



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

SPECIAL 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: Y4 S2

TIME: 2 HOURS

DAY: TUESDAY, 11:30 – 1:30 P.M.

DATE: 26/07/2022

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

The Wheelbarrow Party Secretary General Mr. Oscar convened a meeting to analyse the recently concluded by-election for London Ward, where the party candidate lost Mheshimiwa Echesa. According to the accounts of certain Mapambano party supporters and agents who were at the polling stations, Mr. Oscar establishes that in certain polling stations there elections were not “free and fair”. Mr. Oscar seeks to institute a case on behalf of Mheshimiwa Echesa mainly relying on the ground that the London Ward by elections were not free and fair. Oscar contract you to write a comprehensive legal opinion on legal principles governing elections. Citing relevant provisions of the law, Advice Oscar

(30 Marks)

QUESTION TWO

Discuss the main issues raised in the Supreme Court’s decision in *Raila v Uhuru and another 2017* and the reasoning of the court

(20 Marks)

QUESTION THREE

(a) Describe the requirements for independent candidates to run for political office under the Constitution of Kenya, 2010 and the Elections Act, 2011 as amended
(20 Marks)

QUESTION FOUR

Explain the role of the Independent Electoral Boundaries Commission (IEBC) under the Constitution of Kenya, 2010
(20 Marks)

QUESTION FIVE

Citing relevant statutory laws and cases, explain the jurisdiction of the Political Parties Disputes Tribunal
(20 Marks)