Supporting Affidavit on a Gazetted By Election and Stay Risk

Educational sample 098 | Supreme Court of Kenya at Nairobi

Educational reconstruction based on a reported Kenyan decision. This is newly drafted text, not an original court filing, not a matter handled by our team, and not proof that a sample argument succeeded. Parties, parcels and identifying case details in the specimen are replaced with bracketed fields. Do not sign, swear or file it without checking your facts, jurisdiction, applicable rules and court directions.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA AT NAIROBI

CASE OR APPLICATION NO [insert appropriate reference]

[APPLICANT OR CLAIMANT] v [RESPONDENT OR DEFENDANT]

SUPPORTING AFFIDAVIT

1. I, [Applicant or authorised deponent], make oath and state that I support the motion in Supreme Court Petition [number], filed on [date]. My personal knowledge and the public records relied on are identified separately.

2. The appellate judgment dated [date] is annexed as E1. Its relevant operative directions are [paragraphs]. I do not paraphrase the order as a universal prohibition or authority extending beyond its actual terms.

3. The vacancy notice dated [date] and the gazetted by-election timetable dated [date] are annexed as E2 and E3. They identify the constituency and scheduled election date. The corresponding public documents are the basis for the urgency stated.

4. The pending appeal concerns the winner-certification issue and the appellate remedy identified in the petition. I refer to the existing record pages [pages], without using this affidavit to introduce unproved allegations against electoral officers.

5. The practical events expected before the appeal can be heard are [verified timetable items]. The alleged risk is that a fresh election will occur before the challenged appellate determination receives effective review. Any expense figure is supported by records or omitted.

6. The security deposit covered by the existing election order is [actual amount and custody evidence]. I annex E4 if preservation of that deposit is sought. I do not assert a threatened release without a factual basis.

7. The elapsed and remaining periods from the vacancy are [calculation]. I recognise that the constitutional deadline is not extended by this application. The Applicant seeks an expedited determination and relief confined to the pending appeal.

8. The service steps actually taken are [details and evidence]. Any step proposed but not yet completed is labelled as proposed. I swear to the stated facts and records, leaving legal arguments on stay and public interest to the accompanying submissions.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [Commissioner for Oaths]. The jurat must be completed by the authorised officer; this sample has not been sworn.

Use and evidence notes

Separate public gazette evidence, matters already in the appeal record and genuinely new events. Additional evidence requires the proper admission procedure where applicable. This affidavit and its jurat are placeholders and have not been sworn.

E1 appellate decision; E2 vacancy notice; E3 gazette election notice; E4 deposit evidence if material; E5 proof of actual service.

Source and procedural limits

A Mathare parliamentary election dispute produced competing winner-certification issues and an appellate order for a fresh election. A vacancy had been declared and a by-election gazetted while a Supreme Court appeal awaited determination.

The Supreme Court granted stay and conservatory relief, retained the KES 500,000 election security, and left costs in the cause. Arguability, risk of a nugatory appeal and public interest supported relief. The constitutional ninety-day vacancy deadline could not be enlarged.

Constitution Articles 101(4)(b) and 163(4)(a); Supreme Court Act; current Supreme Court Rules 2020 rules 31 and 32. This is a parliamentary appellate specimen, not a presidential election petition under separate presidential-election rules.

Supreme Court Civil Application 6 of 2014 — 29 April 2014. Source: https://supremecourt.judiciary.go.ke/wp-content/uploads/2026/07/George-Mike-Wanjohi-v-Steven-Kariuki-IEBC-Milliam-Wanjiru-Gachihi-SC-Application-No.-6-of-2014-Ruling-29th-April-2014.pdf

The linked original judgment may identify parties. This public specimen omits their names. Historical allegations are not presented as established facts. A different result in your own proceedings is possible.