



DEMOCRATIC ACTION PARTY–KENYA

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CONSTITUTION

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PREAMBLE

We the members of **DEMOCRATIC ACTION PARTY – KENYA (DAP-K)**

ACKNOWLEDGING the supremacy of the Constitution of the Republic of Kenya;

HONOURING those who heroically struggled to bring freedom and justice to our country;

RECOGNIZING the supremacy of the Almighty God and sovereignty of the members and supporters of DEMOCRATIC ACTION PARTY – KENYA (DAP-K) in realization of our vision, mission and implementing our ideology, policies and our party Agenda.

PROUD of our ethnic, cultural and religious diversity and determined to live in peace and unity as one indivisible democratic party;

AWARE that since the reintroduction of multi-party politics in the Country in early 1990s, Kenyan politics have largely been organized through non representative, personalized and ethnically based political parties;

ALARMED that elite dominance has been the norm at national and local level of public participation; while the majority of the citizens remain ignored, marginalized and manipulated for short term gains of the same political elite during elections as voters and cheering crowds;

CONCERNED that dictatorship and impunity has been preferred by a large portion of the Country's leadership over democracy thereby rendering political organization the preserve of personality cults and a small clique of sycophants;

DISTURBED that the Country's political discourse is normally organized outside a people-centered, social partnership, participatory framework and unifying vision and ideology;

DISMAYED that the current political parties are by and large moribund and remain agents of disunity and instability and that the core activities of political parties are usually consigned to the period preceding elections;

UNHAPPY that the problems of poverty, ignorance and disease continue to afflict on society although important gains in alleviating them have been progressively achieved;

RECOGNIZING that with transformative servant leadership and re-mobilization of the human resource potential and re-socialization of the citizenry, our Country can rapidly become a modern democracy free from all forms of impunity, corruption, discrimination exclusion tendencies, exploitation, oppression and social crime.

APPRECIATING that the Constitution has not only recognized the role of political parties in governance but also set benchmarks with high standards and requirement for their institutionalization and democratic functioning;

COMMITTED to the democratic ideals of rule of law, fairness, social justice, gender equity and equality, affirmative action, voluntary participation, respect of human rights and freedoms, unity of purpose in diversity as well as the national value and principles of governance enshrined in the Country's Constitution;



ARTICLE 1: THE NAME OF THE POLITICAL PARTY AND ANY ABBREVIATION.

There is hereby established a Political Party known as Democratic Action Party-Kenya (herein referred as the “Party” whose abbreviation is (DAP-K).

ARTICLE 2: THE LOGO AND SYMBOL OF THE POLITICAL PARTY AND PARTY COLOURS.



Chui (Leopard)

Note: The dimensions given do not necessarily represent any particular measurement and are merely proportional.

Description: The (DAP-K) party symbol is Mbolea (Fertilizer)


Slogan is “Mwamko Mpya”

PARTY FLAG

The color of the flag is Blue, white and black, with the emblem in the midst.

ARTICLE 3: THE OBJECTS OF THE PARTY.

- i. To acquire and retain power democratically to form a just government so as to implement its ideology, vision, policies and programs;
- ii. To provide transformative political leadership to make Kenya a united, stable, prosperous, democratic and modern State and Society within the framework of rule of law, respect for national values and principles of governance, respect for fundamental rights and freedoms, servant leadership, pluralism, recognition and respect for cultural, religious, regional, ethnic and gender diversity.
- iii. To promote political awareness, participatory and people-centered development in partnership with local communities, civil society, the private sector and Kenyans in diaspora.
- iv. To build a nation and society anchored in the knowledge of God with spiritual, ethical and moral values inculcated among its citizenry.
- v. To promote economic, social, political, scientific, cultural, intellectual and spiritual development for all Kenyans regardless of their gender, cultural, ethnic, geographical, age and religious backgrounds.
- vi. To foster the unity of purpose for all the people of Kenya and protect and promote their cultural diversity and their uniqueness.
- vii. To protect the independence, security, sovereignty, and the vital interests of the people of Kenya.
- viii. To pursue, protect, and promote civil, political, economic, religious, socio-cultural rights and freedoms of the individual and groups as defined in international, regional and national human rights instruments.
- ix. To promote social justice and strive to eliminate all forms of discrimination, marginalization and imbalances across social groups, counties and regions.
- x. To protect and promote the full participation of the youth in the Party structures of decision-making governance and development of institutions in the Country.
- xi. To protect and promote the fundamental social, economic and political rights and freedoms of persons living with disabilities, minorities and marginalized groups in accordance with the Bill of Rights in the Country's Constitution.
- xii. To champion the equality of all persons and to fight against all forms of discrimination against children and women and to support affirmative action programs aimed at ensuring the equity and equality of men and women in governance structures and other spheres of life.

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- xiii. To promote devolution and decentralization of power and specifically strengthen county government and ensure equitable distribution of resources and efficient delivery of better-quality services to tax payers and general citizenry.
 - xiv. To promote industrial, agricultural and service sector development as the basis of modernizing Kenya through our value addition policies and strategies.
 - xv. To pursue the provision and improvement of basic needs such as education, health, shelter, food, clothing and social security so as to raise the standard and quality of life of the people of Kenya, in line with the Bill of Rights in the Country's Constitution.
 - xvi. To promote African unity, sub-regional and regional co-operation and integration and specifically to work towards the creation of the East African federation.
 - xvii. To support the programmes of United Nations and international organizations which are beneficial to the citizens of Kenya such as direct foreign investments, climate change, environmental sustainability and global partnerships.
 - xviii. To support and promote world peace and the abolition of all forms of oppression, sectarianism, negative ethnicity, racism, chauvinism, sexism, social bigotry, nepotism, exploitation and discrimination.
 - xix. To promote constitutional reform, policy renewal and the reform agenda on a continuous basis.
 - xx. To promote good governance and the fight against abuse of office, rule of law, impunity and *corruption* in all its forms, dimensions and levels.
 - xxi. To promote environmental protection, land reforms and land tenure rights for all in particular the landless and squatters.
 - xxii. To promote efficiency, effectiveness and reliability of the public service, and elimination of cumbersome bureaucracies, wastage and other barriers to adequate and better-quality service delivery.
 - xxiii. To acquire land, buildings, movable or immovable property, securities and engage in investments, business ventures and any other profitable enterprises and activities in pursuit of Party objects.
 - xxiv. To enter into structured, watertight and transparent alliances, agreements, contracts, arrangements or partnerships with like-minded political parties, civil society organizations, trade unions, student organizations, lobby groups among others for the sole purpose of furthering the Party objects.
 - xxv. To raise funds and other resources necessary for the implementation of party policies and programs.

- xxvi. To adhere to the principles of good governance characterized by justice, participation, non-discrimination, transparency and accountability in the management of public affairs.
- xxvii. To do all such things as the party shall deem necessary or incidental to the attainment of the above objects.

ARTICLE 4: VISION, MISSION, GUIDING PRINCIPLES AND VALUES

VISION

DEMOCRATIC ACTION PARTY-KENYA (DAP-K)'s Vision is to nation where all citizens enjoy their fundamental political, social, economic, cultural, religious rights and freedoms in an environment of dignity and integrity.

MISSION

The mission of **DEMOCRATIC ACTION PARTY-KENYA (DAP-K)** Party is to enhance a social, democratic state and society in which all Kenyans will have a better life and feel at home as individuals and cultural communities as well as nurture and sustain a democratic Government and State so as to enhance the political, social and economic welfare, and equal opportunities for all citizens in Kenya based on the principles of liberty, social justice, equality and unity.

GUIDING PRINCIPLES AND VALUES

The following shall be the guiding principles and values for the Party. These are:

- Respect for human rights and freedoms
- Integrity in leadership
- Rule of law
- Social justice and fairness
- Devolution of power and resources
- Equity, equality and inclusivity
- Unity in diversity
- Accountability and transparency
- Citizens effective participation in governance and decision making

ARTICLE 5: THE PHYSICAL AND POSTAL ADDRESS OF THE REGISTERED OFFICE

The registered office of the Party shall be at:

DEMOCRATIC ACTION PARTY-KENYA (DAP-K) NAIROBI

The Postal Address shall be P.O Box 10459-00100

NAIROBI

ARTICLE 6: MEMBERSHIP REQUIREMENTS.

a) Eligibility for Membership of the Party

- i. Any citizen of Kenya of the age of eighteen years and above who accepts and adheres to the ideology, vision, aims, objective, policies, programmes, directives and discipline of the party shall be eligible to become a member of the party.
- ii. Members eligible under 6(i) above shall be required to pay membership fees determined by the National Governing Council (NGC).
- iii. Notwithstanding the payment of membership fees of joining the Party, the office of the Secretary General shall provide the details in terms of requisite forms to be used and has the discretion to reject or revoke an application for membership from any person, especially if the applicant is proven to be corrupt, with a criminal past and therefore cannot pass a membership and/or leadership and integrity test.
- iv. A member who ceases to be a member shall not be entitled to the refund of any membership fees or contribution paid by him/herself.

b) Subscription fees for joining the Party

There shall be the general category of Ordinary Member, and such other membership categories determined by NEC. The Ordinary membership shall only apply to those residing in Kenya. Other categories are open to all Kenyans regardless of where they reside. The membership enrolment fee and annual subscription fee shall be determined by NGC from time to time.

c) Resignation of Membership

A member shall resign or be deemed to have resigned if he/she:

- i. Conducts himself/herself in a manner that brings the Party to disrepute.

- ii. Submits to the Secretary of the Sub-Branch Executive Committee (SBEC) in which he or she is registered a letter of resignation signed by himself or herself. For National officials, they shall submit their letters to the Party head office.
- iii. Promotes the activities of another Political Party provided that the other Political Party is one that has no formal arrangement with (DAP-K) Kenya.
- iv. Contravenes Party Ideology, Aims, Policies, Objects, and the Code of Conduct for Leaders or the Pledge of Commitment.
- v. Forms another political party.
- vi. Joins in the formation of another political party.
- vii. Joins another political party.
- viii. In any way or manner, publicly advocates for the formation of another Political Party.
- ix. Promotes the ideology, interests or policies of another Political Party.

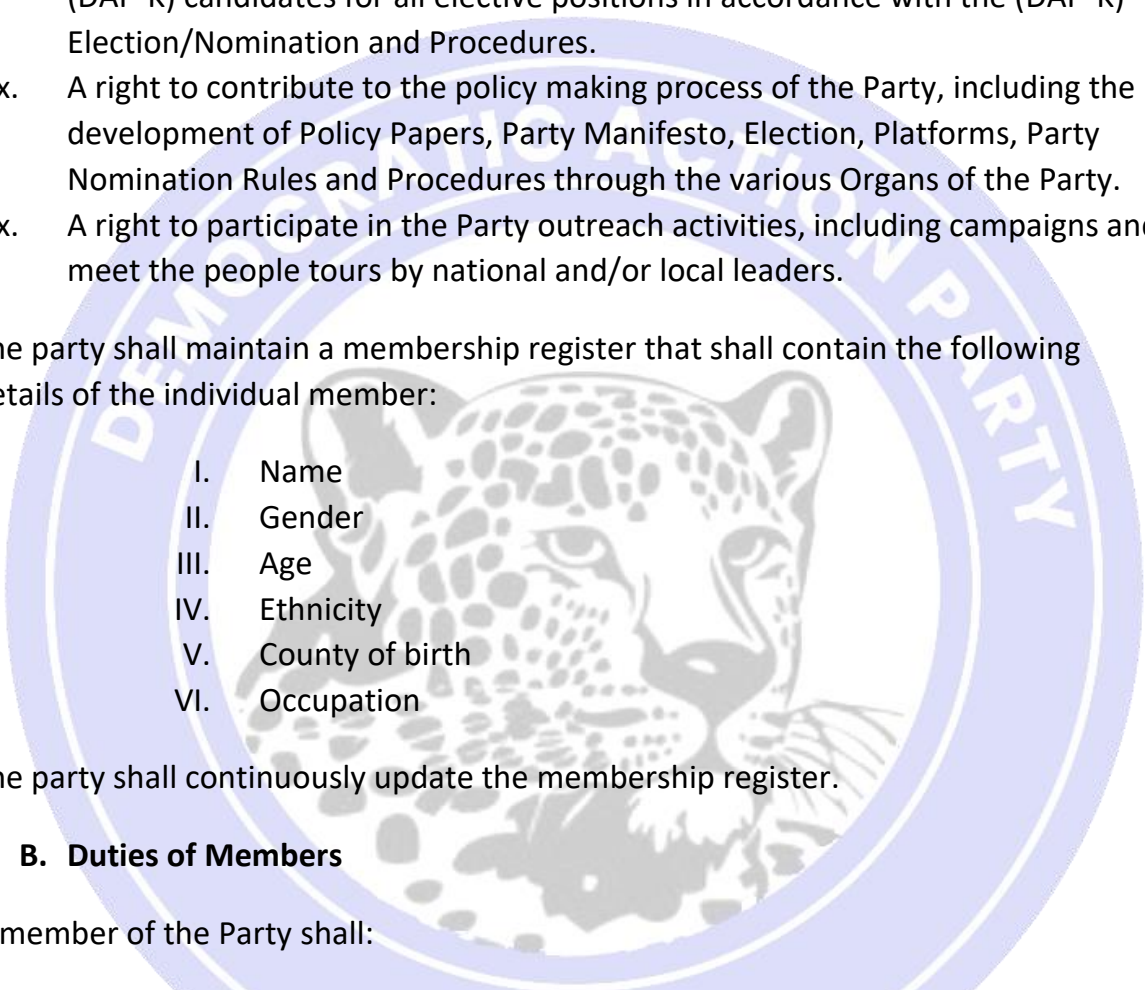
d) The Rights and Duties of Members

A. Rights of Members

In respect and recognition of the provisions in the Political Parties Act and the Political Rights of citizens contained in the Bill of Rights of the Constitution of Kenya; all members have the right to the following rights subject to the laid down Party's rules and regulations provided for by Party organs.

A member shall have:

- i. A right and freedom to generate or engage in debates on issues that affect the citizenry at any party forum as long as the issue is raised following the established protocol and procedures of the Party.
- ii. A right to participate in the DEMOCRATIC ACTION PARTY-KENYA (DAP-K) Polling Centre Conventions and be elected as a delegate to the National Delegates Convention of the Party.
- iii. A right to question or challenge decisions made by any Organ or leader that threaten the very existence of the Party.
- iv. A right to participate in the election of the Polling Centre Executive Committee and to contest for any post within the Party and in the general/ by elections in the Country.
- v. A right to be informed how much resources have been received by the Party/Branch/Sub-Branch and how resources are utilized or managed.
- vi. A right to participate in all members' meetings at the Polling Centre level or any other level open for party members.

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- vii. A right to access all important information from the local unit of the Party or Headquarters in line with the provisions of the Constitution in Article 35 on freedom of access to information held by the state or any other institution of governance. He/she can access all party documents and buy copies of the same from the authorized officials.
 - viii. A right to participate through the relevant Party organs in the Party nomination process for identification of DEMOCRATIC ACTION PARTY-KENYA (DAP-K) candidates for all elective positions in accordance with the (DAP-K) Election/Nomination and Procedures.
 - ix. A right to contribute to the policy making process of the Party, including the development of Policy Papers, Party Manifesto, Election, Platforms, Party Nomination Rules and Procedures through the various Organs of the Party.
 - x. A right to participate in the Party outreach activities, including campaigns and meet the people tours by national and/or local leaders.

The party shall maintain a membership register that shall contain the following details of the individual member:

- I. Name
- II. Gender
- III. Age
- IV. Ethnicity
- V. County of birth
- VI. Occupation

The party shall continuously update the membership register.

B. Duties of Members

A member of the Party shall:

- i. Adhere to the Party Constitution and any other by laws or rules and regulations formulated by the Party Organs.
- ii. Subscribe to (DAP-K) ideology, vision aims and objects
- iii. Participate in the election of Party officials according to (DAP-K) Party Election Rules, Regulations and Procedures.
- iv. Participate in the nomination of Party candidates for all elective positions in accordance with (DAP-K) Elections/Nomination Rules and Procedures.
- v. Regularly, actively and effectively participate in all Party members meetings and activities.
- vi. Shall participate in Party outreach and membership recruitment drives.
- vii. Contribute to the Party both time and resources

- viii. Demonstrate commitment and loyalty to the Party.
- ix. Voluntarily pay membership fee and annual subscription fee.
- x. Be loyal and dedicated marketing agent of the Party.
- xi. Be committed to implement all Party resolutions and positions
- xii. Conduct himself/herself with respect and decorum
- xiii. Campaign and Vote for the party's candidates at the General election or by-election.
- xiv. Be a responsible member of the Party and a responsible citizen of the Nation.
- xv. Defend the legitimate policies and leadership of the Party.

e) Membership Register

The membership register shall be held at the National Secretariat in the custody of the Secretary General. The Branch secretaries shall be the custodians of the Branch membership register. The membership register shall contain details as provided by law and in conformity with the Political Parties' Act. The office of the Secretary General shall have a corresponding register with one kept at each of the Party branches countrywide and shall ensure that there is continuous updating of the register to reflect the changes in the party membership.

f) Procedures for conducting Meetings

1.
 - a. At all meetings of the National Delegates Convention, National Governing Council, the National Executive Committee, National Management Committee, the National Chairperson or in case of his/her incapacity, the 1st Deputy National Chairperson shall preside. In the absence of the National Chairperson and the Deputy National Chairperson, the members present shall elect one from among themselves to preside.
 - b. The notice for a NDC meeting shall be at least 21 days and such notice shall be published in the mainstream media by the National Secretary General or when the Secretary General is incapacitated, the Deputy Secretary General. An ordinary meeting of NDC shall be held every 5 years. The 21 day notice anticipated for NDC shall not be binding in the case of a special NDC.
 - c. Notice for NGC shall be at least 14 days by Secretary General or the Deputy Secretary General in the absence of the Secretary General.
 - d. Notice for NEC, BEC, SBEC, WEC, PCEC and special organ committees shall be at least 7 days.
 - e. The NEC will meet every six months or more frequently as the need arises.
 - f. The Management Committee shall meet at least once a month or more frequently as the need arises.

2. At all meetings of the Branch, Sub Branch, Ward or Polling Center, the Chairperson or in his/her absence, the Deputy Chairperson shall preside; in the absence of the Chairperson and the First Deputy Chairperson, the members present shall elect one from amongst themselves to preside.
3. Resolutions, unless otherwise stated in this Constitution, shall be decided by simple majority and voting shall be by secret ballot.
 - a. The resolutions shall be recorded by the secretariat through the minutes and signed by the chairperson and secretary general.
4. In the event of an equality of votes at any meeting, the person presiding shall cast the deciding vote.
5. Ex-officio members have the right to attend meetings of Organs where they belong but have no voting rights.
6. The quorum of any Organ or meeting of the Party unless this Constitution otherwise provides shall be one third of the membership. However, a meeting shall be deemed to be properly constituted to conduct business at the second sitting on the same day even when such a meeting is short of the members necessary to constitute quorum, provided that the procedures of calling such a meeting were followed.

ARTICLE 7: GOVERNING BODY.

- a. The National Executive Committee (NEC) is the governing body of the party
- b. The positions and titles of officials of the governing body are:
 1. Party Leader
 2. 1st Deputy Party Leader
 3. 2nd Deputy Party Leader
 4. 3rd Deputy Party Leader
 5. National Chairperson
 6. 1st National Deputy Chairperson
 7. 2nd National Deputy Chairperson
 8. Secretary General
 9. Deputy Secretary General
 10. National Organizing Secretary
 11. National Deputy Organizing Secretary
 12. National Treasurer
 13. National Deputy Treasurer
 14. National Women's Leader
 15. National Deputy Women's Leader
 16. National Youth Leader
 17. National Deputy Youth Leader
 18. Director of Elections

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19. Deputy Director of Elections
 20. Secretary for ICT, Innovation and Youth Affairs
 21. Secretary for Environment and Forestry
 22. Secretary for Public Policy and Economic Affairs
 23. Secretary for Labor & Social Services
 24. Secretary for Agriculture
 25. Secretary for Education
 26. Secretary for Petroleum and Mining
 27. Secretary for Health
 28. Secretary for Transport and Infrastructure
 29. Secretary for Energy
 30. Secretary for Defense
 31. Secretary for Interior and Coordination of National Government
 32. Secretary for Foreign Affairs
 33. Secretary for Tourism and Wildlife
 34. Secretary for Water, Sanitization, and Irrigation
 35. Secretary for Lands and Physical Planning
 36. Secretary for East Africa Community and Regional Development
 37. Secretary for Sports, Culture and Heritage
 38. Secretary for Legal and Constitutional Affairs
 39. Secretary for Public Policy
 40. Secretary for Treasury and Planning
 41. Secretary for Devolution and ASAL areas
 42. Secretary for Trade and Industrialization
 43. Secretary for Gender
 44. Secretary for Diaspora and International Relations
 45. Secretary for Communication, Media and Publicity
 46. Chairperson of persons living with disabilities
 47. Representative/liaison of the Diaspora
 48. Party parliamentary Chief Whip
 49. Party Senate chief whip
 50. Chairperson of Professional caucus
 51. Chairperson Elders Council
 52. Person representing Business community
 53. Person representing the Muslim community
 54. Person representing minority community
 55. Representative, Nairobi Region
 56. Representative, Coast Region
 57. Representative, Western Region
 58. Representative, Nyanza Region

59. Representative Central Region
60. Representative, Rift Valley Region
61. Representative, North Eastern Region
62. Representative, Eastern Region
63. Party Executive Director (ex officio)
64. Chairperson of Regional Caucuses

The term of office for all officials of the governing body shall be five (5) years. The National Party elections shall be held not more than one year following the general election. The Party election shall be held on the second Tuesday of August of the year following a general election.

Provided that when Kenya is at war or there is any major reason not to hold elections, NEC by a resolution supported by at least two thirds (2/3) of members present from time to time may extend the term of NEC by not more than six (6) months at a time. The term of NEC shall not be extended under the above provision for more than twelve (12) months.

c. The rights and duties of members of the governing body are:

1. To act as the Executive body of the National Delegates Convention and to ensure that all decisions and policies made are duly carried out and implemented by the Party and its Secretariat.
2. Formulate policy for consideration by NGC and NDC;
3. Supervise the day to day conduct of the organization's activities;
4. Appoint organizational functionaries from amongst members of the Party;
5. Propagate Party policies;
6. Implement the policies and decisions of NDC, NGC, NEC and NMC;
7. Prescribe rules and regulations for the functioning and operation of Organs of the Party.
8. Supervise the administrative machinery of the Party at all levels;
9. To receive, consider, approve and implement reports and recommendations from the various commissions and committees or individuals;
10. To initiate, prepare or cause to be prepared the necessary quarterly, semiannual financial budgets for approval by NGC;
11. To perform an advisory, supervisory and oversight function to the National Elections Board in the conduct of Party elections and nominations.
12. To appoint party representative to other organizations which the relates to;

13. To undertake any other necessary party function which is not specifically ascribed to any other Party Organ provide that the NGC and NDC may subsequently vary the decision of the NEC on such matter;
14. Perform any other function that may be assigned to it by NGC or NDC;
15. To monitor and evaluate implementation of the Programmes and performance of the Party.
16. To determine the terms and conditions of service of secretariat personnel of the Party and other employees;
17. To establish Party Sub Branches outside Kenya as it may deem fit;
18. To establish organs in Kenya and the diaspora;
19. To invite observers to the National Delegates Convention;
20. Determine the positions for full time employment within the Organs of the Party.
21. To establish a Party Foundation, whose functions shall be but not limited to:
 - i. Mobilize resources for the party
 - ii. Perform such other functions as NEC may prescribe
22. Invitations for special purposes may be made by SG provided that it is not more than 2 meetings in the case of the NEC

The National Secretary General shall be Secretary to the NDC, NGC and NEC. The Executive Director (Ex-Officio) shall take and distribute the minutes after necessary approval.

GOVERNING BODY OFFICIALS

TITLE: PARTY LEADER

There shall be a Party Leader who shall be elected according to the Party Election and nomination rules and procedures

A. Terms and Duties of Office

The term of office of the party leader shall be five (5) years from the date of election by the Party members.

The Party leader shall:

- (a) Be the overall leader of the party and symbol of unity
- (b)) Act as chief spokesperson of the Party
- (c) Appoint and regulate a negotiation team, with the approval of the National Executive Committee, in the event of discussions on possible political arrangements with other parties.

- (d) Oversee, coordinate and supervise the implementation of the party manifesto by the national and county governments and their respective agencies.
- (e) To act as a focal point of inspiration and encouragement for party members and supporters.

B. Method of Election/ appointment into Office

The Party Leader shall be elected in accordance with the party elections/nomination rules and procedures

C. Suspension/Dismissal from Office

The holder of the office of the Party Leader shall be dismissed or suspended in accordance to *Article 13 of this Constitution*.

TITLE: DEPUTY PARTY LEADER

The National Chairperson shall be the first Deputy Party Leader and there shall be two other Deputy party leaders.

A. Terms and Duties of Office

The term of office of the Deputy party leader shall be five (5) years from the date of election by the Party members.

The Deputy Party leader shall deputize the Party Leader and shall perform such functions as the Party Leader may direct him or her to.

B. Suspension/Dismissal from Office

The holder of the office of the Deputy Party Leader shall be dismissed or suspended in accordance to *Article 13 of this Constitution*.

TITLE: NATIONAL CHAIRPERSON

A. Term and Duties of Office

The term office shall be 5 years from the date of election by the registered Party members.

The National Chairperson shall:

- i. Be the head of Party affairs. He/she shall provide leadership; ensure unity and efficiency within the Party
- ii. Articulate Party policies.
- iii. Chair meetings of the National Delegates Convention, the National Governing Council and the National Executive Committee and the National Management Committee.

- iv. Sell the Party policy in public and private to groups and the population generally
- v. Ensure at least one public Party function every quarter and at least one National Management Committee meeting every month.
- vi. Ensure all national officials perform their duties.
- vii. Ensure that he/she abides by/defend the Party Constitution.
- viii. Ensure that the Party consistently occupies the National Agenda of the day.
- ix. Set at least a day once in a week to serve at the National Secretariat.
- x. Perform any other function(s) assigned by NEC.

B. Method of Election/ appointment into Office

The chairperson shall be elected according to the Party Election/Nomination Rules and Procedures.

Suspension/Dismissal from Office

The holder of the office of the chairperson shall be dismissed or suspended in accordance to *Article 13 of this Constitution, which covers “the disciplinary measures against a member or official of a political party”*.

Where before the end of the five (5) year term;

- i. The chairperson resigns in writing;
- ii. Becomes of unsound mind;
- iii. Suffers physical invalidity that renders the chairperson incapable of running the office;
- iv. Abdicates his/her responsibilities
- v. Is declared bankrupt
- vi. Abandons the Party
- vii. Joins another Party
- viii. For any other reasons is unable to continue discharging the functions of the office of the Chairperson, then the Deputy Chairperson shall hold the office of the Chairperson and nominate his/her deputy.

TITLE: DEPUTY NATIONAL CHAIRPERSON.

There shall be two (2) National Deputy Chairpersons

The 1st National Deputy Chairperson

- i. Deputize the National Chairperson
- ii. Be the head of arbitration unit of the Party and report proceeding to NEC.

- iii. Perform any other duty assigned by the chairperson, NEC, NGC, NDC.

TITLE: SECRETARY GENERAL (SG)

The SG shall:

- i. Be responsible for all Party affairs at the National Secretariat.
- ii. The Secretary General shall convene National Delegates Convention, National Governing Council and the National Executive Committee as provided for in this constitution.
- iii. Cause the National Secretariat to keep proper Party records including minutes of all meetings and inventory of property/assets of the Party and ensure the distribution of such minutes to persons or organs concerned once they are approved.
- iv. Perform all functions that are traditionally performed by the Secretary General
- v. Maintain the register of all members of the Party in all categories of membership.
- vi. Prepare a calendar of meetings of NDC, NGC, NEC, among others, including the Secretariat meeting.
- vii. Be in charge of correspondences of the Party
- viii. Set at least a day once in a week to serve at the Secretariat
- ix. Register Party caucuses and flower clubs
- x. Ensure that he/she abides by/defends the party Constitution.

TITLE: DEPUTY SECRETARY GENERAL (DSG)

The Deputy Secretary general (DSG) will do the following:

- i. Assist the SG in all duties pertaining to that office and shall assume such duties in the former's absence.
- ii. Be the head of Political Education, Litigation and Partnership unit of the Party,
- iii. Perform any other duty as assigned by the SG.

TITLE: NATIONAL TREASURER.

He/she shall:

- i. Co-ordinate all the resource mobilization and the fundraising activities of the Party.
- ii. Develop and co-ordinate resource mobilization activities.
- iii. Be in charge of the Party's financial affairs and be responsible for the National Secretariat's financial transactions under the direction of the National Chairperson and the SG.

- iv. Prepare or cause the preparation of, and submit to the National Executive Committee financial statements every quarter of the year, shall ensure that duly audited Annual Statement of Account is circulated to the Branch Executive Committee.
- v. Create a time table for resource mobilization and/or fundraising activities of the Party for the whole year.
- vi. Maintain an inventory of all partners and well wishes, co-ordinate their activities thereon and report to NEC.

TITLE: DEPUTY NATIONAL TREASURER.

He/she shall:

- i. Assist the National Treasurer in all duties pertaining to that office and shall assume all such duties in the former's absence
- ii. Identify and pursue investment opportunities for the Party.
- iii. Perform such other functions as shall be assigned by the National Treasurer.

TITLE: NATIONAL ORGANIZING SECRETARY (NOS)

The National Organizing Secretary shall:

- i. Develop/formulate and co-ordinate outreach programmes and report to NEC at least quarterly and/or upon request by NEC.
- ii. Supervise the organization of the Party and in particular public meetings, functions and meet-the-people-tours and recruitment of members.
- iii. Supervise the organization of meeting and the National Delegates Convention in liaison with the SG and NEC.
- iv. Ensure the Party has a time table of public rallies, Branch/Sub Branch trainings/visitations to promote and publicize Party policies.
- v. Ensure the Branch/Sub Branch hold local meeting, keep minutes of the said meetings, maintain a reliable Box number/telephone contacts and email address.
- vi. Ensure that Party activities in the Branches/Sub Branches are carried out effectively and regularly.
- vii. Ensure that every Branch/Sub Branch opens DEMOCRATIC ACTION PARTY-KENYA (DAP-K) Sub Branch account and exercise prudent management of the account.
- viii. Ensure there exists a physical office in every Branch.
- ix. Set at least a day once in a week to serve at the National Secretariat.
- x. Perform any other duties/functions assigned by NEC.

TITLE: DEPUTY NATIONAL ORGANIZING SECRETARY (DNOS)

He/she shall:

- i. Assist the National Organizing Secretary in all duties pertaining to that office and shall assume all such duties in the former's absence
- ii. Co-ordinate and aggregate the need(s) and issue(s) affecting Branches/Sub Branches and report to NEC.
- iii. Perform any other duties assigned by the N.O.S.

TITLE: NATIONAL WOMEN LEADER

She shall:

- i. Co-ordinate the Women League to galvanize political support for the party programs, policies and activities nationwide.
- ii. Co-ordinate resource mobilization strategy for the women's programmes in liaison with the National Treasurer.
- iii. Design and implement Party programmes and solicit for support for the same.
- iv. Establish partnerships and form networks of women organizations.
- v. Develop and implement a mobilization/outreach role in liaison with the N.O.S. and report to NEC.

TITLE: DEPUTY NATIONAL WOMEN LEADER

She shall:

- i. Assist the National Women's Leader in all duties pertaining to that office and shall assume all such duties in the former's absence.
- ii. Co-ordinate and aggregate need(s)/issue(s) affecting women in the Party.
- iii. Report on the status of women's programmes in the Party.
- iv. Perform any other duties as assigned by the National Women's Leader.

TITLE: NATIONAL YOUTH LEADER

He/she shall:

- i. Mobilize youth and students' Leagues to galvanize political support for the Party activities.
- ii. Form Youth and student networks.

TITLE: DEPUTY NATIONAL YOUTH LEADER

He/she shall:

- i. Assist the National Youth Leader in all duties pertaining to that office and shall assume all such duties in the former's absence.
- ii. Perform any other duties as assigned by the National Youth Leader

iii. **ARTICLE 8: POLITICAL PARTY MANAGEMENT STRUCTURE**

THE NATIONAL SECRETARIAT (NS)

Composition of the National Secretariat

1. There shall be a National Secretariat of the Party which shall report to the NEC through the Secretary General.
2. The National Secretariat of (DAP-K) shall consist of:
 - a. The Executive Director, who shall be the head of the Secretariat
 - b. One or more Deputy Executive Director(s) and
 - c. All staff deployed/assigned Party functions as may be approved by the National Executive Committee. The employee details and terms of employment shall be upon the approval of NEC.
3. The Executive Director, the Deputy Executive Director and all other staff shall be appointed according to Rules and Procedures provided by the National executive Committee.
4. Management of the Secretariat staff shall be conducted according to the Policy and Procedures Manual that shall include the grievances procedures approved by NEC.

Powers and Duties of the National Secretariat

The National Secretariat shall be responsible for;

- i. Implementation of the decisions of the National Delegates Convention, National Governing Council and the National Executive Committee or National Management Committee.
- ii. Implementation of all the Party policies, decisions, and directives on a day-to-day basis;
- iii. Disseminating information to all party organs and soliciting and receiving feedback from them;
- iv. Enhancing the capacity of the Party for the competitive politics during elections and general management;
- v. Providing administrative and secretarial services to the NDC/NGC and NEC or NMC.
- vi. Co-ordination of the activities of all organs of the party.
- vii. Maintaining a national register of members.

- viii. Carrying out such other functions as may be assigned to it by the NEC through the Secretary General.
- ix. Maintain communication and co-ordination with the Branch, Sub Branch Secretariats.
- x. The Executive Director shall be appointed by the National Executive Committee. He/she shall be responsible for overall coordination of Party activities, budget and resource and programme management.
- xi. The National Secretariat shall formulate a Human Resource Policy that shall guide the employment of various party staff.

ARTICLE 9: THE FORMING OF POLITICAL PARTY BRANCHES, INCLUDING IN THE DIASPORA, AND THEIR ROLES AND RESPONSIBILITIES.

Party branches shall be formed in all the forty-seven (47) counties. The formation of branches shall be done after party elections.

There shall be a diaspora branch which shall have sub branches to be determined by NEC through the SG. The opening of the sub branches shall be by application. The application shall be addressed to the SG.

The Branch is formed by election of the following twenty-two (22) officials.

1. Chairperson
2. Deputy Chairperson
3. Secretary
4. Deputy Secretary
5. Treasurer
6. Deputy Treasurer
7. Organizing Secretary
8. Deputy organizing Secretary
9. Women's Leader
10. Deputy Women's Leader
11. Youth Leader
12. Deputy Youth Leader
13. Representative of the Faith Based Organizations
14. Representative of the Business Community
15. Representative of the Professional Associations

16. Representative of the Farmers, Fishermen and Pastoralists Forums.
17. Representative of the Academia and Teachers Unions
18. Representative of the Workers and Trade Unions
19. Representative of the People with Disabilities
20. Representative of Elders
21. Representative of the Informal Sector
22. Representative of the Minorities and Marginalized Groups`

ARTICLE 10: THE FINANCIAL STRUCTURE AND SYSTEM

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.

The financial transactions of the Party shall be handled by the SG. National Treasurer finance director and any other finance officer(s).

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

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

The designated National officials and staff shall ensure that requirements as provided by law on public funds are strictly adhered to.

Usage of Party Funds

Party funds shall be for purposes compatible with democracy.

- a. Promoting the representation in Parliament and in county assemblies of women, persons with disabilities, youth, ethnic and other minorities and marginalized communities.
- b. Promoting active participation by individual citizens in political life
- c. Covering the election expenses of the political party and the broadcasting of the policies of the political party
- d. Organization by the political party of civic education in democracy and other electoral processes
- e. Bringing the political party's influence to bear on the shaping of public opinion; and
- f. Administrative and staff expenses of the political party which shall not be more than thirty per cent of the moneys allocated to the political party.

- g. Party funds shall not be used for any other purposes other than those specified in this Constitution.
- h. Party funds shall not be used:
 - i. For paying directly or indirectly remuneration, fees, rewards, allowances or any other benefit to a member or supporter of the political party, other than a member of staff;
 - ii. To finance or as a contribution to any matter, cause, event or occasion directly or indirectly in contravention of any code of ethics binding on public officers;
 - iii. Directly or indirectly for the purposes of establishing any business or acquiring or maintaining any right or financial interest whatsoever in any business or in any immovable property; or
 - iv. For any other purpose incompatible with the promotion of a multiparty democracy and the electoral processes, or with the Constitution.
 - 1. The party shall ensure accountability and transparency in its procurement processes
 - 2. The funds alluded in Subsection (1) shall be used for the enhancement of the party's activities
 - 3. Any use of these funds shall be approved by the party's National Executive Committee
 - 4. Any decision to distribute party funds shall be illegal irrespective of the NEC decision.

The Annual Periodic Audit of Accounts

1. The National Governing Council shall appoint reputable auditors annually.
2. All party accounts, records and documents shall be open for inspection by the auditors at any time.
3. The National Treasurer shall produce and submit audited annual accounts to the National Governing Council.
4. The auditors shall be paid such fees for their duties as may be determined by the National Governing Council.
5. The auditors shall not be office bearers of any Organ of the Party.
 - a. The party shall, within three months after the end of each financial year submit to the auditor general the accounts in respect of that year.
 - b. The party shall, within three months after the end of each financial year submit to the auditor general the accounts in respect of that year.
 - c. The accounts of the party shall be audited annually by the auditor general and shall be submitted to the registrar and tabled in the National Assembly.
 - d. The registrar may at any time request the auditor general to carry out an audit of the accounts of the party.

- e. Any person shall be entitled, to inspect the audited accounts filed by the party and, upon payment of a fee prescribed by the registrar/or NEC be issued with copies of the audited accounts.

Finance and Resource Mobilization Committee

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.

The Finance and Resource Mobilization Committee shall be responsible for:

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

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.

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

ARTICLE 11: THE GENERAL ORGANIZATION STRUCTURE AND MANAGEMENT OF THE POLITICAL PARTY, INCLUDING THE COUNTRY STRUCTURES AND SYSTEMS COUNTY GOVERNING BODIES.

THE GENERAL ORGANIZATION OF THE PARTY

The Party Structure

The Party shall be organized at five (5) levels.

1. Polling Centre
2. Ward (County Assembly Representation area)
3. Sub-Branch (Constituency)
4. Branch (County)
5. National

Level 1 – The Polling Centre

- a. Polling Centre Convention (PCC)

- b. Poling Centre Executive Committee (PCEC)
- c. Polling Centre Management Committee (PCMC)

Level 2 – The Ward (County Assembly Representation Area)

- a. Ward Convention (WC)
- b. Ward Executive Committee (WEC)
- c. Ward Management Committee (WMC)

Level 3 – The Sub-branch (Constituency)

- a. Sub Branch Convention (SBC)
- b. Sub Branch Executive Committee (SBEC)
- c. Sub Branch Management Committee (SBMC)

Level 4 – The Branch (County)

- a. Branch Convention (BC)
- b. Branch Executive Committee (BEC)
- c. Branch Management Committee (BMC)
- d. County Assembly Caucus

Organization of the Party and their Functions

1. Polling Centre Level

a. Polling Centre Convention (PCC)

Here, the participation shall be by all (DAP-K) Party members who are also registered voters at the Centre. This is a forum where matters pertaining to mobilization and monitoring of registration of voters and get out the vote strategies are first discussed and recommendations forwarded to the relevant Organ of the Party at the Ward, Sub Branch, Branch Levels and finally to the National Executive Committee (NEC). The PCC has an oversight and advisory role and is responsible for electing the Polling Centre Executive Committee (PCEC). The PCC shall meet at least once a year.

b. Polling Centre Executive Committee (PCEC)

They are elected by the Polling Centre Convention to serve in the capacities of:

1. Chairperson
2. Deputy Chairperson
3. Secretary

4. Deputy Secretary
5. Treasurer
6. Deputy Treasurer
7. Organizing Secretary
8. Deputy Organizing Secretary
9. Women's Leader
10. Deputy Women's Leader
11. Youth Leader
12. Deputy Youth Leader
13. Chairperson of the Faith Based Organizations
14. Chairperson of the Business Community
15. Chairperson of the Professional Associations
16. Chairperson of the Farmers, Fishermen and Pastoralists Forums.
17. Chairperson of the Academia and Teachers Unions
18. Chairperson of the Workers and Trade Unions
19. Chairperson of the People with Disabilities
20. Chairperson of Elders
21. Chairperson of the Informal Sector
22. Chairperson of the Minorities and Marginalized Groups

It is mandatory that:

- i. At least one third (1/3) of the Polling Centre Executive Committee shall be of either gender.
- ii. The Party elected and/or nominated County Assembly Representative(s) if previously not elected to the Polling Centre Executive Committee is/are Ex-officio member(s) of the Polling Centre Executive Committee where he/she has a voting right.
- iii. The PCEC shall meet at least once every three months.

c. Polling Centre Management Committee (PCMC)

The PCMC shall comprise of nine (9) members from the Polling Centre Executive Committee (PCEC). The PCMC shall meet at least once a month.

The nine (9) members of PCMC are:

1. Chairperson
2. Deputy Chairperson
3. Secretary
4. Deputy Secretary
5. Organizing Secretary

6. Treasurer
7. Women's Leader
8. The Youth Leader
9. Person with Disability
10. Any other person invited by the Secretary of the Polling Centre

Executive Committee (PCEC) in consultation with the Chairperson of PCEC

2. Ward Level

a. Ward Convention (WC)

It shall comprise of the elected officials at the polling centre(s) within the Ward and shall meet at least once a year.

b. Ward Executive Committee (WEC)

The ward Convention shall from among themselves elect the 22 Ward Executive Committee members who shall serve in the capacities as specified under Article 9 of this Constitution. The WEC shall meet at least once every three months.

c. Ward Management Committee (WMC)

The Ward Management Committee shall comprise of nine (9) members from the Ward Executive Committee. These members shall serve under capacities specified in Article 9 (1c) of this Constitution *mutatis mutandis*. The WMC shall meet at least once a month.

It is mandatory that:

- i. At least one third (1/3) of the Ward Executive Committee members be of either gender.
- ii. The Party elected and/or nominated County Assembly Representative(s) if not previously elected to serve in the Ward Executive Committee shall by virtue of their positions become ex-officio members of that Ward Executive Committee (membership is restricted to the Ward where one has voting right).

3. SUB BRANCH LEVEL (CONSTITUENCY)

a. Sub Branch Convention (SBC)

It shall comprise of the elected party officials from all the Wards within the Sub Branch and shall meet at least once a year.

b. Sub Branch Executive Committee (SBEC)

The Sub Branch Convention shall form amongst themselves elect the twenty-three () Sub Branch Executive Committee members who shall serve in the capacities specified under Article 9 of this Constitution.

The SBEC shall meet at least once every three months.

c. Sub Branch Management Committee (SBMC)

The Sub Branch Management Committee shall compromise of nine (9) members from the Sub Branch Executive Committee. These members shall serve under capacities specified in Article 9(1c) of this Constitution *mutatis mutandis*. The SBMC shall meet at least once every month.

It is mandatory that:

- i. At least one third (1/3) of the SBEC members shall be of either gender
- ii. The Party elected and/or nominated County Assembly Representative, MP(s), Senator, Governor, Deputy Governor if not previously elected to serve in the Sub Branch Executive Committee shall by virtue of their positions become ex-officio members of that Sub Branch Executive Committee (membership is restricted to the Constituency where one has voting rights).

4. THE BRANCH LEVEL (COUNTY)

a. Branch Convention (BC)

It shall compromise of the elected party officials from all the Sub-Branches in the Branch and shall meet at least once a year.

b. Branch Executive Committee (BMC)

The Branch Convention shall from amongst themselves elect the twenty-three (23) Branch Executive Committee members who shall serve in the capacities specified under Article 9 of this constitution. The BEC shall meet at least once every three months.

c. Branch Management Committee (BMC)

The Branch Management Committee shall comprise of nine (9) members from the Branch Executive Committee who shall meet at least once a month. They shall serve in the capacities specified under Article 9(1c) of this Constitution *mutatis mutandis*.

It is mandatory that:

- i. At least one third (1/3) of the Branch Executive Committee members be of either gender.
- ii. The Party elected and/or nominated County Assembly Representative MP(s), Governor, Deputy Governor and Senator if previously not elected to serve in the Branch Executive Committee shall by virtue of their positions become ex-officio members of that Branch Executive Committee. (Membership is restricted to the Branch where one has voting rights).

ROLES AND FUNCTIONS OF THE POLLING CENTRE/WARD/SUB BRANCH AND BRANCH LEVELS

The functions of the various levels shall be to:

- i. Disseminate the Party Policy documents and policy positions, create visibility and publicity for the Party in their respective areas of jurisdiction;
- ii. Mobilize and recruit new Party Members and galvanize support for the Party
- iii. Generate consensus on key political, economic and social policies of the Party
- iv. Monitor the needs of the people in their area of jurisdiction and accordingly advise the relevant Organ of the Party.
- v. Monitor performance of National and County Governments and other public officials and make recommendations thereon
- vi. Promote harmony amongst the Party members and other residents in their area.
- vii. Set up a Party office complete with a Secretariat where applicable.
- viii. Raise financial and other resources for the Party programmes and activities.
- ix. Maintain an updated register of members and forward a copy to the National Secretariat through the established mechanism.
- x. Identify, recruit and induct potential aspirants'/Party candidates for all the elective positions.
- xi. Undertake disciplinary functions within their area of jurisdiction and recommend necessary disciplinary measures.
- xii. Of all other things as necessary to promote the goals, aims, purposes and objects of the Party.
- xiii. Undertake any other functions assigned by the Party's National Executive Committee.

THE NATIONAL DELEGATES CONVENTION (NDC)

There is hereby established an organ of the party called the National Delegates Convention (NDC).

Composition

The National Delegates Convention shall consist of:

1. The NEC
2. Branch Chairpersons, women league leaders and youth leaders
3. Chairpersons, women league leaders and youth leaders of sub-branches
4. National Assembly Caucus
5. Senate Caucus
6. Governors Forum

Powers and Duties of National Delegates Convention (NDC)

The functions of the National Delegates Convention shall be to:

- a.
 - i. Determine and articulate the principles, policies and programmes of the Party.
 - ii. Generate consensus on key political, economic and social policies of the Party.
 - iii. Mobilize the people to ensure full participation in implementation of political, economic and social policies of the Party.
 - iv. Promote National unity and solidarity in line with the National Values and Principles of Public Governance;
 - v. Consider any such other items as may be referred to it by NGC or NEC;
 - vi. Approve the paper of principle.
 - vii. Assign such tasks to NGC and NEC as it may deem fit;
- b.
 - i. NDC shall meet once in every five years
 - ii. A special NDC may be held as and when the Chairperson in consultation with the National Management Committee deems it fit or a special NDC may be called by a resolution in writing by at least two thirds of the members of the NEC.
- c.
 - i. NDC shall be convened by the National Chairperson or in his/her absence or inability, by the National Deputy Chairperson.
 - ii. A special NDC shall be convened in the manner above in C(i) or b anyone of the members of the NEC who shall have been chosen at the point of making the resolution by the 2/3 members of NEC.
- d.
 - i. In convening NDC, the Secretary General in consultation with the National Chairperson shall publish in the national media the venue and agenda for the Convention and give a notice of at least 21 days.
 - ii. In convening the special NDC, the SG or the DSG in consultation with the person chosen by the 2/3 members of NEC shall publish in the National media with the Agenda and intention of the Special NDC.

NATIONAL GOVERNING COUNCIL (NGC)

There is hereby established a standing committee of the National Delegates Convention called the National Governing Council (NGC) which shall meet at least once annually.

Composition of NGC

The composition of the National Governing Council shall be:

1. National Executive Committee (NEC)
2. Party Parliamentary Chief Whip
3. Party Senate Chief Whip
4. Branch Chairpersons, women league leaders and youth leaders
5. Representative of the Governors Forum
6. The Party Executive Director

Powers and Duties of the National Governing Council (NGC)

The powers and duties of the National Governing Council (NGC) shall be to:

- i. Process policy and other measures to be considered by the National Delegates Convention.
- ii. Deal with policy matters on behalf of the National Delegates Convention.
- iii. Amend the Constitution for such purposes for which the amendments are intended for and these amendments so made shall apply until next NDC during which the NDC shall ratify or deal with them as may determine.
- iv. Report to the National Delegates Convention on the business it has transacted in between meetings of the National Delegates Convention.
- v. Approve the annual budget of the Party.
- vi. Consider, modify and if it thinks fit, ratify Rules, Regulations, or By-Laws for the better implementation of the provisions of this Constitution and achievement of the vision of the party.
- vii. Examine and approve the audited accounts and to set the scale of annual dues to be paid by Party members.
- viii. Receive, examine and approve the annual report of the Party.
- ix. Appoint auditors and fix their remuneration.
- x. Receive regular reports from NEC on the operations of the Party.
- xi. Determine appeals from decisions of NEC
- xii. Approve the position papers
- xiii. Perform such other functions as the NDC may direct.

NATIONAL MANAGEMENT COMMITTEE (NMC)

Composition of National Management Committee

The National Management Committee shall comprise of the following:

1. National Chairperson
2. National Deputy Chairperson
3. Secretary General
4. Deputy Secretary General
5. National Treasurer
6. Deputy National Treasurer
7. National Organizing Secretary
8. National Women's Leader
9. Deputy Women's leader
10. National Youth Leader
11. Chairperson professional Caucus
12. Chairperson elders' council
13. Chairperson Persons living with disabilities
14. Party Executive Director (Secretary to NMC)
15. Any other person(s) invited in writing by the Chairperson

Powers and Duties of National Management Committee (NMC)

- a. Supervise the day to day conduct of the Party's activities;
- b. Propagate Party policies
- c. Assist the National Election Board in the conduct of Party elections and nominations;
- d. Appoint Party representatives to the Electoral Management Body, Forums and other organizations which the Party relates to;
- e. Formulate the agenda for NEC
- f. Supervise day to day running of the Secretariat
- g. Coordinate fundraising and publicity for the Party
- h. Perform any other function assigned to it by NEC

NATIONAL ELECTIONS AND NOMINATIONS BOARD (NEB)

There is hereby established an organ of the Party called the National Elections and Nominations Board (NEB).

Composition of NEB

The National Elections Board shall be constituted by NEC and it shall consist of nine (9) persons of integrity appointed by NEC.

1. The Director of Elections and his or her deputy shall be ex-officio members of NEB

2. NEC shall appoint the Chairperson of the Board, the Director and Deputy Director of Elections on recommendation of National Management Committee; The Board at its first sitting shall appoint the Deputy Chairperson.
3. The Chairperson shall head the Board and preside over its meetings. The Deputy Chairperson shall in the absence of the chairperson perform the duties of the office of the chairperson.
4. The Director of Elections shall be the Secretary to the Board, Members of NEB shall hold office for a period of one term of five (5) years, renewable once.
5. The Director of Elections, the Deputy Director and all other persons in the Board shall not seek office in the immediate general election.

Powers and Duties of NEB

- a. NEB may from time to time make rules, regulations, orders or notices for ensuring conduct of regular, free, fair, peaceful and transparent Party elections and nominations
- b. NEB in consultation with the National Management Committee shall organize coordinate and supervise all Party Elections and nominations in accordance with the Party Nominations and Elections Rules and Procedures.
- c. NEB, on recommendation of the NMC shall make, amend or alter Party Nominations and Elections Rules and Procedures.
- d. NEB shall appoint appropriate officers to conduct Party elections or nominations at the National, Branch, Sub Branch, Ward and polling center levels.
- e. NEB shall vet Party nominees for appointment by the requisite Party Organ to any position that the Party by law nominates to in consultation with the National Management Committee.
- f. The National Chairperson, Secretary General and the Deputy National Chairperson shall sign under seal the certificates of nominations. Any two (2) of the three (3) to sign.
- g. NEC shall cause an account to be opened in the name of NEB to collect all funds paid as nomination fees and direct all expenditure on the account.
- h. NEB shall consist of a Chairperson and eight other persons all of whom shall be of good standing and integrity and who shall not be seeking nominations as Party Candidates in the Elections.
- i. In appointing the National Elections Board Members, the National Executive Committee shall have regard and ensure at least one third (1/3) representation of either gender in accordance with the Party Constitution and the Country's Constitution.
- j. NEB may establish dispute resolution panels at the Branch, Sub Branch, Ward and Polling Station levels. The panels are adhoc in nature.

- k. Provided that where NEB has for any reason been unable to perform all or any of the duties specified herein above, the NEC shall assume all the Powers and duties of NEB
- l. NEB shall be independent and act in accordance with rules of natural justice, and in consultation with NEC
- m. Carry out any other functions assigned to it by the NEC, NMC, NGC or NDC
- n. NEB in consultation with NEC shall collect all funds paid as nomination fees and direct all expenditure or remittance to the party in conjunction with NEC.

The party shall publish the following policy documents:

- i. Party manifesto
- ii. Policy on eradication of poverty
- iii. Policy on eradication of corruption
- iv. Policy on economic growth
- a) The Policy documents contained in Article 9.6.3 shall be published and distributed in all print and electronic media in Kenya and the Diaspora
- b) A review and status report of these policy documents shall be done after every five years.

COMMISSIONS/COMMITTEES

Composition of Commissions and Committees

The commissions/committees shall be constituted by NEC on need basis.

Powers and Duties of Commissions/Committees

Their terms of reference shall be determined by the National Executive Committee

ARTICLE 12: THE ESTABLISHMENT AND MANAGEMENT OF NATIONAL ASSEMBLY, SENATE AND COUNTY ASSEMBLIES CAUCUSES

Upon completion of a general election, the SG within one (1) month of the general election, shall cause the National Assembly, Senate and County Assemblies caucuses to be formed.

In the formation of the National Assembly, (NA) caucus, the following shall be done:

- a) The SG shall issue a letter to any member of the NA to convene a meeting at the National Secretariat for purposes of electing the NA caucus officials.
- b) The SG shall preside over the elections

- c) The results shall be communicated in writing to those elected
- d) Positions of chairperson, secretary, treasurer and whip shall be contested by secret ballot.
- e) The caucus shall be subject to all party rules.
- f) Leadership elected shall be in place unless there is a breach of the Party rules or resignation.

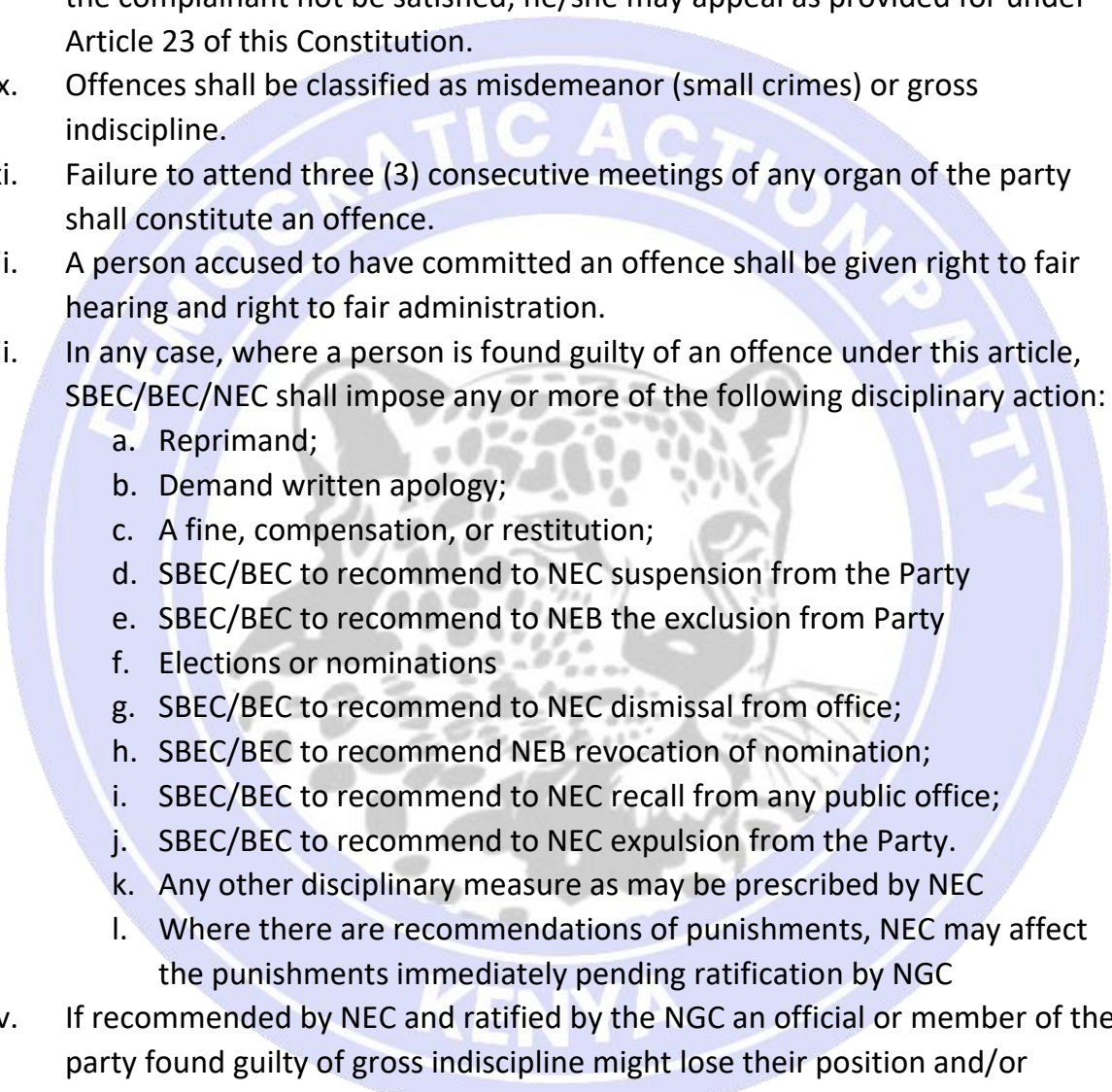
In forming the County Assemblies caucuses, the following shall be done:

- a) The SG shall cause a letter to be released to all county secretaries to convene a meeting in their respective county assemblies for purposes of electing the caucus.
- b) Positions of chairperson, secretary, treasurer and whip shall be contested.
- c) The election shall be by secret ballot and presided over by the county secretary
- d) The results shall be in place unless there is breach of the rules or resignation
- e) The caucus shall be subject to all party rules.

ARTICLE 13: THE DISCIPLINARY MEASURES AGAINST A MEMBER OR OFFICIAL OF A POLITICAL PARTY.

Party Discipline

- i. All members of the Party shall be treated equally before the law and shall be disciplined in accordance with the provisions of this Constitution without any fear or favor;
- ii. **DEMOCRATIC ACTION PARTY-KENYA (DAP-K)** leader, official or person nominated by the Party to hold, or to contest elections for the Party or Public Office shall have passed the leadership and integrity test in line with Chapter six (6) of the Country's Constitution.
- iii. Party members shall not have been convicted of an offence involving dishonesty, theft, corruption, misuse of public funds, abuse of office, drug trafficking, sexual abuse or other serious economic crimes;
- iv. Party members shall not be or become a member of or support any other Political Party or group, or engage in activities which are inconsistent or in conflict with the aims, objects, policies and decisions made collectively by the party;
- v. Party members should not take part in fueling conflicts or creating divisions within ranks of the Party or membership and undermining the effectiveness of the Party;
- vi. Party members shall not conduct themselves in a disgraceful, disorderly and dishonorable manner which is likely to undermine the Party, bring it into disrepute, or expose it to ridicule.

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- vii. A complaint by any person alleging that an offence has been committed shall be made in writing to the Sub Branch Secretary/Branch Secretary/National Secretary General who shall forward the same to the SBEC/BEC/NEC respectively.
 - viii. SBEC/BEC/NEC shall in the first instance handle and determine any complaints.
 - ix. SBEC/BEC/NEC may delegate its discipline powers to a committee and should the complainant not be satisfied; he/she may appeal as provided for under Article 23 of this Constitution.
 - x. Offences shall be classified as misdemeanor (small crimes) or gross indiscipline.
 - xi. Failure to attend three (3) consecutive meetings of any organ of the party shall constitute an offence.
 - xii. A person accused to have committed an offence shall be given right to fair hearing and right to fair administration.
 - xiii. In any case, where a person is found guilty of an offence under this article, SBEC/BEC/NEC shall impose any or more of the following disciplinary action:
 - a. Reprimand;
 - b. Demand written apology;
 - c. A fine, compensation, or restitution;
 - d. SBEC/BEC to recommend to NEC suspension from the Party
 - e. SBEC/BEC to recommend to NEC the exclusion from Party
 - f. Elections or nominations
 - g. SBEC/BEC to recommend to NEC dismissal from office;
 - h. SBEC/BEC to recommend NEC revocation of nomination;
 - i. SBEC/BEC to recommend to NEC recall from any public office;
 - j. SBEC/BEC to recommend to NEC expulsion from the Party.
 - k. Any other disciplinary measure as may be prescribed by NEC
 - l. Where there are recommendations of punishments, NEC may affect the punishments immediately pending ratification by NGC
 - xiv. If recommended by NEC and ratified by the NGC an official or member of the party found guilty of gross indiscipline might lose their position and/or membership in the governing body/organ/committee and party because of his/her misconduct.

ARTICLE 14: THE RIGHT TO INSPECT THE BOOKS OR LIST OF MEMBERS OF THE POLITICAL PARTY BY A MEMBER OF THE PARTY OR A MEMBER OF THE PUBLIC.

INSPECTION OF BOOKS

Any fully paid member for a period not less than 2 years interested in inspecting the Party books and or lists of members of the Party shall write to the Secretary General

(SG) giving notice of 60 days and specifying the kind of books or lists for scrutiny. Such a member must decide his/her Membership Number, Polling Centre and such a notice, the Branch/Sub Branch shall forward the same within 14 days to the SG who must respond to it within the stipulated time of 30 days.

For non-members, they shall be required to write to the SG, giving notice of 120 days and shall pay a fee prescribed by NEC. They shall be required to sign an affidavit that they shall not use the information sought for adversarial effect to the Party.

ARTICLE 15: THE AUTHORIZED OFFICIALS OF A POLITICAL PARTY WHO SHALL SIGN BEHALF OF THE POLITICAL PARTY.

- a) Correspondences to the office of the Registrar and any other office on all matters of the party shall be done by the SG and/or the National Chairperson.
- b) The signatories to the accounts of the party shall be the Chairperson, Secretary General, Treasurer and the Executive Director.
- c) The National Chairperson and Secretary General shall be signatories to the annual reports of the Party and any other report or document required under the Political Parties Act.
- d) The National Chairperson and Treasurer shall be signatories to the financial reports of the Party.
- e) The national Chairperson and SG shall be signatories to the Nomination Certificates for any nomination of a member of the party.

ARTICLE 16: THE POLICY DOCUMENTS WHICH THE POLITICAL PARTY WILL DEVELOP AND ON WHICH THE POLITICAL PARTY WILL PERFORM INCLUDING THE MANNER AND PROCEDURES IN WHICH THEY WILL BE DEVELOPED, APPROVED AND IMPLEMENTED

Party policy documents shall be originated by secretaries to the various organs or committees or commissions for approval by NEC and implementation by NEC, NEC committees or sub committees or any other organ designated by NEC.

ARTICLE 17: THE POLICY REPORTING DOCUMENTS AND THEIR REGULARITY WHICH THE POLITICAL PARTY WILL PRODUCE INCLUDING THE MANNER AND THE PROCEDURES IN WHICH THEY WILL BE DEVELOPED, APPROVED AND PUBLICIZED.

The Manifesto and the strategic plan of the party shall be developed by a committee of NEC for approval by NEC and launched at a public forum. The documents shall be developed once in five (5) years.

ARTICLE 18: ASSET MANAGEMENT POLICIES AND PROCEDURES, THE CUSTODY AND INVESTMENT OF THE FUNDS AND PROPERTY OF THE POLITICAL PARTY, AND THE DESIGNATION OF THE PERSONS RESPONSIBLE FOR THEM.

The SG and the treasurer shall propose investments to be done by the party to NEC for approval. The approved proposals shall be implemented by the SG, Treasurer and a committee of NEC.

ARTICLE 19: THE POLITICAL PARTY NOMINATION RULES AND REGULATIONS WITH RESPECT TO ELECTIONS OF THE PARTY AND RULES GOVERNING THE PREPARATION OF PARTY LISTS.

There shall be a handbook on the nomination rules one;

- Elections of officials to the governing body;
- Nomination of members to party lists and preparation of party lists; and
- Nomination of members for general elections (party primaries)

The Nominations and Election Rules and procedures shall be approved by NEC for implementation by NEB. NEB may propose amendments to the rules for approval by NEC and NEC may also propose amendments. No amendments shall be valid three (3) months to any election or nomination or preparation of party lists.

Consideration for inclusion in the party list shall entail the following: being

- a. A fully paid up member
- b. Actively involved in party activities
- c. Involved in recruitment of members
- d. Involved in identifying and introducing candidates for election
- e. Involved in resource mobilization

ARTICLE 20: PROVISION FOR THE AMENDMENT OF THE NAME, CONSTITUTION, AND RULES OF THE POLITICAL PARTY.

i. Amendments to the Name of the Party

No change may be made to the Name of the Party except with the approval of the National Delegates Convention following a proposal by any Sub Branch Executive Committee, Branch Executive Committee or the National Executive Committee and supported by at least two-thirds of the members attending in person.

ii. Amendments to the Constitution

No change may be made to this Constitution except with the approval of the National Delegates Convention following a proposal by any sub branch Executive Committee, Branch Executive Committee or the National executive Committee and supported by at least two-thirds of the members attending in person. The

Constitution may also be amended by the NGC in accordance with Article 11 of this Constitution.

iii. Amendments to the Rules of the Party.

No change may be made to the rules unless if a member of NEC proposes and is supported by two-thirds (2/3) of the members attending provided the changes are not done three months to the elections and those changes be communicated at least one month to the election dates.

iv. Amendments of change of office

Any change related to Article 5 of this Constitution shall be made by NEC and such a change shall require the support of simple majority of members of NEC at that sitting provided that the procedure for that sitting as provided for in this Constitution was followed.

ARTICLE 21: MERGERS, COALITIONS/ALLIANCE

The Party may merge or 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.

The Secretary General shall provide a notice of 21 days to the members indicating the date, time and venue of the meeting with the agenda being either a merger or coalition.

The NEC shall invite a competent lawyer to the meeting to provide a legal advisory opinion before any vote is taken.

Instruments of mergers or coalitions shall be executed and Deposited with the Registrar of Political Parties. The Secretary General shall keep custody of all such Instruments.

The Party shall embrace mergers that will only promote the objects of the Party as provided for under Article 3 of this Constitution.

Circumstances and criteria for mergers.

- a. Agreement in part or in whole with the objects of the parties to merge
- b. Negotiations must have been on going between the NEC or Committee of NEC of **DEMOCRATIC ACTION PARTY-KENYA(DAP-K)** and the other party(ies)
- c. Proof that funds to be provided for by both parties shall sustain the merger
- d. New name must be agreed upon beforehand.
- e. Signatories to the new bank account must be agreed upon.
- f. Any other criteria the parties may agree to include.
- g. Mergers shall not occur twelve (12) months to a general election.

Procedures for Mergers and coalitions/alliances

1. Decision to merge/coalitions/alliances shall be in writing
2. The NEC or its duly authorized committee shall approve the agreement
3. NDC by 2/3 majority of member's present shall approve the merger.
4. A special NDC may be called to discuss this agenda
5. The chairperson and SG shall be the authorized persons to execute the decision on behalf of the party.
6. Coalitions/alliances agreement shall include the new Constitution, Rules, Regulations and Principles of the envisaged new Political Parties.
7. Coalitions/alliances agreement shall be deposited with the Registrar within twenty-one (21) days of the signing of the agreement.
8. Party stands dissolved upon registration of new political party
9. Any other rule the NEC may wish to apply in order to safeguard the interests of the existing political party.
10. Decision to merge shall be by secret ballot

COALITIONS: The party shall enter into pre and/or post elections coalitions for the purposes of forming good relations and acquiring power with political parties that share similar ideologies with (DAP-K).

ARTICLE 22: PROVISION ON DISSOLUTION OF THE POLITICAL PARTY.

Dissolution of the party branch

1. The national chairperson may recommend dissolution of any branch to NEC in an emergency arising out of internal conflict, on gross violation of the Constitution of the Party or in any other exceptional circumstances.
2. NEC of a majority of 2/3 present by voting may approve recommendation to dissolve the branch.
3. NEC shall then mandate an adhoc committee which shall constitute itself as an election board to oversee the elections within a period of 90 days or as within such a time as it is practical in the opinion of the adhoc committee so constituted.
4. The adhoc committee for purposes of clarity shall consist of members of NEC, a mixture or otherwise. They shall not be more than five (5) members in the team.
5. Secretary to the adhoc committee shall be the Director of elections

Dissolution of the Political Party

- a. Decision to dissolve the party must be done in writing
- b. Decision shall be approved by NEC

- c. The decision shall be supported by 2/3 majority of members of NDC present at the sitting.
- d. Once approved, party stands dissolved
- e. Decision to dissolve the party to be communicated to the Registrar as soon as it is practically possible.

Disposal of property

- a. In the event of a dissolution of a party branch, all property shall be handed over to the SG who shall transact matters of funds in consultation with the treasurer
- b. Upon election of a new team, the SG shall then hand over the custody to the new Secretary of the branch.

For the National Party

- a. At the point where the NEC approves the resolution of dissolution by transmitting the same to the NDC, the party auditors must provide an audited report.
- b. The SG shall give an account of the property in his/her custody
- c. At the point of NDC, the audit report and SG's report must be made public
- d. Resolution to dissolve shall be accompanied by resolution to the Registrar to declare the property of the party. The property shall be converted into cash and donate to the political party's fund.

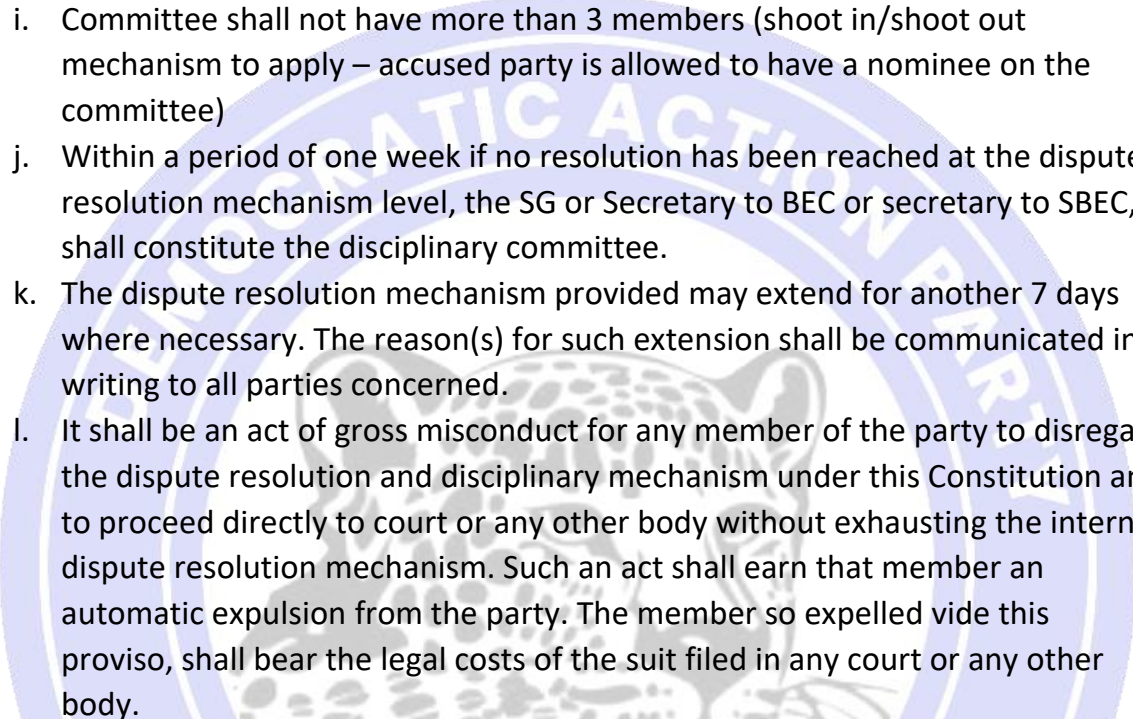
ARTICLE 23: INTERNAL PARTY DISPUTE RESOLUTION MECHANISM

Dispute resolution shall be at three (3) levels. Those are Sub Branch, Branch and National. Decisions at the sub branch shall be appealed against at the branch, those of the branch at the National whereas those at the National level; shall be final.

The Internal Dispute resolution shall be in accordance to the Kenyan constitutional right to fair hearing and fair administration of justice.

Procedure:

- a. Complaints against Governor(s), MP(s), Senator(s) and National official(s) shall be held and determined at NEC.
- b. Complaints against County Assembly Representative(s) and branch official(s) shall be heard and determined at BEC.
- c. Complaints against sub-branch, ward and polling station officials shall be heard and determined at SBEC.
- d. Once the complaint has been received by SBEC, BEC or NEC; they shall be under duty to inform the accused.
- e. SG/Secretary to SBEC, Secretary to BEC to avail the request to constitute the dispute resolution committee within 7 days upon receipt of the same.

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- f. Within 7 days, the party accused may apply in writing to SG or Secretary to the branch or secretary to the sub-branch (as case may apply) for a dispute resolution committee to be constituted to attempt to resolve the dispute.
 - g. Upon receipt of the request from the accused party, the SG or Sec to the branch or secretary to the sub-branch shall constitute the dispute resolution Committee instead of disciplinary committee.
 - h. When request not received within 7 days, the SG or Secretary to the branch or secretary to the sub-branch shall constitute the disciplinary committee.
 - i. Committee shall not have more than 3 members (shoot in/shoot out mechanism to apply – accused party is allowed to have a nominee on the committee)
 - j. Within a period of one week if no resolution has been reached at the dispute resolution mechanism level, the SG or Secretary to BEC or secretary to SBEC, shall constitute the disciplinary committee.
 - k. The dispute resolution mechanism provided may extend for another 7 days where necessary. The reason(s) for such extension shall be communicated in writing to all parties concerned.
 - l. It shall be an act of gross misconduct for any member of the party to disregard the dispute resolution and disciplinary mechanism under this Constitution and to proceed directly to court or any other body without exhausting the internal dispute resolution mechanism. Such an act shall earn that member an automatic expulsion from the party. The member so expelled vide this proviso, shall bear the legal costs of the suit filed in any court or any other body.

ARTICLE 24: DEMOCRATIC PRACTICES THAT COVER GENDER, AFFIRMATIVE ACTION FOR MINORITIES AND MARGINALIZED GROUPS

The party structures and positions of leadership shall be a team that shall reflect gender, affirmative action, representation of minorities and marginalized groups

- a) The party's National Executive Committee shall appoint a reputable trustee who shall manage the party's assets.
- b) The trustee in Article 12.0.4 shall report to the National Executive Committee directly.

ARTICLE 25: DEMOCRATIC PRACTICES COVERING HUMAN RIGHTS AND GENDER.

The party in the spirit and letter of the Constitution of Kenya and this Constitution shall implement democratic principles covering human rights and gender.

ARTICLE 26: THE MANNER OF IMPLEMENTING NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE AS PROVIDED IN THE CONSTITUTION.

The party in observing its object shall implement the national values and principles of governance as provided in this Constitution.

ARTICLE 27: TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

- a. The persons occupying positions at all levels i.e. NEC, NGC, BEC, SBEC, WEC, PCEC immediately before the effective date shall continue to serve in those positions until the first Party elections held under this Constitution, unless they vacate office.
- b. The 1st National Party election under this Constitution shall be held on the 2nd Tuesday of December 2019 or as may be determined by NEC through a resolution.

