30th March 2022 and our memo responding to the conclusions arrived at in the said meeting, namely, we, as commissioners have a role to play in deliberating upon such a critical activity as the deployment of County Elections Managers and Constituency Returning Officers. In this meeting Mr. Chairman, you recall that you argued that the letters had been released to the CEMs and it would look untidy from the perspective of the Secretariat to recall the letters. After further deliberations on this matter, you proposed that we can make our input despite the fact that the letters had been released without our involvement. You then proceeded to share the list of the County Election Managers and Senior Election Officials.

Mr. Chairman, we are rather perplexed by your memo of 5th April 2022 purporting that we usurped the role of the secretariat. When we had the conversation on 29th March 2022 in Sawela Lodge in Naivasha and on 30th March 2022 in your office, we strongly expressed our concern regarding our oversight role and owning a process of this nature as commissioners. We noted with concern that you reneged on the agreed points in these two meetings when we received your memos.

In the said meeting, we expressly stated that the secretariat is within their remit to generate the list for deployment of staff at a time like this and we, as commissioner recognize that role is with the secretariat, however, there must be an oversight role for us. A precedent had already been set where the secretariat draw-up a list of this nature, passed it through the HR committee after which it is forwarded with recommendations to the Plenary for

the input of the commissioners. After the plenary, the final list can then be shared with ORPP for onward transfer to all registered political parties. This to our mind is the practice of tenets of good governance.

In your letter of the 5th of April 2022, you stated with confidence that you shared the list from the secretariat with us and the Office of the Registrar of Political Parties (ORPP). Mr. Chairman when you say this, you admit that you have no oversight role for commissioners to play and that it is alright to take a unilateral decision on issues of blocking out the critical voice of the commissioners who by right provide oversight on the commission's affairs. Currently on this matter, we find ourselves in the unenviable position where the third party – the public – will deliberate on this list at the same time as the political parties because the internal consensus building, team work and deliberation has been excluded.

Mr. Chairman, as commissioners, we are making this proposal, although we were kept in the dark, which could have been inadvertent, however, the consequences now require that we close ranks and avoid any comments in the public domain in the principle of collective responsibility. Up to now, we have chosen to team play in the interest of the commission that must be seen to be united behind you and not chaotic commission as we must have all hands-on deck to midwife a consequential election process already in motion.

In order not to set a dangerous precedent, this letter is to register our request for a formal meeting on this matter of deployment of officers for the purposes of getting a full briefing and to enable us to be part of a commission position that is derived from a consultative and consensus process.

Mr. Chairman we would like to strongly state that we shall not compromise our sacred duty to Kenya. As Commissioners, our oath is to Kenya, and we are accountable to the people of Kenya. We shall not be compromising our belief and principles. We insist on our input into the process, even at this stage, to enable us to be part of a position that is trustworthy and is derived from consultation and consensus.

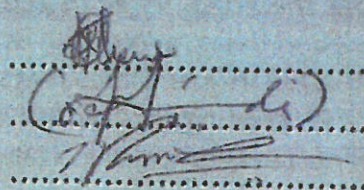
Receive this as an urgent call for a meeting that will chart a reconciliation and create a workable way forward.

Signed:

Julian Cherera

Justus Nyang'aya

Francis Wanderi





INTERNAL MEMO

From : Chairman

To : Vice Chair - Juliana Cherera
Commissioner - Justus Nyang'aya
Commissioner - Irene Masit
Commissioner - Francis Wanderi

Date : April 5, 2022

SUBJECT: TRANSFER OF COUNTY ELECTION MANAGERS

Reference is made to the meeting held on 30th March 2022, in my office and your memo dated 31st March 2022 and received on 4th March, 2022 on the above subject matter.

In my memo dated 28th March 2022, addressed to the Commission Secretary/CEO and copied to all Commissioners, I pointed out that the function of effecting transfer of staff is vested in the Commission Secretary/CEO by law and Commission's Human Resource and Administration (Policies and Procedures) Manual.

The Secretariat who bear the legal mandate and professional knowledge to undertake transfers, prepared a transfer list of County Election Managers and Senior Election Officers based on set criteria and shared the said list with yourselves and the Office of the Registrar of Political Parties (ORPP) on behalf of the fully registered political parties. It is now common knowledge that the ORPP has since shared the list with political parties for their input within 14 days from the date of receipt.

In your memo, you have proposed changes to the transfer list without stating your grounds of objection to the one earlier prepared by the Secretariat. It is necessary that you avail the criteria that informed your proposals to enable me take further action in this matter.

In the meantime the Commission shall await comments from political parties for purposes of deliberating on the same at a plenary meeting.

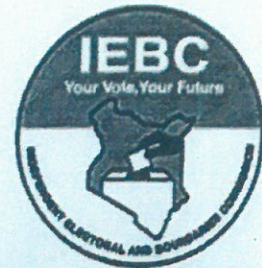

W. W. CHEBUKATI

Ends.

C.C. Commissioner - Boya Molu
Commissioner - Prof. Abdi Y. Guliye (copy of memo dated 31st March 2022 attached)

address: Anniversary Towers, 6th Floor, off University Way, P.O Box 45371-00100 Nairobi, Kenya
phone: +254 (0) 2769000, fax: +254 (0) 20 2219185, email: info@iebc.or.ke, website: www.iebc.or.ke

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION



INTERNAL MEMO

From: Chairman

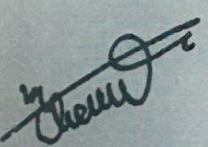
**To: Vice Chair - Juliana Cherera
Comm. Justus Nyang'aya
Comm. Prof. Abdi Yakub Guliye
Comm. Irene Masit
Comm. Boya Molu
Comm. Francis Wanderi**

Date: 30th March, 2022

RE: TRANSFER OF FIELD STAFF FOR THE PURPOSE OF 2022 GENERAL ELECTION

Reference is made to my memo to the Commission Secretary/CEO dated 28th March 2022 and copied to yourselves on the above-stated subject matter.

Further to the said memo, find enclosed herewith the transfer list of County Election Managers (CEMs) and Senior Election Officers (SEOs) for your information.


W. W. CHEBUKATI
CHAIRMAN



Our Ref: IEBC/DLPA/ORPP/2022

31st March, 2022

Ms. Anne Nderitu, EBS
Registrar of Political Parties,
Lion Place, 1st Floor,
Off Waiyaki Way,
P. O. Box 1131-00606,
NAIROBI.



Dear *Ms. Anne,*

**RE: APPOINTMENT OF CONSTITUENCY AND COUNTY RETURNING OFFICERS
AND THEIR DEPUTIES**

The above matter refers.

The Independent Electoral and Boundaries Commission is responsible for conducting or supervising referenda and elections to any elective body or office established by the Constitution of Kenya, 2010 and any other elections as prescribed by an Act of Parliament.

The Commission wishes to appoint Constituency Returning Officers, Deputy Constituency Returning Officers, County Returning Officers and Deputy County Returning Officers for purposes of the General Election, 2022.

Regulation 3 of the Elections (General) Regulations, 2012 requires that prior to the appointment of the Constituency Returning Officers and Deputy Returning Officers, the Commission shall provide the list of persons proposed for appointment to Political Parties and Independent Candidates at least fourteen days prior to the proposed date of appointment to enable them make representations if any.

Similarly, Regulation 4 of the Elections (General) Regulations, 2012 requires that prior to the appointment of County Returning Officers, the Commission should provide the list of persons proposed for appointment to Political Parties at least fourteen days prior to the proposed date of appointment to enable them make any representations.

In compliance with the cited law, the Commission wishes to share with Political Parties the proposed lists.

Kindly herewith find the lists aforesaid with a request that you share the same with registered Political Parties so that they may make representations if any.

Yours *Sincerely,*



MARJAN HUSSEIN MARJAN
COMMISSION SECRETARY/CEO

TABLE 1: PROPOSED COUNTY RETURNING OFFICER

SNo.	County Code	County Name	Name of Officer
1	1	Mombasa	Swalha Ibrahim Yusuf
2	2	Kwale	Kariuki Gacoki Obadiah
3	3	Kilifi	Eisha Omar Mohamed
4	5	Lamu	Maro Ade David
5	6	Taita Taveta	Gichichi Macharia Samuel
6	7	Garissa	Guliya Hussein Abidwahid
7	8	Wajir	Adan Ali Mohamed
8	9	Mandera	Adan Harar Noor
9	10	Marsabit	Kingoo Mukewa Joseph
10	11	Isiolo	Seki Lempaka
11	12	Meru	Wambugu Ndungu William
12	13	Tharaka Nithi	Mohamed Gonjobe Raka
13	14	Embu	Kamene Mutisya Agnes
14	15	Kitui	Husein Gurre Mohamed
15	16	Machakos	Nelly Illongo
16	17	Makueni	Mparo Kapoi Raria Maurice
17	18	Nyandarua	Nancy Wanjiku Kariuki
18	19	Nyeri	Nduku Kimeu Annahstacia
19	20	Kirinyaga	Jane Gitonga
20	21	Murang'a	Chirchir Saumu Omar
21	22	Kiambu	Mutwiri Njabani Arnold
22	23	Turkana	John Cox Lorionokou
23	24	West Pokot	Nakhanu Wamalwa Joyce
24	25	Samburu	Paul Cheruiyot Kones
25	26	Trans-Nzoia	Obonyo Odhiambo Amos
26	27	Uasin Gishu	Mureithi Mucheke Festus
27	28	Elgeyo Marakwet	Kiprotich A. Mutai Charles
28	29	Nandi	Silas Kipruto Rotich
29	30	Baringo	Muhia Mwangi John
30	31	Laikipia	Aluisia Kanini Kimani
31	32	Nakuru	Joseph Mele Eroo
32	33	Narok	Robert Isaac Sidney Namulungu
33	34	Kajiado	Irene Mutai
34	35	Kericho	Sabiri Osiemo Jacqueline
35	36	Bomet	Lenarum Daniel
36	37	Kakamega	Joseph Ayatta
37	38	Vihiga	Tiyo Kisompe Peter
38	39	Bungoma	Grace Chepchirchir Rono
39	40	Busia	Chebii Lazarus
40	41	Siaya	B. Wandabwa Catherine
41	42	Kisumu	Solomon Magovi Mudanya
42	43	Homabay	Ben Moseti Misati
43	44	Migori	Kosgei Michael Kipngeno
44	45	Kisii	Fredrick Ochieng Apopa
45	46	Nyamira	Anthony Njoroge Douglas
46	47	Nairobi	Gogo Nguma Albert



TABLE3: PROPOSED DEPUTY ...TURNING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
1	1	Mombasa	1	Changamwe	Joseph Nzaphila
2	1	Mombasa	2	Jomvu	Malika Mwanajuma Jilo
3	1	Mombasa	3	Kisauri	John Kichikiro
4	1	Mombasa	4	Nyali	Pauline Luvuno Conga
5	1	Mombasa	5	Likoni	Maureen Taabu Mtabuki
6	1	Mombasa	6	Mvita	Khadija Mohamed Ahmed
7	2	Kwale	7	Msambweni	Florence Mwatsuma
8	2	Kwale	8	Lunga Lunga	Mwanajuma Gandani
9	2	Kwale	9	Matuga	Esther Zawadi Mweni
10	2	Kwale	10	Kinango	Maulid Salim Mohamed Bagalana
11	3	Kilifi	11	Kilifi North	Abdul Issa Mohamed
12	3	Kilifi	12	Kilifi South	Omar Sopa
13	3	Kilifi	13	Kaloleni	Calvins Ochieng
14	3	Kilifi	14	Rabai	Hussein Omar
15	3	Kilifi	15	Garze	Nur Faraj Maftah
16	3	Kilifi	16	Malindi	Nsogomoa Mbizi
17	3	Kilifi	17	Magarini	Fatuma Galtuma Barhe
18	4	Tana River	18	Garsen	Constance Mwamlongo
19	4	Tana River	19	Galole	Mary Mrunde
20	4	Tana River	20	Bura	Elizabeth Kuvuna
21	5	Lamu	21	Lamu East	James Juma Nasibu
22	5	Lamu	22	Lamu West	Mwamize Mohammed Achari
23	6	Taita Taveta	23	Taveta	Monica Mbogo
24	6	Taita Taveta	24	Wundanyi	Emmanuel Mangale
25	6	Taita Taveta	25	Mwatate	Martin Kai Haro
26	6	Taita Taveta	26	Voi	Hassan Khamisi Motto
27	7	Garissa	27	Garissa Township	Halima Hassan Shidiye
28	7	Garissa	28	Balambala	Leila Abass Mohamed



TABLE3: PROPOSED DEPUTY REPRESENTING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
29	7	Garissa	29	Lagdera	Farhiya Diriye Adan
30	7	Garissa	30	Dadaab	Hussein Hirab Shurie
31	7	Garissa	31	Fafi	Mohamed Maow Abdi
32	7	Garissa	32	Ijara	Daud Garat Hudle
33	8	Wajir	33	Wajir North	Kassim Billow Adan
34	8	Wajir	34	Wajir East	Abdinoor Bashir Mohamed
35	8	Wajir	35	Tarbaj	Halima Ahmed Bare
36	8	Wajir	36	Wajir West	Omar Hussein Elmi
37	8	Wajir	37	Eldas	Maryan Hassan Mohamed
38	8	Wajir	38	Wajir South	Ibrahim Adan Osman
39	9	Mandera	39	Mandera West	Shaaban Mohammud Sheikh
40	9	Mandera	40	Barissa	Khadija Adan Hassan
41	9	Mandera	41	Mandera North	Ahmed Baryare
42	9	Mandera	42	Mandera South	Hassan Mohamed Adan
43	9	Mandera	43	Mandera East	Mohamed Abdinoor Salat
44	9	Mandera	44	Lafey	Alinoor Ibrahim Alio
45	10	Marsabit	45	Moyale	Wilson Malasia Lekidenye
46	10	Marsabit	46	North Horr	Ote Shantu Marsa
47	10	Marsabit	47	Saku	Mamo Elema
48	10	Marsabit	48	Laisamis	Asili Haro Ture
49	11	Isiolo	49	Isiolo North	Jafa Galgalo Halake
50	11	Isiolo	50	Isiolo South	Ann Makandi
51	12	Meru	51	Igembe South	Mercy Faith Kawira
52	12	Meru	52	Igembe Central	Geoffrey Mutuma
53	12	Meru	54	Tigania West	Kobia Ann Kagwiria
54	12	Meru	55	Tigania East	Muriungi Doreen Gakii
55	12	Meru	56	North Imenti	Alice Karega Kiriga
56	12	Meru	57	Buuri	Consolata Muthoni

TABLE3: PROPOSED DEPUTY ...TURNING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
57	12	Meru	58	Central Imenti	Mwaniki Purity Wanjia
58	12	Meru	59	South Imenti	Samuel Murathi Gichovi
59	13	Tharaka Nithi	60	Maara	Guntai Faith Gatwiri
60	13	Tharaka Nithi	61	Chuka/igamba/Ngombe	Njeru Nancy Kagendo
61	14	Embu	63	Manyatta	Charity Kinya Gitonga
62	14	Embu	64	Runyenjes	George Ntombiro Miriti
63	14	Embu	65	Mbeere South	Alex Ileri Njeru
64	14	Embu	66	Mbeere North	Curtis Mawira Njeru
65	15	Kitui	67	Mwingi North	Jerinah Nthenya Kitau
66	15	Kitui	68	Mwingi West	Edner Lucia Nzisa
67	15	Kitui	69	Mwingi Central	Margaret Muinde
68	15	Kitui	70	Kitui West	Jeniffer Ivi
69	15	Kitui	71	Kitui Rural	Pascal Nduva
70	15	Kitui	72	Kitui Central	Mary Mutuku
71	15	Kitui	73	Kitui East	David Nguyo
72	15	Kitui	74	Kitui South	Jane Muoki
73	16	Machakos	75	Masinga	Onesmus Makau Kaloki
74	16	Machakos	76	Yatta	Paul Ndoi Mwithi
75	16	Machakos	77	Kangundo	Prudence Clara Mwadoe
76	16	Machakos	78	Matungulu	David Francis Waita
77	16	Machakos	79	Kathiani	Abigail Ndulu Justus
78	16	Machakos	80	Mavoko	Jacinta Muthau Matee
79	16	Machakos	81	Machakos Town	Irene Kaluu
80	16	Machakos	82	Mwala	Stephen Kimongo
81	17	Makueni	83	Mbooni	Dorcas Murrugi
82	17	Makueni	84	Kilome	Reginah Makasi
83	17	Makueni	85	Kati	Lydia Mumbe
84	17	Makueni	86	Makueni	Nicholas Kalimi Kamandali



TABLE3: PROPOSED DEPUTY RETIRING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
85	17	Makueni	87	Kibwezi West	Elijah Muthuvi
86	17	Makueni	88	Kibwezi East	Agnes Omido
87	18	Nyandarua	89	Kinangop	Edwin Njeru Wanjiru
88	18	Nyandarua	90	Kipipiri	Jackson Mwaniki Kamande
89	18	Nyandarua	91	Ol Kalou	Maurine Kisiero Chepkemoi
90	18	Nyandarua	92	Ol Joro Orok	Fidelis Nyambura Kihiko
91	18	Nyandarua	93	Ndaragwa	Aurelia Wambui Wambugu
92	19	Nyeri	94	Tetu	Gideon Gacheru
93	19	Nyeri	95	Kieni	Teresa Wangechi Njoroge
94	19	Nyeri	96	Mathira	Jonathan Kaguri Mwenji
95	19	Nyeri	97	Othaya	Joseph Karanja Kung'u
96	19	Nyeri	98	Mukurweini	Emma Gitau
97	19	Nyeri	99	Nyeri Town	Joan Chepkoech
98	20	Kirinyaga	100	Mwea	Simon Kamangaru
99	20	Kirinyaga	101	Gichugu	Lucy Waithira Sammy
100	20	Kirinyaga	102	Ndia	Jane Muthoni Maina
101	20	Kirinyaga	103	Kirinyaga Central	Stephen Waweru
102	21	Murang'a	104	Kangema	Rosemary Muthoni Ndung'u
103	21	Murang'a	105	Mathioya	David Gichira Kiura
104	21	Murang'a	106	Kiharu	David Waweru Mutugi
105	21	Murang'a	107	Kigumo	Caroline Njeri Mwangi
106	21	Murang'a	108	Maragwa	Christine Njambi Kariuki
107	21	Murang'a	110	Gatanga	Ann Gladys Kagure Njogu
108	22	Kiambu	111	Gatundu South	Janet Ngetich
109	22	Kiambu	112	Gatundu North	Ruth Ruhara
110	22	Kiambu	113	Juja	Veroninah Nyambura
111	22	Kiambu	114	Thika Town	Scolastica Nyambura
112	22	Kiambu	115	Ruiru	Edin Ibrahim

TABLE3: PROPOSED DEPUTY ,...TURNING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
113	22	Kiambu	116	Githunguri	Catherine Kahi
114	22	Kiambu	117	Kiambu	Winnie Mbuvi
115	22	Kiambu	118	Kiambaa	Francis Kangethe Kimotho
116	22	Kiambu	119	Kabete	Shadrack Gitonga
117	22	Kiambu	120	Kikuyu	Susan Yogo
118	22	Kiambu	121	Limuru	Corazone Aquino
119	22	Kiambu	122	Lari	Zena Hassan
120	23	Turkana	123	Turkana North	Lorna Lopete
121	23	Turkana	125	Turkana Central	Ambrose Kitum
122	23	Turkana	126	Loima	Silas Tanui
123	23	Turkana	127	Turkana South	Nancy Chepkurui
124	23	Turkana	128	Turkana East	Robert Kimaru Tarus
125	24	West Pokot	129	Kapenguria	George Kibor
126	24	West Pokot	130	Sigor	Jennifer Kemei
127	24	West Pokot	131	Kacheliba	Ngetelijo Ekalale Danson
128	24	West Pokot	132	Pokot South	Robert Kemei
129	25	Samburu	133	Samburu West	Shadrack Loyala Lowoyatir
130	25	Samburu	134	Samburu North	Steve Ereng
131	25	Samburu	135	Samburu East	Maximilla Langat
132	26	Trans Nzoia	136	Kwanza	Kennedy Komulkat
133	26	Trans Nzoia	137	Endebess	Everylyne Koech
134	26	Trans Nzoia	138	Saboti	Divina Chebet
135	26	Trans Nzoia	139	Kiminiini	Johnson Tingaa
136	26	Trans Nzoia	140	Cherangany	Getrude Malezi
137	27	Uasin Gishu	141	Soy	Mercy Kweya
138	27	Uasin Gishu	142	Turbo	Ismael Areman
139	27	Uasin Gishu	143	Molben	Rael Baron
140	27	Uasin Gishu	144	Ainabkoi	David Serem



TABLE3: PROPOSED DEPUTY REIURNING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
141	27	Uasin Gishu	145	Kapseret	Agnes Wanjala
142	27	Uasin Gishu	146	Kesses	Paul Rono
143	28	Elgeyo Marakwet	147	Marakwet East	Disii Epur
144	28	Elgeyo Marakwet	148	Marakwet West	Judith Biwott
145	28	Elgeyo Marakwet	149	Keiyo North	James Ewesit
146	28	Elgeyo Marakwet	150	Keiyo South	Samwel Onyango
147	29	Nandi	151	Tinderet	Peter Lebasha
148	29	Nandi	152	Aldai	Willy Chebii
149	29	Nandi	153	Nandi Hills	Johstone Kimathi
150	29	Nandi	154	Chesumei	Beatrice Nantoiye
151	29	Nandi	155	Engwen	Janet Cheptabut
152	29	Nandi	156	Mosop	Betty Rotich
153	30	Baringo	157	Tiaty	Mathew Njoroge Njuguna
154	30	Baringo	158	Baringo North	Francis Yegon
155	30	Baringo	159	Baringo Central	James Gilbert Olekitirine
156	30	Baringo	160	Baringo South	Gloria Chepkurui Maina
157	30	Baringo	161	Mogotio	Stephen Waweru Mutegi
158	30	Baringo	162	Eldama Ravine	Caroline W Mwangi
159	31	Laikipia	163	Laikipia West	Josephine Wairimu Njiri
160	31	Laikipia	164	Laikipia East	Ntongai Isaac Mwenda
161	31	Laikipia	165	Laikipia North	Joseph Ndumia Muchemi
162	32	Nakuru	166	Molo	Marisa Jelagat Torotwa
163	32	Nakuru	167	Njoro	Samuel Kiplimo Kurui
164	32	Nakuru	168	Naivasha	Joseph Kamau Juma
165	32	Nakuru	169	Gilgil	Brian Kiama Muriuki
166	32	Nakuru	170	Kuresoi South	Epeyo James Nkale
167	32	Nakuru	171	Kuresoi North	Esther Lagat
168	32	Nakuru	172	Subukia	Wilson Ereu Mandai

TABLE3: PROPOSED DEPUTY TURNING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
169	32	Nakuru	173	Rongai	Kirui Kangwony Timothy
170	32	Nakuru	174	Bahati	Cheruto Yvonne Kenduwa
171	32	Nakuru	175	Nakuru Town West	Cecelia J. Kipter
172	32	Nakuru	176	Nakuru Town East	Sanguet Stiffany Pelo
173	33	Narok	177	Kilgoris	Nicholas Kipkorir Mutai
174	33	Narok	178	Emurua Dikir	Sang Chelangat Millicent
175	33	Narok	179	Narok North	Sylvia Jephumba
176	33	Narok	180	Narok East	Emmanuel Langat
177	33	Narok	181	Narok South	Marcel Bore
178	33	Narok	182	Narok West	Cherotich Daisy
179	34	Kajiado	183	Kajiado North	Hilda Mukami Kagundi
180	34	Kajiado	184	Kajiado Central	Ismail Yassin
181	34	Kajiado	185	Kajiado East	Linda Awuor Osako Lesso
182	34	Kajiado	186	Kajiado West	Philice Ayemba
183	34	Kajiado	187	Kajiado South	Joseph Gitagama
184	35	Kericho	188	Kipkelion East	Sarah Nadupoi
185	35	Kericho	189	Kipkelion West	Lilian Chepngetich
186	35	Kericho	190	Ainamoi	Silvester Kiragu
187	35	Kericho	191	Bureti	Julius Moiro Lemiso
188	35	Kericho	192	Belgut	Korir Kipngeno Cosmas
189	35	Kericho	193	Sigowet/Soin	Mike Langat
190	36	Bomet	194	Sotik	Dominic Kiplangat Sang
191	36	Bomet	195	Chepalungu	Mark Mejoili Lempaka
192	36	Bomet	196	Bomet East	Daisy Chepkoech Sang
193	36	Bomet	197	Bomet Central	Anastancia Eglan
194	36	Bomet	198	Konoin	Emiliano Kimutai Korir
195	37	Kakamega	199	Lugari	John Misiko Wekesa
196	37	Kakamega	200	Likuyani	Dionicious Ilukol Musumba



TABLE3: PROPOSED DEPUTY RETURNING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
197	37	Kakamega	201	Malava	Simon Makokha Barasa
198	37	Kakamega	202	Lurambi	David Wekanya Wamalwa
199	37	Kakamega	203	Navakholo	Bonface Chemayiek Kamamos
200	37	Kakamega	204	Mumias West	Everlyne Chumba Opaye
201	37	Kakamega	205	Mumias East	Julian Auma Gomity
202	37	Kakamega	206	Matungu	Kizito Kuruchi Mangongo
203	37	Kakamega	207	Butere	Naomi Doreen Marani
204	37	Kakamega	208	Khwisero	Elizabeth Kadogo Wafula
205	37	Kakamega	209	Shinyalu	Priscah Osotsi
206	37	Kakamega	210	Ikolomani	Lenis Chesoli Wambani
207	38	Vihiga	211	Vihiga	Sammwel Tongola
208	38	Vihiga	212	Sabatia	Peter Were
209	38	Vihiga	213	Hamisi	Monica Toto
210	38	Vihiga	214	Emuhaya	Everlyne Anyango
211	38	Vihiga	215	Luanda	Cellesitine Wambani Wekesa
212	39	Bungoma	216	Mt Elgon	Rael Segurion
213	39	Bungoma	217	Sirisia	Phelister Abulwa
214	39	Bungoma	218	Kabuchai	Mark Otunga Wanzala
215	39	Bungoma	219	Bumula	Luka Mukimi Musamali
216	39	Bungoma	220	Kanduyi	Amos Majisu
217	39	Bungoma	221	Webuye East	Esele Haroun Ironde
218	39	Bungoma	222	Webuye West	Caren Shivisa Alusa
219	39	Bungoma	223	Kimili	James Ndombi
220	39	Bungoma	224	Tongaren	Oliver Mulongo Murokoyo
221	40	Busia	225	Teso North	Readon Wetende
222	40	Busia	226	Teso South	Florence Liavuli
223	40	Busia	227	Nambale	Elizabeth Baraza
224	40	Busia	228	Matayos	Stanley Mboye Makhulo

TABLE3: PROPOSED DEPUTY . TURNING OFFICERS

SNo.	Country Code	Country Name	Constituency Code	Constituency Name	Name of Officer
225	40	Busia	229	Butula	Immaculate Rina
226	40	Busia	230	Funyula	Edith Mahonga
227	40	Busia	231	Budalangi	Haron Suter
228	41	Siaya	232	Ugenya	Wilberforce Juma
229	41	Siaya	233	Ugunja	Okeyo Yvonne Achieng
230	41	Siaya	234	Alego Usonga	Edward Ajowi
231	41	Siaya	235	Gem	Okiki David Odero
232	41	Siaya	236	Bondo	Jonathan Amoke
233	41	Siaya	237	Rarieda	Esther Gichohi
234	42	Kisumu	238	Kisumu East	Eunice Auma
235	42	Kisumu	239	Kisumu West	Sharon Olum
236	42	Kisumu	240	Kisumu Central	Maureen Ochieng
237	42	Kisumu	241	Seme	Kasina Denis
238	42	Kisumu	242	Nyando	Julius Okweto
239	42	Kisumu	243	Muhoroni	Kenneth Okungu
240	42	Kisumu	244	Nyakach	Charity Osuwo
241	43	Homa Bay	245	Kasipul	Sylvia Ondiso Ambira
242	43	Homa Bay	246	Kabondo Kasipul	Fredrick Orage
243	43	Homa Bay	247	Karachuonyo	John Omondi
244	43	Homa Bay	248	Rangwe	Martin Ngoga Omolo
245	43	Homa Bay	249	Homabay Town	Richard Gwaro Aboko
246	43	Homa Bay	250	Ndhiwa	Godfrey Obiero
247	43	Homa Bay	251	Mbita	Phoebe Onyango
248	43	Homa Bay	252	Suba	Diana Awuor Ochieng
249	44	Migori	253	Rongo	Richard Onduko Changamu
250	44	Migori	254	Awendo	Lazarus Miruka Mogoi
251	44	Migori	255	Suna East	Caroline Aricha Nyamwega
252	44	Migori	256	Suna West	Lenah Mongina Ondari



TABLE3: PROPOSED DEPUTY REPRESENTING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
253	44	Migori	257	Uriri	Judith Akinyi Kajo
254	44	Migori	258	Nyatike	David Ondabu Nyabwari
255	44	Migori	259	Kuria West	Thomas Ongeru Otete
256	44	Migori	260	Kuria East	Isaiah Misonge
257	45	Kisii	261	Bonchari	Dinah Oanda
258	4	Kisii	263	Bomachoge Borabu	Nikson Mose Nyamweya
259	45	Kisii	264	Bobasi	Margaret Kerubo Onyancha
260	45	Kisii	265	Bomachoge Chache	Thomas Manyonyi Lwangu
261	45	Kisii	266	Nyaribari Masaba	Sylvia Kemunto Ondimu
262	45	Kisii	267	Nyaribari Chache	Ednah Kemunto Bitange
263	45	Kisii	268	Kitutu Chache North	Lucy Achieng Ochieng
264	45	Kisii	269	Kitutu Chache South	Catherine Waheke
265	46	Nyamira	270	Kitutu Masaba	Bob Astless Mauko
266	46	Nyamira	271	West Mugirango	Neville Odongo Okumu
267	46	Nyamira	272	North Mugirango	Samuel Otieno Ochieng
268	46	Nyamira	273	Borabu	Mwita Julius Chacha
269	47	Nairobi	274	Westlands	Dahabo Jaldesa
270	47	Nairobi	275	Dagoretti North	Winey Chelangat
271	47	Nairobi	276	Dagoretti South	Anthony Ngugi
272	47	Nairobi	277	Langata	Phyllis Macharia
273	47	Nairobi	278	Kibra	Hobby Njambi
274	47	Nairobi	279	Royambu	Rachel Mariga
275	47	Nairobi	280	Kasarani	Susan Wanjiru
276	47	Nairobi	281	Ruaraka	Jane Nyawira Hiuhu
277	47	Nairobi	282	Embakasi South	Kennedy Kamau
278	47	Nairobi	283	Embakasi North	Scolastica Maina
279	47	Nairobi	284	Embakasi East	Cecilia Thuo
280	47	Nairobi	285	Embakasi West	Miriam Kereto

TABLE3: PROPOSED DEPUTY TURNING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
281	47	Nairobi	286	Embakasi Central	Najma Abdulhalik Abdalla
282	47	Nairobi	287	Makadara	Eva Nadupoi
283	47	Nairobi	288	Kamukunji	Hannah Muchiri
284	47	Nairobi	289	Starehe	Martin Maigua
285	47	Nairobi	290	Mathare	John Kimani



TABLE 2: PROPOSED RETURNING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
1	1	Mombasa	1	Changamwe	Charo Kalume Charo
2	1	Mombasa	2	Jomvu	Husna Hassan Salim
3	1	Mombasa	3	Kisauini	Ole Taiswa John
4	1	Mombasa	4	Nyali	Wario Ibrahim Ali
5	1	Mombasa	5	Likoni	Margaret Wakesho Mzee
6	1	Mombasa	6	Mvita	Masha Sudi Mwakulonda
7	2	Kwale	7	Msambweni	Japhet Omara Mbwana
8	2	Kwale	8	Lunga Lunga	Raymond Kaingu Makazi
9	2	Kwale	9	Matuga	Mwarua Chikophe Abdallah
10	2	Kwale	10	Kinango	Joseph Baraza Mwaifondo
11	3	Kilifi	12	Kilifi South	Jumaa Musa Jumaa
12	3	Kilifi	13	Kaloleni	Neema Karisa Douglas
13	3	Kilifi	15	Ganze	Mohammed Bahero Aboud
14	3	Kilifi	16	Malindi	Hamisi Halfani Tsumo
15	3	Kilifi	17	Magarini	Aisha Abubakar Senge
16	4	Tana River	20	Bura	Abdul Swaleh Jamanda
17	5	Lamu	21	Lamu East	Kitsao Karani Stephen
18	5	Lamu	22	Lamu West	Saha Isaiyah Madzungu
19	6	Taita Taveta	23	Taveta	Yusuf Abubakar Mohammed
20	6	Taita Taveta	24	Wundanyi	Gitau Gachui John
21	6	Taita Taveta	25	Mwatate	Shida Tsui Alphonse
22	6	Taita Taveta	26	Voi	Christine Munga Mwaizda
23	7	Garissa	27	Garissa Township	Abdi Yunis Mohamed
24	7	Garissa	28	Balambala	Ali Nur Hussein
25	7	Garissa	29	Lagdera	Farah Abdi Ibrahim
26	7	Garissa	30	Dadaab	Abdi Sheikh Mohamed
27	7	Garissa	31	Fafi	Abdullahi Ibrahim Issack
28	7	Garissa	32	Ijara	Issack Muhumed Mohamud
29	8	Wajir	33	Wajir North	Siyat Mahat Sabul



TABLE 2: PROPOSED RETURNING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
30	8	Wajir	34	Wajir East	Salim Bilali
31	8	Wajir	35	Tarbaj	Mohamed Rashid Maalim Ahmed
32	8	Wajir	36	Wajir West	Noor Gedi Arale
33	8	Wajir	37	Eldas	Abdibashir Alimoor Ibrahim
34	8	Wajir	38	Wajir South	Abdullahi Musa Mohamed
35	9	Mendera	39	Mendera West	Abdikadir Abdullahi Ahmed
36	9	Mendera	40	Banissa	Mohamud Mohamed Olow
37	9	Mendera	41	Mendera North	Hashim Ahmed Ismail
38	9	Mendera	42	Mendera South	Musdaf Abdullahi Ahmed
39	9	Mendera	43	Mendera East	Hussein Abdi Hassan
40	9	Mandera	44	Lafey	Yasin Abdikarim Hirey
41	10	Marsabit	45	Moyale	Mauta Jephther Gitonga
42	10	Marsabit	46	North Horr	Hilliary Korir Larema Chebii
43	10	Marsabit	47	Saku	Simon Sanchana Lokadio
44	10	Marsabit	48	Laisamis	Benson Esuza Lumwagi
45	11	Isiolo	49	Isiolo North	Dominic K. Leparmarai
46	12	Meru	51	Igembe South	Ndungu Wainaina Wilfred
47	12	Meru	52	Igembe Central	Paul Muiruri Mbugua
48	12	Meru	53	Igembe North	Gideon Ndable Sahado
49	12	Meru	55	Tigania East	Kinyua Mwii John
50	12	Meru	56	North Imenti	Mwangi Karen Wachera
51	12	Meru	57	Buuri	Amina Shaku Jarso
52	12	Meru	58	Central Imenti	Leonard Amena Okemwa
53	12	Meru	59	South Imenti	Kassim Mwangomba Kaema
54	13	Tharaka Nithi	60	Maara	Njiru Namu Nelson
55	13	Tharaka Nithi	61	Chuka/Igamba/ Ngombe	Mwiti Josephine Kinya
56	13	Tharaka Nithi	62	Tharaka	Rosemary Njoki Njeru
57	14	Embu	63	Manyatta	Gekonde Siriba Caleb
58	14	Embu	64	Runyenjes	M`ithiru Pamela Karimi

TABLE 2: PROPOSED RETU...NING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
59	14	Embu	65	Mbeere South	Festus Mari Ngeerah
60	14	Embu	66	Mbeere North	Darniano Rebecca Mwontune
61	15	Kitui	67	Mwingi North	Mule Malonza Martin
62	15	Kitui	68	Mwingi West	Mwawasi John Kibwanga
63	15	Kitui	69	Mwingi Central	Mutua Mbai James
64	15	Kitui	70	Kitui West	Mwangi Kanyoria Stanley
65	15	Kitui	71	Kitui Rural	Winnifred Ndori Kitali
66	15	Kitui	72	Kitui Central	Titus Kitheka Mutemi
67	15	Kitui	73	Kitui East	Mugambi Jeniffer Wanja
68	15	Kitui	74	Kitui South	Silvia Chepchumba Maritim
69	16	Machakos	75	Masinga	Mutua Mbuu Reuben
70	16	Machakos	76	Yatta	Fidelis Kitili Kivaya
71	16	Machakos	77	Kangundo	Lango Ibrahim Guyo
72	16	Machakos	78	Matungulu	Sahara Ibrahim Maalim
73	16	Machakos	79	Kathiani	Marvin Mungah Karanja
74	16	Machakos	80	Mavoko	Jane Nanyama Wasilwa
75	16	Machakos	81	Machakos Town	Lucy Mbithe John
76	16	Machakos	82	Mwala	Collins Kilonzi Mutua
77	17	Makueni	83	Mbooni	Machekele Jacob
78	17	Makueni	84	Kilome	Pelagi Mikiwa Mwanoyolo
79	17	Makueni	85	Kaiti	Vincent Saruni Saitabau
80	17	Makueni	86	Makueni	Mogaka Kwamboka Florence
81	17	Makueni	87	Kibwezi West	Evanson Githinji Ngomano
82	17	Makueni	88	Kibwezi East	Wandao Awuor Pamela
83	18	Nyandarua	89	Kinangop	Benard Mukaya Evela
84	18	Nyandarua	90	Kipipiri	Sammwel Gachungi Chege
85	18	Nyandarua	91	Oi Kalou	Anthony Muhia Njiraini
86	18	Nyandarua	92	Oi Joro Orok	Maingi, Julius Muthusi
87	18	Nyandarua	93	Ndaragwa	Kamau Wainaina Anthony



TABLE 2: PROPOSED RETURNING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
88	19	Nyeri	94	Tetu	Faith Kagendo Moses
89	19	Nyeri	95	Kieni	David Muthuri Mbui
90	19	Nyeri	96	Mathira	Faith Wambui Mugo
91	19	Nyeri	97	Othaya	Mwanza Nzomo Justus
92	19	Nyeri	98	Mukurweini	Nzika Mwololo Josephat
93	19	Nyeri	99	Nyeri Town	Kaindio Peter Mauta
94	20	Kirinyaga	100	Mwea	Charles Ndirangu Maina
95	20	Kirinyaga	101	Gichugu	Gitobu Mutiiria Geoffrey
96	20	Kirinyaga	102	Ndia	Mwangi Njogu Francis
97	20	Kirinyaga	103	Kirinyaga Central	Mwangi James Mainigi
98	21	Murang'A	104	Kangema	Millicent Wanjiru Mbui
99	21	Murang'A	105	Mathioya	Caroline Njeri Githua
100	21	Murang'A	106	Kiharu	Murage Waichinga Edward
101	21	Murang'A	107	Kigumo	Mungai Maina James
102	21	Murang'A	108	Maragwa	Soita Wekesa Arnold
103	21	Murang'A	109	Kandara	Ngute Kilonzi Linnah
104	21	Murang'A	110	Gatanga	Esther Wanjiku Wanjohi
105	22	Kiambu	111	Gatundu South	Ligulu Owino Maurice
106	22	Kiambu	112	Gatundu North	Njoroge Maina Andrew
107	22	Kiambu	113	Juja	Mary Nyambura Ndungu
108	22	Kiambu	114	Thika Town	Michael Mutyaubyu Mwose
109	22	Kiambu	115	Ruiru	Bernard Onyango Onyach
110	22	Kiambu	116	Githunguri	Anancieta Kaveke Musau
111	22	Kiambu	117	Kiambu	Saki Muli Beatrice
112	22	Kiambu	118	Kiambaa	Catherine Wambui Kamau
113	22	Kiambu	119	Kabete	Maureen Kerebi Oyaro
114	22	Kiambu	120	Kikuyu	Marjorie Patience Owino
115	22	Kiambu	121	Limuru	Joseph Munyao Musyoki
116	22	Kiambu	122	Lari	Catherine Kithinji

TABLE 2: PROPOSED RETURNING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
117	23	Turkana	123	Turkana North	Boru Dulacha Duba
118	23	Turkana	124	Turkana West	Kipkogei Bowen Noah
119	23	Turkana	125	Turkana Central	Alfred K Ronoh
120	23	Turkana	126	Loima	Godfrey Etheri Engor
121	23	Turkana	127	Turkana South	Isaiah Khuyole Nabwayo
122	23	Turkana	128	Turkana East	Lazarus Edonga Emanikor
123	24	West Pokot	129	Kapenguria	Enock Gichaba Otara
124	24	West Pokot	130	Sigor	Martin Kituyi Wekesa
125	24	West Pokot	131	Kacheliba	Wilson Kimutai Kipchumba
126	24	West Pokot	132	Pokot South	Anthony Kiroi Kimani
127	25	Samburu	133	Samburu West	Benard Marine Mutali
128	26	Trans Nzoia	136	Kwanza	Rechah Tulwo Joshua
129	26	Trans Nzoia	137	Endebess	Patrick Onyango Wanyama
130	26	Trans Nzoia	139	Kimini	Otieno Resa Peter
131	26	Trans Nzoia	140	Cherangany	Selly Jemaita Chesang
132	27	Uasin Gishu	141	Tinderet	Daniel Kasiti Cheptot
133	27	Uasin Gishu	142	Turbo	Simali Naliakho Justus
134	27	Uasin Gishu	143	Moiben	Erastus Orwa Otieno
135	27	Uasin Gishu	144	Ainabkoi	Eunice Jelagat Maru
136	27	Uasin Gishu	145	Kapseret	Mildred Naswa Wanyonyi Wachyiye
137	27	Uasin Gishu	146	Kesses	Mathew K Kipcheng'er
138	28	Elgeyo Marakwet	147	Marakwet East	Mariach Limaris Jackson
139	28	Elgeyo Marakwet	148	Marakwet West	Joseph Akutaa Lotuko
140	28	Elgeyo Marakwet	149	Keiyo North	Kimutai Kemei Norbert
141	28	Elgeyo Marakwet	150	Keiyo South	Sellah Malamba Christine
142	29	Nandi	151	Soy	Doreen Nanjakululu Wawire
143	29	Nandi	152	Aldai	K. Boinett Frank
144	29	Nandi	153	Nandi Hills	Kalory Mugwanga Jumah
145	29	Nandi	154	Chesumei	Rajab Makokha Barasa



TABLE 2: PROPOSED RETURNING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
146	29	Nandi	155	Emgwen	Veronica Nkepeni Lekopole
147	29	Nandi	156	Mosop	Obongoya Okochi Bonventure
148	30	Baringo	157	Tiaty	Jeremiah Nguthu
149	30	Baringo	158	Baringo North	Harun Gathiru Njuguna
150	30	Baringo	159	Baringo Central	Onditi Kennedy
151	30	Baringo	160	Baringo South	George Githinji Chege
152	30	Baringo	161	Mogotio	Muyekho Ngutai John
153	30	Baringo	162	Eldama Ravine	Gilbert Kipchirchir Serem
154	31	Laikipia	163	Laikipia West	Mithamo Wanjiru Teresa
155	31	Laikipia	164	Laikipia East	Ndiangui Tabitha Gathoni
156	31	Laikipia	165	Laikipia North	Kahura Kanna John
157	32	Nakuru	166	Molo	Vincent Kimelil
158	32	Nakuru	167	Njoro	Moses Njeru Mbogo
159	32	Nakuru	168	Naivasha	Wanjiku Muriuki Agnes
160	32	Nakuru	169	Gilgil	Muigai Kamau Peter
161	32	Nakuru	170	Kuresoi South	Wacera Njoroge Acenia
162	32	Nakuru	171	Kuresoi North	Alice Cheruiyot Cheronno
163	32	Nakuru	172	Subukia	Seina Lekisaat
164	32	Nakuru	173	Rongai	Hildah Lokwawi Nasiru
165	32	Nakuru	174	Bahati	George Karani Nganga
166	32	Nakuru	175	Nakuru Town West	Moses Opiyo Ahete
167	32	Nakuru	176	Nakuru Town East	Peter Ndirangu Kuria
168	33	Narok	177	Kilgoris	Lilian Yugutsa Lilumah
169	33	Narok	178	Emuria Dikirr	Lillian Anyango Okoth
170	33	Narok	179	Narok North	Chebet Fridah
171	33	Narok	180	Narok East	Joel Omae Okiabera
172	33	Narok	181	Narok South	Christine Achieng Otieno
173	33	Narok	182	Narok West	Lydia Chepkemoi Rotich
174	34	Kajiado	183	Kajiado North	Benard Musee

TABLE 2: PROPOSED RETU...NING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
175	34	Kajiado	184	Kajiado Central	Elijah Mugo Ngunjiri
176	34	Kajiado	185	Kajiado East	Samuel Nyamosi Chacha
177	34	Kajiado	186	Kajiado West	Evelyne Nyaboke Nyataa
178	34	Kajiado	187	Kajiado South	Agnes Siyato Nankeyai
179	35	Kericho	188	Kipkelion East	Ralph Mantai Messopirr
180	35	Kericho	189	Kipkelion West	Matongo Sarara Moses
181	35	Kericho	190	Ainamoi	Mbugua Kuria Jasan
182	35	Kericho	191	Bureti	Macharia Ombogo Elijah
183	35	Kericho	192	Belgut	Sophina Nitikwa Leleruk
184	35	Kericho	193	Sigowet/Soin	Kiplagat Biamah Noah
185	36	Bomet	194	Sotik	Kennedy Charana John
186	36	Bomet	195	Chepalungu	Kipkemboi Lagat Japheth
187	36	Bomet	196	Bomet East	Kipkorir Buttuk Nicholas
188	36	Bomet	197	Bomet Central	Hillary K D Kombe
189	36	Bomet	198	Konoin	Kiprono Ruto Isaac
190	37	Kakamega	199	Lugari	Kipruto Kerich Jeremiah
191	37	Kakamega	200	Likuyani	Fredrick Hezekiah Owino Odenge
192	37	Kakamega	201	Malava	Juma Joseph Oduor
193	37	Kakamega	202	Lurambi	Abdallah Salim William
194	37	Kakamega	203	Navakholo	Judith Chepkemei Losili
195	37	Kakamega	204	Mumias West	Juma Amach Daniel
196	37	Kakamega	205	Mumias East	Sylvester Ouma Omolo
197	37	Kakamega	206	Matungu	Phillip Kipruto Chumba
198	37	Kakamega	207	Butere	Simotwo Sukuku Martin
199	37	Kakamega	208	Khwisero	Kipkemoi Ng`Etich Thomas
200	37	Kakamega	209	Shinyalu	Edward Kitum Toroitich
201	37	Kakamega	210	Ikolomani	Roselyne Akinyi Onyango
202	38	Vihiga	211	Vihiga	Hudson Oloishuro Salenoi
203	38	Vihiga	212	Sabatia	Elida Adhiambo Ochlieng



TABLE 2: PROPOSED RETURNING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
204	38	Vihiga	213	Hamisi	Evalyne Asiko Joyce
205	38	Vihiga	214	Emuhaya	Reuben Kennedy Kogutu
206	38	Vihiga	215	Luanda	Philemon Kapelinyang Rionosia
207	39	Bungoma	217	Sirisia	Isaac Kiplagat Rutto
208	39	Bungoma	218	Kabuchai	Henry Bahati Lumiti
209	39	Bungoma	219	Bumula	Joyce Namunyak
210	39	Bungoma	220	Kanduyi	Kipkore Kipkosgei Stanley
211	39	Bungoma	222	Webuye West	Peris Cheruto Saina
212	39	Bungoma	223	Kimiliili	Erick Omondi George
213	39	Bungoma	224	Tongaren	Margaret Akinyi Musumba
214	40	Busia	225	Teso North	Edwin Kaburia
215	40	Busia	226	Teso South	Okky Carol Kangala Omoto
216	40	Busia	227	Nambale	Leonard Wekesa Wafula
217	40	Busia	228	Matayos	Kennedy Ochanyo
218	40	Busia	229	Butula	John Kiplangat Kirui
219	40	Busia	230	Funyula	Emmanuel B Otieno Onyango
220	40	Busia	231	Budalangi	Moses Simiyu Nyongesa
221	41	Siaya	233	Ugunja	Obara Omare Dennis
222	41	Siaya	235	Gem	Juma Otieno Ezekiel
223	41	Siaya	236	Bondo	Jackton Makutsa Okubasu
224	41	Siaya	237	Rarieda	Bernard Argwings Odul
225	42	Kisumu	238	Kisumu East	Emmanuel Omboto Bahati
226	42	Kisumu	239	Kisumu West	Gregory Matekwa John
227	42	Kisumu	240	Kisumu Central	Yegon Kibos Kipruto
228	42	Kisumu	241	Seme	Bernard Ogweri Chienga
229	42	Kisumu	242	Nyando	Simiyu Nandokha Maurice
230	42	Kisumu	243	Muhoroni	Otieno Mayo Samson
231	42	Kisumu	244	Nyakach	Shaolin Leriche Meiguran
232	43	Homa Bay	245	Kasipul	Obari Rose

TABLE 2: PROPOSED RETU...NING OFFICERS

SNo.	Country Code	Country Name	Constituency Code	Constituency Name	Name of Officer
233	43	Homa Bay	246	Kabondo Kasipul	Clement Osiemo Mokobo
234	43	Homa Bay	248	Rangwe	Onyango Jobando George
235	43	Homa Bay	249	Homabay Town	Ouko Odhiambo Gregory
236	43	Homa Bay	250	Ndhiwa	Rebecca Abwaku
237	43	Homa Bay	251	Mbita	Ouma Onyango Peter
238	43	Homa Bay	252	Suba	Amin S. Wasike Yusuf
239	44	Migori	253	Rongo	Abdi Tadicha Roba
240	44	Migori	255	Suna East	Godana Hilama Habiba
241	44	Migori	256	Suna West	Kennedy Otieno Okoth
242	44	Migori	257	Urir	Joseph Benson Ngeno
243	44	Migori	259	Kuria West	Kiplangat Ngeny Robert
244	44	Migori	260	Kuria East	Samson Ojiem Oriedo
245	45	Kisii	261	Bonchari	Delvin Chelangat Sure
246	45	Kisii	262	South Mugirango	Catherine Chepkirui
247	45	Kisii	265	Bomachoge Chache	Omondi Daula Moses
248	45	Kisii	266	Nyaribari Masaba	Akumu Imbo Hilda
249	45	Kisii	267	Nyaribari Chache	Mark Gikaro Manco
250	45	Kisii	268	Kitutu Chache North	Grace Atieno Owino
251	45	Kisii	269	Kitutu Chache South	David Kipkemoi Cherop
252	46	Nyamira	270	Kitutu Masaba	Sumbwa Ambuko Benson
253	46	Nyamira	271	West Mugirango	David Langat
254	46	Nyamira	272	North Mugirango	Ruttoh Kipyegon Wesley
255	46	Nyamira	273	Borabu	Julius Meja Okeyo
256	47	Nairobi	274	Westlands	Gakuru Muthée Patrick
257	47	Nairobi	275	Dagoretti North	Leonard Njenga
258	47	Nairobi	276	Dagoretti south	Rosaline Yiamat Kasale
259	47	Nairobi	277	Langata	Janet Ndanu Mutia
260	47	Nairobi	278	Kibra	Peter Mahui Anthony
261	47	Nairobi	279	Roysambu	Bernard Mwangi Kimani

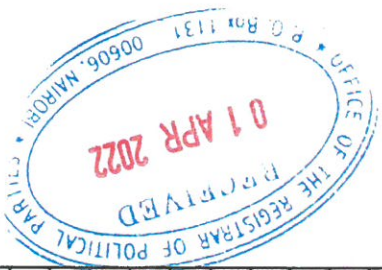


TABLE 2: PROPOSED RETURNING OFFICERS

SNo.	County Code	County Name	Constituency Code	Constituency Name	Name of Officer
262	47	Nairobi	280	Kasarani	Amosi Chilai Nyongesa
263	47	Nairobi	281	Ruaraka	Hellen Ndaki Mutuva Mamwaka
264	47	Nairobi	282	Embakasi South	Njuki Mugo Hanson
265	47	Nairobi	283	Embakasi North	Milliam Wanjiru Gachahi
266	47	Nairobi	284	Embakasi East	Mbolu Musyoka Daniel
267	47	Nairobi	285	Embakasi West	Waitherero Muhu Tabitha
268	47	Nairobi	286	Embakasi Central	Mutiso Mbithi Justus
269	47	Nairobi	287	Makadara	Jesse Cheruiyot Tonui
270	47	Nairobi	289	Starehe	Alice Ndunge Kimani
271	47	Nairobi	290	Mathare	Wangari Munyiri Lucy

JC-3



OFFICE OF THE INSPECTOR GENERAL
NATIONAL POLICE SERVICE
NAIROBI - KENYA

3

This is the Exhibit marked "JC-3"
Referred to in the Annexed Affidavit/Declaration
Of Julian W. Cherera
Sworn/Declared before me this 26th
Day of August 2022 at Nairobi
in the Republic of Kenya

Commissioner for Oaths

PRESS STATEMENT

PRESS STATEMENT ON THE ARREST OF A FOREIGNER WITH IEBC RELATED MATERIALS

1. Yesterday the 21st July 2022, police officers at the JKIA arrested a foreigner entering the country with election related stickers.
2. The arrest, impounding and subsequent investigations into the material was necessitated by the sensitivity of elections material, and further, by the following facts requiring due diligence:
 - a) The said stickers were not declared as per the law.
 - b) That the stickers were not accompanied by an IEBC official as per routine procedure.
 - c) That such sensitive materials were carried in the personal luggage of a foreigner.
 - d) That police, as per standard procedure and arrangement with IEBC were not notified of such an import beforehand to provide necessary security and escort.
3. Subsequent investigations have revealed that the stickers are bona fide property of the IEBC and part of the election related material.
4. Based on the above finding, the suspect has been released from lawful custody and the stickers released to IEBC.

BRUNO ISOHI SHIOSO
DIRECTOR CORPORATE COMMUNICATION/POLICE SPOKESPERSON
NATIONAL POLICE SERVICE.
22/JULY/2022

JC-4



This is the Exhibit referred to in the Annexed Affidavit/Declaration of Juliana W. Cherera Sworn/Declared before me this 26th Day of August 2022 in Nairobi in the Republic of Kenya Commissioner for Oaths

PRESS RELEASE

FOR IMMEDIATE RELEASE

NAIROBI, KENYA: JULY 21ST, 2022

SUBJECT: ARBITRARY ARREST AND HARASSMENT OF IEBC ELECTION TECHNOLOGY PERSONNEL

It is with extreme consternation that the Commission has learnt of the arrest of three key personnel responsible for deployment and management of election technology infrastructure. The three personnel, who are employees of Smartmatic International B.V., were arrested upon arrival at Jomo Kenyatta International Airport from Venezuela. This is despite the Commission Secretary/CEO explaining to the security authorities that the three personnel were in the country to execute a lawful contract relating to the deployment of technology in elections.

The Commission has a valid legal contract executed between itself and Smartmatic International B.V. for the supply, delivery, installation, testing, commissioning, support and maintenance of the Kenya Integrated Election Management System.

The brazen decision of the security authorities to arrest, detain and confine in a solitary hideout the three personnel without justification, is an exhibition of intimidation on hardworking persons who are only keen to deliver a robust technology infrastructure for conduct of a credible, secure and verifiable election.

The Commission wishes to inform the public that the arrest and continued holding of the personnel has the inevitable effect of hampering the deployment of technology in the forthcoming General Election. Technology plays a central role in elections and the Commission wonders what the intention behind the holding of the technical personnel is meant to achieve.

The Commission is concerned about this unjustified intimidation, harassment and blackmail whatsoever and demands the immediate release of the three employees of Smartmatic International B.V.

W. W. CHEBUKATI CHAIRMAN

JC-5

This is the Exhibit marked "OC-5"
Retyped in the Annexed Affidavit / Declaration
of Duliana W. Cherera
sworn / Declared before me this 26th
Day of August 2022 at Nairobi
in the Republic of Kenya
[Signature]
Commissioner for Police

NATIONAL POLICE SERVICE

Telegrams: "CRIMINAL" Nairobi
Email: director @cid.go.ke
Tel: 020343312, 0202603724



MAZINGIRA HOUSE
KIAMBU ROAD
P.O. Box 30036 NAIROBI.

DIRECTORATE OF CRIMINAL INVESTIGATIONS

PRESS RELEASE

QUESTIONED ELECTIONS MATERIALS

SUSPECTS: -

1. JOSE GREGORIO CAMARGO CASTELLANOS VENEZUELAN NATIONAL
2. JOEL GUSTAVO RODRIGUEZ GARCIA VENEZUELAN NATIONAL
3. SALVADOR JAVIER SOSA SUAREZ VENEZUELAN NATIONAL

On 19th July 2022 one Jose Gregorio Camargo Castellanos a Venezuelan national left Panama to Istanbul Turkey and arrived in Nairobi, Kenya on 21st July 2022 aboard a Turkish Airline Flight No. TK 607. *(Annexed herein and Marked 'VK-1' is his Flight Itinerary).*

On arrival at Terminal 1A, the Customs Officers during ordinary and usual screening of incoming luggage, detected through the monitoring screen suspicious contents in the bag bearing the tag of Jose Gregorio Camargo Castellanos.

The bag was flagged and Jose Gregorio Castellanos Camargo was questioned regarding the contents of his bag.

He was however incoherent and hesitant in answering the questions posed to him. He was then requested to open his bag which he obliged and therein seventeen (17) rolls of electoral materials namely stickers were found of which one (16) were printed and one (1) was blank. The stickers were for various polling stations which he stated were for approximately 10,000 stations namely:- Nairobi-3, Kiambu-2, Nakuru-2, Meru-2, Machakos-1, Murang'a-1, Bomet -1, Nyeri -1, Tharaka Nithi -1.

Nyandarua -1 , Kericho-1 and one (1) unprinted roll. He acknowledged the bags as his personal luggage. *(Annexed herein and Marked 'VK-2'are Photographs of the 16 printed rolls plus one blank roll).*

That his second bag contained one personal laptop, one personal monitor, five flash discs, one mobile phone and assorted personal computer accessories. When he was questioned on ownership of the same, he stated that the electronics and their accessories were his personal items and not IEBC property.

Section 35(d) of the National Police Service Act, 2011 mandates the National Police Service to detect and prevent crime. In furtherance thereof, section 29(a) empowers police officers to arrest any person upon reasonable grounds of having committed any cognisable offence. Section 29 (d) equally gives police officers the power to arrest any person in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence in reference to that thing.

The officers having established that the rolls were allegedly the property of IEBC of the Republic of Kenya arrested the suspect and confiscated the stated rolls and went ahead to inquire from the suspect Jose Gregorio Camargo Castellanos how he came into possession of the same. The suspect confessed that he was given the materials from Panama by his company M/S Smartmatic International Holding B.V. to deliver to one Abdulahi Abdi Mohamed's office in Nairobi.

Investigations revealed that the stated electoral materials had been checked in as a personal luggage and not cargo at the country of departure, Panama. On arrival the said consignment was not declared to the Customs Office as is ordinarily required by custom laws through filling of Form F-88 in compliance with Section 46(1) of the East Africa Community Customs Management Act. Further, Camargo Castellanos Jose Gregorio did not provide any documentation to justify being in possession of the consignment which would ordinarily be expected to accompany such a consignment. *(Annexed and marked VK-3 is the F-88 declaration form).*

Further investigation conducted on Camargo Castellanos Jose Gregorio also showed that he had arrived in the country on a business visa on the invitation of one Abdulahi Abdi Mohamed to his office for work related activities via a letter addressed to the officer in charge of the visa section Embassy of Kenya on 18th July, 2022. *(Annexed and marked VK-4 is the Invitation Letter).*

The officers were shocked how a foreigner all the way from Venezuela, Panama, Turkey to Nairobi contracted for a very sensitive and high-level service by supposedly IEBC had nobody waiting for him and in particular to receive the sensitive confidential materials which were supposed to be in secure custody after confirmation and reception by the procuring entity. He was thus asked who had invited him or how did he come to be in Kenya and he confessed that he was invited by one Abdulahi Abdi Mohamed.

Upon probing the suspect, it emerged that Mr. Camargo did not bear any letter or documentation indicating that he had been invited by IEBC and as such the materials in his possession belonged to Abdulahi Abdi Mohamed.

It is while the detectives were questioning Mr Camargo, that two other Venezuelan nationals identified as Joel Gustavo Rodriguez and Salvador Javier Suarez came to the airport inquiring on the whereabouts of Mr Camargo.

Investigations also revealed that Joel Gustavo Rodriguez and Salvador Javier Suarez were equally Venezuelan citizens residing in Panama and were personally invited by Abdulahi Abdi Mohamed who in a stranger than fiction luck, only found Venezuelans all living in Panama and not any other Nationality living elsewhere, who jetted into the country carrying a similar consignment that passed undetected on 15th July, 2022 to wit Joel Gustavo Rodriguez was carrying nine (9) while Salvador Javier Suarez was carrying eight (8) rolls of stickers. This led to their arrest on 21st July 2022 at around 1900hrs at ATPU Headquarters Nairobi during which two mobile phones and two Venezuelan Passports were confiscated. As per the contract dated 25th November 2021 between IEBC and M/S Smartmatic International Holding B.V vide tender no. IEBC/OIT/001/21/2022-2021 the three

suspects are not in any way captured as employees of IEBC or Smartmatic International B.V.

A further search was conducted at their apartment wherein the detectives seized and confiscated one tablet and two flash disks.

All the seized electronic devices were forwarded to ATPU Forensic laboratory for examination and analysis.

On further investigations it was established that Joel Gustavo Rodriguez and Camargo Castellanos Jose Gregorio had travelled using expired passports from their mother country of Venezuela. Jose Gregorio Camargo Castellanos passport number 115868706 expired on 11th February 2020. (*Annexed herein and Marked VK-5 is a copy of the bio data page*). Joel Gustavo Rodriguez Garcia passport number 110336640 expired on 13th November 2019 (*Annexed herein and Marked VK-6 is a copy of the bio page*) All the passports are under investigations.

As per the contract dated 25th November 2021 between IEBC and M/S Smartmatic International Holding B.V vide tender no. IEBC/OIT/001/21/2022-2021 the three suspects are not expressly indicated as employees of IEBC or Smartmatic International B.V

It is an established fact that the three foreigners were invited by one Abdulahi Abdi Mohamed at his office in Nairobi. (*Annexed herein and marked as VK -4, VK-7 and VK-8 respectively* are letters of invitation for Camargo Castellanos Jose Gregorio was invited by one Abdulahi Abdi Mohamed vide an invitation letter dated 18th July; Salvador Javier Sosa Suarez was invited by one Abdulahi Abdi Mohamed vide an invitation letter dated 8th July, 2022, Joel Gustavo Rodriguez Garcia was invited by one Abdulahi Abdi Mohamed vide an invitation letter dated 4th July, 2022.

From the aforesaid invitation letters, it is clear that the three foreigners were in Kenya solely for business with Abdulahi Abdi Mohamed, applying for his personnel who he had contracted to come to his office in Nairobi for work related activities.

It is also clear from the invitation letters annexed herein above that the said **Camargo Castellanos Jose Gregorio** together with his two counterparts were to report to **Abdulahi Abdi Mohamed's** office at Nairobi and not at IEBC warehouse nor IEBC offices.

During interrogation, **Camargo Castellanos Jose Gregorio** was asked if he had any contact of anybody in the Republic of Kenya and in particular of IEBC, however he could not give any contact other than the contact of the apartment he was booked at.

He was further asked where he was to deliver the IEBC materials and he said the materials would be picked from the apartments by one **Paul Wachanga Mugo** of IEBC and one **Javien** of **Smartmatic Company**. He was then asked if there was anybody waiting to take him to the apartments but he said he was told to pick a cab to the apartments where his other two colleagues had been booked earlier.

It was perplexing why **Abdulahi Abdi Mohamed** had not gone to receive his visitor or send anybody from his office to receive him yet it is expressly on record that **Jose Gregorio Camargo Castellanos** was invited as an employee of **Abdulahi Abdi Mohamed** to work in his **Seamless Limited, Nairobi Office**.

In his own statement the suspect confirms the shocking revelation that truly he was invited personally by **Abdulahi Abdi Mohamed (ID No.24924446)** on 18th July, 2022 as his employee and was to report to his office in Nairobi and not any other place within the republic of Kenya. This is evidence and it is instructive to note that the suspect therefore is not an IEBC employee whatsoever as alleged or insinuated by the Chairperson of IEBC, **Mr. Wafula Chebukati**. Consequently, all the suspicious material carried by the suspect belonged to **Abdulahi Abdi Mohamed** but not IEBC.

This scenario was not by default but by design and due to the suspected dirty game involved, nobody, neither **Abdulahi Abdi Mohamed** nor any of his staff was willing to be seen with the suspect in the event of interception. It was left to the suspect to manoeuvre his way hoping equally, just like his other two colleagues, who had successfully smuggled in some other 17 rolls without detection that he would also

succeed. To date the 17 rolls previously smuggled in remain unaccounted for unless Mr. Chebukati confirms to Kenyans of their existence since he has not complained about them.

To confirm that this was a well-planned and conscious plot, when Abdulahi Abdi Mohamed was questioned at the airport where he met the suspect Jose Gregorio Camargo Castellanos and was shown the IEBC electoral materials in his possession, he categorically denied that he was aware that there were any electoral materials that were to be brought in by Jose Gregorio Camargo Castellanos. It is therefore peculiar that the suspect says that it is Abdulahi Abdi Mohamed who personally employed and invited him, organised for his visa, paid for his flight yet he had no idea when this employee was arriving and what he was carrying.

This infers that since IEBC had contracted Smartmatic International Holding B.V to deliver materials directly, then the suspect should have been in direct contact with the IEBC and deliver the materials direct, under Smartmatic International Holding B.V, which has an express contract with IEBC and not through Seamless Limited, a company which does not have a contract with IEBC but was carrying sensitive materials belonging to IEBC. In this case neither the IEBC nor Abdulahi Abdi Mohamed could account for Jose Gregorio Camargo Castellanos and what he was carrying.

Clause 22.4.4 in the contract provides for conditions for goods supplied from outside Kenya and states that *upon shipment the supplier should notify the procuring entity and the insurance company contracted by the supplier to provide cargo insurance by cable, facsimile, electronic mail or EDI of the shipment. The supplier should promptly send the following documents to the procuring entity by mail or courier as appropriate with a copy to the cargo insurance company:-*

- a) two copies of the suppliers invoices showing the description of goods, quantity, unit price and total amount.*
- b) usual transportation document.*
- c) insurance certificate.*

d) certificates of origin and

e) estimated time and point of arrival in Kenya and at the site.

Clause 25.6 (b) of the contract on Customs clearance dictates *that pursuant to the request by the procuring entity the supplier will make available a representative or agent during the process of custom clearance in Kenya for goods supplied outside Kenya.*

Notably none of these procedures and/or documents were complied with thus a breach of the stated contract, if at all there was any.

Notably, when the principal legal advisor one Chrispine Owiye was questioned in respect to the mode of delivery of materials from outside the country, he stated that the contract between IEBC and Smartmatic was signed by one Mr. Marjan Hussein Marjan, the CEO of IEBC and as per the contract there was no such clause as to delivery. He also stated that only Mr. Marjan Hussein Marjan could explain how such materials were to be delivered. The above averments speak of a deliberate loop hole consciously left for mischief. It should be noted that the Principal legal advisor to the IEBC denied the express contents regarding the mode of delivery stating that the same is not spelt out in the contract and that it is up to the contractor to deliver to the IEBC as per the contract. Thus, contradicting himself in his own statement.

Mr. Marjan Hussein Marjan acknowledged that the IEBC had contracted Smartmatic to provide stickers for all the KIEMS kit bags and that on 21st July, 2022 he received a call from one Abdisalam a local agent with Smartmatic, that one of their staff had been detained at JKIA carrying stickers for IEBC. Investigators would ordinarily expect Mr. Abdulahi Abdi Mohamed to be the one to call the CEO Marjan Hussein of IEBC on the same incident but surprisingly it was not the case. It seemed Abdisalam went to cover for Mr. Abdulahi Abdi Mohamed.

Mr. Marjan Hussein Marjan categorically stated that the suspect Camargo is not an official of IEBC but an employee of Smartmatic. It is therefore bizarre and intriguing as to the reason and justification the Chairperson, Mr. Wafula Chebukati in his

statement stated of 'arbitrary arrest and harassment of IEBC electoral technology personnel' by police officers. It is trite law that an arbitrary arrest is an arrest without any reasonable cause. Therefore, the action of the police officers was within their mandate and was founded on reasonable and just cause and should not be construed to mean arbitrary arrest or harassment. (Annexed herein and Marked 'VK-9' is the press release of 21st July, 2022).

We find the Chairperson, Mr. Wafula Chebukati to be insincere and dishonest by declaring people who have been disowned by his own staff as IEBC personnel. Mr. Chebukati's statement, was well choreographed, planned and strategically crafted to raise an alarm by sensationalizing a false statement to sway the masses who are the public to believe that the police arbitrarily arrested and harassed IEBC personnel. It was an attempt aimed at intimidating and blackmailing security agencies and other stakeholders against playing their rightful role.

It is clear that his aim was to maximise media coverage to carry out this onslaught and put pressure to the investigating agencies to abandon any further investigation in respect to this suspicious business whose objective we are yet to establish. It is unfortunate that his intended use of media will not bear any fruit or assist him in any way for our media/ journalists are professionals who pride in ethical reporting and who we believe cannot be compromised at all to betray the confidence and trust of their audience in particular the people of Kenya whom they serve.

We are all called in one accord to deliver to Kenyans their desire to celebrate and enjoy their universal suffrage. It is the synergy of all the stakeholders entrusted by Kenyans who pay them by their hard-earned taxes to deliver.

We wish to state that the initial detention pursuant to Section 121 of the Criminal Procedure Code and discovery of suspected illegal IEBC materials was done in good faith and within the ordinary execution of duty of the officers at the point of entry. The officers had no idea whatsoever that such a foreigner would arrive in our country carrying highly sensitive and confidential Republic of Kenya-IEBC property and that the same was intended for a very serious exercise for Kenyans to which he

had no accountability whatsoever from where it was coming from to where it was destined.

The suspects expected to report to the Director ATPU are not IEBC personnel or staff or even contracted by IEBC but employees of one Abdulahi Abdi Mohammed.

Taking cognisance of the upcoming general elections and the purpose of stickers which is to identify and track KIEMS kit bags, it would be risk and a threat to credible and accountable distribution of legitimate KIEMs kit bags to respective polling stations thus compromising or bringing the entire exercise into subsidence. This may be very costly to the country and borders on national security.

Mr. Chebukati has not told Kenyans of the previously sneaked in elections materials to wit 17 rolls of which we expected him to explain its purpose and which subsequently found their way into the country without being declared at the airport. Neither has he notified immigration, customs nor security agents of more stickers to come so as to avoid a similar incidence, if at all they are expected. In addition, Mr. Chebukati must also explain to Kenyans the purpose of the blank roll seized.

Mr. Chebukati is equally not telling Kenyans the total number of stickers specified and procured by the IEBC. He needs to tell Kenyans just as he is enthusiastic to harangue on perceived harassment to enable the public to reconcile the total number of stickers the IEBC can account for as of now.

It is a blatant lie and unconscionable to tell the public that National Police Service has confiscated all Electronic items belonging to IEBC. We wish to put it right that the so-called electronic items were only one personal laptop, a monitor and a few flash disks all belonging to the suspect, Castellanos Camargo. Nobody was compelled to give passwords for all the suspects freely and voluntarily gave their statements. Mr. Chebukati was expected by Kenyans to give evidence to confirm his accusation against the police.

Is Mr. Chebukati telling Kenyans that the entire forthcoming elections is contained in this one personal laptop, a few flash-disks and a personal phone? How casual! The said confiscated or electronic items as stated by Mr. Chebukati were in a luggage that the suspect Mr. Jose Gregorio Camargo Castellanos had several connecting flights where most luggage are prone to misplacement or theft, does Mr. Chebukati want to tell us that in the event the luggage got lost or misplaced in any of these connecting airports, there could be no elections in the Republic of Kenya? Smartmatic company won the tender as the highest scoring technological company among all others in the world who bid to have the entire important and sensitive information in such gadgets and stored in such pedestrian manner. This is laughable!

It is disheartening and a cause to worry for Kenyans when Mr. Chebukati says he is troubled by police doing their work for all intent and purposes, what was expected of the police under the circumstance upon the arrival of a foreigner who could not give an account of himself or explain what was in his possession? What was Mr. Chebukati expecting the police to do? The law and duty of police is to prevent, deter, disrupt and where necessary detain and/or seize for purpose of investigations. This was a very suspicious matter for the police not to take action. This was a Venezuelan citizen living in Panama with a passport clearly expired, who claimed he was contracted by persons he could not identify but finally gave a document showing he was brought to Kenya by one Abdullahi Abdi Mohammed who organized for his visa and paid his flight to come to Kenya. Didn't the police have the right to inquire more into this matter?

It was expected of Mr. Chebukati to actually congratulate and encourage the officers at the point of entry for a job well done unless there is something, he knew that we do not know. This was a discovery that he ought to be proud of and hail the officers on the same. The discovery impacted directly on him being the chairman to an exercise he oversees which otherwise could have been jeopardised, adulterated, marred, interfered with or in any manner would have discredited his responsibility.

There is evidence that this discovery was by chance and indeed we say it was by the grace of God that out of the three suspicious occurrences, one was discovered and had it not been discovered Kenyans would be thinking that all is well when it is not.

This is therefore not harassment but rather fidelity to duty and we highly commend and appreciate the dutiful officers who were alert, honest and did what was right. We encourage them to keep the spirit and not to cower, be intimidated or blackmailed in whatever manner but to remain firm and protect their country from any mischief, threat or risk that may impact negatively into the lives of Kenyans, the national security and/or their democratic rights.

The Directorate of Criminal Investigations reiterates that contrary to falsehoods and inuendo peddled by Mr. Wafula Chebukati in his press release on 22nd July 2022, that the three persons he alleged were arrested were not personnel or staff working for the commission (IEBC).

We are challenging Mr. Chebukati to put his house in order and walk the talk of delivering in his own words *free, fair and credible 2022 general elections* that meets the democratic aspirations of the people of Kenya. He should desist from intimidating and blackmailing other equally responsible players in exercising their rightful duties by constantly misusing the media through press statements or otherwise.

As the DCI we pledge as ever before to be counted and depended on for the success and support beyond our call of duty.


GEORGE KINOTI
DIRECTOR OF CRIMINAL INVESTIGATIONS

23RD JULY 2022

REPÚBLICA BOLIVARIANA DE VENEZUELA

PASAPORTE / PASSPORT

Type / Type

P

Full Name / Issuing State

VEN

Passport N° / Passport N°

115868706

Apellido / Surname

CAMARGO CASTELLANOS

Nombre / Given name

JOSE GREGORIO

Nacionalidad / Nationality

VENEZOLANA

Fecha de Expedición / Date of Issue

23 / Ago / Aug / 1990

Fecha de Expiración / Date of expiry

12 / Feb / Feb / 2015

Fecha de Renovación / Date of renewal

11 / Feb / Feb / 2020

Fecha de Emisión / Date of issue

11 / Feb / Feb / 2020

Código de Identidad N° / Personal ID

19291414

Sexo / Sex

M

Lugar de Expedición / Place of issue

CARACAS VEN

Entidad / Authority

11-02



VENCAMARGO<CASTELLANOS<<JOSE<GREGORIO<<
58687062VEN9008238M200211219291414<<<<<<

JC-6

This is the Exhibit marked TC-6
 Referred to in the Annexed Affidavit/Declaration
 of Shahara W. Chebet
 Sworn/Declared before me this 25th
 Day of August 2022 Nairobi
 Commissioner for Oaths

DECLARATION OF RESULTS FOR THE ELECTION OF PRESIDENT OF THE REPUBLIC OF KENYA AT THE NATIONAL TALLYING CENTRE

NAME OF NATIONAL TALLYING CENTRE: BOMAS OF KENYA



NO.	County Name	REGISTERED VOTERS	ODINGA RAULA	RUTO WILLIAM	WAINIGA DAVID	WALAKOYAN	TOTAL VALID VOTES	REJECTED BALLOTS
001	MOMBASA COUNTY TOTAL	642,362	161,015	113,700	482	2,104	277,301	1,812
			58.07%	41.00%	0.17%	0.76%		
002	KWALE COUNTY TOTAL	328,316	125,541	51,918	413	1,137	179,009	1,359
			70.13%	29.00%	0.23%	0.64%		
003	KILIFI COUNTY TOTAL	588,842	204,536	77,331	1,067	2,552	285,496	3,191
			71.64%	27.09%	0.37%	0.89%		
004	TANA RIVER COUNTY TOTAL	141,110	51,390	41,505	198	412	93,505	1,068
			54.96%	44.39%	0.21%	0.44%		
005	LAMU COUNTY TOTAL	81,468	26,160	22,876	186	848	50,070	857
			52.25%	45.69%	0.37%	1.69%		
006	TAITA TAVETA COUNTY TOTAL	182,126	81,271	29,148	249	826	111,494	997
			72.89%	26.14%	0.22%	0.74%		
007	GARISSA COUNTY TOTAL	201,513	81,376	28,111	77	396	109,960	590
			74.01%	25.56%	0.07%	0.36%		
008	WAJIR COUNTY TOTAL	207,767	83,486	49,062	217	626	133,391	1,014
			62.59%	36.78%	0.16%	0.47%		
009	MANDERA COUNTY TOTAL	217,034	106,279	28,351	259	676	135,565	846
			78.40%	20.91%	0.19%	0.50%		
010	MARSABIT COUNTY TOTAL	166,944	55,675	58,782	144	303	114,904	481
			48.45%	51.16%	0.13%	0.26%		
011	ISOLO COUNTY TOTAL	89,535	26,449	32,302	52	175	58,978	536
			44.85%	54.77%	0.09%	0.30%		
012	MERU COUNTY TOTAL	772,573	103,679	398,946	1,053	2,798	506,476	4,809
			20.47%	78.77%	0.21%	0.55%		
013	THARAKA - NITHI COUNTY TOTAL	231,966	15,062	145,081	461	974	161,578	980
			9.32%	89.79%	0.29%	0.60%		
014	EMBU COUNTY TOTAL	334,684	31,209	187,981	523	1,335	221,048	1,899
			14.12%	85.04%	0.24%	0.60%		
015	KITUI COUNTY TOTAL	532,833	235,402	89,419	1,412	2,840	329,073	3,324
			71.53%	27.17%	0.43%	0.86%		
016	NAACHAROS COUNTY TOTAL	687,691	304,809	101,456	1,070	2,903	410,238	3,759
			74.30%	24.73%	0.26%	0.71%		
017	MAARUENI COUNTY TOTAL	479,516	229,213	59,195	575	1,836	290,819	1,508
			78.82%	20.35%	0.20%	0.63%		
018	MANDARUA COUNTY TOTAL	361,217	49,228	189,519	821	1,048	240,616	1,622

NO	County Name	REGISTERED VOTERS	ODINGA RAILA	RUTO WILLIAM SAMOI	WAINIGA DAVID MAWALIRE	WAIKROFAM GEORGE LUCHIRI	TOTAL VALID VOTES	REJECTED BALLOTS
029	NYANDARUA COUNTY PERCENTAGE	482,000	20.46%	78.76%	0.31%	0.44%	176,890	2,271
	NYANDARUA COUNTY TOTAL	482,000	52,052	272,507	982	1,319	176,890	2,271
	NYANDARUA COUNTY PERCENTAGE		15.92%	83.37%	0.30%	0.41%		
030	IRIRIYAGA COUNTY PERCENTAGE	376,137	37.99%	220,984	640	1,362	260,980	1,823
	IRIRIYAGA COUNTY TOTAL	376,137	14,53%	84.70%	0.35%	0.52%	420,141	2,554
	IRIRIYAGA COUNTY PERCENTAGE		14.53%	84.70%	0.35%	0.46%		
031	MURANG'A COUNTY PERCENTAGE	621,027	73.52%	343,349	1,530	1,938	470,141	2,554
	MURANG'A COUNTY TOTAL	621,027	17.49%	81.68%	0.36%	0.46%	621,101	5,635
	MURANG'A COUNTY PERCENTAGE		17.49%	81.68%	0.36%	0.46%		
032	KIANGU COUNTY PERCENTAGE	1,275,168	210.580	606,429	3,805	4,377	437,375	1,999
	KIANGU COUNTY TOTAL	1,275,168	25.52%	73.49%	0.46%	0.53%	445,532	1,999
	KIANGU COUNTY PERCENTAGE		25.52%	73.49%	0.46%	0.53%		
033	TURKANA COUNTY PERCENTAGE	238,554	96.117	46,696	274	445	143,532	1,999
	TURKANA COUNTY TOTAL	238,554	66.97%	32.53%	0.19%	0.31%	173,795	1,228
	TURKANA COUNTY PERCENTAGE		66.97%	32.53%	0.19%	0.31%		
034	WEST POKOT COUNTY PERCENTAGE	220,042	63.092	109,944	194	375	173,795	1,228
	WEST POKOT COUNTY TOTAL	220,042	36.32%	63.29%	0.11%	0.22%	70,348	342
	WEST POKOT COUNTY PERCENTAGE		36.32%	63.29%	0.11%	0.22%		
035	SAMBURU COUNTY PERCENTAGE	100,052	41.737	28,329	62	220	70,348	342
	SAMBURU COUNTY TOTAL	100,052	59.33%	40.27%	0.09%	0.31%	250,513	2,477
	SAMBURU COUNTY PERCENTAGE		59.33%	40.27%	0.09%	0.31%		
036	TRANS NEDIA COUNTY PERCENTAGE	999,230	132,440	116,776	414	883	250,513	2,477
	TRANS NEDIA COUNTY TOTAL	999,230	52.87%	46.61%	0.17%	0.35%	349,863	2,081
	TRANS NEDIA COUNTY PERCENTAGE		52.87%	46.61%	0.17%	0.35%		
037	UASIN GISHU COUNTY PERCENTAGE	506,317	76.009	272,868	392	594	349,863	2,081
	UASIN GISHU COUNTY TOTAL	506,317	21.73%	77.99%	0.11%	0.17%	165,222	1,537
	UASIN GISHU COUNTY PERCENTAGE		21.73%	77.99%	0.11%	0.17%		
038	ELGEYO/MARAKWET COUNTY PERCENTAGE	213,904	4.893	160,033	122	176	165,222	1,537
	ELGEYO/MARAKWET COUNTY TOTAL	213,904	2.96%	96.86%	0.07%	0.11%	307,575	1,492
	ELGEYO/MARAKWET COUNTY PERCENTAGE		2.96%	96.86%	0.07%	0.11%		
039	NANDI COUNTY PERCENTAGE	406,393	26.034	280,813	281	447	307,575	1,492
	NANDI COUNTY TOTAL	406,393	8.46%	91.30%	0.09%	0.15%	217,091	1,014
	NANDI COUNTY PERCENTAGE		8.46%	91.30%	0.09%	0.15%		
030	BARINGO COUNTY PERCENTAGE	281,107	41.227	175,170	220	474	217,091	1,014
	BARINGO COUNTY TOTAL	281,107	18.99%	80.65%	0.10%	0.22%	169,084	1,336
	BARINGO COUNTY PERCENTAGE		18.99%	80.65%	0.10%	0.22%		
031	LAikipia COUNTY PERCENTAGE	263,273	48.908	119,142	432	602	169,084	1,336
	LAikipia COUNTY TOTAL	263,273	28.93%	70.46%	0.26%	0.36%	686,170	5,302
	LAikipia COUNTY PERCENTAGE		28.93%	70.46%	0.26%	0.36%		
032	NAKURU COUNTY PERCENTAGE	1,055,515	226.052	455,864	1,819	2,435	686,170	5,302
	NAKURU COUNTY TOTAL	1,055,515	32.94%	66.44%	0.27%	0.35%	308,432	1,597
	NAKURU COUNTY PERCENTAGE		32.94%	66.44%	0.27%	0.35%		
033	NAROK COUNTY PERCENTAGE	398,852	159,455	148,310	228	439	308,432	1,597
	NAROK COUNTY TOTAL	398,852	51.70%	48.09%	0.07%	0.14%	305,624	1,647
	NAROK COUNTY PERCENTAGE		51.70%	48.09%	0.07%	0.14%		
034	Kajiado County PERCENTAGE	463,389	158,556	148,449	686	933	305,624	1,647
	Kajiado County TOTAL	463,389	51.38%	48.10%	0.22%	0.30%	334,516	1,621
	Kajiado County PERCENTAGE		51.38%	48.10%	0.22%	0.30%		
035	Kenicho County PERCENTAGE	428,126	15,053	318,861	207	395	334,516	1,621
	Kenicho County TOTAL	428,126	4.50%	95.32%	0.06%	0.12%	299,606	1,545
	Kenicho County PERCENTAGE		4.50%	95.32%	0.06%	0.12%		
036	EMMET COUNTY PERCENTAGE	377,023	13,383	285,428	234	561	299,606	1,545
	EMMET COUNTY TOTAL	377,023	4.47%	95.27%	0.08%	0.19%	503,719	5,582
	EMMET COUNTY PERCENTAGE		4.47%	95.27%	0.08%	0.19%		
037	PARAMEGA COUNTY PERCENTAGE	844,709	357,857	141,166	1,237	3,459	503,719	5,582
	PARAMEGA COUNTY TOTAL	844,709	71.04%	28.02%	0.25%	0.69%	184,331	2,115
	PARAMEGA COUNTY PERCENTAGE		71.04%	28.02%	0.25%	0.69%		
038	WINDICA COUNTY PERCENTAGE	310,063	114,714	67,633	515	1,471	184,331	2,115
	WINDICA COUNTY TOTAL	310,063	62.23%	36.69%	0.28%	0.80%	405,151	5,516
	WINDICA COUNTY PERCENTAGE		62.23%	36.69%	0.28%	0.80%		
039	BUNGOMA COUNTY PERCENTAGE	646,612	145,280	255,906	1,581	2,384	405,151	5,516
	BUNGOMA COUNTY TOTAL	646,612	145,280	255,906	1,581	2,384	405,151	5,516

Country Name	REGISTERED VOTERS	ODINGA HAULA	RUTO WILLIAM SAMOEI	WAIHIGA DAVID MWAURE	WAIACKROYAH GEORGE LUCHIRI	TOTAL VALID VOTES	REJECTED BALLOTS
BUNGOMA COUNTY PERCENTAGE							
BUSIA COUNTY TOTAL	416,818	226,042	63.16%	48,801	11.71%	276,739	2,883
BUSIA COUNTY PERCENTAGE		81.68%	17.63%	0.17%	0.51%		
SIAYA COUNTY TOTAL	533,602	371,092	4.370	1.15%	208	176,354	1,894
SIAYA COUNTY PERCENTAGE		98.60%	1.15%	0.06%	0.20%		
KISUMU COUNTY TOTAL	607,996	419,997	10.011	2.31%	253	431,005	2,572
KISUMU COUNTY PERCENTAGE		97.45%	2.31%	0.06%	0.17%		
HOMA BAY COUNTY TOTAL	551,111	399,784	3.497	122	709	404,112	2,045
HOMA BAY COUNTY PERCENTAGE		98.93%	0.87%	0.07%	0.18%		
MIGORI COUNTY TOTAL	469,053	294,136	52.525	297	815	347,773	1,611
MIGORI COUNTY PERCENTAGE		84.58%	15.10%	0.09%	0.23%		
KISII COUNTY TOTAL	637,111	265,078	135,326	754	1,678	402,836	4,391
KISII COUNTY PERCENTAGE		65.80%	33.59%	0.19%	0.42%		
NYAMIRA COUNTY TOTAL	323,283	129,025	78,356	345	925	208,651	1,997
NYAMIRA COUNTY PERCENTAGE		61.84%	37.55%	0.17%	0.44%		
NAIROBI CITY COUNTY TOTAL	2,416,551	767,395	561,775	4,390	5,807	1,339,367	12,869
NAIROBI CITY COUNTY PERCENTAGE		57.30%	41.94%	0.33%	0.43%		
DIASPORA COUNTY TOTAL	10,443	3,727	2,190	31	40	5,988	44
DIASPORA COUNTY PERCENTAGE		62.24%	36.57%	0.52%	0.67%		
NATIONAL TOTAL	22,120,458	6,942,930	7,176,141	31,987	61,969	14,213,137	113,614
NATIONAL PERCENTAGE		48.85%	50.49%	0.23%	0.44%		

Gate Results

No Name of Candidate	Valid Votes in Figure	Valid Votes in Words	Percentage of Votes Cast	Number of counties the candidate has attained at least 25% of Total Valid Votes Cast
1 ODINGA HAULA	6,942,930	SIX MILLION NINE HUNDRED AND FOURTY TWO THOUSAND NINE HUNDRED AND THIRTY	48.85%	34
2 RUTO WILLIAM SAMOEI	7,176,141	SEVEN MILLION ONE HUNDRED AND SEVENTY SIX THOUSAND ONE HUNDRED AND FOURTY ONE	50.49%	39
3 WAIHIGA DAVID MWAURE	31,987	THIRTY ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN	0.23%	0
4 WAIACKROYAH GEORGE LUCHIRI	61,969	SIXTY ONE THOUSAND NINE HUNDRED AND SIXTY NINE	0.44%	0

JC-7

This is the Exhibit marked IC-7
 Referred to in the Annexed Affidavit / Declaration
 of Maharaj W. Chereka
 Sworn / Declared before me this 15th
 Day of August 2022
 in the Republic of Kenya
 Commissioner for Oaths



INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

STATEMENT BY THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

We the undersigned commissioners of the Independent Electoral and Boundaries Commission (IEBC), took an oath of office to defend the constitution and the law in discharge of our duties independently. We have remained faithful to our oath of office and shall continue to do so.

We collectively and unanimously make the following statement pursuant to the media briefing we held yesterday evening on August 15 2022 at the Serena Hotel Nairobi where we promised to issue a comprehensive statement with regard to the results of the August 9, 2022 presidential election declared and announced by Mr. Wafula Chebukati in his capacity as Chairperson.

In the Serena media briefing, we stated that we would **NOT** take ownership of the results of the August 15, 2022 presidential election declared and announced by Mr Chebukati. In this regard, our reasons to decline to take ownership of the results so declared and announced by Mr. Chebukati are as follows;

1. THAT the aggregation of the percentages of the results scored by the four presidential candidates who were on the ballot as declared by Mr. Chebukati presented to us a mathematical absurdity that defies logic. TAKE NOTICE that Mr. Chebukati's aggregation was as follows;

- RAILA ODINGA—48.85%
 - WILLIAM RUTO—50.49%
 - WAIHIGA MWAURE—0.23%
 - WAJAKOYA GEORGE—0.44%
- | | |
|-------|---------|
| TOTAL | 100.01% |
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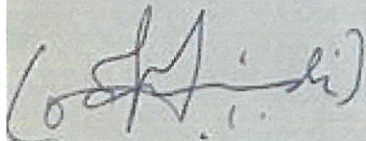
0.01% translates to approximately 142,000 votes, which would make a significant difference in the final result.

We therefore declined to take ownership of the said results because the aggregation resulted in a total exceeding the 100 percentage which cast doubt on the accuracy of the source of the figures tallied, and when we demanded that we verify our record, Mr. Chebukati declined, overruled us and insisted on declaring and announcing the said figures.

2. THAT contrary to the Constitution and legislation, the results declared and announced DID NOT indicate the total number of registered voters, the total number of votes cast or the number of rejected votes, if any. In this regard, the results announced by Mr. Chebukati lack a critical ingredient namely the total number of valid votes cast to support the percentages scored by the four candidates. Unless demonstrated otherwise, we all know that a percentage is essentially a fraction of a whole number. Hence, if, for example, the 7.176 million valid votes cast in favour of the winning candidate as declared and announced by Chebukati translate to 50.49%, then it was 50.49% of what? Further TAKE NOTICE that Mr. Chebukati claimed that Raila Odinga attained 25% of votes in 34 counties while William Ruto attained 25% in 39 counties—the question is; which figures in the 34 and 39 counties respectively constituted the independent variables to warrant Mr. Chebukati's conclusion of 25% in 34 counties and 25% in 39 counties for Raila and Ruto respectively? In the absence of a credible and verifiable explanation, we concluded that the process that went into the generation of FORM 34C which Chebukati used to declare results of the presidential election was opaque and incapable of earning our ownership and confidence.
3. Guided by the authority of the Maina Kiai case (Petition No.106 of 2016 as upheld by the Court of Appeal in Civil Appeal No.105 of 2017 and affirmed by the Supreme Court of Kenya) we state categorically that the results of the presidential election held on August 9, 2022 declared and announced by Mr Wafula Chebukati on August 15, 2022 belong to Mr Chebukati himself and do not represent a declaration and announcement by the Independent Electoral Boundaries Commission. The Commission has to process the results before they are declared and announced by the chairperson.

For the avoidance of doubt, let me quote the Maina Kiai Case

"we reiterate, as we conclude that there is no doubt from the architecture of the laws we have considered that the people of Kenya did not intend to vest or


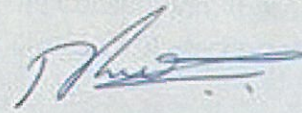
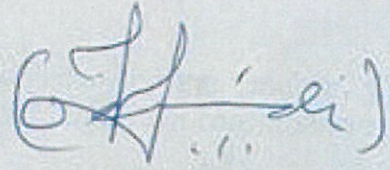



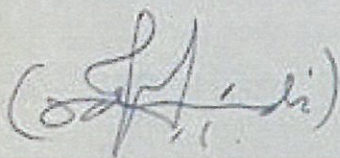
concentrate such sweeping and boundless powers in one individual , the chairperson of the appellant". The emphasis is that

The Commission chairperson has conducted the election as though he is the National Returning Officer, a non-existent role, and his role in declaring results that were not approved at plenary by all 7 commissioners renders the results unconstitutional to the extent that this are Chebukati's results as opposed to those of the IEBC. In keeping with Article 138(2) of the Constitution, there is no national presidential election in Kenya but rather the presidential election is held in each constituency.

4. THAT contrary to the Constitution and legislation, by the time Mr. Chebukati declared and announced final results, results from certain constituencies had not been announced.

DATED AT NAIROBI this 16 DAY OF AUGUST 2022

JULIANA W. CHERERA	VICE CHAIR AND COMMISSIONER	
FRANCIS WANDERI	COMMISSIONER	
JUSTUS NYANG'AYA	COMMISSIONER	
IRENE MASIT	COMMISSIONER	

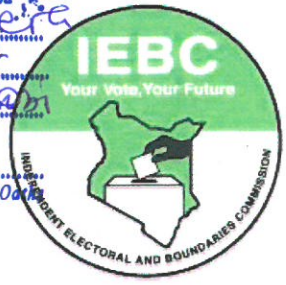






JC-8

This is the Exhibit marked "Jc-2"
Referred to in the Annexed Affidavit / Declaration
of John Maina W. Chebet
Sworn / Declared before me this 26th
Day of August 2022 at Ngara
in the Republic of Kenya
[Signature]
Commissioner for Oath



PRESS RELEASE

FOR IMMEDIATE RELEASE

NAIROBI, KENYA: 17TH AUGUST 2022

**SUBJECT: STAFF MURDER, PROFILING AND MISLEADING REPORTS ON
PRESIDENTIAL ELECTION**

**1) Murder of Returning Officer for Embakasi East Constituency, Mr. Daniel
Musyoka**

The Commission is saddened by the murder of its Returning Officer for Embakasi East Constituency, Mr. Daniel Musyoka, and expresses its deepest condolences to the family and friends. The Commission condemns the murder of Mr. Musyoka, who went missing on 11th August 2022, and his body found at Loitoktok, Kajiado County on 15th August 2022.

Mr. Musyoka just like the late ICT Manager, Chris Msando, was murdered while on duty. This was a well-trained officer who performed his duty with utmost honesty, integrity, and dedication. It is unfortunate that his stand to do the right thing cost his life. As the Commission condoles with the family of Mr. Musyoka, we call on security agencies to speedily investigate and apprehend his killers.

The Commission assures the family that it will journey with them as they make plans to lay him to rest.

2) Harassment of Members and Staff of the Commission

The Commission is concerned that some of its critical staff who objectively and impartially performed their duties at the National Tallying Centre are being intimidated and harassed through profiling and/or arbitrary arrests. This has instilled fear within the staff, who are now unable to report to the office for duty. This harassment must stop forthwith.

During the announcement of the presidential results, the Chairman Wafula Chebukati, Commissioners Prof. Abdi Guliye and Boya Molu, and CS/CEO Marjan H. Marjan were physically attacked, assaulted, and injured by persons in the company of certain political leaders. We call for the arrest and prosecution of these assailants regardless of their political affiliation.

In view of the prevailing circumstances, the Commission has postponed the by-elections slated for 23rd August 2022, to a date to be announced through a gazette notice for the following positions:

- a) Gubernatorial positions – Mombasa and Kakamega Counties
- b) Member of National Assembly – Kitui Rural Constituency (Kitui County), Kacheliba Constituency (West Pokot County), Pokot South Constituency (West Pokot County) and Rongai Constituency (Nakuru County)
- c) Member of County Assembly Ward – Nyaki West (North Imenti Constituency - Meru County), Kwa Njenga (Embakasi South Constituency – Nairobi County)

3) Declaration of Presidential Results

There have been public discussions on the role of the Chairperson and Commissioners in verification, tallying and declaration of Presidential results. For avoidance of doubt, the law provides that the Chairperson of the Commission is the Returning Officer of Presidential Election. This is emphasized in the Court of Appeal decision in Independent Electoral Boundaries Commission vs Maina Kiai and 5 others [2017] eKLR at page 36:

"It cannot be denied that the Chairperson of the appellant has a significant constitutional role under Sub-Article (10) of Article 138 as the authority with the ultimate mandate of making the declaration that brings to finality the presidential election process. Of course, before he makes that declaration his role is to accurately tally all the results exactly as received from the 290 returning officers country-wide, without adding, subtracting, multiplying or dividing any number contained in the two forms from the constituency tallying centre. If any verification or confirmation is anticipated, it has to relate only to confirmation and verification that the candidate to be declared elected president has met the threshold set under Article 138(4), by receiving more than half of all the votes cast in that election; and at least twenty- five per cent of the votes cast in each of more than half of the counties."

Further, Article 138(10) of the Constitution of Kenya 2010 empowers the Chairperson of the Commission to within seven (7) days declare the result of the election and a written notification of the result handed to the Chief Justice and the Incumbent President. Section 39(1h) provides that the Chairperson shall declare the results of the election of the President in accordance with Article 138(10) of the Constitution.

As per Article 86(c) of the Constitution of Kenya 2010, the results from the polling stations are openly and accurately collated and promptly announced by the Returning Officer. It is also important to note that Regulation 87 of the Elections General regulations provides:

Upon receipt of Form 34A from the constituency returning officers under sub regulation (1) the Chairperson of the Commission shall—

- a) verify the results against Forms 34A and 34B received from the constituency returning officer at the national tallying centre;
- b) Tally and complete Form 34C;
- c) Announce the results for each of the presidential candidates for each County;

- d) Sign and date the forms and make available a copy to any candidate or the national chief agent present;
- e) Publicly declare the results of the election of the president in accordance with Articles 138(4) and 138(10) of the Constitution;
- f) Issue a certificate to the person elected president in Form 34D set out in the Schedule; and
- g) Deliver a written notification of the results to the Chief Justice and the incumbent president within seven (7) days of the declaration; Provided that the Chairperson of the Commission may declare a candidate elected as the President before all the Constituencies have delivered their results if in the opinion of the Commission the results that have not been received will not make a difference with regards to the winner on the basis of Article 138(4)(a) (b) of the Constitution.

This constitutional mandate falls squarely on the Chairman of the Commission, who is the National Returning Officer as gazetted in Notice No. 4956 of 28th April 2022. The role of National Returning Officer for Presidential Election is not a shared responsibility and not subject to Plenary decisions of the Commission.

All Returning Officers including the National Returning Officer for Presidential Election took an individual oath of secrecy before embarking on their duties. In addition, the Chairperson and Commissioners took oath of office at the time of appointment. It is an oath of office that the Chairperson faithfully executed, when he declared the results for the Presidential Election on Monday, 15th August 2022.

As the gazetted National Returning Officer and in the spirit of teamwork, the Chairperson involved all Commissioners including Juliana Cherera, Francis Wanderi, Justus Nyang'aya and Irene Masit in all activities of verification and tallying. Their duties were well defined in writing and allocated at the National Tally Center (NTC). They had access to all results beforehand and interchangeably announced them for six (6) days in full glare of live television.

However, during a briefing meeting held on 15th August 2022 at around 3.00pm before the final declaration of the Presidential Election results, the four Commissioners i.e. Juliana Cherera, Francis Wanderi, Justus Nyang'aya and Irene Masit demanded that the Chairperson moderates the results for purpose of forcing an election Re-run contrary to their oath of office. This is tantamount to subverting the Constitution and the sovereign will of the People of Kenya. The Chairperson refused to yield to this unconstitutional and illegal demand and proceeded to declare the results of the Presidential Election as received from the polling stations, and contained in Form 34A, in accordance with the law.

The 2022 General Election is the most transparent election that the Commission has ever held.

- a) All result Form 34As were uploaded in real time and are available in the public portal,

- b) The original Form 34As were delivered to the National Returning Officer for tallying and verification by the 290 Constituency Returning Officers and 1 (one) Diaspora Returning Officers,
- c) Agents of all Presidential candidates participated in an elaborate verification process, and
- d) Form 34C that contains the final tallies of all the 46,229 Form 34A from polling stations was uploaded on the public portal for access.
- e) The Commission also allowed media, observers, candidates and the general public to have access and tally the results announced at the polling stations.
- f) If any of the parties elects to file petition, it is within their constitutional right and the Commission shall have an opportunity to respond and demonstrate in further detail the circumstances under which the election was conducted, results verified and outcome declared in accordance with the constitution and the law.

The alleged 0.01 percent increase in the Presidential Election results raised by the four Commissioners namely Juliana Cherera, Francis Wanderi, Justus Nyang'aya and Irene Masit, is false and misleading. Please refer to the attached tabulation that provides a scientifically accurate analysis. We urge Kenyans to interact with these results and make an objective judgement.

The Commission takes this opportunity to thank its staff for the diligence and dedication to duty that they exhibited during the General Election. The Independent Electoral and Boundaries Commission is greatly indebted to their service for the country.



W.W. CHEBUKATI
CHAIRMAN

				M M	B M A	M E D E S
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	B	B	B	B	B	B
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JC-9

9



INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

ATTENDANCE SCHEDULE FOR MEETING BETWEEN IEBC AND INTER-RELIGIOUS GROUP HELD
ON WEDNESDAY 17TH AUGUST, 2022 AT 10.00 AM

VENUE: COMMISSION BOARDROOM, 15TH FLOOR, ANNIVERSARY TOWERS

NO	NAME	DESIGNATION	ORGANIZATION	PHONE NO.	SIGN
1.	Juliana W. Cherera	V. Chair	IEBC	0726917564	<i>[Signature]</i>
2.	Irene C. Maiti	Commissioner	IEBC	0722522499	<i>[Signature]</i>
3.	Justus Nyang'aya	Commissioner	IEBC	0722330687	<i>[Signature]</i>
4.	Francis Wandera	Commissioner	IEBC	072284452	<i>[Signature]</i>
5.	RT. REV JEREMIAH NGUMU	MODERATOR ACCESS DRG/IRCK EXECUTIVE	NCCK	0723477316	<i>[Signature]</i>
6.	Dr Sheikh Hassan Kanyo Samari	CEO: Peace League Africa Africa.	Peace League Africa	0722375611	<i>[Signature]</i>
7.	BISHOP ROBERT MBUKUA	CHAIRMAN/ PRESIDENTS BISH. PEACE	KENYA VEGETARIANS FOR PEACE / MITHM	0721997042	<i>[Signature]</i>
8.	Uthas Kumanari	GENERAL SECRETARY	NCCK	0702433060	<i>[Signature]</i>
9.	HASSAN OLE NATAJO	CHAIRMAN SUPKEM	SUPKEM	0722773880	<i>[Signature]</i>
10.	Bp. JOHN OBALLA	KCCGB - JUSTICE & PEACE DEPT.	KCCGB	0722350838	<i>[Signature]</i>

This is the Exhibit marked "OC-9"
Referred to in the Annexed Affidavit/Declaration
of Juliana W. Cherera
Sworn/Declared before me this 25th
Day of August 2022 at Nairobi
in the Republic of Kenya

Commissioner for Oaths



INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

ATTENDANCE SCHEDULE FOR MEETING BETWEEN IEBC AND CIVIL SOCIETY GROUP HELD ON
WEDNESDAY 17TH AUGUST, 2022 AT 2.00 PM

VENUE: COMMISSION BOARDROOM, 15TH FLOOR, ANNIVERSARY TOWERS

NO	NAME	DESIGNATION	ORGANIZATION	PHONE NO.	SIGN
1.	Juliana W. Cherera	V. Chair	IEBC	0726917564	<i>[Signature]</i>
2.	Irene Masit	Com.	I.E.B.C	0722522499	<i>[Signature]</i>
3.	Francis Wandari	Com.	I.E.B.C		
4.	Justus Nyang'aya	Com.	I.E.B.C.		
5.	Kuhwa ^{pete}	Trustee EA	Imhu	0722664700	<i>[Signature]</i>
6.	G/gdwallo OTIENO	ED	Afri WOG	0721643866	<i>[Signature]</i>
7.	thelef Kharifa	Chair. Hatorani	MUHUURU	0734753200	<i>[Signature]</i>
8.					
9.					
10.					

11.	Bishop Dr. George Nijiyayula	EALC / IRCLC Debarwana church	EALC	0723-724010 0733-720329	Agumina
12.	Lockel R. stick	KCCB		0722852401	al
13.	DR. F.S. ADDALA CAS. OLIN HSC	CHAMPARAN IRCLC	CD-CHAIR - NPHUT VILE CHAIR - IRCLC	0722513948	
14.	Rev. Fr. JOSEPH NUTIE	IRCLC	IRCLC	0711635057	
15.					
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JC-10

This is the Exhibit marked "JC-10"
 Referred to in the Annexed Affidavit/Declaration
 of Juliana Whonge Cherera
 Sworn/Declared before me this 26th
 Day of August 2022 Nairobi
 in the Republic of Kenya
 Commissioner for Oaths

County Government of Kisumu

REPUBLIC OF KENYA
 IN THE SUPREME COURT OF KENYA AT NAIROBI
 PRESIDENTIAL ELECTION PETITION NO. 5 OF 2022

RAILA ODINGA 1ST PETITIONER
 MARTHA WANGARI KARUA 2ND PETITIONER
 -VERSUS-
 INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION 1ST RESPONDENT
 WANYONYI WAFULA CHEBUKATI 2ND RESPONDENT
 BOYA MOLU 3RD RESPONDENT
 PROF. ABDI YAKUB GULIYE 4TH RESPONDENT
 JULIANA WHONGE CHERERA 5TH RESPONDENT
 JUSTUS NYANGAYA 6TH RESPONDENT
 FRANCIS WANDERI 7TH RESPONDENT
 IRENE MASSIT 8TH RESPONDENT
 WILLIAM SAMOEI RUTO 9TH RESPONDENT

NOTICE OF SERVICE PETITION
 Rule 10 of the Supreme Court (Presidential elections) rules 2017.

TO:

1. THE CHAIRPERSON INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION ANNIVERSARY TOWERS- 6 TH FLOOR UNIVERSITY WAY P.O BOX 45371- 00100, NAIROBI TEL: +254(0)2789000 / Email: info@iebc.or.ke	4. BOYA MOLU NAIROBI	7. JUSTUS NYANGAYA NAIROBI
2. WILLIAM SAMOEI RUTO OFFICE OF THE DEPUTY PRESIDENT PARLIAMENT ROAD P.O BOX 74434 -00200, NAIROBI	5. PROF. ABDI YAKUB GULIYE NAIROBI	8. FRANCIS WANDERI NAIROBI
3. WANYONYI WAFULA CHEBUKATI NAIROBI	6. JULIANA WHONGE CHERERA NAIROBI	9. IRENE MASSIT NAIROBI

TAKE NOTICE that a Petition has been filed in the Supreme Court at Nairobi in which you have been named as Respondents. Copies of the Petition, supporting affidavits and annexures thereto may be obtained from the offices of PAUL MWANGI AND COMPANY ADVOCATES, VISION PLAZA, 3RD FLOOR, ROOM -18, MOMBASA ROAD.

DRAWN BY:
 PAUL MWANGI & COMPANY ADVOCATES
 VISION PLAZA - 3RD FLOOR ROOM 18
 MOMBASA ROAD
 P.O BOX 55903-00200
 NAIROBI
 MOBILE: 0722518739
 Email:
 pmfawchambers12@gmail.com
 awele@awelejackson.co.ke
 maumo@maumoadvocates.com
 ochlengogingaadvocates@gmail.com

JC-11




INTERNAL MEMO

TO: Chairman

FROM: Vice Chairperson/Commissioner

REF: IEBC/VC/12/08/2022/(1)

DATE: 23rd August, 2022

This is the Exhibit marked "Je-11"
 Referred to in the Annexed Affidavit/Declaration
 of Juliana W. Cherera
 Sworn/Declared before me this 26th
 Day of August 2022 at Nairobi
 in the Republic of Kenya

 Commissioner for Oaths

RE: REQUEST FOR PREQUALIFIED LIST OF IEBC LEGAL SERVICES
 FIRMS/PERSONS FOR THE YEAR ENDING 2023

Reference is made to the Presidential Election Petition No.5 of 2022 which has been served on me vide today's Daily Nation, Tuesday, August 23, 2022 where I am named as a respondent.

The purpose of this Memo is to request to be furnished with a list of the IEBC Pre-qualified Advocates/Legal Firms to enable me issue instructions as necessary.

The response to the petition is time bound and would appreciate your expedited response.


JULIANA CHERERA

Copy to: CS/CEO

07:16



Request for Prequalified list of IEBC Legal Services Firms/Persons for the year ending 2023



Jerica Ikiara

24 Aug

To Wafula Chebukati, +4



Memo VC
PDF - 199 KB



Petition Daily N...
PDF - 261 KB

📎 2 attachments (461 KB)

Dear Sir,

Attached please find a Memo from the Vice Chairperson on the above subject matter for your action.

Kind regards

For: Juliana Cherera

Regards,

Jerica Ikiara

Senior Office Administrator

⏪ ✓ Reply to All



Email



Search



Calendar

JC-12



INTERNAL MEMO

TO: Chairman
 FROM: Commissioners (Undersigned)
 REF: IEBC/VC/24/08/2022 (5)
 DATE: 24th August, 2022

Copy to: Comm. Prof. Abdi Guliye

This is the Exhibit marked VC-127
 Referred to in the Annexed Affidavit/Declaration
 of Juliana Cherera VC/CEO

Sworn / Declared before me this 24th
 Day of August 2022
 in the Republic of Kenya

 Commissioner for Oaths

RE: REQUEST FOR A SPECIAL MEETING OF THE COMMISSION.

Pursuant to paragraph 3, in the Second Schedule of the Independent Electoral and Boundaries Commission Act, the Provisions as to the Conduct of the Business Affairs of the Commission Rules, the undersigned, being at least one-third of the members of the Commission, hereby call on you as the Chairman, to convene a special meeting of the Commission to discuss the following agenda: -

1. To deliberate on the Commission's position in light of the Presidential Election Petitions filed at the Supreme Court on 22nd August 2022.

Pursuant to paragraph 4 of the Second Schedule of the Independent Electoral and Boundaries Commission Act, the meeting, having been called for by more than one-third of the members of the Commission, should take place URGENTLY at the Commission's Boardroom on a date to be communicated by the chairperson in the first instance.

Further, as more than one-third of the members of the Commission are in agreement with this request for a special meeting, the requirement that any special meeting of the Commission be preceded by at least 14 days' notice is hereby abridged.

VC/COMM. JULIANA W. CHERERA

COMM. FRANCIS WANDERI

COMM. JUSTUS NYANG'AYA

COMM. IRENE MASIT

22:57



Jerica Ikiara

Jikiara@IEBC.OR.KE



To: **Wafula Chebukati** Wchebukati@IEBC.OR.KE

Abdi Guliye Aguliye@IEBC.OR.KE

Boya Molu Bmolu@IEBC.OR.KE

Cc: **You** jcherera@IEBC.OR.KE

Francis Wanderi fwanderi@IEBC.OR.KE

Justus Nyang'aya JNyang'aya@IEBC.OR.KE

Hussein Marjan hmarjan@IEBC.OR.KE

Ruth Kulundu RKulundu@IEBC.OR.KE

Obadiah Keitany OKeitany@IEBC.OR.KE

Linda Omino LOmino@IEBC.OR.KE

Mercy Chege MChege@IEBC.OR.KE

Abigail Maboko AMaboko@IEBC.OR.KE

Ann Njanja ANjanja@IEBC.OR.KE

Mercy Chege MChege@IEBC.OR.KE

Josephine Wagumba JWagumba@IEBC.OR.KE

Lily Leitich LLeitich@IEBC.OR.KE

Ruth Simiyu RSimiyu@IEBC.OR.KE

Thursday, 25 August, 16:57



Request for Special Meeting - 25th Augu...

PDF - 280 KB

Done All



Reply to All



Email



Search



Calendar

JC-13

Request for Special Meeting - 25th August 2022
PDF - 280 KB



This is the Exhibit marked "JC-13"
 Referred to in the Annexed Affidavit / Declaration
 of Juliana Cherera
 Sworn / Declared before me this 26th
 Day of August 2022 at Nairobi
 in the Republic of Kenya
 Commissioner for Oaths

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION



- 1. CHAIRMAN,
INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
- 2. COMMISSIONER MOLU BOYU
- 3. COMMISSIONER PROF. ABDI GULLIYE

25th August, 2022

RE: REQUEST FOR A SPECIAL MEETING OF THE COMMISSION.

Reference is made to the above subject and our request for a special meeting dated 24th August 2022, which has not elicited a response from the chairman.

Now, therefore, the Chairman having failed to convene the meeting pursuant to the said special notice; and pursuant to paragraph 4 of the Second Schedule of the Independent Electoral and Boundaries Commission Act, the meeting, having been called for by more than one-third of the members of the Commission, shall take place at 9.00 a.m. on Friday 26th August 2022 at the Commission's Boardroom. Further, as more than one-third of the members of the Commission are in agreement with this request for a special meeting, the requirement that any special meeting of the Commission be preceded by at least 14 days' notice is hereby abridged.

DATED AT NAIROBI this 25th DAY OF AUGUST 2022

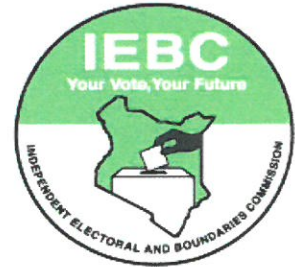
JULIANA W. CHERERA	VICE CHAIR AND COMMISSIONER	
FRANCIS WANDERJ	COMMISSIONER	
JUSTUS NYANG'AYA	COMMISSIONER	
IRENE MASIT	COMMISSIONER	

CC: CEO, Marjan Hussein M.
 D. CEO, Operations
 D. CEO, Support Services



JC-14

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION



This is the Exhibit marked "JC-140"
Referred to in the Annexed Affidavit/Declaration
of Juliana Cherera
Sworn/Declared before me this 25th
Day of August 2022
in the Republic of Kenya
[Signature]
Commissioner for Oaths

NOTICE OF THE MEETING

-
- TO** : Mr. Wafula W. Chebukati
: Ms. Juliana Cherera
: Prof. Abdi Guliye
: Mr. Francis M. Wanderi
: Mr. Boya Molu
: Mr. Justus Nyang'aya
: Ms. Irene Masit
- DATE** : 25th August, 2022
-

280TH SPECIAL PLENARY MEETING NOTICE

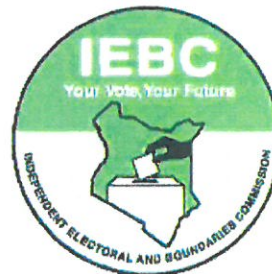
You are hereby notified that the 280th Special Plenary Meeting of the Commission will be held on Wednesday 31st August 2022 at the Commission's Boardroom, 6th floor, 9:00am.

AGENDA

1. Prayers
2. Notice of the Meeting
3. Quorum and Apologies
4. Adoption of the Agenda
5. Declaration of Conflict of Interest
6. Chairperson's Welcoming Remarks
7. Commission's Position on the Presidential Election Petition filed at the Supreme Court on 22nd August 2022.

MARJAN HUSSEIN MARJAN
COMMISSION SECRETARY/CEO

JC-15



INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

This is the Exhibit marked "C.C.-15"
 Referred to in the Annexed Affidavit/Declaration
 of Juliane W. Cherera
 Sworn/Declared before me this 26th
 Day of August 2022 at Nairobi
 in the Republic of Kenya
 Commissioner for Oaths

MINUTE 01 – 08 /26TH AUGUST, 2022

MINUTES OF THE 279TH SPECIAL PLENARY MEETING OF THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION HELD ON FRIDAY, 26TH AUGUST, 2022 FROM 9:00 A.M. AT THE COMMISSIONS BOARDROOM, ANNIVERSARY TOWERS.

PLENARY MEMBERS PRESENT

- 1. Ms. Juliana Cherera - Vice Chair/Chairing
- 2. Mr. Francis M. Wanderi - Commissioner
- 3. Ms. Irene Masit - Commissioner
- 4. Mr. Justus Nyang'aya - Commissioner

ABSENT

- 1. Mr. W.W. Chebukati - Chairman
- 2. Prof. Abdi Yakub Guliye - Commissioner
- 3. Mr. Boya Molu - Commissioner

IN ATTENDANCE

- 1. Mr. Marjan Hussein Marjan - Commission Secretary/CEO - Absent
- 2. Ruth Kulundu - Deputy Commission Secretary - Operations

AGENDA

- 1. Prayers
- 2. Notice of the Meeting
- 3. Quorum and Apologies

4. Adoption of the Agenda
5. Declaration of Conflict Interest
6. Chairperson's Welcoming Remarks
7. Commission's position on the presidential election petitions filed at the Supreme Court on 22nd of August, 2022.

MIN: 01.26.08.2022 PRAYERS

Prayers were led by DCS-Operations, Ruth Kulundu.

MIN: 02.26.08.2022 NOTICE OF THE MEETING

The notice of the meeting was observed to have been issued appropriately via Letters dated 24th /08/22 and 25/08/22 respectively.

MIN: 03.26.07.2022 QUORUM AND APOLOGIES

Four Commissioner were present while two Commissioners and Chair were absent. The quorum was quorate with four members out of seven being present.

MIN: 04.26.08.2022 ADOPTION OF THE AGENDA

The agenda was adopted as presented.

MIN: 05.26.08.2022 DECLARATION OF CONFLICT OF INTEREST

There was no declaration of conflict of interest by members.

MIN: 06.26.08.2022 CHAIRPERSON'S WELCOMING REMARKS

- 6.1 In the absence of the chairman the Vice-Chairperson chaired the meeting.
- 6.2 The Chairperson welcomed members to the plenary meeting and observed a one minute silence in honour of the late Returning Officer for Embakasi South, Daniel Mbolu Musyoka who is being laid to rest today, August 26th, 2022.

Thereafter, she requested DCS-Operations to attend the burial on behalf of the Commission and give Commission's condolences.

She informed the meeting that she had written to the Chairman on August, 24th, 2022 requesting for a special plenary meeting to discuss the Commission's Position on the Presidential Petition filed at the Supreme Court on 22nd August, 2022 but there was no response. She sent a reminder on 25th August, 2022 again there was no response. However, on the same day, 25th August, 2022 at 11.00 pm a memo was sent by CEO calling for a special plenary on 31st August, 2022 to discuss an agenda that will have already been implemented.

- 6.3 It is clear that the participation of the majority members present is in in the best interest of the Commission to file response to the Presidential Election Petition to the Supreme Court latest, tomorrow, Saturday, August 27th, 2022.

Given that the chairperson had not called for a timely special plenary meeting to respond to this agenda, the Vice Chairperson had to call for a special meeting to protect the interest of the Commission at the Supreme Court in line with our mandate.

MIN: 07.26.08.2022 - COMMISSION'S POSITION ON THE PRESIDENTIAL ELECTION PETITIONS FILED AT THE SUPREME COURT ON 22ND AUGUST, 2022

7.1 Commission Position on the Supreme Court

The plenary noted the following

- a. On 22nd August, 2022, nine presidential election petitions had been filed at the Supreme Court challenging the presidential results declared by the chairperson on 15th August, 2022
- b. The Commission was the principal respondent in the majority of these petitions
- c. The chairperson the commission had also been named individually as respondents and interest parties in some of the petitions.
- d. In line with the Supreme Court (presidential election Petitions) Rules, 2017, the Commission and the Commissioners were required to file and serve their responses within four days of service of the petitions.
- e. Due to the limited time for filing responses, the number of the petitions and the importance of the subject matter, the Commission should consider engaging the services of more than one law firm from its panel of pre-qualified advocates for purposes of representation.

7.2 Plenary Observations

After deliberations the Commission agreed on the following

- a. To immediately appoint the pre-qualified law firms to respond to the petitions on behalf.
- b. The appointed law firms to immediately respond to the petitions given the deadline is tomorrow August, 2022.

7.3 Plenary Resolutions

- a. Members unanimously approved the deliberations.
- b. Directed that the Commission engages two (2) law firms from its panel of advocates to present it in the presidential election petitions filed before the Supreme Court. These are E.K. MUTUA & COMPANY ADVOCATES and C.B. MWONGERA & COMPANY ADVOCATES
- c. Approved for the law firm of E. K. MUTUA AND COMPANY ADVOCATES which is led by Mr. Eric Mutua, SC to be lead law firm to coordinate the Commission representation and responses.
- d. Authorized the Vice-Chairperson to swear the principal replying affidavit on behalf of the Commission if the Chairperson fails to do so within the applicable timeline.
- e. Directed the Vice-Chairperson to coordinate with the law firms and facilitate the availability and any other officers of the Commission who are to swear the replying affidavits as shall be guided by the Commission's lawyers.
- f. Direct the CEO to implement the plenary decisions with immediate effect.

This being a special meeting the meeting ended at 9:50am.

Approved for circulation on 26th August, 2022

Signed by:

RUTH KULUNDU:
DEPUTY COMMISSION SECRETARY-OPERATIONS

DATE:.....

Approved by:

JULIANA CHERERA:
VICE-CHAIRPERSON

DATE: 26/08/2022

FRANCIS WANDERI:
COMMISSIONER

DATE: 26/08/2022

JUSTUS NYANG'AYA:
COMMISSIONER

DATE: 26/08/2022

IRENE MASIT:
COMMISSIONER

DATE: 26/08/2022