

# **FREEDOM AND OPPORTUNITY PARTY**

**(FOP)**



## **NOMINATION & ELECTION RULES**

**JANUARY 2025**

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## PART I

### Rule 1: PREAMBLE

Pursuant to Article 7 of the Party constitution, the National Governing Council makes the following Elections and Nomination Rules:

### Rule 2: CITATION AND INTERPRETATION

#### 2.1 CITATION:

2.1.1. These rules may be cited as Freedom and Opportunity Party Election and Nomination Rules (hereinafter “the Rules”).

2.1.2. In these rules, unless otherwise stated, the words as used carry the same meaning as prescribed in the Party Constitution.

#### 2.2 INTERPRETATION:

“**Agent**” means a person duly accredited by a candidate as his agent.

“**Branch Electoral College**” means Electoral College at the Constituency for the purpose of electing Branch Executive Committees.

“**Candidate**” means a person duly cleared by the Party in accordance with these Rules to vie for nomination.

“**Candidates Vetting Committee**” means a committee established under rule 15 herein”

“**Commission**” means the Independent Electoral and Boundaries Commission of Kenya (IEBC) established under Article 88 (1) of the Constitution of Kenya.

“**County Electoral College**” means Electoral College at the County for the purpose of electing the County Conference Committee.

“**Constituency Returning Officer**” means a person appointed by the NEB to preside over Party elections and nominations within the Constituency.

**“County Returning Officer”** means a person appointed by the NEB to conduct Party elections and nominations within the County.

**“National Delegates Register”** means a list of Party members eligible to attend the National Delegates Convention as per Article 7.2.2 of the Party’s Constitution.

**“National Delegates Electoral College”** means Electoral College convened at an ordinary meeting of National Delegates for purposes of electing national officials or nomination of Party’s Presidential candidate.

**“Nomination”** means the election of a person qualified under these Rules to contest for elections at a general or by-election (whatever the case may be) on the Party ticket.”

**“Party”** means Freedom and Opportunity Party (FOP).

**“Persons with Disability”** means a person with any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the Community to have a substantial or long-term effect on an individual’s ability to carry out ordinary day-to-day activities.

**“Polling Station”** means the venue for voting in elections as gazetted by IEBC in the last general election, or any other Polling Station designated by the NEB.

**“Presiding Officer”** means a person appointed or designated under these rules by the NEB to preside over elections at a polling station.

**“Regional Electoral College”** means Electoral College at the Region for the purpose of electing the Regional Conference Committee.

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

**“Special Interest”** means marginalized persons or Minorities.

**“Sub Branch Electoral College”** means Electoral College at the Constituency level for the purpose of electing Sub-Branch Executive Committee.

**“The NEB”** means the National Elections Board of the Party established under Article of 7.11.1 of the Party Constitution.

**“Voter”** means a person validly registered by the Commission to vote at a general or bye-election and whose names are included in the Party Register.

**“Ward”** means the electoral unit for County Assembly members within the meaning of Article 177 (1) of the Constitution of Kenya and as delimited under the National Assembly Constituencies and County Assembly Wards Order, 2012 or as amended or altered by Judgment of the High Court delivered in Nairobi Judicial Review Application Number 94 of 2012 or as may be reviewed by the Commission from time to time.

**“Ward Electoral College”** means Electoral College at the Ward level for the purpose of electing Ward Steering Committees.

**“Youth”** mean persons between the ages of 18 years to 35 years.

### **Rule 3: NATIONAL ELECTIONS BOARD**

- I. There shall be a board to be known as National Nomination and Election Board (NEB) which shall be a standing committee of the party.
- II. The board shall be headed by a chairman and shall have six (6) other members. Total number of members of NEB will be seven (7).
- III. The composition of NEB shall constitute two thirds gender rule.
- IV. The members board shall be appointed by the party leader in consultation with NEC from amongst members of the party who shall be person knowledgeable in matters of elections
- V. The **Quorum** of the board shall be five members (5)
- VI. The members of the body shall serve for a period of 5 years

#### **3.1 QUALIFICATION OF MEMBERS OF NEB**

- I. Must be a member of the party
- II. Must be 18 years and above
- III. Must be of good integrity and moral
- IV. Has not been convicted of an election offence
- V. Satisfies the requirements of Integrity and Leadership as contained in the Constitution of Kenya and the Leadership and integrity Legislation.

### **3.2 DISQUALIFICATION FROM BEING A MEMBER OF THE NEB**

- I. Conducts himself/herself in a manner that brings the Party to disrepute.
- II. Submits a letter of resignation signed by himself or herself to NEC.
- III. Promotes the activities of another Political Party provided that the other
- IV. Political Party is one that has no formal arrangement with FOP.
- V. Contravenes Party Ideology, Aims, Policies, Objects, and the Code of Conduct for Leaders or the Pledge of Commitment.
- VI. Forms another political party.
- VII. Joins another political party.

### **3.3 Core Function:**

To plan, organize, direct, conduct, supervise and/or coordinate all Party elections and nominations of candidates.

### **3.4 Duties of the National Elections Board**

Duties of the National Elections Board shall include;

- I. To ensure a free and fair electoral process.
- II. The vetting of all candidates aspiring for Party election or nomination in accordance with provisions of the Constitution of the Republic of Kenya, applicable electoral Laws, Party Constitution, Party Nomination, and Election Rules and the Party Code of Conduct,
- III. Appointment of County Returning Officers, Constituency Returning Officers, Polling and Tallying Clerks,
- IV. Accreditation of election observers,
- V. Receiving election results from Returning Officers.
- VI. Taking all necessary measures to ensure Party elections and nominations are transparent, peaceful, free and fair.
- VII. Devise or formulate rules of procedure for the County Election Disputes Appeals Tribunal.

### **3.5 Rights of the Members of NEB**

- I. Formulate and coordinate FOP elections strategies and conduct party nominations and elections;
- II. Undertake Presidential, Parliamentary and County level nominations in respect of a general election or by-election in accordance with these rules;
- III. Advise NEC and other relevant organs of the party on matters relating to party nominations and elections;
- IV. The Board may outsource such assistance as may be necessary for the fulfillment of its mandate;
- V. Do anything necessary and proper to ensure the success of the Party during nominations and elections;
- VI. Subject to these rules, the party constitution and other applicable laws, the board shall have the power to decide on rules and procedures for the conduct of its affairs;
- VII. The Board shall design and issue nomination certificate (s);
- VIII. Every certificate issued under clause (7) shall bear the seal of the party and signed by the National Chairperson and the Secretary General.

### **Rule 4: ELECTION OFFICERS**

#### **4.1 Duties of Presiding officer of an electoral area**

- i. Polling Station Setup: Ensuring that the designated polling station within the electoral area is appropriately set up and equipped with all necessary materials and facilities for the conduct of the election.
- ii. Voter Verification: Verifying the identity and eligibility of voters in accordance with the electoral regulations and ensuring that only qualified voters are allowed to cast their ballots.

- iii. Order and Security: Maintaining order and security at the polling station to create a conducive and peaceful environment for voters to exercise their right to vote freely.
- iv. Assisting Voters: Providing guidance and assistance to voters, if required, to facilitate the voting process and address any queries or concerns they may have.
- v. Ballot Distribution: Ensuring the proper distribution of ballot papers to eligible voters and safeguarding the integrity of the ballot boxes.
- vi. Vote Counting: Overseeing the counting of votes at the polling station and ensuring accuracy and transparency in the tabulation process.
- vii. Results Compilation: Compiling and recording the election results from the polling station and preparing the necessary documentation for transmission to higher-level election officials.
- viii. Resolution of Issues: Addressing any disputes or challenges that arise during the voting and counting process in consultation with relevant authorities and ensuring proper resolution.
- ix. Public Communication: Disseminating information about the voting process, results, and any pertinent updates to the public and party agents in a transparent and timely manner.
- x. Election Documentation: Safeguarding all election-related documents, including ballots, voter registers, and official records, and ensuring their secure transport to higher-level election authorities.
- xi. Reporting: Preparing and submitting comprehensive reports on the conduct and results of the election in the electoral area to the relevant election management body.

#### **4.2 Duties of polling station clerks**

- i. Preparation of Polling Station: Assisting the Presiding Officer in setting up the polling station before the commencement of voting, ensuring that all necessary materials and equipment are in place.
- ii. Voter Check-in: Assisting with the verification of voters' identities and eligibility using the voter register and ensuring that only qualified voters are allowed to cast their ballots.

- iii. Issuance of Ballots: Distributing ballot papers to eligible voters in an orderly and efficient manner, while maintaining the secrecy of the voting process.
- iv. Assisting Voters: Providing necessary guidance and assistance to voters during the voting process, answering their queries, and ensuring they understand the voting procedure.
- v. Maintaining Order: Assisting the Presiding Officer in maintaining order and decorum at the polling station, ensuring a peaceful and conducive environment for voting.
- vi. Ballot Box Management: Ensuring that the ballot box is secure and sealed before voting begins and monitoring it throughout the voting process to prevent tampering.
- vii. Vote Counting: Assisting the Presiding Officer with the counting of votes once the voting period concludes, ensuring accuracy and transparency in the tallying process.
- viii. Recording Results: Accurately recording the vote counts and documenting the results as per the prescribed format provided by the election management body.
- ix. Documentation and Reporting: Properly documenting all election-related activities and incidents at the polling station and submitting relevant reports to the Presiding Officer.
- x. Collaboration with Party Agents: Collaborating with party agents and other election officials present at the polling station to address any issues or discrepancies that may arise during the voting and counting process.

#### **4.3 Remuneration and training of the officials**

The training of election officials shall be done by the national election board before the actual posting to the field for the execution of their duties. The remuneration shall be commensurate with the market rate and under the Employment Act and other applicable laws.

#### **4.4 County Elections Boards**

- i. They shall establish a County Election Board in each county to coordinate elections on behalf of the NEB at county levels.
- ii. The County Election Board shall be composed of five members of the Party ordinarily resident in the County who shall be distinguished persons of good moral standing in society and of high integrity and they shall not be seeking any elective post or

- nomination.
- iii. The County Election Board shall be under the supervision and the general direction of NEB and shall perform all such tasks and duties as assigned and delegated to them.
  - iv. The NEB shall be responsible for the recruitment and deployment of all County Election Board personnel:
  - v. The County Election Board shall be composed of the following members:
    - a) Chairperson.
    - b) Secretary and
    - c) Three ordinary members
  - vi. The term of office for members of the NEB shall be five years, with the possibility of renewal once.
  - vii. The quorum for CEB shall be identical to that of NEB as outlined in rule 16.4 of these elections and nominations guideline.
  - viii. The eligibility criteria for election to the CEB shall be the same as that outlined for the NEB under Rule 16.2 of this Election and nomination guideline.
  - ix. The rights of the CEB members shall be identical to those of the NEB, as described under this election guideline rule 16.3 “Rights of Members of National Elections Board (NEB)” section.

#### **4.4.1 Conduct of Meetings of County Elections Board**

- i. The County Elections Board shall formulate rules and procedures for the conduct of its business at meetings subject to the overriding guidelines of the NEC.

#### **4.4.2 Reporting**

- i. The County Elections Board shall report to the National Elections Board, which shall consider and where necessary at its sole and unfettered discretion act on any report of the County Elections Board in any manner that it deems fit, just and or expedient to the achievements of The Party's interest(s).

#### **4.4.3 Forms for Processes-**

The County Elections Board shall: -

- i. use such forms and other documents needed for purposes of nominating Party candidates for elections as have been or shall be prescribed by the National Elections Board; and
- ii. shall supervise the due and expedited issuance and return of those forms as per the Nomination Guidelines and or as circumstances may warrant.

## Rule 4.5 Functions of the County Election Boards

In relation to Party nominations: -

- i. **Sensitize on Nomination Rules:** - The County Elections Board shall together with the Returning Officers augment the efforts of the National Elections Board towards sensitization of all aspirants on the nomination rules, in relation to nominations at the County level;
- ii. **Nomination Guidelines:** - Augment the efforts of the National Elections Board at the County level towards ensuring that the Nomination Guidelines are affected efficiently;
- iii. **Alternative Dispute Resolution (ADR):** - Encourage Disputing Party's aspirants to seek and exhaust alternative dispute resolution mechanisms and reconciliation, in relation to nominations at the County level;
- iv. **Dialogue between Board and Aspirants:** - Augment the efforts of the National Elections Board towards facilitating dialogue between the National Elections Board and candidates, in relation to nominations at the County level;
- v. **Preparation of County List of Aspirants:** - Each County Elections Board shall present to the National Elections Board a list of all candidates contesting Party positions or elections for Parliamentary, Gubernatorial, Senatorial, and County Assembly positions for its County, and present the County List of Aspirants to the National Elections Board within the deadline set in the Nomination Guidelines.
- vi. **Monitor and Report:** - Augment the efforts of the National Elections Board in monitoring the Nomination process within the County, and where so called upon by the National Executive Committee or the National Elections Board, provide a report to the National Elections Board within forty-eight (48) hours of the results being announced;
- vii. The powers and functions of the National Elections Board may be delegated outsourced, or subcontracted to any entity which the National Executive Committee may deem necessary to achieve the objective of a free fair and credible nomination.

## **PART II**

### **RULES GOVERNING PARTY ELECTIONS**

#### **Rule 5: ELECTIONS OF PARTY OFFICIALS**

Party elections shall be conducted for the following organs of the Party-

##### **5.1 National Officials**

##### **5.2 Regional Coordinating Committee**

##### **5.3 County Coordinating Committee**

##### **5.4 Branch Executive Committee**

##### **5.5 Sub-Branch Executive Committee**

##### **5.6 Polling Station Steering Committee**

##### **5.7 Freedom and Opportunity party Women League**

###### **5.7.1 Branch Executive Committee**

###### **5.7.2 Sub Branch Executive Committee**

###### **5.7.3 Polling Station Steering Committee**

##### **5.8 Freedom and Opportunity party Youth League**

###### **5.8.1 Branch Executive Committee**

###### **5.8.2 Sub Branch Executive Committee**

###### **5.8.3 Polling Station Steering Committee**

#### **Rule 6 : PARTY ELECTORAL COLLEGES:**

Party elections shall be conducted by Electoral Colleges as follows:

- (i) National Electoral College
- (ii) Regional Electoral College
- (iii) County Electoral College
- (iv) Branch Electoral College
- (v) Sub Branch Electoral College

In the Polling Station, Party elections shall be by registered party members.

## **Rule 7: NOTICE OF ELECTIONS**

National Elections Board shall issue a notice of not less than Twenty-One (21) days with respect to all Party elections due and it shall publish such notice in at least one daily newspaper with national circulation and one announcement vide the electronic media.

## **Rule 8: QUALIFICATIONS**

A candidate seeking to be elected in office shall:

- I. Be a member of Freedom and Opportunity Party.
- II. Be committed to the ideals and core values of the Party.
- III. Be a fully paid-up member; in the case of those seeking for national office, Branch and Sub Branch, Chairpersons, be life member.
- IV. Demonstrate having participated in party activities for at least one year prior to his/her application for election.
- V. Be a delegate by virtue of having been elected from the Grassroots.
- VI. Be an automatic delegate by virtue of having been elected as Freedom and Opportunity party Members of Parliament or Governors.
- VII. Be present during the meeting at which the election is conducted.

## **Rule 9: DISQUALIFICATION AS PARTY CANDIDATE FOR PARTY ELECTION**

A candidate seeking to be elected in office shall be disqualified if:

- i. Found to be a member of another party
- ii. Propagate the ideology and policies of another party
- iii. Act contrary to the provision of political party code of conduct
- iv. Not fully paid-up member of the party
- v. in violation of Chapter 6 of the Constitution of Kenya;

## **Rule 10: PROCEDURE OF DECLARING INTEREST AND TIMELINE**

Members interested in running for the party offices will be required to make a formal application to the secretary general of the party indicating the post they intend to vie for.

## **Rule 11: VETTING OF CANDIDATES**

The NEB shall establish candidate vetting committees, subject to the approval of the NEC and which shall be responsible for vetting candidates in accordance with the Constitution of the

Republic of Kenya, The Political Parties Act, 2011, The Elections Act, 2011, The County Government Act, 2012, the Party Constitution and Party Election and Nomination Rules.

In vetting a candidate, the NEB shall consider the following:

- I. The contribution of the candidate to the Party activities and ideology.
- II. Demonstrated loyalty to the party, its leadership, and organs.
- III. Ability to represent the area for which the candidates seek nomination.
- IV. Ability to articulate and propagate Party policies and ideology.
- V. Meet the requirement of chapter six and other applicable provisions of the law.

#### **Rule 12: TIMELINE FOR PROCESS OF IDENTIFICATION OF CANDIDATE**

- I. The party official's elections shall be held within 90 days after the declaration of vacancy.
- II. The aspiring candidates will be given 21 days to present their documents and be vetted for the positions they are seeking.

#### **Rule 13: ELECTIONS OF NATIONAL OFFICIALS**

The National officials shall be elected by the National Delegates Convention (NDC) convened in accordance with provisions of the Party Constitution. Except for the Executive Director, the Secretary for Parliamentary Affairs, the Secretary of Women Affairs and the Secretary for Youth Affairs.

##### **13.1 Eligibility of Delegates:**

The NEB shall ensure that only the delegates whose names appear in the National Delegates Register and present at the Convention shall be eligible to vote.

##### **13.2 Quorum:**

The NEB shall ensure that there is a quorum before the commencement of business of elections in accordance with the Party Constitution.

##### **13.3 Mode of Voting:**

Elections at the National Delegates Convention shall be by secret ballot or any other method approved by the delegates in session.

**Counting of Votes:**

The election official shall count and tally publicly the votes cast at the NDC and the Chairperson shall mark the final tally before announcement.

**13.4 Assumption of Office:**

Persons elected to national offices shall upon declaration of results of election assume office with immediate effect.

**13.5 Announcement of results:**

NEB shall tabulate and collate certified results and the NEB Chairperson promptly announce the results in the presence of all the candidates and NDC.

**13.6 Term of office:**

The term of office for all officials of the party shall be five (5) years.

**13.7 Timelines for Voting:**

The party official's elections shall begin from 10.00am to 1.00pm.

**An applicant for party official shall furnish the following documents:**

- (a) Duly completed party official Form in duplicate
- (b) Copy of national identity card or Passport,
- (c) Evidence of active participation in Party activities six months prior to the application,
- (d) Must have a life member certificate.
- (e) A copy of academic certificate qualification recognized in Kenya
- (f) A copy of Elector's card,
- (g) A copy of FOP Life Membership Card/Certificate
- (h) Duly executed Code of Conduct Form.

**13.8 Custody of Election Materials**

The NEB shall immediately after the announcement of the results surrender all election documents and materials to the National Secretariat for safe custody for a period of two months.

## **Rule 14: PARTY ELECTIONS**

### **14.1 Branch Organization**

The NEB shall conduct Party Elections in the following organs of the Party:

#### **A. Mainstream:**

- 14.1.1 Branch Executive Committees,
- 14.1.2 Sub-Branch Executive Committees,
- 14.1.3 Polling Station Steering Committees,

#### **B. Freedom and Opportunity party Women League:**

- 14.1.4 Freedom and Opportunity party Women League Branch Executive Committees,
- 14.1.5 Freedom and Opportunity party Women League Sub-Branch Executive Committees,
- 14.1.6 Freedom and Opportunity party Women League Polling Station Steering Committees,

#### **C. Freedom and Opportunity party Youth League:**

- 14.1.7 Freedom and Opportunity party Youth League Branch Executive Committees,
- 14.1.8 Freedom and Opportunity party Youth League Sub-Branch Executive Committees,
- 14.1.9 Freedom and Opportunity party Youth League Polling Station Steering Committees

### **14.2 Polling Station Steering Committee:**

Each Polling Station Steering Committee shall be composed of the following officials:

- I. Chairperson.
- II. Deputy Chairperson.
- III. Secretary.
- IV. Deputy Secretary.
- V. Treasurer.
- VI. Deputy Treasurer.

- VII. Organizing Secretary.
- VIII. Deputy Organizing Secretary.
- IX. Polling Station Secretary for Women Affairs who shall be the person elected as the Women Patriots' Polling Station Leader.
- X. Polling Station Secretary for Youth affairs who shall be the person elected as Freedom and Opportunity party Youth League' Polling Station Leader.
- XI. Polling Station Persons with Disability Representative.
- XII. Polling Station Special Interest Group Representative.
- XIII. Committee Member.
- XIV. Committee Member.
- XV. Committee Member.
- XVI. Committee Member.
- XVII. Committee Member.
- XVIII. Committee Member.
- XIX. Committee Member.
- XX. Committee Member.

Provided that one-third of those officials shall be of either gender.

### **14.3 POLLING STATION ELECTIONS**

**14.3.1** On the date designated for the Polling Station Steering Committee elections, all Freedom and Opportunity party members shall assemble at the Polling Stations and vote by secret ballot, or any other method approved by the delegates in session.

**14.3.2** The Presiding Officer shall tally and announce the result thereof and thereafter submit to the Constituency Returning Officer.

### **14.4 SUB-BRANCH EXECUTIVE COMMITTEES**

Each Sub Branch Steering Committee shall be composed of the following officials:

- I. Chairperson
- II. Deputy Chairperson
- III. Secretary
- IV. Deputy Secretary
- V. Treasurer
- VI. Deputy Treasurer
- VII. Organizing Secretary
- VIII. Deputy Organizing Secretary

- IX. Secretary for Women Affairs who shall be the person elected as the Freedom and Opportunity Party Women League Sub Branch Leader
- X. Secretary for Youth affairs who shall be the person elected as the Freedom and Opportunity Party Youth
- XI. League Sub Branch Leader
- XII. Persons with Disability Representative
- XIII. Special Interest Groups Representative
- XIV. Committee Member
- XV. Committee Member
- XVI. Committee Member
- XVII. Committee Member
- XVIII. Committee Member
- XIX. Committee Member
- XX. Committee Member
- XXI. Committee Member

Provided that one-third of those officials shall be of either gender.

#### **14.5 SUB-BRANCH ELECTIONS**

**14.5.1** Delegates elected at the Polling Station Steering Committees shall form the Ward Electoral College for the purpose of electing the Ward Management Committee.

**14.5.2** On the date designated for the Sub Branch Steering Committee elections delegates shall assemble at Polling Stations within the Ward as shall be designated and published by the NEB at least fourteen days before the elections and thereat vote by secret ballot.

**14.5.3** The Presiding Officer shall tally and announce the results thereof and submit to the Constituency Returning Officer.

#### **14.6 ELECTIONS OF BRANCH EXECUTIVE COMMITTEE**

**14.6.1** The Branch shall be composed of the following officials:

- I. Chairperson

- II. Deputy Chairperson
- III. Secretary
- IV. Deputy Secretary
- V. Treasurer
- VI. Deputy Treasurer
- VII. Organizing Secretary
- VIII. Deputy Organizing Secretary
- IX. Secretary for Women Affairs
- X. Secretary for Youth affairs
- XI. Persons with Disability Representative
- XII. Special Interest Groups Representative
- XIII. Committee Member
- XIV. Committee member
- XV. Committee Member
- XVI. Committee Member
- XVII. Committee Member
- XVIII. Committee Member
- XIX. Committee Member
- XX. Committee Member

Provided that one-third of those officials shall be of either gender.

**14.6.1** The members of each Sub Branch Executive Committee shall form the Branch Electoral College and, on a date, set for elections shall elect the Branch Executive Committee by secret ballot or any other method approved by the delegates in session.

**14.6.2** The County Returning Officer shall tally and announce the results and submit to the NEB.

#### **14.7 County Coordinating Committee**

**14.7.1** The County Coordinating Committee shall be composed of the following officials;

- a) The County Coordinating Chairman
- b) The County Deputy Coordinating Chairman
- c) The County Coordinating Secretary
- d) The County Coordinating Organizing Secretary
- e) The County Coordinating Treasurer

- f) The County Freedom and Opportunity party Women League Representative
- g) The County Freedom and Opportunity party Youth League Representative
- h) The County Special Interest Representative.

**14.7.2** The members of each Branch Delegates Conference shall form the County Electoral College and, on a date, set for elections shall elect the County Coordinating Committee by secret ballot.

**14.7.3** The County Returning Officer shall tally and announce the results and submit to the NEB.

#### **14.8 Regional Conference Committee**

**14.8.1** The Regional Coordinating Committee shall be composed of the following officials;

- a) The Regional Coordinating Chairman
- b) The Regional Deputy Coordinating Chairman
- c) The Regional Coordinating Secretary
- d) The Regional Coordinating Organizing Secretary
- e) The Regional Coordinating Treasurer
- f) The Regional Freedom and Opportunity party Women League Representative
- g) The Regional Freedom and Opportunity party Youth League Representative
- h) The Regional Special Interest Representative

**14.8.2** The members of each County Delegates Conference shall form the Regional Electoral College and, on a date, set for elections shall elect the Regional Conference Committee by secret ballot.

**14.8.3** A County Returning Officer, selected by NEB, shall tally and announce the results and submit to the NEB.

#### **Rule 15: ORGANIZATION OF FREEDOM AND OPPORTUNITY PARTY WOMEN LEAGUE**

**15.1** There shall be established Freedom and Opportunity party Women League.

**15.2** The organization of the League shall begin at Polling Station level ascending to the Sub Branch, Branch and National levels. The League shall be organized by Freedom and Opportunity party Women League Chairperson at each level of the League.

**15.3** All Freedom and Opportunity party Women League Members of the Party at Polling Station shall assemble at the Polling Stations and vote by secret ballot or any other method accepted by the delegates in session to elect a Management Committee.

#### **15.4 ELECTIONS OF FREEDOM AND OPPORTUNITY PARTY WOMEN LEAGUE OFFICIALS**

The Elections shall be conducted by electoral colleges at the Sub Branch, Branch and National levels, except in the Polling Station, where league elections which shall be conducted by universal suffrage.

**15.4.1** All Freedom and Opportunity party Women Members of the Party at Polling Station shall assemble and shall elect a Management Committee comprising:

- I. Chairperson
- II. Deputy Chairperson
- III. Secretary
- IV. Deputy Secretary
- V. Treasurer
- VI. Deputy Treasurer
- VII. Organizing Secretary
- VIII. Deputy Organizing Secretary
- IX. Persons with Disability Representative
- X. Special Interest Groups Representative
- XI. Committee Member
- XII. Committee Member
- XIII. Committee Member
- XIV. Committee Member
- XV. Committee Member
- XVI. Committee Member
- XVII. Committee Member
- XVIII. Committee Member

Provided that one-third of those officials shall be of either gender.

**15.4.2** Delegates of the Polling Station shall form Freedom and Opportunity party Women Sub Branch Electoral College and shall elect Freedom and Opportunity party Women Sub Branch Steering Committee comprising:

- I. Chairperson
- II. Deputy Chairperson
- III. Secretary
- IV. Deputy Secretary
- V. Treasurer
- VI. Deputy Treasurer
- VII. Organizing Secretary
- VIII. Deputy Organizing Secretary
- IX. Persons with Disability Representative
- X. Special Interest Groups Representative
- XI. Committee Member
- XII. Committee Member
- XIII. Committee Member
- XIV. Committee Member
- XV. Committee Member
- XVI. Committee Member
- XVII. Committee Member
- XVIII. Committee Member

Provided that one-third of those officials shall be of either gender.

**15.4.3** Delegates of the Sub Branch shall form Freedom and Opportunity party Women Branch Electoral College and shall elect Freedom and Opportunity party Women Branch Executive Committee comprising:

- I. Chairperson
- II. Deputy Chairperson
- III. Secretary
- IV. Deputy Secretary
- V. Treasurer
- VI. Deputy Treasurer

- VII. Organizing Secretary
- VIII. Deputy Organizing Secretary
- IX. Persons with Disability Representative
- X. Special Interest Groups Representative
- XI. Committee Member
- XII. Committee Member
- XIII. Committee Member
- XIV. Committee Member
- XV. Committee Member
- XVI. Committee Member
- XVII. Committee Member
- XVIII. Committee Member

Provided that one-third of those officials shall be of either gender.

#### **15.5 ELECTION OF FREEDOM AND OPPORTUNITY PARTY WOMEN LEAGUE NATIONAL OFFICIALS**

The members of each Freedom and Opportunity party Women League Branch Executive Committee comprising of the following officials shall form the National Freedom and Opportunity party Women League Electoral College:

- I. Chairperson
- II. Deputy Chairperson
- III. Secretary
- IV. Deputy Secretary
- V. Treasurer
- VI. Deputy Treasurer
- VII. Organizing Secretary
- VIII. Deputy Organizing Secretary
- IX. Persons with Disability Representative
- X. Special Interest Groups Representative
- XI. Committee Member
- XII. Committee Member
- XIII. Committee Member

- XIV. Committee Member
- XV. Committee Member
- XVI. Committee Member
- XVII. Committee Member
- XVIII. Committee Member

Provided that one-third of those officials shall be of either gender.

**15.6** Freedom and Opportunity party Women League National Electoral College, on a date set for elections, shall vote by secret ballot and elect Freedom and Opportunity Party Women League National Officials comprising of the following National Officials:

- I. Chairperson
- II. Deputy Chairperson
- III. Secretary
- IV. Deputy Secretary
- V. Treasurer
- VI. Deputy Treasurer
- VII. Organizing Secretary
- VIII. Deputy Organizing Secretary
- IX. Persons with Disability Representative
- X. Special Interest Groups Representative
- XI. Committee Member
- XII. Committee Member
- XIII. Committee Member
- XIV. Committee Member
- XV. Committee Member
- XVI. Committee Member
- XVII. Committee Member
- XVIII. Committee Member

**15.7** The League shall carry out the following functions at all levels of organization:

- a. To handle all issues peculiar to women.
- b. Strengthen and empower women in the mainstream Party management, and
- c. To deal with and address all matters that will enhance the cause of women.

## **Rule 16: ORGANIZATION OF FREEDOM AND OPPORTUNITY PARTY YOUTH LEAGUE**

**16.1** There shall be established Freedom and Opportunity party Youth League.

**16.2** The organization of the League shall begin at the Polling Station level ascending to Sub Branch, Branch and National Levels. The League shall be organized by the Freedom and Opportunity Party Youth League Secretary at each level.

**16.3** All Freedom and Opportunity Party Youth League Members of the Party at Polling Station shall assemble at the Polling Stations and vote by secret ballot or any other method accepted by the delegates in session to elect a Management Committee.

### **16.4 ELECTIONS OF FREEDOM AND OPPORTUNITY PARTY YOUTH LEAGUE OFFICIALS**

**16.4.1** The Elections shall be conducted by electoral colleges at the Sub Branch, Branch and National levels, except in the Polling Station where league elections shall be conducted by universal suffrage.

**16.4.2** All Freedom and Opportunity party Youth League Members of the Party at Polling Station shall assemble and shall elect a Management Committee comprising:

- I. Chairperson
- II. Deputy Chairperson
- III. Secretary
- IV. Deputy Secretary
- V. Treasurer
- VI. Deputy Treasurer
- VII. Organizing Secretary
- VIII. Deputy Organizing Secretary
- IX. Persons with Disability Representative
- X. Special Interest Groups Representative
- XI. Committee Member
- XII. Committee Member
- XIII. Committee Member
- XIV. Committee Member
- XV. Committee Member
- XVI. Committee Member

- XVII. Committee Member
- XVIII. Committee Member

**16.5** Delegates at the Polling Station shall form Freedom and Opportunity Party Youth League Sub Branch Electoral College to elect Freedom and Opportunity party Youth League Sub Branch Committee composed of:

- I. Chairperson
- II. Deputy Chairperson
- III. Secretary
- IV. Deputy Secretary
- V. Treasurer
- VI. Deputy Treasurer
- VII. Organizing Secretary
- VIII. Deputy Organizing Secretary
- IX. Persons with Disability Representative
- X. Special Interest Groups Representative
- XI. Committee Member
- XII. Committee Member
- XIII. Committee Member
- XIV. Committee Member
- XV. Committee Member
- XVI. Committee Member
- XVII. Committee Member
- XVIII. Committee Member

**16.6** Sub Branch delegates shall form Freedom and Opportunity party Youth League Branch Electoral College to elect Freedom and Opportunity party Youth League Branch Executive Committee composing of:

- I. Chairperson
- II. Deputy Chairperson
- III. Secretary
- IV. Deputy Secretary
- V. Treasurer
- VI. Deputy Treasurer

- VII. Organizing Secretary
- VIII. Deputy Organizing Secretary
- IX. Persons with Disability Representative
- X. Special Interest Groups Representative
- XI. Committee Member
- XII. Committee Member
- XIII. Committee Member
- XIV. Committee Member
- XV. Committee Member
- XVI. Committee Member
- XVII. Committee Member
- XVIII. Committee Member

**16.7 The League shall carry out the following functions at all levels of organization:**

- a. To handle all issues peculiar to the youth,
- b. Strengthen and empower youths in the mainstream Party management, and
- c. To deal with and address all matters that will enhance the cause of the Youth.

## **PART III**

### **THE NOMINATION OF PARTY CANDIDATES**

#### **Rule 17: CATEGORIES OF ELECTIONS COVERED**

These rules govern the nomination of Party candidates in respect of any nomination, herein to be held for Presidential, Member of the Senate, Governors, Members of the National Assembly, Members of the County Assembly, and County Woman Representatives.

#### **Rule 18 ANNOUNCEMENT OF VACANT POSITIONS**

Upon a resolution by the NEC, the NEB shall advertise and receive applications in forms prescribed in these rules for Party Elections for nominations for the positions of President, Members of the Senate, Governors, Members of the National Assembly, Members of the County Assembly, and County Woman Representative. The notice shall be published in at least two newspapers with wider circulation and on the party website. The notice shall be for a period of 21 days.

##### **a) Timeline for The Process of Identification of Candidates**

The Nation Election Board (NEB) will publish timeframe for identifications of candidates to participate in elections three months before the nomination day.

#### **Rule 19 VETTING OF CANDIDATES**

The NEB shall establish candidates vetting committees, subject to approval of the NEC and which shall be constituted at least six (6) months to the nominations and which shall be responsible for vetting of candidates in accordance with the Constitution of the Republic of Kenya, The Political Parties Act, 2011, The Elections Act, 2011, The County Government Act, 2012, the Party Constitution and Party Election and Nomination Rules. In vetting a candidate, the NEB shall take into account the following:

- i. The contribution of the candidate to the Party activities and ideology.
- ii. Demonstrated loyalty to the party, its leadership and organs.
- iii. Ability to represent the area for which the candidates seeks nomination.

- iv. Ability to articulate and propagate Party policies and ideology.

## **Rule 20: QUALIFICATION OF CANDIDATES**

### **20.1 Nominations for Member of the County Assembly.**

**20.1.1** A person seeking nomination for elections as member of the County Assembly shall fulfill the following requirements:

- i. Be registered as a voter.
- ii. Be a life member of the Party,
- iii. Have post-secondary school qualification recognized in Kenya,
- iv. Demonstrate active participation in Party programs six months prior to seeking nomination, provided National Executive Committee may for good cause, which shall be specifically documented, exempt an applicant from this requirement, subject to any conditions it may deem fit,
- v. Meet the minimum requirements for County Assembly Candidates as may be set out by the Independent Electoral and Boundaries Commission.

**20.1.2** An applicant for nomination shall furnish the following documents:

- i. Duly completed Nomination Form in duplicate.
- ii. Copy of national identity card or Passport.
- iii. Evidence of active participation in Party activities six months prior to the application.
- iv. Non- refundable fee of 20,000/= paid to Freedom and Opportunity party by a Bankers Cheque or deposited in the Party account and Ksh. 15,000/- for Special Interest groups.
- v. A copy of post-secondary school qualification recognized in Kenya.
- vi. A copy of Elector's card.
- vii. A copy of Freedom and Opportunity party Membership Card.
- viii. Duly executed Code of Conduct Form.
- ix. Meet all other requirements under the Elections Act and Regulations made by the Commission.
- x. Self-declaration forms for vetting by the Ethics and Anti-Corruption Commission (EACC).

### **20.1.3 Disqualification from nomination as a candidate for election as a Member of the County Assembly**

A person is disqualified from being nominated as a candidate for election as a Member of a County Assembly if the person: -

- I. Is a State Officer or other Public Officer other than a Member of County Assembly.
- II. Has at any time within the five years immediately before the date of election held office as a member of the Independent Electoral Boundaries Commission or any Election Commission.
- III. Is of unsound mind.
- IV. Is an undischarged bankrupt.
- V. Is serving a sentence of imprisonment of at least six months, or
- VI. Has been found, in accordance with any law, to have misused or abused a State Office or Public Office or to have contravened any provision of Chapter Six of the Constitution of Kenya

## **20.2 NOMINATIONS FOR THE GOVERNOR**

**20.2.1** A person seeking nomination for elections as Governor shall fulfill the following requirements:

- I. Be registered as a voter.
- II. Be a life member of the Party.
- III. Be in possession of a degree certificate obtained from a university recognized in Kenya.
- IV. Demonstrate active participation in Party programs six months prior to seeking nomination, provided that the National Executive Committee may for good cause which shall be specifically documented, exempt an applicant from this requirement, subject to any conditions it may deem fit.
- V. Meet the minimum requirements for County Assembly Candidates as may be set out by the Independent Electoral and Boundaries Commission.

**20.2.2** An applicant for nomination shall furnish the following documents:

- I. Duly completed Nomination Form in duplicate.
- II. Copy of national identity card or Passport.

- III. A copy of Elector's card.
- IV. A copy of Freedom and Opportunity party Life Membership Certificate.
- V. Non- refundable fee of 300,000/= paid to Freedom and Opportunity party by a Bankers Cheque or deposited in the Party's account.
- VI. A copy of the degree certificate obtained from a university recognized in Kenya.
- VII. Duly executed Code of Conduct Form.
- VIII. Meet all other requirements under the Elections Act and Regulations made by the Commission.
- IX. Self-declaration forms for vetting by the EACC .

### **20.2.3 Disqualification from nomination as a candidate for election as a Governor**

### **20.3 A person is disqualified from being nominated as a candidate for election as a Governor if the person: -**

- I. Is a State Officer or other Public Officer other than a Member of County Assembly.
- II. Has at any time within the five years immediately before the date of election held office as a member of the Independent Electoral Boundaries Commission or any Election Commission.
- III. Is of unsound mind.
- IV. Is an undischarged bankrupt.
- V. Is serving a sentence of imprisonment of at least six months, or
- VI. Has been found, in accordance with any law, to have misused or abused a State Office or Public Office or to have contravened any provision of Chapter Six of the Constitution of Kenya.

### **20.4 Nominations for a Member of Parliament:**

#### **20.4.1 A person seeking nomination for Parliamentary elections shall fulfill the following requirements:**

- I. Be a registered voter in the Constituency or county for which he/she seeks election.
- II. Has attained post-secondary school qualification recognized in Kenya,

- III. Be a Party life member.
- IV. Is proficient in both English and Kiswahili languages.
- V. Demonstrate active participation in Party programs six months prior to seeking nomination, provided that the National Executive Committee may for good cause which shall be specifically documented, exempt an applicant from this requirement, subject to any conditions it may deem fit.
- VI. Meet the minimum requirements for Parliamentary Candidates as may be set out by the Independent Electoral and Boundaries Commission of Kenya.

**20.4.2** Candidates in respect of Parliamentary nominations shall be required to provide the following:

- i. Duly completed Nomination Form in duplicate.
- ii. Copy of national identity card or Passport,
- iii. A copy of Elector's card,
- iv. A copy of Freedom and Opportunity Party Life Membership Certificate
- v. Non- Refundable nomination fee paid to Freedom and Opportunity party by Bankers Cheque or deposited in the Party's Account of:
  - a) Member of the Senate: Kshs. 250,000/=
  - b) Members of the National Assembly: Kshs. 100,000/=
- vi. Duly executed Code of Conduct Form.
- vii. Meet all other requirements under the Elections Act and Regulations made by the Commission.
- Viii. Self-declaration forms for vetting by the EACC.

### **20.4.3 Disqualification from nomination as a candidate for election as a Member of Parliament**

A person is disqualified from being nominated as a Member of Parliament if the person:

- i. Is a State Officer or other Public Officer other than a Member of Parliament,
- ii. Has, at any time within the five years immediately preceding the date of the election, held office as a member of the Independent Electoral Boundaries Commission,
- iii. Is of unsound mind,

- iv. Is an undischarged bankrupt,
- v. Is subject to a sentence of imprisonment of at least six months as at the date of nomination as a candidate,
- vi. Has not been a citizen of Kenya for at least the ten years immediately preceding the date of the election, or
- vii. Is found, in accordance with any Law to have misused or abused a state office or public office or in any way to have contravened the provisions of Chapter Six of the Constitution of Kenya.
- viii. Is found to have planned, sponsored or participated in any violent activity intended to disrupt elections.

## **20.5 Nominations for County Woman Representative:**

**20.5.1** A person seeking nomination for County Woman Representative shall fulfill the following requirements:

- i. Be a registered voter.
- ii. Has attained post-secondary school qualification recognized in Kenya,
- iii. Be a Party life member.
- iv. Is proficient in both English and Kiswahili languages.
- v. Have been an active member of the party six months prior to seeking nomination, provided that the National Executive Committee may for good cause which shall be specifically documented, exempt an applicant from this requirement, subject to any conditions it may deem fit.
- vi. Meet the minimum requirements for Parliamentary Candidates as may be set out by the Independent Electoral and Boundaries Commission of Kenya.

**20.5.2** Candidates in respect of County Woman Representative nominations shall be required to provide the following:

- i. Duly completed Nomination Form in duplicate.
- ii. Copy of national identity card or Passport.
- iii. A copy of Elector's card.
- iv. A copy of Freedom and Opportunity party Life Membership Certificate.
- v. Non- refundable fee of 100,000/= paid to Freedom and Opportunity party by a Bankers Cheque or deposited in the Party's account.

- v. Duly executed Code of Conduct Form.
- vi. Meet all other requirements under the Elections Act and Regulations made by the Commission.

### **20.5.3 Disqualification from nomination as a candidate for election as County Woman Representative:**

A person is disqualified from being nominated as County Woman Representative if the person:

- I. Is a State Officer or other Public Officer other than a Member of Parliament.
- II. Has, at any time within the five years immediately preceding the date of the election, held office as a member of the Independent Electoral Boundaries Commission.
- III. Is of unsound mind.
- IV. Is an undischarged bankrupt.
- V. Is subject to a sentence of imprisonment of at least six months as at the date of nomination as a candidate.
- VI. Has not been a citizen of Kenya for at least the ten years immediately preceding the date of the election, or
- VII. Is found, in accordance with any Law to have misused or abused a state office or public office or in any way to have contravened the provisions of Chapter Six of the Constitution of Kenya.
- VIII. Is found to have planned, sponsored or participated in any violent activity intended to disrupt elections.

## **20.6 Nomination of a Presidential Candidate**

**20.6.1** A person seeking nomination for Presidential elections shall fulfill the following requirements:

- I. Be a Kenyan citizen with a National Identity Card or passport.
- II. Be 35 years of age and above.
- III. Be a registered voter.
- IV. Be a life member of the Party.
- V. Is a holder of a degree from a university recognized in Kenya.
- VI. Be of high moral standing and integrity.
- VII. Meet the minimum requirements for Presidential Candidate as set out by the Independent Electoral and Boundaries Commission of Kenya.

VIII. or is qualified to stand for election as a Member of Parliament.

**20.6.2** Candidates in respect of Presidential nomination shall be required to provide the following: -

- i) Duly completed Nomination Form in duplicate.
- ii) Copy of national identity card or Passport,
- iii) A copy of Elector's card,
- iv) A copy of Freedom and Opportunity party Life Membership Certificate
- v) Non- refundable fee of 1,000,000/= paid to Freedom and Opportunity party by a Bankers Cheque or deposited in the Party's account,
- vi) A copy of the degree certificate obtained from a university recognized in Kenya,
- vii) Duly executed Code of Conduct and Pledge of Commitment Form,
- viii) Meet all other requirements under the Elections Act and Regulations made by the Commission.

A person is disqualified from being nominated as a president if the person:

- i. Is a State Officer or other Public Officer other than a Member of Parliament,
- ii. Has, at any time within the five years immediately preceding the date of the election, held office as a member of the Independent Electoral Boundaries Commission.
- iii. Is of unsound mind.
- iv. Is an undischarged bankrupt.
- ix. Is subject to a sentence of imprisonment of at least six months as at the date of nomination as a candidate.
- x. Has not been a citizen of Kenya for at least the ten years immediately preceding the date of the election, or
- xi. Is found, in accordance with any Law to have misused or abused a state office or public office or in any way to have contravened the provisions of Chapter Six of the Constitution of Kenya.
- xii. Is found to have planned, sponsored or participated in any violent activity intended to disrupt elections.

## **Rule 21: PARTY PRIMARIES FOR PRESIDENTIAL NOMINATIONS**

**21.1** Where more than one candidate qualifies for nomination, there shall be an election to nominate the Party's Presidential candidate.

**21.2** The Members of the National Delegates Convention comprising of;

- I. All members of the National Executive Committee
- II. All members of the Party Parliamentary Group
- III. All Members of the Council of Governors & the Deputy Governors
- IV. All Chairpersons of the Branch Executive Committees
- V. All Members of the County Coordinating Committees
- VI. Minority OR Majority leaders in each County Assembly
- VII. All National Officials of Freedom and Opportunity Party Youth League
- VIII. All National Officials of Freedom and Opportunity Party Women League
- IX. Two persons of disability drawn from each county.
- X. One marginalized person drawn from each county
- XI. One person nominated by BEC where the Member of National Assembly is an elected member of the Party.
- XII. One LADY nominated by the BEC, where the County Women Representative is an elected member of the party.
- XIII. One person nominated by the BEC, where the Senator is an elected member of the Party.
- XIV. One person nominated by the BEC, where the Governor is an elected member of the party.
- XV. Members of the Party's Standing Committees specially nominated by the NEC to attend the Conference as delegates.
- XVI. At least one member from each registered Overseas Branch specially nominated by the NEC to attend the Conference as delegates.
- XVII. Top up Delegates from branches to be determined by NEC, through the formula set out in schedule II herein.
- XVIII. The maximum number of Delegates present at any NDC shall not exceed 3000 Delegates.
- XIX. Shall convert into a National Electoral College and nominate the Presidential Candidate.

**21.2** The date of the National Delegates Convention shall be announced by the National Executive Committee.

21.3 Voting shall be by secret ballot.

21.4 On the date determined for polling, eligible voters shall be identified by availing the following documents:

- a. Freedom and Opportunity party membership card,
- b. National Identity card or Passport, and
- c. Voters' card.
- d. National Electoral College Voters Register.

21.5 The NEB shall use the Voters Register as compiled from the list of delegates to the National Delegates Convention

21.6 Each Presidential Candidate shall be entitled to appoint Agents as shall be determined by the NEB

21.7 The Returning Officer shall tally and announce the results and submit to the NEB

21.8 The NEB shall present the results of the Presidential nominations to the National Delegates Convention.

21.9. In the event that only one candidate presents him/herself for nomination, the NEB shall present the said candidate to the National Delegates Convention for endorsement.

**Rule 22: NOMINATION PROCEDURES FOR MEMBER OF COUNTY ASSEMBLY, GOVERNOR, MEMBER OF THE SENATE, MEMBER OF THE NATIONAL ASSEMBLY, AND COUNTY WOMAN REPRESENTATIVE**

22.1 Party Primaries for the nomination of member of the County Assembly, Governor, Member of the Senate, Member of the National Assembly and County Woman Representative shall be by way of universal suffrage of all registered Party members at the Polling Station or by Sub Branch Electoral College.

22.2 The Sub Branch Electoral College shall comprise all the members of the Sub Branch

Steering Committee, Freedom and Opportunity party Women League Steering Committee and Freedom and Opportunity party Youth League Steering Committee who shall convert into a Sub Branch Electoral College to nominate a member of the County Assembly, Governor, Member of the Senate, Member of The National Assembly, And County Woman Representative.

**22.3** Voting shall be by secret ballot.

**22.4** The NEB shall designate such number of polling stations as might be convenient to voters to access voting centers and publish them twenty one days to the polling date.

**22.5** Presiding Officers shall count and tally votes cast at each Polling Station and forward them to the Constituency Returning Officer who shall make the final tally before announcing result of the elections in respect of the Member of County Assembly Representatives and Member of National Assembly.

**22.6** The Constituency Returning Officer shall submit forthwith the vote tally to the County Returning Officer who shall make the final tally with respect to nominations for Members of Senate, Governor and County Women Representatives before making public the result of Party nomination for County elections.

**22.7 Identification of voters during party primaries.** The identification of voters during the party primary will be purely through the membership register. Members will be expected to carry with them the national identification and party membership card.

**22.8 Announcement of results and issuance of nomination certificates:**

- I. Each Returning Officer shall tabulate and collate certified results received from Presiding Officers at the Polling stations level and promptly announce the results in the presence of all the candidates and/or their agents.
- II. The Returning Officer shall thereafter issue a certificate of return showing the total number of votes garnered by each candidate in every polling station and which shall be signed by either the candidate or their agents and a certified copy of which shall be immediately forwarded to the County Elections Board which shall in turn certify the same and transmit it to the NEB.

- III. Where a dispute been filed at the County Elections Appeal Tribunal, the County Elections Board shall withhold the certificate of return until such time as they are furnished with the verdict of the Tribunal and which in any case shall not be more than fourteen (14) days of the date of the dispute, save for by-elections within the shortest time possible.
- IV. Upon receipt of the certified copy of the certificate of return from the County Elections Appeal Board and where no appeal has been lodged at the National Elections Appeals Tribunal, the NEB shall proceed to process and issue the nomination certificate to the declared winner within seven (7) days of the primaries or determination of a dispute.
- V. The NEB shall accordingly enter the name of the winner on the Party list and the same shall not be removed except by a decision of the Independent Electoral and Boundaries Commission Complaints and Dispute Resolution Committee or an order from the High Court.

## **Rule 23: DISPUTES RESOLUTION AND APPEAL TRIBUNALS**

### **23.1 County Appeals Tribunal:**

- 23.1.1** There shall be established a County Appeals Tribunal in every County each composed of seven members of the Party who shall be distinguished persons of good moral standing in society and of high integrity. The composition of the body shall take into consideration 2/3 gender rule and special interest groups.
- 23.1.2** Members of the County Appeals Tribunal shall be appointed by the NEB, and approved by the NEC at least 30 days before the commencement of the nomination exercise or Party elections. The Tribunal shall be guided by the Rules of procedure which shall be formulated the NEB.
- 23.1.3** The NEB shall, at the time of appointment, designate one member of the Tribunal as the Presiding Chairperson
- 23.1.4** The County Appeals Tribunal shall determine appeals arising from Polling Station, Sub Branch, Branch party elections, and appeals arising from nominations in respect of County Ward representatives.

- 23.1.5** No member of the Tribunal shall during his/her tenure of office be a Party official or an aspirant in any Party election or nomination.
- 23.1.6** Any candidate aggrieved by the outcome of Party elections in the Branch, Sub-Branch, or Polling Station shall have the right of appeal to the County Appeals Tribunal within 48 hours of the announcement of results.
- 23.1.7** The appeal shall be in writing and duly signed by the appellant, accompanied by a nonrefundable fee of Kshs 30,000/= payable to the Party.
- 23.1.8** The County Appeals Tribunal shall consider and determine the appeal under the Constitution of Kenya, applicable Law, Party Constitution, and Election and Nomination Rules within 48 hours of receipt of the appeal. The determination of the appeal shall be efficient, lawful, and procedurally fair with both parties given reason and time to respond and defend themselves. None will be condemned unheard.
- 23.1.9** The Appeals Tribunal shall, in suitable cases, have powers to summon the Returning Officer responsible, Party witnesses with relevant evidence and after due consideration dismiss the appeal, order re-count or re-tallying of votes or otherwise nullify the result of the elections and order a repeat thereof.
- 23.1.10** The quorum for the body will be 5 members.

## **23.2 National Appeals Tribunal:**

- 23.2.1** There shall be established a National Appeals Tribunals composed of five members of the Party who shall be distinguished persons of good moral standing in society and of high integrity. The composition of the body shall take into consideration 2/3 gender rule and special interest groups.
- 23.2.2** Members of the National Appeals Tribunal shall be appointed by the NEC and shall designate one member of the Tribunal as the Chairperson.
- 23.2.3** The National Appeals Tribunal shall determine appeals arising from elections of National officials and nominations in respect of Presidential elections,

Governors, Senators, Members of the National Assembly, and County Women Representatives.

**23.2.4** No member of the Tribunal shall, during his/her tenure of office, be a Party official or an aspirant in any Party election or nomination.

**23.2.5** The appeals to the National Appeals Tribunal shall be in writing duly signed by the appellant and shall be lodged within 48 hours of the announcement of results appealed from.

**23.2.6** 19.2.6 An appellant shall, on appeal, pay a non-refundable fee of Ksh. 70,000/= to the Party.

**23.2.7** The National Appeals Tribunal shall, in suitable cases, have powers to summon the Returning Officer responsible, Party witnesses with relevant evidence and thereafter dismiss the appeal or order re-count, re-tallying of votes or repeat of elections.

**23.2.8** The National Appeals Tribunal shall consider and determine the appeal under the Constitution of Kenya, any applicable Law, Party Constitution, and Election and Nomination Rules within 48 hours of receipt of the appeal. The determination of the appeal shall be efficient, lawful, and procedurally fair with both parties given reason and time to respond and defend themselves. None will be condemned unheard.

**23.2.9** The decision of the National Appeals Tribunal shall be final.

**23.2.10** The quorum shall be three (3) members.

## **Rule 24: NOMINATION OF PARTY LIST MEMBERS**

### **24.1 Procedure of application to the party list**

- i. The FOP nomination application window shall be open for 21 days. The notice of the application will be published on the party website and offices. Interested candidates shall Obtain a nomination application form from the FOP Secretariat or the designated party officials and make an application to NEB in the prescribed manner;

- a) The application form shall require candidates to provide relevant personal information, political experience, and a declaration of adherence to the party's principles and values.
- b) Candidates shall submit to NEB the completed application form, along with any necessary supporting documents, to the FOP Secretariat within the stipulated timeframe.
- c) Pay nomination fees- Under the Freedom and Opportunity Party (FOP) Election and Nomination Rules, the nomination fee required for candidates seeking inclusion in the party list shall be commensurate with the nomination fee applicable to candidates contesting for membership in the National Assembly and the Senate, as stipulated by the prevailing electoral laws and regulations.

#### **24.2 Body Established to Conduct Nomination to the Party List**

The national election board shall conduct nominations to the party list in liaison with other organs of the party.

#### **24.3 Procedure for Nomination to Party Lists**

- a) Upon completion of the vetting process, the FOP shall compile the final party list, ranked in order of priority based on the vetting results.
- b) The final party list shall be submitted to the Independent Electoral and Boundaries Commission (IEBC) within the legally prescribed period.
- c) The party shall publish the final party list on its official platforms to inform the public and party members about the nominated candidates.

#### **24.4 Notice of Elections and Nominations**

- i. National Elections Board shall issue a notice of not less than Twenty-One (21) days with respect to all Party elections due and it shall publish such notice in at least one daily newspaper with national circulation;
- ii. The announcement shall contain precisely the vacancy, qualifications and all needed documentation from any interested applicants
- iii. Such notices shall also be circulated via the electronic media and the Party's official

website.

## **RULE 25: TIMELINE FOR NOMINATION FOR CANDIDATES FOR PARTY LIST**

The party list should be ready at least one month prior to the requirement by the Commission for purposes of transparency and accountability.

### **25.1 Qualifications:**

- i. Must be a paid-up member of FOP.
- ii. Must be a person of good integrity in accordance with chapter six of the constitution of Kenya.
- iii. Must abide with the rules of FOP and any other laws of the land.
- iv. Must be of good sound mind.
- v. Must have attained the age of 18 years and above.
- vi. Must be a Kenyan citizen.

### **25.2 Disqualifications:**

- i. If is not a paid up member of FOP.
- ii. If not a person of good integrity.
- iii. If he does not abide with the rules of FOP and other laws of the land
- iv. If not being a sound mind.
- v. If the member is under 18 years of age.
- vi. If not a Kenyan citizen.
- vii. Is an undischarged bankrupt.
- viii. Is found, in accordance with any law, to have misused or abused state office or a public or in any way to have contravened chapter six of the constitution

## **RULE 26: FEES FOR CANDIDATES TO BE NOMINATED TO THE PARTY LIST**

### **26.1 National Assembly /Senate Seat**

- (a) Women..... 20,000/=
- (b) Person with disability..... 20,000/=
- (c) Youth..... 20,000/=
- (d) Ethic and other minorities..... 15,000/=
- (e) Marginalised communities .....15,000/=
- (f) Male..... 40,000/=

## 26.2 County Assembly

- (a) Women..... 15,000
- (b) Person with disability.....5,000/=
- (c) Youth.....15,000/=
- (d) Marginalised communities..... 10,000/=
- (e) Male.....15,000=

## 26.3 Nominations and Elections Rules - Non-Competitive Nomination Process

**26.4 Circumstances under which non-competitive procedure may be applied:** The non-competitive/direct nomination process may be applied under the following circumstances:

**26.5 Uncontested Positions:** When there is only one eligible candidate expressing interest for a specific position, making the nomination process inherently non-competitive.

**26.6 Consensus Building:** In situations where party members, at various levels, reach a consensus to support a particular candidate, fostering unity and cohesion within the party.

**26.7 Incumbency:** If an incumbent official expresses an intention to seek re-election, and there are no other contenders for the same position within the party.

**26.8 Exceptional Circumstances:** During extraordinary situations or emergencies where the party deems it necessary to employ a non-competitive/direct nomination process for the stability and continuity of the party.

### 26.9 Procedure for identification of candidates:

**26.9.1 Expression of Interest:** Eligible party members interested in a position must formally express their interest to the National Executive Committee (NEC) or the body designated for handling nominations.

**26.9.2 Verification of Eligibility:** The NEC or the designated committee will verify the eligibility of the interested candidate based on the party's constitution and relevant regulations.

**26.9.3 Nomination Criteria:** The NEC will establish clear criteria for direct nomination, ensuring that candidates meet specific qualifications and align with the party's values and goals.

**26.9.4** Body mandated to nominate a candidate:

**26.9.4.1 National Executive Committee (NEC):**

- (a) The NEC is mandated to oversee and execute the non-competitive/direct nomination process.
- (b) The NEC will evaluate candidates based on the established criteria and make the final decision on direct nominations.

**26.9.4.2 Development of the body to the county/constituency and ward level:**

**a) National Level:**

- i. The NEC will coordinate the overall non-competitive/direct nomination process.
- ii. Verification of eligibility and confirmation of the non-competitive nature will be conducted by the NEC.

**b) County/Constituency Level:**

- i. Subcommittees will be established at the county and constituency
- ii. levels, comprising party representatives.
- iii. These subcommittees will assist in communicating the
- iv. non-competitive nature of the nomination process and ensure that local party members understand and support the decision.

**c) Ward Level:**

- i. At the ward level, party officials and representatives will ensure that the non-competitive/direct nomination process is communicated effectively to party members.
- ii. Verification of eligibility and support for the direct nomination will be facilitated at the ward level, ensuring grassroots involvement.

## **Rule 27: PLEDGE OF COMMITMENT**

All applicants for nomination as party candidates shall sign a Code of Conduct, Pledge of Commitment to make monthly contributions towards the financing of Party operations and a pledge to the party manifesto which Pledge shall be witnessed by a Commissioner of Oaths or Magistrate. The amounts to be pledged by Party candidates shall be set out and reviewed from time to time by the NEC. The amounts pledged shall be recoverable by the Party as a civil debt.

## **PART IV: GENERAL**

### **Rule 28: POLLING STATION**

The Polling station(s) where the nomination shall take place shall be at the Wards; the number of polling streams to be determined and published by the NEB fourteen days before the nomination day.

### **Rule 29: PARTY REGISTER**

**29.1** For purposes of conducting elections by universal suffrage, the NEB shall ensure that there are registers of all-Party members in all Wards, Constituencies and Counties as the case may be.

**29.2** On the date determined for polling, eligible voters as per the Party register shall be identified by availing the following documents:

- i. National Identity card or Passport
- ii. Voters' card or Party membership Card

### **Rule 30: VOTING PROCEDURE**

Voting under these rules shall be by way of Secret ballot or any other method of voting acceptable to the delegates. Where an office is contested by more than one candidate, the vote shall be decided by a simple majority. Where only one candidate is nominated to an office at the close of the nominations, that candidate shall be declared duly elected to the office for which he/she was nominated. Nominations of all candidates shall be in the prescribed form.

## **Rule 31: GROUNDS FOR DISQUALIFICATION**

### **31.1 A member shall be disqualified to be a candidate for any nomination if:**

- a. Without authority he makes, prepares, prints or is in possession of a document or paper purporting to be a register of Party members,
- b. knowingly makes any false statement on, or in connection with any application to be registered in any register of Party members; or

### **31.2 A candidate who corruptly, to influence a voter to vote or refrain from voting for a particular candidate—**

- a. before or during an election—
  - i. undertakes or promises to reward a voter to refrain from voting;
  - ii. gives, causes to be given to a voter or pays, undertakes or promises to pay wholly or in part to or for any voter, expenses for giving or providing any food, drinks refreshment or provision of any money, ticket or other means or device to enable the procurement of any food, drink or refreshment or provision to or for any person to corruptly influence that person or any other person to vote or refrain from voting for a particular candidate at the election or being about to vote or refrain from voting, for a particular candidate, at the election; or
- b. After an election, gives, provides, or pays any expense wholly or in part to or for any particular voter or any other voter for having voted or refrained from voting as aforesaid, shall be disqualified as a candidate for nomination on the Party's ticket.
- c. A Party member shall be disqualified to vote at an election for the nomination of any candidate if he induces, influences or procures any other person to vote in an election knowing that the person is not entitled to vote in that election.

**31.3** A Party member who accepts or takes any food, drink, refreshment, provision, any money or ticket, or adopts other means or devices to enable the procuring of food, drink refreshment or provision knowing that it is intended to influence them shall be disqualified to vote in the Party's nomination.

**31.4** Any Party member shall be disqualified from voting in an election for the nomination of any candidate if he directly or indirectly in person or through another person on his behalf uses or threatens to use any force, violence including sexual violence, restraint, or material, physical or spiritual injury, threatens to inflict injury, damage, harm or loss harmful cultural practices, damage or loss, or any fraudulent device, trick or deception for the purpose of or on account of—

- a. inducing or compelling a person to vote or not to vote for a particular candidate at an election for nomination;
- b. Impeding or preventing the free exercise of the franchise of a voter;
- c. Inducing or compelling a person to refrain from becoming a candidate or to withdraw if he has become a candidate; or
- d. Impeding or preventing a person from being nominated as a candidate or from being registered as a voter.

**31.5 A Party member shall be disqualified to vote at an election for the nomination of any candidate if he directly or indirectly by duress or intimidation—**

- a) Impedes, prevents or threatens to impede or prevent a voter from voting; or
- b) In any manner influences the result of an election.

**31.6 A candidate shall be disqualified from elections or nomination on account of bribery if he—**

- a. Directly or indirectly, lends or agrees to lend, or offers, promises or promises to procure or to endeavor to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter or to or for any other person in order to induce any voter—
  - i. To vote or refrain from voting for a particular candidate;

- ii. To attend or participate in or refrain from attending or participating in any meeting of a candidate, march, demonstration or in some other manner lending support to or for a candidate;
  - iii. Corruptly does any such act on account of such voter having voted for or refrained from voting;
  - iv. In any manner unlawfully influences the result of an election or nomination.
- b. Directly or indirectly, makes any gift, loan, offer, promise, procurement, or agreement to any election official or voter to—
  - i. Procure the election or nomination of any person; or
  - ii. Procure the vote of any voter at any election or nomination.
- c. Advances, pays or causes to be paid any money to, or to the use of any other person with the intent that such money or any part thereof shall be used in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part used in bribery at any election or nomination.

### **31.7 Consequences of conducting election and nomination Malpractices**

- i. The National Elections Board shall be responsible for enforcing sanctions and penalties for election and nomination malpractices.
- ii. Upon hearing and conviction of the Board' that a person is guilty of any of the following offense, the board shall proceed to administers the following sentences;
  - a) Written warning;
  - b) Fines as may be just in the circumstances;
  - c) Disqualification;
  - d) Disbursement from seeking future elective through and within the party
  - e) Any other sentences as outlined in the Election Offenses Act or any other law.

### **31.8 Body monitoring and enforcing Malpractices**

The national election board shall ensure at all times that all the candidates for party primaries and party election adheres to the code of conduct and any deviation is recommended for action to the relevant party organ.

### **Rule 32: CAMPAIGN**

**32.1** The NEB shall give a period of not less than fourteen days to all respective candidates to campaign for the various positions vied for.

**32.2** No campaigns shall be permitted on the polling day.

### **Rule 33: HOURS OF POLLING**

**33.1** The polling stations shall open at 6:00am and close at 5:00pm.

**33.2** The Returning officer shall announce and declare the results of the elections in the presence of the candidate (s) and/or their agents.

**33.3** The NEB may at any election, accredit

- a. an observer,
- b. Any person or institution to report an election.

### **Rule 34: NOMINATION CERTIFICATE**

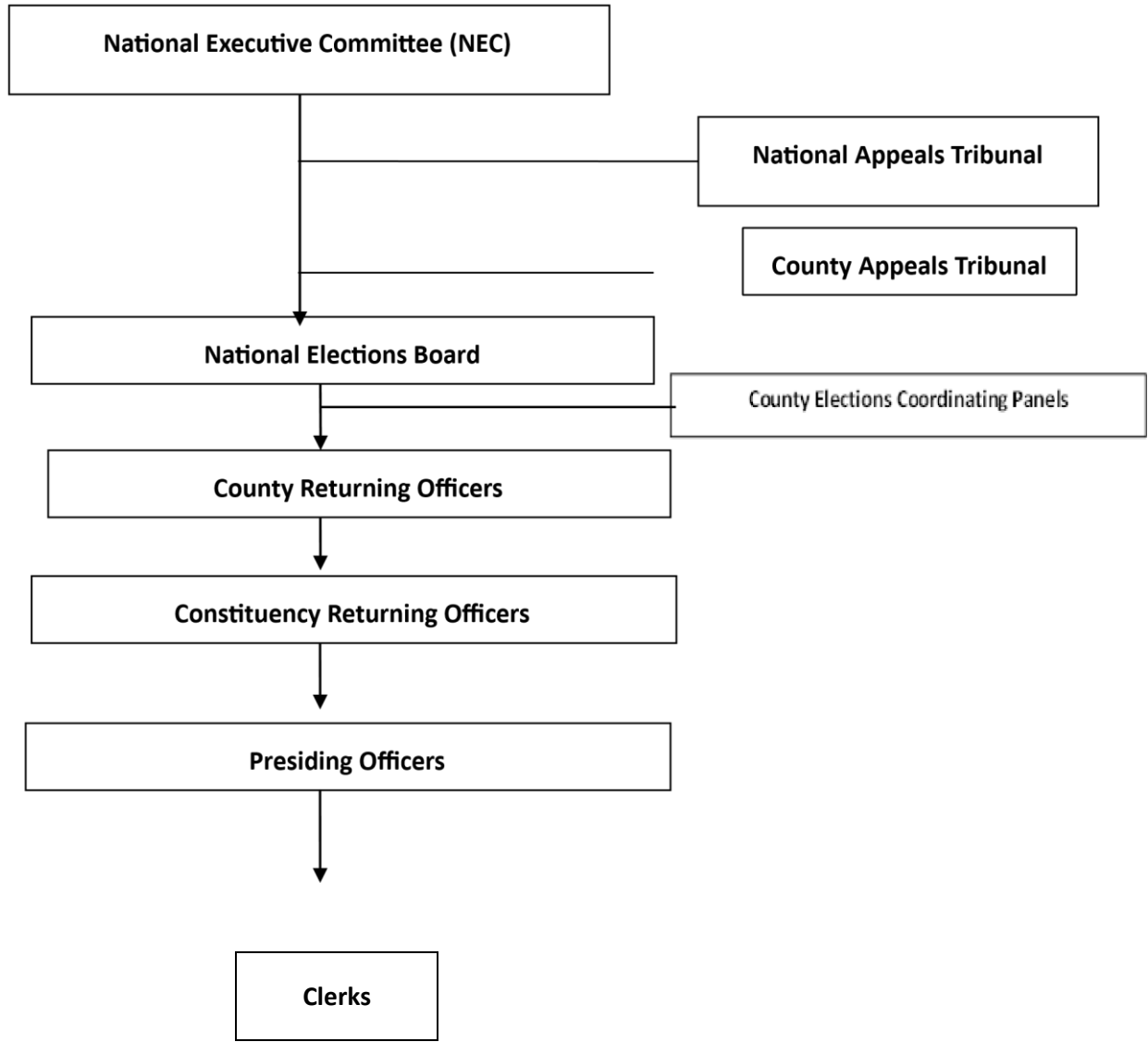
**34.1** The NEB shall compile and certify the list of all successful candidates.

**34.2** Upon receipt of a certified list of the candidates, the authorized Party signatories shall issue a Nomination Certificate and forward to the Commission the Party List in accordance with Sec. 35 of the Elections Act, 2011.

### **Rule 35: RETENTION AND PUBLIC INSPECTION OF DOCUMENTS**

All elections documents and materials shall be archived for a period of six months at the Party Headquarters.

# SCHEDULE I: ELECTIONS AND NOMINATION STRUCTURES



## SCHEDULE II: DELEGATES TOP UP FORMULA

$$\frac{\text{Total number of Registered Party Members Nationally}}{\text{Total Number of Constituencies in the Republic of Kenya}} = \text{Target Number}$$

### Registered Party Members

Determined by the number of registered members as per Party records.

### Target Number

This is the minimum number of members a branch must have to qualify for one (1) delegate.

### Number of Registered Party Members in Good Standing @ the Branch

$$\frac{\text{Number of Registered Party Members in Good Standing @ the Branch}}{\text{Target Number}} = \text{Qualifying Delegates per branch}$$

### Qualifying Delegates

This is the number of delegates that qualify from each branch.

$$\text{Qualifying Delegates} \times \text{Multiplier} = \text{Actual Top up Delegates per branch}$$

### Multiplier

A number that is determined by the NEC to be applied uniformly in the determination of the actual delegates in each branch.

### Actual Delegates per Branch

The number Top Up delegates that can represent each branch and fully participate in the Party's NDC as per this formula.

## SCHEDULE III: POLITICAL PARTIES CODE OF CONDUCT

### CODE OF CONDUCT FOR POLITICAL PARTIES \_\_\_\_\_ (s. 6(2)(e))

We, the Party member(s) of FREEDOM AND OPPORTUNITY PARTY (FOP) whose signatures are subscribed hereto, do hereby solemnly declare that—

1. Our political party shall, pursuant to Articles 91 and 92 of the Constitution and section 8 of this Act, subscribe and observe this code of conduct.
2. This code of conduct shall regulate the behavior of members and office holders of political parties, aspiring candidates, candidates and their supporters, promote good governance and eradicate political malpractices.
3. Political competition and co-operation shall be regulated under this code of conduct on the basis of rule of law and universally accepted best practices.
4. Our political party shall—
  - (a) promote policy alternatives responding to the interests, the concerns and the needs of the citizens of Kenya;
  - (b) respect and uphold the democratic process as they compete for political power so as to implement their policies;
  - (c) promote consensus building in policy decision making on issues of national importance;
  - (d) develop and implement measures for the progressive realisation of representation and participation of the special interest groups in decision-making organs; and
  - (e) implement the affirmative action programmes, policies and strategies relating to political representation contemplated under Article 27(6) of the Constitution.
5. Our political party shall—
  - (a) respect the right of all persons to participate in the political process including youth, minorities and marginalized groups;
  - (b) respect and promote gender equity and equality, human rights and fundamental freedoms; and

(c) be tolerant and inclusive in all their political activities.

6. Our political party shall—

- (a) respect, uphold and defend the Constitution of Kenya;
- (b) respect and uphold this Act and any other written law relating to elections and political parties;
- (c) respect, uphold and defend their respective political party constitutions, political party election rules, political party nomination rules and any other political party rules and regulations developed and agreed upon in accordance with this code of conduct;
- (d) respect, uphold and promote human dignity, equity, social justice, inclusiveness and non-discrimination and protection of the marginalized;
- (e) respect, uphold and promote human rights and the rule of law;
- (f) promote national patriotism and national unity;
- (g) respect, uphold and promote democratic values and principles, performing inclusive participation of party members and accountable representation in governance for the development of the country;
- (h) respect, uphold and promote good governance, integrity, respect, tolerance, transparency and accountability;
- (i) promote cooperation in the political competition;
- (j) promote sharing and devolution of power and resources;
- (k) respect, uphold and promote democratic practices through regular free, fair and credible elections within the political party and among others have a democratically elected governing body and political party organs;
- (l) respect, uphold and promote democratic practices through free, fair and credible political party nominations;
- (m) respect, uphold and promote leadership and integrity as prescribed in the constitution of Kenya; and

(n) perform transparency and accountability in all its legislation and regulations, structures, procedures and performance.

7. Our political party shall not—

(a) engage in or encourage violence by its members or supporters;

(b) engage in or encourage any kind of intimidation of opponents, any other person or any other political party;

(c) engage in influence peddling, bribery or any other form of corruption;

(d) accept or use illicit or illegal money;

(e) accept or use public resources other than those allocated to the political party through the political party fund;

(f) advocate hatred that constitutes ethnic incitement, vilification of others or incitement to cause harm;

(g) obstruct, disrupt, break-up or in any other way whatsoever interfere with a meeting, rally or demonstration of another political party or its leadership;

(h) establish or maintain a para-military force, militia or similar organization or having any links with such organizations; and

(i) use state resources for partisan campaigns.

8. Our political party shall promote inter-party relations by—

(a) ensuring free competition among political parties in respect of different political views and principles;

(b) fostering trust and confidence through mechanisms for co-operation;

(c) managing and mitigating political differences through constructive dialogue enhancing harmony among the parties; and

(d) promoting national reconciliation and building national unity.

This declaration is made to the best of our knowledge, information and belief.

Dated this ..... day of ..... 20 .....

**Names and signatures of the candidate/ member**

1. Name .....

Signature .....

ID/Passport No. ....

In the presence of

Commissioner of Oaths/Magistrate

## SCHEDULE IV- FEES FOR MEMBERSHIP AND NOMINATION

### A Non-refundable Life Membership and Nomination Fees:

DESCRIPTION	MCA	MEMBER OF PARLIAMENT	WOMEN REP	SENATOR	GOVERNOR	PRESIDENT
Life Membership Fees (Ksh.)	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000
Nomination Fees (Ksh.)	20,000.00	100,000.00	100,000.00	250,000.00	300,000.00	1,000,000
Nomination Fees- Special Interest Groups (Ksh.)	10,000.00	50,000.00	50,000.00	50,000.00	150,000.00	500,000