



## **Verification Statement of the Official 2017 Presidential Results**

**11 August 2017**

### **Background**

The Elections Observation Group (ELOG) is a permanent national platform composed of civil society and faith-based organizations committed to promoting citizen participation in the electoral processes, through non-partisan and impartial domestic observation, and objective reporting of elections.

ELOG has closely monitored the pre-election environment processes since March 2017. This entailed deploying long term observers in each of the 290 constituencies to observe and report on the pre-election environment. ELOG's goal in collecting this valuable information is to enhance the integrity of the election process and to contribute to a peaceful election.

For the purposes of Election Day (E-Day), ELOG deployed 8,300 observers across all 47 counties and 290 constituencies. Of these 1,703 Parallel Vote Tabulation (PVT) observers were specially trained and deployed to a nationally representative random sample of polling stations and three (3) county samples in Busia, Meru and Nairobi counties. ELOG will issue separate statements summarizing the findings for each county analysis.

PVT is an advanced E-Day observation methodology which allows ELOG to confidently comment on the E-Day and tabulation processes. ELOG's PVT, thus, provides an independent verification of the presidential results as well as the gubernatorial results in Busia, Meru, and Nairobi as announced by the IEBC.

PVT involves deploying highly trained, accredited observers to a representative random sample of polling stations to assess the conduct of the opening, voting and counting processes as well as to verify the official vote count. Unlike exit polls, PVT does not involve observers asking voters for whom they voted. PVT observers observe all the processes in sampled polling stations and, finally, record the official figures as announced by the presiding officers at the sampled polling stations. The official vote counts from the

representative random sample of polling stations are then subjected to rigorous integrity checks and analyzed to draw projections.

ELOG successfully conducted a PVT for the 2010 referendum on the Constitution as well as for the 2013 General Elections. PVT has been successfully applied in other African countries such as Nigeria (2011 and 2015), Ghana (2008, 2012 and 2016), Malawi (2009 and 2014) and Zambia (2008, 2012, 2015 and 2016). In most instances, PVT helped to reduce tensions in the tallying process by providing rapid independent assessment of the opening of polls, voting and counting processes.

## **The Context**

As indicated above, ELOG deployed a robust long term observation mission which highlighted a number of issues:

**Voter education** - The ELOG LTO reports consistently indicated that voter education was not comprehensively undertaken in all the constituencies in the country. Deployment mapping reports showed scant voter education provision in fringe areas such as the northern counties. Disaggregated data shows that education targeting women, people living with disabilities (PWDs) and youth was improved from 2013 however that targeting PWDs was the lowest. This partially explains the confusion created by lack of adequate information on e-day that, among other things, saw many voters end up not voting as a result of going to the wrong polling stations.

**Voter registration** - Whilst ELOG intended to audit the voter register well before the elections, the same was not possible since it only accessed the register after the verification process and when it was already certified. ELOG, however, pronounced itself to the report that was produced by KPMG, the auditing firm appointed to assess the list. ELOG raised a number of issues that had been flagged by KPMG but which had not been addressed by IEBC when making amendments to the register. These issues and others identified through the observation of the voter verification process raise critical integrity questions on the register. However, without the conduct of its own independent audit which would categorically establish any glitches, ELOG could not authoritatively speak to the concerns.

**Political party nominations and campaigns** - ELOG noted that all the major political parties conducted shambolic nominations in April this year. That said, our observation of the campaign process was indicative of a much calmer environment despite isolated but loaded incidences of hate speech, intimidation and violence. Of particular concern to ELOG was the targeting of the women aspirants for abuse consistently through-out the reporting period.

On the broader campaigns, it was unfortunate that the implementation of the law that was aimed at regulating campaign financing, the Election Campaign Financing Act 2013, for all aspirants was suspended.

During the LTO observation period, ELOG noted the formation of militia in a number of constituencies (5%) during the party primaries. It is our hope that all the stakeholders in the electoral process will work to ensure that peace prevails through the remainder of the electoral process.

## **Election Day Process**

### **Opening and Setup**

The opening and set up processes was characterized by delays in opening some stations and delivery of materials. However, in many stations this exercise went well without hitches. The major highlights of the exercise were as follows;

- ELOG observers were properly permitted to observe in 98.4% of polling stations.
- 53.5% of the polling stations nationwide opened on time. Of the remaining stations, most opened between 7:00 am and 8:00 am, with some opening passed 8:00 am. This is a deterioration from 2013 when 59.7% of the polling stations opened on time. At the county level, Busia reported a similar trend. However, in Meru only 38% of the polling stations across the county opened on time; whereas 55.4% of polling stations in Nairobi County opened on time.
- 99.3% of polling stations had the Kenya Integrated Elections Management System (KIEMS) present. This is an improvement from 2013. Recall that in 2013, the Electronic Poll Book was missing in 8.0% of stations during the opening and setup process.

### **Voting**

Our findings noted that the voting process generally went smoothly across the country with isolated incidences reported as indicated below:

- In 7.6% of the stations, the Kenya Integrated Elections Management System (KIEMS) failed to function properly. This is an improvement from 2013 when electronic poll books malfunctioned in 54% of stations.
- In 49.2% of polling stations nationwide, some people (1 to 25 people) or many people (greater than 25) were not permitted to vote. Many of these cases were as a result of voters going to the wrong polling station, voters not verified in the KIEMS or voters not carrying IDs used at registration. This is consistent<sup>1</sup> with 45.4% in 2013.
- In 41.2% of polling stations, many people (i.e. more than 25 per polling station) were assisted to vote. A majority of those assisted were women. This marks an improvement from 2013 when many people were assisted to vote in 54.5% of polling stations. There was a queue at 5:00pm in 68.9% of polling stations. Of those stations with a queue at 5:00pm, 95.3% were properly permitted to vote.

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<sup>1</sup> These figures are not statistically significantly different from one another due to margins of error.

## **Closing and Counting**

On the closing and counting process, our findings indicated as follows:

- An ODM, WIPER, ANC or Ford Kenya party agent (representing the NASA coalition) were present in 84% of all the polling stations. In stations where they were present, the NASA agent signed the declaration of results for the presidential elections in 93.8% of these polling stations (as compared to 94.9% in 2013).
- For the closing and counting process, a Jubilee party agent was present in 92.3% of all the polling stations. In stations where they were present, the Jubilee agent signed the declaration of results for the presidential elections in 95.8% of these polling stations (as compared to 95.6% in 2013).
- Agents for independent candidates were present in 78.7% of all the polling stations. In stations where they were present, the agent signed the declaration of results for the presidential elections in 88.7% of these polling stations.
- In 86.5% of the polling stations, a copy of the Presidential Results Form (Form 34A) was publicly affixed outside (as compared to 89% in 2013)

## **ELOG 2017 PVT Results and Final Turnout**

ELOG has received, verified and analysed observation reports from 98.9% of its PVT Observers from 1,692 polling stations. These observers arrived at their assigned polling stations at 5:30 am and remained there throughout voting and counting until the results for the presidential elections for the entire polling station were announced and posted. As part of the PVT, observers reported the official results as announced by the election officials for sampled polling stations via coded text message using their mobile phones.

ELOG wishes to note and to remind all Kenyans that the IEBC is constitutionally mandated to announce and declare the *final, official* results of the elections.

ELOG's PVT estimates are consistent with the IEBC's official results for the 2017 presidential election.

Below are the ranges projected by the ELOG PVT for each of the candidates. These ranges are determined by the PVT estimates and the margins of error. Given our assessment of the Election Day process and that IEBC figures are within the projected ranges, the PVT can corroborate the official result for each candidate.

<b>Comparison of PVT Projections with Official IEBC Results</b>					
<b>Candidate</b>	<b>PVT Projection</b>	<b>Margin of Error</b>	<b>Range</b>		<b>Official IEBC Result</b>
			<b>Lower Limit</b>	<b>Upper Limit</b>	
Kenyatta Uhuru	54.0%	1.9%	52.1%	56.0%	54.3%
Odinga Raila	44.9%	1.9%	43.0%	46.9%	44.7%
Nyaga Joseph William Nthiga	0.2%	0.1%	0.1%	0.3%	0.3%
Dida Mohamed Abduba	0.4%	0.2%	0.2%	0.6%	0.3%
Aukot John Ekuru Longoggy	0.2%	0.1%	0.1%	0.3%	0.2%
Kaluyu Japheth Kavinga	0.1%	0.1%	0.0%	0.2%	0.1%
Mwaura Michael Wainaina	0.1%	0.1%	0.0%	0.2%	0.1%
Jirongo Shakhalaga Khwa	0.1%	0.1%	0.0%	0.2%	0.1%

### **Turnout**

The PVT projection for final turnout is 77.4% with a margin of error of +/- 0.5%.

### **Rejected**

The PVT projection for the final rejected ballots is 0.6% with a margin of error of +/- 0.1%.

### **In Conclusion:**

Having observed the electoral process over a period of time, it is clear that while we have made strides in electoral reforms, the country still has a lot of work to do. Some of the issues that need to be addressed quickly to improve the integrity of our elections include:

1. Ensuring the integrity of the Voter Register - cleaning is still needed on the register considering the unattended details even after the release of the KPMG audit report
2. Provision of consistent civic and voter education (as provided by the Constitution) to ensure that voters are well informed of their rights and responsibilities.
3. Punishing electoral offences and ensuring enforcement of code of conduct for political parties.
4. Ensuring consistent transparency, inclusive participation and access to information by the IEBC and the other agencies concerned with election management.
5. Ensure that all polling stations have adequate lighting and are physically accessible to PWDs and the elderly.
6. Ensure the implementation and enforcement of the campaign finance regulation and other electoral laws to avoid an undue advantage to the incumbents.
7. Ensure that the results transmission process is clear and understandable to all stakeholders.

As we work on strengthening our democracy and realizing the gains enshrined in the Constitution of Kenya 2010, let us remember that elections are also about the future. Elections are about the pledges that we are making for this country, as politicians, as duty bearers and as citizens that we realise the aspirations for all Kenyans for government and nation based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law

**God Bless Kenya**

**Thank You**

**ELOG Contacts:**

**Elections Observation Group**

**Jumuia Place, Lenana Road, 1<sup>st</sup> Floor**

**P.O.Box 43874 – 00100, Nairobi , Phone: 0711247181**

**Email: [info@elog.or.ke](mailto:info@elog.or.ke), Website: [www.elog.or.ke](http://www.elog.or.ke)**