

# **EMPOWERMENT AND LIBERATION PARTY (E.L.P.) NOMINATION RULES**

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## ARTICLE 1: THE NATIONAL ELECTIONS BOARD

1. (a) There shall be a committee to be known as the National Elections Board, which shall be a Standing Committee of the Party.
- (b) The National Oversight Board shall formulate Nomination rules in accordance with the Elections Acts.
2. The Board shall be appointed and supervised by the National Chairperson and the National Oversight Board and shall consist of not more than nine members drawn from among the Members of the Party, of whom not more than two-thirds shall be of either gender. The members of the Board shall serve for a period of five (5) years renewable.
3. For a person to be eligible as a Board member, he/she must be a:
  - (a) Kenyan Citizen;
  - (b) Member of the Party and
  - (c) Person of astute character and ethics.
3. The Functions of the Board shall include:
  - (a) To formulate and co-ordinate ELP elections strategies and coordinate Party elections;
  - (b) Advise the National Oversight Board on the making of rules and regulations to govern Party elections and nominations provided for under this Constitution;
  - (c) To handle disputes, in the first instance arising from nominations and
  - (d) Do anything necessary and proper to ensure the success of the Party in elections.
4. In appointing the Board members, the National Chairperson shall designate one of them as the Chairperson.
5. The Board shall formulate rules and procedures for the conduct of its affairs.
6. The National Elections Board shall report to the National Oversight Board, which shall consider and where necessary act on the report of the Board.
7. The National Elections Board shall prescribe forms and other documents needed for purposes of Party elections and/or nominating Party candidates for elections, and shall supervise the due and speedy issuance and return of those forms as circumstances may warrant.

8. The National Elections Board shall present to the National Oversight Board a list of all candidates contesting party positions or elections for Presidential, Parliamentary or County level positions, and the National Oversight Board may raise objections in respect of any candidate presented **PROVIDED** a candidate whose candidature the National Oversight Board determines is not in tandem with ELP principles and aspirations shall be granted a hearing before disqualification.
9. The Board shall design with the approval of the National Chairperson (or any person delegated by him or her), Nomination Certificates in respect of any election, and shall only issue a certificate to a candidate duly elected at the appropriate caucus.
10. Every Certificate issued under Clause 9 of this Article shall bear the seal of the Party and shall be signed by the National Chairperson and the Secretary General.

## **ARTICLE 2: PROCEDURE FOR NOMINATING PARTY CANDIDATES FOR ELECTIONS**

1. Whenever a general election is called or a by-election for seats in Parliament or at County level or at the Presidential level, the National Elections Board shall be convened within seven days of the declaration that a seat is vacant, and shall commence the process of nominating an ELP candidate thereof in accordance with the election laws in place.
2. The National Elections Board shall issue an advertisement inviting persons interested in vying for elective positions to become party members and pay the prescribed fees.
3. Aspirants intending to vie for elective positions shall pay the prescribed fees and submit the following documents to the National Elections Board:
  - (a) Party membership certificate;
  - (b) Party nomination fee receipt;
  - (c) National identification documents;
  - (d) Academic credentials and
  - (e) Clearance certificates from the relevant bodies in accordance with the Independent Elections and Boundaries Commission (IEBC) Rules and any other governing laws.
4. The National Elections Board shall review the documents submitted by the aspirants and shall forward the list of aspirants who meet the requirements to the National Oversight Board.
5. The procedure for nominating party candidates for all elective positions shall be done by way of consensus.

6. The National Oversight Board, upon receipt of the above reports, shall convene a meeting for all aspirants who met the vetting criteria , to deliberate on which candidate shall be awarded the nomination certificate.
7. The mode of consensus shall be undertaken by the National Oversight Board with consultation with the National Elections Board.
8. In the event the elective seat being contested does not have more than one aspirant, then the seat shall be declared uncontested and the aspirant shall be given the nomination certificate.
9. The nomination certificate shall be signed by the National Chairperson of the Party.

### **ARTICLE 3: PARTY LISTS**

1. Pursuant to, and in accordance with Article 90 as read together with Article 177 of the Constitution of Kenya, ELP shall submit to the Independent Electoral and Boundaries Commission Party lists containing:
  - (a) The list of aspirants vying in the capacity of a President, Governor, Senator, Women Representative, Member of the National Assembly and Member of the County Assembly;
  - (b) Twelve persons for consideration as nominated Members of the National Assembly to represent special interests including the youth, persons with disabilities and workers;
  - (c) Sixteen women for consideration as nominated Members of the Senate;
  - (d) Two members, being one man and one woman for consideration as nominated members of Senate representing the youth;
  - (e) Two members, being one man and one woman for consideration as nominated members of the Senate representing persons with disabilities and
  - (f) Persons for consideration as nominated Members of County Assembly to represent special interests including the youth and persons with disabilities.

2. The Party lists referred to in Clause 1 (a) shall alternate between male and female candidates in the priority in which they are listed, and shall reflect the regional and ethnic diversity of the people of Kenya.
3. In drawing the Party lists, the National Oversight Board shall constitute a five-member panel from among its members to receive and process applications from ELP members who are qualified to be Members of Parliament.
4. The application contemplated in Clause (3) above shall originate from a public advertisement in at least one leading local newspapers by the Secretary General within the time frames spelt out by National Legislation.
5. A report of the persons selected by the panel referred to in Clause 3 shall be presented to the National Oversight Board for ratification or otherwise.
6. Subject to any written law, the Party list for seats in all the County Assemblies shall be drawn by the National Oversight Board in the same method as the lists for nominated Members of Parliament.
7. Persons who are nominated to the respective party lists shall be persons who meet the requirements of any written law as well as academic and professional qualifications to be elected to parliament and county assemblies respectively.

#### **ARTICLE 4: PARTY MEMBERSHIP FEES AND NOMINATION FEES**

1. The membership fees and nomination fees of aspirants shall be as follows:

<b>ELECTIVE POST</b>	<b>MEMBERSHIP CATERGORY</b>	<b>MEMBERSHIP FEE (Kshs.)</b>	<b>NOMINATION FEE (Kshs.)</b>
GOVERNOR	PLATINUM	100,000/=	250,000/=
SENATOR	GOLD	50,000/=	150,000/=
WOMEN REPRESENTATIVE	GOLD	50,000/=	150,000/=
MEMBER OF NATIONAL ASSEMBLY (MP)	GOLD	50,000/=	100,000/=
MEMBER OF COUNTY ASSEMBLY (MCA)	SILVER	10,000/=	25,000/=

2. Aspirants who fall in special interests groups (youth, women and persons with disabilities) shall receive a waiver of ten percent (10%) of the membership fees

## **ARTICLE 5: PARTY CODE OF CONDUCT**

1. All aspirants shall, pursuant to Article 91 and Article 92 of the Kenya Constitution, and Section 8 of Act No. 21 of 2016, subscribe and observe the code of conduct stipulate therein.
2. The Party through the National Elections Board and a Disciplinary Committee shall take action against any member who are in:
  - (a) proven cases of corruption,
  - (b) misappropriation of Party funds,
  - (c) misuse of the Party's facilities,
  - (d) lack of loyalty to the Party,
  - (e) allegiance to another Political Party,
  - (f) disrespect to Organs of the Party,
  - (g) Propagating hate speech and violence, and
  - (h) Engaging in political malpractices under the laws of Kenya.

## **ARTICLE 6: NOMINATIONS AND PARTY ELECTIONS DISPUTE RESOLUTION**

1. No member, as a condition-precedent for membership of the Party, shall resort to a Court of Law for the resolution of any dispute arising out of the conduct of any Party matter, issue or affairs, unless the machinery herein established has been exhausted.
1. If the dispute in question arises out of or relates to the outcome or the conduct of any nominations for elections or elections within the Party or an matter connected therewith, the aggrieved member shall refer the same to the Elections Appeals Tribunal established under this Article and in the case of any other dispute it shall be referred to arbitration as provided under this Article.
2. (a) There is hereby established Election Appeals Tribunal to be known as the ELP National Elections Appeals Tribunal which shall have power to hear and resolve all Party disputes relating to nominations and/or to elections as provided under Clause 2 of this Article.
  - (b) The Tribunal shall consist of a Chairperson and not less than two and not more than nine other members appointed by the National Oversight Board on the recommendation of the Sub-Committee on Party Organization. **PROVIDED** the tribunal shall be appointed prior to the commencement of elections/nominations as the case may be.
  - (c) No person shall be appointed to the Tribunal unless he is a Gold or Platinum Member of the Party and in making appointments as provided for in Sub-clause (b)

of Clause 3 of this Article, the National Oversight Board shall appoint persons who are eminent Party Elders of whom at least a third shall be of opposite gender.

- (d) The Tribunal shall make rules to govern procedures and conduct of its affairs under this Article.
- (e) The decision of the Tribunal shall be forwarded to the National Oversight Board and may be acted upon by them.
- (e) A litigant who is aggrieved by a decision of the tribunal may appeal to such an appeals body as may be established under the Constitution of Kenya or the Independent Electoral and Boundaries Act or any other written law as the case may be.

#### **ARTICLE 7: PROCEDURE AT PARTY MEETINGS**

1. Without prejudice to any provisions hereinbefore, meetings of the various organs of the Party shall be presided over as provided hereunder:
  - (a) The National Convention shall be convened in accordance with this Constitution and chaired by:-
    - (i) The National Chairperson, or
    - (ii) in the absence of the National Chairperson, by the Deputy National Chairperson.
  - (b) The National Oversight Board shall be convened in accordance with this Constitution by the National Chairperson and chaired mutatis mutandis as a National Convention. **PROVIDED** upon a petition signed by the Chairmen of at least half of the Branches, the National Chairperson or in his failure to do so, the Deputy National Chairperson or the Secretary General shall convene the Council Meeting.
  - (c) Committees of the National Oversight Board shall be convened and presided over by the Chairperson as appointed. **PROVIDED** the National Chairperson, or the Deputy National Chairperson or any member of the National Oversight Board with the approval of the National Chairperson may convene a meeting of members of the relevant Committee for an urgent matter.
  - (d) The ELP Parliamentary Group meetings shall be convened and presided over by the Parliamentary Leader elected by the Members of ELP Parliamentary Group. **PROVIDED** that upon a request through a signed memorandum by at least one half



of the ELP Parliamentary Group Members, the National Chairperson or in his failure to do so, the Chief Whip shall convene a meeting.

- (e) The National Chairperson shall preside over the Conference of MCAs and the Conference of Governors.
  - (f) Branch, Sub-Branch, and Ward meetings shall be convened and presided over by the Chairperson thereof.
2. The person presiding over any meeting of an Organ or Sub-Organ of the Party may at his discretion limit the number of persons permitted to speak in favor of or against a motion, and may exercise such discretions as is in the interest of the Party.
  3. Resolutions, unless otherwise stated in this Constitution, shall as far as possible be decided by consensus. **PROVIDED** where consensus is difficult to obtain, the following procedure shall apply:
    - (a) At meetings of the National Convention and the Branch / Sub-Branch Delegates Conferences, the Chairperson shall put the question to the Delegates with those in favor of the decision shouting 'AYE' and those of contrary opinion shouting 'NAY', and the Chairperson shall determine which side the vote has gone, and the determination thereof shall settle the matter.
    - (b) At meetings of the National Oversight Board, Committees of the National Oversight Board and the ELP Parliamentary Group, contested decisions shall be determined by vote.
    - (c) In the event of an equality of votes at any meeting, the Chairperson shall have a casting vote.