



Office of the Registrar of Political Parties

# Guide to Political Party Membership

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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 membership requirements. It is not a substitution to the Kenya Constitution and the Political Parties Act, 2011 both of which stipulate comprehensive legal and other obligations required of registered political parties.

Members are the lifeline of a party. There can be no party without members. 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 Political Parties Act.

## **2. Membership Recruitment**

### **2.1 Eligibility for Membership**

A political Party is a legal entity with its own rights and responsibilities. On account of this, it has the latitude to decide who and the criteria one needs to satisfy before becoming a member. A political party stipulates eligibility for membership in its constitution.

## **2.2 How to Become a Member**

Political parties recruit members using the specified Party Membership Verification Forms. These forms are filled in respect of every member of the party and are dully signed. Once a persons' name has been entered into the membership register of a political party, the person becomes a member of that political party. It is an offence to register a person as a member of a political party without his/her consent.

A political party must at any time keep updated and accurate party membership list to be available for the members and the public at the party head office and all party county offices.

## **2.3 Recruitment Process**

The party must recruit members. In doing so, the recruitment process includes the following elements:

- The party constitution must spell out the membership recruitment requirements.
- The party must introduce membership card of a specific standard.
- The party and the member must complete the

- member verification form.
- The party must keep and update a membership list.
  - The party must keep and update a list of membership dues paid in accordance with the party constitution.

### **3. Rights of a political Party Member**

A member of a political party has several rights including the right to:

- participate in the activities of a political party;
- campaign for a political party or cause; and
- contest for leadership positions in a party
- to run as a candidate in party nomination for candidates for general election and by-election.
- Access to party documents and records

### **4. Ceasing being a Member of a Political Party**

There are four ways one can cease to be a member of a party. These include:

- i. By resignation;



- ii. By expulsion; and
- iii. Through “deeming” or
- iv. Natural attrition.

## **4.1 Resignation**

A member may resign by giving a written notice to a political party. If the member is a Member of Parliament or a member of the County Assembly, a thirty days' written notice should also be sent to the Clerk of the respective House or County Assembly.

In either of the cases, the resignation is effective on the date the notice is received. The political party and the clerk are required to notify the Registrar of Political Parties.

## **4.2 Expulsion**

Members are bound by the Constitution of a political party and may be expelled if they violate it. A political party constitution normally sets out the party disciplinary mechanism. .

## **4.3 Deeming Provisions**

The Political Parties Act provides for grounds when a member can be deemed to have resigned from a political party. These includes when a member:

- forms another political party;
- joins in the formation of another political party;
- joins another political party;
- in any way or manner, publicly advocates for the formation of another political party; or
- promotes the ideology, interests or policies of another political party.

The Act does not define the word “deem”. However, the ordinary meaning of the word “deemed” includes to “determine, consider as, adjudge, regard, hold, and view”.

There are two ways by which a member of a political party can be deemed to have resigned from the party:

- by the party of which a person is a member; or
- by the Registrar .

Every political party must have criteria and a procedure for deeming of a member. The criteria and the procedure must reflect the above criteria for deeming also found in section 14.(5) of the Act. The criteria for deeming of a member must be submitted to the Registrar together with the party constitution.

When the Registrar receives a reasonably justified complain either from the members of the party or from the public, the Registrar may initiate the deeming process using the Office's procedures.

Political parties can form coalitions in accordance with section 10 of the Act and therefore the “deeming” provisions do not apply to these. Effectively, a member of a political party may in any way or manner, publically advocate for the formation of a coalition in which his/her party intends to be a member or the member advocated that the party should be a member. Also, a member of a political party may promote the ideology, interests or policies of a coalition in which his/her party is a member.

## **4.4 Natural Attrition**

One can cease to be member of a political party through death. If a member dies he or she automatically ceases to be a member.

## **5. Coalitions of Political Parties and membership**

The Act allows formation of coalitions, but these are not legal entities as political parties are. Thus, coalitions do not have their own members but individual parties in the coalition have their own members.

### **Annex 1.**

#### **PARTY MEMBERSHIP CARD FORM.**

<b>COUNTER FOIL</b>	<b>MEMBERSHIP CARD</b>
<ol style="list-style-type: none"><li>1.Party name</li><li>2.Party logo</li><li>3.Membership card number</li><li>4.Name of the member</li><li>5.ID/passport number of the member</li><li>6.The subscription / membership fee</li><li>7.Date of issue</li><li>8.Place of issue</li><li>9.The signature of the member</li><li>10.The signature of the recruiter</li></ol>	<ol style="list-style-type: none"><li>1.Party name</li><li>2.Party logo</li><li>3.Membership card number</li><li>4.Name of the member</li><li>5.ID/passport number of the member</li><li>6.The subscription / membership fee</li><li>7.Date of issue</li><li>8.Place of issue</li><li>9.The signature of the member</li><li>10.The signature of the recruiter</li></ol>

**Annex 2.**

**PARTY MEMBERSHIP VERIFICATION FORM.**

<b>Party Name</b>	<b>Party Logo</b>
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Name of County.....

Name of Member .....

Age.....

Sex.....

Occupation.....

Residence (Constituency, Ward).....

Postal Address/ Telephone No. ....

.....

Village/ Ward or other Local Leader

.....

Party Membership Card No. ....

Issued (date) ..... at .....(Place)

ID/Passport No. ....

The subscription/membership fee.....

Membership acknowledgement.....

.....

Name of the member.....	Name of the recruiter.....
Signed by the member.....	Signed by the recruiter.....

\*Note: These particulars must be given in respect of at least 1000 party members in a majority of the counties in Kenya.



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