

UNITED PROGRESSIVE ALLIANCE (UPA)

ELECTION AND NOMINATION RULES

As amended and adopted by:

The National Governing Council

Held on, at:

.....,

Nairobi .

TABLE OF CONTENTS

PART I

- Rule 1 Preamble
- Rule 2 Citation and Interpretation
- Rule 3 Organs
- Rule 4 Election Officers

PART II RULES GOVERNING THE PARTY ELECTIONS

- Rule 5 Elections of Party Officials
- Rule 6 Party Electoral Colleges
- Rule 7 Notice of Elections
- Rule 8 Qualifications
- Rule 9 Elections of National Officials
- Rule 10 Party Branch Elections
- Rule 11 Organization of the ---- Women League
- Rule 12 Organization of the ---- Youth League

PART III THE NOMINATION OF PARTY CANDIDATES

- Rule 13 Categories of Elections Covered
- Rule 14 Announcement of Vacant Positions
- Rule 15 Vetting of Nominations
- Rule 16 Qualifications of Candidates
- Rule 17 Party Primaries for Presidential Nominations
- Rule 18 Nomination Procedure for County Assembly Members, Members of
Parliament, County Women Representatives and Governors
- Rule 19 Disputes Resolution and Appeals Tribunals
- Rule 20 Nomination of Party List Members
- Rule 21 Pledge of Commitment

PART IV GENERAL

Rule 22 Polling Stations

Rule 23 Party Register

Rule 24 Voting Procedure

Rule 25 Grounds for Disqualification

Rule 26 Campaigns

Rule 27 Hours of Polling

Rule 28 Nomination Certificate

Rule 29 Retention and Public Inspection of Documents

Rule 30 Access to information

Schedules:

PART I

Rule 1.PREAMBLE

Pursuant to Article 7 of the Party constitution, the National Governing Council makes the following Elections and Nomination Rules:

Rule 2: CITATION AND INTERPRETATION

2.1 CITATION:

2.1.1 These rules may be cited as the Election and Nomination Rules (hereinafter “the Rules”).

2.1.2 In these rules, unless otherwise stated, the words as used carry the same meaning as prescribed in the Party Constitution.

2.2 INTERPRETATION:

“**Agent**” means a person duly accredited by a candidate or the Party as his agent.

“**Branch Electoral College**” means Electoral College at the Constituency for the purpose of electing Branch Executive Committees.

“Candidate” means a person duly cleared by the Party in accordance with these Rules to vie for nomination for any elective or selective position.

“Candidates Vetting Committee” means a committee established under rule 15 herein.

“Commission” means the Independent Electoral and Boundaries Commission of Kenya (IEBC) established under Article 88 (1) of the Constitution of Kenya.

“County Electoral College” means Electoral College at the County for the purpose of electing the County Conference Committee.

“Constituency Returning Officer” means a person appointed by the NEB to preside over Party elections and nominations within the Constituency.

“County Returning Officer” means a person appointed by the NEB to conduct Party elections and nominations within the County.

“National Delegates Register” means a list of Party members eligible to attend the National Delegates Convention as per Article 7.2.2 of the Party’s Constitution. **“National Delegates Electoral College”** means Electoral College convened at an ordinary meeting of National Delegates for purposes of electing national officials or nomination of Party’s Presidential candidate.

“The NGC” means the National Governing Council of the Party established under Article of 7.4.1 of the Party Constitution.

“The NEB” means the National Elections Board of the Party established under Article of 7.11.1 of the Party Constitution.

“The NEC” means the National Executive Committee of the Party established under Article 7.5 of the Party Constitution.

“Nomination” means the election of a person qualified under these Rules to contest for elections at a general or by-election (whatever the case may be) on the Party ticket.”

“Nomination Certificate” means a document certifying that a person has been nominated by the Party to vie for an elective post or selective position in a general or by-elections or in any other election or selection process requiring the nomination of a person by the Party.

“Party” means the **UNITED PROGRESSIVE ALLIANCE (‘UPA’)**

“Persons 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.

“Polling Station” means the venue for voting in elections as gazetted by IEBC in the last general election, or any other Polling Station designated by the NEB.

“Presiding Officer” means a person appointed or designated under these rules by the NEB to preside over elections at a polling station.

“Returning Officer” means a person appointed or designated under these Rules to conduct nominations in his / her respective electoral area and includes a Deputy Returning Officer.

“Regional Electoral College” means Electoral College at the Region for the purpose of electing the Regional Conference Committee.

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

“Special Interest” means marginalized persons or Minorities.

“Sub Branch Electoral College” means Electoral College at the Constituency level for the purpose of electing Sub-Branch Executive Committee.

“Voter” means a person validly registered by the Commission to vote at a general or bye-election and whose names are included in the Party Register.

“Ward” means the electoral unit for County Assembly members within the meaning of 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 Commission from time to time.

“Ward Electoral College” means Electoral College at the Ward level for the purpose of electing Ward Steering Committees.

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

3.1 National Delegates Conference (NDC)

In so far as these Rules are concerned, the duties of the National Delegates Conference shall be to nominate from among the eligible members of the party the Party Leader who shall, where the Party fields a Candidate for the Office of President of the Republic of Kenya, be the Party's de facto Presidential candidate in accordance with the Constitution of the party.

3.2 National Governing Council (NGC)

In so far as these Rules are concerned, the duties of the National Governing Council shall be to approve Elections and Nomination Rules or amendments thereto prepared and presented by the National Executive Committee for approval.

3.2 National Executive Committee (NEC)

3.2.1 In so far as these Rules are concerned, the duties of the National Executive Committee shall

include;

- a) To make Elections and Nomination Rules or any amendments thereto and lay them before the National Governing Council for approval.
- b) To nominate and present a Party List to the IEBC in accordance with the provisions of the Law. To liaise with the Party National Election Board in order to ensure the coordination of elections of Party Officials at all levels and Party nominations for Presidential, Parliamentary and Civic elections.
- c) To recommend to the Party Leader grant of
- d) To nominate and present a Party List to the IEBC in accordance with the provisions of the Law.

3.2. National Elections Board

The National Elections Board will be appointed by the National Executive Committee upon a resolution made by two-thirds of members and will comprise seven respected and knowledgeable persons of high integrity who do not hold any elective Party position and at least one-third shall be either of gender. There shall also be at least one member appointed to represent special interest groups.

3.2.1. Core Function:

To plan, organize, direct, conduct, supervise and/or coordinate all party primaries and party nomination of party lists and any other related activities for purposes of selection of candidates to participate in an election.

3.2.2. Qualifications of members of the National Election Board.

A person is qualified to be appointed as a member to the National Election Board if that person –

- (a) is a member of the party;
- (b) is eligible to vote at an election;
- (c) has not been convicted of an election offence; and
- (d) satisfies the requirements of Chapter Six of the Constitution of Kenya

3.2.3 Duties of the National Elections Board

Duties of the National Elections Board shall include;

- a. To ensure a free and fair electoral process.
- b. To vet and approve all candidates aspiring for Party elections or nomination in accordance with provisions of the Constitution of the Republic of Kenya, applicable electoral Laws, Party Constitution, Party Nomination and Election Rules and the Party Code of Conduct,

- c. To appoint County Returning Officers, Constituency Returning Officers, Polling and Tallying Clerks,
- d. To accredit election observers,
- e. To receive election results from Returning Officers.
- f. To take all necessary measures to ensure Party elections and nominations are transparent, peaceful, free and fair.
- g. To devise or formulate rules of procedure for the County Election Disputes Appeals Tribunal.
- h. *To recommend to the National Executive Committee (NEC) to consider and recommend to the Party Leader the grant of automatic nomination to a candidate for the furtherance of interests of the party for the considerations provided for under these rules.*

3.2.4 Removal of a member from the National Election Board

A person may be removed as a member of the National Election Board if that person —

- (a) resigns from the party;
- (b) defects from the party;
- (c) violates the party's constitution, nomination rules or the party nomination code of conduct;
- (d) has declared interest in a particular nomination;
- (e) is physically or mentally incapacitated;
- (f) is convicted of an election offence or a criminal offence which carries a sentence of more than six months of imprisonment without the option of a fine; or
- (g) has been found by a court to have violated the provisions of Chapter Six of the Constitution of Kenya

3.3. County Election Board

- 3.3.1 There shall be established a County Election Board to conduct elections on behalf of the NEB in each county where the Party is offering candidates for elections.

3.3.2 The County Election Board shall be composed of five members of the Party ordinarily resident in the County who shall be distinguished persons of good moral standing in society and of high integrity and they shall not be seeking any elective post or nomination.

3.3.3. The County Election Board shall be under the supervision and the general direction of NEB and shall perform all such tasks and duties as assigned and delegated to them.

3.3.4. The NEB shall be responsible for the recruitment and deployment of all County Election Board personnel.

3.3.5. The County Election Board shall be composed of the following members:

- a) Chairperson.
- b) Secretary and
- c) Three ordinary members

3.3.6 The NEB may remove any member of the County Elections Board on the similar grounds as provided in these rules for the removal of a member of the NEB.

Rule 4: ELECTION OFFICERS.

4.1Returning Officers

There shall be County Returning Officers, and Constituency Returning Officers, appointed by the NEB.

4.1.1Duties of Returning Officers:

Duties and responsibilities of County Returning Officers and Constituency Returning Officers shall include but not limited to:

- a. Carrying out briefings or trainings for election officers on the proper conduct of the Party elections in accordance with the Party's Constitution and Elections and Nomination Rules,
- b. Ensuring that requisite logistics are in place at the elections venue for a free and fair elections, including-
 - i. Availing sufficient and relevant voting materials and equipment, and
 - ii. Ensuring that there exists adequate security during elections,

- c. Supervising other election officers to ensure level play field,
- d. Announcing election results promptly and accurately,
- e. Compiling and submitting results of the elections to the NEB, and
- f. Undertaking any other responsibility or duty that might lawfully be assigned to them by the NEB.

4.1.2 Role of County Returning Officer:

County Returning Officer shall:

- a. Be in charge of County elections and nominations, and
- b. Receive and tally elections results in respect of Governor, Member of Senate and County Women Representative.
- c. Maintain and preserve all election materials and returns and deliver the same to the NEB at the conclusion of the nominations, Party elections or primaries where applicable.

4.1.3 Role of Constituency Returning Officer:

Constituency Returning Officer shall:

- a. Be in charge of elections and nominations within the Constituency,
- b. Supervise polling and tallying of votes within the Constituency, and
- c. Announce result of elections after tallying within the Constituency.

4.1.4 Presiding Officers

There shall be Presiding Officers appointed by the NEB who shall be in charge of polling and counting in Polling Stations under the general direction of Constituency Returning Officers, in case of Constituency elections or otherwise County Returning Officers, in the case of County elections.

4.1.4.1 Role of Presiding Officers:

Presiding Officers shall:

- a. Under general direction of respective Returning Officers be in charge of election and nomination exercise within Polling Stations,
- b. Where applicable, supervise polling and tallying of votes within Polling Stations,
- c. Co-ordinate and direct Polling and Counting Clerks within Polling Station;
- d. Submit election results to the respective Returning Officer.
- e. Ensure that there is ample security and an environment conducive for voting during elections within and the immediate surroundings of Polling Stations,
- f. Ensure that voting process is free and fair; free from all forms of violence, intimidation, bribery, discrimination, manipulation or coercion,
- g. Protect the rights of all voters including Special Interest groups and the illiterate, and
- h. Carry all tasks and duties as may be lawfully assigned to them by respective Returning Officers and the NEB.

4.1.6 Polling and Counting Clerks

There shall be such number of polling, counting and tallying clerks as the Returning Officers in consultation with the NEB shall determine to carry out such duties and functions as may be assigned to them by Returning Officers or Presiding Officers, as the case may be, for the successful conduct of elections and nominations.

PART II

RULES GOVERNING PARTY ELECTIONS

Rule 5: ELECTIONS OF PARTY OFFICIALS

Party elections shall be conducted for the following organs of the Party-

- 5.1 National Officials
- 5.2 Regional Coordinating Committee
- 5.3 County Coordinating Committee
- 5.4 Branch Executive Committee
- 5.5 Sub-Branch Executive Committee
- 5.6 Polling Station Steering Committee
- 5.7 Women League
- 5.8 Branch Executive Committee
- 5.9 Sub Branch Executive Committee
- 5.10 Polling Station Steering Committee
- 5.11 Youth League
- 5.12 Branch Executive Committee
- 5.13 Sub Branch Executive Committee
- 5.14 Polling Station Steering Committee

Rule 6: PARTY ELECTORAL COLLEGES:

Party elections shall be conducted by Electoral Colleges as follows:

- (i) National Electoral College
- (ii) Regional Electoral College
- (iii) County Electoral College
- (iv) Branch Electoral College
- (v) Sub Branch Electoral College

In the Polling Station, Party elections shall be by registered party members.

Rule 7: NOTICE OF ELECTIONS

7.1 National Elections Board shall issue a notice of not less than Twenty-One (21) days with respect to all Party elections due and it shall publish such notice in at least one daily newspaper with national circulation and one announcement its website.

7.2. The Notice shall state;

- (a) the date and venue of the exercise;
- (b) the persons eligible to participate in the exercise;
- (c) the party official who shall be responsible for the exercise;
- (d) the duration of the exercise;
- (e) where any aggrieved party may file any grievances regarding the exercise;
- (f) the party official who shall hear and determine any appeal in relation to the exercise;
- (g) the fees, if any, that should be paid;
- (h) the date by which eligible persons must perform any act in
- (i) relation to the exercise; and
- (j) any other relevant detail pertaining to the exercise.

Rule 8: QUALIFICATIONS

8.1 A candidate seeking to be elected in office shall:

- i Be a member of the Party
- ii Be committed to ideals and core values of the Party,
- iii Be a fully paid-up member; in the case of those seeking for national office, Branch and Sub Branch Chairpersons, be life members,
- iv Demonstrate having participated in party activities for at least one year prior to his/her application for election.
- v Complete and return within the time stipulated by the NEB Party election on form prescribed in Schedule II to these rules and Party Code of Conduct.
- vi Be a delegate by virtue of having been elected from the Grassroots.

vii Be an automatic delegate by virtue of having been elected as a Member of Parliament or Governors.

viii Be present during the meeting at which the election is conducted.

Rule 9: ELECTIONS OF NATIONAL OFFICIALS

The National officials shall be elected by the National Delegates Conference (NDC) convened in accordance with provisions of the Party Constitution except for the Executive Director, the Secretary for Parliamentary Affairs, the Secretary of Women Affairs and the Secretary for Youth Affairs.

9.1 Eligibility of Delegates:

The NEB shall ensure that only the delegates whose names appear in the National Delegates Register and present at the Convention shall be eligible to vote for the National officials.

9.2.Quorum:

The NEB shall ensure that there is a quorum before the commencement of business of elections in accordance with the Party Constitution.

9.3. Mode of Voting:

Elections at the National Delegates Convention shall be by secret ballot or any other method approved by the delegates in session.

9.4. Assumption of Office:

Persons elected to national offices shall upon declaration of results of election assume office with immediate effect.

9.5. Custody of Election Materials

The NEB 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 two months.

Rule 10: PARTY ELECTIONS

10.1 Branch Organization

The NEB shall conduct Party Elections in the following organs of the Party:

A. Mainstream:

- 10.1.1 Branch Executive Committees,
- 10.1.2 Sub-Branch Executive Committees,
- 10.1.3 Polling Station Steering Committees,

B. UPA Women League:

- 10.1.4 UPA Women League Branch Executive Committees,
- 10.1.6 UPA Women League Sub-Branch Executive Committees,
- 10.1.7 UPA Women League Polling Station Steering Committees,

C: UPA Youth League:

- 10.1.8 UPA Youth League Branch Executive Committees,
- 10.1.9 UPA Youth League Sub-Branch Executive Committees,
- 10.1.10 UPA Youth League Polling Station Steering Committees

10.2. Polling Station Steering Committee:

Each Polling Station Steering Committee shall be composed of the following officials:

- i. Chairperson,
- ii. Deputy Chairperson,
- iii. Secretary,
- iv. Deputy Secretary,
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary,
- ix. Polling Station Secretary for Women Affairs who shall be the person elected as the Women Patriots' Polling Station Leader,
- x. Polling Station Secretary for Youth affairs who shall be the person elected as the Youth League' Polling Station Leader,
- xi. Polling Station Persons with Disability Representative
- xii. Polling Station Special Interest Groups Representative
- xiii. Eight Committee Members

Provided that one-third of those officials shall be of either gender.

10.3 POLLING STATION ELECTIONS

10.3.1 On the date designated for the Polling Station Steering Committee elections, all members shall assemble at the Polling Stations and vote by secret ballot or any other method approved by the delegates in session.

10.3.2 The Presiding Officer shall tally and announce the result thereof and thereafter submit to the Constituency Returning Officer.

10.4 SUB BRANCH EXECUTIVE COMMITTEES

Each Sub Branch Steering Committee shall be composed of the following officials:

- i. Chairperson,
- ii. Deputy Chairperson,
- iii. Secretary,
- iv. Deputy Secretary,
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary,
- ix. Secretary for Women Affairs who shall be the person elected as the Women League Sub Branch Leader,
- x. Secretary for Youth affairs who shall be the person elected as the Youth League Sub Branch Leader,
- xi. Persons with Disability Representative
- xii. Special Interest Groups Representative
- xiii. Eight (8) Committee Members

Provided that one-third of those officials shall be of either gender.

10.5 SUB BRANCH ELECTIONS

10.5.1 Delegates elected at the Polling Station Steering Committees shall form the Ward Electoral College for the purpose of electing the Ward Management Committee.

10.5.2 On the date designated for the Sub Branch Steering Committee elections delegates shall assemble at Polling Stations within the Ward as shall be designated and published by the NEB at least fourteen days before the elections and thereat vote by secret ballot.

10.5.3 The Presiding Officer shall tally and announce the results thereof and submit to the Constituency Returning Officer.

10.6 ELECTIONS OF BRANCH EXECUTIVE COMMITTEE

10.6.1 The Branch *Executive Committee* shall be composed of the following officials:

- i. Chairperson,
- ii. Deputy Chairperson,
- iii. Secretary,
- iv. Deputy Secretary,
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary,
- ix. Secretary for Women Affairs,
- x. Secretary for Youth Affairs,
- xi. Persons with Disability Representative
- xii. Special Interest Groups Representative
- xiii. Eight (8) Committee Members

provided that one third of members of Branch Executive Committee shall be of either gender.

10.6.2 The members of each Sub Branch Executive Committee shall form the Branch Electoral College and, on a date, set for elections shall elect the Branch Executive Committee by secret ballot or any other method approved by the delegates in session.

10.6.3 The County Returning Officer shall tally and announce the results and submit to the NEB.

10.7 COUNTY COORDINATING COMMITTEE

10.7.1 The County Coordinating Committee shall be composed of the following officials;

- a) The County Coordinating Chairman
- b) The County Deputy Coordinating Chairman
- c) The County Coordinating Secretary
- d) The County Coordinating Organizing Secretary
- e) The County Coordinating Treasurer
- f) The County UPA Women League Representative
- g) The County UPA Youth League Representative
- h) The County Special Interest Representative

10.7.2 The members of each Branch Delegates Conference shall form the County Electoral College and on a date set for elections shall elect the County Coordinating Committee by secret ballot.

10.7.3 The County Returning Officer shall tally and announce the results and submit to the NEB

10.8 REGIONAL CONFERENCE COMMITTEE

10.8.1 The Regional Coordinating Committee shall be composed of the following officials;

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

10.7.2 The members of each County Delegates Conference shall form the Regional Electoral College and on a date set for elections shall elect the Regional Conference Committee by secret ballot.

10.7.3 A County Returning Officer, selected by NEB, shall tally and announce the results and submit to the NEB

Rule 11: ORGANIZATION OF UPA WOMEN LEAGUE

11.1.1 There shall be established a UPA Women League.

11.1.2 The organization of the League shall begin at Polling Station level ascending to the Sub Branch, Branch and National levels. The League shall be organized by the UPA Women League Chairperson at each level of the League.

11.1.3 All UPA Women League Members of the Party at Polling Station shall assemble at the Polling Stations and vote by secret ballot or any other method accepted by the delegates in session to elect a Management Committee.

11.2 ELECTIONS OF THE UPAWOMEN LEAGUE OFFICIALS

11.2.1 The Elections shall be conducted by electoral colleges at the Sub Branch, Branch and National levels, except in the Polling Station, where league elections which shall be conducted by universal suffrage.

11.2.2 All UPA Women Members of the Party at Polling Station shall assemble and shall elect a Management Committee comprising:

- i. Chairperson,
- ii. Deputy Chairperson,
- iii. Secretary,
- iv. Deputy Secretary,
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary,
- ix. Persons with Disability Representative
- x. Special Interest Groups Representative
- xi. Ten (10) Committee Members

11.3.2 Delegates of the Polling Station shall form the ---- Women Sub Branch Electoral College and shall elect the ---- Women Sub Branch Steering Committee comprising:

- i. Chairperson,
- ii. Deputy Chairperson,

- iii. Secretary,
- iv. Deputy Secretary,
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary,
- ix. Persons with Disability Representative
- x. Special Interest Groups Representative
- xi. Ten (10) Committee Members

11.3.3 Delegates of the Sub Branch shall form the UPA Women Branch Electoral College and shall elect the UPA Women Branch Executive Committee comprising:

- i. Chairperson,
- ii. Deputy Chairperson,
- iii. Secretary,
- iv. Deputy Secretary,
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary
- ix. Persons with Disability Representative
- x. Special Interest Groups Representative
- xi. Ten (10) Committee Member

11.4 ELECTION OF UPA WOMEN LEAGUE NATIONAL OFFICIALS

The members of each UPA Women League Branch Executive Committee comprising of the following officials shall form the National UPA Women League Electoral College:

- i. Chairperson
- ii. Deputy Chairperson,
- iii. Secretary,
- iv. Deputy Secretary,
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary
- ix. Persons with Disability Representative
- x. Special Interest Groups Representative
- xi. Ten (10) Committee Members

11.5The UPA Women League National Electoral College, on a date set for elections, shall vote by secret ballot and elect the UPA Women League National Officials comprising of the following National Officials:

- i. Chairperson
- ii. Deputy Chairperson,
- iii. Secretary,
- iv. Deputy Secretary,
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary
- ix. Persons with Disability Representative
- x. Special Interest Groups Representative
- xi. Ten (10) Committee Members

11.6 The League shall carry out the following functions at all levels of organization:

- a. To handle all issues peculiar to women,
- b. Strengthen and empower women in the mainstream Party management, and
- c. To deal with and address all matters that will enhance the cause of women.

Rule 12: ORGANIZATION OF UPA YOUTH LEAGUE

12.1There shall be established a UPA Youth League.

12.2The organization of the League shall begin at the Polling Station level ascending to Sub Branch, Branch and National Levels. The League shall be organized by the UPA Youth League Secretary at each level.

12.3All UPA Youth League Members of the Party at Polling Station shall assemble at the Polling Stations and vote by secret ballot or any other method accepted by the delegates in session to elect a Management Committee.

12.4 ELECTIONS OF THE UPA YOUTH LEAGUE OFFICIALS

12.4.1 The Elections shall be conducted by electoral colleges at the Sub Branch, Branch and

National levels, except in the Polling Station where league elections shall be conducted by universal suffrage.

12.4.2 All UPA Youth League Members of the Party at Polling Station shall assemble and shall elect a Management Committee comprising:

- i. Chairperson,
- ii. Deputy Chairperson,
- iii. Secretary, iv. Deputy Secretary,
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary
- ix. Persons with Disability Representative
- x. Special Interest Groups Representative
- xi. Ten (10) Committee Members

12.5 Delegates at the Polling Station shall form the UPA Youth League Sub Branch Electoral College to elect the UPA Youth League Sub Branch Committee composed of:

- v. Chairperson,
- vi. Deputy Chairperson,
- vii. Secretary,
- viii. Deputy Secretary,
- xii. Treasurer,
- xiii. Deputy Treasurer,
- xiv. Organizing Secretary,
- xv. Deputy Organizing Secretary
- xvi. Persons with Disability Representative
- xvii. Special Interest Groups Representative
- xviii. Ten (10) Committee Member

12.6 Sub Branch delegates shall form the UPA Youth League Branch Electoral College to elect the UPA Youth League Branch Executive Committee composing of:

- i. Chairperson,
- ii. Deputy Chairperson,
- iii. Secretary,

- iv. Deputy Secretary,
- xix. Treasurer,
- xx. Deputy Treasurer,
- xxi. Organizing Secretary,
- xxii. Deputy Organizing Secretary
- xxiii. Persons with Disability Representative
- xxiv. Special Interest Groups Representative
- xxv. Ten (10) Committee Member

12.7 The League shall carry out the following functions at all levels of organization:

- a. To handle all issues peculiar to the youth,
- b. Strengthen and empower youths in the mainstream Party management, and
- c. To deal with and address all matters that will enhance the cause of the Youth.

PART III

THE NOMINATION OF PARTY CANDIDATES

Rule 13: CATEGORIES OF ELECTIONS COVERED

These rules govern nomination of Party candidates in respect of any nomination, under Part I and II herein to be held for Presidential, Member of the Senate, Governors, Members of the National Assembly, Members of the County Assembly and County Woman Representative.

Rule 14 ANNOUNCEMENT OF VACANT POSITIONS

Upon a resolution by the NEC, the NEB shall advertise and receive applications in forms prescribed in these rules for Party Elections for nominations for the positions of President, Members of the Senate, Governors, Members of the National Assembly, Members of the County Assembly, and County Woman Representative.

Rule 15 VETTING OF CANDIDATES

The NEB shall establish candidates vetting committees, subject to approval of the NEC and which shall be constituted at least six (6) months to the nominations and which shall be responsible for vetting of candidates 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 Election and Nomination Rules. In vetting a candidate the NEB shall take into account the following:

- i. The contribution of the candidate to the Party activities and ideology.
- ii. Demonstrated loyalty to the party, its leadership and organs.
- iii. Ability to represent the area for which the candidates seeks nomination.
- iv. Ability to articulate and propagate Party policies and ideology.

Rule 16: QUALIFICATIONS AND NOMINATION OF CANDIDATES

16.1. Application for Nomination

An aspiring candidate shall submit to the National Election Board, a duly filled application in the Form set out in Schedule III herein together with –

- (a) a signed commitment to the political party's constitution, policies and principles;
- (b) a self-declaration form as prescribed under the Leadership and Integrity Act, 2012;
- (c) copies of the person's national identity card or valid passport;
- (d) copies of the candidate's academic qualifications from the relevant institutions;
- (e) evidence of registration as a member of the party; and
- (f) a receipt or other evidence of payment of nomination fees.

16.2. 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 Rule 16 (1) above, submit an application in the Form set out in Schedule IV herein which shall be certified by the National Council for Persons with Disabilities.

16.3 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.

16.1 Nominations for Member of the County Assembly.

16.1.1 A person seeking nomination for elections as member of the County Assembly shall fulfill the following requirements:

- i. Be registered as a voter in the Ward or County for which he/she seeks election,
- ii. Be a life member of the Party,
- iii. Be in possession of post-secondary school qualification recognized in Kenya,
- iv. Demonstrate active participation in Party programs six months prior to seeking nomination, provided National Executive Committee may for good cause, which shall be specifically documented, exempt an applicant from this requirement, subject to any conditions it may deem fit,

- v. Meet the minimum requirements for County Assembly Candidates as may be set out by the Independent Electoral and Boundaries Commission.

16.1.2 An applicant for nomination shall furnish the following documents:

- i. Duly completed Nomination Form at Schedule III herein in duplicate
- ii. Copy of national identity card or Passport,
- iii. Evidence of active participation in Party activities six months prior to the application,
- iv. Non- refundable fee of 20,000/= paid to UPA by a Bankers Cheque or deposited in the Party account and Ksh. 15,000/- for Special Interest groups,
- v. A copy of post-secondary school qualification recognized in Kenya,
- vi. A copy of Elector's card,
- vii. A copy of UPA Membership Card,
- viii. Duly executed Code of Conduct Form.
- ix. Meet all other requirements under the Elections Act and Regulations made by the Commission.

16.1.3 Disqualification from nomination as a candidate for election as a Member of the County Assembly

A person is disqualified from being nominated as a candidate for election as a Member of a County Assembly if the person:-

- i. Is a State Officer or other Public Officer other than a Member of County Assembly,
- ii. 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,
- iii. Is of unsound mind,
- iv. Is an undischarged bankrupt,
- v. Is serving a sentence of imprisonment of at least six months, or
- vi. Has been found, in accordance with any law, to have misused or abused a State Office or Public Office or to have contravened any provision of Chapter Six of the Constitution of Kenya

16.2 NOMINATIONS FOR THE GOVERNOR

16.2.1 A person seeking nomination for elections as Governor shall fulfill the following requirements:

- i. Be registered as a voter in the County for which he/she seeks election,
- ii. Be a life member of the Party,
- iii. Be in possession of a degree certificate obtained from a university recognized in Kenya,
- iv. Demonstrate active participation in Party programs six months prior to seeking nomination, provided that the National Executive Committee may for good cause which shall be specifically documented, exempt an applicant from this requirement, subject to any conditions it may deem fit,
- v. Meet the minimum requirements for County Assembly Candidates as may be set out by the Independent Electoral and Boundaries Commission.

16.2.2 An applicant for nomination shall furnish the following documents:

- i. Duly completed Nomination Form at Schedule III herein in duplicate.
- ii. Copy of national identity card or Passport,
- iii. A copy of Elector's card,
- iv. A copy of UPA's Life Membership Certificate
- v. Non- refundable fee of 300,000/= paid to UPA by a Bankers Cheque or deposited in the Party's account
- vi. A copy of the degree certificate obtained from a university recognized in Kenya,
- viii. Duly executed Code of Conduct Form.
- ix. Meet all other requirements under the Elections Act and Regulations made by the Commission.

16.2.3 Disqualification from nomination as a candidate for election as a Governor

A person is disqualified from being nominated as a candidate for election as a Governor if the person:-

- i. Is a State Officer or other Public Officer other than a Member of County Assembly,
- ii. 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,

- iii. Is of unsound mind,
- iv. Is an undischarged bankrupt,
- v. Is serving a sentence of imprisonment of at least six months, or
- vi. Has been found, in accordance with any law, to have misused or abused a State Office or Public Office or to have contravened any provision of Chapter Six of the Constitution of Kenya

16.3 Nominations for a Member of Parliament:

16.3.1 A person seeking nomination for Parliamentary elections shall fulfill the following requirements:

- i. Be a registered voter in the Constituency or county for which he/she seeks election,
- ii. Has attained post-secondary school qualification recognized in Kenya,
- iii. Be a Party life member,
- iv. Is proficient in both English and Kiswahili languages,
- v. Demonstrate active participation in Party programs six months prior to seeking nomination, provided that the National Executive Committee may for good cause which shall be specifically documented, exempt an applicant from this requirement, subject to any conditions it may deem fit,
- vi. Meet the minimum requirements for Parliamentary Candidates as may be set out by the Independent Electoral and Boundaries Commission of Kenya.

16.3.2 Candidates in respect of Parliamentary nominations shall be required to provide the following:

- i. Duly completed Nomination Form at Schedule III herein in duplicate.
- ii. Copy of national identity card or Passport,
- iii. A copy of Elector's card,
- iv. A copy of a UPA Life Membership Certificate
- v. Non- Refundable nomination fee paid to UPA by Bankers Cheque or deposited in the Party's Account of:
 - a. Member of the Senate: Kshs.250,000/=
 - b. Members of the National Assembly: Kshs. 100,000/=
- vi. Duly executed Code of Conduct Form.
- vii. Meet all other requirements under the Elections Act and Regulations made by the Commission.

16.3.3 Disqualification from nomination as a candidate for election as a Member of Parliament

A person is disqualified from being nominated as a Member of Parliament if the person:

- i Is a State Officer or other Public Officer other than a Member of Parliament,
- ii Has, at any time within the five years immediately preceding the date of the election, held office as a member of the Independent Electoral Boundaries Commission,
- iii Is of unsound mind,
- iv Is an undischarged bankrupt,
- v Is subject to a sentence of imprisonment of at least six months as at the date of nomination as a candidate,
- vi Has not been a citizen of Kenya for at least the ten years immediately preceding the date of the election, or
- vii Is found, in accordance with any Law to have misused or abused a state office or public office or in any way to have contravened the provisions of Chapter Six of the Constitution of Kenya.
- viii Is found to have planned, sponsored or participated in any violent activity intended to disrupt elections.

16.4 Nominations for County Woman Representative:

16.4.1 A person seeking nomination for County Woman Representative shall fulfill the following requirements:

- i. Be a registered voter in the County for which she seeks election,
- ii. Has attained post-secondary school qualification recognized in Kenya,
- iii. Be a Party life member,
- iv. Is proficient in both English and Kiswahili languages,

- v. Have been an active member of the party six months prior to seeking nomination, provided that the National Executive Committee may for good cause which shall be specifically documented, exempt an applicant from this requirement, subject to any conditions it may deem fit,
- vi. Meet the minimum requirements for Parliamentary Candidates as may be set out by the Independent Electoral and Boundaries Commission of Kenya.

16.4.2 Candidates in respect of County Woman Representative nominations shall be required to provide the following:

- i. Duly completed Nomination Form at Schedule III herein in duplicate.
- ii. Copy of national identity card or Passport,
- iii. A copy of Elector's card,
- iv. A copy of UPA's Life Membership Certificate,
- v. Non- refundable fee of 100,000/= paid by a Bankers Cheque or deposited in the Party's account
- vi. Duly executed Code of Conduct Form.
- vii. Meet all other requirements under the Elections Act and Regulations made by the Commission.

16.4.3 Disqualification from nomination as a candidate for election as County Woman Representative:

A person is disqualified from being nominated as County Woman Representative if the person:

- i. Is a State Officer or other Public Officer other than a Member of Parliament,
- ii. Has, at any time within the five years immediately preceding the date of the election, held office as a member of the Independent Electoral Boundaries Commission,
- iii. Is of unsound mind,
- iv. Is an undischarged bankrupt,

- v. Is subject to a sentence of imprisonment of at least six months as at the date of nomination as a candidate,
- vi. Has not been a citizen of Kenya for at least the ten years immediately preceding the date of the election, or
- vii. Is found, in accordance with any Law to have misused or abused a state office or public office or in any way to have contravened the provisions of Chapter Six of the Constitution of Kenya.
- viii. Is found to have planned, sponsored or participated in any violent activity intended to disrupt elections.

16.5 Nomination of a Presidential Candidate

16.5.1. A person seeking nomination for Presidential elections shall fulfill the following requirements:

- i. Be a Kenyan citizen with a National Identity Card or passport,
- ii. Be 35 years of age and above,
- iii. Be a registered voter,
- iv. Be a life member of the Party,
- v. Is a holder of a degree from a university recognized in Kenya.
- vi. Be of high moral standing and integrity,
- vii. Meet the minimum requirements for Presidential Candidates as set out by the Independent Electoral and Boundaries Commission of Kenya, or
- viii. Is qualified to stand for election as a Member of Parliament.

16.5.2 Candidates in respect of Presidential nomination shall be required to provide the following:-

- i. Duly completed Nomination Form at Schedule III herein in duplicate.
- ii. Copy of national identity card or Passport,
- iii. A copy of Elector's card,

- iv. A copy of UPA's Life Membership Certificate
- v. Non- refundable fee of 1,000,000/= paid to UPA by a Bankers Cheque or deposited in the Party's account
- vi. A copy of the degree certificate obtained from a university recognized in Kenya,
- vii. Duly executed Code of Conduct and Pledge of Commitment Form
- viii. Meet all other requirements under the Elections Act and Regulations made by the Commission.

Rule 17: PARTY PRIMARIES FOR PRESIDENTIAL NOMINATIONS

17.1 There shall be an election to nominate the Party's Presidential candidate provided that the National Delegates Conference may by resolution for the reasons and circumstances provided for by these rules adopt a non-competitive nomination method or direct nomination of the Presidential candidate as provided in the Constitution of the Party.

A candidate qualifies to be nominated by the Party as a presidential candidate for an election if that person;

- (a) Is qualified to be elected as a President under the Constitution of Kenya and the Elections Act, 2011
- (b) Holds a degree from a university recognized in Kenya
- (c) Is a citizen by birth
- (d) Is qualified to stand for election as a member of Parliament
- (e) Is nominated by not fewer than two thousand voters

17.3 The Members of the National Delegates Convention comprising of;

- a) All members of the National Executive Committee
- b) All members of the Party Parliamentary Group

- c) All Members of the Council of Governors & the Deputy Governors
- d) All Chairpersons of the Branch Executive Committees
- e) All Members of the County Coordinating Committees
- f) Minority OR Majority leaders in each County Assembly
- g) All National Officials of the UPA Youth League
- h) All National Officials of the UPA Women League
- i) Two persons of disability drawn from each county.
- j) One marginalized person drawn from each county
- k) One person nominated by BEC where the Member of National Assembly is an elected member of the Party.
- l) One LADY nominated by the BEC, where the County Women Representative is an elected member of the party.
- m) One person nominated by the BEC, where the Senator is an elected member of the Party.
- n) One person nominated by the BEC, where the Governor is an elected member of the party.
- o) Members of the Party's Standing Committees specially nominated by the NEC to attend the Conference as delegates.
- p) At least one member from each registered Overseas Branch specially nominated by the NEC to attend the Conference as delegates.
- q) Top up Delegates from branches to be determined by NEC, through the formula set out in schedule iii herein.
- r) The maximum number of Delegates present at any NDC shall not exceed 3000 Delegates.

Shall convert into a National Electoral College and nominate the Presidential Candidate

- 17.3** The date of the National Delegates Convention shall be announced by the National Executive Committee.
- 17.4** Voting shall be by secret ballot and the winner shall be determined by a simple majority.
- 17.5** On the date determined for polling, eligible voters shall be identified by availing the following documents:
- i. UPA membership card,
 - ii. National Identity card or Passport, and
 - iii. Voters' card.
 - iv. National Electoral College Voters Register.
- 17.6** The NEB shall use the Voters Register as compiled from the list of delegates to the National Delegates Convention
- 17.7** Each Presidential Candidate shall be entitled to appoint Agents as shall be determined by the NEB
- 17.8** The Returning Officer shall tally and announce the results and submit to the NEB
- 17.9** The NEB shall present the results of the Presidential nominations to the National Delegates Convention.
- 17.10** In the event that only one candidate presents him/herself for nomination, the NEB shall present the said candidate to the National Delegates Convention for endorsement.

Rule 18: NOMINATION PROCEDURES FOR MEMBER OF COUNTY ASSEMBLY, GOVERNOR, MEMBER OF THE SENATE, MEMBER OF THE NATIONAL ASSEMBLY, AND COUNTY WOMAN REPRESENTATIVE:

- 18.1** Party Primaries for the nomination of member of the County Assembly, Governor, Member of the Senate, Member of the National Assembly and County Woman Representative shall be by way of universal suffrage of all registered Party members at the Polling Station **or** by Sub Branch Electoral College.
- 18.2** The Sub Branch Electoral College shall comprise all the members of the Sub Branch Steering Committee, UPA Women League Steering Committee and UPAYouth League Steering Committee who shall convert into a Sub Branch Electoral College to nominate a

member of the County Assembly, Governor, Member of the Senate, Member of The National Assembly, And County Woman Representative:

18.3 Voting shall be by secret ballot.

18.4 The NEB shall designate such number of polling stations as might be convenient to voters to access voting centres and publish them twenty-one days to the polling date.

18.5 Presiding Officers shall count and tally votes cast at each Polling Station and forward them to the Constituency Returning Officer who shall make the final tally before announcing result of the elections in respect of the Member of County Assembly Representatives and Member of National Assembly.

18.6 The Constituency Returning Officer shall submit forthwith the vote tally to the County Returning Officer who shall make the final tally with respect to nominations for Members of Senate, Governor and County Women Representatives before making public the result of Party nomination for County elections.

18.7 Announcement of results and issuance of nomination certificates:

- i. Each Returning Officer shall tabulate and collate certified results received from Presiding Officers at the Polling stations level and promptly announce the results in the presence of all the candidates and/or their agents.
- ii. The Returning Officer shall thereafter issue a certificate of return showing the total number of votes garnered by each candidate in every polling station and which shall be signed by either the candidate or their agents and a certified copy of which shall be immediately forwarded to the County Elections Board which shall in turn certify the same and transmit it to the NEB.
- iii. Where only one aspiring candidate applies to be nominated in an elective position, no party primary shall be conducted and the respective Election Board shall declare in writing that the said aspiring candidate as the party nominee.
- iv. Where a dispute been duly filed at either the County Elections Appeal Tribunal or the National Appeal Tribunal within the prescribed timelines, the relevant Elections Board shall withhold the certificate of return until such time as they are furnished with the verdict of the Tribunal and which in any case shall not be more than fourteen (14) days of the date of the dispute, save for by-elections which shall be concluded within the shortest time possible.

- v. Upon receipt of the certified copy of the certificate of return from the County Elections Appeal Board and where no appeal has been lodged at the National Elections Appeals Tribunal, the NEB 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.
- vi. The Chairman of the NEC shall be responsible for signing the Nomination Certificates and certifying to the Commission, through the Form provided under Schedule vi herein, that the Party has complied with the Party's Nomination Rules and procedures in the conduct of the primaries.
- vii. 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 the High Court.
- viii. The Chairman of the NEC shall be responsible for certifying and submitting the list of nominees to the Commission.

18.8 Automatic Nomination of Candidates:

18.8.1 The Party may upon recommendation of the National Executive Committee (NEC) adopt a non competitive nomination method or direct nomination in any election and grant automatic nomination to a candidate upon the following considerations;

- a) the candidate's popularity considered against the general membership of the party in the relevant electoral area
- b) The candidate's probability of success in the party's bid to capture the relevant seat.
- c) The candidate's standing in the society.
- d) The candidate's demonstrated loyalty to the party
- e) The candidate's demonstrated contribution to the programs and general operations and interests of the party.
- f) The need to avert subversion and manipulation of party nominations through covert and undemocratic actions of the party's political rivals in the relevant electoral area

Rule 19: DISPUTES RESOLUTION AND APPEAL TRIBUNALS

19.1. County Appeals Tribunal:

- 19.1.1** There shall be established a County Appeals Tribunal in every County each composed of five members of the Party who shall be distinguished persons of good moral standing in society and of high integrity.
- 19.1.2** The County Appeal Tribunal shall perform its functions in an independent manner free from interference from any other member / party official / organ.
- 19.1.2** Members of the County Appeals Tribunal shall be appointed by the NEB, and approved by the NEC at least 30 days before the commencement of the nomination exercise or Party elections. The Tribunal shall be guided by the Rules of procedure which shall be formulated the NEB.
- 19.1.3** The NEB shall, at the time of appointment, designate one member of the Tribunal as the Presiding Chairperson
- 19.1.4** The Quorum of the County Appeals Tribunal shall be a minimum panel of three who shall determine appeals arising from Polling Station, Sub Branch, Branch party elections, and appeals arising from nominations in respect of County Ward representatives.
- 19.1.5** No member of the Tribunal shall during his/her tenure of office be a Party official or an aspirant in any Party election or nomination.
- 19.1.6** Any candidate aggrieved by the outcome of Party elections in the Branch, Sub-Branch, or Polling Station shall have the right of appeal to the County Appeals Tribunal within 48 hours of the announcement of results.
- 19.1.7** The appeal shall be lodged within three (3) days of announcement of the results and shall be in writing, duly signed by the appellant and accompanied by a non-refundable fee of Kshs 30,000/= payable to the Party.
- 19.1.8** The County Appeals Tribunal shall consider and determine the appeal in accordance with the Constitution of Kenya, applicable Law, Party Constitution and Election and Nomination Rules within seven (7) days of receipt of the appeal.

19.1.9The decision of the County Appeal Tribunal shall be made;

- (a) after hearing all parties;
- (b) after taking into account all the relevant documents relating to the dispute;
- (c) by applying the rules of natural justice;
- (d) where the mechanism involves a panel, a panel comprising of an odd number of members where the decision is by majority of the members of the panel

Provided that the County Appeal Board may, in its discretion but for good reasons to be recorded, consider the written appeal and make its decision or make directives without the need to hear the appellant in person.

19.1.10 The Appeals Tribunal shall, in suitable cases, have powers to summon the Returning Officer responsible, Party witnesses with relevant evidence and after due consideration dismiss the appeal, order re-count or re-tallying of votes or otherwise nullify the result of the elections and order a repeat thereof.

19.2 National Appeals Tribunal:

19.2.1There shall be established a National Appeals Tribunals composed of five members of the Party who shall be distinguished persons of good moral standing in society and of high integrity.

19.2.2The National Appeal Tribunal shall perform its functions in an independent manner free from interference from any other member / party official / organ.

19.2.3Members of the National Appeals Tribunal shall be appointed by the NEC and shall designate one member of the Tribunal as the Chairperson.

19.2.4The National Appeals Tribunal shall determine appeals arising from elections of National officials, Nominations in respect of the Party List and nominations in respect of Presidential elections, Governors, Senators, Members of the National Assembly, and County Women Representatives.

19.2.5No member of the Tribunal shall, during his/her tenure of office, be a Party official or an aspirant in any Party election or nomination.

19.2.6The appeals to the National Appeals Tribunal shall be in writing duly signed by the appellant and shall be lodged within 48 hours of the announcement of results appealed from.

19.2.7An appellant shall, on appeal, pay a non-refundable fee of Ksh. 70,000/= to the Party.

19.2.8The National Appeals Tribunal may, in its discretion but for reasons to be recorded, consider the appeal and make its decision or make directives without the need to hear the appellant in person.

19.2.9The National Appeals Tribunal shall, in suitable cases, have powers to summon the Returning Officer responsible, Party witnesses with relevant evidence and thereafter dismiss the appeal or order re-count, re-tallying of votes or repeat of elections.

19.2.10 The National Appeals Tribunal shall consider and determine the appeal in accordance with the Constitution of Kenya, any applicable Law, Party Constitution and Election and Nomination Rules within seven (7) of receipt of the appeal.

19.2.11The decision of the National Appeals Tribunal shall be final.

19.3 The decisions of the National and County Appeal Tribunals shall be made –

(e) after hearing all parties;

(f) after taking into account all the relevant documents relating to the dispute;

(g) by applying the rules of natural justice;

(h) in writing.

Rule 20 NOMINATION OF PARTY LIST MEMBERS

20.1The NEC shall nominate and present a list of members, duly signed by the Chairman of the NEC, to the Commission in the category of Party List members in accordance with Section 34 of the Elections Act.

20.2The Chairman of the NEC shall be responsible for certifying in the Form set out at Schedule v herein, that the nomination of the candidates in the party list has been conducted in accordance the Constitution of Kenya, the Elections Act and these rules and procedures.

20.2The qualifications and disqualifications prescribed for Members of Parliament and County Assembly shall apply to the Party List.

20.3 The party list shall contain the names of all the persons who would stand elected if the party were to be entitled to all the seats available under Articles 97(1)(c), 98(1)(b),(c), (d) and 177(1) (b) and (c) of the Constitution of Kenya and shall alternate between male and female candidates.

20.4 The party list shall ensure fair representation and shall take into consideration the principles of Article 81(b) and Article 100 of the Constitution of Kenya.

Rule 21 PLEDGE OF COMMITMENT

All applicants for nomination as party candidates shall sign a Code of Conduct, Pledge of Commitment to make monthly contributions towards the financing of Party operations and a pledge to the party manifesto which Pledge shall be witnessed by a Commissioner of Oaths or Magistrate. The amounts to be pledged by Party candidates shall be set out and reviewed from time to time by the NEC. The amounts pledged shall be recoverable by the Party as a civil debt.

PART IV: GENERAL

Rule 22 POLLING STATION

The Polling station(s) where the nomination shall take place shall be at the Wards; the number of polling streams to be determined and published by the NEB fourteen days before the nomination day.

Rule 23 PARTY REGISTER

23.1 For purposes of conducting elections by universal suffrage, the NEB shall ensure that there are registers of all Party members in all Wards, Constituencies and Counties as the case may be.

23.2 On the date determined for polling, eligible voters as per the Party register shall be identified by availing the following documents:

- i. National Identity card or Passport
- ii. Voters' card or Party membership Card

Rule 24 VOTING PROCEDURE

Voting under these rules shall be by way of Secret ballot or any other method of voting acceptable to the delegates. 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. Nominations of all candidates shall be in the prescribed form.

Rule 25 GROUNDS FOR DISQUALIFICATION

25.1 A member shall be disqualified to be a candidate for any nomination 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 in any register of Party members; or

25.2 A candidate who corruptly, for the purpose of influencing a voter to vote or refrain from voting for a particular candidate –

- a. before or during an election –
 - i. undertakes or promises to reward a voter to refrain from voting;
 - ii. gives, causes to be given to a voter or pays, 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 provision to or for any person for the purpose of corruptly influencing that person or any other person to vote or refrain from voting for a particular candidate at the election or being about to vote or refrain from voting, for a particular candidate, at the election; or

- b. 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, shall be disqualified as a candidate for nomination on the Party's ticket.
- c. A Party member shall be disqualified to vote at an election for the nomination of any candidate if he induces, influences or procures any other person to vote in an election knowing that the person is not entitled to vote in that election.

25.3 A Party member who 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.

25.4 Any Party member shall be disqualified from voting in an election for the nomination of any candidate if he directly or indirectly in person or through another person on his behalf uses or threatens to use any force, 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 –

- a. inducing or compelling a person to vote or not to vote for a particular candidate at an election for nomination;
- b. Impeding or preventing the free exercise of the franchise of a voter;
- c. Inducing or compelling a person to refrain from becoming a candidate or to withdraw if he has become a candidate; or
- d. Impeding or preventing a person from being nominated as a candidate or from being registered as a voter.

25.5 A Party member shall be disqualified to vote at an election for the nomination of any candidate if he directly or indirectly by duress or intimidation –

- a. Impedes, prevents or threatens to impede or prevent a voter from voting; or
- b. In any manner influences the result of an election.

25.6 A candidate shall be disqualified from elections or nomination on account of bribery if he –

- a. Directly or indirectly, lends or agrees to lend, or offers, promises or promises to procure or to endeavor to procure any money or valuable consideration too 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;
- b. 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;

- c 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;

Rule 26 CAMPAIGN

26.1 The NEB shall give a period of not less than fourteen days to all respective candidates to campaign for the various positions vied for.

26.2 No campaigns shall be permitted on the polling day.

Rule 27 HOURS OF POLLING

27.1 The polling stations shall open at 6:00am and close at 5:00pm.

27.2 The Returning officer shall announce and declare the results of the elections in the presence of the candidate (s) and/or their agents.

27.3 The NEB may at any election, accredit

- (a) an observer,
- (b) any person or institution to report an election.

Rule 28. NOMINATION CERTIFICATE

28.1 The NEB shall compile, certify and present the list of all successful candidates to The NEC.

28.2 Upon receipt of a certified list of the candidates, the chairman of the NEC shall issue Nomination Certificates to the successful candidates and shall sign and forward to the Commission the Party List in accordance with Sec. 35 of the Elections Act, 2011.

Rule 29 RETENTION AND PUBLIC INSPECTION OF DOCUMENTS

All elections documents and materials shall be archived for a period of six months at the Party Headquarters.

RULE 30: ACCESS TO INFORMATION

30.1 Every registered member of a political party has the right to access any information held by

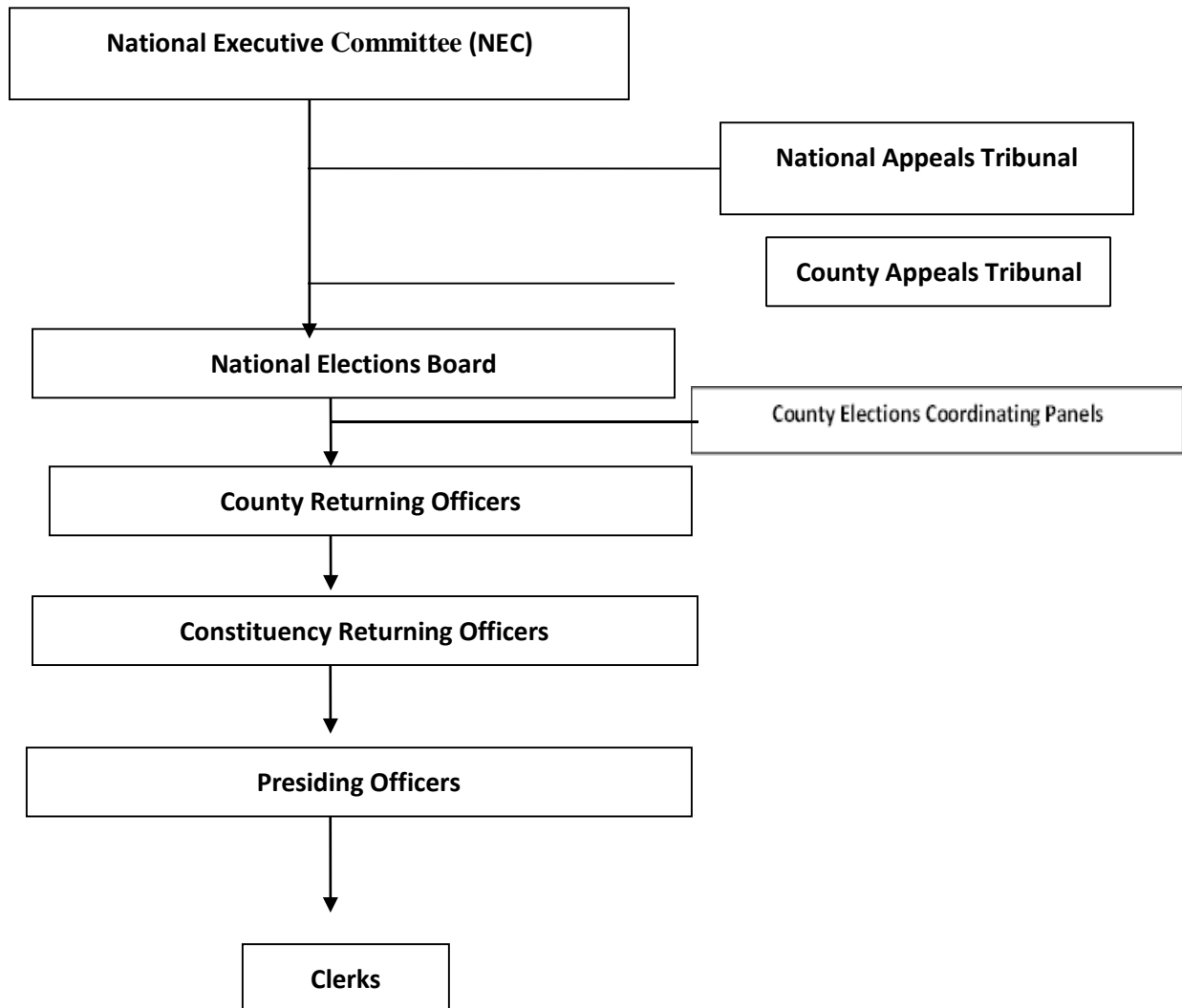
that political party relating to;

- (a) the party's nomination rules and procedures of the political party;
- (b) the members of the party's Election Board;
- (c) the criteria relied on by the party to nominate the party list members;
- (d) the register of members of the party; and
- (e) the party's constitution or similar document.

30.2 Upon submission of these Rules by the Party to the Commission pursuant to Section 27 of the Elections Act, the Party shall, within a reasonable period;

- (a) make these Rules available and accessible to the members of the party with due considerations given to members with disabilities;
- (b) place a copy of these Rules at the party's head office and branch offices;
- (c) Post them on any available party website;

Schedule I: ELECTIONS AND NOMINATION STRUCTURES



Schedule II: Delegates top up formula:

Total number of Registered Party Members Nationally

Total Number of Constituencies in the Republic of Kenya

= Target Number

Registered Party Members

Determined by the number of registered members as per Party records

Target Number

This is the minimum number of members a branch must have to qualify for one (1) delegate.

Number of Registered Party Members in Good Standing @ the Branch

Target Number

= Qualifying Delegates per branch

Qualifying Delegates

This is the number of delegates that qualify from each branch.

Qualifying Delegates X Multiplier

= Actual Top Up Delegates per branch

Multiplier

A number that is determined by the NEC to be applied uniformly in the determination of the actual delegates in each branch.

Actual Delegates per Branch

The number Top Up delegates that can represent each branch and fully participate in the Party's NDC as per this formula.

Schedule III: Application for Nomination

FORM 3

(r. 15 (1))

APPLICATION FOR NOMINATION BY A POLITICAL PARTY

Colored Passport size
photo on white background

APPLICATION FOR (name of party)

NOMINATION FOR (name of position / party list)

| | <i>Particulars of Aspiring Candidate</i> |
|--|--|
| Name in Full | |
| Occupation | |
| National Identity Card or Passport No. | |
| Sex | |
| Date of Birth | |
| Physical address | |
| Postal address | |
| County | |
| Constituency | |
| Ward | |
| Voters Card Number | |
| Party membership number | |
| Telephone contacts | |

If the application is for party nomination on a party list

| | |
|--|--|
| Name of party list | |
| Ethnic Community of the aspiring candidate (only for national lists) | |
| Category of Special Interest Group Women Youth Person with Disability (type of disability) Ethnic minority Marginalized community | |
| Represent workers (only for 12 members list for National Assembly) | |

And I the aforementioneddo hereby apply to the party nominee for (position/party list) and hereby certify that I am in all respects qualified for nomination as such candidate.

Signature of Aspiring Candidate.....

Dated the

Schedule iv: Declaration Certifying Disability.

FORM 4

(r.15(2))

DECLARATION CERTIFYING DISABILITY.

Iof..... (*name of institution*) do certify that
..... (*name of the aspiring candidate seeking nomination representing
person with disability*) holdingID/Passport number is a person living with disability, more
specifically..... (*type of disability*) for the last
.....(*no of years/months*).

I make this declaration conscientiously as I sign this form.

Declared atthis.....day of 20

Signature of Deponent –

Name

Profession.....

Work station.....

ID / Passport No.

Phone number.....

Signature

FORM 6

(r. 21 (1))

**STATUTORY DECLARATION OF COMPLIANCE IN PARTY
NOMINATION OF PARTY LIST**

I / we, the authorized person(s), do solemnly and sincerely certify that in the nomination process in which party candidates was nominated on (*name of party list*)

The party nomination process was conducted in accordance with all relevant party laws, rules and regulations related to party nominations.

And I / we make this declaration conscientiously believing in values and principles guiding us in our political party.

Declared atthis.....day of 20

Signature of Deponent(s) –

1. Name

ID / Passport No.

Signature

2. Name

ID / Passport No.

Signature

Schedule vi. COMPLAINEE IN PARTY PRIMARY

FORM 5

(r. 18 (2))

STATUTORY DECLARATION OF COMPLIANCE IN PARTY PRIMARY

I / we, the authorized person(s), do solemnly and sincerely certify that in the party primary process in which (*name of nominee*) ID/Passport number was declared the winner and the party nominee for (*position*) the party primary was conducted in accordance with all relevant party laws, rules and regulations related to party nominations.

And I / we make this declaration conscientiously believing in values and principles guiding us in our political party.

Declared atthis.....day of 20

Signature of Declarant(s) –

1. Name

ID / Passport No.

Signature

2. Name

ID / Passport No.

Signature