

KENYA NATIONAL CONGRESS PARTY

CONSTITUTION

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ARTICLE 1: ESTABLISHMENT

- (a) There is established a Political Party to be known as the KENYA NATIONAL CONGRESS (K.N.C) hereafter referred to as "KNC" or "The Party."
- (b) The logo, symbol, slogan and colors of the Party are those that are specified in the First Schedule hereto. (Appendix Schedule).
- (c) The logo, symbol, slogan and colors of the Party may change from time to time by a decision of the Party's National Convention, provided that the use of words, slogans, emblems or symbols which could arouse ethnic, age tribal, racial, gender, regional, linguistic, religious or other forms of division are strictly-prohibited.
- (d) The location of the National Headquarters of Kenya National Congress shall be determined by the National Executive Council.
- (e) In this Constitution, unless the context otherwise requires:

“Party” means the Kenya National Congress (KNC)

“KNC” means Kenya National Congress

“Political Party” means any association or organization of persons which has for its objects or purposes proposing or supporting of candidates for National or local authority elections.

“Polling station” means polling station as defined by IEBC

“Office bearer” means any person who is elected by members of the party to hold a particular office.

“Elected official” means any person elected or nominated to the National or County Assembly.

“NEC” means the National Executive Council.

“NDC” means the National delegates Convention.

“Corporate” means a registered political party which is a member of Kenya national Congress or vice versa.

“Group Member” means a registered organization e.g. Students’ Union etc.

ARTICLE 2.0: AIMS/OBJECTIVES AND VALUES

2.0.1: The Kenya National Congress’ objectives are as follows:

- i. To establish a democratically elected Government of Kenya in accordance with the Constitutional principles of democracy and good governance founded on the principles of equity and accountability to the people of Kenya;
- ii. To compete in elections for the purpose of winning elections and forming the government by nominating and fielding candidates in all elective office while guarding against domination of power on the basis of age, sex, religion, race, tribe or ethnicity or any other criteria;
- iii. To promote Patriotism, National Unity, sharing and devolution of power, respect of the Rule of Law, democracy and participation of the people through grassroots participation in Party activities;

- iv. To promote human dignity, equality, social justice, inclusiveness equality, human rights, nondiscrimination and protection of the weak, old and the marginalized;
- v. To promote good governance, integrity, transparency, accountability and sustainable development;
- vi. To establish, enhance and entrench sound fiscal and economic policies to ensure sustainable development for the benefit of all citizens of Kenya;
- vii. To encourage co-operation among parties with similar political ideologies in pushing for good governance based on the principles of transparency and accountability in management of public affairs;
- viii. To promote and encourage sports, economic activities as well as any other that would benefit the people of Kenya;
- ix. To improve the Standards of living of the Kenyan workers, farmers, as well as all other spheres of the economy throughout the country by promoting eradication of ignorance, poverty and disease;
- x. To promote education and employment for disabled people;
- xi. To promote separation of power between the three arms of Government, namely the legislature, the Executive and the Judiciary;
- xii. To collaborate and work with any local, national, regional or international organizations and involve them in Party activities so as to garner their support for the Party and build a strong foundation for a democratic system of governance in Kenya;
- xiii. To promote Kenya's participation in international political, economic and social affairs and to support and advance regional and global cooperation and integration and world peace;
- xiv. To form branches in all counties in the republic of Kenya and recruit members to the Party.

2.0.2: The Party's core values include, but not limited, to:

- i. Supremacy of Party members;
- ii. Respect for constitutionalism and rule of law;
- iii. Democratic governance and people's participation;
- iv. Social and economic justice;
- v. Equitable distribution of national resources
- vi. Equitable distribution of opportunities regardless of gender, race, religion or physical abilities;
- vii. Respect for social, economic and political freedom.

ARTICLE 3.0: MEMBERSHIP, RIGHTS, DUTIES, DISCIPLINE AND CEASATION

3.0.1: Admission Criteria

- i. Membership to the party shall be open to any Kenyan citizen who has attained the age of eighteen years (18) and above, upon application to the Branch Executive

Committee irrespective of his/her gender, religion, ethnicity, disability, race, class or social status, and who accepts principles, objects, policies, programs, directives and discipline of the Party and are prepared to profess and abide by this Constitution and rules made there-under provided that such person is not a member of another Political Party within the meaning of the Political Parties Act, 2007.

- ii. Any person who, upon application to the National Executive Committee, has manifested a clear identification with the Kenya National Congress and its principles, objects, policies, programs, directives and discipline and is resident in Kenya.
- iii. Any person who, upon application to the National Executive Committee, is a citizen of the Republic of Kenya though not ordinarily resident in Kenya and has manifested a clear identification with the Kenya National Congress, its principles, objects, policies, programs, directives and discipline. Such a member temporarily residing abroad for a continuous period of more than twelve months may retain his/her membership but shall notify Secretary general of his/her forwarding address.
- iv. All members shall, before a Certificate of Membership is conferred to him/her, sign and subscribe to the Party's Code of Conduct and a Pledge of Commitment.
- v. All members shall, before a Certificate of Membership is conferred him/her, pay prescribed fees for membership.

3.0.2: Categories of Membership

- i. **Ordinary Membership**
Each ordinary member of the party shall pay to his branch, every year, a membership fee of One hundred Kenya Shillings (Ksh. 100/=) or as may be determined by the Party from time to time. Only paid up members may attend Party meetings and vote thereat.
- ii. **Life Membership**
Any Kenyan Citizen qualified under Article 3(a) to become a member of the Party shall, if he/she desires to become a Life Member, pay a life membership fee of Twenty Thousand Kenya Shillings (Ksh. 20,000/=) or such fee as may from time to time be decided by the party. Every Life Member shall be issued with a Life Membership Certificate.
- iii. **Group membership**
There shall be formed;
 - (a) The Kenya National Congress Youth League (K.N.C. Youth League)
 - (b) The Kenya National Congress - Women's League (K.N.C Women's League)
 - (c) Any such other group as the party may deem necessary from time to time.

3.0.3: Rights and Duties of Members

- i. A member of the Kenya National Congress shall have the rights to:
 - (a) Participate in Party activities;

- (b) Equal treatment before the law and shall be disciplined in accordance with the provisions of this constitution without any fear or favor;
 - (c) Receive copies of Party documents including the constitution, Nomination rules, Party manifesto and available information about their local branch upon request;
 - (d) Receive and impart information on all aspects of Party policies and activities except when such rights have been lawfully restricted in accordance with the provisions of this constitution;
 - (e) Take part in elections through voting and be eligible for Party and National Elections at all levels upon nomination.
 - (f) Submit proposals or statements to the Branch, Region, or National Executive Committee provided that such proposals are submitted through appropriate Party structures;
 - (g) Offer constructive criticism of any member, official, policy, program or activity within the Party and its structures;
 - (h) Any member who has paid the life membership fee shall be entitled to vie for nomination by the Party to stand for election for any office for which he/she is entitled to vie under the Constitution of Kenya, the Elections Act or any other legislation.
- ii. A member of Kenya National Congress shall:
- (a) Take all necessary steps to understand and carry out the objects, policies and programs of the Party;
 - (b) Observe discipline, the Party Code of Conduct and obey lawful decisions made by regular Party organs;
 - (c) Refrain from publishing and or distributing through the media any information deemed confidential, or any other view purporting the same to be the view of the Party without proper authority or mandate of a regular organ of the Party;
 - (d) Popularize the Party;
 - (e) If a member holds an elective office in any sphere of governance at National, Branch or local level, be a member of the appropriate Party caucus and function within its articles, abiding by all lawful decisions under general provisions of this Constitution and structures of the Party;
 - (f) Be liable to pay such fees as shall be prescribed by the Party;
 - (g) Support the Party financially and materially when called upon to do so for a good cause.
 - (h) Combat propaganda detrimental to the interests of the Party and defend the objects, policies and programs of the Party;
 - (i) Honor all pledges and signed commitments to the party.
 - (j) Mobilizing resources for the Party, propagating the party's ideologies and recruiting new members into the party.

3.0.4: Discipline

1. The Disciplinary Committee as established under this Constitution shall have the power to receive, hear and determine all cases of discipline concerning Party members. Any Party member may, by a written and signed complaint, refer to the Committee an issue of

discipline. A Disciplinary issue shall arise on the ground of gross misconduct and a member shall be liable to the Party's disciplinary measures if he/she engages in any conduct proscribed as shall be provided by the rules in the Schedule of this Constitution.

2. The Disciplinary Committee shall afford a fair hearing to such member complained against with reasonable opportunity to defend him/herself against the charges or allegations made against him/her in accordance with Rules of Natural Justice.
3. The Disciplinary Committee shall, after a determination of facts on a complaint, make recommendation to the National Executive Committee which shall have the power to pass a penalty including, but not limited to Reprimand, Censure, Sanction, and Suspension for a period definite, or Expulsion. A Decision to suspend or expel shall be ratified by a simple majority of the National Executive Council members present whose decision shall be final. Vacancies thus or otherwise created shall be filled in the same manner as they were originally filled.
4. The Party Branch, Sub-Branch, or Polling Station shall have no power to suspend or expel a member of the Party. Where an issue of discipline is referred to the Party Branch, Sub- Branch, or Polling Station, it shall constitute a Special Branch Disciplinary Committee to deliberate on the issue. Where the Committee is on the view that the misconduct is very serious as to invite suspension or expulsion, the Committee shall refer the matter to the Standing Disciplinary Committee at the Party Headquarters which shall summarily review the facts and make an appropriate recommendation to the National Executive Council. Provided however the Branch/Sub-Branch/Ward or Polling Station shall have the power to censure or reprimand.
5. Any Party member under a disciplinary process shall be entitled to represent him/herself in person or by an authorized representative or next friend.

3.0.5: Cessation of Membership

A member of the Party shall cease to be one:

- i. Upon written resignation to the relevant Branch. Membership shall terminate with effect from the date of the receipt thereof, provided that the termination shall not absolve the member from performing any outstanding obligations owed to the Party or other members;
- ii. By a resolution passed by the National Executive Council upon being found guilty of gross misconduct in accordance with Article 3.0.4(3);
- iii. By accepting an office, subscribing to or promoting activities of a Political Party or Organization whose aims and objectives are in competition with or in conflict with those of KNC;
- iv. Upon death;
- v. By an operation of any prescribed law.

A person who has terminated his or her membership:

- i. Shall not be entitled to a refund of fees or subscriptions made by him or her to the Party prior to termination, and all rights, privileges and responsibilities or facilities granted to or enjoyed by him or her by virtue of his membership shall automatically terminate with effect from the date of receipt of written resignation from the Party;
- ii. Shall not be entitled to a refund of fees or subscriptions made by him or her to the Party prior to termination, and all rights, privileges and responsibilities or facilities granted to or enjoyed by him or her by virtue of his membership shall automatically terminate with effect from the date of receipt of written resignation from the Party;
- iii. Shall have his/her name struck off from the register of Party members.

ARTICLE 4.0: NATIONAL OFFICIALS

4.0.1: Appointment of National officials

The Party shall have the following National Officials, all of whom shall be elected to the party's National Convention by secret ballot or any other method of voting acceptable to the delegates in session and, where an office is contested by more than one candidate, the vote shall be decided by a simple majority. Where only one candidate is nominated to an office at the close of the office for which he/she was nominated.

4.0.2: National offices

The National Officials shall be:

- i. Party Leader
- ii. Deputy Party Leader
- iii. National Chairman
- iv. First National Vice-Chairman
- v. Second National Vice-Chairman
- vi. Secretary General
- vii. Deputy Secretaries General
- viii. National Treasurer
- ix. Deputy National Treasurer
- x. Two Assistant National Treasurer
- xi. National Organizing Secretary
- xii. Deputy National Organizing Secretary
- xiii. Four Assistant National Organizing Secretary
- xiv. Secretary for Legal and Constitutional Affairs
- xv. Deputy Secretary for Legal and Constitutional Affairs
- xvi. Secretary for Public and Economic Affairs
- xvii. Deputy Secretary for Public policy and Economic Affairs
- xviii. Secretary for Information and Publicity
- xix. Deputy Secretary for Information and Publicity
- xx. Two Assistant secretaries for Information and Publicity

- xxi. Director of Elections
- xxii. Deputy Director of Elections
- xxiii. Secretary for Women Affairs
- xxiv. Deputy Secretary for Women Affairs
- xxv. Two Assistant Secretaries for Women Affairs
- xxvi. Secretary for Youth
- xxvii. Deputy Secretary for Youth
- xxviii. Two Assistant Secretaries for Youth

4.0.3: Term of Office

- (a) All national officials subject to Article 4.0.1, shall hold office for a term of five (5) years and Shall be eligible for reelection at the expiry of their term of office, provided that where a vacancy occurs in any of the offices before the expiry of four years then the National Executive Council may make appointments to fill such vacancies in the National Executive Council to serve until the next National Convention.
- (b) There shall be an Executive Director appointed by the National Executive Council. The duties of the Executive Director shall be assigned to him by the Party leader in consultation with the National Executive Council and the said Executive Director shall be answerable to the Party leader.

4.0.4: Duties of National Officials

- (a) All office bearers shall perform their functions within the spirit and provisions of this Constitution and shall ensure that they are guided by the objectives and values of the Party. Subject to any other duty expressly provided for by this Constitution, the main duties of elected National Officials shall be:

1. Party Leader

- a. Provide leadership and vision to the Party;
- b. Shall be the official spokesperson for the party and can delegate the Secretary General or Chairman to speak on his behalf.
- c. Articulate Party's aspirations and charter a clear course or strategy for the achievement of such aspiration or implementation of Party's objects;
- d. Lead the Party at political negotiations to form a working coalition with any other Party or Parties with the sole purpose of forming the Government as may be desirable in the circumstance;
- e. Provide wise counsel and judicious directives to National Officials specifically or to Party members in general on any matter in dispute or under controversy within any Party organ or amongst Party members;

2. Deputy Party Leader

- a. He/ She be the principal assistant to the party leader and shall carry out duties as delegated by the party leader or in his/her absence;
- b. Shall be assist the Party Leader in formulating the Party's strategic plan

3. National Chairperson

The chairperson shall:

- a. To advise and guide the party's National Officials in the performance of their duties;
- b. To ensure discipline and proper order within the Party in accordance with the Party's Constitution.
- c. To forge a strong sense of unity within Party organs inter se and amongst Party rank and file and to ensure a pleasant working relationship between Party officers and members;
- d. To preside over the National Delegates Convention and/or any other meetings requiring his attendance in the absence of the Party Leader
- e. To convene and preside over National Executive Committee meetings;
- f. To consult and take counsel from Party Leader on any matter in dispute or under controversy within any Party organ or amongst Party members.

4. First and Second National Vice-Chairperson

- a. The First Vice-Chair shall assist the Chairman and Deputize for him/her in his/her absence. The Second Vice- chairman shall assist both the Chairman and the First Vice- Chairman and perform such other duties as may be assigned to him/she by the National Executive Council.

5. Secretary General

He or she shall be responsible for the management of the National Secretariat and remain the principal custodian of Party records from grassroots to the national level. His/her responsibilities shall include:

- a. Ensuring that all meetings including the National Executive Council, National Governing Council and National Delegates Convention take place as provided for in the Constitution at such time as may be decided by the National Executive Council;
- b. Keeping or causing to be kept a proper record of minutes of all meetings of the National Executive Council, the National Governing Council and the National Delegates Convention and ensuring the distribution of such minutes and conveying of decisions made to persons and branches concerned;
- c. Issuing correspondence on behalf of Party organs in which he or she is a member and sending out notices of all meetings of the organs concerned;
- d. Preparing annual reports on the work of the National Executive Council, and the National Delegates Convention;
- e. Be the depository and custodian of all Party documents including Party Seal, Minutes Register, instruments of intellectual property rights, instruments of registration, registration of all Party Branches and Party members' register;
- f. Corresponding and consulting with the Registrar of Political Parties on behalf of the Party as the authorized principal officer of the Party;

- g. Any other duties conferred upon him or her by this Constitution or the National Executive Council.

6. Deputy Secretary General

He/she shall assist the Secretary-General in all duties and shall assume all such duties in the latter's absence.

7. Assistant Secretary General

He/she shall assist both the Secretary - General and Deputy Secretary - General in their work.

8. National Treasurer

- a. The National Treasurer shall be in charge of Party finances and shall supervise all financial transactions at all Party levels under the direction of the National Executive Council. He or she shall also:
Receive and bank all monies on behalf of the National Executive Council and operate a banking account together with such other signatories as may be specified by the National Executive Council;
- b. Keep such books of account as may be necessary to record clearly the financial position of the Party;
- c. Prepare Annual Party Budgets or Estimates and overall fiscal planning;
- d. Monitor financial allocations and expenditure according to departmental votes as may be approved by the National Executive Council;
- e. Ensure the execution of prudent stewardship standards and best financial practices to protect Party's finances;
- f. Prepare and submit to the National Executive Council a Financial Statement every quarter of the year and ensure that copies of duly audited Annual Accounts are circulated to all delegates at the same time the notice convening the National Delegates Conference is sent out;
- g. Be responsible, in conjunction with Party's Finance and Resource Mobilization Committee, for the formulation and execution of resource mobilization plans and strategies.

9. Deputy National Treasurer

Shall assist the Treasurer in all his/her functions and in his/her absence assume his/ her duties.

10. Assistant Treasurer

Shall assist the Treasurer in his/her function and in absence assume his/her duties.

11. National Organizing Secretary

The National Organizing Secretary shall supervise the organizations of party activities and in particular:

- (a) Organize public meetings, functions, and meet the people tours;
- (b) Be responsible for promoting and mobilizing for party activities including the recruitment of Party members at branch level;
- (c) Coordinate effective functioning of all branches and ensuring they hold meetings in accordance with the requirements of this Constitution;
- (d) In consultation with the Secretary General and the NEC, supervise the organization of the National Delegates Conference, and thereafter report on the progress in the holding of such meetings.

12. Deputy National Organizing Secretary

Shall assist the National Organizing Secretary and assume his/her duties in the latter's absence.

13. Assistant National Organizing Secretary

Shall assist both the National Organizing Secretary and the Deputy National Organizing Secretary.

14. Secretary for Legal Affairs

Shall be in charge of all the Legal affairs of the Party and shall advise the Party on all legal and Constitutional matters and represent the Party in legal transactions and disputes.

15. Deputy Secretary for Legal Affairs

Shall assist the Secretary for Legal Affairs and deputize for him/her.

16. Assistant Secretary for Legal Affairs

Shall assist both the Secretary and Deputy Secretary for Legal Affairs.

17. Secretary for Economic affairs

Shall be responsible for formulating the Party's Economic policies and programs.

18. Deputy Secretary for Economic Affairs

Shall Deputize the Secretary for Economic Affairs.

19. Assistant Secretary for economic Affairs

Shall assist the Deputy Secretary for Economic Affairs.

20. Secretary- for Information and Publicity

Shall be responsible for publicity of the Party activities; Communication and dissemination of party policies and programs.

21. Deputy Secretary for Information and Publicity

Shall assist and deputize for the Secretary for Information and Publicity.

22. Assistant Secretary for Information and Publicity

Shall Deputize the Deputy Secretary for Information and Publicity.

23. Secretary for Women affairs

Shall formulate and co-ordinate suitable policies and programs to ensure full and effective participation of women in all affairs of the party.

24. Deputy Secretary for Women Affairs

Shall assist and deputize for the Secretary of Women Affairs.

25. Assistant secretary for Women Affairs

Shall deputize the Deputy Secretary for Women affairs.

26. Secretary for Youth

With the assistance of the National Executive Council shall be responsible for formulating, coordinating policies and programs for development for youth.

27. Deputy Secretary for Youth

Shall Deputize the Secretary for Youth.

28. Assistant Secretaries for Youth

Shall Deputize the Secretary for Youth.

National Officials of the Party shall not hold any branch or sub-branch offices concurrently.

4.0.5: Any Party official will cease to hold office if:

- (a) Convicted by a court of competent jurisdiction of an offence involving dishonesty, theft or misuse of public funds, corruption, breach of trust, the manufacture, sale or trafficking of drugs, or other serious offences of a public nature and sentenced to a term of imprisonment exceeding six months, having exhausted the procedure of appeal provided by law.
- (b) Ceases to be a member of the Party under Article 3(f) of this Constitution.
- (c) The official is or accepts an office of profit, in the Civil Service of the Republic of Kenya or in the Armed or Police or ether Disciplined Service of the Republic of Kenya or other public office the discharge of whose duties would be in conflict with the discharge of his or her duties as a Party official.

- (d) Is or becomes insane, bankrupt, or is, in the opinion of two thirds of NEC found unfit to be a Party official.

ARTICLE 5.0: NATIONAL DELEGATES CONVENTION

5.0.1: Composition

The National Delegates Convention shall consist of:

- i. National Executive Council;
- ii. All Elected and/ or Nominated Members of Parliament and County Assemblies;
- iii. Five (5) members from every county whom shall be:
 - i. Branch Chairperson
 - ii. Branch Secretary General
 - ii. Branch treasurer
 - iv. Branch secretary for Women affairs
 - V. branch Secretary for Youth

5.0.2: The National Delegates Convention shall be the highest Party Authority with powers to determine party policy.

5.0.3: The National Executive Council may, in its wisdom, invite individuals who have made special contribution to the Party or who have special skills or experience to attend the Convention with no right to vote; provided always that this category shall include, but not limited, to representatives of special interest groups.

5.0.4: The specific powers and duties of the National Delegates Convention shall be as follows:

- (a) To receive and consider reports from National Executive Council on the operations of the Party.
- (b) To approve all the policies of the Party presented by the National Executive Council or delegates at the floor.
- (c) To receive, examine and approve the annual report and audited financial statement of the Party.
- (d) To make any necessary changes to the Constitution and rules of the Party.
- (e) To elect National Officials from among themselves as provided in the Party's Constitution.
- (f) To appoint the Party's Auditor and fix his remuneration
- (g) To appoint various committees which Shall report to the National Executive Council
- (h) To receive, consider, modify and ratify Party manifesto which shall be presented by the National Executive Council.
- (i) To appoint ad hoc committees and determines guidelines for the committees.
- (j) To receive reports from the committees and make final and binding decisions after careful study of reports and recommendations from the committees.

- (k) Shall receive reports from disciplinary committee and make final decision on the matter
 - (l) To receive, consider, approve or disapprove any other matter which shall be presented by the National Executive council or by any among its members
- 5.0.5: The National Convention shall be held every five years at a place and date which shall be decided by the National Executive Council. The Secretary General shall send out notices of the Convention and the Agenda of the said meeting not later than 21 days to the day of the meeting.
- 5.0.6: A Special National Delegates Convention may be called for any specific purpose by the National Executive Council. Notice of such meeting shall be sent to all branches or directly to delegates either in writing or through any other media.
- 5.0.7: The Special National delegates Convention shall not discuss any matter other than that which it has been convened unless one-third of the delegates so decide. The composition of the Special National Convention shall be the same as that for the Ordinary National Delegates Convention.

ARTICLE 6.0: NATIONAL EXECUTIVE COUNCIL (NEC)

6.0.1: Composition:

There is hereby established a National Executive Council, which shall be the second highest organ of the party, and shall consist of all National officials duly elected in accordance with Article 4.0 of the Party Constitution.

6.0.2: Functions of the National Executive Council

- i. Shall act as the Executive body of the National Delegates Convention and shall ensure that all decisions and policies are duly carried out.
- ii. Shall supervise the administrative machinery of the Party at all levels and shall take such measures as it deems necessary to enforce decisions and programs of the party as laid down by the National Delegates Convention.
- iii. Shall meet at least every two months and in the event of emergency it shall assume full responsibility of the Party and shall report to the National Delegates Convention.
- iv. Shall work in close liaison with members of Parliament from the Party and ensure that Party policies are adhered to in Parliament.
- v. Shall co-ordinate elections of the delegates to the National Convention.
- vi. Shall co -ordinate and supervise branch elections.

- vii. Shall prepare the agenda and report to the National delegates Convention.
- viii. Shall arrange for accommodation, travelling and expenditure by delegates to the National Convention.
- ix. Shall report its activities to the plenary session of the National Delegates Convention.
- x. Shall suspend or dismiss any member or officer of the Party as provided for in the Constitution.
- xi. Set up committees as it deems necessary from time to time for specified tasks and to determine their terms of reference.
- xii. Set up committees as it deems necessary from time to time for specified tasks and to determine their terms of reference.
- xiii. To liaise with the Party National Election Board in order to ensure the coordination of elections of Party Officials at all levels and Party nominations for Presidential, Parliamentary and Civic elections.
- xiv. To initiate, prepare or cause to be prepared the necessary quarterly, semi-annual or annual financial statements for approval by the National Delegates Convention for ratification;
- xv. To appoint various committees aimed at stimulating Party activities.
- xvi. To make Elections and Nomination Rules and/or Regulations as may be prescribed under this Constitution and lay them before the National Delegates Convention for ratification.

ARTICLE 7.0: THE EXECUTIVE COMMITTEE

7.0.1: Executive Committee of the National Executive Council

There shall be an Executive Committee of the National Executive Council of the Party.

7.0.2: COMPOSITION

The Executive Committee shall consist of the following:

- (a) The Party Leader
- (b) The Deputy Party Leader

- (c) The National Chairperson,
- (d) The Secretary General,
- (e) The National Treasurer,
- (f) The Organizing Secretary,
- (g) The Director of Campaigns,
- (h) The Secretary for Women affairs
- (i) The Secretary for Youth affairs,

7.0.3: Functions of the Executive Committee:

- (a) Formulate policy for consideration by NEC;
- (b) Supervise the conduct of the organization's activities;
- (c) Nominate officials of the National Secretariat from amongst members of KNC for appointment by NEC;
- (d) Propagate the KNC ideology and policies;
- (e) Advise the Party Leader and the National Executive Council in the performance of their functions under this Constitution;
- (f) Ensure that all organs of KNC function properly and implement the policies of KNC;
- (g) Mediation on internal disputes affecting the Party;
- (h) Prescribe rules and regulations for the functioning and operation of special organs and Caucuses;
- (i) Shall make binding decisions on behalf of NEC

ARTICLE 8.0: COMMITTEES

- 8.0.1: The National Executive Council may establish Standing or ad hoc committees to deal with such matters as Finance, Legal, Parliamentary or any other matter;
- 8.0.2: Committees shall be constituted on need basis and their terms of reference shall be determined by the National Executive Council;
- 8.0.3: The committees subject to (8.0.1) above, shall be formed by a decision of simple majority of the NEC members present.

ARTICLE 9.0: FINANCE

- 9.0.1: The National Executive Council shall ensure the Party's financial position is sound and in order to facilitate the smooth operation of the Party.
- 9.0.2: The following shall be some of the sources of funds for the Party:
 - (a) Admission and membership fees
 - (b) Revenue from investments

- (c) Income from publications
 - (d) Grants and donations
 - (e) Voluntary Contributions
 - (f) Disbursements from the Political Parties Fund established under the Political Parties Act 2011
 - (g) Subscriptions from elected officials as per signed pledge of commitment to the party.
 - (h) Donations Contracts, bequests, and grants from any other source not being a foreign government, inter-governmental or non-governmental organization.
- 9.0.3: Apportionment rules shall be formulated by the National Executive Council and their report presented to the National Convention for approval, provided that the funds of the Party may not be distributed amongst the members.
- 9.0.4: Expenditure rules shall be formulated by the National Executive Council and their report presented to the National delegates Convention for approval.
- 9.0.5: The party account shall have three signatories; Party Leader, Treasurer and Secretary General. Account signing instructions are, any two to sign with party leader as a mandatory signatory.
- 9.0.6: The financial year of the Party shall be the government calendar year.
- 9.0.7: Violation any signed contract with party by any member shall be deemed gross misconduct punishable by the provisions of Article 3.0.4

ARTICLE 10: AUDITOR

- 10.0.1: The Party shall appoint or reappoint a qualified auditor at the National Executive Council.
- 10.0.2: The National Treasurer shall ensure that all documents and records shall be readily available for inspection by the auditor and all concerned Party officers avail themselves and all questions put to them by the auditor.
- 10.0.3: The Remuneration of the auditor shall be fixed by the National Executive Council or as per the prevailing guidelines.
- 10.0.4: The auditor shall not be an office bearer or a member of any committee of the Party.
- 10.0.5: Notwithstanding the above, the Party shall submit its annual accounts to the Auditor General for auditing as required by the Political Parties Act 2011 or other legislation.

ARTICLE 11: SUB NATIONAL ORGANIZATION

- 11.0.1: The Branch shall be the basic organization of the Party and shall be formed on the basis of County.
- 11.0.2: Each County shall have a County Executive Committee which shall consist of the following officials:
- (a) Chairperson
 - (b) Secretary General
 - (c) Treasurer
 - (d) Organizing Secretary
 - (e) Youth Council Representative
 - (f) Women's league Representative
 - (g) Representative for people with disabilities
- 11.0.4: Each parliamentary Constituency shall have a Constituency Executive Committee which shall consist of the following officials:
- (a) Chairperson
 - (b) Secretary General
 - (c) Treasurer
 - (d) Organizing Secretary
 - (e) Youth Council Representative
 - (f) Women's League Representative
 - (g) Representative for people with disabilities
- 11.0.5: Branch office-bearers shall be elected at the Branch Annual General Meeting and shall hold office for five (5) years, provided that they shall be eligible for re-election once.
- 11.0.6: The Branch Annual General Meeting shall be convened by the Branch Executive Committee not later than the 30th of September of every year. The Branch Annual General Meeting shall consist of:
- (a) Office bearers of the Branch including the Branch Executive Officer
 - (b) Office bearers of all sub-branches In the Constituency who shall be:
 - i. sub-branch Chairman
 - ii. Sub- branch Secretary
 - (c) Four representative of the Secretary for Women affairs
 - (d) Secretary for Youth Affairs.
- 11.0.7: Duties of the Branch Executive Committee shall be:
- (a) To carry out Party activities among the people in order to realize the objectives, policies and programs of the Party.
 - (b) To recruit and review Party Membership.
 - (c) To promote political and general education amongst the people of the constituency.
 - (d) To ensure strict discipline and adherence to Party policies and programs among individual Party members.

11.0.8: The Sub-branch Annual General Meeting shall be held not later than 31st August of every year. It shall elect, by secret ballot or any other voting method agreed upon by the delegates, the Sub-branch office bearers and members of the Sub-branch committee. The members shall hold office for a period of five years and shall be eligible for re-election.

11.0.9: The Sub-branch Annual General Meeting shall consist of all Party members in respect of wards and the following in respect to rural areas:

- (a) All elected Sub-branch officials
- (b) Two (2) delegates from each Ward

ARTICLE 11.0: PRESS AND PUBLICATIONS

11.0.1: The Party may own and operate, or invest in the stocks of a printing press.

11.0.2: The Party may publish its own literature, periodicals, magazines, pamphlets, books etc.

11.0.3: There shall be a Press and Public Relations Sub-committee- appointed by the National Executive Council.

11.0.4: No party member or official except the party provided for in Article 4 shall purport to speak on behalf of the party without duly signed authorization by the Secretary General.

ARTICLE 12.0: INSPECTOR OF ACCOUNTS AND LIST OF MEMBERS

The books of accounts, members list and all related documents shall be available for inspection at the registered office of the Party by any officer or members of the Party on giving not less than five days' notice.

ARTICLE 13.0: AMENDMENT OF THE CONSTITUTION

13.0.1: National Executive Council may propose or receive proposals from any member of the Party for amendments or review of the entire constitution, which proposals shall be presented for approval by at least two-thirds of members present at the National Delegates Convention.

13.0.2: This Constitution shall not be amended unless the proposed amendment is approved with a two-thirds majority of all the votes cast by members personally present at a National Convention.

13.0.3: The quorum for any meeting at which the amendment of the Constitution is proposed shall be a third of the delegates eligible to attend and vote.

ARTICLE 14:.0: DISPUTE RESOLUTION

14.0.1: Disputes concerning the interpretation of this Constitution or any disputes involving members of the Party or between the Party and its members or any dispute concerning any matters relating to Party affairs or the management of the Party shall be adjudicated upon in accordance with Article 3.0.4, Article 5.0.4(x, xi) and Article 8.0. An arbitrator shall be appointed in case of party disputes arising from party nominations and the Arbitrator's decision shall be final.

14.0.2: INTERNAL PARTY DISPUTE RESOLUTION MECHANISM.

Dispute resolution shall be at two (2) levels:

- 1) County level and
- 2) National level

Decisions at the County level shall be appealed to the National Executive Council whose decision shall be final.

14.0.3: Procedure:

- i. Complaints against Governor(s), Deputy Governor(s), MP(s), Senator(s) and National official(s) shall be heard and determined at NEC.
- ii. Complaints against County Assembly Representative(s) and branch County official(s) shall be heard and determined at NEC.
- iii. Complaints against sub-branch and polling station officials shall be heard and determined at NEC.
- iv. Once the complaint has been received by NEC; they shall be under duty to inform the accused.
- v. Secretary to NEC (Secretary-General) to avail the request to constitute the dispute resolution committee within seven (7) days upon receipt of the same and react within seven (7) days. The accused party may apply in writing to Secretary to the branch or secretary general to (as case may apply for a dispute resolution committee to be constituted to attempt to resolve the dispute.
- vi. Upon receipt of the request from the accused party, the Secretary General or Secretary to the County shall constitute the dispute Committee instead of disciplinary committee.
- vii. When request not received within 7 days, the SG or secretary to the County shall constitute the disciplinary committee.
- viii. Committee shall not have more than 3 members (shoot in/shoot out mechanism to apply - accused party is allowed to have a nominee on the committee).
- ix. Within a period of one week if no resolution has been reached at the dispute resolution mechanism level, the SG or Secretary to County shall constitute the disciplinary committee.

- x. The dispute resolution mechanism provided may extend for another 7 days where necessary. The reason(s) for such extension shall be communicated in writing to all parties concerned.
- xi. It shall be an act of gross misconduct for any member of the party to disregard the dispute resolution and disciplinary mechanism under this Constitution and to proceed directly to court or any other body without exhausting the internal dispute resolution mechanism. Such an act shall earn that member an automatic expulsion from the party. The member so expelled by this provision shall bear the legal costs of the suit in any court or any other body.

ARTICLE 15: PROCEDURE AT MEETINGS

- (a) The Party Leader shall chair all National Executive Council, Annual General Meetings and National Convention and in his/her absence the Chairman shall replace him. The Branch Executive Committee, Annual Meetings of the Branch, Sub-branch and Sub-location, the Chairman or in his absence, the Vice-Chairman shall preside. In the absence of the Chairman or Vice-Chairman, the members present shall elect one of them to preside.
- (b) Resolutions, unless otherwise stated in this Constitution, shall be decided by a simple majority and voting shall be by a show of hands except where a secret ballot specifically required.
- (c) In the event of a tie vote at any meeting, the Chairman shall have a right to cast the tiebreaking vote.
- (d) Unless otherwise specifically provided, the quorum for the meetings of any Party organ will be one third of members of such organ.

ARTICLE 16.0: NOMINATION OF PARTY CANDIDATES

- 16.0.1: The Party shall strive to ensure that all persons who wish to stand for any election on the Party's ticket are accorded an opportunity to win the right to vie in the Party's name through free and fair nominations.
- 16.0.2: No individual may be nominated to stand for election for a position for which he/she is not qualified to vie under the Constitution of Kenya the Elections Act 2011 and the Political Party Act 2011 or other legislation.
- 16.0.3: Members of the Party who have paid their membership fees shall cast their votes through secret ballot in the nomination of candidates for:
 - i. President and Deputy President in respect of Presidential elections;

- ii. Members of County Assemblies County Governor and Deputy Governor in respect of County Assembly elections;
- iii. Members of the National Assembly and Senate in respect of Parliamentary elections;
- iv. Members of County Assemblies in respect to County ward elections.
- v. Persons to be selected to take up special seats In the National Assembly, Senate and county assemblies under Articles 97 (1) (c) and (1) (b) (c) and [d) and Article 177(1) (b) and. (c) of the Constitution, or such other seats as may be specified by legislation.

16.0.4: Notwithstanding Clause 17.0.3 above, the National Executive Council may take decision in respect of nominations of Presidential, Parliamentary, And County and any one candidate. Where time and other factors do not permit, the holding of nominations as provided for in Clause 17.0.3, and such decisions such include the warranting of direct nominations.

16.0.5: Where only one person is nominated without opposition as candidate for any election, such a person shall he declared duly nominated as the Party's candidate.

16.0.6: The Certificate of Nomination and any other official party documents shall be signed by the Secretary General and either the Party Leader or National Chairman.

16.0.7: Notwithstanding these provisions, the National Executive Council may make rules for the nomination of candidates, including payment of other nomination fees.

ARTICLE 17.0: DEMOCRATIC PRACTICES.

17.0.1: No Member of the Party will be discriminated against on the basis of ethnicity, age, tribal, racial, gender, regional, professional, or religious considerations.

17.0.2: All Party committees and organs shall strive to have a minimum representation of one third of either gender.

17.0.3: The party will encourage within its membership only practices that uphold human rights.

ARTICLE 18.0: COALITIONS AND MERGERS

18.0.1: The Party may enter into or terminate a coalition or merger with another or other political parties of similar interests, ideologies and philosophies as negotiated by the Party leader.

ARTICLE 19.0: DISSOLUTION AND QUORUM

19.0.1: The Party may, by a resolution passed by a two-thirds majority of members at a Special National Convention called expressly for the purpose of dissolution.

19.0.2: In such case of dissolution, all properties and funds of the party, after meeting all liabilities, shall be distributed in such manner as shall be determined by The National Convention at which the resolution favoring dissolution is passed and in accordance with the provisions of the Political Parties' Act of Kenya.

19.0.3: The quorum for any meeting at which the dissolution of the Party is proposed shall be two-thirds of the delegates eligible to attend an Ordinary Session of the National Delegates Conference.

19.0.4: Voting for such a resolution shall be by secret ballot

19.0.5: In all cases otherwise specified, the quorum for any party meeting or convention shall be one third (1/ 3), or any other such quorum as may be specified from time to time.

ARTICLE 20.0: REPEAL AND REPLACEMENT

20.0.1: The Kenya National Congress constitution is hereby repealed and replaced with this Constitution.

20.0.2: TRANSITION

All Organs, Committees or Offices previously existing and all appointments or nominations made thereunder including assets, liabilities or contractual obligations entered into shall remain in force unless otherwise dissolved pursuant to this Constitution.