



KISII UNIVERSITY

UNIVERSITY EXAMINATIONS

**FOURTH YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAWS
SECOND SEMESTER, 2021/2022
(FEBRUARY - JUNE, 2022)**

LLBK 425: ELECTION LAW

STREAM: LLBK 4 S2

TIME: 2 HOURS

DAY: THURSDAY, 9:00 – 11:00 A.M.

DATE: 26/05/2022

INSTRUCTIONS

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE [Compulsory] and any other TWO Questions.***
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.***

QUESTION ONE

- Discuss the Constitutional basis for elections in Kenya (14 Marks)
- Bwana Dawa is a Member of Parliament (MP) aspirant under the Baba Care Party comprised only of members of the Bunyore community. He is currently the Vice Chancellor of Sina Taabu University. In accordance to his campaign strategy, He has been crisscrossing Bunyore constituency selling his agenda using his official V-8 Prado. Distressed, two days before elections he ordered his goons tear down his opponent's posters and banners. While at it, Bwana Dawa's goons have been threatening the non-indigenous Bukusu community, declaring that they will have to move if Bwana Dawa does not win. Bwana Dawa has offered one thousand voters five hundred shillings each in exchange of their vote's card. On the Election Day his chief campaigner Dawani Panadol greased the palm of indecisive voters. The OCS Bunyore police station is Bwana Dawa's bosom buddy. Bwana Dawa sought a favor from the OCS, he requested him to deploy his officers in his opponent's stronghold to harass 'those backward voters'.

Discuss the legal issues that arise from the above. (16 Marks)

QUESTION TWO

The Independent Electoral Boundaries Commission (IEBC) is one of the primary institutions tasked with managing several components of the election process. Explain:

- a) Criteria applied by the IEBC in the delimitation of boundaries (10 Marks)
- b) Elucidate on its core mandate (10 Marks)

QUESTION THREE

- a) State and explain five (5) statutory provisions on requirements for formation of political parties. (10 Marks)
- b) Outline the conditions that have to be met by political parties to obtain a provisional registration. (10 marks)

QUESTION FOUR

- (a) Outline ten offences emanating from the Election offences Act 37 of 2016 (10 Marks)
- (b) Discuss ten principles of law that can be gleaned from Supreme Court Petition 5 of 2013. (10 Marks)

QUESTION FIVE

Elaborate on how gerrymandering affects the integrity of elections in Kenya. (20 Marks)