

N

D

P

National Development Party
of Kenya

LIBRARY
COPY
Constitution

•
National Rules

•
Constituency and Branch Rules

•
Women's Section

•
Young NDP

324267

62
NDP

1. CONTENTS

LIBRARY

2. INTRODUCTION

COPY

3. REGIONAL OFFICES

4. NATIONAL RULES

4.5 Memorandum

4.6 Constitution

4.7 Procedural Rules

4.8 National Constitutional Committee

5. CONSTITUENCY AND BRANCH RULES

6. NDP WOMEN'S SECTION

6.7 National Organisation

6.8 Women's Constituency Committee

6.9 Women's Forums

6.10 Women's Conference

11. YOUNG NDP

7.12 National Organisation

7.13 National Youth Committee

7.14 Young NDP Groups

7.15 Young NDP Conference

PARLIAMENT
OF KENYA
LIBRARY

KENYA NATIONAL ASSEMBLY

Accession: 10013553

Call No: 322-26762/NDP



2. INTRODUCTION

The National Development Party of Kenya (NDP) aims to promote, through democratic means, a society that reflects the fundamental aspirations of the majority of Kenyans, as defined through years of struggle for liberation and expressed today by all the people. The Party aims to promote freedom, equality and dignity for both men and women, welfare responsibility and solidarity.

The NDP is in favour of a society based on a mixed economy, in which the private and public sectors co-exist in partnership.

The NDP is committed to the eradication of poverty, ignorance, disease and bad governance through the development of a democratic and prosperous Kenya.

The NDP is committed to democracy, and the Constitution and Rules form the basis of our philosophy. Our Constitution and Rules bring together youth and women's groups, trade unions and individual party members to play their roles in fulfilling this democratic commitment.

The Rules and Procedures are arranged to assist party officials and members at all levels. The Rule Book also contains guidelines for the selection of parliamentary and civic candidates.

Copies of the Constitution and Rule Book can be obtained from the Nairobi Office, Philadelphia House, Tom Mboya Street, P.O. Box 78810, Nairobi, or from any of the Regional Offices listed overleaf.

3. REGIONAL OFFICES

Coast: Tom Mboya Memorial Hall
Kenyatta Avenue
P.O. Box 98131
MOMBASA

Nyanza: Afrika House
Accra Street
P.O. Box 762
KISUMU
Tel: Kisumu 23000



Central Rift: Gibcon House
Kijabe Row
P.O. Box 3590
NAKURU

North Rift: Iruri House
Kapsabet Road
P.O. Box 3087

ELDORET

Mt. Kenya: P.O. Box 77
RUNYENJES
Tel: (0161) 62544

Western: Kakamega General Motors
Canon Awori Street
P.O. Box 759
KAKAMEGA

Nairobi: Philadelphia House

Tom Mboya Street
P.O. Box 78810
NAIROBI
Tel: 339904

North Eastern: P.O. Box 223
GARISSA

4. NATIONAL RULES

4.1 Memorandum

(1) The decision of the National Executive Council (NEC), subject to any modification by the Annual National Convention (ANC), as to the meaning and effect of any rule shall be final.

(2) Section 4(a)(b)(c)(d)(e)(f) of Clause X of the Constitution of the National Development Party of Kenya (NDP) requires the National Executive Council to ensure the establishment of, and to keep in active operation, a Constituency NDP Party in every parliamentary constituency, a Location NDP Branch of the Constituency NDP Party in every location, a Sub-Location NDP sub-branch of the Constituency NDP Party in every sub-location, a Regional NDP Office in every region, NDP Local Councillor Groups, Young NDP Groups and Women's NDP Groups, in accordance with the Rules laid down by the Annual National Convention for the purpose and annexed hereto.

(3) The appropriate Rules mentioned in (2) above are subject to the Constitution of the NDP.

(4) Under Section (2) of Clause II of the Constituency Party Rules, there shall be established, throughout the constituency, Location NDP Branches and Sub-Location branches, with regulations sanctioned by the National Executive Council.

(5) The National Executive Council has been given authority by the Annual National Convention to sanction, where local circumstances render it necessary, modification in the Rules laid down by the Annual National Convention for the various classes of party organisations, provided that such modifications comply with the spirit and intention of the Annual National Convention and do not alter the objects, basis of conditions of affiliated and individual membership, vary the procedure for the selection of parliamentary candidates (except as provided in the Rules) or effect a change in the relationship of Constituency NDP Parties with the National Development Party of Kenya.

(6) Constituency NDP Parties and Regional NDP Offices may adopt additional rules.

Such additional rules must not, however, contravene the provisions contained in the Rules approved by the Annual National Convention, and must first be submitted to the National Executive Council for endorsement, prior to formal adoption and operation, and pending such endorsement, no such additional rule may be invoked.

4.2 Constitution

Clause 1 – Name

The National Development Party of Kenya.

Clause II – Affiliated Organisations

(1) Organisations may, subject to the decision of the National Executive Council, affiliate to the National Development Party if they fall within the following categories:

- (a) Trade unions considered by the National Executive Council to be bona fide trade unions
- (b) Co-operative societies
- (c) Women's organisations

- (d) Youth organisations
 - (e) Environmental organisations
 - (f) Other organisations which, in the opinion of the National Executive Council, have interests consistent with those of other affiliated organisations.
- (2) Constituency NDP Parties must also affiliate to the National Development Party and must in addition to the conditions mentioned in section 4 of this clause, adopt the Rules laid down by the Party Annual National Convention.
- (3) Except for constituency NDP Parties, each affiliated organisation must:
- (a) accept the programme, principles and policy of the party,
 - (b) agree to conform to the Constitution and Rules of the Party
 - (c) submit its political rules to the National Executive Council.
- (4) Political organisations having their own programme, principles and policy for distinctive and separate propaganda, or possessing branches in the constituencies or engaged in the promotion of parliamentary or local government (civic) candidates, or having allegiance to any political or organisation situated abroad, shall be ineligible for affiliation to the party.

Clause III – Membership and membership conditions

- (1) There shall be two grades of individual member:
- a) Individual members: Standard rate (shs. 20 per annum)
 - b) Covenant members: Standard covenant rate (Shs 5,000 on joining and Shs. 1,000 per annum thereafter)
- (2) Such members shall pay a minimum membership subscription as laid down in Clause XIII of these Rules.
- (3) The term “individual members of the party” shall encompass both grades

laid down in Clause III (1). All such members shall have equivalent rights within all units of the party except as prescribed in these Rules.

- (4) Individual members shall be Kenya citizens who:
- (a) are not less than 16 years of age, and
 - (b) who subscribe to the conditions of membership and are not members of political parties or organisations ancillary or subsidiary thereto which are declared by the Annual National Convention (hereinafter referred as the ANC) of the National Development Party of Kenya (herein referred to as 'the NDP' or 'the party') or by the National Executive Council ineligible for affiliation to the Party.
- (5)
- (a) A member of the NDP who stands for election in opposition to a duly endorsed NDP candidate or candidates, shall automatically be ineligible to be or remain a party member, subject to Clause III (9) of the Constitution.
 - (b) A member of the NDP who joins and/or supports a political or organisation other than an official NDP group or other unit of the party, shall automatically be ineligible to be or remain a party member, subject to Clause III (9) of the Constitution.
- (6)
- (a) Kenya citizens resident abroad may become individual overseas members of the NDP by enrolment with the party Head Office, provided they accept the conditions of membership in Clause III, and may establish overseas supporters' groups registered with Head Office.
 - (b) Kenya citizens resident abroad for a period of not more than 365 days may retain their membership of the party, subject to notifying the Head Office of their address, paying the appropriate membership subscription when due, and accepting the conditions of Clause III.

- (7) Each individual must:
- (a) accept and conform to the Constitution, programme, principles and policy of the party;
 - (b) if applicable, be a member of a trade union considered by the NEC as a bona fide trade union;
 - (c) temporarily resident abroad, or otherwise prevented from being registered, in which case he or she must be resident within that constituency.
- (8) No member of the NDP shall engage in a course of conduct prejudicial, or any act grossly detrimental, to the party. Any dispute as to whether a member is in breach of the provisions of this sub clause shall be determined by the National Constitution Committee (NCC) of the party in accordance with Clause XVIII of the Constitution and the procedural rules relating to the powers of the NCC. Where appropriate, the NCC shall have regard to involvement in financial support for and/or the organisation of and/or the activities of any organisation declared ineligible for affiliation to the party under Clauses II(4)(b) of the Constitution, or to the candidature of the members in opposition to an officially endorsed NDP candidate or the support for such candidatures, but the NCC shall not have regard to the mere holding or expression of beliefs and opinions.
- (9) When a person applies for a re-admission to the party following an expulsion by the NCC on whatever basis or by automatic exclusion under Clause III(5) of the Constitution, application shall be submitted to the NEC for consideration and decision after a minimum of five years has elapsed. That decision shall be binding on the individual and on the Constituency NDP Party relevant to the application.

Clause IV – Aims and Values

- (1) The National Development Party believes that, by the strength of our common endeavour, we achieve more than we achieve alone, so as to

create for each of us the means to realise our true potential and for all of us a community in which power, wealth and opportunity are in the hands of the many, not the few, where the rights we enjoy reflect the duties we owe, and where we live together freely, in a spirit of solidarity, tolerance and respect.

- (2) To these ends, we work for:
- (a) **a dynamic economy**, serving the public interest, in which the enterprise of the market and the rigour of competition are joined with the forces of partnership and co-operation to produce the wealth the nation needs and the opportunity to work and prosper, with a thriving private sector and high quality public services where those undertakings essential to the good are either owned by the public or accountable to them.
 - (b) **a just society**, which judges its strength by the condition of the weak as much as the strong, and provides security against fear, and justice at work, which nurtures families and ensures access to health care for all, which provides an education system that encourages a striving for excellence and promotes equality of opportunity, which delivers people from the tyranny of poverty, prejudice, legal injustice, judicial partiality, oppressive laws, political persecution, curtailment of freedom of association, of movement, of religion, of expression, and of civil liberties, and from the abuse of power,
 - (c) **an open democracy**, in which government is held to account by the people, decisions are taken as far as is practicable by the communities they affect, fundamental human rights are guaranteed, and a healthy civil society functions, promoting social welfare and the participation of women and youth.
 - (d) **a healthy environment**, which we protect, enhance and hold in trust for future generations.

- (3) The NDP is committed to the defence and security of the Kenyan people, and to co-operate in Kenyan, East African and African institutions, in the United Nations and in South-South, North-South and other international institutions and bodies, in order to secure peace, freedom, democracy, economic security and environmental protection for all.
- (4) The NDP will work in pursuit of these aims with appropriate trade unions and co-operative societies and also with appropriate voluntary organisations, consumer groups and other representative bodies.
- (5) On the basis of these principles, the NDP seeks the trust of the people to govern.

Clause V – Party programme

- (1) The Annual National Convention shall decide from time to time what specific proposals of legislative, financial or administrative reform shall be included in the party programme. No proposal shall be included in the party programme unless it has been adopted by the National Convention by a majority of not less than two-thirds of the votes recorded.
- (2) The NEC and Parliamentary Committee of the Parliamentary Group shall decide which items from the party programme shall be included in the manifesto which shall be issued by the NEC prior to every general election. The joint meeting of the NEC and the Parliamentary Committee shall also define the attitude of the party to the principal issues raised by the election which are not covered by the manifesto.

Clause VI – The party leader and deputy leader

- (1) The leader and deputy leader of the party shall be elected or reelected at

the Annual National Convention by delegates eligible to vote.

Clause VII – The National Convention

- (1) The work of the party shall be under the direction and control of the National Convention which shall itself be subject to the Constitution of the party. The National Convention shall meet regularly once in every year and also at such other times as it may be convened by the National Executive Council.
- (2) The Annual National Convention shall be constituted as follows:
 - (a) National Executive Council members
 - (b) One delegate from each Regional NDP office
 - (c) Four delegates from each Constituency NDP party, being the chairperson, secretary, women's representative and youth representative, where members on the national list number between 200 and 5000. For every additional 5,000 members, one extra delegate.
 - (d) Members of the Parliamentary Group
 - (e) Ex officio members of the National Convention as follows:
 - (i) NDP parliamentary candidates whose candidatures have been duly endorsed by the National Executive Council.
 - (ii) Co-opted members of the NDP National Executive Women's Committee.
 - (iii) Members of the NDP National Youth Committee.
 - (iv) Members of the NDP National Constitutional Committee.
 - (v) One representative of each affiliated trade union or other organisation.
 - (vi) Executive Director of the National Secretariat.
 - (vii) Five party members specially invited by the National Executive Council.

- (f) Guests, including representatives of fraternal political parties. Ex officio members shall have no voting power except where appointed as delegates by Constituency NDP Parties.
- (3) Any special National Convention shall be called on the same basis of representation as that upon which the last Annual National Convention was convened.

Clause VIII – Duties of National Officers

(a) **Party Leader**

Shall be the head of the party. Shall provide leadership and articulate Party policies. Shall in all respects establish unity in the Party and shall be the Party's spokesman. Shall ensure adherence to the Party policies by all officials, members and the Party Parliamentary Group. The Party leader shall be eligible for re-election after four years, unless disqualified as a member.

(b) **Deputy Party Leader**

Shall assist the Party Leader in all his duties and shall assume all such duties in the latter's absence.

(c) **General Secretary**

Shall be responsible for the secretariat under the direction of the National Executive Council. Shall ensure that the meeting of the National Executive Council and the Annual National Convention take place as provided in the constitution and at such times as may be decided by the or cause to be kept a proper record of minutes of all meetings of the National Executive Council and the Annual National Convention and ensure the distributions of such minutes to persons, organs or constituency parties concerned.

(d) **Deputy General Secretary**

Shall assist the General Secretary in all his duties and shall assume such duties in the latter's absence.

(e) **National Treasurer**

Shall be in charge of the party's financial affairs, shall liaise with the party's auditors to ensure that annual audited statements of the party are presented to the Annual National Convention.

(f) **Deputy National Treasurer**

Shall assist the National Treasurer in all his duties and shall assume all such duties in the latter's absence.

(g) **Organising Secretary**

Shall work in conjunction with the secretariat and regional offices to oversee membership recruitment, establishment of constituency NDP parties and organisation of Public meetings, other meetings, functions and festivities of the Party.

(h) **Deputy organising Secretary**

Shall assist the organising secretary in all his duties and shall assume such duties in latter's absence.

(i) **Legal Secretary**

Shall be the legal advisor of the party and shall be the chairman of the National Constitutional Committee.

(j) **Deputy Legal Secretary**

Shall assist the Legal Secretary in all his duties and shall assume all such duties in the latter's absence.

(k) **Director of Elections**

Shall, in liaison with the secretariat, be responsible for carrying out and co-ordination of the party elections and the participation of the party in the Presidential, Parliamentary and Local Government elections.

(l) **Deputy Director of Elections**

Shall assist the Director of Elections in all his duties and shall assume all such duties in the latter's absence.

- (2) No National Official of the Party shall hold at the same time an office in the branch of the party.

Clause IX – Appointment of delegates to a National Convention

- (1) Every delegate must be a fully paid-up individual member of the NDP as described in Clause III (4).
- (2) Delegates must be bona fide members or permanent officials of the organisation appointing them, except in the case of the Parliamentary Group or duly-endorsed Parliamentary NDP Candidates appointed to represent constituencies in accordance with section (3) of this Clause.
- (3) Members of the Parliamentary Group and duly-endorsed Parliamentary NDP candidates may be appointed as delegates by Constituency NDP Parties responsible for their candidature, otherwise, delegates appointed by Constituency NDP Parties must either reside or be stered

- (4) No person shall act as a delegate for more than one organisation

Clause X – The National Executive Council

- (1) There shall be a National Executive Council of the Party, which shall, subject to the control and directions of the National Convention, be the administrative authority of the party
- (2) (a) Members of the National Executive Council shall be elected by the National Convention every two years
- (b) The NEC shall comprise
- (i) Leader and deputy leader
 - (ii) General Secretary and deputy general secretary
 - (iii) Organising secretary and deputy organising secretary
 - (iv) Treasurer and deputy treasurer
 - (v) Legal secretary and deputy legal secretary
 - ✓ (vi) Director of elections and deputy director of elections
 - (vii) Secretary for Information and Publicity and deputy Secretary for Information and Publicity
 - (viii) Secretary for Public Policy and Economic Affairs and deputy Secretary for Public Policy and Economic Affairs
 - (ix) Secretary for Environment and deputy Secretary for Environment
 - ✓ (x) Secretary for Labour Relations and deputy Secretary for Labour Relations
 - (xi) Secretary for International Affairs and deputy Secretary for International Affairs
 - (xii) Two representatives - one man and one woman - from each region
 - ✓ (xiii) Two youth members
 - ✓ (xiv) One women's representative

- (3) Without prejudice to the extent of the powers of the NEC as the administrative authority of the party, the duties and powers of the NEC shall include the following
- (a) To ensure the establishment of, and to keep in active operation, a Regional NDP Office in every region, in accordance with the rules laid down by the National Convention for the purpose
 - (b) To ensure the establishment of, and to keep in active operation, a Constituency NDP Party in every constituency, in accordance with the rules laid down by the National Convention
 - (c) To assist, through its regional and constituency officers, with the establishment and functioning of Local NDP branches, in accordance with rules and regulations sanctioned by the National Executive Council
 - (d) To ensure the establishment of, and keep in active operation, an NDP Group of Councilors on Local Authorities having NDP representation, to function in accordance with the rules laid down by the National Convention for the purpose
 - (e) To establish NDP Women's Groups throughout the country and hold an Annual NDP Women's Convention in accordance with the decisions of the National Convention
 - (f) To establish and promote Young NDP, establishing a National Committee to encourage local Young NDP groups, and to hold an Annual Young NDP Convention
 - (g)
 - (i) To enforce the Constitution and Rules of the Party and to take any action it deems necessary for such purpose, including disaffiliation, disbanding or suspension or otherwise disciplining an affiliated organisation or otherwise
 - (ii) In relation to any alleged breach of the Constitution or Rules of the Party by an individual member or members of the party, or by a group member or members, the NEC may, pending the final outcome of any investigation and charges, if any, suspend that individual or individuals from office or representation of the party, notwithstanding the fact that the individual concerned has been or

of the NEC thereupon shall be final and conclusive for all purposes.

- (iv) Where in the opinion of the NEC there are circumstances which might warrant the NEC exercising its powers under sub-clause (i) and (ii) of this sub-clause of (g), the NEC may issue written warnings to any individual member of the party, drawing attention to the conduct which in the opinion of the NEC is either incompatible with continued membership of the party, or may be in or may lead to a breach of the Rules of the party or its Constitution. The issue of any written warning under this sub-clause shall not prevent the conduct that is the subject of such warning being called into question following any subsequent exercise by the NEC of its powers under sub-clause (i) of this sub-clause (g), and both the conduct warned against as well as the fact of the issue of such warning hereunder may be used in the evidence referred to the National Constitutional Committee.
- (h) To confer with the Parliamentary Group at the opening of each parliamentary session, and at any other time when it or the Parliamentary Group may desire a conference on any matters relating to the work and progress of the party. When an NDP government is in office, to confer with its representatives prior to the formulation of legislative proposals for the next parliamentary session.
- (i) To see that all party officers and members conform to the Constitution and Rules of the party.
- (j) To present to the Annual National Convention a report covering the work and progress of the party during its period of office, together with a report on the work of NEC committees, a financial statement and accounts duly audited. The report, financial statement and accounts shall be sent to affiliated organisations at least two clear weeks before the opening of the Annual National Convention.
- (k) To propose to the Annual National Convention such amendments to the Constitution and Rules as may be deemed desirable and to submit to the Annual National Convention or to any Special Na-

tional Convention, called in accordance with the Rules, such resolutions and declarations affecting the programme, principles and policy of the party as in its view may be necessitated by political circumstances.

- (l) To organise and maintain such fund or funds as may be thought necessary for any or all of the objects for which the party exists, including the establishment of a National Election Fund to provide solely for the preparation, establishment and campaigning necessary in a national election, this fund to be known as the NDP National Election Fund and to be overseen by five trustees.
 - (m) To set up and oversee a National Policy Forum and Policy Standing Commissions in areas of policy to help the NEC produce a draft Rolling Programme for submissions to the Annual National Convention.
 - (n) To ensure that party meetings and events are organised in such a way as to maximise participation from party members. That no members shall be precluded from attending because they cannot gain access to the meeting-room for any reason. That meetings and events should be conducted in a comradely fashion. Harassment or intimidation of members on the basis of their sex or ethnic origin or for any other reason is not acceptable. The NEC shall, from time to time, issue guidance on the conduct of meetings and sexual, ethnic or other harassment.
- (5) The decision of the NEC, subject to any modification by the National Convention, as to the meaning and effect of any rule or any part of this Constitution and Rules shall be final.
- (6) The NEC shall have power to adjudicate in disputes that may arise at any level of the party, including between affiliated and other party organisations, and between party organisations and individuals in these organisations, and in disputes which occur within the party's

Regional Offices or Constituency or Location machinery, and its decisions shall be binding on all organisations and individuals concerned.

Clause XI – Presidential and Parliamentary Candidates

- (1) The Party's Presidential candidate shall be nominated by the Annual National Convention.
- (2) The selection of NDP candidates for parliamentary elections shall not be regarded as completed until the name of the person(s) selected has been placed before a meeting of the NEC and his or her selection endorsed.
- (3) At any parliamentary general election, the candidates shall include in their election address and give prominence in their campaigns to the issues for that election as defined by the NEC in its manifesto. The NEC, when ever it considers it necessary shall give advice and guidance on any special issue to be raised, or in the conduct of the campaign during such by-election.
- (4) No person may be selected as an NDP Parliamentary Candidate and no candidate may be endorsed by the NEC, if the person concerned:
 - (a) is not an individual member of the party in accordance with Clause III (4) of these rules , or
 - (b) does not undertake to accept and act in harmony with the Parliamentary Group.
- (5) Any candidate who, after election, fails to accept or act in harmony with the Parliamentary Group shall be considered to have violated the terms of this Constitution.

Clause XII – Enrolment of Members

- (1) Individual members of the party will be recruited into membership either

by the Constituency Party or Location Branch, in accordance with Clause IV of the Constituency Party Rules or by the National Office or Regional Office of the Party.

- (2) The following enrolment procedures should apply to new membership:
- (a) An applicant should apply to the Location NDP Branch or the Sub-Location NDP Sub-Branch for membership, completing the membership form and paying the prescribed fee. The member will receive a membership card, and his or her name will be forwarded to Head Office for inclusion on the National Members' List.
 - (b) No membership card can be issued without the required fee being paid.
 - (c) For the first eight weeks of membership, a member may only attend any party meeting in a non-voting capacity.
 - (d) The membership fee will be divided in accordance with Clause XIII(2).
 - (e) Objection to any application with the reasons for the rejection should be submitted to the Constituency NDP Party, who must forward this objection with their comments, to the NEC, whose decision will be final on the Constituency NDP Party, the Location NDP Branch and the individual.
- (3) (a) In the event of a paid-up member moving to another constituency, that member shall inform the National Secretariat, who will transfer that membership to the relevant constituency and inform that constituency and the former constituency.
- b) Membership rights within the new constituency shall commence from the date the transfer is recorded by the National Secretariat, unless any objection is received within eight weeks of the transfer.) In the case of an objection, the member has a right of appeal to the NEC.

Clause XIII – Membership subscriptions

- (1) Each individual member of the party shall pay a minimum annual membership, in the amount decided or revised by the NEC
- (2) Membership fees shall be divided equally between the Constituency NDP Party and the national party. The national party shall then provide a portion to each Regional NDP Office.
- (3) A membership year shall be defined as the calendar year. The joining and expiry date shall be registered on the card.
- (4) An individual member shall be deemed to be in arrears from the expiry date until they renew their subscription. Membership shall be deemed to be lapsed if the member is in continuous arrears for more than three months from the expiry date.
- (5) No member whose membership is in arrears may take part in any party meeting.

Clause XIV – National Convention Arrangements Committee

- (1) There shall be elected in accordance with procedural rules a Convention Arrangements Committee of eight members.
- (2) The duties of the Convention Arrangements Committee shall be:
 - (a) to arrange the order of the party convention agenda
 - (b) to arrange a venue and fulfill all other logistical requirements.
 - (c) to select scrutineers and tellers for the Annual National Convention and submit them to the Convention for approval.

Clause XV – Auditors

There shall be elected in accordance with the Rules at each Annual National

Convention two delegates to act as auditors of the party accounts to be submitted at the Annual National Convention next succeeding that at which they are elected.

Clause XVI – Alteration to Constitution and Rules

The existing Constitution and Rules, or any party thereof, may be amended, rescinded, altered or additions made thereto, by resolution, carried on a vote at an Annual National Convention in a manner provided in the Rules appended hereto. Notice of resolutions embodying any such proposals must be sent in writing to the general secretary of the NEC at the office of the party as provided in the Rules.

Clause XVII – Procedural Rules

The Procedural Rules of the party conference shall be considered for all purposes as if they form part of this Constitution and shall effect accordingly. New rules may be made when required, or the existing rules amended or altered by resolution in the same manner as provided for alterations in the Constitution itself.

Clause XVIII – National Constitutional Committee

- (1) There shall be a National Constitutional Committee of the party (herein after referred to as the NCC), to be elected in accordance with the Rules at a National Convention. The NCC shall consist of 11 members of the party.
- (2) The duties and powers of the NCC shall be:
 - (i) to hear and determine such disciplinary matters as are presented to it by Constituency NDP Parties in accordance with the provisions contained in the Constituency NDP Party Rules;

- (ii) to hear and determine such disciplinary matters as are presented to it by the General Secretary or National Officers of the Party on the instructions of the NEC;
 - (iii) in performing their duties specified under (i) and (ii) above, to enforce the Constitution and Rules of the Party by imposing in the case of (i) and (ii) above such disciplinary measure as it thinks fit, whether by way of reprimand or suspension from holding office in the party, or being a delegate to any party body, or withholding or withdrawing endorsement as a candidate of the party or expulsion from membership of the party or otherwise.
 - iv) The decisions of the National Constitutional Committee shall be final.
- (4) The NCC may, if it thinks fit, for the better ordering of its business and from time to time, divide itself into panels of no fewer than three members. The decisions of any such panel must be ratified by the full committee.
 - (5) The NCC or any panel thereof in hearing and determining charges against an individual shall have regard to the procedural guidelines which are appended to these rules.
 - (6) The NCC shall have the right to dismiss without full hearing or at any point any case presented to it which it or the panel hearing the case considers by majority vote to be frivolous, vexatious or an abuse of the processes of the National Constitutional Committee.

Clause XIX – National Nominations Committee

- (1) A party National Nominations Committee (hereinafter referred to as the NNC), consisting of the five persons, at least two of whom shall be women, shall be established by the NEC. The Director of Elections shall be the Chairman of NNC.

- (2) The duties and powers of the NNC shall be:
- (a) to determine when the process for the selection of PPCs can commence;
 - (b) to organise the logistics of nominations in every constituency;
 - (c) to appoint party officials and agents to oversee voting procedures;
 - (d) to inform accordingly any constituency where an all-women shortlist is required. In pursuance of the party's objective of considerably increasing the participation of women, the NEC may determine which constituencies, if any, shall have all-women shortlists, and the NNC shall enforce the directive.
- (3) In the case of any dispute, the decision of the NEC is final.

(4) **Timetable**

- (a) The NNC, in consultation with the NEC, shall draw up a timetable, which shall include the dates for applications, validation, nominations and confirmation by the NEC.
- (b) A copy of the timetable must be sent to all affiliated and party organisation with the invitation to nominate.
- (c) Any sitting NDP MP shall be informed in writing of the timetable and procedure. In pursuance of the party's objective of considerably increasing the participation of women, the NEC may determine which constituencies, if any, shall have all-women shortlists and the NNC shall enforce the directive.

(5) **Code of Conduct**

There shall be a code of conduct issued for candidates by the NEC, which potential, nominated and shortlisted candidates should observe.

(6) **Applications**

- (a) Applications for nomination candidature must be received by the National Secretariat or the Regional NDP Office.
- (b) If the Constituency NDP Party (CNDP) or the NEC has determined that there shall be an all-women shortlist in any particular constituency, only women applicants may be validated.
- (c) Organisations entitled to nominate are those affiliated and party organisations entitled to appoint delegates to the Annual National Convention. No organisation may submit more than one nomination application.
- (d)
 - (i) Any individual party member may submit to the NEC his or her own application on the appropriate form, which requires the names, address and signatures of proposer, seconder and 20 supporters, all of whom must be NDP members and registered as electors on the national membership list. Copies of the application form are available from the National Secretariat or the Regional NDP office.
 - (ii) All application forms shall be submitted to the National Secretariat.
 - (iii) The National Secretariat shall inform the relevant CNDP and Regional NDP office of any individual application, and any objection to the prospective candidature must be received by the National secretariat within 14 days of the date of posting from the National Secretariat
- (e) No application will be accepted unless the applicant:
 - (i) is a member of the NDP and registered as an elector in the constituency he/she aims to represent,
 - (ii) is qualified to be a member of parliament under the National Assembly and Presidential Elections Act, Cap. 7, Laws of Kenya;
 - (iii) has a valid National ID Card.

- (f) In the event of an affiliated organisation of the NDP deciding to sponsor a nominee (that is, provide electoral financial support), the consent in writing of the National Executive Committee of that organisation must be obtained and sent in with the nomination form to the National Secretariat.
- (g) Any application form received by the National Secretariat after the closing date will be null and void.

(8) **Validation**

- (a) The term validation means that the nominee conforms to the conditions for candidature as laid down in the constitution, that the nomination was received by the appropriate closing date and that the applicant's candidature for nominations has been approved by the NEC.
- (b) Within seven days of the close of applications, the NEC shall meet to validate the candidature of applicants successfully meeting all the nomination criteria.
- (c) Each candidate thus validated will subsequently be issued with duly authorised papers of candidature for the nomination poll.
- (d) In the event of insufficient nominations being secured or other problem, the timetable shall be extended in consultation with the Regional NDP Office to allow for further nominations to be considered.
- (e) In the event of the validation of only one applicant, he/she shall be declared nominated as the party's Parliamentary Candidate for the relevant constituency.
- (f) Any member seeking nomination and selection must not attend any party organisation meeting dealing with the validation process.

(9) **Visitors**

No visitor shall be allowed at any meeting relevant to the validation

process without the permission of the General Secretary.

(10) **Nomination Voting**

- (a) The nomination voting shall be based on all individual NDP members in the relevant constituency registered on the national membership list.
- (b) Only fully paid-up NDP members in possession of a current card shall be eligible to participate in the nomination process. Members in arrears at the nomination date must renew their subscriptions before being eligible to vote.
- (c) All paid-up NDP members in the relevant constituency shall have the right to attend a nomination poll to cast their vote.
- (d) The vote shall be by either open or secret ballot, as decided by NEC.
- (e) Three copies of the poll result shall be prepared and forwarded to the National Secretariat for endorsement.
- (f) Any unresolved dispute about eligibility to vote or any complaint against exclusion may be referred to the National Secretariat, whose decision shall be final.
- (g) In the event of any disputed votes, a decision shall be taken by the NNC-designated representative and then referred to the NEC through the NNC.
- (h) The decision of the NEC is final.

11. **Agreement**

- (a) The selection of a prospective candidate shall not be regarded as completed until endorsement has been given by the NEC, whose decision is final.
- (b) The candidate will be required to sign forms agreeing to act in harmony with the NDP Parliamentary Group and agreeing that the NEC will appoint an election agent in the event of a by-election. All these forms must be submitted to the National

Constitutional Committee

Clause XX – NEC Women’s Committee

The NEC Women’s Committee shall consist of all the women members of the National Executive Council.

4.3 Procedural Rules

Rule 1 – Annual National Convention

- (1) The NEC shall convene the Annual National Convention during July in each year in accordance with the conditions laid down in the Constitution and these Rules. It may also convene special sessions of the National Convention when it deems necessary
- (2) When a National Convention is called at short notice, the secretaries of affiliated organisations shall, on receiving the summons, instantly take steps to secure representation of their organisation, in accordance with the Constitution and these Rules.
- (3) Any session of the National Convention summoned with less than 10 days notice shall confine its business strictly to that relating to the emergency giving rise to the special session.
- (4) The timetable for the receipt of names and addresses of delegates appointed by affiliated organisations shall be determined by the NEC and submitted to the affiliated organisations with their notice convening the Convention. In the case of a special Convention called under clause VII(3), the NEC determines the date by which such names and addresses shall be submitted

Rule 2 – Agenda

- (1) The timetable for the notice and submission of resolutions and amendments and nominations shall be determined by the NEC and submitted to affiliated organisations with the notice convening the conference.
- (2) Resolutions for the Annual National Convention may be submitted, not exceeding one resolution per Constituency NDP Party and one resolution per affiliated organisation. Resolutions must be on one subject only. Such resolutions shall be sent in writing to the General Secretary by the closing date agreed by the NEC. In the case of a Special National Convention called under Clause VII(3), the NEC may appoint a date prior to which notices shall be sent to the General Secretary
- (3) Nominations for the NEC officers, leader and deputy leader, auditors and Convention Arrangements Committee shall be forwarded in writing to the General Secretary before the opening of the Convention for inclusion in the agenda, by the closing date agreed by the NEC.
- (4) No business which does not arise out of the resolutions to the agenda shall be considered by the National Convention, unless recommended by the NEC or the party Conference Arrangements Committee.
- (5) When the Annual National Convention has made a decision on a constitutional amendment, no resolution to amend the Constitution or Rules of the party shall appear on the agenda for a period of three years from the time such decision is made, except such resolutions to amend the Constitution and Rules as are, in the opinion of the NEC, of immediate importance

Rule 3 – Voting

- (1) Voting at the Annual National Convention shall be by hand or, when the conditions laid down by the Conference Arrangements Committee require it, by secret ballot

- (2) Voting at any Special National Convention shall be on the same basis as that upon which voting took place at the preceding Annual National Convention.

Rule 4 – Election of the National Executive Council

- (1) Officers to the NEC shall be elected every two years.
- (2) Nominations for the NEC shall be made in accordance with the following conditions:
 - (a) Only persons appointed to attend the Annual National Convention as delegates and ex officio members shall be eligible for nomination to a seat on the NEC. Nominees who do not attend the Convention shall be deemed to have withdrawn their nominations, unless they send to the General Secretary, on or before the day on which the Convention opens, an explanation in writing of their absence, satisfactory to the Conference Arrangements Committee.
 - (b) Nominations may be made by Constituency NDP Parties or by the NEC. Where the nomination is made by the Constituency NDP Party, the nominee must reside in or be registered as an elector in the constituency.
 - (c) Members of the NEC may not simultaneously hold office in any affiliated organisation.
 - (d) Persons nominated shall inform the General Secretary of the acceptance or otherwise of that nomination in accordance with the timetable laid down by the NEC. Unless consent to the nomination is received in writing, nominations will be rendered null and void.
- (3) Any vacancy which occurs amongst members of the National Executive Committee between Election Conventions will be filled temporarily by the NEC by co-option of a suitable candidate. The next Annual

National Convention will fill the seat by nomination and voting, following the same procedure as at a National Convention where elections take place.

- (4) The votes cast for each nominee at a National Convention shall be recorded and published in the Annual Report.

Rule 5 – Election of Party Leader and Deputy Leader

- (1)
 - (a) The Leader and Deputy Leader of the NDP shall be elected every four years at an Annual National Convention, unless 5(3)
 - (b) of these Rules applies.
 - (b) Unless there is only one candidate, voting shall be by secret ballot.

- (2)
 - (a) Each nomination must be supported by at least 20 members of the party. Nominations not attaining this threshold shall be null and void. Nominees must be members of the Party.
 - (b) Nominees for such vacancy must inform the General Secretary in writing of the acceptance or otherwise of their nomination two clear weeks before the vote. If this consent is not received, the nomination will be rendered null and void.

- (3)
 - (a) The election of Leader and Deputy Leader of the party shall take place once every four years.
 - (b) When the party is government, or the Party Leader is President or Prime Minister, or holds other executive or deputy executive position in a coalition government, the election shall take place only if requested by the majority of a National Convention on a card vote.
 - (c) Subject to Section (4) below, in any other circumstances, an election shall only be held when a vacancy occurs.
 - (d) The votes cast for nominees shall be published as soon as possible and in the Annual Report.

- (4) (a) When the party is in government and the Party Leader is President, or Prime Minister, or holding other executive or deputy executive position, and the Party Leader for whatever reason becomes permanently unavailable, NDP Cabinet shall, in consultation with the NEC, appoint one of its members to serve as party leader until a ballot under these rules can be carried out
- (b) When the party is in government, and the Deputy Leader becomes leader under Clause 4(a) of these Rules and for whatever reason the Deputy Leader becomes permanently unavailable, then the Cabinet NDP members, in consultation with the NEC, shall appoint one of their members to serve as Deputy Leader, who shall hold office until the next National Convention. Alternatively, the NDP Cabinet, in consultation with the NEC, has the power to leave the post vacant until the next National Convention
- (c) When the party is in opposition and the Party Leader for whatever reason becomes unavailable, the Deputy Party Leader should automatically become Party Leader on a pro-tem basis. The NEC shall then decide whether to elect a new Party Leader by calling a Special National Convention for the purpose or whether to elect a new Party Leader at the next Annual National Convention.
- (d) When the party is in opposition and the Leader and Deputy Leader for whatever reason both become permanently unavailable, the NEC shall, in consultation with the Parliamentary Group, appoint a member of the Parliamentary Committee to serve as Party Leader until a ballot of delegates who attend at the immediately previous National Convention is taken, at a special National Convention called for the purpose.

Rule 6 – Election of Chair and Vice-Chair

- (1) (a) The Party Leader shall appoint the Chair and Vice-Chair from

among the members of the NEC at its first meeting after the National Convention each year. Those appointed to these positions will act in that capacity throughout the year and also act as Chair and Vice-Chair of the subsequent Annual National Convention and any special National Convention of the Party during the course of the year.

- (b) The decision as to who will chair particular sessions of the National Convention will be taken by the Chair of the NEC, in consultation with the Convention Arrangements Committee.
- (c) The Chair and/or Vice-Chair may be replaced by the party leader.

Rule 7 – Election of General Secretary

The General Secretary shall be elected at the Annual National Convention, on the recommendation of the NEC. He or she shall not be eligible as a candidate for member of parliament. He or she shall remain in office so long as his/her work gives satisfaction to a NEC majority. Should a vacancy in the office occur between two Annual National Conventions, the NEC shall have full power to fill the vacancy until the next National Convention.

Rule 8 – Election of Convention Arrangements Committee

The Convention Arrangements Committee shall consist of seven members, at least three of whom shall be women, appointed by the NEC, in accordance with Clause XIV of the Constitution.

Rule 9 – Election of Auditors

Two auditors shall be elected at the Annual National Convention, in accordance with Clause XV of the Constitutional Rules.

Rule 10 – Restriction of nomination

- (1) No delegate shall be eligible for nomination to more than one position to be filled by election at any Annual National Convention. In the event of any delegate being nominated for more than one such position, the delegate shall be requested to select the position for which he or she desires to remain nominated. After the selection has been made, the delegate's name shall be omitted from the nominations for all other positions.
- (2) This rule shall not apply to the election for Leader and Deputy Leader of the party. Notwithstanding section (1) above, nominees for Leader and Deputy Leader shall also be eligible to be nominated for the NEC or Convention Arrangements Committee.

4.4 National Constitutional Committee

Procedural guidelines in disciplinary cases

- (1)
 - (a) Letters should be sent to each individual giving notice of the hearing. These should enclose the charges together with particulars of each and a summary of the evidence concerning each together with a separate bundle of the documentary evidence to be relied upon. The General Secretary or other person presenting the case ('the Presenter') should rely only upon evidence therein referred to.
 - (b) The person charged will be written to at the last notified address and required to advise the secretary of the National Constitutional Committee (NCC) within 14 days whether he/she intends to contest the charge or not. Should that person fail to respond, a reminder shall be sent advising again that failure to respond will be deemed an admission entitling the NCC to proceed with the case and to impose the appropriate sanction.

- (2) Each member of the NCC or any panel thereof shall have, prior to the hearing before him or her separately for each individual charged, copies of the documentary evidence in relation to each, together with any written statement by that individual and any witness statements supplied by that individual or to have relied upon by the presenter.
- (3) The procedure for each individual should be as follows:

a) **Witnesses**

Should any individual wish to apply to the NCC or any panel thereof for it to hear the oral evidence of any witness or witnesses on his/her behalf, such application should be made in writing no later than 14 days before the date of the hearing and the NCC or any panel thereof should consider, as soon as practicable after the application is made but in any event no later than four days before the date of the hearing, whether fairness to the individual requires that such application be acceded to, whether in whole or part, having regard to the following:

- (i) the reasons given in support of the application,
- (ii) the issue or issues or otherwise to which the witness or witnesses are said to have relevant evidence to give;
- (iii) the evidence already given in writing by the individual making the application;
- (iv) whether that individual has availed himself/herself, of the opportunity to submit to the NCC or any panel thereof, in support of his/her application, a witness statement containing the evidence of the witness whom the individual is now applying to the NCC or any panel thereof to hear orally;
- (v) the content of such witnesses statement;

- (vi) any other considerations that appear to the NCC or panel thereof to be relevant to determining whether fairness to the individual requires that any witness the subject of such an application be heard by the NCC or panel therefor. The individual should be informed forth with by the General Secretary of the outcome of his/her application.

(b) **Accompany friend**

Any individual charged should have a right at the hearing concerning him/her to be accompanied by a member of the party of his/her choice. This person may not address the NCC or any panel thereof in the course of the proceedings.

(c) **Legal representation**

Should any individual charged apply to the NCC or any panel thereof to be allowed to be represented by a lawyer or otherwise at the whole or part of the proceeding against him/her, such application should be made in writing no later than 14 days prior to the hearing and the NCC or any panel thereof should consider, as soon as practicable after such application is made and in any event not later than four days prior to the hearing, whether fairness to the individual requires that such application be acceded to, whether in whole or in part, having regard to the following:

- (i) the reasons given in support of the application;
- (ii) whether the individual can reasonably be expected to represent himself/herself without legal or other representation, having regard to his/her own experience and knowledge of the subject matter of the charge and particulars;
- (iii) whether the matters in respect to which the individual

- desires legal or other representation are so complex that such representation should be allowed,
- (iv) any other circumstances that appear to the NCC or any panel thereof to be relevant to determining whether fairness to the individual requires that he/she be allowed legal representation in accordance with his/her application, whether in whole or in part. The individual should be informed forthwith by the General Secretary of the outcome of his/her application
 - (d) Each individual's case shall be dealt with separately, except where the same charges are being brought by an organisation and the individuals concerned have agreed to be heard collectively.
 - (e) At the conclusion of the hearing of the case against each individual after the procedure set out in (f) to (j) below, the hearing against the next individual should proceed as an entirely separate hearing
 - (f) The Presenter should open and present the charge by making a short, oral presentation, explaining the particulars and evidence relied upon and calling any witness in support of the case.
 - (g) After opening and presenting the charge, the presenter should invite the individual to reply, which he/she may do in writing or orally, or both, and/or by calling any witnesses to give evidence in accordance with the ruling on the application referred to in (a) above.
 - (h) The individual and any witness, whether called by the presenter or the individual, may be subject to questions from any member of the NCC or any panel thereof relating to the charges as particularised and on no other matters
 - (i) The individual charged should be given the opportunity to make a further statement at the end of the hearing of the charge.
 - (j) (i) At the conclusion of the hearing for each individual, there should be a period of consideration by the NCC or any panel thereof followed by a vote on the question whether

the charge or charges or any of them be found proved, such question to be determined, if need be, by a simple majority vote.

- (ii) If the NCC or any panel thereof finds the charge or charges or any of them to be proved then the meeting should reconvene. The individual should be informed of the above finding and should be invited to address the NCC or any panel thereof further by way of mitigation, whether orally or in writing, or both, on the disciplinary action to be taken against him/her. Before addressing the NCC or any panel thereof, he/she should be informed by the chair of the meeting that one of the options to be considered by the NCC or any panel thereof could be that of expulsion from the party.
- (iii) At the conclusion of the address to the NCC or any panel thereof by the individual in mitigation, the members of the NCC or any panel thereof may question the individual on that issue.
- (iv) At the conclusion of such questioning, if any, or, if none, at the conclusion of the individual's address in mitigation, there shall be a period for further consideration by the NCC or any panel thereof followed by a decision on the disciplinary action to be taken, such decision, if need be, to be taken by a simple majority vote.
- (v) No member of the NCC or any panel thereof may vote on the charge against any individual nor on any disciplinary action to be taken unless he or she has been present for the whole of the hearing of the charge or charges against that individual and the address in mitigation by that individual.
- (vi) The presenter shall not have a vote on the NCC or any panel thereof in considering the case against any individual or disciplinary action to be taken.

- (vii) Decisions in cases shall be announced by the NCC or any panel thereof as it considers fit, following ratification by the NEC.

5. CONSTITUENCY AND BRANCH RULES

Clause 1 – Name

The Constituency NDP Party

Clause 2 – Objects

(1) National

The aims and values of the National Development Party of Kenya as outlined in Clause IV of the national constitutional shall apply to this Constituency NDP Party.

(2) Constituency

- (a) To unite the forces of the NDP within the constituency and to ensure the establishment of and to keep in operation Location NDP Branches and Sub-Location NDP Sub-Branched through out the constituency and to co-ordinate their activities.
- (b) To help secure the return of NDP candidates to Parliament and local government bodies, by promoting the policies and principles of the NDP throughout the constituency with a view to increasing the party's influence within the local community and securing support and membership from it.
- (c) To promote the policies of the NDP within the constituency by formulating a development action plan for the party in the area and to ensure its adoption and implementation by all party units.
- (d) To provide the opportunity for all individual members of the party

within the constituency to contribute to the development of the aims and policies of the party by ensuring that a full range of party activities is available to them and that they may participate fully in discussion to broaden the political education of members of the party and to increase their influence over the formulation of the party programme

Clause 3 – Affiliated organisations

- (1) Organisations may affiliate to the Constituency NDP Party if they fall within the following categories:
 - (a) Sub-branches of trade unions considered by the NEC to be bona fide trade unions may affiliate separately at the discretion of the Regional Secretary in agreement with the appropriate authority of the affiliated trade union.
 - (b) Co-operative societies and other co-operative organisations in the constituency.
 - (c) Women’s organisations in the constituency
 - (d) Youth organisations in the constituency
 - (e) Environmental organisations in the constituency
 - (f) Other organisations or branches thereof in the constituency which, in the opinion of the NEC, are deemed eligible for affiliation.
- (2) Each affiliated organisation must:
 - (a) accept the programme, principles and policies of the party.
 - (b) agree to conform to the Constitution and Rules of the Party
 - (c) have members who are registered as electors in the constituency

Clause 4 – Enrolment of individual members

- (1) Individual members of the party will be recruited into membership either

by the Constituency NDP Party or the Location NDP Branch or the Sub-Location NDP Sub-Branch in accordance with the provisions below, or by the National Head Office or Regional NDP Office.

- (2) The following enrolment procedures shall apply to applications for membership:
 - (a) An application to become an individual member shall be submitted by the individual to the Sub-Location NDP Sub-Branch, the Location NDP Branch, or the Constituency NDP Party together with the membership fee. The Constituency NDP shall record the applicant's details on the Constituency Register for inclusion in the National Membership List.
 - (b) The new member will be issued with an NDP membership Card. A member's rights date from eight weeks after the date entered on the membership card or alternatively from a date officially advised by the National Secretariat.
 - (c) Any objection to the application must be submitted to the National Head Office within eight weeks of the application.
 - (d) The reasons for the objection shall be submitted to the applicant by the National Secretariat, and the applicant shall have a right of individual appeal to the NEC, whose decision will be final on the Constituency NDP Party, Location NDP Branch, the Sub-Location NDP Sub-Branch and the individual.

- (3)
 - (a) In the event of any paid-up party member moving residence to another constituency, that member shall either contact the new Constituency NDP Party, who will inform the National Secretariat, or directly inform the National Secretariat, who will transfer that membership to the relevant constituency and inform that constituency and the former constituency.
 - (b) Membership rights within the new constituency shall commence eight weeks from the date details of the transfer are received by

the National Head Office.

- (c) In the event of an objection, the member has a right of appeal to the NEC.
- (4) The membership fee will be divided in accordance with Clause XIII(2) of the party Constitution. Fifty per cent of all subscription fees must be transferred to the National Secretariat by the Constituency NDP Party.

Clause 5 – Method of organisation

- (1) A Constituency NDP Party will be considered fully established when it has 200 members.
- (2) Regional NDP Offices co-ordinating a number of constituencies will be established, on such basis as decided by the NEC. Offices shall operate in accordance with regulations sanctioned by the NEC.
- (3) Branches may establish a Women’s Forum to co-ordinate work amongst women, acting in accordance with regulations sanctioned by the NEC.
- (4) There may be established a Women’s Council to co-ordinate work amongst women, acting in accordance with regulations sanctioned by the NEC.
- (5) There shall be established a Campaign Committee to co-ordinate the public activity of the Constituency NDP Party in the event of an election. The Campaign Committee shall comprise of campaign organisers from the Location NDP Branches, the Sub-Location NDP Sub-Branched and other members, as appropriate, in accordance with guidance from the NEC. The Constituency NDP Party Treasurer, Chair and Parliamentary Candidate, when selected, shall be ex officio members of the Campaign Committee.
- (6) The Campaign Committee shall elect a Campaign Co-ordinator who shall:

- (i) co-ordinate constituency-wide campaigns;
- (ii) liaise with the National Secretariat and Regional NDP Office in the promotion of the party's campaigns and strategy at the local and parliamentary levels.

Clause 6 – Organisation of individual members

- (1) The constitutional rights of an individual member of this party shall operate only in the Constituency NDP Party in which he/she resides or is a member.
- (2) In addition, women individual members of this party shall be organised in Women's Forums, acting in accordance with regulations sanctioned by the NEC.
- (3) Individual members of this party between 15 and 25 years of age shall be organised in Young NDP Branches, acting in accordance with regulations sanctioned by the NEC.

Clause 7 – Location NDP Branches

- (1) A branch established in accordance with Clause V(3) of these Rules shall comprise only of those individual members of this party who must reside or be registered as electors in the Location.
- (2) A branch shall maintain the necessary machinery for elections within its area and undertake such branch activity as may be approved by the NEC.

Clause 8 – Sub-Location NDP Sub-Branches

A Sub-Location NDP sub branch shall maintain the necessary machinery for

elections within its area and undertake such sub-location activity as may be approved by the NEC.

Clause 9 – Appointment of delegates

- (1) Every delegate must be an individual member of the National Development Party of Kenya, as described in Clause III(4) of the party Constitution.
- (2) Delegates must be bona fide members or permanent officials of the affiliated organisation appointing them.
- (3) Delegates must either reside or be registered as electors in the constituency.
- (5)
 - (a) The term of office of a delegate shall, unless his or her appointment is terminated by the affiliated or party organization which appointed them for any reason or by death or retirement, commence with the day of the opening of the Annual National Convention following their appointment, and extended to the conclusion of that meeting, or to the conclusion of that meeting, or to the any Special National Convention called between the date of that Annual National Convention and the date of the next Annual National Convention, but he or she shall not, except as hereinafter proded in (b), be entitled to attend that next Annual National Convention.
 - (b) All qualified to be re-elected under these rules may be re-elected.
 - (c) It shall be the duty of General Secretary of this party to invite affiliated and other party organisations to elect their delegates prior to and in time to be called to the Annual National Convention.
 - (d) Officers and members of the NEC who are not re-elected as delegates may attend the annual meeting to tender their reports

but may not vote on the business of the meeting.

Clause 10 – Officers

- (1) The Constituency, the Location branch, sub-Location sub-branch committees officers, at least three of whom shall be women, shall be elected at an annual meeting held by April 30 each year.
- (2) The officers shall be: Chair, Vice Chair, Secretary, Assistant Secretary, Organising Secretary, Assistant Organising Secretary, Treasurer, Assistant Treasurer, Constituency Women’s Leader, Constituency Youth Leader and five committee members.
- (3) In addition, there may be appointed functional officers who may attend meetings of the Constituency Committee without voting power.

Clause 11 – Meetings of Constituency Committee

- (1)
 - (a) The annual general meeting of the Constituency Committee shall be held in of each year, or in the event of such meeting not being held in that month for any reason, then as soon thereafter as possible. In the event of the meeting not being able to be held on time, National Head Office should be informed.
 - (b) 14 days’ notice of an annual general meeting shall be given to Location NDP Parties and affiliated organisations within the constituency. A notice of an annual or special meeting shall state as far as possible the business to be transacted.
 - (c) Delegates to a Constituency Annual General Meeting shall be members of the Constituency Committee and five delegates from each Location NDP Branch, one of whom in each shall be a woman and one a youth representative.

- (2)
 - (a) Special General Meetings may be called at the discretion of the Constituency Committee and shall be called on the written request of at least one-third of Location NDP Branches.
 - (b) Seven days' notice of a Special General Meeting shall be given to delegate.
- (3) Ordinary meetings of the Constituency Committee shall be held at monthly intervals.
- (4) Any notice required to be given under these Rules shall be delivered by post or by hand, and where sent to a Location NDP Party or an affiliated organisation, shall be addressed to the secretary thereof.
- 5)
 - (a) Following each annual meeting, the secretary of the Constituency Committee shall submit to National Head Office and the Regional NDP Office a list of all members of the committee. This notice must be signed by the outgoing secretary and the incoming secretary. The Constituency Committee must be endorsed by the NEC.
 - (b) Following each annual meeting, the Constituency Committee must submit to National Head Office a copy of constituency accounts, together with a copy of the constituency annual report.

Clause 12 – Parliamentary candidates

- (1) The NEC shall be responsible after each General Election for determining the timetable for the selection and re-selection of Parliamentary candidates.
- (2) The NEC shall carry out the procedures as agreed by the Annual National Convention for the selection or re-election of the Parliamentary candidate. The NEC shall have the right to modify the procedure, if required, subject to ratification at the subsequent Annual National Convention.

- (3) There shall be a code of conduct for candidates issued by the NEC.
- (4) The selection of a prospective Parliamentary candidate shall not be regarded as completed until the name of the member selected has been placed before a meeting of the NEC and his or her selection has been endorsed. Until such endorsement has been received, the member shall not be introduced to the public as the prospective candidate. If the NEC is satisfied that there is prima facie evidence of a breach of rule by an individual, the NEC shall have the right after such investigations and interviews with the individual, as the NEC shall consider reasonably practical and appropriate to rescind endorsement of such individual as a prospective parliamentary candidate.
- (5) Normal procedure may be dispensed with by the NEC where no valid nominations are received, or when an emergency arises, or when the NEC is of the opinion that the interests of the NDP or the NEC demand the suspension of the procedure laid down.
- (7) If this party is represented in Parliament by a member of the parliamentary NDP:
 - (i) the member of parliament shall be eligible for nomination for selection as the prospective parliamentary candidate; and whether nominated or not, he/shall be included in the short-list of candidates from whom the selection shall be made.
 - (ii) If the said MP is not selected as the prospective parliamentary candidate, he shall have the right to appeal to the NEC. The appeal can only be made on the grounds that the procedure laid down in the rules and the general provision of the Constitution and Rules have not been properly carried out.
 - (iii) Where there is a formal announcement of the dissolution of Parliament before the nomination meetings have been held, the provisions of this section

- (6) (other than this paragraph) shall be suspended and the said MP shall be re-elected as the prospective parliamentary candidate, unless he or she intimated his or her intention to retire, in which case the NEC's decision on the procedure to be followed is final.
- (7) Where the prospective parliamentary candidate has been selected and subsequently intimates his/her intention not to stand for parliament in the constituency as the NDP candidate, at the next election, the laid-down procedure must be set in motion again.
- (8) When the party has selected the prospective parliamentary candidate, it will only be able to reconsider that selection if the NEC has decided that, in its opinion, there are changed circumstances relating to the prospective parliamentary candidate since his or her selection, and holds a meeting to consider a special resolution that the prospective candidate selected previously shall not be the candidate at the next general election. The decision of the NEC shall be final.
- (9) If a parliamentary by-election occurs in the constituency, the laid-down procedure may be suspended. The NEC may, if it deems it necessary in the interests of the NDP, select a parliamentary candidate for the by-election.
- (10) An election shall cancel any parliamentary candidature.
- (11) Every parliamentary candidate must undertake to stand as the NDP candidate independent of all other political parties and, if elected, to act in harmony with the Parliamentary Group and abide by its procedures.
- (12) This clause shall be read with Clause XI of the Constitution of the NDP

and the provisions of the latter shall apply to this party.

Clause 13 – Local government

(1) Short-listing and selection

- (a) An applicant must be a member of the NDP and must be registered as an elector in the ward he/she aims to represent.
- (b) An applicant must be qualified to be a councillor under the provisions of the Local Government Act, Cap.265, Laws of Kenya.
- (c) An applicant must complete the relevant application form, which requires the names, addresses and signatures of proposer, seconder and 10 supporters, all of whom must be NDP members and registered as electors in the relevant area.
- (d) Any objection to any application must be received by the National Head Office in writing within 14 days of the application for nomination, unless this period be varied by the NEC.
- (e) The selection of candidates shall be made by the NEC from the list of those applying on the relevant party forms submitted to the National Secretariat, with copies to the Constituency NDP Party, the Regional NDP Office, the Location NDP Branch and the Sub-Location NDP Sub-Branch.
- (f) The Head Office will provide selection papers to the candidate so selected.
- (g) Where a vote is necessary to determine which applicants shall be selected, it shall be taken by an eliminating ballot.
- (h) The NEC or panel thereof shall decide the venue and date of the nomination elections, which will be carried out under guidelines issued by the NEC.
 - (i) Wherever possible, the election of candidates will be done by the individual members of the party in the electoral area or registered therein as electors.

- (ii) Where this is impractical, the NEC shall have authority to approve the selection being made at a special meeting of delegates appointed by branches within the electoral area.
- (j) Where there is only one candidate, the NEC may declare the applicant nominated, should it consider he or she fulfills the requirements for candidature.
- (k) The NEC has the power to vary the nomination rules if it considers this to be in the best interest of the party.
- (l) Any dissenter may make a written appeal to the NEC, through the National Secretariat, regarding any nomination, within three days of that nomination.
- (m) The NEC shall have the final decision in the case of any dispute arising in connection with nomination, and shall in what it considers an emergency have the authority to impose a candidate or candidates in a given ward.

(2) **By-elections**

In the event of a by-election occurring in one of the wards within this constituency, the constituency committee shall consult with the NEC to take whatever action may be necessary to meet the situation and to ensure that the vacancy is contested by the party.

Clause 14 – Discipline

- (1) If the Constituency NDP Party receives any written complaint or allegation concerning the behaviour of any member, the Constituency Committee shall decide whether such a complaint merits investigation.
- (2) Where this is so, the Constituency Committee shall appoint three of its members to carry out the investigation.
- (3) The investigators shall report to a meeting of the Constituency

Committee, which shall decide if a prima facie case has been made out. If so, the Committee shall formulate charges and forward them, with evidence, through the National Secretariat to the National Constitutional Committee.

- (4) Gross misconduct shall be answered by dismissal as an officer-bearer and/or suspension or expulsion from the party. The following offences constitute gross misconduct:
- (a) Support for any other political party, as defined in Clause III (5) of the constitution.
 - (b) Enrolment in any other political party.
 - (c) Misuse of party funds or property
 - (d) Conviction regarding misuse of public funds
 - (e) Abuse of public position
 - (f) Involvement in corruption or fraud.
 - (g) Conviction for drug-trafficking or sexual offence.
- (5) General misconduct shall be punishable by such action as the NCC considers fit, including exclusion, suspension, firing. The following offences shall constitute general misconduct:
- (a) Lack of respect to the party leadership.
 - (b) Contravention or misrepresentation of the party programme, aims or values.
 - (c) In the case of a party official, repeated failure to carry out the duties assigned to him or her, including attending meetings as required.
 - (d) Any act which, in the opinion of the NCC, is detrimental to the party.
- (6) All punishments imposed by the NCC shall be communicated to the individual concerned and to the relevant Regional NDP Office, Constituency NDP Party, Location NDP Branch and Sub-Location NDP Sub-Branch.

- (7) Any individual so disciplined has the right to appeal to the NEC for a review of his or her case, if the individual feels grounds for an appeal to be considered exist, providing that these grounds have not already been included by the NCC during its previous consideration of the case.

Clause 15 – Miscellaneous

- (1) The general provisions of the Constitution and Rules of the NDP shall apply to this organisation.
- (2) It shall be the duty of the Constituency NDP Party to ensure that at least one-third of their delegates to other NDP bodies (where delegate entitlement is more than one) shall be women.
- (3) It shall be the duty of the Constituency NDP Party to take all necessary steps to enforce the Constitution and Rules of the NDP within this constituency and to safe guard the programme, principles and policies of the party.

6. NDP WOMEN'S SECTION

6.1 National Organisation

1. Name

Women's NDP Movement.

2. National Committee

The National Women's Committee shall consist of the women members of the NEC, who form the NEC Women's Committee, and five other co-opted members who can bring special skills to the Women's NDP Movement.

3. Objectives

- (1) To extend the influence of the NDP to women electors, and to make known the principles and policies of the party.
- (2) To work with the NEC on propaganda and membership campaigns amongst women and in the promotion of activities and organisations catering for women.
- (3) To engage in community activities of a political and campaigning and social character.
- (4) To co-operate with the NEC Women's Committee in carrying out appropriate national and local surveys.
- (5) To co-ordinate the interests and activities of women NDP members in all organisations in association with the NDP.
- (6) Where appropriate, and in accordance with the Constitution of the NDP, to co-operate with other women's organisations in any community.

4. Membership

All individual women members of the NDP shall automatically be members of Women's NDP.

5. Structure and relations

- (1) Women's NDP shall have a national committee, a constituency NDP Committee, Location and sub-Location forums to ensure the effective administration and organisation of Women's NDP.

- (2) Women's NDP members shall be able to establish Location NDP Branch and Sub-Location NDP Sub-Branch forums throughout Kenya.
- (3) Women's NDP groups shall ensure, at every level, close co-operation with other (non-political) women's

6.2 Women's Constituency Committees

Rules

1. Name of organisation

The Constituency NDP Women's Committee (CWC)

2. Objectives

- (1) To promote membership of the NDP among women in the constituency.
- (2) To propagate the principles and policies of the party in consultation with the Constituency NDP Party and the NEC Women's Committee, with a view to increasing support.
- (3) To take up and help promote opportunities within the party for political education and training amongst women members.
- (4) To represent the views of women to the Constituency NDP Party committee.
- (5) To co-ordinate and promote the work and campaigns of women's organisations in the location.
- (6) To advise the Constituency Committee on the co-ordination and development of women's groups throughout the constituency.

- (7) In conjunction with the NEC, to help form women's groups as appropriate.
- (8) To help women achieve voter registration.

3. Membership

- (1) All individual women members of the NDP Party who reside or are registered as electors in the constituency shall automatically be members of the CWC.
- (2) A register of such members shall be kept.

4. Management

- (1) The management of the section shall be in the hands of a committee composed of officers and three ordinary members elected by ballot at the annual meeting of the CWC.
- (2) The officers shall be chair, vice-chair, secretary and treasurer, elected by ballot at the annual meeting of the section. Besides the three ordinary members, other functional officers may be appointed as necessary.
- (3) The committee shall report periodically to the Constituency Committee.
- (4) Delegates shall be elected to represent the CWC, as necessary, by specially-summoned meetings of the membership.

5. Meetings

- (1) The annual meeting of the CWC shall be held in the month of March, with 14 days' notice being given to members, together with an agenda and request for nominations.

- (2) The reports of secretary and treasurer, together with a balance sheet, shall be presented.
- (3) Ordinary meetings of the CWC shall be held weekly, fortnightly or monthly, at such time and place as may be decided by the members at an annual meeting.

6. Finance

- (1) Members shall pay their annual subscriptions to the NDP in accordance with its rule. A certain proportion of receipts will be allocated to the Women's Forum.
- (2) Local fundraising efforts will be organised by the Committee.
- (3) The WF may raise and spend its own funds if the expenditure is to further the objectives of the Women's NDP.
- (4) The treasurer shall be responsible for the finances of the CWC.

7. Miscellaneous

The general provisions of the Constitution and Procedural Rules of the NDP shall apply to the CWC.

8. Alteration of rules

- (1) Alterations can only be made at the annual meeting or at a specially-summoned general meeting of the CWC, 14 days' clear notice of the proposed alteration having been given.

- (2) Amendments to rules are subject to approval by the NEC.

6.3 Women's Forums

The Location Branch and sub-Location sub-branch NDP Women's Forum (WF) shall have similar composition and Rules as the Constituency NDP Women's Committee.

6.4 NDP Women's Conference

1. Convening the Conference

The NEC Women's Committee shall convene the NDP Women's Conference each year, in accordance with the conditions laid down by the NEC.

2. Composition of the Conference

(1) The delegation to conference shall be:

- (a) Constituency women's representatives – two delegates
- (b) Organisations affiliated to the party nationally – one delegate.
- (c) The NEC Women's Committee.

(2) Women MPs, endorsed women NDP parliamentary candidates, other women national officials and five specially invited guests shall be ex officio members with no voting rights.

3. Conditions for the appointment of delegates

- (1) Every delegate must be an individual member of the NDP as described in Clause III of the Constitution.
- (2) Delegates must be bona fide members of the organisations appointing them,

except in the case of members of parliament and parliamentary candidates.

- (3) Women members of the NDP Parliamentary Group and duly-endorsed women NDP parliamentary candidates may be appointed as responsible for their candidatures, otherwise delegates appointed must either reside or be registered as electors in the constituency appointing them.
- (4) No person shall act as a delegate for more than one organisation.
- (5) Persons acting as candidates or supporting candidates in opposition to duly-endorsed NDP candidates are also ineligible to act as delegates.
- (6) The closing date for receipt of delegates' names shall be on a date laid down by the NEC.

4. Conference arrangements committee

The NEC Women's Committee shall establish a committee of seven women to act as a Conference Arrangements Committee.

5. Conference agenda and the timetable of business

- (1) The timetable of business for the conference and its preparations shall be determined by the Conference Arrangements Committee.
- (2) The agenda will include the following:
 - a) Resolutions.
 - b) NEC Women's Committee Report.
 - c) Reports and discussion of documents submitted by the NEC

- Women's Committee.
d) Election of officers.

6. Voting at Conference

Voting at Conference shall be by secret ballot.

7. Conference recommendations

It shall be the duty of the NEC Women's Committee to convey the recommendations of the conference to the NEC.

8. Chair of Conference

The chair of conference shall be elected annually by the NEC Women's Committee.

9. Alterations to Rules

The rules governing the conference shall be determined by the conference, subject to approval by the NEC.

7. YOUNG NDP

7.1 National Organisation

1. Name

Young NDP.

2. Objectives

- (1) To help young NDP members play a full and active role in the NDP.

- (2) To train and politically educate young NDP members.
- (3) To help young NDP members organise social activities.
- (4) To change the political culture, particularly meeting culture, of the NDP at Sub- Location Location and constituency level and to organise more social activities at every level.
- (5) To advise the NEC on issues that particularly concern young people in Kenya and issues that concern young party members in the NDP.
- (6) To campaign against all forms of discrimination and prejudice, especially those based upon race, ethnic origin, religion, disability or gender.
- (7) To persuade more young people to vote NDP at local and national elections.
- (8) To educate and help young people towards registering as electors.
- (9) To establish good relations with youth organisations in other countries.
- (10) To foster and promote environmental protection

3. Membership

- (1) All individual members of the NDP aged between 16 and 35 years inclusive shall automatically be members of Young NDP. Any student irrespective of upper age limit shall be eligible for membership of the young NDP
- (2) A register of such members shall be kept.

4. Structure and relations

- (1) Young NDP shall have a national committee, a constituency committee, location groups and sub-location groups, to ensure the effective administrative and organisation of Young NDP.
- (2) The national committee shall be established by the NEC.
- (3) Young NDP members shall be able to establish constituency committees and Location branch and Sub-Location Sub-Branch groups throughout Kenya.
- (4) Young NDP groups shall ensure, at every level, close co-operation with other youth groups, including student organisations.

7.2 National Youth Committee

1. Formation and members

- (1) The National Youth Committee shall comprise of Chair, Vice-Chair, Secretary, Assistant Secretary, Organising Secretary, Assistant Organising Secretary, Treasurer, Assistant Treasurer, Legal Secretary, Women's officer, membership and campaigns officer, elected by the NEC.
- (2) The chair of the National Youth Committee shall be the National Youth Officer and ex officio member of the NEC shall attend the meetings of the NEC as invited, in a non-voting capacity.
- (3) The Secretary shall be the Asst. National Youth Officer and shall represent the chair in the NEC in the latter's absence.

2. Objectives

The National Committee will:

- (i) Advise the NEC on administration and organisation of Young NDP, advise on all matters affecting young people, advise on any

NDP at the branch and constituency levels and to organise more social activities.

- (5) To persuade more young people to vote NDP at local and national elections.
- (6) To recruit young people into NDP membership.
- (7) To campaign against all forms of discrimination and prejudice, especially those based on race, ethnic origin, religion, disability or gender.
- (8) To help young people achieve voter registration.

3. Membership

- (1) All individual members of the NDP aged between 16 and 32 years inclusive, who live within the geographical boundary of the sub-location shall automatically be members of the Young NDP Group.
- (2) A register of such members shall be kept.

4. Establishing a group

- (1) Young NDP members may set up a Young NDP Group by applying to the National Youth Office at the National Secretariat, giving details of the location the group will cover. The members should also contact the Location NDP Branch and the Constituency NDP Party, informing them of the intention to set up a local group.
- (2) The National Secretariat may then agree that a group be set up and registered with the National Secretariat.

- (3) A Young NDP Group is considered to be a bona fide group when the National Secretariat informs the Constituency NDP Party that a local group has been registered.

5. Meetings

- (1) Young NDP groups should avoid bureaucracy at their meetings. Only the activities planned, the division of duties and responsibilities between members of the group, or a programme of action need be officially recorded.
- (2) Political education discussions, speakers, campaigns and elections and social activities should be the main items on the agenda of meetings, with any other of the objectives and aims of Young NDP.
- (3) Ordinary meetings of the Young NDP Group shall be held weekly fortnightly or monthly, at such time and place as may be decided by the members at an annual meeting. Guidelines on running Young NDP meetings may be issued by the National Youth Office from time to time.
- (4) All individual members of the NDP between the ages of 16 and 32 years inclusive, who live in the location, should be invited to all of the group's meetings.
- (5) The National Youth Office at the National Secretariat shall be given at least 14 days' written notice of any meeting which will elect officers of the Young NDP Group.

6. Officers

- (1) An annual meeting of the Young NDP Group will be held which will elect a chair, secretary, treasurer, membership and campaigns officer, and women's officer. Other officers can be appointed as appropriate, with the permission of the National Youth Office.
- (2) The names and addresses of the officers of the Young NDP Group, and

any subsequent changes, shall be notified to National Youth Office via the National Secretariat.

7. Finance

- (1) Any party financing shall be as directed by the NEC.
- (2) The Young NDP Group may raise and spend its own funds if the expenditure is to further the objectives of Young NDP.
- (3) The treasurer shall be responsible for the finances of the Young NDP Group.
- (4) The Young NDP Group shall submit its accounts to the National Youth Office at the National Secretariat or upon request from that office.
- (5) In the event of the dissolution of the Young NDP Group, all funds and properties shall belong to the National Youth Office.

8. Relationship with the Location NDP Branch and Constituency NDP Party

- (1) The Young NDP Group shall maintain good relations with the Location NDP Branch and Constituency NDP Party.
- (2) The Young NDP Branch Group shall inform the Constituency NDP Party of any campaign, activities or events they are running, organising or assisting with.
- (3) The Young NDP Group shall also receive the co-operation, encouragement and assistance of the Location NDP Branch and Constituency NDP Party and their officers.

9. General Relations

- (1) Young NDP Group shall set up links with local youth groups whose aims and objectives are compatible with those of the NDP, as decided by the NEC.
- (2) The Young NDP Group shall give reports, at least quarterly, on their activities and any problems or difficulties they are experiencing, to the National Youth Office at the National Secretariat.

10. Miscellaneous

The organisation and administration of the Young NDP Constituency Committees shall be in the same form as that of the Young NDP Groups.

7.4 Young NDP Conference

Clause 1

The NEC of the NDP shall, in accordance with its duties, convene a National Young NDP Conference every two years.

Clause 2 – Objects

- (1) To bring together young people who are either members or supporters of the NDP, to discuss, debate and exchange views of interest and relevance to young people.
- (2) To organise workshops, debates, discussions, exhibitions, meetings and events of a political, cultural and sporting nature, including
- (3) To elect, from among youth members National officials of the young NDP
 - (a) activities aimed at personal development and acquisition of new skills and confidence-building;
 - (b) events which raise levels of political education;

- (c) activities which enable younger party members to campaign effectively and to take a more active role in all aspects of party work.

Clause 3 – Attendance

There shall be four categories of attendance:

- (i) Youth leaders of the constituency parties.
- (ii) Chairman and secretary of every national University branch.
- (iii) Chairman and secretary of every national youth Polytechnic branch
- (iv) Other youth organisations invited by the NEC, be it the affiliate of the party or not, but whose purpose and activity are compatible with those of the NDP. But members of organisations invited shall not have a casting vote. Other youth organisations invited by the NEC, who are neither affiliates nor organisations of the party, but whose purpose and activities are compatible with those of the NDP.

Clause 4 – Report

- (1) The National Youth Committee shall draft the agenda and format of the Young NDP Conference and present the draft to the NEC for approval.
- (2) The National Youth Officer shall report the decisions and views of the conference to the NEC.

IT IS TIME FOR CHANGE



THE TIME HAS COME!
NDP