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## How ECK bosses misused election cash



Former Election Commission Chairman Samuel Kivuitu (right) addressing a press conference. PHOTO/ FILE

By OLIVER MATHENGE Posted Saturday, April 18 2009 at 20:25

### IN SUMMARY

- Auditors say polls body mismanaged enough money to fund 193 dispensaries

As the government prepares to hand severance pay to members of the defunct Electoral Commission of Kenya, a new report says its bosses lived like kings as they managed some of the most costly elections in the world.

The report, based on an analysis of government audit reports, says that the ECK grossly mismanaged funds it was allocated.

The Controller and Auditor-General took issue with how ECK spent Sh1.93 billion of the Sh15.8 billion it was given between 1991 and 2007. This amount would have provided Kenyans with 193 fully equipped dispensaries or 64 fully equipped health centres.

The analysis by the **Africa Centre for Open Governance (Africog)** indicates that ECK commissioners were irregularly paid Sh219 million, which could have paid for and equipped 22 dispensaries or seven health centres.

The report shows that the commissioners were, for instance, paid thousands of shillings every month in sitting allowances even when they did not attend meetings.

The reports from the offices of the Controller and Auditor-General say the former ECK chairman and his deputy received monthly sitting allowances of Sh63,00 and Sh42,000 respectively.

A senior ECK official, who appeared before the Parliamentary Accounts Committee in 1996, said it was the commission's prerogative to decide whether to maintain records of its own meetings.

"The officer explained that since ECK meetings had no quorum, a sitting can be by one member, two members or the whole commission; which justifies the payment of sitting allowances for the 365 days of the year," read the report.

### **Ex-gratia refund**

The **Africog analysis** adds that a commissioner who received Sh926,600 ex-gratia refund of medical and travel expenses for treatment at a Nairobi hospital and abroad also received full sitting and subsistence allowance for the same period.

The auditors found numerous cases where allowances were paid when the authenticity of the claims could not be confirmed.

By 1996, the commissioners had received Sh29.7 million in undeserved sitting and subsistence allowances while irregular payments of accommodation expenses totalled Sh33.79 million from 1993 to 1997.

The **Africog report** faults the procurement of spares, fuel and stores. It notes that orders for 334 polling booths worth Sh2.04 million were placed in January 1998, while elections had taken place in December 1997. ECK was headed by Zaccheus Chesoni and Samuel Kivuitu during the period under review.

Not only did commissioners get undeserved allowances but they were also driven in top-of-the-range vehicles. In the 1996/97 financial year, ECK purchased 12 four-wheel-drive Land Rover Discoveries at Sh29.7 million. This was half of what the commission was using for "unnecessary hire of cars for the commissioners".

"At the average rate of Sh2.5 million per vehicle, the amounts spent on hiring luxury vehicles during the 1996/97 financial year could have bought another 13 such vehicles," reads the **Africog analysis**.

The Krieglger team, which examined the 2007 elections and recommended that ECK be wound up, questioned the commission's financial efficiency in comparison to the cost of running elections in the rest of the world.

The team reported that elections cost \$1-3 (Sh80-240) per elector in the United States and most European countries. In most African countries, the cost ranges between Sh60 and Sh250. According to the Kriegler report, the cost of the 2007 election in Kenya was \$13.74 (Sh1,100) per voter.

In November 2008, Sunday Nation reported that ECK paid Sh110 million for T-shirts that were never used during the 2007 election. The Public Procurement Oversight Authority also queried the decision of ECK to approve single sourcing for some Sh3.5 million in key services.

### **Tax-free pay**

The 21 ECK commissioners were among the best paid civil servants in Kenya, each earning about Sh400,000 in salary and allowances, while Mr Kivuitu earned Sh513,000 in salary and allowances. The pay was tax-free.

The commissioners were entitled to a security officer, a driver, a cook and a house allowance of up to Sh50,000. In February, the Cabinet approved a Sh68,701,260 sendoff package for former commissioners.

As Kenya gears up for electoral reforms, **Africog** advises that voter registration be linked to other population databases such as that used for issuing national identity cards.

“Measures must be taken to ensure that members of the Parliamentary (sic) Accounts Committee and Public Investments Committee are beyond reproach by amending standing orders to bar anyone with an unresolved public audit query from sitting on the committees,” reads the report.