



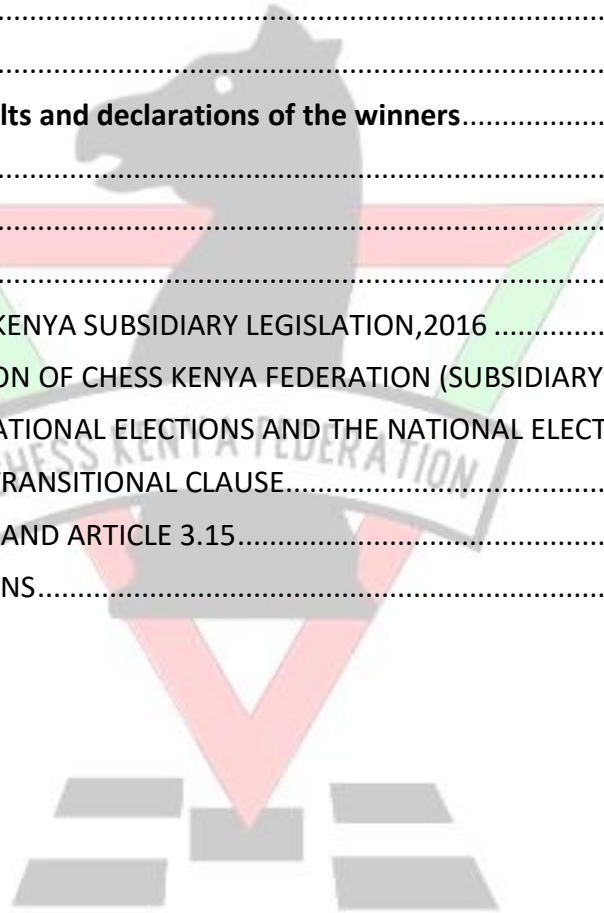
NATIONAL ELECTION BOARD

ELECTION REPORT

Returning Officer: Victor Hongo

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Introduction

A report on the chess Kenya election process after ratification of chess Kenya federation constitution in compliant with sports act.

Legal Operating Environment

The Chess Kenya Federation election was called and conducted in accordance with Chess Kenya ratified constitution (Article 9 and Article 21), subsidiary provisions of national elections rules and procedures 2021 (Article 9 rule 5) and sports act laws (PART VI -ELECTIONS of the Sports Registrar Regulations).

The election was held as a part of the compliance requirements following the orders of the Tribunal who directed to hold the elections on or before 28th February 2022.

The rules and laws followed are included in the appendices.

Executive summary of election process

The National Election Board was formed in Special General Meeting to conduct elections of the Chess Kenya Federation's national officer bearers. Notices were published pertaining the elections process. Observers were invited. Voters and Contestants were cleared to take part in the election. Elections took place on 13th February 2022 with the highest voter turnout ever in Chess Kenya elections. Observers and agents of the contestants were invited to witness verification of voters, inspection of ballot box, issuing of ballot papers and counting of votes. The election was conducted in a free, fair and transparent manner with agreement of the observers, agents of the contestants and the contestants.

Matters surrounding the pre-election period

The National Election Board was formed on 28th November 2021, in a Special General Meeting to conduct elections of the Chess Kenya Federation's National officer bearers

The National Election Board consisted of:

1. Victor Hongo – Chairman
2. Dennis Wambugu – Secretary
3. Faith Kamau – Treasurer
4. Christian Nderi – Committee Member
5. Patrick Mutwiri – Committee Member

Election Notices were sent to inform both the contestants and voters on rules and procedures to follow.

Below are the details of election schedule present in the notices

Publication of Notice	15 th January 2022
Nomination Open	22 nd January 2022
Nomination Close	28 th January 2022
Clearing of voters	31 st January 2022
Candidate Announcement and Campaigning begins	31 st January 2022
Closing clearing of voters	6 th February 2022
Close of campaigning	11 th February 2022
Voting Opens	3 pm Sunday 13 th February 2022
Voting Closes	13 th February 2022
Result Announced	13 th February 2022

During nomination the contestants were cleared after obtaining clearance from KRA, DCI, EACC, HELB, CRB and making payments stipulated in rule number 6 in the National elections rules and procedure 2021.

The delegates were cleared in accordance with article 3.14, article 3.15, article 21.3 and 21.2.4 of Chess Kenya Federation Constitution.

Observers Invited to attend the elections:

- 1) Sports Registrar
- 2) PS Ministry of Sports, Culture & Heritage
- 3) Commissioner of Sports
- 4) CEO Kenya Academy of Sports
- 5) Kenya National Sports Council represented by James Akama
- 6) Table Tennis Federation represented by President Andrew Mudibo
- 7) CKF lawyer Japheth Munyendo

Matters surrounding the election day

Election support

The returning officer was responsible for deciding on any matter relating to the conduct of the election. This includes the power to penalise or exclude candidates in respect of any breach of election regulations. The returning officer for this election was:

Victor Hongo (Chairman of the National Election Board)

The elections committees advised on the promotion and organisation of the election, on regulations for publicity and on the roles for candidates. The election committees for these elections was:

Victor Hongo – Chairman

Responsible for the conduct of the election. As a returning officer checks voter eligibility, manages the electoral roll and is responsible for voter communication. Tasked in ensuring the election process is legally watertight and responsible for announcing the electoral results.

Dennis Wambugu – Secretary

Responsible for authentication of eligible voters. Documents the counting of votes and draws up the final record of votes. Responsible for the counting of the votes.

Faith Kamau – Treasurer.

As a presiding officer was responsible for voter verification and issuing of ballots

Christian Nderi – Committee Member

As a presiding officer was responsible for voter education and guiding the voters through the voting process.

Patrick Mutwiri – Committee Member

As a presiding officer was responsible for verification and checking the eligibility of voters before issuing of ballots, documented the voting process to ensure nobody votes twice.

Observers present:

- 1) Andrew Mudibo – Table Tennis Federation President
- 2) James Akama- Kenya National Sports Council representative

Agents present:

- 1) Moses Andiwo (Benard Wanjala Ticket agent)
- 2) John Kiguthi (Judith Kiragu Ticket agent)

Contestants and Voters

On 13th February 2022 elections for the following positions were held where candidature was ticket based in accordance with Chess Kenya Constitution article 9.1.2 :

1. National Federation President
2. National Federation Vice President
3. National Federation Secretary General
4. National Federation Deputy Secretary General
5. National Federation Treasurer
6. National Federation Deputy Treasurer
7. National Federation Gender Secretary
8. National Federation Branch secretary

There were only two election ticket Team Benard Wanjala and Team Judith Kiragu

Team Benard Wanjala ticket was comprised of the following:

1. Benard Wanjala- President
2. Andrew Owili – Vice President
3. John Mukabi – Secretary General
4. Aurelia Chumo – Deputy Secretary General
5. Gilbert Wandera – Treasurer
6. Terence Chazima – Deputy Treasurer
7. Rodah Etole – Gender Secretary
8. Ivini Magoiga – Branch Secretary

Team Judith Kiragu ticket was comprised of the following:

1. Judith Kiragu - President
2. James Kang'aru – Vice President
3. Dr. Dismas Oketch – Secretary General
4. Kelvin Kamau – Deputy Secretary General
5. Phylis Mbaire – Treasurer
6. Dickson Manyala – Deputy Treasurer
7. Rose Kinya – Gender Secretary
8. John Kiguthi – Branch Secretary

The SGM was called into order and the notice was read by outgoing Chess Kenya Secretary general. The quorum was verified having 127 out of 150 invited stakeholders.

Election rules and voter education was carried out, thereafter everyone was given a chance to ask questions

Before voting the observer and one agent each from the contestants were called to inspect the ballot box and witness the sealing of the ballot box.

Voting began at 3:30 pm and came to close at 5:30 with the agreement of both contestants.

On the onset of counting of votes at 6 p.m. the observer and one agent each from the contestant were called to witness the counting process for transparency.

The counting officer showed both agents the ballot papers as he was counting

The counting ended at 6.30 pm. The agents and observers were satisfied with transparency of the process and signed the envelope where the counted votes were put.

Voter turnout

Voter turnout refers to the total number of eligible members who voted in the elections. Voter turnout in this election was 127. This is 84.7% turnout highest ever in chess Kenya elections.

Summary of Election results and declarations of the winners

150 delegates were eligible to vote.

125 ballots were issued.

25 ballots were not issued.

Out of the 25:

- 23 did not turn up
- 2 did not have identification

The final results of these elections were as follows:

- Spoilt Ballots - 3
- Team Judith Kiragu – 13 votes
- Team Benard Wanjala – 109 votes

The returning office announced the winner of the elections, Team Benard Wanjala who garnered the majority votes of 109 votes.

The winning team was awarded election certificate by the returning officer.

Post-election activities

The observers and agents signed the envelopes containing the spoilt ballot votes, Team Bernard Wanjala ballot votes and Team Judith Kiragu ballot votes with the agreement of free, fair and transparent voting process.

The returning officer secured the ballot box and ballot papers issued in accordance to rule number 17 of constitution of Chess Kenya federation (subsidiary provisions) *national elections rules and procedures 2021*

The returning officer submitting the election report to the sports registrar.

Disputes and complaints

There were no disputes about the results by the contestants.

Conclusion

The election process was free and fair. Both contestants were satisfied in the way the election was carried out.

The election was agreed by the Returning Officer, agents of the two ticket, observers to be free, fair and properly conducted.

Returning Officer- Victor Hongo (National Election Board Chairman)

Agent – Moses Andiwo (Benard Wanjala Ticket agent)

Agent - John Kiguthi (Judith Kiragu Ticket agent)

Observer- Andrew Mudibo (Kenya Table Tennis Federation President)

Observer- James Akama (Kenya National Sports Council representative)

PART VI. ELECTIONS

20. (1) An organization shall hold election in accordance with the Elections rules provided in its constitution.

(2) Notwithstanding paragraph (1), a sports organization seeking to hold an election shall-

- a) appoint an independent panel consisting of at least five members to conduct the election;
- b) include observers from at least one umbrella sport organization, the Ministry responsible for matters related to sports and the Registrar's office;
- c) observe the principle of non-discrimination as provided in their Constitution;
- d) inform the Registrar at least four weeks prior to the expected date of the elections;
- e) conduct the election in an open, free and fair environment;
- f) ensure that the nominated candidates obtain clearance from the Directorate of Criminal Investigation, the Kenya Revenue Authority; the Ethics and Anti-Corruption Commission, the Credit Reference Bureau and the Higher Education Loans Board; and
- g) ensure that the office of the chairman or president, secretary and treasurer are reserved for Kenyan citizens only.

(3) An observer in an election and the returning officer shall, within seven days of the election, submit a separate report to the Registrar on the credibility of the elections.

(4) The sports organization shall, within twenty-one days, notify the Registrar of the newly elected office bearers in the Form R set out in the First Schedule.

(5) The Registrar may register a newly elected office bearer, if satisfied with the election and the election process.

(6) The newly elected office bearers shall hold office for a period of four years and may be elected for one further term.

(7) A person who is dissatisfied with the results of an election may appeal to the Tribunal within thirty days of the election.

APPENDIX 2 CONSTITUTION OF CHESS KENYA FEDERATION (SUBSIDIARY PROVISIONS)
NATIONAL ELECTIONS RULES AND PROCEDURES 2021

(Article 9 Rule 5)

1. This rule may be cited as the **National Election Rules and Procedures 2021**.
2. This rule are to provide guidelines and procedures to regulate the conduct of national elections.
3. In these Rules, the term **“Board”** shall mean the **National Elections Board** or **NEB**.
4. At least **three (3) months** before the expiry of the four-year term of office of elected National office bearers or before elections are due (whichever is earlier), the board after consultation with the **NEC** shall issue writs calling for election of national office bearers.
 - 4.1 The writs shall set out the date, town and place when it shall receive nominations from persons intending to vie for positions as national office bearers.
 - 4.2 At least 28 days before the date set by the board for national elections, the National Secretary General shall issue a notice convening an election General meeting in which the only agenda will be electing national office bearers.
 - 4.2.1 The notice shall state the date, town, place and town where the general meeting will be held.
 - 4.3 The board shall also issue writs for elections where the entire NEC is removed from office by a resolution of the General meeting.
5. Persons intending to vie for positions as national office bearers shall fill a prescribed form (**Form NEB1**) to be issued by the board and return the same to the board within the prescribed period together with the nomination fees.
6. Persons intending to contest in the national elections shall pay the following fees to the board;
 - a. **National Federation President – KS 30,000/=.**
 - b. **National Federation Vice President – Ksh 20,000/=**
 - c. **National Federation Secretary General – KS 20,000/=**
 - d. **National Federation Deputy Secretary General – KS 15,000/=**
 - e. **National Federation Treasurer – KS 20,000/=**
 - f. **National Federation Deputy Treasurer – KS 15,000/=**
 - g. **National Federation Gender Secretary –KS 15,000/=**
 - h. **National Federation Branch Secretary – KS 15,000/=**
7. Upon receipt of a duly filed Form NEB1, the board shall peruse and approve the same if it is compliant and where the same is not compliant, it shall give the applicant three (3) additional days to make a rectification, produce additional documents or take other steps to comply with the constitutional and statutory requirements.
8. If only one election ticket is approved by the board, they shall be declared duly elected and no election shall be held, but if no valid election ticket is received or approved, fresh notices shall be issued.
9. The board shall issue persons who are properly nominated to contest with a nomination certificate in the prescribed form (**Form NEB2**)
10. At the end of the nomination process the board shall publicize the names of the persons properly nominated to contest in the national elections.

- 11.** At least **14 days** before the date set for elections, the NEB shall publish a list of persons eligible to attend the election and to vote therein and thereafter no new members shall be included.
- 12.** The NEB shall after consultations with the National Federation Secretary issue notices informing the members and all the other persons eligible to attend the national elections meeting the place and time where the elections will be conducted.
- 13.** Tallying of votes shall be done in the presence of the contestants or their nominated agents.
- 14.** Upon the conclusion of the tallying process, the board shall declare the winning election ticket and the persons therein shall be issued with an election certificate in the prescribed form **(Form NEB3)**.
- 15.** A filed and signed Form NEB3 shall be prima facie evidence that one was duly elected.
- 16.** Persons duly elected will take over the management of the national federation within 14 days of the election or as soon as all disputes are determined.
- 17.** The board shall secure in its custody, all materials used in the elections for at least three (3) months or at until all disputes relating to the elections are determined.
- 18.** This rules shall come into force upon being approved by a general meeting.

APPENDIX 3 ARTICLE 9: NATIONAL ELECTIONS AND THE NATIONAL ELECTIONS BOARD

- 9.1.0 Elections of the national office bearers shall be held at least once every four years on the last Saturday of the month of February.
- 9.1.1 Only such persons who are active members of a branch of the Federation shall be eligible to vie for positions as national office bearers.
- 9.1.2 Persons wishing to contest for positions of National Office Bearers shall form an election ticket comprising of eight persons vying for the eight elective positions, and such a ticket shall not have more than 2/3 members of the same gender and shall also have regional and ethnic diversity.
- 9.1.3 The National Executive Committee shall within two months fill vacancies that arise in the period between elections.
- 9.1.4 The General Meeting shall approve all persons nominated to fill casual vacancies.
- 9.2 In the event that the four-year period lapses without an election taking place, it shall be lawful for 10% of duly paid-up members of the Federation to petition the Sports Disputes Tribunal (Sports Act) or its equivalent, or the Government Ministry in charge of sports to organize Chess Kenya Federation elections within a period of two months.
 - 9.2.1 Citation of clause 9.2 (above) shall be sufficient reason for the petitioned body to intervene, and the body so petitioned shall not conduct any other business on behalf of the National Federation apart from the organization of the election within the stipulated period and shall give notice calling National elections at least three (3) weeks to the date of the election.
- 9.3 A General Meeting, not being a General Election meeting, shall form a National Elections Board to conduct elections of the Federation's National office bearers.
 - 9.3.1 The NEB shall consist of not less than five members who will act as such for a period of four (4) years or until they are replaced in a General Meeting whichever is earlier.

- 9.3.2 The NEB shall appoint its own Chairperson, Secretary, and Treasurer.
- 9.3.4 The National Elections Board shall set the dates for National Elections or other elections of National office bearers, and shall thereafter notify the National Executive Committee. The National Executive Committee shall be mandated to convene a general meeting for the purpose of the election to fall on the dates set by the national elections Board. The date so specified shall be communicated by the National Federation Secretary to the Registrar of Sports or its equivalent at least three weeks before the date so set.
- 9.3.5 The NEB Shall compile and publish a list of members eligible to vote in a General Election or any other election.
- 9.3.6 The NEB Shall, receive nominations from contenders, and approve applications that comply with the provisions of this constitution and reject those that do not comply.
- 9.3.7 The NEB shall invite and accredit observers to the elections, observers who will include members of the media, representatives from A.C.U., F.I.D.E., K.N.S.C., the Ministry in Charge of Sports and Officials from the office of the Registrar of Sports.
- 9.3.8 The NEB shall declare the elected office bearers and issue them with election certificates and thereafter prepare a report to that effect and file the same with the Registrar of Sports.
- 9.4 The National Elections shall;
- a) be by secret ballot.
 - b) embrace the principle of universal suffrage.
 - c) be free from violence, intimidation, improper influence, or corruption.
 - d) transparent and open.
 - e) administered in an impartial, neutral, efficient, accurate, and accountable manner.
- 9.5 The general meeting shall set rules to regulate the nomination fees to be paid by aspirants and to regulate the actual election process.
- 9.6 All disputes regarding the outcome of national elections shall be referred to the Sports Disputes Tribunal within seven days

APPENDIX 4 ARTICLE 21: TRANSITIONAL CLAUSE

- 21.1 The General Meeting convened to approve the Chess Kenya Federation Constitution (2021) shall set up the National Disciplinary Committee for a period of four years
- 21.2 The General meeting convened to approve the 2021 Chess Kenya Federation Constitution 2021 shall set up a National Elections Board to manage CKF elections for a period of two years.
 - 21.2.1 Within twenty-one (21) days of its formation, the National elections board shall after consultations with the NEC issue writs calling for national elections, which elections shall be held within 28 days thereafter and after notice by the secretary general convening an election general meeting.
 - 21.2.2 The writs issued by the NEB for national elections shall state the date and place where at the NEB shall receive nomination forms from persons wishing to contest the national elections.
 - 21.2.3 The NEB shall at least 14 days before the National Elections, publish a list of all persons who will be eligible to vote, for inspection by members and thereafter no new members shall be included.
 - 21.2.4 Any person may petition the NEB within 7 days to include or remove any name from the list of persons eligible to vote and the NEB shall make a decision to remove or include such person within two days.
- 21.3 Only such persons who are registered CKF members, are Kenyan Nationals and have participated in at least two (2) Chess Kenya Federation sanctioned event per year for two years in the preceding last four (4) prior to the national Elections shall be eligible to vote.
- 21.4 At least 14 days before the date set for National elections, the NEB shall notify all members, the place and time where elections shall be held.
- 21.5 All provisions of the constitution must be implemented by the end of the year 2023.

APPENDIX 5 ARTICLE 3.14 AND ARTICLE 3.15

- 3.14 '**Active**' means has participated (either as a registered member, registered coach/trainer, registered arbiter/organizer, committee or board member or player) in any two (2) Chess Kenya Federation sanctioned events per year in at least two years within the preceding four years (4) years.
- 3.15 '**Sanctioned event**' means a chess tournament, a committee or board meeting a general meeting, seminar or training organized and/or approved by the National Executive Committee.

APPENDIX 6 ABBREVIATIONS

SGM	Special General Meeting
NEB	National Election Board
CKF	Chess Kenya Federation
KRA	Kenya Revenue Authority
DCI	Directorate of Criminal Investigation
EACC	Ethics and Anti-Corruption Commission
HELB	Higher Education Loans Board
CRB	Credit Reference Bureau