

What is the procedure of entering into a merger and what happens to the political parties which have merged?

The PPA provides that where political parties intend to merge they deposit with the Registrar of Political Parties the following documents:

- ✓ **The merger agreement.**
- ✓ **Documentation showing that the rules and procedure of the merging political parties have been followed.**
- ✓ **Minutes of the meeting of the governing bodies of the merging political parties sanctioning the merger.**

The political party then receives a letter of confirmation from the Registrar and a certificate of full registration is issued. The merged parties are then deregistered and their registers, assets and liabilities are transferred to the new party.

Details of political parties merger provided on Political Parties Merger checklist available on ORPP website, https://orpp.or.ke/mergers_coalitions_coalition_political_parties/

What is political parties coalition?

An alliance of two or more parties formed for purposes of pursuing a common goal. There are two types of coalitions;

1. **Pre-election coalitions**
2. **Post election coalitions**

Coalitions differ from mergers in that, in a coalition, political parties despite formation of their cooperation, retain their independent legal identities defined in their own leadership, constitutions, and members among other corporate identifiers. In a merger, parties amalgamate into a single party.

What is a coalition political party?

A coalition political party is a coalition registered as a political party that is exempted from requirements under Sections 5 and 6 of the Political parties Act, 2011 (PPA).

Details of political parties coalitions are provided on Pre and Post Election Coalition checklist available on ORPP website, https://orpp.or.ke/mergers_coalitions_coalition_political_parties/

What is the process of effecting changes in political parties?

A political party intending to change or amend (its constitution; rules and regulations; title; name or address; physical location of head office or county name; symbol or slogan; physical address must make written submission in prescribed format to the Registrar of Political Parties for the intended changes within stipulated timelines. (Section 20 of PPA).

How do political parties resolve emerging disputes?

The political parties' constitution requires that a political party shall establish an Internal Dispute Resolution Mechanisms (IDRMs) within their own structures. This is often found in their party constitutions and/or nomination rules. The political parties therefore, begin the process of dispute resolution within these established internal mechanisms. Where a dispute has not been resolved internally, the political party or their members have various options available to them. These are:

1. **The Political Parties Disputes Tribunal**
2. **The High Court**

What is PPDT?

The Political Parties Disputes Tribunal (PPDT) is a judicial body established under the Political Parties Act 2011. The Tribunal has the mandate of hearing:

1. Disputes between members of a political party.
2. Disputes between a member of a political party and a political party.
3. Disputes between political parties.
4. Disputes between an independent candidate and a political party.
5. Disputes between coalition partners; and Appeals from decisions of the Registrar.

What is PPLC?

The Political Parties Act, 2011 Section 38 establishes Political Parties Liaison Committee (PPLC) at the National and County Level. It is made up of the Registrar of Political Parties, IEBC and all fully registered political parties.

The principal function of the Political Parties Liaison Committee is to provide a platform for dialogue between the Registrar of Political Parties, IEBC and fully registered political parties.

How do political Parties fund their activities?

Political parties should get its funds from lawful sources. The sources include: membership fees, voluntary contributions, donations/bequests/lawful grants, proceeds of investments. A political party shall disclose to the Registrar full particulars of all funds or other sources of its funds. Political parties that meet the threshold provided under Sec 25(2) of the PPA 2011 are eligible for funding under the Political Parties Fund. They also get their funding from donations, membership contributions and other lawful sources.

Who are the party officials and what is the criterion of electing them?

Party officials are the governing officials of political parties. The criteria for electing officials is set out in the respective party constitutions and/or rules in accordance with the second schedule of the PPA.

Do political parties have county offices?

The PPA provides that a party must maintain functional branch offices in at least 24 counties that must mirror the head office.

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REPUBLIC OF KENYA



OFFICE OF THE REGISTRAR OF POLITICAL PARTIES

ORPP

Strengthening Political Parties

OFFICE OF THE REGISTRAR OF POLITICAL PARTIES (ORPP)



FREQUENTLY ASKED QUESTIONS (FAQs)

What is the mandate and leadership of the Office of the Registrar of Political Parties (ORPP)?

The mandate is to register, regulate and administer Political Parties Fund. The Office is headed by the Registrar of Political Parties and deputized by three Assistant Registrars. It has highly skilled and experienced human capital that assists the Registrar in discharge of Office functions. Further in undertaking its role, the Office cooperates with other state and non-state stakeholders.

How do I register a political party?

Provisional registration. Applicants are required to:

- ✓ **Name Search: Name, symbol, slogan and colour.**
- ✓ **Provide party Constitution and rules.**
- ✓ **Submit minutes of the founding members.**
- ✓ **Submit party ideology and manifesto**
- ✓ **Submit written application filed in the prescribed form.**
- ✓ **Sign the Political Parties' Code of Conduct.**
- ✓ **Undertake Website demonstration and membership recruitment demonstration**
- ✓ **Pay prescribed fee (Ksh. 100,000.00) payable in prescribed mode of payment.**

Full registration requirements:

- ✓ A party that has been provisionally registered must apply for full registration, within 180 days from the date of provisional registration.
- ✓ Recruit 1000 voters as members in at least 24 counties who should reflect regional and ethnic diversity, gender balance, and representation of special interest groups including minorities and marginalized.
- ✓ Composition of the Governing body reflect regional and ethnic diversity, gender balance, and representation of special interest groups including minorities and marginalized.
- ✓ Members of governing body demonstrate to meet requirements of Chapter 6 of the Constitution of Kenya; Integrity test in accordance with the Leadership and Integrity Act, 2012.
- ✓ Submit to Registrar in prescribed format; List of names address and identification particulars of all its members.
- ✓ Location and address of Head Office and branch offices at least 24 county offices.
An undertaking to be bound by Code of conduct for political parties.
- ✓ Prescribed fee (Ksh. 500,000.00) in payable in prescribed mode of payment

NB: Check ORPP website, <https://orpp.or.ke/> for online registration guidelines where applicable

Full guidelines on; <https://orpp.or.ke/online-services-2/>

NB: The ORPP does not recruit members for political parties but manages political parties membership as submitted by respective political parties.

Can a person be a member of more than one party?

No. A person can only be a member of one political party. Once a person's name has been entered into the membership register of a political party, the person becomes a member of that party until such a time when the name is removed and entered into the register of another political party after due legal process.

What are ways of ceasing to be a member of a political party?

1. **Voluntary resignation** – By giving a resignation letter to the party and/or Registrar.
2. **Expulsion** – Through the established party mechanisms.
3. **Deeming** – Where a member acts in a manner that suggests he is in or supporting another political party, apart from a party that is in the same coalition.
4. **Natural attrition** – When a person dies they automatically cease to be a member of a party.

What is IPPMS and its role in management of political parties' records?

The integrated Political Parties Management System (IPPMS) is a web-based system, internally developed by ORPP. It contains helps manage and maintain a secure data base of political parties' records. Authorized users from political parties are able to 'self-serve' through IPPMS in managing and submitting membership records to the Registrar. It modules include: political parties membership search and resignations; bulk upload of membership data; management of political parties assets and officials; political parties register (list of fully registered political and their particulars) among others.

What records must a political party maintain?

A political party shall maintain accurate and authentic records at its head office and county offices in a prescribed format. These records include:

- ✓ Party nomination rules and internal election rules.
- ✓ Party manifesto and other policy documents including policy.
- ✓ Party strategic plan.
- ✓ Names and contact details of party officials and party-elected representatives to public offices.
- ✓ A register of its members.
- ✓ A copy of the constitution of the political party.
- ✓ A copy of the policies and plans of the political party.
- ✓ Particulars of any contribution, donation or pledge of a contribution or donation, whether in cash or in kind, made by the founding members of the political party.
- ✓ Estimates of the expenditure of the political party in accordance with the laws relating to public finance management.
- ✓ Asset register.
- ✓ The latest audited books of accounts of the political party.

How do I get cleared as an independent candidate?

Submitting through the procedure established for manual and online applications. Some of details/requirements to submit include:

1. An application letter of request for clearance.
2. A copy of ID, and
3. Payment of a fee KES 500 in prescribed payment mode.

The online applications is through IPPMS portal whose guidelines are provided on ORPP website <https://ippms.orpp.or.ke/>.

Under what circumstances can a name of a proposed political party be declined?

- ✓ 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 other law.
- ✓ Is similar to, or associated with, a group or association that has been proscribed under any written law. Is against the public interest.

What are the privileges and duration for a fully registered political party to participate in an election?

Once a political party has received a certificate of full registration, it attains a corporate status to operate as a corporate body. The party is obliged to:

- ✓ Field candidates for general elections within election timelines and election codes as set out by the Independent Electoral and Boundaries Commission (IEBC). If a party fails to field a candidate for two consecutive general elections, it shall be deemed deregistered.
- ✓ Submit written declaration of its assets and liabilities within 60 days from the date of full registration.

Can a provisionally registered party field candidates in an election?

No. A provisionally registered political party is prohibited from participating in any election including fielding candidates, campaigning for or against any candidate or holding any public meetings.

Can one become an independent candidate when they are currently a member of a political party?

A member of a political party can only contest for an election as an independent candidate after submitting a resignation letter to the party and/or Registrar of Political Parties. The Constitution provides that a person can stand as an independent candidate if he/she is not a member of any political party three months before the Election Day.

What is political parties merger?

A merger is the combination of two or more political parties into a single party by forming a new party or merging into an already registered political party.

How many political parties are currently registered?

Political Parties Act, 2011 obliges the Office of Registrar of Political Parties (ORPP) to; "maintain a register of political parties and the symbols of political parties". Check ORPP website, <https://orpp.or.ke/>, for current political parties registration status.

What measures has ORPP put in place to mitigate fraudulent registration and protection of personal data?

A political party shall obtain a content through applicable modes from any person a party intends to recruit as a member. One of the ways ORPP has put in place is requiring sending of SMS prompts to potential members to consent prior to recruitment. On the protection of personal data, the ORPP in collaboration with the Office of the Data Protection Commissioner(DPC), has issued privacy statement guidelines to political parties to guide in the management of records and data as set out in applicable laws.

How does one join, resign or check political parties membership status?

There are two method; manual and online.

Manual: Submit a written notice, resignation email or letter to the party with which you are registered, and submit a copy of the letter, attached with a copy of National ID/ Passport to the Office of Registrar of Political Parties (HQ or any County Office) or scan and e-mail to info@orpp.or.ke. Upon consideration, the Registrar will expunge your details from the membership register.

Online: Through, dialing *509# on any mobile provider or Integrated Political Parties Management System (IPPMS) portal or eCitizen portal.