



KEDOF
KENYA ELECTIONS DOMESTIC OBSERVATION FORUM

PRELIMINARY PRESS STATEMENT AND VERDICT OF 2007 KENYA'S GENERAL ELECTIONS

We the partners of KEDOF would like to issue the following press statement on the just ended Kenya's general elections of 2007.

This is a preliminary press statement and verdict by KEDOF, a comprehensive will be issued in due course. The statement covers the following seven areas

1. Deployment
2. Polling
3. Counting
4. Tallying at constituency centres
5. Announcement of results
6. Delivery of Constituency results by Returning Officers to the ECK Headquarters at KICC
7. National tallying of Presidential Results from all the 210 constituencies

Deployment

In October 2007, KEDOF trained and appointed 13 Regional Coordinators covering all regions of the country. Later, they trained and deployed 454 constituency observers to cover the 210 constituencies. The Regional Coordinators and Constituency Observers collected information based on their observations during the party nominations, campaign rallies and other pre-election events.

KEDOF also recruited almost 17,000 election-day observers for the 27,700 polling stations spread across the country. The deployment of these observers covered as many of the over 20,000 polling centres, taking into account criteria based on possible hotspots and other sensitive areas.

The 454 constituency observers trained the election-day observers before deployment. A 24 page checklist report covered all critical aspects of observations for the election-day.

Specially trained teams of personnel analysed the data that formed the basis for our preliminary statement.

Polling

On polling we observed the following:

- There a high voter turn-out in almost all constituencies in Kenya raging from 54% to 98 % in some constituencies.
- Peaceful and orderly conduct of polling in most polling stations
- Most polling stations were managed professionally by the ECK. All polling stations were clearly marked and demarcated and were easily accessible by voters, observers, agents and others who were supposed to be in polling stations.
- Voters were patient, peaceful and remained in the queues until they voted in almost all the polling stations
- Challenges included delays in opening of some polling stations and in commencing the voting process
- There was confusion in some polling stations resulting from the splitting of voters registers based on alphabetical order
- There was swapping and misplacement of ballot papers – Nairobi/changamwe and Bura/bundalangi

Counting at Polling Stations

The law provides that counting be carried out at polling stations. The results are recorded on statutory forms and results must be posted conspicuously at the polling stations for all to see. The statutory forms must be signed by the Presiding Officers and party agents. We observed the following:

- In most polling stations the counting went on well and was conducted in accordance with the law
- Counting was peaceful and orderly in most polling stations
- In most polling stations all party agents present and observers and other stakeholders were allowed access
- However, in many polling stations the statutory forms – 16A and 17A forms – were not countersigned by all party agents for example

- In some constituencies the ECK reported that they were unable to reach the ROs by phone and could not trace them.

Delivery of constituency results by the ROs to ECK head office

The RO has power to declare constituency results in respect of parliamentary and local authority elections at the constituency level. For the presidential elections, the RO must deliver physical copies of the statutory declarations. The RO is not empowered to vary results declared at the tallying level. In addition, for this year's general election, the ECK instituted further improvement and safeguards by providing tamper-proof bags for storage of the polling material on transit.

We observed the following:

- While returns from most constituencies were made within reasonable time, and delivered in good order, the delays from certain regions raised questions of integrity of the process;
- While ECK provided mobile phones and adequate airtime, including satellite telephony for remote areas, it is surprising that, as the ECK Chairman admitted, returning officers not only failed to communicate but indeed rendered themselves unreachable;
- Acceptance of the results submitted irregularly (i.e. by way of photocopies of statutory forms instead of the original ones) by the Commission raised questions;

National re-tallying

The national re-tallying and announcement exercise was characterised by suspicions and disputations toward the end. Consequently, the ECK invited political party agents (two from each party) and five observers (two from KEDOF) to observe the re-tallying of votes as demanded by party agents. We noted the following during this process:

- Disparities between results released by ECK and the results announced by returning officers in some regions including Central and Central Eastern, Rift Valley;
- Overstatement of results in some constituencies;
- Reduction or suppression of results in a significant number of constituencies;
- Illegal replacement of the authentic Form 16A by photocopies raising the question of authenticity of the results;
- In our view there were high possibilities of manipulation of results in all instances where photocopies were used in place of original forms. This

in most constituencies in Central, Nyanza and Central parts of the Eastern Provinces.

- In some polling stations agents were either sent out or left out of fear, mostly in Central, Nyanza and central parts of Eastern Provinces
- In most polling stations the counting was slow resulting in anxiety and delays in transmitting results to constituency tallying centres

Tallying at Constituency centres

Tallying at constituency centres is conducted by the Returning Officers, relying on forms submitted to him or her by the presiding officers (Pos) from all the polling stations. The ROs declares the results of the Civic and Parliamentary elections at Constituency centres. The results of Presidential, Parliamentary and Civic are announced and recorded by the ROs in statutory forms and s/he also addresses the any serious objections or rejections relating to counting at polling stations.

Following our preliminary analysis we make the following observations:

- Inordinate delays in the transmission of results from the polling stations resulting in anxiety
- There were significant cases of unsigned statutory forms and many results were relayed in photocopies

Announcement of Results

The announcement of results is made at three levels:

1. At polling stations
2. Tallying centres at the Constituency levels
3. ECK Headquarters, which was at the KICC

The following are our observations:

- The announcement of results at the polling stations was conducted in accordance with the law
- In some constituencies the results of the presidential elections were much higher than of Parliamentary and Civic elections results.
- In some constituencies the Parliamentary and Civic elections results were announced earlier than the Presidential results resulting in suspicion and intense anxiety.

is more so in all such cases either the forms have been clearly filled in by the same individual from all political parties while in some cases the names of the agents are missing. This problem was also witnessed in the cases of other statutory forms such as Form 17A;

- When the final presidential results were announced by the Commission, party agents and journalists were evicted from the centre

Conclusion

- Whereas the General Elections of 2007 were conducted openly, fairly and professionally, from preparation and deployment of materials and personnel to all polling stations across the country to the polling centres, and whereas the polling day went peacefully in that voters were largely able to vote freely according to their choices, the handling of the results of the polling and the rest of the process thereafter, in our opinion, were questionable;
- There are significant discrepancies in figures released by the tallying centres and those by ECK at KICC, which make the concerns of agents of some of the presidential candidates legitimate;
- Key officers of the ECK notably presiding officers, their deputies and in some cases the returning officers conducted themselves in a manner that was questionable. For instance, there were cases of presiding officers and their deputy presiding officers disappearing with the returns;
- The delay in announcing the outcomes led to heightened fear, insecurity and anger in Kenya

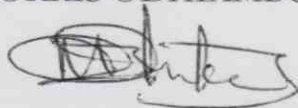
In our view, considering the entire electoral process, the 2007 General Elections were credible in as far as the voting and counting process is concerned. The electoral process lost credibility towards the end with regard to the tallying and announcement of presidential results.

Signed by the KEDOF co-chairs

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