



Office of the Registrar of Political Parties

A Guide to Political Parties Registration

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Foreword

The Political Parties Act, 2011 is fairly new and its implications for the governance and management of political parties is not well understood by political parties, other electoral stakeholders and members of the public. This publication provides some key information, albeit simplified, about the contents and application of the law in practice. It is hoped that it will contribute to better understanding of and compliance with the Act.

This publication has benefited immensely from the support and contribution of a number of individuals and partners. We would like to thank them all.

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Last, we are grateful to the staff at my Office who have worked tirelessly and with dedication to see the project through.

Lucy K. Ndungu

Registrar of Political Parties

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1. General

This guide is a summary of political party registration requirements. This guide is not a substitution to the Constitution 2010 and the Political Parties Act 2011, both which stipulates comprehensive legal and other obligations required of registered political parties.

Any association of persons or an organization which intends to operate or function as a political party must first be registered in accordance with the provisions of Political Parties Act, 2011.

2. Application for Registration

For the purpose of registration of any association of persons or organization or as a political party, the association or body is required to make an application for registration to the Registrar of Political Parties.

Registration of a political party is a two stages process:

- First, provisional registration, and
- Second, full registration.

3. Provisional Registration

The Act specifies the information that must be contained in an application for provisional registration. The application must be made by authorized interim officials of the proposed political party and on forms provided by the Registrar.

The following guidelines and format shall apply to the provisional registration of political parties:

3.1 Name Search

To apply for provisional registration, an application for name search of the proposed political party must be submitted to the Registrar of Political Parties. The application should be in writing on any of the founding members' letter-head, if any, and may be sent by registered post or presented personally to the Registrar of Political Parties.

A name shall not be approved for the purpose of registration of a political party if it is:

- obscene or offensive;
- excessively long;
- is the name, or is an abbreviation of another political party that is already registered;
- nearly resembles the name, or an abbreviation of the name of another political party already registered or any other legal entity registered under any other law.

3.2 Application for Provisional Registration

After the name is approved, the applicant will submit an application for provisional registration giving therein full particulars required under section 6(2) of the Political Parties Act, 2011. The application must be in writing and signed by the authorized interim officials.

3.3 Information to Accompany Application for Provisional Registration:-

The application must be accompanied by the following documents/information:-

- a) signed minutes of the first meeting of the founding members of the political party;
 - b) the name of the party;
 - c) abbreviation of the party's name (where it wishes to use an abbreviation of its name);
 - d) a copy of the Constitution of the proposed party;
- (i) A copy of the party Constitution must be neatly typed/printed and contain specific provisions set out in the

Second Schedule of the Political Parties Act, 2011 as required under section 9.

(ii) The Schedule specifies the information to be contained in the Constitution of the party and this includes, but is not limited to:

- The vision, mission and guiding values and principles of the party;
 - Physical and postal address of the registered office of the party;
 - Organisational elections at different levels, mode of such elections and the periodicity of such elections;
 - Term of office of the office-bearers and powers and duties of the office-bearers of the party;
 - The various representative bodies of the party (such as Executive Committee and the National Delegates Conference);
 - The party nomination rules and regulations;
 - Procedure to be followed in the case of coalition and/or merger;
 - Dissolution of the party;
 - Amendment in Party Constitution;
 - Internal dispute mechanisms;
 - Disciplinary action against erring members of the party; and
 - Membership requirements of the party. There should not be any discrimination in the matter of membership
- e) an undertaking to be bound by the Political Parties Act and the Code of Conduct set out in the First Schedule of the Political Parties Act and
- f) A request for the registration of the symbol of the political party.

3.4 Certificate of Provisional Registration

After the Registrar has verified that the party's application for registration is complete, he or she will issue a certificate of provisional registration to the founding members within thirty days (30) of receipt of an application.

If the party is not eligible for provisional registration, the Registrar will indicate which requirements have not been met.

The information of the provisionally registered political party shall be entered in provisional register for record keeping.

3.5 Lapse of Provisional Registration

The provisional registration of a political party shall lapse and a provisional registration certificate shall cease to have effect at the expiry of one hundred and eighty (180) days from the date of issue of the certificate of provisional registration.

3.6 Benefits of Provisional Registration

A provisionally registered party may carry out activities necessary so as to meet the requirements for full registration such as recruiting at least 1000 members in more than a half of the counties and the establishment of national party office and party branch offices in more than half of the counties.

4. Full Registration

The Political Parties Act does not define a fully registered political party, but a party that has provisional registration may apply to be fully registered after one hundred and eighty (180) days from the date of provisional registration. Any application made after the said period will be time-barred under the provisions of Section 5(5) of the Political Parties Act, 2011.

4.1 Application for Full Registration

An application for full registration must be in writing using the forms provided by the Registrar and must be signed by authorised officials of the provisionally registered political party.

4.2 Requirements for Full Registration

A political party is qualified for full registration if:

- a) it has recruited as members, not fewer than one thousand registered voters from each of more than half of the counties;

- b) the members reflect regional and ethnic diversity, gender balance and representation of minorities and marginalised groups;
- c) the composition of its governing body reflects regional and ethnic diversity, gender balance and representation of minorities and marginalised groups;
- d) not more than two-thirds of the members of its governing body are of the same gender;
- e) it has demonstrated that members of its governing body meet the requirements of Chapter Six of the Constitution and the laws relating to ethics;
- f) it has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule of the Act.
- g) it has submitted to the Registrar-
 - I. a list of the names, addresses and identification particulars of all its members;
 - ii. the location of its head office, which shall be a registered office within Kenya and a postal address to which notices and other communication may be sent; and
 - iii. the location and addresses of the branch offices of the political party, which shall be in more than half of the counties.

4.3 Information to Accompany Application for Full Registration:-
The application for full registration must be accompanied by the following documents/information:-

- a) Application fees which is non-refundable.
- b) Extracts of voters' register in respect of more than 1000 members (including authorised officials/ office bearers and members of executive committee and other organs) from each of more than a half the counties. The extract should be certified by relevant official from the Independent Electoral and Boundaries Commission.
- c) An affidavit from the Secretary General of the party duly sworn before a Magistrate/ Commissioner for Oaths Commissioner/Notary Public

affirming that no member of the party is a member of any other political party already registered with the Registrar and that the member was recruited using established procedures (Specimen of affidavit at Annexure- IV).

- d) Proof that the members reflect regional and ethnic diversity, gender balance and representation of minorities and marginalised groups
- e) A list of members of its governing body and proof that this:
 - body reflects regional and ethnic diversity, gender balance and representation of minorities and marginalised groups; and
 - not more than two-thirds of the members of its governing body are of the same gender
- f) Proof that each member of the governing body:
 - Satisfies the requirements of Chapter Six. Each will be required to produce a Certificate of Good Conduct, Certificate of Tax Compliance from Kenya Revenue Authority and a clearance certificate from the Ethics and Anti-corruption Commission.
 - Has not been convicted of a criminal offence and sentenced to imprisonment for a period of not less than six months. Each member to furnish information about their criminal antecedents.
 - Has not been suspended for a period of six months for violating the code of conduct of the political party. An affidavit will be required in this regard.
- g) A list of the names, addresses and identification particulars of all its members;
- h) Tangible proof, such as lease agreement, on the location of its Head and County offices, which shall be registered offices and a postal address to which notices and other communication may be sent
- I) The location and addresses of the branch offices of the political party, which shall be in more than half of the counties
- j) An undertaking to be bound by this Act and the Code of Conduct set out in the First Schedule of the Act.

4.4 Withdrawing Application

At any time before registration, an eligible party may withdraw its application by sending a request to withdraw to the Registrar. The authorised official who signed the application must sign the request to withdraw the application

4.5 Benefits of Full Registration

A fully registered political party enjoys several advantages including:

- being identified on the ballot with the candidates it endorses;
- considered for political parties funding;
- receiving guaranteed broadcasting time.
- summon a meeting of members or officers of the political party.
- attend or make a person attend a meeting in the capacity of a member or officer of the political party.
- publish a notice or advertisement relating to a meeting of the political party
- invite persons to support the political party.

4.6 Certificate of Full Registration

A political party is fullyl registered on the date of issue indicated on the certificate of full registration.

5. Deregistration

A political party may get deregistered or suspended from registration under certain specific circumstances.

Deregistration may be:

- Involuntary; or
- Voluntary.

5.1 Involuntary Deregistration

The Registrar has wide powers set out in s. 34 of the Act. The Registrar may deregister a party in carrying out regulatory functions.

1.1.1 Grounds of Deregistration

The Registrar may deregister a party if the party:

- has contravened the provisions of Article 91 of the Constitution;
- does not promote free and fair nomination of candidates;
- does not adhere to the law relating to the nomination of candidates;
- does not respect the national values and principles of the Constitution;
- obtained its registration in a fraudulent manner;
- has instigated or participated in the commission of an election offence; or
- has acted contrary to the provisions of section 26 by not adhering to the legal requirements on the political parties fund.

1.1.2 Deregistration Procedure

The Registrar will follow this procedure before deregistering a political party:

- I. notify the party in writing by notice sent to all party officers:
 - of the particulars of the breach or contravention;
 - of the intention to deregister the political party; and
 - direct the political party to remedy the breach or contravention within ninety days or otherwise show cause why the party should not be deregistered.
- ii. If a party fails to
 - rectify the omission; or
 - does not convince the Registrar that the infraction was not the result of any negligence or lack of good faith on its part within ninety days, the Registrar may deregister the party.

If a registered party becomes deregistered, the Registrar will publish a notice of deregistration in the Kenya Gazette. This notice will specify the effective date of deregistration.

5.2 Voluntary Deregistration

A registered political party may voluntarily apply to become deregistered. The Registrar can accept the application to deregister if it is signed by the authorized party officials.

5.3 Consequences of Deregistration

The Registrar will change the status of the party from “registered” to “deregistered” in the Registry of Political Parties.

The deregistered party then loses all the advantages of a registered party.

In addition, a political party that is deregistered under this Act shall not:

- a) summon a meeting of members or officers of the political party other than for purposes of winding up the political party or for purposes of challenging the de-registration of the political party
- b) attend or make a person attend a meeting in the capacity of a member or officer of the political party;
- c) publish a notice or advertisement relating to a meeting of the political party except for purposes of a meeting under paragraph (a);
- d) invite persons to support the political party;
- e) make a contribution or loan to funds held or to be held by or for the benefit of the political party or accept a contribution or loan; or
- f) give a guarantee in respect of such funds.

5.4 Registration of Deregistered Parties

A registered party that is deregistered by the Registrar may choose to (re)apply for registration, but cannot do so within the period of five years from the date of deregistration. The party can reapply by submitting an Application to Register a Political Party using the same process as if it were applying for the first time.

The name and the abbreviation or the logo or the symbol or the colours of a deregistered political party will not be assigned and used for registration

afresh within the period of five years from the date of deregistration.

5.5 Suspension of Registration

The Registrar may suspend the registration of the political party for a period not exceeding twelve months.

1.1.3 Grounds of Suspension

A political party will be suspended if it commits an offence such as failing to furnish to the Registrar information specified in the law. The objective of suspension is to enable the political party to remedy the breach specified in the notice issued by the Registrar under Section 21(2).

5.6 Consequences of Suspension

A political party that has been suspended under Section 21(3) shall not be entitled to any of the rights and privileges specified in section 15, namely, the right to:

- hold and address public meetings in any area in Kenya for the purposes of publicising the political party and recruiting members;
- the protection and assistance of the State security agencies for the purposes of facilitating peaceful and orderly meetings; and
- the provision by the State, of fair opportunity to present the political party's programmes to the public by ensuring equitable access to the State owned media.

6. Updating Registration Information

If any of the registration information changes, the political party must file a notice of the change. A notice to update information must be made in writing and must be signed by two authorised officers of the political party.

7. Public Access to Registration Information

The information in the application for registration is available for public inspection at the Office of the Registrar of Political Parties.

When using the checklist, please pay careful attention to these requirements:

- a) This **CHECKLIST** may be submitted with an application for registration (PP).
- b) The checklist must be completed correctly and clear answers given against each requirement. If any required information has not been furnished or is wrongly furnished with the application, it may not be possible to consider the application.
- c) All pages of the application including annexure **MUST** be numbered. The relevant page number of the application must be entered on the fourth column of the checklist.

N0.	Information	Remarks Yes or No	Page number
1	Name of the political party.		
2	Has the abbreviation of the party been given? Use of an abbreviation is optional for a political party.		
3	Are signed minutes of the founding members of the political party included?		
4	Has a banker's cheque/draft of Kshs. 100,000/- (Kenya Shillings One Hundred Thousand only) on account of processing fee drawn in favour of the Registrar of Political Parties been enclosed? Please note that this fee is non-refundable.		
	Does the party Constitution comply with s. 9 and the second schedule of the Political Parties Act? Specifically, have the following particulars been provided?		
	1.The name of the Political party and any abbreviation.		
	2. The logo and symbol of the political party and party colours		
	3. The objects of the political party		
	4. Clearly defined vision, mission, guiding principles and values.		
	5. The physical and postal address of the registered office		

	<p>6. Membership requirements including—</p> <ul style="list-style-type: none"> (a) the eligibility criteria; (b) subscription fees for joining the party and for being a member of the party; (c) the criteria for resignation from party membership or ceasing to be a member; and (d) the rights and duties of members of the party; (e) membership details to be contained in the register including identification details, region, ethnicity, gender and county; and (f) the procedure for conducting the annual general meeting or the other general meetings of the political party, including matters which may only be decided upon by a meeting of the party members or, as the case may be, of the county representatives of the party. 		
	<p>7. Governing body requirements—</p> <ul style="list-style-type: none"> (a) the name of the governing body; (b) the eligibility criteria for election to the governing body; (c) the positions, titles and term of office; (d) the rights and duties of members of the governing body; (e) the procedure for the election of members of the governing body and other political party organs, including committees; (f) guidelines for the operations of the governing body and its committees; (g) quorum; (h) frequency of meetings; (i) decision making powers; and (j) guidelines for meetings: procedures of convening meetings; procedure of meetings and the official recording of resolutions passed at meetings. 		
	<p>8. A list of political party management structure of the political party and systems to be documented at the political party offices including—</p> <ul style="list-style-type: none"> (a) the employee details and terms of employment; (b) the party human resource, financial and audit and administration and management policies and procedures; and (c) the party sub- branches within each county. 		
	<p>9. The forming of political party branches, including in the diaspora, and their roles and responsibilities.</p>		
	<p>10. The financial structure and system including—</p> <ul style="list-style-type: none"> (a) the roles and responsibilities of individual political party officials, organs and governing bodies with regard to the finances of the political party; (b) the annual statutory and other audits; of accounts of the political party; and (c) the purposes for which the funds may be used, and in particular the prohibition against the distribution of funds among members. 		
	<p>11. The general organization structure and management of the political party, including the county structures and systems and county governing bodies.</p>		

12. The establishment and management of National Assembly, Senate and County Assemblies Caucuses.		
13. The disciplinary measures against a member or official of a political party including— (a) the methods and procedure of disciplinary action; (b) possible disciplinary actions and reasons; (c) criteria for various disciplinary actions; and (d) consequences of each action for the national and county levels.		
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.		
15. The authorized officials of a political party shall sign on behalf of the political party— (a) documents presented to the Registrar including membership register, mergers, and other reports to the Registrar; (b) the accounts and bank accounts of the political party; (c) the audited annual accounts and financial statements of the political party; (d) any report or document of the political party required under this Act or any other written law; and (e) the nomination certificates for any nomination or election of a member of the political party.		
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		
17. The policy reporting 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		
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.		
19. The political party nomination rules and regulations with respect to elections of the party and rules governing the preparation of party lists		
20. Provisions for the amendment of the name, constitution, and rules of the political party.		
21. Rules for mergers including— (a) the circumstances and criteria for mergers; and (b) the procedure and guidelines for such mergers as approved by an annual general meeting of the political party.		
22. Provisions on dissolution of the political party, including— (a) provisions on the disposal of the property of the political party; and (b) the manner of and procedures to be followed for the dissolution of the political party or any branch of the party.		
23. Internal party dispute resolution mechanism.		
24. Democratic practices that cover gender, affirmative action for		

	minorities and marginalized groups.		
	25. Reflect democratic practices covering human rights and gender.		
	26. The manner of implementing national values and principles of governance as provided in the Constitution.		
5	Does the constitution provide for holding regular elections? The period must be specified in the constitution but at the very least elections (to all positions of office-bearers and organs of the party must be held once in 4 years) .		
6	The applicant party must ensure in its constitution that any amendment to the constitution must be approved by the highest decision making organ.		
7	Has the applicant given an undertaking to be bound by the Political Parties Act and the Code of Conduct set out in the First Schedule of the Political Parties Act (Annexure III)?		
	Has the applicant made a request for the registration of the symbol of the political party? Attach this symbol.		
N0.	Information	Remarks Yes or No	Page number
1	Name of the political party.		
2	Has the abbreviation of the party been given? Use of an abbreviation is optional for a political party.		
3	Are signed minutes of the founding members of the political party included?		
4	Has a banker's cheque/draft of Kshs. 100,000/- (Kenya Shillings One Hundred Thousand only) on account of processing fee		
	drawn in favour of the Registrar of Political Parties been enclosed? Please note that this fee is non-refundable.		
	Does the party Constitution comply with s. 9 and the second schedule of the Political Parties Act? Specifically, have the following particulars been provided?		
	1.The name of the Political party and any abbreviation.		
	2. The logo and symbol of the political party and party colours		
	3. The objects of the political party		
	4. Clearly defined vision, mission, guiding principles and values.		
	5. The physical and postal address of the registered office		
	6. Membership requirements including— (a) the eligibility criteria; (b) subscription fees for joining the party and for being a member of the party; (c) the criteria for resignation from party membership or ceasing to be a member; and		

	<p>(d) the rights and duties of members of the party;</p> <p>(e) membership details to be contained in the register including identification details, region, ethnicity, gender and county; and</p> <p>(f) the procedure for conducting the annual general meeting or the other general meetings of the political party, including matters which may only be decided upon by a meeting of the party members or, as the case may be, of the county representatives of the party.</p>		
	<p>7. Governing body requirements—</p> <p>(a) the name of the governing body;</p> <p>(b) the eligibility criteria for election to the governing body;</p> <p>(c) the positions, titles and term of office;</p> <p>(d) the rights and duties of members of the governing body;</p> <p>(e) the procedure for the election of members of the governing body and other political party organs, including committees;</p> <p>(f) guidelines for the operations of the governing body and its committees;</p>		
	<p>(g) quorum;</p> <p>(h) frequency of meetings;</p> <p>(i) decision making powers; and</p> <p>(j) guidelines for meetings: procedures of convening meetings; procedure of meetings and the official recording of resolutions passed at meetings.</p>		
	<p>8. A list of political party management structure of the political party and systems to be documented at the political party offices including—</p> <p>(a) the employee details and terms of employment;</p> <p>(b) the party human resource, financial and audit and administration and management policies and procedures; and</p>		

	(c) the party sub- branches within each county.		
	9. The forming of political party branches, including in the diaspora, and their roles and responsibilities.		
	10. The financial structure and system including— (a) the roles and responsibilities of individual political party officials, organs and governing bodies with regard to the finances of the political party; (b) the annual statutory and other audits; of accounts of the political party; and (c) the purposes for which the funds may be used, and in particular the prohibition against the distribution of funds among members.		
	11. The general organization structure and management of the political party, including the county structures and systems and county governing bodies.		
	12. The establishment and management of National Assembly, Senate and County Assemblies Caucuses.		
	13. The disciplinary measures against a member or official of a political party including— (a) the methods and procedure of disciplinary action; (b) possible disciplinary actions and reasons; (c) criteria for various disciplinary actions; and (d) consequences of each action for the national and county levels.		
	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.		
	15. The authorized officials of a political party shall sign on behalf of the political party— (a) documents presented to the Registrar including membership register, mergers, and other reports to the Registrar;		

	<p>(b) the accounts and bank accounts of the political party;</p> <p>(c) the audited annual accounts and financial statements of the political party;</p> <p>(d) any report or document of the political party required under this Act or any other written law; and</p> <p>(e) the nomination certificates for any nomination or election of a member of the political party.</p>		
	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		
	17. The policy reporting 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		
	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.		
	19. The political party nomination rules and regulations with respect to elections of the party and rules governing the preparation of party lists		
	20. Provisions for the amendment of the name, constitution, and rules of the political party.		
	<p>21. Rules for mergers including—</p> <p>(a) the circumstances and criteria for mergers; and</p> <p>(b) the procedure and guidelines for such mergers as approved by an annual general meeting of the political party.</p>		
	<p>22. Provisions on dissolution of the political party, including—</p> <p>(a) provisions on the disposal of the property of the political party; and</p> <p>(b) the manner of and procedures to be followed for the</p>		

	dissolution of the political party or any branch of the party.		
	23. Internal party dispute resolution mechanism.		
	24. Democratic practices that cover gender, affirmative action for minorities and marginalized groups.		
	25. Reflect democratic practices covering human rights and gender.		
	26. The manner of implementing national values and principles of governance as provided in the Constitution.		
5	Does the constitution provide for holding regular elections? The period must be specified in the constitution but at the very least elections (to all positions of office-bearers and organs of the party must be held once in 4 years) .		
6	The applicant party must ensure in its constitution that any amendment to the constitution must be approved by the highest decision making organ.		
7	Has the applicant given an undertaking to be bound by the Political Parties Act and the Code of Conduct set out in the First Schedule of the Political Parties Act (Annexure III)?		
	Has the applicant made a request for the registration of the symbol of the political party? Attach this symbol.		


CHECKLIST TO BE COMPLETED AND ATTACHED WITH AN APPLICATION FOR FULL REGISTRATION

When using the checklist, please pay careful attention to these requirements:

- a) This **CHECKLIST** may be submitted with an application for registration.
- b) The checklist must be completed correctly and clear answers given against each requirement. If any required information has not been furnished or is wrongly furnished with the application, it may not be possible to consider the application.
- c) All pages of the application including annexure **MUST** be numbered. The relevant page number of the application must be entered on the fourth column of the checklist.

N0.	Information	Remarks Yes or No	Page No.
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2	Has the party submitted extracts of voters' register in respect of more than 1000 members (including authorised officials/ office bearers and members of executive committee and other organs) from each of more than a half the counties? The extract should be certified by relevant official from the Independent Electoral and Boundaries Commission		
3	An affidavit from the secretary general of the party duly sworn before a Magistrate/ Commissioner for Oaths Commissioner/Notary Public affirming that no member of the party is a member of any other political party already registered with the Registrar and that the member was recruited using established procedures		
4	a) Proof that the members reflect regional and ethnic diversity, gender balance and representation of minorities and marginalised groups		

5	b) A list of members of its governing body and proof that this: body reflects regional and ethnic diversity, gender balance and representation of minorities and marginalised groups; and not more than two-thirds of the members of its governing body are of the same gender.		
	c) Proof that each member of the governing body: Satisfies the requirements of chapter six. Each will be required to produce a Certificate of Good Conduct from the Police, certificate of tax compliance from Kenya Revenue Authority and a clearance certificate from the Ethics and Anti-corruption Commission. Has not been convicted of a criminal offence and sentenced to imprisonment for a period of not less than six months. Each member to furnish information about their criminal antecedents. has not been suspended for a period of six months for violating the code of conduct of the political party. An		
	affidavit will be required in this regard		
6.	A list of the names, addresses and identification particulars of all its members		
7.	Tangible proof, such as lease agreement, on the location of its head office, which shall be a registered office within Kenya and a postal address to which notices and other communication may be sent		
8.	The location and addresses of the branch offices of the political party, which shall be in more than half of the counties		
9.	An undertaking to be bound by this Act and the Code of Conduct set out in the First Schedule.		



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