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## ELOG'S STATEMENT ON THE OFFICIAL 2022 PRESIDENTIAL RESULTS

### FOR IMMEDIATE RELEASE

**NAIROBI**, Tuesday 16<sup>th</sup> August, 2022. The Elections Observation Group (ELOG) today released its statement on the official 2022 presidential results for the 9<sup>th</sup> August 2022 General Election.

#### 1. INTRODUCTION

The Elections Observation Group (ELOG) is a permanent national platform composed of civil society and faith-based organizations, committed to promoting citizen participation in the electoral processes, through non-partisan and impartial domestic observation and objective reporting of elections. This is the fourth statement on Election Day findings from ELOG and focuses on overall PVT findings, including an assessment of the results announced by the IEBC. The first statement that covered the setup and opening of polling stations was released on August 9 and the second statement on the voting and counting process was released on August 10. ELOG notes that all statements are preliminary in nature and a final and more comprehensive statement will be issued in due course.

ELOG closely monitored the pre-election environment processes since January 2022. This entailed deploying one long-term observer in each of the 290 constituencies, 40 media monitors, and 46 electoral violence monitors, to observe and report on the pre-election environment. For Election Day, ELOG deployed over 5,000 observers across all 47 counties and 290 constituencies. Of these, 1,000 Parallel Vote Tabulation (PVT) observers were carefully recruited, specially trained and deployed to a nationally representative random sample of polling stations.

PVT is an advanced Election Day observation methodology, which allows ELOG to confidently comment on the Election Day and tabulation processes. ELOG's PVT, thus, provides an independent assessment of the presidential election results as announced by the IEBC.

PVT involves deploying highly trained observers to assess the conduct of the opening, voting and counting processes as well as to assess the official vote count. PVT observers observe all the processes in sampled polling stations and, finally, record the official figures as announced by the presiding officers at those stations. The official votes count from the representative random sample of polling stations are then subjected to rigorous integrity and quality checks and analyzed to draw projections. PVTs are conducted by nonpartisan citizen observers that do not have any stake in the outcome, and they rely on statistics to ensure that the data collected is not geographically or demographically skewed.

ELOG successfully conducted a PVT for the 2010 referendum on the Constitution as well as for the 2013 and 2017 General Elections. PVT has been successfully applied in other African countries such as Nigeria (2011, 2015 and 2019), Ghana (2008, 2012, 2016 and 2020), Malawi (2009, 2014 and 2019) and Zambia (2008, 2012, 2015, 2016 and 2021). In most instances, PVT

helped reduce tensions in the tallying process by providing a rapid independent assessment of the opening of polls, voting and counting processes as well as results.

## 2. EXECUTIVE SUMMARY

ELOG has been observing the entire electoral process through a comprehensive long term observation (LTOs), media monitoring for hate speech and electoral violence monitoring. On the Election Day ELOG deployed a Parallel Vote Tabulation (PVT) project to assess the electoral process from setup and opening, voting, counting and the official results. The PVT observers were part of 5,000 observers that ELOG deployed in all the 290 constituencies in the country.

Based on its PVT and informed by its long-term and thematic observation, ELOG notes that, despite ongoing challenges and clear areas for reform, the 2022 General Elections registered improvements from the 2017 process and culminated in an enhanced open and secured results management process.

Voting on Election Day was relatively calm and organized with some marked improvements in voting operations and use of results technology. However, administrative and external problems persisted, such as the postponement of some elections on or just before Election Day, the inconsistent presence of voting materials such as the manual register, isolated incidents of violence, and the initial obstruction of observers.

ELOG notes that the results transmission system worked much better than expected from the IEBC's two simulations with over 99% of scanned images of the 34A and 34B posted on the IEBC's web public portal. However, we are extremely concerned about the chaos that broke out at the National Tallying Center at Bomas, as well as the split within the IEBC leading to some commissioners to quit from the tallying process and issue their own statements prior to the announcement of the presidential results. ELOG calls on all Kenyans to remain calm and maintain peace under the circumstances. We further call on candidates to resolve disputes over election results, including results for the presidential election, peacefully through legal channels.

Based on its findings, ELOG notes a significant drop in voter turnout compared to 77.7% in 2017 elections. Through the PVT, ELOG can confirm that both the turnout rate and the official results announced by the IEBC are consistent with its PVT projections.

## 3. THE CONTEXT

The 2022 General Elections are the third to be held under the new constitution. The pre-election period was shaped by changes in the legal framework and regulations, new political alliances, and administrative improvements and lingering challenges.

- a) **Legal framework and reforms** - While there were notable updates to the legal framework in the pre-election period, many reforms stalled in the legislature and some gaps still remain. For instance, like in previous elections in 2013 and 2017, ELOG notes with concern lack of implementation of the Election Campaign Finance Act 2013 which leads to an unfair campaign platform for all candidates and inadequate transparency in the political process. However, successful changes to the Political Parties Act supported more peaceful party nomination processes and primaries, though our findings indicated that many party members were unaware of the changes and the subsequent party nomination processes. In addition, frequent - and in some cases - last-minute litigation

contributed to uncertainty throughout the pre-election period. For instance, the use of a manual register as an alternative and backup system to the KIEMS kit for voter identification was legally debated very late in the process creating potential confusion for voters, observers and polling officials.

b) **Voter registration** - ELOG notes that the Commission failed to meet its target of registered voters. IEBC had targeted to register 6.0 million voters through the enhanced continuous voter registration exercise but only managed to register slightly above 2.5 million voters. ELOG recommends that the Commission and the National Registration Bureau should consider harmonizing the voter register with the civil registry. This practice has been effective in a number of countries, such as South Africa, considering that civil registries contain detailed information on all citizens. The harmonization will help the Commission run a simplified registration exercise at a significantly reduced cost.

c) **Election management and communications** - ELOG noted that the IEBC improved its engagement and communication with different government agencies such as the National Police Service, the office of the Director of Public Prosecutions and Political Parties. ELOG also noted that the IEBC increased its public outreach closer to election day to provide periodic updates on the preparations and processes. On the transmission of results, ELOG commended IEBC's effort of conducting two public simulations for the electronic transmission of results from the polling stations. ELOG noted that the simulation had its own successes and challenges. However, IEBC did not conduct a sufficient test in areas where it was scheduled to deploy satellite technology.

a. In addition, gubernatorial elections in Mombasa and Kakamega, four national assembly elections and two county assembly elections were postponed just hours before or on the election day on account of ballot paper errors, a major setback that the IEBC will need to be held accountable for lack of conducting thorough due diligence. Delayed elections are an additional public expense and can suppress participation and turnout in the respective areas.

d) **Open data and access to information**- Insufficient access to key election information in the pre-election period created challenges to transparency and the ability of stakeholders to mobilize in a timely manner. The final audited voters' list was not made available for assessment to the public or civil society, nor was the full audit report by KPMG. In addition, access to the gazetted polling stations list came very late compared to previous elections, and details on the polling standard operating procedures were not easily available, which led to a lack of clarity for voters, observers and stakeholders leading up to election day. However, ELOG commends the IEBC for its quick uploading of form 34As to its online portal, and allowing for bulk downloads of the images, which helped to enhance transparency around the results management process.

e) **Observer rights and security** - The safety and security of observers remains a serious concern as ELOG received several reports of attacks on observers in the pre-election period, during the election day and immediately after election day. Election observation by civic groups is enshrined in the Elections Act 2011 of Kenya, section 42 and in international standards such as the *Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations*. Violence and intimidation against observers is a human rights violation and can have a negative effect for other civic actors and electoral stakeholders. Additionally, as in previous elections,

the accreditation process suffered from logistical errors, printing failures, and delayed issuance creating serious barriers for election observers to organize and deploy.

f) **Voter education** - As noted in our pre-election statement, whilst there was slight improvement in the last 1 month to election day, there was a generally low level of voter education during the entire election cycle. The ELOG LTO reports consistently indicated that voter education was not comprehensively undertaken in all the constituencies in the country. Deployment mapping reports showed scant voter education provision in fringe areas such as the northern counties. Disaggregated data shows that education targeting women, people living with disabilities (PWDs) and youth was improved from 2017, however, voter education targeting PWDs declined.

g) **Political party nominations and campaigns** - ELOG noted that many candidates were disqualified for not meeting registration standards and procedures. Meanwhile, a lack of enforcement of chapter 6 of the Constitution allowed some candidates with integrity issues, such as corruption charges, to run for election. That said, our observation of the campaign process was indicative of a much calmer environment despite isolated incidences of hate speech, intimidation and violence, particularly during the party primaries. Of particular concern to ELOG was the targeting of the women aspirants for abuse consistently throughout the reporting period. In addition, ELOG received reports of the misuse of state resources and noted that disinformation, particularly via social media platforms, was rampant throughout the campaign.

#### **4. ELECTION DAY KEY FINDINGS**

##### **a) Setup and Opening**

The major findings of the exercise were as follows;

- ELOG observers were properly permitted to observe in 97.2% of polling stations. Those initially not permitted to observe were most often asked for a signed Oath of Secrecy which is not a requirement for accredited observers. Through the intervention from the ELOG secretariat and the field supervisors, all were ultimately allowed to observe.
- 94.3% of the polling stations nationwide opened by 7:00am. Of the remaining stations, most opened between 7:00 am and 8:00 am, with some opening past 8:00 am. This is an improvement from 2017 when 53.5% of the polling stations opened on time.
- 99.6% of polling stations had the Kenya Integrated Elections Management System (KIEMS) present. This is an improvement from 2017. Recall that in 2017, the Electronic Poll Book was present in 99.3% of stations during the opening and setup process.

##### **b) Voting**

Our findings noted that the voting process generally went smoothly across the country with isolated incidences reported as indicated below:

- In 6.3% of the stations, the Kenya Integrated Elections Management System (KIEMS) failed to function properly. This is an improvement from 2017 when electronic poll books malfunctioned in 7.6% of stations.
- There was a queue at 5:00pm in 76.8% of polling stations. Of those stations with a queue at 5:00pm, 96.6% were properly permitted to vote.

### c) Closing and Counting

On the closing and counting process, our findings indicated as follows:

- 24% of polling stations closed by 5:00pm or earlier. 57% closed between 5:00pm and 6:00pm, 12% closed between 6:00pm and 7:00pm, 4% closed between 7:00pm and 8:00pm, and 4% closed after 8:00pm including a few of them closing past midnight.
- Azimio la Umoja One Kenya Alliance party agents were present in 92.3% of polling stations and signed the declaration of results for the presidential election.
- United Democratic Alliance (UDA) party agents were present in 92.0% of all the polling stations and signed the declaration of results for the presidential election.
- Party agents for other parties were present in 68.3% of all the polling stations. and signed the declaration of results for the presidential elections.
- A copy of the Presidential Results Form (Form 34A) was publicly affixed outside in 94.8% of the polling stations, as compared to 86.5% in 2017.
- In 96.9% of polling stations, observers observed the KIEMS kit being used to transmit the results of the presidential election.

## 5. ELOG 2022 PVT RESULTS AND TURNOUT

ELOG wishes to note and remind all Kenyans that the IEBC is constitutionally mandated to announce and declare the *final official* results of the elections.

ELOG received, verified and analyzed observation reports from 99% of its PVT observers from 990 polling stations. These observers arrived at their assigned polling stations at 5:30 am and remained there throughout voting and counting until the results for the presidential election for the polling station were announced and posted. PVT observers reported the official results as announced by the presiding officers for sampled polling stations via coded text messages using their mobile phones.

Because they rely on scientific statistics, PVT findings have a margin of error (MoE). The margin of error for the ELOG's PVT results can be thought of as a range within which the true results should fall. The margin of error is *not* a measurement of quality but rather how precise the estimate is.

### a) Election Results

ELOG's PVT estimates are consistent with IEBC's official results for the 2022 presidential election. In light of our assessment of the Election Day processes and given that IEBC figures fall within the projected ranges, the PVT projections, therefore, corroborates the official results.

Below are the ranges projected by the ELOG PVT for each of the candidates. These ranges are determined by the PVT estimates and the margins of error.

<b>Comparison of Official IEBC Results with ELOG PVT Projections</b>
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Candidate	Official IEBC Result	PVT Projection	Margin of Error	Range	
				Lower Limit	Upper Limit
Odinga, Raila Amolo	48.85%	48.7%	+/- 2.1%	46.6%	50.8%
Ruto, William Samoei	50.49%	50.7%	+/- 2.1%	48.6%	52.8%
Waihiga, David Mwaure	0.23%	0.2%	+/- 0.1%	0.1%	0.3%
Wajackoyah, George Luchiri	0.44%	0.5%	+/- 0.1%	0.4%	0.6%

**Source ELOG 2022 Kenya Presidential Elections**

### **b) Turnout**

The PVT projection for final turnout is 65.1% with a margin of error of +/- 0.7%. IEBC's official turnout of 65.4% falls within ELOG's estimated range and accurately reflects the turnout of voters. This is a notable drop from previous elections.

### **c) Rejected**

The PVT projection for the final rejected ballots is 0.8% with a margin of error of +/- 0.1%.

## **6. RECOMMENDATIONS**

Having observed the electoral process over a period of time, it is clear that we have made strides toward credible elections, the country still has a lot of work to do. Some of the issues that need to be addressed to improve the integrity of our elections include:

1. The quick resolution of election-related court cases ahead of Election Day, particularly those that directly impact election day procedures and processes.
2. Ensuring the transparency in the integrity and maintenance of the Voter Register, including providing full access to the KPMG audit report and clear status updates on the uptake of recommendations from the report. In addition, working with stakeholders to independently audit the register will help improve the integrity of the register.
3. Provision of consistent civic and voter education (as provided by the Constitution) to ensure that voters are well informed of their rights and responsibilities.
4. Punishing electoral offenses and ensuring enforcement of code of conduct for political parties or candidates.
5. Ensuring consistent openness, transparency, inclusive participation and timely access to information by the IEBC and the other agencies concerned with election management.
6. Ensuring that all polling stations are physically accessible to PWDs and the elderly.
7. Fidelity to the constitutional 2/3 gender threshold.
8. Ensuring the implementation and enforcement of the campaign finance regulation and timely electoral legal reforms to avoid giving an undue advantage to the incumbents.
9. Ensuring that the results transmission process is clear and understandable to all stakeholders and that the commission shares with citizens and other stakeholders the final elections results in a granular and machine readable format.

10. Maintaining simplicity and transparency of the Election Day processes as well accuracy and verifiability of the results management and transmission processes.
11. Ensuring the safety and security of voters, observers and other stakeholders throughout the electoral process.
12. Reducing the cost of elections in order not to over-burden tax payers.

## CONCLUSION

ELOG will issue a final and comprehensive report on the 2022 elections within 60 days of the declaration of the final election results. The report will provide a more in-depth analysis of the 2022 electoral environment as well as provide far reaching recommendations on needed reform areas ahead of the next election cycle.

We commend all Kenyans for participating in these elections as voters, officials, candidates and observers. Following the announcement of results, we urge that political actors act in good faith, promote peace among their supporters, and seek any redress for grievances through the courts of law.

God Bless Kenya.

Thank You

**Signed by**



**Anne W. Ireri,**

**Chairperson, Elections Observation Group (ELOG)**

**Elections Observation Group**

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Learn more about [www.elog.or.ke](http://www.elog.or.ke) or on social media on Facebook at [facebook.com/ElectionObservationGroupKenya](https://facebook.com/ElectionObservationGroupKenya) or on Twitter [@elogkenya](https://twitter.com/elogkenya).



**Table 1:0: Distribution of ALL Polling Units by Counties and ELOG's PVT Sample for the August 9, 2022, Presidential Election**

County Code	County Name	ALL PS	% All PS	All PS RV	% All PS RV	Sample PS	% Sample PS	Sample PS RV	% Sample PS RV	Difference PS	Difference RV
1	MOMBASA	1,041	2.3%	641,913	2.9%	22	2.2%	13,418	2.8%	0.1%	0.1%
2	KWALE	742	1.6%	328,253	1.5%	16	1.6%	7,490	1.6%	0.0%	-0.1%
3	KILIFI	1,140	2.5%	588,602	2.7%	24	2.4%	12,318	2.6%	0.1%	0.1%
4	TANA RIVER	367	0.8%	141,096	0.6%	9	0.9%	3,318	0.7%	-0.1%	-0.1%
5	LAMU	191	0.4%	81,453	0.4%	4	0.4%	1,558	0.3%	0.0%	0.0%
6	TAITA TAVETA	394	0.9%	181,827	0.8%	10	1.0%	4,295	0.9%	-0.1%	-0.1%
7	GARISSA	558	1.2%	201,473	0.9%	10	1.0%	3,724	0.8%	0.2%	0.1%
8	WAJIR	609	1.3%	207,758	0.9%	14	1.4%	4,138	0.9%	-0.1%	0.1%
9	MANDERA	553	1.2%	217,030	1.0%	12	1.2%	4,639	1.0%	0.0%	0.0%
10	MARSABIT	446	1.0%	166,912	0.8%	10	1.0%	3,573	0.7%	0.0%	0.0%



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County Code	County Name	ALL PS	% All PS	All PS RV	% All PS RV	Sample PS	% Sample PS	Sample PS RV	% Sample PS RV	Difference PS	Difference RV
11	ISIOLO	218	0.5%	89,504	0.4%	4	0.4%	1,620	0.3%	0.1%	0.1%
12	MERU	1,639	3.5%	772,139	3.5%	37	3.7%	17,174	3.6%	-0.2%	-0.1%
13	THARAKA - NITHI	665	1.4%	231,932	1.0%	14	1.4%	5,134	1.1%	0.0%	0.0%
14	EMBU	747	1.6%	334,302	1.5%	15	1.5%	6,926	1.4%	0.1%	0.1%
15	KITUI	1,578	3.4%	532,758	2.4%	34	3.4%	11,798	2.5%	0.0%	-0.1%
16	MACHAKOS	1,472	3.2%	687,565	3.1%	32	3.2%	14,858	3.1%	0.0%	0.0%
17	MAKUENI	1,129	2.4%	479,401	2.2%	25	2.5%	10,525	2.2%	-0.1%	0.0%
18	NYANDARU A	727	1.6%	361,165	1.6%	16	1.6%	8,285	1.7%	0.0%	-0.1%
19	NYERI	962	2.1%	481,632	2.2%	20	2.0%	10,310	2.2%	0.1%	0.0%
20	KIRINYAGA	697	1.5%	376,001	1.7%	15	1.5%	7,792	1.6%	0.0%	0.1%
21	MURANG'A	1,186	2.6%	620,929	2.8%	27	2.7%	14,039	2.9%	-0.1%	-0.1%
22	KIAMBU	2,113	4.6%	1,275,008	5.8%	44	4.4%	26,985	5.6%	0.2%	0.1%

**Table 1:0: Distribution of ALL Polling Units by Counties and ELOG's PVT Sample for the August 9, 2022, Presidential Election**

County Code	County Name	ALL PS	% All PS	All PS RV	% All PS RV	Sample PS	% Sample PS	Sample PS RV	% Sample PS RV	Difference PS	Difference RV
23	TURKANA	785	1.7%	238,528	1.1%	17	1.7%	5,095	1.1%	0.0%	0.0%
24	WEST POKOT	857	1.9%	220,026	1.0%	18	1.8%	4,585	1.0%	0.1%	0.0%
25	SAMBURU	333	0.7%	100,014	0.5%	7	0.7%	2,100	0.4%	0.0%	0.0%
26	TRANS NZOIA	757	1.6%	398,981	1.8%	18	1.8%	9,273	1.9%	-0.2%	-0.1%
27	UASIN GISHU	958	2.1%	506,138	2.3%	21	2.1%	10,997	2.3%	0.0%	0.0%
28	ELGEYO/MARAKWET	554	1.2%	213,884	1.0%	11	1.1%	4,043	0.8%	0.1%	0.1%
29	NANDI	927	2.0%	406,288	1.8%	21	2.1%	9,379	2.0%	-0.1%	-0.1%
30	BARINGO	1,029	2.2%	281,053	1.3%	21	2.1%	5,648	1.2%	0.1%	0.1%
31	LAIKIPIA	561	1.2%	263,012	1.2%	12	1.2%	5,574	1.2%	0.0%	0.0%
32	NAKURU	2,050	4.4%	1,054,856	4.8%	45	4.5%	23,549	4.9%	-0.1%	-0.2%
33	NAROK	883	1.9%	398,784	1.8%	19	1.9%	8,703	1.8%	0.0%	0.0%

**Table 1:0: Distribution of ALL Polling Units by Counties and ELOG's PVT Sample for the August 9, 2022, Presidential Election**

County Code	County Name	ALL PS	% All PS	All PS RV	% All PS RV	Sample PS	% Sample PS	Sample PS RV	% Sample PS RV	Difference PS	Difference RV
34	KAJIADO	890	1.9%	463,273	2.1%	19	1.9%	9,787	2.0%	0.0%	0.0%
35	KERICHO	922	2.0%	428,067	1.9%	21	2.1%	9,627	2.0%	-0.1%	-0.1%
36	BOMET	853	1.8%	376,985	1.7%	17	1.7%	7,996	1.7%	0.1%	0.0%
37	KAKAMEGA	1,682	3.6%	844,551	3.8%	37	3.7%	18,503	3.9%	-0.1%	-0.1%
38	VIHIGA	627	1.4%	310,043	1.4%	14	1.4%	6,312	1.3%	0.0%	0.1%
39	BUNGOMA	1,377	3.0%	646,598	2.9%	30	3.0%	14,824	3.1%	0.0%	-0.2%
40	BUSIA	856	1.9%	416,756	1.9%	19	1.9%	9,026	1.9%	0.0%	0.0%
41	SIAYA	1,035	2.2%	533,595	2.4%	22	2.2%	11,734	2.5%	0.0%	0.0%
42	KISUMU	1,165	2.5%	606,754	2.7%	25	2.5%	12,778	2.7%	0.0%	0.1%
43	HOMA BAY	1,227	2.7%	551,071	2.5%	26	2.6%	11,747	2.5%	0.1%	0.0%
44	MIGORI	1,014	2.2%	469,019	2.1%	22	2.2%	10,090	2.1%	0.0%	0.0%
45	KISII	1,298	2.8%	637,010	2.9%	28	2.8%	13,419	2.8%	0.0%	0.1%

**Table 1:0: Distribution of ALL Polling Units by Counties and ELOG's PVT Sample for the August 9, 2022, Presidential Election**

County Code	County Name	ALL PS	% All PS	All PS RV	% All PS RV	Sample PS	% Sample PS	Sample PS RV	% Sample PS RV	Difference PS	Difference RV
46	NYAMIRA	643	1.4%	323,283	1.5%	14	1.4%	7,112	1.5%	0.0%	0.0%
47	NAIROBI CITY	3,643	7.9%	2,415,310	10.9%	78	7.8%	51,979	10.9%	0.1%	0.1%
48	DIASPORA	27	0.1%	10,443	0.0%	2	0.2%	513	0.1%	-0.1%	-0.1%
49	PRISONS	106	0.2%	7,483	0.0%	2	0.2%	38	0.0%	0.0%	0.0%
<b>TOTAL</b>		<b>46,233</b>	<b>100.0%</b>	<b>22,120,458</b>	<b>100.0%</b>	<b>1,000</b>	<b>100.0%</b>	<b>478,345</b>	<b>100.0%</b>		