



LIST OF ACRONYMS	7
PREAMBLE AND GUIDING PRINCIPLES	8
We, the Members of The Service Party:	8
CHAPTER ONE: DESCRIPTION OF THE PARTY	9
ARTICLE 2: IDENTITY, VISION AND MISSION	9
ARTICLE 3: OBJECTIVES	9
ARTICLE 4: THE COMMON SEAL OF THE PARTY	10
ARTICLE 5: SITUATION OF THE REGISTERED OFFICE OF THE PARTY HEADQUARTERS	10
CHAPTER TWO: MEMBERSHIP OF THE PARTY	10
ARTICLE 7: REQUIREMENTS FOR MEMBERSHIP	11
ARTICLE 8: ADMISSION OF MEMBERS	11
ARTICLE 9: TERMINATION OF MEMBERSHIP	11
ARTICLE 10: RIGHTS AND DUTIES OF MEMBERS	11
ARTICLE 11: DISCIPLINE	12
CHAPTER THREE: GOVERNANCE AND MANAGEMENT STRUCTURE	14
ARTICLE 13: GUIDING PRINCIPLES OF THE PARTY'S ORGANS	14
ARTICLE 14: THE NATIONAL DELEGATES CONFERENCE (NDC)	14
ARTICLE 15: ORDINARY SESSION OF THE NDC	15
(3).The Ordinary Session shall be attended by:	15
ARTICLE 16: SPECIAL SESSION OF THE NDC	16
ARTICLE 17: PROCEDURE AT MEETINGS OF THE NATIONAL DELEGATES CONFERENCE	16

ARTICLE 18: THE NATIONAL GOVERNING COUNCIL (NGC)	17
ARTICLE 19: THE NATIONAL EXECUTIVE COMMITTEE (NEC)	18
ARTICLE 20: NATIONAL WORKING COMMITTEE	20
ARTICLE 21: NATIONAL SECRETARIAT	20
ARTICLE 22: WOMEN'S LEAGUE	21
ARTICLE 23: YOUTH LEAGUE	21
ARTICLE 24: COUNTY COORDINATION COMMITTEE (CCC)	21
ARTICLE 25: CONSTITUENCY COORDINATION TEAM (CCT)	22
ARTICLE 26: WARD COORDINATION COMMITTEE (WCC)	22
ARTICLE 27: AUTHORITY AND METHOD OF FILLING VACANCIES IN THE COORDINATING OFFICES	23
ARTICLE 28: FUNCTIONS OF THE OFFICE COUNTY COORDINATING COMMITTEE	23
CHAPTER FOUR: PARTY CAUCUSES ARTICLE 29: PARLIAMENTARY GROUP	24
ARTICLE 30: GOVERNORS' CAUCUS	24
ARTICLE 31: COUNTY ASSEMBLIES' CAUCUS	25
CHAPTER FIVE: ELECTIONS AND OFFICE BEARERS OF THE PARTY	25
ARTICLE 32: NATIONAL ELECTIONS BOARD	25
ARTICLE 33: FUNCTIONS OF THE NATIONAL ELECTIONS BOARD	26
ARTICLE 34: APPEALS TRIBUNAL	26
ARTICLE 35: POWERS OF THE APPEALS TRIBUNAL	27
ARTICLE 36: NOMINATIONS	27
ARTICLE 37: REQUIREMENTS FOR CANDIDATES	28
ARTICLE 38: ELECTION OF NATIONAL OFFICIALS	28

THE NATIONAL OFFICIALS SHALL BE:	28
ARTICLE 39: VACANCY IN PARTY OFFICES	29
ARTICLE 40: PARTY LEADER	30
ARTICLE 41: DEPUTY PARTY LEADER	30
ARTICLE 42: NATIONAL CHAIRMAN	31
ARTICLE 43: NATIONAL DEPUTY CHAIRPERSONS – GENERAL FUNCTIONS	31
ARTICLE 44: SECRETARY-GENERAL	32
ARTICLE 45: DEPUTY SECRETARY-GENERAL	32
ARTICLE 46: NATIONAL TREASURER	32
ARTICLE 47: NATIONAL ORGANIZING SECRETARY	33
ARTICLE 48: DEPUTY NATIONAL ORGANIZING SECRETARY	33
ARTICLE 49: CHIEF EXECUTIVE OFFICER/DIRECTOR - INTERNAL AFFAIRS	34
ARTICLE 50: DIRECTOR ELECTIONS	34
ARTICLE 51: TSP WOMEN LEAGUE LEADER	34
ARTICLE 52: DEPUTY WOMEN LEAGUE LEADER	35
ARTICLE 53: TSP YOUTH LEAGUE LEADER	35
ARTICLE 54: DEPUTY YOUTH LEAGUE LEADER	35
ARTICLE 55: SECRETARY FOR SPECIAL INTEREST GROUP	35
ARTICLE 56: NATIONAL TRUSTEES	35
CHAPTER SIX: DISCIPLINARY PROCEDURES OF THE PARTY	36
ARTICLE 59: MAIN OBJECTIVE OF DISCIPLINARY PROCEDURES	36
ARTICLE 60: NATIONAL DISCIPLINARY COMMITTEE	36
ARTICLE 61: DISCIPLINE AND COMPLAINTS	37

ARTICLE 63: DISCIPLINARY PROCEEDINGS	39
ARTICLE 64: ADJUDICATION	39
ARTICLE 65: APPEAL	39
ARTICLE 66: APPEAL PROCEDURE	40
ARTICLE 67: INTERNAL PARTY DISPUTE RESOLUTION MECHANISMS	40
CHAPTER SEVEN: FUNDS, ACCOUNTS, ASSETS AND PROPERTIES OF THE PARTY	41
ARTICLE 69: SOURCES OF FUNDS OF THE PARTY	41
ARTICLE 70: UTILIZATION AND WITHDRAWAL OF FUNDS OF THE PARTY	42
ARTICLE 71: FINANCIAL YEAR OF THE PARTY	42
ARTICLE 72: AUDIT OF ACCOUNTS OF THE PARTY	42
ARTICLE 73: AUDITORS	42
ARTICLE 74: CUSTODY OF THE PROPERTIES OF THE PARTY AND APPOINTMENT OF NATIONAL TRUSTEES	42
CHAPTER EIGHT: COALITIONS, ALLIANCES AND MERGERS	43
ARTICLE 75: COALITIONS	43
ARTICLE 76: PRE-ELECTION COALITION	43
ARTICLE 77: POST-ELECTION COALITION	43
ARTICLE 78: ALLIANCES AND MERGERS	44
ARTICLE 79: MERGER RESULTING IN THE DISSOLUTION OF THE PARTY	44
CHAPTER NINE: GENERAL PROVISIONS	45
ARTICLE 81: DISSOLUTION OF THE PARTY AND DISPOSAL OF ITS ASSETS	45
ARTICLE 82: INTERPRETATION OF AND AMENDMENTS TO THE CONSTITUTION	45
ARTICLE 83: RULES, REGULATIONS AND BY-LAWS	46
ARTICLE 84: THE INSPECTION OF ACCOUNTS AND REGISTER OF MEMBERS	46

ARTICLE 85: PRESS AND PUBLICATIONS	46
ARTICLE 86: NOTICES	46
SCHEDULES	47
SCHEDULE II	48
SCHEDULE III	49
Counties of the Republic of Kenya	49



LIST OF ACRONYMS

CCO	-	County Coordinating Office
IEBC	-	The Independent Elections and Boundaries Commission
NDC	-	The National Delegates Conference
NEB	-	The National Elections Board
NEC	-	The National Executive Committee
NGC	-	The National Governing Council
NS	-	The National Secretariat
CCC	-	County Coordination Committee
CCT	-	Constituency Coordinating Team
WCC	-	Ward Coordinating Committee
WL	-	Women's League
YL	-	Youth League
PWDN	-	Persons Living with Disabilities Network



PREAMBLE AND GUIDING PRINCIPLES

We, the Members of The Service Party:

Deeply inspired by the enormous sacrifices that the freedom fighters and forefathers made to attain the independence of the Republic of Kenya;

Recognizing that on such hard-won freedom lies the foundation of a just and democratic government, deriving its powers from the consent and consensus of the people;

Aware of the tremendous burden borne daily by the ordinary Kenyan, in supporting national and devolved governance of this nation, for us all to attain the status of a developed country;

Committed to support devolution to foster democratic and accountable exercise of power for national unity by recognizing diversity through provision of alternative leadership opportunities;

Ensuring the achievement of equality of all Kenyans and recognizing the need for equitable opportunities for all citizens;

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

Intent on striving towards a national state where the welfare of each one of us is the concern of all of us and striving to improve the state of all citizens and the unique place of women, persons living with disabilities and all other special interest groups and minorities;

Appreciating the indisputable fact that the prosperity of our nation and its people lie in their increased economic empowerment, equity 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, intellectual property rights, manufacturing and sustainable development in creating employment and wealth for the people of Kenya.

Committed to the cause of gender equality, which is critical for social inclusion and women empowerment;

Dedicated to the promotion of the youth agenda on education, talent development, employment, enterprise and leadership;

Cognizant of the need for participation of the people in the national agenda and policy formulation;

Driven by the urge to serve the people of Kenya;

Do hereby RESOLVE TO FORM and solemnly embrace **THE SERVICE PARTY** as a grassroots national political party to promote and actualize the ideals and aspirations of the people of Kenya of unity, equity, social justice, gender parity, wealth creation, democracy, good governance, accountability, devolution and sustainable development.

CHAPTER ONE: DESCRIPTION OF THE PARTY

ARTICLE 1: ESTABLISHMENT OF THE SERVICE PARTY OF KENYA

There is hereby established a political party known as 'The Service Party of Kenya, hereinafter referred to as TSP or the Party). TSP is a national grassroots democratic party that aims to achieve good governance for economic prosperity and social justice in service of the people of Kenya.

ARTICLE 2: IDENTITY, VISION AND MISSION

- (1). The Party's logo and symbol is a heart shape inscribed inside a circle, and in the center of the heart is the acronym TSP shaded in the Party's colours, as particularly illustrated in Schedule I attached hereto.
- (2). The Party's flag shall include the Party logo and symbol laid against a background of the Party's colours of royal blue, mustard yellow, red, black and white, with the phrase 'Huduma - Twajiamini' written below the Party's name as particularly illustrated in Schedule II hereto.
- (3). The Party's slogan shall be the Kiswahili phrase 'Huduma -Twajiamini'.
- (4). The Party's vision is 'a Kenya that respects the national values and principles of governance; is food secure; industrialized and prosperous.
- (5). The Party's mission is to mobilize and organize the people of Kenya towards the realization of good governance, devolution, food security, prosperity, constitutionalism and rule of law as we deliver sustainable development to all.

ARTICLE 3: OBJECTIVES

TSP's objectives include:

- (a) Promoting national unity in diversity;
- (b) Strengthening and supporting devolution of public resources and services;
- (c) Promotion and support of equity, reliable social welfare services and social justice by the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalised communities, and members of particular ethnic, religious or cultural communities;
- (d) Promoting and supporting gender equality;
- (e) Promoting programs that tap into Kenya's vibrant, youth-driven digital ecosystem as a way of creating jobs and engaging the youth meaningfully;
- (f) Prioritizing medical research, technology, and manufacturing to achieve universal and affordable healthcare;
- (g) Prioritizing agriculture as the basis for all transformation in Kenya by allocating significant resources to support farmers, focus on agri-technology, intellectual property rights, agribusinesses using value-chain approach;
- (h) Equipping the population with market driven education, knowledge, skills, and technology;
- (i) Providing clean, safe, affordable, and adequate domestic and irrigation water; and reasonable standards of sanitation;

- (j) Prioritizing grassroots visibility and strengthening county-facing organs to enhance local ownership of the Party;
- (k) Promoting sustainable development and clean environment to mitigate against adverse effects of climate change; and
- (l) Identifying and pursuing national interests and peaceful co-existence with other nations.

ARTICLE 4: THE COMMON SEAL OF THE PARTY

TSP shall have a common seal, which shall be kept in the custody of the Secretary-General. Other than documents, which by law must be sealed, the National Governing Council (hereinafter NGC) may by a resolution in writing determine what class of contracts or documents to be sealed in the presence of the Secretary General and Chief Executive Office/Director Internal Affairs.

ARTICLE 5: SITUATION OF THE REGISTERED OFFICE OF THE PARTY HEADQUARTERS

- (1). The location of the national headquarters of the Party shall be in Nairobi at a location to be determined from time to time by the NGC.
- (2). The postal address of the Party shall be **P.O. Box 776 – 00618, Nairobi**. Email: info@tsp.co.ke, theserviceparty@gmail.com, <https://www.tsp.co.ke>, X @TheServiceParty.

CHAPTER TWO: MEMBERSHIP OF THE PARTY

ARTICLE 6: CATEGORIES OF MEMBERSHIP

- (1). The Party shall comprise of Ordinary Members as set out in Article 7.
- (2). An Ordinary member may also enroll as:
 - (a) Sustaining Member;
 - (b) Super Delegate;
 - (c) Online Ambassador or a
 - (d) Volunteers.
- (3). The subscription fees for the above-stated categories will be reviewed from time to time by the NGC as per the Election and Nomination Rules.
- (4). The NGC shall determine rights of membership that are available or that may be enjoyed by categories of members.

ARTICLE 7: REQUIREMENTS FOR MEMBERSHIP

For a person to be a member of TSP, that person must:

- (a) Be an adult citizen of Kenya;
- (b) Not be a registered member of any other political party;
- (c) Pay the prescribed subscription fee for membership; and
- (d) Meet any other criteria that may be set by the NGC from time to time.

ARTICLE 8: ADMISSION OF MEMBERS

- (1). Admission of members to TSP shall be through authorized Party organs and individuals.
- (2). Eligible Kenyans may apply either verbally or in writing to any authorized official or agent of the Party for enrolment.
- (3). A person seeking enrolment shall provide such details as may be determined from time to time by the NGC, which shall include the production of the National Identity Card or Passport.
- (4). Details of membership shall be kept in the Party Register and shall include identification details, gender, disability status, ward, constituency, and county.
- (5). Upon enrolment, each member shall be issued with a Membership Card and the Register updated accordingly and continuously.
- (6). The NGC shall have the discretion to reject an application for membership from any person.

ARTICLE 9: TERMINATION OF MEMBERSHIP

- (1). A person shall cease to be a member of the party if they:
 - (a) Resign by way of a signed letter. Such resignation shall be effective upon delivery and receipt of the signed letter by the Party;
 - (b) Accept an office or promote the activities of any other political party. Such conduct shall be deemed to be resignation from the Party; or
 - (c) Fail to pay the subscription fees or any other dues after a letter of reminder by the Secretary General or other designated official.
- (2). A member who ceases to be a member shall not be entitled to a refund of any fees paid to the Party and shall be struck off the Party's Members Register.

ARTICLE 10: RIGHTS AND DUTIES OF MEMBERS

- (1). A member of TSP shall have the right to:
 - (a) Take part in the discussion, formulation and implementation of the policies of the Party;
 - (b) Receive and impart information on all aspects of the Party's policies and activities;
 - (c) Offer constructive criticism of any member, official, policy, programme or activity of the Party within its structures;

- (d) Take part in elections and be elected or appointed to any committee, structure, commission or delegation of the Party;
 - (e) Entitled to seek Party nomination in a general election; or
 - (f) Submit proposals to the nearest TSP Office, provided such proposals or statements are submitted through the appropriate structures.
- (2). A member of TSP shall have the duty to:
- (a) Be bound by this constitution including the Party's principles, vision, mission, values, and objectives and to support the Party's candidates at elections;
 - (b) Belong to and take an active part in the activities of their nearest TSP Office
 - (c) Take all necessary steps to understand and carry out the aims and policies of the Party, and participate in its programmes;
 - (d) Whenever called upon or on their own initiative, propagate or explain the aims, policies and programmes of the Party to the people; and
 - (e) Deepen their understanding of the social, cultural, political and economic concerns of the country;
 - (f) Take steps to counter any propaganda detrimental to the interests of the Party and defend its policies, aims and programmes;
 - (g) Reject tribalism, sexism, religious and political intolerance, violence, incitement or any other form of discrimination or chauvinism;
 - (h) Observe discipline, behave appropriately as befits a responsible citizen, and loyally carry out the decisions of the majority and respect the decisions of organs of the Party;
 - (i) Refrain from 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;
 - (j) Ensure they are registered as voters in their relevant constituencies;
 - (k) Where a member holds an elective position at county or national government level, they shall be a member of the appropriate Party's caucus and function within the caucuses' articles, abiding by all lawful decisions under general provisions of this constitution and structures of the Party;
 - (l) Be liable to pay such fees as shall be prescribed by the Party; and
 - (m) Support the Party financially and materially when called upon to do so for a good cause.

ARTICLE 11: DISCIPLINE

- (1). 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.
- (2). 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:
 - (a) Be used as a means of stifling debate or denying members their basic democratic rights;
 - (b) Be instituted as a means of settling private or personal disputes or scores;
 - (c) Be used in such manner as to interfere with the private lives of members where the norms

or interests of the organization are not directly affected, unless such conduct itself constitutes a violation or an offence affecting the organization.

(3). A member shall be deemed to have committed a serious offence under this Constitution if that member:

- (a) Acts in a manner that prejudices the integrity and tarnishes the reputation of the Party or its officials;
- (b) Acts in a manner that impedes the activities of the Party;
- (c) Acts in a manner that creates division or disharmony within the Party;
- (d) Does anything that undermines the effectiveness of the Party as an organization;
- (e) Acts on behalf of or in collaboration with:
 - i. Violent or proscribed groups;
 - ii. A political organization or party other than an organization or party in alliance with the TSP in a manner contrary to the aims, policies and objectives of the TSP;
 - iii. Intelligence or the security services of other countries for espionage;
 - iv. Any person or group who interferes with the work of the Party or prevents it from fulfilling its mission and objectives;
- (f) Is convicted for a criminal offence by a court of law and jailed to a minimum period six months;
- (g) Misappropriates of the funds of the Party or willful destruction of its properties;
- (h) Engages in corrupt behavior including but not limited to 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;
- (i) Engages in sexual exploitation or harassment or abuse of office to obtain sexual or any other undue advantage from members or other person;
- (j) Abuses elected or employed office in the Party or in any office of the State to obtain direct or indirect undue advantage or enrichment;
- (k) Behaves or conducts self in a grossly disorderly or unruly manner including but not limited to public fights, deliberate disruption of meetings;
- (l) Interferes with the orderly functioning of the Party;
- (m) 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;
- (n) Undermines the respect for or impedes the functioning of the structures of the Party;
- (o) Participates in organized factional activity that goes against the recognized norms of free debate inside the Party and threatens its unity;
- (p) Behaves in such a way as to provoke serious divisions or a break-down of unity in the Party;
- (q) Showing tribal chauvinism, sexism, racism, religious and political intolerance, regionalism or any form of discrimination;

CHAPTER THREE: GOVERNANCE AND MANAGEMENT STRUCTURE

ARTICLE 12: ORGANS OF THE PARTY

(1). The organs of the Party are:

- (a) The National Delegates Conference (NDC)
- (b) The National Governing Council (NGC)
- (c) The National Executive Committee (NEC)
- (d) The National Working Committee (NWC)
- (e) The National Secretariat (Secretariat)
- (f) Women's League (WL)
- (g) Youth League (YL)
- (h) County Coordination Committee (CCC)
- (i) Constituency Coordination Team (CCT)
- (j) Ward Coordination Committee (WCC)

(2). The organization, functions, rules, and regulations of each of the Party's organs shall be as set out in this constitution or as may be determined by the NGC.

ARTICLE 13: GUIDING PRINCIPLES OF THE PARTY'S ORGANS

The guiding principles of the various organs of the Party and the respective officials and committees are as follows:

- (a) Fairness;
- (b) Accountability;
- (c) Good governance;
- (d) Responsibility;
- (e) Honesty;
- (f) Impartiality;
- (g) Loyalty; and
- (h) Stewardship.

ARTICLE 14: THE NATIONAL DELEGATES CONFERENCE (NDC)

(1). The NDC shall be the highest organ of the Party and shall formulate the Party's policies.

(2). The NDC shall have the following functions and powers:

- (a) To review, formulate and/or approve all policies of the Party;
- (b) To decide on any resolution that may be duly submitted in accordance with the Party's constitution;

- (c) To elect from among eligible members of the Party the national officials from the list of candidates cleared and submitted to it by the National Elections Board using criteria that the NEB shall provide;
 - (d) To receive the National Chairperson's report on activities of the Party;
 - (e) To receive, approve and adopt the Party manifesto from the NGC;
 - (f) To delegate and confer any of its powers or the duties of the NGC or the NEC save for the powers and duties relating to the amendment or alteration of this constitution;
 - (g) To consider any other matters referred to it by the NGC; and
 - (h) To nominate its presidential candidate in accordance with this constitution.
- (3). Notwithstanding a provision to the contrary in the immediately preceding clause above the NDC may, by resolution, decide not to nominate a presidential candidate but instead support another candidate nominated by another party with which it has established a relationship in accordance with this constitution.
- (4). Meetings of the NDC shall include Ordinary sessions and Special sessions.

ARTICLE 15: ORDINARY SESSION OF THE NDC

- (1). The Ordinary Session of the NDC shall be convened by a resolution of the NEC ratified by the National Governing Council.
- (2). The Ordinary Session shall be held once every five (5) years at a place to be determined by the Party Leader in consultation with the NEC. The notice of the meeting shall be given by the Secretary-General 30 days before the date of the meeting.
 - (a) The notice and agenda convening the meeting shall be sent out by the Secretary General, failing which, the Party Leader shall cause a notice and an agenda to be written at least twenty-one days before such date and published through official Party communication platforms.
 - (b) Only agenda items as approved by the National Governing Council shall be discussed at the Ordinary Session of the National Delegates Conference.

(3). The Ordinary Session shall be attended by:

- (a) All national officials;
- (b) All members of the National Governing Council
- (c) All Members of the National Executive Council
- (d) All members of the Party Parliamentary Group;
- (e) All Party Governors and Deputy Governors;
- (f) Majority **OR** Minority Leaders of each County Assembly;
- (g) All County Coordinators
- (h) National Chairperson -Women's League
- (i) National Deputy Chairperson Women's League Leader

- (j) National Chairperson Youth League
 - (k) National Deputy Chairperson Youth League Leader
 - (l) National Trustee(s);
 - (m) Representative of Persons with Disabilities (County Office)
 - (n) Super Delegates and
 - (o) Such other delegates as the National Governing Council may choose to invite to acknowledge special contribution to the Party. Such persons shall not have the right to vote.
- (4). Quorum of the Ordinary Session of the NDC shall be thirty percent (30%) of eligible members present and voting.

ARTICLE 16: SPECIAL SESSION OF THE NDC

- (1). A Special Session of the NDC shall be convened by the Party Leader following consultation with the National Governing Council.
- (2). The notice and agenda convening the meeting shall be sent out by the Secretary-General at least 21 days before such date and published through the Party communication channels.
- (3). Only agenda items as approved by the National Governing Council shall be discussed at the Special Session of the National Delegates Conference.
- (4). A Special Session shall be attended by:
 - (a) The NGC members;
 - (b) All NEC members;
 - (c) All National Officials; and
 - (d) At least 25% of the membership of the NDC.
- (5). Quorum of a Special Session shall be 30% of eligible members present and voting.

ARTICLE 17: PROCEDURE AT MEETINGS OF THE NATIONAL DELEGATES CONFERENCE

- (1). The Party Leader shall chair meetings of the NDC.
- (2). The Party Leader may appoint his or her Deputy or any other official of the NDC to chair any such meeting.
- (3). Each member present shall have one vote and a resolution shall be passed by a simple majority. In the event of an equality of votes, the chairperson of the meeting shall give the casting vote.
- (4). The Secretary-General or in the absence of the Secretary General or the Deputy Secretary General, a secretary appointed by the meeting shall take minutes at meetings of the NDC.

ARTICLE 18: THE NATIONAL GOVERNING COUNCIL (NGC)

- (1). The NGC shall be the second highest organ of the Party. It shall consist of eleven (11) substantive members as follows:
 - (a) The Party Leader (chairing) –with casting vote;
 - (b) The Deputy Party Leader;
 - (c) The National Chairperson;
 - (d) The National Deputy **Chairpersons**;
 - (e) The National Secretary General;
 - (f) The National Treasurer;
 - (g) The National Organizing Secretary;
 - (h) The National Women’s Leader;
 - (i) The National Youth League Leader;
 - (j) The Director of Elections;
 - (k) Director, Internal Affairs;
- (2). The Party Leader may co-opt three (3) other members who shall be active party members representing persons with disabilities or such other interests as he may determine.
- (3). A vacancy, whether amongst the officers of the Party or amongst the members of the NGC, occurring by resignation, permanent incapacity, termination of membership, death or other lawful cause, may be filled by the NGC. A member so co-opted shall hold office for the same term as the member whose place he or she has taken.
- (4). A meeting of the NGC shall be held at least once a year. Quorum of the meeting shall be 30 % of the NGC membership. Should the NGC meeting not proceed due to lack of quorum the Secretary General, or in his absence the Deputy Secretary General, or in the absence of both by the Director Internal Affairs shall convene the meeting in consultation with the Party Leader.
- (5). The NGC shall be the governing body of the Party and shall determine the policy and strategies of the Party and shall be responsible for the overall management of the Party. It shall have the following functions:
 - (a) To initiate activities to promote and further the aims and objectives of the Party;
 - (b) To implement the decisions of the NDC;
 - (c) To make policy and administrative decisions on behalf of the NDC, especially on matters that cannot wait until an ordinary session of the NDC is convened; and to present such decisions for ratification at the subsequent ordinary session of the NDC;
 - (d) To maintain a lean, compliant and dynamic political party that remains cost-effective, functional and sustainable in its operations and governance.
 - (e) Appoint Party representatives to other organizations as need arises;
 - (f) To ensure that the Party participates in issues of national importance and to provide direction on such issues;

- (g) To receive and approve the accounts of the Party and the auditor's report on the accounts and the Treasurer's report on the financial position of the Party;
 - (h) Appoint and determine the terms and conditions of service of the employees of the Party;
 - (i) Receive and review recommendations from the National Working Committee (NWC) and NEC for direction.
 - (j) Receive and approve the financial budget and audited accounts of the Party; and
 - (k) Select and appoint Election Board Members, The Appeals Tribunal, Members of the Disciplinary Committee and make other appointments it may deem necessary for the better carrying out of its functions.
 - (l) To set the annual membership fee from time to time.
- (6). The NGC shall be convened by the Party Leader and shall cause a notice of not less than 14 days prior to convening.
- (7). Decisions of the NGC shall be made by a simple majority. In the event of equal number of votes being casted, the Party Leader or his or her designated representative presiding over that meeting, shall have the casting vote. This process will be applicable in voting in virtual meetings.
- (8). The Secretary General shall cause to be taken the minutes of the NGC.
- (9). The NGC 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 NGC may determine. All such committees shall periodically report their proceedings to the NGC and shall conduct their businesses in accordance with the directions of the NGC.
- (10). The Party Leader may convene, in special circumstances, a special NGC meeting by giving such notice as may be practical and convenient in the circumstances and providing the agenda of the meeting.
- (11). A vote of a majority of the NGC shall suffice to remove a member of the NGC from his or her position. A member who fails, without good cause, to attend three (3) consecutive NGC meetings shall be deemed to have resigned. Such resignation shall be ratified at a subsequent NDC.
- (12).
- (13). The members of the NGC 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 in writing.

ARTICLE 19: THE NATIONAL EXECUTIVE COMMITTEE (NEC)

- (1). There is established a National Executive Committee which shall be the management organ of the Party; and shall consist of the following members:
- (a) All national officials of the Party;
 - (b) Chairperson of the Governors' caucus;
 - (c) Chairperson of the Deputy Governors' caucus;

- (d) Chairperson of the Parliamentary caucus;
 - (e) Party Majority/minority leaders of Parliament;
 - (f) Speakers of Parliament;
 - (g) All elected members of Parliament
 - (h) Chairperson of the County Assembly caucus;
 - (i) Party majority/minority leaders of County Assembly;
 - (j) Speakers of County Assembly;
 - (k) National Chairperson -Women's League
 - (l) National Deputy Chairperson Women's League Leader
 - (m) National Chairperson Youth League
 - (n) National Deputy Chairperson Youth League Leader
 - (o) Representative of Persons with Disability;
 - (p) Two Representatives of Minority/marginalized communities; and
 - (q) Director, Internal Affairs.
- (2). Any vacancy, whether amongst the officials 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 co-opted to fill such a vacancy shall hold office for the remainder of the term of the position that fell vacant.
- (3). The NEC shall have the following functions:
- (a) Ensure that all decisions made by NGC and the NDC are duly implemented;
 - (b) Receive reports and recommendations from *ad hoc* committees and consider them for implementation;
 - (c) Receive and approve the annual programs;
 - (d) Propose agenda items for consideration by NGC;
 - (e) Establish such committees as they may deem necessary from time to time for specified tasks and determine their terms of reference;
 - (f) Recommend to the NGC rules for the better functioning of the Party to implement this constitution;
 - (g) Ensure the Party constitution, rules and policies are adhered to by all members; and
 - (h) Receive and consider reports or proposals from the various caucuses, Women's League, Youth League and other interest groups and make recommendations to the NGC.
- (4). The NEC meetings shall be held at least once a year. The quorum of any meeting of the NEC shall be a third of the NEC's membership.

The National Secretary-General, upon agreement with and instruction from the Party Leader, shall give all the members of the NEC not less than 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 with this constitution, shall have a casting vote.

- (5). The National Secretary-General shall cause to be taken the minutes of the NEC.
- (6). 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 to 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.

ARTICLE 20: NATIONAL WORKING COMMITTEE

1. There is established a National Working Committee which shall be chaired and presided over by the National Chairman. It shall consist of the following:
 - a) The National Chairperson;
 - b) The Secretary General;
 - c) The Organizing Secretary
 - d) Three (3) other members who the Party Leader may appoint from amongst the membership of the NEC;
 - e) Director Internal Affairs.
2. The duties and functions of the NWC shall include:
 - (a) Acting on behalf of NGC and NEC on urgent matters where the two bodies cannot be convened quickly enough to undertake such urgent decisions;
 - (b) Convening short notice executive meetings to execute the mandate of NEC or such other as may be delegated by the NGC;
 - (c) Setting the agenda for NEC with approval by NGC;
 - (d) Approving budgetary plans on behalf of NEC.
3. The NWC may meet at as need dictates. The quorum shall be at least three members.
4. Notice to NWC meetings shall be issued by the National Chairperson.

ARTICLE 21: NATIONAL SECRETARIAT

- (1). There is established a National Secretariat which shall be headed by the Director of Internal Affairs. The Director of Internal Affairs also referred to as the Chief Executive Officer (CEO) shall be a member and employee of the Party appointed by the NGC.
- (2). The Director Internal Affairs shall perform the following functions:
 - (a) Oversee the overall functioning of the Party Secretariat and ensure the smooth functioning of the all other TSP Offices -;
 - (b) Supervise and manage staff;
 - (c) Keep the necessary Secretariat reports.
 - (d) To appoint an auditor, upon approval of NGC;
- (3). The Director of Internal Affairs shall vacate office if he or she ceases to be a member of the Party, by resignation; or conducts themselves in a manner contrary to the Party's Rules and Regulations, and any written law of Kenya; or is removed by a vote of the majority of the NGC.
- (4). NGC shall appoint Secretariat staff as necessary including but not limited the following functional positions: human resources; finance and administration; audit; communication; membership

recruitment and management; events management; and legal affairs.

- (5). Officers appointed to the various functional positions shall develop the necessary policy documents to guide the Secretariat. Such documents shall be approved for use by the NGC.
- (6). Approved documents that are of a public nature shall be publicized through the website of the Party.
- (7). Party policy documents shall be reviewed from time to time to accommodate new legal and administrative developments.

ARTICLE 22: WOMEN'S LEAGUE

- (1). There shall be a Women's League known as the TSP Women League, membership of which shall be open to all women who are members of the Party. The Women League shall be an integral part of the Party and shall be subject to the general direction of the NGC and the Party's general control and discipline at all levels.
- (2). There shall be representation of members of the Women League at National; County and Constituency Committees of the Party.
- (3). The officials of the Women League at National, County and Constituency Offices shall be elected in an election conducted by NEB for a term of 5 years.
- (4) The organization, functions, rules, and regulations of the Women's League shall be determined, established and set out in conformity with the Party's overall objectives and are laid for approval by the NGC.

ARTICLE 23: YOUTH LEAGUE

- (1). There shall be a Youth League known as the TSP Youth League, membership of which shall be open to all Party members aged between eighteen and thirty-five years. The Youth League shall be an integral part of the Party and shall be subject to the general direction of the NGC and the party's general control and discipline at all levels.
- (2). There shall be Youth League representation at National, County and Constituency Committees of the Party.
- (3). The officials of the Youth League National, County and Constituency Offices shall be elected in an election conducted by NEB for a term of 5 years.
- (4). The organization, functions, rules, and regulations of Youth League shall be determined, established and set out in conformity with the Party's overall objectives and are laid for approval by the NGC.

ARTICLE 24: COUNTY COORDINATION COMMITTEE (CCC)

- (1). There shall be an office of the Party known as the County Coordination Office (CCO) established in at least 24 counties.
- (2). The officials in each CCO shall consist of:

- (a) County Coordinator;
 - (b) Organizing Secretary; (
 - (c) Youth Representative;
 - (d) Women League Representative;
 - (e) Online Ambassador;
 - (f) Representative of Persons with Disabilities;
 - (g) Representative of minorities or marginalized ethnic communities;
 - (h) All Area Members of Parliament; and
 - (i) All area elected Members of County Assembly.
- (5). Office County Offices shall have full meetings attended by the officials in consultation with the NGC.
- (6). The officials of the County Coordination Office shall be nominated by NEC and approved by the NGC.

ARTICLE 25: CONSTITUENCY COORDINATION TEAM (CCT)

- (1). There is established a Constituency Coordinator's Team (CCT) in every constituency where the party has a county coordinator's office. The officials in each Constituency Coordinator's Team shall consist of:
- (a) Constituency Coordinator;
 - (b) Organizing Secretary;
 - (c) Youth Representative;
 - (d) Women Representative;
 - (e) Online Ambassador ;-
 - (f) Representative of Persons with Disabilities;
 - (g) Representative of minorities or marginalized ethnic communities;
 - (h) All Area Members of Parliament; and
 - (i) All area elected Members of County Assembly.
- (2) Constituency Offices shall have full meetings attended by the officials in consultation with the NGC.
- (3) Once established by the NGC, the County Office shall select their own local officials by consensus. The officials shall work under the authority of the NGC and shall follow all its lawful directions.

ARTICLE 26: WARD COORDINATION COMMITTEE (WCC)

- (1). The Party may establish a Ward Coordination Committee. This organ shall comprise of volunteers brought together at election time only and when the Party, through the direction of the NGC, may have extensive civic activities.

- (2). The WPCM shall comprise of at least eleven (11) Party registered volunteers;
 - (a) Volunteer Coordinator
 - (b) Three Women Mobilizers
 - (c) Three Youth Mobilizers
 - (d) PWD Mobilizer
 - (e) Minorities Mobilizer
 - (f) Online Ambassador
 - (g) Community Based Organizations Mobilizer
- (3). Such volunteers shall be identified by the Constituency Coordinators in consultation with the County Coordinators and TSP elected leaders in the area. Once identified, the names shall be forwarded to the National Secretariat for ratification by the NGC and NEC.

ARTICLE 27: AUTHORITY AND METHOD OF FILLING VACANCIES IN THE COORDINATING OFFICES

- (1). A position shall fall vacant in the various committees in cases of death; suspension or dismissal from the Party; incapacitation; imprisonment; and/or any other cause that shall render the office bearer unable to perform his or her duties as assigned by the Party.
- (2). The Director of Elections shall coordinate with the various levels of the Party's organs that have been affected for the purpose of carrying out an election to fill a vacant position.
- (3). Notice of the intention to fill a vacant position shall first be sent to the various organs through their officials within 90 days of the occurrence of the vacancy.
- (4). The quorum applicable to carry out any election at whatever level must be two-thirds of all team members.
- (5). In case of a vacancy at the national level, the NGC in consultation with the NEC will temporarily appoint a suitably qualified official to fill the vacant position until a subsequent NDC, ordinary or special session, is convened to elect a substantive replacement.

ARTICLE 28: FUNCTIONS OF THE OFFICE COUNTY COORDINATING COMMITTEE

- (1). County Coordinating Committee shall:
 - (a) Take directions from the NGC and implement them in their respective jurisdiction(s);
 - (b) Register members, mobilize, popularize, and keep the party active in its jurisdiction(s);
 - (c) Receive recommendations from grassroot Party organs and forward them to the NGC; and
 - (d) Coordinate party activities in their jurisdiction(s).

(2). Subject to clause (1);

- a) The County Coordinator shall lead Party affairs at the county level and represent the county at national meetings as may be advised by the NGC
- b) The Organizing Secretary shall act as assistant County Coordinator and coordinate political education in the county;
- c) The Women Representative, who shall also be a member of the Women League, shall lead in the recruitment, engagement and mobilization of women membership to the Party;
- d) The Youth Representative, who shall be a member of the Youth League, shall lead in the recruitment, engagement and mobilization of youth membership to the Party;
- e) The Online Ambassador shall maintain a social media present of the Party, communicate and report on all activities of the office in consultation with the County Coordinator;
- f) The Representative of Persons with Disabilities shall lead in the recruitment, engagement and mobilization of PWD membership
- g) The Representative of minorities and/or marginalized communities shall lead in the recruitment engagement and mobilization of minorities in order to strengthen their presence and representation in the Party.

CHAPTER FOUR: PARTY CAUCUSES

ARTICLE 29: PARLIAMENTARY GROUP

- (1). There is established the Party Parliamentary Group comprising the following officials:
 - (a) The Party Leader;
 - (b) The Deputy Party Leader; and
 - (c) All Members of Parliament, including those in the East Africa Legislative Assembly, who are members of the Party.
- (2). The Parliamentary Group shall have the duty of espousing, advancing and defending the Party's policies and programmes within Parliament; and shall, at all times, whether jointly or severally exercise due diligence in the discharge of their parliamentary duties.
- (3). The Parliamentary Group shall ensure that the Party's legislative, executive, and programmatic agenda to fosters cohesion among elected representatives on party positions.
- (4). Opposition to the Party's business in Parliament without justifiable cause shall result in a Member being de-whipped.
- (5). The Party Leader shall convene and preside over Parliamentary Caucus Meetings.

ARTICLE 30: GOVERNORS' CAUCUS

- (1). There shall be established a caucus of Governors and Deputy Governors elected on the party ticket.
- (2). The Party Leader or his designate shall convene the first Governors' Caucus.

- (3). The Governors' caucus shall make its own rules and regulations to convene and govern the conduct of its meetings and deliberations, provided that such rules shall be laid before the NGC for approval.
- (4). The Caucus shall elect its officials.
- (5). The Governors' Caucus shall ensure that the Party's legislative, executive and programmatic agenda in their respective County Governments to fosters cohesion among elected representatives on party positions.

ARTICLE 31: COUNTY ASSEMBLIES' CAUCUS

- (1). There shall be established a national caucus of the county assemblies to be made up of all the Party's County Assembly Speakers, Deputy Speakers and elected and nominated Members of County Assemblies.
- (2). The Party Leader or his designate shall convene the first County Assemblies' Caucus.
- (3). The County Assemblies' Caucus shall make its own rules and regulations to convene and govern the conduct of its meetings and deliberations, provided that such rules shall be laid before the NGC for approval.
- (4). The County Assemblies' Caucus shall ensure that the Party's legislative agenda in their respective County Assemblies fosters cohesion among elected representatives on party positions.
- (5). Opposition of the Party's business in County Assemblies without justifiable cause shall result in a Member being de-whipped.

CHAPTER FIVE: ELECTIONS AND OFFICE BEARERS OF THE PARTY

PART I: ELECTIONS AND NOMINATIONS

ARTICLE 32: NATIONAL ELECTIONS BOARD

- (1). There is established the National Elections Board whose mandate is to plan, organize, direct, conduct, supervise and/or coordinate all Party elections and nominations of candidates for national elective political positions.
- (2). The National Elections Board shall be appointed by the NGC and shall comprise of not less than three (3) but not more than (5) respected and knowledgeable persons of high integrity who do not hold any elective Party position and at least one-third shall be either of gender.
- (3). The NGC shall appoint the Chairperson of the Board. The Chairperson shall chair all meetings of the National Elections Board.
- (4). In the absence of the Chairperson the meeting shall appoint one among the present members to chair that meeting. The National Secretariat shall provide secretarial support services to the Board.
- (5). The members of the National Elections Board may serve for a term of five years and shall be eligible for re-appointment at the expiry of their term, subject to a limit of two consecutive terms.

ARTICLE 33: FUNCTIONS OF THE NATIONAL ELECTIONS BOARD

- (1). The National Elections Board shall:
 - (a) Supervise all the Party's elections and nominations;
 - (b) Originate election and/or nomination rules and regulations for approval by the NGC;
 - (c) Appoint appropriate officers to conduct the Party's elections and/or nominations at the national, AND Coordinating Office levels;
 - (d) Vet any of the Party's nominees for appointment by the requisite Party organ to any positions that the Party by law is entitled to nominate members; and send the list of the vetted nominees to the NGC for ratification;
 - (e) Submit the list of final election results to the NGC together with the Nomination or Election certificates;
 - (f) Announce results and keep custody of the Party's nomination and election results and certificates;
 - (g) Issue all nomination and election certificates which shall be signed by the National Chairperson and the Secretary General or in case of the absence of either the Director Internal Affairs; and
 - (h) Submit list of duly elected Party nominees to the IEBC.
 - (i) Together with the NWC, prepare and submit for approval lists of proposed candidates for nomination to political party lists.
- (2). The NEB shall make its own rules of procedure for its meetings. Perform all other functions and duties customary to the NEB of a political party or such other functions as may be prescribed by the Law.

ARTICLE 34: APPEALS TRIBUNAL

- (1). There is established an Appeals Tribunal which shall be composed of not less than 5 members, provided that at least two-third of whom shall not be of the same gender.
- (2). The Chairperson and Members of the Appeals Tribunal shall be appointed by the NGC.
- (3). In the absence of the Chairperson the meeting shall appoint one among the present members to chair that meeting.
- (4). The Appeals Tribunal shall have jurisdiction to hear and determine disputes arising from party nominations and elections.
- (5). 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.
- (6). The Chairperson shall be an Advocate of the High Court of Kenya qualified to be a judge of the High Court of Kenya
- (7). The other members of the Appeals Tribunal shall have the following qualifications:
 - (a) Be citizens of Kenya;

- (b) Must be a holder of a university degree from a recognized university
 - (c) Be reputable, knowledgeable, competent and impartial;
 - (d) Possess not less than five years of relevant work experience;
 - (e) Not hold an office in another political party;
 - (f) Be paid-up member of the Party.
- (8). The Appeals Tribunal shall make rules to govern procedures and the conduct of its affairs, which shall be ratified by the NEC.

ARTICLE 35: POWERS OF THE APPEALS TRIBUNAL

- (1). The Powers of the Appeals Tribunal shall be as follows:
- (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) Shall be at liberty to summon witnesses.
 - (e) Powers to dispense oral evidence
 - (f) Powers to dispense with rules evidence
 - (g) Call for originals or copies of all relevant records in relation to the matters before the tribunal for determination;
 - (h) 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;
 - (i) Seek a negotiated and amicable resolution of the matter or appeal, this being the preferred methodology of resolution of appeals;
 - (j) 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;
 - (k) A negotiated and amicable resolution of the matter or appeal may be attempted even after a decision has been made by the tribunal;
 - (l) Annul a nomination or election
 - (m) Give directions including conduct repeat of fresh nomination election
 - (n) Reverse the election result, and or declare the appellant the winner of the election and nominee elect;
 - (o) Decline to interfere with the results of the nomination election, and or uphold the results.

ARTICLE 36: NOMINATIONS

- (1). The Party shall conduct nominations through competitive free, fair and transparent nominations at national, county, sub-county and ward levels through consensus, secret ballot, direct nominations or other democratic method as sanctioned by the NGC.
- (2). Unless otherwise provided for in written agreement between the Party and any other party or

coalition, the Party Presidential and Deputy Presidential candidates shall:

- (a) Be fully paid-up members of the Party and be nominated by the NDC after presenting such documents as shall be decided by the NGC and in accordance with the Party's nomination rules and regulations.
 - (b) Pay a non-refundable prescribed nomination fee or as may be determined by the NEB from time to time.
 - (c) Meet all the requirements for presidential elections under the Kenyan Constitution, this constitution, national electoral laws or any other law in force in the Republic of Kenya.
 - (d) Sign an agreement with the Party binding them to abide by all duties and obligations required of them by the Party.
- (3). Nothing precludes the NGC in consultation with the NEB from fielding a candidate for any election or by-election.

ARTICLE 37: REQUIREMENTS FOR CANDIDATES

The candidate shall meet the eligibility requirement as prescribed in the Rules and/ or by the NEB. The candidates must satisfy the following:

- (a) Be a fully paid-up member of the Party;
- (b) Apply in writing to the National Elections Board and provide copies of requisite documents such as shall be required by the National Elections Board;
- (c) Pay a non-refundable nomination fee as may be determined by the NEB from time to time;
- (d) Meet the requirements of the particular elections under the Constitution of Kenya, laws of Kenya and the regulations thereunder, this constitution, and the nomination and elections rules.
- (e) Sign an agreement with the Party binding themselves to abide by all duties and obligations required of them under this constitution.

ARTICLE 38: ELECTION OF NATIONAL OFFICIALS

THE NATIONAL OFFICIALS SHALL BE:

1. Party Leader
2. Deputy Party leader
3. National Chairperson
4. Deputy Chairperson - Operations
5. Deputy Chairperson -Strategy
6. Secretary General

7. Deputy Secretary General
8. National Treasurer
9. National Organizing Secretary
10. Deputy Organizing Secretary
11. Director Elections
12. Director, Legal and Constitutional Affairs
13. National Women League Leader
14. National Deputy Women League Leader
15. National Youth League Leader
16. National Deputy Youth League Leader
17. Secretary for Special Interests Groups (F)
18. Secretary for Special Interests Groups (M)
19. Chief Executive Office/Director Internal Affairs

- (1) The National Party officials shall be elected by the NDC through an Electoral College System, Consensus or Digital Election System as deemed expedient by NEB.
- (2) The NEB shall conduct the elections for the National Party officials.
- (3) The National Party Officials shall hold office for a term of five years renewable no more than four (4) times.
- (4) Notwithstanding the foregoing, the interim Party officials shall be confirmed by the NDC as substantive Party officials for a period of five (5) years.
- (5) Elections shall be through secret ballot or any other method of voting acceptable to the delegates in session; and where an office is contested by more than one candidate, the vote shall be decided by a simple majority.
- (6) Where only one candidate is nominated to an office at the close of the nominations, that candidate shall be declared duly elected to the office for which he or she was nominated. Nomination of all candidates shall be in the prescribed form.
- (7) Any National Official may attend any meeting(s) organized at the County or Constituency level, as an ex-officio member.

ARTICLE 39: VACANCY IN PARTY OFFICES

- (1). A vacancy in Party office may arise in cases of:
 - (a) Death;
 - (b) Removal for misconduct or indiscipline;
 - (c) Resignation;
 - (d) Jail sentence of more than six (6) months;
 - (e) Physical or mental incapacity;

- (f) Bankruptcy;
 - (g) Appointment into public office;
 - (h) Allegiance to another party;
 - (i) Fraud;
 - (j) Incompetence; or
 - (k) Commission of other offences as prescribed in the Elections Offences Act.
- (2). In the event that the Party Leader is unable to discharge of his or her duties by reason of physical or mental infirmity, death, resignation or where he or she ceases to be a Party member, a Special Session of the NDC shall be convened to elect a new Party Leader.
- (3). In the event that the Deputy Party Leader is unable to discharge his or her duties by reason of physical or mental infirmity, death or resignation, or where he or she ceases to be a Party member, the Party Leader shall appoint a new Deputy Party Leader without any need to convene any National Delegates Conference.

PART II: THE PARTY'S NATIONAL OFFICE BEARERS

ARTICLE 40: PARTY LEADER

- (1). The Party Leader shall:
- (a) Be the overall leader of the Party and symbol of unity.
 - (b) Promote national cohesion, cooperation and integration of all Party members, in national development.
 - (c) Provide strategic political leadership to the Party.
 - (d) Champion the Party's election campaigns.
 - (e) Lead the Party's political negotiations for purposes of forming desirable coalitions or other forms of cooperation.
 - (f) Preside over all meetings of the NDC, the NGC and all other party organ meetings that he shall attend.
 - (g) Preside over the Party Caucus meetings.
 - (h) Confer commendations to Party Members who have made outstanding contributions to the Party.
- (2). The Party Leader may attend or summon a meeting of any organ of the Party at any time.

ARTICLE 41: DEPUTY PARTY LEADER

The Deputy Party Leader shall:

- (a) Assist the Party Leader and carry out duties of the party leader in his or her absence.
- (b) Deputise the Party Leader and perform such duties and functions as might be expressly delegated to him/her by the Party Leader.

- (c) Assist the Party Leader in developing policy formulation processes and development.
- (d) Assist the Party Leader in formulating the Party's Strategic Plan.

ARTICLE 42: NATIONAL CHAIRMAN

The National Chairman shall:

- (a) Chair the meetings of the NWC and NEC;
- (b) Chair any other meetings requiring his or her attendance;
- (c) Champion the unity of all organs of the Party and build cordial relations in the Party's leadership;
- (d) Consult and take counsel from the Party Leader on any matter in dispute or under controversy within any Party organ or amongst Party members;
- (e) Ensure order at all meetings of the Party organs;
- (f) Coordinate and liaise with other political entities;
- (g) Collect political intelligence and advise on strategies to popularize the party at the grassroots; and
- (h) Perform such duties and functions as are customary to the office of National Chairperson.

ARTICLE 43: NATIONAL DEPUTY CHAIRPERSONS – GENERAL FUNCTIONS

- (1). There shall be a National Deputy Chairperson - Operations and a National Deputy Chairperson - Strategy.
- (2). The National Deputy Chairpersons shall:
 - (a) Deputize the National Chairman and perform any duties of the National Chairman in his/her absence;
 - (b) Assist the National Chairman in matters relating to coordination and liaison with other political parties;
 - (c) Collect political intelligence and advise on strategies to popularize the party at the grassroots;
 - (d) Oversee and coordinate standing, *ad hoc* and specialized national committees of the Party;
 - (e) Assist the National Chairman in all matters pertaining to logistics and operations;
 - (f) Assist with matters relating to coordination of local strategic review, organizing strategic groups at the regional level to ensure that the party adopts such strategies which take cognizance of the local sensitivities and concerns;
 - (g) Maintain liaison with TSP Offices and established think-tanks to facilitate a feedback mechanism to the center that culminates into a coherent national strategic party planning and action;
 - (h) Streamline and encourage strategic discourse and activities at the grassroots level that facilitates timely response to regional needs of the party;
 - (i) Perform any other duties as might be delegated to him/her by the National Chairperson from time to time.

ARTICLE 44: SECRETARY-GENERAL

The Secretary-General shall be responsible for the management of the National Secretariat and remain the principal custodian of the Party records from the grassroots to the national level. His or her responsibilities shall include:

- (a) Ensuring that all meetings, including the NEC, NGC and NDC, take place as provided for in this constitution.
- (b) Keeping or causing to be kept a proper record of minutes of all meetings of the NEC, NGC and NDC; ensuring the distribution of such minutes; and conveying of decisions made to persons concerned.
- (c) Issuing correspondence on behalf of the Party's organs in which he or she is a member and sending out notices of all meetings of the organs concerned.
- (d) Preparing annual reports on the work of the NEC, NGC and NDC.
- (e) Being the depository and custodian of all the Party's documents including the Party's seal; Register of minutes; instruments of intellectual property rights; instruments of registration; records of registration of all Party Offices; and register of Party members.
- (f) Ensuring statutory compliance and issuance of notices.
- (g) Implementing the decisions of the organs of the Party.
- (h) Corresponding and consulting with the Registrar of Political Parties, on behalf of the Party, as the authorized principal officer of the Party, provided that where necessary he/she may authorize the National Chairman and/or the Director Internal Affairs.
- (i) Any other duties conferred upon him or her by this Constitution or the NEC.

ARTICLE 45: DEPUTY SECRETARY-GENERAL

The Deputy Secretary General shall under the direction of the Secretary General:

- (a) be in charge of Party protocol, act as a liaison officer with local and international organizations and agencies;
- (b) play host to visiting delegations and guests of the Party;
- (c) liaise with the Party Parliamentary Group through the Secretary for Parliamentary Affairs, and be in charge of the implementation of Party's strategies, policies and programs;
- (d) oversee the development and revision of the Party manifesto;
- (e) co-ordinate Party meetings and conferences,
- (f) ensure that returns are filed as required by law and perform such other specific assignments as might be delegated to him or her by the Secretary General from time to time.

ARTICLE 46: NATIONAL TREASURER

The National Treasurer shall be in charge of the Party's finances and shall supervise all financial transactions at all

Party levels under the direction of the NGC. In this regard the National Treasurer shall:

- (a) Receive and bank all monies on behalf of the NGC;
- (b) Operate a bank account together with such other signatories as may be specified by the NGC;
- (c) Keep such books of account as may be necessary in clearly recording the financial position of the Party;
- (d) Prepare annual Party budgets or estimates; and overall fiscal planning;
- (e) Monitor financial allocations and expenditure according to departmental votes as may be approved by the NGC;
- (f) Ensure the execution of prudent stewardship standards and best financial practices to protect the Party's finances;
- (g) Prepare or cause to be prepared and submitted to the NGC a financial statement every calendar year; and ensure that the duly audited annual accounts are posted on the Party website;
- (h) Be responsible, in conjunction with Party's Trustees, for the formulation and execution of resource mobilization plans and strategies;
- (i) Perform such duties and functions as are customary to the office of the National Treasurer.

ARTICLE 47: NATIONAL ORGANIZING SECRETARY

The National Organizing Secretary shall subject to the directions and delegated authority of the NGC and or the Party Leader:

- (a) Be responsible for all political mobilizations of the Party;
- (b) Articulate the Party's position of various issues;
- (c) Organize public meetings, functions and tours for meeting the public;
- (d) Be responsible for promoting and mobilizing Party activities, including recruitment of Party members at County and Constituency level;
- (e) Coordinate effective functioning of all County and Constituency Offices and ensure they hold meetings in accordance with the requirements of this constitution;
- (f) Maintain and develop new relationships with party supporters;
- (g) In consultation with the Secretary-General and the NEC, supervise the organization of the NDC and NGC, and thereafter report on the progress of such meetings.
- (h) Perform all the functions that are customary to the office of the National Organizing Secretary.

ARTICLE 48: DEPUTY NATIONAL ORGANIZING SECRETARY

- (1). There shall be a Deputy National Organizing Secretary (who shall deputise the National Organising Secretary in his or her various functions

- (2). The Deputy National Organizing Secretary (shall work under the direction of the National Organizing Secretary and assist him or her in all matters relating to organization of public meetings, functions and meet-the-people tours. He or she shall also perform all such assignments as he or she shall be assigned from time to time by the National Organizing Secretary.

ARTICLE 49: CHIEF EXECUTIVE OFFICER/DIRECTOR - INTERNAL AFFAIRS

The CEO/Director Internal Affairs shall be the head of the National Party Secretariat in-charge of day-to-day management of the Party affairs and shall work under the direction of NGC.

ARTICLE 50: DIRECTOR ELECTIONS

The Director Elections shall be the lead liaison Official of the Party between the NGC and NEB as far it relates to Party Election Matters and in particular:

- (a) Advising the Party through the NGC on matters related to the formulation of policies, and strategies for the conduct and smooth running of Party elections and nominations;
- (b) Work with the NEB on election matters;
- (c) Work with NEB in formulating and implementing Party policies on nominations and elections;
- (d) Consulting and liaising with NEB on strategic approaches to nominations and elections; and
- (e) Perform any other function as may be assigned by NGC.

ARTICLE 52: DIRECTOR FOR LEGAL AND CONSTITUTIONAL AFFAIRS

The Director shall:

- (a) Be the legal adviser to the Party in all administrative, policy, legal and constitutional matters;
- (b) Be in charge of the development and monitoring implementation of public policy as may be approved by the NGC
- (c) Perform such other duties as may be directed by the NGC
- (d) Advise on legal and constitutional compliance;
- (e) Formulate compliance audit policy and check list
- (f) Advise on court decisions touching on political party matters' and
- (g) Give advice on litigation and non-litigation matters in the Party.

ARTICLE 51: TSP WOMEN LEAGUE LEADER

The TSP Women League Leader shall:

- (a) Oversee and coordinate activities of the Women's League.

- (b) Represent and advocate for the inclusion of women's issues in the Party platforms
- (c) Promote and mobilize Party activities and policies among the women of Kenya, under the direction of the NGC.
- (d) Submit periodic reports on the performance of the Women's League the Office to the NGC.

ARTICLE 52: DEPUTY WOMEN LEAGUE LEADER

The Deputy Women League Leader shall deputize the TSP Women League Leader and perform any of her duties in the latter's absence.

ARTICLE 53: TSP YOUTH LEAGUE LEADER

The TSP Youth League Leader shall:

- (a) Oversee and coordinate activities of the Youth League;
- (b) Represent and advocate for inclusion of youth issues in the Party platforms;
- (c) Promote and mobilize Party activities and policies among the youth of Kenya under the direction of the NGC; and
- (d) Submit periodic reports on the performance of the Youth League to NGC.

ARTICLE 54: DEPUTY YOUTH LEAGUE LEADER

The TSP Deputy Youth League Leader shall deputize the TSP Youth League Leader and perform any duties of the latter in his or her absence.

ARTICLE 55: SECRETARY FOR SPECIAL INTEREST GROUP

The Secretary for Special Interest Groups shall be responsible for:

- (a) Promoting the interest of special interest groups within the Party mainstream, in terms of representation and participation in Party structures and activities;
- (b) The identification and mobilization of special interest groups and ensuring that special interest groups have a national presence and profile within the Party; and
- (c) Performance of such other related duties as may be directed by the NGC.

ARTICLE 56: NATIONAL TRUSTEES

The National Trustees shall:

- (a) Hold in trust the property and assets of the Party;
- (b) Propose investments that the Party may undertake for consideration by the NGC;
- (c) Advise NGC on the management and utilization of the Party's properties and assets to promote the proper utilization of funds in the interest of the Party.

ARTICLE 57: INTERIM NATIONAL PARTY OFFICIALS

- (1). The Party Leader and the founding officials on record shall appoint the interim National Officials of the Party.
- (2). All interim party officials shall serve for a term not exceeding five (5) years from the date of appointment until elected under this constitution and the rules.
- (3). The Party shall recruit and/ -or appoint its officers, staff and or personnel based on professional qualifications, experience, competence and skills required to run the Party National Secretariat.

CHAPTER SIX: DISCIPLINARY PROCEDURES OF THE PARTY

ARTICLE 58: RELATIONSHIP WITH RIGHTS AND DUTIES OF MEMBERS

The provisions of this chapter shall be read together with the provisions related to rights and duties of members in this constitution provided with respect to matters of discipline of members of the Party.

ARTICLE 59: MAIN OBJECTIVE OF DISCIPLINARY PROCEDURES

The main objective of disciplinary procedures is to ensure that all disciplinary proceedings are:

- (a) Formal;
- (b) Just and fair;
- (c) Transparent;
- (d) Proceed on the presumption of innocence of the accused;
- (e) Afford a member an opportunity to defend himself or herself;
- (f) Afford the member an opportunity to appeal a decision on discipline to a higher level;
- (g) Are based on the principles of fair administrative action and natural justice;
- (h) Parties have a right to representation by an advocate, expert or interpleader;
- (i) Opportunity to challenge and adduce evidence; and
- (j) Right to expeditious and efficient proceedings.

ARTICLE 60: NATIONAL DISCIPLINARY COMMITTEE

- (1). There is established a National Disciplinary Committee that shall have the power to receive, hear and determine all cases of discipline concerning Party Members.
- (2). The National Disciplinary Committee shall be composed of not less than three (3) and at least one-third shall be either of gender.
- (3). A majority of members shall make the quorum.

- (4). The Chairperson of the National Disciplinary Committee shall be appointed by the NGC.
- (5). The Chairperson of the National Disciplinary Committee shall be a person who is qualified to be an advocate qualified to be appointed a judge of the High Court of Kenya and conversant and experienced in alternative disputes resolution mechanisms.
- (6). The Members of the National Disciplinary Committee shall be appointed by the NGC from among persons who are:
 - (a) Citizens of Kenya;
 - (b) Above the age of 18 years;
 - (c) Conversant and experienced in alternative disputes resolution mechanisms and administrative procedures;
 - (d) Reputable, knowledgeable, competent and impartial;
 - (e) Not holding any other office in the Party; and
 - (f) Paid up members of the Party.
- (7). In the absence of the Chairperson the meeting shall appoint one among the present members to chair that meeting.
- (8). The National Disciplinary Committee shall make its own rules of procedure which shall be approved by the NGC. The stated rules shall comply with written laws of Kenya, the rule of law and rules of natural justice.
- (9). The members of the National Disciplinary Committee shall hold office for five (5) years and are eligible for re-appointment at the expiry of their term.

ARTICLE 61: DISCIPLINE AND COMPLAINTS

- (1). There is established the National Disciplinary Committee, which shall receive, hear and determine all cases of discipline concerning Party members.
- (2). Any Party member may, by a written and signed complaint, refer to the National Disciplinary Committee an issue of discipline.
- (3). The National Disciplinary Committee shall have power to:
 - (a) Dismiss a complaint;
 - (b) Decline to admit a frivolous complaint. Uphold the complaint without sanctions
 - (c) Impose sanctions which may include penalty, reprimand, censure, and suspension, removal from office or expulsion from the Party.
 - (d) Where an elected member appears before the National Disciplinary Committee, the Committee will recommend to the NGC the preferred sanctions which shall include de-whipping or expelling the member. Provided that, in certain urgent instances, the NWC can recommend sanctions to the NGC.
- (4). A disciplinary issue shall arise on the ground of gross misconduct. A member shall be liable to the Party's disciplinary measures if he or she engages in any conduct proscribed as provided in this this

Constitution.

- (5). The National Disciplinary Committee shall afford fair hearing to a member whose matter it is seized of, including allowing such a member reasonable opportunity to defend himself or herself against the allegations made against him or her.
- (6). A disciplinary decision to suspend or expel a member shall be ratified by the NGC. The decision of the NGC, as stated, shall be final.
- (7). A vacancy resulting from the disciplining of a member shall be filled in the same manner as it was initially filled.
- (8). The Party's County, and Constituency Offices, shall have no power to suspend or expel a member of the Party.
- (9). Where an issue of discipline is referred to the Party County Coordinators Office or Constituency Coordinators Office a special disciplinary committee at the relevant level shall be constituted to deliberate on the issue brought before it. Where such relevant committee is of the view that the misconduct is so serious as to warrant suspension or expulsion, such relevant committee shall refer the matter to the National Disciplinary Committee. The latter shall review the matter and make an appropriate decision. The foregoing notwithstanding, a disciplinary committee at the level of County or Constituency shall have power to censure or reprimand a member.
- (10). A Party member under a disciplinary process shall have the right of self-representation or engage representation in the disciplinary proceedings.

ARTICLE 62: COMMENCING A DISCIPLINARY PROCESS

- (1). Disciplinary proceedings may be instituted only for violations or offences of the TSP constitution; the Party's rules, standing orders, codes of conduct; or violations of the rights and duties of members provided in this constitution.
- (2). The Party County and Constituency Offices shall have no power to suspend or expel a member of the Party. Where an issue of discipline is referred to the Party by any of these offices, it shall constitute a Special County Disciplinary Committee to deliberate on the issue provided that an affected member shall not sit to hear his or her own matter.
- (3). Where the Special County Disciplinary Committee is of the view that the misconduct is so serious as to invite suspension or expulsion, this Committee shall refer the matter to the National Disciplinary Committee which shall hear the dispute. Provided however the County, Constituency shall only have the power to censure or reprimand.
- (4). A party aggrieved by the decision of the County Office decision may apply for review/or appeal to the National Disciplinary Committee.
- (5). The National Disciplinary Committee may hear and decide:
 - (a) Cases referred to it by the Party's national officials, any other organs and/or aggrieved party member;
 - (b) Application for reviews of decisions of the subordinate disciplinary committees of the Party; and

- (c) Cases constituting grave violations or offences, without request.

ARTICLE 63: DISCIPLINARY PROCEEDINGS

- (1). Upon receipt of complaints, the Disciplinary Committees shall issue the affected member a notice to show cause why they should not be disciplined, the affected member shall show cause why within fourteen (14) days.
- (2). The Disciplinary Committee shall communicate within seven (7) days the summary of its facts, evidence, and findings to the parties.
- (3). Where the Disciplinary Committee determines that disciplinary action should commence, it shall invite the respondents for hearing.
- (4). During the hearing the complainant shall prosecute his or her complaint the respondent shall respond.
- (5). The complainant shall have right of rejoinder. The Disciplinary Committee may direct parties to make submissions.
- (6). The Committee shall render its decision within five (5) days.
- (7). Parties are entitled to copies of the decision upon payment of prescribed fee.

ARTICLE 64: ADJUDICATION

- (1). By the end of the disciplinary proceedings, the chairperson of the disciplinary committee shall ensure that:
 - (a) The members of the disciplinary committee have deliberated the issues raised at the disciplinary proceedings and subsequently made a just and fair ruling based on the facts and evidence presented in the case at hand;
 - (b) The members of the disciplinary committee have decided on appropriate disciplinary action where an accused member is found culpable of the complaint made against him or her. disciplinary action shall include:
 - i. Reprimand;
 - ii. Payment of fine;
 - iii. Compensation, restitution and/or performance of ordered tasks;
 - iv. Suspension;
 - v. Expulsion; or
 - vi. Any other sanction that could be deemed appropriate
- (2). Provided, however, the County or Constituency disciplinary committees shall only have the power to censure or reprimand.
- (3). Upon the decision, a member shall be made aware of the decision of the committee at the earliest opportunity.

ARTICLE 65: APPEAL

- (1). An appeal may be lodged by:
 - (a) The directly affected member; or
 - (b) The organ or officials who brought filed the complaint.
- (2). A second appeal may lie to the NGC unless the NGC directs that an appeal from a subordinate disciplinary committee should be heard by any another higher disciplinary committee.

ARTICLE 66: APPEAL PROCEDURE

The following procedure must be followed for appeals:

- (1). The appeal shall:
 - (a) Be made within 14 days of the charged member being informed of the ruling and penalty with the reasons for these;
 - (b) Be in written form;
 - (c) Set out the reasons for the appeal in reasonable detail; and
 - (d) Set out the grounds for the appeal in reasonable detail.
- (2). Except in exceptional circumstances determined by the chairperson of the appellate disciplinary committee, no new evidence may be presented or considered in an appeal. No new charges shall be brought in an appeal.
- (3). The chairperson and the members of the appellate disciplinary committee shall deliberate on issues raised in an appeal hearing and decide based on the evidence presented.
- (4). The affected member making an appeal shall be advised of the outcome of the appeal and reasoning behind it.

ARTICLE 67: INTERNAL PARTY DISPUTE RESOLUTION MECHANISMS

- (1). The party shall establish an Internal Dispute Resolution Panel (IDRP) consisting of three members appointed by the National Executive Committee. Members shall be party members of good standing, with at least five years of experience in governance or legal affairs.

- (2). Disqualifications: A member shall be disqualified from serving in this Panel if they have:

- i. conflict of interest in the dispute,
- ii. pending criminal charges, or
- iii. are holding elective office within the party.

- (3). Any member or organ of the party may submit a dispute in writing to the Panel. Upon

receipt, the Panel shall acknowledge within **5 days**, conduct hearings within **14 days**, and issue a written determination within **7 days** after the hearing.

- (4). Hearings shall be fair, allowing both parties to present evidence and call witnesses.
- (5). Decisions of the Panel shall be final within the party. However, , if the dispute is of such a nature that the Panel cannot resolve it, it shall notify the NGC who shall appoint a mediator.
- (6). The mediator's decision on a dispute shall be tabled before the NGC whose decision on the dispute shall be binding.
- (7). A dispute shall not be referred to external mechanisms, including the law courts of Kenya or other tribunals, before exhaustion of the remedies provided by the Internal Dispute Resolution Mechanisms of the Party, unless the dispute relates to commission of a criminal offence.
- (8). The Party's internal dispute resolution mechanisms shall conform to Articles 47 and 50 of the Constitution of Kenya, 2010.

CHAPTER SEVEN: FUNDS, ACCOUNTS, ASSETS AND PROPERTIES OF THE PARTY

ARTICLE 68: RESPONSIBILITY FOR MANAGEMENT OF FUNDS AND ACCOUNTS OF THE PARTY

- (1). The NGC shall establish rules governing the collection, management, investment, and expenditure of funds of the Party.
- (2). The Party shall operate bank account(s) according to modalities laid down by the NGC.
- (3). The National Treasurer shall be signatory to the stated bank accounts.
- (4). There shall be such other signatories to the stated bank accounts as shall be by resolution determined by the NGC.

ARTICLE 69: SOURCES OF FUNDS OF THE PARTY

The sources of funds of the Party shall include the following:

- (a) Membership dues, grants, contracts, donations and other pledges accepted by the NEC and approved by the NGC on behalf of the Party;
- (b) Revenue from investments;
- (c) Grants, donations and legacies;
- (d) Net income from publications and consultancies;
- (e) Fundraisings;

- (f) Funding from the exchequer as provided in the laws of Kenya;
- (g) Nomination fees;
- (h) Contributions from the Party's members of parliament; governors; deputy governors and members of county assembly;
- (i) Other lawful sources of funds.

ARTICLE 70: UTILIZATION AND WITHDRAWAL OF FUNDS OF THE PARTY

- (1). Any funds received by the Party from the State shall be used in accordance with the law regulating the use of such funds and shall not, whatsoever be shared amongst party members.
- (2). Withdrawals of funds of the Party shall be made against expenditure in the approved budgets or by resolutions of the NGC.

ARTICLE 71: FINANCIAL YEAR OF THE PARTY

The financial year of the Party shall be a twelve-month period commencing on the 1st day of July and ending on the 30th day of June of the subsequent year.

ARTICLE 72: AUDIT OF ACCOUNTS OF THE PARTY

- (1). Audit of accounts of the Party shall be carried out in accordance with Section 31 of the Political Parties Act. Nonetheless, the Party may, if it deems it necessary, 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.
- (2). All Party accounts, records and documents shall be open to inspection by the auditor at any time.
- (3). Upon completion of the audit, the audited accounts shall be signed for submission to the relevant offices by the National Treasurer, Secretary-General and Director Internal Affairs of the Party.
- (4). The National Treasurer or her/his designate shall cause the necessary reports, including audited accounts, to be tabled before the NGC not more than three (3) months after the 30th day of June every year.
- (5). The National Treasurer, through the National Secretariat shall produce and submit up-to-date audited accounts of the Party to the NGC. The NGC shall give update reports on the same to the NDC.

ARTICLE 73: AUDITORS

- (1). The National Governing Council shall appoint or re-appoint a qualified, registered auditor to audit the books of the Party. The Auditor shall not be an office bearer or a member of any committee of the Party.
- (2). The Auditor shall be paid such honorarium for his duties as shall be approved by NGC.

ARTICLE 74: CUSTODY OF THE PROPERTIES OF THE PARTY AND APPOINTMENT OF NATIONAL TRUSTEES

- (1). The properties of the Party shall be vested in three (3) National Trustees who shall hold the properties in trust for the members of the Party in accordance with the provisions of the Party's constitution herein.
- (2). The power to appoint National Trustees shall vest with the NGC
 - (a) The NGC shall fill any vacancy that may arise in the office of the trustee.
 - (b) At least one of the appointed trustees shall be of alternative gender.
- (3). The appointed National Trustees shall deal with the property of the Party within the lawful directions of the NGC.
- (4). In the event of one or more of the National Trustees failing or refusing to comply with the stated lawful directions, the NGC may remove from office such non-compliant National Trustee(s).
- (5). National Trustees shall hold office for a renewable term of 5 (five) years.
- (6). National Trustees shall serve in their appointed positions without remuneration.

CHAPTER EIGHT: COALITIONS, ALLIANCES AND MERGERS

ARTICLE 75: COALITIONS

- (1). The Party may form coalitions with other political parties before or after an election in accordance with the relevant provisions of the Political Parties Act.
- (2). Where the Party enters a coalition the same shall be done by way of a written agreement for the purpose of forming the coalition.

ARTICLE 76: PRE-ELECTION COALITION

- (1). The Party, through the NGC may pass a resolution to allow the Party to form, join or exit from a pre-election coalition agreement with any political party or parties prior to an election.
- (2). The pre-election coalition resolution and agreement shall comply with the relevant provisions of the Political Parties Act.
- (3). The pre-election coalition agreement to form, join or exit a pre-election coalition shall bear the respective signatures of the Party Leader, the National Chairperson, and the Secretary-General and in the absence of any of the latter two, the Director Internal Affairs.
- (4). Such documents shall bear the seal of the Party.

ARTICLE 77: POST-ELECTION COALITION

- (1). The Party through the NGC may pass a resolution to allow the Party to form or exit from a post-election coalition formed with one or more political parties.
- (2). The post-election coalition resolution and agreement shall be duly executed and comply with the relevant provisions of the Political Parties Act in arriving at the resolution referred to in the preceding paragraph 1 above, the NGC shall give due consideration to the recommendations of the Party's post-election negotiations team composed of and led by the Party Leader and comprising such other members of the Party as shall be nominated by the NGC to be members of the team.
- (3). The Party shall form a post-election coalition for the purposes of:

- (a) Merging selected ideas agreed upon by the coalition partners and contained in their respective political parties' manifestos; and
 - (b) Boosting parliamentary strength of parties to the coalition in Parliament and/or in County Assemblies.
- (4). Such coalition arrangements/process shall comply with the Third Schedule of the Political Parties Act.
- (5). The post-election coalition agreement shall bear the respective signatures of the Party Leader, the National Chairperson and the Secretary-General and in the absence of either of the latter two, the Director Internal Affairs; and the seal of the Party.

ARTICLE 78: ALLIANCES AND MERGERS

- (1). The Party may form alliances and/or mergers with one or more political parties in accordance with the relevant provisions the Political Parties Act.
- (2). The Party shall enter into an agreement with one or more political parties for the purpose of forming an alliance and / or a merger.
- (3). The decision to form and/or exit from alliances and mergers shall be arrived at by a majority vote of the NGC members.
- (4). The Party's decision to form an alliance and/or merger; and the alliance and/or merger agreement between the Party and one or more political parties shall be duly executed and in compliance with the relevant provisions the Political Parties Act.

ARTICLE 79: MERGER RESULTING IN THE DISSOLUTION OF THE PARTY

In the unlikely event that a merger involves or results in the dissolution of the Party, the following procedure shall apply:

- (a) The NEC shall appoint a Panel of not more than seven (7) persons to negotiate a structured merger, which Panel shall include and be led by the Party Leader.
- (b) The team stated in sub-paragraph (a) above shall draw a merger agreement that shall have due regard to the TSP's vision and mission; values; identity including colours; manifesto; assets and liabilities; composition of merger leadership; and contribution of key staff to the Secretariat.
- (c) The Report of the Panel shall be tabled before NGC for adoption.
- (d) If adopted by NGC, the Party Leader shall convene a special session of the NDC in accordance with the procedures provided in this constitution within 60 days of adoption, at which the merger motion shall be tabled as the only agenda of the day.
- (e) The Secretary-General shall circulate copies of the merger documents to delegates attending the NDC.
- (f) At such a Special NDC, voting shall be by secret ballot; and shall require a resolution supported by two-thirds of the delegates in attendance and voting at such a session.
- (g) The Secretary-General shall put out a notification of the intended merger and invite members, other individuals and organizations to whom TSP is indebted, to declare their claims.
- (h) If the Special NDC ratifies the merger, the National Treasurer shall, within 90 calendar days,

settle any outstanding claims, close the books of account and all other related obligations.

- (i) The Party's Organs shall dissolve in the manner spelt out in the merger instrument.
- (j) The merger instrument shall bear the signature of the Party Leader and the Secretary-General, and the seal of the Party.

CHAPTER NINE: GENERAL PROVISIONS

ARTICLE 80: GENERAL LEADERSHIP PROVISIONS

- (1). In its commitment to achieving gender parity and inclusion of diversity in decision-making, the Party shall implement a program of affirmative action to reflect and accord with the provisions of the Constitution of Kenya.
- (2). 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 realization of the potential of all Party members without favor, discrimination or bias.
- (3). The term of office for all elected officials under this constitution shall be five (5) years commencing on the date of ratification by the NDC of this constitution.
- (4). Nothing in this constitution, its rules, regulations, or procedures shall preclude the NEC from acting through the NGC to make decisions that it deems proper and fit in the interest of the Party.
- (5). Rules, regulations and by-laws made under this constitution may be altered or amended by a simple majority at any regular meeting of the NGC, provided that no amendment or alteration shall be put to vote unless written notice of such amendment shall have been given to each NGC member 14 calendar days before the meeting at which the amendment is to be voted on.

ARTICLE 81: DISSOLUTION OF THE PARTY AND DISPOSAL OF ITS ASSETS

- (1). The Party may be dissolved by a resolution passed by two-thirds majority of eligible and present delegates at an ordinary or special NDC convened expressly for such purpose.
- (2). Provided, however, that no dissolution resolution shall be effected without prior permission in writing of the Registrar of Political Parties, obtained upon application in writing and signed by three Party National Officials, namely, the Party Leader, National Chairperson and the Secretary-General.
- (3). The dissolution shall take effect from the date of approval by the Registrar. The members of the NGC shall be responsible for the winding-up of the assets and liabilities of the Party.
- (4). Any property remaining after the discharge of the debts and liabilities of the Party shall be granted to one or more organizations in Kenya whose objectives conform to those of the Party.

ARTICLE 82: INTERPRETATION OF AND AMENDMENTS TO THE CONSTITUTION

- (1). The NGC shall have the authority to decide on any matter in relation to which the interpretation of this constitution is in doubt and make provision for any matter on which the constitution is silent.
- (2). No amendment or change may be made to the name, symbol and colors of the Party or this Constitution except with the approval of the NGC; and two-thirds of the entire membership of the NDC present at a duly convened meeting and expressly moved for that purpose. A resolution not expressly moved for that purpose and which is inconsistent with this constitution shall have no effect. Provided that notwithstanding the provisions of this clause the NGC may make urgent amendments to this constitution which shall be binding pending and awaiting approval of the NDC.
- (3). Notwithstanding the foregoing sections, this Article may be amended by resolution of the NDC passed with the support of not less than two-thirds of the delegates present and voting.

ARTICLE 83: RULES, REGULATIONS AND BY-LAWS

- (1). The NGC shall make rules, regulations and by-laws for the implementation of this constitution.
- (2). The rules, regulations and by-laws including Party disciplinary rules, nomination and election rules, may be altered by resolution of the members at the NGC, 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 84: THE INSPECTION OF ACCOUNTS AND REGISTER OF MEMBERS

The books of accounts and all documents relating thereto and the register of members of the Party shall be available for inspection at the registered office of the Party by any officer, member of the Party or any member of the public upon giving not less than 14 days' written notice to the Party. The information given shall be subject to the requirements of the Data Protection Act and other relevant laws of Kenya.

ARTICLE 85: PRESS AND PUBLICATIONS

- (1). The Party may own and/or operate a printing press, radio and/or television as well as acquire shares or an interest in existing entities.
- (2). The Party may publish its own literature, newspaper, periodicals, pamphlets and other materials for its own use, sale or for use by the public.

ARTICLE 86: NOTICES

Where in this constitution or the Political Parties Act reference is made to the issuance of any notice or convening of any meeting such issuance or meeting may be done by way of the use of electronic means including but not limited to email, social media, text messaging, mobile telephony, electronic media and other emerging technological developments.



THE SERVICE PARTY

SCHEDULES

SCHEDULE I

Symbol and Logo of the Party

[Article 2 (1)]

The Party Symbol is a heart shape inscribed inside a circle in the Party's colours as illustrated in Schedule

II hereinbelow, and the Party Abbreviation (TSP) also in the Party's colours as illustrated more in Schedule 1 hereto:



SCHEDULE II Colours of the Party

The Party's flag shall include the Party logo and symbol laid against a background of the Party's colours of royal blue, mustard yellow, red, black and white, with the phrase 'Huduma - Twajiamini' written below the Party's name as particularly illustrated in Schedule II hereto.



THE SERVICE PARTY

SCHEDULE III

Counties of the Republic of Kenya

1. Mombasa
2. Kwale
3. Kilifi
4. Tana River
5. Lamu

6. Taita/Taveta
7. Garissa
8. Wajir
9. Mandera
10. Marsabit
11. Isiolo
12. Meru
13. Tharaka-Nithi
14. Embu
15. Kitui
16. Machakos
17. Makueni
18. Nyandarua
19. Nyeri
20. Kirinyaga
21. Murang'a
22. Kiambu
23. Turkana
24. West Pokot
25. Samburu
26. Trans Nzoia
27. Uasin Gishu
28. Elgeyo/Marakwet
29. Nandi
30. Baringo
31. Laikipia
32. Nakuru
33. Narok
34. Kajiado
35. Kericho
36. Bomet
37. Kakamega
38. Vihiga
39. Bungoma
40. Busia
41. Siaya
42. Kisumu
43. Homa Bay
44. Migori
45. Kisii
46. Nyamira
47. Nairobi City

