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ARTICLE 1: ESTABLISHMENT

- a) There is established for and by the people of Kenya, a political party known as SAFINA (hereinafter referred to as the “PARTY” or “SAFINA”); established pursuant to the Constitution of Kenya, the Political Parties Act 2011 and Political Parties Amendment) Act, 2016 and the other relevant laws of Kenya enacted from time to time.
- b) The symbol, colors, slogan, and salute of the Party are as described in the First Schedule of this Constitution.
- c) The symbol, colors, slogan, salute of the Party may change from time to time by a decision of the Party’s National Conference, provided that the use of words, slogans, emblems or symbols which could arouse ethnic, age, tribal, racial, gender, regional, linguistic, corporatist, professional, or religious division are strictly prohibited; and provided further that any legal requirements concerning such change have been complied with.

ARTICLE 2: AIMS AND OBJECTIVES

The philosophy that guides the Party is non violence and social democracy which aims to build a society where all citizens shall have equal opportunities to live in peace, and be assured of freedom and justice regardless of age, religion, gender, region, race, ethnic background or family connections.

The objects of the Party are to:

- a) To establish a good accountable Government in Kenya where dishonesty, fraud, corruption and incompetence will be eliminated.
- b) To establish Government policies that will focus on job creation for the masses, giving emphasis to the need for private sector growth at all levels of the national economy.
- c) To encourage and provide leadership through examples on matters of accountability and transparency in public life.
- d) To introduce policies that will lead to reorganized and revitalized performance in the industrial, agricultural, and tourist industries, livestock and fisheries in particular.
- e) To provide free basic health and education for all by recognizing that the rural and unemployed populations have priority and special needs.

- f) To provide policy and leadership in the protection, conservation and management of Kenya's natural resources and wildlife.
- g) To proactively promote the study of science, technology and innovation.
- h) To pursue and advocate for allocation of at least 1% of the County national budget to research and development.
- i) To promote investment and maintenance of fundamental infrastructure for the opening up and enhancement of our national frontiers.
- j) To promote a national wages policy that is founded on the principle of living expenses.
- k) To promote, sustain and prioritize national security.
- l) To encourage the study and exploitation of our maritime and mineral resources through amendments and enactment of enabling registrations.
- m) To establish national programs and policies that will ensure that the persons living with disabilities and the marginalized have opportunity to participate in all aspects of County and national development.
- n) To eliminate all forms of discrimination against women and to promote their acceptance as equal partners with men at all levels of decision making.
- o) To empower the youth so as to mobilize them for political and socio- economic transformation of Kenya.
- p) To establish Government policies that will guarantee a decent quality life for every Kenyan in the areas of food, housing and access to health care.
- q) To establish Government policies which will not permit expansion of the gap between the rich and the poor at the expense of the poor.
- r) To do such or other things as may be necessary, ancillary or incidental in achieving the above objectives.

ARTICLE 3: REGISTERED OFFICES

- a) The registered office Headquarters of the Party shall be in Nairobi.
- b) The Party may establish such County, Constituency or local offices as may be determined from time to time by the Party's National Organs.

- c) The Party Headquarters will keep an accurate and permanent record of the Party's membership register; and such other relevant particulars as may be required under any written law.

ARTICLE 4: MEMBERSHIP

- a) The Party is mass movement and shall be open to all Kenyans who have attained the age of eighteen (18) years and above, irrespective of their gender, religion, ethnicity, disability, race, class or social status. The National Executive Council of the Party (hereinafter referred to as "NEC") may approve other classes of membership if and when required to do so.
- b) The NEC shall have power to confer honorary membership to any person, and may do so posthumously.
- c) The entrance fee and the annual subscription fee for a member shall be such sum as the NEC may determine from time to time.
- d) Every member shall subscribe and abide to the Party's aims, objectives, rules, policies, programmes and Constitution.
- e) Each member shall become bound by the Party's Code of Conduct as provided for in the Second Schedule of this Constitution. Every member shall be entitled to a free copy of the said code from his or her branch upon written request.
- f) Any member may resign her/his membership by giving notice in writing to the Party's Secretary General. Such notice shall be deemed to take effect upon receipt of the same.
- g) The Party branch shall at all times maintain a register of members at the branch level, and a copy thereof shall be sent to the Party headquarters and may be up-dated annually.

ARTICLE 5: RIGHTS, DUTIES AND DISCIPLINE OF MEMBERS

- a) Every member of the Party has the right to seek elective office or appointment to any committee, structure, commission or delegation of the Party.
- b) Every member has a right to vote in elections and seek elections to any position of the Party.
- c) Every member of the Party has the right to take a full and active part in the discussion, marketing and implementation of the policies and programmes of the Party.

- d) Every member of the Party has a duty to combat propaganda detrimental to the interests of the Party and to defend the policies, aims and programmes of the Party.
- e) Every member has a duty to observe discipline, behave honestly and carry out decisions of the Party.
- f) Every member has a duty to abide by the Party constitution and Code of Conduct.
- g) Members have a duty to mobilize supporters and recruit members for the Party and to vote for the Party's candidates in elections.
- h) Any Party official or member who uses or attempts to use corrupt practices or favors to influence the Party, its officials or members, representatives or groups of members of the Party shall be deemed to have committed an act in breach of Party discipline.
- i) Discipline at the Branch level shall be maintained by the Branch Committees, who shall use the Party's Code of Conduct as a basis for their actions and decisions.
- j) The objective of disciplinary procedure is to ensure that in all disciplinary proceedings:-
 - i) There is a formal, just and fair procedure;
 - ii) A Member or official is presumed innocent until proven guilty, and that one has been given a chance to defend herself or himself;
- III) A member or official has the right to appeal to NDC
- k) The NEC may discipline a member and may exclude him/her from enjoying and/or exercising his or her rights in the Party for breach of the Code of Conduct and/or for gross misconduct and/or disloyalty to the Party after having given and or afforded such a member a fair hearing and/or reasonable opportunity to defend himself/herself against allegations or charges against him/her in accordance with the rules of natural justice.
- l) The penalties for breaching Party discipline include a warning, reprimand, and payment of fine, suspension and in grave circumstances, expulsion. Or any other punishment as may be prescribed by NEC;

ARTICLE 6: NATIONAL PARTY OFFICIALS/OFFICE BEARERS

- a) The National office bearers of the Party shall be;
 - i. The Party Leader and the Deputy Party Leader;
 - ii. The Chairperson and the Deputy Chairperson;
 - iii. The Secretary General and the Deputy Secretary General;
 - iv. The Treasurer and the Deputy Treasurer;
 - v. The Director of Elections and the Deputy Director of Elections;
 - vi. The Chairperson of the National Youth Council and the Deputy Chairperson of the National Youth Council (one of either gender)
 - vii. The Chairperson of the National Women Council and her Deputy;
 - viii. The Chairperson of the National Equality Council and his/her Deputy;
- b) The NEC may from time to time at its own discretion create such other National offices as it may be deemed necessary. The NEC may also abolish any such office.
- c) All the National officials of the Party shall be elected by the National Conference of the Party. They shall hold office for a term of four years unless removed from office by a resolution of NEC duly ratified by the National Conference at its next meeting but pending such ratification the National official concerned shall remain suspended from office.

ARTICLE 6.1: DUTIES OF THE NATIONAL OFFICIALS/OFFICERS.

- (a) The Party Leader:
 - i) He/She shall be the head of management of the Party;
 - ii) He/She shall provide leadership, articulate party policies and ensure discipline in accordance with this Constitution and the Code of conduct;
 - iii) He/She shall in all respects establish unity in the Party and ensure adherence to the party policies by all officials and organs of the Party;

- iv) He/She shall be the Party's Presidential Candidate in the event of a National Presidential election .Should He/She decline the NDC shall elect a nominee to vie for the Presidential Office.
- v) The Party Leader remains the Sole Authorized Signatory for All Safina Party Nomination Certificates.
- (b) The Deputy Party Leader:
 - i) He/She will deputize the Party Leader in his/her absence or upon such delegation of duties by the Party Leader or the NEC;
 - ii) He/She shall articulate Party policies and encourage discipline in accordance with this Constitution and the Code of conduct;
 - iii) He/She shall in all respects establish unity in the Party and ensure adherence to the Party policies by all officials and organs of the Party;
 - iv) He/She shall be the Party's Presidential Running mate in the event of a National Presidential election.
- (c) The Chairperson:
 - i) He/She shall chair and preside over all meetings of the National Conference, NEC, the Management Committee and all the Party organs unless otherwise determined by the NEC;
 - ii) He/She will deputize the Party Leader/Deputy Party Leader in their absence or upon such delegation of duties by the Party Leader or the NEC.
- (d) The Deputy Chairperson:
 - i) He/She will deputize the Party Chairperson in his/her absence or upon such delegation of duties by the Party Chairperson or the NEC;
- (e) Secretary General
 - i) He/She shall be responsible for the Party's secretariat;
 - ii) Be the Party's spokesperson under the general direction of NEC;
 - iii) He/She shall ensure that the meetings of the National Conference, the NEC and the Party organs take place as provided by this Constitution and at such time as may be decided by NEC;

- iv) He/She shall cause to be kept minutes of all the said meetings and ensure the distribution of such minutes to all persons, organs and/or branches concerned.
- (f) The Deputy Secretary General:
 - i) He/She will deputize the Party Secretary General in his/her absence or upon such delegation of duties by the Party Secretary General or the NEC;
- (g) Treasurer:
 - i) He/She shall be in charge of the Party's financial affairs and be responsible for the secretariat's financial transactions under the direction of the NEC, the Trustees and the Management Committee;
 - ii) He/She shall prepare and submit to the NEC final statements quarterly and shall ensure that duly audited annual statements of accounts are circulated to the branches and to all delegates at the time the notice convening the National Conference is sent out;
 - iii) He/she shall ensure that funds approved by NEC are used for the purposes compatible with democracy as outlined in Article 30 of the Political Parties Act 2011 and the Political Parties (Amendment) Act 2016. He/She is the Party Accounting Officer.
- (h) The Deputy Treasurer:
 - i) He/She will deputize the Party Treasurer in his/her absence or upon such delegation of duties by the Party Treasurer or the NEC;
- (i) Director of Elections:
 - i) He/She shall be the Chairperson of the Special Committee on Nomination;
 - ii) He/She shall ensure that the Special Committee on Nomination shall organize and supervise freely and fairly the Party's nomination process;
 - iii) He/she shall ensure that the nomination process for Party primaries and party lists is not only fair but seen to be fair, and that Candidates who get the Party's ticket to contest national and county elections are true and faithful to the Party's Code of Conduct.

- iv) Be the Party's spokesperson on electoral matters under the general direction of NEC;
- (j) The Deputy Director of Elections:
 - i) He/She shall be the Deputy Chairperson of the Special Committee on Nomination;
 - ii) He/She will deputize the Party Director of Elections in his/her absence or upon such delegation of duties by the Party Director of Elections or the NEC;
- (k) National Youth Council Chairperson:
 - i) The Chairperson of the National Youth Council and the Deputy Chairperson of the National Youth Council (One of either gender);
 - ii) They shall unite and lead young men and women in confronting and dealing with the problems that face the Kenyan youth;
 - iii) They shall ensure that the youth make a full and rich contribution to the work of the Party and the life of Kenya.
 - iv) They shall be the Party's spokespersons on youth matters under the general direction of NEC;
 - v) They shall be responsible for the Party's youth affairs including recruitment and establishment of youth chapters at the various levels of the Party.
- (l) National Women Council Chairperson:
 - i) She shall unite and lead women in confronting and dealing with the problems that face the Kenyan women;
 - ii) She shall ensure that the women make a full and rich contribution to the work of the Party and the life of Kenya;
 - iii) Be the Party's spokesperson on women matters under the general direction of NEC;
 - iv) She shall be responsible for the Party's women affairs including recruitment and establishment of women chapters at the various levels of the Party.

(m) The Deputy National Women Council Chairperson:

- i) She will deputize the Party National Women Council Chairperson in her absence or upon such delegation of duties by the Party National Women Council Chairperson or the NEC;

(n) National Equality Council Chairperson:

- i) He/She shall unite and lead people with disabilities in confronting and dealing with the problems that face the Kenyan people with disabilities and the marginalized;
- ii) He/She shall ensure that the disabled and marginalized make a full and rich contribution to the work of the Party and the life of Kenya;
- iii) Be the Party's spokesperson on peoples with disabilities and the marginalized on their special needs under the general direction of NEC;

(o) The Deputy National Equality Council Chairperson:

- i) He/She will deputize the Party National Equality Council Chairperson in his/her absence or upon such delegation of duties by the Party National Equality Council Chairperson or the NEC;

ARTICLE 6.2: PARTY BRANCHES AND ORGANIZATION THEREOF

- a) NEC shall set and create such County, Constituency and/or Local Party Branches as it shall deem necessary for the smooth operation of the Party;
- b) A Branch shall be fully constituted upon election of the branch officials by members of the Party who shall also be registered voters in the said branch;
- c) For purposes of this Constitution, 'Branch' shall mean County.
- d) The branch at the Constituency level shall be the basic organ of the Party;
- e) Each branch shall have a Branch Executive Committee which shall consist of such other officials as NEC shall determine;
- f) The Branch officials and the Branch Executive committee members shall hold office for four (4) years. They shall be eligible for re-election.
- g) Duties of the Branch Executive Committee shall be:-

- (i) To conduct Party activities among the general public in order to realize the aims, objects, policies and programmes of the Party;
 - (ii) To promote political and general education amongst the members and the general public of the branch;
 - (iii) To recruit and review Party membership;
 - (iv) To liaise and work under direction of the decision making organs of the Party and;
 - (v) To ensure strict discipline and adherence to Party policies and programmes among individual Party members.
- h) Pending the holding of Branch Elections interim Branch Executive Committees may be nominated by NEC.

ARTICLE 7: GENERAL ORGANIZATION OF THE PARTY AND THE NATIONAL PARTY ORGANS

a) The organs of the Party shall be the:-

- i. National Conference;
- ii. National Executive Committee;
- iii. Management Committee;
- iv. Parliamentary Group;
- v. County Assembly Forum;
- vi. Youth Council;
- vii. Women Council;
- viii. Equality Council;
- ix. Special Committee on Nominations;
- x. and the Branches.

b) The Party will aspire to ensure gender equity, at one of a third, at all levels of its leadership.

ARTICLE 7.1: THE NATIONAL DELEGATE CONFERENCE

a) The National Conference shall consist of:-

- i. All members of NEC and observe 2/3rd Gender;
- ii. Parliamentary Group;
- iii. All County Chairpersons, and Secretaries of each County Assembly Forum (MCA) while observing the 2/3rd Gender Rule;
- iv. Chairpersons and Secretaries and three others from the County Branch while observing 2/3rd Gender Rule;
- v. All Chairpersons and Secretaries of each County Branch Women Council;
- vi. All Chairpersons and Secretaries of each County Branch Youth Council, observe 2/3rd Gender;
- vii. All Chairpersons and Secretaries of each County Branch Equality Council, and observe 2/3rd Gender;
- viii. Chairpersons of all committees and organs created by NEC, observe 2/3rd Gender.

b) The National Conference shall be held once a year, NEC may however convene a Special National Conference at its discretion;

c) The National Conference shall be the highest policy decision making authority of the Party and shall have the following specific powers, duties and obligations:-

- (i) To approve policies of the Party;
- (ii) To receive, examine and approve the audited accounts of the Party and its organs since the previous meeting of the National Conference;
- (iii) To appoint / re-appoint a reputable, independent Party auditor;
- (iv) To elect members of NEC;
- (v) To elect the Board of Trustees;
- (vi) To elect members of various committees as mandated by this constitution;
- (vii) To change, modify and/or amend this Constitution;

(viii) To consider and transact any other business that may be laid and/or referred to it by NEC;

(ix) To recommend the membership entrance fee and the annual subscription.

ARTICLE 7.2: THE NATIONAL EXECUTIVE COUNCIL (NEC)

a) NEC shall consist of:-

- (i) The National officials of the Party;
- (ii) The Chairperson and Secretary of the Parliamentary Group;
- (iii) The Party's National Assembly whip;
- (iv) The Party's Senate whip;
- (v) Four (4) elected or nominated Party Members of the County Assembly elected at the National Conference;
- (vi) The Secretary of the National Youth Council;
- (vii) The Secretary of the Special Committee on Nominations;
- (viii) The Secretary of the National Women Council;
- (ix) The Secretary of the National Equality Council;
- (x) The National Party Manager.

b) NEC shall meet at least once every six (6) months.

c) NEC shall have the following functions:-

- (i) To act as the executive organ of the National Conference and to ensure that all decisions made by the said organ are duly carried out;
- (ii) To regulate its own procedures and in the absence of the Chairperson at any meetings, to nominate one of its members to preside over its meetings;
- (iii) To supervise the administrative machinery of the Party and to take such measures as it may deem fit to enforce the decisions and the programmes of the Party;

- (iv) To appoint the National Party Manager and other staff members for all departments of the secretariat and the Party, approving terms and conditions of their service;
- (v) To appoint other committees that it may deem necessary for specified tasks to determine their terms of reference;
- (vi) To recommend auditors and fix the auditors remuneration;
- (vii) To create such Party Branches as it may deem necessary, and to abolish non- viable ones;
- (viii) To provide for disciplinary measures against Party branches;
- (ix) To create other National Offices of the Party as it may deem necessary and /or expedient and to fill vacancies thereof pending ratification of the National Conference at its next meeting;
- (x) To prepare and adopt a Code of Conduct and disciplinary rules, guidelines and regulations for the Party members and Party organs;
- (xi) To formulate and adopt rules, regulations and guidelines as may be provided for in the schedules of this Constitution and for the better carrying out of the activities of the Party;
- (xii) To prepare agendas for, and reports to, the National Conference;
- (xiii) NEC to determine the entrance and membership fee and the annual subscriptions and monthly subscriptions for elected and nominated representatives in County Assembly, National Assembly, Senate and Gubernatorial and Presidency subject to ratification and confirmation of NEC. Failure to pay NDC shall withdraw sponsorship and report to RPP for necessary act.
- (xiv) To make rules for the elections of Party officials at the National Conference;
- (xv) To make rules and guidelines for the Special Committee on Party Nominations;
- (xvi) Establish departments and set up committees, as it considers appropriate;

(xvii) To fill a vacancy should one occur on the NEC for any reason, by appointing a replacement;

(xviii) To do any other task as provided by the National Conference.

ARTICLE 7.3: MANAGEMENT COMMITTEE

- a) The Management Committee of the Party shall consist of the Chairperson, Secretary General, Treasurer, National Youth Council Chairperson, National Women Council Chairperson, Director of Elections, National Workers Council Chairperson, National Equality Council Chairperson, Secretary to the Board of Trustees and such other members appointed by NEC. The National Party Manager shall be ex-officio;
- b) The duties and functions of the Management Committee shall be as mandated by NEC;
- c) The Management Committee shall meet at least once every three (3) months.

ARTICLE 7.4: PARLIAMENTARY GROUP

- a) The Parliamentary Group shall consist of:-
 - (i) Party members elected or nominated to the National Assembly on the Party's ticket;
 - (ii) Party members elected or nominated to Senate on the Party's ticket;
- b) The Parliamentary Group shall have the following functions:
 - (i) To articulate and support Party policies, Bills, programs in the National assembly and/or Senate;
 - (ii) Other duties and functions of the Parliamentary Group shall be as mandated by NEC;
- c) The Parliamentary Group shall at their first meeting elect one amongst themselves as a Chairperson and a Secretary, a National Assembly whip and a Senate whip;
- d) The Parliamentary Group shall meet at least once every six (6) months.

ARTICLE 7.5: COUNTY ASSEMBLY FORUM

- a) There shall be a County Assembly Forum in each County consisting of:-

- (i) Party members elected or nominated to the County as Governors on the Party's ticket;
 - (ii) Party members elected or nominated to the County as Members of the County Assembly on the Party's ticket;
- b) The County Assembly Forum shall have the following functions:
- (i) To articulate and support Party policies, Bills, programmes in the County assemblies;
 - (ii) Other duties and functions of the County Assembly Forum shall be as mandated by NEC;
- c) The County Assembly Forum shall at their first meeting elect amongst themselves a Chairperson, a Secretary and a County whip;
- d) The County Assembly Forum shall meet at least once every six (6) months.

ARTICLE 7.6: YOUTH COUNCIL

- a) The Party's Youth Council shall consist of members of the Party aged between 18 & 35 years. These members shall be represented at branch level as chapters attached to the branch membership;
- b) There shall be Constituency Youth Councils at each Constituency comprising of a Constituency Chairperson, a Secretary and at least six (6) members representing the business, professional & tertiary institution, and student groups in this age category. These Branch youth councils will be part and parcel of the Party branches but act as semi-independent chapters carrying out duties and functions as mandated by the respective Branch Committees.
- c) Each Constituency Youth Council shall meet at least once annually.
- d) There shall be a National Youth Council comprising of a two National Chairpersons one of either, and a Secretary all elected at the National Conference and six (6) other members representing the business, professional & tertiary student groups in this age category appointed by NEC;
- e) The duties and functions of the National Youth Council shall be as mandated by NEC;
- f) The National Youth Council shall meet at least once annually.

- g) Youth shall be paying half nomination fee during the General elections/By-elections.

ARTICLE 7.7: WOMEN COUNCIL

- a) The Party's Women Council shall consist of women members of the Party;
- b) There shall be Constituency Women Councils at each Constituency comprising of a Constituency Chairperson, a Secretary and at least six (6) members representing women bodies- business, professional, religious, tertiary institution and welfare groups;
- c) These Branch women councils will be part and parcel of the Party branches but act as semi-independent chapters carrying out duties and functions as mandated by the respective Branch Committees.
- d) Each Constituency Women Council shall meet at least once annually.
- e) There shall be a National Women Council comprising of a National Chairperson, a Deputy National Chairperson and a Secretary all elected at the National Conference and six (6) other members representing women bodies- business, professional, religious, tertiary institution and welfare groups appointed by NEC;
- f) The duties and functions of the National Women Council shall be as mandated by NEC;
- g) The National Women Council shall meet at least once annually.
- h) Women shall be paying half nomination fee during the General elections/By-elections.

ARTICLE 7.8: SPECIAL COMMITTEE ON NOMINATION

- a) There shall be a Special Committee on Nomination consisting of the Director of Elections who shall also be the Chairperson, a Deputy Director of Elections and a Secretary all elected at the National Conference and six (6) other members appointed by NEC;
- b) The Special Committee on Nomination shall organize and supervise freely and fairly the Party's nomination process;
- c) The rules and guidelines for the Special Committee on Party Nomination shall as stipulated in the third schedule of this constitution.

ARTICLE 7.9: EQUALITY COUNCIL

- d) The Party Equality Council shall consist of Special interest group, people with disabilities and marginalized groups/members of the Party
- e) There shall be Constituency Equality Councils at each Constituency comprising of a Constituency Chairperson, a Secretary and at least six (6) members representing special interest groups, people with disabilities and marginalized groups;
- f) These Branch Equality councils will be part and parcel of the Party branches but act as semi-independent chapters carrying out duties and functions as mandated by the respective Branch Committees.
- g) Each Constituency Equality Council shall meet at least once annually.
- h) There shall be a National Equality Council comprising of a National Chairperson, a Deputy National Chairperson a Secretary all elected at the National Conference and six (6) other members representing special interest groups, people with disabilities and marginalized groups appointed by NEC;
- i) The duties and functions of the National Equality Council shall be as mandated by NEC;
- j) The National Equality Council shall meet at least once annually;
- k) NEC shall ensure that Special Interest Groups under the National Equality Council are taken care of in the 2/3rd Party List nomination.
- l) Special groups, people with disability and marginalized will be paying half nomination fee during the General elections/By-elections.

ARTICLE 8: DURATION AND TERMINATION OF PARTY LEADERSHIP

- a) All Party positions at all levels will be held for four years.
- b) Any Party official will cease to hold office if:-
 - (i) Convicted by a court of competent jurisdiction of an offence involving dishonesty, theft, or misuse of public funds, corruption, breach of trust, the manufacture, sales or trafficking of drugs, or other serious offences of a public nature and sentenced to a term of imprisonment exceeding six months, having exhausted the procedure of appeal provided by law;

- (ii) Is or becomes a member or supports any other political party or grouping whose purpose and objects are, in the opinion of NEC inconsistent with or are likely to be in conflict with those of the Party without prior authority from NEC;
 - (iii) The official is or accepts an office of profit, in the Civil Service of the Republic of Kenya or in the Armed or Police or other Disciplined Service of the Republic of Kenya or other public office the discharge of whose duties would be in conflict with the discharge of his or her duties as a Party official;
 - (iv) Violates any of the fundamental tenets of the Party;
 - (v) Is or becomes insane, bankrupt, or is, in the opinion of two thirds of NEC, found unfit to be a Party official.
- c) The Party may by a majority vote suspend any Party official who is being investigated for misconduct or is facing criminal charges until they are cleared of such accusations or charges.

ARTICLE 9: COMMITTEES

- a) The NEC may establish Standing or ad hoc committees to deal with Finance, Legal, Parliamentary or any other matter;
- b) They shall be constituted on need basis and their terms of reference shall be determined by the NEC.
- c) The Party shall develop Policy documents including but not limited to Party Manifesto, Human Resource Policy, Audit and Finance Policy, Asset Management Policy which shall be developed by a special Committee as appointed by the NEC and shall sit regularly or on a need be basis.

ARTICLE 10: MEETINGS

- a) The quorum for all meetings of the Party and/or its branches shall be one third of the members entitled to attend such meeting(s);
- b) All elections and /or nominations for Party positions where contestable shall be by secret ballot or any other method supported by two thirds of members present and voting;
- c) All elections and/or nominations for Party positions shall be conducted according to the Party Election rules and procedures as provided for under the Third Schedule of this Constitution;
- d) Any vacancies for any position will be filled by the organ affected until the next appropriate National or Branch Conference is held;

- e) All resolutions and motions shall be carried by simple majority of the persons present and voting;
- f) In case of equality of votes the Chairman shall have a second or casting vote;
- g) Any member wishing /desiring to move a motion at the National Convection shall give fourteen (14) days notice of said motion to the Secretary General;
- h) The Chairperson shall chair the National Conference(inclusive Special National Conference), the NEC and the Management Committee and in his absence a member selected at such meeting shall chair the same;
- i) Notice for any Party meeting shall be at least 21 days except for a Special meeting which shall be 14 days to be published by the Party Leader or Secretary General;
- j) A meeting shall decide upon all matters as per their agenda aimed at advancing the Party's objectives and in tandem with this Constitution.

ARTICLE 11: NOMINATIONS FOR NATIONAL, PARLIAMENTARY & COUNTY ELECTIONS

- a) NEC may in any particular case and for sufficient cause dispense with the requirements of the time limits under the whole of this present rule;
- b) Upon dissolution of the Parliament and/or County Assemblies or a Presidential election being occasioned by any event NEC shall convene a Special National Committee for the purpose of nominating the Party's candidate/s which shall take place within sixty (60) days of the said dissolution or the event occasioning such election;
- c) A Party member wishing to be nominated as a Senatorial, National Assembly, or County candidate must submit his/her name to the Party Branch Executive Committee or in the absence of a Party Branch to NEC within (14) fourteen days of the event necessitating such election. The Party Branch Manager shall forward the whole list of names of such applicants to NEC within (14) days of the receipt thereof;
- d) Upon receipt of the list of candidates by NEC, such list shall be forwarded with or without recommendations to the Party's Special Committee on Nominations;

- e) The Party's Special Committee on Nominations shall then select and inform successful candidates and send their names to NEC for formal nomination to contest national offices;
- f) The Party's Special Committee on Nominations acting on the advice of NEC may in any of the aforesaid election/s decide to support a joint candidate with any of the other political parties;
- g) All the candidates for by-election shall be nominated by NEC;
- h) NEC may make rules and regulation for the better carrying out of nominations pursuant to this present rule.

ARTICLE 12: COALITIONS, ALLIANCES AND AFFILIATIONS

- a) The Party may enter into, maintain or terminate a Coalition arrangement with another party or parties before or after any National Election;
- b) Such decision can only be made with the approval of the Party's National Delegates Conference;
- c) The Party may also enter into alliances and be affiliated to other parties and organizations on a particular issue of policy and/or national interest.
- d) The Party may Merge with other Party/Parties to form a new Political Party. Such decision can only be made with the approval of the Party's National Delegates Conference. The National Delegate Conference will go through the rules to be set by the Management Committee and alter or approve them.

ARTICLE 13: FINANCE(S) & INVESTMENTS

- a) Subject to any written law governing funding of political parties, the sources of funds of the Party shall include the following:-
 - (i) Membership dues;
 - (ii) Grants, subventions contracts, donations and legacies accepted by the NEC or authorized Party officials on behalf of the Party;
 - (iii) Net income from Party's publications and any other salable items offered for sale to the public;
 - (iv) Revenue from capital investments;
 - (v) Any other source permitted under the laws of Kenya.

- b) The Party and bodies created by it shall not incur expenditures in excess of the funds at their disposal;
- c) The Party, through the NEC, may borrow funds from any source it deems appropriate for the purpose of promoting the Party's aims, objects, programmes and activities;
- d) The financial year of the Party shall be the Kenya Government financial year;
- e) NEC shall establish Rules governing the collection, custody and expenditure of Party finances;
- f) The Party's funds will be used to further the good of the Party and its aims. Party funds will not be used for personal gains;
- g) Only designated members in the NEC and/or Board of Trustees shall have authority to contract on behalf of the Party.

ARTICLE 14: RATES AND SUBSCRIPTIONS FOR PARTY MEMBERS

- a) The following categories of membership are open to all members who enjoy equal rights.

<u>Category</u>	<u>Annual subscription</u>
i. Ark	Kshs 50,000
ii. Pillar	Kshs 20,000
iii. Pole	Kshs 10,000
iv. Ordinary	Kshs 20
v. Honorary	N/A

- b) These annual subscriptions and categories are subject to changes as directed by the Party's NEC.

ARTICLE 15: AUDITORS

- a) The Party shall appoint or re-appoint a reputable auditor at the National Conference;
- b) All Party accounts, records and documents shall be open to inspection by the auditors at any time upon written request;

- c) The auditor shall not be an office bearer or a member of any committee or decision making organ of the Party.

ARTICLE 16: INSPECTION OF ACCOUNTS AND MEMBER'S REGISTER

- a) Party accounts and register of members shall be available for inspection by an officer of Government who is empowered so to do by law, and/or by any member of the Party;
- b) The Books of Accounts and the Member's Register shall be available for such inspection upon giving a written notice of 28 days.

ARTICLE 17: BOARD OF TRUSTEES

- a) There shall be five (5) Trustees to be appointed or re-appointed at the National Conference;
- b) Any land, buildings and immovable property, investments and securities that may be acquired by the Party shall be vested in the names of the Trustees;
- c) The Board of Trustees shall have a Secretary who shall be the official signatory of all Party documents;
- d) The Trustees shall pay all income received from the property and securities vested in them to the National Treasurer. Any expenditure in respect of such property shall be reported to the NEC which may authorize expenditure of such monies as it thinks fit;
- e) The Trustees shall be appointed for a period of four (4) years and none of them shall be removed from office during this period except on the following grounds:-
 - (i) Voluntary resignation in writing;
 - (ii) Bankruptcy;
 - (iii) If a motion calling for his /her removal is passed by a two thirds majority of members present at the National Conference.

ARTICLE 18: PERPETUAL SUCCESSION

The Party shall have perpetual succession to carry out its aims and objects and to defend its members, property and reputation.

ARTICLE 19: ARBITRATION

- a) Subject to any written law, disputes concerning the interpretation of this Constitution or any disputes involving members of the Party or between the Party and its members or any dispute concerning any matters relating to Party affairs or the management of the Party shall be adjudicated upon through arbitration;
- b) The parties concerned shall appoint a single arbitrator from the Panel of Arbitrators established by the National Executive Council;
- c) For avoidance of doubt, no member shall institute any court proceedings unless the member has first invoked and exhausted the arbitration process provided herein.

ARTICLE 20: AMENDMENTS

- a) No changes may be made to the name of the Party or to this Constitution except with the approval of the Party's National Conference and supported by at least two thirds (2/3) majority of the members in attendance;
- b) Such changes may only be made following proposals by the National Executive Committee or any branch committee;
- c) Amendments to the rules, schedules, and regulations may be made by a decision of the majority of members of the organs that are so empowered to make them.

ARTICLE 21: DISSOLUTION

The Party may by a resolution passed by a two thirds majority of members at a Special National Conference expressly for the purpose of dissolution of the Party, resolve that it be dissolved. In the case of such dissolution, all properties and funds of the Party after meeting all liabilities shall be distributed in such manner as shall be determined by the National Conference at which the resolution favoring the dissolution is passed, and such assets shall be granted to one or more organizations in Kenya whose objectives conform to those of the Party.

ARTICLE 22: DEMOCRATIC PRACTICES

- a) No Member of the Party will be discriminated against on the basis of ethnic, age, tribal, racial, gender, regional, linguistic, corporatist, professional, or religious considerations.
- b) All Party committees shall have a representation of 1/3 of either gender.

- c) The party will encourage within its membership only practices that uphold human rights.

ARTICLE 23: TRANSITIONAL AND SAVINGS CLAUSE

- a) Pending the holding of the first National or Branch Elections under this Constitution, an interim National Executive Committee and interim Branch Executive Committees may be nominated by the existing registered officials of the Party in December 2008;
- b) Pending the first elections of National Party officials under this Constitution, interim party officials may be nominated and registered by the existing registered officials in December 2008;
- c) Elections under this Constitution should be held within 24 months of the submission of this Constitution with the Registrar of Political Parties.

END

[illegible]