

THE 2022 IQSK COUNCIL ELECTIONS

FINAL REPORT



**ELECTIONS
COMMISSION
2022**

We now have the honour to submit our report and to express our gratitude for the privilege to be
of service to the Institute.

.....
(Signed for and on behalf of the 2022 Independent Elections Commission)

Qs. Rasugu Nyamboki, FIQSK.

Chairperson

Executive Summary

The Institute of Quantity Surveyors of Kenya (IQSK) is an organization that brings together professionals trained and registered to work as quantity surveyors in Kenya. The management of the affairs and business of the Institute is vested in and conducted by the IQSK Council. The IQSK Council Members are elected at the Annual General Meeting in every election year. Elections of the Institute are held bi-annually and are administered by a five-member Commission appointed by the IQSK Council.

The 2022 IQSK Council Elections were administered by an inaugural commission composed of five members namely: Qs. Rasugu Nyamboki, FIQSK; Qs. Leah Thumbi, FIQSK; Qs. Francis King'ori, FIQSK; Qs. Lilian Kithinji; and Ernest Nyakundi (Graduate Quantity Surveyor). The 2022 IQSK Council Elections were the second elections in which the Institute adopted an electronic electoral system. Unlike the 2020 online elections, the Commission deployed its own elections system for purposes of conducting the 2022 IQSK Council Elections.

In the management of the elections, the Commission conducted, among others, voter sensitization, mock elections, candidate nominations and tallying of the election results. The elections were successfully conducted on the 26th of May 2022 and a full IQSK Council 2022 - 2024 installed at the AGM on the 27th of May 2022. So far the Elections Commission has not received any petition or complaints regarding the conduct and outcome of the elections.

The Elections Commission from its experience and observations recommends a few procedural improvements that would see a more robust elections system at the Institute.

Upon the conclusion of the process, and in line with provisions of the Rules and Regulations governing the IQSK Council Elections (B.L. 17 of the IQSK Constitution and By-Laws), the Commission retreated to prepare this report containing details of all activities conducted by the Commission, an assessment of those activities and recommendations.

We take this opportunity to congratulate the incoming council and charge them to continue building an inclusive IQSK where all members are valued. We thank the Institute for appointing us to this noble duty and hope we lived up to their expectations.

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Terms and Abbreviations

Institute	-	The Institute of Quantity Surveyors of Kenya
Commission	-	The Independent Elections Commission of 2022
Council	-	The IQSK Council of 2020 – 2022
IQSK	-	The Institute of Quantity Surveyors of Kenya
SGM	-	The December 2021 Special General Meeting of the Institute
AGM	-	The 2022 Annual General Meeting of the Institute
ICPAK	-	The Institute of Certified Public Accountants of Kenya

The Institute

The Institute of Quantity Surveyors of Kenya (IQSK) is an organization specifically charged with promoting and safeguarding the interests of the Kenyan Quantity Surveyor. The primary objective of IQSK is to promote the advancement of quantity surveying and its application in Kenya. IQSK brings together professionals trained and registered to work as quantity surveyors in Kenya. The institute exists to advance the profession of quantity surveying by providing members with opportunities for professional development and networking. It also serves other professionals in the building and construction industry and regulatory bodies by acting as the custodian of the interests of quantity surveyors in Kenya.

IQSK began operations in 1994. Since then, the institute has grown to become one of the most recognizable professional associations in Kenya. The institute registers interested persons to be full or associate members. The day to day operations of the institute are undertaken by the IQSK Council which is supported by the IQSK Secretariat.

IQSK has a vision of becoming '*A world class institute that promotes the advancement and practice of quantity surveying in Africa.*'

The main objectives of the institute are:

1. To promote an enabling environment that helps quantity surveyors achieve excellence in delivery of their services.
2. To promote, regulate and enforce best quantity surveying standards and practices.
3. To promote cooperation with professional organizations representing quantity surveyors regionally.

The Institute has six core values which are:

1. Integrity
2. Discipline and commitment
3. Accountability
4. Objectivity and impartiality
5. Corporate social responsibilities
6. Environmental conservation

Electoral System and Legal Framework

The management of the affairs and business of the institute is vested in and conducted by the IQSK Council (Section 6.01 of the IQSK Constitution). The IQSK Council Members are all elected in the Annual General Meeting (B.L. 7.2) in accordance with the Election Guidelines and Procedures (B.L. 7.8). The Elections Guidelines and Procedures are expounded in Appendix II (B.L. 17) of the IQSK Constitution and By-Laws.

Election Administration

In every election year, which comes every two years, the incumbent IQSK Council used to place a call for volunteers to serve as Scrutineer(s) for the elections of that year. This used to be done at least 14 days before the election date. The Council then selected the Scrutineer(s) who then constituted an Elections Panel that oversaw the elections of that year.

In the election year of 2020, the then incumbent IQSK Council followed the aforementioned procedure to constitute the Elections Panel. This panel oversaw the 2020 elections and afterwards, developed a raft of recommendations that were aimed at improving the electoral framework of the Institute. The recommendations were contained in their exit report. The recommendations were first adopted by the IQSK Council and thereafter adopted by the General Membership of the Institute during a Special General Meeting (SGM) held virtually on Thursday, 9th December 2021.

The recommendations contained proposals that overhauled the Elections Guidelines and Procedures as contained in Appendix II (B.L. 17) of the IQSK Constitution and By-Laws. One major implication of the new By-Law 17 was that the elections of the Institute were to be overseen by an Independent Elections Commission. The new regulations also expounded on the procedures and modalities that were to be followed by the Commission in the management of the IQSK Elections. Further, any disputes that arose after the elections were to be handled by an Elections Tribunal also established in the new By-Law.

For the election year of 2022, the IQSK Council appointed five members to constitute the inaugural Elections Commission. These were:

1. Qs. Rasugu Nyamboki - Chairperson
2. Qs. Leah Thumbi – Vice Chairperson
3. Qs. Francis King’ori – Member
4. Qs. Lilian Kithinji – Member
5. Grad. Qs. Ernest Nyakundi - Member

Election Procedures

The following procedures were supposed to be followed during the bi-annual elections conducted by IQSK. During the election year, at least 28 days before the elections date, a notice of elections would be issued by the Elections Commission. Alongside the notice, a call for nominees would be made by the Commission to all eligible members of the Institute. The call for nomination would also stipulate how eligible and interested members would submit their applications for nomination. The nominations window would run for seven days and would close at least 21 days before the elections date. Following the lapse of the nominations window, the Commission would mail all applicants the results of the nominations process within 48 hours and provide a window for appeals to consider disputes arising from the nominations process. Subsequently, fourteen days to the elections date, the Commission would publish a list of successfully nominated candidates. The publication would list the office they had applied for and the successfully nominated candidates in alphabetical order.

Voters would be invited to confirm their details in the Voters' Register at least 14 days to the elections date. The final Voters' Register would be published by the Commission 7 days to the elections date. Campaigning was to be done strictly in accordance with Section 20 of By-Law 17 and in observance of all the Sections relating to Article 4 of By-Law 17. Voting was conducted between 8:00am and 5:00pm on the elections day, however, the Commission had the powers to extend the period for not more than two hours for a good cause. The Commission would decide whether to hold elections by physical balloting or by use of an electronic electoral system. Should the Commission choose to hold the elections by use of an electronic electoral system, then they had to be done according to Section 10 of this By-Laws. No member of the Institute could vote twice and the official declaration of the election results was to be done by the Chairperson of the Commission or the Vice Chairperson of the Commission or any other person seconded by a majority of the members of the Commission.

Leadership of the Institute

Pursuant to Section 6 of the IQSK Constitution, By-Law 7 of the Rules and Regulations governing the Institute and the established precedence at the Institute, the IQSK Council is constituted as follows:

1. President
2. Vice President
3. Immediate Past President
4. Honorary Secretary
5. Honorary Treasurer
6. Honorary Registrar
7. Assistant Honorary Secretary
8. 4 Council Members

All the positions listed above, with exception of the Immediate Past President, are subject to elections. The Commission in its call for nominations, invited interested and eligible members to submit their applications for nomination to the positions of President, Vice President, Honorary Secretary, Honorary Treasurer, Honorary Registrar, Assistant Honorary Secretary and Council Member(s).

Information and Communication Technologies

In the 2020 elections of the Institute, the IQSK Council contracted the Institute of Certified Public Accountants of Kenya (ICPAK) as a provider of Electronic Voting Services. ICPAK had an electronic voting system which it had used for its own elections and, on occasion, rented it out to other institutes and organizations such as the Chartered Institute of Arbitrators (Kenya Branch).

In the 2022 elections, however, the Commission, after assessing its skillset, saw an opportunity to add value to the Institute and reduce the costs of conducting IQSK elections by developing its own elections system. Therefore, the Commission hurriedly assembled an in-house elections system that relied on the IQSK Servers. This elections system was piloted during the Mock Elections held on Friday, 20th of May 2022 where it proved its worth to the Commission and the Institute at large. The Elections System was thereafter deployed during the IQSK Council Elections held on the 27th of May 2022 where it also performed excellently.

The Electronic Voting System delivered was composed of three main modules as below described:

a) An Online Voting Module

This module was accessible to members on the IQSK voters' register during the voting period. Its purpose was to provide eligible voters with the ability to login to the system and cast electronic ballots. The main features provided were: "anytime anywhere" voting; the ability to allow only eligible members to vote; an online brochure of candidate profiles accessible to voters; and, a fast and easy to follow procedure. The procedure was voter authentication, acceptance of instructions and terms and casting of online electronic ballots. Other abilities of the voting module were: ballot validation based on set rules, non-re-use of voter tokens and keeping an audit trail of voters, that is, logging in all information relating to access and usage of the system by any voter.

b) A Tallying (Vote Counting) Module

This module was only accessible during vote counting and had the following features: automatic counting of all submitted votes; support for consolidation of physical ballots; easy tracking of the vote counting by those present during the vote counting; and, instant provision of the voting results.

c) An Administration Module

This module was restricted to system administrators, in this case the Commissioners, and provided the following: an ability to resend or dispatch tokens to voters on email; and, general administration and monitoring of the system e.g. viewing of audit trail reports.



INSTITUTE OF QUANTITY SURVEYORS OF KENYA
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ELECTIONS
COMMISSION
2022

Token Authenticator

Token Authentication

Please enter your voting token as received on your email.

Member No:

Token:

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Figure 1: A Screenshot of the Elections Token Authentication Window

Voters' Register

The IQSK Constitution conferred voting rights to the eligible full members of the Institute. The full members were comprised as follows (Sub-section 5.02):

- i. Fellow Members;
- ii. Corporate Members; and,
- iii. Licentiate Members.

Based on a previous amendment to the IQSK Constitution, Corporate Members were referred to as Professional Members. The full members were elsewhere in the constitution referred to as voting members (Sub-section 5.04).

However, not all full members were allowed to participate in the elections. According to Section 6 of By-Law 17, only members who were in good standing were allowed to participate in the elections. A “member in good standing” was defined as any person who had fulfilled the requirements for membership in their respective categories and who at the time had not voluntarily withdrawn or been expelled or suspended from the Institute. A majority of members not in good standing in 2022 had subscriptions arrears to the institute. Informed by this, the notice to members by the Commission had requested them to pay up their dues before midnight of Wednesday, 26th of May 2022.

On 9th of May 2022, the Elections Commission assisted by the IQSK Finance Manager, Ms. Lydia Chege, began preparing the voters' register. During the mock elections held on Friday, 20th May 2022, participants were allowed to check whether their details had been included in the voters' register. This procedure was adopted by the Commission after complaints by a few members of the Institute to have their data kept private. Consequently, unlike the 2020 elections where a list of members in the voters' register was published together with their contact details, in 2022, the members were individually allowed to check their status in the online portal provided by the Commission.

At the close of business on Wednesday, 26th of May 2022, the final voters' register had a total of 353 members excluding 5 commissioners. All members on this register were able to participate in the 2022 IQSK Council elections.

Voter Sensitization

The 2022 elections were the second elections in which voting for IQSK Council Members was done electronically. Further, this was going to be the first election where the IQSK servers would be deployed for purposes of the elections. The Elections Commission therefore had a task of sensitizing voters on how to use the recently developed electronic system. The Elections Commission contrived an elaborate voter sensitization programme which included communication with members on the voters' register and a mock election.

Voter Sensitization

The Elections Commission was alive to the fact that the electronic system of voting was relatively new to members of the institute and that the system to be deployed during the 2022 elections had not been tested before. Consequently, the Commission resolved to have mock elections.

After the mock elections, the Elections Commission realized that out of the 353 members on the Voters' Register only 39 successfully took part in the mock elections. Of the 39, only 21 successfully managed to cast their ballots. This meant that only 11% of the total number of members in the voters register took part in the mock elections. This prompted the Commission to intensify its voter sensitization programmes and re-examine the steps voters had to go through in order to successfully cast their vote. Before the election date, on Tuesday, the Elections Commission published a flier describing the steps for successful casting of votes as in Figure 5 below. This was shared to members through email, social media and SMS. The sensitization continued all the way to the election date.

Mock Elections

The electronic system being a new voting system for IQSK, the Elections Commission decided to conduct mock elections with two main objectives:

- a) To test the robustness and performance of the system prior to the elections;
- b) To acquaint members with the electronic system that would be used during the elections.

There being no objective to rank the popularity of candidates, the Elections Commission decided to use arbitrary colours to represent vying candidates. Only members in the draft voters' register were allowed to participate in the mock elections. The mock elections were successfully conducted

between 8:00am on Friday, 20th May 2022 and 5:00pm on Friday, 20th May 2022. The tallying of the mock elections was done on Tuesday at 12:00 noon during an online meeting attended by the Elections Commission the candidates and members of the incumbent IQSK Council.

The process was reviewed and several observations and decisions were reached. These are outlined as follows:

- a) The turnout for the mock elections was poor with a voter turnout of 11%. The Elections Commission, informed by this, proceeded to ramp up voter sensitization campaigns in a bid to get more voters to turn up and exercise their rights on the election date.
- b) A few members reported having not received their voting tokens despite requesting the same from the Voting portal. This was a technical issue and the Elections Commission resolved to change the steps members would go through before casting their vote. Instead of having voters generate voting tokens for themselves, voting tokens would be dispatched to all voters using their emails. This would mean that the voters, instead of prompting the system to generate a voting token for them, would just have to key in and authenticate the voting token received on their email.

All in all, the objectives of the mock elections were fully realized. Members that participated in the mock elections were comfortable with the system. Equally, the Elections Commission was impressed with the robustness and performance of the system.

Candidate Nomination

As per the election procedure, a call for nominees was to be made at least 28 days before the elections day. The call was to include a nomination form that interested members would have used to submit their applications for nomination. Thereafter, the Commission was to receive completed nomination forms at least 21 days before the elections day. The Commission was then required to assess the nomination forms for compliance with the requirements of Section 7 (a) of By-Law 17 within 48 hours. Thereafter, the Commission was to mail out to nominees, their proposers and their seconders the results of the nominations process. The Commission was then required to provide a window for appeals arising from the nominations process. The appeals were to be considered within 48 hours. A list of successfully nominated candidates was to be published to all members of the Institute at least 14 days before the elections day. The list of successfully nominated candidates was to list the office contested and the successfully nominated candidates in alphabetical order.

On 28th April 2022, alongside the elections notice, the Commission placed a call for nominations. The nomination's call was accompanied by a link to the online nomination form. The nominations period was to run for a week ending on 5th May 2022. However, after considering the few applications received by the deadline date and the string of public holidays during the nominations window, the Commission, in exercise of its General Powers as stipulated in Article 3, Section 17(a) of By-Law 17, extended the nominations window to Sunday, 8th of May 2022.

The Elections Commission received 15 completed nomination forms. Assisted by the IQSK Secretariat, the Commission vetted all the nominees and published a list of successfully nominated candidates on Thursday, 19th of May 2022. Out of 15 applications for nomination received by the Commission, only 14 were successfully nominated. One was disqualified since the applicant was not a full member of the Institute. Table 1 below shows the successful nominees and the positions they had applied for.

Vacant Positions and Successful Nominees		
	Successful Nominee	Position sought in the Council
1.	Qs. Jennifer Musyimi	President
2.	Qs. Andrew Mbuku	Vice President

3.	Qs. Joel Gichimu	Honorary Secretary
4.	Qs. Janet Chirchir	Honorary Registrar
5.	Qs. Wilson Kipkoech	Honorary Treasurer
6.	Qs. Barrack Omondi	Assistant Honorary Secretary
7.	Qs. Rose Kotut	Assistant Honorary Secretary
8.	Qs. Cynthia Mulaku	Council Member
9.	Qs. David Derrick	Council Member
10.	Qs. David Choka	Council Member
11.	Qs. James Kirika	Council Member
12.	Qs. Japheth Kibet	Council member
13.	Qs. Jasan Njoroge	Council member
14.	Qs. Jewel Jeptum	Council member

Table 1: Applications for nomination received by the Elections Commission

At the end of the nominations, five (5) nominees had their positions uncontested and were therefore considered elected unopposed to the IQSK Council that was to serve members of the institute for a term of two years between 2022 and 2024. These were:

Vacant Positions and Successful Nominees		
	Successful Nominee	Uncontested Position
1.	Qs. Jennifer Musyimi	President
2.	Qs. Andrew Mbuku	Vice President
3.	Qs. Joel Gichimu	Honorary Secretary
4.	Qs. Janet Chirchir	Honorary Registrar
5.	Qs. Wilson Kipkoech	Honorary Treasurer

Table 2: Candidates who had their positions uncontested and were therefore elected unopposed.

The remaining positions of Assistant Honorary Secretary and Council Members were contested and required balloting to decide who their office bearers would be. The nominees for these two positions, therefore, had to convince members to support their bids to become office bearers.

Campaign Environment

The campaign process was guided by Section 20 of By-Law 17. The section, among others, gave the following stipulations:

1. Candidates and their supporters were to conduct their campaigns in a peaceful and respectful manner;
2. Candidates and their supporters were to condemn, avoid and prevent violence and intimidation or abusive language or words that will disparage the conduct of their opponents;
3. Candidates were to instruct their supporters to respect this code;
4. Candidates and their supporters were to debate and contest other contestants in a positive and objective manner without ridiculing their opponents;
5. Candidates and their supporters were to refrain from mutilating or destroying documents or campaign materials posted or distributed by their opponents or the electoral commission; and,
6. Candidates were not supposed to enter into agreement with other candidates to campaign together.

Additionally, third party endorsements in campaign communications were not allowed. Election messages were to include short message services (SMS), emails, letters, postcards, and faxes asking for a member's election support. The messages would have included copies of a Candidate's curriculum vitae (CV), fact sheet, and biography; and were not supposed to be communicated through mass media like newspapers, television or radio. Further to that, incumbents were disallowed from signing off using IQSK organizational titles.

The intent of these guidelines and rules was to encourage fair and open conduct of the elections by IQSK members on a level playing field and most importantly, to maintain a dignified and courteous conduct appropriate to the image of the noble profession of quantity surveying. The Elections Commission reminded aspirants and all members of the Institute to observe the stipulations of the IQSK Electoral Code of Conduct which included Section 20 of the appropriate conduct of campaigns.

During the elections period, the Commission received one anonymous complaint of a possible breach of the Electoral Code of Conduct. This anonymous email related to a candidate who was campaigning after the closure of the campaign period. The commission considered this complaint and dismissed it due to a lack of sufficient evidence. Besides that, the Commission did not witness or receive other reports of breach of the Electoral Code of Conduct.

Elections Day and Results Tallying

The Process


The elections for the contested positions were held on Thursday, 26th May 2022 between 8:00am and 5:00pm. This was in line with the elections notice and communication from the IQSK Elections Commission. Additionally, this date complied with the requirements of Section 4(b) of By-Law 17 which required the Elections Day to be a day before the Annual General Meeting of the Institute in the Elections Year; not be a Weekend; and, not be a designated Public Holiday.

The day before the elections, as part of the voter sensitization process, the Elections Commission published a flier outlining the steps eligible voters were to follow in order to successfully cast their votes. These were as follows:


- a) **Step 1:** Receipt of Voter's Token from the Commission via email. The token referred to a unique link and code that enabled the eligible voter to log into the system and participate in the IQSK Council Elections 2022.
- b) **Step 2:** Once logged into the system, eligible voters were to first view the Terms and Conditions of using the system. These were general guidelines such as: 'a voting token can only be used once'. To continue to the vote casting screen, voters were to tap/click on the "Agree" button.
- c) **Step 3:** The voting screen would appear once the agree button had been clicked. All contested positions were listed and alongside, all the candidates aspiring for those positions. The voter had the option of ticking against their preferred candidate(s). Afterwards, at the bottom of the screen, the voter had to confirm their choices and thereafter, cast his/her vote by tapping the "Cast My Vote Now" button.
- d) **Step 4:** Once the voter had cast their vote, they were to receive a confirmation that their vote had been successfully cast. At this point, they could safely exit the system and close the browser.

In addition to the steps, the voters were also given the contacts they were to use were they to experience any difficulties during the process of casting their votes electronically. These were:

Email address: elections@iqskkenya.org | Mobile: +254 721 676 823



INSTITUTE OF QUANTITY SURVEYORS OF KENYA
IQSK
ELECTIONS COMMISSION
2022




COUNCIL ELECTIONS
*** 2022 ***

26TH MAY 2022
IQSK COUNCIL ELECTIONS
2022

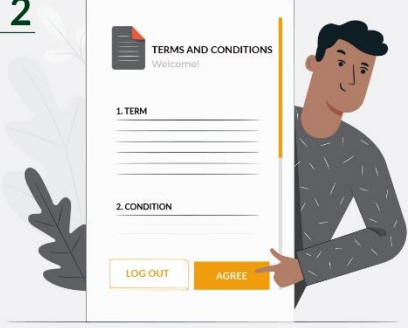
Casting your Online Vote in 4 Simple Steps

Step 1




All eligible voters will receive a **voter's token** from **IQSK** via email. The token is a unique code that enables the eligible voter to log into the system and participate in the IQSK Council Elections 2022. Voters will also receive a link that will enable them to access the elections system.

Step 2




Once logged into the system, the eligible voters will be able to see the Terms and Conditions of using the system. These are general guidelines such as: *"a voting token can only be used once"*. To continue to the vote casting screen, voters will have to tap/click on the **"Agree"** button.

Step 3





Thereafter, the voting screen will open. All contested positions will be listed and alongside, the candidates aspiring for those positions. The voter will have the option of choosing their preferred candidate(s). Afterwards, at the bottom of the screen, the voter will confirm their choices and cast their vote by tapping the **"Cast My Vote Now"** button.

Step 4



Once the voter has cast his/her vote, he/she will receive a confirmation that his/her vote has been successfully cast. At this point, they can exit the browser. In case voters experience any difficulties, they are advised to get in touch with the IQSK Elections Commission using: elections@iqskkenya.org or +254 721 676 823. May the best candidates win!

 @IQSKKenya

 @IQSK_Official


 @IQSKNRB

Figure 2: A copy of the flier used during voter sensitization.

The provided contacts were the same ones used for communication by the Elections Commission throughout the electioneering period.

Tokens were first dispatched to all members in the final voters' register at 7:50am on the elections day. Concurrent with the sharing of tokens, the Commission sent out communication to members in the register informing them that voting was ongoing and those that had not received their tokens or experienced difficulties casting their votes were to contact the Commission using the provided contacts. The Commission received a total of sixteen (16) complaints in this regard. These were from the following members:

	Member Name	IQSK Member Number
1	Qs. David Choka	409
2	Qs. Barrack Omondi	1137
3	Qs. Adeline Dindi	95
4	Qs. Beryl Maunda	954
5	Qs. Zacharia Maithya	543
6	Qs. Nyagah Kithinji	139
7	Qs. Julius K. Matu	268
8	Qs. Esther Muthoni Githinji	554
9	Qs. Bramwel Kimokoti	27
10	Qs. Sylvester Masu	3
11	Qs. Moses Kimani	227
12	Qs. Wilfred Ngaruiya	8
13	Qs. Patience Mulondo	689
14	Qs. Japheth Kibet	521
15	Qs. David Waiganjo	455
16	Qs. Gabriel Muchoki	432

Table 3: Members who had challenges with voting tokens.

For all these cases, the Elections Commission confirmed and/or updated their contact details on the final voters' register and resent their voting tokens.

Other complaints were from graduate members who expressed their disappointment with not being able to vote. The Elections Commission explained to them that they were not yet full members of the institute and had therefore not earned the voting rights as per the IQSK constitution.

Tallying

In a meeting held two days before the elections, the Elections Commission resolved to tally the results in the presence of all the candidates, the outgoing council and the IQSK Secretariat. This decision was reached to ensure/increase transparency of the process. The election results were tallied online as from 7:30pm on the elections date. An email was sent to all the candidates, members of the outgoing council and the IQSK secretariat with Zoom login details for the tallying meeting. The meeting was chaired by Qs. Rasugu Nyamboki, the Chairperson of the Elections Commission.

In the presence of all candidates, outgoing council members and the IQSK Secretariat, Qs. Rasugu, proceeded to electronically tally the results of the election.

The outcomes were tabulated as follows:

Assistant Honorary Secretary		
Candidates	Votes	%
1. Qs. Barrack Omondi	31	20.00%
2. Qs. Rose Kotut	124	80.00%

Table 4: Talled results for the position of IQSK Assistant Honorary Secretary.

Council Members		
Candidates	Votes	%
1. Qs. Cynthia Mulaku	93	60.00%
2. Qs. David Choka	113	72.90%
3. Qs. David Derrick	98	63.23%
4. Qs. James Kirika	36	23.23%
5. Qs. Japheth Kibet	86	55.48%
6. Qs. Jasan Njoroge	102	65.81%
7. Qs. Jewel Jeptum	92	59.35%

Table 5: Talled results for the Position of IQSK Ordinary Council Members.

CANDIDATE SELECTIONS 1	
Abstained Ballots – Assistant Honorary Secretary (1 Vacancy)	No. of Ballots
Abstained Voting for Assistant Honorary Secretary	0
Did not Abstain	155

Table 6: Abstention statistics for the position of IQSK Assistant Honorary Secretary.

CANDIDATE SELECTIONS 2	
Abstained Ballots – Council Members (4 Vacancies)	No. of Ballots
Abstained Voting for Council Members	0
Abstained Voting for 3 Vacancies	0
Abstained Voting for 2 Vacancies	0
Abstained Voting for 1 Vacancy	0
Did not Abstain	155

Table 7: Abstention statistics for the position of IQSK Ordinary Council Members.

GENERAL SUMMARY	
Total No. of Eligible Members	353
Total No. of Tokens Authenticated	160
Total No. of Ballots Cast	155
Total No. of Ballots Tallied	155
Total No. of Ballots not Cast	198

Table 8: General Summary of the Elections.

NB: The Commissioners despite being qualified voters opted not to vote in order to reduce bias and enhance transparency.

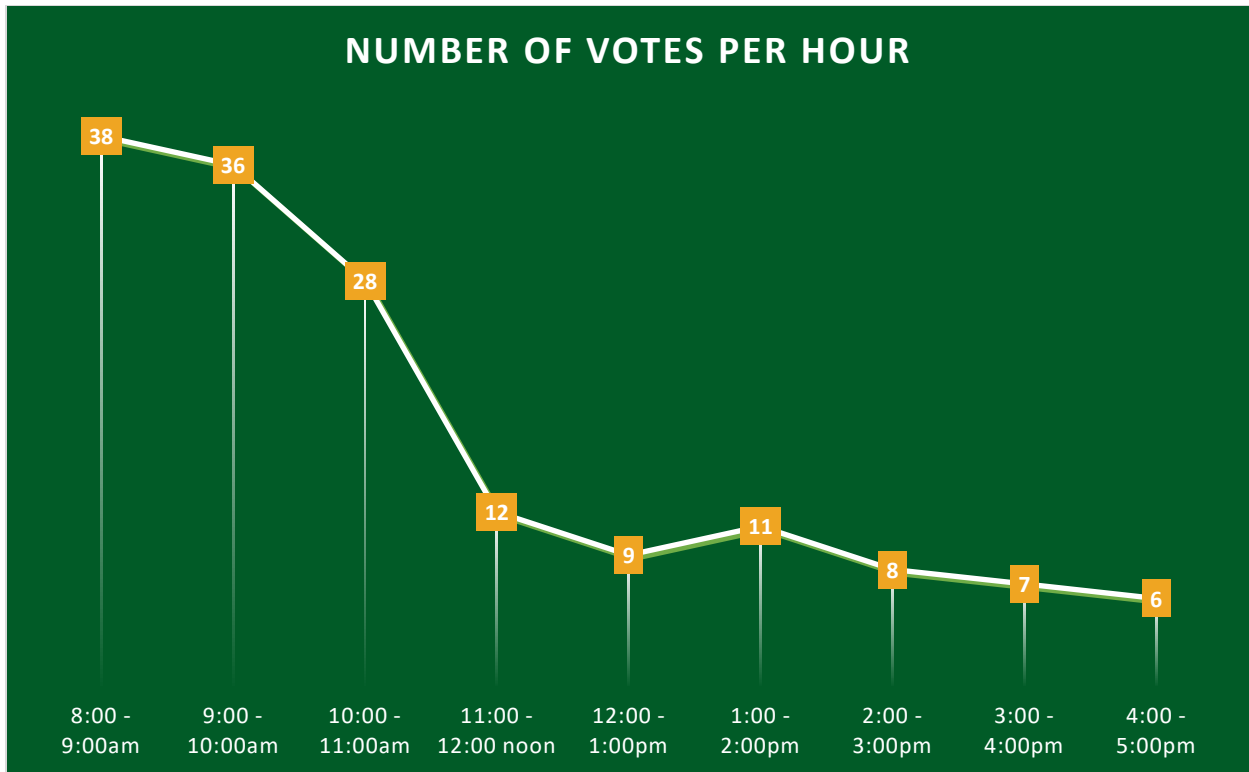


Figure 3: Votes cast per hour

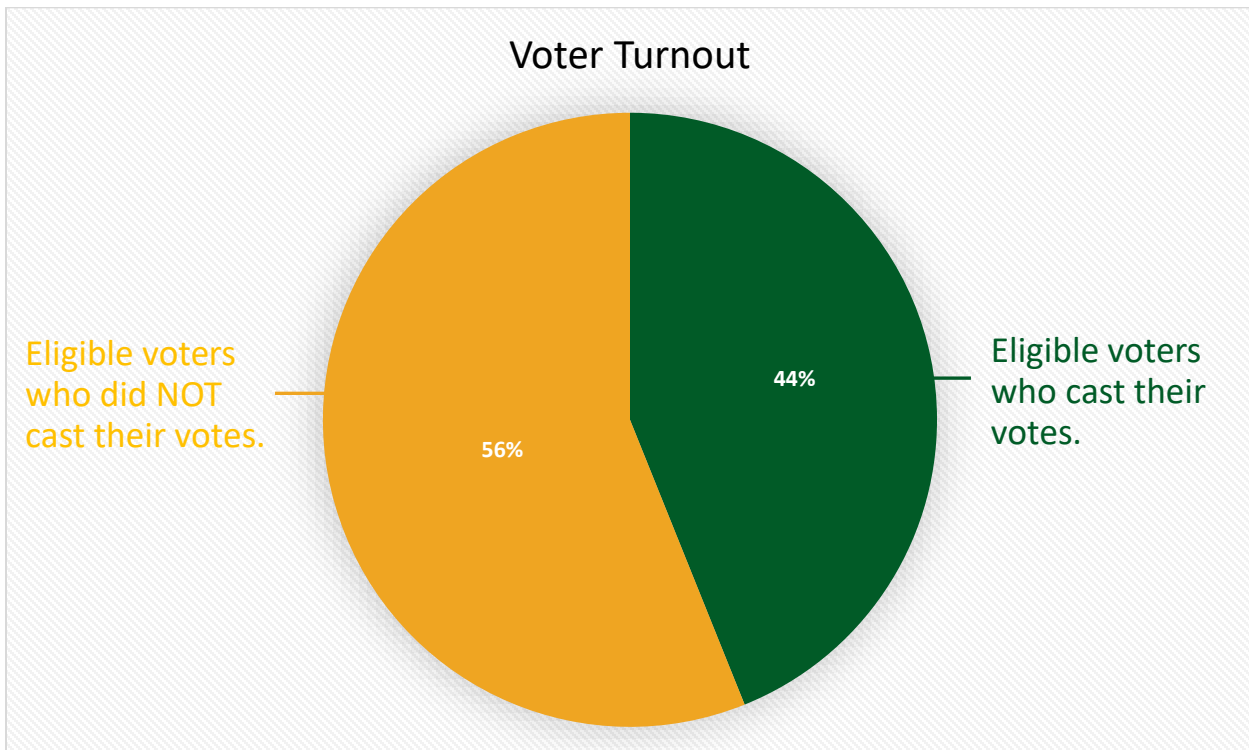


Figure 4: Voter Turnout

Election Results



Figure 5: Members of the Independent Elections Commission presenting a Certificate of Election to the Assistant Honorary Secretary Elect, Qs. Rose Kotut. From right, Qs. Lilian Kithinji, Grad. Qs. Ernest Nyakundi and Qs. Francis King’ori.

After the tallying process, whose outcomes are tabulated above, the following candidates were successfully elected after the casting of ballots.

Contested Positions and Successful Candidates		
	Successful Candidate(s)	Contested Position
1.	Qs. Rose Kotut	Assistant Honorary Secretary
2.	Qs. Jasan Njoroge	Council Member
3.	Qs. David Choka	Council Member
4.	Qs. David Derrick	Council Member
5.	Qs. Cynthia Mulaku	Council Member

Table 9: Candidates that emerged clear winners after voting.

At the end of the elections process, the IQSK Council of 2022 – 2024 was to be composed as follows:

Contested Positions and Successful Candidates		
	Elect Members	Position
1.	Qs. Jennifer Musyimi	President
2.	Qs. Andrew Mbuku	Vice President
3.	Qs. Joel Gichimu	Honorary Secretary
4.	Qs. Janet Chirchir	Honorary Registrar
5.	Qs. Wilson Kipkoech	Honorary Treasurer
6.	Qs. Rose Jematya Kotut	Assistant Honorary Secretary
7.	Qs. Jasan Njoroge	Council Member
8.	Qs. David Choka	Council Member
9.	Qs. David Derrick	Council Member
10.	Qs. Cynthia Mulaku	Council Member
11.	Qs. James Munene	Immediate Past President

Table 10: Composition of the IQSK Council 2022 - 2024.



Figure 6: A flier of successfully elected candidates who constitute the IQSK Council 2022 – 2024.

Conclusions and Recommendations

To the IQSK Council

The IQSK Elections Commission offers the following recommendations to the IQSK Council through the Honorary Secretary in the hopes that they will help improve the electoral processes and operations of the Institute.

1. Develop and Commercialize the IQSK Elections System

The Elections Commission sees a lot of potential in the newly developed IQSK Elections System. The Commission is convinced that the IQSK could be offering electronic electoral management software as a product; similar to what ICPAK did in 2020. The Elections system, after being enhanced further, could also be used for opinion polling and industry/sector specific research. This will significantly cut costs of conducting opinion polls and elections of the Institute and provide an additional stream of revenue for the Institute.

2. Address Apathy among Members of the Institute

The Elections Commission noticed a lot of apathy among members of the Institute during the election period. The Commission received very few applications for nomination and had to extend the deadline so as to attain a reasonable number of nominees. Additionally, the turnout during the mock elections (11%) and actual elections (44%) was relatively low. The Commission sees apathy as something that has to be fixed way before the elections. We believe that by actively engaging members in the affairs of the Institute, the members would be more interested in IQSK (attending events and ensuring they are in good standing) and, consequently, in the electoral processes of the Institute.

3. Digitize operations of the Institute

The Elections Commission believes that the Institute can be fully digitized and paperless in its operations. Operations of the Institute such as administration and research can be performed with the help of the IQSK Server. Having all records of the Institute deployed online makes it easier to have personnel changes in the committees and leadership of the Institute.

Appendix A: By-Law 17

B.L. 17: RULES AND REGULATIONS GOVERNING THE IQSK COUNCIL ELECTIONS

ARTICLE 1: DEFINITIONS AND INTERPRETATION

1. Short Title

This By-Law shall be known as The Rules and Regulations Governing the IQSK Elections.

2. Interpretation

“**AGM**” shall mean the Annual General Meeting of the Institute;

“**Campaign period**” means the period specified as such in the notice issued by the Commission in relation to an election;

“**Candidate**” means a nominee who, having his position contested after nominations, has been published for balloting;

“**Commission**” means the IQSK Independent Elections Commission;

“**Contested Position**” means a position at the Institute that has more than one successfully nominated candidate.

“**Council**” means the Council of the Institute of Quantity Surveyors of Kenya;

“**Elections**” means the IQSK Council elections and includes fresh elections;

“**Elections day**” means the date that has been specified as such in the notice issued by the Commission in relation to an election;

“**Elections year**” means the second year after election of the IQSK Council;

“**Election material**” means ballot boxes, ballot papers, counterfoils, envelopes, packet statements and other documents used in connection with voting in an election and includes information technology equipment for voting, the voting compartments, instruments, seals and other materials and things required for the purpose of conducting an election;

“**Election offence**” means a violation or infringement of any of these regulations;

“**Elections officer**” means a person appointed by the Commission for the purposes of conducting an election under this constitution and these regulations;

“**Election period**” means the period between the publication of a notice by the Commission for an IQSK election and the declaration of the election results;

“Election results” means the declared outcome of the casting of votes by voters at an election;

“Electronic electoral system” means a system that enables electronic voter identification, electronic casting of votes, electronic tallying of results and electronic administration of the elections process;

“Illegal practice” has the same meaning as an election offence under these regulations;

“Institute” means the Institute of Quantity Surveyors of Kenya;

“Member in Good Standing” means any person who has fulfilled the requirements for membership in their respective member category and who had not voluntarily withdrawn or been expelled or suspended by the Institute;

“Nomination” means the submission to the commission of the name of an aspiring candidate in accordance with the IQSK Constitution and these regulations;

“Nominee” means a person who has been successfully nominated as a candidate in the IQSK elections;

“Observer” means a person or an organization accredited by the Commission to observe an IQSK election;

“Petition” means an application to the Electoral Tribunal under this constitution or under these regulations;

“Returning officer” means the Chairperson of the Commission or a Commissioner who has been seconded by other commissioners for the purpose of tallying the results of an IQSK election;

“SGM” shall mean a Special General Meeting of the Institute.

“Tribunal” means the body mandated under this By-Law to handle election disputes;

“Vote” means a ballot that has been successfully cast on the elections day;

“Voter” means a full member of the Institute who is in good standing and has been included in the final voters’ register published by the Independent Electoral Commission;

“Voters’ register” means a list published by the Commission containing current register of all full members of the Institute who are in good standing with the Institute, and includes a register compiled electronically;

“Voting period” means the period specified as such in the notice issued by the Commission in relation to an election;

ARTICLE 2: ELECTORAL SYSTEM AND PROCESS

3. General Principles for the Electoral System

The IQSK electoral system shall comply with the following principles -

- (a) Freedom of full members of the Institute to exercise their voting rights;
- (b) Independence of the Independent Electoral Commission;
- (c) Objectivity and impartiality in decisions making and in ensuring that decisions are not influenced by nepotism, favoritism and other improper motives or corrupt practices;
- (d) Universal suffrage;
- (e) Free, fair and credible elections which are:
 - i. By secret ballot;
 - ii. Free from violence, intimidation, improper influence and corruption;
 - iii. Transparent; and,
 - iv. Administered in an impartial, neutral, efficient, accurate and accountable manner.

4. Holding of elections

- (a) The bi-annual IQSK Council Elections shall be held on the Elections Day.
- (b) The Elections Day shall –
 - i. be a day before the Annual General Meeting of the Institute in the Elections Year;
 - ii. not be a Weekend; and,
 - iii. not be a designated Public Holiday.
- (c) A notice for elections shall be issued by the Commission at least 28 days before the elections day.
- (d) Fresh elections shall be held in line with Section 12 of this By-Law.

5. Postponing Elections

- (a) The bi-annual IQSK Council Elections may be postponed by –
 - i. A resolution of more than two thirds of the full members at a Special General Meeting convened at least 90 days before the Annual General Meeting of the Elections' Year;
 - ii. The Independent Electoral Commission in exercise of the Powers specified in Section 17 of this By-Law;

- (b) If an election is to be postponed by the procedure specified in Section 5 (a) (i), then such postponement shall –
 - i. Affect all elective positions of the Institute;
 - ii. Be at least three months but not more than six months;
 - iii. Extend the tenure of the incumbent IQSK Council by the period specified in Section 5 (b) (i);
- (c) If an election is to be postponed by the procedure specified in Section 5 (a) (ii), then such postponement shall –
 - i. Specify the reasons for such postponement;
 - ii. Specify the affected elective position(s);
 - iii. Be at least thirty days but not more than sixty days;
 - iv. Maintain the vacancy of the seat for a similar period; and,
 - v. Be communicated to members of the Institute within 24 hours of the decision.

6. Qualifications of Voters

- (a) All full members of the Institute shall have a right to exercise their votes as stipulated in Section 5.04 of the IQSK Constitution provided that –
 - i. They are in good standing with the Institute;
 - ii. They have not violated the electoral code of conduct specified in Article 4 of this By-Law.
- (b) There shall be a register to be known as the Voters' Register which shall comprise a list of full members who satisfy the requirements of Section 6 (a).
- (c) The Independent Electoral Commission shall –
 - i. Prescribe the information to be contained in the Voters' Register;
 - ii. Compile and maintain the Voters' Register;
 - iii. Invite members of the Institute to inspect the Voters' Register at least 14 days before an election;
 - iv. Assess complaints arising from the inspection process referred to in Section 6 (c) iii;
 - v. Correct any anomalies identified from the inspection process referred to in Section 6 (c) iii;
 - vi. Publish a final Voters' Register at least seven days before an election;

- (d) The Voters' Register shall not be amended within seven days of an election;
- (e) A full member whose details appear in the Voters' Register and has been validly identified at the floor of the elections or on the electronic electoral system shall be eligible to vote in that election.

7. Nomination of Candidates

- (a) A member of the Institute may be nominated as a candidate for an election under these regulations only if the nominations procedure is carried out in accordance with B. L. 7.7 of the IQSK Constitution and By-Laws and only if the member –
 - i. Satisfies the requirements of By-Laws 7.1, 7.2, 7.3, 7.4 ad 7.5 of the IQSK Constitution and By-Laws 2013;
 - ii. Satisfies the requirements of Chapter Six of the Constitution of Kenya, 2010;
 - iii. Is in good standing with the Institute; and,
 - iv. Has not violated the electoral code of conduct specified in Article 4 of this By-Law.
- (b) The Independent Electoral Commission shall –
 - i. Place a call for nomination of candidates at least 28 days before the elections day;
 - ii. Receive nomination forms at least 21 days before the elections day;
 - iii. Assess the nominated forms for compliance with the requirements of Section 7 (a) of this By-Law within 48 hours after receipt;
 - iv. Mail out to all nominees, their proposers and their seconders the results of the nominations process;
 - v. Provide a window period for receipt of appeals emerging from the nomination process;
 - vi. Consider appeals arising from Section 7 (b) v. within 48 hours;
 - vii. Publish a list of successfully nominated candidates to all members of the Institute at least 14 days before the elections day;
 - viii. The list published in Section 7 (b) vii. will list the office and the successfully nominated candidates in alphabetical order;

8. Withdrawal of nominations

- (a) A successfully nominated candidate may withdraw their nomination by writing to the commission at least 7 days before the Elections Day;

9. Voting

- (a) Elections shall be held according to the terms and notification issued by the Electoral Commission, and in accordance with these regulations;
- (b) The Elections shall be by secret ballot, simple majority system and on the principle of one member one vote;
- (c) Voting shall be conducted between 8:00am and 5:00pm on the elections day, however the Commission may extend the period for not more than two hours for a good cause;
- (d) Persons with disabilities shall be accorded reasonable accommodation to enable them to vote;
- (e) The Independent Electoral Commission may decide whether to hold elections by physical balloting or by use of an electronic electoral system;
- (f) If the elections are to be held by casting of physical ballots, the ballot boxes shall be transparent, of a fixed number, counted, certified and recorded;
- (g) If the elections are to be held using the electronic electoral system, then they should be done according to Section 10 of this By-Laws;

10. Use of an electronic electoral system

- (a) Subject to Section 9 of this By-Law and the IQSK Constitution and By-Laws, the Commission may adopt an electronic electoral system that enables electronic voter identification, electronic casting of votes, electronic tallying of results and electronic administration of the elections process;
- (b) The Commission may for purposes of Section 10 (a) develop a policy on the progressive use of technology in the electoral process.
- (c) The Commission shall ensure that the technology in use under Section 10 (a) is simple, accurate, verifiable, secure, accountable and transparent;
- (d) The Commission shall for purposes of this Section and in consultation with the IQSK Council, relevant agencies, institutions and stakeholders ensure –
 - i. The transparent acquisition and disposal of information and communication technology assets and systems;
 - ii. Testing and certification of the system;
 - iii. Mechanisms for the conduct of a system audit;
 - iv. Data storage and information security;

- v. Data retention and disposal;
 - vi. Access to electoral system software source codes;
 - vii. Capacity building of staff of the Commission and relevant stakeholders on the use of the technology in the electoral process;
 - viii. Telecommunication network for voter validation and results transmission;
 - ix. Development, publication and implementation of an emergency recovery and operations continuity plan; and,
 - x. The operations of a technical committee established under Section 10 (e)
- (e) For the purpose of giving effect to this section, the Commission may establish a technical committee of the Commission consisting of such members and officers of the Commission and such other relevant agencies, institutions or stakeholders as the Commission may consider necessary to oversee the adoption of technology in the electoral process and implement the use of such technology.

11. Determination and declaration of results

- (a) If only one aspiring candidate is nominated, that aspiring candidate shall be declared elected.
- (b) The voting results at the floor of an AGM or on the electronic electoral system shall be final;
- (c) Immediately after close of voting the Commission shall –
 - i. Verify the final results for each contested position;
 - ii. Declare in the prescribed form the final results for each contested position;
 - iii. Provide each candidate, or their proposer, with a copy of the declaration of the final results;
 - iv. Publish the voting results on the IQSK website;
- (d) An aspiring candidate shall be entitled to a maximum of two vote recounts, after which the winning candidate shall be declared.
- (e) Whenever there is a tie of the top two or more candidates in an election, such candidates shall participate in a fresh election until one or the prescribed number obtains a clear win.

12. Fresh Elections

- (a) Fresh elections may be held where –

- i. There is no clear winner after determination and declaration of the voting results by the Independent Elections Commission;
 - ii. The Electoral Tribunal orders for fresh elections after the determination of an elections dispute;
- (b) Subject to Section 12 (a) of these By-Laws, fresh elections should be held after a period of at least 30 days but not more than sixty days.
- (c) The position for which fresh elections are to be held shall remain vacant until a clear winner emerges.

ARTICLE 3: THE IQSK INDEPENDENT ELECTIONS COMMISSION

13. Establishment of the IQSK Independent Elections Commission

- (a) There shall be an Independent Elections Commission consisting of five persons who shall serve on a part time basis.

14. Composition of the IQSK Independent Elections Commission

- (a) The Commission shall consist of a Chairperson, a Vice Chairperson and three other Commissioners appointed by the IQSK Council from among members of the Institute.
- (b) The IQSK Council shall stagger the appointment of Commissioners to ensure continuity;
- (c) The Chairperson and the Vice Chairperson shall be Fellow Members of the Institute and shall be of opposite gender.
- (d) The IQSK Council shall invite or place a call for volunteers to serve as Election Commissioners for the elections year. This call shall be done by latest forty five (45) days before the Elections Day and shall run for at least seven (7) days.
- (e) The IQSK Council shall appoint the Chairperson, Vice Chairperson and the three other Commissioners within seven (7) days after the end of call and inform successful applicants or invitees of such appointment at least 30 days before the elections date;
- (f) The tenure of the Commissioners shall be three months and shall thereafter be extended on a monthly basis with good cause;
- (g) Not more than two-thirds of the members of the Commission shall be of the same gender;

- (h) The individuals to be appointed to the Commission must meet the following minimum requirements –
 - i. They must satisfy the requirements of Chapter Six of the Constitution of Kenya 2010;
 - ii. They shall not be current members of the Council;
 - iii. They must be in good standing with the Institute; and,
 - iv. They must not be seeking election as office bearers of the Institute.
- (i) The Commission shall in the performance of its functions not be subject to the direction or control of any person or authority, but shall observe the principle of public participation and the requirement of consultation with stakeholders.
- (j) The Commission shall be assisted by staff drawn from the IQSK Secretariat.
- (k) The Chairperson of the Commission shall be the Returning Officer of the IQSK Elections.
- (l) The Vice Chairperson of the Commission shall be the Deputy Returning Officer of the IQSK Elections.
- (m) The Commission may appoint election observers from the Commission on Administrative Justice, the National Gender and Equality Commission and from any other organization provided such appointees are not members of the Institute and fulfil requirements of Chapter Six of the Kenyan Constitution and any other requirements specified by the Commission.
- (n) The IQSK Council shall have the powers to replace a Commissioner who may not be in a position to carry out his duty.

15. Guiding Principles of the IQSK Independent Elections Commission

The Commission shall be guided by the following principles:

- (a) Independence of the electoral process;
- (b) Objectivity and impartiality in decisions making and in ensuring that decisions are not influenced by nepotism, favoritism and other improper motives or corrupt practices;
- (c) Ensure free, fair and credible elections which are:
 - i. By secret ballot;
 - ii. Free from violence, intimidation, improper influence or corruption;
 - iii. Transparent; and,

- iv. Administered in an impartial, neutral, efficient, accurate and accountable manner.

16. Functions of the IQSK Independent Elections Commission

(a) The Independent Elections Commission shall;

- i. Conduct and supervise elections of the Institute in accordance with the Rules and Regulations governing the IQSK Council Elections;
- ii. Facilitate the observation, monitoring and evaluation of elections;
- iii. Enforce the Electoral Code of Conduct specified in Article 4 of these By-Laws;
- iv. Use appropriate technology and approaches in the performance of its functions;
- v. Prepare an elections timetable in consultation with the IQSK Council;
- vi. Supervise the preparation of the voters' register, ballot papers, ballot boxes and/or the electronic electoral system.
- vii. Prepare the budget for elections in consultation with the IQSK Honorary Treasurer
- viii. Verify all nominations for candidates
- ix. Prepare and publish a list of all eligible candidates for all positions;
- x. Conduct civic and voter education for members of the Institute;
- xi. Form its committees to enable it to carry out its functions; and,
- xii. Take any other functions it deems necessary to ensure that the elections are transparent, fair, peaceful and credible.

17. General Powers of the IQSK Independent Elections Commission

(a) Nothing in these regulations shall preclude the Commission from taking any administrative measures to ensure effective conduct of the IQSK Council elections.

(b) Subject to Section 5 of these By-Laws, the Commission may postpone the election of any office for such a period it may consider necessary where –

- i. There is reason to believe that a serious breach of peace is likely to occur if the election is held on that date;
- ii. It is impossible to conduct the elections as a result of a natural disaster or other emergencies;
- iii. There has been occurrence of an electoral malpractice of such a nature and gravity as to make it impossible for an election to proceed.

ARTICLE 4: THE IQSK ELECTORAL CODE OF CONDUCT

The intent of this electoral code of conduct is to encourage fair and open conduct of the elections by IQSK members on a level playing field and, most importantly, to maintain a dignified and courteous conduct appropriate to the image of the noble profession of Quantity Surveying.

18. Obligations of Candidates

- (a) Candidates while ensuring observance of all Rules and Regulations governing the IQSK Council Elections shall –
- i. Respect the rights of all participants and supporters of opponents in the election;
 - ii. Promote free, fair and truthful campaigns and elections by all lawful means;
 - iii. Respect divergent opinions;
 - iv. Debate and contest in a positive and objective manner without causing bad blood or ridiculing opponents;
 - v. Cooperate with the Elections Commission and other relevant institutions in the investigation of issues and allegations arising during the election period;
 - vi. Acknowledge the Commission’s authority in the conduct of elections by ensuring attendance and participation of representatives at meetings and other forums convened by the Commission in dispute resolution;
 - vii. Reassure voters with regard to the secrecy and integrity of the ballot and furthermore, to reaffirm the provisions of this Constitution to the effect that no one will know how any other person has voted;
 - viii. Immediately report any deviations from this code of which he/she becomes aware to the Commission;
 - ix. Take reasonable steps to discipline, stop and control their supporters from infringing this code, engaging in activities of commission or omission which amounts to offences under the constitution or otherwise for not observing this code or contravening or failing to comply with any provisions of the electoral laws;
 - x. Without prejudice to the right to present a petition to the Elections Tribunal, to accept the final outcome of the elections and the Commission’s declaration and certification of the results thereof.

19. Nominations

- (a) A candidate or their supporters shall refrain from –
 - i. Intimidating and preventing candidates from presenting their nomination papers;
 - ii. Forging signatures during the nominations process; and.
 - iii. Destruction of candidates' nomination papers or any other document.

20. Campaigns

- (a) Candidates or their supporters shall –
 - i. Conduct campaigns in a peaceful and respectful manner;
 - ii. Condemn, avoid and prevent violence and intimidation or abusive language or words that will disparage the conduct of their opponents;
 - iii. Instruct their supporters to respect this code;
 - iv. Debate and contest other contestants in a positive and objective manner without ridiculing their opponents;
 - v. Refrain from mutilating or destroying documents or campaign materials posted or distributed by their opponents or the electoral commission;
 - vi. Not enter into an agreement with other candidates to campaign together.
- (b) Third party endorsements in campaign communications are not allowed.
- (c) Election messages –
 - i. Include short message services (SMS), emails, letters, postcards, and faxes asking for a member's election support;
 - ii. May include copies of a Candidate's curriculum vitae (CV), fact sheet, and biography; and,
 - iii. Must not be communicated through mass media like newspapers, television or radio.
 - iv. Shall not be signed off using an IQSK organizational title.
- (d) Handout pamphlets may be made available at any meetings attended by the candidate.

21. Voting

- (a) Candidates and their supporters shall refrain from:
 - i. Disruption of the organization of elections;
 - ii. Destroying voting materials and prevention of tallying of ballots;
 - iii. Stuffing of ballot boxes in case of physical ballots;

- iv. Obstruction of voters from voting;
- v. Intimidation of election officials;
- vi. Manipulating voting documents and individual votes;
- vii. Any corrupt tendencies like bribing voters to vote for them;
- viii. Offering any inducement or reward to any person to vote, accept or refuse or withdraw his or her nomination;
- ix. Any form of campaigns during the elections day;
- x. Carrying crude and dangerous weapons to the floor of the elections in case of physical voting; and,
- xi. Drunkenness, use of drugs or disorderly behaviors within, near and around the floor of the elections.

22. Election financing and expenditure

- (a) Candidates and their supporters must use their own resources for election activities. Fundraising is not permitted.
- (b) Candidates and their supporters may not organize campaign committees.
- (c) Candidates and their supporters must not use IQSK resources, services or staff to endorse, support or promote their campaigns.

ARTICLE 5: ELECTION OFFENCES AND PENALTIES

23. Election Offences and Penalties

- (a) Where in the opinion of the Commission and on sufficient presentation of evidence, candidates or their supporters have contravened or infringed on any of the provisions of this code, they will be deemed to have committed an election offence and may be liable to disqualification from the elections and the following penalties depending on the severity of the offenses:
 - i. Issued with a formal warning letter;
 - ii. A fine determined by the Commission not exceeding Kshs. 200,000;
 - iii. Be barred from holding any campaigns during the election period;
 - iv. Disqualification from current elections;
 - v. Be barred from participating in any one or more future elections;

- vi. Be recommended for suspension from the Institute for a period of not less than two years;
- vii. Any other penalty provided for under the IQSK Code of Professional Conduct and Ethics.

ARTICLE 6: ELECTION DISPUTES RESOLUTION

24. Dispute Resolution by the Independent Elections Commission

- (a) The Commission shall be responsible for the settlement of electoral disputes, including disputes relating to or arising from nominations but excluding election petitions and disputes subsequent to the declaration of election results.
- (b) An electoral dispute under Section 24 (a) shall be determined within seven (7) days of the lodging of the dispute with the Commission.
- (c) Notwithstanding Section 24 (b), where a dispute relates to a prospective nomination or election, the dispute shall be determined before the date of the nomination or election, whichever is applicable.

25. Establishment of the IQSK Elections Tribunal

- (a) There shall be established a Tribunal, to be known as the Elections Tribunal which shall consider and determine disputes arising after the IQSK Council elections.

26. Composition of the IQSK Elections Tribunal

- (a) The Elections Tribunal shall consist of a Chairperson, a Vice Chairperson and three other members appointed by the IQSK Council;
- (b) The IQSK Council shall stagger the appointment of members of the Elections Tribunal to ensure continuity;
- (c) The Chairperson and the Vice Chairperson shall be Members of the Institute and shall be drawn from the IQSK Panel of Arbitrators.
- (d) The IQSK Council shall invite volunteers to serve as members of the Elections Tribunal for the elections year. This call shall be done by latest forty five (45) days before the Elections Day and shall run for at least seven (7) days.
- (e) The IQSK Council shall appoint the Chairperson, Vice Chairperson and the three other members within seven (7) days after the end of the invitation and inform successful invitees of such appointment at least 30 days before the elections date;

- (f) The Elections Tribunal shall serve part-time for a term of three months which shall thereafter be extended on a monthly basis with good cause;
- (g) Not more than two-thirds of the members of the Elections Tribunal shall be of the same gender;
- (h) The individuals to be appointed to the Elections Tribunal must meet the following minimum requirements –
 - v. They must satisfy the requirements of Chapter Six of the Constitution of Kenya 2010;
 - vi. They shall not be current members of the Council;
 - vii. They must be in good standing with the Institute; and,
 - viii. They must not be seeking election as office bearers of the Institute.
- (i) The Elections Tribunal shall in the performance of its functions regulate its own procedures and the conduct of proceedings before it.
- (j) The Elections Tribunal shall be assisted by staff drawn from the IQSK Secretariat.
- (k) The IQSK Council shall have the powers to replace a member of the Tribunal who may not be in a position to carry out their duty.

27. Hearing and determination of Election Disputes

- (a) For the purposes of hearing and determination of any election dispute by the Tribunal, the secretary or support staff to the Tribunal may, under direction of the Tribunal, administer oaths.
- (b) The Chairperson may by notice under his or her hand, summon any people to attend and give evidence and to produce any relevant book or document.
- (c) The sessions of the Tribunal shall, unless the special circumstances of a petition require, be in Nairobi, convened by the chairman as occasion requires.
- (d) The record of the proceedings and of every decision of the Tribunal shall be authenticated by the signature of the chairman.
- (e) Decisions reached by the tribunal shall be binding to all members of the Institute.

28. Powers of the IQSK Elections Tribunal

- (a) The Elections Tribunal may, in the exercise of its jurisdiction –

- i. Summon and swear in witnesses in the same manner or, as nearly as circumstances admit, as in a trial by a court in the exercise of its civil jurisdiction and impose the same penalties for the giving of false evidence;
 - ii. Issue summons for attendance of any person as a witness who appears to the Tribunal to have been concerned in the election or in the circumstances of the vacancy or alleged vacancy;
 - iii. Examine a witness who is summoned to attend or any other person who has not been called as a witness to the Tribunal;
 - iv. Allow examinations by a party to the petition and after examination the witness may be cross-examined by or on behalf of the petitioner and respondent or either of them; and,
 - v. Decide all matters that come before it without undue regard to technicalities.
- (b) The Elections Tribunal may, by order, direct the Commission to issue a certificate of election to an aspiring candidate –
- i. Upon recount of the ballots cast, that the aspiring candidate won the election; and,
 - ii. That winner is found not to have committed an election offence.

29. Presentation and Service of Petitions

- (a) A petition concerning an election shall be filed within fourteen days after the declaration of the election results by the Commission.
- (b) A petition questioning an election upon the ground of a corrupt practice, and specifically alleging a payment of money or other act to have been made or done since the date aforesaid by the person whose election is questioned or with the knowledge of that person may, so far as respects the corrupt practice, be filed at any time within fourteen days after the publication of the election results.
- (c) A petition may be served personally upon a respondent, or through the Elections Tribunal.

30. Prohibition of Disclosure of Vote

- (a) A voter who has voted at an election shall not, in the proceedings of an election petition, be required to state whom they voted for.

31. Scrutiny of Votes

- (a) The Elections Tribunal may, on its own motion or on application by any party to the petition, during the hearing of an election petition, order for a scrutiny of votes to be carried out in such a manner as the tribunal may determine.
- (b) Where the votes at the trial of an election petition are scrutinized, only the following votes shall be struck off –
 - i. The vote of a person whose name was not on the Voters' Register published by the Commission;
 - ii. The vote of a person whose vote was procured by bribery, cheating or undue influence;
 - iii. The vote of a person who committed or procured the commission of impersonation at the election;
 - iv. The vote of a person proved to have voted twice;
 - v. The vote of a person, who by reason of conviction for an election offence or by reason of the report of the Elections Tribunal, was disqualified from voting at the election; and,
 - vi. The vote cast for a disqualified aspiring candidate by a voter knowing that the aspiring candidate was disqualified or the facts causing the disqualification, or after sufficient public notice of the disqualification or when the facts causing it were notorious.

32. Non-compliance with the Law

- (a) No election shall be declared to be void by reason of non-compliance with any written law relating to that election if it appears that the election was conducted in accordance with the general principles laid down in Section 3 of these By-Laws, or that the non-compliance did not affect the result of the election.

33. Determination of Election Petition

- (a) Upon receipt of a petition, the Elections Tribunal shall peruse the petition and –
 - i. If it considers that no sufficient ground for granting the relief claimed is disclosed therein may reject the petition summarily; or,
 - ii. Fix a date for the trial of the petition.
- (b) Subject to Section 27 of these By-Laws, an election petition shall be heard and determined within seven days.

Appendix B: Commission's Work plan

IQSK 2022 COUNCIL ELECTIONS WORKPLAN

Key	
	Done
	Ongoing
	Not Done

Notes

Activities and timelines on the work plan have been prepared in accordance with By-Law 17.
Last Update: 2:00pm, Wednesday, 27th July, 2022.

No	Item	Date	Status	Actioned to
1	Call for Applications for Commission and Tribunal Members	12 April 2022	Done	IQSK Council
2	Appointment of Commission and Tribunal Members	22 April 2022	Done	IQSK Council
3	Notice of Elections	28 April 2022	Done	Nyakundi
5	Start of Nominations	28 April 2022	Done	Commission
4	Publishing of Election Guidelines and Timelines	04 May 2022	Done	Nyakundi
6	Call for Subscriptions Renewal for inclusion in Voter Register	04 May 2022	Done	Nyakundi
7	Preparation of Draft Voter's Register	04 May 2022	Done	Lydiah/Nyakundi
8	Close of Nominations	05 May 2022	Done	Commission
9	Commission Meeting - Blue Violets Plaza 10:00am	06 May 2022	Done	Qs. Rasugu - Chair
10	Vetting of Nomination Applications	06 May 2022	Done	Commission
11	Publishing of Draft Nominations List	06 May 2022	Done	Commission
12	7-day window for receiving and considering Nomination Appeals	06 May 2022	Done	Commission
13	Preliminary inspection of Draft Voters' Register by Commission	06 May 2022	Done	Commission
14	Sharing of Draft Voters' Register for Inspection by Voters	09 May 2022	Done	Commission
15	Publishing of the Final List of Successfully Nominated Candidates	12 May 2022	Done	Commission
16	Start of Official Campaign Period	12 May 2022	Done	Commission
17	End of Call for inclusion in the Voters' Register	16 May 2022	Done	Commission
18	Review and Corrections to Voters' Register	16 May 2022	Done	Commission
19	7-day Online Voter Sensitization Drive	16 May 2022	Done	Commission
20	Publishing of Final Voters' Register	17 May 2022	Done	Commission
21	Sharing of Mock Elections Tokens	18 May 2022	Done	Commission
22	Mock Elections	19 May 2022	Done	Commission
23	Tallying and Review of Mock Election	20 May 2022	Done	Commission
24	Commission Meeting - Blue Violets Plaza 10:00am	23 May 2022	Done	Qs. Rasugu - Chair
25	Close of Official Campaign Period	25 May 2022	Done	Commission
26	Sharing of Voting Tokens	25 May 2022	Done	Commission
27	Start of Voting	26 May 2022	Done	Commission
28	Close of Voting	26 May 2022	Done	Commission
29	Tallying and declaration of Results	26 May 2022	Done	Commission
30	Presentation of Certificates of Election and AGM Presentation	27 May 2022	Done	Commission
31	Preparation of the 2022 IQSK Council Elections Report	24 July 2022	Done	Commission

Appendix C: Elections Notice



INDEPENDENT ELECTIONS COMMISSION 2022

Blue Violets Plaza, Office Suite 106, 1st Floor
P. O. Box 13929 - 00800, Nairobi, Kenya
Cell: +254 721 676823 / 786 676824
Website: www.elections.iqskkenya.org
Email: elections@iqskkenya.org

Thursday, 28th April 2022

NOTICE TO ALL MEMBERS

2022 IQSK COUNCIL ELECTIONS

Introduction

The IQSK Independent Elections Commission is established under Article 3 of By-Law 17 to, *inter alia*, conduct and supervise elections of the Institute in accordance with the Rules and Regulations governing IQSK Council Elections.

Elections Day

Pursuant to Article 2, Section 4(c) of By-Law 17, the Independent Elections Commission hereby issues a notice of elections. The elections period begins immediately. The elections day is slated for **Thursday, 26th May 2022** with the voting period being between **8:00am** and **5:00pm**; subject to Article 2, Section 9(c) of By-Law 17.

Nomination of Candidates

The Commission would like to inform all IQSK members that it will be accepting nomination of candidates for all elective positions of the IQSK Council up to **5:00pm** on **Thursday, 5th May 2022**. Eligible members can submit their applications online using the following link: <https://forms.gle/sx5xa6M1ZSNFg1MA8>

Campaign Period

The official campaign period will begin at **8:00am** on **Thursday, 12th May 2022** and end at **5:00pm** on **Wednesday, 25th May 2022**.

Candidates, their supporters and other members of the institute are advised to observe the rules and guidelines specified in the IQSK Electoral Code of Conduct contained in Article 4 of By-Law 17. Correspondence to the Commission can be done using any of the contacts in the letterhead.

.....
Qs. Rasugu Nyamboki, FIQSK.

Chairperson

Independent Elections Commission

Ensuring free, fair and credible IQSK Council Elections

Appendix D: Extension of Nominations Window



INDEPENDENT ELECTIONS COMMISSION 2022

Blue Violets Plaza, Office Suite 106, 1st Floor
P. O. Box 13929 - 00800, Nairobi, Kenya
Cell: +254 721 676823 / 786 676824
Website: www.elections.iqskkenya.org
Email: elections@iqskkenya.org

Thursday, 5th May 2022

NOTICE TO ALL MEMBERS

EXTENSION OF THE NOMINATIONS WINDOW

The Independent Elections Commission, in exercise of its General Powers as stipulated in Article 3, Section 17(a) of By-Law 17, hereby extends the window for submission of nomination applications. The **nominations deadline** therefore has been postponed to **5:00pm on Sunday, 8th May 2022**.

Eligible members can submit their applications online using the following link:

<https://forms.gle/sx5xa6M1ZSNFg1MA8>

Candidates, their supporters and other members of the institute are advised to continue observing the rules and guidelines specified in the IQSK Electoral Code of Conduct contained in Article 4 of By-Law 17. In case of any inquiries, please do not hesitate to contact the Commission on email using elections@iqskkenya.org or using any of the contacts in the letterhead.

.....
Qs. Rasugu Nyamboki, FIQSK.

Chairperson

Independent Elections Commission

Ensuring free, fair and credible IQSK Council Elections

Appendix E: Google Form Copy of the Nomination Form

Nomination Form - Election of Members of the IQSK Council 2022 - 2024

This form has been created by the IQSK Elections Commission to enable aspirants and/or their proposers to present their details for nomination as candidates in the upcoming IQSK Council Elections.

The details should be submitted by latest 5:00pm on Sunday, 8th of May 2022.

The nominated candidate, their proposer and seconder must all be in good standing with IQSK.

Should you encounter any challenges while filling the form please contact the Elections Commission through elections@iqskkenya.org or call +254 786 676 824

*Required

1. Email *

Details of the Candidate

This section should be filled appropriately with details of the candidate.

2. 1. What is the candidate's official name? *

3. 2. What is the candidate's membership number *

4. 3. Please upload a suitable passport photo to be used for identification of the candidate during balloting. *

Files submitted:

5. 4. What position is the candidate in (1) above contesting? *

Mark only one oval.

- President
- Vice President
- Honorary Secretary
- Honorary Treasurer
- Honorary Registrar
- Assistant Honorary Secretary
- Council Member (4 slots)

6. 5. Please provide the candidate's email address. *

This will be used by the Elections Commission to provide feedback to the Candidate. After nominations, it will be used to provide updates to the candidate on the electoral process.

7. 6. Please provide the candidate's mobile number. *

This will be used by the Elections Commission to provide feedback to the Candidate. After nominations, it will be used to provide updates to the candidate on the electoral process.

Details of the
Candidate's
Proposer

This section should be filled appropriately with details of the candidate's proposer.

8. 1. What is the name of the candidate's proposer? *

9. 2. What is the proposer's membership number? *

10. 3. Please provide the proposer's email address *

11. 4. Please provide the proposer's mobile number *

Details of
Candidate's
Secunder

This section should be filled appropriately with details of the candidate's seconder.

12. 1. What is the name of the candidate's seconder? *

13. 2. What is the seconder's membership number? *

14. 3. Please provide the seconder's email address. *

15. 4. Please provide the seconder's mobile number *

This content is neither created nor endorsed by Google.

Google Forms

Appendix F: List of Successfully Nominated Candidates



INDEPENDENT ELECTIONS COMMISSION 2022

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P. O. Box 13929 - 00800, Nairobi, Kenya
Cell: +254 721 676823 / 786 676824
Website: www.elections.iqskkenya.org
Email: elections@iqskkenya.org

Thursday, 19th May 2022

Our Ref: **IEC-001-2022**

NOTICE TO ALL MEMBERS

ELECTIONS UPDATE

NOMINATIONS LIST

The Independent Elections Commission would like to inform all members of the Institute that following the nominations process concluded on the 8th of May 2022 and vetting done on the 9th of May 2022, the following members were successfully nominated as candidates for the 2022 IQSK Council Elections.

PRESIDENT		1 POSITION
No.	Name	Member No.
1.	Qs. Jennifer Nduku Musyimi	321

VICE PRESIDENT		1 POSITION
No.	Name	Member No.
1.	Qs. Andrew Kituo Mbuku	100

HONORARY SECRETARY		1 POSITION
No.	Name	Member No.
1.	Qs. Joel Gichimu	263

HONORARY TREASURER		1 POSITION
No.	Name	Member No.
1.	Qs. Wilson Kipkoech Chelelgo	950

HONORARY REGISTRAR		1 POSITION
No.	Name	Member No.
1.	Qs. Janet Cheruto Chirchir	1492

Ensuring free, fair and credible IQSK Council Elections



INDEPENDENT ELECTIONS COMMISSION 2022

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ASSISTANT HONORARY SECRETARY		1 POSITION
No.	Name	Member No.
1.	Qs. Barrack Omondi Ong'ondo	1137
2.	Qs. Rose Jematya Kotut	434

COUNCIL MEMBERS		4 POSITIONS
No.	Name	Member No.
1.	Qs. Cynthia Moira Mulaku	1310
2.	Qs. David Derrick Otieno	1312
3.	Qs. David Gidudi Choka	409
4.	Qs. James Kirika Njoroge	1235
5.	Qs. Japheth Kosgei Kibet	521
6.	Qs. Jasan Wanyoike Njoroge	542
7.	Qs. Jewel Jeptum Kirongo	966

CAMPAIGNS

The official campaign period begins today, **Thursday 19th of May 2022** and shall be end at **5:00pm** on **Wednesday, 25th of May 2022**. Candidates and their supporters are asked to observe the stipulations of the IQSK Electoral Code of Conduct whose intent is to encourage fair and open conduct of the elections by the Institute and, most importantly, to maintain a dignified and courteous conduct, appropriate to the image of the noble profession of Quantity Surveying. The Electoral Code is specified in Article 4 of By-Law 17.

.....
 Qs. Rasugu Nyamboki, FIQSK.

Chairperson

Independent Elections Commission

Ensuring free, fair and credible IQSK Council Elections

Appendix G: Mock Elections Tally

IQSK MOCK ELECTIONS 2022		
TALLY		
Polls Start Time: 2022-05-20 08:00:00		
Polls End Time: 2022-05-20 17:00:00		
Assistant Honorary Secretary		
Candidate	Votes	%
1. Qs. Blue	15	75.00
2. Qs. Red	5	25.00
Council Members		
Candidate	Votes	%
1. Qs. Blue	19	95.00
2. Qs. Green	17	85.00
3. Qs. Orange	18	90.00
4. Qs. Red	19	95.00
5. Qs. Yellow	7	35.00

GENERAL SUMMARY	
Total No. of Eligible Voters	-
Total Number of Authenticated Tokens	39
Total No. of Ballots Cast	20
Total No. of Ballots Tallied	20
Total Number of Ballots NOT Cast	-

Appendix H: Mock Elections Log

Voting Log Per Hour		
Start Time	End Time	Votes Cast
20/05/2022 08:00	20/05/2022 09:00	5
20/05/2022 09:00	20/05/2022 10:00	2
20/05/2022 10:00	20/05/2022 11:00	3
20/05/2022 11:00	20/05/2022 12:00	2
20/05/2022 12:00	20/05/2022 13:00	4
20/05/2022 13:00	20/05/2022 14:00	1
20/05/2022 14:00	20/05/2022 15:00	3
20/05/2022 15:00	20/05/2022 16:00	1
20/05/2022 16:00	20/05/2022 17:00	0

Appendix I: Final Voters' Register

Redacted in compliance with the Data Protection Act 2019

Appendix J: Council Elections Tally

IQSK COUNCIL ELECTIONS 2022		
TALLY		
Polls Start Time: 2022-05-26 08:00:00		
Polls End Time: 2022-05-26 17:00:00		
Assistant Honorary Secretary		
Candidate	Votes	%
3. Qs. Barrack Omondi	31	20.00
4. Qs. Rose Kotut	124	80.00
Council Members		
Candidate	Votes	%
1. Qs. Cynthia Mulaku	93	60.00
2. Qs. David Choka	113	72.90
3. Qs. David Derrick	98	63.23
4. Qs. David Kirika	36	23.23
5. Qs. Japheth Kibet	86	55.48
6. Qs. Jasan Njoroge	102	65.81
7. Qs. Jewel Jeptum	92	59.35

GENERAL SUMMARY	
Total No. of Eligible Voters	353
Total No. of Authenticated Tokens	160
Total No. of Ballots Cast	155
Total No. of Ballots Talled	155
Total Number of Ballots NOT Cast	198

Appendix K: Council Elections Logs

Voting Log Per Hour		
Start Time	End Time	Votes Cast
26/05/2022 08:00	26/05/2022 09:00	38
26/05/2022 09:00	26/05/2022 10:00	36
26/05/2022 10:00	26/05/2022 11:00	28
26/05/2022 11:00	26/05/2022 12:00	12
26/05/2022 12:00	26/05/2022 13:00	9
26/05/2022 13:00	26/05/2022 14:00	11
26/05/2022 14:00	26/05/2022 15:00	8
26/05/2022 15:00	26/05/2022 16:00	7
26/05/2022 16:00	26/05/2022 17:00	6

Appendix L: Acknowledgements

The IQSK Elections Commission wishes to thank the IQSK Council of 2020 - 2022 for entrusting it with the task of overseeing the Council Elections of 2022.

The Elections Commission is grateful for the immense support accorded to it by the IQSK Secretariat, led by Mr. Samuel Njoroge, without which the successful conduct of the 2022 Council Elections would not have been possible.

The Elections Commission also thanks all candidates and their supporters for their impressive observance of the election guidelines and rules.

Last but not least, the Elections Commission thanks the members of the Institute who took their time to participate in these elections and exercise their rights as prescribed in the IQSK Constitution and By-Laws 2013.



INSTITUTE OF QUANTITY SURVEYORS OF KENYA

IQSK

ELECTIONS
COMMISSION
2022



ELECTIONS COMMISSION 2022

The IQSK Elections Commission 2022

Institute of Quantity Surveyors of Kenya

Blue Violets Plaza, Office No. 106, 1st Floor

Kindaruma Road, Kilimani Area

13929 - 00800

Nairobi