



NATIONAL POLICE SERVICE

ELECTION SECURITY MANAGEMENT

MANUAL FOR POLICE COMMANDERS

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Foreword

I am very delighted to release this Manual as a testimony of determination of the National Police Service to put in place necessary measures for the maintenance of law and order and stability necessary for the conduct of an election and to protect and uphold the rights of all persons under any written law relating to elections.

The election cycle in Kenya is high pressure, competitive and often emotive. We are a country of diversity with over 44 tribes with different customs and beliefs. As such security challenges are dynamic and factors change from one county to the other depending on tribal composition during elections.

The immediate responsibility for all acts which touch upon the conduct of an election rests upon the Independent Electoral and Boundaries Commission. The Police have a triple function: first, the maintenance of law and order, secondly, provision of security during the election process and thirdly, the detection of election offences and the bringing of offenders to justice.

In the discharge of their first function, the maintenance of law and order, the Police are under the overall and independent

command of the Inspector General through the chain of command. In the discharge of their second and third functions, the provision of security during election process and the detection of election offences and the bringing of offenders to justice, the Police are responsible to the law.

This Manual is intended to be a reference handbook for Police Commanders to ensure that the Police roles and responsibilities during elections are carried out in a professional and consistent manner. It considers the potential impact of insecurity on the integrity of elections and provides a set of considerations regarding election security planning and management practices or procedures.

It is envisaged that the Manual will be applied by all Police Commanders including Police Stations across the country during elections. Adherence to the guidelines provided by this manual will enhance police preparedness and response mechanisms to election security in a collaborative and coordinated manner. I encourage all Police Commanders of the National Police Service to read it and to ensure that security

challenges and threats that may compromise the elections are effectively and efficiently managed.

Hillary N. Mutyambai, nsc (AU)

Inspector General, National Police Service

Acknowledgement

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Special acknowledgement goes to the Inspector General of National Police Service Mr. Hillary N. Mutyambai, nsc (AU) and other members of the Joint Service Board Mr. Noor Y. Gabow, EBS, OGW, Deputy Inspector General, Administration Police Service, Mr. George Kinoti, CBS, Director of Criminal Investigations and Ms. Rosemary Kuraru, AIG, Director of Human Capital Management.

The Manual is a result of tireless efforts of many police officers. Particular thanks go to the Director of Operations (KPS) Mr. Rashid Abdullahi Yakub. We further appreciate Mr. Dominic Kisavi CP and members of Election Security Secretariat including all Regional, County and Sub-County Police

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About this Manual

The role played by the police during elections cannot be underestimated. A secure electoral environment is crucial to ensuring the overall integrity of the electoral process. The police have the ultimate responsibility to maintain a secure and peaceful environment and to preserve law and order, including bringing anyone aiming to disrupt the process to justice. They also have other roles and responsibilities including engaging with other stakeholders involved in organizing elections.

This Manual is intended as a reference handbook for Police Commanders to ensure that the Police roles and responsibilities during elections are carried out in a professional and consistent manner. It considers the potential impact of insecurity on the integrity of elections and provides a set of considerations regarding election security planning and management practices or procedures.

Amendments to this Manual shall be made by the Joint Service Board in consultation with Police Commanders and other stakeholders as need arise. The Manual may be reviewed once every election cycle as necessary depending on the prevailing

trend on election security management; however, the Manual may be reviewed as need arises.

MANDATE OF THE NATIONAL POLICE SERVICE

The National Police Service (NPS) draws its mandate or functions from the Constitution of Kenya 2010 and the National Police Service Act, 2011 which recognizes the significant roles security agencies play in promoting public safety and maintenance of law and order. The NPS comprises of the Kenya Police Service, Administration Police Service, Directorate of Criminal Investigations and Internal Affairs Unit whose functions are outlined in Section 24, 27, 35, and 87 of the NPS Act respectively.

Kenya Police Service (KPS)

The functions of Kenya Police Service (KPS) include provision of public safety and security, assistance to the public when in need; maintenance of law and order; preservation of peace; protection of life and property; investigation of crimes; collection and collation of criminal intelligence; prevention and detection of crimes; apprehension of offenders; collection of intelligence, enforcement of all laws and regulations within its mandate. The role of KPS during elections is to maintain a secure and peaceful

environment and to preserve law and order, including apprehension of anyone acting/planning to disrupt the electoral process to justice.

Administration Police Service (APS)

The functions of APS include protective and border security as well as combating cattle rustling. Its role during elections includes preservation of peace; protection of life and property; provision of border patrol and border security; prevention and investigation of stock theft cases; protection of Government property, vital installations and strategic points and rendering support to the Government agencies in the enforcement of administrative functions and the exercise of lawful duties.

Directorate of Criminal Investigations (DCI)

The Directorate collect and provide criminal intelligence; undertake investigations of serious crimes including homicide, narcotic crimes, human trafficking, money laundering, terrorism, economic crimes, piracy, organized crime, and cyber-crime among others. Its role during elections focuses on investigations of hate speech, political incitement and content, and sexual violence related to elections.

Internal Affairs Unit (IAU)

The Unit promotes adherence to the highest standards of police conduct and fosters mutual respect between the Service and the community it serves by fairly, objectively, and neutrally investigating complaints that allege misconduct by police. It's role during elections is to receive and investigates complaints against the police including election security personnel who are members of the National Police Service.

CHAPTER 1: BACKGROUND

1.1 General Elections

According to the Constitution of Kenya 2010, the Independent Electoral and Boundaries Commission (IEBC) is mandated to conduct Presidential, Parliamentary and County Government elections in a General Election on the second Tuesday in August every 5th year. The roles of each of the six elective positions provided by the Constitution are summarized below.

1.1.1 The President

The President is the Head of State and Government; and also, Commander-in-Chief of the Defence Forces. The President is a symbol of national unity, elected by universal adult suffrage through secret ballot. In order for the President's election to be conclusive, the winning candidate has to obtain at least 50% plus one of the total votes cast in the elections as provided for in Article 138 (4) (a) and (b) of the Constitution of Kenya and at least 25% of votes cast in each of more than half of the Counties.

1.1.2 The Senator

The Senator represents a County and is elected by the registered voters in the County with each County constituting a single member Constituency. The Senator participates in the law-making function of Parliament by considering, debating and approving bills concerning Counties. The Senator also participates in the oversight of State Officers by considering and determining any resolution to remove the President or Deputy President from office in accordance with Article 145 of the Constitution.

The Senate consists of 68 Members with 47 of them being elected from each County; 16 being women Senators nominated by their respective political parties; one man and one woman representing the youth; one man and one-woman representing persons with disabilities; and the Speaker who is an ex-officio member.

1.1.3 The County Governor

The Governor is the Head of the County Executive; and is elected by voters registered in the County. The functions of the County Governor include administering and managing the affairs of the County; appointing members of the County

Executive Committee following approval by the County Assembly; and appointing members of the Urban and Municipal Boards for towns and municipalities within their areas of jurisdiction.

1.1.4 Member of the National Assembly

A Member of the National Assembly is elected by the registered voters of the Constituency. A Member of the National Assembly deliberates on and resolves issues of concern to the electorate; makes laws; determines the allocation of national revenue between the National and County governments; determines allocation of funds for expenditure by the National Government and other State organs; exercises oversight over national revenue and expenditure; reviews the conduct of the President, Deputy President and other State Officers; initiates the process of removing them from office; exercises oversight over State organs; and approves declaration of war and extension of States of Emergency.

The National Assembly consists of 290 members elected from each constituency by voters in the constituency, 47 County Women Members to the National Assembly elected from each County by voters, 12 members nominated by parliamentary

political parties according to their proportionate membership in the National Assembly; and the Speaker, who is an ex officio member.

1.1.5 County Woman Member to the National Assembly

The County Woman Member to the National Assembly is elected by voters registered in a county, with the county representing a single member constituency. The County Woman Member to the National Assembly deliberates on and resolves issues of concern to the electorate; makes laws; determines the allocation of national revenue between the National and County governments; determines allocation of funds for expenditure by the National Government and other State organs; exercises oversight over national revenue and expenditure; reviews the conduct of the President, Deputy President and other State Officers; initiates the process of removing them from office; exercises oversight over State organs; and approves declaration of war and extension of States of Emergency.

1.1.6 Member of County Assembly

The MCA is elected by the electorate in the Ward and they represent the wards at the County Assembly. A total of 1,450 MCAs are elected throughout the country.

1.2 Electoral Cycle

The electoral cycle covers pre-election, election and post-election periods. The cycle continues from one election to the other. Therefore, the conduct of election is a process and not an event. The completion of one cycle initiates the next. Under the Constitution, each election cycle is five years and is certainly not a static period.

1.2.1 Pre-election period

The pre-election period involves Voter registration, Voter education, Training of election officials, Political Parties' Primaries, Nomination of candidates and electoral campaigns.

1.2.2 Election period

The election period involves Polling, Counting of votes, verification of results, declaration of winners.

1.2.3 Post election period

The Post-election period involves Petitions and appeals. It also involves swearing in of the President and other winners.

CHAPTER 2: ELECTIONS IN KENYA

2.1 Types of Elections

There are two main types of elections; namely:

- i. General Election
- ii. Referendum

2.2.1 General Elections

The General Elections are held every fifth year at the lapse of the term of the President, Members of Parliament, Governors and Members of the County Assembly. Sometimes health incapacitation, death of an elected President before assuming office, Member of Parliament or County Assembly and other legal provisions may trigger the following elections.

Re-run election

Re-run election for Presidential Elections can be held when a presidential election does not produce a clear winner. This means that no presidential candidate has attained more than half of all the votes cast and at least 25% of the votes cast in each of more than half of the counties. It is a fresh election held thirty days after a previous Presidential election which had no

clear winner. The candidates for this election are the best two candidates who score the highest and the second highest votes.

Special Presidential Election

Special Presidential election may be occasioned by death of the President before assuming the office; death of or incapacity of the Deputy President to assume office following a vacancy in the office of the President.

By-election

By-election may be occasioned by a vacancy in Parliament and County Assemblies. A by-election is also occasioned by death of, or incapacity of the Deputy Governor to assume office following a vacancy in the office of the Governor or if a vacancy occurs in the office of the Governor and Deputy Governor at the same time.

Recall election

Re-call election is an election that results from a judgment or a ruling by a High Court following a petition by the electorate.

2.2.2 Referendum

Referendum is an election in which the electorate are asked to give their opinion about or decide an important political or social question. This may include amending the Constitution in regard to:

- i. the supremacy of the Constitution
- ii. the territory of Kenya
- iii. the sovereignty of the people;
- iv. the national values and principles of governance
- v. the Bill of Rights;
- vi. the term of office of the President;
- vii. Commissions and independent offices.

CHAPTER 3: ELECTORAL PROCESS

3.1 Introduction

The importance of the role played by the police during elections cannot be underestimated. The Police have the ultimate responsibility to maintain a secure and peaceful environment and to preserve law and order, including bringing anyone aiming to disrupt the electoral process to justice. They also have other roles and responsibilities including engaging with other stakeholders involved in organizing elections.

The attention of Police Commanders is particularly directed to the following electoral processes which the Police may be called upon to provide security and support the IEBC in discharging their mandate on elections.

3.2 Voter Registration

Voter registration is the process of capturing personal details of the eligible voters including biometrics for purposes of creating a register of voters to be used in elections. The Police may be required to deploy security personnel during the voter registration process.

3.3 Nomination by Political Parties

Nomination by Political Parties refers to the process where by Political Parties identify their members as candidates to vie for various elective positions. It also involves submission of party list to commission by Political Parties. Different Political Parties have different processes of nominating their candidates based on their constitution, rules and regulations. Political Parties may request the Police to deploy security personnel during their party nominations.

3.4 Election Campaigns and Campaign Period

It is the process through which Political Parties and candidates popularize themselves after they have been cleared by the IEBC to contest in an election. In doing this, they among others: hold meetings and rallies; organize meet-the-people tours; conduct road shows; distribute campaign materials; and use the media to reach out to potential voters.

The campaigns period is the period designated by the Commission for official campaign for a specified election. Persons entitled to campaign in elections are candidates; appointed campaigners and supporters of the candidates.

Public and State officers are prohibited by the Elections Acts and the Political Parties Act from supporting or campaigning for a political view-point, party or candidate in any election.

The Police is expected to maintain law and order during this period. They are required to collaborate with IEBC during electioneering period to ensure that security challenges and threats that may compromise the elections are effectively and efficiently managed.

3.5 Polling

Polling refers to the casting or recording of votes in an election on a predetermined date and time during which voters choose their preferred leaders. Polling may also take place on other dates determined by the commission with regard to the by-elections, referendum and recall elections. Voting, as is required by law should start at 6.00 am and close at 5.00pm. However, all voters on the queue at 5pm will be allowed to vote thereafter. The Police are required to provide security to safeguard the polling process at the polling stations.

3.6 Counting and Announcement of Result at the Polling Station

Polling stations closes at 5.00pm. The Presiding Officers shall announce closure of their respective polling stations. Only those on the queue at 5.00pm will be allowed to vote.

At the Polling station, the Presiding Officer announces results for elective positions. Results are announced at the polling station in the following order: Presidential, member of the National Assembly, member of the county Assembly, Senator, county woman member to the national assembly, County governor. The Police are required to provide security personnel to safeguard the process of counting and tallying of the votes including announcement of results at the polling station and tallying centre.

3.7 Tallying and Declaration of Election Results

Tallying is a process which involves accurate collation and representation of votes cast for each candidate. It takes place at the tallying centre. Collation is the process of collecting and ordering votes cast for various candidates. Announcement is the pronouncement of the electoral results. Tallying centres for

elections results are: Constituency tallying centre; County tallying centre; and National tallying centre.

At the Constituency tallying centre, the Returning Officers collates and announces the final results for four elective positions: President; Senator; County Woman Representative in the national assembly; and County Governor.

At the County tallying centre, the County Returning Officers collates and announce the final results for the Presidential election and the final results for three elective positions: Senator; County Woman Representative in the national assembly; County Governor.

At the National Tallying Centre, the Chairperson of the Commission verifies, tallies, announces and declares presidential results received from the constituencies. The Police are required to provide security to safeguard the process of counting and tallying of votes including transportation of election materials and equipment and election officials.

CHAPTER 4: ELECTION SECURITY

4.1 Introduction

Election security is a primary function of the Police to ensure the protection of citizens, communities, vulnerable and marginalized groups, organizations, and institutions against threats. Election security includes protection of all stakeholders, electoral activities and processes, election infrastructure and materials from harm or threat of harm to facilitate peaceful and democratic elections.

4.2 Importance of Election Security

Security during the election is critical, especially during campaigns, voting, vote counting and transmission of the results. A peaceful election environment facilitates a free, fair and credible election, and tranquil conditions in and around polling stations lessens problems that could compromise voter confidence, integrity of records, turnout or election results. Voters must be able to vote without fear and monitors must be able to perform their duties without intimidation. Candidates must be able to campaign without the fear that their supporters will be harmed.

4.3 Elements in Election Security

The Police is required to provide security for electoral operations, provide protection and assistance for purposes of facilitating peaceful and orderly elections, securing IEBC assets, equipment and acting on citizens and electoral officials reports on election malpractices in a timely manner. Election security require consideration of the following:

- i. **Stakeholders:** candidates, agents, voters, election officials, special groups (women, youth, persons with disabilities, elderly, minorities, marginalized), media personnel, accredited civil society representatives, and observers.
- ii. **Electoral activities and processes:** voter registration, nomination of candidates, electoral campaign, polling, counting of votes, verification of results, declaration of winners, petitions and appeals.
- iii. **Facilities and materials:** election offices, polling stations, tallying centres, campaign materials, ballots, warehouses and storage facilities.
- iv. **Communication systems and information:** relevant information and communication technologies used in

voting, as well as counting, tallying and transmission of results.

Given the uniqueness of security considerations for each election, additional components of security agencies may be mobilized, including the Kenya Prison Service, Kenya Wildlife Service, Kenya Forest Service among others to support National Police Reserve all under the Command and Control of the Inspector General of the National Police Service.

4.4 Approach to Election Security

Election Security must be approached within the electoral cycle based on the understanding that an election is not an isolated one-day event. An electoral process comprises a series of interconnected elements and activities that occur before, during, and after election day. Each phase involves different challenges and demands. The next Chapter will look at Election Security Management using this approach as a tool.

CHAPTER 5: ELECTION SECURITY MANAGEMENT

5.1 Principles

The delivery of Election Security by the Police is guided by the following principles:

- i. Maintaining a secure and peaceful electoral environment and preserving law and order.
- ii. Impartiality: Police will not engage in politics, take sides or demonstrate preferential support for any specific party or candidate
- iii. Equal treatment and non-discrimination: Police will ensure equal protection for all participants throughout an electoral process.
- iv. Accountability: Police officers involved in the provision of election security services will be held accountable for their actions. They must respect and protect human rights.
- v. Rule of law: Police will carry its operations in accordance with the law.

With regard to elections, Police must not:

- i. Abuse their powers or unduly interfere in electoral process;
- ii. Misuse their powers/act outside the law
- iii. Display bias for or against any contestant or segment of the electoral population
- iv. Obstruct campaign freedoms or voting rights;
- v. Use their powers as a tool for intimidation;
- vi. Carry out arbitrary arrests or detentions;
- vii. Use excessive force;
- viii. Facilitate discriminatory enforcement of the law.

5.2 Election Security Management

Electoral Security Management is a process that involves assessment of security aspects pertaining to an election throughout the electoral cycle and measures put in place to ensure a safe and secure environment for the elections.

It is about all efforts aimed at creating an atmosphere free of fear, coercion, intimidation or manipulation on election day where voters are able to vote without fear and monitors are able to perform their duties without intimidation.

5.3 Election Security Management Objectives

Electoral security management objectives are:

- i. Maintaining physical security for elections;
- ii. Protection of polling stations, and tallying centers;
- iii. Protection of electoral materials and assets;
- iv. Protection of candidates, election officials, voters and monitors;
- v. Providing a safe and secure environment for voters to cast their votes

5.4 Election Security Management Process

Adequate election security begins with planning. The process involves assessment of security aspects pertaining to an election throughout the electoral cycle and measures put in place to ensure a safe and secure environment for the elections.

5.4.1 Assessment

The assessment is conducted to examines those security, political, social, economic factors that create underlying vulnerabilities for electoral conflict or violence to occur. Some of these factors can serve as early warning signs for potential conflict or violence. The assessment exercise also examines

factors specific to an election that hold the potential as triggers to transform vulnerabilities into violence. The assessment identifies the historical factors of electoral violence in the three phases of the electoral cycle – pre-election, election day, and post-election. The analysis should identify victims, perpetrators, motives, tactics, locations (hotspots), and intensity. The assessment must include profiling of stakeholders and their roles.

5.4.2 Planning

Planning is conducted to develop interventions which addresses problems identified in the assessment. Planning examines security constraints, security priorities, security capacity limitations and other planning elements.

5.4.3 Action Planning

Action planning is conducted to identify activities to be undertaken by the Police as well as activities that may be implemented by other stakeholders. Action planning activities are presented by strategic objective, stakeholder, and phase of the electoral cycle when the activity is to be implemented. These activities are organized into a matrix to provide an

overview of potential interventions throughout the course of the electoral cycle.

5.4.4 Operational Planning

Operational planning is conducted to coordinate security efforts and plan security operation and activities within the electoral cycle.

5.4.5 Early Warning

Early warning establishes signs, causes, perpetrators and potential victims of election related violence. Early warning signs of election related violence include:

- i. Physical attacks during the various phases of the electoral cycle
- ii. Destruction of property
- iii. Disruption of campaign meetings
- iv. Presence of organized criminal gangs
- v. Cover acts causing fear on the population
- vi. Verbal threats
- vii. Use of inflammatory, abusive or derogatory language during various phases of the electoral cycle

- viii. Publication and circulation of defamatory materials through print (e.g leaflets), electronic, social media

Possible Causes of Election Violence

- i. Incitement by a section of the election actors such as candidates, and political party activists
- ii. Zoning of certain areas by candidates, and political parties or criminal gangs
- iii. Subjective reporting by the media
- iv. Incitement through social media
- v. Misinformation amongst supporters of different political sides

Possible Perpetrators of Electoral Related Violence

- i. Criminal gangs
- ii. Supporters of Candidates
- iii. Some aspirants
- iv. Sympathizers of candidates bound to lose (sensing defeat)

Vulnerable Groups of Electoral Related Violence

- i. Women
- ii. Children
- iii. Elderly people

- iv. Persons with disabilities,
- v. Minority and marginalized groups

5.4.6 Monitoring and Evaluation

Monitoring and Evaluation creates data, identifies targets, and indicators to measure the effectiveness of Police response and interventions.

5.4.7 Deployment

Deployment process involves the determination of the number police officers or election security personnel and resources should be deployed, where and when needed. It is a process.

CHAPTER 6: ELECTION SECURITY PLANNING & COORDINATION

6.1 Election Security Operation Plan

During elections, all Police Commanders are required to prepare and submit Election Security Operation Plans for their respective areas of command. Election Security Operation Plans will be submitted by the Officer-in-Charge:

- i. Region
- ii. County
- iii. All Formed Units

The Election Security Operation Plans should be in word document format and in a format prescribed in the Election Security Operation Plan Template which can be obtained from the NPS Headquarters or from the Kenya Police Service's Directorate of Operation.

The attention of Police Commanders is particularly drawn to the guidelines on preparation of Election Security Operation Plan as contained in the Election Security Operation Plan Template.

6.2 Peace and Security Committee Meetings

During elections, Police Commanders will attend regular Peace and Security meetings in their respective areas of command to deliberate and review matters involving election security.

6.3 Stakeholders Election Security Meetings

Many stakeholders involved in elections will have a direct and varying role in supporting election security efforts. Awareness of, and consultation with, such actors and stakeholders, understanding their roles, and consistent efforts on the part of the police to work in close collaboration will be promoted during elections. Police Commanders at all levels should identify key stakeholders in their respective areas of command and attend stakeholders' meetings to deliberate on election security matters.

6.4 Inspector General Election Security Conference

During elections, the Inspector General and the Joint Service Board will convene election security Conference with Police Commanders.

6.5 Regional & County Election Security Meetings

During elections, the Regional & County Police Commanders will convene election security Meetings with Police Commanders in their respective areas of command. Such meetings may include other government agencies including the IEBC.

6.6 Sub-County Coordination and Collaboration Meetings

During elections, the Sub-County Police Commanders should attend regular stakeholders' engagement meetings in their respective areas of command with government agencies including the IEBC.

CHAPTER 7: COOPERATION WITH INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

7.1 Duty to co-operate

The position regarding relationship between the Independent Electoral and Boundaries Commission (IEBC) and the National Police Service is clearly set out in Section 105 (2 and 3) of Election Act 2011: -

- i. The immediate responsibility for all acts which touch upon the conduct of an election rests upon the IEBC.
- ii. The Police have a triple function: first, the maintenance of law and order, secondly, provision of security during an election process and thirdly, the prevention, and detection of election offences and the bringing of offenders to justice.
- iii. In the discharge of their first function, the maintenance of law and order, the Police are under the overall and independent command of the Inspector General through the chain of command.

- iv. In the discharge of their second function, the provision of security during election process, the Police are responsible to the law and are subject to direction and instruction of the IEBC.
- v. In the discharge of their third function, the detection of election offences and the bringing of offenders to justice, the Police are responsible to the law and are under the sole authority of the Office of Public Prosecutions and the direction of the IEBC.
- vi. It shall be the duty of every Police Commander to co-operate with the IEBC in its activities during an election and not to hinder or interfere with the IEBC in carrying out its functions.
- vii. Police Commanders in their respective areas of operation, shall take all necessary measures for the maintenance of law and order and stability necessary for the conduct of an election and to

protect and uphold the rights of all persons under any written law relating to elections.

- viii. Police Commanders shall generally collaborate with IEBC Election Officers during electioneering period to ensure that security challenges and threats that may compromise the elections are effectively and efficiently managed.

7.2 Police Officer Assigned Election Security Duties During the Conduct of an Election or Referendum

Any Police Officer designated to provide security during elections shall be assigned duties and subject to direction and instruction by the IEBC Election Officer at the Polling Station and/or Tallying Centre. The Police Officer shall give the IEBC Election Officer the support and collaboration necessary to execute the activities relating to the conduct of an election.

7.3 Duties of Election Security Personnel

A Police Officer designated as Election Security Personnel is responsible to the respective IEBC Elections Officer for:

- i. Providing security at the venue where the nomination of candidates is held;
- ii. Safeguarding the polling process at the polling stations;
- iii. Safeguarding the process of counting and tallying of the votes; and
- iv. Providing security for election officials and during transportation of election materials and equipment;

7.4 Police Notebooks

Every Police Officer designated as Election Security Personnel must be in possession of Police Officer Standard-type notebook and pencil, supplied by the Police. All Police officers providing security during elections shall be expected to effectively use Police Notebooks, and enter details of all incidents and any other material of evidential value must be recorded therein. The following instructions will apply in respect of these notebooks:

- i. They must be kept neatly and be ready for use;

- ii. A margin for recording date, time, and place of an entry will be ruled at the left side of each page.
- iii. Incorrect entries will be crossed out and initialed.
- iv. Pages will be numbered and shall not be removed from the book.
- v. All entries will be in the handwriting of the election security personnel in possession of the book and the names of people and places will be recorded in capital letters.
- vi. All entries will be accurate and will be made at the time of the incident or as soon as possible thereafter and will be signed by the election security personnel (police officer) concerned.
- vii. All particulars will be transferred to the relevant election case file at the earliest opportunity.
- viii. Notebooks may be required to be produced in court and may be examined by the court.

- ix. They will be retained until their destruction is ordered by the Police Commander.

7.5 Issue of Instructional Materials to Election Security Personnel

The following books will be personal issue to: -

- i. *All Election Security Personnel* – The “Pocket Guide to Election Security”
- ii. *All Police Commanders* – “Election Security Management Manual for Police Commanders”

The IEBC Election Officers will be responsible for the issue of the “Election Security Personnel Duty Role Card” to all Police Officers designated as Election Security Personnel.

7.6 Duty to Ensure Adequate Election Security Personnel

Police Commander shall collaborate with the IEBC Election Officer at the constituency to ensure there is adequate election

security personnel for the transportation of election materials and equipment and at every polling station and tallying center.

7.7 Duty to Supervise Election Security Personnel

Every Police Station Commander have the duty to supervise police operations and election security personnel and shall keep his/her Sub-County Commander and County Commander fully informed on matters affecting election security in his/her area.

7.8 Briefing of Election Security Personnel

Police Commanders at all levels shall ensure that all election security personnel have a thorough knowledge of their election security duties through briefing and full details of such briefing shall be recorded in the Occurrence Book.

7.8 Election Day Security Guide

The following is contained in Appendices to this Manual: -

Appendix 3: Election Day Security Guide.

CHAPTER 8: MAINTENANCE OF PUBLIC ORDER DURING ELECTION PROCESS

8.1 Introduction

Instructions, Guidelines, Directives, Orders, Regulations, Code of Conducts issued under Public Order Act, Election Act, Political Parties Act and National Cohesion and Integration Act from time to time with regards to maintenance of public order during election process shall be strictly observed by all Police Commanders.

8.2 Public Order During Election Process

It shall be the duty of every Police commander to Police public gatherings, meetings, and procession in their respective areas of operation. The Commanders shall put in place all measures necessary to ensure free and fair elections by maintaining public order during the election process.

8.3 Code of Conduct to be Observed by Political Parties and Candidates

The attention of Police Commanders is drawn to the following provisions relating to Code of Conduct for Political Parties.

A political party shall not:

- i. engage in or encourage violence by its members or supporters;
- ii. engage in or encourage any kind of intimidation of opponents, any other person or any other political party;
- iii. engage in influencing peddling, bribery or any other form of corruption;
- iv. accept or use illicit or illegal money;
- v. accept or use public resources other than those allocated to the political party through political party fund;

- vi. advocate hatred that constitutes ethnic incitement, vilification of others or incitement to cause harm;
- vii. obstruct, disrupt, break-up or in any other way whatsoever interfere with a meeting, rally or demonstration of another political party or its leadership;
- viii. establish or maintain a para-military force, militia or similar organization or having links with such organizations; and
- ix. Use State resources for partisan campaigns.

8.4 Political Incitement, Hate Speech and Ethnic Content

Hate speech offence is clearly defined in Section 13 of National Cohesion and Integration Act 2008, which is reproduced below:

-

A person who: -

- i. uses threatening, abusive or insulting words or behaviour, or displays any written material;

- ii. publishes or distributes written material;
- iii. presents or directs the performance the public performance of a play;
- iv. distributes, shows or plays, a recording of
- v. visual images; or
- vi. provides, produces or directs a programme;

which is threatening, abusive or insulting or involves the use of threatening, abusive or insulting words or behavior commits an offence if such person intends thereby to stir up ethnic hatred, or having regard to all the circumstances, ethnic hatred is likely to be stirred up.

8.6 Monitoring, Reporting and Investigation of Hate Related Messages

Police Commanders shall ensure close co-operation with representatives of National Cohesion and Integration Commission in motoring public spaces and social media for hate related messages, reporting and investigation.

8.7 Public Meetings

Political Parties and/or Candidates shall be expected inform the respective Police Commanders of the venue and time of any proposed public meeting well in time so as to enable Police to make necessary arrangements for maintaining peace and order.

The Police Commander must inform a party or candidate if there are any restrictive or prohibitory orders in force in the place proposed for the meeting. If such orders exist, they shall be followed strictly.

8.8 Procession

A Party or Candidate organizing a procession should decide before the date, time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There should ordinarily be no deviation from the programme.

The organizers of such meetings or processions shall provide information to the Police Commander and the programme so as to enable the Police to make necessary arrangements. The

organizers shall be informed if any restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restrictions.

8.9 Curfew Orders and Curfew Restriction Orders

All Curfew Orders and/or Curfew Restriction Orders shall be strictly observed and enforced. Any person who contravenes any of the provisions of a curfew order and/or curfew restriction orders is guilty of an offence.

8.10 Maintenance of Law and Order

The maintenance of law and order during the elections is a focal point to ensure peaceful polling for which the following shall be done in regular manner by Police Commander:

- i. A list of rowdy groups, undesirable elements, criminal gangs, mischiefs mongers shall be prepared and proactive action initiated.

- ii. Random and regular raids to recover offensive weapons, unlicensed and illegal arms shall be organized.
- iii. A list of hotspots shall be prepared and special watches and security proactive measures put in place.
- iv. Regular and random raids shall be conducted against criminal gangs.
- v. Every commander shall enhance collection of intelligence relating to public gatherings, hate speech, and incitement.

CHAPTER 9: PROTECTIVE SECURITY AND PREVENTION OF TERRORISM

9.1 Introduction

Specialized Units like General Service Unit, Border Police Unit, Rapid Deployment Unit, Anti-Stock Theft Unit, Critical Infrastructure Protection Unit, Anti-Terrorism Police Unit, Criminal Intelligence Bureau play a major role in Election Security. Police Commanders shall be expected to identify major threat factors in protective security including those affecting prevention of terrorism and in liaison with the elite units put in place the ways and means to mitigate them. Commanders must therefore conduct threat and risk analysis of emerging security threats and develop appropriate protective and response strategies.

9.2 National Security Risks and Resilience

National Security may be threatened by other factors such as natural disasters, man-made accidents and by

malicious attacks by state and by non-state actors, such as terrorists and organized criminal gangs. These risks have different impacts on election if they occur. Some are more likely to occur than others particularly during elections period.

Police Commanders must put in place measures in place to predict, prevent and mitigate these risks and threats to National Security using the resources available to them. These measures and strategies must be geared towards reducing the likelihood of their occurrence and development of resilience to reduce their impact.

9.3 Security of Government Buildings

Police Commanders must undertake all necessary measures to enhance protection of government buildings and offices including provision of security to government institutions and parastatals including security of government buildings, roads, railway which will be used during elections.

9.4 Rapid Deployment

Police Commanders shall undertake all necessary measures to enhance co-ordination of rapid responses services including complementing other commands and other specialized units in high-risk security operations.

9.5 Border Security

Police Commanders responsible for enforcing border security including assistance to immigration officers in enforcement of lawful duties along the borders must undertake all necessary measures to enhance border security services during elections.

9.6 Prevention of Stock Theft

Police Commanders responsible for enforcing Anti-Stock Theft Operations and Investigations must undertake all necessary measures to enhance such operations. The commanders will be expected to develop proactive and preventive strategies to prevent occurrence of such acts of crime.

9.7 Critical Infrastructure

Police Commanders responsible for providing critical infrastructure protection must undertake all necessary measures to enhance critical infrastructure protection functions

and services including protection of ICT installations, data centers and telecommunication infrastructure, roads, and railway during elections.

9.8 Terrorism Prevention

Police Commanders responsible for terrorism preventions shall be required to put in place appropriate measures to enhance prevention, detection, disruption and interdiction of terrorist activities within the country including sharing intelligence with other relevant security agencies during elections.

CHAPTER 10: COMPLAINT AGAINST ELECTION SECURITY PERSONNEL

10.1 Introduction

A member of the public may lodge a complaint against election security personnel if they have experienced inappropriate behaviour from the officer, witnessed an officer acting inappropriately, or have been adversely affected by the conduct of an officer.

Police Commanders are expected to records such complaints, investigate and consider whether the complaint shall be referred to Internal Affairs Unit (IAU) shall be dealt with to conclusion at their level. If the complaint does not need to be referred to IAU, it must be handled by the relevant Police Commander/Police Station.

10.2 Internal Affairs Unit (IAU)

Internal Affairs Unit is mandated to receive and investigate complaints against police. A complaint may be made in the following manner to IAU:

- i. Orally in person;
- ii. By a letter, fax, phone or email; and
- iii. Online
- iv. Anonymous Reporting System (ARIS)

10.3 Complaints against Election Security Personnel

Complaints against police officers deployed to provide during elections by members of the public or IEBC officials to police commanders at the polling stations or tallying centers shall be recorded in Police notebooks. However, if the matter requires immediate attention by the Police Commander to whom the complaint is addressed, the complainant may be requested to visit the nearest police station.

10.4 Managing complainants

Police Commanders will follow these guidelines when receiving complaints:

- i. treat complainants respectfully, friendly and professionally;
- ii. listen to the complaint keenly – use good listening skills (take keen interest, maintain eye contact, adopt an open body posture etc.);
- iii. arrange for assistance if required;
- iv. seek clarification of any points that are not clear;
- v. summarize the main points raised and ask the complainant to confirm if they are correct.

10.5 Investigation of Complaints

The investigation of complaints against election security personnel by members of the public or IEBC officials is a matter of great importance. Such complaints will be the subject of immediate investigation by the most senior police officers available. An investigation file will be opened in respect of each complaint against election security personnel and it shall be the duty of the investigating officer to present a well investigated

case with a detail of the incident with recommendations as to the manner of disposal. The case file will be submitted to Police Headquarters for action or to the ODPP where necessary.

10.6 Investigation files into complaints against election security personnel

Investigation files into complaints against election security personnel will be compiled and the complainant shall invariably be informed of the result of the investigation without necessarily indicating the disciplinary action that has been taken.

10.7 Complaint register

All complaints investigated shall be entered in the Complaint register in the nearest police station in whose jurisdiction the incident occurred. The investigation file shall its numbering or reference from the register which is subject to inspection by the senior police Commanders.

CHAPTER 11: REPORTING AND INVESTIGATION OF ELECTION OFFENCES

11.1 Introduction

An election offence is a criminal act committed during the electoral process. Election Offences Act, 2016 provide for Election Offences and for connected purposes.

11.2 Election Offences

Election Offences Act, 2016 provide for the following Offences:

- i. Offences relating to register of voters
- ii. Offences relating to multiple registration as a voter
- iii. Offences relating to voting
- iv. Offences by members and staff of the Commission
- v. Maintenance of secrecy at elections
- vi. Personation
- vii. Bribery
- viii. Undue influence
- ix. Use of force or violence during election period

- x. Use of national security organs
- xi. Offences relating to elections
- xii. Use of public resources
- xiii. Participation in elections campaigns by public officers
- xiv. Unlawful expenditure in campaigns
- xv. Offences relating to use of technology in elections
- xvi. Employers to allow employees reasonable period for voting
- xvii. Aiding and abetting offences
- xviii. Breach of electoral code of conduct

11.3 Penalties

A person who commits an election offence is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding six years or both.

11.4 Reporting and Investigation of Election Offences

The following are the step-by-step procedures to be adopted by Police Commanders in all police stations in handling election offences upon reporting of complaint:

- i. Record the incidence of offence in the Occurrence Book
- ii. Collect any exhibit and carry out investigations that relate to the case
- iii. Open a case file and assign a crime register number
- iv. Record a comprehensive statement with all the relevant details about the alleged offence
- v. Record statements from witnesses
- vi. Initiate apprehension of the suspect if there is sufficient evidence or a cognizable offence has been established
- vii. Administer normal caution and read his/her rights and record a statement under inquiry from the suspect.

- viii. Draft a charge sheet with statement of offence and particulars properly set out.
- ix. The Prosecuting Counsel under whose jurisdiction the incident took place shall sign the charge sheet the suspect is taken before a Magistrate to take plea within 24 hours upon arrest.
- x. Where it is not possible to charge the suspect within 24 hours, document the activities that took place in the intervening period and reasons for inability to charge him/her. An Apprehension Report Form/Sworn Affidavit should be prepared/acquired and presented to the Court giving reasons why the suspect could not be produced before court.
- xi. Ensure the Exhibit Memorandum Form is filled appropriately
- xii. If the suspect denies the charge(s), ensure all witnesses are bonded on time and are available to give evidence in Court

11.5 Office of the Director of Public Prosecutions

The Office of the Director of Public Prosecutions (ODPP) may order for investigation of election offence for purposes of prosecution. Where investigation is ordered by the ODPP the police is expected to perform the following:

- i. Conduct proper investigation on incident of electoral offence
- ii. Arrest the suspect
- iii. Record comprehensive statements from witnesses and suspects
- iv. Draft the charge sheet, with proper statement of election offence and particulars of the charge
- v. Maintain proper chain of custody of exhibits
- vi. Collect and properly preserve exhibits
- vii. Present suspect to court within 24 hours
- viii. Present and produce exhibits in court
- ix. Bond and produce witnesses to attend court
- x. Conduct additional investigation where required to do so
- xi. Trace suspects and/or sureties where necessary
- xii. Present previous records of the suspect

- xiii. Present police case files to prosecution at least 3 days before the hearing date
- xiv. Testify in court
- xv. Provide affidavits for use in opposing applications for bail and bond.

11.6 Charge Sheet Forms Relating to Election Offence

The following is contained in Appendices to this Manual: -

Appendix 4: Election Offences Charge Sheets.

CHAPTER 12: COMMUNICATIONS

12.1 Role of Media

It is important that both the Media and the Police have a clear understanding on the role of each other during the election period. The media plays the following roles in enabling full public participation in elections:

- i. educating voters on how to exercise their democratic rights;
- ii. reporting on the development of an election campaign;
- iii. providing a platform for the political parties and candidates to communicate their message to the electorate;
- iv. providing a platform for the public to communicate their concerns, opinions, and needs to the parties and candidates, the election management body, the government and other voters, and even the police, and to interact on these issues;
- v. allowing parties and candidates to debate with each other; reporting results and monitoring vote counting and tallying; and

- vi. scrutinizing the electoral process in order to evaluate the fairness of the process.

12.2 Communication with the Media

The media is expected to maintain a high level of professionalism, accuracy and impartiality in their coverage during the elections. A cordial understanding and cooperation between the Media and Police is of immense mutual benefits; it is of no less an advantage to the public whom both should serve. At any moment, much of the information possessed by the Police Commanders is either of a secret or confidential nature imparted to them for official use only. Commanders have no authority to disclose such information to a third party for the following reasons:

- i. **Security reasons:** Nothing may be divulged regarding a subject which is classified as secret or officially withheld from publication, nor may any information be given which is likely if published to prejudice the safety of members of the Police or Security Agencies or prejudice the success of their operations,

- ii. **Confidential reasons:** No information may be given from official Police records and no statement may be disclosed which has been made to the Police by a third party,
- iii. **General reasons:** No information may be given which may affect either a specific or possible Police investigation or may interfere with the course of justice or the prosecution of an offender. No information may be given which would be likely to cause embarrassment to the relatives of a deceased or injured person, or to the relatives of any person involved in an occurrence with which the Police are concerned.

12.3 Release of Information to the Media

Police Commanders are authorized to give a general situation report or supplementary information verbally (but not in writing) to the Media when this is requested and only when such occurrence has already been reported to Service Headquarters, and which has been subsequently released to the Media on behalf of the Government.

CHAPTER 13: TRAINING & LECTURES

13.1 Election Security Training

The training of police officers on election security management is important and must be conducted during the election cycle. It is the objective of the Service that as many police officers are trained, retrained and offered refresher courses in collaboration IEBC and other agencies.

13.2 Training Content

The content of any training activities will be comprehensive and cover relevant election security operational aspects including electoral laws. The aim will be to establish a set of standards and principles on the rules of engagement for management of public safety and security during election cycle.

13.3 Lectures

Frequent lectures will be held for all personnel on all aspects of their duties as police officers during elections, particularly at Police Station Level. Such lectures will be held at least once monthly and will be attended by all available personnel, irrespective of their normal duties during the election cycle.

County and Formation Commanders will publish through the medium of their Weekly Orders, a regular monthly training programme for their respective commands during the election cycle. This programme will be published at least 4 months before polling day.

13.4 Anti-Riot Drill and Parade

Commanders are reminded that the basic Anti-Riot drill action by the Police to disperse rioters are contained in the booklet, training for the Service and the main principles governing action by the police to disperse rioters are contained in the Anti-Riot Drill booklet. (Anti-Riot Drill and Training) which has been issued to all officers down to constable level.

During election cycle frequent lectures, practical demonstrations, based on the booklet will be held. The assigned gazetted officers will take charge of the Anti-Riot squad at such practices and he/she may detail other Inspectors at the Station to be i/c of Anti-Riot party.

CHAPTER 14: ELECTION SECURITY REPORTS

14.1 Election Security Reports

Election Security Reports will be compiled in accordance with the proforma issued from Service Headquarters as early as possible after the end of the election cycle and submitted to the Inspector General by the Officer-in-Charge of the following commands:

- i. Region
- ii. Criminal Investigations
- iii. All Formed Units

In no circumstances will any Election Security Report be furnished or shown to any person except with the express sanction of the Inspector General.

14.2 Statistical Summary of Election Offences and Malpractices

Every County Police Commander shall submit statistics of all Election Offences and Malpractices to the Crime and Intelligence Section based at Kenya Police Service Headquarters. The C & I Section shall subsequently prepare comprehensive report and submit to the Inspector General.

The report shall contain a summary of the Election Offences and Malpractices in each County and for the Republic as a whole compiled in accordance with the form stat issued from Service Headquarters.

14.3 Threat Assessment and Early Warning Reports

All Officers-in-Charge Police Stations, shall dispatch to their Sub-County Headquarters daily, comprehensive security threat assessment and early warning reports of all factors and early signs activities reported to their stations during the election period. The report shall be fully comprehensive and would contain essential details of threat assessment and early warning signs details.

On receipt of the threat assessment reports from the police stations, the Sub-County Commander or his/her deputy will consolidate all reported threats and furnish necessary information to his/her County Headquarters as soon as is practicable in a clear and detailed report.

County Headquarters will in turn consolidate the threat assessment reports received from the Sub-County and submit

the same to reach Directorate of Operations at the Kenya Police Service Headquarters without unnecessary delay.

Critical security threats and incidents will be reported immediately to the Duty Officer, Police Headquarters by telephone/radio and later confirmed by way of a signal and included in the Security Threat Assessment Report.

14.4 Reports of Major Incidents

Matters of public disorder during elections shall be reported directly to the duty officer, Service Headquarters by the quickest available means and should not await the routine inclusion in the Threat Assessment Report as provided above. Such matters are, for instance when persons of public interest are victims or accused of involved in election offences, or malpractices or major incidents involving public safety and security namely:

- i. Hate Speech and Incitement
- ii. Political clashes
- iii. Civil disturbances
- iv. Serious public order incidents
- v. Assaults on political candidates

Whilst it is impossible to lay down exactly the cases or circumstance which should be the subject of immediate Election Security Report, it is, however, emphasized that it is at all times desirable that details of important matters should be submitted to Service Headquarters as soon as, if not sooner than, they are available to the media.

APPENDICES

1: General Election Security Planning Template

To be issued by Headquarters

2: Region Election Security Operation Planning Template

To be issued by Headquarters

3: Election Day Security Guide

Roles and Responsibilities of Police Officers

For the purposes of Section 105 of the Elections Act, during elections, a police officer shall mean and will include an officer of NPS and any other special officer appointed and gazetted by the Inspector General to support and provide security during elections. Such an officer shall be deemed to be an election official and shall take instructions from IEBC. Due to the magnitude requirements and as a result of increased security threat, the Inspector General may be required to draw additional officers from other state security agencies to support in maintaining elections security. Once designated as election security personnel, police officers shall be assigned duties and subject to direction and control of an IEBC Officer at that level.

While deployed to the IEBC during election period, the roles and responsibilities of police officers shall include:

- Providing security at the venue where the registration of candidates is being held;
- Safeguarding the personnel, materials and equipment at the Tallying centre;

- Assisting the Returning Officer in regulating the admission of authorized persons into the Tallying Centre;
- Safeguarding the polling process at the polling stations;
- Safeguarding the process of counting and tallying of the votes;
- Assisting the Presiding Officer in regulating the flow of voters and other authorized persons in the polling/counting stations;
- Providing security during transportation of election materials and equipment;
- Providing security for election officials, election materials and equipment at the Polling station.
- Complying with lawful instructions from the Presiding Officer; and
- Assisting in enforcing Ministry of Health Covid-19 Protocols at the Polling and Tallying Centers

In addition, security officers will generally collaborate with IEBC during electioneering period to ensure that security challenges and threats that may compromise the elections are effectively

and efficiently managed. This task is the responsibility of all security officers and not just those designated as election security personnel.

3. Roles and Responsibilities of Returning Officer (RO)

A RO has overall responsibility for elections in a ward, constituency and county. In the run up to elections they will also coordinate security arrangements with election security agencies. The Presiding Officers, to whom election security relate to more closely on Election Day, report to a RO in every constituency.

RO's responsibilities include:

- Coordinating transportation of election materials;
- Receipt of nomination papers from candidates and clearance for elections;
- Holding security meetings with election security personnel' candidates and other relevant stakeholders;
- Coordinating polling in a Constituency; and
- Tallying and declaration of results of the electoral area (ward and constituency or county for County RO)

- Recruiting, training and deploying other election officials.

4. Role of the Presiding Officers (PO)

A PO is the overall supervisor of a polling station. His/her roles and responsibilities include;

- Laying out and demarcating the polling/counting stations;
- Assigning duties to DPO, police and clerks;
- Opening of polling;
- Presiding over elections at their assigned polling stations;
- Ensuring law and order is maintained at the polling station;
- Ensuring security and safety of election materials and welfare of election officials working under him/her; including giving instructions to the police officers on duty at the polling station;
- Regulating the flow of voters and other authorized persons in the polling/counting stations;

- Closing of polling;
- Layout of polling station for counting;
- Counting, tallying and announcement of results.
- Transmission and posting of results;
- Verifying, securing and retrieving electoral materials and equipment;
- Submitting polling station's results to RO; and
- Ensuring that the MOH Covid-19 protocols are adhered to.

Deputy Presiding Officers deputizes and supports the PO in performing the above functions.

5. Polling/Counting/Queuing/Covid-19 compliance Clerks

There are clerks who assist in the voting and counting procedures. The clerks are located at designated positions in the polling station and perform different duties. Their duties and responsibilities include:

- Controlling queues and directing voters to respective polling rooms, done by queuing clerks;

- Identifying voters before allowing them to vote;
- Confirming that voters have not voted at that polling station or elsewhere;
- Issuing ballot papers to voters who have duly identified themselves and are in the voters' register;
- Assisting the Presiding Officers with the counting of votes after voting is completed;
- Assisting in laying out the polling and counting room; and
- Performing any other official duty as may be assigned by the Presiding Officers including reinforcing MOH Covid-19 protocols.

6a) Admission to the Tallying Centre

Persons allowed into the tallying hall

- Candidates and their spouses
- Accredited agents
- Authorized IEBC Staff
- Accredited Observers
- Accredited Media
- Police officers on duty

- Election officials
- DRO/DCRO
- RO/CRO

6 b) Admission to the Polling Station

The Presiding Officer shall regulate the flow and number of voters to be admitted into the polling station. Once the voter has cast his/her vote, the voter will be requested to leave the polling station immediately. No other persons may be allowed to enter the polling station except;

- The candidates;
- The party or candidate's agents;
- The election officers on duty;
- A person authorized to assist a voter;
- The IEBC Commissioners and other Commission officials;
- Accredited observers; and
- Accredited Media.

7. Role of Party Agents and Observers

Agents and observers observe the electoral process and polling to ensure credibility and build confidence in the process. They are entitled to stay at the polling station throughout polling and counting as long as they are accredited. They also have a right to obtain official information from election officials.

8. Order of events before Polling

(A) Before Polling

A day before the polling day, the PO will inspect the polling station to reconfirm suitability and availability and advise on any adjustments required to improve convenience of voting. On polling day, the PO in full view of party/candidate agents and observers present, will prepare the polling place for polling. The PO will, remove all unnecessary materials from the polling place and ensure each of the following:

- Availability and adequacy of polling materials, equipment and transport;
- Security of the polling station;
- Demarcation of the polling station;

- Display posters and banners;
- Layout of the polling room; and
- Polling booths are mounted and each has necessary materials to mark ballot papers

9. Polling Time

Voting shall commence at 6 o'clock in the morning and end at 5 o'clock in the evening on the polling day. Voters who are in the queue by 5.00pm will be allowed to vote. In the event of delayed opening for valid reasons, or disruption of polling process, the Presiding Officer will extend polling to recover the lost time. Counting and tallying shall be undertaken at the polling station where voting took place as soon as polling is complete

10. Election offences

Election offences may relate to registration of voters, register of voters, voting and election staff.

Offences relating to voting

In regard to voting it is an offence to;

- forge, counterfeit, deface or destroy any ballot paper or the official perforation, stamp or mark on any ballot paper;
- supply without authority any ballot paper to any person;
- sell or offer for sale any ballot paper to any person;
- purchase or offer to purchase any ballot paper from any person;
- have a ballot paper which has been marked with any official perforation, stamp or mark while not being entitled to be in possession of any such ballot paper;
- place into any ballot box anything other than the ballot paper;
- take out of a polling station any ballot paper or be found in possession of any ballot paper outside a polling station;
- remove election materials from a polling station before, during or after an election without authority to do so;

- destroy, take, open, dispose or interfere with any election material in use or intended to be used for the purposes of an election without authority;
- print any ballot paper or what is capable of being used as a ballot paper at an election without authority;
- manufacture, construct, import, possess, supply or use, or cause to be manufactured, constructed, imported, supplied or used, any appliance, device or mechanism by which a ballot paper may be extracted, affected or manipulated after having been deposited in a ballot box during the polling at any election for the purposes of an election;
- make any mark on any ballot paper issued to any person other than to himself/herself without the authority of the Presiding Officer;
- vote at any election when they are not entitled to vote;
- vote more than once in any election;
- interfere with a voter in the casting of his vote in secret;
- pretend to be unable to read or write so as to be assisted in voting; or

- pretend to be visually impaired or suffering from any other disability so as to be assisted in voting,

Offences by Members and Staff of the Commission

- make, in any record, return or other document which they are required to keep or make under such written law, an entry which they know or have reasonable cause to believe to be false, or do not believe to be true;
- permit any person whom they know or have reasonable cause to believe to be able to read or write to vote in the manner provided for persons unable to read or write;
- permit any person whom they know or have reasonable cause to believe not to be visually impaired or a person with disability to vote in the manner provided for persons who are visually impaired or persons with disability, as the case may be;
- willfully prevent any person from voting at the polling station at which they know or have reasonable cause to believe such person is entitled to vote;

- willfully reject or refuse to count any ballot paper which they know or have reasonable cause to believe is validly cast for any candidate in accordance with the provisions of such written law;
- willfully count any ballot paper as being cast for any candidate which they know or have reasonable cause to believe was not validly cast for that candidate;
- interfere with a voter in the casting of his vote in secret;
- where required to declare the result of an election, fails to declare the results of an election;
- purport to make a formal declaration or formal announcement of an election result except in the case of a member, officer or person authorized to do so;
- do or omit to do anything in breach of official duty without reasonable cause;
- collude with any political party or candidate for purposes of giving an undue advantage to the political party or candidate;
- fail to prevent or report to the Commission and any other relevant authority, the commission of an electoral malpractice or offence.

Offences Relating to Technology

It is an offence to:

- steal or intentionally cause damage to electronic equipment;
- knowingly or intentionally conceal, destroy, alters a computer source code or cause another to do so
- with the intent to cause or knowing that he is likely to cause wrongful loss or damage to the public or any person, destroys or deletes or alters any information residing in a computer resource or diminishes its value or utility;
- without authorization, accesses the whole or part of any computer system;
- intercepts, by technical means and without authorization, any non-public transmission of computer data to, from, or within a computer system including electromagnetic emissions from a computer system carrying such computer data;
- intentionally or recklessly alters or interferes with the functioning of a computer or computer network by inputting, transmitting, damaging, deleting,

deteriorating, altering or suppressing computer data or a computer program, electronic document, or electronic data message without authority, including by the introduction or transmission of viruses; and

- uses, produces, sells, procures, imports, distributes, or otherwise makes available, without lawful authority a device or adapted primarily for committing technology offences, a computer password, access code, or similar data by which the whole or any part of a computer system may be accessed with intent that it be used for the purpose of committing an election offence;
- knowingly inputs, alters, or deletes computer data with the intent that the result be considered or acted upon for legal purposes as if it were authentic, regardless of whether or not the data is directly readable and intelligible;
- intentionally acquires, uses, misuses, transfers, alters or deletes another person's identification information,

4. Election Offences Charge Sheets

CHARGE SHEET FORMS RELATING TO THE ELECTION OFFENCES

OFFENCES UNDER SECTION 3

OFFENCES RELATING TO REGISTER OF VOTERS

STATEMENT OF OFFENCE:

Making a document purporting to be a register of voters without authority contrary to Section 3(a) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX in XX Ward in XX Constituency within the XX County without authority made a document purporting to be a register of voters of the Independent Electoral and Boundaries Commission of XX Ward/Constituency/County.

STATEMENT OF OFFENCE:

Making a paper purporting to be a register of voters without authority contrary to Section 3(a) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX20 XX in XX Ward in XX Constituency within the XX County without authority made a document purporting to be a register of voters of the Independent Electoral and Boundaries Commission of XX Ward/Constituency/County.

STATEMENT OF OFFENCE:

Preparing a document purporting to be a register of voters without authority contrary to 3(a) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX20 XX in XX Ward in XX Constituency within the XX County without authority prepared a document purporting to be a register of voters of the Independent Electoral and Boundaries Commission of XX Ward/Constituency/County.

STATEMENT OF OFFENCE:

Preparing a paper purporting to be a register of voters without authority contrary to 3(a) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX20 XX in XX Ward in XX Constituency within the XX County without authority prepared a paper purporting to be a register of voters of the Independent Electoral and Boundaries Commission of XX Ward/Constituency/County.

STATEMENT OF OFFENCE:

Printing a document purporting to be a register of voters without authority contrary to 3(a) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX20 XX in XX Ward in XX Constituency within the XX County without authority printed a document purporting to be a register of voters of the Independent Electoral and Boundaries Commission of XX Ward/Constituency/County.

STATEMENT OF OFFENCE:

Printing a paper purporting to be a register of voters without authority contrary to 3(a) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX20 XX in XX Ward in XX Constituency within the XX County without authority printed a paper purporting to be a register of voters of the Independent Electoral and Boundaries Commission of XX Ward/Constituency/County.

STATEMENT OF OFFENCE:

Being in possession of a document purporting to be a register of voters without authority contrary to Section 3(a) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX20 XX in XX Ward in XX Constituency within the XX County without authority was found in possession of a document purporting it to be a register of voters of the Independent Electoral and Boundaries Commission of XX Ward/Constituency/County.

STATEMENT OF OFFENCE:

Being in possession of a paper purporting to be a register of voters without authority contrary to Section 3(a) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX20 XX in XX Ward in XX Constituency within the XX County without authority was found in possession of paper purporting it to be a register of voters of the Independent Electoral and Boundaries Commission of XX Ward/Constituency/County.

STATEMENT OF OFFENCE:

Knowingly making a false statement in an application for registration as a voter contrary to section 3(b) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX20 XX in XX Ward in XX Constituency within the XX County knowingly made a false statement by **(disclose how the false statement was made and the kind of the false statement made XX to XY an election official to be registered in the register of voters of XX Ward/Constituency/County.**

STATEMENT OF OFFENCE:

(Aiding/Abetting/Counseling or Procuring) the commission of **(Making et al – section 3(a) – (b))** contrary to Section 3(c) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX in XX Ward in XX Constituency within the XX County unlawfully aided/abetted/counseled/procured the **(making et al – section 3(a) – (b))**.

STATEMENT OF OFFENCE:

Attempting to **(Making et al – section 3(a) – (b))**
contrary to Section 3(c) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX in XX Ward in XX Constituency within the XX County attempted the **(making et al section 3 a-b)**.

OFFENCES UNDER SECTION 4

OFFENCES RELATING TO MULTIPLE REGISTRATION AS A VOTER

STATEMENT OF OFFENCE

Multiple registration contrary to Section 4(a) (i) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX of XX20 XX at about 2pm at XX centre for registration of XX ward of XX Constituency within XX County applied to be registered as a voter while already registered in XX registration centre of XX Ward of XX Constituency register of voters otherwise than in his substitution for his substituting registration.

STATEMENT OF OFFENCE

Multiple registration contrary to Section 4(a) (ii) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

AB on XX the XX of XX 20 XX at about 2pm at XX centre for registration of XX Ward of XX Constituency within XX County applied to be registered as a voter while already registered in the same register of voters.

STATEMENT OF OFFENCE

Making multiple applications for registration as a voter contrary to Section 4(b) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B On the XX day XX of XX 20 XX having applied to be registered as a voter in XX Ward in XX Constituency within XX

County in XX polling station which application had not either been granted or rejected, applied to be registered in the same register of voters/ in a different voters register.

STATEMENT OF OFFENCE

Making simultaneous applications to be registered as a voter contrary to Section 4(c) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX in XX Ward in XX Constituency within the XX County at or about XX you made an application (specify no. of applications made XX) to be registered as a voter while at XX registration centre XX at the same time.

STATEMENT OF OFFENCE

Making an application to be registered as a voter having been disqualified by an election court contrary to Section 4(d) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX in XX Ward in XX Constituency within the XX County at or about XX you made an application to be registered as a voter at XX registration centre while

having been disqualified by the Election court on XX [day] XX of [month] [year].

STATEMENT OF OFFENCE

Aiding a person to register as a voter more than once contrary to Section 4(3) of the Election Offences Act, No. 37 of 2016

PARTICULARS OF OFFENCE

A.B on XX of XX 20 XX of XX ward of XX Constituency within XX County being a member/officer of the commission aided C.D to register as a voter more than once [specify no of times registration was made].

STATEMENT OF OFFENCE

Aiding a person to register as a voter more than once contrary to Section 4(4) of the Election Offences Act, No. 37 of 2016

PARTICULARS OF OFFENCE

A.B on XX of XX 20 XX of XX Ward of XX Constituency within XX County being a candidate of XX political party aided C.D a voter to register as a voter more than once [specify no of times registration was made].

OFFENCES UNDER SECTION 5

OFFENCES RELATING TO VOTING

STATEMENT OF OFFENCE:

Forging/counterfeiting/defacing/destroying a ballot paper/official perforation stamp or mark on any ballot paper contrary to section 5 (a) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX20 XX in XX Ward in XX Constituency within the XX County forged/ counterfeited/defaced/destroyed a ballot paper/official perforation stamp or mark on any ballot paper property of the Independent Electoral and Boundaries Commission.

STATEMENT OF OFFENCE:

Supplying ballot papers without authority contrary to section 5(b) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX20 XX in XX Ward in XX Constituency within the XX County without authority of the Independent Electoral and Boundaries Commission supplied ballot papers to C.D.

STATEMENT OF OFFENCE:

Selling/offering for sale any ballot paper contrary to section 5 (c) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County sold or offered to sell to CD a ballot paper property of the Independent Electoral and Boundaries Commission.

STATEMENT OF OFFENCE:

Purchasing/ offering to buy any ballot paper contrary to section 5 (d) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County bought or offered to buy any ballot paper from CD property of the Independent Electoral and Boundaries Commission.

STATEMENT OF OFFENCE:

Being in possession of a ballot paper which has been marked with the official perforation stamp/mark without authority contrary to section 5 (e) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County was found in possession of a ballot paper which has been marked with the official perforation stamp/mark without the authority of the Independent Electoral and Boundaries Commission without entitlement in XX. election **[specify the type of election]**.

STATEMENT OF OFFENCE:

Putting anything into a ballot box other than a ballot paper contrary to section 5(f) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County put anything **[specify what thing was put in the ballot box]** other than the ballot paper into the ballot box in XX election **[specify the type of election]**.

STATEMENT OF OFFENCE:

Taking out of a polling station /being in possession of any ballot paper outside the polling station contrary to section 5(g) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County without authority of the Independent Electoral and Boundaries Commission took out of XX polling station/ was found in possession with a ballot paper outside polling station in the XX election **[[specify the type of election]**.

STATEMENT OF OFFENCE:

Removing of election materials from polling stations without authority contrary to section 5 (h) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX.20 XX, in XX Ward in XX Constituency within the XX County not being an election official and without authority of the Independent Electoral and Boundaries Commission removed election material from polling station XY before/ during /after an election **[specify the timing and type of election]**.

STATEMENT OF OFFENCE:

Destroying, taking, opening, disposing, interfering with any election material intended to be used for the purpose of election

contrary to section 5 (i) of the of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County destroyed, took, opened, disposed, interfered with any election material **[specify the said election material]** XX intended to be used for the purpose of election **[specify the type of election]**.

STATEMENT OF OFFENCE:

Printing without authority a ballot paper/what purports to be a ballot paper that is intended to be used at an election contrary to section 5 (j) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County without authority printed a ballot paper/ what purports to be a ballot paper **[specify what the thing is]** XX destroyed, took, opened , disposed, interfered with any election material **[specify the said election material]** intended to be used for the purpose of an election**[specify the type of election]**.

STATEMENT OF OFFENCE:

Manufacturing/constructing/importing/ being in possession/ supplying/using/ causes to be manufactured/ supplying to be used an appliance/ device or mechanism by which a ballot paper may be extracted, affecting or manipulating after it having been deposited in a ballot box during the polling at the election contrary to section 5 (k) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX.20 XX, in XX Ward in XX Constituency within the XX County manufactured/constructed/imported/ was in possession/ supplied/used/ caused to be manufactured/ supplied to be used an appliance/ device or mechanism by which a ballot paper may be extracted, affected/ manipulated after it having been deposited in a ballot box during the polling the XX.election [**specify the type of election**]. at XX polling station.

STATEMENT OF OFFENCE:

Making a mark on a ballot paper issued to any other person without authority of Independent Electoral and Boundaries

Commission contrary to section 5(l) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County without authority of the Independent Electoral and Boundaries Commission made a mark on a ballot paper issued to CD in XX election **[specify the type of election]**.

STATEMENT OF OFFENCE:

Voting at an election when not entitled to vote contrary to section 5 (m) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX.20 XX, in XX Ward in XX Constituency within the XX County voted in an election **[specify the type of election]** when you were not entitled to vote.

STATEMENT OF OFFENCE:

Voting more than once in an election contrary to section 5 (n) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County voted **[state the no. of times voted]** in XX election **[specify the type of election]**.

STATEMENT OF OFFENCE:

Interfering with the secrecy of a voter in the casting of his vote contrary to section 5 (o) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County interfered **[Specify how he interfered with the secret voting]** with the secret casting of voter CD in casting his secret vote within XX polling station XX election **[specify the type of election]**.

STATEMENT OF OFFENCE:

Pretending to be unable to read or write in an election so as to be assisted to vote contrary to section 5 (p) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County pretended not to be able to read or write

[specify how he pretended how not to read or write] at XX polling station in XX election**[specify the type of election]**.

STATEMENT OF OFFENCE:

Pretending to be visually impaired /suffering from a disability so as to be assisted to vote contrary to section 5 (q) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX.20 XX, in XX Ward in XX Constituency within the XX County pretended to be visually impaired / disable **[specify how he pretended to be visually impaired/disabled]** so as to be assisted in voting in XX election **[specify the type of election]**.

OFFENCES UNDER SECTION 6

OFFENCES BY MEMEBERS AND STAFF OF THE COMMISSION

STATEMENT OF OFFENCE:

Making a false entry into a record/a return/other document contrary to section 6(a) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County being a Member/ staff of the Independent Electoral and Boundaries Commission unlawfully made an entry in the XX record/return/other document[specify record, return/document]) having being required to keep/make an entry(s) he knew to be false/ had reasonable cause to believe the entry(s) was false/ believed the entry(s) not to have been true.

STATEMENT OF OFFENCE:

Permitting a person to vote in a manner provided for persons unable to read/ write contrary to section 6(b) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County being a Member/ staff of the Independent Electoral and Boundaries Commission /a person having a duty to perform under the Elections Act permitted XY to vote in a manner provided for a person unable to read/write while knowing/having reasonable cause to believe that said XY to be able to read/write in XX election[specify the type of election].

STATEMENT OF OFFENCE:

Permitting a person to vote in a manner provided for persons who are visually impaired/persons with disability contrary to section 6(c) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County being a Member/ staff of the Independent Electoral and Boundaries Commission /a person with a duty to perform under the Elections Act permitted XY to vote in a manner provided for persons who are visually impaired/persons with disability [specify the disability] while knowing/having reasonable cause to believe that the said XY was not visually impaired/ disabled in XX election [**specify the type of election**].

STATEMENT OF OFFENCE:

Willfully preventing a person from voting contrary to section 6(d) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County being a Member/ staff of the Independent Electoral and Boundaries Commission /other persons with a

lawful duty to perform under the Elections Act willfully prevented XY from voting at the XX Polling Station knowing/ having reasonable cause to believe that the said XY was entitled to vote in XX election **[specify the type of election]**.

STATEMENT OF OFFENCE:

Willfully rejecting / refusing to count a Ballot Paper contrary to section 6(e) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County being a Member/ staff of the Independent Electoral and Boundaries Commission /a person with a lawful duty to perform under the Elections Act willfully rejected/refused to count a Ballot Paper(s) which you knew/ had reasonable cause to believe to have been validly cast for candidate XY in XX election **[specify the type of election]**.

STATEMENT OF OFFENCE:

Willfully counting a Ballot Paper(s) that was not validly cast contrary to section 6(f) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX.20 XX, in XX Ward in XX Constituency within the XX County being a Member/ staff of the Independent Electoral and Boundaries Commission /a person having a duty to perform under the Elections Act willfully counted a Ballot Paper(s) as being cast for candidate XY which he knew/had reasonable cause to believe to have not been validly cast for the said XY candidate in XX election **[specify the type of election]**.

STATEMENT OF OFFENCE:

Interfering with the secrecy of a voter in the casting of his vote contrary to section 6 (g) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County being a Member/ staff of the Independent Electoral and Boundaries Commission /a person having a duty to perform under the Elections Act interfered with XY in the secret casting his/her vote by (act to be stated) in XX election **[specify the type of election]**.

STATEMENT OF OFFENCE:

Failing to declare the results of an election contrary to section 6(h) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX.20XX, in XX Ward in XX Constituency within the XX County being a Member/ staff of the Independent Electoral and Boundaries Commission /a person having a duty to perform under the Elections Act failed to declare the results in XX [specify the type of election being declared] election in XX polling station/electoral area.

STATEMENT OF OFFENCE:

Purporting to make a formal declaration /announcement of an election [specify the type of election] result without authority contrary to section 6(i) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County being not a member/not an officer/ not a staff of the Commission without authority purported to make a formal declaration/announcement of an election [specify type of election] result of XX (Presidential,

Parliamentary/County) in XX (polling station/electoral area) while not being authorized to do so.

STATEMENT OF OFFENCE:

Breach of official duty contrary to section 6(j) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX.20XX, in XX Ward in XX Constituency within the XX County being a Member/ staff of the Commission /other persons without reasonable cause did **(state the act)** /omitted **(state the omission)** XX which act/ omission was in breach cause of his official duty.

STATEMENT OF OFFENCE:

Colluding with a political party /candidate with purpose of giving undue advantage to the political party /candidate contrary to section 6(k) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX.County being a Member/ staff of the Commission /a person having duty to perform pursuant to the Elections Act colluded with the XX **[state political party]**/ XY, a candidate **[name candidate]** by XX **(state the act)** for the purpose of

giving undue advantage to the said XY **name candidate/(state political party XX in XX election [specify the type of election]**.

STATEMENT OF OFFENCE:

Willfully contravening the law contrary to section 6(l) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County being a Member/ staff of the Commission /a person having duty to perform pursuant to the Elections Act willfully contravened (**state the law**) by (**state act or omission**) in order to give undue advantage to XY candidate/ political party state political party (on XX (partisan/ ethnic/ religious/ gender/ any other unlawful considerations in XX elections [**specify the type of election**]). .

STATEMENT OF OFFENCE:

Failing to prevent/ report an electoral offence contrary to section 6(m) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County being a Member/ staff of the

Commission /a person having duty to perform pursuant to the Elections Act failed to prevent **(state the act failed to prevent)/** to report **(state the act failed to prevent)**to the Commission or any other relevant authority (state the authority) XX elections **[specify the type of election]**. .

OFFENCES UNDER SECTION 7

MAINTENANCE OF SECRECY AT ELECTIONS

STATEMENT OF OFFENCE

Obtaining/attempting to obtain information without authority contrary to section 7 (1) (a) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

AB,XX onXX Day ofXX. 20 XX in XX Ward in XX Constituency within the XX.County being an election officer/candidate/agent/other person without authority obtained/attempted to obtain information in XX.polling station as to the candidate for whom XY, a voter in the said polling station was about to vote/had voted for in XX election**[specify the type of election]**.

STATEMENT OF OFFENCE

Communicating the information obtained at a polling station about voting contrary to section 7 (1) (b) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on XX day of XX 20 XX at XX in XX Ward in XX Constituency within the XX County being an election officer/candidate/agent of XX polling station communicated to CD information as to the candidate for whom XY a voter in that station was about to vote for/had voted for in XX election [specify the type of election].

STATEMENT OF OFFENCE

Disclosing the serial number of the ballot paper issued to a voter contrary to section 7 (1) (c) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on XX day XX 20 XX in XX.ward in XX constituency within XX county being an election officer/candidate/agent disclosed the serial number of the ballot paper issued to XY at XX polling station in XX election [specify the type of election].

STATEMENT OF OFFENCE

Failure to maintain secrecy of the ballot/ aiding in violating the secrecy of the ballot/ attempting to ascertain the number of ballot papers during the counting of votes /communicating any information obtained during the counting concerning the number of votes given to particular candidates contrary to section 7 (2) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

AB On XX day of XX 20XX being an election officer/candidate/agent in attendance at the counting at XX polling station in XX ward in XX constituency within XX county, you failed to maintain secrecy of the ballot/ aided in violating the secrecy of the ballot/ attempted to ascertain the number of ballot papers during the counting of votes [specify the act which is wrong] /communicated any information [**state the information communicated**] obtained during the counting concerning the number of votes given to particular candidate for whom a ballot was given in XX election [**specify the type of election**]. .

STATEMENT OF OFFENCE

Communicating information obtained during the proceedings concerning any official perforation/stamp/ mark without lawful excuse contrary to section 7 (3) (a) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

ABXX on XX thisXX.day ofXX 20 XX.in XX Ward in XX Constituency within XX.County while attending proceedings at XX polling station in constituency XX without lawful excuse communicated information to XY as to any official perforation/stamp/ mark to be used in connection with any paper before close of poll in XX election **[specify the type of election]**.

STATEMENT OF OFFENCE

Communicating of information as to the number of ballots papers issued to any person contrary to section 7 (3) (b) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

AB, XX on XX day of XX 20 XX At XX.ward XX.in constituency within XX.county being a person attending proceedings at the XX polling station within XX constituency XX.within XX.ward you communicated to XY information as to the number of ballot

papers that were issued to CD in XX election [**specify the type of election**]. .

STATEMENT OF OFFENCE

Attempting to ascertain the number on a ballot paper contrary to section 7 (3) (c) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

AB XX, on XX.day of XX 20 XX. at XX.ward XX.in constituency within XX.county at XX polling station while attending proceedings relating to elections attempted to ascertain the number on a ballot paper(s) without lawful excuse in XX elections [**specify the type of election**].

STATEMENT OF OFFENCE

Unlawful attempt to ascertain /communicate information in respect of a candidate for whom a vote is given contrary to section 7 (3) (d) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

AB XX on XX day of XX. 20 XX at XX polling station XX in XX ward in XX constituency of XX county you unlawfully attempted to ascertain and/or communicate) information with respect to the candidate for whom any vote was given in XX elections [**specify the type of election**].

STATEMENT OF OFFENCE

Unlawfully captured the image of a marked ballot contrary to section 7 (3) (e) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

AB XX on XX day of XX 20XX at polling station XX in XX ward in XX constituency of XX county unlawfully captured the image of a marked ballot serial number XX for the purpose of financial gain/showing allegiance to XX name political party/candidate in XX elections [specify the type of election].

OFFENCES UNDER SECTION 8

PERSONATION

STATEMENT OF OFFENCE:

Applying for a ballot paper in the name of another person/fictitious person contrary to section 8 1(a) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on XX the XX day of XX 20XX in XX Ward in XX Constituency within the XX County applied for a ballot paper in the name of another person (XY)/ a fictitious person (CD).

STATEMENT OF OFFENCE:

Voting again at the same election/ applying for a ballot paper in his/her name at the same election contrary to section 8 1(b) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on XX the XX day of XX 20 XX in XX Ward in XX Constituency within the XX County, at XX polling station, having voted, voted again /applied for a ballot paper in his or her name at the same election in XX elections **[specify the type of election]**.

STATEMENT OF OFFENCE:

Knowingly voting in an election when not entitled to contrary to section to section 8 1(c) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on XX the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County, knowingly voted at an election XX.**[specify the type of election]** at XX polling station in an election that he or she was not entitled to vote.

STATEMENT OF OFFENCE:

Impersonating as an election as an election official contrary to section 8 1(d) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on XX the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County, knowingly presented himself to XX polling station as an election official with knowledge that he or she is not one in XX election [**specify the type of election**].

OFFENCES UNDER SECTION 9**BRIBERY****STATEMENT OF OFFENCE:**

Bribery contrary section 9 1 (a) (i) as read with section 9 (3) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on XX the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County, directly/indirectly offered a bribe to XY [**specify how the bribe was offered**] to vote/refrain from voting for a particular candidate/political party

[name the candidate or the name of the political party] in XX elections [specify the type of election].

STATEMENT OF OFFENCE:

Bribery contrary section 9 1 (a) (ii) as read with section 9 (3) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on XX the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County, offered a bribe to XY to influence him/her to attend/refrain from attending a meeting/march/demonstration/ or other event of a political nature **[specify the kind of event]** organized by a political party/ candidate**[name the candidate or the name of the political party]** in its/her/his support in XX elections **[specify the type of election]**.

STATEMENT OF OFFENCE:

Unlawfully influencing election results contrary section 9 1 (b) as read with section 9 (3) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on XX the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County, influenced XY **[specify the**

manner in which XY was influenced] at XX polling station so as to unlawfully influence the results of an election [specify the type of election that is being influenced, presidential/parliamentary/Gubernatorial].

STATEMENT OF OFFENCE:

Inducing a person for being nominated as a candidate/ to refrain from being nominated/to withdraw from being a candidate section 9 1 (c) as read with section 9 (3) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B~~XX~~ on the XX day of XX 20~~XX~~, in~~XX~~ Ward in XX Constituency within the XX County, directly/indirectly induced XY in person/by any other person on his behalf CD **[specify how the inducement was done]** to induce any another person GG **[name the person]** for being nominated as a candidate of XX political party or to refrain from becoming a candidate of XX political party/ withdraw from being a candidate of XX political party if they become candidates in XX elections **[specify the type of election]**.

STATEMENT OF OFFENCE:

Accepting a bribe contrary section 9 (2) as read with section 9(3) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.BXX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County, accepted a bribe from XY directly/indirectly **[specify how the bribe was accepted]** to vote/refrain from voting for a particular candidate/political party **[name the candidate or the name of the political party]** in XX elections **[specify the type of election]**.

STATEMENT OF OFFENCE:

Accepting a bribe contrary section 9 (2) as read with section 9(3) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.BXX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County, accepted a bribe from XY to influence him/her to attend/refrain from attending a meeting/march/demonstration/ or other event of a political nature **[specify the kind of event]** organized by a political party/ candidate**[name the candidate or the name of the**

political party] in its/her/his support in XX elections **[specify the type of election]**.

STATEMENT OF OFFENCE:

Unlawfully accepting to influence election results contrary section 9 (2) as read with section 9(3) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.BXX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County, influenced XY **[specify the manner in which XY was influenced]** at XX polling station so as to unlawfully influence the results of XX election **[specify the type of election]**.

STATEMENT OF OFFENCE:

Accepting to induce a person for being nominated as a candidate/ to refrain from being nominated/to withdraw from being a candidate contrary section 9 (2) as read with section 9(3) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County, directly/indirectly accepted

to induce XY in person/by any other person on his behalf CD **[specify how the inducement was done]** to induce any another person GG **[name the person]** for being nominated as a candidate of XX political party or to refrain from becoming a candidate of XX political party/ withdraw from being a candidate of XX political party if they become candidates in XX elections **[specify the type of election]**.

OFFENCES UNDER SECTION 10

UNDUE INFLUENCE

STATEMENT OF OFFENCE

Using of force/threatens to use force/violence/any other unlawful methods to unduly influence voting contrary to section 10 (1) (a) as read with section 24(1) of the Election Offences Act, No. 37 of 2016

PARTICULARS OF OFFENCE

A.B. XX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County, directly/indirectly in person **[specify how]** /through another person XY used force/ threatened to use force/violence/any other unlawful method **[sexual violence, restraint or material, physical or spiritual**

injury, harmful cultural practices, damage or loss or any fraudulent device or trick or deception] for purposes of inducing / compelling a person to vote or not to vote for a candidate or political party **[specify the name of the candidate/political party]** at an election **[specify the type of election]**.

STATEMENT OF OFFENCE

Using of force/threatens to use force/violence/any other unlawful methods to unduly influence voting contrary to section 10 (1) (b) as read with section 24(1) of the Election Offences Act, No. 37 of 2016

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County, directly/indirectly in person **[specify how]** /through another person XY used force/ threatened to use force/violence/any other unlawful method **[sexual violence, restraint or material, physical or spiritual injury, harmful cultural practices, damage or loss or any fraudulent device or trick or deception]** for purposes of inducing / compelling a person to refrain from becoming a candidate/ withdraw if he become a candidate **[specify the**

name of the candidate/political party] at an election **[specify the type of election]**.

STATEMENT OF OFFENCE

Using of force/threatens to use force/violence/any other unlawful methods to unduly influence voting contrary to section 10 (1) (c) as read with section 24(1) of the Election Offences Act, No. 37 of 2016

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County, directly/indirectly in person **[specify how]** /through another person XY used force/threatened to use force/violence/any other unlawful method **[sexual violence, restraint or material, physical or spiritual injury, harmful cultural practices, damage or loss or any fraudulent device or trick or deception]** for purposes of impeding/preventing a person from being nominated as a candidate**[specify the name of the candidate/political party]** or from being registered as a voter **[specify the registration center]** in XX elections **[specify the type of election]**.

STATEMENT OF OFFENCE:

Inducing/influencing/procuring a person to vote when not entitled to vote contrary to section 10 (2) as read with section 24 (1) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B on XX the XX day of XX20XX in XX Ward in XX Constituency within the XX County, induced/influenced/procured XY to vote **[specify how inducement/ influence/ procurement was done]** in XX election **[specify the type of election]** when he/she was not entitled to vote.

STATEMENT OF OFFENCE:

Using duress/ intimidation to prevent a voter from voting contrary to section 10 (3) (a) as read with section 24 (1) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County, directly/indirectly used duress/ intimidation to impede/ prevent/ threatened to impede/ prevent a voter from voting **[specify how AB used duress/intimidated to impede//prevent/ threatened to impede/**

prevent a voter] in XX polling station in XX an election [**specify the type of election**].

STATEMENT OF OFFENCE:

Using duress/ intimidation to influence the results of an election contrary to section 10 (3) (b) as read with section 24 (1) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County, directly/indirectly used duress/ intimidation to influence [**specify the how the person influenced the results**] the results of XX election [**specify the type of election**] at XX polling station.

STATEMENT OF OFFENCE

Using duress/intimidation/compelling/ inducing a person to reveal information on the voting contrary to section 10 (4) (a) as read with section 24(1) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County, directly/indirectly used

duress/intimidated/compelled/induced XY a voter who had already voted XX election **[specify how AB used duress/intimidation/compelled/induced XY and the type of election]** to inform A.B/ any other person XX of the name of the candidate/political party for which the said XY had voted for.

STATEMENT OF OFFENCE

Using duress/intimidation/compelling/ inducing a person to display the ballot paper on which the voter has marked contrary to section 10 (4) (b) as read with section 24(1) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County, directly/indirectly used duress/intimidated/compelled/induced XY a voter to display the ballot paper which he had already place his marked his vote in XX election **[specify how AB used duress/intimidation/compelled/induced XY, the type of election]** in XX polling station.

OFFENCES UNDER SECTION 11
USE OF FORCE OR VIOLENCE DURING THE ELECTION
PERIOD

STATEMENT OF OFFENCE:

Inflicting/ threatening to inflict injury/ damage/harm/loss on or against a person contrary to section 11 (a) of the Election Offences Act, No.37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County directly/indirectly inflicted/ threatened to inflict injury/damage/harm/loss in person or by another person XY so as to induce/compel by **[specify how AB inflicted injury/ threatened to inflict injury/damage/harm/loss]** that person CD to support a particular candidate or political party **[name candidate or the political party]** in XX elections **[specify the type of election]**.

STATEMENT OF OFFENCE:

Inflicting/ threatening to inflict injury/ damage/harm/loss on or against a person contrary to section 11 (b) of the Election Offences Act, No.37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County directly/indirectly inflicted/ threatened to inflict injury/damage/harm/loss [**specify how AB inflicted injury/ threatened to inflict injury/damage/harm/loss**] in person or by another person XY on account of a such person CD having voted/refrained from voting at XX polling station at XX election [**specify the type of election**].

STATEMENT OF OFFENCE:

Inflicting/ threatening to inflict injury/ damage/harm/loss on or against a person contrary to section 11 (c) of the Election Offences Act, No.37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County directly/indirectly inflicted/ threatened to inflict injury/damage/harm/loss [**specify how AB inflicted injury/ threatened to inflict injury/damage/ harm/loss**] in person or by another person XY in order to induce or compel that person to vote in a particular way or

refrain from voting at XX polling station at XX election [**specify the type election**].

OFFENCES UNDER SCETION 12

USE OF SECURITY ORGANS

STATEMENT OF OFFENCE

Using of public officer/using the national security organs contrary to section 12 of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County used a public officer/used the national security organs **[specify the public officer/ security organ used]** to induce/ compel an person to support a particular candidate or political party **[name the candidate or political party]** in XX elections **[specify the type of election]**.

OFFENCES UNDER SECTION 13

OFFENCES RELATING TO ELECTIONS

STATEMENT OF THE OFFENCE:

Printing/Publishing/Distributing/Posting up/causing to be printed/Causing to be Published/Causing to be Distributed/Causing to be posted up an election advertisement/handbill/placard/poster without the names/addresses of printers and publishers contrary to section 13 (a) of the Elections Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County you printed/published/distributed/posted up or caused to be printed/published/distributed/posted up any advertisement/handbill/placard/poster on elections **[specify the type of election]** without bearing on its face the names and addresses of the printer and publisher.

STATEMENT OF THE OFFENCE:

Making/Publishing false statement of withdrawal of a candidate contrary to section 13 (b) of the Elections Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County you made/published before/during a XX election **[specify the type election and the time of that type of election]** a false statement of the withdrawal of XX candidate who had not in fact withdrawn for the purpose of promoting/procuring the election of YY, a candidate at the said election.

STATEMENT OF THE OFFENCE:

Forging/Defacing/destroying a nomination paper/ delivering a forged nomination paper to a returning officer contrary to section 13 (c) of the Elections Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County forged/defaced/destroyed a nomination paper(s)/ knowingly delivered a forged nomination paper to a returning officer XY knowing it to be forged in XX elections **[specify the type of election]**.

STATEMENT OF THE OFFENCE:

Interfering with election material without authority of Independent Electoral Boundaries Commission contrary to section 13 (d) of the Elections Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B. XX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County interfered with election material to wit **[specify the kind of election material interfered with]** by removing/destroying/concealing/mutilating or assisting to remove/destroy/conceal/mutilate the said election material **[state the kind of election material]** without the authority of the Independent Electoral and Boundaries Commission in XX elections **[specify the type of election]**.

STATEMENT OF THE OFFENCE:

Printing/manufacturing/supplying/procuring the printing/procuring the manufacturing/procuring the supply of election materials without authority of IEBC contrary to section 13 (e) of the Elections Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B. XX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County directly/indirectly through

[state the persons/group]
printed/manufactured/supplied/procured the printing/procured manufacturing/procured the supply of election materials [specify the election material] in connection with the XX Election **[specify the type of election]** without the authority of the Independent Electoral and Boundaries Commission.

STATEMENT OF THE OFFENCE:

Interfering with free political canvassing and campaigning contrary to section 13(f) (i) of the Election Offences Act No.37 Of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County interfered with free political canvassing and campaigning by using language that was threatening/abusive/ insulting/ engaged in any kind of action that advocated for hatred, incitement to violence or influenced the voters on the grounds of ethnicity, race, religion, gender or any other ground of discrimination during the election period **[specify the period of elections when the interference happened]**.

STATEMENT OF THE OFFENCE:

Interfering with free political canvassing and campaigning contrary to section 13(f) (ii) of the Election Offences Act No.37 Of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County interfered with free political canvassing and campaigning by directly/indirectly using threat of force/ violence/harassment/otherwise preventing the conduct of any political meeting/ march/demonstration/ other event of a political nature or any other person from attending or participating therein during the election period. **[Specify the period of elections when the interference happened].**

STATEMENT OF THE OFFENCE:

Interfering with free political canvassing and campaigning contrary to section 13(f) (iii) of the Election Offences Act No.37 Of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County interfered with free political canvassing and campaigning by creating a material disruption

with the intention of preventing a political party **[specify political party]** from holding a public political meeting during the election period **[specify the period of elections when the interference happened]**.

STATEMENT OF THE OFFENCE:

Interfering with free political canvassing and campaigning contrary to section 13(f) (iv) of the Election Offences Act No.37 Of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County interfered with free political canvassing and campaigning by impeding/preventing/ threatening to impede/ prevent the right of any representative of any political party **[name political party]** from gaining access, in the manner and during the hours prescribed to voters in any particular area, whether public or private for the purposes of canvassing and campaigning and soliciting membership and support during the election period **[Specify the period of elections when the interference happened]**.

STATEMENT OF THE OFFENCE:

Interfering with free political canvassing and campaigning contrary to section 13(f) (v) of the Election Offences Act No.37 Of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County interfered with free political canvassing and campaigning by impeding/preventing/ threatening to impede/ or prevent a member of the Commission XY, a representative of the commission XY or any other authorized person or organization engaged **[name the organization]** in voter education from gaining access**[specify how AB impeded/prevented/ threatened to impede/ or prevented a member of the Commission from gaining access]** during the election period **[specify the period of elections when the interference happened]**.

STATEMENT OF THE OFFENCE:

Refusing/failing to effect a direction/instruction/lawful order issued by or on behalf of the Independent Electoral and Boundaries Commission contrary to section 13(f) (v) of the Election Offences Act No.37 Of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20 XX, in XX Ward in XX Constituency in XX District within the XX County you refused/failed to effect a direction/instruction/lawful order (state the direction) issued by the Independent Electoral and Boundaries Commission by XX on behalf of the Independent Electoral and Boundaries Commission during the election period **[specify the election period when the direction/lawful order failed/ was refused]**

STATEMENT OF THE OFFENCE:

Refusing/failing to leave an election counting centre/area designated by the IEBC commission contrary to section 13(g) of the Election Offences Act No.37 Of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County you refused/failed to leave XX Counting Center/ area designated for XX electoral purposes **[specify the electoral purpose of the area]** by the Independent Electoral and Boundaries Commission when ordered to do so by YY of the commission. **[Specify the election period when offence was committed]**

STATEMENT OF THE OFFENCE:

Entering/remaining in an electoral center/ area designated by the Independent Electoral Boundaries Commission without authority contrary to section 13(h) of the Election Offences Act No.37 Of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County you entered/failed to leave an election center/area designated for electoral purposes **[specify the electoral purpose of the area]** without authority of the Independent Electoral Boundaries Commission.

STATEMENT OF THE OFFENCE:

Obstructing/Hindering an election officer/candidate/agent in executing his lawful duties contrary to section 13(i) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20XX, in XX Ward in XX Constituency within the County you obstructed/hindered XX an election officer/candidate/agent in the execution of his lawful duty by XX **[specify how he acted to obstruct/hindered the**

election officer/candidate/agent from executing his lawful duty and the election period when offence was committed]

STATEMENT OF THE OFFENCE:

Making a false statement/furnishing false particulars in a statement required under the Elections Act 2011 contrary to section 13(j) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County you made a false statement [specify the false statement made] /furnished false particulars in a statement (specify the statement false particulars) knowing the statement/particulars to be false or without reasonable grounds for believing the statement/particulars to be true.

[Specify the election period when offence was committed]

STATEMENT OF THE OFFENCE:

Publishing/repeating/disseminating information with the intention of disrupting/preventing an election contrary to section 13(k) (i) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20XX, in XX Ward in XX within the XX County published/repeated/disseminated information

[specify the information published/repeated/disseminated] with the intention of disrupting/preventing the XX election **[specify the type of election]**.

STATEMENT OF THE OFFENCE:

Publishing/repeating/disseminating information with the intention of creating hostility/fear contrary to section 13(k) (ii) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX County you published/repeated/disseminated information published/repeated/disseminated information **[specify the information published/repeated/disseminated]** with the intention of creating hostility/fear in order to influence the process/outcome of the XX election **[specify the type of election]**.

STATEMENT OF THE OFFENCE:

Publishing/repeating/disseminating information with the intention of unlawfully influencing/aiding/abetting/counseling/procuring the

commission of an offence or attempting to commit an offence contrary to section 13(k) (iii) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B. XX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County you unlawfully published/repeated/disseminated information (specify the information) with the intention of aiding/abetting/counseling/procuring the commission of an offence **[state the offence]**/ attempting to commit the offence of XX In XX election. **[state the offence and the election period the offence was committed]**.

STATEMENT OF THE OFFENCE:

Forging/defacing/destroying campaign/promotional material contrary to section 13(l) of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B. XX on the XX day of XX 20XX, in XX Ward in XX Constituency within the XX County forged/defaced/destroyed campaign material **[specify the type of campaign material]**/ promotional material **[specify the type of promotional**

material] of XY being an opposing candidate/political party XX election **[name candidate and name of the political party and the election period the offence was committed]**

OFFENCES UNDER SECTION 14

USE OF PUBLIC RESOURCES

STATEMENT OF THE OFFENCE:

Use of public resources contrary to section 14(1) *as read with section 14(6)* of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B **[name candidate/ referendum committee/other person]** on the XX day of XX 20 XX, in XX Ward in XX Constituency in XX District within the XX County used public resources, to wit, XX **[state the specific public resources]** for purposes of campaigning during the XX election/referendum **[specify the type election]** .

STATEMENT OF THE OFFENCE:

Publishing of advertisements of achievements of a particular administration contrary to section 14(2) *as read with section 14 (6)* of the Election Offences Act, No. 37 of 2016.

PARTICULARS OF OFFENCE

A.B XX [name political party] on the XX day of XX 20 XX, in XX Ward in XX Constituency within the XX.County published the achievements of XX government in print media/electronic media by way of banners/ or hoarding in public places during the XX election [specify the election period].

OFFENCES UNDER SECTION 15.

STATEMENT OF OFFENCE

Engaging with the activities of a political party/candidate in an election contrary to S.15 (1) (a) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX on XX at XX within XX ward in XX constituency, within the Republic of Kenya being a Public Officer engaged in activities of a political party / candidate to wit(state the Act) XX. during (mention the election).

STATEMENT OF OFFENCE

Acting as an agent of a political party/candidate in an election contrary to S.15 (1) (a) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX on XX at XX within XX ward in XX constituency, within the Republic of Kenya being a

Public Officer acted as an agent for party XX / for candidate XX in the XX during (mention the election).

STATEMENT OF OFFENCE

Publicly indicating support for/opposition against any party/ side/ candidate in an election contrary to S.15 (1) (b) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX on XX at XX within XX ward in XX constituency, within the Republic of Kenya being a Public Officer supported/opposed party X/side Y/candidate Z by XX (mention the act) during (mention the election).

STATEMENT OF OFFENCE

Engaging in political campaigns/ other political activity contrary to S.15 (1) (c) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX at XX ward in XX constituency XX county, within the Republic of Kenya being a Public Officer XX. (mention the act) during (mention the election).

STATEMENT OF OFFENCE

Using public Resources to initiate new development project for purposes of supporting a candidate/ political party contrary to S.15 (1) (d) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX the XX day of XX 20XX at XX ward in XX constituency, XX County within the Republic of Kenya being a Public Officer XX (mention the act) during (mention the election), which act was meant for the support of candidate XXX/Political Party YYY.

STATEMENT OF OFFENCE

Knowingly aiding in commission of an offence in S.15 (1)] contrary to S.15 (2) as read with S.15 (1) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20XX at XX ward in XX constituency, XX County within the Republic of Kenya knowingly aided the commission of an offence, namely XX (mention the offence and provision) by doing XX (specify the action) during XX (mention the election)

OFFENCES UNDER SECTION 16

STATEMENT OF OFFENCE

Making payment of any kind for the purpose of promoting / procuring the election of a candidate at an election on account of the conveyance of voters to or from to poll contrary to S.16 (1) (a) of the Election Offences Act 2016.

AB XX on the XX day of **PARTICULARS OF THE OFFENCE**

XX 20 XX at XX ward in XX constituency, XX County within the Republic of Kenya made payments to wit XX to promote the election of candidate XXX, during the XX election.

STATEMENT OF OFFENCE

Making contract for payment for the purpose of promoting or procuring the election of a candidate at an election on account of the conveyance of voters to or from to poll contrary to S.16 (1) (a) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

XX 20 XX at XX ward in XX constituency, County within the Republic of Kenya made a contract for payments to wit XX to promote the election of candidate XXX, during the XX election.

STATEMENT OF OFFENCE

Giving consideration of any kind for the purpose of promoting or procuring the election of a candidate at an election on

account of the conveyance of voters to or from to poll contrary to S.16 (1) (a) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX at XX ward in XX constituency, XX County within the Republic of Kenya (mention the consideration) XX to promote the election of candidate XXX, during the XX election.

STATEMENT OF OFFENCE

Making payment for the purpose of promoting or procuring the election of a candidate at an election on account of the use of any land/building/or premises contrary to S.16 (1) (b) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX at XX ward in XX constituency, XX County within the Republic of Kenya made payments to wit XX for the use of XX mention premise/land/building to promote the election of candidate XXX, during the XX election.

STATEMENT OF OFFENCE

Making contract for payment for the purpose of promoting or procuring the election of a candidate at an election on account of the use of any land/building/or premises contrary to S.16 (1) (b) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX at XX ward in XX constituency, XX County within the Republic of Kenya made a contract to wit XX for the use of XX mention premise/land/building promote the election of candidate XXX, during the XX election.

STATEMENT OF OFFENCE

Giving consideration of any kind for the purpose of promoting or procuring the election of a candidate at an election on account of the use of any land/building/or premises contrary to S.16 (1) (b) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX at XX ward in XX constituency, XX County within the Republic of Kenya gave a consideration to wit XX for the use of XX mention premise/land/building to promote the election of candidate XXX, during the XX election.

STATEMENT OF OFFENCE

Knowingly registering as a voter in an electoral area in which a by-election is to be held contrary to S.16 (2) (a) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX at XXX registration center of XX ward in XX constituency, XX County within the Republic

of Kenya knowingly registered as a voter in XX electoral area in which a by-election was to be held.

STATEMENT OF OFFENCE

Knowingly causing registration of voters in an electoral area in which a by-election is to be held contrary to S.16 (2) (b) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX at XXX registration center of XX ward in XX constituency, XX County within the Republic of Kenya knowingly caused registration of voters in XX electoral area in which a by-election was to be held.

STATEMENT OF OFFENCE

Transferring voters in substantial numbers to an electoral area in which a by-election is to be held contrary to S.16 (2) (c) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX XX ward in XX constituency, XX County within the Republic of Kenya transferred XX number of voters into XX electoral area in which a by-election was to be held.

STATEMENT OF OFFENCE

Knowingly receiving payment of any kind for the purpose of promoting / procuring the election of a candidate at an election

on account of the conveyance of voters to or from to poll contrary to S.16 (3) as read with S. 16 (1) (a) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20XX at XX ward in XX constituency, XX County within the Republic of Kenya received payments to wit XX.to promote the election of candidate XXX, during the XX election by conveying voters to and from XXXXX polling station.

STATEMENT OF OFFENCE

Knowingly receiving payment of any kind for the purpose of promoting / procuring the election of a candidate at an election on account of use of house/land/building/premises contrary to S.16 (3) as read with S. 16 (1) (b) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20XX at XX ward in XX constituency, XX County within the Republic of Kenya received payments to wit XX.to promote the election of candidate XXX, during the XX election by use of house/land/building/premises for the exhibition of any address bill/notice.

STATEMENT OF OFFENCE

Letting/lending/employing a vehicle/vessel/aircraft/animal of transport knowing that it is intended to be used to convey voters

to and from a poll contrary to S.16 (4) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX at XX ward in XX constituency, XX County within the Republic of Kenya knowingly let/lent/employed XX to wit XX to convey voters to and from a XX polling station during the XX election.

STATEMENT OF OFFENCE

Hiring/borrowing/using a vehicle/vessel/aircraft/animal of transport knowing that it is intended to be used to convey voters to and from a poll contrary to S.16 (5) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX at XX ward in XX constituency, XX County within the Republic of Kenya knowingly hired/borrowed/used XX to wit XX to convey voters to and from a XX polling station during the XX election.

OFFENCES UNDER SECTION 17

OFFENCES RELATING TO THE USE OF TECHNOLOGY IN ELECTIONS

STATEMENT OF OFFENCE

Stealing an electronic equipment during an electoral process contrary to S.17 (a) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20XX at XX ward in XX constituency, XX County within the Republic of Kenya stole electronic equipment namely XX during an electoral process to wit XX (specify the electoral process)

STATEMENT OF OFFENCE

Intentionally causing damage to an electronic equipment during an electoral process contrary to S.17 (a) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20XX at XX ward in XX constituency, XX County within the Republic of Kenya intentionally damaged an electronic equipment namely XX which during an electoral process to wit XX (specify the electoral process)

STATEMENT OF OFFENCE

Knowingly/intentionally concealing/destroying/altering computer source code used for a computer/computer programme/computer system/computer network during an electoral process contrary to S.17 (b) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20XX at XX ward in XX constituency, XX County within the Republic of Kenya

knowingly/intentionally concealed/destroyed/altered a computer source code for a XX to wit XX during XX (specify the electoral process)

STATEMENT OF OFFENCE

Knowingly/intentionally causing another person to conceal/destroy/alter computer source codes used for a computer/computer programme/computer system/computer network during an electoral process contrary to S.17 (b) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX at XX ward in XX constituency, XX County within the Republic of Kenya knowingly/intentionally caused (specify the other person) XX to conceal/destroy/ alter a computer source code for a XX to wit XX during XX.(specify the electoral process)

STATEMENT OF OFFENCE

Intentionally/Knowingly causing/likely to cause wrongful loss/damage to the public/any person by destroying/deleting/altering/diminishing value or utility of information in a computer resource during an electoral process contrary to S.17 (c) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX. 20 XX at XX ward in XX constituency XX County within the Republic of Kenya

intentionally caused/knowning it was likely to cause wrongful loss/damage to XX (specify public or person) by XX.(specify wrongful act) to information in a computer resource namely XX during XX (specify the electoral process)

STATEMENT OF OFFENCE

Wholly/partly accessing a computer system during an electoral process without authority contrary to S.17 (d) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB on the XX day of XX 20 XX at XX ward in XX constituency, XX County within the Republic of Kenya wholly/partly accessed a computer system namely XX during XX (specify the electoral process)without authority

STATEMENT OF OFFENCE

Intercepting by technical means and without authorization non-public transmission (specify if including electromagnetic emissions) of computer data to/from/within a computer system during an electoral process contrary to S.17 (e) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX at XX ward in XX constituency XX County within the Republic of Kenya intercepted by technical means and without authorization a non-public transmission (specify if including electromagnetic

emissions) to wit XX of computer data XX specify to/from/within) a computer system namely XX during XX.(specify the electoral process)

STATEMENT OF OFFENCE

Intentionally/recklessly altering/interfering with a computer/computer network by inputting/transmitting/damaging/deleting/deteriorating/altering/suppressing (specify if including introducing/transmitting a virus) computer data/computer program/electronic document/electronic data message without authority during an electoral process contrary to S.17 (f) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX at XX. ward in XX constituency, XX County within the Republic of Kenya Intentionally/recklessly altered/interfered with a computer/computer network namely XX by inputting/transmitting/damaging/deleting/deteriorating/altering/suppressing (specify if including introducing/transmitting a virus) a computer data/computer program/electronic document/electronic data message namely XX without authority during XX.(specify the electoral process)

STATEMENT OF OFFENCE

Using/Producing/Selling/Procuring/Importing/Distributing/Making available without authority a device/computer program designed/adapted for committing an offence during an electoral

process contrary to S.17 (g) (i) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX at XX ward in XX constituency, XX County within the Republic of Kenya Used/Produced/Sold/Procured/Imported/Distributed/Made available without authority a device/computer program namely XX.designed/adapted for committing an offence to wit XX during XX (specify the electoral process)

STATEMENT OF OFFENCE

Using/Producing/Selling/Procuring/Importing/Distributing/Making available without authority a computer password/access code (specify if including similar data) which can wholly or partly access a computer system with intent that it be used for committing an offence during an electoral process contrary to S.17 (g) (ii) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX 20 XX at XX ward in XX constituency, XX County within the Republic of Kenya Used/Produced/Sold/Procured/Imported/Distributed/Made available without authority a computer password/access code (specify if including similar data) which can wholly or partly access a computer system namely XX.with intent of committing an offence to wit XX during XX.(specify the electoral process)

STATEMENT OF OFFENCE

Knowingly inputting/altering/deleting computer data (specify if readable/intelligible or not) with intent that the result thereof be considered/acted upon for legal purposes as authentic during an electoral process contrary to S.17 (h) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

AB XX on the XX day of XX. 20 XX at XX ward in XX.constituency, XX County within the Republic of Kenya Knowingly inputted/altered/deleted computer data (specify if readable/intelligible or not) with intent that the result thereof be considered/acted upon for legal purposes as authentic XX during XX (specify the electoral process)

STATEMENT OF OFFENCE

Intentionally acquiring/using/misuses/ transferring/altering/deleting another person's identification information during an electoral process contrary to S.17 (i) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

A.B on the XX day of XX20XX at XX Ward in XX Constituency XX County within the Republic of Kenya intentionally acquired/used/misused/transferred/alterd/deletedXX (Specify the other person whose) identification information namely XX during XX (specify the electoral process)

OFFENCES UNDER SECTION 18

EMPLOYERS TO ALLOW EMPLOYEES REASONABLE PERIOD FOR VOTING

STATEMENT OF OFFENCE

Directly/indirectly/refusing/intimidating/unduly/influencing/interfering with granting a voter in his employ of reasonable period to vote contrary to S.18 (2) as read with S. 18 (1) of the Election Offences Act 2016.

PARTICULARS OF THE OFFENCE

A.B on the XX day of XX 20 XX at XX ward in XX Constituency, XX County within the Republic of Kenya directly/indirectly refused/intimidated/unduly influenced/interfered XX (specify means of refusal/intimidation/undue influence/interference) to grant a voter namely XX (specify his/her name and particulars) under his employ, reasonable period to vote during XX (specify the election)

OFFENCES UNDER SECTION 19

AIDING AND ABETTING OFFENCES

STATEMENT OF THE OFFENCE

Aiding/Abetting/Counseling/Procuring the commission of an offence contrary to section 19 (1) as read with section 24 (1) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX20 XX in XX Ward in XX Constituency in XX District within the XX County unlawfully aided/abetted/counseled/procured XY to (specify the offence)

STATEMENT OF THE OFFENCE

Attempting in aiding/abetting/counseling/procuring the commission of an offence contrary to section 19 (1) *as read with section 24 (1)* of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX20XX in XX Ward in XX Constituency in XX District within the XX County attempted to aid/abet/counsel/procure XY to (specify the offence)

OFFENCE UNDER SECTION 20

BREACH OF ELECTORAL CODE OF CONDUCT

STATEMENT OF THE OFFENCE

Participating in an election without subscribing to the Electoral Code of Conduct contrary to section 20 (1) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20 XX in XX Ward in XX Constituency in XX District within the XX County being XX (specify whether

he is an officer of a political party or a candidate) participated XX in XX election without subscribing to the Electoral Code of Conduct by XX (specify the act of participation)

STATEMENT OF THE OFFENCE

Attempting to participation in an election without subscribing to the Electoral Code of Conduct contrary to section 20 (1) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX20 XX in XX Ward in XX Constituency in XX District within the XX County being XX (specify whether he is an officer of a political party or a candidate) attempted to participate XX in XX election without subscribing to the Electoral Code of Conduct by XX (specify the act of attempting to participate)

STATEMENT OF THE OFFENCE

Contravening the Electoral Code of Conduct contrary to section 20 (2) *as read with* S. 24 (1) of the Election Offences Act No.37 of 2016.

PARTICULARS OF OFFENCE

A.B on the XX day of XX 20XX in XX Ward in XX Constituency in XX District within the XX County XX (specify the person) contravened the Electoral Code of Conduct by XX (specify the act/omission constituting the contravention, including the impugned provision (s) of the code).



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