ELECTION AGENTS'
FACT SHEET 2017

Introduction

Election Agents are an important component in the electoral process. They are appointed by political parties or candidates to observe and ascertain whether the electoral process is free, fair and credible. Election Agents are duly appointed 'watch dogs' of their respective political parties or candidates. It is therefore essential that they are aware of several facts of the Election Day activities. It against the realisation of the critical role that elections agents play that this fact sheet has been developed to assist the Election agents perform their duties. This fact sheet outlines important points that election agents should note during observation of elections.

What an agent needs to be allowed into the polling station

To enter the polling station an agent requires:

1. A duly signed oath of secrecy
2. A copy of the original letter of appointment from their political party or candidate
3. An IEBC issued election agents badge
4. National Identification card or valid passport

The Accredited Election Agents are expected to take note of the following;

1. Observe preparation and opening of the Polling station
2. Confirm that the ballot boxes are empty before polling begins
3. Inspect and record the serial numbers and seals of the ballot boxes
4. Record the serial numbers of each ballot paper books for each of the elective positions which includes; President, Member of the National Assembly, Member of the County Assembly, Senator, County Woman Member of the National Assembly and Governor
5. Observe whether the voting procedures conform with the laid down regulation
6. Record the number of voters who were not found in the KIEMS but were the hard copy of the register

7. Witness the marking of the ballot whenever a PO is assisting a voter 2 or 3 agents can witness
8. Observe the closing procedure at the end of polling
9. Ensure that the ballot boxes apertures are sealed at the end of polling.
10. Record the serial numbers of the seals put on the aperture of the ballot boxes lid
11. Record the number of ballot papers issued to the voters, number of spoilt ballot papers, number of unused ballot papers.
12. Witness if counting procedures are adhered to
13. Record the total number of ballot papers provided, their serial numbers, unused ballots, used, spoilt, valid, rejected, and rejection objected to
14. Witness tallying of results
15. Sign the polling station diary and the declaration of results forms
16. Complete a checklist and submit the same to the party/ candidates

Opening of polling stations

The polling station is opened at 6:00am and closed at 5:00pm. The agent should be at the polling station as early as 5:00am to observe the preparation and the opening of the station. If the polling station is opened late, then the lost time should be added after 5:00pm closing time. The Presiding Officer (P.O.) is in charge of the polling station. Always consult with the P.O. for any clarification on the process or point out issues when they are not in order.

Note: An agent should never communicate with a voter.

Voting and voter identification process:

Once a voter is in the polling station the following procedure is used to identify them;

a) Provide his/ her original ID or Valid Kenyan passport to the IEBC clerk
b) Place the finger on the KIEMS KIT for biometric identification
c) Receive 6 stamped ballot papers from the IEBC clerks
d) Proceed to the Polling booth
e) Correctly mark the ballot papers in secret
f) Cast each ballot paper into the correct ballot box
g) The small finger of the voter is marked with indelible ink
h) Leave the polling station after voting

NOTE:

KIEMS will be used to identify voters on election day. As far as the KIEMS is working it is the one used to identify voters.Where a registered voter who is not identified by use of Biometrics, then the voter ID or Passport number is keyed in the KIEMS Kit and an alphanumeric search is done.

If KIEMS fails we revert to the printed out Register of Voters .If a voter's name is found in the printed register, the voter is required to fill a statutory form, Form 32A in the presence of the agents and this enables the voter to be able to vote.

If a voter's name is not found in the electronic register or in the printed register, then they are not allowed to vote.

Counting process at the polling station

- An agent can only be in the counting station if your party or candidate had duly appointed you as a counting agent.
- During the appointment, an agent can be appointed as polling, counting and even a tallying agent at the same time. During Counting the agent should look out for the following;

a) The ballot boxes at the polling station are emptied one at a time in the following order President, Member of the National Assembly, Member of the County Assembly, Senator, County Woman Member to the National Assembly and Governor;
b) P.O unfolds the ballot paper and places it facing down.
c) Each ballot paper is inspected to determine whether or not it is valid
d) The P.O picks the ballot paper, raise and displays each ballot paper at a time to establish in whose favour the ballot paper has been cast
e) The P.O counts the votes one at a time for each candidate by publicly announcing loudly and putting in bundles of Fifty (50) using a rubber band
f) Counts the bundles for each candidate and every vote counted is entered on the tallying sheet Form 33
g) Stray ballot, rejected ballots and disputed votes are each kept in a separate envelope and recorded
h) Disputed Votes are finally determined by the presiding officer and awarded but packed in a separate envelop then put in the ballot box
i) Results are recorded in the forms (34A - President), (35A- Member of the National Assembly), (36A - Member of the County Assembly), (38A - Senator), (39A - County Woman Member tothe National Assembly) and (37A- Governor)
j) P.O asks the agents / candidates present to confirm the accuracy of the entries in the forms and then invites the agents/ candidates to sign the forms
k) Should an agent refuse to sign the forms, the PO should give the reasons for refusal
l) Results are announced
m) Results are transmitted electronically and a scanned copy of form 34A for the presidential results is scanned using KIEMS and transmitted to tallying centre.
n) The P.O must provide each election agent with a copy of the declaration form of the result
o) P.O affixes a copy of the declared results at the entrance of the polling station for the public to see.

Note: Results of a specific position are transmitted immediately after counting and before opening and counting of ballot papers in the next ballot box. In this case, the PO will count and transmit the presidential results before opening and counting the ballot papers in the ballot box for the Member of the National Assembly.

Note: A candidate or an election agent present during counting can request for a recount. The recount shall not take place more than twice.

Tallying process at the constituency level

The Returning Officer at Constituency level will also be responsible for the tallying and declaration of winner for position of; Member of the National Assembly and Member of County Assembly.

The process involves the following tasks:

a) Constituency Returning Officer Receives the Polling Station Diary and statutory results forms for each election per polling station
b) Signs the Polling Station Diary and allows chief agents to sign the same
c) Announces results from respective elections statutory forms in the order they are received from polling stations
d) Hands over soft statutory forms to tallying centre teams to key into soft copy of forms 34B, 35B, 36B, 38B and 39B.
e) Gives chief agents to confirm tallied results and sign
f) Scans and uploads the results forms to the elections public portal, maintained by the Commission
g) Announces the results for County Woman Member to the National Assembly, Senator, Governor and President
h) Declares results of Member of the National Assembly and Member of the County Assembly
i) issues certificates to those validly elected
j) Seals in separate tamper proof envelope:
    a. *Forms 34A, 35A, 36A, 37A, 38A and 39A*
    b. *Signed Forms 34B, 35B, 36B, 37B, 38B and 39 B*
    c. *Copies of certificate of winner of Member of County Assembly and Member of National Assembly*
k) Ensures safe storage of ballot boxes and Polling Station Diary
l) Hands over results to County Returning Officer and Chairperson of Commission

Tallying process at the county level

The County Returning Officer conducts final tally and declare results for the position of County Governor, Senator and County Women Member of the National Assembly.

The process involves the following tasks:

a) Returning officers hands over the collation results forms (37B,38B and 39B) and the respective collated results declaration forms (37A,38A and 39A) to the County Returning officer
b) The County Returning Officer gives results to clerks to enter into form 37C(Governor), 38C(Senator) and 39C (County Woman Member of the National Assembly
c) After receiving all the results from the Constituencies and confirming the tallied results the County Returning Officer prints, signs and stamps results declaration forms 37C, 38C and 39C for the various elective positions
d) The County Returning Officer asks the agents or candidates present to sign the forms
e) The County Returning Officer then announces and declares the results in the following order; Senator, County Woman Member of the National Assembly, Governor
f) Issues certificates to the winners
g) Uploads results onto the elections document management system
h) Submits results to the Commission

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