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THE CONSTITUTION OF KENYA

THE ELECTIONS ACT

(No. 24 of 2011)

THE ELECTION (GENERAL) REGULATIONS, 2012

(L.N. 128/2012 and L.N. 72/2017)

THE ELECTIONS (PARTY PRIMARIES AND PARTY LIST)
REGULATIONS, 2017

(L.N. 69 /2017)

BY-ELECTIONS FOR MEMBER OF THE NATIONAL ASSEMBLY FOR
MATUNGU CONSTITUENCY AND MEMBERS OF COUNTY ASSEMBLY
FOR HURUMA WARD IN UASIN GISHU COUNTY, HELL'S GATE WARD
IN NAKURU COUNTY, LONDON WARD IN NAKURU COUNTY,
KIAMOKAMA WARD IN KISII COUNTY AND KITISE/KITHUKU WARD IN
MAKUENI COUNTY SCHEDULED TO BE HELD ON 4TH MARCH, 2021

IN EXERCISE of powers conferred by Articles 84, 85, 88(4), 97(1)(a), 99, 101(4), 177, 193, and 194(1) (a) and (d) of the Constitution of Kenya, sections 2, 5(b), 13(3), 16, 19, 22, 24, 25, 32, 33, 38, 43(5A) and 74 of the Elections Act, 2011 and Regulation 11(4) and (6), 12(1), 13B, 14 and 15, Parts III, V, VIII and IX of the Election (General) Regulations, 2012, the Independent Electoral and Boundaries Commission gives notice that:

- (a) Following declaration of vacancies that occurred in the offices of Member of the National Assembly for Matungu Constituency, Member of County Assembly for Huruma Ward in Uasin Gishu County, Member of County Assembly for Hells' Gate Ward in Nakuru County, Member of County Assembly for London Ward in Nakuru County, Member of County Assembly for Kiamokama Ward in Kisii County and Member of County Assembly for Kitise/Kithuku Ward in Makueni County *vide* letters from the Speaker of the National Assembly Speaker received on 4th December, 2020, from the Speaker of Uasin Gishu County Assembly received on 28th October, 2020, from the Speaker of Nakuru County Assembly received on 10th December, 2020, from the Speaker of Nakuru County Assembly received on 10th December, 2020, from the Speaker of Kisii County Assembly received on 11th December, 2020 and from the Speaker Makueni County Assembly received on 1st December, 2020, respectively, there shall be

by-elections for Members of Matungu Constituency, Huruma Ward, Hells Gate Ward, London Ward, Kiamokama Ward and Kitise/Kithuku Ward on Thursday, 4th March, 2021.

- (b) Each political party intending to participate in the by-elections shall submit the names of the persons contesting in a party primary and the date of the party primary on or before Monday, 21st December, 2020.
- (c) A public officer who intends to contest in the by-elections shall resign from public office within seven (7) days of the declaration of a vacancy by the Speakers of the respective Assemblies.
- (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, 4th January, 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 4th January, 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-elections for purposes of nomination of independent candidates to the Commission on or before Monday, 21st December, 2020.
- (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, 11th January, 2021 and Tuesday, 12th January, 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, 22nd January, 2021.
- (l) The campaign period for purposes of the 4th March, 2021 by-elections shall commence on, Monday, 11th January, 2021 and cease on Monday, 1st March, 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 Wednesday, 17th February, 2021.
- (o) The registration and revision of the register of voters for the said electoral areas is suspended until 18th March, 2021.
- (p) If the elections are contested, the poll will take place on the Thursday, 4th March, 2021.

NOTES:

1. The attention of candidates and persons subscribing nomination papers is drawn to the provisions of Parts III, V, 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 14th December, 2020.

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