



MUHURI

MUSLIMS FOR HUMAN RIGHTS

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Our ref: **RRP/2020/13**
Date: **December 15, 2020**

Wafula Chebukati
Chairperson
The Independent Electoral and Boundaries Commission
University Way, Anniversary Towers, 6th Floor
P.O. BOX 45371-00100
NAIROBI.

CEO/Secretary
The Independent Electoral and Boundaries Commission
University Way, Anniversary Towers, 6th Floor
P.O. BOX 45371-00100
NAIROBI.

Dear Sir/Madam:

**RE: REQUEST FOR INFORMATION ON BUILDING BRIDGES INITIATIVE
CONSTITUTION OF KENYA (AMENDMENT) BILL**

BACKGROUND

I write on my own behalf as a citizen of Kenya and on behalf of Muslims for Human Rights (MUHURI) for which I am the Chairperson.

I write to you pursuant to Articles 35 (1) (a) and (3) of the Constitution of Kenya and the Access to Information Act, 2016. Article 35 of the Constitution and Sections 4 and 5 of Access to Information Act provide for the right to and require disclosure of information on request by a member of the public. Article 35(3) imposes a proactive obligation to publish and publicise any important information affecting the nation.

I also write in regard to the your mandate under Article 88(4)(a) and (b) and Article 257(4) of the Constitution. Article 257(4) spells out the obligation of the Independent Electoral and Boundaries Commission (IEBC) thus:

(4) The promoters of a popular initiative shall deliver the draft Bill and the supporting signatures to the Independent Electoral and Boundaries Commission, which shall verify that the initiative is supported by at least one million registered voters.

The relevant parts of Article 88(4) provides:

(4) The Commission is responsible for conducting or supervising referenda and elections to any elective body or office established by this Constitution, and any other elections as prescribed by an Act of Parliament and, in particular, for—

- (a) the continuous registration of citizens as voters;
- (b) the regular revision of the voters' roll;

REQUEST

Please provide us with the following information:

1. Governing Rules/Guidelines to Verify Signatures

- a) Does IEBC have Regulations and/or Rules/ Guidelines on how to undertake its mandate under Article 257(4) of the Constitution on verification that a popular initiative is supported by at least one million registered voters?
- b) If yes to question 1(a), please provide us with copies of the Regulations/Rules/Guidelines

2. Cost of Undertaking Signature Verification

- a) What is the cost/estimated cost to be borne by IEBC for the verification of the 4.4 million signatures submitted to it on December 10, 2020 by the Building Bridges Initiative (BBI) in support of the Constitution of Kenya (Amendment Bill) 2020?
- b) Has IEBC sought from the National Treasury and/or Parliament or any other agency of government authorization to incur the expenditure referred to in 2(a) above?
- c) Has the expenditure in 2(a) been authorized by Parliament and or the National Treasury or any other agency of government?
- d) If the answer to any part of question 2(b) and/or 2(c) is/are in the affirmative, please provide us with:
 - i. A copy of the formal request from IEBC to Treasury and/or Parliament or any other agency of government requisitioning the funds needed for verification of signatures as well as the authorization to incur expenditure.
 - ii. A copy of the Supplementary Appropriation Act or any correspondence from Parliament or the National Treasury or any other agency of government indicating allocation of the funds needed for verification of signatures and the authorization to incur expenditure.

3. Cost of Conducting Referendum

- a) What is the cost/estimated cost of conducting a referendum under Article 257(10) in respect of the BBI's Constitution of Kenya (Amendment) Bill if that Bill was to mature for referendum?
- b) Has IEBC prepared any information in respect of the cost in 2(a) for submission to Parliament and or National Treasury or any other agency of government or for purpose of informing the public?
- c) If the answer to any part of the question in 2(b) is in the affirmative, please provide us with:
 - i. Copy of all the documents containing information prepared by IEBC.
 - ii. Responses (if any) from the Parliament and or the National Treasury or any other agency of government.

4. Spicemen Signatures for voters

- a) Does IEBC hold and maintain a database of spicemen signatures of all registered voters?

5. Continuous Registration of Voters

- a) When is the last date that IEBC conducted the national continuous registration of voters required under Article 88(4)(a)?
- b) When is the last date that IEBC conducted the regular revision of the voters' roll at the national level required by Article 88(4)(b)?

Kindly note that this request is urgent given that IEBC has already been presented with the BBI Constitution of Kenya (Amendment) Bill and supporting signatures and hence request for your response as soon as possible but in any event not later than seven days of this request.

Thank you for your prompt attention to this matter.

Yours sincerely,



Khelef Khalifa

cc.

The Commission on Administrative Justice

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NAIROBI