THE INTERNATIONAL REPUBLICAN INSTITUTE

ADVANCING DEMOCRACY WORLDWIDE

KENYA PRESIDENTIAL, PARLIAMENTARY AND LOCAL ELECTIONS

DECEMBER 2007

ELECTION OBSERVATION MISSION FINAL REPORT

Kenya Presidential, Parliamentary and Local Elections
December 27, 2007

Election Observation Mission Final Report

The International Republican Institute

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Executive Summary

The International Republican Institute (IRI) received funding from the U.S. Agency for International Development to field an international election observation mission for the December 27, 2007 presidential, parliamentary and local elections in Kenya. Of the 38-member delegation, IRI deployed 32 election observers to 33 constituencies across the country's eight provinces, where they monitored electoral processes at more than 100 polling stations. Leading the delegation were IRI Board Member and former U.S. Assistant Secretary of State for African Affairs Constance Berry Newman and Elizabeth Dugan, Vice President for Programs at IRI. The international delegation included observers from Europe, Latin America, the United States and five African countries: the Democratic Republic of Congo, Kenya, Somaliland, Sudan and Uganda.

The December 2007 elections were the tenth elections in Kenya since independence, and the fourth since the country's return to multi-party politics in 1992. The 2007 elections were also the first since the 2002 watershed elections, when the country transitioned from the Kenyan African National Union (KANU) government, which ruled Kenya since independence from Britain in 1963. Furthermore, the December 2007 elections were the most highly contested elections in Kenyan history, marking a turning point in the country's democratization process.

The IRI delegation observed that voting day activities progressed smoothly, with minor logistical problems. The delegation commended Kenyans who turned out in large numbers. Long queues witnessed in many polling stations indicated the enthusiasm of Kenyans to get involved in the democratic process of their country. Observers noted that despite late openings at some polling stations, isolated cases of names missing from the

registry and other varied issues, the voting process on Election Day progressed largely without incident.

IRI's election observers remained at polling stations, into the evening of December 27, 2007, to watch presiding officers count the ballots. At the polling stations IRI observers were monitoring, the counting and tallying process was quite transparent. Presiding officers counted out loud, sometimes to the chanting of excited voters, many of whom were voting for the first time. Eventually, ballot boxes were sealed and transferred to constituency-level tallying centers.

Following the transfer of the ballot boxes, it was reported that in some areas constituency-level officials from the Electoral Commission of Kenya (ECK) turned off their cells phones, and many suspected these officials of manipulating the results of the presidential poll. In addition, the ECK in Nairobi refused to allow observers into tallying areas throughout the final process, and the government instituted a media blackout until the sudden announcement of President Kibaki as the winner of the poll, which furthered suspicions of malfeasance.

Although IRI's observation mission consisted of only short-term observers who were unable to be present through all of the vote-tallying at the constituency level, IRI has reason to believe that electoral fraud took place and condemns that fraud. The rigging and falsifying of official documentation constitutes a betrayal of the majority of the Kenyan people who peacefully and patiently waited in long lines to vote on December 27.

The Institute also condemns the tragic loss of life and property that characterized the post-election period. It has been estimated that the violence claimed more than 1,500 lives, displaced close to 600,000 people and caused millions of dollars in property

destruction and lost revenue and wages.[1] At the time of printing this report the mediation efforts have led to a tentative power-sharing deal, but it remains to be seen if the government will in fact honor the agreement signed by President Mwai Kibaki and Raila Odinga on February 28, 2008.

[1] BBC News, "Odinga Pledges to Rebuild Kenya," http://news.bbc.co.uk/2/hi/africa/7270379.stm (February 2008).

I.   Introduction

The December 27, 2007 elections were the most highly contested elections in Kenyan history. According to official election results, 9,886,650 Kenyans came out to vote. This figure is equivalent to a 69 percent national voter turnout and represents the highest turnout ever experienced in Kenya. In addition, there were nine presidential candidates, 2,547 parliamentary candidates, and 15,331 civic candidates vying for office, also the highest number in Kenya's history.[2]

IRI's international delegation included observers from Bosnia and Herzegovina, the Democratic Republic of Congo, El Salvador, Kenya, Serbia, Somaliland, Sudan, Uganda, Ukraine and the United States. To observe the 2007 election processes in Kenya IRI deployed 32 election observers to 33 constituencies across the country's eight provinces, where they monitored electoral processes at more than 100 polling stations.

This report summarizes the pre-election, Election Day and post-election findings of IRI's election observation mission. The report also makes recommendations for improvement of Kenya's election administration.

A.   December 27, 2007 Election Observation Delegation

Delegates

1. **Constance Berry Newman**, Former Assistant Secretary of State for African Affairs, Member of IRI's Board of Directors, United States
2. **Hussein Ahmed Aideed**, Member of the Executive Committee of the Party for Unity and Development,

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[2] Electoral Commission of Kenya, 2007 General Elections Official Results, http://www.eck. or.ke/elections2007/index.php (January 2008).

Member of the National Registration Committee, Somaliland

2. **Joel Barkan**, Professor Emeritus of Political Science at the University of Iowa and Senior Associate at the Center for Strategic and International Studies, United States

3. **Omer Jama Farah**, Member of the Executive Committee and Political Officer for the Union Democratic Party, Member of the National Registration Committee, Somaliland

4. **Irena Hadžiabdić**, Member of the Central Election Commission, Bosnia and Herzegovina

5. **Maureen Harrington**, Former IRI Program Manager for Southern Africa, United States

6. **Abdillahi Said Ismail**, Member of the Executive Committee of the Justice and Welfare Party, Member of the National Registration Committee, Somaliland

7. **Anne Itto**, Deputy Secretary General for the Southern Sector of the Sudan Peoples' Liberation Movement, Sudan

8. **Simon Kun**, Head of the South Sudan Humanitarian Relief Commission, Member of the Interim Political National Bureau of the SPLM, Sudan

9. **Sylvestre Somo Mwaka**, Assistant to the President of the Independent Electoral Commission, Human Rights Activist, Democratic Republic of Congo

10. **Ronald Nehring**, Chairman of the California Republican Party, United States

11. **Ambassador Lange Schermerhorn**, Former U.S. Ambassador to Djibouti, United States

12. **Brad Smith**, Chief of Staff to U.S. Congressman David Dreier, United States

13. **Bushara Hassan El Tali**, Deputy Secretary for Training and Capacity Building of the Sudanese Liberation Movement, Sudan

IRI Staff

1. **Elizabeth Dugan**, Vice President for Programs
2. **Stephanie Blanton**, Regional Director, Africa Division
3. **Kenneth Flottman**, Resident Country Director, East Africa
4. **Vitaliy Fesun**, Resident Project Accountant, Africa Division
5. **Jennifer Flinn**, Assistant Program Officer, Africa Division
6. **Lisa Gates**, Press Secretary
7. **Husna Hassan**, Program Manager, Somaliland
8. **Danny Irungu**, Resident Program Officer, Somaliland
9. **Biwott Kiplagat**, Driver and Logistician, Sudan
10. **Angela Kisigwa**, Field Accountant, Kenya
11. **Wilbert Khasewah**, Driver, Sudan
12. **Danley Kisombe**, Driver and Logistician, Kenya
13. **Hillary Koiya**, Assistant Program Officer, Kenya
14. **Katherine Krueger**, Resident Program Officer, Sudan
15. **Ted Levasseur**, Resident Country Director, Angola
16. **Vivian Lwoki**, Assistant Program Officer, Sudan
17. **Sanja Stambolic Mart**, Office Manager, Kenya
18. **Gray Mitchell**, Resident Program Officer, Sudan
19. **Linda Nassaka**, Assistant Program Officer, Uganda
20. **Lauren Oing**, Assistant Program Officer, Africa Division
21. **Linda Omondi**, Assistant Field Accountant, Sudan

22. **Justin Sigman**, Resident Program Officer**,** Sudan
23. **Angela Wambugu**, Program Officer, Kenya
24. **Maximo Zaldivar**, Resident Country Director, Sudan

II.   **Pre-Election Period**

A.   *Electoral Conditions*

Kenyan law stipulates that only registered voters may qualify to vote in elections. To register, you must be a Kenyan citizen, age 18 or older, and holder of a national identification card. The ECK registers voters using a continuous system, which involves registering new voters who have attained 18 years of age, as well as updating the existing register, although registration is only open at specified times.

The ECK commenced the first voter registration period in February 2007, when 601,706 voters were registered.   The second registration exercise was opened in June and concluded in July 2007. At the end of this exercise, the ECK announced a total of 14,267,764 registered voters, of which more than seven million were women, while another 68.8 percent were between 18 and 40 years old.

It is noteworthy that a majority of registered voters were men, while women are estimated to make up a majority of the Kenyan population. Also, more than two-thirds of registered voters were younger than 40 years of age, while the Kenyan life expectancy is less than 50 years. Both leading presidential candidates were more than 60 years old.

Following registration, the ECK opened the registers for inspection so people could scrutinize the registers to verify that only qualified persons were listed. In addition, individuals could verify that they were properly registered at their home polling station. During this time, the ECK announced that more than 400,000 people were double registered. As a result, this review period served as an opportunity for individuals to ensure they were not registered at an old address.

B.   *Political Situation*

Ethnic division have had an impact on Kenyan politics since pre-colonial times. More than 40 different indigenous ethnic groups, the largest ones being Kikuyu, Luhya, Luo, Kalenjin, Kamba and Kissi, comprise Kenya's population. Since independence, politics have been largely dominated by the Kikuyu, the largest tribe, to which President Kibaki belongs. As a result, many Kenyans belonging to smaller ethnic groups, including Raila Odinga's Luo, have become disenchanted and candidates running in the 2007 elections exploited ethnic divides to solidify their voter base.

C.   *Political Parties*

There are more than 200 political parties recognized by the Kenyan government's registration system. Of these, 108 fielded parliamentary candidates and 115 fielded civic candidates for the 2007 elections.

Kenyan African National Union
KANU, a conservative nationalist party dominated by the interests of Kenya's independence leaders and formed in the 1950s, is the oldest party in Kenya. The party was in power for 39 years before it was defeated in the historic 2002 elections. In those elections, KANU won 69 seats in parliament. It was also the official opposition in the ninth parliament, led by the party chairman and the 2002 presidential runner-up Uhuru Kenyatta, the son of Kenya's first President, Jomo Kenyatta.

KANU remains a strong political force and still enjoys cross-regional membership with entrenched party structures. The party is one of the main political drivers in Kenya; however, KANU is dominated by old-generation leaders and fronted by only a

few young faces. The so-called "owners", or "old guard," of the party still remain tightly in control of its political activities.

Nonetheless, there is an attempt by the younger leaders in KANU to break away from the grip of the old guard. This has caused tension and disagreements within the party, with some factions advocating for a total change of leadership.

KANU joined the Orange Democratic Movement (ODM) in 2006, but later left to join President Kibaki's Party of National Unity (PNU) coalition before the 2007 general elections. A section of the party, led by Secretary General William Ruto, broke off from KANU and remained a part of ODM in 2007.

The party nominated 91 candidates to run in the December 2007 parliamentary elections.

Orange Democratic Movement of Kenya
The Orange Democratic Movement of Kenya **(**ODM-K), initially an alliance of KANU, the Liberal Democratic Party and the Labor Party of Kenya, was registered on September 7, 2006 after a series of confrontations with the state over its registration. The member parties came together to campaign against the government's draft Constitution in the November 2005 referendum. ODM-K was originally a political coalition, but legally a political party, registered separately under the Societies Act, because coalitions are technically not provided for under Kenyan law.

The name originates from the November 2005 constitutional referendum. In that referendum, the ECK assigned an orange as the symbol to vote against the proposed constitutional changes. Thus, the parties are a union of those who did not support the referendum at the time. They were then known simply as the

Orange Team, but they later registered as an official political party known as ODM–K.

The party split in 2007, when a group led by one of the then-presidential candidates, Raila Odinga, moved to the ODM, which had been formally registered shortly after the 2005 referendum.

Kalonzo Musyoka emerged as the party's presidential nominee on August 31, 2007 and went on to represent the party in the December 2007 elections. Julia Ojiambo was selected as his running mate. During the campaign period, opinion polls ranked Musyoka as the third most popular candidate.

Orange Democratic Movement
ODM has been the leading opposition party since August 2007, after disagreements between several presidential candidates led to a split within the opposition. Five of the initial eight presidential candidates who had stepped forward to run on an ODM-K ticket changed their affiliation to ODM. They subsequently referred to themselves as "the Pentagon," comprising the top party leadership. Following a successful presidential nomination on September 1, 2007, Raila Odinga was selected as ODM's presidential candidate. Raila Odinga enjoyed high popularity ratings in opinion polls, and was the front-runner in the presidential race. Additionally, voters consistently viewed the party as the most popular party in Kenya.

ODM also fielded the highest number of parliamentary candidates (190) in the elections.

Party of National Unity
PNU was created on September 16, 2007, when Kenyan President Mwai Kibaki announced the formation of a new party and said he would run as its presidential candidate in the December 2007 elections. PNU is a coalition of several parties, including

KANU, the National Rainbow Coalition-Kenya (NARC-K), the Forum for the Restoration of Democracy-Kenya (FORD-K), the Forum for the Restoration of Democracy-People (FORD-P), the Democratic Party (DP), Safina, Shirikisho and others.

D. *Party Nominations*

Any candidate seeking to run for an elected post is required by Kenyan law to first be nominated by a political party. The ECK set out the nominations timetable as November 14 through 24, 2007. All presidential candidates were required to submit their papers by November 14, 2007, while parliamentary and civic candidates were to turn in their completed papers by November 24.

The ECK cleared nine candidates to run for the presidency; of the nine candidates, only one was female. They included the following:

1. Joseph Karani, Kenya Patriotic Trust Party
2. Mwai Kibaki, PNU
3. Nixon Kukubo, Republican Party of Kenya
4. Kenneth Matiba, Saba Saba Asili
5. Pius Muiru, Kenya People's Party
6. Kalonzo Musyoka, ODM-K
7. David Waweru Ngethe, Chama Cha Uma
8. Raila Odinga, ODM
9. Nazlin Umar, Workers Congress Party of Kenya

Meanwhile, an extension of the nominations deadline gave losers of the parliamentary nominations a chance to defect to smaller parties. By the close of the parliamentary nomination period, 2,548 candidates, representing 108 political parties, were cleared to vie for parliament. Of these candidates, 269 were female.

The nomination process was marred by chaos, claims of rigging and irregularities. Violence erupted in several regions across the country, and some candidates, including several women, were attacked.

The party primaries were conducted in an ad hoc fashion. In some cases, parties contracted the ECK to conduct the voting process; in others, the party structures attempted to conduct their own primaries. In some places there were not proper ballots for voters, while in others, voting locations were inadequately prepared. In general, the political party primaries were chaotic and disorganized. Although many people believe the ECK should be responsible for this process, the institution is not delegated such powers in any act of parliament or by the constitution.

ODM fielded 190 parliamentary candidates, the highest of all the parties, followed by the Kenya National Democratic Alliance (KENDA) with 170, PNU with 135, ODM-K with 133, the Kenyan African Democratic Development Union (KADDU) with 97, KANU with 91, Safina with 88, National Rainbow Coalition (NARC) with 73, DP with 86 and NARC-K with 59.

E.   *Campaign Period*

The official 21-day campaign period began on December 3, 2007. However, unofficial campaigning was in full swing for months, with various parties holding activities aimed at galvanizing support for their bids in the December elections. Presidential candidates and their party members traversed the country, and each party offered bold promises about what it would do for constituents if elected. President Kibaki of PNU created new administrative districts in many of the regions he toured and pledged free secondary education, free medical care, and new universities and institutions of higher learning, among others things, if elected. On the other hand, ODM campaigned on a

platform of change and devolution of power and more resources to local authorities.

Campaign ads for the 2007 elections ran into the billions of shillings (one billion Kenyan Shillings is equivalent to about $16 million U.S. Dollars), with parties spending millions on campaign activities. The parties used various methods of advertising, including billboards and broadcast and print media, as well as state-of-the-art technology such as websites and text messaging. However, parties were not required to declare the sources of their campaign finances or how much money they raised.

The campaign period was also marked by increased cases of violence targeting female candidates. The attacks, aimed at instilling fear and intimidating the candidates and their supporters, were condemned both locally and internationally, but no arrests were made.

Claims of widespread election irregularities, including the sale of voters' identification cards, voter relocation and the use of state machinery in campaigns, also characterized the pre-election period. For example, the Kenya National Human Rights Commission released the details of certain instances in which state resources were used to conduct party business. Although authorities launched investigations into corrupt activities, such as the sale of voters' cards, and the use of state resources was publicly criticized, the investigations did not result in any official reporting or prosecutions. Thus, unaddressed issues of electoral misconduct were tacitly accepted by the ECK and the government.

Additionally, ODM party members claimed that counterfeit ballot papers were being printed in Belgium. The ECK initially responded by announcing that it would investigate the claim, but

later rescinded the decision to investigate, stating that there was no concrete information to support ODM's claims.

F.   *Media Environment*

Reports from a media monitoring initiative by the United Nations Development Program 2007 Elections Assistance Program indicated that some media houses accorded certain parties more coverage than others. The United Nations reported that most of the mainstream radio stations provided more coverage to PNU than to the other competing political parties. According to the report the Kiswahili and English services of the state-owned radio station, Kenya Broadcasting Cooperation (KBC), as well as Citizen FM, provided significantly more coverage to PNU than to other parties.

In addition, vernacular radio stations provided more coverage to the parties with a perceived following among their listeners (broadcast languages in parentheses): Egessa (Kisii), Kass (Kalenjin), Mulembe (Luhya), and Ramogi (Luo) gave more coverage to ODM than other parties. Musyi FM (Kamba) covered more of ODM-K, while Inooro and Kameme (Kikuyu) provided more coverage to PNU than other parties. Raila Odinga and President Kibaki received the most mentions on most of the radio stations.

G.   *Voter Education*

The ECK engaged in an extensive voter education program aimed at informing and empowering voters and helping them to clearly understand their rights and responsibilities in the electoral process. The voter education program worked to improve the process of democracy, mobilize voters to exercise their rights in politics and enhance voter's understanding of participatory democracy. The ECK used pamphlets, radio and television to

educate the public on election procedures, as well as to create awareness on voters' involvement in the civic process through the casting of a ballot.

In addition, several international and local nongovernmental and civil society organizations took part in voter education programs.

H.   Observers' Pre-Election Meetings

IRI delegates and staff involved in the observation mission held meetings with experts on Kenyan politics, representatives of Kenyan political parties and leaders from civil society and international organizations that operate in Kenya to gain a better understanding of the political environment leading up to the elections.

IRI staff attended observers' briefings organized by the ECK in November and December. These briefings provided information about the ECK's progress in preparing for the elections.

Delegates and staff were first briefed on the overall political situation. Kenya Domestic Observer Forum (KEDOF) briefed IRI's delegation on its domestic observation efforts, how it viewed the campaign period and specific things for which election observers should be on the lookout. In addition, ODM representatives gave a brief presentation to the delegation. The representatives raised concerns over alleged ploys by PNU to rig the elections. Among the issues raised were claims of the use of provincial government machinery in interfering with the voting process and the manipulation of the voter registry.

PNU representatives were invited to speak to the full delegation, but they were unable to attend their scheduled briefing session. However, the delegation leadership met with PNU representatives

prior to the election. The party's representatives stated that PNU's major concerns about the election included violence and intimidation of voters.

ODM-K representatives were also invited to brief IRI's delegates, but they did not respond to IRI's request.

Furthermore, delegates were briefed on election rules and regulations and on how voting would proceed on Election Day. Envoys from the European Union, the Commonwealth and the United Nations met with IRI delegates to describe election observation missions being conducted by other international observers, as well as international and domestic monitoring coordination efforts. Finally, Kihara Muttu, Vice Chairman of the ECK, briefed IRI delegates on preparations to ensure an organized and transparent election.

III.   Election Period

A.   Election Day

IRI deployed 32 observers to all eight provinces of Kenya. Upon arrival, the IRI teams sought out local political party representatives, heads of electoral security and ECK officials to gather information specific to those areas.

On December 27, IRI's observers witnessed the voting process in 33 constituencies and visited more than 100 polling stations. Although IRI's observers were based in urban centers, teams proceeded outside these urban areas throughout Election Day. In addition to monitoring throughout several constituencies, IRI observers also used an automated call-in system to record the progress of polling stations in administering the ballot.

General Voting Procedures
Polls were scheduled to open at 6 a.m. and close at 5 p.m. At the opening of the poll, presiding officers were obligated to show that all the ballot boxes for the three elections taking place were empty. The presiding officers were then to seal the boxes in plain view of any voters in line and any party or candidate agents present. The presiding officers were assisted by deputy presiding officers and polling clerks. Once these opening tasks were completed, voting began.

The only other people allowed in a polling station, other than voters, were international and domestic observers, security officers – if requested by the presiding or deputy presiding officers – and party or candidate agents. According to the election regulations, each party participating in a race was allowed to have up to two agents in a polling station. In addition, each candidate was allowed up to two party agents in a polling station.

Voters entered the polling station one at a time. The voter first presented his or her voter and identity cards to the first clerk. If the voter was registered correctly, he or she proceeded to the second clerk. The second clerk then dispensed each ballot to the voter separately. The voter marked a separate ballot for each of the three races, and then proceeded to the third clerk. The third clerk stamped the voter's registration card and ensured that the voter's fifth finger on the right hand was dipped in ink. After that, the voter was allowed to leave.

If at any point there was a dispute over whether someone was registered, that voter was referred to the presiding officer to go through the "black book," the original, hand-written voter registration list.

If any voter needed assistance, the only people allowed to assist were the presiding officer, the deputy presiding officer (with the presiding officer's authority), or a personal assistant brought by the voter. If the voter brought his or her own assistant, that person could only act as an assistant once on Election Day. To ensure compliance with this rule, the assistant's voter registry was marked to reflect that he or she assisted another voter. Then his or her left fifth finger or thumb was dipped in ink. If the presiding or deputy presiding officer acted as an assistant, all party or candidate agents present could demand to witness the vote to ensure fairness.

In urban areas several polling stations were located within each polling center. For example, schools in urban areas with large numbers of voters were frequently used as polling centers. Within these centers, individual classrooms had a presiding officer, deputy presiding officer and ballot boxes, constituting a polling station. In these cases, each polling station was separately managed by a different presiding officer.

Polls were scheduled to close at 5 p.m., but voters still in line at 5 p.m. were to be allowed to vote. However, the polling station was not to allow any more voters to join the line after 5 p.m. Once voting was completed, the presiding officer and deputy presiding officer commenced counting the marked, unused and disputed ballots and recorded the numbers on official ECK-issued results forms for returning officers, who were located at the constituency-level tallying center. The votes were counted in front of everyone present at the polling station, and any votes that were disputed or disallowed were put aside for the returning officers to check.

Following the initial count at the polling station, the ballot boxes were closed and locked, and the presiding officers placed the completed tallying forms in the ballot boxes. These initial results were called into the ECK headquarters in Nairobi to be tracked by ECK officials. The boxes and results forms were then taken from the polling station directly to the tallying center located at the constituency level. At this level, the votes for the whole constituency were compiled and forwarded to Nairobi.

Opening of Polls
Although the voting procedures for the 2007 general elections were quite detailed, the presiding officer at each polling station effectively governed how these procedures were implemented.

In many cases, presiding officers did not receive voting materials in time to finish all opening procedures before 6 a.m. As a result, nearly all polling stations that IRI observers visited did not open on time. Most polling stations opened between 15 minutes and an hour and 15 minutes late. However, the polling stations that IRI observers witnessed opening late generally remained open later for at least the length of time that they were delayed in the morning.

High voter turnout produced very long lines of eager voters. Particularly in urban centers, lines of several hundred people could be seen stretching from polling centers. In some specific cases, the atmosphere at the polling stations was tense, while generally voters in other areas were simply excited to vote.

Voting
Constituencies had as many as 40 parliamentary candidates vying for office and even more local candidates. The numbers of party agents in many cases were too large to fit in the polling station. As a result, agents were forced to take turns throughout the day. Which agents were present at any one time became problematic, and tensions between agents were high in some polling stations.

There were no supervising officers at polling centers to manage the voting policies being enforced between the various polling stations located at respective centers. As a result, there were problems with the division of the voter registration list between polling stations. For instance, the registration was often divided with little thought given to the number of voters delegated to each polling station. Frequently, the registration list was divided alphabetically, without consideration to the number of people in each portion. Consequently, many areas with a large number of voters from a specific ethnic group faced long lines, while others at the same polling station experienced very short lines. In particular, voters from the Luo ethnic group, whose names frequently begin with the letter "O" experienced particularly long lines. Many Luos were very frustrated by these long waits that appeared to be affecting only their ethnic group and not others.

In some locations, sections of the voter registry appeared to be missing. As a result, some voters faced even longer waits to search for their names in the black book. Because the book

contains the original, hand-written list of voters in the order in which they registered, it sometimes took a very long time for these voters to find their names.

Although most of the long voting lines cleared out by mid-day, IRI observers still spoke to voters who experienced waits of more than five or six hours in some urban centers.

Despite some reports of logistical and organizational problems, on the whole IRI observers noted that the events on Election Day proceeded transparently and without any major incidents.

Poll Closing and Vote Tabulation
By the closing of polls, it appeared that nearly all voters who had waited in line to vote were at least able to enter the polling station.

However, IRI observers reported four instances in which they believed legitimate voters were denied the right to vote. In one instance in Garissa, people outside the polling station claimed they had been in line, but were unable to vote. At this particular polling center, nearly 1,500 people were registered. Polling stations at this center opened more than an hour late, and voting during the day moved extremely slowly. This was, in part, due to the fact that many voters needed assistance from election officials, and the agents in the polling station demanded to witness nearly all of the assisted voters.

By 6 p.m. that evening, large crowds began to gather around the polling center, and fights broke out among people in the crowd. At that time, the police arrived and locked the gates to the polling center to separate those still in line to vote from the large crowd outside. Although some people locked outside the gate claimed they had been in line and had not yet voted, there

were many people still within the polling center grounds who waited patiently past 8 p.m. to vote.

In Lugari and Lurambi, IRI observers reported that several voters who had voter identification cards were not allowed to vote. However, those voters did not appear on either the voters' register or in the original black book. Furthermore, IRI observers found that the registration lists and black books were missing and/or had not yet arrived at polling stations in Kisumu. As a result, voters at those stations not listed in the register or with voter identification problems were unable to participate in the elections.

Following the closing of the polls, vote tallying at the polling center took a long time in urban areas. With large numbers of voters registered, some polling stations within each center closed at different times, counted their votes separately, and forwarded them on to the constituency-level returning center separately. This created instances in which voters in line at one polling station discovered they were in the wrong line after the correct polling station for that voter had closed. It was unclear how polling officials were to systematically address this type of situation.

In other cases, polling stations at a center all closed at the same time, and the presiding officers came together to help count each other's ballots. In these instances, the tallying process took a very long time, because only one set of ballot boxes could be counted at a time. Again, because there was no polling center supervisor, each polling center's policies during the day varied widely.

Another problem encountered was that presiding officers and deputy presiding officers had different levels of training and expertise on voting regulations. IRI observers reported that

about one third of presiding and deputy presiding officers were only somewhat knowledgeable about the voting regulations.

In most stations monitored by IRI observers, the vote tallying at the polling-station level continued without allegations of fraud or rigging. Votes were counted in front of observers and party agents, and all present party agents agreed to the counts from the respective polling stations.

Election Day Irregularities
In general, IRI observers did not witness many irregularities on Election Day. For the most part, any improper activities were isolated to several individual polling stations or centers and were not widespread or systematic violations of voters' rights. As a result, IRI's initial public statement regarding the 2007 Kenyan general elections praised the Kenyan people for turning out in high numbers and waiting patiently to vote.

Nonetheless, there were instances in which election officials did not properly perform their duties or the ECK did not provide adequate procedural control. For example, IRI observers did witness some instances of election irregularities, such as group voting, improper assistance to voters and bribing, among others.

IRI observers most frequently reported improper assistance being provided to voters. In several cases, party agents were roaming around the room, including going behind the voters' screens and walking around the ballot boxes. While it did not appear that anyone was intimidated by this behavior, Kenyan election regulations prohibit party agents from providing assistance to voters. It was also common to see multiple party agents acting as assistants at one time, with up to six agents helping one voter.

Moreover, there were two reports of IRI observers witnessing vote buying. In both Mombasa and Machakos Town, voters were observed taking money and food from party agents to vote for a particular candidate.

Another problem was a lack of voting secrecy. In many cases, this was a result of too many people being present in the polling station. IRI observers reported that voters were unable to mark or cast their ballots in secret in about one fourth of polling stations. However, in some instances, election law actually permitted party agents to observe voters marking their ballots. When voters needed assistance and did not bring an assistant with them, the presiding officer or deputy presiding officer at the polling station could assist the voter. In these cases, party agents could demand to observe the voting process to ensure that the polling officials did not influence the voter's choice. Consequently, those assisted voters were unable to vote in secret. Despite the ECK regulations, there was an instance in which IRI observers witnessed a presiding officer refuse to allow party agents to monitor an assisted voter.

Despite some of the technical problems described above, Election Day in Kenya was generally calm, organized and transparent. However, the incidents reported above demonstrate the need for more training and monitoring of electoral processes and procedures by an independent election body in Kenya.

B.   *Post-Election Period*

On the evening of December 27, Kenyans listened intently to media reports of the elections, waiting to hear the results. Announcements that ballots were beginning to trickle in from various constituencies was a good sign for the millions listening to radios, watching television and following the unfolding events on the internet. Some media houses even began announcing

results from the polling stations, enabling Kenyans to follow the progress from the lowest vote-counting unit.

Counting, tallying and announcements continued on December 28, when IRI issued its preliminary statement, providing an assessment of what the delegation observed on Election Day. (See Appendix E, IRI's preliminary findings.)

The ECK announced results from constituencies as they received them. Early signs of trouble were reported in certain parts of the country, where allegations of attempts at rigging began trickling in. Vote counting was interrupted in some parts of the country due to allegations of fraud or ECK officials' disagreements over the vote count. In Kajiado North, for example, George Saitoti, Education Minister under President Kibaki, was stoned and chased away from Ololaiser Secondary School after violence erupted over alleged rigging.

Many were surprised to hear that the Vice President and 18 ministers had lost their parliamentary seats in the elections. However, people became anxious when political party agents monitoring the main tallying process at Kenyatta International Conference Center (KICC) complained of delays in announcing results from certain parts of the country, namely President Kibaki's strongholds in Central and upper Eastern Provinces. Tensions flared when political party representatives accused the ECK of manipulating the results. Some party agents alleged that there were discrepancies between what the ECK was releasing to the media and what was announced by polling officials at polling stations and constituency-level tallying centers. By the end of the second day, the commanding lead of more than 370,000 votes for presidential contestant Raila Odinga had dwindled to 80,000 votes.

Chaos spread to many parts of the country, with riots breaking out in Nairobi, Nakuru, and Western and Nyanza provinces, bringing business to a standstill. The mobs, mostly consisting of young men, were calling for the immediate release of the presidential results.

By December 30, both ODM and PNU were making accusations against one another. The two parties held separate press conferences, each claiming to have won the elections. The release of election results at the constituency level had not resumed and by late afternoon the crowd at the KICC had become extremely tense, with arguments breaking out and agents reportedly having exchanged blows. Samuel Kivuitu, Chairman of the ECK, announced a few additional constituency results, which were challenged loudly by opposition representatives. Paramilitary forces of the General Service Unit were ordered to clear the KICC conference room, and all public broadcasting ceased. It was announced that only the state-owned radio station KBC would be allowed to broadcast subsequent actions of the ECK.

Shortly thereafter, Kivuitu appeared on KBC and announced final presidential figures naming President Kibaki the winner. Less than an hour later, President Kibaki was sworn in for a second term at the Nairobi State House by Chief Justice Evans Gicheru.

To date, there has been no explanation from the ECK as to exactly how or when it determined the final election totals, or how and when that determination was conveyed to President Kibaki to prepare for the inauguration.

Parliamentary Results
Despite the obvious fraud that took place during the tallying of the presidential race, the parliamentary elections have been regarded as mostly fair and transparent. In fact, the number

of ballots cast in the parliamentary elections has been used to gauge how much rigging was perpetrated during the presidential count.

Of the 108 political parties fielding parliamentary candidates, 23 managed to get at least one member elected to the 10th parliament. It is worth noting that each of the three major political parties competing in the 2007 elections was formed in 2006 or 2007. Older parties that existed prior to the 2002 general elections performed dismally with FORD-K, DP and NARC garnering one, two and three parliamentary seats, respectively. KANU, the so-called "independence party", managed a meager 14 seats. Only four of the parties represented in Parliament received at least 10 seats, as shown below.

Major Parties Representation in Parliament
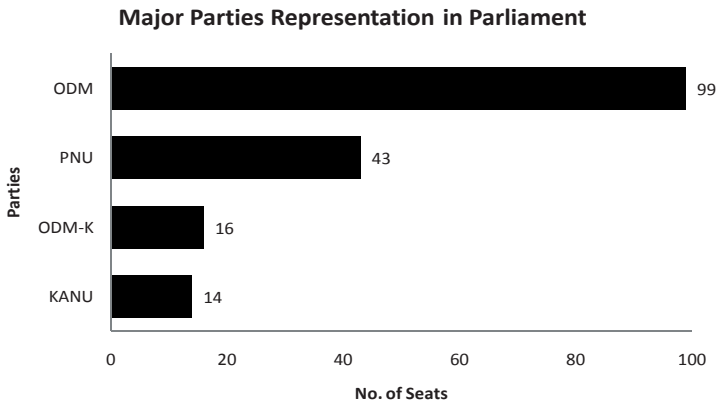
C.   *Election Fraud*

The most detailed published material about election fraud during the 2007 Kenyan elections is the report from KEDOF observers stationed at the KICC during the immediate post-election period. A good summary of the conclusions by KEDOF observers, the European Union observer group and other international observation missions was set forth in the February 7, 2008 testimony of David Mozersky, Horn of Africa Project Director

for the International Crisis Group, to the U. S. Senate Committee on Foreign Affairs:

> "Two instances of rigging appear to have taken place during the tallying process: one at constituency level and one at central ECK level. The first happened throughout the country, with the posting of returning officers by ECK commissioners in their respective provincial strongholds, who tampered with the results of the vote count and sent Nairobi inflated returns for their preferred candidate and deflated results for his opponent. The discrepancies between results and turn-outs of the parliamentary and presidential elections, the reported expulsion of party agents from tallying rooms and the extremely high turn-outs (over 95%) recorded in some constituencies are the signs of such rigging, both in ODM and PNU strongholds.

> "The second instance of rigging was within the ECK premises in Nairobi. The results were arbitrarily changed to give President Mwai Kibaki a 230,000-vote victory. The disappearance of returning officers in PNU strongholds in particular, and the lack of either stamps or proper signatures of party agents on the statutory forms presented in the last two days of the count are damning indications of rigging. From 29 December onwards, senior ECK officials heading tallying teams and running the computer rooms changed results coming from the constituency tallying centers or endorsed results which had already been changed, and gave instructions to subordinate staff to accept and compile them without the supporting documentation."[3]

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[3] David Mozersky, Testimony to the Senate Committee on Foreign Relations' Subcommittee on African Affairs on "The Immediate and Underlying causes and Consequences of Flawed Democracy in Kenya," http://www.senate.gov/~foreign/testimony/2008/MozerskyTestimony080207a.pdf (February 2008).

In addition, parliamentary results seemed to confirm that rigging had taken place. For example, according to official numbers released by the ECK, 325,131 more votes were cast in the presidential election than the parliamentary elections. Furthermore, PNU won only 43 seats in parliament, with 18 of these seats being in Central Province, President Kibaki's ethnic stronghold, and only 25 throughout the rest of the country. ODM won 99 seats; only seven seats away from an absolute majority. The Vice President and 22 other cabinet members who served during President Kibaki's first term lost their parliamentary seats, often to newcomers, and the official ECK results named Raila Odinga the winner in six of Kenya's eight provinces. All of these facts contributed to claims of election fraud in favor of the Kibaki regime.

What followed was violence of a degree that had not been experienced since 1992, when marauding, armed, rag-tag militia unleashed terror on Kenyans in many parts of the country. As in 1992, the recent violence was mainly between people from different tribes. In parts of Nairobi, Nyanza, Rift Valley, Coast and Western provinces the main victims were people from Kikuyu, Embu and Meru tribes, and to a lesser extent Kisii communities, who were being targeted because of their perceived support for President Kibaki. In other parts of Nairobi, Nakuru, Naivasha and areas of Central Province, the main victims were people from the Luo community, who were attacked in reprisal for what was happening to Kikuyus and their related ethnic groups elsewhere.

Moreover, two newly-elected ODM members of parliament were murdered in what many believe were politically-motivated assassinations. In total, more than 1,500 were killed, nearly 600,000 were displaced, and millions of dollars in damages and lost revenue were reported in the two months between

the December 27, 2007 elections and the signing of the power sharing agreement on February 28, 2008.[4]

Statements from other international and domestic observer groups confirmed what IRI observers witnessed: until the point of tabulation, the elections were transparent and generally well-run. However, after the polls closed and individual polling stations turned over their results to constituency-level returning centers, the electoral process ceased to be credible.

Legal Petitions
ODM ruled out the possibility of filing a court petition against President Kibaki, claiming that the courts are controlled by the government and the party would not receive a fair judgment. Instead, ODM announced its intention to use other avenues to express dissatisfaction with the elections and seek redress. Nonetheless, 38 petitions have been filed against various new members of the 10th Parliament disputing the parliamentary elections.

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[4] BBC News, "Odinga Pledges to Rebuild Kenya," http://news.bbc.co.uk/2/hi/africa/7270379.stm (February 2008).

IV.   Findings and Recommendations

Based on IRI's observations of the December 27, 2007 Kenyan elections and their aftermath, IRI offers the following findings and recommendations:

Finding 1: The ECK is not an independent institution and is subordinate to the executive branch of the Kenyan government.

> **Recommendation 1:** The independence of the ECK must be established through legislation, if not through a constitutional amendment. Leading up to the elections in December 2007, President Kibaki abrogated a gentlemen's agreement with the opposition on the appointment of new commissioners. However, the Constitution was never revised to reflect this agreement, and President Kibaki named five new commissioners to the ECK without consulting the opposition only months before the 2007 elections. While great hope was placed in President Kibaki's last-minute reappointment of ECK Chairman Samuel Kivuitu, a former KANU-era parliamentarian originally appointed by President Daniel Arap Moi, the consequences of having a new, pro-government ECK did not become apparent until it was too late.

Finding 2: State and government resources were abused for campaign purposes.

> **Recommendation 2:** Aside from the specific problems relating to the ECK's operations in the counting and tallying of results, the use of state resources for campaigns is most troubling, and as a form of corruption, must be addressed through the criminal courts. The misuse of media resources is an especially pernicious but difficult-

to-address problem. Bias in the state-owned broadcaster KBC, the use of public resources to buy ads in the name of government agencies and entities for partisan purposes, and rewarding or punishing private-owned media in accordance with how they cover the government and opposition must be addressed. Transparency and accountability for all media expenditures by the government is necessary.

Finding 3: The Kenyan Constitution was drafted under a colonial regime and does not adequately address the needs of an independent, modern Kenya.

> **Recommendation 3:** The Kenyan Constitution must be revised to more appropriately balance the authority of the various branches of the Kenyan government, so that there are checks and balances that limit the influence that individuals and groups can have over the government.

Finding 4: Although Election Day in Kenya was mostly calm and transparent, the varied logistical and organizational problems encountered by IRI observers demonstrated a lack of preparation and readiness on the part of the ECK.

> **Recommendation 4:** Anybody managing elections in Kenya must adequately prepare and organize fair and transparent elections, including: publicized voter registration and registration list vetting; fair and organized political party primaries; revision of election regulations to ensure the secrecy of the ballot; thorough training of all polling officials; appropriate polling station organization that will accommodate voters, polling officials, and political party agents and observers; and a fair, transparent and redundant method of verifying ballot counting and tallying.

Finding 5: Technology used in the 2002 elections to contribute to the transparency of the polling exercise was circumvented in 2007.

> **Recommendation 5:** The technology that allowed for successful reporting in 2002 was obviously available and in place in 2007. However, these methods were subverted by the corruption of election officers at various locations who turned off their cell phones and went missing, as well as the misreporting and mistallying of results on a centralized basis. Systems such as Global Position Satellite links and digital photography could be used as additional anti-fraud tools.

Finding 6: An environment of impunity by government officials exists in Kenya, and there is not a sufficiently independent judiciary to prosecute such offenders.

> **Recommendation 6:** Ultimately, corruption in the electoral process is not necessarily much different than corruption in other government functions in Kenya. Where there is corruption in the day-to-day affairs of government there is incentive for corruption in the processes whereby succession of power is determined. The international community and civil society should clearly condemn corruption at all levels and a power-sharing government must be used as an opportunity for reform and a commitment to deliver better performance to voters. Likewise, those responsible for election fraud and rigging must face criminal prosecution to deter such conduct in the future.

Finding 7: Political candidates resorted to ethnic and tribal epithets or hate speech when campaigning. By utilizing inflammatory and discriminatory remarks in campaign rallies

and in vernacular media, candidates inflamed ethnic tensions that contributed to post-election violence.

> **Recommendation 7:** Kenyan elections are made more vulnerable to fraud by the fact that parties and candidates tend to have strong ethnic, tribal and regional associations, such that while an election may be closely contested nationally, in many areas there is some level of popular tolerance for rigging or intimidation on the basis of a perceived commonality of interest by a one-sided majority. The Kenyan people must commit themselves to a national unity of purpose in freeing themselves from narrow tribal and/or regional agendas and manipulation, and to supporting accountability for election-related misconduct, without regard to tribal or regional favoritism or bias. In addition, hate speech, ethnic slurs and discriminatory remarks need to be considered illegal for anyone campaigning for office. Such bigotry on the part of political leadership cannot be tolerated in a multi-ethnic and multi-racial society such as Kenya. Likewise, discriminatory language in the media should be closely monitored by an independent institution that can levy penalties against egregious hate speech that has the potential to incite ethnic violence in Kenya.

V.   IRI in Kenya

In Kenya, with support from the National Endowment for Democracy, IRI is working to empower women, youth and Muslims on the national political scene, as well as support parliamentarians from marginalized groups through capacity-building activities.

IRI's work in Kenya began in 1992 when the Institute trained poll watchers and fielded an international election monitoring team for the landmark elections. Following those historic elections, IRI initiated a political party training program to strengthen the party system. After a hiatus in programming, IRI launched a public opinion polling program in June 2000, which received significant media attention and covered a myriad of topics such as constitutional reform, governance and election issues. The Institute then provided technical assistance to the Constitution of Kenya Review Commission through consultations with several international constitutional law experts.

In December 2001, IRI embarked on several programs to encourage more transparent and competitive elections with support for voter registration and election monitoring for the 2002 elections. IRI expanded its programs in September 2002 by encouraging the civic and political participation of youth. The program worked with existing youth organizations to mobilize young Kenyans to become positively involved in politics by shunning violence, which had become a hallmark of Kenya's political landscape.

In 2003, IRI organized advocacy workshops for Kenyan civil society groups around the country. The topics covered in these seminars included the development of professional relations, coalition building, lobbying, networking, media relations and policy analysis. The following year, IRI conducted trainings on

strengthening the roles of coalition and opposition members of parliament, enhancing coordination and communication among party parliamentarians, and promoting women's participation within the parties through a series of capacity-building workshops and the development of agendas through consultation with party leaders to ensure effectiveness. In a legislative and political party support program in 2005, IRI assisted the parties to develop agenda-based legislative strategies and support young members of parliament through the Kenya Young Parliamentarians' Association.

Following the November 2005 constitutional referendum, IRI conducted several nationwide opinion polls to inform political parties and the general public of current political trends, polling about such topics as security, the economy and one's family economic situation, issues most important to voters, women candidates in parliament and the media.

In advance of the 2007 elections, IRI supported women, youth and Muslim candidates running for office in a series of campaign schools designed to enhance the ability of candidates from marginalized groups to compete for elective office. Following the December 2007 elections, IRI will work to build the capacities of these marginalized groups on the national political scene.

VI.   Appendix

A.   *Kenya 2007 General Election Official Results as Announced by the ECK[5]*

Voter Statistics
- Registered voters nationally: 14,296,180 (47% women)
- This represents 82% of eligible voters (ECK estimates)
- Voter turnout nationally: 69%

Presidential Results

CANDIDATE	PARTY	VOTES	%
Emilio Mwai Kibaki	PNU	4,578,034	46.38%
Raila Amolo Odinga	ODM	4,352,860	44.10%
Stephen Kalonzo Musyoka	ODM-K	879,899	8.91%
Nazlin Omar	Workers Congress Party of Kenya	8,624	0.09%
Pius Muiru	Kenya Peoples' Party	9,665	0.10%
Kenneth Stanley Matiba	Saba Saba Asili	8,049	0.08%
Joseph Ngacha Karani	Kenya Patriotic Trust Party	21,168	0.21%
David Waweru Ng'ethe	Chama Cha Uma	5,976	0.06%
Nixon Jeremiah Kukubo	Republican Party of Kenya	5,926	0.06%
TOTAL VOTES	=	**9,870,201**	

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[5]   Electoral Commission of Kenya, National Results, http://www.eck.or.ke/elections2007/ index.php?option=com_content&view=article&id=8&Itemid=8 (January 2008).

B.   *Political Party Representation in Parliament*

Party (23)	Seats	Seats %
ODM	99	47.14%
PNU	43	20.48%
ODM-K	16	7.62%
KANU	14	6.67%
SAFINA	5	2.38%
NARC-K	4	1.90%
FORD-P	3	1.43%
NARC	3	1.43%
New FORD Kenya	2	0.95%
Chama Cha Uzalendo (CCU)	2	0.95%
Party of Independent Candidates of Kenya (PICK)	2	0.95%
DP	2	0.95%
Sisi Kwa Sisi	2	0.95%
Mazingira	1	0.48%
United Democratic Movement (UDM)	1	0.48%
Patriotic Party of Kenya (PPK)	1	0.48%
Forum for the Restoration of Democracy–Asili (FORD-A)	1	0.48%
KENDA	1	0.48%
KADDU	1	0.48%
National Labour Party (NLP)	1	0.48%
Kenya African Democratic Union-Asili (KADU-Asili)	1	0.48%
People's Democratic Party (PDP)	1	0.48%
FORD-K	1	0.48%

NOTES:

1. Elections in Kamukunji (Nairobi), Wajir North (North Eastern) and Kilgoris (Rift Valley) were nullified and will be held in a by-election later in 2008. The ODM parliamentarians in Embakasi and Ainamoi, Melitus Were and David Too, were murdered, which under Kenyan law vacates those seats for by-election, as well as the

Emuhaya parliamentary seat which was declared vacant following the election of the member of parliament-elect Kenneth Marende to the post of the National Assembly Speaker.

2. Kenya's parliament consists of 222 seats. Two hundred and ten of these are elected by people living in a political constituency, and the other 12 are nominated. Apportionment of the 12 nominated positions depends on the number of seats a political party wins. Thus, ODM will be able to nominate the highest number parliamentarians, due to its strength in the legislature. ODM has 99 elected seats and claims six nominated slots; PNU has 43 elected seats and claims three slots; KANU and ODM-K have 14 and 16 elected seats and were allocated one and two nominated slots, respectively.

The parties are required to submit their lists to the ECK, after which the electoral body forwards the list to the President for public announcement. The 12 parliamentarians have been announced and are waiting to be officially sworn in to become members of the 10th Parliament. In total, seven women and five men have been nominated to parliament.

C.   *Elected Members of Parliament by Province and Political Party[6]*

PROVINCE	CONSTITUENCY	WINNER	PARTY
Nairobi	Dagoretti	Mugo Beth Wambui	PNU
Nairobi	Embakasi	Were Melitus [murdered 1-30-08]	ODM
Nairobi	Kasarani	Elizabeth Ongoro	ODM
Nairobi	Langata	Odinga Raila Amolo	ODM
Nairobi	Makadara	Waithaka Dickson Mwangi	PNU
Nairobi	Starehe	Kariuki Margret Wanjiru	ODM
Nairobi	Westlands	Gumo Frederick Omulo	ODM
Central	Gatanga	Peter Kenneth	PNU
Central	Gatundu North	Waibara Clement Kungu	PICK
Central	Gatundu South	Kenyatta Uhuru	KANU
Central	Gichugu	Karua Martha Wangari	PNU
Central	Githunguri	Githunguri Baiya Peter Njoroge	Safina
Central	Juja	Thuo George	PNU
Central	Kandara	Kamau James Maina	PNU
Central	Kangema	Michuki John Njoroge	PNU
Central	Kiambaa	Githunguri Stanley Munga	KANU
Central	Kieni	Warugongo Namesyus	PNU
Central	Kigumo	Kamau Jamleck Irungu	PNU
Central	Kiharu	Mwangi Barnabas Muturi C	Sisi Kwa Sisi
Central	Kinangop	Ngugi David Mwaniki	Sisi Kwa Sisi
Central	Kipipiri	Kimunya Amos Muhinga	PNU
Central	Kirinyaga Central	Kariuki John Ngata	FORD-A
Central	Lari	Mwaura David Njuguna Kiburi	PPK
Central	Limuru	Mwathi Peter Mungai	FORD-P
Central	Maragwa	Elias Peter Mbau	PNU
Central	Mathioya	Wambugu Clement Muchiri	PNU
Central	Mathira	Maina Ephraim Mwangi	Safina
Central	Mukurweini	Kabando wa Kabando	Safina
Central	Mwea	Gitau Peter Njuguna	PNU
Central	Ndaragwa	Kioni Jeremiah Ngayu	PNU

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6   Electoral Commission of Kenya, Parliamentary Seat Winners, http://www.eck.or.ke/elections2007/index.php?option=com_content&view=article&id=15&Itemid=13 (January 2008)

Central	Ndia	Githae Robinson Njeru	PNU
Central	Nyeri Town	Mathenge Esther Murugi	PNU
Central	Ol kalou	Mureithi Erastus Kihara	PNU
Central	Othaya	Mwai Kibaki	PNU
Central	Tetu	Nyamo Francis Thombe	PNU
Eastern	Central Imenti	Imanyaara Gitobu	CCU
Eastern	Gachoka	Mutava Musyimi	PNU
Eastern	Igembe North	Ntoitha M'mithiaru	PNU
Eastern	Igembe South	Franklin M Linturi	KANU
Eastern	Isiolo North	Mohammed A Kuti	NARC-K
Eastern	Isiolo South	Abdul B Ali	KANU
Eastern	Kaiti	Gideon Ndambuki	ODM-K
Eastern	Kangundo	Muthama Johnson Nduya	ODM-K
Eastern	Kathiani	Ndeti Wavinya	CCU
Eastern	Kibwezi	Prof Philip Kaloki	ODM-K
Eastern	Kilome	Mwau John Harun	PICK
Eastern	Kitui Central	Charity K Ngilu	NARC
Eastern	Kitui South	Muoki Issac Mulatya	ODM-K
Eastern	Kitui West	Nyamai Charles Mutisya	NARC
Eastern	Laisamis	Joseph Lekuton	KANU
Eastern	Machakos Town	Victor Munyaka	ODM-K
Eastern	Makueni	Peter Kiilu	ODM-K
Eastern	Manyatta	Emillio Kathuli	DP
Eastern	Masinga	Itwiku Benson Mbai	ODM-K
Eastern	Mbooni	Mutula Kilonzo	ODM-K
Eastern	Mutito	Julius Kiema Kilonzo	ODM-K
Eastern	Mwala	Pastor Daniel Muoki	ODM-K
Eastern	Mwingi North	Stephen K Musyoka	ODM-K
Eastern	Mwingi South	David Musila	ODM-K
Eastern	Nithi	Mbiuki Japhet M Kareke	KANU
Eastern	North Imenti	Ruteere Silas Muriuki	Mazingira
Eastern	Runyenjes	Cecily Mutitu Mbarire	PNU
Eastern	Siakago	Kivuti Maxwell	Safina
Eastern	South Imenti	Kiraitu Muriungi	PNU
Eastern	Tharaka	Mwiru Alex Muthengi	PNU

Eastern	Tigania East	Peter G Munya	PNU
Eastern	Tigania West	Kilemi Mwiria Valerian	PNU
Eastern	Yatta	Kilonzo Mutavi Charles	ODM-K
Western	Amagoro	Ojaamongson Sospeter Odeke	ODM
Western	Budalangi	Ababu Pius Tawfiq Namwamba	ODM
Western	Bumula	Bifwoli Sylvester Wakoli	PNU
Western	Butere	Wycliffe Oparanya	ODM
Western	Butula	Odhiambo Bwire Alfred	ODM
Western	Emuhaya	Kenneth Marende	ODM
Western	Funyula	Nyogesa Otuoma Paul	ODM
Western	Hamisi	George Haniri	ODM
Western	Ikolomani	Dr Bonny Khalwale	New Ford Kenya
Western	Kanduyi	Alfred Khang'ati	ODM
Western	Khwisero	Evans Akula	ODM
Western	Kimilili	Simiyu David Eseli	FORD-K
Western	Lugari	Cyrus Jirongo	KADDU
Western	Lurambi	Atanas M Keya	ODM
Western	Malava	Soita Peter Shitanda	New Ford Kenya
Western	Matungu	David Were	ODM
Western	Mt Elgon	Fred Kapondi	ODM
Western	Mumias	Washiali Benjamin Jomo	ODM
Western	Nambale	Okemo Chrysanthus	ODM
Western	Sabatia	Musalia Mudavadi	ODM
Western	Shinyalu	Charles L Lirechi	ODM
Western	Sirisia	Wentagula Moses Masika	PNU
Western	Vihiga	Yusuf Kifuma Chanzu	ODM
Western	Webuye	Sambu B A Wekesa	ODM
Nyanza	Alego	Yinda Edwin Ochieng	ODM
Nyanza	Bobasi	Obure Christopher Mogere	ODM
Nyanza	Bomachoge	Joel Onyancha	FORD-P
Nyanza	Bonchari	Onyancha Charles	ODM
Nyanza	Bondo	Oginga Dr Oburu	ODM
Nyanza	Gem	Midiwo Washington Jakoyo	ODM
Nyanza	Gwassi	Ng'ongo Mbadi John	ODM
Nyanza	Karachuonyo	Rege James G Kwanya	ODM

Nyanza	Kasipul Kabondo	Magwanga Joseph Oyugi	ODM
Nyanza	Kisumu Rural	Nyong'o Peter Anyang'	ODM
Nyanza	Kisumu Town East	Ahmed Shakeel shabbir Ahmed	ODM
Nyanza	Kisumu Town West	Aluoch John Olago	ODM
Nyanza	Kitutu Chache	Richard Momoima	PDP
Nyanza	Kitutu Masaba	Osebe Walter Enock Nyambati	NLP
Nyanza	Kuria	Machage Wilfred Gisuka	DP
Nyanza	Mbita	Kajwang Gerald Otieno	ODM
Nyanza	Migori	Dache John Pesa	ODM
Nyanza	Muhoroni	Olweny patrick Ayiecho	ODM
Nyanza	Ndhiwa	Ojodeh Joshua Orwa	ODM
Nyanza	North Mugirango Burabu	Ombui Moriasi Wilfred	KANU
Nyanza	Nyakach	Anyango Pollyins Ochieng	ODM
Nyanza	Nyando	Otieno Frederick Outa	ODM
Nyanza	Nyaribari Chache	Monda Robert Onsare	NARC
Nyanza	Nyaribari Masaba	Ongeri Samson Kagengo	KANU
Nyanza	Nyatike	Anyanga peter Edick Omondi	ODM
Nyanza	Rangwe	Ogindo Martin Otieno	ODM
Nyanza	Rarieda	Gumbo Nicholas O	ODM
Nyanza	Rongo	Otieno Dalmas Anyango	ODM
Nyanza	South Mugirango	Magara James Omingo	ODM
Nyanza	Ugenya	Orengo Aggrey James	ODM
Nyanza	Uriri	Cyprian Ojwang Omollo	ODM
Nyanza	West Mugirango	Gesami James Ondicho	ODM
Coast	Bahari	Gunda Benedict Fodo	ODM
Coast	Bura	Abdi Nassir Nuh	ODM-K
Coast	Changamwe	Kajembe Ramadhan Seif	ODM
Coast	Galole	Godhana Dhadho Gaddae	ODM
Coast	Ganze	Bayah Francis S.K	KADU-ASILI
Coast	Garsen	Danson Mungatana	NARC-K
Coast	Kaloleni	Kambi Samwel Kazungu	PNU
Coast	Kinango	Rai Samuel Gonzi	FORD-P
Coast	Kisauni	Joho Hassan Ali	ODM
Coast	Lamu East	Abuchiaba Abu Mohamed	PNU
Coast	Lamu West	Twaha Fahim Yasin	NARC-K

Coast	Likoni	Mwahima Mwalimu Masudi	ODM
Coast	Magarini	Jeffah Amason Kingi	ODM
Coast	Malindi	Mung'aro Maitha Gideon	ODM
Coast	Matuga	Mwakwere Chirau Ali	PNU
Coast	Msambweni	Zonga Omar Mbwana	ODM
Coast	Mvita	Balala Najib Mohamed	ODM
Coast	Mwatate	Mwatela Calist Andrew	ODM
Coast	Taveta	Shaban Naomi Namisi	KANU
Coast	Voi	Mwakulegwa Danson Mwazo	ODM
Coast	Wundanyi	Mwadeghu Thomas Ludindi	ODM
Rift Valley	Ainamoi	David Too Kimutai [murdered 2-1-08]	ODM
Rift Valley	Aldai	Dr Sally Kosgey	ODM
Rift Valley	Baringo Central	Mwaita Sammy Silas Komen	ODM
Rift Valley	Baringo East	Kamama Asman Abongutum	PNU
Rift Valley	Baringo North	William Kipkorir	ODM
Rift Valley	Belgut	Charles K. Cheruiyot	ODM
Rift Valley	Bomet	Kipkalya Kones	ODM
Rift Valley	Bureti	Bett Franklin	ODM
Rift Valley	Chepalungu	Isaac Ruto	ODM
Rift Valley	Cherangani	Joshua Kutuny	ODM
Rift Valley	Eldama Ravine	Lessonet Moses K	ODM
Rift Valley	Eldoret East	Kamar Margret Jepkoech	ODM
Rift Valley	Eldoret North	Ruto William Samoei	ODM
Rift Valley	Eldoret South	Peris Chepchumba	ODM
Rift Valley	Emgwen	Lagat Elijah Kiptarbei	ODM
Rift Valley	Kacheliba	Samuel Poghisio	ODM-K
Rift Valley	Kajiado Central	Joseph Ole Nkaissery	ODM
Rift Valley	Kajiado North	Saitoti George	PNU
Rift Valley	Kapenguria	Rev Julius Mugor	ODM
Rift Valley	Keiyo North	Chepkitony Lucas Kipkosei	ODM
Rift Valley	Keiyo South	Kiptanui Kiplagat Jackson	ODM
Rift Valley	Kipkelion	M J Kiprono Langat	ODM
Rift Valley	Konoin	Kones Julius Kipyegon	ODM
Rift Valley	Kuresoi	Zakayo Cheroiyot	ODM
Rift Valley	Kwanza	Dr Noah Wakesa	PNU

Rift Valley	Laikipia East	Kiunjuri Festus Mwangi	PNU
Rift Valley	Laikipia West	Muriithi Ndiritu	PNU
Rift Valley	Loitoktok	Katoo Ole Metito	NARC-K
Rift Valley	Marakwet East	Kilimo Jebii Linah	KENDA
Rift Valley	Marakwet West	Kaino Boaz Kipchuma	ODM
Rift Valley	Mogotio	Prof Hellen Sambili	UDM
Rift Valley	Molo	Kiuna Joseph Nganga	PNU
Rift Valley	Mosop	Koech David	ODM
Rift Valley	Naivasha	Mututho John Michael Njenga	KANU
Rift Valley	Nakuru Town	Lee Maiyani Kinyanjui	PNU
Rift Valley	Narok North	Ntimama William Ronkorua	ODM
Rift Valley	Narok South	Nkoidilla Lankas	ODM
Rift Valley	Rongai	Kigen LukaKipkorir	ODM
Rift Valley	Saboti	Eugene Ludovic Wamalwa	PNU
Rift Valley	Samburu East	Lentimalo Raphael	ODM
Rift Valley	Samburu West	Simon Lesirma	ODM
Rift Valley	Sigor	Wilson Litole	ODM
Rift Valley	Sotik	Lorna Chepkemoi Laboso	ODM
Rift Valley	Subukia	Nelson R Gaichuhie	PNU
Rift Valley	Tinderet	Kosgey Henry Kiprono	ODM
North Eastern	Dujis	Duale Aden Bare	ODM
North Eastern	Fafi	Sugow Aden Ahamed	KANU
North Eastern	Ijara	Haji Mohamed Yussuf	KANU
North Eastern	Lagdera	Farah Maalim	ODM
North Eastern	Mandera Central	Abdikadir Hussein Mohamed	Safina
North Eastern	Mandera East	Mohamed Hussein Ali	ODM
North Eastern	Mandera West	Maalim Mahmud Mohamed	ODM
North Eastern	Moyale	Ali Mohamud Mohamed	ODM
North Eastern	North Horr	Francis Chachu	ODM
North Eastern	Saku	Sasura Hussein Tarry	ODM-K
North Eastern	Turkana Central	David E Ethuro	PNU
North Eastern	Turkana North	John Munyes	PNU
North Eastern	Turkana South	Josephat Koli Nanok	ODM
North Eastern	Wajir East	Mohamed Ibrahim Elmi	ODM
North Eastern	Wajir South	Abdirahman Ali Hassan	KANU
North Eastern	Wajir West	Wehiye Adan Keynan	KANU

D.   *IRI to Monitor Kenyan Elections, Released December 19, 2007*

FOR IMMEDIATE RELEASE
December 19, 2007

IRI to Monitor Kenyan Elections

Washington, DC – The International Republican Institute (IRI) today announced it will monitor Kenya's December 27, 2007, presidential, parliamentary and local elections. Delegates will travel to Kenya to monitor voting and ballot counting throughout the country. Following the voting, IRI will issue a statement on the findings of the delegation.

IRI's delegation will be led by Constance Berry Newman, IRI board member and former Assistant Secretary of State for African Affairs. Other delegates are Hussein Ahmed Aideed, Member of the Executive Committee of Somaliland's Party for Unity and Development and Member of the National Registration Committee; Joel Barkan, Professor Emeritus of Political Science at the University of Iowa; Omer Jama Farah, Member of the Executive Committee and Political Officer of Somaliland's Union Democratic Party and a Member of the National Registration Committee; Irena Hadžiabdic, Member of Central Election Commission of Bosnia and Herzegovina; Maureen Harrington, former IRI Program Manager for Southern Africa; Abdillahi Said Ismail, Member of the Executive Committee of Somaliland's Justice and Welfare Party and a Member of the National Registration Committee; Anne Itto, Deputy Secretary General for the Southern Sector of the Sudan Peoples' Liberation Movement (SPLM); Simon Kun, Member of the Interim Political National Bureau of the SPLM and head of the South Sudan Humanitarian Relief Commission; Sylvestre Somo Mwaka, human rights activist and assistant to the President of

the Independent Electoral Commission in Kinshasa, Democratic Republic of Congo; Ronald Nehring, Chairman of the California Republican Party; Ambassador Lange Schermerhorn, former U.S. Ambassador to Djibouti; Brad Smith, Chief of Staff to Congressman David Dreier; and Bushara Hassan El Tali, Deputy Secretary for Training and Capacity Building of the Sudanese Liberation Movement.

Prior to the elections, delegates will be briefed by the U.S. Ambassador, representatives of the United Nations Development Program, the Electoral Commission of Kenya, head of electoral security, Kenyan political parties, and experts on Kenyan politics. They will also be briefed on the rights and responsibilities of international observers and Kenyan election law. Delegates will then be deployed throughout the country where they will monitor polling stations and identify and evaluate strengths and weaknesses in Kenya's election system, including campaign regulations, the balloting process, vote tabulation and reporting.

IRI staff will also serve as observers and assist in the mission. IRI staff will be led by Elizabeth Dugan, Vice President for Programs; Stephanie Blanton, Regional Director for Africa; and Ken Flottman, Resident East Africa Regional Director.

In Kenya, IRI works with political activists to help them develop campaign agendas that address voters' concerns. IRI works with Kenyan media outlets on how to interpret and report on opinion research data.

E.   *Preliminary Findings of IRI's International Election Observation, Released December 28, 2007*

FOR IMMEDIATE RELEASE
December 28, 2007

IRI Delegation Praises Kenyan People for Successful Election, Urges Continued Acceptance of the Democratic Process

Preliminary Findings of IRI's International Election Observation Mission

Nairobi, Kenya – Kenya's December 27, 2007, presidential, parliamentary and local elections were an extremely important milestone in the evolution of Kenyan democracy.   The International Republican Institute's (IRI) delegation commends the people of Kenya for the peaceful manner in which Election Day was carried out.   However, voting is only one part of the process.   The vote count and the acceptance of the results by the people are equally important.

The delegation in particular was impressed with the depth of dedication on the part of Kenyan voters.   Thousands stood patiently in line for hours to exercise their civic rights and participate in the political process, often expressing how important these elections were to them and their families.

Kenyans can be proud of the way in which they upheld the principles of democracy in this important election. At the polling stations observed by IRI's teams, the process appeared open, and political party agents, domestic observers and international observers had the opportunity to witness the opening of the polls, voting and ballot counting.   Election officials explained the process and rationale for their decisions on specific matters.

Because of this, IRI's delegation commends the efforts of the ECK and its thousands of poll workers, many of whom demonstrated initiative in ensuring the enfranchisement of voters in determining their leaders.

At the same time, there are areas which deserve redress in order to strengthen the current body of election law and regulations and further build confidence in the system. As happens in many elections around the world, the ECK must address the issue of polling stations opening late, voting materials being delivered in a timely manner and appropriately providing assistance to voters.

The organization of polling stations within a polling center was properly conceived but poorly executed. Voters and election officials struggled with matching new polling station assignments with old voter identification cards. The process by which voters verified their registration at the polls was often slow and confusing, thus causing tension. Though the redundancy of a manually maintained ledger has merit, better correlation between the voter rolls, voter documents and voter education should be addressed before the next election.

The new infrastructure of polling centers also precipitated the need for a greater supervisory role to oversee operational aspects of a polling center's activities. The organizational structure within the polling center did not provide for decision makers to address problems among the presiding officers.

The voter registration list was not organized by individual polling station, rather by the entire polling center. As a result, a presiding officer could not say how many registered voters should be entitled to cast ballots in his or her station which could have led to vulnerability in the process. The number of ballots delivered to each polling station should have corresponded with

the number of registered voters for that polling station. However, IRI does not have evidence that that was the case. Though no polling station observed ran out of ballots for any of the three races being contested, the voter rolls must be organized at the most basic electoral unit to encourage better transparency in the process.

During the six months leading up to the election, campaigns were characterized by a high level of public awareness and participation. There were a large number of candidates and parties, reflecting a great demand for opportunities to participate in the democratic process. At the same time, it must be noted that over these months there were incidents of violence, specifically attacks on candidates and campaigners, especially women, and clashes between groups motivated by or related to political tension and competition. These incidents of violence – particularly unfortunate given the obvious passion for democracy in Kenya – contributed to a pre-election level of anxiety and concern about the polling itself, that could have but did not dampen participation.

Kenya continues to move forward on its democratic path. As the country moves into the final phase of the election, IRI's delegation encourages the people to continue to respect the process and accept the final decision. Following a certification of results, IRI will issue a comprehensive report which will include conclusions and recommendations.

IRI observers monitored voting at more than 100 polling stations in all eight of Kenya's provinces and Nairobi.

IRI's delegation was led by Constance Berry Newman, IRI board member and former Assistant Secretary of State for African Affairs. Other delegates are Hussein Ahmed Aideed, Member of the Executive Committee of Somaliland's Party for Unity

and Development and Member of the National Registration Committee; Joel Barkan, Professor Emeritus of Political Science at the University of Iowa; Omer Jama Farah, Member of the Executive Committee and Political Officer of Somaliland's Union Democratic Party and a Member of the National Registration Committee; Irena Hadžiabdic, Member of Central Election Commission of Bosnia and Herzegovina; Maureen Harrington, former IRI Program Manager for Southern Africa; Abdillahi Said Ismail, Member of the Executive Committee of Somaliland's Justice and Welfare Party and a Member of the National Registration Committee; Anne Itto, Deputy Secretary General for the Southern Sector of the Sudan Peoples' Liberation Movement (SPLM); Simon Kun, Member of the Interim Political National Bureau of the SPLM and head of the South Sudan Humanitarian Relief Commission; Sylvestre Somo Mwaka, human rights activist and assistant to the President of the Independent Electoral Commission in Kinshasa, Democratic Republic of Congo; Ronald Nehring, Chairman of the California Republican Party; Ambassador Lange Schermerhorn, former U.S. Ambassador to Djibouti; Brad Smith, Chief of Staff to Congressman David Dreier; and Bushara Hassan El Tali, Deputy Secretary for Training and Capacity Building of the Sudanese Liberation Movement.

IRI staff also served as observers and assisted in the mission. IRI staff were led by Elizabeth Dugan, Vice President for Programs; Stephanie Blanton, Regional Director for Africa; and Ken Flottman, Resident East Africa Regional Director.

In Kenya, IRI works with political activists to help them develop campaign agendas that address voters' concerns. IRI works with Kenyan media outlets on how to interpret and report on opinion research data.

IRI has monitored more than 130 elections since 1983.

F.   IRI Statement on Post-Election Violence in Kenya, Released January 2, 2008

FOR IMMEDIATE RELEASE
January 2, 2008

IRI Statement on Post-Election Violence in Kenya

On December 28, 2007, the International Republican Institute's election observation team commended the people of Kenya for the manner in which Election Day was carried out. However, we noted that voting is only one part of the process. The vote count and the acceptance of the results by the people are equally important. There are now serious questions about the manner in which the vote tabulation was managed and it is clear that many Kenyans do not view the results as credible and that some of them have resorted to violence around the country.

All legal and constitutional remedies should be pursued to address the irregularities. The Government of Kenya, especially the Electoral Commission of Kenya (ECK) has failed in its responsibility to the people of Kenya. There are a number of issues that should have been addressed in order to ensure the confidence of the people in the process, including the slowness of the vote count, the absence of Returning Officers with the vote tallies and the media's exclusion from the announcement of the results.

However, the most important objective should be to restore peace. Regarding the current violence, the candidates have the responsibility to lead and should encourage their followers to follow the rule of law and make their protests known through the judicial process. The Kenyan people have the responsibility to further the democratic process in a non-violent manner.

The ECK must use any prerogatives it has to review its processes and take corrective actions as required. The government must act with restraint in responding to a substantial segment of the Kenyan people who are angry. And finally, if the people of Kenya are committed to democracy they will cease and desist the violent way of protest and follow the rule of law.