



PUBLIC NOTICE

EARLY CAMPAIGNING FOR 2017 ELECTIONS ILLEGAL

This serves as a public notice intended for the general public consumption.

The Electoral Commission has received numerous complaints and concerns raised by members of the public at large concerning 'early campaign' by individuals, persons intending to contest the 2017 National and Local-level Government elections, Members of Parliament, Political Party representatives, Local Level Government Members, etc.

As a body set up under the Constitution to conduct free, fair and safe elections, the Electoral Commission publishes this notice to ensure that the public at large is aware of the offences that are set out under the Criminal Code relating to elections.

The provisions of the Criminal Code that set out offences during the elections are Section 98 through to Section 116.

I set out those offences that are relevant at this stage addressing the issue of **'early campaigning'**.

TREATING - A person before, during or after the elections corruptly provides or corruptly pays in whole or part the expenses of providing any food, drink or lodging to or for any person on account of any person to do an act or not to do an act as an elector.

- **PENALTY: A fine not exceeding K400 or imprisonment for a period not exceeding one year.**

UNDUE INFLUENCE - Any person who issues threats of force or restraint against any elector or by fraud prevents or obstructs a voter in order to induce him to vote or refrain from voting.

- **PENALTY: A fine not exceeding K400 or imprisonment for a period not exceeding one year.**

BRIBERY - 1. Any person who gives confers or procures promises or offers to give any money, property, benefit of any kind to an elector to vote in a certain way, to do certain things during elections.

2. Any person who is an elector asks, receives, or obtains any money, or agrees to receive or attempts to receive any money, property or benefit for himself/herself or for any person so that he or they vote in a certain way.

3. Any person who is not an elector but asks, receives, or attempts to receive any money, property or benefit for himself/herself or for any other person with a promise that he/she or other persons will ensure a particular person is elected.

Any person who provides funding to any person with the intention

that such funding will be used for the purposes set out above in 1, 2, and 3 is guilty of a misdemeanour.

4. Any person who corruptly pays money or property to any person to enable him/her to be registered as an elector and so influencing him to vote that person.

- **PENALTY: A fine not exceeding K400 or imprisonment for a period not exceeding one year.**

As at the date of conviction: **A convicted person is incapable for a period of three (3) years to vote and to stand for parliamentary elections. An MP will cease to be a Member and the seat becomes vacant.**

As at the date of conviction: **A person found guilty and convicted of the offences relating to a Local-level Government election becomes incapable for two (2) years of holding any Local Level Government office. If he/she is a serving Member, his/her office becomes vacant.**

OTHER ELECTORAL OFFENCES

| OFFENCES | PENALTIES |
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| A person who corruptly procures any person to withdraw from being a candidate at an election in consideration for any payment or promise of payment. | <u>Any person found guilty of this shall not have his/her name registered as an elector for two years from the date of his/her conviction and therefore cannot vote.</u> |
| Any person who makes a false claim intended to be placed on the electoral roll. | <u>The penalty for such crime is imprisonment for a term not exceeding 7 years.</u> |

Prosecutions for the offences must take place within one year after the offence is committed. You do not have to wait to file election petitions. You can lay complaints as and when an offence is committed.

This means members of the public may lay complaints to the police to investigate, arrest, and charge any person (including but not limited to intending candidates, supporters, Members of Parliament, councillors, political party representatives, etc) who may have committed any of the offences set out above.

Authorised by:

**PATILIAS GAMATO, ML
Electoral Commissioner**