

AGANO PARTY

NOMINATIONS/ELECTION

RULES AND PROCEDURES

2017

ARTICLE 1.1: NOMINATIONS/ ELECTIONS RULES AND PROCEDURES

- a) Unless otherwise stipulated nomination of gubernatorial senatorial, parliamentary and county candidates shall be by secret ballot. The party, however, through the Election Board and the NEC reserves the power to issue direct nomination as and when it deems fit and in the interest of party objectives.
- b) Upon dissolution of the nation assembly and / or county assembly NEC shall within 60 days convene the national election and nomination board (otherwise referred to as NEB or special committee for Nominations) for the purpose of nominating the party's candidates /s
- c) A party member wishing to be nominated as a senatorial , parliamentary and / or a county candidates must submit his /her name to the party branch executive committee or in the absence of a party branch to NEC within (14) fourteen days of the event necessitating such election .
- d) Registration of senatorial, parliamentary and county candidates shall be by a prescribed Form accompanied by registration fees.
- e) Application and nomination fees shall be determined by the NEC and communicated to the party members and potential aspirants from time to time and the election period to period. Such determination shall include graduated or possible waivers of fees to special interest groups.
- f) The Party Branch Manager shall forward the whole list of names such applicants to NEC within (14) days of the receipt thereof.
- g) Upon receipt of the list candidates by NEC, such list shall be forwarded with or without recommendation s to the party's special committee on nomination s.
- h) The party's special committee nominations shall then select and inform successful candidates and their names to NEC for formal nomination to contest national and /or county offices.
- i) The party special committee on nominations acting on the advice of NEC may in any of the aforesaid elections/s decide to support a join candidates with any of the other political parties
- j) All the candidates for by –election shall be nominated by NEC.
- k) The special committee on nominations shall organize and supervise the party's nomination process.
- l) Only paid up and registered party members will be considered for nomination.
- m) Have to fit the requirements of chapter six (6) of the constitution on leadership and integrity.

- n) Candidates wishing to contest any of the respective position must or may be required to recruit into the party at least 1% of the registry voters in their respective electoral area before issuance of certificate.
- o) Candidates must be citizens of Kenya and holder of a national identity or passport as may be subscribed by law.
- p) Must be registered as voter.
- q) Must be 18 years and above
- r) Must sign and abide by Agano code of conduct.
- s) Be capable of presenting a positive image of the party to the public.
- t) Be qualified to stand in an election which he or she seeks under the provisions of the law for the law for the time being regulating and governing the conduct of election in Kenya.
- u) Have no criminal record.
- v) Have not been declared bankrupt under the law of Kenya.
- w) Pay prescribed nomination fees as shall be determined by NEC.
- x) Produce all necessary identification document required by the party.
- y) Candidates must also have proposer and a second who must be party members and registered party as voters.
- aa) Only registered party members who are also registered voters shall participate in the nomination process. Voters must produce their party membership card and elector's as voters.
- bb) The special committee on nominations shall appoint election officials whose characters is not questionable.
- cc) Party elections at the county shall be presided over by returning /presiding officers and any other officials determined by the special committee on nominations
- dd) Party election at the county shall be presided over by returning / presiding officers and any other officials determined by the special committee on nomination.
- ee) The returning / presiding officers shall take charge of electoral process guided by established and procedures and procedures.
- ff) The special committee on nomination s shall issue the schedule stipulating the dates and public venue for nomination of senatorial, parliamentary and county candidates.
- gg) The returning / presiding officers may organize to have all the voting equipment, materials and staff at the polling center before polling opens on the Election Day.
- hh) At the polling area voting shall start at 8.00a.m and end at 5.00 p.m.

- ii) At the commencement of the nominations the returning / presiding officers will indicate clearly on poster and announce the posts and names of all eligible candidates.
- jj) Ballot papers for the polling station may be informed of booklet.
- kk) Each shall write clearly and legibly the name of their preferred candidates(s) and deposit in the designated ballot box.
- ll) The ballot box must be clearly and transparent.
- mm) Illiterate voters may be assisted by party agents to fill in the name of their preferred candidates.
- nn) All ballot boxes must be bearing the official stamp of the party.
- oo) The returning office shall make arrangements to start counting of votes immediately after 5.00 p.m.
- pp) Counting of votes will take place at the polling station, in the presence of candidates or their appointed agents.
- qq) Ballot papers which have more than one mark / name, such that it is not clear which candidate the voter intend to elect shall be considered spoilt and therefore void.
- rr) The returning officer shall enter the result of counting process in the prescribed form before announcing those results.
- ss) Once the results form in is completed the returning officer shall give a copy of the completed form to the candidates or their agents and then announce those results by reading from the completed form.
- tt) Candidates taking part in the elections and who is dissatisfied with the results shall be entitled to appeal to the special committee on nominations.
- uu) The special committee on nominations shall hear the presentations and decide each case objectively on its merit.
- vv) The decision of the special committee on nominations on such appeals shall be final.
- ww) Should be election be found to be flawed and therefore null and avoid, the special committee on nomination shall announce the dates and venue for fresh elections and conduct such repeat election in the manner prescribed above.
- xx) Returning / presiding officers shall file duly signed returns with the special committee on nominations not later than 2days after the announcement of results.
- yy) The form will specify the names and positions of elected county , parliamentary and senatorial candidates

zz) The elections materials may be sealed and preserved by the returning officer at the Branch level.

Zza) The winner of the county, parliamentary and senatorial nominations not more than 48 hours after the announcement of the results.

ARTICLE 1.2: PRESIDENTIAL CANDIDATES & RUNNING MATES

- (i) The party chairman will be the party's presidential candidates in the event of a national presidential election unless her or she is unable to or opts to run or if NEC and NGC decide otherwise.
- (ii) The party's presidential candidate in consultation with NEC will choose the party's presidential candidate's running mate

ARTICLE 2: PARTY ELECTION RULES AND PROCEDURES

- (I) Party elections shall take place every five years.
- (II) In exercising its functions , special committee on nomination will ensure that the party's constitution and code of conduct are adhered to
- (III) All party elections shall be by secret ballot.

ARTICLE 2.1: PARTY BRANCH OFFICIALS ELECTIONS

- (i) The election will be conducted at the branch level where party members with membership cards and who are also registered as voters in their respective branch shall elect the officials directly by secret ballot.
- (ii) The special committee on nominations shall appoint election officials whose character is not questionable.
- (iii) Party elections at the branch shall be presided over by returning /presiding officers and any other officials determined by the special committee on nominations.
- (iv) The returning/ presiding offers shall take charge of electoral process guided by established rules and procedures.

- (v) Only candidates who are Kenyan will be considered for any party position.
- (vi) Candidates should be registered voters.
- (vii) Candidates wishing to be elected into any party position or organ must be of good character.
- (viii) Candidate wishing to be elected into any party position or organ must sign and abide by the party's code of conduct.
- (ix) Candidates wishing to be elected into any party position or organ must also have a proposer and a seconded who shall be members of the party and who shall be registered as voters.
- (x) Candidates wishing to be elected into any party position or organ must also have a proposer and a seconded who shall be members of the party and who shall be registered as voters.
- (xi) All candidates must fully complete prescribed nomination forms.
- (xii) Nomination forms for all party elections will be issued under authority and direction of the special committee on nominations.
- (xiii) The fees and / or other charges for the nomination process shall be determined by the special committee on nomination.
- (xiv) The date and time of presentation of nomination papers shall be determined and communicated at least 3 days to the polling day by the special committee on nominations.
- (xv) The returning / presiding officers shall scrutinize nomination papers carefully and record the names of the candidates, who are validly nominated in accordance with qualifications and nomination procedures, and issue them with a certificate of nomination.
- (xvi) Each return/ presiding officer shall conduct democratic, free, fair, and transparent elections using the secret ballot method of voting.
- (xvii) The ballot box must be clear and transparent.
- (xviii) A voter shall be a Kenyan citizen who is party member and registered as a voter. The voter must produce valid documentation to prove this.
- (xix) The special committee on nominations shall issue a schedule stipulating the dates and public venues for party elections.
- (xx) The returning/presiding officer may organize to have all the voting equipment, materials and staff at the polling center before polling opens on the Election Day.
- (xxi) At the polling station voting shall start at 8.00 a.m and end at 5.00 p.m.
- (xxii) At the commencement of elections, the returning/presiding officer will indicate clearly on a poster and announce the post and names of all eligible candidates.

- (xxiii) Ballot papers for the branch executive committee may be informed of a booklet that contains the party positions being contested.
- (xxiv) Each voter shall write clearly and legibly the name of their preferred candidate, tear of each ballot and deposit in the designated ballot box.
- (xxv) Illiterate voters may be assisted by the party agents to fill in the name of their preferred candidate.
- (xxvi) All ballot papers shall bear the official stamp of the party.
- (xxvii) The returning officer shall make arrangements to start counting of votes immediately after 5.00 p.m.
- (xxviii) Counting of votes will take place at the polling station, in the presence of candidates or their appointed agents.
- (xxix) Ballot papers which has more than one mark, such that it not clear which candidates the voter intended to elect shall be considered spoilt and therefore void. Voters can make any time of mark.
- (xxx) The returning officer shall enter the results of counting process in the prescribed form before announcing those results.
- (xxxi) Once the result form is completed the returning officer shall give a copy of the completed form to the candidates or their agents and the announcement those results by reading from the completed form.
- (xxxii) Candidates taking part in the election and who is dissatisfied with the results shall be entitled to appeal to the special committee on nominations
- (xxxiii) The special committee on nominations shall hear the presentations and decide each case objectively on its merit.
- (xxxiv) The decision of the special committee on nomination on such appeals shall be final.
- (xxxv) Should the election be found to be flawed and therefore null and void, the special committee on nominations shall announce the dates and venue for fresh elections and conduct such repeat elections in the manner prescribed above.
- (xxxvi) Returning/ pressing officers shall file duly signed returns with the special committee on nominations not later than 2 days after the announcement of results.
- (xxxvii) The form will specify the names and positions of elected officials.
- (xxxviii) The election materials may be sealed and preserved by the returning officer at the branch level.

ARTICLE 2.3: NATIONAL OFFICIALS ELECTIONS

- i. At the national level, election shall be by delegates from the branches.
- ii. The election of national officials will take place at national convention.
- iii. The election will be called as per the party's constitution.
- iv. The special committee on nominations shall appoint a returning officer for election of the national officials.
- v. They will issue nominations forms for national elections 30 days prior to the holding of the national convention.
- vi. The duly filled nomination form must be received at the registered head office 21 days to the national convention date.
- vii. Each candidate shall present the paper to the returning/ presiding officer a nomination form duly completed complies with all the requirement s.

Each candidate shall have a proposer and seconder . They should party members, registered voters and who should be delegates to the national convention fee.

The special committee on nominations may charge nomination fee.

- viii. All registered delegates present at the national convention shall be provided with a book let containing ballot papers for all electoral posts.
- ix. Each voter will write clearly and legibly the entire list of each position and names of their preferred candidates, tear each ballot off and deposit in the designated box.
- x. The ballot box must be clearly and transparent.
- xi. The returning officer shall count the votes, audibly read the ballot paper out, and in full view of candidates/ or their agents.
- xii. The result of the elections will be announced at the close of the counting process.
- xiii. Dissatisfied candidates may lodge an appeal against the results with the special committee on nominations.

The special committee on nominations shall hear the presentations and decide each case objectively on its merit.

- xiv. The decision of the special committee on nomination on such appeals shall be final.
- xv. Should be election be found to be flawed and therefore null and void, the special committee on nominations shall announce the dates and the venue for fresh elections and conduct such repeat election in the manner prescribed above.
- xvi. Returning/ presiding officers shall file duly signed returns with the special committee on nominations not later than 2 days after the announcement of results.
- xvii. The form will specify the names and positions of elected national officials.
- xviii. The elections materials maybe sealed and preserved by the returning officer at the registered head office.

ARTICLE 3: PARTY LISTS

- i. Consideration for inclusion in the party list shall entail all or some of the following as the NEC shall decide being :-
 - a. A fully paid up member
 - b. Actively involved in recruitment of members
 - c. Actively involved in opening of county offices
 - d. Actively involved in party activities over the years
 - e. Involved in identifying and introducing candidates for election
 - f. Involved in resource mobilization.
 - g. Fully compliant with all the laws of Kenya and the constitution regarding leadership, elections, political parties and chapter 6 of the constitution.
 - h. Fully compliant with party's constitution
 - i. Loyal and having a history of loyalty of the party.
- ii)
 - a. Party list shall be prepared by the management committee working with the secretariat and NEC in consultation with Branches, constituencies and counties representatives where needful.
 - b. The party shall also invite applications, proposals and additional information, from its membership for consideration where necessary and where the party will not have.

Sufficient or any information or names of its office, through the branches, from among the marginalized and disabled, and for purposes of complying with the gender, regional, ethnic and democratic requirements. The party through the NEC will only include the required and approved names.

iii) The party list shall be approved by NEC for submission to IIEBC or such other relevant elections body.

iv) The party shall exclude persons who will have rushed to the party or hopped from another party in the last few months to elections for purposes of inclusion in the party list.

ARTICLE 4: THE GENERAL ORGANIZATION STRUCTURE AND MANAGEMENT OF THE POLITICAL PARTY, INCLUDING THE COUNTY STRUCTURES AND SYSTEMS AND COUNTY GOVERNING BODIES

THE GENERAL ORGANIZATION OF THE PARTY

The party structure

The party shall be organized at five (5) levels

1. polling centre
2. ward (county Assembly Representation area)
3. sub-Branch (Constituency)
4. Branch (County)
5. National

Level 1 – The Polling Centre

- i. Polling Centre Convention (PCC)
- ii. Polling Centre Executive Committee (PCEC)
- iii. Polling Centre Management Committee (PCMC)

Level 2- The Ward (County Assembly Representation Area)

- i. Ward Convention (WC)
- ii. Ward Executive Committee (WEC)
- iii. Ward Management Committee (WMC)

Level 3 – The Sub-Branch (Constituency)

- i. Sub branch Convention (SBC)
- ii. Sub Branch Executive Committee (SBEC)
- iii. Sub Branch Management Committee (SBMC)

Level 4 – The Branch (County)

- i. Branch Convention (BC)
- ii. Branch Executive Committee (BEC)
- iii. Branch Management Committee (BMC)
- iv. County Assembly Caucus.

Level 5 – National

- i. National Convention (NC)
- ii. National Delegates Convention (NDC)
- iii. National Governing Council (NGC)
- iv. National Executive Committee (NEC)
- v. National Management Committee (NMC)
- vi. National Elections Board (NEB)
- vii. The Commissions/Committees
- viii. National Assembly caucus
- ix. Senate Caucus
- x. Governors Forum
- xi. National Secretariat

Organization of the Party and their Functions

1. Polling Centre Level

a) Polling Centre Convention (PCC)

Here, the participation shall be by all Agano party members who are also registered voters at the center. This is a forum where matters pertaining to mobilization and monitoring of registration of voters and get out the vote strategies are first discussed and recommendations forwarded to the relevant Organ of the Party at the Ward, Sub

branch , Branch Levels and finally to the National Executive Committee (NEC). The PCC has an oversight and advisory role and is responsible for electing the polling Centre Executive Committee (PCEC). The PCC may meet at least once year.

b) Polling Centre Executive Committee (PCEC)

They are elected by the polling Centre Convention to serve in the capacities of:-

1. Chairperson
2. Deputy Chairperson
3. Secretary
4. Deputy Secretary.
5. Treasurer
6. Deputy Treasurer
7. Organizing Secretary.
8. Deputy Organizing Secretary
9. Women's leader
10. Deputy women's leader
11. Youth leader.
12. Deputy Youth leader
13. Representative of the faith Based Organization
14. Representative of Business Community.
15. Representative of the Professional associations
16. Representative of the Farmers, Fishermen and Pastoralists Forums
17. Representative of the Academia and Teachers Unions
18. Representative of the Workers and Trade Unions
19. Representative of the People with Disabilities
20. Representative of the Council of elders
21. Representative of the informal Sector
22. Representative of the Minorities and marginalized Groups.

It is mandatory that-

- i. At least one third (1/3) of the polling centre Executive Committee shall be of either gender.

- ii. The party elected and/or nominated County Assembly Representative (s) if previously not elected to the polling Centre Executive Committee is/ are Ex-officio member (s) of the polling Centre Executive where he/she has a voting right.
- iii. The PCEC may meet at least once every three months.

a. Polling Centre Management Committee (PCMC)

The PCMC shall comprise of nine (9) members from the polling Centre Executive Committee (PCEC). The PCMC may meet at least once a month.

The nine (9) members of PCMC are:

1. Chairperson.
2. Deputy Chairperson
3. Secretary
4. Deputy secretary
5. Organizing Secretary
6. Treasurer
7. Women's Leaders
8. The youth Leader
9. Any other person invited by the Secretary of the polling Centre Executive Committee (PCEC) in consultation with the Chairperson of PCEC

2. Ward Level

a. Ward Convention (WC)

It shall comprise officials at the polling centre (s) within the Ward and may meet at least once a year.

b. Ward Executive Committee (WEC)

The ward Convention shall from amongst them elect the 22 ward Executive Committee. These members shall serve under capacities specified in this Constitution *mutatis mutandis*. The WEC may meet once every three months.

c. Ward Management Committee (WMC)

The Ward Management Committee shall comprise of nine (9) members from Ward Executive Committee. Thee members shall serve under capacities specified in this constitution *mutatis mutandis*. The WMC may meet at least once a month.

It is mandatory that:-

- i. At least one third (1/3) of the ward executive Committee members be of either gender.
- ii. The party elected and/or nominated County assembly Representative(s) if not previously elected to serve in the Ward Executive shall by virtue of their positions become ex-officio members of that Ward executive Committee (membership is restricted to the ward where one has voting rights).

3 Sub Branch Level (Constituency)

a. Sub Branch Convention (SBC)

It shall comprise of the elected party official from all the Wards within the Sub Branch and shall meet at least once a year.

b. Sub Branch Executive Committee (SBEC).

The Sub Branch Convention shall form amongst themselves elect the twenty two(22) Sub Branch Executive Committee members who shall serve in the capacities specified under this Constitution. The SBEC may meet at least once every three months

c. Sub Branch management committee (SBMC)

The Sub Branch Management Committee shall comprise of nine (9) members from the Sub Branch executive Committee. These members shall serve under capacities specified in this Consitution mutatis mutandis. The SBMC may meet at least once every month.

It is mandatory that:-

- i. At least one third (1/3) of the SBEC members shall be of either gender.
- ii. The party elected and/ or nominated County assembly Representative, MP(S), Senator, Governor, Deputy Governor if not previously elected to serve in the Sub Branch executive Committee shall by virtue of their positions become ex-officio members of that Sub Branch Committee (membership is restricted to the Constituency where one has voting rights).

4 THE BRANCH LEVEL (COUNTY)

a. Branch Executive Committee (BC)

It shall comprise of the elected party official from the entire Sub-Branch and may meet at least once a year.

- x. Identify, recruit and induct potential aspirants/part candidates for all the elective positions.
- xi. Undertake disciplinary functions within their area of jurisdiction and recommend necessary disciplinary measures.
- xii. Do all other thing as necessary to promote the goals, aims, purposes and objects of the Party.
- xiii. Undertake any other functions assigned by the Party's National Executive Committee.

5. THE NATIONAL CONVENTION

There is hereby established an organ of the Party called the National Convention (NC) which may meet at least once every five (5) years.

Composition

Composition of NC shall be all paid up members of the party who shall finance their upkeep as and when the NC is convened.

THE NATIONAL DELEGATES CONVENTION (NDC)

There is hereby established an organ of the party called the National Delegate Convention (NDC)

Composition

The National Delegates Convention shall consist of:-

1. Branch Executive Committee members
2. Chairpersons of sub-branches
3. National Assembly Caucus
4. Senate Caucus
5. Governors Forum

Powers and Duties of National Delegates Convention (NDC)

The functions of the National Delegates Convention shall be:-

- (i) Determine and articulate the principles, policies and programs of the party.
- (ii) Generate consensus on key political, economic and social policies of the Party
- (iii) Mobilize the people to ensure full participation in Implementing of political, economical and social policies of the party.
- (iv) Promote National unity and solidarity in line with the National values and principles of the public Governance;

- (v) Consider any such other items as may be referred to it by NGC or NEC
 - (vi) Approve the paper of principles.
 - (vii) Assign such tasks to NGC and NEC as it may deem fit
 - (viii) Receive reports of any coalitions, mergers, affiliations, alliances and amendments of the constitution.
- a. (i) NDC may be held once in every five years.
 - (ii) A special NDC may be held as and when the Chairperson in consultation with National Management Committee deems it fit or a special; NDC may be called by a resolution in writing by at least two thirds of the members of the NEC.
 - b. (i) NDC shall be convened by the National Chairperson or in his/her absence or inability, by the national deputy Chairperson.
 - (ii) A special NDC shall be convened in the manner above in c (i) or by anyone of the members of the NEC who shall have been chosen at the point of making the resolution by the 2/3 members of NEC.
 - a. (i) In convening NDC, the Secretary General in consultation with the National Chairperson shall publish in the national media the venue and agenda for the Convention and give notice of at least 21 days provided that for a special NDC meeting, 14 days notice shall be given.
 - (ii) In convening the special NDC, the SG or the DSG in consultation with the person chosen by the 2/3 members of NEC shall publish in the National media and give a notice of 14 days.

NATIONAL GOVERNING COUNCIL (NGC)

There is hereby established a standing committee of the National Delegates Convention called the National Governing Council (NGC) which may meet at least once in three (3) years.

Composition of NGC

The composition of the National Governing Council shall be;

1. National Executive Committee (NEC)
2. National Assembly Caucus Executive
3. Senate Caucus Executive
4. Chairpersons of Commissions/Committees that shall be constituted by NEC on need basis
5. Branch Chairpersons
6. Sub Branch Chairpersons
7. The Governors Forum Executive

8. The National Secretariat.

Powers and Duties of the National Governing Council (NGC)

The powers and duties of the National Governing Council (NGC) shall be to:

- i. Process policy and other measures to be considered by the National Delegates Convention
- ii. Deal with policy matters on behalf of the National Delegates Convention.
 - i. Amend the Constitution for such purposes for which the amendments are intended for and these amendments so made shall apply until the next NDC during which the NDC shall adopt or deal with them as may determine.
 - ii. Report to the National Delegates Convention on the business it has transacted in between meetings of the National Delegates Convention.
 - iii. Approve the annual budget of the Party.
 - iv. Consider, modify and if it thinks fit, ratify Rules, Regulations, or By-Laws for the better implementation of the provisions of this Constitution and achievement of the vision of the Party.
 - v. Examine and approve the audited accounts and to set the scale of annual dues to be paid by Party members.
 - vi. Receive, examine and approve the annual report of the Party.
 - vii. Alternatively appoint auditors and fix their remuneration.
 - viii. Receive regular reports from NEC on the operations of the Party.
 - ix. Determine
 - x. Appeals from decisions of NEC
 - xi. Approve the position papers
 - xii. Perform such other functions as the NDC may direct.

NATIONAL EXECUTIVE COMMITTEE (NEC)

Composition of National Executive Committee

The National Executive Committee shall comprise of the following:-

1. National Chairperson
2. First National Deputy Chairperson
3. Secretary General
4. National Treasurer

5. National Organizing Secretary
6. National Women's Leader
7. National Youth Leader
8. Party Executive Director (Secretary to NMC)
9. Any other person(s) invited or co-opted for a particular meeting

The National Deputy Chairperson shall in his/her absence be deputized by the Second or Third in priority.

Powers and Duties of National Management Committee (NMC)

- a. Supervise the National Management Committee (NMC) in its day to day conduct of the Party's activities;
- b. Propagate party policies
- c. Assist the National Elections Board in the conduct of Party Elections and nominations.
- d. Appoint Party representatives to the Electoral Management Body, Forums and other organizations which the Party relates to;
- e. Formulate the agenda for NEC
- f. Supervise day to day running of the Secretariat
- g. Coordinate fundraising and publicity for the Party
- h. Perform any other function assigned to it by NEC
- i. Appoint a National Management Committee (NMC) to run the day to day conduct of the Party's activities.

NATIONAL ELECTIONS AND NOMINATIONS BOARD (NEB)

There is hereby established an organ of the Party called the National Elections and Nominations Board (NEB)

Composition of NEB

The National Elections Board shall be constituted by NEC and it shall consist of nine (9) persons of integrity appointed by NEC.

1. The Director of Elections and his or her deputy shall be ex-official members of NEB.
2. NEC shall appoint the Chairperson of the Board, the Director and Deputy Director of Elections on recommendation of National Management Committee; The Board at its first sitting shall appoint the Deputy Chairperson.

3. The Chairperson shall head the Board and preside over its meetings. The Deputy Chairperson shall in the absence of the Chairperson perform the duties of the office of the chairperson.
4. The Director of Elections shall be the Secretary to the Board. Members of NEB shall hold office for a period of one term of five (5) years, renewable once.
5. The Director of Elections, the Deputy Director and all other persons in the Board shall not seek office in the immediate general election.

Powers and Duties of NEB

- a. NEB may from time to time make rules, regulations, orders or notices for ensuring conduct of regular, free, fair, peaceful and transparent Party elections and nominations.
- b. NEB in consultation with the National Management Committee shall organize, coordinate and supervise all Party Elections and nominations in accordance with the Party Nominations and Elections Rules and Procedures.
- c. NEB, on recommendation of the NMC shall make, amend or alter Party Nominations and Elections Rules and Procedures.
- d. NEB shall appoint appropriate officers to conduct Party elections or nominations at the National Branch, Sub Branch, Ward and polling center levels.
- e. NEB shall vet Party nominees for appointment by the requisite Party. Organ to any position that the Party by law nominates to in consultation with the National Management Committee.
- f. The National Chairperson, Secretary General and the Deputy National Chairperson shall sign under seal the certificates of nominations. Any two (2) of the three (3) to sign.
- g. NEC shall cause an account to be opened in the name of NEB to collect all funds paid as nomination fees and direct all expenditure on the account.
- h. NEB shall consist of a Chairperson and eight other persons all of whom shall be of good standing and integrity and who shall not be seeking nominations as Party candidates in the Elections.
- i. In appointing the National Elections Board Members, the National Executive Committee shall have regard and ensure at least one third (1/2) representation of either gender in accordance with the Party Constitution and the Country's Constitution.
- j. NEB may establish dispute resolution panels at eh Branch,, Sub Branch, Ward and Polling Station levels. The panels are ad hoc in nature.
- k. Provided that where NEB has for any reason been unable to perform all or any of the duties specified herein above, the NEC shall assume all the Powers and duties of NEB.

- l. NEB shall be independent and act in accordance with the rules of natural justice, and in consultation with NEC.
- m. Carry out any other functions assigned to it by the NEC, NMC, NGC or NDC
- n. NEB in consultation with NEC shall collect all funds paid as nomination fees and direct all expenditure or remittance to the party in conjunction with NEC.

The National Election Board shall not have more than two-thirds of its members being of the same gender.

COMMISSIONS/COMMITTEES

Composition of Commissions and Committees

The commissions/committees shall be constituted by NEC on need basis.

Powers and Duties of Commissions/Committees

Their terms of reference shall be determined by the National Executive Committee.

ARTICLE 5: CODE OF CONDUCT

1. Members of Agano shall at all times strive to attain a society in Kenya in which people from different ethnic communities, age groups, political parties, religious and different economic backgrounds enjoy freedom, human dignity, security as well as basic needs such as adequate nutrition, clean water, shelter education and health care.
2. AGANO believes in the brotherhood and sisterhood of all people of Kenya and the world. Members of Agano shall accord priority to the poor and other vulnerable groups.
3. Members shall at all times bear the true allegiance to, and project a positive image of AGANO and its programs.
4. Members shall avoid any conduct at public, social and personal levels, which is likely to embarrass or compromise the image, aims and objectives of AGANO and its members.
5. Members shall avoid talking to non-members and the press about the affairs of Agano other than the target image, press strategy and issues which it has been agreed can be discussed.
6. Members of Agano shall NEVER engage in or propagate tribalism, sexism, racism or carry out a tribal agenda within or outside the party.

7. Member of Agano shall NEVER engage in theft, corruption, or misappropriation of the public property.
8. Members of Agano shall NEVER deceive the people with false promises, cheap propaganda, and/or buy their support with money.
9. Members of Agano shall tell the truth to each other, even when it is uncomfortable to do so.
10. Members of Agano shall NEVER falsely accuse or bear false testimony against another member.
11. Members of Agano shall promote a spirit of mutual respect, tolerance and constructive criticism among themselves, and members of other political parties.
12. All members of party organs shall be bound, to the principles of collective responsibility and will not conduct themselves in a manner that is inimical to the unity of Agano.
13. Members of Agano shall carry out assignments efficiently and in a transparent and accountable manner.
14. Members of Agano shall, to their best ability, assist fellow members whenever in need.
15. Members shall keep information privy to Agano to themselves even after ceasing to be members of the party.
16. Members of Agano will not get involved in violence as a means of promoting individual or party positions on any political matter.
17. Members of Agano will financially support the party in addition to doing so in kind and in addition to paying their monthly and/or annual subscriptions as set out by the relevant party organs and available in the party headquarters on request.
18. Elected and/or nominated members on the party ticket to any elective body, assembly or group must each successive month after such election or nomination start remitting their monthly and annual contributions to the party as set out by the party and as set out information available from the party headquarters on request by the affected members and, by being so elected and/or nominated under the party ticket is evidence enough of agreement and acquiescence to pay such monthly party remittances and annual subscriptions.
19. Members of Agano will not join another party whilst being members of Agano at the same time
20. By becoming a member of Agano, you agree to be bound by this code of conduct and to obey any disciplinary measure from NEC if you contravene this code of conduct.

ARTICLE 6: INTERNAL PARTY DISPUTE RESOLUTION MECHANISM.

Dispute resolution will be at three (3) levels. These are Sub Branch, Branch and National.

Decisions at the sub branch shall be appealed against at the branch, those of the branch at the National whereas those at the National level shall be final.

Procedure:-

- ❖ Complaints against Governor(s), Deputy Governor(s), MP(s), Senator(s), Members of County Assemblies (MCA's) and National official(s) shall be heard and determined at NEC. The NEC, however, shall have the power to hear any other disciplinary, expulsion, and recalling or cessation matter from any level.
- ❖ Complaints against County Assembly Official(s) and the branch official(s) will be heard and determined at BEC.
- ❖ Complaints against sub-branch, ward and polling station officials will be heard and determined at SBEC.
- ❖ Once the complaint has been received by SBEC, BEC or NEC; they will be under duty to inform the accused.
- ❖ SG/Secretary to SBEC, Secretary to BEC to avail the request to constitute the dispute resolution committee within 7 days upon receipt of the same.
- ❖ Within 7 days, the party accused may apply in writing to SG or Secretary to the branch or secretary to the sub- branch (as case may apply) for a dispute resolution committee to be constituted to attempt to resolve the dispute.
- ❖ Upon receipt of the request from the accused party, the SG or Sec to the branch or secretary to the sub-branch shall constitute the dispute resolution Committee instead of disciplinary committee.
- ❖ When request not received within 7 days, the SG or the secretary to the branch or secretary to the sub- branch shall constitute the disciplinary committee.
- ❖ Committee shall have a minimum of 3 members. (Shoot in/shoot out mechanism to apply- accused party is allowed to have a nominee on the committee.
- ❖ Within a period of one week if no resolution has been reached at the dispute resolution mechanism level, the SG or secretary to BEC or secretary to SBEC, shall constitute the disciplinary committee.
- ❖ The dispute resolution mechanism provided may extend for another 7 days where necessary. The reason(s) for such extension shall be communicated in writing to all parties concerned.

- ❖ It shall be an act of gross misconduct for any member of the party to disregard the dispute resolution and disciplinary mechanism under this Constitution and proceed to court or any other body without exhausting the internal dispute resolution mechanism. Such an act shall earn that member an automatic expulsion from the party. The member so expelled vide this proviso, shall bear the legal costs of the suit filed in any court or any other body.
- ❖ The NEC shall also have the powers to institute disciplinary proceedings on its own or on its volition and/or motion against every or any party member or specifically against elected or nominated members in an election provided for by the Constitution of Kenya. The NEC will employ its own procedures of instituting and hearing a dispute, key among them, applying the rules of natural justice.
- ❖ The Disciplinary Committee in addition to, NEC or NGC shall have power to make a decision to expel, recall, cease membership or discipline in such other way it may deem fit.
- ❖ The Disciplinary Committee shall be made of a minimum of three (3) members, at least two (2) being NEC members.
- ❖ Written communication from the party calling the members against whom a complaint has been raised or a problem identified, shall be sufficient to institute proceedings and service may be sufficient if effected by post, email or physically dropped at members home, office or place of official meetings.

Signed

1. CHAIRMAN –



2. SECRETARY GENERAL-

3. NATIONAL TREASURER-



- ❖ It shall be an act of gross misconduct for any member of the party to disregard the dispute resolution and disciplinary mechanism under this Constitution and proceed to court or any other body without exhausting the internal dispute resolution mechanism. Such an act shall earn that member an automatic expulsion from the party. The member so expelled vide this proviso, shall bear the legal costs of the suit filed in any court or any other body.
- ❖ The NEC shall also have the powers to institute disciplinary proceedings on its own or on its volition and/or motion against every or any party member or specifically against elected or nominated members in an election provided for by the Constitution of Kenya. The NEC will employ its own procedures of instituting and hearing a dispute, key among them, applying the rules of natural justice.
- ❖ The Disciplinary Committee in addition to, NEC or NGC shall have power to make a decision to expel, recall, cease membership or discipline in such other way it deem fit.
- ❖ The Disciplinary Committee shall be made of a minimum of three (3) members, at least two (2) being NEC members.
- ❖ Written communication from the party calling the members against whom a complaint has been raised or a problem identified, shall be sufficient to institute proceedings and service may be sufficient if effected by post, email or physically dropped at members home, office or place of official meetings.

Signed

1. CHAIRMAN –



2. SECRETARY GENERAL-

3. NATIONAL TREASURER-

