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THE CONSTITUTION OF KENYA

THE ELECTIONS ACT

(No. 24 of 2011)

ELECTION (GENERAL) REGULATIONS (2012)

BY- ELECTION OF MEMBER OF PARLIAMENT – HOMA BAY SENATE SEAT

IN EXERCISE of the powers conferred by Article 84, 85, 88 (4), 98 (a), 99, 101 (4), 103 (1) of the Constitution of Kenya, sections 16, 22, 24, 30, 32, 33, 38, 39, 74 of the Elections Act, and Regulations 12 (1), Part III and VI of the Elections (General) Regulations, and following the decision of the High Court in Nairobi Judicial Review Case No. 464 of 2014, Kenneth Ogalo vs. IEBC and two others, the Independent Electoral and Boundaries Commission gives notice that:

- (a) A vacancy arose in Parliament in the Office of the Senator Homa Bay County on 18th November, 2014.
- (b) Each Political Party wishing to participate in the elections must finalize the nominations and determine intra-party disputes arising from party nomination of its candidate(s) on or before the 27th December, 2014
- (c) Disputes relating to or arising from nominations shall be heard and determined within seven days of lodging of the dispute(s) with the Commission.
- (d) Independent Candidates to submit their symbols on or before 25th December, 2014 being 21 days before the nomination day.
- (e) The days for the nomination of political party candidates and Independent candidates for the By-Election will be on 15th January, 2015 and 16th January, 2015, and nomination papers shall be delivered by candidates to the County Returning Officer between the hours of eight o'clock in the morning and four o'clock in the afternoon.
- (f) Disputes relating to or arising from decisions of the Returning Officer after nominations shall be heard and determined within seven days of lodging the dispute(s) with the Commission.

- (g) Pursuant to the provisions of Regulation 57 (1) and (2) of the Elections (General) Regulations, 2012, every Political Party and every Independent Candidate at the by-election shall submit to the Commission names of the County Chief Agents on or before 29th January, 2015.
- (h) The campaign period for purposes of the 12th February, 2015 By-Election shall commence on 17th January, 2015 and cease on 10th February, 2015 being 48 hours before the By-Election Day.
- (i) The campaign time shall run from 7:00 a.m. to 6:00 p.m. during the campaign period.
- (j) If the parliamentary by-election is contested, the poll will take place on the 12th February, 2015.

NOTES:

1. The attention of candidates and persons subscribing nomination papers is drawn to the provisions of Part III and VI of the Election (General) Regulations on the Parliamentary Elections, Subsidiary Legislation, First Schedule to the Leadership and Integrity Act No. 19 of 2012 and Chapter Six of the Constitution of Kenya.
2. Every political party and every person who participates in the by-election shall subscribe to and observe the Electoral Code of Conduct set out in the Second Schedule to the Elections Act, 2011.
3. Pursuant to the provisions of section 26 of the Elections Act, 2011 any candidate who intends to vie for the Parliamentary Senate by-election should not participate in public fundraising.
4. Gazette Notice Number 8688 carried in Vol. CXV-No. 142 of 3rd December 2014 is hereby revoked
5. The County Returning Officer, the Deputy County Returning Officer and the Returning Officers and Deputy Returning Officers appointed vide Gazette Notice No. 9017 carried in Vol. CXVI –No 146 of 11th December, 2014 shall respectively remain the duly appointed Officers for purposes of the said election.

Dated 19th December, 2014.

A. I. HASSAN,
Chairperson,
Independent Electoral and Boundaries Commission