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KURA YANGU SAUTI YANGU UPDATE ON THE ELECTION PROCESS SO FAR

This is the third briefing by the Kura Yangu Sauti Yangu coalition on the election process so far. This briefing is based on our assessment and understanding of the progress that has been made in tallying the presidential election results.

We appreciate the confirmation from the Independent Electoral and Boundaries Commission (IEBC) that it will only make a final declaration of outcomes based on the law—using publicly accessible and verifiable Forms 34A and 34B.

However, to date, the IEBC has only uploaded a few Forms 34A on the public portal. These are faint and illegible, with some neither signed nor stamped by Presiding Officers in accordance with the law.

While the IEBC has reportedly made the totality of Forms 34A in their possession accessible to political parties, we reiterate that:

- (a) The law requires all these Forms 34A be uploaded on the public portal. Unless and until this is done, there is no legal basis for IEBC to release any presidential results.
- (b) The IEBC has not informed the public why it has still not uploaded all the Forms 34A in its possession on the public portal.
- (c) This delay has raised questions about the integrity of Forms 34A.

The question to ask is why the IEBC could spend an estimated KES54 billion in taxpayer and donor funds on this election, including the acquisition of technology to send and display results to the public in real time, without this technology being used as intended. The effect of this is that the transmission of results is as problematic in 2017 as was in 2007 and 2013.

None of our field monitors from around the country was able to observe a polling station that declared election results before 9.00 p.m. on 8th August. However, the IEBC started streaming election results well before that time. This, together with the difficulties that have been

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experienced in sighting Forms 34A and 34B, has fuelled the impression that there is in place, a cyber-aided cover-up of the results. If there is to be credibility in this election, the IEBC must address this perception.

The National Super Alliance (NASA) yesterday made a grave allegation about the integrity and security of the IEBC database. After promising the allegation would be taken seriously and investigated, the IEBC's Chief Executive Officer (CEO), Ezra Chiloba, dismissed the allegations, without demonstrating what investigation was carried out. The IEBC needs to demonstrate the allegation was fully, independently and openly investigated.

We are concerned by the apparent dissonance between the IEBC's Chair and CEO, reducing public confidence in the IEBC as a whole. The IEBC's Chair Wafula Chebukati should step up to the plate and rein in the CEO to limit damage to public confidence in the IEBC as a whole.

Finally, a number of regional and international observers have announced preliminary results of the elections observation. We are concerned they may be speaking prematurely, and solely to the experience of polling day itself. Polling day has never been the problem. The problem begins after polling, particularly during and following the counting, tallying, transmission and announcement of results. To the extent that this election has been unable to overcome the familiar problems associated with results in previous elections, we urge them to remain fully seized with the electoral observation effort, before giving this election an unqualified stamp of approval.

ENDS

The Secretariat

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