

**INDEPENDENT REVIEW COMMISSION (IREC)**

**REPORT**

on the

Data analysis of the 2007 general elections results

*Based on sample constituencies and case studies*

**F I N A L   R E P O R T**

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## 1 EXECUTIVE SUMMARY

Results are central in any given election. All preparations made before any elections, logistics and other forms systems put in place all come down to the actual voting that takes place, and how results from this voting are tallied, transmitted, recorded, announced and even reviewed or audited. The integrity of the results process is a *sine non qua* of decent, free and fair elections. This is more so in the case of Kenya, because of the electoral system—first past the post, or so-called “winner takes all”—that is presently in place.

This report summarized the results of data and statistical analysis that was undertaken for 19 selected constituency results from the 2007 general election. The analysis was undertaken as part of IREC’s research process aimed at helping the Commission inquire into various aspects of the election, especially the presidential one. The report opens by outlining the approach used, criteria used to select constituencies for analysis, methodology employed, limitations, findings and concludes with a set of general observations or recommendations.

The analysis and findings in this report are based on work done on 19 constituencies selected using a robust criteria. Constituencies are selected on the basis of the following criteria: constituencies where there were claims made about the results by political parties and other bodies; constituencies selected using a structured criteria based on various electoral anomalies such as alleged high-turn-out, major difference in turn-out between presidential and parliamentary elections, and so on; constituencies with special features or attributes that are prone to electoral abuse, such as the constituencies that were last to submit results, areas where major complaints were raised, and so on.

The approach used for our analysis is a process of undertaking simple quantitative tests and re-checks of the results from these constituencies, from the polling station and streams level up to the constituency, and in some cases, national level. Specifically, we aimed at reconstructing form 17A—that tabulates total votes for all candidates from all polling stations—and which is the main basis of form 16—the document that by law is used to get the final election results. Finally, variance, discrepancies, and other anomalies were noted, including the implications thereof.

It must be understood that statistical analysis is limited in some respects in its ability to detect electoral malpractice or fraud. This is because some of these activities, such as stuffing of ballot boxes, may leave the statistics unchanged, hence making it hard to isolate these statistically. Additionally, the data that is generated from the level of form 16A (i.e., polling station level) would say little in terms of electoral (mal)practices that may have taken place in activities preceding form 16A level. However, checking the accuracy of results tallies, entries and transmissions has yielded incredible findings, and possible areas of reform.

Our findings from the constituency analysis fall in different categories. We have discovered a litany of errors in terms of how results for candidates were added up at the polling station level and transferred to form 17A at the constituency level. There is a fair share of errors in computation, that is, addition of results at the constituency level in form 17A. Some of these erroneous results were transmitted to the form 16 and eventually to the national level, where they were, tragically, announced. Some of these wrong results (such as the case of Kirinyaga Central) resulted in one

candidate who did not get the highest number of votes, declared winner. In others, especially for the presidential election, candidates' results were grossly under- or over-reported, as is the case of Masinga, Changamwe and so on. There are clear cases of omission, in terms of candidates' results not being filled properly, or omitted altogether, in the tally of results in form 17A. There are cases where presidential results announcements made have lower figures than those clearly stated in form 16.

Most of these errors and handicaps point to several system—and systemic—failures within the ECK and their planning, management and supervision of the results process in particular, and elections in general. While a technical solution may lie in investing in a robust, appropriate technology-based system, the problem, and solution designed to solve it, goes beyond the use of technology or automation as the magic bullets to solving these problems.

At a matter of priority, the personnel or electoral officers and clerks hired to run the election must be well trained, effectively supervised, and putting in place system of on-site auditing of results before their announcement and/or transmission. Automating a flawed system, without streamlining its procedures and personnel first, would only make fraud and electoral malpractice harder to detect. The future of flawless tallying of results lies in a right mix of appropriate technological solutions, integrity of electoral officers and robust or fool-proof procedures. Here, a trade-off might have to be made between getting wrong, or un-checked results out fast enough, or taking time to tally and announce proper results.

The ECK should cease relying on experience in past elections (implying age matters) at the expense of other competencies such as ability to use information technology, public administration and strong numeric skills. Whilst it's not being recommended that returning officers should be statisticians, there would be much value added in one being able to work with large volumes of information, perhaps under pressure. The same applies for clerical staff, or in particular, proof-readers and data auditors, that this report recommends as people who should be part of the elections clerical battalion.

There are other larger issues that are a matter of law and policy. How is it that ECK cannot review or correct results where it detects errors done on, say, form 16, by the returning officer, who are hired as temporary staff? This situation is a fundamental flaw and limits the checks-and-balance system of how results are received and their accuracy and authenticity guaranteed.

In the final analysis, the integrity of results will depend as much on systems and structures, as on the goodwill and faith of electoral officers, the electoral management body and politicians.

## 2 INTRODUCTION AND OBJECTIVES

### 2.1 What is IREC

The Independent Review Commission (IREC) was set up on 14 March 2008 (Gazette notice no. 1982). IREC as a body emanates from discussions held under the Kenya National Reconciliation Dialogue, the mediated talks held under the auspices of the Africa Union Panel of African Eminent Personalities, chaired by Kofi Annan. The talks were aimed at resolving the post-election crisis and violence that followed the disputed 2007 general elections in Kenya. IREC was set up after parties agreed to form a committee that would look into various aspects of the disputed elections. IREC comprises seven commissioners and a staff structure designed to enable it achieve its mandate. The Commission chairman was Justice Johann C. Kriegler.

### 2.2 Mandate and output

IREC's overall mandate is to inquire into all aspects of the 2007 general election, with particular emphasis on the presidential election. Other elements of IREC's mandate entail analyzing the legal and constitutional framework under which these elections were held, examining various aspects of the Electoral Commission of Kenya (ECK), public participation, conduct of the media, civil society, observers, and to investigate the vote counting and tallying process in order to assess the integrity of the results. In terms of its output, IREC was mandated to, firstly, recommend various reforms that would improve future elections and, secondly, suggest other legal and administrative reforms that it would deem necessary. The Commission carried out its work mainly through investigations, receiving written submissions, research, public meetings held countrywide, and conducted formal hearings in Nairobi.

### 2.3 Data and statistical analysis

As part of its research process IREC undertook statistical and data analysis of the 2007 general elections results. The data and statistical analysis informed IREC's term of reference (d) and (e), touching on the process of counting and tallying, in order to arrive at a conclusion on the integrity of the results. The data and statistical work had several goals, namely:-

- a. Analyzing parliamentary and presidential results of the 2007 elections with a view of ascertaining its accuracy, integrity and highlighting variances thereof;
- b. Analyzing results from a select number of constituencies that had been named by various bodies, for instance, in political party submissions to IREC.
- c. Analyzing the results/data with a view of isolating constituencies where there were unusual features, e.g., unusually high voter turn-outs, areas with alleged voter or counting anomalies, etc.
- d. Providing statistical support to the Commissions meetings and formal public hearings
- e. Making recommends to other IREC committees on areas and constituencies that would require further investigative work.

### 3 STATISTICAL OVERVIEW OF THE 2007 GENERAL ELECTIONS

A general overview of the statistics for the 2007 general elections reveals a number of things.<sup>1</sup> In 2007, the number of voters registered to vote in the general election increased by over 36% compared to 2002. The over 14 million registered voters for 2007 represented about 71% of the 19.8 million Kenyans who had been issued with national ID cards (the voting age population). The election was one of the most competitive in Kenya's recent history. Compared to 2002, the number of presidential candidates increased from 5 to 9, but remained far below the 15 that contested the 1997 election. At the parliamentary level, the number of candidates increased by more than 1.5 times, from 1,035 in 2002 to 2,548 in 2007. The number of civic candidates also more than doubled; and that of political parties participating in the elections trebled. See table below.

#### Overview of recent Kenya general elections

	1997	2002	2007
Registered voters	8,967,569	10,451,150	14,296,180
Voters under 40 years, %	..	54.0	60.8
<b>Presidential</b>			
No. of candidates	15	5	9
Total valid votes	6,181,701	5,871,408	9,877,028
Winner	2,500,320	3,636,783	4,584,721
% of total ballot	40.45	61.94	46.42
1st runners up, %	30.83	31.30	44.07
2nd runners up, %	10.80	6.18	8.91
<b>Parliamentary</b>			
No. of candidates	883	1,035	2,548
Male	835	991	2,279
Female	48	44	269
<b>Civic</b>			
No. of candidates	8,468	7,012	15,334
Male	8,050	6,630	13,856
Female	418	382	1,478
<b>National turn-out, %</b>			
Presidential	70.74	58.75	70.71
Parliamentary	69.74	58.46	69.57
Polling centres	12,778	14,114	20,655
Polling stations	..	18,366	27,555
Participating political parties	27	39	117

Source: ECK general election reports; various documents

".." means data not readily available

<sup>1</sup> It should be noted from the outset that analysis of ECK data are revealed numerous errors of entry, aggregation and other typographical errors. The sum effect of these errors has resulted in various statistics being distorted, as is discussed and explained later on in the report. Hence, the figures presented in this section borrows figures as they appear in ECK reports and results as they submitted to IREC.

The number of parliamentary aspirants in some constituencies increased exponentially. In 1997 the highest number of parliamentary aspirants were in Starehe and Kamkunji constituencies (10 each), and Embakasi and Dagoretti (9 each). There were 81 constituencies in total that had 5 or more aspirants. In 2002 Kangundo constituency had the highest (13) followed by Makadara, Changamwe, Kigumo and Juja (with 10 each). Embakasi had 10; the number of constituencies with 5 and above aspirants rose to 103. In 2007 there were 190 constituencies with at least 5 parliamentary candidates, and for the first time in Kenya's history, there were 28 constituencies with at least 20 aspirants. Some had very high aspirants: Kitutu Masaba (33); Kasarani, Emuhaya, Bomachoge and North Mugirango Borabu (with 28 each).

The election was also very closely contested. The final outcome at the presidential level (with a victory margin of only 2.35 percentage points) was the closest ever. The top two candidates accounted for about 90% of the total presidential vote. The vote was nearly evenly split; unlike the case in 2002 and 1997 where the presidential winners had large victory margins. The turn-out in 2007 was much lower than in 2002, but comparable to 1997. Average turn-out for the 2007 election was about 70%.

## 4 FRAMEWORK FOR ANALYSIS

### 4.1 Guiding principles

The work was aimed at undertaking analyses that is impartial, unbiased and objective. All due care was taken in terms of checking the integrity of the data and statistics made available by various parties and organizations. However this should not be taken to mean that the originators have used acceptable means of collecting and processing this information. Where an issue relating to the objectiveness of data or a statistical issue arose, this was pointed out. Due prudence has been taken to ensure that analysis is as correct as possible. This however, does not rule out the possibility of clerical error or typos.

### 4.2 Approaches

There are two types of statistical analyses that can be utilized in analyzing the 2007 elections data. The first is a purely econometric analysis of the data that would be aimed at assessing various statistical tendencies and relationships among established variables such as votes garnered by candidates, parties, etc, in relation to a number of explanatory variables. This can be carried out across time, which is, assessing time series data over 1997, 2002 and 2007 elections. The second is to undertake a simple quantitative and arithmetic/numeric tests in order to assess the results' integrity in terms of tallying and the soundness of the process that was used to produce, record, transmit, receive, store and announce the results. There are various studies that undertook analysis of the results using the first approach.<sup>2</sup> The findings presented here have utilized the second approach.

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<sup>2</sup> See, for example, "*The Kenyan Election 27th December, 2007: Was it Rigged*" by David W. Throup, a presentation given during the IREC public hearings. Also the special issue of the *Journal of Eastern Africa Studies*, volume 2 issue 2 2008, that has a special focus on Kenya's 2007 elections.



### *4.3 Selection of constituencies for analysis*

The magnitude of problem that brought about the dispute in results from the 2007 elections is enormous. The entire result and a significant part of the election was in serious dispute.<sup>3</sup> Therefore, the choice of what to analyze needed to be very strategic and robust, but at the same time careful enough in order not to leave out key areas that had serious disputes, or those that could be instrumental in helping the IREC achieve its mandate. In order to identify the constituencies for analysis we were guided by a number of criteria, namely:-

- a. Looking at specific disputed constituencies listed by various parties/bodies. For instance, submissions sent to IREC by Orange Democratic Movement (ODM), Party of National Unity (PNU) and other bodies, listed a number of problematic constituencies:-
- b. Selecting areas using a structured selection criteria based on various electoral anomalies such alleged high-turn out and so on
- c. Areas with special features or attributes that are prone to electoral abuse, such as the constituencies that were last to submit results, areas where major complaints were raised, and so on.

### *4.4 Disclaimer and limitations: What data can reveal and what they can't*

It must be pointed out that while data analysis was aimed at providing insights in the disputed results or data, this analysis on its own, much as its necessary, needs to be complemented by other forms of investigative enquiries in order to arrive at a total picture of what could have gone wrong in last year's election. A major limitation of statistics is that while they can be used to detect abnormal electoral behaviors or anomalies, such analysis can be quite limited or totally incapable of highlighting electoral malpractice of fraud.

For instance, time-series analysis of high turn-out in some constituencies in 2007 compared to past elections have been used by many as an indicator of electoral anomalies. But changes in turn-out are both a function of malpractice and real electoral or political behaviors. Also, in cases of, say, ballot boxes being stuffed with pre-marked ballot papers, analysis of these results may very well reveal little statistical issues, but the situation underneath may very well be that of series of electoral fraud or abuse. As can be seen on the results management process chart on section 9 below, data used for our analysis arises from the point of form 16A, generated at the close of counting at the polling station. Any electoral fraud taking place before this point, or outside what is featured in the statutory forms used, cannot be detected by statistical analysis employed here.

In the case of 2007, where there were vast allegations of changes in statutory forms, this again could very well pass statistical tests, but can only be faulted on account of breaching certain laws or electoral codes and practices. Data and statistical analysis therefore, should be seen in the full picture of other forms of electoral, political and legal processes. Hence, the results in this report therefore, do not necessarily explain the actual voting and other processes that might have taken place in the constituencies analyzed. The analysis relied only on official documents and results submitted to IREC by ECK.

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<sup>3</sup> Various groups, political parties, observer missions and even part of ECK commissioners, have attested to this fact.

## 5 DATA SOURCES AND METHODOLOGY

The data and information used for our analysis was obtained from the ECK, which had submitted various types of statistical information to IREC. This included:-

- Election results data (presidential, parliamentary and civic results for 2007)
- Voter turn-outs, number of registered voters (including new registrations, transfers, etc)
- Past election data was obtained from official ECK reports of the 1997 and 2002 general elections
- Number of polling stations and centers
- Other types of data, such as on demographics, death rates, were obtained from the Kenya National Bureau of Statistics and Department of Civil Registrar, respectively.

IREC requested ECK to submit constituency files that had copies of form 16As from polling stations for both parliamentary and presidential elections. These files also had form 17A, form 16s, and the administrative data capture forms that were used at the ECK national tally center at KICC to receive (provisional) results. The statistical and data analysis employed a methodology depending on the output needed. This was done for a sample of constituencies based on the criteria above, and which allowed us to arrive at conclusions about the accuracy and integrity of selected ECK results. The analysis entailed checking the system of recording results for candidates, the transferring of figures across the statutory forms (see results management process below), how the results were added and transmitted. This called for a firm understanding of how elections results are generated, the statutory forms used, while at the same time, undertaking simple tests such as re-checking accuracy and of tallying figures. The methodology was therefore entailed analysis of various types:-

- a. Checking the accuracy of results and declarations based on statutory forms 16, 16A, and 17A. This entailed simple computations of adding up all votes in these forms, and even in the final national results that were released by ECK to confirm accuracy and computation of such things as valid votes and voter turn-outs.
- b. Checking other systems that would ensure the integrity of the entire process. Such as areas of possible abuse or weakness in the entire process of managing results were highlighted.
- c. Reconstructing the form 17A, which is the main document/instrument used to amalgamate and tally results at the constituency level. This was the most important exercise, and was built upon the first two steps.
- d. Finally, a comparison was made between three total figures: IREC's own summation for totals for each candidate; totals for candidates listed in form 17A and/or form 16; ECK final published results; and then highlighting the differences and implications thereof.

## 6 CONSTITUENCIES ANALYSED

Using the criteria outlined above, we were able to generate a short list of about 18 constituencies where further scrutiny and analysis was carried out. Each of the five cluster areas listed below produced a list of constituencies. Some of them featured in more than one cluster. These are the ones that were identified for further analysis. Some statistics regarding the list of constituencies analyzed are presented in the table and diagrams below.

Categorisation of constituencies for analysis	
Code	Issue
A	47 constituencies disputed by ODM
B	Those with issues after 29 Dec 2007 night verification
C	Those where form 16 figures differ with ECK data base
D	30 constituencies whose results were received last
E	Others, e.g., high turn-out, strong claims made, etc

List of constituencies analysed with more scrutiny	
Constituency	Incidence in categories (code)
009 Changamwe	D,E
017 Kaloleni	A,B,D
034 Wajir North	E
043 Saku	Baseline
051 North Imenti	A,B,C
052 Central Imenti	n/a
066 Masinga	C,E
070 Machakos Town	C,E
082 Kieni	A,
090 Kirinyaga Central	A,E
095 Maragwa	E
100 Juja	A,B,E
104 Limuru	E,
105 Lari	B,
138 Molo	A,B,D,
144 Kajiado North	A,B,C,D,E
155 Malava	B,D,E
182 Bondo	B,E
203 Bomachoge	E

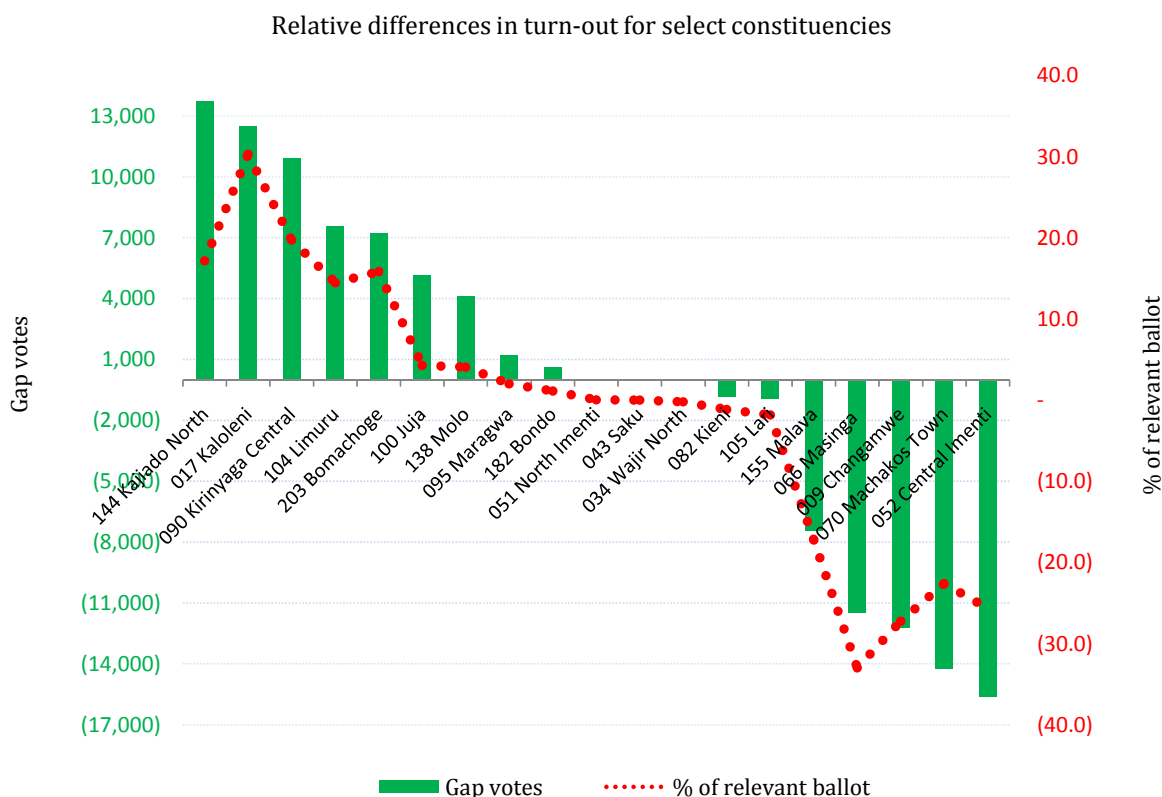
Statistics for case study constituencies											
Constituency		Registered voters	Presidential cast total	Parliamentary cast total	Presidential valid votes	Parliamentary valid votes	Gap votes (C - D)*	% of total relevant ballot**	% of total registered voters	No. of polling centres	No. of polling stations
A	B	C	D	E	F	G	H	I	J	G	
1	017 Kaloleni	85,131	41,231	28,740	40,581	28,266	12,491	30.3	14.7	94	97
2	090 Kirinyaga Central	68,878	55,380	44,446	55,061	43,957	10,934	19.7	15.9	50	102
3	144 Kajiado North	107,390	79,901	66,190	78,351	63,273	13,711	17.2	12.8	117	188
4	203 Bomachoge	70,590	45,725	38,484	45,725	38,481	7,241	15.8	10.3	130	151
5	104 Limuru	65,771	52,343	44,769	51,940	44,078	7,574	14.5	11.5	46	97
6	100 Juja	163,657	119,964	114,808	119,050	113,646	5,156	4.3	3.2	69	231
7	138 Molo	126,361	100,066	95,967	99,143	94,725	4,099	4.1	3.2	120	204
8	095 Maragwa	70,524	60,117	58,899	59,795	58,163	1,218	2.0	1.7	72	113
9	182 Bondo	62,352	53,282	52,674	53,173	52,332	608	1.1	1.0	85	109
10	051 North Imenti	123,948	84,188	84,158	83,535	83,364	30	0.04	0.0	158	217
11	043 Saku	19,247	14,215	14,214	14,100	14,008	1	0.01	0.0	37	44
12	034 Wajir North	14,176	10,292	10,314	10,292	10,314	(22)	(0.2)	(0.2)	53	56
13	082 Kieni	84,687	73,057	73,898	72,896	72,269	(841)	(1.2)	(1.0)	109	145
14	105 Lari	59,391	50,082	51,015	49,864	50,681	(933)	(1.8)	(1.6)	62	95
15	155 Malava	67,242	35,578	42,983	35,507	41,864	(7,405)	(17.2)	(11.0)	96	124
16	070 Machakos Town	94,844	48,650	62,858	45,811	61,848	(14,208)	(22.6)	(15.0)	113	165
17	052 Central Imenti	78,243	45,209	60,807	44,907	60,205	(15,598)	(25.7)	(19.9)	120	142
18	009 Changamwe	107,545	32,614	44,812	32,614	44,812	(12,198)	(27.2)	(11.3)	53	150
19	066 Masinga	51,302	23,341	34,818	22,942	34,371	(11,477)	(33.0)	(22.4)	118	129

Source: Computed using ECK results; Figures entered as they appear on ECK results. Wrong ones have been highlighted in the constituency analysis.

\* Figures in brackets means that there were more parliamentary votes (turn-out) than presidential. Vice versa is true.

\*\* Relevant ballot means that for those constituencies where presidential turn-out was higher, the gap votes are taken as a percentage of total presidential votes cast.

For areas where parliamentary votes were higher, % gap is taken as a percentage of total parliamentary votes cast.



## 7 ANALYSIS

The main analytical work that is undertaken is mainly to recheck the process of tallying the results right from the polling station to the constituency, and for some, up to the national level. The reconstruction of the form 17A was done by taking all the forms 16As, checking their entry in forms 17A, and adding this up in a separate spreadsheet to enhance correctness and accuracy. This gives us not only the totals for all the polling stations, but also the totals for each candidate at the constituency level. This is done for both presidential and parliamentary results. This exercise yields three totals that were compared in order to come up with our findings:

- a. The total of results for each candidate according to correct addition of form 16A figures;
- b. The results as given by the returning officer in form 17A or added up/declared at constituency level; or those in form 16;
- c. The results as given by the final ECK announcements, and what was finally published.

These three totals are then compared to see if we arrive at different figures. Variances are explained where possible. There is a second line of analysis which entails simple arithmetic calculation of results as given by ECK at national level, especially those where major differences in presidential and parliamentary turn-outs were recorded. This also has yielded some conclusions about the accuracy and correctness of how the results/data was handled.

## 8 FINDINGS

### 8.1 Summary

This section presents the results from the analysis that was conducted on a sample of constituencies. It presents tables that show the discrepancies in results at various stages of the results processing chain, and in some instances, the repercussions arising out of these errors. In summary, the following errors were noted:-

- Errors of entry. Results for candidates in form 16A not entered correctly in form 17A. Some have results mixed up with those of other candidates, others increased or decreased, others omitted in form 17A altogether. While the misstatements involved small numbers, the sum total of these errors of entry at the constituency or national level may have produced material effects, as is the case of Kirinyaga Central, Changamwe, Masinga, and others as listed below. There are cases where the candidates (the minor candidates) had two conflicting results/figures on the same form 16A.
- Errors of computation. These were the most common, and pervasive, errors noted. They occurred at various levels, namely:-
  - ✓ On a considerable number of form 16As at polling stations, the sum of candidates' votes did not tally with the indicated number of valid votes, whilst these two are supposed to be identical figures.
  - ✓ In the form 17A, vertical additions of some candidate's total tally for all polling stations gave different figures from those obtained by returning officers, and in some cases, our own totals varied with those figures transmitted to the national tally centre at KICC.
- Noted discrepancies. For a few constituencies, there were discrepancies between the final constituency tallies (aggregate figures in form 17A) and form 16 figures that were sent or received at KICC. Some of these made their way in the final results published by ECK.
- System errors. There are visible and major discrepancies in ECK final published results, in terms of figures given as total valid votes, total votes cast, and percentage turn-out. For example, adding up votes for all candidates should give the total valid votes. If this is done manually, it differed with the figure indicated as 'valid votes' in ECK results. This changes both votes cast and the turn-out. This was noted in a considerable number of constituencies in the ECK final results. It indicates a lack of internal- or self-check system in the application that was being used to store and print final results.
- Cases of omissions. For instance, results for given candidates in form 16A not entered in form 17A, or number of rejected votes indicated in a vast number of 16As not being captured in the final results. For instance, the final ECK results show Changamwe and Wajir North as having zero rejected votes, which is clearly an impossibility. Checking the form 16As for these constituencies reveals a fair share of entries for rejected votes in form 16A but not in the final results.

As a point of good measure, the tables below must be read together with the spreadsheets used to construct them so that one can see the comments made on each case and the few forms 16A that were missing in the files submitted to us by ECK.

## 8.2 Kirinyaga Central

### Presidential

#### Presidential analysis for 090 Kirinyaga central

	Own addition of form 16A results and correct additions	ECK official, published result	Corrected ECK final result	Correct addition of figures in 17A with no change in data entries	Variances
	A	B	C	D	B - A
Presidential candidate:					
<i>Kibaki Mwai</i>	55,097	52,866		54,219	(2,231)
<i>Kukubo Nixon</i>	8	8		8	-
<i>Matiba Kenneth</i>	10	9		9	(1)
<i>Musyoka Stephen</i>	59	53		57	(6)
<i>Mwangi Pius</i>	36	37		40	1
<i>Ngacha Joseph</i>	150	130		133	(20)
<i>Ngethe David</i>	13	2		13	(11)
<i>Odinga Raila</i>	601	580		595	(21)
<i>Rajput Nazlin</i>	4	3		3	(1)
Total valid vote	55,978	55,061	<b>53,688</b>	55,077	(2,290)
Rejected	319	319	<b>319</b>	318	-
Total votes cast	56,297	55,380	<b>54,007</b>	55,395	(2,290)
Turn-out	81.73%	80.40%	<b>78.41%</b>	80.42%	-3.32%

Source: Copies of form 16, 16As and 17 from ECK

Note: Can't compare with form 16 figures as two form 16s with differing figures exist.

#### Noted issues:

- Major variances between our own addition and the final announcement.
- There are a number of forms 16A not signed by presiding officers.
- There are other cases of figures being entered wrongly in form 17A.
- Wrong addition/figure for valid votes in the final ECK results, that leads to the following:
  - a. The figure valid votes given by ECK is wrong. An addition of all the votes got by the 9 candidates gives a total of 53,688, not 55,061 as given by ECK. With rejected votes of 319, this makes the new total cast to be 54,007 (not 55,380 as given by ECK) and the turn-out to be 78% (not 80.4% as given by ECK).

- b. This reduces and reverses the ECK gap between the two elections from 10,934 more presidential votes (or 15.87% in turn-out) to 3,579 more parliamentary votes (or 5.2% in turn-out) in favour of the parliamentary election.

### **Parliamentary**

#### **Parliamentary analysis for 090 Kirinyaga central**

	Own addition of form 16A results	Results in form 17A & 16	ECK official final result	Corrected ECK final result	Variances
	A	B	C	D	C - A
Parliamentary candidate:					
Abubakar Hasia I.	214	219	219		5
Gatimu Pauline W.	353	536	536		183
Gichuki Evan M.	126	126	126		-
Gitire Eric K.	479	474	474		(5)
Kagondou Andrew M.	621	226	226		(395)
Kaponda D.	379	372	372		(7)
<b>Dickson Daniel Karaba</b>	<b>17,270</b>	17,151	<b>17,151</b>		(119)
Karimi Dishon K.	354	336	336		(18)
Thomas Raymond K.	326	309	309		(17)
<b>Kariuki John Ngata (ECK winner)</b>	<b>17,268</b>	17,219	<b>17,219</b>		(49)
Keriri John M.	4,537	7,298	7,298		2,761
Kinyua Edwin M.	9,597	9,239	9,239		(358)
Mbui Nicholas K.	1,078	948	948		(130)
Mwangi Lawrence R.	206	199	199		(7)
Mwaniki Henry M. J.	1,918	1,855	1,855		(63)
Njeru Samuel K.	208	257	257		49
Njiru James N.	305	309	309		4
Njoqu Richard M.	31	24	24		(7)
Total valid vote	55,270	54,688*	43,957	<b>57,097</b>	
Rejected	512	489	489	<b>489</b>	
Total votes cast	55,782	54,199*	44,446	<b>57,586</b>	
Turn-out, %	80.99%	..	64.53%	<b>83.61%</b>	

Source: Copies of form 16, 16As and 17 from ECK

\* Figures obtained directly from form 17A. Adding up total votes for all candidates gives a figure of valid votes as 57,097 and cast votes as 57,586, as done in column D.

".." means no figure given in original document.

#### **Noted issues:**

- Major variances between our own addition and the final announcement.
- Wrong addition/figure for valid votes in the final ECK results
- There are a number of forms 16A not signed by presiding officers.



Major findings:

- a. Our own tabulation and addition of votes from form 16A of all polling stations indicate that a wrong parliamentary winner was declared. According to ECK/RO the winner was Kariuki John Ngata with 17,219 against Dickson Daniel Karaba with 17,151. Our own additions indicate that Dickson Daniel Karaba's votes adding up to 17,270 and Kariuki John Ngata's adding up to 17,268. This has the implication of reversing the parliamentary declaration.

**8.3 Kajiado North****Presidential****Presidential analysis for 144 Kajiado North**

	Own addition of form 16A results	Results in form 17A	ECK official final result	Correct addition of 17A totals & ECK final result	Variances
	A	B	C	D	C - A
Presidential:					
<i>Kibaki Mwai</i>	49055	49,038	49,038		(17)
<i>Kukubo Nixon</i>	1	1	1		-
<i>Matiba Kenneth</i>	12	97	97		85
<i>Musyoka Stephen</i>	3,260	3,644	3,664		404
<i>Mwangi Pius</i>	55	68	68		13
<i>Ngacha Joseph</i>	127	131	131		4
<i>Ngethe David</i>	11	10	10		(1)
<i>Odinga Raila</i>	28,921	25,330	25,330		(3,591)
<i>Rajput Nazlin</i>	30	32	32		2
Total valid vote	81,472	81,485	78,351	78,371	
Rejected	..	758	1,550	1,550	
Total votes cast	..	82,243	79,901	79,921	
Turn-out	..	76.58%	74.40%	74.42%	

Source: Copies of form 16A's; ECK

Note: Addition in final ECK result wrong, correct addition in column D.

".." means figure not given in original document.

Noted issues:

- Variances between our own addition and the final announcement.
- Wrong addition/figure for valid votes in the final ECK results.
- One form 16A missed in file submitted by ECK; no results of the same in form 17A.

**Parliamentary****Parliamentary analysis for 144 Kajiado North**

	Own addition of form 16A results	Results in form 17A	ECK official final result	Correct addition of 17A totals & ECK final result	Variances
	A	B	C	D	C - A
Parliamentary:					
<i>Abincha Mogambi Harrison</i>	57	60	141		84
<i>Gitau Francis Parsime</i>	320	331	528		208
<i>Gitonga Eric Maurice</i>	193	190	274		81
<i>Kerina Hellen Mokune</i>	59	63	63		4
<i>Kinyanjui Solomon</i>	1,145	1,133	152		(993)
<i>Mahinda Gerald Wamwangi</i>	177	156	14		(163)
<i>Mbuchi Wanjiru Judy</i>	19	29	6		(13)
<i>Murunga Mathew</i>	33	38	2		(31)
<i>Ngossorr Soila Florence</i>	87	87	8		(79)
<i>Otieno Wambui</i>	156	145	22		(134)
<i>Saitoti George</i>	46,850	46,591	40,376		(6,474)
<i>Sakuda Moses Ole Somaine</i>	31,942	31,376	21,642		(10,300)
<i>Sane Ole Saroni</i>	246	259	10		(236)
<i>Oleseki Oliver Lemachon</i>	116	132	26		(90)
<i>Wambui Julius</i>	156	154	22		(134)
Total valid vote	81,556	80,744	63,273	63,286	..
Rejected	..	..	2,917	2,917	..
Total votes cast	..	..	66,190	66,203	..
Turn-out	..	..	61.64%	61.65%	..

Source: Copies of form 16A's; ECK

Note: Addition in final ECK result wrong, correct addition in column D.

".." means figure not given in original document.

**Noted issues:**

- Major variances between our own addition, form 17A figures, and the final announcement.
- Wrong addition/figure for valid votes in the final ECK results.

## 8.4 Kaloleni

### Presidential

#### Presidential analysis for 017 Kaloleni

	Own addition of form 16A results	Results in form 17A	ECK official final result	Variances
	A	B	C	C - A
Presidential:				
<i>Kibaki Mwai</i>	16,816	16,879	16,879	63
<i>Kukubo Nixon</i>	68	64	64	(4)
<i>Matiba Kenneth</i>	73	68	65	(8)
<i>Musyoka Stephen</i>	1,537	1,535	1,535	(2)
<i>Mwangi Pius</i>	140	136	136	(4)
<i>Ngacha Joseph</i>	89	71	71	(18)
<i>Ngethe David</i>	65	62	62	(3)
<i>Odinga Raila</i>	21,748	21,716	21,716	(32)
<i>Rajput Nazlin</i>	50	50	50	-
Total valid vote	40,586	40,581	40,581	(5)
Rejected	657	650	650	(7)
Total votes cast	41,243	41,231	41,231	(12)
Turn-out	48.45%	48.43%	48.43%	-0.01%

Source: Copies of form 16A's; ECK

#### Noted issues:

- There are form 16As with the name of the same presiding officer that seem to have different signatures.
- Some form 16As not signed by presiding officers
- Slight variances between own addition, form 17A figures and final ECK results

**Parliamentary****Parliamentary analysis for 017 Kaloleni**

	Own addition of form 16A results	Results in form 17A	ECK official final result	Variances
	A	B	C	C - A
<b>Parliamentary:</b>				
<i>James Rophus Baya</i>	724		496	(228)
<i>Bemwacabaya Japhet Kanyume</i>	307		139	(168)
<i>Kenga Emanuel Chengo</i>	117		72	(45)
<i>Chome Onesmus Habel</i>	429		342	(87)
<i>Dzoro Morris Mwachondo</i>	2,721		1,916	(805)
<i>Fondo James Kitsao</i>	167		115	(52)
<i>Chea Mwinga Gunga</i>	1,984		1,683	(301)
<i>Jangaa Simon Chagga</i>	407		350	(57)
<i>Kambi Samuel Kazungu</i>	13,276		7,441	(5,835)
<i>Katama Gideon Mwambaji</i>	175		135	(40)
<i>Kenga Michael Mure</i>	6,773		6,410	(363)
<i>Kulumba Betty Wavinya</i>	132		77	(55)
<i>Luganje Esther bahati</i>	164		1,640	1,476
<i>Malanga Alice Mbetsa</i>	71		46	(25)
<i>Maneno Betty Kabibi James</i>	739		571	(168)
<i>Mangi Raymond Furaha</i>	547		387	(160)
<i>Kamto Kenneth Mwakombo</i>	861		430	(431)
<i>Mwamkale William Kamoti</i>	6,844		3,685	(3,159)
<i>Mwamure bakari toya</i>	718		475	(243)
<i>Mwarandu Ferdinand Katana C</i>	530		322	(208)
<i>Mwaringa Beatrice Mwaka</i>	239		135	(104)
<i>Ngala Jimmy F C</i>	1,506		1,100	(406)
<i>Hassan Nuru Lula</i>	88		34	(54)
<i>Watsuma Anderson Chibule</i>	520		265	(255)
Total valid vote	40,039		28,266	(11,773)
Rejected	474		474	..
Total votes cast	40,513		28,740	..
Turn-out, %	47.59%		33.76%	..

Source: Copies of form 16A's; ECK

Note: Form 17A not clear to allow for sound reading of its aggregate results for candidates

**Noted issues:**

- A number of form 16As not signed by presiding officers.
- One form 16A with names of persons not on ECK's list of contesting candidates.
- Some cases of candidates having different results or figures on the same form 16A.
- Major variances between own addition, form 17A figures and final ECK results.

## 8.5 Limuru

### Presidential

#### Presidential analysis for 104 Limuru

	Own addition of form 16A results	Results in form 17A	ECK official final result	Variances
	A	B	C	C - A
Presidential:				
<i>Kibaki Mwai</i>	48,302	48,389	48,389	87
<i>Kukubo Nixon</i>	7	6	6	(1)
<i>Matiba Kenneth</i>	11	10	10	(1)
<i>Musyoka Stephen</i>	443	439	439	(4)
<i>Mwangi Pius</i>	14	15	15	1
<i>Ngacha Joseph</i>	129	123	123	(6)
<i>Ngethe David</i>	11	13	13	2
<i>Odinga Raila</i>	2,988	2,934	2,934	(54)
<i>Rajput Nazlin</i>	10	11	11	1
Total valid vote	51,915	51,940	51,940	25
Rejected	411	403	403	(8)
Total votes cast	52,326	52,343	52,343	17
Turn-out	79.56%	79.58%	79.58%	0.03%

Source: Copies of form 16A's; ECK

#### Noted issues:

- One form 16A not entered in form 17A
- Form 16A not signed by the presiding officer
- Form 16A for 040 not signed by RO.
- Final form 16 results for all candidates have increased, save for Odinga Raila that have reduced from 3,144 (provisional) to 2,934 (final).
- Slight variances between own addition, form 17A figures and final ECK results

**Parliamentary****Parliamentary analysis for 104 Limuru**

	Own addition of form 16A results	Results in form 17A	ECK official final result	Correct addition of ECK results	Variances
	A	B	C		C - A
Parliamentary:					
<i>Chege John Kiragu</i>	7,342	7,028	6,371		(971)
<i>Kamau Keneth Chege</i>	1,398	1,317	1,248		(150)
<i>Kamau Mwaniki Charles</i>	8,957	8,470	8,325		(632)
<i>Kariuki George Njoroge</i>	837	813	759		(78)
<i>Kariuki Joram Gathini</i>	166	156	132		(34)
<i>Kimani Joseph Munyaka</i>	250	3,077	212		(38)
<i>Kiratu Christopher D. M</i>	212	186	178		(34)
<i>Kuria Simon Kanyingi</i>	3,337	3,118	2,810		(527)
<i>Maara George Jonathan</i>	5,897	5,671	4,021		(1,876)
<i>Mbugua Mercy Muthoni</i>	286	289	266		(20)
<i>Mburu George Mwaura</i>	145	684	655		510
<i>Mirie George Ndungu</i>	414	423	388		(26)
<i>Mwathi Peter Mungai</i>	14,924	14,543	13,552		(1,372)
<i>Mwaura Esther Wanjiku</i>	565	609	533		(32)
<i>Ngugi Job Kariu</i>	151	150	125		(26)
<i>Njonjo Apollo Luciano</i>	2,044	2,085	1,428		(616)
<i>Njoroge James Mingi</i>	74	60	44		(30)
<i>Nyanja George Boniface N M</i>	2,458	2,555	2,406		(52)
<i>Paul John Njoroge</i>	1,714	1,724	1,115		(599)
<i>Thuku Peter Kimani</i>	135	420	111		(24)
<i>Waweru Samuel Chege</i>	61	60	53		(8)
Total valid vote	51,367	53,438	44,078	44,732	(7,289)
Rejected	..	571	691	691	..
Total votes cast	..	54,009	44,769	45,423	..
Turn-out, %	..	82.12%	68.07%	69.06%	..

Source: Copies of form 16A's; ECK

**Noted issues:**

- Multiple entries for candidates in some polling stations.
- Some forms 16A not signed by presiding officers.
- Results for Njoroge Paul John indicated as 1,724 in form 17A but entered as 7,028 in form 16 then as 1,115 in final ECK results.
- Results for Kimani Joseph Munyaka entered as 3,077 in form 17A and form 16, then 212 in final ECK results.
- In a letter to ECK dated 27 December 2007 the RO notes that by the time they were compiling data for parliamentary results, no agents were around to sign the form 17A. Would it have been

possible, for even one of the 21 parliamentary candidates or agents not to be around on the day the elections were taking place?

- Final ECK results do not correspond at all with those in form 16 dated 28 December 2007. What are published as final ECK results are the provisional results received on 28 December 2007 and authenticated by the RO on 29 December 2008.

## 8.6 Bondo

### Presidential

#### Presidential analysis for 182 Bondo

	Own addition of form 16A results	Results in form 17A	ECK official final result	Correct addition of ECK final results	Variances
	A	B	C	D	C - A
Presidential:					
<i>Kibaki Mwai</i>	156	148	148		(8)
<i>Kukubo Nixon</i>	1	1	1		-
<i>Matiba Kenneth</i>	2	3	3		1
<i>Musyoka Stephen</i>	9	7	7		(2)
<i>Mwangi Pius</i>	4	5	5		1
<i>Ngacha Joseph</i>	-	-	-		-
<i>Ngethe David</i>	5	4	4		(1)
<i>Odinga Raila</i>	56,022	53,202	53,202		(2,820)
<i>Rajput Nazlin</i>	15	16	16		1
Total valid vote	56,214	54,026	53,173	53,386	(3,041)
Rejected		110	109	109	
Total votes cast	56,214	54,136	53,282	53,495	
Turn-out	90.16%	86.82%	85.45%	85.80%	

Source: Copies of form 16A's; ECK

Note: ECK addition of valid votes wrong. Correct addition in column D.

#### Noted issues:

- A number of form 16A polling station results entered wrongly in form 17A
- A number of forms 16A not signed by presiding officers
- There are a number of polling stations with over 98% turn-out. One of them (085 Thim primary school) has 100% turn-out.
- Under reporting/major variance between own addition and final ECK result, for Odinga Raila.

**Parliamentary****Parliamentary analysis for 182 Bondo**

	Own addition of form 16A results	Results in form 17A	ECK official final result	Variances
	A	B	C	C - A
Parliamentary:				
<i>Agunga Alfred Nyandimo</i>	740	320	321	(419)
<i>Oginga Dr. Oburu</i>	49,511	45,270	45,270	(4,241)
<i>Ogola Gideon Ochanda</i>	7,610	6,841	6,741	(869)
Total valid vote	52,218	52,218	52,332	114
Rejected	..	225	342	..
Total votes cast	..	52,443	52,674	..
Turn-out	..	84.11%	84.48%	..

Source: Copies of form 16A's; ECK

".." means figure not available in original document

**Noted issues:**

- A number of missing forms 16A in the file. Results obtained from form 17A.
- Some form 16A results entered wrongly in form 17A.
- Errors in entry and calculation of results in form 17A by hence a 100.05% share of valid votes by the winning candidate.

**8.7 Bomachoge****Presidential****Presidential analysis for 203 Bomachoge**

	Own addition of form 16A results	Results in form 17A	ECK official final result	Variances
	A	B	C	C - A
Presidential:				
<i>Kibaki Mwai</i>	26,176	26,967	26,967	791
<i>Kukubo Nixon</i>	35	-	-	(35)
<i>Matiba Kenneth</i>	46	19	19	(27)
<i>Musyoka Stephen</i>	224	177	177	(47)
<i>Mwangi Pius</i>	38	52	52	14
<i>Ngacha Joseph</i>	348	312	312	(36)
<i>Ngethe David</i>	57	83	83	26
<i>Odinga Raila</i>	20,043	18,070	18,070	(1,973)
<i>Rajput Nazlin</i>	33	45	45	12
Total valid vote	47,000	45,725	45,725	
Rejected	..	-	3	
Total votes cast	..	45,725	45,728	
Turn-out	..	64.78%	64.78%	

Source: Copies of form 16A's; ECK

".." means figure not given in original document.



*Noted issues*

- Identical results in streams for 002 Amatagaro primary schools
- Cases of forms 16A not signed by presiding officers;

**Parliamentary****Parliamentary analysis for 203 Bomachoge**

	Own addition of form 16A results	Results in form 17A	ECK official final result	Correct addition of 17A totals & ECK final result	Variances
	A	B	C	D	C - A
Parliamentary:					
<i>Atati William Moturi</i>	261	215	215		(46)
<i>Michoti David Mogendi</i>	308	337	337		29
<i>Migiro Samuel Ongori</i>	756	581	581		(175)
<i>Omambia Ben Mogaka</i>	282	299	299		17
<i>Mogeni Samuel Osoro</i>	497	539	539		42
<i>Peter Jim Momanyi</i>	326	316	316		(10)
<i>Mwema Nathan Onkundi Ogesare</i>	80	139	139		59
<i>Nyakora Musa Ondara</i>	413	309	309		(104)
<i>Nyameyio Samson Nyakweba</i>	470	262	262		(208)
<i>Nyamwamu Cyprian Orina</i>	3,397	1,084	1,084		(2,313)
<i>Oigara Cedius N. Nyachwati</i>	354	191	191		(163)
<i>Nyangwara Zaphaniah Moraro</i>	7,231	5,746	5,746		(1,485)
<i>Nyaundi Albert Mbaka</i>	7,159	7,133	7,133		(26)
<i>Obondi Lugard Mogusu</i>	464	442	442		(22)
<i>Obure Ferdinand Ondabu</i>	1,694	824	824		(870)
<i>Nyaundi Simon Ongari</i>	6,219	7,221	7,221		1,002
<i>Oirere Bororo Onyimbo Naftal</i>	747	704	704		(43)
<i>Omagwa Zacharius Nyangena</i>	89	93	93		4
<i>Omboga Johnson Ondego</i>	288	261	261		(27)
<i>Omwemo James Ombasa</i>	499	339	339		(160)
<i>Ondabu Jason</i>	200	308	308		108
<i>Ontiri Machana Mokua</i>	149	165	165		16
<i>Onukoh Paul Nyabere</i>	412	318	308		(104)
<i>Omagwa Joel Onyancha</i>	13,277	9,076	9,076		(4,201)
<i>Koina Onyancha</i>	581	242	242		(339)
<i>Oseko Isaac Mbaka</i>	776	621	621		(155)
<i>Masea Arnold Benson Ototo</i>	402	266	266		(136)
<i>Siagi Moses Nyandieka</i>	438	450	450		12
Total valid vote	..	..	38,481	38,471	..
Rejected	..	..	3	3	..
Total votes cast	..	..	38,484	38,474	..
Turn-out	..	..	54.52%	54.50%	..

Source: Copies of form 16A's; ECK

Note: Addition in final ECK result for valid is wrong, correct addition in column D.

".." means figure not given in original document.

## 8.8 Juja

### Presidential

#### Presidential analysis for 100 Juja

	Own addition of form 16A results and correct additions	Results in form 17A & 16	ECK final published result	Variances
	A	B	C	C - A
Presidential candidate:				
<i>Kibaki Mwai</i>	101,003	100,390	100,390	(613)
<i>Kukubo Nixon</i>	16	35	35	19
<i>Matiba Kenneth</i>	47	67	67	20
<i>Musyoka Stephen</i>	4,986	4,409	4,409	(577)
<i>Mwangi Pius</i>	92	80	80	(12)
<i>Ngacha Joseph</i>	257	219	219	(38)
<i>Ngethe David</i>	21	61	61	40
<i>Odinga Raila</i>	13,948	13,752	13,752	(196)
<i>Rajput Nazlin</i>	48	37	37	(11)
Total valid vote	120,418	119,050	119,050	(1,368)
Rejected	..	914	914	
Total votes cast	..	119,964	119,964	
Turn-out	..	73.30%	73.30%	

Source: Copies of form 16, 16As and 17 from ECK

Note: Can't compare with form 16 figures as two form 16s with differing figures exist.

".." means figure not given in original document.

#### Noted issues:

- A number of form 16A that are not signed by presiding officers
- A few form 16As with signatures that look different by same presiding officer name.
- Variances between own addition and final ECK results.
- A number of presiding officers indicated names and details of voters allowed to vote from black book and double/multiple register.

**Parliamentary****Parliamentary analysis for 100 Juja**

	Own addition of form 16A results	Results in form 17A & 16	ECK official final result	Variances
	A	B	C	C - A
Parliamentary candidate:				
<i>Enos David Nzioka</i>	2,813	2,653	2,653	(160)
<i>Gathua Eunice Gathigia</i>	1,032	832	832	(200)
<i>Gitau William Kabogo</i>	34,114	32,987	32,987	(1,127)
<i>Githaiga Dick Maina</i>	2,649	2,621	2,621	(28)
<i>Kamamia Beatrice Wairimu</i>	277	268	268	(9)
<i>Kiama Peter Wangai</i>	287	272	272	(15)
<i>Kibugu Agness Wangui</i>	1,029	973	973	(56)
<i>Kihara Freddie Kirima</i>	430	472	472	42
<i>Kirika Mary Wanjiru Mwaniki</i>	661	661	661	-
<i>Moreka David Nyamache</i>	7,651	7,410	7,410	(241)
<i>Ndabi Stephen Ndichu</i>	2,964	2,924	2,924	(40)
<i>Ng'ang'a Alice Wambui</i>	9,541	9,252	9,252	(289)
<i>Thuo George</i>	55,728	52,321	52,321	(3,407)
Total valid vote	119,176	113,646	113,646	(5,530)
Rejected	..	1,162	1,162	
Total votes cast	..	114,808	114,808	
Turn-out, %	..	70.15%	70.15%	

Source: Copies of form 16, 16As and 17 from ECK

".." means no figure given in original document.

***Noted issues:***

- A number of form 16A not in file, figures read from form 17A
- A large number of form 16As not entered in form 17A
- Form 16As with same name of presiding officers but different signatures

## 8.9 Molo

### Presidential

#### Presidential analysis for 138 Molo

	Own addition of form 16A results and correct additions	Results in form 17A	ECK final published result	Correct addition of ECK final results	Variances
	A	B	C	D	C - A
Presidential candidate:					
<i>Kibaki Mwai</i>	75,314	75,611	75,261		(53)
<i>Kukubo Nixon</i>	12	11	12		-
<i>Matiba Kenneth</i>	44	45	46		2
<i>Musyoka Stephen</i>	263	264	222		(41)
<i>Mwangi Pius</i>	38	35	19		(19)
<i>Ngacha Joseph</i>	303	294	266		(37)
<i>Ngethe David</i>	43	42	34		(9)
<i>Odinga Raila</i>	22,510	22,580	23,268		758
<i>Rajput Nazlin</i>	18	15	12		(6)
Total valid vote	98,545	98,897	99,143	99,140	598
Rejected	..	1,016	923	923	..
Total votes cast	..	99,913	100,066	100,063	..
Turn-out	..	79.07%	79.19%	79.19%	..

Source: Copies of form 16, 16As and 17 from ECK

".." means figures not given in original document.

Note: Figure for valid votes by ECK wrong; correct addition done in column D.

**Parliamentary****Parliamentary analysis for 138 Molo**

	Own addition of form 16A results	Results in form 17A	ECK official final result	Variances
	A	B	C	C - A
Parliamentary candidate:				
<i>Ayub Jesse Mwaniki</i>	243		302	59
<i>Gaithya Simon Ndungu</i>	448		545	97
<i>Philip Nduhiu Githambo</i>	164		191	27
<i>Karanja Kabage</i>	4605		5,436	831
<i>Joyce Njoki Karimi</i>	131		175	44
<i>Kiarie stephen Karanja</i>	153		175	22
<i>Kimani Joseph Kamau</i>	228		271	43
<i>Kinyanjui Johnson Mwamba</i>	551		868	317
<i>Manini George Githua</i>	161		247	86
<i>Mukiri Macharia</i>	601		764	163
<i>John Njenga Mungai</i>	6,865		10,340	3,475
<i>Njogu James Mwangi</i>	780		718	(62)
<i>Kiuna Joseph Nganga</i>	43,243		54,057	10,814
<i>Dickson Ngigi Ngugi</i>	113		123	10
<i>Njeri Mary Kulankash</i>	80		95	15
<i>Wambui Florence Njoroge</i>	99		118	19
<i>Karanja Njoroge Mungai</i>	350		513	163
<i>Njoroge Philip Thuo</i>	48		84	36
<i>Njunga Michael</i>	214		348	134
<i>Sang Peter Kipnetich</i>	17,885		18,603	718
<i>Maina Stephen Thuo</i>	59		84	25
<i>Tonui Samwel Kipkemoi</i>	171		666	495
Total valid vote	77,192	..	94,725	17,533
Rejected	..	..	1,242	
Total votes cast	..	..	95,967	
Turn-out, %	..	..	75.95%	

Source: Copies of form 16As and 17 from ECK

Note: Correct figure for valid votes on column C is 94,723, making total cast 95,965.

***Noted issues***

- A number of form 16A missing from file; can't be read from 17A as the file contains no form 17A, which has been explained by the Returning Officer
- A number of form 16A not signed by presiding officers
- Some form 16As look incomplete as they miss names of some candidates

## 8.10 Maragwa

### Presidential

#### Presidential analysis for 095 Maragwa

	Own addition of form 16A results	Results in form 17A & 16	ECK official final result	Correct addition of 17A totals & ECK final result	Variances
	A	B	C		C - A
Presidential:					
<i>Kibaki Mwai</i>	56,429	56,439	56,439		10
<i>Kukubo Nixon</i>	15	15	15		-
<i>Matiba Kenneth</i>	26	25	25		(1)
<i>Musyoka Stephen</i>	577	564	564		(13)
<i>Mwangi Pius</i>	28	29	29		1
<i>Ngacha Joseph</i>	205	198	198		(7)
<i>Ngethe David</i>	10	10	10		-
<i>Odinga Raila</i>	471	460	460		(11)
<i>Rajput Nazlin</i>	13	14	14		1
Total valid vote	57,774	59,795	59,795	57,754	2,021
Rejected	..	322	322	322	
Total votes cast	..	60,117	60,117	58,076	
Turn-out	..	85.24%	85.24%	82.35%	

Source: Copies of form 16A's; ECK

#### Noted issues

- A form 16A not signed by presiding officer but by deputy presiding officer
- A form 16A with different signatures but same results

**Parliamentary****Parliamentary analysis for 095 Maragwa**

	Own addition of form 16A results	Results in form 17A	ECK official final result	Variances
	A	B	C	C - A
Parliamentary:				
<i>Elias Peter Mbau</i>	18,355	18,266	18,266	(89)
<i>Gituabiah Paul</i>	613	623	623	10
<i>Kariuki Maina John</i>	4,915	5,036	5,036	121
<i>Kimani Mathew Mwangi</i>	2,244	2,194	2,194	(50)
<i>Kioi Mark Kamande</i>	803	756	756	(47)
<i>Macharia Francis Gachihi</i>	2,481	2,345	2,345	(136)
<i>Maluki Mohammed Omari</i>	187	3,553	3,553	3,366
<i>Mwangi Peter Kamade</i>	16,806	16,531	16,531	(275)
<i>Mwaura John B Kirore</i>	1,439	1,458	1,458	19
<i>Mwirigi Maurice Njunguna</i>	811	798	798	(13)
<i>Nganga Samwel Kamunu</i>	392	403	403	11
<i>Ngugi Martin Njunguna</i>	307	272	272	(35)
<i>Ngwiri Simon W. Kimani</i>	225	200	200	(25)
<i>Njue John Muguini</i>	187	158	158	(29)
<i>Wainaina Peterson</i>	357	349	349	(8)
<i>Watailor Stephen N Kinuthia</i>	6,335	5,221	5,221	(1,114)
Total valid vote	56,457	58,163	58,163	..
Rejected	..	736	736	..
Total votes cast	..	58,899	58,899	..
Turn-out	..	83.52%	83.52%	..

Source: Copies of form 16A's; ECK

***Noted issues***

- A number of forms 16A signed by deputy presiding officer
- Some forms 16A not in file but figures read from form 17A

## 8.11 North Imenti

### Presidential

#### Presidential analysis for 051 North Imenti

	Own addition of form 16A results	Results in form 17A	ECK official final result	Variances
	A	B	C	C - A
Presidential:				
<i>Kibaki Mwai</i>	89,691	84,006	78,684	(11,007)
<i>Kukubo Nixon</i>	22	20	18	(4)
<i>Matiba Kenneth</i>	46	45	37	(9)
<i>Musyoka Stephen</i>	821	460	802	(19)
<i>Mwangi Pius</i>	115	113	107	(8)
<i>Ngacha Joseph</i>	301	245	476	175
<i>Ngethe David</i>	60	26	16	(44)
<i>Odinga Raila</i>	3,617	3,300	3,370	(247)
<i>Rajput Nazlin</i>	30	52	25	(5)
Total valid vote	94,703	88,267	83,535	
Rejected	..	..	653	
Total votes cast	..	..	84,188	
Turn-out	..	..	67.92%	

Source: Copies of form 16A's; ECK

".." means figure not given in original document.

#### Noted issues

- A number of forms 16A not in file, and a look at form 17A shows that the names of those stations are indicated but no results entered. They are blank in form 17A.
- Some forms 16A not signed by presiding officers.
- Two forms 16A with identical results (in 054 Gikumeme primary school).
- Some problems in entries of polling station 135 Njuri Ncheke street in form 17A
- A correct addition of candidates' results from polling stations gives different aggregate figures in form 17A, as follows: Kibaki Mwai 85,178; Kukubo Nixon 20; Matiba Kenneth 45; Musyoka Stephen 460; Mwangi Pius 112; Ngacha Joseph 250; Odinga Raila 3,295; Rajput Nazlin 52; and Ngethe David 26. This translates to total valid votes 89,438.



**Parliamentary****Parliamentary analysis for 051 North Imenti**

	Own addition of form 16A results	Results in form 17A	ECK official final result	Correct addition of 17A totals & ECK final result	Variances
	A	B	C	D	C - A
Parliamentary:					
<i>Akandi Fredrick Kiogora</i>	1,785		1,252		(533)
<i>Angaine John Mugambi</i>	11,235		9,266		(1,969)
<i>Gichuru Francis Xaxier</i>	1,157		1,008		(149)
<i>Kiogora Abonyai Mutuerandu</i>	3,407		3,770		363
<i>Marete Isack Kinoti</i>	264		596		332
<i>Mbeeria Jeremiah baariu</i>	1,353		1,219		(134)
<i>Mbuba Peter Rwanda</i>	449		526		77
<i>Meenye gideon Kaumbuthu</i>	9,531		8,275		(1,256)
<i>Mugah Paul Murungah</i>	1,119		975		(144)
<i>Muthamia Morris morgan</i>	1,028		706		(322)
<i>Mwiraria Daudi</i>	22,867		20,422		(2,445)
<i>Mburugu Ephriam mwirigi</i>	766		574		(192)
<i>Ringera Karambu Lillian</i>	2,073		1,758		(315)
<i>Ringera Stephen Kirimi</i>	2,066		1,758		(308)
<i>Ruteere Silas Muriuki</i>	33,444		30,603		(2,841)
<i>Terah Flora Igoki</i>	1,469		720		(749)
Total valid vote	94,013	..	83,364	83,428	..
Rejected	..	..	794	794	..
Total votes cast	..	..	84,158	84,222	..
Turn-out	..	..	67.90%	67.95%	..

Source: Copies of form 16A's; ECK

Note: Addition in final ECK result for valid is wrong, correct addition in column D.

".." means figure not given in original document.

***Noted issues***

- A number of forms 16A not in file, and a look at form 17A shows that the names of those stations are indicated but no results indicated. They are blank in form 17A ; others are cancelled out.
- Identical results in 011 Madaraka primary school streams A and C.

## 8.12 Wajir North

### Presidential

#### Presidential analysis for 034 Wajir north

	Own addition of form 16A results and correct additions	Results in form 17A	ECK final published result	Variances
	A	B	C	C - A
Presidential candidate:				
<i>Kibaki Mwai</i>	5,084	5,244	5244	160
<i>Kukubo Nixon</i>	5	5	5	-
<i>Matiba Kenneth</i>	6	5	7	1
<i>Musyoka Stephen</i>	30	29	29	(1)
<i>Mwangi Pius</i>	4	3	3	(1)
<i>Ngacha Joseph</i>	6	6	6	-
<i>Ngethe David</i>	4	4	4	-
<i>Odinga Raila</i>	5,166	4,988	4988	(178)
<i>Rajput Nazlin</i>	6	5	6	-
Total valid vote	10,312	10,289	10,292	(20)
Rejected	35	28	-	
Total votes cast	10,347	10,317	10,292	
Turn-out	72.99%	72.78%	72.60%	

Source: Copies of form 16, 16As and 17 from ECK

#### Noted issues

- Few issues noted, save for the fact that our own count indicates 35 rejected votes, 28 indicated on form 17A, but final results show none.

### Parliamentary

#### Parliamentary analysis for 034 Wajir north

	Own addition of form 16A results	Results in form 17A	ECK official final result	Variances
	A	B	C	C - A
Parliamentary candidate:				
<i>Abdullahi Ibrahim Abdi</i>	147	147	147	-
<i>Ahmed Maalim Omar</i>	877	877	877	-
<i>Ali Abdi Hussein</i>	1,933	1,933	1,933	-
<i>Ali Abdullahi Ibrahim</i>	3,675	3,675	3,675	-
<i>Mohammed Hussein Gabbow</i>	3,675	3,675	3,675	-
<i>Omar Hassan Elmi</i>	7	7	7	-
Total valid vote	10,314	10,314	10,314	-
Rejected	32	33	-	
Total votes cast	10,346	10,347	10,314	
Turn-out, %	72.98%	72.99%	72.76%	

Source: Copies of form 16, 16As and 17 from ECK

*Noted issues:*

- Few issues noted, save for the fact that our own count indicates 5 “objected to” votes, which are not indicated on the final result. These could not have been later classified as “rejected votes”, as number of rejected votes moves from 32 to 33 only.
- In this constituency where there was a tie, fate of these 5 ‘objected to’ votes is crucial.

### 8.13 Kieni

#### Presidential

##### Presidential analysis for 082 Kieni

	Own addition of form 16A results and correct additions	Results in form 17A	ECK final published result	Variances
	A	B	C	C - A
Presidential candidate:				
<i>Kibaki Mwai</i>	72,354	72,054	72,054	(300)
<i>Kukubo Nixon</i>	9	6	6	(3)
<i>Matiba Kenneth</i>	13	12	12	(1)
<i>Musyoka Stephen</i>	62	58	58	(4)
<i>Mwangi Pius</i>	26	25	25	(1)
<i>Ngacha Joseph</i>	153	150	150	(3)
<i>Ngethe David</i>	7	5	5	(2)
<i>Odinga Raila</i>	612	580	580	(32)
<i>Rajput Nazlin</i>	6	6	6	-
Total valid vote	73,242	72,197	72,896	(346)
Rejected	..	161	161	..
Total votes cast	..	72,358	73,057	..
Turn-out	..	85.44%	86.27%	..

Source: Copies of form 16, 16As and 17 from ECK

".." means figures not given in original document.

#### Noted issues

- Some forms 16A missing in file but were also not entered in 17A
- Some forms have name of same presiding officers but signatures look different
- Number of registered voters indicated in form 17A (87,200) differs from that indicated in ECK final result (84,687).

**Parliamentary****Parliamentary analysis for 082 Kieni**

	Own addition of form 16A results	Results in form 17A	ECK official final result	Variances
	A	B	C	C - A
Parliamentary candidate:				
<i>Gichuru Michael Wachira</i>	388	-	377	(11)
<i>Gitonga Peter Mathenge</i>	1238	-	1252	14
<i>Kairu James Wanderi</i>	310	-	600	290
<i>Karanja John Kamunya</i>	86	-	243	157
<i>Karanja John Muhia</i>	289	-	140	(149)
<i>Kihagi Isaac Ngatia</i>	2,564	-	2,272	(292)
<i>Macharia Edwin Mwangi</i>	5,331	-	5,335	4
<i>Maina Muchiri Kiuma</i>	482	-	421	(61)
<i>Muriithi Kenneth Kamunya</i>	183	-	855	672
<i>Murungaru Christopher Ndarathi</i>	8,827	-	8,460	(367)
<i>Ndung'u James Mathenge</i>	287	-	255	(32)
<i>Wachira Charity Gathoni</i>	124	-	66	(58)
<i>Wanderi Francis Mathenge</i>	625	-	599	(26)
<i>Warugongo Nemesysus</i>	50,793	-	51,394	601
Total valid vote	71,527	..	72,269	742
Rejected	..	..	1,629	
Total votes cast	..	..	73,898	
Turn-out, %	..	..	87.26%	

Source: Copies of form 16, 16As and 17 from ECK

***Noted issues***

- A few Form 16A not signed by presiding officers
- Some two of them appear to have different signatures of the same presiding officer

## 8.14 Lari

### Presidential

#### Presidential analysis for 105 Lari

	Own addition of form 16A results and correct additions	Results in form 17A	ECK final published result	Variances
	A	B	C	C - A
Presidential candidate:				
<i>Kibaki Mwai</i>	49,280	49,276	49,276	(4)
<i>Kukubo Nixon</i>	7	8	8	1
<i>Matiba Kenneth</i>	15	7	7	(8)
<i>Musyoka Stephen</i>	70	32	32	(38)
<i>Mwangi Pius</i>	16	16	16	-
<i>Ngacha Joseph</i>	157	67	61	(96)
<i>Ngethe David</i>	4	4	4	-
<i>Odinga Raila</i>	458	457	457	(1)
<i>Rajput Nazlin</i>	3	3	3	-
Total valid vote	50,010	49,864	49,864	(146)
Rejected	740	218	218	
Total votes cast	50,750	50,082	50,082	
Turn-out	85.45%	84.33%	84.33%	

Source: Copies of form 16, 16As and 17 from ECK

- Few issues noted, except variances in final ECK results.

**Parliamentary****Parliamentary analysis for 105 Lari**

	Own addition of form 16A results	Results in form 17A	ECK official final result	Correct addition of ECK official final result	Variances
	A	B	C	D	C - A
Parliamentary candidate:					
<i>Burugu John Njuguna</i>	7616	7,615	7615		(1)
<i>Chege Mburu Tiras</i>	456	456	456		-
<i>Gitonga Gichuru Philip</i>	208	211	211		3
<i>Kagunyi Njari Francis</i>	8739	8,876	8876		137
<i>Kamau Anthony Njihia</i>	104	97	77		(27)
<i>Kimani Douglas</i>	386	343	343		(43)
<i>Kimani Ndungu Walter</i>	3,837	3,836	3,836		(1)
<i>Kimathi James Viscount</i>	3,254	3,654	3,654		400
<i>Kuria Kimani David</i>	2,303	2,280	2,280		(23)
<i>Mwai Wangui Pauline</i>	450	455	455		5
<i>Mwaura David Njuguna Kiburi</i>	11,847	11,855	11,855		8
<i>Mwangi Jonah Mburu</i>	8,005	8,804	8,835		830
<i>Mweja David Wairiri</i>	938	938	938		-
<i>Nganga Caroline Wambui</i>	336	326	326		(10)
<i>Nyambura Samuel Njagu</i>	112	110	1,110		998
<i>Nyota Njohn K</i>	767	772	772		5
<i>Turuthi Gad Githengu</i>	52	53	53		1
Total valid vote	49,410	..	50,681	51,692	1,271
Rejected	468	..	334	334	
Total votes cast	49,878	..	51,015	52,026	
Turn-out, %	83.98%	..	85.90%	87.60%	

Source: Copies of form 16, 16As and 17 from ECK

***Noted issues***

- Some wrong entries for candidates' results in 17A
- Some forms 16A not signed but just stamped with ECK presiding officer stamp

## 8.15 Malava

### Presidential

#### Presidential analysis for 155 Malava

	Own addition of form 16A results	Results in form 17A	ECK official final result	Variances
	A	B	C	C - A
Presidential:				
<i>Kibaki Mwai</i>	18,152	17,969	14,712	(3,440)
<i>Kukubo Nixon</i>	66	40	92	26
<i>Matiba Kenneth</i>	119	146	126	7
<i>Musyoka Stephen</i>	346	342	340	(6)
<i>Mwangi Pius</i>	102	85	99	(3)
<i>Ngacha Joseph</i>	365	94	147	(218)
<i>Ngethe David</i>	83	128	72	(11)
<i>Odinga Raila</i>	26,355	25,818	19,891	(6,464)
<i>Rajput Nazlin</i>	27	26	28	1
Total valid vote	45,615	44,648	35,507	
Rejected	..	..	71	
Total votes cast	..	..	35,578	
Turn-out	..	..	52.91%	

Source: Copies of form 16A's; ECK

".." means figure not available in original document.

Note: These figures obtained with 22 forms 16A that were not in file and figures were missing in 17A. If those are included, totals and variances might change.

#### Noted issue

- The first 17, and another set of forms 16A, in total 22 of them, not in the constituency file and not in form 17A.



**Parliamentary****Parliamentary analysis for 155 Malava**

	Own addition of form 16A results	Results in form 17A	ECK official final result	Correct addition of 17A totals & ECK final result	Variances
	A	B	C	D	C - A
Parliamentary:					
<i>Caleb Ambulwa Murudi</i>	183	189	291		108
<i>Edward Juma Saya Malovi</i>	448	411	305		(143)
<i>Mukonyi Stephen Aswala</i>	142	159	82		(60)
<i>Nambwa sakaya Musavinyi</i>	20,466	19,323	18,641		(1,825)
<i>Sakataka William</i>	530	978	427		(103)
<i>Sakwa Tom Alphew</i>	154	2,852	107		(47)
<i>Soita Peter Shitanda</i>	21,059	20,038	19,374		(1,685)
<i>Tanga Harrison Webbo</i>	600	974	395		(205)
<i>Wakukha George Munji</i>	1,125	1,095	832		(293)
Total valid vote	44,707	46,019	41,864	40,454	..
Rejected	..	..	1,119	1,119	..
Total votes cast	..	..	42,983	41,573	..
Turn-out	..	..	63.92%	61.83%	..

*Source: Copies of form 16A's; ECK*

*Note: Wrong additions of valid in ECK figures. Correct additions gives 40,454 valid votes, as done in column D.*

*These figures obtained with 22 forms 16A that were not in file and figures were missing in 17A.*

*If those are included, totals for candidates and variances will increase.*

***Noted issue***

- The first 17, and another set of forms 16A, in total 22 of them, not in the constituency file and not in form 17A.

## 8.16 Masinga

### Presidential

#### Presidential analysis for 066 Masinga

	Own addition of form 16A results and correct additions	Figures from form 16	ECK official, published result	Variances
	A	B	C	C - A
Presidential candidate:				
<i>Kibaki Mwai</i>	2,341	2,344	1,038	(1,303)
<i>Kukubo Nixon</i>	37	38	33	(4)
<i>Matiba Kenneth</i>	22	112	107	85
<i>Musyoka Stephen</i>	33,659	33,729	21,225	(12,434)
<i>Mwangi Pius</i>	29	47	35	6
<i>Ngacha Joseph</i>	42	31	42	-
<i>Ngethe David</i>	6	4	3	(3)
<i>Odinga Raila</i>	387	462	238	(149)
<i>Rajput Nazlin</i>	155	165	221	66
Total valid vote	36,678	36,932	22,942	(13,736)
Rejected	..	..	399	
Total votes cast	..	..	23,341	
Turn-out	..	..	45.50%	

Source: Copies of form 16, 16As and 17 from ECK

".." means figures not given in original document.

#### Noted issues

- Mishandling of certain pages of form 17A explained by the returning officer in a letter to ECK. The explanation might need to be scrutinized for consistency and accuracy.
- Even with this RO explanation, the final ECK results greatly differs from the form 16 results, which is the statutory basis for any ECK announcement.

**Parliamentary****Parliamentary analysis for 066 Masinga**

	Own addition of form 16A results	Results in form 16	ECK official final result	Corrected ECK final result	Variances
	A	B	C	D	C - A
Parliamentary candidate:					
<i>Kabaka Boniface Mutinda</i>	3,094	2,901	2,901		(193)
<i>Katu Peter Masilu</i>	362	370	370		8
<i>Kiala Bernard Muia</i>	4,122	4,052	4,052		(70)
<i>Kiluta Ronald John</i>	2,223	1,892	1,892		(331)
<i>Kisulu Festus Kivata</i>	429	314	314		(115)
<i>Kithyaka Joseph Muthami</i>	230	214	214		(16)
<i>Kitua Daniel Muinde</i>	1,033	882	882		(151)
<i>Mbai Benson Itwiku</i>	10,274	9,164	9,164		(1,110)
<i>Mbaluka Joel</i>	2,519	2,245	2,245		(274)
<i>Musila Paul Muoki</i>	2,348	2,179	2,179		(169)
<i>Mutisya Josephat Mutunga</i>	288	263	64		(224)
<i>Mutisya Simon Makao</i>	73	64	64		(9)
<i>Mutuku Peter Nicholas</i>	769	552	552		(217)
<i>Mutunga Sheila Phyllis Mwikali</i>	394	379	379		(15)
<i>Mwalyo Joshua Mbithi</i>	9,024	8,435	8,435		(589)
<i>Ndivo Rosalia Kanini</i>	150	99	99		(51)
<i>Ndolo Simon Silla</i>	80	90	90		10
<i>Ngungu Janet Syovata</i>	171	167	167		(4)
<i>Wambua Lois Mutanya</i>	117	109	109		(8)
Total valid vote	37,700	34,371	34,371	34,172	
Rejected	..	547	547	547	
Total votes cast	..	34,918	34,818	34,719	
Turn-out, %	..	68.06%	67.87%	67.68%	

Source: Copies of form 16, 16As and 17 from ECK

".." means figures not given in original document.

***Noted issues***

- Some form 16A missing names of candidates
- Some form 16A not signed by presiding officers; others signed "for" presiding officer
- Same number of missing forms 16A (22) in the constituency file and in 17A

## 8.17 Changamwe

### Presidential

#### Presidential analysis for 009 Changamwe

	Own addition of form 16A results and correct additions	Results in form 16	ECK final published result	Variances
	A	B	C	C - A
Presidential candidate:				
<i>Kibaki Mwai</i>	15,151	9,366	9,366	(5,785)
<i>Kukubo Nixon</i>	20	15	15	(5)
<i>Matiba Kenneth</i>	20	15	15	(5)
<i>Musyoka Stephen</i>	8,368	5,347	5,347	(3,021)
<i>Mwangi Pius</i>	121	74	74	(47)
<i>Ngacha Joseph</i>	67	44	44	(23)
<i>Ngethe David</i>	18	14	14	(4)
<i>Odinga Raila</i>	29,648	17,706	17,706	(11,942)
<i>Rajput Nazlin</i>	55	33	33	(22)
Total valid vote	53,468	32,614	32,614	(20,854)
Rejected	509	..	-	
Total votes cast	..	..	32,614	
Turn-out	..	..	30.33%	..

Source: Copies of form 16, 16As and 17 from ECK

".." means figures not given in original document.

Note: Figure for rejected in column A could be an underestimation because some form 16As were not indicating figure of rejected votes in respective polling stations.

#### Noted issues

- Mostly, some forms 16A figures entered wrongly in form 17A
- Major discrepancies between our own totals and final ECK results

## 8.18 Machakos Town

### Presidential

#### Presidential analysis for 070 Machakos town

	Own addition of form 16A results	Results in form 17A	ECK official final result	Correct addition of 17A totals & ECK final result	Variances
	A	B	C	D	C - A
Presidential:					
<i>Kibaki Mwai</i>	4,954	4,547	3,187		(1,767)
<i>Kukubo Nixon</i>	35	36	24		(11)
<i>Matiba Kenneth</i>	36	36	28		(8)
<i>Musyoka Stephen</i>	55,785	53,167	41,295		(14,490)
<i>Mwangi Pius</i>	70	68	41		(29)
<i>Ngacha Joseph</i>	69	67	50		(19)
<i>Ngethe David</i>	17	17	11		(6)
<i>Odinga Raila</i>	1,515	1,312	812		(703)
<i>Rajput Nazlin</i>	406	359	353		(53)
Total valid vote	62,887	59,609	45,811	45,801	
Rejected	..	..	2,839	2,839	
Total votes cast	..	..	48,650	48,640	
Turn-out	..	..	51.29%	51.28%	

Source: Copies of form 16A's; ECK

".." means figure not given in original document.

#### Noted issues

- Some form 16A not in file and form 17A; some are blank even in the 17A

**Parliamentary****Parliamentary analysis for 070 Machakos town**

	Own addition of form 16A results	Results in form 17A	ECK official final result	Correct addition of 17A totals & ECK final result	Variances
	A	B	C	D	C - A
Parliamentary:					
<i>Benson Bahati Mutua</i>	240	..	272		32
<i>Daudi Fredrick Mwanzia</i>	13,545	..	13,607		62
<i>Jones Kavivya Nzau</i>	609	..	1,023		414
<i>Kaloki Collins Kitaka</i>	7,207	..	6,908		(299)
<i>Kamelo Alforce Mwangangi</i>	2,049	..	2,138		89
<i>Kimanthi Florence mbeti</i>	2,484	..	2,507		23
<i>Kimeu Charles Nthiwa</i>	242	..	283		41
<i>Mbithi Roseann Katheu</i>	272	..	278		6
<i>Mothoka Stephen Makau</i>	896	..	946		50
<i>Mukua Solomon Kimuyu</i>	176	..	169		(7)
<i>Munyaka Victor Kioko</i>	25,186	..	24,647		(539)
<i>Musyoka Susan Mbinya</i>	6,064	..	6,049		(15)
<i>Musyoki Alphonse Mbinda</i>	999	..	986		(13)
<i>Mutua Richard Mulu</i>	165	..	331		166
<i>Mwamisi Timothy Wambua</i>	872	..	720		(152)
<i>Nzengu Edward Kioko</i>	1,351	..	982		(369)
Total valid vote	62,357	..	61,848	61,846	..
Rejected	..	..	1,010	1,010	..
Total votes cast	..	..	62,858	62,856	..
Turn-out	..	..	66.28%	66.27%	..

Source: Copies of form 16A's; ECK

Note: Addition in final ECK result for valid is wrong, correct addition in column D.

".." means figure not given in original document.

***Noted issues***

- Some form 16A not in file and form 17A; some are blank even in the 17A
- Many differences in valid votes at the polling station level

## 8.19 Central Imenti

### Presidential

#### Presidential analysis for 052 Central imenti

	Own addition of form 16A results	Results in form 17A	ECK official final result	Variances
	A	B	C	C - A
Presidential:				
<i>Kibaki Mwai</i>	58,811	43,410	43,410	(15,401)
<i>Kukubo Nixon</i>	16	8	8	(8)
<i>Matiba Kenneth</i>	19	13	13	(6)
<i>Musyoka Stephen</i>	185	130	130	(55)
<i>Mwangi Pius</i>	69	51	51	(18)
<i>Ngacha Joseph</i>	256	157	157	(99)
<i>Ngethe David</i>	16	12	12	(4)
<i>Odinga Raila</i>	1,585	1,108	1,108	(477)
<i>Rajput Nazlin</i>	15	18	18	3
Total valid vote	60,972	44,907	44,907	
Rejected	..	..	302	
Total votes cast	..	..	45,209	
Turn-out	..	..	57.78%	

Source: Copies of form 16A's; ECK

".." means figure not given in original document.

#### Noted issues

- One form 16A not in file; figures obtained from form 17A.
- Large discrepancy between own additions and form 17A and ECK final results

**Parliamentary****Parliamentary analysis for 052 Central Imenti**

	Own addition of form 16A results	Results in form 17A	ECK official final result	Variances
	A	B	C	C - A
Parliamentary:				
<i>Imanyara Gitobu</i>	14,980		14,601	(379)
<i>Kirea Salome Gathuni</i>	463		447	(16)
<i>Kirima Moses Nguchine</i>	10,074		9,936	(138)
<i>Kirugi Nelson Kaimeny</i>	3,499		3,415	(84)
<i>Kiugu Geoffrey Muriungi</i>	11,491		11,395	(96)
<i>M'Itwerandu Fabian Murugu</i>	1,426		1,418	(8)
<i>M'Mugwika Kimathi Samuel</i>	1,150		1,096	(54)
<i>M'Mukindia Joseph K. Laiboni</i>	3,187		3,244	57
<i>M'Mukiri Andrew Kinyua</i>	948		670	(278)
<i>Magiri Mwirigi Edward</i>	321		345	24
<i>Mboroki Dennis Mbichi</i>	3,140		3,214	74
<i>Mithiga Martin Mugambi</i>	2,757		2,710	(47)
<i>Mugendi Samwel</i>	1,841		1,829	(12)
<i>Murithi Mercy Gacheri</i>	352		358	6
<i>Muthuri Domnic Charles S</i>	1,354		1,243	(111)
<i>Mwiti Gershon Kimeu</i>	1,287		1,281	
<i>Wambutura Justus Gitobu</i>	3,027		3,003	(24)
Total valid vote	61,297	..	60,205	..
Rejected	..	..	602	..
Total votes cast	..	..	60,807	..
Turn-out	..	..	77.72%	..

Source: Copies of form 16A's; ECK

".." means figure not given in original document.

***Noted issues***

- A few form 16A entered wrongly in 17A; others incomplete as they miss names of some candidates



## 8.20 Saku

### Presidential

#### Presidential analysis for 043 Saku

	Own addition of form 16A results	Results in form 17A	ECK official final result	Variances
	A	B	C	C - A
Presidential:				
<i>Kibaki Mwai</i>	7,124	7,124	7,124	-
<i>Kukubo Nixon</i>	6	6	6	-
<i>Matiba Kenneth</i>	9	9	9	-
<i>Musyoka Stephen</i>	1,232	1,232	1,232	-
<i>Mwangi Pius</i>	3	8	8	5
<i>Ngacha Joseph</i>	27	27	27	-
<i>Ngethe David</i>	4	3	3	(1)
<i>Odinga Raila</i>	5,682	5,682	5,682	-
<i>Rajput Nazlin</i>	11	9	9	(2)
Total valid vote	14,098	14,100	14,100	
Rejected	115	..	115	
Total votes cast	14,213	..	14,215	
Turn-out	73.85%	..	73.86%	

Source: Copies of form 16A's; ECK

".." means figure not given in original document.

#### Noted issues

- No issues noted in this file.

**Parliamentary****Parliamentary analysis for 043 Saku**

	Own addition of form 16A results	Results in form 17A	ECK official final result	Variances
	A	B	C	C - A
Parliamentary:				
<i>Abduba Alexander Barilleh</i>	38	42	42	4
<i>Adams Hussein Sheikh</i>	59	66	66	7
<i>Falana Jarson Jillo</i>	3,828	4,080	4,080	252
<i>Safe Mohammad Adan</i>	1,602	1,692	1,692	90
<i>Sasura Hussein Tarry</i>	4,665	4,913	4,913	248
<i>Waqo Halakhe Dida</i>	3,077	3,215	3,215	138
Total valid vote	13,269	14,008	14,008	
Rejected	..	206	206	
Total votes cast	..	14,214	14,214	
Turn-out	..	73.85%	73.85%	

*Source: Copies of form 16A's; ECK*

*Note: Addition in final ECK result for valid is wrong, correct addition in column D.*

*".." means figure not given in original document.*

***Noted issues***

- Few issues noted, save for the variances on between own aggregates.

**9 RESULTS GENERATION AND TRANSMISSION PROCESS**

In order to clearly understand the process undertaken in generating and transmitting results (in other words, how the data evolves bottom up) we attempted to reduce into a simple diagram the process of vote counting, tallying and declarations at the polling station, constituency and national level. This process is outlined in the Presidential and National Assembly Act (cap 7 laws of Kenya), regulations contained therein, and subsequent amendments that have been effected over time. This process is shown in the diagram on the following page.<sup>4</sup>

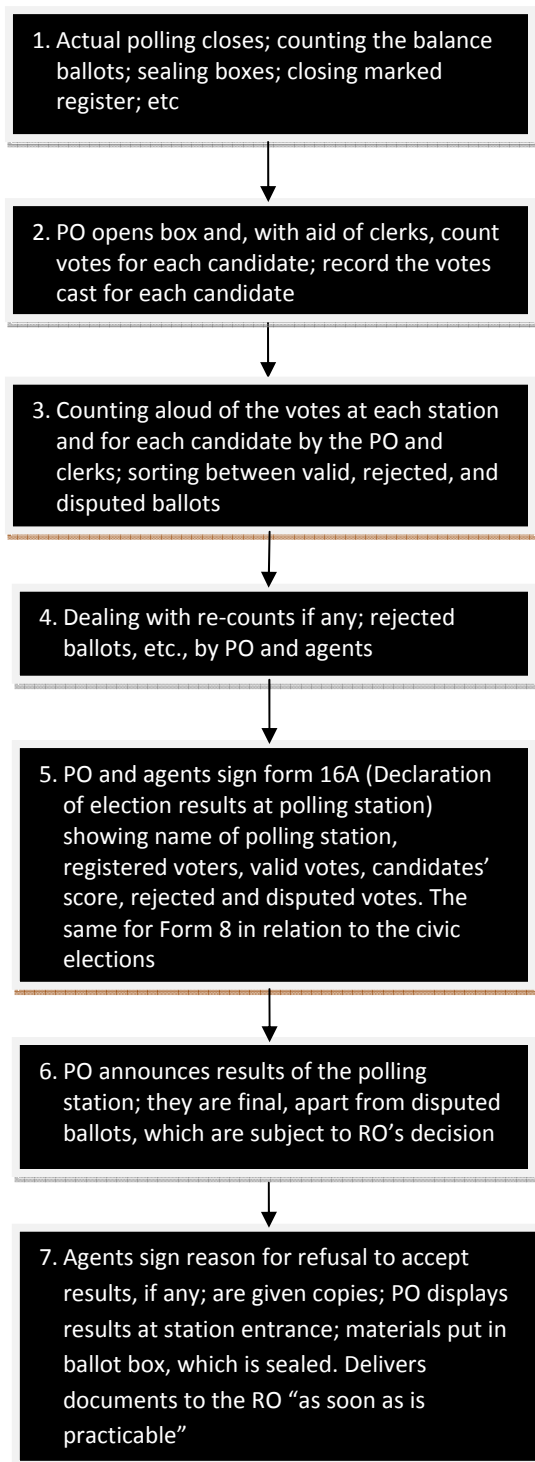
The ECK maintains rigorous system of recording results, tallying them and transmitting them from the polling station or stream up to the national tallying centre. There are statutory forms that must be filled and signed by the respective election officers. The forms are also supposed to be signed by candidates or their agents, if and when they are present in the polling station or constituency tally centre. These statutory forms for parliamentary and presidential elections are as follows:

<sup>4</sup> Obtained from guidelines issued to polling and counting clerks, presiding officers, returning officers by ECK; and regulations from sections 34 to 41 of the Presidential and Parliamentary Elections Act. Also, from transcript of meeting between ECK officials and IREC commissioners held on 16 and 17 May 2008. Colored boxes show step that would normally involve some quantitative additions, transferring of figures, etc.

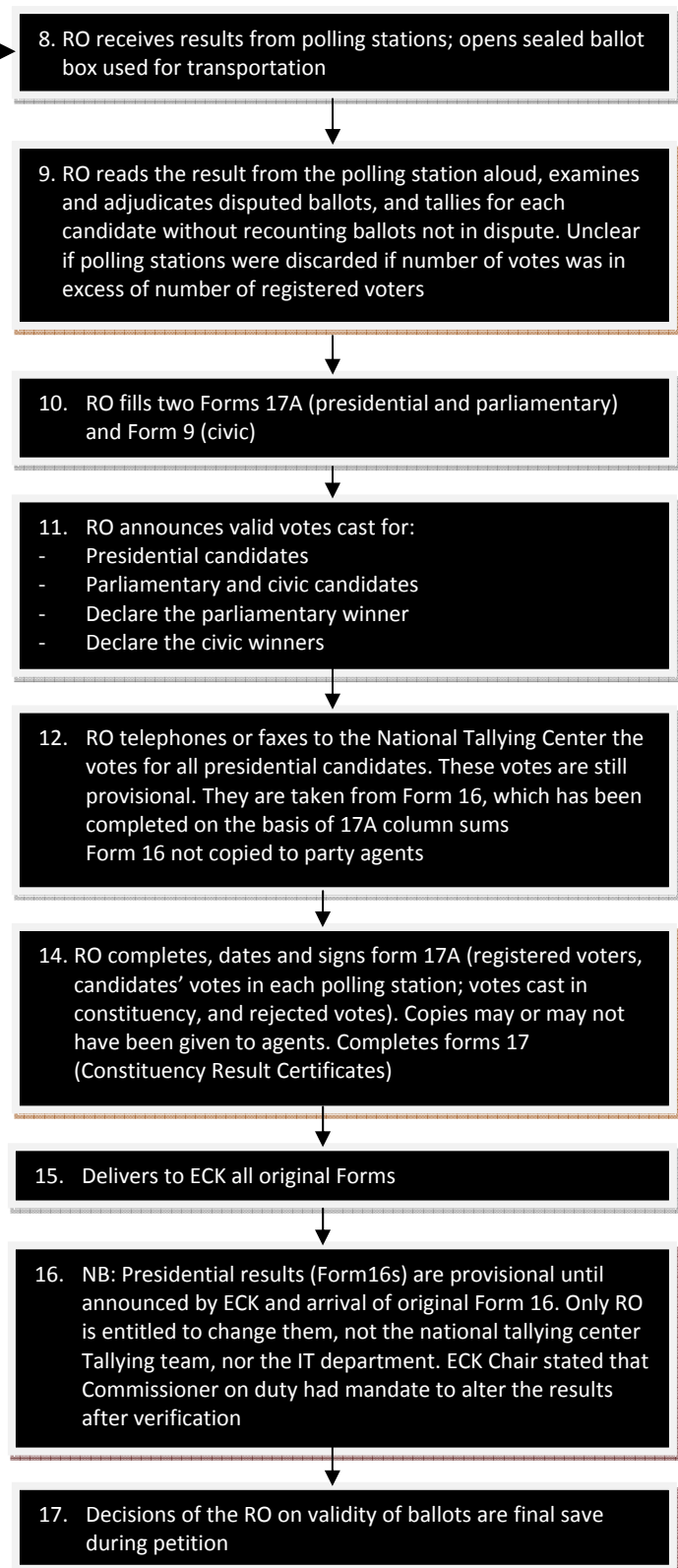
- Form 16A: Declaration of presidential/parliamentary results at polling station (contains registered voters at a polling station, total valid votes, rejected and disputed votes, and the total votes cast for each candidate). It has a non-binding provision for candidates or agents to sign.
- Form 17A: Declaration of results at Constituency level, and its filled by the returning officer at the constituency using all form 16As from polling stations in that constituency. Shows names of polling stations, votes cast for each candidate in all stations, and total votes for each candidate in that constituency. It has a non-binding provision for candidates or agents to sign.
- Form 16: Certificate of results of presidential/parliamentary election, at constituency level; (contains name of returning officer, names and total votes for each presidential candidate, and number of rejected votes). It has no provision for candidates or agents to sign.
- Form 17: Certificate of Results of Parliamentary Election (issued by the returning officer at constituency level showing the name, party and occupation of the candidate who has been elected as MP)

While these forms are essential in the results process, the most important is the form 16, prepared and signed by the returning officer only at the constituency level. It is treated by the ECK as the most final indicator of the results for an entire constituency. The original forms 16 for presidential elections are added up to determine the presidential election winner. By law, any changes to the form 16 can only be made by the returning officer; not even the ECK or its commissioners can make changes in it, even when errors are discovered at the national tally center. In terms of the parliamentary election, once a candidate has been issued with the form 17, he is deemed to be elected as MP. Any disputes arising thereof, cannot even be determined by the ECK, but an election petition court. The returning officer therefore determines a great deal in the final results of the presidential and parliamentary elections.

### POLLING STATION LEVEL:



### CONSTITUENCY LEVEL:



-----> To national level

**NATIONAL LEVEL:**

From constituency level

18. Provisional presidential results are received by phone or fax by one of ten Tallying teams (each handling 21 constituencies). The team fills a constituency-specific pre-printed form and verifies authenticity of results by calling back to the RO (did it always happen?)

- 19.
- The team leader delivers the filled-out form to the IT department, who enters the data into the computer and prints a form with the presidential results as received from the RO and passed on by the verification table. One of the ECK commissioners announces the presidential results for that constituency based on the provisional results.
  - When the RO arrives with the original Form 16 (and accompanying documents), he is shown the form with the printed (in some cases also announced) results; he compares with his original results and signs on if they are identical. It thereby becomes final. If they are not identical, he/the team staff corrects manually the figures on the form. The form is then taken to the IT department, who enters the corrected data in the computer and prints a new result sheet, which is then authenticated by the RO.
  - Unclear if corrected results were announced as such. The IT department in some cases declined to change corrected results, claiming that results could not be changed after having been announced.
  - Evident disagreement between ECK senior staff and Commissioners on the correct procedures in such cases; this might explain some of the problems identified.
  - The tallying teams in some cases checked the correspondence between Form 16 and other Forms (17A). This was, however, the exception rather than the norm.
  - Final presidential results when all 210 Forms 16 have been entered and tallied – or when remaining constituencies could not any longer change the outcome.
  - The ECK Chairman fills Form 18 and delivers it to the winner of the presidential election “at the time and place where the new president shall take the oath of office”

20. Gazettement of the names of those elected. ECK notifies Speaker of the National Assembly of tied elections

21. Disputes over counting or tallying to be lodged to ECK within 24 hours; to order a count provided an ECK decision shall be made within 48 hours of that request. Where a further dispute arises, this has to be taken to an election petition court within 28 days.

## 10 RECOMMENDATIONS

Statistics and numbers are central in any given election. The elaborate preparation by all actors participating in an election comes down to be principally determined by the process of how results are handled, managed and announced. This makes the system of handing these results a paramount anchor upon which free and fair elections should be built.

There are many aspects, however, that go into making an election free and fair, such as the legal framework in place, structure, access and efficiency of the electoral management body (EMB) and the role of other actors such as political parties, media, observers and non-state actors. The recommendations made herebelow, should be seen in the context of proper structures and laws that need to be put in place for these other factors that relate to elections.

The problems encountered by our reading of the results documents of the 2007 elections—most of which are highlighted in this report—point to a number of failures, principally on the part of the ECK, and in general on the presiding officers, returning officers and clerks hired to run the election. There are major system failures, personnel failures, organizational failures, and severe technological handicaps and human error that certainly contributed to a flawed election, and as we have seen in many cases, candidates not getting correct results, and a wrong parliamentary declaration. These failures should not be tolerated in any modern and decent election.

We therefore make the following observations:

- A. Strengthening the electoral management system as far as results process is concerned. The lowest unit at which results start being generated is the polling station level, when presiding officers collate results from polling streams and tally them onto the form 16A. A system of minimizing clerical and numeric errors should be implemented right from this level, up to the national level where the presidential tally and announcement is made. This ranges from employing more competent clerical staff, adequate and effecting training, plus ensuring that whatever automated or technological system is designed, is used from the polling station level to ensure errors are not replicated upwards on the results processing chain.
- B. Whilst more accountability—in terms of making it mandatory on the part of ECK to have candidates or agents sign form 16A and 17A—might create a bottleneck because of more time taken to confirm and recheck results by agents, it would certainly aid in ensuring that different checks and balances are employed in ensuring that results are entered correctly in all statutory forms, and all additions or tally of votes for candidates is done without any flaw at all. At the very least, the ECK should consider employing a proof-readers, or numeric clerical officers, whose sole duty it to check entries and additions of results in statutory forms. This could be done randomly or using a structured system of identifying forms/stations for proof-checking and that sort of work.
- C. The accuracy and integrity of a results system lies in the ability for a) peer-review and b) corrective measures being implemented when errors are discovered. The provision for presiding and returning officers to have agents sign forms 16A and 17A is a self review mechanism. However, this is not the case when it comes to form 16—the principal document that is used by ECK to announcement presidential and parliamentary winners. This is a weakness in that system, as the most important document in an election can be filled by one

person, either at his station or at the national tally centre. It should be recommended that form 16 be countersigned by agents, and unlike the form 16A and 17A where this depends on whether agents are present at the time of filling, counter-signing of form 16 should be made mandatory.

- D. Related to this, there is a fundamental flaw in the manner in which parliamentary declarations are made. Presently, the returning officer completes the form 16 and issues a form 17 certificate to the parliamentary winner. Any disputes arising from this can only be resolved by an election petition. Not even the ECK can reverse or change glaring errors in parliamentary declarations. So we have a system where ECK cannot reverse or review decisions of personnel hired on a temporary basis, whose decisions constitute the national assembly. This is a major flaw, and should be revised to ensure that just as polling station/presiding officer results are provisional until confirmation by returning officer, the returning officer results/decisions should be provisional until confirmed by the ECK or its commissioners, and after this level, that is when the election petition mechanism should apply.
- E. A lot has been said and discovered regarding automating the process of handing, tallying and counter-checking results. There have been proposals to automate the systems in terms of using computers or mobile technology to aid in this process. That should be the way to go. However, before the system is automated, it should certainly be streamlined in order to build in integrity. Automating a flawed system would only make detection of anomalies and fraud even harder. Streamlining the results tallying process needs to be done in terms of ensuring that it's manned by competent, and well-trained clerks, having extra personnel for proof-reading and checking right entries and made, and ensuring that there is a window that is open for review and correction of errors by senior electoral staff. The right cultural attitude, infrastructure and work ethic toward technology also needs to be in place. Only after this, should we automate the system. This should be done as a matter of priority; as the above table showed, investing in an automated or technology-based system would have made a whole lot of differences in some of the results announced.
- F. Use of technology should also be implemented in order to enhance, not only integrity and accuracy of results, but to increase speed of transmission, storage, and further analysis and audits by the ECK. If the law does not recognize results that are transmitted or tallied electronically, this technical solutions should, at least before the law is amended, be used as a parallel system for providing a back-up system for ensuring accuracy of tallies and results, while still using the paper-based system of statutory forms.
- G. ECK should consider issuing out serialized statutory forms, to ensure that there is a clear line of responsibility and accountability over forms that are issued out *vis-a-vis* those that are returned to the national tally center. The serialization can take the form of the existing format of: province / constituency number / polling center number / station or stream number. For instance, a form for Uhuru primary school (016), in Nairobi's (01) Kamkunji constituency (002), where this author voted, could be: 01/002/016/B. This would ensure cases of photocopies being admitted as proof of results is stopped, cases of form 17A tallies being made without all forms 16As is minimized, and at least someone is held accountable for electoral forms that are used to hold and carry results. All corrections or changes done on these forms must be clearly

justified and the person doing the changes must be witnessed by at least agents or observers or both. Unilateral changes in forms should be prohibited.

- H. At all levels where tallies are conducted, there is clearly a need of getting clerks and officers and who are competent in dealing with data or numeric information. Whilst we should not be having statisticians as clerks or returning officers, there is clearly room for improvement in terms of the caliber of staff hired. As the case of Changanwe constituency showed, where an elderly returning officer, admitted to having wrong results because of fatigue, possibly pressure from agents and supporters, the ECK should not be relying on age or experience in past elections as a major the criteria in hiring election officers.
- I. Part of the problem of the results is that the ECK was making announcements even in cases where there were anomalies or disputes. As we have seen in several cases, there are announcements that were made which differ with form 16 figures. Whilst the ECK cannot wait indefinitely to satisfy all parties, there should be a good measure of prudence, care and most of all, certainty in what is being announced at the national tally or press center, as it's very hard to undo—at least in the public mind—what has already gone out.
- J. Finally, while we can build water-tight systems, the good will and faith of men is crucial. The law and results systems cannot seal every possible weakness in the results management process. Here, the integrity and good faith of officers will be essential, and perhaps the greatest determinant of how best we plan, manage and audit future elections.