



THE REPUBLIC OF KENYA

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THE ELECTION OFFENCES ACT

NO. 37 OF 2016

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ELECTION OFFENCES ACT

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NO. 37 OF 2016

ELECTION OFFENCES ACT

[Date of assent: 13th September, 2016.]

[Date of commencement: 4th October, 2016.]

AN ACT of Parliament to provide for election offences; and for connected purposes

[Act No. 37 of 2016, Act No. 34 of 2017.]

1. Short title

This Act may be cited as the Election Offences Act, 2016.

2. Interpretation

In this Act, unless the context otherwise requires—

"ballot box" means a transparent container with a slot on the top sufficient to accept a ballot paper in an election or in a referendum but which prevents access to the votes cast until the closing of the voting period;

"ballot paper" means paper used to record the choice made by a voter and shall include an electronic version of a ballot paper or its equivalent for purposes of electronic voting;

"candidate" means a person contesting for an elective post;

"Commission" means the Independent Electoral and Boundaries Commission established under Article 88 of the Constitution;

"constituency" means one of the constituencies into which Kenya is divided under Article 89 of the Constitution;

"county" means one of the counties into which Kenya is divided under Article 6 (1) of the Constitution and specified in the First Schedule to the Constitution;

"election" means a presidential, parliamentary or county election and includes a by-election;

"election court" means the Supreme Court in exercise of the jurisdiction conferred upon it by Article 163 (3)(a) or the High Court in the exercise of the jurisdiction conferred upon it by Article 165 (3)(a) of the Constitution or the Resident Magistrate's Court designated by the Chief Justice in accordance with section 75 of the Elections Act, 2011 (No. 24 of 2011);

"election period" means the period between the publication of a notice by the Commission for a presidential, parliamentary or county election under sections 14, 16, 17 and 19 of the Elections Act, 2011 and the Gazettement of the election results;

"referendum committee" has the meaning assigned to it under the Elections Act, 2011;

"Register of Voters" has the meaning assigned to it under the Elections Act, 2011;