

CITIZENS PATHWAY GROUP

Citizens Pathway Group paper

Pulling together to ensure a successful 2013 general election

Preamble

The impending 2013 general election will be a watershed for Kenya in two key ways: It is the first election under the new Constitution and will also be the election for Kenyans to prove to ourselves and the world that we have learned from our costly 2007 mistakes. For these reasons, **it is absolutely critical that we uphold and support the Independent Electoral and Boundaries Commission (IEBC)** to ensure they are able to preside over a smooth, safe election preparation and exercise. After a rocky start, we acknowledge the vigorous effort IEBC is making towards a good election. Their credibility and capability is essential and all hands need to be on deck for this.

A complex election

Citizens Pathway understands that this election presents an unprecedented level of complexity for Kenya. Nevertheless, with careful attention to key issues and adequate resourcing we believe the 2013 elections can be a success. We have arrived at this conclusion after consulting both governance and project management experts.

What it will take

According to our findings, a successful election will at a minimum require the following legal and operational measures:

- **Legislative changes** to the laws governing elections, particularly to revise the timelines for certain milestones such as reducing the time period for inspection of the register from 30 days to 14 days and the certification period from 30 days to 14 days;
- **Clarification of nomination rules with regard to the certified register and a solution for the resolution of disputes** arising from the nominations;
- IEBC to work **7 days a week** throughout the preparation period;
- **Simultaneous data cleaning during inspection** of the voter register because de-duplication can take 2-4 weeks. IEBC will need to explain to the public that the register they are inspecting will have flaws; and
- **Enhanced resources** for IEBC to conduct data cleaning after the close of voter registration.

High risk areas

Based on our indicative project management schedule, devised with the information we were able to obtain¹, the notable high risk areas include the following activities that are all on the critical path to election day:

- **Voter registration:** should legislative or credibility imperatives require IEBC to register a certain percentage of the population (or at least 12.4 million, the number of voters in the

¹ Readers wishing to use this paper will need to (1) use the preamble plus (2) add to and/or improve the information it contains.

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referendum register), then this may be a challenge in view of the fewer than needed biometric voter registration (BVR) kits and issues they are currently handling. It may mean extending the registration period, but it is not clear if this is possible;

- **Distribution and logistics:** currently, this seems to be working quite well, as seen in the distribution of the BVR kits to the counties from the regional offices.
- **Data compiling and cleaning after registration:** it is not clear what systems are in place to allow this to happen simultaneously with the registration or quickly and effectively in the shortest time possible. In any case, IEBC has from 20 December to start data cleaning and they must complete this and be ready for certification on or about 17 February, which would be 14 days before election day (assuming the legislative changes indicated above);
- **Data correction after inspection:** again, it is not clear what mechanism is in place in order to take the shortest time possible. Is corrective information coming from the counties and being updated in Nairobi? How is this being verified? Will disputes on the register stop the process? Currently, our indicative project schedule allows for 7 days to complete this, which appears overly optimistic/underestimated.
- **Verifying party nominees in the voter register:** since IEBC cannot print ballot papers until the party nominee names are verified in the register, any disputes here will cause delay in printing and receipt of the ballot papers and affect the election date. The integrity of the register may serve to minimize disputes.
- **Voter register certification:** it would behoove the IEBC to certify the register as soon as possible and, if the law allows, before the 14 day deadline (assuming the legislative changes above). If they wait until 14 days before election day, they will not make the 4 March election date as they will have only 14 days to verify nominees, print and distribute the ballot papers, which is clearly insufficient time. From the indicative project schedule, it looks like they need at least 20 days after certification to complete the activities that will get us to 4 March. This is because the longest duration task is printing ballots.
- **Printing of ballot papers:** IEBC may do this through single sourcing which reduces the risk of print delays. However, the printer must receive the go-ahead in good time and the schedule assumes that they have the capacity to print the 100 million or so ballot papers within 15 days or less as this will be the tail end of the process. There is no doubt that the Government will strongly facilitate the airfreight and clearing process in Kenya to allow distribution of the ballot papers to the polling centers before 4 March.

To the extent that IEBC and other key institutions can anticipate these risks and take swift action to mitigate them – including possibly moving the election date by a few days, but within the stipulated constitutional limit – we will overcome the challenges and a smooth election will be our reward. Importantly, on the high risk areas indicated above we appeal to the **IEBC to step up and improve their communications to the public** to avoid surprises that may cause dismay and/or tension.

Let's stay alert and supportive

This paper seeks to highlight the facts of the preparation for the elections that require attention so that we get it right as a country. Citizens Pathway Group calls upon Kenyans, including the Executive arm of Government and politicians, to support the IEBC during this time because their success is ours too. Forewarned is forearmed.