LEGAL NOTICE NO. 73

THE ELECTIONS ACT
(No. 24 of 2011)

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

THE ELECTIONS (REGISTRATION OF VOTERS) (AMENDMENT) REGULATIONS, 2017

1. These Regulations may be cited as the Elections (Registration of Voters) (Amendment) Regulations, 2017 and shall come into operation upon publication in the Gazette.

2. Regulation 2 of the Elections (Registration of Voters) Regulations, 2012, in these Regulations referred to as “the principal Regulations”, is amended by

(a) deleting the definition of the term “register”;

(b) inserting the following new definitions in proper alphabetical sequence—

“acknowledgement slip” means a document issued by the returning officer acknowledging application for registration;

“alphanumeric details” means all the other details of a voter except the biometric data;

“biometric” has the meaning assigned to it in section 2 of the Act;

“identification document” has the meaning assigned to it in section 2 of the Act;

“prisoner” has the meaning assigned to it in section 2 of the Prisons Act;

“Register of Voters” has the meaning assigned to it in section 2 of the Act;

“registration centre” means a centre designated and gazetted by the Commission under regulation 3; and

“Voter Records Book” means the first book of data entry during the registration of a voter.

3. Regulation 3 of the Principal Regulations is amended in sub regulation (1) by deleting the word “such” and substituting therefor the words “registration centers which shall include”.

Citation.

L.N 126/2012.

No. 24 of 2011.

Cap. 90.

No. 24 of 2011.

L. N. 126/2012.
4. The principal Regulations are amended by inserting the following new regulation immediately after regulation 5—

5A. Every appointment under regulations 4 and 5 shall—

(a) be done transparently and competitively; and

(b) be published in the Gazette.

5. Regulation 8 of the principal Regulations is amended by inserting the words “biometric data and” immediately after the word “contain”.

6. Regulation 9 of the principal Regulations is amended—

(a) by renumbering the existing provision as sub regulation (1);

(b) in sub regulation (1), by inserting the following new paragraphs immediately after paragraph (g)—

(h) to correct loss of data owing to technological errors or any other causes;

(i) to delete the names of persons who have renounced their Kenyan citizenship as provided for under section 19 of the Kenya Citizenship and Immigration Act, 2011 and any other written law; and

(j) to delete the names of persons whose citizenship has been revoked under section 21 of the Kenya Citizenship and Immigration Act, 2011 and any other written law.

(c) by inserting the following new sub regulation immediately after sub regulation (1)—

(2) Subject to paragraph (1) (d), the registration officer shall work in collaboration with the Registrar of Births and Deaths and National Registration Bureau to obtain the particulars in Form B set out in the Schedule.

7. The principal Regulations are amended by deleting regulation 12 and substituting therefor the following new regulation—

12. (1) Where as a result of operation of section 5 of the Act, the registration of voters has been ceased, the Registration officer shall compile the list of registered persons.

(2) The registration officer shall after effecting compilation of the register of voters relating to the constituency submit his or her component for compilation by the Commission.

(3) The Commission shall compile the register of voters comprising of components under section 4 of the Act.
(4) The Commission shall certify and publish the Register of Voters in the Gazette.

(5) The published Register of Voters under sub regulation (4) shall include the names of the County Assembly Wards and the total number of registered voters therein.

8. The principal Regulations are amended by deleting regulation 13 and substituting thereof the following new regulation—

13. (1) A person who desires to be registered as a voter shall make an application in Form A set out in the Schedule.

(2) An application under sub regulation (1) shall be made to the registration officer for the constituency in which the person wishes to be registered.

(3) The registration officer shall collect biometric data of persons applying for registration.

9. The principal Regulations are amended by inserting the following new regulations immediately after regulation 13—

13A. (1) A person who applies to be registered as a voter shall present his or her identification document to the registration officer stationed at a Registration Centre of his or her choice.

(2) The registration officer shall, where the applicant is qualified to be registered as a voter, issue the applicant with Form A as set out in the Schedule.

(3) The applicant shall return the duly completed Form A to the registration officer and the registration officer shall confirm the details in the form and enter them in the biometric voter registration system and the Voters Record Book.

(4) The applicant shall be issued with an acknowledgement slip upon registration.

13B. (1) A person shall not, at any time, be registered as a voter in more than one constituency.

(2) A person shall not be registered as a voter more than once in the Register of Voters.

(3) A person who simultaneously makes two or more applications to be registered as a voter shall not be qualified as a registered voter.

13C. A voter is not qualified to transfer his or her registration unless at the date of his or her application to be transferred he or she was ordinarily
resident in that constituency six months immediately preceding the date of his or her application for transfer.

10. Regulation 14 of the principal Regulations is amended –
(a) in sub regulation (3) by deleting the expression “Form C” and substituting therefor the expression “Form B”;
(b) in sub regulation (4) by deleting the expression “Form D” and substituting therefor the expression “Form C”; and
(c) by deleting sub regulation (5).

11. Regulation 15 of the principal Regulations is amended in sub regulation (1) by deleting the expression “section 4” appearing in paragraph (a) and substituting therefor the expression “section 5”.

12. Regulation 16 of the principal Regulations is amended in sub regulation (2) by deleting the words “a voter’s card in Form E set out in the Schedule” and substituting therefor the words “an acknowledgement slip”.

13. Regulation 18 of the principal Regulations is amended by deleting the words “Form F” and substituting therefor the words “Form D”.

14. Regulation 19 of the principal Regulations is amended in sub regulation (2) by inserting the words “and shall be in Form E set out in the Schedule” at the end thereof.

15. Regulation 20 of the principal Regulations is amended in sub regulation (3) by inserting the words “within seven days of the date of publishing the Notice” immediately after the word “shall”.

16. The principal Regulations are amended in the heading of Part VI by inserting the words “and Verification” immediately after the word “Inspection”.

17. The principal Regulations are amended by deleting regulation 27 and substituting therefor the following new regulation—

**Inspection of register.**

27. The Commission shall make available the Register of Voters for inspection to the public at all polling stations, by way of public web portal or any other medium the Commission may approve.

18. The principal Regulations are amended by inserting the following new regulations immediately after regulation 27—

**Verification of Register of Voters.**

27A. (1) The Commission shall publish a notice of the availability of the register of voters for verification in the *Gazette* and in at least two newspapers of national circulation and through any other medium as the Commission may determine.

(2) The notice published under sub regulation (1) shall set out—
(a) a statement calling on the public to verify their particulars as captured in the register;

(b) a statement specifying where and within which period the verification may be carried out; and

(c) the hours during which verification may be carried out.

(3) The notice under sub regulation (2) shall be in Form F set out in the Schedule.

Process of Verification.

27B. (1) A voter may verify the details of his or her registration at the voter’s polling station in accordance with regulation 27A.

(2) A voter may, where any of the details of the registration of the voter are incorrect, submit to the registration officer at the voter’s polling station a claim form as prescribed by regulation 19.

(3) The registration officer shall consider and determine the claim within three days after submission.

19. The principal Regulations are amended by deleting regulation 28 and substituting therefor the following new regulation—

Revision of register.

28. After the last day of verification, the registration officer for each constituency in respect of which the inspection and verification was carried out shall revise the register of voters for the respective constituency within such period as the Commission may determine.

20. Regulation 30 of the principal Regulations is amended in sub regulation (3) by deleting the expression “Form H” and substituting therefor the expression “Form G”.

21. Regulation 33 of the principal Regulations is amended in sub regulation (1) by deleting the expression “Forms I” appearing in paragraph (b) and substituting therefor the expression “Forms H”;

22. Regulation 35 of the principal Regulations is amended by deleting the expression “Form J” and substituting therefor the expression “Form I”.

23. Regulation 36 of the principal Regulations is amended by deleting the expression “Form J” and substituting therefor the expression “Form I”.

24. Regulation 37 of the principal Regulations is amended by inserting the following proviso at the end thereof—

Provided that citizens residing in countries within the East African Community may present an Identity Card.

25. The principal Regulations are amended by inserting the following new Part immediately after Part VIII—
PART VIII—REGISTRATION OF CITIZENS IN KENYAN PRISONS

39A. The Commission shall, at regular intervals, publish the centres in which prisoners may register and vote.

39B. A prisoner who is not already registered as a voter but wishes to be registered shall make an application in Form K set out in the Schedule.

39C. A prisoner shall comply with the provisions relating to the identification of persons for the purposes of registration as a voter set out in regulation 13.

39D. The Commission shall appoint Registration Officers for the purpose of the registration of prisoners.

39E. A prisoner may only vote in a presidential election or a referendum.

26. Regulation 40 of the principal Regulations is amended by deleting the words “to give evidence on oath and administer an oath for that purpose” appearing in paragraph (a).

27. The principal Regulations are amended by deleting the Schedule and substituting therefor the following new Schedule.
FORM A

APPLICATION FOR REGISTRATION AS A VOTER

To the Registration Officer ..................................................................................................

Constituency: ............................................ County: ........................................

Ward: ............................................ Registration Centre: ........................................

Surname: ............................................ Other names: ............................................

Identity Card No./Kenyan Passport No: .................................................................

Date of birth: ............................................ Sex: ........................................

Residential Address: ....................................................................................................

Contact Telephone: .....................................................................................................

Postal Address: ............................................................................................................

Email: ..........................................................................................................................

Disability (if any): ........................................................................................................

Whether you will require to be assisted by any one during voting: ................................

I, the above named applicant, hereby apply to be registered in the Principal Register of
Voters in accordance to the Constitution and the Elections Act.

DECLARATION

I, .......................................................................................................................... declare that at the date of this application:

(i) I am qualified to be, and not disqualified from being, registered as a voter under the
law in respect of the classes of election for which I now apply for registration.

(ii) I am in possession of a national identity card or Kenyan passport with the number
indicated in this application.

(iii) The particulars entered on this form or submitted to the Commission (which I have
entered, read or have had read to me) are true to the best of my knowledge.

Dated: ............................................. 20 ............... 

Signature or Thumbprint of Applicant: .................................................................

Witnessed by: ............................................................................................................

Registration Officer/Assistant Registration Officer

Official Stamp
FORM B

APPLICATION TO CHANGE PARTICULARS OF REGISTRATION

I, (the applicant), am registered in the register of voters as follows:—

Name of Constituency: ..............................................................

Constituency Code: ..............................................................

Name of Ward: ..............................................................

Ward Code: ..............................................................

Name of Registration Centre: ..............................................................

Registration Centre Code: ......................................................

Surname: ..............................................................

Other Name(s): ..............................................................

Identity Card/Kenyan Passport Number: .............................................. Expiry Date: ......................

TelephoneNumber: ..............................................................

I wish to change the particulars of my registration as follows:

Surname: ..............................................................

Other Names: ..............................................................

Identity Card/Kenyan Passport Number: ..............................................................

Voter's Number: ..............................................................

Sex: ..............................................................

Date of Birth: ..............................................................

Dated: .............................................................. 20 ...........

Signature or Thumbprint of Applicant: ..............................................................

Witnessed by: .............................................................. (RO/RA)
FORM C  
(r.14(4))

APPLICATION FOR TRANSFER OF REGISTRATION IN AREA WHICH A PERSON IS REGISTERED

Surname........................................................................................................
Other Name(s)................................................................................................
Identity card No./Kenyan passport No:.........................................................
Date of birth:..................................................................................................
Sex....................................
Residential address:.....................................................................................
Contact Telephone..........................................................................................
Postal address:..............................................................................................
Tel: ...............................................................................................................
Email: ............................................................................................................
Current Constituency.....................................................................................
Current County Assembly Ward.................................................................
Current Registration Centre...........................................................................

I, the above named applicant, is registered in the register of voters for the constituency noted above.

I wish to transfer my registration particulars to the register of voters for the following:
County: ........................................................................................................
Constituency: ..............................................................................................
County Assembly Ward: ..........................................................................
Registration Centre ....................................................................................

Signature or thumbprint of the applicant.......................................................
Dated.................................................................20..............................

Received by ...............................................................RO/ARO
Signature.........................................................................................
Dated...............................................................20..............................
Stamp
FORM D  

CLAIM UNDER SECTION 12 OF THE ACT

To the Registration Officer, .......................................................... Constituency

Particulars of claimant
Surname: ......................................................................................
Other Name(s): ..............................................................................
Identity Card Number/Kenyan Passport Number: ......................
Physical Address: ........................................................................
Postal Address: ...........................................................................
Tel: ..............................................................................................
Email: .........................................................................................

I, .................................................. the claimant, applied to be registered in the register of voters but have not been so registered. I hereby make a claim under section 12 of the Act to be registered.

Dated: .......................................................... 20..............

________________________________________________________
Signature or thumbprint of Claimant

FORM E  

NOTICE OF CLAIMS

Notice is hereby given that the following Claims have been filed at the office of the Registration officer;

<table>
<thead>
<tr>
<th>Name of Claimant</th>
<th>Address of Claimant</th>
<th>Date of Hearing of Claim</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Dated: .......................................................... 20..............

________________________________________________________
Registration Officer

.......................................................... Constituency
FORM F

NOTICE OF AVAILABILITY OF REGISTER FOR VERIFICATION

Date of posting notice: ........................................

NOTICE is hereby given that the new preliminary register of voters for the .................................................. Constituency has been completed and is available for verification for ............................................ days. The register may be inspected at the places listed in the Schedule.

How to make a claim:

A person who claims that his or her biometric data has not been captured in the register of voters may make a claim to the registration officer within the period prescribed for inspection.

The claim must be made in the prescribed Form.

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

Registration Officer........................................................................................................

Stamp

SCHEDULE

Places where application may be made:

1. ...........................................................
2. ...........................................................
3. ...........................................................

FORM G

NOTICE—REGISTER OF VOTERS TO BE REPLACED

NOTICE is hereby given that a new register of voters will be compiled for the following constituency/county/ward: ..........................................................................................

All persons who wish to be registered as voters should apply.

Applications may be made on or after ............, 20.........., but not later than ........, 20.....

Applications may be made at the places listed in the Schedule to this notice.

If a place listed in the Schedule is closed before the last day for making applications, a notice will be posted at that place indicating the other places where application may be made.

NB: Please take note that registration shall be done where one wishes to vote.

Any person who wishes to vote in any other place other than where he or she is registered he or she shall apply at the nearest constituency office.
FORM H  (r.33(1)(b))

NOTICE OF AVAILABILITY OF REGISTER FOR INSPECTION

Date of posting notice: ..............................................

NOTICE is hereby given that the new preliminary register of voters for the

.............................................................................. Constituency has been completed and is

available for inspection for ............... days. The register may be inspected at the places

listed in the Schedule.

How to make a claim:

A person who claims that he or she should be included in the register may make a claim
to the registration officer within the period prescribed for inspection.

The claim must be made in the prescribed Form.

How to make an objection:

A person who is registered and who wishes to object to his or her own registration or the
registration of another may make an objection to the Court within the period prescribed
for inspection.

A person who is registered and who wishes to object to a claim of another may make an
objection to the Court within the prescribed inspection period after the claim was posted.

An objection must be made in the prescribed form.

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

Registration Officer .....................................................................................

Stamp
SCHEDULE

Places where application may be made:

1. ........................................................................................................................................
2. ........................................................................................................................................
3. ........................................................................................................................................

FORM J  (r. 35 & 36)

APPLICATION FOR REGISTRATION BY A KENYAN CITIZEN RESIDING OUTSIDE KENYA

Surname......................................................................................................................
Other Name(s)...........................................................................................................
Passport Number, Date and place of issue, passport expiry date..........................
Identity Card Number, Date and place of issue, ..................................................
Date of birth ...............................................................................................................

CITIZENSHIP

Country of Birth..........................................................................................................
Citizen by birth/registration.....................................................................................
If by registration, date of registration (dd mm yyyy) .............................................

COUNTRY OF RESIDENCE..........................................................................................

PHYSICAL ADDRESS.................................................................................................

CONTACT ADDRESS.................................................................................................
(a) Telephone (country code, telephone number) ...................................................
(b) Email....................................................................................................................
(c) Postal Address....................................................................................................

APPLICANT’S LAST RESIDENCE IN KENYA

(a) Constituency...........................................................................................................
(b) Ward....................................................................................................................... 
(c) Address..................................................................................................................
(d) Cell phone number.................................................................................................

DURATION OF STAY IN COUNTRY OF RESIDENCE

(a) Years.....................................................................................................................
(b) Months..................................................................................................................
(c) Days.......................................................................................................................
DISABILITY (if any):...........................................................................................................

WHETHER YOU WILL REQUIRE TO BE ASSISTED BY ANY ONE DURING VOTING: ..............................................................................................................................

I, the applicant, hereby apply to be registered in the register of voters for the following:

(a) Presidential election

(b) Referenda

DECLARATION

I declare that:

(i) I am qualified to be, and not disqualified from being, registered as an voter under the Law in respect of the class or classes of election for which I now apply for registration.

(ii) I am in possession of a Kenyan passport with the number indicated in this application.

(iii) The particulars entered on this form (which I have entered, read or have had read to me) are in every respect true and correct.

Dated: ........................................................... 20 ..............

______________________________________________________________

Signature or thumbprint of Applicant

Declared before me: ..................................................................................

Registration Officer/Assistant Registration Officer

Official Stamp: ....................................................................................

SCHEDULE

PLACES WHERE APPLICATION MAY BE MADE:

1. .................................................................................................

2. .................................................................................................
**APPLICATION FOR REGISTRATION AS A VOTER BY A PRISONER**

To the Registration Officer ............................................... Constituency: ........................................

County: .........................................................................

Ward: ........................................ Name of Prison Facility: ........................................

Contact Telephone of the Facility: .................................................................

Postal Address: ..........................................................................................

Surname: ................................... Other names: ..........................................................

Identity Card No. /Kenyan Passport No: ..................................................

Date of Birth: ............................................................................. Sex: ................................

Disability (if any): ..................................................................................

Whether you will require to be assisted by any one during voting: ..........................................................

I, the above named applicant, hereby apply to be registered in the Register of Voters in accordance to the Constitution and the Elections Act.

**DECLARATION**

I ........................................ declare that at the date of this application:

(i) I am qualified to be, and not disqualified from being, registered as a voter under the law in respect of the classes of election for which I now apply for registration.

(ii) I am in possession of a National Identity Card or Kenyan Passport with the number indicated in this application.

(iii) The particulars entered on this form or submitted to the Commission (which I have entered, read or have had read to me) are true to the best of my knowledge.

Dated: ........................................... 20 ..............................................

Signature or Thumbprint of Applicant: ..........................................................

Witnessed by: ..........................................................................................

Registration Officer/Assistant Registration Officer

Official Stamp

Made on the 20th April, 2017.

WAFULA CHEBUKATI,
Chairperson,
Independent Electoral and Boundaries Commission.