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CAMPAIGN FINANCE ISSUES AND REFORMS IN KENYA

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Introduction and legal background

Election financing is a key determinant of election outcomes (Destri, 2022; Mendilow 2018). Consequently, its effective management has implications for Kenya's democratic resilience. To unearth the nature of election campaign financing in Kenya, this paper first provides context by discussing money, politics, and democratic accountability. This is followed by a discussion on dimensions of campaign financing, issues in regulating campaign financing, institutional constraints, and the pathways for reforming election financing and improving the integrity of elections in Kenya.

Financing is required for identification of candidates at party primaries, political activities by campaign teams; research for preparation of manifestos; development of campaign materials, advertisements, and political marketing; logistics; mobilizing voters; and continually developing strategies to counter opponents. Across the globe, the funding of elections remains a concern due to a progressive increase of cost over the years and the deepening of winner-take-all politics (Falguera et al 2014). The cost of running for office undermines political participation of many potential candidates, in particular women, youth, and marginalized groups (Falguera et al 2014, 39). It also remains a major constraint to building mechanisms for accountability because it interlinks money with political power (Okeke and Nwali 2020).

The use of money in politics and the lack of transparency in sources of funding and how resources are used has potential of contributing to corruption and the manipulation of voters (Hamada and Agrawal 2025a). It could lead to the voices of those who provide funding being louder than the voices of voters themselves. That is, those with money can influence political decisions in a manner that undermines democracy. This could constrain electoral competition or even allow vested interests to compromise the electoral outcome (Ohman 2013, 3). Overall, when candidates for electoral office buy their way into political leadership, they may prioritize recouping their investment as opposed to serving public interest (Transparency International 2025). In turn, this leads to low public trust of those elected through manipulated processes and illicit money (International IDEA 2017).

In Kenya and elsewhere in Africa, the role of money in politics has been a concern, especially because politics and businesses often intertwine, thereby leading to corruption and abuse of office by public leaders. Mwangi (2008) argues that corrupt political financing has become more prevalent since the reintroduction of multiparty competitive politics in the 1990s. The need to regulate political financing to ensure accountable political participation has therefore remained an important issue and shaped the provisions of the 2010 Constitution. In particular, Article 88 (4) (i) of the Constitution of Kenya mandates that the Independent Electoral and Boundaries Commission (IEBC) regulate "the amount of money that may be spent by or on behalf of a candidate or party in respect of any election." (Republic of Kenya 2010, Art 88 (4) (i)) This constitutional mandate is operationalized through the Election Campaign Financing Act (ECFA), enacted in 2013 to give effect to this provision and establish the legal framework for managing campaign expenditure (Republic of Kenya 2013). However, despite the passage of this law, the envisioned operational framework remains absent. The Act was due to be applied in 2017, but Parliament postponed its application to 2022. Again, this was suspended (Independent Electoral Boundaries Commission 2024).

In 2021, the IEBC developed draft electoral campaign financing regulations, but Parliament (the National Assembly) declined to approve these regulations. While Parliament defended this rejection by arguing that IEBC did not seek parliamentary approval before publishing its regulations, critics in civil society argued that politicians were defending their campaign finance sources from legitimate scrutiny (Mutai 2021; Owino 2021). Following litigation by civil society activists, the High Court declared that "the spending-limit provisions of the Election Campaign Financing Act (Sections 12, 18, and 19) – which empower IEBC to set caps and disclosure requirements do not call for parliamentary approval, but must be subjected to appropriate public

engagement." (Katiba Institute et al v. IEBC et al and the Law Society of Kenya 2022) The court effectively removed the roadblocks that had allowed Parliament to frustrate previous attempts at regulating campaign financing.

With this resolution of legal uncertainties, attention has now shifted to the implementation of the election campaign ahead of the 2027 elections. The IEBC has drafted an Election Campaign Financing (Amendment) Bill 2024 aimed at removing previous bottlenecks and strengthening spending limits and disclosures (Owino 2025). If legislators approve the IEBC proposal and the electoral management body proceeds to formulate regulations through public participation, Kenya might have operational election campaign regulations before the next general elections in 2027. In addition to the ECFA, the Political Party Act (PPA) establishes the Political Parties Fund, a state fund that allocates money to qualified political parties on the basis of their electoral performance in the last election. (Republic of Kenya 2011 The PPA also prohibits political parties from receiving funds from foreign governments, except for technical assistance with the consent of the Registrar of Political Parties.

Methodology

Our engagement with experts during a meeting convened for this study provided important insights into why, despite ongoing legal attempts as enumerated above, election campaign financing reforms in Kenya have repeatedly failed to take root. The meeting was organized as part of the paper's primary research process and was held on October 14, 2025 at the University of Nairobi. It brought together a diverse group of key stakeholders involved in the regulation, enforcement, and oversight of political financing in Kenya. Participants included representatives from Parliament, the IEBC, the Office of the Registrar of Political Parties (ORPP), the Ethics and Anti-Corruption Commission (EACC), and the Office of the Director of Public Prosecutions. Officials from major political parties, representatives from leading civil society organizations, and activists engaged in governance and electoral accountability were also present.

Discussions at the meeting revealed a shared view that the persistent failure of past campaign finance reform initiatives is deeply rooted in Kenya's highly competitive, winner-takes-all electoral system. Participants emphasized that the zero-sum nature of electoral competition creates strong incentives for candidates to spend excessively in pursuit of victory, thereby undermining political will to enforce spending limits and enabling entrenched patterns of illicit and opaque financing.

Using Kenya as a case study, this paper demonstrates the challenge of the enforcement of campaign financing laws because of self-interest of political elites and the general lack of political will. The discussion demonstrates how a winner-takes-all electoral system, the persistence of legislative self-preservation, institutional capture, and resistance by elites who benefit from unregulated campaign finance combine to stall implementation of the law. The paper proffers practical reform pathways that may enhance transparency and strengthen electoral integrity. Broadly, the discussion enriches scholarship on democratic resilience in Africa by highlighting the link between campaign finance regulation and democratic consolidation.

Across the African continent, opaqueness in campaign finance practices plays a role in the personalization of power, the weakening of internal party democracy, and the peripherization of reform-minded candidates. According to the International Institute for Democracy and Electoral Assistance, unregulated and opaque political finance creates "an uneven political playing field" that allows wealthy donors greater influence than average citizens, undermining political equality and public confidence in democratic processes (IDEA 2014, 33). Transparency deficits in political finance are also associated with the erosion of internal party democracy and the personalization of power, as parties become more dependent on elite donors than on broad membership participation (IDEA 2014, 34). Complementing this view, scholarship on political parties has shown that the structure and financing of parties are central to their role in democratic politics, with weak internal accountability and heavy reliance on external resources often contributing to organizational centralization and elite dominance (van Biezen 2004). By delving

into Kenya's campaign finance situation, this paper contributes to policy discourse on electoral integrity, providing insights that could inform practices and guide legal and institutional changes aimed at building democratic resilience on the continent.

In addition to the breakfast meeting, the authors individually interviewed 10 purposively selected senior parliamentary staff, officials at the IEBC and EACC, the regulator of political parties, and representatives of political parties. The interviewees shared perspectives based in lived experience on legislative, institutional, and political aspects of election campaign finance in Kenya. This paper also utilizes data from the Afrobarometer 2024 survey, which provided key public opinion indicators on corruption and political accountability. A combination of elite perspectives, public opinion, and first observation allowed for a triangulated analysis of campaign financing issues in Kenya.

Money, politics, and democratic accountability: An overview of issues

Election financing and its implications for democracy and governance are global issues that continue to gain attention almost everywhere. Ohman (2013), for instance, identifies several potential problems resulting from money in politics. Among these is the possibility of undermining the principle of "one man one vote," because when individuals or even corporations finance politics, this can make some voices heard more loudly than those of ordinary voters. Money, therefore, can break a link between voters and those elected to office. Furthermore, expensive campaigns can make it harder for new voices to emerge or get into politics to shape political decisions (Ohman 2013). This is in addition to turning politics into a marketplace where political services are monetized and transacted in a manner that undermines public interests because they are exchanged for material reward rather than a service to the public (de Waal 2016; Kaldor and de Waal 2020).

Global, regional and national protocols have made an effort to address the potential problem of political financing. Among others, Article 21 of the Universal Declaration of Human Rights (UDHR) (United Nations, 1948) and Article 25 of the International Covenant on Civil and Political Rights (ICCPR) (United Nations, 1966) provide for the right of every citizen to vote and stand for any elective position, the right to engage in governance, and the right to access public services. The Recommendations on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaign aims to provide fair ground for competition during election: state parties are mandated to provide accurate data on direct and indirect donations and expenditures. Additionally, the electoral management body is required to ensure parties are acting within campaign financing laws (Council of Europe 2003).

Articles 7(3) and 7(4) of the United Nations Convention Against Corruption (UNCAC) (United Nations 2004) require state parties strengthen transparency in political campaign financing and institute measures to safeguard and enhance transparency around conflicts of interest. The 2020 Guidelines of Political Party Regulation elaborated by the Venice Commission and the Office for Democratic Institutions and Human Rights (OSCE 2020) of the Organization for Security and Cooperation in Europe calls for complementarity among bodies supervising and monitoring election funding and further recommends that, "the funding of campaign and party finances is overseen by the same body, to ensure consistency." (Art. 276)

The African Union (AU) has also developed frameworks to reduce the influence of money in elections in Africa. The AU provisions are in sync with the global protocols. Article 10 of the African Convention on the Prevention of Corruption requires state parties to implement laws and other mechanisms to prevent illegal funds for financing political parties and candidates (African Union 2003). Further, the African Charter on Human and Peoples' Rights safeguards the individual's right to vote and right to engage in the governance process in the country (African Union,1981). The Afri-

can Charter on Democracy, Elections and Governance also safeguards access to state-owned media during electioneering period (African Union 2007, Art. 17). On the whole, the global electoral space is replete with provisions aimed at ensuring the integrity of elections and guarding use of money against undermining the credibility of elections to ensure the outcome of elections is in line with how people vote. Campaign financing laws are enacted to protect the integrity of elections, but the implementation of campaign finance laws faces challenges almost everywhere.

In the United States, the 1971 Federal Election Campaign Act requires disclosure of campaign contributions and limits on donations, but judicial decisions such as Citizens United v. Federal Election Commission and subsequent developments have permitted independent expenditure groups to raise and spend unlimited funds, raising concerns about transparency and public confidence in electoral fairness (Briffault 2012a; Federal Election Commission 2010). Supreme Court jurisprudence has repeatedly invalidated expenditure limits on independent political actors on First Amendment grounds, despite disclosure requirements in federal law designed to promote accountability in campaign finance (Briffault 2012b; Jiang 2019).

In India, the electoral funding regime has long been criticized for weak transparency despite formal spending limits and reporting obligations. Scholars highlight that mechanisms such as electoral bonds have reduced public visibility into the sources of large political donations, undermining regulatory effectiveness and transparency in party funding (Gowda 2012; Vaishnav 2019). Recent analyses further demonstrate that the electoral bonds scheme institutionalized donor anonymity and facilitated corruption risks, weakening democratic accountability (Poola and Vinitha 2025).

In Nigeria, although the Electoral Act (as amended 2022) codifies disclosure requirements and sets spending limits for candidates and parties, empirical and legal analyses point to persistent gaps in enforcement and widespread overspending. Observers note that campaign finance laws often remain "laws on paper" due to weak implementation, limited political will, and entrenched patronage networks that facilitate circumvention of spending rules (Adetula 2024; Nwozor et al. 2021). Legal reform studies similarly emphasize that regulatory loopholes and institutional weaknesses continue to undermine compliance with spending limits under the new framework (Esavwede et al. 2025).

Similarly, in South Africa, the Political Party Funding Act (2018) was introduced to improve transparency by regulating both public and private funding of political parties and requiring disclosure, but research on the implementation environment shows ongoing challenges in achieving full compliance and effective oversight (My Vote Counts 2023; Thuynsma 2025). Civil society initiatives prior to the Act underscored the long-standing opacity of private party funding and the difficulty of enforcing transparency even after formal regulation (Maphunye 2019). Across these examples, political interference, weak enforcement capacity, lack of political will, and elite capture tend to undermine the effective implementation of campaign finance laws, limiting their potential to enhance transparency and democratic integrity.

Kenya-specific sources approach election campaign finance from three dimensions: voter behavior, the role of political parties, and reform challenges. On voter behavior, Kanyinga and Mboya (2021) observe that voters drive the cost of politics by demanding handouts from elected leaders, with many voters arguing that the leaders lack accountability and take leadership positions to enrich themselves, and therefore handouts are a benefit that they should draw from leaders. On the role of political parties, Hamasi (2022) observes that many of the candidates incur significant expenses by promising to fund the campaigns of the influential ethno-regional kingpins to whom they openly show loyalty. Securing the direct support of these influential figures almost always assures one electoral victory. However, this dynamic leaves political parties vulnerable to external inferences, making them unstable avenues for democracy. On reform challenges, Cheeseman and Klaas (2018) enumerate issues with vote buying in the country, while Odote (2021) highlights the legislative gaps and lack of political will as the missing link in campaign reform in Kenya.

As highlighted in our recent case study on accountability mechanisms and democracy in Kenya (Otele et al. 2025), failure to operationalize the election campaign financing law has implications for Kenya's democracy. It has contributed to increased use of money by candidates and generally increased the cost of political competition at all levels. This has, in turn, led to corruption in politics and capture of the state institutions by elites (D'Arcy 2019, Mwangi 2008, Onyango 2024). Nonetheless, the inability to operationalize election campaign law is often tied to socio-political contexts and, more so, to patronage politics, corruption, weakened governance institutions, and weak rule of law. These combine to constrain legal enforcement. This failure enables an environment that allows unregulated campaign financing to thrive, facilitating political elites to capture electoral institutions and willingly undermine three dimensions of accountability: vertical, horizontal, and diagonal.

Vertical accountability focuses on two interrelated mechanisms of political competition: elections and political parties. Competitive elections and party politics are undermined when politicians flood campaign spaces with money and expensive political marketing. This tends to impact voters as some of them get influenced to vote for those giving them money as opposed to more credible and transformative politicians who would be keen to influence policy action and improve public service. By electing politicians who spend the most, voters unknowingly reduce their agency to recall non-performing leaders.

Horizontal accountability refers to the balance of power amongst the executive, legislature, judiciary, and oversight bodies (independent constitutional entities). Political elites, both in the legislature and the executive, conveniently form alliances that frustrate reforms, weaken reforms' effect on politics, and shield themselves from external scrutiny. Consequently, they capture electoral institutions and other governance institutions to advance their interests and, in turn, undermine inter-institutional accountability. Diagonal accountability focuses on the role of civil society, civic participation, and media freedom. The capture of the media and civil society, often through unregulated funds, undermines media neutrality while promoting self-censorship processes that weaken their watchdog roles. Civil society groups may also be weakened through laws and regulations that shrink the civic space. This limits their role in vigilance and reduces their voice in holding public institutions to account.

In short, Kenya's problem with election finance is shared by other democracies: the laws exist on paper but are weak on implementation. Weak implementation is also the result of how mechanisms of accountability operate and relate. Absence of synergies among the three forms of accountability at different levels generally leads to institutions not being effective in ensuring accountability.

Dimensions of campaign finance

Campaign finance is a multifaceted phenomenon involving social, political, legal, institutional, and digital dimensions, as well as the interplay between any number of these (the coordination). First, the social dimension affirms the influence of public perceptions on the legitimacy of election campaign finance. In several African democracies, the electorate and political leadership are embedded in a patron-client relationship (Bratton and van de Walle 1997; Cheeseman and Klaas 2018, 75). This relationship weakens institutions because leaders focus more on how to maintain loyalty of voters via handouts rather than build strong institutions to advance public interests. Institutions subsequently perform poorly, thereby earning low public trust. In the end, low public confidence in the institutions charged with overseeing elections erodes the credibility of election campaign reforms (Norris 2014).

Second, the political dimension underscores the use of public offices to advance self interest, the personalization of political parties, and conflicts of interest in election campaign finance. In Africa, ruling elites often misuse public offices for personal gain and use personal influences to undermine their party. Political parties have become a springboard for personal political ambitions or vehicles for challenging election

campaign reforms as opposed to democratic vehicles to transform the practice of politics. According to Riedl (2014), addressing this challenge requires reforms aimed at strengthening party systems and shielding campaign finance from abuse by party leaders.

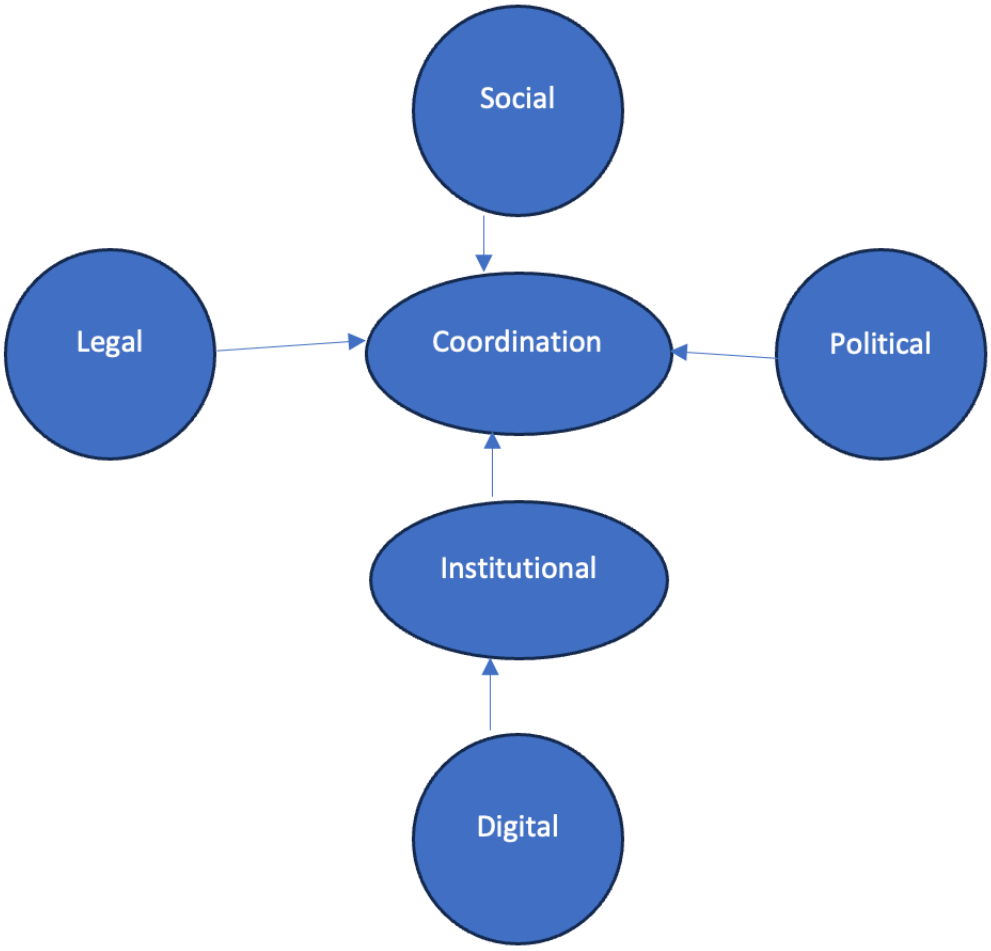
Third, the legal dimension focuses on the effectiveness of existing laws on election campaign finance. Effective campaign finance regulations presuppose an unambiguous law that restricts spending limits, and enforces disclosure and sanctions. Comparative jurisdictions reveal that strong legal regimes discourage illicit financing and promote transparency (Ohman 2014).

Fourth, institutional design is germane to election campaign finance. As argued by Levitsky and Ziblatt (2018), institutional strength sustains democratic growth. Institutional fragility has persistently weakened democratic reforms in Africa (Barkan, 2008; Rakner and van de Walle 2009), including Kenya, as manifested by the ambiguity in relation to whether the ORPP or IEBC should oversee party funding (Personal communication October 14 2025). Comparative experiences demonstrate that strengthening institutions is key in enforcing campaign finance reforms (Ohman 2014).

Fifth, the digital dimension invites attention to the potential role of technology in promoting transparency in election campaign finance. Platforms such as public electronic reporting systems for campaign finance disclosures and artificial intelligence applications for monitoring real-time transactions can enhance

FIGURE 1

Dimensions affecting campaign finance



transparency and detect irregularities (Borz and Francesco 2024). Civil society organizations and the media may also leverage digital innovations to trace financial flows, thereby strengthening diagonal accountability (Fox 2015). Importantly, as illustrated in Figure 1, the digital dimension does not influence coordination directly. Rather, digital innovations shape coordination indirectly through institutional mechanisms. For instance, digital reporting platforms or automated monitoring tools only contribute to coordinated enforcement when they are embedded within electoral management bodies, oversight agencies, and regulatory institutions that possess the mandate and capacity to act on the information generated. In this sense, technology enhances the effectiveness of coordination by strengthening institutional performance, improving information-sharing and enabling oversight bodies to integrate data across agencies.

Finally, the coordination dimension underscores the importance of multi-agency collaboration. Effective election finance reform requires structured cooperation among electoral management bodies, enforcement agencies, financial intelligence institutions, civil society, and the media. In the absence of such cooperation, fragmented oversight and disjointed enforcement create loopholes that may be exploited by political elites (López-Pintor and Fischer 2005). Joint taskforces, integrated data systems, and multi-agency investigations may reduce duplication and enhance enforcement capacity. Overall, each dimension may operate separately or interact jointly in shaping election campaign finance processes, as shown in Figure 1 and discussed in the subsequent sections.

Barriers to regulating campaign finance

As relates to the above dimensions, four main issues confront campaign financing, namely: social, political, legal, and institutional constraints.

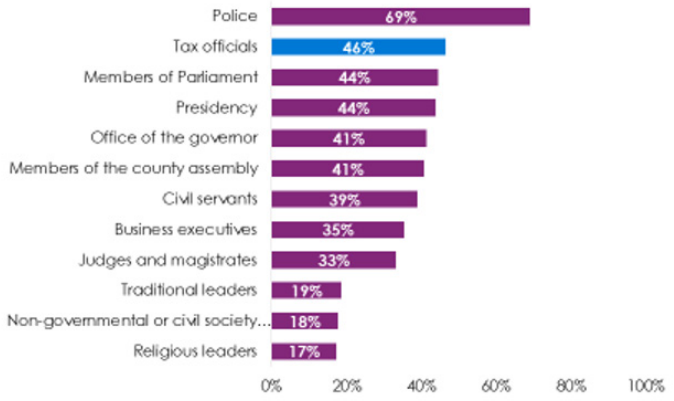
SOCIAL

Social concerns are mostly related to how the public perceive their leaders and the level of political awareness about elected leaders who subvert voters' wills through financial inducement. The public that should constitute a counterforce for elite manipulation of elections is caught between giving up on elections, taking handouts, or mobilizing for electoral integrity. The existence of this dilemma is further demonstrated by the common public perception of political leaders in Kenya as corrupt.

Vote buying is often linked to corrupt development practices among political leadership as revealed in several Rounds of Afrobarometer surveys. For example, in April 2024, the Afrobarometer survey reported that a substantial proportion of Kenya's population believes there is widespread corruption on the part of the president and officials in his office (44%), among members of Parliament (44%) and among members of county assemblies (41%).

FIGURE 2

Percieved corruption among leaders, Kenya, 2024



AFRO BAROMETER

Respondents were asked: *How many of the following people do you think are involved in corruption, or haven't you heard enough about them to say? (% who say "most of them" or "all of them")*

SOURCE: Afrobarometer (2024)

This perception continues to shape the interaction of citizens with politicians during the campaign period. A majority of our research participants believe that most politicians have corruptly obtained their wealth and therefore campaign periods present the opportunity for them to "eat" what was stolen from them. One representative of a political party observed:

> "In fact the appetite to "eat" is enhanced through the celling stated in the draft IEBC regulations. For example, when the IEBC declares that a presidential aspirant should not spend more than Ksh. 2 billion (app. 15.5 million USD), the message sent out there is that anyone interested in the presidential seat must be wealthy. This is compounded by economic situation in a poor country like Kenya where citizens will first ask for your money before what you stand for (Political party representative, September 2025)."

Kanyinga and Mboya (2021:20) observe similar views in "The cost of politics in Kenya":

> "In Kenyan politics people 'come with their stomachs' … most people around will tell you that giving out money is part and parcel of the cost of business… people stand on their side and assume that because you have gone into politics, then you have the money. So, you must give them money."

Indeed, while available data shows that actual campaign monies vary from one elective post to another, across the board, spending has been on the rise. Kenya's 2022 general elections saw a significant rise in campaign spending across all elective positions as compared to 2017. The cost of politics in Kenya has been increasing steadily, with candidates investing huge sums to secure seats (Media Council of Kenya, 2022; Kanyinga and Mboya 2021). In 2017, winning candidates on average spent roughly $380,000 for a Senate seat, $249,000 for a woman representative seat, $164,000 for a member of National Assembly (MNA) seat, and $33,000 for a member of County Assembly (MCA) seat. Losing candidates spent equally substantial amounts, for example, $155,000 in Senate races.

It is important to note that women seem to be the most disadvantaged in respect to campaign financing; many lack the funding to run effective campaigns. In the 2022 national elections, although the party nomination fee was lowered for women and other marginalized groups by 50%, the elected numbers still did not meet the constitutional requirement of a two-thirds gender rule in parliament. Ranta (2024, 892) identifies "the lack of funding to run effective campaigns" as one of the biggest gender barriers in Kenyan politics. Representation of women in Kenya remains low, at 10.6% of elected leadership, which is up from 9.1% in 2017 and 7.7% in 2013 (UN Women 2022).

It is not easy to track expenditures in these complex processes of campaigns, an aspect that is further complicated by a low level of trust in key institutions with the mandate of enforcing campaign financing regulations. Survey data from Afrobarometer shows that 17.8% of Kenyans had no trust in the judiciary. The survey further showed that 33% of Kenyans think that judges and magistrates are involved in corruption. Fewer than half of Kenyans have trust in the election management body, the IEBC. Police are also viewed as the most corrupt and, therefore, cannot be trusted to enforce the law. Citizens express lower levels of trust in the police compared to the courts. Only 36.1% of citizens report somewhat or high trust in the police, whereas 50.1% express similar levels of trust in the courts. Trust levels are also comparatively moderate for the courts and the IEBC, standing at 36 and 40%, respectively (Afrobarometer 2024). The low level of trust in these enforcement bodies presents a challenge in the enforcement of election campaign financing regulations when it comes to the role played by citizens. The lack of trust potentially discourages citizens from reporting campaign financing violations and instances of vote buying out of belief that no stringent action will be taken on politicians who violate the set regulations.

Citizen apathy

Citizen apathy and a lack of understanding of the relevant laws also present a challenge in the enforcement of campaign financing regulations. Citizens express frustration in political leadership because of the failure of leaders to be accountable and the increased use of politics for self-interest. More often, leaders use ethnic platforms to mobilize support but remain unaccountable to the groups they mobilize. This has resulted in apathy expressed largely through declining voter turnout in the 2022 general elections (Cheeseman et al. 2024, 247). Further, a majority of citizens lack the technical expertise or knowledge on the linkage between campaign financing and governance issues (Ohman 2013). Limited or low-quality public participation in

the formulation of the laws and regulations makes it a challenge for citizens to point out the loopholes in the laws and how to seal them. This creates an opportunity for politicians to enact weak regulations that they can bypass to finance their political campaigns.

Media priming

Tied to the issue of lack of knowledge is the issue of media priming. Biyogo and Ong'ong'a (2024, 1466) note that "media framing and definitions are not just passive reflections of political events, but active forces that drive the strategies and behaviours surrounding political financing." The media plays an important role in framing and providing opportunities for debates on issues of campaign spending in a democracy. However, there seems to be a gap with regard to media reporting on instances of potential campaign financing violations. Because campaign financing is not often discussed by the media until the time of the election, this seems to have lulled the media into a sense of non-urgency. Critiques of campaign financing requires skilled journalists who are able to critically look at figures, budget items, and relate these to broader electoral issues.

Nonetheless, in the last Kenya's 2022 general elections, the framing of news in print media did include reporting on high cost of living, corruption, the opulent spending patterns of political elites, and promises of economic transformation, among others (Ocharo 2024). All the same, not all media houses come out strong on many of these issues. This is especially because most media houses are closely linked to politicians and economic elites who fund them (Ogola 2011). The structure of ownership also compromises reporting and priming of issues, which may not be favourable to politicians. This could be one of the reasons for lack of focus on campaign financing during elections.

Campaign financing and related violations were not highly primed by the media during the 2022 elections. This limited priming creates the perception that election financing is not a major issue that citizens ought to pay attention to. Media houses may choose not to report such violations out of fear of reprisals, particularly when such reporting implicates the ruling party or dominant coalitions. While one might assume that the Kenyan government's decision to withdraw state advertising from private media since 2020 reduces this financial leverage, the relationship between the state and the media extends beyond direct advertising revenues.

First, even in the absence of central government advertising, private media remains vulnerable to indirect economic pressures through state-linked corporations, parastatals, county governments, and politically connected private advertisers whose spending decisions are often shaped by the political environment. Thus, the withdrawal of state advertising may not eliminate financial dependence but rather shifts it into less transparent and more discretionary channels. Second, the state retains substantial non-financial instruments of influence, including regulatory oversight, licensing authority, taxation, and the ability to restrict access to official information and state events. Media organizations that consistently critique campaign finance violations risk exclusion from government briefings, denial of interviews, or exposure to legal and administrative harassment. In this context, the advertising ban itself can be interpreted not as removing leverage, but as a disciplining signal demonstrating the state's capacity to economically punish critical outlets while rewarding favorable ones through selective access and alternative revenue streams. Therefore, despite reduced direct advertising flows, private media may still perceive significant risks in aggressively investigating political finance abuses. This raises broader concerns about media freedom and access to information, as reflected in the Kenyan government's ban on state advertising in private media, which continues to shape the incentives and constraints under which media houses operate (The East African 2020).

POLITICAL

Election campaign finance reforms have been undermined by political issues, mainly the personalization of political parties which remains a challenge in regulating campaign financing to realize fair and credible elections. In Kenya, regulations have been put in place to reduce the ethnicization and regionalization of political parties. However, these issues remain an ongoing

concern in strengthening political parties and ensuring integrity.

Personalized political parties

Most Kenyan political parties draw their strength from specific regions or ethnic groups and are led by individuals from the same areas or group, as opposed to being guided by ideological frameworks Although the Political Parties Act (PPA, 2011) sought to address this, by providing for parties to "recruit members, no fewer than one thousand registered voters from each of more than half of the Kenya counties, (Republic of Kenya, 2011, Section 7 a)" this provision is frequently violated. Most parties are able to fulfill this requirement, with unverifiable registrations contrary to Section 45 (1A) that prohibits enlisting individuals without obtaining consent. In practice, most parties, except coalition parties, are skewed to regions and are largely directed by individuals who double up as party leaders or patrons who influence "candidate recruitment, campaign resource allocation and party strategic directions (Political party representative, August 2025)."

The personalization of parties partially explains the fragile nature of Kenya's political parties and coalitions, whose strength and popularity keep changing. In the run-up to the 2022 general elections, a Trends and Insights for Africa survey (2022) documented changes in the popularity of political parties. For instance, ruling party Jubilee declined from 40% to 4% approval from June 2020 to April 2022, while a new party led by a splinter group, the United Democratic Alliance (UDA), rose from nothing to 33%, making it the most popular party. The popularity of the UDA coincided with the current President Ruto's political repositioning, reinforcing the view that party allegiance is linked to the party leader as opposed to ideology. At the same time, the share of Kenyans who declined to identify with any preferred political party rose from 47.2% in 2021/2023 (Afrobarometer 2021, Round 9) to 52.1% in 2024/2025 (Afrobarometer 2024, Round 10). This increase further highlights the weak ideological grounding of political parties and reflects growing citizen discontent with elite-driven party politics.

Although the PPA (amended 2022) saw many political parties access public finance, the risks of deeply entrenched elite control could persist even if the ECFA were to be operationalized. While the law specifies that parties should establish expenditure committees to de-personalize the process of campaign finance, it does not reduce the likely influence that the party leader becomes a member of this committee. Evidence from other jurisdictions shows that elites can use control over appointments to fill regulatory bodies with loyalists, allowing them to retain personal control (Cheeseman and Klaas 2018).

LEGAL

For a long time, Kenya's electoral environment has been threatened by two interlinked legal issues: conflicts of interest among public officials and misuse of state resources by incumbents during campaigns. Whereas the ECFA and PPA provide a broad regulatory framework, they remain insufficient to curb the complex intersection of money in politics. Kenya has enacted laws aimed at protecting public office from private capture and safeguarding electoral competition from the undue advantage of incumbency, but these have not always proved sufficient.

Conflict of interest

Conflict of interest remains a key governance bottleneck in Kenya. Although legal provisions aim to regulate the clash between the private interests of individuals and their professional or public duties, if not protected, skewed judgment and decisionmaking can undermine outcomes. The Conflict of -Interest Act, 2025, now sets out a statutory framework to address such dilemmas (Republic of Kenya, 2025). The law bans public officers (politicians included) from promoting their own interests or those of their associates (Section 8a). The law further provides that private interests of a public officer should not prevent them from acting objectively (Section 8b), and that a public officer should not pursue private interests that may not be compatible with future responsibilities (Section 9). The Act also addresses abuse of official information (Section 13) and unjust influence (Section 19), underscoring a broader understanding of how conflicts of interest can occur in governance.

Nonetheless, the legislative process surrounding the

Act was marked by controversy. Legislative amendments, specifically in the Senate, diluted earlier provisions by removing provisions that prevent public officials from awarding contracts to business associates or doing business with the government. Civil society activists, buttressed by public opinion, denounced these changes, cautioning that they eroded the integrity of the law (Nzomo 2025; Omumbo 2024). And though President Ruto had earlier declined to assent in April 2025, he later passed the bill into law after additional revisions and prolonged political bargaining.

According to a senior parliamentary staffer, the unwillingness by parliament to pass a robust law "demonstrates the practice of legislative self-preservation where politicians are unlikely to make laws that would limit their financial capability (Senior Parliamentary Staff, personal communication, July 2025)." This situation is due to the weak enforcement record of the EACC, which encounters challenges in prosecuting cases of conflict of interest encompassing senior politicians, in spite of multiple investigations. As earlier observed (generally), weak enforcement in Kenya bolsters the institutional capture of oversight agencies, eroding accountability (Branch and Cheeseman 2009). The stakes are intensified in a political environment where imperatives for conflicts of interest are tied to access to state resources.

The exorbitant cost of campaigning pushes the political class to look for financial support, often through transactional relationships with wealthy individuals. As Muna and Otieno (2020) opine, the lack of transparency in declaring sources of campaign finance enables aspirants to build relationships with benefactors who are later given public tenders. In addition, incumbent legislators can take advantage of their power to modify laws to entrench themselves. While the Conflict of Interest Act is a significant milestone in election campaign finance reform, implementation may become its Achilles' heel. Obliging politicians to self-report conflicts of interest (Section 9) is insufficient, given that politicians may front their proxies and relatives to hide vested interests. To overcome these loopholes, a multi-agency enforcement approach backed by digital technology is necessary. By consolidating interoperable data systems, bodies such as the IEBC, ORPP, EACC, and financial regulators could trace suspicious financial transactions, detect proxy beneficiaries, and spotlight conflicts that may go unnoticed.

INSTITUTIONAL

Institutional constraints in the implementation of campaign finance provisions include the institutional design of the ORPP and the IEBC, as well as government multi-agency coordination.

Tension and jurisdictional rivalries between the ORPP and IEBC

The uneasy relations between the ORPP and the IEBC stem from historical legacies. This tension is rooted in institutional lineage, jurisdictional overlap, and political patronage pressures. The ORPP was once housed in the pre-2011 IEBC, which left a profound heritage of "sibling rivalry" when it was established as a standalone body. The ORPP caries institutional memories that flows into its engagement with the IEBC. This structural legacy compounds mutual suspicion and jurisdictional rivalries over campaign finance regulations. Indeed, at the convened breakfast meeting for this research, the representatives of the IEBC and ORPP appeared to disagree on which institution should regulate campaign finance (breakfast meeting, October 14, 2025).

Political parties have a significant role in election campaign financing; therefore, the ORPP should have a stake in election campaigns. These sentiments resonate with the decade-long ambiguity as to whether it is the role of the IEBC or the ORPP to monitor and discipline political parties during campaign period (breakfast meeting, October 14, 2025). The reason for this debate is that there are basically two funding regimes: (1) political party funding provided for under the PPA, where jurisdiction falls to the ORPP, and (2) the proposed election campaign financing provided for in the ECFA of 2013, where jurisdiction and management fall to the IEBC. This manifests as ORPP regulating party primaries (an important step of the election campaign) while the IEBC, on paper, is mandated to oversee broader campaign compliance.

However, this leads to inconsistency and selective

enforcement. For example, during the 2022 Kenyan general election, although the ECFA clearly vests the IEBC with responsibility to regulate campaign spending and enforce compliance (including investigations and sanctions), in practice the IEBC was unable to enforce the Act's provisions during the campaign period because the required implementing regulations were not approved by the Parliament. Without regulations, the commission lacked the legal tools to monitor, investigate, or sanction violations, leading to a de facto enforcement vacuum despite the statutory mandate on paper. This illustrates how overlapping or incomplete institutional frameworks can result in no effective investigation, even where responsibilities are allocated in law, thereby reinforcing the argument that ambiguity between IEBC and ORPP roles results in enforcement gaps (Kamindo 2024). During the breakfast meeting, it was held that these design fault lines are intensified by political interference. The appointments of commissioners or top leadership of the two institutions are frequently viewed as linked to certain political factions (breakfast meeting, October 14, 2025). Whereas there are constitutional safeguards like parliamentary vetting of nominees, ultimately, the wishes of the executive often carry the day. Consequently, the perceived legitimacy of the office holders to oversee election campaign regulations is eroded.

Government multiagency coordination approach

But campaign financing goes beyond capping spending limits. First, there is the technical capacity regarding financial expertise needed for forecasting, detection, investigation, and prosecution, which goes beyond the IEBC. This would require multiagency coordination among relevant institutions like the Directorate of Criminal Investigation, the EACC, the Office of the Directorate of Public Prosecution, Asset Recovery Agency, and the Financial Reporting Center. Unfortunately, multiagency coordination is a complex task that requires synergy of multiple actors, identification of shared interest, allocation of resources and coordination of implementation. At a practical level, coordination faces several challenges, including overlapping organizational mandates, lack of political inclination, lack of budget, and capacity issues (Onyango 2022), with each institution keen on protecting its terrain and institutional interests.

Pathways for reforming election campaign financing

Our informal discussion with a former acting registrar of political parties affirmed the significance of timing in election campaign finance reform. She averred that the immediate post-electoral phase offers a window of opportunity for kickstarting reforms because both election winners and losers are more likely to make objective assessment of regulating the campaign space. In contrast, reform initiated one or two years after election are less likely to be viewed as objective (personal communication, February 14, 2026). Therefore, timely post-electoral reforms may enhance the legitimacy of campaign finance regulation. With this political variable of time in mind, to reform the election campaign financing regime in Kenya, we proffer the following three pathways: empowering the voters via financial equity, reinforcing institutional restraints, and empowering civil society and media.

EMPOWERING THE VOTER VIA FINANCIAL EQUITY

This recommendation aims at strengthening vertical accountability. The following initiatives may address unfair and opaque campaign financing.

Reform public funding mechanisms: Consider amending Section 25 of the PPA to change the distribution criterion from parliamentary representation to proportional representation to ensure small and upcoming political parties have equal access to public funds. Consider expanding Section 26 of the PPA to include promotional activities like campaign finance research, voter education, and gender inclusion. Institutionalize a disbursement calendar to ensure prompt and predictable disbursement of funds before elections, thus allowing for fair competition among political parties.

Regulate private and corporate contributions: Consider amending Section 11 of the ECFA and Section 27 of PPA to prohibit high-risk donations, or institute

strict limits that would allow transparent audit trails (high-risk donations). Review Section 15 of the ECFA and Sections 27 and 28 of the PPA to demand comprehensive disclosure of third-party financing and in-kind donations (disclosure and transparency).

Enforce campaign expenditure regulations: Establish a compliance monitoring unit within the IEBC to monitor real-time audits and report unauthorized expenditures. Build the capacity of officers in campaign finance law, forensic accounting, and digital auditing.

Strengthen reporting mechanisms: Implement Section 10 of the ECFA and Section 29 of the PPA to require itemized and publicly accessible reports of income and expenditures and develop standard reporting and digital submission platforms to facilitate access by citizens.

Strengthen oversight institutions: Oversight institutions are under-funded and largely rely on resources from development partners. This weakens their capacity, especially in cases where they are not able to leverage resources from partners. Consequently, there is a need to empower the IEBC and the ORPP to function independently with resources and personnel to effectively enforce campaign finance laws.

Introduce sanctions: Consider amending Section 24 of the ECFA and Sections 28 and 45 of the PPA to allow dissuasive sanctions for violations, such as campaign finance fraud, consider deleting provisions of Section 45(6) of PPA that prevent elected officials from being held accountable party-level financial violations, and provide for an enabling structure within the party or campaign structure defining who is to be held accountable for violations in accordance with the law.

REINFORCE INSTITUTIONAL RESTRAINTS

Reinforcing institutional restraints aims at advancing horizontal accountability through the following two initiatives.

Conduct institutional audits: Conduct public audits of political parties' campaign operations and finances and ensure timely publication of findings. Conduct cross-verification of beneficiaries in public procurement systems to unearth potential conflicts of interest.

Consider whistleblower protection to ensure confidentiality and protection from retaliation.

MOBILIZE CIVIL SOCIETY AND MEDIA

Mobilizing civil society and the media would strengthen diagonal accountability through the following initiatives aimed at curbing oversight gaps and creating awareness on election campaign finance regulations.

Strengthen civil society: CSOs are actively involved in electoral processes, supporting advocacy, public education, and monitoring elections—including the use of finances. They support advocacy by providing civic education to voters, exposing them to the consequences of electing leaders who subvert voters' wills through financial inducement. In most cases, civic education is not well structured at the national and county levels. Designing programs which are region-specific can address different attitudes and cultural orientations and more effectively expose citizens to campaign financing issues.

CSOs and researchers can be supported by development partners to research around transactional politics, availing more data for policy and practice interventions. Furthermore, CSOs and community-based organizations can establish partnerships aimed at educating voters at the grassroots level on the impact of money in politics. The combined effort of these two actors has the potential to nurture an informed citizenry able to report violations that might otherwise go unnoticed. This would also help address the normalization of vote buying.

Digitize records: If Kenya's regulatory framework evolves toward digital contribution and reporting systems, civil society organizations could build on approaches already used elsewhere where political-finance information is disclosed in usable formats. For example, in South Africa, the Electoral Commission publishes political funding disclosure reports, and CSOs such as Corruption Watch and My Vote Counts

have analyzed these disclosures to highlight patterns, gaps, and non-compliance—demonstrating how digital publication can enable external scrutiny and accountability pressure (Electoral Commission of South Africa 2025). Comparative evidence similarly shows that when political-finance information is published digitally in searchable, structured formats, it becomes feasible for oversight actors to aggregate, analyze, and cross-check records—turning raw data into "red flags" for investigation (Transparency International 2025). Building on this logic, CSOs could apply data analytics (including machine learning-assisted anomaly detection where appropriate) to monitor sources and amounts of funds, identify suspicious patterns or contributions exceeding legal thresholds, and track spending trends that may signal loopholes facilitating vote buying—subject to access-to-data constraints and the quality of disclosure systems (Hamada and Khushbu 2025).

Strengthen media engagement: Strengthening media engagement requires a multi-prong approach involving civil society organizations, research institutions, and development partners to co-develop advocacy messages and resource strategies across various media channels. Funding media houses to promote public-interest priming around election campaign financing—rather than episodic scandals—can deepen public understanding and accountability. Moreover, establishing editorial independence charters or transparency standards can help minimize political interference in campaign-finance reporting. For example, the Trust Project, a consortium of over 300 news organizations, has developed editorial transparency standards (trust indicators) that have been shown to improve perceived credibility and audience trust when implemented, demonstrating that formalized transparency mechanisms can reinforce editorial independence and ethical reporting practices (The Trust Project 2025). Comparative research such as the Media Accountability and Transparency in Europe project shows that media accountability instruments—including codes of ethics, press councils, and internal editorial policies—are actively used across multiple countries to promote media pluralism, professional standards, and self-regulation, providing empirical evidence that structured frameworks can strengthen newsroom autonomy (European Commission 2024).

In Kenya's own media landscape, studies find that editorial policies and accountability practices are part of how newsrooms seek autonomy and quality reporting, although they contend with commercial and political pressures, suggesting that strengthened editorial guidelines combined with training on investigative election finance reporting could improve independence and public accountability (Obuya 2021).

Translating pathways into action

Drawing from the above pathways, this section proffers short, medium, and long-term actions aimed at reforming election campaign regulations in Kenya.

To empower the voter via financial equity, in the **short term** (the immediate post-electoral transition phase), reform effort should be directed at the legal, institutional, and normative foundations for campaign finance regulation, when electoral tensions are minimal and political players are less inclined to view regulation as skewed. This is the ripe period for introducing public consultations and legislative reviews on campaign financing.

CSOs should conduct mass civic education campaigns through local broadcasting units and social media to create awareness about risks involved in vote buying and why financial transparency is key for electoral integrity. The IEBC and the ORPP should disseminate popular versions (simplified versions of public education) of the ECFA and PPA, respectively, to popularize the idea of financial equity. The IEBC and CSOs may collaborate with researchers in local universities to produce region-specific studies on voter behaviors with an eye to designing voter-targeted actions. Additionally, to reinforce institutional restraints in the short term, policymakers should consider the enactment of whistleblower protection legislation to protect those reporting violations of campaign finance. Finally, to strengthen media engagement, in the short term, train journalists (in all 47 devolved units) on election cam-

paign financing law, investigative reporting, and how to expose campaign finance offenses.

In the **medium term,** during the mid-cycle period, reforms should move from agenda-setting to institutional consolidation, through capacity-building and final legislative reviews. Therefore, through political buy-in, a review of Sections 25 and 26 of the PPA would be effective to apply proportional representation in public funding. Meanwhile, the IEBC should develop and operationalize digital platforms for filling and public dissemination of itemized campaign income and expenditure by all political actors. Additionally, continuous training of parliamentarians and representatives of political parties on the relationship between election campaign financing law and electoral trust will be vital.

Also in the medium term, the Office of the Auditor-General should conduct periodic audits of campaign financing operations by political parties and disseminate the findings to the public. To mitigate potential conflicts of interest, the auditors should follow procurement audits to identify those benefiting from state contracts. CSOs and community-based organizations should be supported to develop region-specific civic education training modules and advocacy materials on the role of money in politics. Support for CSOs and CBOs in design digital platforms for tracking campaign monies will be crucial. These platforms should be a publicly shared dashboard.

And finally, in the **long term,** campaign finance regulation should move from ad hoc reforms to institutionalized practices. Donor partnerships should support a long-term civic education programme on the role of election campaign finance on democracy and governance. Through the National Treasury, it would be beneficial to institutionalize a national disbursement schedule to harmonize state campaign funding before elections, as well as establishing an empowered campaign finance compliance structure at the IEBC with the capacity to monitor real-time flow and track the flow of campaign monies. Lastly, review oversight mandates of the IEBC and the ORPP, aiming at empowering them to deal with the prosecutorial aspects of finance-related election offenses.

Conclusion

Kenya's experience with election campaign finance reforms has been a legislative experiment without political will. It is the persistence of legislative self-preservation, institutional capture, and elite resistance whereby those who benefit from the current campaign finance regulations (or lack thereof) stall reform process. Thus, this paper has presented potential pathways as corrective measures to break this cycle. These issues have also been tied with the attitude of the public, which has traditionally been unresponsive to campaign financing issues, hence the continued influence of money in campaigns. It is unlikely that political elites will change their behavior to push through policy change, which may require public outcry supported by CSOs and other development partners.

Unlike many countries in Africa, Kenya has attained milestones in electoral management; however, election campaign financing regulations are underdeveloped and at risk of political capture. The delayed operationalization of the ECFA and watering down of the key provisions of the Conflict of Interest Bill (2023) demonstrate the practice of legislative self-preservation. Yet despite this, the configuration of the judiciary, civil society, and media in protecting accountability reinforces the resilient nature of Kenya's democratic oversight.

The election campaign finance problem is evident in the three layers of accountability. The failure to operationalize election campaign regulations allows unregulated campaign financing to thrive, facilitating political elites to capture electoral institutions and willingly undermine dimensions of accountability. Notably, vertical accountability is undermined when politicians flood campaign spaces with monies. Subsequently, voters are influenced to vote for those giving them money as opposed to more credible and transformative politicians who would be keen to influence policy action. By electing politicians who spend the most, voters unknowingly reduce their agency to recall non-performing leaders. With regards to horizontal accountability, the political class, both in the legislature and the executive, conveniently form alliances that frustrate reforms, thus shielding themselves from

external scrutiny. The capture of electoral institutions and relevant bodies undermines inter-institutional accountability. As for diagonal accountability, the capture of the media and civil society, often through unregulated funds, undermines media neutrality, while promoting self-censorship processes that erode their watchdog roles.

The gradual erosion of vertical, horizontal, and diagonal accountability weakens democracy. To build a more resilient democratic system, election campaign reforms should be grounded in the above-discussed three pathways: empowering voters via financial equity, reinforcing institutional restraints, and mobilizing the civil society and media. These pathways would require short, medium and long-term legislative reviews, strengthened institutional capacity, digital technologies for transparency, and reinforced media engagement and civic education. We believe by matching these efforts to the pathways, Kenya may address social, political, and legal constraints that facilitate money in politics while safeguarding the electoral integrity of the democratic process.

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