

UNITED PROGRESSIVE ALLIANCE (‘UPA’)

ELECTORAL CODE OF CONDUCT, 2021.

*Incorporating the Resolution of Members Made during the annual General
Meeting held on*

THE UPA ELECTORAL CODE OF CONDUCT (2021)

PART ONE - PURPOSE AND OBJECTIVE.

The purpose of the UPA Elections Code of Conduct is to encourage and promote conduct of campaigns for various UPA elections being mindful of the honor and dignity of the Party. The Party maintains that conduct of campaign reflects a candidate's integrity and values and only those candidates willing to abide by this Code of Conduct merit consideration for endorsement to the respective posts sought.

The objective of the code is to prescribe matters relating to the conduct of the Party's elections and to promote conditions conducive to the conduct of free and fair party elections and a climate of tolerance in which political activity may take place without fear, coercion, intimidation or reprisals.

PART TWO - PRELIMINARY

1. This Code may be cited as the United Progressive Alliance Electoral Code of Conduct, 2021
2. In this Code, unless the context otherwise requires; -

Interpretation

“CAT” means the County Appeal Tribunal established under Rule 19.1.1 of the Party's Nomination Rules

“NAT” means the National Appeal Tribunal established under Rule 19.2.1 of the Party's Nomination Rules

“Electoral laws” means the Constitution, the Elections Act and subsidiary legislation made thereunder as they relate to the presidential, parliamentary, county elections and the referendum.

“Party” means the United Progressive Alliance.

Application

1. This code is made pursuant to Regulation 7 of The Elections (Party Primaries and Party Lists) Regulations, 2017 and shall apply to –
 - (a) All members of the Party including candidates desirous of contesting for any position in any elections / selection conducted by the Party; and
 - (b) The agents, supporters and campaigning teams of the candidates in (a) above.
2. All aspiring candidates referred to in Rule 1 (a) above shall be required to sign and ascribe to the party's nomination code of conduct set out in the Form at Schedule One herein.

PART THREE – GENERAL PROVISION

3. All those bound by this Code shall, throughout an election period –
 - a. publicly and repeatedly condemn violence and intimidation and avoid the use of hate speech, language or any kind of action which may lead to violence or intimidation, whether to demonstrate strength, gain any kind of advantage, or for any other reason;
 - b. refrain from any action involving violence or intimidation;
 - c. ensure that no arms or weapons of any kind are carried or displayed at political meetings or any march, demonstration or other event of a political nature;
 - d. refrain from campaigning in places of worship or during burial ceremonies;
 - e. co-operate and liaise in good faith with other parties to avoid organizing public meetings, demonstrations, rallies or marches to take place at the same time and venue as similar political events organized by other candidates;
 - f. do nothing to impede the right of any candidate, canvassers and representatives, to have reasonable access to voters for the purposes of conducting voter education, fund raising, canvassing membership and soliciting support;
 - g. refrain from offering any document or reward to any person in consideration of such person either supporting or not supporting any candidate; attending or not attending any political event; voting or not voting (either at all, or in any particular manner); or accepting, refusing

or withdrawing such person's nomination as a candidate in the election;

- h. refrain from any attempt to abuse a position of power, privilege or influence, including parental, patriarchal, state or traditional authority for political purposes including any offer of reward or threat of penalty;
- i. avoid any discrimination based on race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth in connection with the election and political activity;

PART FOUR – ENFORCEMENT

- 4. The CAT shall, at the County level, receive, hear and determine complaints arising out of any specified breach of this Code by anyone bound by it. The decision of the CAT shall be subject to appeal to the NAT
- 5. The NAT shall, at the National level, receive, hear and determine complaints arising out of any specified breach of this Code by any party bound by it and the decision of the NAT shall be final.
- 6. Where, in the opinion of the CAT or the NAT, any person bound by this Code, in any way, infringes any provision of this Code, the CAT or the NAT may; -
 - (a) in the case of an aspiring candidate and, in the case of the leader, any office-bearer or member of the party or person who supports the candidate, impose one or more of the following penalties or sanctions which any or all may be suspended on specific conditions—
 - (i) a formal warning;
 - (ii) a fine determined by the Commission;
 - (iii) an order prohibiting the offending party from—
 - holding particular public meetings, demonstrations or marches, or any kind of meeting, demonstration or march;
 - entering any specified electoral area for purposes of canvassing for support, or for any other electoral purpose;
 - erecting placards or banners, or from publishing and distributing campaign literature;

- publishing or distributing campaign literature and electoral advertising or limiting the rights of the offending party to do so, and such prohibition or limitation shall be notified to the relevant regulating officers under the Public Order Act in the affected places or electoral areas for purposes of the Act;

(b) Recommend to the NEC, suspension or expulsion the offending party from the Party.

PART FIVE - LEADERSHIP AND INTEGRITY.

7. No Person shall be considered as eligible for any Party election unless such person;

- a) Has submitted themselves to the provisions of chapter six of the Constitution of Kenya, 2010.
- b) Has signed and ascribed to the party's nomination code of conduct set out in the **Form at Schedule 1** herein.

SCHEDULE ONE

FORM 1

(r. 7 (2))

SUBSCRIPTION TO THE PARTY'S NOMINATION CODE OF CONDUCT

Iof ID / Passport No..... do solemnly
and sincerely declare as follows:-

1. I do hereby subscribe to the party's nomination code of conduct.
2. I declare I will protect, uphold and follow all requirements and provisions in the nomination code of conduct.
3. I promise to do my uttermost to promote and enforce the requirements and provisions in the nomination code of conduct within and among the members of my nomination campaign team.
4. I promise to do my uttermost to promote and whenever possible enforce the requirements and provisions in the nomination code of conduct within and among my supporters

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

Declared atthis.....day of 20

Signature of Declarant.....