



PRESS RELEASE

FOR IMMEDIATE RELEASE
Nairobi, Kenya: April 1st, 2020

SUBJECT: POSTPONEMENT OF BY-ELECTIONS

Article 88(4) of the Constitution of Kenya, 2010 and 5.4 of the Independent Electoral and Boundaries Commission Act, 2011 mandates the Commission to, *inter alia*, conduct and supervise referenda and elections to any elective body or office established by the Constitution and any other elections as prescribed by an Act of Parliament.

The Commission notes the Presidential Directive issued on 15th and 25th March, 2020, aimed at containing the spread of the Covid-19 virus. The President, among other pronouncements, spelt out a raft of measures that included, but not limited to, suspension of social gatherings, maintaining social distance and indeed a nationwide 7 pm to 5 am curfew. Some of these measures were reemphasized by the Cabinet Secretary for Health in his various addresses to the public.

The spread of the virus has unfortunately persisted leading to the Cabinet Secretary for Internal Security pronouncing drastic measures in pursuance of the Public Order Act, Chapter 56 of the Laws of Kenya. The purport thereof is that all citizens with the exception of those in the critical and essential services, which have been elsewhere defined, remain indoors during the curfew times.

While the Commission is at all times ready to discharge its mandate and has despite the prevailing crisis made a lot of efforts to maintain minimal operations, this state of affairs has posed unprecedented challenges. Not only have the day to day operations of the Commission been adversely disrupted, but also the conduct of the upcoming by-elections will be adversely affected. The by-elections to be conducted are Dabaso Ward in Kilifi County, Kisumu North Ward in Kisumu County, Kahawa Wendani Ward in Kiambu County and Wundanyi/Mbale Ward in Taita Taveta County (for Member of County Assembly) and for Msambweni Constituency in Kwale County (for Member of National Assembly).

In conducting elections, it is inevitable that meetings will be held as well as nominations, campaigns and the poll itself, to mention but a few, all involving human contact. Thus, it would be difficult to achieve these activities without exposing the public to the risk of contracting the disease.

While the Commission recognizes the citizens' rights to vote and to representation, and takes cognizance that elections are held within strict legal and constitutional timelines, the Commission has resolved to postpone the by-elections to a later date in line with, Section 55(B) of the Elections Act, 2011 and Regulation 64(A) of the Elections (General) Regulations, 2012.


W. W. CHEBUKATI
CHAIRMAN