

# **SPECIAL ISSUE**



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## **THE CONSTITUTION OF KENYA**

### **INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION ACT**

*(No. 9 of 2011)*

### **THE ELECTIONS ACT**

*(No. 24 of 2011)*

### **THE ELECTIONS (GENERAL) REGULATIONS, 2012**

### **THE ELECTIONS (PARTY PRIMARIES AND PARTY LISTS) REGULATIONS, 2017**

### **NOTICE OF BY- ELECTION FOR COUNTY GOVERNOR, NAIROBI CITY COUNTY SCHEDULED TO BE HELD ON 18TH FEBRUARY, 2021**

IN EXERCISE of powers conferred by Articles 88 (4), 180 (2), 182 (1) (e), (5), and 193 of the Constitution of Kenya, sections, 5 (1) (b), 13 (3), 17, 25, 26, 30, 32, 33, 38, 38A, 43 (5A) and 74 of the Elections Act, 2011 and Regulations 11 (5), 12 (1), 13B, 14 and 15, Parts VIII and IX of the Election (General) Regulations, 2012, the Independent Electoral and Boundaries Commission gives notice that:

- (a) Following declaration of vacancy that occurred in the office of the County Governor, Nairobi City County following the impeachment and subsequently swearing in of the Speaker of the County Assembly of Nairobi City as the Acting County Governor on 21st December, 2020, there shall be a by-election for the County Governor of Nairobi City County on Thursday, 18th February, 2021.
- (b) Each Political Party intending to participate in the by-election shall submit the names of the persons contesting in a party primary and the date of the party primary on or before Monday, 28th December, 2020.
- (c) A public officer who intends to contest in the by-election shall resign from public office within seven (7) days of the declaration of the vacancy.
- (d) The Commission shall publish, in the Gazette, the names of the persons contesting in a party primary and the date of the party primary within seven (7) days of receipt of the names of the candidates.

- (e) Candidates intending to participate in the by-election as independent candidates shall not have been members of any political party at least three (3) months immediately before the date of the by-election.
- (f) Political parties intending to present candidates in this election shall, after its primaries, resolve all intra-party disputes and submit the list of persons nominated to the Commission on or before Monday, 11th January, 2021.
- (g) Political parties intending to present candidates in this election through direct nominations shall submit the list of persons nominated to the Commission on or before Monday, 11th January, 2021.
- (h) Candidates intending to participate in this election as independent candidates shall submit their names and symbols that they intend to use during the by-election for purposes of nomination of independent candidates to the Commission on or before Monday, 28th December, 2020.
- (i) The Commission shall publish in the Gazette, the names and symbols of persons intending to contest in the election as independent candidates at least fourteen (14) days before the nomination day.
- (j) The days for the nomination of Political party candidates and Independent candidates for the by-election shall be on Monday, 18th January and Tuesday, 19th January, 2021 and the nomination papers shall be delivered by the candidates to the respective Returning Officer between the hours of eight O'clock in the morning and one O'clock in the afternoon and between the hours of two O'clock and four O'clock in the afternoon at the place designated by the Commission.
- (k) Disputes relating to or arising from nominations shall be determined within ten (10) days of the lodging of the dispute with the Commission and in any event not later than Thursday, 28th January, 2021.
- (l) The campaign period for purposes of the Thursday, 18th February, 2021 by-election shall commence on, Monday, 18th January, 2021 and cease on Monday, 15th February, 2021 being 48 hours before the by-election Day.
- (m) The Campaign time shall run from 7.00 a.m. to 6.00 p.m. during the campaign period.
- (n) Political parties and Independent candidates shall appoint and submit to the Commission the names of their County and the

Constituency Elections Agents to the Commission on or before Thursday, 4th February, 2021.

- (o) The registration and revision of the register of voters for the said electoral areas is suspended until Thursday, 4th March, 2021.
- (p) If the election is contested, the poll will take place on Thursday, 18th February, 2021.

NOTES:

1. The attention of candidates and persons subscribing nomination papers is drawn to the provisions of Parts III, V, and IX of the Election (General) Regulations, section 13 (2) and the First Schedule to the Leadership and Integrity, 2012 and Chapter Six of the Constitution of Kenya.

2. Every political party, candidate and every person who participates in the election shall subscribe to and observe the Electoral

Code of Conduct set out in the Second Schedule to the Elections Act, 2011.

3. A person guilty of an election offence will be liable to the penalties imposed by the Election Offences Act, 2016, the disqualifications imposed thereof and the Constitution of Kenya.

4. The attention of candidates and political parties is drawn to the provisions of section 43 (5A) of the Elections Act, 2011.

5. The attention of candidates is drawn to the provisions of section 26 of the Elections Act, 2011.

6. The attention of Political Parties, Candidates and every person who participates in the election is drawn to section 2 of the Elections Act, 2011 on the Campaign Period.

Dated the 21st December, 2020.

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