



Office of the Registrar of Political Parties

“Political Parties Compliance Checklist with The Political Parties and The Elections Act 2011”





**POLITICAL PARTIES COMPLIANCE CHECKLIST
WITH THE POLITICAL PARTIES ACT 2011 AND
THE ELECTIONS ACT 2011**



Published by:

The Office of the Registrar of Political Parties
21st Floor Anniversary Towers, University Way
P.O. Box 45371 - 00100 Nairobi, Kenya
Tel: 020 - 276 900
Email: rpp@iebc.or.ke

Electoral Institute for Sustainable Democracy in Africa (EISA)
6TH Floor I&M Bank House, 2nd Ngong' Avenue, Upper Hill
P.O. Box 35304 - 00100 Nairobi, Kenya
Tel: 020 - 271 227 3 • Fax: 020 271 227 5
Email: kenya@eisa.org.za • Website: www.eisa.org.za

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TABLE OF CONTENTS

FOREWORD	iv
CONSTITUTIONAL BASIS FOR POLITICAL PARTIES	1
COMPLIANCE WITH THE POLITICAL PARTIES ACT 2011	5
COMPLIANCE WITH THE ELECTIONS ACT 2011	17

FOREWORD

Political Parties are an essential component of all democratic societies and Kenya is a democratic society. They are a primary source of mobilizing for, acquiring and exercising state power. There are other avenues for pursuing such goals as well e.g. contesting elections as independent candidates but political parties nevertheless remain the primary focal point of political mobilization. In recognition of the central role political parties' play in governance, the Kenya Constitution 2010 sets out provisions meant to inform the operation, administration and overall conduct of political parties as governance institutions. The constitution further directs for enactment of legislation to further regulate the conduct and administration of political parties. Parliament in fulfilling this constitutional requirement enacted the Political Parties Act 2011 as the principal legislation to regulate political parties in the country. The Political Parties Act 2011 repealed the previous Political Parties Act 2007 that was in force as at the time of promulgation of the constitution.

The Office of the Registrar of Political Parties has been established in the Act as an independent state office vested, amongst others, with the responsibility of overseeing the administration and implementation of the Act and the constitutional provisions touching on political parties. The Office of the RPP will faithfully execute that mandate in a manner that promotes the democratic principles and ideals espoused in the constitution that political parties aspire to.

The new legal framework established by the constitution and the Political Parties Act 2011 places a lot of premium on political parties in terms of compliance and adherence to the new provisions, expected conduct by political parties and ultimate fidelity to the legal process by parties, their officials and members. The provisions are novel to our political culture and party history but parties and their members are nevertheless expected to comply with them. They must reorganize their conduct and affairs in a manner that is compatible with and respects the dictates of the legal framework. Suffice to say that we need not belabour the hallowed principle that

ignorance of the law is no defence and non compliance attracts penal consequences. *Ignorantia juris non excusat* (Ignorance of the law is no excuse) as a principle was long learned by Latin speakers and is presently enshrined in our law statutes.

It is on this premise that the Office of the Registrar of Political Parties in partnership with the Electoral Institute for Sustainable Democracy in Africa have developed this simplified compliance tool on the Political Parties Act and related legislations for political parties and their members. This tool will assist political parties to understand in simple language the basic requirements expected of them by the law. The intention is to ensure that political parties continuously comply with provisions of the law lest they risk the dire consequences of non compliance which include at the penultimate; deregistration.

I wish to acknowledge the support the Office of the RPP has received from the Independent Electoral and Boundaries Commission, thanks to the Chairman Mr. Ahmed Isaack, the Commissioners, the CEO, Mr. Oswago and the entire secretariat and staff of the Commission.

Special thanks Dr. Bjarte Tora for his input in the origination and development of this tool, Mr. Bosire Nyamori for his contribution in that quest and Mr. Willis Otieno for his input in the development and review of the publication. More importantly I thank the staff of the Office of the RPP for what they constantly do in the administration of the Act and the realization of the Office's mandate.

Finally I thank the Electoral Institute for Sustainable Democracy in Africa and their funding partners The Swedish International Agency for Development (SIDA), The government of Sweden and DFID, for the continued support they have extended to the Office of the Registrar of Political Parties in the implementation of its programmes

LUCY NDUNGU (Mrs)

REGISTRAR OF POLITICAL PARTIES

This publication is not a comprehensive list of all the requirements in the Political Parties Act 2011 and the Elections Act. The publication merely sets out in a simplified format the compliance requirements for Political Parties under the Elections Act and the Political Parties Act. Parties are still expected to read the two statutes in their interaction with this publication. This publication is not a substitution to the laws. It is a contribution to the political parties as they identify important requirements they need to address.

Constitutional Basis for political parties

Article 4 in the Constitution of Kenya declares that the Republic of Kenya shall be a multi-party democracy founded on the national values and principles of governance set out in article 10.

Article 10 of the Constitution further outlines the national values and principles of governance to include –

- (a) Patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
- (b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
- (c) good governance, integrity, transparency, accountability; and
- (d) sustainable development.

Article 27 of the Constitution gives equality and freedom to every person and in particular it states that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.

Article 36 of the Constitution states that every person has the right to freedom of association, which include the right to form, join or participate in the activities of an association of any kind. It goes on to state that a person shall not be compelled to join an association.

Article 38 in the Constitution provides every citizen with the freedom to make political choices including the right to –

- (a) to form, or participate in forming a political party
- (b) to participate in the activities of, or recruit members for a political party
- (c) to campaign for a political party or cause.

Article 91 of the Constitution further states the basic requirements for political parties. Political parties shall –

- (a) have a national character as prescribed by an act of Parliament;
- (b) have a democratically elected governing body;

- (c) promote and uphold national unity;
- (d) abide by the democratic principles of good governance, promote and practice democracy through regular, fair and free elections within the party;
- (e) respect the rights of all persons to participate in the political process, including minorities and marginalized groups;
- (f) respect and promote human rights and fundamental freedoms, and gender equality and equity;
- (g) promote the objects and the principles of this Constitution and the rule of law; and
- (h) subscribe to and observe the code of conduct for political parties.

The same Article also states that a political party shall not –

- (a) be founded on a religious, linguistic, racial, ethnic, gender or regional basis or seek to engage in advocacy of hatred on any such basis;
- (b) engage in or encourage violence by, or intimidation of, its members, supporters, opponents or any other persons;
- (c) establish or maintain a paramilitary force, militia or similar organizations;
- (d) engage in bribery or other forms of corruption; or
- (e) except as is provided under this Chapter or by an Act of Parliament, accept or use public resources to promote its interests or its candidates in elections.

Comment.

The values and principles and the requirements in the Constitution are fundamental for all parties in all what they are and all what they do. They must be reflected and followed in party laws, rules and regulations and in the party organizational structure, design and performance.

Chapter 7 of the Constitution sets out the principles of the electoral system and process starting with the freedom of citizens to exercise their political rights and ending with the requirements, rights, roles and responsibilities of the political parties.

Article 92 of the Constitution states that the Parliament shall enact legislation to provide for –

- (a) the reasonable and equitable allocation of airtime, by State-owned and other specified categories of broadcasting media, to political parties either generally or during election campaigns;
- (b) the regulation of freedom to broadcast in order to ensure fair election campaigning;
- (c) the regulation of political parties;
- (d) the roles and functions of political parties;
- (e) the registration and supervision of political parties;
- (f) the establishment and management of political parties fund;
- (g) the accounts and audit of political parties;
- (h) restrictions on the use of public resources to promote the interests of political parties; and
- (i) any other matters necessary for the management of political parties.

Article 103 states -

- (a) the office of a member of Parliament becomes vacant if, having been elected to Parliament as a member of a party, the member resigns from that party or is deemed to have resigned from that party or as an independent candidate, the member joins a political party
- (b) Parliament shall enact legislation providing for the circumstances under which a member of a political party shall be deemed, for the purpose to have resigned from the party.

Comment:

It is on the basis of the articles in the Constitution that the Political Parties Act (PPA) 2011 and other relevant laws have been adopted for implementation through regulations.

Compliance with the Political Parties Act 2011

	Requirement	PP Act Section	To do by the political parties	Timeline	Role of the Registrar
1.	Provisional registration. An association of persons or an organization shall not operate or function as a political party unless it has been registered with the Registrar and in accordance with the provisions in the Political Parties Act.	4. 5. 6.	Apply for provisional registration in writing and be signed by the applicant. The application shall – (a) Include signed minutes from the first meeting of the founding members of the political party (b) Set out the name of the party (c) The abbreviation of its name if the party so wish (d) Copy of the constitution complying with Second Schedule (e) Include an undertaking to be bound by this Act and the Code of Conduct set out in the First Schedule (f) Be accompanied by the prescribed fee	Any time.	Verify the application fulfils the conditions for provisional registration. Provide a certificate of provisional registration within thirty days.
2.	Full registration.	5. (3) (4)	Apply for full registration in writing and be signed by an authorized official of the party. The application is qualified if – (a) It has recruited as member not fewer than one thousand registered voters from each of more than half of the counties (b) The members reflect regional and ethnic diversity, gender balance and	Not later than one hundred and eighty days from the date of provisional registration.	Verify the application fulfil the conditions for full registration. Within seven days of receipt of the application publish a notice in the Gazette and it at least two newspapers having nationwide circulation. Within thirty days of an application issue a certificate of full registration.

			<p>representation of minorities and marginalized groups</p> <p>(c) The composition of its governing body reflects regional and ethnic diversity, gender balance and representation of minorities and marginalized groups</p> <p>(d) Not more than two-thirds of the members of its governing body are of the same gender</p> <p>(e) It has demonstrated that members of its governing body meets the requirements of Chapter Six of the Constitution and the laws on ethics</p> <p>(f) It has submitted to the Registrar a list of the members</p> <p>(g) It has submitted to the Registrar the location and addresses of its head office and branch offices</p> <p>(h) It has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule.</p> <p>The party must make sure no member of its governing body is disqualified in reference to article 7. (3)</p>		
3.	Membership recruitment. Parties are	7.(2) (a)	51. (1) (c) state that members maintained under the repealed Act	Full registration.	Verify all the membership lists in accordance with the requirements

<p>required to have not fewer than one thousand members from each of more than half of the counties.</p>		<p>shall be deemed to have been prepared under this new Act.</p> <p>Second Schedule 6. (e) presents specific requirements for membership details including identification details, region, ethnicity, gender and county. This means that the parties must go back and collect this information from their already registered members if the party does not already have this specific information required.</p> <p>The identification details referred to in this requirement includes names, address, date of birth, ID number and voters registration number.</p> <p>7. (1) (b) has also specific requirements to the party membership lists including the members must reflect regional and ethnic diversity, gender balance and representation of minorities and marginalized groups. The parties must comply with the Political Party Membership Guide.</p> <p>Recommendation: To see the membership recruitment for compliancy with the new Act together with requirements for</p>	<p>Ongoing.</p>	<p>specified in the laws and regulations and the Political Party Membership Guide.</p>
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			signatories for party candidates nominated to run on a party ticket in the election. Articles relevant for this consideration are 99 & 137 & 193 in the Constitution of Kenya.		
4.	Opening of branch offices. Parties are required to have branch offices in more than half of the counties.	7.(2) (f) (iii)	This requirement is strongly recommended to be seen in relation to how the political parties design their party structure at County level including the role and responsibilities. This is an encouragement – not a requirement for parties to have a party structure at county level apart from the office.	Full registration. Ongoing.	Verify the information is in accordance with the requirements specified in the laws and regulations.
5.	Composition of the party governing body. Parties should be encouraged to revise their composition of the governing body, and if required hold new party elections.	7.(2) (c)	The requirements are further explained in 7.(2) (c) stating the composition of its governing body reflects regional and ethnic diversity, gender balance and representation of minorities and marginalized groups; and (d) stating that no more than two-thirds of the members of its governing body are of the same gender; and (e) stating that the party has demonstrated that members of its governing body meet the requirements of Chapter Six of the Constitution and the laws related to ethics; In 7.(3) there are criteria	Full registration. Ongoing.	Verify the composition of the governing body is in accordance with the requirements specified in the laws and regulations.

			for when a person is disqualified from being a member of the governing body of a party. The same apply to the provision in 7. (5)		
6.	Political parties and Public Officers.	12.	Make sure no founding member and no office holder is a public officer. Making sure no public officer is engaged in political activity of the party that may compromise or be seen to compromise the political neutrality of that person's office.	Formation of a party. Ongoing.	Monitor and verify that none of a party's founding member and none of the party's officials are public officers. Monitor that no public officer is engaged in a party's activities that may compromise or be seen to compromise the political neutrality of that person's office.
7..	Party Constitution.	9.(1)	Comply with the new requirements in Second Schedule concerning their party constitution. Article 51.(h) indicates that if a party does not revise the party constitution it will not be deregistered till after the first elections after the commencement of this Act.	Full registration. Ongoing.	Verify the revised party constitution is in accordance with the requirements specified in the laws and regulations.
8.	Revision of party Constitution.	9. (2) 20. (1)	Upon request from the Registrar the party must revise the party Constitution to comply with the Constitution If the party intends to change or amend its constitution, notify the Registrar of its intentions. Publish the notification in at least two daily newspapers having	When required by the Registrar. When the party intends to change.	By notice in writing require a party to amend its constitution. Within fourteen days after receiving the notification, cause a notice to be published in the Gazette. Receive any comments or concerns and provide the party with the same.

			nationwide circulation. Effect the change upon expiry of thirty days from the date of publication of the notice.		
9.	Change or amend party rules and regulations, the title, name or address of any party officials or its name, symbol, slogan or colour.	20.	If the party intends to make changes or amendments in its party rules and regulations, the title, name or address of any party officials or its name, symbol, slogan or colour.constitution, notify the Registrar of its intentions. Publish the notification in at least two daily newspapers having nationwide circulation. Effect the change upon expiry of thirty days from the date of publication of the notice.	When the party intends to change.	Within fourteen days after receiving the notification, cause a notice to be published in the Gazette. Receive any comments or concerns and provide the party with the same.
10	Revision of Party Nomination Rules.	Second Schedule 19	Revise the party nomination rules to cater for the new nominations to take place before the next general election, in particular the 6 party lists.	Parties must present their Party Nomination Rules to the Registrar and to the Commission latest 3 months before their party nomination of their party candidates.	Verify the party nomination rules and procedures are in accordance with the requirements specified in the laws and regulations.
11	Prepare a written declaration giving details of all assets and	16. (2) 16. (3)	The written declarations must be declared filling in forms designed by the Registrar.	60 days after being issued with a certificate for full registration.	Vet the information is in accordance with the requirements specified in the laws and regulations.

	expenditures.				
12	Establish or revise the party internal dispute and conflict resolution mechanisms.	Second Schedule 13	This mechanism must include both the structure and the procedures. The parties could consider one mechanism for party internal dispute and conflict resolution specifically in relation to internal party nomination for general election and by-election and one mechanism for general internal party disputes and conflict resolution. The procedures must include the link to the Political Parties Dispute Tribunal.	Ongoing.	Verify the internal party dispute and conflict resolution mechanism is put in place and takes in to consideration the role of the Political Parties Dispute Tribunal.
13	Keeping of records.	17.(1)	Maintain at its head office and each of its county offices, in the prescribed form, an accurate and authentic records. <ol style="list-style-type: none"> 1. Register of all its members 2. Copy of party Constitution 3. Copy of the policy documents including the policy report documents 4. Copy of the party rules and regulations including but not limited to: <ul style="list-style-type: none"> - Internal party elections - Party nomination - Party policy document making 	Ongoing.	Vet the information is in accordance with the requirements specified in the laws and regulations. The Registrar may issue a written notice, in the prescribed form, to the chairperson or secretary general of the party to furnish for inspection by the Registrar, the records required to be maintained under section 17, or such other information as is reasonably required by the Registrar to ensure compliance with the provisions of the PP Act. The Registrar may make copies of or take extracts from any record or other information furnished to the Registrar under section 17.

			<p>procedures</p> <p>5. Party long term and annual strategy</p> <p>6. Party budget including estimates of the expenditures</p> <p>7. Particulars of any contributions, donations or pledge of a contribution or donation, whether in cash or in kind, made by the founding members of the party and. The same apply for any other person of the amount of 5 % or more of the last year financial expenditure report.</p> <p>8. Particulars of any property that belongs to the political party and the time and mode of acquisition of the property</p> <p>9. The latest audited books of account (must be at least annual), showing:</p> <ul style="list-style-type: none"> - The sources of the funds and names, addresses and ID number of any persons who have contributed thereto - Membership dues - Indirect contributions - All receipts and disbursements including 		
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			<p>income and expenditure transactions</p> <ul style="list-style-type: none"> - All the financial transactions - Records of assets and liabilities <p>The parties must identify the procedures to be followed to comply with the requirement in 17. (3) stating that a member of the political party may, during working hours and on a payment of the prescribed fee, inspect and obtain copies of the records of a political party maintained at its head office or county office.</p>		
14	<p>Maintain a head office and county offices. Parties are required to have functioning head office. Parties are required to have functioning branch offices in more than half of the counties at any given time.</p>	<p>17. (1) 17. (3)</p>	<p>Maintain a head office and county offices in at least half of the counties at any given time. The offices must be open and accessible during working hours. Parties must comply with the Political Party County Office Guide.</p>	Ongoing.	<p>Monitor to make sure the party offices are maintained and open to the public and the members during working hours and in accordance with the Political Party County Office Guide.</p>
15	<p>Maintain membership records. Parties are required to have not fewer than one</p>	<p>17.(1) 17. (3)</p>	<p>Maintain accurate and authentic membership records. Parties must comply with the Political Party Membership Guide.</p>	Ongoing.	<p>Monitor the accurate and authentic membership records are organized and kept in accordance with the Political Party Membership Guide.</p>

	thousand members from each of more than half of the counties at any given time.		Accurate membership lists must be submitted to the Registrar periodically (PPA 49. (2) (g) and signed by the authorized party officials in accordance with Second Schedule 15.		Verify the membership records are signed by the authorized party officials.
16	Purpose of the Political Parties Fund.	26.	Make sure that money allocated to the party from the Fund is used in accordance with the Act and the Political Parties Financial and Procurement Manual.	Ongoing.	Monitor that the money allocated to a party is used in accordance with the Act and the Political Parties Financial and Procurement Manual.
17	Disclosure of funds and sources of the funds.	27. (4)	Disclose to the Registrar full particulars of all funds or other resources obtained by the party from any source in accordance with the Political Parties Financial and Procurement Manual.	Ongoing.	Monitor and verify the disclosed information is in accordance with the Act and the Political Parties Financial and Procurement Manual.
18	Limit of funding contribution.	28. (2)	Not receive from one person or organization, in one year, an amount, whether in cash or in-kind, exceeding five percent of the total expenditure of the party. The expenditure referred to shall be in relation to the audited accounts of the party the previous year.	Ongoing.	Monitor and verify that the party does not accept any contribution exceeding the limit of five percent of its expenditure.
19	Finance management.	31. (1) 31. (2)	Keep proper books and records of accounts of the income, expenditures, assets and liabilities. Parties must comply with the Political Parties Financial and Procurement	Ongoing.	Monitor the parties keep proper books in accordance with the Political Parties Financial and Procurement Manual.

			Compliance Manual.		
20	Procurement.	26. (4)	Ensure accountability and transparency in its procurement processes in accordance with Political Parties Financial and Procurement Manual.	Ongoing.	Monitor the parties perform accountable and transparent procurement processes in accordance with Political Parties Financial and Procurement Manual.
21	Finance auditing.	31. (3)	Submit the accounts to the Auditor General and in accordance with the Political Parties Financial and Procurement Manual.	Within three months after the end of each financial year.	Monitor the parties submit their accounts to the Auditor General in accordance with Political Parties Financial and Procurement Manual.
22	Finance disclosure.	29. (1)	Publish in at least two newspapers having national circulation its financial records.	Within ninety days of the end of its financial year.	Monitor the parties publish their financial records.
23	Parties being a Body Corporate. Parties must internalize the meaning of and the consequences of parties now being body corporate.	16.(1)	Ensure they are Body Corporate in their design and performance.	Ongoing.	Monitor the parties are Body Corporate.
24	Party Code of Conduct. Specific requirements: 1. It has demonstrated that members of its governing body meet the	7. (2) (e) 7. (2) (g)	Develop the party Code of Conduct. By doing so also consider Second Schedule 24 & 25 & 26.	Ongoing.	Verify the party Code of Conduct complies with the provisions in the Political Parties Act and in particular the First Schedule. Monitor the parties comply with their own party Code of Conduct.

	requirements of Chapter Six of the Constitution and the laws relating to ethics.				
2.	It has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule.				
25.	Party Human Resource (HR) Code of Conduct.	7. (2) (g) 49. (2) (g)	Develop Code of Conduct for staff and any person working for the party either as an employee or a volunteer.	Ongoing.	Develop a draft HR Code of Conduct for parties.
26.	Declaration before General election.	30. (1)	Submit to the Registrar <ul style="list-style-type: none"> - a register of its members - statement of all its assets and liabilities The submission must be signed by the party authorized officials in accordance with Second Schedule 15.	At least ninety days before a general election.	Receive and verify the documents. Verify the documents are signed by the authorized party officials.

Compliance with the Elections Act 2011

	Requirement	Election Act	To do by parties	To do by IEBC
1.	There shall be a Principal Register of Voters comprising: <ul style="list-style-type: none"> - polling station register - ward register - constituency register - county register - diaspora register 	4.	To know who is on the register for the sake of registering party members who can also be signatories for party candidates.	Voter registration. Diaspora registers. Register designed to vet party members' lists for the sake of party nomination.
2.	Principal Register of Voters shall be open for inspection.	6.	To be active in inspecting the register.	Register open for inspection within 90 days from the date of notice for general election for a period of at least 30 days or such period as the Commission may consider necessary.
3.	A political party shall nominate its candidates for an election under this Act at least forty-five days before a general election under this Act in accordance with its constitution and nomination rules.	13. (1)	Prepare for party nominations: <ul style="list-style-type: none"> - party candidates and - party lists Implement a party nomination according to their party constitution and nomination rules.	Control the time limit of at least forty – five days before a general election. Monitor and control the candidates have been nominated in accordance to the party constitution and nomination rules.
	IEBC to			

4.	publish a notice of the holding of the election at least 60 days before the election date and specify the nomination day for candidates which must be at least 21 days before the election date.	14. 16. 17. 19.	Comply with the IEBC nomination day.	Publish a notice of the holding of the election and specify the IEBC nomination date.
5.	No change of deputy presidential candidate after the nomination has been received by IEBC.	15	Comply.	Comply.
6.	No change of deputy county governor candidate after the nomination has been received by IEBC.	18.	Comply.	Comply.
7.	The speaker of a county assembly shall be elected by each county assembly in accordance with the Standing	21.	Know the Standing Orders – First Schedule and comply accordingly.	Monitor the Standing Orders – First Schedule is followed.

	Orders – First Schedule, including deputy speaker.			
8.	<p>A person may be nominated as a candidate if that person: Is qualified to be elected to that office under the Constitution and this Act; and holds a certificate, diploma or other post secondary school qualification acquired after a period of at least three months study, recognized by the relevant Ministry and in such manner as may be prescribed by the Commission under this Act.</p> <p>For President, Deputy President, county Governor and deputy</p>	22.	To have full information on all aspiring candidates that they fulfil these requirements.	Develop vetting regulations. Capacity for vetting of all party candidates and independent candidates.

	<p>county Governor the requirement is a degree from a university recognized in Kenya.</p>			
9.	<p>The next four requirements refer to articles 23 – 24 – 25 when it comes to signatures for candidates.</p> <p>The text in the three articles addresses the same issue written with different language. For each of the three it is therefore very important to conclude which out of the three, the requirements concerning signatures apply to both party candidates and to independent candidates.</p>			<p>Develop regulations.</p> <p>Develop forms.</p> <p>Preparedness and capacity for vetting considering the volume of the task.</p>

<p>10 .</p>	<p>Presidential candidate.... Nominated by not fewer than 2000 voters from each of a majority of the counties.</p> <p>Party candidate – voters must be party members.</p> <p>Independent candidate – voters must not be party members in any party.</p>	<p>23. (1) (d)</p> <p>29. (1)</p> <p>29. (2)</p>	<p>Must have updated party membership list at all levels in the party.</p> <p>Must develop templates for collecting signatures.</p> <p>Must collect not fewer than 2000 signatures from party members who must also be voters in each of a majority of the counties.</p>	<p>Develop regulations.</p> <p>Develop electronic templates</p> <p>Preparedness to vet: According to the voter register According to party membership lists The volume will be 2000 voters x 25 counties = minimum of 50.000 signatures for each candidate.</p>
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<p>11</p>	<p>National Assembly candidate.... Nominated by not fewer than 1000 registered voters in that constituency.</p> <p>Party candidate – voters must be party members.</p> <p>Independent candidate – voters must not be party members in any party.</p>	<p>24. (1) (c) (i)</p> <p>29. (1)</p> <p>29. (2)</p>	<p>If applicable for party candidates:</p> <p>Must have updated party membership list at all levels in the party.</p> <p>Must develop templates for collecting signatures?</p> <p>Must collect not fewer than 1000 signatures from party members who must also be registered voters in each of the constituencies?</p>	<p>Develop regulations.</p> <p>Develop electronic templates</p> <p>Preparedness to vet: According to the voter register According to party membership lists The volume will be 1000 voters x constituencies x candidates</p>
<p>12</p>	<p>Senate candidate.... Nominated by not fewer than 2000 registered voters in the county.</p> <p>Party candidate – voters must be party members.</p> <p>Independent candidate – voters must not be party members in any party.</p>	<p>24. (1) (c) (ii)</p> <p>29. (1)</p> <p>29. (2)</p>	<p>If applicable for party candidates:</p> <p>Must have updated party membership list at all levels in the party.</p> <p>Must develop templates for collecting signatures?</p> <p>Must collect not fewer than 2000 signatures from party members who must also be voters in the</p>	<p>Develop regulations.</p> <p>Develop electronic templates</p> <p>Preparedness to vet: According to the voter register According to party membership lists The volume will be 2000 voters x counties x candidates.</p>

			county?	
13	<p>County Assembly candidate Nominated by not fewer than 500 Voters in the wards concerned.</p> <p>Party candidate – voters must be party members.</p> <p>Independent candidate – voters must not be party members in any party.</p>	<p>25. (1) (c)</p> <p>29. (1)</p> <p>29. (2)</p>	<p>If applicable for party candidates:</p> <p>Must have updated party membership list at all levels in the party.</p> <p>Must develop templates for collecting signatures.</p> <p>Must collect not fewer than 500 signatures in the wards concerned.</p>	<p>Develop regulations.</p> <p>Preparedness to vet: According to the voter register According to party membership lists The volume will be 500 voters x wards x counties</p>
14	Governor candidate	17.		
15	A person who directly or indirectly participates in any manner in any or public fundraising or harambee within eight months preceding a general election or during an election period, in any other case, shall be disqualified...	26.	Comply.	<p>Develop criteria.</p> <p>Preparedness and capacity</p> <ul style="list-style-type: none"> - monitoring - enforcement - sanctions.

16	A political party shall submit its nomination rules to the Commission at least three months before the nomination of its candidates.	27.	Make sure the party nomination rules are revised and ready latest three months before the party nomination. Develop party nomination requirements. Develop party nomination timeline.	Develop mechanisms to ensure party nomination rules are submitted at least three months before the nomination of its candidates.
17	A political party that nominates a person for any election under this Act shall submit to the Commission a party membership list of the party at least two months before the date of the general elections.	28.	Make sure the party membership lists are updated and ready latest two months before the date of the general elections – and submitted to IEBC – and submitted to the RPP.	Control the party membership list is submitted at least two months before the date of the general elections. Cross check with the RPP that the lists are consistent. Develop provision what to do if they are not consistent.
18	The persons who nominate a presidential, parliamentary, county governor and county assembly candidate shall be registered members of	29. (1)	Submit to IEBC updated membership lists.	Control persons who nominate are registered members of that party. Capacity to perform this control.

	the candidate's political party.			
19	The persons who nominate an independent presidential, parliamentary, county governor and county assembly candidate shall not be registered members of any political party.	29. (2)		Control the persons who nominate are not registered members of any other political party. Capacity to perform this control.
20	A political party may appoint one agent for its candidate at each polling station.	30. (1)	Identify party agents. Coordinate with party candidate agents. Training of its agents. Prepare logistics for its agents.	Provide capacity at the polling stations. Provide training of the agents.
21	Where a political party does not nominate an agent under subsection (1), a candidate nominated by a political party may appoint an agent of the candidate's choice.	30. (2)	Identify candidate agents. Coordinate with party agents. Training of its agents. Prepare logistics for its agents.	Provide capacity at the polling stations. Provide training of the agents.

22	An independent candidate may appoint his own agent.	30. (3)		Provide capacity at the polling stations. Provide training of the agents.
23	A person qualifies to be nominated by a political party if the person: is selected as provided for in the constitution and rules of that party is certified by the authorized person(s).	31. (1) 31. (4)	Make sure the party nomination follow to the letter its own party constitution and nomination rules which must comply with the relevant Acts and Laws.	Monitor party nominations.
24	Political party may, at its own expense and on such terms as may be agreed between the party and the Commission, request the Commission to supervise party nomination of candidates.	31. (2)	At earliest possible time decide whether or not to request the IEBC to supervise its party nomination.	Develop IEBC institutional rules, criteria, regulations etc... responding to possible requests. IEBC capacity to perform supervision of party nomination of candidates.
25	Every political party shall notify the Commission of the name of the person authorized by	31. (3)	Provide IEBC with the name(s) of the person(s) authorized to sign party nomination certificates.	IEBC to develop " in such manner as the Commission may require"

	the party to certify the party candidate.			
26	An independent candidate shall submit his symbol the candidate intends to use... at least 21 days before nomination day.	32. (1)		To have the list of all political party symbols.
27	The Commission shall approve or reject the symbol.	32. (2)		Capacity to approve independent candidates symbols (which might be many).
28	Independent candidate – not been a member of any political party for at least three months preceding the date of the election	33.		Control with the party members lists. Can an independent candidate run in more than one electoral area
29	A political party shall submit..... Party lists.... National level. In accordance with party rules.	34. (1), (2), (3), 34. (6)	Develop party nomination rules for party lists. Prepare for party list nomination.	Capacity to monitor party nomination for the national lists. Capacity to vet these party lists, which might be 4 lists x registered parties
30	A political party shall submit.....	34. (4)	Develop party nomination rules for party	Capacity to monitor party nomination for the county lists Capacity to vet these party

	Party list..... County level. In accordance with party rules.	34. (6)	lists. Prepare for party list nomination.	lists, which might be 2 lists x 47 counties x registered parties (could be more than 4000 lists)
31	A political party shall submit its party list to the Commission on the same day as the day designated for submission of party candidates.	35.	Party lists ready. And signed by authorized person(s).	Capacity to receive and to confirm (vet) the party lists (both national and county) on the same day as IEBC receive the nomination of all party and independent candidates.
32	Allocation of the special seats from the party lists.	36.	Have the skills to allocate special seats from the party lists.	Develop the criteria for the allocation of the special seats from the party lists. Capacity for the allocation when election has been held.
33	Party lists shall contain alternates between male and female candidates in the priority in which they are listed.	36. (2)		
34	Reallocation of special seats.	37.	Comply.	Prepared to comply.
35	Holding of election.	38.	Comply with all rules and regulations including Code of Conduct. Monitoring of the election.	Perform the election in accordance with the Regulations relating to elections. Develop criteria and plan for possible postponement (73).

				Monitor all actors and stakeholders including IEBC officials.
36	Determination and declaration of election results.	39.	Comply with all rules and regulations including Code of Conduct. Monitoring of the election.	Perform the determination and declaration of election results in accordance with the Regulations relating to elections. Monitor all actors and stakeholders including IEBC officials.
37	A political party participating in an election shall have access to the state owned media services during the campaign period.	41. (1) See also 108	Develop a state owned media strategy. Identify "reasonable airtime".	Develop the criteria for the access to the state owned media. Capacity for the implementation of the criteria.
38	The Commission shall, after consultation with the independent candidates, the political parties concerned and the officers responsible for the state owned media services, monitor the equitable allocation for air-time during the	41. (2)		Develop the criteria for the allocation of air-time to the state owned media. Capacity for the monitoring of the implementation of the allocation of air-time during the campaign period.

	campaign period.			
39	The Code of Conduct for the practice of journalism prescribed under the Media Act shall be subscribed to and observed by every media house and every person who reports on any election.	41. (4)	To know the Code of Conduct for the practice of journalism prescribed under the Media Act. The capacity to monitor state owned media.	Capacity to monitor every media house and every person who reports on any election.
40	For the purpose of giving effect to this section (access to state owned media) the Commission may, in writing, issue directives to the media.	41, (5)	Have access to the directives.	Develop directives. Capacity to follow up and implement the directives.
41	The Commission may at any election accredit observers, agents or media representative	42.	Identify party agents. Coordinate with party candidate agents.	Initiate Code of Conduct for agents. Capacity to do the accreditation and follow up with any information, whether in writing or oral.
42	A public officer shall not -	43	Implement the provisions concerning public officer.	Preparedness and capacity to monitor the provisions concerning public officer.
43	Recall of member of	45-46-	Party rules and regulations for	Preparedness and capacity to perform recall of members of

.	Parliament.	47	recall of members of Parliament.	parliament, if and when required.
44.	Election offences by a person..... Election offences by a candidate.... Election offences.... by a voter	56-57-58 60.(8)-61-63 64.(2)-65-67 62.(1)64 . (1) 66 62. (2)	Know the election offences. Party monitoring mechanisms and capacity to avoid any party related election offences.	Preparedness and capacity to monitor and to follow up with sanctions and penalties.
45.	A member of the Commission, staff or other persons having any duty to perform pursuant to any written law relating to any election..... offences.	59.		Preparedness and capacity to monitor and to follow up with sanctions and penalties.
46.	Every election officer, candidate or agent authorized to take part in any proceedings relating to the issue or receipt of ballot papers or attend at a polling station or at the counting	60.		Preparedness and capacity to monitor and to follow up with sanctions and penalties.

	of the votes, shall, before so attending, make an oath of secrecy prescribed in the Third Schedule.			
47	Except as authorized under this Act or any other written law, a candidate, referendum committee or other person shall not use public resources for the purpose of campaigning during an election or a referendum.	68. (1)		Preparedness and capacity to monitor and to follow up with sanctions and penalties. Consult and coordinate with RPP.
48	The Commission shall require any candidate, who is a member of Parliament, a county governor, a deputy county governor or a member of a county assembly, to state the facilities attached to the candidate	68. (2) 68. (4)	Make sure the party members of Parliament, party county governors, party deputy governors, party member of county assemblies comply with this requirement.	Preparedness and capacity to monitor and to follow up with sanctions and penalties. Develop the criteria. Develop the procedures. Preparedness and capacity to monitor and to follow up with sanctions and penalties.

	<p>or any equipment normally in the custody of the candidate by virtue of that office.</p> <p>Shall apply with necessary modifications , to an employee of a statutory corporate or of a company in which the Government owns a controlling interest.</p>			
49 .	Illegal practices.	69. 70. 71. 72.	Must know the illegal practices mentioned in these articles.	Develop the criteria. Develop the procedures. Preparedness and capacity to monitor and to follow up with sanctions and penalties.
50 .	Postponement of election.	73.		Develop criteria and plan for possible postponement.
51 .	Campaign finance?????	64. 67. 68. 69. 72.		
52 .	The Commission shall be responsible for the settlement of electoral disputes, including disputes relating to or	74. (1)	Prepare internal mechanisms for settlement of nomination disputes.	Develop criteria for possible IEBC engagement. Develop IEBC strategy responding to their responsibility for the settlement of nomination disputes. Develop the IEBC capacity.

	arising from nominations.			
53 .	All candidates and political parties participating in an election shall be allocated reasonable airtime on all broadcasting media during the campaign period.	108.	Prepare a strategy for use of media airtime allocated. Consult with IEBC concerning the design of and the volume of media airtime allocated.	Develop criteria for “reasonable airtime” and also for “all broadcasting media”. Develop criteria for time allocation to the candidates and parties. Develop an implementation plan. Develop a monitoring plan. Monitor the use of allocated airtime as well as campaigning in media I general.
53 .	The Commission may make regulations....	109.	Know the regulations and follow	Develop, implement, monitor, enforce and possible sanction if need be



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The Office of the Registrar of Political Parties
21st Floor Anniversary Towers, University Way
P.O. Box 45371 - 00100 Nairobi, Kenya
Tel: 020 - 276 900
Email: rpp@iebc.or.ke

Electoral Institute for Sustainable Democracy in Africa (EISA)
6TH Floor I&M Bank House, 2nd Ngong' Avenue, Upper Hill
P.O. Box 35304 - 00100 Nairobi, Kenya
Tel: 020 - 271 227 3 • Fax: 020 271 227 5
Email: kenya@eisa.org.za • Website: www.eisa.org.za

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