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THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS.

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Kenya

Political Parties Act

The Political Parties (Membership) Regulations.

Legal Notice 260 of 2021

Legislation as at 31 December 2022

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The Political Parties (Membership) Regulations. (Legal Notice 260 of 2021)

Contents

Part I – PRELIMINARY	1
1. Citation	1
2. Interpretation	1
Part II – RECRUITMENT OF POLITICAL PARTY MEMBERS	1
3. Recruitment of members of a political party	1
4. Use of technology for recruitment of members of a political party	2
5. Political party to keep and maintain original records	2
6. Membership list	2
7. Transmission of the membership list	2
Part III – POLITICAL PARTIES MEMBERSHIP REGISTER	2
8. Use of technology	2
9. Membership register	2
10. Maintenance of the register	3
11. Access of the register	3
12. Information relating to person recruited without consent	3
13. Membership records of a provisionally registered political party	3
14. Transfer of membership particulars following merger	4
15. Membership records of a voluntarily dissolved party	4
16. Membership records may be removed on court order	4
17. Records to be kept for five years	4
Part IV – RESIGNATION, EXPULSION OR TERMINATION OF MEMBERSHIP IN A POLITICAL PARTY	4
18. Resignation from a political party	4
19. Cessation of membership	4
SCHEDULE	5

POLITICAL PARTIES ACT

THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS. LEGAL NOTICE 260 OF 2021

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Part I – PRELIMINARY

1. Citation

These Regulations may be cited as the Political Parties (Membership) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Integrated Political Parties Information Management System” means the electronic infrastructure in place to manage particulars of political parties’ members;

“member” means an individual registered as a member of a political party and includes a founding member;

“membership list” means the records kept or maintained by a political party of members of that political party including the members’ particulars;

“register” means the register of members of a political party kept by the Registrar under section 34 of the Act and includes the particulars of those members; and

“recruitment” means the process of enlisting members to a political party.

Part II – RECRUITMENT OF POLITICAL PARTY MEMBERS

3. Recruitment of members of a political party

- (1) A political party that is provisionally or fully registered may recruit members.
- (2) Any citizen may apply to join a political party in accordance with the constitution and membership rules of that political party.
- (3) Where a political party recruits a person to enlist as a member or a person applies to join that political party, the prospective member shall fill out a membership recruitment form in Form PPM1 as set out in the Schedule including the following particulars—
 - (a) the name of the prospective member;
 - (b) the prospective member’s postal and physical addresses; and
 - (c) the identification or passport number of the prospective member.

4. Use of technology for recruitment of members of a political party

- (1) Where the political party uses information and communications technology for the recruitment of members, that political party shall ensure that the technology conforms to the requirements under regulation 3(3).
- (2) The Registrar shall certify the technology contemplated under subregulation (1) before it is used or deployed by the political party.

5. Political party to keep and maintain original records

- (1) A political party shall keep and maintain all the original copies of the recruitment forms of its members in an accessible and verifiable format.
- (2) The political party shall, upon reasonable notice from the Registrar, give access to the Registrar to all the recruitment records kept and maintained by the political party.
- (3) The political party shall, upon reasonable notice from a registered member of the political party, give access to such member to the recruitment records relating to such member and such other recruitment records of the political party as the party may, in accordance with the constitution of the political party, allow.
- (4) The political party shall correct any errors relating to a registered member on its own motion or on the written notice of such member.
- (5) A political party shall at all times comply with all relevant provisions of the Data Protection Act (Cap. 411C) in respect of the data it collects from or about the members of the political party.

6. Membership list

- (1) A political party shall prepare a list of its members after collating the membership particulars contained in the recruitment forms of its members.
- (2) A political party shall ensure that the list of members is accurate and up to date.

7. Transmission of the membership list

- (1) The membership list under subregulation (1) shall be transmitted to the Registrar through the Political Parties Information Management System.
- (2) Where the information transmitted under subregulation (1) does not conform to the information contained in Form PPM1, the Registrar shall notify the political party in writing and the political party shall correct the information to ensure such conformity.
- (3) Where the information transmitted under subregulation (1) conforms to the information contained in form PPM1, the Registrar shall enter the information in the register.

Part III – POLITICAL PARTIES MEMBERSHIP REGISTER**8. Use of technology**

The Registrar may use the Political Parties Information Management System for the management of political parties' membership data.

9. Membership register

After receiving information from a political party in accordance with regulation 7(1), the Registrar shall—

- (a) verify that the information is accurate; and

- (b) if the information is accurate, enter the information in the register.

10. Maintenance of the register

The Registrar shall ensure that the information contained in the register is up to date.

11. Access of the register

- (1) Subject to the Access to Information Act (Cap. 7M), a person may access the membership register manually or electronically for the purposes of confirming—
 - (a) if that person is a member of a political party;
 - (b) where the person is a member of a political party, the details of that person's recruitment including the date the person was recruited in the political party, the persons membership number, and the official of the political party that transmitted that person's information to the Registrar; and
 - (c) the date the information, if any, relating to that person was entered into the register by the Registrar.
- (2) A person who wishes to gain access to information under subregulation (1) shall apply to the Registrar for such access in Form PPM2 as set out in the Schedule.
- (3) The Registrar may provide Form PPM2 in paper or electronic form and if it is provided in electronic form, the Registrar shall ensure access to the form in the most efficient way possible.
- (4) An application under subregulation (2) shall be accompanied by the prescribed fee.
- (5) Where the information kept by the Registrar relating to a person is inaccurate, that person may, by notice in writing, require the Registrar to correct the information and where such correction has been made, the Registrar shall notify such person in writing of the correction.

12. Information relating to person recruited without consent

- (1) If a person claims that he or she has been recruited without consent to be a member of a political party, that person shall notify the Registrar of the recruitment.
- (2) A notice under subregulation (1) shall be in form PPM3 as set out in the Schedule and accompanied by a copy of the person's national identity card or valid passport.
- (3) Where the Registrar verifies that the claim made in the notice under subregulation (2) is true, the Registrar shall remove that person's name from the register of members of the political party and notify such person of the removal in writing.

13. Membership records of a provisionally registered political party

- (1) The Registrar shall remove from the register the membership records of a provisionally registered political party—
 - (a) that has failed to apply for full registration within the period specified in section 7 of the Act; or
 - (b) whose application for full registration has been refused.
- (2) A person who was a member of a provisionally registered party whose membership records have been removed from the register under subregulation (1) shall be eligible to join or be recruited by another political party.
- (3) The Registrar shall notify in writing the political party whose membership records have been removed from the register within fourteen days of the removal.

14. Transfer of membership particulars following merger

- (1) Where a political party proposes to merge with another political party, the political party shall request the Registrar to transfer the names of the members of the party to the register of the merged political party in Form PPM4 as set out in the Schedule.
- (2) Where the Registrar verifies the details of the request under subregulation (1), the Registrar shall transfer the names of the members of the political party to the register of the merged political party as requested.
- (3) Where the Registrar is unable to verify the details contained in the request under subregulation (1), the Registrar shall notify the affected political party within seven days of the request under subregulation (1) and require that political party to provide such additional details as may be necessary to give effect to the request.
- (4) A member of a political party entering into a merger who does not wish to be a member of the merged political party shall notify the Registrar of the intention not to join the merged political party within thirty days after the date of the proposed merger, and the Registrar shall remove that member's name from the register of the merged political party.

15. Membership records of a voluntarily dissolved party

The Registrar shall remove the membership register of a political party that has been dissolved from the register and the Political Party Information Management System upon being notified of the dissolution in writing by the political party.

16. Membership records may be removed on court order

The Registrar shall, on the order or direction of a court of competent jurisdiction, remove the membership records of a person or political party from the register.

17. Records to be kept for five years

Subject to the provisions of the Data Protection Act (Cap. 411C), the Registrar shall retain in an accessible and verifiable form the membership records of a person or political party removed from the register for a period of not less than five years.

Part IV – RESIGNATION, EXPULSION OR TERMINATION OF MEMBERSHIP IN A POLITICAL PARTY

18. Resignation from a political party

- (1) A member of a political party who wishes to resign from a political party shall notify in writing—
 - (a) the political party of the resignation; and
 - (b) the Registrar of the resignation in Form PPM5 as set out in the Schedule.
- (2) Notwithstanding subregulation (1), a person may resign from a political party by notifying the political party and Registrar through the Political Parties Information Management System.

19. Cessation of membership

The registrar shall remove from the register the membership details of a person who has ceased to be a member of a political party by resignation, expulsion, death or revocation of citizenship.

**SCHEDULE
FORMS**

FORM PPM 1

(r. 3(3))

POLITICAL PARTY MEMBERSHIP RECRUITMENT FORM

Name of Member

ID/Passport No.

Party Membership No.

Date of Birth (dd-mm-yyyy)

Postal Address

Member's mobile No.

Sex

Ethnicity

Are you a PWD (If yes, indicate NCPWD number).....

Religion

County of voter registration

Constituency of voter registration

Ward of voter registration

Enlisting Date (dd-mmm-yyyy)

I the undersigned do hereby affirm/declare/confirm/verify that I am not a registered member of any other registered political party in Kenya.

Signature of Member

Name and Signature of Recruiting person

*Note: These particulars must be given in respect of at least 1000 party members in a majority of the counties in Kenya.

FORM PPM2

(r. 11(2), (3))

MEMBERSHIP STATUS REQUEST FORM

Part I - DETAILS OF APPLICANT

I of ID No. /Passport No.: (*attach copy*)

Telephone No.: wish to know my party membership status.

Signature

DETAILS OF MEMBERSHIP STATUS OF THIRD PARTY

Name

ID No/Passport No.: (*attach copy*)

Telephone No.:

PART II - PARTY MEMBERSHIP STATUS

Political Party:

Membership No.:

Registration date:

Signature:

Date:

*If more than one person in part II, attach a list of the request

MR No.

Stamp/Signature

FORM PPM 3

(r.12(2))

CLAIM FOR WRONGFUL RECRUITMENT IN A POLITICAL PARTY

To the Registrar of Political Parties

Particulars of claimant

Surname:

Other Name(s)

Identity Card Number/Kenyan Passport Number:

Tel or E-mail

I, the claimant, having been listed as a member of political party/parties without consent hereby call upon the Registrar of Political Parties to expunge my particulars from the said party/parties.

Dated: , 20

.....
Signature or thumb print of Claimant

FORM PPM 4

(r.14(1))

DECLARATION IN SUPPORT OF MEMBERSHIP TRANSFER FOLLOWING A MERGER

I the Secretary General of Political Party do hereby solemnly declare as follows:

1. The following political parties have resolved to merge with/into
2. The members have been notified of the merger
3. The members have agreed to the merger
4. The members have consented to join the new political party (give name)

Number of members joining the new party

Name

Signature

Date

Before Commissioner for Oaths/ Magistrate

FORM PPM 5

(r.18(1)(b))

RESIGNATION FORM

Name of Member

Office held in the party (where applicable)

Tel. No.

ID NO /Passport No.

E-Mail

Date

Name of Political Party Resigning From

Postal Address: Postal Code: City:

Attach Copy of ID/Passport

Sign

c.c. Registrar of Political Parties