

## Abstract

On 4 March 2013, roughly 12.3 million voters went to the polls in Kenya. After a protracted counting process with clear irregularities, the Independent Electoral and Boundaries Commission (IEBC) declared sitting deputy prime minister Uhuru Kenyatta of The National Alliance (TNA) and the Jubilee Coalition the victor in the presidential election. Kenyatta won with 50.07 percent of the vote, a bare sliver (fewer than 9,000 votes out of 12.3 million) above the threshold of 50 percent plus 1 vote needed to avoid a runoff. In second place with 43.31 percent was Prime Minister Raila Odinga, leader of the Orange Democratic Movement (ODM) and the Coalition for Reform and Democracy (CORD). The fortunes of the two parties reversed in the legislative elections, with ODM winning 78 National Assembly seats to the TNA's 72. CORD also won more of the new governorships, while Jubilee won a larger share of seats in the new Senate and a larger share of the separately elected women county representatives to the National Assembly (see Table 1 on page 142).

These were Kenya's fifth general elections since the reintroduction of multiparty politics in 1991, but they were the first to occur under the new constitution passed in August 2010 with the support of 67 percent of voters. These were also the first general elections since December 2007, when intense violence erupted after a disputed outcome, resulting in the deaths of over 1,100 Kenyans and the displacement of hundreds of thousands more.

The violence of 2007-2008 cast a long shadow over the 2013 elections. Citizens and observers feared a repeat of these tragic events and pointed to worrisome signs portending another violent outcome. While the new constitution restructured political power in an unprecedented fashion and sought to reduce the winner-take-all nature of the political system, the reforms also introduced a system of devolved government comprising new offices—especially governorships—that offered another political arena ripe for violent contestation. Moreover, other institutional weaknesses remained, particularly with regard to land reform, corruption, the security forces, and election management.

Further complicating matters, Kenyatta and his running mate for deputy president, William Ruto, both faced charges from the International Criminal Court (ICC) for crimes committed after the 2007 election, drastically raising the stakes of their losing. Observers feared that Kenyatta's Kikuyu co-ethnics and Ruto's Kalenjin co-ethnics might instigate violence in the volatile Rift Valley (see Map on p. 145) if Jubilee lost and its two leaders were extradited to The Hague. The legacy of 2007 was equally alive for Odinga, who had run against and lost to incumbent president Mwai Kibaki in a contest tainted by a deeply flawed electoral process and a vote count that was widely viewed as fraudulent.<sup>1</sup> When Odinga's supporters took to the streets in protest the state responded with force, and chaos engulfed many parts of the country. The violence ended only after mediation led by former UN secretary-general Kofi Annan culminated in the 2008 National Accord, which established a power-sharing agreement leaving Kibaki as president and creating the post of prime minister for Odinga.

Troubling bursts of violence occurred during the 2012-2013 campaign period, including attacks on security forces in northern Rift Valley and along the Somali border, physical confrontations between supporters of rival candidates during the party primaries, and local skirmishes between and within various communities. Threats and sporadic attacks also came from the al-Qaeda-affiliated al-Shabaab movement based in Somalia and the Mombasa Republican Council (MRC), which pushed forward its secessionist agenda by trying to suppress voter registration and turnout in Coast Province. Security agents blamed both al-Shabaab and the MRC for a series of grenade attacks directed at civilians in Nairobi, and in Coast and Northeastern provinces.

If these background factors did not prove incendiary enough, a series of administrative missteps committed by the new Independent Electoral and Boundaries Commission (IEBC) dogged the 2013 election process, evoking the procedural mismanagement that sparked the violence in 2007.<sup>2</sup> The new electoral law required a new voters' registry, and the IEBC's attempts to meet this requirement by using biometric equipment suffered...