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# THE WE ALLIANCE PARTY (TWAP)

*“Power to the people”*



# CONSTITUTION

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2024



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## 2 PREAMBLE

We the members of **The We Alliance Party (TWAP);**

**ACKNOWLEDGING** the supremacy of the Constitution of the Republic of Kenya;

**HONOURING** those who heroically struggled to bring freedom and justice to our country;

**RECOGNIZING** the supremacy of the Almighty God and sovereignty of the members and supporters of The We Alliance Party (TWAP) in realization of our vision, mission and implementing our ideology, policies and our party Agenda.

**PROUD** of our ethnic, cultural and religious diversity and determined to live in peace and unity as one indivisible democratic party;

**AWARE** that since the reintroduction of multi-party politics in the Country in early 1990s, Kenyan politics have largely been organized through non representative, personalized and ethnically based political parties;

**DISTRESSED** that elite dominance has been the norm at national and local level of public participation, while the majority of the citizens remain neglected, marginalized and manipulated for short term gains of the same political elite during elections as voters and cheering crowds;

**CONCERNED** that autocracy and impunity has been preferred by a large proportion of the Country's leadership over democracy thereby rendering political organization the preserve of personality cults and a small clique of sycophants;

**DISTURBED** that the Country's political discourse is normally organized outside people-centered, social partnership, participatory framework and unifying vision and ideology;

**DISHEARTENED** that the current political parties are by and large moribund and remain agents of disunity and instability and that the core activities of political parties are usually consigned to the period preceding elections;

**PERTURBED** that the problems of poverty, ignorance and disease continue to afflict our society although important gains in alleviating them have been progressively achieved;

**RECOGNIZING** that with transformative servant leadership and re-mobilization of the human resource potential and re-socialization of the citizenry, our Country can rapidly become a modern democracy free from all forms of impunity, corruption, discrimination exclusion tendencies, exploitation, oppression and social crime.

**APPRECIATING** that the Constitution has entrenched the role of political parties in governance and set high standards and requirements for their institutionalization and democratic functioning;

**COMMITTED** to the democratic ideals of article of law, fairness, social justice, gender equity and equality, affirmative action, voluntary participation, respect for human rights and freedoms, unity of purpose in diversity as well as the national values and principles of governance enshrined in the Country's Constitution;



## **1 ARTICLE 1: THE NAME OF THE POLITICAL PARTY AND ANY ABBREVIATION**

There is hereby established a Political Party known as The We Alliance Party of Kenya (herein referred to as the “Party” whose abbreviation is TWAP

## **2 ARTICLE 2: THE LOGO AND SYMBOL OF THE POLITICAL PARTY AND PARTY COLOURS.**

### **2.1. PARTY LOGO**



Description: **The We Alliance Party** Symbol is a plate and a spoon

### **2.2. PARTY SLOGAN**

Slogan is “**Power to the people**”

### **2.3. PARTY FLAG**

The color of the flag is **Yellow and blue**, with the emblem in the midst.

### **2.4. PARTY COLOURS**

The colours of the party are Yellow and Blue

## **3 ARTICLE 3: THE OBJECTS OF THE POLITICAL PARTY.**

- i.** To acquire and retain power democratically to form a just government so as to implement its ideology, vision, policies and programs;
- ii.** To provide transformative political leadership to make Kenya a united, stable, prosperous, democratic and modern State and Society within the framework of article of law, respect for



national values and principles of governance, respect for fundamental rights and freedoms, servant leadership, pluralism, recognition and respect for cultural, religious, regional, ethnic and gender diversity.

- iii.** To promote political awareness, participatory and people-centered development in partnership with local communities, civil society, the private sector and Kenyans in diaspora.
- iv.** To build a nation and society anchored in the knowledge of God with spiritual, ethical and moral values inculcated among its citizenry.
- v.** To promote economic, social, political, scientific, cultural, intellectual and spiritual development for all Kenyans regardless of their gender, cultural, ethnic, geographical, age and religious backgrounds.
- vi.** To foster the unity of purpose for all the people of Kenya and protect and promote their cultural diversity and their uniqueness.
- vii.** To protect the independence, security, sovereignty, and the vital interests of the people of Kenya.
- viii.** To pursue, protect, and promote civil, political, economic, religious, sociocultural rights and freedoms of the individual and groups as defined in international, regional and national human rights instruments.
- ix.** To protect and promote the democratic principle of separation of powers between the Legislature, the Executive and the Judiciary as well as those between the structures of the National Government and County government.
- x.** To promote social justice and strive to eliminate all forms of discrimination, marginalization and imbalances across social groups, counties and regions.
- xi.** To protect and promote the full participation of the youth in the Party structures of decision making, governance and development of institutions in the Country.
- xii.** To protect and promote the fundamental social, economic and political rights and freedoms of persons living with disabilities, minorities and marginalized groups in accordance with the Bill of Rights in the Country's Constitution.
- xiii.** To champion the equality of all persons and to fight against all forms of discrimination against children and women and to support affirmative action programs aimed at ensuring the equity and equality of men and women in governance structures and other spheres of life.
- xiv.** To promote devolution and decentralization of power and specifically strengthen county government and ensure equitable distribution of resources and efficient delivery of better quality services to tax payers and general citizenry.
- xv.** To promote industrial, agricultural and service sector development as the basis of modernizing Kenya through our value addition policies and strategies.
- xvi.** To pursue the provision and improvement of basic needs such as education, health, shelter, food, clothing and social security so as to raise the standard and quality of life of the people of Kenya, in line with the Bill of Rights in the Country's Constitution.
- xvii.** To promote African unity, sub-regional and regional co-operation and integration and specifically to work towards the creation of the East African federation.



- xviii.** To support the programs of United Nations and international organizations which are beneficial to the citizens of Kenya such as direct foreign investments, climate change, environmental sustainability and global partnerships.
- xix.** To support and promote world peace and the abolition of all forms of oppression, sectarianism, negative ethnicity, racism, chauvinism, sexism, social bigotry, nepotism, exploitation and discrimination.
- xx.** To promote constitutional reform, policy renewal and the reform agenda on a continuous basis.
- xxi.** To promote good governance and the fight against abuse of office, article of law, impunity and corruption in all its forms, dimensions and levels.
- xxii.** To promote environmental protection, land reforms and land tenure rights for all and in particular the landless and squatters.
- xxiii.** To promote efficiency, effectiveness and reliability of the public service, and elimination of cumbersome bureaucracies, wastage and other barriers to adequate and better quality service delivery.
- xxiv.** To acquire land, buildings, movable or immovable property, securities and engage in investments, business ventures and any other profitable enterprises and activities in pursuit of Party objects.
- xxv.** To enter into structured, watertight and transparent alliances, agreements, contracts, arrangements or partnerships with like-minded political parties, civil society organizations, trade unions, students organizations, lobby groups among others for the sole purpose of furthering the Party objects.
- xxvi.** To raise funds and other resources necessary for the implementation of party policies and programs.
- xxvii.** To adhere to the principles of good governance characterized by justice, participation, non-discrimination, transparency and accountability in the management of public affairs.
- xxviii.** To do all such things as the party shall deem necessary or incidental to the attainment of the above objects.

## **4 ARTICLE 4: VISION, MISSION, GUIDING PRINCIPLES AND VALUES**

### **4.1. VISION**

**The We Alliance Party's** Vision is to a nation where all citizens enjoy their fundamental political, social, economic, cultural, religious rights and freedoms in an environment of dignity and integrity.

### **4.2. MISSION**

The mission of **The We Alliance Party** is to enhance a social, democratic state and society in which all Kenyans will have a better life and feel at home as individuals and cultural communities as well as nurture and sustain a democratic Government and State so as to enhance the political,



social and economic welfare, and equal opportunities for all citizens in Kenya based on the principles of liberty, social justice, equality and unity.

#### **4.3. GUIDING PRINCIPLES AND VALUES**

The following shall be the guiding principles and values for the Party. These are:

- Respect for human rights and freedoms
- Integrity in leadership
- Article of law
- Social justice and fairness
- Devolution of power and resources
- Equity, equality and inclusivity
- Unity in diversity
- Accountability and transparency
- Citizens effective participation in governance and decision making

#### **5 ARTICLE 5: THE PHYSICAL, POSTAL ADDRESS AND WEBSITE OF THE REGISTERED OFFICE.**

The registered office of the Party shall be at:

The **Whitehouse Building, S4**, Opposite Imara Primary School, Off Kayole road, Nairobi.

P.O. Box 53604-00200 Nairobi Kenya.

Website: <https://www.theweallianceparty.com>

#### **6 ARTICLE 6: MEMBERSHIP REQUIREMENTS.**

##### **6.1 Eligibility for Membership of the Party**

- Any citizen of Kenya of the age of eighteen years and above who accepts and adheres to the ideology, vision, aims, objectives, policies, programs, directives and discipline of the party shall be eligible to become a member of the Party.
- Members eligible under 6(i) above shall be required to pay membership fees as determined by the National Governing Council (NGC).
- Notwithstanding the payment of membership fees of joining the Party, the office of the Secretary General shall provide the details in terms of requisite forms to be used and has the discretion to reject or revoke an application for membership from any person, especially if the applicant is proven to be corrupt, with a criminal past and therefore cannot pass a membership and/or leadership and integrity test.
- Any member who ceases to be a member shall not be entitled to the refund of any membership fees or contribution paid by him/herself.



## 6.2 Categories of membership

There shall be Founding member, the general category of **Ordinary Member**, and such other membership categories determined by NEC.

### i Ordinary Members

The Ordinary membership shall only apply to those residing in Kenya. Other categories are open to all Kenyans regardless of where they reside.

### ii Founding Members

a) Founding Members are those persons who took part in bringing the Party into being and paid the prescribed fee within the stipulated timelines; and such other members as maybe admitted from time to time.

i There shall be a list of founding Members, who shall be members who have given their best and have contributed significantly to the formation, welfare and progress of the Party and its forbears. The Co-Party leaders shall each time be the chairs of the founding members' forum.

ii The founding members may be called upon from time to time to:

- 1) Solve and rule on disputes and differences among Members & Co - Party Officials, which disputes have no relation to nominations or political party primaries as handled by the party dispute tribunal;
- 2) Supervise, give ideas, and advice for the improvement of the Party's activities;
- 3) Assist in raising funds for the Party;
- 4) Nominate officials of the National Secretariat from amongst members of TWAP for appointment by NEC
- 5) Prescribe rules and regulations for the functioning and operation of special organs and Caucuses;
- 6) Exclusively give directions on major national policies. Other party organs may however make suggestions to the founder members forum with regard to such policies.
- 7) The number of founding members shall not exceed 18 members at any given time, they shall include the Co- Party leaders and 16 other members who shall be as much as possible representative of the following regions being, (Nairobi (x4), Coast Highlands, Coast Lowlands, Central, Western, North Rift, Central Rift, South Rift, Upper Eastern, Lower Eastern, North Eastern, Central Nyanza, South Nyanza).
- 8) The founding members' forum will admit to their membership, to fill any vacancy by Bible 202 majority vote, regard being paid to the regions.
- 9) A motion to fill a vacancy in the founding members' forum together with the name, could be moved by any member of the forum, at any ordinary meeting of the forum. A simple majority vote of the forum will serve to admit the new member to the forum.
- 10) The founder members' forum shall to the extent possible, have equal number of male and female members.
- 11) i) Founder members are permanent members of the Party. Their membership cannot be curtailed in any form, neither by expulsion nor by deregistration. However, in case



of violations to this constitution or any other laws of Kenya, a founder member can be suspended from the forum for a period not exceeding five years.

- ii) The question to suspend a founder member (s) can be raised by any member of the founder members forum giving reasons thereto, and the proposed period of suspension. A two third majority decision of the founder members' forum shall be required to effect the suspension.
- iii) Upon the expiry of the suspension period, the founder member(s) shall be re-admitted to the forum and to the party, and allowed carry on with their duties in the party.
- iv) Despite clause 11 (1) above, a founder member can of his/her volition resign from being a member of the Party, which resignation will terminate both his/her membership as a founder member and as a member of the We Alliance Party (TWAP)

12) A founder member will be entitled to Party sponsorship to participate in any National Election organized or conducted by the designated National Election Body.

13) The choice of persons to be elected as Co-party leaders, will from time to time be made from the membership of the Founders members' forum.

14) The founder members constitute an electoral college for the pre-selection of the Party's Presidential candidate and running mate.

15) Founding members may form their own forum, whose rules and regulation shall not be inconsistent with this constitution.

### **6.3 Subscription fees for joining the Party.**

The membership enrolment fee and annual subscription fee shall be determined by NGC from time to time.

### **6.4 Resignation of Membership**

A member shall resign or be deemed to have resigned if he/she:

- i. Conducts himself/herself in a manner that brings the Party to disrepute.
- ii. Submits to the Secretary of the Sub-Branch Executive Committee (SBEC) in which he or she is registered a letter of resignation signed by himself or herself.
  - a. For National officials, they shall submit their letters to the Party head office.
- iii. Promotes the activities of another Political Party provided that the other Political Party is one that has no formal arrangement with The We Alliance Party.
- iv. Contravenes Party Ideology, Aims, Policies, Objects, and the Code of Conduct for Leaders or the Pledge of Commitment. V. Forms another political party.
- v. Joins in the formation of another political party.
- vi. Joins another political party.
- vii. In any way or manner, publicly advocates for the formation of another
  - a. Political Party.



viii. Promotes the ideology, interests or policies of another Political Party.

## 6.5 The Rights and Duties of Members

### A. Rights of Members

In respect and recognition of the provisions in the Political Parties Act and the Political Rights of citizens contained in the Bill of Rights of the Constitution of Kenya; all members have the right to the following rights subject to the laid down Party's articles and regulations provided for by Party organs.

A member shall have: -

- i. a right and freedom to generate or engage in debates on issues that affect the citizenry at any party forum as long as the issue is raised following the established protocol and procedures of the Party.
- ii. a right to participate in The We Alliance Party Polling Centre Conventions and be elected as a delegate to the National Delegates Convention of the Party.
- iii. a right to question or challenge decisions made by any Organ or leader that threaten the very existence of the Party.
- iv. a right to participate in the election of the Polling Centre Executive Committee and to contest for any post within the Party and in the general / by elections in the Country.
- v. a right to be informed how much resources have been received by the Party/Branch/Sub-Branch and how such resources are utilized or managed.
- vi. a right to participate in all members' meetings at the Polling Centre level or any other level open for party members.
- vii. a right to access all important information from the local unit of the Party or Headquarters in line with the provisions of the Constitution in Article 35 on freedom of access to information held by the state or any other institution of governance. He/she can access all party documents and buy copies of the same from the authorized officials.
- viii. a right to participate through the relevant Party organs in the Party nomination process for identification of The We Alliance Party candidates for all elective positions in accordance with The We Alliance Party Election/Nomination Articles and Procedures.
- ix. a right to contribute to the policy making process of the Party, including the development of **Policy Papers, Party Manifesto, Election Platforms, Party Nomination Articles and Procedures** through the various Organs of the Party.
- x. a right to participate in the Party outreach activities, including campaigns and meet the people tours by national and/or local leaders.



The party shall maintain a membership register that shall contain the following details of the individual member:

- I. Name
- II. Gender
- III. Age
- IV. Ethnicity
- V. County of birth
- VI. Occupation

The party shall continuously update the membership register.

**B. Duties of Members. A member of the Party shall: -**

- i. Adhere to the Party Constitution and any other by laws or articles and regulations formulated by the Party Organs.
- ii. subscribe to The We Alliance Party ideology, vision, aims and objects
- iii. Participate in the election of Party officials according to The We Alliance Party Election Articles, Regulations and Procedures.
- iv. participate in the nomination of Party candidates for all elective positions in accordance with The We Alliance Party Elections/Nomination Articles and
  - a. Procedures
- v. Regularly, actively and effectively participate in all Party members meetings and activities.
- vi. Shall participate in Party outreach and membership recruitment drives.
- vii. contribute to the Party both time and resources
- viii. Demonstrate commitment and loyalty to the Party.
- ix. Voluntarily pay membership fee and annual subscription fee.
- x. Be loyal and dedicated marketing agent of the Party.
- xi. be committed to implement all Party resolutions and positions
- xii. conduct himself/ herself with respect and decorum
- xiii. Campaign and Vote for the Party's candidates at the General election or by-election.
- xiv. Be a responsible member of the Party and a responsible citizen of the Nation.
- xv. Defend the legitimate policies and leadership of the Party.



## 6.6 Membership Register

The membership register shall be held at the National Secretariat in the custody of the Secretary General. The Branch secretaries shall be the custodians of the Branch membership register. The membership register shall contain details as provided by law and in conformity with the Political Parties' Act. The office of the Secretary General shall have a corresponding register with one kept at each of the Party branches countrywide and shall ensure that there is continuous updating of the register to reflect the changes in the party membership.

## 6.7 Procedures for conducting Meetings

1.
  - a. At all meetings of the National Delegates Convention, National Governing Council, the National Executive Committee, National Management Committee, the National Chairperson or in case of his/her absence, the Deputy National Chairperson shall preside. In the absence of the National Chairperson and the Deputy National Chairperson, the members present shall elect one from among themselves to preside.
  - b. The notice for a NDC meeting shall be at least 21 days except for a special NDC meeting which shall be 14 days to be published in the media by the National Chairperson or the Secretary General. An ordinary meeting of NDC shall be held every 5 years
  - c. Notice for NGC shall be at least 14 days published in the media by the National Chairperson or Secretary General.
  - d. Notice for NEC, BEC, SBEC, WEC, PCEC and special organ committees shall be at least 7 days. The Management Committee shall meet at least once a fortnight.
- 2 At all meetings of the Branch, Sub Branch, Ward or Polling Center, the Chairperson or in his/her absence, the Deputy Chairperson shall preside; in the absence of the Chairperson and the Deputy Chairperson, the members present shall elect one from amongst themselves to preside.
- 3 Resolutions, unless otherwise stated in this Constitution, shall be decided by a simple majority and voting shall be by secret ballot.
  - a. The resolutions shall be recorded by the secretariat through the minutes and signed by the chairperson and secretary general.
- 4 In the event of an equality of votes at any meeting, the person presiding shall cast the deciding vote.
- 5 Ex-officio members have the right to attend meetings of Organs where they belong but have no voting rights.
- 6 The quorum of any Organ or meeting of the Party unless this Constitution otherwise provides shall be one third of the membership. However, a meeting shall be deemed to be properly constituted to conduct business at the second sitting on the same day even when such a meeting is short of the



numbers necessary to constitute quorum, provided that the procedures of calling such a meeting were followed.

## **7 ARTICLE 7: GOVERNING BODY.**

- a. **The National Executive Committee (NEC) is the governing body of the Party**
- b. **Membership to the governing body is the preserve of fully paid up members of the Party.**

- c. **i. The positions and titles of officials of the governing body are: -**

- 1 Party Leader
- 2 Deputy Party Leader
- 3 National Chairperson
- 4 National Deputy Chairperson
- 5 Secretary General
- 6 Deputy Secretary General
- 7 National Organizing Secretary
- 8 National Deputy Organizing Secretary
- 9 National Treasurer
- 10 National Deputy Treasurer
- 11 National Women's Leader
- 12 National Deputy Women's Leader
- 13 National Youth Leader
- 14 National Deputy Youth Leader
- 15 Ten (10) Secretaries of sectors as shall be approved by the NDC/NGC
- 16 Party Executive Director (ex officio)
- 17 Co-opted members representing special interests

- ii. The term of office for all officials of the governing body shall be five (5) years. The National Party elections shall be held not more than one year following the general election. The Party election shall be held on the second Tuesday of August of the year following a general election.

Provided that when Kenya is at war or there is any major reason not to hold elections, NEC by a resolution supported by at least two thirds (2/3) of members present from time to time may extend the term of NEC by not more than six (6) months at a time. The term of NEC shall not be extended under the above provision for more than twelve (12) months.



**d. Meetings of the National Executive Committee**

The National Executive Committee shall meet at least once in every three months except for emergency meetings which may be convened by the Secretary General according to exigencies of time in consultation with the National Chairperson or by a written request made by 25% of the members thereof.

**e. Vacancy in the National Executive Committee**

Any vacancy occurring in the National Executive Committee during the course of the term before the next National Delegates Conference may be filled through nomination by the National Executive Committee from amongst members of the National Delegates Conference until the vacancy is substantially filled at the next Delegates Conference.

**f. The rights and duties of members of the governing body are:-**

- i.** formulate policy for consideration by NGC and NDC;
- ii.** supervise the day to day conduct of the organization's activities;
- iii.** Appoint organizational functionaries from amongst members of the Party.
- iv.** propagate Party policies;
- v.** implement the policies and decisions of NDC, NGC, NEC and NMC;
- vi.** prescribe articles and regulations for the functioning and operation of Organs of the Party;
- vii.** supervise the administrative machinery of the Party at all levels;
- viii.** to receive, consider, approve and implement reports and recommendations from the various commissions and committees or individuals;
- ix.** to initiate, prepare or cause to be prepared the necessary quarterly, semiannual financial budgets for approval by NGC;
- x.** to perform an advisory, supervisory and oversight function to the National Elections Board in the conduct of Party elections and nominations
- xi.** to appoint party representatives to other organizations which the Party relates to;
- xii.** to undertake any other necessary party function which is not specifically ascribed to any other Party Organ provided that the NGC and NDC may subsequently vary the decision of the NEC on such matter;
- xiii.** Perform any other function that may be assigned to it by NGC or NDC;
- xiv.** To monitor and evaluate implementation of the Programs and performance of the Party.
- xv.** To determine the terms and conditions of service of secretariat personnel of the Party and other employees;
- xvi.** to establish Party Sub Branches outside Kenya as it may deem fit;
- xvii.** to establish organs in Kenya and the diaspora;
- xviii.** to invite observers to the National Delegates Convention;
- xix.** Determine the positions for full time employment within the Organs of the Party.
- xx.** to establish a Party Foundation, whose functions shall be but not limited to: -



- a) Mobilize resources for the party
- b) Perform such other functions as NEC may prescribe

**xxi.** Invitations for special purposes may be made by SG provided that it is not more than 2 meetings in the case of the NEC

The National Secretary General shall be Secretary to the NDC, NGC and NEC. The Executive Director (Ex-Officio) shall take and distribute the minutes after necessary approval.

## **GOVERNING BODY OFFICIALS**

### **7.1. PARTY LEADER**

#### **A. Term and Duties of Office**

The term of office shall be 5 years from the date of election by the registered Party members.

The Party Leader shall: -

- i.** Be the head of Party affairs. He/she shall provide leadership; ensure unity and efficiency within the Party
- ii.** Articulate Party policies.
- iii.** Chair meetings of the National Delegates Convention, the National Governing Council and the National Executive Committee and the National Management Committee.
- iv.** sell the Party policy in public and private to groups and the population generally
- v.** Ensure at least one public Party function every quarter and at least one National Management Committee meeting every month.
- vi.** Ensure all national officials perform their duties. **vii.** Ensure that he/she abides by/defends the Party Constitution.
- vii.** Ensure that the Party consistently occupies the National Agenda of the day.
- viii.** Set at least a day once in a week to serve at the National Secretariat.
- ix.** Perform any other function(s) assigned by NEC.

#### **B. Method of Election/ appointment into Office**

The Chairperson shall be elected according to the Party Election/Nomination Articles and Procedures.

#### **C. Suspension/Dismissal from Office**

The holder of the office of the chairperson shall be dismissed or suspended in accordance to Article 13 of this Constitution, which covers “the disciplinary measures against a member or official of a political party”.

***The term of office, method of Election / appointment into office and dismissal / suspension from office for all NEC officials shall be similar to that of the National Chairperson mutatis mutandis.***



Where before the end of the five (5) year term;

- i. the chairperson resigns in writing;
- ii. becomes of unsound mind;
- iii. suffers physical invalidity that renders the chairperson incapable of running the office;
- iv. abdicates his/her responsibilities
- v. is declared bankrupt;
- vi. abandons the Party
- vii. joins another Party
- viii. for any other reasons is unable to continue discharging the functions of the office of the Chairperson, then the Deputy Chairperson shall hold the office of the Chairperson and nominate his/her deputy.

### **7.2. DEPUTY PARTY LEADER.**

He/she shall: -

- i. Deputize the Party Leader.
- ii. Be the head of arbitration unit of the Party and report proceedings to NEC.
- iii. Perform any other duty assigned by the chairperson, NEC, NGC, NDC.

### **7.3. NATIONAL CHAIRPERSON**

#### **B. Term and Duties of Office**

The term of office shall be 5 years from the date of election by the registered Party members.

The National Chairperson shall: -

- i. Be the head of Party affairs. He/she shall provide leadership; ensure unity and efficiency within the Party
- ii. Articulate Party policies.
- iii. Chair meetings of the National Delegates Convention, the National Governing Council and the National Executive Committee and the National Management Committee.
- iv. sell the Party policy in public and private to groups and the population generally
- v. Ensure at least one public Party function every quarter and at least one National Management Committee meeting every month.
- vi. Ensure all national officials perform their duties. vii. Ensure that he/she abides by/defends the Party Constitution.
- vii. Ensure that the Party consistently occupies the National Agenda of the day.



viii. Set at least a day once in a week to serve at the National Secretariat.

ix. Perform any other function(s) assigned by NEC.

#### **D. Method of Election/ appointment into Office**

The Chairperson shall be elected according to the Party Election/Nomination Articles and Procedures.

#### **E. Suspension/Dismissal from Office**

The holder of the office of the chairperson shall be dismissed or suspended in accordance to *Article 13 of this Constitution, which covers "the disciplinary measures against a member or official of a political party"*.

***The term of office, method of Election/ appointment into office and dismissal/suspension from office for all NEC officials shall be similar to that of the National Chairperson mutatis mutandis.***

Where before the end of the five (5) year term;

- i. the chairperson resigns in writing;
- ii. becomes of unsound mind;
- iii. suffers physical invalidity that renders the chairperson incapable of running the office;
- iv. abdicates his/her responsibilities
- v. is declared bankrupt;
- vi. abandons the Party
- vii. joins another Party
- viii. for any other reasons is unable to continue discharging the functions of the office of the Chairperson, then the Deputy Chairperson shall hold the office of the Chairperson and nominate his/her deputy.

#### **7.4. DEPUTY NATIONAL CHAIRPERSON.**

**He/she shall: -**

- i. Deputize the National Chairperson.
- ii. Be the head of arbitration unit of the Party and report proceedings to NEC.
- iii. Perform any other duty assigned by the chairperson, NEC, NGC, NDC.

#### **7.5. SECRETARY GENERAL (SG).**

**The SG shall: -**

- i. Be responsible for all Party affairs at the National Secretariat.
- ii. Ensure that meetings of the National Delegates Convention, National Governing Council and the National Executive Committee, take place as provided for in this constitution.



- iii. Cause the National Secretariat to keep proper Party records including minutes of all meetings and inventory of property/assets of the Party and ensure the distribution of such minutes to persons or organs concerned once they are approved.
- iv. Hold a meeting at least once every month with the Secretariat.
- v. Maintain the register of all the members of the Party in all categories of membership.
- vi. Prepare a calendar of meetings of NDC, NGC, NEC, among others, including the Secretariat meeting.
- vii. Be in charge of correspondences of the Party.
- viii. Set at least a day once in a week to serve at the Secretariat
- ix. Register Party Caucuses and flower clubs.
- x. Ensure that he/she abides by/defends the Party Constitution.

#### **7.6. DEPUTY SECRETARY GENERAL (DSG)**

The Deputy Secretary General (DSG) will do the following: -

- i. Assist the SG in all duties pertaining to that office and shall assume such duties in the former's absence.
- ii. be the head of Political Education, Litigation and Partnership unit of the Party,
- iii. Perform any other duty as assigned by the SG.

#### **7.7. NATIONAL TREASURER.**

**He/she shall: -**

- i. Co-ordinate all the resource mobilization and the fund raising activities of the Party.
- ii. Develop and co-ordinate resource mobilization activities.
- iii. Be in charge of the Party's financial affairs and be responsible for the National Secretariat's financial transactions under the direction of the National Chairperson and the SG.
- iv. Prepare or cause the preparation of, and submit to the National Executive Committee financial statements every quarter of the year, and shall ensure that duly audited Annual Statement of Account is circulated to the Branch Executive Committee.
- v. Create a time table for resource mobilization and/or fundraising activities of the Party for the whole year.
- vi. Maintain an inventory of all partners and well wishes, co-ordinate their activities thereon and report to NEC.

#### **7.8. DEPUTY NATIONAL TREASURER.**

**He/she shall: -**

- i. Assist the National Treasurer in all duties pertaining to that office and shall assume all such duties in the former's absence
- ii. Identify and pursue investment opportunities for the Party.
- iii. Perform such other functions as shall be assigned by the National Treasurer.

#### **7.9. NATIONAL ORGANIZING SECRETARY (NOS).**

The National Organizing Secretary shall:



- i. Develop/formulate and co-ordinate outreach programs and report to NEC at least quarterly and/or upon request by NEC.
- ii. Supervise the organization of the Party and in particular public meetings, functions, and meet-the-people-tours and recruitment of members.
- iii. Supervise the organization of meetings and the National Delegates Convention in liaison with the SG and NEC.
- iv. Ensure the Party has a time table of public rallies, Branch/Sub Branch trainings/visitations to promote and publicize Party policies.
- v. Ensure the Branch/Sub Branch hold local meetings, keep minutes of the said meetings, maintain a reliable Box number/telephone contacts and email address.
- vi. Ensure that Party activities in the Branches/Sub Branches are carried out effective land regularly.
- vii. Ensure that every Branch/Sub Branch opens The We Alliance Party Sub Branch/Branch account and exercise prudent management of the account.
- viii. Ensure there exists a physical office in every Branch.
- ix. Set at least a day once in a week to serve at the National Secretariat.
- x. Perform any other duties/functions assigned by NEC.

#### **7.10. DEPUTY NATIONAL ORGANIZING SECRETARY (DNOS).**

**He/she shall: -**

- i. Assist the National Organizing Secretary in all duties pertaining to that office and shall assume all such duties in the former's absence.
- ii. Co-ordinate and aggregate the need(s) and issue(s) affecting Branches/Sub Branches and report to NEC.
- iii. Perform any other duties as shall be assigned by the N.O.S.

#### **7.11. NATIONAL WOMEN'S LEADER.**

**She shall: -**

- i. Co-ordinate the Women League to galvanize political support for the Party programs, policies and activities nationwide.
- ii. Co-ordinate resource mobilization strategy for the women's programs in liaison with the National Treasurer.
- iii. Design and implement Party programs and solicit for support for the same.
- iv. Establish partnerships and form networks of women organizations.
- v. Develop and implement a mobilization/outreach role in liaison with the N.O.S. and report to NEC.

#### **7.12. DEPUTY NATIONAL WOMEN'S LEADER.**

**She shall: -**

- i. Assist the National Women's Leader in all duties pertaining to that office and shall assume all such duties in the former's absence.
- ii. Co-ordinate and aggregate need(s)/issue(s) affecting women in the Party.



- iii. Report on the status of women's programs in the Party.
- iv. Perform any other duties as assigned by the National Women's Leader.

### **7.13. NATIONAL YOUTH LEADER.**

**He/she shall:-**

- i. Mobilize youth and students' Leagues to galvanize political support for the Party activities.
- ii. Form Youth and \student networks.

### **7.14. DEPUTY NATIONAL YOUTH LEADER.**

**He/she shall: -**

- i. Assist the National Youth Leader in all duties pertaining to that office and shall assume all such duties in the former's absence.
  - ii. Perform any other duties as assigned by the National Youth Leader.
- d. The National Executive Committee shall meet at least once in every three months except for emergency meetings which may be convened by the Secretary General according to exigencies of time in consultation with the National Chairperson or by a written request made by 25% of the members thereof.
- e. Any vacancy occurring in the National Executive Committee during the course of the term before the next National Delegates Conference may be filled through nomination by the National Executive Committee from amongst members of the National Delegates Conference until the vacancy is substantially filled at the next Delegates Conference.

## **8 ARTICLE 8: POLITICAL PARTY MANAGEMENT STRUCTURE**

### **THE NATIONAL SECRETARIAT (NS)**

#### **8.1. Composition of the National Secretariat**

1. There shall be a National Secretariat of the Party which shall report to the NEC through the Secretary General.
2. The National Secretariat of The We Alliance Party shall consist of;
  - a) The Executive Director, who shall be the head of the Secretariat
  - b) One or more Deputy Executive Director(s) and
  - c) All other staff deployed/assigned Party functions as may be approved by the National Executive Committee. The employee details and terms of employment shall be upon the approval of NEC.



3. The Executive Director, the Deputy Executive Director and all other staff shall be appointed according to Articles and Procedures provided by the National Executive Committee.
4. Management of the Secretariat staff shall be conducted according to the Policy and Procedures Manual that shall include the grievances procedures approved by NEC.

### **8.2. Powers and Duties of the National Secretariat**

The National Secretariat shall be responsible for:-

- i. Implementation of the decisions of the National Delegates Convention, National Governing Council and the National Executive Committee or National Management Committee.
- ii. implementation of all the Party policies, decisions, and directives on a day to-day basis;
- iii. disseminating information to all party organs and soliciting and receiving feedback from them;
- iv. enhancing the capacity of the Party for the competitive politics during elections and general management;
- v. Providing administrative and secretarial services to the NDC/NGC and NEC or NMC.
- vi. Co-ordination of the activities of all organs of the party.
- vii. Maintaining a national register of members.
- vi. Carrying out such other functions as may be assigned to it by the NEC through the Secretary General.
- vii. Maintain communication and co-ordination with the Branch, Sub-branch Secretariats.
- viii. The Executive Director shall be appointed by the National Executive Committee. He/she shall be responsible for overall coordination of Party activities, budget and resource and programme management.
- ix. The National Secretariat shall formulate a Human Resource Policy that shall guide the employment of various party staff.

## **9 ARTICLE 9: THE FORMING OF POLITICAL PARTY BRANCHES, INCLUDING IN THE DIASPORA, AND THEIR ROLES AND RESPONSIBILITIES.**

Party branches shall be formed in all the forty-seven (47) counties. The formation of branches shall be done after party elections.

There shall be a diaspora branch which shall have sub branches to be determined by NEC through the SG. The opening of the branches shall be by application. The application shall be addressed to the SG.

### **9.1. Branch Officials**

The Branch is formed by election of the following twenty-two (22) officials who shall constitute the Branch Executive Committee.

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 Organizations
14. Representative of the 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 Elders.
21. Representative of the Informal Sector.
22. Representative of the Minorities and Marginalized Groups

The National Secretariat shall establish Sub-Branch Offices in each Constituency which shall be managed by a Sub-Branch Executive Coordinator under the direction of the Branch Executive Committee. He/she shall maintain accurate and permanent records regarding membership registers, particulars of any contributions made, inventory of Party assets and an inventory showing Party stock and materials in store.

The tasks of a Branches and Sub-branches shall include the following:

- a) To meet at least once quarterly;
- b) To co-ordinate the work and activities of the constituent Branches and sub-branches in line with the objectives of The We Alliance Party;



- c) To assist in the implementation of the instructions of the NEC, in the Branch or subbranch; and
- d) To maintain effective links with all Branches and Sub-branches of the party.

### **9.2. Procedure at Branch Meetings**

1. Notices for all meetings including the agenda shall be sent out by the Branch Secretary or Sub-Branch Executive Coordinator as the case may be.
2. There shall be two classes of meetings as follows:
  - a) Ordinary meetings shall be convened by a written notice of twenty one days.
  - b) Special meetings shall require a notice of fourteen days and shall be requisitioned for a specific purpose only by order in writing to the Branch Secretary or Sub-Branch Executive Coordinator. No other matter shall be discussed other than that stated in the requisition.
3. Quorums for all meetings shall be one-third of the membership thereof. Any official who fails to attend three consecutive meetings without reasonable apology shall be liable to suspension.
4. At all meetings the Chairpersons or in their absence the Vice-Chairpersons shall preside, else the members shall elect one among themselves to preside.
5. Resolutions, unless otherwise stated in the constitution shall be decided by a simple majority by secret ballot or any other method of voting acceptable to the delegates. Decision as to what method of voting to employ shall first be put to members to choose unanimously by consensus.
6. In the event of an equality of votes at any voting, there shall be a second voting, after which the Chairperson shall have a deciding vote.

## **10 ARTICLE 10: THE FINANCIAL STRUCTURE AND SYSTEM**

The National Executive Committee shall establish articles governing the collection, management and expenditure of funds. All withdrawals shall be against expenditures in the approved budgets or by resolutions of the National Executive Committee.

The financial transactions of the Party shall be handled by the SG, National Treasurer, finance director and any other finance officer(s).

The Party shall operate Account(s) with local Bank(s) according to modalities laid down by the National Executive Committee.

The signatories to the Bank Account(s) shall be as approved by a resolution of the National Executive Committee.

The designated National officials and staff shall ensure that requirements as provided by law on public funds are strictly adhered to.



### **10.1. Usage of Party Funds**

Party funds shall be used for purposes compatible with democracy.

- a. Promoting the representation in Parliament and in the county assemblies of women, persons with disabilities, youth, ethnic and other minorities and marginalized communities.
- b. promoting active participation by individual citizens in political life,
- c. covering the election expenses of the political party and the Broadcasting of the policies of the political party,
- d. organization by the political party of civic education in democracy and other electoral processes,
- e. bringing the political party's influence to bear on the shaping of public opinion; and
- f. Administrative and staff expenses of the political party which shall not be more than thirty per cent of the moneys allocated to the political party.
- g. Party funds shall not be used for any other purposes other than those specified in this Constitution.
- h. Party funds shall not be used—
  - i. for paying directly or indirectly remuneration, fees, rewards, allowances or any other benefit to a member or supporter of the political party, other than a member of staff;
  - ii. to finance or as a contribution to any matter, cause, event or occasion directly or indirectly in contravention of any code of ethics binding on public officers;
  - iii. directly or indirectly for the purposes of establishing any business or acquiring or maintaining any right or financial interest whatsoever in any business or in any immovable property; or
  - iv. For any other purpose incompatible with the promotion of a multiparty democracy and the electoral processes, or with the Constitution.
- i. The party shall ensure accountability and transparency in its procurement processes.

The funds alluded to in Subsection 10.1 shall be used for the enhancement of the party's activities. Any use of these funds shall be approved by the party's National Executive Committee. Any decision to distribute party funds shall be illegal irrespective of the NEC decision.

### **10.2. The Annual or Periodic Audit of Accounts**

1. The National Governing Council shall appoint reputable auditors annually.
2. All Party accounts, records and documents shall be open for inspection by the auditors at any time.



3. The National Treasurer shall produce and submit audited annual accounts to the National Governing Council.
4. The auditors shall be paid such fees for their duties as may be determined by the National Governing Council.
5. The auditors shall not be office bearers of any Organ of the Party.
  - a. the party shall keep proper books and records of account of the income, expenditure, assets and liabilities of the political party.
  - b. The party shall, within three months after the end of each financial year submit to the auditor general the accounts in respect of that year.
  - c. The accounts of the party shall be audited annually by the auditor- general and shall be submitted to the registrar and tabled in the National Assembly.
  - d. The registrar may at any time request the auditor-general to carry out an audit of the accounts of the party.
  - e. Any person shall be entitled, to inspect the audited accounts filed by the party and, upon payment of a fee prescribed by the registrar/or NEC be issued with copies of the audited accounts.

### **10.3. Finance and Resource Mobilization Committee**

The National Executive Committee shall appoint the Finance and Resource Mobilization Committee as a Standing Committee consisting of nine members including the National Treasurer and the Deputy National Treasurers. The appointed members shall elect the Chairperson and Secretary among themselves. Provided that one third shall be of either gender.

The Finance and Resource Mobilization Committee shall be responsible for:

- a) Developing strategies for and realizing financial resource mobilization and any other support to the Party.
- b) Ensuring that the books of the Party are audited by the appointed auditor.
- c) Developing principles of stewardship, financial discipline, ethics and best practices to guide the Party in matters of fiscal planning and management.

The members shall be in office for five years and shall be eligible for re-appointment at the expiry of their term, subject to a maximum of two consecutive terms.

The Committee shall work closely with the National Executive Committee and will report at least twice a year on the finances and budget of the party.

## **11 ARTICLE 11: 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**



### **11.1. 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**

- a. Polling Centre Convention (PCC)
- b. Polling Centre Executive Committee (PCEC)
- c. Polling Centre Management Committee (PCMC)

#### **Level 2 – The Ward (County Assembly Representation Area)**

- a. Ward Convention (WC)
- b. Ward Executive Committee (WEC)
- c. Ward Management Committee (WMC)

#### **Level 3 – The Sub-branch (Constituency)**

- a. Sub Branch Convention (SBC)
- b. Sub Branch Executive Committee (SBEC)
- c. Sub Branch Management Committee (SBMC)

#### **Level 4 – The Branch (County)**

- a. Branch Convention (BC)
- b. Branch Executive Committee (BEC)
- c. Branch Management Committee (BMC)
- d. County Assembly Caucus

#### **Level 5 - National**

- a. National Convention (NC)
- b. National Delegates Convention (NDC)



- c. National Governing Council (NGC)
- d. National Executive Committee (NEC)
- e. National Management Committee (NMC)
- f. National Elections Board (NEB)
- g. The Commissions / Committees
- h. National assembly caucus
- i. Senate caucus
- j. Governors Forum
- k. National Secretariat

## **11.2. Organization of the Party and their Functions**

### **1. Polling Centre Level**

#### **a. Polling Centre Convention (PCC)**

Here, the participation shall be by all The We Alliance Party members who are also registered voters at the Centre. 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 shall meet at least once a 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 Organizations
14. Representative of the 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 Committee where he/she has a voting right.
- iii. The PCEC shall meet at least once every three months.

**c. Polling Centre Management Committee (PCMC)**

The PCMC shall comprise of nine (9) members from the Polling Centre Executive Committee (PCEC). The PCMC shall 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 Leader



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 of the elected officials at the polling centre(s) within the Ward and shall meet at least once a year

### **b. Ward Executive Committee (WEC)**

The Ward Convention shall from amongst themselves elect the 22 Ward Executive Committee members who shall serve in the capacities as specified under Article 9 of this Constitution. The WEC shall meet at least once every three months.

### **c. Ward Management Committee (WMC)**

The Ward Management Committee shall comprise of nine (9) members from the Ward Executive Committee. These members shall serve under capacities specified in Article 9(1c) of this Constitution mutatis mutandis. The WMC shall 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 Committee 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 officials 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 from amongst themselves elect the twenty-two (22) Sub Branch Executive Committee members who shall serve in the capacities specified under Article 9 of this Constitution.

The SBEC shall 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 Article 9(1c) of this Constitution mutatis mutandis. The SBMC shall 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 Executive Committee (membership is restricted to the Constituency where one has voting rights).

**4. THE BRANCH LEVEL (COUNTY)**

**a. Branch Convention (BC)**

It shall comprise of the elected party officials from all the Sub-Branches in the Branch and shall meet at least once a year.

**b. Branch Executive Committee (BEC)**

The Branch Convention shall from amongst themselves elect the twenty-two (22) Branch Executive Committee members who shall serve in the capacities specified under Article 9 of this Constitution. The BEC shall meet at least once every three months.

**c. Branch Management Committee (BMC)**

The Branch Management Committee shall comprise of nine (9) members from the Branch Executive Committee who shall meet at least once a month. They shall serve in the capacities specified under Article 9(1c) of this Constitution mutatis mutandis.

It is mandatory that: -

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

**ROLES AND FUNCTIONS OF THE POLLING CENTRE/WARD/SUB BRANCH AND BRANCH LEVELS**

The functions of the various levels shall be to:-

- i. disseminate the Party Policy documents and policy positions, create visibility and publicity for the Party in their respective areas of jurisdiction;
- ii. mobilize and recruit new Party Members and galvanize support for the Party



- iii. Generate consensus on key political, economic and social policies of the Party.
- iv. Monitor the needs of the people in their area of jurisdiction and accordingly advise the relevant Organ of the Party.
- v. monitor performance of National and County Governments and other public officials and make recommendations thereon
- vi. Promote harmony amongst the Party members and other residents in their area.
- vii. Set up a Party office complete with a Secretariat where applicable.
- viii. Raise financial and other resources for the Party programs and activities.
- ix. Maintain an updated register of members and forward a copy to the National Secretariat through the established mechanism.
- x. Identify, recruit and induct potential aspirants'/Party candidates for all the elective positions.
- xi. Undertake disciplinary functions within their area of jurisdiction and recommend necessary disciplinary measures.
- xii. Of all other things 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 DELEGATES CONVENTION (NDC)

There is hereby established an organ of the party called the National Delegates 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 to: -

- a.
  - 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 implementation of political, economic and social policies of the Party.
  - iv. promote National unity and solidarity in line with the National Values and Principles of Public Governance;
  - v. consider any such other items as may be referred to it by NGC or NEC; (vi) Approve the paper of principles.
  - vi. (vii) assign such tasks to NGC and NEC as it may deem fit;



- b.
  - i. NDC shall meet be held once in every five years.
  - ii. A special NDC may be held as and when the Chairperson in consultation with the 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.
- c.
  - 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 b 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.
- d.
  - 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 a 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.

## 6. NATIONAL GOVERNING COUNCIL (NGC)

There is hereby established a standing committee of the National Delegates Convention called the National Governing Council (NGC) which shall meet at least once annually.

### Composition of NGC

The composition of the National Governing Council shall be;

1. National Executive Committee (NEC).
2. National Assembly Caucus
3. Senate Caucus
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.
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:



- a) Process policy and other measures to be considered by the National Delegates Convention.
- b) Deal with policy matters on behalf of the National Delegates Convention.
- c) 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 ratify or deal with them as may determine.
  - i. Report to the National Delegates Convention on the business it has transacted in between meetings of the National Delegates Convention.
  - ii. Approve the annual budget of the Party.
  - iii. Consider, modify and if it thinks fit, ratify Articles, Regulations, or By-Laws for the better implementation of the provisions of this Constitution and achievement of the vision of the Party.
  - iv. Examine and approve the audited accounts and to set the scale of annual dues to be paid by Party members.
  - viii. Receive, examine and approve the annual report of the Party.
  - v. Appoint auditors and fix their remuneration.
  - vi. Receive regular reports from NEC on the operations of the Party.
  - vii. determine appeals from decisions of NEC
  - viii. Approve the position papers
  - xiii. Perform such other functions as the NDC may direct.

## **7. NATIONAL MANAGEMENT COMMITTEE (NMC)**

### **Composition of National Management Committee**

- a) The National Management Committee shall comprise of the following: -
  1. Party Leader
  2. Deputy Party Leader
  3. National Chairperson
  4. National Deputy Chairperson
  5. Secretary General
  6. Deputy Secretary General
  7. National Treasurer
  8. National Organizing Secretary
  9. National Women's Leader
  10. National Youth Leader
  11. Leader of the National Assembly Caucus
  12. Leader of the Senate Caucus



13. Party Whip(s)
  14. Chairperson of the Governor's forum
  15. Party Executive Director (Secretary to NMC)
  16. Any other person(s) invited in writing by the Secretary General
- b) Powers and Duties of National Management Committee (NMC)
- i. Supervise the day to day conduct of the Party's activities;
  - ii. Propagate Party policies
  - iii. Assist the National Elections Board in the conduct of Party elections and nominations;
  - iv. Appoint Party representatives to the Electoral Management Body, Forums and other organizations which the Party relates to;
  - v. Formulate the agenda for NEC
  - vi. Supervise day to day running of the Secretariat
  - vii. Coordinate fundraising and publicity for the Party
  - viii. Perform any other function assigned to it by NEC

#### **8. NATIONAL ELECTIONS AND NOMINATIONS BOARD (NEB)**

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

##### **a) 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-officio 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.



## **b) Powers and Duties of NEB**

- i** NEB may from time to time make articles, regulations, orders or notices for ensuring conduct of regular, free, fair, peaceful and transparent Party elections and nominations.
- ii** 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 Articles and Procedures.
- iii** NEB, on recommendation of the NMC shall make, amend or alter Party Nominations and Elections Articles and Procedures.
- iv** NEB shall appoint appropriate officers to conduct Party elections or nominations at the National, Branch, Sub Branch, Ward and polling center levels.
- v** 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.
- vi** 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.
- vii** 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.
- viii** 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.
- ix** In appointing the National Elections Board Members, the National Executive Committee shall have regard and ensure at least one third (1/3) representation of either gender in accordance with the Party Constitution and the Country's Constitution.
- x** NEB may establish dispute resolution panels at the Branch, Sub Branch, Ward and Polling Station levels. The panels are adhoc in nature.
- xi** 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
- xii** NEB shall be independent and act in accordance with the articles of natural justice, and in consultation with NEC
- xiii** Carry out any other functions assigned to it by the NEC, NMC, NGC or NDC
- xiv** 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.

## **9. 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

## **12 ARTICLE 12: THE ESTABLISHMENT AND MANAGEMENT OF NATIONAL ASSEMBLY, SENATE AND COUNTY ASSEMBLIES CAUCUSES**

Upon completion of a general election, the SG within one (1) month of the general election, shall cause the National Assembly, Senate and County Assemblies caucuses to be formed.



### **12.1. National Assembly, (NA) caucus**

In the formation of the National Assembly, (NA) caucus, the following shall be done: -

- a. The SG shall issue a letter to any member of the NA to convene a meeting at the National Secretariat for purposes of electing the NA caucus officials.
- b. The SG shall preside over the elections.
- c. The results shall be communicated in writing to those elected.
- d. Positions of chairperson, secretary, treasurer and whip shall be contested by secret ballot.
- e. The caucus shall be subject to all party articles.
- f. Leadership elected shall be in place unless there is a breach of the Party articles or resignation.

### **12.2. County Assemblies caucuses**

In forming the County Assemblies caucuses, the following shall be done: -

- a. The SG shall cause a letter to be released to all county secretaries to convene a meeting in their respective county assemblies for purposes of electing the caucus.
- b. Positions of chairperson, secretary, treasurer and whip shall be contested.
- c. The election shall be by secret ballot and presided over by the county secretary.
- d. The results shall be communicated in writing to those elected.
- e. The leadership shall be in place unless there is breach of the articles or resignation.
- f. The caucus shall be subject to all party articles.

## **13 ARTICLE 13: THE DISCIPLINARY MEASURES AGAINST A MEMBER OR OFFICIAL OF A POLITICAL PARTY.**

### **DISCIPLINE**

13.0 (a) All members, without exception, must abide by the Constitution of the TWAP, and the Articles and Regulations, the Standing Orders and Codes of Conduct, as adopted or amended from time to time, as well as all policies and decisions properly adopted or made in terms of the Constitution.

(b) Every candidate representing the TWAP during an election at any level of government, must undertake, in writing, prior to the elections, to abide by the Constitution of the TWAP and the relevant Code of Conduct for elected representatives, and to submit to and abide by any disciplinary proceedings instituted against him or her in terms of the Constitution or such Code. directly or indirectly arising from his or her conduct as a public representative of the TWAP.

(c) All members and public representatives of the TWAP, without exception, are subject to the discipline of the TWAP and must submit to the provisions of the Constitution, Articles and Regulations, Standing Orders and Codes of Conduct with regard to the regulation of the conduct of members and public representatives, and the applicable disciplinary procedures, in particular Article 13.

13.1 Disciplinary proceedings against a member and public representative shall be confined to violations of the TWAP Constitution, Articles and Regulations, Standing Orders, Codes of Conduct and the policies and decisions of the TWAP properly adopted or made in terms of the



Constitution, or the misconduct referred to in Article 13.5 or provided for in terms of Article 13.13 (b) and shall not.

- a. Be used as a means of stifling debate or denying members their basic democratic rights; or
- b. Be instituted as a means of solving private problems or as a means of interfering in the private lives of members where the norms of the organization are not directly affected, unless such conduct itself constitutes a violation or an offence affecting the party.

13.2 If the NEC exercising its right to invoke disciplinary proceedings under this Constitution, is satisfied that the institution of a disciplinary procedure is warranted against a member or public representative in respect of any conduct referred to under article 13.5 or any other misconduct prohibited in terms of the Constitution, it may decide to institute disciplinary proceedings against such member in respect of such misconduct, provided that :

- a) The persons shall be given written reasons for the action.
- b) Shall be presumed innocent until the contrary is proved.
- c) Shall be informed of the charge with, with sufficient detail to answer it.
- d) Shall be given adequate time and facilities to prepare a defense.
- e) Shall have the trial begin and conclude without unreasonable delay.
- f) Shall be present when being tried unless the conduct of the accused makes it impossible for the trial to proceed:
- g) Shall choose to be represented by an advocate and shall be informed of this right promptly.
- h) Shall have the right to remain silent and not testify during the proceedings.
- i) Shall have the right to adduce and challenge the evidence.
- j) Shall have the right to refuse to give incriminating evidence.
- k) Shall have the right to have the assistance of an interpreter without payment if the accused person cannot understand the language used at the trial.

and then refer the matter to the National Governing Convention, as the case may be, or any other body authorized in terms of this Constitution to conduct disciplinary proceedings, to proceed with such disciplinary hearing [refer to 13.5(c)]

13.3 If satisfied that the evidence presented is of such a cogent and sufficient nature as to prove the guilt of such member or public representative on a balance of probabilities.

13.4 The following conduct by a member or public representative shall constitute misconduct in respect of which disciplinary proceedings may be invoked and instituted against him or her.

- a) Conviction in a court of law and being sentenced to a term of imprisonment without the option of a fine, for any serious non-political offense;
- b) Conviction in a court of law, for any serious non-political offense;
- c) Behavior which brings the party into disrepute or which manifests a flagrant violation of the moral integrity expected of members and public representatives or conduct unbecoming that of a member or public representative;
- d) Sowing racism, sexism, tribal chauvinism, religious and political intolerance, regionalism or any form of discrimination;



- e) Engaging in sexual or physical abuse of anyone or abuse of office to obtain sexual or any other undue advantage from members or others: f. Abuse of elected or employed office in the organization or in the State to obtain any direct or indirect undue advantage or enrichment:
- f) Behaving corruptly in seeking or accepting any bribe for performing or not performing any task;
- g) Misappropriation of the funds of the party or destruction of its properties;
- h) Behaving in such a way as to provoke serious divisions or a break-down of unity in the party:
- i) Undermining the respect for or impeding the functioning of the structures of the party,
- j) Participating in organized factional activity that goes beyond the recognized norms of free debate inside the party and threatens its unity.
- k) Supporting a political organization or party other than an organization in alliance with the TWAP in a manner contrary to the aims, objectives and policy of the TWAP;
- l) Standing in an election for local, provincial or national government or acts as the election agent or canvasser of a person standing for such election in opposition to a candidate duly endorsed by the NEC:
- m) Joining a political organization or party other than the TWAP or a party in alliance with the TWAP;
- n) Prejudicing the integrity or repute of the party, its personnel or its operational capacity by:
  - 1. Impeding the activities of the party.
  - 2. Creating division within its ranks or membership;
  - 3. Doing any other act, which undermines its effectiveness as a party: or
  - 4. Acting on behalf of or in collaboration with:
    - i. Counter-revolutionary forces;
    - ii. A political organization or party other than an organization or party in alliance with the TWAP in a manner contrary to the aims, policies and objectives of the TWAP
    - iii. Intelligence or the security services of other countries: or
    - iv. Any person or group who seriously interferes with the work of the party or prevents it from fulfilling its mission and objectives
- o) Fighting or behaving in a grossly disorderly or unruly way
- p) Deliberately disrupting meetings and interfering with the orderly functioning of the party:
- q) Offering a reduced rate membership to those known by the individual or group making the offer to be ineligible for that category of membership:
- r) Recruitment of members who do not reside at an address claimed, where this is done in order to manipulate Branch meetings or the outcome of party votes: or
- s) Giving, collecting or raising of funds for campaigning activities within the TWAP aimed at influencing the outcome of a conference or meeting.
- t) Failure to attend three (3) consecutive meetings of any organ of the party shall constitute an offence.
- u) Disloyalty to the party



v) any other act or omission that may bring the party into disrepute.

13.5 (a) The NEC shall appoint a National Disciplinary Committee (NDC), independent from its membership and from other structures of the TWAP, which will consist of at least 5 but not more than 9 members. At least three members of the NDC shall constitute its quorum. The national officers, or the NEC may refer any violation or misconduct directly to the NDC for determination.

a1) In addition, the NEC shall appoint the National Disciplinary Committee of Appeal (NDCA), independent from its membership and from other structures of the TWAP, which shall consist of at least 3, but not more than 5 members, provided that its members may not serve in the NDC. At least three members of the NDCA shall constitute its quorum. The NDCA shall hear cases of appeal where the NDC heard the case as a structure of first instance.

(a2) The decisions of the NDCA shall be final, except that the NEC may, in its discretion, review a decision. Such a review shall be regulated by standing orders adopted by the NEC.

(b) Each BC shall appoint a Branch Disciplinary Committee (BDC) and will consist of at least 3 but not more than 5 members. At least three members of a disciplinary committee shall constitute its quorum.

(c) Disciplinary proceedings will normally be conducted at the level where the alleged violation or misconduct took place,

(d) NEC shall appoint a Legal Liaison, to be assisted by no more than 3 other suitably competent members, to represent and present the case of the TWAP, in any NDC and NDCA hearing:

(e) No member of a disciplinary committee may participate in a decision to institute disciplinary proceedings against a member and such member of the disciplinary committee should recuse himself or herself from such discussion and decision.

13.6 (a) However, this does not prohibit such member from participating in any political discussion on any issue, which later becomes the subject of a discussion and decision to institute such disciplinary proceedings against a member.

13.7 (a) Any person faced with disciplinary proceedings shall receive due written notice of any hearing and of the basic allegations and charges against him or her and be afforded a reasonable opportunity to make his or her defense.

(b) Any person faced with disciplinary proceedings is entitled to be represented by a member in good standing and who is a paid-up member of at least three months.

(c) If disciplinary proceedings are instituted against a member and such member does not appear at the venue and at the time determined for such proceedings or does not remain in attendance when required to do so, the relevant disciplinary committee, if satisfied that such member was properly and timorously notified of such venue and time, may order that the proceedings continue in the absence of such member. The disciplinary committee may form an opinion of the evidence led, and it may proceed and make a finding of guilty or not guilty, as the case may be, even if such member was absent from part or the whole of the proceedings.



13.8 (a) Penalties or sanctions, which may be imposed by a disciplinary committee, for proven violations of the Constitution, other relevant instruments, principles, norms, policies and decisions of the TWAP, will include reprimand, payment of compensation and/or the performance of useful tasks, remedial action, and suspension of membership or expulsion from the TWAP, and in the case of a public representative also the removal from any list or instrument which entitles such person to represent the TWAP at any level of government.

(b) A disciplinary committee may suspend the imposition of any of the above penalties or sanctions, with or without certain conditions for a period to be determined by such disciplinary committee.

13.9 (a) A decision of a disciplinary committee only takes effect once the internal appeal procedures and remedies provided for in terms of Article 10 have been exhausted. Any person found guilty during a disciplinary proceeding, or the complainant, has the right, within 14 days from the date of sentencing, to appeal against the conviction or sentence, to the disciplinary committee of the next highest body of the TWAP.

b) A member is only entitled to one appeal to such next highest disciplinary body, whose decision shall be final and binding, provided that the NDCA may, upon application to it and if it deems it necessary, grant a further appeal to be heard by itself. The NEC may direct that a body higher than the one to which the appeal has been made should hear any appeal. An appeal against the decision of a Branch disciplinary committee should be heard directly by the NDCA.

(b) Where a disciplinary committee arrives at a decision to suspend or expel an elected official such a decision shall be suspended pending the outcome of an automatic appeal to the National Disciplinary Committee of Appeal. The National Disciplinary Committee of Appeal must commence with such an appeal within 14 days of the notification of the decision of such disciplinary committee.

13.10 All disciplinary proceedings shall be disposed of expeditiously, but within 6 months from the date that notice of the charge has been delivered to the member, provided that the NDCA may, upon application from the relevant disciplinary committee, in writing, at any stage before or after the expiry of such period extend this period in a particular case, if it deems it necessary.

13.11 The relevant Disciplinary Committee shall in writing report the outcome of each disciplinary proceeding to the secretary of the executive structure which established it and then the decision shall be publicly announced by the relevant Disciplinary Committee.

### 13.12 **Temporary Suspension**

- a. The National Disciplinary Committee may summarily suspend the membership of any member, by acting in accordance with the procedures prescribed under Article 13.12.
- b. Before any of the above structures make such a decision, it must have due regard to the nature and seriousness of an alleged violation or misconduct by a member and/or public representative only after the accusations have been put to him or her for comment by the person or body tasked with such duty by the relevant structure, and he or she has had an opportunity to respond, provided that if such member has been given proper time and notice of such opportunity and does not avail himself or herself



- of such opportunity, and/or does not attend or does not stay in attendance, the matter may be proceeded with in his or her absence.
- c. Exceptional circumstances, as determined by NEC, as the case may be, may warrant an immediate decision of temporary suspension of a member without eliciting the comment of such member, as provided for in paragraph (b).
  - d. The member or public representative shall immediately be informed of such suspension.
  - e. In the case of the suspension of an elected public representative, the relevant structure making the decision must also provide for any terms and conditions, which will regulate his or her participation and conduct as a public representative during the period of suspension.
  - f. The member or public representative shall immediately be informed of such terms and conditions.
  - g. When NEC imposes a temporary suspension on a member or a public representative, it must immediately forward a report of such suspension and the reasons for it, to the NDCA and the NDCA may, if circumstances warrant it, at any stage set aside such suspension.
  - h. The temporary suspension shall lapse if a notice of a charge relating to such suspension is not delivered to the member within 30 days of the date of the commencement of the temporary suspension.
  - i. Such disciplinary proceedings shall be attended to as quickly as possible and completed within a reasonable period.
  - j. The temporary suspension shall, subject to paragraph (g), remain in force until the finalization of the disciplinary proceedings, including any appeals, provided that the NDCA may, upon application and if the circumstances so warrant, at any stage set aside such suspension.
  - k. The temporary suspension may at any stage be set aside by the structure, which imposed if it deems it necessary.

13.13 (a) The NEC must adopt Articles and Regulations for the regulation of the effective and appropriate implementation and functioning of article 13 dealing with disciplinary proceedings in the TWAP.

(b) Without prejudice to the generality of Article 13.5, the NEC may, in regulations, prescribe further conduct by a member or public representative, constituting misconduct in respect of which disciplinary proceedings may be invoked and instituted against him or her.

(c) The NEC shall adopt guidelines for the interpretation of Article 13 and for the articles of procedure applicable during disciplinary proceedings, including time limits to be followed before, during and after a hearing.

(d) The NEC may:

- i authorize other structures of TWAP to institute disciplinary proceedings; and
- ii establish appropriate structures to implement or make the appropriate arrangements to apply the provisions of Article 13.



## **14 ARTICLE 14: THE RIGHT TO INSPECT THE BOOKS OR LIST OF MEMBERS OF THE POLITICAL PARTY BY A MEMBER OF THE PARTY OR A MEMBER OF THE PUBLIC.**

### **INSPECTION OF BOOKS**

Any fully paid up member for a period not less than 2 years interested in inspecting the Party books and or lists of members of the Party shall write to the Secretary General (SG) giving notice of 60 days and specifying the kind of books or lists for scrutiny. Such a member must disclose his/her Membership Number, Polling Centre and such notice be submitted through his/her respective Sub Branch. Upon receiving such a notice, the Branch/Sub Branch shall forward the same within 14 days to the SG who must respond to it within the stipulated time of 30 days.

For non-members, they shall be required to write to the SG, giving notice of 120 days and shall pay a fee prescribed by NEC. They shall be required to sign an affidavit that they shall not use the information sought for adversarial effect to the Party.

## **15 ARTICLE 15: THE AUTHORIZED OFFICIALS OF A POLITICAL PARTY WHO SHALL SIGN ON BEHALF OF THE POLITICAL PARTY.**

- a. Correspondences to the office of the Registrar and any other office on all matters of the party shall be done by the SG and/or the National Chairperson.
- b. The signatories to the accounts of the party shall be the Chairperson, Secretary General, Treasurer and the Executive Director.
- c. The National Chairperson and Secretary General shall be signatories to the annual reports of the Party and any other report or document required under the Political Parties Act.
- d. The National Chairperson and Treasurer shall be signatories to the financial reports of the Party
- e. The National Chairperson and SG shall be signatories to the Nomination Certificates for any nomination of a member of the party.

## **16 ARTICLE 16: THE POLICY DOCUMENTS WHICH THE POLITICAL PARTY WILL DEVELOP AND ON WHICH THE POLITICAL PARTY WILL PERFORM INCLUDING THE MANNER AND PROCEDURES IN WHICH THEY WILL BE DEVELOPED, APPROVED AND IMPLEMENTED**

Party policy documents shall be originated by secretaries to the various organs or committees or commissions for approval by NEC and implementation by NEC, NEC committees or sub committees or any other organ designated by NEC.



a) The policy documents to shall be available at all party offices and shall in particular provide for the following:

- i. Party Human Resource Management procedures;
- ii. Financial management, accounting and audit procedures;
- iii. General organizational procedures, administrative structure and lines of reporting

**17 ARTICLE 17: THE POLICY REPORTNG DOCUMENTS AND THEIR REGULARITY WHICH THE POLITICAL PARTY WILL PRODUCE INCLUDING THE MANNER AND THE PROCEDURES IN WHICH THEY WILL BE DEVELOPED, APPROVED AND PUBLICIZED.**

The Manifesto and the strategic plan of the party shall be developed by a committee of NEC for approval by NEC and launched at a public forum. The documents shall be developed once in five (5) years.

1.The party shall also publish the following policy documents:

- i. Party manifesto
  - ii. Policy on eradication of poverty
  - iii. Policy on eradication of corruption
  - iv. Policy on economic growth.
- a) The Policy documents shall be published and distributed in all print and electronic media in Kenya and the Diaspora.
- b) A review and status report of these policy documents shall be done after every five years.

**18 ARTICLE 18: ASSET MANAGEMENT POLICIES AND PROCEDURES, THE CUSTODY AND INVESTMENT OF THE FUNDS AND PROPERTY OF THE POLITICAL PARTY, AND THE DESIGNATION OF THE PERSONS RESPONSIBLE FOR THEM.**

A person upon whom the property of the Party is vested, or within his custody, possession or control, shall take all the necessary measures to ensure that the property remains safe and properly accounted for, failure to which the Party shall have a right to lay claims against such person for any money due or owing to the Party or for any damage or loss occasioned to Party property which was in the custody, possession or control of such person.



The SG and the Treasurer shall propose investments to be done by the party to NEC for approval. The approved proposals shall be implemented by the SG, Treasurer and a committee of NEC.

The NEC shall approve a committee to mobilize financial resources for the Party by means, including but not limited to, borrowing, pledging, mortgaging or charging Party property to secure loans, investing any of its monies in securities or ventures approved by the NEC, or engaging in any commercial activity or undertaking;

## **19 ARTICLE 19: THE POLITICAL PARTY NOMINATION ARTICLES AND REGULATIONS WITH RESPECT TO ELECTIONS OF THE PARTY AND ARTICLES GOVERNING THE PREPARATION OF PARTY LISTS.**

1. There shall be a handbook on the nomination articles on;

- a) Elections of officials to the governing body;
- b) Nomination of members to party lists and preparation of party lists; and
- c) Nomination of members for general elections (party primaries)

The Nominations and Election Articles and Procedures shall be approved by NEC for implementation by NEB. NEB may propose amendments to the articles for approval by NEC and NEC may also propose amendments. No amendments shall be valid three (3) months to any election or nomination or preparation of party lists.

2. Consideration for inclusion in the party list shall entail the following: - being

- a) a fully paid up member
- b) actively involved in party activities
- c) involved in recruitment of members
- d) involved in identifying and introducing candidates for election
- e) involved in resource mobilization

## **20 ARTICLE 20: PROVISIONS FOR THE AMENDMENT OF THE NAME, CONSTITUTION, AND ARTICLES OF THE POLITICAL PARTY.**

### **20.1. Amendments to the Name of the Party**

No change may be made to the Name of the Party except with the approval of the National Delegates Convention following a proposal by any Sub Branch Executive



Committee, Branch Executive Committee or the National Executive Committee and supported by at least two-thirds of the members attending in person.

**20.2. Amendments to the Constitution**

No change may be made to this Constitution except with the approval of the National Delegates Convention following a proposal by any sub branch Executive Committee, Branch Executive Committee or the National Executive Committee and supported by at least two-thirds of the members attending in person. The Constitution may also be amended by the NGC in accordance with Article 11 of this Constitution.

**20.3. Amendments to the Articles of the Party.**

No changes may be made to the articles unless if a member of NEC proposes and is supported by two-thirds (2/3) of the members attending provided the changes are not done three months to the elections and those changes be communicated at least one month to the election dates.

**20.4. Amendments to the Symbol and Party Colors**

No change may be made to the Symbol or Party Colors except with the approval of the National Delegates Convention following a proposal by any Sub Branch Executive Committee, Branch Executive Committee or the National Executive Committee and supported by a simple majority of the members attending in person.

**20.5. Amendments to change of office**

Any change related to Article 5 of this Constitution shall be made by NEC and such a change shall require the support of simple majority of members of NEC at that sitting provided that the procedure for that sitting as provided for in this Constitution was followed.

**21 ARTICLE 21: MERGERS, COALITIONS/ALLIANCES**

The Party may merge or form alliances and coalitions with other likeminded political parties. The decision to form such alliances and coalitions shall be determined by two-thirds of the National Executive Committee.

The Secretary General shall provide a notice of 21 days to the members indicating the date, time and venue of the meeting with the agenda being either a merger or coalition.

The NEC shall invite a competent lawyer to the meeting to provide a legal advisory opinion before any vote is taken.



Instruments of mergers or coalitions shall be executed and Deposited with the Registrar of Political Parties. The Secretary General shall keep custody of all such Instruments.

The Party shall embrace mergers that will only promote the objects of the Party as provided for under Article 3 of this Constitution.

**21.1. Circumstances and criteria for mergers.**

- a. Agreement in part or in whole with the objects of the parties to merge
- b. Negotiations must have been on going between the NEC or Committee of NEC of The We Alliance Party and the other party (ies).
- c. Proof that funds to be provided for by both parties shall sustain the merger
- d. New name must be agreed upon beforehand.
- e. Signatories to the new bank account must be agreed upon.
- f. Any other criteria the parties may agree to include.
- g. Mergers shall not occur twelve (12) months to a general election.

**21.2. Procedure for Mergers and coalitions/alliances**

- a. decision to merge/coalitions/alliances shall be in writing
- b. the NEC or its duly authorized committee shall approve the agreement
- c. NDC by 2/3 majority of member's present shall approve the merger
- d. a special NDC may be called to discuss this agenda
- e. The chairperson and SG shall be the authorized persons to execute the decision on behalf of the Party.
- f. coalitions/alliances agreement shall include the new Constitution, Articles, Regulations and Principles of the envisaged new Political Parties
- g. Coalitions/alliances agreement shall be deposited with the Registrar within twenty-one (21) days of the signing of the agreement.
- h. Party stands dissolved upon registration of new political party
- i. Any other article the NEC may wish to apply in order to safeguard the interests of the existing political party.
- j. decision to merge shall be by secret ballot

COALITIONS: The party shall enter into pre and/or post elections coalitions for the purposes of forming good relations and acquiring power with political parties that share similar ideologies with The We Alliance Party.



## **22 ARTICLE 22: PROVISION ON DISSOLUTION OF THE POLITICAL PARTY.**

### **22.1 Dissolution of the party branch**

- a. The national chairperson may recommend dissolution of any branch to NEC in an emergency arising out of internal conflict, on gross violation of the Constitution of the Party or in any other exceptional circumstances.
- b. NEC of a majority of 2/3 present by voting may approve recommendation to dissolve the branch.
- c. NEC shall then mandate an adhoc committee which shall constitute itself as an election board to oversee the elections within a period of 90 days or as within such a time as it is practical in the opinion of the adhoc committee so constituted.
- d. The adhoc committee for purposes of clarity shall consist of members of NEC, a mixture or otherwise. They shall not be more than five (5) members in the team
- e. Secretary to the adhoc committee shall be the Director of elections

### **22.2 Dissolution of the Political Party**

- a. Decision to dissolve the party must be done in writing
- b. Decision shall be approved by NEC
- c. The decision shall be supported by 2/3 majority of members of NDC present at the sitting.
- d. Once approved, party stands dissolved
- e. Decision to dissolve the party to be communicated to the Registrar as soon as it is practically possible.

### **22.3 Disposal of property**

1. For the Branch Party,

- a. In the event of a dissolution of a party branch, all property shall be handed over to the SG who shall transact matters of funds in consultation with the treasurer
- b. Upon election of a new team, the SG shall then hand over the custody to the new Secretary of the branch.

2. For the National Party,

- a. At the point where the NEC approves the resolution of dissolution by transmitting the same to the NDC, the party auditors must provide an audited report.
- b. The SG shall give an account of the property in his/her custody
- c. At the point of NDC, the audit report and SG's report must be made public
- d. Resolution to dissolve shall be accompanied by resolution to the Registrar to declare the property of the party. The property shall be converted into cash and donated to the political party's fund.

## **23 ARTICLE 23: INTERNAL PARTY DISPUTE RESOLUTION.**

- ii) Any dispute that cannot be resolved by Party organs shall be adjudicated through arbitration.



- iii) The National Executive Committee shall each year approve a choice of three arbiters from which any of the aggrieved members can choose.
- iv) Any of the aggrieved members of the Party could pick any of the arbiters from the list approved by the National Executive Committee and inform the respondent of the choice of the arbiter.
- v) The recommendations of the arbitrators shall be communicated to the National Governing Convention in writing. The National Governing Convention will make its decision and communicate the same to the Parties.
- vi) Any of the parties who is not satisfied with the outcome of the Communication of the National Governing Council shall have the right to appeal the decision at the High Court.

## **24 ARTICLE 24: DEMOCRATIC PRACTICES THAT COVER GENDER, AFFIRMATIVE ACTION FOR MINORITIES AND MARGINALIZED GROUPS.**

The party structures and positions of leadership shall be by a team that shall reflect gender, affirmative action, representation of minorities and marginalized groups

- (a) The party's National Executive Committee shall appoint a reputable trustee who shall manage the party's assets.
- (b) The trustee in Article 12 shall report to the National Executive Committee directly.

## **25 ARTICLE 25: DEMOCRATIC PRACTICES COVERING HUMAN RIGHTS AND GENDER.**

The party in the spirit and letter of the Constitution of Kenya and this Constitution shall implement democratic principles covering human rights and gender.

## **26 ARTICLE 26: THE MANNER OF IMPLEMENTING NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE AS PROVIDED IN THE CONSTITUTION**

The party in observing its objects shall implement the national values and principles of governance as provided in this Constitution.



## 27 ARTICLE 27: TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

- a. The persons occupying Party positions at all levels i.e. NEC, NGC, BEC, SBEC, WEC, PCEC immediately before the effective date shall continue to serve in those positions until the first Party elections held under this Constitution, unless they vacate office.
- b. The 1st National Party election under this Constitution shall be held as may be determined by NEC through a resolution.

## 28 ARTICLE 28: GENERAL SCHEDULES

### 28.1. General

- i Any vacancy occurring in the Party organs during the course of the term before the next National Delegates Convention or Party Election as the case may be, shall be filled in acting capacity, through nomination by the National Executive Committee upon recommendations of the relevant Party organ until the vacancy is substantially filled.
- ii The National Executive Committee shall have the power to make rules for the better carrying out of all matters provided in this Constitution. Such Rules shall be consistent with provisions of this Constitution and, where inconsistent, such rules made shall be void to the extent of the inconsistency thereof.

### 28.2. Schedules

#### Disciplinary Procedure

##### a) Introduction

Article 13 of the Constitution deals with discipline. This disciplinary procedure prescribes how the disciplinary procedure is to be used and how disciplinary proceedings are to be conducted.

##### b) Objective of Disciplinary Procedure

The objective of disciplinary procedure is to ensure that in all disciplinary proceedings:

There is a formal procedure.

There is a just and fair procedure.

A member is presumed innocent until proven guilty. A member has a chance to defend herself or himself. A member has the right to appeal.

##### c) Starting Disciplinary Procedure

Disciplinary Proceedings may be instituted:



1. Only for violations or offenses of the TWAP Constitution, the Articles and Regulations, the Standing Orders, Codes of Conduct, all policies and decisions properly adopted or made in terms of the Constitution.
2. By any organ or official of the TWAP at Branch or National level.
3. By the National Disciplinary Committee which can hear and decide cases. Referred to it by the TWAP National Officials, or the NEC.

**d) Holding Disciplinary Proceedings**

1. A charge must be made within reasonable time of the violation or offense. [Article 13.7]
2. A charge must be prepared by the presenter on behalf of the organ or officials of the TWAP instituting the disciplinary proceedings. The charge must
  - a. Be in writing.
  - b. Set out the information forming the reason for the charge and the alleged.
  - c. violation or offense in reasonable detail.
  - d. Identify the: Provision of the TWAP Constitution, the Articles, the Standing Orders, Codes of Conduct alleged to have been violated.
  - e. Violations and offenses set out in Article 13.5 alleged to have been committed.
  - f. Advise the charged member of her or his right to be represented by a member of the TWAP in good standing, to have an interpreter present, to call witnesses for defense of the charge, and to recall and question witnesses called for prosecution of the charge.
  - g. Specify the time and place of the disciplinary proceedings.
  - h. Be delivered to the charged member seven days before the disciplinary proceedings or sooner if this is necessary in certain serious circumstances.

**e) The following persons must be present at a Disciplinary Proceeding:**

- a. The Chairperson and members of the Disciplinary Committee.
- b. The presenter of the charge.
- c. The charged member, who can be tried in her or his absence if she or he does not appear.
- d. The charged member's representative and/ or interpreter who is a member of the TWAP in good standing
- e. The witnesses
- f. A minute taker.



**f) The Chairperson of the Disciplinary Committee must ensure that:**

- a. The disciplinary proceedings are held in a fair manner. He or she will article on all matters the may arise and ensure order is maintained
- b. The charged member is informed of the charge, is informed of her or his rights and is asked to plead guilty or not guilty to the charge.
- c. The presenter of the charge details the charged member's alleged violation or offence and may call witnesses in support of the charge and may produce relevant documentation in support of the charge.
- d. The charged member or her or his representative presents the defense to the charge and may call witnesses and may request the recall of and question witnesses called in support of the charge and may produce relevant documentation.

**g) Adjudication:**

At the end of the disciplinary proceedings, the Chairperson of the Disciplinary Committee must ensure that:

1. The members of the Disciplinary Committee discuss the issues raised at the disciplinary proceedings in private and make a finding based on the facts and evidence of the case and make a ruling.
2. The Chairperson and the members of the Disciplinary Committee decide a penalty. The penalties are:
  - Reprimand
  - Payment of compensation and/or performance of useful tasks
  - Suspension
  - Expulsion.
3. The charged member is advised of the ruling and the penalty of the Disciplinary Committee with the reasons for these and is advised of her or his right to appeal.
4. That the ruling and penalty are publicly announced.

**h) Appeal**

1. An appeal may be lodged by:
  - The charged person against whom a finding has been made or a penalty imposed by the Disciplinary Committee.
  - The organ and/or officials who laid the charge against a finding or a penalty imposed by the Disciplinary Committee.



2. The National Disciplinary Committee is the final structure for appeals to be heard. However, the NEC may at its discretion review a decision of the National Disciplinary Committee in accordance with standing orders adopted by the NEC.

### **i) Appeal Procedure**

The following procedure must be followed for appeals:

1. The appeal must be made at the next higher level or the level which the NWC or the PEC directs to hear the appeal.
2. The appeal must:
  - Be made within fourteen days of the charged member being informed of the ruling and penalty with the reasons for these.
  - Be in writing.
  - Set out the reason for the appeal in reasonable detail. Set out the grounds for the appeal in reasonable detail.
3. Except in exceptional circumstances determined by the Chairperson of the Disciplinary Committee hearing the Appeal, no new evidence may be presented or considered at the appeal. No new charges may be brought at the appeal.
4. The Chairperson and the members of the Disciplinary Committee must discuss the issues raised at the appeal hearing and come to a finding based on the facts and evidence of the appeal hearing and make a ruling which can confirm, vary or amend the original ruling and/or penalty.
5. The person who appeals must be advised of the ruling and the confirmation or variation of the original ruling and/or penalty.
6. Any further appeal will need the permission of the next higher level.
7. Any such further appeal must follow the above appeal procedure.