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PART I - INTRODUCTION

RULE 1 - PREAMBLE

- 1.1 The **Shikana Frontliners for Unity Party** (hereinafter referred to as '**the party**' or '**SFUP**') is a Party whose overall mission is 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.
- 1.2 The National Executive Council shall, formulate guidelines and regulations for the nomination of candidates for election into elective office and party offices at all levels. These rules may be cited as the "**Nomination and Election Rules and Procedures**" (hereinafter "the Rules") 2024.
- 1.3 Except as otherwise provided for by legal statutes, the provisions of these general rules relating to regular nominations, selections and elections, shall apply as nearly as may be, in the manner prescribed by the Party Constitution.
- 1.4 These rules are subject to the provisions of the Constitution of Kenya, 2010 and the Party Constitution and shall govern the nomination and selection of Party candidates in respect to Presidential, Gubernatorial, Parliamentary and County Assembly Elections and the Party National Officials, Public Office, Party Committee Members and Delegates to meetings and conventions. If there is a conflict between these Rules and any other party processes, the Party Constitution prevails insofar as the affairs related to the party are concerned.
- 1.5 The party shall undertake both party county and national election processes in an open and transparent manner by ensuring every member wherever possible has equal opportunity to participate in all elections so that the country can have an effective government through electing or appointing the best possible candidates of competent men and women who will then offer strong leadership and progressive change to good public services, implement the party manifesto and commitment to work together with everyone.
- 1.6 The party shall participate in all National and County Elections with the aim of winning and forming the next government of the Republic of Kenya and to promote the objectives of devolution through enhanced sound economic and fiscal policies that guarantees transparency, accountability, prudence and equitable usage of public resources as founded on constitutional order and the principles of good governance.
- 1.7 Whenever a General or By-election is called, there shall be a process of inviting and nominating potential Party Candidates for the elections which shall be done in accordance with the party constitution, Political Parties Act, the Elections Act, the Constitution of Kenya 2010 and all other applicable provisions of the law.
- 1.8 The Nominations and Elections Rules and Procedures provide for:
 - a) the Rules on the Nominations,
 - b) the Rules on the Candidates Selection,
 - c) the Rules on the Party Elections,
 - d) the Rules on the Conduct of Candidates,
 - e) the Rules on Listing of party-endorsed Candidates, and
 - f) the Rules on the Dispute Resolution and Appeals Tribunal;
- 1.9 These Rules shall apply to Party primaries and nominations to Party Lists and a copy of which shall be available and accessible to the members of the Party;
 - a) at the Party's head office and branch offices; and

b) on the Party's website.

1.10 Whenever, the method of amending the Nominations and Elections Rules and Procedures is been determined, such rules may be recommended by one of the following methods:

- a) by a caucus of its party members,
- b) by a National Delegates Convention,
- c) by its the Nations Governing Board,
- d) by its the Nations Executive Council,
- e) by a Strategic Policy Consultation and Rules Committee.

1.11 Potential candidates are advised to familiarize themselves with the Nomination and Elections Rules and Procedures, Code of Conduct, Pledge of Commitment and Party Right Agreement, Conduct of Election Policy, which are available at party offices or website, for purposes of compliance with all the party nominations and elections processes and other legal requirements.

1.12 In addition to the eligibility criteria provided herein, in respect of appointment, nominations and elections of any persons who is a member of the party and desires to occupy any party position shall be guided as follows;

- a) Every member of the party who has satisfied the requirements for membership under Article 8 and Article 9 of the party Constitution, shall qualify for nomination as a candidate and eligible to contest for any of the offices of the party or general elections;
- b) A person shall not be eligible to hold any office, or serve on any committee or as a delegate to any party meeting or be elected as a Chairperson, Secretary or Treasurer of a Sub- Branch, Branch and County or any National Official position unless he or she is a fully paid up and active member of the Party;
- c) The National Executive Council may for good reasons and in particularly exceptional circumstances, which it shall state, if requested, waive the requirement that a candidate or a person nominating a candidate in any Branch or Party or Elective Position must have been a financial member of the party for at least 12 months immediately prior to the signing of the nomination;
- d) With the exception of the Party Leader, the Deputy Leader, the Secretary General, and the Treasurer, who shall be appointed by the National Governing Board, and the Secretaries for Parliamentary Affairs, Secretary for Women Affairs, Secretary for Youth Affairs, Secretary for Disability Affairs, who shall be elected by the Elected Members Caucus, the election of other National Office Bearers and Party Organs Officials shall be conducted by the National Delegates Convention;
- e) The National Delegates, the Regional, the County, the Constituency and the Ward Conventions shall meet to elect the officers for the respective party positions at various levels of the party structure and formation as specified in the party constitution;
- f) All party officers at the Regional, County, Constituency, Ward and Community levels shall have similar operational powers and functions as their corresponding National officers, except where the party constitution states otherwise;
- g) All party officers shall perform their functions within the spirit and provisions of the Constitution of Kenya and the party Constitution or other relevant laws and shall ensure that they are further guided by the Party Ideologies, Principles, Objectives and Values;
- h) All party officers shall be elected based on geo-political considerations, professional expertise and the longevity of service to the party and any other criteria that may be deemed necessary for consideration from time to time;

- i) 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;
- j) 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 to re-contest and be re-elected at the relevant conventions or approval by appropriate National Governing Board where appropriate for a further term of four years and no more.
- k) Any Party Member holding a National, Regional, 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;
- l) 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.
- m) The NEC may by resolution provided for, appoint a person to fill any vacant position for the remainder of the subsisting term;
- n) Where only one candidate is nominated to an office or for one position at the close of the nominations, that candidate shall be declared the winner and duly elected to the office for which he/she was nominated;
- o) A person dissatisfied with the outcome of the elections may seek redress at the respective party organs in line with this constitution and all other applicable laws;
- p) In the event of a gap in these rules or where an office provided for has not been established, or an office provided for in the party Constitution has not been filled, or because of a procedural technicality, the NEC in consultation with the Supreme Advisory Committee shall have the power to make such arrangements to satisfy the spirit of the party Constitution.

1.13 These rules shall come into force on its promulgation by the Party Leader, or on the expiry of a period of fourteen days from the date of the approval and publication in the Gazette, all subject to ratification by the Office of the Registrar of Political Parties.

RULE 2 – GENERAL PRINCIPLES

2.1 The main objective in pursuit of Rule 1.1, is 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 without discriminating on grounds of creed, cultural and ethnic affiliation, gender or age, linguistic and religious diversity of the Kenyan People.

2.2 The nomination of candidates for (i) the election and appointment of Party Officials, and (ii) National and County General or By-elections, shall be guided by the following principles: -

- a) That the Constitution of Kenya 2010 is the supreme guide to all political and governance rules, processes and procedures and should be honoured by all Kenyans, the party members, the party candidates, the party officials, the party organs, the government institutions and the independent constitutional bodies, private organizations, non-governmental and foreigners;
- b) That the policy and direction of the Party shall be laid down from time to time in accordance with the party Constitution and any Rules made under it;
- c) That every member of the Party is entitled to belong to a branch and register as a voter within any of the Party branches in the country and 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;

- d) That every member of the Party is entitled to attend any County, Regional and National Delegate Conferences upon selection of delegates or alternate delegates to take all steps to vote and be voted for during party meetings, elected into parliamentary duties, in by-elections and the national elections;
- e) That the party meetings or conventions, as the case may be, shall, in a manner conforming with applicable laws and the party rules for calling such convention, select a candidate for nomination to each of the party or elective offices, as the case may be. Such meetings or convention is allowed to choose more than one candidate for nomination to any such office who shall be subjected to the vetting process. Candidates so chosen shall run in the primary as party-endorsed candidates;
- f) That the party must adhere to the policy of rotational nomination, selection and election of candidates for public elective and appointed positions, through transparent and accountable processes as provided for in these rules and the party constitution;
- g) That all political authority comes from the people by democratic means, including universal suffrage, regular free and fair elections and through a secret ballot or any other transparent means as may be determined from time to time by the party;
- h) The selection of candidates for any party or elective or any other appointed positions, shall be through the democratic processes instituted by the party and conducted through the Nominations and Candidates Selections Committee in strict conformity with all the relevant provisions of the Party Constitution;
- i) That the National Executive Council, shall determine the mode of election in any voting process, apply technology where appropriate, provided that Elections Board shall publish such resolutions and designate such number of polling stations, where applicable, as might be convenient to voters to access voting centres;
- j) That no other party authority except the Nominations and Elections Board shall have jurisdiction over the conduct of any primary and its method of selecting party candidates;
- k) That the Nomination and Election Rules and Procedures should allow for promotion of diversity within the elected officials in terms of geographical dispersion, gender, disability and age and that the party list shall reflect such regional and ethnic diversity of the people of Kenya. This criterion is not applicable in the case of Party Lists for County Assembly Seats;
- l) That the Nomination and Elections Board will take measures to ensure that not more than two thirds of the members in the published party list are of the same gender or ensure that not more than two thirds of persons of any one gender dominate positions in any single organ. The measures could be based on affirmative action including party tickets for elective seats for Parliament being reserved for women members in a manner that the Party NEC will determine;
- m) That the Nomination and Elections Board shall facilitate an effective participation of different groups of members in the society so that we can cultivate a political culture in the party where the representation of all interests in the society including those of workers, professionals and business community, marginalised communities and groups such as women and children, youth, older members of the society, persons with disabilities and minorities and marginalised and any other disadvantaged groups are accepted;
- n) That the party shall nominate and submit to the Commission, a list of all the appropriate number of qualified candidates who would stand elected if the party were to be entitled to all the seats on the Party Lists and alternates between male and female candidates in the priority they are listed in accordance to Articles. 97 (1)(c), 98 (1) (b), (c), (d), 177 (I)(b), (c) of the Constitution of Kenya and Section 34 of the Elections Act No. 24 of 2011 except that the gender criterion does not apply to the Senate (Women) Party List [Article 98(1) (b) of the Constitution], as all 16 nominees are women. In the case of

persons nominated pursuant Article 177(l) (c) of the Constitution, the party list shall include a certification in the manner prescribed by the Commission;

- o) That the Elections Board shall monitor the state of the Party List after a General Election or for a By-Election, until the next General Election when the Party List is re-established and place a condition that a person on the Party List, should complete a binding undertaking in writing to remain loyal to the Party, so long as that person remains on the List lodged with the IEBC, after the General Election;
- p) That all persons so remaining as provided in paragraph (p) above, shall also undertake in writing not to signify a willingness to be appointed to the government (if a different party) if approached by other parties or coalitions after a General Election without first consulting with the National Executive Council and receiving the approval of the National Governing Board;
- q) That the names in the Party List shall be in the order of priority and shall be a closed list, as it may not be amended after it has been submitted to the Commission. Each Party List nominee shall, after nomination, submit to the Commission a letter stating his or her intention to serve if nominated;
- r) That the party list shall not contain a name of a candidate nominated for an election;
- s) That the qualifications and disqualifications prescribed for Members of Parliament and County Assembly shall apply to the Nomination for special seats;
- t) That 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;
- u) That the party elected or appointed officials should maximize the value of servant leadership and promote responsible, democratic, selfless and visionary leadership, acceptable to the Party members and the people of Kenya;
- v) That all applicants for nomination as party candidates shall sign a code of conduct and pledge of loyalty and commitment which must be witnessed by a Commissioner of Oaths or Magistrate;
- w) That the candidate shall contribute monthly for purposes of financing party operations and the amounts to be pledged shall be set and reviewed from time to time by the National Executive Council. The amounts pledged shall be recoverable by the party as a civil debt;
- x) That a member holding either a public office courtesy of the party or holding a party position and is convicted of crimes under national or international laws will be subjected to fair disciplinary procedures;
- y) That any member may, attempt at the first instance, seek and settle any complaint or dispute through alternative justice processes including arbitration, mediation, conciliation, reconciliation, negotiation, and traditional dispute resolution mechanisms;
- z) That any member is accorded the chance to appeal to a party tribunal mandated to resolve cases and complaints or nominations and elections, and endorsement arising from Branch, Sub Branch, and Polling Station, in respect of Candidate Selection Process for the Presidential, Governors, Senators, Members of the National Assembly, and County Women Representatives.

2.3 Further to the requirements of Sub-rule 2.2, the following principles shall additionally be considered by the party before and after nomination of its members to the party list;

- a) That the party will ensure that the nomination process is inclusive, free, fair and peaceful;
- b) That merit in nomination can consider various variables not limited to education level, popularity among the people and relevant skills;
- c) That the wishes of the people with respect to the nominees are respected and prioritized;
- d) That party members are rewarded for their material, intellectual and moral contribution to the party;

RULE 3 – INTERPRETATION

3.1 In these rules, unless the context otherwise stated or amended, the following terms, as used in these Rules, shall have the following meanings:

"Agent" means a person duly accredited by a candidate as his agent or appointed by the political party or an independent candidate for the purposes of an election.

"Ballot box" means a closed and sealed transparent container into which voters deposit their ballot papers. Ballot boxes have small slots on top which are big enough to accept ballot papers from voters but which prevent vote tampering. These ballot boxes are set up at polling places during elections.

"Ballot paper" means a paper used to record the choice made by a voter and shall include an electronic version of a ballot paper or its equivalent for the purposes of electronic voting.

"Candidate" means a person duly cleared by the Party in accordance with these Rules to contest for an elective post.

"Commission" means the Independent Commission of Kenya (IEBC) established under Article 88 (1) of the Constitution of Kenya.

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

"County" means the counties into which Kenya is divided under Article 6 (1) of the Constitution and specified in the First Schedule of the Constitution.

"Convention" means a meeting of delegates of the party held for the purpose of designating the candidate or candidates to be endorsed by such party in a primary for National or County or Branch offices or for the purpose of transacting other business of the party.

"Election(s)" means an election or elections referred to in these rules.

"Election material" means ballot boxes, ballot papers, counterfoils, envelopes, packets statements and other documents used in connection with voting in an election and includes information technology equipment for voting, the voting compartments, instruments, seals and other materials and thins required for the purpose of conducting an election.

"Election officer" means a SFUP election official on duty.

"Election offence" means an offence under this Elections Act 2011.

"Election results" means the declared outcome of the casting of votes by voters at an election.

"National Delegates Register" means a list of Party members eligible to attend the National Delegates Convention.

"Nomination" means the Nomination of candidates qualified under these Rules to contest for elections at a general or bye-election (whatever the case may be) on the Party ticket or the submission to the IEBC the name of a candidate in accordance with the party constitution and the constitution of Kenya 2010."

"Nomination Petition" means the form or forms used for obtaining the required number of signatures of qualified electors, which is circulated by or on behalf of the person wishing to become a candidate for a political office.

"Nomination official" means a person duly appointed in accordance with these rules or any other person officially engaged in the nomination process.

"Nominations and Elections Board or NEB" means the organ of the Party established under Article of 26 of the Party Constitution.

"NEB" shall herein refer to the party Nominations and Elections Board.

"Non-partisanship" means a lack of affiliation with, and a lack of bias towards, another political party.

"Party" means the Shikana Frontliners for Unity.

"Party delegates register" means the register of Party delegates for purposes of Presidential primaries at the National Delegates Convention as certified by Nominations and Elections Board;

"Party-endorsed candidate" means in the case of a candidate for state office, a person endorsed by the board, committee, caucus or convention, convention of the party as a candidate in the primaries to be held by the party;

"Party list" means the list of elected candidates to the Party List in accordance with Article 90 of the Constitution of Kenya, 2010 for purposes of filling the seats specified under Articles 97 (1)(c), 98 (1)(b), (c), (d), and 177 (1)(b) and (c) of the Constitution of Kenya, 2010;

"Party primary elections" means the procedures under these Rules through which the Party elects its candidates for a General Election or By-Election other than candidates for the Party Lists;

"Party Members' Register" means the register of SFUP members, certified by the Registrar of Political Parties in accordance with the provisions of the Political Parties Act;

"Person With Disability" means a person with any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the Community to have a substantial or long-term effect on an individual's ability to carry out ordinary day-to-day activities; and is registered with the National Council for Persons with Disabilities;

"Polling station" means the venue, any room, place, vehicle or vessel set apart and equipped for the casting of votes by voters at an election as gazetted by IEBC, or any other Polling Station designated for voting in accordance with these rules.

"Presiding officer" means a person appointed or designated under these rules to preside over elections at a polling station.

"Primary" means a meeting of the members of the party, held during days which the candidates for nomination are vote by way of a secret ballot.

"Recanvass" means essentially a review of the vote totals counted. The clerks will review the absentee votes and check the printouts to make sure the numbers were correct when they were transmitted to the Elections board. The party allows for recanvassing only if a clerk or elections board of notices a discrepancy or if a candidate makes a written request to the secretary of the board.

"Recount" means a repeat tally of individual votes cast. Any candidate for any party or elective office can request a recount. A candidate who requests a recount must pay for the associated costs.

"Register" means the register of Party members approved by the Registrar of Political Parties.

"Returning officer" means a person appointed by the Shikana Nominations and Elections Board to preside over Party elections and nominations. The Chair of the Nominations and Candidates Selection Committee shall take up this role within a given political area.

"Secret ballot" means the expression by ballot, voting machine, or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed.

"Selection Committee" is the committee appointed pursuant to Rule 6 of these Rules;

"Slate" means a group of candidates for nomination by the party.

"Special interest groups" include (a) Women; (b) Persons with Disabilities; (c) Youth; (d) Ethnic and other Minorities; and (e) Marginalised Communities.

"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. The principle of universal suffrage, together with principles of equal, free, secret, and direct suffrage, present fundamental principles of elections common to all democracies around the world.

"Voters" means any person who is validly registered and by the Commission under the laws of Kenya to vote at a general or bye-election and whose names are included in the Party Register and are in possession of SFUP membership cards, identity cards and a registered voter card.

"Ward" means the voter al unit for which County Assembly members are elected within the meaning of Article 89 and Article 177 (1) of the Constitution of Kenya and as delimited under the National Assembly Constituencies and County Assembly Wards Order, 2012 or as amended or altered by Judgment of the High Court delivered in Nairobi Judicial Review Application Number 94 of 2012 or as may be reviewed by the Electoral Commission from time to time.

"Write-in candidate" means one whose name voters fill in despite not appearing on the ballot. While these rules require members to vote in official candidates, Shikana shall allow voters to write in the name of any candidate they please. It further provides the part to further consider interviewing such persons that have been written-in and register them as candidates if the meet the requirements.

"Youth" mean persons between the ages of 18 years to 35 years.

PART II –RULES GOVERNING THE PARTY ELECTIONS PROCESS

RULE 4 - NOMINATION AND ELECTION BOARD (NEB)

- 4.1 The Nomination and Election Structure *as illustrated in annexure XIII* 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
- 4.2 There is hereby established in accordance with Article 20 the Party Constitution, an autonomous **Nominations and Elections Board** (hereinafter “**the Elections Board or NEB**”).
- 4.3 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.
- 4.4 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
- 4.5 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.
- 4.6 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.
- 4.7 The Elections Board shall receive secretarial and other support services by the National Secretariat in the discharge of its mandate.
- 4.8 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.
- 4.9 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.
- 4.10 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.

4.11 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 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

4.12 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

4.13 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

4.14 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.

- 4.15 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.
- 4.16 The quorum of the meeting shall be two-third of its members. A simple majority shall pass any motion of the elections board.

County Elections Panel (CEP) and Branch Elections Panel (BEP)

- 4.17 In exercising its mandate, the National Elections Board may delegate its powers and duties to County or Branch Elections panel (CEP) as stipulated in these Nomination and Election Rules and Procedures.
- 4.18 The National Elections Board in consultation with the County and Branch Executive Committee may appoint a County/Branch Elections panel where necessary to oversee the nomination and election of party officials and delegates and the nomination of party candidates for national elections at the sub-branch and branch levels. The CEP shall consist of a minimum of five (5) and a maximum of nine (9) persons fairly distributed from within the branch, at least not more than two-thirds (2/3) of each gender.
- 4.19 The duties of the County/ Branch Elections Panel, which may be carried out in consultation with the National Elections Board where may be to:
- a) Supervise the nomination and election process at Sub-Branch and Branch levels;
 - b) Determine eligibility of candidates for election as party officials and delegates at branch and sub branch level and eligibility as candidates for civic and parliamentary seats
 - c) Determine the number of and appoint Returning Officers, Deputy Returning officers, Presiding Officer, Deputy Presiding Officers, Polling and Counting Clerks and Security Officers.
 - d) Accredited independent observers and party agents.
 - e) Safely keep ballot boxes and other nomination materials in each constituency.
 - f) Keep a register of the party members for each sub-location in the branch who shall be eligible to vote during the elections and nominations.
 - g) Receive the names of agents from the candidates.
 - h) Submit the election and nomination results directly to the National Elections Board.
 - i) Undertake any other responsibilities assigned by National Elections Board related to election and Nomination Process.

RULE 5 - NOMINATIONS AND ELECTIONS OFFICIALS

- 5.1 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.
- 5.2 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

- 5.3 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

- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 In addition to the above each Presidential Candidate shall be entitled to designate an agent per region.
- 5.8 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.
- 5.9 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.
- 5.10 All election officials serving at any primary shall be sworn to the faithful performance of their duties.
- 5.11 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

5.12 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 of 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

- 5.13 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.
- 5.14 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.
- 5.15 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

5.16 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

- 5.17 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.
- 5.18 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.
- 5.19 The NEB may at its discretion, make the list of the persons appointed under this rule available to Party members, within a reasonable period following the date of their appointment to enable the Party members, raise any objections.
- 5.20 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

5.21 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

5.22 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

5.23 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.

5.24 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.

5.25 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.

RULE 6 – NOMINATIONS AND CANDIDATES SELECTIONS COMMITTEE

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 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 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.

6.6 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;

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

RULE 7 – ELIGIBILITY FOR PARTY OFFICIALS POSITIONS

Eligibility Criteria for Party Official or Elective Position

7.1 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 Secunder 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

7.2 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.

7.3 A person is not disqualified under sub-rule 7.2, unless all possibility of appeal or review of a relevant sentence or decision has been exhausted.

RULE 8 - NOMINATION FEES FOR CANDIDATES FOR ELECTIVE POSITIONS

8.1 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.

8.2 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:

8.3 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

8.4 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

8.5 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

8.6 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.

RULE 9 - CONDUCT OF ELECTIONS FOR PARTY OFFICIALS

9.1 The Party elections shall be conducted for the following organs of the party:

- a) National Office Bearers;
- a) Regional Representative Committee;
- b) County Working Committee;
- c) Branch Executive Committee;
- d) Sub-Branch Executive Committee;
- e) SFUP Women National Chapter;
- f) SFUP Youth National Chapter;
- g) SFUP Persons with Disabilities Chapter;
- h) SFUP Minority and Marginalized Chapter;
- i) SFUP Diaspora Chapter;

Elections of National Officials, Party Committees and Elective Positions

9.2 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.

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

9.4 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.

9.5 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.

9.6 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.

9.7 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; or
- 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.

9.8 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.

9.9 The Election of National Office bearers shall be conducted on the guiding principle that at least one third shall be of either gender.

9.10 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.

9.11 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) Accredited 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

9.12 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

- 9.13 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.
- 9.14 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

- 9.15 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.
- 9.16 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

- 9.17 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 and receive applications in forms prescribed in these rules for Party Elections for nominations for the positions Presidential, Governor, Parliamentary and County Assembly Candidates. The advertisement shall contain such details as the Board shall deem necessary.
- 9.18 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.
- 9.19 All interested persons shall submit their duly filled nomination forms and payment receipts to the Nominations and Elections Board in respect of County Assembly, candidates for onward transmission to the party Secretariat in respect of Presidential, Gubernatorial and Parliamentary Candidates, attaching all required documents.
- 9.20 All interested persons seeking nomination in respect of any election where these rules apply, shall submit to the Nominations and Elections Board, a duly completed Pledge of Loyalty Form.
- 9.21 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.
- 9.22 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

- 9.23 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
- 9.24 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;

Shortlisting of Candidates

- 9.25 Nomination of all candidates shall be in the prescribed form for each vacant position.
- 9.26 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.
- 9.27 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.
- 9.28 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.
- 9.29 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.
- 9.30 All information obtained by the NEB during any personal interviews, and records of the candidate being vetted shall be confidential.
- 9.31 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.
- 9.32 The NEB shall vet all candidates at a venue and time determined in accordance with the Party's electoral calendar.
- 9.33 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.
- 9.34 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.

- 9.35 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.
- 9.36 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.

Specific Qualifications

- 9.37 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.
- 9.38 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.
- 9.39 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.
- 9.40 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.
- 9.41 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.

Party Election Criteria and Procedures

9.42 Party elections shall begin with:

- e) Civic and political education to sensitize members on significance of leadership and party elections and provisions of electoral code of conduct;
- f) Membership recruitment drive and updating of Membership registers;
- g) Establishment of the Nominations and Elections Board;
- h) Publication of the notice and program in the print and electronic media.

9.43 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.

Elections of Regional Representative Committee (Regional Level)

9.44

- 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.

Elections of County Working Committee (County Level)

9.45

- 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.

Elections of Branch Committee Officials (Constituency Level)

9.46

- 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.

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

9.47

- 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.

Election of SFUP Women National Chapter

9.48

- 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.

Election of SFUP Youth National Chapter

9.49

- 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.

Election of SFUP Persons with Disabilities Chapter;

9.50

- 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.

Election of SFUP Minority and Marginalized Chapter;

9.51

- f) 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;
- g) 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;
- h) The Delegates of the Sub-Branch Unit shall form the Branch Electoral College and shall elect the Minority and Marginalized Branch Executive Committee;
- i) 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;
- j) 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.

Election of SFUP Diaspora Chapter;

9.52

- 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.

PART III - RULES ON THE NOMINATION PROCEDURES AND PARTY PRIMARIES

RULE 10 – NOMINATIONS PETITION FORMS

10.1 These rules and procedures together with other written laws shall apply in respect to the nomination and election of Party candidates for the County Assembly, the Parliament, Presidential and other organizations to which the Party relates and ensuring the party has its candidate in readiness for an election.

Issuance of the Nominations Petitions Forms

10.2 The following are guidelines for issuing the nominations petitions forms;

- a) The Nomination Petition Forms for candidacies, shall be available from the Secretary of the Branch at the beginning of the one-hundred-twenty (120) days preceding the day of the party primaries;
- b) 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 candidate identification and nomination process;
- c) The Nominations Petitions Form shall be captioned as "*Nonpartisan Nomination Petition*", as illustrated in Annexure IV;
- d) Any person who requests for a Nomination Petition Form, otherwise called the Circulator, and is not a potential candidate shall give the person's name and address and office he seeks to nominate;
- e) Any individual proposed as a candidate in a petition may also serve as a Circulator of the Nominations Petition Form;
- f) Each circulator of a Nomination Petition Form shall be an enrolled party member of a Branch and authenticated by the Secretary of the Branch and shall be signed under the penalties of false statement;
- g) The Nomination Petition Form shall include a statement of instructions to the circulator and shall indicate the date and time by which it shall be filed;
- h) The petition form shall provide spaces for the Circulator to collect names and addresses of the candidates, and the offices to which nomination is sought, space for entering the names, signatures, physical addresses of the Circulator and space entering the names, signatures, physical addresses of at least 50 electorates who are supporting the person whose candidacy the petition is used;
- i) The petition forms shall be filled and signed by the candidate with a statement that such candidate consents to be a candidate for such office. The statement of consent shall include the candidate's name as he/she authorizes it to appear on the ballot and the form returned to the Branch Secretary;
- j) No such petition shall contain the names of circulator residing in different branches and any nomination petition form that has been certified by the Chair of a different branch shall be rejected by the Elections Board;
- k) The Nominations Petition Form for candidacies for party and elective office shall include, at the top of the form and in bold print, the following:

WARNING

It is a crime to sign this nomination petition in the name of another person without legal authority to do so and you may not sign this nomination petition if you are not a voter and member of the party.

- l) Any circulator who obtains the Nominations Petition Form and fraudulently signs, attests or files a false certificate or signs a name other than the person's own, under the provisions of this section shall be guilty of misdemeanour and shall be fined not more than one Kshs 1,000;
- m) Withdrawal of wholly signed and returned nomination petition forms shall not be permitted;
- n) Upon the receipt of any Nominations Petition Form proposing a candidacy for any elective office, the Secretary of the Branch shall forthwith sign and give to the person submitting the petition a receipt, in duplicate, and a copy of the filed form and the date and time of filing;
- o) The Secretary shall seek further guidance from Nominations and Elections Board, concerning any name or names of the candidates or electorates who have signed the petition and who does not appear on the member enrollment list of the Branch;
- p) The Chair of the branch shall reject or direct for further consultation with the Branch Executive, any Nominations Petition Form filed with the Secretary which does not contain such a statement by the Secretary and a statement by the circulator and a statement by the candidate as the case may apply, or upon which the statements are incomplete in any respect, or which does not contain the certification required under this section by the Secretary of the Branch;
- q) On the last day for filing nominations petition, in accordance with the provisions of this section, the Branch office shall open not later than one o'clock p.m., and remain open until at least four o'clock p.m., and such Secretary or their deputy or assistants shall be present to receive the nominations.

RULE 11 - DECLARATION OF CANDIDACY

- 11.1 Upon the receipt of all the Nominations Petitions Forms proposing a candidacy for any elective office, the Secretary of the Branch shall type or print the Declaration of Candidacy Form (hereinafter called the **"Nominations Form"**) *as Illustrated in Annexure V.*
- 11.2 The nominations Form shall be issued to the candidate upon closure of the petition period and shall contain the name and address of each such candidate, the number of persons who have nominated them and the office sought.
- 11.3 The qualifying candidates shortlisted by the party shall be contacted by the Secretary of the Branch to be handed their Nominations Forms or the member who seeks or is nominated by the electorate for any of the party or elective posts within the party can collect from the Nominations Forms from the Branch.
- 11.4 A potential candidate can present themselves to the branch and be issued with Nomination Forms.
- 11.5 The duly filled Nomination Form shall be accompanied with details of the candidate, and the office to which nomination is sought, space for entering the names, signatures, physical addresses of the Proposer and Seconder.
- 11.6 A separate sheet containing space for entering the names, signatures, physical addresses of at least 50 electorates from each polling station (who upon signing shall also be required to collect similar forms to continue with the exercise), or at least 200 in ward for members of county Assembly, at least 400 for Member of the National Assembly and at least 400 for the County governor, Senate and Women Representative who are supporting the person whose candidacy the petition is used.
- 11.7 The Nomination Form handed to the potential candidate shall include:
 - a) Name;
 - b) Age;
 - c) Gender;
 - d) Sub-Branch;

- e) Occupation;
- f) Physical Address;
- g) Year of Registration;
- h) Membership Number;
- i) National ID or Passport;
- j) Nomination Fee Receipt Number;
- k) Curriculum Vitae of the applicant;
- l) Academic and Professional qualifications;
- m) Summary of Party activities engaged in so far;
- n) Statement of his or her commitment to the Party;
- o) Position and the organ in which the candidate seeks to fill;
- p) Proposer and Secondary who shall be fully paid-up members;
- q) Amount of the filing fee accompanying the declaration of candidacy;
- r) Registered voter within the jurisdiction of the office for which he or she is filing;
- s) Candidate signature and date confirming that the information provided on the form is true.

11.8 The Elections Board may require any other information on the form that it deems appropriate to facilitate the filing process.

11.9 The following should be facilitated by the Branch and the Election Board in respect to ensuring the Nomination Forms are complete prior to the commencement date of the Candidate Selection Process:

- a) If a nomination for any party offices or elective positions is filed by many such person or in any case the nominations exceed the number of vacancies, vetting of the candidates shall be held in each branch to determine the best candidate for such office;
- b) If nomination of a candidate for a particular office has been made but the nomination form to such office is not filed in conformity with the provisions of said section, the Branch, County or Region office may call upon the candidate and provide an extension of additional 7 days to ensure all requirements are provided for him/her to be eligible to participate in selection process;
- c) If no person has within the time specified, filed in their nominations with the branch in conformity with the provisions of these rules, no primary shall be held for such office;
- d) The Branch shall submit to the Elections Board within fourteen (14) days, the copies of the biographical notes of the candidates together with his or her Declaration of Candidacy Form;
- e) The candidacies of persons nominated for the selection meeting, shall be filed with the Secretary of the Election Board;
- f) If within the time specified, the Elections Board has failed, with respect to the appointment of the members of the Candidate Selections Committee, no primary shall be held for such office.

11.10 The Elections Board may directly nominate candidates for member of the County Assembly, Governor, Member of the Senate, Member of the National Assembly and County Woman Representative as may from time to time be considered appropriate.

11.11 No later than 7 days after the Declaration of Candidacy Forms has been presented, the Elections Board with the approval of the National Executive Council, shall assemble the Candidate Selections Committee which shall be responsible for vetting of candidates and select a slate of candidates that, if elected, would maintain a good balance of, geography, gender, and minority representation to the fullest extent possible.

11.12 In respect of nominations of candidates at Sub-Branch and Branch, County and National positions, the Elections Board shall scrutinize the Nomination Petitions and subsequent Nomination Forms and other

documents prescribed herein and determine whether the applicant satisfies all the requirements for nomination for the position and respectively certify that the applicant does or does not qualify for nomination and inform the applicant of its determination in writing and publicize the same to the members.

- 11.13 The Elections Board shall thereafter compile and certify the list of all successful candidate and verify and correct the names of any such candidate as the candidate authorizes how their names should appear on the ballot subject to all legal requirements.
- 11.14 The authorized Party signatories shall issue a Nomination Certificate and forward to the IEBC, the Party List in accordance with Sec. 35 of the Elections Act, 2011.

RULE 12 - WITHDRAWAL PROCEDURE OF A CANDIDATE

- 12.1 Any person who has filed a Declaration of Candidacy for an office has the right to withdraw it.
- 12.2 Once a person is declared the nominee for a specified office, either after the canvass of the primary nomination process or the candidate listing ends and they are the only candidate to have filed and prevail, the nominee can resign as a candidate 180 days before the general election by way of submitting to the Elections Board which certified their nomination a written request that they be permitted to withdraw.
- 12.3 No candidate shall be deemed to have withdrawn until a Candidacy Withdrawal Form is signed by such candidate and filed with the Elections Board.
- 12.4 The withdrawal must be completed any time before the end of fourteen (14) day before the nomination, vetting and party listing period ends.
- 12.5 If any candidate withdraws before final formation and ranking of the list, the Elections Board may consider further nominations for the list to ensure numbers and choices on the list are appropriate for the forthcoming election.
- 12.6 If only one person has declared their candidacy to a particular office and the candidate whose candidacy has been so filed thereafter, but prior to the conclusion of the primary, withdraws his name from nomination or for any reason becomes disqualified to hold the office for which he is a candidate, no primary shall be held for the nomination to that office;
- 12.7 If after the date of closing of nominations, and before the final selection is made, any candidate withdraws his or her name from nomination for selection, the Branch Executive Committee may, subject to the approval of the Elections Board, declare such sole constituency candidate, if only one constituency candidate remains after such withdrawal, duly selected.
- 12.8 In case the candidate wins the primaries, they shall not be considered as such and thus the National Executive Council shall have the right to fill in the vacancy left by the withdrawal using other voting methods that may be deemed fit to elect a replacement within the allowed period of time.
- 12.9 The filing fee will not be refunded for any candidate who has withdrawn their candidature.
- 12.10 If it appears to the Executives of any level of the party that formal withdrawal of Party endorsement of a selected candidate is in the interests of the Party, and the candidate is unwilling to withdraw his/her candidature or if it appears to the Elections Board that the actions of the candidate are prejudicial to the interests of the Party and the candidate is unwilling to withdraw his/her candidature, or in addition to any normal legal remedies that may be available to the Party in respect of the provision by a candidate of untrue information in a prescribed form, questionnaire, interview or in response to questions in a "Meet the Candidates" Meeting, the following procedure shall be adopted:

- a) Approval shall be sought by the Branch Executive or County Working Committee from the Elections Board to undertake a meeting to consider withdrawal of endorsement; or
- b) Withdrawal of the Party's endorsement of the candidate shall be at any time before or after the final selection meeting subject to the approval of the NEC;
- c) The Elections Board convene a meeting that the withdrawal of the party-endorsement of the candidate is to be discussed. At least fourteen (14) days prior notice of the meeting, shall be given to the Branch Executives and County Working Committee concerned, and to the Selection Committee;
- d) The Chairs of the Elections Board and the National Executive Council shall convene a meeting with the Chair of the Branch/County concerned to consider withdrawal of the endorsement. The candidate must be informed of the reasons for dissatisfaction with his or her candidacy and given an opportunity to state his or her case; and
- e) A resolution of the Elections Board 's withdrawing the Party's endorsement shall be effective forthwith if passed by a simple majority of those present and voting with such decision being final and binding, and no reasons needing to be given.

RULE 13 - REGISTRATION FOR WRITE-IN CANDIDATES

- 13.1 A person who did not file a Declaration of Candidacy and fulfill their nomination requirements to place their name on the ballot or the party list may try their luck to run for office as a write-in candidate.
- 13.2 Write-in candidacy is possible only if it is a voter's desire to exercise their right according to the party constitution, to nominate their preferred candidate who did not make it to present their nominations before the deadlines or during the "Meet the Candidate" or Nominations Meeting but subject to the acceptance and approval of the Selections Committee.
- 13.3 The voter will need to know how to correctly write the nominee's name and address, the designation of the office sought and any other information which the Secretary deems necessary, in a blank "write-in" space immediately below the candidates listed on the ballot.
- 13.4 The voter is not required to mark an "X" beside the name but rather may write-in any person they wish for any office regardless of whether the person has qualified or not and the office the nominee is aspiring to be elected. If they write the nominee's name in for a different office, their vote will count for that office, instead of the one he/she desired to running for.
- 13.5 If a voter misspells the nominee's name or address, the vote can still be counted, as long as the Scrutineers or polling clerks and the Returning officer can figure out the voter's intent.
- 13.6 The Write-in votes will only be counted, tabulated and certified in a Statement of Vote only for qualified write-in candidates. The candidate nominated by write-in vote in a primary, will need to file a written acceptance of the nomination. No person whose name has been written-in for an office may have his or her name registered as a candidate for the ensuing Candidate Selection unless one of the following is applicable:
 - i. He or she receives for a voter-nominated office, the highest number of votes cast for that office or the second highest number of votes cast for that office,
 - ii. He or she receives votes equal in number to 25 percent of all votes cast for the office at the "Meet the Candidate" Meeting,
 - iii. He or she is subject to the same requirements as other candidates including payment of the stated nominations fees.

- 13.7 If the required nominations paperwork isn't filed by the deadline for the "Meet the Candidate" (Primary) Meeting, the name of the nominee can't be printed on the final party list.
- 13.8 Notwithstanding any provision of this section to the contrary, to qualify as a write-in candidate for any office, a person shall register his candidacy thereafter with the Branch Secretary no later than 14 days after the Party primaries and file a statement of Write-in Candidacy which shall contain the candidate's name, residence address, ID Number and a declaration stating that he or she is a write-in candidate, and the title of the office for which he or she is running.
- 13.9 No person nominated as a write-in candidate for any office under the provisions of this section, shall be endorsed if the person has been disqualified subject to the provisions of the Party Constitution and these rules.
- 13.10 Notwithstanding any other provision of these rules, a person may not be a write-in candidate at the general election.

RULE 14 – CALL FOR NOMINATIONS AND THE CONDUCT OF PARTY PRIMARIES

Categories of Nominations and Party Primaries

- 14.1 The party nominations and primaries activities shall comprise the following:
- a) The party primary elections for the selection of the Party Presidential Candidate.
 - b) The party primary elections for the selection of candidates to vie for the following electoral positions in the General Elections and in By-Elections:
 - i. The County Governor and Deputy Governor;
 - ii. The Senator;
 - iii. The County Woman Representative to the National Assembly;
 - iv. The Member of the National Assembly; and
 - v. The Member of the County Assembly.
 - c) Elections to the Party Lists pursuant to Article 90 of the Constitution of Kenya, 2010 and Section 34 of the Elections Act, 2011.

Notifications of Nominations and Party Primaries

- 14.2 All primaries shall be conducted and concluded by the second Tuesday in August of the year preceding at least eighteen (18) months before the general election is held and all disputes related to nomination and election must be resolved twelve (12) Months before the date of election.
- 14.3 In its mandate to identify and nominate party members aspiring to fill in any positions in the party or in respect of any nomination to be held for Presidential, Gubernatorial and his/her Deputy, Civic/ County Assembly and Parliamentary/National Assembly, Senator, Women Representative Elections, the Nominations and Elections Board, upon a resolution by the National Executive Council shall give notice to members and Call for Nominations.
- 14.4 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.
- 14.5 In the case of a by-election or in any special case which in the opinion of the Branch Executive Committee warrants necessary, with the approval of the National Executive Council Chair, the period of

notice prescribed in these Rules may be reduced or extended at the discretion of the Elections Board and upon the recommendation of the National Executive Council.

14.6 The notice issued by the Party under sub-rule (14.4) shall contain such details as the Board shall deem necessary and state-

- a) the date and deadline fixed for the receipt of nominations
- b) the dates and venues of the primaries for each electoral area;
- c) the persons eligible to participate in the exercise;
- d) the procedure and duration of the exercise;
- e) the issuing of nominations petitions forms;
- f) the timeline to return the duly filled forms to the branch;
- g) the verification of all the required documentations in accordance with party requirements;
- h) the Party official(s) who shall be responsible for the exercise;
- i) the date by which eligible persons must perform any act in relation to the exercise;
- j) the date by which Party officials who wish to participate in the Party primaries must resign from their Party offices;
- k) the mode of voting as either manual or by a computer-enabled means, or by a combination of both;
- l) the fees, if any, that should be paid and details of how the payment should be effected;
- m) where any aggrieved Party may file any grievances regarding the exercise;
- n) the Party official(s) who shall hear and determine any appeal in relation to the exercise; and
- o) any other relevant detail pertaining to the exercise.

14.7 A notice issued by the NEB for primaries for presidential, County Governor, National Assembly, Senate County Woman Representative to the National Assembly, County Assembly shall be in Forms *set out under Annexure VI* and a notice issued for party list shall be in Forms *set out under Annexure IX*.

Application for Vacant Positions for Party primaries

14.8 Upon receiving the invitation from the party to participate in the nominations process, an aspiring candidate shall submit to the NEB, a duly filled Declaration of Candidacy Form in accordance to Rule 11 and as *set out in the annexure V* together with -

- a) a signed commitment, in the prescribed Form *set out in the annexure III*, to the Party's constitution, Party Code of Conduct, the electoral code of conduct and the values, Party Manifesto, and principles of the Party;
- b) a self-declaration duly commissioned by a commissioner for oaths as prescribed under the Leadership and Integrity Act, 2012 (No. 19 of 2012);
- c) copies of the candidate's national identity card or valid passport, certified by a commissioner of oaths;
- d) certified copies of the candidate's academic qualifications from the relevant institutions;
- e) evidence of registration as a life member of the Party; and
- f) a receipt or other evidence of payment of nomination fees to the Party's designated bank account, clearly identifying the aspiring applicant.

Where the NEB requires the applications to be submitted electronically; the digital form may be adjusted as shall be deemed necessary to facilitate this mode of application.

- 14.9 Where an aspiring candidate intends to be nominated on the ground that the candidate is a person with disability, the candidate shall, in addition to the requirements specified under sub-rule (14.8), submit a certification confirming his or her registration with the National Council for Persons with Disabilities.
- 14.10 A person who wishes to be nominated to represent the youth shall be a person who has attained the age of eighteen years, but has not attained the age of thirty- five years and such person shall provide documentary proof of his or her age.
- 14.11 The NEB reserves the right to verify the authenticity on any document submitted to it, with the relevant issuing entity.
- 14.12 The branch shall submit to the Nominations and Elections Board, all duly filled nomination forms for the branch candidates and payment receipts in respect of all the elective seats.

Meet the Candidate Meetings

- 14.13 Where the selection of a candidate is being undertaken through the branch or county, then the Branch/County Executives, shall arrange for at least three "Meet the Candidate" meetings. This shall be held within 60 days between the completion of setting up of the Selections Committee and the Final Selection of the Candidate.
- 14.14 These "Meet the Candidate" meetings shall be held in three different parts of the Constituency to enable members of the Selections Committee and the delegates and the electorates to meet the candidates.
- 14.15 The "Meet the Candidates" meeting shall be convened by the Chair at all levels and the venue for their meetings shall be one chosen by the Branch or County Committee and should be most accessible for the majority of members to attend and which must be attended by not less than 50% of the enrolled party members of the Branch for it to be valid.
- 14.16 If the minimum number stated above is not achieved by the commencement of the meeting, the Selection Committee shall be adjourned only once and recommenced to times when the minimum number of members in attendance is met unless otherwise determined by the Election Board. This should be within 14 days of the adjournment.
- 14.17 Each member of the Selection Committee shall attend at least two of the "Meet the Candidate" meetings before that member may exercise a vote at the Party primaries.
- 14.18 The delegates to the "Meet the Candidate" meetings shall be selected, in accordance with the rules of the party and the method prescribed herein. The Chair at the meeting shall, assisted by other nominations and elections officers provided herein, have the responsibility for checking the attendance and qualifications of delegates.
- 14.19 The Selections Committee shall compile a list of delegates who have qualified for the Party primaries, and forward to the Elections Board giving detailed reports of the concluded "Meet the Candidate" meetings together with any written remarks that the Branch Executive or the County Chair wish to make about each nominee.

RULE 15 - VETTING AND INTERVIEWING OF PARTY AND CIVIC CANDIDATES.

- 15.1 Vetting of persons seeking to become the Party's candidates for the positions of President and Deputy President, Governors and Deputy Governors, Members of the Senate, Members of the National Assembly, County Woman Representative to the National Assembly, and Members of the County Assembly, shall be conducted by the Nominations and Candidate Selection Committee in consultation with the NEB at the Branch, County and National levels.

- 15.2 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.
- 15.3 For the performance of the duties, each Returning Officers and other election officers actually engaged therein shall receive such reasonable compensation from the party as is approved by the Election Board.
- 15.4 All necessary expenses incurred by Committee under the provisions of sub-rule 15.3 shall be paid by the party.
- 15.5 The Selections Committee and the NEB shall take into account the following when considering the suitability of a Candidate-
- a) demonstrated loyalty to the party, its leadership and organs;
 - b) the contribution of the candidate to the party activities and ideology;
 - c) ability to represent the area for which the candidates seek nomination;
 - d) the constitutional criteria for election for the position to which the application relates is met;
 - e) ability to articulate national issues and propagate policies that serve the interest of the society;
 - f) the past and current record of the Candidate, including prior diligence and commitment to the Party;
 - g) whether the Candidate meets the conditions set in these rules for eligibility to contest in any party or elective positions as prescribed under Rule 7;
 - h) has a written vision and mission or personal manifesto alight with the party manifesto for implementing socio-economic programs for the people and the government of the Republic of Kenya;
 - i) whether the candidate has any pending complaints or outstanding fines imposed by the Party or other relevant information received from any person or body, including the Party's Disciplinary Committee;
 - j) any pending or concluded criminal cases before a court of law against the Candidate;
 - k) whether any candidate and or his/ her supporters have 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; and
 - l) information gathered in the course of personal interviews with any adversely affected candidate as well as his or her records.
 - m) And other matters as may be provided under the constitution or specific party policies.
- 15.6 All information obtained by the NEB during any personal interviews, where these are conducted, and records of the candidate being vetted shall be confidential.
- 15.7 Every candidate whose suitability to participate in Party primaries 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.
- 15.8 The Nominations and Elections Board shall vet all presidential, senator and governor aspirants at a venue and time determined in accordance with the Party's electoral calendar.
- 15.9 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 to participate in the Party primaries for each electoral position.

- 15.10 The vetting of all parliamentary and county assembly candidates shall be conducted by the Nominations and Candidates Selections Committees in the respective sub-branch, branch and County elections.
- 15.11 The Branch Executive Committee and the NEB shall no more than twenty-one days (21) to nomination, give notice to each candidate approved after the close of the Declaration of Candidacy, of the place as might be convenient to voters to access, date and time fixed for the primaries, interviewing and selecting the party candidates.
- 15.12 The Selections Committee shall undertake a comprehensive questioning and appraisal of the candidates in all "Meet the Candidate" Meetings and the primaries to determine suitability and may either discuss members views between interviews or at the conclusion of interviews and before decisions are made.
- 15.13 The Selection Committee shall make the checks of a candidate's background and of the referees provided during the nominations petition and the declaration of candidacy.
- 15.14 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.

Voters Register

- 15.15 Pursuant to Article 8.2 (d) of the Party Constitution, the party primaries elections shall be conducted using the Voter's Register as certified by the Registrar of Political Parties, which shall be derived from the National Membership Register. The Party's Secretary, National Organizing and Membership Affairs shall facilitate the provision of such information from Party's Members, Register (*Certified by the Registrar of Political Parties*).
- 15.16 No person shall participate in Party primaries as a candidate/aspirant unless he or she is a Party member in good standing and his or her name appears on the Party's Voters Register developed from the Party Member's register as certified by the Registrar of Political Parties.
- 15.17 It is hereby provided that at least once every six months, the NEB shall prepare a list of changes to the Voters Register, duly notify the Registrar of Political Parties thereof and post the list at the NEB offices, Party's website and other platform where members have access.
- 15.18 Any person who wishes to participate as a candidate/aspirant in the party primaries or in the elections to the Party lists for nomination under Article 90 of the Kenyan constitution shall be required to have registered as a life member.
- 15.19 It shall be incumbent upon a person who wishes to participate in Party primaries as a voter and/or candidate to verify their membership status.
- 15.20 The Voters Register shall comprise of
- a) a Poll register in respect of every Polling station;
 - b) a Ward register in respect of every Ward;
 - c) a Branch register in respect of every Constituency;
 - d) a County register in respect of every County; and
 - e) a Diaspora register of voters, where applicable.
 - f) an Electoral College Voters register comprising of the list of delegates to the National Delegates Convention.

- 15.21 The NEB shall compile and maintain the Register of Voters which the Membership Department of the National Secretariat shall provide periodical updates of the members register to enable NEB to maintain an up-to-date Register of Voter.
- 15.22 The NEB shall certify and publish the Register of Voters on the Party's website and any reference, in these Rules, to the Party's Register of Voters shall be a reference to the digital and/or the hardcopy version of the Party's Register of Voters.
- 15.23 Registration of voters and revision of the Register of Voters under these Rules shall be carried out at all times, except after the deadline date specified by the Registrar of Political Parties for requesting for a certified register of party members, from the Registrar of Political Parties, (as required by section 38C (4) the Political Parties Act) -
- a) in the case of party primaries for a general election, the deadline date shall be at least twenty-one days, before the date of party primaries nominations or as provided in these rules; or
 - b) in the case of a by-election, a similar deadline as that specified in paragraph (a) above will apply.
- 15.24 Except where the expedited nature of the by-election, compels the NEB to shortened the timelines applicable for conducting the party primaries nominations.
- 15.25 Where as a result of operation of sub-rule (15.21) of this rule, the registration of voters has ceased, the NEB shall compile the list of registered voters in accordance with sub-rule 15.15.
- 15.26 The NEB may, in accordance with these Rules, and after consultation with the Secretary, National Organizing and Membership Affairs make changes to the Voters Register so as to -
- a) correct clerical or other errors;
 - b) carry out a decision relating to a claim by a member;
 - c) ensure that no person is registered more than once;
 - d) update the register to accommodate the new members;
 - e) remove persons who are not qualified to be so registered;
 - f) delete the name of a person who the NEB is satisfied has died;
 - g) capture any transfer of registration from one branch to another;
 - h) correct loss of data owing to technological errors or any other causes;
 - i) notify the Registrar of Political Parties of the changes made to the Register of Voters;
 - j) include any appropriate changes that may be requested by a registered voter in respect of his or her registration;
 - k) delete the names of persons who have renounced their membership to the Party or whose membership has been revoked in accordance with the Party Constitution.

PROVIDED For purposes of the Party primary nominations, the changes to the Register of Voters apply only to the extent that they do not contravene, by section 38C the Political Parties Act.

Candidates Selections Meeting:

- 15.27 The following provisions shall apply to the conduct of Primaries or the Candidates Selections Meeting:
- a) The day of the primary, begins at six o'clock a.m. until eight o'clock p.m.;
 - b) The meeting shall be chaired by the Selection Committee Chair or any another member of the Committee if the Chair is unable to be present, who shall act as Returning Officer;

- c) On the day and at the time specified by the Nominations and Elections Board for vetting, all candidates/proxies shall present themselves before Nominations and Elections Board or the Nominations and Candidates Selections Committee, with the following documents;
 - i. A National Identity Card or Passport
 - ii. Party Membership Card and Registered Voters Card
 - iii. All Nomination Prescribed Forms and relevant documents
 - iv. Nomination fees receipt
 - v. Current 3 passport-size color photographs with their full names printed and signed at the back.
- d) Any candidate who fails to present herself/himself or his/her proxy on the day, time and place specified in accordance with the rules shall be disqualified from the nomination;
- e) Where there is only one successful applicant or the applicant is unopposed such applicant shall be declared the Party's candidate. If there is more than one candidate, the Nominations and Elections Board will prepare and announce the list of all approved candidates and organize party nominations as appropriate;
- f) The Returning Officer shall appoint from among the enrolled party members in the branch, to serve during the voting procedure, the primary officials, who shall consist of (1) one Moderator (Independent observer), (2) no less than three nor more than five Scrutineers (Official checkers), (3) at least one but not more than two Ballot/Polling Clerks, and (4) at least one but not more than two Presiding Officers;
- g) The officials so appointed under subsection (f) shall have, as nearly as may be, the same duties as at a regular election and prescribed under Rule 5 herein;
- h) The Presiding Officer or Scrutineer shall 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. All officials serving at any primary shall be sworn to the faithful performance of their duties;
- i) At least two (2) of the three (3) Scrutineers must have been present in at least two "Meet the Candidates" meetings to certify that the process is properly carried out at both meetings;
- j) The Returning Officer and the Scrutineers present at the last meeting shall ensure that the casting of all votes is done free, fair and transparently and the ballot box is locked at the conclusion of that meeting and there has been no interference of the ballot box;
- k) The secretary shall call such roll and shall keep a true record, in writing, of the vote of each delegate entitled to vote;
- l) Prior to candidate addresses commencing and in the absence of the other candidates, the Chair of the Committee shall give a report to the selection meeting on how the election process should be conducted;
- m) The Chair shall conduct the Primaries in a manner that ensures each candidate is treated fairly, particularly in respect of questions and opportunities given for replies;
- n) Each Candidate shall address the Final Selection Meeting for up to ten (10) minutes or for such longer period as the Committee may decide. Those not addressing the meeting shall remain out of sight and hearing of the Meeting;
- o) All candidates shall be required, at the conclusion of their respective addresses, to attend to questions asked by members of the Selection Committee, those taken from the delegates, written questions supplied by the Elections Board distributed to all the Branches and the Counties and answer the same three questions prepared by the Party Leader which shall be sent to the Chair of the Selection

Committee in a sealed envelope to be opened by him or her. The answer to each question may not exceed five minutes;

- p) The subjects of the questions shall not be communicated to subsequent candidates until after they have completed their respective addresses;
- q) After the interviews and presentation by the candidates, there shall be a voting for the potential party-endorsed candidate using any method prescribed herein;
- r) If there is a defect involving a minor administration step in the primaries, the Elections Board shall have the power, acting in consultation with the Chair of Elections Board, to review any such defect and provide such direction as is necessary and to validate such steps or directions to ensure that the process is fair. All decisions taken at a "Meet the Candidates" Meeting, the Selection Committee shall, notwithstanding that there may be some accidental defect to such meeting, be final.

Presidential Nominations

15.28 Each County/Branch shall establish an Electoral College not later than 18 Months before the election date, consisting of 20 duly appointed Presidential Nomination Delegates (PNDs) from each ward within the Branch or 50 delegate from each branch for the case of a County as the NEC shall determine.

15.29 The 50 Presidential Nomination Delegates from each Branch shall be elected through the following procedure:

- a) Members shall assemble at the sub location on a date and venue to be announced by the National Executive Council and elect 20 delegates from among themselves;
- b) Voting will be by either acclamation, by show of hands or secret ballot. The delegates shall however, after due consultations, be at liberty to determine the most suitable method of voting as may be democratically agreed upon the electorate;
- c) The names of the 50 presidential nomination delegates shall be forwarded by the branch Elections panel to the Nominations and Elections Board who shall compile and certify the Presidential Nomination Delegates Register;

15.30 On the date designated for the presidential nomination, the members of the Electoral Colleges shall assemble at their respective venues and vote by secret ballot between 12 noon and 3 pm.

15.31 The Returning Officer shall compile the total votes cast for each candidate and the winner shall be the candidate that garners 50% plus one of the total votes cast. The results transmitted to the Nominations and Elections Board.

15.32 If there is no outright winner, there shall be a run-off between the 1st and 2nd candidates to be held within 14 days of completion of the first election in and the rules above shall apply mutatis mutandis in the run-off.

15.33 The Nominations and Elections Board shall announce and publicize the results from all the branches at a Special National Delegates Convention called for that purpose of declaring the presidential and Deputy Presidents candidate for the party.

RULE 16 – NOMINATION OF PARTY LIST MEMBERS

General Requirements for Nomination to Party Lists

16.1 The National Executive Council shall present to the Independent Electoral and Boundaries Commission, a Party List of Candidates (hereinafter "the Party List") selected in conformity with the laid down requirements, procedures and the laws:

- a) The Constitution 2010,

- b) The Political Parties Act, 2011,
- c) The Elections (Amendment) (No. 2),
- d) The Elections (Amendment) Act, 2012,
- e) The Elections Act, 2011 as amended by The Statute Law (Miscellaneous Amendment) Act, 2012,
- f) The Party constitution and Nomination and Election Rules and Procedures,
- g) Any other relevant laws that may apply from time to time.

16.2

- 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 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

16.3 The Constitution of Kenya under Article 90 further expressly provides that:

- a) Elections for the seats in Parliament provided for under Articles 97(1) (c) and 98 (1) (b), (c) and (d), and for the members of county assemblies under 177 (1) (b) and (c), shall be on the basis of proportional representation by use of party lists.
 - b) The Independent Electoral and Boundaries Commission shall be responsible for the conduct and supervision of elections for seats provided for under clause (1) and shall ensure that -
 - i. each political party participating in a general election nominates and submits a list of all the persons who would stand elected if the party were to be entitled to all the seats provided for under clause (1), within the time prescribed by national legislation;
 - ii. except in the case of the seats provided for under Article 98 (1) (b), each party list comprises the appropriate number of qualified candidates and alternates between male and female candidates in the priority in which they are listed; and
 - iii. except in the case of county assembly seats, each party list reflects the regional and ethnic diversity of the people of Kenya.
 - c) The seats referred to in clause (a) shall be allocated to political parties in proportion to the total number of seats won by candidates of the political party at the general election.
- 16.4 In its mandate to identify and nominate party members aspiring to fill in any party list in respect of County Assembly and Parliamentary/National Assembly, Senator, the Nominations and Elections Board (NEB), upon a resolution by the National Executive Council (NEC) shall give notice to members and call for applications.
- 16.5 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 List nominations.
- 16.6 The NEB shall receive all applications by persons wishing to be elected to any Party list, sort the applications into the different categories and after due verification, vetting and shortlisting therefore, the NEB shall -
- a) Forward the shortlisted applicants for nomination to the National Assembly and the Senate Party Lists, to the National Party Lists Committee to elect persons to the National Assembly and the Senate Party lists in the order of priority;
 - b) Forward the different shortlists to the respective County Party Lists Committees to elect the County Assembly (Gender Top-Up, Marginalised, Youth) Party List nominees, in order of priority, as shall be guided for every county; PROVIDED that the Committee may not include the names of persons who do not come from the applicable county nor persons who do not appear on the shortlist.
- 16.7 The NEB will prepare the party list and have it signed by the authorized officials in consultation with the Supreme Advisory Committee of the Party for onward submission to the NEC which should be ready for onward transmission at least two months prior to the day designated by the IEBC.

The Party List-Special Seats

- 16.8 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.

County Party Lists Committees

16.9 The Party List Committees for each County shall comprise of the following:

- a) The Chairperson of the County Coordinating Committee (Chair)
- b) The chairperson of the County Women Chapters.
- c) The chairperson of the County Youth Chapters.
- d) The chairperson of the Marginalised Chapters.
- e) The chairperson of the Branch Disability Chapters.
- f) All NEC and NEB members from the County;
- g) Four persons appointed by the NEB;

16.10 The County Party Lists Committee for each of the 47 counties shall provide for the election of Party list nominees for the Gender Equality and Marginalised, the Party Nomination lists for the County Assembly as contemplated in Article 177(1) (b) and (c) of the Constitution of Kenya.

16.11 The number of nominees for the Party List from each County shall be the number of Branch candidates selected and each must meet the requirement of ethnic diversity, not more than one nominee in the Party List shall be from the same ethnic community.

16.12 Where there is no serving member of the National Executive Committee in a County, the Party Leader shall appoint such other suitably qualified person to be the chairperson of any County Party lists Committee giving priority to the committed and loyal Party elected members from Parliament including members of the National Assembly, County Woman Representative in the National Assembly and Member of the Senate.

16.13 The County Party Lists Committees shall be responsible for the election of candidates to the County Assembly (Gender Equity) Party Lists; and the election of candidates to the County Assembly (Marginalised including Persons with Disability and Youth) Party Lists.

- 16.14 Every County Party List Committee shall sit to elect members to the County Party list on a date, time and place designated by the NEB for this purpose.
- 16.15 The County Party List Committees shall be convened by the 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 75% of its membership.
- 16.16 The NEB shall appoint and nominate such suitable person, not being a member of the County Party Lists Committee, to serve as a rapporteur for the elections. The rapporteur shall be the ex-officio secretary of this committee for purposes of recording the minutes of the proceedings of the committee meeting, preparing the list and transmitting the same to the NEB.
- 16.17 The NEB shall may make provision, where it deems necessary, to record the proceedings of the County Party Lists Committee through electronic means. The recording of the proceedings shall be undertaken by the rapporteur.
- 16.18 After the elections, a photographic image of the agreed lists, as signed by the chairperson of the committee and the rapporteur, shall be taken and forwarded to the NEB immediately after the election by the committee members and the hard copies also delivered not later than the day following the elections; PROVIDED that the Committee may not nominate persons, who do not come from the applicable county nor persons who do not appear on the NEB shortlist.
- 16.19 The NEB shall, after receiving the Party lists from the County Party Lists Committees and verifying that they are in compliance with these rules forward the lists to the National Party Lists Committee.
- 16.20 Where the NEB refers a list back for reconsideration in a similar manner, the relevant County Party Lists Committee shall amend the list in light of the NEB's reservations and shall re-submit it to the NEB for approval within 2 days, failing which the NEB shall amend the list for onward transmission to the National Party Lists Committee.

County Assembly (Gender) Party List

- 16.21 Party List for nomination of County Assembly (Gender) Party List as per [Art. 177(1)(b) of the Constitution] shall:
- a) Be 47 Lists, each representing a county and separately consisting of women nominees to the County Assembly reflecting the number of wards in each of the respective counties;
 - b) Have similar qualifications as those required for candidates contesting for elections as members of the County Assembly;
 - c) Ensure that the constitutional threshold of 2/3rd gender is met and alternate between women and men candidates; the gender with less numbers than required by the Constitution of Kenya will be prioritized;
 - d) Among all the nominees, have various special interest groups represented. There shall be at least members representing minority ethnic, religious and cultural communities in the County, an old member of the society, a youth, a woman, a person with disabilities and a person representing workers in the County.

County Assembly (Marginalized and Minorities Group) Party List

- 16.22 Party List for nomination of County Assembly (Marginalized and Group) Party List as per [Art. 177(1)(c) of the Constitution] shall:
- a) Be 47 Lists, each representing a county and separately consisting of marginalized group nominees to the County Assembly reflecting the number of wards in each of the respective counties;

- b) Have similar qualifications as those required for candidates contesting for elections as members of the County Assembly;
- c) Ensure that the constitutional threshold of 2/3rd gender is met and alternate between women and men candidates; the gender with less numbers than required by the Constitution of Kenya will be prioritized;
- d) Among all the nominees, have various special interest groups represented. There shall be at least members representing minority ethnic, religious and cultural communities in the County, an old member of the society, a youth, a woman, a person with disabilities and a person representing workers in the County.

National Party Listing Committee

16.23 The National Party Listing Committee shall comprise of the following members and each shall have one vote:

- a) The Party Leader – (Chairperson)
- b) The Deputy Party Leader;
- c) The National Chairperson;
- d) The Secretary General;
- e) The Chairperson of the Nominations and Elections Board;
- f) The Chairperson of the National Executive Council;
- g) The Chairperson of the National Governing Board;
- h) The Chairperson of the National Parliamentary Caucus;
- i) The Chairperson of the County Caucus;
- j) The Chairperson of the SFUP Youth Groups;
- k) The Chairperson of the SFUP Women Groups;
- l) The Chairperson of the SFUP Disability Groups;
- m) The Chairperson of the National House of Elders;

16.24 The National Party Lists Committee shall be convened and chaired by the Party Leader 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 75% of its membership.

16.25 The National Party Listing Committee shall conduct the election of persons to the party lists for National Assembly, the Senate and the County Assemblies' Lists from all applications received from all Branch and County Nominations and rank the nominees from the Ward, Constituency, County and National Nominations in order to establish the Final Party List of candidates for the purpose of Gender equity and the marginalized; PROVIDED that the Committee may not nominate persons, who do not meet the qualifications provided for in these rules.

16.26 In determining whom to nominate for the County Party list positions, the Committee shall not include persons who do not come from a County for which nominees are being considered and must consider all the constituencies within the county.

16.27 Where the National Party Listing Committee elects to include some of the nominees already included on the party lists forwarded by the County in the top positions for Gender Equity lists and the Party list for

the marginalized, the committee shall include the next person who did not make it to the list in the order of priority, from the additional list that shall have been provided by the County Party Listing Committees.

- 16.28 The decision of the National Party Listing Committee as to ranking shall be final and binding on all candidates and Party members.
- 16.29 The NEB may be convened to make decisions on behalf of the Party Listing Committee if, in the Party Leader's opinion, a matter regarding the Party List is of such urgency that it is not possible or reasonable to delay making the decision until a full meeting of the Committee can be convened.
- 16.30 The National Party Listing Committee shall submit the Party Lists, under the hand of the Chairperson of the NEB, to the NEC.
- 16.31 After consideration of the material submitted, the NEC shall accordingly enter the name of the winner on the Party list and advise the Branches or Counties of the final list of the candidates for various elective or party positions. Any approval or otherwise shall be at the absolute discretion of the National Executive Council as recommended unless otherwise.
- 16.32 Only in exceptional circumstances, the List may be amended by the Elections Board at any time in consultation with the National Executive Council until it is submitted to the IEBC for a General Election.
- 16.33 Following completion of the Party Listing by the Committee, such List shall be adopted as the Party's List for the next General Election and the names shall not be removed except by a decision of the Independent Electoral and Boundaries Commission (IEBC) Complaints and Dispute Resolution Committee or an order of the High Court.
- 16.34 The Secretary General shall receive the final report from NEC who shall disclose this information to National Delegates Convention held before the General Election for which the list was formed.
- 16.35 All information belonging to the nominated candidates shall be held in the strictest confidence by NEB and all material shall be securely archived in the National Headquarters of the Party.

National Assembly Party List

- 16.36 Party List for nomination to the National Assembly as per [Art. 97(1)(c) of the Constitution] shall:
- a) Have twelve (12) nominees;
 - b) Have similar qualifications as those required of candidates contesting for elections as members of the National Assembly;
 - c) Include nominees to represent the youth, persons with disabilities and workers and any other special interests;
 - d) Have a national outlook, by meeting regional diversity and from different ethnic communities and counties;
 - e) Ensure that the constitutional threshold of 2/3rd gender is met and alternate between women and men candidates; the gender with less numbers than required by the Constitution of Kenya will be prioritized;
- 16.37 Where two of the nominees in the list are from the same ethnic community, or gender or region they shall not immediately follow each other on the list.

Senate (Women) Party List

- 16.38 Party List for nomination of Senate (Women) as per [Art.98 (1)(b) of the Constitution] shall:
- a) Have sixteen (16) women nominees;

- b) Have similar qualifications as those required of candidates contesting for elections as members of the National Assembly;
- c) Have a national outlook, by meeting regional diversity and from different ethnic communities and counties;

16.39 Where two of the nominees in the list are from the same ethnic community, or region they shall not immediately follow each other on the list.

Senate (Youth) Party List

16.40 Party List for nomination of Senate (Youth) as per [Art.98 (1)(c) of the Constitution] shall:

- a) Have two (2) nominees being one woman and one man.;
- b) Have similar qualifications as those required of candidates contesting for elections as members of the Senate;
- c) Have a national outlook, by meeting regional diversity and from different ethnic communities and counties;
- d) The two nominees must be between 18 and 35 years of age

16.41 Where two of the nominees in the list are from the same ethnic community, or gender or region they shall not immediately follow each other on the list.

Senate (Person with Disability) Party List

16.42 Party List for nomination of Senate (Persons with disability) as per [Art.98 (1)(d) of the Constitution] shall:

- a) Have two (2) names of qualified persons with disability nominees, being one woman and one man;
- b) Have similar qualifications as those required of candidates contesting for elections as members of the Senate;
- c) Have a national outlook, by meeting regional diversity and from different ethnic communities and counties;
- d) The two nominees must be certified as persons with disabilities by the National Council for Persons with disabilities.

16.43 Where two of the nominees in the list are from the same ethnic community, or gender or region they shall not immediately follow each other on the list.

PART IV - RULES ON VOTING, RANKING OF CANDIDATES, CAMPAIGNS AND DISPUTE RESOLUTION

RULE 17 – VOTING METHODS FOR CANDIDATE SELECTION

Methods of Conducting Party Primary Elections

- 17.1 For purposes of selecting party-endorsed candidates, the party primaries shall be held in the following manner:
- a) In the conduct of primaries for the party's candidate for the post of the President and the Deputy President of the Republic of Kenya, the primary shall be held at the National Delegates Convention of the party specially convened for that purpose;
 - b) In the conduct of primaries for the party's candidate for the post of Governorship and Deputy Governorship, Senator and Women Representatives of a County, the primary shall be held at the County Delegates Conference of the party specially convened for that purpose;
 - c) In the conduct of primaries for the party's candidate for the post of member of the National Assembly, the primaries shall be held at the Constituency headquarters; and
 - d) In the conduct of primaries for the party's candidates for the post of member of the County Assembly, the primaries shall be held at the Constituency headquarters.
- 17.2 These Rules govern the election of the Party's candidates, seeking to run in the General Elections or By-Elections for the following positions:
- a) President and Deputy President;
 - b) Governor and Deputy Governor;
 - c) Member of the Senate;
 - d) County Woman Representative to the National Assembly;
 - e) Members of the National Assembly;
 - f) Member of County Assembly.
- 17.3 Decision as to which method of voting to employ at all meetings of the Delegates and Special Conferences, Regional Representatives Councils, County, Branch and Sub-branch meetings and their respective Executive Committees, the party primaries and elections for nominations to Party Lists, shall be conducted using the following methods (and in the following order of priority) -
- a) Unanimously by Consensus;
 - b) Delegates system;
 - c) Ranked Preferential Ballot;
 - d) Direct Nominations;
 - e) Vote Tabulating System;
 - f) Universal Suffrage; or
 - g) any other method of voting acceptable to the delegates for the election of or nomination of candidates.
- 17.4 Where deemed absolutely necessary, the party may request the IEBC to conduct and supervise the nomination of Candidates.
- 17.5 The Branch (Constituency) shall be the basic Electoral College mandated to conduct the vetting, voting and selection of the party-endorsed candidates.

- 17.6 The NEC shall by a resolution determine the mode of election in any electoral area in the Republic of Kenya provided that NEB shall publish such resolutions not later than twenty- one days to the date of party primaries.
- 17.7 The 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.
- 17.8 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.
- 17.9 If paper ballots are required for the vote on any office or elective position, the Elections Board, shall print the paper ballots and set the general rules to be followed for their use in the elections which should conform to those provided herein.

By Consensus

- 17.10 Where an elective post has attracted more than one candidate, the candidates, the Party officials, the community leaders and the party members from that electoral area, may initiate a consensus-building process.
- 17.11 The parties to a consensus-building process may arrive at any of the following decisions:
- a) One candidate to represent the Party at the elections; or
 - b) Two strong candidates whose names are to be submitted to the NEB, to determine the candidate, to run on the Party ticket.
- 17.12 When determining the consensus candidates, the following shall be taken account:
- a) That the selected consensus candidates qualify to contest for the position, in accordance with the applicable laws;
 - b) That the selected consensus candidates are the best suited to represent the Party in the electoral area.
- 17.13 Following the consensus-building process the candidates and other parties to the process shall sign an agreement indicating the outcome of the consensus-building process.
- 17.14 All the candidates to the consensus agreement shall sign a formal resolution giving effect to the agreement.
- 17.15 The Party will refund any application fees paid by the candidates who have not been selected by consensus.
- 17.16 The candidates who withdraw their candidature in favour of another shall give a formal undertaking not to participate in the ensuing elections either as independent candidates and/or on the tickets of other political parties.
- 17.17 Where the Party is privileged to make appointments and/or nominations to certain positions and the party list, the Party, in making such appointments and/or nominations, shall consider the appointment of such candidates who will have withdrawn in favour of a Party candidate under this method, provided that these candidates qualify for the position.

Delegates System

- 17.18 A Branch or County or National Delegates may opt to select its candidates or conduct Party primary elections, not by way of Unanimous Consensus or Preferential Voting but through a vote by the party delegates system.
- 17.19 For the purposes of electing National Officials, the National Delegates Convention shall be guided by these rules and by any other relevant provision of the party Constitution.
- 17.20 For purposes of conducting elections by delegates, the Elections Board shall ensure that all paid up SFUP members are entitled to one vote during the nomination and there shall be a register of all Party members in all Wards, Constituencies and Counties as the case may be.
- 17.21 Where Party primary elections are conducted by the vote of the party delegates system the Elections Board shall ensure that;
- a) only the delegates whose names appear in the National Delegates Voters Register and are present at the Convention shall be eligible to vote;
 - b) there is a quorum before the commencement of business of elections in accordance with the Party Constitution and these Rules;
 - c) the elections at the National Delegates Convention shall be by secret ballot or any other method approved by the delegates in session;
 - d) in the event of an equality of votes at any voting, there shall be a second voting, after which the Chairperson shall have a deciding vote;
 - e) the polling/tallying station shall be a location selected by NEB in every ward, branch or county where the elections are being conducted.
- 17.22 To qualify for seating as a delegate:
- a) each member attending a meeting or is a delegate to a convention or participate in Party primaries as a voter must be an individual member in good standing of the Party and his or her name appears on the Party's Register of Voters developed from the Party Member's register as certified by the Registrar of Political Parties;
 - b) each voter shall be entitled to exercise only one vote regardless of the number of positions held in the Party;
 - c) the persons selected by the party to serve as delegates to a convention shall be deemed to have been lawfully selected as such delegates;
 - d) 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;
 - e) all delegates to a meeting or Convention shall register as delegates which must be received by the National Executive Council at least 120 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;
 - f) only registered and paid members who are duly elected as delegates at the branch level shall attend and participate in the elections of the party's national officials during the National Delegates Convention;
 - g) the names of the delegates attending the meeting must be in the register of members of the party;

- h) delegates attending the meeting to elect national party officials shall be required to produce a valid party membership card, a valid national identity card or passport and a national voter's card;
- i) at least one copy of the party rules regulating the manner of selecting the delegates shall be shared to all branches;
- j) 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;
- k) 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;
- l) 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;
- m) 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.

17.23 Persons eligible to vote in this election shall be party grassroots officials being as follows:

- a) At the Polling Station (Membership)
 - i. 20 delegates elected as polling station party officials,
 - ii. 20 delegates elected as for the Women's Chapter,
 - iii. 20 delegates elected as for the Youth Chapter,
 - iv. 20 delegates elected as for the Party Disability Chapter.
- b) At the Ward (From each Polling Station)
 - i. 20 delegates elected as Ward Party officials,
 - ii. 20 delegates elected as for the Women's Chapter,
 - iii. 20 delegates elected as for the Youth Chapter,
 - iv. 20 delegates elected as for the Party Disability Chapter.
- c) At the Branch (From Each Ward)
 - i. 20 delegates elected as Branch Party officials,
 - ii. 20 delegates elected as for the Women's Chapter,
 - iii. 20 delegates elected as for the Youth Chapter,
 - iv. 20 delegates elected as for the Party Disability Chapter.
- d) At the County (from each Branch)
 - i. 20 delegates elected as Count Party officials
 - ii. 20 delegates elected as for the Women's Chapter,
 - iii. 20 delegates elected as for the Youth Chapter,
 - iv. 20 delegates elected as for the Party Disability Chapter.
 - v. all current elected and nominated Party members of the County Assembly,
 - vi. current elected and nominated Party members of the National Assembly,
 - vii. current elected and nominated Party members of the senate.

For purposes of this provision, every delegate under this clause shall only vote in the Ward where he/she is registered as a voter.

- 17.24 For National Delegates Convention, each Branch including Campus Club, Youth, Women, Minority and Disability Groups unless otherwise determined by the National Executive Council shall be entitled to:
- Three (3) delegates for 30 party members or less - At least one third must be of either gender;
 - Two (2) additional delegates for each additional 20 party members or major fraction thereof.
 - Two (2) representatives of special interest groups, including at least 1 representatives of persons with disability and 1 representative from the minority.
- 17.25 Each affiliate members shall be entitled to:
- Two (2) delegates for 30 party members or less; and
 - One (1) delegate for each additional 20 party members or major fraction thereof.
- 17.26 The following shall be entitled to delegate credentials:
- All former leaders of the Party;
 - All SFUP Members of Parliament;
 - All members of the Elected Leaders Caucus;
 - All members of the National Governing Board and National Executive Council;
 - The Chairpersons of all committees and organs created by the National Executive Council;
 - 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;
 - 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.
- 17.27 The quorum for the National Delegates Convention for the purpose of conducting elections for National Officials shall be half (50%) of the members eligible to attend and participate in the elections.

Ranked Preferential Ballot

- 17.28 A **Ranked Preferential Ballot** may be chosen as a voting method and shall be used as follows:
- A Ballot paper shall be distributed with each candidate listed in alphabetical order;
 - No name of any candidate shall be printed on any official ballot at any election except the name of a candidate approved by the Elections Board to enter into the party list;
 - Each delegate shall be required to number (rank) the candidates on the voting paper in order of that delegate's preference for the ballot to be valid;
 - The ranking of the candidates for consideration by the Selections Committee, shall be undertaken by the Scrutineers or Counting Clerks using the counting method described below;
 - The Scrutineers or Counting Clerk shall count the first preference vote for each of the nominated candidates who shall not be more than 10 candidates;
 - The candidate who obtains more than 50% of the valid votes shall be the top-ranking candidate and the successful candidate will be the one who secures one half or more of the valid votes cast;
 - In the event that after the first ballot count no candidate secures one half or more of the valid votes cast, the candidate with the least number of votes will be eliminated from the ballot and a further ballot held with the remaining candidates;

- iv. The next highest preference votes expressed by those who voted for the removed candidate shall be allocated to the remaining candidates. This process will be repeated until one candidate obtains more than 50% of the valid preference votes and they shall be the top-ranking candidate;
- v. In the event of more than one candidate receiving the lowest number of votes and if elimination of those candidates would leave at least three in the next succeeding ballot, both or all of those tying for the lowest vote shall be eliminated;
- vi. A new count will then commence to determine the second-ranked candidate. Commencing again with the first preference votes for all candidates, the highest-ranking candidate will be removed and their second preferences will be allocated to the remaining candidates.
- vii. A candidate who then obtains more than 50% of the votes shall be declared the second-ranked candidate;
- viii. In the case where a deputy is to be elected (including Deputy President and Deputy Governor, or in the National Officials) in the same meetings or convention, then the second ranking candidate will immediately assume that position;
- ix. If no candidate achieves that number of votes, the balloting process above shall be repeated until all candidates are ranked and one candidate is successful in securing one half or more of the votes cast, and that person shall be declared by the Chair to be the selected candidate for that Branch or County;
- x. In the event of two or more candidates obtaining the same and the highest total number of votes at any stage of the vote counting, in a primary held to nominate candidates for an elective office, and a tie vote thereby occurs, the casting vote cast by the Chair of the meeting shall choose between any tied candidates with the candidate ranking lowest being eliminated for that stage.

Direct Nomination

17.29 Notwithstanding any other provision in these Rules, the Party may issue direct nominations to candidates. Where direct nomination is the method to be applied, the NEB shall carry out a due diligence exercise to justify the use of this method. The due diligence exercise shall take into consideration any of the following:

- a) That there is consensus by candidates as set out above;
- b) Credible research has been carried out in regards to the relevant electoral area through a scientific survey conducted by a competent entity, to provide an evidence-based opinion that a particular candidate is best placed to deliver the relevant electoral seat for the Party.
- c) There is a confirmation that the aspirant is the only qualified candidate for the position that is the subject of the electoral exercise or stands elected.
- d) That such a direct nomination shall aid the Party to comply with the provisions of Article 81(b) of the Constitution of Kenya, 2010 as to gender thresholds provided that the candidate under consideration is qualified and capable of delivering the seat for the party.
- e) That the party leadership has for compelling reasons recommended that it is in the best interest of the party to issue direct party nomination to certain candidates.

17.30 In the application of the direct nomination method, the Party may also consider the views other representatives of the electorate from the applicable electoral area including but not limited to community opinion leaders; party members from the electoral area including women, youth and persons with disability; religious and cultural leaders; and;

- 17.31 Where a candidate and or his or her supporters disrupt the party primaries through the use of violence, intimidation and other means that make it impossible for the conduct of a free and fair exercise, the NEB shall have the authority to give a direct nomination to any of the other opponents if the time left, or the resource factor does not permit the repeat of the exercise in a credible manner.
- 17.32 The Party Supreme Advisory Committee shall meet to consider and approve the list of persons to be given direct party nomination certificates after consideration of the report that shall have been compiled by the NEB in line with the provisions of the sub-rules on direct nominations.
- 17.33 Where the Party issues a direct nomination to a candidate, the other candidates who had applied for that position shall be refunded the application fees paid.

Computer-Enabled Vote Tabulating System

- 17.34 Where circumstances demand, the NEB may opt to conduct a vote for an election through a computer-enabled method which means the NEB shall provide every polling centre with a suitable electronic gadget containing the requisite capability to support computer-enabled voting.
- 17.35 The voters shall, where applicable and subject to availability of a vote tabulating unit, cast their ballots using the portable scanning machine. This vote tabulator reads and records how the ballot is marked, deposits it into the ballot box, stores the information and produces election results after the close of the voting place. The unit is a portable ballot scan vote tabulator and sits on top of a specially designed ballot box.
- 17.36 The vote tabulating system uses one composite ballot on which is printed the candidates' names for any of the party or elective offices.
- 17.37 The voter shall use a special marking pen to fill in the blanks next to the candidate of their choice then the ballot is inserted into the vote tabulating unit by the Scrutineer in charge of the unit. The vote tabulator reads and stores the information in the unit.
- 17.38 The Presiding Officer and the polling clerks at the Polling stations shall facilitate computer-enabled voting by the voters in the electoral area.
- 17.39 At the close of voting on election day, the vote tabulator will print cumulative totals of all votes cast and the totals will be uploaded to a central server by the Returning Officer. The Presiding Officer shall declare the polling closed and proceed to announce the results as generated by every gadget used for polling at the Polling station; which the Presiding Officer shall then cause to be aggregated to determine the cumulative vote results for the entire Polling Station.
- 17.40 The final election results are produced by the vote tabulator unit, then the Presiding Officer shall declare the aggregated, cumulative results, in the presence of the candidates and /or their agents, where either is present.
- 17.41 The Presiding Officer shall transfer the results of the voting into the applicable physical forms for the results on every gadget used for voting and for the polling station as a whole, in the presence of the agents, who shall sign these forms.
- 17.42 The Presiding Officer shall transmit the Results to the Tallying Centre, using the gadget that is network-enabled. He/she shall also take photographic evidence of the signed physical forms and send the information to the returning officer and to the NEB results centre.
- 17.43 The Presiding officer shall physically deliver the signed used voters registers in sealed and marked envelopes; the signed electronic gadget and results forms and the gadgets used voting.

Universal Suffrage

- 17.44 Universal suffrage of registered party members (certified by the Registrar of Political Parties) shall be employed as the method of last resort in the election of Party candidates under these Rules.
- 17.45 It is hereby provided that where an election shall be held under the universal suffrage method the NEB shall determine the mode to be used having due regard to the number of registered party members (certified by the Registrar of Political Parties) as registered voters in the assigned polling station.
- 17.46 A Branch Executive proposing universal suffrage as its candidate selection process, shall decide to do so by notifying the NEB no less than one month before the opening of primaries and abide by any reasonable directives given by National Executive Council.
- 17.47 Where the NEB has determined that an election will be held for a specific electoral area by way of a vote by universal suffrage of registered party members, any of the following methods may be applied:
- a) Through a division where voters are separated into different clusters on the basis of the candidate they support (which may include queuing in support of the preferred candidates);
 - b) A vote is carried out by show of hands or Ranked Preferential Ballot in support of the preferred candidate;
 - c) A vote is carried out by secret ballot:
 - i. Through the manually-cast ballot voting system;
 - ii. Through a computer-enabled voting system.
- 17.48 The provisions on voting by universal suffrage of registered party members (certified by the Registrar of Political Parties) at the polling station shall be applied under delegates system with the necessary adjustments to elections including the following:
- a) The Polling station(s) for the nomination and voting by universal suffrage shall be at the Wards and as determined by the NEB.
 - b) The counting/tallying of votes shall be done at the polling and tallying stations.
 - c) The results for elections for candidates for the county assembly shall be declared at the polling stations or branch tallying centre and a certificate issued to the winners after such declaration.
 - d) The results for the positions of Member of the National Assembly, County Woman Representative to the National Assembly, Member of the Senate and Governor shall be declared after the tallying of their respective polling stations' results at the tallying centre.
 - e) All the results of the polling station shall be digitally transmitted to NEB by the Ward or Branch or County Returning Officer who shall take a photograph of the results declaration form and share the photographic images of the results as reflected and signed by the Presiding Office, candidates and/or their agents.

Election of Presidential Candidate

- 17.49 Further to Article 9.22 (e) of the Party Constitution, 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. The Party Leader shall be endorsed at the National Delegates Convention (NDC) as the Party's presidential candidate.
- 17.50 Without prejudice to the above provision, Article 9.20 (j) of the party constitution, all delegates of the party at the National Delegates Convention shall nominate or elect separately the Presidential Candidate and the Deputy President.

- 17.51 The National Delegates Convention (NDC) shall be duly convened as prescribed under Article 23.8 of the Party Constitution and constitute not more than 3,000 delegates.
- 17.52 The delegates present shall convert into a National Electoral College and participate in the elections to endorse the Party Presidential Candidate.
- 17.53 Where the Party Leader is to be endorsed by the NDC as the Party's presidential candidate, the following procedure shall apply:
- a) A plenary of delegates who are eligible to vote at the NDC shall be convened by the relevant officials in consultation with the NEB for purposes of carrying out the election.
 - b) The Chairperson of the NEB, after confirming that the candidate has complied with the eligibility requirements under the applicable laws and these Rules, shall call out the Party Leader's name.
 - c) The Chairperson of the NEB after calling out the Party Leader's name, shall invite a proposer and seconder, to so propose and second the Party Leader.
 - d) The Chairperson of the NEB shall call on the delegates in the plenary to audibly endorse their approval or non-approval of a candidate.
 - e) The Party Leader duly endorsed by the delegates shall be deemed duly nominated as the Party's presidential candidate and the Chairperson of the National Elections Board shall promptly issue the Party Leader with a Certificate of Nomination in the prescribed form.
- 17.54 Subject to these Rules, where there is a vacancy in the office of the Party Leader or the Party Leader does not wish to present his or her candidature for election to the office of President the NDC shall, acting as a National Electoral College, elect a person to be the Party's presidential candidate from among suitably qualified candidates to be the Party's candidate for office of President. This follows a rigorous exercise of receiving proposals to fill in these positions from Regional Representative Council and the County Associations or any other Party organ and Committee;
- 17.55 Subject to this rule, the Party's Presidential candidate may be selected by the consensus of the party presidential aspirants and affirmed through a vote by acclamation of the delegates at the NDC.
- 17.56 Election of the Party Presidential candidate by acclamation shall be conducted by plenary affirmation or rejection of a proposed nominee by the acclamation of 'Aye' or 'Nay' by the delegates eligible to participate in the election and present in the plenary meeting convened for this purpose. The process shall be as provided below:
- a) A plenary of delegates who are eligible to vote at the Convention shall be convened by the relevant officials in consultation with the NEB for purposes of carrying out the election or nomination.
 - b) The Chairperson of the NEB at the plenary shall call out for the name of any candidate for the position of Presidential candidate.
 - c) The Chairperson of the NEB, after confirming that the candidate has complied with the eligibility requirements under these Rules, shall call out the candidate's name.
 - d) The Chairperson of the NEB after calling out the candidates' names, shall invite the proposer and seconder of each candidate, to so propose and second each of the candidates.
 - e) The Chairperson of the National Elections Board shall call on the delegates in the plenary to audibly acclaim their approval or non-approval of a candidate by saying 'Aye' or 'Nay', as the case may be.
 - f) A candidate shall be deemed to have been duly elected if the 'Ayes' exceed the 'Nays'; or to have been rejected if the 'Nays' exceed the 'Ayes'.

- g) The Chairperson of the National Elections Board shall promptly issue the elected candidate with a Certificate of Nomination in the prescribed form

17.57 It is further provided that where there is no consensus in the choice of a candidate or by acclamation, the election of the Party Presidential candidate shall be by the vote of the delegates at the NDC conducted as prescribed below:

- a) The NDC shall elect the Party's Presidential Candidate from among the candidates who present applications for such election. The election shall be conducted by the NEB.
- b) For purposes of the Party Presidential candidate elections, the Chairperson of the National Elections Board shall be the Returning Officer.
- c) The National Elections Board shall co-opt such other members to support NEB in the effective conduct of the Presidential Election.
- d) Voting for elections under this Rule may be carried out through different methods including: a show of hands of the delegates in support of a candidate; a computer-enabled voting system, a requirement that delegates in support of the candidate rise up to be counted; or through a division where delegates will be separated into different clusters on the basis of the candidate they support.
- e) A delegate's identity will be determined before he or she is admitted into the NDC through the production of a national identity card or a passport; and verification of his or her reflection as a registered members of the Party and that his or her name appears in the Party delegate's register
- f) A Presidential election primary shall be determined by a majority of valid votes by the eligible voters. The Returning Officer and the electoral officers of the day shall count, in the presence of the agents of each candidate, the number of people who are clustered in a particular division for a candidate; or the number of hands raised in support of a particular candidate as the case shall be.
- g) The Returning Officer shall publicly declare the final results and promptly issue the Nomination Certificate to the candidate with the highest number of votes.
- h) In the event of a tie among the top candidates, the NEB shall hold a fresh Party primary at a date to be set by the National Delegates Convention and the candidates in that Party primary shall be only the tied candidates who garnered the highest number of votes.

RULE 18 – PROCEDURES FOR VOTING, AND ISSUANCE OF CERTIFICATES TO CANDIDATES

16.1 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 Director, Nominations and Candidate Elections, NEB and the election officials shall:

- a) Ensure that the venue for the elections is laid out in accordance with the method of vetting and voting to be used, the positions to be filled;
- b) Ensure that all the documents and material required for elections are available;
- c) Ensure that all delegates have a valid party membership card, national identify card or valid passport and the voter's card;
- d) Ensure that there is a quorum and only delegates in the certified list of delegates are present and participate in the elections;
- e) Confirm that all the candidates presenting themselves for nomination or elections have participated in all the levels of candidate identifications and interviews process and prior to voting;
- f) Arrange for security at the venue to ensure there's a conducive atmosphere for the free and fair elections

- g) Ensure the elections are devoid of violence, briber or other forms of inducements and undue influence or pressure;
 - h) Post the list of candidates alongside the positions they are vying for at the election venue and bring the same to the attention of the delegates.
 - i) Accredited media representatives within to cover the elections;
 - j) Have all other requirements necessary to complete the nominations and elections process as provided herein.
- 16.2 All eligible registered Kenyan citizens with the necessary documents shall be allowed to cast their votes in their respective polling stations.
- 16.3 No person shall vote in a sub-branch or branch or county other than that in respect of which he or she is registered as a voter and his or her name appears in the register of Party members.
- 16.4 No person shall be allowed to vote more than once.

Preparation of Polling Day

- 16.5 After the conclusion of all presentations by the candidates during the vetting and interviews to ascertain suitability, the ballot papers shall be issued to delegates for voting process to begin.
- 16.6 The NEB shall, after determining the best way to design the party primary logistics for efficiency, security of the process and the safety of the participants, and cost effectiveness:
- a) appoint a place or places at which the polling station/s for each electoral area shall be established; and
 - b) publish in the Party's NEB website a notice specifying-
 - i. the polling stations established for each branch;
 - ii. the place or places appointed for the establishment of a polling station/s for each electoral area.
- 16.7 At any Branch, the Nominations and Elections Board may determine the number and location of any polling stations for the purposes of elections and nominations in the branch; PROVIDED that there shall be at least one polling station in each sub-branch or ward as the case may be.
- 16.8 The NEB shall have regard to geographical considerations, accessibility for persons with special needs, (including persons with disabilities), population and any other factors affecting communication between places within the electoral area.
- 16.9 The Nominations and Elections Board shall provide and adequately publicize the following information:
- a) Names and numbers of nomination polling stations and polling streams;
 - b) Dates and hours of the vetting and confirmation of nominations;
 - c) Dates and hours of the polls, counting and issuance of certificates;
- 16.10 The information above shall be determined and published twenty-one days before the Candidates Selection Day (Interviews and Voting).
- 16.11 Only the following people may be admitted into a polling centre:
- a) Registered Party members for the Polling Station;
 - b) A Nominated Candidate for the electoral area including that Polling Station;
 - c) A person nominated as a deputy to the candidate, where applicable;
 - d) Member of NEC is present;
 - e) The authorised Party officials;
 - f) All authorised agents (not more than one agent for each candidate);

- g) Members of the NEB, Selection Committee and election officers on duty;
- h) Security officer including the police, or any other authorized security personnel;
- i) Persons necessarily assisting or supporting voters with special needs or assisted voter; and
- j) Observers and representatives of the print and electronic media accredited by the NEB.

16.12 The Presiding officer shall provide each polling centre with-

- a) hard copy of the Party Register of Voters for that polling centre;
- b) an electronic gadget where voting will be done using a computer-enabled voting system;
- c) the forms to be signed by the agents of candidates and polling centre officers; and
- d) such other materials for the better carrying out of polling.

16.13 The absence of agents shall not invalidate the proceedings at a polling centre.

16.14 No person shall be admitted into a polling centre if that person is wearing a badge or has any dressing, signifying symbols or other indication of support for a candidate in the primaries.

Postponement of Polling

16.15 The Presiding Officer may in consultation with the Nominations and Elections Board, postpone the election for such period as it may consider necessary where -

- a) there is a reason to believe that a serious breach of peace is likely to occur if the election is held on that date; and
- b) it is impossible to conduct the elections as a result of a natural disaster or other emergencies.

16.16 Where an election is postponed, the election shall be held at the earliest practicable time.

16.17 Notwithstanding the provisions of this rule, the NEB may declare the results if satisfied that the result of the elections will not be affected by the votes yet to be received and tallied from the affected polling centres.

Adjournment of poll to another day

16.18 The presiding officer may, after consultation with the NEB and the Returning Officer, adjourn the proceedings at his or her polling centre where they are interrupted by a riot, violence, natural disaster or other occurrence, shortage of equipment or other materials or other administrative difficulty, but where the presiding officer does so, the presiding officer shall re-start the proceedings at the earliest practicable moment.

16.19 The discretionary powers of a presiding officer shall include a power in the circumstances therein mentioned to transfer the proceedings to another polling centre or public facility in the same constituency after consultations with NEB, and where presiding officer does so -

- a) the presiding officer shall publicize the fact in such manner as is sufficient to bring it to the notice of voters; and
- b) the electoral area for the polling centre from which the proceedings are transferred shall, for all the purposes of these Rules, be deemed to be part of the electoral area of the polling centre to which the proceedings are transferred.

16.20 A presiding officer shall, in consultation with the NEB and the returning officer extend the hours of polling at the polling centre where polling has been interrupted under this Rule or for other valid cause and where polling in that polling centre has started late, extend the hours of polling by the amount of time which was lost in so starting late.

- 16.21 Where hours of polling have been extended as contemplated under sub-rule (18.19), the presiding officer shall give a detailed report on the clear facts justifying such extension of hours.
- 16.22 On the adjournment of the poll in a polling station, to another day, or on the close of the poll at one station with a view to transferring a ballot box to another station, and at any other time, a ballot box is not in use of the purpose of receiving ballot papers, the Presiding Officer shall close up the aperture used for the insertion of ballot papers in to the box and place his seal on it in such a manner as to prevent the insertion of ballot papers without breaking the seal.
- 16.23 The Elections Board shall provide for branch wherein such primary stands adjourned, ballots of the same form and description to be used in the primary on such adjourned day and conducted in the same manner as on the first day, except that the votes shall be cast for such office only and may only be cast for a candidate who received such a tie number of votes in the primary on the first day;
- 16.24 The Returning Officer shall be furnished with an accurate list of all candidates to be voted for at such adjourned primary.
- 16.25 The Elections Board shall, at least three days prior to the day of such adjourned primary, give notice of the day, hours, place and purpose thereof by publishing such notice in the Party Spectrum, newspaper advertisements, the E-newsletter, and other approved publications for general circulation;
- 16.26 No such primary shall be held, if prior to such primary all but one of the candidates for such office die, withdraw their names or for any reason become disqualified to hold such office, and, in such event, the remaining candidate shall be deemed to be lawfully voted upon as the party-endorsed candidate for such office.

Procedures to be followed during Voting

- 16.27 The voting day shall begin not earlier than 6.00am and close not later than 6.00pm except under special circumstances which shall be documented by the Presiding Officer and forwarded in a report to the Returning Officer.
- 16.28 The polling time may be adjusted by NEB based special circumstance that may be presented regarding any circumstances prevailing in an electoral area.
- 16.29 No party candidate may, from midnight before polling day in any election until polling stations are closed on that day -
- a) convene or hold a public gathering of any kind;
 - b) publish, or cause or permit the publication, of any advertisement or statement promoting or opposing a particular candidate;
 - c) disrupt the work of election officials at a polling station or counting station;
 - d) campaign or display campaign material within 100 yards of a polling station or counting station.
- 16.30 On polling day in any election, party members, all candidates and their supporters, must -
- a) co-operate with election officials to ensure that polling is peaceful and orderly and that voters are completely free to exercise their vote without being subjected to intimidation, annoyance or disturbance; and
 - b) generally, conduct themselves so as to respect the secrecy and integrity of the ballot.
- 16.31 The Returning Officer shall ensure that requisite logistics are in place at the election venue and that sufficient and relevant voting materials and equipment are available including and not limited to: -
- a) Prescribed Nominations Forms;

- b) Sufficient ballot boxes;
- c) Standard and acceptable ballot papers;
- d) Register of party members;
- e) Registers containing the names of certified elected delegates from the branch;
- f) Elections Forms for recording result and making returns;
- g) Identification cards for Election Officials;
- h) Vote tabulating unit (where applicable)
- i) Indelible ink for dipping voter's fingers after voting;
- j) Writing materials;
- k) Tables and chairs;
- l) Pressure/gas lamps;
- m) Back up generators (where necessary);
- n) Any Other material that may facilitate the proper conduct of election.

16.32 To commence elections, the designated Returning Officer shall:

- a) Call the meeting or convention to order and explain the procedures to be followed;
- b) Call out the vacant positions one by one and indicate the names of persons who have been duly nominated to vie for these positions;

16.33 The elections will be by acclamation or by show of hands in the first instance and the results thereafter announced and winners declared. Conversely, where there is no clear victory, or there is need for elections by secret ballot, the Returning Officer shall provide the delegates with ballot papers and conduct the election for each of the positions in a systematic order until all the position have been voted for.

16.34 Elections by secret ballot will be conducted under the guidance of the Nominations and Elections Board.

16.35 Where more than one candidate has been nominated for a particular position, the Returning Officer shall to conduct elections for that position but where only one candidate has been duly nominated for a particular position that has not been contested, there shall be no voting and the Returning Officer shall determine and declared winners for those positions.

16.36 The voting procedure shall apply as follows:

- a) Each candidate present for a primary may appoint one (1) designate agent per polling station in writing to check the voting activities on behalf of the candidates whose names appear on the ballot; Such appointment shall be notified to the Presiding or Returning Officers.
- b) The Presiding Officer shall ensure that;
 - i. no candidate for nomination in such primary may be an agent at such primary;
 - ii. the officials appointed by the Returning Officer to conduct the nomination, shall not perform the functions of an agent pursuant to this section;
 - iii. no agent of a candidate, shall be deemed to be a polling or counting agent, unless at the candidate submits a list of the names of such designees to the branch not later than forty-eight hours before the primary or thirty-six hours before the close of the poll in that election, the name and address of the agent and his/her appointment as such by the candidate has been transmitted to the Returning Officer;
 - iv. the Chair shall have one copy of the list each candidate's agent to verify that each such designee is enrolled in the party and notify the candidates of their agents' obligation and at the request of

any candidate, change such designations at any time before the opening or closing of the day of a primary;

- v. a person is not allowed whose name, address and authorization have not been transmitted to the Returning Officer to allow them attend to the counting of the votes notwithstanding that the appointment of the person is otherwise in order;
 - vi. ensure their agents may not enter and leave the restricted area during the hours of voting and if any such agent interferes with the orderly process of voting or attempts to influence any voter, he shall be evicted by the Chair or security officers.
 - vii. no party member other than an election official or security officer on duty shall, except with the authority of the Returning Officer or the Presiding Officer, conduct any communication for the purpose of voting whatsoever, with a voter who is in the immediate precincts of the polling station. This regulation shall not apply to a companion of a blind or incapacitated voter from communicating with the voter;
- c) Just before the commencement of the poll or voting, the Presiding Officer shall allow the candidates and/or their agents who are present at the station to inspect the ballot papers and note the serial numbers thereon and ascertain the boxes are empty;
- d) Every ballot paper for use at any election shall:
- i. Have a list of the candidates for selection all arranged alphabetically in the order of their surnames. The name of each candidate shall appear on the ballot as it appears on the Declaration of Candidacy;
 - ii. Have the photographs of the candidates (Optional);
 - iii. Be capable of being folded up;
 - iv. Have a serial number printed on the front.
- e) The Chair at the meeting shall issue the correct number of ballot papers to delegates and ensure that before each vote, the delegates are reminded of the voting conditions;
- f) A person applying for a ballot paper shall produce his/her national identity card/valid passport, a valid or founding constituent party membership card and a voter's card and present to the 1st Clerk to check whether the voter's details are in the e-register and upon satisfaction shall pass the documents to Clerk No. 2 issue a ballot paper;
- g) The voter shall be directed to the voting booth to cast their votes and then later collect his/her documents from Clerk No. 3 and dip the voter's little left finger in ink before leaving the station;
- h) The number of votes cast for each candidate throughout the voting process shall be confidential to the Scrutineers and the Returning Officer;
- i) If any voter purporting to be issued with a ballot paper in his/her name and either,
- i. Some other person has already been issued with a ballot paper in the name of the voter and the person so applying produces satisfactory evidence of his identity as that voter or
 - ii. The Presiding Officer is satisfied that the person duly applied for registration but;
 - 1. Her/his name was omitted from the voters register by mistake or
 - 2. The person does not produce to the Presiding Officer his/her identity when so requested under paragraph (f) of this rule, but produces a written declaration, in a form acceptable to the Presiding Officer, as to her/his identity,
- The Presiding Officer shall allow that person to vote, but shall record a statement of the particulars of the case.

- j) Any voter qualified to vote at any primary but because of unclear circumstances denied the right to vote or because his name has been checked off on the check list but claims that he has not in fact voted, shall be permitted to vote upon signing and furnishing to the chair with a statement, *as provided for under Annexure VII*;
- k) Any person wilfully making a false statement shall be guilty of false statement, and shall be subject to the penalties provided for false statement.

Votes Marked by Presiding Officer

16.37 Any ballot paper which is not returned to the Scrutineers or Presiding Officer at the Meeting or ballot paper returned which does not comply with the requirements or completed entirely shall also be treated as an invalid vote;

16.38 A ballot paper on which a vote is marked:

- a) elsewhere other than in the proper voting place shall be void;
- b) by more than one mark shall not, by reason thereof, be voided if an intention that the vote is for one or other of the candidates as the case may clearly appear;
- c) for more than one candidate and which anything is written or so marked as to be uncertain for whom the vote has been cast, shall be void and shall not be counted after display to all agents/observers/counting clerks present and the reasons noted on the reverse of the ballot paper;
- d) should not of itself identify the voter or should not show that the voter can be identified thereby;
- e) and has been placed in the wrong box shall not by itself make the ballot paper void and the Presiding Officer shall cause that ballot paper to be counted together with others in the election to which it relates;
- f) with the word "Rejected" and, if any objection is made by the candidate or counting agent to the rejected ballot paper, the Returning Officer shall add the words "rejection objected to."

16.39 A Presiding Officer on application at the polling station shall allow:

- a) A voter who is incapacitated to be assisted by either his/her own agent or a person appointed by the Presiding Officer;
- b) With the assent of the voter, a vote to be cast on behalf of a voter who declared orally that she/he is unable to read or otherwise requests the assistance of the Presiding Officer.

PROVIDED, in both instances, the Presiding Officer shall by means of a distinct mark, "VA" (Voter Assisted), placed opposite the name of the elector on the voter's register, indicate that the vote was so cast and the reason therefore, and the Presiding Officer shall allow one representative of each candidate to witness the marking or the vote under the regulation.

Spoilt Ballot Papers

16.40 A voter who has inadvertently dealt with his/her ballot paper in such a manner that it cannot conveniently be used as a ballot paper, may on delivering it to the Presiding Officer and proving to the satisfaction of such officer the fact of the inadvertence, obtain another ballot paper and the spoilt ballot paper shall be immediately cancelled and the counterfoil thereof marked cancelled accordingly.

Casting Vote

16.41 If a vote has been cast but results in a tie, the Chair shall lodge with one of the Scrutineers his or her casting vote. The casting vote shall be marked clearly "CASTING VOTE" and shall be held separately from all other ballot papers;

Sealing of Ballot Boxes

- 16.42 The Presiding Officers or Scrutineers shall ensure that the correct number of ballot papers has been returned and reconciles with the number issued at the beginning.
- 16.43 After the ballot box are sealed:
- a) the Presiding Officer shall cause them to be placed in the polling station, where they can all the time be in the view of himself/herself of the Deputy Presiding Officer and in the view of all the candidates or their agents;
 - b) the seal shall not be broken or the aperture opened until broken and opened in the presence of those persons who were lawfully present in the polling stations.
- 16.44 Where the Presiding Officer affixes his/her seal on a ballot box or on the aperture thereof, under this regulation, he/she shall permit any candidate or agent of a candidate, who so wishes, to affix his/her on the box or aperture.

Procedure on Close of Poll

- 16.45 Immediately after the close of the poll at his/her polling station, the Presiding Officer shall make a written statement of: -
- a) The number of ballot papers issued to him/her;
 - b) The number of ballot papers other than spoilt ballot papers used;
 - c) The number of spoilt papers; and
 - d) The number of ballot papers remaining unused.
- 16.46 Immediately after the completion of the statement under the above paragraph, the Presiding Officer in the presence of those candidates or their agents present with him, shall make into separate packets: -
- a) The spoilt ballot papers, if any
 - b) The marked ballot papers, if any
 - c) The marked copy of the register,
 - d) The counterfoils of the used ballot papers.
- 16.47 The packets containing the aforesaid statement, any statement/s and marked copies of registers and each of the ballot boxes in use at the polling station, shall be sealed in such a manner as to prevent the introduction of any matter into the packets or boxes or the opening thereof, and the Presiding Officer shall allow any candidate or agent who may so desire to affix his/her seal and padlock on the packet or box and keep the keys.
- 16.48 Where applicable and after complying with the foregoing provision of the regulation, the Presiding Officer shall, as soon as practicable, deliver the boxes with the keys, if any, and the sealed packets to the Returning Officer who shall take charge therefore, and the Presiding Officer shall permit candidates or their agents to accompany the ballot boxes and sealed packets in the course of delivery to the Returning Officer (where the case applies).

Procedure for Votes Counting

- 16.49 At the close of voting, the voting counting at each polling station, shall apply as follows:
- a) The Presiding Officer shall in the presence of candidates or their agents, count the votes cast for each candidate and enter the results in Election Return Form. The Presiding Officer shall certify the form and give a copy to the candidates or their agents;

- b) The Returning Officer or Presiding Officer in each Branch not divided into polling stations, and/or Returning Officer or Presiding Officer in each Branch divided into polling stations, shall ensure that they transmit the results of the vote for each office contested at any such primary to the NEB in the same manner and within the timeline as provided for in these rules or communicated on emailed to shikanaelections@gmail.com;
- c) The Presiding Officer shall retain copies of the election return forms and submit the original to the returning officer after announcing the results of the elections at the polling/counting station;
- d) If voting took place at different venue or the branch considered as one polling station, the Returning Officer shall take such steps as he/she deems reasonable, to give the candidates and their agents, notice of the time and place at which he/she will begin to count the votes; Notwithstanding the foregoing provisions of this regulation a Returning Officer shall not be obliged to where applicable, admit more than two counting agents of any one candidate to the counting of votes;
- e) Upon receiving of elections materials from the polling stations, vote tallying may be conducted at the branch headquarters under the supervision of the Returning Officer;
- f) The returning officer will make a written statement and announcement of the number of ballot papers issued to him/her, the number of ballot papers other than spoilt ballot papers used in the elections, the number of spoilt papers, and the number of ballot papers not used;
- g) The Returning Officer shall not commence to count votes unless he/she, is of the opinion that he/she can conveniently complete the count or any recount, without break. They shall, so far as practicable proceed continuously with the counting of votes, allowing time only for refreshment;
- h) Once the ballot box is opened, the counting must be finished before the breaking. But having commenced the count, if the Returning Officer considers it desirable and after consultation with such candidates and their counting agents present, shall exclude the hours between seven O'clock in the evening and nine O'clock in the following morning;
- i) The Chair of the committee and the Scrutineers present shall ensure the Ballot box is locked at the conclusion of that meeting and shall ensure that there has been no interference of the ballot box before all of the votes are counted;
- j) It shall be the duty of the Scrutineers to ensure that the correct number of ballot papers has been returned and reconciles with the number issued at the beginning and that the number of votes cast for each candidate throughout the voting process is kept confidential;
- k) Any ballot paper which is not returned to the Scrutineers at the Meeting or ballot paper returned which does not comply with the requirements or completed entirely shall also be treated as an in-valid vote;
- l) Upon announcement of the votes by the chairman, scrutineers, presiding officers, clerks and agents may remain within the station for the purpose of checking and confirming the final list of party-endorsed candidates.
- m) During any time excluded, the returning officer shall place the ballot papers and documents relating to the election under his/her own seal of the candidates and their counting agents as may consider to affix their seals and shall otherwise take due and proper precautions for security;
- n) Upon conclusion of the voting, the Returning Officer and the Presiding Officer shall count and make the final tally of the votes cast in all the polling stations in a sub-branch or branch as the case may be, with respect of the National or County offices, Members of the County Assembly, Member of National Assembly, Senators, Women Representative, Governor and Presidential Candidate and shall forthwith cause to be tabulated the result of the votes cast in the several branches in which such primaries have been held;

- o) The candidate who receives the highest number of votes for the position shall be declared the winner. In the event of a tie, a repeat poll shall be conducted until the winner is determined;
- p) The Returning Officer shall announce the results publicly in respect of each position and prepare a written report and certified list of elected officials, give copies to the candidates or their agents;
- q) The persons elected to national offices shall assume office as soon as they are declared elected, provided that the outgoing officials shall hand over to incoming officials within seven days of the elections;
- r) The Returning Officer shall after the announcement of the results with the approval of the Selection Committee, and thereafter, hand over the documents and materials to the Nominations and Elections Board within 24 hours;
- s) Any candidates, delegate or the chairman, may question or challenge such announcement, and thereupon, announce his own vote or apply for a recanvass (recount) of the results.
- t) If no such application is made, or if any such recanvass results in a tie vote, such primary shall stand adjourned for two weeks at the same hour at which the first primary was held; The provisions of this law shall not apply to National Delegates, unless otherwise sanctioned by the party leader, and National delegates shall continue to vote individually on any roll call;
- u) The candidates or counting agents, if lawfully present when the counting or any recount of votes is completed, may require the Returning Officer to have the votes recounted, or the Returning Officer may, on his own initiative have the votes recounted or again recounted but shall be in sole discretion of the Returning Officer whether or not to order a second or subsequent recount;
- v) No steps shall be taken on the completion of a count or recount of votes until the candidates and the counting agents present at the completion have been given a reasonable opportunity to exercise the rights given by this regulation;
- w) Once all candidates have been notified of the election results, they may request that the Returning Officer to provide them with the actual number of votes cast for the office they were seeking. The successful candidates shall be called to confirm their election and the persons elected to national offices shall upon declaration of results of election assume office with immediate effect
- x) Upon the completion of a count (including any recount) of votes, the Returning Officer shall draw up a statement under any such of the following headings as may be applicable and seal up in separate packets;
 - i. The counted ballot papers,
 - ii. Want of official mark,
 - iii. Voting for more than one candidate
 - iv. Writing or marking by which the voter might be identified
 - v. The number of rejected ballot papers together with the statement relating thereto
- y) Each Returning Officer shall, immediately lock the voting tabulators against voting after the ballots have been counted.

Vote Tallying

- 16.50 The NEB shall designate the tallying stations/s to be used for tallying and announcing the Party primary elections results as it may deem necessary.
- 16.51 The NEB shall appoint one or more Returning Officer/s to each designated tallying centre, one or more deputy Returning officer/s and the necessary number of counting/tallying clerks to support the tallying process.

16.52 Where the Party adopts the method of computer aided voting, the NEB may set up one Tallying centre per constituency and per county and design an application that ensures that the voting from all polling centres is designed in a manner that facilitates the transmission of all the polling centre votes to accurately aggregate the results of each electoral area including every Ward, every Constituency and the 3 county positions (County Woman Representative position, the Senate and Gubernatorial positions).

16.53 Where there is one County tallying centre, the NEB will determine whether to have one or more Returning officer/s for the centre.

Announcement of Voting Results and issuance of Nomination Certificates

16.54 Announcement of results and issuance of Nomination Certificates shall be as:

- e) No candidate and no office-bearer or member of a political party, may purport to declare or announce the results of an election before it has been declared officially by the Returning Officer or Supervisor of Elections.
- f) Each Returning Officer shall, tabulate and collate the certified results received from Presiding Officers at the Polling stations or branch level and publicly declare the result of the result of the nominations, in the presence of the other officials, all the candidate (s) and/or their agents;
- g) The Returning Officer shall thereafter issue a certificate of return showing the total number of votes cast in the election and the total number of votes garnered by each candidate in every polling station or branch and which shall be signed by either the candidate or their agents and a certified copy of which shall be immediately forwarded to the Nominations and Elections Board for safe custody for a period of three months;
- h) The Elections Board shall thereafter upon receiving the names of the nominees consider the material submitted to them and have an unfettered discretion to approve or disapprove the nomination list.
- i) An investigation may be undertaken on its own behalf, of any listed candidate but shall not be bound to interview a candidate it rejects or assign any reason for rejection;
- j) The NEB shall forthwith officially notify the National Executive Council within 48 hours of the end of the vetting and voting process, of the slate of candidates approved or disapproved by a written report, the final vote tally and the final party-endorsed list of all qualified applicants with respect to nominations of the Member of County Assembly, Member of National Assembly, Members of Senate, Governor and County Women Representatives, President and Deputy-President which shall forthwith be communicated to the Branch;
- k) The Branch Executive Committee shall without undue delay notify candidates whether or not the National Executive Council 's approval has been given to their candidature, then the Branch shall host an event during which the National Executive Council, the Elections Board and Nominations and Candidate Selection Committee and other officials shall have an opportunity to meet and discuss the conduct of the candidates;
- l) Whenever the party holds a meeting for the endorsement of candidates to elective office, each candidate endorsed at such meeting and convention shall file with the Nominations and Elections Board, a certificate, signed by him, stating that he was endorsed by such convention;
- m) Upon receipt of the certified copy of the certificate of return from the NEB and where no appeal has been lodged at the appeals tribunal, the NEB shall proceed to announcements of the national results within 72 hours of the nominations;
- n) Upon receipt of the certified copy of the certificate of return and where no appeal has been lodged at the Appeals Committee, the Elections Board shall proceed to process and issue the nomination certificate to the declared winner within seven (7) days of the primaries or determination of a dispute.

- o) Such certificate shall be attested by (1) the Chairman of the Nominations and Candidates Selections Committee (2) the Chairman of the Elections Board, (3) the party Leader and whose names shall be communicated to the independent Boundaries Commission, as the ones authorized to sign party nomination certificates unless where one of them is missing, in which case the National Executive Council shall propose an alternative signatory.
- p) The NEB shall accordingly enter the name of the winner on the party list and the same shall not be removed except by a decision of the Independent Electoral and Boundaries Commission Complaints and Dispute Resolution Committee or an order of the High Court;

Retention and Public Inspection of Documents

16.55 The following procedures shall apply for retention and public inspection of elections documents:

- a) All elections documents and materials after the election results have been declared shall not be destroyed until the expiry of one (1) year at the Party Headquarters.
- b) Documents retained under this regulation other than ballot papers and their counterfoils shall be made available for inspection by any member of the public upon a written request made by him/her, at a fee and such time and a date, and subject to conditions as may be decided by the National Executive Council;
- c) For the purpose of an inspection under paragraph (b) above, the Returning Officer shall unseal the documents concerned in the presence of a witness, who shall not be the person making inspection. The Returning Officer shall also seal the documents in the presence of the witness after inspection is completed.
- d) A Returning Officer shall on request issue copies or extracts from, any document open to the public inspection under this regulation on payment of such fees as may be sanctioned by the Party.
- e) The voting tabulators, if any, used in any primary shall not be unlocked for a period of six months from the date of the primary, unless otherwise ordered by the National Executive Council and if a contest or investigation is pending, such tabulators shall not be unlocked for such longer period of time as may be ordered by any judge of the Superior Court.

16.56 The NEB shall compile and 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, the list of all persons who have been duly nominated and endorsed as the party candidates for various civic or elective positions and also making it open for inspection at all offices of the Returning Officers.

Categories of elections covered

18.57 These rules shall govern nomination of party candidates in respect of any nomination to be held for Presidential, Gubernatorial and his/her Deputy, Parliamentary and Civic/ County Assembly Elections.

RULE 19 - GENERAL ELECTIONS AND CAMPAIGN PRINCIPLES

19.1 The Nominations and Elections Board shall give a period of not more than ninety (90) days to all respective candidates to campaign for the various positions vied for before the candidate selections day or as provided for by the IEBC before the general elections.

19.2 The Nominations and Elections Board shall determine from time to time the period during which candidates shall be permitted to campaign. No campaigns shall be permitted 48hours before polling day and on the polling day.

- 19.3 For the purpose of conducting campaigns during elections, the regulations herein should direct the members, officials and candidates on their obligations during any of the campaign period.
- 19.4 The party undertake to acknowledge the authority of the Independent Electoral & Boundaries Commission in regard to the exercise of its statutory' and constitutional power to promote and facilitate the commission's mandate in so far as campaigns and elections are concern.
- 19.5 Until the final party primaries, nominees shall not, without the express prior written approval of the Elections Board, undertake any form of publicity or publication, including any comments to the media, or on any social media, or participate in any public meeting (other than in any official capacity that exists otherwise than as a candidate), or attend and address any meeting of the Party members.
- 19.6 Persons who become candidates on the list are required to comply strictly with the party rules and the restraint above shall equally apply them.
- 19.7 If a candidate is considered by the Branch Executive or the National Executive Council to have breached these provisions as to act in a manner that is prejudicial to the interests of the Party, the candidate shall be warned to comply with the rule and any further breach of that may be notified to the Nominations and Elections Board for necessary actions to be taken in accordance to these rules and the constitution.
- 19.8 Where any nominee for the Party List, fails to, in the opinion of the National Executive Council, comply with the provisions of these rules the Elections Board may review such Candidate's position.
- 19.9 A candidate to whom Rule 19.7 above is applied, shall be invited to attend a meeting set up by the Elections Board prior to a motion being put for a change of position or deletion from a position on the Party List. The candidate must be informed of the reasons for dissatisfaction with his or her behaviour, and given an opportunity to state his or her case.
- 19.10 The decision of the National Executive Council in consultation with the Nominations and Elections Board shall be final and binding and no reasons shall be required to be given.

Campaign Related Guidelines

- 19.11 During campaigning, all our candidates and election officials shall adhere to existing electoral and civil laws as well as the provisions of the National and the Party Constitution.
- 19.12 Besides existing laws, the party, its members, party officials, all candidates vying on the party ticket, agents, party workers and supporters shall; -
- a) adhere to the public order requirements by coordinating their campaign activities such that no two Political Parties shall hold public meetings or rallies in the same locality on the same day if such meetings or rallies are likely to be so close to each other that a possibility of creating conflict arises;
 - b) avoid all activities constituting to electoral offences such as offering gifts and gratification or inducing other persons to stand or not to stand as candidates, to withdraw or not to withdraw their candidature, buying voter identity cards from voters and generally bribing of voters;
 - c) not obstruct, disrupt, break- up or cause to be broken up meetings or rallies organized by other Political Parties and candidates;
 - d) not interrupt or prevent speeches and the distribution of handbills or leaflets, and the posting of posters by other Parties' and candidate;
 - e) in the course of campaigning avoid destroying, removing, defacing or in any way tampering with paraphernalia of other parties or candidates, plagiarizing the symbols, slogan, logos, handbills and other publicity materials of other parties and candidates for legal or illegal activities;

- f) refrain from impeding the rights of access of other political parties and candidates for purposes of voter education, fund-raising, canvassing, and campaigning;
 - g) refrain from publishing offensive literature and campaign material and may express divergent opinions in a peaceful and persuasive manner;
 - h) be non-offensive and, in this regard, to erect non-offensive banners, placards advertisement and notices and to promote campaigns by lawful means only;
 - i) desist from the carrying of arms and offensive weapons and the display of same, and shall extend co-operation to the law enforcement agencies, particularly for the purpose of recovery of illegal arms;
 - j) not take any extra-legal initiative for the release of any person arrested for offensive weapons during campaigns and elections and on no account should any Party or Candidate initiate such extra-legal measures for the release of such persons from lawful custody;
 - k) refrain from incitement to hatred on the basis of gender, ethnicity, religion, creed or sect or any other criteria, personal attacks and acts of violence either directly by themselves, through leaders, assigns, members, representatives, agents and privies or by proxies;
 - l) desist from the use of abusive or inflammatory language or incitement, heightening of ethnic and other tensions;
 - m) refrain from holding public meetings within 48 hours to the polls and from canvassing within the precincts of polling stations on polling day;
 - n) continue to scrupulously observe all laws and rules so long as they continue to apply outside election and campaign periods;
 - o) be sufficiently trained for registration and other party activities and exercises;
 - p) ensure fairness in party activities, moderating such activities in a manner that minimizes tension and avoids misrepresentation;
 - q) in collaboration with the police meet in a cordial manner to resolve issues without resorting to violence, where dates, venues and timing for any of the above activities clash; and
 - r) ensure a level playing field and equality of opportunities for all Political Parties at all times outside elections and campaigns;
- 19.13 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.
- 19.14 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.
- 19.15 In respect of nominations and elections, any persons who is a member of the party and desires to occupy any party position shall be disqualification if;
- a) Without authority he makes, prepares, prints or is in possession of a document or paper purporting to be a register of Party members;

- b) Knowingly makes any false statement on, or in connection with any application to be registered as a nominee;
 - c) He/she undertakes or promises to reward a voter to refrain from voting, gives, causes to be given to a voter, pays or undertakes or promises to pay wholly or in part to or for any voter, expenses for giving or providing any food, drinks refreshment or provision of any money, ticket or other means or device to enable the procurement of any food, drink or refreshment; or
 - d) After an election, gives, provides or pays any expense wholly or in part to or for any particular voter or any other voter for having voted or refrained from voting as aforesaid;
 - e) Directly or indirectly, lends or agrees to lend, or offers, promises or promises to procure or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter or to or for any other person in order to induce any voter -
 - i. To vote or refrain from voting for a particular candidate;
 - ii. To attend or participate in or refrain from attending or participating in any meeting of a candidate, march, demonstration or in some other manner lending support to or for a candidate;
 - iii. Corruptly does any such act on account of such voter having voted for or refrained from voting;
 - iv. In any manner unlawfully influences the result of an election or nomination;
 - f) Directly or indirectly, makes any gift, loan, offer, promise, procurement, or agreement to any election official or voter to -
 - i. Procure the election or nomination of any person; or
 - ii. Procure the vote of any voter at any election or nomination;
 - g) Advances, pays or causes to be paid any money to, or to the use of any other person with the intent that such money or any part thereof shall be used in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part used in bribery at any election or nomination;
- 19.16 Any delegate may be disqualified by the Nominations and Elections Board from taking part in the nominations and election of any candidate if:
- a) He/she induces, influences or procures any other person to vote in an election knowing that the person is not entitled to vote in that election;
 - b) He/she accepts or takes any food, drink, refreshment, provision, any money or ticket, or adopts other means or devices to enable the procuring of food, drink refreshment or provision knowing that it is intended to influence them shall be disqualified to vote in the Party's nomination;
 - c) He/she directly or indirectly in person or through another person on his behalf uses or threatens to use any force, intimidation, promote political violence including sexual violence, restraint, or material, physical or spiritual injury, threatens to inflict injury, damage, harm or loss harmful cultural practices, damage or loss, or any fraudulent device, trick or deception for the purpose of or on account of -
 - i. Inducing or compelling a person to vote or not to vote for a particular candidate at an election for nomination;
 - ii. Impeding or preventing the free exercise of the franchise of a voter;
 - iii. Inducing or compelling a person to refrain from becoming a candidate or to withdraw if he has become a candidate; or

- iv. Impeding or preventing a person from being nominated as a candidate or from being registered as a voter.
- d) He/she bribe party officials prior to and during the party nominations and elections;
- e) He/she make public utterances and machinations that may arouse racial, ethnic, religious or gender animosities amongst the party member;
- f) He/she misappropriate party funds and misusing party facilities;
- g) He/she pledge or show allegiance to another political party without the party's consent;
- h) He/she disregard or undermine party policy decisions including the election and nomination rules and procedures;
- i) He/she engage in any conduct with respect to elections, which would invite disciplinary proceedings under the Constitution of the party.

Election Related Guidelines

19.17 During elections, whether general election or a by-election, in which our party is participating, the party shall jointly with other political parties: -

- a) Work to safeguard the integrity of the electoral process and shall ensure absolute transparency and honesty before, during, and after polling day transactions;
- b) Co-operate with election officials for the efficient, transparent and uninterrupted administration of elections;
- a) Extend full co-operation educate election officials in the performance of their legal duties in order to ensure peaceful and orderly polling;
- b) Observe rules and regulations restricting the number of individuals with access to the polling station on polling day;
- c) Refrain or refuse to engage in confrontation or open arguments with election officials at the polling stations;
- d) Either route any complaint, protest or challenge relating to processes and procedures at a polling station through the party agent(s) to the presiding officer or the security officer for resolution. Thereafter an aggrieved party or person is at liberty to seek redress in the law courts of the state.
- e) Actively discourage members and supporters from engaging in multiple voting and other forms of cheating such as voting in the name of deceased and absent voters as well as minors and other unqualified persons;
- f) Recognize and acknowledge the rights of accredited observers and monitors and other accredited persons for the purpose of entering a polling station or area and observing the conduct of elections;
- g) Recognize that the use of thugs, terrorizes the voters and creates tension and an atmosphere of intimidation on polling day. Consequently, all political parties shall always refrain from the recruitment and deployment of such individuals on polling day and all times;
- h) Together with the IEBC, create on polling day an atmosphere that is conducive to free and fair voting;
- i) Refrain from coating, threatening and intimidating other political parties and candidates so as to prevent them from carrying out their lawful activities at the polling station;
- j) Refrain from fraudulently procuring results and votes by invasion occupation of polling centres and any other lawful means.

- k) Instruct the party agents in attendance at polling stations to perform their duties in accordance with the electoral laws and regulations.

RULE 20 – INTERNAL DISPUTE RESOLUTION AND APPEALS

- 20.1 In further pursuant to the Provisions of Chapter 10 (Article 28) of the Party Constitution on Dispute resolution and Disciplinary mechanisms, these Nominations and Elections Rules and Procedures and any other state laws, shall prescribe the manner in which any dispute as to the endorsement of a candidate for party or elective office or for appointment of committee member (s), including conflicting claims to such endorsement or selection, shall be resolved.
- 20.2 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.
- 20.3 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.
- 20.4 Procedure for various levels of complaints and disputes:
- a) Complaints against nominations and election of Governor(s), MP(s), Senator(s) and National official(s) shall be held and determined at National Executive Council; the complaints against nominations of County Assembly Representative(s) and branch official(s) shall be heard and determined at Branch Executive Committee under the supervision of the NEC and NEB and the complaints against sub-branch, ward and polling station officials shall be heard and determined at Sub-branch Executive Council under supervision of NEB. Once the complaint has been received by SBEC, BEC or NEC; they shall be under duty to inform the NEB and NEC and the accused.
 - b) Within 7 days, the party through the Secretary General or Secretary to the branch or secretary to the sub-branch (as case may apply) constitute a dispute resolution committee instead of disciplinary committee to attempt to resolve the dispute.
 - c) If the complaint 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 which 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 sub-rule 20.4 (c), 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 as provided for under Article 28.5 of the party constitution;

Disciplinary and Election Appeals Tribunal

- 20.5 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.

- 20.6 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.
- 20.7 All members shall form a quorum unless otherwise validly specified by the NEB.
- 20.8 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.
 - g)
- 20.9 The members of the DEAT shall be appointed by the Party Leader on the recommendations of the NEC.
- 20.10 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.
- 20.11 The chairperson of the NEAB shall be a person qualified to hold the office of a Judge of the High Court of Kenya.
- 20.12 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.
- 20.13 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.
- 20.14 No member of the National Executive Council or Disciplinary and Proceedings Committee may be a member of the Panel.
- 20.15 The DEAT shall formulate its rules of procedures that the NEC will approve.
- 20.16 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.

- 20.17 No member of the Tribunal shall, during his or her tenure of office, be an aspirant in any party election or nomination.
- 20.18 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.
- 20.19 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.
- 20.20 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.
- 20.21 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.
- 20.22 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.
- 20.23 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.
- 20.24 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.
- 20.25 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.
- 20.26 Parties have a right to represent themselves or be represented by legal representatives of their choice before the Disciplinary and Election Appeals Tribunal.
- 20.27 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

- 20.28 The hearing may be physical or virtual as the parties may elect and as the circumstances of the case may dictate.
- 20.29 Parties may be heard orally in person or the hearing can be a document only hearing.
- 20.30 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.
- 20.31 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
- 20.32 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.
- 20.33 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.
- 20.34 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.
- 20.35 The Chairman shall be at liberty to decide on all the enquiries, the procedural matters, whether to refer them to other alternative resolution mechanism.
- 20.36 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.
- 20.37 The DEAT will be independent, neutral and impartial in the determination of its cases and in the execution of its mandate.
- 20.38 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.
- 20.39 Members of the DEAT shall abide by this Constitution, the Code of Conduct and the party rules.
- 20.40 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.
- 20.41 The decisions of the Panel will be filed at the Political Parties Disputes Tribunal.
- 20.42 DEAT shall consult with the Secretary General, Party Leader and Director of Elections in their service delivery.

ANNEXURES

ANNEXURE I: THE CODE OF CONDUCT

1. Preliminaries

1.1. In this Code of Conduct (**herein after referred to as the Code**)

"Conflict of Interest" means a situation where a member's private interest or that of a family member interferes or appears to interfere in any way with the interests of the party as a whole or the office the member holds;

"National Executive Council (NEC)" means the executive organ of the Party;

"Member" means a member of the Party; and

"Party" means Shikana Frontliners for Unity Party (SFUP).

2. Objectives

2.1 This Code is a statement of the fundamental principles and key policies that set out the standards of behaviour generally accepted of party members, officials, staff and workers in the Party, all candidates vying on the party ticket, agents, and supporters, during their membership with the Party and the performance of their function in accordance with the Party Constitution.

2.2 In the performance of their duties, members shall conduct themselves with the highest standard of personal integrity and not involve themselves in any dishonourable behaviours. In this regard, the conduct of Members of party shall be regulated by various applicable laws which seek to uphold the dignity of the party members, their office and to enable smooth execution of the party's mandate.

2.3 Without prejudice to the generality of Rule 2.1, the objectives of this Code of Conduct shall be to:

- a) make all members accountable for their behaviour and maintain public confidence and trust in the Party;
- b) set out the accepted standards for legitimate regulation and transparent evaluation the behavior of members in relation to party affairs;
- c) provide for greater certainty and guidance on how to reconcile a member's private lives with their public live;
- d) establish common rules and provide the means by which questions relating to the accepted standards of behaviour are addressed; and
- e) provide grounds for dismissing and disciplining those in breach of the party rules and code of conduct.

2.4 Every member shall subscribe to this Code of Conduct and sign the Pledge of Commitment provided in Annexure II at the time of joining the Party.

2.5 In addition to the foregoing, the party shall adopt a Code of Ethics and numerous policies addressing specific aspects of its business. When appropriate, it is in order to refer to those separate policies and the Party Constitution. The terms and conditions of those policies should be considered incorporated as part of this Code.

2.6 If there's perceive conflict between the Code and a specific policy, a member shall bring it to the attention of the Party's Secretary General, who serves as the Compliance Officer under this Code. Nevertheless, the specific policy must be complied with.

2.7 While the Code sets out the principles of conduct, every member is expected to comply with all applicable laws, regulations, standard operation procedures, and legal, and licensing requirements, including directions and orders of the party leader or any statutory or regulatory authority.

- 2.8 Because the party operate in diverse geographic locations, members, officers and candidates must be mindful of observing the laws of the jurisdictions in which the party conduct business.
- 2.9 The Code does not create any rights and does not constitute an employment contract or assurance of continued membership of the party. Members are enrolled at-will who may choose to resign their membership at any time, for any reason or for no reason at all. Similarly, the party may choose to terminate a member's or a candidate's membership at any time, for any reason or for no reason at all.

3. Duties of Party Member

3.1 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.

4. Rules Governing Conduct of Members, Candidates and Officials

4.1 The Code elucidates the overarching principles of ethical behaviour that every member shall observe as follows:

- a) Respect and adhere to the Constitution of Kenya, all laws of the land in particular the political parties and Elections laws and the SFUP Party Constitution;
- b) Carry out duties efficiently, honestly, transparently and in an accountable manner that maintains public confidence in the integrity of the party and foster the Party's relationships with the people of Kenya, governance institutions, partners of the Party, other political parties and the private sector;
- c) Enhance the desirability of the Party to maintain a reputation for high standards of performance and level of professionalism within the party as regards the rule of law, democracy, leadership and integrity, governance, justice and fairness;
- d) Accurately and honestly represents information to the public;
- e) Take personal responsibility for the reasonably foreseeable consequences of any actions of violence, theft, corruption, rumor mongering, mudslinging or any other commission or omission, arising from the discharge of the duties under the Party Constitution and are therefore deemed inconsistent with my spirit to the Party. A member who is an official of the Party is in a position of public trust and the authority and responsibility vested in the official shall be exercised by the officer in the best interest of the Party and that of the people of Kenya;
- f) At all times, carry out the duties with impartiality and objectivity in accordance with the law and the Party Constitution and shall not practice favouritism, nepotism, tribalism, cronyism, religious bias or engage in corrupt or unethical practices;
- g) Any member must not waste the party's time and resources or take part in unauthorized and/or illegal activities. At all times, conduct private affairs in a manner that maintains public confidence in the integrity of the office they hold and the Party;
- h) Any conduct which constitutes moral or physical harassment, or any other form of abuse of power, is equally prohibited;
- i) All members have a responsibility to treat everyone including members of the public with courtesy, respect and consideration at all times. Improper behavior includes, but is not limited to, discrimination

against any person or harassment in any form such as bullying, intimidation, threats, ridicule, sexual, racial or verbal abuse, insults, gestures, wilful or serious insubordination, physical violence, etc.

- j) Avoid sexual harassment or sex-based misconduct which is a form of discrimination that takes place when someone is subjected to unwelcome, offensive and unwanted sexual behaviour or other conduct related to their gender and this may be in through inappropriate and unwelcome physical touch, inappropriate comments to assault which can be either verbal, non-verbal or physical and can take place both in person or online. The party will take prompt and appropriate action to prevent and, where appropriate, punish behavior that constitutes harassment;
- k) Avoid tribalism and racism of any kind and commit to combating all forms of racism, including antisemitism and Islam phobia. The party is a welcoming home to all Kenyan communities, with no place for any prejudice or discrimination based on ethnicity, race or religion as long as they share in its ideology, its aims and values, and encourages open political debate and campaigns. SFUP will not tolerate racism in any form inside or outside the party.
- l) All members are entitled to equal opportunity and equal treatment based on merit. The party will not tolerate discrimination against any person on the basis of race, religion, color, gender, age, marital status, national origin, sexual orientation, gender identity, citizenship, or disability, or any other basis prohibited by law.
- m) The party will not tolerate behaviour or the use of discriminatory language or actions, or any other remarks, jokes, or conduct that target or intimidates members of ethnic or religious communities, or incites tribalism or undermines the party's ability to campaign against any form of tribalism or sectarianism or foster an offensive or hostile work environment.
- n) At all times not use the position held in the party or in the public to unlawfully or wrongfully enrich themselves or any other person;
- o) At all times not misuse party or public resources, and shall take all reasonable steps to ensure that party or public property in the member's custody, possession or control is taken care of and is in good repair and condition and is used for the benefit or the Party and public;
- p) Treat a gift or donation given to a member in the course of official duties as a gift or donation to the Party, and the member shall declare the gift or donation to the Party. Provided that members shall not accept any gift or donation which is likely to compromise their personal judgment or integrity or bring the Party into disrepute;
- q) Avoid any situation that might give rise to conflict of interest or, the appearance of a conflict of interest. Where a member believes that there exists an actual or potential personal interest in a matter relating to the party or the office the member holds or in any transaction contemplated in the performance of his or duties, such member shall notify the relevant person as promptly as practicable and shall in any event not participate in any decision by the party or the relevant office that relates to the matter that gives rise to the conflict of interest;
- r) Declare an interest in a proposed transaction with the party or any other office the member holds and for this purpose all such declarations shall be recorded;
- s) Any public information generated and communicated by the party must comply with all applicable laws and regulations. Any public financial information on the party must completely, accurately and reliably present the financial situation of the party at the relevant date or period.
- t) SFUP is committed to high standards of probity and accountability in its affairs. It recognizes the importance of protecting its operations, and assets against fraud risks and unethical practices, and therefore adopts a "zero tolerance" approach to fraud, corruption and any other form of criminal conduct.

- u) The party officials, members or candidates must treat the party's property as one would their own. They must not damage it, deface it or remove it for personal use, unless authorized to do so. A member may not transfer possession, ownership or other rights of the party's property without proper authorization and, where necessary, supporting documentation;
- v) Uphold the principle of meritocracy in carrying out public business, including making public appointments, awarding contracts, or anything with financial implications or recommending individuals for rewards or benefits;
- w) Should not directly or indirectly use or allow any person under the member's authority to use any information obtained through or in connection with the office the member holds, which is not available in the public domain, for the furthering of any private interest;
- x) Should not allow or direct a person under their supervision or control to do anything, or cause anything to be done through another person that would constitute a contravention of this Code if done by the member;
- y) As an official or the Party of holder of a public office, shall during the term of office and after leaving the office maintain the confidentiality of information received by virtue of that office and shall not disclose the confidential information or allow the same to be disclosed to the detriment of the party, unless authorized by the Party or the public office or as may be required by law;
- z) In promoting party loyalty, act in ways that support the party's ideologies and interests.

5. Digital and Social Media

- 5.1 The party is innovative and dynamic with its digital strategy and is committed to offering the best digital experience possible while being open to change.
- 5.2 When members are using the party's resources to send email, voicemail, instant messages or Slack messages, or to access Internet services, they are acting as a representative of the party. Any improper use of these resources may damage the party's reputation and expose the leadership and the party to legal liability.
- 5.3 It is required that all staff or officials act responsibly when updating personal data or uploading any information (statements, documents, videos, photos, etc.) in any digital or social media systems. One must not knowingly update false information or upload any materials that are defamatory, offensive, obscene, inappropriate or that violate law or infringe copyright, trademark or any other intellectual property, or personal or proprietary rights of any person.
- 5.4 At all times the use of party or office technology equipment, is used only in the way in which software instructions have outlined. Party IDs or passwords to access records shall be limited to authorised officers. unless you are authorized to do so. Any software use must be obtained from authorized suppliers and only installed by team authorized to do so.
- 5.5 All media requests for information, interviews and speaking events should be referred to the Marketing Department. Statements made in any online forum (e.g. web logs or blogs) or social networking sites (e.g. X/Twitter Instagram, SnapChat, TikTok, Reels, Facebook) may be considered to be public statements. No comments regarding SFUP, its business, strategy or practices should be made without prior approval from Executive Management. Where any member does participate in blogs or any other online space, even personal sites, should take care to ensure that it is not act in conflict with the best interests of the Party.
- 5.6 The party seeks to create interactive spaces for its members and the public and welcomes constructive criticism so as to build a diverse movement that reflects the whole of society and every member must be committed to treating all people with respect and dignity online.

- 5.7 The use of sexualized language or imagery, trolling and disrupting the ability of others to debate online is forbidden and unacceptable. Persistently mentioning and making contact with others when this is unwelcome is misconduct under this code.
- 5.8 All members have a responsibility to challenge abuse and to support victims; and are called upon to educate and discourage abusers rather than responding in kind. Members are urged to report online abusive behaviour to the Party for appropriate action. The reporting may be by anyone one member and not limited to those individually subjected to abuse.
- 5.9 The party stands against all forms of abuse and will take action against those that are guilty of online intimidation, bullying, abuse, harassment, hateful language or any form of discrimination on the basis of gender, tribe, race, religion, age, or disability. Anonymous accounts and hiding one's identity for the purpose of abusing others is not permitted.

6. Mainstream Media

- 6.1 Every member and candidate of the party -
- a) must respect the role of the news media before, during and after campaigns and an election;
 - b) may not prevent access by members of the news media to public political meetings, marches, demonstrations and rallies unless otherwise considered appropriate by the party to do so; and
 - c) must take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, threat or physical assault by any of their representatives or supporters.
- 6.2 Only official party spokespersons (Secretary General) or other persons specifically authorized by the National Executive Council or the Executive Director may speak with the press, political or securities analysts, other members of the media and political community, shareholders or diaspora or affiliated organizations as a party representative or about the party business.
- 6.3 Requests for other information about the party from the media, the press, or the public should be referred to the Publicity Department.

7 Records

- 7.1 Information is a valuable asset of the party and its integrity depends on the honesty, completeness and accuracy of its records. This means that anyone preparing the party's records and reports must be diligent in assuring the accuracy and completeness of all data, records, reports and expenditures connected with the party.
- 7.2 The party must record its financial activities in compliance with all applicable laws and accounting practices. All transactions are to be properly authorized, and accurately and completely recorded. The making of false or misleading entries, records or documentation is strictly prohibited.
- 7.3 There must never be a false or misleading report or make a payment or establish an account on behalf of the party with the understanding that any part of the payment or account is to be used for a purpose other than as described by the supporting documents.

8. Breach and Enforcement of the Code of Conduct

- 8.1 A breach of this Code of conduct amounts to misconduct for which a member shall be subjected to disciplinary proceedings.
- 8.2 Breach of the code of conduct may further include any of the following acts;
- a) Denouncing the party in public;
 - b) Acting in ways that do not promote party political ideologies and interests;

- c) Not consistently paying monthly or the party's subscription fees when the same is due as per the party constitution;
- d) Associating oneself with party competitors in ways that may cause confusion to the members of the public;
- e) Failure to disclose a conflict of interest;
- f) Practice of any form of discrimination or abusive and violent behavior against the provisions of the code;

8.3 A person who alleges that a member has committed a breach of this Code of Conduct may lodge a complaint with the nearest party office or to the party Secretary General. The office or Secretary General shall register and inquire into the complaint in accordance with the Party Constitution and Party Disciplinary Procedures.

8.4 Anyone found guilty of breach of this code shall be liable to punishment by way of a fine or such other means as defined in the party disciplinary rules and for gross breaches this may include suspension or dismissal from the party with the result that such a member may lose their elected or nominated position.

9. Review of the Code of Conduct

9.1 The Code forms part of the agreed relationship between individual party members, and is subject to change at any time without notice, but the Code will always be available to the members on our website and on party Intranet.

9.2 The National Executive Council shall draw up and maintain a Code of Conduct for 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.

9.3 The National Executive Council shall, on its own motion or on request by a member, from time-to-time review, supplement or amend this Code of Conduct to ensure it remain relevant.

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

Name of Member: _____ Signature: _____ Dated At: This ____ day of __20 ____.

Executive Director: _____ Signature: _____ Dated At: This ____ day of __20 ____.

ANNEXURE II: PLEDGE OF COMMITMENT FOR PARTY MEMBER AND CANDIDATE

I _____ of ID/Passport No _____ belonging to _____ Ward within the _____ Constituency of _____ County, do hereby pledge my loyalty to the SHIKANA FRONTLINERS FOR UNITY PARTY and solemnly declare;

1. That I have exercised my constitutional right to join the Party and therefore agree and accept to be bound by its constitution and the Constitution of Kenya.
2. That I shall show patriotism to my Country and pursue the goals of attaining peaceful, 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.
3. That I shall be loyal to the party and the people of Kenya and serve faithfully and diligently in the promotion of the rule of law in Kenya and always defend, protect and respect the democratic right and freedoms of every person in Kenya.
4. That I shall pay party subscriptions and dues as evidence of my commitment to the party and its programs and growth, and that any deliberate failure to pay such dues constitutes an offence punishable by the Party.
5. That I shall be transparent in my business transactions and never allow my personal interest to prevail over public interest.
6. That I shall accommodate criticism and the right of others to hold a contrary opinion and observe the social democratic principles and values of transparency, accountability, freedom, servant and empathetic leadership, equality, accountability and good governance.
7. That I shall oppose and never practice violence, nepotism, factionalism, clannism, sexism and tribalism or any other form of discrimination based on race, tribe, colour, gender, religion or personal preferences in pursuit of the my personal and the party's vision and objectives.
8. That I shall promote gender equity at all levels of governance and the inclusion in governance of minorities and marginalized, persons with disability and special interest needs from location to national level.
9. That I shall support the implementation of the manifesto that bears the aspirations of the Kenyan people and implemented by all organs of the party and the government if elected under the platform of the Party.
10. That I hereby irrevocably agree that this pledge of commitment constitutes a binding legal contract between me and the Party and that its my duty to obey any notice from the NEC requiring me to vacate any position or other office that the party nominated, appointed, elected me or caused my election to in the event that I breach the Code of Conduct, this pledge or in the event that I am expelled from this party.

Any member who evidently defaults on the above pledges shall be subjected to;

1. Suspension from the party until the member reforms.
2. Denial of party ticket for candidature for party office or elective leadership.
3. If the default a criminal offence, the Party shall hand over the case to the State for appropriate action.

NAME OF MEMBER: _____ **MEMBERSHIP NO.** _____

SIGNATURE _____ **DATED AT: THIS** _____ **DAY OF** _____ **20** _____

WITNESS: _____ **MEMBER NO.** _____ **SIGNATURE:** _____ **DATE:** _____

NAME OF SECRETARY GENERAL: _____

SIGNATURE _____ **DATED AT: THIS** _____ **DAY OF** _____ **20** _____

WITNESS: _____ **MEMBER NO.** _____ **SIGNATURE:** _____ **DATE:** _____

Serial No.

ANNEXURE III: PLEDGE OF LOYALTY PARTY FOR CANDIDATES

I, _____ of ID No. _____ being desirous to stand during the forthcoming General Election as _____ on an THE SHIKANA FRONTLINERS FOR UNITY PARTY (SFUP) ticket for which I have already applied, do hereby pledge my total loyalty and commitment to my Country Kenya, my Political Party, the Shikana Frontliners For Unity (SFUP) and my moral material and other to ensure the success of its plans and programs.

I, affirm my total commitment and loyalty to uphold the constitution and the laws of the land. I further commit myself at all times to the authority of the Party by obeying, complying and supporting fully its Constitution, Rules, Regulations, Policies, Ideals and Code of Conduct as they may be laid down by its rightful leadership from time to time.

I further swear and affirm that once I become a THE SHIKANA FRONTLINERS FOR UNITY PARTY (SFUP) candidate, I will not seek any other party's nomination. In the event that my application is unsuccessful, I affirm that I shall support the Party's nominated candidate fully. In addition, in the event that my application and election are successful, I hereby undertake to contribute to the Party's funds, as per its rules.

Signed By Me: _____

In the presence of:

COMMISIONER FOR OATH/MAGISTRATE

For official Use only.

Information Verified By: _____ Date: _____

Received at the Branch Office By: _____ Date: _____

Approved At the Head Office By: _____ Date: _____

Issued By: _____ Date: _____

ANNEXURE IV: NON-PARTISAN NOMINATION PETITION

I, the undersigned, a qualified elector of _____ Location _____
 Ward _____ Constituency of _____ County and an enrolled member of the
 SHIKANA FRONTLINERS FOR UNITY PARTY (SFUP), do hereby nominate
 Mr/Mrs/M/s _____ who is a member of the Party and resides at
 _____ Location _____ Ward _____ Constituency of
 _____ County for the party nomination for the office of _____ to be voted at the
 primary election to be held as representing the principles of SHIKANA FRONTLINERS FOR UNITY PARTY (SFUP).

I _____ (Full Names of the Candidate) of _____ (ID/Passport No.)
 do hereby I declare that I'm not legally barred from contesting in any ensuing elections and therefore qualify
 to fill such office. I further confirm that have not signed, and will not sign, any nomination with any other party
 apart from SHIKANA FRONTLINERS FOR UNITY PARTY (SFUP). Sign _____ Date: _____

I hereby seek to petition 50 voters of _____ Location/Ward/ Constituency
 of _____ County (name political area from which the nomination is sought) who are qualified to vote
 for this office to consider and support my petition to nominate the candidate by way duly signing this form as
 a member of the party and have not signed, and will not sign, any nomination petition for more persons than
 the number of candidates necessary to fill such office at the next ensuing election.

Sn	Name of Voter	ID number	Phone Number	Ward	County	Signature
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
...						
40						
41						
42						
43						
44						
45						
46						
47						
48						
49						
50						

Circulator:

Name Of Member: _____ Party Membership No: _____
 Physical Address: _____ Postal Address: _____ Phone: _____
 Identity Card No: _____ Voter's Card No: _____
 County: _____ Constituency: _____ Ward _____ Location: _____
 Signature _____ Dated At: This _____ Day Of _____ 20____

ANNEXURE V: DECLARATION OF CANDIDACY (NOMINATION) FORM

(To be Completed in triplicate)

To Chairman,

The Shikana Frontliners for Unity Party,

P.O. Box 18243-00100, NAIROBI

I _____ (Full Names) of _____ (ID/Passport No.) and Party Membership No: _____ do hereby apply for Party Nomination to enable me to contest the forthcoming General Elections on a SHIKANA FRONTLINERS FOR UNITY PARTY (SFUP) ticket for the position of _____ in _____ Location/Ward/Constituency (*cross out those that are inapplicable*) of _____ County or the President and Deputy President of the Republic of Kenya _____ (*Select one*). I declare that I'm not legally barred from contesting in any ensuing elections and therefore qualify to fill such office. I further confirm that have not signed, and will not sign, any nomination with any other party apart from SHIKANA FRONTLINERS FOR UNITY PARTY (SFUP).

PROPOSER:

Name Of Member: _____ Party Membership No: _____
Physical Address: _____ Postal Address: _____ Phone: _____
Identity Card No: _____ Voter's Card No: _____
County: _____ Constituency: _____ Ward _____ Location: _____
Signature _____ Dated At: This _____ Day Of _____ 20 _____

SECONDER:

Name Of Member: _____ Party Membership No: _____
Physical Address: _____ Postal Address: _____ Phone: _____
Identity Card No: _____ Voter's Card No: _____
County: _____ Constituency: _____ Ward _____ Location: _____
Signature _____ Dated At: This _____ Day Of _____ 20 _____

- a) I confirm I have not sought Nomination from any other registered Political party, [] or
b) I confirm that I have revoked my Nomination by other registered parties which I had earlier on sought nomination [] (*Tick whichever is applicable*).

Candidate Signature _____ Dated At: This _____ Day Of _____ 20 _____

SUPPORTING DOCUMENTS

Please attach the following documents to your application.

(*If present check the box with tick and if absent use an x*)

- | | |
|--|--------------------------|
| a) Evidence of payment of the Nomination Fee applicable to the position sought | <input type="checkbox"/> |
| b) A detailed Curriculum Vitae | <input type="checkbox"/> |
| c) Certified copies of your Educational Qualifications | <input type="checkbox"/> |
| d) A certified copy of your National Identification Card / or Passport | <input type="checkbox"/> |
| e) A certified copy of your Voters Card (if applicable) | <input type="checkbox"/> |
| f) A certified copy of your Life Membership Certificate | <input type="checkbox"/> |
| g) Duly completed, signed and commissioned Code of Conduct Form. | <input type="checkbox"/> |

OFFICIALS USE ONLY: -

APPLICATION FEE'S NO: _____ DATE: _____

INFORMATION PROCESSED BY DATE: THIS _____ DAY OF _____ 20 _____

Applicant must give below a brief life history, his understanding of the social, cultural, political and economic problems of the area he/she seeks to represent and the situation in his/her County and Country.

ANNEXURE VI: NOTICE OF PARTY NOMINATIONS AND PRIMARIES

There is to be an election of the Shikana Frontliners for Unity Party's candidates for the position of President/Deputy-President/County Governor/Member of the Senate/Member of the National Assembly/County Women Representative, and Member of the County Assembly in such electoral areas.

The Applications and Nominations Forms may be obtained at the Party's NEB Website (digital-copy) or at the NEB offices duly filled and returned between the working hours of eight o'clock in the morning and five o'clock in the evening on any week day.

All applications and nominations shall be received, vetted and approved in strict conformity with the Party Nomination and Election Rules and Procedures.

These nominations and elections will take place from the ___Day of ____, 20__ to the___Day of ____, 20__

Dated the _____Day Of_____20_____

**Chairperson,
Nominations and Elections Board,
Shikana Frontliners for Unity Party**

ANNEXURE VII: CERTIFICATE OF NOMINATION AS COUNTY AND PARLIAMENTARY CANDIDATE

COUNTY GOVERNOR / MEMBER OF SENATE / COUNTY WOMAN REPRESENTATIVE/ MEMBER OF COUNTY ASSEMBLY /MEMBER OF NATIONAL ASSEMBLY

I, _____ the Returning Officer for _____ Constituency/County
(Cross out those that are inapplicable) of _____ County hereby declares that
_____ of ID No. _____ and Membership No. _____ has
been duly elected as the SFUP Candidate for County Governor/Member of Senate/Member of National
Assembly/County Woman Representative/Member of County Assembly for _____ County/
Constituency/Ward (Cross out those that are inapplicable) during the party primaries held on ____ day of
_____ 20 ____ in compliance with the party constitution.

Constituency/County Returning Officer:

Executive Director,

Secretary General,

Chairperson, Nominations and Elections Board,

Dated At: This _____ Day Of _____ 20 _____

SHIKANA FRONTLINERS FOR UNITY PARTY (SFUP)

ANNEXURE VIII: CERTIFICATE OF NOMINATION FOR SFUP PRESIDENTIAL CANDIDATE

I, _____ the Returning Officer and the Chairperson of the Nominations and Elections Board hereby declares that _____ of ID No. _____ and Membership No. _____ has been duly nominated and elected as the SFUP Presidential / Deputy Presidential Candidate (*Cross out those that are inapplicable*) for the Republic of Kenya during the party primaries held on ____ day of _____ 20 ____ in compliance with the party constitution.

Chairperson, Nominations and Elections Board,

Dated At: This _____ Day Of _____ 20 _____

SHIKANA FRONTLINERS FOR UNITY PARTY (SFUP)

ANNEXURE IX: NOTICE OF PARTY LIST VACANCY

NOMINATED MEMBER OF COUNTY ASSEMBLY, OF NATIONAL ASSEMBLY AND SENATE

Notice is hereby given that the Party seeks to nominate;

National Assembly

- a) twelve members to represent special interests including the youth, persons with disabilities and workers;

Senate

- a) sixteen women members;
- b) two members, being one man and one woman, representing the youth; and
- c) two members, being one man and one woman, representing persons with disabilities.

County Assembly

- a) Eight (8) candidates, at least two of whom shall be persons with disability, two of whom shall be the youth and two of whom shall be person representing a marginalized group in each of the 47 counties.
- b) Such number of nominees equal to the number of wards in each county.

All party member eligible for election as a Member of the County Assembly and the Senate and who wishes to be nominated to the Party List and have participated in the party nomination, vetting and primaries process should submit an application in the prescribed form for nomination as such by the ____Day Of ____20____

The Application Forms may be obtained at the Party's NEB Website (digital-copy) or at the NEB offices duly filled and returned between the working hours of eight o'clock in the morning and five o'clock in the evening on any week day.

All applications shall be received, vetted and approved in strict conformity with the Party Nomination and Election Rules and Procedures.

Dated the ____ Day Of ____20____

**Chairperson,
Nominations and Elections Board,
Shikana Frontliners for Unity Party**

ANNEXURE X: APPLICATION FORM FOR NOMINATION AS A PARTY LIST CANDIDATE

(To Be Completed in Triplicate)

To: Secretary
The Nominations and Elections Board
Shikana Frontliners for Unity Party
P.O BOX 18234 – 00100 NAIROBI

PART I: CANDIDATE'S PARTICULARS

I, do hereby apply to be nominated by the Shikana Frontliners for Unity Party List as a person with disability/a youth/a woman/a person representing a marginalized group/ordinary member in *(Tick where applicable)*:

☐ National Assembly

☐ Senate

☐ County Assembly

Name Of Member: _____ Party Membership No: _____

Physical Address: _____ Postal Address: _____ Phone: _____

Identity Card No: _____ Voter's Card No: _____

County: _____ Constituency: _____ Ward _____ Location: _____

PART II: ELIGIBILITY OF CANDIDATE

1. Year the Candidate joined the party _____
2. Must be uptodate with payment of membership subscriptions and other applicable contributions.
(provide evidence of such payments)
3. Are you a member of any organ of the party? _____ if yes, state which one _____
4. Provide evidence of your participation in the party affairs. *(Use separate sheet of paper if necessary)*
5. Have you been the subject of any Disciplinary proceedings by the Party? _____ If yes, state the nature of the disciplinary proceedings and the outcome. *(Use separate sheet of paper if necessary)*
6. Do you have any pending fines imposed by the Disciplinary Committee of the Party? If so, please state how much and the nature of proceedings giving rise to the same. _____
7. Have you sought Nomination from any other registered Political Parties as at the date of this application?

8. Do you suffer from any disability? _____ If yes, state the nature _____
(attach your certificate of registration with the National Council for Persons with Disabilities).
9. Do you consider yourself marginalized? _____ if yes, please explain _____
(attach relevant evidence).
10. Have you been a State and/or Public Officer? _____
11. Have you recently resigned from being a state or public officer? _____ if yes, state reasons for resigning
_____ *(attach appropriate evidence of resignation).*
12. Have you been a Citizen of Kenya for at least fifteen years immediately preceding the date of this Application? _____

13. Have you at any time within the five years immediately preceding the date of this Application, held office as a member of the Independent Electoral and Boundaries Commission? _____
14. Have you ever been declared bankrupt? _____ If yes, please state nature of proceedings and attach evidence of discharge _____
15. Are you currently or will you be subject to a sentence of imprisonment of at least six months, as at the date of this Application? If yes, have you exhausted all review or appeal mechanisms against the decision? If no, attach evidence of appeal or review _____
16. Have you ever been convicted, in accordance with any law, to have misused or abused a state office or public office or in any way to have contravened Chapter Six of the Constitution? _____ if yes, have you exhausted all review or appeal mechanisms against the decision? _____

Candidate Signature _____ Dated At: This _____ Day Of _____ 20 _____

PART II: For Official Use Only

SUPPORTING DOCUMENTS

Please attach the following documents to your application.

(If present check the box with tick and if absent use an x)

- | | |
|--|--------------------------|
| h) Evidence of payment of the Nomination Fee applicable to the position sought | <input type="checkbox"/> |
| i) A detailed Curriculum Vitae | <input type="checkbox"/> |
| j) Certified copies of your Educational Qualifications | <input type="checkbox"/> |
| k) A certified copy of your National Identification Card / or Passport | <input type="checkbox"/> |
| l) A certified copy of your Voters Card (if applicable) | <input type="checkbox"/> |
| m) A certified copy of your Life Membership Certificate | <input type="checkbox"/> |
| n) Duly completed, signed and commissioned Code of Conduct Form. | <input type="checkbox"/> |

Received at the NEB Offices by _____ Dated At: This _____ Day Of _____ 20 _____

Approved by: _____ Signature _____ Date _____

ANNEXURE XI: CANDIDATE NOMINATION FEES RECEIPT

(Insert Party logo here)

Candidate Nomination Fees Receipt

Serial No.

Name Of Candidate: _____ Party Membership No: _____

Physical Address: _____ Postal Address: _____ Phone: _____

Identity Card No: _____ Voter's Card No: _____

County _____ Constituency: _____ Ward _____ Location: _____

Nomination Fees paid: _____

Place of Issue: _____ Dated At: This _____ Day Of _____ 20 _____

Signature of Issuing Officer: _____ ID No. _____ Designation of Issuing Officer: _____

ANNEXURE XII: FALSE STATEMENT FORM

To the Chair of _____

(Polling Place)

I, the undersigned, a qualified elector of _____ (polling station), _____ (Ward) _____ (Constituency) of _____ County and an enrolled member of the SHIKANA FRONTLINERS FOR UNITY PARTY (SFUP), do hereby state, under penalties of false statement, that (1) I am a voter in the said Ward, (2) I am qualified to vote in the primaries being held in said polling station on this date and (3) I have not prior to this time offered myself to vote or voted at said primary.

Name Of Voter: _____ Party Membership No: _____

ID No: _____ Voter's Card No: _____

Physical Address: _____ Postal Address: _____ Phone: _____

Signature _____ Dated At: This _____ Day Of _____ 20 _____

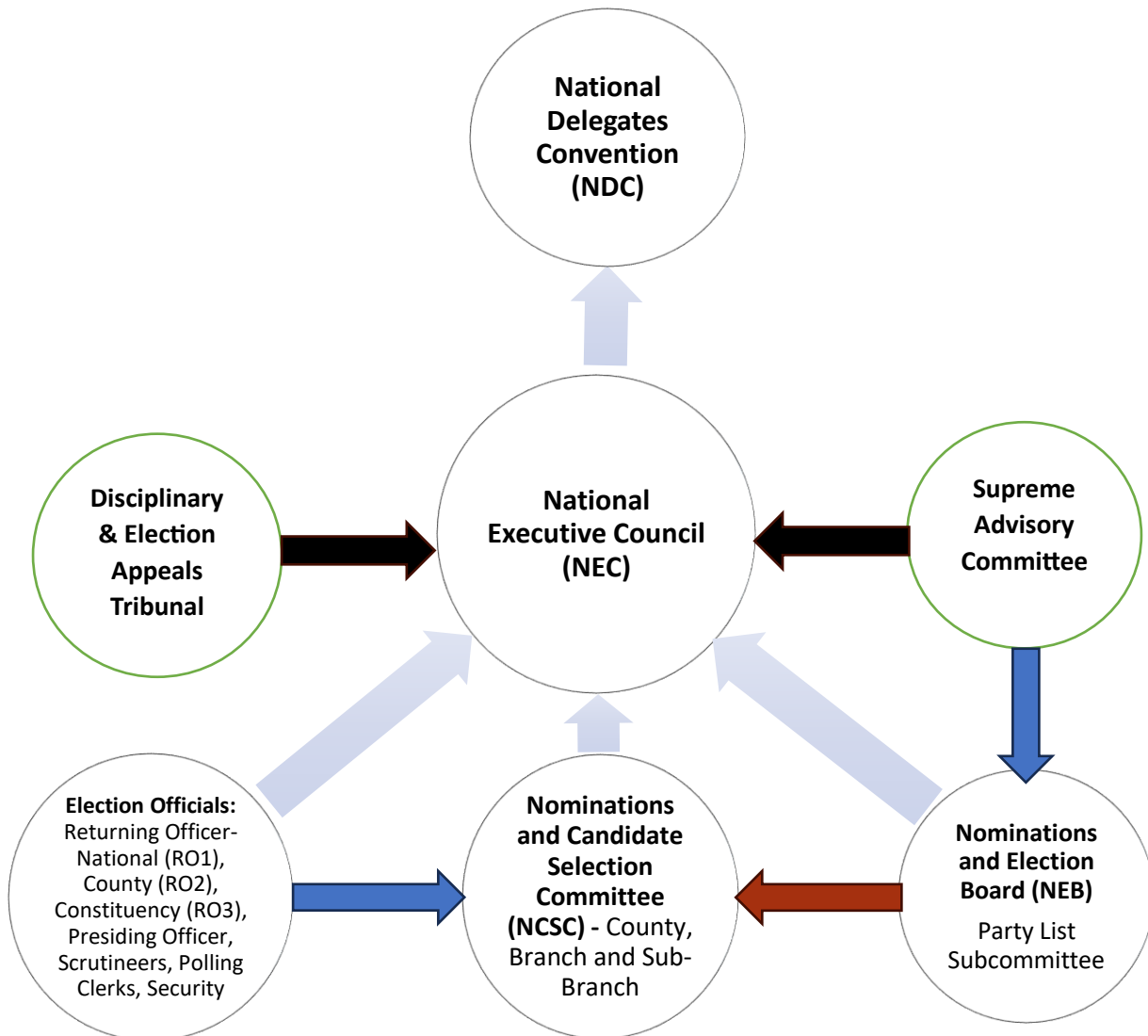
Electoral Officer Use only (Details of Issuing/ Returning Officer/Presiding Officer)

Received by: _____ of **ID No:** _____

Of Ward: _____ and _____ (polling station), of _____ (Constituency)

Signature _____ Dated At: This _____ Day Of _____ 20 _____

ANNEXURE XIII: NOMINATIONS AND ELECTIONS STRUCTURE





PUBLISHED FOR SFUP MEMBERS BY:

The Nominations and Elections Board,

Shikana Frontliners For Unity Party,

P.O. Box 18234-00100 NAIROBI,

Email: shikana@gmail.co.ke

Website: www.shikana.co.ke
