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PART 1 - PARTY FORMATION

CHAPTER 1 – PREAMBLE

Shikana Frontliners for Unity Party (SFUP) are Kenyans who believe in UNITY of PURPOSE and a society built on the foundations of **Truth, Rule of Law, Social Justice and Sustainable Prosperity**. The Party and its members are ready, capable and willing to serve all of humanity without discrimination, being conscious of our obligation to the Divine. We believe that societies that progress and uplift their people, do so because they have good leaders and systems, not just great ideas. It is also nearly impossible to produce good, implementable ideas when there is no leadership that can convert those ideas into reality. Moreover, poor leadership can also delay, at great cost, the achievement of our shared dream of becoming a united, equal and prosperous society.

The socio-economic growth of our people is not an end in itself but a means to provide a decent life for all our citizens. As citizens of this country, we must be responsible to one another, to hold each other accountable in building the society we want to live in. A society that is willing to accept responsibility for the welfare of others and use public resources and institutions to help everyone be on their feet so that we all can contribute meaningfully to the future generations. For us to be able to achieve these goals, we need concerted effort by all communities and our leaders in owning and implementing our programmes and policies.

Our deep-rooted idea of local pride is born from a sense that is distinctly expressed in the power that is vested on the people. No matter what background or community we come from, working hard to deliver on the things that matter to individuals, workers, families and businesses will be our priority. The State has a crucial role to play in achieving balanced regional developments that benefits the entire country from rural to urban.

We the people, and the members of **Shikana Frontliners for Unity Party (SFUP)**:

STRONGLY COMMIT, to understand that our divine purpose is central to creating an integrated model that is based on the principles of a harmonious living and exchange among individuals of differing cultures, origin, traditions, deep histories, and aspirations. This comes with full conviction that the Almighty God, the Creator of all, has equally endowed us with certain unalienable uniqueness and qualities by which we live our lives and practice our faith.

SHALL EXERCISE, the sovereignty of our people and acknowledge the supremacy of the Constitution of the Republic of Kenya, that clearly and succinctly details how we should live together on the basis of self-determination, and an all-inclusive democratic order that guarantee lasting peace, love and unity. It is also about having a political and social-economic contract that values equal access to opportunities regardless of tribe, gender, income or social status.

DEEPLY CONVINCED, that every individual, wherever they may be, can and will pursue the legacy of our heritage and splendour and embrace our continued rich cultural interactions at various levels. This enables our people to deeply connect beyond superficial similarities and acts as a foundation which allows us to nourish and flourish as a one people. Our heritage is worthy of protection and we will defend it wholeheartedly against those who wish to denigrate and undermine it.

RECOGNISES, that our founding fathers founded our nation on the principles of patriotism, selflessness and self-determination. Following in their footsteps, they taught us to have the courage of convictions by clinging to and fighting for the right cause of life, with the deep understanding that sacrificial leadership is not self-

serving. We must stand on our own feet and act in their honor as we continue to fight for our own right and reduce overdependence on regional and international allies.

APPRECIATES, the need to raise our country to high levels of moral dignity by recreating our political institutions, confront social decay and remedy the existing evils in our social and political fabrics. As an advocate for reforming Kenya's political trajectory, we ought to work tirelessly to ensure that we must never again face a situation where our institutions collapse, leaving a long-term damage to our economy and public services. This further arouses the state of absolute consciousness that ensures that the governance of this country requires that we believe in our inner strength and truly attain our ultimate desired goals despite all external challenges and aggression.

RESOLVE, to mobilize together like-minded, thoughtful and committed patriotic Kenyans to form a formidable political party, based on a solid foundation of TRUTH, affirmation of the RULE OF LAW and undisputed UNITY of our people. Our government shall ensure that all our leaders are accountable and that all laws and policies for the party and the country are publicly adoptable, administrable, ad judicable, and enforceable in a fair, transparent and efficient manner.

ASPIRE, to contribute to the goal of a sustainable world where nature and human beings harmoniously co-exist to meet the needs of the present generation and does not compromise the ability of future generations to meet their own needs. This establishes a society that is capable of supporting everyone's needs and ensure we have a long-term goal of sustainability acting as a fundamental social decision we make about the desirability to survive in ecologically sound economic system.

NOW THEREFORE, for the purpose of effective administration and the promotion of these ideals, principles and objectives of our party, **DO HEREBY ENACT AND GIVE TO OURSELVES** this Constitution.

CHAPTER 2 – PRELIMINARY

ARTICLE 1

Name of the Party

1.1 The Party shall be known as “The **Shikana Frontliners for Unity Party (SFUP)**”.

ARTICLE 2

Interpretation

2.1 In this Constitution, unless the context otherwise requires:

“Article” means Article of this Constitution and “clause” or “sub-clause” shall be similarly construed;

“Branch” means an organ of the Party in a Constituency;

“Constituency” means one of the constituencies into which Kenya is divided under Article 89 of the Constitution.

“County” means one of the counties into which Kenya is divided under Article 6(1) of the Constitution and specified in the First Schedule of the Constitution;

“Caucus” means any meeting, at a designated hour and place, of the parliamentary members of the party for the purpose of transacting other business of such party;

“Convention” means a meeting of delegates of the party held for the purpose of designating the candidate or candidates to be endorsed by the party or for the purpose of transacting other business of the party;

“Delegates” are elected or nominated representatives of the party at any level of the structure of the party.

“Disability” has the meaning assigned to it in Article 260 of the Constitution.

“Elective office” refers to both nominated and elected members.

“General election” means the election of one or more members of Parliament and President in accordance with Article 136, 139(1) (b) and 146(2) (b) of the Constitution.

“Marginalized communities” means a community that because of its relatively small population or for any other reason has been unable to fully participate in the integrated social and economic life of Kenya as a whole;

“Office bearer” means any person who is elected by the members of the party to hold a particular office.

“Party” means the Shikana Frontliners for Unity Party (SFUP).

“SFUP” means Shikana Frontliners for Unity Party.

“Supporter” means a voter who supports the nomination of a candidate or is willing to participate in financing the activities of the candidate or party.

“Universal suffrage” means the right to vote for political representatives conferred to almost all adult citizens or residents, regardless of their social status, property, knowledge, religion, race, gender, or other similar qualifications.

“Voter” means a person whose name is included in a current register of voters;

“Ward” means an electoral area for a Member of a County Assembly;

CHAPTER 3 – FOUNDING PROVISIONS

ARTICLE 3

Establishment of the Party

- 3.1 There is hereby established a Political Party known as the **Shikana Frontliners for Unity Party (SFUP)** (hereinafter referred to as “the Party” or “SFUP” in this Constitution).
- 3.2 This Constitution shall come into force on its promulgation by the Party Leader or on the expiry of a period of fourteen (14) days from the date of approval by the National Delegates Convention and all subject to ratification by the Office of the Political Party.

Registered Office

- 3.3 For the purpose of the organization of the party, the Party Headquarters (HQ) shall be at the SHIKANA HOUSE whose location shall be within the Nairobi City County or such other place as the National Executive Council may decide from time-to-time. The current Office location is in **Kikinga House, Kiambu Road, Opposite Kiambu Referrals Hospital, Kiambu County.**
- 3.4 The postal address wherewith all notices and other communications of party may be sent is **P.O BOX 18234 – 00100 Nairobi, Kenya.**
- 3.5 The official website of the party shall be www.shikana.co.ke

ARTICLE 4

Party Symbol / Flag

- 4.1 The Party Logo has a face of a Mountain Deer on top of a mountain, and is inscribed inside an Inner Royal Blue Ring and a Golden Brown and Black Outer Bands with the words SFU embossed at the bottom of the mountain *as is illustrated in Schedule II hereto.*
- 4.2 The party’s flag is made up of four triangles surrounding the symbol illustrated under Art 4.1 imprinted at the middle section of the flag and on a pure white background. The Black Triangle is placed on the left side, the Red Triangle is on the right, the Gold Triangle is on the Top and the Blue Triangle at the Bottom of the flag *as is illustrated in Schedule III hereto.*

Party Slogan / Emblem

- 4.3 The Slogan of the Party shall be **“Truth, Always, Conquers”** translated in Latin as **“Veritas, Lux et Lex, Vincit”**. The truth is eternally real, divinely stable and transcends time. The words of truth in its nature sets us free, lights our paths and guides our way. On the other hand, the Rule of Law leads us along the best pathway of life such that all of us have a golden opportunity to be diligent agents of transformation. By relying on the truth and the law, we have made a conscious choice of greatest value and everyone stand a chance of survival, protecting our wellbeing, and advancement of humanity. *Truth, Always, Conquer!*
- 4.4 The Emblem has the slogan and the words SHIKANA which means HOLDING TOGETHER OR UNITE embossed at the centre of the circle *as is illustrated in Schedule IV hereto.*

Party Salute

- 4.5 The Party salute is demonstrated by the gesture of placing one’s right-hand over one’s heart *as is illustrated in Schedule V hereto.*

ARTICLE 5

Allegiance to Constitution

5.1 The Party, its officials and its members shall bear true faith and allegiance to the Constitution of Kenya as the Supreme law.

Supremacy of the Party Constitution

5.2 Subject to the provisions of the Constitution of Kenya, 2010, this Constitution shall govern the affairs of the Party as the supreme and final authority concerning any dispute within the Party.

5.3 If there is a conflict between this Constitution and any Constituent Body or Organ, this Constitution prevails insofar as the affairs of the Party are concerned.

Policy and Direction

5.4 The policy and direction of the Party shall be laid down from time to time in accordance with this Constitution and any Rules made under it.

Code of Conduct

5.5 The National Executive Council shall draw up and maintain a Code of Conduct for all members of the Party in conformity with the principles laid down in this Constitution, which shall set out minimum standards of behavior expected from members towards each other and in representing the Party.

5.6 It shall be submitted to the National Delegates Convention for amendment and/or adoption.

Corporate Status

5.7

- a) The Party is a non-profit making, unincorporated group, established to undertake social, economic and political activities;
- b) The party is a body corporate with perpetual succession and can sue or be sued in its corporate name, shall have the power to acquire, hold and alienate property, acquiring rights and incurring obligations, enter into agreements, carry out all such other lawful activities which are necessary and consistent with its aims and objectives and defend its members, property and reputation;
- c) No instrument shall bind the Party or create legal relationship with the party unless the person executing it has written authorization as provided for in this constitution; and
- d) No office bearer shall be held personally liable for any reasonable act or omission in good faith in the performance of his or her duties as an official.

Common Seal

5.8

- a) There shall be a common seal of the party, the design of which shall be approved by the National Executive Council (NEC) from time to time.
- b) The party seal shall be in the custody of the Secretary General of the party and shall be affixed on documents duly approved by the NEC. Other than documents which by law must be sealed, the National Executive Council may, by a resolution in writing, determine what class of contracts or documents which must be sealed.

- c) The affixation of the seal on a document approved by NEC shall be presumed to have been duly authorized and binding on the Party.
- d) The Party Seal shall be authenticated by appending to the document, under seal, the signature of the National Chairperson and the Secretary General or, in his absence, any other member of the National Executive Council specifically mandated to do so by the Supreme Advisory Committee by a resolution in writing.

Constitution Amendments

5.9 The following process shall be applied when considering amendments to this constitution in part of as a whole:

- a) The Party shall have the power to amend this Constitution, and must be in accordance with the Political Parties Act, the Constitution of Kenya, this Constitution and any other legal provisions or sections deemed necessary to support such amendments; no amendment of the constitution shall be valid unless made by a motion of the National Governing Board;
- b) The final decision to amend the “basic structures” of the Constitution shall rest with NDC. Any proposals for the amendment of the basic structure may be submitted by remits to the National Executive Council or may be initiated by the members as prescribed in this Constitution;
- c) The National Executive Council may propose or receive from any registered member or group of members of the Party, a written proposals which must contain a clear statement of the reasons for which any amendments, entirely or in part, of the CONSTITUTION, the NAME, the SYMBOL, the PARTY COLOURS, the SALUTE and the RULES of the party. A meeting of the Supreme Advisory Committee shall be convened within twenty-one (21) days to consider the merits and demerits of the proposed amendments for onward submission if meets the party rules threshold;
- d) Upon resolution, the proposed amendments shall within at least fourteen (14) days be forward to the National Executive Council for appropriate action to be taken;
- e) A written notice shall be published in the Party Spectrum, newspaper advertisements, the E-newsletter, on the Party’s website and in at least two daily newspapers with national circulation and one announcement vide the electronic media throughout Kenya, or any other publications approved by the party for general circulation, to inform the members regarding the amendments, approval or rejections;
- f) The Secretary General upon receipt of the notice shall cause it to be circulated to the Counties and the Branches of the party for publication at least one month before the date of the National Delegates Convention.
- g) The proposed amendments shall then be presented for consideration and approval by the National Delegates Convention. The resolution for an amendment should be approved by two-thirds of the total members of the delegates eligible to attend an Ordinary Session of the National Delegates Convention or a Special National Delegates Convention convened for the purpose of ratification of the proposed amendments;
- h) Where the National Executive Council or National Delegates Convention rejects the proposal, then the amendments shall be deemed to have failed.
- i) Upon a resolution to amend the constitution by National Delegates Convention, the National Executive Council shall assign the Strategic Policy Consultation and Rules Committee to advise and facilitate the review of the constitution;

- j) The Strategic Policy Consultation and Rules Committee shall have at least 21 days to complete and submit amended constitution to the National Executive Council for consideration and approval by the National Governing Body.
- k) The amended constitution shall be executed for and on behalf of the Party by the National Chairperson and the Secretary General and witnessed by the Party Leader before sealing by the Party Seal and deposited with the Registrar of Political Parties by the Secretary General and the Executive Director, within twenty-one (21) days of the signing.
- l) The Nominations and Election Rules and procedures shall be approved by NEC for implementation by NEB. NEB may propose amendments to the rules for approval by NEC and NEC may also propose amendments. No amendments shall be valid three (3) months to any election or nomination or preparation of party lists.
- m) The National Executive Committee shall have the power to make rules for the better carrying out of all matters provided in this Constitution. Such Rules shall be consistent with provisions of this Constitution and, where inconsistent, such rules made shall be deemed to be void to the extent of the inconsistency thereof.

ARTICLE 6

Vision Statement

- 6.1 To secure upright, safe and progressive communities by creating for them a prosperous socio-economic environment that guarantees equal opportunities for all Kenyans to reach their personal goals and collective aspirations.

Mission Statement

- 6.2 To continue building a democratic social order that honors the completeness of the law and the absolute consciousness of the Kenyan people while being guided by divinity that shows us the way of life so that everyone can speak the truth in love and act in peace and unity as those who are going to be judged according to their works.

Party Values

- 6.3 We believe in our party vision, mission and ideology. Pursuant to the provisions of Article 10 of the Constitution of Kenya, we shall achieve a just, morally upright and prosperous society based on but not limited to the following national and traditional values:
- a) Limited Government;
 - b) Sovereignty of the People;
 - c) Respect to the Rule of Law;
 - d) Supremacy of Constitution;
 - e) National and Personal Security;
 - f) People's Consultative Assembly;
 - g) Personal and Collective Responsibility;
 - h) Strong Families and Caring Communities;
 - i) Equal Citizenship and Opportunities for All;
 - j) Informed Individual Choices and Freedoms;
 - k) Sustainable Development of our Environment;

- l) Loyalty to our country and its Democratic Principles;
- m) Competitive Enterprise and Rewards for Achievement;
- n) Integrity, Transparency and Accountability of Public Servants;
- o) National, Regional and International Cooperation and Mutual Respect.

Party Ideology

6.4 Our Party is founded on the idea of nationalism which encompasses social and fiscal conservatism. On the one hand we have a fundamental duty of preserving our national and traditional beliefs of a morally stable, cohesive and just society. Further, we have an obligation as a country to ensure that we have an economically empowered people which can be achieved through focusing on equitably allocating and prudently managing our national and natural resources, for the collective benefit and protection of the interest of our Cultures, Communities, Constituencies, Counties and the Country (5Cs).

Party Principles

6.5 The party is further founded and guided in all its decisions and policies by the following social-economic principles: -

- a) That the Constitution of Kenya 2010 is the Supreme document of Kenya and should be honoured by the individual, the family, the society, the government and the foreigners, so that we can create a just republic in which all the citizen are the true sovereign;
- b) That the Loyalty to a Sovereign and United Kenya, is governed by the supremacy of the rule of law, a just executive, an enlightened legislature and transparent judicial institutions that protects the integrity of Kenyan people at all times;
- c) That the Purpose of Kenya as a sovereign state and its government, must be guided by reflective and prudent leadership and fiscal management that creates a climate wherein individual initiative are rewarded, excellence is pursued, security and prosperity is guaranteed;
- d) That the devolved system of government (County Operative) is the best expression of the Diversity of our country and that there shall be a balance between fiscal accountability and a progressive social policy in respect to the individual rights and collective responsibilities of all Kenyans;
- e) That a good and responsible government is attentive to the people it seeks to lead and is willing and ready to protect their rights and ensure that they are adequately represented at all times by people who conduct themselves in an ethical manner and display integrity, honesty and concern for the best interest of all;
- f) That the natural resources of Kenya belong to all the people of Kenya and a responsible government must promote sound macroeconomic, and environmental management policies that shall in turn guarantee equal access to resources and opportunities for all Kenyans. A mix of fiscal policy, public investment, and private initiative will drive this change. This means that everyone should be able to benefit from the opportunities and institutions that make an economy;
- g) That sustainable development, protection of all public utilities and national wealth, is executed for the benefit and betterment of the lives of all Kenyans including future generations. It's imperative that we greatly diversify our economy through the adoption of wealth creation policies that encourage the development of all sectors including agricultural production and manufacturing.
- h) That the party must adhere to the policy of rotational selection of candidates for public elective and appointed positions as *illustrated in Schedule VIII hereto*, through a transparent and accountable nomination and election process as provided for in this constitution and other rules;

- i) That all political authority comes from the people by democratic means, including universal suffrage, regular free and fair elections conducted through a secret ballot or any other transparent means as may be determined from time to time;
- j) That the People's Consultative Assembly shall be made up of the Kenyan people of all walks of life who will debate on changes in laws, policies, governance and the appointment of their representatives;
- k) That all the people of Kenya can pursue national developmental programs and policies that are responsive to their needs and have the potential of bringing economic empowerment. Our approach will greatly depend on a more active, dynamic and strategically smarter and focused government that works in partnership with businesses, trade unions, local leaders, and devolved governments.
- l) That human beings are a part of the natural world and this world is finite, therefore ecological sustainability of the life-systems on earth, is paramount; resolution of any environmental issues will require a nation-wide movement by the people of Kenya;
- m) That the same basic human rights, as enshrined in the Kenyan Constitution of 2010, shall apply to all the people, regardless of race, marital status, gender, age, religion, disability or political belief;
- n) That the integration of Kenyan people is esteemed as the greater sum of strong parts reflecting the social, cultural and economic diversity and that our moral and traditional values must be respected;
- o) That all Kenyans, at the right age have the responsibility to provide for themselves, their families and their dependents, while recognizing that government must respond to those who require social protection, assistance and compassion;
- p) That unlimited material growth is impossible, therefore the key to social responsibility should be governed by co-operation, as the main economic factor rather than uncontrolled, unhealthy and unfair competition. Our approach will greatly depend on a more active, dynamic and strategically smarter and focused government that works in partnership with businesses, trade unions, local leaders, and devolved governments.
- q) That all Kenyans, both individually or in groups, are entitled to dignity, respect and the opportunity to work and own wealth or property for their own use;
- r) That the participation of women, youth, minorities, the disabled and any other disadvantaged groups is fully realized in the management of public affairs through the right and acceptable affirmative actions. It means being pro-poor, pro-business, pro-worker, pro-development and pro-growth, but growth and development can only come from investing in the people.
- s) That all Kenyans should have equal access to quality education, health, social, justice, equal opportunities and be dignified irrespective of their ability to pay, ethnicity, social-economic position, cultural, political, religious, gender, legal spheres, or wealth;
- t) That the party promote the creation of a conducive environment for the operation of the co-operative movement, trade unions, professional organizations, welfare associations and non-governmental organizations so as to garner their support in building a strong foundation for a democratic order of governance in Kenya;
- u) That all political authority belongs to the Kenyan people by sovereign means and ensure equitable representation of all peoples at all levels of governance of the country;
- v) That non-violent conflict resolution is a viable process by which ecological wisdom, social responsibility, and appropriate decision making is implemented and used to protect the constitutional values of liberty, social justice and equality of the Kenyan people;

- w) That Kenya should accept its obligations among the nations of the world through the promotion of global peace, international co-operation and mutual Respect;
- x) That all Kenyans can work with any local, national, regional or international organization whether governmental or non-governmental in the promotion of the nation's interests;
- y) That all Kenyans have a right to affiliate with religious based organizations of their choice to enhance their spirituality provided such affiliation is not outlawed by any authority or legal statutes;
- z) That all these foundational principles shall facilitate the creation of a well-designed systems of governance, planning, execution, monitoring and evaluation of all party activities that are aimed to benefit all of its members and the people of Kenya.

Party Objectives

6.6 That in pursuance of the fundamental Ideals, Vision and Mission of the Party, based on the above principles, the governance of the Party shall strive to adhere to the following objectives: -

- a) To establish a new, viable and effective Political Culture which places the citizen at the centre of governance and maximize on the Unity of Purpose in which to base the pursuit of the party's objectives without regard to creed, cultural and ethnic affiliation, gender or age, linguistic, religious diversity of its members;
- b) To maintain registration and existence as a political party with the Office of the Political Parties of Kenya with the name Shikana Frontliners for Unity Party (SFUP) and establish such organs and management structures as may be necessary for the purpose of giving effects to the Policy and Direction of the Party and form branches countrywide to recruit members to the Party;
- c) To advocate for, promote and protect an Egalitarian Society founded on freedom, equality, justice, national consciousness, integration, dialogue, and reconciliation principles;
- d) To pursue, promote and protect the right to fair labour practices, create decent work and job opportunities for every person, including people with disabilities and minority in order for all to fully integrate and secure a return commensurate with their labour, or contribution;
- e) To work towards fundamental political, electoral, judicial and governance reforms listed below:
 - i. Effectively separate powers of the executive, legislature and judiciary with appropriate checks and balances;
 - ii. Political reforms which make elections truly democratic, representative and transparent and curb electoral malpractices;
 - iii. Effectively empower the County Governments in all respects as participative tiers of constitutional governance in a manner that authority and accountability fuse;
 - iv. Speedy, accessible, effective and affordable justice at all levels for all citizens, as prescribed in the law;
 - v. Insulate crime investigation from the vagaries of partisan politics and to make police effective, citizen friendly, accountable and just in all respects;
 - vi. Pursue other forms of reforms such as public services reforms, land reforms, agricultural reforms, police reforms, health reforms that will make all government agencies to effectively function;
 - vii. Uphold the independence of the media, judiciary, constitutional commissions, and independent state offices;
- f) To develop a manifesto of the party that bears the aspirations of the people of Kenyan and implemented by all organs of the party and the government if elected under the platform of the

Party and to possess the necessary capacity to drive projects, policies and programmes of the party so that we can deliver on the agreed-upon mandate. The Manifesto and the strategic plan of the party shall be developed by a committee of NEC for approval by NEC and launched at a public forum. The documents shall be developed once in five (5) years;

- g) To build a sustainable economy which attracts and retains the intelligence, skills and efforts of all citizens, promote and implement sustainable development policies aimed at revolutionizing every sector of our economy, and create employment. Party policy documents shall be originated by secretaries to the various organs or committees or commissions for approval by NEC and implementation by NEC, NEC committees or sub committees or any other organ designated by NEC;
- h) To build safe communities and quality homes for every family in both the urban and rural areas, address the 'land issue' through a fair and humane process;
- i) To accord every member of the party the right to seek for office through free, and fair nomination and endorse, elect and support competent men and women of the party for elective and appointment positions at the national, county and local levels;
- j) To embrace grass root participation in national elections where we uphold the principles of universal suffrage that will allow the free will of the people to elect a transformational government;
- k) To participate in all elections for the purpose of winning and forming a government for the people, by the people and founded on constitutional order and the principles of good governance;
- l) To mobilize financial resources for the Party by any acceptable means, including but not limited to, borrowing, donations, grants or technical support from Organizations, individuals and likeminded institutions locally and overseas, pledging, mortgaging or charging Party property to secure loans, investing any of its monies in securities or ventures or through any other initiatives deemed acceptable by law;
- m) To be a means by which the people are able to voice and fairly express the diversity of their opinions and outlooks on any matter affecting their lives, their welfare, their environment and to promote economic development and prosperity for all through improved quality of life, employment opportunities, quality education, healthcare and national development programs and policies;
- n) To maintain regular engagement with the community and ensure they are in touch with what is happening around them, the country and the world and involve them in all policy development processes which culminates in the adoption of policy resolutions that becomes the Party's Position;
- o) To mobilize all the party members to petition the parliament on pertinent matters that affects common mwananchi, including to enact, amend or repeal any legislation that is deemed unfavourable to the wellbeing of the people;
- p) To ensure that all our efforts substantially improve the quality of life of our people through protection of the rights of all Kenyan workers and promote the full participation of women, youth, persons living with disabilities, minorities, any other disadvantaged and/or marginalized groups in the management of public affairs and national development;
- q) To promote the principles and objectives of devolution through enhanced sound economic and fiscal policies that guarantees accountable, prudent and equitable usage of public resources institutionalize good governance so that we can eradicate corruption, nepotism, sectarianism, mediocrity, tribalism, misuse and abuse of public office;
- r) To promote public awareness and civic education about social and economic empowerment and encourage healthy debate on public discourse on matters corruption and wrong governance and continue to defend the right to assembly and peacefully demonstrate in line with our constitution

and international law. The life and property of every person is a sacred trust, which must be protected;

- s) To strengthen National and County Assemblies and their respective committees for effective operation of both levels of government and ensure that the parliaments do not exclude the public from having their say through involving them in public participation forums to freely exchange ideas and pertinent information;
- t) To ensure that every family in rural or urban, gets access to basic amenities of life including housing, sanitation and social security and fight for the Right of Every Child to be nurtured, their talents to be invested in, their emotional, physical, psychological, mental health and well-being are realised, protected and secured;
- u) To develop schemes of awards, recognition, distinction of merit to honour persons, institutions or organizations that has rendered exemplary services to the Party and nation or otherwise contributed to the advancement of Party's interests and objectives;
- v) To preserve our national heritage, history, cultural diversity as Kenyans of all spheres, our national monuments, historical sites, and archives for the good and enjoyment of posterity as well as enhance sound environmental management and conservation policies;
- w) To protect the rights of all Kenyans who are disproportionately at risk of the ugly phenomenon of murder, GBV and crimes against children, violent or hate or organised crime, political assassinations, drug trafficking, police brutality and profiling, kidnapping and extortion, possession of illegal guns, theft and sabotage of public infrastructure, and public corruption. No one in Kenya and world is above the law;
- x) To promote Kenya's participation in global political, economic, and social affairs and to support the advancement of regional and global peace, cooperation and integration while at the same time we defend our national sovereignty and eliminate all forms of social vices such as foreign aggression and invasion, domination, influence, imperialism, neo-colonialism and ideologies that are considered to be a threat to the well-being of our nation and national security;
- y) To co-operate with African nationalist movements and likeminded organizations as well as work with any local, national, regional, or international likeminded organizations in the promotion of our country's best national interests and in pursuit of mutual respect and the peaceful co-existence of the diverse communities of our country;
- z) To participate in Coalition Building, Mergers and Alliance Formations with likeminded parties that are pursuing similar objectives as the party and to do all such things political or otherwise which in the opinion of the Party, are incidental or conducive to aid in the attainment of any of the above objects of the Party.

Party Operations

6.7 In seeking to fulfill the Ideals and Governance Objectives above, the Party shall focus its activities on the following key operational objectives:

- a) To maximize the membership of the Party amongst all Kenyans with similar social, economic and political views;
- b) To maximize the value of servant leadership, by ensuring every member wherever possible has equal opportunity to participate in policy generation, candidate selection, election and other party activities;

- c) To ensure the best possible candidates are competent men and women who are democratically elected or appointed to represent the party in parliament and at all party levels or in public office;
- d) To ensure the party is prepared to contest in all elections and conducts its election campaigns to the highest quality, whenever it is required to do so;
- e) To be able to raise moneys to campaign for the Party, to support the fundamental purposes of the Party and fund its effective operation;
- f) To promote devolution and democratically pursue the purpose of the party without any form of discrimination.
- g) To deliver effective government, offer strong leadership and progressive change, good public services, implement our manifesto and commit to work together with everyone to deliver positive change;
- h) To deliver investments to be done by the party. The approved proposals shall be implemented by the SG, Treasurer and a committee of NEC.

ARTICLE 7

Categories of Membership

- 7.1 The National Executive Council with the approval of the National Delegates Convention shall have power from time to time to create or modify or abolish any existing category of membership for the advancement of the Party's interest as the circumstances may permit.
- 7.2 The Party shall have the following categories of members, with each category having respective rights and obligations, as prescribed:
- a) Individual membership (Ordinary or Life membership)
 - b) Family Membership
 - c) Affiliate or Group Membership
 - d) Supporters
- 7.3 A member may convert his/her membership from one category of membership to the other by making an application to the Branch or National Executive Council and paying the prescribed fees for that category *as is illustrated in Schedule VI hereto*.

Life Membership

- 7.4 It is hereby provided that:
- a) subject to the provisions of membership rule under Art. 8, an individual is approved for membership by the Branch Executive Committee of the Party in which that person resides or by the National Executive Council in case of such digital and/or electronic application as may be determined by the Party;
 - b) the person who has been an ordinary member for a minimum of two (2) years is granted Life Membership for long, loyal and/or meritorious service to the Party and has generally expressed continued support for the philosophy and activities of the Party; the National Executive Council shall exercise discretion to waive specific this requirement where exceptional circumstances warrant.

Family Membership

- 7.5 Subject to the provisions of membership rule under Art. 8, family membership exists where members of a family, being a group living together in the same residence decides to join the Party and two thirds of the family members must consent to the membership.
- 7.6 Such a family is entitled to pay a single-family membership fee set from time to time by the National Executive Council and must be admitted by the Branch Executive Committee in which they reside.

Affiliate Membership

- 7.7 It is hereby provided that:
- a) the party may provide affiliation to organizations and associations of like-minded citizens from time to time and are not associated or identified with any other political party;
 - b) affiliate membership shall be open to industrial or trade unions, professional associations, co-operative societies, farm groups, women's organizations, students' unions or any other groups and organizations which, by official act, undertake to accept and abide by the constitution and principles of the Party;

- c) an organization may become an affiliate member of the Party upon application made to the National Executive Council and such application may be received from the headquarter or branch of any of the above-mentioned organizations;
- d) a two-thirds majority of votes cast by the National Executive Council shall decide the eligibility of the organisation and thus approve the organization's application;
- e) the Affiliate member shall provide proof that the organization -
 - i. is duly registered in accordance with the relevant laws;
 - ii. has formal structures and organs as per the organization's constitutive documents;
 - iii. has documented and actionable programs or manifesto;
 - iv. is in existence and active as may be evidenced by having a physical office, bank account, website, and postal address;
 - v. has made a resolution approving the organization's intention to become a member of the party;
 - vi. has presented the latest annual returns duly filed at the appropriate public office;
 - vii. has subscribed to and accepted to conform to the ideology, principles, objectives and policies of the party as enshrined in this constitution and any other party documents;
 - viii. is not a member of any other political party or organization;
- f) the question of affiliation must be decided by a method of formal determination by which the Secretary General of the particular affiliate or any of their approved representative shall communicate to the Secretary General of the Party and both of them shall certify that the applied methods are satisfactory for the purposes of proving due procedures are followed;
- g) to meet all the requirements of a formal determination to affiliate membership, the Secretary General of the Party must receive the following:
 - i. a written certification from the Secretary General of the organisation proposing to affiliate;
 - ii. confirmation that the Party's Rules on the question of affiliation are acceptable and followed;
 - iii. the names and addresses of the affiliate for the purposes of inspection only, in connection with verifying the eligibility of the affiliate members;
 - iv. signed party's code of conduct and pledge of commitment; and
 - v. payment of the prescribed membership fees.
- h) the status of affiliated organisations shall be reviewed annually and the National Governing Board, on the motion of the National Executive Council, may resolve to disaffiliate any affiliated organisation.

Party Supporters

7.8 It is hereby provided that:

- a) any person shall be eligible to apply to become a Supporter of the Party and, in so doing generally expresses support for the ideologies, philosophies and activities of the Party or become a Financial Supporter of the Party if that person makes an annual donation to the Party;
- b) a supporter shall not have any of the rights of a Member of the Party unless otherwise provided for in these rules and others, and is suitable in connection with eligibility of such a supporter to become a member who can take part in the constitutional processes of the party.

ARTICLE 8

Procedure to Become a member

8.1 Membership in the Party must satisfy the following minimum requirements:

- a) Membership shall be open to all Kenyan citizens who must attain the minimum age specified by law (18 years of age or over) except otherwise determined by the constitution of Kenya and must be in possession of a valid National Identification card or Passport;
- b) All members in good standing with the party shall enjoy equal rights and privileges of membership;
- c) A member must qualify to be a voter under the Elections Act, 2011 or Political Parties Act, 2007 (or any Act passed in amendment of or in substitution for the same). No person otherwise disqualified under these Acts or any other shall be eligible for membership as a founding member within the meaning of that Act;
- d) Each member must not be a member of another registered Political Party within the meaning of the Political Parties Act, 2007 and may not contest using any other party, or group or organization which is declared by the National Executive Council to be incompatible with the Party;
- e) A member must be prepared to profess and abide by this Constitution and other Rules made thereunder and must actively endorse and accept to be subjected to the ideology, principles, objects, policies, programmes, directives and discipline of the Party;
- f) A person who intends to be a member of the Party shall make a written or verbal application to a Branch Executive Committee (hereafter referred to as BEC) or the nearest Party office countrywide or any other interim structure appointed by the National Executive Council to receive the applications.
- g) Members can also apply for membership through such digital and/or electronic means or may become a member of the party at any place or time when approached or solicited so to do by a Party member during a membership recruitment drive;
- h) All applications for membership shall be received, accepted and processed by the Branch Executive Committee (BEC) or by the appropriate body or any other provisional or interim leadership which shall have the power to accept or refuse any application for membership provided that such acceptance or refusal shall be subject to review by the National Executive Council of the Party;
- i) Any Kenyan who applies for membership either electronically or manually, shall receive acknowledgment of membership either electronically or digitally and such acknowledgment will be given to individual registered members of the Party;
- j) Application for affiliate or group membership shall be made in writing and be considered by the National Executive Council who shall have the power to accept or refuse any application for membership;
- k) A person who is eligible for membership of the Party shall become a member of the Party when:
 - i. The person pays in the amount specified for registration;
 - ii. Pays the subscription or any other fees to the Party or otherwise loses all rights of membership; and
 - iii. The person is approved for membership by the Branch in which that person resides and/or National Executive Council of the Party;
- l) Where an application for membership is accepted, the name of the applicant and other relevant particulars shall be entered in the membership register, and the member shall, in a language he or she understands, make a solemn declaration, sign and subscribe to the Party's Code of Conduct, Standing Orders and Policy and Direction and a Pledge of Commitment to the Party;
- m) The registered member shall thereafter be issued with a Certificate of Membership together with a membership card which shall be duly serialized, dated and signed subject to payment of the prescribed membership fee;

- n) A member shall, upon request, be issued with copies of official Party documents including this Constitution, members guide, elections and nomination rules and Party manifesto, Code of Conduct and any other relevant information about the Party;
- o) At any time before an application is accepted or in exceptional circumstances when the membership has been granted, the application may be rejected or membership cancelled on the ground of misrepresentation, forgery, misinformation, or such related grounds;
- p) A person whose application for membership has been denied or cancelled shall be given the reasons for the decision and shall have a right to seek a review of the decision and an appeal to the party's National Executive Council;
- q) Objections to application for membership may be made by any registered member of the Party to the Ward, Constituency, County, or Secretary General within twenty-one days (21) of notification of the application for membership; provided that the final decision to reject an application for membership shall be made by the National Executive Committee;
- r) If the application for membership is rejected, the reason for rejection shall be communicated to the applicant and the applicant may, within fourteen (14) days from the date of receipt of the reasons for rejection of membership, make an application to the Party organ that made the decision for a review;
- s) Despite the right to make application for review of the decision to reject an application for membership by the BEC or any other party organ, a person may within twenty-eight (28) days of receipt of the reasons for rejection of membership appeal the decision to the National Executive Council.
- t) An application for review or appeal shall be heard within a reasonable time by the National Executive Council or any interim structure appointed by the council to hear reviews and appeals. The decisions on appeal on the question of membership shall be final.
- u) The annual subscription shall be due on 1 January in each financial year. Members who join after 30 June shall pay half the annual subscription in the initial year.
- v) Any member who fails to renew his membership by payment of the annual subscription fees by 30th June each year or within 6 months after due date, shall be treated as unfinancial and forfeit rights and obligations of membership, cease to enjoy the rights and privileges of membership and shall not be permitted to take part in the affairs of the Party until such arrears are paid; if a member is in default of payment of fees due to them, for upward of 12 months shall cease to be a member;
- w) The members elected on the Party ticket and officials of the Party shall pay a monthly subscription fee as set out in the party rules. The NEC may review the subscription fee from time to time and shall be payable either in advance or as prescribed in the party rules when they fall due.
- x) A member who fails to pay subscription fees for three (3) consecutive months without reasonable cause and the subscription fee remains outstanding after the member has been issued with a written notice to settle the outstanding fees within three (3) consecutive Months, shall not be regarded as a member in good standing. Outstanding membership fees shall be deemed as a debt to the Party and shall be recoverable against the member in accordance with the law;
- y) Any member of the Party who contests in any Ward, Parliamentary, Senatorial, Gubernatorial or Presidential elections or acts as an agent or campaigner of a person duly endorsed by the National Executive Council to contest for such elective position shall be subjected to the parties' code of conduct and disciplinary mechanisms;
- z) The National Executive Council may, acting on its own motion or on the recommendation of the Supreme Advisory Council, grant honorary or associate membership to selected eminent persons,

who though not members of the party have demonstrated unwavering commitment, interest and upheld the Party principles.

National Membership Register

8.2 It is hereby provided that:

- a) The National Secretariat at the National HQ shall maintain a Computerised and Centralised National Membership Register which shall contain the details of the members including their Unique Identification Numbers, their gender, age, disability status, their Electoral Region (indicating the Area, Ward, Constituency and County of origin or where he or she ordinarily resides), and any other details as may be necessary and required by any applicable law;
- b) Membership registration shall be a continuous exercise and the party shall regularly update the register;
- c) The party shall file the most up to date register with the registrar of political parties every six months or such other time as the Registrar may require;
- d) The Nominations and Elections Board and the Independent Elections and Boundaries Commission (IEBC) shall use, the most up to date Party's members register as shall have been certified by the Registrar of Political Parties;
- e) A party member should ensure that they verify their names before the closure of branch registers one month to the AGM;
- f) The procedure and processes of keeping membership records shall be standardized such that there is uniformity in data management at all levels of the party;
- g) In the case of dissolving any Branch, provision is made in this constitution on how to manage transfer of membership to other Branches as the National Executive Council shall make interim provision for the performance of the responsibilities of the Branch Association.

Rights of Party Member

8.3 Subject to minimum requirements for membership set out in this Constitution or otherwise directed by National Executive Council, every member of the Party is entitled to:

- a) belong to a branch and register as a voter within any of the Party branches in the country;
- b) take an active part in Party Discussions, Policies Formulation and Implementation or any other activities of his/her Ward or Constituency or County and National levels;
- c) participate in any meeting including the Annual General Meetings of the Branch in which that person resides;
- d) attend any County, Regional and National Delegate Conventions upon selection of delegates or alternate delegates;
- e) receive copies of Party documents including the Constitution, Members' Guide, Election and Nomination Rules, Party manifesto and any other available information about the party upon request;
- f) take all steps to vote and be voted for during party meetings, elected into parliamentary duties, in by-elections and the national elections;
- g) receive and impart information on all aspects of Party policies and activities save where such right has been lawfully restricted;
- h) submit proposals or statements to the Party through the appropriate Party structures;

- i) express opinions and make a choice, propose amendment(s) to the Constitution or any other laws as may be deemed fit;
- j) petition any structure of the Party on any aspects of the Party programs, activities or documents;
- k) offer constructive criticism of any member, official, policy, programme or activity of the Party;
- l) without any form of bias or prejudice, actively participate in party activities and program or opportunities offered by the Party and benefit from them;
- m) regular civic education for members, delivered at Branch Meetings, County and/or Regional Representatives as an integral aspect of party development;
- n) exercise a right to vote on the date determined for polling, as provided for in this Constitution and the Nomination and Election Rules;
- o) if eligible to vote and can be identified a member must avail the following documents:
 - i. Original National Identification Card or Passport;
 - ii. Original Party Membership Card - which contain the Member's Name, Photograph, Address and Unique Identification Party Number.
 - iii. Electoral or Voters' card.
 - iv. Registration Notification for the National Delegates Register.
- p) A member holding either a public office courtesy of the party or holding a party position is convicted of crimes under national or international laws that attracts a sentence of over six (6) months will be subjected to party disciplinary procedures.

Duties of Party Member

8.4 A member of the Shikana Frontliners for Unity Party (SFUP) shall:

- a) put ahead the national interests over individual or group interests;
- b) oppose or combat negative propaganda that is detrimental to the party;
- c) act as a representative of the people where they reside when called upon to do so;
- d) oppose ethnicity, religious and political intolerance or any other form of discrimination;
- e) support the Party financially and materially when called upon to do so for a good cause;
- f) be liable to pay such fees, levies and dues as may be prescribed by the Party from time to time.
- g) inform the party of any change of domicile for purposes of transfer of membership to any other area or branch;
- h) be paid-up member of the party for the current subscription (calendar) year and only that may be eligible to:
 - i. Nominate or stand to be nominated as candidates to hold office at any level of the party;
 - ii. Elect or stand to be elected as delegate to a General Meeting of the party;
 - iii. Vote or be voted in the ordering of the Party List for General Elections;
- i) acquaint him or herself with the social, cultural, political and economic problems of the country;
- j) actively participate in the activities, programs and attend meetings where their presence is required;
- k) respect and adhere to this constitution, party rules, the code of conduct and decisions made by the party organs;
- l) refuse to engage in conduct or acts capable of inciting violence at any of the party gatherings;
- m) refuse to take individual action that would bring to public attention disagreements and conflicts within the party;

- n) defend and preserve national harmony and unity of Kenyans and champion human rights and the rule of law;
- o) refrain from alignment with other parties or groups to undermine the party or any of its elected governments;
- p) take all necessary steps to understand, propagate, implement and exemplify the purpose, aims, policies, principles and programmes of the party;
- q) participate in any discussions, aimed at diligently and dutifully executing party decisions;
- r) observe discipline, behave honestly and carry out loyally all decisions of the majority and decisions of higher organs of the party;
- s) advocate for and manifest unity and reconciliation in Kenya and fight against corruption, divisiveness, tribalism, gender biases, religious and political intolerance, and any other forms of vices;
- t) refrain from divulging the proceedings and decisions of the party or publishing views that are purported to be the view of the Party but are not or purports to be the view of any faction or tendency within the party;
- u) refrain from publishing or distributing through the media without appropriate authorization or mandate of a regular organ of the Party, any information deemed confidential or any views purporting to be the views of the party or of any of its organs;
- v) defend the policies and programmes of the party aimed at offering solutions for today that unlock a brighter tomorrow;
- w) avoid making critical comments publicly about the policies of any government elected on the platform of the party unless expressly authorized to do so by the Party;
- x) be a member of the appropriate party caucus if this member holds an elective office in any sphere of governance of the party;
- y) abide by all rules and lawful decisions of the party, be guided by the manifesto of the party;
- z) be loyal to the party by not doing anything that is inconsistent with this constitution.

Obligations of the Party to its Members

8.5 The party shall:

- a) develop appropriate structures of the party;
- b) create equal opportunities for members to serve;
- c) adopt measures that encourage volunteer services;
- d) put in place measures for strengthening the aspirations of members;
- e) guide the members on all lawful decisions under general provisions of this Constitution;
- f) establish official programmes or activity within the Party for the benefit of the members;
- g) encourage regular gathering and social activities strengthening the bonds among members.

Transfer of Membership

8.6 If a member transfers their place of residence from one Branch to another within the same or different County, that person shall be deemed to be a member of the appropriate Branch to which he/she has transferred to without the necessity for any further approvals or payment of membership subscriptions for the current financial year. Due notice shall be given to the Secretaries of the Executives in both Branches where the member is transferring from and transferring to.

8.7 No person can be a member of any Branch of the Party other than the Branch in which that person resides from time to time:

- a) unless where a person desires to be a member of a Branch in which that person does not reside;
- b) that person is approved by the Branch Executive in which that person wants to be a member but does not reside there.
- c) if such approval is not given then such member shall be deemed to be a member of the Branch where that person resides and or votes without losing their rights and privileges of membership to the party;
- d) on any approval being given under sub-clause (c), a person's membership of the Branch in which that person resides shall cease and that person shall become a member of the Branch for which that person has been approved;
- e) any member approved under sub-clause (c) must have their approval reconfirmed annually by the Branch Executive (as the case may be) or by the transferred member prior to the Annual General Meetings convened at the Constituency they transferred from or to.
- f) the membership register shall regularly be update to reflect the change.

Suspension and Termination of Membership

8.8 Provided the termination shall not absolve the member from performing any outstanding obligations owed to the Party, a person shall cease to be a member and enjoy the rights and privileges of membership when:

- a) the person ceases to accept or abide by this Constitution and any other rules of the Party;
- b) they fail to renew their annual membership by payment of the subscription fees as provided for;
- c) deliberately failing or neglecting to pay his or her subscription fees for a period of six (6) consecutive months after receipt of two (2) demand notices to comply;
- d) a member intimates his or her resignation either to his or her Branch or to the National Executive Council, or publicly;
- e) a member's verbal or written resignation to the Secretary is received by the relevant Branch or National Executive Council and as such shall be effective the date of the receipt thereof;
- f) the Branch Executive Committee cancels or suspends the membership of any person whose actions, as a result of investigation and evidence, prejudice the interests of the Party and such cancellation or suspension under sub-clause, is approved by the National Executive Council before it is enforced;
- g) the person joins or declares to have transferred their membership to another political party;
- h) the person accepts an office or subscribe to or promote activities of another Political Party or Organization whose aims and objectives are in competition with or in conflict with those of SFUP;
- i) the person opposes the Party's official democratically nominated candidate, or nominates him/herself or any other person in opposition to the official candidate, without consultation and consent of the appropriate Party organs;
- j) a resolution is passed by the National Executive Council to expel or suspend such membership;
- k) the member dies or becomes incapacitated;
- l) a member breaches the provisions of the Political parties Act Kenya; or
- m) in other cases, as may be set out from time to time by an operation of any prescribed law.

8.9 A member who joins or declares loyalty to another political party that is in competition with SFUP shall be deemed to have constructively withdrawn membership from the Party and the name of that member

shall be removed from the membership register upon the lapse of a twenty-one (21) day notification period;

8.10 A member who openly or knowingly supports the ideologies of another political party other than the SFUP or independent candidate that has entered an agreement with SFUP and acts contrary to the aims, objectives, policies, and principles of SFUP shall be subjected to disciplinary action; and

8.11 An official or member of the Party may be fined, suspended, reprimanded, removed from office, or have his or her membership suspended by the National Executive Council on the recommendations of the Disciplinary and Proceedings Committee. A decision of the NEC on disciplinary action under this section is final.

8.12 A person who has terminated his or her membership shall:

- a) not be entitled to a refund of fees or subscriptions or any other contributions made to the party prior to cessation of membership;
- b) automatically terminate all rights, privileges and responsibilities or facilities granted to or enjoyed by such a member with effect from the date of receipt of written resignation or cessation from the Party;
- c) within 14 days return all party property within his custody, possession or control, failure to which the Party shall have a right to lay claims against such person or for any damage or loss occasioned to Party property which was in his custody, possession or control prior to termination of membership;
- d) have his/her name struck off from the register of party members.

Restoration of Membership

8.13 Any party member who loses his membership for reasons provided under Art 8.8, and desire to rejoin the party after leaving it, shall be readmitted on the following conditions:

- a) upon payment of all outstanding dues, subscriptions, penalties or meet any other financial obligations due to them;
- b) on the recommendation of his Branch Executive and subject to ratification by the National Executive Council;
- c) if all the provisions of this article are satisfied and the person is approved for membership by the relevant Branch and subject to ratification by the National Executive Council;
- d) unless exempted by the National Executive Council, shall be placed on probation for a period of time not less than six calendar months;
- e) lose their seniority and privileges conferred by previous seniority before leaving the party;
- f) a resolution is passed by the National Executive Council and ratified by the National Governing Board or by a two-thirds majority vote for the reinstatement of a membership.

PART 2 - PARTY LEADERSHIP

CHAPTER 5 – NATIONAL OFFICIALS

ARTICLE 9

National Office Bearers

9.1 There shall be at all levels of the Party, Office Bearers elected or appointed in accordance with this constitution. The affairs of the Party shall be managed as provided for by the organs in this Constitution and the party rules.

9.2 The Party shall be managed at the National level by the following officials:

- 1) President
- 2) Deputy President
- 3) Party Leader
- 4) Deputy Party leader
- 5) National Chairperson
- 6) Deputy National Chairperson
- 7) Secretary General
- 8) Deputy Secretary General
- 9) National Treasurer
- 10) Deputy National Treasurer
- 11) Secretary, National Oversight and Audit
- 12) Deputy Secretary, National Oversight and Audit
- 13) Adviser, National Justice, Legal and Constitutional Affairs
- 14) Deputy Adviser, National Justice, Legal and Constitutional Affairs
- 15) Secretary, National Organizing and Membership Affairs
- 16) Deputy Secretary, National Organizing and Membership Affairs
- 17) Secretary, National Publicity and Media Relations
- 18) Deputy Secretary, National Publicity and Media Relations
- 19) Secretary, Party Elected Leaders Group (County, National Assembly and Senate)
- 20) Leader, National Youth Chapter Affairs
- 21) Deputy Leader, National Youth Chapter Affairs
- 22) Leader, National Women Chapter Affairs
- 23) Leader Deputy, National Women Chapter Affairs
- 24) Leader, National Chapter for Special Interests Affairs
- 25) Leader Deputy, National Chapter for Special Interests Affairs
- 26) Director, Campaigns and Mobilization Strategy
- 27) Deputy Director of Campaigns and Mobilization Strategy
- 28) Director, Nominations and Candidate Elections
- 29) Deputy Director of Nominations and Candidate Elections
- 30) National Chairperson, House of Elders
- 31) Deputy National Chairperson, House of Elders

- 32) National Executive Director (Ex-Officio)
- 33) Secretary, Tourism and Wildlife Services
- 34) Secretary, Defense and Homeland Security
- 35) Secretary, Sports, Arts and Cultural Heritage
- 36) Secretary, Agriculture, Livestock and Fisheries
- 37) Secretary, Education, Science and Technology
- 38) Secretary, Public Policy and Economic Planning
- 39) Secretary, Corporate Strategy & Political Affairs
- 40) Secretary, Professional Regulatory Bodies Affairs
- 41) Secretary, International Relations and EAC Affairs
- 42) Secretary, Energy, Minerals and Natural Resources
- 43) Secretary, Investments, Trade and Industrialization
- 44) Secretary, Public Finance and Resource Mobilization
- 45) Secretary, Environment, Forestry and Water Resources
- 46) Secretary, Social Welfare and Differentially Able Affairs
- 47) Secretary, Public Service, and Human Resource Development
- 48) Secretary, Transport and Physical Infrastructure Development
- 49) Secretary, Special programmes and Disaster Management Affairs
- 50) Secretary, County Government Coordination and Internal Cooperation

Eligibility Criteria for Party Official or Elective Position

9.3 An aspiring candidate or nominee seeking nomination and elections to fill in any positions in the Party Organs or in respect of the National Officials, Presidential, Gubernatorial and his/her Deputy, Civic/ County Assembly and Parliamentary/National Assembly, Senator, Women Representative Elections, shall fulfill the following **general provisions** in alignment with accountability, leadership and integrity for the respective elective positions:

- a) Fear God Almighty;
- b) Be a registered voter in that electoral area;
- c) Must have been a resident in Kenya for not less than the past 15 years;
- d) Be able to read and write and is proficient in both English and Kiswahili languages;
- e) Has evidence of registration as a member of the party (Membership Card and Certificate);
- f) If a youth, must have attained the age of eighteen years but not attained the age of thirty-five years;
- g) Up-to-date with Payment of the required annual subscription fees and the payment of nomination fees;
- h) Loyal to the Constitution of the Republic of Kenya and Committed to the ideals and core values of the party;
- i) Be registered as a voter or a member in the Ward/Constituency and County for which he/she seeks election;
- j) Has a Copy of Voter 's card, National Identity Card or Valid Passport (the document used by the nominee to register as a voter) or affidavit;

- k) Pursuant to Article 78. (1) of the Constitution of Kenya, be a Kenyan citizen by natural birth in order to be eligible to stand for election or appointment to any State office;
- l) Must not hold dual citizenship unless citizenship of the other country has been obtained by operation of law without capacity to opt out;
- m) Not have been convicted of crimes against humanity or a criminal offence involving moral turpitude or deprived of civil rights by court or sentenced to imprisonment based on a court decision;
- n) Has never betrayed the people or the state, or committed a disgraceful act or a crime of corruption or declared bankrupt and other serious crimes and can report his wealth and obtained clearance from EACC (the statutory declaration under the leadership and integrity Act);
- o) Has a taxpayer identification number and has carried out the obligation to pay taxes for the last 5 (five) years as evidenced by an annual income tax return for individual taxpayers;
- p) If a party list PWD, a certificate and form signed by a medical doctor or certification from the National Council for Persons with Disabilities;
- q) Has a vision and mission for implementing socio-economic programs for the people and the government of the Republic of Kenya;
- r) A signed declaration that the nominee has adhered to leadership and integrity requirements in chapter six of the Kenyan Constitution; must be members of the Party in good standing, has integrity, demonstrable competence and proven leadership abilities, experience in management of public affairs among others;
- s) Must have been a financial member of the Party for 12 months immediately prior to the date of nomination and be eligible to stand for election into any party or public office or considered for political appointment unless the National Executive Council rules to the contrary;
- t) Must have a Duly Filled Application Form and Nomination Form Duly completed in duplicate and signed by a Proposer and Seconder both of whom must be members of the party and registered voters in the electoral area to presented to the Nominations and Elections Board;
- u) Duly execute Declaration of Candidacy Form, Pledge of Commitment to the party's constitution, policies and principles, Code of Conduct Form, Party Right Agreement, and Subscribe to the requirements as determined by Nominations and Election Board;
- v) Evidence of registration as a candidate of the party or receipt of payment of nomination fee (when applicable). The fees to be levied by the party on every aspiring candidate, shall be made known to the party members and may be graduated, waived or different to take into account special interest groups who are aspiring candidates in the party primaries;
- w) Possess a detailed Curriculum Vitae illustrating amongst other qualifications, copies of the candidate's academic qualifications (when applicable) from the relevant institutions or the minimum educational qualifications as provided for under the Election Act 2012, the party constitution, these rules or any other equivalent rule stating the requisite qualification to be eligible to contest;
- x) Demonstrate active participation in Party programs and activities twelve months prior to seeking nomination, PROVIDED that any person unable to meet this requirement may apply in writing to the National Executive Council for exemption from the operation of this requirement and if the National Executive Council deems it in the interest of the party, it may exempt such member.
- y) Meet all minimum requirements under the Section 22 and 23 of the Elections Act, 2011, provisions of Chapter 6,7 and 8 and Regulations set out by the Constitution of Kenya, the Independent Electoral and Boundaries Commission (IEBC) requirements for elective positions, and the Political Parties Act and any other related Regulations from time to time;

- z) Be present during the meeting at which the election is carried out; PROVIDED that the National Executive Committee shall at its discretion waive this requirement where a person seeking election has indicated in writing under his or her hand that he or she is willing to serve in such office if elected.

Disqualification From Participating in Election of National Party Offices

9.4 A person is disqualified from being nominated and elected into any position in Party organs or committees or delegate or from seeking nomination for civic, parliamentary and presidential elections or to a Party List or any other elective position or any delegate may be disqualified by the NEB from taking part in party election on ground of proven misconduct with regard to elections **if the person:**

- a) Is not a citizen of Kenya;
- b) Death or medical reasons;
- c) Is an undischarged bankrupt;
- d) Is incapacitated and of unsound mind;
- e) Has any outstanding dues and penalties owed to the Party;
- f) Failing to accept or abide by this Constitution and any other rules of the Party;
- g) Has intimated his or her resignation either to his or her Branch or to the NEC, or publicly;
- h) A resolution is passed by the National Executive Council to expel or suspend such positions;
- i) Suffers physical impairment, which adversely affects the ability to carry out the duties of the office;
- j) Has not been a citizen of Kenya for at least the 15 years immediately preceding the date of the election;
- k) Is found to have planned, sponsored or participated in any violent activity or promoting political violence and intimidation;
- l) Is found to have provided false statement during nomination and voting or disregarding party policy decisions including the election and nomination rules;
- m) Failing to renew their annual membership by payment of the subscription fees as provided herein or has uncleared arrears with the party in terms of contribution;
- n) Making public utterances and machinations that may arouse racial, ethnic, religious or gender animosities amongst the party members or has been found guilty of misconduct or dishonesty or bribery in the conduct of party affairs;
- o) Pledging or showing allegiance to another political party or declares to have transferred their membership to another political party, or openly supporting other parties competing with SFUP or accept an office or subscribe to or promote activities of another Political Party or Organization whose aims and objectives are in competition with or in conflict with those of SFUP;
- p) A verbal or written resignation to the Secretary of the relevant Branch or National Executive Council, the Secretary General of the Party or Party Leader and as such shall be effective the date of the receipt thereof;
- q) The Branch Executive Committee canceling or suspending the membership of any person whose actions, as a result of investigation and evidence, prejudice the interests of the Party and such cancellation or suspension under sub-clause, is approved by the National Executive Council before it is enforced;
- r) Absenteeism without reasonable cause from at least three (3) consecutive meetings or for such period as shall be prescribed by National Executive Council;

- s) Has at any time within the five years immediately before the date of election held office as a member of the Independent Electoral Boundaries Commission or any Election Commission;
- t) Is engaged in any conduct with respect to elections, which would invite disciplinary proceedings under the Constitution of the Party or has employed violence, threats to violence, or intimidation, including violence against persons with disabilities or sexual and gender-based violence, as a means for political mobilisation against opponents.
- u) Has been found by a court of competent jurisdiction, in accordance with any law, to have misused or abused a State or Public Office or to have contravened any provision of Chapter Six of the Constitution of Kenya;
- v) Has been convicted of any corrupt practices or criminal offence amounting to a felony other than a political offence or is serving a sentence of imprisonment, or is subject to a sentence of imprisonment of at least six months as at the date of nomination as a candidate; PROVIDED that the National Executive Council may for good cause, which shall be specifically documented, exempt any applicant from this requirement;
- w) Fails to meet any qualification criteria specified for an elective position or qualify to hold office pursuant to the provisions of the Constitution of Kenya, 2010, the Elections Act No. 24 of 2011, the Constitution of the party and such other relevant laws and regulation that may be in force;
- x) Holds a State or Public Office pursuant to the Political Parties Act except for the Sitting President, Member of County Assembly, Member of National Assembly, Senator, County Governor or County Woman Representative to the National Assembly;
- y) Must not have been dismissed or removed from public office (including by impeachment) for contravening the provisions of Articles 75, 76, 77 and 78 of the Constitution;
- z) in other cases, as may be set out from time to time by an operation of any prescribed law.

9.5 A person is not disqualified, unless all possibility of appeal or review of a relevant sentence or decision has been exhausted.

Functions of the National Party Officials

- 9.6 NEC may establish any party organ as it may deem appropriate and cause its duties and responsibilities to be published in the party rules. The secretariat is the administrative organ of the party.
- 9.7 All Party officials approved by the NEC shall be allocated specific responsibilities as shall be set out in the Office Bearers' Job Descriptions and aligned to their respective line portfolios. They shall be responsible to their immediate heads and accountable to the National Governing Board and NEC as specified.
- 9.8 All Office Bearers shall not receive remuneration for their work unless otherwise provided for in these rules and others.
- 9.9 The National Executive Committee shall, in its own discretion and subject to the availability of funds, grant such honoraria, out of pocket expenses, to any National Official so as to reasonably facilitate his or her attendance at meetings or to ameliorate his or her just and fair expenses.
- 9.10 All office bearers shall perform their functions within the spirit and provisions of the Constitution of Kenya and this Constitution or other relevant laws and shall ensure that they are further guided by the Party Ideologies, Principles, Objectives and Values.
- 9.11 All Office Bearers at the Regional, County, Constituency, Ward and Community levels shall have similar operational powers and functions as their corresponding National officers, except where this constitution states otherwise.

9.12 Any National Official may attend any meeting(s) organized by the Branch as an ex-officio member.

President

9.12.1 The following specific provisions shall apply to the eligibility to be elected in the position of the President and Vice President:

- a) Be the President and Deputy President of the Republic when the Party is in government;
- b) Both shall be elected to form and run the government under the Party Platform;
- c) The President and Deputy President shall be an honorary position of the Party and elected in recognition of distinguished service to the Party;
- d) Must be at least 35 years of age when declaring candidacy or on the day of the election;
- e) Be a member of the linguistic language group other than the Deputy President, Party Leader and Deputy Party leader, Chair person and Deputy chair person;
- f) The spouses of the candidate for President and Deputy President are Kenyan citizens or as otherwise may be determined and approved by relevant party organs;
- g) Not have previously served for more than two terms as president or Deputy President of the Republic of Kenya;
- h) Proposals to fill in these positions shall be received from Regional Representative Council;
- i) All voting rules and procedures prescribed here shall be used to arrive at the best presidential or Deputy President candidate;
- j) All delegates of the party at the National Delegates Convention shall nominate or elect separately the Presidential Candidate and the Deputy President;
- k) No Party Presidential or Governor Candidate shall appoint their own deputy, the party will;
- l) Demonstrate active participation in Party programs twelve months prior to seeking nomination, provided that the National Executive Council may for good cause which shall be specifically documented, exempt an applicant from this requirement, subject to any conditions it may deem fit; and
- m) Meet all other minimum requirements as may be set out by the Constitution of Kenya, the Independent Electoral and Boundaries Commission, Political Parties Act, the Elections Act and any other related Regulations.

9.12.2 The Deputy President shall perform such other party functions as may be assigned or directed to him/her by the President.

Party Leader

9.12.3 The following specific provisions shall apply to the position of the Leader of the Party:

- a) Be the registered leader of the Party;
- b) Be a signatory to the accounts, annual reports, financial reports and any other reports or document of the Party required under the Political parties Act or any other written law;
- c) Be a member of the linguistic language group other than that of the President (if different), Deputy President, Deputy Party leader, Chair person and Deputy chair person;
- d) Two members of the same or different gender may together stand for the office of Party Leader and Deputy leader, with the individual who polls the highest vote, regardless of gender, will be elected. In this case, the individual with second highest vote shall become the Deputy Party Leader;

- e) The incumbent party leader shall automatically be deemed nominated for the position of president or be re-elected as the president or any other elected position without forfeiting their role as the leader of the party;
- f) Be accountable to party committees in the same way as other members of the Executive and will be expected to outline his or her future plans and work to the Executive and The Party;
- g) Be the convener of and set the agenda for or preside over the meetings of the National Delegates Convention, National Governing Board and National Executive Council and preside over joint meetings of the Parliamentary and County Assemblies Caucuses and such other special meeting as shall be deemed necessary. He or she is free to delegate this responsibility;
- h) Be the custodian of the decisions taken by the National Delegates Convention and ensure that all organs of the party implement these decisions and operate within the parameters of the policies set out by this constitution;
- i) Have substantial powers in managing the party's relationship with the general public, offers strategic political leadership for the Party, and lead the competition against political rivals;
- j) Have the power to appoint any individual or group and assign specific responsibilities to office bearers or standing committees or working groups or party chapters to assist in the functioning of the Party;
- k) promote internal and external political harmony in the interest of the party and articulates and defends the party's ideology and its policies;
- l) supervise, issues directives, coordinate and administers the implementation of the Party manifesto, specific programmes, plans and policies in furtherance of the party's objectives by all Party organs;
- m) provide leadership and ensure that the Party has governance structures that promote national integration;
- n) support candidates in key elections and communicating Party campaigns, priorities and achievements to Party members;
- o) the Party Leader is an automatic ex-officio member of any governing body, standing committee and Nominations and Elections Board;
- p) provide direction to the National Officials and to the Party members on general matters touching on the lives of Kenyans with the sole purpose of dealing with national issues or as may be desirable in the circumstance;
- q) promotes national political consultations, engagements, mergers, coalition arrangements and co-operations with other political parties and political stakeholders;
- r) take a leading role in developing political strategy and lead the Party negotiations with the aim of forming coalitions with any other like-minded Party or Parties or organisations;
- s) build and maintain cordial and constructive working relationships with organisations outside the Party, including media, NGOs, other political parties and other organisations as required;
- t) in seeking to fulfill the party's organizational purpose and objectives, propose key operational activities, that clearly articulate the Party's aspirations;
- u) represent the party and its policies in the media and through other national platforms and campaigns;
- v) advise the National Executive Council on the policies, programmes for persons with disability and special needs or special interest groups;
- w) be in regular contact with the Executive Director and work closely with the national secretariat;

- x) from time to time, spend a significant amount of time visiting Regional and Local Party Organs as the role is important for morale at all levels of the party;
- y) be the final approving authority for all candidates selected under the Party ticket and at all levels have the deciding vote in case of a tie;
- z) performs any other function as maybe necessary for the benefit of the party.

Deputy Party Leader

9.12.4 The following specific provisions shall apply to the position of Deputy Leader:

- a) He/she is next in seniority to the Party Leader and shall assist to carry out the duties of the Party Leader whether present or in his /her absence;
- b) He/she shall be a member of the linguistic language group other than that of the President, Deputy President, Party Leader, Chair Person and Deputy Chair Person;
- c) He/she shall be elected in accordance with provisions of this Constitution;
- d) He/she shall act as Leader for the interim period should the office of Leader for any reason fall vacant at any point, until such time as a new Leader can be elected; and
- e) He/she shall perform such other party functions as may be assigned or directed to him/her by the Leader.

National Chairman

9.12.5 There shall be a National Chairperson whose functions shall be to:

- a) summon and preside over the meetings of the National Delegates Convention, the National Executive Council and the National Caucus of the party;
- b) be a co-signatory to the Party's Bank Account(s), annual reports, financial reports unless otherwise determined by the Supreme Advisory Committee;
- c) establish the agenda for the National party meetings in consultation with the Secretary General;
- d) present to the National Executive Council, National Governing Board, National Delegates Convention and the National Caucus a comprehensive statement of the political situation;
- e) ensure that the business of the Party is well organized and discharged smoothly and efficiently;
- f) ensure that all the members are fully involved and informed of any business issues on which a Party decision has to be taken or implemented;
- g) ensure that the Party Organs regularly evaluates their work and provide firm and effective leadership;
- h) direct the party activities, oversee overall management and running of the Party affairs;
- i) work closely with the Secretary General and the Executive Director to ensure at all times the Party Officials are fully facilitated to perform their duties;
- j) impart onto the party members a sense of loyalty and the need to articulate, promote and defend the integrity of the party;
- k) forge a strong sense of unity within the party organs inter se and amongst party ranks so as to ensure a pleasant working relationship between Party officers and members;
- l) ensure adherence to party objects, policies programmes and laws made under this Constitution;
- m) make pronouncements for and on behalf of the National Executive Council;
- n) encourage strategic discourse and activities at the grassroots level through the established think-tanks;

- o) consult on any matter in dispute or under controversy within any party organ or amongst party members;
- p) ensure discipline and proper order within the Party in strict compliance with the provisions of this Constitution;
- q) together with the National Chairperson and witnessed by the Party Leader execute instruments for coalitions, mergers, dissolutions on behalf of the Party
- r) delegate powers to the Deputy National Chairman or assign specific functions to any member or official of the party relevant to the assignment at hand; and
- s) do all such other things as shall promote the growth and welfare of the party.

Deputy National Chairman

9.12.6 There shall be a Deputy National Chairperson whose functions shall be to:

- a) chair meetings in the absence of the chairperson;
- b) assist the National Chairperson in matters pertaining to logistics and operations, general party administration, party policies and programmes;
- c) assist the National Chairperson to oversee administrative operations, and coordinate with branches to establish think-tanks that would adopt such strategies to popularize the party at the grassroots, local, regional and national levels;
- d) oversee and coordinate standing, ad hoc and committees of the Party; and
- e) perform such other party functions as may be assigned or directed to him/her by the National Chairman.

Secretary General

9.12.7 There shall be a Secretary General who shall be the Chief Administrative and Accounting Officer of the party and whose functions shall be to:

- a) act as the Party Spokesperson;
- b) serve as the Secretary of all statutory meetings of the Party;
- c) ensure discipline and proper order in the Party in accordance with the Party Constitution and in all respects establishing unity within the Party and ensure adherence to Party policies and relevant by-laws by office bearers, members and the Party Parliamentary Group;
- d) supervise the day-to-day activities at the Party National Secretariat and ensure that all units of the party carry out their duties promptly and efficiently throughout the year;
- e) coordinate the activities and operations of the party and of all employees of the Party at Constituency, County, Regional, Overseas and National Levels under the general direction of the Party Leader and Chairperson;
- f) oversee the implementation of Party's strategic plans, policies and programs, and manifesto and keep close liaison with branches to ensure they are part of the strategic party planning process;
- g) direct the conduct of the correspondences of the party on behalf of party and its organs and consult with the Registrar of Political Parties, the Independent Electoral and Boundaries Commission or any other relevant government agencies on behalf of the Party as the authorized principal officer of the Party;
- h) coordinate all logistical and welfare issues of the Party and that of the members of the Party generally;

- i) prepare and distribute the agenda and other materials and keep the Minutes of all meetings of which he or she is Secretary;
- j) liaise with National Caucus through the Secretaries for Parliamentary Groups as provided for in the Constitution;
- k) issuing correspondence on behalf of Party organs in which he or she is a member and sending out notices of all meetings of the organs concerned;
- l) issue notices of meetings of the NDC, NEC, and NMC in consultation with the Party Leader and NEC as necessary and ensure that all meetings are held in accordance with this Constitution;
- m) keep proper record of minutes of all meetings and decision thereto including those of the NEC and NDC, and issue communications to Party organs or at all levels;
- n) prepare and ensure production of annual reports on the work of the NEC and the NDC and policy reports by sector secretaries, caucuses and party committees;
- o) keep or cause to be kept all records and written annual report of the activities of the party from grassroots to the national level;
- p) approve work plans and operations of the party secretariats, in consultation with the Party Leader;
- q) maintain proceedings of the National Executive Council, National Governing Board, National Delegates Convention and the National Caucus and ensure the widespread distribution of such documents;
- r) be the depository and custodian of common seal of the party and all legal documents of the Party including Minutes Register, instruments of intellectual property rights, instruments of registration and Party members' register;
- s) sign the nomination certificates of the Party's candidates subject to the provisions of this Constitution or any other written law;
- t) act as liaison officer with local and international organizations and agencies and host visiting delegations and guests of the Party;
- u) bring issues or situations threatening the maintenance of peace and security within the party, including those where atrocity crimes are likely to occur or are ongoing, to the attention of the party organs;
- v) to monitor and report to the NEC all matters relating to discipline within the Party, and adherence to Party policies and codes of conduct by officials and members in accordance with this Constitution;
- w) present a Party List to the IEBC and ensuring that returns are filed in accordance with the provisions of the Law;
- x) together with the National Chairperson and witnessed by the Party Leader execute instruments for coalitions, mergers, dissolutions on behalf of the Party;
- y) act as the Party Leader in the event of vacancy in the office of Party Leader and Deputy Party Leader;
- z) carry out other duties or delegate some as may be decided from time-to-time by the National Delegates Convention, National Governing Board and National Executive Council of the Party;

9.12.8 The financial and accounting duties of the Secretary General include the following;

- a) to account for the Party and sign all necessary bank documents;
- b) be a signatory to all the bank accounts and a mandatory signatory to the Political Parties Fund Account;

- c) ensure that the money allocated to the Party from the Political Parties Fund and from donations and contributions are used in compliance with the law and for the promotion of the objectives of the Party;
- d) be the chairman of the committee responsible for the oversight of finance and administration;
- e) keep separate accounting books and records of accounts in the prescribed manner in respect of the funds received from the office of the Registrar of Political Parties and all the transactions for each financial year for which monies have been allocated from the Political Parties Fund;
- f) ensure the production of the annual audit reports, bi-monthly, quarterly and annual financial reports for review by NEC; and
- g) perform such other duties conferred upon the Secretary General by this Constitution, the Political Parties Act or as shall be assigned by the NEC.

Deputy Secretary General

9.12.9 There shall be a Deputy Secretary General who shall be of the opposite gender and shall assist the Secretary General in the discharge of his/her duties or carry out any other duties as may be conferred upon him/her, from time-to-time by the National Executive Council and the National Governing Board.

9.12.10 The Deputy Secretary General shall be responsible for political and administrative affairs as follows;

- a) be in charge of Party protocol;
- b) oversee disciplinary affairs;
- c) act as liaison with local organisations;
- d) ensure returns are filed as required by law;
- e) co-coordinate Party meetings and Conventions;
- f) attend to visiting delegations and guests of the Party;
- g) ensure effective and efficient management of the Party's programmes; and
- h) act as a liaison with the Parliamentary and County Assemblies Caucuses.

National Treasurer

9.12.11 There shall be a National Treasurer who shall be an Accountant and has track records of prudence. He/she shall:

- a) supervise all financial transactions at all the Party levels;
- b) monitor contributions, ensuring they comply with legal limits and prohibitions;
- c) operate a bank account together with such other signatories as may be specified;
- d) receive and bank all monies and operate banking accounts on behalf of the Party;
- e) protect the assets of the party and institute operating procedures for internal control;
- f) keep such books of account, cheque books and other banking documents of the party;
- g) keep records of all dues, levies, subscriptions and donations paid or made to the party;
- h) be a signatory to the bank accounts of the Party unless otherwise determined by the Supreme Advisory Committee;
- i) prepare and submit annual statement of account to the National Governing Board and National Executive Council;

- j) prior to the beginning of each financial year, prepare budgetary estimates and budgetary control measures for the Party's operations;
- k) prepare and submit the Financial Statement every quarter of the year and keep copies of duly audited Annual Accounts to be circulated to all delegates;
- l) submit to the National Governing Board and National Executive Council annual reports showing the income and expenditure account and balance sheet of the Party;
- m) in consultation with the Finance and Resource Mobilization Committee, work out fund raising proposals for the party and execution of resource mobilization plans and strategies;
- n) establish policies for the investment of party funds, monitor other means of financial allocations and expenditure of the party;
- o) oversees prudent management and utilisation of party funds;
- p) implements prudent financial practices and procedures to protect Party finances; and
- q) carry out any other duties as may be conferred upon him or her, from time-to-time.

Deputy National Treasurer

9.12.12 There shall be a Deputy National Treasurer who shall assist the National Treasurer in the discharge of his/her duties or carry out any other duties as may be conferred upon him/her, from time-to-time by the National Executive Council and the National Governing Board.

National Auditor

9.12.13 There shall be a National Auditor of the party, who shall be a Certified Accountant and a qualified Auditor and whose functions shall be to:

- a) audit the books of account of the Party annually and report accordingly to the National Executive Council which shall in turn transmit same to the National Governing Board;
- b) from time to time examine the books of accounts of the Party; and
- c) carry out any other duties as may be conferred upon him or her, from time-to-time by the National Executive Council.

Deputy National Auditor

9.12.14 There shall be a Deputy National Auditor who shall assist the National Auditor in the discharge of his/her duties or carry out any other duties as may be conferred upon him/her, from time-to-time by the National Executive Council and the National Governing Board.

Adviser, National Justice, Legal and Constitutional

9.12.15 There shall be a National Justice, Legal and Constitutional Adviser of the party, who shall be an Advocate of the High Court, who is qualified to practice law under the Legal Practitioners Act and whose functions shall be to:

- a) advise the party on all legal and constitutional matters;
- b) arrange for all litigation and legal defence on behalf of the Party, including its organs, officials and assets at all levels in so far as the subject of litigation pertains to the Party's interest;
- c) give legal opinion on all laws, regulations, constitution and documents of the Party in case of ambiguities;
- d) draft legal documents, be involved in coalition, merger and dissolution arrangements;

- e) be member of the disciplinary and proceedings committee and secretary to the strategic policy and rules committee; and
- f) carry out any other duties as may be conferred upon him or her, from time-to-time by the National Executive Council.

Adviser Deputy National Justice, Legal and Constitutional

9.12.16 There shall be a Deputy National Justice, Legal and Constitutional Adviser who shall assist the National Justice, Legal and Constitutional Adviser in the discharge of his/her duties or carry out any other duties as may be conferred upon him/her, from time-to-time by the National Executive Council and the National Governing Board.

Secretary, National Organizing and Mobilization Affairs

9.12.17 The Secretary for National Organizing and Mobilisation shall be the chief field operator of the Party especially for the purpose of recruiting membership, mobilising support for the Party and ensuring high voter turn-out at all elections in which the Party is involved. He or she shall:

- a) maintain and develop new relationships with party supporters;
- b) develop activities that focus on maintaining popular interest in the party;
- c) appraise the problems of the party and proffer solutions to such problems;
- d) be responsible for organising defection drives, establishing contacts at all levels of the Party;
- e) liaise with the Leaders of Party groupings for the harmonization of all programmes, information;
- f) initiate programmes for the general mobilisation of Party members, recruitment of new members of the party;
- g) devise appropriate strategies for winning elections;
- h) make periodic reports on the state of mobilisation of the Party to the National Executive Council and the National Governing Board;
- i) once every quarter, submit a comprehensive report of his activities regarding the state of the Party's organisation to Secretary General;
- j) coordinate all field activities of the party including public meetings, functions, and meet the people tours;
- k) coordinate effective functioning of all branches and ensuring they hold meetings in accordance with the requirements of this Constitution;
- l) organize seminars, workshops, rallies and campaign programmes for the attainment of the party's objectives;
- m) plan, prepare and organize party functions, events and meetings at the national level;
- n) in consultation with the Secretary General, supervise the organization of the party conventions at all levels;
- o) popularize the party at the grassroots level taking into account the overall strategic aims of mobilising the people to obtain voter's cards;
- p) initiate and implement strategic programmes that will endear the party to youth and women in collaboration with the Regional Mobilisers; and
- q) perform such functions as may be assigned to him or her from time to time by the National Executive Council and the National Governing Board.

Deputy Secretary, National Organizing and Membership Affairs

9.12.18 There shall be a Deputy National Organizing Secretary who shall assist the National Organizing Secretary in the discharge of his/her duties or carry out any other duties as may be conferred upon him/her, from time-to-time by the National Executive Council and the National Governing Board.

Secretary, National Publicity and Media Affairs

9.12.19 There shall be a National Publicity and Media Secretary whose functions shall be to:

- a) be the chief image maker of the party;
- b) responsible for all propaganda activities of the Party;
- c) coordinate the dissemination of all information and of the party;
- d) disseminate all Party's information, policies and programmes of the party;
- e) design or procure the services of promotional services and public relations activities;
- f) perform such functions as may be assigned to him or her from time to time by the National Executive Council and the National Governing Board.

Deputy Secretary, National Publicity and Media Affairs

9.12.20 There shall be a Deputy National Publicity and Media Secretary who shall assist the National Publicity and Media Secretary in the discharge of his/her duties or carry out any other duties as may be conferred upon him/her, from time-to-time by the National Executive Council and the National Governing Board.

Secretary, Parliamentary Affairs

9.12.21 There is hereby established the office of the Secretary for Parliamentary Affairs that will deal with matters relating to the National Legislature and the office holder shall be held by a Member of Parliament elected by the party. He/she shall be deputized by Two Secretaries for County Assemblies Affairs elected by County Assemblies Leadership Caucus.

9.12.22 The Secretary for Parliamentary Affairs and the deputies shall perform the following functions;

- a) galvanize support of all party legislators and MPs from other parties for motions and bills proposed or supported by the Party;
- b) convene and record the proceedings of the meetings of the Party Elected Leaders Group;
- c) brief other organs of the Party on the activities of the Party Elected Leaders Group;
- d) submit plans of activities and programmes through the office of the Secretary General for approval by the NEC;
- e) hold quarterly meetings with the Secretary for County Assembly Affairs with a view to furthering the party's legislative agenda at both levels of Government;
- f) submit periodical reports on performance to the office of the Secretary General; and
- g) Perform such other duties as may be assigned by the NEC or as provided in the party charter.

Elections of National Officials, Party Committees and Elective Positions

9.13 Without prejudice to the provisions of this Constitution, the principle of the Constitution of Kenya shall be observed in the appointment or election of members of the Party for any party office, party committees and any elective positions.

9.14 All Office bearers other than the Secretary for Parliamentary Affairs and the Executive Director shall be elected by the National Delegates Convention.

- 9.15 The Secretary for Parliamentary affairs shall be the Party Parliamentary Whip elected by the Party's Parliamentary Group immediately after a General Election. He or she shall hold office for a term of four years or for the residue of his/her Parliamentary term as may be current on his/her election, whichever is shorter.
- 9.16 All Party Officials shall not hold more than one office in the Party unless otherwise given pre-existing exceptional circumstances, and ratified by the National Executive Council.
- 9.17 The persons occupying positions at all levels of the party immediately before the effective date shall continue to serve in those positions until the first Party elections held under this Constitution, unless they vacate office.
- 9.18 Except for the Party Leader, the Deputy Leader, the Secretary General, and the Treasurer, any other member holding any office in the party at any level shall be deemed to have resigned that office, if he or she assumes any of the following offices:
- a) President of Kenya;
 - b) Deputy President of Kenya;
 - c) Special Adviser or Special Assistant to the President or Deputy President of Kenya;
 - d) Governor and Deputy Governor of a County;
 - e) Special Adviser or Special Assistant to the Governor or Deputy Governor of a County;
 - f) Chairman, Deputy Chairman or Administrator of a Constituency;
 - g) Membership of the National and County Assemblies;
 - h) Cabinet Minister;
 - i) Ambassador; or
 - j) Any full-time employment or appointment in the public service to the National, or County government.
- 9.19 Any Party Member holding a County or Branch or Sub-Branch office and elects to seek election at Parliamentary or County Assembly during the next General Elections shall be required to resign from office by a written notification to the National Executive Council at least 180 days before the scheduled date of party nominations provided that this provision shall not apply in the event of an abrupt dissolution of Parliament or the County Assembly or by- elections. This provision shall not apply to persons holding national offices.
- 9.20 The Election of National Office bearers shall be conducted on the guiding principle that at least one third shall be of either gender.
- 9.21 In an endeavour to reach the party's objective of full representation of women, youth, minority and marginalised groups, elderly, persons with disabilities, and other vulnerable persons in all decision-making structures, the Party shall implement programmes of affirmative action that will ensure not less than one-third (1/3) of women or either gender or proven marginalised groups or other special interest groups is represented in all organs, appointments, committees, nominations to enable such effective participation.
- 9.22 At a National Delegates Convention convened for the purposes of holding elections for National office bearers, the Returning Officer appointed by the Nominations and Elections Board shall:
- a) Ensure that all delegates present to take part in the election are eligible as per the national register of membership and have valid membership cards;

- b) Ensure that there is a quorum as provided for in this Constitution;
- c) Accredite media representatives wishing to cover the elections;
- d) Ensure that the venue for the elections is laid out in accordance with the method of elections to be used and that all materials required for elections are available;
- e) Confirm that all the candidates presenting themselves for elections have been duly nominated by the Nominations and Elections Board and afford each candidate an opportunity to introduce him or herself to the delegates;
- f) Post the list of candidates vis-à-vis the positions they are vying for at the election venue and bring the same to the attention of the delegates;
- g) Ensure that there is law and order at the venue to ensure atmosphere conducive for the holding of free and fair elections devoid of violence, bribery or other forms of inducements, undue influence or pressure.

Use of Office Title

9.23 It is hereby provided that:

- a) The term "office", where used in this constitution shall include national officers, membership of any party organ or of any committee in accordance with the constitution;
- b) Holder of any office of Chair, may at his or her discretion use the title of Chair, Chairperson, or Chairman or Chairwoman and as a matter of personal courtesy shall be addressed by the title of his or her choice.

Tenure of Office

9.24 Unless otherwise specified, all National, Regional, County, Constituency and Ward Officers of the party, shall hold office for a term of four (4) years and shall be eligible for re-election at the relevant conventions or approval by appropriate National Governing Board where appropriate for a further term of four years and no more.

9.25 A vote of confidence may be moved on any party officials at any level, two years into the tenure of such official and where such a vote fails, the member shall be retained; Provided that two months' notice of such motion shall be given to the Secretary General and circulated to the relevant offices one month before the next meeting. The vote of confidence shall be defeated by a simple majority of the members of the party at the meetings sitting and voting.

Casual Vacancy

9.26 A person shall cease to hold office the Party by:

- a) failing to accept or abide by this Constitution and any other rules of the Party;
- b) failing to renew their annual membership by payment of the subscription fees as provided herein;
- c) intimating his or her resignation either to his or her Branch or to the NEC, or publicly;
- d) expulsion from the Party due to gross misconduct or openly supporting other parties competing with SFUP;
- e) death or medical reasons;
- f) incapacitation and unsound mind;
- g) a resolution is passed by the National Executive Council to expel or suspend such positions;

- h) a verbal or written resignation to the Secretary of the relevant Branch or National Executive Council, the Secretary General of the Party or Party Leader and as such shall be effective the date of the receipt thereof;
- i) the Branch Executive Committee canceling or suspending the membership of any person whose actions, as a result of investigation and evidence, prejudice the interests of the Party and such cancellation or suspension under sub-clause, is approved by the National Executive Council before it is enforced;
- j) joining or declares to have transferred their membership to another political party, or accept an office or subscribe to or promote activities of another Political Party or Organization whose aims and objectives are in competition with or in conflict with those of SFUP;
- k) absenteeism without reasonable cause from at least three (3) consecutive meetings or for such period as shall be prescribed by National Executive Council;
- l) being a public officer pursuant to the Political Parties Act except for the President, Deputy President, a Member of Parliament, Governor, Deputy Governor, or a Member of a County Assembly;
- m) disqualification to hold office under the Constitution of Kenya or any other written law; and
- n) in other cases, as may be set out from time to time by an operation of any prescribed law.

9.27 In the case of casual vacancies, it is hereby provided that:

- a) an Office Bearer's whose post falls vacant other than effluxion of time, during the course of the term before the next National Delegates Convention or Party Election as the case may be, it shall be deemed a casual vacancy which shall (unless otherwise specifically provided for in this Constitution) be filled in acting capacity by appointing a substitute from the region where the officer originated or any other through open and fair nomination process by the National Executive Council upon recommendations of the relevant Party organ;
- b) a person appointed to fill a casual vacancy shall hold office only for the unexpired term of office of the person whose place he or she fills until the vacancy is substantially filled;
- c) in the event that the Party Leader is unable to discharge of his or her duties by reason of physical or mental infirmity, death, resignation or where he or she ceases to be a Party member, a Special Session of the National Delegates Convention shall be convened to elect a new Party Leader;
- d) similarly, in the event that the Deputy Party Leader is unable to discharge his/her duties by reason of physical or mental infirmity, death or resignation, or where he or she ceases to be a Party member, the National Delegates Convention shall appoint a new Deputy Party Leader;
- e) in the event of thirty per cent of the membership petitioning the National Executive Committee to recall the Party Leader or Deputy Party Leader or either or both of the two, co-party Leaders, a new election for both posts of Party Leader and Deputy Party Leader shall be held in which the current post-holders shall be eligible to stand. In the event of a similar petition to recall the Deputy Party Leader, a new election for that post only will be held, in which the current post-holder and other members of the same sex as the current post-holder shall be eligible to stand. The current post-holders will retain their -post until the result of that election;
- f) should the Party Leader or one of the two, co-party Leaders resign there will be a by-election for both Party Leader and Deputy Party Leader or both co-party leaders. Should the Deputy Party Leader resign, there will be a by-election for Deputy Party Leader. They shall serve a term lasting as if they were starting following the result of the previous election;
- g) in the event of the suspension or resignation of the Party Leader, the Deputy Party Leader shall have the position of Acting Party Leader until a new election has taken place. In the event of the

suspension or resignation of one of two, co- Party Leaders, the other co- Party Leader shall have the position of Acting Party Leader until a new election has taken place. In the event of the suspension or resignation of both the Party Leader and Deputy Party Leader, or of both of two, co- party leaders, the Secretary General shall have the additional position of Acting Party Leader until a new election has taken place;

- h) in the case of nominations for National Office, the delegates to the convention for the last election shall be the delegates for the purpose of selecting a candidate to fill such vacancy;
- i) If a vacancy occurs in the delegation from any Branch, County or Region, such vacancy may be filled by the branch which the delegate resided and, endorsements may be made and certified at any time after the resignation or death creating such vacancy. No such endorsement shall be effective until certified by the Secretary of the Elections Board;
- j) if a casual vacancy occurs ninety (90) days before the day of a regular general election in August of any year, no primary shall be held for the nomination of any party-endorsed candidate, instead the records of the last selection shall be used to nominate the candidate who was second among the candidates interviewed during the nomination process and shall be deemed, the person certified by the Secretary as the candidate of the party;
- k) an Officer of the party who is removed or resigns from office, shall immediately hand over to the Secretary General, all records, files and other properties of the party in his or her possession and in the case of Secretary General, he/she shall hand over to the National Chairman. This provision shall apply mutatis mutandis to all other levels of the party.

Notice for Vacant Positions

9.28 In its mandate to identify and nominate party members aspiring to fill in any positions in the party the Nominations and Elections Board, upon a resolution by the National Executive Council, shall give a notice to members of not less than 21 days for all election of branch and national offices and call for nominations.

9.29 Concomitantly, the written notice shall be published in the Party Spectrum, newspaper advertisements, the E-newsletter, on the Party's website and in at least two daily newspapers with national circulation and one announcement vide the electronic media throughout Kenya, or any other publications approved by the party for general circulation, to inform the members regarding the forthcoming Party primaries.

9.30 The Nominations and Elections Board shall schedule, plan and communicate with all its membership the dates and times and criteria for conducting the party primaries; if the day fixed for any party primary or candidate selection falls on a Sunday or a legal holiday or on a day on which the tenets of a religion forbid secular activity, the party primaries shall be held on the next succeeding day other than a Sunday or a legal or such other religious holiday.

9.31 The Secretary, as the case may be for a Branch, County or Region, or such other authority of the party, shall no later than thirty (30) days in consultation with the National Executive Council and NEB, call for a meeting or convention to determine the conduct of the nominations and the primaries. Before the party holds such meeting, the secretary of such meeting shall provide the date, time, location and purpose of the meeting.

Party Election Criteria and Procedures

9.32 Party elections shall begin with:

- a) Civic and political education to sensitize members on significance of leadership and party elections and provisions of electoral code of conduct
- b) Membership recruitment drive and updating of Membership registers
- c) Establishment of the Nominations and Elections Board
- d) Publication of the notice and program in the print and electronic media

9.33 At any Sub-branch, Branch, County and National Delegates Convention, convened for the purpose of holding elections for National Officials or elective positions as the case may be, the NEB and the election officials shall conduct the election process as follows:

- a) There shall be prescribed nomination forms, which shall be completed by a member seeking nomination for any vacant post within the party at the National and all the other levels;
- b) Written applications and recommendations accompanied by duly filled forms shall be made to the NEB within the specified time for consideration;
- c) The branch shall submit to the Nominations and Elections Board, all duly filled nomination forms for the branch candidates in respect of all the party positions;
- d) The Nominations and Elections Board upon receipt of the nomination form shall certify that the applicant does or does not qualify for nomination;
- e) The Elections Board shall inform the applicant of its determination in writing and compile a list of successful applicants;
- f) The NEB shall within Seven (7) days of receipt of the recommendations/applications display list of the applicants for public inspection;
- g) The Elections Board shall certify and present a copy of the list of successful applicants to the Delegates at which the elections are to be held;
- h) Nominations and Elections for the National offices shall be conducted by the Nominations and Elections Board or by any person appointed by the Elections Board;
- i) On the date appointed for nomination of party candidates, notice and venues whereof shall be published not less than three (3) weeks before hand;
- j) Closed primaries (only duly registered members) shall be used in the nomination or election of County Representatives, and Members of Parliament;
- k) The special National Delegates Convention or under extra-ordinary circumstances the NEB, shall nominate the Presidential candidate and running mate;
- l) The County Forum shall nominate candidate for the seat of County Governor, Senator and Women Representatives;
- m) Each member of the party shall have one vote for every candidate and shall use current membership card and National Identification Card to cast the secret ballot;
- n) Elections shall be through secret ballot or any other method of voting acceptable to the delegates in session and, where an office is contested by more than one candidate, the vote shall be decided by a simple majority. Where only one candidate is nominated to an office at the close of the nominations, that candidate shall be declared duly elected to the office for which he/she was nominated and issued with clearance certificate;
- o) The Returning Officers and the Presiding Officers shall ensure that candidates and Party members have subscribed to the Electoral Code of Conduct before an election;
- p) Elections shall be conducted by the Returning Officer with the assistance of other election officials, both duly appointed by the NEB;

- q) Every candidate for nomination shall have the right to appoint two agents at the election and the counting of the votes;
- r) The votes shall be counted at the polling station where they are cast in the presence of the candidate/agent. Provided that in the event of the candidate and/or the candidate's agent refusing or failing to be present at the counting at the time required, the Presiding Officer may take note of such absence/failure/refusal and proceed with the counting as if such candidate were present;
- s) The candidate with the highest number of votes cast in his/her favour shall be declared the winner of the election at that polling station and the Presiding Officer and all the candidates/counting agents present will confirm the result by endorsing and signing the tally of votes cast;
- t) The Returning Officer shall convey the endorsed and confirm the result to the chairperson of the Nominations and Election Board who shall tally and total all the returns in respect of each nomination;
- u) Scheduled forms shall be used for record keeping and election returns; the chairperson of the NEB assisted by the members of the Board, shall tally and total the votes on the returns made by the Presiding Officers and all the candidates present or their agents shall certify the totals to be correct and sign the same;
- v) If any candidate and/or agent refuses/fails to certify the totals as correct the NEB shall make note of such refusal and record the grounds for refusal and certify and sign the results;
- w) The person with the highest number of votes tallied shall be the winner of the nomination and the Board shall declare such a person the party candidate for that particular election;
- x) If satisfied that the nomination has been conducted in accordance with these rules and the party constitution, the NEB shall endorse and confirm the nomination of the candidate and such person(s) selected by the party and shall certify such nomination to the Independent Electoral and Boundaries Commission (IEBC) as provided for at Section 31(3) & (4) of the Elections Act, 2011;
- y) Persons elected to national offices shall assume office as soon as they are declared elected;
- z) The National Elections Board shall immediately after the announcement of the results surrender all election documents and materials to the National Secretariat for safe custody for a period of 30 days;

Specific Qualifications

- 9.34 A person shall qualify for nomination and election into a position within the party Sub-Branch Executive Committee only if she or he is a registered member in that Sub-Branch.
- 9.35 A person Shall qualify for nomination and election as a delegate to the Branch Delegates Congress only if she or he is:
- a) A registered member in a sub-location within that Branch, and
 - b) Elected as a delegate from the Sub-Branch, or
 - c) A member of Branch Executive Committee.
- 9.36 A person shall qualify for nomination and election as a member of the Branch Executive Committee only if he or she;
- a) Is a registered member in a Sub-Branch within the relevant Branch;
 - b) Is as a delegate from the sub-branch;
 - c) Has been an active member of the party for at least three (3) months, provided always that any member of the Party who does not meet this requirement may apply in writing to the National Executive Council for exemption from the operation of this requirement and if the National Executive Council deems it in the interest of the Party it may exempt such member.

- 9.37 A person shall qualify for nomination and election as a member of the National Executive Council only if she or he:
- a) Is a registered member;
 - b) Has been an active member of the Party for at least three (3) months, provided always that any member of the party who does not meet this requirement may apply in writing to the National Executive Council for exemption from the operation of this requirement and if the National Executive Council deems it in the interest of the party it may exempt such member.
- 9.38 A person shall qualify for nomination and election as a member of the National Delegates Congress if she or he is:
- a) A registered member in a Sub-location within a Branch; or
 - b) Elected a delegate from a Branch; or
 - c) A Member of Parliament, Governor, Deputy Governor, Member of County Assembly; or
 - d) A member of the National Executive Council; or
 - e) A representative of a special interest group.

Shortlisting of Candidates

- 9.39 Nomination of all candidates shall be in the prescribed form for each vacant position.
- 9.40 No member may be nominated for elections to any office of the party in his or her absence unless he or She has indicated in writing that he or she is willing to serve in such office if elected or such requirements are waived by the National Executive Council.
- 9.41 Active participation as a member of the party for at least three (3) months, provided that any person unable to meet this requirement may apply in writing to the National Executive Council for exemption from the operation of this requirement and if the National Executive Council deems it in the interest Of the party, it may exempt such member.
- 9.42 The nominations for the Candidates for President and Deputy President or Party Leader and Deputy Party Leader must be supported by the signatures of a minimum of five hundred members of the Party drawn from different Counties unless otherwise waived by the NEC given specific justifiable reasons, and shall be required to complete a standard application form for the post and addressed to the National Executive Committee.
- 9.43 All vetting and interviews shall be in accordance with the Constitution of the Republic of Kenya, the political Parties Act, 2011, the Elections Act, 2011, the County Government Act, 2012, the Party Constitution and Party Nomination and Election Rules and Procedures.
- 9.44 All information obtained by the NEB during any personal interviews, and records of the candidate being vetted shall be confidential.
- 9.45 Every candidate whose suitability to participate in the election is in question shall by notice be given an opportunity to respond to any allegations against him or her and the said notice shall include a summary of complaints, if any, against the candidate. The NEB shall reserve the right to determine the manner in which the complaint may be addressed.
- 9.46 The NEB shall vet all candidates at a venue and time determined in accordance with the Party's electoral calendar.

- 9.47 The NEB shall as soon as possible after the vetting process, publish on its website and in print and electronic media of wide circulation the names of candidates who have been successfully vetted for each of the party position.
- 9.48 Two members of opposite sexes may, together stand for the office of Party Leader and deputy party leader or president and deputy president, Governor and Deputy Governor or Chair and Deputy Chair, or any other party positions requiring a chair and his/her deputy unless otherwise as may be considered by the party through the outcomes of the nominations at party primaries whereby this requirement does not practically apply for such gender balance.
- 9.49 In the event that the party delegates opt for a two people job sharing position of the Party Leader post, and each deputized by two people, then they shall be known as Co-party Leaders. Members standing to be Co-party Leaders may not simultaneously be candidates as individuals for either Party Leader or Deputy Party Leader. The National Executive Council shall develop rules to support this structure as may be deemed necessary from time to time.
- 9.50 The Party Leader and Deputy Party Leader through special delegates forum, shall each be given the opportunity to address members of the NEB. The interviews shall in particular, involve a close examination of the candidate's commitment to serve the people he or she seeks to represent and determine their understanding by candidates of the Vision and Values of the Party as provided for in the party constitution. The post of the Party's President and Deputy President shall be treated in similar manner as that of the party leader and the deputy party leader.

Nomination to Party Lists

9.51

- a) The Party shall nominate members to contest in the Presidential, Parliamentary, Gubernatorial or County Assembly elections in the Country, or to be nominated to Parliament and County Assemblies;
- b) Candidates nominated by the Party shall be members of the Party who subscribe to the Party Constitution, ideology, principles and policies;
- c) Any individual desiring to be nominated as a candidate for Presidential, Parliamentary, Gubernatorial or County Assembly elections on the Party ticket shall pay nomination fee as determined by the NEC and such other fees as may be required under written law to be payable for the purpose of the nominations exercise and elections;
- d) The Party shall sponsor only one candidate for every elective position in any given elective area;
- e) Candidates nominated on the Party ticket shall adhere to both the party's and National Electoral laws and rules;
- f) The party will make a list of candidates to be nominated for both County and National governments.
- g) The Party shall make nomination rules and regulations for all levels as published in the Party Regulations and Procedures.
- h) The Party will prepare the Party Members list for the electoral commission for nominations of its members as provided in the Party's nominations rules, electoral laws and regulations and in this Constitution.
- i) There shall be a rulebook on the nomination and elections rules for;
 - i. Elections of officials to the governing body;
 - ii. Nomination of members to party lists and preparation of party lists; and
 - iii. Nomination of members for general elections (party primaries)

- j) The Nominations and Election Rules and procedures shall be approved by NEC for implementation by NEB.
- k) NEB may propose amendments to the rules for approval by NEC or NEC may also propose amendments. No amendments shall be valid three (3) months to any election or nomination or preparation of party lists.
- l) Without prejudice to other eligibility criteria provided in this constitution, consideration for inclusion in the party list shall entail the following:
 - i. A fully paid-up life member;
 - ii. be involved in identifying and introducing candidates for election;
 - iii. Actively involved in party activities, recruitment of members and resource mobilization

The Party List-Special Seats

9.52 The Shikana Frontliners for Unity Party shall submit the following party lists to the IEBC;

- a) The National Executive Committee shall nominate candidates for election under Article 197 (1) (a) of the Constitution of Kenya 2010 and submit to the Independent Electoral Boundaries Commission a Party List in accordance with Article 177 (1) (b) and (c) of the Constitution of Kenya 2010. The party list shall include a certification in the manner prescribed by the Commission;
- b) A person nominated under the foregoing provisions be a person who is a member of the Party on the date of submission of the party list to the Commission;
- c) The National Executive Committee shall nominate candidates for election under Article 97 (1) (a) and (b) of the Constitution of Kenya 2010, and submit a Party List to the Independent Electoral Boundaries Commission in accordance with Article 97 (1) (c) of the Constitution of Kenya;
- d) The National Executive Committee shall nominate candidates for election under Article 98 (1) (a) of the Constitution of Kenya 2010 and submit to the Independent Electoral Boundaries Commission a Party List in accordance with Article 98 (1) (b) and (c) of the Constitution of Kenya. The party list shall comprise the appropriate number of qualified candidates and alternates between male and female candidates in the priority in which they are listed except in the case of the seats provided for under Article 98 (1) (b) of the Constitution;
- e) The party list shall reflect the regional and ethnic diversity of the people of Kenya save in case of county assembly seats;
- f) The party list shall not contain a name of a candidate nominated for an election;
- g) The qualifications and disqualifications prescribed for Members of Parliament and County Assembly shall apply to the Nomination for special seats;
- h) The party list referred to above shall be submitted in order of priority.

ARTICLE 10

Guidelines for Meetings

10.1 In respect of party meetings:

- a) the party officers shall meet as circumstances necessitate and decisions made shall be subject to approval by National Executive Council;
- b) the written notice for convening the meeting and the agenda in National, County, Branch, Sub-Branch, and polling stations, shall be sent out to by the respective Secretaries or by the Secretary General at least fourteen (14) days before the meeting;
- c) meetings may be conducted either physically, virtually, or both physically and virtually;

- d) there shall be two classes of meetings:
 - i. Ordinary meetings which shall be convened by a written notice of fourteen (14) days; and
 - ii. Special meetings which shall be convened by a notice of at least seven (7) days or as may be deemed reasonable. Such meetings shall be requisitioned for a specific purpose and no other matter shall be discussed other than as stated in the notice.
- e) an ordinary session of the National Delegates Convention shall be convened by the Party Leader after every two (2) years at a place, date and time as shall be determined by the NEC;
- f) the Party Leader shall convene a special National Delegates Convention upon the decision of the NEC or if requested in writing by fifty percent (50%) of the National Delegates Convention delegates;
- g) all the meetings of the party, unless specifically provided for in this Constitution, shall be presided over by the Chairman or in his or her absence, the Deputy Chairperson at the relevant level and in the absence of both the Chairman and the Deputy Chairman, members present shall elect a member from amongst themselves to preside over the meeting;
- h) any official who fails to attend three (3) consecutive meetings without reasonable cause may be suspended;
- i) resolutions or decisions at the meetings, annual general meetings or National Delegates Convention shall be taken by consensus in default of which there will be voting by show of hands during voting, acclamation or by secret ballot, or by a simple majority where more than one candidate is contesting for one position unless otherwise specifically provided for in this Constitution, and shall be recorded in the minutes;
- j) where only one candidate is nominated for one position at the close of the nominations, that candidate shall be declared the winner. Nomination of candidates shall be by proposal and Secondment;
- k) in the event of an equality of votes at any voting, the person presiding the meeting shall have a deciding vote;
- l) any National Official may attend any meeting(s) organized by the Branch, County or Region as an ex-officio member;
- m) the proceedings of the meetings of the party at all levels shall be in the English language or Swahili or any Kenyan language understood by a majority of members of the party at respective levels;
- n) minutes and resolutions of all meetings including the National and Special Conventions, Regional Convention, and Branch Meetings and their respective Executive Committees, shall be kept by the respective Secretaries and shall be signed by the Chair of the meeting. The NDC shall be prepared and signed by the Secretary General and the National Chairperson;
- o) the Rules and Regulations governing the conduct of any meetings including rules of procedure for plenary sessions *as indicated in Schedule X*, shall be as approved, from time to time, by the National Executive Council of the party;
- p) the accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by any person entitled to receive such notice shall not invalidate the proceedings at that meeting.
- q) the party leader in consultation with NEC may invite distinguished individuals or any other persons who have made special contribution to the Party and demonstrated interest in the work and programs of the Party or who have special skills or experience to attend the NDC or NEC meetings but such invited individuals shall have no right to vote.

10.2 Notwithstanding anything to the contrary hereinafter contained, should a General or a By-Election be called which does not allow for, Candidate Nomination and Selection, then the National Executive Council shall, in consultation with the Chair of the Nominations and Elections Board, be entitled to allow such abridgement of time limits or otherwise necessary to ensure that the processes set out are followed.

Remits for the meetings

10.3

- a) remits passed by Branches, County, Regions, Advisory Groups or at a National Youth, Women, Minority and Disability Committee, shall be submitted to the Strategic Policy Consultation and Rules Committee which is responsible for managing the remit process within the Party by considering the merit of remits based on their consistency with the Vision and Values of the Party and whether they fairly reflect the interests and concerns of Party members from time to time;
- b) remits considered to be appropriate for Convention debate will be recommended to the National Executive Council which shall make the final decision on which remits that will be included in the National Delegates Convention agenda;
- c) remits for the Conventions shall be circulated directly by the Secretary General to Branches not less than four weeks before the date of the Convention.

Quorum for the Meetings

10.4 It is hereby provided that the quorum for the conduct of business of the organs shall be as follows:

- a) one-third of all members of the NEC shall form a quorum;
- b) delegates from 40% of the total number of branches in the county shall form a quorum for all county conferences; and
- c) the quorum for the Ordinary or Special Session meetings or the National Delegates and Special Conventions, the Branch Executive and County Working Committees and the National Executive Council, shall be 50% of all eligible members and voting or as determined by the party organs concerned at their annual meetings.;
- d) the quorum for the Ordinary or Special Session meetings or the National Delegates and Special Conventions, delegates from 50% of the counties representing at least 50% of the total membership of the NDC shall constitute a quorum.
- e) the delegates from 40% of the total number of branches in the county shall form a quorum for all county conventions or as determined by the party organs concerned at their annual meetings;
- f) the quorum for all the meetings of a county, the branch, sub-branch and polling station and meetings of any other organ whose quorum has not been specified at their respective Annual Meetings, shall be 50% of the members entitled to attend such meetings and voting or as determined by the party organs concerned at their annual meetings;

10.5 Notwithstanding anything to the contrary of the rules contained herein, any meeting authorized by these rules, may be held by contemporaneous linking together by means of audio, or audio and visual, communication by which all members participating and constituting a quorum, can simultaneously hear each other throughout the meeting and so long as the following conditions are met:

- a) All members entitled to attend such a meeting, are entitled to notice of such a meeting;
- b) At the commencement of the meeting or when joining a meeting, each member must acknowledge his or her presence for the purpose of the meeting, and to all other members taking part and a member present at the commencement or joining thereafter shall be conclusively presumed to have

been present and to have formed part of the quorum at all times from the commencement or joining (as the case may be) during the meeting unless he or she has previously advised the Chairperson of the meeting that he or she is leaving the meeting;

- c) A Minute of the proceedings at such a meeting shall be sufficient evidence of such proceedings and of the observance of all necessary formalities if certified as a correct Minute by the Chairperson.

Eligibility of Delegates to Meeting

10.6 To qualify for seating as a delegate:

- a) each member attending a meeting or is a delegate to a convention must be an individual member in good standing of the Party and shall be entitled to exercise only one vote regardless of the number of positions held in the Party;
- b) the persons selected by the party to serve as delegates to a convention shall be deemed to have been lawfully selected as such delegates;
- c) the formulas for the purpose of calculating credential entitlements for conventions, shall be based on membership lists as at the end of the previous membership year, or as at 120 days prior to the convention, whichever is the greater;
- d) all delegates to a meeting or Convention shall register as delegates which must be received by the National Executive Council at least sixty (60) days before the date and time of each respective Convention. A person whose name does not appear on the registry list shall not be eligible to vote in any, primary or elections;
- e) at least one copy of the party rules regulating the manner of selecting the delegates shall be shared to all branches;
- f) as these rules provide, a Branch has the responsibility for choosing its delegates at an Annual General Meeting and thus retains the option of not sending a full delegation to a Convention;
- g) the person who is a delegate to a National, Special or Regional Convention or Branch meeting and is unable to be personally present, may appoint a substitute to attend and vote in his or her place and must be an individual member in good standing of the Party;
- h) in the event that a Branch elects a reserve list of delegates then those shall be used for replacements but not necessarily substitutions. The original delegate has the power of appointment substitute subject only to approval of the Chair;
- i) the original delegate must nominate and actually sign the nomination of a substitute in writing, who must consent to taking the position. The Chair of the level concerned must approve the substitution in writing.

10.7 Each Branch including Campus Club, Youth, Women, Minority and Disability Groups unless otherwise determined by the National Executive Council shall be entitled to:

- a) three (3) delegates for 30 party members or less;
- b) two (2) additional delegates for each additional 20 party members or major fraction thereof.

10.8 Each affiliate members shall be entitled to:

- a) Two (2) delegates for 30 party members or less; and
- b) one (1) delegate for each additional 20 party members or major fraction thereof.

10.9 The following shall be entitled to delegate credentials:

- a) All former leaders of the Party;

- b) All members of the Elected Leaders Caucus;
- c) All members of the National Governing Board and National Executive Council;
- d) A person who attends as a delegate by right of office held, being Branch Chair, or any other office for which attendance at the meeting is mandated under these rules shall attend in that capacity and not as a member of an elected or nominated delegation of a Branch;
- e) Chairs and Secretaries of Branch Executive Committee have the right to attend any Executive meeting within their respective Counties or Regions and National whenever it becomes necessary to do so.

Delegates to a Candidate Selection Meeting

10.10 It is hereby provided, in respect to the conduct of delegates in a Candidate Selection Meeting at all levels shall be that:

- a) a Candidate Selection Delegates for the Branch shall comprise 50 delegates in number and, in the event that after the conclusion of any adjustments provided for in these rules, the Branch has not provided that number of delegates, the Chair for that Branch shall forthwith appoint such further delegates as are required to achieve this minimum level.
- b) the validity and actions of the Selection Committee shall not be challenged in the event of the numbers dropping below 50 at the selection meeting; this or any other the relevant rules may not apply in the event that a Constituency has less than 50 current financial members at the date nominations for selection close;
- c) no member of the party shall be eligible to act as a Candidate Selection Delegate or attend a "Meet the Candidate" (Nominations) meeting in a Branch or County, unless he or she has been a registered member in that Branch and is of good financial standing with the party, for a period of at least 12 months immediately prior to the date of the nominations;
- d) the Nominations and Elections Board may in consultation with the National Executive Council and for good verifiable reasons, which it shall state and determine, waive the requirement to have been a member in that Branch or of the Party for such 12 months' period;
- e) no person shall be eligible to act as a Candidate Selection Delegate in a Branch or County, unless that person has attended at least two "Meet the Candidates" Meetings;
- f) any delegate who is unable to attend any "Meet the Candidate" meeting or is unable to attend the Selections Committee, may appoint in writing signed by the delegate and approved in writing by the Chair or Secretary of the Branch, a substitute who has the qualifying length of membership and has completed the qualification for attendance to such meeting by attending or having attended at least one "Meet the Candidate" meeting;
- g) the Candidate Selection Delegates for the County shall be constituted such that each branch shall be represented by two current financial members for every complete 30 members of the branch's membership and one extra delegate for a further 20 or more members but must not exceed a maximum of five members from each branch;
- h) if the numbers of the delegate members, disclose that it should be adjusted up or down to a different ratio than specified above, a general meeting of the Branch or County so affected shall be forthwith called to add or to subtract members to the Candidate Selection Delegates;
- i) a delegate member may be discharged from the committee or meetings, if the Nominations and Elections Board considers from an interview and review that the person is unsuitable for continued participation in the committee or delegates or for candidate selection process;

- j) within 10 days of the closing of nominations, the Branch or County Secretary shall, compile and supply to the National Executive Council, a list of delegate numbers for the Candidate Selection Meeting in the following format:
 - (i) Name of Branch or County;
 - (ii) Details of Qualified Membership for Branch or County; and
 - (iii) Total Delegate Number for Branch or County
- k) after the Candidate Selection meetings, the participation in the committee shall be reviewed by the Elections Board and NEC and determined whether it is appropriate for the committee to continue thereafter;
- l) the National Executive Council is not involved in the nomination process and the work of the Candidates Selection Committee shall be kept confidential.

Co-Opted Members to a Meeting

10.11 It is hereby provided that:

- a) any member co-opted to a committee under these rules shall take office at the termination of the meeting at which they are appointed and shall continue in office until the termination of the next annual meeting at which their successors are appointed or at which they are reappointed;
- b) the co-opted members whose term is expiring shall retire from the meeting during the nomination of and taking the vote for the co-option of new members or the reappointment of existing ones;
- c) at the National and County levels, the Party Leader shall have the authority to co-opt members to the Executive or standing or working Committees;
- d) the co-opted members may be chosen from among members of the Party and shall not have the right to vote but will have the eligibility to contest for any office;
- e) the co-opted members who are appointed as office bearers shall have voting rights; and
- f) the Party Leader in consultation with National Executive Council may invite distinguished individuals or any other persons who have made special contribution to the Party and demonstrated interest in the work and programs of the Party or who have special skills or experience to attend the National Delegates Convention or National Executive Council meetings but such invited individuals shall have no right to vote.

PART 3 - PARTY STRUCTURES

CHAPTER 6 – PARTY GOVERNANCE

ARTICLE 11

Party Organizational Structure

- 11.1 The party shall be managed and run through such party organs and a secretariat as the National Executive Council, with the approval of the National Delegates Convention, may establish from time to time. Therefore, it is hereby provided that:
- a) For the purpose of administration, governance, mobilization and elections, the party shall have a five-tier organizational structure comprising the following levels:
 - i. Sub-Branch Level (Polling Station Team and Ward);
 - ii. Branch Level (Local Traditional Council and Constituency);
 - iii. County Level (47 Counties per Schedule XI);
 - iv. Regional Level (Designated Regions per schedule XII); and
 - v. National Level (Party Headquarters);
 - b) The Executive Committees at all levels shall exercise such powers and functions as may be delegated to them by the National Delegates Convention and/or National Governing Board or National Executive Council;
 - c) The National Executive Council may establish any party organ as it may deem appropriate and cause its duties and responsibilities to be published in the party rules.
 - g) The affairs of the party shall be managed as provided for by the organs in this Constitution and the party rules.
 - h) The secretariat is the administrative organ of the party;

Party Organs

- 11.2 For the time being and until decided by the stated relevant organs, the organs of the Party shall be:
- a) The Polling Station Committee (PSC)
 - b) The Sub - Branch (SBA)
 - i. The Sub - Branch Committee
 - c) The Branch Association (BA)
 - i. The Branch Executive Committee
 - d) The Local Traditional Council (LTC)
 - e) The County Association (CA)
 - i. The County Working Committee
 - ii. The County Delegates Convention
 - f) The Regional Representative Council (RRC)
 - i. The Regional Representative Council
 - ii. The Regional Representative Convention
 - g) The National House of Elders (NHE)
 - h) The Board of Trustees (BOT)

- i) The Nominations and Elections Board (NEB)
- j) The National Executive Council (NEC)
- k) The National Governing Board (NGB)
- l) The National Delegates Convention (NDC)
- m) The National Secretariat (NS)
- n) The SFUP National Youth Chapter (SNYC)
- o) The SFUP National Women Chapter (SNWC)
- p) The SFUP Persons with Disabilities Chapter (SPDC)
- q) The SFUP Minority and Marginalized Chapter (SMMC)
- r) The SFUP Diaspora Chapter (SDC)
- s) The National Caucus
 - i. The Party Elected Leaders Group (EPLC)
- t) The Standing Committees
 - i. The Supreme Advisory Committee
 - ii. The Strategic Policy and Consultation and Rules Committee
 - iii. The Finance and Resource Mobilization Committee
 - iv. The Internal Audit Committee
 - v. The Nominations and Candidates Selection Committee

ARTICLE 12

The Polling Station Committee (PSC)

12.1 The Party shall establish a Polling Station Committee in every polling station consisting of:

- a) Chairperson;
- b) Deputy Chairperson;
- c) Secretary;
- d) Assistant Secretary;
- e) Organizing Secretary;
- f) Assistant Organizing Secretary;
- g) Treasurer;
- h) Assistant Treasurer;
- i) A representative of the Woman Chapter;
- j) A representative of the Youth Chapter;
- k) A representative of persons with disabilities; and
- l) Ten (10) other Committee Members as shall be recommended by the NEC.

The Functions of the Polling Station Committee

12.2 The duties of the polling station committee shall be:

- a) to recruit new members;
- b) to promote Party policies, programmes and activities among party members within the polling station;
- c) to sensitize and mobilize party members and other voters to turn up and vote for party candidates;

- d) to investigate any allegations of misconduct within the polling station and make recommendations for appropriate action to the NEC through the Sub-branch or Branch.

The Polling Station Committee Meeting

12.3

- a) The Polling Station Committee meetings shall be summoned by and presided by the Chairpersons or in their absence the Deputy-Chairpersons or in the absence of both, the members shall elect one among themselves to preside;
- b) The Chairperson may invite one or more of the Local Opinion Leaders or the Chair or members of the Local Traditional Council to attend a committee meeting to speak but not to vote if it is in the best interest of the Party;
- c) The quorum shall be two third (2/3) of the registered members and decisions shall be by simple majority by secret ballot or any other method of voting acceptable to the delegates;
- d) Any official or member of the committee who fails to attend three consecutive meetings without the written permission of the chairperson of the Committee or any reasonable apology shall be liable to suspension and may cease to hold office;
- e) Notices for all meetings including the agenda shall be sent out by the Branch Secretary or Sub-Branch Secretary as the case may be;
- f) The polling station committee shall meet at least once every three (3) months.

ARTICLE 13

The Sub – Branch Association (SBA)

- 13.1 There is hereby established the Sub-Branch Association which shall be the grassroot level of organisation for the Party with the responsibility to observe loyally the resolutions and decisions of the party.
- 13.2 The Branch shall generally consist of not fewer than fifty (20) members of ages eighteen (18) years or over, who qualify for membership in accordance with this Constitution. No person shall be a member of more than one (1) Sub-Branch of the Party.
- 13.3 Without the prior notice and consent of the National Executive Council, the Sub - Branch shall not affiliate with or send delegates to any organisation not affiliated with the Party.

The Sub - Branch Committee

- 13.4 There shall be established the Sub - Branch Committees to manage the affairs of the wards and polling stations and be responsible for the Party's activity within a defined Ward in Kenya and committee shall consist of the following members who shall be elected by and from the party members of the ward and the polling stations:
 - a) The Chairperson,
 - b) The Deputy Chairperson,
 - c) The Secretary,
 - d) The Organizing Secretary,
 - e) The Secretary for Youth Affairs
 - f) The Secretary for Women Affairs,
 - g) The special interest/or marginalized representative,

- h) Persons with disability representative, and
- i) Two committee members shall come from all the designated polling stations within the ward.

13.5 The Branch Executive Chair, shall be an *ex-officio* member.

The Functions of the Sub-Branch Executive Committee

13.6 The Functions of the Sub - Branch Committee and the duties of the office bearers shall be;

- a) undertake general administration of the Party within the ward;
- b) strengthen all the party structures and promote party policies and activities within the Ward;
- c) identify and resolve political, social and economic issues that concerns the Ward;
- d) provide strategies for effective communication between the Polling stations, the branch and the National Secretariat;
- e) implement any decisions of the organs of the party as may be authorized by the relevant organ;
- f) receive reports from the constituent polling station team (where applicable);
- g) recruitment of members to the party, conduct campaigns for the ward candidates and mobilization of voters;
- h) prepare the agenda for the Sub- Branch Meetings and represent views and interests of the ward members at the Branch Association Meetings or Annual General Meeting;
- i) investigate any allegations of misconduct of any member and make recommendations to the branch Executive Committee;
- j) promote general civic and voter education amongst the people for their benefit and that of the Party;
- k) ensure that the party's electoral activities within the ward and polling stations are a well-coordinated and in compliance with party or any other legal provisions;
- l) ensure that the campaign strategy of the Sub-Branch is aligned with any national party campaign strategy;
- m) arrange for the meet the candidate, nomination and selection of ward candidates and ensure that respective rules on candidate selection procedures are adhered to at all times;
- n) provide local inputs for election manifesto and render such assistance as may be required by the National Executive Council.

13.7 The Sub - Branch Committee, where considered necessary, may from time to time where necessary participate in the appointment of a polling station team who shall manage the affairs of a polling station.

The Sub - Branch Committee Meeting

13.8

- a) The Sub - Branch Committee meetings shall be summoned by the Chairperson of the Sub - Branch Committee;
- b) All meetings shall be presided by the Chairpersons or in their absence the Deputy-Chairpersons or in the absence of both, the members shall elect one among themselves to preside;
- c) The Chairperson may invite one or more of the Local Opinion Leaders or the Chair or members of the Local Traditional Council to attend a Sub - Branch Committee meeting if it is in the best interest of the Party. Such invited leaders shall have the right to speak but not to vote thereat unless otherwise they are voting delegates of the sub-branch;

- d) The quorum at Sub - Branch Committee meeting shall be two third (2/3) of the registered members of the Ward and decisions shall be by simple majority by secret ballot or any other method of voting acceptable to the delegates;
- e) Any official or member of the sub-branch committee who fails to attend three consecutive meetings without the written permission of the chairperson of the Committee or any reasonable apology shall be liable to suspension and may cease to hold office;
- f) Notices for all meetings including the agenda shall be sent out by the Branch Secretary or Sub-Branch Secretary as the case may be;
- g) The Sub - Branch Committee shall meet at least every three Months (four times a year);
- h) An extra-ordinary meeting shall be held if requested by at least two-third of the committee members or if requested by one-third of the registered members of the Ward and such a meeting shall be held within seven days of the request.

Elections of Sub-Branch Officials (Ward/Polling Station Level)

13.9

- a) The sub-branch shall be the basic Electoral College and all Members of the party who are registered in that Sub-branch as per the national register shall be eligible to vote.
- b) On the date to be determined by the National Executive Committee for the sub-branch elections, the delegates of the Electoral College shall assemble at the designated venue and vote by secret ballot or any other method acceptable to the delegates present.
- c) The quorum for the Electoral College for the purpose of conducting the Regional Elections shall be two thirds of the delegates eligible to vote.
- d) The presiding Officer shall tally the results and after announcing the winners, submit them to the Returning Officer for onward submission to the Nominations and Elections Board.

ARTICLE 14

The Branch Association (BA)

- 14.1 There shall be established Branch Offices in all the forty-seven (47) counties, as part of the primary level of organisation for the Party, which shall be responsible for the Party's activity within a defined Constituency as determined by the IEBC from time to time. The formation of branches shall be done after party elections.
- 14.2 It shall be the duty of the Branch Executive to ensure that the Branch comprises such membership so that it functions as an effective organisational unit of the Party which shall generally consist of not fewer than fifty (50) members of ages eighteen (18) years or over, who qualify for membership in accordance with this Constitution.
- 14.3 No person shall be a member of more than one (1) Branch of the Party or Branch constituted to deal with special community interests; provided that at the time of joining the Party or upon annual renewal, a member shall elect and designate no more than two (2) branches at which they will exercise their voting rights.
- 14.4 The Branch categories shall include:
 - a) **Headquarters Branch:** This is a general branch formed to serve in Nairobi for those who have no access to any branch within their close proximity.

- b) **Special Community Interests Branch:** This shall consist of members of the Party who wish to be constituted to deal with special community interests such as the following;
 - i. **Campus Branch** (and others of a similar nature): This shall consist of at least fifty (50) persons, who shall be members of any learning institution. A campus shall be understood to refer to any secondary or post-secondary institution and such a campus club must comply with the provisions of this constitution to the satisfaction of National Executive Council.
 - i. **Disabilities Branch:** This shall consist of at least fifty (50) members of the deferentially able persons who qualify for membership in accordance with the provisions of this Constitution.
 - ii. **Entrepreneurs, Community-Based Organisations and Self-Help Group Branch:** This shall consist of at least fifty (50) members of the persons owning small, medium or large businesses or enterprises, and qualify for membership in accordance with the provisions of this Constitution.

14.5 To open an Official Party Branch:

- a) The founder members of the branch shall be resident in that particular Constituency.
- b) Dispensations from sub-rule (a) above are not available for those wishing to participate in the establishment of a new branch.
- c) The members shall make applications to the National Executive Council to form a new branch by the procedure set out in this constitution;
- d) The number of members shall be as required by this Constitution;
- e) The payment of any levies or membership fees shall be as required by this constitution;
- f) The branch shall have the necessary arrangements in place to conform with party accounting requirements;
- g) Subject to the provisions of party leadership explained herein, each Branch shall have control of its own affairs and may organise their members into Groups for the purposes of more efficient organisation;
- h) The Branches shall conduct their business in accordance with, and contribute to, the Party's strategic aims and operational objectives;
- i) The Branch Secretaries shall forward membership register to Head Office before 31 December of each year which also identifies:
 - i. List of Membership complete with details of the members and categories of membership as required by this constitution;
 - ii. Positions held by male/female members including officers and delegates to Convention s;
 - iii. Specific seminars or courses or meetings held in the previous twelve months that aimed to achieve the greater involvement of members;

14.6 The Branches shall have the right to communicate and work with all other branches within the same or different County, or any affiliates within the Party as the party shall deem appropriate and necessary. However, the Branches shall not, without the prior consent of the National Executive Council, affiliate with or send delegates to any other party or organisation not affiliated with the Party.

14.7 If a Branch fails to hold its meetings as prescribed herein for a period of 12 months or fails to be represented at its regional meetings for three (two) consecutive meetings and efforts by the National Executive Council or other bodies have failed to revive it, it shall be wound up.

The Branch Executive Committee

- a) The Branch Executive officers shall be the Chairperson, Deputy-Chairperson and Secretary who shall be elected by and from the members of the Branch.
- b) A separate office of Treasurer may be created if warranted and desired.
- c) The duties of the Branch Office Bearers shall be similar to those of the National Officials with exception of duties that are considered national in nature and may require sanctioning from the National Executive Council.
- d) The Branches shall form a Branch Executive Committee, which shall be composed of:
 - i. The Branch Chairman,
 - ii. The Deputy Chairman,
 - iii. The Branch Secretary,
 - iv. The Organizing Secretary,
 - v. Secretary for Youth Affairs,
 - vi. Secretary for Women Affairs,
 - vii. A special interest representative,
 - viii. Persons with Disability representative,
 - ix. All Sub - Branch Committee (Ward) Chairmen,
 - x. The Member of Parliament and Members of the County Assembly,
 - xi. Two Committee Members from each Ward one of whom shall be a woman; and
 - xii. The National Secretariat, shall be an ex-officio member.
- e) Each Branch Executive Committee may, by resolution, delegate its powers, or any portion thereof, to the Branch Executive officers, to act between meetings of the Branch Executive Committee provided that such Executive shall comprise only members of the Committee.
- f) A Branch Executive Committee shall be composed of members elected from all the wards within the constituency and have power to co-opt additional members subject to any limit imposed by the Committee. Vacancies shall be filled by by-elections.
- g) The term of office of the Branch Executive Committee shall be for a period of four years.
- h) Any National Official may attend any meeting(s) organized by a Branch as an ex-officio member.
- i) The Branch may elect an additional Administrative Committee to assist in carrying out operational requirements with the Branch or County as may be required from time to time. Any such Administrative Committee shall report its activities to the Branch Executive Committee on a regular basis or as required and approved by NEC.

The Functions of the Branch Executive Committee

14.9 The principal functions of the Branch Executive Committee shall be to facilitate and give effect to the Ideals, Vision and Values of the Party, Governance Objectives and carry out the Operational Objectives of the Party within the Constituency.

14.10 The other functions of the Branch Executive Committee shall be to:

- a) coordinate, control and undertake general administration of the Party within the constituency;
- b) strengthen all the party structures and promote party policies and activities within the Constituency;

- c) identify and resolve political, social and economic issues that concerns the Ward, Constituency and County;
- d) provide strategies for effective communication between the wards, the branch and the National Secretariat;
- e) implement any decisions of the organs of the party as may be authorized by the relevant organ;
- f) receive reports from the constituent polling station team, the sub-branch committee and other reliable sources where applicable;
- g) recruitment of members to the party, conduct campaigns for the ward, constituency and county candidates and mobilization of voters;
- h) prepare the agenda for the Branch Meetings and represent views and interests of the members at the Branch Association Meetings or Annual General Meeting or County, Regional and National Delegates Conventions;
- i) investigate any allegations of misconduct of any member and make recommendations to the National Executive Committee;
- j) promote political and general civic and voter education amongst the people for their benefit and that of the Party;
- k) ensure that the party's electoral activities within the polling stations, ward and constituency are a well-coordinated and in compliance with party or any other legal provisions;
- l) ensure that the campaign strategy of the Sub-Branch and Branch are aligned with any national party campaign strategy;
- m) arrange for the meet the candidate, nomination and selection of constituency candidates and ensure that respective rules on candidate selection procedures are adhered to at all times;
- n) provide inputs for the election manifesto and render such assistance as may be required by the National Executive Council.

The Branch Association Meetings

14.11 There shall be two classes of meetings as follows:

- a) ordinary meetings convened by a written notice of twenty-one days by the chair.
- b) special meetings convened by a written notice of seven days and shall discuss no other matter than that specific purpose stated in the requisition. A Special Formal Meeting may be called by:
 - i. the Chairperson and Secretary;
 - ii. a Resolution of an Ordinary Meeting;
 - iii. the Secretary on receipt of a requisition signed by not less than two-third of the members of the Branch Executive Committee;
 - iv. a direction from the Branch Executive Committee.

14.12 It is hereby provided that:

- a) Notices for all meetings including the agenda shall be sent out by the Branch Secretary.
- b) Each Branch Executive Committee may determine the date, time and place of its meetings.
- c) The Chairperson, if present, shall preside over all formal meetings of the Branch. In the absence of the Chairperson from any meeting, the Deputy Chairperson shall preside. In the absence of both the Chairperson and Vice-Chairperson, the members present shall elect one among themselves to preside over the meeting.

- d) The Branches will hold a minimum of two (2) formal meetings each year, an Annual General Meeting and a meeting to elect delegates to County, Regional and National Delegates Convention.
- e) Each Branch shall hold its Annual Meeting no later than 30th April in each year, unless the National Executive Council determines otherwise. Not less than 14-day notice shall be given to members of the time, date and place of the Branch Annual Meeting.
- f) The National Assembly Member for the Constituency shall be entitled to attend all Branch meetings and shall be eligible for election to the Branch Executive Committee.
- g) The meetings and conduct of Branch Associations shall be governed by the Branch Association Rules.
- h) Meetings shall be devoted to Branch business including:
 - i. Receive the Auditor's Report;
 - ii. Membership registration drive;
 - iii. Matters of local public interest;
 - iv. Political, educational and cultural topics;
 - v. Discussions on party policies and programmes;
 - vi. Facilitate Public participation within the branch and sub-branches;
 - vii. Elect members to the Branch Executive Committee of the party;
 - viii. Elect National and County Assemblies candidates of the party;
 - ix. Approve the budget for the administration of the Party at the Constituency and Ward level.

14.13 There shall be a Branch Annual Meeting which shall consist of:

- a) All the Party Branch Office Bearers;
- b) All members of the Branch Executive Committee;
- c) All the Sub - Branch Chairpersons (from the Wards within the constituency);
- d) All members of the National and County Assembly from the Constituency, who are members of the party;
- e) 20 delegates from each Ward of the Constituency elected at the Sub - Branch Committee Meeting all of whom shall cease to function at the conclusion of meeting for which they were elected. In electing the delegates, the Sub-Branch Executive Committee shall ensure equitable distribution within the Ward and that at least one-third of the delegates are of the opposite gender.

14.14 At such Annual General, Ordinary or special meetings, elections for the following positions may take place:

- a) Chair of the Branch and the office bearers;
- b) Such other officers of the Branch as may be deemed desirable or expedient including the Constituency Treasurer;
- c) Elect Branch Party delegates to the Regional Convention and National Delegates Convention.
- d) A special or extra-ordinary meeting shall be held if requested for, by two-third of the members of the Branch Association members or upon written request addressed to the Branch Secretary and signed by at least 30% of the delegates entitled to attend the meeting. Such a meeting shall be held within fourteen days of the request and shall not discuss any matter other than that for which it was convened.

14.15 The duties of the Branch Association Meeting shall include-

- a) confirming the minutes of the previous Convention;

- b) presenting and considering reports from the Branch Secretary;
- c) presenting and considering the financial reports by the Branch Treasurer; and
- d) performing any other business as shall be determined.

Elections of Branch Committee Officials (Constituency Level)

14.16

- a) The delegates elected from the Sub-branch Committee shall form the Branch Electoral College and shall elect the Branch Executive Committee.
- b) On the date to be determined by the National Executive Committee for the branch elections, the delegates of the Electoral College shall assemble at the designated venue and vote by secret ballot or any other method acceptable to the delegates present.
- c) The quorum for the Electoral College for the purpose of conducting the Regional Elections shall be two thirds of the delegates eligible to vote.
- d) The Returning Officer shall tally the results and after announcing the winner submit the results or any other report to the Nominations and Elections Board.

ARTICLE 15

The Local Traditional Council (LTC)

- 15.1 Pursuant to the Article 11. (1) of the Constitution of Kenya, which recognizes culture as the foundation as well as the cumulative civilization of the Kenyan people, and also Kenya's Traditional Knowledge and Cultural Expressions Act 2016 and the National Museums and Heritage Act (Cap. 216) of 2006, the party shall have a Local Traditional Council within each branch.
- 15.2 A Local Traditional Council member means any person of 65 years and above who shall subscribe to the Constitution and policy of the Party and is not a member of any other political Party, or any other group or organisation or registered council which is declared by the National Delegates Convention or National Governing Board to be incompatible with membership of the Party.
- 15.3 The name and relevant details of all the members of the Local Traditional Council from each traditional area within the ward or a branch shall be stated in the Party's National Register maintained in accordance with this Constitution.
- 15.4 As soon as practicable, after any change occurs in the membership of a Local Traditional Council at the Branch, the council shall notify the Branch Executive which shall in turn notify the National House of Elders who shall cause the National Register to be altered accordingly.
- 15.5 The Local Traditional Council shall exercise such powers, subject to any limitations imposed by the statutes of the Constitution of Kenya and other laws, and all other express legal restrictions by this Constitution.
- 15.6 Each Local Traditional Council shall:
 - a) cultivate the traditional Identity, culture, heritage, language, native arts and crafts of the community;
 - b) actively promote non-violence and a culture of dialogue, mediation, reconciliation and cooperation;
 - c) play an important role in civil conflict prevention and resolution, disarmament, peace-building and peacekeeping;
 - d) help build a culture that promotes safe participation of elders in politics;

- e) equip the community to stand against any forms of harassment and abuse of any member of the community;
- f) protect and preserve the property and natural resources of the community;
- g) with express approval of the National Executive Council, negotiate with the National and County Governments on behalf of and the interest of the Community;
- h) establish mechanisms that enable their communities to prevent the misappropriation, misuse or unlawful access and exploitation of traditional knowledge, natural resources and cultural expressions;
- i) consult with elected representatives within the ward, constituency and county to address any shortcomings that may affect the economic progress of the local community and the social justice system;
- j) participate in all the economic affairs and enterprises of the community in accordance with the terms of the branch charter;
- k) prevent the sale, disposition, lease, or encumbrance of community land, interest in land or waters or in other assets of the Community without proper consultation with family or the chiefs and the Community at large;
- l) provide for the guardianship of the persons and property of minors and mental incompetents or abandoned or idle land consistent with all prevailing legal requirements;
- m) aid needy members of the community and advocate for the protection of the general social welfare of the vulnerable in the community;
- n) provide advice for filling of vacancies in the party positions or elective positions consistent with this Constitution;
- o) participate in public participation forums and freely exchange ideas and information without undermining the authority and integrity of the Party and the government;
- p) have such further powers as may in the future be delegated to the Council by members of the Community, National Executive Council and other organs of the party.

15.7 The Local Traditional Council shall not restrict or in any way abridge the rights 'of its members guaranteed under this Constitution, rather they shall have a duty to see that the full constitutional rights are maintained and preserved.

15.8 All members of the community shall be accorded equal right and opportunity to participate in the Council's activities and enjoy the resources, property and benefits of this organization.

Duties of the Local Traditional Council Officers

15.9 The Executive officers of the Local Traditional Council shall be the Chairperson, Deputy-Chairperson and Secretary for a one term of two years.

15.10 The Local Traditional Council shall have a Paramount Elder who shall:

- a) be elected by the members of the Council from among their number;
- b) perform the functions of the Chair of the Council; and
- c) be in office on a two-yearly rotational basis *as illustrated in Schedule VIII hereto*;

15.11 Any member or officer of the Local Traditional Council who is convicted of a felony or any offense involving dishonesty shall forfeit his office.

Meetings of Traditional Councils

15.12 It is hereby provided that:

- a) The traditional council shall meet on the second Tuesday of every two months at the times and in the places determined by the Chairperson of the Council unless otherwise ordered by resolution to meet at such other times and place as may seem desirable to the members of the Council.
- b) An extraordinary meeting of the Council shall be convened at the request of not less than one-third of the members of the Council. Twenty members shall constitute a quorum of a branch;
- c) The Chairperson of a local traditional council shall preside at meetings of the Council and where the chairperson is unable to attend a meeting, the next in seniority on the Council shall preside at the meeting and where and where both are unable then a chair shall be selected from the members present, exercising the usual duties of chairperson. He may vote in Council meetings only in case of a tie or where the vote is by ballot.
- d) The Secretary of the Council shall conduct all correspondence, keep a complete and accurate record of all business transacted at Council or Community meetings and keep record of all rules, regulations and ordinances in appropriate books, and may publish the same for the information of the Community.
- e) Any member of the Council who is absent from the regular meetings of the Council for three consecutive times without cause or excuse, may have his seat declared vacant by the Council, where upon the Council shall fill it as in other vacancies.
- f) Elections through secret ballot or any other method of voting acceptable to the council in session and, the vote shall be decided by a simple majority.
- g) Business except an adjournment shall not be transacted if less than one-third of the total number of members is present.

ARTICLE 16

The County Association (CA)

16.1 There shall be established a County Association in each of the 47 Counties and shall consist of the following members:

- a) The County Chairman, who shall be the Chairman;
- b) The members of the County Working Committee;
- c) The Party Leader and Deputy Party Leader;
- d) The President and Deputy President, who are members of the party;
- e) The Governor, Deputy Governor and gubernatorial candidates, who are members of the party;
- f) The County Ministers, who are members of the party from the County.
- g) The Members of the Board of Trustees from the County;
- h) The Ambassadors, who are members of the party from the County;
- i) All National Executive Council members of the party from the County;
- j) The Special Advisers and Special Assistants to the President and Deputy President who are members of the party from the County;
- k) The Senator, the Speaker of the Senate and his Deputy, Majority Leader and his Deputy who are members of the party;
- l) The Speaker, Deputy Speaker, Party Chief Whip and Deputy Chief Whip in the National Assembly, who are members of the party;
- m) The Speaker, Deputy Speaker, Party Chief Whip and Deputy Chief Whip in the County Assembly, who are members of the party;

- n) All the members of the County, National Assembly, and Senate who are members of the Party from the County;
 - o) All Branch Officer Bearers including leaders of Youth, Women and differentially able who are members of the Party from the County;
 - p) Three delegates per Ward at least one of whom shall be a woman, all of whom shall cease to function at the conclusion of the meetings for which they were elected;
 - q) Former members of County Working Committee who are still members of the Party;
 - r) Former Governors and Deputy Governors produced by the Party who are still members of the Party; and
 - s) Former Speakers and Deputy Speakers of the County Assembly produced by the Party who are still members of the Party.
- 16.2 The meetings and conduct of County Associations shall be governed by the County Association Rules.
- 16.3 The National Executive Council may, on stating reasons, dissolve any County Association and make interim provision for performance of the responsibilities of the County Association until a new County Association can be created.
- 16.4 There shall be a County Working Committee which shall consist of:
- a) The County Chairman;
 - b) The Deputy Chairman;
 - c) The County Treasurer;
 - d) The County Youth Leader;
 - e) The County Woman Leader;
 - f) The County Publicity Secretary;
 - g) The County Organizing Secretary;
 - h) The County Executive Coordinator;
 - i) The County Special Interest & Disability Representative;
 - j) Any two other members from the Branches, one of whom shall be a woman.
- 16.5 Branches shall be allocated a number of delegates in accordance with the rules provided for nomination.
- 16.6 The Branch Chairpersons shall convene to elect the County Executives which include the Chairperson, their deputies and other officials of the County Working Committee which shall be held on a rotation basis for a period of three (3) years.
- 16.7 The County Executive Coordinator who shall be the County Secretary shall be appointed by the National Secretariat in consultation with the appointed by the Secretary General. The County Executive Coordinator shall work under the direction of the County Working Committee but report to the Secretary General through Executive Director.
- 16.8 His/her responsibilities shall be;
- a) the custodian of all the County property, management of the County office, books of accounts, minute books, membership register and all the records of the party at the County;
 - b) responsible for overseeing the management of the sub-branch, and Branches within the County;

- c) advise the party regarding appropriate candidates to run for elections on the Party tickets;
- d) oversee membership recruitment voter mobilization;
- e) assist in planning for party operations, campaign activities and logistics within the County;
- f) submit a quarterly report to the Secretary General through National Secretariat; and
- g) perform such other duties as shall be directed by the Secretary General.

16.9 The County Working Committee shall meet every quarter at the instance of the Chairman. An extraordinary meeting of the County Working Committee shall be held if requested by two-third of the members of the Committee and such a meeting shall be held within fourteen (14) days of the request.

16.10 The quorum of the County Working committee shall be one third of the members of the Committee and a simple majority shall pass any motion of the Committee.

Functions of the County Working Committee

16.11 The functions of the County Working Committee shall be but not limited to:

- a) co-ordinating the day-to-day functioning of the Party at County level;
- b) identify and resolve political, social and economic issues concerning to the County;
- c) developing the Party structures in consultation with the Branch Executive Committees within the County;
- d) carry out the decisions of the National Delegates Convention, & the National Executive Council within the County;
- e) coordinate, facilitate and synchronize the Party activities and events and electoral/campaign activities within the County;
- f) organize such Conventions and meetings for the Party membership in their respective counties from time to time to participate in public participation;
- g) perform such other functions as may be assigned to it by the National Executive Council or National Governing Board or the National Delegates Convention from time to time.

The County Delegates Convention

16.12 There is established the County Delegates Convention in each of the 47 counties *illustrated in Schedule XI hereto* and the functions of the County Delegates Convention shall be to:

- a) approve the budget of the County Funds of the party;
- b) manage, harmonize, & coordinate County affairs of the Party;
- c) receive County Progress Report from County Working Committee;
- d) facilitate the election of Head Representative of the county by the local traditional council from the branches to the National House of Elders on a two-yearly rotational basis;
- e) receive for execution the decisions of the National Delegates Convention and the National Executive Council;
- f) elect officers of the County Association and the members of the County Working Committee who will hold office for 4 years;
- g) elect governorship, senator and women representative's candidates of the party.

16.13 The County Delegates Convention for both Annual and Special shall primarily consist of the all members of the County Association and shall meet at least once in every year at the instance of the

Chairman on a date and at a venue to be determined by the County working Committee in consultation with National Executive Council provided that it shall be held within the County and before the National Delegates Convention.

- 16.14 An extra-ordinary meeting shall be held if requested for, by two-third of the members of the County Association members and such a meeting shall be held within twenty-one (21) days of the request and shall not discuss any matter other than that for which it was convened.
- 16.15 The quorum of the County Delegates Convention shall be two-third of the members drawn from the County Association members and a simple majority shall pass any motion of the County Delegates Convention.
- 16.16 The CDC shall have voting delegates and non-voting delegates and may alter the number of delegates from time to time. Only paid-up members of the CDC are eligible to attend the Convention.

Elections of County Working Committee (County Level)

- 16.17
- a) The delegates elected from the Branches shall form the County Electoral College and will elect the County Executive Committee.
 - b) On the date to be determined by the National Executive Committee for the county elections, the delegates of the Electoral College shall assemble at the designated venue and vote by secret ballot or any other method acceptable to the delegates present.
 - c) The quorum for the Electoral College for the purpose of conducting the Regional Elections shall be two thirds of the delegates eligible to vote.
 - d) The Returning Officer shall tally the results and after announcing the winner submit the results or any other report to the Nominations and Elections Board.

ARTICLE 17

The Regional Representative Council (RRC)

- 17.1 There shall be established the Regional Representative Council whose formation shall be by way of clustering together of Counties within a particular geographical area and in close proximity thereby forming 13 geo-political regions across the country *as illustrated in Schedule XII hereto*.
- 17.2 The aim of the regions shall be to operate collectively to better achieve the Party Vision and Values and engage in shared economic activities that benefit the counties involved; provided that each County will continue to retain their distinct responsibility for its own membership.
- 17.3 Each Region Council shall conduct its affairs through its representational structure.
- 17.4 Each Region shall be of a sufficient size to:
- a) provide a diversity of experience from the Counties forming it;
 - b) ensure support synergy between the Counties through well organised and strong Branches;
 - c) ensure that County Representatives can attend regional meetings and convention without undue travelling time and costs.
- 17.5 Any of the regions may from time to time and subject to the prior approval of 75% of the Counties forming a particular region, be adjusted or altered from those existing to a New Formed Region as circumstances or the party may deem fit and ratified the National Governing Board.

17.6 There shall be Regional Executive Officials which shall consist of:

- a) The Regional Chairperson;
- b) The Regional Deputy Chairperson;
- c) The Regional Secretary;
- d) The Regional Treasurer;
- e) The Regional Organizing Secretary;
- f) The Regional Women League Representative
- g) The Regional Youth League Representative
- h) The Regional Special Interest Representative

17.7 The Regional Executive Office shall meet at least once in every quarter after the County Working Committees have met. The Regional Chair will play a liaison role between the Region and the National Office.

17.8A Regional Representative Council shall comprise members who are delegates from Counties within that region, and include all other representatives of party organs as follows;

- a) The Regional Executive Officials (Regional Chairperson shall Chair)
- b) The Party Leader and the Deputy Party Leader;
- c) The National Chairperson and Deputy National Chairperson;
- d) The President and Deputy President of Kenya, if members of the party;
- e) The Special Advisers to the President and the Deputy President;
- f) The County Governors and Deputy Governors from the Region, if members of the party;
- g) The Special Advisers to the Governor and the Deputy Governor;
- h) All the officials of the County working Committees from the Region;
- i) One ex-officio member from the National Executive Council and National Secretariat;
- j) The Traditional Council Representative from each of the branches of the party from the Region;
- k) All the Members of the Branch and Board of Trustees Chairpersons from the Region;
- l) All delegates to the National Delegates Convention from all the Counties in the Region;
- m) The Members of the County, National Assembly, Women Reps and Senate who are members of the party (Both Elected and Nominated) from the Region;
- n) The Speaker, Deputy Speaker, Party Leader and Party Whip in the Senate, who are members of the party (Both Elected and Nominated) from the Region;
- o) The Speaker, Deputy Speaker, Party Leader and Party Whip in the County Assembly and the National Assembly in the Region, who are members of the party (Both Elected and Nominated) from the Region;
- p) Such other additional persons who may be co-opted to be members of the Regional Executive Council provided that the Branch Chairs in the Region must at all times comprise the majority of the voting members of the Council.

Functions of the Regional Representative Council

17.9 The Regional Representatives Council shall undertake the functions which are beneficial to, and in the best interests of, the Party within the Region.

17.10 A Regional Representative Council shall:

- a) undertake the administration of the Party at the Regional level;
- b) prepare agenda for and summon meetings of the Regional Representative Convention;
- c) assist with candidate selection and ranking of list candidates in the Region;
- d) liaise with the County Associations in the Region and where necessary, support weaker Branches and Counties within the Region;
- e) elect delegates to positions on the Regional Executive Officials who will hold office for two years;
- f) elect the members of the Regional House of Elders and National House of Elders where a seat becomes vacant and a successor is required;
- g) provide assistance to regional political focus, receive reports of the officers of party in the Region;
- h) prepare final reports for the consideration in the National Delegates Convention;
- i) carry out the decisions of the National Delegates Convention, & the National Executive Council;
- j) offer advice to the Party on organizational and strategic regional matters;
- k) manage, harmonize and co-ordinate all the regional affairs and activities of the party;
- l) offer a venue for collaboration, planning and information sharing between Counties; and
- m) perform such other functions as may be assigned by the National Executive Council and subject to the directions of the National Governing Board.

Regional Representative Convention

17.11 It is hereby provided that:

- a) Each Region shall hold a Regional Representative Convention before 15th June in every two years, or at the instance of the Chairperson or otherwise on a date to be determined by the National Executive Council and venue must be in any of the counties within a region; provided that it shall be held before the National Delegates Convention;
- b) An extra-ordinary meeting shall be held if requested for, by two-third of the members of the Council and such a meeting shall be held within twenty (1) days of the request in such places and at times as a Regional Representative Council shall decide;
- c) The quorum of the Regional Representative Convention shall be two-third of the membership and a simple majority shall pass any motion of the Council.
- d) All persons entitled to attend and to participate fully in the business of a Regional Representative Convention must register as such and all registrations must be received by the Regional Chair no later than the time of the commencement of each respective Regional Representative Convention.
- e) Any Member of the Party residing within a Region may attend any meeting of the Regional Representative Council as an observer unless a meeting of the Council, is specifically restricted to members of that Regional Representative Council, in which case the reason for such restriction is stated and justified to the members. Any decision of the National Governing Board in respect of any such restriction shall be final and binding on the Regional Representative Council.
- f) The Regional Representative Convention are empowered to elect the Regional Executive Council officials or otherwise the County Chairpersons shall convene to elect the Regional Executives which shall be held on a rotation basis for a period of two (2) years.
- g) A written report of the Regional Representative Council activities by the Regional Chair or his/her nominee shall be given of the members and to the National Governing Board and the NEC within 1 month following the Convention.

Elections of Regional Representative Committee (Regional Level)

17.12

- a) The delegates elected from the Counties shall form the Regional Electoral College and will elect the Regional Executive Committee.
- b) On the date to be determined by the National Executive Committee for the regional elections, the delegates of the Electoral College shall assemble at the designated venue and vote by secret ballot or any other method acceptable to the delegates present.
- c) The quorum for the Electoral College for the purpose of conducting the Regional Elections shall be two thirds of the delegates eligible to vote.
- d) The Returning Officer shall tally the results and after announcing the winner submit the results or any other report to the Nominations and Elections Board.

ARTICLE 18

The National House of Elders (NHE)

- 18.1 In accordance with Article 57 of the Constitution, there shall be established the National House of Elders, whose membership shall be open to all Party members aged between 65 and 90 years and shall be subject to the general control of the National Executive Council.
- 18.2 The Local Traditional Council shall elect a paramount head who shall be the chairperson of the local council subject to the rules for office bearers' nominations and elections as prescribed in this Constitution and shall be the County Representative at the National House of Elders when elected as such to represent the interest of that region from which they are appointed.
- 18.3 There shall be a National Elders Committee consisting of Chair, Deputy-Chair, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and ten committee members which shall govern all the affairs of the council between National Delegates Conventions. The local traditional heads from the branches may hold an annual Convention or the attend the County Delegates Convention to elect the office bearers and the committee.
- 18.4 The Paramount heads of the branch traditional Councils shall form a county caucus to elect one of their own as the Head Representative of the county to the National House of Elders on a two-yearly rotational basis.
- 18.5 Subsequently, the Chairperson of the National House of Elders shall be elected by the Head Representative from the Counties at a Convention which shall be organised by the National Executive Council or during the National Delegates Convention or a special Convention organised for this specific agenda or as the case may be from time to time and shall hold office on a three-yearly rotational basis *as illustrated in Schedule VIII hereto*.
- 18.6 Once an Elder is appointed as Chair at National level, his position at the branch automatically become vacant and the branch shall arrange to elect another chair from amongst them who will serve for a two-yearly rotational basis. The other office bearer shall be elected using the same approach and principles in this constitution.
- 18.7 The Nominations and Elections Board in consultation with the National Executive Council shall supervise the election of the office members of the National House of Elders. The National Party Chairman or persons nominated by the Chairperson in writing shall be the Returning Officer for the election.

- 18.8 A person shall not qualify to be chair or deputy-chair of the National House of Elders if that person;
- a) has been convicted for treason, crime or for an offence involving the security of the State, fraud, dishonesty or moral turpitude; or
 - b) is adjudged to be a person of unsound mind;
 - c) having been declared insolvent or bankrupt under a law in force in the Republic or in any other country, is an undischarged insolvent or bankrupt; or
 - d) on health grounds due to age or otherwise determined by the NEC.
- 18.9 The Deputy Chairperson shall:
- a) be elected by the members of the National House of Elders from among their number;
 - b) act as the head and perform the functions of the Chair of the House in the absence of the Chair;
- 18.10
- a) Where a vacancy occurs in the office of the Chair, Deputy-Chair or a member of the National House of Elders, and a successor is required, the member shall be drawn from the specified region from which the vacated member belonged unless this requirement is otherwise determined by the National Executive Council;
 - b) The National Executive Council shall be notified in writing within fourteen days of the occurrence of the vacancy and shall publish the notice in the Party Bulletin or any other prescribed means, convene a meeting of the National House of Elders within twenty-eight (28) days after the publication;
 - c) The County Working Committee shall be notified by the National Executive Council to convene a meeting within twenty-one days to elect a new Head Representative to fill the vacancy, and shall be taken to be elected if the person obtains a simple majority of the votes cast;
 - d) The new member shall hold office for the unexpired term of the vacating member but shall maintain their branch position;
 - e) An election shall not be held if less than one-half of the Elders in the House are present, or an insufficient number of Elders is present, or no elder obtains a majority of votes cast;
 - f) The National Executive Council shall publish in the Party Bulletin notice of the result of the election signed by the Chairman of the National Governing Board or any other authorised official by the Chairman of the National Governing Board in writing;
 - g) The conduct of the National House of Elders shall be governed by National House of Elders Standing Orders.

Functions of the National House of Elders

- 18.11 The National House of Elders shall;
- a) advise the party or any party authorities charged with a responsibility under this Constitution or any other law for any matter related to or affecting the welfare of the society or affecting the community in particular regions;
 - b) guide the party and the Kenyan people with a view to undertake to progressively study, interpret, codify and adopting to relevant customs and usage that is considered socially and economically beneficial when called upon to do so;
 - c) make general recommendations that are appropriate for the resolution or expeditious disposition of community disputes in any affected region;
 - d) take measures to ensure that the elders in the society -

- i. pursue their group's development;
 - ii. fully participate in the affairs of society;
 - iii. live in dignity and respect and are free from abuse;
 - iv. uphold their cultural values, languages and practices;
 - v. serve as living repositories of cultural knowledge and heritage;
 - vi. receive reasonable care and assistance from their family and the community;
 - vii. receive their fair share of government contribution towards their welfare;
 - viii. participate and are represented in governance and other spheres of life;
 - ix. are provided special opportunities in educational and other economic fields; and
 - x. have reasonable access to water, health services and other essential infrastructures.
- e) perform such other functions conferred on it under this Constitution provided they are not inconsistent with the law or in conflict with accepted the customary practices.

18.12 Where a matter is referred to the National House of Elders by the Chairperson, Parliament, or an authority in respect of a matter touching on any community, the House shall give consideration to the matter and report on it as required.

18.13 The National House of Elders may work with any of the party organs and committees, comprising of persons that it may determine to assist in the performance of specific functions it thinks fit.

Meetings of the National House of Elders

18.14

- a) The National House of Elders shall meet at least twice in a year for the despatch of its business and in the date, time and places determined by the National Executive Council.
- b) An extraordinary meeting of the National House of Elders may be convened at the request in writing of the President (if in government under the party) or Leader of the Party or National Chairman or National Governing Board or the Supreme Advisory Committee or NEC or at the request of not less than one-half of the total number of members of the National House of Elders.
- c) The Chairperson of the National House of Elders shall, preside at meetings of the National or Regional House of Elders and in the absence of the Chairperson, the Deputy-Chairperson shall preside and in the absence of both, a member of the National House of Elders elected by the members from among their number shall preside.
- d) A question arising for decision by the National House of Elders shall be determined by the votes of the majority of the members present and voting, and in the event of equality of votes the Chairperson or person presiding at that meeting shall have a second vote.

ARTICLE 19

The Board of Trustees (BOT)

19.1 There shall be established a Board of Trustees of the party duly registered pursuant to the provisions of the Trustees (Perpetual Succession) Act, Cap 164, Laws of Kenya, or such other legislation amending, repealing, or otherwise altering the said Act.

19.2 The Supreme Advisory Committee in consultation with the NEC will appoint the Trustee chairman and Members who will be approved by the NDC.

- 19.3 The terms of appointment, conditions of service, functions and powers of the Board of Trustees shall be in accordance with the Trust Deed and Rules. A person appointed as a Trustees shall hold office for a term of five (5) years and shall be eligible for re-appointment at the expiry of the term.
- 19.4 Notwithstanding the provisions of the Trust Deed and Rules and or in addition to the said provisions, the Board of Trustees shall have the power to hold and acquire, and by instruments under the common seal to convey, transfer, assign, charge and demise any movable or immovable property or any interest therein now or hereafter belonging to, or held for the benefit of, the Party in the same manner and subject to such restrictions and provisions as may be imposed by the National Executive Council.
- 19.5 All land, buildings and any other assets, investments and securities that may be acquired by the Party shall be vested in the names of the Trustees. No property of the party shall be used by a trustee for individual gain or disposed, sold or otherwise transferred without the express authority of NEC.
- 19.6 The Board of Trustees which shall consist of:
- a) All founding fathers and founding mothers of the party;
 - b) All past Presidents and Deputy Presidents of Kenya, who held or hold the respective posts as members of the party and who are still members of the party;
 - c) All Past National Chairmen, Deputy National Chairmen and National Secretaries, who are still members of the party;
 - d) All past Speakers of the Senate and Speakers of the National Assembly who are still members of the party;
 - e) Person(s) not exceeding six, who have contributed immensely to the growth of the party and found suitable by the National Governing Board.

Functions of the Board of Trustees

- 19.7 Subject to any guidelines made by the NEC, the Trustees shall have power to:
- a) elect a secretary from members of the Board;
 - b) offer advice on party matters to the various party structures;
 - c) sell, purchase or transfer any movable and immovable properties of the Party;
 - d) uphold the fiduciary duty to protect all of the party's assets and funds in trust;
 - e) regulate its own proceedings and shall draw up a code of conduct for its members;
 - f) be vested with the assets of the Party and shall serve as custodians of such assets;
 - g) ensure the party enjoys a good image before the Kenyan populace and is in good political health;
 - h) ensure that the people to be elected in office are of proven integrity and have contributed immensely to the growth of the Party;
 - i) avoid conflicts of interest as much as possible and should disclose any information that could suggest self-dealing;
 - j) formulate and implement sound investment policies as regards the management of the properties;
 - k) engage in commercial activities to build Party assets and capital base;
 - l) cause monies belonging to the Party to be invested in bonds, shares, securities or other forms of investment as deemed fit;
 - m) participate in fundraising, give an annual donation, maintain donor loyalty, support the community and upholding the organization's reputation;

- n) ensure highest standards of morality of the party members in all the activities of the Party by acting as the conscience of the Party, with power to call to order any officer of the Party whose conduct falls below the norms;
- o) attend any meetings of any other organs of the party, except the National Caucus and the National Secretariat;
- p) pay all income received from properties and its activities to the official party account and seek from the party Treasurer funds for any expenditure in respect of such properties, investments, or securities;
- q) ensure that all properties of the Party are used only for the benefit and in the best interests of the Party;
- r) carry out such other functions as may be determined by the Party or are incidental to the management of the properties of the Party.

Meetings of the Board of Trustees

19.8 The Board of Trustees shall meet;

- a) at the instance of the Chairman;
- b) at the request of half of the members of the Board;
- c) by a resolution of the Board;
- d) a resolution of the National Executive Council;
- e) at National Governing Board requesting for such a meeting.

19.9 The quorum necessary to transact business by the Trustees shall be three (3) or two-third of its members. A simple majority shall pass any motion of the Board of Trustees.

19.10 The office of a Trustee may become vacant if -

- a) A trustee resigns by a notice in writing addressed to the Party Leader;
- b) A trustee is adjudged bankrupt;
- c) A motion calling for his or her removal is passed by two thirds of the members; or
- d) Death or incapacity of a trustee.
- e) A trustee is removed from office by recommendations of the National Executive Council on grounds of infirmity or misconduct;
- f) He is expelled from the party;
- g) He is removed from office, appointive or elective, which made him automatic member of the Board of Trustees under this Constitution.

19.11 Fresh selection shall be made to fill any vacancies in the Board of Trustees where applicable.

ARTICLE 20

Nominations and Elections Board (NEB)

20.1 The Nomination and Election Structure and will consist of the following: -

- a) National Executive Council (NEC)
- b) Nominations And Elections Board (NEB)
- c) Nominations and Candidate Selection Committee (NCSC)
- d) Returning Officers (RO)
- e) Presiding Officers (PO)

- f) Polling/Counting Clerks
- g) Scrutineers
- h) Security Officers Clerks

20.2 There is hereby established, an autonomous **Nominations and Elections Board** (hereinafter “**the Elections Board or NEB**”).

20.3 The Elections Board will be appointed by NEC on the recommendations of the Supreme Advisory Committee and will comprise of not less than five (5) and not more than twelve (12) knowledgeable individuals of good standing and respectable with high integrity and do not hold any elective party position.

20.4 The Elections Board members shall include:

- a) a Chair, Deputy-Chair and Secretary,
- b) a Election Administrator and Campaign Coordinator;
- c) a person representing special interest groups;
- d) at least one-third of either gender;
- e) the Executive Director as an ex- officio member;
- f) five other members appointed by NEC

20.5 During its first meeting, the Election Board shall elect one of their members who shall be of the opposite gender to the chairperson to be a deputy chairperson and another to be a Secretary to the board from among themselves. The Board Members must consist of individuals from different ethnic groups.

20.6 The Elections Board shall serve for a term of four (4) years and are eligible for re-appointment at the expiry of their term, subject to a maximum of two (2) consecutive terms.

20.7 The Elections Board shall receive secretarial and other support services by the National Secretariat in the discharge of its mandate.

20.8 In order to manage the complex requirements of any elections or campaigns, the election board shall constitute and appoint, as it deems fit, a number of Nominations and Candidate Selection or Party Listing Committees in the Counties with large degrees of responsibility to support its conduct of free and fair party elections.

20.9 The National Executive Committee shall appoint an Appeals Board comprising of Five (5) members to handle all disputes arising out of the Party’s Presidential, Gubernatorial, Parliamentary and County elections. Its decisions shall be final.

20.10 A person shall be qualified for appointment as a member of the Nominations and Elections Board if such person:

- a) is a Kenya Citizens that have attained a minimum age of eighteen (18) years;
- b) is a fully paid-up member of the Party;
- c) is experienced in election matters;
- d) is eligible to vote at an election;
- e) has not been convicted of an election offence;
- f) satisfies the requirements on leadership and integrity as specified in this constitution, the Constitution of Kenya and enabling legislations; and

- g) have a degree from a recognized university and have relevant experience in any or all of the following fields -
 - i. Leadership, Governance and Management;
 - ii. Public administration and Finance;
 - iii. Political Science, Social Sciences, or Humanities
 - iv. Law and Electoral matters; and
 - v. The chairperson of the NEB shall be a person qualified to hold the office of a Judge of the High Court of Kenya.

20.11 A NEB member may be removed from office on the following grounds;

- a) is declared bankrupt;
- b) death of the board member;
- c) becomes mentally incapacitated;
- d) declares an interest in a particular nomination;
- e) if the Board Member resigns or defects the Party;
- f) acts that may be deemed as gross misconduct while performing his/her duties;
- g) seriously violates the Party Constitution, Nomination and Election Rules or the Code of Conduct;
- h) convicted of an election offence or criminal offence that carries a sentence of at least six months with no fine; or
- i) the court finds that the member has violated provisions of chapter six of the Constitution of Kenya, 2010

20.12 A person desiring the removal of a member of the Board or the Board itself must make an Application to the National Executive Council stating the reasons for such removal.

Functions of the Nominations and Elections Board

20.13 The Specific function and powers of the Nominations and Elections Board shall be to;

- a) formulate rules and procedures for the conduct of its affairs;
- b) once appointed and sworn in, shall according to Party Constitution put in place structures to ensure effective national, county/ branch and sub branch nominations and elections and consult with the Director of Elections, Party Leader and the Secretary General to ensure an efficient and effective service delivery;
- c) oversee the identification, acquisition, installation and utilization of such technology as may be appropriate for the conduct of elections and ensure procurement of all other electoral materials, goods and services is done in a timely manner;
- d) under the direction of the National Executive Council and approved by the National Governing Board prepare the ballots which is distributed electronically or printed, and ensure adequate equipment and nomination materials are distributed in a timely manner;
- e) ensure gender parity and conformity with the Constitution of Kenya, the electoral laws, Party Constitution and party nominations regulations and other relevant laws and where necessary review the Party elections and nominations rules for ratification by the National Executive Council;
- f) determine eligibility of candidates for elections as party officials and delegates at branch and sub-branch level and eligibility as candidates for County and Parliamentary seats and party candidates for presidential elections;

- g) participate in the nominations and selection of party candidates at all levels of the Party and supervise elections to fill any vacancies that may arise from time to time;
- h) design all relevant forms and other documents required for purposes of party elections and/or nominating Party candidates for elections and receive candidate selection forms and other required elections documents from the branches and the county;
- i) set the timeline for identifying aspiring party candidates and notify all members before the party primary, plan, organize, direct, coordinate and supervise all the Party Appointments, Nominations, Candidates Selection and Elections for Presidential, Gubernatorial, Parliamentary and Civic candidate's nominations throughout the Republic of Kenya, in readiness for the National and County Assembly General Elections;
- j) set the date and venue for the party primaries, announce the qualifications and requirements for eligibility as aspiring party candidate, select the party officials who shall be responsible for the undertaking or supervising of the Presidential, Parliamentary and County level primary nominations in respect of a general election or by-election and in accordance with these rules;
- k) present to the National Executive Council the names of the elected party officials and successful applicants for nomination as Presidential, Parliamentary, Gubernatorial and County Assembly candidates;
- l) issue a notice to the members regarding any exercise in the party nomination of Party Lists and supervise the conduct of Party Lists elections for compliance with Article 90 of the Constitution of Kenya, 2010;
- m) invite applications for nomination from aspiring party candidates for all elective seats, set timeline of return of the applications, determine eligibility of candidates for nomination as party candidates, verify the applications and other documentations and consult with NEC to issue notices to Members of the party of date, venue, and time within which nominations shall be conducted in accordance party requirements;
- n) appoint and supervise a Nominations & Candidates Selections Committee, the Returning Officers, Deputy Returning Officers, Presiding Officers, the Scrutineers, Polling and Tallying Clerks, Security Officers, Party agents and accreditation of independent election observers and all other election officers and if necessary to establish County/Branch Elections Panel, make rules to govern their operation, in consultation with the National Executive Council as shall be necessary for the better carrying out of its mandate;
- o) review and ensure updated party membership lists ahead of nominations, identify suitable venues for conducting the party nominations, provide logistics relating to the nominations exercise, ensure the secrecy of the vote by providing adequate security and be responsible for delivering the result of the selected candidates to the board, receive nominations results from Returning Officers and present the election results (including Presidential) to the National Executive Council;
- p) vet all candidates aspiring for Party election including presidential in accordance with provisions of the Constitution of the Republic of Kenya, Party Constitution, the Party Nomination and Election Rules and Procedures, the Party Code of Conduct and any other applicable voter laws and grant a candidate an automatic nomination with the written approval of the National Executive Council;
- q) design Nomination Certificates in respect of any election and in consultation with the National Executive Council, issue certificates that bear the seal of the Party and signed by the Party Leader and the Chairperson of the NEB to a candidate duly nominated upon being announced the winner, and file the necessary statutory declarations signed by the chairperson of NEB to certify that the Party has complied with these Rules in the conduct of the Party primaries and nominations to Party Lists;

- r) through the office of the Director, Nominations and Candidate Elections, present to the National Executive Council a list of all candidates seeking election to or contesting the party positions or nominations for National and County level elective positions; PROVIDED that the National Executive Council may raise objections on reasonable grounds regarding the suitability of any candidate or grounds that a candidate presented and that such a candidate shall be heard on the objection before any determination on their fate is made; the objections by the NEC will be reviewed by the NEB and a decision made by consensus in the first instance failure to which it will be determined by the Appeals Board;
- s) take all the necessary measures to ensure that the party elections and nominations are transparent, peaceful, free and fair and that the choice of candidates truly reflects the will of members and the people. In extreme situations, stop an election, in whole or in part, and direct that a new election be held or that an election resume;
- t) in discharging its functions, independently and impartially exercise its functions on behalf National Executive Council and not be under the direction of any person;
- u) act in accordance with the national constitution, election act, the party constitution, these Nominations Rules and any rules of procedure that may be promulgated in accordance with the party constitution and deal with any challenges that arise during the election process, including judicial reviews and police investigations of alleged election offences;
- v) where any aggrieved may file any grievances regarding the nomination exercise, the party organs that will hear and determine any appeal and the fee, if any, that should be paid;
- w) devise or formulate rules of procedure for the election disputes appeals tribunal which shall be independent. The appeals tribunal shall hear and determine disputes where an appellant is dissatisfied with the decision related to nominations, selection, elections and party listings and communicate its resolutions to The Nominations and Elections Board;
- x) conduct a recall of elected members if warranted;
- y) respond to community inquiries and the procedural conduct of the election;
- z) outsource such assistance as may be necessary for the fulfilment of its mandate.

Meeting of the Nominations and Elections Board

20.14 The Nominations and Elections Board shall meet;

- a) by a resolution of the Board;
- b) at the instance of the Chairman and/or Party Leader;
- c) a resolution of the National Executive Council;
- d) at the request of half of the members of the Board;
- e) at National Governing Board requesting for such a meeting.

20.15 Whenever the chairperson is absent, members of NEB shall elect from amongst themselves a member to act as the chairperson and exercise the powers and responsibilities of the chairperson.

20.16 The quorum of the meeting shall be two-third of its members. A simple majority shall pass any motion of the elections board.

Nominations and Elections Officials

20.17 Unless otherwise determined by the National Governing Board and/or the Supreme Advisory Committee, the NEB shall recruit and train electoral officers to support its conduct of Party elections on such terms and conditions as it deems fit.

20.18 The recruitment of election officials may take place any time prior to the commencement of the Party primaries. The recruitment will take into account the skills needed relating to the selected method of voting.

Qualification of Election Officials

20.19 No person shall be appointed as an Election Official unless he/she is:

- a) a current member of the party.
- b) of good standing and integrity
- c) ordinarily resident in the constituency.
- d) not an elected official of the Branch Executive Committee
- e) undertakes to abide by the rules and regulations set by the Nominations Elections Board.

Returning Officers and Deputy Returning Officers

20.20 In exercising its mandate, the NEB shall appoint and delegate its powers and duties to the Returning Officer who shall be in charge of party nominations and elections at the Ward, Constituency, County and Region as the case may apply from time to time and as stipulated in these rules and procedures.

20.21 The NEB shall, in consultation with the Branch Executive Committee, appoint a Constituency and County Returning Officer and such number of deputy officers as it may consider necessary to oversee the nomination and election of party officials and delegates and the nomination of party candidates for national elections at sub branch and branch levels.

20.22 The Board shall appoint and accredit as it may consider necessary, 13 Returning officers, who shall represent each region of Kenya as illustrated in schedule XII of the Party Constitution, Presiding Officers per number of counties in that region and polling/counting clerks as may be deemed fit per region.

20.23 In addition to the above each Presidential Candidate shall be entitled to designate an agent per region.

20.24 There will be a widely publicized notice inviting members of the party and public to apply for the position of a Returning Officers and his/her deputy within a reasonable period of time and the number, qualification and vetting shall be determined by the Nominations and Elections Board.

20.25 A deputy constituency returning officer shall, subject to the general direction and control of his or her returning officer, have all the power, and may perform all the duties, of the returning officer under these rules.

20.26 All election officials serving at any primary shall be sworn to the faithful performance of their duties.

20.27 For the performance of the duties, each election official actually engaged therein shall receive such reasonable compensation from the party as is approved by the Election Board, as the case may be; and all necessary expenses incurred by Committee under the provisions of said sections shall be paid by the party;

Functions of the Returning Officers

20.28 The Function and powers of the Returning Officers shall be to:

- a) Chair of the Nominations and Candidates Selections Committee at Constituency, County and National levels, where deemed necessary;
- b) Be in charge of Constituency or County or Regional nominations, and Party Primaries as the case may be;

- c) Carrying out briefings and trainings for other election officials on the proper conduct or party elections in accordance with the party's Constitution and these Nomination and Election Rules;
- d) Keep a register of the party members for each branch that shall be eligible to vote during the elections and nominations;
- e) Receiving nomination papers in respect of candidates nominated for the Member of the National Assembly and Members of the County Assembly, post of Governor, County Woman Representative and the Senate as the case apply for the candidate;
- f) Tallying final results from the constituencies for purposes of the election of the Member of the National Assembly and Members of the County Assembly, post of Governor, County Woman Representative and the Senate as the case apply for the candidate;
- g) Announcing and submitting to the Nominations and Elections Board, in the prescribed form, the collated election and nomination results for the election of the Member of the National Assembly and Members of the County Assembly, post of Governor, County Woman Representative and the Senate as the case apply for the candidate;
- h) Ensure that requisite logistics are in place at the election venue and that sufficient and relevant voting materials and equipment are available;
- i) Liaise with the police to ensure adequate security before, during and after party nominations and elections;
- j) Supervise the nomination and election process including other election officers at all levels;
- k) Accredited independent elections observers;
- l) Receive the names of agents from the candidates;
- m) Safely maintain and preserve all ballot boxes and all election and nomination materials in each constituency and returns the same to the Nominations and Elections Board at the conclusion of the nominations, Party elections or primaries where applicable;
- n) Undertake any other responsibility or duty that might lawfully be assigned to them by the Nominations and Elections Board.

Presiding Officers and Deputy Presiding Officer

- 20.29 There shall be Presiding Officers appointed by the Nominations and Elections Board who shall be in charge of every polling station/ward in the Constituency and may similarly appoint such number of deputy-presiding officers as may be necessary. A deputy presiding officer may perform any act, which a presiding officer is required or authorized to perform by these rules.
- 20.30 There will be a widely publicized notice inviting members of the party and public to apply for the position of a presiding officer and his/her deputy within a reasonable period of time and the number, qualification and vetting shall be determined by the Nominations and Elections Board.
- 20.31 A returning officer may preside at a polling centre and in that case the returning officer shall, for the purposes of these rules, be deemed to be the presiding officer of that station.

Functions of the Presiding Officers

- 20.32 The Function and powers of the Presiding Officers shall be to;
- a) presiding over elections at an assigned polling station;
 - b) act under the general direction of Returning Officers;
 - c) ensure the requisite logistics are in place at the polling station;

- d) create an environment is conducive for voting during elections;
- e) supervise the Polling/Counting Clerk and Scrutineers as the case may be;
- f) protect the rights of all voters including Special Interest groups and the illiterate;
- g) where computer aided voting is the method applied; aggregate the results from the different electronic voting gadgets used at the polling station, record the results as reflected on each gadget, transmit the results of each gadget to the tallying centre and submit the forms with the recorded results to the relevant Returning Officer;
- h) ensure that voting process is free and fair;
- i) count, tally, and announce the results at the Polling station at the close of the polls and submit election results to the respective Returning Officer (Constituency or County Returning Officer);
- j) regulate the number of voters to admitted into the polling station at any given time, and to exclude all other person except: -
 - i. The candidates and their agents
 - ii. Elections Officials on duty
 - iii. Security Officers on duty
 - iv. Persons necessary in assisting the blind voters or the incapacitated.

PROVIDED, the powers conferred by this Rule shall not be exercised so as to prevent any voter who is entitled to vote at the polling centre from having an opportunity to peaceably vote at that polling centre;
- k) may admit to the polling station at least one agent of each candidate but may admit as many more agents as directed by party Rules.
- l) may refuse admission to a person claiming to be an agent for a candidate, if that person does not produce a letter of as agent signed by that candidate;
- m) liaise with the police and other security personnel to ensure that there is ample security at the polling station;
- n) keep order at his or her polling centre and ensure the voting sites are free from all forms of violence, intimidation, bribery, discrimination, manipulation or coercion. The power conferred on a presiding officer and a police officer, or any other person authorized, shall not be limited to the area covered by the polling centre only, but shall extend to a radius of not more than four hundred meters from the centre of the polling centre;
- o) order the removal of any person who misconducts himself or herself at the polling centre, or fails to obey any lawful instructions or orders of the presiding officer or appears to her/him to preventing free access to and from the polling station, or to intimidating or interfering with voters in a polling station. Such person shall be removed by the police officer, or any other person authorized by the order; a person so removed shall not re-enter the polling station during the continuance of the without the permission of the presiding officer.
- p) order the dispersal of any gathering of persons which appears to the presiding officer to be preventing free entry to, or exit from, and any such order shall be sufficient authority for a police officer, or any other person authorized by the order, to effect the dispersal;
- q) carry all tasks and duties as may be lawfully assigned to them by respective.

Polling/Counting Clerks/Scrutineers

- 20.33 Where considered necessary, there shall be appointed such number of Polling/Counting clerks for the elections at the National Delegates Convention and for each polling venue, who shall be answerable to the Presiding Officer or his or her deputy under whom they shall be working to execute such duties and functions as may be assigned to them by Returning Officers or Presiding Officers, as the case may be.
- 20.34 There will be a widely publicized notice inviting members of the party and public to apply for the positions of Polling/Counting Clerks within a reasonable period of time and the number, qualification and vetting shall be determined by the Nominations and Elections Board.
- 20.35 The NEB may at its discretion, make the list of the persons appointed under sub-rule (5.22) available to Party members, within a reasonable period following the date of their appointment to enable the Party members, raise any objections.
- 20.36 The NEB may further publish this list of the persons appointed under this rule on the Party's NEB website and at the Party offices within the relevant constituency.

Functions of the Polling/Counting/Tallying Clerks/Scrutineers

- 20.37 The Function and powers of the Polling/Counting Clerks shall be to;
- a) prepare and lay out the polling station;
 - b) check of the voter's details in the register;
 - c) issue ballot paper to voter;
 - d) direct the voter to the booth and the ballot box;
 - e) dip of the voter's small left finger in ink after voting;
 - f) assist the Presiding Officer in; -
 - i. separating ballot for different posts and according to candidates;
 - ii. sorting out the ballot papers and separating those which are suspected to be invalid; and
 - iii. counting and tallying the votes by publicly displaying the votes for each candidate.
 - g) ensure that the requisite logistics are in place at the designated polling stream before the elections or nominations start;
 - h) the Chair of the Nominations and Candidates Selections Committee shall appoint scrutineers from among the enrolled party members in the branch, to serve during the voting procedure;
 - i) the Scrutineers shall just like the Polling Clerks, check the name of each voter on the list or lists of eligible voters, as the case may be, when the voter offers himself to vote.;
 - j) at least two (2) of the three (3) Scrutineers must have been present in at least two "Meet the Candidates" meetings and at the count of all votes. The Chair of the selection committee and the respective scrutineers must certify that the voting process is properly carried out at both meetings and must be present at the casting of all votes at each respective meeting;
 - k) carrying any other duties as may be assigned by the Presiding Officer.

Security Officers

- 20.38 The Nominations and Elections Board shall designate a Security firm to provide Security Officer at the venue and answerable to the Returning Officer in addition to requisitioning a number of police officers to

help maintain Law and Order at the venue during the election and nomination or any other party function from time to time.

Disciplinary Measures

- 20.39 All members, party organs, election officials and staff of SFUP are bound by and subscribe to the Party code of conduct as well as that provided under the Political parties Act.
- 20.40 All elections officers or other person having a duty to perform under these regulations and who without reasonable cause contravenes the same by an act or omission of these regulations shall be liable to disciplinary action as provided for in the party constitution.
- 20.41 An election officer may be removed from office on grounds of:
- a) Gross incompetence;
 - b) Serious violation of the Party Constitution and these Rules;
 - c) Serious violation of the Constitution of Kenya, 2010 or the electoral laws;
 - d) Inability to perform the functions of office arising from mental or physical incapacity;
 - e) Bribery and/or soliciting for financial or other favours from candidates and/or their agents;
 - f) Communications with a candidate or delegates that compromises the integrity of the electoral process.

ARTICLE 21

The National Executive Council (NEC)

- 21.1 The National Executive Council of the Party shall be the executive organ of the Party mandated to prescribe the strength and the manner in which party organs will be constituted and managed. The members of the National Executive Council shall be ratified by the National Delegates Convention or a special NDC and hold office for a term of four years that is renewable only once save for;
- i. The Secretary, Parliamentary Section Affairs, (County, National Assembly and Senate), who shall be elected by the Parliamentary Caucus and ratified by NEC;
 - ii. The leadership of Members of Parliament and County Assemblies, Governors, Deputy Governors, the Chairperson of Board of Trustees and National Chairperson House of Elders, shall be elected by their respective groups;
- 21.2 The National Executive Council shall consist of the following members:
- a) All the National Office Bearers;
 - b) The Executive Director as ex-officio member; and
 - c) Such other persons as the NEC may recommend.
- It is hereby provided that:
- 21.3 A person shall cease to be a member of NEC by:
- a) Written resignation;
 - b) Death or insanity;
 - c) Ceasing to hold a party position that qualifies such a person to be a member of NEC; and
 - d) Any other reason stated in this constitution or party regulations.

Functions of the National Executive Council

21.4 The National Executive Council is the executive body of the Party and shall have the following functions and powers:

- a) To set up and maintain an organisational framework under which the Branches shall use for the strategic direction of the Party and supervise operations of the administrative organs of the Party at all levels when making such decisions as shall be beneficial for the administration of the Party;
- b) To formulate the party's Rules and Regulations, its Code of Conduct, Declaration of Candidacy, Pledge of Commitment and Party Right Agreement and other Procedures to operationalize this constitution;
- c) To carry out the decisions of the National Governing Board and the National Delegates Convention;
- d) supervise the National Secretariat of the Party to undertake such measure as it deems necessary to enforce the decisions and programmes of the Party;
- e) To coordinate and monitor the work of all Office Bearers elected by National Delegates Convention, appoint and fix the terms of Service of the Executive Director and other members of staff in the employment of the Party;
- f) To receive reports, supervise and direct the work of party branches, issue directives and instructions to and delegate such functions to all the National, Regional, and County and Constituency Party organs;
- g) To convene the meetings of and prepare the agenda for the National Governing Board and National Delegates Convention;
- h) To examine the actions, policies, programmes and legislations proposed by the party and ensure that they are in accordance with the principles, policies, programmes, objectives and manifesto of the party;
- i) To issue and/or send or receive, consider, approve and implement directives, instructions and reports and recommendations from/to the various standing committees or other part organs;
- j) To, where necessary, suspend or dissolve a Sub-Branch, a Branch or County Executive Committees and Associations and such suspension or dissolution shall not exceed three months where a new election will be called;
- k) To initiate, prepare or cause to be prepared the necessary quarterly, semi-annual or annual financial statements and budgets reports for approval by National Governing Board and the National Delegates Convention;
- l) To make rules for party internal discipline resolution mechanisms, standing orders which shall be binding on all organs and members of the party and initiate all such activities as might further the aims and objects of the Party.
- m) To enable the branches to co-operate in forming County and Regional Councils and establish such organs, departments or committees as it considers appropriate to provide broad political and organizational leadership to the Party;
- n) To set up working or standing committees and sub-committees of the party where it is deemed necessary from time to time to perform specified tasks, determine their terms of reference, and the person to be a member of any such committees for purposes (including delegation of powers) as may be provided for from time to time and as may be thought fit;
- o) To appoint and fix the terms and conditions of service of the Executive Director and other members of staff in the employment of the Party;

- p) To approve party policy documents and reports and ensure that they are disseminated to all branches and offices of the party and are available in the party website and social media pages;
- q) To grant such honoraria, out of pocket expenses, to any National Official so as to reasonably facilitate his or her attendance at meetings or to ameliorate his or her just and fair expenses, subject to the availability of funds, and in its own discretion.
- r) To operate and determine the manner in which the Party Accounts and Finances and all the assets and property of the party shall be used and managed prudently;
- s) To approve the minimum rates of annual subscription and other levies payable by members of the party and means to raise adequate funds for the management and sustenance of the party;
- t) To identify and recommend any person to be nominated by the Party to Parliament or County or Presidential, Parliamentary and Civic elections of Party Officials at all levels; where necessary coordinate elections in consultation with the Nominations and Elections Board;
- u) To recommend to the Party Leader names of any member of the Party or any other person who has made an outstanding contribution to the Party in the achievement or in furtherance of its objects, policies or programmes for the conferment of honours of recognition, merit, distinction, commendation or accolade in accordance with the Party's Reward and Merits Scheme.
- v) To identify in consultation with the Supreme Advisory Committee, eminent party leaders to the position of member Emeritus and persons so appointed shall have the right to attend all the meetings of the organs of the party;
- w) To receive and review reports from Disciplinary and Proceedings Committees at the National and County Level, constitute dispute resolution committees and conduct performance appraisal for the party's elected and nominated members;
- x) To set the criteria for attendance of Party meetings and determine the delegates, top up formula, the maximum number of delegates to attend any National Delegates Convention;
- y) To sanction training and awareness creation among all members at all levels on party agenda and approved policies;
- z) To deal with any other matters expressly delegated to it or perform such other functions as shall be required by the National Delegates Convention, the National Governing Board that is beneficial to the party.

21.5 The decisions of the National Executive Council shall be binding on all organs and all the members of the party.

Meeting of the National Executive Council

21.6 It is hereby provided that:

- a) The National Executive Council shall meet at least once in every four months at the instance of the Chairman or Party Leader or Secretary General in consultations with the Supreme Advisory Committee, or National Chairperson in consultation with the NEC or by a written request made by two-third of the NEC membership, or by a written request made by 30% of the National Governing Board membership having regard to all the circumstances of the agenda.
- b) Every party organ shall submit to the Secretary General a report of all the activities, programmes and/or matters that they have undertaken for the financial year in question;
- c) Party reports shall be deliberated upon and adopted by the National Executive Council. The National Executive Council shall where appropriate and/or necessary, task the National Secretariat and other party organs to implement the various reports.

- d) The quorum of the National Executive Council shall be 30% of the membership or two-thirds of eligible members present and a simple majority shall pass any motion of the National Executive Council.
- e) The National Executive Council shall pursue consensus in decision making and where they are unable to reach consensus, they will vote on any such matter by acclamation or show of hands or secret ballot. The chair will have a deciding vote in circumstances of a tie in votes.
- f) Any vacancy occurring in the National Executive Council during the course of the term before the next National Delegates Convention may be filled from amongst its own members until the vacancy is substantially filled at the next of the National Delegates Convention.
- g) The NDC shall approve NEC nominated members who shall be seconded by the delegates.
- h) Any official or committee member who fails to attend three consecutive meetings, without reasonable apology or having been granted leave of absence, shall forfeit his/her seat. The Committee may reinstate a member who has forfeited his/her seat, but otherwise steps shall be taken to fill the vacancy.

ARTICLE 22

The National Governing Board (NGB)

22.1 The National Governing Board ("the Board") shall be the second highest organ of the Party, elected by the members of the Party in accordance with this Constitution to govern all the affairs of the Party between National Delegates Conventions. Its decisions shall be binding on the Party and on all members, unless and until rescinded or modified by a National Delegates Convention.

22.2 The National Governing Board shall consist of the following members:

- a) All members of the National Executive Council;
- b) All Chairpersons of Regional Representative Council;
- c) All Chairpersons of County Associations;
- d) All Chairpersons of the Branch Executive Committees;
- e) All Chairmen of Party's Standing Committees;
- f) All members of the Party's Parliamentary Group;
- g) All members of the Nominations and Elections Board;
- h) All Majority or Minority leaders of County Assemblies;
- i) All National Officials of SFUP Women Group;
- j) All National Officials of SFUP Youth Group;
- k) All National Officials of the Board of Trustees;
- l) All National Officials of the National House of Elders;
- m) All members of the Council of Governors & the Deputy Governors;

22.3 It is hereby provided that:

- a) The election of the National Governing Board, shall be undertaken at the National Delegates Convention;
- b) The National Governing Board shall be elected for a term of four years and shall then retire or be eligible for re-election for a maximum of two terms;
- c) Any member may upon writing to the Secretary, resign their position at the Board at any time.

- d) Any casual vacancies occurring in membership of the National Governing Board, shall be filled by the Board, making the appointment effective until the next National Delegates Convention, at which the appointee shall retire or may stand for election by the delegates;
- e) Where necessary, the National Governing Board shall establish an Appointments Committee to work together with the Nominations and Elections Board prior to each election of its members and shall consist of not more than nine members of the Board who are not standing for office at the election to fill the vacancy;
- f) The Appointments Committee, shall interview each candidate for membership of the National Governing Board and shall conduct such other investigation to obtain such information as shall be necessary to satisfy itself as to the suitability of each candidate for election to hold office as a member of the Board;
- g) The committee shall certify to the Board as to the candidate's suitability and such certification shall be a pre-requisite to the entry of the name of a candidate to be voted;
- h) A candidate will be excluded who is bankrupt, has a criminal record (other than a traffic offence), who is disqualified as a director under the Companies Act, or whose candidacy in the opinion of the Appointments Committee, would be detrimental to the Party. The Board and the Appointments Committee shall not be required to give any reason for excluding a candidate.

Functions of the National Governing Board

22.4 The National Governing Board shall:

- a) act as the broader executive body of the National Delegates Convention;
- b) review and/or formulate policies of the Party for approval by the National Delegates Convention;
- c) ensure that the party objectives as set out in this Constitutions and all recommendations by the National Delegates Convention are duly carried out by the Party and the National Secretariat for the benefit of the Party and its members;
- d) receive report from National Executive Council and the National Secretariat on administrative and financial matters and the board shall have the final word on such matters.
- e) review and develop political agenda for the Party's Civic and Parliamentary Groups;
- f) ensure policies created and released by the Party, including an election manifesto, is consistent with the Party's Vision and Values and has been the subject of proper consultation and implementation;
- g) initiate all such activities consistent with this Constitution and party manifesto as may be necessary or expedient to serve or promote or enhance or preserve or be conducive to the welfare, interests, order or governance of the Party;
- h) have full authority to issue policy statements in the name of the Party and be responsible for the control of the Party's activities and decisions in between the National Delegates Convention;
- i) make policy and administrative decisions on behalf of the National Delegates Convention if it is the considered opinion of the National Executive Council that such decision cannot await the next the National Delegates Convention; but thereafter present such decisions for ratification at the Ordinary Session of the National Delegates Convention immediately following;
- j) do or undertake on behalf of the Party any act, matter or thing that the Party, were it a natural person, would have the power to do or undertake in compliance with the relevant laws of Kenya;
- k) be accountable to members for the Party's overall organisational performance, prior to a National Delegates Convention;

- l) establish specialized committees and other advisory bodies as are necessary to carry out aims and objects of the Party;
- m) have full responsibility for the Party finances including set levies and recommend membership subscriptions;
- n) monitor general activities of the Party on behalf of the National Delegates Convention and to provide direction for such activities;
- o) approve the agenda for the National Delegates Convention as may be prepared and presented by the National Executive Council or as may be notified by any Party member. A notice to include any other agenda item to the National Delegates Convention by a member shall be sent to reach the Secretary General not later than twenty-one working days before the session of the National Governing Council;
- p) participate in the candidate selection process and Party list compilation as provided for in this Constitution;
- q) appoint an Executive Director to manage the Party's activities and establish operational policies for the Party;
- r) conduct research, set criteria and advice on forming pre- and post-election coalition agreements and present to NEC for approval;
- s) nominate a technical team with expertise and experience in matters relating to coalition building and participate in any coalition negotiations and, with the Party Leader, approving any coalition agreement;
- t) initiate all such activities as might further the aims and objects of the Party.

22.5 The National Governing Council shall be convened by a resolution of the National Executive Committee and shall meet at least once every twelve (12) months.

22.6 The conduct of National Governing Board shall be governed by Standing Orders and Rules on the Conduct and Procedures of the Board.

Meetings of the National Governing Board

22.7 It is hereby provided that:

- a) The National Chairperson shall convene and preside over the National Governing Board which shall meet as and when the National Governing Board shall determine the date, time and place of the meeting;
- b) The National Chairperson in consultation with the Party National Executive Council shall be assisted by the Deputy National Chairpersons, the Secretary General, the Treasurer and organising secretary in managing the affairs of the National Governing Board;
- c) The Secretary General shall on a requisition of not less than half of the members of the National Governing Board forthwith proceed to convene a special meeting of the Board, and the Party Leader or Chairperson of the Board may at any time convene a special meeting of the Board;
- d) The requisition must state the objects of the meeting, and must be signed by the requisitionists and delivered to the Executive Director who within 48 hours from the date of the delivery of the requisition shall proceed to convene a meeting to be held within 28 days from the delivery date;
- e) The Party Leader or the Chairperson shall preside as Chair at any special meeting convened by requisition or if he or she is not present after the time appointed for the holding of the meeting the members present shall choose one of their number of be chair of the meeting;
- f) The quorum for the National Governing Board shall be 50% of the members.

ARTICLE 23

The National Delegates Convention (NDC)

- 23.1 The National Delegates Convention of the Party shall be the supreme governing body and the controlling authority in all matters pertaining to the party and through which the rights of the members of the Party are exercised.
- 23.2 All officers and organs of the party shall be bound in the exercise of their functions by the decisions of the National Delegates Convention.
- 23.3 The policies of the party derived from the resolutions of the National Delegates Convention shall be amended or revoked only by a subsequent resolution of the National Delegates Convention.
- 23.4 The National Delegates Convention of the party for both Annual and Special shall primarily consist of the following, all who are members of the party:
- a) All members of the National Executive Council;
 - b) All members of the Nominations and Election Board;
 - c) All Branches, County and Regional Chairmen and Secretaries;
 - d) All members of the Party Parliamentary Group;
 - e) All members of the Board of Trustees;
 - f) All ambassadors, who are members of the party;
 - g) The President and Vice president of the Republic of Kenya, (Or the Candidates);
 - h) All Members of the Council of Governors & the Deputy Governors who are members of the party;
 - i) All governors and deputy governors, (Or the Candidates) who are members of the party;
 - j) All the Ministers and Secretaries who are members of the party;
 - k) All members of the National and County Assemblies, who are members of the party;
 - l) All Minority or Majority leaders in each County Assembly who are still members of the Party;
 - m) All National Officials of the SFUP Youth, Women and Disability and Minority Groups;
 - n) All the Special Advisers and Special Assistant to the President and Deputy President of the Republic of Kenya, who are members of the party;
 - o) All former presidents and leaders and their deputies, who are members of the Party;
 - p) All former members of the National Executive Council who are still members of the Party;
 - q) All former Governors, Senators and Speakers of the National Assembly and Senate, who are still members of the Party;
 - r) One person representing the marginalized persons drawn from each county;
 - s) Respective branches shall elect three NDC representatives at their annual meetings one of whom shall be of either gender through the formula set out in herein;
 - t) Eight members of the Sub Branch Executive Committee comprising of: Chairperson, Secretary, Organizing Secretary, Treasurer, Secretary for Women Affairs, Secretary for Youth Affairs, persons with disability representative and special interest /marginalized representative;
 - u) Two delegates from each Affiliated Organisation;
 - v) All the members of the Party's Standing Committees nominated by the National Executive Council to attend the Convention as delegates;

- w) At least one member from each registered Diaspora Branch specially nominated by the National Executive Council to attend the Convention as delegates.
- x) The maximum number of Delegates present at any National Delegates Convention shall not exceed a number of Delegates approved by the National Executive Council.

23.5 The NDC shall have voting and non-voting delegates and may alter the number of delegates from time to time. Only paid-up members of the NDC are eligible to attend the convention.

23.6 The National Executive Council in consultation with the Supreme Advisory Committee may, in its wisdom, invite individuals who have made special contribution to the Party or who have special skills or experience to attend the Convention with no right to vote; provided always that this category shall include, but not limited, to representatives of other special interest groups, comprising at least two representatives of campus students from any or all colleges.

Functions of the National Delegates Convention

23.7 As the supreme governing body, the National Delegates Convention shall have and exercise authority to:

- a) nominate the candidates for the election of the President of and Deputy President of the Republic of Kenya who shall be officially endorsed by the NEC at an extraordinary meeting convened for that purpose as specified in this Constitution;
- b) elect the Members of the National Governing Board, who shall not also be members of the National Executive Council as specified in this Constitution;
- c) elect, appoint or remove from among eligible Party members, the National Officials of the Party who shall constitute the National Executive Council for a term set out in this constitution;
- d) determine the type and membership of standing committees as it may deem necessary, desirable or expedient and assign to them such powers and specific functions as it may deem fit;
- e) delegate or confer any of its powers or duties to the National Governing Board and the National Executive Council in addition to its functions;
- f) determine the minimum rate of annual subscription to be paid by members from time to time and the proportion of income from such subscription to be remitted to the National Secretariat of the party;
- g) appoint Party Internal Auditor and fix his/her honorarium and the terms of engagement;
- h) formulate and approve policies, programmes rules and programs for the party;
- i) approve budgets and plans of action for the party;
- j) review party policies and programmes and give directions regarding the organization of the Party;
- k) ratify funds obtained for the management and sustenance of the party;
- l) receive and consider written reports from branch associations, county and regional representatives, groups of party, national office bearers, national executive council, national governing board, nominations and elections board, affiliated organisations and from any other committees or organs of the party, and remarks from the presidential candidate as set out in this constitution;
- m) receive, examine and approve Annual Financial Statement and Audited Accounts presented by the National Treasurer for the period since the previous ordinary session of the National Delegates Convention and review annual dues payable by the Party members;

- n) review, consider, modify, amend and, if it thinks fit from time to time and as the need arises, Constitution of the party, Rules and Regulations of the Party and those governing its subsidiary organizations and their operations;
- o) receive and consider reports from the national chairperson, which shall include a report on the work and activities of the minorities and marginalized, persons with disabilities, the women and youth chapters;
- p) review, ratify, alter or rescind any decision taken by any of the constituent bodies, units or officials of the party or the Manifesto;
- q) take such decisions and actions as may be necessary to protect, advance and consolidate the gains and interest of the party;
- r) examine the legislation proposed by any government and ensure that they are in conformity with the policies and programmes of the party and good for the people of Kenya;
- s) constitute any national committee to perform specific tasks and duties necessary for the advancement of objectives, programs or plans of the Party. Members to any such national committee shall be appointed by the NEC's consensus;
- t) exercise or delegate except the power to amend the constitution, such other powers and authority not inconsistent with the provisions of this constitution to other bodies of the Party;
- u) give such directions as it thinks fit to all other bodies of the Party to aid or facilitate the realization of the objectives of the party;
- v) exercise control and take disciplinary action against any officers and members of the party;
- w) establish and/or revise the by-laws, if required for the proper regulation of the affairs of the Party;
- x) perform such other duties and functions or activities as the National Delegates Convention may deem fit to further the aims and objects of the Party.

Meetings of the National Delegates Convention

23.8 It is hereby provided that for:

Ordinary Session

- a) The National Delegates Convention shall be held once every three years but not later than 1st April of the fourth year, at a place, time and date to be determined by the National Executive Council for the purpose of reviewing the performance of the party in governance at all levels.
- b) The notice and agenda convening the meeting shall be sent out by the Secretary General at least twenty-one days before such date. It shall be communicated either through advertisement in daily newspapers or through radio, television or other electronic means;
- c) An Ordinary Session of the National Delegates Convention shall be convened by a resolution of the National Executive Council;
- d) Only agenda items as approved by the National Governing Board shall be discussed at the Ordinary Session of the National Delegates Convention.
- e) Quorum of the Ordinary or Special Sessions of the National Delegates Convention shall be 30% of eligible members present and voting.
- f) The National Secretariat shall receive all resolutions from all party organs no less than 120 days prior to start of National Delegates Convention.

- g) The National Governing Board shall give not less than 12-week notice to Branches and Regions of the date fixed for the holding of the National Delegates Convention, but may at its discretion, give less or more than 12-week notice of a Special Convention;
- h) The National Executive Council shall appoint a NDC Organizing Committee which shall –
 - i. make preparations for the NDC;
 - ii. circulate such reports, papers, documents and information as may be required in advance;
 - iii. preside over the election of Party officials and the constituency delegates; and
 - iv. perform other functions as may be determined by the NEC.
- i) Subject to this Constitution, the conduct of National Delegates Convention shall be governed by its own procedures in accordance with this Constitution and party rules and regulations.

Special Session

23.9

- a) A Special Session of the National Delegates Convention may be convened at any time by the National Chairperson upon the decision of the National Executive Council or the Party Leader or by the National Governing Board or by a written requisition signed by at least one third of the delegates eligible to attend an Ordinary Session of the National Delegates Convention or resolution of two third of the County Associations or Regional Representatives within 3 months to discuss only special matters restricted to that stated in the requisition for such Convention and to such other business as may be determined by the National Governing Board;
- b) Where a Special Session of the National Delegates Convention is requisitioned by delegates, a notice calling upon the National Chairperson to summon the Convention including the agenda and date desired for the Convention shall be served upon the Secretary General not later than sixty-five working days before the date proposed; but where the National Chairperson fails to summon the Convention within twenty-one working days after due service of the notice, the Convention shall, stand duly summoned and properly convened on the date, place and time contained on the notice;
- c) The National Chairperson or, in his absence, any of his deputies but failing which a delegate, specially elected by delegates in attendance, shall preside at a Special Session of the National Delegates Convention requisitioned by delegates. The Secretary General shall be the Secretary of such Convention;
- d) The notice and agenda convening the meeting shall be sent out by the Secretary General, failing which, any other Party official specially appointed for that purpose by the National Executive Council at least twenty-one days before such date shall publish in a daily English newspaper with the greatest circulation, in addition to at least two Swahili and Local dialect radio broadcasts carried by a leading broadcasting station.
- e) Only agenda items as approved by the National Governing Board shall be discussed at the Ordinary or Special Session of the National Delegates Convention.
- f) Decisions shall be taken through the vote by consensus, secret ballot or by a unanimous resolution.

ARTICLE 24

The National Secretariat (NS)

- 24.1 There shall be established a National Secretariat which shall be headed by the Executive Director and such number of employees as shall be authorized by the NEC and be guided by the Party Service Charter.

Functions of the National Secretariat

24.2 The National Secretariat shall function directly under the office of the Secretary General but shall also be under the direction and guidance of the National Executive Council (NEC), the National Officials and the National Governing Board.

24.3 The roles and functions of the National Secretariat are broad based and cross-cutting including representation, advisory, liaison, advocacy, administrative, operational and technical in nature and shall function directly under the office of the Secretary General by:

- a) being responsible for the day-to-day administration of the party and reporting to the National Executive Council;
- b) coordinating the transmission of the SG's communications to the members or to the various party organs and facilitate at all times information sharing amongst the National Governing Board, Regional Representative Council, the Ministerial, County and Parliamentary Caucuses;
- c) providing administrative support to the SG in all aspects of management of Party operations, synchronization of Party activities and events, fundraising and resource mobilization, coordination of campaign strategies and voter outreach, membership recruitment, registration, mobilization and maintenance of voters or members register;
- d) supporting the SG in planning, implementing, coordinating, and monitoring of party decisions adopted by the National Delegates Convention and recommendations issued by the National Governing Board;
- e) in consultation with the Finance and Resource Mobilization Committee, preparing of draft strategic plan, the annual work plans, budgets, projects, and programs, including those initiated by the various Working Groups, Party Organs and Committees, for approval by the National Executive Committee;
- f) facilitating cordial working relationships between the Party Organs, and assisting the SG in liaison activities with all Party structures, the Branches, Counties and Regions;
- g) assisting the SG in exercise of external relations with media and other institutions or entities not directly involved with the Party Affairs;
- h) serving as the institutional memory and official record keeper of the Party and in particular managing the website, archives and databases;
- i) service the operations of subsidiary organizations of the Party;
- j) process and clear candidates seeking the party tickets for vie for any seat;
- k) processing the clearance of persons to be appointed by the National Executive Council as Party's nominees to the County Assembly or Parliament;
- l) establish the office of the Diaspora Chapter co-coordinator, which shall be responsible for coordinating the activities of the diaspora chapters.
- m) maintain a National Membership Register where all members shall be listed, subject to periodic verification by an independent auditor appointed by party.
- n) in case of emergency, act on behalf of the Party subject to ratification by the National Executive Council;
- o) perform any other duties as may be assigned by the Secretary General in consultation with the Party Leader and the NEC.

24.4 The National Executive Council shall determine the number and designation of the departments with the National Secretariat and the members of Staff appointed to each department shall be guided by the Party Service Code.

Meeting of the National Secretariat

24.5 The National Secretariat shall meet at least once every alternate month at the instance of the Party Leader or the National Chairman of the party and the National Deputy Chairman shall chair the meeting that will provide brief on the status of the operations of the party secretariat and assist the Executive Director in the discharge of their duties.

Executive Director

24.6 The Executive Director shall be the Chief Executive Officer and Business Convener of the Party appointed and dismissed by the National Executive Council in consultation with the National Governing Board and Supreme Advisory Committee. The Executive Director's performance will be supervised by the Secretary General.

24.7 He/she shall be responsible for:

- a) overall coordination of Party activities and the day-to-day management of the affairs of the Party;
- b) primarily setting goals and objectives and overall management of the National Secretariat;
- c) the engagement, management, appraisal and dismissal of employees of the Party;
- d) supervise and enforce discipline of all staff and ensure their adherence to party policies, manuals and programmes;
- e) budget and resource and programme management;
- f) oversee operational matters of the Party including membership, and campaign co-ordination;
- g) issue statements in the name of the Party, subject to ratification by the Supreme Advisory Committee.
- h) ensure efficient functioning of the National and devolved level Party offices;
- i) maintain a minute book of all resolutions of the NDC, NEC, Sub-committees of the NEC, the Caucuses of the Party and other Party organs;
- j) coordinate the implementation of Party policies, decisions and programmes and generally ensure the achievement of the objectives of the Party as stipulated in this Constitution;
- k) submit periodic reports on their performance and that of the Secretariat to the Secretary General;
- l) prepare a working manual for the National and devolved level Secretariats setting out functions of the departments and sections of the departments and disciplinary procedures;
- m) in consultation with the Secretary General, appoint officers to be in charge of departments and other staff of the National Secretariat;
- n) be an ex-officio member of the Nominations and Elections Board;
- o) coordinate all Party organs and structures at all levels of governance;
- p) maintain member's and voter's register; and
- q) perform such functions and duties as shall be directed by the NEC or as are inherent to the office of the Executive Director for the fulfillment of the functions of the National Secretariat.

24.8 The National Executive Council may delegate to the Executive Director particular authority and revoke the same, at any time.

- 24.9 The Executive Director and employees shall be engaged on agreed contract terms renewable upon application and approval by the Secretary General in consultation with the National Executive Council.
- 24.10 The Executive Director shall also be assisted by Regional Co-ordinating Officers in all Regions of the country *as specified in Schedule XI* who shall also serve as special representatives for the Party Leader and National Executive Council.
- 24.11 The Executive Director shall cease to hold office if –
- a) Ceases to be a member of the Party;
 - b) Resigns by a notice in writing to the Secretary General;
 - c) Circumstances arise as would disqualify them from holding such office in Kenya in accordance with the Constitution of Kenya and any other written law;
 - d) The NEC passes a resolution that the Executive Director vacates office in the interest of the Party; or
 - e) Death or incapacity.
- 24.12 The Executive Director and other employees of the National Secretariat shall serve on such terms and conditions as the NEC will determine.
- 24.13 The NEC may terminate services of an employee in accordance with applicable employment laws.

Party Staff Rules

- 24.14 It is hereby provided that:
- a) A person who seeks and obtains employment in the party shall be deemed to be a member of the party;
 - b) Employees of the party shall be subject to the direct control and discipline of the Executive Director and the National Secretariat;
 - c) All employees of the party shall be bound by the provisions of this constitution, the rules and regulations of the party and all the decisions of the authorized organs of the party;
 - d) Any employee of the party who acts in a manner likely to bring contempt or ridicule to the party or its officers or take part in subversive activities against the party or its officers shall, if found guilty, be immediately relieved of his or her post;
 - e) Erring employees shall be afforded ample opportunity to defend themselves before disciplinary action is taken against them;
 - f) No employee or paid officer of the Party shall be eligible to serve on any committee or as a delegate to any Party meeting. Such officer may be invited to attend any Party meeting but shall not be entitled to vote;
 - g) No employee or paid officer of the Party shall be eligible to seek nomination to enable him or her contest any election, unless he or she resigns his or her appointment one month to the date of the election;
 - h) The remunerations, conditions of employment and duties and other conditions of service of employees including Executive Director of the party shall be determined by the National Governing Board on the recommendation of the National Executive Council.

PART 4 - PARTY CHAPTERS, CAUCUS AND COMMITTEES

CHAPTER 7 – NATIONAL CHAPTERS

ARTICLE 25

25.1 There is hereby established the party chapters which shall consist of the following:

- a) The SFUP Youth National Chapter (SYNC);
- b) The SFUP Women National Chapter (SWNC);
- c) The SFUP Persons with Disabilities Chapter (SPDC);
- d) The SFUP Minority and marginalized Chapter (SMMC); and
- e) The SFUP Diaspora Chapter (SDC).

25.2 The NEC in consultation with the relevant Chapter stakeholders shall appoint persons eligible for various position in the respective chapters.

The SFUP Youth National Chapter (SYNC)

25.3

- a) There shall be an autonomous youth section of the party whose national name shall be the SFUP Youth Chapter (SYNC) which shall be open to all youth members aged between eighteen (18) and thirty-five (35) years who are members of the Party and in good standing as defined by this constitution;
- a) It shall operate at National, County, Branch, Sub-Branch and Polling Station Levels with an objective of rallying and uniting the youth within and outside the party and empowerment them to confront the challenges facing them;
- b) It shall operate in accordance to this Constitution as an auxiliary body within the overall structure of the Party with its own principles, rules and regulations as shall be subject to the general direction and approvals of the NEC;
- c) Application for membership shall be made verbally, electronically or in writing to the nearest party offices or executive committee of the SYNC and confirmation of membership shall be made electronically or in writing.
- d) Membership of the Youth Chapters shall be as verified by the Branch Executive Committee and communicated to the National Secretariate for updating into the Central Membership Database of all members;
- e) The party shall, if in its opinion have sufficient reason, charter campus youth clubs which shall be eligible to send delegates to National Delegates Conventions;
- f) There shall be formed the SFUP Youth National Council ("the SYNC") which shall be the governing arm of the Chapter at National, Regional, Branch, Sub-Branch and Polling Station level as approved by NEC;
- g) The SYNC Executive Committee at all party levels shall govern all the affairs of the Youth between National Delegates Conventions and shall comprise of Chair, Deputy-Chair, Secretary, Deputy Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Organizing Secretary, Assistant Organizing Secretary and Ten (10) Committee Members or such other number of members as may be deemed necessary for proper execution of its mandate;
- h) The SYNC officials at national, county, branch, sub-branch, and polling center levels shall hold an annual Convention to elect their Leader and other Officers;

- i) The SYNC officials shall;
 - i. Be elected and in the same manner as Party officials; and
 - ii. Hold office for a term of four years, and are eligible for re-election upon expiry of their term, subject to a maximum of two consecutive terms.
- j) SFUP Youth National Council at the branch shall be entitled to select up to 3 delegates to attend the National Delegates Convention or Special Convention. The Leader and Deputy Leader of SYNC shall be entitled to full delegateship.
- k) The organization, the functions, the rules and regulations of SFUP Youth National Chapter shall be set out for all branches in conformity with the Party's overall objectives and approved by NEC.

Functions of the SFUP Youth National Council

25.4 The functions of the SYNC shall be:

- a) to advise the National Executive Council, the National Secretariat, National Governing Board and the National Delegates Convention on matters relating to youth affairs;
- b) to encourage young people to participate in Party initiatives, elections and grassroots activities that furthers the aims and objects of the Party and that of the society;
- c) to initiate, prepare or cause to be prepared the necessary quarterly, semi-annual or annual reports touching primarily on youth empowerment for approval by National Governing Board and the National Delegates Convention;
- d) take measures, including affirmative action programmes, to ensure that the youth have opportunities to associate, be represented and participate in political, social, economic and other spheres of life;
- e) to provide support to the SG in all aspects of party operations, implementation of party decisions and policies, participate in coordination of campaign strategies and voter outreach and mobilization, membership recruitment and registration;
- f) nominate youth into elective or appointive positions in accordance with this constitution;
- g) to ensure the youth are protected from harmful cultural practices, political, social and economic exploitation; and
- h) to access relevant civic education and training and any other privileges provided by the party.

Election of SFUP Youth National Chapter

25.5

- a) The election of the SFUP Youth National Chapter shall begin at the Sub-branch Unit level. The Chapter shall be organized by the Leader, National Youth Chapter Affairs at the National level.
- b) All youth Members of the Party in the Polling station Unit shall form the Electoral College at that level and shall elect a Sub-branch Management committee comprising; a Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and ten committee members.
- c) The Delegates of the Sub-Branch Unit shall form the Youth Branch Electoral College and shall elect the Youth Branch Executive Committee.
- d) The delegates of the Branch shall form the Youth County Electoral College and shall elect the Youth County Steering Committee comprising of; Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and ten committee members.

- e) The delegates of the County shall form the Youth National Electoral College and shall elect the Youth National Executive Committee comprising of; Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and ten committee members.

The SFUP Women National Chapter (SWNC)

25.6

- a) There shall be an autonomous youth section of the party whose national name shall be the SFUP Women Chapter (SWNC) which shall be open to all women members of the Party and in good standing as defined by this constitution;
- b) It shall operate at National, County, Branch, Sub-Branch and Polling Station Levels with an objective of rallying and uniting the women within and outside the party and empowerment them to confront the challenges facing them;
- c) It shall operate in accordance to this Constitution as an auxiliary body within the overall structure of the Party with its own principles, rules and regulations as shall be subject to the general direction and approvals of the NEC;
- d) Application for membership shall be made verbally, electronically or in writing to the nearest party offices or executive committee of the SWNC and confirmation of membership shall be made electronically or in writing.
- e) Membership of the Women Chapters shall be as verified by the Branch Executive Committee and communicated to the National Secretariate for updating into the Central Membership Database of all members;
- f) There shall be formed the SFUP Women National Council ("the SWNC") which shall be the governing arm of the Chapter at National, Regional, Branch, Sub-Branch and Polling Station level as approved by NEC;
- g) The SWNC Executive Committee at all party levels shall govern all the affairs of the Women between National Delegates Conventions and shall comprise of Chair, Deputy-Chair, Secretary, Deputy Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Organizing Secretary, Assistant Organizing Secretary and Ten (10) Committee Members or such other number of members as may be deemed necessary for proper execution of its mandate;
- h) The SWNC officials at national, county, branch, sub-branch, and polling center levels shall hold an annual Convention to elect their Leader and other Officers;
- i) The SWNC officials shall;
 - i. Be elected and in the same manner as Party officials; and
 - ii. Hold office for a term of four years, and are eligible for re-election upon expiry of their term, subject to a maximum of two consecutive terms.
- l) SFUP Women National Council at the branch shall be entitled to select up to 3 delegates to attend the National Delegates Convention or Special Convention. The Leader and Deputy Leader of SWNC shall be entitled to full delegateship.
- m) The organization, the functions, the rules and regulations of SFUP Women National Chapter shall be set out for all branches in conformity with the Party's overall objectives and approved by NEC.

Functions of the SFUP Women National Council

25.7 The functions of the SWNC shall be:

- a) to advise the National Executive Council, the National Secretariat, National Governing Board and the National Delegates Convention on matters relating to women affairs;
- b) to encourage women people to participate in Party initiatives, elections and grassroots activities that furthers the aims and objects of the Party and that of the society;
- c) to initiate, prepare or cause to be prepared the necessary quarterly, semi-annual or annual reports touching primarily on women empowerment for approval by National Governing Board and the National Delegates Convention;
- d) take measures, including affirmative action programmes, to ensure that the women have equal opportunities to associate, be represented and participate in political, social, economic and other spheres of life;
- e) to ensure the women are protected from harmful cultural practices, political, social and economic exploitation; and
- f) nominate youth into elective or appointive positions in accordance with this constitution;
- g) to provide support to the SG in all aspects of party operations, implementation of party decisions and policies, participate in coordination of campaign strategies and voter outreach and mobilization, membership recruitment and registration;
- h) to access relevant civic education and training and any other privileges provided by the party.

Election of SFUP Women National Chapter

25.8

- a) The election of the SFUP Women National Chapter shall begin at the Sub-branch Unit level. The Chapter shall be organized by the Leader, National Women Chapter Affairs at the National level.
- b) All women Members of the Party in the Polling station Unit shall form the Electoral College at that level and shall elect a Sub-branch Management committee comprising; a Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and ten committee members.
- c) The Delegates of the Sub-Branch Unit shall form the Women Branch Electoral College and shall elect the Women Branch Executive Committee.
- d) The delegates of the Branch shall form the Women County Electoral College and shall elect the Women County Steering Committee comprising of; Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and ten committee members.
- e) The delegates of the County shall form the Women National Electoral College and shall elect the Women National Executive Committee comprising of; Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and ten committee members.

The SFUP Persons with Disabilities Chapter (SPDC)

25.9 There shall be an autonomous youth section of the party whose national name shall be the SFUP Persons with Disabilities Chapter (SPDC) which shall be open to all Persons with Disabilities or Special Needs persons who are members of the Party and in good standing as defined by this constitution;

- a) It shall operate at National, County, Branch, Sub-Branch and Polling Station Levels with an objective of rallying and uniting the youth within and outside the party and empowerment them to confront the challenges facing them;

- b) It shall operate in accordance to this Constitution as an auxiliary body within the overall structure of the Party with its own principles, rules and regulations as shall be subject to the general direction and approvals of the NEC;
- c) Application for membership shall be made verbally, electronically or in writing to the nearest party offices or executive committee of the SPDC and confirmation of membership shall be made electronically or in writing.
- d) Membership shall be as verified by the Branch Executive Committee and communicated to the National Secretariat for updating into the Central Membership Database of all members;
- e) The party shall, if in its opinion have sufficient reason, charter campus youth clubs which shall be eligible to send delegates to National Delegates Conventions;
- f) There shall be formed the SFUP Persons with Disabilities National Council ("the SPDNC") which shall be the governing arm of the Chapter at National, Regional, Branch, Sub-Branch and Polling Station level as approved by NEC;
- g) The SPDNC Executive Committee at all party levels shall govern all the affairs of the Youth between National Delegates Conventions and shall comprise of Chair, Deputy-Chair, Secretary, Deputy Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Organizing Secretary, Assistant Organizing Secretary and Ten (10) Committee Members or such other number of members as may be deemed necessary for proper execution of its mandate;
- h) The SPDNC officials at national, county, branch, sub-branch, and polling center levels shall hold an annual Convention to elect their Leader and other Officers;
- i) The SPDC officials shall;
 - i. Be elected and in the same manner as Party officials; and
 - ii. Hold office for a term of four years, and are eligible for re-election upon expiry of their term, subject to a maximum of two consecutive terms.
- j) SFUP Youth National Council at the branch shall be entitled to select up to 3 delegates to attend the National Delegates Convention or Special Convention. The Leader and Deputy Leader of SPDC shall be entitled to full delegateship.
- k) The organization, the functions, the rules and regulations of SPDC shall be set out for all branches in conformity with the Party's overall objectives and approved by NEC.

Functions of the SFUP Persons with Disabilities National Council

25.10 The functions of the SPDNC shall be:

- a) to advise the National Executive Council, the National Secretariat, National Governing Board and the National Delegates Convention on matters relating to the affairs of people with disabilities or special needs persons;
- b) to encourage people with disabilities or special needs persons to participate in Party initiatives, governance, elections and grassroot activities that furthers the aims and objects of the Party and that of the society;
- c) to initiate, prepare or cause to be prepared the necessary quarterly, semi-annual or annual reports touching primarily on youth empowerment for approval by National Governing Board and the National Delegates Convention;
- d) take measures, including affirmative action programmes, to ensure that the people with disabilities or special needs persons have opportunities to associate, be represented and participate in political, social, economic and other spheres of life;

- e) to provide support to the SG in all aspects of party operations, implementation of party decisions and policies, participate in coordination of campaign strategies and voter outreach and mobilization, membership recruitment and registration;
- f) nominate them into elective or appointive positions in accordance with this constitution;
- g) to ensure the people with disabilities or special needs persons are protected from harmful cultural practices, political, social and economic exploitation; and
- h) to access relevant civic education and training and any other privileges provided by the party.

Election of SFUP Persons with Disabilities Chapter;

25.11

- a) The election of the SFUP Persons with Disabilities Chapter shall begin at the Sub-branch Unit level. The Chapter shall be organized by the Leader, National Persons with Disabilities Chapter Affairs at the National level.
- b) All Persons with Disability who are Members of the Party in the Polling station Unit shall form the Electoral College at that level and shall elect a Sub-branch Management committee comprising; a Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and ten committee members.
- c) The Delegates of the Sub-Branch Unit shall form the Branch Electoral College and shall elect the Persons with disability Branch Executive Committee.
- d) The delegates of the Branch shall form the Persons with disability County Electoral College and shall elect the Persons with disability County Steering Committee comprising of; Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and ten committee members.
- e) The delegates of the County shall form the Persons with disability National Electoral College and shall elect the Persons with disability National Executive Committee comprising of; Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and ten committee members.

The SFUP Minority and Marginalized Chapter (SMNC)

25.12 There shall be an autonomous section of the party whose national name shall be the SFUP Minority and Marginalized Chapter (SMMC) which shall be open to all persons, groups or communities who are considered to be minorities and marginalized in accordance with the Constitution of Kenya and other written Laws and are members of the Party in good standing as defined by this constitution;

- a) It shall operate at National, County, Branch, Sub-Branch and Polling Station Levels with an objective of rallying and involving the minority or marginalised groups within and outside the party and empowering them to confront the challenges facing them;
- b) It shall operate in accordance to this Constitution as an auxiliary body within the overall structure of the Party with its own principles, rules and regulations as shall be subject to the general direction and approvals of the NEC;
- c) Application for membership shall be made verbally, electronically or in writing to the nearest party offices or executive committee of the SMMC and confirmation of membership shall be made electronically or in writing.
- d) Membership of the SMMC shall be as verified by the Branch Executive Committee and communicated to the National Secretariate for updating into the Central Membership Database of all members;

- e) There shall be formed the SFUP Minority and Marginalized Council ("the SMMC") which shall be the governing arm of the Chapter at National, Regional, Branch, Sub-Branch and Polling Station level as approved by NEC;
- f) The SMMC Executive Committee at all party levels shall govern all the affairs of the Minority and Marginalized between National Delegates Conventions and shall comprise of Chair, Deputy-Chair, Secretary, Deputy Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Organizing Secretary, Assistant Organizing Secretary and Ten (10) Committee Members or such other number of members as may be deemed necessary for proper execution of its mandate;
- g) The SMMC officials at national, county, branch, sub-branch, and polling center levels shall hold an annual Convention to elect their Leader and other Officers;
- h) The SMMC officials shall;
 - i. Be elected and in the same manner as Party officials; and
 - ii. Hold office for a term of four years, and are eligible for re-election upon expiry of their term, subject to a maximum of two consecutive terms.
- l) The SFUP Minority and Marginalized Council at the branch shall be entitled to select up to 3 delegates to attend the National Delegates Convention or Special Convention. The Leader and Deputy Leader of SMMC shall be entitled to full delegateship.
- m) The organization, the functions, the rules and regulations of SFUP Minority and Marginalized Chapter shall be set out for all branches in conformity with the Party's overall objectives and approved by NEC.

Functions of the SFUP Minority and Marginalized National Council

25.13 The functions of the SMNC shall be:

- a) to encourage minority groups or communities to participate in Party initiatives, governance, elections and grassroots activities that furthers the aims and objects of the Party and that of the society;
- b) to initiate, prepare or cause to be prepared the necessary quarterly, semi-annual or annual reports touching primarily on empowerment for approval by National Governing Board and the National Delegates Convention;
- c) take measures, including affirmative action programmes, to ensure that they have equal opportunities to associate, be represented and participate in political, social, economic and other spheres of life and are protected from harmful cultural practices, political, social and economic exploitation; and
- d) to ensure they have a fair chance of being nominated into elective or appointive positions in accordance with this constitution;
- e) to provide support to the SG in all aspects of party operations, implementation of party decisions and policies, participate in coordination of campaign strategies and voter outreach and mobilization, membership recruitment and registration;
- f) to access relevant civic education and training and any other privileges provided by the party.

Election of SFUP Minority and Marginalized Chapter;

25.14

- a) The election of the SFUP Minority and Marginalized Chapter shall begin at the Sub-branch Unit level. The Chapter shall be organized by the Leader, National Minority and Marginalized Chapter Affairs at the National level.

- b) All Minority and Marginalized Members of the Party in the Polling station Unit shall form the Electoral College at that level and shall elect a Sub-branch Management committee comprising; a Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and ten committee members.
- c) The Delegates of the Sub-Branch Unit shall form the Branch Electoral College and shall elect the Minority and Marginalized Branch Executive Committee.
- d) The delegates of the Branch shall form the Minority and Marginalized County Electoral College and shall elect the Minority and Marginalized County Steering Committee comprising of; Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and ten committee members.
- e) The delegates of the County shall form the Minority and Marginalized National Electoral College and shall elect the Minority and Marginalized National Executive Committee comprising of; Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and ten committee members.

The SFUP Diaspora Chapter (SDC)

25.15

- a) There shall be an autonomous section of the party whose national name shall be the SFUP Diaspora Chapter (SDC) which shall be open to all persons, groups or communities who are considered of Kenyans Citizens living abroad in accordance with the Constitution of Kenya and other written Laws and are members of the Party in good standing as defined by this constitution;
- b) Members in the Diaspora shall set up Chapters based on cities or States of residence as shall be approved by the NEC; provided that there shall not be more than one branch in any given country except the United States of America which shall have more than one branches;
- c) An overseas branch shall consist of at least 50 members, provided that there shall not be more than one branch in any given city;
- d) A branch so formed shall apply to the Party Headquarters for registration to the National Executive Council in such digital and/or electronic form as may be determined by the Party and upon approval, and upon approval, be furnished with a Certificate to that effect. Other provisions applying to branches in this Constitution shall apply with necessary adjustments (*mutatis mutandis*);
- e) It shall operate in accordance to this Constitution as an auxiliary body within the overall structure of the Party with its own principles, rules and regulations as shall be subject to the general direction and approvals of the NEC;
- f) Subject to the provisions of membership rule under Art. 7.1, members of the Party who reside in countries having diplomatic relations with Kenya, may establish chapters of the Party of not less than 10 members in their places or cities of residence;
- g) Application for membership shall be made verbally, electronically or in writing to the nearest diaspora party branch and confirmation of membership shall be made electronically or in writing.
- h) Membership of the SDC shall be as verified by the Branch Executive Committee and communicated to the National Secretariate for updating into the Central Membership Database of all members;
- i) A member temporarily residing abroad for a continuous period of more than twelve months may retain his/her local membership in the specific branch where they registered or reside but shall notify registered Party Office of his/her forwarding address;
- j) The SDC Executive Committee shall govern all the affairs of the Diaspora between National Delegates Conventions and shall comprise of Chair, Deputy-Chair, Secretary, Deputy Secretary, Assistant

Secretary, Treasurer, Assistant Treasurer, Organizing Secretary, Assistant Organizing Secretary and such number of committee members as may be deemed necessary for proper execution of its mandate and approved by the NEC;

- k) The SDC officials shall;
 - i. Be elected and in the same manner as Party officials; and
 - ii. Hold office for a term of four years, and are eligible for re-election upon expiry of their term, subject to a maximum of two consecutive terms.
- l) The organization, the functions, the rules and regulations of SDC shall be set out for all branches in conformity with the Party's overall objectives and approved by NEC;
- m) There shall be established in the National Secretariat of the party, the office of the Secretary of Diaspora Affairs which shall be responsible for coordinating the activities of party in the Diaspora Chapters. The Secretary General and the Secretary for Diaspora Affairs shall co-ordinate the establishment and operations of the Diaspora Branches and chapters;
- n) All Diaspora branches shall meet quarterly and submit progress reports to the Party's Secretary General.

Functions of the SDC

25.16 The functions of the SDC shall be:

- a) to coordinate all activities relating to Diaspora membership of the Party in liaison with the Secretary for Diaspora Affairs;
- b) to uphold and disseminate the Party's objectives and ideology and sensitize Kenyans in the Diaspora about the Party as well as promote and protect the interests of the Party in the Diaspora;
- c) to initiate, prepare or cause to be prepared the necessary quarterly, semi-annual or annual reports touching primarily on foreign policies, international trade, peace initiatives and how to invest at home;
- d) to encourage diaspora groups to participate in Party initiatives, governance, mobilizing resources for the party activities including policies, campaigns and programs, participate in elections and other relevant activities that furthers the aims and objects of the Party and that of the society home and abroad;
- e) prepare and submit its proposals for programmes and activities that they feel the party should pay attention to the Secretary General through the Secretary for Diaspora Affairs for approval by the NEC;

Election of SFUP Diaspora Chapter;

25.17

- a) The SFUP Diaspora Chapter shall be organized by the Leader, Diaspora Chapter Affairs at the National level.
- b) All the Diaspora members of the party shall form the Electoral Colleges at the respective branches and shall elect a Management committee comprising; a Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and ten committee members.

ARTICLE 26

The Party Elected Leaders Group

- 26.1 There shall be a Party Elected Leaders Group of the party who are members of the Party elected to various legislative bodies such as National Assembly (Parliament), County governments (Governors), County Assembly (MCAs), Women Representatives and the Senate within one (1) month of the completion of a general election. The National Assembly, Senate and County Assemblies caucuses shall function under the National Governing Board.
- 26.2 The Party Elected Leaders Group shall consist of:
- a) The Leader of the Group (Chair),
 - b) The Leader and Deputy Leader,
 - c) The President and Vice President of Kenya, who are members of the party,
 - d) All Governors and the Deputy Governors, who are members of the party,
 - e) All the Members of the National Assembly,
 - f) All Women Representatives,
 - g) All Members of the County Assembly,
 - h) All Members of the Senate, and
 - i) The Secretary of the Parliamentary affairs, who shall be the Secretary of the Caucus,
- 26.3 The Leader of the Group and the Secretary for Parliamentary affairs shall be elected by the members immediately after a General Election and shall hold office for a term of four years or for the residue of his/her Parliamentary term as may be current on his/her election, whichever is shorter.
- 26.4 Should at any time a member of the Party Elected Leaders Group ceases to be a member of the Party, he or she shall cease to be a member of the group and if at any time the leadership of the Caucus falls vacant, the group shall appoint a Leader to fill such vacancy as soon as it is practically possible.
- 26.5 The National Parliament and County Assemblies Caucuses shall have rules and regulations in a given standard format for purposes of governing the conduct of its meetings and deliberations provided that such rules shall be laid before the National Executive Council for approval.

Functions of the Party Elected Leaders Group

- 26.6 The duties of the Party Elected Leaders Group shall include:
- a) espousing, advancing and defending Party policies and programs within the National and County Assemblies;
 - b) at all times, whether jointly or severally exercise due diligence in the discharge of their parliamentary duties;
 - c) harmonize the relationship between the Executive and Legislative arms of government;
 - d) considering, reviewing and advising on policies and programmes of the County and National government;
 - e) coordinating their activities and those of the party at various levels and opportunities of governance;
 - f) keeping one another informed on all political matters and to co-operate closely;
 - g) elect members to the various national and county assembly committees;

Party Elected Leaders Group Committee

26.7 There shall be a Party Elected Leaders Group Committee and whose members shall consist of:

- a) The Party Elected Leaders Group Leader and Deputy leader,
- b) The Secretary of the Parliamentary affairs (the Secretary of the Party Elected Leaders Group),
- c) The National Party Chairperson and Deputy Chairperson,
- d) The Party Leader and the Deputy Party Leader,
- e) The President and the Deputy President, if member of the party,
- f) The Special Advisers to the President and Deputy President,
- g) The Parliamentary Majority or Minority Leader, or such leader of the Party in Parliament;
- h) The Party Whip; and
- i) Two Representative from the Governors, two from the Senators, four from the National Assembly, two from the Women Rep and six County Assembly,

26.8 The functions of the Party Elected Leaders Group Committee shall be to:

- a) Identify issues of concern and undertake general administration of the Caucus;
- b) receive and consider reports from the national chairperson;
- c) review, ratify, alter or rescind any decision taken by parliament and any of the constituent committees;
- d) take such decisions and actions as may be necessary to protect, advance and consolidate the interest of the party and the people of Kenya;
- e) examine the legislation proposed by any government and ensure that they are in conformity with the policies and programmes of the party and good for the people of Kenya;

26.9 The meetings of the Party Elected Leaders Group Committee shall be as follows:

- a) The National Chairman shall, in consultation with the Leader of the party and the President of the Republic of Kenya, if a member of the party, summons the meeting of the Party Elected Leaders Group, to consider important issues affecting the party and the nation;
- b) An extra-ordinary meeting of the committee shall be held if requested for, by two-third of the members of the group and a simple majority shall pass any motion of the committee;
- c) The quorum of the Party Elected Leaders Group Committee shall be one-third of the members of the Committee drawn from at least two-third of the group;
- d) The proceedings and the conduct by the Party Elected Leaders Group shall be governed by Standing Orders and Rules of the Committee.

Senatorial Assembly Group

26.10 There shall be established a Senatorial Assembly Group consisting of all Members of Senate elected on the Party ticket.

26.11 Every member of the Senate who is members of the Party shall be deemed to be a member of the Party Elected Leaders Group.

26.12 The Party Leader, Deputy Party Leaders, the National Party Chairperson and Deputy Chairperson shall be *ex-officials*.

26.13 The other members shall select or appoint their leaders including chairperson, his/her deputy and secretary who shall represent them to the Party Elected Leaders Group.

- 26.14 In the formation of the Senate Assembly Group, the following shall be done:
- a) The SG shall issue a letter to any member of the Senate Assembly to convene a meeting at the National Secretariat for purposes of electing the SA caucus officials.
 - b) Positions of chairperson, secretary, treasurer and whip shall be contested by secret ballot.
 - c) The election shall be by secret ballot and presided over by the secretary general;
 - d) Leadership elected shall be in place unless there is a breach of the Party rules or resignation;
 - e) The caucus shall be subject to all party rules.
- 26.15 The Senatorial Assembly Group shall:
- a) promote and defend Party policies and agenda within the Senate for the advancement of objectives, programs or plans of the Party;
 - b) provide a forum for senators who are members of the Party to exchange ideas for attaining the aims of the Party;
 - c) consider, review policies, bills, legislations and regulations and motions in parliament and senate that requires party involvement;
 - d) perform such other functions as may be delegated to it by Party Elected Leaders Group, National Governing Board or National Delegates Convention.

National Assembly Group

- 26.16 There shall be established a National Assembly Group consisting of all Members of the National Assembly & the Women Representatives, elected on the Party ticket.
- 26.17 Every member of parliament who is members of the Party shall be deemed to be a member of the Party Elected Leaders Group.
- 26.18 The Party Leader, Deputy Party Leaders, the National Party Chairperson and Deputy Chairperson shall be *ex-officials*.
- 26.19 The other members shall select or appoint their leaders including chairperson, his/her deputy and secretary who shall represent them to the Party Elected Leaders Group.
- 26.20 In the formation of the National Assembly Group, the following shall be done:
- a) The SG shall issue a letter to any member of the National Assembly to convene a meeting at the National Secretariat for purposes of electing the caucus officials;
 - b) Positions of chairperson, secretary, treasurer and whip shall be contested;
 - c) The election shall be by secret ballot and presided over by the secretary general;
 - d) Leadership elected shall be in place unless there is a breach of the Party rules or resignation;
 - e) The caucus shall be subject to all party rules.
- 26.21 The National Assembly Group shall:
- a) promote and defend Party policies and agenda within parliament for the advancement of objectives, programs or plans of the Party;
 - b) provide a forum for parliamentarians who are members of the Party to exchange ideas for attaining the aims of the Party;
 - c) consider, review policies, bills, legislations and regulations and motions in parliament and senate that requires party involvement;

- d) perform such other functions as may be delegated to it by Party Elected Leaders Group, National Governing Board or National Delegates Convention.

Governors Group

- 26.22 There shall be established a Governors Group consisting of all Governors and their Deputies elected on the Party ticket.
- 26.23 Every governor and their deputies who are members of the Party shall be deemed to be a member of the Party Elected Leaders Group.
- 26.24 The Party Leader, Deputy Party Leaders, the National Party Chairperson and Deputy Chairperson shall be *ex-officials*.
- 26.25 The other members shall select or appoint their leaders including chairperson, his/her deputy and secretary who shall represent them to the Party Elected Leaders Group.
- 26.26 In the formation of the Governors Caucus, the following shall be done:
- a) The SG shall issue a letter to any member of the caucus to convene a meeting at the National Secretariat for purposes of electing the caucus officials.
 - b) Positions of chairperson, secretary, treasurer and whip shall be contested;
 - c) The election shall be by secret ballot and presided over by the county secretary;
 - d) Leadership elected shall be in place unless there is a breach of the Party rules or resignation;
 - e) The caucus shall be subject to all party rules.
- 26.27 The Governors Group shall:
- a) promote and defend Party policies and agenda within the counties for the advancement of objectives, programs or plans of the Party;
 - b) provide a forum for governors who are members of the Party to exchange ideas for attaining the aims of the Party;
 - c) consider, review policies, bills, legislations and regulations and motions in parliament and senate and county assemblies that requires party involvement;
 - d) perform such other functions as may be delegated to it by Party Elected Leaders Group, National Governing Board or National Delegates Convention.

County Assemblies Group

- 26.28 There shall be established a County Assembly Group consisting of all Members of the County Assemblies elected on the Party ticket.
- 26.29 Every Member of County Assembly who is members of the Party shall be deemed to be a member of the Party Elected Leaders Group.
- 26.30 The Party Leader, Deputy Party Leaders, the National Party Chairperson and Deputy Chairperson shall be *ex-officials*.
- 26.31 The other members shall select or appoint their leaders including chairperson, his/her deputy and secretary who shall represent them to the Party Elected Leaders Group.
- 26.32 In forming the County Assemblies caucuses, the following shall be done:
- a) The SG shall cause a letter to be released to all county secretaries to convene a meeting in their respective county assemblies for purposes of electing the caucus;

- b) Positions of chairperson, secretary, treasurer and whip shall be contested;
- c) The election shall be by secret ballot and presided over by the county secretary;
- d) The results shall be in place unless there is breach of the rules or resignation;
- e) The caucus shall be subject to all party rules.

26.33 The County Assemblies Group shall:

- a) promote and defend Party policies and agenda within the County Assemblies for the advancement of objectives, programs or plans of the Party;
- b) provide a forum for members of the Party to exchange ideas for attaining the aims of the Party;
- c) consider, review policies, bills, legislations and regulations and motions in county assemblies that requires party involvement and harmonization;
- d) perform such other functions as may be delegated to it by Party Elected Leaders Group, National Governing Board or National Delegates Convention.

Business and Professional Group

26.34

- a) There is hereby established the Business and Professional Group consisting of such number of persons as shall be determined by the NEC with varied expertise, skills, and experience and who subscribe to and support the Party's vision, mission, objectives and ideology;
- b) The NEC in consultation with the relevant group stakeholders shall recommend to the Party Leader persons eligible for appointment to various positions in the respective group;
- c) The group shall intellectually and materially support the party's affairs and programmes and shall meet at such time and place as shall be determined by the NEC;
- d) The group shall be represented by a national committee consisting not less than Seven (7) and not more than thirteen (13) members elected by the group with the approval of NEC;
- e) The Business and Professionals Group as provided in this constitution shall elect its chairperson and other officials during its first official meeting;
- f) The Business and Professional Group shall be represented by its Chairpersons in the major organs of the Party as provided for in this Constitution;
- g) The group shall oversee the establishment of Branch and Sub-Branch level business and professional caucuses to advance the objects of the party with the approval of NEC;
- h) The group's national committee shall meet quarterly and shall formulate its own rules of procedure for its meetings and for the regulation of its affairs as shall be approved by NEC.

ARTICLE 27

General Provisions for Standing Committees

27.1

- a) A Standing Committee of the party is a formal organization, internal to the Party, which regroups members on a basis of a particular identity, or around a specific political issue;
- b) Except where otherwise expressly provided in these provision or any other party rules or by the resolution, the National Executive Council shall introduce form, replace or terminate a relevant Standing Committee or Sub-Committee. The NEC may delegate to the such powers but with such limitations as may be thought fit;
- c) The members of the committees shall be in office for four years and shall be eligible for re-appointment at the expiry of their term, subject to a maximum of two consecutive terms;
- d) All members of the standing committees shall hold office upon such terms and conditions as shall be determined by the National Executive Council;
- e) The members of all committees shall assume office upon being sworn into respective offices as set out in *Schedule I* hereto and a member of any committee may be removed from office for gross misconduct, failure to adhere to this Constitution or for any other reason, upon the resolution of the National Executive Council;
- f) All committees will develop their respective rules of procedure; provided that they shall present the said rules of procedure to the National Executive Council for review and thereafter for adoption.

27.2 The Standing Committees of the party shall have clearly stated objectives, which would include but not limited to:

- a) offer a forum for action and information sharing between the party members and leadership;
- b) contribute to policy development in their area of interest for the party;
- c) hold hearings to review bills, conduct markup sessions to discuss and amend bills, and report bills to be debated by the National and County Parliaments or Senate;
- d) launch investigations on matters ranging from budget use, member conduct, and committee charters violations and hold hearings from different witnesses and other parties to gather testimony and evidence;
- e) develop and follow an annual work, action plans and report of its activities plan that is approved by the National Executive Council;
- f) from time to time, as needed, review current policies, develop new policies or update existing ones to comply with all local, county and national laws and guidelines.

The Supreme Advisory Committee

27.3 There is hereby established the Supreme Advisory Committee consisting of the following members namely: -

- a) The Party Leader – (Chairperson)
- b) The Deputy Party Leader;
- c) The National Chairperson;
- d) The Deputy National Chairperson;

- e) The Secretary General;
- f) The National Treasurer;
- g) The National Organising Secretary;
- h) The Chairperson of the National Executive Council;
- i) The Chairperson of the National Governing Board;
- j) The Chairperson of the National Parliamentary Caucus;
- k) The Chairperson of the County Caucus;
- l) The Chairperson of the National House of Elders;
- m) The Chairperson of the SFUP Youth and Women Groups;
- n) The Executive Director shall be the Member, ex-officio;
- o) Three other Members nominated by the committee.

27.4 The three other persons shall be invited on the recommendation of the Party Leader but will have no voting rights. Such person shall of high credibility, impeccable credentials and public recognition, having adequate knowledge of, or experience in, or shown capacity in, dealing with, problems relating to law, economics, commerce, finance, management and engineering or any other critical subject matter to advice the party.

27.5 The functions relating to Supreme Advisory Committee hereunder shall be to;

- a) make policies, models, standards, and best practices or recommendations for consideration by the National Executive Council, the relevant Standing Committees of the Party, and other party organs with due consideration of operational and fiscal implications of those recommendations;
- b) ensure that the party structures, nominations and elections are conducted in a manner that free, fair and transparent and that no faction has the intentions of unseating a duly configured party structures and leadership;
- c) render advisory opinion at the request of the National Government, or any County Government (if formed by the party);
- d) review policy reports from the National Executive Council, and support fundraising and resources mobilization strategies and recommend appropriate action;
- e) review the conduct, productivity, effectiveness and efficiency of the Party's governance system and advise the Party Leadership and other party organs in the performance of their functions;
- f) deal with a specific issue or concern that is brought to its attention or when it seeks to evaluate and improve the party's performance in a particular area;
- g) ensure that all members have a fair, balanced and respectful opportunity to share their knowledge and perspectives;
- h) articulate the political ideologies, vision, mission and policies of the Party and provide invaluable insights, expertise, and guidance to the party organisation;
- i) assists with administrative oversight of the entire party-political system and address political expediencies that may affect the functionality of the party, the government and the society;
- j) resolve specific disputes on appeal that are crucial to the Party; and
- k) undertake such other specific and important functions as shall be determined by the Party Leader in consultation with the Committee.

- 27.6 The Supreme Advisory Committee shall through the Executive Director, report about its activities to National Governing Council and the National Delegates Convention.
- 27.7 The Chairperson who is the Party Leader shall convene and preside over the meetings of the Committee, which shall be once every year or as the chairperson may deem necessary, and where the chairperson is unable to attend a meeting, the next in seniority shall preside at the meeting and where both are unable then a chair shall be selected from the members present, exercising the usual duties of chairperson. He may vote in meetings only in case of a tie or where the vote is by ballot. The quorum for the committee shall be 50% of its membership.
- 27.8 The Secretary General shall conduct all correspondence, keep a complete and accurate record of all business transacted at Committee meetings and keep record of all rules, regulations and ordinances in appropriate books, and may publish the same for the information of the members.

The Strategic Policy Consultation and Rules Committee

- 27.9 There shall be established a Strategic Policy Consultation and Rules Committee of the Party designated to ensure the party has plans, policies and procedures that strategically guide the operation of the party.
- 27.10 The Strategic Policy Consultation and Rules Committee shall consist of:
- a) Deputy Party Leader (Chairperson)
 - b) Secretary General (as Convener);
 - c) Leader, National Youth Affairs
 - d) Leader, National Women Affairs
 - e) Leader, National Disability Affairs
 - f) National Executive Director (Ex-Officio)
 - g) The National Treasurer
 - h) Secretary, National Oversight and Audit
 - i) Secretary, Public Policy and Economic Planning
 - j) Secretary, Corporate Strategy & Political Affairs
 - k) Director of Campaigns and Mobilization Strategy
 - l) Adviser, National Justice, Legal and Constitutional Affairs
 - m) Secretary, County Government Coordination and Internal Cooperation
- 27.11 The Committee shall be chaired by the Deputy Party Leader and twelve other members appointed by the National Executive Council. The Adviser, National Justice, Legal and Constitutional Affairs shall be elected the secretary of the committee.
- 27.12 The Chairperson shall be an Advocate of the High Court of Kenya or such other qualifications as may be determined by NEC with no less than seven years standing and shall be appointed by the National Executive Council. One third of the membership of the committee shall be of either gender.
- 27.13 The Functions and Powers of the Strategic Policy Consultation and Rules Committee shall be to:
- a) check and verifications of policy documents and facilitate their flow from the Members, National Office, Executive Committees at all levels and other Party Committees to the National Executive Council;

- b) advise and assist in the formulation, development, monitoring and review of policy proposals of the party;
- c) propose arrangements for the consideration of policy matters and the organisation of related business by the various organs and committees of the party;
- d) provide inputs to any matter of general concern to the NEC either on its own initiative or following a request from the council;
- e) conduct a comprehensive audit of groups within the Party to facilitate the fullest possible consultation with each sector;
- f) deal with overall issues in relation to service delivery plans, customer service, value for money, etc and play a key role in preparing the budget;
- g) make rules that will facilitate better implementation of all matters provided in this Constitution and where inconsistent, such rules shall be void to the extent of the inconsistency thereof;
- h) work with all the other Committees of the party in policy formulation, development, monitoring and review and resource mobilization engagements and monitor the overall performance of party policies and programmes, including in relation to matters of governance and oversight, in particular through consideration of reports of the various groups of the party;
- i) advice the party on better regulations and how to promote this across governments, ensuring due consideration is given to limiting the unnecessary burden of regulation on organisations; while supporting the development of appropriate, evidence-led laws;
- j) provide legal advice and support to the Party on interpretations of constitutional or any other legal requirements, proposed amendment or addition to the constitution and other acts of parliaments and on electoral matters and the responsibility of the Party and its candidates in elections.

27.14 The Strategies and Policies of the Party shall be based on matters approved by the National Governing Board for release, whether prepared by the Parliamentary Section or otherwise, and shall be:

- a) based on the vision, values, principles and objectives of the Party;
- b) based on the principles laid down in this Constitution and the Constitution of Kenya; and
- c) aligned with the Manifesto, which shall be the official policy of the Party.

27.15 The Committee shall report at least twice a year on the policy positions of the party to the National Executive Council.

27.16 The Committee shall be convened by the chair and where the chairperson is unable to attend a meeting, the next in seniority shall preside at the meeting and where both are unable then a chair shall be selected from the members present, exercising the usual duties of chairperson. He may vote in meetings only in case of a tie or where the vote is by ballot. The quorum for the committee shall be two-third of its membership and a simple majority may pass any motion of the Committee.

The Finance and Resource Mobilization Committee

27.17 There shall be established a Finance and Resource Mobilization Committee of the Party which is responsible for developing, implementing and monitoring an effective resource mobilization and partnership strategy.

27.18 The Finance and Resource Mobilization Committee shall consist of not less than seven (7) and not more than twelve (12) members, who shall include the National Treasurer, the Secretary General, the National Deputy Treasurers and other members appointed by the NEC:

- a) The National Treasurer (Chairperson);

- b) The Secretary General (as Convener);
- c) The National Chairperson of the party
- d) Secretary, Public Finance and Resource Mobilization
- e) Secretary, National Oversight and Audit
- f) Adviser, National Justice, Legal and Constitutional Affairs
- g) Secretary, National Organizing and Membership Affairs
- h) Leader, National Youth Affairs
- i) Leader, National Women and Special Interests
- j) Secretary, Public Policy and Economic Planning
- k) Secretary, Corporate Strategy & Political Affairs
- l) Secretary, Special programmes and Disaster Management Affairs
- m) The Executive Director shall be the Member, ex-officio;

27.19 The Committee shall be chaired by the National Treasurer and assisted by twelve other members appointed by the National Executive Council. The Secretary, Public Finance and Resource Mobilization shall be appointed the secretary of the committee.

27.20 The Chairperson must be Qualified in Finance and Accountant in good standing and shall be appointed by the National Executive Council.

27.21 The NEC shall fill vacant positions in the Committee when they arise and the Members shall hold office for a term of four (4) years and be eligible for re-appointment at the expiry of their term.

27.22 The Committee shall work closely with the NEC and the Board of Trustees and report at least twice (2) a year on the finances and resource mobilization exercises.

27.23 The functions and powers relating to Finance and Resource Mobilization Committee hereunder shall apply as appropriate and shall be to:

- a) Review and consider the party's strategic plan; work plans; proposals, budget and funding model;
- b) Develop fundraising guidelines including organize a Fund-Raising Dinner annually;
- c) Establish strategies and programmes that the party may implement and determine their financial priorities and operational strategies so as to identify critical areas and modalities for further synergies, partnerships and resource mobilization;
- d) Develop partnership frameworks, to form the basis for identification of thematic areas, stakeholders, development partners for consideration in the party finance management strategy;
- e) Develop principles of stewardship, financial discipline, ethics and best practices to guide the Party in matters of fiscal planning and management;
- f) Ensure that the books of the Party are audited;
- g) Propose Party Policy, conducting research and overall Organization and Planning;
- h) Make recommendations to the National Executive Council concerning policies for revenue mobilization;
- i) Engage in budgeting and projection of financial needs and gaps;
- j) Identify resource mobilization and partnership opportunities;
- k) Prepare concept notes and proposals and funding Agreements for approval by the National Executive Council;

- l) Work with all the other Committees of the party in policy formulation, development, monitoring and review;
- m) Build and manage relationships with potential funders, including but not limited to the Private Sector, Public Sector, Donors etc. with the aim of sourcing for funds for the party;
- n) Ensure all members receive appropriate and timely reports and updates on events and functions and use of resources by the party;
- o) Develop a series of fundraising communication materials (print and digital) such as brochures, appeals, newsletters and annual reports and website content;
- p) Review and recommend financial policies and new funding for ongoing party activities;

27.24 The Committee shall report at least twice a year on the financial positions of the party to the National Executive Council.

27.25 The Committee shall be convened by the chair and where the chairperson is unable to attend a meeting, the next in seniority shall preside at the meeting and where both are unable then a chair shall be selected from the members present, exercising the usual duties of chairperson. He may vote in meetings only in case of a tie or where the vote is by ballot. The quorum for the committee shall be two-third of its membership and a simple majority may pass any motion of the Committee.

The Internal Audit Committee

27.26 There is hereby established an Internal Audit Committee consisting of not less than three (3) and not more than five (5) members to be appointed by NEC.

27.27 The members of the Internal Audit Committee shall elect a chairperson, deputy chairperson and its secretary.

27.28 The Internal Audit Committee shall: -

- a) Oversight the financial reporting process, the audit process, the party's system of internal controls and compliance with the relevant laws and regulations;
- b) Ensure adequate internal controls and maintaining financial records in accordance with standard accounting practices;
- c) Monitor and evaluate the party's books of account;
- d) Safeguard the party's assets and ensure that the party has the proper risk-management provisions in place and is in compliance with state and other requirements related to the party's finances.
- e) Review the results of external audits with the secretariat and external auditors; and
- f) Perform such other duties as recommended by the NEC.

27.29 The Committee shall be convened by the chair and where the chairperson is unable to attend a meeting, the next in seniority shall preside at the meeting and where both are unable then a chair shall be selected from the members present, exercising the usual duties of chairperson. He may vote in meetings only in case of a tie or where the vote is by ballot. The quorum for the committee shall be two-third of its membership and a simple majority may pass any motion of the Committee.

The Nominations and Candidates Selections Committee

27.30 Pursuant to sub-rule 4.8, the National Executive Council and the Elections Board, shall constitute a Nominations and Candidates Selections Committee (hereinafter referred to as **"the Selection Committee" or "the NCSC"**) in each Branch, County, or Region with their primary purposes being to identify and nominate members to be potential candidates who are able to contest in the Presidential,

Parliamentary, Gubernatorial or County Assembly elections in the Country, or to be nominated to Parliament and County Assemblies.

27.31 The NEB may, as it deems fit, constitute a Nominations and Candidates Selection Committee at National level to support the conduct of Party primaries for the Party's Presidential and Deputy President Candidate at the National Delegates Convention.

27.32 In exercising its mandate, the Selection Committees shall perform all such tasks and duties as assigned and delegated to them and work under the supervision and the general direction of the NEB.

27.33 Members of the Selection Committee shall be independent, neutral and distinguished persons of good moral standing in society and of high integrity and who shall not be seeking any elective post or nomination.

27.34 The following shall constitute the rules that guide the functions of the committee in relation to nominations and party listing;

- a) Ensure the candidates nominated by the committee shall be members of the Party who subscribe to the Party Constitution, ideology, principles and policies;
- b) Any individual desiring to be nominated as a candidate for Presidential, Parliamentary, Gubernatorial or County Assembly elections shall adhere to both the Party's and National Electoral laws and these rules;
- c) Ensure each candidate shall pay nomination fee (Rule 7) as determined by the NEC and such other fees as may be required under written law to be payable for the purpose of the nominations and elections exercise;
- d) Determine eligibility of candidates to be elected as a party officials or delegates at sub branch, branch and county level and eligibility as candidates for civic and parliamentary seats as provided for in these Rules;
- e) Determine the number of and appoint Returning Officers, Deputy Returning officers, Presiding Officer, Deputy Presiding Officers, Polling and Counting Clerks, Scrutineers and Security Officers;
- f) Sponsor only one candidate who exhibit the skills, experience and commitment to the Party values and policies, for every elective position in a given elective area;
- g) Keep a register of the members of the branch who shall be eligible to vote during the elections and nominations;
- h) Conduct in depth vetting, interviews and reference checks of the potential candidates and make a suitable candidate selection;
- i) Specify any other processes for ensuring a balanced list of candidates in any given elective areas;
- j) Prepare the Party Candidates list to be nominated for both County and National Assemblies;
- k) Supervise the nomination and election process at Sub-Branch, Branch and County levels;
- l) Safely keep ballot boxes and other nomination materials in each constituency;
- m) Submit the election and nomination results directly to the Elections Board;
- n) Organize training, advice, support and facilities for approved candidates;
- o) Receive the names of agents from the candidates;
- p) Accredited independent observers and party agents;
- q) Undertake any other responsibilities assigned by the Elections Board related to election and Nomination Process.

27.35 The composition of the 7 members of the Nominations and Candidates Selections Committee shall be as follows:

- a) The Chairperson (appointed by the Supreme Advisory Committee);

- b) One person appointed by the Party Leader who are not members of the Area;
- c) Two persons elected for this purpose at the preceding Branch General Meetings or Meetings of the level concerned;
- d) Three persons appointed by the National Executive Council who are not members of the area or level concerned;

27.36 The committee shall be at least not more than two-thirds (2/3) of each gender.

Shikana Foundation

27.37 There is hereby established the Shikana Foundation. The Foundation shall –

- a) Mobilize for resources and funds for the party in consultation with party's Finance Committee
- b) Spearhead the Party's sustainable development agenda;
- c) Undertaking research, develop party policy papers, manifesto, and appropriate political, social-economic and cultural proposals to NEC and other relevant Party organs to advance the party's ideology and objectives.
- d) Promote political partnerships and with local, regional, and international organizations to invest and generate income for the Party.
- e) Carry out such other activities as it deems fit for the welfare of the Party including to design and promote social empowerment programmes for the members.

27.38 NEC in consultation with the party leader shall appoint distinguished reputable professional members of the party to lead the foundation.

27.39 The Shikana Foundation shall be led by a team consisting not less than Seven (7) and not more than Thirteen (13) members one among whom will be appointed by the Party Leader as Chairperson of the foundation.

27.40 The Shikana Foundation shall meet at least once quarterly or as may be necessary and will formulate its own rules of procedure to regulate its affairs as shall be approved by NEC

PART 5 - DISCIPLINARY MECHANISMS, PARTY FUNDS AND MISCELLANEOUS

CHAPTER 10 – DISPUTE RESOLUTION AND DISCIPLINARY MECHANISMS

ARTICLE 28

Offenses:

- 28.1 Any member, whether individual or as a group or leader, that commits any of the following acts shall be liable for disciplinary action;
- a) joining or advancing the interests of other parties or organizations whose ideologies, and objectives are contradictory to those of the party;
 - b) publicly declaring loyalty to another political party and showing disrespect to the party organs and party officials;
 - c) failure to pay membership subscriptions for a period of at least three (3) months without any justifiable reason;
 - d) unwilling to pay the subscription fees as a persons or groups of persons;
 - e) fails to abide by the Party Constitution and Party Manifesto and engages in anti-party activities that contravenes rules of the party;
 - f) is persistently absent from meetings or other official duties, disobeys, failure, refusal or neglect to carry out lawful directives or instructions of the party;
 - g) engages in corruption, dishonest practices, defrauds the party, its members or officials, and commits fraud or misappropriation of party funds or assets or misuse of party property
 - h) creates unnecessary tension and animosity within the ranks of the Party and engages in unauthorized publicity or creates a parallel party organ at any level;
 - i) commits nepotism, cronyism, corrupting behavior and sexual, racial, or physical abuse of fellow members of the Party;
 - j) says or does anything that amounts to contempt of party organisation and structures and conducts political activities in the name of other political organizations that are parallel to the Party;
 - k) has breached the Party's Code of Conduct and fails, refuses or neglects to treat a petition, complaints or appeal timeously;
 - l) is disorderly and disruptive behavior during Party proceeding to the detriment of the progression of same;
 - m) uses violence or intimidation to suppress competition from other members during Party nominations and primary elections;
 - n) organizes, retains, trains, equips or encourages the organization, retention, training, equipping of any member or group of members for the purpose of employing violence or coercion or any form of intimidation whatsoever;
 - o) the recruitment of voters who do not reside at the address claimed for purpose of manipulating branch meetings or the outcome of an election;
 - p) promotes factions or belongs to any group under the guise of the party and by whatever name called, not being one provided for in this constitution;
 - q) acts improperly or engages in disorderly and disgraceful conduct at meetings or rallies or at any party function that shall bring the name of the Party into disrepute;
 - r) engages in any conduct likely to cause disaffection among members of the party or is likely to disrupt the peaceful, lawful and efficient conduct of the business of the party;

- s) any member vying for any elective seat or acting as the campaign or election agent of any such person, or sponsors or such party which is directly competing with a candidate duly endorsed by the party;
- t) resorts to court action or litigation on any disputes or on any matter whatsoever concerning rights, obligations and duties of any member of the party without first availing himself or herself of the remedies provided by the party under this constitution;
- u) committing such acts as set out in the party regulations and disciplinary rules.

Remedies

28.2 Any member of the party who commits any of the offences listed above shall be liable to any of or a combination of the following penalties:

- a) Fine,
- b) Censure,
- c) Sanction,
- d) Reprimand,
- e) Removal from office,
- f) Expulsion from the Party,
- g) Suspension of membership,
- h) Change in the membership category,
- i) Debarment from holding any party office,
- j) Suspension with a fine, for a period definite.

Internal Dispute Resolution

28.3 As a way to amicably resolve disputes between members of the party, the members and the party, organs of the party or among party officials, there shall be established an internal disputes resolution mechanism.

28.4 The Internal Dispute resolution shall be in accordance to the Kenyan constitutional right to fair hearing and fair administration of justice. There shall be three (3) levels of internal dispute resolution. Those are Sub Branch, Branch and National. Decisions at the sub branch shall be appealed against at the branch, those of the branch at the National whereas those at the National level; shall be final.

28.5 Procedure for various levels of complaints and disputes:

- a) Complaints against Governor(s), MP(s), Senator(s) and National official(s) shall be held and determined at National Executive Council; complaints against County Assembly Representative(s) and branch official(s) shall be heard and determined at Branch Executive Committee; Complaints against sub-branch, ward and polling station officials shall be heard and determined at Sub-branch Executive Council. Once the complaint has been received by SBEC, BEC or NEC; they shall be under duty to inform the accused.
- b) Within 7 days, the party accused may apply in writing to Secretary General or Secretary to the branch or secretary to the sub-branch (as case may apply) for a dispute resolution committee instead of disciplinary committee shall be constituted to attempt to resolve the dispute.
- c) If the request is not received within 7 days or if within the 7 days, no resolution has been reached at the dispute resolution mechanism level, the Secretary General or Secretary to the branch or secretary to the sub-branch shall constitute the disciplinary committee under the direction of the Nationale Executive Committee and shall consist not more than 5 members or the matter shall be

referred to the Disciplinary and Proceedings Committee for necessary action. However, the dispute resolution mechanism provided may extend for another 7 days where necessary by motion of the committee or upon request of the parties and approved by NEC. The reason(s) for such extension shall be communicated in writing to all parties concerned.

- d) Any member may, at any time and without prejudice to any other dispute resolution mechanism provided in this constitution, may attempt at the first instance, seek and settle any complaint or dispute through negotiation, or thereafter any other alternative justice processes including arbitration, mediation, conciliation, reconciliation, and traditional dispute resolution mechanisms;
- e) The mediation shall be conducted under the Nairobi Centre for international Arbitration (NCIA) mediation rules of 2015 or other rules which may be chosen by the parties; rather than imposing a solution, the professional mediator shall work together and sometimes separately with the conflicting sides to explore the interests underlying their positions and help them hammer out a resolution that is sustainable, voluntary, and non-binding;
- f) Members are free to choose any person to facilitate mediation, conciliation or reconciliation either from within the party or from outside the party. The mediators will be engaged on voluntary terms or on such terms as parties to the dispute will agree. Mediation can be effective at allowing parties to vent their feelings and fully explore their grievances;
- g) In arbitration, a neutral third party who shall serve as a judge, is responsible for resolving the dispute. The aggrieved party (ies) shall agree on one or two arbitrators. The arbitrator listens as each side, argues the case and presents relevant evidence, then renders a binding decision. The disputants can negotiate virtually any aspect of the arbitration process, including whether lawyers will be present at the time and which standards of evidence will be used. The arbitrators appointed from the NCIA shall hand down decisions that are usually confidential and that cannot be appealed;
- h) The arbitrators, mediators and conciliators shall communicate the outcome of the mediation, conciliation, or reconciliation to the NEC for adoption. The recommendations of the arbitrators shall be communicated to the National Executive Council in writing who will make its decision and communicate in writing to the Supreme Advisory Committee for ratification.
- i) Members that are dissatisfied with the outcome of any alternative dispute resolution mechanisms shall escalate the dispute to the Disciplinary and Proceedings Committee for consideration;
- j) Members dissatisfied with decisions of the Disciplinary and Proceedings Committee can refer the matter to NEC whose decision in the matter will be final;
- k) A party may nonetheless appeal any such outcome to the Tribunal;
- l) The party will make efforts to establish from its membership a list of qualified dispute resolvers who may be from all sectors and professions and include religious leaders;
- m) The party may make further rules with respect to disciplinary procedures to strengthen its internal disciplinary mechanisms;
- n) It shall be an act of gross misconduct for any member of the party to disregard the dispute resolution and disciplinary mechanism under this Constitution and to proceed directly to court or any other body without exhausting the internal dispute resolution mechanism. Such an act shall earn that member an automatic expulsion from the party. The member so expelled vide this proviso, shall bear the legal costs of the suit filed in any court or any other body.

Disciplinary and Proceedings Committee

28.6

- a) There shall be established an autonomous **Disciplinary and Proceedings Committee** of the Party which is the body that shall have the power to decide on any of the disciplinary measures taken against any member at any level and shall function under the National Executive Council;
- b) The Disciplinary and Proceedings Committee shall have both original and appellate jurisdictions to hear and determine matters relating to or concerning discipline within the party;
- c) The Committee shall comprise of not less than three (3) and not more than seven (7) members of the party including the chairperson who are in good standing, honour and proven integrity. One third of the membership of the committee shall be of either gender;
- d) The Members of the Party Disciplinary and Proceedings Committee, other than the Chairperson, shall be recommended by NEC for appointment by the Party Leader from among persons who:
 - i. Is a citizen of Kenya of aged eighteen (18) years and above;
 - ii. does not holding any other office in the party.
 - iii. is an Advocate of the High Court of Kenya of not less than five years standing and
 - iv. is distinguished members of the Party with good moral standing in society and satisfies the requirements relating to Leadership and Integrity.
- e) The members of the Party Disciplinary and Proceedings Committee shall appoint one from among them to be the Deputy Chairperson and who shall be of the opposite gender to that of the Chairperson;
- f) The Adviser, National Justice, Legal and Constitutional Affairs of the party shall be the secretary of the committee and be responsible for circulating all documents filed in the proceedings amongst the parties;
- g) The members shall remain in office for four years and be eligible for re-appointment at the expiry of their term, subject to a maximum of two consecutive terms;
- h) The Chairman shall be at liberty to decide on all the enquiries, the procedural matters, whether to refer them to other alternative resolution mechanism, or refer such matters to the Committee for decision in his discretion;
- i) The Disciplinary and Proceedings Committee as established under this Constitution shall have the power to receive, hear and determine all cases of discipline concerning Party members. Any Party member may, by a written and or oral complaint reduced in writing, refer to the Committee an issue which may require disciplinary intervention;
- j) The Chairman or the Disciplinary and Proceedings Committee may, in their discretion and at any stage of the proceedings, on request of the parties or on their own motion, dispense with or vary any of the requirements of these rules or make such directions for the conduct of the proceedings as they consider appropriate (including adjourning a hearing on specified terms as to costs);
- k) A Disciplinary issue shall arise on the grounds of misconduct and a member shall be liable to the Party's disciplinary measures if he/she engages in any conduct prescribed and prohibited in this Constitution, in the party rules or National laws;
- l) The Disciplinary and Proceedings Committee shall make its own rules of procedure which shall be approved by the National Executive Committee. The Rules shall comply with written laws of Kenya, the Rule of Law, and Rules of Natural Justice;
- m) The appropriate Branch Executive Committees shall refer any disciplinary for their members to the NEC;

28.7 The Functions and Powers of the Disciplinary and Proceedings Committee shall be to;

- a) receive complaints against any member, or office bearer of the Party and recommend appropriate disciplinary action;
- b) take suo motu cognizance of any news or information against any member, active member or office bearer of the Party and conduct appropriate investigation;
- c) investigate the complaints forwarded by the Branch Executives, County, Party Elections Board or on the proposal of the Secretary General or NEC;
- d) decide whether a complaint has been proved in light of all the relevant facts and evidence before it and, if so, to determine the sanction which ought to be imposed;
- e) reject any complaints on appropriate grounds which shall be communicated to the complainant in writing;
- f) dispose of all disciplinary proceedings within the time frame prescribed and take disciplinary measures against a member of the Party on the grounds of acts of indiscipline or gross misconduct or any of the offenses provided herein, which brings the party into disrepute;
- g) impose punishment arising from any disciplinary decision as provided in this constitution; and
- h) provide an opportunity for one appeal to the next level of the Disciplinary Authority.

Disciplinary Procedures and Rules of Proceedings

28.8 The party shall establish and enforce the Disciplinary Procedures and Rules of Proceedings as follows:

- a) The Disciplinary and Proceedings Committee shall frame its own rules of procedure with the approval of the NEC for conducting disciplinary and appeal proceedings and the disciplinary measures shall be in accordance with written laws of Kenya and rule of natural justice, which may be used to adjudicate, but these shall include the power to admonish, suspend for a specified period or expel a member from the Party;
- b) The Disciplinary and Proceedings Committee shall have the power to impose any penalty provided for under this Constitution or the Disciplinary Rules and this decision is final, unless set aside, varied or substituted by a decision of the NEC in accordance with the Constitution, by a court of law or Tribunal established by law;
- c) The Party Branch, Sub-Branch, or Polling Station shall have no power to suspend or expel a member of the Party. Where an issue of discipline is referred to the Party Branch, Sub- Branch, or Polling Station, it shall constitute a Special Branch Disciplinary and Proceedings Committee to deliberate on the issue;
- d) Where the Branch Committee is of the view that the misconduct is so serious as to invite suspension or expulsion, the Committee shall refer the matter to the Standing Disciplinary and Proceedings Committee at the Party Headquarters which shall summarily review the facts and make an appropriate recommendation to the National Executive Committee. Provided however the Branch/Sub- Branch/Ward or Polling Station shall have the power to censure, fine, or reprimand;
- e) The NEC may appoint an ad hoc committee to investigate and hear disciplinary matters in any County, Branch, Sub-Branch or Polling Station committee;
- f) Any member may, by a written and signed complaint, refer to the Disciplinary and Proceedings Committee an issue of discipline and where an allegation is made against a member of the party, the Committee shall inform the member in writing of the allegations made against him or her and the place and time of hearing the case against him or her;

- g) The parties shall submit written Cases setting out their respective positions on all material matters and annexing all relevant documentary evidence on which they rely. This gives all parties fair notice of the issues in dispute and ensures that the hearing can be conducted efficiently;
- h) The initial burden of proof is upon the Complainant. The strict rules of evidence do not apply; the Disciplinary and Proceedings Committee may, at any stage of the disciplinary proceedings, receive any material, and attach such weight to that material, as it considers appropriate;
- i) The Committee shall not be constrained by any analysis in any complaint letter or other document referred by them or by the way the parties have chosen to present their written Cases and Replies;
- j) Notwithstanding anything to the contrary in these rules, the Disciplinary and Proceedings Committee may inquire into any matter and consider any argument arising from the evidence and/or materials which the Committee considers relevant to the complaint, whether or not it has been previously raised or relied upon by a party, provided that the parties are given a reasonable opportunity to be heard in respect of that matter or argument before any determination is made;
- k) Whilst the procedures allow for oral hearing of the complaint, to be made by the parties if they consider it necessary to do so and which shall be in public unless otherwise determined by the Committee, all relevant matters relied upon by the parties should not unnecessarily repeat if they have been fully addressed in the written submissions; it is therefore anticipated that oral submissions (to the extent they are necessary at all) will be brief;
- l) The principal purpose of the oral hearing is to allow the Committee to question the parties and clarify matters and to afford a fair hearing to such a member appearing before it, to present his or her case orally or in writing either in person or through a counsel of his or her choice or an authorized representative or next friend and shall be allowed to call witnesses;
- m) If any party fails or refuses to make submissions or answer questions on any matter or issue, the Disciplinary and Proceedings Committee shall be entitled to draw an adverse inference against that party;
- n) In certain circumstances, the Committee may invite the parties to consent to a proposed sanction. If the parties so consent, the oral hearing will be dispensed with and the agreed sanction imposed. If either or both of the parties refuse or fail to consent, the proceedings will be dissolved and the matter dealt with afresh by a new Disciplinary and Proceedings Committee;
- o) If the Chairman or the Disciplinary and Proceedings Committee is of the opinion that a party has failed to appear at the hearing or has failed to comply with a requirement of these rules (including the procedural timetable) or of any direction or order, the Chairman or the Committee may take such steps as they consider appropriate including dismissing the complaint without requiring the Respondent to answer the allegations, hearing and determining the complaint without hearing from the Complainant, or making such orders as to costs as they think fit;
- p) Where any question arises as to whether a written Case or Reply complies with the requirements of these rules, the Chairman and the Disciplinary and Proceedings Committee shall only order that the Case or Reply be rejected, revised or supplemented if, in the opinion of the Chairman or the Committee, the defects in the Case or Reply are such as to prejudice the ability of other parties to the proceeding to obtain a fair hearing;
- q) If at any stage in the proceedings, the Disciplinary and Proceedings Committee is of the opinion that no prima facie case is shown for any disciplinary action, the Committee may dismiss the complaint without requiring the Respondent to answer the allegations and without hearing the Complainant;
- r) A decision taken against a member who has not been informed of the charges against him or her or been given any opportunity of defending himself or herself shall be null and void;

- s) The Chairman and/or the Disciplinary and Proceedings Committee may appoint professional advisers, expert witnesses and/or such other persons as the Chairman or the Committee may in their discretion consider appropriate to assist the Committee in any particular proceeding;
- t) The Disciplinary and Proceedings Committee shall, after a determination of facts on a complaint, make recommendation to the National Executive Council of the party who after preliminary hearings, shall have the power to pass a penalty including, but not limited to a reprimand, fine, Censure, Sanction, and Suspension for a definite period, Expulsion or removal from an office where a member has been appointed as a result of being a party member and such decisions shall be final and binding on all parties;
- u) Vacancies created by reason of expulsion or removal from office shall be filled in the same manner as they were originally filled or as provided for in this constitution and any other party rules;
- v) The decision of the Disciplinary and Proceedings Committee shall be set out in writing and shall specify the terms of any orders made and report its finding and decision to the NEC for adoption;
- w) The NEC may act on any recommendations made by the committee appointed under this constitution and any of the parties or members dissatisfied with decisions of the Disciplinary and Proceedings Committee can refer the matter to NEC and any action or decision taken by the NEC shall be final;
- x) The NEC may confirm, vary or substitute the finding and decision of the Disciplinary and Proceedings Committee on Appeal by the concerned Member;
- y) A party may nonetheless appeal any such outcome to the Tribunal.

Disciplinary and Election Appeals Tribunal

- 28.9 There shall be established a Disciplinary and Election Appeals Tribunal (hereinafter referred to as the "Panel" or "tribunal" or the DEAT), composed of not less than three (3) and not more than nine (9) members including a chairperson, a deputy chairperson and a secretary. The Executive Director shall be an ex-officio member.
- 28.10 The panel shall be set up to deal with disputes arising out of the nomination and election process and shall stand dissolved upon conclusion of the nomination process and the period of service which shall be determined by the NEB. The Disciplinary and Election Appeals Tribunal shall have the power to receive, hear and determine all cases or disputes and any matters pertaining to party nominations and elections.
- 28.11 All members shall form a quorum unless otherwise validly specified by the NEB.
- 28.12 The Members of the DEAT shall be recommended by NEB and approved by the National Executive Council from among persons who:
- a) Is a citizen of Kenya of aged eighteen (18) years and above;
 - b) does not holding any other office in the party;
 - c) is an Advocate of the High Court of Kenya of not less than five years standing;
 - d) has any other qualification relevant to election management and deemed by the party as necessary for one to be a member;
 - e) is distinguished member of the Party with good moral standing in society; and
 - f) satisfies the requirements relating to Leadership and Integrity.
- 28.13 The members of the DEAT shall be appointed by the Party Leader on the recommendations of the NEC.

- 28.14 The Elections Board shall, at the time of appointment, designate one member of the panel as the Presiding Chairperson and the members shall elect one of their members as a deputy who shall be of the opposite gender to the chairperson and one to be a secretary.
- 28.15 The chairperson of the NEAB shall be a person qualified to hold the office of a Judge of the High Court of Kenya.
- 28.16 A person shall be qualified to be appointed as a chairperson and member of the DEAT if the person is
- a) Fully paid-up member of the Party
 - b) experienced in dispute resolution;
 - c) Eligible to vote at an election;
 - d) Not been convicted of an election offence;
 - e) Satisfies the requirements of Chapter Six of the Constitution on leadership and integrity.
- 28.17 In constituting the membership of the DEAT, the NEC and party leader shall take into considerations Individuals from different ethnic groups and special interest groups and not more than two-third (2/3) of members of DEAT shall be of the same gender.
- 28.18 No member of the National Executive Council or Disciplinary and Proceedings Committee may be a member of the Panel.
- 28.19 The DEAT shall formulate its rules of procedures that the NEC will approve.
- 28.20 A member of the DEAT shall serve for such period as shall be determined by the NEC and shall be eligible for reappointment provided that a member shall not serve for more than two (2) terms of four (4) years consecutively.
- 28.21 No member of the Tribunal shall, during his or her tenure of office, be an aspirant in any party election or nomination.
- 28.22 A member of DEAT shall only be removed from office on the following grounds;
- a) Resignation
 - b) Violation the Party Constitution, Nomination Rules or the Code of Conduct
 - c) Declaration of an interest in a particular nomination, elective position or party organ
 - d) Becoming mentally incapacitated
 - e) Is declared bankrupt
 - f) Convicted of an election offence or criminal offence that carries a sentence of at least six months with no fine or the court finds that the person has violated provisions of chapter six of the Constitution of Kenya, 2010
 - g) Death.
- 28.23 A vacancy in the office of any of the Disciplinary and Election Appeals Tribunal official will be advertised and the advertisement will specify required qualifications. The advertisement, vetting and replacement of the new member of the Board will be within a period of 14 days.
- 28.24 The DEAT shall hear and determine disputes arising from;
- a) Party elections;
 - b) Party nominations and

c) Party lists for nomination as Member of Parliament or County Assembly.

- 28.25 The panel shall determine appeals arising from party nominations and elections, or arising from endorsement in respect of Candidate Selection Process and, where considered necessary, appeals arising from elections of County and National officials in respect of elections of the Presidential, Governors, Senators, Members of the National Assembly, and County Women Representatives.
- 28.26 Any candidate who is dissatisfied with the outcome in connection with the party elections or vetting and nominations of parliamentary or civic candidates or party elections at all party level has a right as the aggrieved party to personally appeal to the Panel in writing and duly signed by the appellant and forwarded either physically or electronically within 72 hours of the announcement of results or through his duly appointed agent within 72 hours of announcement of the list of party nominees.
- 28.27 The Appellant will on appeal pay a non-refundable fee of Kshs, 5,000/= to the Party for elective offices within the Branch and Sub- Branch and pay a non-refundable fee of Kshs 10,000/= to the Party for County and National Cases or such other fee as the party NEC may determine.
- 28.28 The appeals to the Disciplinary and Election Appeals Tribunal shall be in writing duly signed by the Appellant and be lodged within three (3) days of announcement of the results appealed from.
- 28.29 Any person who considers that her/his name has been wrongly or unfairly omitted from list of nominees or the party list, shall have the right to appeal to the Panel as set herein within 72 hours after the expiry of the inspection period, provided that this deadline may be extended in exceptional circumstances, which shall be specifically documented.
- 28.30 Parties have a right to represent themselves or be represented by legal representatives of their choice before the Disciplinary and Election Appeals Tribunal.
- 28.31 The Disciplinary and Election Appeals Tribunal may, on its own volition and or upon applications to it, consider the matters filed and render its decision thereon
- 28.32 The hearing may be physical or virtual as the parties may elect and as the circumstances of the case may dictate.
- 28.33 Parties may be heard orally in person or the hearing can be a document only hearing.
- 28.34 The Election Board will put in place measures to ensure that parties are heard and that no right to be heard is defeated by reason of distance. Provision may be made for County and Branch hearings as may be appropriate upon such a request being made to the Board.
- 28.35 Parties should have evidence to support his/her allegations such as:
- a) Witnesses,
 - b) Persons arrested in regard to the office,
 - c) Vote counting irregularities e.g. duplications, irregularities, etc,
 - d) Complaints made at the nominations/polling stations to any party agent, county, branch, Nominations and Elections Board or party official county/ application serial
 - e) Photographic/video evidence
- 28.36 The Disciplinary and Election Appeals Tribunal shall, in suitable cases, have powers to Summon the Returning Officer responsible, witnesses or persons with relevant evidence and thereafter dismiss the appeal or grant orders sought including orders for re-count, re-tallying of votes or repeat of the nomination or election exercise.

- 28.37 The Panel shall determine complaints and appeals within fourteen (14) days of receiving the same and which in any case shall not be more than sixty (60) days of the date of the dispute. However, given the nature of the complaint, the requisite panel shall hear and determine the appeal within 72 hours of receipt of the appeal.
- 28.38 Where a dispute has been filed at the Panel (Convened to deal specifically with Elections cases), the Elections Board shall withhold the certificate of return until such time as they are furnished with the verdict of the panel.
- 28.39 The Chairman shall be at liberty to decide on all the enquiries, the procedural matters, whether to refer them to other alternative resolution mechanism.
- 28.40 The DEAT shall accord a fair hearing to all parties appearing before it and give parties equal opportunity to present their cases and or otherwise defend themselves. However, a party that is dissatisfied with the decision of the panel has a right to Appeal to the Political Parties Tribunal.
- 28.41 The DEAT will be independent, neutral and impartial in the determination of its cases and in the execution of its mandate.
- 28.42 Members of the Board must declare conflict of interest relating to matters that they are dealing with. The Secretary to the Board will maintain a conflict of interest register for that purpose. Any matter in which a member is conflicted will be heard in the members absent.
- 28.43 Members of the DEAT shall abide by this Constitution, the Code of Conduct and the party rules and regulations.
- 28.44 The Disciplinary and Election Appeals Tribunal shall consider and determine matters filed in accordance with the Constitution of Kenya, any applicable Law, party Constitution and Election and Nomination Rules within Ten (10) days of receipt of the complaints.
- 28.45 The decisions of the Panel will be filed at the Political Parties Disputes Tribunal.
- 28.46 DEAT shall consult with the Secretary General, Party Leader and Director of Elections in their service delivery.

ARTICLE 29

Sources of Party Funds

- 29.1 To ensure the broadening and sustainability of the party's revenue base, the National Executive Committee shall establish rules governing the collection, management and expenditure of funds. There shall be established and maintained for the party a fund into which all party finances shall be kept.
- 29.2 The source of funds for the Party shall include the following:
- a) **Subscription** - members shall pay an annual minimum membership subscription fee of such standard rate or rates as may from time to time be determined by the National Executive Council and all rates so determined shall be approved by National Governing Board and shall run for a period based on a membership year system;
 - b) **Contributions** - contributions from Party Members of Parliament, Governors, Members of County Assemblies as may be determined by NEC from time to time;
 - c) **Political Parties Funds** - Such funds as appropriated by Parliament for the Political Parties' Fund;
 - d) **Fundraising, Bequests, and Grants** – Fundraising from any other lawful source not being a foreign government, inter-governmental or non-governmental organization;
 - e) **Subventions and Donations Accepted by NEC** - Numerous individuals and friends of the party that enjoy patronage of the party at all levels shall be encouraged to make donations to the party which should be consistent with any laws;
 - f) **Sale of Nomination Forms (Nomination fees)** - Money generated from the sale of nomination forms shall form part of the party finances;
 - g) **National Chairman's Fund-Raising Dinner** - Participants (i.e. friends of the party and party members) will pay for the dinner according the seating arrangements among other criteria, to be worked out by the committee;
 - h) **Proceeds from any Investments project** - The party shall invest in long term ventures or undertakings in which the party has interest;
 - i) **Business Ventures** – The party shall establish viable business ventures that do not violate any sections of the Constitution of the Kenya 2010 and such other moneys received by the party as may be authorized by law;
 - j) **Borrowing** - While the party should be given the leverage to raise money through borrowing, it shall be only when it is absolutely necessary that borrowing be undertaken. The National Executive Council shall have the power to borrow money on behalf of the Party;
 - k) **Publications** - Net income from publications and consultancies;
 - l) **Others Sources** - fines and penalties as may be prescribed NEC from time to time.

Usage of Party Funds

- 29.3 The party funds shall be used for purposes compatible with the objects and ideals of the party:
- a) Administrative and staff expenses of the political party which shall not be more than thirty per cent of the moneys allocated to the political party;
 - b) To run various party initiatives, activities, programmes, campaigns, nominations and elections, membership recruitment, meetings and conventions, publications and publicity, capacity building,

administration of its offices, and running of the party organs, and will not be used for distribution among members;

- c) Covering the election expenses of the political party and the broadcasting of the policies of the political party;
- d) Organization by the political party of civic education in democracy and other electoral processes;
- e) Bringing the political party's influence to bear on the shaping of public opinion; and
- f) Party funds shall not be used for any other purposes other than those specified in this Constitution. The funds shall only be used for the enhancement of the party's activities;
- g) Promoting the representation in Parliament and in county assemblies of women, persons with disabilities, youth, ethnic and other minorities and marginalized communities;
- h) Party funds shall not be used:
 - i. For paying directly or indirectly remuneration, fees, rewards, allowances or any other benefit to a member or supporter of the political party, other than a member of staff;
 - ii. To finance or as a contribution to any matter, cause, event or occasion directly or indirectly in contravention of any code of ethics binding on public officers;
 - iii. Directly or indirectly for the purposes of establishing any business or acquiring or maintaining any right or financial interest whatsoever in any business or in any immovable property; or
 - iv. For any other purpose incompatible with the promotion of a multiparty democracy and the electoral processes, or with the Constitution.

Fiduciary Duty

29.4 The three core fiduciary duties of party funds managers are the duty of care, the duty of loyalty and the duty of obedience. These duties form the foundation of good governance and guide members in making decisions that are in the best interests of the party.

29.5 The fiduciary duties shall include:

- a) To ensure accountability and transparency in the management of party finances and its procurement processes;
- b) The National Executive Council shall design and develop Standard Financial Rules and Regulations of the party that must govern the collection, management and expenditure of all party funds;
- c) The National Executive Council shall have full control over all monies, funds, property, investments and securities of whatever kind and description belonging to the Party;
- d) All withdrawals shall be against expenditures in the approved budgets or by resolutions of the National Executive Council.
- e) The Finance and Resource Mobilization Committee must include the Treasurer, National Oversight and Auditor in the actual management of party finances;
- f) A Financial Scheme shall set out on how the Party will regulate its financial affairs for the purpose of compliance with current financial legislation by all bodies mentioned in this Constitution;
- g) The Secretary General may deny any body (member or branch) mentioned in the Constitution, that has an outstanding payment to the Party, the entitlement to send or attend as delegates to National Delegates Convention until the debt is cleared;
- h) If a body within the Party goes out of existence or is dissolved, all assets, shall become property of the Party.
- i) Any use of these funds shall be approved by the party's National Executive Committee.

- j) Any decision to distribute party funds shall be illegal irrespective of the NEC decision.
- k) The designated National officials and staff shall ensure that requirements as provided by law on public funds are strictly adhered to.

Official Year

29.6 The official year of the Party shall commence on the 1st day of January in each year. Annual subscriptions shall fall due and be payable on or before the 5th day of January or as otherwise provided for in this constitution in the case of defaults or payments falling in arrears.

Official Signatories to Party Documents

29.7 The authorized officials to sign various party documents shall be as follows:

- a) The Secretary General shall sign documents to the Electoral Commission (IEBC) or Registrar of Political Parties (ORPP) as approved by the relevant party organs and in concurrence with the Party Leader;
- b) The authorized signatories to the bank account and other financial transactions of the party as determined by the NEC with the concurrence of the Party Leader, shall be the following officers;
 - i. The National Chairman;
 - ii. The Secretary General;
 - iii. The National Treasurer.

Provided that withdrawals from or debit instructions on the account are valid only if authorized by the National Chairman and any of the other two signatories, that is, the Secretary General or Treasurer of the party in consultation with the party Leader. Any other related transaction documents shall be signed by two officials who could be either the National Treasurer, Secretary General or National chairman.

- c) The auditor and secretary general shall sign the audited annual accounts;
- d) The Executive Director, National Treasurer and Secretary General shall sign the financial statements and financial reports;
- e) The Secretary General shall under the party leader's concurrence sign reports or documents approved by the NDC, the NGB, the NEC and the Supreme Advisory Committee or any other organ of the party as the case may require;
- f) The Chairperson of the Elections Board, the Chairperson of the Party or the Secretary General or/ Party Leader shall sign nomination papers and certificates; Provided that if authorized by the National Chairman and any of the other two signatories, that is, the Chair of Election Board and Secretary General in consultation with the party Leader.
- g) The decision to form affiliations, alliances, merger or coalition or to dissolve the party or to amend the constitution shall be execute on behalf of the Party by the National Chairperson and the Secretary General and witnessed by the Party Leader;
- h) The party leader shall sign life membership certificates; and
- i) The National Chairperson and Secretary General with the concurrence of the Party Leader shall sign legal documents of the party.

Inspection of Accounts and Member's Register

29.8 The party books of accounts and the list of registered members of the party shall be made available for inspection to any officer or member of the Party at the Party's registered offices. It's a right of any

such member of the party or public intending to inspect books of accounts or member's register or any other Party documents and shall give a written notice to the Secretary General in at least fourteen days.

Bank Accounts

29.9

- a) The party shall maintain Bank Account(s) with local Bank(s) at the city or town where its headquarters is situated; where bank facilities are not available, the services of the bank nearest to the city or town shall be utilized;
- b) The signatories to the Bank Account(s) shall be as approved by a resolution of the National Executive Committee;
- c) The financial transactions of the Party shall be handled by the SG. National Treasurer finance director and any other finance officer(s);
- d) The Party shall operate Account(s) with local Bank(s) according to modalities laid down by the National Executive Committee;
- e) The National Executive Council of the party shall decide the banks to be used in keeping the account and lay down modalities of operating them. All the Payments due to the party shall be made at the approved party bank account;
- f) No bank account shall be operated in the name of Shikana Frontliners for Unity Party (SFUP) without the written authorization of the National Executive Council;
- g) The National Executive Committee shall establish rules governing the collection, management and expenditure of funds. All withdrawals shall be against expenditures in the approved budgets or by resolutions of the National Executive Committee.

Audit of Accounts

29.10

- a) The National Delegates Convention shall appoint or re-appoint, a qualified, registered and competent firm of accountants or auditor to audit the party books of accounts annually;
- b) The auditor shall not be an office bearer or a member of any party organ or committee;
- c) The Auditor shall be paid such honorarium for his duties as shall be determined and approved by the National Executive Council;
- d) The Party accounts, accounting records and party documents shall be open for inspection by the Party Auditor at any time;
- e) The auditor shall audit the accounts annually and submit the report to the NEC no later than 31st March of every year;
- f) The National Executive Council shall, within four months after the end of each financial year submit to the Auditor-General, the accounts of the Party in respect of that year;
- g) The Party's books of accounts shall be subjected to audit by the Auditor General in accordance with the Political Parties Act 2011;
- h) The party shall produce and share with the members, the annual statement of accounts and audited accounts made up-to-date before the date of the National Delegates Convention;
- i) The Auditor shall table the report of the audited accounts at the National Delegates Convention for consideration and adoption;

Pecuniary Gain

29.11

- a) No member shall derive any pecuniary gain from the property or operations of the Party (except as an employee, temporary or otherwise), or for services rendered or supplies made.
- b) In the event of the Party being wound up no member of the Party at the date of winding up shall personally be entitled to participate or benefit in any way in the distribution of any assets of the Party both real and personal;
- c) No member or any person associated with any member of the party shall participate in or materially influence any decision made by the party in respect of payment made to or on behalf of that member, or of any income, benefit, or advantage whatsoever. Any such income paid shall be reasonable and relative to what would be paid in an arm's length transaction (being the open market value).

Intellectual Property

29.12 No member, supporter or person may use or be permitted to use any intellectual property, patents, trademarks, logos, slogans, technical processes, databases owned and held by the Party without first obtaining the prior written approval of the National Executive Council.

29.13 The "Party Rights Agreement" shall be included with the forms prescribed for the nomination and selection of every party candidate. This Agreement shall:

- a) deal with the protection of the intellectual property held by the Party; in its name, symbols, emblem, flag, colours, instructions and procedures and generally its experience as a political party, when used by a candidate for campaign and election;
- b) represent an enforceable contract involving responsibilities to be observed by the candidate. These contractual commitments together with the code of conduct shall be for all members to observe the Party Constitution and Rules.

Press and Publication

29.14 To inform and convey the party's vision, mission and agenda;

- a) The Party may publish its own Literature, Newspaper, Periodical Magazine, Calendars, Pamphlets, and Books bulletins, brochures or any other material for own use, sale or for free distribution.
- b) The Party may also own or operate a Printing Press, Radio and/or Television Station, Digital social media platforms, which ownership may be in form of full ownership or shares in a business entity.
- c) All resolutions and statements on policy and public questions shall be referred to the National Executive Council for endorsement before publication.
- d) The Secretary General shall be in charge of the Party's Press and Publication and the NEC shall propose regulations to manage the media and electronic press to meet the objectives of the party.

ARTICLE 30

Alliances

30.1 The following process shall be applied when considering collaborations in the form of affiliations and alliances with other political parties:

- a) The Party may enter a pre-election or post-election cooperation agreements, coalitions, collaborations, partnerships or alliance with one or more like-minded political parties for the purpose of winning national elections and forming a government or addressing Parliamentary strength of the Party in Parliament or in a County Assembly and sharing of executive power and other government appointed positions;
- b) The Party may also prior to elections cooperate and form alliances and with like-minded political organizations situated abroad;
- c) The National Executive Council may propose or receive written proposals which shall contain a clear statement of the reasons from any member or group of members of the Party, to form affiliations, alliances, merger or coalition with other political party. A meeting of the Supreme Advisory Committee shall be convened within twenty-one (21) days to consider the merits and demerits of the proposed formation or arrangement;
- d) Notice of the proposed pre-election or post-election arrangements should be given at least fourteen (14) days before the scheduled meeting of the National Executive Council and shall be given to the Secretary General, at least three months before the date of the National Delegates Convention;
- e) The Secretary General upon receipt of the notice shall cause it to be circulated to the Counties and the Branches of the party for publication at least one month before the date of the National Delegates Convention.
- f) The proposals for the pre-election or post-election coalitions, alliances, cooperation agreements, partnerships or mergers shall then be presented for consideration NDC. The resolution for a dissolution should be approved by two-thirds of the total members of the delegates eligible to attend an Ordinary Session of the National Delegates Convention or a Special National Delegates Convention convened for the purpose of ratification of the proposed arrangements.
- g) The decision to form affiliations, alliances, merger or coalition shall be in writing and the instruments involved in any of the arrangements shall be execute for and on behalf of the Party by the National Chairperson and the Secretary General and witnessed by the Party Leader before sealing by the Party Seal and deposited with the Registrar of Political Parties by the Secretary General and the Executive Director, within twenty-one (21) days of the signing of the agreement or in accordance with the provisions of the Political Parties Act as the case may apply from time to time;
- h) The Secretary General shall keep custody of the agreement and the instruments of the merger and coalition;
- i) The CMC will ensure continuous monitoring and evaluation of coalition, cooperation and merger arrangements and advice the NEC and NDC as appropriate.

ARTICLE 31

Coalitions

- 31.1 The following process shall be applied when considering collaborations in the form of coalitions with other political parties:
- a) Where the NEC or NDC rejects the proposal, such an arrangement shall be deemed to have failed. Upon a resolution to form affiliations, alliances, merger or coalition with other political party, the National Executive Council shall appoint a Coalition Management Committee (CMC) to serve as the Party's negotiation team for the purposes settling the terms of a coalition agreement;
 - b) The Coalition Management Committee (CMC) shall consist of at least five but not more than ten members provided that one third of the members shall be of the other gender, and shall comprise of the Party Leader and Deputy, Presidential Candidate (if not the same as party leader) and Deputy, National Chairperson and Deputy, the Secretary General, and three (3) other persons nominated by the NEC one of whom shall be appointed the Secretary for the CMC. The Party Leader chairs meetings of the CMC;
 - c) The Coalition Management Committee (CMC) shall develop a strategy to be approved by the National Executive Council in preparation for a possible coalition arrangement at least six months before or within 60 days after the general election. The National Executive Council in consultation with the Supreme Advisory Committee may vary, amend, vitiate and/or terminate a coalition agreement so as to align with provisions of this constitution.

ARTICLE 32

Merger

- 32.1 The following process shall be applied when considering collaborations in the form of mergers with other political parties:
- a) Where merger has taken place, members of the SFUP shall be deemed to be a member of the new political party. A member of the party who is a President, Deputy President, Governor or Deputy Governor, Member of Parliament or member of a County Assembly or Office Bearers, shall retain their membership, elected or appointed party positions where after the affiliation, alliance, merger or coalition, the individual parties retain their distinct party identities;
 - b) In the case of a merger where a new entity is formed, any of the mentioned members and their positions, who do not desire to be a member of the new entity, shall continue to serve in such elected office for the remainder of the term or as may be prescribed by applicable legal provisions or may opt to join another political party or be an independent within thirty days if the case permits;
 - c) In the case of a merger, the party particulars including names, symbol, logo, slogan and colours shall be removed from the register of political parties and such party particulars shall not be available for registration by any person as a political party or use in subsequent elections following the merger unless it is agreed by the merging parties that the new political party shall register and use SFUP names, symbols, logos, slogans and colours;
 - d) Where a resolution is passed for the merger of the Party, all properties and funds of the Party less liabilities shall be absorbed by the new entity as shall be determined by the Special National Delegates Convention at which the resolution in favour of the merger is passed. Voting in motion for the affiliations, alliances, merger and coalition shall be by Secret Ballot only;

- e) The records, assets and liabilities, rights and obligations of all the merged parties shall be the records, assets and liabilities, rights and obligations of the new political party including the entitlement to the Political Parties Fund under section 25 of the Act;

ARTICLE 33

Dissolution of the Party

33.1 The following process shall be applied when considering dissolution:

- a) The National Executive Council may, after consultation with the Branch Executive Committee and on stating reasons, dissolve any Branch and make interim provision for performance of the responsibilities of the Branch Association until a new one can be created;
- b) Should a Branch wish to disband or go into recess, the books and assets of the defunct Branch shall be forwarded by the Secretary to or recovered by the Secretary General or any person authorized by the Secretary General;
- c) The National Executive Council may propose or receive written proposals which shall contain a clear statement of the reasons from any member or group of members of the Party, to dissolve the party. A meeting of the Supreme Advisory Committee shall be convened within twenty-one (21) days to consider the merits and demerits of such proposals;
- d) Notice of the proposed pre-election or post-election arrangements should be given at least fourteen (14) days before the scheduled meeting of the National Executive Council and shall be given to the Secretary General, at least three months before the date of the National Delegates Convention;
- e) The Secretary General upon receipt of the notice shall cause it to be circulated to the Counties and the Branches of the party for publication at least one month before the date of the National Delegates Convention.
- f) The proposals for dissolution shall then be presented for consideration NDC. The resolution for a dissolution should be approved by two-thirds of the total members of the delegates eligible to attend an Ordinary Session of the National Delegates Convention or a Special National Delegates Convention;
- g) Where the NEC or NDC rejects the proposal, such dissolution shall be deemed to have failed. Upon approval to dissolve the party, the National Executive Council shall appoint a Dissolution Committee (DC) to serve as the Party's team to facilitate the process;
- h) The Dissolution Committee (DC) shall consist of at least five but not more than ten members provided that one third of the members shall be of the other gender, and shall comprise of the Party Leader and Deputy, Presidential Candidate (if not the same as party leader) and Deputy, National Chairperson and Deputy, the Secretary General, and three (3) other persons nominated by the NEC one of whom shall be appointed the Secretary for the DC. The Party Leader chairs the DC meetings;
- i) The dissolution process should take at least six months. The National Executive Council in consultation with the Supreme Advisory Committee may vary, amend, vitiate and/or otherwise vacate from dissolving the party if there are valid reason that stops the process from continuing;
- j) Where dissolution has taken place, members of the party forthwith cease to be members. A member of the party who is a President, Deputy President, Governor or Deputy Governor, Member of Parliament or member of a County Assembly or office bearers, shall continue to serve in such elected office for the remainder of the term or as may be prescribed by applicable legal provisions or may

join another political party if the case permits or choose to be an independent within thirty days of the dissolution of the party and without losing their seats;

- k) In the case of a dissolution, the party particulars including names, symbol, logo, slogan and colours shall be removed from the register of political parties and such party particulars shall not be available for registration by any person as a political party or use in subsequent elections following the dissolution;
- l) Where a resolution is passed for the dissolution of the Party, all properties and funds of the Party less liabilities shall be distributed in a manner as shall be determined by the Special National Delegates Convention at which the resolution in favour of the dissolution is passed. Voting in motion for the dissolution shall be by Secret Ballot only;
- m) The decision to dissolve the party shall be in writing and the instruments involved in any of the arrangements shall be executed for and on behalf of the Party by the National Chairperson and the Secretary General and witnessed by the Party Leader before sealing by the Party Seal and deposited with the Registrar of Political Parties by the Secretary General and the Executive Director after which the Dissolution Committee also ceases to exist.

SCHEDULES

SCHEDULE I: OATH OF ALLEGIANCE

I, do solemnly swear that I shall be faithful and bear true allegiance to the **Shikana Frontliners for Unity Party (SFUP)**, and the Republic of Kenya. I also affirm that I will preserve, protect and defend the constitutions of the Party, and that of the Republic of Kenya. I shall discharge my duties to the best of my ability, faithfully and in accordance with the constitution of the party; that I will strive to pursue, enhance and achieve the aims and objectives of the party as contained in its Constitution and Manifesto; that I shall not allow my personal interest to influence my official decision; that in all circumstances I shall do right the right thing to all the members of the party and to all manner of people, according to law without fear or favour, affection or ill-will; that I shall not directly or indirectly communicate or reveal to any person, any manner which shall be brought to my attention or which shall become known to me as an officer of the party, except as may be required for the due discharge of my duties; that I shall devote myself to the service and well-being of the people of Kenya. So, help me God.

SCHEDULE II: PARTY SYMBOL



The following are the meaning of the symbols and colours:

- 1) The Mountain Red-Deer symbolizes Action, Attraction, Community, Confidence, Cooperation, Courage, Creativity, Determination, Diligence, Diversity, Energy, Focus, Force, Foresight, Fidelity, Firmness, Frugality, Flames of Vitality, Good-Fortune, Hardwork, Insight, Leadership, Order, Organization, Passion, Patience, Persistence, Power, Practical, Preparedness, Productivity, Resilience, Security, Sense of Duty, Solidarity, Survival, Teamwork, Tenacity, Truthfulness Valor, Vibrancy, Vigor, Well-Being and Will-Power.
- 2) Mountains are important features of a country. Just as its towering height is an enduring symbol of strength, stability, solidity, and a fortress of security; its slopes represent resilience against nature's power and life's many trials; its peak signifies the state of absolute consciousness and remind us all to believe in our inner strength despite external challenges. Our journey upward is reflective of our pursuit of goals and dreams; each step taken as we navigate a mountain's challenging terrain serves as evidence of determination; reaching the summit of our ambitions and teaching us resilience along the way.
- 3) The Blue Inner Ring symbolizes Abundance, Adaptability, All-inclusiveness, Beginnings, Connection, Consciousness, Creativity, Devoutness, Divinity, Faith, Fertility, Freedom, Freshness of Life, Growth and Progress, Hopefulness, Mutual Respect, Natural Healing, Optimism, Prosperity, Rebirth, Royalty, Sense of Renewal, Sense of Safety and Security, Vibrant Health, Youthfulness and Vitality.

- 4) The Golden Brown symbolized symbolizes Victors Crown, Authenticity, Awakening, Caring, Dependability, Grounding, Harmony, Honest, Honor, Integration, Intelligence, Intuition, Loyalty, Loving, Nature and Nurture, Predictability, Protection, Sense of Strength and Reliability, Togetherness, Tranquility, Trustworthiness, Vastness, Warmth, Wholesomeness and Wisdom.
- 5) The Black Outer Ring symbolizes Authority, Boldness, Bravery, Culture, Deep Meditation, Elegance, Formality, Intriguing, Mysterious, Powerful, Professionalism Safeguarding against negative energy, Seriousness and Unique.

SCHEDULE III: PARTY FLAG



SCHEDULE IV: PARTY EMBLEM



SCHEDULE V: PARTY SALUTE

The gesture of placing one's right-hand over one's heart is a demonstration of Dignity, Gratitude, Honesty, Honor, Humility, Patriotism, Pledge of Allegiance, Respect, Solidarity, Trust, Truth and Unity of the people of Kenya.



SCHEDULE VI: MEMBERSHIP FEES

Category	Joining	Annual Subscription
Ordinary	100.00	100.00
Life	5,000.00	3000.00
Family	7,000.00	5,000.00
Group Membership	50,000.00	25,000.00

SCHEDULE VII: NOMINATIONS FEES

The National Executive Committee (NEC) reserves the right to set or waive or vary the nomination fees payable for any of the categories.

Nominations of Candidates for Member of the County Assembly.

A person nomination for Member of the County Assembly Elections shall fulfill the following requirements:

- a) Be 18 years of age and above;
- b) Be a life member of the party;
- c) Proficient in Kiswahili and English;
- d) Subscribe to the requirements as determined by NEB;
- e) Be a Kenyan citizen with a National Identity Card holder of a valid Kenyan Passport as may be prescribed by law;
- f) Be a registered voter and fully paid-up member of the sub-branch in the area in which she or he is seeking nomination and election;
- g) Have an active member of the party for at least three (3) months before the time of nomination, provided that the National Executive Council may for good cause which shall specifically documented, exempt an applicant from this requirement, subject to any conditions they may deem fit;
- h) Meet the minimum requirements county assembly candidates as set out by the Independent Electoral Boundaries Commission and such Other relevant regulation that may be in force;
- i) A nomination Form in the prescribed form to be presented to the Nominations and Elections Board duly completed in triplicate and signed by a proposer and seconder both of whom must be members of the party and registered voters in the electoral area;
- j) A copy of Post-Secondary School Qualification recognized in Kenya or be in possession of a Degree Certificate or Higher obtained from a university recognized in Kenya;
- k) Fifty - (50) signatures of the party members who are registered voters from the ward;
- l) Non-Refundable fee of Kshs 25,000/= paid to Shikana Frontliners for Unity Party (SFUP) by a Bankers Cheque or deposited in the Party account and Kshs 20,000/- for Special Interest groups.

Nominations of Candidates for Member of Parliament/National Assembly:

A person nomination for Parliamentary Elections shall fulfill the following requirements:

- a) Be 18 years of age and above;
- b) Be a life member of the party;
- c) Be proficient in English and Kiswahili;
- d) Subscribe to the requirements as determined by NEB;
- e) Be a Kenyan citizen with a National Identity Card holder of a valid Kenyan Passport as may be prescribed by law;

- f) Be a registered voter electoral area; and fully paid-up member of the Constituency in which she or he is seeking nomination and election;
- g) Meet the minimum requirements parliamentary candidates as set out by the Independent Electoral Boundaries Commission and such Other relevant regulation that may be in force;
- h) Demonstrate active participation in Party programs three (3) months prior to seeking nomination, provided that the National Executive Council may for good cause which shall be specifically documented, exempt an applicant from this requirement, subject to any conditions it may deem fit, meet the minimum requirements for Parliamentary Candidates as set out by the Independent Electoral and Boundaries Commission;
- i) A nomination Form in the prescribed form to be presented to the Nominations and Elections Board duly completed in triplicate and signed by a proposer and seconder both of whom must be members of the party and registered voters in the electoral area;
- j) A copy of Post-Secondary School Qualification recognized in Kenya or be in possession of a Degree Certificate or higher obtained from a university recognized in Kenya;
- k) One hundred - (100) signatures of the party members who are registered voters from the Constituency;
- l) Non-Refundable fee of 75,000/= paid to Shikana Frontliners for Unity Party (SFUP) by a Bankers Cheque or deposited in the Party account, and Kshs 40,000/- for Special Interest groups.

Nominations of Candidates for Senator or Women Representative

A person nomination for Senate and Women Representative Elections shall fulfill the following requirements:

- a) Be 18 years of age and above;
- b) Be a life member of the party;
- c) Be proficient in English and Kiswahili;
- d) Subscribe to the requirements as determined by NEB;
- e) Be a Kenyan citizen with a National Identity Card holder of a valid Kenyan Passport as may be prescribed by law;
- f) Be a registered voter electoral area; and fully paid-up member of the County in which she or he is seeking nomination and election;
- g) Meet the minimum requirements parliamentary and county candidates as set out by the Independent Electoral Boundaries Commission and such Other relevant regulation that may be in force;
- h) Demonstrate active participation in Party programs three (3) months prior to seeking nomination, provided that the National Executive Council may for good cause which shall be specifically documented, exempt an applicant from this requirement, subject to any conditions it may deem fit, meet the minimum requirements for Parliamentary Candidates as set out by the Independent Electoral and Boundaries Commission;
- i) A nomination Form in the prescribed form to be presented to the Nominations and Elections Board duly completed in triplicate and signed by a proposer and seconder both of whom must be members of the party and registered voters in the electoral area;
- j) A copy a Degree Certificate or Higher obtained from a university recognized in Kenya;
- k) Two hundred - (200) signatures of the party members who are registered voters from the County;
- l) Non-Refundable fee of Kshs 100,000/= paid to Shikana Frontliners for Unity Party (SFUP) by a Bankers Cheque or deposited in the Party account and Kshs 50,000/- for Special Interest groups.

Nominations of Candidates for Governor or Deputy Governor

A member seeking nomination for elections as Governor or Deputy Governor shall fulfil the following requirements:

- a) Be 18 years of age and above;
- b) Be a life member of the party;
- c) Be proficient in English and Kiswahili;
- d) Subscribe to the requirements as determined by NEB;
- e) Be in possession of a degree certificate obtained from a university recognized in Kenya;
- f) Be a Kenyan citizen with a National Identity Card holder of a valid Kenyan Passport as may be prescribed by law;
- g) Be a registered voter electoral area; and fully paid-up member of the County in which she or he is seeking nomination and election;
- h) Demonstrate active participation in party programs (3) months prior to seeking nomination, provided that the National Executive Council may for good cause which shall be specifically documented, exempt an applicant from this requirement, subject to any conditions it may deem fit;
- i) Meet the minimum requirements parliamentary and county candidates as set out by the Independent Electoral Boundaries Commission and such Other relevant regulation that may be in force;
- j) A nomination Form in the prescribed form to be presented to the Nominations and Elections Board duly completed in triplicate and signed by a proposer and seconder both of whom must be members of the party and registered voters in the electoral area;
- k) Two hundred - (200) signatures of the party members who are registered voters from the County, separately for both Governor and his/her deputy;
- l) Non-Refundable fee of Kshs 200,000/= paid to Shikana Frontliners for Unity Party (SFUP) by a Bankers Cheque or deposited in the Party account and Kshs 100,000/- for Special Interest groups;
- m) The running mate for a Governor shall pay equal amount as of the fees prescribed for a Governor.
- n) Where a male gubernatorial candidate emerges as the winner for the party ticket, the second runners up of the primaries shall the running mate and may be of either gender. If the running mate is of the opposite gender, or a person with disabilities, the candidate shall be refunded one quarter (1/4) of the fees prescribed.

Nominations of Presidential or Deputy President Candidate

A member seeking nomination for elections as Presidential or Deputy President shall fulfil the following requirements:

- a) Be thirty-five (35) years of age and above.
- b) Be a life member of the party;
- c) Be proficient in English and Kiswahili;
- d) Be of high moral standing and integrity;
- e) Subscribe to the requirements as determined by NEB;
- f) Be in possession of a degree certificate obtained from a university recognized in Kenya;
- g) Be conversant with, support and subscribe to the Party ideology, Philosophy, Mission and Values.
- h) Be a Kenyan citizen with a National Identity Card holder of a valid Kenyan Passport as may be prescribed by law;
- i) Be a registered voter electoral area; and fully paid-up member who is qualified to stand for election as a member of Parliamentary or county in which she or he is seeking nomination and election;

- j) Has been an active member of the party for a period not less than two (2) years prior to the time of seeking nomination, provided that the National Executive Council may for good cause, which shall be specifically documented, exempt any applicant from this requirement.
- k) Meet the minimum requirements for Presidential Candidates as set out by the Independent Electoral Boundaries Commission and such other relevant regulation that may be in force.
- l) A nomination Form in the prescribed form to be presented to the Nominations and Elections Board duly completed in triplicate and signed by a proposer and seconder both of whom must be members of the party, registered as a voter and is qualified to stand for election as a member of Parliament;
- m) Two hundred - (500) signatures of the party members who are registered voters from each of the majority Counties, separately for both Presidential and his/her deputy;
- n) Non-Refundable fee of Kshs 500,000/= paid to Shikana Frontliners for Unity Party (SFUP) by a Bankers Cheque or deposited in the Party account, and Kshs 250,000/- for Special Interest groups.
- o) The running mate for a presidential candidate shall pay equal amount as of the fees prescribed for a presidential candidate;
- p) Where a male presidential candidate emerges as the winner for the party ticket, the second runners up of the primaries shall the running mate and may be of either gender. If the running mate is of the opposite gender, or a person with disabilities, the candidate shall be refunded one quarter (1/4) of the fees prescribed.
- q) There shall be a Special National Delegates Convention convened to nominate the Presidential and Deputy President, and whose membership shall be as follows; -
 - i. The National Office bearers of the Party.
 - ii. Ten Delegates from each of the Constituencies. For the avoidance of doubt, all Party Members in the National Assembly, all members of the National Governing Council and all Members of the Branch Executive Committee shall be accommodated within the twenty delegates from their respective Constituencies.
- r) The date of the Special National Delegates Convention shall be announced by the NEC.
- s) In Constitution of the twenty delegates from each Constituency, care shall be taken to ensure, to the greatest extent possible, gender equity.
- t) On the date designated for the Special Delegate Convention, the Delegates: -
 - i. Shall arrive at the venue as early as 5 am and register at the entrance to the Convention.
 - ii. Shall receive identification tags numbered according to their respective Constituencies and Regions and shall be seated accordingly in the areas earmarked for their Regions.
 - iii. Each delegate shall produce an acceptable form of identification identifying the persons as the one whose name appears on the Register of Delegates.
- u) Voting shall be conducted in accordance to voting procedure prescribed in these rules.
- v) Before Commencement of the voting process, the Chairperson of NEB shall declare the names of duly nominated Candidates for nomination as the Party's Presidential and Deputy President Candidates.
- w) In the event that there is only one Candidate duly nominated, or other Candidates elect not to contest, the person so nominated shall be declared unopposed without need, to undertake the voting processes.

Nomination to a Party List

- a) All candidates seeking nomination to a Party List shall pay a non-refundable nomination fee, in banker's draft, of Kenya Shillings Five Thousand (Kshs. 5,000.00) only.

SCHEDULE VIII: ROTATIONAL FORMULA

This Rotation Formula means that since there is no set way to accomplish the idea of rotating leadership in practice, but the basic principle is that every member, from different regions of this country, different communities, age, gender and disability has equal opportunity ("turn or chance") within the party to take up the top 5 leadership positions at all levels and organs of the party. Unless otherwise uniquely provided for in any nominations and elections rules and procedures. The most common roles specified herein include chair, deputy, secretary, treasurer, organizing secretary, legal or publicity. This rotation shall take place in all our substantive election to fill up any vacancies after terms expires from time to time.

OFFICE - A, B, and C

YR	1	2	3	4	5	6
COUNTY						
CHAIR	A	B	C	A	B	C
DEPUTY	B	C	A	C	A	B
SECRETARY	C	A	B	B	C	A

OFFICE - A, B, C and D

YR	1	2	3	4	5	6	7	8	9	10	11	12
COUNTY												
CHAIR	A	B	C	D	A	B	C	D	A	B	C	D
DEPUTY	B	C	D	A	C	D	A	B	D	A	B	C
SECRETARY	C	D	A	B	D	A	B	C	B	C	D	A
TREASURER	D	A	B	C	B	C	D	A	C	D	A	B

OFFICE - A, B, C, D and E

YR	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
COUNTY																				
CHAIR	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
DEPUTY	B	C	D	E	A	C	D	E	A	B	D	E	A	B	C	E	A	B	C	D
SECRETARY	C	D	E	A	B	D	E	A	B	C	E	A	B	C	D	B	C	D	E	A
TREASURER	D	E	A	B	C	E	A	B	C	D	B	C	D	E	A	C	D	E	A	B
ORGANIZING	E	A	B	C	D	B	C	D	E	A	C	D	E	A	B	D	E	A	B	C

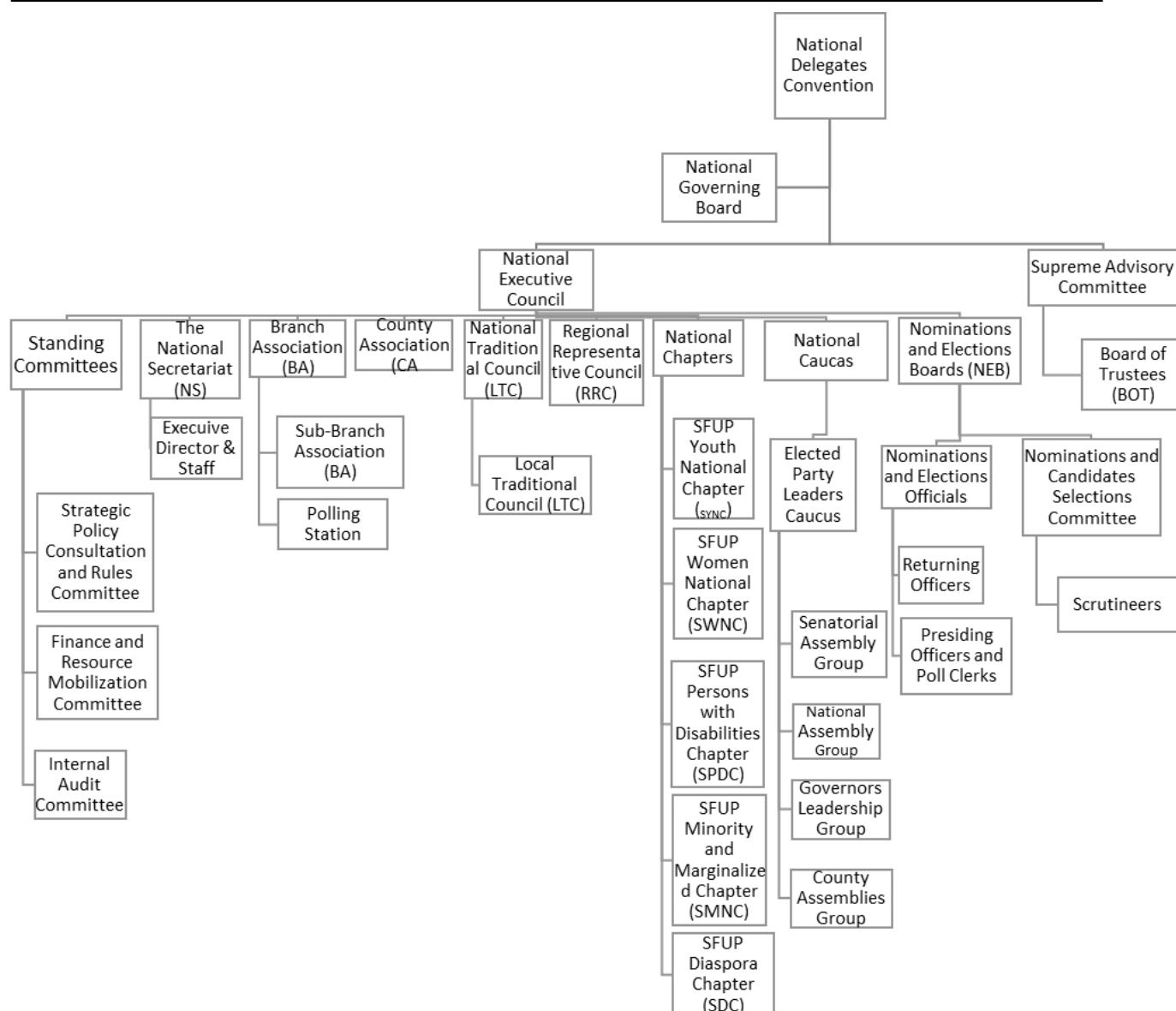
OFFICE - A, B, C, D, E and F

YR	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
COUNTY																														
CHAIR	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F
DEPUTY	B	C	D	E	F	A	C	D	E	F	A	B	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C
SECRETARY	C	D	E	F	A	B	D	E	F	A	B	C	E	F	A	B	C	D	F	A	B	C	D	E	B	C	D	E	F	A
TREASURER	D	E	F	A	B	D	E	F	A	B	C	E	F	A	B	C	D	F	A	B	C	D	E	B	C	D	E	F	A	B
ORGANIZE	E	F	A	B	D	E	F	A	B	C	E	F	A	B	C	D	E	B	C	D	E	F	A	B	C	D	E	F	A	B
LEGAL	F	A	B	D	E	F	A	B	C	E	F	A	B	C	D	E	B	C	D	E	F	A	B	C	D	E	F	A	B	C

OFFICE - A, B, C, D, E, F and G

YR	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	
COUNTY																																											
CHAIR	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A
DEPUTY	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	
SECRETARY	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A		
TREASURE	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A			
ORGANIZE	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A				
LEGAL	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A					
PUBLICITY	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A	B	C	D	E	F	g	A						

SCHEDULE IX: PARTY ORGANS AND GOVERNANCE STRUCTURE



SCHEDULE X: RULES OF PROCEDURE FOR PLENARY SESSIONS

1. The Party Chairperson, shall occupy the Chair and preside over the plenary sessions of a Convention.
2. A delegate wishing to speak shall proceed to one of the microphones provided for that purpose. When recognized by the chairperson the delegate shall give his/her name and the constituency or organization represented and shall confine any remarks to the question at issue.
3. Speeches shall be limited to five minutes. This shall not apply to the spokesperson for a committee when introducing a report on behalf of the committee.
4. A delegate shall not speak more than once upon a motion, except that the spokesperson for a committee who introduced a report may also close the debate.
5. A delegate shall not interrupt another except if it be to call to a point of order.
6. A delegate called to order shall yield the floor until the question of order has been decided.
7. Two delegates may appeal the decision of the Chair, one of whom may state the reasons for the appeal. When thus challenged, the Chairperson must vacate the Chair until the appeal is resolved.

8. The question shall not be debatable except that the Chairperson may make an explanation of the decision. The acting Chairperson shall put the question thus: "Shall the decision of the Chair be sustained?"
9. Questions shall be decided by a show of hands or by a standing vote. A standing vote shall be counted upon a request from the floor when there is an apparent closeness in the vote
10. The Chairperson shall not vote on any question, except in the case of a tie. In that event the Chairperson shall cast the deciding vote.
11. When "the previous question" is moved, no discussion or amendment of either motion is permitted. If a majority of voting delegates vote that "the question be now put," it shall be put without debate. If the motion to put the question is defeated, discussion will continue. If in the view of the Chairperson sufficient debate has taken place, a motion for "the previous question" made directly from the floor, may be accepted at the discretion of the Chairperson, whether or not the mover thereof has proceeded to one of the microphones as provided in Rule 3.
12. Reports from panels shall not be amended directly from the floor. Panels shall report resolutions to plenary in numerical order in the following order of categories: those passed by panel, those tabled by panel, those defeated in panel, and those without a mover in panel.
13. A delegate may, however move a motion to refer a resolution to the Strategic Policy Consultation and Rules Committee, with instructions, and if this is supported by a majority vote, the Committee will consider the instructions. Following such consideration, the Committee will bring back the resolutions to plenary with their recommendation.
14. Reports of committees shall not be amended directly on the floor, but it shall be in order to refer a committee's report, or any section thereof, back to the committee for reconsideration in the light of the discussion on the floor, or for consideration of a particular point raised in the motion to refer. A motion to refer is not debatable unless it raises a particular point, in which case debate shall be confined to such point.
15. A delegate shall not move a motion to refer back after having spoken on the question at issue.
16. A motion may be reconsidered provided the mover of the motion to reconsider voted with the majority, and notice of motion is given for consideration at the next plenary session, and said motion to reconsider is supported by two-thirds of the delegates present and voting.
17. The hours of a Convention shall be established at the first plenary session of the Convention. These hours may be changed during a Convention only under the provision of Rule 19.
18. In all matters not regulated herein, Roberts' Rules of Order shall apply.
19. Any of the above rules may be suspended by unanimous consent or may be changed for the Convention at which such change is made, by a majority vote, on a motion of which one day's notice has been given.
20. The unfinished business of the Convention shall be referred to the National Governing Board.

SCHEDULE XI: COUNTIES

Here is a comprehensive list of 47 counties in Kenya along with their respective codes, from 1 to 47, to help in understanding the country's administrative divisions:

- 1) Mombasa County: Code: 01
- 2) Kwale County: Code: 02

- 3) Kilifi County: Code: 03
- 4) Tana River County: Code: 04
- 5) Lamu County: Code: 05
- 6) Taita/Taveta County: Code: 06
- 7) Garissa County: Code: 07
- 8) Wajir County: Code: 08
- 9) Mandera County: Code: 09
- 10) Marsabit County: Code: 10
- 11) Isiolo County: Code: 11
- 12) Meru County: Code: 12
- 13) Tharaka-Nithi County: Code: 13
- 14) Embu County: Code: 14
- 15) Kitui County: Code: 15
- 16) Machakos County: Code: 16
- 17) Makueni County: Code: 17
- 18) Nyandarua County: Code: 18
- 19) Nyeri County: Code: 19
- 20) Kirinyaga County: Code: 20
- 21) Murang'a County: Code: 21
- 22) Kiambu County: Code: 22
- 23) Turkana County: Code: 23
- 24) West Pokot County: Code: 24
- 25) Samburu County: Code: 25
- 26) Trans Nzoia County: Code: 26
- 27) Uasin Gishu County: Code: 27
- 28) Elgeyo/Marakwet County: Code: 28
- 29) Nandi County: Code: 29
- 30) Baringo County: Code: 30
- 31) Laikipia County: Code: 31
- 32) Nakuru County: Code: 32
- 33) Narok County: Code: 33
- 34) Kajiado County: Code: 34
- 35) Kericho County: Code: 35
- 36) Bomet County: Code: 36
- 37) Kakamega County: Code: 37
- 38) Vihiga County: Code: 38
- 39) Bungoma County: Code: 39
- 40) Busia County: Code: 40
- 41) Siaya County: Code: 41

- 42) Kisumu County: Code: 42
- 43) Homa Bay County: Code: 43
- 44) Migori County: Code: 44
- 45) Kisii County: Code: 45
- 46) Nyamira County: Code: 46
- 47) Nairobi City County: County Code: 47

SCHEDULE XII: REGIONAL CHAPTERS

- 1. **NAIROBI** - Counties: Nairobi.
- 2. **NORTH EASTERN** - Counties: Marsabit, Wajir, Mandera, Garissa.
- 3. **CENTRAL EASTERN** - Counties: Tharaka Nithi, Meru, Isiolo, Samburu.
- 4. **SOUTH EASTERN** - Counties: Machakos, Kitui, Makueni, Tana River.
- 5. **COAST** - Counties: Taita Taveta, Kwale, Mombasa, Kilifi, Lamu.
- 6. **WESTERN** - Counties: Vihiga, Kakamega, Busia, Bungoma, Trans Nzoia.
- 7. **UPPER NYANZA** - Counties: Kisumu, Siaya, Homa Bay.
- 8. **LOWER NYANZA** - Counties: Migori, Kisii, Nyamira.
- 9. **NORTH RIFT VALLEY** - Counties: Turkana, West Pokot, Elgeyo Marakwet.
- 10. **CENTRAL RIFT** - Counties: Nandi, Uasin Gishu, Baringo.
- 11. **SOUTH RIFT VALLEY** - Counties: Kajiado, Narok, Bomet, Kericho.
- 12. **UPPER CENTRAL** - Counties: Nakuru, Laikipia, Nyandarua.
- 13. **LOWER CENTRAL** - Counties: Nyeri, Kirinyaga, Embu, Muranga, Kiambu.

DECLARATION

We hereby declare that this Constitution of the **Shikana Frontliners for Unity Party (SFUP)** ratified by the National Delegates Convention of the Party held in Nairobi on the..... day of..... 2024.

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