

# **FREEDOM AND OPPORTUNITY PARTY**

**(FOP)**



## **PARTY CONSTITUTION**

**JANUARY, 2025**

## PREAMBLE

We the members of the **Freedom & Opportunity Party (FOP)**

**PROUD** of the ethnic, cultural, and religious diversity of Kenya and honoring our Almighty and sovereign God.

**COMMITTED** to creating a better Kenya for current and future generations.

**RECOGNIZING** the need for honest, transparent, and accountable political leadership in our country.

**INSPIRED** by the indomitable spirit of the people of Kenya in their daily struggle to create a modern, just, united, and prosperous Kenya.

**DRIVEN** by the desire to promote, protect and implement the constitution of the Republic of Kenya.

**EXERCISING** our political, social and economic rights as recognized and guaranteed by our constitution and various international human rights instruments.

**RESOLVE** to form a national all-inclusive, democratic, transparent, accountable, and progressive mass political party to actualize the hopes, dreams, and aspirations of the people of Kenya from all walks of life.

**HEREBY ADOPT** and **PLEDGE TO RESPECT THIS** Party constitution as an affirmation of our commitment to our efforts aimed at creating, nurturing and sustaining FOP as a truly democratic institution of governance.

**YEARNING** for the legitimate enjoyment of civil liberties and Freedoms and the exercise of their inalienable rights.

**DESIRING AND STRIVING** for an environment of limitless opportunities and equal enjoyment of the same.

**UNDERTAKE** to fervently embrace the culture of constitutionalism and uphold the rule of law at all times.

**WE THEREFORE, ENACT** it for and on behalf of the members of FOP.

We thank Almighty God for the gift of life, may HE continue blessing us with the gift of wisdom to effectively manage our beloved country.

**Freedom & Opportunity Party: together we rise, together we prosper**

**Table of Contents**

PREAMBLE..... 2

PART I ..... 7

ARTICLE 1:0 ESTABLISHMENT ..... 7

    ARTICLE 1.1 INTERPRETATION..... 7

ARTICLE 2.0 REGISTERED OFFICE & PHYSICAL AND POSTAL ADDRESS OF THE POLITICAL PARTY ..... 8

    ARTICLE 2.1 OFFICIAL WEBSITE OF THE PARTY ..... 8

    ARTICLE 2.2 PARTY SYMBOL ..... 8

    ARTICLE 2.3 SLOGAN ..... 9

    ARTICLE 2.4 COLORS ..... 9

ARTICLE 3.0 MISSION STATEMENT, VISION, OBJECTIVES, VALUES AND GUIDING PRINCIPLES..... 9

    ARTICLE 3.1 VISION STATEMENT..... 9

    ARTICLE 3.2 MISSION STATEMENT ..... 9

    ARTICLE 3.3 OBJECTIVES ..... 9

    ARTICLE 3.4 PRINCIPLE AND CORE VALUES ..... 10

PART II ..... 11

ARTICLE 4.0: MEMBERSHIP..... 11

    ARTICLE 4.1 THE CATEGORIES OF MEMBERSHIP WILL BE:..... 12

    ARTICLE 4.2 MEMBERSHIP FEES, SUBSCRIPTIONS AND NOMINATIONS ..... 13

    ARTICLE 4.3 MEMBERSHIP REGISTER ..... 13

    ARTICLE 4.4: RIGHTS AND DUTIES OF MEMBERS ..... 14

ARTICLE 4.5: TERMINATION OF MEMBERSHIP.....	15
ARTICLE 5.0 AUTHORIZED SIGNATORIES.....	16
PART III .....	17
ARTICLE 6.0: NATIONAL OFFICIALS AND OFFICERS OF THE PARTY .....	17
ARTICLE 6.1: DUTIES OF NATIONAL OFFICIALS .....	18
ARTICLE 7.0 GENERAL ORGANIZATION OF THE PARTY/NATIONAL PARTY ORGANS .....	23
7.1.3 PARTY CONSTITUENCY AND BRANCH OFFICES .....	25
ARTICLE 7.2 BRANCH EXECUTIVE COMMITTEE.....	25
7.3 NATIONAL DELEGATES CONVENTION .....	27
7.3.1 Procedure of Meeting at National Delegates’ Convention. ....	28
a). Ordinary sessions.....	28
b). Special Sessions.....	28
7.3.2 Procedure Meetings at the Branch And Other Organ Of The Party.....	30
ARTICLE 7.4 NATIONAL EXECUTIVE COUNCIL .....	31
7.4.4 Eligibility and procedure for election to the National Executive Committee.....	34
7.4.5 Decision making powers of the NEC.....	35
7.4.6 Procedure and Guidelines for NEC Meetings .....	36
ARTICLE 7.5 CENTRAL MANAGEMENT COMMITTEE .....	38
ARTICLE 7.6 PARLIAMENTARY GROUP .....	38
ARTICLE 7.7 COUNTY ASSEMBLY FORUM.....	38
ARTICLE 7.8 THE NATIONAL YOUTH COUNCIL .....	38
ARTICLE 7.9 NATIONAL WOMEN COUNCIL .....	39
ARTICLE 7.10 DIASPORA CHAPTER .....	39
ARTICLE 8.0: Employee Details and Terms of Employment .....	41
ARTICLE 8.1 The National Secretariat (NS).....	42

ARTICLE 8.2 Regional Secretariat (RS) .....	43
ARTICLE 8.3 APPOINTMENT OF EXECUTIVE DIRECTOR .....	44
ARTICLE 9.0. RECORDS MANAGEMENT .....	44
ARTICLE 9.1 Policy Documents.....	45
ARTICLE 9.2 Policy Reporting Document .....	45
ARTICLE 10.0 National Disciplinary Committee .....	46
ARTICLE 10.1 Criteria for Suspension .....	47
ARTICLE 10.2 Criteria for Expulsion .....	48
ARTICLE 10.3 Consequences of Disciplinary Action .....	48
ARTICLE 10.4 Regional Disciplinary Committee .....	48
ARTICLE 11: NATIONAL ELECTION COMMITTEE .....	49
ARTICLE 12: PROCEDURE FOR CONDUCTING MEETINGS.....	50
12.1 Procedure of Meeting at National Delegates’ Committee. ....	50
a). Ordinary sessions.....	50
b). Special Sessions .....	51
PART IV .....	52
ARTICLE 13: NOMINATION RULES FOR NATIONAL PARLIAMENTARY & COUNTY ELECTIONS .....	52
ARTICLE 14.0 FUNDS AND ASSETS .....	54
ARTICLE 14.2 National Finance Committee .....	56
ARTICLE 14.3 Key responsibilities of the Finance Committee include; .....	56
ARTICLE 14.4 National Audit Committee .....	56
ARTICLE 14.5 Key responsibilities of the Audit Committee include; .....	56
ARTICLE 14.6 Budget Committee.....	57
ARTICLE 14.7 Key responsibilities of the Budget Committee include; .....	57
ARTICLE 14.8 Asset Management .....	57

ARTICLE 15.0 INTERNAL DISPUTE RESOLUTION.....	57
ARTICLE 15.1 Sources of Internal party conflicts .....	58
ARTICLE 15.2 Best Practices In Addressing Conflicts .....	58
ARTICLE 15.3 National Internal Dispute Resolution Committee.....	59
ARTICLE 16.0 MERGERS AND COALITIONS .....	59
ARTICLE 16.1 CIRCUMSTANCES FOR MERGERS AND COALITIONS.....	59
ARTICLE 16.2 MERGERS .....	59
ARTICLE 16.3 COALITIONS.....	60
ARTICLE 17.0 AMENDMENTS OF NAME, SYMBOL, PARTY COLOURS, CONSTITUTION, AND RULES OF THE PARTY.....	61
ARTICLE 18: DISSOLUTION .....	61
19.0 PARTY PRIMARIES, PARTY LISTS AND REGISTRATION OF CANDIDATES.....	63
19.1 Party Nominations .....	63
Nomination of Candidates to Political Party Lists.....	64
ARTICLE 20: TRANSITIONAL AND SAVINGS CLAUSE .....	65

## PART I

### ARTICLE 1:0 ESTABLISHMENT

- a) There is hereby established for and by the people of Kenya, a political party known as **FREEDOM & OPPORTUNITY PARTY** (hereinafter referred to as the “**Party**” or **FOP** established pursuant to the Constitution of Kenya, the Political Parties Act 2011 and other relevant laws of Kenya enacted from time to time.
- b) The symbol, colors, slogan, and salute of the party may change from time to time by a decision of the party’s National Delegates Convention (NDC) provided that the use of words, slogans, emblems, or symbol which could arouse ethnic, age, tribal, gender, regional, linguistic, corporal, professional or religious division are strictly prohibited.

### ARTICLE 1.1 INTERPRETATION

In this constitution unless the context otherwise warrants:

“Article” means Article of this constitution and “Clause” or “Sub-clause” shall be similarly construed.

“Branch” shall be coterminous with the county’s boundaries, county means county as defined under the National Assembly and presidential election Act (Cap 89 Laws of Kenya).

“Party” means FREEDOM & OPPORTUNITY PARTY (FOP).

“Party leader” means the national leader of the party and other national officials shall be construed accordingly.

“sub-branch shall for the purposes of this constitution be coterminous constituency as defined by the National Assembly Act.

“Region” means area of political communities as provided by the National Executive Council in the purpose of this constitution.

“he” or him refers to both male and female person.

## **ARTICLE 2.0 REGISTERED OFFICE & PHYSICAL AND POSTAL ADDRESS OF THE POLITICAL PARTY**

The registered office headquarters of the party shall be in Syokimau, Machakos County, **P.O. BOX 9714 – 00100, Nairobi Kenya.**

## **ARTICLE 2.1 OFFICIAL WEBSITE OF THE PARTY**

The official website for the party shall be [www.fop.co.ke](http://www.fop.co.ke)

## **ARTICLE 2.2 PARTY SYMBOL**



The symbol of the party is **Compass.**

### **ARTICLE 2.3 SLOGAN**

The slogan of the party is **together we rise, together we prosper.**

### **ARTICLE 2.4 COLORS**

The party colors are turquoise green, navy blue and red.

## **ARTICLE 3.0 MISSION STATEMENT, VISION, OBJECTIVES, VALUES AND GUIDING PRINCIPLES**

### **ARTICLE 3.1 VISION STATEMENT**

A prosperous and equitable Kenya where every citizen enjoys the full fruits of freedom and opportunities.

### **ARTICLE 3.2 MISSION STATEMENT**

To secure freedom and opportunity for all Kenyans through responsible governance, sustainable economic development, and the equitable distribution of resources, ensuring a life of dignity and social justice for every citizen.

### **ARTICLE 3.3 OBJECTIVES**

We are resolutely committed to the following objectives:

- i. Bridge the Socioeconomic divides by advocating for policies that prevent the widening gap between the rich and the poor, prioritizing the well-being of the less privileged among us.
- ii. Advancing Equitable Development by establishing national unity, and stability, for a Kenya where every citizen can thrive.
- iii. To advocate for the realization of gender, and inclusion of the marginalized groups into the national politics and resource distribution.
- iv. Unlock the untapped potential of Kenya by promoting the study and responsible utilization of our vast mineral and natural resources. We advocate for amendments and enabling legislation that channel the

benefits of these resources directly to the communities where they are found.

- v. Implement government policies that secure a decent standard of living for every citizen, encompassing essentials such as food, housing, and accessible healthcare.
- vi. Nurture prosperity with compassion by creating income programs and social safeguards that empower Kenyans to generate wealth for themselves, thereby reducing their dependence on burdensome borrowing practices.
- vii. Actively engage in the fight against poverty, illiteracy, and disease, with a focus on uplifting the lives of all Kenyans.
- viii. Taking all steps required to achieve the above objectives, demonstrating our unwavering commitment to progress and social justice.
- ix. To promote implementation of national values and good governance as outlined in the Constitution of Kenya, 2010.

### **ARTICLE 3.4 PRINCIPLE AND CORE VALUES**

- i. **Diversity and Inclusivity:** FOP upholds the principles of diversity and inclusivity, valuing and embracing the differences among Kenyan citizens. We believe in a society where everyone's unique backgrounds and perspectives are not only respected but actively integrated into our decision-making processes, creating a stronger and more representative democracy.
- ii. **Honesty:** We prioritize transparency, truthfulness, and ethical conduct in all our actions and communications. We believe in the power of honesty to build trust and maintain the integrity of our party.

- iii. **Meritocracy:** The Party advocates for a meritocratic system where individuals are recognized and rewarded based on their abilities, qualifications, and contributions. We are committed to ensuring that the most capable and deserving individuals have the opportunity to lead and serve Kenya.
- iv. **Pragmatism:** We believe in practical, results-oriented approaches to governance. Pragmatism guides our decision-making, emphasizing effective solutions to the challenges faced by our nation. We value actions that produce tangible benefits for all Kenyans.
- v. **Integrity:** Integrity is non-negotiable for us. We demand the highest ethical standards from our party members and leaders. Upholding integrity is crucial in maintaining the trust and respect of the people we serve.
- vi. **Teamwork:** We emphasize the importance of teamwork in achieving our goals. We recognize that collective effort, collaboration, and cooperation among party members and leaders are essential to address complex issues and drive positive change for Kenya.

## PART II

### ARTICLE 4.0: MEMBERSHIP

- I. The party is a mass movement and shall be open to all Kenyans who have attained the age of eighteen (18) years and above who believe in and accept the objectives, policies, programs, discipline of the party, terms, and conditions of membership of the party contained in this constitution.
- II. To become a member, a person shall make written application to the nearest FOP offices, if the application is successful the person shall by an entry of the person's name and any other relevant particular in the

register of members kept for the purposes at the relevant office upon such enrolment the person, be issued with membership card.

- III. A person shall pay an enrolment fee or admission fee deserved for the category of the membership he has opted for.
- IV. A person who has become a member of the party shall be entitled to vote or be voted for, or attend meetings in accordance with the party constitution or decided to the contrary by the National Executive Council from time to time.
- V. The NEC shall have the power to confer honorary membership to any person and may do so posthumously.
- VI. The admission or entrance fee and the annual subscription fee for a member shall be the sum as the NEC may determine from time to time.

#### **ARTICLE 4.1 THE CATEGORIES OF MEMBERSHIP WILL BE:**

##### **a) Life Member**

A Life Member of the FOP is a member who has made a significant financial contribution to the party.

##### **b) Ordinary Member**

An Ordinary Member of the FOP is a member who has paid the required membership fee.

##### **c) Platinum Member**

A Platinum Member of the FOP is a member who has made a significant financial contribution to the party.

##### **d) Gold Member**

A Gold Member of the FOP is a member who has made a substantial financial contribution to the party.

##### **e) Silver Member**

A Silver Member of the FOP is a member who has paid the required membership fee.

## **ARTICLE 4.2 MEMBERSHIP FEES, SUBSCRIPTIONS AND NOMINATIONS**

The membership of the party shall vary depending on the category of members.

a) There shall be categories of membership as provided for below:

<b>Category</b>	<b>Annual subscription</b>	<b>joining fee</b>
Platinum	Kshs.20,000	500,000
Gold	Kshs.10,000	100,000
Silver	Kshs.5,000	20,000
Ordinary	Kshs.100	100

## **ARTICLE 4.3 MEMBERSHIP REGISTER**

- i. There shall be a membership register to be kept at the party headquarters.
- ii. The membership register shall contain information relating to the members.
- iii. The register shall contain the following information:
  - a) Name
  - b) The age
  - c) Date of birth
  - d) The gender
  - e) Ethnicity
  - f) Religion
  - g) Constituency
  - h) Ward
  - i) Polling station
  - j) Disability
  - k) Any other information as may prescribed by the National Executive Council.
  - l) Region
  - m) county

- iv. The register shall be opened for inspection by the party members at no cost.
- v. There shall be continuous updates of the membership register of the party members.

## **ARTICLE 4.4: RIGHTS AND DUTIES OF MEMBERS**

### **4.4.1 Rights of Member**

A member of FREEDOM & OPPORTUNITY PARTY shall have the right to:

- I. Participate in Party activities.
- II. Take a full and active part in the discussion, formulation and implementation of Party policies.
- III. Receive copies of Party documents including the Constitution, Members' Guide, Election and Nomination Rules, Party manifesto and available information about their local branch upon request.
- IV. Receive and impart information on all aspects of Party policies and activities save where such right has been lawfully restricted.
- V. Offer constructive criticism of any member, official, policy, program or activity within the Party and its structures.
- VI. Submit proposals or statements to the Branch, Region, or National Executive Committee provided that such proposals are submitted through appropriate Party structures.
- VII. Take part in elections through voting and be eligible for Party and National Elections at all levels upon nomination.

### **4.4.2 Duties of Member**

A member of FREEDOM & OPPORTUNITY PARTY shall:

- i. Take steps to understand and carry out the objectives, policies and programs of the Party.
- ii. Promote, popularize and defend the policies and programs of the Party.
- iii. Observe Party discipline and the Party Code of Conduct.

- iv. Obey lawful decisions and resolutions by the Party and its organs;
- v. Refrain from publishing and or distributing any information deemed confidential without proper authority by the Party.
- vi. If a member holds an elective office in any sphere of governance at National, Branch or local level, be a member of the appropriate Party caucus and function in compliance with the Party Constitution and abide by all lawful decisions of the Party.
- vii. Pay such fees as shall be prescribed by the Party's National Executive Council.

#### **ARTICLE 4.5: TERMINATION OF MEMBERSHIP**

- I. Any member may terminate his/her party membership at any time either by making a public declaration to that effect or by giving written notice to the nearest party office.
- II. The membership of such a person shall terminate with effect from the date of the declaration of notice.
- III. A person who has terminated their membership shall not be entitled to a refund of fees or subscription made to him to the party prior to the termination, and all rights, privileges, responsibilities or facilities terminated with effect from the date mentioned in sub-article (b) above.
- IV. The party shall have a right to lay any claims against any person who has terminated his membership for any monies due and owing from him or any damage or loss occasioned to party property which was in his custody, possession, or control prior to termination of membership, PROVIDED that the provision of this paragraph shall mutatis mutandis apply to the officer of the party.

Other reasons for termination include:

- V. A member joins or supports a candidate of another political party at an election.

- VI. A member joins in the formation of another political party.
- VII. A member supports or articulates the policies or identities of another political party.

## **ARTICLE 5.0 AUTHORIZED SIGNATORIES**

The authorized signatories are those who will sign and present documents to be submitted to the registrar. The documents include: the membership register, merger agreements, coalition agreements, annual reports, financial reports, account and audit reports, nomination certificates.

- i. The signatories of the annual financial, annual, account and audit reports and any reports from the national level party organs shall be the secretary general, Party Chairperson or designee, Party leader or the designee and the Treasurer or the designee. All other reports from the County level downwards shall be delegated to chairperson and secretary of respective Regional, Branch, Sub-branch, Ward, sub-ward and polling center committees.
- ii. The nomination certificates at all levels shall be signed by the Party leader or the designee, Party Chairperson or the designee and the Secretary General or the designee and issued by the Chair of the elections board.
- iii. Membership register signatories will be the Party leader or the designee, Party Chairperson or the designee and the Secretary for Political Affairs and Campaigns and Recruitment or the designee. All other reports from the County level downwards shall be delegated to the chairperson and the secretary of the respective of the Regional, Branch, Subbranch, Ward, sub-ward and polling center committees.
- iv. Merger agreements signatories will be the Party leader or the designee, Party Chairperson or the designee and the Secretary for Legal and Constitutional Affairs or the designee.

- v. Pre-Election Coalition Agreements signatories will be the Party leader or the designee, Party Chairperson or the designee and the Secretary for Legal and Constitutional Affairs or the designee.
- vi. Post-Election Coalition Agreement signatories will be the Party leader or the designee, Party Chairperson or the designee and Secretary for Strategy and Planning or the designee.

## **PART III**

### **ARTICLE 6.0: NATIONAL OFFICIALS AND OFFICERS OF THE PARTY**

- a) The party shall be managed by the following officials be known as national officials:
  - i) Party Leader
  - ii). Deputy Party Leader
  - iii). National Chairperson
  - iv) Deputy National Chairperson
  - v). Secretary General
  - vi). Deputy Secretary General
  - vii). National Treasurer
  - viii). Deputy National Treasurer
  - ix). National Organizing Secretary
  - x). Deputy National Organizing Secretary/Branch Organizing
  - xi). Deputy National Organizing Secretary/Programmes/Training
  - xii). Secretaries not exceeding 22 in number as may from time to time reflect and mirror as closely as possible the cabinet portfolios the party may desire
  - xiii). Chairman Board of Trustees
  - xiv). 3 Members of Board of Trustees
  - xv). Executive Director
  
- b) All the national officials shall be elected through Secret balloting or by the order of an acclamation or any other method agreed upon by the members

of National Delegates Convention (NDC) at the National Delegates Convention.

- c) National officials shall hold office for five consecutive years and shall be eligible for re-election at the expiry of their term of office.
- d) If a vacancy occurs in any national office other than that of the party leader, deputy or national chairman which either case, the national executive council shall appoint a person among the members of the national executive council to act in the vacant position until the vacancy is filled by the NDC.
- e) Notwithstanding anything contained in this constitution, a national official or office of the party shall not be prevented from rendering consultancy or professional services to the party. In the event of such consultancy or professional services the National Executive Council shall recognize the terms and conditions thereof in total and full regard to the interests and objectives of the party.
- f) The returning officer shall be appointed by the National Executive Council.
- g) National officials shall be entitled to receive from the party such allowances and other benefits as the NEC may determine from time to time.

## **ARTICLE 6.1: DUTIES OF NATIONAL OFFICIALS**

### **6.1.1 THE PARTY LEADER**

- i) He shall be the symbol of unity of the party.
- ii) He shall provide leadership; articulate party policies and ensures discipline in accordance with this constitution and the code of conduct.
- (iii) He may countermand and/or hold in abeyance any decision of the party, its official or organ pending a decision of the party NDC.

### **6.1.2 THE DEPUTY PARTY LEADER**

- I. He shall deputize the party leader in his absence or upon such delegation of duties by the party leader or the NEC.
- I. He shall in all aspects establish unity in the party and ensure adherence to the party policies by all officials and organs of the party.

### **6.1.3 THE CHAIRPERSON**

- I. Chair the Party National Council Meeting.
- II. Providing leadership and overseeing the overall management and running of the Party affairs.
- III. Articulating, promoting and defending Party policies.
- IV. Instilling in members a sense of loyalty and commitment to the objectives, policies and programs of the Party.
- V. Ensuring discipline and proper order within the Party in accordance with the Party's Constitution.
- VI. Imparting onto Party membership the need to adhere to Party objectives, policies programs and laws made under this Constitution
- VII. Symbolizing the image and unity of the Party organs and amongst Party rank and file.
- VIII. Convening and presiding over National Executive Council meetings.
- IX. Presiding over the National Delegates Committee and any other meetings requiring his or her attendance.
- X. Ensuring order at all meetings of the Party organs.
- XI. A signatory Party's bank account.
- XII. Signing the nomination certificates of the Party's candidate's subject to the provisions of this constitution or other relevant law.
- XIII. Representing the party at official events or other functions where the Party's presence is required.
- XIV. Performing other duties and exercise other powers conferred by this Constitution.

### **6.1.4 DEPUTY CHAIRPERSON**

- I. He will deputize the chairperson in his absence or upon such delegation of duties by the party chairperson or the NEC.

#### **6.1.5 SECRETARY GENERAL**

- I. He shall be responsible for the party secretariat.
- II. Be the party spokesperson under the direction of NEC.
- III. He shall ensure that the meeting of the NDC, the NEC, and other party organs take place as provided by this constitution at such time as may be decided by the NEC.
- IV. He shall keep minutes of all the said meetings and ensure the distribution of such minutes to all persons, organs or branches concerned.
- V. He shall be the mandatory signatory to the bank account.
- VI. Shall convene NEC meeting in consultation with the party leader and the chairperson.

#### **6.1.6 THE DEPUTY SECRETARY GENERAL**

- I. He will deputize the party's secretary general in his absence or upon such a delegation of duties by the secretary general or the NEC

#### **6.1.7 TREASURER**

- I. He shall be in charge of the party financial affairs and be responsible for the secretarial financial transaction under the direction of NEC, and the management committee.
- II. He shall prepare and submit to the NEC final statement quarterly and shall ensure that duly audited annual statements of accounts are circulated to the branches and to all delegates and members of NEC.
- III. He shall ensure the party funds approved by NEC are used for purposes intended.
- IV. He shall be a mandatory signatory to the bank account.

#### **6.1.8 DEPUTY TREASURER**

- I. He will deputize the party treasurer in his absence or upon such a delegation of duties by the party treasurer or the NEC.

#### **6.1.9 THE NATIONAL ORGANIZING SECRETARY**

- I. He shall be responsible for promoting and mobilizing party activities
- II. He shall in consultation with the secretary general prepare or assist in preparation of the meetings of NDC, NEC and management committee.
- III. He shall ensure that the branches hold their meetings in accordance with the requirement of this constitution.

#### **6.1.10 DEPUTY NATIONAL ORGANIZING SECRETARIES**

- I. They shall be two organizing secretaries one in charge of branch organization while the other will be in charge of programme and training.
- II. They shall assist and perform the details and perform the duties and exercise the powers of the national organizing secretary in his absence or as may be directed by the NEC.

#### **6.1.11 SECRETARY FOR LEGAL AND CONSTITUTION AFFAIRS AND DIRECTOR OF ELECTIONS**

- I. He shall be the legal advisor to the party in all legal and constitutional matters and shall perform such duties as may be directed by the national chairperson or NEC.
- II. He shall be the chairperson of the special committee on nomination.
- III. He shall ensure that the special committee on nomination shall organize and supervise freely and fairly party's nomination process.
- IV. He shall ensure that the nomination process is not only fair but seen to be fair and that candidates who get the party's ticket to contest national and county elections are true and faithful to the party's code of conduct.
- V. v) Be the party's spokesperson on electoral matters under the general direction of NEC.

#### **6.1.12 SECRETARY FOR INFORMATION AND PUBLICITY**

- I. He shall be responsible for the dissemination of information and public relation and shall perform such duties as may be directed by the National Chairman or national executive council.

#### **6.1.13 SECRETARY FOR WOMEN AFFAIRS**

- I. The secretary for gender affairs shall be a woman elected by the national FOP Women Delegates Convention and shall perform such duties as may be directed by the national chairman or NEC.
- II. She shall in particular be the chief executive officer for the national FOP Women's league including being the secretary of the national FOP women league executive committee and shall generally promote and mobilize party activities and policies among the women of Kenya under the direction of the NEC.

#### **6.1.14 SECRETARY FOR YOUTH AFFAIRS**

- I. This shall be a secretary for youth affairs who shall be a youth not aged more than 35 years at the time of elections.
- II. He shall be elected by the national FOP Youth League Delegates convention and shall perform such duties as may be directed by the national chairman or NEC.
- III. He shall in particular be the chief executive officer of the National FOP Youth League including being the chair of the National FOP youth league delegates convention and shall generally promote and mobilize party activities among the youth of Kenya under the direction of the NEC.

#### **6.1.15 ASSISTANT SECRETARY FOR YOUTH AFFAIRS**

- I. There shall be an assistant secretary for youth affairs who shall be a youth not aged more than 35 years at the time of elections.
- II. He shall be elected by the national FOP Youth League Delegates convention and shall perform the duties of the secretary for youth affairs in his absence or as may be directed by the national chairman or NEC.

- III. He shall in particular be the deputy chief executive officer of the national FOP youth league, including being the party chair of the national FOP youth league delegates convention, and shall generally assist the secretary for youth affairs to promote and mobilize party activities among the youth of Kenya under the direction of the NEC.

#### **6.1.16 REGIONAL REPRESENTATIVES**

- I. Shall co-ordinate activities of the regional convention under the direction of the NEC.

#### **6.1.17 SECRETARIES**

- I. Shall be responsible for his professional or articulated field.
- II. All party officials should have qualified persons of integrity in line with Chapter 6 of the Constitution of Kenya.
- III. If a party official resigns, is expelled from the party, or dies before the next election at the end of his term, the NEC will temporarily in acting capacity fill the posts, by resolution and support of over then 2/3 (two-thirds) of the NEC members.

### **ARTICLE 7.0 GENERAL ORGANIZATION OF THE PARTY/NATIONAL PARTY ORGANS**

There shall be the following organs:

- I. County delegate conference.
- II. Branch executive committees.
- III. National Delegates Convention.
- IV. National Executive Council.
- V. Management Committee.

- VI. Parliamentary Group.
- VII. County Assembly Forum.
- VIII. National Youth Council.
- IX. National Women Council.

### **7.1 County Delegate Conference**

- i. There is established the Party County Delegates Conference in each of the 47 counties.
- ii. The county delegates conference shall:
  - a) Be held at least once every year and more often if requested by at least one third of all branches in the County.
  - b) Carry out the decisions of the National Delegates Committee, & the NEC.
  - c) Receive and consider reports by the Branch Executive Committee.
  - d) Manage, harmonize, & coordinate County affairs of the Party.
  - e) Elect the members of the County Delegates Conference who will hold office for 5 years.
- iii. The composition of the County Delegates Conference shall be members of the particular county as follows:
  - a) Twenty mainstream officials from each branch.
  - b) Branch Executive officials of FOP Women's League and FOP Youth League.
  - c) Governors & Deputy Governors.
  - d) All Members of Parliament.

#### **7.1.2 COUNTY DELEGATES EXECUTIVE COMMITTEE**

There is established the County Delegates Executive Committee for every county which shall consist of:

- I. The County Deputy Delegates Chairperson.
- II. The County Delegates Secretary.
- III. The County Organizing Secretary.

- IV. The County Delegates Treasurer.
- V. The County FOP Women League Representative.
- VI. The County FOP Youth League Representative.
- VII. The County Special Interest Representative.
- VIII. Twelve Committee Members

### **7.1.3 PARTY CONSTITUENCY AND BRANCH OFFICES**

- i. The Party shall establish Branches in more than half of the Counties.
- ii. All Branches shall be answerable to the County Delegates Conference and the National Executive Council.
- iii. Each Branch shall be managed by a Branch Executive Committee consisting of the Branch Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, and three other executive members.
- iv. The Branch Chairpersons shall convene and preside over all branch meetings of the Party.

### **ARTICLE 7.2 BRANCH EXECUTIVE COMMITTEE**

- a) NEC shall set and create such “Branch” as it shall deem necessary for the smooth operation of the party.
- b) A branch shall be fully constituted upon election of the branch officials by members of the party who shall be registered voters in the said branch.
- c) For purposes of this constitution “Branch” shall mean county
- d) Each branch shall have a branch executive committee, branch chairman, vice chairman, secretary general, deputy organizing secretary, treasurer,

- deputy treasurer, youth leader, deputy youth leader, women leader, deputy women leader, leader of minority group and 6 other delegates.
- e) Duties of the branch executive committee (BEC) shall consist
    - i) To conduct party activities among the general public
    - ii) To promote political and general education
    - iii) To recruit and review party membership
    - iv) To ensure strict discipline and adherence to party policies and programs among individual party members.
  - f) All the branch executive committee elections will be held by secret ballot.

### **7.2.1 The Sub-Branch/Location/Ward Steering Committee**

- i) There is hereby established a Party Sub Branch in each Constituency in Kenya.
- ii) The Sub Branch shall, in the interest of efficient organization be subdivided into ward as the case may be, and Sub location/Kijiji being the basic unit. The Sub-Branch shall be under the general direction of the Branch as the case may be.
- iii) The Sub-Branch shall be governed by a Sub Branch Executive Committee which shall consist of: Sub- Branch Chairperson, Deputy Chairperson, Secretary, deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Sub-Branch deputy Treasurer, Secretary for Women Affairs (FOP Women Congress Leader), secretary for Youth Affairs (FOP Young Congress Leader), special interest/or marginalized representative, persons with disability representative and eight Committee Members.
- iv) Duties of the Sub-Branch Executive Committee shall be similar to those of the Branch.
- v) The Chairman of a Sub-Branch may invite one or more of the Local Opinion Leaders to attend a Sub-Branch Executive Committee meeting if it is in the best interest of the Party. Such invited leaders shall have the right to speak but not to vote thereat.
- vi) The Sub-Branch Executive Committee shall meet at least once a month.

### **7.3 NATIONAL DELEGATES CONVENTION**

- a) The National Delegates Convention shall consist of
  - i) All NEC members
  - ii) FOP Parliamentary Group
  - iii) Chairpersons of all committees and organs created by NEC
- b) The National Delegates Convention shall be held once biannually, NEC, may however confine a special National Delegates Convention
- c) The special National Delegates Convention shall be called by secretary general in the consultation with the chairperson and party leader.
- c) The National Delegates Convention shall be the highest policy decision making authority of the party and shall have the following specific powers, duties and obligations:
  - i) To approve policies of the party
  - ii) To receive, examine the audited accounts of the party and its organs since the previous meeting of NDC.
  - iii) To appoint/re-appoint a reputable/un-independent party auditor
  - iv) To elect members of the NEC
  - v) To elect board of trustees
  - vi) Change, modify or amend this constitution.
- d) NDC shall come in to force upon notice in writing of such a National Delegates Convention accompanied by the statement of accounts and their agenda for the meeting shall be sent by the secretary general to all branches, and persons entitled to attend the convention where practicable not later than twenty-one (21) days before the date of convention and by press advertisement not less than fourteen (14) before the date of convention.

### **7.3.1 Procedure of Meeting at National Delegates' Convention.**

#### **a). Ordinary sessions**

- I. An Ordinary Session of the National Delegates' convention shall be convened by a resolution of the National Executive Council and held once every five years, at a place, time and date to be determined by the National Executive Council. The notice and agenda convening the meeting shall be sent out by the Secretary General, failing which, the Deputy Secretary General any other Party official specially appointed for that purpose by the National Executive Council at least twenty one days before such date and published in a daily English newspaper with the greatest circulation, and carried in a leading Swahili radio broadcast.
- II. The National Executive Council shall determine and set the Agenda of Ordinary Session of the National Delegates convention.

#### **b). Special Sessions**

- I. A Special Session of the National Delegates Committee shall be summoned by the National Chairperson upon a resolution of the National Executive Council or upon a requisition in writing signed by at least one third of the delegates eligible to attend an Ordinary Session of the National Delegates Committee.
- II. The notice and agenda convening the meeting shall be sent out by the Secretary General at least twenty-one (21) days before the date of meeting and shall be published in at least one daily English newspaper with nationwide circulation.
- III. Where a Special Session of the National Delegates convention is requested by delegates, a notice calling upon the National

Chairperson to summon the Committee, including the agenda and date desired for the Committee Session, shall be submitted to the Secretary General not later than sixty working days before the date proposed.

- IV. Where the National Chairperson fails to summon the Committee within twenty one working days after due service of the notice, the Committee shall stand duly summoned and properly convened on the date, place and time contained on the notice.
- V. Where a Special Session of the National Delegates Committee requisitioned by delegates is convened in default of the National Chairperson summoning the same, the delegates requisitioning the Committee shall, not less than twenty one working days before the proposed date, publish a notice convening the Committee to be published in a daily English newspaper with national circulation and such notice shall contain the agenda, place, date and time of the Committee.
- VI. Only agenda items prepared by the National Executive Council or as may be requested by delegates shall be discussed at the Special Session of the National Delegates Committee.
- VII. The National Chairperson shall preside over a Special Session of the National Delegates convention requisitioned by delegates. In his/her absence, the Deputy Chairperson shall preside over a Special Session of the National Delegates Committee; failing which a delegate specifically elected by delegates in attendance shall preside.
- VIII. The Secretary General shall be the Secretary of such Committee. In his absence, his or her deputy shall preside; failing which a delegate specially elected by delegates in attendance shall preside.

- IX. Quorum of the Ordinary or Special Sessions of the National Delegates convention shall be two-thirds of all eligible members.
- X. Decisions at the Committee shall be taken through vote by secret ballot or by a unanimous resolution.

### **7.3.2 Procedure Meetings at the Branch And Other Organ Of The Party**

Notices for all meetings including the agenda shall be sent out by the Branch Secretary or Sub-Branch Executive Coordinator as the case may be.

There shall be two classes of meetings as follows:

- (a) Ordinary meetings shall be convened by a written notice of twenty-one days.
- (b) Special meetings shall require a notice of fourteen days and shall be requisitioned for a specific purpose only by order in writing to the Branch Secretary or Sub-Branch Executive Coordinator. No other matter shall be discussed other than that stated in the requisition.

(2) Quorums for all meetings shall be **two-third** of the membership thereof. Any official who fails to attend three consecutive meetings without reasonable apology shall be

liable to suspension.

(3) At all meetings the Chairpersons or in their absence the Vice-Chairpersons shall preside, else the members shall elect one among themselves to preside.

(4) Resolutions, unless otherwise stated in the constitution shall be decided by a simple majority by secret ballot or any other method of voting acceptable to the delegates. The decision as to what method of voting to employ shall first be put to members to choose unanimously by consensus.

In the event of an equality of votes at any voting, there shall be a second voting, after which the Chairperson shall have a deciding vote.

#### **ARTICLE 7.4 NATIONAL EXECUTIVE COUNCIL**

- i. The National Executive Committee shall be the governing body of the party that makes binding decisions on party management and its policies.
- ii. The quorum for NEC meetings shall be at least 50% of the members. The term of office of NEC shall be for a period of 5 years.
- iii. Membership to the NEC is the preserve of fully paid-up members elected during the National Delegates Convention. There shall be use of both direct and indirect party nominations.
- iv. The NEC shall meet at least once every three months or any time upon the resolution to the secretary general by two-thirds of the NEC members.
- v. The NEC meeting shall be convened by the secretary general of the party in consultation with the party leader and the party national chairperson
- vi. A notice of 14 days shall be issued prior to the meeting
- vii. The NEC shall not be more than two-thirds of either gender.
- viii. The secretary general shall take the minutes of the meeting

##### **7.4.1 The composition of the National Executive Council**

- i. Party Leader.
- ii. Deputy Party Leader.
- iii. National Chairperson.
- iv. Deputy Chairperson.
- v. Secretary General.
- vi. Deputy Secretary General.
- vii. National Treasurer.
- viii. Deputy National Treasurer.
- ix. National Organizing Secretary.
- x. Deputy Organizing Secretary.

- xi. Secretary Youth League.
- xii. Secretary for Women League.
- xiii. Secretary People with Disability.
- xiv. Secretary for Planning, Finance and Treasury.
- xv. Secretary Diaspora and International Affairs.
- xvi. Secretary for Legal and Constitutional Affairs.
- xvii. Secretary for Defense and Security.
- xviii. Secretary for Health and Social Care.
- xix. Secretary for Business, Enterprise and Trade.
- xx. Secretary for Environment and Biodiversity.
- xxi. Secretary for Education.
- xxii. Secretary for Work, Human Capital Development and Pensions.
- xxiii. Secretary for Transport.
- xxiv. Secretary for Levelling Up, Research, Innovation and Development.
- xxv. Secretary for Agriculture, Livestock, Fisheries and Rural Affairs.
- xxvi. Secretary for Climate Action.
- xxvii. Secretary Science, Technology, Artificial Intelligence.
- xxviii. Secretary for Culture, Media and Sports.
- xxix. Secretary for Political Affairs and Campaigns.
- xxx. Secretary Parliamentary Affairs.
- xxxi. Executive Director.

#### **7.4.2 The NEC shall have the following functions:**

- i) To act as the executive organ of NDC.
- ii) To regulate its own procedure and in the absence of chairperson at any meetings, to nominate one of its members to preside over the meeting.
- iii) To appoint the national executive director and other staff members for all departments of the secretariat and the party, approving terms and condition of their service.

- iv) To appoint other committee that it may necessary for specify their terms of reference.
- v) To create such party branches as it may deem necessary, and to abolish non-variable ones.
- vii) To provide for disciplinary measures against party branches
- viii) To create other national offices of the party as it may deem necessary and/or expedient and to fill vacancies thereof pending ratification of the national convention at its next meeting.
- ix) To prepare and adopt a code of conduct and disciplinary rules, guidelines and regulations to the party members and party organs
- x) To formulate and adopt rules, regulations and guidelines as may be provided for in the schedules of this constitution and for the better carrying out of the activities of the party.
- xi) To prepare agendas for, and reports to, the national convention.
- xii) To determine the membership fee and the annual subscription
- xiii) To make rules for the elections of party officials at the national convention.
- xiv) To make rules and guidelines for the special committee on party nominations.
- xv) Establish departments and set up committees as it considers appropriate.
- xvi) To fill a vacancy should one occur on the NEC for any reason, by appointing a replacement.
- xvii) To do any other tasks as provided by the national convention.

#### **7.4.3 Rights of NEC Members**

In addition to the rights a member of the party is entitled to, member of the governing body has a right to;

- i) A right to question decisions made by the leader that threaten the very existence of the party.
- ii) A right to information of sources of party funds and how such funds received are managed.

- iii) A right to contribute to the policy making process of the party including development of policy papers such as HR, finance, accounting and asset policy, manifesto, election platforms, party nomination rules and procedures.

#### **7.4.4 Eligibility and procedure for election to the National Executive Committee**

##### **7.4.4.1 Indirect party nomination**

Before the National Delegates conference, there shall be a vetting committee consisting of founder members who will carry out online surveys and will be the vetting committee to interview prospective NEC members.

##### **7.4.4.2 Direct nominations**

During the National Delegates Convention, the 8 Regional Coordinating Committees elected from the grassroots: (Polling Centre Member Committee, Sub-ward Management Committee, Ward Executive Committee, Sub-Branch Executive Committee, Branch Executive Committee) shall elect among themselves for the positions opened in the NEC opened for election to consist;

- i. Party Leader
- ii. Deputy Party Leader
- iii. National Chairperson
- iv. Deputy Chairperson
- v. Secretary General
- vi. Deputy Secretary General
- vii. National Treasurer
- viii. Deputy National Treasurer
- ix. National Organizing Secretary
- x. Deputy Organizing Secretary
- xi. Secretary Youth League
- xii. Secretary for Women League
- xiii. Secretary People with Disability
- xiv. Secretary for Planning, Finance and Treasury

- xv. Secretary Diaspora and International Affairs
- xvi. Secretary for Legal and Constitutional Affairs
- xvii. Secretary for Defense and Security
- xviii. Secretary for Health and Social Care
- xix. Secretary for Business, Enterprise and Trade
- xx. Secretary for Environment and Biodiversity
- xxi. Secretary for Education
- xxii. Secretary for Work, Human Capital Development and Pensions
- xxiii. Secretary for Transport
- xxiv. Secretary for Levelling Up, Research, Innovation and Development
- xxv. Secretary for Agriculture, Livestock, Fisheries and Rural Affairs
- xxvi. Secretary for Climate Action
- xxvii. Secretary Science, Technology, Artificial Intelligence
- xxviii. Secretary for Culture, Media and Sports
- xxix. Secretary for Political Affairs and Campaigns
- xxx. Secretary Parliamentary Affairs
- xxxi. Executive Director.

#### **7.4.5 Decision making powers of the NEC**

- i. Call any special sittings of the party organs as and when needed.
- ii. Receive, consider, approve, implement reports from various committees and to advise the NGC accordingly on the reports and their decisions.
- iii. Make rules and regulations to govern anything that requires to be done under this Constitution for the better management of the party and towards achieving the goals and objectives of the party and prepare party reports including the annual financial report.
- iv. To approve the terms and conditions of services of the staff members employed by the party;
- v. To receive, consider, approve and implement reports and recommendations from the various standing, ad hoc and specialized committees or individuals;

- vi. To receive and approve the annual financial budget, audited accounts and programmes for the Party;
- vii. To establish, co-ordinate and conduct various schemes aimed at stimulating party activities;
- viii. To make or cause to be made rules and/or regulations for prescribing anything which requires to be prescribed under this Constitution and generally for the better carrying out of the provisions of this Constitution and matters incidental thereto;
- ix. To designate any of the deputies to act and undertake the duties and roles of the respective substantive office holders or in the absence of deputies, any other official to act where circumstances warrant or where, in the opinion of NEC, the office holder is unable to perform the duties of that office.

#### **7.4.6 Procedure and Guidelines for NEC Meetings**

- i. The National executive Council shall meet at least once every three months to carry out their business.
- ii. The notice of the Meeting shall be sent to the members at least 7 days before the meeting.
- iii. The notice must contain the Agenda of the meeting, the time of the meeting and the place of the meeting.
- iv. The meetings shall follow the following procedure;
  - a) The Chairperson of the Party at the National Level shall be the chairperson of the meeting. In his/her absence, the Vice chairperson of the party at the National Level shall be the chair of the meeting, or in absence, any member nominated by the members present.
  - b) Meetings shall be conducted in an orderly and respectful manner, following parliamentary procedure or any other

agreed-upon rules of conduct.

- c) The chairperson or designated presiding officer shall lead the meeting, maintaining decorum and ensuring equal participation and representation.
- d) The National secretary general or in his/her absence the deputy secretary general or any other designated person shall take minutes of the meetings, record discussions, decisions, and resolutions made during the meeting.

v. Official Recording of Resolutions Passed at Meetings:

- a) Resolutions passed during meetings shall be recorded accurately in the minutes, including the date, venue, attendees, and a summary of the discussion leading to each resolution.
- b) The minutes shall be signed by the chairperson and secretary or any other designated party officials to certify their accuracy.
- c) The minutes of each meeting, along with any supporting documents, shall be stored securely in the party offices and made available for inspection by party members upon request.

vi. Emergency meetings of the National Executive Council may be convened by the Secretary General according to demands of time in consultation with the National Chairperson or by a written request to the Chairperson made by 25% of the members thereof. The notice should include the date, time, venue and agenda of the meeting.

vii. Emergency NEC meetings shall follow the same procedural guidelines as regular NEC meetings, unless specific modifications are necessary due

to time constraints or urgency.

#### **ARTICLE 7.5 CENTRAL MANAGEMENT COMMITTEE**

NEC shall be the official central management committee.

#### **ARTICLE 7.6 PARLIAMENTARY GROUP**

- a) The parliament group shall consist of:
  - i) Party members elected or nominated to the national assembly and senate on the party's ticket
- b) The parliamentary group shall have the following functions;
  - i) To articulate and support party policies, bills, programs in the national assembly and/or senate.
  - ii) other duties and functions of the parliamentary group shall be as mandated by NEC
- c) The parliamentary group shall at their first meeting elect one amongst themselves as a chairperson and as secretary, a national assembly whip, and a senate whip.
- d) The parliamentary group shall meet at least once every six (6) months.

#### **ARTICLE 7.7 COUNTY ASSEMBLY FORUM**

- i. There shall be a Party County Assembly Group consisting of all the party elected and nominated members of the County assemblies.
- ii. The Group shall be responsible for advocating the Party's agenda within their respective County Assembly.
- iii. Members of the Group shall elect their own leaders.
- iv. Each Party County Assembly Group shall make its own rules and regulations to govern the conduct of its meetings and deliberations provided that such rules shall be laid before the National Executive Council for approval and be consistent with the party vision, values and constitutions.

#### **ARTICLE 7.8 THE NATIONAL YOUTH COUNCIL**

- I. There shall be a council called FOP national youth council of members aged 18-34 years

- II. Composition of the national youth council shall be a reflection from the branch.
- III. The national youth council executive will be the national youth chairman, vice national youth council leader, secretary, assistant secretary, treasurer, assistant treasurer, organizing secretary, assistant organizing secretary and members elected from the region.
- IV. The composition of the national should be a reflection of the same composition from the branch.
- V. The national youth will hold its national meeting with line of the direction of the NEC.
- VI. The national youth council will have the power to initiate its own activities, programs, rallies, sports, and meetings.

#### **ARTICLE 7.9 NATIONAL WOMEN COUNCIL**

- I. There shall be a council called FOP National Women Council
- II. The composition of the National Women's council should be a reflection of the branch
- III. The national women's council executive shall consist of the national women's council chairman, vice chairman, secretary, assistant secretary, treasurer, assistant treasurer, organizing secretary, assistant organizing secretary and 1 member from the region.
- IV. Composition at the Nationals should be the same at the branch level
- V. The national women council will hold the annual meetings with the directors from the NEC.
- VI. The national women council will have proven to initiate their own activities, programmes, rallies, sports and meetings.

#### **ARTICLE 7.10 DIASPORA CHAPTER**

- i. There may be established Diaspora chapters across different parts of the world.
- ii. These branches shall have their activities governed by the provisions of this Constitution.

- iii. The role of the Diaspora chapters is to promote the affairs of the party in their respective branches.
- iv. The Diaspora branches shall elect officials among themselves who shall be the liaison people between the Diaspora and the party.
- v. The chairperson of the chapter shall seek formal recognition by the party through the National Executive Committee.
  - i. The Diaspora Chapter shall consist of the following;
    - 1. Chairperson;
    - 2. Vice-Chairperson;
    - 3. Secretary;
    - 4. Vice-Secretary;
    - 5. Treasurer;
    - 6. Organizing Secretary;
    - 7. Representative of Youth;
    - 8. Representative of Women;
    - 9. Representative of Persons with Disability;
    - 10. Representative of Business, Enterprises and Trade
    - 11. Representative of Agriculture, Livestock, Fisheries and Rural Affairs
    - 12. Representative of Levelling Up, Research, Innovation and Development
    - 13. Representative of Professional Groups
      - a. Legal and Constitutional;
      - b. Defense and Security
      - c. Health and Social Care
      - d. Environment and Biodiversity
      - e. Education
      - f. Human Capital Development
      - g. Transport
      - h. Climate Action

- i. Science, Technology, and Artificial Intelligence
- j. Culture Media and Sports
- 14. Member of County Assembly
- 15. Governor, Senator, Women Representative and Member of National

### **7.10.1 Functions of the Diaspora Chapter**

- i. Convene the Diaspora Chapter as required by this Constitution;
- ii. Supervise the day-to-day conduct of the party activities at the Diaspora branch;
- iii. Propagate party policies within the Diaspora Branch;
- iv. Submit to the National Executive Committee the prospective candidates seeking to be considered for ambassador positions in their region subject to PSC vetting. However, the positions are open to ALL qualified Kenyans.
- v. Supervise of the running of the Diaspora Chapter;
- vi. Implement the decisions of the National Executive Committee at the Diaspora level;
- vii. Coordinate fundraising and publicity of the party;
- viii. Recruit new members to the party.
- ix. Perform other functions as may be assigned to it by the National Executive Committee.

## **ARTICLE 8.0: Employee Details and Terms of Employment**

The Party prides itself on being an Equal Opportunity employer as stipulated in the Employment Act 2007 which protects the following characteristics:

- I. Race
- II. Color

- III. Language
- IV. Religion
- V. Political
- VI. Nationality, Ethnic or social origin
- VII. Disability, Pregnancy, Mental Status, or HIV status.

The terms of employment for members of the aforementioned committees Regional Management Committee (RMC), Branch Management Committee (BMC) is part-time and when need be. they will receive allowances in accordance with Political Parties Act sec. 26(1) (f).

#### **ARTICLE 8.1 The National Secretariat (NS)**

- i. There shall be established a National Secretariat, which shall be headed by an Executive Director.
- ii. The National Secretariat shall have directorates as approved by NEC and each headed by a director.
- iii. It shall function directly under the supervision of the NEC through the Secretary-General or his deputies; and,
- iv. The Executive Director shall be appointed by the National Executive Committee and shall be responsible for the overall co-ordination of party activities, budget and resource allocation and program management.

##### **8.1.1 The main duties of the National Secretariat shall be:**

- i. Management of party operations.
- ii. Monitoring, evaluation and reporting on the implementation of party policies and decisions.
- iii. Processing clearance of persons to be appointed by the National Executive Committee as party's nominees for elective position; iv. Voter outreach and membership recruitment.
- iv. Registration and maintenance of voters or members register.
- v. Co-ordination, facilitation and synchronization of party activities and events.

- vi. Public relations, communication and media outreach.
- vii. Fundraising and resource mobilization.
- viii. Developing and implementation of campaign strategies;
- ix. Operations and logistics.
- x. Party policy and research.
- xi. County, branch and sub-branch coordination and liaison with all party structures.
- xii. Implementation of decisions and programmes of the party under guidance of the National Executive Committee; and,
- xiii. Service the operations of subsidiary organizations of the party.

#### **ARTICLE 8.2 Regional Secretariat (RS)**

- i. There shall be established a Regional Secretariat, which shall be headed by a Regional Director.
- ii. The Regional Secretariat shall have directorates that align to the National directorates for purposes of devolving party organs at the regional level as approved by NEC and each headed by a Deputy Director;
- iii. It shall function directly under the supervision of the National Secretariat,
- iv. The Regional Director shall be appointed by the National Executive Committee and shall be responsible for overall co-ordination of party activities at the regional level, utilization of budget and resource allocation at the regional level as well as programme management in the region.
- v. The duties of the Regional Secretariat shall be those of the National Secretariat cascaded to the regional level.

##### **8.2.1 The main duties of the Regional Secretariat shall be:**

- i. Management of party operations in the region.
- ii. Monitoring, evaluation and reporting on the implementation of party policies and decisions in the region.

- iii. Voter outreach and membership recruitment in the region.
- iv. Registration and maintenance of voters or members register in the region.
- v. Co-ordination, facilitation and synchronization of party activities and events in the region.
- vi. Public relations, communication and media outreach in the region.
- vii. Fundraising and resource mobilization in the region.
- viii. Developing and implementation of campaign strategies in the region; Operations and logistics in the region.

### **ARTICLE 8.3 APPOINTMENT OF EXECUTIVE DIRECTOR**

- I. There shall be a national executive director who shall be appointed thorough open and transparent exercise which include the adversely interview and clear requirement.
- II. The executive director should be a possessor of a degree in political science or any related field in a recognized university.
- III. He shall be a full-time employee of the party and shall serve on such terms and conditions outlined by this constitution and the NEC.
- IV. He shall be chief administrative officers of the party.
- V. Executive director shall be interviewed by a board of parties appointed by the NEC.
- VI. There shall be a program officer, secretary, messenger, cleaner and other officers of the party from the practices to the national level.
- VII. The officers of the party shall be entitled the emoluments as prescribed by the NEC.
- VIII. All the officers of the party including ED shall be answerable to the general secretary and NEC at all times.
- IX. They shall be assigned any other duty by the secretary general or NEC for the purpose of making the party strong, viable, and competitive.

### **ARTICLE 9.0. RECORDS MANAGEMENT**

## **ARTICLE 9.1 Policy Documents**

- i. FOP policy documents shall govern the day-to-day operations of the party, such as, Human Resources and Administrative policies, financial and audit and administration and management policies.
- ii. The policy documents shall be developed by the National Executive Committee (NEC).
- iii. Once the NEC develops the policies, they shall be circulated to the National Governing Council (NGC) for final review and approval. Should there be comments from the NGC review process, the policy documents shall be sent back to the NEC for corrections and or clarifications before final approvals. The approved policies shall be implemented by the party secretariat. The policy documents shall be reviewed periodically every three years. If there are no changes to the policies, then, they will be re-issued as effective until the next periodic review of three years. If there are changes on the policies, then, the policies will be set to draft and updated by following the development, review and approval process described herein.

## **ARTICLE 9.2 Policy Reporting Document**

- i. FOP reporting documents are public such as financial and strategic policy reports.
- ii. FOP reporting documents shall be generated from within the responsible functions. E.g., Financial Reports will be developed within the treasury function.
- iii. Once the reporting documents are generated from responsible functions, they shall be forwarded to the National Executive Committee for final review and approval before being published. Should there be comments from the NEC review process, the reporting documents shall be sent back to the respective functions for corrections and or clarifications before final approvals.

- iv. Reporting documents shall be generated annually.
- v. The reporting documents shall be published as hard copies for circulation in party meetings such as the Annual General Meetings.
- vi. For reference at any other time, the reporting documents shall be published on the party website.
- vii. The policy for reporting documents shall be reviewed every three years. If there are no changes to the policy, the reporting documents shall be generated following the process outlined herein.
- viii. The reporting documents shall always follow the most recent policy for reporting documents.

## **ARTICLE 10.0 National Disciplinary Committee**

- I. There is hereby established the Disciplinary Committee comprising seven (7) party members of good standing, honor and integrity.
- II. The Committee will be guided by internal party code of conduct and Chapter 6 of the Constitution of Kenya. Where the member should not have been convicted of offences involving; dishonesty, theft, corruption, misuse of public funds, abuse of office, drug trafficking, sexual abuse or other serious economic crimes.
- III. The Disciplinary Committee members will be appointed by the National Executive Committee.
- IV. The Chairperson shall be an Advocate of the High Court of Kenya of not less than ten (10) years' standing, who shall be appointed by the National Executive Committee.
- V. The Disciplinary Committee established under this Constitution shall have the power to receive, hear and determine all cases of discipline concerning party members that have been escalated by the Regional Disciplinary Committee.

- VI. Any party member may appeal, by a written and signed complaint, refer to the committee an issue of discipline that has been escalated from the Regional Disciplinary Committee.
- VII. In all its proceedings, the Disciplinary Committee shall afford every person a fair hearing with reasonable opportunity to defend themselves against the charges or allegations in accordance with this Constitution, and the laws.
- VIII. The Disciplinary Committee shall, after a determination of the complaint, recommend to the National Executive Committee which can acquit, pardon, reprimand, fine, censure, sanction, suspend, expel or otherwise deal with such member(s).
- IX. A decision to expel a member shall be ratified by a majority of the National executive Council.
- X. The regional, county, constituency, ward offices shall have no power to suspend or expel a member of the party. Where an issue of discipline is referred to the Region, County, Constituency and Ward, it shall submit the same to the National Disciplinary Committee.
- XI. Any party member under a disciplinary process shall be entitled to represent him/herself in person or by any representative who must be a party member.

#### **ARTICLE 10.1 Criteria for Suspension**

Any party member under a disciplinary process shall be entitled to represent him/herself in person or by any representative who must be a party member. However, a person will be eligible for suspension if;

- i. Fueling conflict and creating divisions within ranks of the party.
- ii. Violation of the party constitution.
- iii. Lack of integrity and misconduct .

## **ARTICLE 10.2 Criteria for Expulsion**

Any party member under a disciplinary process shall be entitled to represent him/herself in person or by any representative who must be a party member. However, a person who, while being a member of the party is deemed to have been Resigned and automatically expelled from the party if;

- i. Forms another political party;
- ii. Joins in the formation of another political party;
- iii. Joins another political party;
- iv. In any way or manner, publicly advocates for the formation of another party; or
- v. Promotes the ideology, interests or policies of another political party. The party shall notify the Registrar of such decision to suspend and expel the member is deemed to have resigned within seven days.

## **ARTICLE 10.3 Consequences of Disciplinary Action**

The disciplinary measures include reprimand, demand written apology, a fine, compensation or restitution, suspension and expulsion. A party member should not conduct themselves in a disgraceful, dishonest and dishonorable manner which is likely to undermine the party, bring the party into disrepute or expose the party to ridicule.

## **ARTICLE 10.4 Regional Disciplinary Committee**

- i. There is hereby established the Regional Disciplinary Committee comprising seven (7) party members of good standing, honor and integrity.
- ii. The Disciplinary Committee members will be appointed by the National Disciplinary Committee.
- iii. The Chairperson shall be an Advocate in Kenya of not less than five (5) years' standing, who shall be appointed by the National Disciplinary Committee.

- iv. The Regional Disciplinary Committee established under this Constitution shall have the power to receive, hear and determine all cases of discipline concerning party members that have been escalated by the County, Constituency and Ward.
- v. Any party member may appeal, by a written and signed complaint, refer to the committee an issue of discipline that has been escalated from the County, Constituency and Ward.
- vi. In all its proceedings, the Regional Disciplinary Committee shall afford every person a fair hearing with reasonable opportunity to defend themselves against the charges or allegations in accordance with this Constitution, and the laws.
- vii. The Regional Disciplinary Committee shall, after a determination of the complaint, recommend to the National Disciplinary Committee which can acquit, pardon, reprimand, fine, censure, sanction, suspend, expel or otherwise deal with such member(s).
- viii. A member(s) has a right to appeal against the decision of Regional Disciplinary Committee to the National Disciplinary Committee.
- ix. The County, Constituency, Ward offices shall have no power to suspend or expel a member of the party. Where an issue of discipline is referred to the County, Constituency and Ward, it shall submit the same to the Regional Disciplinary Committee.
- x. Any party member under a disciplinary process shall be entitled to represent him/herself in person or by any representative who must be a party member.

## **ARTICLE 11: NATIONAL ELECTION COMMITTEE**

- a) There shall be a special committee known as FOP national elections committee which shall be a standing committee of the National Executive Council.
- b) It shall be a special committee on elections and nominations.

- c) It shall be chaired by the secretary for legal, constitution affairs and directors of election.
- d) The other members shall be the secretary general, organizing secretary, the treasurer, national youth council chairman, national women council chairman.
- e) The function of the committee shall include:
  - i) To formulate strategies for raising funds for campaigning in the election.
  - ii) To formulate and coordinate FOP election strategies.
  - iii) Review and report on election results for further action.
  - iv) Do anything necessary and proper to ensure the success of the party in the elections.
  - v) The committee shall be responsible for all the elections and nominations within the party.
- f) There shall other committees like finance committee, administration committee and any other adhoc committee that shall be constituted by NEC.

## **ARTICLE 12: PROCEDURE FOR CONDUCTING MEETINGS**

### **12.1 Procedure of Meeting at National Delegates' Committee.**

#### **a). Ordinary sessions**

- i. An Ordinary Session of the National Delegates' Committee shall be convened by a resolution of the National Executive Council and held once every five years, at a place, time and date to be determined by the National Executive Council. The notice and agenda convening the meeting shall be sent out by the Secretary General, failing which, the Deputy Secretary General any other Party official specially appointed for that purpose by the National Executive Council at least twenty one days before such date and published in a daily English newspaper with the

greatest circulation, and carried in a leading Swahili radio broadcast.

- ii. The National Executive Council shall determine and set the Agenda of Ordinary Session of the National Delegates Committee.

#### **b). Special Sessions**

- XI. A Special Session of the National Delegates Committee shall be summoned by the National Chairperson upon a resolution of the National Executive Council or upon a requisition in writing signed by at least one third of the delegates eligible to attend an Ordinary Session of the National Delegates Committee.
- XII. The notice and agenda convening the meeting shall be sent out by the Secretary General at least twenty-one (21) days before the date of meeting and shall be published in at least one daily English newspaper with nationwide circulation.
- XIII. Where a Special Session of the National Delegates Committee is requested by delegates, a notice calling upon the National Chairperson to summon the Committee, including the agenda and date desired for the Committee Session, shall be submitted to the Secretary General not later than sixty working days before the date proposed.
- XIV. Where the National Chairperson fails to summon the Committee within twenty one working days after due service of the notice, the Committee shall stand duly summoned and properly convened on the date, place and time contained on the notice.
- XV. Where a Special Session of the National Delegates Committee requisitioned by delegates is convened in default of the National Chairperson summoning the same, the delegates

requisitioning the Committee shall, not less than twenty one working days before the proposed date, publish a notice convening the Committee to be published in a daily English newspaper with national circulation and such notice shall contain the agenda, place, date and time of the Committee.

- XVI. Only agenda items prepared by the National Executive Council or as may be requested by delegates shall be discussed at the Special Session of the National Delegates Committee.
- XVII. The National Chairperson shall preside over a Special Session of the National Delegates Committee requisitioned by delegates. In his/her absence, the Deputy Chairperson shall preside over a Special Session of the National Delegates Committee; failing which a delegate specifically elected by delegates in attendance shall preside.
- XVIII. The Secretary General shall be the Secretary of such Committee. In his absence, his or her deputy shall preside; failing which a delegate specially elected by delegates in attendance shall preside.
- XIX. Quorum of the Ordinary or Special Sessions of the National Delegates convention shall be two thirds of all eligible members.
- XX. Decisions at the Committee shall be taken through vote by secret ballot or by a unanimous resolution.

## **PART IV**

### **ARTICLE 13: NOMINATION RULES FOR NATIONAL PARLIAMENTARY & COUNTY ELECTIONS**

- I. No member shall be qualified to be nominated as a parliamentary or county election candidate whilst she is a member of NEC, branch

executive committee or who is a member of any party organ or committee unless such candidacy requires one to be a member of the said organs firstly.

- II. Every candidate who is a members as stipulated by clause II (a) herein wishing/desiring to be nominated in any other aforesaid election shall first resign any of the positions specified by sub-rule II (a) herein before his or her name is submitted to the party's special committee for nominations or to NEC in case of a by-election.
- III. If such a member wishes to vie in senatorial, national assembly, or county elections she/he must state so at least three (3) calendar months before the appropriate nomination date.
- IV. NEC may in any particular case and for sufficient cause dispense with the requirements of the time limits under the whole of this present rule.
- V. Upon dissolution of the parliament and/or county assembly or a presidential election being occasioned by any event NEC shall convene of nominating the party's candidate's which shall take place within sixty (60) days of the said dissolution or the event occasioning such election.
- VI. A party member wishing to be nominated as a senator, governor, national assembly, county candidate must submit his/her name to the party branch executive committee or in the absence of a party branch to NEC within (14) fourteen days of the event necessitating such election. The party branch manager shall forward the whole list of names of such applicants to NEC within (14) days of the receipt thereof.

- VII. Upon receipt of the list of candidates by NEC, such list shall be forwarded with or without recommendations to the party's special committee on nominations.
- VIII. The party's special committee on nominations shall then select and inform successful candidates and send their names to NEC for formal nomination to contest national offices.
- IX. The party's special committee on nominations acting on the advice of NEC may in any other aforesaid election/s decide to support a joint candidate with any of the other political parties.
- X. All the candidates for by-election shall be nominated by NEC.
- XI. NEC may make rules and regulation for the better carrying out of nominations pursuant to this present rule.

#### **ARTICLE 14.0 FUNDS AND ASSETS**

- i. The National Executive Committee shall establish rules governing the mobilization, management and expenditure of funds.
- ii. All disbursements shall be against expenditures in the approved budget or by resolutions of the National Executive Committee.
- iii. The source of funds for the party in accordance with Political party Act 2011 section 26 and 27 shall include the following:
  - a. Membership fees;
  - b. Funding by the Exchequer;
  - c. Voluntary contributions from a lawful source;
  - d. Donations, bequests and grants from any other lawful source, not being from a non-citizen, foreign government, inter-governmental or non-governmental organization;

- e. The proceeds of any investment, project or undertaking in which the political party has an interest.
- f. Nomination fee;
- g. Contribution from elected party members.
- iv. The party shall operate bank account(s) as approved by National Executive Committee. The signatories to the bank account(s) shall be approved by a resolution of the National Executive Committee.
- iv. Party funds shall be used only for purposes of furthering the objectives of the party in accordance with the Political Parties Act 2011.
- v. Distribution of party funds amongst members and/or officials of the party is prohibited.
- vi. Party organs and officials may not incur expenditure in excess of the funds budgeted for and disbursed without written authority from the National Executive Committee.
- vii. The financial year of the party shall be aligned to the government's financial year.
- viii. The party Audit Committee shall appoint a qualified, registered auditor to audit the books of the party for the National Delegates Convention. The Auditor shall not be an office bearer or a member of any committee of the party.
- ix. All party accounts, records and documents shall be open for inspection by the auditor annually.
- x. The National Treasurer shall produce and submit up to date audited accounts, which shall not be less than four weeks and not more than two months before the date of the National Delegates Convention.
- xi. The books of accounts and all documents relating thereto, and the list of members of the party shall be available for inspection at the registered office of the party by any officer, members of the party or any member of the public by giving not less than twenty-one (21) day notice in writing and upon payment of the prescribed fee.

- xii. The National Treasurer shall be the custodian of all party assets and investment funds, and shall prescribe the Asset Management Policies and Procedures.

#### **ARTICLE 14.2 National Finance Committee**

There shall be established a Finance committee of (5) five members to be Chaired by the National Treasurer and consisting of Chairman, Secretary Youth League, Secretary for Women League, Secretary People with Disability. Voting and decision making will be on simple majority. The Finance Committee will meet every 2 months.

#### **ARTICLE 14.3 Key responsibilities of the Finance Committee include;**

- i. Budgeting and Finance
- ii. Reporting and Monitoring
- iii. Internal control and Accountability

#### **ARTICLE 14.4 National Audit Committee**

- i. There shall be established an Audit committee of (5) five members to be Chaired by Secretary for Finance and Treasury and consisting of Chairman, Secretary for Strategy and Planning, National Organizing Secretary and National Treasurer.
- ii. Voting and decision making will be on simple majority. The Audit Committee will meet every 6 months.
- iii. Once every year the Audit committee will approve for the services of an external auditor for purposes of transparency and accountability.

#### **ARTICLE 14.5 Key responsibilities of the Audit Committee include;**

- i. Manage financial and other risks that affect the integrity of external reports issued by the party.
- ii. Evaluate the design and implementation of internal financial controls.

#### **ARTICLE 14.6 Budget Committee**

- i. There shall be established a Budget committee of (5) five members to be Chaired by Secretary for Finance and Treasury and consisting of Chairman, Secretary for Strategy and Planning, National Organizing Secretary and National Treasurer.
- ii. Voting and decision making will be on simple majority.
- iii. The Budget Committee will meet once a year to budget for the next financial year.
- iv. The budget committee will submit the budget to the NEC for approval.

#### **ARTICLE 14.7 Key responsibilities of the Budget Committee include;**

- i. Come up and manage the party budget.
- ii. Ensure that the budget is being followed without excessive spending and within the Public Finance Management Act.

#### **ARTICLE 14.8 Asset Management**

- i. The Party will maintain a database of the assets. The National Management Committee will be the custodian of the assets.
- ii. The Committee will hire an operations Manager on short term basis for the purposes of asset tagging, tracking and verification that will be done twice annually.
- iii. The Operations Manager will be working under the National Management Committee which will be constituted under the National Executive Committee. The National Management Committee oversee the investment of the party Funds and Assets

#### **ARTICLE 15.0 INTERNAL DISPUTE RESOLUTION**

In recognition of “Fair administrative action” and “Fair hearing” as contemplated in articles 47 and 50 of the Constitution respectively, every effort will be made to ensure that the process of dispute resolution is not only fair but perceived to be so by both the complainant(s) and defendant(s).

### **ARTICLE 15.1 Sources of Internal party conflicts**

- i. Questions on validity of membership of an aspirant or candidate in the party.
- ii. Selection, election and appointment of party office bearers.
- iii. Party candidates' nomination.
- iv. Suspected mismanagement of party funds.
- v. Selective recognition of particular members importance in the party.
- vi. Payment and non-payment of monthly contributions to the party.
- vii. Failure to consult members before asking party positions on national issues.
- viii. Failure to follow due process before taking disciplinary action.
- ix. Some party members exhibiting disloyalty by supporting other parties without defecting officially.
- x. Conflict between male and female candidates with women being asked to step down for male candidates in exchange for promises to get direct nomination through party lists.

### **ARTICLE 15.2 Best Practices In Addressing Conflicts**

- i. Conflict prevention; stopping conflict from taking place by noticing warning signs by using early warning instrument to collect and analyze data about the possibility of conflict by providing information to decision makers to take measures to curtail conflicts.
- ii. Conflict management; process of minimizing cost of conflict and maximizing on the potential benefits of conflict with the aim of recognizing that the act of dissent leads to changing the existing condition. Use of force is used sparingly hence using constant dialogue and negation to arrive at a settlement.
- iii. Conflict resolution; seeks to address the root cause of a conflict with a view to making it not occur again.
- iii. Conflict transformation; the process of going beyond prevention, management and resolution that ensures sustainable peace and development.

### **ARTICLE 15.3 National Internal Dispute Resolution Committee**

In accordance with the Second schedule of the political parties Act and Regulations 27 of Election Regulations 2017;

- i. There is established an Internal Dispute Resolution Committee (IDRC), which shall consist of five (5) members appointed by NEC from the pool of fully paid-up life members who shall be distinguished persons of good moral standing in society and of high integrity.
- ii. The chairman shall be a retired judge or a senior counsel practicing.
- iii. The mandate of this committee is to resolve and determine disputes that were escalated from the Regional Dispute Resolution Committee.
- iv. After hearing all parties shall take account all the relevant documents relating to the dispute. The decision shall be by simple majority.
- v. All party nomination disputes must be heard and determined expeditiously within thirty (30) days.

### **ARTICLE 16.0 MERGERS AND COALITIONS**

#### **ARTICLE 16.1 CIRCUMSTANCES FOR MERGERS AND COALITIONS**

The essence of party mergers or coalitions is to enhance the competitive capacity of the parties in terms of;

- i. Winning Votes;
- ii. Winning Seats;
- iii. Capturing power; or
- iv. Wielding influence over policy and legislative agenda in parliament or government.

#### **ARTICLE 16.2 MERGERS**

In accordance with Section 11 of the Political Parties Act 2011, the Party may form mergers with other likeminded political parties.

- i. The decision to form such mergers and coalitions shall be determined by two-thirds of the National Executive Committee.

- ii. Mergers shall happen when the other Party(ies) dissolve and join FOP, or when FOP dissolves to join the other party or when both (all) parties dissolve to form a new Party.
- iii. In the case where FOP will have to dissolve in a merger, the following procedure will apply.
- iv. The NEC will constitute a panel of three members Party leader or the designee, Party Chairperson or the designee and the Secretary for Legal and Constitutional Affairs or the designee to negotiate a merger with like-minded political parties,
- v. The panel of three will have a mandate to negotiate the terms and structure of the merger that will have to be approved by at least two thirds of the NEC.
- vi. The approved merger will need to be presented to the NGC for ratification.
- vii. Instruments of such mergers shall be executed and deposited with the Registrar of Political Parties. The Secretary General shall keep custody of all such Instruments.

### **ARTICLE 16.3 COALITIONS**

In accordance with Section 10 of the Political Parties Act 2011 the Party may form coalitions with other likeminded political parties.

- i. The decision to form such coalitions shall be determined by two-thirds of the National Executive Committee.
- ii. The NEC will constitute a panel of three members;
- iii. Pre-Election Coalition Agreements signatories will be the Party leader or the designee, the Party Chairperson or the designee, and the Secretary for Legal and Constitutional Affairs or the designee.
- iv. Post-Election Coalition Agreement signatories will be the Party leader or the designee, the Party Chairperson or the designee, and the Secretary for Strategy and Planning or the designee.

- v. The NEC may pass a resolution to enter a coalition (Pre-election or post-election). The coalition agreement shall be presented before the National Governing Council for ratification.
- vi. Instruments of such coalitions shall be executed by the secretary general and deposited with the Registrar of Political Parties. The Secretary-General shall keep custody of all such Instruments.
- vii. The NEC is mandated by this constitution to Authorize the exit of the party from any coalition entered into.

## **ARTICLE 17.0 AMENDMENTS OF NAME, SYMBOL, PARTY COLOURS, CONSTITUTION, AND RULES OF THE PARTY**

- i. National Executive Committee may propose or receive proposals from any member of the Party for amendments or review of the entire Name, symbol, Party colors, constitution, and rules of the party which proposals shall be presented for approval by at least two-thirds of members present at the National Delegates Conference.
- ii. The quorum for any meeting at which the amendment of Name, symbol, Party colours, constitution, and rules of the party shall be two-thirds of the delegates eligible to attend and vote.
- iii. A resolution to amend Name, symbol, Party colors, constitution, and rules of the party shall be two-thirds of the delegates eligible to attend and vote.

## **ARTICLE 18: DISSOLUTION**

- i. A Special National Delegates Convention expressly for the purpose of dissolution of the party, may resolve that it be dissolved.

- ii. In the case of such dissolution, all properties and funds of the party after meeting all liabilities shall be distributed in such manner as shall be determined by the National Delegates Convention at which the resolution favoring the dissolution is passed and such assets shall be granted to one or more organization in Kenya whose objects confirm to those of the party.
- iii. The quorum for any meeting at which the dissolution of the Party is proposed shall be two-thirds of the delegates eligible to attend an Ordinary Session of the National Delegates Convention.
- iv. A resolution to dissolve the Party shall be supported by at least two-thirds of the delegates eligible to attend and vote.
- v. Voting shall be by consensus or acclaim but shall be by secret ballot if any three members demand it regarding any particular resolution.

#### **Article 18.2 Dissolution of FOP Branches**

- i. The decision for the dissolution of an FOP branch shall be made by the NEC, following a thorough evaluation of the circumstances and the interests of the party.
- ii. The procedure for the dissolution of an FOP branch shall be as follows:
  - a) The NEC shall propose the dissolution of the branch, providing a rationale and supporting evidence for the decision.
  - b) The proposal for dissolution shall be communicated to the members of the branch, ensuring sufficient notice and an opportunity for members to express their opinions.
  - c) A branch meeting shall be conducted, during which the proposal for dissolution shall be presented, discussed, and put to a vote among the branch members.
  - d) The dissolution of the branch shall require a two-thirds majority vote of the members present at the branch meeting.
  - e) Following the vote, a dissolution resolution shall be prepared and signed by the authorized signatories designated by the NEC.

iii. In the event of the dissolution of an FOP branch, the assets and liabilities of the branch shall be transferred or disposed of as determined by the NEC, in accordance with applicable laws and regulations, and in consideration of the best interests of the party.

## **19.0 PARTY PRIMARIES, PARTY LISTS AND REGISTRATION OF CANDIDATES**

The party shall conduct open, free, fair and transparent nominations in national and county elections through consensus, secret ballot, or through the Independent Electoral and Boundaries Commission (IEBC) or other democratic method acceptable to the members under the supervision of the National Elections Board and the County Elections Board

### **19.1 Party Nominations**

The party may nominate presidential, gubernatorial, parliamentary and county assembly candidates for General and by-elections.

- i All registered party members shall be eligible to vote in their respective constituencies and /or wards for the nominations of the party candidate(s).
- ii The Party Nomination Rules and Regulations for county assembly, parliamentary, gubernatorial and presidential candidates for general and by-elections shall be prepared by the National Executive Committee and nominations shall be conducted in accordance with such rules and regulations.
- iii The nomination certificates at all levels shall be signed by the Party leader or the designee, Party Chairperson or the designee and the Secretary General or the designee and issued by the Chair of the elections board.

The NEB will issue interim certificates to candidates duly elected or nominated; The NEB will issue final list of duly elected and nominated members to the NEC for final approval and ratification.

## **Nomination of Candidates to Political Party Lists**

Criteria of election of members for National Assembly, Senate and County assemblies for Party list seats specified under Article 97(1) (c and 98(1)(b) (c) and (d) and article 177 (1) (b) and (c) of the Constitution of Kenya 2010 shall be on the basis of proportional representation and in accordance with article 90 of the constitution;

- i. Twelve (12) persons for consideration as nominated Members of the National Assembly to represent special interest including the youth, persons with disabilities and workers.
- ii. Sixteen (16) women for consideration as nominated Members of the Senate.
- iii. Two (2) members, being one man and one woman for consideration as nominated members of Senate representing persons with disabilities.
- iv. Persons for consideration as nominated Members of County Assembly to represent special interest including the youth and persons with disabilities
- v. The party list shall alternate between male and female candidates in the priority in which they are listed and shall reflect the region and ethnic diversity of the people of Kenya.
- iv. Persons who are nominated to the respective party lists shall be persons who meet the requirements of any written law as well as academic and professional qualifications to be elected to parliament and county assemblies respectively.
- v. The qualifications and disqualifications prescribed for Members of Parliament and County Assembly shall apply to the Party List.
- vi. The list is a closed list and valid for the term of parliament.
- vii. List is never amended unless by court order or if all the members in the list have been considered and there is need for more.
- viii. Prior to the elections the party shall set rules and procedures to declare that the party lists are in compliance with the set rules and procedures, should be done at least 45 days before the election. The NEC shall issue a public notice in print or electronic media with national circulation and coverage specifying the vacant positions for party lists.
- ix. The process of vetting will be accordance to the party Nomination and Election Rules.

## **ARTICLE 20: TRANSITIONAL AND SAVINGS CLAUSE**

- a) Pending the holding of the first national or branch elections under this constitution, an interim National Executive Council and interim branch executive committees may be nominated by the existing registered officials of the party within seven (7) days after the deposition of this constitution with the Registrar of Political Parties.
- b) Elections under this constitution should be held within two (2) months of the submission of this constitution with the registrar of political parties. Upon the endorsement of the NDC, this constitution take effect immediately.
- c) Until otherwise stipulated by any other law, this constitution will be used exactly after deposition but in conduit in to, after the National Delegates Convention.