

# Checklist

For Political Party Nomination Rules



# **A CHECKLIST FOR POLITICAL PARTY NOMINATION RULES**

# PREFACE

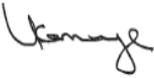
The role of political parties in elections cannot be overstated- they provide the most important platforms for access to political office. It therefore goes without saying that strong and sustainable political parties are imperative for the development of an open and democratic state. Such parties represent citizens and provide policy choices that demonstrate their ability to govern for the public good. It is in recognition of this fact that the constitution contains extensive provisions on the institutionalization and democratization of political parties. The conduct of party affairs and specifically party nominations are key processes in the electoral process during which parties set a basis for good governance or lack of it through their choice of candidates.

This checklist seeks to provide guidance to political parties in the preparation for and conduct of party primaries, nomination of candidates to the party lists and participation in the elections. It highlights certain key responsibilities that the constitution envisions for political parties in the realization of constitutional principles including integrity of leaders, representation of marginalized groups and free and fair elections.

To assist Kenyan political parties perform the role prescribed for them in the electoral process, the Office of the Registrar of Political Parties (ORPP) in partnership with the National Democratic Institute (NDI) developed a Checklist for Political Party Elections and Nominations Rules ahead of the 2013 elections. In light of recent amendments to the electoral and political party laws, it was necessary that a new checklist be developed to capture the changes. This has been made possible

through the generous support of NDI with input from Oslo Centre and International IDEA. Key among the changes are provisions on increasing the participation of and inclusion of special interest groups, electoral timelines and membership of political parties.

It is my hope that political parties will find this manual useful in the development of their nomination rules and procedures, the conduct of their nominations, and participation in the elections.



**Lucy K. Ndungu, EBS**  
**Registrar of Political Parties**

## INTRODUCTION AND BACKGROUND

The main purpose of this checklist is to outline benchmarks and basic requirements of nomination rules for all registered political parties. The checklist addresses minimum requirements in accordance with the Constitution of Kenya, 2010, Elections Act, 2011, Political Parties Act, 2011, Leadership and Integrity Act, 2012, and other relevant laws governing political parties in relation to party nominations.

The nomination rules of all political parties must strictly comply with the Constitution and relevant Kenyan laws and be in accordance with the Party's Constitution. In addition they need to respond to all the issues itemized in this checklist. The checklist does not provide templates of how to address every issue. Instead it requires that the Rules developed by Parties address the issues below in a manner satisfactory to the party and in compliance with the Constitution and relevant laws in Kenya. Specifically, they should comply with the requirements of Articles 10, 88, 91 and Chapter 6 of the Constitution and the Second Schedule of the Political Parties Act, in particular Rule 19 in the Second Schedule.

In accordance with the requirement of Article 88, the rules must promote Free, fair and peaceful nominations and campaigns. The rules should guarantee and ensure free, fair, transparent, accountable and peaceful electoral process within and outside the party, including party nominations. The rules should define eligibility criteria and processes. In addition, they should contain provisions to tame violence and provide effective dispute resolution mechanisms and provide for the right to seek redress from external dispute resolution mechanisms as created by law.

The party nomination rules should stipulate specific measures to ensure that no gender occupies more than 2/3 of the elective and appointive positions in the party

leadership and management structures. Further the rules should address the parties' strategies for helping meet the constitutional requirement that no gender gets more than two thirds of elective positions as part of its process of nominating candidates for national and county elections. In addition, the rules should address representation and participation of Special Interest Groups which includes women, youth, persons living with disability, ethnic minorities and marginalized groups.

The requirements of Chapter Six on leadership and integrity are mandatory for all aspiring candidates. The Rules must therefore contain provisions on the requirements and procedures that the party has put in place to ensure compliance.

## II: PARTY PRIMARIES FOR CANDIDATES FOR GENERAL ELECTIONS OR BY-ELECTIONS

### A. Party Primaries Rules

1. Do the party primary rules serve to promote democratic, free, fair, transparent, accountable, inclusive and participatory, non-discriminative, credible and peaceful internal party nominations?
2. Do the party nomination rules provide for the organization of party primaries in a manner that is realistic and implementable from a financial and logistics perspective?
3. Have staggered nominations been considered?
4. Do the party primaries rules prescribe the criteria, procedures and circumstances under which non-competitive nomination methods, including direct nominations and consensus can be employed?
5. Do the party primaries rules provide for eligibility criteria for the purpose of vetting of aspiring candidates?
6. Does the eligibility criteria comply with Chapter Six of the Constitution and other relevant statutes? Do the rules contain other additional qualification requirements outside the provisions of statutes for candidates e.g. category of membership or period of membership in the party?
7. Is any part of the nomination process devolved to county/constituency/ward level?
8. Do the rules provide for a redress mechanism for those dissatisfied with the results? Who has a right to seek redress? Is the process simple and easily accessible or difficult and complicated?
9. What are the levels of awareness of the party rules among party members and candidates?
10. When and how is the information about the rules

and timelines for party primaries disseminated to the members?

11. Have the rules been amended to reflect recent changes in electoral and other relevant laws?

## **B. Establishment and Functions of a Distinct Organ to Manage the Party Primaries**

1. Has the party established an independent Party nomination body/ organ(s) such as committee, board or panel to conduct its party primaries?
2. How and by whom are members chosen to such a body/organ and what are the basic qualities and qualifications of the chairperson and members of the nomination body/ organ? Do they have to have been members of the party for a specific period of time before appointment/ election?
3. Is the election/selection process of the body/ organ spelt out and available and accessible to party members?
4. Is there any vetting mechanism to ascertain the integrity of the nominees or appointees to such a body/ organ?
5. Does the composition of the body/organ reflect regional and ethnic diversity including special interest groups?
6. Does the composition of the body/organ respect the gender requirement making sure that not more than 2/3 of the members are of the same gender?
7. What are the specific mandate and functions of such a body/organ? Do they have a detailed Terms of Reference (TOR) or any other detailed guidelines? (see guidelines in annex 1)
8. Do the rules vest power on the body/organ to make final determination on those validly nominated as candidates on the party ticket without undue interference from any other

- party organ?
9. What measures are in place to deal with interference with the independence and functioning of the body/organ?
  10. What mechanisms has the party put in place for transmitting the decision of the party body/organ carrying out the nominations to those who will sign the nomination certificate?
  11. Does the party prescribe any code of conduct for the members and staff of this nomination body / organ?
  12. Are there sanctions and penalties for breach of the code of conduct and rules by the members of the nomination body/Organ?
  13. How does the party intend to deal with potential conflicts arising from any differences among the authorized signatories who sign nomination certificates?

### **C. Procedure for Identification of Candidates**

1. Who qualifies to declare interest for each of the positions in the party primaries?
2. Is there a requirement that a member eligible to be a candidate must have been a member of the party for a specific period of time prior to the party nomination?
3. What is the procedure for identifying or declaring interest to be a candidate for elections on the Party's ticket? Who can identify candidates for the various positions?
4. What are the ethics and integrity requirements for aspiring candidates?
5. Are there any procedures for vetting, interviews or shortlisting as part of the identification process?
6. Does the party have an affirmative action strategy to increase the number of women aspiring candidates seeking to participate in the

party primary? Does the party proactively reach out to women aspirants to encourage them to vie during party primaries?

7. Does the party have a strategy to increase the number of special interest groups candidates seeking to participate in the party primary? Does the party proactively reach out to members of special interest groups to encourage them to vie during party primaries?
8. Are there timelines for the identification process and are they known to party members well in advance?
9. Is there a Party Code of Conduct for the candidates participating in the party primaries?
10. Are there documents that an aspiring candidate needs to attach to their application? (see guidelines in annex 2)
11. Are there any fees required to be paid by candidates for nominations? Are there any special considerations for members of special interest groups?

#### **D. Procedures for Nomination**

1. What are the timelines for nomination of party aspiring candidates to the various positions?
2. Who is qualified to vote for the aspiring candidates for the various positions?
3. How will the party ensure that only registered members are eligible and allowed to vote during the party primaries? Is there a requirement that members eligible to vote must have been members of the party for a specific period of time prior to the party nominations?
4. Do the rules provide the guidelines for the compilation of the party membership registers for purposes of party primaries? Are there separate registers for different levels and different positions?

5. What is the process for recruitment; training and remuneration of officials to assist in the nomination process?
6. What is the process of designing and printing the political party nomination papers? Do the political party nomination papers have any security features? Is the design simple and easy to use?
7. Are aspiring candidates required/allowed to have agents at the polling venues?
8. Where will the voting take place? Are the venues easily accessible and secure?
9. Has the party put in place mechanisms to create an enabling environment for women and members of other special interest groups to participate in the party primaries (such may include measures to prevent violence, friendly voting hours and locations and reduced fees for these groups)?
10. What plans are put in place in the unlikely event of any delay in opening the nomination venues or any interruptions?
11. How are election materials transported and stored?
12. Does the voting procedure or method adopted by the party guarantee democratic, free, fair, transparent, accountable, inclusive and participatory, non-discriminative, credible and peaceful nominations? Does it also guarantee the secrecy of the ballot and confidence of the party members and aspiring candidates?
13. Is there any specific disqualification criteria for aspiring candidates from participating in nominations?
14. Are there specific requirements, for example, having a number of party supporters and filling of some form for one to be a candidate for party nominations?
15. For whom are diaspora members entitled to

- vote for during nominations of candidates? Can they also stand for nominations? If so, where/how can they vote for or stand for nominations?
16. Has the political party developed an internal Party Nomination Code of Conduct? Does it reflect the requirements and provisions in the Kenyan Constitution 2010, the Elections Act 2011, the Political Parties Act 2011, the Political Parties Code of Conduct, the Elections Code of Conduct and any other relevant Kenyan legislation?
  17. Has the party identified and communicated to its members and aspiring candidates what the party identifies as malpractices during its party primaries?
  18. How, where and when does a party member report irregularities or malpractices observed during the party primary?
  19. What mechanisms has the party put in place to deal with malpractices during the party primary? What are the political party's sanctions and penalties for such offences committed by members and candidates?
  20. What is the procedure for counting of votes, tallying and announcement of results?
  21. Has the party developed a nomination results declaration form?
  22. Does the party have a clear procedure for transmitting results as captured in the results declaration form to the body/organ responsible for conducting party primaries?

## **E. Political Party Internal Dispute Resolution**

1. Do the rules require adherence to the Electoral Code of Conduct?
2. Do the rules identify the organ responsible for listening to disputes arising from the party primaries?

3. What is the procedure for choosing the members to the organ responsible for dispute resolution and what qualifications should such members have? Are there measures to ensure adherence to the not more than two thirds gender rule and representation of other special interest groups?
4. Do the rules describe the procedure for lodging and listening to disputes, which are in conformity with the rules of natural justice, including period within which the disputes must be disposed of?
5. Does the party dispute resolution mechanism take into account the special circumstances of women and other special interest groups aspirants?
6. Do the rules allow a party to be represented by an advocate at the hearing of the dispute and to call witnesses?
7. Do the rules recognize and include the right of appeal? To which body?  
aspirants?
6. Do the rules allow a party to be represented by an advocate at the hearing of the dispute and to call witnesses?
7. Do the rules recognize and include the right of appeal? To which body?

### III. PARTY LISTS

#### A. Party Nomination of Candidates for Party Lists

1. Do the party nomination rules for party lists serve to promote democratic, free, fair, transparent, accountable, inclusive and participatory, non-discriminative, credible and peaceful internal party nominations?
2. Do the party nomination rules for party lists provide for nominations being organized in a manner that is realistic and implementable from a financial and logistics perspective?
3. Have staggered nominations been considered?
4. Has the method of Electoral College been considered?
5. Do the party nomination rules for party lists prescribe the criteria, procedures and circumstances under which non-competitive nomination methods, including direct nominations and consensus can be employed?
6. Do the nomination rules for party lists set out eligibility requirements for their candidates as provided for under Chapter Six of the Constitution and other relevant statute? Do the rules contain other additional qualification requirements for candidates e.g. category of membership or period of membership in the party?
7. Do the nomination rules provide for eligibility criteria for the purpose of vetting of aspiring candidates for the party lists?
8. Is any part of the nomination process devolved to the county/constituency/ward level?
9. Do the rules provide for a redress mechanism for those dissatisfied with the results? Who has a right to seek redress? Is the process simple and easily accessible?
10. When and how is the information about the nomination rules, process, procedures and timelines disseminated to the members?

11. What are the mechanisms for dissemination of the rules to party members and candidates?
12. Have the rules been amended to reflect recent changes in electoral and other relevant laws?

## **B. Establishment and Functions of a Distinct Organ to Manage the Nomination of Party Lists?**

1. Has the Party established an independent Party nomination body/ organ such as committee, board or panel to conduct its party nominations for party lists?
2. How and by whom are members chosen to such a body/organ and what are the basic qualities and qualifications of the chairperson and members of the nomination body/ organ? Do they have to have been members of the party for a specific period of time before appointment/ election?
3. Is the election/selection process of the body/ organ spelt out and available and accessible to party members?
4. Is there any vetting mechanism to ascertain the integrity of the nominees or appointees to such a body/ organ?
5. Is the composition of the body/organ representative and reflective of regional and ethnic diversity and special interest groups?
6. Does the composition of the body/organ respect the gender requirement of not more than 2/3 of the members are of the same gender?
7. What are the specific mandate and functions of such a body /organ? Do they have a TOR or any other guideline of that nature? (See guidelines in annex 1 – to be modified in the event of conducting electoral college)
8. Are there different bodies/organs for development of party lists at the national level and the county level? What is the total number of organs?
9. In the event of a devolved system, what is the linkage between the county and national bodies/

- organs? What is the authority and autonomy of the county body?
10. Is the body/organ responsible for conducting party primary the same as the one for party lists? If different how do they relate?
  11. Do the rules vest power on the body/organ to make final determination on those validly nominated as candidates on the party lists without undue interference from any other party organ?
  12. What measures are in place to deal with interference with the independence and functioning of the nomination body/organ?
  13. What mechanisms has the party put in place for transmitting the decision of the party body/organ carrying out the nominations to those who will sign the nomination certificate or list?
  14. How does the party intend to deal with potential conflicts arising from any differences among the authorized signatories who sign nomination certificates?
  15. Does the party prescribe any party code of conduct for the members and staff of this nomination body/organ?
  16. Are there sanctions and penalties for breach of the code of conduct and rules by the members of the nomination body/organ?

### **C. Procedure for Identification of Candidates**

1. Are there any additional qualifications to be a candidate on the party list over and above that of party primaries?
2. What is the procedure for identifying or declaring interest to be a candidate for nomination on a Party List? Who can identify and suggest candidates?
3. Are there timelines identified for the process? Are these timelines and procedures known to party members well in advance?
4. Does the party have an affirmative action strategy to increase the number of women and

- other special interest group aspiring candidates seeking to be nominated on party lists e.g. do the party lists of special interest groups to the county assemblies prioritize PWDs, youth or a candidate representing a marginalized group?
5. What plan does the party have to prepare party lists for 12 special seats to the National Assembly, 16 women, 2 persons with disabilities and 2 youth to the senate?
  6. What plan does the party have to prepare a gender top up list and special interest list to the county assemblies for every county that the party is presenting candidates?
  7. Does the list of 12 special seats to the National Assembly contain alternates between male and female candidates in the priority in which they are listed?
  8. Do the lists of the 2 youth and the 2 persons with disabilities to the Senate contain alternates between male and female candidates in the priority in which they are listed?
  9. Does the gender top up list and the special interest list to the county assemblies contain alternate between male and female candidates in the priority in which they are listed?
  10. Is there a Party Code of Conduct for the candidates running for party nominations for Party Lists?
  11. Is there a requirement that members eligible to be candidates for Party Lists must have been members of the party for a specific period of time immediately prior to the party nomination?
  12. What are the documents to be attached to an aspiring candidate's application? (see guidelines in annex 2)
  13. Are there any fees required to be paid by candidates for nominations for Party Lists? If yes, when is the amount of the fee communicated to the party members?
  14. Are fees for candidates for party lists considered to be distinct from fees for other elective positions?

15. What are the ethics and integrity requirements for candidates on the Party Lists?
16. What is the procedure for vetting candidates to ensure compliance with ethics and integrity requirements?
17. Will aspiring candidates who participate in party primaries and do not succeed to win the party ticket be eligible for consideration for nomination on the party list?
18. Will women and members of other special interest groups participating in the party primary, and who loose, be given priority during party list nominations?

#### **D. Procedures for Nomination**

1. When are nominations of party candidates on the Party Lists to be undertaken?
2. Who is qualified to vote for the candidates for the various Party Lists?
3. Do the rules provide the guidelines for the compilation of party membership registers at various levels for purposes of party nominations?
4. Will the party follow the method of Electoral College used during the party primaries?
5. What is the procedure for voting, counting of votes, tallying and announcement of results?
6. Does the voting procedure or method adopted by the party guarantee democratic, free, fair, transparent, accountable, inclusive and participatory, non-discriminative, credible and peaceful nominations? In case of voting does it also guarantee the secrecy of the ballot and confidence of the party members and candidates?
7. Is there any specific disqualification criteria for candidates from participating in nominations for Party Lists?
8. Are there specific requirements, for example, a number of party supporters and filling of some form for one to be a candidate for party nominations for Party Lists?

9. For whom are diaspora members entitled to vote for during nominations of candidates for Party Lists? Can they also stand for nominations for the Party List?
10. How will the party ensure that only registered members are eligible and allowed to vote during the nomination of candidates to the Party Lists? Is there a requirement that members eligible to vote must have been a member of the party for a specific period of time immediate to the party elections?
11. Has the political party developed an internal Party Nomination Code of Conduct? Does it reflect the requirements and provisions in the Kenyan Constitution 2010, the Elections Act 2011, the Political Parties Act 2011 and any other relevant Kenyan legislation and which reflects the Political Parties Code of Conduct and the Elections Code of Conduct?
12. Has the party identified and communicated to its members and in particular all its aspiring candidates what the party identifies as malpractices during its internal party nominations for Party Lists?
13. How, where and when does a party member report irregularities or malpractices observed during the nominations for Party Lists?
14. What mechanisms has the party put in place to deal with nomination and election malpractices?
15. Are there sanctions and penalties for such offences committed by members and candidates?
16. Has the party developed a nomination for Party Lists results declaration form?
17. What mechanisms has the party put in place to ensure the party list, on day of submission is in compliance with the law?
18. How will the party make sure that every person nominated on a party list has been well informed and has accepted the nomination?
19. Is the party list available to members at the head office, county offices and/or the party's website

latest forty-five days before submission to the IEBC?

## **E. Political Party Internal Dispute Resolution**

11. Do the rules require adherence to the Electoral Code of Conduct?
2. Do the rules identify the organ responsible for listening to disputes arising from nomination of candidates for the Party List?
3. What is the procedure for choosing the members to the organ responsible for dispute resolution and what qualifications should such members have? Are there measures to ensure adherence to the not more than two thirds gender rule and representation of other special interest groups?
4. Do the rules describe the procedure for lodging and listening to disputes, which are in conformity with the rules of natural justice, including the period within which appeals must be disposed of?
5. Does the party dispute resolution mechanism take into account the special circumstances of women and other special interest groups aspirants?
6. Do the rules recognize and include the right of appeal? If so, to which body?

## IV. POST NOMINATION CONSIDERATIONS

1. What structures and processes has the party put in place to manage campaigns?
2. What structures and processes has the party put in place to ensure compliance with the internal party code of conduct and the Electoral code of conduct?
3. What measures has the party put in place to deter any incidents of gender based electoral violence and hate speech amongst its candidates and supporters?
4. What procedures has the party put in place to be able to receive information from agencies responsible for the elections?
5. Has the party identified its representatives to the PPLC and Peace Committees during the election period at the national and county levels? How will the party receive feedback from these representatives?
6. How does the party intend to officially recruit, train, deploy and remunerate its agents during the election period?
7. Has the party developed a check-list to be offered to aspiring candidate agents?
8. What mechanisms has the party put in place to receive, collate and analyze election day results?
9. What mechanisms has the party put in place to prepare and respond to pre-election disputes and petitions after elections?

## ANNEX 1.

The role and mandate for an Election Board may include, among others:

- o Announcing the qualifications and requirements to be an aspiring party candidate. These qualifications must adhere to all relevant Kenyan laws. This announcement must be available to all party members at least one month before the party primary.
- Announcing the process and the timeline for identifying aspiring party candidates. This announcement must be available to all party members at least one month before the party primary.
- Invite applications from aspiring party candidates
- Receive applications
- Verify the individual application is in accordance with the party requirements
- Verify all required documents are attached in the application
- Verify all attached documents are in accordance with the party requirements
- Organize the applications according to each specific party ticket
- Invite eligible aspiring candidates for vetting interviews
- Conduct vetting interviews
- Present the short list of eligible candidates to the party NEC or its equivalent
- Plan for and provide nomination officials
- Provide adequate nomination materials and equipment for the nomination officials
- Prepare and print ballot papers
- Provide updated and segregated party membership lists
- Identify and secure safe and easily accessible venues for the conduct of the party nomination
- Distribute all nomination material in a timely manner

- Provide logistics including transport for smooth implementation of the nomination
- Provide security to secure the secrecy of the vote
- Conduct the nomination process
- Count and tally the votes
- Announce the results

## ANNEX 2.

The documents to be attached to the candidate's application may include:

- a signed declaration of commitment and loyalty to the political party policies
- a signed declaration that the aspiring candidate has adhered to the leadership and integrity requirements in Chapter Six of the Kenyan Constitution and any other relevant statutes on leadership and integrity.
- clearance from EACC (Statutory Declaration under leadership and Integrity Act)
- clearance certificates on applicable academic requirements
- duly filled political party nomination Form
- signed copy of the aspiring candidate's membership card
- receipt of paid up nomination fees
- duly signed political party code of conduct
- If party list-PWD-Certificate/Form signed by a medical doctor
- If party list – youth – authorized copy of a national ID, a passport or an affidavit





OFFICE OF THE REGISTRAR  
OF POLITICAL PARTIES

**ORPP**

*Strengthening Political Parties*

**OFFICE OF THE REGISTRAR OF POLITICAL PARTIES**

Lions Place, 1st Floor  
Karuna Close, Waiyaki Way, Westlands  
P.O. Box 1131-00606  
Sarit Center, Nairobi Kenya  
Telephone: +254(0)204 022000  
Email: [info@orpp.or.ke](mailto:info@orpp.or.ke)