



REF: IEBC/VREO/2/6/GE/VOIL 1 (62)

17<sup>th</sup> January, 2022

M/s. Veronica Maina  
Secretary General  
United Democratic Alliance (UDA)  
Hustler Centre  
Makindi Road  
Off Riara RD  
P.O. Box 37500-00100  
NAIROBI

Dear *Ms. Veronica.*

**RE: REQUEST FOR ASPIRANTS QUALIFICATIONS AND REQUIREMENTS FOR  
ELECTIVE POSITIONS OF GE 2022**

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We acknowledge receipt of your letter dated 4<sup>th</sup> January, 2022.

We wish to advise that the qualifications for President, Deputy President, Governor and Deputy Governor remain as they were in the General election of the year 2017. They must possess a degree from a university recognized in Kenya.

Section 22 of the Elections Act, 2011 speaks to the requirement of Members of Parliament and Members of the County Assembly to possess a degree from a university recognized in Kenya. This law is in force for purposes of the General Election 2022. However, the High Court in a judgement dated 15<sup>th</sup> October, 2021 in Nairobi High Court Constitutional Petition NO. E229 of 2021, declared section 22(1)(b)(ii) of the Elections Act unconstitutional.

For clarity, the Court effectively nullified the requirement that a person must possess a degree from a university recognized in Kenya to qualify to be a Member of a County Assembly. In the forgoing circumstance, there is no educational requirement in respect of MCA aspirants.

Nonetheless, we wish to bring to your attention that there is an ongoing litigation at the High Court challenging the Constitutionality of the said section 22(1)(b)(i) of the Elections Act. Unless declared unconstitutional by the Court, the degree requirement for Members of Parliament is in force and is trite law.

In this regard, we wish to also attach herewith, a notice of March 2013 outlining the qualifications and requirements for candidates vying for various elective positions for your appropriate action and advise to your candidates awaiting High court ruling.

Yours



MARJAN HUSSEIN MARJAN  
AG. COMMISSION SECRETARY/CEO

End: Qualifications and Requirements 2013