

TABLE OF CONTENTS:

Title	Pg. No.
1. Preamble.....	4
2. Interpretations.....	5
3. List of acronyms.....	7
4. Article 1: Establishment.....	8
5. Article 2: Party Address.....	8
6. Article 3: Vision, Mission, Values, Ideology.....	9
7. Article 4: Aims and Objects.....	9
8. Article 5: Membership.....	12
9. Article 6: Rights of Members.....	13
10. Article 7: International Membership (Diaspora Membership)	17
11. Article 8: Termination of Membership.....	17
12. Article 9: The Party Structure.....	18
13. Article 10: National officials.....	19
14. Article 11: Duties of National Officials.....	22
15. Article 12: The National Delegates Convention (NDC)....	32
16. Article 13: The National Governing Council (NGC).... ..	35
17. Article 14: The National Executive Committee (NEC).....	36
18. Article 15: County Executive Committee (CEC)	41
19. Article 16: Constituency Management Committee (CMC).....	44
20. Article 17: Ward Steering Committee (WSC).....	45
21. Article 18: Polling Station Mobilization Committee (PSMC)	47

22. Article 19: Organization of Women, Young Democrats And PWD Congress	49
23. Article 20: Board of Trustees (BOT).....	52
24. Article 21: Party Elections Board (PEB).....	54
25. Article 22: National Assembly, Senate, County Assembly Caucuses.....	55
26. Article 23: Council of Elders & Eminent Persons.....	57
27. Article 24: Standing Ad Hoc, Specialized Committees (SASCs) & Special Party Group Caucuses.....	57
28. Article 25: National Secretariat (NS).....	59
29. Article 26: Procedures at Meetings.....	60
30. Article 27: Party Discipline.....	62
31. Article 28: Disciplinary Procedures	64
32. Article 29: Adjudication	65
33. Article 30: Appeal	65
34. Article 31: Party Dispute Resolution Committee	65
35. Article 32: Internal Dispute Resolution Mechanism	67
36. Article 33: Political Parties Dispute Tribunal.....	68
37. Article 34: General Leadership Provisions	69
38. Article 35: Coalitions	70
39. Article 36: Finance	73
40. Article 37: Purpose for Which Funds May Be Used.....	74
41. Article 38: Auditors.....	75
42. Article 39: Inspections of Accounts and Register of Members	76
43. Article 40: Press & Publications.....	76
44. Article 41 : Authorized Officials Responsible to Sign Party Documents	76

45. Article 42: Policy DocumentsDevelopment.....	77
46. Article 43: Party Nomination Rules.....	77
47. Article44: Assets & Properties of the Party	78
48. Article 45: Amendment to The Constitution.....	79
49. Article 46: Dissolution.....	79
50. Schedule 1: Party Flag, Logo and Symbol.....	81
51. Schedule 2: Party Colors.....	83

DEMOCRATIC PARTY

PREAMBLE:

We, the members of Democratic Party of Kenya -

ACKNOWLEDGING the supremacy of the Almighty God, creator of Heaven and Earth;

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

PROUD of our ethnic, cultural and religious diversity and determined to carry out all our activities in peace and unity as one indivisible Party;

RESPECTFUL of our environment, which is our wealth and heritage and determined to nurture it and sustain it for the benefit of the future generations;

COMMITTED to fostering and protecting the well-being of the individual, the family, communities and the Nation;

RECOGNISING those who fought for our freedom and the aspirations of our Party Members for a truly democratic government that is issue based, people centered; results oriented and accountable;

EXCERCISING impartiality to all our members irrespective of Gender, Religion, Ethnicity hereby;

ADOPT, ENACT and give this constitution to ourselves and to posterity.

May God Bless the Democratic Party of Kenya.

God Bless Kenya.

INTERPRETATIONS:

In this Constitution, unless the context requires otherwise: -

“Agent” means a person duly accredited by a Candidate as their Agent for purposes of an Election.

Candidate” means a person contesting for an elective position in the Party or in a General or By-Election.

Constituency” means one of the constituencies into which Kenya is divided under Article 89 of the Constitution of Kenya 2010.

Constituency Returning Officer” means a person elected by the Party Elections Board to preside over Party Elections and Nominations within the Constituency.

Constitution” means the Constitution of the Democratic Party of Kenya.

Counties” means the counties into which Kenya is divided under Article 6(1) of the Constitution of Kenya 2010.

“County Returning Officer” means a person elected by the Party Elections Board to preside over Party Elections and Nominations within the County.

“Delegate” means, in the Nomination of the Party Presidential Candidate, the members of the Special National Delegates Convention convened for that purpose.

Cabinet Secretary means a member of the party who has been appointed by the party for representation in the cabinet.

“Majority” means the greatest number of votes in any voting conducted under this Constitution.

“**Nomination**” means the election of a person qualified to contest for election at a General or By-Election on the Party ticket.

“**Party**” means the Democratic Party of Kenya.

“**Party List**” means a Party list prepared by the Party for submission to the Independent Electoral and Boundaries Commission (IEBC).

“**Polling station**” means a place specially designated by the Party Elections Board as polling stations for purposes of conducting Party Elections and Nominations.

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

“**Tribunal**” means the Party Disputes Resolution Tribunal as established under the Party Constitution.

“**Ward**” means the Electoral Unit for Members of the County Assembly within the meaning of Article 177(1) of the Constitution of Kenya 2010.

“**Youth**” means a person aged between 18 and 35 years.

LIST OF ACRONYMS:

DP: Democratic Party of Kenya

AGM: means Annual General Meeting

C.E.C: means County Executive Committee of the Party

C.M.C: means Constituency Management Committee of the Party

N.D.C: means the National Delegates Convention

N.G.C: means the National Governing Council

N.E.C: means the National Executive Committee

B.O.T: means Board of Trustees

P.E.B: means the Party Elections Board

COE: Council of Elders

SASCs: means Standing Ad Hoc, Specialized Committees & Special Party Group Caucuses

S.I. Gs: Special Interest Groups

ARTICLE 1: ESTABLISHMENT

- (a) There is hereby established a political Party to be known as the DEMOCRATIC PARTY OF KENYA hereinafter referred to as “The Party” or “DP” registered as a Political Party under The Political Parties Act, 2021, and other applicable Laws of Kenya.
- (b) The Party is founded on the democratic principles of Unity, Justice, Freedom and Equality and the understanding that a Party:
- i) That wishes to lead must listen to those it would lead;
 - ii) Which asks for the people’s trust must prove that it trusts the people;
 - iii) Must embody the best of the Kenyan heritage and traditions.
- (c) The Leadership of the Party shall be based on the equality of all persons and on the highest personal integrity. All the leaders of the Party shall strive to live within the tenets of the Code of Conduct and the Pledge of Commitment of the Party.

ARTICLE 2: PARTY ADDRESS

Physical Address: Muhu Holdings House, 3rd Floor, next to Kenyatta Market, Mtongwe Road, Nairobi, Kenya.

Postal Address:

P. O. Box 56395 – 00200, Nairobi

Tel: 0798-740778

Email: democraticpartyofkenya@gmail.com,

Website: www.democraticpartyofkenya.co.ke

ARTICLE 3: VISION, MISSION, VALUES & IDEOLOGY

Vision: The Democratic Party's aim for Kenya is to create, nurture and sustain the country as a land of plenty for all Kenyans.

Mission: The Party's Mission is to provide a democratic government to enhance social and economic welfare, and equal opportunities for all citizens of Kenya based on the principles of liberty, justice, equality and unity.

Guiding Principles and Values: Accountability, Transparency, Justice, Dignity, Tolerance, Respect for Human Rights and Freedoms; Integrity in Leadership; Rule of Law; Social justice and fairness; Devolution of power and resources; Equity, Equality and Inclusivity; Unity in diversity; corruption free Nation; citizens effective participation in governance and decision making.

Ideology: Home-grown conservative based on a moderate, orderly, stable and disciplined approach to issues.

ARTICLE 4: AIMS AND OBJECTS

- a) To educate and organize Party members so as to transform them into active members
- b) To establish democratic and constitutional national and county governments in Kenya within the framework of multi-Party democracy, devolved and good governance, and founded on the principles of Unity, Justice, Liberty, Equality, Transparency and Accountability and respect for the Rule of Law;

- c) To pursue, protect, and promote basic human rights including civil, political, economic, religious, social and cultural rights and freedoms of the individuals as set out in the Constitution of Kenya 2010, the Universal Declaration of Human Rights, the African Charter on Human and Peoples Rights, and other internationally recognized human rights instruments;
- d) To protect and promote the objects and principles of the Constitution, Rule of Law and separation of the powers between the three arms of Government, namely, the Legislature, Executive and Judiciary;
- e) To pursue the provision and improvement of affordable universal health, quality and inclusive education and social welfare services in order to raise the living standards and quality of life of all the people of Kenya;
- f) To promote a free market economy with adequate social safety nets and pursue sound economic policies in order to achieve rapid and sustainable development;
- g) To enhance the cultural life of Kenyans in all spheres of national development;
- h) To protect all public lands, utilities, natural resources, enhance sustainable management and conservation of the environment and utilization of all-natural resources, for the betterment of the lives of present and future generations;
- i) To create awareness among Kenyans of all public issues and policies of interest to them, and to enhance public participation, with a view to enhancing and maintaining a just, open and democratic society;
- j) To promote regional integration with a view to achieving rapid social and economic development of Kenya;

- k) To support and promote regional integration, African unity, international co-operation, world peace and the abolition of all forms of oppression, tribalism, racism, chauvinism, sexism, bigotry, nepotism, exploitation and discrimination;
- l) To ensure that not more than two thirds of either gender shall hold elective or appointive positions in the Party and government;
- m) To pursue and promote the full participation of Women and Youth in the management of public affairs and the development of Kenya;
- n) To nominate Party candidates in respect of the Presidential, National Assembly, Senate, Governor, and Ward Representatives to the County Assembly and appointments to various public offices;
- o) To establish Women Congresses, Young Democrats Congresses and People Living with Disability (PWD) Congresses from wards, constituencies, right up to the county and national levels;
- p) To promote a progressive legislative agenda in the National Assembly and the Senate.
- q) To promote and establish a clean and honest leadership based on the values of integrity, justice and discipline, devoid of corruption nepotism and discrimination.
- r) To establish County Executive, constituency management, ward steering and polling station mobilization committees in all parts of Kenya;
- s) To mobilize resources for the implementation of Party programmes and projects;

- t) To acquire land, buildings, movable and immovable properties, securities, business ventures and any other profitable enterprises and activities;
- u) To enter into any agreement, contract, arrangement, partnership, pre or post election coalition with any political Party or organization, and to do all such things as the Party shall deem necessary, conducive or incidental to attainment of the above aims and objects.

ARTICLE 5: MEMBERSHIP

- i) Any citizen of Kenya aged eighteen years and above and who accepts to adhere to the objects, policies, programmes, directives and discipline of the Party shall be eligible to be a member of the Party;
- ii) Those eligible and desirous of membership in the Party may apply in writing to any authorized official or agent of the Party for enrolment as a member;
- iii) The National Executive Committee may in appropriate cases refuse an application from any person who has been convicted of any offence of theft, dishonesty, corruption, drug trafficking, or economic crimes, or whose conduct is deemed to be unworthy as a member of the Democratic Party of Kenya;
- iv) Each member of the Party shall on enrolment pay an admission fee as determined by the Party from time to time; and
- v) A member of the Party shall pay his/her annual subscription as determined by NEC from time to time.

Vi)The membership recruitment form shall capture details of the members including; Name, Contact Information(phone no.,Postal address, Email), ID No/Passport No., Date of Birth, Ethnicity, Disability, Gender, Religion, County, Subcounty, Ward & Poling Station

MEMBERSHIP CATEGORIES

SECTION I

- a) Dues shall be paid by all DP Life members
- b) Types Of Membership And Dues To Be Paid

MEMBERSHIP TYPE	FEES in KSHS	TIMELINES
Ordinary Membership	FREE	One year from date of issue.
Supporter	1,000	Per Annum
Life Membership	10,000.00	One-Off payment
BronzeLife Membership	25,000.00	One-Off payment
Silver Life Membership	50,000.00	One-Off Payment
Gold Life Membership	100,000.00	One-Off Payment
Platinum Life Membership	1,000,000.00	One-Off Payment

ARTICLE 6: RIGHTS OF MEMBERS AND DUTIES

a) RIGHTS OF MEMBERS

A member shall have the: -

- i. Right and freedom to generate or engage in debates on issues that

- affect the citizenry at any Party forum as long as the issue is raised following the established protocol and procedures of the Party;
- ii. Right to participate in Conventions and be elected as a delegate to the National Delegates Convention of the Party;
 - iii. Right to question or challenge decisions made by any Organ or leader, and ratified by NEC that threaten the very existence of the Party provided this right shall only apply to a life member who has been in the Party for not less than 2 years. This does not exempt NEC members from enjoying this right.
 - iv. Right to participate in the election of the Polling Centre Executive Committee and to contest for any post within the Party and in the general / by elections in the Country;
 - v. Right to be informed how much resources have been received by the Party/Branch/Sub-Branch and how such resources are utilized or managed;
 - vi. Right to participate in all members meetings at the Polling Centre level or any other level open for Party members;
 - vii. Right to access all important information from the local unit of the Party or Headquarters in line with the provisions of the Constitution of Kenya in Article 35 on freedom of access to information held by the state or any other institution of governance. He/she can access all Party documents and buy copies of the same from the authorized officials;
 - viii. Right to participate through the relevant Party organs in the Party nomination process for identification of Party candidates for all elective positions in accordance with the Party Election/Nomination Rules and Procedures;
 - ix. Right to contribute to the policy making process of the Party,

including the development of Policy Papers, Party Manifesto, Election Platforms, Party Nomination Rules and Procedures through the various Organs of the Party;

- x. Right to participate in the Party outreach activities, including campaigns and meet the people tours by national and/or local leaders;
- xi. International members have the right to form a DP chapter if they register more than 100 members.

b) DUTIES OF MEMBERS

A member of the Party shall: -

- i. Adhere to the Party Constitution and any other by laws or rules and regulations formulated by the Party Organs;
- ii. Subscribe to DP ideology, vision and mission, programs and activities, aims and objectives;
- iii. Participate in the election of Party officials according to the Party Election Rules, Regulations and Procedures;
- iv. Participate in the nomination of Party candidates for all elective positions in accordance with the Party Elections/Nomination Rules and Procedures;
- v. Regularly, actively and effectively participate in all Party members meetings and activities;
- vi. Participate in Party outreach and membership recruitment drives;
- vii. Contribute to the Party both time and resources;
- viii. Demonstrate commitment and loyalty to the Party;
- ix. Voluntarily pay the membership fee and annual subscription fee;
- x. Be loyal and dedicated promoter/ambassador of the Party;

- xi. Be committed to implement all Party resolutions and positions;
- xii. Conduct himself/ herself with respect and decorum;
- xiii. Campaign, mobilize and Vote for the Party's candidates at the General election or by-election.
- xiv. be a responsible member of the Party and a responsible citizen of the Nation;
- xv. Defend the legitimate policies and leadership of the Party.

c) MEMBERSHIP REGISTER

- i) The Membership Register shall be continuously updated on quarterly basis.
- ii) The principal list of Party Members shall be in the custody of the Party Secretary-General provided that certified copies of the same issued by Office of The Registrar of Political Parties (ORPP) shall be availed to the Party branches in respect of registered Party members at the ward, constituency and county levels.
- iii) The Party shall maintain at least 24 branch offices in various counties. The National Executive Committee shall determine the establishment of the county offices.
- iv) The County Executive Committee shall be responsible for the day to day running of the county offices and shall determine the Party Sub branches under the guidance of County Chairperson and County Secretary.
- v) The main function of the Party Branches will be recruitment of Party members at grass-root level and identifying of potential candidates during elections.

**ARTICLE 7: INTERNATIONAL MEMBERSHIP
(DIASPORA MEMBERSHIP)**

- a) There shall be a diaspora branch as the Party believes in the participation of Kenyans living abroad and appreciates the economic contribution that they make to their country Kenya.
- b) The National Executive Committee (NEC) shall have a member who shall represent Kenyans Living in the Diaspora.

ARTICLE 8: TERMINATION OF MEMBERSHIP

- a) A member/ Elected Officials/ Leaders who intends to resign from the Party shall give a thirty (30) days written notice to :
 - i) Secretary General of the Party;
 - ii) The Clerk of the National Assembly where he/she is a member of the National Assembly and to the Clerk of the Senate, where he/she is a member of the Senate;
 - iii) The Clerk of a County Assembly, if he/she is a member of a County Assembly.
- b) A person who is a member of Democratic Party of Kenya shall be deemed to have resigned from the Party if he/she:
 - i) forms another political Party;
 - ii) joins in the formation of another political Party;
 - iii) joins another political Party;
 - iv) in any way or manner publicly advocates for the formation of another political party; or, contrary to the law and Party policy, promotes the ideology, interests, or policies of another political party, or campaigns for another political party;
 - v) Contravenes the Party aims, policies, and objectives, the Code

of Conduct or the Pledge of Commitment.

- c) A person who ceases to be a member shall not be entitled to a refund of any subscriptions paid by him or her and shall remain liable to pay any outstanding subscriptions or other Party dues owed to the Party.
- d) Any member who feels aggrieved but does not follow the correct channels as stipulated in the Party Constitution to resolve such issues shall be subject to Disciplinary action by the Party Disciplinary Committee.

ARTICLE 9: THE PARTY STRUCTURE

- a) The following shall be the organs of the Party: -
 - i) The National Delegates Convention (NDC)
 - ii) The National Governing Council (NGC)
 - iii) The National Executive Committee (NEC)
 - iv) The County Executive Committee (CEC)
 - v) The Constituency Management Committee (CMC)
 - vi) The Ward Steering Committee (WSC)
 - vii) The Polling Station Mobilization Committee (PSMC)
 - viii) Women Congress (WC)
 - ix) Young Democrats Congress (YDC)
 - x) PWDs Congresses (PWD- C)

- b) There shall be the following subsidiary organs of the Party:
- i) Board of Trustees (BOT)
 - ii) Party Election Board (PEB)
 - iii) National Assembly, Senate and County Assembly Caucuses
 - iv) Council of Elders & Eminent Persons (COEEP)
 - v) The Standing, Ad Hoc, Specialized Committees and Special Party Group Caucuses
 - vi) Kenyans Living in the Diaspora Committee (KLDC)
 - vii) Party Dispute Resolution Committee
 - viii) Internal Dispute Resolution Management
- 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.

ARTICLE 10: NATIONAL OFFICIALS

- a) The Party shall have the following elected National Officials: -
- i) The Party Leader (PL).
 - ii) The Deputy Party Leader-Operations (DPL-O)
 - iii) The Deputy Party Leader - Policy & Strategy (DPL-P&S)
 - iv) The Deputy Party Leader – Programmes (DPL-P)
 - v) The National Chairman (NC)
 - vi) The National Vice Chairman – Operations (NVC-O)

- vii) The National Vice Chairman – Policy & Strategy (NVC- P&S)
- viii) The National Vice- Chairman – Programmes (NVC-P)
- ix) The Secretary General (SG)
- x) The Deputy Secretary General - Operations (DSG-O)
- xi) The Deputy Secretary General - Policy & Strategy (DSG –P&S)
- xii) The Deputy Secretary General - Programmes (DSG – P)
- xiii) The National Treasurer (NT)
- xiv) The Deputy National Treasurer – Operations (DNT-O)
- xv) The Deputy National Treasurer – Programmes (DNT-P)
- xvi) The National Organizing Secretary (NOS)
- xvii) The Deputy National Organizing Secretary –Operations (DNOS-O)
- xviii) The Deputy National Organizing Secretary - Policy & Strategy (DNOS-P&S)
- xix) The Deputy National Organizing Secretary- Programmes (DNOS-P)
- xx) Chairperson, National Women’s Congress; (CNWC)
- xxi) Secretary, National Women’s Congress; (SNWC)
- xxii) Organizing Secretary, National Women Congress; (OSNWC)
- xxiii) Chairperson, National Young Democrats Congress; (CNYDC)
- xxiv) Secretary, National Young Democrats Congress; (SNYDC)
- xxv) Organizing Secretary, National Young Democrats Congress; (OSNYDC)
- xxvi) Secretary for the Diaspora Affairs.
- xxvii) Secretary, Legal and International Affairs.
- xxviii) Party Patron Who Shall Be an Honorary National Official elected by NEC To Chair Council of Elders & Eminent Persons.

Provided that in the elections to elect any of the above persons, the returns of the said elections shall not be valid if:

- a) They shall not comply with the Constitutional requirements of gender parity, and fail to take into account the representation of the marginalized, persons with disabilities, youth and national balance.
- b) No person shall be eligible to be elected to the following positions, unless upon application, is granted leave by a majority decision of the outgoing National Executive Committee (NEC), if such person has not been a Party member for a period of at least one year preceding the election:
 - i. Party Leader
 - ii. National Chairman
 - iii. Secretary General
 - iv. National Treasurer
 - v. National Organizing Secretary
 - vi. Chair, Women Congress
 - vii. Chair, Young Democrats
- c) The Party shall have ten nominated members to represent special interests.
- d) A National Official shall hold office for a maximum period of five years and shall be eligible for re-election for another term of five years.
- e) The National Official shall cease to hold office when he/she:
 - i) Voluntarily resigns as provided in this Constitution
 - ii) Removed from office as specified in this Constitution
 - iii) Ceases to be a member of the Party as provided in this Constitution.

ARTICLE 11: DUTIES OF NATIONAL OFFICIALS

a) The Party Leader

The Party Leader shall be the head of the Party and shall also be the Presidential candidate for the Party if the Party is having a presidential candidate.

She/he shall have the following duties:

- i) Provide leadership; ensure unity and efficiency in the Party, articulate Party vision and mission Responsible for policy formulation and articulation;
- ii) Chair the meetings of NGC and NDC;
- iii) Ensure discipline and proper order in the Party in accordance with this Constitution;
- iv) Delegate duties to the National Chairperson from time to time;
- v) Facilitate dialogue, consultations within and without the Party and cooperation with other political parties, in consultation with the National Party Chairperson and the Secretary General;
- vi) Lead the Party in political negotiations to form a working coalition with any other Party or Parties with the sole purpose of forming the Government as may be desirable in the circumstance, in close consultation with the National Executive Committee (NEC);
- vii) Appoint the Shadow Cabinet in consultation with the National Chairperson and Secretary General when the Party is in opposition.

(C) The Deputy Party Leader- Operations (DPL-O)

The National Deputy Party leader- Operations shall:

- i) Be responsible for the management and planning of the Party,

- particularly the implementation of the vision and strategic plan;
- ii) The Deputy Party Leader- Operations will assist the Party leader to create harmony and discipline in the Party;
- iii) The Deputy Party Leader – Operations shall assume all such duties in the absence of the Party Leader.

(b) The Deputy Party Leader – Policy & Strategy (DPL-P&S)

The Deputy Party Leader shall:

- i) Be responsible for developing and implementing the Party strategic plan and ensuring that policies and procedures are carried out properly and in a manner that meets and satisfies the Party’s vision, strategy, goals and objectives;
- ii) Assist the Party Leader in all duties pertaining to that office;
- iii) Assume all duties in the absence of Party leader and the DPL -O.

(d) The Deputy Party Leader – Programmes (DPL-P)

The National Deputy Party Leader- programmes shall: -

- i) Assist the Party Leader in matters relating to programme planning and project management;
- ii) He/ she will also coordinate with the Deputy Party Leader- Operations to implement Party strategy, branding and marketing;
- iii) He/she will promote and coordinate the smooth running of the Special Party Group Caucuses;
- iv) Assume the duties of the PL, DPL-O and DPL-P&S if they are all absent.

(e) National Chairperson (NC)

The National Chairman shall: -

- i) In all respects establish unity in the National Executive Committee and the Party;
- ii) Chair the meetings of NEC;
- iii) Ensure implementation and adherence to the Party vision, strategy, policies of programs by National officials, members of the Party, the Parliamentary Group and all other organs, operational parts and/or subsidiary organs of The Party;
- iv) Shall execute duties that may be assigned to him by the Party Leader.

(f) The National Vice Chairperson – Operations (NVC-O): -

The National Vice Chairperson-Operations shall: -

- i) Under the direction of the National Chairperson, assist the National Chairperson in all matters pertaining to logistics and operations; oversee administrative operations of Counties, Women Congress and Young Democrats.
- ii) Assist the National Chairman in all duties pertaining to that office.
- iii) Assume all such duties in the latter's absence.

(g) The National Vice-Chair Policy & Strategy (NVC & P&S)

The National Vice Chair-Policy & Strategy shall:-

- i) Under the direction of the National Chairperson, assist the Party Leader in matters relating to coordination and liaison with other political parties, collect political intelligence and advice on strategies to popularize the Party at the grassroots;
- ii) Assist the National Chairperson to develop and formulate strategy and policy to ensure that the Party is responsive at all

times to all matters of public interest,

- iii) Assist the National Chairperson in all duties pertaining to that office.
- iv) Assume all such duties in the absence of the NVC & NVC-O.

(h) The National Vice Chairperson – Programmes (NVC-P): -

The National Vice Chairman – Programmes shall: -

- i) Under the direction of the National Chairperson, assist the National Chairperson in matters relating to general Party administration, Party vision, strategy and policies and programmes, oversee and coordinate standing, ad hoc and specialized national committees of the Party;
- ii) Perform such other specific assignments as might be delegated to him/her by the National Chairman from time to time;
- iii) Assume the duties of the NC and NVC-O, NVC-P & S if the three are absent.

(i) Secretary General (SG): -

The Secretary General (SG) shall: -

- i) Be responsible for the Management of Party affairs at the National Secretariat, the organs or bodies which relate to the National Secretariat and the Party's management from the grassroots to the National level, under the direction of the National Chairman and the National Executive Committee;
- ii) Ensure that meetings of the National Executive Committee, the National Governing Council, and the National Delegates Convention take place as provided for in this Constitution and at

such other times as may be decided by the National Executive Committee;

- iii) Keep or cause to be kept proper record of minutes of all meetings of the National Executive Committee, the National Governing Council, and the National Delegates Convention, and ensure the distribution of such minutes to persons or bodies concerned;
- iv) To oversee on behalf of the National Executive Committee (NEC) the operations of standing, ad hoc and specialized committees of the Party;
- v) He/She shall be the official spokesperson of the Party.

(j) The Deputy Secretary General – Operations (DSG/O)

The Deputy Secretary General – Operations (DSG/O) shall: -

- i) Assist the SG in all duties pertaining to that office; in particular matters related to staff development, motivation, and discipline;
- ii) Assume such duty in the latter's absence.

(k) The Deputy Secretary General – Policy & Strategies (DSG/P&S)

- i) Assist the SG in all duties pertaining to that office, in matters particularly related to Party Policies and Political strategies; political mobilization and marketing the Party.
- ii) Assume the duties of the SG and the DSG-O.

(l) The Deputy Secretary General – Programmes (DSG/P): -

The Deputy Secretary General – Programmes (DSG/P) shall: -

- i) Assist the SG in all duties pertaining to that office, in matters particularly related to programmes and projects and management of Party's grassroots;

- ii) Assume the duties of the DSG/O in the absence of the latter and of both the SG, DSG/P&S and DSG/O in their absence.

(m) The National Treasurer (NT): -

The National Treasurer shall:

- i) Be in charge of the Party financial records;
- ii) Coordinate annual budgeting and budgeting control;
- iii) Co-ordinate all the fund-raising activities of the Party;
- iv) Be responsible for the National Secretariat financial transactions under the direction of the National Chairman and the National Executive Committee;
- v) Prepare or cause the preparation of, and submit to the National Executive Committee and the National Governing Council, financial statements every month of the year where NEC is concerned and at once every year where the NGC is concerned;
- vi) Ensure that duly audited Annual Statement of Accounts are circulated to all Party organs and to all delegates at the time the notice convening the National Delegates Convention is sent out;
- vii) Ensure preparation and submission of annual audited accounts to the Auditor General and any other statutory offices as provided in the Kenyan laws governing political parties at any one time.

(n) The Deputy National Treasurer – Operations (DNT-O): -

The Deputy National Treasurer – Operations (DNT-O) shall: -

- i) Assist the NT in all duties pertaining to that office;
- ii) He/she shall assume the roles of the NT in their absence.

(o) The Deputy National Treasurer – Programmes (DNT-P):-

The Deputy National Treasurer – Programmes (DNT-P) shall: -

- i) Assist the NT in all matters relating to Programmes for revenue

allocation at all levels;

- ii) He/she shall assume the roles of both the DNT-O, and the NT in the absence of both.

(p) The National Organizing Secretary (NOS): -

The National Organizing Secretary shall: -

- i) Supervise the Party recruitment and mobilization;
- ii) Organize public meetings;
- iii) Organize town hall meetings;
- iv) Organize meet the people tours;
- v) Arrange regional trainings workshops and seminars;
- vi) Recruit and mobilize Party volunteers;
- vii) Arrange fields training, fields seminars, and workshops;
- viii) Educate, train and supervise campaign agents;
- ix) Develop and distribute training material in liaison with SG;
- x) The NOS shall supervise the organizing of the National Governing Council meeting and the National Delegates Convention in liaison with the SG and NEC.

(q) The Deputy National Organizing Secretary – Operations (DNOS-O): -

The Deputy National Organizing Secretary – Operations (DNOS-O) shall: -

- i) Organize public meetings;
- ii) Organize town hall meetings;
- iii) Organize meet the people tours;
- iv) Organize public meetings;
- v) Organize town hall meetings;

- vi) Organize meet the people tour;
- vii) Assist the NOS in all duties pertaining to that office;
- viii) Assume all such duties of the NOS in the latter's absence.

(r) The Deputy National Organizing Secretary – Policy & Strategy (P&S)

The Deputy National Organizing Secretary – Policy & Strategy (P&S) shall: -

- i) Assist the NOS to supervise the Party recruitment and mobilization;
- ii) Assist the NOS to spearhead the Party policy implementation.
- iii) Assist the NOS to spearhead the Party strategy and come up with new recommendations.
- iv) Assume all such duties in the absence of NOS and NOS-O.

(s) The Deputy National Organizing Secretary Programmes (DNOS-P): -

The Deputy National Organizing Secretary Programmes (DNOS-P) shall: -

- i) Arrange regional trainings workshops and seminars;
- ii) Recruit and mobilize Party volunteers;
- iii) Arrange fields training, fields seminars, and workshops;
- iv) Educate, train and supervise campaign agents;
- v) Develop and distribute training material in liaison with SG and meet-the-people tours;
- vi) He/She shall assume the duties of both the DNOS/O and the NOS in the absence of both.

(t) Chairperson, National Women Congress (CNWC):-

The Chairperson, National Women Congress (CNWC) shall:

- i) Coordinate the activities of the Party Women Congress and the activities of the women of Kenya generally who are members of DP, in liaison with National Executive Committee.

(u) Secretary, National Women Congress (SNWC): -

The Secretary, National Women Congress shall: -

- i) Assist the Chairperson, National Women Congress in all duties pertaining to that office;
- ii) Ensure the keeping of records and reports of all deliberations and activities of the Women Congress;
- iii) Assume such duties in the latter's absence.

(v) Organizing Secretary, National Women Congress (OSNYC)

The Organizing Secretary shall: -

- i) Assist the Secretary, National Women Congress in all matters relating to programmes of Women Congress at all grassroots levels;
- ii) Assume all the duties of Secretary; National Women Congress in the latter's absence;
- iii) Assume all the duties of the Secretary, National Women Congress and the chairperson National Women Congress in the absence of both of them.

(w) Chairperson, National Young Democrats Congress (CNYDC):-

The Chairperson National Young Democrats Congress shall: -

- i) Coordinate the Activities of the Youth of DP, including those of the Party's congress of the Young Democrats in liaison with National Executive Committee.

(x) Secretary, National Young Democrats Congress (SNYDC): -

The Secretary, National Young Democrats Congress shall: -

- i) Assist the CNYD in all matters pertaining to that office;
- ii) Ensure the keeping of records and reports of all deliberations and activities of the Young Democrats Congress;
- iii) Assume all such duties in the latter's absence.

(y) Organizing Secretary, National Young Democrats Congress (OS-YNDC)

The Organizing Secretary (one Male and One Female), National Young Democrats shall: -

- i) Assist the Secretary, National Young Democrats Congress in all matters pertaining to that office;
- ii) Assume all such duties in the latter's absence and those of National Chairman Young Democrats Congress in the absence of both.

Chairperson: Diaspora Committee

The Chairperson: Diaspora Committee shall: -

- iii) Coordinate Kenyan persons who are Party members in the diaspora with a view to building human and financial resources capacity for the Party;

iv) Create a communication and information network in the diaspora. He/she shall be assisted by regional deputies as may be necessary.

(z) Secretary – Legal and International Affairs

The Secretary – Legal and International Affairs shall be the principal Party Legal Advisor at national and international level, and shall be the spokesperson of the Party on legal matters and international relations.

(aa) The Party Patron

The Party Patron shall be the Chairperson of the Council of Elders & Eminent Persons and shall be the principal adviser of the Party. He/she shall perform any other duty as may be assigned by the NDC and or NGC/NEC.

ARTICLE 12: THE NATIONAL DELEGATES CONVENTION (NDC)

- a) There shall be the National Delegates Convention (NDC) which shall be the highest organ of the Party and shall comprise of the following:
- i) All National officials;
 - ii) The Party Patron;
 - iii) All Party Members of the National Assembly and the Senate;
 - iv) All Party Governors and deputy Governors;
 - v) All Party Members of the County Assembly;
 - vi) Seven (7) CEC officials from each compliant County (Having at least 1000 party members), Chairperson, Secretary, Treasurer, Organizing Secretary, Chair Women Congress, Chair Young Democrats Congress as well as one Representative of Persons living with Disability.

- vii) Chairpersons of all Standing and specialized committees;
- viii) Members of the Cabinet and /or Shadow Cabinet who shall be ex officio members.

b) The NDC shall have the following powers, duties and obligations:

- i) To determine the Party policies;
- ii) To review, formulate and/or approve all the policies of the Party;
- iii) To elect from among the eligible members of the Party the National Officials of the Party as provided in this Constitution;
- iv) To nominate the Party Candidate for Election of the President and the Deputy President of the Republic of Kenya;
- v) To consider, amend, modify or ratify, if necessary, the Constitution of the Party;
- vi) To receive, examine and approve the annual report and audited accounts of the Party;
- vii) To receive regular reports from the National Governing Council and the National Executive Committee on Party operations;
- viii) To appoint an independent and competent Party Election Board as stipulated in **Article 21** hereinafter;
- ix) To make, amend and or revise the By-Laws, rules and regulations as required, for regulating the affairs of the Party;
- x) To appoint the Board of Trustees of the Party as provided in **Article 20**, hereinafter;
- xi) To receive, debate and pass resolutions from standing committees of the Party;

- xii) To consider any such other items as may be referred to it by the NGC or the NEC;
 - xiii) To receive the Party Manifesto from the National Executive Committee for Scrutiny, amendments and/or approval.
 - xiv) To Ratify Pre-Election Coalition.
 - xv) To Ratify joining and/exit of Coalitions and Alliances.
 - xvi) To Ratify changes to the Party's Name, Symbol, Colors, Party Policies, rules & Regulations.
- c) An ordinary session of the NDC shall be held once every five (5) years at a place and date to be determined by NEC:
- i) The date of the next ordinary NDC meeting shall be announced by Secretary General;
 - ii) The agenda shall be communicated by the Secretary General to all delegates at least three weeks before the date of the meeting;
 - iii) A delegate for purposes of the NDC is a person whose name appears in the Special Register of Delegates to the NDC.
- d) A special session of the NDC shall be held to nominate the Party Presidential candidate, provided it shall be held at least 2 months before the National electoral body closes its window for submission of Presidential Candidates Credentials.
- e) A special session of the NDC shall be held to approve a Pre-election Coalition.
- f) A special session of the NDC will be called by the Party Leader on the decision of the NEC.
- g) 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.

ARTICLE 13: THE NATIONAL GOVERNING COUNCIL (NGC)

- a) There shall be a National Governing Council which shall be the second highest organ of the Party;
- b) The National Governing Council (NGC) shall consist of the following members: -
- i) All the national Party officials;
 - ii) Party Patron;
 - iii) All members of the Party's National Assembly and Senate Group;
 - iv) All County Governors and their Deputies;
 - v) All Members of County Assembly;
 - vi) All the Members of the Board of Trustees;
 - vii) Three (3) persons being chair of the County Executive Commtee, Chair of County Women Congress, Chair of County Youth Congress;
 - viii) All PEB members.
- c) The National Governing Council shall have the following functions:
- i) To review and/or formulate the vision, strategy and policies of the Party for the approval by the National Delegates Convention;
 - ii) To initiate all such activities as may further the aims and object of the Party;
 - iii) To receive reports from the National Executive Committee on the operations of the Party;
 - iv) To monitor the general activities of the Party on behalf of the National Delegates Convention and to provide direction for such activities;

- v) To make policy and administrative decisions on behalf of the National Delegates Convention which in the opinion of the NEC cannot wait until the next NDC, and to present such decisions for ratification at the next NDC;
 - vi) To examine and approve the financial statements and audited accounts, to discharge the Treasurer from liability, and to set the scale of annual dues to be paid by Party members;
 - vii) To appoint other committees within the Party as and when it deems it necessary for the specific tasks and also stipulate and outline their terms of reference and reporting procedures.
- d) The National Governing Council will fill vacant positions in the Standing Committees of the Party.
 - e) The National Governing Council shall meet at least once every year.
 - f) The notice for the National Governing Council shall be done by the Secretary General at least 21 days before the meeting.
 - g) A Special NGC may be summoned by the Secretary-General on the recommendation of NEC, whose quorum shall not be less than one third of the NGC membership.

ARTICLE 14: THE NATIONAL EXECUTIVE COMMITTEE (NEC)

- a) There shall be a National Executive Committee (NEC) which shall consist of:

- i) All the National officials;
 - ii) The Chairpersons, Secretary and Chief Whips of the Party Parliamentary Groups;
 - iii) The Chairman of the Board of Trustees;
 - iv) Not more than ten (10) Party members co-opted by NEC to cater for special interests;
 - v) Chairpersons of the standing committees;
 - vi) The Party Executive Director, who shall be an ex-official member;
 - vii) The Director of Elections, 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 Convention, 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 Convention;
 - iii) To co-opt not more than ten (10) Party members to NEC to cater for special interest;
 - iv) To appoint members of the Council of Elders;
 - v) To work in liaison with and to oversee the work of the Party Parliamentary Groups, the Party Women Congress and the Party Young Democrats Congress;
 - vi) To appoint full time members of staff for all the departments of

- the Party at the Party Headquarters;
- vii) To approve the terms and conditions of services of the staff members employed by the Party;
 - viii) To appoint other committees as it deems necessary from time to time for specified tasks and to determine their terms of reference;
 - ix) To receive, consider, approve and implement reports and recommendations from the various standing, ad hoc and specialized committees or individuals; and where not empowered by this Constitution without prior approval by the NDC and/or the NGC, to forward the same to the appropriate authority for such approval;
 - x) To liaise with the Party Election Board in order to ensure co-ordination of elections of Party officials at all levels and Party nominations for Presidential, Deputy Presidential, National Assembly, Senate and County Governors and ward representatives and any other County based representation;
 - xi) To prepare the Party lists as legally prescribed and to present the same to the Registrar of Political Parties, within the prescribed time;
 - xii) To appoint Party representatives to other organizations to which the Party relates;
 - xiii) To establish, co-ordinate and conduct various schemes aimed at stimulating Party activities;
 - xiv) To ensure that the agenda for, and report to the National Delegates Convention or National Governing Council, are prepared and on time;
 - xv) To recommend persons for consideration for appointment as the Party Patron by the National Delegates Convention;

- xvi) To recommend Persons for consideration for appointment as members of the Council of Elders by the National Delegates Convention;
 - xvii) To determine such honorarium to be paid to the auditors for their duties;
 - xviii) To appoint members of the Party to fill vacant positions 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;
 - xix) To make or cause to be made rules and/or regulations for prescribing whatever requires to be prescribed under this Constitution for the better carrying out of the provisions of this Constitution and matters incidental thereto; and
 - xx) To ensure proper order, discipline, and strict adherence to the Constitution of Kenya, Party Constitution, By-laws, and the Party Policies by all officials and members;
 - xxi) To initiate, prepare or cause to be prepared the necessary financial rules and procedures for approval by NGC and/or the NDC.
 - xxii) To approve changes to the Party's head office, Party Policies, Rules and regulations.
 - xxiii) To approve establishment of branches and branch offices.
- c) The National Executive Committee shall meet at least once a month.
- d) 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.

e) Any Party official shall cease to hold office if he/she ceases to be:

- i) A member of the Party as provided in **Article 8** of this Constitution
- ii) Dismissed from office or expelled from the Party as provided in

Article 27 (e) hereinafter

f) The National Executive Committee seats shall be deemed vacant three (3) months to the National Delegates Convention (NDC) awaiting election of a new National Executive Committee by the delegates.

g) **MANAGEMENT COMMITTEE:**

i) There shall be a Management Committee that shall comprise of the following: Party Leader or one of the Deputy Party Leader, The National Chairman or one of the National Vice-Chairman, Policy and Strategy Chairperson, Secretary General, National Treasurer, National Organizing Secretary, Chairperson of the National Women Congress and Chairperson of the Young Democrats Congress, Secretary, Legal and International Affairs and the Chairperson Diaspora Committee.

ii) The functions of the Management Committee shall be: -

- To discuss, propose and prepare agenda for NEC meetings;
- To attend to all urgent business which may arise before the next scheduled NEC meeting;
- To perform any other duty that may be assigned by the NEC.

ARTICLE 15: 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 congress;
 - iii) The Chairperson and Secretary County Young Democrats Congress;
 - 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 not later than 30th March 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 Congress;
- iii) All office bearers of the County Young Democrats Congress;
- iv) All office bearers of the County PWD Congress;
- v) Six officials comprising the Chairman, Secretary, Treasurer, Organizing Secretary, Chairperson Women Congress, Chairperson Young Democrats Congress of the Constituency Management Committee;
- vi) Six officials comprising the Chairman, Secretary, Treasurer, Organizing Secretary, Chairperson Women Congress, Chairperson Young Democrats Congress of the Ward Steering 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 DP 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 16: 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 Congress;
 - iii) The chairperson and secretary Constituency Young Democrats Congress;
 - iv) The Chairperson and secretary Constituency PWD Congress;
 - 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: inter alia, keeping of all records, 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 Constituency Management Committee officials shall be elected by secret ballot, after five (5) years, when elections fall due. Elections shall be held not later than 30th March at the CMC AGM

which shall comprise of the following: -

- i) All Constituency Management Committee members;
- ii) All officials of Women Congress in the constituency;
- iii) All officials of the Young Democrats Congress in the constituency;
- iv) All officials of the PWD Congress 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 17: WARD STEERING COMMITTEE (WSC)

- a) The Party shall have Ward Steering Committees which shall be formed on the basis of electoral Wards.
- b) The Ward Steering 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 Congress at the Ward;
 - iii) All officials of the Young Democrats Congress at the Ward;
 - iv) All officials of the PWD Congress at the Ward level;
 - v) Party County Assembly Member.
- c) The WSC 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 Congress, office bearers of the Ward Young Democrats Congress and the Party County Assembly members;
- e) The Ward AGM shall be held not later than 1ST March of each 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 WSC 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 WSC 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 18: POLLING STATION MOBILIZATION COMMITTEE (PSMC)

- a) There shall be a Polling Station Mobilization Committee which shall be formed on the basis of electoral polling stations.
- b) The PSMC shall consist of: -
- i) Chairman
 - ii) Vice chairman
 - iii) Secretary
 - iv) Assistant Secretary
 - v) Treasurer
 - vi) Assistant Treasurer
 - vii) Organizing Secretary
 - viii) Assistant Organizing Secretary
 - ix) Chairlady, Women Congress
 - x) Secretary, Women Congress
 - xi) Chair, Young Democrats
 - xii) Secretary, Young Democrats
 - xiii) Chairperson, PWD Congress
 - xiv) Secretary, PWD Congress

- 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 WSC, 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 once every year by all registered and paid-up members of the Party within the polling station.

ARTICLE 19: ORGANIZATION OF WOMEN, YOUNG DEMOCRATS AND PWD CONGRESSES

19.1 Women Congress

- a) There shall be Women Congresses at all levels of the Party organization namely: -
- i) Polling Station
 - ii) Ward
 - iii) Constituency
 - iv) County
 - v) National
- b) Every level of the Women Congress, with the exception NEC which shall only have the Chairperson, Secretary and Organising Secretary Women Congress, shall have the following officials: -
- i) Chairperson
 - ii) Vice-Chairperson
 - iii) Secretary
 - iv) Deputy Secretary
 - v) Treasurer
 - vi) Deputy Treasurer
 - vii) Organizing Secretary
 - viii) Deputy Organizing Secretary
- c) The functions of the Women Congress shall be to: -
- i) Enhance the leadership of the women in the Party;
 - ii) Mainstream women issues into the Party policies and programs;
 - iii) Mobilize women to support the Party; and

iv) Propagate the Party policies and programs among women.

d) Only the Chairperson, Secretary and Organizing Secretary shall be elected during the NDC.

19.2 Young Democrats Congress

a) There shall be Young Democrats Congress consisting of Party members of the ages eighteen (18) years to thirty-five (35) years at every level of the Party organization as follows: -

- i) Polling Station
- ii) Ward
- iii) Constituency
- iv) County
- v) National

(b) Every level of Young Democrats Congress shall have the following officials, with the exception NEC which shall only have the Chairperson, Secretary and Organising Secretary Young Democrats Congress: -

- i) Chairperson
- ii) Vice-Chairperson
- iii) Secretary
- iv) Deputy Secretary
- v) Treasurer
- vi) Deputy Treasurer
- vii) Organizing Secretary
- viii) Deputy Organizing Secretary

- (c) Only Chairperson, Secretary and Organising Secretary of the National Young Democrats Congress shall be elected during the NDC.
- (d) The functions of the Young Democrats Congress shall be to: -
- i) enhance the leadership of the youth in the Party;
 - ii) mainstream youth issues into the Party policies and programs;
 - iii) mobilize the youth to support the Party; and
 - iv) Propagate the Party policies and programs among youth.

19.3 Persons with Disability (PWD) CONGRESS

- a) There shall be Persons with Disability Congress of Party members of the ages eighteen (18) years and above at all levels of the Party organization namely:
- i) Polling Station
 - ii) Ward
 - iii) Constituency
 - iv) County
 - v) National
- b) Every level of PWD Congress shall have the following officials, with the exception of the NEC which shall only have the Chairperson of PWD Congress: -
- i) Chairperson
 - ii) Vice-Chairperson
 - iii) Secretary
 - iv) Deputy Secretary
 - v) Treasurer
 - vi) Deputy Treasurer

- vii) Organizing Secretary
- viii) Deputy Organizing Secretary

- c) 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.
- d) 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
- e) The Person with Disability Party Member shall be registered with the National Council for Persons with Disabilities (NCPWD)
- f) The functions of the PWD Congress 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 support the Party; and
 - iv) Propagate the Party policies and programmes among PWDs.
- g) Only the chairperson of PWD Congress shall be elected during the NDC.

ARTICLE 20: BOARD OF TRUSTEES (BOT)

- a) There shall be nine (9) Trustees, a Chairman and eight (8) other Trustees, to be appointed by the National Delegates Convention upon recommendation by NEC;

- b) All land, building and other property, investments and securities that may be acquired by the Party shall be vested in the name of the Trustees;
- c) 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 National Chairman;
 - 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 Convention.
- d) The quorum necessary to transact business by the Trustees shall be five (5) Trustees personally present;
- e) 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;
- f) The Trustees shall raise funds and develop investment portfolios on behalf of the Party, in liaison with NEC and CECs;
- g) The Trustees shall meet at least four times a year and in the absence of the Chairman the Trustees present shall elect one among them to preside.

- h) The chairperson of the Board of Trustees shall be a member of the Management Committee as constituted under Article 14 (g).
- i) 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.

ARTICLE 21: PARTY ELECTIONS BOARD (PEB)

- a) The Party shall establish a Party Elections Board (PEB) comprising experienced, respected members of the Party and who are knowledgeable in electoral matters;
- b) The Board shall consist of nine members, namely, a Chairperson, Vice-Chairperson and seven members, who shall be appointed by the NDC on the recommendation of the NEC;
- c) The Members of the PEB shall be:
 - i) Persons of high moral integrity, professional competence and experience in management of public affairs;
 - ii) Fully paid-up members of the Party but shall not hold any other office in the Party;
 - iii) Citizens of Kenya who are not less than eighteen years of age.
- d) The Board shall hold office for a period of five (5) years and shall be eligible for re-appointment provided no member of the PEB shall serve for more than two terms;
- e) The National Organizing Secretary and the Secretary for Legal Affairs shall be ex-officio members of PEB;
- f) The Board shall appoint a Director and Deputy Director of Elections with the approval of the NEC;

- g) The Board shall in liaison with the NEC, organize and supervise all elections of Party officials and Party nominations of candidates for Presidential, National Assembly, Woman Representative, Senate, Governor and Member of County Assembly elections;
- h) The Board shall:
- i) Take all necessary measures to ensure Party elections and nominations are transparent, peaceful, free and fair;
 - ii) Identify, designate and secure venues that shall serve as polling stations for purposes of elections of Party office bearers and nomination of Party candidates for the General and By-Elections;
 - iii) Appoint returning officers at ward, constituency and county levels and receive results from the Returning Officers;
 - iv) Carry out voter education programs and shall be responsible for the recruitment and training of Party election agents;
 - v) Meet at least once in every six months and shall have quorum of not less than (4) members present in the person;
 - vi) Determine the procedures at its own meetings.
 - vii) Hear and determine disputes relating to Party elections and nominations as prescribed by the Party's Election and nomination rules.

ARTICLE 22: NATIONAL ASSEMBLY, SENATE AND COUNTY ASSEMBLY CAUCUSES

a) National Assembly and Senate Caucus.

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

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

- i) The Secretary General shall issue a letter to any member of the NA and Senate to convene a meeting at the National Secretariat for purposes of electing the National Assembly caucus and Senate Caucus officials;
- ii) The Secretary General shall preside over the elections;
- iii) The results shall be communicated in writing to those elected;
- iv) Elections of the positions of chairperson, secretary, treasurer and whip shall be by secret ballot;
- v) The caucus shall be subject to all Party Nomination and Election Rules but may determine the procedures at their own meetings;
- vi) Leadership elected shall be in place unless there is a breach of the Party rules or resignation.

b) County Assembly Caucus

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

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- i) The Secretary General shall cause a letter to be released to all County Secretaries to convene a meeting in their respective county assemblies for purposes of electing the caucus;
- ii) Positions of chairperson, secretary, treasurer and whip shall be contested;
- iii) The election shall be by secret ballot and presided over by the county secretary;
- iv) The results shall be communicated in writing to those elected;
- v) The leadership shall be in place unless there is breach of the Party Nomination and Election rules or resignation;

- vi) The caucus shall be subject to all Party rules, but may determine the procedures at their own meetings.

ARTICLE 23: COUNCIL OF ELDERS & EMINENT PERSONS

- a) There shall be a Council of Elders & eminent persons which shall be an organ of the Party;
- b) The Party Patron shall be the chair of the Council of Elders & eminent persons;
- c) There shall be nine (9) Council members other than its chairman who shall be appointed by the National Executive Committee and ratified by the National Delegates Convention;
- d) The appointment of the Council of Elders & eminent persons shall take into account diversity of Kenyans and gender representation;
- e) The Council of Elders & eminent persons shall maintain harmony and unity in the Party and act as independent arbiter's when disputes arise in the Party.

ARTICLE 24: STANDING, AD HOC AND SPECIALIZED COMMITTEES (SASC) AND SPECIAL PARTY GROUP CAUCASES

- a) The National Delegates Convention, the National Governing Council and/or the National Executive Committee may establish ad hoc and/or specialized 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) Management Committee;
 - ii) Policy and Strategy Committee;
 - iii) Resources Mobilization Committee;

- iv) Media Relations, Publicly and Communications Committee;
 - v) Recruitment and Membership Development Committee;
 - vi) Legal and International Affairs Committee;
 - vii) Human Rights and Gender Compliance Committee;
 - viii) Special Party Group Caucuses.
- 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.
- g) Special Party Group Caucuses will be countrywide organizations which will be sectorial or cluster in nature. Their purpose will be to participate in the policy decisions of the Party, by, among other things, proposing resolutions to sectorial issues affecting Party members and Kenyans at large.

ARTICLE 25: NATIONAL SECRETARIAT (NS)

- a) There shall be established a National Secretariat, which shall be headed by an Executive Director, who shall be answerable to the Secretary General, assisted by a Deputy Executive Director. The Secretariat shall be divided into departments/directorates, each headed by a Director and assisted by a Deputy Director. There shall be Executive Officers in every Party County Office who shall report to the National Executive Director;
- b) There shall be members of staff working within each department whose terms and conditions of service shall be determined by the Party's Human Resource whose Policy will be developed and approved by the National Executive Committee.
- c) The recruitment of the Party's staff shall be handled by the National Management Committee.
- d) The National Secretariat shall rely on the Human Resource Manual in carrying out its duties and activities. Other documents shall include Human resource policies, the Constitution, Finance and audit manual.
- e) The Secretariat shall be responsible for formulating and implementing strategy, policies, programs and projects of the Party under the guidance of the Secretary General and the NEC;
- f) The Secretariat shall service the operational parts and the subsidiary organizations of the Party; and
- g) The Secretariat shall function directly under the office of the Secretary General.

ARTICLE 26: PROCEDURES AT MEETINGS

- a) The quorum for the National Delegates Convention, National Governing Council, National Executive Committee, County Executive Committee, Constituency Management Committee, Ward Steering Committee and Polling Station Mobilization Committee shall be 1/3 of the membership;
- b) At all meetings of the National Delegates Convention, 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 Chairman shall preside. In the absence of the National Chairman, any other official of NEC may preside as provided for in this Constitution. The Secretary General or a person appointed by him will be responsible for taking minutes and recording resolutions of the meeting and/or read minutes of the previous meeting.
- 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

secondsitting 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 Secretary-General 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) In all cases not provided for by law or these by-laws, Roberts Rules of Order shall govern all DP(K) meetings;
- l) 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;
- m) 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;
- n) When voting by secret ballot, the National Secretary or his/her designee shall call the roll of the constituencies and ward. As they are called each member shall show his or her credentials to a Tall Clerk and then deposit his or her ballot box. More than one ballot box may be used;
- o) On demand by a National Delegate Committee member for a roll call, the National Chair 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;
- p) 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 27: PARTY DISCIPLINE

- a) There is established the Party Disciplinary Committee which shall comprise of not less than three (3) and not more than seven (7) members including the chairperson.
- i) The members of the Party Dispute Resolution Committee vetted and approved by NEC shall serve for a term of 3 years, renewable for a maximum of 2 terms.
 - ii) Ii) The list of members shall be sent to the Party Leader, who shall appoint the Chair of the Committee.
 - iii) Members of the Party Disciplinary Committee, including the Chairperson, shall be recommended by NEC for appointment by the Party Leader from among persons who are: –
 - a) citizens of Kenya of aged eighteen (18) years and above;
 - b) Persons not holding any other office in the party.
 - iv) The members of the Party Disciplinary Committee shall appoint one from among them to be the Deputy Chairperson and who shall be of the opposite gender to that of the Chairperson.
 - v) The Party Disciplinary Committee as established under this Constitution shall have the power to receive, hear and determine all Disciplinary issues concerning Party members and/or officials of the party.
- b) It will be an offence for any Party official or person nominated by the Party to hold office, or contest elections for the Party or public office to do the following: -
- i) Hold more than two elective offices within the Party;

- ii) Beconvicted of an offence involving dishonesty, theft, corruption, misuse of public funds, abuse of office, land grabbing, drug trafficking, or other serious economic crimes;
 - iii) Be, or become a member of or support any political Party or group, or engage in activities which in the opinion of National Executive Committee (NEC) are inconsistent or in conflict with the aims, objects, policies and decisions of the Party;
 - iv) Conduct himself/herself in disgraceful and dishonorable manner which in the opinion of National Executive Committee (NEC) is likely to undermine the Party, bring it into disrepute, or expose it to ridicule;
- c) A complaint by any person alleging that an offence has been committed shall be made in writing to the Secretary General who shall forward the same to National Executive Committee (NEC).
- d) National Executive Committee (NEC) shall forward the complaint to the Party Disciplinary Committee.
- e) After considering the complaint, the Party Disciplinary Committee shall make its recommendations to the National Executive Committee (NEC), including recommendations for punishment.
- f) In any case, where a person is found guilty of an offence under this article, National Executive Committee (NEC) may impose any or more of the following punishments-
- a. Reprimand;
 - b. Demand for a written apology;

- c. A fine, compensation, or restitution;
- d. Suspension from the Party;
- e. Exclusion from elections/r nominations;
- f. Dismissal from office;
 - i. revocation of nomination;
 - ii. recall from any public office;
 - iii. Expulsion from the Party.
- g) The punishment shall be proportionate to the offence committed.
- h) In any case where NEC finds it appropriate it may delegate its dispute resolution mandate or any dispute involving the Party or its members to the Political Parties Disputes Resolution Tribunal as provided in the Political Parties Act, or by any other written Law.

ARTICLE 28: DISCIPLINARY PROCEDURES

- a) Upon receipt of complaints, the Party Disciplinary Committee 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.
- b) The Party Disciplinary Committee shall communicate within seven (7) days the summary of its facts, evidence, and findings to the parties.
- c) Where the Party Disciplinary Committee determines that disciplinary action should commence, it shall invite the respondents for hearing.
- d) During the hearing the complainant shall prosecute his or her complaint, the respondent shall respond.
- e) The complainant shall have right of rejoinder. The Party Disciplinary Committee may direct parties to make submissions.
- f) The Committee shall render its decision within five (5) days of concluding the hearing of the dispute.

Parties are entitled to copies of the decision upon payment of prescribed fees.

ARTICLE 29: ADJUDICATION

- a) By the end of the disciplinary proceedings, the chairperson of the Party Disciplinary Committee shall ensure that:
 - i) The members of the Party 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;
 - ii) The members of the Party 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 those captured in Article 27 (e).
- b) Provided, however, the Branch/Sub-Branch/Ward Disciplinary Committee shall only have the power to censure or reprimand.
- c) Upon the decision, a member shall be made aware of the decision of the committee at the earliest opportunity.

ARTICLE 30: APPEAL

- 1). An appeal may be lodged by:
 - (a) The directly affected member; or
 - (b) The organ or officials who brought or filed the complaint.
- (2). A second appeal may lie to the NGC unless the NGC directs that an appeal from a subordinate Disciplinary Committee should be heard by any another higher Dispute Resolution Committee.

ARTICLE 31: PARTY DISPUTE RESOLUTION COMMITTEE

- i) There is established the Party Dispute Resolution Committee which shall comprise of not less than three (3) and not more than seven (7) members including the chairperson.
- ii) The members of the Party Dispute Resolution Committee shall be vetted and approved by the National Executive Council.
- iii) The list of members shall be sent to the Party Leader, who shall appoint the Chair of the Committee.
- iv) The members of the Party Dispute Resolution Committee approved by NEC shall serve for a term of 3 years, renewable for a maximum of 2 terms.
- v) The Chairperson of the Party Dispute Resolution Committee shall be a person who is qualified as an Advocate of the High Court of not less than five years standing and who satisfies the requirements of the Kenyan Law relating to Leadership and Integrity.
- vi) The Party Dispute Resolution Committee shall have both original and appellate jurisdictions to hear and determine matters relating to or concerning dispute within the party.
- vii) Members of the Party Dispute Resolution Committee, including the Chairperson, shall be recommended by NEC for appointment by the Party Leader from among persons who are:
 - a) citizens of Kenya of aged eighteen (18) years and above;
 - b) Persons not holding any other office in the party.
- xiii) The members of the Party Dispute Resolution Committee shall appoint one from among them to be the Deputy Chairperson and

who shall be of the opposite gender to that of the Chairperson.

xiv) The Party Dispute Resolution Committee as established under this Constitution shall have the power to receive, hear and determine all cases of:

- a) Disputes between members of the Party.
- b) Disputes between members and the party.
- c) Disputes between organs of the party or party officials.

ARTICLE 32: INTERNAL DISPUTE RESOLUTION MECHANISM

- a) The Party Members shall attempt at the first instance to settle disputes amicably through negotiations.
- b) Disputes that fail to be resolved through negotiations shall be forwarded to the Party's Dispute Resolution Committee.
- c) Disputes relating to election and nominations shall be handled by the Party Elections Board.
- d) 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 offence.
- e) Any member may, at any time, upon exhausting all available avenues of internal dispute resolution, and without prejudice to any other dispute resolution mechanism provided for under this constitution, shall seek and settle any complaint or dispute through mediation, conciliation, or reconciliation.
- f) 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.

- g) Members are free to choose any person to facilitate mediation, conciliation or reconciliation either from within the party or from outside the party.
- h) Mediators will be engaged on voluntary terms or on such terms as parties to the dispute will agree.
- i) The mediators and conciliators shall communicate the outcome of the mediation, conciliation, or reconciliation to the NEC for adoption.
- j) Members that are dissatisfied with the outcome of any alternative dispute resolution mechanisms shall escalate the dispute to the Party Dispute Resolution Committee for consideration.
- k) Members dissatisfied with decisions of the Party Dispute Resolution Committee can refer the matter to NEC whose decision in the matter will be final.
- l) The party will make efforts to establish from its membership a list of qualified dispute resolvers who may be from all sectors and professions and include religious leaders.

ARTICLE 33: POLITICAL PARTIES DISPUTE TRIBUNAL

Any dispute concerning the interpretation of this Constitution, or involving members of the Party, or any matter relating to the affairs or management of the Party, shall first be addressed through the Party's established internal resolution mechanisms.

Where the dispute is not satisfactorily resolved through the Party's internal process, and a member or members remain aggrieved by the outcome, the matter may be escalated to the Political Parties Disputes Tribunal (PPDT) or any other legally established body with the jurisdiction to hear such matters under the laws of Kenya.

ARTICLE 34: GENERAL LEADERSHIP PROVISIONS

- (a) In nominating or electing persons to the Party or public offices, the Party shall take into account the competence, integrity and honesty of nominees, social, cultural, geographical and religious diversity of Kenya, and the principles of youth and gender equity and ensure that at least one third of the membership of any Party organ shall be of one gender.
- (b) Any official who, in the opinion of NEC, is unable to perform his/her functions by reasons of illness, or any other cause, or who, in the opinion of two thirds of members of NEC, is deemed to be unfit to hold a Party office, shall vacate his/her office upon a resolution by NEC, pending the ratification of the same by the next NGC or any other legal process that may be involved.

ARTICLE 35: COALITIONS, ALLIANCES & MERGERS

35.1 Coalitions

(1). The Party may form and/or join coalitions with other political parties before and/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. The process of forming and/or joining a coalition shall be as follows;

(a) Pre-Election Coalition

(1). The National Executive Committee shall appoint a Coalition Committee as a standing committee of the Party consisting of at least five (5) but not more than nine (9) members provided that not more than two thirds of the members shall be of the same gender.

(2). The quorum will be achieved by 50% of the committee plus one member.

(3). The Coalition Committee shall develop a strategy in preparation for possible coalition arrangement to be approved by the National Executive Committee. The strategy may be reviewed at any time on the advice of the National Executive Committee.

(4). The Pre-Election Coalition shall be approved by at least two thirds of the NDC.

(5). The Party through the NDC may pass a resolution to allow the Party to form and/or join a pre-election coalition agreement with any political party or parties prior to an election.

(6). The pre-election coalition resolution and agreement shall comply with the relevant provisions of the Political Parties Act 2021.

(7).The pre-election coalition agreement shall bear the respective signatures of the Party Leader, the National Chairperson, the Secretary-General and in the absence of any of the two, the Secretary of Legal Affairs; and the seal of the Party.

(b) Post-Election Coalition

- a. The National Executive Committee shall appoint a Coalition Committee as a standing committee of the Party consisting of at least five (5) but not more than nine (9) members provided that not more than two thirds of the members shall be of the same gender.
- b. The quorum will be achieved by 50% of the committee plus one member.
- c. The Coalition Committee shall develop a strategy in preparation for possible coalition arrangement to be approved by the National Executive Committee. The strategy may be reviewed at any time on the advice of the National Executive Committee.
- d. A Post-Election Coalition shall be approved by at least two thirds of the National Executive Committee.
- e. 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.
- f. 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 Democratic Party of Kenya (DP) Constitution, 2022
 - b) Boosting parliamentary strength of parties to the coalition in Parliament and/or in County Assemblies.
- vi) 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 two, the Secretary of Legal Affairs; and the seal of the Party.

35.2 Alliances and Mergers

- (1). The Party may form and/or join 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 and/or join alliances and mergers shall be arrived at by a majority vote of the NDC members.
- (4). The Party's decision to form and/or join 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.

35.3 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:

- (a) 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.
- (b) The team stated in (a) above shall draw a merger agreement that shall have due regard to the DP's vision and mission; values; identity including colours; manifesto; assets and liabilities; composition of merger leadership; and contribution of key staff to the Secretariat.
- (c) The Report of the Panel shall be tabled before NEC for recommendation to NGC.
- (d) 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.

(e) The Secretary-General shall circulate copies of the merger documents to delegates attending the special NDC.

(f) 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 DP is indebted, to declare their claims.

(h) 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.**

(i) The Party's Organs shall dissolve in the manner spelt out in the merger instrument.

(j) The merger instrument shall bear the signature of the Party Leader and the Secretary-General; and the seal of the Party.

ARTICLE 36: FINANCE

- (a) The source of funds of the Party shall include the following: -
- i) Membership dues;
 - ii) Voluntary contributions
 - iii) Donations, bequests and grants, from any other source that is not proscribed by law.
 - iv) The proceeds of any investment, project or undertaking in which the political Party has an interest.
 - v) Net income from publications and other saleable items offered for sale to the public;
 - vi) Such public funds as may be provided under the Political

Parties Act or any other laws.

- vii) Nomination fees.
- (b) The Party through the National Treasurer may borrow funds from any source it deems appropriate for the purpose of promoting the Party's aims and objects and carrying out the Party's programmes;
- (c) Officials of the Party, and bodies created by it, may not incur expenditure in excess of the funds put at their disposal without prior authority in writing from the NEC;
- (d) The financial year of the Party shall be in line with the Government of Kenya's financial year.
- (e) The Party shall establish rules and regulations to govern the collection, keeping, disbursement and management of finances;
- (f) The Party shall initiate or cause to be prepared the necessary periodical financial rules and procedures for approval by NGC and NDC;
- (g) The National Treasurer shall be the Party Financial Officer.

ARTICLE 37: 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 38: AUDITORS

- a) The Party shall appoint or re-appoint reputable auditors at the annual National Governing Council.
- b) All the Party accounts, records and documents shall be open for inspection by the auditors at any time.
- c) All Party Accounts shall be kept and audited in line with the provisions of the Political Parties Act and any other relevant law.
- d) The National Treasurer shall, each year, produce and submit audited accounts to the National Governing Council and in the year when an NDC is held, submit up-to-date consolidated audited accounts to the National Delegates Convention. Submission of audited accounts shall be made not less than six (6) weeks and not more than three (3) months before the date of the National Governing Council or the National Delegates Convention as the case may be.
- e) The auditors shall not be office bearers or members of any committee of the Party. But must be members of Democratic Party of Kenya.
- f) The auditors shall be paid such honorarium as may be approved by the National Executive Committee.

ARTICLE 39: INSPECTION OF ACCOUNTS AND REGISTER OF MEMBERS

- a) 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 seven days' notice in writing.
- b) The books of accounts and register of members shall be available for inspection by members of the party and any other member of the public after issuing not less than seven days' notice in writing and subject to payment of a fee prescribed by the party.

ARTICLE 40: PRESS AND PUBLICATIONS

- (a) THE Party may own and operate a printing press and/ or electronic media and may have an interest in shares in any existing printing press and/ or electronic media.
- (b) The Party may publish its own literature, periodicals, magazines, pamphlets and books for own use, sale and/ or use by the public.

ARTICLE 41: AUTHORIZED OFFICIALS RESPONSIBLE TO SIGN PARTY DOCUMENTS

- a) Correspondences to the office of the Registrar and any other office on all matters of the Party shall be done by the Secretary General or the Executive Director. In their absence, the National Chairperson can sign.
- b) The signatories to the accounts of the Party shall be the National Chairperson, Secretary General, the National Treasurer.
- c) National Chairperson, Secretary General and the chairperson of

the Party Elections Board, shall be signatories to the Nomination Certificates for any nomination of a member of the Party.

- d) The signatory for the annual report of the Party shall be the Secretary General and in his absence the deputy Secretary General.
- e) The signatories for the Party's financial reports will be the National Chairperson, Secretary General and National Treasurer.

ARTICLE 42: POLICY DOCUMENTS DEVELOPMENT

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

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

ARTICLE 43: PARTY NOMINATION RULES

There shall be a handbook on nominations, elections and preparation of Party lists. The Nominations and Election Rules and Procedures shall be approved by NEC for implementation by the Party Electoral Board.

The Party Electoral Board (PEB) 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 44: ASSETS AND PROPERTIES OF THE PARTY

- a) Appointment of national trustees and Custody of the assets and properties of the party:
 - i) The properties of the Party shall be vested in three (3) National 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.
 - ii) The power to appoint National Trustees shall vest with the NDC
 - i. The NEC shall fill any vacancy on an acting capacity that may arise in the office of the trustee, pending ratification at the next NDC.
 - i i. At least one of the appointed trustees shall be of alternative gender.
 - iii) The appointed National Trustees shall deal with the property of the Party within the lawful directions of the NDC.
 - iv) In the event of one or more of the National Trustees failing or refusing to comply with the stated lawful directions, the NEC may suspend from office such non-compliant National Trustee(s), pending ratification by the NDC.
 - v) National Trustees shall hold office for a renewable term of 5 (five) years.
 - vi) National Trustees shall serve in their appointed positions without remuneration.

ARTICLE 45: AMENDMENT TO THE CONSTITUTION

(a) The Constitution and name may be amended, altered, modified and/or ratified by the National Delegates Convention.

However, NEC may, by consensus, provisionally amend, alter, modify the Party Constitution pending a final ratification by the National Delegates Convention, provided it is necessary and expedient and in the interest of the well-being of the Party and in compliance with the laws governing political parties.

(b) NEC may by consensus change or modify: -

- i. Rules & regulations
- ii. Party symbol
- iii. Party colors
- iv. Party head office

The change of Party Symbol, colors or head office shall be presented in the next sitting of NDC.

ARTICLE 46: DISSOLUTION

(a) The Party may be dissolved, amalgamated or merged with another by a resolution passed by a two-thirds (2/3) majority of members at a special National Delegates Convention called expressly for the purpose of dissolution, amalgamation or merger.

- i) Upon cancellation of the registration of the Party or its declaration as a prohibited organization under any law.
- ii) In case of dissolution or amalgamation or merger the Special National Delegates Convention at which the decision was made shall distribute all assets and such assets shall be granted to one or more organizations in

- Kenya whose objectives conform to those of the Party.
- iii) In case of the cancellation of the registration of the Party, the winding up and dissolution of the Party and the disposition of the property, assets, rights and liabilities of the Party shall be undertaken as prescribed by the Law.

DEMOCRATIC PARTY

SCHEDULE 1

FLAG, LOGO AND SYMBOL OF THE PARTY



The Party Flag

The Party Flag shall have the name of the Party, Democratic Party of Kenya inscribed at the top, the Party Initials inscribed at the center enclosed within two branches and Umoja na Haki inscribed at the bottom.



The Party Symbol

The Party symbol is a lantern with the words NURU YA KENYA inscribed at the bottom.

The Party Logo



The Party logo is characterized by two olive branches enveloping the Party initials DP.

SCHEDULE TWO: COLOURS OF THE PARTY

The Party colours are:

- White symbolizing Peace;
- Trivoli Gold symbolizing prosperity; and
- Emerald Green symbolizing our land

DEMOCRATIC PARTY OF KENYA



DEMOCRATIC PARTY