



**THE
SERVICE
PARTY**

Huduma - Twajiamini

ELECTIONS & NOMINATION RULES

As amended and adopted by:
The National Governing Council (NGC) in October, 2021

TABLE OF CONTENTS

PART I - PRELIMINARY	6
Rule 1: Citation	6
Rule 2: Interpretation	6
Rule 3: Object and Guiding Principles	9
PART II: APPLICATION FOR NOMINATION	9
Rule 4: Eligibility Criteria	9
Rule 5: Disqualification from Nomination	10
Rule 6: Procedure of Applying for Nomination	11
PART III: PARTY ORGANS RESPONSIBLE FOR NOMINATIONS AND THEIR GENERAL FUNCTIONS	11
Rule 7: Party Organs	11
Rule 8: The National Elections Board	14
Rule 9: County (Branch) Nominations Advisory and Elections Panel	15
PART IV: NOMINATIONS – SPECIFIC FUNCTIONS OF PARTY ORGANS	16
Rule 10: Specific Functions of the National Elections Board	16
Rule 11: Specific Functions of County (Branch) Nominations Advisory Panel	17
PART V: ELECTIONS OF PARTY OFFICIALS	18
Rule 12: Elections of National Officials	18
Rule 13: Party Elections	18
Rule 14: Elections of Polling Station Mobilization Committee:	19
Rule 15: Elections of Ward Executive Committee	19
Rule 16: Elections of Sub-Branch Executive Committee	20
Rule 17: Elections of Branch Executive Committee	21
Rule 18: Organization of TSP Women’s League	21
Rule 19: Elections of the TSP Women League Officials	21
Rule 20: Organization of TSP Youth League	24
Rule 21: Elections of TSP Youth League Officials	25

PART VI: REGISTER OF PARTY VOTERS	26
Rule 22: Principal Register of Party Voters	26
PART VII: NOMINATION PROCESS	28
Rule 23: Nomination Process	28
Rule 24: Description of Nominations Day Election Process	29
PART VIII: COUNTING OF VOTES	31
Rule 25: Counting of Votes	31
Rule 26: Duty of Presiding Officer of Polling Center	31
Rule 27: Duties of Returning Officer of an Electoral Area	32
Rule 28: Right of Appeal against Results	32
Rule 29: Party Nominee to be Issued with Certificate	32
Rule 30: Material to be Sealed and Kept in Safe Custody	32
Rule 31: Procedure Where Candidates Tie	33
PART IX: APPEAL	33
Rule 32: Appeals process	33
Rule 33: Functions and Powers of Appeals Tribunal	34
Rule 34: Decisions of the Appeals Tribunal	35
PART X: NOMINATIONS FOR PARTY LISTS	35
Rule 35: Party Lists	35
PART XI: FEES AND FINANCES	35
Rule 36: Nomination Fees	35
PART XII: GENERAL PROVISIONS	37
Rule 37: Management of electoral materials	37
Rule 38: Contravention of these rules	37
Rule 39: Amendment	37
Rule 40: Transition	37
Schedule 1 : List of Party Nomination Documents Provided for in These Rules	38



THE SERVICE PARTY (ELECTIONS & NOMINATION) RULES, 2021

Pursuant to the Party constitution, the National Governing Council makes the following Elections and Nominations Rules:

PART I - PRELIMINARY

RULE 1: CITATION

These Rules may be cited as The Service Party Elections and Nominations Rules, 2021 (hereinafter called “the Rules”).

RULE 2: INTERPRETATION


(1). In these rules, unless the context otherwise requires–

“Aspirants/List of Aspirants”, which herein is synonymous with List of Candidates, means an authentic document prepared pursuant to and in accordance with these Rules showing the persons who have successfully applied or indicated their candidature to contest for an elective or selective position and be nominated by the Party to vie for an elective or selective position in a general or by-elections or in any other election or selection process requiring the nomination of a person by the Party;

“Appeals Tribunal” means the organ of the Party that serves the role of receiving and discharging disputes in relation to Party Elections and Nominations. There may be constituted multiple Appeals Tribunals;

“Board” means the National Elections Board;

“Candidate” means a person duly cleared by the party in accordance to contest nominations in accordance with these Rules;



“County Nominations Advisory and Elections Board” means the primary nominations and elections organ of the Party to which the functions and powers of Elections and Nominations of NEB at the County level are delegated. There will be as many County (Branch) Elections Boards as the number of counties in Kenya, one to serve each County;

“Electoral Area” means a County, Constituency or Ward ;


“Foreign State” means any state other than the Republic of Kenya;

“Joint Nomination” means the nomination of a Presidential, Governor, Parliamentary and County Assembly candidate or candidates by a coalition of parties;

“National Elections Board” means the primary organ to which the functions and powers of Elections and Nominations of the National Governing Council are delegated. It is the Party’s primary organ for purposes of planning, organizing, directing and conducting, and supervising and coordinating all party elections and nomination of candidates;

“National Governing Council” means the Party authority that delegates the functions and powers pursuant to these Rules to the National Elections Board and other organs created by these Rules. It shall have the final authority in determining the persons who succeed in obtaining any Nominations of the Party;

“Nomination Certificate” means an authentic document certifying pursuant to and in accordance with these Rules that a person has been nominated by the Party to vie for an elective or selective position in a general or by–elections or in any other election or selection process requiring the nomination of a person by the Party;



“Nomination Day” means the day or days scheduled by the relevant authority of the Party in accordance with these Rules sets aside for any election or selection of candidates who have applied and been accepted by the Party to vie for an elective or selective position in a by–election or general election or any other election of selection process requiring nomination of a person by the Party:

“Nomination Officials” means persons appointed in accordance with and for the purposes of these Rules or any other person officially engaged in the nomination process;

“Party” means The Service Party;

“Polling Centre” means any place set aside for voting in accordance with these Rules;

“Returning Officer” means a person appointed or designated under these Rules to conduct nominations in his/her respective electoral area;

“Deputy Returning Officer” this means a person appointed or designated under these Rules to assist the Returning Officer;

“Party Nomination Lists” refers generically to the various party nomination lists referred to in these Rules;

“Presiding Officer” means a person appointed or designated under these Rules to preside over a polling Centre;

“Principal Register” means The Service Party membership register prepared under the Party Constitution.

“Voter” for the purposes of Presidential, County, Parliamentary and County Assembly nominations means a Party member who is a holder of a National Identity Card, a valid Party membership card and is registered as a voter in that particular electoral area.

“Election Officer or Official” means a person duly appointed as such under these Rules.

“Ward” means a Ward established in accordance with the Constitution by the Independent Electoral and Boundaries Commission.

“Youth Aspirants Fund” means the Fund designated by the National Executive Committee to support candidates aged between 18 and 35 years.

(2). For the avoidance of doubt, unless otherwise stated, the words as used in these rules carry the same meaning as prescribed in the Party Constitution.

RULE 3: OBJECT AND GUIDING PRINCIPLES

These Rules are formulated with the intention of providing a means to engender a credible and viable process of selection of suitable, viable and competent candidates to contest various party positions and provide the necessary leadership; and are guided by the spirit, philosophy and principles upon which The Service Party (TSP) mission, vision and values were conceptualized and TSP constituted.

PART II: APPLICATION FOR NOMINATION

RULE 4: ELIGIBILITY CRITERIA

- (1). A person is eligible for nomination as a TSP candidate if he/she:-
- (a) is a citizen of Kenya;
 - (b) is qualified to stand for election as a President, Member of Parliament, Women representative and County Assembly representative in accordance with the laws of Kenya or any other elective position as the Laws of Kenya Provide;
 - (c) is a registered voter;
 - (d) has signed the Party Pledge; and
 - (e) his/her proposed nomination is seconded by a minimum number of registered TSP members as applies to the particular candidate position.

(2). The candidates for nomination must be seconded by a minimum number of registered members as below:–

- (a) President.....1,000 from at least 24 counties
- (b) Governor.....1,000 from across county
- (c) Senator 1,000 from across county
- (d) Woman Representative 1,000 from across county
- (e) National Assembly Representative 1,000 from all wards in constituency
- (f) County Assembly Representative 500 in a ward

RULE 5: DISQUALIFICATION FROM NOMINATION

(1). A person is not qualified for nomination as a TSP candidate if the person—

- (a) owes allegiance to a foreign state;
- (b) is a State or Public officer, or is acting in any State or Public office;
- (c) is subject to a sentence of imprisonment exceeding six months imposed on him/her by such a court or substituted by competent authority for some other sentence imposed on him by such a court unless all possibility of appeal or review of the relevant sentence or decision has not been exhausted;
- (d) is of unsound mind;
- (e) is in violation of Chapter 6 of the Constitution of Kenya;
- (f) is bankrupt under the laws of Kenya;
- (g) has not paid the prescribed nomination fees as shall be determined by NGC;
- (h) has not produced all necessary identification documents required by the Party; or
- (i) is by virtue of his/her own act of admission, under acknowledgement of allegiance, obedience or adherence to another political party.

(2). The following shall be exempt from Disqualification under rule 1(b) above:

- (a) the President;
- (b) the Deputy President; or
- (c) a member of Parliament (the National Assembly or the Senate);or
- (d) member of a County Assembly.

RULE 6: PROCEDURE OF APPLYING FOR NOMINATION

(1). All persons seeking to contest Presidential, Gubernatorial, Senatorial, National Assembly, Woman Representative or County Assembly elections on the Party ticket (nomination) shall require clearance of the Party in respect of any election for which these Rules apply and shall:

- (a) Apply to the National Elections Board by the Nomination Applications Form;
- (b) Submit with the application a duly completed Pledge of Loyalty to the party;
- (c) **Comply with and sign the code of conduct derived from the provisions of Article 11 of the Party constitution**
- (d) Fully and truthfully answer all questions posed by the Party, and supply all information that the Party may require in the application accurately and truthfully;
- (e) Submit his/her application to the National Election Board within the time frame published by the National Elections Board; and
- (f) Pay an application and nomination fee as shall be determined by the NGC.

(2). Upon receipt of the list of candidates (aspirants) by the NEB, such list shall be forwarded to the NGC.


PART III: PARTY ORGANS RESPONSIBLE FOR NOMINATIONS AND THEIR GENERAL FUNCTIONS

RULE 7: PARTY ORGANS

The Party organs that shall be responsible for the conduct of Party nomination of persons to vie for elective posts shall be established in accordance with and as provided for in these Rules; these, shall be the following:–

(1). The National Governing Council, which shall in general be responsible for the following functions in relation to nominations/elections:

- (a) Receiving and considering the various Provisional Party Nomination Lists from the National Elections Board.

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- (b) Giving overriding directions and guidelines, and the final determination and or approval of the Presidential, National Assembly, Gubernatorial, Senate, and County Assembly Nomination Lists.
 - (c) The NGC shall have discretion to grant a candidate direct nomination.
 - (d) In addition and or pursuant to the powers granted to it by the Party constitution, the National Governing Council has the power pursuant to these Rules to raise objections in respect of any candidate (aspirant) presented for Party nomination before or after the nomination election on the ground that the candidature is not in tandem with the Party's principles and aspirations: PROVIDED that a candidate whose candidature the NGC determines is not in tandem with the Party principles and aspirations shall be granted a hearing before disqualification.

(2) The term of the members of the National Elections Board shall be for five years and a member is eligible for re-appointment at the expiry of their term, subject to a limit of two consecutive terms.

(3) Removal from office of NEB Member

A member of the NEB or the entire board may be removed from office, for any of the following reasons;

- a. Gross misconduct;
- b. Violation of the party constitution, elections and nomination rules and party directions;
- c. Absence from the Board's meetings for three consecutive without reasonable explanation or apology;
- d. Incapacity to perform the functions of the Board;
- e. Insubordination;
- f. Communicating Board activities, resolutions without the express authority of chairperson of the NEB;


(4) A member who is subject of removal proceedings, shall be subject to Article 47 (1) of the Constitution of Kenya 2010 and the Fair Administrative Action Act, 2015.


(5) A petition by an aggrieved party member, official or organ, for removal of a National Elections Board Member, on any of the specified grounds, shall be submitted to the Disciplinary Committee in the prescribed form setting out facts and grounds for removal.



(6) The National Elections Board, which shall in general undertake the following functions:


- (a) Conduct a free and fair nomination and electoral process through vetting the party candidates in accordance with the Kenya Constitution, applicable electoral laws, party constitution and Nomination and Elections Rules and the Party Code of Conduct;
- (b) Call by open invitation qualified candidates and announcing the National Assembly, Senate, and County Assembly Nomination Timetable upon direction from the National Governing Council;
- (c) Providing materials, direction, guidelines and conducting of the vetting, listing and the nomination election of candidates (aspirants) for Presidential elections;
- (d) Overseeing and providing materials, direction and guidelines for the conduct of the vetting, short listing and the election of candidates (aspirants) for National Assembly, Gubernatorial, Senatorial, and County Assembly nomination elections: it shall be within the powers of the National Elections Board to delegate to all or any of the County (Branch) Nominations Advisory and Elections Board all or any of these functions;

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- (e) Receiving the results of the National Assembly, Senate, and County Assembly Nomination elections from the County (Branch) Nominations Advisory and Elections Board;
 - (f) Receiving the Provisional County Assembly Party Nominations List and presenting the same to the National Elections Board;
 - (g) Preparing the Provisional Party Presidential, National Assembly, Gubernatorial, Senatorial, and County Assembly Nomination List, and presenting the same to the National Governing Council;
 - (h) In consultation with the National Executive Committee, preparing the final Party Presidential, National Assembly, Gubernatorial, Senatorial, and County Assembly Nomination List, and having the same signed for authentication by the designated Party officials pursuant to and in accordance with the Party constitution and any other provision of law;
 - (i) The National Elections Board shall prepare the final Nomination results and forward to the NGC for ratification. For the avoidance of doubt the NGC shall be the sole organ charged with issuing the final Party Nomination Certificate.
 - (j) The nomination certificates shall be considered valid only if signed by the Party Chairperson and Secretary General or in case of the absence of either, the Director, Internal Affairs;
 - (k) The NEB shall thereafter and without undue delay issue the nomination certificates to the nominee.
- (7) The County (Branch) Nominations and Elections Panel, which shall in general be responsible for the following functions:

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- (a) With direction of NEB oversee and distribute materials, directions and guidelines for the various elective seats their respective Counties;
 - (b) Arranging for and fairly and transparently conducting the Nomination elections pursuant to the Nominations Guidelines;
 - (c) Providing a detailed accurate report of the elections and nominations to the National Elections Board as directed.
 - (d) Any other function that complements and or appertains to the foregoing, or that is provided for in these Rules.


RULE 8: THE NATIONAL ELECTIONS BOARD

- (1). The core function of the National Elections Board (NEB) shall be to plan, organize, conduct, supervise and coordinate all Party elections and nomination of candidates.
- (2). In appointing persons to serve on the NEB, the NGC shall be guided by the following principles–
 - (a) that appointees are fully paid-up members of the Party qualified to be elected as Governor or Senator or National Assembly member under the Constitution, the Elections Act or any other written law;
 - (b) that appointees are registered voters;
 - (c) shall not be eligible for nomination to elective positions under these rules; and
 - (d) Shall ensure gender and other diversity compliance as much as practicable.
- (3). The National Elections Board members shall be appointed in accordance with the Party constitution and shall consist of not more than five (5) members drawn from among the Members of the Party, provided that not more than two-thirds of members shall be of the same gender.
- (4). The Director of Elections shall be an Ex-Official member of the Board.
- (5). The broad functions of the Board shall include:
 - (a) Advise the NGC on the making of rules and regulations governing election and nomination of party candidates for elections provided for under these Rules;
 - (b) In consultation with the NGC, plan, prepare and provide the timetable for nominations of The Party candidates for every general and by election in Kenya;
 - (c) In consultation with the NGC, formulate guidelines in accordance with these rules to be known as the Nomination Guidelines relating to how nominations shall be conducted and management of logistics;
 - (d) Manage the logistics of all nominations and elections for the party; and
 - (e) Do anything necessary and proper to ensure the success of the party elections including providing security during the party elections and nomination processes.

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- (6). The Party Leader and the NGC shall appoint the Board members and designate the Chair.
 - (7). The Board shall as among its first order of business formulate rules and procedures for the conduct of its affairs.
 - (8). The Board shall report to NGC, which shall consider and where necessary act on any report of the Board.
 - (9). The Board shall design Nomination Certificates in respect of any election, and shall only issue a certificate to a candidate duly elected at the appropriate electoral area.
 - (10). Every nomination Certificate issued shall bear the seal of the Party and shall be forwarded to the NGC for final review before signature by the National Chairman and the Secretary General or in the absence of either by the Director of Internal Affairs.

RULE 9: COUNTY (BRANCH) NOMINATIONS ADVISORY AND ELECTIONS PANEL

- (1) There shall be an ad hoc board in every County to be known as the County Nominations Advisory and Elections Panel.
- (2) The County Nominations and Elections Advisory Panel shall monitor the nomination and election process within the County and shall faithfully abide by the guidelines issued by the National Elections Board.
- (3) In appointing persons to serve on the County Nominations and Elections Advisory Panel, the NGC shall be guided by the following principles—
 - (a) appointees shall be a fully paid-up members of the Party;
 - (b) shall be qualified to be elected as Governor or Senator or National Assembly member or County Assembly representatives under the Constitution, the Elections Act or any other written law;
 - (c) shall be registered voters;
 - (d) shall be eligible for nomination to elective positions under these rules; and
 - (e) Shall ensure representation of gender and other diversity compliance as much as practicable.
- (4) The County (Branch) Nominations Advisory Panel for each County shall be appointed by NEB on advise from the County (Branch) Executive Committee and shall be composed of 3 persons of high integrity composed of Chairperson, Secretary and one ordinary member.


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- (a) Such members shall ordinarily be residents of the county they are appointed to serve;
 - (b) The Director of Internal Affairs or his/her approved designate shall be a member of all the County Nominations Advisory and Elections Panels;
 - (c) The Board, with the approval of NGC shall have the powers to allow for cooption of extra members to the Panel for the better carrying out of elections;
 - (d) All persons elected to the County Nomination Advisory and Elections Panel shall meet the stipulated qualifications and shall have no direct or indirect interest in the outcome of the nomination exercise in their area of jurisdiction.
- (5) The County Nominations and Elections Advisory Panel shall report to the NEB, which shall consider and where necessary act on any report of the Panel.
- (6) The County Panel shall monitor the nomination and election process within the County and provide a report to the Board within forty-eight (48) hours of the results being announced.

PART IV: NOMINATIONS – SPECIFIC FUNCTIONS OF PARTY ORGANS

RULE 10: SPECIFIC FUNCTIONS OF THE NATIONAL ELECTIONS BOARD

In relation to Party nominations the National Elections Board shall:

- a) appoint Returning Officers, Presiding Officers, Clerks and other officers as necessary for each county, constituency & ward to perform elections and nomination functions.
- b) receive appointments of the Chief Agent of each of the candidates contesting as President, Governor, Senator, National Assembly member , woman representative Assembly and County Assembly member.
- c) vet for suitability of persons proposed as Returning Officers, Presiding Officers, Clerks and other electoral officers as necessary for each County and Constituency
- d) together with the Returning Officers sensitize all aspirants on the election and nomination rules;

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- e) provide alternative dispute resolution mechanisms;
 - f) facilitate dialogue between itself and candidates for purposes of resolving disputes.
 - g) receive Nomination election results for all National Assembly, Senate and County Assembly seats that have been contested; and
 - h) upon production of a Results Certificate hand over the list of eligible
 - i) candidates to the NGC for finalization and signature of Nomination Certificates by the designated officials

RULE 11: SPECIFIC FUNCTIONS OF COUNTY (BRANCH) NOMINATIONS ADVISORY PANEL

In relation to Party nominations, the County (Branch) Nominations Panel shall:-

- (a) Together with the Returning Officers augment the efforts of the National Elections Board towards sensitization of all aspirants on this rules;
- (b) Augment the efforts of the NEB at the County level towards ensuring that these rules are applied efficiently;
- (c) Encourage disputing Party aspirants to seek and exhaust alternative dispute resolution mechanisms, in relation to nominations at the County level;
- (d) Augment, as directed by NEB dialogue between candidates to settle any disputes arising from nominations;
- (e) Report to the NEB, which shall consider and where necessary act on any report of the Panel; and
- (f) monitor the nomination process within the County and provide a report to the Board within forty-eight (48) hours of the results being announced.



PART V: ELECTIONS OF PARTY OFFICIALS

RULE 12: ELECTIONS OF NATIONAL OFFICIALS

- (1). The National officials shall be elected by the National Delegates Conference (NDC) convened in accordance with provisions of the Party Constitution.
- (2). The NEB shall ensure that only the delegates whose names appear in the National Delegates Register and present at the Conference shall be eligible to vote.
- (3). The NEB shall ensure that there is a quorum before the commencement of business of elections in accordance with the Party Constitution.
- (4). Elections at the National Delegates Conference shall be by secret ballot, or any other method approved by the NGC.

RULE 13: PARTY ELECTIONS

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

- (a) Polling Station Mobilization Committees;
- (b) Sub-Branch Executive Committee; and
- (c) Branch Executive Committees.

TSP Women's League:

- (a) TSP Women League Branch Executive Committees;
- (b) TSP Women League Sub-Branch Executive Committees; and
- (c) TSP Women League Polling Station Mobilization Committees.

TSP Youth League:

- (a) TSP Youth League Branch Executive Committees;
- (b) TSP Youth League Sub-Branch Executive Committees; and
- (c) TSP Youth League Polling Station Mobilization Committees

RULE 14: ELECTIONS OF POLLING STATION MOBILIZATION COMMITTEE:


- (1). Each Polling Station Mobilization Committee shall be composed of the following officials:
 - (a) Chairperson,
 - (b) Polling Station Coordinator
 - (c) Secretary,
 - (d) Treasurer,
 - (e) Polling Station Secretary for Women affairs who shall be the person elected as the TSP Women's League Polling Station Leader
 - (f) Polling Station Secretary for Youth affairs who shall be the person elected as the TSP Youth League' Polling Station Leader,
 - (g) Polling Station Persons with Disability Representative
 - (h) Polling Station Special Interest Groups Representative
 - (i) Seven Mobilizers

Provided that that not more than two-thirds of members shall be of the same gender.

- (2). On the date designated for the Polling Station Mobilization Committee elections, all TSP members shall assemble at the Polling Stations and vote by secret ballot, or any other method approved by the NEB.
- (3). The Presiding Officer shall then tally and announce the result thereof and thereafter submit to the Constituency Returning Officer.

RULE 15: ELECTIONS OF WARD EXECUTIVE COMMITTEE

- (1). Each Sub-Branch Executive Committee shall be composed of the following officials:
 - (a) Chairperson;
 - (b) Deputy Chairperson;
 - (c) Secretary;
 - (d) Deputy Secretary;
 - (e) Treasurer;
 - (f) Organizing Secretary;
 - (g) Deputy Organizing Secretary;

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- (h) Secretary for Women Affairs who shall be the person elected as the TSP Women League Sub-Branch Leader;
 - (i) Secretary for Youth affairs who shall be the person elected as the TSP Youth League Sub-Branch Leader;
 - (j) Representative of Persons with Disabilities;
 - (k) Representative of Special Interest Groups;

Provided that that not more than two-thirds of members shall be of the same gender.

- (2). Delegates elected at the Polling Station Mobilization Committees shall form the Ward Electoral College for the purpose of electing the Ward Executive Committee.
- (3). On the date designated for the Sub-Branch Executive 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.
- (4). The Presiding Officer shall tally and announce the results thereof and submit to the Constituency Returning Officer.

RULE 16: ELECTIONS OF SUB-BRANCH EXECUTIVE COMMITTEE

- (1). The Branch shall be composed of the following officials:
 - (a) Chairperson,
 - (b) Deputy Chairperson,
 - (c) Secretary,
 - (d) Deputy Secretary,
 - (e) Treasurer,
 - (f) Organizing Secretary,
 - (g) Deputy Organizing Secretary,
 - (h) Branch Women's League Chairperson,
 - (i) Branch Women's League Secretary,
 - (j) Branch Youth League Chairperson,
 - (k) Branch Youth League Secretary
 - (l) Persons with Disability Representative
 - (m) Special Interest Groups Representative

Provided that that not more than two-thirds of the members shall be of the same gender.

RULE 17: ELECTIONS OF BRANCH EXECUTIVE COMMITTEE

The Branch shall be composed of the following officials:

- (n) Chairperson,
- (o) Deputy Chairperson,
- (p) Secretary,
- (q) Deputy Secretary,
- (r) Treasurer,
- (s) Organizing Secretary,
- (t) Deputy Organizing Secretary,
- (u) Branch Women's League Chairperson,
- (v) Branch Women's League Secretary,
- (w) Branch Youth League Chairperson,
- (x) Branch Youth League Secretary
- (y) Persons with Disability Representative
- (z) Special Interest Groups Representative

Provided that that not more than two-thirds of the members shall be of the same gender.

- (2). The members of each 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 the NEB.
- (3). The County Returning Officer shall tally and announce the results and submit to the NEB.

RULE 18: ORGANIZATION OF TSP WOMEN'S LEAGUE

- (1). There shall be established a TSP Women's League.
- (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 the TSP Women's League Chairperson at each level of the League.

All TSP members assemble at the polling stations and vote by secret ballot, or any other method accepted by the delegates in session to elect a committee.




(3). Women's League Members of the Party at Polling Station shall



RULE 19: ELECTIONS OF THE TSP WOMEN LEAGUE OFFICIALS

- (1). The Elections shall be conducted by electoral colleges at the Sub-Branch, Branch and National levels, except at the Polling Station where League elections which shall be conducted by universal suffrage.
- (2). All TSP Women Members of the Party at Polling Station shall assemble and elect an Executive Committee comprising:
 - (a) Chairperson,
 - (b) Deputy Chairperson,
 - (c) Secretary,
 - (d) Deputy Secretary,
 - (e) Treasurer,
 - (f) Organizing Secretary,
 - (g) Deputy Organizing Secretary,
 - (h) Persons with Disability Representative
 - (i) Special Interest Groups Representative
- (3). Delegates of the Polling Station shall form the TSP Women Sub-Branch Electoral College and shall elect the TSP Women Sub Branch Executive Committee comprising:
 - (a) Chairperson,
 - (b) Deputy Chairperson,
 - (c) Secretary,
 - (d) Deputy Secretary,
 - (e) Treasurer,
 - (f) Organizing Secretary,
 - (g) Deputy Organizing Secretary,
 - (h) Persons with Disability Representative
 - (i) Special Interest Groups Representative




(4). Delegates of the Sub-Branch shall form the TSP Women Branch Electoral College and shall elect the TSP Women Branch Executive Committee comprising:

- (a) Chairperson,
- (b) Deputy Chairperson,
- (c) Secretary,
- (d) Deputy Secretary,
- (e) Treasurer,
- (f) Organizing Secretary,
- (g) Deputy Organizing Secretary
- (h) Persons with Disability Representative
- (i) Special Interest Groups Representative

(5). The members of each TSP Women League Branch Executive Committee comprising of the following officials shall form the National TSP Women League Electoral College:

- (a) Chairperson
- (b) Deputy Chairperson,
- (c) Secretary,
- (d) Deputy Secretary,
- (e) Treasurer,
- (f) Deputy Treasurer,
- (g) Organizing Secretary,
- (h) Deputy Organizing Secretary
- (i) Persons with Disability Representative
- (j) Special Interest Groups Representative



(6). The TSP Women’s League National Electoral College, on a date set for elections, shall vote by secret ballot or any other method approved by NEB elect the TSP Women’s League National Officials comprising of the following National Officials:

- (a) Chairperson
- (b) Deputy Chairperson,
- (c) Secretary,
- (d) Deputy Secretary,
- (e) Treasurer,
- (f) Organizing Secretary,
- (g) Deputy Organizing Secretary
- (h) Persons with Disability Representative
- (i) Special Interest Groups Representative

(7). The League shall carry out the following functions at all levels of Party

- (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 20: ORGANIZATION OF TSP YOUTH LEAGUE

- (1). There shall be established a TSP Youth League.
- (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 TSP Youth League Secretary at each level.
- (3). TSP Youth League Members of the Party at Polling Station shall assemble at the Polling Stations and vote by secret ballot, or any other method approved by the NEB.



RULE 21: ELECTIONS OF TSP YOUTH LEAGUE OFFICIALS


- (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 which shall be conducted by universal suffrage.
- (2). All TSP Youth League Members of the Party at Polling Station shall assemble and shall elect a Committee comprising:
 - (a) Chairperson,
 - (b) Deputy Chairperson,
 - (c) Secretary,
 - (d) Deputy Secretary,
 - (e) Treasurer,
 - (f) Organizing Secretary,
 - (g) Deputy Organizing Secretary
 - (h) Persons with Disability Representative
 - (i) Special Interest Groups Representative
- (3). Delegates at the Polling Station shall form the TSP Youth League Sub-Branch Electoral College to elect the TSP Youth League Sub-Branch Committee composed of:
 - (a) Chairperson,
 - (b) Deputy Chairperson,
 - (c) Secretary,
 - (d) Deputy Secretary,
 - (e) Treasurer,
 - (f) Organizing Secretary,
 - (g) Deputy Organizing Secretary
 - (h) Persons with Disability Representative
 - (i) Special Interest Groups Representative

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- (4). Sub-Branch delegates shall form the TSP Youth League Branch Electoral College to elect the TSP Youth League Branch Executive Committee composing of:
- (a) Chairperson,
 - (b) Deputy Chairperson,
 - (c) Secretary,
 - (d) Deputy Secretary,
 - (e) Treasurer,
 - (f) Organizing Secretary,
 - (g) Deputy Organizing Secretary,
 - (h) Persons with Disability Representative
 - (i) Special Interest Groups Representative
- (5). 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 VI: REGISTER OF PARTY VOTERS

RULE 22: PRINCIPAL REGISTER OF PARTY VOTERS

- (1). The NEB in consultation with NGC shall prepare the Party Principal Register of Voters that may comprise of a:
- (a) register in respect of every polling center;
 - (b) ward register in respect of every ward;
 - (c) constituency register in respect of every constituency;
 - (d) county register in respect of every county; and
 - (e) Register of voters residing outside Kenya.


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- (2). NEB shall have the discretion to have a register to be known as the Party Recruitment Register the purpose of which shall be to complement, augment and update the Principal Register from time to time.
 - (3). The Party Principal Register of Voters shall contain such information as shall be determined by the NGC.
 - (4). Registration of party voters and revision of the register of voters under these Rules shall be continuous, save that registration of party voters shall close in accordance with the national Elections Laws. Any person who has attained the age of eighteen years and is a holder of a national identity card or a Kenyan passport and whose name is not in the party membership and or register of voters of any other party may be registered as a voter under these rules upon application.
 - (5). All eligible applicants for registration under this rule shall be registered in the appropriate register by the Party.
 - (6). The Board shall cause the Principal Register and constituent registers of Voters to be opened for a period of 14 days after the date of closing of registration of voters, for inspection by applicants during official working hours for the purpose of confirming and rectifying the particulars therein.
 - (7). The Board shall, upon expiry of the period for inspection specified herein above, compile the amendments to the register of voters and publish either on the Party Online Register or any other media.

The Principal Register and Party Recruitment Register shall be kept at the headquarters of the party, county offices or Party Online Register.

PART VII: NOMINATION PROCESS

RULE 23: NOMINATION PROCESS


- (1). The Board shall announce the Nomination Day or Days, which shall be within a reasonable time within which parties are required to have nominated candidates.
- (2). The National Elections Board shall ensure that all electoral materials in either electronic or paper form necessary for the conduct of the nomination process under these rules shall reach the designated polling centers within reasonable time before the commencement of the nomination process, unless unable to for reasons of circumstances beyond their control.
- (3). If materials do not reach polling centers within the stipulated period, the Board shall communicate the same to the NGC who shall give directions on the actions to be taken therefor.
- (4). Each Returning and Presiding Officer shall sign a certificate of receipt of paper form materials received for conduct of nominations within their jurisdiction.
- (5). Except for the Presiding Officer, other election officials, Administration and security officers, candidates and accredited agents, and/or persons necessarily assisting blind and incapacitated voters, persons who do not qualify as voters shall not be allowed to enter or to vote in that Centre nor will such persons be eligible or permitted to remain within polling premises
- (6). Any candidate, who on nomination day either by himself/herself, his/her agents or supporters engages, permits or condones any acts of violence, whatsoever and howsoever shall be disqualified. The Presiding Officer shall record and report on such behavior to NEB and police. NEB will institute disciplinary proceedings within 24 hours with National Disciplinary Committee. The dispute shall be determined within 3 days.
- (7). The Presiding Officer shall admit to the Polling Centre at least two agents of each candidate, and may admit as many more agents as in his/her discretion thinks fit; but he/she may refuse admission to a person claiming to be an agent for a candidate if that person does not produce a letter of appointment as agent signed by the candidate.



(8). If any person misbehaves in a Polling Centre or fails to obey the lawful instructions or orders of the Presiding Officer, they may immediately be removed by order of the Presiding Officer and a person so removed shall not re-enter the Polling Centre. The Presiding Officer may order the removal of a person or dispersal of any gathering of persons, which appears to him to hinder free access to and from the Polling Centre or to be intimidating or interfering with voters, and any such orders shall be sufficient for a Presiding Officer or any other person authorized to effect the necessary action.

RULE 24: DESCRIPTION OF NOMINATIONS DAY ELECTION PROCESS

- (1). Nomination polling shall commence at 8.00 a.m. at each Polling Centre and close at 5.00 p.m. for both electronic and physical voting.
- (2). The Polling Centre shall be at a location to be determined by the Board in consultation with the County Nomination Advisory Board.
- (3). The Presiding Officer may, with the NEB close a polling station if there is a security threat.
- (4). The Presiding Officer may, in consultation with the NEB, extend nomination if there are voters still on the queue after polling time has lapsed or to compensate for the time the polling station was closed.
- (5). After voting, the voters shall immediately leave the polling station.
- (6). Before the commencement of voting the Presiding Officer shall:
 - (a) Explain to the agents the procedure of the nomination exercise;
 - (b) Ensure that no voter has an opportunity to vote more than once;
 - (c) Ensure orderly voting exercise;
 - (d) In consultation with County Nominations Advisory Board ensure strict observance of law and order to facilitate free and fair nomination;
 - (e) Immediately before the commencement of balloting, show the ballot box or all ballot boxes to those persons lawfully present in the Polling Centre, and shall allow the candidates and/or their agents as may wish to do so, to ascertain that the boxes are empty;
 - (f) After ballot boxes are ascertained that they are empty, shall cause them to be sealed and placed in the Polling Centre at a place that they can at all times be in the view of himself/herself or an Assistant Presiding Officer and candidates or their agents; and

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- (g) Allow agents to verify that the Ballots papers are serialized. Ensure that all ballot papers bear the official stamp of the Party.
 - (7). Nomination is deemed to have commenced once the presiding officer declares the polling center officially open; provided that if the station is not opened by 10am the County Advisory & Elections Panel shall advise NEB to cancel the nominations at that polling station. The NEB shall designate another nomination day.
 - (8). There shall be no campaigning or any form of intimidation or influence or coercion or collusion whatsoever within the vicinity of the Polling Centre on the nomination day;
 - (9). Voting shall be by secret ballot;
 - (10). All eligible voters shall be on the Principal and/or the Party Recruitment Register and identify themselves by holding their National Identity Cards, and at the discretion of NEB in lieu of appearing on either register may confirm their membership and eligibility to vote using the Party membership card and allow the member to vote.
 - (11). Where only one candidate presents himself or herself there shall be no voting exercise and such candidate shall be declared as duly nominated. The presiding officer shall close the polling center at 5 pm, seal the ballot boxes in the presence of the agents and report to the NEB.

PART VIII: COUNTING OF VOTES

RULE 25: COUNTING OF VOTES

- (1). The presiding officer shall conduct the vote count, reseal the ballot boxes, enter results in the Results Form, signs together with all agents the results form, announce the results and submit the Result Forms and ballot boxes to the respective Electoral Returning Officer.
- (2). The presiding officer may recount once the votes upon request by an aggrieved candidate or their agents.
- (3). The returning officer shall collate the electoral area results, tabulate, verify correctness, announce each candidates' votes, announce the winner and issue Results Certificate to NEB and issue the candidate with the winning votes the Results Certificate. Such Results Certificate shall be provisional.
- (4). Upon verification and or resolution of any disputes, the NEB shall issue the winning candidate with a Nomination Certificate.
- (5). The voting materials shall be stored and secured by the Returning Officer, unless directed by the NEB to surrender the same to it.

RULE 26: DUTY OF PRESIDING OFFICER OF POLLING CENTER

- (1). The Presiding Officer on completion of counting of votes shall:
 - (a) record the results on the Polling Centre Results Form;
 - (b) immediately require each candidate or his/her agent to countersign the Form;
 - (c) ensure that failure of refusal by a candidate to countersign the certificate shall be made in the Polling Center Results Form.
- (2). The Presiding Officer shall submit the original signed Results Certificate to the respective Returning Officer.



RULE 27: DUTIES OF RETURNING OFFICER OF AN ELECTORAL AREA

The Returning Officer for each Electoral Area shall on receipt at the Polling Center Results Forms from each Polling Centre:

- (a) tally the results and record the results on the respective Preliminary Results Certificate;
- (b) require each Presiding Officer to witness the entry of his/her Polling Centre results on the Electoral Area Results Form;
- (d) add up the nomination figures, require the Agents for each candidate, if present, to witness the entry of the results and sign the respective Preliminary Results Certificate and announce the results for the electoral area;
- (e) issue the winning candidate with a Preliminary Certificate of Election. Provided, however, that the Preliminary Certificate shall merely be prima facie evidence of the results and shall not be a Certificate of Nomination by the Party; and
- (f) submit all the records of the nomination exercise to the National Elections Board as directed by the Board.

RULE 28: RIGHT OF APPEAL AGAINST RESULTS

A candidate who is aggrieved by the results may appeal to the relevant Appeals Tribunal within 24 hours of the nomination results being announced by the Returning Officer.

RULE 29: PARTY NOMINEE TO BE ISSUED WITH CERTIFICATE

The winner of the nomination will be issued with a prescribed certificate by the National Elections Board not more than 48 hours after the announcement of the results or after an appeal contesting the nomination results has been resolved.

RULE 30: MATERIAL TO BE SEALED AND KEPT IN SAFE CUSTODY

The elections materials shall be sealed and preserved by the Returning officer for onward transmission to the National Elections Board Office.

RULE 31: PROCEDURE WHERE CANDIDATES TIE

In the event that there is a tie in the votes cast during the nomination process for any position, the candidates who received the greatest number and second greatest number of votes shall be subject to, as directed by NEB,

- (a) to a single recount of votes; and
- (b) if the recount still results in a tie, to order a fresh election which shall be held after the recount.


RULE 31 (A): COMPLAINTS

- (1) Elections and nominations complaints proceedings shall be heard and determined in the first instance, by the respective County Elections and Advisory Panels;
- (2) The County Elections and Advisory Panels shall be appointed by the NEB in accordance with the Party constitution and shall ensure compliance with the two thirds gender rule;
- (3) The complaints shall be lodged with the respective Panel within 24 hours of the occurrence of the complaint or decision in the prescribed form;
- (4) The Panel shall receive and review the decisions within 24 hours;
- (5) The Panel has powers to make any of the following decisions:
 - a. Dismiss the complaints;
 - b. Uphold the complaint;
 - c. Order a recount of the votes;
 - d. Advise the NEB to annul and conduct fresh elections or nominations;
- (6) Any person aggrieved by the decisions of the County Elections and Advisory Panels, may appeal to the Appeals Tribunal within 24 hours in the prescribed form.

PART IX: APPEAL

RULE 32: APPEALS PROCESS

- (1). Any person not satisfied with a decision of the County Nominations Tribunal shall be entitled to an appeal to the Appeals Tribunal:
- (2). The Appeals Tribunal is set up by the party constitution comprising of not less than 5 members, at least two-thirds of whom shall not be of the same gender and appointed by the NGC;
- (3). Any person not satisfied with a decision of the Appeals Tribunal shall be entitled to an appeal to the Appeals Tribunal.

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- (4). The decision of the Appeals Tribunal on such appeals shall be final.
 - (5). Should the election be found to be flawed and therefore null and void, the National Elections Board shall announce the dates and venue for fresh elections and conduct such repeat elections in the manner prescribed above.
 - (6). Should the Appeals Tribunal conclusively on the basis of overwhelming evidence establish the winner of a nomination process the subject of which forms the substance of a complaint before it, it shall have the mandate to declare such a winner.
 - (7). The Appeals Tribunal may, upon proof being shown that a candidate has secured his nomination through undue influence, corruption or other fraudulent means, set aside and nullify such nomination and its decision shall be final. Returning/presiding officers shall file duly signed returns with the Appeals Tribunal not later than two (2) days after the announcement of results.

RULE 33: FUNCTIONS AND POWERS OF APPEALS TRIBUNAL

- (1). The functions of the National Nominations Appeals Tribunal shall be to:
 - (a) Receive and hear appeals from aspirants for Presidential, Parliamentary, Gubernatorial and County Assembly
 - (b) Receive and hear appeals from applicants/candidates for various National and Senate Party Lists provided for in these Rules;
 - (c) Determine each case objectively on its merit; and
 - (d) Make a determination and render a decision in relation to the matters and appeals within a reasonable time. The determination shall be communicated at the earliest opportunity to the relevant Party organs .

- (2). The powers of the Appeals Tribunal shall be as provided in the constitution in addition to the following:
 - (a) Peruse and consider, where available, originals or copies of all relevant records in relation to the matters before the tribunal for determination;
 - (b) Interview any officials directly involved in the nomination exercise, who it deems necessary or expedient to interview for the resolution of the appeal;
 - (c) Take evidence from witnesses, who it deems necessary or expedient to take evidence from for the resolution of the appeal;
 - (d) Call for originals or copies of all relevant records in relation to the matters before the tribunal for determination;
 - (e) Consider an appeal on the basis of documents available to it and written statements from witnesses, officials and aspirants, without calling for oral evidence, where it so deems it meet and expedient;
 - (f) Seek a negotiated and amicable resolution of the matter or appeal, this being the preferred methodology of resolution of appeals;
 - (g) Where a negotiated or amicable resolution of the matter or appeal is not possible, or cannot be procured within reasonable time, then the tribunal shall render a decision;
 - (h) A negotiated and amicable resolution of the matter or appeal may be attempted even after a decision has been made by the tribunal;
 - (i) Annul an election and order a fresh nomination election where practicable;
 - (j) Reverse the election result, and or declare the appellant the winner of the election and nominee elect;
 - (k) Decline to interfere with the results of the nomination election, and or uphold the results.

RULE 34: DECISIONS OF THE APPEALS TRIBUNAL

- (1). The decision of the Appeals Tribunal shall be final and binding to the parties unless it is overturned by the Political Parties Tribunal or Courts.
- (2). Within the Party, the decision of an Appeals Tribunal shall be final provided that all decisions shall be subject to the intervention and/or annulment or reversal of the National Elections Board of its own motion which intervention or reversal shall be the final decision of the Party in relation to nominations.

PART X: NOMINATIONS FOR PARTY LISTS

RULE 35: PARTY LISTS

The NGC shall approve with or without variation the list of members and direct the NEB to submit the approved list to the IEBC in accordance with the Law.

PART XI: FEES AND FINANCES

RULE 36: NOMINATION FEES

- (l). Pursuant to these Rules, the nominations fees for the various positions shall be as hereunder or as revised or reviewed from time to time by the NGC:
 - (a) President: Kenya Shillings One Million (KShs 1,000,000/=);
 - (b) Governor: Kenya Shillings Three Hundred Thousand (Kshs 300,000/=);
 - (c) Woman Governor: Two hundred thousand Kenya shillings (200,000)
 - (d) Youth Governor: Two hundred thousand Kenya Shillings (200,000)
 - (e) Persons with Disabilities – Governor: One hundred and fifty thousand Kenya Shillings (150,000)
 - (f) Senator: Kenya Shillings One Hundred fifty Thousand Kenya Shillings (KShs 150,000/=)
 - (g) Woman Senator: One hundred thousand Kenya Shillings (100,000)
 - (h) Youth Senator: One hundred thousand Kenya Shillings (100,000)
 - (i) Persons with Disabilities – Senator: Seventy Five thousand Kenya Shillings (75,000)

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- (j) National Assembly: One Hundred Fifty Thousand Kenya Shillings (KShs 150,000/=)
 - (k) Youth – National Assembly: One hundred Thousand Kenya Shillings (100,000)
 - (l) Women – National Assembly: One hundred Thousand Kenya Shillings (100,000)
 - (m) Persons with Disabilities – National Assembly: Seventy five thousand Kenya Shillings (75,000)
 - (n) Woman Representative: Kenya Shillings One Hundred Thousand (Kshs 100,000/=);
 - (o) Member of County Assembly: Fifty Thousand Kenya Shillings (Kshs 50,000)
 - (p) Woman – MCA: Thirty thousand Kenya shillings (Kshs 30,000)
 - (q) MCA Youth: Thirty thousand Kenya shillings (Kshs 30,000)
 - (r) MCA – PWDs: twenty thousand Kenya shillings (Kshs 20,000)

(2). The NGC may issue directions for the better carrying into the effect of these Rules and without prejudice to the generality of the foregoing, orders issued under this rule may make provisions for:

- (a) The designation under certificate or notification of designated Polling Centers.
- (b) The procedure for appeals; and
- (c) The scale of allowances for nomination officials and delegates.



PART XII: GENERAL PROVISIONS

RULE 37: MANAGEMENT OF ELECTORAL MATERIALS

- (1). All documents relating to a nomination shall be declared and forwarded by the Presiding Officer to the Party Headquarters as and when directed by the Board unless the Director of Elections otherwise directs, be destroyed after a period of not less than six months from the date of such nomination except where the nomination is under appeal.
- (2). Documents retained under this Rule, other than ballot papers shall be made available for inspection by any member of the Party upon a request made by him/her at such time and subject to such costs and conditions as may be decided by the NEB

RULE 38: CONTRAVENTION OF THESE RULES

If a Member, employee, or any other person having a duty to perform under these Rules and who without lawful cause contravenes the same by an act or omission of these Rules shall be liable to disciplinary action.

RULE 39: AMENDMENT

The NGC may amend or vary these Rules from time to time.

RULE 40: TRANSITION

These Rules supersede Nomination Rules of 2019.



SCHEDULE 1 : LIST OF PARTY NOMINATION DOCUMENTS PROVIDED FOR IN THESE RULES

- (a) Agents Appointment Letter
- (b) Nomination Guidelines
- (c) Nominations Certificate
- (d) List of Aspirants – to be issued by NEB
- (e) Nominations Application form– to review
- (f) Nomination Results Certificate
- (g) Principal Register – Principal register (develop form for constituency, ward
- (h) Preliminary Certificate of Election
- (i) Polling Center Results Form
- (j) Register of Voters Residing Outside Kenya if any
- (k) Party Pledge
- (l) Elections / Nominations Appeal Forms





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