
GREEN CONGRESS OF KENYA



PARTY ELECTION AND NOMINATION RULES (Adopted at the National Executive Meeting, October 5, 2016)

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PART I

Preface

1. Preamble

The Green Congress of Kenya (hereinafter referred to as 'the party' is a Party whose overall objective is establish a Government of Kenya based on democratic and Constitutional principles, of a pluralistic democracy and good governance, Unity, Justice, Fairness, Peace, Liberty and Equality and which is transparent and accountable to the electorate and the people of Kenya.

In order to contribute to this process, the Green Congress of Kenya shall participate in National Elections with the aim of forming a democratic government for the republic of Kenya, which will implement programmes to improve the quality of life for all of Kenyans.

The party is, therefore, committed to Party and national election processes that are transparent and democratic, and that ensures the choice of the best and most credit leadership for both the Party and the Nation.

These Election and Nomination Rules and procedures are governed by the provisions of the Constitution of the Green Congress of Kenya, and cover nomination of candidates and election of the officials of the Party and nomination of party candidates to participate in Presidential, National Assembly, Senate and County Governments General and By- Elections.

2. General Principles

The nomination of candidates and elections of the officials of the Party and nomination of candidates for national elections shall be guided by the following principles:

- 2.1 The Core values of the party as expressed in article 4 of the Constitution of the Party;
- 2.2 Transparency and accountability;
- 2.3 Free, fair and simple democratic processes in which the will of the members of the party and the people of Kenya generally shall be paramount;
- 2.4 Promotion of gender equity and affirmative action for persons from marginalized groups and social sectors including women, the youth, people with disabilities and marginalized communities;
- 2.5 Promotion of responsible, democratic, selfless and visionary leadership, acceptable to the party members and the people of Kenya;
- 2.6 Promotion of diversity within the elected officials in terms of geographical dispersion, gender, disability, age;
- 2.7 Rules and procedures that allow the widest possible full and effective participation of the membership and that cultivate a democratic culture in the party and in our society.
- 2.8 Promotion of decision making by consensus where possible failing which by secret ballot shall be effected.

3. Interpretation

3.1 These rules may be cited as the Green Congress of Kenya (GCK) Election and Nomination Rules (hereinafter “the Rules”).

3.2 In these rules, unless otherwise amended; -

“**Agent**” means person duly accredited by a candidate as his agent.

“**Branch**” refers to county level and “**Sub- branch**” refers to constituency level

“**Candidate**” means a person who has been cleared by the party in accordance to these rules.

“**Election Officer**” means a Green Congress of Kenya election official on duty.

“**Member**” shall mean a person who has paid up his/her membership and annual subscription and has his/her name in the national party register.

“**Nomination**” shall refer to Nomination of candidates for Green Congress of Kenya Party elections and the nomination of party candidates for national and by-elections”

“**Nomination official**” means a person duly appointed in accordance with these rules or any other officially engaged in the nomination process.

“**Party**” means the Green Congress of Kenya.

“**Polling station**” means a place set for voting in accordance with these rules.

“**Presiding officer**” means a person appointed or designated under these rules to preside at a polling station.

“**Register**” means the register of party members

“**Returning Officer**” means the person appointed as a returning officer by the relevant organ of the Party.

“**Special Group**” includes women, the youth and people who are physically and specially challenged.

“**The NEB**” shall herein refer to the Green Congress of Kenya National Elections Board, established under Article of 7.12 of the Party Constitution.

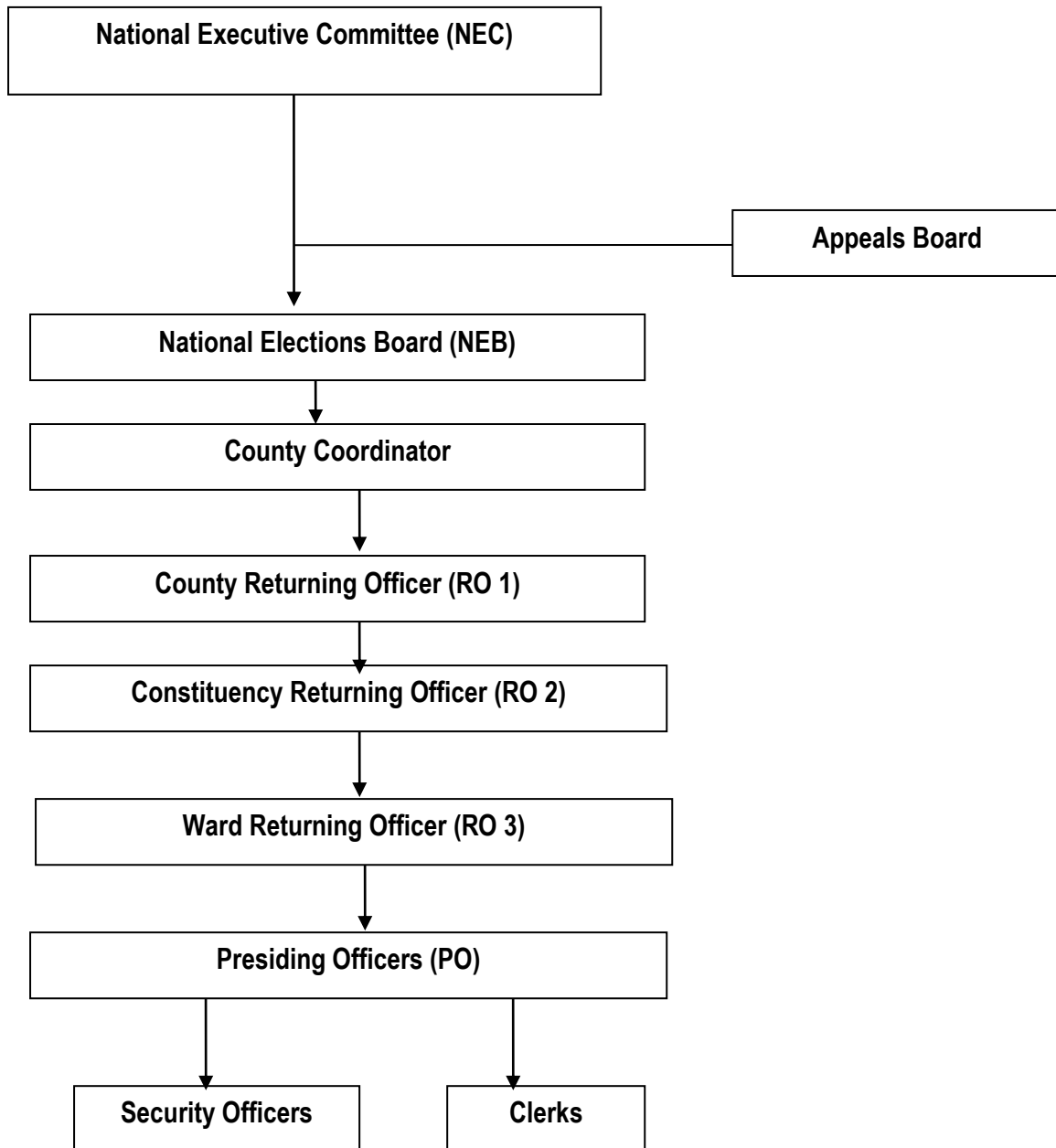
“**Voter**” means any person who is validly registered and in possession of a Green Congress of Kenya membership card and is a registered voter under the laws of Kenya.

“**Youth**” shall mean a person between the ages of 18 years to 35 years.

PART II

ELECTION AND NOMINATION STRUCTURES

The Green Congress of Kenya election and nomination structure will consist of the following: -



4. National Elections Board

4.1 Establishment of the National Elections Board

- 4.1.1 There is hereby established as per Art. 7.12 of the Party Constitution, the Green Congress of Kenya National Elections Board whose mandate is to plan, organize, direct and coordinate the Green Congress of Kenya internal party elections and the Green Congress of Kenya Presidential, Gubernatorial, Parliamentary and County Assembly candidate's nominations throughout the Republic of Kenya, in readiness for the General Elections, or by-elections.
- 4.1.2 The National Elections Board will be appointed by the National Executive Committee and will comprise 7 respected and knowledgeable persons of high integrity who do not hold any elective party position. The Board Members shall be persons who are Kenyan Citizens over the age of eighteen (18) years.
- 4.1.3 At the first meeting of the National Elections Board convened by the National Executive Committee the Board members shall elect a chairperson.
- 4.1.4 The National Secretariat shall provide secretarial services to the Board.
- 4.1.5 The National Executive Committee shall appoint an Appeals Board comprising of Five (5) members based on gender balance to handle all disputes arising out of the Party's Presidential, Gubernatorial, Parliamentary and County elections. Its decisions shall be final.

4.2 Duties of the National Elections Board

The duties of the National Elections Board shall be;

- a. To implement and oversee the operations of the Green Congress of Kenya Elections and Nominations Rules in Liaison with the National Executive Committee in accordance with the National Constitution, legislations governing political parties and elections, the Party Constitution, Nomination and Elections Rules and other by-laws of the party
- b. Plan, organize, co-ordinate and supervise Party elections and Nominations for Presidential, Parliamentary, Gubernatorial and County Assembly Candidates.
- c. To design all relevant forms required for the election and nomination process.
- d. Determine eligibility of candidates for elections as party officials and delegates at branch and sub-branch level and eligibility as candidates for County and Parliamentary seats.
- e. Ensure gender parity and conformity with the party constitution in the party nominations.
- f. To determine eligibility of candidates for nomination as party candidates for presidential elections.
- g. To appoint County Coordinators, Returning Officers Deputy Returning Officers, Presiding Officers Deputy Presiding officers, Polling Clerks and Counting Clerks and Security Officers.
- h. To accredit independent elections observers.
- i. To present to the Green Congress of Kenya National Executive Committee the names of the elected party officials and successful applicants for nomination as Presidential, Parliamentary, Gubernatorial and County Assembly candidates.
- j. To take all the necessary measure to ensure that the Green Congress of Kenya elections and Nominations are transparent, peaceful, free and fair and that the choice of Green Congress of Kenya candidates truly reflects the will of Green Congress of Kenya members.

- k. In discharging its functions the Board shall not be under the direction of any person and shall act in accordance with the national constitution, election act, the party constitution, these Nominations Rules and any rules of procedure that may be promulgated in accordance with the party constitution.
- l. In assisting the Board to discharge its mandate, the National Executive Council shall develop guidelines for:-
 - a) Free, fair and transparent elections
 - b) Qualifications for appointment of the Election Board including the integrity test
 - c) Formulate a clear code of conduct to guide the affair of the board
- m. The Board, once appointed and sworn in shall according to Party Constitution put in place structures to ensure effective national, county/ branch and sub branch nominations and elections.

5 Returning Officer and his officers

- 5.1 In exercising its mandate, the National Elections Board may delegate its powers and duties to the Branch Returning Officer as stipulated in these Elections and Nominations Rules and Procedures.
- 5.2 The National Elections Board in consultation with the Branch Executive Committee shall appoint a Returning Officer to oversee the nomination and election of party officials and delegates and the nomination of party candidates for national elections at sub branch and branch levels.
- 5.3 The Returning Officer in consultation with the National Elections Board shall;
 - a. Supervise the nomination and election process at sub-branch and Branch levels;
 - b. Accredite independent elections observers.
 - c. Safely keep ballot boxes and other nomination materials in each constituency
 - d. Keep a register of the Green Congress of Kenya members for each sub-location in the branch that shall be eligible to vote during the elections and nominations.
 - e. Receive the names of agents from the candidates
 - f. Submit the election and nomination results directly to the County Coordinator for onward transmission to the National Elections Board.
 - g. Undertake any other responsibilities assigned by National Elections Board related to election and Nomination Process.

6. Duties of Elections Officials

6.1 Returning Officers

- 6.1.1 They shall be appointed by the National Elections Board and shall be in charge of party elections and nominations.
- 6.1.2 Their duties and responsibilities shall include:
 - a. To carry out briefings and trainings for other election officials on the proper conduct of the party elections in accordance with the party's Constitution and these Election and Nomination Rules.
 - b. To ensure that the requisite logistics are in place at the election venue.
 - c. To Ensure that sufficient and relevant voting materials and equipment are available including and not limited to:

- Standard and acceptable ballot papers with provision for the vacant post, name candidates and name of election venue,
 - Registers containing the names of certified elected delegates from the branch level
 - Registers of party members
 - Sufficient ballot boxes
 - Writing materials
 - Indelible ink for dipping voters fingers after voting
 - Tables and chairs
 - Pressure/ gas lamps
 - Forms for recording results and making returns
 - Identification cards for Election officials
 - Any other materials that may facilitate the proper conduct of elections
- d. To liaise with the police to ensure adequate security during party elections and nominations
- e. To supervise other election officials
- f. To announce results of the elections or nominations
- g. To compile and submit to the National Elections Board the results of the elections or nominations as the case may be.

6.2 Presiding Officers

6.2.1 The Presiding Officers shall be appointed by the National Elections Board and there shall be one Presiding Officer for every Polling Station in the Constituency.

6.2.2 The duties of the Presiding Officer include-

- a. To ensure the requisite logistics are in place at the polling station
- b. To supervise the polling/ counting clerks
- c. To liaise with the police and other security personnel to ensure adequate security during the elections.
- d. To regulate the number of voters to be admitted into the polling station at the same time, and to exclude all other persons except:
 - i. The candidates and their agents
 - ii. Elections Officials on duty
 - iii. Security Officers on duty
 - iv. Persons necessary in assisting the blind voters or the incapacitated
- e. To admit to the polling station at least one agent of each candidate and may admit as many more agents as directed by Party Rules. He may refuse admission to a person claiming to be an agent for a candidate, if the person does not produce a letter of appointment as an agent signed by that candidate.
- f. To ensure order is kept at her / his polling station
- g. To order the security officers to immediately remove any person who misbehaves or fails to obey his lawful instructions and orders, in a polling station.

A person so removed shall not re-enter the polling station during the continuance of the polling without the permission of the presiding officer.

- h. To order the removal of a person, or dispersal of any gathering of persons, that appears to her/him to be preventing free access to and from the polling station, or to be intimidating or interfering with voters. Any such orders shall be sufficient for a police officer, or any other authorized officer to effect the necessary action.
- i. To count of votes at the close of the polls

6.3 Polling/Counting Clerks

- 6.3.1 The Polling/ Counting Clerks shall be answerable to the Presiding Officer or his or her Deputy under whom they shall be working. They shall be appointed by the National Elections Board.
- 6.3.2 Their duties include:
 - a. To ensure that the requisite logistics are in place at the designated polling station before the elections or nominations start.
 - b. To prepare and lay out polling station
 - c. To check the voters details.
 - d. To issue ballot paper to voters; direct the voter to the booth and the ballot box
 - e. To dip the voter's small left finger in ink after voting.
 - f. During counting, to assist the Presiding Officer in
 - i. Separating ballot papers for different posts and according to candidates
 - ii. Sorting out the ballot papers and separating those that are invalid
 - iii. Counting the votes by publicly displaying the votes for each candidate
 - g. To carry out any other duties as may be assigned by the Presiding Officer.

6.4 Security Officers

- 6.4.1 The National Secretariat shall avail security officers whose number shall be determined by the National Elections Board
- 6.4.2 The role of Security Officers is to maintain law and order during the election and nomination process
- 6.4.3 All the security officers appointed shall be answerable to the Returning Officer.

6.5 Disciplinary Measures

An Officer, clerk or other person having a duty to perform under these regulations and who without reasonable cause contravenes the same by an act or omission of these regulations shall be liable to disciplinary action.

PART III: RULES GOVERNING THE PARTY ELECTIONS PROCESS

Rule 7: ELECTIONS FOR PARTY OFFICIALS

Party elections shall be conducted for the following organs of the party-

- 7.1 National Office bearers of the Party
- 7.2 Branch/County Executive Committee
- 7.3 Sub-Branch/ Constituency Executive Committee
- 7.4 Ward Executive Committee
- 7.5 Location Executive Committee
- 7.6 Sub-Location / "Kijiji"/Unit (Polling Station) Managing Committee
- 7.7 Green Congress Women League
- 7.8 Young Green Congress League

Rule 8: NOTICE OF ELECTIONS

There shall be a notice of not less than 21 days issued by the National Elections Board for all election of branch and national offices. The notice shall be published in such media as may be specified by the National Executive Committee. Such media may include electronic media such as radio, Email, Whatsapp, and at least one daily newspaper with high national circulation.

In the event of an election occasioned by the death, resignation or disqualification of the sitting President, Governor, Member of Parliament or County Representative, the notice shall be made within (7) days after the announcement of election date by IEBC. This provision shall be applicable in nomination of candidates for elective positions and shall not apply in election of party office bearers.

Election Criteria and Procedures

1. Written applications and recommendations accompanied by duly filled forms shall be made to the Board within the specified time for consideration.
2. Closed primaries (only duly registered members) shall be used in the nomination or election of County Representatives, and Members of Parliament.
3. The special National Delegates Congress or under extra-ordinary circumstances the General Council, shall nominate the Presidential candidate and running mate.
4. The County Forum shall nominate candidate for the seat of County Governor.
5. Elections shall be by secret ballot.
6. Scheduled forms shall be used for record keeping and election returns
7. The Board shall within Seven (7) days of receipt of the recommendations/applications display list of the applicants for public inspection.
8. On the date appointed for nomination of party candidates, notice and venues whereof shall be published not less than three (3) weeks before hand.

9. Each member of the party shall have one vote for every candidate and shall use current membership card and National Identification Card to cast the secret ballot.
10. The Returning Officers and the Presiding Officers shall ensure that candidates and Party members have subscribed to the Electoral Code of Conduct before an election.
11. Every candidate for nomination shall have the right to appoint two agents at the election and the counting of the votes.
12. The votes shall be counted at the polling station where they are cast in the presence of the candidate/agent. Provided that in the event of the candidate and/or the candidate's agent refusing or failing to be present at the counting at the time required, the Presiding Officer may take note of such absence/failure/refusal and proceed with the counting as if such candidate were present.
13. The candidate with the highest number of votes cast in his/her favour shall be declared the winner of the election at that polling station and the Presiding Officer and all the candidates/ counting agents present will confirm the result by endorsing and signing the tally of votes cast.
14. The Returning Officer shall convey the endorsed and confirm the result vide FORM 4 of the Schedule to the chairperson of the Nominations and Election Board who shall tally and total all the returns in respect of each nomination.
15. The chairperson of the Board assisted by the members of the Board, shall tally and total the votes on the returns made by the Presiding Officers and all the candidates present or their agents shall certify the totals to be correct and sign the same.
16. If any candidate and/or agent refuses/fails to certify the totals as correct the Board shall make note of such refusal and record the grounds for refusal and certify and sign the results.
17. The person with the highest number of votes tallied shall be the winner of the nomination and the Board shall declare such a person the party candidate for that particular election.
18. If satisfied that the nomination has been conducted in accordance with these rules and the party constitution, the Board shall endorse and confirm the nomination of the candidate and such person(s) selected by the party and shall certify such nomination to the Independent Electoral and Boundaries Commission (IEBC) as provided for at Section 31(3) & (4) of the Elections Act, 2011.
19. The returning officer shall confirm unopposed candidates as duly nominated candidates and issue them with clearance certificate at the completion of nomination process.
20. The Board shall issue a copy of the declaration and the certificate aforesaid to the National Executive Council as provided for in the constitution.
21. Party elections shall begin with :
 - a) Civic and political education to sensitize members on significance of leadership and party elections and provisions of electoral code of conduct

- b) Membership recruitment drive and updating of Membership registers
- c) Establishment of the Nominations and Elections Board
- d) Publication of the notice and program in the print and electronic media

22. Eligibility criteria for candidates:

No one shall participate in party elections as voter and candidate unless that person:

- a) Is a fully registered member
- b) Is a registered citizen of Kenya with a National Identification Card
- c) Has signed the Electoral Code of conduct
- d) Meets the requirements of Article Ten and Chapter Six of the Constitution of Kenya

Rule 9: QUALIFICATIONS

A candidate seeking to be elected an office bearer shall be required to be:

- 9.1 A member of the Green Congress of Kenya;
- 9.2 Committed to the ideals and core values of the Party;
- 9.3 A fully paid up member. In the case of those seeking for national office and Branch Chairpersons they shall be life members,
- 9.4 Demonstrate having participated in party activities; provided that the National Executive Committee shall at its discretion have the power to waive this requirement if it deems it fit in the interest of the Party,
- 9.5 To be present during the meeting at which the election is carried out, provided that the National Executive Committee shall at its discretion waive this requirement where a person seeking election has indicated in writing under his or her hand that he or she is willing to serve in such office if elected.

Rule 10: CONDUCT OF NOMINATION AND ELECTIONS OF OFFICE BEARERS

- 10.1 There shall be nomination forms 2A, 2B and 2C for county, parliamentary and presidential elections respectively, which shall be completed by a member seeking nomination for any vacant post within the party at the National and each level.
- 10.2 The National Elections Board upon receipt of the nomination form shall certify that the applicant does or does not qualify for nomination. The National Elections Board shall inform the applicant of its determination in writing and compile a list of successful applicants. The National Elections Board shall certify and present a copy of the list of successful applicants to the Delegates at which the elections are to be held.
- 10.3 Nominations and Elections for the National offices shall be conducted by the National Elections Board or by any person appointed by the National Elections Board.

Rule 11: ELECTIONS OF NATIONAL OFFICE BEARERS

At a National Delegates Convention convened for the purposes of holding elections for National office bearers, the Returning Officer appointed by the National Elections Board shall:

- 11.1 Ensure that all delegates present to take part in the election are eligible as per the national register of membership and have valid membership cards.
- 11.2 Ensure that there is a quorum as provided for in Article 7.3.7 of the Party Constitution.
- 11.3 Accredite media representatives wishing to cover the elections.
- 11.4 Ensure that the venue for the elections is laid out in accordance with the method of elections to be used and that all materials required for elections are available.
- 11.5 Confirm that all the candidates presenting themselves for elections have been duly nominated by the National Elections Board and afford each candidate an opportunity to introduce him or herself to the delegates.
- 11.6 Post the list of candidates' vis-à-vis the positions they are vying for at the election venue and bring the same to the attention of the delegates.
- 11.7 Ensure that there is law and order at the venue to ensure atmosphere conducive for the holding of free and fair elections devoid of violence, bribery or other forms of inducements, undue influence or pressure.

Rule 12: DISQUALIFICATION FROM PARTICIPATING IN ELECTION OF NATIONAL PARTY OFFICES

Any delegate may be disqualified by the National Elections Board from taking part in party election on ground of proven misconduct with regard to elections including:

- 12.1 Engaging in bribery.
- 12.2 Making public utterances and machinations that may arouse racial, ethnic, religious or gender animosities amongst the party members.
- 12.3 Pledging or showing allegiance to another political party.
- 12.4 Promoting political violence and intimidation
- 12.5 Disregarding party policy decisions including the election and nomination rules
- 12.6 Engaging in any conduct with respect to elections, which would invite disciplinary proceedings under the Constitution of the Party.

Rule 13: VOTING PROCEDURES DURING ELECTIONS FOR NATIONAL OFFICE BEARERS

- 13.1 Elections shall be by secret ballot or any other method *acceptable to delegates present*.
- 13.2 Elections shall be conducted by the Returning Officer with the assistance of other election officials, both duly appointed by the National Elections Board.

- 13.3 Persons elected to national offices shall assume office as soon as they are declared elected.
- 13.4 The National Elections Board shall immediately after the announcement of the results surrender all election documents and materials to the National Secretariat for safe custody for a period of 30 days.

Rule 14: ELECTIONS OF SUB-LOCATION / KIJJI / UNIT (POLLING STATION LEVEL)

- 14.1.1 The sub-location/Kijiji/Unit shall be the basic Electoral College and all Green Congress of Kenya Members who are registered in that Sub-Location/Kijiji/Unit as per the national register shall be eligible to vote.
- 14.1.2 On the date designated for the Sub-Location /Kijiji/ Unit Management Committee elections All Green Congress of Kenya members shall assemble at the designated polling stations and vote by secret ballot or any other method acceptable to the Party Members present.
- 14.1.3 The presiding Officer shall tally the results and after announcing the winners shall submit them to the Returning Officer.

Rule 15 ELECTIONS OF SUB-BRANCH/CONSTITUENCY STEERING COMMITTEE OFFICIALS (CONSTITUENCY LEVEL)

- 15.2.1 The delegates elected from the sub-location/Kijiji/Unit Management Committee shall form the Sub-branch Electoral College and shall elect the Sub- Branch Steering Committee.
- 15.2.2 On the date designated for the Sub-branch Steering Committee elections the delegates of the Electoral College shall assemble at the designated polling stations and vote by secret ballot or any other method acceptable to the delegates present.
- 15.2.3 The quorum for the Electoral College for the purpose of conducting the Sub branch Steering Committee Elections shall be two thirds of the delegates eligible to vote.
- 15.2.4 The Presiding Officer shall tally the results and after announcing the winners submit the results to the Returning Officer

Rule 16: ELECTIONS OF BRANCH EXECUTIVE COMMITTEE (COUNTY LEVEL)

- 16.1 The delegates elected from the Sub-Branch/Constituency shall form the Branch Electoral College and will elect the Branch Executive Committee.
- 16.2 The Branch Executive Committee shall be elected by Secret Ballot or any other acceptable method by the Branch Electoral College, at a date to be determined by the National Executive Committee. They shall hold office for five (5) years and shall be eligible for re-election.
- 16.3 On the date designated for the branch elections the delegates of the Electoral College shall assemble at the designated Branch polling station and vote by secret ballot or any other method acceptable to the delegates present.
- 16.4 The quorum for the Electoral College for the purpose of conducting the branch Elections shall be two thirds of the delegates eligible to vote.
- 16.5 The Returning Officer shall tally the results and after announcing the winner shall submit the results or any other report to the National Elections Board.

Rule 17: ELECTION OF GREEN CONGRESS WOMEN LEAGUE

- 17.1 The election of the League shall begin at the Sub-Location/Kijiji/Unit level. The League shall be organized by the Women Congress Secretary at each level.
- 17.2 All Green Congress Women Members of the Party in the Sub-Location/Kijiji/ Unit shall form the Green Congress Women's Electoral College at that level and shall elect a Management committee comprising; a Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and twelve committee members
- 17.3. The Delegates of the Sub-location/Kijiji/unit shall form the Green Congress Women Sub-Branch Electoral College and shall elect the Green Congress Women Sub-Branch Steering committee.
- 17.4 The delegates of the Sub-Branch shall form the Green Congress Women Branch Electoral College and shall elect the Green Congress Women Branch Steering Committee comprising of. Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and twelve committee members

Rule 18: ELECTION OF YOUNG GREEN CONGRESS LEAGUE

- 18.1 The election of the Young Congress League shall begin at the Sub-Location/Kijiji/Unit level. The League shall be organized by the Young Green Congress League Secretary at each level.
- 18.2 All Young Green Congress League Members of the Party in the Sub-Location/Kijiji/ Unit shall form the Young Green Congress League Electoral College at that level and shall elect a Management committee comprising; a Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and twelve committee members
- 18.4.1 The Delegates of the Sub-location/Kijiji/unit shall form the Young Green Congress League Sub-Branch Electoral College and shall elect the Young Green Congress League Sub-Branch Steering committee comprising of. Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and twelve committee members
- 18.5 The Sub-Branch/Kijiji/Unit delegates shall form the Young Green Congress League Branch Electoral College and shall elect the Young Green Congress League Branch Steering Committee comprising of Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and twelve committee members.

Rule 19: CAMPAIGNS

- 19.1 The National Elections Board shall determine from time to time the period during which candidates shall be permitted to campaign.
- 19.2 No campaign shall be permitted on polling day.

Rule 20: DISPUTES AND APPEAL

- 20.1 The National Executive Council and the Board shall, upon the establishment of the Nominations and Elections Board, establish a National Nomination Dispute Resolution Panel (hereinafter referred to as the "Panel") which shall finally determine all and any matters and disputes between party members and/or party members pertaining to party nominations.

- 20.2 The Panel shall be an ad hoc body to deal with disputes arising out of the nomination process in a particular election and shall stand dissolved upon conclusion of the nomination process.
- 20.3 Any candidate dissatisfied with the outcome of party elections at the branch level shall have the right of appeal to the Appeals Panel within 24 hours of the announcement of the results.
- 20.4 The appeal shall be in writing and duly signed by the appellant and accompanied by a non-refundable fee of Ksh. 10,000 which amount shall be payable to the Successive Party on appeal
- 20.5 The requisite panel shall hear and determine the appeal within 48 hours of receipt of the appeal. The decision of the Panel shall be final.
- 20.6 Complaints filed shall be heard and be disposed of within 72 hours.

PART IV

THE NOMINATION PROCESS FOR THE NATIONAL AND COUNTY ELECTIONS

21. Categories of elections covered

These rules govern nomination of Party candidates in respect of any nomination to be held for Presidential, Parliamentary and County elections.

THE NOMINATION RULES

These rules and procedures together with other written laws shall apply in the nomination and election of candidates to the County Assembly, the Parliament and other organizations to which the Party to which the relates.

22. Qualifications of Candidates

22.1 County Elections

22.1.1 A person seeking nomination as a Governor of a County shall fulfill the following requirements:

- (i) Be a Kenyan with a national Identity Card;
- (ii) Be 18 years of age and above
- (iii) Be a registered voter in the respective County where one wishes to vie for a seat.
- (iv) Be paid up member of the Party.
- (v) Satisfy any educational, moral and ethical requirements prescribed by the Constitution of Kenya and the Elections Act, 2011
- (vi) Have been an active member of the party before the time of seeking nomination, provided that the National Executive Committee may for good cause which shall be specifically documented, exempt an applicant from this requirement, subject to any conditions they may deem fit.
- (vii) Meet any other requirements as may be prescribed by the National Elections Board and Independent Electoral Boundaries Commission.

22.1.2 An applicant for nomination shall furnish the following documents:

- (i) A nomination Form in the prescribed form to be presented to the National Elections Board duly completed in triplicate and signed by a proposer and seconder both of whom must be members of Green Congress of Kenya and registered voters in the electoral area;

- (ii) Copy of national identity card.
- (iii) Evidence of active Green Congress of Kenya membership prior to the application.
- (iv) Twenty- (20) signatures of Green Congress' members who are registered voters from the County;
- (v) A Non- refundable fee of Ksh. 1,000,000/= paid to Green Congress of Kenya by a Bankers Cheque or deposited in an account opened for this purpose, and Ksh. 500,000/- for special groups that include women, youth and physically challenged people.
- (vi) A Curriculum Vitae illustrating amongst other qualifications, minimum educational qualifications outlined above.
- (vii) A copy of his or her voters card;
- (viii) A copy of his or her Green Congress of Kenya Membership Card.
- (ix) Duly completed, signed and witnessed Code of Conduct Form;
- (x) Duly completed, signed and witnessed Pledge of Commitment Form;

22.1.2 A person seeking nomination as a Member of a County Assembly shall fulfill the following requirements:

- (i) Be a Kenyan with a National Identity Card;
- (ii) Be 18 years of age and above
- (iii) Be a registered voter in the respective Ward where one wishes to vie for a seat.
- (iv) Be paid up member of the Party.
- (viii) Satisfy any educational, moral and ethical requirements prescribed by the Constitution of Kenya and the Elections Act, 2011
- (ix) Have been an active member of the party before the time of seeking nomination, provided that the National Executive Committee may for good cause which shall be specifically documented, exempt an applicant from this requirement, subject to any conditions they may deem fit.
- (x) Meet any other requirements as may be prescribed by the National Elections Board and Independent Electoral Boundaries Commission.

22.1.3 An applicant for nomination shall furnish the following documents:

- (i) A nomination Form in the prescribed form to be presented to the National Elections Board duly completed in triplicate and signed by a proposer and seconder both of whom must be members of Green Congress of Kenya and registered voters in the electoral area;
- (xi) Copy of national identity card.
- (xii) Evidence of active Green Congress of Kenya membership prior to the application.

- (xiii) Twenty- (20) signatures of Green Congress' members who are registered voters from his/her Ward;
- (xiv) A Non- refundable fee of 50,000/= paid to Green Congress of Kenya by a Bankers Cheque or deposited in an account opened for this purpose, and Ksh. 30,000/- for special groups that include women, youth and physically challenged people.
- (xv) A Curriculum Vitae illustrating amongst other qualifications, minimum educational qualifications outlined above.
- (xvi) A copy of his or her voters card;
- (xvii) A copy of his or her Green Congress of Kenya Membership Card.
- (xviii) Duly completed, signed and witnessed Code of Conduct Form;
- (xix) Duly completed, signed and witnessed Pledge of Commitment Form;
- (xx) Certificate of good conduct from the Kenya Police and Independent Ethics and anti-corruption commission.
- (xxi) Clearance from Ethics and anti-corruption commission.
- (xxii) Clearance from Higher Education Loans Board.
- (xxiii) Academic requirements as per section 22 of elections act.

22.2 Parliamentary Election

22.2.1 A person seeking nomination for Parliamentary elections shall fulfill the following requirements:

- i. Be a Kenyan citizen with a national identity card passport;
- ii. Be at least 18 years of age.
- iii. Be a registered voter.
- iv. Be a life member of the Party
- v. Satisfies any educational, moral and ethical requirements prescribed by the Constitution of Kenya and the Elections Act, 2011
- vi. Have been an active member of the party before the time of seeking nomination, provided that the National Executive Committee may for good cause which shall be specifically documented, exempt an applicant from this requirement, subject to any conditions they may deem fit.
- vii. Meet the minimum requirements for Parliamentary Candidates as set out by the Independent Electoral Boundaries Commission
- viii. That he is not a person disqualified under Section 24 (2) of the Elections Act, 2011

22.2.2 Candidates in respect of Parliamentary nominations shall be required to provide the following:

- I. A nomination form in the prescribed form presented to the Board duly completed in triplicate and signed by proposer and seconder from Green Congress of Kenya members who are registered voters from his/ her Constituency;
- II. Fifty (50) signatures of Green Congress of Kenya members who are registered voters within the Constituency;
- III. Evidence of active Green Congress of Kenya membership prior to the application or National Executive Committee exemption certificate.
- IV. A Non- Refundable nomination fee of Kshs. 100,000/= paid to Green Congress of Kenya by Bankers cheque or deposited in an account opened for this purpose and Ksh 50,000/- for special groups.
- V. A detailed Curriculum Vitae indicating amongst other qualifications:-
 - a. Educational qualifications
 - b. Work Experience
 - c. Relevant interests and competencies
- VI. A copy of National Card or Passport;
- VII. A copy of his or her Voter's Card;
- VIII. A copy of Green Congress of Kenya Life Membership Certificate;
- IX. Duly completed, signed and witnessed Code of Conduct Form;
- X. Duly completed, signed and witnessed Pledge of Commitment Form;

22.3 Presidential Nomination

- 22.3.1 (a) A person seeking nomination for Presidential elections shall fulfill the following requirements:
- (i) Be a Kenyan citizen with a National Identity Card or passport;
 - (ii) Be a registered voter.
 - (iii) Be a life member of the Party
 - (iv) Have attained at least a first degree or its equivalent level of education, provided that the nomination body may for good cause, which shall specifically be documented, exempt an applicant from this requirement.
 - (v) Be of high moral standing and integrity.
 - (vi) Meet the minimum requirements for Presidential Candidates as set out by the Independent Electoral Boundaries Commission.

(vii) The candidates seeking nominations as the Party's Presidential Candidates shall apply to the National Elections Board through the Secretary General and the validity of their nomination shall be signified by a Certificate issued to this effect.

(viii) Is qualified to stand for election as a Member of Parliament

22.3.2 (b) Candidates in respect of Presidential nomination shall be required to have provided the following :-

(i) A Nomination form in the prescribed form presented to the Board duly completed in triplicate and signed by a Proposer and Seconder from the Green Congress of Kenya Party Members who are registered voters.

(ii) Is nominated by not fewer than 500 party members and voters from each of a majority of the Counties.

(iii) Evidence of active Green Congress of Kenya membership.

(iv) A Non –refundable nomination fee of Kshs. 5,000,000 paid to Green Congress of Kenya by Bankers cheque.

(v) A detailed Curriculum Vitae indicating amongst other qualifications:-

(a) Education qualifications

(b) Proven leadership abilities

(c) Experience in management of public affairs

(d) A copy of the National Identification Card;

(e) A copy of Green Congress of Kenya Membership Certificate or Card

(f) Duly completed, signed and witnessed Code of Conduct Form;

(ix) Duly completed, signed and witnessed Pledge of Commitment Form;

Provided that any Candidate who has previously complied with these requirements on a previous occasion in respect of any Party to which the members of the GCK belonged and who has become a member of the GCK shall be deemed to have complied with these provisions.

22.3.3 (i) There shall be a special National Delegates Convention whose membership shall be as follows:-

a) The National Office bearers of the Party.

b) Twenty Delegates each from each of the twenty Constituencies. For the avoidance of doubt, all Party Members of the National Assembly, all members of the National Governing Council and all Members of the Branch Executive Committee shall be accommodated within the twenty delegates from their respective Constituencies.

ii) The date of the special National Delegates Convention shall be announced by the National Executive Council.

iii) In Constitution of the twenty delegates from each Constituency, care shall be taken to ensure, to the greatest extent possible, gender equity.

iv)

- 22.3.4. On the date designated for the Special Delegate Convention, the Delegates:-
- Shall arrive at the venue as early as 6 am and register at the entrance to the Convention.
 - Shall receive identification tags numbered according to their respective Constituencies and Regions and shall be seated accordingly in the areas earmarked for their Regions.
 - Each delegate shall produce an acceptable form of identification identifying the persons as the one whose name appears on the Register of Delegates.

Election Officials

- 22.3.6. a) The Board shall appoint and accredit 8 Returning officers, who shall represent each Major region of Kenya, 2 Presiding officers and four (4) polling clerks per Region. The clerks shall double up as the counting clerks.
- b) In addition to the above each Presidential Candidate shall be entitled to designate an agent per Region.

Security

- 22.3.7. The Board shall designate a security firm to provide security at the venue of the Special Delegates Convention in addition to requisitioning a number of police officers to help maintain Law and Order at the venue.
- 22.3.8 a) Before Commencement of the voting process, the Chairperson of the Board shall declare to the delegates the names of duly nominated Candidates for nomination as the Party's Presidential Candidate.
- b) In the event that there is only one Candidate duly nominated, or other Candidates elect not to contest, the person so nominated shall be declared unopposed without need, to undertake the processes described below.

Voting Procedure

- c) The Delegates to the Convention shall choose what procedure to adopt from the following two options:-
- (i) Secret Ballot
 - (ii) Show of hands.
- (d) If the 1st procedure (secret ballot) is the order of voting, the Delegates shall be directed to vote in accordance with the Counties and as shall be directed by the National Elections Board through the Returning and/or Presiding officers.
- (e) Once all the delegates have cast their votes, the Presiding officer shall oversee/supervise the counting of votes by the Polling/Counting Clerks before the same are presented to the Returning officers for confirmation and signature.

- (f) The Returning officer having satisfied himself/herself that the Votes have been properly counted, and that they tally with the Vote Register, shall submit the certified results to the Board.
- (g) The Board on receipt of the results from the Returning officer shall Seal the Results whilst awaiting the full results from all the Counties.
- (h) On Receipt and Sealing of the full results from the Counties the Board shall tally the results.
- (i) On completion of tallies, the Board shall prepare a Report showing the number of Votes cast, the number of votes each Aspirant has secured and declaring the Candidate with the highest number of votes as the Winner.

Provided that in the interest of harmony and unity, the Board shall not publicly announce the respective tallies per Region.

- (j) The Chairperson of the Board shall declare as winner the Candidate who shall have garnered the highest number of votes as duly nominated.
- (k) i) Where the method of choosing a candidate is determined to be by Show of Hands, the National Election Board shall direct the delegates to express their preference by show of hands.
ii) The Candidate with the highest number of votes shall be declared the winner.
- (l) Nothing in these Rules shall prohibit the National Elections Board from doing or omitting to do any such act that the Board may consider necessary so to do or not to do, to facilitate a free, fair and democratic Election.

22.3.9 Any person dissatisfied with the process or results of the Elections shall refer the issue to Arbitration in terms of Article 11 of the Party Constitution.

23. DISQUALIFICATIONS

23.1 Disqualification from nomination as a candidate for election as President

A person is not qualified for nomination as a presidential candidate if that person:

- a) Owes allegiance to a foreign State, or
- b) Is a Public Officer, or is acting in any State or other Public Office.

Subsection (b) hereinabove shall not apply to a sitting President, Deputy President or Member of Parliament

23.2 Disqualification from nomination as a candidate for election as a Member of Parliament

A person is disqualified from being nominated as a Member of Parliament if the person:

- a) Is a State Officer or other Public Officer other than a Member of Parliament
- b) Has, at any time within the five years immediately preceding the date of the election, held office as a member of the Independent Electoral Boundaries Commission
- c) Is a member of a County Assembly

- d) Is of unsound mind
- e) Is an undischarged bankrupt
- f) Is subject to a sentence of imprisonment of at least six months as at the date of nomination as a candidate
- g) Has not been a citizen of Kenya for at least the ten years immediately preceding the date of the election
- h) Is found, in accordance with any Law to have misused or abused a state office or public office or in any way to have contravened the provisions of Chapter Six of the Constitution of Kenya

23.3 Disqualification from nomination as a candidate for election as a Member of the County Assembly

A person is disqualified from being nominated as a candidate for election as a Member of a County Assembly if the person:-

- a) Is a State Officer or other Public Officer other than a Member of a County Assembly
- b) Has at any time within the five years immediately before the date of election, held office as a member of the Independent Electoral Boundaries Commission or any Election Commission,
- c) Is of unsound mind,
- d) Is an undischarged bankrupt,
- e) Is serving a sentence of imprisonment of at least six months,
- f) Has been found, in accordance with any law, to have misused or abused a State Office or Public Office or to have contravened any provision of Chapter Six of the Constitution of Kenya

24. Pledge of Commitment

All applicants for nomination as party candidates shall sign a code of conduct, pledge of commitment to contribute monthly towards the financing of party operations and copy of the party manifesto which must be witnessed by a Commissioner of Oaths or Magistrate. The amounts to be pledged by party candidates shall be set and reviewed from time to time by the National Executive Committee. The amounts pledged shall be recoverable by the party as a civil debt.

NOMINATION PROCESS

25. Announcement of Vacant Positions

25.1 Upon a resolution by the National Executive Committee, the National Elections Board shall advertise and receive applications for Presidential, Parliamentary, Gubernatorial and County Assembly Candidates. The advertisement shall contain such details as the Board shall deem necessary.

25.2 All interested persons shall submit their duly filled nomination forms to the Green Congress of Kenya Branch Office in respect of County candidates, and for the Presidential and Parliamentary to the Party's National Secretariat for onward transmission to the National Elections Board in respect of Parliamentary Candidates, attaching all required documents.

25.3 The National Elections Board shall present to the Green Congress of Kenya National Executive Committee the names of the Presidential, Parliamentary, Gubernatorial and County Assembly candidates who have applied for nomination.

26. Vetting of nominations

- 26.1 The Vetting of candidates for Presidential party nominee, Parliamentary, Gubernatorial and County Assembly shall be conducted at a venue and time determined in accordance with the Party's electoral calendar.
- 26.2 The National Elections Board shall publish a list of all qualified applicants within 48hours of the end of the vetting process.
- 26.3 The National Elections Board shall compile and submit a list of all qualified applicants to the National Secretariat for onward transmission to the National Executive Committee within 48hrs of the end of the vetting process.
- 26.4 Copies of the lists of the names shall be sent to all offices of the Returning Officers and shall be open for inspection by all interested parties in the Party nominations, for a period of not less than three days.
- 26.5 Any person who considers that his/her name has been wrongly or unfairly omitted from that list, shall have the right to appeal to the Appeals Board within a period of 24 hours after the expiry of the inspection period, provided that this deadline may be extended in exceptional; circumstances, which shall be specifically documented.
- 26.6 On the day and at the time specified by the National Elections Board for vetting, all candidates/ proxies shall present themselves before their respective Returning Officers, with the following documents:-
- a. A National Identity Card
 - b. Party Membership Card
 - c. Voters Card
 - d. Nomination fees receipt
 - e. 3 current passport- size colour photographs with their full names printed and signed at the back.
- 26.7 Any candidate who fails to present herself/ himself or his/ her proxy on the day, time and place specified in accordance with the rules shall be disqualified from nomination.
- 26.8 Where there is only one successful applicant or the applicant is unopposed such applicant shall be declared the party's candidate. If there is more than one candidate, the National Elections Board will prepare and announce the list of all approved nominees and organize party nominations as appropriate.
- 26.9 The party through the National Executive Committee may decide to give direct nomination to a candidate.
- 26.10 The party through the National Executive Committee may decide to conduct nominations through the national delegates.

- 26.11 The National Executive Committee may decide that the Party primaries be conducted by registered paid up members.

27 A NOMINATION OF PARTY LIST MEMBERS

- 27A.1** The National Executive Committee shall nominate candidates for election under Article 97 (1) (a) and (b) of the Constitution of Kenya 2010, and submit a Party List to the Independent Electoral Boundaries Commission in accordance with Article 97 (1) (c) of the Constitution of Kenya.
- 27A.2** The National Executive Committee shall nominate candidates for election under Article 98 (1) (a) of the Constitution of Kenya 2010 and submit to the Independent Electoral Boundaries Commission a Party List in accordance with Article 98 (1) (b) and (c) of the Constitution of Kenya
- 27A.3** The National Executive Committee shall nominate candidates for election under Article 197 (1) (a) of the Constitution of Kenya 2010 and submit to the Independent Electoral Boundaries Commission a Party List in accordance with Article 177 (1) (b) and (c) of the Constitution of Kenya 2010. The party list referred to above shall be submitted in order of priority.

27. Qualification of Election Officials

- 27.1 No person shall be appointed as an Election Official unless he/she is
- a) A current member of the party.
 - b) of good standing and integrity
 - c) Ordinarily resident in the constituency.
 - d) Not an elected official of the Branch Executive Committee
 - e) Undertakes to abide by the rules and regulations set by the National Elections Board.

28 Primaries for Party Parliamentary, Gubernatorial and County Assembly candidates

- 28.1 Where more than one candidate qualifies for nomination, there shall be a primary election to nominate the Party's candidate.
- 28.2 Only members of Green Congress of Kenya are eligible to participate in the Primaries for Party Parliamentary, Gubernatorial and County Assembly nominations.
- 28.3 On the date determined for polling, eligible voters shall be identified by availing the following documents:
- Green Congress of Kenya membership card
 - National Identity card
 - Voters card

Preparation for Voting Process

29 Venue/ Polling Station

The Polling station(s) where the nomination shall take place shall be determined by the Branch Elections Panels and the candidates in consultation with the National Elections Board.

30 Membership Register

30.1 All paid up Green Congress of Kenya members shall be entitled to vote during the nomination.

30.2 No person shall vote in a constituency other than in respect of which he/ she is registered as a voter.

31 Inspection of Ballot Boxes

Just before the commencement of the poll, the Presiding Officer shall show all those persons lawfully present in the polling station, and shall allow the candidates and/or their agents to ascertain that all the boxes are empty.

32 Inspection of Ballot Papers

The Presiding Officer shall allow those candidates or their agents who are present at the polling station before polling commences to inspect the ballot papers provided for use at that polling station and note the serial numbers thereon.

33 Communication with voters at the polling station

No party member other than an election official or security officer on duty shall except with the authority of the presiding Officer conduct any communication for the purpose of voting whatsoever, with a voter who is in the immediate precincts of the polling station. This regulation shall not apply to a companion of a blind or incapacitated voter from communicating with the voter.

34 Contents of ballot Papers

Every ballot paper for use at any election shall:

- a. Contain the names and photographs (optional) of the persons entitled to have them imprinted thereon.
- ii. Be capable of being folded up.
- iii. Have a serial number printed on the front.

Voting Procedure

35 General Voting Procedure

Where there are more than one candidate who have presented their papers before the returning officer, voting shall be by secret ballot so as to determine the candidate for General Election. Where there is only one candidate there shall be no voting.

36 Casting of Vote

Only eligible Green Congress of Kenya members shall be allowed to cast their votes in their respective stations.

37 Evidence of Identity of Voters

- a) A Presiding Officer shall require a person applying for a ballot paper to produce her/his Identity Card issued under the Registration of Persons Act, as well as valid Green Congress of Kenya membership card.

- b) Provided that the National Elections Board may in his discretion allow any person who has not produced a Party Membership Card to vote if such person is registered as a voter in the Ward or Sub-location in which the polling station is situated.
- c) Where some other person has already been issued with a ballot paper in the name of the voter and the person so applying produces satisfactory evidence of his identity as that voter, or
- d) The Presiding Officer is satisfied that the person duly applied for registration as a voter and was qualified for registration but,
 - i) Her/his name was omitted from the registration of voters of Green Congress of Kenya register by mistake or,
 - ii) That person does not produce to the Presiding Officer his/her identity when requested under paragraph (1) of this rule, but produces a written declaration, in a form acceptable to the Presiding Officer, as to her/his identity, the presiding Officer shall allow that person to vote, but shall record a statement of the particulars of the case.

38 Postponement of Polling

38.1 The Presiding Officer may in consultation with the Returning Officer, postpone or adjourn voting process at his/her polling station, where they are interrupted by riot, natural catastrophe or other cause. He shall then start or re-start at the earliest practicable moment. The discretionary powers of presiding officer shall include power in circumstances of transferring the voting process to another polling station in the same constituency. Where he/she does so:-

- a) He shall advertise the fact in such a manner as he/she thinks sufficient to bring to the notice of voters and
- b) The polling area for the polling station from which the voting process is transferred shall, for all purposes of this regulation, be deemed to be part of the polling area of the polling area of the polling station to which proceedings are transferred.

38.2 A Presiding Officer may in consultation with the Returning Officer extend the hours of polling has been interrupted under this regulation, and shall, where polling in that polling station has started late, extend the hours of polling by the amount of time which was lost in so starting late.

38.3 On the adjournment of the poll in a polling station, to another day, or on the close of the poll at one station with a view to transferring a ballot box to another station, and at any other time, a ballot papers, the presiding Officer shall close up the aperture used for the insertion of ballot papers in to the box and place his seal on it in such a manner as to prevent the insertion of ballot papers without the seal.

39. Votes Marked by Presiding Officer

A Presiding Officer on application at the polling station shall allow:-

- i. A voter who is incapacitated to be assisted by either his/her own agent or a person appointed by the Presiding Officer.
- ii. with the assent of the voter, a vote to be cast on behalf of a voter who declares orally that she/he is unable to read or otherwise requests the assistance of the Presiding Officer.

In both instances above, the Presiding Officer shall by means of a distinct mark, "VA" (Voter Assisted), placed opposite the name of the elector on the voters register, indicate that the vote was so cast and the reason therefore, and the Presiding Officer shall allow one representative of each candidate to witness the marking of the vote under the regulation.

40 Spoilt Ballot Papers

A voter who has inadvertently dealt with her/his ballot paper in such a manner that it cannot conveniently be used as a ballot paper, may on delivering it to the Presiding Officer and proving to the satisfaction of such officer the fact of the inadvertence, obtain another ballot paper and the spoilt ballot paper shall be immediately cancelled and the counterfoil thereof marked cancelled accordingly.

41 Sealing of Ballot Boxes

- i. After the completion of voting, the Presiding Officer shall seal the ballot box or boxes presented for counting, in the view of all the candidates or their agents.
- ii. where Presiding Officer affixes her/his seal on a ballot box or on the aperture thereof, under this regulation she/he shall permit any candidate or agent of a candidate, who so wishes, to affix her/his seal on the box or aperture.
- iii. After the ballot box has been sealed the seal shall not be broken or the aperture opened until broken and opened in the presence of those persons who were lawfully present in the polling stations.

42. Procedure on Close of poll

(i) Immediately after the close of the poll at her/his polling station the Presiding Officer shall make a written statement of:-

- a) The number of ballot papers issued to him/her
- b) The number of ballot papers other than spoilt ballot papers used.
- c) The number of spoilt papers
- d) The number of ballot papers remaining unused.

(ii) Immediately after the completion of the statement under the above paragraph, the presiding Officer in the presence of those candidates or their agents as are then present with him, shall make into separate packets:-

- a) The spoilt papers, if any
- b) The marked copy of the register
- c) The counterfoils of the used ballot papers

The packets containing the aforesaid statement, any statement/s and marked copies of registers and each of the ballot boxes in use at the polling station shall be sealed in such a manner as to prevent the introduction of any matter into the packets or boxes or the opening thereof, and the Presiding Officer shall allow any candidate or agent who may so desire to affix her/his seal and padlock on the packet or box and keep the keys.

- (iii) After complying with the foregoing provision of the regulation, the Presiding Officer shall, as soon as practicable, deliver the ballot boxes with the keys, if any, attached, and the sealed packets to the Returning Officer who shall take charge thereof, and the Presiding Officer shall permit candidates or their agents to accompany the ballot boxes and sealed packets in the course of delivery to the Returning Officer.

Counting of Votes and Declaration of Results

43 Preparation for the counting of votes

- 43.1 The presiding officer shall in the presence of the candidates or their agents as shall be present-
- a) Open each ballot box and empty its contents onto the counting table or any other facility provided for the purpose and with the assistance of the polling clerk, proceed to count the votes polled by each candidate; and
 - b) Record the total number of votes cast in favour of each candidate.
- 43.2 Each ballot paper shall be counted as follows:
- a) The presiding officer shall in respect of every ballot paper announce the candidate in whose favour the vote was cast;
 - b) Display to the candidates or their agents the ballot paper sufficiently for them to ascertain the vote.
 - c) Put the ballot paper at the place on the counting table or other facility provided for this purpose, set for the candidate in whose favour it was cast
- 43.3 A candidate or his agent shall have a right to –
- a) Dispute the inclusion in the count of a ballot paper; or
 - b) Object to the rejection of a ballot paper

Whereupon the Presiding Officer may decide to uphold or reject the complaint.

- 43.4 The Presiding Officer, candidates or their agents shall then sign a declaration stating
- a) The name of the polling station
 - b) The total number of registered voters at the polling station
 - c) The total number of valid votes
- 43.5 The Presiding Officer shall
- a) Immediately announce the results of the voting at that polling station before communicating them to the Returning Officer
 - b) Request each of the candidates and in the absence of a candidate, such of his agents then present to append his signature or write down reasons for the refusal to sign the declaration of results of the count of votes at the polling station
 - c) Provide each candidate or agent with copy of the declaration of results
 - d) Affix a copy of the declaration at the public entrance to the polling station or at any other convenient place accessible to the public.

- 43.6 Where any candidate or agent refuses to sign the declaration of results, the candidate shall record reasons for so declining
- 43.7 If the candidate or agent refuses to record the reasons, the Presiding Officer shall record the fact of that refusal.
- 43.8 Where a candidate or agent is absent, the Presiding officer shall record the absence
- 43.9 Refusal to sign the declaration of results or absence at the counting of votes cast shall not of itself invalidate the results announced.

44. Attendance at counting

- i. The Returning Officer shall make arrangements for the counting in the presence of the candidates and their counting agents if they so desire, of the votes cast in an election.
- ii. No agent of a candidate shall be deemed to be a counting agent unless; at least thirty-six hours before the close of the poll in that election, the name and address of the agent and she/his appointment as such by the candidate has been transmitted to the Returning Officer. The Returning Officers shall not allow a person whose name, address and authorization have not been transmitted to attend to the counting of the votes notwithstanding that the appointment of the person is otherwise in order.
- iii. The Returning Officer shall take such steps as she/he deems reasonable to give to the candidates and their counting agents, notice of the time and place at which she/he will begin to count the votes.
- iv. Notwithstanding the foregoing provisions of this regulation a Returning Officer shall not be obliged to admit more than two counting agents of any one candidate to the counting of votes.

45. Rejected Ballot Papers

- i. At the counting of votes at an election, any ballot paper
 - a) Which does not bear the official mark,
 - b) On which votes are given for more than on candidate or
 - c) On which anything is written or so marked as to be uncertain for whom the vote has been cast shall subject to paragraph (ii) below, be void and shall not be counted.
- ii. A ballot paper on which a vote is marked:
 - a. Elsewhere than in the proper place or
 - b. By more than one mark

Shall not by reason thereof be void if an intention that the vote shall be for one or other of the candidates as the case maybe clearly appear, and the manner in which

the paper is marked does not of itself identify the voter and it is not shown that the voter can be identified thereby.

- c. In a joint election the fact that a ballot paper has been placed in the wrong box shall not by itself make the ballot paper void and the Presiding Officer shall cause that ballot paper to be counted together with others in the election to which it relates.
- iii. A Returning Officer shall, so far as practicable proceed continuously with the counting of votes, allowing time only for refreshment.
- iv. A Returning Officer shall not commence to count votes unless she/he is of the opinion that she/he can conveniently complete the count or any recount, without break. Once the ballot box is opened, the counting must be finished before the breaking. But having commenced the count, she/he may if she/he considers it desirable and after consultation with such candidates and their counting agents present, exclude the hours between seven o'clock in the evening and nine o'clock in the following morning.
- v. During any time excluded under paragraph (v), the Returning Officer shall place the ballot papers and documents relating to the election under her/his own seal of those of the candidates and their counting agents as may consider to affix their seals, and shall otherwise take all due and proper precautions for security.

46. Recount

- i. Candidates or counting agents, if lawfully present when the counting or any recount of votes is completed may require the Returning Officer to have the votes recounted, or the Returning Officer may, on his own initiative have the votes recounted or again recounted but shall be in sole discretion of the Returning Officer whether or not to order a second or subsequent recount.
- ii. No steps shall be taken on the completion of a count or recount of votes until the candidates and the counting agents present at the completion have been given a reasonable opportunity to exercise the rights given by this regulation.
- iii. After the counting of votes is finally concluded, the Returning officer shall draw up a statement showing the number of rejected ballot papers under such of the following heads of rejection as may be applicable.
 - a. Want of official mark
 - b. Voting for more than one candidate
 - c. Writing or marking by which the voter might be identified
 - d. And any candidate or counting agent shall, if she/he so desires be allowed to copy that statement.

47. Sealing of Ballot Papers

Upon the completion of a count (including any recount), the Returning Officer shall seal up in separate packets:-

- a. The counted ballot papers
- b. The rejected ballot papers together with the statement relating thereto.

48. Announcements of Results

When the count, including any recount of votes at a nomination is completed, the Returning Officer shall announce the results to the persons then present naming candidates, and publicly announcing the number of votes cast for each of the candidates. He shall thereafter declare the candidates receiving the highest number of votes as duly nominated to proceed to the Parliamentary or County elections. The announcements of the national results shall be made within 48 hours of the nominations.

49. Signing and Issuance of Nomination certificates

Subject to Art 45 and 46 of these Rules, the signing and issuance of Nomination certificates shall be in the following manner:

- i. The N.E.B shall compile a list of all successful candidates;
- ii. The N.E.B shall issue a certificate of compliance in respect of each successful candidate signed by two members of the Board one whom shall be the Chairman.
- iii. Upon receipt of a compliance certificate from the National elections board as stated in (i) above the authorized Party signatories shall in accordance with Elections Act, 2011 (as amended) issue a Nomination Certificate in respect of the successful candidate.

50. Retention and Public Inspection of Documents

- i. All documents relating to an election after the election results have been declared may be destroyed after three months.
- ii. Documents retained under this regulation other than ballot papers and their counterfoils shall be made available for inspection by any member of the public, upon a request made by him, at such time and subject to conditions as may be decided by the Returning Officer.
- iii. For the purpose of an inspection under paragraph (ii) above, the Returning Officer shall unseal the documents concerned in the presence of a witness, who shall not be the person making inspection. The Returning Officer shall seal the documents in the presence of the witness after inspection is completed.
- iv. A Returning Officer shall on request issue copies or extracts from, any document open to the public inspection under this regulation on payment of such fees as may be sanctioned by the Party.

51. Petitioning the Nomination Results

51.1 Any dissatisfied candidate other than a candidate to the Presidential Elections may appeal to the Appeals Board within 48 hours and the irregularity should be reported immediately after the event to object the outcome of the whole exercise.

51.2 He/she should have concrete evidence to support his/her allegations such as:

- Witness
- Persons arrested in regard to the offence
- Vote counting irregularities, e.g. duplications, irregularities etc.
- Photo taken when the actual offences were being committed e.g. in the case of bribery of voters, the photograph should show money being exchanged in hands.

- 51.3 The petitioner should also capture well the grounds of objection as cited in the Election Offences Act as:
- i. Election offences (relating to votes register and electors cards)
 - ii. Offences perpetrated by election officers
 - iii. Corrupt practices e.g. bribery or influence of voters
 - iv. Illegal practices e.g. engaging in witchcraft to influence voters
 - v. Election malpractices e.g. campaign within the area of polling station, use of promotion materials around the polling areas, violence

FINANCES

52. Operational Expenses

The Green Congress of Kenya shall meet all operational costs of the nomination process including printing, supervision and the provision of materials and allowances for nomination officials.

53. Implementation plan (Timelines)

The time- table for elections shall be decided by the National Executive Committee in a manner that is consistent with the Elections Act, 2012.

54. ARBITRATION

54.1 Any dispute concerning the nomination of a candidate for Presidential, gubernatorial, parliamentary or county assembly shall be referred for arbitration to an Appeals Board within twenty-four hours of the announcement of the results upon payment of a non-refundable fee of Ksh. 200,000/-. The filing of the Appeal shall not operate as a stay of the decision of the Returning Officer.

54.2 The Arbitration Tribunal shall comprise three members appointed by NEC.

SCHEDULE

FORM. 1

**OATH OF OFFICE FOR CHAIRMAN AND MEMBERS OF THE NATIONAL NOMINATION AND
ELECTION BOARD**

I _____ having been appointed Chairman (member) of the National Nominations and Elections Board do swear that I will without fear or favor, affection or ill-will discharge the functions and duties of the Office of the Chairman (member) of the Board, and that I will not, directly, reveal any matter relating to such functions and duties to unauthorized persons or otherwise than in the course of my duty.

So help me God.

Sworn at Nairobi: _____)

)

)

)

on this _____ day of _____ 20_____

)

)

)

)

)

Commissioner for Oaths: _____

)

FORM. 2 A

NOMINATION PAPER FOR COUNTY ELECTIONS

COUNTY.....

WARD.....

SEAT TO CONTEST

NAME OF CANDIDATE.....

ADDRESS.....

TELEPHONE NO.....

NAME OF COUNTY.....

NAME OF WARD.....

NATIONAL ID/NO.....

MEMBERSHIP CARD NO-----

ELECTOR'S CARD NUMBER-----

SIGNATURE-----

PROPOSER-----

ID/NO-----

MEMBERSHIP NO-----

VOTER'S CARD NO-----

SIGNATURE-----

SECONDER-----

ID/NO-----

VOTER'S CARD NO-----

SIGNATURE-----

SUPPORTERS:

	NAME	ID NUMBER	VOTERS CARD NO.	MEMBERSHIP CARD NO.	SIGNATURE
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
20					

FORM. 2B

NOMINATION PAPER FOR PARLIAMENTARY ELECTIONS

COUNTY.....
 WARD.....
 SEAT TO CONTEST

NAME OF CANDIDATE.....
 ADDRESS.....
 TELEPHONE NO.....
 NAME OF COUNTY.....
 NAME OF WARD.....
 NATIONAL ID/NO.....
 MEMBERSHIP CARD NO-----
 ELECTOR'S CARD NUMBER-----
 SIGNATURE-----

PROPOSER-----
 ID/NO-----
 MEMBERSHIP NO-----
 VOTER'S CARD NO-----
 SIGNATURE-----
 SECONDER-----
 ID/NO-----
 VOTER'S CARD NO-----
 SIGNATURE-----

SUPPORTERS:

	NAME	WARD	ID NUMBER	VOTERS CARD NO.	MEMBERSH IP CARD NO.	SIGNATUR E
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
50						

FORM. 2 C

NOMINATION PAPER FOR PRESIDENTIAL ELECTIONS

COUNTY.....
 WARD.....
 NAME OF CANDIDATE.....
 ADDRESS.....
 TELEPHONE NO.....
 NAME OF COUNTY.....
 NAME OF WARD.....
 NATIONAL ID/NO.....
 MEMBERSHIP CARD NO-----
 ELECTOR'S CARD NUMBER-----
 SIGNATURE-----

PROPOSER-----
 ID/NO-----
 MEMBERSHIP NO-----
 VOTER'S CARD NO-----
 SIGNATURE-----
 SECONDER-----
 ID/NO-----
 VOTER'S CARD NO-----
 SIGNATURE-----

SUPPORTERS:

	NAME	COUNTY	ID NUMBER	VOTERS CARD NO.	MEMBERSHI P CARD NO.	SIGNATURE
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
500						

FORM. 3

GREEN CONGRESS OF KENYA NOMINATION RULES
PLEDGE OF COMMITMENT

I _____ of _____ in the Republic of Kenya wishing to be nominated as a Party Presidential candidate/County Representative/Governor/Senator/Member of Parliament for _____ Ward/County/Constituency hereby solemnly swear and pledge as follows:

1. **That I** swear to respect, defend and safeguard the Constitution of Kenya and the Party Constitution.
2. **That I** shall be loyal to my country Kenya and the Party.
3. **That I** shall abide with the Party’s motto of Freedom, Justice and Truth. I shall support the Party Manifesto and programs and undertake to work for their realization.
4. **That I** believe in the legislative supremacy of Parliament, the independence of the judiciary, the Rule of Law and the establishment of democratic institutions and processes.
5. **That I** shall never conduct or participate in the torture or the political suppression of another human being and shall fully support the repeal and abrogation of the oppressive laws.
6. **That I** shall always defend the respect and observance of human and democratic rights and liberties.
7. **That I** shall accommodate criticism and observe the principles of good and open governance.
8. **That I** shall support free and fair elections within the Party and in Kenya.
9. **That I** shall oppose and never practice nepotism or tribalism and shall ensure that the allocation of jobs and services is based on merit.
10. **That I** shall practice zero tolerance to corruption.
11. **That I** shall be transparent in all my business transactions and never allow my personal interest to prevail upon the public interest.
12. **That I** shall always defend and protect public property and in that respect I shall at all appropriate fora expose any misuse of public property, assets and investments irrespective of whoever is involved in the misuse.
13. **That I** shall never practice discrimination against anyone on the basis of race, tribe colour gender or religion.
14. **That I** shall swear this pledge on the understanding that I may be disqualified or required to resign from leadership if I contravene the pledge of commitment.

Signed By: _____)

at _____ on this _____ day of _____ 20_____)

Before me: _____)

Commissioner for Oaths

FORM 4.

**GREEN CONGRESS OF KENYA
ELECTION RETURNS**

LEVEL.....

COUNTY.....

I.....having presided over elections in the above electoral unit, do hereby certify that the elections were carried out freely and fairly and that the results were as follows:-

Post/Office.....

Polling Station.....

No. Of Candidates.....Date.....

NO.	NAMES OF CANDIDATES	MEMBERSHIP NUMBER	NUMBER OF VOTES WON	SIGNATURE
1				
2				
3				
4				
5				

Declared winner.....

Number of votes cast.....No of spoilt Votes.....

Name of returning officer signature.....

FORM. 5

GREEN CONGRESS OF KENYA

CERTIFICATE OF NOMINATION

At the Party Nominations of candidates for.....Election held on.....under the Elections Act, 2011.

Mr/Ms.....ID/No.....

Was duly nominated as the Party candidate for.....
(County/Constituency/Ward).

- i. Cellphone No.....
- ii. Address.....
- iii. Membership No.....
- iv. Voter's Card No.....

Issued at Nairobi on _____ day of _____ 20__

Signed:.....

Chairman, National Elections Board.

Signed:.....

Secretary, National Elections Board