

ALUOCHIER INDEPENDENT ELECTORAL TRIBUNAL ADMINISTRATIVE RULES, 2026

(AIETAR 2026 - INAUGURAL EDITION)

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PREAMBLE

Constitutional Foundation and Institutional Authority

WHEREAS Article 1(1) of the Constitution of Kenya, 2010 vests all sovereign power in the people of Kenya, to be exercised only in accordance with the Constitution;

WHEREAS Article 1(3)(c) of the Constitution explicitly mandates the delegation of this sovereign power to State organs, which include the Judiciary and independent tribunals;

WHEREAS Article 50(1) of the Constitution guarantees every person the fundamental right to have any dispute that can be resolved by the application of law decided in a fair and public hearing before a court or, where appropriate, another independent and impartial tribunal;

WHEREAS Article 47(1) and (2) of the Constitution commands that every person has the right to administrative action that is expeditious, efficient, lawful, reasonable, and procedurally fair, which includes the right to be given written reasons where administrative action is likely to adversely affect those rights;

WHEREAS Article 25(c) dictates that despite any other provision in the Constitution, the fundamental right to a fair trial shall not be limited, thereby ensuring that the forum-selection right under Article 50(1) to approach an independent tribunal remains non-limitable across all civil and public law disputes;

WHEREAS Article 159(2)(c) of the Constitution directs courts and independent tribunals to promote alternative forms of dispute resolution, including traditional dispute resolution mechanisms, conciliation, mediation, and arbitration;

WHEREAS Section 22 of the Environment and Land Court Act establishes a progressive constitutional baseline for non-restrictive, open representation by allowing parties to be represented by any person duly authorized by them in writing;

WHEREAS Section 4(3) of the Fair Administrative Action Act, 2015 explicitly mandates that before an administrative body takes any action that adversely affects the rights or fundamental freedoms of any person, it must provide prior public notice of the intended action and a clear statement of reasons, which applies strictly to quasi-judicial and tribunal proceedings;

WHEREAS Section 8 and Section 9(2) of the Fair Administrative Action Act, 2015 establish strict frameworks for the exhaustion of internal administrative review mechanisms prior to accessing judicial review supervision before the High Court;

NOW THEREFORE, these Rules provide an independent, specialized, and fast-tracked public law administrative mechanism for Electoral Dispute Resolution (EDR) in Kenya, operating exclusively as an Adjudication Track pursuant to Article 47 of the Constitution and the Fair Administrative Action Act, 2015, under the sovereign mandate of Articles 1(3)(c), 25(c), 50(1), and 159 of the Constitution.

PART I — GENERAL

Rule 1: Citation and Commencement

1. These Rules may be cited as the **Aluochier Independent Electoral Tribunal Administrative Rules, 2026 (AIETAR 2026)**.
2. These Rules shall come into force on the date of publication and shall apply exclusively to all electoral disputes brought before the Institution.

Rule 2: Interpretation

In these Rules, unless the context otherwise requires—

- “**Act**” means the Fair Administrative Action Act, 2015 (No. 25 of 2015);
- “**Adjudicator**” means a single member appointed from the Roster of Neutrals via an automated random-selection mechanism to hear and determine a primary electoral dispute;
- “**Administrative Action**” has the meaning assigned to it under Section 2 of the Fair Administrative Action Act, 2015;
- “**Authorized Representative**” means any person, whether an advocate of the High Court or a non-advocate, who has been duly authorized in writing by a party to represent them in proceedings under these Rules;
- “**Candidate**” means a person contesting or intending to contest an election for an elective political office in Kenya, whether sponsored by a political party or contesting as an independent candidate;
- “**Chess-Clock Method**” means a time-management system whereby each opposing party is allocated an absolute, non-extendable cumulative block of time for the presentation of their case, including cross-examination and oral arguments;
- “**Commission**” means the Independent Electoral and Boundaries Commission (IEBC) established under Article 88 of the Constitution;
- “**Constitution**” means the Constitution of Kenya, 2010;
- “**Determination**” means the final, binding administrative order and decision rendered by an Adjudicator;
- “**Digital Gazette**” means the official, publicly accessible electronic publishing platform maintained by the Institution;
- “**Institution**” means Aluochier Dispute Resolution;
- “**Nomination Dispute**” means an electoral dispute arising prior to an election, including intra-party primary disputes and nomination clearance challenges under Article 88(4)(e) of the Constitution;
- “**Petition**” means a post-election dispute challenging the valid election of any person to any elective office under the Constitution;

- “**Pre-Decision Notice**” means the Public Notice of Intended Electoral Decision issued pursuant to Section 4(3) of the Fair Administrative Action Act, 2015;
- “**Roster of Neutrals**” means the certified panel of independent arbitrators, adjudicators, and mediators maintained by the Institution;
- “**SRT**” means the Electoral Supervisory Review Tribunal established under Part VI of these Rules;
- “**Supervisory Review Process**” means the expedited, purely supervisory internal review mechanism executed by the SRT within the statutory timelines.

Rule 3: Purpose and Scope

1. The sole purpose of these Rules is to provide a specialized, rapid, and procedurally unassailable public law framework for resolving domestic electoral disputes in Kenya, ensuring complete compliance with the fair hearing and fair administrative action rights enshrined in the Constitution.
2. These Rules apply exclusively to:
 - (a) Pre-election nomination and political party primary disputes; and
 - (b) Post-election petitions challenging the declaration of electoral results for any elective office under the Constitution.
3. These Rules apply strictly to domestic electoral disputes governed by Kenyan law.
4. **Exclusivity of Adjudicative Forum:** Every dispute submitted under these Rules shall be resolved exclusively by way of unilateral adjudication pursuant to Article 47 of the Constitution and the Fair Administrative Action Act, 2015. The contractual, consensual arbitration framework—including the appointment of emergency arbitrators or the application of private commercial arbitration standards—is completely barred from these proceedings.

Rule 4: Constitutional Status of an Appointed Tribunal

1. A Tribunal appointed under these Rules derives its authority from the sovereign adjudicative power delegated by the people of Kenya to independent tribunals under Article 1(3)(c)(ii) of the Constitution.
2. A Tribunal appointed under these Rules functions as an independent, impartial public law administrative body. It is completely separate from the formal Judiciary but subject to the supervisory jurisdiction of the High Court under Article 165(6) and (7) of the Constitution strictly on questions of legality, rationality, and procedural propriety.

Rule 5: Guiding Principles and Review Jurisdiction

1. In fulfilling its mandate, the Tribunal and the SRT shall be guided by the national values and principles of governance under Article 10 of the Constitution, which include transparency, accountability, and open justice.
2. The Tribunal shall interpret and apply these Rules to achieve the efficient, fair, and cost-

effective resolution of disputes without sacrificing substantive justice for technicalities, in accordance with Article 159(2)(d) of the Constitution.

3. The internal review jurisdiction exercised by the SRT under these Rules is strictly supervisory and completely devoid of appellate jurisdiction. The SRT shall only examine the primary proceedings to ensure compliance with Article 47 of the Constitution and the Fair Administrative Action Act, 2015. It shall never re-evaluate factual findings, re-weigh evidence, or substitute its own substantive decision for that of the primary Tribunal.

Rule 6: Status of These Rules

1. These Rules shall govern all electoral dispute proceedings accepted by the Institution.
 2. Where any conflict arises between these Rules and any private contractual agreement between the parties, these Rules shall prevail as a matter of public policy.
 3. Any procedural matter not explicitly covered by these Rules shall be determined by the primary Adjudicator or the SRT by applying the principles of fair administrative action under Article 47 of the Constitution.
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PART II — INSTITUTIONAL STRUCTURE

Rule 7: Chief Adjudicator and President of Independent Tribunals

1. There shall be a Chief Adjudicator who shall also serve as the President of Independent Tribunals within the Institution.
2. The Chief Adjudicator shall be responsible for:
 - (a) Managing and maintaining the integrity of the EDR Roster of Neutrals;
 - (b) Executing the rapid, automated random-selection mechanism for Adjudicators and SRT panels where the parties fail to agree;
 - (c) Ensuring the administrative and infrastructural independence of all sitting panels; and
 - (d) Issuing Practice Directions from time to time to optimize the fast-track timelines established under these Rules.

Rule 8: Institutional Administration

1. The Secretariat of the Institution shall provide administrative, secretarial, and technical support to the Tribunal.
2. The Secretariat shall maintain the digital filing portal and ensure that all records, audio-visual files, and steno-transcripts are indexed and archived securely in real time.
3. All communications, notices, and pleadings from the parties shall be routed electronically through the Secretariat's portal.

Rule 9: Parallel Proceedings and Jurisdictional Assessment

1. Where it is brought to the attention of the Adjudicator that another dispute addressing the same core issues has been filed prior to the current proceedings, the Adjudicator shall not

- automatically stay or dismiss the matter.
2. The Adjudicator shall invite immediate electronic representations from the parties to evaluate:
 - (a) Whether the parallel proceeding is pending within the independent tribunal track or the traditional court track;
 - (b) Whether the parties, the core issues, and the sought remedies are substantively identical or legally distinct; and
 - (c) The impact of the choice of forum under Article 50(1) of the Constitution.
 3. Following the evaluation of the representations, the Adjudicator shall issue a reasoned decision within 12 hours (pre-election) or 3 days (post-election) determining whether to continue with the proceedings, defer to the prior-filed forum, or issue specific case management orders.
 4. A final resolution of the dispute by the application of law in any competent forum shall immediately render the parallel track *res judicata*, and the Tribunal shall mark the file as closed.
 5. The filing of a malicious, speculative, or structurally flawed dispute to disrupt electoral preparations or create procedural delays shall be treated as an abuse of process, attracting costs on an indemnity basis to compensate the affected parties for all expenses incurred.
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PART III — INTAKE AND PANEL COMPOSITION

Rule 10: Electronic Intake and Merit Screening

1. Every dispute under these Rules shall be commenced by filing an electronic Statement of Claim through the Institution's designated portal.
2. The Statement of Claim must be self-contained and completely front-loaded, containing:
 - (a) The precise constitutional and statutory grounds for the dispute;
 - (b) All supporting affidavits from witnesses; and
 - (c) All documentary exhibits, video files, or empirical data relied upon.
3. Upon filing, the Secretariat shall perform a rapid intake screening within 4 hours to verify compliance with the front-loading requirements and ensure the necessary administrative deposit has been secured.

Rule 11: Composition of the Primary Tribunal

1. To ensure access to justice, manage costs, and preserve efficiency, the default configuration for the primary Tribunal shall be a **Single Adjudicator**.
2. A 3-Member Adjudication Panel shall only be constituted where:
 - (a) Both parties explicitly agree in writing; or

(b) A single party requests it upon filing and pays 100% of the additional tribunal costs upfront.

Rule 12: Appointment of Adjudicators

1. Upon the electronic verification of the claim, the parties shall be granted a strict **12-hour window** to mutually select an Adjudicator from the Institution's Roster of Neutrals.
2. If the parties fail to mutually select an Adjudicator within the 12-hour window, the Chief Adjudicator shall deploy an automated random-selection mechanism to immediately appoint a sole neutral from the certified EDR Roster within **4 hours**. This appointment shall be final and immune to interlocutory challenges, ensuring the calendar does not stall.

PART IV — THE ADJUDICATION TRACK

Rule 13: General Adjudication Framework

1. Every dispute accepted by the Institution shall proceed strictly via the Adjudication Track managed by a primary Adjudicator who shall retain absolute control over the case file to enforce efficiency and ensure compliance with the constitutional timelines.
2. Interlocutory applications (such as requests for the production of documents, ballot box scrutiny, or electronic log analysis) shall not be heard as separate, independent items. They must be consolidated and heard concurrently with the main dispute.

Rule 14: Pre-Election Nomination Timeline (7-Day Primary Track)

In pre-election nomination and primary disputes, the primary Adjudication track is strictly capped at **7 days** from initial filing, organized as follows:

- **Days 1 to 3 (Pleadings & Response):** The Claimant files the front-loaded claim. The Respondent is served electronically and granted a non-extendable **48-hour window** to file their self-contained Response and supporting evidence. No subsequent amendments or supplementary affidavits shall be permitted without explicit leave of the Adjudicator.
- **Days 4 to 5 (The Primary Trial):** The Adjudicator conducts structured oral hearings utilizing the Chess-Clock Method to satisfy the fair hearing standards of Article 50.
- **Day 6 (The FAAA Pre-Decision Notice):** The Adjudicator shall issue a **Public Notice of Intended Electoral Decision (Form E1)** on the Institution's Digital Gazette. Affected parties are granted a strict **24-hour window** to submit written or oral representations showing cause why the intended order should not be finalized.
- **Day 7 (The Final Primary Order):** The Adjudicator shall evaluate any representations received, integrate them into the findings, and deliver the final, binding **Primary Adjudication Order**.

Rule 15: Post-Election Petition Timeline (6-Month Primary Track)

In post-election petitions challenging declared results (excluding Presidential elections), the primary Adjudication track operates within the constitutional **6-month ceiling**, structured to protect the

professional schedules of panel members:

1. Within **48 hours** of the panel's appointment, the Adjudicator shall issue a Case Management and Scheduling Order mapping out the entire timeline. While this order may be modified by the Adjudicator to accommodate genuine, unforeseen circumstances, any adjustments must strictly respect and preserve the final statutory deadlines for the dispute.
2. The actual evidentiary trial and oral hearings shall be compressed into a single, continuous, non-interrupted **14-day window**. The Adjudicator shall sit daily until the evidentiary record is closed.
3. Upon the conclusion of the 14-day trial, the Adjudicator shall issue a Public Notice of Intended Electoral Decision (Form E1). The parties are granted a mandatory **7-day window** to submit their comprehensive representations under Section 4(3) of the Act.
4. The Adjudicator shall consider the submissions and deliver the final Primary Adjudication Order well within the 6-month statutory limit, leaving the remaining time available for any subsequent administrative reviews.

Rule 16: The Fast-Track Presidential Petition Track

1. In accordance with Article 25(c) and Article 50(1) of the Constitution, where a presidential candidate elects to challenge a declared presidential election outcome before the Institution, the proceedings shall be conducted strictly within the 14-day constitutional window provided under Article 140.
2. The hour-by-hour operational calendar for the Presidential Adjudication Track is established as follows:
 - (a) **Days 1 to 4 (Pleadings and Ingestion):** The Petition must be filed electronically within 7 days of the declaration of results. The Respondent shall file their comprehensive, front-loaded Response and supporting affidavits within 48 hours of service.
 - (b) **Day 5 (Scheduling and Interlocutory Orders):** The Adjudicator shall conduct a Case Management Conference to issue the Trial Roadmap and rule on applications for digital log access or ballot box scrutiny. Any scrutiny or audit ordered must run continuously and conclude within 24 hours.
 - (c) **Days 6 to 8 (The Trial Sittings):** The Adjudicator shall conduct continuous, daily trial sessions. Each side is allocated a non-extendable maximum block of 4 hours under the Chess-Clock Method for all oral arguments and cross-examinations.
 - (d) **Day 9 (Public Pre-Decision Notice):** The Adjudicator shall issue a Public Notice of Intended Electoral Decision (Form E1) on the Digital Gazette by 12:00 Noon.
 - (e) **Days 10 to 13 (The Right to Respond & Evaluation):** The affected parties are granted a mandatory 72-hour window to submit written or oral representations addressing the findings in the notice.
 - (f) **Day 14 (The Final Order):** The Adjudicator shall evaluate the representations and deliver the final, binding Presidential Adjudication Order no later than 23:59 Hours.

3. Due to the strict 14-day constitutional limit under Article 140, there is no available window for a pre-election style 3-day SRT review. The Day 14 Order represents the final administrative action of the primary Tribunal. Any subsequent challenges regarding a breach of Article 47 must be escalated directly to the High Court under its supervisory jurisdiction within the 90-day window provided by Section 8 of the Act.

Rule 17: Notices, Communications, and Time Limits

1. All notices, orders, and pleadings shall be served exclusively via electronic mail, text alerts, or through the Institution's secure portal. Service is deemed complete at the exact time of electronic transmission.
2. The calculation of time under these Rules shall run continuously, including weekends and public holidays.
3. **Synchronization of Review Applications:** To maintain absolute internal consistency across the framework, the timelines for filing applications for internal supervisory review to the SRT are established as follows: pre-election nomination review applications must be filed within **12 hours** of the publication of the Primary Adjudication Order issued under Rule 14, while post-election review applications must be filed within **6 weeks**, in strict alignment with Rule 6 of the Fair Administrative Action Rules, which supersedes any conflicting timeline.

Rule 18: Case Management and Pre-Trial Conferences

1. The Adjudicator shall conduct a mandatory Case Management Conference within **12 hours** of appointment (pre-election) or **5 days** (post-election).
2. The purpose of the conference is to:
 - (a) Confirm the digital integrity of the filed bundles;
 - (b) Settle the specific time allocations under the Chess-Clock Method; and
 - (c) Rule on the necessity of a "Documents-Only" paper trial where the dispute turns entirely on undisputed documentary records.

Rule 19: Evidence and Fast-Track Trials (The Chess-Clock Method)

1. To ensure compliance with Article 50(2) of the Constitution while maintaining tight timelines, trials shall be managed through the **Chess-Clock Method**.
2. Each side shall be allocated a strict, equal block of cumulative time (e.g., 3 hours per side in pre-election disputes under Rule 14; 4 hours per side in presidential disputes under Rule 16; 2 days per side in standard post-election disputes under Rule 15). The parties may utilize their allocated time for opening statements, cross-examination, and closing summaries as they see fit.
3. Once a party's cumulative time expires, the clock stops, and they shall not be permitted to adduce further oral evidence or conduct further cross-examination. This approach protects equal treatment and predictable scheduling while fully respecting the right to challenge evidence.

4. Oral cross-examination shall be strictly confined to testing the credibility of the statements contained in the front-loaded witness affidavits. No fishing expeditions or introductions of surprise evidence shall be tolerated.

Rule 20: The Indisputable Record

1. To guard against subsequent claims of procedural unfairness under Article 165(6), the Institution must maintain a definitive, unassailable record of all proceedings.
2. Every session of the trial shall be recorded via continuous audio-visual feeds and transcribed in real time by professional stenographers.
3. The verbatim steno-transcripts and digital video records shall be uploaded to the case portal within **2 hours** of the adjournment of each session. They shall be accessible to all parties and shall serve as the official, incontrovertible record of the administrative action.

Rule 21: Structure of an Electoral Determination

1. Every final Primary Adjudication Order and SRT Certificate of Review Finality delivered under these Rules shall be a fully written, reasoned judgment.
2. To satisfy the open justice standards of Article 50(1) and the fair administrative action guarantees of Article 47(2) of the Constitution, the Determination shall explicitly follow this structural architecture:
 - (a) **Procedural History:** Summarize the background of the proceedings, the identities of the contestants, and the specific elective office under dispute;
 - (b) **Isolating Issues and Findings of Fact:** Clearly state the contested points of the electoral dispute and outline the definitive empirical findings of fact based on the front-loaded witness affidavits and steno-transcripts;
 - (c) **Constitutional and Statutory Reasoning:** Provide exhaustive legal reasoning applying Kenyan electoral law, demonstrating complete compliance with the lawfulness and rationality tests demanded by Section 4 and Section 7 of the Act;
 - (d) **Specific Relief and Decrees:** Set out the precise administrative reliefs granted, denied, or remitted, leaving no ambiguity for the Commission, political parties, or independent candidates regarding candidate identities, symbols, or certificates; and
 - (e) **Allocation of Bounded Costs:** Address the shifting of institutional fees and the award of legal representation expenses, ensuring strict adherence to the 20% institutional deposit rule and the maximum cost caps established in the First Schedule.

Rule 22: Mandatory End-of-Process Notices

1. Every Primary Adjudication Order delivered by the Tribunal shall contain a mandatory, highly visible notice appended to the foot of the document, informing the parties of their next procedural options and the consequences of the decision.
2. The mandatory notice shall be tailored to the specific dispute track as follows:
 - (a) **In Pre-Election Nomination Disputes:** The notice shall inform the parties of:

- (i) Their right to apply for an internal supervisory review before the SRT within a strict, non-extendable window of **12 hours** from the publication of the order;
 - (ii) The manner of uploading the application electronically through the Institution's portal;
 - (iii) The requirement that the SRT will finalize the administrative track by **23:59 hours on Day 10**; and
 - (iv) Their subsequent right to approach the High Court under its supervisory jurisdiction under Article 165(6) or via a Constitutional Petition under Article 22, subject to first exhausting this internal remedy under Rule 26.
- (b) **In Presidential Petitions (Rule 16 Track):** The notice shall explicitly state that because of the absolute 14-day constitutional limit under Article 140, no internal SRT review is available. The notice shall inform the parties of their right to escalate any remaining challenges regarding an incurable breach of Article 47 directly to the High Court within the 90-day window provided by Section 8 of the Act.
- (c) **In Standard Post-Election Petitions:** The notice shall inform the parties of:
- (i) Their right to apply for an internal supervisory review before the SRT within a stable **6-week window**, in strict alignment with Rule 6 of the Fair Administrative Action Rules and cross-referenced in Rule 17;
 - (ii) The requirement that the SRT holds a maximum of **90 days** under Section 8 of the Act to finalize its review sequentially before any party can approach the courts; and
 - (iii) Their right to be represented by any person duly authorized by them in writing during those review proceedings.
3. Every notice issued under this Rule shall provide the definitive physical, electronic, and portal addresses of the Institution's Secretariat.

Rule 23: Opt-In Mediation Track

1. In strict compliance with the principle of party autonomy, mediation shall never be forced upon adversarial contestants.
2. Upon filing, the Secretariat shall issue a Notice of Availability of Mediation. If, and only if, both parties explicitly consent in writing to utilize the Institution's *ADR-Mediation Rules*, the primary adjudication track shall be paused for a strictly bounded **24-hour window** to explore an amicable settlement.
3. If a formal settlement is reached within the 24-hour window, it shall be signed by the parties and certified by the Adjudicator as a final Consent Determination. If mediation fails, the pause is lifted immediately, and the dispute returns directly to the Adjudication Track.

PART V — COSTS AND REPRESENTATION

Rule 24: Unrestricted Right to Authorized Representation

1. In strict compliance with the constitutional standards of Article 50(2) for non-criminal

proceedings, and mirroring Section 22 of the Environment and Land Court Act, there shall be no status-based restrictions on who may represent a party.

2. A party may appear in person or be represented by any person duly authorized by them in writing.
3. The Tribunal shall recognize any representative immediately upon the electronic filing of a formal Letter of Authorization, whether that representative is an advocate of the High Court, a technical expert, a political proxy, or a trusted advisor. All authorized representatives are equally bound by the standards of professional integrity established in the Third Schedule.

Rule 25: Costs of Proceedings and Legal Fee Caps

1. The recovery of costs under these Rules is governed by the principles of reasonableness and proportionality, ensuring that access to justice is protected and that legal fees are not weaponized to inflate financial liabilities or intimidate less-resourced opponents.
2. **Discretion Over Institutional and Tribunal Costs:** While institutional and tribunal costs shall generally follow the event, the Adjudicator retains full discretion to vary the final cost allocation, taking into account the conduct of the parties, the introduction of frivolous applications, or any cooperation shown in maintaining the fast-track timelines.
3. **The 20% Institutional Rule:** To maintain structural consistency, the Institutional Administration Deposit shall be fixed at exactly **20% of the Tribunal Fixed Remuneration** across all elective offices and tracks, as specified in the First Schedule.
4. **Cap on Representation Costs:** While institutional costs may be shifted at the discretion of the Adjudicator, reimbursable expenses for representation are strictly capped. Regardless of whether a candidate chose to retain expensive Senior Counsel, the maximum recoverable representation costs awarded against a losing party shall be strictly limited to the fixed tribunal scale set out in the First Schedule. This prevents financial intimidation and ensures predictability.

PART VI — CORRECTION, REVIEW AND SUPERVISION

Rule 26: The Electoral Supervisory Review Tribunal (SRT)

1. There is established an internal **Electoral Supervisory Review Tribunal (SRT)** as a specialized branch of the Institution's quality-assurance framework.
2. In accordance with Section 9(2) of the Act, no party shall approach the High Court for judicial review under Article 165(6) without first exhausting this internal review mechanism.
3. The SRT exercises purely internal **supervisory jurisdiction** and is completely devoid of appellate jurisdiction. It shall only review the primary proceedings to ensure compliance with Article 47 of the Constitution and the Act. It shall never re-evaluate factual findings, re-weigh evidence, or substitute its own substantive decision for that of the primary Tribunal.
4. The options available to the SRT upon a review application are strictly limited to:

- (a) **Confirming** the Primary Adjudication Order where complete compliance with Article 47 and the Act is satisfied;
- (b) **Remitting** the dispute back to the primary Adjudicator with explicit, binding instructions to cure specific procedural or fair-hearing errors, provided the strict pre-election 10-day timeline permits; or
- (c) **Setting aside** the Primary Adjudication Order in whole or in part where a non-curable violation of Article 47 has occurred.

Rule 27: Grounds for Supervisory Review

An application for review to the SRT shall be entertained strictly on the judicial review grounds provided under Section 7 of the Act, including, but not limited to:

- (a) General unlawfulness, lack of jurisdiction, or a breach of statutory procedures;
- (b) Procedural unfairness or a failure to comply with the fair hearing standards of Article 50(2); and
- (c) Gross irrationality or proportionality errors appearing on the face of the record.

Rule 28: SRT Timelines and Fast-Track Review

An application for supervisory review to the SRT shall be filed electronically and determined within the following strict, sequential timelines:

1. In Pre-Election Nomination Disputes (The 3-Day SRT Mirror Track):

- (a) The Review Application must be filed within **12 hours** of the publication of the Primary Adjudication Order issued under Rule 14.
- (b) **Day 8 (Intake and Review Notice):** The SRT shall evaluate the electronic record and steno-transcripts. Because the SRT is an administrative body bound by Section 4(3) of the Act, it must issue its own **Public Notice of Intended Review Decision** on the Digital Gazette by 23:59 hours on Day 8.
- (c) **Day 9 (Response Window):** The parties are granted a strict **24-hour window** to submit written responses to the SRT's review notice.
- (d) **Day 10 (Finality):** The SRT shall evaluate the submissions and deliver its final, binding decision no later than **23:59 hours on Day 10**.

2. In Post-Election Petitions:

- (a) The Review Application must be filed within **6 weeks** of the publication of the Primary Adjudication Order, in strict alignment with Rule 6 of the Fair Administrative Action Rules and cross-referenced in Rule 17.
- (b) The SRT shall have a maximum of **90 days** from filing to deliver its final decision, as provided under Section 8 of the Act. This 90-day administrative review window runs sequentially after the primary 6-month window has closed under Rule 15, and must be fully exhausted before any party approaches the High Court.

Rule 29: Powers of the Electoral Supervisory Review Tribunal

1. Where the SRT sets aside a Primary Adjudication Order due to a violation of Article 47, and the strict pre-election timeline does not permit remitting the matter back to the primary Tribunal for reconsideration, the SRT shall not substitute its own decision regarding candidate nominations.
2. In the circumstances described in paragraph (1), the SRT shall issue a Certificate of Constitutional Infringement and formally lay down the legal options open to the parties, which include:
 - (a) Escalating the matter to the High Court by way of a Judicial Review Application under Article 165(6) and Section 8 of the Act; or
 - (b) Instigating a Constitutional Petition before the High Court under Article 22 for the direct enforcement and declaration of rights violated under Article 47.

Rule 30: Amendment and Review of These Rules

1. These Rules may be amended or reviewed from time to time by the Chief Adjudicator to respond to emerging electoral jurisprudence or operational requirements.
2. Any amendment to these Rules shall be published in the Institution's Digital Gazette and shall take effect 7 days from the date of publication, provided that no amendment shall apply retroactively to an ongoing dispute already accepted by the Institution.

FIRST SCHEDULE: FIXED AND TIERED EDR FEE MATRIX

Institutional Administration Deposits are mathematically fixed at exactly 20% of the Tribunal Fixed Remuneration, in accordance with Rule 25(3).

1. Pre-Election Nomination Disputes Scale (KES)

Contested Elective Office	Registration & Filing Fee	Institutional Admin Deposit (20% of Tribunal)	Tribunal Fixed Remuneration	Reimbursable Legal Cost Cap (Max Recoverable)
MCA	15,000	16,000	80,000	120,000
MP / Senator / Women Rep	40,000	40,000	200,000	350,000
Governor / Deputy Governor	75,000	100,000	500,000	750,000
President / Deputy President	150,000	240,000	1,200,000	2,000,000

2. Post-Election Petitions Scale (KES)

Contested Elective Office	Registration & Filing Fee	Institutional Admin Deposit (20% of Tribunal)	Tribunal Fixed Remuneration	Reimbursable Legal Cost Cap (Max Recoverable)
MCA	30,000	50,000	250,000	300,000
MP / Senator / Women Rep	75,000	120,000	600,000	900,000
Governor / Deputy Governor	150,000	360,000	1,800,000	2,500,000
President / Deputy President	250,000	800,000	4,000,000	5,000,000

3. Supervisory Review Tribunal (SRT) Invocation Fees

- The filing fee and administrative processing deposit for an application to the SRT is fixed at exactly **50% of the primary track metrics** (Filing Fee, Deposit, and Tribunal Remuneration) for the respective elective office under review.

SECOND SCHEDULE: TRANSITIONAL AND CLOSING PROVISIONS

- These inaugural Rules shall apply to all electoral disputes registered with the Institution on or after the effective commencement date.
- Any active electoral matters processed prior to this edition under generic institutional frameworks shall remain un-affected, provided that any subsequent review applications filed post-commencement shall route exclusively through the SRT mechanisms established in Part VI.

THIRD SCHEDULE: CONDUCT OF AUTHORIZED REPRESENTATIVES

- This Schedule applies to every person recognized as an Authorized Representative under Rule 24, regardless of their professional status or qualifications.
- Every Authorized Representative owes a primary duty of honesty, integrity, and candor to the Tribunal. They shall conduct themselves with decorum and shall maintain open justice standards at all times under Rule 5.
- No Authorized Representative shall knowingly introduce false evidence, file intentionally misleading affidavits, or engage in tactical maneuvers designed solely to delay the proceedings and frustrate the statutory timelines.
- Where an Authorized Representative is found to have willfully breached these standards of

integrity, the Adjudicator shall not revoke the representative's authorization to appear nor strike out the party's submissions, preserving the absolute right of choice under Article 50(2).

5. To maintain procedural order, the Adjudicator may order the non-compliant representative's party to pay immediate financial indemnity costs under Rule 9(5) and Rule 25(2) to cover any expenses or delays incurred by the other parties as a direct result of the breach.

FORM E1: PUBLIC NOTICE OF INTENDED ELECTORAL DECISION

(Issued pursuant to Section 4(3) of the Fair Administrative Action Act, 2015, and Rule 14 / Rule 15 / Rule 16 of the AIETAR)

TO ALL PARTIES AND THE GENERAL PUBLIC:

TAKE NOTICE that the Independent Electoral Dispute Resolution Tribunal, sitting as a Single-Member Panel, having heard and evaluated the evidence-in-chief, steno-transcripts, and submissions in the matter referenced below, hereby issues its Intended Electoral Decision prior to rendering a final binding Adjudication Order.

1. CASE DETAILS

- **Dispute Reference Number:** AIETAR/EDR/_____ /2026
- **Name of the Claimant:** _____
- **Name of the Respondent(s):** _____
- **Nature of the Dispute:** *(Select one)* Pre-Election Nomination Dispute (Rule 14)
 Post-Election Petition (Rule 15) Presidential Petition Track (Rule 16)

2. PROPOSED TEXT OF THE INTENDED ADMINISTRATIVE ORDER

The Tribunal intends to issue a final Adjudication Order in the following terms:

3. EMPIRICAL AND LEGAL REASONS FOR THE INTENDED DECISION

Pursuant to Article 47(2) of the Constitution and Section 4(3)(b) of the Fair Administrative Action Act, 2015, the specific grounds, findings of fact, and legal precedents underpinning this proposed action are explicitly set out below:

- **Findings on Fact & Contested Evidence:**

- **Applicable Statutes / Constitutional Provisions Evaluated:**

- **Rationality & Proportionality Test:**

4. NOTICE OF ADVERSE CONSEQUENCES & MANDATORY RIGHT TO RESPOND

1. **Notice of Potential Adverse Impact:** Take Notice that the implementation of the proposed order set out in Section 2 above will or is likely to adversely affect the legal rights, political interests, or statutory status of:

_____ (*Insert Name of Affected Party*).

2. **The Right to Object and Make Representations:** In strict compliance with Section 4(3)(a) of the Fair Administrative Action Act, 2015, the Affected Party is hereby granted an absolute right to submit written or oral representations to show cause why this intended decision should not be finalized.

5. STRICT RESPONSE TIMELINES & ADJUDICATION BOUNDARIES

- **For Pre-Election Nomination Disputes:** The Affected Party must upload their comprehensive written representations electronically to the Institution's Portal within **24 hours** of the publication of this notice, being no later than **Date:** _____, **Time:** _____ Hours. *Failure to respond within this window shall result in the immediate finalization of the Adjudication Order on Day 7 under Rule 14.*
- **For Presidential Petitions (Rule 16 Track):** The Affected Party must upload their comprehensive written representations electronically within **72 hours** of the publication of this notice, being no later than **Date:** _____, **Time:** _____ Hours.
- **For Standard Post-Election Petitions:** The Affected Party must file their written representations within **7 days** of the publication of this notice, being no later than **Date:** _____, at **23:59 Hours**.

6. PUBLICATION & TRANSPARENCY CERTIFICATE

I hereby certify that this Pre-Decision Notice has been publicly issued and displayed on the Institution's Digital Gazette on this day to ensure full transparency, open justice, and total elimination of surprise in these administrative proceedings.

DATED this _____ day of _____ 2026.

SIGNED:

MEMBER OF THE PRIMARY ADJUDICATION TRIBUNAL

Aluochier Independent Electoral Tribunal (AIET)

MANDATORY LEGAL NOTICE PURSUANT TO AIETAR RULE 22

(To be appended to the foot of every issued Primary Adjudication Order)

TAKE NOTICE that this determination constitutes a final administrative action of the primary Adjudication Tribunal under the structural terms of **Rule 21**.

Parties are hereby notified of their subsequent procedural paths as mandated by **Rule 22**:

1. **In Pre-Election Nomination Disputes (Rule 14):** You hold a strict right to file an application for internal supervisory review to the SRT under **Rule 26** within **12 hours** of this publication. The SRT will resolve all issues under **Rule 28(1)** by 23:59 hours on Day 10, which must be fully exhausted prior to approaching the High Court.
2. **In Presidential Petitions (Rule 16):** Pursuant to the absolute 14-day limit under Article 140, no internal SRT review is available. Any challenges regarding an incurable breach of Article 47 must be escalated directly to the High Court under its supervisory jurisdiction within the 90-day window of Section 8 of the Act.
3. **In Standard Post-Election Petitions (Rule 15):** You hold a right to file an application for internal supervisory review to the SRT under **Rule 26** within **6 weeks** of this publication, as cross-referenced in **Rule 17**. The SRT retains a 90-day sequential window under **Rule 28(2)** to finalize its review prior to any external judicial monitoring.
4. **Exhaustion Warning:** Where the SRT sets aside a primary order on Day 10 and time does not permit remitting under **Rule 29**, the SRT will issue a Certificate of Constitutional Infringement and formal statement of options, permitting immediate escalation to the High Court under **Article 22** or **Article 165(6)** via a Certificate of Urgency application.

All internal filings must be processed through the Institution's electronic portal. Secretarial communications should be addressed to the Secretariat of Aluochier Dispute Resolution, PO Box 436-40404, Rongo, Kenya (info@aluochier.co.ke).
