

***Nairobi, Kenya, October 11 (Infospluggebon) - Kenya's electoral body said Wednesday all eight presidential candidates who took part in the 8 August election would be on the ballot for a repeat election on 26 Oct.***

The announcement came hours after High Court Judge John Mativo ordered presidential candidate Ekuru Aukot to be included in the ballot for the forthcoming poll.

Main opposition candidate Raila Odinga on Tuesday announced his withdrawal from the repeat elections, saying the decision should give the Independent Electoral and Boundaries Commission (IEBC) more time to reform its systems and conduct a fair process in compliance with the law.

After holding a meeting for more than 24 hours, the IEBC said the exercise scheduled for 26 October would go ahead.

The IEBC said Odinga was still on the ballot paper until he signed statutory Form 24A to withdraw.

"We appeal for calm and dialogue among all the key players to ensure the election is held and the country moves forward," the Commission emphasized.

However, lawyers supporting the opposition alliance said the IEBC could not revive an election which fell flat on Tuesday when its candidate withdrew.

"The law as it was yesterday, at the point of our withdrawal was that if a candidate, any candidate, withdraws from the election, the election must be cancelled," said lawyer Sifuna Wafula.

He said the election was legally cancelled when IEBC chairman Wafula Chebukati received the opposition notification.

"There was no election to include Aukot in, save for the fresh one which we expect IEBC to arrange, starting with nomination of presidential candidates," the opposition lawyer wrote in a blog.

The matter of what happens where a candidate withdraws in a fresh election following nullification of a presidential election was not a matter before court in the Aukot case. Which means the position in the 2013 case is still law, Sifuna said.

The 2013 decision was unanimous, meaning it was the position of at least four of the current judges of the Supreme Court.

“Should IEBC deviate from their directions in 2013, we will be back before those same people to witness what legal gymnastics they employ to depart from their 2013 position,” Wafula wrote.

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