



## **DEMOCRATIC ACTION PARTY-KENYA**

**ELECTION AND NOMINATION RULES  
DEMOCRATIC ACTION PARTY-KENYA**

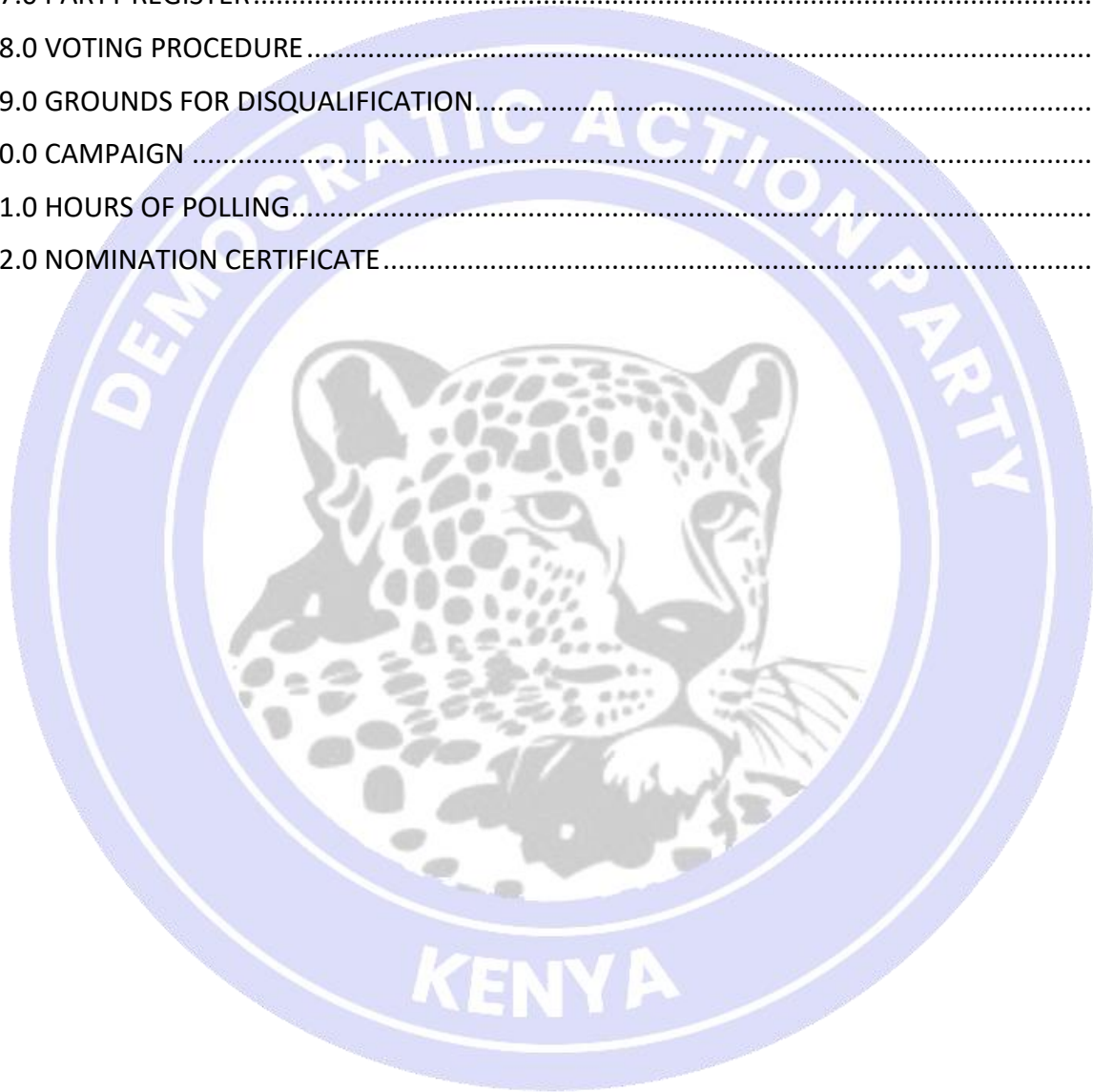
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## 1.0 PREAMBLE

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

## 2.0 CITATION AND INTERPRETATION

### 2.1 CITATION:

These rules may be cited as the DEMOCRATIC ACTION PARTY-KENYA (DAP-K) Election and Nomination Rules (hereinafter “the Rules”).

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

### 2.2 INTERPRETATION:

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

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

**“Candidate”** means a person duly cleared by the Party in accordance with these Rules to vie for nomination.

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

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

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

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

**“National Delegates Register”** means a list of Party members eligible to attend the National Delegates Convention as per Article 7.2.2 of the Party’s Constitution.

**“National Delegates Electoral College”** means Electoral College convened at an ordinary meeting of National Delegates for purposes of electing national officials or nomination of Party’s Presidential candidate.

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

**“Party”** means the DEMOCRATIC ACTION PARTY KENYA

**“Persons with Disability”** means a person with any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the Community to have a substantial or long-term effect on an individual’s ability to carry out ordinary day-to-day activities.

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

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

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

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

**“Special Interest”** means marginalized persons or Minorities.

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

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

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

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

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

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

### **3.0 NATIONAL ELECTIONS BOARD**

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

#### **3.1 Core Function:**

To plan, organize, direct, conduct, supervise and/or coordinate all Party elections and nominations of candidates.

#### **Composition of NEB**

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

1. The Director of Elections and his deputy shall be ex-officio members of NEB.
2. NEC shall appoint chairperson of the Board, the Director and Deputy Director of Elections on recommendation of National Management Committee. The board at its first meeting shall appoint the Deputy Chairperson.
3. The chairperson shall head the Board and preside over meetings. The deputy chairperson shall in 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 Election, the Deputy Director and all other persons in the Board shall not seek office in the immediate general election.

#### **Powers of NEB**

- a. NEB may from time to time make rules, regulations, orders or notice for ensuring conduct of regular, free, fair and transparent 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 party Nomination and elections Rules and procedures.
- d. NEB shall appoint appropriate officers to conduct 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 organs to any position that the party by law nominate to in consultation with the National management Committee.
- f. The national chairperson and National Secretary General shall sign under seal the certificates of nominations.



- g. NEB shall consist of a chair person 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.
- h. In appointing the National Elections Board members, the National Executive Committee shall have regard and ensure on third (1/3) representation of either gender in accordance with the party constitution and the country's constitution.
- i. NEB may establish dispute resolution panels at the Branch, sub-Branch, ward and polling station levels. The panels are adhoc in nature.
- j. 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.
- k. NEB shall be independent and act in accordance with rules of natural justice, and in consultation with NEC.
- l. NEB may carry out any other functions assigned to it by the NEC, NMC, GM or NDC.

### **Security of Tenure**

The members of National Election Board (NEB) shall enjoy security of tenure in the office and can only be removed from office either by resignation or full approval of the National Executive Committee (NEC) with reasons.

### **Grounds for disqualification of NEB members**

A person may be disqualified as a NEB board member if the person:

- a. Is of unsound mind.
- b. Is an undischarged bankrupt.
- c. Is subject to a sentence of imprisonment.
- d. Is found, in accordance with any law, to have misused or abused office or to have contravened any provision of chapter six of the constitution of Kenya.
- e. Is found to have planned, sponsored or participated in any violent activities.
- f. Is interested in any elective seat.
- g. Is a state officer or other public officer.

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.

### **3.2 Duties of the National Elections Board:**

Duties of the National Elections Board shall include:

- a. To ensure a free and fair electoral process.
- b. The vetting of all candidates aspiring for Party election or nomination both in the general and by-elections in accordance with provisions of the Constitution of the



Republic of Kenya, applicable electoral Laws, Party Constitution, Party Nomination and Election Rules and the Party Code of Conduct,

- c. Appointment of National Returning Officers, County Returning Officers, Constituency Returning Officers, Polling and Tallying Clerks,
- d. Accreditation of election observers,
- e. Receiving election results from National, County Constituency and polling station Returning Officers.
- f. Taking all necessary measures to ensure Party elections and nominations are transparent, peaceful, free and fair.
- g. Devise or formulate rules of procedure for the County Election Disputes Appeals Tribunal.
- h. Devise or formulate rules to be adhered to by aspirants for all elective positions to be signed by the aspirants at the time of registration.

The NEB may, in consultation with the National Management Committee (NMC) and in the best interest of the Party, grant a candidate an automatic nomination.

#### **4.0 ELECTION OFFICERS**

##### **4.1 County Election Board**

They shall be established County Election Board in each county to coordinate elections on behalf of the NEB. The County Election Board shall be composed of five members of the Party ordinarily resident in the County who shall be distinguished persons of good moral standing in society and of high integrity and they shall not be seeking any elective post or nomination at the time. The County Election Board shall be under the supervision and the general direction of NEB and shall perform all such tasks and duties as assigned and delegated to them. The NEB shall be responsible for the recruitment and deployment of all County Election Board personnel. The County Election Board shall be composed of the following members:

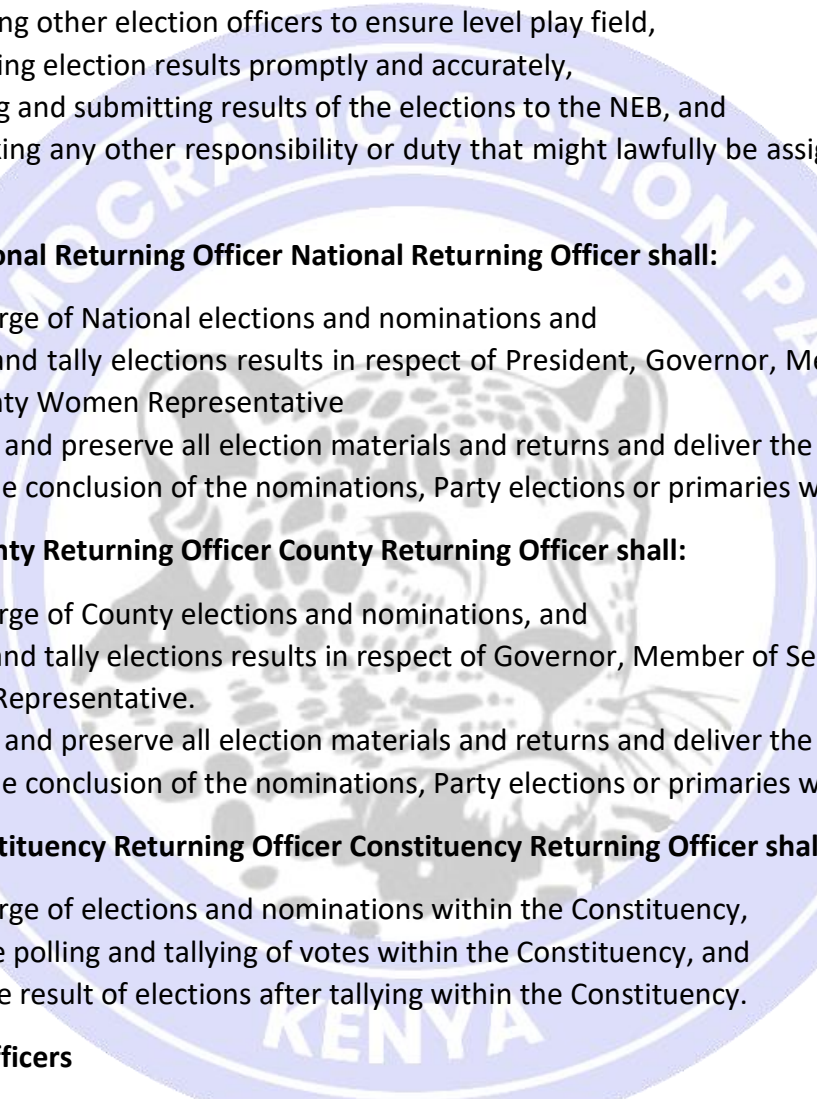
- i. Chairperson
- ii. Secretary and
- iii. Three ordinary members

##### **4.2 Returning Officers**

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

##### **4.3 Duties of Returning Officers**

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

- 
- a) Carrying out briefings or trainings for election officers on the proper conduct of the Party elections in accordance with the Party's Constitution and Elections and Nomination Rules,
  - b) Ensuring that requisite logistics are in place at the election's venue for free and fair elections, including:
    - i. Availing sufficient and relevant voting materials and equipment, and
    - ii. Ensuring that there exists adequate security during elections,
  - c) Supervising other election officers to ensure level play field,
  - d) Announcing election results promptly and accurately,
  - e) Compiling and submitting results of the elections to the NEB, and
  - f) Undertaking any other responsibility or duty that might lawfully be assigned to them by the NEB.

**4.4 Role of National Returning Officer National Returning Officer shall:**

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

**4.5 Role of County Returning Officer County Returning Officer shall:**

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

**4.6 Role of Constituency Returning Officer Constituency Returning Officer shall:**


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

**4.7 Presiding Officers**

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

**4.8 Role of Presiding Officers**

Presiding Officers shall:

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

#### **4.9 Polling and Counting Clerks**

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

### **5.0 RULES GOVERNING PARTY ELECTIONS**

#### **5.1 ELECTION OF PARTY OFFICIALS**

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

1. National Officials
2. Regional Coordinating Committee
3. County Coordinating Committee
4. Branch Executive Committee
5. Sub-Branch Executive Committee
6. Polling Station Steering Committee
7. DAP-K Women League
8. Branch Executive Committee
9. Sub Branch Executive Committee
10. Polling Station Steering Committee
11. DAP-K Youth League
12. Branch Executive Committee
13. Sub Branch Executive Committee
14. Polling Station Steering Committee

#### **5.2 PARTY ELECTORAL COLLEGES**

Party elections shall be conducted by Electoral Colleges as follows:



- i. National Electoral College
- ii. Regional Electoral College
- iii. County Electoral College
- iv. Branch Electoral College
- v. Sub Branch Electoral College in the Polling Station,

Party elections shall be by registered party members.

### **5.3 NOTICE OF ELECTIONS**

National Elections Board shall issue a notice of not less than Fourteen (14) days with respect to all Party elections due and it shall publish such notice in at least one daily newspaper with national circulation and one announcement vide the electronic media.

### **5.4 QUALIFICATIONS**

A candidate seeking to be elected in office shall:

- i. Be a member of the DEMOCRATIC ACTION PARTY-KENYA,
- ii. Be committed to ideals and core values of the Party,
- iii. Be a fully paid-up member; in the case of those seeking for national office, Branch and Sub Branch Chairpersons, be life members,
- iv. Demonstrate having participated in party activities for at least six months prior to his/her application for election.
- v. Complete and return within the time stipulated by the NEB Party election on form prescribed in Schedule II to these rules and Party Code of Conduct.
- vi. Be a delegate by virtue of having been elected from the Grassroots.
- vii. Be an automatic delegate by virtue of having been elected as DAP-K Members of Parliament or Governors.
- viii. Be present during the meeting at which the election is conducted.

### **6.0 ELECTIONS OF NATIONAL OFFICIALS**

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

#### **6.1 Eligibility of Delegates:**

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

#### **6.2 Quorum:**

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



### **6.3 Mode of Voting:**

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

### **6.4 Assumption of Office:**

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

### **6.5 Custody of Election Materials**

The NEB shall immediately after the announcement of the results surrender all election documents and materials to the National Secretariat for safe custody for a period of two months.

## **7.0 PARTY ELECTIONS**

### **7.1 Branch Organization**

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

#### **A. Mainstream:**

1. Branch Executive Committee,
2. Sub-Branch Executive Committee,
3. Polling Station Steering Committees,

#### **B. DAP-K Women League:**

1. DAP-K Women League Branch Executive Committees,
2. DAP-K Women League Sub-Branch Executive Committees,
3. DAP-K Women League Polling Station Steering Committees,


#### **C. DAP-K Youth League:**

1. DAP-K Youth League Branch Executive Committees,
2. DAP-K Youth League Sub-Branch Executive Committees,
3. DAP-K Youth League Polling Station Steering Committees

### **7.2 Polling Station Steering Committee:**

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

- i. Chairperson,
- ii. Deputy Chairperson,
- iii. Secretary,
- iv. Deputy Secretary,
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary,

- 
- ix. Polling Station Secretary for Women Affairs who shall be the person elected as the Women Patriots' Polling Station Leader,
  - x. Polling Station Secretary for Youth affairs who shall be the person elected as the DAP-K Youth League' Polling Station Leader,
  - xi. Polling Station Persons with Disability Representative
  - xii. Polling Station Special Interest Groups Representative
  - xiii. Committee Member
  - xiv. Committee Member
  - xv. Committee Member
  - xvi. Committee Member
  - xvii. Committee Member
  - xviii. Committee Member
  - xix. Committee Member
  - xx. Committee Member

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

#### **8.0 POLLING STATION ELECTIONS**

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

The Presiding Officer shall tally and announce the results the result thereof and thereafter submits to the Constituency Returning Officer.

#### **9.0 SUB BRANCH EXECUTIVE COMMITTEES**

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

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

- xiv. Committee Member
- xv. Committee Member
- xvi. Committee Member
- xvii. Committee Member
- xviii. Committee Member
- xix. Committee Member
- xx. Committee Member

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

#### **10.0 SUB BRANCH ELECTIONS**

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

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

The Presiding officer shall tally and announce the results thereof and submit to the Constituency returning Officer.

#### **11.0 ELECTION OF SUB BRANCH EXECUTIVE COMMITTEE**

The Branch shall be composed of the following officials:

- i. Chairperson,
- ii. Deputy Chairperson,
- iii. Secretary,
- iv. Deputy Secretary
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary,
- ix. Secretary for Women Affairs,
- x. Secretary for Youth affairs,
- xi. Persons with Disability Representative
- xii. Special Interest Groups Representative
- xiii. Committee Member
- xiv. Committee Member
- xv. Committee Member
- xvi. Committee Member
- xvii. Committee Member
- xviii. Committee Member
- xix. Committee Member

xx. Committee Member

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

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

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

## **12.0 COUNTY COORDINATING COMMITTEE**

The County Coordinating Committee shall be composed of the following officials:

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

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

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

## **13.0 REGIONAL CONFERENCE COMMITTEE**

The Regional Coordinating Committee shall be composed of the following officials:

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

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

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



#### 14.0 ORGANIZATION OF DAP-K WOMEN LEAGUE

There shall be established a DAP-K Women League.

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

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

#### 14.1 ELECTIONS OF THE DAP-K WOMEN LEAGUE OFFICIALS

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

All **DAP-K** Women Members of the Party at Polling Station shall assemble and shall elect a Management Committee comprising:

- 
- i. Chairperson,
  - ii. Deputy Chairperson,
  - iii. Secretary,
  - iv. Deputy Secretary
  - v. Treasurer,
  - vi. Deputy Treasurer,
  - vii. Organizing Secretary,
  - viii. Deputy Organizing Secretary,
  - ix. Secretary for Women Affairs,
  - x. Secretary for Youth affairs,
  - xi. Persons with Disability Representative
  - xii. Special Interest Groups Representative
  - xiii. Committee Member
  - xiv. Committee Member
  - xv. Committee Member
  - xvi. Committee Member
  - xvii. Committee Member
  - xviii. Committee Member
  - xix. Committee Member
  - xx. Committee Member

Delegates of the Polling Station shall form the **DAP-K** Women Sub Branch Electoral College shall elect the **DAP-K** Women Sub Branch Steering Committee comprising:

- i. Chairperson,

- ii. Deputy Chairperson,
- iii. Secretary,
- iv. Deputy Secretary
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary,
- ix. Secretary for Women Affairs,
- x. Secretary for Youth affairs,
- xi. Persons with Disability Representative
- xii. Special Interest Groups Representative
- xiii. Committee Member
- xiv. Committee Member
- xv. Committee Member
- xvi. Committee Member
- xvii. Committee Member
- xviii. Committee Member
- xix. Committee Member
- xx. Committee Member

Delegates of the Sub Branch shall form the DAP-K Women Branch Electoral College and shall elect the DAP-K Women Branch Executive Committee comprising:

- i. Chairperson,
- ii. Deputy Chairperson,
- iii. Secretary,
- iv. Deputy Secretary
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary,
- ix. Secretary for Women Affairs,
- x. Secretary for Youth affairs,
- xi. Persons with Disability Representative
- xii. Special Interest Groups Representative
- xiii. Committee Member
- xiv. Committee Member
- xv. Committee Member
- xvi. Committee Member
- xvii. Committee Member
- xviii. Committee Member
- xix. Committee Member

- xx. Committee Member

#### **14.2 ELECTION OF DAP-K WOMEN LEAGUE NATIONAL OFFICIALS**

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

- i. Chairperson,
- ii. Deputy Chairperson,
- iii. Secretary,
- iv. Deputy Secretary
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary,
- ix. Secretary for Women Affairs,
- x. Secretary for Youth affairs,
- xi. Persons with Disability Representative
- xii. Special Interest Groups Representative
- xiii. Committee Member
- xiv. Committee Member
- xv. Committee Member
- xvi. Committee Member
- xvii. Committee Member
- xviii. Committee Member
- xix. Committee Member
- xx. Committee Member

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

- i. Chairperson,
- ii. Deputy Chairperson,
- iii. Secretary,
- iv. Deputy Secretary
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary,
- ix. Secretary for Women Affairs,
- x. Secretary for Youth affairs,
- xi. Persons with Disability Representative

- xii. Special Interest Groups Representative
- xiii. Committee Member
- xiv. Committee Member
- xv. Committee Member
- xvi. Committee Member
- xvii. Committee Member
- xviii. Committee Member
- xix. Committee Member
- xx. Committee Member

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

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

#### **15.0 ORGANIZATION OF DAP-K YOUTH LEAGUE**

There shall be established a DAP-K Youth League.

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

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

#### **15.1 ELECTIONS OF THE DAP-K YOUTH LEAGUE OFFICIALS**

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

All DAP-K Youth League Members of the Party at Polling Station shall assemble and shall elect a Management Committee comprising:

- i. Chairperson,
- ii. Deputy Chairperson,
- iii. Secretary,
- iv. Deputy Secretary
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary,
- ix. Secretary for Women Affairs,



- x. Secretary for Youth affairs,
- xi. Persons with Disability Representative
- xii. Special Interest Groups Representative
- xiii. Committee Member
- xiv. Committee Member
- xv. Committee Member
- xvi. Committee Member
- xvii. Committee Member
- xviii. Committee Member
- xix. Committee Member
- xx. Committee Member

Delegates at the Polling Station shall form the DAP-K Youth League Sub Branch Electoral College to elect the DAP-K Youth League Sub Branch Committee composed of:

- i. Chairperson,
- ii. Deputy Chairperson,
- iii. Secretary,
- iv. Deputy Secretary
- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary,
- ix. Secretary for Women Affairs,
- x. Secretary for Youth affairs,
- xi. Persons with Disability Representative
- xii. Special Interest Groups Representative
- xiii. Committee Member
- xiv. Committee Member
- xv. Committee Member
- xvi. Committee Member
- xvii. Committee Member
- xviii. Committee Member
- xix. Committee Member
- xx. Committee Member

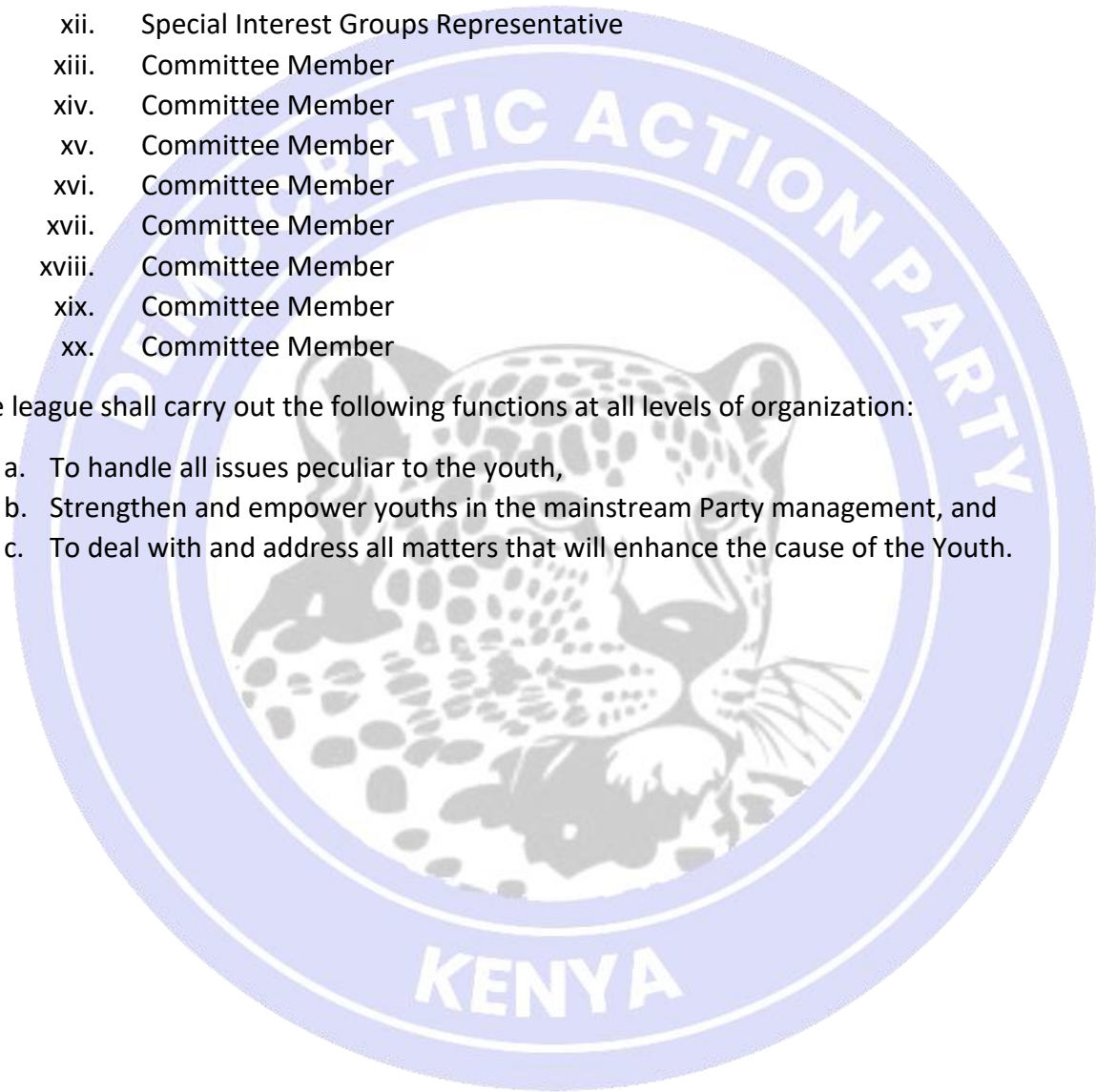
Sub Branch delegates shall form the DAP-K Youth League Branch Electoral College to elect the DAP-K Youth League Branch Executive Committee comprising of:

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

- v. Treasurer,
- vi. Deputy Treasurer,
- vii. Organizing Secretary,
- viii. Deputy Organizing Secretary,
- ix. Secretary for Women Affairs,
- x. Secretary for Youth affairs,
- xi. Persons with Disability Representative
- xii. Special Interest Groups Representative
- xiii. Committee Member
- xiv. Committee Member
- xv. Committee Member
- xvi. Committee Member
- xvii. Committee Member
- xviii. Committee Member
- xix. Committee Member
- xx. Committee Member

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

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



## **THE NOMINATION OF PARTY CANDIDATES**

### **16.0 CATEGORIES OF ELECTIONS COVERED**

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

### **17.0 ANNOUNCEMENT OF VACANT POSITIONS**

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

### **18.0 VETTING OF CANDIDATES**

The NEB shall establish candidates vetting committees, subject to approval of the NEC and which shall be constitute at least three (3) months to the nominations and which shall be responsible for vetting of candidates in accordance with the Constitution of the Republic of Kenya, The Political Parties Act, 2011, The Elections Act, 2011, The County Government Act, 2012, the Party Constitution and Party Election and Nomination Rules.

In vetting a candidate, the NEB shall take into account the following:

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

### **19.0 QUALIFICATION OF CANDIDATES**

#### **19.1 Nominations for Member of the County Assembly**

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

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

An applicant for nomination shall furnish the following documents:

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

#### **19.12 Disqualification from nomination as a candidate for election as a Member of the County Assembly**

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

- i. Is a State Officer or other Public Officer other than a Member of County Assembly
- ii. Has at any time within the five years immediately before the date of election held office as a member of the Independent electoral Boundaries Commission or any Election Commission
- iii. Is of unsound mind
- iv. Is an undischarged bankrupt
- v. Is serving a sentence of imprisonment at least six months, or
- vi. Has been found, in accordance with any law, to have misused or abused a State Office or Public Office or to have contravened any provision of Chapter Six of the Constitution of Kenya.

#### **19.2 Nominations for the Governor**

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

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

An applicant for nominations shall furnish the following documents:



- 
- i. Duly completed Nomination Form in duplicate.
  - ii. Copy of the national identity card or Passport,
  - iii. A copy of Elector's card,
  - iv. A copy of **DEMOCRATIC ACTION PARTY-KENYA** Life Membership Certificate
  - v. Non-refundable fee of Ksh 500,000/= paid to **DEMOCRATIC ACTION PARTY-KENYA** by a Bankers Cheque or deposited in the Party's account. Special interest group to pay 25% less.
  - vi. A copy of the degree certificate obtained from a university recognized in Kenya,
  - vii. Duly executed Code of Conduct Form.
  - viii. Meet all other requirements under the Elections Act and Regulations made by the Commission.

#### **19.21 Disqualification from nomination as a candidate for election as a Governor**

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

- i. Is a State Officer or other Public Officer other than a Member of County Assembly,
- ii. Has at any time within the five years immediately before the date of election held office as a member of the Independent Electoral Boundaries Commission or any Election Commission,
- iii. Is of unsound mind,
- iv. Is an undischarged bankrupt
- v. Is serving a sentence of imprisonment at least six months, or
- vi. Has been found, in accordance with any law, to have misused or abused a State Office or Public Office or to have contravened any provision of Chapter Six of the Constitution of Kenya.

#### **19.3 Nominations for a Member of Parliament**

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

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

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

- i. Duly completed Nomination Form in dispute.
- ii. Copy of national identity card or Passport
- iii. A copy of Elector's card
- iv. A copy of **DEMOCRATIC ACTION PARTY-KENYA** Life Membership certificate
- v. Non-Refundable nomination fee paid to DEMOCRATIC ACTION PARTY-KENYA by Bankers Cheque or deposited in the Party's Account of:
  - a. Member of the Senate: Ksh. 250,000/=. Special interest group to pay 25% less.
  - b. Members of the National Assembly: Ksh. 150,000/=. Special interest group to pay 25% less.
- vi. Duly executed Code of Conduct form.
- vii. Meet all other requirements under the Elections Act and Regulations made by the commission.

#### **19.31 Disqualification from nomination as a candidate for election as a Member of Parliament**

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

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

#### **19.4 Nominations for County Woman Representative/Senator**

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

- i. Be a registered voter in the County for which she seeks election
- ii. Has attained post-secondary school qualification recognized in Kenya,
- iii. Be a Party life member,
- iv. Is proficient in both English and Kiswahili languages,
- v. Have been an active member of the party six months prior to seeking nomination, provided that the National Executive Committee may for good cause which shall be

specifically documented, exempt an applicant from this requirement, subject to any conditions it may deem fit,

- vi. Meet the minimum requirements for Parliamentary Candidates as may be set out by the Independent Electoral and Boundaries Commission of Kenya.

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

- i. Duly completed Nomination Form in duplicate.
- ii. Copy of national identity card or passport,
- iii. A copy of Elector's card,
- iv. A copy of DEMOCRATIC ACTION PARTY-KENYA Life Membership Certificate,
- v. Non-refundable fee of 150,000/= for County women representative and ksh 250,000/= for Senator paid to DEMOCRATIC ACTION PARTY-KENYA by a Bankers Cheque or deposited in the Party's account. Special interest group to pay 25% less.
- vi. Duly executed Code of Conduct Form.
- vii. Meet all other requirements under the Elections Act and Regulations made by the Commission.

#### **19.41 Disqualification from nomination as a candidate for election as County Woman Representative/Senator:**

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

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

#### **19.5 Nomination of a Presidential Candidate**

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

- i. Be a Kenyan citizen with a National Identify Card or passport,



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

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

- i. Duly completed Nomination Form in duplicate.
- ii. Copy of national card or Passport,
- iii. A copy of Elector's card,
- iv. A copy of DEMOCRATIC ACTION PARTY-KENYA Life Membership Certificate.
- v. Non-refundable fee of 1,000,000/= paid to DEMOCRATIC ACTION PARTY-KENYA by a Bankers Cheque or deposited in the Party's account
- vi. A copy of the degree certificate obtained from a university recognized in Kenya,
- vii. Duly executed Code of Conduct and Pledge of Commitment Form
- viii. Meet all other requirements under the Elections Act and Regulations made by the commission.

#### **19.51 Disqualification from nomination as a candidate for election as President:**

A person is disqualified from nominated as President if the person:

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

#### **20.0 PARTY PRIMARIES FOR PRESIDENTIAL NOMINATIONS**

Where more than one candidate qualifies for nomination, there shall be an election to nominate the Party's Presidential candidate.



The Members of the National Delegates Convention comprising of:

1. All members of the National Executive Committee
2. All members of the Party Parliamentary Group
3. All Members of the Council of Governors & the Deputy Governors
4. All Chairpersons of the Branch Executive Committees
5. All members of the County Coordinating Committees
6. Minority OR Majority leaders in each County Assembly
7. All National Officials of the DAP-K Youth League
8. All National Officials of the DAP-K Women League
9. Two persons with disability drawn from each county
10. One marginalized person drawn from each county.
11. One person nominated by BEC where the Member of National Assembly is an elected member of the Party.
12. One lady nominated by the BEC, where the County Women Representative is an elected member of the party.
13. One person nominated by the BEC, where the Senator is an elected member of the Party
14. One person nominated by the BEC, where the Governor is an elected member of the Party
15. Members of the Party's Standing Committees specially nominated by the NEC to attend the Conference as delegates
16. At least one member from each registered Overseas Branch specially nominated by the NEC to attend the Conference as delegates.
17. Top up Delegates from branches to be determined by NEC, through the formula set out in schedule III herein.
18. The maximum number of Delegates present at any NDC shall not exceed 3000 Delegates.

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

The date of the National Delegates Convention shall be announced by the National Executive Committee.

Voting shall be by secret ballot, electronically or by the NEB in consultation with NEC

On the date determined for polling, eligible voters shall be identified by availing the following documents:

- a. DEMOCRATIC ACTION PARTY-KENYA membership card,
- b. National Identity card or Passport, and
- c. Voters' card
- d. National Electoral College Voters Register.

The NEB shall use the Voters Register as compiled from the list of delegates to the National Delegates Convention.

Each Presidential Candidate shall be entitled to appoint Agents as shall be determined by the NEB.

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

The NEB shall present the results of the Presidential nominations to the National Delegates Convention.

In the event that only one candidate presents him/herself for nomination, the NEB shall present the said candidate to the National Delegates Convention for endorsement.

**21.0 NOMINATION PROCEDURES FOR MEMBER OF COUNTY ASSEMBLY, GOVERNOR, MEMBER OF THE SENATE, MEMBER OF THE NATIONAL ASSEMBLY, AND COUNTY WOMAN REPRESENTATIVE**

Party Primaries for the nomination of member of the County Assembly, Governor, Member of the Senate, Member of the National Assembly and County Woman Representative shall be by way of universal suffrage of all registered Party members at the Polling Station or by Sub Branch Electoral College.

The Sub Branch Electoral College shall comprise all the members of the Sub Branch Steering Committee, DAP-K Women League Committee and DAP-K Youth League Steering Committee who shall convert into a Sub Branch Electoral College to nominate a member of the County Assembly, Governor, Member of the Senate, Member of the National Assembly, and County Woman Representative.

Voting shall be by secret ballot, electronically or by the NEB in consultation with NEC

The NEB shall designate such number of polling stations as might be convenient to voters to access voting centers and publish them seven (7) days to the polling date.

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

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

### **21.1 Announcement of results and issuance of nomination certificates**

- i. Each returning Officer shall tabulate and collate certified results received from Presiding Officers at the Polling stations level and promptly announce the results in the presence of all the candidates and/or their agents.
- ii. The Returning Officer shall thereafter, issue a certificate of return showing the total number of votes garnered by each candidate in every polling station and which shall be signed by either the candidate or their agents and a certified copy of which shall in turn certify the same and transmit it to the NEB.
- iii. Where a dispute been filed at the Country Elections Appeal Tribunal, the Country Elections Board shall withhold the certificate of return until such time as they are furnished with the verdict of the Tribunal and which in any case shall not be more than fourteen (14) days of the date of the dispute, save for by-elections shortest time possible.
- iv. Upon receipt of the certified copy of the certificate of return from the County Elections Appeal Board and where no appeal has been lodged at the National Elections Appeals Tribunal, the NEB shall proceed to process and issue the nomination certificate to the declared winner within (7) days of the primaries or determination of a dispute.
- v. The NEB shall accordingly enter the name of the winner on the Party list and the same shall not be removed except by a decision of the Independent Electoral and Boundaries Commission Complaints and Dispute Resolution Committee or a High Court order.
- vi. Where elections fail to take place on the designated day, In the event that the party nomination elections are not carried out on the designated day due to failure to avail election materials as a result of logistical or other challenges, the elections may be postponed to the next day if there is a delay of more than six (6) hours and if the same fails to take place the next day then that election process can be done by the NEB in consultation with the NEC.

## **22.0 DISPUTES RESOLUTION AND APPEAL TRIBUNALS**

### **22.1 County Appeals Tribunal**

There shall be established a County Appeals Tribunal in every County each composed of five members of the part who shall be distinguished persons of good moral standing in society and of high integrity.

Provided that one third of members of the County Appeal shall be of either gender.

Members of the County Appeals Tribunal shall be appointed by the NEB, and approved by the NEC at least 30 days before the commencement of the nomination exercise or Party elections. The Tribunal shall be guided by the Rules of procedure which shall be formulated the NEB.

The NEB shall, at the time of appointment, designate one member of the Tribunal as the Presiding Chairperson.



The County Appeals Tribunal shall determine appeals arising from Polling Station, Sub Branch, Branch party elections, and appeals arising from nominations in respect of County Ward representatives.

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

Any candidate aggrieved by the outcome of Party elections in the Branch, Sub-Branch, or Polling Station shall have the right of appeal to the County Appeals Tribunal within 48 hours of the announcement of results.

The appeal shall be in writing and duly signed by the appellant accompanied by a non-refundable fee of Ksh. 100,000/= payable to the Party.

The County Appeals Tribunal shall consider and determine the appeal in accordance with the Constitution of Kenya, applicable Law, Party Constitution and Election and Nomination Rules within 48 hours of receipt of the appeal.

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

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

## **22.2 National Appeals Tribunal**

There shall be established a National Appeals Tribunals composed of a minimum five (5) members and maximum of nine (9) members of the Party who shall be distinguished persons of good moral standing in society and of high integrity.

Provided that one third of members of the National Appeal shall be of either gender.

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

The National Appeals Tribunal shall determine appeals arising from elections of National officials and nominations in respect of Presidential election, Governors, Senators, Member of the National Assembly, and County Women Representatives.

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

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



An appellant shall, on appeal, pay a non-refundable fee of Ksh.30 0,000/= to the Party.

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

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

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 48 hours of receipt of the appeal.

The decision of the National Appeals Tribunal shall be final.

### **23.0 NOMINATION OF PARTY LIST MEMBERS**

1. Criteria of election of members for National Assembly, Senate and County assemblies for Party list seats specified under Article 9 (c and 98(1)(b) (c) and (d) and article 177 (1) (b) and (c) of the National Constitution shall be on the basis of proportional representation and in accordance with article 90 of the constitution;
2. DAP-K shall submit its party list to the IEBC upon National Executive Committee checking and endorsing the same;
3. The party list shall contain alternatives between male and female candidates and shall prioritize a person with disability, the youth and any other candidate representing a marginalized group;

Only persons with demonstrable active contribution to the party shall qualify to nomination.

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

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

### **24.0 DIRECT NOMINATION BY PARTY AS MEMBER OF COUNTY ASSEMBLY OR MEMBER OF PARLIAMENT**

The party may directly nominate a member to the County Assembly, Senate or Member of Parliament as provided under the Elections Act and the Commission. In the event of such nomination a member appointed as

- MCA shall pay a non- refundable fee of Ksh 100,000/=

- Member of Parliament/ Woman Rep Ksh 250,000/=
- Member of Senate Ksh 350,000/=

#### **25.0 PLEDGE OF COMMITMENT**

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



## **GENERAL**

### **26.0 POLLING STATION**

The Polling station(s) where the nomination shall take place shall be at the Wards; the number of polling streams to be determined and published by the NEB seven (7) days before the nomination day.

### **27.0 PARTY REGISTER**

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

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

- i. National Identity card or Passport
- ii. Voters' card or Party membership Card
- iii. Name duly entered in the party register

### **28.0 VOTING PROCEDURE**

Voting under these rules shall be by way of Secret ballot or any other method of voting acceptable to the delegates or by the NEB in consultation with the NEC. Where an office is contested by more than one candidate, the vote shall be decided by a simple majority. Where only one candidate is nominated to an office at the close of the nominations, that candidate shall be declared duly elected to the office for which he/she was nominated. Nominations of all candidates shall be in the prescribed form.

### **29.0 GROUNDS FOR DISQUALIFICATION**

A member shall be disqualified to be a candidate for any nomination if:

- a. Without authority he makes, prepares, prints or is in possession of a document or paper purporting to be a register of Party members,
- b. Knowingly makes any false statement on, or in connection with any application to be registered in any register of Party members; or

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

- a. Before or during an election:
  - i. Undertakes or promises to reward a voter to refrain from voting
  - ii. Gives, causes to be given to a voter or pays, undertakes or promises to pay wholly or in part to or for any voter, expenses for giving or providing any food, drinks refreshment or provision of any money, ticket or other means or device to enable the procurement of any food, drink or refreshment or provision to or for any person for the purpose of corruptly influencing that person or any other person to

- vote or refrain from voting for a particular candidate at the election or being about to vote or refrain from voting, for a particular candidate, at the election; or
- b. After an election, gives, provides or pays any expense wholly or in part to or for any particular voter or any other voter for having voted or refrained from voting as aforesaid, shall be disqualified as a candidate for nomination on the Party's ticket.
  - c. A Party member shall be disqualified to vote at an election for the nomination of any candidate if he induces, influences or procures any other person to vote in an election knowing that the person is not entitled to vote in that election.

A Party member who accepts or takes any food, drink, refreshment, provision, any money or ticket, or adopts other means or devices to enable the procuring of food, drink refreshment or provision knowing that it is intended to influence them shall be disqualified to vote in the Party's nomination.

Any Party member shall be disqualified from voting in an election for the nomination of any candidate if he directly or indirectly in person or through another person on his behalf uses or threatens to use any force, violence including sexual violence, restraint, or material, physical or spiritual injury, threatens to inflict injury, damage, harm or loss harmful cultural practices damage or loss, or any fraudulent device, trick or deception for the purpose of or on account of:

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

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

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

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

- a. Directly or indirectly, lends or agrees to lend, or offers, promises to procure or to or to endeavor any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter or to or for any other person in order to induce any voter:
  - i. To vote or refrain from voting for a particular candidate;
  - ii. To attend or participate in or refrain from attending or participating in any meeting of a candidate, march, demonstration or in some other manner lending support to or for a candidate.



- iii. Corruptly does any such act on account of such voter having voted for or refrained from voting;
- iv. In any manner unlawfully influences the result of an election or nomination;
- b. Directly or indirectly, makes any gift, loan, offer, promise, procurement, or agreement to any election official or voter to:
  - i. Procure the election or nomination of any person; or
  - ii. Procure the vote of any voter at any election or nomination;
- c. Advances, pays or cause to be paid any money to, or to the use of any other person with that intent that such money or any part thereof shall be used in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part used in bribery at any election or nomination;

### **30.0 CAMPAIGN**

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

No campaigns shall be permitted on the polling day.

### **31.0 HOURS OF POLLING**

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

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

The NEB may at any election, accredit:

- a) An observer,
- b) Any person or institution to report an election.

### **32.0 NOMINATION CERTIFICATE**

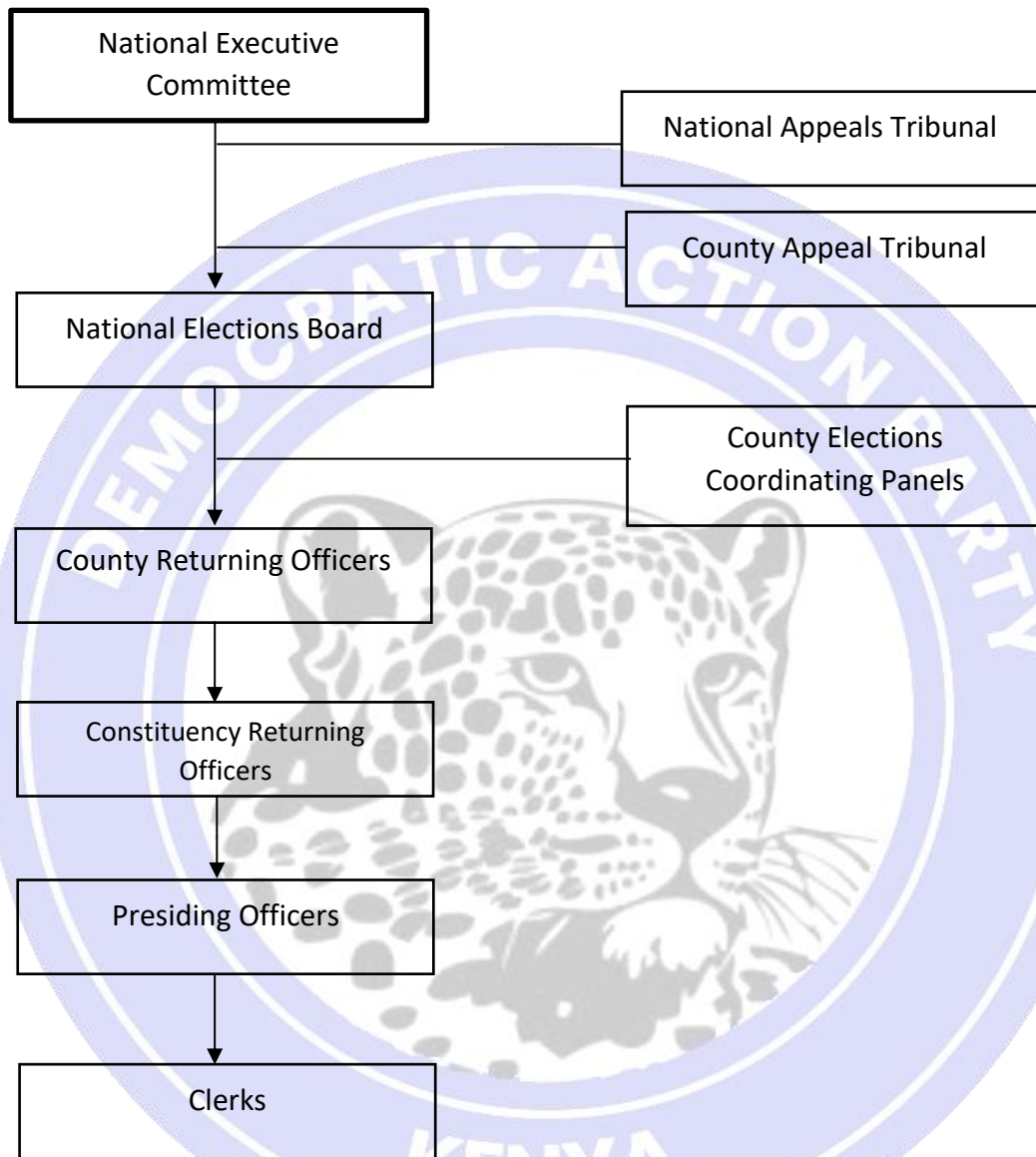
The NEB shall compile and certify the list of all successful candidates

Upon receipt of a certified list of the candidates, the authorized Party signatories shall issue a Nomination Certificate and forward to the Commission the Party List in accordance with Sec. 35 of the Elections Act, 2011.

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

## Schedule I

### ELECTIONS AND NOMINATION STRUCTURES





## DEMOCRATIC ACTION PARTY-KENYA

### Schedule III: Delegates top up formula

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

#### **Registered Party Members**

Determined by the number of registered members as per Party

#### **Target Number**

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

$$\frac{\text{Number of Registered Party Members in Good Standing at the Branch}}{\text{Target Number}} = \text{Qualifying Delegates per branch}$$

#### **Qualifying Delegates**

This 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.

