

(Legislative Supplement No. 29)

LEGAL NOTICE NO. 70

THE ELECTIONS ACT

(No. 24 of 2011)

THE ELECTIONS (VOTER EDUCATION) REGULATIONS, 2017

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*Regulation*

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## THE ELECTIONS (VOTER EDUCATION) REGULATIONS, 2017

IN EXERCISE of the powers conferred by section 109 of the Elections Act, 2011, the Independent Electoral and Boundaries Commission makes the following Regulations:—

## PART I—PRELIMINARY

1. These Regulations may be cited as the Elections (Voter Education) Regulations, 2017 and shall come into operation upon publication in the Gazette.

Citation.

2. In these Regulations, unless the context otherwise requires—

Interpretation.

“constituency elections coordinator” means an officer appointed by the Commission who is in charge of administration and coordination of the functions of the Commission at a constituency and may act as a registration officer or a returning officer during elections;

“curriculum” means the voter education curriculum developed by the Commission under regulation 5 and includes support materials approved by the Commission;

“voter education” means all forms of information or communication whose purpose is to educate members of the public including citizens residing outside Kenya on their rights and responsibilities in the electoral process;

“voter educator” means a person engaged by the Commission or by a voter education provider to carry out voter education under these Regulations; and

“voter education provider” means an organization accredited by the Commission to conduct voter education under these Regulations.

3. The objective of these Regulations is to—

Objective.

(a) implement Article 88 (4) (g) of the Constitution;

(b) create an environment for objective and effective voter education for all Kenyans;

(c) ensure efficient coordination of voter education for purposes of harmonizing the content of the voter education material;

(d) provide a framework for monitoring and evaluation of voter education programmes; and

(e) promote effective and efficient use of resources set aside for voter education in Kenya.

## PART II—PROVISION OF VOTER EDUCATION

4. The Commission shall be responsible for—

(a) the formulation and review of policy and strategies for voter education;

(b) the development and review of the voter education curriculum;

(c) the accreditation and maintenance of a register of voter education providers;

Role of the Commission in provision of voter education.

- (d) the carrying out of continuous voter education programmes;
- (e) the development and dissemination of voter education materials;
- (f) the collaboration with stakeholders and partners in voter education; and
- (g) the monitoring and evaluating the voter education programmes.

5. (1) The Commission shall develop a voter education curriculum and support materials.

Voter education curriculum and education materials

(2) The voter education curriculum specified under sub regulation (1) shall cover all processes outlined in the electoral cycle.

(3) The Commission may disseminate the voter education curriculum and support materials through mass media, electronic learning, public forums or any other appropriate modes.

(4) The Commission shall —

- (a) build the capacity of all the voter education providers to ensure voter education is carried out effectively; and
- (b) monitor and evaluate the voter education process.

(5) In the conduct of voter education, the Commission and the voter education providers shall take into account —

- (a) the national values and principles of governance set out under Article 10 of the Constitution; and
- (b) the principles of equality and freedom from discrimination;
- (c) the provisions of Article 100 of the Constitution and shall in particular explain to the voters measures put in place to promote the representation of —
  - (i) women;
  - (ii) persons with disabilities;
  - (iii) youth;
  - (iv) ethnic and other minorities; and
  - (v) marginalized communities.

6. (1) The Commission shall designate at the constituency level, the constituency elections coordinator who shall—

Constituency election coordinators

- (a) advise on constituency voter education needs and strategies;
- (b) conduct recruitment, induction, deployment of constituency voter educators;
- (c) supervise and monitor activities and operations of constituency voter educators and voter education providers;
- (d) evaluate constituency voter education activities and programs;
- (e) sensitize and engage partners and stakeholders in the implementation of voter education programs at the constituency level;

- (f) make periodic reports to the Commission; and
- (g) undertake any other duty assigned by the Commission.

(2) A constituency elections coordinator shall be responsible to the Commission for all matters relating to voter education.

(3) The Commission may appoint one or more assistants to assist the constituency elections coordinator.

7. (1) A voter educator engaged by the Commission may be paid such remuneration as the Commission may determine.

Remuneration.

(2) Where a voter education provider engages a voter educator, the Commission shall not be responsible for the cost and expenses of such voter educator.

### PART III—VOTER EDUCATORS

8. The Commission may engage voter educators at the ward or other levels in such manner as the Commission may, from time to time, determine.

Voter educators.

9. A voter educator appointed under these Regulations shall carry out voter education in accordance with the voter education curriculum and guidelines issued by the Commission, from time to time.

Manner of carrying out the voter education.

10. (1) A person may qualify as a voter educator if that person—
- (a) holds a post secondary school qualification from an institution recognized in Kenya;
  - (b) has experience in conducting voter education or civic education; and
  - (c) is a resident of the respective ward, constituency or county.

Qualifications of a voter educator.

11. Every voter educator and voter education provider shall sign and abide by the Code of Conduct prescribed in Form 5 set out in the Schedule.

Code of Conduct for voter educators and voter education providers.

### PART IV—ACCREDITATION OF VOTER EDUCATION PROVIDERS

12 (1) The Commission may publicly advertise and invite applications for accreditation as voter education providers.

Application for accreditation.

(2) The advertisement under sub regulation (1) shall be through mass media, electronic learning, public forums or any other appropriate modes.

(3) A State or non-State agency or organisation may apply to the Commission to be accredited to provide voter education.

(4) An application for accreditation to provide voter education shall be made to the Commission in Form 1 set out in the Schedule.

13. (1) The Commission may accredit an applicant if that applicant—
- (a) possesses valid registration certificates;
  - (b) has civic education as an objective in the instrument of registration;
  - (c) has a presence in at least one constituency in Kenya;
  - (d) possesses at least six months demonstrable experience in the provision of voter or civic education;
  - (e) demonstrates to the Commission that it has the necessary institutional and resource capacity to carry out voter education; and
  - (f) meets tax compliance requirements as the law may require of organizations of its kind.
14. (1) If the Commission is satisfied that an applicant meets the requirements for accreditation as set out in regulation 13, the Commission shall—
- (a) enter the name and particulars of the applicant in the register of voter education providers in the manner prescribed in Form 2 set out in the Schedule; and
  - (b) issue a certificate of accreditation in the name of the applicant stating the period of validity and any other conditions of accreditation as the Commission may determine.
- (2) The certificate issued under sub regulation (1) (b) shall be in the manner prescribed in Form 3 set out in the Schedule.
15. A person may apply to inspect the register of voter education providers by applying to the Commission in the manner prescribed in Form 4 set out in the Schedule.
16. All voter educators and persons engaged by voter education providers shall sign and abide by the Code of Conduct in the manner prescribed in Form 5 as set out in the Schedule.
17. (1) Where a voter education provider contravenes the Code of Conduct the Commission may—
- (a) issue a formal warning;
  - (b) suspend the accreditation of the voter education provider for a period to be determined; or
  - (c) revoke the accreditation of the voter education provider.
- (2) Where the Commission revokes the accreditation of a voter education provider, the Commission—
- (a) shall delete the name of the voter education provider from the register; and
  - (b) may not accredit the organization for any future voter education.
18. The Commission may carry out an assessment of a voter education exercise carried out by a voter education provider and advise on the same.

Accreditation  
Criteria.

Certificate of  
accreditation.

Inspection of the  
register.

Accredited persons  
and organizations to  
sign Code of  
Conduct.

Commission may  
revoke accreditation.

Monitoring and  
evaluation of voter  
education.

19. A voter education provider shall—
- (a) be impartial and independent of any political party or candidate contesting an election;
  - (b) be competent to carry out voter education;
  - (c) subscribe to the Code of Conduct prescribed under regulation 16;
  - (d) provide voter education in accordance with the curriculum developed by the Commission;
  - (e) promote cohesion and integration; and
  - (f) enhance participation in elections and promote free and fair elections.
20. (1) The Commission may, at such intervals as it may determine require a voter education provider to submit a report concerning the conduct of voter education under these Regulations.
- (2) A voter education provider shall prepare and submit to the Commission a report on voter education which shall contain the following information—
- (a) activities carried out in the area covered;
  - (b) appropriate statistical information or data; and
  - (c) any other relevant information.
- (3) The Commission may suspend or revoke an accreditation certificate of a voter education provider who fails to comply with the requirement of this regulation.
- PART V— CONDUCT OF VOTER EDUCATION
21. (1) The conduct of voter education shall in its design, message and implementation be impartial and non-partisan.
- (2) The Commission shall use various methods to deliver voter education information and messages through electronic and print media engagement, stakeholder forums, dissemination of information and education materials or outdoor outreach programs.
- (3) The Commission may use one or a combination of the methods specified under sub regulation (2) including transcribing information into compatible formats to facilitate outreach to all special interest groups.
22. The Elections (Voter Education) Regulations, 2012, are revoked.

Impartiality and  
conduct of voter  
education providers.

Submission of  
information.

Conduct of voter  
education.

Revocation of L.N.  
No 127 of 2012.

SCHEDULE

FORM 1

(r. 12 (4))

**APPLICATION FOR ACCREDITATION FORM**

- 1. Name of Organisation (Attach certified copy of Registration certificate) .....
- .....
- 2. Address: (postal and physical including city/street/building).....
- .....
- 3.Telephone:.....
- 4. Principal Officers: (Attach certified copies of National ID/Passport)
  - (a) Name of President/Chairperson:.....
  - (b) Name of Secretary General/ Executive Director/ Country Director: .....
  - .....
- 5. Person authorized by the organization to liaise with the Commission
  - Name: .....
  - Position: .....
  - Address:.....
  - Telephone:.....
  - Email.....
- 6. Set out statement of objectives of the organisation: .....
- 7. Estimated number of members that the group plans to deploy for voter education:
  - .....
- 8. Source of Funds (Attach bank statement for the previous three months) .....
- 9. Person submitting this application:
  - Name: .....
  - Email.....
  - Telephone.....
  - Signature.....
  - Date.....

official stamp

- 10. Designation:.....
- 11. Telephone, email, etc.: .....

I/We solemnly swear( or affirm) and certify, under penalty of false declaration under the Oaths and Statutory declaration Act( Cap 15 of the Laws of Kenya), that all the foregoing statements in this declaration are true and correct to the best of my/our knowledge

Dated at..... this ..... day of ..... 20.....

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FORM 2

(r. 14 (1) (a))

REGISTER OF VOTER EDUCATION PROVIDERS

1. Registration Number .....
2. Name of Organisation.....
3. Principal place of business .....
4. Postal address .....
5. Other places of business .....
6. Nature of business.....
7. Date of Registration.....

PARTNERS OR PROPRIETORS DETAILS

<i>Name</i>	<i>Contact (Postal address/ telephone/ email)</i>	<i>Nationality</i>
1.		
2.		
3.		
4.		

STATUTORY DECLARATION

*(To be made by Person authorised by the organization to liaise with the Commission)*

I .....

of.....

do solemnly and sincerely declare that the particulars set out herein are true and correct and I make this declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Act (Cap 159) of the Laws of Kenya.

Declared at this.....day of .....20.....

Before me

.....

*(Signature)*

.....  
*(Magistrate or Commissioner for Oaths)*



FORM 3

(r. 14 (2))

ACCREDITATION CERTIFICATE  
INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION  
**Certificate of Accreditation as a Voter Education Provider**

This is to certify that..... (Name of Organisation)  
has been accredited as a voter education provider in ..... (Electoral  
area).....for the period commencing.....up  
to.....

Issued this day .....of .....20 .....

Seal of Independent Electoral and Boundaries Commission.

Name.....Chief Executive Officer/Secretary

Signature.....Independent Electoral and boundaries Commission

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FORM 4

(r. 15)

**APPLICATION TO INSPECT THE REGISTER OF VOTER EDUCATION PROVIDERS**

I.....do hereby apply  
to inspect the register of voter education providers.

I undertake to pay any fees that may be prescribed by the Commission.

Name.....

Constituency.....

Sign.....

Date.....

Dated the .....20.....

FORM 5

(r. 11 &amp; 16)

THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION  
**CODE OF CONDUCT OF VOTER EDUCATORS AND VOTER EDUCATION PROVIDERS**

1. The principal duty of the a voter educator and a voter education provider is to promote awareness among the population of Kenya in general and the voting population in particular on the need for all citizens of Kenya of voting age to register and vote in the elections or referenda.
2. (1) A voter educator and a voter education provider is a friend of every voter.  
(2) A voter educator and a voter education provider shall endeavour to provide appropriate information, insight and advice to every voter on issues relating to the registration, elections and the referendum.  
(3) A voter educator and voter education provider shall however not use his or her position as a voter educator to influence any voter to vote for any particular candidate or political party.
3. A voter educator and a voter education provider shall—
  - (a) conduct voter education in accordance with the curriculum prepared and approved by the Commission;
  - (b) conduct voter education impartially and without the advocacy or influence from any person or group;
  - (c) refrain from engaging in or supporting any activity that would discredit the work or image of the Commission;
  - (d) not in any way actively subvert the attainment of the Commission’s statutory mandate and the conduct of the electoral process;
  - (e) not in any way solicit for funds in the name of the Commission;
  - (f) refuse any gift, favour, hospitality or any inducement that would influence or appear to influence the discharge of his or her duties;
  - (g) carry out voter education without intimidation, coercion, threats, duress or undue influence;
  - (h) be sensitive to the needs of people with disabilities, women, youth and other marginalized groups when providing voter education;
  - (i) give due consideration to special and appropriate circumstances regarding accessibility, language and methodology in the provision of voter education;
  - (j) avoid actual or apparent conflicts of interest in the provision of voter education;
  - (k) refrain from disclosing any confidential information acquired in the course of their work unless otherwise authorized by the Commission;
  - (l) perform his or her duty in accordance with such other rules, regulations, standards as the Commission may set from time to time; and

- (m) endeavour to use every means at his or her disposal to encourage every Kenyan who is eligible to register as voter to exercise his or her constitutional right to register and vote in elections and referenda.
- 4. A voter educator and a voter education provider who does not abide by this code of conduct shall be liable to such penalty Commission may deem fit, including termination of the contract and revocation of the right to conduct voter education for voter registration, elections and a referendum.

STATEMENT OF ACCEPTANCE OF CODE OF CONDUCT

I.....do hereby accept to serve as a voter educator

I accept to be bound by the above code of conduct and with such Regulations that may be made from time by the Commission for the purpose of giving effect to the code of conduct at all times during my term of service as a voter education provider.

I undertake to relinquish my duty as a voter educator/voter education provider if required to do so, for good cause, by the Commission

Name.....

Constituency.....

Sign.....

Date.....

Made on the 19th April, 2017.

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