

Voter Bribery as an Election Malpractice in Kenya

A SURVEY REPORT
December 2016



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*Analysis by Javas Bigambo
Interthoughts Consulting*

Survey Facilitated by
Konrad Adenauer Foundation
in partnership with
Centre for Multi-Party Democracy - Kenya (CMD)

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Foreword



Dr. Jan Cernicky
Country Representative
KAS Kenya Office

Konrad Adenauer Foundation (KAS) is a German political foundation. The work of KAS is founded on the basic principles of freedom, justice, and solidarity. In 2016, the Kenya country program partnered with the Centre for Multi-party Democracy (CMD), a respected Non-governmental organisation in Kenya that brings together various political parties to promote democracy and good governance.

The partnership gave rise to a program that has now been conducted in 10 counties across the country with a strong message on the well-known issue of voter bribery in Kenya. Together, KAS and CMD provided a platform for debates engaging mainly political party youths, key influencers and political aspirants to air their views regarding the matter. These vibrant debates became the basis for conducting this survey, which we believe is the first of its nature in Kenya.

The findings of this survey are based purely on the areas we visited and the participants that responded to the questionnaires that were administered during the debates. KAS

and CMD are proud of the final product from this exercise, but by no means can we claim to have left all stones unturned. A lot more work needs to be done by all stakeholders to unearth the full extent of this phenomenon and to consequently act on the recommendation of this report and those of others that may follow.

In releasing this report, we hope that it helps to inform the country of some issues relating to electoral malpractice and challenge various actors to think beyond the election fever for future interventions. As the report shows, electoral malpractice is by no means limited to individual counties, social positions or political preferences. As the country runs up to elections later this year (2017), the data compiled in the survey should thus be a constant reminder for all Kenyans as we approach the election: If voters are not careful to cast their votes for leaders who address the issues that affect their community and go instead to cast votes for other reasons such as bribery and tribal affiliations, they cannot expect their interests to be met by the leaders they elect.

We are grateful to those from the Counties of Kiambu, Transzoia, Kakamega, Kisumu, Bomet, Nakuru, Machakos, Meru, Migori and Kilifi who contributed to this process. We would also like to recognise the Inuka Kenya Trust which partnered with us to ensure that the debates are amplified to the rest of the country through social media. Through their input, the debates, though taking place in the 10 Counties, included voices from the rest of the country. Finally, this report was compiled by Mr. Javas Bigambo of Interthoughts Consultancy through weeks of hardwork and dedication to make useful of data that made little sense before analysis.



Dr. Jan Cernicky
Country Representative
KAS Kenya Office

In releasing this report, we hope that it helps to inform the country of some issues relating to electoral malpractice and challenge various actors to think beyond the election fever for future interventions.

Preface



Dr. Carey F. Onyango
Executive Director
CMD-Kenya

We have conducted a survey based research about the voter bribery vice in ten counties, i.e. Bomet, Kakamega, Kiambu, Kilifi, Kisumu, Machakos, Meru, Migori, Nakuru and Trans Nzoia.

The survey conducted over a period of 3 months (April-July 2016) involved mobilizing the electorate, local political aspirants, party officials, and opinion shapers in the targeted counties. Their engagement was facilitated in open debate and discussions on the issue of voter bribery in their contexts. The aim of the debate was to infuse some conscience on the impact of voter bribery among political aspirants as well as voters.

Besides the actual debates, the 600 participants who attended the town hall meetings in the 10 counties were issued with a self-administered questionnaire for their response. A total of 514 participants responded to the questionnaire. At the end of the debates, questionnaires were received back, data analyzed, and the findings utilized to generate this survey report.

The survey findings provide empirical data on the perceptions, attitudes, practices, and interests of voters in the 10 counties sampled, which is an extrapolative indication of the attitude of voters in all the 47 counties in Kenya. The information was analyzed from the general point of view and then cascaded down to county specifics to explain the practice of voter bribery in detail at the county level, and why voter bribery is a crime and a problem in the election process. Attempt was also made to describe the different forms of voter bribery.

The survey report also covers ways of taking the conversation forward in voter bribery interventions, and tracing the impact chain and implications of voter bribery. Moreover, the report also covers: how to involve political parties and their role in addressing voter bribery; the role of voters in addressing voter bribery and their individual roles during an election cycle; and recommendations for what needs to be done to address voter bribery.

Voter bribery negatively interferes with the results of the election thereby unduly influencing the people's choice of political leaders. It contributes to the limitation of opportunities for credible candidates and their bid for political offices, and it also adversely affects economic activity and development prospects for Kenyans at large. It's our pleasure to acknowledge this partnership between the Konrad Adenauer Stiftung and political parties under the auspices of the Centre for Multiparty Democracy (CMD) – Kenya in undertaking this ground breaking survey that will go a long way to strengthening democracy in Kenya.



Dr. Carey F. Onyango
Executive Director
CMD-Kenya

Voter bribery negatively interferes with the results of the election thereby unduly influencing the people's choice of political leaders.

Background

Election administration and the attendant voting rights concerns continue to remain fundamental issues of interest in every democracy, from first world countries to third world and developing democracies, especially with regard to electoral processes.

Acts of fraud affect vote counts to bring about an election result, whether by increasing the vote share of the favoured candidate, depressing the vote share of the rival candidates, or both.

Election rigging is the act of dishonestly organizing an election to get a particular result¹. It is an electoral fraud and an interference with the election process.

Bribery refers to the receiving or offering any undue reward by or to any person whosoever, whose ordinary profession or business relates to the administration of public justice, in order to influence his behaviour, and to incline him to act contrary

to his duty and the known rules of honesty and integrity².

Voter bribery is the distribution of a material benefit to an individual voter in exchange for support in a ballot. The act is normally committed by the interested parties or it can be done by their agents.

Voters may be given money or other rewards for voting in a particular way or not voting. In some jurisdictions such as the United States of America and the United Kingdom, the offer or giving of other rewards is referred to as electoral treating.

Voter bribery has contributed to limitation of opportunities for the young to improve their life circumstances and presented formidable challenges in their bid for political office. That voter bribery has affected the progress of economic advancement and development prospects for many Kenyans is undeniable. The Elections Act 2012 forbids politicians

from paying for voters' expenses and buying them food, drinks or refreshments or giving them money as an inducement to make them show up to vote or not to vote.

It should be understood that pursuant to the Elections Act of Kenya, "a candidate who corruptly, for the purpose of influencing a voter to vote or refrain from voting for a particular candidate or for any political party at an election;

- a) Before or during an election;
 1. Undertakes or promises to reward a voter to refrain from voting;
 2. Gives, causes to be given to a voter or pays, undertakes or promises to pay wholly or in part to or for any voter, expenses for giving or providing any food, drinks refreshment or provision of any money, ticket or other means or device to enable

¹ Collins English Dictionary.

² Law Dictionary 2nd edition.

the procurement of any food, drink or refreshment or provision to or for any person for the purpose of corruptly influencing that person or any other person to vote or refrain from voting for a particular candidate at the election or being about to vote or refrain from voting, for a particular candidate, at the election;

- b) After an election, gives, provides or pays any expense wholly or in part to or for any particular voter or any other voter for having voted or refrained from voting as aforesaid, commits the offence of treating.”³

Under enhanced issue-based political discourse, matters of voter bribery concern political parties just as much as they concern individual politicians. It merits high level discourse that conflating concerns of electoral malpractice, with focus on voter

bribery is not purely a semantic issue. It is an issue that covers the whole field of electoral justice, it is an issue of legal significance, it is an issue that determines the strength of the fabric of democracy and qualifies greatly too as a moral issue. Voter bribery is not a new thematic issue in Kenya elections. The determination of the matter of Moses Masika Wetangula vs Musikari Nazi Kombo refers⁴, especially with reference to election offences⁵.

In 2014, Senate Minority Leader Moses Wetangula lost his senate seat in a petition, after the Supreme Court upheld the Court of Appeal ruling, which had upheld the initial High Court ruling, having proven allegations of voter treating and attendant massive irregularities by Moses Wetangula.

Section 67 1(a) of the Elections Act states: “A person who commits the offence of personation, treating, undue influence or bribery; commits an offence and is liable on conviction, in the cases specified in

paragraph (a), to a fine not exceeding one million shillings or to imprisonment for a term not exceeding six years or to both, and in any other case, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding five years or to both.”

Against this background Konrad Adenauer Foundation (KAS), a German political entity working in Kenya to promote democratic principles, partnered with the Centre for Multi-Party Democracy (CMD) to engage young members of political parties in debates on challenges affecting the process and outcome of elections in Kenya, with focus on voter bribery as an election malpractice.

³ Election Act 2012, Sec 62.

⁴ Moses Masika Wetangula v Musikari Nazi Kombo & 2 others [2015] eKLR.

⁵ Election Offences Act (Cap 66).

The Process

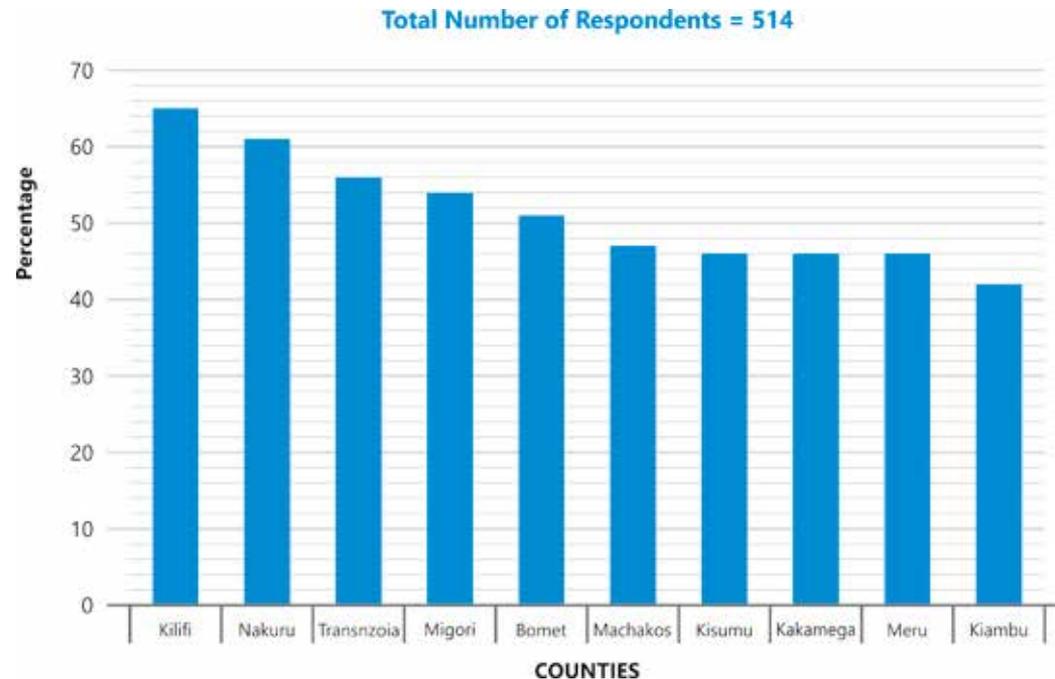
This was a rapid exercise conducted in 10 Counties namely Kiambu, Trans-Nzoia, Kakamega, Kisumu, Machakos, Nakuru, Bomet, Meru, Migori and Kilifi.

The process involved mobilizing local political aspirants and opinion shapers in the targeted counties and facilitating their engagements in open debate and discussions on the issue of voter bribery in their contexts; with the aim of the debate being to infuse some conscience on the impact of voter bribery among political aspirants as well as voters.

All the participants who attended the debates in each of the counties were issued with a self-administered questionnaire for their response.

A total of 514 participants responded to the questionnaire. The table below shows the number of respondents for each of the counties.

At the end of the debates, questionnaires were received back, data analysed and the findings utilized to generate this survey report.



Findings

The practice of voter bribery

From the survey, it was evident that voter bribery is being practiced in all the counties, with majority of them indicating that on one hand it is the aspirants for elective seats that are often willing to offer bribe while on the other hand some voters equally are demanding that they are offered bribes by the leaders for them to elect them.

The persons who mostly engage in voter bribery were identified as political party leaders, political aspirants, political party agents and even the voters themselves.

As to whether voter bribery is a moral issue to do with values or a personal issue, the respondents were not very clear on this; with majority of respondents indicating that voter bribery is both a moral and a personal issue.

Despite the voters being aware that voter bribery is a crime, people still engage in voter bribery due to a number of reasons among which include;

- The fact that in the previous periods, persons who engage in voter bribery

have not been convicted; hence people still feel that engaging in voter bribery may not therefore be deterred

- Most respondents believed that almost all of the candidates seeking for elective seats engage in corruption, hence their choices are limited
- Aspirants equally believe that voter bribery is one of the ways towards winning an elective seat
- Citizens themselves demand to be bribed
- People tend to choose people who have money thinking that they are best placed to take care of them upon being elected
- Political aspirants may have got their finances for the campaigns through corrupt sources and hence do not feel the pain of giving out the money loosely to voters
- Awareness levels of citizens about their rights, especially the right to vote a candidate of their choice without being induced, may be low in some parts of the country
- The tendency among some voters

to believe that it is their kinsmen or tribesmen that should be elected due to the relationships they have with them. i.e. the "mtu wetu" syndrome

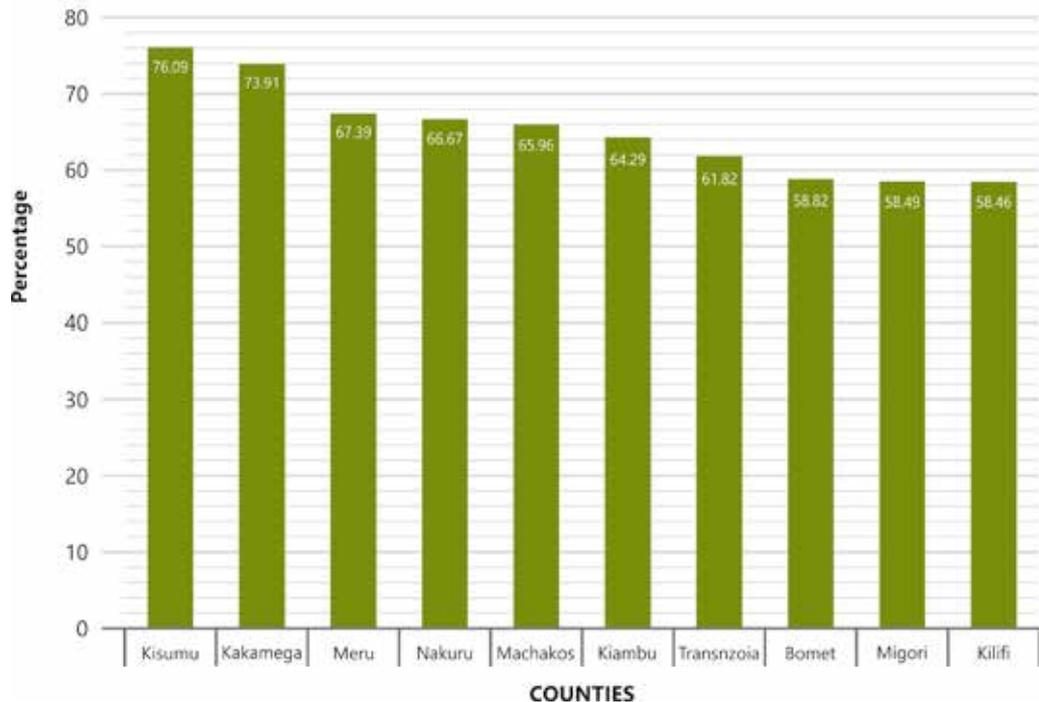
Voter bribery as a crime

As shown in the graph below, in all the counties, over 50% of the respondents agreed that they were aware that voter bribery is a crime. Kisumu had the highest proportion of respondents agreeing at 76.09% followed by Kakamega at 73.91%. Kilifi had the lowest at 58.46%.

It is noted that despite Kakamega having a high proportion of respondents agreeing that voter bribery is a crime, it is the same county that had also had the highest proportion of respondents agreeing that voter briber influences their choice of a candidate.

When voters are aware that voter bribery is a crime and they still engage in it, it implies that a lot more voter education and engagement sessions will need to be held across the counties so that this situation progressively changes.

Proportion of respondents who were aware that voter bribery is a crime



Voter bribery as a problem

In all the counties where the survey was carried out, all the respondents indicated that vote bribery was indeed a problem to them.

It was clear to them that voter bribery influences how the people vote and results into people electing leaders who are evidently corrupt, by having bribed the voters in the first place, and hence likely to sustain their very nature of being corrupt even after being elected.

From the respondents, the following were cited as some of the causes or drivers of voter bribery;

1. Poverty levels that have left households with no sustainable livelihoods hence ready money to be 'dished out' by persons seeking to be elected is an opportunity for them and they would rather get the money for use in meeting their daily household needs.
2. Low income levels among citizens, especially the youth, who are not engaged in any economically gainful activities, hence would take any slightest opportunities to receive money from

3. candidates seeking for elective positions
3. Weak enforcement of laws, hence persons who wish to bribe voters do not feel deterred
4. The precedence set in previous elections has resulted into citizens expectations that any persons seeking for elective positions should be in a position to provide financial incentives to voters. Most of the citizenry has generally maintained an attitude that 'money has to exchange hands in return for a vote'

Forms of voter bribery

The following were identified by the respondents as some of the ways by which the voters are being bribed;

- Frequent harambees during the period preceding the elections and during campaign periods
- High rate of payment of school fees, hospital bills and funeral expenses during the period preceding the elections and during campaign periods, especially to families that were never supported by the politicians in anyway in the past
- Making promises of rewards such as jobs and tenders i.e. making people

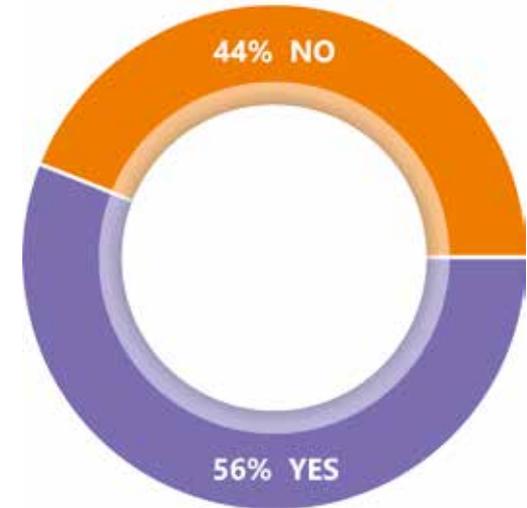
believe that if they elect someone, then they will receive individual direct benefits

- Making payments to persons who attend political meetings e.g. by way of giving transport reimbursements
- Giving handouts through different denomination of cash at different periods
- Distribution of clothing such as lessos, t-shirts, in the name of "campaign materials"
- Paying for opinion polls and influencing the process and results of opinion polls

Receiving of bribes

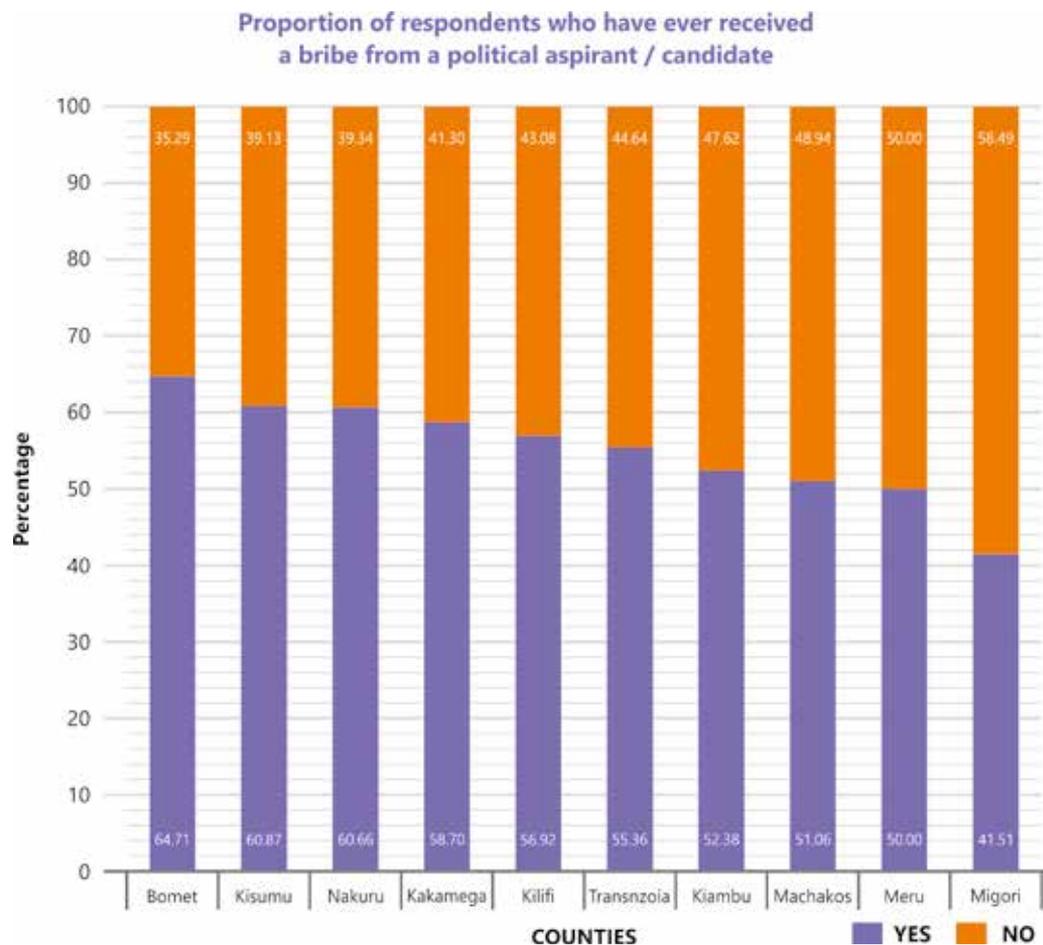
As shown in the chart here, out of the 514 respondents who participated in the survey, majority, 56%, had confirmed that they had ever received a bribe from a political aspirant / candidate. This implies that despite voter bribery being a crime, many people still engaged in it. This is an issue that should be made part of the focus for any voter education exercise.

Proportion of respondents who have ever received a bribe from a political aspirant / candidate



Receiving of bribes across the counties

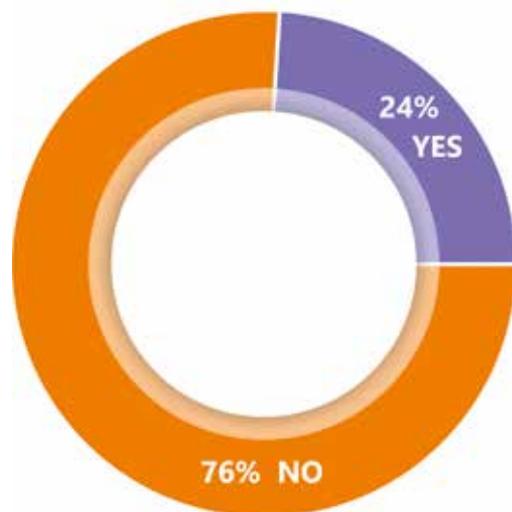
As shown in the table, Bomet county had the highest proportion of respondents who had ever received a bribe, at 64.71% while Migori county had the lowest proportion at 41.51%. During voter education exercises, such data should be used as part of the reference materials for having conversations with citizens so that they can go deeper and discuss why the situation is like that in their counties and what they need to do by themselves to correct the situation.



Offering bribes

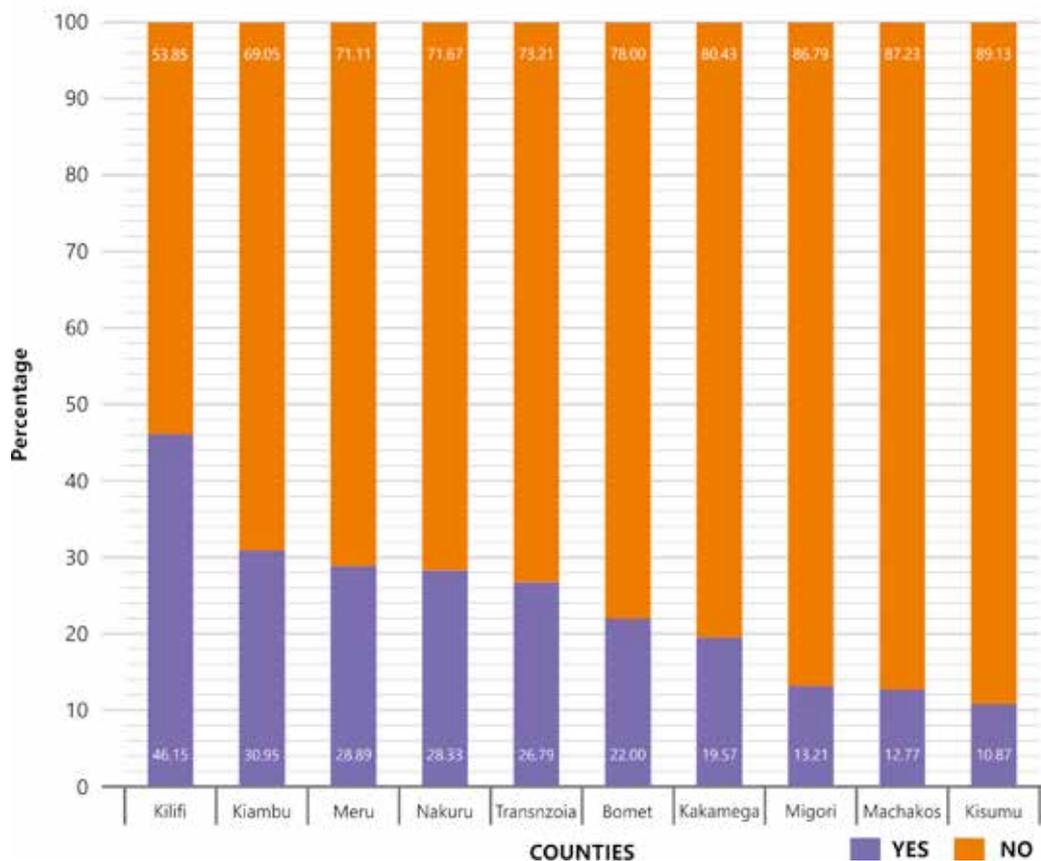
Among all the respondents, some of them had offered a bribe, this being at 24%. When people willingly confess that they had offered a bribe, it points out to a society that know that what they did is wrong and may not be bothered of the consequences or may not be aware of the consequences.

Proportion of respondents who had ever offered a bribe



Offering of bribes across the counties

Proportion of respondents who have ever offered a bribe to a voter

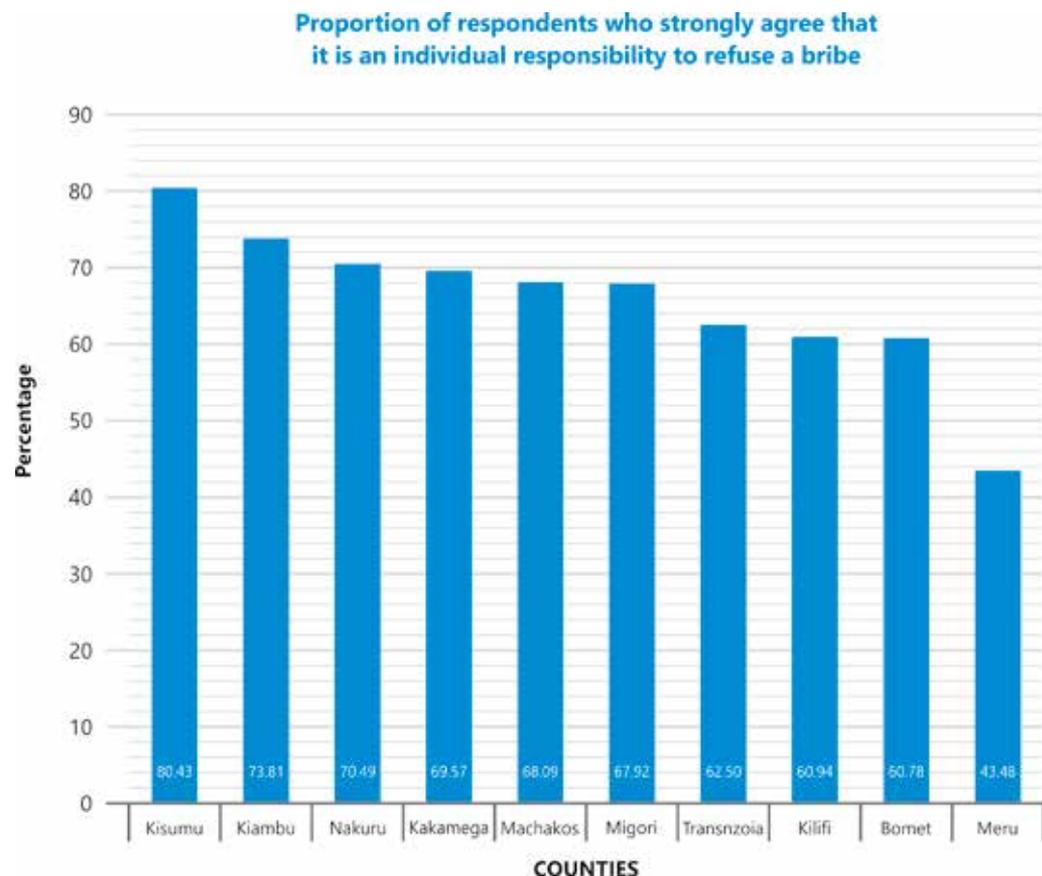


Kilifi county had the highest proportion of respondents who had ever offered a bribe at 46.15% while Kisumu had the lowest at 10.87%. This information is critical for letting different counties know that whereas they are doing badly compared to others, while for those who had lower percentages, they should be engaged and enabled to move to zero percentage, if the issue of offering bribes is to end completely in Kenya.

Refusal of bribes across the counties

A number of respondents did agree that it is their individual responsibility to refuse to take a bribe. However, this was not at 100%. This poses a challenge in the sense that when there are a group of citizens who still feel that it is not their responsibility to refuse to take a bribe, it clearly implies that the society is still struggling on the issue of values, morals and ethics.

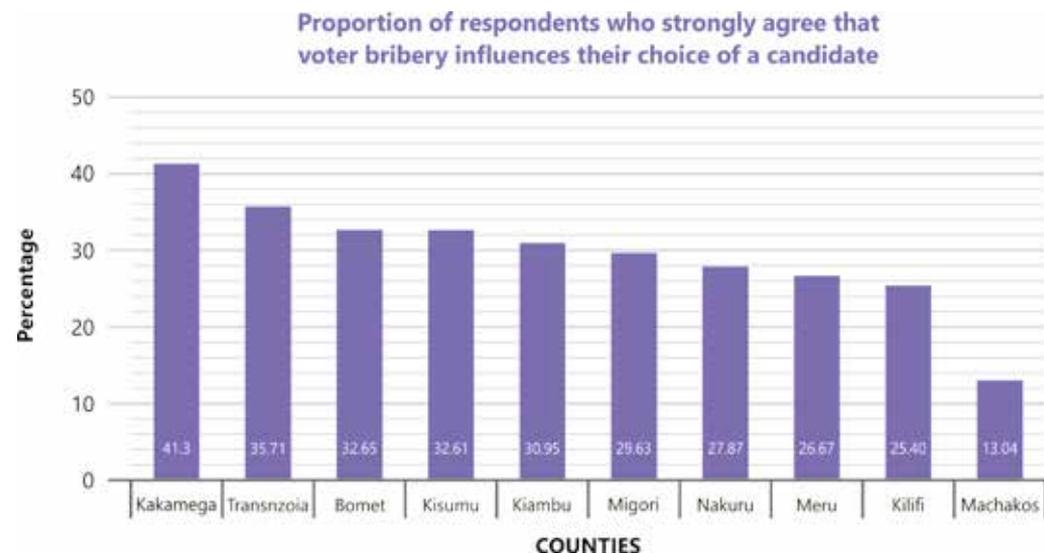
In this graph Kisumu had the highest proportion of respondents agreeing that it is their individual responsibility to refuse a bribe, followed by Kiambu at 73.81% while Meru had the lowest proportion at 43.48%.



Voter bribery as a factor that influences the choice of a candidate

Whereas most of the respondents had received a bribe as shown in the previous sections, not all of them agreed that voter bribery influences the choice of a political candidate. This implies that some voters often take the money from aspirants not necessarily so that they vote for them, but because they may wish to take the money for other reasons. It may also mean that some voters could be in the business of collecting money from various political aspirants as long as such aspirants are also in the business of distributing the money. It is also noted that not all persons who could be getting money from aspirants would ordinarily be voters (implying they may not be registered voters), while in some cases, they may not even be members of the political parties in question, or they may be registered voters in constituencies or regions that could be several miles away from the place of the receipt of the bribe.

From this graph, 41.3% of respondents in Kakamega county agreed that voter bribery influences their choice of candidates, this being the highest proportion across the



counties, followed by Transnzoia at 35.7% while Machakos had the lowest at 13.04%.

Role of political parties in stopping voter bribery

The respondents indicated that political parties have clear cut responsibilities in ensuring that voters are not bribed. Among such responsibilities ensure that;

- Political parties conduct their affairs as guided by the Political Parties Act and

other related Legislations

- The conduct of their members are guided by their respective party constitutions and related rules and regulations
- Political party nomination processes are transparent, free and fair
- The party organs put in place mechanisms for surveillance and monitoring of aspirants
- Aspirants who bribe are barred from

- being cleared to contest i.e. by both the political parties and IEBC
- others are educated on the role of political parties
- Voters are educated on the purposes of elections and how to make elections credible
- Persons of whom there is evidence that they engaged in voter bribery (both the giver and the receiver) are prosecuted and convicted
- Putting hotline numbers in place for citizens to call and report cases of voter bribery

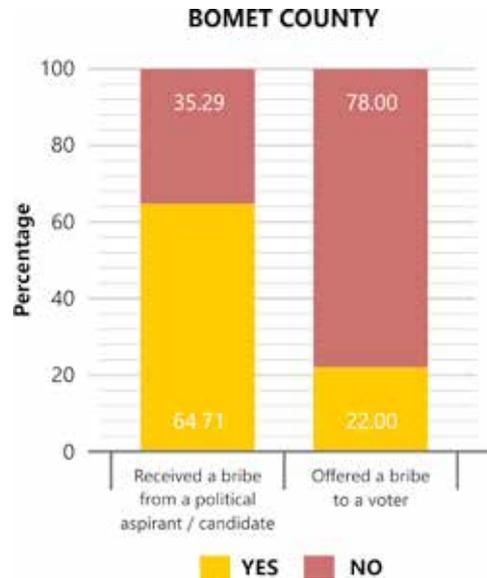
- The Directorate of Public Prosecutions
- The Judiciary
- The Office of the Controller of Budgets
- The Office of the Auditor General
- Kenya National Commission of Human Rights
- National Gender and Equality Commission
- The Ombudsman
- National Assembly, The Senate and County Assemblies
- The Independent Electoral and Boundary Commission

Institutions with the responsibility for the prevalence of voter bribery

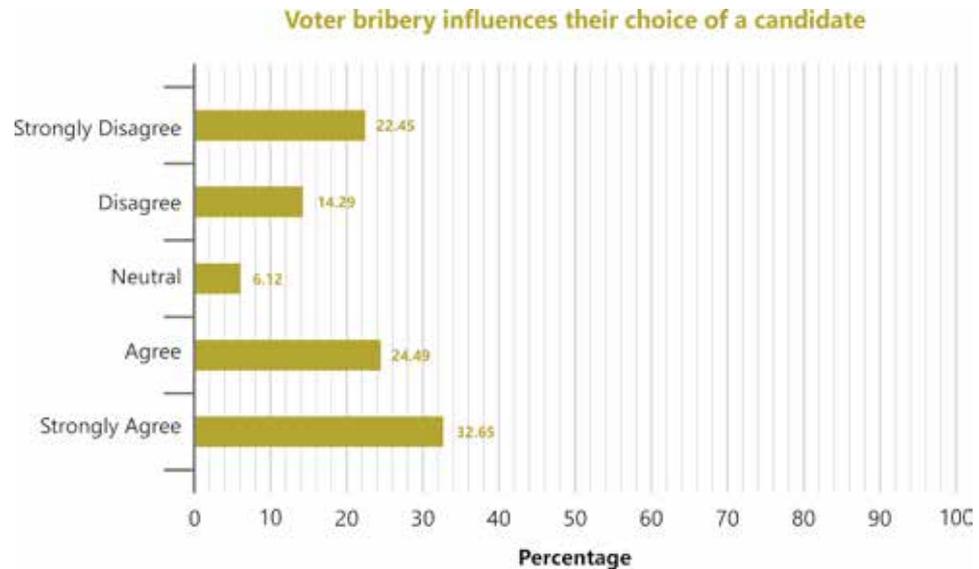
The following institutions mentioned by the respondents as the main institutions to take responsibility for the prevalence of voter bribery in Kenya. However there are still some concerns as to whether the citizens themselves have a good understanding of the mandates of these institutions and how they can engage with them;

- The Ethics and Anti-Corruption Commission
- The National Police Service

County Specific Findings

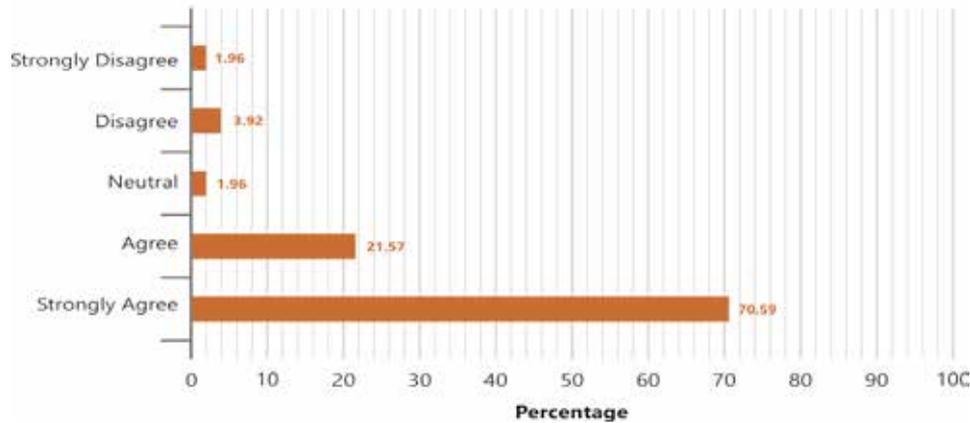


Whereas a high proportion of respondents had ever received a bribe at 64.71%, a lower proportion of 22% had offered a bribe. This is a clear indication that majority of the citizens are at the receiving end of bribes while few are the ones who give the bribes. The fewer could either be the aspirants for elective seats themselves or their agents.



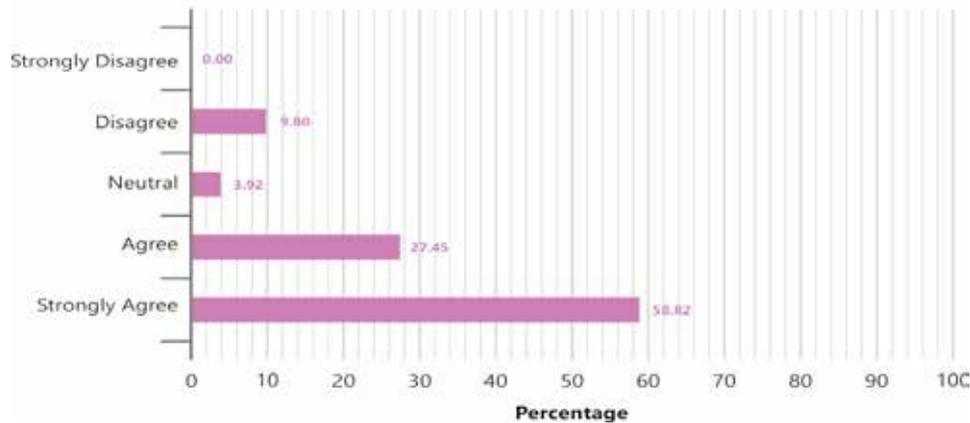
From the above graph a majority of respondents agreed that voter bribery influences their choice of a candidate. On average 57.14% of the respondents agreed that voter bribery influences the choice of a candidate (strongly agree and agree).

Voter bribery increases the level of corruption



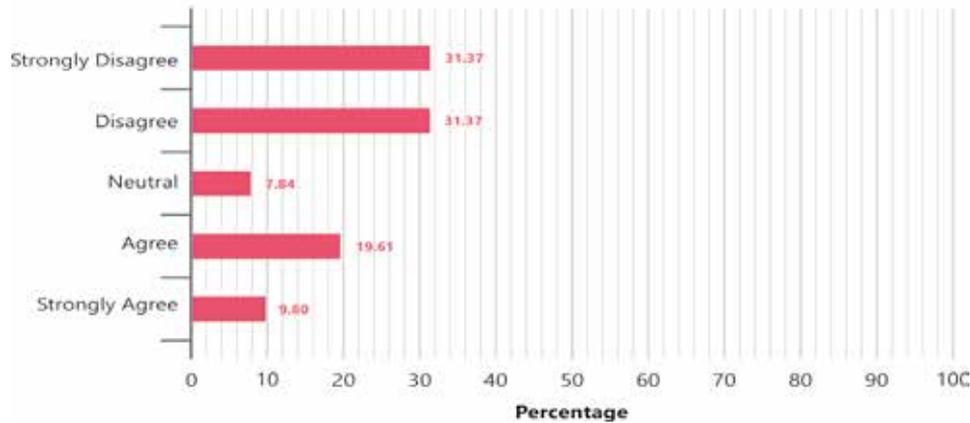
A high proportion at 70.59% of respondents strongly agreed that voter bribery increases the level of corruption. 21.57% agreed that voter bribery increases the level of corruption, bringing the total of strongly agree and agree to 92.16%.

Aware that voter bribery is a crime



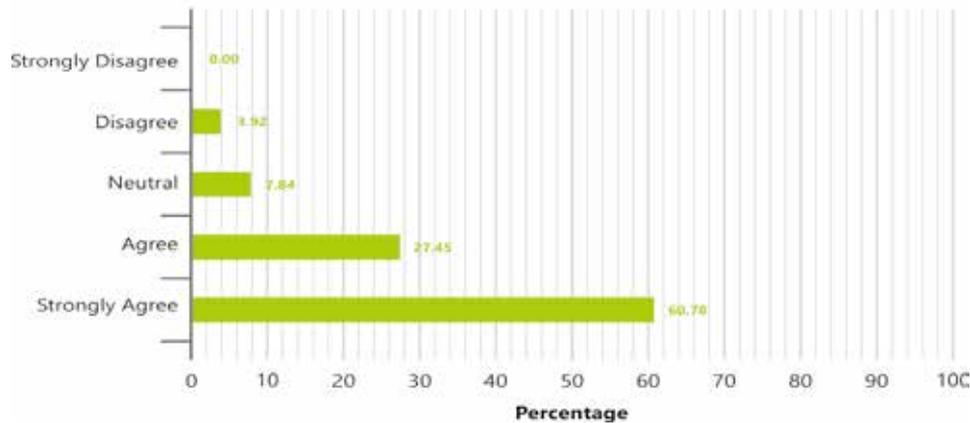
Majority of the respondents were aware that voter bribery is a crime. Those who strongly agreed and those who agreed were 86.27%, (58.82 + 27.45)% respectively.

Political parties discourage members from taking bribe



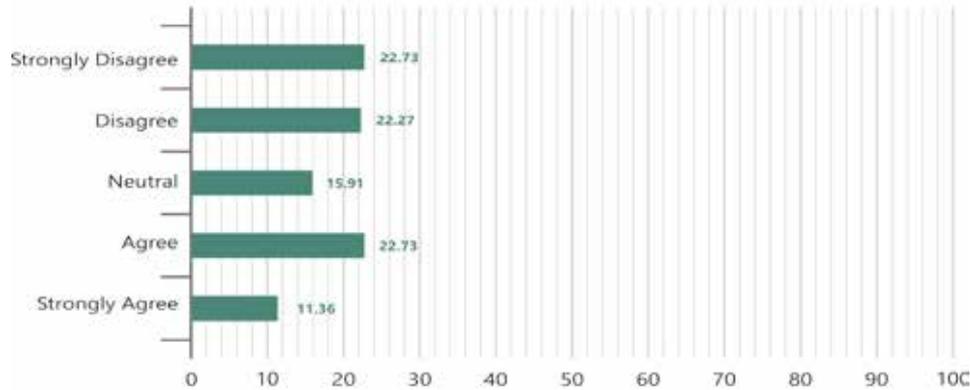
Majority of the respondents in Boment county were of the opinion that political parties do not discourage members from taking bribe, over 60%.

It is an individual responsibility to refuse a bribe

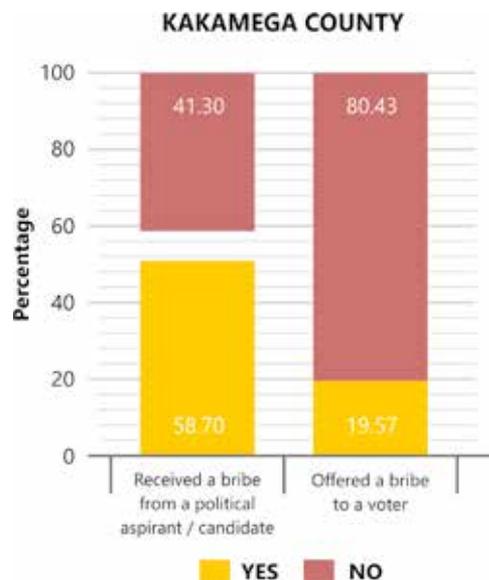


Majority of the respondents agreed that it is an individual's responsibility to refuse a bribe.

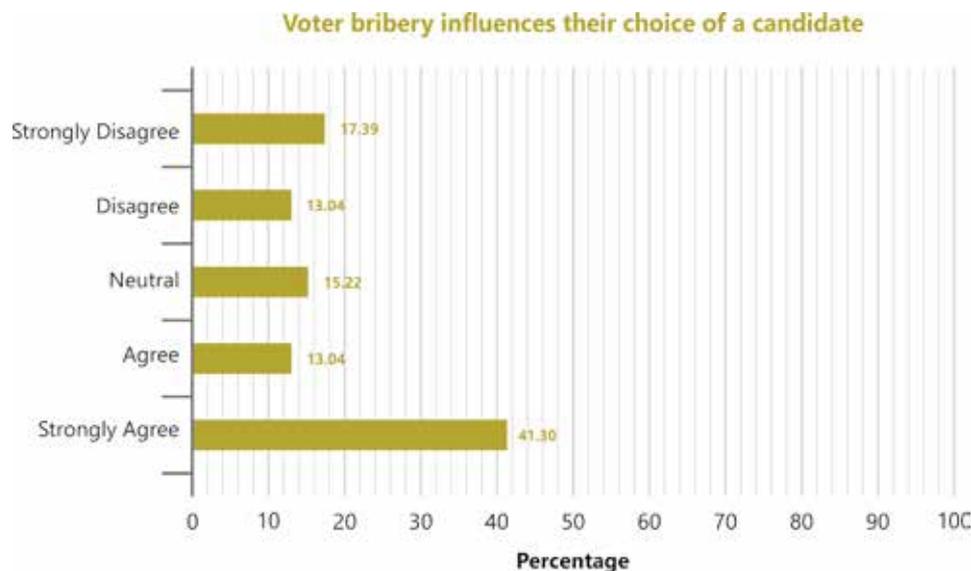
Institutions mandated with the responsibility of fighting voter bribery are playing their role



50% of respondents in Bomet county were of the opinion that the institutions with the responsibility of fighting voter bribery are not playing their role (22.73% +27.27%).

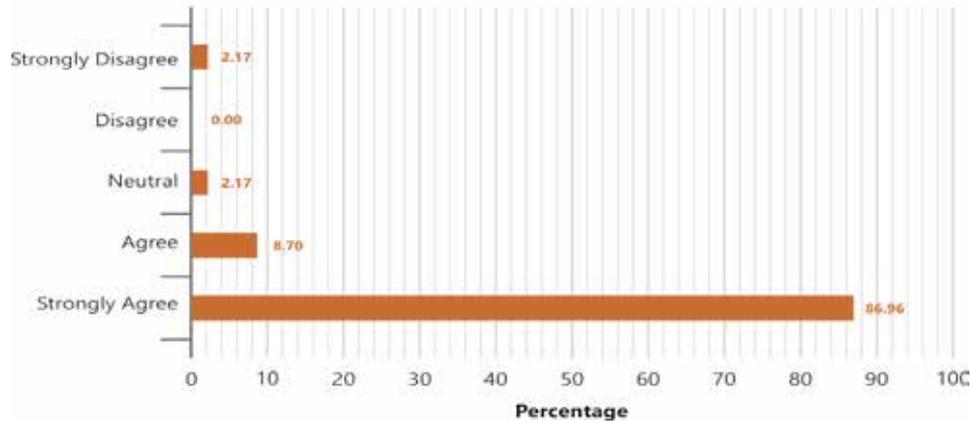


Majority of the respondents had received a bribe at 58.7% while majority of the same respondents had not offered a bribe at 80.43%. This is a clear demonstration that whereas many people are willing to receive bribes, they may not necessarily be keen on offering bribes to others.



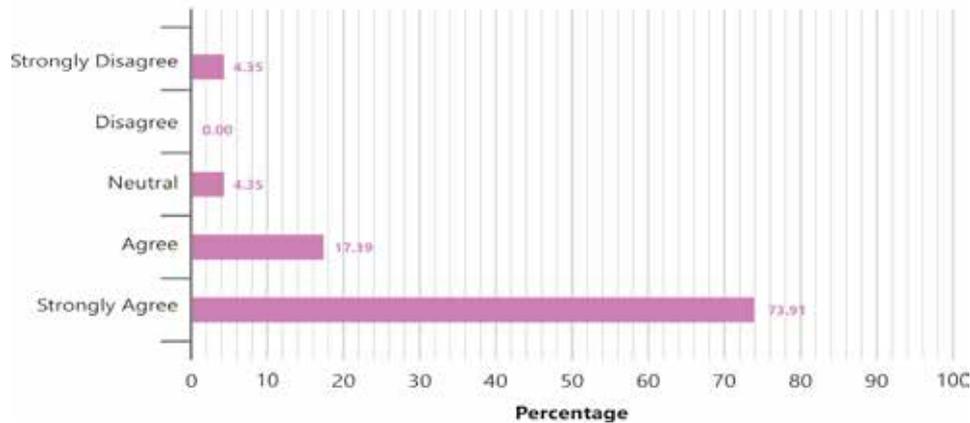
Majority of respondents at 54.34% (strongly agree and agree) agreed that voter bribery influences their choice of a candidate.

Voter bribery increases the level of corruption



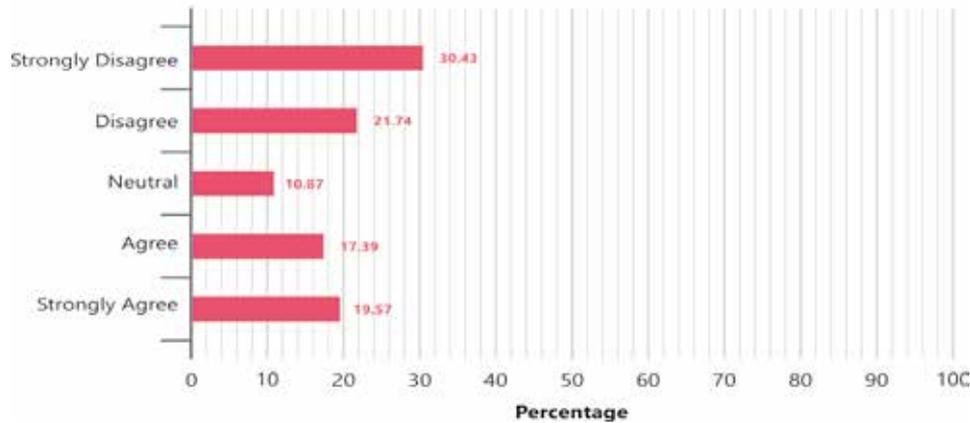
Majority of respondents agreed that voter bribery increases the level of corruption at 86.96% strongly agree and 8.7% agree, (total of 95.66%).

Aware that voter bribery is a crime



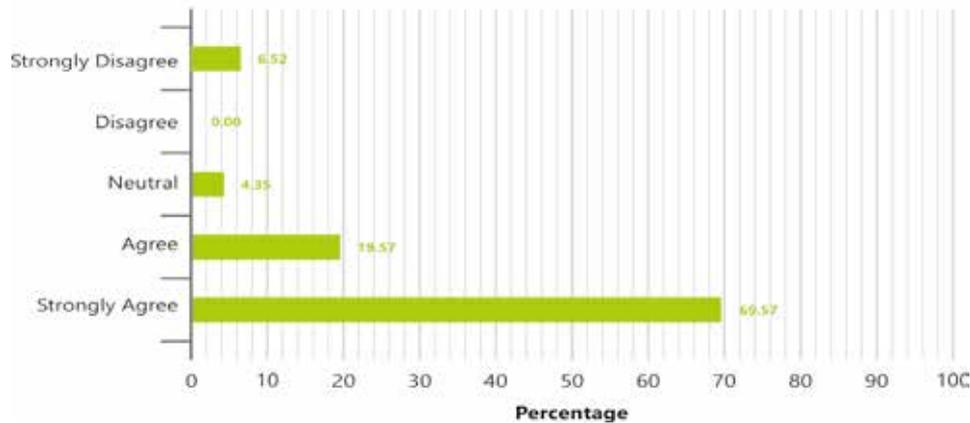
91.3% of the respondents in Kakamega were aware that corruption is a crime (73.91 + 17.39)%.

Political parties discourage members from taking bribe



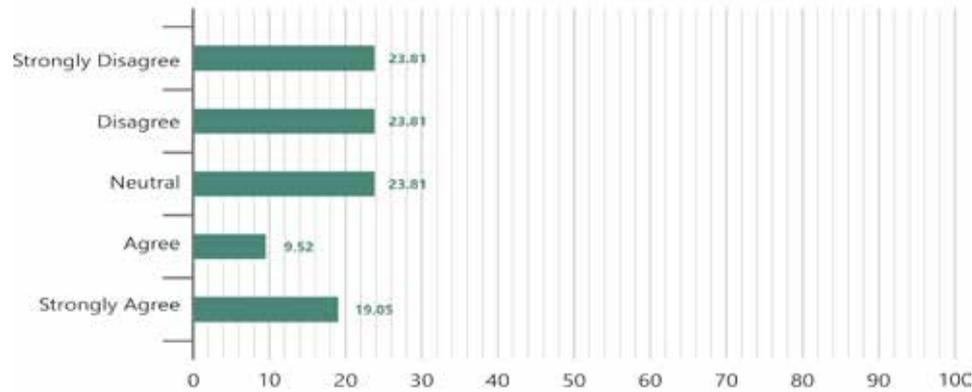
According to respondents in Kakamega, political parties do not discourage their members from taking a bribe 30.43% and 21.74% strongly agreed and agreed respectively.

It is an individual responsibility to refuse a bribe

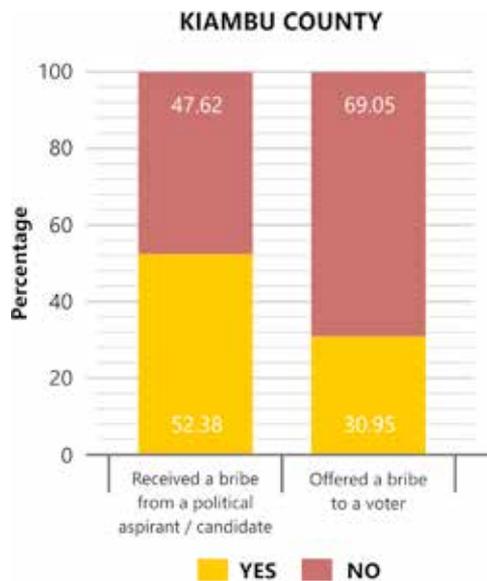


Majority of the respondents strongly agreed that it is their individual responsibility to refuse a bribe, at 69.5%.

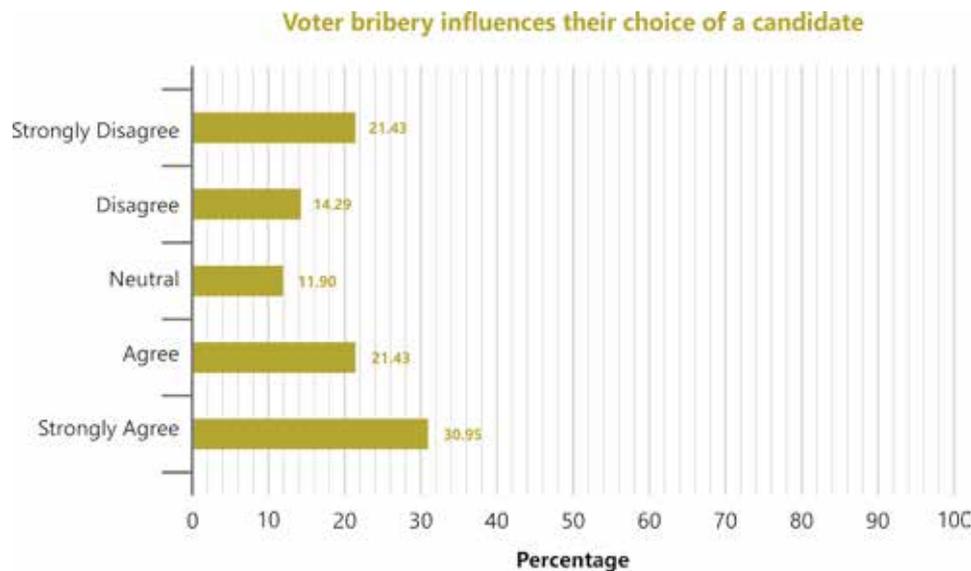
Institutions mandated with the responsibility of fighting voter bribery are playing their role



Most of the respondents were for the opinion that insitutions with the responsibility of fighting voter bribery are not playing their role

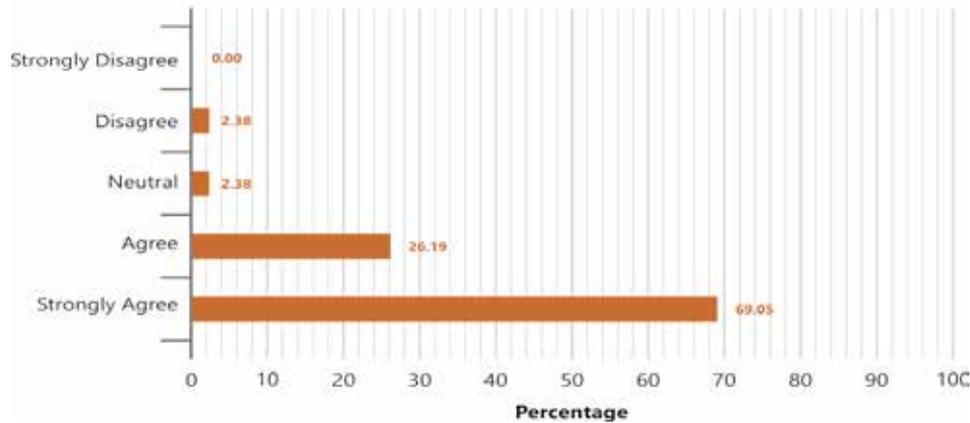


Majority of the respondents confirmed receiving a bribe at 52.38% while among the same respondents 30.95% had also offered a bribe.



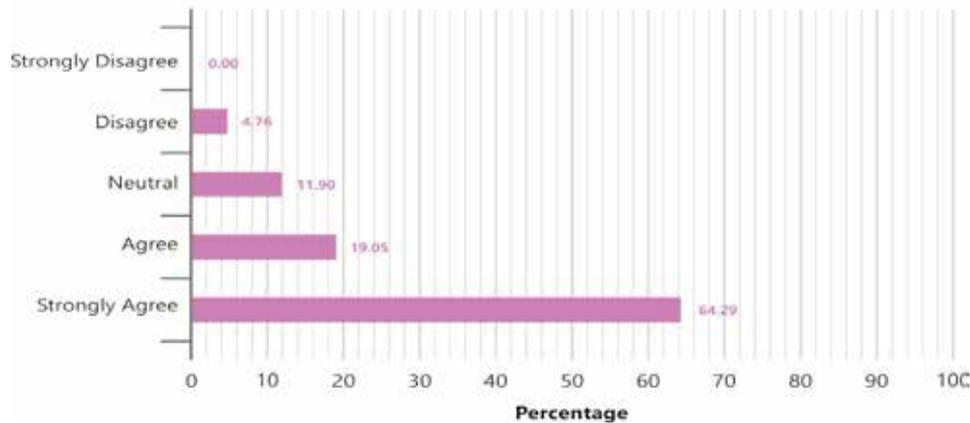
Majority of the respondents agreed that voter bribery influences their choices of a candidate at 52.38% (21.43% + 30.95%)

Voter bribery increases the level of corruption



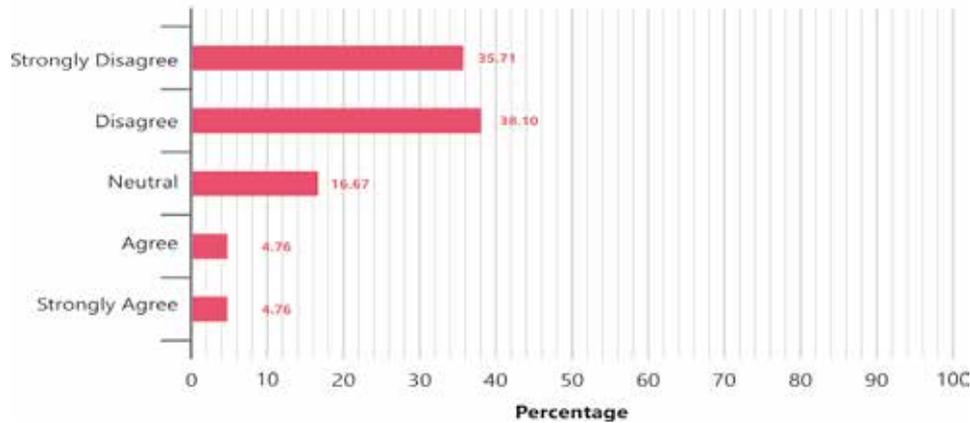
69.05%, this being the majority of respondents in Kiambu county, agreed that voter bribery increases the level of corruption.

Aware that voter bribery is a crime



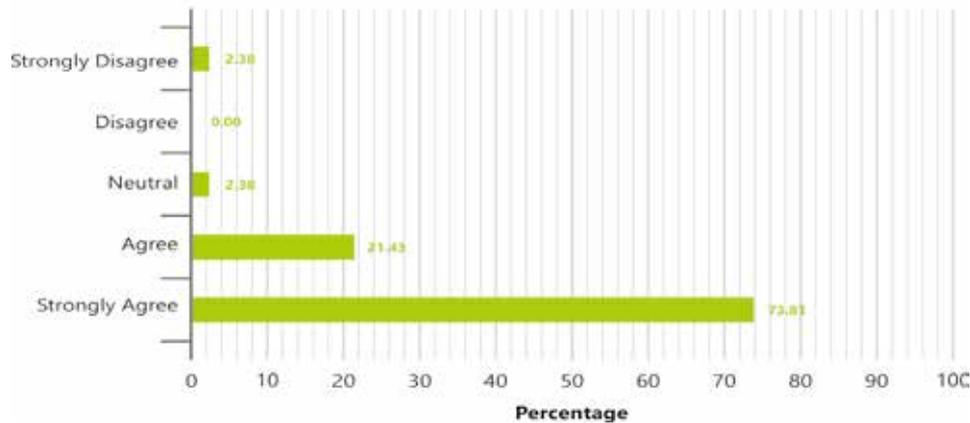
Majority of the respondents, 84.34% were aware that voter bribery is a crime (19.05 + 64.29)%.

Political parties discourage members from taking bribe



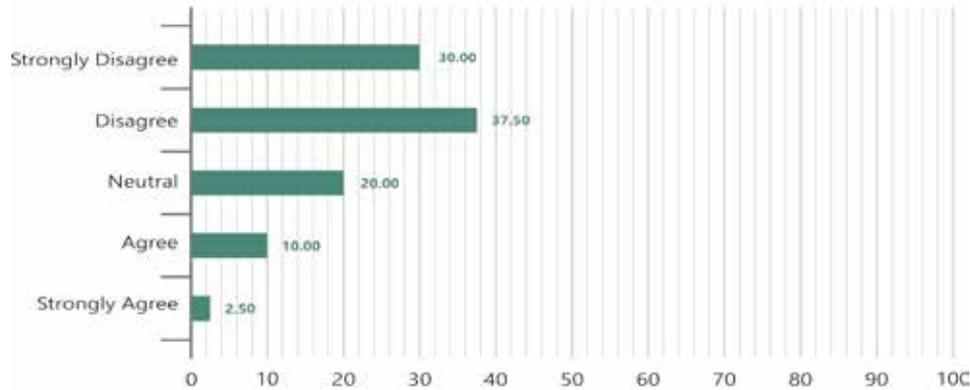
Majority of respondents (35.71 + 38.10)% were of the view that political parties do not discourage members from taking bribes.

It is an individual responsibility to refuse a bribe

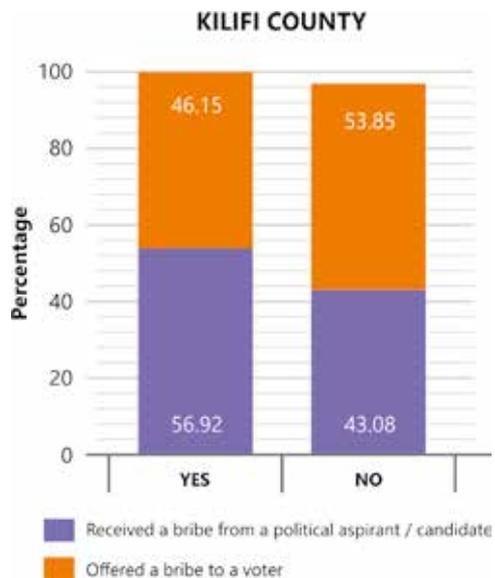


An overwhelming total of 95.24% (21.43 + 73.81)% were for the opinion that it is an individuals responsibility to refuse a bribe.

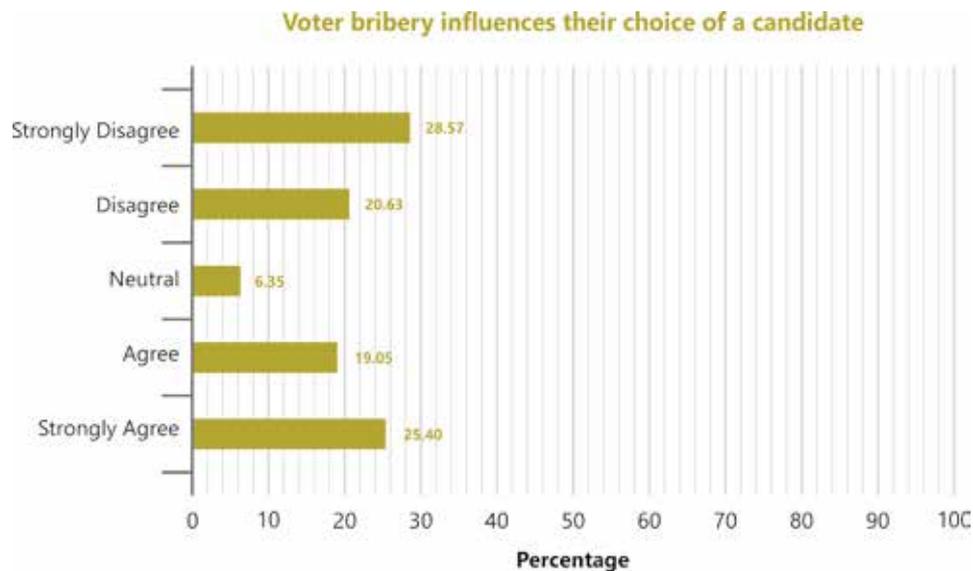
Institutions mandated with the responsibility of fighting voter bribery are playing their role



67.50% (30 + 37.50)% of the respondents were of the opinion that the institutions with the responsibility of fighting voter bribery are not playing their role.

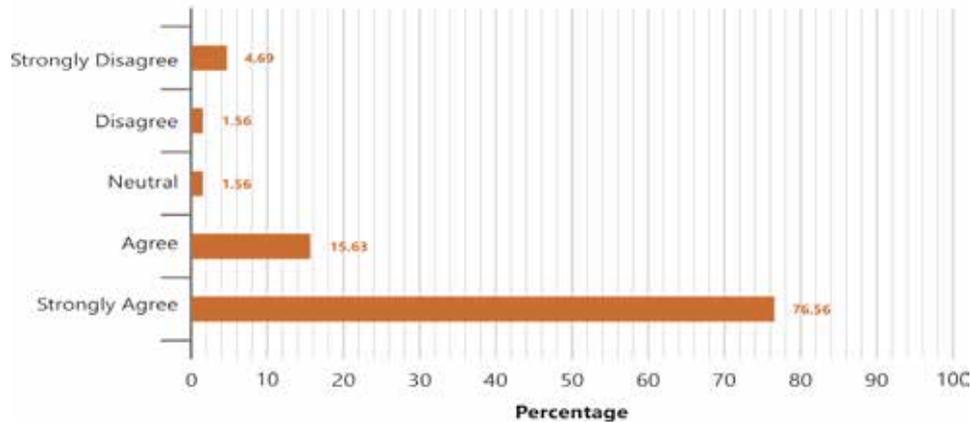


56.92% of the respondents confirmed that they had received a bribe from a political aspirant while 43.08 of the respondents had offered a bribe.



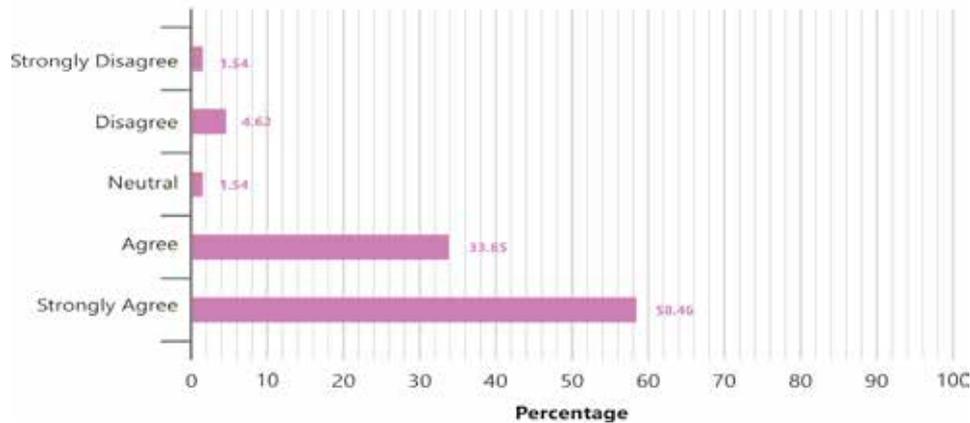
Close to 50% of respondents in Kilifi County were for the opinion that voter bribery does not influence their choice of a candidate (28.57 + 20.63)%.

Voter bribery increases the level of corruption



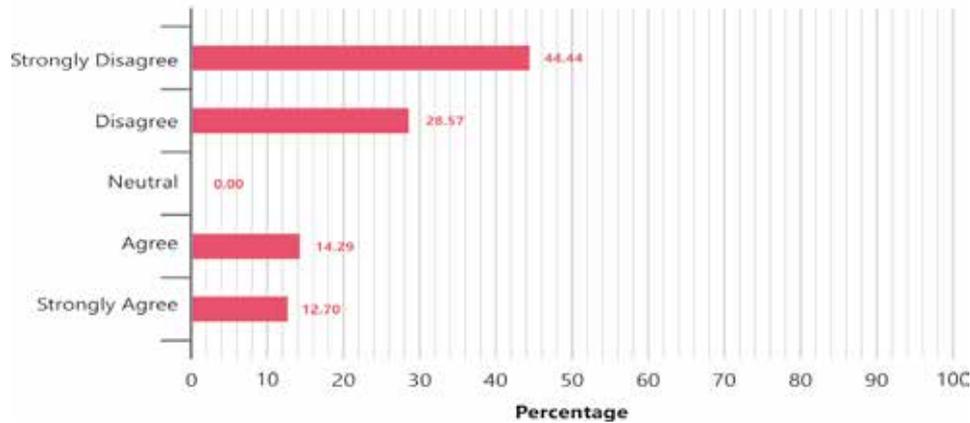
Majority of respondents at 76.56% were strongly for the opinion that voter bribery increases the level of corruption.

Aware that voter bribery is a crime



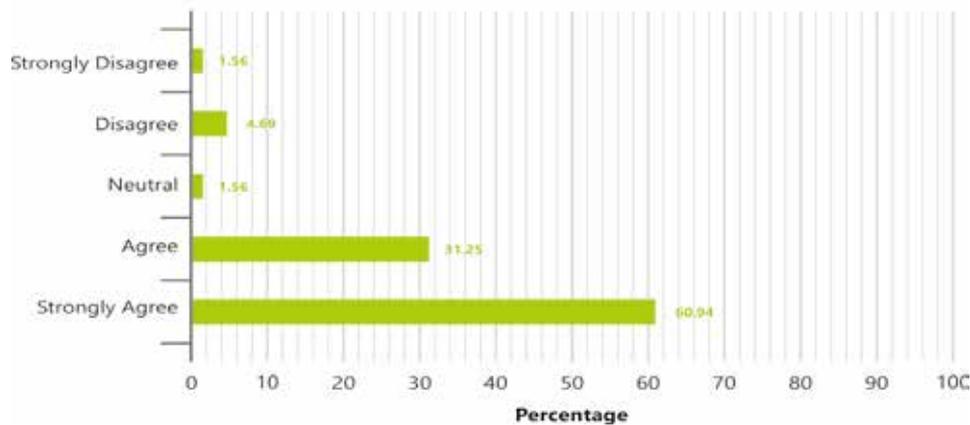
92.31% (58.46 + 33.85)% of Kilifi county respondents were aware that voter bribery is a crime.

Political parties discourage members from taking bribe



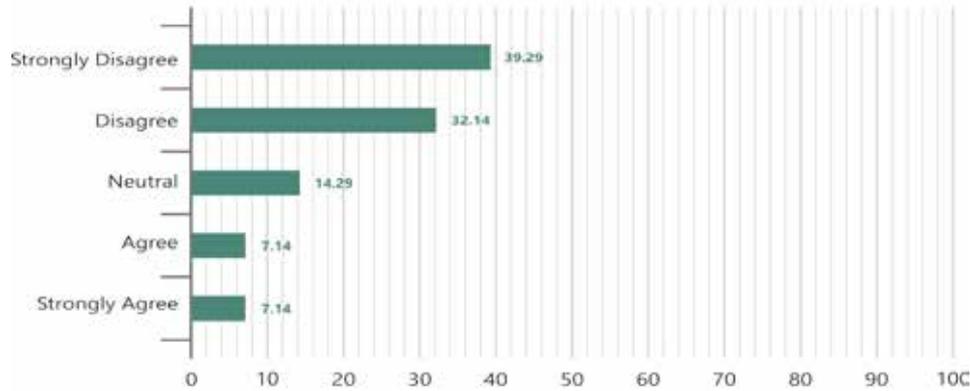
Majority of the respondents were of the opinion that political parties do not discourage members from taking bribes.

It is an individual responsibility to refuse a bribe

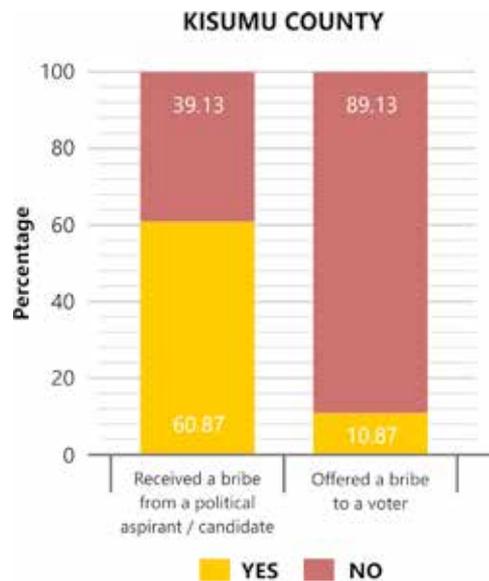


Majority of respondents at 92.19% (60.94% + 31.25%) were of the opinion that it is an individuals responsibility to refuse a bribe.

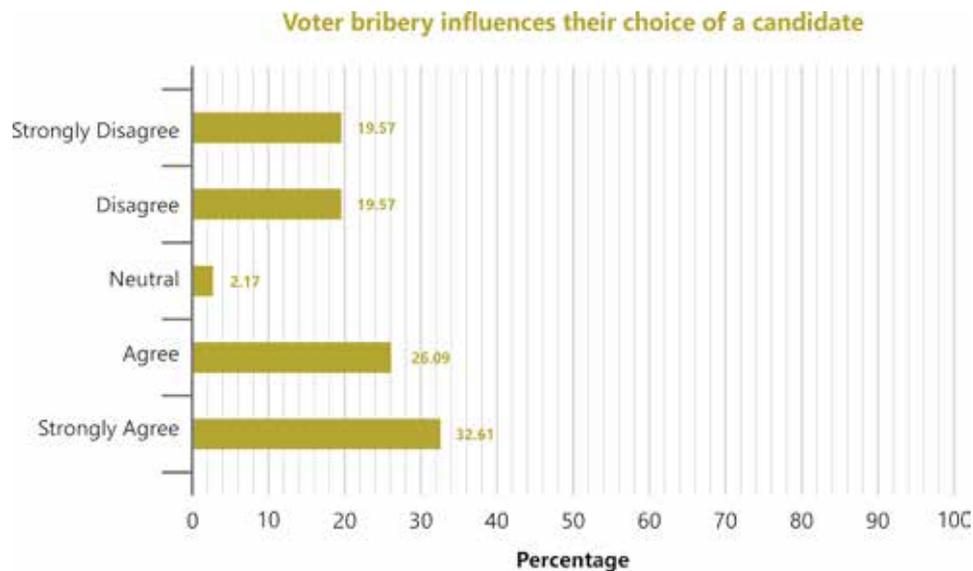
Institutions mandated with the responsibility of fighting voter bribery are playing their role



71.33% (39.29%+32.14%) of respondents were for the opinion that institutions with the mandate to fight voter bribery are not playing their role.

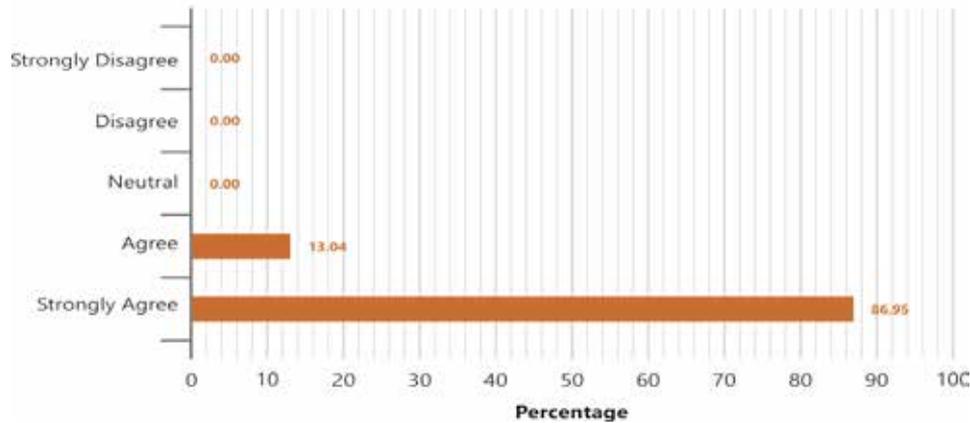


Majority of respondents had received a bribe while at the same time majority of the respondents had never offered a bribe.



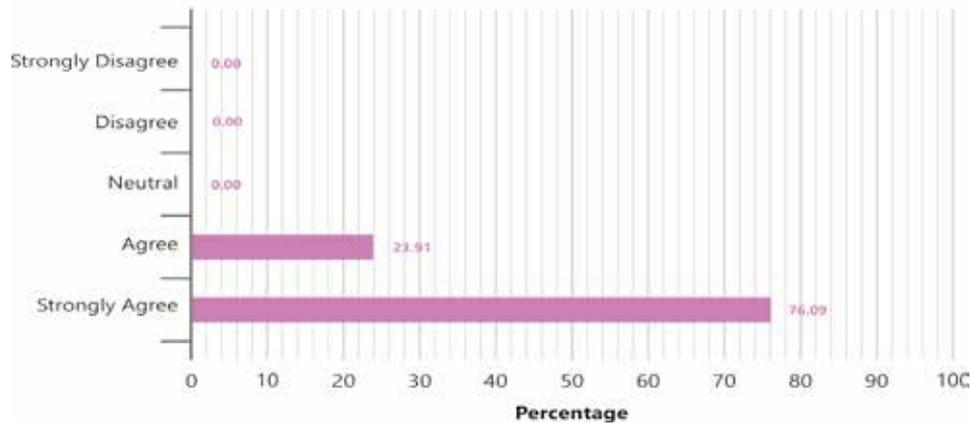
Majority of the respondents, 58.7% (26.09 + 32.61)% agreed that voter bribery influenced their choice of a candidate.

Voter bribery increases the level of corruption



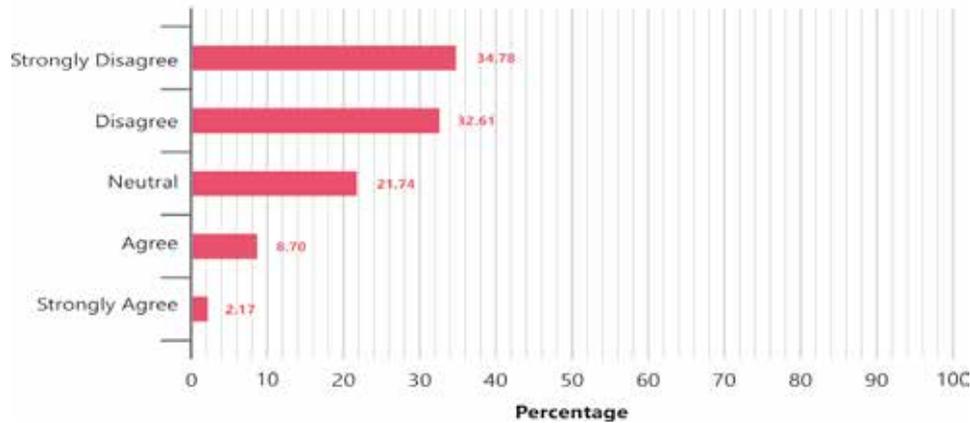
All the respondents 100% (13.04 + 86.96)% in Kisumu were in agreement that voter bribery increases the level of corruption.

Aware that voter bribery is a crime



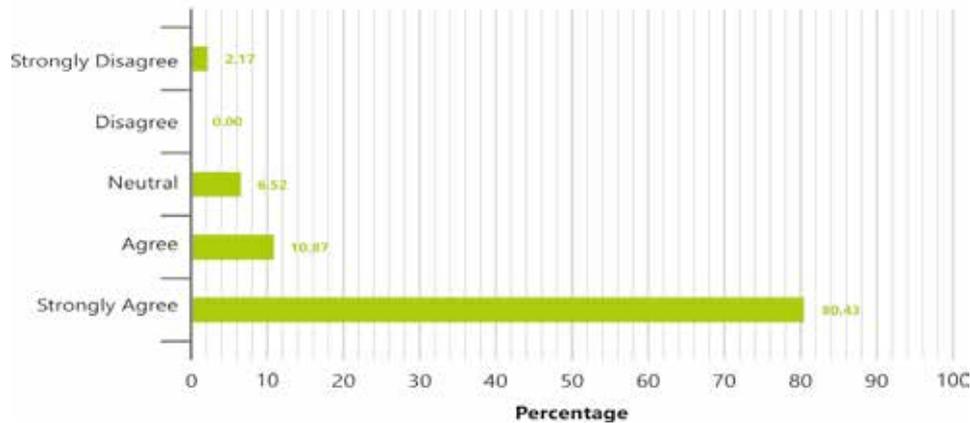
All the respondents in Kisumu were aware that voter bribery is a crime.

Political parties discourage members from taking bribe



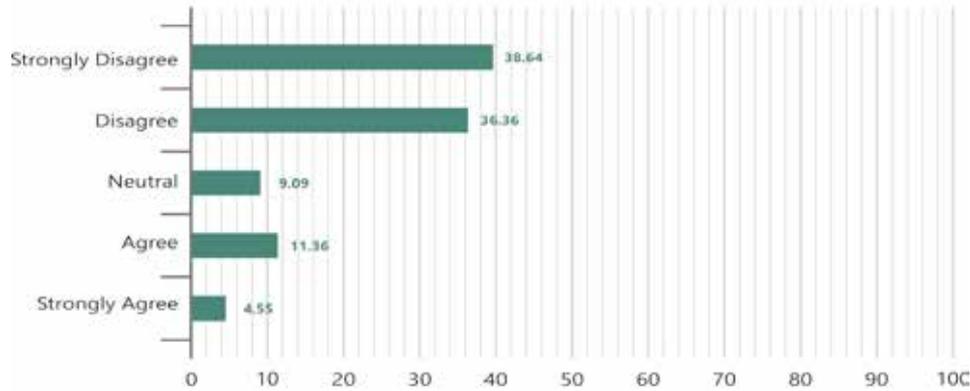
Only 10.87% of respondents in Kisumu (8.70 + 2.17)% were for the opinion that political parties discourage members from taking a bribe.

It is an individual responsibility to refuse a bribe

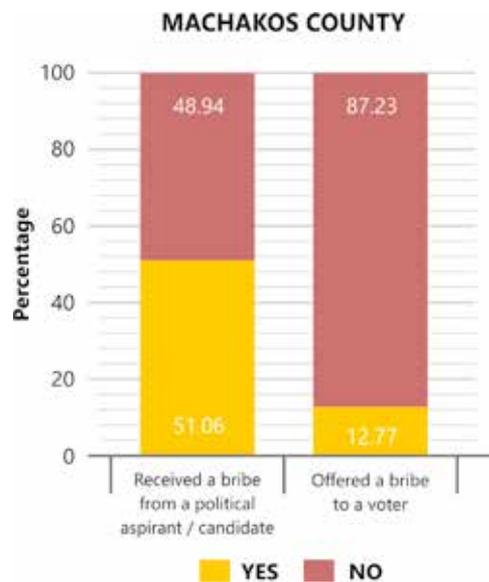


Majority of the respondents were in agreement that it is an individuals responsibility to refuse a bribe.

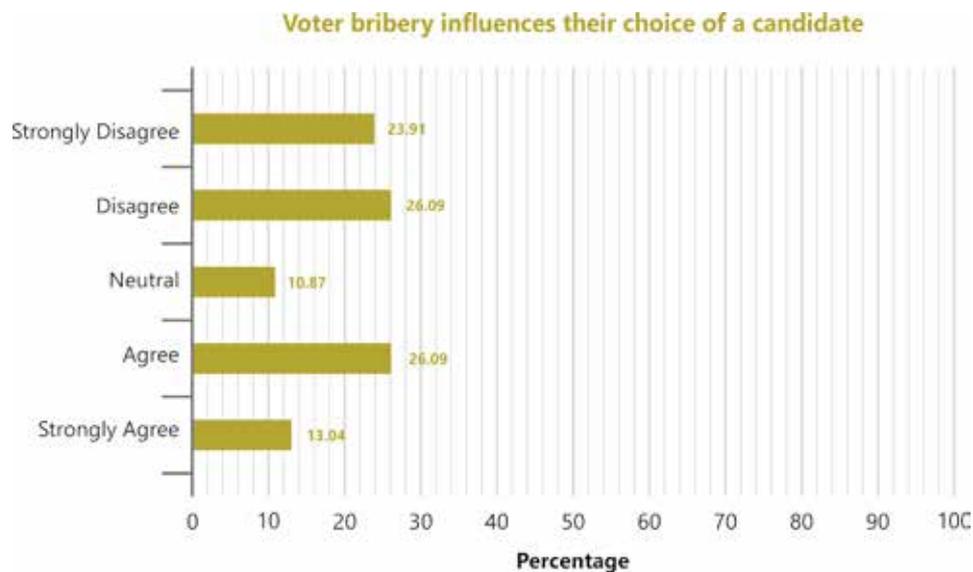
Institutions mandated with the responsibility of fighting voter bribery are playing their role



At 65% (38.64+36.36)%, Majority of respondents were for the opinion that institutions with the responsibility to fight corruption are not playing their role.

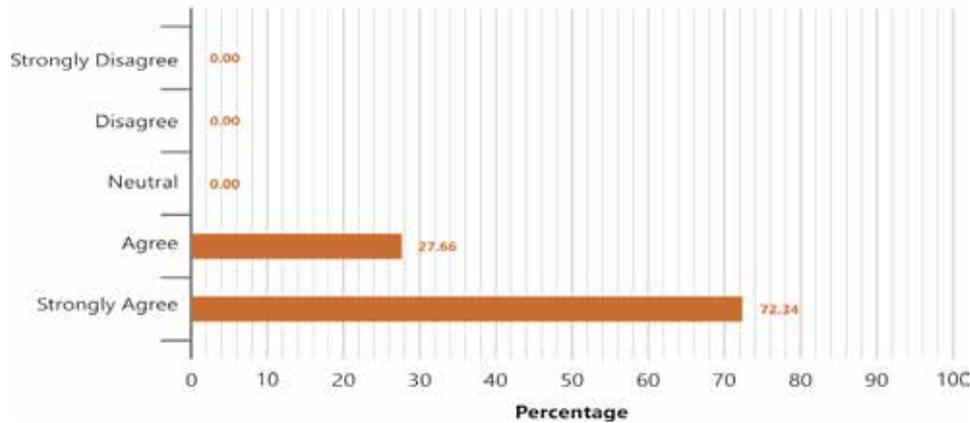


Majority of respondents had received a bribe while at the same time majority of respondents had never offered bribe.



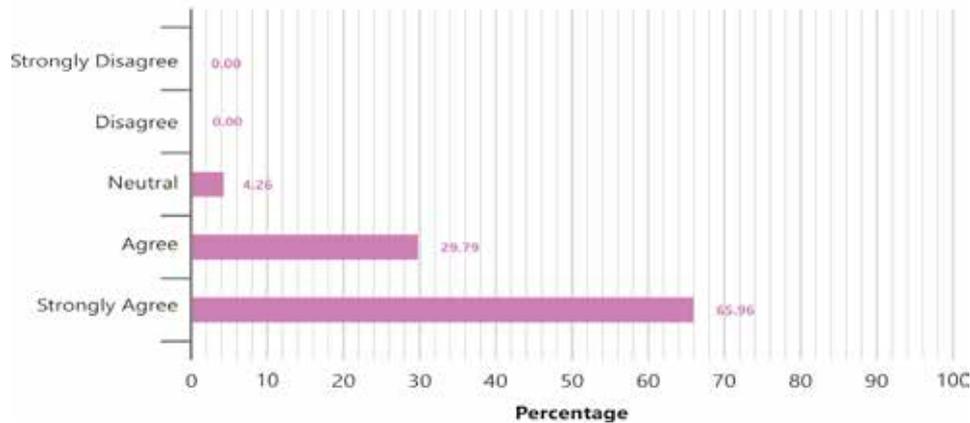
50% of the respondents were for the opinion that voter bribery does not influence their choice of a candidate (23.91 + 26.09)%.

Voter bribery increases the level of corruption



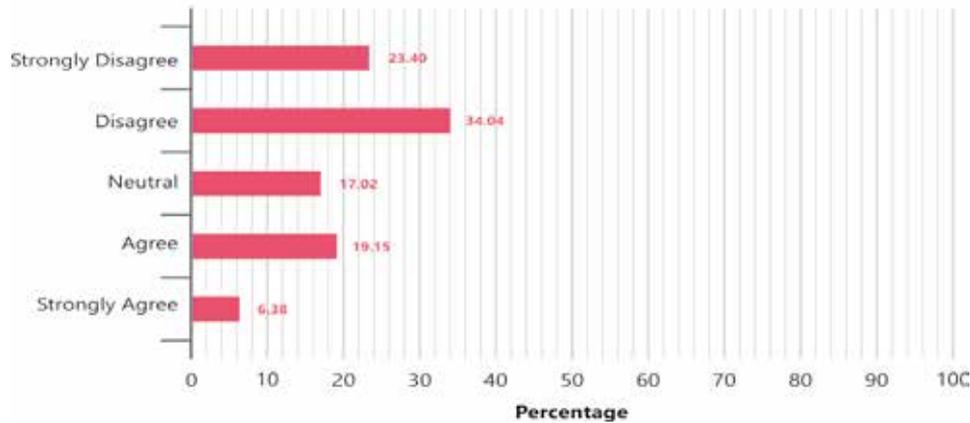
All (100%) of the respondents agreed that voter bribery increases the level of corruption.

Aware that voter bribery is a crime



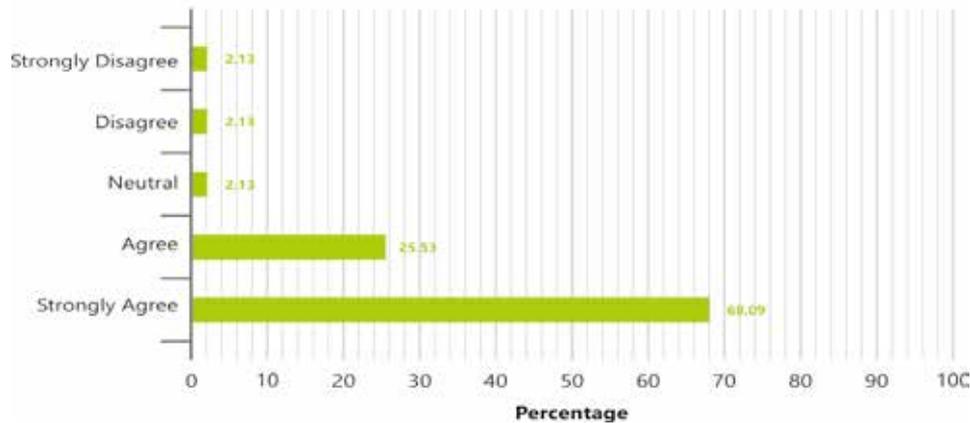
Majority of the respondents 95.75% (65.96 + 29.79)% in Machakos county were aware that voter bribery is a crime.

Political parties discourage members from taking bribe



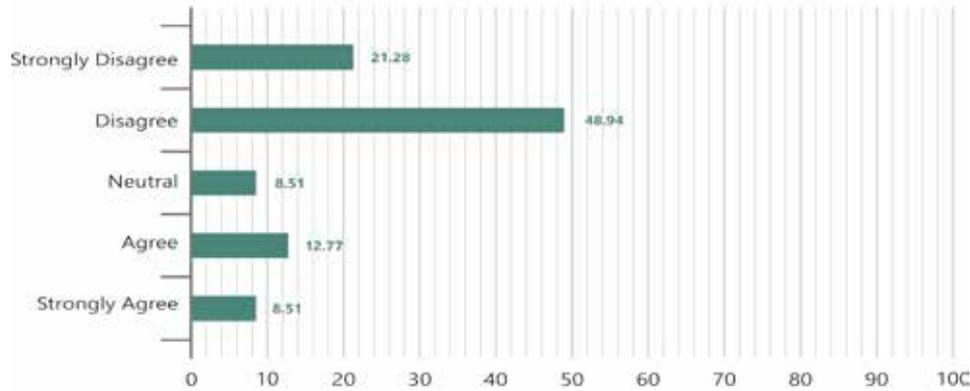
Very few respondents agreed that political parties discourage members from taking voter bribery, 25.53% (19.15 + 6.38)%.

It is an individual responsibility to refuse a bribe

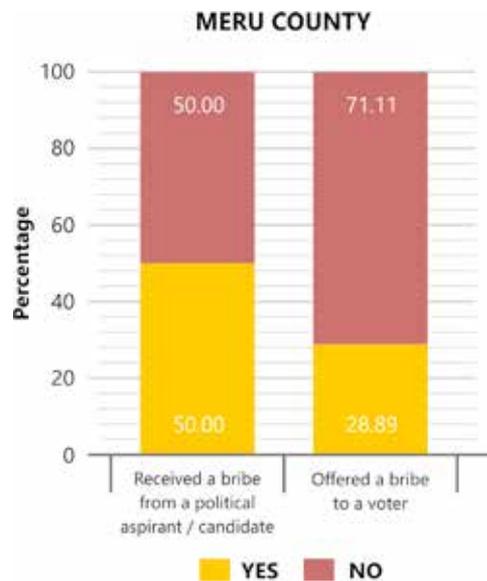


Majority of the respondents 93.18% (25.53 + 68.09)% agreed that it is an individuals responsibility to refuse a bribe.

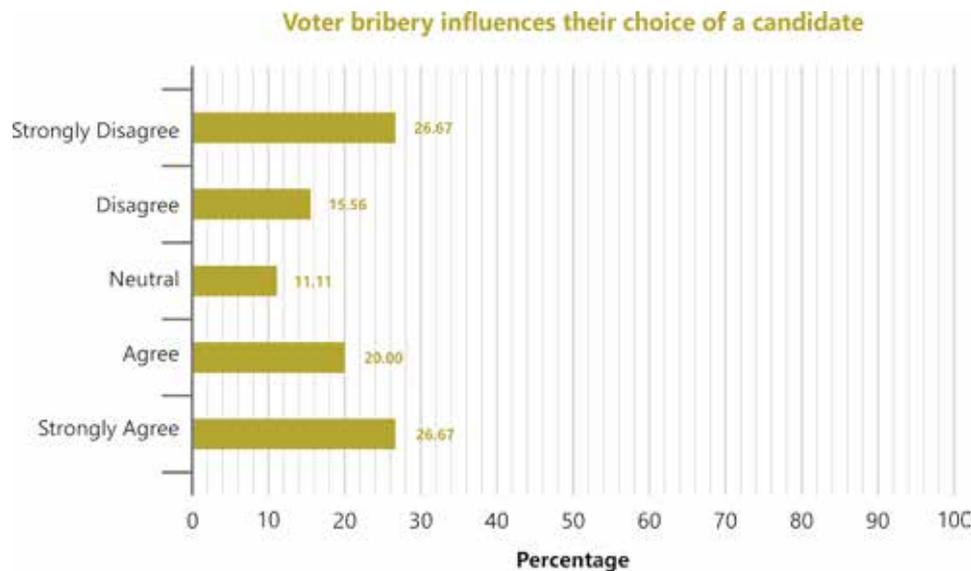
Institutions mandated with the responsibility of fighting voter bribery are playing their role



Majority of the respondents 70.22% (21.28 + 48.94)% were for the opinion that institutions with the mandate to fight voter bribery are not playing their role.

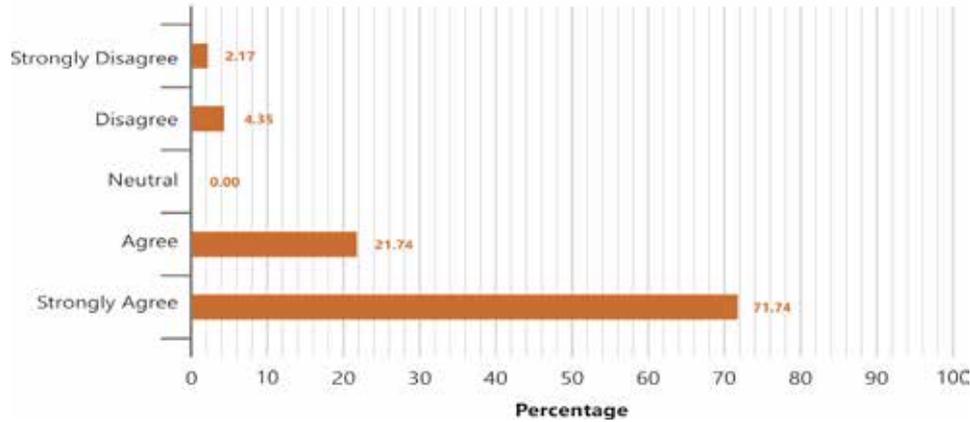


Half of the respondents in Meru (50%) had received a bribe while 28.89% of the respondents had offered a bribe.



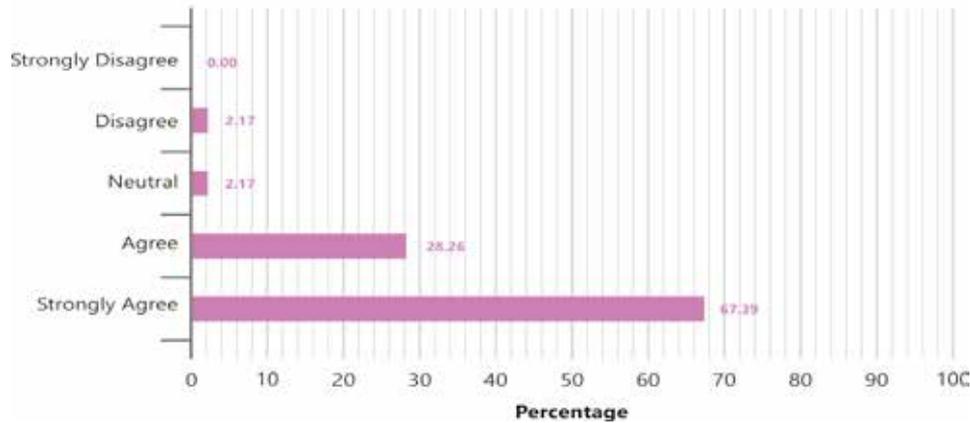
The proportion of respondents who strongly agreed that voter bribery influences their choice of a candidate was of equal measure with those who strongly disagreed at 26.67% in each case.

Voter bribery increases the level of corruption



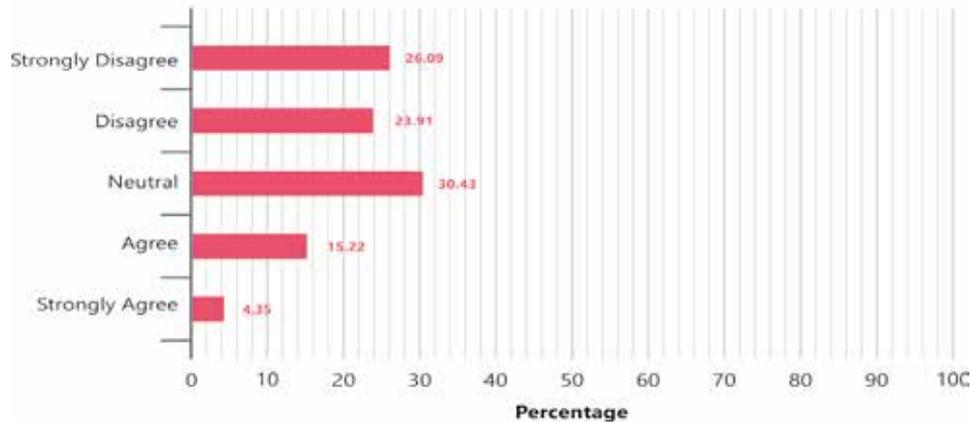
Majority of respondents in Meru county 93.48% (21.74 + 71.74)% agreed that voter bribery increases the level of corruption.

Aware that voter bribery is a crime



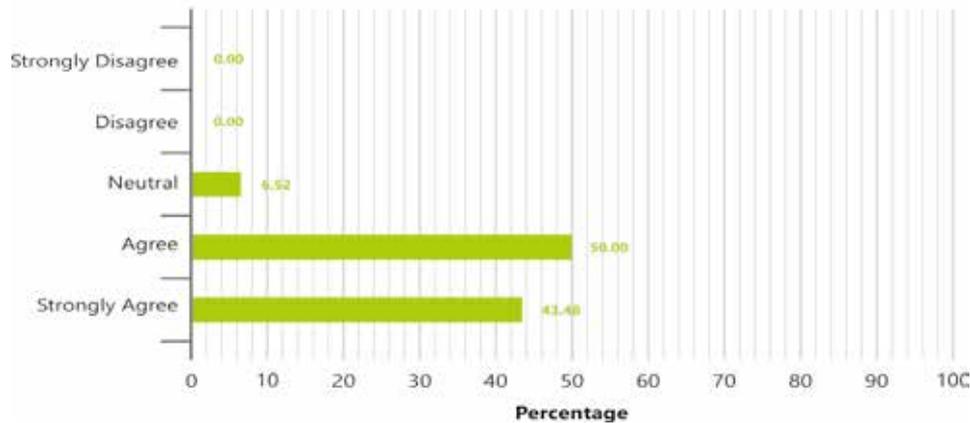
95.65% (28.26 + 67.39)% were aware that voter bribery is a crime.

Political parties discourage members from taking bribe



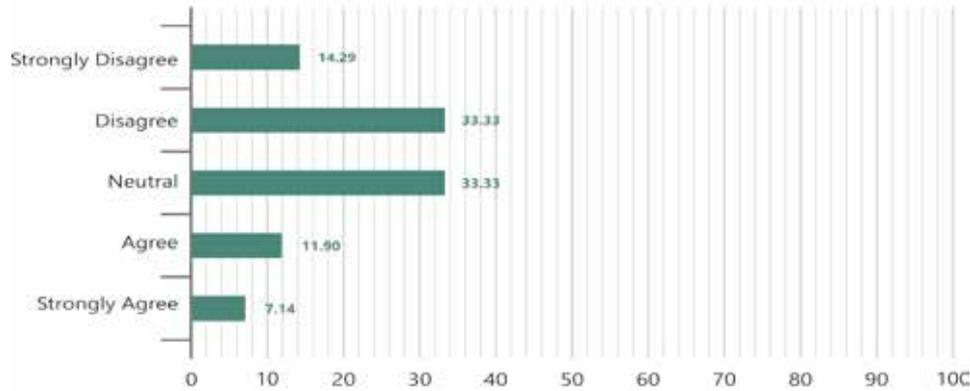
50% (26.09 + 23.91)% of respondents in Meru were for the opinion that political parties do not discourage members from taking a bribe.

It is an individual responsibility to refuse a bribe

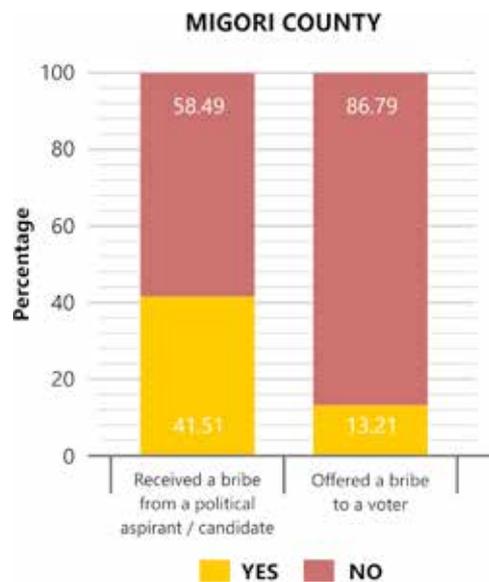


Majority of the respondents 93.48% (50 + 43.48)% were for the opinion that it is an individuals responsibility to refuse a bribe.

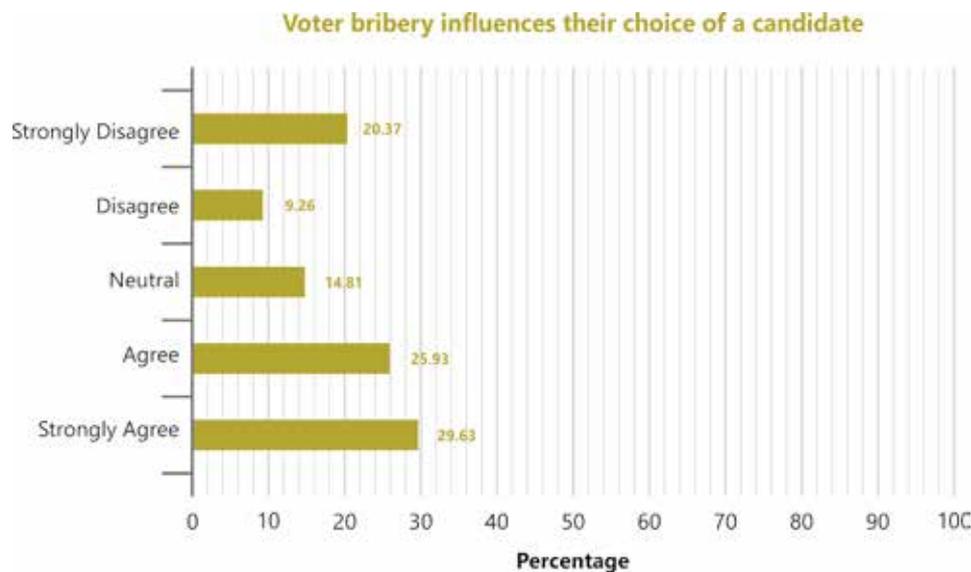
Institutions mandated with the responsibility of fighting voter bribery are playing their role



Only 47.62% (33.33 + 14.29)% were for the opinion that institutions that have the responsibility to fight voter bribery were not playing their role.

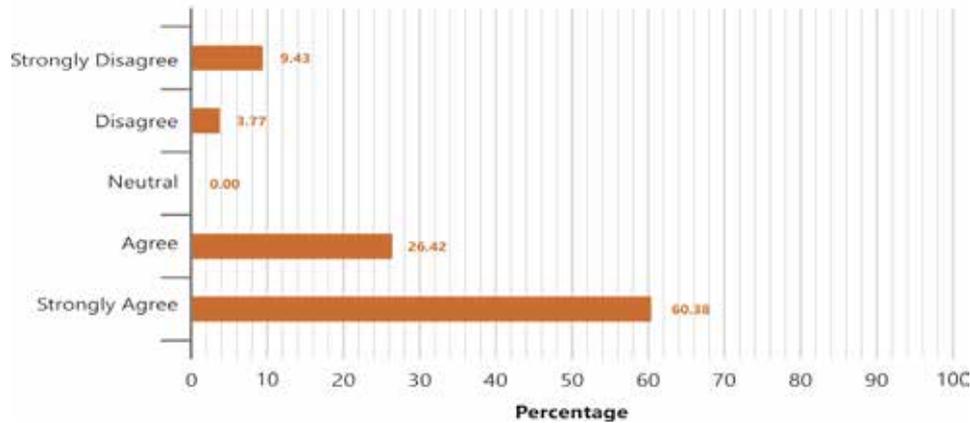


Majority of respondents in Migori county had never received a bribe (58.49%) while at the same time majority had never offered a bribe (86.79%).



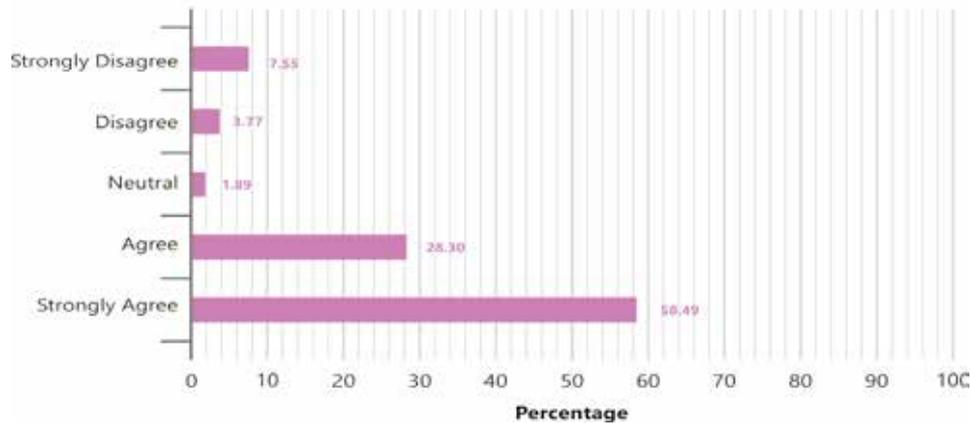
55.56% this being majority (25.93 + 29.63)% agreed that voter bribery influences their choice of a candidate.

Voter bribery increases the level of corruption



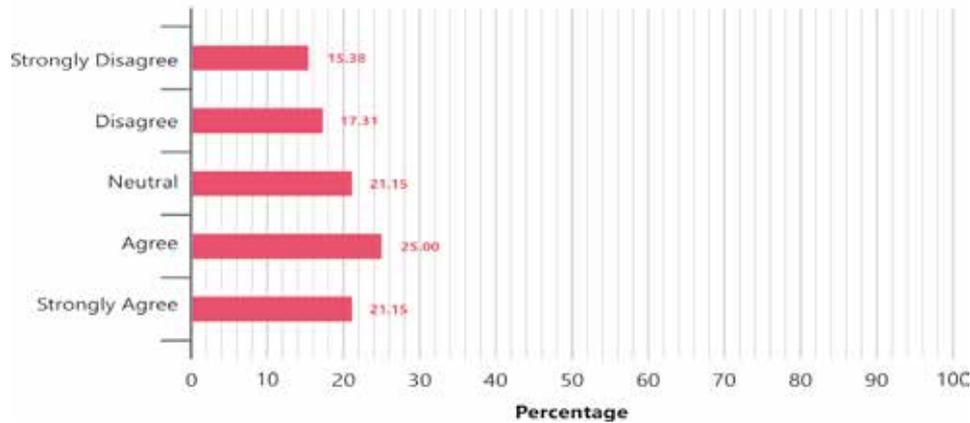
Majority of respondents 86.80% (26.42 + 60.38)% were in agreement that voter bribery increases the level of corruption.

Aware that voter bribery is a crime



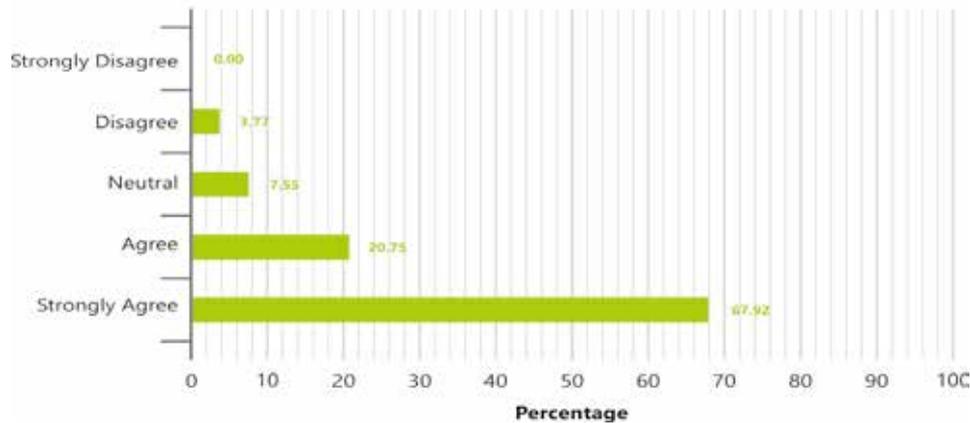
Majority were aware that voter bribery is a crime 86.79% (28.30 + 58.49)%.

Political parties discourage members from taking bribe



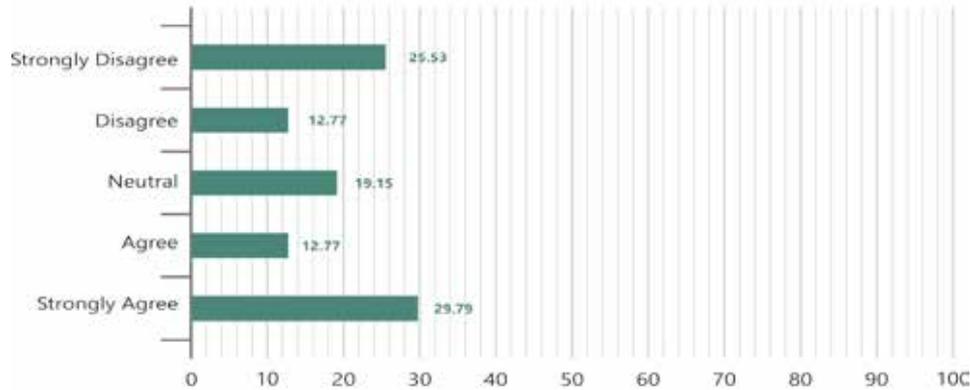
Although less than half of the respondents, those who agreed that political parties discourage members from taking bribes were the majority at 46.15% (25.00 + 21.15)%.

It is an individual responsibility to refuse a bribe

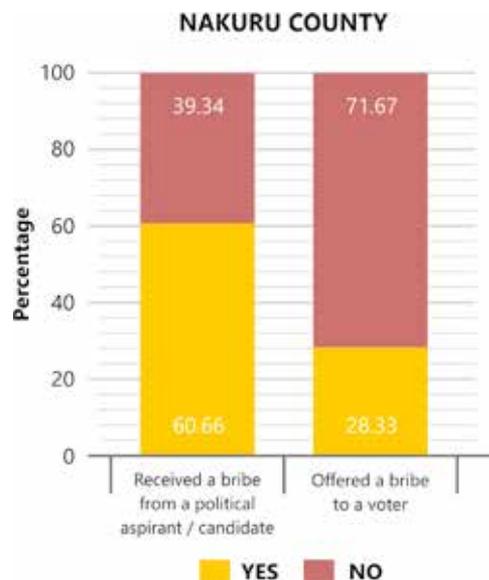


Majority of respondents in Migori county, at 87.67% (20.75 + 67.92)%, agreed that it is an individuals responsibility to refuse a bribe.

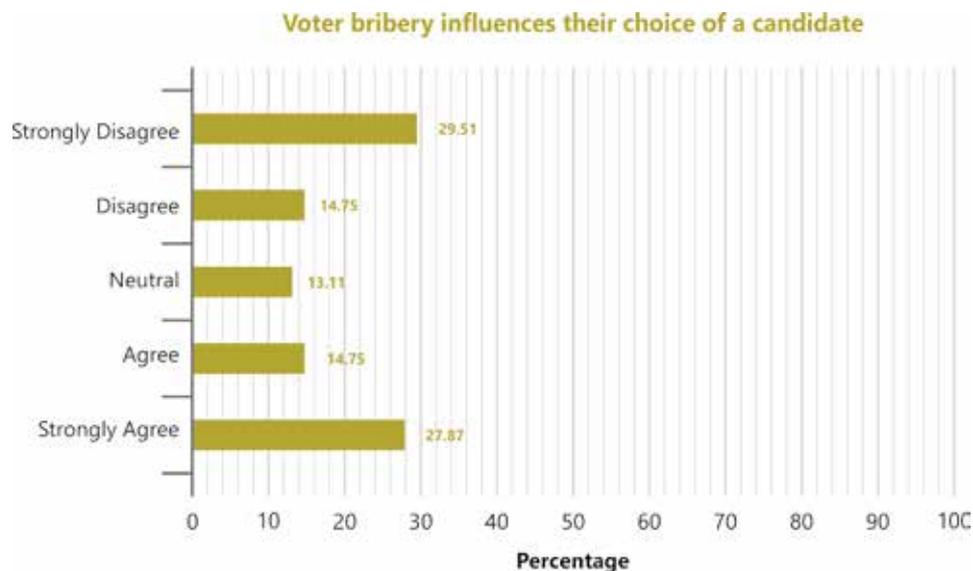
Institutions mandated with the responsibility of fighting voter bribery are playing their role



Majority of respondents in Migori county, 42.56% (29.79 + 12.77)%, even though being less than half of the respondents, agreed that institutions with the mandate to fight voter bribery are playing their role.

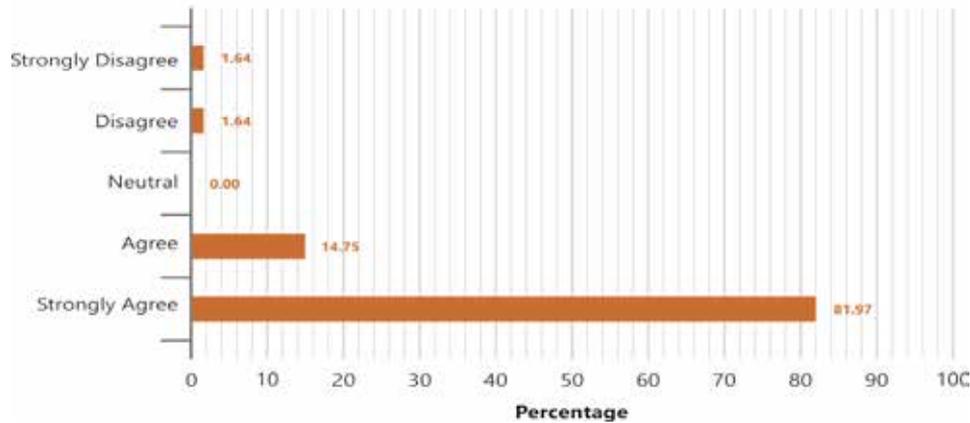


Majority of the respondents had received a bribe, at 60.66% while majority had not offered a bribe at 71.67%.



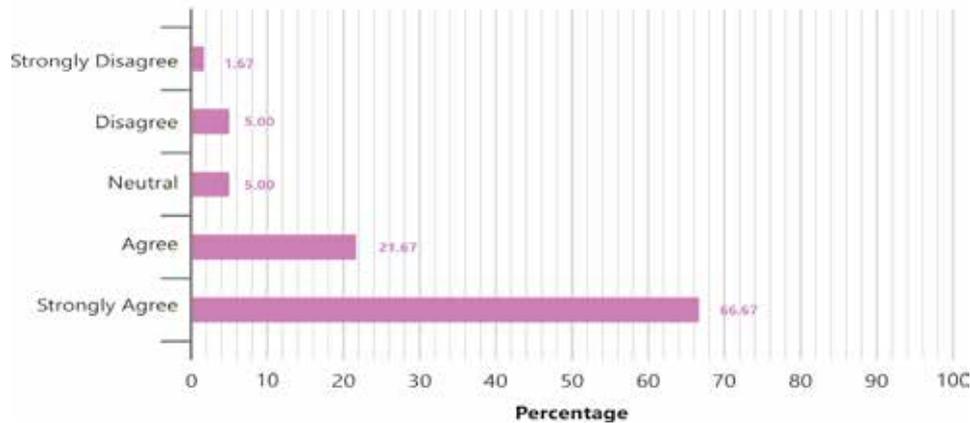
Voter bribery influenced the choice of a candidate for 42.62% of the respondents while 44.26% do not have their choices influenced by voter bribery, therefore majority are not influenced by voter bribery.

Voter bribery increases the level of corruption



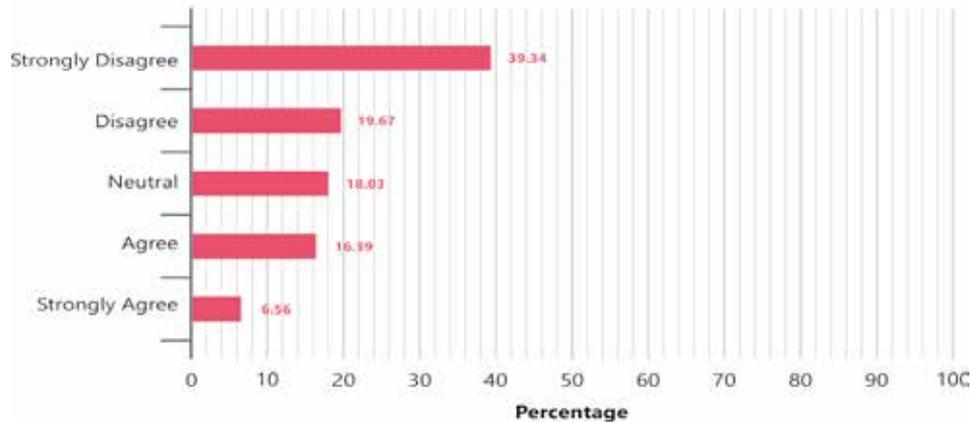
96.72% (14.75 + 81.97)% of the respondents agreed that voter bribery increases the level of corruption.

Aware that voter bribery is a crime



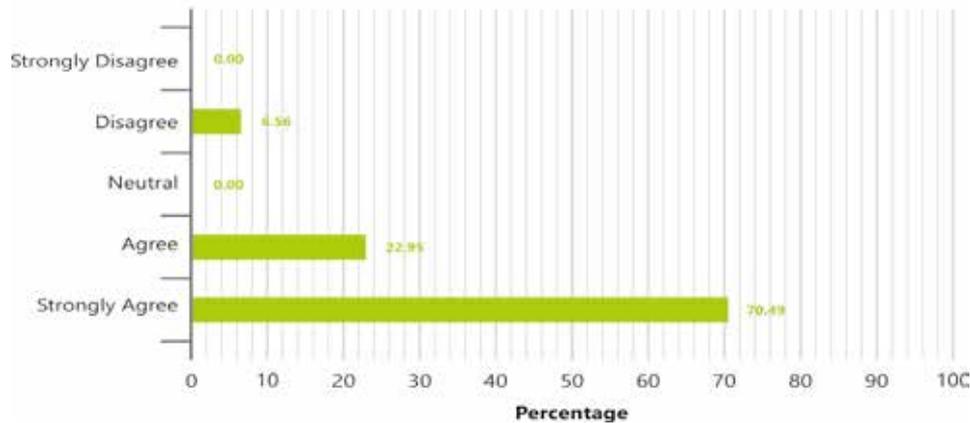
Majority of the respondents in Nakuru county, at 88.34% (66.67+21.67)% were aware that voter bribery is a crime.

Political parties discourage members from taking bribe



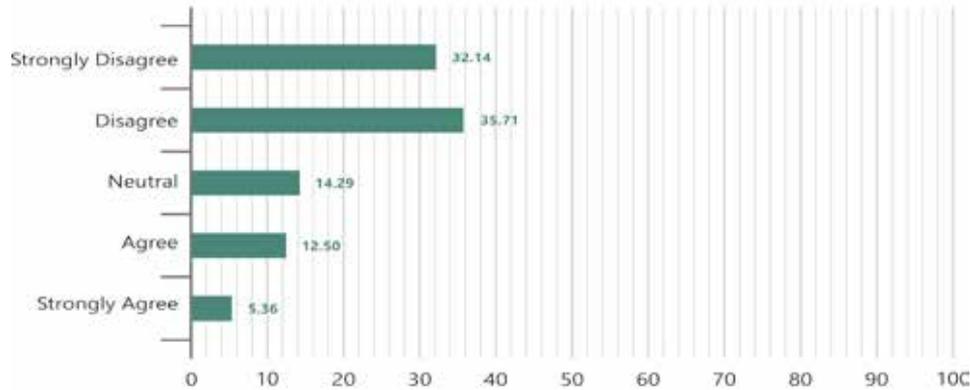
Majority of respondents 59.01% (39.34 + 19.67)% disagreed with the opinion that political parties discourage members from taking bribe.

It is an individual responsibility to refuse a bribe

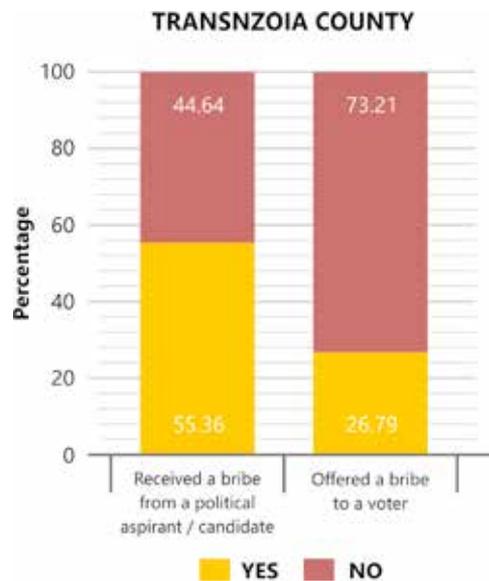


93.44% of the respondents (70.49 + 22.95)%, this being the majority, were for the opinion that it is an individuals responsibility to refuse a bribe.

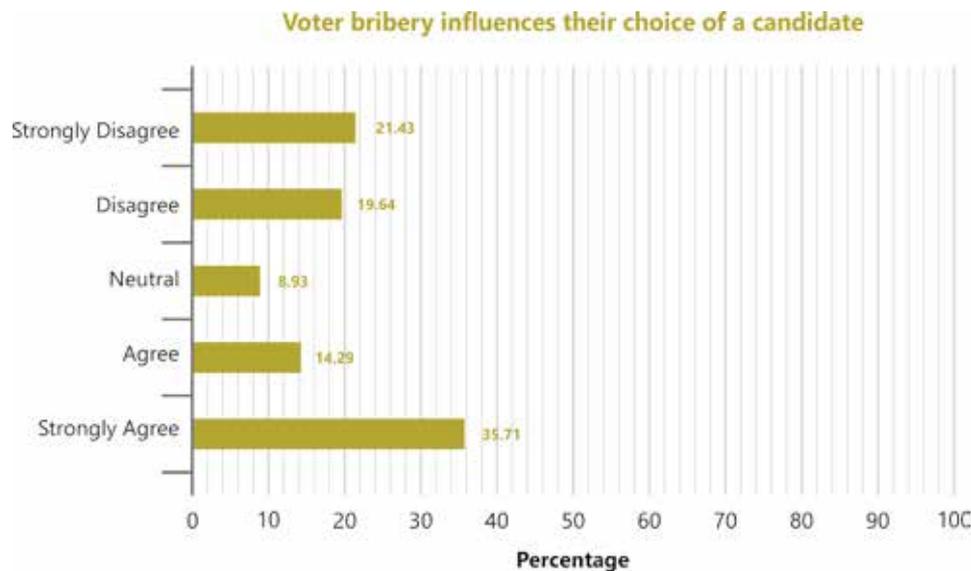
Institutions mandated with the responsibility of fighting voter bribery are playing their role



According to majority of respondents, 67.85% (32.14+35.71)%, institutions with the mandate to fight voter bribery are not playing their role.

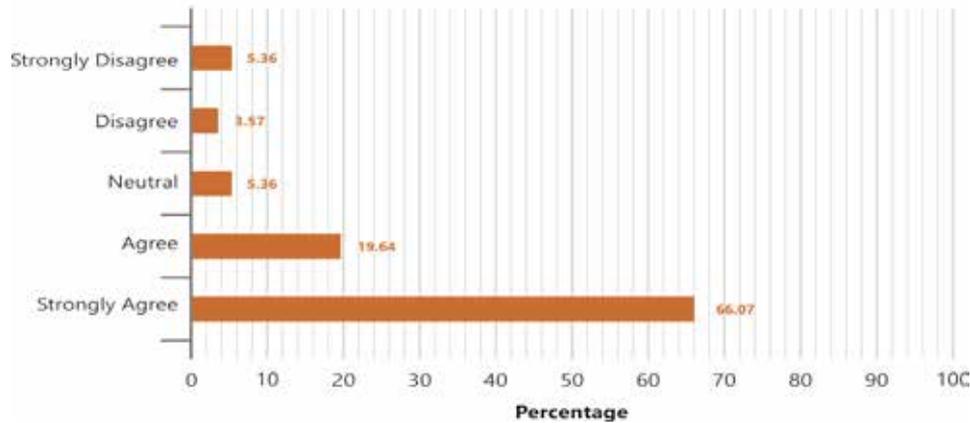


Majority of respondents had received a bribe while majority had also not offered a bribe.



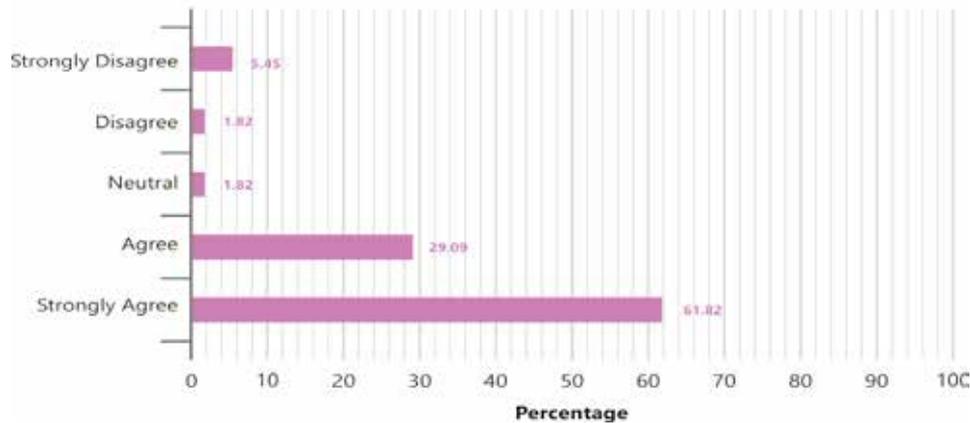
50% (14.29 + 35.71)% of the respondents were in agreement that voter bribery influences their choice of candidate.

Voter bribery increases the level of corruption



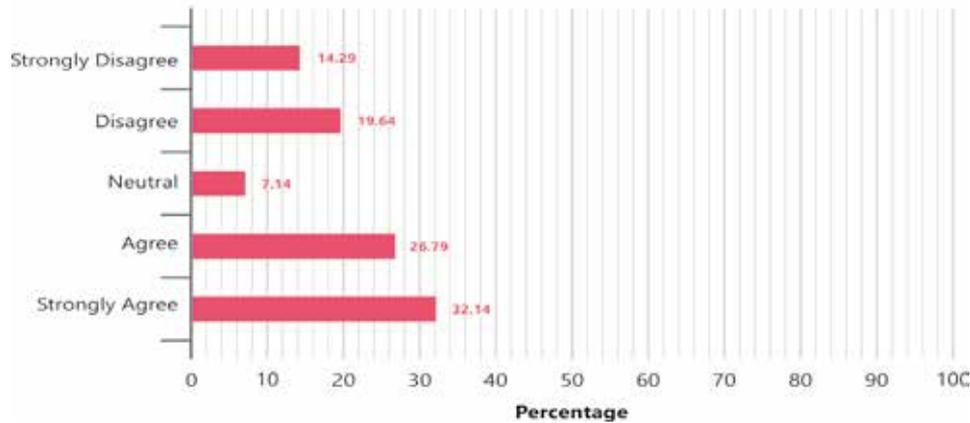
85% (19.64 + 66.07)% of the respondents, this being majority, agreed that voter bribery increases the level of corruption.

Aware that voter bribery is a crime



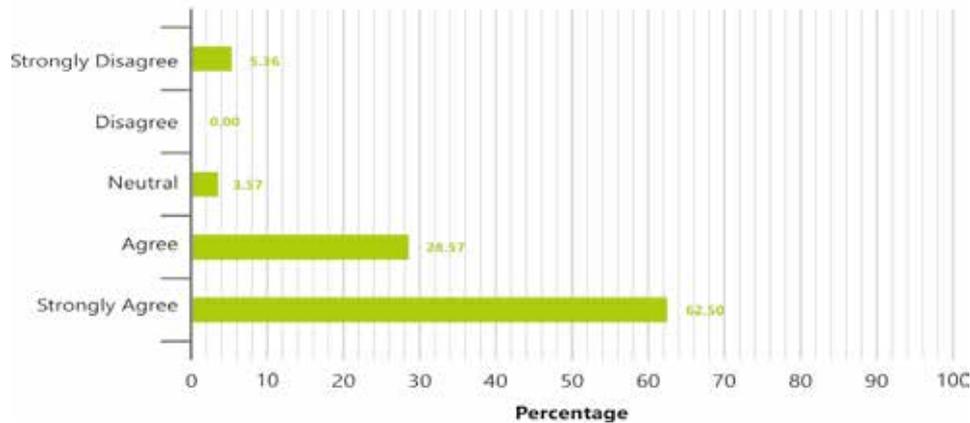
Majority of the respondents, 90.91% (29.09 + 61.82)% were aware that voter bribery is a crime.

Political parties discourage members from taking bribe



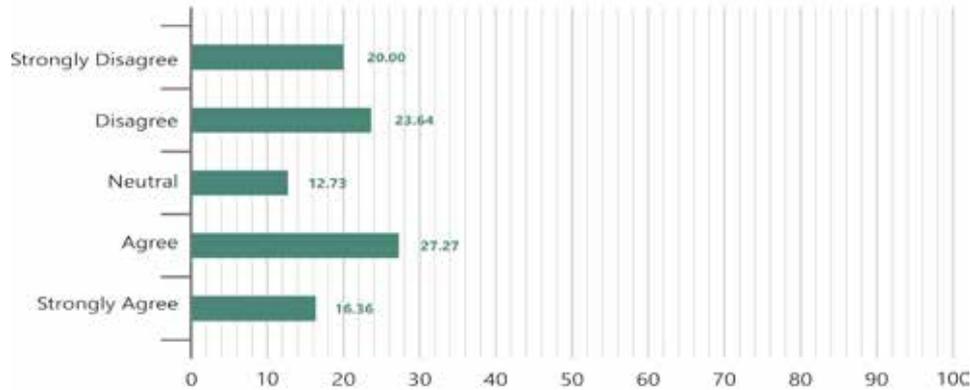
Majority of respondents 58.93% (26.79 + 32.14)% were in agreement that political parties discourage members from taking a bribe.

It is an individual responsibility to refuse a bribe



Majority of respondents 91.07% (28.57 + 62.50)% agreed that it is an individuals responsibility to refuse bribes.

Institutions mandated with the responsibility of fighting voter bribery are playing their role



Respondents in Transzoia county who were of the opinion that the institutions with the responsibility to fight voter bribery were playing their role were 43.63% (27.27 + 16.36)% which was equal to those of the opinion that such institutions were not playing their role, 43.64% (20+23.64)%.

Summary of the descriptions of voter bribery at the counties

County	Summary Description
Bomet	Voter bribery is a form of electoral corruption that results into voters being influenced to vote for incompetent unaccountable persons. Once in office, such persons remain corrupt, engage in uneven distribution of resources, impede development and abuse power.
Kakamega	Voter bribery is a crime and contributes to people not making the right choices during elections. It results into bad leadership and poor governance and affects service delivery. It is the foundation of corruption by leaders.
Kiambu	Voter bribery has a history of being set by the previous leaders, especially during Miorongo voting. It promotes violence during elections. It results into people being misled that persons who have a lot of money are likely to solve people's problems if they are elected. It results into corrupt leaders being elected and remains a challenge to address due to low income levels of persons.
Kilifi	Voter bribery is contributed to by poverty situations. It influences the election outcomes, results into bad leadership, poor service delivery, increases corruption and impacts negatively on people's lives.
Kisumu	Voter bribery hinders citizens from electing leaders of their choices and robs the country of potential leaders. It results into bad leadership and more corruption. Leaders who bribe voters tend to be corrupt by using public resources to recover the money they used during campaigns.
Machakos	Voter bribery locks out the poor but good leaders. The problem begins with voters who accept to take bribes. It results into bad leadership, conflict, poverty and increase corruption levels.
Meru	It maintains the cycle of corruption, increases levels of corruption and poor service delivery. Good candidates who do not bribe end up losing. It results into bad leadership, persons who bribe will want to use public resources to recover their money back.
Migori	It is contributed to by poverty and low income levels. It results into voters not making the right decision on the whole electoral process. It also leads to bad leadership and is detrimental to development.
Nakuru	Voter bribery leads to subsequent corruption after elections and negatively impacts the economy. It manipulates the voters into making choices during elections and compromises on the qualities of leaders resulting into bad leadership.
Transzoia	Voter bribery influences the people to vote for corrupt leaders. It increases corruption, promotes weak leadership and weak institutions.

Taking The Conversation Forward

Solving the voter bribery problem

There was a general feedback from the respondents that persons who engage in voter bribery should be arrested and prosecuted as guided by the relevant laws of Kenya. The analysis finds that one of the constraints to curtailing voter bribery is the disjointed manner of interplay from all factors affecting voter bribery.

Tracing the impact chain and implications of voter bribery

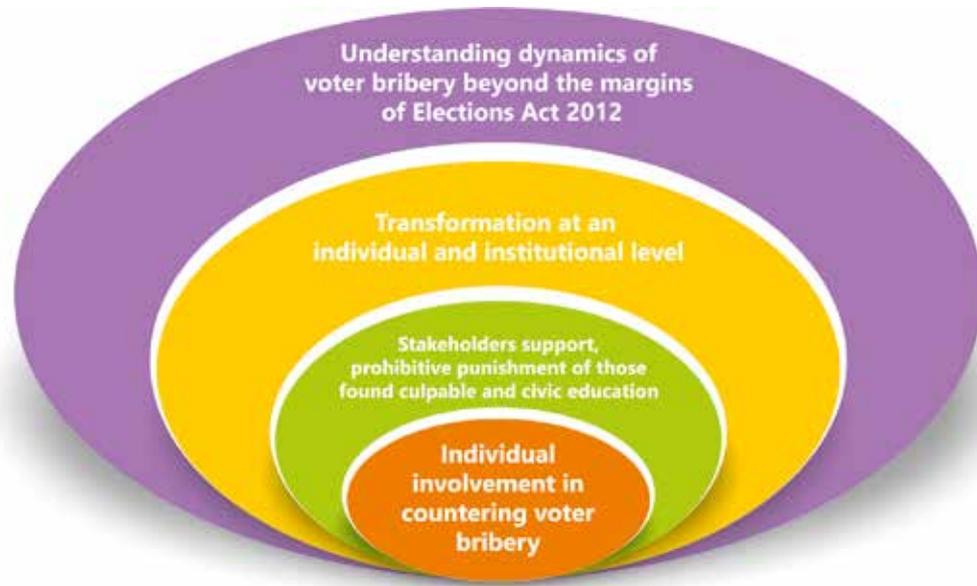
Tracing the level of outcomes and impact in voter bribery remains a challenging undertaking, given the dynamic nature of the practice, the factors that contribute to the vice, and the attitude of the politicians and the electorate towards it.

Viewed superficially, it may seem like an attempt to chase a ghost! The hierarchy of voter bribery aims and forms are so intertwined and dependent on a multiplicity of factors that a cursory look at individual activities in isolation cannot provide a complete solution. This can be illustrated as thus:

Diagram of interplay of voter bribery factors



Understanding dynamics of voter bribery beyond the margins of Elections Act 2012



This therefore means that it is difficult to look at high order implications of voter bribery practices, owing to their interdependence, although they are easily influenced by a host of intervening variables and contextual factors, that go beyond the margins of legal and policy frameworks.

The respondents made the following suggestions on what needs to be done to solve the problem of voter bribery:

Taking the conversation to political parties

Most of the respondents pointed out that the political parties have major roles to play in addressing voter bribery. Recognition was made that the persons who initiate voter bribery processes usually emerge from political party members.

Below is a summary of what the respondents outlined on how the conversation may be taken to political parties:

1. *A strong message to be sent to the political leaders of all political parties that they would be held personally responsible and accountable for any incidences of voter bribery committed by their party members;*

2. *Specific penalties to be imposed on political parties whose members engage in voter bribery;*
3. *Political parties to roll out campaigns that address voter bribery and their party structures to be used up to the villages to campaign against voter bribery;*
4. *Political party meetings and forums to have an agenda item known as 'Voter bribery'. Such an agenda may be a standing agenda for at least a period of twelve months before the elections are held;*
5. *Political parties to develop and publicise their party mechanism for dealing with cases of voter bribery. Such mechanisms should have a linkage with state institutions that have the mandate to deal with cases of corruption;*
6. *Political parties to embrace strategies for getting feedback from the citizenry about their candidates, in regards to their conduct during campaigns, especially in cases where voter bribery has been noticed. Whenever citizens report to any political party about incidences of voter bribery by their members, the party leadership should ensure that such reports are acted upon and citizens who*

report are given feedback.

Taking the conversation to other voters

When asked how they would take the conversation about voter bribery to other voters, the respondents gave a number of comments that have been summarized as follows:

1. *Personalized communication at individual levels, persuading one another not to receive a bribe from an election candidate while at the same time encourage each other to report persons who attempt to bribe them;*
2. *Utilizing community level opportunities such as local level group meetings, religious gatherings, and events such as sports to share messages about ending voter bribery. This may take an approach of citizens' sensitizations and dialogue sessions;*
3. *Being part of civic education and voter education programmes, with keen attention to using the materials developed by organizations implementing such programmes;*
4. *Use of the Social Media to sustain conversations on the need to fight and end voter bribery. Other media such as community and national radio*

and TV stations may also be used as opportunities arise.

Voters individual roles during in the 2017 election cycle

When asked about the individual roles they would play in the 2017 general elections, the respondents gave the following feedback:

1. Resist / refuse to take bribes from candidates or their agents
2. Engage in voter bribery awareness activities
3. Campaign against voter bribery at the household and community levels
4. Report persons who offer bribes to voters and the voters who take the bribes
5. Take part in voter education exercises as opportunities may arise
6. Make personal informed choices about the candidates to be voted for

Summary of survey findings

The survey findings provide empirical data on the perceptions, attitudes, practices and interests of voters in the 10 counties sampled, which is an extrapolative indication of the attitude of voters in all the 47 counties in Kenya. Approximately half of the respondents, regardless of area of residence

or gender, in the surveys, indicated that they were most interested in politics and that they have benefitted from voter bribery.

More than two thirds (78%) of the respondents comments pertained to improving the administration of the election process, particularly with regard to having institutions tasked with fighting electoral malpractices, including voter bribery, being more proactive and rising up to their statutory mandates.

Progressive democracy and integrity of electoral processes are a function of informed social movements and civic interests which are to a greater extent an organic germination of socio-political interest pressure groups under the leadership of committed stakeholders and political leaders, able to deal with the 'push and pull' factors in the political arena.

1. **Prevalence of Voter Bribery:** Most voters/ respondents identified directly with voter bribery, with verifiable data indicators showing that over 50% of respondents in all the 10 counties have received bribes from aspirants of elective positions or from politicians.

2. **Understanding Voter Bribery:**

Voter bribery takes various forms and methods. There is need to have a common understanding of what amounts to voter bribery and why, and what remedies are suitable to curb the vice.

3. **Integrity:** The evidence-based findings point to diminishing integrity across the electorate and candidates for political office, with majority opining that voter bribery seems beneficial to the recipients.

4. **Rule of Law:** The survey findings further indicate that over 70% of respondents across all the 10 counties were aware that voter bribery is an offense and punishable by law. Yet over 50% of respondents in all the 10 counties indicated that they have received bribes. This points to a heightened disregard for the rule of law and trashing of value systems.

5. **Civic Education:** A grant component should be included in civic education praxis, to establish an army of anti-

voter bribery ambassadors, with a view to entrenching experiential training on value-based democracy. This could be a collaborative initiative with various stakeholders (including IEBC) through a national or regional fellowship on elections integrity. This could be established through a special mentorship programme for aspiring leaders, where selected leaders/ politicians of admirable integrity could mould young leaders.

6. **Media Partnership:** It is imperative to have media partnership if the anti-voter bribery campaign in order to gain traction and spur national conversations against the electoral vice. This should not just happen at the end a survey when findings have been made. It would be crucial to have media highlights of plenary discussions at the county level/ grassroots, to show the spiral of factors and cross cutting issues right from the voters.
7. **Access to Information:** From the feedback sessions, it was evident that most respondents are scarcely aware of reported cases of former or successful

prosecutions of individuals or politicians who were found engaging in voter bribery. There is need for voters to access such information. This means that stakeholder partnerships could take up this initiative by developing such a database.

8. **Public Expectations:** It is crucial to develop a shared public understanding regarding public expectations for augmented voter bribery, and through stakeholder memoranda, establish agreement on appropriate methods for implementing procedural safeguards that protect the integrity of electoral processes, and curbing of voter bribery.
9. **Punishment:** While records show cases where politicians have been punished for voter bribery or treating of voters contrary to the Elections Act 2012, there are no cases of the recipients of bribes being taken through the justice system for punishment.

Conclusion

This survey has clearly shown that the issue of voter bribery is real and that citizens willingly confess that they have ever received a bribe. This means that even the period towards the 2017 elections, there is a high likelihood that citizens will continue to receive bribes, should they be offered.

The survey also showed that citizens know the persons who give bribes and therefore it should not be difficult to provide evidence that a bribe was given. The challenge however remains whether citizens who have information that some bribe was given to voters will be willing to record statements with the institutions in-charge and possibly appear for cross-examination as a witness.

The survey has further established that citizens are aware of what needs to be done to solve the problem of voter bribery, including which institutions have the responsibility to do that. What may need to be interrogated further is the factors that are hindering such institutions from eradicating voter bribery completely.

To overcome voter bribery means that

ordinary citizens, political parties, candidates running for office and campaign teams have to safeguard their integrity, and conduct, such that their activities don't open up questions of bribery or treating of voters with a view to influence their decisions at the ballot. Fundamentally, candidates should play an active role in promoting electoral integrity by avoiding the pitfalls of voter bribery. This can further be hindered by strict implementation of election laws, as well as heightening campaign monitoring.

Recommendations

Moving forward, the following recommendations should be considered and implemented, as one of the processes towards ending voter bribery as an election malpractice in Kenya.

The process of considering these recommendations may begin by having a multi-stakeholder dialogue with the objective being to synthesize the specific actions to be taken for each of the recommendations; the institutions to take lead for each of the actions; the time-frame for implementing the actions and the Indicators that would be used to measure progress.

The output from such a multi-stakeholder dialogue session could be *“A Multi-Stakeholder Integrated Action Plan to End Voter Bribery in Kenya.”*

1. Voter Education content should be well designed such that it includes information not just on the right to vote and the voting process, but specific attention should be put on the meaning and implications of voter bribery. Such

content should then be delivered through various approaches taking note of the literacy levels of citizens and the language of interests (the language of the catchment areas). Considerations should be made to ensure that the content of civic education and voter education materials should include information about values, morals and ethics; and the process of engaging citizens with such information should be a continuous process and not just during the period preceding elections. This will go a long way in addressing the citizens attitude and practices associated with voter bribery. This will require diverse strategies with an objective of ensuring that citizens develop a positive attitude towards eradicating voter bribery.

2. There is need to enhance dissemination of the laws that have provisions touching on corruption and election related processes and offences. Such dissemination exercises should clearly outline to citizens the specific issues that are categorized as acts of voter

bribery and the related consequences. This will go a long way in enabling citizens to change their attitudes and join hands towards ending voter bribery. This would include popularizing all the election related offences and the consequences. This would require different strategies of information dissemination. When this is done, citizens would be more aware of the offences and consequences, and most importantly, voter bribery related legal consequences. Citizens who are more informed are likely not to engage in receiving bribes while at the same time would be more willing to fight voter bribery

3. There is need to strengthen the prosecution systems and processes in regards to cases touching on voter bribery and other election malpractices. This will act as deterrence to people who intend to give bribes to voters on one hand, and to people who are on the receiving end of the bribes.
4. Citizens engagement programmes

in governance should be continuous exercises with strategies for fighting corruption. This is in recognition that voter bribery is just one aspect of corruption and hence the rallying call all the time, especially when it is not the election period, should be to fight corruption. This then would enable citizens to be better prepared to fight voter bribery.

5. Enhancing mechanisms for reporting voter bribery is highly recommended. Citizens should be assured that when they report cases of voter bribery, actions will be taken expeditiously, and that they will get timely feedback on the actions taken in all the cases they report.
6. Full implementation of all election laws and other legislations that have a direct effect in eradicating voter bribery should be a priority. Institutions with the mandate to ensure that these laws are impeded should be adequately financed and enabled to function fully.
7. Reporting on the status of the implementation of election related laws should be developed and published

on a quarterly basis. This will build confidence among the electorate that the institutions are working towards eradicating voter bribery and other election related offences.

8. The period for conducting voter education should be done early enough before the political parties conduct their nominations. Whereas it is noted that not all citizens would participate during the political party nominations, they are still in a position to sensitize their communities to fight voter bribery while at the same time report cases of voter bribery, even if they do not belong to such political parties.
9. Civic education programmes should be designed in such a way that voter education is part of such programmes. In this way there would be synergy of efforts among all actors engaged in implementing programmes, projects and activities with objectives of eradicating voter bribery on one part, and corruption in general.
10. A nationwide campaign to end voter bribery is highly recommended. Such a

campaign should have strategies that reach all the villages and households in Kenya. In-built strategies such as 'Name and Shame' should be considered.



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