# Report on Fraud Karuti Kanyinga, James D. Long, David Ndii I. Introduction

Electoral fraud is hard to prove. This is one of the reasons why political operatives frequently engage in it the world over, though not always successfully. In transitioning democracies such as Kenya's, the problem appears particularly nettlesome given weak institutions, a lack of independence and transparency on the part of electoral commissions, and the inability of international and domestic observers to monitor all aspects of the count from polling stations, constituencies, to the final official tally. Tragically, political violence all too frequently accompanies claims of electoral malfeasance. 

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Adding to the malaise are incumbent political leaders who appear unwilling to give up power at any cost, and opposition parties that claim rigging only when they lose or boycott contests altogether. The credibility of arguments made by any side in a contest is obviously suspect.

Therefore, we use multiple kinds of statistical analysis building on basic methodologies and official statistics to try to locate and quantify ballot rigging in the Kenyan case. In Kenya, the predicted closeness of presidential race before the election may have contributed to an irresistible temptation on all sides – both the government or Party of National Unity (PNU) and the main opposition or Orange Democratic Movement (ODM) to participate in fraud. As counting of votes progressed after polls closed on the evening of December 27, 2007, members of political parties, accredited observers, both domestic and international, as well as civil society organisations and ordinary citizens lodged allegations of rigging. Commissioners of the ECK including its chairman also cast aspersions on the results. There were instances during which the Commission had two different figures (high and low) for the same constituency.

No one methodology or element of data that we employ definitively "proves" fraud. Nor are we able to assign blame on any party, candidate, or individual. However, we do use a variety of techniques and data sources to reveal startling anomalies in the vote count. Various kinds of discrepancies exist within the Electoral Commission of Kenya's (ECK) final results, as well as when compared with other data sources. A problem in any one of the areas that we highlight below is worthy of scrutiny and ought to encourage a massive reform of the ECK.

Here, we focus on some areas that have received some attention in the press and scholarship before—but not rigorously analyzed—as well as new areas of investigation. We begin with an examination of "16A Forms," or the forms indicating the final tally from polling stations at the constituency level that were supposed to be filled out by constituency returning officers and submitted to the ECK headquarters in Nairobi. We note a number of problems in how these forms were filled out and submitted. Next, we

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<sup>&</sup>lt;sup>1</sup> In the past ten years in Africa, violence has followed protests of electoral results in Nigeria, Ethiopia Algeria, Madagascar, Ethiopia, Central African Repblic, Ivory Coast, Uganda, Chad, Angola, Togo, and Kenya.

turn to results reported by media houses compared with official results and highlight of number of discrepancies. Last, we look at two problems of voter turnout. Suspiciously high turnout may have helped to inflate totals for candidates. Moreover, differences in turnout between the presidential and parliamentary elections result in a number of potentially problematic ballots, enough to have swung the result of the election.

It is important to stress what our analysis can and cannot say about the potential for fraud. Once again, statistical tests in this vein are helpful in highlighting a number of irregularities based on prior voting behavior in Kenya, as well as suggesting whether these irregularities tend to bias in favor of any one candidate and whether or not by enough to switch the result. While we do find a consistent bias in favor of President Kibaki, statistical analysis cannot source malfeasance in any one party, candidate, or individual. It does, however, underscore a number of problems that existed within the ECK and ought to urge policymakers and politicians to undertake serious reform of that institution. Moreover, for a complete understanding of what took place in Kenya's 2007 elections, our statistical analysis should be bolstered by detailed and investigative information gathered from the people involved in all levels of the vote count, from polling stations, constituencies, and headquarters of the ECK.

#### II. 16A Forms Submitted to ECK

Examination and scrutiny of the ECK's 16A forms is at the crux of arguments for electoral reform. 16A forms hold the tallies from all of the polling stations within a constituency, and therefore list the final presidential tallies at the constituency level. Although not necessarily indicative of fraud as such, a number of problems existed across the submission of 16A forms.

Not all returning officers actually used the same form and none of them followed a standard format with candidate names pre-printed in the same order. Therefore, every sheet followed a different method of listing the candidates and their totals. Many of the candidate names written-in by the returning officers were difficult to read, as well as the total votes per candidate. This makes tallying more difficult and potentially prone to errors. Two forms had no signature from returning officers<sup>2</sup>, six forms were not dated<sup>3</sup> and one form listed "December 20<sup>th</sup>" as the date<sup>4</sup>, and thirty-nine forms (or 19% of constituencies) never received a stamp from ECK headquarters showing that the Commission ever officially received the results in Nairobi. Some forms also included totals that had been cross-out and revised, which may have been accurate corrections from prior mistakes made by the returning officers, but which may have also led to confusion and led observers to think that the vote totals had been altered.

Important differences exist between the numbers given on the 16A forms, and the results published by the ECK. 24 constituencies held discrepancies between Kibaki's totals. In 21 of these constituencies, Kibaki registered more votes in the original tally than

<sup>&</sup>lt;sup>2</sup> Ndia and Eldama Ravine; although it is important to recognize that ECK officials in Nairobi could have appended signatures to forms where they were missing. That is, the existence of a signature is not proof that the returning officer provided it.

<sup>&</sup>lt;sup>3</sup> Laikipia West, Laikipia East, South Mugirango, Bomachoge, Bobasi, Kitutu Masaba.

<sup>&</sup>lt;sup>4</sup> Mukurweini; an impossible date as the election occurred on December 27<sup>th</sup>.

were published by the ECK, totaling 30,668 votes. In three, he registered more votes in the final tally than he did on the original forms, totaling 9,296 votes. The total difference in votes is therefore 39,964 and the net difference, or "loss," between original 16A forms and the final ECK results of 21,372.

Raila's differences in totals occurred in 27 constituencies (18 overlap with Kibaki's differences in totals).<sup>5</sup> In 21, he registered more votes in the original tally than were ultimately published, totaling 8,257 votes. In six, he registered more votes in the final publication compared to the original tally, for a total of 11,216 votes. The total difference in votes is 19,473 and a net "gain" of 2,959 votes from the original to the final tally.

Aggregating all of the vote differences for the two main candidates between 16A results and those published by the ECK does not produce enough of a difference to have changed Kibaki's official victory. However, the fact that Kibaki and Raila "won" and "lost" votes between the two tallies suggests problems at the constituency count, the ECK publication, or both.

## III. Media Analysis

**Table 1: ECK Results compared to KTN Results** 

	Problem Consts	Incomplete/ No results	No problem	Kibaki+	Kibaki-	Raila+	Raila-	Kalonzo+	Kalonzo-	Total
Nairobi	4	4	0	140	107	348	0	227	0	822
Coast	10	2	9	865	5797	1545	13805	346	2934	25292
Northeastern	7	0	4	1477	0	1651	214	556	95	3993
Eastern	8	7	21	11425	1169	293	22	118	136	13163
Central	9	1	19	18628	376	2	233	37	80	19356
Rift Valley	23	11	14	31634	22067	21947	17647	3031	11449	107775
Western	15	0	9	2056	2310	1811	4725	131	307	11340
Nyanza	17	0	15	221	63	22335	3560	162	126	26467
Total	93	25	91	66446	31889	49932	40206	4608	15127	208208
Net				+34557		+9726		-10519		

An innovation that helps lend credence to or challenges results certified and published by electoral commissions is to have media houses monitor results as they are announced at the constituency level (by the electoral commission) to see if they ultimately match results published by the commission.

While the major media houses were present at constituency counts (including KBC, Citizen, and KTN), only KTN released their results, and then not completely (their release was eventually stopped, although only speculation can postulate as to why). It remains unclear why the media houses would position themselves on the ground tallying results as communicated by the ECK without releasing complete results. In this section, we present results comparing KTN's count to the ECK's official results. Citizen released

<sup>&</sup>lt;sup>5</sup> 34 total constituencies with Kibaki and Raila vote differences between constituency tallies and ECK publication.

results from 54 out of 210 constituencies (26%), which are hard to analyze given that they are incomplete.

Table 1 represents discrepancies by province between results announced by the ECK at the constituency level and reported by KTN with the final results published by the ECK. The first three columns list the number of constituencies where any discrepancy existed between the tallies, constituencies where KTN had incomplete results or did not release results, and constituencies where there were no differences. While 91 (44%) constituencies did not report a problem, 93 (45%) did. This is quite alarming as it suggests the potential of counting or reporting errors in almost half of the constituencies.

The next columns show the amount "added" (e.g., "Kibaki+") between KTN's result and ECK's final published figures, as well as the amount "subtracted" (ie "Kibaki-") for all three candidates. That is, the "added" categories are those where the totals for the ECK were *higher* than what KTN reported from the constituency count, and the "subtracted" categories indicate where the final ECK report had *fewer* votes than initially reported by KTN.

The first striking statistic is the total number of votes produced by differences in KTN and ECK figures across the three main candidates: 208,208. The second point to notice is that all three candidates had votes added and subtracted between the two counts. Third, the biggest differences occurred for Kibaki, who gained 66, 446 but also lost 31,889. This caused the greatest net vote gain among the candidates at 34,557. Raila more or less gains (49,932) and loses (40,206) the same amount of votes for a net gain of 9,726.

### Provincial Differences

The differences in vote totals for KTN and ECK are not spread randomly across constituencies, witnessed by the number of constituencies without differences as well as those with highly concentrated differences. In Coast, massive differences existed in Changamwe, where Kibaki lost 5,447 votes, Raila lost 10,640, and Kalonzo lost 2,934 from the ECK result compared with KTN. In Siakago constituency in Eastern, ECK added 10,858 votes to the initial KTN result for Kibaki. In Kibaki's home province of Central, the ECK added votes for Kibaki in Kinangop (10,000) and Limuru (7,601).

Rift Valley has the largest overall differences, where in Molo<sup>6</sup> the ECK gives Kibaki 25,116 more votes than KTN gave him, but also 4,073 more votes to Raila. In Mosop, Raila earned 15,025 more votes and in Naivasha, Kibaki lost 20,024 votes. Raila lost 10,000 votes in Kuresoi and 4,917 in Narok North. In Nyanza, Raila's home province, he gained 6,477 in Kisumu Town West, 6,561 in Nyaribari Chache, but lost 3,460 in Rangwe.

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<sup>&</sup>lt;sup>6</sup> Molo remains a contentious constituency when it comes to discussions of fraud because the European Union highlighted it as one of their "problem constituencies" with respect to its vote tally in their electoral observation mission report.

While comparing media results to official results proves difficult given that many of the media houses provided only partial results and stopped reporting them while the count was underway, they do provide something of a parallel tally to final ECK figures. A total discrepancy of 208,208 votes between these two counts is indeed disturbing as it significantly alters the tally for the leading candidates. While these differences did not benefit only one candidate, there is a bias towards Kibaki, although this bias is not enough to have swung the results of the election.

#### IV. Overall Turnout

Suspiciously high voter turnout numbers in the presidential race caused grave concerns that "ballot stuffing" of some form or another may have occurred in candidate strongholds.<sup>7</sup> Most likely, this resulted from double-voting rather than actual ballot stuffing, but in any event results are suspicious, and not just from candidate strong-holds.

**Table 2: 2002 Presidential Turnout** 

Province	Rank	Percent	Standard	+1 Std	-1 Std
		Turnout <sup>8</sup>	Deviation <sup>9</sup>	Dev	Dev
Nairobi	7	42.16	3	45.16	39.17
Coast	8	45.41	8.89	54.3	36.52
Northeastern	6	58.7	5.93	64.63	52.77
Eastern	4	61.29	6.37	67.65	54.92
Central	1	67.13	5.5	72.63	61.64
Rift Valley	3	61.48	7.73	69.22	53.75
Western	5	57.41	4.5	61.91	52.9
Nyanza	2	56.78	8.43	65.2	48.35

Although it is ultimately difficult to base any arguments about turnout in one election to those in another as it is a function of many things, Table 2 provides a few lessons towards thinking about baseline turnout in Kenyan elections. First, turnout was not generally high in 2002. Central Province, the home region of both the leading candidates Uhuru Kenyatta and Mwai Kibaki, yielded the highest rate at 67%. Not even half of the voters in Nairobi and Coast voted. Second, the standard deviations for provinces are not large. That is, there are not significant differences in turnout between constituencies in a province.

**Table 3: 2007 Presidential Turnout** 

Province	Rank	Percent	Standard	+1	Std	-1 Std Dev	2007	Turnout
		Turnout <sup>10</sup>	Deviation <sup>11</sup>	Dev			Minus	2002

<sup>&</sup>lt;sup>7</sup> This includes Central Province for President Kibaki and Nyanza Province for Raila Odinga.

<sup>&</sup>lt;sup>8</sup> This is the average percent turnout of constituencies within a province.

<sup>&</sup>lt;sup>9</sup> This is the standard deviation of constituency turnout within a province.

<sup>&</sup>lt;sup>10</sup> This is the average percent turnout of constituencies within a province.

<sup>&</sup>lt;sup>11</sup> This is the standard deviation of constituency turnout within a province.

						Turnout (percent)
Nairobi	7	56.88	5.57	62.45	51.31	14.72
Coast	8	54.83	9.58	64.41	45.26	9.43
Northeastern	6	61.40	7.44	68.84	53.96	2.70
Eastern	4	71.37	7.96	79.32	63.41	10.08
Central	1	83.18	3.47	86.65	79.70	16.04
Rift Valley	3	73.78	11.31	85.09	62.50	12.29
Western	5	64.14	5.41	69.55	58.73	6.73
Nyanza	2	77.77	11.59	89.36	66.19	21.00

Looking at the 2007 presidential turnout in Table 3, a number of important dissimilarities from 2002 become apparent. The right column shows that in every province, turnout went up, and by more than 10 points in five of eight. This is remarkable. It is perhaps unsurprising that the highest gains were in Nyanza (Raila's homeland) and Central (Kibaki's homeland) provinces.

More important than comparing provinces across years (2007 and 2002), is comparing across provinces in 2007 to arrive at potentially unrealistically high or low turnouts. The average turnout for the provinces is 70.67%, with a standard deviation of 12.38 (83.05% and 58.29% thus represent that maximum and minimum produced one standard deviation away from the mean).

In order to understand which turnout seems unreasonably high or low, one must proceed with a reasonable argument based on empirics advocating a particular scenario and then measure differences between that standard and the actual results as evidence of potential errant ballots. We recognize that the identities of the main candidates, in addition to the "euphoria" from voters and hard campaigning should have resulted in generally high turnout over-all, and indeed the average was 70.67%. While this is significantly higher than the average from 2002 of 56.28%, it is possible. However, any turnout above 80% is suspicious, given the difficult nature of voting itself, particularly in rural areas. We also suspect that levels below 50% might be quite unrealistic given previous voting patterns as well as the general trend in the 2007 election. Therefore, votes above 80% and below 50% are suspicious.

To support this standard, we can look at turnout in Kalonzo Musyoka's home region. We expect Kalonzo voters to be similarly "euphoric" for his candidacy as voters in Raila and Kibaki's home regions were. However, allegations of rigging from Kalonzo's region (Eastern province) have not been made, producing a sort of "control" scenario that allows us to measure the mean turnout a candidate should receive in a home region but without fraud. From those constituencies in Eastern that went for Kalonzo, the average turnout rate is 67.66% turnout. Therefore, setting the maximum likely turnout at 80% is a fairly liberal standard.

#### **Provincial Turnouts**

In Nairobi, turnout remained low in 2007 as it had in 2002, but only one constituency produced less than 50% turnout, Dagoretti at 47.17% and a potential 1,614 votes. Coast province produced surprising and consistently low turnouts, especially in the

urban constituencies of Mombasa. 12,628 votes are produced from areas that Raila won resoundingly but turnout was less than 50%. Northeastern and Western did not yield any suspicious turnouts. Eastern province, the homeland of third place candidate Kalonzo Musyoka, results in four constinuencies with problematic turnouts. Three of them—South Imenti, Ruyenjes, and Siakago—come from areas with a majority of Kibaki support, however, producing 2,745 votes beyond the 80% threshold.<sup>12</sup>

Central province produces a number of potentially unrealistically high turnouts, even given its status as Kibaki's home region. Out of 29 constituencies, only five had turnouts below 80%, the lowest being Juja at 73.3%. The average turnout was 83.18%, the highest for any province (and higher than the 67% from 2002, when both leading presidential candidates were from the province). The total votes from high turnouts, which all benefited Kibaki, are 60,628.

Analyzing turnouts in Rift Valley is hard since the province is not the home region of either candidate and its constituencies were widely contested between them, and large differences between extremely low and extremely high rates (mean 73.78% and standard deviation 11.31%). Three contested constituencies register turnouts in the 40s, producing 4,071 "too few" votes. In 17 Raila-favored constituencies, high turnouts produce 22,687 votes. In one Kibaki favored constituencies, high turnouts totaled 4,023 ballots. Therefore, constituencies with high turnouts heavily favored a production of votes for Raila.

15 constituences in Nyanza—Raila's home province—posted rates above 80% and a total of 66,897 votes in Raila favored areas. The contested constituencies in Nyanza (heavily populated by the swing ethnic group Kisii) did not post unrealistic turnouts.

Large turnouts in their home provinces helped both candidates, to about the same degree. It is hard to rely on total turnout though as indicative of fraud or rigging, given that the places one would expect high turnouts is where it might be easier for both sides to artificially inflate totals. [Graph here with totals?] However, even accepting a relaxed standard for a likely maximum and minimum turnout, a number of suspicious ballots are added and subtracted from the main candidates.

## V. Differences in Presidential and Parliamentary Turnout

Kenya conducts three elections at the same time same on the same day, with voters able to cast ballots for local civic councilors, their members of parliament, and the presidency. Voters cast these ballots in the same polling station and the same booth. And each voter is given three ballots for the same purpose. There are also three different ballot boxes in the polling room where each voter casts the ballot.

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<sup>&</sup>lt;sup>12</sup> The remaining constituency—Masinga—is in a Kalonzo territory and had a 45.5 turnout or 1,050 votes "too few."

<sup>&</sup>lt;sup>13</sup> Given their contested nature, neither candidate obviously wins from a subtraction of votes.

The overwhelming majority of Kenyan voters cast ballots for all the three offices that they are offered the opportunity to elect. It is rare for a voter to cast a ballot for his preferred presidential candidate and ignore or decline to cast a ballot for his/her preferred MP and Councillor. Kenyans are equally motivated to participate in local election as they are national elections (perhaps even more so), therefore variances between the presidential and parliamentary election will arise primarily as a result of differences in the number of spoilt ballots in the two elections. There will be also a small number of abstentions – conscious or otherwise - from one or the other. On the whole, the difference is so low that it cannot alter the result of the presidential election. Moreover, differences that exist should be randomly distributed, and roughly equal, across constituencies. That is, some constituencies should not register large differences and others small differences, they should all be similar and follow patterns of voting behavior that are particular to the nation as a whole, not any one particular constituency.

Statistics for all the previous multi-party election conducted since December 1992 support this. <sup>14</sup> In both the 1997 and 2002 the turnouts for the parliamentary and presidential races were almost identical. We use the 2002 elections as a baseline because that election did not carry claims of presidential rigging. Although the 1997 presidential election carried this claim, we note that there was no marked difference between the total valid votes cast for presidential and the total valid votes cast for parliamentary candidates (except in about 10 constituencies where MPs were elected unopposed, which we take into account).

In 2002, valid votes cast for parliamentary candidates exceeded valid votes cast for presidential candidates, for instances, in about 48 constituencies by a total of 114,000 votes. This is equivalent to 1.9% of the presidential votes in those constituencies. However, two constituencies Bomachoge and Kasarani had unusually large variances, 40,000 votes between them, close to one third of the total. If these two outliers are excluded, the variance is 74,000 equivalent to 1.2% of the valid votes. Ninety six constituencies had variance in the other direction, that is, where presidential votes exceeded parliamentary votes. This amounted to 64,000 votes, equivalent to 1.1%.

As is evident, the variance in the two directions almost cancels out leaving about 10,000 votes difference countrywide. This variance is consistent with differences in the number of spoilt ballots and a few voters who may have voted for one office and not the other. Regardless of the reason, however, the variance could not swing the presidential election in 2002. Neither could the difference in the 1997 presidential election affect the overall outcome. Going by this analysis a difference of around 1.2% between the presidential and parliamentary valid vote is what we have taken to be standard.

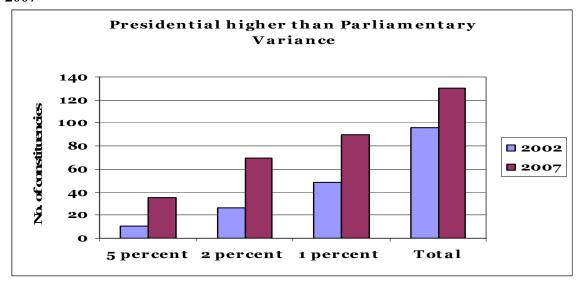
Table 4: 2002 Presidential exceeds parliamentary turnout

Turnout	Votes	As % of parl	As % of prez	No of
Threshold				Constituencies
5 percent	34066	0.57	0.57	11

<sup>&</sup>lt;sup>14</sup> Even though KANU ran in some constituencies in 1992 and 1997 unopposed.

2 percent	50448	0.84	0.84	26
1 percent	59723	0.1	0.1	48
Total	64185	1.07	1.07	96

**Graph 1: Comparison of Presidential and Parliamentary Turnouts from 2002 and 2007** 



The 2007 Presidential versus parliamentary election results

The variance between valid parliamentary and presidential votes in 2007 is startling. A review of the result – excluding five constituencies for which one or the other results are unavailable - produces a number of unrealistically high turnout variance. There are as many as 35 constituencies where the variance is above 5 percent which translates to over 237,000 votes. These constituencies include instances where the variance is above 10,000 votes. Embakassi constituency has a variance of over 30,000 votes. This would mean, implausibly, that about 10,000 voters in some of these constituencies deliberately chose not to vote for an MP. They voted for their presidential candidate and walked out of the polling station. There are about 70 constituencies where the variance is above 2%; implausibly implying that many people in these constituencies chose not to vote for an MP or even a civic candidate.

In this analysis, where the presidential tally exceeds the parliamentary, the frequencies are much higher in 2007 than in 2002. Variance of more than 5 per cent occurs in three times as many constituencies in 2007 (35) as in 2002 (11). Variance of 2% or more also occurs with close to three times the frequency, 70 constituencies in 2007 compared to 25 in 2002.

In 2007, the parliamentary election has 25 constituencies where the parliamentary vote exceeded the presidential vote by more than 2%. This is a rather liberal cut-off given the norm of 1.2%. Looking at raw votes, this disparity produces about 116,000 ballots that are anomalous. This means presidential candidates lost about 116,000 votes. Factors responsible for this loss or wasting of presidential vote are not clear. Where did these

votes go? Which presidential candidate – or even parliamentary candidates benefited from this anomaly? We make one simple observation in regard to these questions. That this number of votes is critical for shaping the final outcome of presidential election and in particular an election that was too close to call. It is possible that these votes contributed to altering the final result of the presidential election.

Table 5: 2007 Parliamentary exceeds presidential turnout

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Turnout	Votes	As % of parl	As % of prez	No of			
Threshold				Constituencies			
5 percent	105727	1.11	1.07	16			
2 percent	115469	1.21	1.17	25			
1 percent	126936	1.33	1.29	43			
Total	130547	1.37	1.32	69			

Table 6: 2007 Presidential exceeds parliamentary turnout

Turnout	Votes	As % of parl	As % of prez	No of
Threshold				Constituencies
5 percent	237572	2.49	2.41	35
2 percent	304963	3.2	3.09	70
1 percent	318176	3.34	3.22	90
Total	325131	3.41	3.29	130

## Votes that Might Have Altered the Outcome

If we add votes where parliamentary turnout was unrealistically high to ballots where the presidential turnout is unrealistically high, we find votes that we consider to be anomalous. Refer to Tables 5 and 6. The variance between the presidential and parliamentary ballots in the 2007 election is a total of 455,667 votes. This variance comprises two sources. One is 325,000 votes in about 130 constituencies where the presidential tally exceeds parliamentary tally which is equivalent to 3.3 percent of the total valid presidential votes. Two, it comprises 130,547 votes in 69 constituencies where parliamentary tally exceeds the presidential tally. This is equivalent to 1.4 percent. By adding these two figures, one can see clearly where the anomaly lies.

We have not attempted to apportion the suspicious votes to either presidential or parliamentary rigging. It would be surprising if shenanigans at the parliamentary did not occur. The winning margin in the presidential election declared by ECK is 231,728. The suspicious votes exceed the winning margin by close to 130,000 votes. Fraud of this magnitude is more than sufficient to have altered the outcome of the presidential election.

A parliamentary result may exceed a presidential result because parliamentary supporters "stuffed" ballots in favour of a particular parliamentary candidate or that presidential supporters "wasted" ballots (or reduced those of the presidential rivals), or some combination of the two. Similarly, a presidential vote may exceed a parliamentary vote because parliamentary voters were wasted, or presidential votes stuffed, or a combination. It is significant that in Lang'ata constituency, a clerk with the Electoral

Commission of Kenya (ECK) who was stationed at a pooling station in where ODM presidential candidate was also a parliamentary candidate was arrested for hiding or stealing parliamentary ballots and failing to give them to voters. Certainly this was meant to deny certain voters an opportunity to vote for one of the parliamentary candidates. It is also possible that this was meant to give particular voters more ballots to cast for a preferred candidate. Whatever the method of adding or reducing presidential or parliamentary ballots, significant differences that exist between the two turnout figures is problematic.

It is important to note that our analysis is restricted to those constituencies where on balance the differences between stuffing, wasting, or even undercounting were great enough to produce abnormal variance in the turnout rates that appear in the official ECK results. There may in fact be a number of constituencies where either stuffing or wasting occurred in both races simultaneously, such that turnout rates are close but parties committed fraud nonetheless.

Do differences in turnout appear to favor any candidate?

**Table 7: Differences allocated to candidate strongholds** 

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	Parl>Prez	Prez>Par	Total				
Kibaki strongholds	65,692	28,905	94,598				
Raila strongholds	26,455	2,127	28,582				
Kalonzo strongholds	12,916	31,392	44,308				
Contested	151,163	29,620	180,784				

Table 7 lists the differences in presidential and parliamentary turnout allocated by candidate stronghold. It shows that between the three main candidates, the differences in turnout benefited President Kibaki the most, where he generated more than three times the number of dubious ballots from his lead challenger Raila Odinga. The largest number of suspicious ballots comes from contested areas, however, suggesting that it is not always a candidate's home region that may be the source of electoral malfeasance, but rather in areas where it may arguably harder to catch given divided electorates in swing constituencies.