

# **SPECIAL ISSUE**



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## THE CONSTITUTION OF KENYA

### INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION ACT

(No. 9 of 2011)

### THE ELECTIONS ACT

(No. 24 of 2011)

### THE ELECTIONS (GENERAL) REGULATIONS, 2012

#### BY-ELECTION FOR MEMBER OF THE COUNTY ASSEMBLY FOR MAHOO WARD IN TAITA TAVETA COUNTY ASSEMBLY SCHEDULED TO BE HELD ON 16TH DECEMBER, 2021.

IN EXERCISE of powers conferred by Articles 84, 85, 88 (4), 177 (1) (a), 193 and 194 (1) (a) of the Constitution of Kenya, sections 2, 5 (b), 13 (3), 19, 22, 25, 26, 32, 33, 38, 43 (5A) and 74 of the Elections Act, 2011 and Regulation 11 (6), 12(1), 13B, 14 and 15 Parts VIII and IX of the Election (General) Regulations, 2012, the Independent Electoral and Boundaries Commission gives notice that—

- (a) Following declaration of vacancy that occurred in the office of Member of Mahoo Ward for Taita Taveta County Assembly on 17th August, 2021 *vide* a letter from the Speaker of Taita Taveta County Assembly received on 1st September, 2021, there shall be by-election for Member of Mahoo County Assembly Ward on Thursday, 16th December, 2021.
- (b) Each Political Party intending to participate in the by-election shall submit the names of the persons contesting in a party primary and the date of the party primary on or before Monday 4th October, 2021.
- (c) A public officer who intends to contest in the by-election shall resign from public office within seven (7) days of the declaration of a vacancy by the Speaker of Taita Taveta County Assembly.
- (d) The Commission shall publish, in the Gazette, the names of the persons contesting in a party primary and the date of the party primary within seven (7) days of receipt of the names of the candidates.
- (e) Candidates intending to participate in the by-elections as independent candidates shall not have been members of any

political party at least three (3) months immediately before the date of the by-election.

- (f) Political parties intending to present candidates in this election shall, after its primaries resolve all intra-party disputes and submit the list of persons nominated to contest in this election to the Commission on or before Monday, 18th October, 2021.
- (g) Political parties intending to present candidates in this election through direct nominations shall submit the list of persons nominated to contest in this election to the Commission on or before Monday, 18th October, 2021.
- (h) Candidates intending to participate in this election as independent candidates shall submit their names and symbols that they intend to use during the by-election for purposes of nomination of independent candidates to the Commission on or before Monday, 4th October, 2021.
- (i) The Commission shall publish in the Gazette, the names and symbols of persons intending to contest in the election as independent candidates at least fourteen (14) days before the nomination day.
- (j) The days for the nomination of political party candidates and independent candidates for the by-elections shall be on Monday, 25th October, 2021 and Tuesday, 26th October, 2021, and the nomination papers shall be delivered by the candidates to the respective Returning Officer between the hours of eight o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock and four o'clock in the afternoon at the place designated by the Commission.
- (k) Disputes relating to or arising from nominations shall be determined within ten (10) days of the lodging of the dispute with the Commission in any event not later than Friday, 5th November, 2021.
- (l) The campaign period for purposes of the 16th December, 2021 by-election shall commence on, Monday, 25th October, 2021 and cease on Monday, 13th December, 2021 being 48 hours before the by-election day.
- (m) The Campaign time shall run from 7.00 a.m. to 6.00 p.m. during the campaign period.
- (n) Political parties and Independent candidates shall appoint and submit to the Commission the names of their Constituency

Elections Agents to the Commission on or before Thursday, 2nd December, 2021.

- (o) The registration and revision of the register of voters for the said electoral areas is suspended until 29th December, 2021.
- (p) If the elections are contested, the poll will take place on the Thursday 16th December, 2021.

*Notes:*

1. The attention of candidates and persons subscribing nomination papers is drawn to the provisions of Parts III, VIII and IX of the Election (General) Regulations, section 13 (2) and the First Schedule to the Leadership and Integrity Act No. 19 of 2012 and Chapter Six of the Constitution of Kenya.

2. Every political party, candidate and every person who participates in the election shall subscribe to and observe the Electoral Code of Conduct set out in the Second Schedule to the Elections Act, 2011.

3. A person guilty of an election offence will be liable to the penalties imposed by the Election Offences Act, 2016 (No. 37 of 2016), the disqualifications imposed thereof and the Constitution of Kenya.

4. The attention of candidates and political parties is drawn to the provisions of section 43 (5A) of the Elections Act, 2011.

5. The attention of candidates is drawn to the provisions of section 26 of the Elections Act, 2011.

6. The attention of Political Parties, Candidates and every person who participates in the election is drawn to section 2 of the Elections Act, 2011 on the Campaign Period.

Dated the 23rd September, 2021.

W.W. CHEBUKATI,  
*Chairperson, Independent Electoral and Boundaries Commission.*