

**THE SERVICE PARTY OF KENYA**

**(TSP)**

**CONSTITUTION**

**2019**

## **CONSTITUTION OF THE SERVICE PARTY OF KENYA (TSP)**

### **PREAMBLE and GUIDING PRINCIPLES**

**We the party members;**

**Deeply inspired** by the enormous sacrifices that our freedom fighters made to attain the independence of Kenya.

**Recognizing** that on such hard won freedom lies the foundation of a just government, deriving its powers from the consent and general consensus of the people.

**Aware** of the tremendous burden borne by the ordinary Kenyan each day to resource the national and devolved governance of this State in order to attain the status of a developed nation.

**Believing** in the self-manifest truth that unity is an important ingredient for the attainment of a happy and prosperous society.

**Intent** on striving toward a nation where the welfare of each one of us is the concern of all of us.

**Appreciating** the indisputable fact that the prosperity of our nation and its people lies in their increased economic empowerment and social justice, and that Kenya is a country blessed with an abundance of resources sufficient for all its citizens to enjoy a high standard of living.

**Convinced** of the importance of agriculture and domestic manufacturing in the fulfillment our duty to ensure employment for all Kenyans by creating an environment conducive to promoting economic prosperity and social justice

**Committed to the principle** of gender equality as a prerequisite for social and economic development.

**Intent** on the achievement of social justice as a product of equitably shared prosperity with the knowledge that the solution lies in elevating the socio-economic well-being and the aspirations of the ordinary Kenyan so as to be at the epicenter of government social and economic policy and strategy formulation.

**Driven** by the shared deep-seeded calling to serve the people and the Republic of Kenya for the attainment of the foregoing.

**Do** hereby RESOLVE TO FORM and solemnly embrace the THE SERVICE PARTY OF KENYA (TSP) as a political party through which a **national, democratic, all inclusive, conscientious, accountable government shall be established.**

**ARTICLE 1: IDENTITY, VISION AND MISSION**

- (i) There is hereby established a Political Party known as **THE SERVICE PARTY OF KENYA (TSP)** hereinafter referred to as **“the Party”**. This Constitution shall be the supreme organ of the Party.
- (ii) The Party Symbol is a HEART INSIDE A CIRCLE, with Party Abbreviation (TSP) in the Party Colours, in – as illustrated in Schedule I hereto.
- (iii) Party Flag shall include the Party Symbol laid against a background of the Party Colours of ‘Royal Blue’, ‘Yellow’ and ‘White’ as a colour separator of the other two colours with the words “Service to Humanity is Service to God” just below the Party Abbreviation “TSP” as particularly illustrated in Schedule II hereto.
- (iv) Party Slogan is **“Service to Humanity is Service to God”**

**Party Vision:** To establish a prosperous, food secure, industrialized nation, in which citizens enjoy rights, live in dignity and are governed in accordance the established constitution and laws.

**Party Mission:** To establish a constitutional government of the Republic of Kenya driven by the ideals of a pluralist democracy; serve the Kenyan citizens with commitment, honesty and diligence; transform Kenya into a vibrant economy through a producer-centred agrarian revolution; obtain a high standard of living for Kenyans; and to secure a unified, happy, secure and peaceful society founded on the principles of justice, equity, sustainable management of resources, employment and livelihood for all Kenyans and inclusivity in governance.

**ARTICLE 2: AIMS and OBJECTIVES**

**(a) TSP shall:**

- (i) Promote and support social justice by working to eliminate all forms of inequality and inequity paying special attention to the support of minorities, the marginalized and other vulnerable groups;
- (ii) Promote gender equality as provided for in the Constitution;
- (iii) Endeavor at all times to offer free universal early childhood education, primary education and tertiary education to all Kenyans;
- (iv) Work towards securing for all Kenyans affordable healthcare and reliable social welfare services;
- (v) Prioritize agriculture as the basis for all transformation in Kenya by allocating significant resources to support farmers, agribusinesses and related players in the food value-chain in order to ensure food and nutrition security for all and optimal return on investments in farming and agribusiness;
- (vi) Initiate and sustain empowerment programs for women in order to secure effective participation in public affairs for them;
- (vii) Initiate and sustain job-creation programs aimed at securing gainful employment for all, with particular emphasis on progressively securing zero-tolerance to youth unemployment.
- (viii) Encourage and enhance the participation of all sections of the society in public affairs and economic activity, according equal and equitable opportunities for such participation to marginalized sections of the Kenyan society;
- (ix) Strive to ensure all Kenyans have access to clean, safe, affordable and adequate water;
- (x) Promote and safeguard the right to honest living in any part of the country for all Kenyans;
- (xi) Ensure the protection and conservation of the environment to mitigate against climate change;
- (xii) Ensure progressive achievement of universal social security for all Kenyans;
- (xiii) Progressively ensure achievement of acceptable standards of sanitation for all Kenyans.

- (b)** The Party may enter into a coalition with any other Political Party or Parties before or after elections

**ARTICLE 3: SITUATION OF THE REGISTERED OFFICE OF THE PARTY.**

The Principal Office of the Party shall be located on Plot No. L.R 13330/359, Thome V in Nairobi County.

The postal address of the Party shall be **P.O. Box 776 – 006 18, RUARAKA, NAIROBI.**

**ARTICLE 4: ELIGIBILITY FOR MEMBERSHIP OF THE PARTY**

For a person to be a member of the party, that person must be—

- (a) A citizen of Kenya;
- (b) Over 18 years of age;
- (c) Pay the subscription for membership;
- (d) Meet any other criteria that may be set by the National Governing Council, from time to time.

**ARTICLE 5: ADMISSION & RESIGNATION OF MEMBERS**

**Admission into membership**

- (i) Admission of members of the Party shall be through the National Governing Council and/or any other Party organ authorized by the National Governing Council.
- (ii) Eligible Kenyans may apply either verbally or in writing to any authorized official or agent of the Party for enrolment.
- (iii) A person seeking enrolment shall provide such details as may be determined from time to time by the National Governing Council which shall include the production of the National Identity Card or passport;
- (iv) Details of Membership shall be kept in the Party register including, identification details, gender, ethnicity, disability and county;
- (v) On enrolment, each member shall be issued with a membership card and the register updated accordingly;
- (vi) The National Governing Council shall have the discretion to reject an application for membership from any person.

**Resignation of members:**

- (i) Any member may by notification to the Branch Secretary, resign from the Party. Such resignation shall be effective upon delivery of the notice to the branch secretary either in person or by post. A member who resigns shall not be entitled to a refund of any fees paid to the Party and shall be struck off the Party Members Register.

**ARTICLE 6: RIGHTS AND DUTIES OF THE MEMBERS**

**Rights**

A member of the TSP - shall have the right to—

- a) Take part in the discussion, formulation and implementation of the policies of the TSP -.
- b) Receive and impart information on all aspects of TSP - policy and activities.
- c) Offer constructive criticism of any member, official, policy programme or activity of the TSP - within its structures.
- d) Take part in elections and be elected or appointed to any committee, structure, commission or delegation of the TSP -.
- e) Submit proposals to the branch, county, region or NEC, provided such proposals or statements are submitted through the appropriate structures.

**Duties:**

A member of the TSP - shall:

- (a) Belong to and take an active part in the activities of her or his branch.
- (b) Take all necessary steps to understand and carry out the aims, policy and participate in the programmes of the TSP -.
- (c) Whenever called upon on own initiative, propagate or explain the aims, policy and programme of the TSP - to the people.
- (d) Deepen her or his understanding of the social, cultural, political and economic concerns of the country.
- (e) Take steps to counter any propaganda detrimental to the interests of the TSP - and defend the policy, aims and programmes of the TSP -.
- (f) Fight against, tribalism, sexism, religious and political intolerance, violence, incitement or any other form of discrimination, or chauvinism.
- (g) Observe discipline, behave appropriately as befits a responsible citizen and carry out loyally the decisions of the majority and respect the decisions of organs of the Party.

- (h) Refrain from purporting to represent party positions publishing and/or distributing through any media any information that purports to be the official position of the party without the authorisation of the relevant party organs.
- (i) Ensure they are registered as voters in the relevant constituency.
- (j) TSP - members who hold elective state or public office at the national, county or constituency level are required to be members of the appropriate caucus, to carry out their duties within the rules and the principles of the Party and to abide by the resolutions and decisions of the relevant structures of the Party under the Constitution.
- (k) The National Governing Council shall determine the benefits of membership that are available or may be enjoyed by the respective categories of membership including—
  - (i) Founding members;
  - (ii) Active Party members.

## **ARTICLE 7: THE ORGANIZATION OF THE PARTY**

### **The National Delegates Conference**

- (a) The National Delegates Conference shall be the highest authority of the Party and shall determine the Party's policy.
- (b) The National Delegates Conference of the Party shall be held every four (4) years. Notice of the meeting shall be given by the Secretary General Thirty (30) days before the date of the meeting.
- (c) The National Delegates Conference shall have the following functions and powers –
  - (i) To receive the National Chairperson's report of the activities of the Party;
  - (ii) To receive and approve the accounts of the Party and the Auditor's report on the accounts and the Treasurer's report as to the financial position of the Party;
  - (iii) To elect the Auditor, or confirm that he/she should remain in office;
  - (iv) To decide on any resolution that may be duly submitted in accordance with the Party's Constitution;
  - (v) To establish and/or revise the rules, if required for the regulation of the affairs of the Party;
  - (vi) To receive, approve and adopt the Party manifesto from the National Governing Council;
  - (vii) To delegate and confer any of its powers or the duties of the National Governing Council or the National Executive Committee save for the powers and duties relating to the amendment or alteration of this Constitution; and
  - (viii) To nominate its presidential candidate;

- (ix) Despite paragraph (viii), the National Delegates Conference may by resolution decide not to nominate a Presidential Candidate but support another candidate nominated by another party if there is a coalition agreement between the TSP and the nominating party.
- (d) Notice of any resolution proposed to be moved at the National Delegates Conference shall be given in writing to the Secretary General not less than fourteen (14) days before the meeting.
- (e) The Secretary General shall give notice of the National Delegates Conference Thirty (30) days before the said conference by publishing a notice in at least one daily newspaper of national circulation and through the Party communication infrastructure.

### **The National Governing Council**

- (a) The National Governing Council shall consist of eleven (11) members. The Chair of The National Governing Council shall be the Party Leader or in his or her absence and upon a written/or other express communication through the National Secretary General, the National Chairperson. The Secretary General shall be the Secretary to The National Governing Council.
- (b) The members of the National Governing Council shall be as follows-
  - (i) the Party Leader;
  - (ii) the National Chairperson;
  - (iii) the National Deputy Chairperson -Operations
  - (iv) the National Secretary General;
  - (v) the National Organizing Secretary;
  - (vi) the National Treasurer;
  - (vii) the Director of Elections;
  - (viii) the National Women's Leader; and
  - (ix) the National Youth Leader
  - (x) the National Trustee

The Executive Director of the Party shall be an *ex-officio* member of The National Governing Council.

- (c) The National Governing Council may co-opt three (3) other members to the National Governing Council by a resolution of a majority of the National Governing Council members one of who shall be an active Party member representing persons with disability.

- (d) Any casual vacancy (whether amongst the officers of the Party or amongst the members of the National Governing Council) occurring by resignation, permanent incapacity or death may be filled by the National Governing Council. A member so co-opted shall hold office for the same term as the member whose place he/she has taken.
- (e) The National Governing Council meetings shall be held not less than four times in a year. The quorum of any meetings of the National Governing Council shall be majority of the National Governing Council membership.
- (f) The National Secretary General shall give all the members of the National Governing Council not less than fourteen (14) days' written notice of a meeting. Where the Secretary General fails to call a meeting, such a meeting shall be called by the Party Leader.
- (g) Decisions of the National Governing Council shall be made by a simple majority and in the event of an equality of votes the Party Leader, or her/his designated person presiding over that meeting shall have a casting vote.
- (h) The National Secretary General shall cause to be taken the minutes of the National Governing Council.
- (i) A majority of members of the National Governing Council may petition the National Secretary General to call for a special meeting of the National Governing Council and such a meeting must be called within Thirty (30) days' notice, provided that the agenda for the special meeting shall have been provided in writing to the National Secretary General. The quorum of the meeting must be a majority of the National Governing Council membership.
- (j) The National Governing Council may from time to time appoint from among their number such committees as it may consider necessary and may delegate to them such powers and duties as the National Governing Council may determine. All such committees shall periodically report their proceedings to the National Governing Council and shall conduct their business in accordance with the directions of the National Governing Council.
- (k) The National Governing Council shall be the governing body of the Party and shall determine the policy and strategies of the Party and shall be responsible for the management of the Party and shall have the sole right of appointing and determining the terms and conditions of service of the employees of the Party.
- (l) The Secretary General may convene in special circumstances a special National Governing Council meeting by giving a (1) day notice to members of the NGC and the agenda of the meeting.
- (m) A majority of the National Governing Council shall have full power to remove a member of the National Governing Council from his/her position. A member who fails without good cause to attend three consecutive Council meetings shall be deemed to have resigned. Such removal shall be ratified at the subsequent National Delegates Conference.
- (n) The members of the National Governing Council shall be entitled to an indemnity out of and a lien over the assets of the Party for all expenses and other liabilities properly incurred

by them in the management of the affairs of the Party, but shall not be entitled to any personal indemnity against any member in respect of particular or general expenditure, without that member's consent first hand in writing.

**The National Executive Committee (NEC)**

- (a) The National Officials of the Party (NEC) shall be the –
- (i) Party Leader
  - (ii) National Chairperson;
  - (iii) National Secretary General;
  - (iv) National Organizing Secretary;
  - (v) National Treasurer;
  - (vi) Director of Elections;
  - (vii) National Women's Leader;
  - (viii) National Youth Leader;
  - (ix) National Trustee.
- (b) All candidates for the Party membership of the National Officials shall be proposed and seconded by notice in writing given to the National Secretary General not later than Thirty (30) days before the National Delegates Conference.
- (c) Elections of National Officials shall be held every four (4) years. The National Governing Council may call for elections before four (4) years but not earlier than 3 years.
- (d) Party elections shall not be held during a General Election year.
- (e) Provisions in (b) above can be waived from time to time and with regards to the circumstances by a resolution to be passed by the National Governing Council.
- (f) Any casual vacancy (whether amongst the officers of the Party or amongst the members of the NEC) occurring by resignation, permanent incapacity or death may be filled by the NEC. A member so co-opted shall hold office for the same term as the member whose place she/he takes.
- (g) The NEC meetings shall be held not less than four times a year. The quorum of any meeting of the NEC shall a third of the NEC's membership.
- (h) The National Secretary General shall give all the members of the NEC not less than fourteen (14) days' written notice of a meeting. Decisions of the NEC shall be made by a simple majority and in the event of an equality of votes the person presiding that meeting and in accordance to this constitution shall have a casting vote.

- (i) The National Secretary General shall cause to be taken the minutes of the NEC.
- (j) Any six (6) members of the NEC may petition the National Secretary General to call for a special meeting of the NEC and such meeting must be called within Forty five (45) days provided that the agenda for the special meeting shall have been provided in writing to the National Secretary General. The quorum of the meeting must be majority of the NEC membership.
- (k) The NEC may from time appoint from among their number such committees as it may consider necessary and may delegate to them such powers and duties as the NEC may determine all such committees shall periodically report their proceedings to the NEC and shall conduct their business in accordance with the directions of the NEC.
- (l) A majority of the NEC shall have full power to remove a member of the NEC with consultation with the National Governing Council from his/her position. Member who fails without good cause to attend three consecutive NEC meetings shall be deemed to have resigned. Such removal is ratified at the subsequent national delegates' conference.
- (m) The members of the NEC shall be entitled to an indemnity out of and a lien over the assets of the party for all expenses and their liabilities properly incurred by them in the management of the affairs of the party, but shall not be entitled to any personal indemnity against any member in respect of particular or personal expenditure, without that members consent first hand in writing.
- (n) Nominations for the NEC members shall be by the following procedure:
  - Nominations for the posts of:
    - 1 Party Leader
    - 2 National Chairperson
    - 3 Secretary General
    - 4 Treasurer
    - 5 National Organizing Secretary
  - (i) Shall be made by any Branch and placed before the National Conference.
  - (ii) Nominations of candidates for the National Executive Committee other than the above positions shall be carried out by the following procedure:
  - (iii) Subject to sub-section (ii) below, only those candidates who have been proposed by a Branch shall appear on the National Conference ballot paper.
- (o) ) Voting shall take place by secret ballot or any other method such as directed by the NGC. Each voting delegate shall vote once in each ballot.

- (p) If any Branch Chairperson or Secretary is elected to the NEC in his or her own right or as a national official, such person shall vacate the Branch position, provided that the county has the right to make representations to the NEC, in a special case, where extraordinary circumstances may warrant an exception to this rule. However, when such a county officer is allowed to retain his or her NEC position, the county shall not be entitled to an additional member on the NEC.
- (q) The NEC shall meet in plenary session at least once every three months and shall provide broad political and organisational perspectives to the National Working Committee.

### **National Working Committee (NWC)**

- (a) The National Working Committee shall be constituted as follows: The Party leader, National Chairperson, Secretary General, the National Treasurer, National Organizing Secretary and National Trustee and other members such as NEC may decide to co-opt to resource a particular assignment.
- (b) The members of the National Working Committee shall not necessarily be full-time functionaries of the TSP -.
- (c) The TSP - Women's League and the TSP - Youth League shall appoint one representative each to serve on the NWC.
- (d) The National Working Committee shall:
  - (i) Carry out decisions and instructions of the National Conference and the NEC.
  - (ii) Conduct the current work of the TSP - and ensure that counties, constituencies and all other TSP - structures such as Parliamentary, Senate and County Assembly caucuses carry out the decisions of the TSP -.
  - (iii) Submit a report to each NEC meeting.

### **The Branch (County)**

There shall be an organ of the Party known as the Branch. This shall comprise a cluster of constituencies of geographical proximity to each other for effective administration as shall be determined from time to time by the National Governing Council.

The officials in each branch shall consist of—

- (i) Branch Chairperson;
- (ii) Deputy Branch Chairperson;
- (iii) Branch Secretary General;

- (iv) Branch Deputy Secretary General;
  - (v) Branch Treasurer;
  - (vi) Branch Organizing Secretary;
  - (vii) Branch Deputy Organizing Secretary;
  - (viii) Branch Women’s Leader;
  - (ix) Branch Deputy Women’s Leader;
  - (x) Branch Youth Leader; and
  - (xi) Branch Deputy Youth Leader
  - (xii) Party Elected Leaders - Governor and Deputy Governor, Member of National Assembly, Senator, Woman Representative and Member of the County Assembly
- (i) The National Governing Council shall authorize any branch, sub-branch and ward to administer its own funds. In such a circumstance the branch, sub-branch and ward shall be a local accounting unit of the Party.
- (ii) Branches, sub-branches and wards once established by The National Governing Council, shall select their own local officers. These officers shall work under the authority of The National Governing Council and must follow all lawful its directions.

The National Governing Council may establish geographical groupings of branches, sub-branches and wards. Officials elected to such Party organs shall follow all lawful directions of The National Governing Council.

**The Sub – Branch (Constituency)**

There shall also be formed other Party organs, Sub- Branches, which shall represent the Party in each constituency in Kenya and or as the need arises.

The officials in each Sub-branch shall consist of the structure as is prevalent as that of the Branch only that the titles of the said sub-branch officials shall start with the word Sub – Branch i.e. Sub-Branch Chairperson, Sub- Branch Deputy Chairperson e.t.c. The officials shall be eleven (11)

### **The Ward**

- (i) There shall also be established Party organs, Wards, below the Sub Branch. Wards shall represent the Party in each ward or as the need arises. The Ward can also, depending on the decision of the NGC, be formed as a result of amalgamation of two or more wards.
- (ii) The officials in each Ward shall consist of the structure as is prevalent as that of the Sub-Branch only that the titles of the said Ward officials shall start with the word ward i.e. Ward Chairperson, Ward Deputy Chairperson etc. The total number of officials shall be eleven (11)

### **The Polling Station Committee**

- (i). There shall be established below the Ward, Polling Station Committees which shall represent the Party at each polling station level or as the need arises.
- (ii). The officials in each Polling Station shall consist of the structure as is prevalent as that of the ward only that the titles of the said polling station committee officials shall start with the word polling station committee i.e. Polling station committee Chairperson, Polling station Deputy Chairperson etc. The total number of officials shall be eleven (11).

### **The Party Caucuses**

There shall be established a TSP Parliamentary Group which shall be the caucus of Members of the National Assembly and Senate elected on TSP ticket or nominated by the Party to either of the Houses.

- 1 Within 45 days of declaration of results of a general election, the Chairperson in consultation with NEC shall convene a meeting of the TSP Parliamentary Group at a place specified in the notice of the meeting whose agenda shall be:
- 2 Elections of the leaders of the Party at the two Houses
- 3 Elections of a Chief Whip & Deputy Chief Whip of each House
- 4 Party Members at the two Houses shall be expected to support the Party Business.
- 5 Opposition of Party Business in the House without justifiable cause shall result in a Member being de-whipped.
- 6 The Party Leader shall preside over Parliamentary Caucus Meetings.
- 7 Such meetings shall be at least twice every year.

### **Governors Caucus**

There shall be a caucus of Governors and Deputy Governors elected on TSP ticket. It shall meet at least twice a year at a place to be determined by the Secretary General;

- 1 The Governors shall advise on Party on the implementation of the Party Manifesto.
- 2 The Governors shall elect their Chairperson, Secretary.
- 3 The Party Leader or his designate shall convene the first Governors' Caucus

### **County Assemblies Caucuses**

There shall be established a National Caucus of the County Assemblies made up of all County Assembly Speakers, Deputy Speakers and Members of County Assemblies.

1. The Party Leader or his designate shall convene the first meeting similarly to that of the Parliamentary Caucus.
2. The Caucus shall meet at least twice every year
3. The Caucus shall ensure that TSP's legislative agenda at their respective Assemblies remains strong and rooted.

## **ARTICLE 8: GENERAL FUNCTIONS OF PARTY ORGANS**

The functions of the various organs of the Party and the respective officials and committees are--

- (i) To generate consensus on key political, economic and social policies of TSP - in the branch, sub-branch and ward level;
- (ii) To monitor the needs of the people in the various geographical levels and accordingly advise the National Secretariat;
- (iii) To promote harmony amongst the people in the various geographical levels;
- (iv) To undertake recruitment exercises advertisements, rallies and or any other functions assigned by the NEC.

## **ARTICLE 9: DUTIES OF OFFICE BEARERS**

### **A. THE PARTY LEADER (PL)**

- (i) The PL shall provide strategic political leadership of the Party;
- (ii) The PL shall chair meetings of NGC and NEC;
- (iii) The PL may appoint his or her deputy or any other official in NGC or NEC to chair such meetings.

**B. NATIONAL CHAIRMAN**

The National Chairman shall, unless prevented by the illness or other sufficient cause, preside over the NDC and at all general meetings. He/She shall provide leadership; ensure unity and efficiency within the Party. He/She will assist the PL in Party Political affairs

**NATIONAL DEPUTY CHAIRMAN**

The National Deputy Chairman shall deputize the National Chairman and perform any duties of the National Chairman in his or her absence.

**C. NATIONAL SECRETARY GENERAL**

The National Secretary General shall deal with all correspondence of the Party under the general supervision of NGC, NEC and any other committee. She/he shall be responsible for keeping minutes of all such meetings and for the preservation of all records of proceedings of the Party and of the committee.

**D. NATIONAL DEPUTY SECRETARY GENERAL**

The National Deputy Secretary General shall deputize the National Secretary General and perform any duties of the National Secretary General in his/her absence.

**E. NATIONAL ORGANIZING SECRETARY**

The National Organizing Secretary shall act as the overall coordinator of all the activities undertaken by the Party. The National Organizing Secretary shall therefore oversee mobilization of members to support the Party's activities and projects.

**F. NATIONAL DEPUTY ORGANIZING SECRETARY**

The National Deputy Organizing Secretary shall deputize the National Organizing Secretary and perform any duties of the National Organizing Secretary in his/her absence.

**G. NATIONAL TREASURER**

The National Treasurer shall ensure that the management of the party funds complies with all the relevant laws. She/he shall ensure proper books of account are kept, preserved and available for inspection. She/he shall also coordinate all the fund raising activities of the Party.

**H. NATIONAL DEPUTY TREASURER**

The National Deputy Treasurer shall deputize the National Treasurer and perform any duties of the National Treasurer in his/her absence.

**I. DIRECTOR OF ELECTIONS**

The Director of Elections shall

- (i). Supervise all TSP - elections and nominations;
- (ii). Originate electoral rules and regulations for approval by the NGC;
- (iii). Appoint appropriate officers to conduct TSP - elections or nominations at the Branch, Sub-

- Branch, Ward and Polling Station levels; and
- (iv). Generally ensure that Party elections are successful.

**J. DEPUTY DIRECTOR OF ELECTIONS**

The Deputy Director of Elections shall deputize the Director of Elections and perform any duties of the Director of Elections in his/her absence.

**K. NATIONAL WOMEN LEADER**

The National Women Leader shall act as the national liaison contact person for activities conducted by the women Party members in any part of the country. She shall ensure that all women programmes run accordingly and shall give periodic reports to the NEC. She will also ensure that gender equality respected and complied with within the Party in accordance with the law.

**L. NATIONAL DEPUTY WOMEN LEADER**

The National Deputy Woman Leader shall deputize the National Women's Leader and perform any duties of the National Women Leader in her absence.

**M. NATIONAL YOUTH LEADER**

The National Youth Leader shall act as the national liaison contact person for activities conducted by the Party youth members in any part of the country... He/she shall ensure that all youth programmes run accordingly and shall give periodic reports to the NEC.

**N. NATIONAL DEPUTY YOUTH LEADER**

The National Deputy Youth Leader shall deputize the National Youth Leader and perform any duties of the National Youth Leader in his/her absence.

**O. NATIONAL TRUSTEE**

The National Trustee shall hold in trust of the Party its property and assets, propose investments that the Party may undertake for consideration by the NGC and shall ensure that party funds are utilized properly in the interest of the Party.

**ARTICLE 10: THE PARTY SECRETARIAT**

There shall be established the office of the National Executive Director who shall be a member of the Party and an employee of the Party appointed by the National Executive Committee.

1. The National Executive Director shall oversee the overall functioning of the Party Secretariat and ensure the smooth functioning of the branch and sub-branch secretariats.
2. Shall supervise staff and manage them.
3. Keep the necessary Secretariat reports.

4. The National ED shall vacate office if she/he ceases from being a member of the Party, by her/his notice to resign, or conducts themselves in a way that is contrary to the Party's Rules and Regulations, and any written law of the country or is removed by a majority of the National Executive Committee.
- 10.2 NEC shall also appoint Secretariat staff as necessary including but not limited to the following functional areas: finance & administration, communication, membership recruitment and management, events management, and legal affairs
- 10.3 The National Secretariat shall be replicated at the branch levels with the necessary modifications – County to be led by the County Executive Officer, Constituency and Ward to be each led by a Coordinator.
- 10.4 The Party Management Policies and Procedures shall be developed by a co-opted committee of the National Working Committee and approved by National Executive Committee. They shall be the basis of all HR, Finance, Audit and Administration at the Party Secretariats
- 10.5 The terms of employment for all Party staff shall serve on such terms as may be approved by the National Working Committee upon recommendation by the Committee on Finance and Administration.

**ARTICLE 11: THE AUTHORITY FOR AND THE METHOD OF FILLING VACANCIES ON THE COMMITTEES.**

- (a) A vacancy shall fall vacant in the various committees in case of death, suspension or dismissal from the Party, incapacitation, imprisonment and or any other that shall render the office bearer unable to perform his/her duties as assigned by the Party.
- (b) The Director of Elections shall then coordinate with the various levels of the Party organs that have been affected and shall carry out an election of the vacant position.
- (c) Notice shall first be sent to the various organs through their officials to fill the vacancy within ninety (90) days and report back to the Director of Elections.
- (d) The quorum applicable to carry out any election at whatever level must be 2/3<sup>rd</sup> of all committee members.
- (e) In case of a vacancy at the National level, the NGC will fill the position in consultation with the NEC until the next special NDC or ordinary NDC is called.

**ARTICLE 12: THE FREQUENCY OF, QUORUMS FOR AND DATES OF NATIONAL DELGATES CONFERENCES**

**(1) The Special National Delegates Conference**

- (a) A Special National Delegates Conference may be called by at least a third of the members of the NGC at any time.
- (b) Notice of any resolution proposed to be moved at a Special National Delegates Conference shall be given in writing to the Secretary General not less than seven days before the meeting.
- (c) The National Secretary General shall give notice of the Special National Delegates Conference Twenty One (21) days before the said conference by publishing a notice in at least one newspaper of National Circulation or through the Party website.

**(2) Procedure at the National Delegates Conference & Special National Delegates Conference.**

- (a) The Party Leader, or in his or her absence and in accordance to Article 8 (II) (a) the National Chairperson shall take the chair. Each member present shall have one vote and resolution shall be passed by a simple majority. In the event of an equality of votes, the chairperson of the meeting shall have the casting vote.
- (b) The Secretary General shall take minutes at the National Delegates Conference and Special National Delegates Conference.
- (c) The National Delegates Conference shall be attended by:
  - (i) All Council Members;
  - (ii) All National Officials;
  - (iii) All Branch Officials; and
  - (iv) Super Delegates of the Party. (These include the registered founder members of the Party, Party Patron and citizens who have rendered extraordinary support to the Party);
  - (v) All members of the Party elected to various offices under the Elections Act;

**(3) BRANCHES (County)** shall have a full Branch meeting to be attended by the members and all Branch officials twice (2) a year.

**(4) SUB-BRANCHES (Constituency)** shall have a full sub-branch meeting to be attended by the members and all Sub-Branch officials thrice (3) a year.

**(5) WARDS** shall have a full Ward meeting to be attended by the members and ward officials twice a year.

**(6) Polling Station** shall have a full Polling Station meeting to be attended by the members and ward officials twice a year.

**ARTICLE 13: THE RATES OF ENTRANCE AND SUBSCRIPTION FEES (IF ANY) FOR PARTY MEMBERSHIP.**

The Party shall initially have the following categories of membership:-

- (i). Foundational Pillar Membership –KSh100/= Subscription free (to have different membership cards);
- (ii). Ordinary members – Kshs 10/= per year;
- (iii). Corporate Membership Ksh 1,000/=
- (iv). Corporate Founder (subscription to be decided by the NGC);
- (v). Life Members – Kshs 10,000/= per year; and
- (vi). Super Delegates – subscription to be determined by NGC

**ARTICLE 14: DISCIPLINE**

- (a) All members, without exception, shall abide by the Constitution of the TSP -, the Rules, the Standing Orders and Codes of Conduct as adopted or amended from time to time.
- (b) Disciplinary proceedings against a member shall be confined to violations of the TSP - Constitution, Rules, Standing Orders, Codes of Conduct, or the commission of offences as set out hereafter and shall not—
  - (i) Be used as a means of stifling debate or denying members their basic democratic rights;
  - (ii) Be instituted as a means of settling private or personal disputes or scores;
  - (iii) Be used in such manner as to interfere with interfering in the private lives of members where the norms or interests of the organisation are not directly affected, unless such conduct itself constitutes a violation or an offence affecting the organisation.
- (c) A member shall be deemed to have committed a serious offence under this Constitution if that member—
  - (i) acts in a manner that prejudices the integrity and tarnishes the reputation of the Party or its officials;
  - (ii) acts in a manner that impedes the activities of the Party;
  - (iii) acts in a manner that creating division or disharmony within its ranks of the officers of the Party or it membership;

- (iv) does anything that undermines the effectiveness of the Party as an organization;
- (v) acts on behalf of or in collaboration with—
  - (a) violent or illegal groups;
  - (b) a political organisation or party other than an organisation or party in alliance with the TSP - in a manner contrary to the aims, policies and objectives of the TSP -;
  - (c) Intelligence or the security services of other countries;
  - (d) any person or group who interferes with the work of the Party or prevents it from fulfilling its mission and objectives;
- (vi) is convicted for a criminal offence by a court of law;
- (vii) misappropriates of the funds of the Party or wilful destruction of its properties;
- (viii) engaging in corrupt behaviour including but not limited to in seeking or accepting any bribe for performing or for not performing any task in his her capacity as a member of the Party or any other capacity;
- (ix) engages in sexual exploitation or harassment or abuse of office to obtain sexual or any other undue advantage from members or other person;
- (x) abuses elected or employed office in the Party or in any office of the State to obtain any direct or indirect undue advantage or enrichment;
- (xi) behaves or conducts self in a grossly disorderly or unruly manner including but not limited to public fights, deliberate disruption of meetings;
- (xii) interferes with the orderly functioning of the Party;
- (xiii) behaves in a manner that brings the Party into disrepute or which manifests a flagrant violation of the moral integrity expected of members or generally conduct unbecoming that of a member;
- (xiv) undermines the respect for or impedes the functioning of the structures of the Party;
- (xv) participates in organised factional activity that goes against the recognised norms of free debate inside the Party and threatens its unity;

- (xvi) behaves in such a way as to provoke serious divisions or a break-down of unity in the Party;
  - (xvii) owing tribal chauvinism, sexism, racism, religious and political intolerance, regionalism or any form of discrimination;
- (d) If, in the opinion of the National Executive Committee (NEC) or the relevant body exercising its right to invoke disciplinary proceedings under this Constitution, a member who violates the provisions of the foregoing paragraphs will be subject to disciplinary proceedings.
- (e) Disciplinary proceedings shall normally be conducted at the level where the alleged violation or offence took place, namely the branch, region, county or national, and may be heard by the relevant structure;
- (f) The National Disciplinary Committee (NDC) may direct that the disciplinary proceedings should be heard at a higher level other than the level where the alleged violation or offence took place.
- (g) Any person faced with disciplinary proceedings shall receive written notice of any intended proceedings relating to the accusation and shall be informed well in advance of the case against him or her before the proceedings and shall be afforded a reasonable opportunity to make his or her defence.
- (h) The NDC shall draw up guidelines for the interpretation of this Article on discipline and for the rules of procedure including time limits to be followed before, during and after a hearing.
- (i) Any person found guilty in a disciplinary proceeding, or the complainant who is dissatisfied with the decision arrived at by the organ making the decision shall have the right, within a reasonable period, to appeal against the decision, to the next higher body of the TSP -. The NDC may direct that any appeal should be heard by a body higher than the one to which the appeal has been made.
- (j) The NDC may also direct that an appeal against the decision by a branch should be heard directly by the Branch Disciplinary Committee
- (k) Penalties for proven violations of the Constitution, principles, norms and decisions of the TSP - shall include reprimand, payment of compensation and/or, suspension or expulsion.
- (l) All disciplinary proceedings shall be dealt with expeditiously and without delay.
- (m) Decisions relating to disciplinary proceedings shall be made public as soon as they are arrived at.
- (n) The NEC shall appoint a National Disciplinary Committee from among its membership and from other structures of the TSP.

- (o) The decisions of the National Disciplinary Committee shall be final except that the NEC may, in its discretion, review a decision. Such a review shall be regulated by rules adopted by the NEC.
- (p) The National Disciplinary Committee shall hear and determine violations on appeal from appropriate organs of the TSP -. In addition, the national officers, the National Working Committee (NWC) or the NEC may refer such violations or offences directly to the NDC. In exceptional situations arising out of serious breaches of the Constitution, Rules or Codes of Conduct, the NDC itself may exercise jurisdiction to investigate and determine a complaint.
- (q) The NEC may authorise other structures of the TSP to institute disciplinary proceedings and to set up appropriate structures to apply the provisions of this Rule.

#### **ARTICLE 15: THE CUSTODY OF THE PROPERTY OF THE PARTY**

- (a) The property of the Party shall be vested in three Trustees (who may be, but need not be, members of the NGC). They shall hold the property upon trust for the members of the Party in accordance with the rules and constitution thereof.
- (b) The trustees shall deal with the property in their own discretion but subject always to the lawful directions of NGC and of the members in general meeting.
- (c) The Trustees shall hold office for a term of 5 years renewable.
- (d) The power to appoint Trustees will rest with the National Delegates Conference, subject however to the approval of a majority of the members voting at a National Delegates Conference or Special National Delegates Conference.
- (e) The Trustees shall serve without remuneration.

#### **ARTICLE 16: FUNDS OF THE PARTY**

- (a) The Source of funds of the Party shall include the following –
  - (i) Members dues, grants, contracts, donations and other pledges accepted by the NEC and approved by the NGC on behalf of the Party;
  - (ii) Revenue from investments;
  - (iii) Grants, donations and legacies
  - (iv) Net income from publications and consultancies;
  - (v) Fundraisings;
  - (vi) Public funding; and
  - (vii) As per the Constitution

- (b) All monies payable to the Party shall be received by the National Treasurer and deposited in a bank account in the name of the Party.
- (c) The financial year shall be the 30<sup>th</sup> day of June in every year.
- (d) The Party shall make financial management rules.
- (e) The Secretary General shall be the accounting officer of the Party and shall cause the necessary reports to be prepared for approval by the National Governing Council.
- (f) The Treasurer shall cause the necessary reports including audited accounts to be tabled before the NGC not more than three (3) months after June 30<sup>th</sup> every year.

#### **ARTICLE 17: PROHIBITIONS RELATING TO USE OF PARTY FUNDS**

Moneys allocated the party from the Fund shall not be used—

- (i). For paying directly or indirectly remuneration, fees, rewards, allowances or any other benefit to a member or supporter of the political party, other than a member of staff;
  - (ii). To finance or as a contribution to any matter, cause, event or occasion directly or indirectly in contravention of any code of ethics binding on public officers;
  - (iii). Directly or indirectly for the purposes of establishing any business or acquiring or maintaining any right or financial interest whatsoever in any business or in any immovable property; or
  - (iv). For any other purpose incompatible with the promotion of a multiparty democracy and the electoral processes, or with the Constitution.
- (g) No sum shall be drawn from the Party's bank account except by cheque signed by the Secretary General, National Chairperson, and one other signature of either the Treasurer or the National Trustee.
  - (h) Any monies which in NGC's opinion are not required for immediate use may be invested by the Trustees in consultation with the NGC.
  - (i) The income and property of the Party shall be applied only in the furtherance of the objects of the Party.
  - (j) The NGC shall have power to authorize the payment of remuneration and/or expenses to any officer, member or employee of the Party and to any other person or persons for services rendered to the Party.
  - (k) The Party's financial year shall be the period of twelve months ending on the thirtieth June in each year.
  - (l) The members of the NGC shall scrutinize the Party's accounts every year. The audited reports shall be presented to the NGC to be tabled for approval or otherwise at the subsequent National Delegates Conference.

- (m) The Auditor may be or need not be a member of the Party. Once appointed the Auditor will hold office until the next National Delegates Conference. For the avoidance of any possible doubt, neither the NGC, nor any Officer of the Party, nor the Trustees will have any power to remove the Auditor, such removal being a preserve of the members at the National Delegates Conference.

#### **ARTICLE 18: BORROWING**

- (a) The Trustees may subject always to the lawful directions of NGC, borrow money on behalf of the Party for the purposes of the Party from time to time.
- (b) When so borrowing the NGC shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sum or sums in such manner or on terms and conditions as they think fit, and in particular by mortgage of or charge upon or by the issue of debentures charged upon all or any part of the property of the Party.
- (c) The National Governing Council shall have no power to pledge the personal liability of any member of the Party for the repayment of any sums so borrowed without that member's consent first hand in writing.

#### **ARTICLE 19: THE INSPECTION OF THE BOOKS AND LIST OF MEMBERS OF THE PARTY BY ANY MEMBER OR OFFICIAL**

The books of accounts and all documents relating thereto and a list of the members of the Party shall be available for inspection at the registered office of the Party by any officer or member of the Party on giving not less than 14 days in writing to the Party.

#### **ARTICLE 20: THE ANNUAL OR PERIODIC AUDIT ACCOUNTS**

The Audit of the accounts of the Party shall be carried out in accordance with Section 31 of the Political Parties Act;

Provided that the party may if it deems necessary to do so appoint an auditor to audit the accounts of the Party provided that this shall not affect the responsibility and powers of the Auditor-General to audit the accounts of the Party as provided for in section 31 of the Political Parties Act.

Such accounts shall be signed for submission to the relevant offices by the National Executive Director, the National Treasurer, and the Secretary General.

#### **20.1 OTHER PARTY PUBLICATIONS**

The Party may publish its own literature including policy documents, periodicals, books either for sale or free distribution to members. The content of such publications shall be approved by the

Communications Head in consultation with the National Executive Director and signed off by the National Executive Director and the Secretary General.

The National Executive Director shall direct the best way possible for distributing such documents including electronically or by way of press.

#### **ARTICLE 21: AMENDMENTS TO THE NAME AND CONSTITUTION**

No amendment or change may be made to the name of the Party or this Constitution except with the approval of the NGC and by two thirds of the entire membership of the National Delegates Conference, present:

Provided that no such amendment may be implemented without the prior approval or consent in writing of the Registrar of Political Parties obtained upon application to him/her in writing signed by three National Officials.

#### **ARTICLE 22: ALTERATION OF THE RULES**

The rules including Party Disciplinary rules and Nomination and Election rules may be altered by resolution of the members at the National Governing Council

Provided that the resolution is duly proposed and seconded in accordance with this Constitution, and carried by a majority of members voting at the NGC.

#### **ARTICLE 23 MERGER**

The National Executive Committee may pass a resolution to merge with any other political party or parties in the country in the interest of the Party's vision.

Where such merger involves the dissolution of TSP, the following procedure shall apply:

- i NEC shall appoint a team of not more than 7 persons to negotiate a structured merger
- ii The Panel shall draw a merger document that shall have due regard to the TSPs vision and mission, value, identity including colours, assets and liabilities, composition of merger leadership and contribution of key staff to the Secretariat.
- iii The Report of the Panel shall be tabled before NEC for adoption.
- iv If adopted by NEC, the National Chairperson shall, within sixty (60) days convene a meeting of a Special National Delegates Convention at which the merger motion shall be tabled as the only agenda of the day.
- v The Secretary General shall put out a notification of the intended merger in daily newspaper of national circulation and invite members, other individuals and organizations owed by TSP to declare their claims.

- vi If the Special Delegates Convention ratifies the merger, within twenty one (21) days the National Treasurer shall settle any outstanding claims, close the books of account and all other related obligations.
- vii The Secretary General shall circulate copies of the merger documents to delegates attending the Convention
- viii Party Organs shall dissolve in the manner spelt out in the merger document
- ix The Merger instrument shall bear the signature of the National Party Leader and the Secretary General and shall be sealed accordingly.

### **23.1 DISSOLUTION AND RENAMING**

1. Upon the approval of the NEC of a motion for introduction to a Special National Delegates Convention to dissolve the Party, the Secretary General shall publish in a national daily newspaper notice of a Special National Delegates Convention which shall convene not less than forty five (45) days from the date of the publication of such motion.
2. Such notice shall be circulated in writing to all counties and sub-counties not less than forty five (45) days before the date of the Special National Delegates Convention.
3. A dissolution of TSP shall be by a resolution that is not opposed by thirty (30) percent of members entitled to attend and vote at the National Delegates Convention, at a Special National Delegates Convention called for the purpose of dissolution.
4. Any delegated opposed to the dissolution shall register at a desk provided for the purpose during the said Convention and the dissolution shall deemed to have failed should thirty (30) percent of the delegates attending and entitled to vote at this Convention vote against it.
5. If the Delegates to this Convention resolve that TSP be dissolved, the NEC shall after the date of such a resolution remain in office for a maximum of ninety (90) days to oversee the disposal of assets and settling off all obligations of the Party and the surplus thereof submitted to the Registrar of Political Parties.
6. The National Delegates Convention may by a resolution decide that TSP is renamed.

## **ARTICLE 24 COALITIONS**

### **24.1 PRE-ELECTION COALITION**

1. The National Executive Committee may pass a resolution to enter into a pre-election coalition with any political party or parties.
2. The Pre-election Coalition shall comply the governing law – the Third Schedule of the Political Parties Act.
3. The instrument of the pre-election coalition shall bear the signature of the Party Leader the National Chairperson and the Secretary General and shall bear the seal of the Party.

### **24.2 POST-ELECTION COALITION**

1. The NEC may by resolution elect to have TSP join a post-election coalition or exit from such a coalition.
2. Such a resolution shall be arrived at from a Post-elections Negotiations Team made up of the Party Leader, National Chairperson, the Secretary General and not more than two (2) other persons nominated by the National Executive Committee.
3. The post-election coalition shall be for purposes (i) merging selected items agreed to from the coalition parties manifestos, (ii) boosting parliamentary strength of parties to the coalition in Parliament and/or in County Assemblies.
4. The post-election coalition team shall report to the NEC.
5. Such coalition arrangements/process shall comply with the Third Schedule of the Political Parties Act.
6. The instrument of Post-Election Coalition shall bear the signature of the Party Leader, National Chairperson and the Secretary General and bear the Party Seal.

## **ARTICLE 25: DISSOLUTION OF THE PARTY AND DISPOSAL OF ITS ASSETS**

- (a) A resolution to dissolve the Party shall only be proposed at a Special or a National Delegates Conference and shall be carried by a at least two thirds of the National Delegates Conference members present:

Provided, however, that no dissolution shall be effected without prior permission in writing of the Registrar of Political Parties, obtained upon application to him made in writing and signed by three National Officials – the Party Leader, the National Chairperson and the Secretary General.

- (b) The dissolution shall take effect from the date of approval by the Registrar. The members of the National Governing Council shall be responsible for the winding-up of the assets and liabilities of the Party.
- (c) Any property remaining after the discharge of the debts and liabilities of the Party shall be divided equally such manner as may be resolved by the meeting at which the resolution for dissolution is passed.

#### **ARTICLE 26: MATTERS WHICH MAY ONLY BE DECIDED UPON BY NDC**

Matters which touch on the amendment of the name, logo and constitution of the Party can and shall only be deliberated upon by a meeting of at least two third majorities NDC members present.

#### **ARTICLE 27: THE NATIONAL ELECTIONS BOARD**

The Party shall establish an Election Board which shall be appointed by NEC in consultation and approval by the National Governing Council which shall comprise esteemed and educated persons of high integrity.

The Board shall consist of not more than Seven (7) members. The NEC shall appoint the Chairperson of the Board whereas the Board at its 1<sup>st</sup> sitting will elect the Vice Chairperson. The Chairperson shall and preside over its meetings of the National Elections Board. The Deputy Chairperson will deputize for the Chairperson and act as the chairperson in the absence of the Chairperson.

The Chairperson of the Elections Board, his/her deputy and other persons in the National Elections Board **shall not** seek nomination to vie for any party or national State elective office while they are serving as members of the Board. The members of the National Elections Board shall hold office a five year term.

The National Elections Board shall:-

- (i) Supervise all Party elections and nominations;
- (ii) Originate election or nomination rules and regulations for approval by the NGC;
- (iii) Appoint appropriate officers to conduct Party elections or nominations at the National, Branch, Sub-Branch and Ward and Polling Stations levels;
- (iv) Vet any Party nominees for appointment by the requisite Party organ to any position that the Party by law is entitled to nominates to and send them to the NGC for ratification;
- (v) All Party nomination certificates shall be examined by the Director of Elections and signed by the Party Leader and Secretary General or in their absence persons who may be designated by the NGC and their names together with their sample signatures forwarded in writing to the IEBC;

- (vi) Carry out any other functions assigned to it by the National Governing Council or NEC.
- (vii) Announce results, keep custody of TSP (K) nomination and results certificates. The National Elections Board shall establish branch, sub-branch and ward election panels which will assist them conduct the Party elections, Party nominations and any other electoral affair.

Any appeals from a Branch, Sub-branch, Ward or Polling Station elections panel shall lie with relevant the NEB organ. Appeals from NEB will lie before the NEC which shall be the final appellate body in matters of Elections.

- (a) It shall be the policy of the Party to contest elections at all levels of the government. The Director of Elections in consultation with the National Governing Council shall publish rules and regulations to ensure fair democratic elections.

- (b) Official Party Position shall be made by the Party Leader or a duly authorized official with approval from THE NATIONAL GOVERNING COUNCIL.

**ARTICLE 28: POLLING OF MEMBERS AT THE DISSOLUTION OF THE PARTY OR A BRANCH**

- (a) A resolution to dissolve the Party shall only be proposed at a Special or a National Delegates Conference and shall be carried by a two thirds majority of the members present:

Provided, however, that no dissolution shall be effected without prior permission in writing of the Registrar of Political Parties obtained upon application made in writing and signed by three of the National Officials.

- (b) For dissolution of a branch, sub-branch and ward this shall be left to the NEC to resolve.

**ARTICLE 29: THE PARTY'S DEMOCRATIC PRACTICES THAT COVER GENDER, NOMINATION BY THE PARTY AND HUMAN RIGHTS.**

- (a) TSP - will at all time preserve and accord the members fundamental rights and freedoms as enshrined in the Constitution of Kenya.
- (b) The purpose of the recognition and protection of human rights, gender equality and nomination is to preserve the dignity of individuals and communities and to promote social justice and the realization of the potential of all Party members without favor, discrimination or biasness.
- (c) Every member shall enjoy the rights in this constitution to the greatest extent consistent with the nature of the right.
- (d) Women and men in TSP - have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social activities of the Party.

- (e) The Youth constitute an integral part in TSP - and are equally entitled to enjoy all the rights and freedoms set out in this Constitution taking into account their unique needs.
- (f) TSP - shall take all measures including but not limited to affirmative action policies and programmes to promote the welfare of the youth and women.
- (g) Persons with disabilities are entitled to enjoy all the rights set out in this constitution and to fully participate in the Party affairs including elections.
- (h) Minorities and other vulnerable groups including elderly Party members are entitled to enjoy all the rights set out in this constitution and to fully participate in the Party affairs including holding Party positions.

### **ARTICLE 30: CHOICE OF LAW**

This constitution is to be governed by and construed in accordance with the Kenya Constitution and the laws of Kenya.

### **ARTICLE 31: TRANSITIONAL ARRANGEMENTS**

The NGC is authorised to make consequential changes to the content and style of these rules following these amendments and to make such transitional arrangements as necessary.

### **ARTICLE 32: DISSOLUTION**

The National Delegates Conference or any Special Delegates Conference may dissolve the Party by a two thirds majority of delegates present and voting and transfer the assets and liabilities of the Party in such a manner as determined by the Conference.

## SCHEDULES TO TSP - CONSTITUTION

### SCHEDULE I:

The Party Symbol is a heart inside a circle in the Party Colours and the Party Abbreviation (TSP) also in the Party Colours as illustrated more in Schedule 1 hereto:



### SCHEDULE II:

Party Flag shall include the Party Symbol laid against a background of the Party Colours of 'Royal Blue' and "Yellow' with the words "Service to Humanity is Service to God" just below the Party Abbreviation "TSP" as particularly illustrated in Schedule II hereto



## **APPENDIX (I)**

### **Disciplinary Rules and Procedures**

#### **INTRODUCTION**

This Part is in addition to Article 7 of the Constitution which deals with discipline.

It prescribes disciplinary procedure and how disciplinary proceedings are to be conducted.

#### **OBJECTIVE OF DISCIPLINARY PROCEDURE**

The objective of disciplinary procedure is to ensure that all disciplinary proceedings—

- (a) Are formal;
- (b) Just and fair;
- (c) Shall proceed on the presumption of the innocence of the accused;
- (d) Afford the member an opportunity to defend himself or herself
- (e) Afford the member an opportunity to appeal the decision to a higher level;
- (f) Are otherwise based on the principles of fair administrative action and natural justice.

#### **STARTING DISCIPLINARY PROCEDURE**

Disciplinary Proceedings may be instituted:

1. Only for violations or offences of the TSP - constitution, the Rules, the Standing Orders, Codes of Conduct, or the violations and offences set out in Article 7 (e) or Article 7 (f) or Article 7 (g) (See Article 7 (b) of the TSP - Constitution.)
2. By any organ or official of the TSP - at, Branch or National level. However, in certain instances, the NWC may direct that the disciplinary proceedings should take place at a higher level where a violation or offence was committed (Rule 26.4).
3. By the National Disciplinary Committee which can hear and decide cases:
  - Referred to it by the Party National Officials, NWC, or the NEC.
  - Of very serious violations or offences on its own initiative (Article 7 (s)).At Polling Station, Branch, or National level by a Disciplinary Committee  
Unless:

- The NWC directs that the disciplinary proceedings should take place at a higher level than where a violation or offence was allegedly committed (Article 7 (h)).
- The National Disciplinary Committee institutes disciplinary proceedings referred by the TSP - National Officials, NWC, or the NEC (Article 7 (s)).
- The National Disciplinary Committee institutes disciplinary proceedings itself for very serious violations or offences. Article 7 (s)

### **HOLDING DISCIPLINARY PROCEEDINGS**

1. A charge must be made within reasonable time of the violation or offence. (Article 7 (p))
2. A charge must be prepared on behalf of the organ or officials of the TSP - instituting the disciplinary proceedings. The charge must:
  - Be in writing
  - Set out the information forming the reason for the charge and the alleged violation or offence in reasonable detail.
  - Identify the:
    - Provision of the TSP - Constitution, the Rules, the Standing Orders, and Codes of Conduct alleged to have been violated.
    - The violations and offences set out in Article 7 (e) or Article 7 (f) or Article 7 (g) alleged to have been committed.
    - Advise the charged member of her or his right to be represented by a member of the TSP - of good standing, to have an interpreter present, to call witnesses for defence of the charge, and to call and question witnesses called for prosecution of the charge.
    - Specify the time and place of the disciplinary proceedings.
    - Be delivered to the charged member within 30 days before the disciplinary proceedings or sooner if this is necessary in certain serious circumstances.
3. The following persons must be present at a Disciplinary Proceeding:
  - The Chairperson and members of the Disciplinary Committee;
  - The presenter of the charge.
  - The charged member, who can be tried in her or his absence if she or he does not appear.

- The charged member's representative and/ or interpreter who is a member of the TSP - in good standing.
- The witnesses.
- A minute taker.

4. The Chairperson of the Disciplinary Committee must ensure that:

- The disciplinary proceedings are held in a fair manner. He or she will rule on all matters that may arise and ensure order is maintained.
- The charged member is informed of the charge, is informed of her or his rights and is asked to plead guilty or not guilty to the charge.
- The presenter of the charge details the charged member's alleged violation or offence and may call witnesses in support of the charge and may produce relevant documentation in support of the charge.
- The charged member or her or his representative presents the defence to the charge and may call witnesses and may request the recall of and question witnesses called in support of the charge, and may produce relevant documentation.

## **ADJUDICATION**

At the end of the disciplinary proceedings, the Chairperson of the Disciplinary Committee must ensure that:

1. The members of the Disciplinary Committee discuss the issues raised at the disciplinary proceedings in private and make a finding based on the facts and evidence of the case and make a ruling.
2. The Chairperson and the members of the Disciplinary Committee decide a penalty. The penalties are:
  - Reprimand
  - Payment of compensation and/or performance of useful tasks
  - Suspension
  - Expulsion.
3. The charged member is advised of the ruling and the penalty of the Disciplinary Committee with the reasons for these and is advised of her or his right to appeal.
4. That the ruling and penalty are publicly announced. (Article 7 (r)).

## **APPEAL**

1. An appeal may be lodged by:
  - The charged person against whom a finding has been made or a penalty imposed by the Disciplinary Committee.
  - The organ and/or officials who laid the charge against a finding or a penalty imposed by the Disciplinary Committee.
2. An Appeal Hearing must be held by the next higher level unless:
  - The CEC directs that any appeal from a Branch Disciplinary Committee appeal should be heard by another Disciplinary Committee.
  - The NWC directs that any appeal should be heard by a higher level than the next higher level.
  - The National Disciplinary Committee is the final structure for appeals to be heard. However, the NEC may at its discretion review a decision of the National Disciplinary Committee in accordance with standing orders adopted by the NEC. (Article 7 (s).

## **APPEAL PROCEDURE**

The following procedure must be followed for appeals:

1. The appeal must be made at the next higher level or the level which the NWC or the CEC directs to hear the appeal.
2. The appeal must:
  - Be made within fourteen days of the charged member being informed of the ruling and penalty with the reasons for these.
  - Be in writing
  - Set out the reason for the appeal in reasonable detail.
  - Set out the grounds for the appeal in reasonable detail.
3. Except in exceptional circumstances determined by the Chairperson of the Disciplinary Committee hearing the Appeal, no new evidence may be presented or considered at the appeal. No new charges may be brought at the appeal.
4. The Chairperson and the members of the Disciplinary Committee must discuss the issues raised at the appeal hearing, and come to a finding based on the facts and evidence of the appeal hearing and make a ruling which can confirm, vary or amend the original ruling and/or penalty.
5. The person who appeals must be advised of the ruling and the confirmation or variation of the original ruling and/or penalty.

Any further appeal will need the permission of the next higher level.

**Internal Party Dispute Resolution Mechanisms**

1. If a dispute arises within the Party, the same shall, in writing, be referred to the National Executive Council, which shall preside over and resolve the dispute within no more than Thirty (30) days.
2. If the dispute is of such a nature that NEC cannot resolve it, the Council shall appoint a mediator.
3. The mediators decision shall be binding.
4. No member of the Party shall refer any dispute to the Courts or Tribunal before exhausting the internal dispute mechanism set out herein, unless the dispute relates to a criminal offence.
5. Such resolution processes shall abide by the spirit and letter of Articles 47 and 50 of the Kenya Constitution, 2010.