



**FARMERS PARTY CONSTITUTION  
(FP)**

**2023 EDITION**

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## **INTERPRETATIONS AND GENERAL PROVISIONS**

- (a) This Constitution and any rules made hereunder should be interpreted and implemented in accordance to the principles, values and objectives of the Party.
- (b) In this Constitution, unless the context requires otherwise-
  - (i) “Article” means Article of this Constitution and “clause” or “sub-clause” shall be similarly construed;
  - (ii) “Branch” shall be conterminous with the County names and boundaries as set out by the constitution of the Republic of Kenya and IEBC;
  - (iii) “Constitution” means this Constitution;
  - (iv) “Constituency” means an electoral area for a Member of National Assembly established under the Constitution of Kenya;
  - (v) “County” means a county as provided for under Article 6(1) of the 2010 Constitution of Kenya and the Second Schedule to the Constitution of Kenya 2010;
  - (vi) “Elective office”- refers to both nominated and elected members.
  - (vii) “Member” means member of the Party;
  - (viii) “Member of Parliament” means a member of the National Assembly, the Senate or regional Parliaments
  - (ix) “Minority” mean numerically fewer people as defined in the Constitution of Kenya;
  - (x) “Ward” means an electoral area for a Member of a County Assembly;
  - (xi) “Youth” means the collectivity of all individuals in the country who have attained the age of eighteen (18) years but have not attained the age of thirty-five years (35).

## **LIST OF ACRONYMS**

**AGM:** Annual General Meeting

**BOT:** Board of Trustees

**CEC:** County Executive Committee

**IEBC:** Independent Electoral and Boundaries Commission

**NS:** National Secretariat

**NDC:** National Delegates Conference

**NGC:** National Governing Council

**NEC:** National Executive Committee

**NWC:** National Working Committees

**NEB:** National Elections Board

**ORPP:** Office of the Registrar of Political Parties;

**PL:** Party Leader

**PWD:** People Living with Disability

**SG:** Secretary General

**IDRM:** Internal Disputes and Resolution Mechanism

## **PREAMBLE**

**WE**, the Members of Farmers Party;

**RECOGNIZING** the Supremacy of the Almighty God as the creator of the world and the giver of life;

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

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

**REALIZING** the importance of political stability, peace, good governance and social-economic development as factors of national cohesion and unity;

**CONVINCED** of the importance of agriculture, manufacturing, intellectual property rights, and sustainable development in creating opportunities and wealth for the people of Kenya;

**PROUD** of our ethnic, cultural and religious diversity as a nation;

**AFFIRMING** our belief in the rule of law and abiding by the ideals and values of democracy and good governance through periodic, free and fair elections in conformity with the Constitution of Kenya;

**DRIVEN** by the urge to serve Kenyans;

**DEDICATED** to ensuring an alternative leadership with the aim of seeing a better and well developed Kenya with plenty for all;

**DO HEREBY ADOPT, ENACT and GIVE** this constitution to ourselves and to our future generations for effective governance of our Party and promotion of its ideals, aims and objectives.

**May God Bless Farmers Party.**

**God Bless Kenya.**

### **Article 1: Establishment of Farmers Party**

There is hereby established a political Party known as the Farmers Party (hereinafter referred to as “the Party” or “FP” Registered as a political Party under the societies act (cap 108) of the laws of Kenya.

### **Article 2: Party Address**

- a) **Physical Location:** The Party’s Headquarters is based at Sifa Towers, 10<sup>th</sup> Floor, Suite 10C along Lenana Road, Kilimani, Nairobi County.
- b) **Party Postal Address:** P.O Box 52828-00200 City Square
- c) **Email Address:** [office@farmersparty.ke](mailto:office@farmersparty.ke)
- d) **Website:** [www.farmersparty.ke](http://www.farmersparty.ke)

The National Executive Committee shall notify the Office of the Registrar of Political Parties in case of any changes in the Physical location and Party addresses.

### **Article 3: Vision, Mission, Ideology and Motto**

- a) **Vision:** To promote plural democracy with special interest in the Environment, Social justice and the wellbeing of all Kenyans, especially Small and Large Scale farmers, towards a prosperous Kenya.
- b) **Mission:** To secure the future of Kenyans by providing access to transparent, accountable and people centered leadership whilst supporting sustainable farming for the benefit of present and future generations.
- c) **Ideology:** The Farmers Party ideology is Pluralistic Democracy; believing in unity in diversity and freedom of association.
- d) **Salute:** Touching of the stomach with right hand while raising the left hand upwards.
- e) **Motto:** Sauti ya Wakulima
- f) **Common Seal:** There shall be a Common Seal of the Party which shall be in the custody of the Secretary General.

### **Article 4: Guiding Principles and Values of the Party.**

- a) The Party is founded on principles of plural democracy, unity, justice, liberty, equity and with special interest in Environment, Social justice and the wellbeing of Small and Large Scale farmers.
- b) The leadership of the Party shall be based on the Platform of equality of all persons, the rule of law, and on the highest personal integrity.
- c) Democratic and open membership to Kenyans, offering quality leadership with integrity and good governance in the spirit of the Kenyan Constitution.
- d) Promote and protect democracy through regular, free and fair elections within the

Party and in the Country.

- e) Articulate and champion the Party's aims and objectives in a civilized manner.
- f) Promote social-cultural and sustainable economic development of our Nation.
- g) Non- discrimination and protection of the rights of minorities and marginalized groups through representation and participation at all levels of Governance in the Party and the Country.
- h) Promote fundamental freedoms of Kenyans key among these being freedoms of speech and association.
- i) Champion for affordable services and a vibrant, efficient private sector.
- j) Offer nation-wide empowerment of local citizenry through grassroots development programs.
- k) Promote education as the key to national development, progress, and growth.
- l) Introduce and support a twenty-four (24) hour economy for greater social and economic growth for a sustainable Kenya.
- m) Promote equal access to resources and opportunities for all Kenyans.
- n) Promote national, regional and international peace and cooperation.
- o) Protect the environment and champion exploitation of natural resources in a manner that guarantees inter-generational equity.

### **Article 5: Aims and objectives**

The aims and objectives of the Party are:

- i) To establish a democratic Government of the people of the Republic of Kenya within the framework of pluralistic democracy and good governance; founded on the principles of Democracy, Justice, Liberty, and Accountability with special interest in the well-being of the country and respect for the rule of law.
- ii) To pursue protect and promote: farmers, environmental, civil, political, economic, religious, social and cultural rights and freedoms of the individuals, inter alias, the rights to life and human dignity, liberty and security, the right to property, participation in public affairs, fair trial and equality before the law, the freedom of movement and association, thought, conscience, expression, development, protection of the environment and the right to peace and security. The Party will pay special attention to the right to life and human dignity, fundamental rights and freedoms, gender equality, freedom of press, worship, liberty and security of the persons and property and the rights of workers, persons with disabilities, and minorities.
- iii) To pursue and promote economic, social and political development, for the mutual benefit of all people of Kenya; irrespective of their religious or political persuasion.
- iv) To nominate Party candidate in respect of the presidential, Governors, parliamentary

and Members of County Assembly during elections, and to establish a structure of the Party leadership which is truly representative and democratic.

- v) To promote and establish a fair and just leadership in the governance of the country and the Party, devoid of corruption, nepotism, tribalism, and all forms of discrimination.
- vi) To promote and protect the unity, National integration, and sovereignty of the people of Kenya.
- vii) To advocate and work for the establishment and maintenance of professional organizations and welfare associations so as to ensure a healthy development of civil society as a strong foundation for democratic systems of government in Kenya.
- viii) To pursue and promote the rule of law and the separation of powers between the three arms of government – the legislature, the executive and the judiciary.
- ix) To ensure the repeal and/ or amendment of all unjust and oppressive laws and promote law reform in accordance with the principles of national justice; on a continuous basis.
- x) To promote and protect the independence of the civil service and de-link the public service institutions from engaging in active politics.
- xi) To support the requirement that the President term of office shall be limited to a maximum period of two terms as stipulated by the Constitution.
- xii) To encourage and promote a strong co-operative movement, managed and controlled by the members.
- xiii) To promote a free market economy and pursue sound economic policies in order to achieve rapid sustainable human, economic and physical development.
- xiv) To promote the protections of all public lands, utilities, natural resources i.e. the improvement, management and conservation of the environment and responsible utilization of all national wealth and resources, for the betterment of all Kenyans and future generations.
- xv) To formulate and pursue sound national population policies in order to improve the quality of life for all Kenyans.
- xvi) To educate and create awareness among Kenyans, of all walks of life, on public matters, issues and Party politics, with a view to enhancing and maintaining a just, open and democratic system/society.
- xvii) To support regional and international organizations or grouping and achieving rapid social, economic and political development and innovations as well as creativity.

- xviii) To support and promote world peace and abolition of all forms of oppression, tribalism, racism, chauvinism, sexism, social bigotry, nepotism, exploitation and discrimination.
- xix) To advocate and promote respect for elimination of all forms of discrimination against humanity, i.e. to guard against all forms of discrimination against men or women to ensure that such practices are punishable in law.
- xx) To pursue, promote and protect the right of workers in their demand for just salaries commensurate with their labour contribution in line with the cost of living, as well as to promote the right of the employers to demand commensurate output for the workers.
- xxi) To promote the African Union, regional and sub-regional organizations, co-operation, and integration.
- xxii) To advocate, promote and comply with the United Nations international bill of human rights, the African charter of human and people's rights, and the Conferences against torture and other cruel, inhuman or degrading treatment and any other internationally recognized Conferences.
- xxiii) To pursue and to promote the full participation of women, youth and persons with disability in the management of public affairs and in development of Kenya.
- xxiv) To encourage and promote the full participation of women, youth and person with disability in the management of public affairs and in development of Kenya.
- xxv) To encourage and promote the welfare and interests of all Kenyan farmers, sound land policy guaranteeing security of tenure of land owners, and to eliminate the squatter problem in Kenya.
- xxvi) To protect, conserve and improve the management of the environment and natural resources for the betterment of all Kenyans and future generations.
- xxvii) To ensure and promote the interests and participation of women in conduct of public affairs and struggle against gender discrimination in society. To provide and improve health, social and welfare services so that the people can fully enjoy all the fruits of their industry and labour and raise their standard and quality of their living.
- xxviii) To ensure and secure the availability of quality education at all level for all Kenyans.
- xxix) To promote rights of children and minors and protect them against any form of child abuse.
- xxx) To educate Kenyans about their rights and obligation as citizens and the values

and ideas of social democracy.

- xxxi) To promote social democracy internationally through co-operation with other social democratic parties.
- xxxii) To promote the strengthening of parliamentary committees and County Assemblies for the effective operations of representatives and just government.
- xxxiii) To establish branches, sub-branches, polling stations working committees in all parts of Kenya as well as Party secretariat and other subsidiary organs e.g. Board of Trustees, FP Election Board, Poling Station Units Working Committee Sub branches, And Council of counties Coordinators Board.
- xxxiv) To establish women and youth congress, council of elders and their working committers, at all levels of the Party structures.

#### **Article 6: Membership Eligibility**

- a) Membership to the Party shall be open to all Kenyans who are above the age of eighteen (18) years irrespective of tribe, race, religion, creed, gender and social or economic status.
- b) Registered members of the Party shall abide to the Party constitution, Party rules, the Political Parties Act and all other applicable laws.
- c) A person who has manifested a clear identification with the Party, its principles, policies and ideologies and is resident in Kenya is eligible to be a member.
- d) Subject to the provisions of the Constitution of Kenya, any other written law and this Constitution, any Kenyan Citizen that is not Ordinarily resident in Kenya and has demonstrable identification with the Party's vision, ideology, values and objectives and supports its activities and programs shall be eligible to become a member.
- e) The Party NEC may, acting on its own motion or on the recommendation of the Party Leader, grant honorary or associate membership to selected eminent persons who, though not members of the Party, have demonstrated unwavering commitment, interest and upheld the Party principles.
- f) Applications for membership shall be considered by the Party organs at the County/Branch, sub-branch or any other provisional or interim leadership which shall have the power to accept or refuse any application for membership provided that such acceptance or refusal shall be subject to review by the NEC organ of the Party.
- g) Citizens can apply for membership either electronically or manually and acknowledgment of membership may be given either electronically or digitally and such acknowledgment will be given to individual registered members of the Party.
- h) Life Membership Certificates and Ordinary Membership Cards shall be issued at the Party Headquarters and distributed to counties, branches, sub-branches and polling stations for those whose applications for membership have been accepted in accordance to this constitution.
- i) Objections to application for membership may be made by any registered member of the Party to the County, branch, sub-branch or Secretary General within twenty-one days (21) of notification of the application for membership provided that the final decision to reject

an application for membership shall be made by the NEC.

- j) At any time before an application is accepted and a person registered as a member of the Party or in exceptional circumstances when the membership has been granted, the application may be rejected or membership cancelled on the ground of misrepresentation, forgery, misinformation, or such related grounds. A person whose application for membership has been denied or cancelled shall be given the reasons for the decision and shall have a right to seek a review of the decision and an appeal to the Party's NEC.
- k) Where no objection for membership or a decision to reject an application for membership has not been made, the applicant's name shall as soon as practicable be entered in the register of members.
- l) Any member of the Party who contests in any Ward, Parliamentary, Gubernatorial or Presidential elections or acts as an agent or campaigner of a person duly endorsed by the NEC to contest for such elective position shall be subjected to the Parties' code of conduct and disciplinary mechanisms.
- m) A member who joins or declares loyalty to another political Party shall be deemed to have constructively withdrawn membership from the Party and the name of that member shall be removed from the register of FP membership upon the lapse of a fourteen (14) day notification period.
- n) A member who openly or knowingly supports the ideologies of another political Party other than the Party or independent candidate that has entered an agreement with FP and acts contrary to the aims, objectives, policies, and principles of FP shall be subjected to disciplinary action.
- o) An official or member of the Party may be fined, suspended, reprimanded, removed from office, or have his or her membership suspended by the NEC on the recommendations of the Disciplinary Committee. A decision of the NEC on disciplinary action under this section is final.

## **Article 7: Categories of Memberships**

- a) The Party shall have the following categories of Membership:

- i) **Ordinary Membership**

- Ordinary membership to the Party is open to all citizens who satisfy the requirements in Article 6.

- ii) **Life Membership**

- Any Kenyan citizen can become a life member of the Party as long as they're eligible and meet the requirements as set in Article 6.

All officials of the Party, Aspirants/Candidates and senior members of the secretariat shall be required to be Life members by paying the prescribed fee.

## **Article 8: Membership Subscription Fee**

- |                        |                |
|------------------------|----------------|
| a) Ordinary Membership | Free           |
| b) Life Membership:    | Kshs.20,000.00 |

### **Article 9: Rights of Members**

Every member has a right to –

- (i) Participate and contribute to discussions, formulation and implementation of Party policies, programs and plans;
- (ii) Receive and impart information on all aspects of Party policies, programs and activities
- (iii) Offer constructive criticism to any member, official, policy, program, activity or actions of the Party without victimization
- (iv) Submit proposals or statements to the Party
- (v) Actively participate in Party activities and programs.
- (vi) Petition any structure of the Party on any aspects of the Party programs, activities or documents
- (vii) Benefit from the work, activities and programs or opportunities offered by the Party without any form of bias or prejudice.

### **Article 10: Duties of Members**

- a) The obligations of every member of the Party include to–
  - (i) Actively participate in the activities and programs of the Party at all levels;
  - (ii) Attend meetings where their presence is required
  - (iii) Participate in discussions, formulation and implementation of Party policies;
  - (iv) Understand, implement and exemplify the purpose, aims, policies, principles and programmes of the Party;
  - (v) Popularize the Party's ideology aims, policies and objectives to the general public and other members;
  - (vi) Combat negative propaganda detrimental to the interests of the Party and defend its interests;
  - (vii) Endeavor to increase knowledge and understanding of the social, cultural, political, and economic challenges facing the country;
  - (viii) Respect and adhere to this constitution, Party rules, the code of conduct and decisions made by the Party organs;
  - (ix) Diligently and dutifully execute Party decisions;
  - (x) Refrain from publishing or distributing through the media without appropriate authorization, any information deemed confidential or any views purporting to be the views of the Party or of any of its organs;
  - (xi) Ensure that one is a registered voter and takes all steps to vote during Party and National Elections;
  - (xii) Advocate for and manifest unity and reconciliation in Kenya and fight against corruption, divisiveness, tribalism, gender biases, religious and political intolerance, and any other forms of vices; and
  - (xiii) Inform the Party of any change of domicile for purposes of transfer of membership to any other area or branch.

### **Article 11: Diaspora Membership**

Farmers Party welcomes membership from Kenyans living abroad. Kenyans overseas in

consultation with the National Secretariat may form chapters of the Party and shall enjoy full membership benefits.

The National Executive Committee shall have, within its structure, a member who shall represent Kenyans Living in the Diaspora.

## **Article 12: Cessation of Membership**

- a) A person shall cease to be a member of the Party by –
  - (i) Tendering resignation in writing to the Party;
  - (ii) Expulsion or termination of membership by the NEC;
  - (iii) Declaration of transfer of membership to another political Party;
  - (iv) Failing to pay the subscription fees or any other dues after a letter of reminder by the Secretary General or other designated official;
  - (v) Accepting, subscribing and promoting activities of another political Party or organization whose, aims and objectives are in competition with or in conflict with those of the FP;
  - (vi) Breach of the Political Parties Act Kenya.
- b) A person who has ceased to be a member of the Party shall not be entitled to a refund of the subscription fees or any other contributions made to the Party prior to cessation of membership and all rights, privileges and responsibilities or facilities granted to or enjoyed by such a member by virtue of the membership shall automatically terminate with effect from the date of cessation.
- c) A person who has ceased to be a member of the Party shall within seven (7) days of such cessation return all Party properties held, possessed and/or controlled by the individual.
- d) Any person who ceases to be a member of the Party shall be struck off the register of members.

## **Article 13: Register of Members**

- (a) The Secretary General (SG) shall be the custodian of the Primary Membership Register. The SG shall provide a certified membership list by ORPP to the various Counties, Constituencies and Ward officials.
- (b) The Party membership Register shall contain the Name, contact information, National Identity Card Number/Passport Number, sex, Date of **birth**, county, constituency, ward and any special category in which the member falls if at all.

## **Article 14: National Officials**

- a) The Party shall have the following Elected National Officials:-
  - (i) Party Leader
  - (ii) Deputy Party leader - Policy and Strategy
  - (iii) Deputy Party Leader - Resource Mobilisation.
  - (iv) National Chairperson

- (v) Deputy Chairperson – Operations & Internal Affairs
- (vi) Deputy Chairperson – Programmes & Political Affairs
- (vii) Secretary General
- (viii) Deputy Secretary General – Political Affairs
- (ix) Deputy Secretary General – Administrative Affairs
- (x) National Treasurer
- (xi) Deputy Treasurer - Finance & Audit
- (xii) Deputy Treasurer - Planning & Resource Mobilisation
- (xiii) National Organizing Secretary
- (xiv) Deputy Organizing Secretary – Operations & Internal Affairs
- (xv) Deputy Organizing Secretary – Programmes & External Affairs
- (xvi) Chairperson – Women League
- (xvii) Secretary – Women League
- (xviii) Chairperson – Youth League
- (xix) Secretary – Youth League
- (xx) Representative- PWD
- (xxi) Representative – Kenyans Living in the Diaspora
- (xxii) Secretary Legal and International affairs
- (xxiii) Director of Elections

- b) Provided that in the elections to elect any of the above persons, the returns of the said elections **shall not** be valid if:
  - i) They shall not comply with the Constitutional requirements of gender parity, and take into account representation of the Special Interest Groups (SIGs) and National outlook.
  - ii) No person, except with the leave on application granted by a majority decision of the outgoing NEC, shall be eligible to be elected if such person has not been a Party member for a period of two (2) years preceding such election, for the following positions: Party Leader, National Chairperson, Secretary General, Treasurer, Organising Secretary, Chairperson-Women League, and Chairperson-Youth League.
- c) The Party National officials shall be elected by the NDC;
- d) The NEB shall conduct the elections of Party officials;
- e) The Party Officials shall hold office for a term of five years and will be eligible for re-election.
- f) Notwithstanding the foregoing, the interim Party officials shall be confirmed by the NDC as substantive Party officials for a period of five (5) years.
- g) Elections shall be through secret ballot or any other method of voting acceptable to the delegates in session; and where an office is contested by more than one candidate, the vote shall be decided by a simple majority.
- h) 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 or she was nominated.
- i) Nomination of all candidates shall be in the prescribed form. Any National Official may attend any meeting(s) organized at the County level, as an ex-officio member.

## **Article 15: Duties of National Officials**

### **1. Party Leader**

The Party Leader shall have the following functions:

- (a) Be the overall leader of the Party and symbol of unity.
- (b) Promote National cohesion, cooperation and integration of all Party members, in national development;
- (c) Provide strategic political leadership to the Party;
- (d) Champion the Party's election campaigns;
- (e) Lead the Party's political negotiations for purposes of forming desirable coalitions or other forms of cooperation
- (f) Preside over all meetings of the NDC, the NGC and all other Party organ meetings that he /she shall attend;
- (g) Preside over the Party Caucus meetings;
- (h) Confer commendations to Party Members who have made outstanding contributions to the Party;
- (i) The Party Leader may attend or summon a meeting of any organ of the Party at any time;
- (j) The Party Leader will be a signatory to all Party Bank Accounts;
- (k) The Party Leader shall have powers to nominate officials on an interim basis as at when a position falls vacant awaiting adoption by NDC.

### **2. Deputy Party Leader – Policy & Strategy**

The Deputy Party Leader- Policy & Strategy shall:

- (a) Assist the Party Leader and carry out duties of the Party leader in his or her absence;
- (b) Deputise the Party Leader and perform such duties and functions as might be expressly delegated to him/her by the Party Leader;
- (c) Assist the Party Leader in developing policy formulation processes and development;
- (d) Assist the Party Leader in formulating the Party's Strategic Plan.

### **3. Deputy Party Leader – Resource Mobilisation**

The Deputy Party Leader - Resource Mobilisation shall:

- (a) Assist the Party Leader and carry out duties of the Party Leader in his or her absence;
- (b) Deputise the Party Leader and perform such duties and functions as might be expressly delegated to him or her by the Party Leader.
- (c) Assist the Party Leader in matters pertaining to Resource mobilization planning, execution and maintain contact with those who support the Party with resources.

### **4. National Chairperson**

The National Chairperson shall:

- (a) Chair the meetings of the NEC;
- (b) Champion the unity of all organs of the Party and build cordial relations in the Party's leadership;
- (c) Consult and take counsel from the Party Leader on any matter in dispute or under controversy within any Party organ or amongst Party members;
- (d) Ensure order at all meetings of the Party organs;
- (e) Coordinate and liaise with other political entities;

- (f) Collect political intelligence and advise on strategies to popularize the Party at the grassroots; and
- (g) Perform such duties and functions as are customary to the office of National Chairperson.

#### **5. National Deputy Chairperson – Operations & Internal Affairs**

The National Deputy Chairperson - Operations & Internal Affairs shall, under the direction of the National Chairperson:

- (a) Assist the National Chairperson in all matters pertaining to logistics and operations;
- (b) Oversee the coordination and administrative operations of Counties, Women League and Youth League;
- (c) Develop activities that focus on maintaining popular interest in the Party.
- (d) Perform any other duties as might be delegated to him/her by the National Chairperson from time to time.

#### **6. National Deputy-Chairperson - Programs & Political Affairs**

The National Deputy Chairperson –Programs & Political Affairs shall, under the direction of the National Chairperson:-

- (a) Assist the National Chairperson in matters relating to general Party policies and programs;
- (b) Assist the National Chairperson in matters relating to coordination and liaison with other Political Parties;
- (c) Collect political intelligence and advice on strategies to popularize the Party at the grassroots, assist with matters relating to coordination of local strategic review,
- (d) Streamline and encourage strategic discourse and activities at the grassroots level that facilitates timely response to regional needs of the Party,
- (e) Assist the Party Leader in formulating the Party's strategic plan;
- (f) Oversee and coordinate standing, ad hoc and specialized national committees of the Party and perform such other specific assignments as might be delegated to him/her by the National Chairperson from time to time.

#### **7. Secretary-General**

- (a) The Secretary-General shall be responsible for the management of the National Secretariat and remain the principal custodian of the Party records from the grassroots to the national level.

His or her responsibilities shall include:

- (i) Official Spokesperson of the Party;
- (ii) Accounting Officer of the Party and shall be a Signatory to all Party Bank accounts;
- (iii) Ensuring that all meetings, including the NEC, NGC and NDC, take place as provided for in this constitution;
- (iv) Keeping or causing to be kept a proper record of minutes of all meetings of the NEC, NGC and NDC; ensuring the distribution of such minutes; and conveying of decisions made to persons and branches concerned;
- (v) Issuing correspondence on behalf of the Party's organs in which he or she is a member and sending out notices of all meetings of the organs concerned;
- (vi) Preparing annual reports on the work of the NEC, NGC and NDC;

- (vii) Being the depository and custodian of all the Party's documents including the Party's seal; Register of minutes; instruments of intellectual property rights; instruments of registration; records of registration of all Party branches; and register of Party members;
  - (viii) Ensuring statutory compliance and issuance of notices;
  - (ix) Implementing the decisions of the organs of the Party;
  - (x) Corresponding and consulting with the Office of the Registrar of Political Parties, on behalf of the Party, as the authorized principal officer of the Party;
  - (xi) Any other duties conferred upon him or her by this Constitution or the NEC.
- (b) The financial and accounting duties of the Secretary General include the following; -
- (i) To account for the Party and sign all necessary bank documents;
  - (ii) Ensure that the money allocated to the Party from the Political Parties Fund and from donations and contributions are used in compliance with the law and for the promotion of the objectives of the Party; and
  - (iii) Keep separate accounting books and records of accounts in the prescribed manner in respect of the funds received from the office of the Registrar of Political Parties and all the transactions for each financial year for which monies have been allocated from the Political Parties Fund;
  - (iv) Ensure the production of the annual audit reports for review by NEC;
  - (v) Ensure the production of bi-monthly, quarterly and annual financial reports for review by NEC;
  - (vi) Perform such other duties conferred upon the Secretary General by this Constitution, the Political Parties Act or as shall be assigned by the NEC.

## **8. Deputy Secretary-General – Political Affairs**

The Deputy Secretary General - Political Affairs, shall under the direction of the Secretary General:

- (a) Be in charge of Party protocol, act as a liaison officer with local and international organizations and agencies;
- (b) Host visiting delegations and guests of the Party;
- (c) Liaise with the Party Parliamentary Group through the Secretary for Parliamentary Affairs, and be in charge of the implementation of Party's strategies, policies and programs;
- (d) Oversee the development and revision of the Party manifesto;
- (e) Co-ordinate Party meetings and conferences,
- (f) Ensure that returns are filed as required by law and perform such other specific assignments as might be delegated to him or her by the Secretary General from time to time.

## **9. Deputy Secretary-General – Administrative Affairs**

The Deputy Secretary General- Administrative Affairs, shall, under the direction of the Secretary General:

- (a) Co-coordinate Party meetings and conferences;
- (b) Ensure effective and efficient management of the Party's programs;
- (c) Oversee disciplinary affairs; and
- (d) Ensure returns are filed as required by law; and
- (e) Perform any other duties as might be delegated to him/her by the Secretary General from time to time.

## **10. National Treasurer**

The National Treasurer shall be in charge of Party finances and supervise financial transactions at all Party levels. The National Treasurer for this purpose shall:

- (a) Receive and bank all monies and operate Party banking accounts;
- (b) Keep books of account;
- (c) Prepare and submit financial statements to the NEC;
- (d) Circulate duly audited annual accounts to all delegates together with the notice convening the NDC;
- (e) Prepare and execute resource mobilisation plans;
- (f) Be a signatory to the Party's bank accounts;
- (g) Oversee prudent management and utilisation of Party funds;
- (h) Implement prudent financial practices and procedures to protect Party finances; and
- (i) Performs such duties and functions as are customary to the office of the National Treasurer.

## **11. Deputy National Treasurer – Finance & Audit**

The Deputy National Treasurer - Finance & Audit, shall, under the direction of the National Treasurer:

- (a) Assist the National Treasurer in matters pertaining to Accounts;
- (b) Assist the National Treasurer in matters pertaining to Audit by providing information to the appointed Party auditors as may be deemed necessary;
- (c) Ensure that both internal and external audit is scheduled and executed in a timely manner; and
- (d) Shall perform such other specific assignments as might be delegated to him or her by the National Treasurer from time to time.

## **12. Deputy National Treasurer - Planning And Resource Mobilisation**

The Deputy National Treasurer – Planning & Resource Mobilisation shall under the direction of the National Treasurer:

- (a) Assist the National Treasurer in matters pertaining to Budget and Planning;
- (b) Assist the National Treasurer in matters pertaining to Resource mobilization planning, execution and maintain contact with those who support the Party with resources; and
- (c) Perform such other specific assignments as might be delegated to him/her by the National Treasurer from time to time.

## **13. National Organizing Secretary**

The National Organizing Secretary shall:

- (a) Be responsible for all political mobilizations of the Party;
- (b) Articulate the Party's position of various issues;
- (c) Organize public meetings, functions and tours for meeting the public;
- (d) Be responsible for promoting and mobilizing Party activities, including recruitment of Party members at branch level;
- (e) Coordinate effective functioning of all branches and ensure they hold meetings in accordance with the requirements of this constitution;
- (f) Maintain and develop new relationships with Party supporters in the diaspora;
- (g) In consultation with the Secretary General and the NEC, supervise the organization of

- the NDC and NGC, and thereafter report on the progress of such meetings;
- (h) Perform all the functions that are customary to the office of the National Organizing Secretary.

#### **14. Deputy National Organizing Secretary-Programs & Internal Affairs**

The Deputy National Organizing Secretary-Programs & Internal Affairs, shall work under the direction of the National Organizing Secretary and assist him or her in all matters relating to organization of public meetings, functions and meet-the-people tours. He or she shall also perform all such assignments as he or she shall be assigned from time to time by the National Organizing Secretary.

#### **15. Deputy National Organizing Secretary- Recruitment & External Affairs**

The Deputy National Organizing Secretary-Recruitment & External Affairs, shall work under the direction of the National Organizing Secretary and assist him or her in all duties pertaining to that office. He or She will work closely with the Representative for People both in the Counties and those living in the Diaspora, and focus attention on recruiting, developing and maintaining new relationships with Party members; He/ she will perform all such assignments as they may be assigned from time to time by the National Organizing Secretary.

#### **16. Director of Elections**

The Director Elections shall be the lead liaison Official of the Party between the NGC and NEB as far it relates to Party Election Matters and in particular:

- (a) Advising the Party through the NEC on matters related to the formulation of policies, and strategies for the conduct and smooth running of Party elections and nominations;
- (b) Work with the NEB on election matters;
- (c) Work with NEB in formulating and implementing Party policies on nominations and elections;
- (d) Consulting and liaising with NEB on strategic approaches to nominations and elections; and
- (e) Perform any other function as may be assigned by NEC.

#### **17. Chairperson - Women League**

The FP Chairperson -Women League shall:

- (a) Oversee and coordinate activities of the Women's League;
- (b) Represent and advocate for the inclusion of women's issues in the Party platforms;
- (c) Promote and mobilize Party activities and policies among the women of Kenya, under the direction of the NEC;
- (d) Submit periodic reports on the performance of the Women's League Office to the NEC.

#### **18. Secretary - Women League**

The Secretary- Women League shall deputize the Chairperson- Women League and perform any of her duties in the latter's absence.

### **19. Chairperson - Youth League**

The FP Chairperson -Youth League shall:

- (a) Oversee and coordinate activities of the Youth League;
- (b) Represent and advocate for inclusion of youth issues in the Party platforms;
- (c) Promote and mobilize Party activities and policies among the youth of Kenya under the direction of the NEC; and
- (d) Submit periodic reports on the performance of the Youth League to NEC.

### **20. Secretary Youth League**

The FP Secretary Youth League shall deputize the Chairperson-Youth League and perform any duties of the latter in his or her absence.

### **21. Representative – PWD Caucus**

The Representative PWD Caucus shall represent all issues and/or opportunities facing the PWD community. They shall also contribute to the Party policy formulation process.

### **22. Representative- Kenyans Living in The Diaspora**

The KLD representative shall:

- (a) Coordinate all FP members living in the diaspora with a view to building a resource hub for the Party;
- (b) Create a communication network in the diaspora. He/ she shall have the liberty of formulating a committee to assist them with their mandate.

### **23. Secretary Legal And International Affairs**

He/she shall be the principal Party Legal Advisor at National and International level and shall be the Spokesperson of the Party on all Legal and Constitutional affairs.

## **Article 16: Structures of Governance**

(a) The organs of the Party are:

- (i) The National Delegates Conference (NDC)
- (ii) The National Governing Council (NGC)
- (iii) The National Executive Committee (NEC)
- (iv) National Working Committee (NWC)
- (v) The National Secretariat (Secretariat)
- (vi) Women League (WL)
- (vii) Youth League (YL)
- (viii) PWD Caucus
- (ix) The County Executive Committee (CEC)
- (x) Constituency Management Committee (CMC)
- (xi) Ward Coordinating Committee (WCC)
- (xii) Polling Station Mobilization Committee (PSMC)

(b) There shall be the following subsidiary organs of the Party:

- (i) Board of Trustees
  - (ii) National Election Board (NEB)
  - (iii) National Assembly, Senate and County Assembly Caucuses
  - (iv) The Standing, Ad Hoc, Specialized Committees and Party Group Caucuses
  - (v) Diaspora Committee (DC)
- (c) The organization, functions, rules and regulations of each of these groups shall be determined, established and set out by each organ in conformity with the Party's overall objectives and submitted for approval by NEC.
- (d) The affairs of the Party shall be managed as provided for by the organs in this Constitution and the Party rules. The secretariat is the administrative organ of the Party.
- (e) NEC may establish any Party organ as it may deem appropriate and cause its duties and responsibilities to be published in the Party rules.

#### **Article 17: Quorum**

- (a) The quorum for the conduct of business of the organs shall be as follows—
- (i) one-third of all members of the NEC shall form a quorum;
  - (ii) 50% of the County, Constituency and Polling Station membership shall form a quorum of all meetings of a County, Constituency, Polling station and meetings of any other organ whose quorum has not been specified;
  - (iii) Delegates from 40% of the total number of Constituencies in the County shall form a quorum for all County conferences; and
  - (iv) In the case of NDC and a special NDC, delegates from 20% of the counties representing at least 20% of the total membership of the NDC shall constitute a quorum.

#### **Article 18: Vacancies**

- (a) A person shall cease to hold Party Office by:
- (i) Tendering a written resignation to the Secretary General of the Party or Party Leader
  - (ii) Expulsion from the Party;
  - (iii) Absenteeism without reasonable cause from at least three (3) consecutive meetings or for such period as shall be prescribed by NEC
  - (iv) Death;
  - (v) Incapacitation and unsound mind
  - (vi) Being a public officer pursuant to the Political Parties Act except for the President, Deputy President, a Member of Parliament, Governor, Deputy Governor, or a Member of a County Assembly; or
  - (vii) Disqualification to hold office under the Constitution of Kenya or any other written law.

#### **Article 19: Non-Voting Delegates**

The Party Leader in consultation with NEC may invite distinguished individuals or any other persons who have made special contribution to the Party and demonstrated interest in the work and programs of the Party or who have special skills or experience

to attend the NDC or NEC meetings but such invited individuals shall have no right to vote.

**Article 20: The National Delegates Conference (NDC)**

- 1) The NDC shall be the highest organ of the Party and shall formulate the Party's policies.
- 2) The NDC shall have the following functions and powers:
  - a) To review, formulate and/or approve all policies of the Party;
  - b) To decide on any resolution that may be duly submitted in accordance with the Party's constitution;
  - c) To elect from among eligible members of the Party the National officials from the list of candidates cleared and submitted to it by the National Elections Board (NEB) using a criteria that the NEB shall provide;
  - d) To receive the National Chairperson's report on activities of the Party;
  - e) To consider, amend, modify or ratify, if necessary, the Constitution of the Party;
  - f) To receive the Party Manifesto from the National Executive Committee for scrutiny, amendments and/or approval;
  - g) Delegate any of its powers to the Board of Trustees, National Executive Committee or to any other organ of the Party;
  - h) To consider any such other items as may be referred to it by NGC or the NEC; and
  - i) To nominate its Presidential candidate and Deputy President in accordance with this constitution.
- 3) Notwithstanding, a provision to the contrary in the immediate preceding clause above, the NDC may by resolution, decide not to nominate a Presidential Candidate, but instead support another candidate nominated by another Party with which it has established a relationship with in accordance with this constitution.
- 4) Meetings of the NDC shall include Ordinary sessions and Special sessions.

**Article 21: Ordinary Session of the NDC**

- 1) The Ordinary Session of the NDC shall be convened by a resolution of the NEC ratified by the National Governing Council.
- 2) The Ordinary Session shall be held once every five (5) years at a place to be determined by the Party Leader in consultation with the NEC. The notice of the meeting shall be given by the Secretary-General 30 days before the date of the meeting
  - a) The notice and agenda convening the meeting shall be sent out by the Secretary General, failing which, the Party Leader shall cause a notice and an agenda to be written at least twenty-one days (21) before such date and published through Party communication channels.
  - b) Only agenda items as approved by the National Governing Council shall be discussed at the Ordinary Session of the National Delegates Conference.
- 3) The Ordinary Session shall be attended by:

- a) All National officials, including but not limited to: National Executive Committee, Board of Trustees, National Elections Board, all Chairpersons of Standing Committees, Chairperson of Diaspora Committee;
  - b) All Party members in Parliament;
  - c) All Party Governors and Deputy Governors;
  - d) Members of the County Assembly;
  - e) Seven (7) members of the County Executive Committees:
    - i) County Chairperson,
    - ii) Secretary,
    - iii) Treasurer,
    - iv) Organising Secretary
    - v) Chairperson-Women League
    - vi) Chairperson -Youth League
    - vii) Chairperson – PWD - Caucus
- 4) Quorum of the Ordinary Session of the NDC shall be at least twenty percent (20%) of eligible members present and voting.

**Article 22: Special Session of the NDC**

- 1) A Special Session of the NDC shall be convened by the Party Leader following consultation with the National Executive Committee.
- 2) The notice and agenda convening the meeting shall be sent out by the Secretary-General at least twenty on (21) days before such date and published through the Party communication channels.
- 3) Only agenda items as approved by the National Executive Committee shall be discussed at the Special Session of the National Delegates Conference.
- 4) A special NDC may also be called by requisition in writing submitted by at least one third of the delegates attending the preceding National Delegates Convention.
- 5) Quorum of the Special NDC shall be at least 20% of the total Delegates.

**Article 23: Procedures for Meetings of the National Delegates Conference**

- 1) The Party Leader shall Chair meetings of the NDC;
- 2) The Party Leader may appoint his or her Deputy or any other official of the NDC to Chair any such meeting in their absence;
- 3) Each member present shall have one vote and a resolution shall be passed by a simple majority;
- 4) In the event of an equality of votes, the Chairperson of the meeting shall give the casting vote;
- 5) The Secretary-General or in the absence of the Secretary General or the Deputy Secretary General, a Secretary appointed by the meeting shall take minutes at meetings of the NDC.

**Article 24: The National Governing Council (NGC)**

- 1) There shall be a National Governing Council which shall be the second highest organ of the Party.

- 2) The NGC shall be convened by the Party Leader and he/ she shall cause a notice of not less than 14 days prior to convening;
- 3) Decisions of the NGC shall be made by a simple majority. In the event of equal number of votes being casted, the Party Leader or his or her designated representative presiding over that meeting, shall have the casting vote. This process will be applicable in voting in virtual meetings.
- 4) The Secretary General shall cause to be taken the minutes of the NGC.
- 5) The NGC may from time to time appoint from among their members such committees as it may consider necessary and may delegate to them such powers and duties as the NGC may determine. All such committees shall periodically report their proceedings to the NGC and shall conduct their businesses in accordance with the directions of the NGC.
- 6) The Party Leader may convene, in special circumstances, a special NGC meeting by giving such notice as may be practical and convenient in the circumstances and providing the agenda of the meeting.
- 7) A vote of a majority of the NGC shall suffice to remove a member of the NGC from his or her position. A member who fails, without good cause, to attend three (3) consecutive NGC meetings shall be deemed to have resigned. Such resignation shall be ratified at a subsequent NDC.
- 8) The National Governing Council (NGC) shall consist of the following members: -
  - a) All the National Party officials as expounded under Article 21 (3) (a) ;
  - b) All members of the Party's National Assembly and Senate Group;
  - c) All County Governors and their Deputies;
  - d) All Members of County Assembly;
  - e) Three (4) officials of the County Executive Committee:
    - i) Chairperson of the County Executive Committee,
    - ii) Chairperson of County Women League,
    - iii) Chairperson of County Youth League;
    - iv) Representative of PWD Caucus.
- 9) The National Governing Council shall have the following functions: -
  - a) To initiate activities to promote and further the aims and objectives of the Party;
  - b) To implement the decisions of the NDC;
  - c) To make policy and administrative decisions on behalf of the NDC, especially on matters that cannot wait until an ordinary session of the NDC is convened; and to present such decisions for ratification at the subsequent ordinary session of the NDC;
  - d) Appoint Party representatives to other organizations as need arises;
  - e) To ensure that the Party participates in issues of national importance and to provide direction on such issues;
  - f) To receive and approve the accounts of the Party and the auditor's report on the accounts and the Treasurer's report on the financial position of the Party;
  - g) Appoint and determine the terms and conditions of service of the employees of the Party;

- h) Receive and review recommendations from the National Working Committee (NWC) and NEC for direction;
- i) Receive and approve the financial budget and audited accounts of the Party; and
- j) Select and appoint National Election Board Members, Tribunal, Members of the Disciplinary Committee and make other appointments it may deem necessary for the better carrying out of its functions;
- k) To set the annual membership.
- l) In the case where an NDC cannot be held due to various reasons, the NGC can approve interim NEC officials to hold office until the next NDC is held.

## **Article 25: The National Executive Committee (NEC)**

The NEC shall be the Governing body of the Party

- a) The National Executive Committee (NEC) which shall consist of:-
  - i) All the National officials; including but not limited to: National Executive Committee, Chairperson of the Board of Trustees, Chairperson of the National Elections Board, all Chairpersons of Standing Committees, Chairperson of Diaspora Committee
  - ii) The Party Executive Director, who shall be an ex-officio member;
- b) The National Executive Committee shall have the following functions: -
  - i) To act as the Executive body of the National Governing Council and the National Delegates Conference, and to ensure that all decisions made by those bodies are duly carried out and all the policies are adhered to;
  - ii) To supervise the administrative machinery of the Party at all levels and take such measures, as it deems necessary to enforce the decisions and programs of the Party as laid down by the National Governing Council and the National Delegates Conference;
  - iii) Ensure that all decisions made by NGC and the NDC are duly implemented;
  - iv) Receive reports and recommendations from ad hoc committees and consider them for implementation;
  - v) Receive and approve the annual programs;
  - vi) Propose agenda items for NDC for consideration by NGC;
  - vii) Establish such committees as they may deem necessary from time to time for specified tasks and determine their terms of reference;
  - viii) Recommend to the NGC rules for the better functioning of the Party to implement this constitution;
  - ix) To appoint full-time members of staff for all the departments of the Party at the Party Headquarters;
  - x) To approve the terms and conditions of services of the staff members employed by the Party;
  - xi) To determine such honorarium to be paid to the auditors for their duties;
  - xii) To appoint members of the Party to fill vacant position that have occurred in NEC or other commission or committee of the Party for any reason, pending ratification by the electing/ appointing organ of the Party.

- xiii) Ensure the Party constitution, rules and policies are adhered to by all members; and
  - xiv) Receive and consider reports or proposals from the various caucuses, Women's League, Youth League and other interest groups and make recommendations to the NGC.
- c) The NEC meetings shall be held at least thrice a year. The quorum of any meeting of the NEC shall be a third (1/3) the NEC's membership. The Secretary-General, upon agreement with and instruction from the Party Leader, shall give all the members of the NEC not less than 14 days written notice of a meeting.
  - d) Decisions of the NEC shall be made by a simple majority and in the event of an equality of votes, the person presiding that meeting and in accordance to this constitution, shall have a casting vote.
  - e) The National Secretary-General shall cause to be taken the minutes of the NEC.
  - f) The members of the NEC shall be entitled to an indemnity out of and a lien over the assets of the Party for all expenses and to liabilities properly incurred by them in the management of the affairs of the Party, but shall not be entitled to any personal indemnity against any member in respect of particular or personal expenditure, without that members consent first hand in writing.
  - g) A member of NEC, who is absent for three consecutive meetings without a written apology, shall forfeit the position. In such a case the NEC shall have powers to nominate a replacement of him/her subject to approval by the subsequent NGC.
  - h) Any Party official shall cease to hold office if he/she ceases to be:
    - (a) A member of the Party as provided in **Article 12** of this Constitution;
    - (b) Dismissed from office or expelled from the Party as provided for in **Article 42** hereinafter.
  - i) The National Executive Committee seats shall be deemed vacant three (3) months to the National Delegates Conference (NDC) awaiting election of a new National Executive Committee by the delegates.

#### **Article 26: National Working Committee**

- 1) There is established a National Working Committee which shall be chaired and presided over by the Party Leader. It shall consist of the following:
  - a) The Party Leader;
  - b) The National Chairperson;
  - c) The Secretary General;
  - d) The National Organizing Secretary
  - e) Chairperson – Women League
  - f) Chairperson – Youth League
  - g) Representative – PWD Caucus
  - h) Director of Elections
  - i) Chairperson National Elections Board (NEB)
- 2) The duties and functions of the NWC shall include:

- a) Acting on behalf of NGC and NEC ON URGENT matters where the two bodies cannot be convened quickly enough to undertake such urgent decisions;
  - b) Convening short notice executive meetings to execute the mandate of NEC or such other as may be delegated by the NEC;
  - c) Setting the agenda for NDC with approval by NEC;
  - d) Approving budgetary plans on behalf of NEC;
  - e) Deal with any other matters referred to it by the National Executive Committee.
- 3) The NWC shall meet at least twice every quarter of the year or when need arises.

### **Article 27: National Secretariat**

- (a) There is hereby established a National Secretariat which shall be headed by an Executive Director.
- (b) The National Executive Committee shall determine the number and designation of the departments within the National Secretariat.
- (c) The Executive Director shall be appointed by the National Executive Committee and shall be an *Ex-officio* member of NEC. He/she shall be responsible for overall coordination of Party activities, budget and resource and programme management.
- (d) The main duties of the National Secretariat shall be:
  - (i) Management of Party operations
  - (ii) Implementation of Party decisions.
  - (iii) Processing the clearance of persons to be appointed by the National Executive Committee as Party's nominees to the County Assembly or Parliament.
  - (iv) Voter outreach and membership recruitment.
  - (v) Registration, mobilization and maintenance of voters or members register.
  - (vi) Coordination, facilitation and synchronization of Party activities and events.
  - (vii) Public relations, communication and media outreach.
  - (viii) Fundraising and resource mobilization.
  - (ix) Campaign strategies.
  - (x) Operations and logistics.
  - (xi) Party policy and research.
  - (xii) Regional coordination.
  - (xiii) Liaison with all Party structures.
  - (xiv) Any other duties as may be assigned by National Executive Committee.
- (e) Members of Staff appointed to each department by the National Executive Committee shall be guided by the Party Service Code.
- (f) The National Secretariat shall be responsible for implementing decisions and programmes of the Party under guidance of the Secretary General, National Executive Committee and in liaison with other National Officials.
- (g) The National Secretariat shall service the operations of subsidiary organizations of the

Party.

- (h) The National Secretariat shall function directly under the office of the Secretary General.

## **Article 28: County Executive Committee (CEC)**

- a) The Party shall have County Executive Committees, which shall be based at the County level and shall consist of the following members: -
  - i) Chairperson, Vice-Chairperson, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Organizing Secretary, Assistant Organizing Secretary;
  - ii) Chairperson and Secretary of County Women League;
  - iii) The Chairperson and Secretary County Youth League;
  - iv) Representative People Living with Disability;
  - v) The Party Members of Parliament and Senate who are not Party County officials;
  - vi) The Party Governor and deputy in the County if not members of the County Executive Committee;
  - vii) The Party County Assembly members who are not officials of the CEC;
  - viii) One co-opted person living with disability;
  - ix) The County Executive Officer who shall be an ex-official member and shall be appointed by the NEC on recommendation by CEC.
- b) The County Executive Committee office bearers shall be elected at the County Annual General Meeting (AGM) by secret ballot and hold office for five (5) years or until the Party elections are called, whichever comes earlier, and shall be eligible for re-election. The Annual General Meeting shall be convened by the CEC within the first quarter of every year. For the avoidance of doubt, the election of the CEC office bearers shall be held only once every five years.
- c) The County AGM shall consist of: -
  - i) All office bearers of County Executive Committee;
  - ii) All office bearers of the County Women League;
  - iii) All office bearers of the County Youth League;
  - iv) All office bearers of the County PWD Caucus;
  - v) Six officials comprising the Chairperson, Secretary, Treasurer, Organising Secretary, Chairperson Women League, Chairperson Youth League of the Constituency Management Committee;
  - vi) Six officials comprising the Chairperson, Secretary, Treasurer, Organizing Secretary, Chairperson Women League, Chairperson Youth League of the Ward Coordination Committee;
  - vii) Party Members of the National Assembly in the County; and
  - viii) All Party County Assembly Members;
  - ix) One co-opted person living with disability.

- d) There shall be a County Executive Secretariat, headed by the County Executive Officer whose functions shall be to manage the County Executive Office, service the County Executive Committee and co-ordinate the activities of the County in liaison with the National Secretariat on all County Party matters.
- e) Duties of the CEC shall include: -
  - i) Assuming executive functions and responsibilities of the Party at the County Level, in liaison with NEC;
  - ii) Carrying out NEC-delegated duties and functions;
  - iii) Providing guidance, leadership in candidate selection;
  - iv) Carrying out policy development and formulation;
  - v) Giving timely winning electoral strategies to FP-led County assemblies;
  - vi) Formulation of County-specific policy;
  - vii) Recruiting prospective County candidates, subject to NEC ratification and in conformity with overall Party policy and national ideals;
  - viii) To carry out activities that promote the policies and programmes of the Party;
  - ix) To promote political, civic and general public affairs education in the County;
  - x) To recruit and review Party membership in the County;
  - xi) To ensure strict discipline and adherence to Party policies and programmes amongst individual Party members and officials of the County.
- f) The CEC shall have powers to: -
  - i) Suspend and/or recommend to NEC dismissal of an errant official after such official, has been given reasonable opportunity to defend himself/herself and provided that the action does not contradict any other provision;
  - ii) Engage in income generating activities in the county and constituency;
  - iii) Manage the financial affairs at the County; and
  - iv) Nominate Party representatives to various bodies within the County and Constituency where appropriate.
- g) The CEC shall meet at least once every month.

## **Article 29: Constituency Management Committee (CMC)**

- (a) There shall be established the Constituency Management Committees in all parts of Kenya which shall be formed on the basis of Parliamentary constituencies.
- (b) Each CMC shall consist of: -
  - (i) Chairperson, Vice-Chairperson, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Organizing Secretary and Assistant Organizing Secretary;
  - (ii) The chairperson and Secretary Constituency Women League;
  - (iii) The chairperson and secretary Constituency Youth League;
  - (iv) The Chairperson and secretary Constituency PWD - Assembly;
  - (v) The Party Member of the National Assembly for the constituency;

- (vi) The Party County Assembly members from the Wards in the constituency;
  - (vii) The Constituency Executive Officer who shall be ex-officio member and shall be appointed by the CMC in consultation with CEC.
- (c) The functions of the CMC shall include:
- (i) Keeping of all records;
  - (ii) Making the necessary returns to the County and organizing the Party affairs and recruitment of members, and building a strong grassroots Party support.
- (d) The Constituency Executive Officer shall be the head of the Constituency Secretariat and the Secretariat shall service the Constituency Management Committee.
- (e) The Annual General Meeting (AGM) shall be convened by the CMC within the first quarter of every year.
- (f) The Constituency Management Committee officials shall be elected by secret ballot, after five (5) years, when elections fall due. Elections shall be held within the first quarter in the 5<sup>th</sup> year during the CMC-AGM which shall comprise of the following:
- (i) All Constituency Management Committee members;
  - (ii) All officials of Women League in the constituency;
  - (iii) All officials of the Youth League in the constituency;
  - (iv) All officials of the PWD Caucus in the constituency;
  - (v) The area Party Member of the National Assembly;
  - (vi) The Party County Assembly members;
  - (vii) The Constituency Management Committee shall meet at least once every two months.

### **Article 30: Ward Coordination Committee (WCC)**

- a) The Party shall have Ward Coordination Committees which shall be formed on the basis of electoral Wards.
- b) )The Ward Coordination Committees shall consist of the following members: -
  - i) Chairperson, Vice-Chairperson, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Organizing Secretary and Assistant Organizing Secretary;
  - ii) All officials of the Women League at the Ward;
  - iii) All officials of the Youth Leagues at the Ward;
  - iv) All officials of the PWD -Assembly at the Ward level;
  - v) Party County Assembly Member.
- c) The WCC Secretary shall perform the functions similar to those performed by the Executive Officer at the Constituency level;
- d) The Ward shall hold an Annual General Meeting whose membership shall comprise all WSC members, office bearers of the Ward Women League, office bearers of the Ward Youth League and the Party County Assembly members;

- e) The Ward AGM shall be held within the 1<sup>st</sup> quarter of every year. Officials of the Committees shall be elected when elections fall due at the AGM by secret ballot to serve for a period of five (5) years and shall be eligible for re-election;
- f) The functions of the WCC shall include: -
  - i) Carrying out organizational and publicity function amongst the people within the Ward in order to mobilize support of the general public for the Party policies, programmes or actions or any particular position which may be taken by the Party from time to time;
  - ii) Carrying out civic education amongst the membership and the general public;
  - iii) Conveying to the grassroots membership at the Ward level, the decisions, programmes and policies of the NDC, NGC, NEC and CEC and conversely to inform the Party through the Constituency Management Committee, the CEC, the NEC, NGC and NDC, of their recommendations;
  - iv) Scrutinizing and vetting the names of persons aspiring to stand for the County and Parliamentary elections on the Party ticket and make appropriate recommendations to the Constituency Management Committee;
  - v) Preparing quarterly reports for discussion by CMC;
  - vi) Ensuring discipline and harmony in the Party at the Ward level.
- g) The WCC shall meet at least once every four months and shall be responsible for membership recruitment, collection of membership dues, propagation of Party policies at the grassroots, and the management of all-Party affairs in the Ward.

### **Article 31: Polling Station Mobilisation Committee (PSMC)**

- a) There shall be a Polling Station Committee which shall be formed on the basis of electoral polling stations.
- b) The PSMC shall consist of: -
  - i) Chairperson
  - ii) Vice chairperson
  - iii) Secretary
  - iv) Assistant Secretary
  - v) Treasurer
  - vi) Assistant Treasurer
  - vii) Organizing Secretary
  - viii) Assistant Organizing Secretary
  - ix) Chairlady, Women League
  - x) Secretary, Women League
  - xi) Chairperson, Youth League
  - xii) Secretary, Youth League
  - xiii) Chairperson, PWD Caucus

xiv) Secretary, PWD Caucus

c) The functions of the PSMC shall be: -

- i) To organize and manage membership at the polling stations
- ii) To mobilize for membership recruitment, collection of membership dues, propagation of the Party policies at the grassroots, and the management of all the Party affairs at the lowest grassroots levels.
- iii) To carry out organizational and publicity work amongst the people within the jurisdiction of the polling station in order to mobilize support of the general public for the Party policies, programs or actions or any particular position which may be taken by the Party from time to time.
- iv) To carry out civic education amongst the membership and the general public;
- v) To convey to the grassroots membership the decisions programs and policies of the NDC, NGC, NEC and CEC and conversely to inform the Party through the WCC, CMC, the CEC, the NEC, NGC and NDC of their recommendations;
- vi) To help scrutinize and vet the names of persons aspiring to stand for County and Parliamentary elections on the Party ticket and make appropriate recommendations;
- vii) To popularize and support Party candidates during an election;
- viii) To ensure that the PSMC elections shall include all registered members of the Party at the Polling station level;

d) The PSMC shall meet at least once every four months, provided that the AGM shall be held within the first quarter of every year by all registered and paid up members of the Party within the polling station.

### **Article 32: Women League**

- (a) There shall be a Women League known as the Farmers Party Women League, membership of which shall be open to all women who are members of the Party. The Women League shall be an integral part of the Party and shall be subject to the general direction of the Party and the Party's general control and discipline at all levels.
- (b) There shall be Women's League Executive Committees at National level, County, Constituency, Ward and polling station level.
- (c) Every level of the Women League, with exception of the NEC which shall only have Chairperson and Secretary Women League, shall have the following officials:
  - (i) Chairperson
  - (ii) Vice-Chairperson
  - (iii) Secretary
  - (iv) Deputy Secretary
  - (v) Treasurer
  - (vi) Deputy Treasurer
  - (vii) Organising secretary
  - (viii) Deputy organising secretary.

- (d) The officials of the Women League Executive Committees at National, County, Constituency, and Polling station shall be elected in an election conducted by NEB for a term of 5 years.
- (e) The functions of the women's league shall be:
  - (i) Enhance the leadership of the Women in the Party;
  - (ii) Mainstream women issues into the Party policies and programs;
  - (iii) Mobilize women to not only join and support the Party, but also to vie for elections on a FP ticket;
  - (iv) Implement Party policies and programs among the women on all the levels.

### **Article 33: Youth League**

- 1) There shall be a Youth League known as the FP Youth League, membership of which shall be open to all Party members aged between eighteen and thirty-five years. The Youth League shall be an integral part of the Party and shall be subject to the general direction of the Party and the Party's general control and discipline at all levels.
- 2) There shall be Youth League Executive Committees at National level, County, Constituency, Ward and polling station level.
- 3) Every level of the Youth League, with exception of the NEC which shall only have chairperson and Secretary Youth League, shall have the following officials:
  - a. Chairperson
  - b. Vice-Chairperson
  - c. Secretary
  - d. Deputy Secretary
  - e. Treasurer
  - f. Deputy Treasurer
  - g. Organising secretary
  - h. Deputy organising secretary.
- 4) The officials of the Youth League Executive Committees at National, Branch, Sub-Branch, and Polling station shall be elected in an election conducted by NEB for a term of 5 years.
- 5) The organization, functions, rules, and regulations of Youth League shall be determined, established and set out in conformity with the Party's overall objectives and are laid for approval by the NGC

### **Article 34: Persons with Disability (PWD) Caucus**

- 1) There shall be Persons with Disability Caucus of Party members of the ages eighteen (18) years and above at all levels of the Party organization namely:
  - i) National
  - ii) County
  - iii) Constituency
  - iv) Ward
  - v) Polling Station

- 2) Every level of PWD Caucus shall have the following officials, with the exception of the NEC which shall only have the Chairperson of PWD Caucus: -
  - i) Chairperson
  - ii) Vice-Chairperson
  - iii) Secretary
  - iv) Deputy Secretary
  - v) Treasurer
  - vi) Deputy Treasurer
  - vii) Organizing Secretary
  - viii) Deputy Organizing Secretary
- 3) An individual with a disability shall include any person who has a physical impairment which has a substantial and long-term adverse effect upon their ability to carry out normal day to day activities.
- 4) The Party shall have Persons with Disability who shall include (but not limited to): -
  - i) Vision Impairment (Blind)
  - ii) Deaf (or hard of hearing)
  - iii) Physical Disability
  - iv) Dumb
- 5) The Person with Disability Party Member shall be registered with the National Council for Persons with Disabilities (NCPWD).
- 6) The functions of the PWD Caucus shall be to: -
  - i) Enhance the leadership of PWDs in the Party;
  - ii) Mainstream PWD issues into the Party policies and programs;
  - iii) Mobilize the PWDs to not only support the Party, but also join and vie for elections using an FP ticket; and
  - iv) Propagate the Party policies and programmes among PWDs.
- 7) Only the Representative of PWD- Caucus shall be elected during the NDC.

### **Article 35: Board of Trustees (BOT)**

- 1) There shall be nine (9) Trustees, a Chairperson and eight (8) other Trustees, to be appointed by the National Delegates Conference upon recommendation by NEC;
- 2) All land, building and other property, investments and securities that may be acquired by the Party shall be vested in the name of at least three of the Trustees;
- 3) The Trustees shall be appointed for a period of five (5) years and shall be eligible for re-appointment. None of the Trustees shall be removed from the office except on any of the following grounds:-
  - i) Voluntary resignation in writing addressed to the Party Leader;
  - ii) Insanity;
  - iii) Bankruptcy;
  - iv) Inability to perform functions of the office;
  - v) Gross misconduct; and

- vi) If a motion calling for the removal of such persons passed by a two thirds majority of NEC and ratified by the National Delegates Conference.
- 4) The quorum necessary to transact business by the Trustees shall be five (5) Trustees personally present;
- 5) The Trustees shall pay all income received from property vested in them to the Party National Treasurer. Any expenditure in respect of such property, or securities invested, which in their judgment is deemed prudent, shall be reported to the NEC which may authorize expenditure of such monies as it thinks fit;
- 6) The Trustees shall raise funds and develop investment portfolios on behalf of the Party, in liaison with NEC and CECs;
- 7) The Trustees shall meet at least four times a year and in the absence of the Chairperson the Trustees present shall elect one among them to preside.
- 8) The Chairperson of the Board of Trustees shall be a member of the National Executive Committee as constituted under Article 25
- 9) The Trustees shall be governed by the provisions of the Trustees Act (cap 167) of the Laws of Kenya and rules made from time to time.

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### **Article 36: National Elections Board (NEB)**

The Party shall establish a National Elections Board (NEB) comprising experienced, respected members of the Party and who are knowledgeable in electoral matters, and whose mandate shall be organizing, supervising, planning and coordinating all Party elections and nominations of candidates for various elective positions, and to conduct voter education and training of agents.

- 1) The Board shall consist of:
  - a. Not less than three (3) and not more than nine (9) members including a Chairperson and a Deputy Chairperson; and
  - b. The Executive Director who shall be an *ex-official* member
- 2) During its first meeting, members of NEB shall elect one of their members who shall be of the opposite gender to the Chairperson to be a deputy chairperson and another to be a Secretary to the Board.
- 3) One member of the Board shall be a person representing special interest groups
- 4) The members of the NEB shall be appointed by the Party Leader on the recommendations of the NEC
- 5) The chairperson of the NEB shall be a person qualified to hold the office of a Judge of the High Court of Kenya.
- 6) A person shall be qualified to be appointed as a member of the NEB if the person;
  - a. Is a fully paid-up member of the Party;
  - b. Experienced in election matters;
  - c. Is eligible to vote at an election;
  - d. Has not been convicted of an election offence; and

- e. Satisfies the requirements on leadership and integrity as specified in the National Constitution of Kenya and enabling legislation.
- 7) A member of the NEB shall serve for such period as shall be determined by the NEC and shall be eligible for reappointment provided that a member shall not serve for more than two (2) terms of five (5) years.
  - 8) Functions of the National Elections Board include:
    - a. Propose and review of the Party elections and nominations rules for ratification by the NEC;
    - b. Lead, co-ordinate and conduct Party elections and the nomination of Party candidates for general elections and by-elections;
    - c. Independently and impartially exercise its functions on behalf of the NEC;
    - d. Implement elections and nominations rules in accordance with the Constitution of Kenya, the electoral laws, this Constitution and Party Regulations;
    - e. Consult with NEC and issue notices to Members of the Party of date, venue and time within which applications for nomination for all elective seats shall be conducted and the timeline of return of the applications;
    - f. Prepare and present monthly reports to the NEC;
    - g. Prescribe forms and documents required for purposes of Party elections and nominations;
    - h. Issue an interim certificate to a candidate duly elected or nominated upon being announced the winner;
    - i. Issue the final list of the duly elected or nominated members to the NEC;
    - j. Formulate its rules of procedure for approval by NEC;
    - k. Appoint and post returning officers, presiding officers and such other elections and nominations officers as shall be necessary for the better carrying out of its mandate and;
    - l. Through the office of the Director of Elections, present to the NEC a list of all candidates contesting for Party positions for all elective seats provided that the NEC may raise an objection on reasonable grounds regarding the suitability of any candidate.
  - 9) The NEB shall establish and appoint a County (Branch) Nominations and Elections Advisory Panel in each county. The Panel shall be supervised by the National Elections Board, and will comprise of three (3) persons of high moral value and integrity to supervise the Party's elections in the counties.
  - 10) The NEB shall make its own rules of procedure for its meetings. Perform all other functions and duties customary to the NEB of a political Party or such other functions as may be prescribed by the Law.

### **Article 37: Party Caucuses**

#### **1) Governors Caucus**

- a) There shall be a caucus known as the County Governors Caucus Comprising County Governors and their Deputies elected on the Party ticket;

- b) The Governors Caucus shall promote and defend Party policies and agenda in the Counties;
- c) Members of Caucus elected on the Party ticket shall always jointly and severally exercise due diligence in the discharge of their County duties;
- d) The Party Governors Caucus shall work in consultation with the NEC to ensure adherence to the Party Constitution, Regulations, policies and the protection of the Party's interests in County
- e) There shall be an Executive Committee of the County Governors Caucus comprising the following;
  - i. The Chairperson of the County Governors Caucus;
  - ii. A Deputy Chairperson of the caucus;
  - iii. Such other members who shall be appointed by NEC in consultation with the County Governors Caucus.
- f) The County Governors/senate Caucus shall in consultation with NEC formulate and regulate its own rules of procedure including those required for the conduct of meetings.

## **2) The Parliamentary Caucus**

- a) There shall be a caucus known as the Parliamentary Caucus comprising of Members of the National Assembly and Senate elected on the Party ticket.
- b) The Parliamentary Caucus shall promote and defend Party policies and agenda in Parliament.
- c) Members of the National Assembly and Senate elected and nominated on the Party ticket shall always jointly and severally exercise due diligence in the discharge of their duties.
- d) The Party National Assembly Caucus shall work in consultation with the NEC which shall ensure adherence to the Party Constitution, Regulations, policies and the protection of the Party's interests in the National Assembly.
- e) There shall be an Executive Committee of the Parliamentary caucus comprising of:
  - i. Parliamentary Majority or Minority Leader, or such leader of the Party in Parliament
  - ii. The Party Whip; and
  - iii. Such other members who shall be appointed by NEC in consultation with the Parliamentary Caucus.
- f) The National assembly Caucus shall in consultation with NEC formulate and regulate its own rules of procedure including those required for the conduct of meetings.

## **3) The County Assembly Caucus (CAC)**

- a) There shall be a caucus in each County known as the County Assembly Caucus Comprising Members of a County Assembly elected on the Party ticket
- b) There shall be an Executive Committee of the County Assembly Caucus comprising;
  - i. The County Majority or Minority Leader, or such leader of the Party in the County Assembly;
  - ii. The Secretary for County Assembly Affairs

- iii. The Party Whip; and
- iv. Such other members who shall be appointed by NEC in consultation with the County Assembly Caucus.

**Article 38: Standing and Ad Hoc Committees**

- a) The National Delegates Conference, the National Governing Council and/or the National Executive Committee may establish ad hoc and/or standing committees as they deem necessary;
- b) Without prejudice to the generality of the foregoing, NEC shall establish the following Standing Committees, whose members shall not exceed nine:
  - i) Policy and Strategy Committee;
  - ii) Resources Mobilisation Committee;
  - iii) Media Relations, Publicity and Communications Committee;
  - iv) Recruitment and Membership Development Committee;
  - v) Legal and International Affairs Committee;
  - vi) Human Rights and Gender Compliance Committee;
  - vii) Agriculture and Environmental Committee;
  - viii) Diaspora Committee.
- c) The Committees shall consist of competent people possessing high integrity, competency, relevant knowledge, and skills in the areas in which they are called to serve;
- d) Assignments for such committees shall include: research, investigations and evaluation of specialized projects. The findings shall be reported to National Executive Committee. Such reports shall include specific proposals and recommendations for implementation. Such committees may also be called upon to implement recommendations, conduct fundraising or any other duty.
- e) Whereas such committees are expected to serve on voluntary basis, the Party shall provide them with the necessary financial, personnel and special facilities to enable them to function effectively.
- f) The Committees shall have power to co-opt not more than one third of their total membership, for the purpose of enhancing their professional and technical capacity.

**Article 39: Procedures at Meetings**

- a) The quorum for the National Delegates Conference, National Governing Council, National Executive Committee, County Executive Committee, Constituency Management Committee, Ward Coordination Committee and Polling Station Committee shall be as prescribed in Article 17;
- b) At all meetings of the National Delegates Conference, and the National Governing Council, the Party Leader shall preside. In the absence of the Party Leader, the Deputy Party Leader (s) or any other Party official shall preside as provided in this Constitution;

- c) At all meetings of the National Executive Committee, the Party National Chairperson shall preside. In the absence of the National Chairperson, any other official of NEC may preside as provided for in this Constitution;
- d) At all meetings of the County, Constituency, Ward or Polling station units, the Chairperson shall preside, but in his absence, the Vice-Chair or any other official present, shall preside;
- e) Resolutions, unless otherwise stated in this Constitution, shall be decided by consensus or simple majority, and voting shall be by secret ballot;
- f) In the event of an equality of votes at any meeting the person presiding shall cast the deciding vote; and
- g) Only fully paid up members may attend the Party meetings and vote there at. Any other person(s) may attend only upon invitation as an observer;
- h) Any meeting which has been postponed once for lack of quorum shall be deemed to be properly constituted to conduct business at the second sitting even when such a meeting is short of the numbers necessary to constitute quorum, provided that the procedures of calling such a meeting were followed;
- i) A meeting of the NGC shall be called by notice of at least fourteen (14) days by the Party Leader upon direction by NEC. A special NGC may be summoned by NEC upon requisition by at least one third of members who attended the previous NGC;
- j) NEC and other committee meetings shall be convened upon a notice of at least seven days;
- k) When a voice or standing voice is talking at a meeting of National Delegate Committee, it shall be the duty of the County Chairperson to monitor their delegation to ensure that only those eligible are voting;
- l) When the roll call is taken, the County Chairperson or his/her designee shall report of their delegation on the Tally Clerk shall conduct the roll call;
- m) When voting by secret ballot, the National Secretary or his/her designee shall call the roll call of the constituencies and ward. As they are called each member shall show his or her credentials to a Tally Clerk and then deposit his or her ballot box. More than one ballot box may be used;
- n) On demand by a National Delegate Committee member for a roll call, the National Chairperson must present the demand on the floor. Upon approval by at least by a standing vote, the roll shall be called in the manner prescribed xiii of this section;
- o) During any votes, the National Chair may cause the floor to be cleared of persons who are not members of the National Delegates Committee or alternatives of the National Delegates.

#### **Article 40: Party Discipline**

- a) All members, without exception, shall abide by the Constitution of the FP, the Rules, the Standing Orders and Codes of Conduct as adopted or amended from time to time.
- b) Disciplinary proceedings against a member shall be confined to violations of the FP Constitution, Rules, Standing Orders, Codes of Conduct, or the commission of offences as set out hereafter and shall not:

- i) Be used as a means of stifling debate or denying members their basic democratic rights;
  - ii) Be instituted as a means of settling private or personal disputes or scores;
  - iii) Be used in such a manner as to interfere with the private lives of members where the norms or interests of the organization are not directly affected, unless such conduct itself constitutes a violation or an offence affecting the organization.
- c) A member shall be deemed to have committed a serious offence under this Constitution if that member:
- i) Acts in a manner that prejudices the integrity and tarnishes the reputation of the Party or its officials;
  - ii) Acts in a manner that impedes the activities of the Party;
  - iii) Acts in a manner that creates division or disharmony within the Party;
  - iv) Does anything that undermines the effectiveness of the Party as an organization;
  - v) Acts on behalf of or in collaboration with:
    - a. Violent or proscribed groups;
    - b. A political organization or Party other than an organization or Party in alliance with the FP in a manner contrary to the aims, policies and objectives of the FP;
    - c. Intelligence or the security services of other countries for espionage;
    - d. Any person or group who interferes with the work of the Party or prevents it from fulfilling its mission and objectives;
  - vi) Is convicted for a criminal offence by a court of law and jailed for a minimum period of six months;
  - vii) Misappropriates the funds of the Party or willful destruction of its properties;
  - viii) Engages in corrupt behavior including but not limited to seeking or accepting any bribe for performing or for not performing any task in his/her capacity as a member of the Party or any other capacity;
  - ix) Engages in sexual exploitation or harassment or abuse of office to obtain sexual or any other undue advantage from members or other person;
  - x) Abuses elected or employed office in the Party or in any office of the State to obtain direct or indirect undue advantage or enrichment;
  - xi) Behaves or conducts self in a grossly disorderly or unruly manner including but not limited to public fights, deliberate disruption of meetings;
  - xii) Interferes with the orderly functioning of the Party;
  - xiii) Behaves in a manner that brings the Party into disrepute or which manifests a flagrant violation of the moral integrity expected of members or generally conduct unbecoming that of a member;
  - xiv) Undermines the respect for or impedes the functioning of the structures of the Party;
  - xv) Participates in organized factional activity that goes against the recognized norms of free debate inside the Party and threatens its unity;
  - xvi) Behaves in such a way as to provoke serious divisions or a break-down of unity in the Party;

- xvii) Showing tribal chauvinism, sexism, racism, religious and political intolerance, regionalism or any form of discrimination.

## **Article 41: Disciplinary Procedures**

### **A. Filing A Complaint**

The Procedure for the hearing and determination of complaints or allegations are as follows:

- (a) Disciplinary proceedings may be instituted only for violations or offences of the FP constitution; the Party's rules, standing orders, codes of conduct; or violations of the rights and duties of members provided in this constitution.
- (b) A complaint by any Member of the Party against a Public Office holder, elected or appointed, or another member or against a Party organ or officer of the Party shall be submitted to the National Executive Committee (NEC). NEC shall then, NOT LATER THAN 7 days from the receipt of the complaint, forward the complaint to the Disciplinary Committee to examine the matter.
- (c) The Party Branch, Sub-Branch, and Ward shall have no power to suspend or expel a member of the Party. Where an issue of discipline is referred to the Party Branch, Sub-Branch, or Ward, it shall constitute a Special Branch Disciplinary Committee to deliberate on the issue provided that an affected member shall not sit to hear his or her own matter.
- (d) Where the Special Branch Disciplinary Committee is of the view that the misconduct is so serious as to invite suspension or expulsion, this Committee shall refer the matter to the National Disciplinary Committee which shall hear the dispute. Provided however the Branch/Sub-Branch/Ward shall only have the power to censure or reprimand.
- (e) A Party aggrieved by the decision of the Branch/Sub-Branch/Ward decision may apply for review/or appeal to the National Disciplinary Committee.
- (f) The National Disciplinary Committee may hear and decide:
  - i) Cases referred to it by the Party's National officials, any other organs and/or aggrieved Party member;
  - ii) Application for reviews of decisions of the subordinate disciplinary committees of the Party; and
  - iii) Cases constituting grave violations or offences, without request.

### **B. Disciplinary Process**

- i. Upon receipt of complaints, the Disciplinary Committees shall issue the affected member a notice to show cause why they should not be disciplined, the affected member shall show cause why within fourteen (14) days.
- ii. The Disciplinary Committee shall communicate within seven (7) days the summary of its facts, evidence, and findings to the parties.
- iii. Where the Disciplinary Committee determines that disciplinary action should commence, it shall invite the respondents for hearing.
- iv. During the hearing the complainant shall present their complaint to the respondent who then shall respond.
- v. The complainant shall have right of rejoinder. The Disciplinary Committee may direct parties to make submissions.

- vi. The Committee shall render its decision within five (5) days.
- vii. Parties are entitled to copies of the decision upon payment of prescribed fee.

#### **Article 42: Adjudication**

- 1) By the end of the disciplinary proceedings, the chairperson of the disciplinary committee shall ensure that:
  - a. The members of the disciplinary committee have deliberated the issues raised at the disciplinary proceedings and subsequently made a just and fair ruling based on the facts and evidence presented in the case at hand;
  - b. The members of the disciplinary committee have decided on appropriate disciplinary action where an accused member is found culpable of the complaint made against him or her. disciplinary action shall include:
    - i. Reprimand;
    - ii. Payment of fine;
    - iii. Compensation, restitution and/or performance of ordered tasks;
    - iv. Suspension;
    - v. Expulsion; or
    - vi. Any other sanction that could be deemed appropriate
- 2) Provided, however, the County/Sub-Branch/Ward disciplinary committees shall only have the power to censure or reprimand.
- 3) Upon the decision, a member shall be made aware of the decision of the committee at the earliest opportunity.

#### **Article 43: Appeal**

- 1) The right of appeal of an aggrieved member of the Party is hereby guaranteed. An appeal may be lodged by:
  - a. The directly affected member; or
  - b. The organ or officials who brought filed the complaint.
- 2) The procedure for appeals shall be as follows;
  - a. Where a member is not satisfied with the decision of Party or the adjudicatory organs of the Party, he or she shall have the right to appeal within seven (7) days of the decision to the immediate appellate body in the Party as prescribed in this Constitution;
  - b. An appeal shall be determined by the appropriate appellate body within fourteen (14) days from the date of receipt of the appeal by the appellate body Concerned;
  - c. Where a decision or action taken by an Organ of the Party is appealed against, the decision or action shall remain in force and binding until the appeal or appeals had been determined. The decision or action shall cease to be binding if the appellate body upholds the appeal;

- d. An appeal from the decision of the Ward Executive Committee, on a complaint originating from the Ward shall lie to the County Executive committee which decision shall be binding on the parties;
- e. An appeal from the decision of the County Executive Committee, as an adjudicatory body shall lie on the National Executive Committee and its decision shall be final;
- f. An appeal from the decision of the National Executive Committee on a complaint originating at the National level shall lie to the National Governing Council (NGC) and thereafter to the National Conference (NDC) whose decision shall be final.

#### **Article 44: Internal Dispute Resolution Mechanism (IDRM)**

- 1) A dispute shall not be referred to external mechanisms, including the law courts of Kenya or other tribunals, before exhaustion of the remedies provided by the internal dispute resolution mechanisms of the Party, unless the dispute relates to commission of a criminal offense.
- 2) The Party's Internal Dispute Resolution Mechanisms shall conform to Articles 47 and 50 of the Constitution of Kenya, 2010
- 3) Whenever a dispute arises and is lodged to the NEC, the NEC shall appoint a committee of seven (7) members whilst observing the 2/3 gender rule.

#### **Procedures of the IDRM:**

- (a) The Party Members shall attempt at the first instance to settle disputes amicably through negotiations.
- (b) Such negotiations shall be facilitated by the Executive Committee of the Party at the level where the dispute arose.
- (c) Such negotiations shall be conducted and concluded within a period of 14 (FOURTEEN) days.
- (d) Any member may, at any time and without prejudice to any other dispute resolution mechanism provided for under this constitution, seek and settle any complaint or dispute through mediation, conciliation, or reconciliation.
- (e) The mediation will be conducted under the Nairobi Centre for international Arbitration (NCIA) mediation rules 2015 or other rules which may be chosen by the parties.
- (f) Members are free to choose any person to facilitate mediation, conciliation or reconciliation either from within the Party or from outside the Party.
- (g) Mediators will be engaged on voluntary terms or on such terms as parties to the dispute will agree
- (h) The mediators and conciliators shall communicate the outcome of the mediation, conciliation, or reconciliation to the NEC for adoption.
- (i) Members that are dissatisfied with the outcome of any alternative dispute resolution mechanisms shall escalate the dispute to the Disciplinary Committee for consideration.
- (j) Members dissatisfied with decisions of the Disciplinary Committee can refer the matter to NEC whose decision in the matter will be final.

- (k) Any dispute that cannot be resolved within the Party's mechanisms shall be referred to the Political Parties Dispute Tribunal as provided for under the political parties Act

#### **Article 45: National Disciplinary Committee**

- 1) The National Disciplinary Committee shall be composed of not less than three (3) and not more than seven (7) members and at least one-third shall be of either gender.
- 2) The **Chairperson of the National Disciplinary Committee** shall be appointed by the NEC and shall be a person who is a qualified advocate with the qualifications to be appointed a judge of the High Court of Kenya and conversant and experienced in alternative disputes resolution mechanisms.
- 3) The Members of the National Disciplinary Committee shall be appointed by the NEC from among persons who are:
  - a. Citizens of Kenya;
  - b. Above the age of 18 years;
  - c. Conversant and experienced in alternative disputes resolution mechanisms and administrative procedures;
  - d. Reputable, knowledgeable, competent and impartial;
  - e. Not holding any other office in the Party; and
  - f. Paid up members of the Party.
- 4) In the absence of the Chairperson, during a meeting, the committee shall appoint one among the present members to chair that meeting.
- 5) The National Disciplinary Committee shall make its own rules of procedure which shall be approved by the NEC. The stated rules shall comply with written laws of Kenya, the rule of law and rules of natural justice.
- 6) The members of the National Disciplinary Committee shall hold office for five (5) years and are eligible for re-appointment at the expiry of their term.
- 7) The National Disciplinary Committee that shall have the power to:
  - a. Receive, hear and determine all cases of discipline concerning Party Members;
  - b. Dismiss a complaint;
  - c. Decline to admit a frivolous complaint. Uphold the complaint without sanctions;
  - d. Impose sanctions which may include penalty, reprimand, censure, and suspension, removal from office or expulsion from the Party;
- 8) Where an elected member appears before the National Disciplinary Committee, the Committee will recommend to the NEC the preferred sanctions which shall include de-whipping or expelling the member. Provided that, in certain urgent instances, the NWC can recommend sanctions to the NEC.
- 9) A disciplinary issue shall arise on the ground of gross misconduct. A member shall be liable to the Party's disciplinary measures if he or she engages in any conduct proscribed as provided in this this Constitution.
- 10) The National Disciplinary Committee shall afford fair hearing to a member who's matter it is seized of, including allowing such a member reasonable opportunity to defend themselves against the allegations made against them.

- 11) A disciplinary decision to suspend or expel a member shall be ratified by the NEC. The decision of the NEC, as stated, shall be final.
- 12) A vacancy resulting from the disciplining of a member shall be filled in the same manner as it was initially filled.
- 13) The Party's branch, sub-branch, or polling station shall have no power to suspend or expel a member of the Party.
- 14) Where an issue of discipline is referred to the Party branch, sub-branch, ward or polling station, a special disciplinary committee at the relevant level shall be constituted to deliberate on the issue brought before it. Where such relevant committee is of the view that the misconduct is so serious as to warrant suspension or expulsion, such relevant committee shall refer the matter to the National Disciplinary Committee. The latter shall review the matter and make an appropriate decision. The foregoing notwithstanding, a disciplinary committee at the level of branch, sub-branch, ward or polling station shall have power to censure or reprimand a member.
- 15) A Party member under a disciplinary process shall have the right of self-representation or engage representation in the disciplinary proceedings.

#### **Article 46: Political Parties Dispute Tribunal**

Any dispute concerning the interpretation of this Constitution or any disputes involving members of the Party or any dispute concerning any matters relating to the Party affairs or the management of the Party shall first be resolved by way of the established internal Party mechanism. Where the same has not been satisfactorily resolved and the concerned member(s) feels aggrieved by the said Party process or decision, then such a dispute shall be adjudicated upon by the Political Parties Dispute Tribunal or any other organ established by law for that purpose.

#### **Article 47: Coalitions, Alliances & Mergers**

##### **A. COALITIONS**

- 1) The Party may form coalitions with other political parties before or after an election in accordance with the relevant provisions of the Political Parties Act.
- 2) Where the Party shall enter into a coalition the same shall be done by way of a written agreement for the purpose of forming the coalition.

##### **(a) Pre-Election Coalition**

- 1) The Party through the NDC may pass a resolution to allow the Party to form a pre-election coalition agreement with any political Party or parties prior to an election.
- 2) The pre-election coalition resolution and agreement shall comply with the relevant provisions of the Political Parties Act 2021.
- 3) The pre-election coalition agreement shall bear the respective signatures of the Party Leader, the National Chairperson, and the Secretary-General. In the absence of latter two, the Secretary of Legal Affairs; and the seal of the Party.

**(b) Post-Election Coalition**

- 1) The Party through the NDC may pass a resolution to allow the Party to form or exit from a postelection coalition formed with one or more political parties.
- 2) The post-election coalition resolution and agreement shall be duly executed and comply with the relevant provisions of the Political Parties Act in arriving at the resolution referred to in the preceding paragraph 1 above, the NDC shall give due consideration to the recommendations of the Party's post-election negotiations team composed of and led by the Party Leader and comprising such other members of the Party as shall be nominated by the NDC to be members of the team.
- 3) The Party shall form a post-election coalition for the purposes of:
  - a. Merging selected ideas agreed upon by the coalition partners and contained in their respective political parties' manifestos; and Farmers Party (FP) Constitution, 2023
  - b. Boosting parliamentary strength of parties to the coalition in Parliament and/or in County Assemblies.
- 4) The post-election coalition team shall report to the NDC.
- 5) Such coalition arrangements/process shall comply with the Third Schedule of the Political Parties Act. (6). The post-election coalition agreement shall bear the respective signatures of the Party Leader, the National Chairperson and the Secretary-General and in the absence of either of the latter two, the Secretary of Legal Affairs; and the seal of the Party.

**B. ALLIANCES AND MERGERS**

- 1) The Party may form alliances and/or mergers with one or more political parties in accordance with the relevant provisions of the Political Parties Act.
- 2) The Party shall enter into an agreement with one or more political parties for the purpose of forming an alliance and / or a merger.
- 3) The decision to form alliances and mergers shall be arrived at by a majority vote of the NDC members.
- 4) The Party's decision to form an alliance and / or merger; and the alliance and/or merger agreement between the Party and one or more political parties shall be duly executed and in compliance with the relevant provisions the Political Parties Act.

**a) Merger Resulting in the Dissolution of the Party**

In the unlikely event that a merger involves or results in the dissolution of the Party, the following procedure shall apply:

- 1) The NEC shall appoint a Panel of not more than seven (7) persons to negotiate a structured merger; the Panel shall include and be led by the Party Leader.
- 2) The team stated in (1) above shall draw a merger agreement that shall have due regard to the FP's vision and mission; values; identity including colours; manifesto; assets and liabilities; composition of merger leadership; and contribution of key staff to the Secretariat.
- 3) The Report of the Panel shall be tabled before NEC for recommendation to NGC.

- 4) If adopted by NGC, the Party Leader shall convene a special session of the NDC in accordance with the procedures provided in this constitution within 60 days of adoption, at which the merger motion shall be tabled as the only agenda of the day.
- 5) The Secretary-General shall circulate copies of the merger documents to delegates attending the special NDC.
- 6) At such a Special NDC, voting shall be by secret ballot; and shall require a resolution supported by two-thirds of the delegates in attendance and voting at such a session. The Secretary-General shall put out a notification of the intended merger and invite members, other individuals and organizations to whom FP is indebted, to declare their claims.
- 7) If the Special NDC ratifies the merger, the National Treasurer shall, within 90 calendar days, settle any outstanding claims; **close the books of accounts and all other related obligations.**
- 8) The Party's Organs shall dissolve in the manner spelt out in the merger instrument.
- 9) The merger instrument shall bear the signature of the Party Leader, National Chairperson and the Secretary-General; and the seal of the Party.

#### **Article 48: Party Finance**

- a) The sources of funds of the Party shall include the following; -
  - i) Membership Fees;
  - ii) Fundraising and contributions;
  - iii) Grants, investments, donations and legacies accepted by the NEC;
  - iv) nomination fees;
  - v) Contributions from Party Members of Parliament, Governors, Members of County Assemblies and
  - vi) Such monies allocated to the Party from the Political Parties Fund.
  - vii) Net income from publications and consultancies
- b) The funds shall be used to run the Party programmes and activities and for administration of its offices and will not be used for distribution among members.
- c) The Party shall operate such accounts with such banks as shall be determined by the NEC and in accordance with this Constitution.
- d) The Party Bank accounts withdrawals, payments and any other financial instruments shall be authorized by two (2) mandatory signatories and one other Signatory.
- e) The names of the persons to operate the Party accounts shall be decided by NEC and the information relayed to the relevant Bank(s) by the Executive Director with the Secretary General's instructions.
- f) The NEC shall make rules governing the collection, management and expenditure of funds with regard to the approved budgets or NEC resolutions.

#### **Article 49: Purpose for Which the Funds May Be Used**

The funds of the Party shall be used for:

- i) Administrative expenses of the Party
- ii) Paying directly or indirectly remuneration, fees, rewards or any other benefit to a member or supporter of the Party.

- iii) Financing or contributing to any matter, cause event or occasion directly or indirectly beneficial to the Party.
- iv) Directly or indirectly for the purpose of acquiring or maintaining any right or financial interest in any business or any immovable property.
- v) For any other purpose compatible with the promotion of a multi-Party democracy and the electoral processes, or for purposes of promoting the Party's aims and objects, programmes and policies.
- vi) As provided in the Political Parties Act and for the avoidance of doubt, no funds may be distributed among members as prohibited under the said Act or any other relevant law.

#### **Article 50: Asset and Property Management of the Party**

1. The properties of the Party shall be vested in at least three (3) of members of the Board of Trustees who shall hold the properties in trust for the members of the Party in accordance with the provisions of the Party's constitution herein (Article 35).
2. The power to appoint Board of Trustees shall be vest with the NDC on recommendation of the NEC:
  - (a) The NDC shall fill any vacancy that may arise in the office of the trustee.
  - (b) At least one of the appointed trustees shall be of opposite gender.
3. The appointed Board of Trustees shall deal with the property of the Party within the lawful directions of the NEC subject to approval by the NDC.
4. In the event of one or more of the Board Trustees failing or refusing to comply with the stated lawful directions, the NEC may remove from office such non-compliant Board Trustee(s).
5. Procedures for disposal of Party Assets and Properties shall be determined by a Special sitting of the NDC.

#### **Article 51: Auditors**

- a) The NDC shall, appoint a qualified and registered auditor to audit the Party books of accounts.
- b) The auditor shall not be an office bearer or a member of any Party organ or committee.
- c) The Party accounts, records and documents shall be open for inspection by the auditor at any time.
- d) The auditor shall audit the accounts annually and submit the report to the NEC no later than 31st March of every year.
- e) The reports of the auditor shall be tabled before the NDC for consideration and adoption.
- f) The auditor shall be paid such fees for the services as shall be determined by the NEC.
- g) The Party's books of accounts shall be subjected to audit by the auditor General in accordance with the Political Parties Act 2011.

#### **Article 52: Inspection of Accounts and Register of Members**

The Party books of accounts and the member's register shall be available for inspection at the registered Party offices to any officer or member of the Party.

b) Any member intending to inspect books of accounts, member's register or any other Party documents shall give a notice in writing of at least fourteen (14) days to the Secretary General.

The books of accounts and all documents relating thereto and the register of members of the Party shall be available for inspection at the registered office of the Party by any officer of the Party giving not less than fourteen days (14) notice in writing to the Secretary General.

#### **Article 53: Authorized Signatories**

- a) Correspondences to the office of the Registrar of Political Parties and any other office on all matters of the Party shall be signed by the Secretary General. In the absence of the Secretary General, the Party Leader can sign. However, the Executive Director can sign under the authority of the Secretary General.
- b) The signatories to the Bank Accounts of the Party shall be the **Party Leader, Secretary General, and the National Treasurer.**
- c) Party Leader, Secretary General and the Chairperson of the National Elections Board, shall be signatories to the Nomination Certificates for any nomination of a member of the Party.

#### **Article 54: Policy Documents Development**

- 1) The National Executive Committee shall develop the Party policy documents, including the **Party's Manifesto.**
- 2) Such policy documents shall be implemented by the National Working Committee in conjunction with the Working Committees at the local levels.
- 3) Review and Publication of Policy Documents:
  - a. All Party policy documents except the Party Manifesto and Party constitution shall be reviewed by the National Executive Committee every two years.
  - b. The Party Manifesto and Party Constitution shall be reviewed by the National Executive Committee every five (5) years.
  - c. The review shall be done after consideration of proposals from the Working Committees of the Party.
  - d. Such documents shall be published online on the Party's website and in at least one newspaper of nation-wide circulation after every review.
  - e. The Party shall also avail copies of the updated policy documents at the Party offices in every County with a Party office.
  - f. The documents shall be available for perusal by Party members during Party office hours.

#### **Article 55: Party Code of Conduct and Nomination & Election Rules**

There shall be a handbook on Party Code of conduct, Nominations, Elections and preparation of Party lists. The Code of Conduct, Nominations and Election Rules and Procedures shall be

approved by NEC for implementation by the National Elections Board.

The National Electoral Board (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 56: Amendment of the Constitution**

- (a) The NEC may propose amendments to this Constitution which proposals shall be presented before the NDC or a special NDC for approval.
- (b) A member of the Party may by a notice in writing, propose any amendments to the Constitution and such proposal shall be forwarded to the office of the Secretary General at least three (3) months before the NDC or the special NDC.
- (c) The NEC shall give at least one (1) months' notice of any proposed amendment to the Constitution to the general membership and specifically to all counties, branches, sub- branches and all other structures as provided for under this Constitution.
- (d) Any amendments to this Constitution shall be supported by a two-thirds majority of delegates present and voting at the NDC or a special NDC convened for that purpose.

#### **Article 57: Procedure for Amendment of Party Name, Party Symbol, Colours and Rules of the Party**

The NEC shall have the right to amend the Party name, Party Symbol, Party colours and Party rules if and when need arises, subject to ratification by the NDC.

#### **Article 58: Dissolution**

- (a) The Party may be dissolved by a resolution passed by a two-thirds majority of registered members of the Party at a special NDC convened for the purpose of dissolution of the Party.
- (b) The quorum for the attendance of such a meeting shall be at least two-thirds of the total number of delegates.
- (c) Where a resolution is passed for the dissolution of the Party, all properties and funds of the Party less liabilities shall be distributed as shall be determined by the special NDC at which the resolution for dissolution is passed.

## **FIRST SCHEDULE**

### **Party Flag**



The Party Flag is the Party symbol set on a white background.

### **Party Symbol**



**The Party Symbol is a maize stalk firmly set in the soil, with the Party name overarching over the Maize stalk.**

## **SECOND SCHEDULE**

### **Party Colors and their meanings:**

- Green for our land
- White for peace, hope and stability
- Yellow Gold symbolizing a successful, bountiful and wealthy Nation