



## PRESS RELEASE

### FOR IMMEDIATE RELEASE

**NAIROBI, KENYA: FRIDAY 21<sup>ST</sup> JANUARY 2022**

### **SUBJECT: PUBLICATION OF NOTICE OF GENERAL ELECTION 2022**

The Commission published in the Kenya Gazette Vol. CXXIV-No. 14 of 20<sup>th</sup> January 2022, the **Notice of General Election** to be held on 9<sup>th</sup> August 2022. By law, the said notice marks the commencement of the election period and coming into force of two instruments in respect of the General Election:

- i. The Electoral Code of Conduct.
- ii. The Election Offences Act, 2016,

#### **The Electoral Code of Conduct.**

The Electoral Code of Conduct is anchored on Article 88(4)(j) of the Constitution that mandates the Commission to develop a code of conduct for candidates and parties contesting elections. The overarching object of the Code is to promote conducive environment for free and fair elections.

Section 110 of the Elections Act No. 24 of 2011 requires that political parties and persons participating in an election to subscribe to and observe the Electoral Code of Conduct. The Code, in so far as is applicable, binds the Government, a political party as well as its leader, office bearer, agent, member and supporter, or a candidate nominated for election.

The Code places an obligation on all those bound by it throughout the election period to, among others:

- i. condemn and refrain from actions that may cause or involve violence and intimidation;
- ii. avoid use of hate speech, language or any action that may lead to violence or intimidation;

- iii. refrain from campaigning in places of worship or during burial ceremonies;
- iv. avoid plagiarizing the symbols, colours or acronyms of other parties;
- v. discourage and prevent removal or destruction of political campaign materials of any party;
- vi. refrain from offering any document or reward in order to influence one's political decision;
- vii. refrain from abuse of position of power, privilege or influence; and
- viii. avoid discrimination in connection with the election and political activity.

The Commission has powers to impose penalties or sanctions for breach of the Code, including:

- i. a formal warning.
- ii. a fine determined by the Commission.
- iii. Prohibit a political party from using any public media time allocated to it.
- iv. Prohibit a political party or candidate from holding public meetings or entering an electoral area to canvas for membership or other electoral purpose.
- v. Bar a political party or candidate from publishing or distributing campaign literature including erecting placards and banners.

A party that defaults in payment of a fine may be prohibited by the Commission from participating in the 2022 general election or future elections until the fine is paid. The Commission can equally file proceedings in the High Court to enforce the recovery of the fine. In case of failure to comply with any other sanction imposed, the Commission may cancel the right of the political party or candidate in question to participate in the next election.

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### **The Election Offences Act, .No. 37 of 2016**

The Act provides for election offences that include but not limited; use of force or violence during the election period, bribery, undue influence, use of national security organs for political coercion, use of public resources, participation in elections by public officers and breach of the Electoral Code of Conduct.

The power to order investigations and prosecute contravention of the Election Offences Act rests with the Office of the Director of Public Prosecution

### **Use of the Commission Logo in Political Activities**

The Commission has also noted a growing trend of aspirants using its Logo on their campaign posters and billboards. This is an illegal act which contravenes the constitutional standing of the Commission as an independent, impartial and non-partisan institution. Consequently the Commission calls for cessation of use of its logo in campaign related materials.

The Commission will continue to inform the public of various electoral timelines and activities as well as their implication as they materialise.



**W.W. CHEBUKATI**

**CHAIRMAN**