



# Independent Electoral and Boundaries Commission

## PRESS RELEASE

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**SUBJECT: IEBC ADOPTS PHASED APPROACH TO ELECTORAL BOUNDARY REVIEW**

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**Nairobi, Kenya: 27 January 2026**

The Independent Electoral and Boundaries Commission (IEBC) has resolved to undertake the review of Constituency and Ward boundaries through a phased approach, following a comprehensive assessment of constitutional requirements, judicial guidance, resource considerations, and the national electoral calendar. This decision reflects the Commission's commitment to upholding constitutionalism while safeguarding the integrity and preparedness of the electoral process.

Boundary delimitation is a cornerstone of Kenya's representative democracy. It operationalizes the constitutional principle of "one person, one vote, one value" by ensuring that electoral units respond to population dynamics and evolving geographic realities. The Constitution obligates the Commission to periodically review electoral boundaries to promote equitable representation and prevent voter dilution. It is in that regard that the Commission is mandated to undertake periodic reviews and delimitation of electoral boundaries.

Following the conclusion of the first boundaries review in 2012, the Commission developed the Boundaries Review Operations Plan (BROP) 2019-2024 that outlined the methodology, timelines, data requirements, and public participation framework to guide the second review cycle. Consequently, significant preparatory work was undertaken between 2019 to date, including strategy development, situational analysis, pilot studies, acquisition of GIS and Geolocation System, training and institutional capacity building.

However, despite the steps taken by the previous Commission towards undertaking comprehensive electoral boundary reviews, the process encountered serious constraints that materially affected its pace and timely completion within the 12 year constitutional timeline. These constraints are outlined below:

**1. Absence of Commissioners:** The Commission operated without Commissioners from 17 January





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2023, following the lapse of the previous Commission, until 11 July 2025 when the current Commissioners assumed office. In that respect, the Secretariat paused those activities that required policy decisions and oversight by the commissioners. For example, approvals of the new Boundary Review Operations Plan 2025 and beyond and other policy directives on boundary delimitation were affected.

- 2. Judicial invalidation of census data:** Active court cases affected the validity of census data for 14 out of 17 constituencies in the counties of Garissa, Wajir, and Mandera. On 28 January 2025, the High Court in Garissa High Court Petition No. 4 of 2020 (Sheikh & 24 Others v KNBS, IEBC & 3 Others) invalidated the 2019 Kenya Population and Housing Census data for the three counties, finding that the census process failed to meet the requisite legal and procedural standards. The Court of Appeal subsequently directed that the matter be maintained in status quo pending the determination of Civil Appeal No. 236 of 2025, rendering the affected census data unusable for official purposes by government agencies including IEBC.

The Commission needs a valid and legally binding Kenya Housing and Population census report for use in determining the population quota and to publish the Preliminary Report and the Notice of Intention to Delimit electoral boundaries. Until the courts resolve the issues and litigation around national population census report for use in the discharge of our mandate, the work will be hindered to the extent that the valid census data is not available.

- 3. Exposure to legal risks in boundaries reviews:** The Commission continues to face litigation arising from delays to conduct and complete boundaries review. In the recent past, the Commission has been sued by a section of Kenyans demanding for orders to compel the Commission to undertake boundaries review ahead of the August 2027 General Election. Continued litigation may affect preparations for the General Election depending on outcomes of the court cases and others that may be filed in future.
- 4. Advisory Opinion of the Supreme Court:** Acutely aware of our mandate, IEBC approached the Supreme Court for an advisory opinion regarding whether the Secretariat, without Commissioners being in office then, could lawfully proceed to undertake the boundaries delimitation. The Supreme



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Court provided guidance on the need for the Commission to apply its mind to its mandate on boundaries delimitation. The time it took to obtain the advisory opinion and uncertainty around constitutional timelines, the absence of Commissioners and the pronouncement that the Secretariat alone could not undertake boundaries delimitation, impacted the progress of boundaries reviews. The Commission has since then reviewed all these hurdles and has made a decision on delimitation of boundaries.

- 5. Competing electoral priorities:** Elections and boundaries delimitation are complex processes involving multiple stakeholders and stages. The Commission is concurrently managing critical electoral activities including by-elections, legal and institutional reforms, continuous voter registration, and preparations for the August 2027 General Election. Undertaking full delimitation alongside other competing and equally critical obligations would create significant operational bottlenecks and compromise overall electoral preparedness for the General Election. While aware of such constraints, the Commission has made a decision to undertake limited and phased activities towards electoral boundaries review without compromising the quality and levels of preparedness for the upcoming General Election, which is fast-approaching.
- 6. Time constraints:** As guided by the BROP, a full delimitation exercise requires a minimum of two years. Article 89(4) further requires that any boundaries review intended to apply to a general election be completed at least 12 months before that election. For the 2027 General Election, this would require completion by 10 August 2026. With less than 7 months remaining and factoring in a constitutionally envisaged dispute resolution period of at least 4 months, the Commission would have approximately 3 months to complete the entire process, rendering it impractical.

In light of these constraints and its constitutional obligations, the Commission sought legal advice from the Attorney General and subsequently requested an Advisory Opinion from the Supreme Court. In its opinion delivered on 5 September 2025, the Supreme Court underscored the urgency of addressing voter dilution, affirmed the Commission's independence, and emphasized that boundary delimitation implicates broader constitutional values that transcend rigid timelines.

Taking into account Articles 88 and 89 of the Constitution, the statutory framework governing delimitation,



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the advice of the Attorney General, the Supreme Court's advisory opinion, the doctrine of constitutional necessity, binding judicial decisions affecting census data, and extensive internal deliberations, **the Commission has resolved that a phased approach is the most constitutionally sound and legally defensible course of action.** This approach will enable the Commission to meet its constitutional obligation of boundaries reviews by advancing preparatory work while monitoring the outcomes of the litigation on the national population census that is currently before the courts of law. In particular, the Commission will defer those processes that will require use of the National Housing and Population Census Report pending the determination of the matter. While that remains the case, IEBC will progressively and continually implement other activities that are not affected by any litigation. Those activities will be undertaken in a phased approach while bearing in mind the time and resources required for the 2027 General Election.

## What the Phased Approach Means

Under the phased approach:

- The Commission will immediately upscale preparatory and technical activities, including geo-data collection and validation, capacity building, and acquisition of requisite tools;
- Activities relating to the second review will be scaled down at least 12 months before the 2027 General Election to allow full institutional focus on election preparedness;
- No Constituency or Ward boundaries will be reviewed before the 2027 General Election given the time constraints and resource requirements; and
- Substantive boundary delimitation will be undertaken after the 2027 General Election, using legally validated and nationally applicable population data.

The Commission further notes that there have been enormous interests by politicians and citizens on the delimitation of boundaries with the legitimate expectation that the number of constituencies will be increased. The Commission has received petitions and presentations urging the Commission to split their wards and constituencies. However, we wish to inform the public of the Constitutional limitations under Article 89 (1) which caps the number of constituencies at 290. any review especially in the absence of



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constitutional changes, will not increase or decrease the 290 constituencies but focus on reviewing their names and boundaries only.

Moreover, Section 26 of the County Governments Act, 2012 limits the number of wards to 1,450 contrary to the Constitution which confers upon the Commission the mandate to periodically review the number, names and boundaries of electoral units. The conflict between a statute law and the Constitution requires resolution by Parliament.

## Managing Risks and Upholding the Rule of Law

The Commission remains fully cognizant of the legal, operational, and time-related risks inherent in the delimitation process. These include ongoing litigation, competing electoral cycle activities, and statutory timelines. The phased approach allows the Commission to responsibly manage these risks while progressively advancing its constitutional mandate in a lawful and orderly manner.

## Conclusion

The Commission's decision to adopt a phased approach, reflects its unwavering commitment to constitutionalism, institutional integrity, and democratic legitimacy. This approach ensures that boundary delimitation is undertaken lawfully, transparently, and sustainably, while safeguarding the orderly conduct and credibility of the 2027 General Election.

## Way Forward

The Commission will:

- Share detailed work plans, timelines, and methodologies with stakeholders and the public;
- Engage Parliament and the National Treasury on resource requirements;
- Continue structured stakeholder and public engagement throughout the process; and
- Follow up on pending litigation which has affected the use of population census data and its application in the delimitation of electoral boundaries.



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The IEBC reiterates its steadfast commitment to the Constitution, the rule of law, and the democratic rights of the people of Kenya.

**ERASTUS EDUNG ETHEKON, HSC**  
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**For more information, contact: Department of Communications and Corporate Affairs**

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