





UNITED PROGRESSIVE ALLIANCE

Constitution

P.O Box 44016 -0100 Nairobi |
| www.upakenya.com | Email: info@upakenya.com
 UPAkenya |  UPAKenya

UNITED PROGRESSIVE ALLIANCE

ACKNOWLEDGEMENT LETTER

Dear members and Friends,

.....

Kazi kwa Haki
Party Leader or NEC



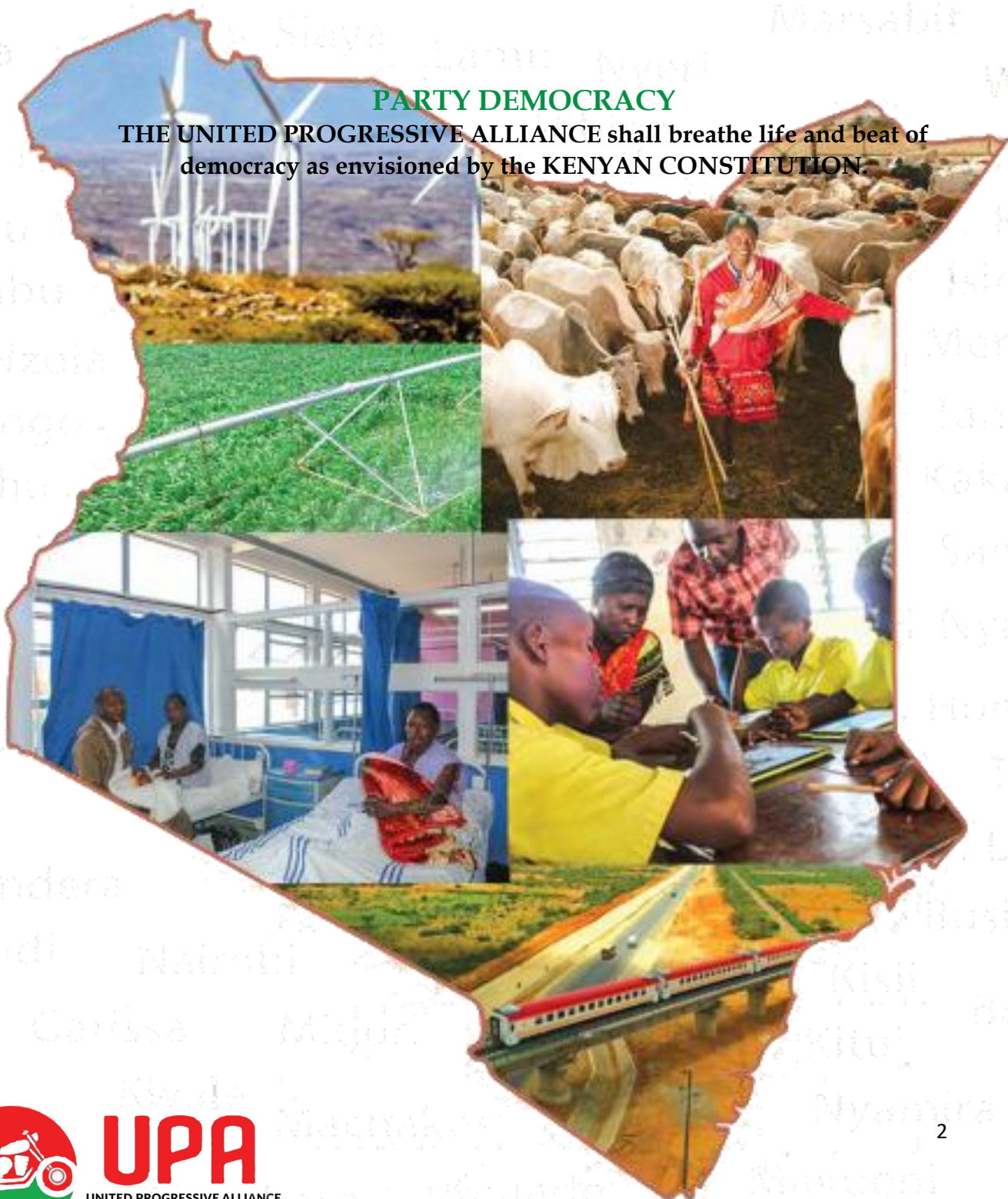
UPA
UNITED PROGRESSIVE ALLIANCE
Kazi ya Haki

The **UNITED PROGRESSIVE ALLIANCE**
"KAZI YA HAKI; PATO LA HAKI"

The **UNITED PROGRESSIVE ALLIANCE** is your Party open to all Kenyan Citizen over the age of 18.

PARTY DEMOCRACY

THE **UNITED PROGRESSIVE ALLIANCE** shall breathe life and beat of democracy as envisioned by the **KENYAN CONSTITUTION**.



UPA
UNITED PROGRESSIVE ALLIANCE
Kazi ya Haki

Tables of contents

Chapter 1:	Preamble
Chapter 2:	Identity, Vision and Mission
Chapter 3:	Identity, Vision and Mission
Chapter 4:	Aims, Objectives and Values
Chapter 5:	Membership, Rights and Duties
Chapter 6:	National Officials

Chapter 7: Party Organs

Chapter 8: Committees

Chapter 9: Stewardship

Chapter 10: Coalitions, Dispute Settlement and Amendment

Chapter 11: Dissolutions

Chapter 12: General

Schedule





CHAPTER 1

Article 1.0 PREAMBLE

We, members of United Progressive Alliance (UPA)

- i. **ACKNOWLEDGING** the supremacy of the Constitution of the Republic of Kenya;
- ii. **HONOURING** those who heroically struggled to bring freedom and justice to our country;
- iii. **RECOGNIZING** the aspirations of all Kenyans for a government based on freedom, democracy, social justice and the rule of law;
- iv. **PROUD** of our ethnic, cultural and religious diversity and determined to live in peace and unity as one indivisible democratic Nation;
- v. **DRIVEN** by the desire to create opportunities for all Kenyans with equal reference to the law, devolution of functions and inclusivity of all citizens;
- vi. **EXERCISING** our sovereign and inalienable rights to give ourselves the United Progressive Alliance party; to determine the form of governance of our party and having participated fully in the making of this constitution;
- vii. **ADOPT, ENACT** and give this revised constitution to ourselves, as members of the United Progressive Alliance (UPA) and to our future generations.





CHAPTER 2

ARTICLE 2.0: IDENTITY, VISION AND MISSION



UPA
UNITED PROGRESSIVE ALLIANCE
Kazi ya Haki



UPA
UNITED PROGRESSIVE ALLIANCE
Kazi ya Haki

Article 2.1: VISION

The Party's vision shall be to establish a prosperous, industrialized and modern nation, in which all citizens enjoy social, economic and democratic rights, and live in dignity.

Article 2.2: MISSION

To build a social, democratic state and society in which guarantees to all Kenyans the best attainable standard of life and harmonious coexistence between all individuals and cultural communities

Article 2.3: Party Slogan

The Party's slogan is *"KAZI YA HAKI; PATO LA HAKI"*

Article 2.4: The Symbol

The Party Symbol is one **two-wheeler motorcycle**, captioned in a circular frame.

Article 2.5: Party Salute

The Party salute is the right open hand with adducted fingers angled at the right eye brows.

Article 2.6 STATEMENT OF IDEOLOGY

The United Progressive Alliance Statement of Ideology will be captured in its manifesto.



CHAPTER 3 OBJECTIVES, AIMS AND VALUES

Article 3.0: Objectives; Aims and Values

Article 3.0 OBJECTIVES

The UPA's objects are as follows:

- 3.1 To form a Government of Kenya based on democratic and Constitutional principles of a pluralistic democracy and good governance founded on principles of Unity, Justice, Fairness, Peace, Liberty and Equality, and which is transparent and accountable to the electorate and all the people of Kenya;
- 3.2 To participate in the political processes of the country, including the sponsoring and presenting of candidates for election in all elective offices including presidential, parliamentary and civic seats;
- 3.3 To engage in and provide quality, just, fair and accountable leadership to the Kenyan public in matters of political, economic and social governance devoid of corruption, nepotism and all forms of discrimination;
- 3.4 To promote democratic, political governance within the framework of pluralist democracy based on the popular will of the people exercised through grassroots participation in Party activities, universal suffrage on principles of transparency and accountability in public affairs, justice, liberty, equality and respect for the Rule of Law, and the separation of

UNITED PROGRESSIVE ALLIANCE

powers between the three arms of Government, namely the Legislature, the Executive, and the Judiciary;

- 3.5 To establish, enhance and entrench sound economic institutions and fiscal policies to ensure sustainable human, economic and physical development; accountable, free and fair usage of public resources and total elimination of corruption, nepotism and mediocrity;
- 3.6 To encourage, promote or form coalitions among political parties pursuing similar objectives in Kenya;
- 3.7 To protect and enhance the enjoyment of human rights as enshrined in the Constitution of Kenya and any international conventions to which Kenya is a signatory; to advocate, promote and comply with the United Nations International Charter on Human Rights, the African Charter of Human and People's Right and the Conference Against Torture and other Cruel, Inhuman or Degrading Treatment and any other internationally recognized conventions;
- 3.8 To improve the quality of life for all Kenyans through promoting the eradication of ignorance, poverty and disease;
- 3.9 To establish and put into practice systems of political governance aimed at the total eradication of all forms of tribalism, discrimination, sectionalism, racism, oppression and exploitation;
- 3.10 To pursue, protect and promote civil, political, economic, religious, social or cultural rights and freedoms of the individual *inter alia*, the right to life and human dignity, and equality before the law; the freedoms of movement and association, thought, conscience, expression, religion, and to ensure the eradication of all unjust and oppressive laws and to promote law reform in accordance with principles of natural justice;
- 3.11 To work towards the independence of the Civil Service by delinking the same from any Political Party;
- 3.12 To promote national consciousness, integration, dialogue, reconciliation, peace and unity, and to safeguard national interests from sectarianism, tribalism and racism;
- 3.13 To pursue, promote and protect the rights of workers by securing a just return commensurate with their labour, or contribution, and in line with the cost of living; improved terms and conditions of service as well as promoting the rights of employers to demand commensurate output from their workers;

- 3.14 To respect and preserve our national heritage, history, cultural diversity, national monuments, historical sites and archives for the good and enjoyment of posterity and enhance cultural life of Kenyans in all spheres of national development;
- 3.15 To pursue and promote the full participation of women, youth, minorities, the disabled and any other disadvantaged groups in the management of public affairs and national development through affirmative action and mainstreaming their participation in Party activities and structures at all levels, and to advocate for and promote respect of the 1979 United Nations Conference for the Elimination of all Forms of Discrimination Against Women;
- 3.16 To promote gender equality and equity;
- 3.17 To promote and defend national sovereignty and to oppose all forms of adverse foreign domination, influence and ideologies;
- 3.18 To pursue the provision and improvement of health, education and social welfare service of all Kenyans so as to raise the standard and quality of life of the people of Kenya;
- 3.19 To formulate and pursue sound national population policies in order to improve the quality of life of all Kenyans;
- 3.20 To promote sound environmental management and conservation policies to ensure sustainable development and responsible utilization of our natural resources and protect all public utilities, national wealth and natural resources, for the betterment of the lives of all Kenyans and posterity;
- 3.21 To mobilize financial resources for the Party by means, including but not limited to *donations*, borrowing, pledging, mortgaging or charging Party property to secure loans, investing any of its monies in securities or ventures approved by the *National Executive Committee*, or by engaging in any commercial activity or undertaking;
- 3.22 To develop or devise schemes of awards, recognition or distinction of merit or honour, and/or confer awards or marks of distinction to any person, institution or organization that has rendered exemplary service to the Party, or otherwise contributed to the advancement of the Party's interests, objectives and aims in a manner deserving award or recognition;

UNITED PROGRESSIVE ALLIANCE

- 3.23 To respect and promote the national values, principles and goals enshrined in the Constitution of Kenya and any acts of Parliament;
- 3.24 To promote Kenya's participation in international political, economic and social affairs and to support and advance regional and global cooperation and integration and world peace;
- 3.25 To collaborate and work with any local, national, regional or international organization whether governmental or nongovernmental in the promotion of the Party's interests, aims and objectives;
- 3.26 To promote the creation of a conducive environment for the operation of the co-operative movement, trade unions, professional organizations, welfare associations and non-governmental organizations and involve them in Party activities so as to garner their support for the Party and build a strong foundation for a democratic system of governance in Kenya;
- 3.27 To educate and create awareness among Kenyans of all walks of life on public matters, issues and Party Policies, with a view to enhancing and maintaining a just and democratic system and society;
- 3.28 To ensure the strengthening of Parliament, Parliamentary Committees and County Assemblies for the effective operation of a representative government;
- 3.29 To establish the Women League, and Youth League;
- 3.30 To form branches countrywide and recruit members to the Party.

Article 3.31 VALUES

The UPA's core values include, but are not limited, to:

- i. Supremacy of the democratic rights of party members
- ii. Social and Economic justice;
- iii. Respect for constitutionalism and the rule of law;
- iv. Respect for individual and people's rights and freedoms;
- v. Democratic governance and people's participation;

UNITED PROGRESSIVE ALLIANCE

- vi. Freedom with responsibility;
- vii. Empowerment of the marginalized groups or sections of society;
- viii. Sustainable use of the environment;
- ix. Positive and mutually beneficial international relations;
- x. Avail equal opportunity irrespective of gender, race, tribe, religion, physical abilities, etc.

CHAPTER 4 MEMBERSHIP, RIGHTS AND DUTIES

Article 4.0: Membership

- 4.0.1 Membership of the Party shall be open, upon application to the Branch Executive Committee, to all Kenyan citizens in possession of a valid National Identification card or Passport, irrespective of gender, race, colour or creed and who accepts principles, objects, policies, programmes, directives and discipline of the Party and are prepared to profess and abide by this Constitution and rules made there-under provided that such person is not a member of another Political Party within the meaning of the Political Parties Act, 2011.
- 4.0.2 Any person who has manifested a clear identification with the party and its principles, objects, policies, programmes, directives and discipline and is resident in Kenya may apply to the National Executive Committee for membership.
- 4.0.3 Any person who is a citizen of the Republic of Kenya though not ordinarily resident in Kenya but has manifested a clear identification with party, its principles, objects, policies, programmes, directives and discipline may apply to the National Executive Committee for membership. Any member temporarily residing abroad for a continuous period of more than twelve months may retain his/her membership but shall notify Party Headquarters of his/her forwarding address.

- 4.0.4 No person otherwise disqualified under the Political Parties Act, 2011 shall be eligible for membership as a founding member within the meaning of that Act.
- 4.0.5 All members shall, before a Certificate of Membership is conferred to him/her, sign and subscribe to the Party's **Code of Conduct** and a Pledge of Commitment.
- 4.0.6 All members shall, before a Certificate of Membership is conferred him/her, pay prescribed fees for membership.
- 4.0.7 The National Executive Committee (NEC) shall have the right to reject or allow any application for membership based on the above requirements or any other requirement in this Constitution.

Article 4.1: Categories of Membership

- 4.1.1 Subject to the approval of the National Delegates Conference, the National Executive Committee shall have power to create or abolish any category of membership for the advancement of the Party's interest as the circumstances may permit.

The Party shall, for the time being, have the following categories of membership:

1. Life Membership
 - i. Platinum membership.
 - ii. Gold membership.
 - iii. Silver membership
2. Ordinary membership
3. Corporate membership
4. Group membership

- 4.1.2 Provided that group membership shall, upon application to the National Executive Committee, be open only to organizations including Trade Unions, Professional Associations, Co-operative Societies, Students' Unions or any other organization which subscribes to this Constitution.

- 4.1.3 A member may convert his/her membership from one category of membership to the other by paying the prescribed fees as may be recommended by the National Executive Committee (NEC).

Article 4.2: Rights of Party Member

4.2.1 A member of the party shall have the right to:

- i. Participate in Party activities;
- ii. Take a full and active part in the discussion, formulation and implementation of Party policies;
- iii. Receive copies of Party documents including the Constitution, Members' Guide, Election and Nomination Rules, Party manifesto and available information about their local branch upon request;
- iv. Receive and impart information on all aspects of Party policies and activities save where such right has been lawfully restricted;
- v. Offer constructive criticism of any member, official, policy, programme or activity within the Party and its structures;
- vi. Submit proposals or statements to the Branch, Region, or National Executive Committee provided that such proposals are submitted through appropriate Party structures;
- vii. Take part in elections through voting and be eligible for Party and National Elections at all levels upon nomination.

Article 4.3: Duties of Party Member

4.3.1 A member of the party shall:

- i. Take all necessary steps to understand and carry out the objects, policies and programmes of party;
- ii. Explain the objects, policies and programmes of the Party to others;
- iii. Combat propaganda detrimental to the interests of the Party and defend the objects, policies and programmes of the Party;
- iv. Popularize the Party;
- v. Observe discipline, the Party Code of Conduct and obey lawful decisions made by regular Party organs and respect the dispute resolution mechanism and disciplinary processes of the party;

UNITED PROGRESSIVE ALLIANCE

- vi. Refrain from publishing and or distributing through the media any information deemed confidential, or any other view purporting the same to be the view of the Party without proper authority or mandate of a regular organ of the Party;
- vii. Ensure that he or she is registered as a voter within any of the constituencies in the country and take all steps to vote during Party and national elections;
- viii. If a member holds an elective office in any sphere of governance at National, Branch or local level, be a member of the appropriate Party caucus and function within its articles, abiding by all lawful decisions under general provisions of this Constitution and structures of the Party;
- ix. Be liable to pay such fees as shall be prescribed by the Party;
- x. Support the Party financially and materially when called upon to do so for a good cause.

Article 4.4: Termination of Membership

4.4.1 A member of the Party shall cease to be one:

- i. Upon written resignation to the relevant Branch. Membership shall terminate with effect from the date of the receipt thereof, provided that the termination shall not absolve the member from performing any outstanding obligations owed to the Party or other members *qua* members;
- ii. By a resolution passed by the National Executive Council and ratified by the National Governing Council;
- iii. By accepting an office, subscribing to or promoting activities of a Political Party or Organization whose aims and objectives are in competition with or in conflict with those of the party
- iv. Upon death;
- v. By an operation of any prescribed law.

A person who has terminated his or her membership:

UNITED PROGRESSIVE ALLIANCE

- i. shall not be entitled to a refund of fees or subscriptions made by him or her to the Party prior to termination, and all rights, privileges and responsibilities or facilities granted to or enjoyed by him or her by virtue of his membership shall automatically terminate with effect from the date of receipt of written resignation from the Party;
- ii. Shall return all party property within his custody, possession or control, failure to which the Party shall have a right to lay claims against such person for any money due or owing to the Party or for any damage or loss occasioned to Party property which was in his custody, possession or control prior to termination of membership;
- iii. Shall have his/her name struck off from the register of Party members.





CHAPTER 5

NATIONAL OFFICIALS

Article 5.0: National Officials

5.1 The National Officials shall be:

- i. Party Leader
- ii. Deputy Party Leader
- iii. National Chairperson
- iv. Deputy Chairperson
- v. Secretary General
- vi. Deputy Secretary General
- vii. National Treasurer
- viii. Deputy Treasurer
- ix. National Organizing Secretary
- x. Deputy Organizing Secretary
- xi. Secretary for Legal and Constitutional Affairs
- xii. Secretary for Women Affairs / (Women League Leader)
- xiii. Secretary for Youth Affairs / (Youth League Leader)
- xiv. Secretary for Disability and Special Interests Groups
- xv. Secretary for Parliamentary Affairs / (Whip) National Assembly



- xvi. Secretary for Parliamentary Affairs / (Whip) Senate
- xvii. Secretary for international affairs
- xviii. Secretary for economic affairs
- xix. Secretary for National Security and Intelligence.

Article 5.2 Duties and Responsibilities of National Officials

5.2.1 All office bearers shall perform their functions within the spirit and provisions of this Constitution and shall ensure that they are guided by the objectives and values of the Party. Subject to any other duty expressly provided for by this Constitution, the main duties of elected National Officials shall be:

- 1) **The Party Leader** shall:
 - i. Be the leader of the party and the symbol of party unity
 - ii. Provide leadership and steer the Vision to the Party.
 - iii. Promote national cohesion and wholesome integration of all Party members in national development.
 - iv. Articulate Party's aspirations and charter a clear course or strategy for the achievement of such aspiration or implementation of Party's objects.
 - v. Champion the Party's campaign to form the next Government.
 - vi. Shall oversee the implementation of the party manifesto by the NATIONAL AND/OR COUNTY government when the party forms the government.
 - vii. Imbue Party members with charisma and lead the membership to newer heights of loyalty and patriotism to Party ideals, values and objectives.
 - viii. Lead the Party at political negotiations to form a working coalition with any other Party or Parties with the sole purpose of forming the Government as may be desirable in the circumstance.

UNITED PROGRESSIVE ALLIANCE

- ix. Provide wise counsel and judicious directives to National Officials specifically or to Party members in general on any matter in dispute or under controversy within any Party organ or amongst Party members.
- x. Convene, set the agenda and preside over meetings of the national party organs including the National Delegates Conference, the National Governing Council, the National Executive Committee and any other special sessions as he or she shall deem necessary.
- xi. Convene and preside over meetings of the Parliamentary Group and joint meetings of the Parliamentary Group and the National Executive Committee.
- xii. Confer honors of recognition, merit, distinction, commendation or accolade to a member of the Party or any other person who, in the considered opinion of the National Executive Committee, has made an outstanding contribution to the Party in the achievement of its objects, policies or programs or in furtherance of the same.
- xiii. Grant full or partial clemency, with or without conditions, from any suspension or expulsion imposed upon any member at the final conclusion of disciplinary procedures under this constitution where the Party Leader at his or her discretion considers that grant of such clemency will promote the unity and harmony within the Party.
- xiv. Issue directives for the performance of specific acts or omissions of any official or Organ of the Party in furtherance of the objectives, manifesto or ideals of the Party or the protection or implementation of the Party Constitution.

2) The Deputy Party Leader

- i. There shall be a Deputy Party Leader or such number of deputy Party Leaders as shall be approved by the National Executive Committee who shall deputize the Party Leader and shall perform such functions as the Party Leader directs.

3) National Chairperson

UNITED PROGRESSIVE ALLIANCE

The duties and responsibilities of the National Chairperson shall include:

- i. To provide leadership and oversee overall management and running of the Party affairs.
- ii. To articulate and defend the Party Constitution, Party policies, Ideals, Manifesto or programs or Actions.
- iii. To instill onto members a sense of loyalty and patriotism to the objects, policies and programmes of the Party.
- iv. To ensure discipline and proper order within the Party in accordance with the Party's Constitution.
- v. To impart onto Party membership the need to adhere to Party objects, policies programmes and laws made under this Constitution.
- vi. To forge a strong sense of unity within Party organs *inter se* and amongst Party rank and file and to ensure a pleasant working relationship between Party officers and members.
- vii. To Chair meetings of the party other than those Chaired by the Party Leader or Deputy Party Leader.
- viii. To convene and preside over National Executive Committee meetings under the direction of the Party Leader.
- ix. To preside over the National Delegates Conference and any other meetings requiring his attendance.
- x. Ensure performance of duty or obligation by Party officials and organs.
- xi. To ensure order at all meetings of the Party organs.
- xii. To consult and take counsel from Party Leader on any matter in dispute or under controversy within any Party organ or amongst Party members.
- xiii. Continue in office and perform duties inherent of the office of the National Chairperson until a new Chairperson is elected and takes oath of office.

4) National Deputy Chairperson – General functions

The National Deputy Chairpersons shall, under the direction of the National Chairperson:

- i. Chair Meetings in the absence of the Chairman.

UNITED PROGRESSIVE ALLIANCE

- ii. Perform such other specific assignments as might be delegated to him/her by the National Chairman from time to time.

5) **Secretary General**

He or she shall be the Accounting officer of the Party and the Party Spokesperson. He/She will be responsible for the management of the National Secretariat and remain the principal custodian of all Party records and the Party Seal.

His/her responsibilities shall include:

- i. Ensuring that all meetings including the National Executive Committee, National Governing Council and National Delegates Conference take place as provided for in the Constitution at such time as may be decided by the National Executive Committee;
- ii. Keeping or causing to be kept a proper record of minutes of all meetings of the National Executive Committee, the National Governing Council and the National Delegates Conference and ensuring the distribution of such minutes.
- iii. Shall be a mandatory signatory to all bank accounts.
- iv. He/she is the party accounting officer.
- v. As the Spokesperson of the Party, issue statement, press and media briefings and convey decisions of the NEC, CAUCUSES AND OTHER PARTY ORGANS.
- vi. Ensure statutory Compliance and issue Notices.
- vii. Shall be a member of all Party Committees, Organs and CAUCUSES and may choose to attend in person or through an appointment representative.
- viii. Preparing calendar of meetings and events of the National Delegates Conference; National Governing Council; the Central Committee; the National Executive Committee and the Party National Secretariat.
- ix. Be the depository and custodian of all Party legal instruments and documents including Party Seal, Minutes Register, instruments of intellectual property rights, instruments of registration, registration of all Party Branches and Party members' register.
- x. Corresponding and consulting with the Registrar of Political Parties on behalf of the Party as the authorized principal officer of the Party.
- xi. Any other duties conferred upon him or her by this Constitution or the National Executive Committee.

UNITED PROGRESSIVE ALLIANCE

- xii. Perform such duties and functions as are inherent and customary to the office of the Secretary General.

6) Deputy Secretary General

- i The Deputy Secretary General shall deputize the Secretary General and perform such duties as shall be delegated to the Deputy Secretary General from time to time.
- ii In the absence of the National Secretary General, the Deputy Secretary General shall issue such notices and convene such meetings as mandated to the Office of the Secretary General only with leave of the Party Leader.

7) National Treasurer

The National Treasurer shall be in charge of policy guidelines in respect to the party financial affairs and responsible for compliance of such guidelines under the supervision of the National Secretary General.

He or she shall also:

- i. Prepare Annual Party Budgets or Estimates and overall fiscal planning;
- ii. Monitor financial allocations and expenditure according to departmental votes as may be approved by the National Executive Committee;
- iii. Ensure the execution of prudent stewardship standards and best financial practices to protect Party's finances;
- iv. Prepare and submit to the National Executive Committee a Financial Statement every quarter of the year and ensure that copies of duly audited Annual Accounts are circulated to all delegates at the same time the notice convening the National Delegates Conference is sent out;
- v. Be responsible for the formulation and execution and coordination of resource mobilization and fundraising activities of the Party.
- vi. Perform such duties and functions as are inherent or customary to the office of the National Treasurer.

UNITED PROGRESSIVE ALLIANCE

- vii. Shall be in charge if the financial appropriation of the National Secretariat under the directions of the Secretary General and the National Chairman.

8) Deputy National Treasurer

The Deputy National Treasurer shall deputize the National Treasurer.

9) National Organizing Secretary

The National Organizing Secretary shall supervise organizations of the party and in particular:

- i. Organize public meetings, functions, tours and meet the people
- ii. Be responsible for promoting and mobilizing for party activities including the recruitment of Party members.
- iii. Coordinate effectively, together with the Secretary General, the functions of the Party CAUCUSES.
- iv. Champion outreach programs and aggregate the needs and issues affecting the branches and through the Secretary General, forward the same to the national Executive Committee.
- v. In consultation with the Secretary General and the NEC, supervise the organization of the National Delegates Conference, National Governing Council and thereafter report on the progress in the holding of such meetings.
- vi. Perform all the functions that are inherent and customary to the office of the National Organizing Secretary.

10) Deputy National Organizing Secretary

The Deputy National Organizing Secretary shall deputize the National Organizing Secretary and his or her duties or roles shall be in accordance with the party Constitution and rules.

11) Secretary for Legal and Constitutional Affairs

UNITED PROGRESSIVE ALLIANCE

The Secretary for Legal Affairs shall;

- i. Be the legal adviser to the Party in all legal and constitutional matters;
- ii. Perform such other duties as may be directed by the National Executive Committee.

12) Secretary for SECURITY AND INTERNATIONAL AFFAIRS

The Secretary for International Affairs shall:

- i. Be responsible for matters of foreign policy, contact with foreign organizations and creation of mutually beneficial links with foreign organizations and states;
- ii. Perform such other related duties as may be directed by the National Executive Committee.

13) Secretary for Women Affairs (Women League Leader) The Secretary for Women Affairs (Women League Leader) shall:

- i. Be the National Chairperson of the Women League;
- ii. Coordinate the activities of the Women League;
- iii. Generally promote and mobilize Party activities and policies among the women of Kenya under the direction of the National Executive Committee.
- iv. Mobilize and coordinate resource mobilization activities for Women programs in liaison with the National Treasurer.
- v. Submit periodic reports on the plans, design, implementation and activities of the Women League to the National Executive Committee through the office of the Secretary General.
- vi. Perform such other duties as are inherent of the office of the office of the Chairperson, National Women League.

14) Secretary for Youth Affairs (Youth League Leader)

The Secretary for Youth Affairs shall:

- i. Be the National Chairperson of the Youth League;
- ii. Mobilise and galvanise the youth League to support the political aspirations of the Party.

UNITED PROGRESSIVE ALLIANCE

- iii. Oversee the Party Youth programmes and coordinate all activities relating to the youth membership of the Party in liaison with the National Executive Committee.
- iv. Submit period reports on the performance of the Youth League to the office of the Secretary General.

15) Secretary for Special Interest Groups

The Secretary for Special Interest Groups shall be responsible for:

- i) Promoting the interest of special interest groups within the Party mainstream, in terms of representation and participation in Party structures and activities;
- ii) The identification and mobilization of special interest groups and ensuring that special interest groups have a national presence and profile within the Party;
- iii) Perform such other related duties as may be directed by the National Executive Committee.
- iv) The promotion and advocacy of the rights of persons with disability in the Party;
- v) To advise the Party on all matters that appertain to disability and public policy

16) Secretary for Parliamentary Affairs (Whip)

The Party Whip shall be responsible for:

- i) Galvanizing support of all Members of Parliament of the Party and other Members of Parliament of different persuasions for motions and bills proposed or supported by the Party;
- ii) Be responsible for calling and recording the proceedings of the meetings of the Parliamentary Group and briefing other organs of the Party on the activities of the Parliamentary Group.

17) Secretary for National Security and Intelligence

The Secretary for Security shall be responsible for development of Party policy on matters of internal security of the Party Nationally, intelligence gathering and public order.

18) Secretary for International Affairs and Diaspora.

- i. The Secretary for International Affairs and Diaspora shall be in charge of all Party affairs at the international fora as directed from time to time by the Party Leader and the National Executive Committee.

UNITED PROGRESSIVE ALLIANCE

- ii. He/She shall create branches/Chapters of the Party in countries that has membership of the United Progressive Alliance.
- iii. The Diaspora Branches/Chapters shall have their activities governed by the provisions of this Constitution.
- iv. The role of the Diaspora chapters is to promote the affairs of the party in their respective branches.
- v. The Diaspora branches shall elect officials among themselves who shall be the liaison people between the Diaspora and the
- vi. party.
- vii. The chairperson of the chapter shall seek formal recognition by the party through the National Executive Committee as proposed by the Secretary for International Affairs and Diaspora

19) Secretary for Economic Affairs

The Secretary of Economic Affairs shall:

- i. Facilitate policy formulation, development, review and strategic framework;
- ii. to provide technical advisory to the National Executive Committee, on party manifesto, policy by government, state agencies and or committees and other organs of the party;
- iii. in conjunction with the National Executive Committee, conducting regular policy forums in which rank and file participation is encouraged.
- iv. to serve as a go-between with party affiliated organizations as the formal consultative mechanism between the Party and other entities around the country and beyond.



CHAPTER 6
PARTY ORGANS

Article 6.0: Party Organs

- 6.1 There is hereby established the following Party organs:
- a) National Delegates Conference - (NDC)
 - b) National Governing Council - (NGC)
 - c) National Executive Committee - (NEC)
 - d) The Party Central Committee - (PCC)
 - e) Regional Delegates Conference - (RDC)
 - f) County Delegates Conference - (CDC)
 - g) Branch Executive Committee - (BEC) (Constituency)
 - h) Sub Branch Executive Committee - (SBEC) (Ward)
 - i) Polling Station Steering Committee - (PSSC) (Polling Station.)
 - j) Party Parliamentary Group - (PPG)
 - k) Council of Governors - (COG)
 - l) Party County Assembly Group - (PCAG)
 - m) Women League - (UPA Party-WL)
 - n) Youth League - (UPA Party-YL)
 - o) National Secretariat - (NS)
 - p) National Elections Board - (NEB)

Article 6.2: National Delegates Conference

6.2.1 The National Delegates Conference shall be the supreme organ of the Party with power to determine Party policy.

6.2.2 The National Delegates Conference shall be composed of the following members:

- i. All members of the National Executive Committee
- ii. All members of the Party Parliamentary Group

- iii. All Members of the Council of Governors & the Deputy Governors
- iv. All Chairpersons of the Branch Executive Committees
- v. All Members of the County Coordinating Committees
- vi. All members of Regional Coordinating Committees
- vii. Minority OR Majority leaders in each County Assembly
- viii. All National Officials of the Youth League
- ix. All National Officials of the Women League
- x. Two persons of disability drawn from each county.
- xi. One person drawn from marginalized persons from each county
- xii. One person nominated by BEC where the Member of National Assembly is an elected member of the Party.
- xiii. One LADY nominated by the BEC, where the County Women Representative is an elected member of the party.
- xiv. One person nominated by the BEC, where the Senator is an elected member of the Party.
- xv. One person nominated by the BEC, where the Governor is an elected member of the party.
- xvi. Members of the Party's Standing Committees specially nominated by the NEC to attend the Conference as delegates.
- xvii. At least one member from each registered Overseas Branch specially nominated by the NEC to attend the Conference as delegates.
- xviii. Top up Delegates from branches to be determined by NEC, through the formula set out in schedule vii herein.
- xix. The maximum number of Delegates present at any NDC shall not exceed 3000 Delegates.

6.2.3 The National Executive Committee may, in its wisdom, invite individuals who have made special contribution to the Party or who have special skills or experience to attend the Conference with no right to vote; provided always that this category shall include, but not limited, to representatives of special interest groups, comprising at least two representatives of persons with disability.

6.2.4 The National Delegates Conference shall have the following specific powers, duties and obligations:

- i. To review party policies and programmes and give directions regarding the organization of the Party.
- ii. To consider, modify, amend and, if it thinks fit, ratify the Manifesto, Constitution, Rules and Regulations of the Party and those governing its subsidiary organizations and their operations.
- iii. To establish and/or revise the by-laws, if required for the proper regulation of the affairs of the Party.
- iv. To receive, examine and approve Annual Financial Statement and Audited Accounts presented by the National Treasurer for the period since the previous ordinary session of the National Delegates Conference and review annual dues payable by the Party members.
- v. To receive and discuss reports of the National Governing Council and the National Executive Committee.
- vi. To appoint Party Auditor and fix his/her honorarium.
- vii. To elect, from among eligible Party members, the National Officials of the Party who shall constitute the National Executive Committee for a term of five years as set out in this constitution.
- viii. To delegate or confer any of its powers or duties to the National Governing Council and the National Executive Committee in addition to its functions.
- ix. To elect or appoint any other Standing Committee and assign specific tasks and duties to such committee.
- x. To nominate the Party's Presidential candidate for the election of the President of the Republic of Kenya or taking into consideration the criteria, procedures and circumstances provided for in the Party's

Elections and Nomination Rules justifying a noncompetitive nomination method or direct nomination, the National Delegates Conference may by resolution nominate the Party Leader as the Party's de facto Presidential candidate for the Office of President of the Republic of Kenya.

- xi. To initiate all such activities to further the aims and objects of the Party.
 - a. To perform any other duties and functions as the National Delegates Conference may deem fit.

Article 6.3: Procedure of Meeting at National Delegates Conference

6.3.1 Ordinary Sessions:

An Ordinary Session of the National Delegates Conference shall be convened by a resolution of the National Executive Committee ratified by the National Governing Council, and held once every five years but not later than 31st December of the fifth year, at a place, time and date to be determined by the National Executive Committee.

The notice and agenda convening the meeting shall be sent out by the Secretary General, failing which, any other Party official specially appointed for that purpose by a third of the National Executive Committee at least twenty-one days before such date and published in a daily English newspaper with the greatest circulation.

- 6.3.2 Only agenda items as approved by the National Governing Council or by the Party Leader shall be discussed at the Ordinary Session of the National Delegates Conference.

6.3.3 Special Sessions:

A Special Session of the National Delegates Conference shall be summoned by the National Chairperson upon the decision of the Party Leader or National Executive Committee or upon a requisition in writing signed by at least one third of the delegates eligible to attend an Ordinary Session of the National Delegates Conference.

The notice and agenda convening the meeting shall be sent out by the Secretary General at least twenty-one days before such date and published at least twice on a daily English newspaper with the greatest circulation, in addition to at least two Swahili radio broadcasts carried by a leading broadcasting station.

6.3.4 Where a Special Session of the National Delegates Conference is requisitioned by delegates, a notice calling upon the National Chairperson to summon the Conference including the agenda and date desired for the Conference shall be served upon the Secretary General not later than sixty-five working days before the date proposed; but where the National Chairperson fails to summon the Conference within twenty one working days after due service of the notice, the Conference shall, subject only to Article 17.3.6 here-under, stand duly summoned and properly convened on the date, place and time contained on the notice.

6.3.5 Where a Special Session of the National Delegates Conference requisitioned by delegates is convened in default of the National Chairperson summoning the same, the delegates requisitioning the Conference shall, not less than twenty one working days before the proposed date, cause a notice convening the Conference to be published on a daily English newspaper with the greatest circulation, carried by a leading Swahili radio broadcast and on the Party's website and other electronic media platforms ; provided always, that such notice shall contain the agenda, place, date and time of the Conference.

6.3.6 Only agenda items approved by the National Executive Committee or added by the Party Leader or as may be requisitioned by delegates shall be discussed at the Special Session of the National Delegates Conference.

In the absence of the Party Leader or the Deputy Party Leader the National Chairperson or, in his absence, his deputy but failing which a delegate, specially elected by delegates in attendance, shall preside at a Special Session of the National Delegates Conference requisitioned by delegates. Similarly, the Secretary General or, in his absence, his deputy but failing which a delegate, specially elected by delegates in attendance, shall be the Secretary of such Conference.

6.3.7 Quorum of the Ordinary or Special Sessions of the National Delegates Conference shall be 30% of eligible members present and voting.

6.3.8 Decisions shall be taken through the vote by consensus, secret ballot or by a unanimous resolution.

Article 6.4: The National Governing Council (NGC)

6.4.1 There is hereby established a National Governing Council, which shall be the second highest organ of the Party, and shall consist of the following members:

- i. All members of the National Executive Committee;
- ii. All Chairmen of the Branch Executive Committees;
- iii. All members of the Party's Parliamentary Group;
- iv. All members of the Council of Governors & the Deputy Governors;
- v. All members of the National Elections Board;
- vi. All Majority or Minority leaders of County Assemblies
- vii. All Chairmen of Party's Standing Committees;
- viii. All Women League National Officials;
- ix. All Youth League National Officials.

6.4.2 The National Governing Council shall have the following functions:

- i. To review and/or formulate policies of the Party for approval by the National Delegates Conference;
- ii. To act as the broader executive body of the National Delegates Conference and to ensure that all recommendations by the National Delegates Conference are duly carried out by the Party and the National Secretariat;
- iii. To receive reports from the National Executive Committee on the operations of the Party;
- iv. To monitor general activities of the Party on behalf of the National Delegates Conference and to provide direction for such activities;
- v. To establish specialized committees and other advisory bodies as are necessary to carry out aims and objects of the Party;
- vi. To run the party and make decisions in between the National Delegates Congress;
- vii. To review and develop political agenda for the Party's Civic and Parliamentary Groups;

UNITED PROGRESSIVE ALLIANCE

- viii. To review and recommend the reports of the National Executive Committee to National Delegates Conference;
- ix. To approve the agenda for the National Delegates Congress as may be prepared and presented by the Party Leader or the National Executive Committee or as may be notified by any Party member. A notice to include any other agenda item to the National Delegates Conference by a member shall be sent to reach the Secretary General not later than twenty one working days before the session of the National Governing Council;
- x. To make policy and administrative decisions on behalf of the National Delegates Conference if it is the considered opinion of the National Executive Committee that such decision cannot await the next National Delegates Conference but thereafter present such decisions for ratification at the Ordinary Session of the National Delegates Conference immediately following;
- xi. To review and approve Elections and Nomination Rules and regulations or any amendments thereto prepared and presented by the National Executive Committee before the National Governing Council for approval
- xii. To initiate all such activities as might further the aims and objects of the Party.

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

Article 6.5: The National Executive Committee (NEC)

6.5.1 The National Executive Committee shall be the executive organ of the Party and shall be composed of the following members:

- i. All the National Officials;
- ii. The Party's Executive Director, who shall be an *ex-officio* member.

6.5.2 The National Executive Committee shall be constituted by the National Delegates Conference to hold office for a term of five years save for the Secretary of Parliamentary Affairs who shall be elected by the Parliamentary Group and ratified by the National Delegates Conference.

6.5.3 The National Executive Committee shall have the following functions and powers:

- i. To act as the executive body and carry out the decisions of the National Governing Council and the National Delegates Congress:
- ii. To supervise the National Secretariat of the Party and to take such measures as it deems necessary to enforce the decisions and programmes of the Party as laid down by the National Governing Council and the National Delegates Conference.
- iii. Have the discretion to consider and grant or reject any application for membership of party
- iv. To determine the location of the National Headquarters and other offices of the party.
- v. To issue and send directives and instructions to and receive reports from the Branches.
- vi. To convene the meetings of and prepare the agenda for and reports to the National Governing Council and National Delegates Conference.
- vii. To oversee the operations of the Women League, Youth League, Party Parliamentary Group and the County Assembly Group
- viii. Set up committees as it deems necessary from time to time for specified tasks and to determine their terms of reference.
- ix. To operate and determine the manner in which the Party accounts and finances shall be prudently managed.
- x. To appoint the members of the National Elections Board.
- xi. To appoint and fix the Terms and Conditions of Service of the Executive Director and other members of staff in the employment of the Party.
- xii. To receive reports, supervise the work of, and delegate such functions to the National Secretariat and National Elections Board as it considers necessary.
- xiii. To recommend to the Party Leader names of any member of the Party or any other person who has made an outstanding contribution to the Party in the achievement or furtherance of its objects, policies or programmes for the conferment of honours of recognition, merit, distinction, commendation or accolade in accordance with the Party's Reward and Merits Scheme as it may deem appropriate.
- xiv. To initiate, prepare or cause to be prepared the necessary quarterly, semi-annual or annual financial statements for approval by National Governing Council and the National Delegates Conference.
- xv. To nominate and present a Party List to the IEBC in accordance with the provisions of the Law.

UNITED PROGRESSIVE ALLIANCE

- xvi. To receive, consider, approve and implement reports and recommendations from the various standing, *ad hoc* and specialized committees or individuals
- xvii. 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.
- xviii. To appoint various schemes aimed at stimulating Party activities.
- xix. To make Elections and Nomination Rules and/or Regulations *or* amendments thereto as may be prescribed under this Constitution and lay them before the National Governing Council for ratification.
- xx. To consider and make decisions on the formation of alliances and coalitions with other likeminded political parties so as to advance the objects of the party.
- xxi. To initiate all such activities as might further the aims and objects of the Party.
- xxii. To determine the multiplier to be used in the delegates top up formula.
- xxiii. To determine the maximum number of delegates to attend any National Delegates Conference.
- xxiv. To grant such honoraria, out of pocket expenses, to any National Official so as to reasonably facilitate his or her attendance at meetings or to ameliorate his or her just and fair expenses, subject to the availability of funds, and in its own discretion.

6.5.4 The National Executive Committee shall meet at least once in every three months except for emergency meetings which may be convened by the Secretary General according to exigencies of time in consultation with the National Chairperson or by a written request made by 25% of the members thereof.

6.5.5 Any vacancy occurring in the National Executive Committee during the course of the term before the next National Delegates Conference may be filled through nomination by the National Executive Committee from amongst members of the National Delegates Conference until the vacancy is substantially filled at the next Delegates Conference.

Article 6.6 The Party Central Committee

6.6.1 There shall be a Central Committee of the National Executive Council that shall consist of;

- i. the Party leader or his/her designate

- ii. the National Chairperson,
- iii. the Secretary General,
- iv. the National Treasurer,
- v. the Organizing Secretary,
- vi. the Women Leader,
- vii. the Youth Leader,
- viii. the Executive Director (Ex-Officio)
- ix. & three members specially nominated by the Party leader

6.6.2 The functions of the Party Central Committee shall be to:

- i. Formulate policy for consideration by NEC;
- ii. supervise the conduct of the Party's activities on behalf of the NEC
- iii. Consider staff and personnel of the National Secretariat from amongst members of the party on behalf of the NEC;
- iv. Sanction press and media briefing for matters of National Importance;
- v. Convene on short notice Executive meetings to address and execute the mandate of the NEC;
- vi. implement the decisions of the National Executive Committee;
- vii. Ensure that all organs of UPA Party function properly and implement the policies of the Party;
- viii. Approve the resolutions of the disciplinary and dispute resolution committees for consideration by the NEC.
- ix. Approve policies and decisions of party organs on behalf of the NEC.
- x. prescribe rules and regulations for the functioning and operation of special organs and Caucuses;
- xi. Perform any other function that may be assigned to it by NEC.
- xii. The National youth Chairman and National women chairperson who shall be alternate members on case on case basis
- xiii. The Party Central Committee shall meet at least once every month.

Article 6.7: The National Secretariat (NS)

6.7.1 There is hereby established a National Secretariat which shall be headed by an Executive Director assisted by a Deputy Executive Director. The National Executive Committee shall determine the number and designation of the departments within the National Secretariat.

6.7.2 The Executive Director shall be appointed by the National Executive Committee.

6.7.3 The National Secretariat shall be responsible for implementing decisions and programmes of the Party under guidance of the Secretary General, National Executive Committee and in liaison with other National Officials.

6.7.4 The National Secretariat shall service the operations of subsidiary organizations of the Party and shall file monthly reports to the secretary General and periodic reports to the NEC every 6 months on the operations of the National Secretariat.

6.7.5 The National Secretariat shall function directly under the office of the Secretary General. Who shall brief the Party Central Committee on the operations of the secretariat at least once every month.

Article 6.8: Party Parliamentary Group (PPG)

6.8.1 There shall be established the Party Parliamentary Group comprising the following:

- i. Party Leader.
- ii. Deputy Party Leader
- iii. All Members of the Council of Governors & the Deputy Governors
- iv. All Members of Parliament (The Senate, National Assembly and EALA).

6.8.2 The duties of the Parliamentary Group shall include espousing, advancing and defending Party policies and programs within Parliament and shall, at all times, whether jointly or severally exercise due diligence in the discharge of their parliamentary duties.

6.8.3 The Parliamentary Group shall make its own rules and regulations to govern the conduct of its meetings and deliberations provided that

UNITED PROGRESSIVE ALLIANCE

such rules shall be laid before the National Executive Committee for approval.

Article 6.9: Party County Assembly (PCAG)

6.9.1 There shall be a Party County Assembly Group consisting of the Governor, & the Deputy Governor, all the elected and nominated members of the County assembly to propagate the Party's agenda within their respective County Assembly. The leader of the Party County assembly shall head the respective County Assembly Group in which they are members. Each Party County Assembly Group shall make its own rules and regulations to govern the conduct of its meetings and deliberations provided that such rules shall be laid before the National Executive Committee for approval.

Article 6.10: Women League (UPA WL)

6.10.1 There shall be a Women's League known as the Women League membership of which shall be open to all women who are members of the Party. The Women League shall be an integral part of the Party and shall be subject to the general direction of the National Executive Committee and the Party's general control and discipline at all levels.

6.10.2 There shall be Women League Executive Committees at National, Branch, Sub Branch, & Polling Station level consisting of Chair, Deputy Chair, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and twelve Committee Members.

6.10.3 The officials of the Women League Executive Committees at National, Branch, Sub-Branch, and Polling station shall be elected simultaneously and in the same manner as their counterpart Party Officials. The officials shall hold office for a term of five years, and are eligible for re-election upon expiry of their term, subject to a maximum of two consecutive terms.

6.10.4 Application for membership shall be made verbally or in writing to the Polling Station Women League Committee or the nearest Party office.

Article 6.11: Youth League (UPA-YL)

6.11.1 There shall be a Youth League known as the Youth League, membership of which shall be open to all Party members aged between eighteen and thirty-five years. The Youth League shall be an integral part of the Party and shall be subject to the general direction of the

UNITED PROGRESSIVE ALLIANCE

National Executive Committee and the party's general control and discipline at all levels.

- 6.11.2 There shall be Youth League Executive Committees at National, Branch, Sub-Branch, and Polling station level consisting of Chair, Deputy-Chair, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and twelve committee members.
- 6.11.3 The officials of the Youth League Executive Committees at National, Branch, Sub-Branch, and Polling station shall be elected simultaneously and in the same manner as their counterpart Party Officials. The officials shall hold office for a term of 5 years, and are eligible for re-election upon expiry of their term, subject to a maximum of two consecutive terms.
- 6.11.4 Application for membership shall be made verbally or in writing to the Polling Station Youth League Committee or the nearest Party office.
- 6.11.5 The organization, functions, rules and regulations of Women League and Youth League shall be determined, established and set out by each group respectively provided that they are in conformity with the Party's overall objectives and are laid for approval by the National Executive Committee.

Article 6.12: National Elections Board (NEB)

- 6.12.1 There is hereby established the National Elections Board whose mandate is to plan, organize, direct, conduct, supervise and or coordinate all Party elections and nominations of candidates.
- 6.12.2 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.
- 6.12.3 The National Elections Board shall appoint a County Election Board, and a County Appeals Board in each County. The County Elections Board shall be supervised by the National Elections Board, and will comprise of five persons of high integrity to supervise the Party elections in the counties. The County Appeals Board shall be independent, and shall communicate its resolutions to the national Elections Board.

6.12.4 The National Elections Board shall make its own rules of procedure for its meetings.

6.12.5 The National Secretariat shall provide secretarial support services to the Board.

6.12.6 The members of the National Elections Board may serve for a term of five years and are eligible for re-appointment at the expiry of their term, subject to a maximum of two consecutive terms.

Article 6.13: Election of National Officials

6.13.1 The Election of National Officials shall be conducted on the guiding principle that at least one third shall be of either gender.

6.13.2 All National Officials other than the Secretary for Parliamentary Affairs, Secretary for Women Affairs, Secretary for Youth Affairs, and the Executive Director shall be elected by the National Delegates Conference. All National Officials shall hold office for a term of five years.

6.13.3 Candidates for the office of the Party Leader and Deputy Party Leader shall submit an application addressed to the National Executive Committee for nomination as candidate for the respective office.

- i. In the event that both offices of the Party Leader and Deputy Party Leader stand vacant at any time, a Special session of National governing council shall be convened to appoint a party leader and/or deputy party leader for a period not exceeding one year or for such period as will be determined during which time a Special Session of the National Delegates Conference shall be convened to elect a Party Leader and Deputy Party Leader.
- ii. In the event that the Party Leader is unable to discharge 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 Conference shall be convened to elect a new Party Leader. The Deputy Party Leader shall act and discharge the Pending the election of a new Party Leader under this provision,
- iii. The Party's Parliamentary Whip elected by the Party's Parliamentary Group for each respective House of Parliament immediately after a General Election shall be the Secretary for Parliamentary affairs representing the respective House of

Parliament. He or she shall hold office for a term of five years or for the residue of his/her Parliamentary term as may be current on his/her election, whichever is shorter.

6.13.4 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. Nomination of all candidates shall be in the prescribed form.

National Appeals Tribunal

- i. There shall be established a National Appeal Tribunal composed of five members of the party who shall be distinguished persons of good moral standing in society and of high integrity.
- ii. The National Appeal Tribunal shall perform its functions in an independent manner free from interference from any other member/ party official/organ
- iii. Members of the National Appeal Tribunal shall be appointed by the NEC and shall designate one member of the Tribunal as the Chairperson.
- iv. The National Appeal 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.
- v. The appeals to the National Appeal Tribunal shall be in writing duly signed by the appellant and shall be lodged within 48 hours of the announcement of results appealed from.
- vi. The appellant shall, on appeal, pay a non-refundable fee of Ksh 70,000 to the party.
- vii. The National Appeals Tribunal may, in its discretion but reasons to be recorded, consider the appeal and make its decision or make directives without the need to hear the appellant in person.
- viii. The 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.
- ix. 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) days of receipt of the appeal.
- x. The decision of the National Appeals Tribunal shall be final.

Article 6.14 Regional Delegates Conference (RDC)

UNITED PROGRESSIVE ALLIANCE

There is established the Party Regional Delegates Conference in each of the following regions;

Nairobi, Lower Eastern, Upper Eastern, Coast, Western, Nyanza, Central, South Rift Valley, North Eastern, & North Rift Valley

6.14.1 The Regional Delegates Conference shall:

- i. Be held at least once every year and more often if requested by at least one third of all counties in the region.
- ii. Carry out the decisions of the National Delegates Conference, & the NEC.
- iii. Receive and consider reports by the County Coordinating Committees.
- iv. Manage, harmonize, & coordinate regional affairs of the Party.
- v. Elect the members of the Regional Conference Committee who will hold office for 5 years.

6.14.2 The composition of the Regional Delegates Conference shall be members of the particular region as follows:

- i. Twenty mainstream officials from each branch
- ii. Branch Executive officials of Women's League and Youth League
- iii. Governors & Deputy Governors
- iv. All Members of Parliament
- v. Members of the County Assembly

6.14.3 The Regional Conference Committee shall consist of;

- i. The Regional Conference Chairman
- ii. The Regional Deputy Conference Chairman
- iii. The Regional Conference Secretary
- iv. The Regional Organizing Secretary
- v. The Regional Conference Treasurer
- vi. The Regional Women League Representative
- vii. The Regional Youth League Representative
- viii. The Regional Special Interest Representative

6.15 County Delegates Conference (CDC)

There is established the Party County Delegates Conference in each of the 47 counties.

6.15.1 The County Delegates Conference shall:

UNITED PROGRESSIVE ALLIANCE

- i. Be held at least once every year and more often if requested by at least one third of all branches in the County.
- ii. Carry out the decisions of the National Delegates Conference, & the NEC.
- iii. Receive and consider reports by the Branch Executive Committee.
- iv. Manage, harmonize, & coordinate County affairs of the Party.
- v. Elect the members of the County Conference Committee who will hold office for 5 years.

6.15.2 The composition of the County Delegates Conference shall be members of the particular county as follows:

- i. Twenty mainstream officials from each branch
- ii. Branch Executive officials of Women's League and Youth League
- iii. Governors & Deputy Governors
- iv. All Members of Parliament
- v. Members of the County Assembly

6.15.3 The County Conference Committee shall consist of;

- i. The County Conference Chairman
- ii. The County Deputy Conference Chairman
- iii. The County Conference Secretary
- iv. The County Organizing Secretary
- v. The County Conference Treasurer
- vi. The County Women League Representative
- vii. The County Youth League Representative
- viii. The County Special Interest Representative
- ix. Two Committee members nominated by the Party Leader.

Article 6.16: Branch Executive Committees (BEC)

6.16.1 The Party shall establish Branches in each Constituency in Kenya. The Branch Executive Committee shall be responsible to the National Executive Committee.

6.16.2 Each Branch shall be managed by a Branch Executive Committee consisting of the Branch Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Secretary for Women Affairs (Women League Leader), Secretary for Youth Affairs (Youth League

Leader), and a special interest representative, persons with disability representative and eight Committee Members, all of whom shall be elected at the Branch Electoral College and the Branch Executive Coordinator, appointed by the Branch Executive Committee in consultation with the National Secretariat, who shall be in an *exofficio* member.

6.16.3 The duties of the office bearers of the National, Branch, Sub-Branch, and Polling station Executive Committee shall be as follows:

i. **The Chairperson**

He/she shall convene and preside over all meetings.

ii. **The Deputy Chairperson**

He/she shall perform such duties as shall be assigned to him by the Chairperson. He/she shall assist and assume the office of the chairman in the latter's absence.

iii. **The Secretary**

The Secretary shall keep proper records of all proceedings and minutes of the meetings of the Branch. He/she shall issue notices convening all meetings of the Branch under the direction of the Chairperson and perform all such duties as may from time to time be assigned by the Committee including handling of correspondence.

iv. **The Deputy Secretary**

He/she shall perform such duties as shall be assigned to him by the Secretary. He/she shall assist and assume office of the Secretary in the latter's absence.

v. **The Treasurer**

The Treasurer shall be in charge of the Branch Finances and accounting. He/she shall prepare and submit to the Committee the Financial Statement of Accounts.

vi. **Deputy Treasurer**

He/she shall perform such duties as shall be assigned to him by the Treasurer. He/she shall assist and assume the office of the Treasurer in the latter's absence.

vii. **The Organizing Secretary**

The Organizing Secretary shall organize and supervise the programme of work of the Party at the Branch level, and shall ensure the proper and effective functioning of the organs of the

Party at the Branch level. He/she shall ensure the proper and effective functioning of the other organs of the Party at the Branch level, including Youth and Women Groups.

viii. **The Deputy Organizing Secretary**

He/she shall perform such duties as shall be assigned to him by the Organizing Secretary. He/she shall assist and assume the office of the Organizing Secretary in the latter's absence.

ix. **The Branch Executive Coordinator**

The Branch Executive Coordinator shall be appointed by the National Secretariat in consultation with the Branch Executive Committee.

The Branch Executive Coordinator shall be an employee of the National Secretariat and shall be under the direction of the Branch Executive Committee and shall be the custodian of all the Branch property, books of accounts, minute books, membership register and all the records of the party at the Branch. He/she shall be an employee of the National Secretariat.

j) The duties of the **Branch Executive Committee** shall be to:

- i) Promote party policies and activities among the people in the Constituency in order to realize the Party's objectives, policies and programs.
- ii) Recruit members to the Party.
- iii) Represent views and interests of the Branch members at the National Governing Council and the National Delegates Conference.
- iv) Ensure discipline and adherence to Party policies and programmes among individual Party members and the Women league and Youth League.
- v) Investigate any allegations of misconduct of any member and make recommendations to the National Executive Committee.
- vi) Promote political and general civic and voter education amongst the people for the benefit of the Party.
- vii) The Branch Executive Committee shall meet at least once every three months.

Article 6.17: The Sub-Branch Executive Committee (SBEC)

6.17.1 There is hereby established a Party Sub Branch in each Ward in Kenya
The Sub-Branch shall be under the general direction of the Branch as the case may be.

6.17.2 The Sub-Branch shall be governed by a Sub Branch Executive Committee which shall consist of:

Sub-Branch Chairperson, Deputy Chairperson, Secretary, deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Sub-Branch deputy Treasurer, Secretary for Women Affairs (Women League Leader), secretary for Youth Affairs (Youth League Leader), special interest/or marginalized representative, persons with disability representative and eight Committee Members

- i. Duties of the Sub-Branch Executive Committee shall be similar to those of the Branch.
- ii. The Chairman of a Sub-Branch may invite one or more of the Local Opinion Leaders to attend a Sub-Branch Executive Committee meeting if it is in the best interest of the Party. Such invited leaders shall have the right to speak but not to vote thereat.
- iii. The Sub-Branch Executive Committee shall meet at least once a month.

Article 6.18: Polling Station Steering Committee

There is hereby established a Party Polling Station Steering Committee. Each polling station shall be managed by a Polling Station Steering Committee consisting of; Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Sub-Branch deputy Treasurer, Secretary for Women Affairs (Women League Leader), secretary for Youth Affairs (Youth League Leader), special interest/or marginalized representative, persons with disability representative and eight Committee Members all of who shall be elected by universal suffrage of all of the Party members registered in the polling station.

Article 6.19: Branch Offices

6.19.1 The National Secretariat shall establish Branch Offices in each Constituency which shall be managed by a Branch Executive

Coordinator under the direction of the Branch Executive Committee. He/she shall maintain accurate and permanent records regarding membership registers, particulars of any contributions made, inventory of Party assets and an inventory showing Party stock and materials in store.

Article 6.20: Meetings; Notices and Procedures.

6.20.1 Meetings

There shall be two classes of meetings as follows:

- i. Ordinary meetings of all Party Organs shall be convened or sanctioned by the Secretary General.
- ii. Special meetings shall be requisitioned for a specific purpose only by order in writing to the Secretary General. No other matter shall be discussed other than that stated in the requisition.

6.20.2 Notices

Notices for an ordinary meeting of the Party Organ, other than where expressly provided for by this Constitution shall be issued at least 14 days prior to the day of the meeting.

Notices for a Special meeting shall, except where expressly provided for by this Constitution be issued at least 7 Seven Days prior to the day appointed for the special meeting.

6.20.3 Procedures at Meetings

The authorised or designated official of the Party issuing the notice shall:-

Without

- i. Specify the nature of the meeting.
- ii. Include the agenda of the meetings. In the event that agenda entails the discussion of the conduct of a party official or member, or issues of discipline or a dispute between members if the party or Party organs, the authorised person shall, prior to the issuance of notices, inform the said official/ member/organs and deposit a copy of the said communication with the office of the Secretary General.
- iii. Quorums for all meetings shall be one-third of the membership thereof. Any official who fails to attend

- three consecutive meetings without reasonable apology shall be liable to suspension.
- iv. At all meetings the Chairpersons or in their absence the Vice Chairpersons shall preside, else the members shall elect one among themselves to preside.
 - v. Resolutions, unless otherwise stated in the constitution, shall be decided by a simple majority by secret ballot or any other method of voting acceptable to the delegates.
 - vi. Decision as to what method of voting to employ shall first be put to members to choose unanimously by consensus.
 - vii. 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.
 - viii. Any National Official may attend any meeting(s) organized by the Branch as an ex-officio member.

Article 6.21: Overseas Branches

6.21.1 The National Executive Committee shall approve and register overseas branches provided that there shall not be more than one branch in any given country except the United States of America which shall have three branches. An overseas branch shall consist of at least 50 members, provided that there shall not be more than one branch in any given city. A branch so formed shall apply to the Party Headquarters for registration and upon approval, be furnished with a Certificate to that effect. Other provisions applying to branches in this Constitution shall apply *mutatis mutandis*.

Article 6.22: Resignation

6.22.1 Any Party Member holding a Branch Party office and elects to seek election at Parliamentary or County Assembly General Elections shall be required to resign from office by a written notification to the National Executive Committee at least one month 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.



CHAPTER 7:

COMMITTEES

Article 7.0: Policy and Strategic Planning Committee

7.0.1 The National Executive Committee shall appoint from among party members a Policy and Strategic Planning Committee as a Standing Committee consisting of seven Members —with acknowledged experience in party matters and policy development, provided that one third shall be of either gender.

7.0.2 Members of this Committee shall serve for a term of 5 years and are eligible for reappointment.

7.0.3 The Policy and Strategic Planning Committee shall be responsible for proposing Party Policy, conducting research and overall Organization, Planning and Strategy.

7.0.4 The Policy and Strategic Planning Committee shall meet at least once three months.

7.0.5 The members of the Policy and Strategic Planning Committee shall attend and participate in meetings of all party organs to provide technical, policy and strategic advice but shall not enjoy the right to vote on resolutions of the meetings.

7.0.6 The Policy and Strategic Planning Committee may, with the approval of the Executive Committee, co-opt experts and technical members with particular expertise to the committee when examining specific policy areas.

7.0.7 The Policy and Strategic Planning Committee shall be resourced by the National Secretariat

7.0.8 Meetings of the Policy and Strategic Planning Committee shall be convened by the Chairman of the Committee or in his or her absence by the Vice Chairman.

Article 7.1 Role of National the Policy and Strategic Planning Committee:

The National the Policy and Strategic Planning Committee shall ;

- i) Facilitate the development and review of party policy and strategic framework;
- ii) Create awareness and participation of the rank and file of the party in party policies and strategic plans and for that purpose, with approval of the National Executive Committee, conduct regular policy forums and awareness campaigns.

Article 7.2: Finance and Resource Mobilization Committee

7.2.1 The National Executive Committee shall appoint the Finance and Resource Mobilization Committee as a Standing Committee consisting of nine members including the National Treasurer and the Deputy National Treasurers. The appointed members shall elect the Chairperson and Secretary among themselves. Provided that one third shall be of either gender

7.2.2 The Finance and Resource Mobilization Committee shall be responsible for:

- i. Developing strategies for and realizing financial resource mobilization and any other support to the Party.
- ii. Ensuring that the books of the Party are audited by the appointed auditor.
- iii. Developing principles of stewardship, financial discipline, ethics and best practices to guide the Party in matters of fiscal planning and management.

7.2.3 The members shall be in office for five years and shall be eligible for reappointment at the expiry of their term, subject to a maximum of two consecutive terms.

7.2.4 The Committee shall work closely with the National Executive Committee and will report at least twice a year on the finances and budget of the party.

Article 7.3: Legal Committee

7.3.1 There is hereby established a Legal Committee as a Standing Committee of the Party consisting of the Secretary for Legal Affairs and nine other

legal experts who are Party members. The Committee shall be appointed by the National Executive Committee and shall advise the Party on all legal matters. The appointed members shall elect the Chairperson who shall be an Advocate of the High Court of Kenya of not less than five years standing and a Secretary among them, provided one third of their membership shall be of either gender.

7.3.2 The members or any member of the Legal Committee may on request attend and participate in meetings of other party organs to provide technical and legal advice but shall not enjoy the right to vote on resolutions of the meetings.

7.3.3 The members shall be in office for five years and are eligible for reappointment at the expiry of their term.

Article 7.4: Disciplinary Committee

7.4.1 There is hereby established a Disciplinary Committee comprising five Party members of good standing, honour and integrity and appointed by the National Executive Committee. The Chairperson, who shall be an Advocate of the High Court of Kenya of not less than five years standing, shall be appointed by the National Executive Committee.

7.4.2 The Disciplinary Committee shall make its own rules of procedure which shall be approved by the National Executive Committee. The Rules shall comply with written laws of Kenya, the Rule of Law and Rules of Natural Justice.

7.4.3 The members shall be in office for five years and are eligible for reappointment at the expiry of their term.

Article 7.5: Discipline

7.5.1 The Disciplinary Committee as established under this Constitution shall have the power to receive, hear and determine all cases of discipline concerning Party members. Any Party member may, by a written and signed complaint, refer to the Committee an issue of discipline. A Disciplinary issue shall arise on the ground of gross misconduct and a member shall be liable to the Party's disciplinary measures if he/she engages in any conduct proscribed as shall be provided by the rules in the Schedule of this Constitution.

7.5.2 The Disciplinary Committee shall afford a fair hearing to such member complained against with reasonable opportunity to defend

him/herself against the charges or allegations made against him/her in accordance with Rules of Natural Justice.

- 7.5.2 The Disciplinary Committee shall, after a determination of facts on a complaint, make recommendation to the National Executive Committee which shall have the power to pass a penalty including, but not limited to Reprimand, Censure, Sanction, and Suspension for a period definite, or Expulsion. A Decision to suspend or expel shall be ratified by two thirds of the National Governing Council. Vacancies thus or otherwise created shall be filled in the same manner as they were originally filled.
- 7.5.3 The Party Branch, Sub-Branch, or Polling Station Committee shall have no power to suspend or expel a member of the Party. Where an issue of discipline is referred to the Party Branch, Sub- Branch, or Polling Station, it shall constitute a Special Branch Disciplinary Committee to deliberate on the issue. Where the Committee is on the view that the misconduct is so serious as to invite suspension or expulsion, the Committee shall refer the matter to the Standing Disciplinary Committee at the Party Headquarters which shall summarily review the facts and make an appropriate recommendation to the National Executive Committee. Provided however the Branch/Sub-Branch/Ward or Polling Station shall have the power to censure or reprimand.
- 7.5.4 Any member suspended or expelled shall have a right of appeal to a Special Session of the National Governing Council which shall be convened by the National Chairperson not later than six months from the date of the decision appealed from. The National Governing Council shall have the power to review the facts and its decision on appeal shall be final.
- 7.5.5 Any member whose suspension or expulsion is upheld at the conclusion of an appeal to the National Governing Council may in writing apply to the Party Leader for Clemency and if the Party Leader considers that a grant of clemency will promote the unity and harmony within the Party, he or she may at his or her discretion grant full or partial clemency, with or without conditions, from the suspension or expulsion imposed
- 7.5.6 Any Party member under a disciplinary process shall be entitled to represent him/herself in person or by an authorized representative or next friend.

Article 7.6 Matters Constituting Disciplinary Measures



UNITED PROGRESSIVE ALLIANCE

7.6.1 Disciplinary action shall be instituted against a member in cases of:

- i. Corruption
- ii. Gross misconduct
- iii. Disloyalty to the party
- iv. Misappropriation of party funds and/ or misuse of party facilities
- v. Allegiance to another political party
- vi. Acting or advancing positions in contrary to the party position
- vii. Failure, refusal or neglect to carry out directions or instructions of the party
- viii. Failure to make remittance/ or pay dues to the party
- ix. Lack of respect to decisions to the party and the organs of the party
- x. Failure to abide by the code of conduct of the party
- xi. Any other act or omission that may bring the party into disrepute

7.6.2 The National Chairperson may in consultation with the National Executive Committee, appoint a commission to investigate the affairs of nay county, constituency and ward executive committee or organ of the party.

7.6.3 The National chairperson may refer any disciplinary matter to any disciplinary organ established under this constitution.

7.6.4 The National Chairperson may act on any recommendations made by the commission and any action or decision taken by them in pursuance of the said recommendations shall be valid unless and until such time as the National Executive committee may ratify or set aside, or substitute the same.

Article 7.7 Penalties for disciplinary measures

7.7.1 In the discharge of its disciplinary mandate the National Executive committee may:

- i. Suspend a member
- ii. Expel a member
- iii. Fine a member
- iv. Remove the whip from a member of committees of Parliament or county Assemblies
- v. Set aside a decision
- vi. Review its own decision
- vii. Substitute or uphold penalty imposed by any disciplinary organ

Article 7.8 United Progressive Alliance Internal Dispute Resolution Committee

- i. There is established the UPA Internal Dispute Resolution Committee which shall be comprised of not less than 3 and not more than 7 members

including the Chairperson. The members of the IDRC will be appointees of the NEC.

- ii. The Party Central Committee shall consider names of such qualified persons for appointed as the Chairperson of the IDRM and submit the name so qualified for appointed by the NEC.
- iii. The Deputy Chairperson shall be elected by the members of the IDRC from amongst the membership and shall be if the opposite gender of that of the Chairperson.
- iv. The Executive Director shall designate one of the departmental head and who is versed in Law as the ex officio member of the committee.
- v. The IDRC shall be the first point of call for all Disputes in the Party other than Disputes arising from Party Nominations for purposes of By-elections or the General Elections and the Disciplinary process.
- vi. Membership of the IDRM shall consist of persons who are:
 - a. Persons not holding any other office in the Party
 - b. Paid up member of the Party
 - c. Meet the requirements of chapter six of the Constitution of Kenya, this Constitution, electoral laws and any other laws for the time being in force in the Republic of Kenya.
 - d. Be citizens of Kenya above 18 years old
 - e. Reputable, knowledgeable, competent and impartial
- vii. The Chairperson of the IDRC shall be a person qualified to be a magistrate or who is an advocate of at least 5 years in active practice.
- viii. The National Dispute Resolution Committee shall make such rules to govern its procedures and conduct of business which shall be Ratified by the National Executive Committee.

Article 7.9 Rules, Regulations and By laws

- i. The National Executive Committee shall make rules, regulations and by-laws for the implementation of this constitution
- ii. These rules, regulations and by-laws may be altered or amended by a simple majority at any regular meeting of the National Executive committee provided that no amendment shall be put to a vote unless written notice of such

UNITED PROGRESSIVE ALLIANCE

amendment shall have been delivered to each member at least two (2) weeks before the meeting at which the amendment is to be voted upon.

iii. And by-law may be suspended at any meeting of the National Executive committee membership with the approval by at least two-thirds (2/3) of the National Executive committee membership present in person.

Article 7.10 General Leadership Provisions

- i. In nominating or electing persons to the party or public offices, the party shall at all times take into account the competence integrity and honesty of the nominees, social, cultural, geographical and religious diversity of Kenya, and the principles of youth and gender equity and disability.
- ii. In constituting party organs, no one gender shall comprise more than two thirds (2/3) of membership.
- iii. The term of office for all elected leaders under this constitution shall be five (5) years commencing on the date of ratification of this constitution.
- iv. All holders of offices under this constitution shall comply with the requirement of chapter six of the constitution of Kenya, the Public Officers Ethics Act, The Leadership and Integrity Act and all other relevant provisions of the law governing public leadership.
- v. Nothing in this constitution, its rules, regulations or procedures shall preclude the National Executive committee acting on its own or through the Party Central committee from taking or making decision that it deems proper and fit in the interest of the party.

Article 7.11 Party Officers

All officers shall work under the general direction, supervision and guidance of the accounting officer and shall perform such functions and exercise such powers as it is assigned to them by the National Executive Committee in accordance with this constitution and the terms and conditions of their appointments.

Article 7.12 Code of conduct for Political Parties

We the party officials of United Progressive Alliance whose signatures are subscribed hereto, do hereby solemnly declare that

UNITED PROGRESSIVE ALLIANCE

1. Our political party shall, pursuant to Articles 91 and 92 of the constitution and section 8 of this Act, subscribe and observe this code of conduct,
2. This code of conduct shall regulate the behavior of members and office holders of political parties, aspiring candidates, candidates, candidates and their supporters, promote good governance and eradicate political malpractices.
3. Political competition and co-operation shall be regulated under this code of conduct on the basis of rule of law and universally accepted best practices.
4. Our political party shall
 - i. Promote policy alternatives responding to the interests, the concerns and the needs of the citizens of Kenya;
 - ii. Respect and uphold the democratic process as they compete for political power so as to implement their policies ;
 - iii. Promote consensus building in policy decision making on issues of national importance.
5. Our political party shall
 - i. Respect the right of all persons to participate in the political process including youth, minorities and marginalized groups ;
 - ii. Respect and promote gender equity and equality, human rights and fundamental freedoms ; and
 - iii. Be tolerant and inclusive in all their political activities.
6. Our political party shall
 - i. Respect, uphold and defend the constitution of Kenya:
 - ii. Respect and uphold this Act and any other written law relating to elections and political parties ;
 - iii. Respect, uphold and defend their respective political party constitutions, political party election rules, political party nomination rules and any other political party rules and regulations developed and agreed upon in accordance with this code of conduct.
 - iv. Respect, uphold and promote human rights and the rule of law.
 - v. Promote national patriotism and national unity ;
 - vi. Respect, uphold and promote democratic values and principles, performing inclusive participation of party members and accountable representation in governance for the development of the country;
 - vii. Respect uphold and promote good governance, integrity, respect, tolerance, transparency and accountability;
 - viii. Promote cooperation in the political competition
 - ix. Promote sharing and devolution of power and resources;
 - x. Respect, uphold and promote democratic practices through free, fair and credible political party nominations;
 - xi. Respect uphold and promote leadership and integrity as prescribed in the constitution of Kenya: and

UNITED PROGRESSIVE ALLIANCE

xii. Perform transparency and accountability in all its legislation and regulations, structures, procedures and performance.

7. Our political party shall not-

- i. Engage in or encourage violence by its members or supporters;
- ii. Engage in or encourage any kind of intimidation of opponents, any other person or any other political party;
- iii. Engage in influence peddling, bribery or any other form of corruption;
- iv. Accept or use illicit or illegal money;
- v. Accept or use public resources other than those allocated to the political party through the political party fund;
- vi. Advocate hatred that constitutes ethnic incitement, vilification of others or incitement to cause harm;
- vii. Obstruct, disrupt, break-up or in any other way whatsoever interfere with a meeting, rally or demonstration of another political party or its leadership;
- viii. Establish or maintain a para-military force, militia or similar organization or having any links with such organizations; and
- ix. Use state resources for partisan campaigns.

8. Our political party shall promote inter-party relations by

- i. Ensuring free competition among political parties in respect of different political views and principles;
- ii. Fostering trust and confidence through mechanisms for co-operation;
- iii. Managing and mitigating political differences through constructive dialogue enhancing harmony among the parties; and
- iv. Promoting national reconciliation and building national unity.

This declaration is made to the best of our knowledge, information and belief.



CHAPTER 8:

STEWARDSHIP

Article 8.0: Funds

8.0.1 The National Executive Committee shall establish rules governing the collection, management and expenditure of funds. All withdrawals shall be against expenditures in the approved budgets or by resolutions of the National Executive Committee.

8.0.2 The source of funds for the Party shall include the following:

- a) Funding by the Exchequer.
- b) Membership Fees.
- c) Fundraising and Contributions.
- d) Voluntary Contributions.

- e) Donations Contracts, bequests, and grants from any other source not being a foreign government, inter-governmental or nongovernmental organization.
- f) Proceeds of any investment, project or undertaking in which the party has an interest.
- g) Net income from Publications and Consultancies.
- h) Nomination fees.
- i) Contributions from Party Members of Parliament, Governors and County Assembly Representatives.

8.0.3 The Party shall operate Account(s) with local Bank(s) according to modalities laid down by the National Executive Committee.

8.0.4 The signatories to the Bank Account(s) shall be as approved by a resolution of the National Executive Committee.

Article 8.1: Auditor

8.1.1 The Party shall appoint or re-appoint a qualified, registered Auditor to audit the books of the Party at the National Delegates Congress. The Auditor shall not be an office bearer or a member of any committee of the Party.

8.1.2 All Party accounts, records and documents shall be open to inspection by the auditor at any time.

8.1.3 The National Treasurer shall produce and submit audited accounts made up-to-date, which shall not be less than four weeks and not more than two months before the date of the National Delegates Congress.

8.1.4 The Auditor shall be paid such honorarium for his duties as shall be approved by the National Delegates Congress.

Article 8.2: Inspection of Accounts and Membership Registers

8.2.1 The books of accounts and all documents relating thereto and the list of members of the Party shall be available for inspection at the registered office of the Party by any officer or members of the Party by giving not less than fourteen days' notice in writing.

Article 8.3: Liability

8.3.1 No office bearer shall be held personally liable for any reasonable act or omission in good faith in the performance of his or her duties as an official.

Article 8.4: Contractual liability

8.4.1 No instrument shall bind the Party or create legal relationship with the party unless the person executing it has written authorization from the National Executive Committee (NEC) and such authorization shall indicate the extent of that authority.

Article 8.5: Party Seal

8.5.1 The Party shall have a seal which shall be kept in the custody of the Secretary-General. Other than documents which by law must be sealed, the National Executive Committee may, by a resolution in writing, determine what class of contracts or documents which must be sealed.

8.5.2 The Party Seal shall be authenticated by appending to the document under seal the signature of the National Chairperson and the Secretary General or, in his absence, any other member of the National Executive Committee specifically mandated to do so by the National Executive Committee by a resolution in writing.

Article 8.6: The Press and Publication

8.6.1 The Party may own and/or operate a Printing Press, Radio and/or Television Station as well as an interest or shares in any existing entities.

8.6.2 The Party may publish its own Literature, Newspaper, Periodical Magazine, Pamphlets, and Books among others.

8.6.3 The party may make such investments that are not in conflict of interest.



CHAPTER 9:

COALITIONS, DISPUTE SETTLEMENT AND AMENDMENT

Article 9.0: Affiliations, Alliances and Coalitions

9.0.1 The Party may form alliances and coalitions with other likeminded political parties. The decision to form such alliances and coalitions shall be determined by two-thirds of the National Executive Committee.

9.0.2 Instruments of such coalition, affiliations and alliances shall be executed and deposited with the Registrar of Political Parties. The Secretary General shall keep custody of all such Instruments.

Article 9.1: Dispute Resolution

9.1.1 Any dispute that cannot be resolved by Party organs shall be adjudicated through arbitration. The aggrieved party (ies) shall agree on three arbitrators. The recommendations of the arbitrators shall be communicated to the National Governing Council in writing. The National Governing Council will make its decision and communicate in writing to the National Delegates Conference for ratification.

Article 9.2: Amendment of the Constitution

- 9.2.1 National Executive Committee may propose or receive proposals from any member of the Party for amendments or review of the entire constitution, which proposals shall be presented for approval by at least two-thirds of members present at the National Delegates Conference.
- 9.2.2 The quorum for any meeting at which the amendment of the Constitution is proposed shall two-thirds of the delegates eligible to attend and vote.
- 9.2.3 A resolution to amend the Constitution shall be supported by at least two-thirds of the delegates eligible to attend and vote.
- 9.2.4 The regional conferences shall elect an electoral college of a minimum of 15 people and a maximum of 45 persons as directed by the National Executive committee which college shall attend the special National Delegates conference to vote and make decisions of the National Delegates Conference



CHAPTER 10

DISSOLUTION

Article 10.0: Dissolution

10.0.1 The Party may be dissolved by a resolution passed by two-thirds majority of registered members of the Party at a Special National Delegates Conference called expressly for the purpose of dissolution.

10.0.2 In such dissolution, all properties and funds of the Party less liability shall be distributed in a manner as shall be determined by the Special National Delegates Conference at which the resolution in favour of the dissolution is passed. Such assets shall be granted to one or more organizations in Kenya whose objectives conform to those of the Party.

10.0.3 The quorum for any meeting at which the dissolution of the Party is proposed shall be two-thirds of the delegates eligible to attend an Ordinary Session of the National Delegates Conference.

10.0.4 A resolution to dissolve the Party shall be supported by at least two thirds of the delegates eligible to attend and vote

UNITED PROGRESSIVE ALLIANCE

10.0.5 Voting shall be by Secret Ballot only.



CHAPTER 11

GENERAL

Article 11: Gender and Affirmative Action

11.0.1 In the Endeavour to reach the objective of full representation of women in all decision - making structures the Party shall implement a programme of affirmative action, including the provision of a quota of not less than one-third (1/3) in all organs, appointments, committees, nominations to enable such effective participation.

11.0.2 All Party Officials shall not hold more than one office in the Party.

11.0.3 Any vacancy occurring in the Party organs during the course of the term before the next National Delegates Conference or Party Election as the case may be, shall be filled in acting capacity ,through nomination by the National Executive Committee upon recommendations of the relevant Party organ until the vacancy is substantially filled.

Article 11.1: Repeal and Replacement

12.1.1 The party Constitution dated 7th December 2019 is hereby repealed and replaced with this Constitution.



Article 11.2: Transition

11.2.1 All Organs, Committees or Offices previously existing under the Constitution dated 7th December 2021 and all appointments or nominations made thereunder including assets, liabilities or contractual obligations entered into shall remain in force unless otherwise dissolved pursuant to this Constitution.

Article 11.3: Miscellaneous

11.3.1 The National Executive Committee shall have the power to make rules for the better carrying out of all matters provided in this Constitution. Such Rules shall be consistent with provisions of this Constitution and, where inconsistent, such rules made shall be void to the extent of the inconsistency thereof.



SCHEDULE**Schedule I: Party Symbol**

THE **UPA Party** Symbol is motorcycle in party colours

Schedule II: Party Flag

The UPA Party flag is rectangular; it is one and a half times longer than it's wide. It is horizontal comprising from top to bottom, the colour green with streaks of red, white and black.

Schedule III: Party Slogan

The party slogan is “-kazi ya aki- ‘Pato la haki’

Schedules IV: Party Salute

The Party salute is a fist indicative of strength

Schedule V: Membership fees

CATEGORY	JOINING	ANNUAL SUBSCRIPTION
<i>Life membership</i>	20,000/=	5,000/=
<i>Platinum</i>	200,000/=	
<i>Gold</i>	150,000/=	
<i>Silver</i>	100,000/=	
Original Membership	50/=	20/-
Cooperate Membership	600,000/=	100,000/=

<i>Group Membership</i>	<i>300,000/=</i>	<i>50,000/=</i>
-------------------------	------------------	-----------------

The above membership fees shall be subject to review from time to time by the National Executive Committee, subject to ratification by the National Delegates Conference.

Schedule VII: Delegates top up formula:

$$\frac{\text{Total number of Registered Party Members Nationally}}{\text{Total Number of Constituencies in the Republic of Kenya}}$$

= Target Number

Registered Party Members

Determined by the number of registered members as per Party records

Target Number

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

Nairobi Counties:

Nairobi

Lower Eastern Counties:

Makueni, Kitui, Machakos, Embu, TharakaNithi, Meru

Upper Eastern Counties:

Isiolo, Samburu, Marsabit

North Eastern Counties:

Garissa, Wajir, Mandera

Coast Counties:

TaitaTaveta, Kwale, Mombasa, Kilifi, Tana River, Lamu

Western Counties:

Vihiga, Kakamega, Bungoma, Busia

Nyanza

Counties:

Kisumu, Siaya, Homa Bay, Migori, Kisii, Nyamira

Central Counties:

Kiambu, Muranga, Nyeri, Kirinyaga, Nyandarua, Laikipia

South Rift Valley Counties:

Kajiado, Narok, Bomet, Kericho, Nakuru

North Rift Valley Counties:

Nandi, UasinGishu, Kitale, Baringo, ElgeyoMarakwet, West Pokot, Turkana

PRELIMINARY

This Constitution shall be cited as the United Progressive Alliance (UPA) Constitution and shall come into operation on such day as it is approved by the National Delegates Conference.

In this Constitution, unless the context otherwise requires:

“**The Party**” means the *United Progressive Alliance (UPA)*

“**Registrar**” means the registrar of political parties designated as such under Section 3 of the Political Parties Act, 2011.

“**Political Party**” means any association or organization of persons as defined under Article 260 of the constitution of Kenya and contemplated in Part 3 of Chapter Seven of the Constitution of Kenya.

“**Polling Station**” means polling station as defined by IEBC at the last General Election

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

“**Corporate member**” means a registered political party which is or has applied, qua party, to be a member of the Party.

“**Group Member**” means a registered organization e.g., Trade Unions, Professional Associations, Students’ Unions, which is or has applied, qua organization, to be a member of the Party.

“Party Flag”

The UPA flag is rectangular; it is one and a half times longer than it’s wide. It is horizontal comprising from top to bottom, the colour green with a streak of diagonal red and black.

CODE OF CONDUCT FOR MEMBERS

1. All members of the party shall conduct themselves with the highest standard of personal integrity and honor and shall not involve themselves in dishonorable conduct which includes:

- i. Corrupt application of public resources
- ii. Discrimination on grounds of race, tribe, place of origin, sex or religion
- iii. Practice nepotism, tribalism, clanism and favouritism
- iv. Incitement of people against the party, its members or against other Kenyans

2. All members, leaders, agents, officials and employees of the party shall subscribe to the partys code of conduct in their party and public affairs and shall bind themselves by signing the said code of conduct.

3. Failure to comply with the partys code of conduct shall constitute a disciplinary offence.



UPA
UNITED PROGRESSIVE ALLIANCE
Kazi ya Haki